



# Wisconsin Trout

January 2013

## Planning underway for first-ever Midwest Trout Unlimited meeting

By Bill Heart

The Wisconsin State Council is currently working with TU National staff in planning and hosting the first-ever Midwest Regional Meeting to be held April 19-21 in Madison.

Other regions of the country hold yearly regional meetings to provide councils and chapters a chance to discuss issues important to their regions.

The Midwest has never held such a meeting, although it has been discussed for a few years.

The plan is to form a committee made up of a member from each state in the region to develop a survey of possible topics for discussion, followed by an e-mail blast to council and chapter leaders throughout

the region. We hope to have that done this month. From that survey, we will come up with an agenda for the weekend.

The regional meeting will focus on many different issues concerning the Midwest. Topics could include chapter development, leadership training for councils and chapters, women in TU, youth camps, and fund raising.

Important conservation topics could also be covered, including invasive species control, brook trout restoration, hard rock and frack sand mining, CAFO threats, and the Driftless Area master plan.

Also being considered for the meeting are a conservation tour, barbeque, and fishing opportunities. If you have any other ideas, please let me know.



### BLACK EARTH CREEK SECTION REROUTED

The Southern WI Chapter joined many partners this past summer to reroute a section of Black Earth Creek. Read the complete story on p. 16.

Put the weekend of April 19-21 on your calendars, and watch for updates on the first-ever Midwest Re-

gional TU Meeting to be held just off the Madison beltline highway at the Marriott West Hotel.

## State Council banquet to celebrate “unsung heroes”

By Henry Koltz

It is that time of year again to start thinking about Wisconsin Trout Unlimited’s annual February banquet.

Two years ago we celebrated Wisconsin TU’s 40th anniversary. Last year we celebrated the incredible artists who have supported Wisconsin TU over the years.

This year, we are celebrating the unsung heroes of Wisconsin Trout Unlimited and its chapters.

Like any organization, Wisconsin Trout Unlimited is only as good as its members. Fortunately, an incredible group of amazing volunteers have historically filled our ranks. This year, we’ll say thank-you to some of the folks who have made TU the working, successful organization that it is here in Wisconsin.

To that end, we’ve asked each chapter to nominate a member from its group who has represented Trout Unlimited well and is worthy of more recognition than he or she seeks.

We’re hoping that each chapter responds, and we urge chapter members to consult with their leadership if they have a nomination they’d like to make.

Aside from justly recognizing some of the folks who have made us tick, this year’s banquet will generate funds keep the Wisconsin State Council solvent. In short, Wisconsin’s coldwater resources are facing threats on a great many fronts, and a solid banquet will help raise funds to allow Wisconsin TU to continue to engage on such issues.

As always, the funds raised at our banquet keep Wisconsin TU’s council running and allow it to aid programs such as youth events, regional coldwater-related festivals, legal challenges on behalf of coldwater resources, our incredible *Wisconsin Trout* publication, any many other items.

So how can you help? Buy a ticket! Not only does your purchase of a ticket allow you to attend the banquet, but it affords you the chance to win a great assortment of prizes. What could be better?

“Unsung Hero” nominations are still being taken. Contact Chair Kim McCarthy with the name of the local hero your chapter would like to honor.

This year’s banquet will be held on Sat., Feb. 2, at the Holiday Inn at 1000 Imperial Avenue in Rothschild, just south of Wausau.

Tickets may be purchased from Bill Heart at (715) 682-4703 or ww-heart@centurytel.net. Reservations

at the Holiday Inn may be made by calling (715) 355-1111.

So save the date, and reserve your tickets as soon as possible. Wisconsin TU is a great group of people, and there’s little better than when we gather in one place.

## Trout anglers asked to help DNR with Driftless Area plan

The Driftless Area — that wondrous southwest part of the state left unscathed by the latest glaciation that affected most of Wisconsin — conjures up images of steep hillsides, narrow valleys, rocky outcrops, and hundreds of trout streams.

Anglers flock to the Driftless Area to cast a fly in search of the big one. The region has the highest concentration of trout waters in the Midwest.

The WDNR owns thousands of acres of land in the Driftless Area. These properties are spread over 23 counties, and most are in narrow strips along hundreds of streams. The DNR owns some of these properties outright, and holds easements on others.

The agency is in the process of updating its management and acquisition goals for all of these properties in one overall master plan. The plan will describe the agency’s land holdings and how they are currently managed. It will also present alternative options for future land acquisition to enhance recreational opportunities. Access to waters is key to a positive fishing experience.

“This plan will be different from other master planning efforts because there are so many parcels involved,” says DNR Biologist John Pohlman, one of the team leaders for the planning effort.

“As part of the planning process, we need to learn what people are concerned about,” says Pohlman. “For example, where is there demand for better public access to streams, or where should we focus in-stream habitat work? We’ll incorporate those ideas into our draft plan.”

The plan will lay out DNR’s future management of fishing lands as well as where efforts to provide additional public access to streams should be

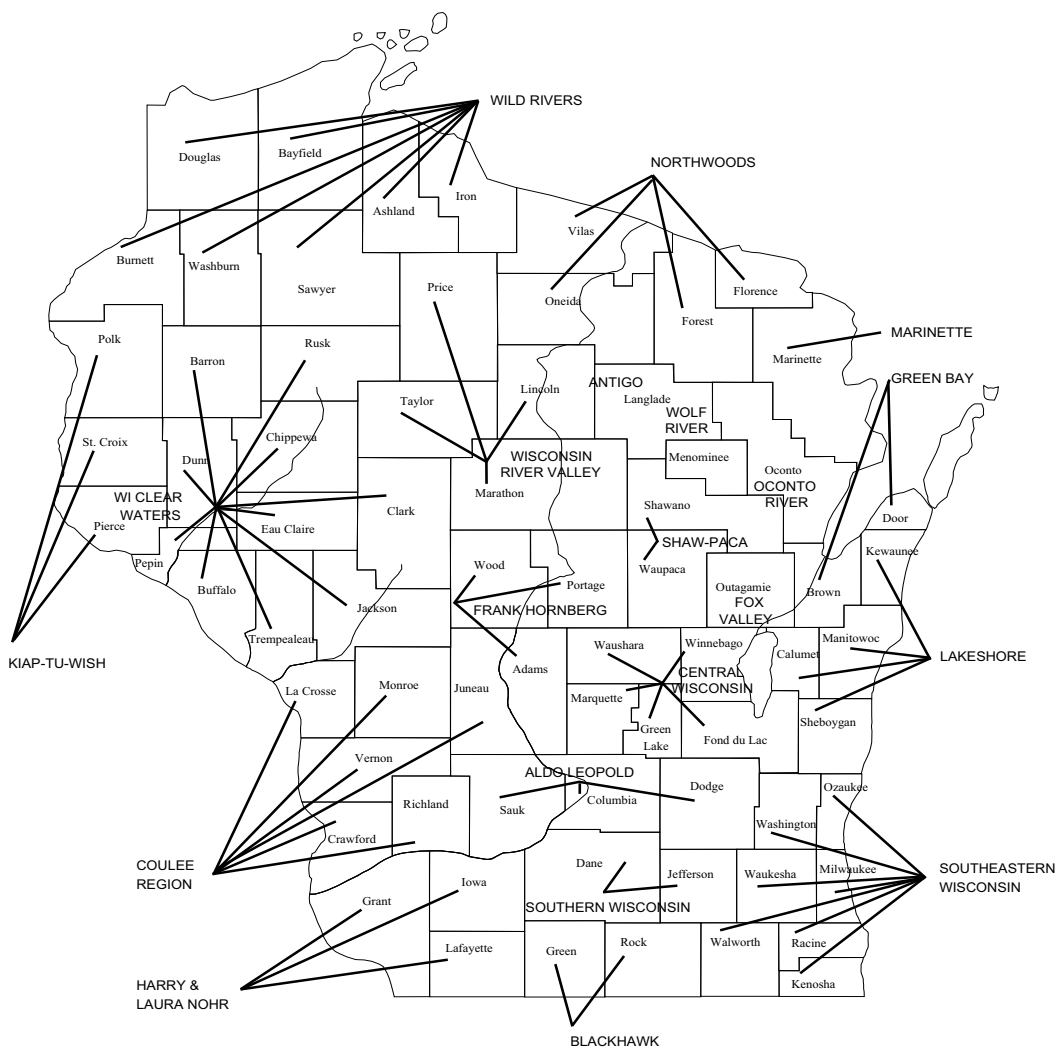
Continued on p. 3



### In this issue...

- Kim McCarthy’s final thoughts as council chair. . . . p. 3
- 2013 National TU Meeting notes . . . . . p. 5
- Pt. 2: Legal doctrine vs. water management reality .p. 6
- Many partners work to reroute Black Earth Cr. . . p. 16
- Pink Squirrel 10th anniversary recipe reprint . . . p. 18
- Friends contributions top \$13,000 in 2012. . . . . p. 20

# Wisconsin TU Chapters, Presidents, and Websites



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**Awards:** Todd Hanson (see above)

**Education:** Bob Haase (see above)

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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

Vol. 25, No. 1 — January 2013

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**Contributions and letters** to the editor are welcomed. Submit articles and returnable photos (color or b&w) to the editorial office:

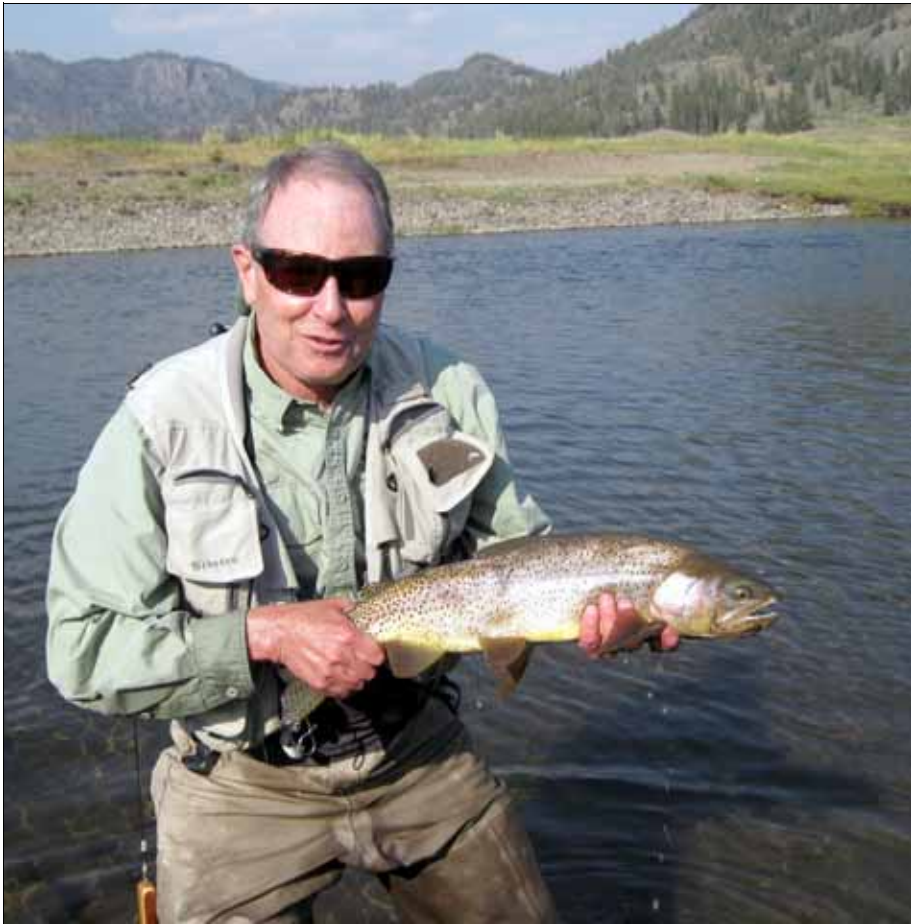
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STATE COUNCIL CHAIR KIM MCCARTHY FISHING OUT WEST

Kim makes an annual trip (or more) out west every year. Here is a nice rainbow from one of his recent ventures.

## DRIFTLESS: state updating acquisition/management plan

*Continued from p. 1*

focused in the future. The public is encouraged to weigh in on the various options.

### A focus on fish

The project is also unique because of its specific focus on fisheries. Long-term planning for fish management is challenging because the environment is constantly changing, from how land is used to long-term changes in the climate.

Urbanization may decrease the quality of the fisheries when water runs off parking lots, driveways, and rooftops instead of sinking into the ground and replenishing the groundwater supply. Warmer runoff water from impervious surfaces may be warmer than what coldwater fish can tolerate. Soil erosion can deposit sediment on the streambed and degrade habitat.

Wisconsin's changing climate will also be taken into consideration when developing the fisheries-focused plan. Warmer air temperatures will increase water temperatures, according to DNR Research Biologists Matthew Mitro and John Lyons, and long-term drought may reduce cool, groundwater flow into coldwater streams.

Brook trout will be the most vulnerable to these changes because they can endure only a narrow temperature range to thrive and reproduce. In some cases, streams dominated by brook trout may shift to become brown trout streams by the mid-21st century. Different fish species require differ-

ent management practices.

The master plan will present some of the strategies that can be used to adapt to changing environmental conditions. These include land management practices on DNR properties such as planting tall grasses or trees to provide shade to cool surface waters.

Depending on public input and ideas, the DNR may propose acquiring more land to improve fish habitat, enhance ecological objectives, and improve recreational uses. The agency only purchases land or easements from willing sellers and would offer a fair market value for the parcel or easement. DNR pays the property taxes on land it acquires.

"We're looking forward to working with residents, the angling community, and partners like Trout Unlimited and local rod and gun clubs to help us plan for the future" says DNR Fish Specialist Paul Cunningham, who co-leads the project. "We all need to team up to keep one of the most unique areas of Wisconsin a place where we'll continue to love to fish."

### Fishing lands add great economic benefits

The glaciers didn't just miss the southwestern portion of Wisconsin; they also bypassed northwestern Illinois, northeastern Iowa, and southeastern Minnesota.

Recreational trout fishing in the four-state Driftless Area is a billion-dollar industry. A study commissioned by Trout Unlimited in 2008

*"We all need to team up to keep one of the most unique areas of Wisconsin a place where we'll continue to love to fish."*

# Some final thoughts on my term as chair

By Kim McCarthy

## WITU State Council Chair

For my last column as State Council Chair, I would like to return to a topic I discussed in my first column three years ago. That topic is the issue of what exactly is Trout Unlimited, and why do we get involved in various issues.

As the State Chair for the last three years, it has been surprising to me how many times this topic has come up. In accepting an award from the League of Conservation Voters last June, I think I finally used an explanation that I feel explains us very well. What I told the assembled group is that *TU is first and foremost a conservation organization, many of whose members are trout fishers.*

The fact that we are fundamentally a conservation organization that has as its primary goal the protection of Wisconsin's coldwater resources is the guiding principal that I have tried to use each and every day that I have been the State Council Chair. Our existence as a conservation organization also guides us as to the issues we choose to become involved with. If something comes up in the state that will have a negative impact on trout water, we are definitely going to make our voice heard.

What we are not — never have been, and cannot be because of our status as a 501(c)(3) organization — is a political voice. It is unfortunate that several times during my time as chair it has been suggested that we are being political because we have opposed something put forth by someone's preferred candidate. It's too bad that the political scene has digressed to the point where issues can't be separated from individuals.

The simple fact is that Wisconsin Trout Unlimited looks at issues only from a conservation standpoint,

measuring issues only by the impact they will have on our coldwater resources. We could care less about party affiliation. A bad conservation bill will draw our opposition no matter the party or individual sponsor. And a bill that advances the cause of coldwater conservation will be avidly supported, regardless of the party or individual sponsor. It really is just that simple, and this is the way Wisconsin Trout Unlimited will continue to operate into the future. I believe the vast majority of our membership expects us to operate in precisely this manner.

As I leave the position of State Council Chair, I want to thank all of the chapters for their support. I have had the chance to meet many Wisconsin members during visits to the chapters. What I see is a great group of people who are extremely dedicated to Trout Unlimited.

I have also met many members who would be very capable of stepping up to serve at the state level. I think it is normal to ask oneself if we are up to the task of serving at the next level, and some self-doubt is probably unavoidable. I know I certainly had some. But with the talent level I have observed in the chapters, I am confident that we have many members who would do a great job at the State Council level. I encourage people to get involved with the State Council. You will enjoy the experience.

Finally, I want to remind everyone about the upcoming State Council Banquet at the Rothschild Holiday Inn on Saturday, Feb. 2. You will see an ad for the event on the next page of this issue explaining how to get tickets. I hope to see many of you there. The banquet has become bigger, better, and more enjoyable than ever, and a successful banquet allows our council to continue operating at a high level.

I will see you in Rothschild.

showed that these four states and their federal and private partners invested about \$45 million restoring more than 450 miles of streams in the area. The region brings in an additional \$24.50 for each dollar spent on stream restoration when anglers eat, sleep, and fish in the area.

In 2011, tourism brought in \$28.8 million and provided 469 jobs to Vernon County alone, according to the Wisconsin Department of Tourism.

"Ecotourism is an important part of our economy," said Susan Noble, Executive Director of the Vernon Economic Development Association. "Folks travel to our region from across the US to access the trout streams in our Coon Creek and Timber Coulee watersheds. We even have a business in downtown Viroqua that focuses exclusively on fly fishing supplies and guiding services."

### What's your opinion?

Because the properties are so diverse and expansive, the DNR is seeking input from citizens, property owners, anglers, and recre-

ational groups to assure that multiple viewpoints are heard during the planning process and are incorporated into the final plan.

In 2013, the agency will host open house meetings in various communities within the 23-county region. Participants will see how the land areas are currently being managed and will be asked to share their views about the future.

The dates and locations of these public meetings will be posted online at <http://dnr.wi.gov/topic/lands/masterplanning/DriftlessStreams/>.

The website also has a link to sign up to receive occasional newsletters and updates on the planning process. If you don't have access to the Internet, you can call (608) 266-2698 or write to the DNR Drift-

less Area Master Plan, PO Box 7921 LF/6, Madison, WI 53707-7921.

WITU will keep members informed on developments in the Driftless Area planning process. A DNR official attended the fall WITU State Council meeting in Viroqua to discuss the agency's goals.

*In 2013, the agency will host open house meetings in various communities within the 23-county region.*

less Area Master Plan, PO Box 7921 LF/6, Madison, WI 53707-7921.

# UNSUNG HEROES

*A tribute to chapter volunteers long overdue  
for the recognition they deserve.*

## **Wisconsin TU 2013 State Council Banquet**

**Saturday, Feb. 2, 2013**

**Holiday Inn and Suites, Wausau**

**1000 Imperial Ave., Rothschild, WI 54474**

**Cocktails 5:00**

**Dinner Seating 6:30**

**Get your tickets now!**

**Just \$35 per ticket, which includes  
raffle tickets for use at the event.**

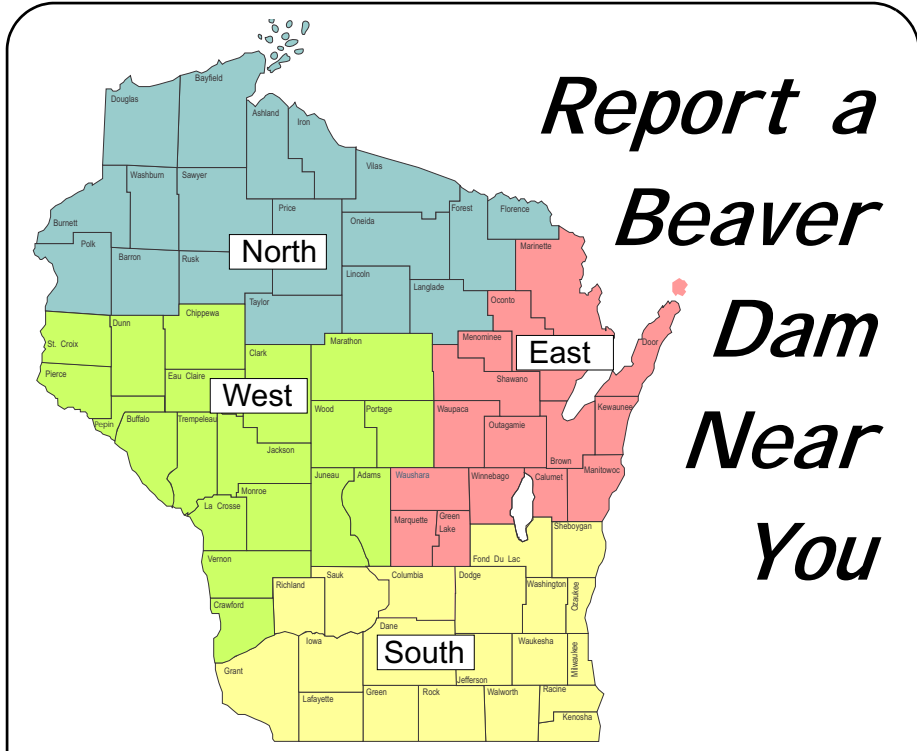
**For tickets or more info, contact**

**Bill Heart at 715-682-4703**

**or 715-209-0431.**

**[wwheart@centurytel.net](mailto:wwheart@centurytel.net)**





WDNR trout managers need your help identifying the locations of beaver dams on trout streams. Send your field observations to the manager in your area. DNR can remove dams on lands they own or lease, and they can contact private owners about other dams.

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 Fitchburg, WI 53711  
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 Richard.Stewart@Wisconsin.gov

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 Bob Hujik  
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 Milwaukee WI 53212  
 414-263-8672  
 Edward.Schumacher@Wisconsin.gov



## 2012 trout stamp prints still available from WITU

Wisconsin TU still has 2012 trout stamps and prints for sale after helping the WDNR bring back printed versions of the winning design from the annual contest. WITU chapters are able to buy prints for the reduced price of \$50 apiece for their fund-raising efforts.

Individuals can buy prints for \$125, plus shipping and handling. Print purchasers will also get a commemorative trout stamp at no charge.

Anyone with questions or should contact Tim Waters at [MuddyWaters@new.rr.com](mailto:MuddyWaters@new.rr.com), or visit Wisconsin TU at [www.wisconsinTU.org](http://www.wisconsinTU.org) under the "News" tab.

Artists should note that the next contest deadline is Dec. 6.

### ORDER FORM

#### 2012 Inland Trout Stamp Print/Stamp

2012 trout print/s @ \$131 each (\$125 + \$6 S&H.) Price includes a free trout stamp.	2012 trout stamp/s only @ \$10 each. Make check payable to: WI Trout Unlimited.	Mail order to: Tim Waters 409 2nd St. Menasha, WI 54952
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Name \_\_\_\_\_

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Address \_\_\_\_\_

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



## 2013 TU National Annual Meeting Notes

Sept. 27-29, 2013 • Madison, WI

### Meeting Co-chairs

Bill Heart — overall chair  
 Kim McCarthy — fishing day chair  
 Duke Welter — conservation tour chair  
 Henry Koltz — fund-raising chair  
 Dave Seligman — hospitality chair

### Hosted Fishing Trip Hosts Needed

Contact Kim McCarthy if you can take an out-of-state visitor fishing near Madison during the conference. About 40 local hosts are needed.

### Hospitality Room

A hospitality room will be available to guests Thursday thru Saturday. Can you help bartend? If so, contact Dave Seligman.

### Live Auction Prizes Needed

Tradition has it that a small number of really nice live auction items are put up for bids. Have any ideas on what to offer? If so, contact Henry Koltz.

### Swag Bag Items Needed

We'll be assembling bags with gifts for all those attending. Do you have anything you'd like to donate to these gift bags? If so, contact Henry Koltz.

### TU National Meeting Is Open to All

Anyone can attend the annual business meeting. You'll have to register, however. Make your plans now.

### Women's Activities Are Being Planned

Our organizers would like to have some activities specifically for women attendees. Any ideas? If so, contact Bill Heart.

### TU National Meeting Fact

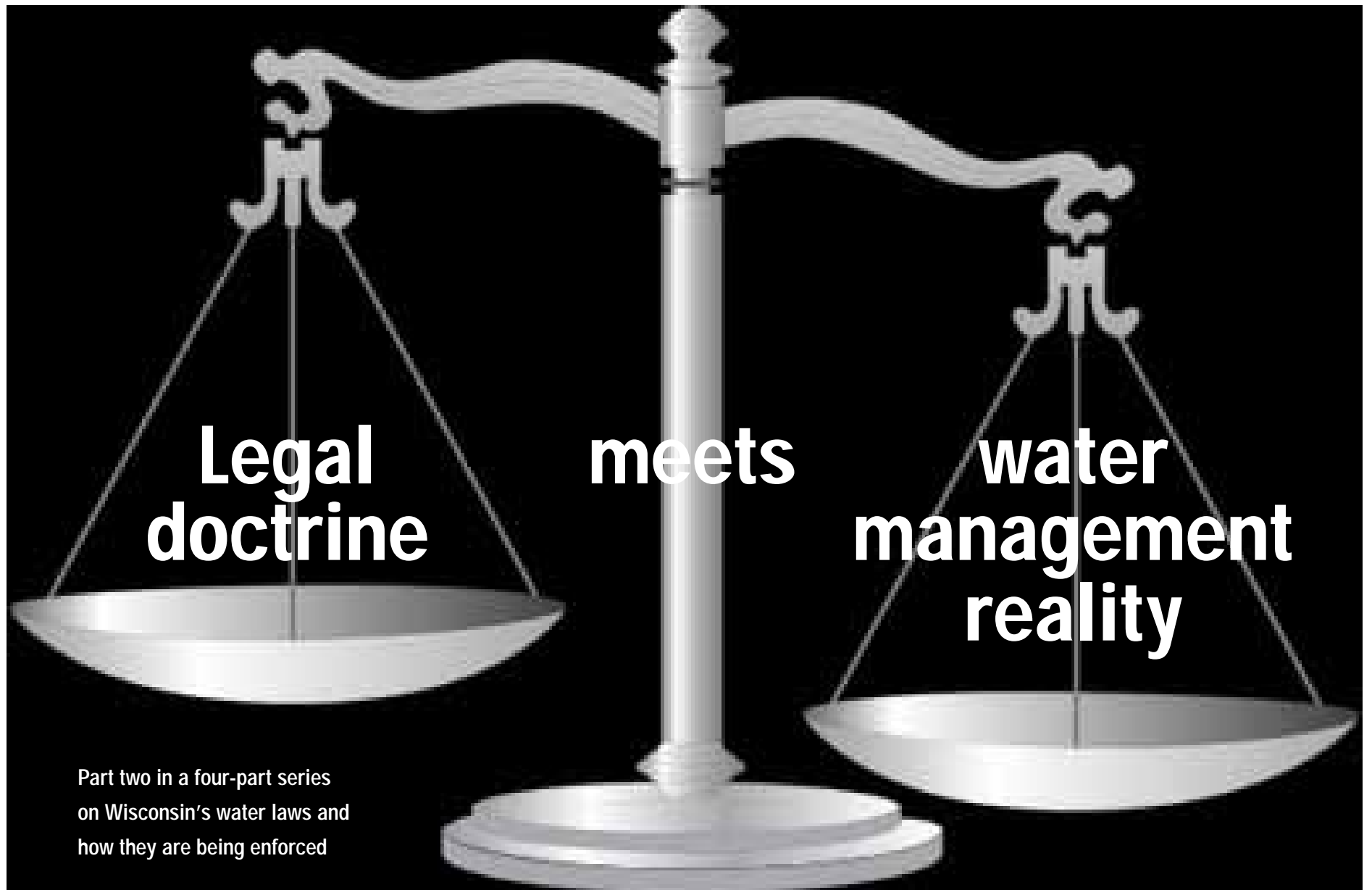
TU's national meetings usually draw 250-300 attendees.

### Conservation Tour on Thursday

80-100 people generally go on a tour of conservation and habitat improvement sites near the meeting home base.

### Meeting At the Marriott Hotel

The National Meeting will be at the Marriott Hotel located just off the beltline highway west of Madison.



Melissa Scanlan is the Water Law and Policy Scholar at the University of Wisconsin Law School, and last year a new 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 this article in the last issue of *Wisconsin Trout*. Two excerpts remain after this one.

In the previous installment, Scanlan introduced us to the WDNR's water specialists. In this installment, she begins drawing some conclusions based on her interviews. She spoke with 2/3 of the WDNR's active 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 in enforcing the state's water laws.

As you'll read, these WDNR employees have some serious concerns about the support they are being given and the increasing pressures they face from inside and outside the WDNR.

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

## Systemic changes are undermining DNR's ability to function effectively as a trustee of state waters

By Melissa Scanlan

DNR Water Specialists are restricted from acting to the full extent of their legal charge. A variety of systemic factors constrain the Water Specialists, including budget cuts that reduce staff, cause high turnover, result in lack of training, and limit field work; and

statutory changes that narrow DNR jurisdiction.

### 1. Budget cuts, staff reductions, and high turnover undermine the trustees' ability to effectively protect public resources

Staff reductions, high turnover, and retirement trouble the Water Specialist position. A Water Specialist supervisor expressed concern about the current lack of watershed staff and noted that future retirements will "further erode both their numbers and their experience."<sup>179</sup> One Water Specialist, who plans to retire early, said he was "tired of being the fall guy for politicians who blame the economic situation on public employees."<sup>180</sup> Yet, retirements of "the most experienced at DNR" will result in a "loss of institutional memory."<sup>181</sup> By a supervisor's assessment, the watershed program is "working without 40 percent of needed staff...and after retirements positions will not be filled" due to shrinking state budgets.<sup>182</sup> The staff perspective is similar. "Every year staff reductions have gotten worse. The geographic area I cover keeps getting larger."<sup>183</sup> Another said, "we've lost

three Water Specialists since I started, the vacancies won't be filled, and I just keep covering more counties."<sup>184</sup> This was a familiar refrain throughout the interviews.<sup>185</sup>

The Water Specialist position is also plagued with high staff turnover.<sup>186</sup> A Water Specialist observed that the program is "notorious for losing people because the job seems less stable" than other jobs at DNR.<sup>187</sup> "There is pressure to shrink or eliminate the [waterway protection] program because developers want to proceed without DNR."<sup>188</sup> The funding source for the positions also contributes to the high turnover rates. General Program Revenue (GPR) funds the Water Specialist positions, and "every time there is a budget problem the first thing that gets cut is GPR," according to former Water Division Administrator Todd Ambs.<sup>189</sup> Former Administrator Ambs explained, "The Water Specialist positions are the most reliant on GPR of any position in the Water Division. As a result, when there is a vacancy, it is hard to fill a GPR-funded position because there is no job security."<sup>190</sup>

Connecting staff reductions to water impacts, a Water Specialist observed that, "when vacancies aren't being filled, things will slip through the cracks; if the new administration downsizes staff, the impact on waters could be tremendous."<sup>191</sup> Water Specialists observe a domino effect of neighbors copying each other's illegal activities:

These waters are for the public. You get one individual landowner who wants to extend shoreline into the water and he can't understand the impact on the lake, but the DNR has scientists who are looking at the big picture. Once one does it, the other neighbors are going to want to do it too. With reduced staff, DNR won't have time to follow up on these smaller individual actions to look at the big picture cumulative impacts. I already see this happening because since I started the number of counties I cover has tripled.<sup>192</sup>

Another Water Specialist shared a similar worry: "An individual may not realize the impact they're having as a single person, but because others start copying the bad behavior, cumulatively it causes harm."<sup>193</sup> Thus, the inter-



Melissa Scanlan

views emphasized the potential for degrading shared water resources due to reduced staff and experience.

## 2. Workload reductions and their impact on the waters

As the old saying goes, necessity is the mother of invention. So it has been for DNR, which has creatively addressed budget and staffing reductions in an attempt to avoid sacrificing water resource protections. Staffing reductions led DNR management to streamline and reduce workloads for staff: "We have to figure out how to get the same work accomplished with less time and still protect waters."<sup>194</sup> Some of these changes have had positive results, by creating efficiencies that do not appear to sacrifice water quality. But other changes have made it more difficult for Water Specialists to protect the public trust.

Workload reductions combined with Act 118,<sup>195</sup> which increased the number of permit exemptions and general permits, have changed the Water Specialist position to one that is "more focused on paper pushing than onsite field work."<sup>196</sup> Management has eliminated preapplication site visits and wetland delineations for landowners.<sup>197</sup> The elimination of preapplication site visits is a dramatic change from the role of a Water Specialist as captured by the author's first round of 1999 interviews, which showed Water Specialists typically shaped projects to avoid the impacts to water resources during preapplication site visits.<sup>198</sup>

However, eliminating site visits has had positive as well as negative results. One Water Specialist captured this tension: "While I could guide landowners in the right direction with a preapplication site visit, I did waste a lot of time with people to shape a project and, then once they got the bids on the cost, they would drop it."<sup>199</sup> The downside to not having a preapplication site visit is that "sometimes I get blindsided by an application and I wish the landowner had met with me prior to committing a bad idea to paper."<sup>200</sup> These changes are also burdensome on project applicants with limited means because more project applicants have to hire consultants to do work that DNR previously provided for free.<sup>201</sup> Some property owners may forego these up front costs and forge ahead with projects that harm water resources.

Water Specialists are still able to meet with individuals before they commit to an application, but this meeting has to happen at DNR's office rather than onsite.<sup>202</sup> One Water Specialist said this meeting allows him to give input ahead of time to "design a project DNR would be able to permit."<sup>203</sup> In rural areas, requiring a meeting at the DNR office is a barrier to communication because landowners need to drive fifty or more miles to get to a DNR office:<sup>204</sup> "I think this feeds into hostility from landowners,"<sup>205</sup> which thus makes it more difficult for DNR to do its job as a trustee.

A Water Specialist who has been in the job since before workload reductions was concerned because he is not able to do his job as well as he used to. "I cannot get into the field, and I have to make decisions on inadequate information."<sup>206</sup> For example, a Water Specialist explained that the

wetland maps are very inaccurate, so he looks at aerial photos since he is no longer able to assess property in person.<sup>207</sup> Similarly, another Water Specialist said, "I have to rely on a computer review, but this doesn't always answer the questions."<sup>208</sup> An upper manager concurred: "[W]e know we can give better advice if field staff can

sionally tried to delegate public trust responsibilities to local units of government, instead of DNR.<sup>216</sup> Wisconsin courts have consistently reined in this legislative action and have held that the public trust in water is a matter of statewide concern that requires DNR oversight.<sup>217</sup> Yet, this DNR management directive appears to go even

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In response to training cuts, one experienced Water Specialist stated that he "started training new people" in his region on his own. He added, "We have to do it. Training strikes at the heart of consistency, which is what the public wants." This approach, however, is not one that other regions are taking, nor is it coordinated through the Central Office for consistency statewide.

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see the project site," but DNR can "no longer afford to do this."<sup>209</sup>

Despite the challenges of desk reviews, DNR now has better computer tools to aid in efficient and accurate water management decisions. A Water Specialist said, "Some of the tools we have now — surface water data viewer — allow me to spatially understand the situation better. It helps me know whether a site visit is necessary. The tool just gets better and better with more layers of information."<sup>210</sup>

Another streamlining innovation is that DNR routes all initial permit applications through two intake specialists in Green Bay and Madison. The intake specialists process whole categories of per-

further than these invalid legislative actions because the DNR is delegating trust responsibilities to individual riparian landowners whom DNR is charged by statute to regulate. A practical problem with DNR's approach is that the trustees are relying on the riparian to know the relevant legal requirements and ecosystem impacts of their projects. Another problem is people could be "lying on their applications,"<sup>218</sup> which may result in an underestimation of the scope of the impact on water resources.

In their efforts to streamline regulations and respond to an ever shrinking workforce, DNR is tapping into greater efficiencies by relying on better computer

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...a critical legal question is whether DNR is abdicating its trustee duty by delegating some regulatory power to riparian landowners. Self-regulation may run afoul of the state's constitutional public trust responsibilities. ... A practical problem with DNR's approach is that the trustees are relying on the riparian to know the relevant legal requirements and ecosystem impacts of their projects. Another problem is people could be "lying on their applications," which may result in an under-estimation of the scope of the impact on water resources.

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mit applications without ever sending them to a Water Specialist for review.<sup>211</sup> For instance, DNR management set a statewide goal of having "50 percent of the projects fall under general permits."<sup>212</sup> DNR Management then directed the intake specialists to take a "triage" approach to processing these general permits; for activities that DNR designates as "high compliance and low environmental risk," the intake specialist processes the application based on a self-certification by the applicant.<sup>213</sup> Thus, the applicant self-certifies that the project meets all permit "eligibility criteria and will meet all permit conditions."<sup>214</sup> This triage directive appears to help Water Specialists work smarter and faster, and allows them to focus their attention on the biggest problem areas. While DNR is for the first time tracking compliance statewide for general categories of waterway permits,<sup>215</sup> DNR is not tracking the impact of these changes on water resources, and that missing information is essential to understanding the ecological impacts.

Additionally, a critical legal question is whether DNR is abdicating its trustee duty by delegating some regulatory power to riparian landowners. Self-regulation may run afoul of the state's constitutional public trust responsibilities. The legislature has occa-

tionally tried to delegate public trust responsibilities to local units of government, instead of DNR.<sup>216</sup> Wisconsin courts have consistently reined in this legislative action and have held that the public trust in water is a matter of statewide concern that requires DNR oversight.<sup>217</sup> Yet, this DNR management directive appears to go even further than these invalid legislative actions because the DNR is delegating trust responsibilities to individual riparian landowners whom DNR is charged by statute to regulate. A practical problem with DNR's approach is that the trustees are relying on the riparian to know the relevant legal requirements and ecosystem impacts of their projects. Another problem is people could be "lying on their applications," which may result in an underestimation of the scope of the impact on water resources. In their efforts to streamline regulations and respond to an ever shrinking workforce, DNR is tapping into greater efficiencies by relying on better computer

## 3. DNR has eliminated essential training for water specialists

Training Water Specialists is essential to produce confident staff, consistency across the state, and high-quality decisions based on law and science.<sup>219</sup> However, training has been significantly cut in the past three years, leading to confounding effects on the trustees and public waters.

Ten years ago, orientation training was systematic and extensive; it involved week-long modules on every section of statutes the Water Specialists implement.<sup>220</sup> A Water Specialist noted, "We had a week of training just on dredging, and another week just on piers."<sup>221</sup> Continued professional development was regular and ongoing, and included quarterly statewide meetings.<sup>222</sup> Training continued within offices on an informal basis: "We were fully staffed in my Basin so I had experienced people who mentored me."<sup>223</sup>

Around 2007, formal training ceased.<sup>224</sup> DNR had reduced its legal staff and the remaining attorneys no longer had "time to train field staff or do much enforcement."<sup>225</sup> A Water Specialist who was hired in 2007 said he "received no formal training."<sup>226</sup> One Water Specialist, who started work after the training cuts, explained, "I have to research topics on my own rather than having been trained. It makes me less confident that I'm doing the right thing. I spend a lot more time trying to consult with people and figure out the right thing to do."<sup>227</sup> In response to training cuts, one experienced Water Specialist stated that he "started training new people" in his region on his own.<sup>228</sup> He added, "We have to do it. Training strikes at the heart of consistency, which is what the public wants."<sup>229</sup> This approach, however, is not one that other regions are taking, nor is it coordinated through the Central Office for consistency statewide.

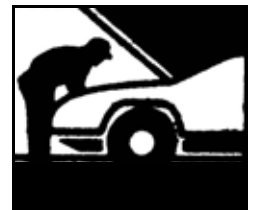
Additionally, DNR management eliminated statewide quarterly meetings, where Water Specialists obtained ongoing professional development and legal updates.<sup>230</sup> Water Specialists had also used those meetings to share information about the implementation of the law to encourage consistency across the state.<sup>231</sup> As a result, one Water Specialist said, "I'm losing a sense of what's happening around the state because we so rarely gather as a group of Water Specialists now."<sup>232</sup>

Continued on p. 8



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# MANAGEMENT: changes at DNR undermining trust duties

Continued from p. 7

Due to a lack of initial and ongoing formal training, many Water Specialists are not adequately prepared to implement the public trust doctrine. This directly impacts the management of the public's water resources because untrained, inexperienced Water Specialists are less able to understand when an action violates the law or how to navigate the complex world of enforcement than those with training. This is a particularly serious issue for wetlands protection. For example, one Water Specialist explained how he used word of mouth to reduce requests to put ponds in wetlands; these requests are prevalent in other parts of the state.<sup>233</sup> He spreads the word that he will not issue a permit because he assumes whoever undertakes the activity will place some of the dredged materials back in the wetland, which is prohibited.<sup>234</sup> "I discourage this behavior in order to protect the resources."<sup>235</sup> It takes a high degree of confidence, born by training and experience, to take these steps to protect water resources, and this particular Water Specialist had such confidence because he came on when training was in full force.<sup>236</sup> Below...I describe how this lack of training and inexperience is connected to a cranberry grower that has illegally altered 150 acres of wetlands.

#### 4. Recent statutory changes weaken water protections

"Our ability to be a trustee keeps getting taken away with so-

called 'streamlining' of the laws."<sup>237</sup>

According to the Water Specialists, Wisconsin's existing laws do not adequately protect public rights in navigable waters from common threats, such as shoreland development, congested waterways, and wetland destruction, and from emerging threats, like water privatization and diver-

civil servants trained in natural resource management and science, and the Governor's political appointees in DNR upper management.

Piers are ubiquitous yet controversial in a water-rich state like Wisconsin. On the Water Specialist side of the controversy, one Water Specialist complained that people fail to understand an "un-

A retired DNR staffer, who was involved in the negotiations leading up to the passage of Act 118, described how the Department of Administration Secretary, not DNR, ultimately "called the shots" on changing DNR's jurisdiction. Another person involved in the negotiations recalled that "the Department of Administration Secretary did not know what the public trust doctrine was and wasn't willing to ask for advice." This retired staffer reflected that the changed definition of "bank" allowed more grading to occur on shorelines without triggering DNR's jurisdiction....

sions.<sup>238</sup> This Part examines two commonplace activities that exemplify the Water Specialists' concerns: placing piers in navigable waters and grading on the banks of navigable waters.

#### A. Conflicts between the riparian right to build a pier and public rights in navigable waters

Private riparians' placement of piers illustrates the clash of riparian rights and public rights in navigable waters. This controversy also highlights the disconnect between Water Specialists, who are

authorized pier is an extension of private property into public waters."<sup>239</sup> As such, regulating piers cannot result in a taking of private property;<sup>240</sup> however, from the riparian perspective, a pier is a right that comes with ownership of land adjacent to a waterbody.

By statute, pier structures need to be consistent with riparian navigational needs.<sup>241</sup> DNR used a Pier Planner that presumed a dock six feet wide was reasonable.<sup>242</sup> This six-foot standard was a compromise between what was reasonable for the riparian right of navigation and what was reasonable to manage multiple uses of navigable waters.<sup>243</sup>

Yet thousands of riparians pushed the limit on what is considered reasonable, and built larger and more permanent structures into public waters than allowed by law.<sup>244</sup> Some of Wisconsin's well known public trust court decisions revolve around DNR's attempt to protect public rights by limiting a riparian's placement of piers and docks in order to prevent damage to public rights in clean, habitat-rich navigable waters.<sup>245</sup> DNR's study of the issue "showed that 85% of all existing piers" complied with the six foot standard.<sup>246</sup> Nonconforming piers, though making up a small percentage of all piers, have been so controversial that a Water Specialist involved in a successful public trust lawsuit on one pier had to be transferred out of the region "because he was persona non grata."<sup>247</sup>

Throughout the decade of 2000-10, a vocal group of riparians pushed to change the law to allow oversized piers and grandfather in existing non-compliant piers.<sup>248</sup> In 2008, state legislators responded by advancing Assembly Bill 297 and Senate Bill 169.<sup>249</sup> In an unusual display of organized assertion of the public trust doctrine, DNR's Northern Region Water Specialists sent a strongly worded memorandum to DNR supervisors, including the Water Division Administrator Todd Ambs.<sup>250</sup> They started the letter by calling on public servants and officials to "have the courage to put the needs of the next generation ahead of the next election cycle."<sup>251</sup> The Water Specialists expressed their concern that these bills, contrary to case law, "give more rights to the riparian owner

than to the public."<sup>252</sup> They argued that these laws would "[a]llow each riparian to 'stake out a claim' on public lakebed, with additional rights of the riparian to put out multiple docks, a loading platform, a swim raft, and/or a water trampoline. Waterways will become increasingly congested and water use conflicts will increase."<sup>253</sup> The Water Specialists opposed the bills because they thought the low standards in the bills would permit actions that compromise "natural scenic beauty, water quality, and fish and wildlife habitat that we all work so hard to protect."<sup>254</sup>

Despite the Northern Water Specialists' efforts, "the law just went through and the Water Administrator never responded to [their] concerns."<sup>255</sup> One of the Water Specialists involved in this memo thought the Water Administrator ignored them because the Administrator was a political appointee sensitive to heightened public scrutiny and criticism.<sup>256</sup> In reflecting on the controversy, the former Water Administrator said, "I needed wardens with me at this time because I had death threats about the pier rules."<sup>257</sup> He remembered the Water Specialists' Memo and responded that the conflict over nonconforming piers was just "too high of a political cost for DNR because we did not have the votes in the legislature. If we had taken a position of no change to the rules they would have just done what they wanted and the result would have been much worse for the resource."<sup>258</sup> According to Former Administrator Ambs, "The problem is that in general people don't understand and don't care about the negative impacts from oversized piers. We had to grandfather in some of the nonconforming piers in order to get the new rules passed that more clearly prohibit new oversized platforms."<sup>259</sup>

The controversy around the pier rules underscores the disconnect between Water Specialists in the field and the Governor's political appointees. They work in vastly different worlds, one focused on navigating public opinion, political power, and making judgments about acceptable tradeoffs to protect resources, and the other focused on protecting scenic beauty, water quality, and fish habitat without an inside understanding of the legislative dynamics. This is partly a problem of clear communication across DNR and with the wider public. It is not entirely clear how the DNR will bridge these divides in the future, but it should aim to strike a better balance.

#### B. Water protection consequences of Act 118's changes to grading regulations

In 2004, the Wisconsin Legislature passed Act 118, which among other things reduced DNR jurisdiction over grading projects on the banks of navigable waters.<sup>260</sup> Prior to Act 118, DNR regulated the removal of topsoil or grading of 10,000 square feet or more on the banks of navigable waterways.<sup>261</sup> Additionally, the law had broadly defined the bank of a waterway "to include any area where water can drain 'without complete interruption into the waterway.'"<sup>262</sup> Act 118 changed that definition to limit DNR's jurisdiction.<sup>263</sup>

Continued on p. 15

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Part two 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 issue

In this issue

In future issues

## Core concept 3: the trustees have a supervisory duty requiring adaptive management

State trustees have adapted to protect the trust in light of changes in the public's use of waters, public rights, and scientific understanding of hydrologic connections and impacts. They must adapt because state trustees have a continuing supervisory duty over trust resources.<sup>59</sup> Trustees' determinations are always subject to reinterpretation when hydrologic conditions or information changes.<sup>60</sup>

The California Supreme Court's Mono Lake decision highlights a trustees' enduring supervisory duty over trust resources.<sup>61</sup> The court explained that "the continuing power of the state as administrator of the public trust...extends to the revocation of previously granted rights or to the enforcement of the trust against lands long thought free of the trust."<sup>62</sup> One scholar described the decision's impact as follows:

By imposing on the state a continuous supervisory duty to attempt to preserve trust assets Mono Lake ruled that 1) there were no vested private rights that limited the trust, 2) private grantees' use rights were limited by the trust responsibility, and 3) the state was not confined to erroneous past decisions.<sup>63</sup>

Like Mono Lake, several court decisions in Wisconsin articulate the trustees' continuing supervision over state waters.<sup>64</sup> The results may seem extreme from the perspective of the private riparian. However, the law is clear, and public trust rights in state waters have always limited riparian rights.

First, DNR may change navigability determinations at any time, even when a landowner has relied on a prior determination.<sup>65</sup> Navigability determinations may impact how a landowner may legally exercise riparian rights. For instance, in 1989, DNR declared navigable an artificial drainage way that the agency preceding DNR had declared not navigable.<sup>66</sup> The appellate court upheld the new navigability determination and DNR's order to remove the landowner's structures.<sup>67</sup> This decision demonstrates the continuing supervision of the trustees over public waters.

Furthermore, while rare in practice, DNR has the authority to stop projects from continuing as planned if new information requires stoppage in order to protect public rights in waters.<sup>68</sup> For example, DNR issued a permit to ABKA Marina that informed the permit holder that "[t]he Department may change or revoke this permit if the project...becomes detrimental to the public interest."<sup>69</sup> The court ultimately revoked ABKA's approval after it was challenged by a public trust beneficiary.<sup>70</sup> In another situation, after DNR issued permits for part of a marina and condominium development on Lake Superior, the agency denied a necessary dredging permit to protect an emergent weed bed that provided fish habitat.<sup>71</sup> DNR's denial prevented the completion of seventy-one of the 201 planned boat slips.<sup>72</sup> The DNR's prior decision to permit an earlier phase of marina development resulted in the growth of this new fish habitat, which then provided the basis for DNR's subsequent denial of the next phase of marina development.<sup>73</sup> Yet the court upheld DNR's decision.<sup>74</sup> This case shows DNR's adaptive management in action, and demonstrates again that courts uphold DNR actions to protect public trust resources even when it means preventing development from proceeding as initially planned.

Part II will show that, while DNR has a mandatory duty to continuously supervise trust resources and apply adaptive management, this duty is rarely actualized. DNR managers are loath to initiate legal actions or deny permits to carry out DNR's continuing supervisory duty due to a variety of factors, ranging from lack of staff resources to lack of political will.

## Core concept 4: courts and legislatures have expanded the public trust definition of waters and public rights

The definitions of navigability and public rights in waters have evolved significantly over Wisconsin's statehood. The courts and legislature have modified the public trust doctrine as water uses change to reflect the importance of water in people's lives and livelihoods. The modifications allow the law to adapt so that it can be as relevant today as it was 150 years ago, when the primary use of Wisconsin's waters was floating logs for commerce.

### A. The scope of waters protected by the public trust doctrine has changed over time

It is axiomatic that the state holds navigable waters in trust for the use and enjoyment of the pub-

lic. The definition of navigability affects which waters are covered by the public trust doctrine; not only have the courts and legislature expanded which waters are considered navigable, but they have also moved beyond the traditional bounds of navigability to nonnavigable waters, shorelands, wetlands, and groundwater hydrologically connected to navigable waters.<sup>75</sup>

Under English common law, the public trust originally only applied to tidal waters.<sup>76</sup> That limitation proved impracticable in the United States, and in 1871 the U.S. Supreme Court in *The Daniel Ball* held that the public trust doctrine applies to all waters, tidal or fresh, that are "navigable in fact."<sup>77</sup> Although Wisconsin initially followed the test established in *The Daniel Ball*, Wisconsin courts have over time modified the navigability test to reflect changing public uses and public rights in water. In the late 1800s and early 1900s, the public trust doctrine applied to waters capable of floating the products of commerce to mill or market during a certain season, reflecting the primacy of water-based commerce at that time.<sup>78</sup> As early as 1914, the Wisconsin Supreme Court expanded its navigability test to include recreational boats.<sup>79</sup> Finally, for at least the last thirty years, the navigability test has encompassed all water bodies capable of floating any recreational boat during a certain recurrent period of the year.<sup>80</sup>

The extent to which Wisconsin's public trust doctrine influences state management of additional, nonnavigable, artificial, or underground water is based on the interactions between these waters and navigable waters. As scientific knowledge about the interconnectedness of hydrology has increased, courts and the legislature have expanded the public trust doctrine to cover activities on shorelands, wetlands, nonnavigable waters, and groundwater adjacent to navigable waters.<sup>81</sup> While the public trust doctrine will not suddenly convert private uplands adjacent to navigable waters into public trust property, it does limit the exercise of riparian rights.

In order to prevent harm to navigable waters, the public trust doctrine places a duty on the state to regulate riparian activities on uplands and pumping groundwater.<sup>82</sup> For instance, in 1965, the legislature carried out that duty by creating shoreland regulations in Wisconsin's Water Quality Act<sup>83</sup> "[t]o aid in the fulfillment of the state's role as trustee of its navigable waters..."<sup>84</sup> The legislature determined it was "in the public interest" to regulate human activities on lands "lying close to navigable waters."<sup>85</sup> The court approved this regulation of riparian rights because "[l]ands adjacent to or near navigable waters exist in a special relationship to the state."<sup>86</sup> In some circumstances, the trust also applies to nonnavigable streams, again to protect downstream navigable waters.<sup>87</sup> Similarly, the trust applies to artificial navigable waters that are "directly and inseparably connected with natural, navigable waters."<sup>88</sup>

Most recently, the Wisconsin Supreme Court held the trust applies to groundwater permits for high capacity wells<sup>89</sup> to protect connected navigable waters.<sup>90</sup> The case arose out of

a contested groundwater permit when the Village of East Troy sought to drill wells near Lake Beulah. In *Lake Beulah Management District v. State DNR*, the court emphasized the public trust doctrine is a "fundamental tenet" of Wisconsin's Constitution that should be broadly construed to protect public rights in navigable waters.<sup>91</sup> The court held DNR has both "the authority and a general duty to consider potential environmental harm to waters of the state when reviewing a high capacity well permit application."<sup>92</sup>

Hence, from the founding of the State until the current day, the courts and legislature have broadened the scope of the public trust doctrine in a way that reflects public usage of water and increased scientific understanding of the interconnectedness of all waters.

### B. The legislature and courts have broadened public rights protected by the public trust doctrine to reflect the public's actual use of waters

While expanding the scope of waters and activities regulated under the public trust doctrine, Wisconsin's courts and legislature have also continued to redefine public rights in those waters. Public rights to use waters for commercial navigation and fishing at the beginning of statehood evolved into rights to use waters for recreation,<sup>93</sup> scenic beauty,<sup>94</sup> water quality,<sup>95</sup> and other "nonpecuniary purposes."<sup>96</sup>

Additionally, the public now has a right of access to navigable waters, without which the public may be unable to use and enjoy the state's waters.<sup>97</sup> In the *Town of Linn* decision, the court of appeals struck down a village and town's parking and boat launch requirements that favored local residents, recognizing "the general public certainly cannot benefit from the public trust doctrine if it is unable to access the waters."<sup>98</sup> Because parking, particularly boat trailer parking, and public boat launches were an integral part of accessing the lake, the court in *Town of Linn* concluded that DNR's authority under the public trust doctrine included the parking facilities and boat launches in addition to the navigable waters of the lake.<sup>99</sup>

Clearly, public rights in navigable waters are broadly defined. However, an ongoing tension is how DNR is to balance public rights and the rights of riparians. This balance depends on several factors: laws that protect and conserve waters in their natural state, DNR water managers who adequately and appropriately implement these laws, and the beneficiaries' ability to right a wrong if faced with inaction or ineptness by the government trustee.

\* To save space, footnote numbers are shown here, but footnote text is not. Footnote text often refers to court cases and legal opinions. To read the footnotes, see the complete piece at [www.WisconsinTU.org](http://www.WisconsinTU.org).

### NEXT ISSUE:

More core principles of Wisconsin's Public Trust Doctrine will be presented in the next issue of *Wisconsin Trout*.

A link to Scanlan's entire article can be found right now at [www.WisconsinTU.org](http://www.WisconsinTU.org).



# Chapter News

## Aldo Leopold Chapter

Our fund raising for the 2013 phase of the **Bear Creek Habitat Improvement Project** is going well. In November, we were informed that we've been awarded \$4,000 from the **Trout and Salmon Foundation**. **Tom Gawle** once again wrote an excellent grant, and our Wisconsin advocate on the foundation's board, **Jim Budelman**, did an outstanding job of selling our project to the foundation.

We have also applied for an **Embrace-A-Stream Grant** through **TU National**, as well as a **US Fish & Wildlife Service (USFWS) National Fish Habitat Action Plan** grant. I am optimistic that we'll reach our \$162,000 goal to fund the project.

After initial, erroneous reports that we had not been awarded a grant, in early December we received word that the chapter has indeed been awarded a \$3,500 grant from **Alliant Energy**. This grant is to be used for educational purposes related to our Bear Creek work. Our plans for the grant include signage, an informational kiosk, and stream monitoring equipment. Thank-you to Tom Gawle for writing the grant, and to our grant reference person, **Debbie Frosch**, an environmental specialist with Alliant, for helping us secure these funds.

The chapter will once again have a fly tying class this January and February. Planning is on-going, but I expect it will be held at the public library in Baraboo again. I am looking forward to the class as it's a great way to get new people involved with the sport, and it's a great way to get energized for the new fishing season.

At the December 12 **Natural Resources Board** meeting, the NRB voted to adopt the **Columbia County Planning Group Master Plan**. This master plan affects a number of trout streams and their watersheds, so ALCTU was active during the planning process, attending meetings and offering our suggestions as the plan developed.

I want to commend the group of folks at the **DNR** who were responsible for creating this plan. A lot of hard work went into creating the plan, and the entire process was well organized and clearly communicated, with numerous occasions for the public to be involved in the process. This process produced a plan I believe will benefit not just the county's trout resources, but the entirety of Columbia County. I hope that the just-commenced **Driftless Area Master Plan** goes as smoothly.

—Mike Barniskis

## Antigo Chapter

Hello, and a Merry Christmas and Happy New Year to you all. As I put fingers to keyboard, I'm thinking of this past year.

We have finished the kid's fishing dock that Antigo TU and the **City of Antigo** worked on together this past summer and fall. The dock is on **Remington Lake** in the city, and it is part of an urban fishing area for kids up to 16 years old. The city bought the dock and frame, and our TU members fabricated the metal railing and put the dock together. The

**Remington Foundation** was contacted and gave Antigo TU a \$1,000 grant to help with the project.

Late this summer, we also did a brushing project on the **Middle Br. of the Embarrass River** covering about 3/4 of a mile.

Just a few weeks ago, our N.E. region held our winter meeting at **Langlade**, and again our region did itself well in funding projects presented by our area's **DNR** and **National Forest Service** personnel. Antigo TU provided \$7,270 in fund-

ing for projects ranging from beaver control in **Langlade Cty.** and the national forest, to help funding two summer work crews. A trash pump for installing woody debris for the **Antigo DNR** office was another item funded.

We are in the process of setting up a project for early spring on the **East Br. of the Eau Claire River** by **Hwy. 45** and **Cty. C**. We hope to place Christmas trees and create a new brush bank to help clean out sediment in front of a fishing dock

at the **Lion's Club Park** at this location. This is a joint effort spearheaded by Antigo TU along with the **DNR**, the **Town of Neva**, the **Hyland Lakes Lion's Club**, and the **Northwood's Sportsman's Club**.

We will again hold our fund-raising banquet on the last Saturday in March. We hope to complete the above brush bundle project and move on to our annual kid's fishing day held on the first Saturday in June.

—Scott Henricks

## Blackhawk Chapter

After two years of stellar service as our chapter president, **Vic Potocki** decided to take a well-earned rest, and **Gordon Long** was elected to the post at our November meeting. Many members expressed their thanks and well-wishes to both Vic and Gordon!

The Blackhawk Chapter is well-known for its involvement in stream restoration projects, and we are continuing the effort. Although we will be working later on in 2013 on two other projects — one on the **West Fk. of the Kickapoo** above the bridge at **Avalanche** and the other in **Green Cty.** — our major focus at this point is on **Hornby Creek** in **Vernon Cty.** Blackhawk has already provided \$5,000 toward the project, and the **Lee Wulff Chapter** in **Illinois** has combined with the **Badger Fly Fishers** in **Madison** to commit a similar amount. Rock was delivered and installed this fall, and Blackhawk and Lee Wulff will have a joint workday on March 16, 2013 (weather permitting, of course!).

Program chairmen **John Miller** and **Ron Machajewski** always come up with interesting presenters for our monthly meetings. **Driftless Area** guide **Jim Bartelt** of **Madison's Spring Creek Specialties** was our

speaker at the September meeting. **WDNR** entomologist **Mike Miller** presented a program about invasive species in October when **WITU** State Council Chair **Kim McCarthy** also visited us. In November, our very own guys, **Dave Patrick**, **John Lusk**, and **Dick Alfors** presented their take on the wonders and challenges of fishing in **Montana**, aided by **Fred Young**.

Starting Tuesday, Jan. 8, we will once again have a 10-week "Flies Fit to be Tied" fly tying class at the **Basics Natural Food Store** in **Janesville**, led by **Arlan 'Bud' Hilgendorf** and several other master fly tyers in the chapter. Many of these guys tied the flies that garnered the highest bid in the silent auction at last year's State Council banquet in **Rothschild**, so if you want to freshen up your techniques, or just have some fly tying fun, feel free to sign up. \$10 covers the fee.

Our annual fund-raising Spring Banquet will be held on the last Monday in April, the 29th, at the **Pontiac Convention Center** in **Janesville**. Everyone is welcome, so come on down to Janesville that evening to help us continue to do the stream work we're known for!

—Dave Hinde

## Central Wisconsin Chapter

With 2012 at a close, CWTU really had a productive and fun-filled last quarter. October opened up on a grand note. October 6 was the evening for our 41st annual fund-raising banquet. All had a good a time and enjoyed wonderful food.

We celebrated the evening with a number of awards. **Jim Murphy** was presented the **Gold Trout Award** for his work with the water monitoring program, and **Jack Wahlers** received the **Curmudgeon Award**. Congratulations to both of you.

The second portion of the evening, we had a drawing for gift certificates for participants in our workdays and our **River Keepers** groups. **Julia Sullivan** won the one for the workday, and **Jim Murphy** got one for the water monitoring.

We capped off the evening with the drawing for a fishing kayak and paddle, which was won by **Ira Giese**. Congratulations to all of the winners. One more thing on the banquet. A lot of work goes into pulling off a very successful evening. Thanks to **Laura Tucker**, our banquet chair, and the rest of the banquet committee for making this possible, including **Tracy Moran**, **Bob Haase**, **Scott Grady**, **Mike Schaefer**, **John Tucker**, **David Seligman**, and **Linn Beck**.

October also brought us our last workday. This was scheduled at the **mill pond** in **Wild Rose**, where we worked on the raceways to the north of the pond on Saturday, Oct. 13.

We had 12 brave souls come out and play in the rain. We were able to get the brushing of the raceways completed and all the debris stacked for the county to pick up. There is some significant history that goes with these raceways. They were used for years to stock the pond, raise fish for some other surrounding waters, and grow food for the members of the village. Future plans call for a kiosk to provide information about the area. If you get to Wild Rose, stop at the parking area and check these out. Thanks goes to **Darrell Toliver** for pointing this project in the right direction, and to the rest of the workers for completing it.

Our November meeting was preceded by our River Keepers dinner for all of the participants in the program last summer. **Kris Stepenuck** of the **UW-Extension** was our program speaker for the evening. It was a nice evening for all, perfect for bringing the water monitoring season to an end.

December brought us some great news. Back in the spring of this year, we were approached by the **DNR** about a piece of property on the **White River** just south of **Wautoma**. The property has about 1,250 feet of river frontage, and it is nestled in among the existing DNR property. There is a well and septic system that needed to be abandoned, plus two buildings needed to be raised. They asked me if TU would be interested in donating monies to take

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a Fishing Expo

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Waverly Beach, N8770 Firelane #1, Menasha

Lunch will be available



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FVTU is a 501 (c)(3) organization. Proceeds from CFD fund our chapter's operations as well as community and environmental work.

# Chapter News



care of these problems and some future restoration. I called **Kim McCarthy** and asked if he had any ideas on where to go for funding. Kim suggested that the **Watershed Access Fund** would be ideal for this situation. We applied and received the funds and, in turn, gave them to the **DNR**. In early December, we were told that the purchase was going through, some really terrific news.

As we go into the New Year, we are going to have some great events coming up. On Tues., Jan. 8, our business meeting will start at 6:15 p.m., with our program starting at 7:30. The program will be "Night of the Tiny Mayflies" with speakers

**Tom Lager** and **Charlie Piette**. This is another installment following our earlier programs, "Night of the Mayflies" and "Night of the Terrestrials." We will also have fly tyers there, tying their favorite patterns and answering any questions you might have.

And, of course, on Sat., Feb. 25, we will have our **Trout Fest**. Trout Fest features 20-minute seminars on various subjects, fly tying, raffles, and several vendors showing off their products. Doors will be open at 8:30 a.m., with seminars starting at 9:00. Both of these events are free and are held at the **Fin-N-Feather** in **Winneconne**. Hope to see you there.  
—Linn Beck

## Fox Valley Chapter

The Fox Valley Chapter of TU is in the midst of preparing for its 2013 fund-raiser, **Cabin Fever Day**. The yearly event is being held on Sat., Jan. 19 from 9 a.m. to 4 p.m. at **Waverly Beach** located at N8770 Fire Lane #1 in **Menasha**. The event will include a silent auction, bucket raffles, casting clinic, WI guides, fly fishing shops, fly tying, rod building, entomology, fishing equipment reps, and used equipment for sale.

There will also be expert speakers from our neighboring states of **Iowa** and **Michigan** who will be showing fishing opportunities in their states. Details of the event, including speaker times and directions, are posted on the FVTU website at [www.foxvalleytu.org](http://www.foxvalleytu.org); click on Cabin Fever Day on the home page. The event Chair is **Don Clothier**. You can contact Don at (920) 851-0597.

This fall, FVTU members **Al Johnson**, **Norm Christnacht**, **Tom Lager**, and **Joe Bach** demonstrated fly tying for children at the **Bubolz Nature Preserve's Romp in the Swamp**. This hands-on demonstration allows children to actually tie their own Woolly Bugger and take it home. We had a raffle for the children, and the prize was a **Redington** fly rod and reel. The proud winner was **Griffin Daly** of **Appleton**.

On Dec. 1, FVTU met with other TU chapters of the central and N.E. regions, along with **WDNR** and **Forest Service** representatives. The

chapters collectively donated over \$50,000 for trout habitat improvements. Part of donations will be used for funding two LTE crews in 2013. One crew will work the central region, and the second will work in the northeast region. Matching funds from available grants like the **Friends of WITU** will substantially increase the impact of the funds donated by these chapters.

For me, this meeting was an emotional experience. I saw over 30 people gathered at a table on the banks of the **Wolf River in Langlade** on a snowy December morning. Their purpose was to discuss and decide how they would use TU chapter donations to create employment for students and, at the same time, carry out the mission of Trout Unlimited: The preservation and restoration of our fresh water fisheries. Bless those founders of Trout Unlimited.

As I prepare this report, I am thinking of "Tell some lies and tie some flies." This is the theme of the FVTU December meeting. A causal dinner provided by **Bob Kinderman**—along with people sharing their fly tying skills, techniques, and flies—makes for a very enjoyable evening. For me, the highlight of the meeting will be **Al Johnson's** carrot cake with 5 pounds of icing. I am sure glad I was not born a trout and, after a dinner of fresh scud, had only caddis larva to choose from for dessert.

—Joe Bach

## Frank Hornberg Chapter

The Frank Hornberg Chapter has finished a very successful year of stream work rehabilitation, educational workshops, and public presentations. We begin 2013 under the leadership of our new and capable chapter president, **Matt Salchert**. In recent years, **Matt**, **Dan Boggs**, and **Wyatt Bohm** have supplied the chapter with youthful energy and new ideas. All of us appreciate their enthusiasm and their commitment to the sport. We are also grateful for the continued contributions of long-time members, including **Norb Wozniak** and **Dan Holland**.

Hornbergers will get an early start on the 2013 season with an on-stream workday on Feb. 23 at the **Bob Lea** farm. It is never too cold to move rocks and Christmas trees.

Our first fly tying workshop will be on Tues., Jan. 15 at **Clancey's Stone Lion** in **Custer**. The Stone Lion is normally closed on Tuesdays, but owner **Brian Clancey** will have it open just for us starting at 7:00 p.m.

The second fly tying workshop will be on Sat., Feb. 9 at the **Portage County Public Library** in **Stevens Point** from 9:30 a.m. to 1:30 p.m. This is a daytime, weekend workshop which should be more convenient for families with young children. We issue a special invitation to young people to witness (and practice) the art of tying.

We will have general meetings open to the public in January, February, and March. In January and February, our speakers will be **Matt Wagner** and **James Card**. **Matt**, owner of the **Driftless Angler** fly shop in **Viroqua**, is well known to the Wisconsin community of trout fishers. **James Card** is a free-lance writer, journalist and editor who spent 12 years as the one and only fly fishing guide in **Korea**. He now lives in Wisconsin, where he grew up and was educated.

Our March 14 meeting is our annual banquet. Our guest speaker this year is **Chicago videographer Robert Thompson**. His most recent



### GREEN BAY TU AWARD WINNERS

Green Bay Chapter President Paul Kruse (2nd right in both pictures) and VP Randy Rake (on left in both pictures) posed with chapter award winners recently. Distinguished Service awards went to Roger Denil (top, 2nd left) and Larry Mommaerts (top, right). Silver Trout awards went to Pat Hill (bottom, 2nd left) and Wally Heil (bottom, right).

documentary, "Heart of the Driftless," is an inspiring look at the spring creeks of southwestern Wisconsin. We will meet at **Shooters Supper Club in Plover**, with the program starting at 7:00 p.m. Members and guests are invited to dinner before the meeting, and they are invited to the recognition ceremonies and raffle that follow.

On March 24, our chapter will have a special fly fishing outing, probably on the **Tomorrow River**.

Anyone who wants to learn more about fly fishing will have an opportunity to develop skills and watch the experts in action. More details on this event, as well as our meetings, will be available on our website at [hornberg-tu.org](http://hornberg-tu.org). Anyone looking for that website is reminded that the hyphen must be present in the web address. Otherwise, the search may end up at our old website, which is no longer maintained.  
—John Vollrath

## Green Bay Chapter

The Green Bay Chapter completed another successful season of performing habitat improvement on area streams. Work Project Chair **Lee Meyers** reported that we worked on four different streams and likely improved several miles of trout water in **Oconto**, **Forest**, and **Langlade** counties. **Matt Norem** and **Jeff House** attended every work project. We averaged 15 TU members per work project.

We also had another successful Kids Fishing Day with about 60 kids enjoying an afternoon of fishing at the **Izaak Walton League** ponds in **Bellevue**. This was our 21st year doing this with the **PALs Program**.

In December, the chapter held its annual **December Dinner and**

**Awards** meeting. Besides enjoying a fine meal, great entertainment, and wonderful camaraderie, members honored those who have helped the chapter achieve its goals. Awards were presented in two categories—overall support of the goals of the chapter and banquet support. In the general category, the following awards were presented to these individuals:

- **Silver Trout** awards for exceptionally long and distinguished service were presented to **Wally Heil** and **Pat Hill**.
- **Distinguished Service** awards, also for long, meritorious service, were presented to **Roger Denil** and **Larry Mommaerts**.

*Continued on p. 12*



## Chapter News



### A GOLD NET FOR KIAP'S GREG MEYER

Greg Meyer (left) will be able to scoop up the big ones with this net awarded him by Kyle Amundson at Kiap-TU-Wish's recent chapter banquet.

*Continued from p. 11*

**Jeff House** was inducted into the **President's Club**, which recognizes those whose attendance at work projects has been outstanding.

In the banquet category, **Gold Sponsorship** awards were given out in the following categories:

- Individual: **Leo & Kathy Nikowitz**,
- Artist: **Dennis Dugre**, and
- Business: **Stadium View Banquet Hall** in the person of **Jerry Watson**.

### Harry & Laura Nohr Chapter

Our 2012 stream project on the lower end of the **Blue River** off **Shemack Road** is off to a great start. Some areas had to wait until late in the year for the corn crop to come off so we could remove soil.

There are about 3,000 feet below and 1,000 feet above the bridge on

The chapter is presently preparing for its 38th annual fund-raising banquet. The event will be on **Thur., Feb. 21**, at the **Stadium View Banquet Hall**, at which time we expect to raise upwards of \$20,000 to use for the enhancement of our coldwater resources.

Finally, the chapter is revamping our website, building an even better showcase for our chapter's activities. Check it out at [www.greenbay-tu.com](http://www.greenbay-tu.com).

—*Gary Stoychoff*

Shemack Rd. that can be worked on.

The stream is very deep here, and it will cost a bit more for dirt removal.

—*Brian Larson*

### Kiap-TU-Wish Chapter

Our chapter banquet was held Dec 6 at a new location, the **Lake Elmo Inn Center**. The transition went smoothly, as did the role of MC, when **Alison Jacobs** took over this honor from her father, **Jon Jacobs**, who had been performing it in the recent past. Thanks Allison, and great job. Guest speaker **Angie**

**Hong** gave a wonderful presentation on conservation gardens. Thank you, Angie. The chapter rose close to \$5,000 from the banquet.

The chapter gave out one award, a **Gold Net** award to **Greg Meyer**. In the past, various chapter board members had pitched in with help from the **DNR** in grant writing to



### SOME SERIOUS BANKS TO TAPER

The Blue River in Grant Co. has some highly eroded banks in the project area being worked on by the Harry & Laura Nohr Chapter.

fund our projects. This model never allowed us to fully realize our potential to raise funds, and a major change was in order. Greg volunteered to take a class in grant writing, and he proceeded to submit and receive numerous grants for our **Trimbelle R.** stream projects. The future looks very bright right now for us in the funding area.

Our project committee is currently coordinating efforts with the **DNR** to continue our **Trimbelle River** project and plan for future projects. **Marty Engle** and **John Sours** have been invaluable with their help and in supplying information. Thanks, guys.

—*Kyle Amundson*

### Northwoods Chapter

Northwoods' annual banquet will be Tues., April, 2. Tickets are \$40. We are doing some different things to get people to attend this year, such as a sponsorship and cash raffle. There will be an early bird special — get tickets two weeks early and be eligible for a cash raffle of \$250. People who give \$200 will receive two tickets to the banquet, two TU pins and caps, plus entry into a drawing for a float trip with **Bill Sherer**.

We will be having a meeting in January. The agenda will mostly be banquet planning. Will have more details up on Facebook and on our website.

Congratulations to **Aaron Nelson** on being picked for our chapter's **Unsung Hero** award. Thank you, Aaron, for all the years of volunteering, and for the years to come.

—*Hannah Hansen*

### Oconto River Chapter

The chapter has once again kicked off the **Trout in the Classroom** program by delivering "eyed" eggs to the students in the **Oconto, Lena, and Gillett** school districts. **Mark Green** has headed up this project again this year.

Eggs began hatching around Christmas, and their development will provide a wonderful project for the classes involved.

Special thanks to **Tim Winkle** at **Silver Moon Springs Trout Ranch** for supplying the eggs and fish food to the classes. Also, a thank-you to the school district coordinators who include this project in their curricula: **Lara Nichols** at **Oconto**, **Roberta Windus** at **Lena**, and **Greg Zeitler** at **Gillett**.

Our board of directors met to prepare a budget for 2013 while completing our annual financial report. Member of the year and best lunch awards were discussed. Awards will be presented at the January meeting.

The banquet committee was established, and a tentative date has been set for April 25. Banquet Chair **Dan Sunnicht** reported that prizes were already being accumulated.

Elections were held and the following are the new officers for the chapter:

**Dale Halla**, President,  
**Roger Fergens**, V.P.,  
**Jim Trochta**, Secretary, and  
**Tom Klatt**, Treasurer.

Directors include **Norm Christensen** (3 years), **J. Scherbarth** (2 years), and **Don Wagner**, (1 year).

Members attended the **NE Region** TU meeting in **Langlade** and contributed to projects affecting the **Oconto River watershed**.

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

—*Dale Halla*

### Southeastern Wisconsin Chapter

Our formal all-chapter meetings resume in 2013 at **The Charcoal Grill**, located at 15375 W. Greenfield Ave., in **New Berlin**, just south of I-94 near the intersection of Greenfield and Moorland. The folks at the Charcoal Grill are pretty quick with turning around food orders, and because of that, we've decide to start our meetings at **7:00**. Our meetings are open to the public and run monthly from Sept. thru May.

Upcoming meeting dates include **Jan. 22** (featuring **Jared Ehlers**), **Feb. 26**, and **March 26**. 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 fall, including **Capt. Pat Ehlers**, owner of **The Fly Fishers Fly Shop**, author and fishing guide **Rich Osthoff**, and fishing guide **Nate Sipple**.

At our November meeting, SEWTU recognized several individuals for their volunteer efforts. Volunteer award recipients included **Kyle Klamar** and **Josh Radlein**. We also presented **Royce Dam** with an award for his continued support of SEWTU's mission over the years.

We concluded our 2012 workday schedule with projects on **Genesee Creek** and **Paradise Springs Pond**. On Oct. 20, volunteers headed out to **Genesee Creek** to clear some buckthorn. Volunteers also helped collect data about the many ash trees along the banks of the river. **Carroll University** professor and SEWTU member **Jason Freund** and his students are hoping to study the effects of **emerald ash borers** on streamside habitat.

On Dec. 1, about 30 volunteers headed out to our **Paradise Springs Pond** workday near **Eagle**. We assisted a **DNR** crew with brushing in an effort to make the pond more angler-friendly. The pond opens for catch-and-release trout fishing on Jan. 1. We ended the morning with our traditional brat fry and many got a tour, led by DNR Fisheries Biologist **Ben Heussner**, of some rehabilitation work on the nearby **Scuppernong River**.

Our fall education activities included a visit to the **DNR's Root River Steelhead Facility Open House** in **Racine** on Oct. 13. Attendance was down this year due, in part, to wet weather. Volunteers still eagerly helped teach kids how to cast a fly rod all day long. Thanks to

# Chapter News



all who volunteer at these important public events. You're great ambassadors for our organization.

On Tues., Oct. 9, SEWTU hosted our **Annual Habitat Fundraiser** to support future stream restoration efforts. The event was held at the **New Berlin Hills Golf Course in New Berlin**. This fun-filled evening featured food, drink, live music, and lots of raffle prizes! Net proceeds totaled over \$9,000 for the evening! Special thanks go out to **Chuck Beeler, Stan Strelka, Jim Wierzba, Henry Koltz, and Rich Vetrano** for their efforts in organizing the event. We'd also like to thank the many volunteers who showed up early to help set up. And thank-you to all the generous donors who made this night a huge success!

On Sat. Nov. 17, while most people were climbing into their tree stands, about 12 SEWTU members got together for our **Annual Fall Fishing Outing** on the **Milwaukee River**. We'd like to thank **John Knitter** for leading this effort. Unfortunately, water levels were really low, and there were very few fish in the

river. Still, it was a great way for some of our non-hunters to get together and enjoy the outdoors.

Our **Project Healing Waters** program will continue tying flies at the **VA Medical Center in Milwaukee** thru the winter. **Al Dalphonso, John Knitter, and Glen Winston** lead our morning group. **George Batcha, Rick Frye, and Eddie Koscik** continue to lead the evening classes.

We closed out our fishing outings for 2012 with a trip to the **Sheboygan River** on Oct. 18. We had over an inch of rain the previous night, but we were still able to get the vets into some nice fish. Special thanks to **River Wildlife in Kohler** for sharing their little piece of the Sheboygan River with our veterans. Thank you to all the volunteer fly fishing mentors who make these outings possible.

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). Thanks for all you do. Our coldwater resources wouldn't be the same without you.  
—Mike Kuhr

## Southern Wisconsin Chapter

"A compelling case can be made for **George Daniel** as the best fly-fisherman in the country." So wrote **Charlie Meyers** of the *Denver Post* in 2009.

The Southern Wisconsin Chapter is excited to have George as our featured speaker at our 30th annual **Icebreaker** event on January 12. George is a dynamic speaker and will be presenting twice. One session will cover tips, tricks, and techniques for *Dynamic Nymphing* (the title of his recent book), and the other will be a personal look back at 2012's *Trout Lessons*. You won't want to miss this opportunity to hear George Daniel speak!

We're also pleased to have our very own **Mike Miller, WDNR** stream biologist, discuss the health of Wisconsin's trout streams and offer a few tips on hidden gems around the state. You'll leave inspired to try out a new stretch of stream in 2013.

As usual, we will have some of the region's most innovative fly tyers, a youth education room, and a tremendous array of bucket raffle items. As in the past, we will let

youthful fly fishers under the age of 12 in for free as long as they are accompanied by a parent. This year we are proud to also invite both retired and active military personnel to our event; they will receive **free admission with their military ID**.

We'd love to see you on January 12 at the **Promega Center in Fitchburg**, just south of Madison! You'll enjoy a friendly, roomy, professional, and relaxed atmosphere.

Our fall has been busy on a number of other fronts, including some very productive stream workdays. Our volunteer crews did an incredible job to improve some important local waters, and anglers will be excited to drift a fly through them in the spring.

Learn more about us, our events, and activities at [www.swtu.org](http://www.swtu.org).  
—Drew Kasel



### WILD RIVERS MEMBERS SHARE THEIR FLY TYING SKILLS

Wild Rivers Chapter members Don Suttiff and Jim Emerson recently taught fly tying to some Washburn High School students.

## Wild Rivers Chapter

Each year our chapter works with **Sheree Collins'** outdoor activities physical education class, instructing them in fly tying and fly casting. The event is held at the **Northern Great Lakes Visitor Center** where center staff host the event. Helping at this year's event were **Roger Gustafson, Chuck Campbell, and Dick Berge**.

The chapter decided to change our traditional **Expo/Auction fundraiser** this year. The basic outline for the **2013 Hayward Fishing Expo** is as follows:

- When: Sat., March 16, 11-5 p.m.
- Where: **Wesleyan Church in Hayward**.
- Co-Sponsors: Wild Rivers Chapter of TU, **Namekagon River Partnership**, and **Sons and**

### Daughters of Zebedee

- Events: speakers, seminars, auction, silent auction, bucket raffle, demonstrations, casting, fly tying, spinner making, kids events, and family fishing fun.
- Themes: **Namekagon River**, community outreach, take a kid fishing, "fishers of men," and the Namekagon trout fishery.

Nestled nicely in the events calendar, between the **Birke** and the **Twin Cities Fly Fishing Expo**, this event will be a great opportunity to treat cabin fever with a strong dose of family fishing fun. And as an extra bonus, the early trout season will be open, and hungry Namekagon trout will be waiting nearby.

—Dick Berge

## Wisconsin River Valley Chapter

We hope you have all had a happy holiday season and that Santa brought some of you a new toy or two to use on your trout streams this upcoming season.

At our most recent meeting, we were able to recruit three new board members: **Pat Hager, Kirk Stark, and Doug Aziz**. We also have a new treasurer, **Betsy Hager**. We cannot

thank **Brian Marnholz** enough for the countless years of service has put in serving as our chapter as treasurer. Brian was also instrumental in our annual banquet. **THANK-YOU, Brian**, for all the work you did!

In October we had our annual **Plover River Stream Study Days** with **Wausau East High School**.

*Continued on p. 14*



### REMOVING INVASIVE ELODEA FROM ROSENOW CREEK

An unidentified SEWTU member helped the DNR clear elodea from Rosenow Creek in Oconomowoc this year. When left unchecked, the plant reduces stream flows and cause silt to accumulate in a stream.



### WILD RIVERS LITTLE SIOUX WORK CREW

The Wild Rivers Chapter conducted a workday on the Little Sioux on July 28. Helping out were (left to right) Bob Traczyk, Joyce Kiel, Rolland Kiel, Jim Emerson, Peter Freiburger, and Peter Stevens.



# Chapter News

Continued from p. 13

A total of 110 students participated over two days. Students got a hands-on experience in the stream at the **Herb Hintz Riffle** section of the **Plover River**. Our Czarina **Linda Lehman**, **Al Hauber**, **Henry Kanemoto**, and **John Meachan** were on hand from our chapter.

Following the student event, Linda Lehman noted, "I was really anxious to see how the Plover fared

through the hot, dry summer. I was very surprised to see better numbers of giant stoneflies over last year, and several 1- to 2-year-old brook and brown trout. Very surprising results. Hopefully the Plover and other coldwater streams will not be tested again like the summer of 2012."

Our chapter has been holding our monthly meetings the second Monday of every month at the **Great Dane Pub** in **Wausau**.

For more information on our chapter, check us out on **Facebook**

or at our website.  
—Doug Brown

## Wolf River Chapter

The Wolf River Chapter's **Appreciation Dinner** was held October 13 at the **White Lake Community Center**. Thanks to everyone who helped.

Last year's brat stand at **Mike's Service** in **Langlade** was a success. We ran the stand for four weekends

during the summer, bringing in much needed revenue. Plans are being finalized for our 2013 brat stands. Dates, however, have not been set. We are always looking for volunteers to help out. If interested, please contact us through our website, [www.WolfRiverTU.org](http://www.WolfRiverTU.org).

Two culverts on upper **Nine Mile Creek** have been replaced. The old culverts were not set properly and hindered fish movement and stream flow. The crossings are located on private land and are maintained by the **Wisconsin Snowmobile Assn**.

On December 1 the nine northeast Wisconsin TU chapters held their annual regional meeting at the **Wild Wolf Inn** where funding requests from the **WDNR** and **Forest Service** were addressed. The Wolf River Chapter donated \$2,500 to the **Antigo DNR** to fund a two-person brushing and bundling crew. We also donated \$500 to the **USFS** for beaver control in the **Nicolet National Forest**.

We are looking forward to working with the **Green Bay Chapter** on stream restoration projects next summer.

As of this writing, there are only 77 days until trout fishing opens in Wisconsin!

—Tim Waters



### DOES THIS BUS GO TO THE PLOVER RIVER?

Wausau East High School students recently took a day off from regular classroom studies to explore the Plover River with members of the WI River Valley Chapter.

## TIPS: fine tuning where and how you tie

Continued from p. 19

When I am tying on location, I use a pedestal vise and place it in a pan. I fasten tool box liner to the bottom of the pan and shelf lining inside to keep the vise from moving. The pan catches all the clippings and drips from any head cement. This would also work great for non-permanent tying stations.

### Organization of tying materials

I keep most of my tying materials in plastic containers and place cedar shelf lining in the bottom of any containers holding fur or feathers.

I also microwave any new materials before putting them in existing containers to help prevent adding bugs to my materials.

I arrange the containers so that the material used most often is the closest to me.

I have found that Craft Mate storage containers — with their locking independent lid system — are great for holding hooks, beads, and any small items.

### Other tying area considerations

I am fortunate in that I was able to plan my tying area into my house plans when I built the house. It allowed me to have almost everything where and how I wanted it. Not everyone has this luxury, but try to make your tying area as comfortable and convenient as possible.

I also have a good sound system to play music in the background, and all my tying reference materials and books are close by. By taking the time to plan and put together a good place to tie, you will find yourself tying more often, and the more you tie, the better you will become.

I have been tying for over 60 years now, and I am having more fun than ever because of having a good place to tie and because of the variety and quality of today's tying materials.

I am also fortunate to have another tying area with good lighting and a table that will accommodate four tyers in my storage area directly behind my regular tying area. I use this for getting together with other tyers to have fun tying, share ideas, and tell a few fishing stories.

And finally, no, my tying area doesn't always look as neat as it does in these pictures!

## Driftless Symposium set for March 26-7 in La Crosse

March 26 and 27 have been set as the dates for the 2013 Driftless Symposium, according to TUDARE Project Manager Jeff Hastings.

Last year's event featured important research reports on hydrogeology, riparian zone restoration, stream disconnections, and entomology.

The event also featured a panel of experts on the rapid growth of frack sand mining in the Driftless Area and its impacts on government bod-

ies and private citizens.

Over 200 people from across the region attended last year's seminar.

This year's event will be held at the La Crosse Radisson Hotel and Convention Center, will feature speakers on emerging resource issues and restoration topics across the Driftless Area.

For more information or to suggest a presentation topic, contact Jeff Hastings at [jhastings@tu.org](mailto:jhastings@tu.org) or Duke Welter at [dwelter@tu.org](mailto:dwelter@tu.org).



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## Wisconsin TU 2011-13 Membership Totals

CHAPTER	Jan 2011	Jan 2012	Jan 2013	% growth '12-'13
Aldo Leopold	88	114	130	114%
Antigo	41	41	41	100%
Blackhawk	169	177	182	103%
Central	323	305	322	106%
Coulee	190	210	212	101%
Fox Valley	173	176	190	108%
Frank Hornberg	188	169	170	101%
Green Bay	213	218	218	100%
Harry & Laura Nohr	105	111	108	97%
Kiap-TU-Wish	239	257	247	96%
Lakeshore	135	140	129	92%
Marinette	81	109	70	64%
Northwoods	90	102	101	99%
Oconto	116	104	106	102%
Shaw-Paca	82	62	55	89%
Southern WI	702	753	781	104%
SEWTU	669	738	740	100%
Wild Rivers	193	199	209	105%
WI Clear Waters	297	349	266	76%
WI River Valley	133	130	126	97%
Wolf River	62	51	44	86%
<b>TOTAL</b>	<b>4289</b>	<b>4515</b>	<b>4447</b>	

# MANAGEMENT: changes at DNR undermining public trust duties

*Continued from p. 8*

A retired DNR staffer, who was involved in the negotiations leading up to the passage of Act 118, described how the Department of Administration Secretary, not DNR, ultimately "called the shots" on changing DNR's jurisdiction.<sup>264</sup> Another person involved in the negotiations recalled that "the Department of Administration Secretary did not know what the public trust doctrine was and wasn't willing to ask for advice."<sup>265</sup> This retired staffer reflected that the changed definition of "bank" allowed more grading to occur on shorelines without triggering DNR's jurisdiction; he also noted that the Act changed the hearing process to put a greater burden on public parties who sought to protect the water commons and changed the burden of proof and standard to get a stay, making it more difficult to stop a harmful project from going forward.<sup>266</sup> These provisions undermine public trust protections, as evidenced by a couple of examples below.

Act 118 also created exemptions and general permits that cover a wide variety of projects.<sup>267</sup> These exemptions include activities that have a reasonable likelihood of harming public rights in waterways. For instance, a permit is no longer required to remove topsoil or grade 10,000 or more square feet on the bank of a navigable waterway if the project is agricultural.<sup>268</sup> Projects in highly urbanized areas are also exempt; if the project is in a county with 750,000 people or more, it is free

to proceed without a permit.<sup>269</sup> Further, DNR's inability to review grading projects that meet the general permit criteria "lightens the work load, but dilutes our ability to protect the public trust."<sup>270</sup> In

minium project on the last remaining Class 1 trout stream in one of my counties and half of the project is covered by a general permit for grading and the rest isn't. I'm concerned that the area outside my ju-

"I'm working on a condominium project on the last remaining Class 1 trout stream in one of my counties and half of the project is covered by a general permit for grading and the rest isn't. ... Prior to Act 118, I know that a residential development along the same trout stream required 300 feet of upland buffer, compared to just a 75-foot setback from wetlands near the stream for this new condo development. I think the standards are inadequate, and I'd like to do more, but as long as the project meets certain requirements for a general permit, I can't do what needs to be done to protect the trout stream."

one case, a person applied for a general permit and then graded a larger area that would have required an individual permit.<sup>271</sup> The Water Specialist noted, "they were issued a \$1300 citation and a \$1000 after-the-fact permit," but the Specialist questioned the deterrent effect when "this costs less than some of the doors on those places."<sup>272</sup>

A Water Specialist compared DNR's pre-to-post Act 118 jurisdiction for building projects that involve grading on a Class 1 trout stream:

I would like to assert jurisdiction on grading projects, but the definition of "banks" limits what I can do. I'm working on a condo-

risdiction should be looked at in its entirety to prevent cumulative impacts on the trout stream. If I could, I would reduce thermal impacts and put in better buffers, but I can't because of Act 118. Prior to Act 118, I know that a residential development along the same trout stream required 300 feet of upland buffer, compared to just a 75-foot setback from wetlands near the stream for this new condo development. I think the standards are inadequate, and I'd like to do more, but as long as the project meets certain requirements for a general permit, I can't do what needs to be done to protect the trout stream.<sup>273</sup>

In another region, a Water Spe-

cialist observed where a riparian landowner graded all the way to the water on a steep bank, resulting in erosion that deposited sediment into a large hole in the lake and killed fish.<sup>274</sup> This Water Specialist said that under Act 118 he no longer had jurisdiction to address the erosion, and the county "didn't do anything about it."<sup>275</sup> DNR could have brought an enforcement action under section 30.03(4) of Wisconsin's Statutes, which authorizes DNR to bring a legal action to stop "a possible infringement of the public rights relating to navigable waters" even when the action is not regulated by chapter 30.<sup>276</sup> But DNR did not enforce this codified common law public trust protection because its Water Specialist did not understand DNR's broad authority. He had only been on the job a few years so he lacked experience and had started just as DNR was cutting its formal training program.<sup>277</sup> However, even if the Water Specialist understood the statutory enforcement authority, reduced resources or interference by upper management could also limit DNR's effectiveness, as discussed in [the upcoming issues of *Wisconsin Trout*].

(\* 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.)

## Watershed Access Fund

### Campaign nearing \$5,000 in contributions

By Doug Brown

The 2012-13 fundraising campaign is in full swing, and the initial response has been very good. In just over one month, we are approached \$5,000 in donations! I sincerely thank you all for a terrific start to this year's campaign. I also want to thank Jodi Luebke for her help in getting thank-you letters and labels printed for me.

#### White River property purchased

Since the appeal letter that went out in late October, the Central Wisconsin Chapter was able to secure the property they were negotiating for. This acquisition locked up an additional 1,300+ feet of frontage on the White R. in Waushara County. The DNR had property to the north and south of this tract, and now it is one continuously accessible property on one of the state's best hex fishing streams.

YOUR donations helped make this come to fruition, so if you haven't done so, consider a contribution to this important new fund.

#### 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 \_\_\_\_\_



# Many partners join to reroute and restore section of Black Earth Creek

By Steve Born, Tom Krauskopf, and Bob Selk

For the first time in more than a century, Black Earth Creek once again flows freely from its headwaters just west of Madison to Blue Mounds Creek near its confluence with the Wisconsin River.

Under contract to the Village of Mazomanie and funded by DNR, this summer Iverson Construction dug a sinuous "restored" channel through the Wolf family farm just east of Mazomanie.

On the morning of August 20, 2012, with many project partners watching with anticipation, Curt Shauf, the contractor's foreman, carefully scooped away the remaining embankment and released the waters of Black Earth Creek to bypass the last remaining dam on this nationally recognized trout stream.

This major project is one more step in a multi-year effort to protect and rehabilitate Black Earth Creek.

Located on the eastern boundary of the Driftless Area, Black Earth Creek is one of the most acclaimed and popular trout streams in the state. It begins about 15 miles west of downtown Madison and flows west toward the Wisconsin River. The stream drains more than 100 square miles and contains some of the most productive wild brown trout water in Wisconsin.

Black Earth Creek flows through the communities of Cross Plains, Black Earth, and Mazomanie, paralleled by State Hwy. 14. There is extensive public access to most of the stream and its important tributaries, Garfoot and Vermont creeks. Most anglers end their search for trout near Lake Marion, just east of Mazomanie.

## The urbanization challenge

The Black Earth Creek watershed faces many challenges. The stream lies in the urbanization path of metropolitan Madison, and substantial development has been taking place in upper parts of the BEC watershed.

This development poses both water quality and groundwater recharge threats to the headwaters. As DNR fisheries biologist Scot Stewart says, "If we don't protect the

groundwater sources, all of that habitat work isn't going to mean much."

Transportation and infrastructure improvements can also have major adverse effects on the stream. The valley has an active farming community, and agricultural runoff and habitat degradation are continuing issues. Fortunately, recognition of the value of the watershed continues to grow, due in part to long-standing public education efforts of the Black Earth Creek Watershed Association and the

stream habitat improvement projects on the creek in 1949.

The Department of Natural Resources has been actively involved ever since. Over the years, the stream has benefited from bold land acquisition programs (including by our local land trust), mill dam removals, habitat improvements, and water pollution abatement projects.

TU and other local conservation organizations have adopted the stream and devoted thousands of volunteer hours to conservation efforts, including stream improvements. Cooperating landowners and local governments have increasingly recognized the importance and value of the stream and its fishery and have become better stewards of this resource.

## Rerouting effort takes shape

Beginning in 2007, some local officials, community leaders, and fishery/watershed advo-

that included many challenging elements:

- Decommissioning or modifying of the Mazomanie dam as required by DNR, including provisions for fish passage and flood protection;
- Reconfiguring the associated berm and riparian areas;
- Restoring wetlands and incorporating other possible flood reduction measures;
- Improving stream habitat and extending trout waters in lower Black Earth Creek;
- Rehabilitating Lake Marion, a heavily used and important community recreational water body fed by creek waters diverted at the dam;
- Constructing a multiple-use recreational trail in riparian areas;
- Safely connecting the Village to Wisconsin Heights High School; and
- Establishing a land conservation and access easement along a significant reach of the stream.

## Financing the effort

WDNR provided nearly a half million dollars to the Village of Mazomanie to undertake abandon-



## EXISTING STREAMBANK BREACHED INTO NEW MEANDER

A crowd of onlookers gathered as a backhoe removed the old streambank (top) so the stream could start filling the new meander (middle). A YouTube video of the breaching can be seen at <http://www.youtube.com/watch?v=6UINvzcfOCw>. Present at the breaching were many TU members, including Steve Born (bottom right) and Topf Wells, former Dane County Chief of Staff to County Executive Kathleen Falk.

ates began thinking about a comprehensive environmental and recreational initiative for the lower Black

Earth area, including Lake Marion.

Local controversy about a proposed major residential and commercial development just north of the creek, combined with a DNR mandate for the village of Mazomanie to repair or remove an old dam on Black Earth Creek deemed a safety hazard, were among the forces that got local residents like former village president Scott Stokes thinking about what could be.

An initiative began to take shape

valley soils.

The environmental corridor is a major scenic amenity in Dane County. The geologic legacy for trout fishers is a productive and challenging spring creek within a few hours' drive of thousands of anglers!

## Historic stream restoration

There is a long history of efforts to protect and restore Black Earth Creek and its trout fishery. The old state Conservation Department undertook some of the state's first

ment of the Mazomanie dam. Engineering was provided by Jewell Engineers.

This abandonment effort provided momentum to seek funding for several components of a much-expanded environmental and recreational project from a new Dane County grant program called Partners for Recreation and Conservation (PARC). The PARC program was initiated by Dane County Executive Kathleen Falk and her Chief of Staff, Topf Wells, both longstanding and ardent TU members.

Members of SWTU partnered with the Village and Town of Mazomanie and the Wolf Run Association, a newly formed nonprofit, to prepare a grant application that re-



sulted in an award of \$250,000 from the county for the expanded effort.

The integrated environmental enhancement effort was greatly abetted by the hard work of University of Wisconsin-Madison graduate students and faculty in a one-year Water Resources Management Program workshop, which provided critical scientific underpinnings and community involvement/education.

#### TU offers habitat help

SWTU committed its own funding and talent to ensure that the dam would be by-passed in a manner which would create a high-quality reach of trout stream with excellent habitat values and connectivity to the floodplain.

TU worked with many partners and involved agencies. Special recognition goes to village board member Peter Huebner, town of Mazomanie chair and conservation easement donor Fred Wolf, and local leader Scott Stokes.

SWTU contributed to the coordination of the array of project components and the solution of the inevitable problems that arise in implementing so complex a project.

#### New channel opened

All of this led to the breaching of the old, silted-in stream channel behind the dam this summer. Excitement filled the morning as the impoundment behind the dam rapidly emptied and water sought its new path through a 2,200-foot re-meandered stream reach.

After watering of the new channel, DNR's Scott Harpold guided equipment operators as they adjusted new vector weirs to match stream flow and installed root wads and structures to improve fish habitat. Final bank grading and seeding were completed as well.

The new stream channel has a gravel bottom throughout, and its profile now connects the stream to its flood plain. Within days of opening, a few wild browns had already migrated into the waters of the new and restored channel!

#### Public access plans

Last September, landowner Fred Wolf granted the Natural Heritage Land Trust a 45-acre conservation easement that permanently protects and creates public access to over one mile of the newly restored stretch of Black Earth Creek.

In addition, the Wolf easement makes provision for development of the first segment of the Good Neighbor Trail between Mazomanie and the City of Middleton. Work on the trail system proposed in the project is being led by the Wolf Run Association.

Plans call for the drilling of a well to provide Lake Marion with a higher-quality groundwater supply vs. diverted Black Earth Creek surface water.

TU is looking forward in the future to working with the Village and Town of Mazomanie on extending stream improvements and an associated urban parkway/trail north of Highway 14 into the village.

#### Upcoming habitat work

Besides monitoring the creek and making minor modifications to the recently completed stream reach, future plans call for more exciting stream and habitat improvement.

In 2013, the stretch of Black Earth from below the former dam downstream to Highway 14 is scheduled for improvement by the county Land and Water Conservation Department in cooperation with the key landowner, Fred Wolf.

This next phase of vegetation clearing, bank stabilization, and habitat work on lower Black Earth



Jim Beecher photos

## Southern WI Chapter focuses on brushing BEC tributaries Garfoot and Vermont creeks

More than one mile of Vermont Cr. (above right) has been restored with the completion of a project by the Dane County Land and Water Resources Department. Landowners Sandra Johnson and Steven and Barbara Parrell signed easements with SWTU so work could be done on their farms.

This stretch of Vermont Cr. begins about 500 feet south of Cty. Rd. KP on the west edge of the Village of Black Earth and extends north toward Black Earth Cr. about 1.25 miles.

There were erosion problems at this site due to thick vegetation and channelization.

SWTU also conducted brushing on a section of the other major feeder stream to BEC, Garfoot Cr. (above left). This section was just upstream of Salmo Pond between Cty. Rd. KP and the stream's confluence with BEC.

SWTU encourages streamwork participation through a contest in which every day of attendance earns the member an entry for a Jim Bartelt fly rod.

Creek is being funded through an NRCS grant with likely assistance from Trout Unlimited and perhaps other groups.

SWTU continues to build partnerships. As part of a program initiated by the Natural Heritage Land Trust, a Fresh Start youth crew will install access points designed to provide fishing opportunities for people with disabilities along restored sections of Black Earth Creek. Dane County, SWTU, and the Madison Fishing Expo contributed funding to the effort.

Along with recent habitat work and conservation easements on lower Vermont Creek, and planned re-meandering of Upper Black Earth Creek in the village of Cross Plains next year, many new trout angling opportunities on always-challenging Black Earth Creek lie ahead.



Jim Beecher photos

#### ROCK VORTEX WEIRS DOT THE RESTORED REACH

An increasingly popular restoration technique in the Driftless Area is the rock vortex weir (bottom). An upstream-pointing vee made of large rocks focuses the streamflow below the structure, oxygenating the water and scouring out a deep run. After rerouting the stream into its new channel on the Fred Wolf farm, the former channel above an old cement dam (top) was filled in. The bottom picture looks east. State Hwy. 14 runs in front of the distant ridgeline, and the Wisconsin Heights Middle/High School is just out of the picture to the right.

# The Pink Squirrel is my all-around favorite fly

This story originally appeared in *Wisconsin Trout* exactly 10 years ago this month. Since then, John Bethke's Pink Squirrel has grown in fame and is being marketed far from its birthplace in Westby, WI. With fame comes imitation. Bethke fought one fly seller for marketing his Pink Squirrel without his permission (and compensation). Here's the scoop on the fly from John himself.

## By John Bethke

While contemplating the writing of an article on my signature fly, the Pink Squirrel, I found myself with writer's block. So I went to my tying bench in the bat cave, aka the basement, and tied some up.

This November I made a trip to Cabella's to buy 200 3906 #12 Mustad hooks and a couple hundred 1/8" brass beads. I have a large pile of tiny puffs of coral pink chenille pills on my tying table. It's the scrap generated from stripping the



### ANY OF YOUR FLIES HAVE ITS OWN T-SHIRT?

Walk into the Driftless Angler Fly Shop in downtown Viroqua and you can buy a Pink Squirrel t-shirt. Now, that's when you know your fly pattern has arrived.

fluff from the cotton core of chenille in order to tie it into the fly. The final step before I double whip finish and cement the head behind the bead. That pile represents a couple thousand Pink Squirrels tied in the past year — probably 2/3 of them given to friends, acquaintances, students, and donated with other flies to fundraisers for trout organizations or other groups. That leaves about 700 of them that I must have used myself. My present inventory consists of four containers with two dozen each of size 12s, plus a couple dozen in various fly boxes or vests.

I've always wished I had a peanut butter jar full of them, but fishing is my first priority, and I often find myself tying a half dozen Pink Squirrels before I head out the door to fish. The water based head cement I use is sometimes not even cured before the fly is in a fish's mouth. I can be on a quality trout stream from my house in 20 minutes or less in any direction you care to point.

Some people have a lot of money. I have a lot

of trout streams. I've not sold 100 Pink Squirrels in the five or six years I've been tying them. It's not hard to figure where my priorities are.

So, why all the damned Pink Squirrels? I, like most people who fly fish, was overwhelmed with the variety of creatures fish eat, and even more so by the variety of flies made to imitate them. For season upon season I plied the waters of many places with countless varieties and techniques to try catching trout and panfish. I can't say I haven't enjoyed this experience, but I always in the back of my mind wished for a fly and technique that would always be effective. I suppose always is a little strong, so I'll settle for 90+ percent of the time. Eureka! Eureka! I have found it.

In spite of the volumes of books and articles that deal with selectivity, I have concluded from personal experience that selectivity is a relatively rare phenomenon. Don't get me wrong. I carry eight fly boxes in my vest, not including salmon, steelhead, and bass flies which I have for occasions when they are assembled for specialized trips. When I encounter a hatch or a steady riser,

I have the knowledge and experience to know what to do. But day in and day out, I know trout and panfish will consistently take a well-presented Pink Squirrel. With this fly I've caught suckers, carp, bass, trout, steelhead, perch, crappie, sunfish, bluegill, and sheephead.

A few years ago, my friend, Hal Maier, invited me to fish his home water, Black Earth Creek. We drove from Black Earth to Cross Plains looking for an open stretch to fish, but found none until we were about 1/4 mile downstream of the town of Cross Plains. This stretch runs from town through a small neighborhood of homes and up to what amounts to the junk yard of the local farm implement dealer at the edge of town. After putting on our gear and assembling our rods, Hal asked what I was going to fish with.

"A Pink Squirrel, size 14," I said.

"You'll have to go smaller than that on this stream."

"We'll see," I said.

There was no need to change my plan. We fished for over two hours and caught more than a dozen trout between us. In deference to delicacy, I added two feet of 5X to my usual 7 1/2-foot 4X leader. There were few risers, but those that did rise took a Pink Squirrel cast slightly up stream and drifted through their lies. Sacrilege, I know, but I'm apparently not too bright and think I'm having a good time when I do that.

I have some friends who are not inclined to even tie a Pink Squirrel on their leaders, not to mention use a strike indicator. These people prefer to fish in a more dignified or sophisticated manner. On rare occasions, I feel that way myself,

and I can play those games fairly well. But mostly, I fish to enjoy the travel along my streams. Simply making proper presentations in often challenging environs gives me satisfaction beyond what the application of my time and labor might produce in, say, more commercially profitable pursuits.

I suppose that might make me a trout bum candidate, but I work a 40-hour week, and life is short, so I fish a lot.

If you want to make your own Pink Squirrels, I give the recipe at the conclusion of this article. Just having the fly will not make you catch fish. You still need to read the water, move with stealth, and make good presentations. People occasionally tell me they aren't catching fish with the Pink Squirrels I gave them. I'll bet they are failing in at least one of the three things mentioned above. Scared fish don't bite, period, and you won't catch fish where they ain't.

I can tie about 20 Pink Squirrels in an hour, but I have more experience tying this fly than anyone. Any good tier can do 10 per hour. If you're having trouble, call me and I'll try to help. I'm usually at home after dark or if the weather is nasty. Since I live within about one hour of northeast Iowa, my trout season never closes.

Yesterday after my visit to Cabellas, I went to Iowa and fished in a 25 mile per hour wind. I caught seven trout, browns and rainbows. There were some fish rising to something I didn't see, probably midges. Let's see — 10' leader, 6X leader, #20 fly, 20 mph wind. Guess I'll throw a squirrel.

## MATERIALS LIST Pink Squirrel

**Hooks** — My favorite is a #14 scud hook, but they are expensive, so I use Mustad 3906 #12.

**Tail** — Use 1/4" V of crystal flash. I have used several colors, but rainbow #13 is good, as are yellow or light purple.

**Rib** — I use medium red copper salvaged from electronic fluorescent light ballasts. It's not a critical element. Medium gold, copper, or silver is fine.

**Dubbing** — Fox squirrel body hair off the back and sides. Shave them close to get the under fur which is gray to mix with the multi-hued guard hair. With this hair I blend amber antron chopped 1/4- 1/2" in length. Lately I've been adding some chopped Ice dubbing to the blend, but go easy on this. You want to keep any flash subtle.

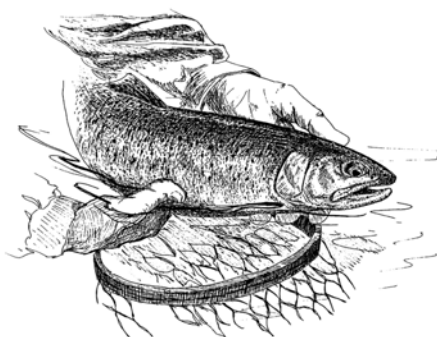
**Collar** — Use 1 1/2 wrap of medium coral pink chenille. Sometimes I tie smaller and larger pink squirrels from #18 to #6. For these I use a smaller or larger bead and chenille. The smaller ones usually require a light dry fly hook.

**Thread** — I use navy blue 000 Cortichelli belding thread. I bought a 1/4 pound spool of it 10 years ago at a garage sale for 50 cents. I like the way it handles so I use it. Pretty much any thread will do.

**Dubbing wax** — I make my own. There are all kinds of dubbing waxes on the market. Most of them don't work well for tying with hard hair dubbing. I mix toilet ring seal wax with bees wax and put it into Chapstick containers. It does the job.

## 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 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.



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# Bob's Tying Tips

Advice from  
the bench of  
Bob Haase

## Don't forget to fine tune where and how you tie

By Bob Haase

I feel very strongly that having a good place to tie is critical to improving your tying.

The reason I feel so strongly about this is that it is easier to concentrate and spend more time tying if you're comfortable.

There are little things that make a difference, whether you have a permanent tying station or need to set one up and take it down after you are done. I will try to cover some of the things that I feel are important when setting up a permanent or temporary place to tie.

### Your bench's physical set-up

One of the most important aspects of your tying bench is its height. When you are sitting in your chair with your arms at a 90 degree angle, the desk or table should be about two inches lower than your outstretched arms.

I prefer to make my own tying bench by purchasing a section of counter top. I then reinforce it by



screwing a 3/4" thick 1 x 6 the full length on the bottom behind the front lip and the back edge of the counter top. This reinforces the counter top, and it also aids in putting on the legs and attaching a vise and my catch pan.

I then purchase a set of banquet table legs that you can get at most lumber supply companies and fasten them to the bottom to support the counter top. Before I attach the legs, I take a saw and cut off the legs to make the counter top the correct height for me, which is around 27 inches high.

If you don't have a space for a permanent tying station, consider using a four- or six-foot plastic folding table and cut the legs to the correct height. If possible, also consider using an adjustable-height comfortable office chair.

Note: when tying on location, I often take a seat cushion to help raise me up a couple more inches than what most folding chairs will provide.

### Arranging vises and tying areas

I use a c-clamp vise at my tying station because it is always

where I want it, and it does not move around once placed. It also allows me to have the vise a little lower than a pedestal base vise sitting on top. A fixed vise gives me more clearance for the swinging arc of my thread wraps given my catch pan is below the table.

A nice thing about Renzetti vises is that they are easy to convert to pedestal or c-clamp styles. You can see in the picture that my vise has a catch pan mounted below the table that slides in when I don't need it and out over my lap when I do. The edges of the pan slide in a track mounted under the counter.

I use two Renzetti tool holders to hold all my tools and head cement. Everything that I need to use on a regular basis is easily within an arm's reach. Arrange your tying area to fit your needs and make adjustments when you find a better arrangement.

### Don't forget good lighting

I prefer to use an Ott light that is balanced to daylight because it is easier on my eyes. Some lights cast plenty of light, but they cause eye strain if they are too bright or harsh. The light I use also allows me to attach things to it to hold my threader and magnets to hold flies or tools such as scissors.

The more you tie, the more important a good light is. Don't scrimp on good lighting or tools.

### Tying on location

I do a lot of demonstration tying at various locations, so I have two storage containers that hold everything I will need to tie away from home. I try to have a small amount of a lot of different tying materials, and I keep the main stock at my tying bench or in my storage room that is located just behind my tying area.



A system like this would also work well for those who don't have a permanent tying area and have to set up and take down when finished. Just set it up alongside your temporary tying area, but still include a table or desk at the correct height, good lighting, and a comfortable chair.



Continued on p. 14

# Bob's easy eyed scud can be fished throughout the season

By Bob Haase

In most streams, the scud is usually the most abundant of the aquatic insects.

Scuds are found everywhere, and they are available to trout throughout the season, which is why they are an important part of the trout's diet.

Most people do not fish them enough, myself included. There are a lot of scud patterns, and they come in a variety of colors.

In Wisconsin, I like a gray scud, and I mix my own dubbing for this pattern using gray squirrel, plus olive, purple, and UV dark olive Ice dubbing.

I am not sure what makes this a good mix, except that it fishes well in most waters.

I like using small dark mono eyes for the scud because it is easy to see the dark eyes on most scuds. It also

after the first coat of head cement dries.

There are a lot of good scud patterns out there, but this pattern is easy to tie and the fish approve.

### MATERIALS LIST

#### Bob's Easy Eyed Scud

**Hook:** Mustad C49S or equivalent curved scud hook in sizes 12-16

**Thread:** to match the dubbing

**Body:** Scud or Ice dubbing, or a mix of dubbing over lead wire

**Tails:** mallard flank or Coq De Leon

**Eyes:** dark monofilament melted to form barbell eyes

helps keep me from crowding the eye.

I usually tie this scud in sizes 16 and 14. Tie some up and put a few in your fly box. You will be happy you did.

Start the thread and wrap it back to the bend. Tie in a few strands of mallard flank or Coq de Leon as shown and clip off the excess.

Wind 7 to 8 wraps of .30 lead or lead-free wire, and then make wraps of thread over the lead wire as shown.

Next tie in some small dark mono eyes between the lead and the eye of the hook. I use 20-30 pound dark brown monofilament fishing line and melt the mono to form the eyes. I use a self-closing tweezers and an alcohol burner to make my eyes. I usually have plenty made up ahead of time.

Dub the body pretty heavily with the dubbing of your choice. I never seem to be satisfied and usually blend different kinds of dubbing in a coffee grinder to achieve what I want.

I also like mixing Ice dubbing with scud dubbing as it picks out nicely. Once I find something that I and the fish like, I write down the recipe and blend a larger amount.

Using a Velcro brush or dubbing needle, pick out the dubbing, raking downward from both sides.

Take your scissors and trim as shown, leaving the dubbing extending a little below the hook point with a slight taper to the eye of the hook.

Apply several coats of gloss coat head cement to the top and part way down the sides of the scud to simulate the insect's shell. You can use epoxy or Liquid Fusion instead if you like. I have been satisfied using multiple layers of gloss coat head cement.

I also use a flat-bladed pliers to squeeze and slightly flatten the body



# Friends contributions top \$13,000

By Doug Brown

## Friends of WITU Chair

The 2012 Friends of Wisconsin TU fundraising campaign is nearly complete, and the support has been generous. I thank ALL of you who contributed this year.

I am continually impressed with the financial support for this program — over \$13,275 in contributions in 2012 from 120 individuals and 6 TU chapters. Significant work

was completed on our trout streams this past year with help from this program.

This past year's gift for a contribution of \$100 or more was a StreamWorks Fly Box. You will also be listed in four consecutive editions of *Wisconsin Trout*.

Thanks to Tight Lines Fly Shop in DePere for their cooperation in securing this gift. I appreciate the notes from those who donate on suggestions for future gifts.

Sometime in late February, you

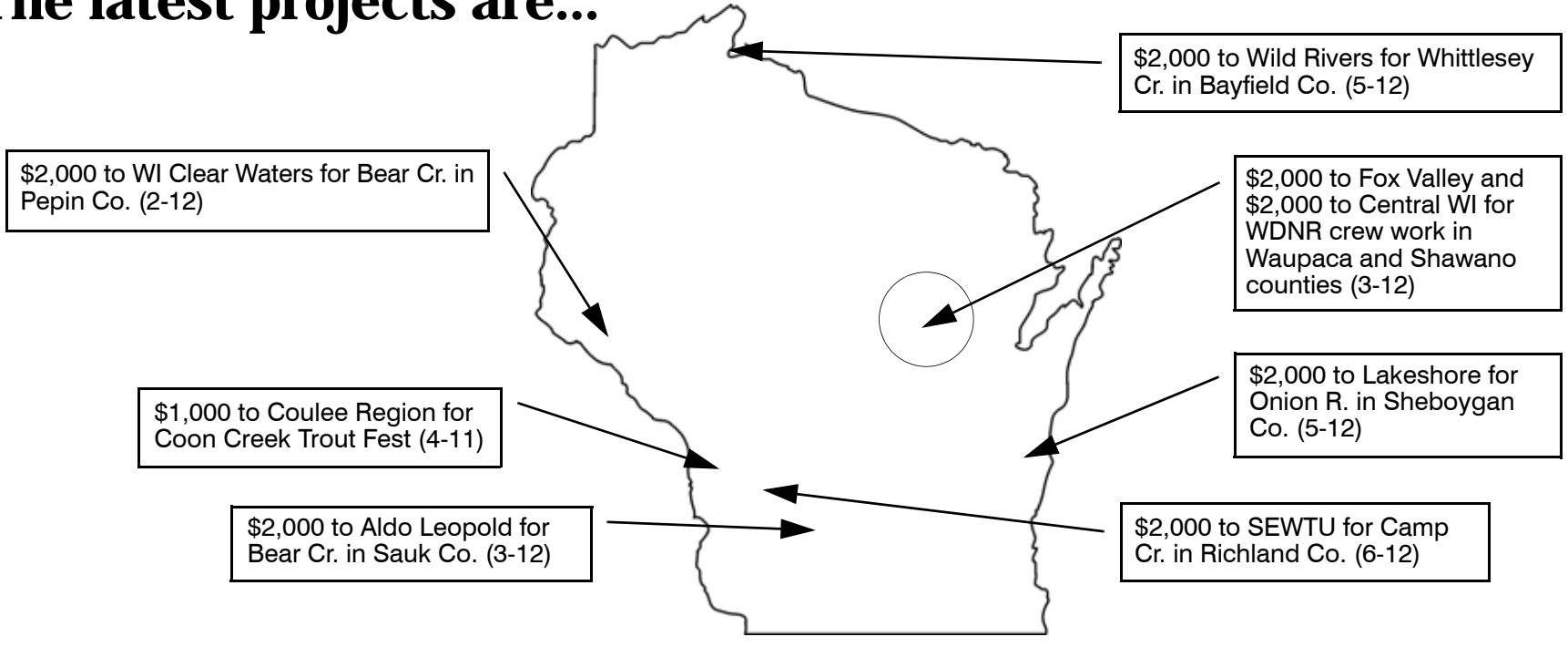
will be receiving the 2013 fundraising campaign letter for this program. Please consider any amount as the requests from our various local TU chapters continue to come in for their local habitat work.

Your donation goes right back into the stream to benefit our trout as shown on the map below.

Hope you all had a joyous holiday season. It will only be a couple of months till our early season opens up to cast a line at some trout.



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



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

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

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