



# Wisconsin Trout

April 2013

## Membership committee shares ideas and goals

Scott Criqui

WITU Membership Chair

When I moved to Wisconsin five years ago from the east coast — and just months after purchasing my first fly fishing rig — I not only had no idea that I was moving so close to a semi-secret, world-class fishery, but I was equally clueless about what an amazing group of dedicated and ambitious volunteers I would soon be calling my friends.

So it was no surprise for me to find out last year that our State Council was named council of the year by TU National. There is something special about TU in Wisconsin, and it starts with our members.

When I was approached about taking on a larger role within the State Council, I jumped at the chance. I cut my teeth in TU working as part of the membership committee at our local chapter level, and I am looking forward to working more closely with all of you. It is,

after all, our whole membership that makes TU, and Wisconsin TU in particular, such an amazing organization.

At the State Council meeting on Feb. 2, I had the pleasure of spending time with more than 30 of our chapters' leaders discussing membership and how we can make positive impacts to retain more of our active volunteers. We discussed creating more opportunities, generating excitement, and also how to grow our pool of new leaders.

In addition, there were great examples at that meeting of how mentoring and using personal experiences to connect with new volunteers is helping to grow several chapters.

Some challenging situations were discussed as well, and some best practices were shared by leaders who have experienced similar challenges. I was truly pleased by the turnout for the meeting, and after it was over I was absolutely ecstatic  
*Continued on p. 21*



Heidi Oberstadt

### STATE SENATOR DALE SCHULTZ RECEIVES APPRECIATION AWARD

Sen. Dale Schultz (left) accepted an appreciation award from WITU at the State Council banquet Feb. 2 in Rothchild. Chair Kim McCarthy noted how Schultz's early hesitance to vote in lockstep for changes to the state's iron mining laws allowed for a period of discussion that otherwise would have been lost.

## As mining bill passes, court challenges loom

By State Sen. Robert Jauch

As you are aware, the Governor has signed the mining legislation (SB 1) into law following partisan passage in both houses of the legislature.

Throughout the process, Republican leaders along with the Governor have falsely claimed that the bill would not reduce environmental standards. However, the day following Senate deliberation of the bill, Senate author Tom Tiffany fi-

nally admitted the truth — that his bill would not only allow for "adverse environmental impacts" to occur during mining, but that the bill was written to protect the company in the case of an inevitable lawsuit.

The day the Assembly deliberated and passed the bill, the Milwaukee *Journal Sentinel* ran a story that Christopher Cline, the owner of Gogebic Taconite, is dragging his feet to clean up groundwater contamination at his mining operation in Illinois. The situation will soon be referred to the IL Attorney General.  
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## Your help needed at WI Outdoor Education Expo May 16-17

By Bob Haase

This year's Wisconsin Outdoor Education Expo will be held May 16-17 at the Dodge County Fairgrounds outside of Beaver Dam.

The program will run from 9:00 a.m. to 3:00 p.m. each day to serve the estimated 3,000-4,000 kids and their chaperones who usually attend the event.

Last year, Wisconsin TU helped over 900 kids tie a fly, and many of them also tried their hands at fly casting. We cannot do this without your help. The number of kids we serve is based on the number of TU

members who volunteer to help. In the past, we have had to cancel or greatly reduce the fly casting part of our program because of the lack of volunteers.

We always talk about ways to get our youth more involved in hunting, fishing, and outdoor sports, and this is a great opportunity to do that. We could do even more. We could have a display showing what we do with stream monitoring and stream restorations work, or have a display showing aquatic insects and help kids try to identify them.

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Jim Beecher

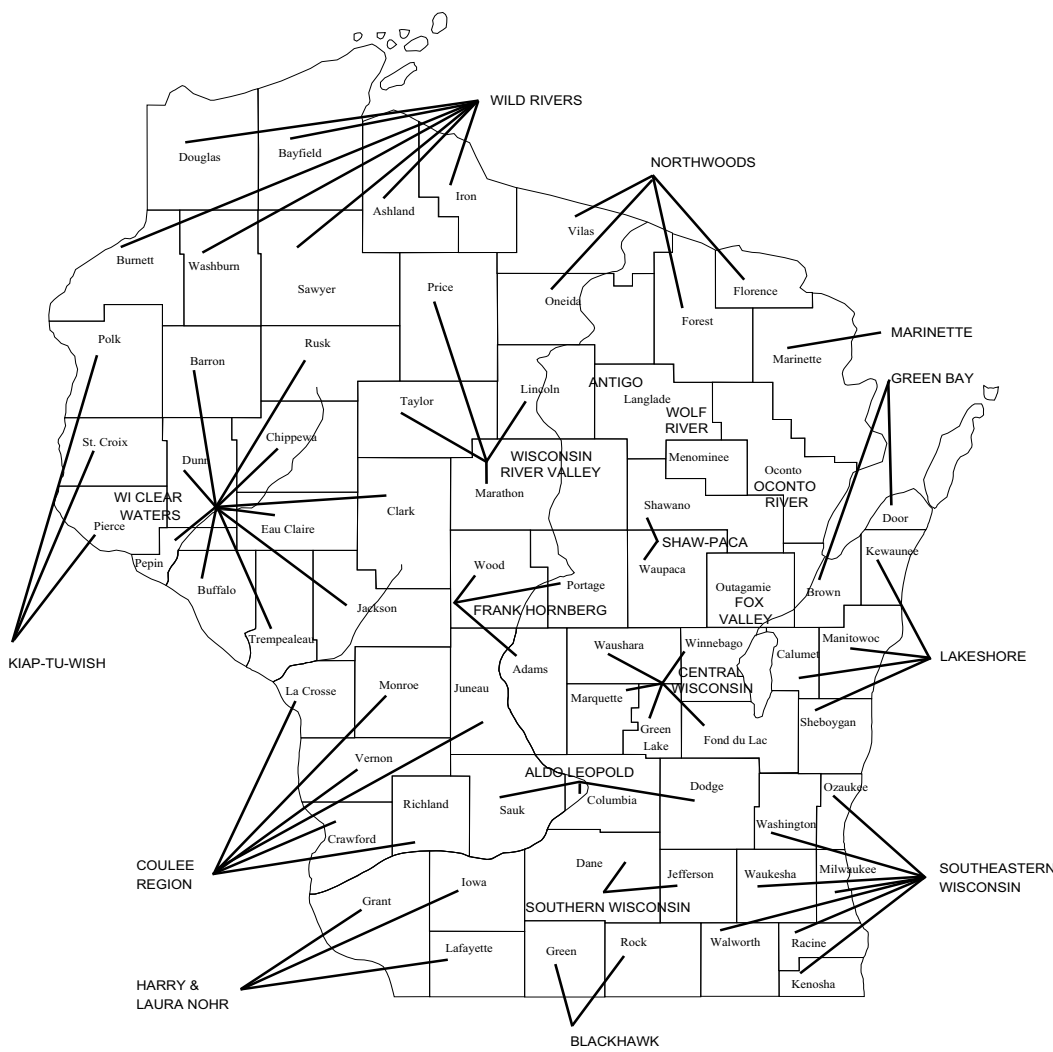
### YOU CAN'T LEAVE UNTIL YOU'RE ROASTED BY CLINT

Longtime member Clint Byrnes (left) presented a host of dubious parting gifts to outgoing State Council Chair Kim McCarthy at the Noon luncheon during WITU's annual meeting Feb. 2. Clint has roasted four outgoing council chairs over the years. Can you have too many laughs or fish ties?

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## Contact TU National when you change addresses or chapter leaders

TU National manages WITU's mailing list, so update your address by calling 1-800-834-2419 or e-mailing trout@TU.org. Address changes can also be done on-line by going to www.tu.org and signing in with your member number, which is found on your wallet card or *TROUT* magazine label.

If you are moving to a different city and wish to be affiliated with the TU chapter in your new area, note the new chapter number (see the text next to the map above for the numbers of our chapters).

### WISCONSIN TROUT

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# We are ONE TU

By Henry Koltz

## WITU State Council Chair

Trout Unlimited has a big umbrella.

It does not matter which side of the aisle your chosen politicians sit on: TU has you covered. It does not matter if you are man or woman, what your racial makeup is, or what level of education you have: TU has you covered. Closest to home, it does not matter if or how you fish, or whether or not you eat fish: TU has you covered.

TU has you covered because the TU umbrella is not about differences. It's about similarities.

The TU umbrella is about our mission statement, our vision statement, and our commitment to protecting, restoring, reconnecting, and sustaining our coldwater resources. If you believe in that vision and mission, then TU has you covered.

Too often we get lost in fights about issues that highlight our differences, rather than focusing our energy on the things that unite us. There is no cookie cutter TU mem-

ber. We have members who simply do not fish, but who have joined because they want to get involved in stream restoration workdays. We have members who have no interest in working on a restoration project, but who want to teach kids how to fish. We have lifetime members who have made that commitment because they support our cause, but who do not come to events. Conversely, we have lifelong members who have continually paid \$35 each year and who attend every event TU has.

Such differences aren't anything we should be getting worked up about. These differences are what makes TU function, and what makes TU great. In order to have our message heard, we need as many folks involved with as many facets of our group as possible. The more members we have out engaged in activities on behalf of TU, the more visibility TU has, and the more authority our message is given. And it's an important message to have heard.

And in order to keep having our message being heard in the coming



## INCOMING STATE COUNCIL CHAIR HENRY KOLTZ

Henry holds a trout from a recent western fishing trip. Henry is a former SEWTU chapter habitat chair, secretary, and vice president. He was SEWTU president when it was named TU National's chapter of the year in 2009. He is a member of TU's Driftless Area Restoration Effort (TUDARE) volunteer steering committee, has been the project chair for several miles of stream restoration projects, and serves as the Great Lakes representative for TU National's Embrace-A-Stream grant program. He has served as a co-chair for the WITU banquet for the past several years and has presented Trout Unlimited as an amicus party at the Wisconsin Supreme Court.

years, we will need to add even more ingredients to our recipe. We need to do everything we can to attract youth. We need to do everything we can to attract women to our organization. We need to do everything we can to attract different ethnicities to our group. We need to revolutionize our technology, become more involved in social media, and work on defining and spreading our brand.

These things sound like edicts from a boardroom, and to some extent they are. But they come with the express intent to serve our membership. A saying I am fond of is that "good leaders don't have people who work for them — good leaders work for their people." I have incredibly large shoes to fill stepping in for Kim McCarthy and trying to sustain the legacy of those chairs and leaders who've preceded me. My goal is to do everything I can to listen to Wisconsin's chap-

ters, find out what they need and want, and to actuate the State Council as a tool which serves to meet those needs.

In the coming months, we hope to roll out a new membership committee, a new mass e-mail tool, a new women's activities committee, a new outreach plan and committee, and to begin soliciting feedback from chapters about what they need the State Council to do. We're talking about efforts to create college clubs, to hold leadership training workshops, and to instruct chapters on communication methods. A new chapter's formation is being discussed. In short, we want to do whatever we can to grow our membership, help our chapters succeed, and put more people in more spots to do more good.

If you are interested in getting involved at the state level, *there is a place for you*. Please step up, step in, and help make a difference.

Jan. 2, 2013

Wisconsin Wildlife Services  
732 Lois Drive  
Sun Prairie, WI 53590

To Whom It May Concern:

I am currently serving as the State Chair of Wisconsin Trout Unlimited and am writing on behalf of the organization's nearly 4500 members. My purpose is to comment on the EA titled Beaver Damage Management to Protect Coldwater Ecosystems, Forest Resources, Roads and Bridges, Sensitive Habitats and Property in Wisconsin.

After studying the EA and the alternatives offered in the EA, Wisconsin Trout Unlimited would support Alternative 3 which we would interpret as "no change" from current practices.

Wisconsin Trout Unlimited is very much in favor of continued beaver control on trout waters where control is now practiced. It is well documented that uncontrolled beaver populations on free flowing trout habitats result in reduction or elimination of trout from those habitats. Trout angling in Wisconsin contributes many millions of dollars to the tourism economy annually. A 2008 economic impact study showed an annual economic benefit from trout fishing in the Mid West Driftless Area to be 1.1 Billion Dollars; with the majority of the dollars coming into Wisconsin's economy. Because the study only focused on the Driftless Area, and much additional revenue is generated from trout fishing in the rest of Wisconsin, the actual dollar value of trout fishing to the state is certainly much higher. Failure to control beaver populations on trout waters would most likely lead to a drastic reduction in tourism dollars coming to the state.

In addition to continuing to control beaver populations in areas currently being serviced, Wisconsin Trout Unlimited would also suggest that it may be necessary to expand Beaver Damage Management practices to areas beyond the northern areas of the state that now receive the majority of beaver control activities. There is currently a rapidly expanding beaver population in Wisconsin's Driftless Area. If not controlled it is likely that there will be serious negative impacts to Driftless Area trout populations. The Driftless Area is now the major trout fishing

destination for many nonresident and resident anglers, and beaver damage that negatively impacts trout populations in that area would have significant negative economic impacts to Driftless Area businesses that now benefit from visiting trout fishers.

In summary; Wisconsin Trout Unlimited is in favor of continuing the current practice of controlling beaver populations on trout waters and is suggesting that serious consideration be given by involved agencies to expanding the controls to more trout waters in the Driftless Area.

Thank you for considering Wisconsin Trout Unlimited's comments as the various alternatives contained within the EA are considered.

Sincerely,

Kim McCarthy – Chair – Wisconsin Trout Unlimited

## COUNCIL CHAIR KIM MCCARTHY OFFERS BEAVER CONTROL ADVICE

Kim McCarthy wrote the above letter regarding beaver control on Wisconsin trout streams. Many have noticed a marked increase in beaver activity in southwestern Wisconsin, threatening the area as a growing fishing destination.



## THE "STATE OF WISCONSIN TU"

State Council banquet attendees got a wrap-up of WITU's activities over the past year from Kim McCarthy. Activity levels are at an all-time high.





### CHAPTER UNSUNG HEROES RECOGNIZED

Wisconsin TU's annual awards generally focus on members who have made contributions at the State Council level. This year chapters were given the chance to identify a member whose local efforts don't get a lot of recognition. These "unsung heroes" were recognized at the WITU State Council banquet. They include (left to right) Brian Marnholtz (WI River Valley), Bill Livingston (Wolf R.), Sue Livingston (Wolf R.), Gib McGaw (Wolf R.), Jim Emerson (Wild

Rivers), Dave Ehrenberg (Shaw-Paca), Dave Brunner (Oconto R.), Laura Tucker (CWTU), Michael Stupich (Aldo Leopold), Don Studt (Blackhawk), Pat Hill (GBTU), Cy Post (Coulee Region), Norb Wozniak (Frank Hornberg), Brian Larson (Harry & Laura Nohr), Aaron Nelson (Northwoods), Al Dafonso (SEWTU), and Jim Beecher (SWTU). Unsung hero Mark Peerenboom (FVTU) was unable to attend the event.



### AWARD WINNERS KIM MCCARTHY AND SENATOR DALE SCHULTZ

Outgoing State Council Chair Kim McCarthy (top left) was presented the State Council's top annual award, the Award of Merit by Steve Born. State Senator Dale Schultz (bottom left) was given a Certificate of Appreciation for expressing his ongoing concerns about planned revisions to Wisconsin's iron mining laws.

## Council honors given at annual meeting

By Todd Hanson, Bill Heart, Kim McCarthy, Gary Stoychoff, and Henry Koltz

### WITU Awards Committee

The Wisconsin State Council of Trout Unlimited honored 12 individuals and groups at the annual meeting and banquet at the Holiday Inn in Rothschild Feb. 2.

Wisconsin TU has been presenting annual awards since 1984.

In addition to the council's regular slate of awards, this year WITU asked chapters to nominate an "unsung hero" from their ranks.

### Kim McCarthy — Award of Merit

This year's winner of Wisconsin TU's highest honor, the Award of Merit, is Kim McCarthy.

Kim has served as Wisconsin TU's State Council Chair for the past three years, and he has been an incredibly effective leader.

During Kim's tenure as Chair, Wisconsin TU was confronted with a seemingly endless string of challenging issues affecting Wisconsin's coldwater resources.

Those issues included high-capacity well siting issues, frack sand mining concerns, iron mining legislation, challenges to Wisconsin's trout regulations, and changes within the WDNR's fisheries division.

Kim was not only able to study and react to all of these issues, he was able to do so effectively, and with clear communication to Wisconsin's Chapters.

Under Kim's tenure, our State Council Banquet has become very successful, making Wisconsin TU more solvent and able to undertake more new initiatives than ever before.

Kim was also responsible for the creation of Wisconsin TU's Watershed Access Fund, which provides funding to help buy key properties or conservation easements.

Several years ago, Kim was our Northeastern Region Vice Chair. As such, he was responsible for the creation of a program where our northern chapters pooled their funds to help the DNR pay the salaries of a summer habitat improvement crew.

And others have taken notice of Wisconsin Trout Unlimited under Kim's leadership. Last fall, TU National named Wisconsin its Council of the Year at the 2012 National Meeting in North Carolina.

Kim is leaving us as State Council Chair, but this year he will work on the committee that will host TU's National meeting in Madison this fall.

Wisconsin Trout Unlimited is proud to call Kim McCarthy one of its own, and we are proud to present him with our top annual award, the Award of Merit.

### Scott Grady — Joan and Lee Wulff Conservation Leadership Award

As Lee Wulff once said, a trout is too valuable to be caught just once. In that spirit, our annual Lee and Joan Wulff Conservation Leadership Award — featuring one of Lee's hand-tied flies — will spend just one year in the possession of this year's recipient, Scott Grady.

During Scott's term as treasurer of the Central Wisconsin Chapter, Scott helped guide his chapter with sound accounting practices and leadership.

Serving on Central's board of directors, he has provided leadership in many other areas, from recruiting and retaining members to helping with banquets and programs.

Scott is always there for his chapter. He helps print and distribute Central's newsletter, the *Brookie News*. He also puts together displays for major events and makes his business available for special meetings and leadership planning activities.

Scott is a master cane fly rod builder, and he has generously donated many of his bamboo rods to chapters and the State Council for TU fund-raisers. He has also presented programs on cane rod building for TU chapters in our area.

It seems like there is often someone in every organization who you never hear a lot about, but who helps the organization all the time. For Trout Unlimited, Scott is just that kind of person. A lot of what Scott does is in the background, and he hasn't gotten the recognition he



deserves. This year we are remedying that.

**Dale Lange — Gold Trout Award**

This year's winner of the Gold Trout Award is Dale Lange from the Marinette County Chapter. Dale has been a member of Trout Unlimited since 1986.

Dale has served the Marinette Chapter in every officer position, and he's been Marinette's banquet chair for many years. He also teaches a class on fly fishing fundamentals every winter.

Dale has been a strong supporter of the State Council. He served as our Education Chair some years ago, and he has represented Marinette as its delegate to the Northeast Region for many years. The contributions that Dale brings with him to the Northeast Regional meetings have been a critical part of the strong Northeast Regional funding program.

A huge part of what has impressed the State Council about Dale is his continuing strong support for TU in the face of some challenging times. Dale has had to deal with his share of difficulties. Since 2008, Dale lost both of his parents, a sister in law, and his brother, and he has assumed guardianship of his brother's two daughters.

In spite of these challenges, Dale has never wavered in his support for Trout Unlimited. The State Council is truly lucky to have the continuing support of someone like Dale, and it is our honor to present him with this year's Gold Trout Award.

**Southern Wisconsin Chapter — Silver Trout Award for Chapter Merit**

Our Silver Trout Award for Chapter Merit is presented this year to our Southern Wisconsin Chapter. SWTU won this award back in 2009, and this year they have risen to the top of the list again.

For years, trout fishers on Black Earth Creek have dreamed of how many more miles of trout water there could be if only the stream didn't feed a manmade impound-

ment in Mazomanie. It's one thing to think of such things, but several long-time SWTU members took lead roles in helping make a major re-meandering project on Black Earth Creek a reality.

Steve Born, Tom Krauskopf, and Bob Selk were leaders in planning the stream re-routing. They enlisted the cooperation, enthusiasm, and money of many partners in the region to finally make this project a reality this past summer.

Southern Wisconsin also began a new, continuing activity this past year. The chapter is now a member of the Project Healing Waters program. Members now regularly help area veterans with fly tying, casting, and fishing on area streams. Chapter member Mike Bourda was particularly instrumental in getting this program off the ground.

Finally, this year SWTU member Tina Murray was honored when *Field & Stream* magazine named her one of its 2012 Conservation Heroes. A high school teacher at Madison's Malcolm Shabazz High School, Murray was recognized for the Project Green Teen Program she developed about 10 years ago.

The Green Teen Program gives at-risk students a chance to learn cooperation and problem-solving skills through trout fishing and stream restoration. Many SWTU members consider helping out at this event to be the highlight of their year.

When you are the largest TU chapter in the state, you can do a lot of things. For adding some new tricks to their bag, we recognize Southern Wisconsin TU as our Silver Trout Award winner.

**Rich Vetrano — Gold Net Award**

Our Southeastern Wisconsin Chapter has made a strong resurgence in recent years. At the epicenter of that resurgence has been Rich Vetrano.

Under Rich's leadership, SEWTU achieved many "firsts." The chapter launched its first website. It held its first Kid's Fishing Day. It started a habitat improvement program. It completed its first TUDARE stream restoration proj-

ect. It began reaching out and partnering with other chapters, and it reinvigorated its membership. These things seem second nature now, but they were due, in large part, to Rich's leadership.

As president, Rich assembled a

talented board of directors. He drew on SEWTU's existing solid leadership and brought in new people with youthful enthusiasm. Rich has a knack for allowing people to follow their skills and interests.

*Continued on p. 6*



Jim Beecher



Jim Beecher



Heidi Oberstadt



Jim Beecher

**AWARD WINNERS SOUTHERN WISCONSIN CHAPTER (JORDAN KONISKY), RICH VETRANO, SCOTT GRADY, AND DALE LANGE** Kim McCarthy presented the Silver Trout Award recognizing the year's top chapter to Southern Wisconsin TU Chapter President Jordan Konisky (bottom left). The Gold Net Award winner was SEWTU's Rich Vetrano (top right). The Gold Trout Award was presented to Marinette County TU's Dale Lange (bottom right). The Joan and Lee Wulf Award was presented to CWTU's Scott Grady (center right). The Gold Trout Award was presented to Marinette County TU's Dale Lange (bottom right).



# AWARDS: council honors 12 at annual meeting

Continued from p. 5

Rich continues to step up to do the little things that go unnoticed, but which are incredibly necessary for a high-functioning chapter.

From signage to ads to newsletters, Rich continues to be there for his chapter. He even opens his office and extends his day to accom-

modate chapter requests.

Finally, and most importantly, Rich is a dedicated family man who works long hours for his family. He is personable, quick with a joke, even faster with a laugh, and now he's also a recipient of our annual Gold Net Award, custom made every year by Clint Byrnes.



Heidi Oberstadt

## Kent Johnson — Jeffrey Carlson Volunteer Award

We don't give out the Jeffrey Carlson Volunteer Award every year, but this year the honor goes to Kent Johnson of the Kiap-TU-Wish Chapter.

Jeff Carlson worked for many years on coaster brook trout restoration. This award recognizes someone who, like Jeff, has taken a leadership role on a major project that either improves an entire stream, reach, or watershed, or which has preserved or restored a species in a body of water.

We are recognizing Kent for his many years of work on behalf of the Kinnickinnic River in western Wisconsin.

As urban sprawl threatened the Kinni in the late 1980s, Kent helped set up monitoring stations on the river to gauge thermal impacts. He then monitored these stations ever since 1992. The data he collected led to storm water management reform around the river.

It was Kent who led the effort to produce the chapter's award-winning video, *Storm on the Horizon*. That video outlined the threats to trout streams from urban development.

The chapter's efforts and the data generated by Kent's efforts ultimately led the City of River Falls to

adopt a ground-breaking storm water management ordinance.

Sometimes people love a river so much they just won't let threats to it get the upper hand. For being a champion of the Kinnickinnic River for over 20 years, this year's winner of the Jeffrey Carlson Volunteer award is Kent Johnson

## Cliff Sebero — Resource Professional Award

The first of our two Resource Professional Awards for 2013 is being given to Cliff Sebero of the Wisconsin DNR.

Cliff is an Advanced Fisheries Technician working out of the Peshtigo office. His responsibilities include beaver control and trout habitat work in Marinette and Oconto counties, something he has done for over 30 years.

Cliff's accomplishments over the years are numerous. He has removed over 3,000 beaver and over 1,000 beaver dams from the trout streams in his area.

Cliff has also been involved in a numerous trout habitat projects over the years. He has worked on brush bundling, supervising summer work crews, conducting spring pond dredging, coordinating TU workdays, installing bank covers, and planning other stream improvements.

Cliff has truly gone over and above what was expected of him



Heidi Oberstadt



Jim Beecher



Heidi Oberstadt



Heidi Oberstadt

### AWARD WINNERS KENT JOHNSON, HAYWARD FLY FISHING CO. (LARRY MANN AND WENDY WILLIAMSON), TOM GAWLE, BRENT BERGSTROM, AND CLIFF SEBERO

The Jeffrey Carlson Leadership Award was presented to Kent Johnson (top left), the Business Sponsor Award was given to the Hayward Fly Fishing Co. and its owners, Larry Mann and Wendy Williamson (center left), a Certificate of Appreciation was given to Aldo Leopold TU's Tom Gawle (bottom left), and Resource Professional awards were given to Brent Bergstrom (top right) and Cliff Sebero (bottom right).



through the years. He may be retiring in the near future, so we didn't want him to leave the DNR without our thanking him for his many years of exceptional service in helping the trout populations in Northeastern Wisconsin.

**State Senators Bob Jauch and Dale Schultz — Certificates of Appreciation**

We are also presenting Certificates of Appreciation to State Senators Bob Jauch and Dale Schultz for their efforts to defeat last year's mining legislation that would have had a huge impact on groundwater and many trout streams in Ashland and Iron counties.

In the spirit of bipartisan politics, Democratic Senator Jauch and Republican Senator Schultz worked across party lines to ensure that the natural resources of Northern Wisconsin will be protected.

Senators Jauch and Schultz took the initiative to travel to Ashland County on a cold February day for a tour of the proposed mine site. There they met many local residents whose livelihoods would be at risk.

At a meeting in Mellen, the town closest to the proposed site, they listened to overwhelming opposition to the legislation. Then in Ashland they heard the same thing.

They also met with Mike Wiggins, Tribal Chair of the Bad River Band of Lake Superior Chippewa, whose tribal lands and priceless wild rice beds could be decimated by pollution from the proposed site.

During the summer, they spent many hours working with Senator Cullen on new legislation that would modernize Wisconsin's current mining laws without weakening our natural resource protections.

The State Council would like to thank Senators Jauch and Schultz for their bipartisan efforts in protecting our coldwater resources.

**Tom Gawle — Certificate of Appreciation**

Tom Gawle is one of the key leaders of the Aldo Leopold Chapter. He is actively involved in every function and activity of the chapter: board meetings, TUDARE workshops, fly tying classes, media days, fundraisers, and chapter communications.

One would think Tom couldn't do anything more for his chapter. But a couple years ago, Tom took a lead role in raising funds for his chapter's planned restoration work on Bear Creek in Sauk County.

Tom never hesitated to write and revise numerous major grant applications. Tom has the ability to clearly communicate to grantors why the Bear Creek project is a perfect fit for their grants.

Tom's persistence has paid off. His grant writing was principally responsible for raising over \$100,000

for the chapter's first big habitat project on Bear Creek.

Last year the chapter raised over \$100,000 again for Bear Creek. And this year Tom's efforts have been responsible for the chapter banking \$118,000 to restore a third section of Bear Creek.

Throughout all this work, one more thing keeps coming up from those who know and work with Tom. He's also a great guy. For all he's done for the Aldo Leopold Chapter, we present a 2013 certificate of appreciation to Tom Gawle.

**Brent Bergstrom — Resource Professional Award**

Our second Resource Professional Award is presented to Brent Bergstrom, Project Director for the Sauk County Conservation, Planning, and Zoning Department.

*Continued on p. 21*



**WITU Looking Back**

**From the Spring 1973 WITU Quarterly Report...**

Trout Stamp Bill Worthy of TU Support

Jon Wilcox, Republican state representative from Wautoma, reported on Jan. 23 that he will introduce a Trout Stamp Bill within the next few days.

The bill Wilcox proposes would require an extra fee of \$1.00 for a stamp for any fisherman over 16 years of age going after trout. Proceeds from the stamps, to the tune of \$225,000 annually, would be used to improve trout habitat here in Wisconsin.

The bill would stipulate that the new stamp income supplement rather than replace the present level of trout habitat spending (about \$175,000). Also, it would specify that the funds not be used for put-and-take stocking.

TU'ers worked hard to support passage of a Trout Stamp Bill which failed last year. Last April the Quarterly Report carried a story by Ray White, former DNR and UW aquatic biologist who served as an advisor to Wis. TU and has since moved to Michigan. In that story he wrote: "Wisconsin fishermen should welcome the opportunity to pay their way more fully in the environment."

**From the Spring 1982 WITU Quarterly Report...**

On March 3, 1983, in the City Council Chambers in Rhinelander, WI., a hearing was held by the Assembly Committee on Forest Productivity and Rural Development to receive public input on a proposal to establish a Wisconsin Conservation Corps, similar to the Civilian Conservation Corps of the 1930's Depression Era. The intent of the bill is to provide employment opportunities for youth between 18-24 on conservation projects around the state with emphasis on forestry, park maintenance, and watershed clean-up.

**From the Spring 1993 Wisconsin Trout...**

**Meyer sees special challenges in new position**

A career professional employee of the Department of Natural Resources familiar to many conservation and environmental groups, George E. Meyer took over as DNR secretary on February 1.

The 45-year old Meyer, a graduate of St. Norbert College (De Pere) with a degree in economics and business and a 1972 graduate of the University of Wisconsin-Madison law school, has worked 23 years for the DNR, 12 of them as the administrator of the Division of Enforcement. In that capacity, he was responsible for directing law enforcement, environmental impact and water regulation, and zoning activities.

He also negotiated 43 agreements between Wisconsin and Chippewa tribal nations on off-reservation harvesting rights over seven years, and kept in touch with a wide range of local, state and federal governments, and with media and other interests throughout the negotiating process.

Meyer's other major responsibilities as a DNR employee included:

\*Providing legal counsel as a DNR staff attorney from 1972-1980 on issues such as air management, water regulation and zoning, forestry, wildlife management, solid waste, law enforcement, waste water, environmental impact and personnel.

**From the Spring 2003 Wisconsin Trout...**

**Video on the Onion River restoration now available**

In an effort to create greater community involvement in the restoration of the Onion River in southwestern Sheboygan County, the Lakeshore Chapter of TU has released a video of the project.

Approximately 18 minutes in length, the VHS video or DVD explains a brief history of the river, its potential as a trout fishery, and the chapter's leadership involvement in a \$2.4 million effort to forever secure, restore, and protect the river's headwaters.

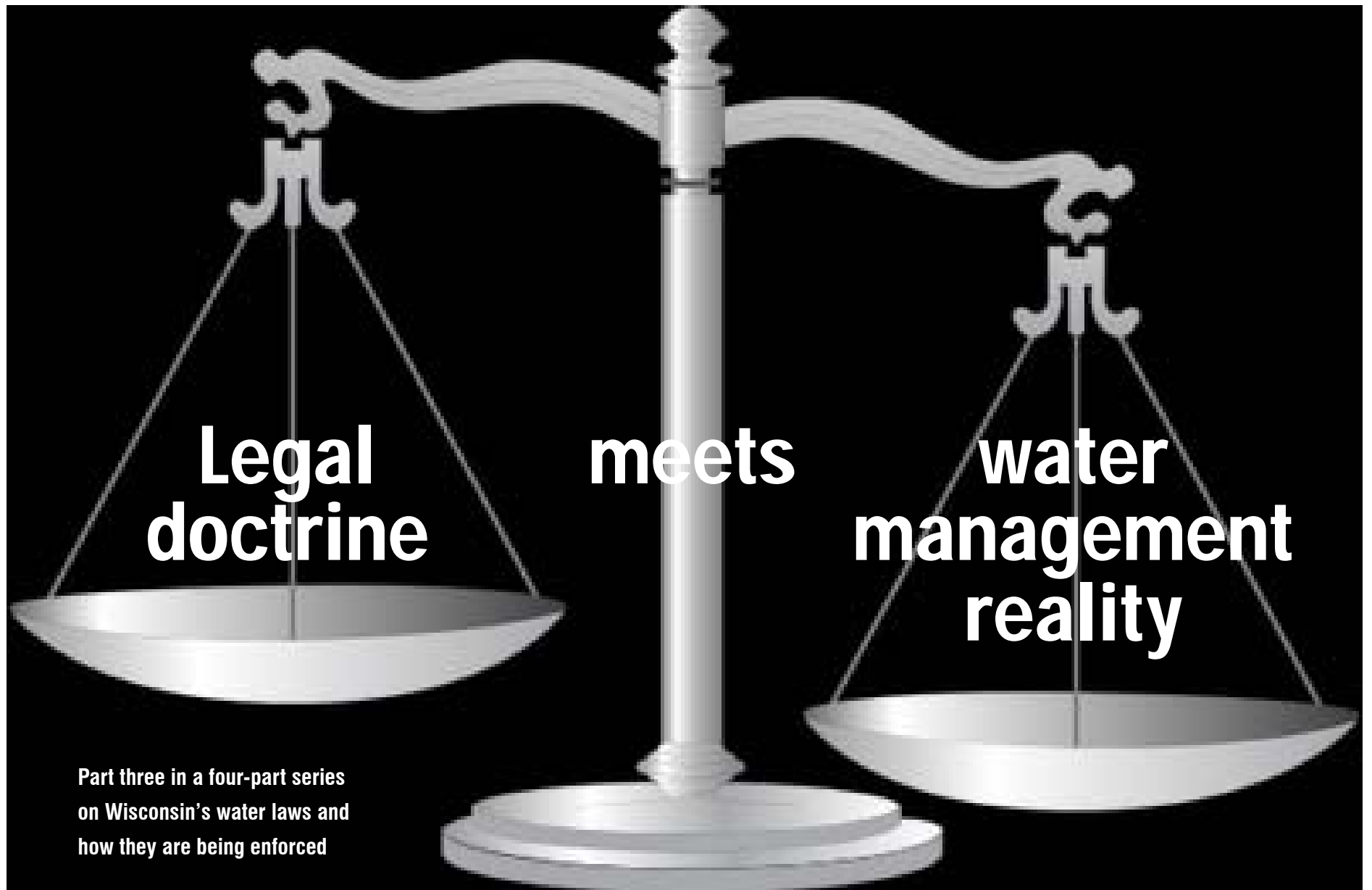
With the headwaters restoration nearly complete, the video explains how the chapter — along with the WDNR, the Sheboygan

County Land and Water Conservation Dept., the Helen Shaw Chapter of the Federation of Fly Fishers along with financial support from the

Great Lakes Protection Fund, and private donors such as North Sails Group, LLC, a subsidiary of Windway Capital Corp. — created a vision and a ten year plan to protect and restore the entire watershed from its headwaters downstream for 10.5 miles.

The video and DVD are available for a \$5.00 donation plus \$2.50 for shipping and handling from: Lakeshore Chapter TU, c/o Windway Capital Corp., P.O. Box 897, Sheboygan, WI 53082-0897.





Melissa Scanlan is the Water Law and Policy Scholar at the University of Wisconsin Law School, and a recent article of hers appeared in *Ecology Law Quarterly* that offers fresh insight into Wisconsin's water laws and how they are being enforced. We began serializing her article in the October issue of *Wisconsin Trout*. The series will conclude in July.

Previous installments have focused on the challenges facing the Water Specialists at the WDNR who are charged with enforcing the state's water laws. Scanlan spoke with 2/3 of the WDNR's Water Specialists from every part of the state. She quotes them directly, but *anonymously*, so we get an unvarnished view of the problems they face performing their jobs.

In this installment, we hear more stories of how enforcement varies across the state. While one Water Specialist's hard line on enforcement leads to fewer after-the-fact local violations, another specialist's lax enforcement is leading to an anything-goes local mentality.

This installment also discusses the important role private individuals play in enforcing the public's interest in protecting the state's waters when the WDNR or the state legislature fail to act.

Following this installment, look for a full-page shaded box describing the last of Melissa Scanlan's summaries of the "key principles" of Wisconsin's public trust doctrine.

## Enforcement and deterrence are a problem in a state with weak enforcement of water laws

By Melissa Scanlan

Public trust protections are only as good as the trustees' enforcement of those constitutional, common law, and statutory provisions. To have a healthy water commons,



Melissa Scanlan

there must be active enforcement to prevent and remedy private encroachments and trustee neglect.

In Wisconsin, DNR has broad authority to enforce the public trust.<sup>278</sup> Beneficiaries of the trust likewise have the authority to bring legal actions to enforce the trust under certain circumstances.<sup>279</sup> I outline the special enforcement role of DNR and explore how enforcement is actually being carried out. I then highlight the increasingly important enforcement role of the beneficiaries of the trust.

### 1. DNR has broad legal authority to enforce the public trust in navigable waters

Chapters 30 and 31 of the Wisconsin Statutes codify some riparian and public trust rights to use the state's navigable waters.<sup>280</sup> DNR may enforce violations of chapters 30 and 31 through the process described by chapter 23.<sup>281</sup> Under this process, DNR Conservation Wardens are empowered to issue citations, make arrests with or without warrants, and file complaints and summons to violators of any aspect of chap-

ters 30 and 31.<sup>282</sup> Either the District Attorney or the Attorney General then prosecutes these matters.<sup>283</sup>

Additionally, chapter 30 provides separate enforcement authority. In *ABKA v. DNR*, the Wisconsin Supreme Court held that section 30.03(4) of the Wisconsin Statutes provided DNR with "jurisdiction to pursue any 'possible violation' of the public trust doctrine as embodied in [chapter] 30."<sup>284</sup> In *ABKA*, the court reviewed an attempt to convert a marina into privately owned condominiums. The developers stretched the bounds of imagination when they invented these condominiums, which the court ultimately saw as a legal fiction. The condominium units consisted of a lock box about the size of a Post Office box,<sup>285</sup> which came with the use of a boat slip for residential purposes.<sup>286</sup> Clearly, people were purchasing the boat slip to be used as a "dockminium" because the lock box had no independent use. Rejecting an argument that DNR lacked jurisdiction, the court held DNR had broad jurisdiction under

section 30.03(4) because *ABKA's* conversion of the marina to condos "presented several possible violations of the public trust doctrine."<sup>287</sup> Further, the court held the dockminium scheme violated the public trust doctrine.<sup>288</sup>

In addition to violations of chapter 30, the plain language of the statute also authorizes DNR to enforce any infringement of public rights:

If the department learns of...a possible infringement of the public rights relating to navigable waters, and the department determines that the public interest may not be adequately served by imposition of a penalty or forfeiture, the department may...order a hearing under [chapter] 227 concerning the possible...infringement...in order to fully protect the interests of the public in navigable waters.<sup>289</sup>

Hence, if DNR learns of a "possible infringement" of public rights in navigable waters, even if chapter 30 does not specifically prohibit the offending actions, DNR has jurisdiction under section 30.03(4) to take enforcement action to pro-



protect public interests in navigable waters.<sup>290</sup>

## 2. Does DNR have the adequate funding, staffing and training to enforce the public trust doctrine?

Despite DNR's broad enforcement authority, the implementation of that authority lags, in part, due to insufficient staff to enforce the law. In addition to the Water Specialist staff reductions discussed above, between 2007 and 2010, DNR reduced its number of staff attorneys, enforcement specialists, and wardens, all of whom take part in the enforcement of public rights in the state's waters.<sup>291</sup> Additionally, a lack of adequate training and high turnover — two of the structural problems identified above in Part II.C — compound problems with any complicated enforcement actions. Thus, I explain below how this relates to the rise in voluntary enforcement actions in Part II.D.2.a and explain widespread problems with illegal wetland filling in Part II.D.2.b.

### A. A rise in voluntary instead of formal enforcement actions

Due to staff reductions and an increase in each Water Specialist's territory, many Water Specialists attempt voluntary enforcement efforts before pursuing formal actions.<sup>292</sup> This means a Water Specialist asks a landowner to remedy the violation. The request can range from applying for an after-the-fact permit to taking remedial action such as "remove the illegal wetland fill" to let the wetland recover.<sup>293</sup> These voluntary enforcement actions do not involve payment of any penalties or fines, and often are not committed to writing, but one Water Specialist explained, "I pursue voluntary enforcement because the quicker I can get restoration done, the better chance I have for success on the landscape."<sup>294</sup>

While voluntary enforcement may be faster, it is often problematic. In one situation, a landowner dug ponds in about an acre of "pristine wetland that had been completely dominated by native species" and left a pile of dredged materials. Yet, the Water Specialist simply told the landowner he needed to restore the wetlands and left it up to the landowner as to how to do that.<sup>295</sup> The Water Specialist did not suggest a restoration completion date, did not require a wetland restoration specialist to do the work, and did not put anything in writing; "I just verbally instructed him to put the wetland back the way it was, and I'll check back in half a year to see if restoration is complete."<sup>296</sup>

If a landowner refuses to take voluntary action, however, DNR's only recourse is to move for formal enforcement. This typically involves requesting that a warden issue a citation, then going through DNR's "stepped enforcement" process with multiple DNR employees, and convincing the District Attorney or the Attorney General to prosecute the violation.<sup>297</sup> Many Water Specialists do not view formal enforcement as a favorable course of action because it is time consuming and often cases are never referred to the Attorney General for enforcement, sometimes for unstated reasons and other times for political reasons.<sup>298</sup> Seeing water law violations go unprosecuted discourages Water Specialists and reduces their ability to be effective

regulators because private riparians know they can get away with violations.<sup>299</sup>

A lack of enforcement and the mimic effect — where one neighbor copies another when they see their neighbor filling a wetland or extending a shoreline without prosecution — is a tremendous barrier to landowner compliance with the law and thus a barrier to protection of the water commons. The dynamics are common sense: think about a "speed trap" versus an area of highway the police rarely patrol. Imagine if people knew that in addition to rarely patrolling, the police were unable to issue ci-

landowners.<sup>307</sup> The lawsuit "sent the right message."<sup>308</sup>

One anomalous Water Specialist who was particularly knowledgeable about enforcement conducted compliance inspections of the permits he issued; he attributed his efforts to the "gung ho" Enforcement Specialist in his office who "encourages and supports staff."<sup>309</sup> This Water Specialist's focus was on preventing problems by meeting with contractors before construction and then conducting an inspection during construction to ensure that grading was "being done right."<sup>310</sup> Even with his active onsite pres-

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*Legal protections for wetlands are only meaningful if they are implemented and enforced. In most parts of the state, Water Specialists said illegal filling of wetlands was a big problem. Water Specialists described illegal wetland fills that ranged from very small, less than an acre, to large, seven acres, to extreme, 150 acres. A seasoned Water Specialist observed in his region filling wetlands is "prevalent in riparian areas along lakes and rivers for houses and roads." He suspected he did not "know about half of them."*

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tations for speeding or prosecute violations without going through a number of other people and time-consuming steps. The expected results are obvious: increased speeding and potentially increased accidents.

Similarly, another Water Specialist described how he was losing his ability to get voluntary enforcement because riparians knew that formal enforcement was "floundering and not resulting in referrals" for prosecution:<sup>300</sup> "This started a few years back with an Enforcement Specialist who didn't seem to want to enforce wetland violations. Now the word has gotten out that DNR doesn't follow through so people just ignore me

ence, he estimated that he could achieve voluntary compliance without formal enforcement only "about 50 percent of the time."<sup>311</sup>

Moreover, a Water Specialist from another region said he is not supposed to do the kind of compliance investigations described by his colleague in the preceding paragraph, with the exception of "looking at the ones Madison [Central Office] selects through annual compliance monitoring and the ones on which they get complaints."<sup>312</sup> This change in enforcement, he thought, was due to budget cuts, as compliance investigations used to be a routine Water Specialist duty: "When I started, I might follow up on any of

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*Many Water Specialists do not view formal enforcement as a favorable course of action because it is time consuming and often cases are never referred to the Attorney General for enforcement, sometimes for unstated reasons and other times for political reasons. Seeing water law violations go unprosecuted discourages Water Specialists and reduces their ability to be effective regulators because private riparians know they can get away with violations.*

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when I try to get them to do voluntary enforcement."<sup>301</sup> He described a specific example where a group of developers put three hundred feet of road through forested wetlands and subdivided lots without a permit.<sup>302</sup> DNR held an enforcement conference and told the developers to apply for an after-the-fact permit and remove the road.<sup>303</sup> The developers ignored DNR, did not apply for a permit, and did not remove the road.<sup>304</sup> But, despite this continuing noncompliance, "DNR's Enforcement Specialist just rolled over" and took no further action.<sup>305</sup> As a result, "people will take a chance and violate the law because DNR doesn't follow through."<sup>306</sup>

By contrast, a Water Specialist who saw an enforcement referral through to a win in the Wisconsin Supreme Court has seen a contagious deterrent effect on other

the permits I issued, but I'm told not to do this now."<sup>313</sup> An upper manager confirmed, "while staff used to go out and inspect almost all of the general permits they issued, now site inspections should be rare."<sup>314</sup>

Many Water Specialists commented on the change in DNR's mode of enforcement. Due to budget cuts, formal enforcement is circumscribed by the Central Office, which selects specific sites for compliance reviews. On one hand, for the first time the Central Office is analyzing compliance to determine which types of activities are most prone to abuse, and some Water Specialists may be doing more systemic compliance reviews as a result.<sup>315</sup> However, since it is difficult for DNR to pursue formal enforcement, Water Specialists often attempt to achieve compliance through voluntary enforcement, which is typi-

cally not documented. If a lawbreaker fails to complete DNR's requested voluntary efforts, Water Specialists have limited abilities to seek recourse without initiating formal enforcement. Because of the barriers they perceive to formal enforcement, many violations are unaddressed.<sup>316</sup> This cycle undermines the deterrent effect of enforcement actions, and Water Specialists are seeing an increasing number of water law violations.

### B. Special problems with enforcement of wetland violations

Because wetlands are vital to water quality, wildlife habitat, and flood prevention, wetland protection has widespread implications for public rights in navigable waters.<sup>317</sup> Wisconsin's legal protections for wetlands cover all wetlands, even those that are determined to be "nonfederal" and unregulated by the Clean Water Act.<sup>318</sup> DNR regulates wetlands based on "common law 'public trust doctrine' principles which have evolved from our Wisconsin Constitution, statutory provisions which have codified those principles, and on Sections 404 and 401 of the Clean Water Act."<sup>319</sup> In essence, DNR approval is required to "discharge dredge or fill material" in a wetland.<sup>320</sup> Additionally, Wisconsin has a Shoreland Wetland Zoning program, "which requires county, village and city ordinances to prohibit fill in wetlands. This is a state-mandated, but locally administered, program which covers areas within 1000 feet of lakes and 300 feet of streams or rivers."<sup>321</sup>

Legal protections for wetlands are only meaningful if they are implemented and enforced. In most parts of the state, Water Specialists said illegal filling of wetlands was a big problem.<sup>322</sup> Water Specialists described illegal wetland fills that ranged from very small, less than an acre, to large, seven acres, to extreme, 150 acres.<sup>323</sup> A seasoned Water Specialist observed in his region filling wetlands is "prevalent in riparian areas along lakes and rivers for houses and roads."<sup>324</sup> He suspected he did not "know about half of them."<sup>325</sup> Similarly, a Water Specialist from another region reflected that he had a few wetland fill cases that were "very visible to the public, and if those kind of blatant violations take place, imagine how many hidden ones exist."<sup>326</sup> For instance, he recalled: "A guy put in [a] 130-foot-long driveway through an obvious wetland area, an alder swamp, that was visible from a main highway with thousands of people driving by in a week and no one called to report it. I discovered it when I drove on that road."<sup>327</sup>

Enforcing wetland violations can be time-consuming and technical. Without experienced and well-trained Water Specialists, the supply of which is dwindling, finding and enforcing wetland violations is unlikely. For example, a county zoning administrator noticed a cranberry grower altering a large tract of land with heavy equipment, and asked a newly minted Water Specialist if this required a wetland permit.<sup>328</sup> The Water Specialist, in turn, asked someone from the U.S. Army Corps of Engineers what he should do, "but we were both brand new on the job, so we dropped it."<sup>329</sup>

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*Continued from p. 9*

None of the regulators, local, state, or federal, had enough training to identify this wetland violation and take appropriate action at the early stages. Later, the U.S. Army Corps of Engineers took the lead on the investigation and found a “huge violation—fifty acres of wetlands where the grower cleared all the trees and wetland vegetation, bulldozed land, brought in fill and built up the surface.”<sup>330</sup>

Nor was this an isolated incident; this case arose in late 2008, when the U.S. Army Corps of Engineers uncovered a cluster of wetland violations by cranberry growers.<sup>331</sup> This Water Specialist later reported that the Army Corps had uncovered impacts to 150 acres of wetlands spread across four different sites.<sup>332</sup> If the government regulators had been more experienced, they might have taken swifter action to stop these unpermitted wetland alterations before they grew to such an extreme level.

Similarly, another Water Specialist described a landowner who impacted six to seven acres of wet meadow wetlands to build a house, driveway, garage, and two ponds.<sup>333</sup> Because the Water Specialist was inexperienced when he initiated the action, he had to work on the case for over ten years before he saw any results.<sup>334</sup> In 2010, the landowner finally signed a settlement agreement with DNR where the landowner agreed to restore four to five acres of wetland.<sup>335</sup>

By contrast, a very experienced Water Specialist took a more proactive approach when he learned of a landowner who built almost two thousand feet of recreational roads through wetlands (bogs dominated by black spruce and tamarack) contiguous to a small lake.<sup>336</sup> The landowner constructed the roads without permits over a period of two years. DNR caught him when a DNR pilot flew over this land during a wolf count; the pilot then gave the Water Specialist photos of wetland fills.<sup>337</sup> The Water Specialist described how he handled the situation:

You need to know what you're looking for. I saw these photos and then compared them to historical aerial photos to determine what had happened and when. I had to go to the courthouse and determine ownership. I then had to confront the landowner and delineate the wetlands and the illegal fill. After that I had to work through the formal enforcement process. This took three years, but he has paid a fine and removed the fill.<sup>338</sup>

As this example illustrates, DNR must have experienced and knowledgeable staff who can identify violations and effectively enforce the law in order to realize wetland protection. Voluntary enforcement would be more useful if DNR Water Specialists could memorialize the agreements in an enforceable contract or pursue formal enforcement when quicker, less formal methods fail. Without those options, DNR's Water Specialists currently struggle to deter future violations and enforce protections for Wisconsin's valuable wetlands.

### **3. DNR and the Attorney General's authority to challenge the legislature's abdication of the public trust is very limited**

Under section 30.03(4), the Wisconsin legislature granted

DNR broad authority to bring an enforcement action against any possible violation of public rights by riparian landowners, as discussed above.<sup>339</sup> What is questionable, however, is DNR's authority to protect public rights from harm caused by the legislature.

As explained in Core Concept Two, the legislature, as the primary trustee of the state's waters, has a duty to take positive action to protect the public trust. This duty is grounded in common and constitutional law.<sup>340</sup> When the legislature passes a law that may violate the public trust doctrine, an initial

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The courts have played a key role in rectifying shortsighted, sometimes politically motivated, attempts to convey parts of the public water commons to private hands. Moreover, given what appears to be an anemic state enforcement of the trust, it is essential to have an engaged citizenry empowered to enforce public rights in common waters.

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matter is whether DNR or the Attorney General has standing to challenge the statute's constitutionality.

DNR, acting without a private litigant, does not have standing to challenge the constitutionality of a state statute regarding an alleged violation of the public trust doctrine.<sup>341</sup> The court issued this holding in a case that arose out of a dispute about setting the Ordinary High Water Mark (OHWM) for Big Silver Lake. After DNR set the level for the OHWM, the Silver Lake Sanitary District sued.<sup>342</sup> With litigation pending, the legislature passed two statutes: one set a different OHWM for that lake and another delegated the task of setting the OHWM for lakes to sanitary districts instead of DNR.<sup>343</sup> DNR challenged the constitutionality of these statutes on several grounds,

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Beneficiary legal actions are becoming more important given the state's limited enforcement of water laws. Similarly, given DNR and the Attorney General's limited ability to challenge legislation, beneficiary legal actions are essential to challenge unconstitutional actions by the legislative trustees.

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including a violation of the public trust doctrine.<sup>344</sup> In *Silver Lake Sanitary District v. Wisconsin DNR*, the court of appeals rejected DNR's claims, holding that DNR could not challenge the constitutionality of a state statute without the involvement of a private litigant.<sup>345</sup> The court noted that generally agencies, such as DNR, “have no standing to challenge the actions of their creator,” such as challenging the constitutionality of a state statute.<sup>346</sup> While there is a “great public concern” exception to this general rule, the court held that invoking that exception requires the participation of a private litigant.<sup>347</sup> Thus, DNR did not have standing to sue.<sup>348</sup>

Nor does Wisconsin's Attorney General typically have standing to challenge the constitutionality of a statute, even when alleging a violation of the public trust doctrine.<sup>349</sup> The Attorney General has standing to challenge “a perceived violation of the public trust” if the specific statute grants that authority, if the governor or legislature directs the Attorney General to do so, or if the Wisconsin Supreme

Court grants a petition for original jurisdiction.<sup>350</sup> The Wisconsin Supreme Court held that none of these exceptions was present in *State v. City of Oak Creek*, where the Attorney General brought a legal challenge to the constitutionality of a statute that exempted Oak Creek from laws designed to protect the state's navigable waters.<sup>351</sup> Since the court rejected the Attorney General's standing, the statute exempting Oak Creek from some public trust protections remained in place.<sup>352</sup>

In sum, DNR and the Attorney General have a limited ability to challenge the legislature when it

passes a law that potentially violates the public trust doctrine. The standing limitations place a large burden on the beneficiaries of the public trust to finance and bring legal challenges to unconstitutional actions by the legislature.

### **4. Public trust beneficiaries have standing to enforce the public trust**

Given the significant systemic barriers to DNR's ability to carry out its trustee duties, trust beneficiaries have turned to the courts to protect the public trust. The courts have played a key role in rectifying shortsighted, sometimes politically motivated, attempts to convey parts of the public water commons to private hands.<sup>353</sup> Moreover, given what appears to be an anemic state enforcement of the trust, it is essential to have an engaged citizenry empowered to enforce pub-

lic rights in common waters.

Beneficiaries of the trust have standing to sue; the public trust doctrine “establishes standing for...any person suing in the name of the state for the purpose of vindicating the public trust, to assert a cause of action recognized by the existing law of Wisconsin.”<sup>354</sup> In order to allege standing in a public trust case, a plaintiff needs to allege injury to navigable waters, not just to the environment generally.<sup>355</sup> Also, litigants must assert a viable cause of action.<sup>356</sup>

In *Gillen v. City of Neenah*, the Wisconsin Supreme Court upheld a cause of action because the court found that the plaintiffs stated a claim for a violation of the public trust doctrine.<sup>357</sup> The dispute in this case centered on land the legislature granted to the City of Neenah via a Legislative Lakebed Grant in 1951 to be used “for a public purpose.”<sup>358</sup> The City leased this land for several decades to Bergstrom Paper Company (predecessor to Gladfelter Company). The city allowed the paper company to fill the lakebed grant area with paper waste

sludge and construct and operate a paper wastewater treatment plant and parking lot. The City subsequently leased another five acres of the lakebed grant area to Minergy Corporation for a commercial paper sludge incineration operation.<sup>359</sup> DNR, however, declined to enforce the law even though it admitted in a settlement agreement that these leases violated the public trust doctrine.<sup>360</sup> In pertinent part, the December 1995 settlement agreement between DNR, City of Neenah, Gladfelter Company, and Minergy Corporation provided the following:

(1) DNR asserted that both the proposed Minergy facility and the existing operations of Gladfelter Company are impermissible public trust uses and violate the Legislative Lakebed Grant, relevant portions of Chapter 30 including Wis. Stat. §30.03 and the public trust doctrine as developed under Wisconsin law.

(2) Regardless of the foregoing, based on the historical development of the Grant Area, to which DNR failed to object, and based on DNR's enforcement discretion, DNR agreed that it would not pursue enforcement action under its authority relating to the public trust laws and that it would not seek equitable relief, including removal of existing facilities and activities, during the term of the Settlement Agreement.<sup>361</sup>

Faced with refusal by the trustee to protect the public trust, the *Gillen* plaintiffs brought suit to enforce the public interest in navigable waters.<sup>362</sup>

The *Gillen* plaintiffs alleged a public nuisance based on Minergy's violation of section 30.12, which is “a codification of the common law restriction against encroachments on publicly held lakebeds.”<sup>363</sup> The court rejected the defendant's argument that a claim under section 30.294 to abate a public nuisance cannot be brought by citizen plaintiffs if DNR decided to forego enforcement and signed a settlement agreement to that effect.<sup>364</sup> Instead, the court held that the *Gillen* plaintiffs stated a claim by bringing their suit under section 30.294, which provides: “Every violation of this chapter is declared to be a public nuisance and may be prohibited by injunction and may be abated by legal action brought by any person.”<sup>365</sup> The court cited the plain language of the statute and its legislative history to support its holding.<sup>366</sup> “As far back as 1917, the legislature provided that public nuisances may be enjoined and abated by citizen suits.”<sup>367</sup> Twenty years after the legislature created DNR, it enacted the current form of the public nuisance provision in chapter 30, and the court found no indication that a citizen's right to abate public nuisances was limited by DNR enforcement action or inaction.<sup>368</sup> Thus, the court concluded “that DNR's decision stated in the Settlement Agreement to forego enforcement of the public trust claims does not defeat the plaintiffs' public nuisance claim under Wis. Stat. ch. 30.”<sup>369</sup>

Another case, *ABKA Limited Partnership v. DNR*, likewise reveals the important role beneficiaries play in enforcement when faced with the trustees' failure to vigorously assert public rights.<sup>370</sup> In *ABKA*, a DNR attorney told *ABKA*, in no uncertain terms, that its dockminium proposal violated the public trust, and that DNR

*Continued on p. 21*



*Final part in a series on understanding Wisconsin's water laws...*

# The core principles of Wisconsin's Public Trust Doctrine

By Melissa Scanlan

At its core, the public trust doctrine describes a state's relationship to its water resources and its citizens — it is the body of law that directs the state to hold navigable waters in trust for shared use by the public.<sup>15\*</sup>

There are seven core concepts undergirding Wisconsin's public trust doctrine:

1. Like a financial trust, the public trust in water involves identifiable trustees, beneficiaries, and trust property;
2. Wisconsin law imposes a duty on trustees to protect public rights in Wisconsin's navigable water;
3. Trustees have a supervisory duty that requires adaptive management;
4. The public trust is a fluid doctrine that expands, as needed, to protect the water commons and public rights;
5. The legislature may grant lakebed title to entities other than the state, but only under certain limited conditions;
6. Private riparian property must be used in a way that does not encroach on public rights in navigable waters; and,
7. A healthy public trust requires active enforcement by the trustees and the beneficiaries.

In prior issues

In this issue

## Core concept 5: the legislature may grant lakebed title to non-state entities, but only under limited conditions

An issue that regularly resurfaces in water law is the legality of a state's attempt to grant trust property to private entities, such as individual developers, railroads, or corporations. The most famous case that illustrates the limits on the state trustee is *Illinois Central Railroad v. Illinois*.<sup>100</sup> In 1869 the Illinois Legislature granted ownership of a vast area of the bed of Lake Michigan in Chicago to the Illinois Railroad Company.<sup>101</sup> The grant placed nearly the whole of the Chicago Harbor under the control of the railroad company.<sup>102</sup> In 1873, after the Illinois Legislature attempted to repeal the grant of lakebed, the railroad's challenge to the repeal went to the U.S. Supreme Court.<sup>103</sup>

In its analysis of the acts of the Illinois Legislature, the Court drew upon the purpose of the original grant of trust property — the beds and waters of all navigable waterbodies — to the states:

When the Revolution took place the people of each state became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them.<sup>104</sup>

The sovereign power itself, therefore, cannot, consistently with the principles of the law of nature and the constitution of a well-ordered society, make a direct and absolute grant of the waters of the state, divesting all the citizens of their common right.<sup>105</sup>

Given that holding navigable waters and the lands beneath them in trust for the public is part of a state's sovereignty, the Court declared that such a grant "of all the lands under the navigable waters of a state has never been adjudged to be within the legislative power; and any attempted grant of the kind would be held, if not absolutely void on its face, as subject to revocation."<sup>106</sup>

In upholding the Illinois legislature's repeal of the lakebed grant, the Court repudiated in strong terms the attempted legislative grant of lakebed under the Chicago Harbor to a private railroad company.<sup>107</sup> The Court noted the "immense value" of the Chicago Harbor to the entire people of the state of Illinois.<sup>108</sup> The court reasoned that placing the charter "in the hands of a private corporation," whose charter had a narrower commercial purpose than that of the government, "is a proposition that cannot be defended".<sup>109</sup>

It is hardly conceivable that the legislature can divest the state of the control and management of this harbor, and vest it absolutely in a private corporation. Surely an act of the legislature transferring the title to its submerged lands and the power claimed by the railroad company to a foreign state or nation would be repudiated, without hesitation, as a gross perversion of the trust over the property under which it is held.<sup>110</sup>

The Court reasoned that a state may no more abdicate its public trust property "than it can abdicate its police powers in the administration of government and the preservation of the peace."<sup>111</sup>

The Court's holding in *Illinois Central* should not be read, however, as an absolute prohibition against all lakebed grants. Instead, the Court limited situations where a state may make grants of trust property to situations where parcels "are used in promoting the interests of the public" or "can be disposed of without any substantial impairment of the public interest in the lands and waters remaining."<sup>112</sup> Accordingly, the legislature may make grants of public trust property, but must delineate that the property may only be used for public purposes.<sup>113</sup> Any grant of property for purely private purposes is void.<sup>114</sup>

Wisconsin courts have added important state law dimensions to the Illinois Central Court's delineation of the scope and function of the public trust by providing more detail to the substantive limitation on alienation.<sup>115</sup> The Wisconsin Supreme Court analyzes five factors to determine if a lakebed grant is consistent with the public trust doctrine.<sup>116</sup> Under this analysis, the court considers all of the following: (1) whether public bodies will control the use of the area; (2) whether the area will be devoted to public purposes and open to the public; (3) whether the diminution of lake area will be very small when compared to the whole waterway; (4) whether any one of the public uses of the lake as a lake will be destroyed or greatly impaired; and (5) whether the impairment to the public's right to use the lake for recreation is negligible compared to the greater convenience afforded to the public from the grant of the lake bed property.<sup>117</sup>

However, even if a grant is valid under the five-factor analysis, a lakebed grant never transfers legal title from the state to the grantee.<sup>118</sup> For instance, the legislature gave the City of Madison permission to fill a portion of lakebed under Lake Monona to build a civic center, while continuing to vest ownership and trust responsibilities in the state.<sup>119</sup> Continued use of that trust property does not give the City of Madison title to the property.<sup>120</sup> Furthermore, the rights vested in grantees of lakebed are extremely limited.<sup>121</sup> Like a license, the state is merely giving the grantee the ability to use the property, which is a privilege the state may revoke at any time.<sup>122</sup>

The legislature has not attempted to grant the state's actual waters. However, as scholars develop the concepts of "water footprint" and "virtual water," tools to calculate how production of a good or service removes water from a watershed, one can see that some riparians are taking water out of the public domain and not returning it, without any express legislative authorization akin to what is required for a lakebed grant.<sup>123</sup> As global water availability decreases, an emerging question is whether this depletion is consistent with the public trust doctrine. The public may benefit from a critical evaluation of whether the legislature, consistent with its duty as trustee, should create legislation that authorizes water depletion under expressly articulated circumstances. One way to do this could be to adapt the court's five factor test for lakebed grants.

## Core concept 6: private riparian property use may not encroach on public rights in navigable waters

Whether a riparian owner abuts a navigable stream, river or lake, the riparian's title is limited by the public trust.<sup>124</sup> Since the late 1800s, this has meant that the riparian holds title subject to the superior public easement for use.<sup>125</sup> Riparian owners take title to such lands with notice of the public trust and subject to the burdens created by it.<sup>126</sup> In fact, it is "beyond the power of the state to alienate [the beds of navigable waters] freed from such [public] rights."<sup>127</sup> In upholding riparian ownership of the beds of navigable rivers to the center point of the river, the Wisconsin Supreme Court clarified that, "[a]s long as the state secures to the people all the rights they would be entitled to if it owned the beds of navigable rivers, it fulfills the trust imposed upon it by the organic law, which declares that all navigable waters shall be forever free."<sup>128</sup> Hence, all navigable waters are subject to the public trust regardless of ownership of the beds under a waterbody.

The courts and legislature have delineated private property rights in water in very limited terms. There are numerous constraints on water "rights," from requirements that water be used beneficially, reasonably, and without interfering with public rights, to a recognition that the right is merely usufructuary.<sup>129</sup> Furthermore, water rights are use rights only; although one sometimes hears reference to ownership or sales of water, this is real-

ly a misnomer because only the state, as sovereign, holds ownership of the water itself.<sup>130</sup> Riparian rights, subject to regulation, include the rights to use the shoreline, access the water, use waters for reasonable domestic, agricultural, and recreational purposes, and construct a pier in aid of navigation.<sup>131</sup> Unlike most states, Wisconsin does not allow a party to convey riparian rights to a nonriparian, except to allow passage across land to access water.<sup>132</sup>

When riparian rights conflict with public rights protected by the public trust, the riparian rights are secondary.<sup>133</sup> This principle holds true in Wisconsin, where the public right to use navigable water limits the rights of the riparian.<sup>134</sup> One of the earliest pronouncements of this limitation was the Wisconsin Supreme Court's holding in *Willow River Club v. Wade*, where, in 1898, it stated that a private riparian "has no property in the particles of water flowing in the stream, any more than it has in the air that floats over land."<sup>135</sup> The court held that a riparian had no property in the fish swimming past his or her land, and a riparian could not interfere with a public trust beneficiary's right to fish.<sup>136</sup>

More recently, the Wisconsin Supreme Court refused to allow a riparian to convert a marina with 407 boat slips into privately owned "dockominiums."<sup>137</sup> The marina previously rented boat slips to the public on an annual basis, but then attempted to create a condominium by subdividing the riparian right of dockage into 407 fractions that it would sell to individuals.<sup>138</sup> The court held in *ABKA v. DNR* that "ABKA's conversion of its marina to a condominium form of ownership violated the public trust doctrine...because it attempted to convey condominium property contrary to Wis. Stat. § 30.133 (1995-96), which prohibits certain transfers of riparian rights."<sup>139</sup> In other words, a riparian may not convey the riparian right of dockage without conveying the riparian land.<sup>140</sup>

In summary, although a riparian holds title to his or her land and has rights to use the water adjoining that property, these rights must accommodate and not infringe upon the public's overarching rights in navigable waters.<sup>141</sup> This legal principle, however, often conflicts with the reality that "landowners want to do whatever they want with their property," free from government interference.<sup>142</sup>

## Core concept 7: a healthy public trust requires active enforcement by the trustees and beneficiaries

In order for the public trust doctrine to provide and protect a healthy water commons, there needs to be active public participation, transparency in decisions impacting shared resources, accountability to the public beneficiaries, and enforcement to prevent and remedy private encroachments. ... The best way to illuminate enforcement issues is to view them in the context of what is happening in the field [as we have been revealing in this series].

\* To save space, footnotes are shown, but not their text. To read the footnotes, see the link to the complete piece at [www.WisconsinTU.org](http://www.WisconsinTU.org).





## Chapter News

### Aldo Leopold Chapter

At our March 6 elections we welcomed two new members to the chapter's board: **Mike Singleton** and **Dave Murphy**. I would like to thank outgoing board member **Eric Lorenzen** for his many years of service to the chapter, both on the board and as vice president. And while Eric is no longer on the board, I am hopeful we can still get him to bring his amazing pulled pork to our chapter picnic.

Speaking of the picnic, this year's event will once again be held in **Lodi** at **Habermann Park**, on June 19. Any and all are welcome, so mark the date on your calendar.

At the annual TU State Council banquet, our chapter happily received the "Catch And Keep" award for largest percentage increase in membership over the last year. Over the next year I hope we can continue to attract many new faces to TU through our activities and projects.

One of our chapter activities is our annual fly tying class. This year we had around 15 students and a number of new instructors, including 14-year-old **Jared Sagal**. Jared got his start tying flies at the Wis-

consin Outdoor Expo a couple years ago, and he is now teaching tying. Cool. Other instructors were **Kevin Searock**, **Mike Stapleton**, and **Lynn Reed**. Assistant instructors were **Tom & Sally Gawle**, **James Peters**, **Dave Murphy**, and **Scott Allen**. **Todd Franklin** did a great job keeping everything organized and running smoothly. A huge thank-you to all of you for making this a very successful class!

Our firstwork day of the year was scheduled for March 16 on **Lodi Spring Creek**, but it had to be canceled due to high water and flood conditions. We have rescheduled it for June 8. April 13 we will be working on **Manley Creek** in **Sauk Co.**, and Sat., May 18 will find us building lunkers for our 2013 **Bear Creek** project. I hope to see you there!

Some news on the Bear Creek lunker building. **Dan Fuller** from the **DNR** in **Poynette** has asked us if we could construct 10 lunkers for the **DNR's** upcoming project on **Rowan Creek** at the same time we are building them for Bear Creek. Doing so would allow the **DNR** to spend their time installing them and

doing other habitat restoration rather than hammering nails. We are happy to help the **DNR** on this.

Here's an update on our fund raising for the 2013 **Bear Creek** project. We have received \$2,500 from TU National's **Embrace-A-Stream** program! In a very competitive year, we are one of only three Wisconsin chapters to receive an **Embrace-A-Stream** grant. A thank you to **Henry Koltz**, our Midwest region representative on the awards

committee, for fighting hard for our project. We have also confirmed that the **USFWS's Partners For Fish and Wildlife** program will be contributing \$10,000 to our project. We remain about \$20,000 short of our funding goal for the year, but have yet to hear whether our **National Fish Habitat Action Plan** grant request has been approved. If it is, we should hit our goal.

—Mike Barniskis

### Antigo Chapter

Hello all and please think spring. The snow is wonderful for the water it holds, but I'd like it to warm up.

We in Antigo TU are very busy putting together our annual fundraising banquet that will be held on Sat., March 23 at **Northstar Banquet Center** in **Antigo**. We hope to have a good turnout of supporters, and we have many great prizes for all to win.

On this page are some pictures from this past summer and fall of our chapter building a kid's fishing dock at **Remington Lake** in the City of **Antigo**. The project took shape with the support from the city and the **Remington Foundation**. It took a while, but the **DNR** put a number of brook trout into the pond this winter. The kids have been ice fishing the pond all winter. (See photos on this page.)

We have run into a snag on our early spring project on the E.

**Branch Eau Claire River**. We hauled over 300 Christmas trees to the project site hoping to place them on the river's north bank. This large brush bundle would redirect the water flow to the south side to help clean out a fishing hole in front of a handicapped fishing dock at the **Lions Club Park** north of **Antigo**. We were working to gain support from a property owner who we have an easement with. If need be, the project will be shortened.

We have just been contacted by a property owner on **Elton Creek** to see if we together can clean and repair a portion of the stream bank. I will contact our fish manger and ask for the **DNR's** input on this potential project.

We will again start setting up our annual Kid's Fishing Day on Sat., June 1 at the **Antigo City Park**.

—Scott Henricks

### Blackhawk Chapter

Five chapter members made the trip up to **Rothschild** for the annual

#### ANTIGO TU HELPS BUILD DOCK ON REMINGTON LAKE

Karl Illichmann (top left) and Mike Heinrich fasten some bolts on a new public dock in downtown Antigo. They were joined later by Tim Gregrich (bottom, second right) and Mike Hugunin (right).

State Council Banquet in February, including **Don Studdt**, who received the "Unsung Hero Award." Don is our long-suffering chapter treasurer, and he well deserves his award!

Our monthly meetings always seem to offer an interesting mix of subjects. In January, **Matt Krueger** from the **DNR** and **Wisconsin River Alliance** brought us up to date about various invasive plant species which have been making inroads along Wisconsin trout streams.

Our scheduled speaker for the February meeting was unable to be with us, so chapter member **John Lusk** shared his recent experiences with the new "Silver Sonic" waders from **Orvis** and **L.L. Bean's** "River Treads" wading boots with **Boa-Closure**, inter-twined with some amusing anecdotes.

For our March meeting, **Craig Amacker** from **Fontana Sports** was on deck to talk not about trout, but smallmouth bass fishing with a fly rod.

There was an unusually large turnout for this year's fly tying sessions, although Mother Nature managed to cause the cancellation of two classes. Nearly two dozen "students" participated, including two youngsters, **Ansel Chesney**, 14, and **Ethan Richardson**, 13, both from the **Edgerton Jr. High School** (see picture on next page).

The first workday of the year for the chapter on **Hornby Creek** in **Vernon Co.** had to be rescheduled due to road restrictions. We will be working together with the **Lee Wulff Chapter (IL)** on Sat., April 13.

Our annual Spring Banquet will be on Monday, April 29, at the **Pontiac Convention Center** in **Janesville**. As usual, there will be lots of great items for the raffles and auctions, including a special TU edition **R. L. Winston** boron 3X rod. Come





# Chapter News



on down to Janesville that evening for a good time, good food, and a

good cause!  
—Dave Hinde

## Central Wisconsin Chapter

This winter seems like it will never come to an end, but some of the chapter members were able to find things to keep them very busy. **Ira Giese** had 27 of us together again for our Master Fly Tying class starting the third week of January and ending the last week of February. The class kept us busy tying everything from a size 22 to a Namsen salmon fly. All in all, a fantastic time was had by all with featured tyers **Brian Van Eram, John Gribb, Shawn Sullivan, Dr. Phil Anderson, and Tom Mulford**. Thanks to everyone who participated and to Ira for setting this all up.

The January board meeting/program was huge success. This year the program was "The Night of the Tiny Mayflies" with speakers **Tom Lager** and **Charlie Piette** doing the presenting and a host of tyers tying their favorite blue wing olives and trico patterns. A big thank-you goes out to **Bob Haase** for his efforts getting this lined up.

Feb. 23 was our Trout Fest, a great way to help break up the winter. There were 10 20-minute seminars on various subjects, fly tyers, several vendors, raffle tables, and, of course, our rummage tables with a little something for everyone. Attendance for this free event was between 250 and 300 for the day.

Our March 12 board meeting brought about a couple of changes for the chapter with the election of new officers. **John Tucker** was elected president and **Mike San Dretto** vice president. We added a couple

of new faces to our board as **John Gremmer** and **Bob Joswowski** were elected to fill the two open board positions. Congratulations to all of the newly elected members.

As we start to head out of winter, we have started to gear up for our summer programs. Our April 9 board meeting will have **Tim Landwehr** from **Tight Lines Fly Fishing** present a program on his past trips to the **Amazon River** for our program starting at 7:15 p.m.

Monday, April 22 at the **Fin-n-Feather** will be the first meeting of the year for our River Keepers. This will be an organizational meeting for all of our River Keepers new and old. Please check the website if interested in joining, or contact **John Gremmer** for more info.

Things will kick into high gear come May. On Tues., May 14, we will have our casting/kayak clinic starting at 5:00 p.m. at **Marble Park in Winneconne**. Please contact **Russ Bouck** or check out the website for additional info.

And then on Sat., May 18, CW-TU will have the first workday of the year on the **White River** just south of **Wautoma** starting at 8:00 a.m. If you are interested in joining in, please contact **Scott Bahn** to be put on the workday e-mailing list for future locations and info.

All the committee members listed have all of their contact info, including e-mail addresses and phone numbers, listed on our website at [www.cwtu.org](http://www.cwtu.org).

—Linn Beck

## Coulee Region Chapter

The Coulee Region TU banquet was held on Feb. 22, and it was a great evening. We had nearly 120 attendees who enjoyed some good food, great door prizes, and excellent trout talk. Special recognition was given to **Cy Post** for his years of dedication to CRTU. We also honored **Mat & Geri Wagner**, owners of the **Driftless Angler Fly Shop**, for their support of local waters and anglers.

## Frank Hornberg Chapter

The Frank Hornberg Chapter is off to a good start in 2013. At our January general meeting, **James Card**, an editor and freelance writer now living in **Waupaca**, entertained us with stories of his life as a fishing guide in **South Korea**. The fish are different there, and the policies that govern fishing are different, too. It was a very informative meeting, the first held at our new meeting location, the **Lincoln Center in Stevens Point**.

The featured speaker for our February meeting was not able to attend. **Matt Salchert, Wyatt Bohm,**

### BLACKHAWK ROD WINNERS

Blackhawk Chapter fly tying instructor John Miller with budding fishermen Ansel Chesney, 14, and Ethan Richardson, 13, after they received their rod and reel awards for completing the March 12th class.



Hobie Lippold (right) ties a fly under the watchful eye of Dan Holland at the Frank Hornberg fly tying workshop at the Portage County Library in Stevens Point on February 9.

and **Heidi Oberstadt** came to the rescue with a presentation on fishing the Wisconsin rivers and streams flowing into **Lake Michigan**. Wyatt and Matt had very specific advice on where to put in and take out on the rivers, when to do it, and what fish to expect. Heidi prepared maps with locations. **Jim Gitter** finished the evening's presentation with an indoor casting presentation. Attendance at this meeting was very good, and the audience appreciated the how well Matt, Wyatt, Heidi, and Jim put together such an informative program on such short notice.

Our third meeting, our annual banquet, will have been held by the time you read this. Our scheduled special guest is **Robert Thompson**, a filmmaker whose latest video is *Heart of the Driftless*.

Our chapter has already had a workday this year. Ignoring February's legendary snow, we worked

outside at the **Bob Lea** farm, where we assembled lunger structures to be placed in the **Tomorrow River**. The **DNR's Jason Spaeth** organized the event, and the Hornberg Chapter provided the physical labor. All in all, it was a very successful day.

One of our most admired and respected members, **Stu Nelson**, was taken from us by a sudden cascade of medical problems on Feb. 27. It was altogether too quick, and it is still hard to believe that he is not here. Stu was an executive at **Sentry Insurance**, where he had a very successful career in the claims department. Away from the office, Stu was a sportsman, an outdoorsman, and an athlete — but most importantly, a fly fisherman. More than anyone else, Stu was responsible for the smooth workings of our annual fly fishing school.

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## Chapter News

Continued from p. 13

Stu kept track of applications, wrote and updated workbooks, taught fly tying, and demonstrated fly casting. All of us miss him greatly, and we

extend our heart-felt sympathy to **Meryl Lee Nelson** and to Stu's extended family.

—John Vollrath

### Green Bay Chapter

The chapter continues to enjoy a strong, dedicated group of members, as witnessed by the success of our 38th Annual Fund-raising Banquet held in February. Our members' hard work resulted in over \$16,000 raised to support our efforts on streams and in the community.

Members recently participated in a fly casting and fly tying workshop with children from the **Brown Co. Isaac Walton League**. Later this year, the kids will test their skills and flies at the league's ponds.

We have work projects scheduled throughout the coming months, and the first one will be a floy tag study of brown trout for survival and migration patterns on the lower **Oconto River** which empties into **Green Bay** and **Lake Michigan**. This is the second year of a five-year study in cooperation with the **WDNR** team led by **DNR** fisheries biologist **Tammie Paoli**.

Further work projects will be held on the third Saturday of the summer months and include:

- rock placement and structure rehabilitation on the **1<sup>st</sup> S. Branch of the Oconto** with **Cliff Sebero** of the **WDNR**,
- brush bundling and sediment removal on the **N. Branch of the Oconto** in cooperation with **Tom Morris** of the **USFS**, and
- brush bundling in cooperation with the **Wolf River Chapter** and

**Ben Rolling** of the **WDNR** on **Ninemile Creek**.

Our chapter website has undergone a major revamping and is the go-to source for member communication and information. We are discontinuing our paper newsletter, which will save the chapter over \$1,400, many volunteer hours, and lessen our environmental impact.

Major changes in chapter governance occurred as new chapter officers were elected at our March meeting:

President – **Randal Rake**

Vice president – **Lee Meyers**

Sec/Treasurer – **Aaron Frailing**

The chapter sends a huge note of thanks to past president **Paul Kruse** for his service. The chapter is also forever indebted to **Gary Stoychoff** for the many years of service and countless hours of volunteering.

Member **Pat Hill** was recognized at the State Council banquet for his quiet, steady, and faithful service to the chapter. Always quick with a joke or two and never scared of the hard labor of work projects, Pat's service is a touchstone for all TU members.

Tight lines to all, and let's hope for a cooler and wetter summer.

—Randal Rake

### Harry & Laura Nohr Chapter

Project work for 2013 will be finishing up the work on the lower end of the **Blue River** off **Shemack Road**. We are working on about 3,000 feet below and 1,000 feet above the bridge on **Shemack Road**. The stream's banks are very deep there, with some up to 12 feet above the water.

We are looking at starting work on 2,000 feet of the **Blue** on a property upstream of the work described above. Under consideration are 4,200 feet of **Big Rock Branch**, a brook trout stream, which comes into the **Blue** a ways up from this last property. Work would be on three properties. All four of these properties are now being submitted for fishing easement so we can do the work. In other words, these will be new waters with fishing easements.

We held a Lie and Tie event Jan. 20 at **Stonefield Apartment** in **Dodgeville**. This helped fill the fly box for the State Council banquet.

The Nohr Chapter participated in an Outdoor Skills Day on Feb. 15 at **Southeast Wisconsin Technical College** put on by our **Grant County Outdoor Sports Alliance**. We has a display area with a program showing the work we have been doing, a tying area where we demonstrated and taught tying, and a casting area.

We have given out over a hundred of TU's new *My Healthy Stream* books. We've ordered another batch

for distribution to schools and libraries.

**Chuck Steudel** spent an afternoon with the **Highland Elementary Charter School** 7th and 8th graders last week and showed the TU film *Red Gold*. They had an interesting three-hour plus discussion on the pros and cons of mining and discussed the current Wisconsin mining debate. The students had a million questions and a very thoughtful discussion. Somehow about 70 kids sat through a three-hour class and seemed to pay attention to all of it.

We had our annual election meeting March 21 at **UW-Platteville**. We had a review of the work our U-WP summer interns did on studying our stream work and potential streams.

Our School Grant Committee is contacting local schools to find projects we can support. We have been granting money to support coldwater resource studies in our local schools for many years. Results will have been determined in time for the banquet.

We are having a banquet at the **Arthur House** in **Arthur, WI** on Sat., May 4. Members who can help out should contact a board member. Letters and e-mails will be coming out soon with more information.

—Brian Larson

### Northwoods Chapter

We will gather together to tie flies in preparation for the fishing season on Mon., April 8. No materials or vices will be supplied, so bring your own if you intend to tie. Spectators or those interested in learning a bit about tying are welcome!

We will meet at the **Oneida Co. UW-Extension** office in the lower level of the **Oneida County/Rhinelander Airport** from 6-8 p.m.

We will be discussing spring ponds with two guest speakers, **Kit Duebler** and **Dave Siebel**, on May 13. Kit wrote the book *Trout Fishing Wisconsin Spring Ponds*. He will share his knowledge of spring ponds, including the early days of spring pond fishing, Wisconsin DNR fisheries studies on spring ponds, the geology and hydrology related to spring ponds, and the

tackle, tactics, and techniques that have been proven to be effective for catching spring pond brookies.

Dave is a fisheries biologist with the **WDNR** who has many years of experience managing spring ponds here in the north. The meeting will be held at **Trees for Tomorrow** in **Eagle River** at 6:00 p.m.

We will be hosting a casting clinic with **FFF**-certified casting instructor **Bob Tabbert** on Sun., May 26. In addition to one-on-one instruction, there will be targets to test your accuracy and a hula hoop for tightening up your loop. Learn or refine your curve casts, roll casts, and double hauls. The clinic will be at **Torpy Park** in **Minocqua**.

Participants must bring their own fly rod, reel, line, and leader.

—Laura MacFarland



#### COULEE REGION BANQUET SCENES

Bob Hubbard (right) holds the new Sage rod and Lamson reel he won at the Coulee Region Chapter's recent banquet as chapter member Cy Post man's



the raffle table. The plinko board (left) is always worth a try or two at the chapter's fundraising event.



# Chapter News



## Oconto River Watershed Chapter

The chapter has three school districts offering the **Trout in the Classroom** curriculum. The “eyed” eggs have hatched, and students are seeing the progression of the fry. Students at **Oconto, Lena, and Gillett** school districts are feeding the fish and monitoring water conditions. **Mark Green** has headed up this project again this year. The local school coordinators who include this project in their curricula include **Lara Nichols** at Oconto, **Roberta Windus** at Lena, and **Greg Zeitler** at Gillett.

The chapter’s member of the year award for 2012 has been awarded to **Tom Klatt**. Tom served on numerous committees, was the chapter’s vice president, and worked on habitat projects. Tom attends the monthly meetings and has even served lunch. Congratulations to Tom on winning this prestigious award.

The banquet committee is preparing for the annual fund-raising banquet set for April 25 at **Romy’s Holiday Inn** at **Kelly Lake**. Banquet Chair **Dan Sunnicht** reports that prizes are already being accumulated. Letters will soon be sent to past banquet participants. A special

event this year will give each participant a chance to win \$25,000 in a game called “crack the vault.” Ticket information is available from **Mitch Meunier** at **True Value** in **Gillett** at (920) 855-2844.

The chapter is seeking young people from the **Oconto River** area to attend the environmental camps offered by **UW- Stevens Point**. Various camps for youngsters ages 7-18 are offered. An application is available from **Moni Brunner** at (920) 855-6669. Campers will be announced at the chapter banquet on April 25.

Plans are being made to participate in **DNR** and **USFS** workdays planned in our area. Members will work with the **Green Bay** and **Wolf River** chapters placing brush bundles, rocks, and logs to improve habitat. Dates and work locations will be published in the chapter newsletter.

Our chapter meetings are held monthly (excluding May and Nov.) on the first Wednesday of each month. Meetings are held at the **Lone Oak Gun Club** just north of **Gillett** starting at 7:00 p.m.

—Dale Halla



## Shaw-Paca Chapter

We are coming back to activity after a long and snowy winter. We are awarding our annual Shaw-Paca Trout Unlimited Coldwater Research Grant to Ms. **Krista Kamke** of **Pulaski**. She is currently a junior at **UW-SP** majoring in water resources.

Our annual fly tying class has ended. We offered six sessions on consecutive Tuesdays from Jan. 22 through Feb. 26. The class was under the expert guidance of master fly tyer **Jerry Weatherwax**.

We have pledged a total of \$5,500 for two habitat projects. One will involve work in **Shawano** and

**Waupaca** counties and the other in **Langlade Co.**

We have watched with great interest a proposed frack sand mine in **Waupaca Co.** Stay tuned on this one.

Our library subscriptions to *Trout* magazine have been again renewed.

We continue to support the work of **Northeastern Wisconsin Land Trust (NEWLT)**.

Our annual fund-raising banquet will be held on Thurs., April 4 at the **Northwinds Banquet Hall** in **Marion**.

—Lee Kersten



## Southeastern Wisconsin Chapter

Our formal all-chapter meetings resume this year at **The Charcoal Grill**, which is located at 15375 W. Greenfield Ave. in New Berlin (just south of I-94 near the intersection of Greenfield and Moorland). Our meetings are open to the public and run monthly from Sept. thru May. Dinner (optional) at 6:00. Meeting at 7:00. Stop out, get acquainted with some old friends, and make some new ones! Check out [www.sewtu.org](http://www.sewtu.org) for the latest details.

We’ve had some great speakers this spring, including **Jared Ehlers** of **The Fly Fishers Fly Shop** and retired fisheries biologist **Dave Vetrano**.

We encourage all of our members to attend the April 30 meeting. **Mat Wagner** from **The Driftless Angler** will be our featured speaker. We’ll draw the winners of our **Spring Raffle** — the grand prize is a 17-foot cedar strip canoe! We’ll also hold elections for our chapter officers. Leaders serve two-year terms. Nominations will be accepted that evening. Our May meeting will feature our annual members travelogues. This is your chance to share your past fishing trip experiences with the group.

We’ll kick off our 2013 workday schedule with the annual river

clean-up on Sat., April 20. Our site is on the **Menomonee River** near **Miller Park**. We’ll meet at the **Sausage Haus** at 9:00 a.m. and work until Noon. Our volunteer hours will count toward our contribution to the **Menomonee River Fish Passage Project**. This year, after much preparation and planning, the concrete-lined channel upstream of the stadium will be breeched and provide fish with access to over 25 more stream miles!

On Sat., May 18 we’ll once again lend a helping hand to our friends from the **Aldo Leopold Chapter** as they start part three of the **Bear Creek Restoration Project** near **Lone Rock** an hour west of **Madison**. We’ll build lunkers from 9:00 a.m. until Noon and then enjoy SEWTU’s signature brat fry lunch.

We’re planning a chapter outing at the **West Fork Sportsmen’s Club** that same weekend. As in years past, we’ll camp and fish around the workday. It will be a great time to be in the **Driftless Area**. We hope you’ll join us.

We’ve been active in several outreach events this spring. We just wrapped up our annual fly tying classes at **Cabela’s** in **Richfield**. We want to thank SEWTU’s **John Knit-**

### ED SCHENK AND GEORGE DANIEL SHARE A FEW TRICKS

Colorado author and fly tyer Ed Schenk (top left) shows STU member Bill Engber some of his techniques at STU’s fly tying class at the Fitchburg Community Center. Schenk was in town for the Madison Fly Fishers’ Spring Opener event and stopped by STU’s class. Meanwhile, STU’s annual fly fishing show, the Icebreaker, featured Pennsylvania fly fishing author George Daniel (bottom right). Listening to Daniel is Brian Larson from the Harry & Laura Nohr Chapter.

ter for organizing the six classes and all the volunteers who helped out.

On March 6, **The Fly Fishers Fly Shop** brought the **Fly Fishing Film Tour** to **Milwaukee**. SEWTU would like to thank **Kyle Klamar** and **Josh Radlein** for their hard work behind the scenes. We would especially like to thank **Capt. Pat Ehlers**, whose donations helped SEWTU raise over \$1,500 at the event!

From March 6-10, SEWTU volunteers promoted TU’s mission at the **Milwaukee Sports Show**. Thanks to **Chuck Beeler** for coordinating the event and to all those who helped set up the displays, run the booth, and break it down at the end. We’d also like to thank **Herb Oechler** for providing safe passage for the **Cedar Strip Canoe** to and

from the event and **Jim Wierzba** for storing our most prized possession!

Upcoming outreach events include the **Kid’s Fishing Clinic** at **Sandy Knoll County Park** on April 13. We need volunteers to help out around the pond. Contact **Mike Kuhr** at [mikek.trout@yahoo.com](mailto:mikek.trout@yahoo.com) if you can help either in the morning from 9 to Noon or the afternoon from 12 to 3.

We’ll also partner with **Orvis** this year and help with their **Fly Fishing 101** classes. Dates include April 20, 21, 27, 28, May 18, 19, 25, 26, June 8 and 9. These three-hour intro-to-fly-fishing classes cover casting, rigging, knots, fly selection, and include free memberships to TU!

*Continued on p. 16*

Jim Beecher photos





## Chapter News

Continued from p. 15

Our **Project Healing Waters** program continues at the VA Medical Center in Milwaukee.

**Al Dalphonso, John Knitter, and Glen Winston** lead our morning group. This spring, we'll assist our veterans who have already been thru the PHW program go out into the community to teach other veterans the art of fly tying. **George Batcha** and **Dan Suminski** continue to lead the evening classes. Volunteers **Rick Frye** and **Taylor Todd** have been helping several vets build their

own fly rods. We can't wait to put them to the test!

If you would like to receive SEWTU e-mail alerts with details about upcoming events, contact us at [sustain@sewtu.org](mailto:sustain@sewtu.org). As my time as chapter president winds down, I would like to sincerely thank all of our volunteers for your efforts. It has been an honor to represent you, and I couldn't be more proud of what we've accomplished. Our coldwater resources wouldn't be the same without you.

—Mike Kuhr

### Southern Wisconsin Chapter

SWTU started the year with an enjoyable and educational **Icebreaker** event. This is our biggest fundraiser of the year, and we were pleased to have visitors from across Wisconsin as well as travelers from Minnesota, Iowa, and Illinois. Despite some dodgy travel conditions and lost luggage between here and Pennsylvania, our featured speaker, **George Daniel**, put on two exceptional programs that showed many of us old dogs some new tricks. We also heard from **Mike Miller**, who passed along some incredibly useful information on the trout and insect populations of Wisconsin streams.

Looking back, we had 69 volunteers of all ages (some traveling up from Illinois, even!) who attended one or more stream workdays in 2012. Together, we logged over 756 volunteer hours in stream work. Many thanks to all who helped make a difference.

Our 2013 stream workdays are well underway. A little snow and cold isn't enough to keep our hearty crews from clearing debris and attacking invasive stands of box elder and buckthorn. The workdays are posted to our calendar at [www.swtu.org](http://www.swtu.org), and we're always happy to have more help, so take a look and please come join us!

In March we raised over \$3,000 at our annual **Meicher Madness Auction** — an always-enjoyable evening of generous donations and lively bidding. This night of friendship, humor, and spirited bidding is a great way to raise funds for our coldwater resource.

Be sure to check out our newsletter and online chapter calendar at [www.swtu.org](http://www.swtu.org). There you'll find all of our activities and events, including details of our **Annual Casting Clinic**. It's set for April 13 at **Salmo Pond** just off Hwy. 14 west of **Cross Plains**. It's free and everyone is invited to come learn about casting, bugs, gear, reading the water and more!

—Drew Kasel

### Wild Rivers Chapter

Since 2001, the Wild Rivers Chapter fund-raising efforts have involved an annual spring fishing expo and auction. Venues have changed, but the format of speakers and a live auction has worked well. The chapter was blessed by the help of other chapters, primarily in the auctioneer ranks. Great auction talent like **Dr. Sausage, aka Larry**

**Meicher, Duke Welter, Henry Haugley, and Mark Maffit** made the spring trek north to offer their energy and showmanship. The money raised allowed the chapter to develop a strong conservation program in northwest Wisconsin.

This spring we reorganized the event. Partnering with the **Namakagon River Partnership** and the **Wesleyan Church**, we moved the event to **Hayward**. Hayward, the home of the **Freshwater Fishing Hall of Fame**, lots of lakes, and many fishers, has proved to be a great place to hold a fishing show. Lots of area people fish the **Namakagon River**, and the **Hayward Fly Fishing Shop** and area guides have been strong TU supporters. The Fishing Expo was held at the Wesleyan Church in Hayward on March 16. It featured presentations on fishing the **Namakagon River**, trout fishing the **White River** in Arkansas, musky and walleye tactics, pan fishing secrets, and the local sturgeon program. Authors **Jim Braken**, a

historical novelist, and **Kent Cowgill**, an angling author, presented as well. Cowgill read from his new book *Sunlit Ripples and Shadowed Runs*, which includes stories about fishing the **Brule River**.

The large church gymnasium allowed plenty of room for agency and group exhibits, a **Namakagon River Partnership** booth, and displays by the **Hayward Fly Fishing Shop** and other area fishing shops and artists. The live auction included used and new fishing gear, five great guided fishing trips, maple syrup, flies, pies, books, and lots of rods. Thanks to **Don Sutliff, Roger Gustafson, Damian Wilmot, Jason Stewart, and Larry & Wendy** from the **Hayward Fly Fishing Shop** for donating the guided trips. Thanks to the **Wesleyan Church** for hosting the expo, to the **Namakagon River Partnership** (please check out their website). A big thank-you goes to **Frank Pratt** for organizing the very successful event.

—Dick Berge & Chuck Campbell

### Wisconsin River Valley Chapter

Even though the calendar says late March, winter has a solid hold on us yet. Hopes to get out on some of our early catch-and-release streams are seemed far-fetched given they were iced up. But our chapter has been heating up, with new invigoration and energy with the new board.

Feb. 15-17 we had a booth at the **Central Wisconsin Fishing Show** held at **Cedar Creek** in **Mosinee**. We tied flies, showed various knots, and promoted TU and what our chapter does for our local coldwater resources. A big thanks to **Pat & Betsey Hager, Linda Lehman, Henry Kanemoto, Bob Pils, Gene Koshak, John Meachan, Kirk Stark, and Lisa Mattson** for giving their time in the booth. We also raffled off a fly rod combo, and the winner was **Ron Laine** from **Tripoli, WI**.

We have been preparing intensely for our annual banquet, which will be held Thurs., May 2 at the **VFW Hanger Lounge** in downtown **Wausau**. We have been collecting numerous items for auction and raffles and feel we will have an excellent night to raise some much-needed funds to do some in-stream projects.

Our monthly meetings are held the second Monday of every month at the **Great Dane Brewery** in **Wausau**. The business meeting begins at 6 p.m. We are looking at having a movie night for our April meeting after the business meeting adjourns.

Hope you all have a terrific spring when it finally shows up. Tight lines.

—Doug Brown

### Wolf River Chapter

All of us at the Wolf River Chapter would like to thank **Clyde Park** for the years of work he has done for the chapter. Clyde is retiring from the board. **Brian Heikenen** has been elected to replace Clyde.

A couple of dates for our summer brat stand have been set for 2013. We will be running the stand Memorial Day weekend and the 4th of July weekend. Come visit us at the corner of Hwy. 55 & 64 at **Mike's Service** in **Langlade**.

A couple of beaver have been spotted on **Nine Mile Creek**. Trapper **Duane Fronck** will resume trapping this spring.

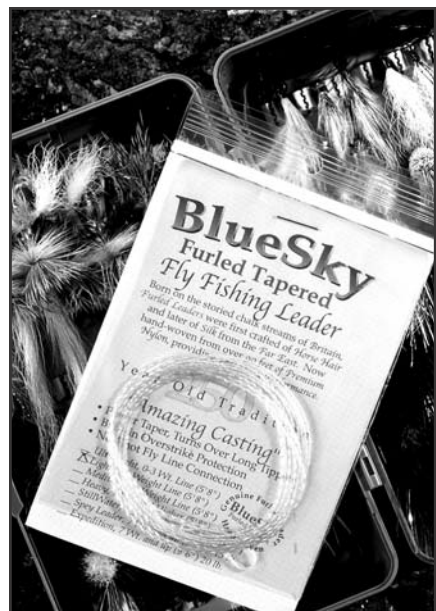
Temperature monitoring will begin in May and continue throughout

the summer and fall at eight locations, including seven feeder streams.

On Sat., July 27 we will be cleaning up the lower stretches of **Nine Mile Creek** where previous work has been done. Our brush and bundling project for **Nine Mile Creek** will be August 17. This year we will be working with the **Green Bay Chapter** finishing the final section east of Hwy. 55. Anyone interested in helping out should contact us through our website, [www.WolfRiverTU.org](http://www.WolfRiverTU.org).

Watch for our new biannual newsletter coming soon.

—Tim Waters



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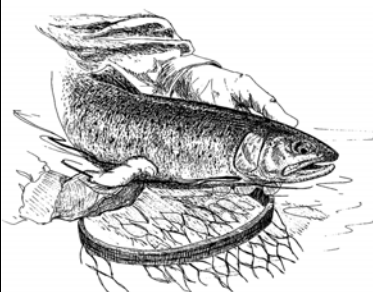
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2. **Handle fish in the net.** Grasp them across the back and head for firm but gentle control. Use the net fabric as your "glove."
3. **Turn fish belly up while removing hooks.** This disorients fish momentarily for easier, quicker handling.
4. **Don't remove swallowed hooks.** Just cut the line... doing so saves two-thirds of deeply hooked trout.
5. **Don't keep fish out of the water more than 10-15 seconds.** Fragile gills are damaged after that...especially in cold weather.





Jim Beecher



etiti Oberstadt

**SCENES FROM THE STATE COUNCIL BANQUET**

Auctioneer Dave Seligman (above, holding mic) tried to drum up a couple more sales before picking a winner of a custom Randy Arnold wooden fly tying bench as ticket seller Linda Lehman looks on. Several fly tyers showed their stuff, including Mark Rhinerson (top left, foreground) as Tom Thrall gets a close view and Bob Selk takes notes. Keyboardist Mathew Buchman and John Greiner entertained.



Heidi Oberstadt

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# Watershed Access Fund

## Nearly \$8,000 raised for trout access grants

By Doug Brown

The 2012-13 fundraising campaign is nearly half over, and the initial response has been very good. We have raised nearly \$8,000 already, with 82 private donations and three TU chapters contributing.

That kind of financial support has been put to good use. Last year, the Central WI Chapter was awarded a grant to help acquire land along the White R. in Waushara County. All contributions will be used solely for Wisconsin acquisitions. With that nice tax refund, please consider donating any amount to this program so future properties can be protected for YOU to use.

The current grant request limit is \$5,000. Because two chapters may each request for a single acquisition and each chapter would have to match at 50%, the new limits would provide as much as \$15,000 for a single purchase or easement. Access is also critical for TU to continue its successful stream improvement work.

### 2011/12 Contributors

- |                  |                   |                         |                    |
|------------------|-------------------|-------------------------|--------------------|
| Dale Bakke       | Stevens Point WI  | Erwin Dohmen            | Port Washington WI |
| Edwin Barnes     | Middleton WI      | Dennis Draskowski       | North Prairie WI   |
| Ronald Berg      | Chippewa Falls WI | Richard Duplessie       | Eau Claire WI      |
| Stephen Berg     | Highland WI       | Robert Franzkowiak, Sr. | Brown Deer WI      |
| Stephen Born     | Madison WI        | Greg Gerard             | Hudson WI          |
| Barry Boyer      | Chippewa Falls WI | Tony Goldberg           | Madison WI         |
| R.G. Chamberlain | Markesan WI       | James Goodwin           | Sturgeon Bay WI    |
| Terry Cummings   | Rhineland WI      | Robert Haglund          | Green Bay WI       |
| Bruce Davidson   | Wauwatosa WI      | Henry Haugley           | Sun Prairie WI     |

- |                        |                 |                     |                  |
|------------------------|-----------------|---------------------|------------------|
| Jack Halbreder         | Sparta WI       | Robert Pelowski     | Franklin WI      |
| Gerald Haunschild      | Neenah WI       | Randal Rake         | De Pere WI       |
| Bill Heart             | Ashland WI      | Anne Readell        | Madison WI       |
| Mark & Jan Heifner     | Appleton WI     | Steve Robertson     | Verona WI        |
| Gilbert Herman         | Stoughton WI    | Thomas Rogers       | Princeton WI     |
| Andrew Holverson       | Wauwatosa WI    | Frederick Seybold   | Madison WI       |
| Greg Hyer              | Cross Plains WI | John Shillinglaw    | Appleton WI      |
| Ed Inderrieden         | Mequon WI       | Ronald Smith        | Cudahy WI        |
| Dan Jansen             | DeForest WI     | Mike Spittler       | Minneapolis MN   |
| Bill Jordan            | Appleton WI     | Wayne Stockman      | Spring Valley WI |
| John Kenealy III       | Waukesha WI     | Charles Urban       | Chicago IL       |
| James Kennedy          | Cross Plains WI | Hugh Waber          | Madison WI       |
| Paul Kosin             | Minocqua WI     | Richard Wachowski   | Eau Claire WI    |
| Andrew Kosmider        | Milwaukee WI    | Don Wagner          | Gillett WI       |
| Cliff Kremmer          | Sparta WI       | John Wahlers        | Berlin WI        |
| James Laudon           | Plover WI       | Jim & Sharon Waters | White Lake WI    |
| Brian Madsen           | Ellsworth WI    | Donald Wellhouse    | Kaukauna WI      |
| William Maggard        | Mequon WI       | Fred Young          | Roscoe IL        |
| Richard Mandelin       | Montreal WI     | Anonymous           |                  |
| Bob Martini            | Rhineland WI    |                     |                  |
| Bob Mazanec            | Saint Paul MN   |                     |                  |
| Kim McCarthy           | Green Bay WI    | Antigo TU           | Antigo WI        |
| Randy & Janice McGrath | Janesville WI   | Kiap-TU-Wish        | Hudson WI        |
| Fred Mikolajewski      | West Allis WI   | Marinette Co. TU    | Marinette WI     |
| Gene Muellar           | Monona WI       | Southern WI TU      | Fitchburg WI     |
| Bob Obma               | Green Bay WI    | WI Clear Waters TU  | Eau Claire, WI   |
| Herb Oechler           | Wauwatosa WI    |                     |                  |

*Here is my contribution of \$100 or more to the Watershed Access Fund*

*(Make your check payable to "Wisconsin Trout Unlimited")*

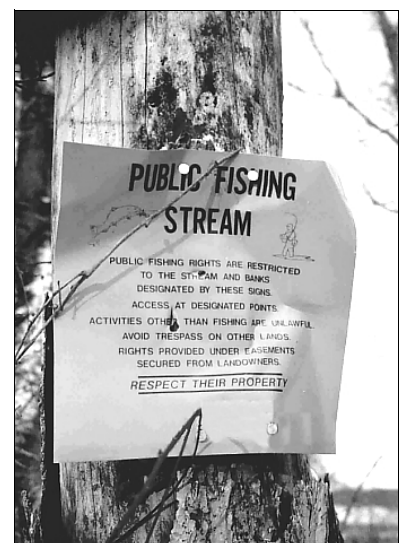
MAIL TO: TU Watershed Access Fund  
% Doug Brown  
R4800 Timber Ln.  
Ringle, WI 54471

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_





# Maker of flies:

## Carrie Frost pioneered fishing fly manufacturing at turn of the century

By Virgil "Pete" Peters and Bernadelle Toser

In 1938, Stevens Point said goodbye to a spirited and enterprising woman — Carrie J. Frost. Frost founded an artificial fishing fly manufacturing business, the C.J. Frost Co. This was the first large-scale institution of its kind in America, and perhaps the largest in the world.

Frost, an early Stevens Point schoolmarm, left that position to establish, own and operate a flourishing business at a time when few women had positions of any importance in the world of business, finance or commerce. By the time she retired in 1920, she had seen many millions of trout and bass flies tied by a large labor force of her employees marketed nationwide. The slogan, "Fish Fight for Frost Flies," was familiar to fly-fishers of all ages. An ardent sportswoman, Frost was a lover of both hunting and fishing. An expert in handling a fly rod, she could cast a fly to an exact spot in a patch of water where trout were feeding. Her artificial fly would drop on the surface of the water as gently as a dragonfly landing on a lily pad.

She often fished with her father and began tying trout flies exclusively for his use when his own failed to arrive from England in time for the opening of the trout fishing season. At first, she merely copied the patterns of imported English flies, but Frost soon found that Wisconsin trout didn't always care for imported flies.

It was then she began to create trout and bass flies which looked more like the food local fish were used to consuming. Her father's success at fly fishing began to be noticed by other fly-fishers, and soon she had more orders for her finished flies than she could handle alone.

In 1896, what became the C.J. Frost Co. was born. The first of several shops where Frost flies were made was the Frost home at the corner of Brawley and Plover streets.

When Frost was overwhelmed with orders, the family housekeeper was pressed into service, and the "shop" was soon moved to a larger building on Jefferson Street, then to Normal (College) Avenue.

A second shop was established on Ellis Street near the corner of Strongs Avenue. Later, both shops were combined in a final location in a large, two-story building on Strongs Avenue across the street from Northern Auto Supply.

A "fly," which is the general term used for a lure created to attract fish, does not always look like a fly. It might look like any creature a particular fish is used to having for dinner. A hook, decorated to simulate this creature, is attached to a bit of line, called the "leader," which is tied through an eye in the hook. Artificial flies were created from small pieces of material such as floss, chenille, yarn, tinsel, feathers and animal hair tied around a steel hook. Early hooks were called "marked" shank hooks and were manufactured without hook eyes.

In 1915, 16-year-old Mary Blavat, a Stevens Point native who still lives in the old family home in Stevens Point, joined a group of 85 women employees of Frost. She helped create the large numbers flies that were sold through Montgomery Ward and other Midwest hardware and sporting goods distributors.

Blavat remembers purchasing cake wax from a local shoe shop, which was used to wax the silk thread that attached feathers and fur to snelled hooks. The silk thread sliced into her fingers severely until they became calloused enough to tolerate it, Blavat said.

Starting pay for workers was 15 cents per gross (12 dozen) for finished snelled hooks and 15 cents for tying two dozen standard trout and bass flies. The hourly rate was estimated at 13 cents.

A working day was nine hours, and Frost's girls worked six days a week. The average daily production was six to seven gross of snelled hooks and 18 to 20 dozen flies.

Blavat remembers Frost as an excellent businesswoman who guarded the fly-tying art she had perfected. She was adamant that her employees would not tie flies in their homes. Her concern was that others would learn the delicate art from one of "her girls," and it would hurt her business.

As the business grew and prospered, Carrie Frost's brother, George W. Frost, became sales manager, traveling throughout the United States selling to major distributors, dealers and fishing tackle suppliers. He later started his own business, manufacturing fishing lures under the name, G.W. Frost & Sons, which remained a Stevens Point business until 1974.

In 1920, Carrie Frost sold C.J. Frost Co. to Dan Frost, unrelated but wealthy businessman and president of Citizens National Bank, and it became known as the Frost Tackle Co. In 1926, Frost Tackle merged with the Weber Lifelike Fly Co.

Blavat continued to work for the Frost Tackle Co. through its purchase and merger with the Weber Lifelike Fly Co. She retired from Weber in 1962, after 47 years of contributing her very special skills to a business which had made Stevens Point the "fly-tying capital of the world." Much of the credit for establishing this empire must go to Carrie J. Frost, the supreme maker of fishing flies.

(This story originally appeared in the Feb. 4, 1992 issue of the Stevens Point Daily Journal. It is reprinted with permission. -Ed.)



Photos courtesy of the Frost family

## Carrie Frost elected to Fly Fishing Hall of Fame

By Todd Hanson

New York's Catskill Fly Fishing Center elected Stevens Point, Wisconsin native Carrie Frost to its Fly Fishing Hall of Fame on Oct. 6 of last year.

Frost's name doesn't ring a bell? Well, you probably don't know who runs Orvis or Cabela's these days, do you? Carrie Frost had that kind of relationship with fly fishing 100 years ago when she was America's mogul of trout flies.

You can read more about Frost's rise to the top of the fly production world in the story on this page from the *Stevens Point Daily Journal*.

The other 2012 inductees into the Hall of Fame included Stu Apte, Tom McGuane, Ed Shenk, and Larry Solomon (all living), plus George Parker Holden, Paul Young, and Joe Brooks (all deceased).

According to the The Fly Fishing Hall of Fame's induction notes, "In only a decade after the establish-

ment of her company, [Frost] was selling 4.5 million flies and other pieces of tackle."

Carrie Frost's grand niece, Betty Frost Jenkins, was on hand at the Catskill Fly Fishing Center to accept the award.



### FLY TYING CENTRAL IN STEVENS POINT

The headquarters of the mature C. J. Frost Fishing Tackle Co. (bottom) was on Strongs Ave. in Stevens Point. Later on flies were sold in blister packs (top).



# DNR joins cooperative effort to restore the Little Plover River

State groundwater, agricultural, academic, and local government officials are developing a sophisticated computer model aimed at helping maintain healthy water levels in the Little Plover River in central Wisconsin.

The Little Plover is a class I trout stream in an area with significant demands on groundwater from municipal, agricultural, and industrial concerns.

“Our goal is to create a tool that leads to science-based solutions in protecting the Little Plover environmentally, along with protecting the local economy and water quality,” said Ken Johnson, who leads water programs for the WDNR. “We expect that what we learn from this Little Plover model will be useful for other areas of the state as well.”

DNR, the University of Wisconsin, the Wisconsin Potato and Vegetable Growers Association, the Village of Plover, the Wisconsin Geological and Natural History Survey (UW-Extension), and the United States Geological Survey have all agreed to work on the project. This brings an impressive array of expertise to the endeavor, Johnson said.

The group will assess the current state of science regarding groundwater and surface water interaction in the Little Plover River watershed and will develop a groundwater flow model to simulate the local groundwater and surface water systems.

A second phase of the modeling will develop tools to evaluate various pumping scenarios and water management strategies to ensure the health of the river. The project

will take about two years, Johnson said.

The Little Plover River has experienced periodic low flows for years

and has lacked sufficient flows during dry periods, says Eric Ebersberger, who leads DNR’s water use section. A local stakeholders group

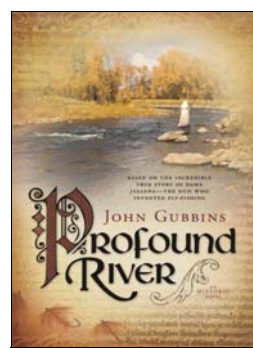
has made progress in building cooperation, and groundwater users have significantly changed operations as they search for voluntary solutions.

## Wisconsin Trout book review

# Profound River breathes life into Dame Juliana

By Duke Welter

Historical novels often strive, with varying success, to create credible characters in the context of setting and period and then build a believable plot into which they can breathe life. If an author loses the grasp of any of those elements, the book falls into the remainder bin quickly, for good reason.



When author John Gubbins took on the first fishing author found in print in the English language—the “Treatise on Fishing with an Angle” found in the *Book of St. Albans* in 1496, but likely written much earlier—he challenged himself to make the character of Dame Juliana Berners a living, breathing person instead of the often-repeated skeletal set of biographical facts we have heard about her over the years. Gubbins’ book, *Profound River* (229 pages, Sweetwater Press, \$15.99) mostly succeeds in meeting that challenge.

It’s not an easy task. Berners’ life has been described since the early 1500s as that of a noblewoman who was a falconer, huntress, nun, and angler, with various unverifiable claims build around it. Was she any of these, and was she even a woman? The debate has persisted since there isn’t much documentation to be found, a perfect set of arguments for a tavern and a pint if ever there was one.

Arnold Gingrich did an impressive investigation of the available evidence in his 1974 book, *The Fishing in Print: A Guided Tour Through Five Centuries of Angling Literature*. He concluded Berners is probably a myth, but that was an elevation from being simply a legend among angling historians. We are left to ponder where the 12 flies described in Berner’s treatise came from, or where her angling experience was developed.

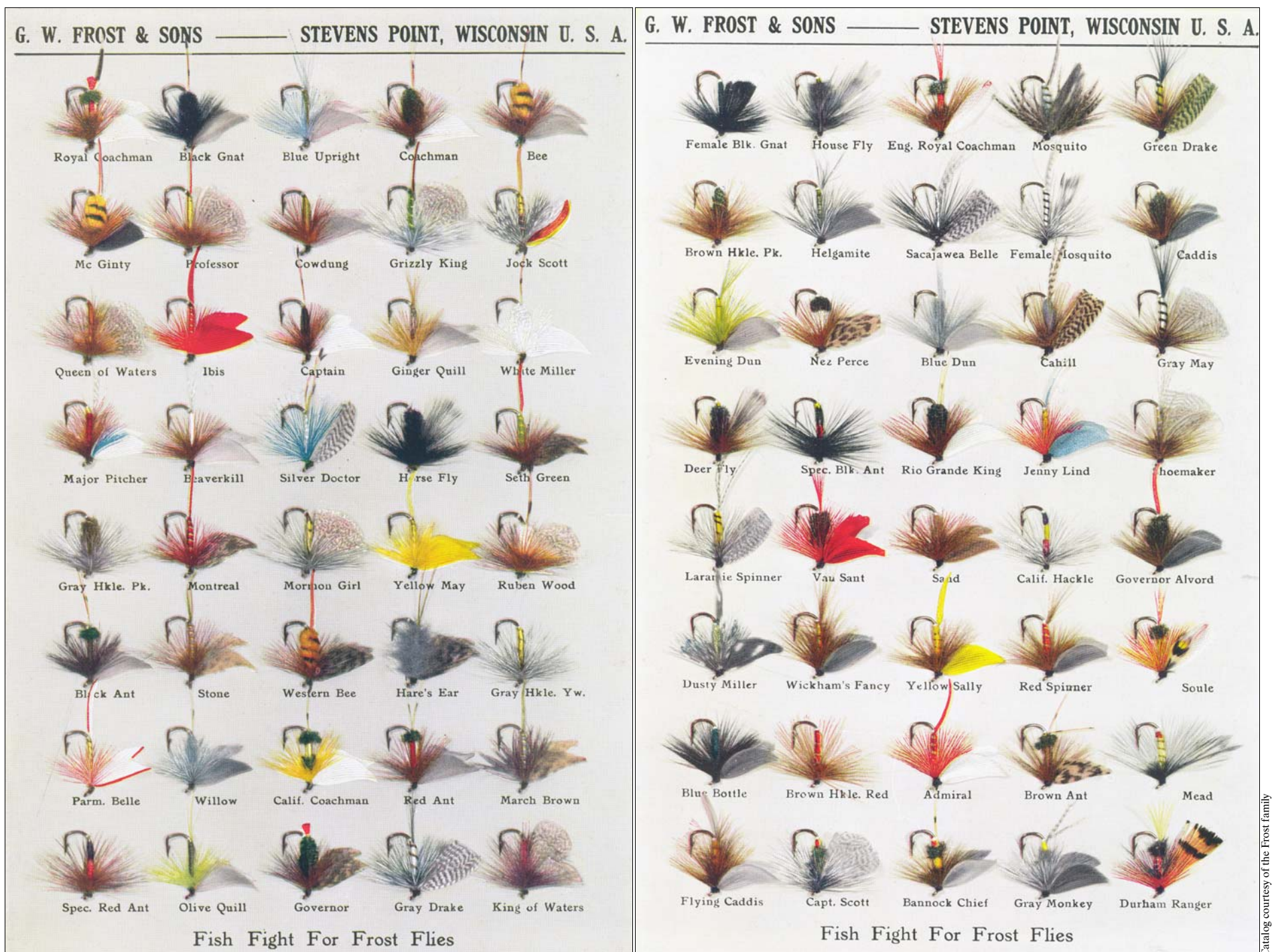
Gubbins situates his Juliana character in the Priory of St. Albans and describes the village’s social, economic, and political network of relations with the King of England and the Abbott of St. Albans with a convincing credibility. Around her he has built a plot based on political pressures that threaten the future of

the priory to satisfy the personal ambitions of those outside.

In some ways, this book reminds me of *A Distant Mirror* by the late Barbara Tuchman, which describes life in the 1300s for a lower-level nobleman tied to his castle, lands, fiefs, and king.

In *Profound River*, Dame Juliana works to ensure the long-term continuation of her priory, threatened by economics and expropriation. Meanwhile, she feeds her sisters with fish she catches in nearby rivers and ponds, many on flies she has developed through long observation and experimentation. Sometimes the author gets a little deep into describing what fish see and how aquatic food is imitated than one would believe extant in 1425, but that’s a quibble in the overall picture. And certainly his Dame expresses the joys of a day astream in terms we can appreciate almost six centuries later.

All in all, *Profound River* entertains in describing a late medieval world with its layers of political complexity and the progress of an old nun—whether mythical, legendary, or based in fact—in observing the natural world and savoring what it has to offer.



### PARMACHENE BELLE, JOCK SCOTT, WICKHAM’S FANCY — HAVE YOU USED ANY OF THESE CLASSIC PATTERNS LATELY?

This is the center spread of a mid-1900s C. J. Frost Fly Co. catalog. No nymphs or beadheads here — these were the days of classic patterns featuring lots of bright-colored hackle, duck quill wings, and traditional profiles.

We bet many of you had recipes for some of these flies in your first fly tying kits. (To appreciate these flies in color, download this issue of *Wisconsin Trout* at the State Council’s website at [www.WisconsinTU.org](http://www.WisconsinTU.org) under “news.”)



# MINING: bill's passage will likely turn matter over to courts

Continued from p. 1

As I said during Senate deliberation of this bill, this entire process is a poster child for how a bill should never become law. The bill was written by a West Virginia coal company and modified to please the company. It is a sad day when this company with no roots in Wisconsin can have the power to control Wisconsin Government in an effort to weaken environmental policy, mute the public voice, and shortchange Wisconsin taxpayers.

When it comes to our natural resources, Wisconsin citizens do not seek a Republican or a Democratic law.

They seek a cooperative process that ends up with a responsible law. The passage of this bill represents a major departure from our State's long tradition of creating environmental policy through bi-partisan consensus. Republicans like former Governor Warren Knowles and Democrats like former Governor Gaylord Nelson understood that our state's resources were simply too important to be left to partisan politics.

While mining is both controversial and complicated, the public expects their officials to pursue responsible and reasonable solutions that assure balance between

job creation and protection of our public interests and to do so in an open and transparent way. In this case, the majority party in the legislature failed to live up to those expectations and the result is a deeply flawed law that will do little more than create jobs for lawyers.

For example, the provision allowing the mining company to fill in navigable streams (up to 2 miles long) and a navigable pond (up to 2 acres in size) and mitigate the fill elsewhere is a blatant violation of the Wisconsin Constitution's Public Trust Doctrine, which states that the waters of the state belong to the people of

the state. As soon as a permit is issued that includes filling in navigable water and replacing it somewhere else there will be a constitutional challenge to the new law which could delay consideration of the project for at least 5-7 years.

Even the authors admit that the law will be challenged in court, so it is hard to reconcile their stated goal to streamline a process with a bill loaded up with statutory changes that invite lengthy and costly court delays.

The company also cannot proceed with a project until they receive permits from Federal as well as state authorities. However, the

timelines created in this bill are so rigid and unrealistic that it could actually increase the amount of time it takes for a mine to get federal permits. The authors failed to remember that federal agencies and Tribal governments are not bound by state law. So under the guise of establishing certainty, the permitting timelines in the bill will actually create uncertainty. In fact, spokespersons for the US Army Corps of Engineers have already stated that it is highly doubtful the department can collaborate with the state under these new, rigid timelines.

Despite requests from citizens throughout the state, the authors of the bill refused to hold a hearing on this deeply flawed bill in Northern Wisconsin. It is no surprise that the Republican majority deliberately avoided public hearings in the north because they didn't want to be publicly confronted by overwhelming opposition. The majority party was never interested in compromise or the common good but rather was intent on pursuing a policy subservient to corporate demands and oblivious to the public interest.

How can they defend new statutory language establishing that it is "absolutely necessary to fill wetlands" by claiming that it is not a change in environmental standards? They can't because everyone knows better. It was just four years ago the Legislature adopted the Great Lakes Water Compact in order to protect our watersheds, yet last week they eagerly adopted legislation that jeopardizes the Bad River Watershed.

The Legislature relied upon illusion and perpetuated myths to justify a wholesale weakening of the regulatory process. Publicly they claimed to trust the agency professionals but in reality they pushed for radical changes that prescribe the DNR decision making process, limits the discretion of these officials, and deprives them of the time and tools to make the best decisions.

The authors of the bill weren't listening to the public, or to the experts on the subject, they were taking orders from the company. Last year Gogebic Taconite President Bill Williams affirmed the role of the company in drafting the bill. He said, "It was if they said, 'there is a Santa here and it is a Christmas list — what is it you want for Christmas?'"

This law offers a sweetheart deal for the mining company and shortchanges the taxpayers. At the request of the company the authors deleted \$5 million in pre-payments that the company agreed to pay a year ago. As lawmakers our job is to serve the public. It is not to be Santa Claus to a private company and scrooge to the taxpayers.

Every step of the way the company has held the state hostage and Republican lawmakers have been sacrosanct to the wishes of the company while ignoring the will of a very skeptical public. The rush to push this controversial and poorly written bill has led to a growing public distrust of the company and the legislature. Recent public opinion polls show a dramatic shift in opposition to the bill from a year ago, when the same polls showed the state nearly split on the topic.

Opposition to the law has come in overwhelming numbers from Democrats as well as Republicans. They are not conservatives or liberals but Wisconsinites who are offended by this sellout of Wisconsin values and policies to protect those natural resources that define us and sustain our quality of life.

Water defines our borders and describes the character of our people. As Gaylord Nelson so eloquently said, "Our economy is a wholly owned subsidiary of the land we walk on, the air we breathe, and the water we drink."

Soon the company will apply for drilling permits to conduct hydrological tests. Most experts believe that these tests will take at least two years. This is a highly controversial project that will require significant baseline testing to be part of any permit application.

Even though most taconite mine projects take 5 to 7 years or longer to permit, the authors pretend that the new law will lead to construction within three years. While our state regulatory agency will be stifled by this unworkable and irresponsible law, I remain confident that the Federal agencies will assert the proper adult supervision that is necessary to protect our resources and will take much, much longer before making any decisions. Then, the inevitable lawsuits will extend the process for years.

This company must not only comply with federal standards, it must find a way to convince investors that this is a viable project on which to spend \$16 billion. There are many unanswered questions that have been avoided during the past two years, and just as the public recently learned of Mr. Kline's poor environmental record in Illinois, I expect that there will be many more revelations that may heighten public concern about this project.

I appreciate your interest and intend on keeping in touch with the company, regulatory officials, and local community leaders regarding the process. I will keep you informed.

(This piece by State Sen. Jauch originally appeared as a letter to his constituents. It was released after the new mining law was passed. -Ed.)

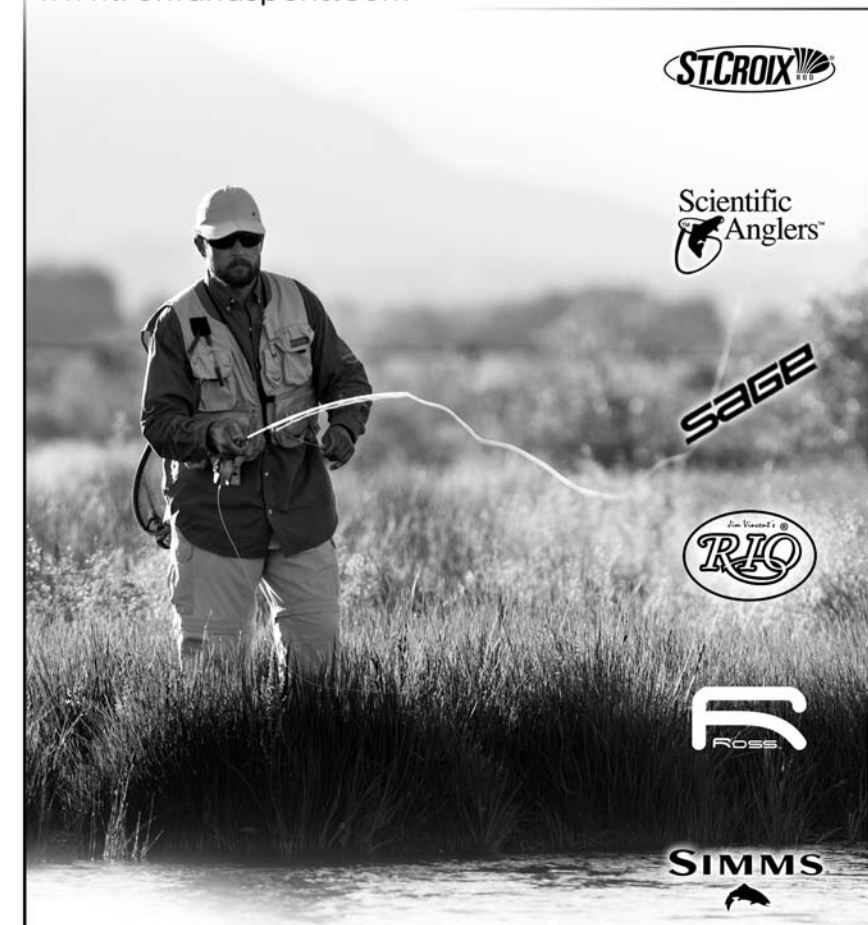
...the provision allowing the mining company to fill in navigable streams (up to 2 miles long) and a navigable pond (up to 2 acres in size) and mitigate the fill elsewhere is a blatant violation of the Wisconsin Constitution's Public Trust Doctrine...

Water defines our borders and describes the character of our people. As Gaylord Nelson so eloquently said, "Our economy is a wholly owned subsidiary of the land we walk on, the air we breathe, and the water we drink."



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Heidi Oberstadt

**TICKETS, TICKETS, WE'VE GOT TICKETS!**

State Council banquet raffle ticket sellers included (l to r) Dan Holland, Patty Holland, Matt Salchert, an unidentified well-wisher, and Andrea Salchert.

**EXPO: volunteers needed**

*Continued from p. 1*

If a chapter could develop a display and have one person at the expo each day, it would provide another opportunity to teach kids about environmental concerns. Other activities could include knot tying or fish identification.

There is a lot we can do, but it all takes volunteers. It takes a minimum of four to six volunteers each day for fly casting, and a minimum of 10 to 16 each day for fly tying. The more volunteers we have, the more students we can accept.

The fly rods used at the expo are furnished by the DNR office out of Oshkosh, so all you need to bring to help out with fly casting is yourself. If you would like to help with fly tying, all you need to bring is your vise and basic tying tools, such as a scis-

sors, bobbin, and half hitch tool or whip finisher. All materials and directions for the flies are provided.

We have a lot of repeat volunteers because the TU members who volunteer their time see and realize what a great program and opportunity this is. If you have volunteered in the past, maybe you can talk a friend into coming along with you this year.

Bob Haase and Todd Franklin will be co-chairs again for this year's TU involvement at the Outdoor Expo. If you would like to volunteer with fly casting or fly tying—or if you'd like to introduce a new activity, such as knot tying or aquatic insect identification—please contact either Bob at (920) 922-8003 (flytiter@milwpc.com) or Todd at (920) 219-9550 (toddfranklin@tds.net).

**MEMBERSHIP: committee tackling recruitment, retention**

*Continued from p. 1*

about all of the contributions, comments, ideas, and excitement. It showed me that the health of our membership is at the top of priority lists throughout the great state of Wisconsin.

Projects for 2013

Going forward into 2013, we have several projects on the horizon. We will soon have better membership tools at our disposal with the addition of a new listserve platform to greatly enhance our communication capabilities, a State Council Facebook page (search for: Wisconsin Trout Unlimited State Council), and certainly more lively

discussions about improving our membership outreach, like the one described above.

It does not have to end there, so if you have any ideas or suggestions, please feel free to reach out to me and share what you are thinking. With more information and ideas from members like you, we will be better positioned to take our amazing organization to a whole new level.

Thank you for all you do and contribute to our mission of protecting our coldwater resources. I thank you, the State Council thanks you, and future generations will thank you.



Jim Beecher

**BOB HAASE TIED SOME FAVORITES AT THE BANQUET**

Our frequent fly tips and fly pattern contributor Bob Haase (seated) showed some of his recent innovations at the State Council banquet. Listening are (l to r) Dave Sanders, Kim McCarthy, and Henry Haugley.

**AWARDS: council presents honors**

*Continued from p. 7*

Brent has been actively benefiting trout in Sauk County for decades. One large project Brent led was the Dell Creek Priority Watershed Project. The Dell Creek project was a roughly 15-year effort to reduce nonpoint pollution in the watershed. The project was a great success, far surpassing its goals.

Brent has also helped improve the trout-carrying capacity and aquatic diversity of Hulbert Creek and Camels Creek.

Brent began his latest multiple-year project when he started working with the Aldo Leopold Chapter on Bear Creek. In 2009 he drew up engineering plans for a major

stream restoration project. Those plans allowed the Aldo Leopold Chapter to write numerous successful grants that made the project a reality in 2011. Brent was also able to secure \$10,000 from Sauk County to help fund this project in both 2011 and 2012.

Brent works very closely with the Natural Resources Conservation Service. He has been mentoring the local NRCS technician on designing stream restoration projects so that the NRCS can tackle projects Brent isn't able to get to.

For being a solid partner on behalf of trout for many years, Brent Bergstrom is one of our 2013 Resource Professional Award winners.

**PUBLIC TRUST: meets water law enforcement reality**

*Continued from p. 8*

had referred the matter to the Attorney General for enforcement "to stop the purported sale of public trust waters to private individuals and to have any transactions which may have already occurred invalidated."<sup>371</sup> However, DNR later approved the proposal, and during an administrative hearing on ABKA's permit "DNR did not take the position that ABKA's dockonium project violated § 30.133," but Wisconsin Association of Lakes, an intervening party, did.<sup>372</sup> Upon review, the Supreme Court, persuaded by the intervening lake association's arguments, held that the project violated the public trust by running afoul of section 30.133's prohibition on conveying riparian rights to nonriparians.<sup>373</sup> Without the leadership of Wisconsin Association of Lakes in litigating this claim all the way to the supreme court, the trustees would have allowed ABKA to convert

public lakebed to private condominiums.

Wisconsin law affords trust beneficiaries the ability to demonstrate standing and a cause of action under section 30.294 to litigate violations of chapter 30 despite government inaction or complicity with violations of the public trust. Beneficiary legal actions are becoming more important given the state's limited enforcement of water laws. Similarly, given DNR and the Attorney General's limited ability to challenge legislation, beneficiary legal actions are essential to challenge unconstitutional actions by the legislative trustees.

(\* To save space, footnotes are not shown here. Footnotes often refer to court cases and legal opinions. To read them, see the complete Scanlan piece, a link to which is at [www.WisconsinTU.org](http://www.WisconsinTU.org). This article was originally published in the Ecology Law Quarterly 39:1 [2012]. -Ed.)



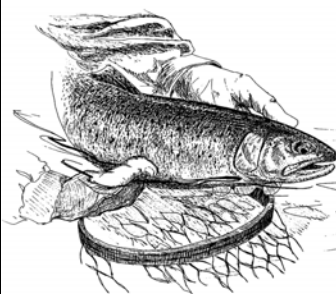
Jim Beecher

**MEMBERSHIP COMMITTEE MEETS AT ANNUAL MEETING**

Scott Criqui (standing) kicked off a revived membership committee with an organizing meeting Feb. 2 after the regular annual meeting. Listening to Scott are (l to r) Rich Vetrano, Ivan Nohavica, and Linda Lehman.

**Consider Proper Release**

It's working...so let's keep up the good work!



1. **Don't play fish to exhaustion.** Instead, use a landing net to bring fish under control before they're played out.
2. **Handle fish in the net.** Grasp them across the back and head for firm but gentle control. Use the net fabric as your "glove."
3. **Turn fish belly up while removing hooks.** This disorients fish momentarily for easier, quicker handling.
4. **Don't remove swallowed hooks.** Just cut the line... doing so saves two-thirds of deeply hooked trout.
5. **Don't keep fish out of the water more than 10-15 seconds.** Fragile gills are damaged after that...especially in cold weather.



# Trout angling on Timber Coulee Creek: WDNR compares creel surveys from 1984 and 2008

By Matthew Mitro, Jordan Weeks, and David Vetrano

The WDNR routinely monitors trout populations in streams across the state, but less frequently do we monitor or collect data on trout angler effort, catch, and harvest.

Whereas a trout stream can be surveyed in a number of days to effectively characterize the trout population therein, creel surveys generally target angler behavior over an entire season and therefore require a more significant investment in resources. Each is critically important to fisheries management.

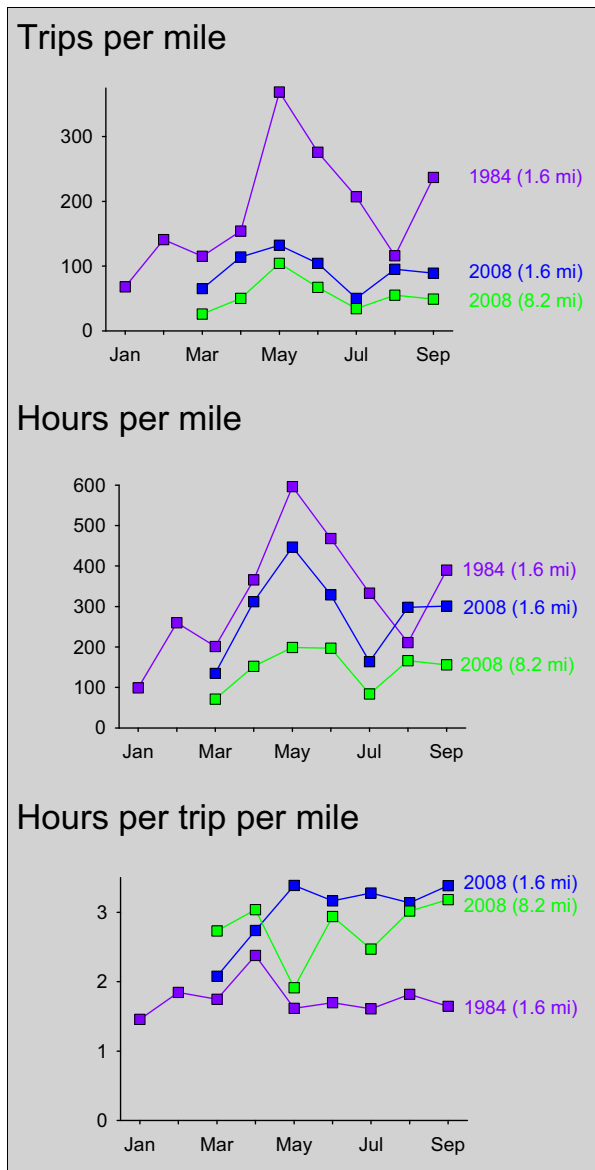
Our most recent trout angler creel survey was conducted on Timber Coulee Creek in 2008. Timber Coulee is an 8.2 mile stream managed as a Class I wild trout fishery consisting almost entirely of brown trout.

Regulations were split across Timber Coulee during the 2008 regular season. The lower half of the stream was catch-and-release with artificial lures only, whereas the upper half of the stream had a 5 trout bag limit per day for trout less than 12 inches in length. The March–April 2008 early season was catch-and-release with artificial lures only over the entire stream.

The creel survey of Timber Coulee was not necessarily representative of any other trout stream in Wisconsin, but it did provide insight into angling behavior on a major special-regulation trout stream and how angler demographics and effort have changed over time.

We compared our results from 2008 to a similar survey conducted 24 years earlier in 1984 by Bob Hunt. Angling regulations on Timber Coulee were different in 1984. There was a 2 trout bag limit per day during the January–April early season and a 5 trout bag limit per day during the regular season, with a 6 inch minimum length limit each season.

We found that in 2008, as in 1984, Timber Coulee provided a high-quality brown trout fishery in terms of catch rates and average trout size. We also observed significant changes in harvest and angler demographics.



## Angler effort dynamics changing

The dynamics of angler effort on Timber Coulee changed significantly from 1984 to 2008. Trout anglers made about 60% fewer trips to Timber Coulee in 2008 versus 1984 during the regular open season. Anglers made 752 trips in 2008 versus 1,928 trips in 1984 to a 1.6-mile section of the stream from May to September.

The 1.6-mile section of stream used in Bob Hunt's creel survey started 1 mile downstream of the Olstad Road bridge and ended 0.6 miles upstream of the bridge. (All comparisons between 1984 and 2008 are for this 1.6-mile section of Timber Coulee.)

Angler effort was also generally less in 2008 versus 1984 in terms of time spent fishing per mile. In 1984 trout anglers fished 201 (March) to 596 (May) hours per stream mile by month. In 2008 trout anglers fished 135 (March) to 447 (May) hours per stream mile by month. Only during the month of August was angler effort greater in 2008. Anglers fished 298 hours per stream mile in August 2008 versus 211 hours per stream mile in August 1984.

## Completed trip length increasing

Completed trip length, however, was significantly greater in 2008 versus 1984. Completed trip length increased about 76% from an average of 1.7 hours per trip in 1984 to an average of 3 hours per trip in 2008.

This change in the dynamics of angler effort is also evident when effort is expressed as the number of hours per trip per mile. Over the course of the regular season, anglers fished 3.1–3.4 hours per trip per mile in 2008 versus 1.6–1.8 hours per trip per mile in 1984 by month.

## Harvest mentality changing

The increase in average trip length likely reflects the change from a harvest fishery in 1984 to a catch-and-release fishery in 2008. In 1984 anglers caught 1.5 trout/hour, harvested 0.4 trout/hour, and kept about 1,859 trout from the 1.6-mile section of stream. In 2008 anglers caught 1.25 trout/hour, harvested 0.04 trout/hour, and kept about 119 trout from the 4 miles upstream of the Olstad Road bridge.

## Trout length compared

The average length of trout harvested in 1984 was 10.6 inches, and the average length of trout caught in 2008 was 10 inches. Trout size structure in October at the end of the regular season included more larger-sized trout in 2008 than in 1984, likely reflecting decreased harvest pressure.

In 1984 only 12% of trout were 11 inches or larger. In 2008 about 60% of trout were 11 inches or longer at the same stream site. However, data from 2007-2009 show considerable year-to-year variability in size structure, with the percentage of trout 11 inches or larger ranging as low as 25%.

## Catch-and-release "destination" fishery

What used to be a harvest-oriented local trout fishery in 1984 had become a catch-and-release trout fishery in 2008. Part of this change is attributable to the catch-and-release regulations on half of Timber Coulee. But despite regulations allowing a 5 trout bag limit on the other half of Timber Coulee, few anglers chose to harvest trout.

Timber Coulee in 2008 was primarily fished by anglers willing to travel greater distances to fish: 79% of anglers traveled 50 or more miles to Timber Coulee in 2008 versus 9% in 1984. Conversely, 90% of anglers traveled 0-24 miles to Timber Coulee in 1984 versus 15% in 2008. This willingness to travel to the Driftless Area likely reflects the high-quality wild trout fisheries there, not only in Timber Coulee, but throughout the region.

## Fly fishing increasing

The preference for fly fishing in 2008 was consistent with the current catch-and-release ethic and declining interest in harvesting trout from

Timber Coulee. About 85% of anglers fly fished in 2008 versus 24% in 1984, whereas about 51% of anglers bait fished in 1984 versus 7% in 2008.

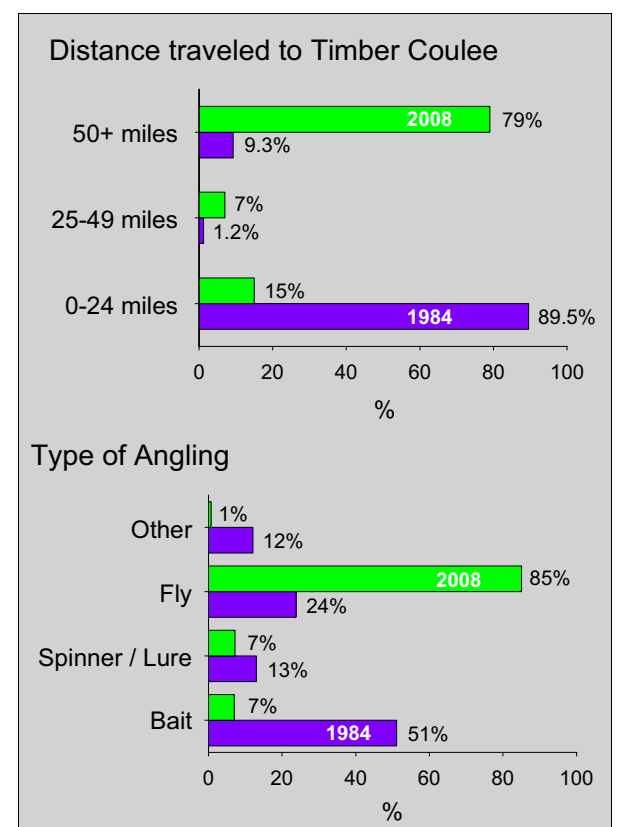
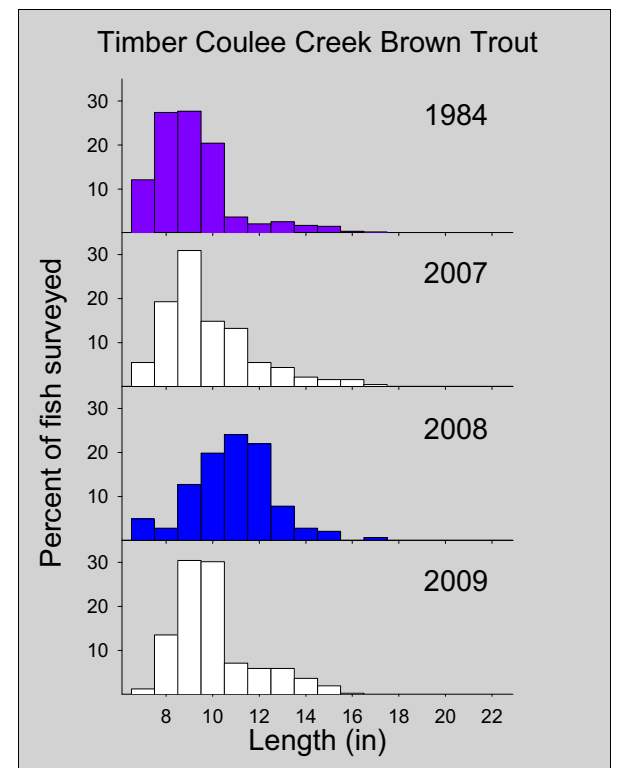
In 2008, as in 1984, Timber Coulee Creek provided a high-quality brown trout fishery. Angler demographic changes and regulations have eliminated overharvest concerns raised by the 1984 creel survey. However, despite the high proportion of quality-size 8- to 11-inch trout (60–80% in 2007–2009) and regulations allowing for their harvest, few anglers kept trout from Timber Coulee in 2008.

## Technical bulletin coming

We will be publishing as a DNR technical bulletin that will be a more comprehensive analysis of the 2008 Timber Coulee creel survey data. The bulletin will compare 2008 data to the results from Bob Hunt's 1984 creel survey on Timber Coulee, as well as to results from the 2012 statewide trout angler survey.

The analyses of the 2012 trout angler survey have not yet been completed, but they will provide insights into current Wisconsin trout angler demographics and the effort representative of trout anglers as a whole.

*(Matt Mitro is a WDNR natural resources research scientist based in Madison. Jordan Weeks is a WDNR fisheries biologist based in La Crosse. Dave Vetrano is a former WDNR fisheries supervisor who now consults on trout habitat plans for TU and others. -Ed.)*





# UV-set polymer gives the classic hare's ear a new look

By Bob Haase

The Hare's Ear is a pattern that has been around for a long time, and it should be in everyone's fly

box. There are a number of variations to this pattern, and most of them can be very productive. I believe that adding eyes to many of the standard patterns can make them even more productive, so I have been doing that.

Using a UV-set polymer over the wing case not only makes this fly look great, it also adds durability. I have used a number of Hare's Ear patterns over the years, and this could become one of my favorites. The fish wish I would stop fooling them with patterns like this.

Start the thread and wrap it back to the bend. Tie in the tail (guard hair from a rabbit's mask or body). Then tie in small, opal tinsel or gold wire. Tie in mono eyes made of brown, melted 30-pound monofilament or equivalent.



**MATERIALS LIST**  
**Bob's Eyed Hare's Ear Nymph**  
**Hook:** Mustad 3906B or equivalent #12-16  
**Thread:** to match the body  
**Abdomen:** Hare's ear dubbing, light, and opal tinsel  
**Thorax:** Hare's ear dubbing, dark  
**Tail:** Hare's ear guard hair or natural body hair  
**Wing Case:** turkey wing feather  
**Eyes:** mono eyes, dark

Wrap lead wire (.25 or .30 diameter) as shown from about the middle of the hook shank to the eyes. Then wrap over the lead with a few turns of thread.

Dub the back half of the body to just over the beginning of the lead wrap with light hare's ear dubbing. Then wrap the small, opal tinsel or gold wire over the dubbing and tie off.

Next tie in a piece of turkey wing (light or dark) for the wing case over the lead where the light dubbing ends. Then dub the thorax with dark hare's ear dubbing and pick out as shown to form legs.

Bring the wing case over the thorax and tie down as shown. Move the thread to a position in front of the eyes and tie off the thread and clip.

You can now apply a layer of UV-set polymer over the wing case. If you don't have UV-set polymer, you can use "Liquid Fusion" or any clear urethane.

If using the UV-set polymer, you need to set the polymer with a UV light source. Apply one or more coats of UV-set polymer as desired for the thickness you want.

The fly is now finished and ready to fool a few trout or bluegills. You can make modifications to this pattern as you desire, such as omitting the lead for fishing bluegills. I also mix some olive ice dubbing with my dark hare's ear for the thorax.

Gold wire is typically used to wrap around the back part, but I prefer the small, opal tinsel.



## Bob's Tying Tips

Advice from the bench of Bob Haase

### Give UV-set glues a try

By Bob Haase

If you have not tried the ultra-violet-set (UV) polymers for coating your flies, you may want to consider trying them. They are much easier to use than two-part epoxy coatings, and they give you a lot more control. Once you find out how easy they are to use, you will start experimenting and finding a number of uses you never considered before.

Many people probably stayed away from using UV polymers because of the cost of the polymer and the UV light needed to

where you want to apply it.

UV polymers can be used to coat eyes or other parts of the fly, such as scud backs, or you can coat the entire fly, such as when tying chironomids.

A member of the Wisconsin River Valley Chapter, Henry Kanemoto, has done a lot of research on the use of UV-set polymers and is now selling the UV set polymers, lights, and polymer kits. I use his products and highly recommend them as being one of the best available so far. They are also priced better than a lot of the other systems. You can



set them. With UV set polymers, there is little to no waste, so it makes it much more comparable to the cost of epoxy, and a lot easier to use.

If you have not tried them yet, now is the time to get started because there have been a lot of improvements and more companies making these polymers.

Clear Cure Goo was one of the first companies to make the polymer and the light for fly tying purposes. One of the problems with their first polymer was that the finish stayed tacky and the light took much longer to cure than the systems now available. They have since corrected this and added more kinds of polymers. If you have the early Clear Cure Goo or another polymer that stayed tacky, you can still use it up by putting a final application of one of the newer polymers over the top. The new coat will cure the older layer.

Some of the other companies providing UV-set polymers and lights for fly tying include Bug-Bond and Loon Outdoors. There are also thick and thin finishes available, depending on how and

contact Henry by phone at (715) 359-9818 or contact him at [hkanemoto@charter.net](mailto:hkanemoto@charter.net).

Every year we see new products introduced for fly tying, and many of them were developed for other applications. The UV-set polymers have been used for some time in the electronics industry and for dental work. My broken tooth was repaired with a UV-set polymer, and now I am using a similar product in my fly tying!

The same product can be used for fly fishing as well. Two products by Loon—their UV Knot Sense used to overcoat knots and their UV Wader Repair—are basically the same formula used for fly tying, so you can use your UV-set polymers for a lot of other uses.

Again, as with so many other things in fly tying, your imagination is your only limitation. Give one of these products a try, and you will be glad you did.

The Hare's Ear pattern for this month uses a UV-set polymer over the wing case. It not only looks great, it also adds durability to the fly.

**NOTE:** Think about what other common, well-known fly patterns — or some of your own designs — might be changed in similar ways with UV-set polymer. We are often looking at creating new patterns, but slightly modifying old, standard patterns can be enough to show the fish something new!

To give you an idea of what I'm talking about, see the picture on the left of a scud that uses UV-set glue to give the scud's back some gloss and added durability.

(Incidentally, in case you thought I just misspelled "oval" as "opal," that was no mistake. There is a new pearlescent, or opal-colored, tinsel on the market. It's made by Wapsi and is becoming a favorite of mine and other tyers who have tried it. It is a mylar tinsel that comes in rolls just like any other tinsel, but it is an opal color. It comes in 1/69", 1/32", and 1/16" widths. It also comes in lateral scale flash in 1/69" and 1/16" widths as well as a salt water flash-abou in 1/16" widths that is smooth.)



# 2013 Friends campaign is off and running

By Doug Brown

## Friends of WITU Chair

By now you should have received your 2013 contribution request from the Friends of Wisconsin TU. I want to apologize for the confusion with the return address on the letter and return envelope. Both were labeled with the Watershed program instead of the Friends program. There was an error with the printer and they did not catch it prior to the mailing.

Please use the return envelope, as the

address to me is correct. Just make sure you include the cut-off portion on the bottom of the letter so I know for sure you are donating to the Friends program. Again, I apologize for the mishap with the return address.

The 2012 Friends of Wisconsin TU fundraising campaign has come to a close, and the support was generous. I thank ALL of you who contributed last year. We received over \$14,000, and that is going to go a long way for our in-stream habitat work.

This year's gift to you for a contribu-

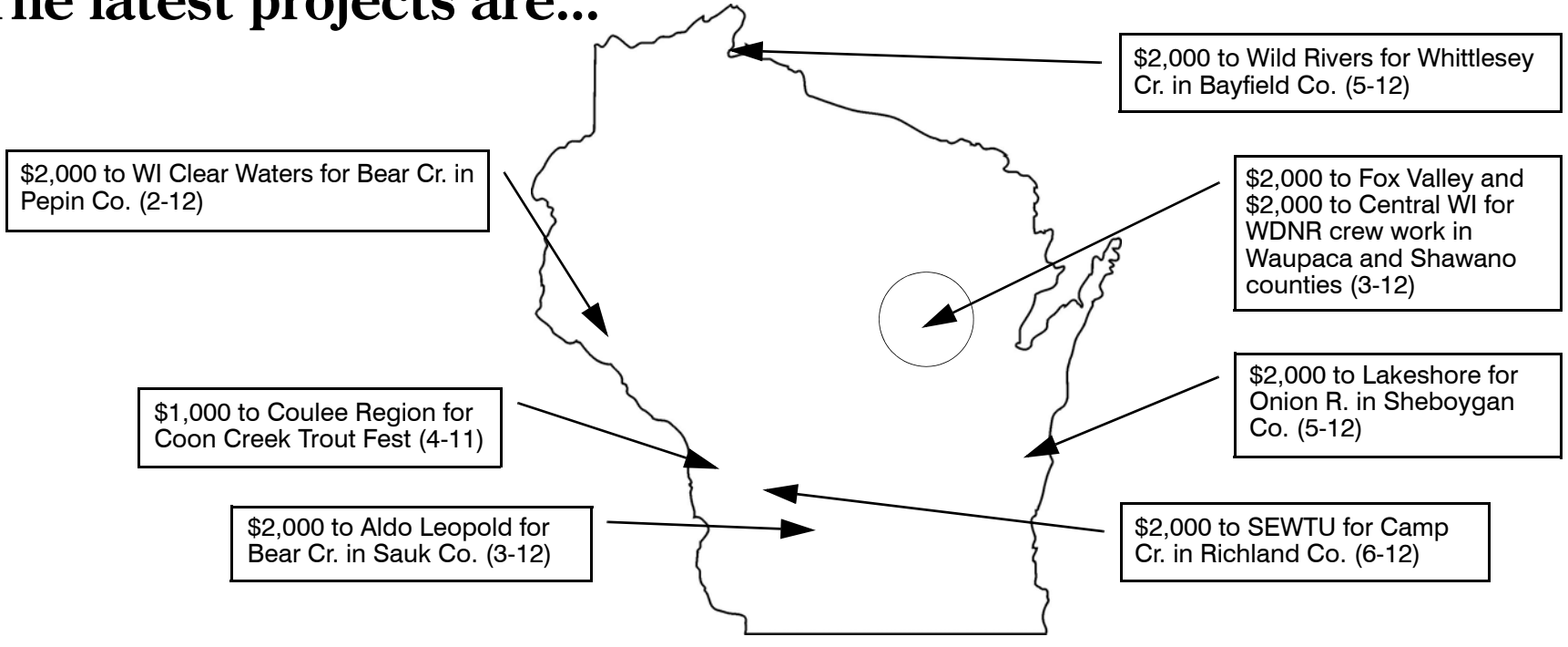
tion of \$100 or more is a handy Fishpond micro trash container. Thanks again to Tight Lines Fly Shop in DePere for their help in securing this gift. Contributors will also be listed in four editions of *Wisconsin Trout*.

Your donation goes right back into Wisconsin streams to benefit our trout for generations to come. So give now to this popular Wisconsin TU program.

Good luck to you now that the early catch-and-release season is upon us and the traditional opener is just over a month away. Tight lines.



## Approaching \$200,000 in grants since 1991. The latest projects are...



## Friends of Wis. TU

Here are our Friends of WI Trout Unlimited

- Henry Anderson, M.D. Madison, WI
- Jason Anderson Mukwonago WI
- Brian Bachhuber Madison WI
- Gary Balwierz Beldenville WI
- Edwin Barnes Middleton WI
- Charles Barnhill Madison WI
- John Batson Madison WI
- James Bayorgeon Appleton WI
- Blaine Biedermann Madison WI
- John & Susan Bleimehl Verona WI
- Stephen Born Madison WI
- Allon Bostwick Fond du Lac WI
- Richard Brodek Wind Lake WI
- Rick Christopherson Norwalk WI
- Lawrence J. Clowry M.D. Wauwatosa WI
- Tim & Anne Connor Fitchburg WI
- Dave & Susan Conroy Elgin IL
- Andrew Cook II Sister Bay WI
- Terry Cummings Rhinelander WI
- Bruce Davidson Wauwatosa WI
- Richard Duplessie Eau Claire WI
- Harley Erbs Rhinelander WI
- Richard Evans Mequon WI
- Dr. Alan Finesilver De Pere WI
- William Flader, M.D. Madison WI
- Jeanne Fruit Hartland WI
- Michael Funk La Crosse WI
- Scott Geboy Fox Point WI
- Jeff Genal Green Bay WI
- Thomas Goodmann Coral Gables FL
- Dean Hagness Custer WI
- R. Chris Halla Appleton WI
- Jon Hanson Madison, WI
- Henry Haugley Sun Prairie, WI
- Ashton Hawk Madison WI
- Stephen Hawk Madison WI
- Bill Heart Ashland WI
- Brian Hegge Rhinelander WI
- Gilbert Herman Stoughton WI
- Charles Hodulik Madison WI
- Jeff Jackson Oconto Falls WI
- Layton "Skip" James Hudson WI
- Thomas Janssen Appleton WI
- Andrew Jicha Green Bay WI

- Daniel & Sheree Kehoe Madison WI
- Lane Kestler Milwaukee WI
- Joe Kubale Dane WI
- David Ladd Dodgeville WI
- Don Larson Lansing IA
- Jack Lenox Rockford IL
- Richard Lindroth Madison WI
- Tim Logemann Wausau WI
- Thomas Lukas Manitowoc WI
- James Lundberg Wausau WI
- Doug MacFarland Dousman WI
- Paul Mack New Richmond WI
- Anna Magnin Marshfield WI
- Jim & Billie March LaCrosse WI
- L A Minerva/John Nebel Menasha WI
- Jeff & Lynette Moore La Crosse WI
- William Nielsen Eau Claire, WI
- Robert Nonn Appleton WI
- Herb Oechler Wauwatosa WI
- Winston Ostrow De Pere WI
- Thomas Patterson Madison WI
- Ray D. Piehl Wautoma WI
- Dennis Presser Madison WI
- Dick & Jodie Prine Ridgland WI
- Randall Rake De Pere WI
- Ron Rellatz Merton WI
- Bob Retko Cedarburg WI
- Glen Ringwall New Berlin WI
- Steve Robertson Verona WI
- Thomas Rogers Princeton, WI
- Micheal San Dretto Neenah WI
- Jeff Schmoeger Deerfield WI
- James School Kaukauna WI
- Delmar Schwaller Winneconne WI
- Robert Selk Madison WI

- John Serunian Fitchburg WI
- Brent Sittlow Hudson WI
- Jeff Smith Madison WI
- Art Sonneland, M.D. De Pere WI
- Gary Stoychoff Green Bay WI
- Mike Stupich Watertown WI
- Robert Tabbert Lac du Flambeau WI
- Gary Tielens Athelstane WI
- Greg Vodak Stoughton WI
- Richard Voigt Pewaukee WI
- Martin Voss Eau Claire WI
- Doug Wadsworth Madison WI
- Don Wagner Gillett WI
- Richard Ward Appleton WI
- Paul Wiemerslage Hudson, WI
- Stephen Wilke Marinette WI
- Paul Williams Madison WI
- Donald Williams, M.D. Fort Atkinson WI
- Christopher Willman Augusta WI
- Dan Wisniewski Middleton WI
- Norbert Wozniak Stevens Point WI
- Robert Wyman Beaver Dam WI
- Fred Young Roscoe IL

### PLUS THESE WITU CHAPTERS:

- Aldo Leopold Chapter
- Coulee Region Chapter
- Green Bay Chapter
- Kiap-TU-Wish Chapter
- Marinette Co. Chapter
- Oconto River Chapter
- Shaw-Paca Chapter
- Southeastern WI Chapter
- WI Clear Waters Chapter

Yes, I want to join the "Friends" of Wisconsin TU.

Enclosed is my check for \$100, \$250, or more payable to Wisconsin Trout Unlimited.

MAIL TO: Friends of Wisconsin TU  
% Doug Brown  
R4800 Timber Lane  
Ringle, WI 54471

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State Zip \_\_\_\_\_ Phone # \_\_\_\_\_