



Wisconsin Trout

January 2001



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ALL QUIET ALONG ROWAN CREEK

Even as agricultural spills are turning the winter of 2001 into a hard one for state trout waters, a new watershed group has formed to help protect Rowan Creek in Columbia County. The group's story is on p. 18.

Is Wisconsin ripe for

Whirling Disease?

By John Welter

Wisconsin's coulee region streams — famous for their trout angling opportunities — have the potential to host an outbreak of whirling disease, according to a recent UW-La Crosse study.

However, no whirling disease has yet been found, and anglers and agencies can work to prevent its introduction into the streams, says DNR Fisheries Biologist Dave Vetrano of La Crosse.

Whirling disease is carried by a

parasite that lodges in an aquatic worm, *Tubifex tubifex*, for part of its life cycle. The study, conducted by UW-La Crosse Assoc. Biology Prof. Daniel Sutherland, found the worms "like a shag carpet" in streams in the Timber Coulee system near Coon Valley.

The whirling disease cycle exists in many systems around the nation, but in recent years has been found to devastate trout populations, primarily rainbows,

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Manure spills reported

Winter's beauty brings runoff risks for trout

By Will Fantle

The Jon De Farm near Baldwin in western Wisconsin's St. Croix County has spilled both manure and leachate from a feed bunker into the Rush River.

This manure spill is one of two that have been reported in recent weeks along some of Wisconsin's better trout waters.

The spill apparently occurred on November 10. At least 1,000 gallons of manure entered the Rush. An undetermined amount of feed leachate has also been leaking into the river for some time.

When such accidents occur, state law requires the responsible party to verbally notify authorities within 24 hours and to also do so in writing within five days of the event.

Farm owner Dean Doornick ignored this requirement. He will likely receive a fine for both the spills and his notification actions.

Farm seeking to expand

The spills occurred at a delicate time for Doornick, who is in the process of requesting DNR approval for expansion of his factory farm. Doornick wants to expand his operation to 2,690 animal units, which would include 1,570 milking cows. His current facility houses 1,430 animal units, of which 670 are milking cows.

Perhaps more importantly for those concerned with environmental impacts, Doornick's application calls for an increase in his manure storage capacity. The John De Farm already had three manure storage ponds providing 6.4 million gallons of storage. The expansion permit calls for another 8.5 million gallon manure pond.

According to the DNR's Duane

Popple, the manure spill wasn't the only problem they found at the Doornick farm. Evidence is being collected that points toward erosion control violations from improper construction practices and over-grading of the property, as allowed for by permit.

Neighbor notices problem

All of this might have gone unnoticed except for the personal vigilance of concerned citizen Harold Fosmo, a Spring Valley resident and protector of the Rush River. Fosmo has long been critical of Doornick's operating habits.

On November 20, suspecting a spill had occurred, Fosmo took an iron bar and went down to the frozen Rush. "I punched a hole through the ice and took some samples," he says.

Testing revealed phosphorus levels of 7.3 in the river (most rivers run less than 2.0) and choloform levels in excess of 3,400 (the normal range is about 400).

Fosmo alerted DNR staff who then went to the farm and found its operator trying to clean up the spill. The manure and the leachate both initially ran into a stream on the property, then into a wetland, and finally across a ravine and into the Rush River.

The wetland remains contaminated with the manure and the leachate. The DNR is trying to determine whether to let it flush itself out or to pump it out during the winter weather, consequently killing much of the wetland's life.

Questionable practices

Fosmo complains that Doornick has a history of sloppy practices. He

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Governors propose changes in managing Great Lakes water

The Council of Great Lakes Governors has released *Annex 2001*, a proposed amendment to the Great Lakes Charter of 1985, for public review.

The *Annex* is currently under discussion with the governments of

Ontario and Quebec. Once finalized, the *Annex* would update regional water management for the Great Lakes in order to protect, conserve, restore, and improve the water and water-dependent natural resources of the Great Lakes Basin.

The governors welcome comments through the Council of Great Lakes Governors office until Wednesday, February 28, 2001.

Under the proposed *Annex 2001*, the Great Lakes governors and the Premiers of Ontario and Quebec would:

- forge a new binding agreement for managing Great Lakes water;
- create a new standard requiring an improvement to the water and water-dependent natural resources of the Great Lakes before allowing new or increased water withdrawals;
- implement the new standard for interim decisions under the U.S. Water Resources Development Act (WRDA);
- get better information so water is managed rationally, and include the premiers in reviewing and consulting on all new proposed

diversions subject to the WRDA by lowering the trigger level for diversions.

Current provisions inadequate

Under the current Charter, the governors and premiers of Ontario and Quebec consult with each other

Summary of current international water agreements on p. 6.

on proposals for diversions and consumptive uses of waters within their Great Lakes Basin of over five million gallons (19 million liters) per day.

Additionally, the governors have direct authority over the Great Lakes waters within the United States through the WRDA.

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Wisconsin TU Directory

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Change chapter leaders? Let us know

Chapter leaders must inform TU National and the State Council when a new chapter president is elected. Send your name, address, phone numbers, e-mail address, and your chapter ID number to *both*:

- TU National** — Wendy Reed, Trout Unlimited, 1500 Wilson Blvd., Suite 310, Arlington, VA 22209.
- State Council** — Todd Hanson, 3130 James St., Madison, WI 53714. Or e-mail twhanson@chorus.net.

Visit Wis. TU on-line: www.lambcom.net/witu

Chapter meeting times and locations

Aldo Leopold: When needed or called at Beaver Dam Conservation Club, Cty. G, Beaver Dam.

Antigo: Not listed.

Blackhawk: Third Monday of the month at 7:00 p.m. at the DNR office in Janesville.

Central Wisconsin: Second Monday of the month at the Berlin Bowling Lanes, Berlin. Board meets at 6:30; program at 7:30.

Coulee Region: Every third Thursday 7 p.m. at Schmidty’s Bar & Restaurant, 3119 State Rd., La Crosse. No meetings in summer.

Fox Valley: Third Thursday of the month, 7:30 p.m., at the Gordon Bubolz Nature Preserve, 4815 N. Lynndale Dr., Appleton. No meetings June, July, and August.

Frank Hornberg Chapter: Second Thursday of the month 7 p.m. at Shooter’s Supper Club, Hwy. 51 & 54, Plover. May-Sept. meetings are evening stream work events.

Green Bay: First Thursday of month (Sept.-Nov. and Jan.-May) at The Watering Hole, 2107 Velp Ave., Green Bay, 7:30 p.m. Christmas meetings/awards dinner in Dec. at site to be determined. No meetings June, July, and August.

Kiap-TU-Wish: First Wednesday of the month at JR Ranch east of Hudson on Hwy. 12 north of I-94. Dinner at 6:30 p.m.; meeting at 8:00.

Lakeshore: Second Monday of the month, 7:30 p.m. at The Club Bil-Mar, Old Hwy. 141, Manitowoc.

Marinette County: First Tuesday of the month, 7:00 p.m., Dome Lanes, 751 University Dr., Marinette.

Harry & Laura Nohr Chapter: Third Tuesday of January, March, May, July, September, and November at the old Cobb High School, Village of Cobb, at 7 p.m. (often potluck at 6 p.m.)

Northwoods: Third Thursday of the month, 7:00 p.m. at Associated Bank (Community Room), Stevens at Davenport Streets, Rhinelander. No meetings June, July, and August.

Oconto River Watershed: First Wednesday of the month, 7:45 p.m., at the Lone Oak Gun Club, Hwy. 32

North, Gillett.

Ojibseau: Second Tuesday of the month, 7:00 p.m., at the Eau Claire Rod & Gun Club, Eau Claire.

Shaw-Paca: Third Thursday of the month from Sept.-May, 7:30 p.m., at Mathew’s Supper Club, 155 8th St., Clintonville.

Southeastern Wisconsin: Fourth Tuesday of the month. Dinner at 6:00 p.m., meeting at 7:30 p.m. at the Bavarian Wursthaus, 8310 Appleton Ave., Milwaukee.

Southern Wisconsin: Second Tuesday of the month. Dinner at 6:00 p.m., meeting at 7:00 p.m. At the Maple Tree Restaurant, McFarland.

Wild Rivers: Second Monday of the month, 5:30 diner, 6:30 business, at the Marine Supper Club, one mile west of Ashland on Hwy. 2.

Wisconsin River Valley: First Tuesday of the month, 7:00 p.m., at the Wausau Tile Co.

Wolf River: Second Wednesday of odd-numbered months, 7:00 p.m., at the Wild Wolf Inn, Highway 55 South.

New addresses? Here’s what to do

The following is the proper way to inform TU of a new address.

Do not contact the State Council, your local chapter president, or *Wisconsin Trout*. Only TU National keeps a database of addresses.

Following these procedures will ensure you don’t miss any TU alerts, issues of *Wisconsin Trout*, or your chapter newsletter.

- Inform TU National.** Call, write, or email TU National. (See the contact information below.)
- Include your ID number.** Your ID number is found on the upper left-hand corner of mailing labels attached to TROUT magazine or your chapter newsletter.
- Note new chapter affiliation.** If you are moving to a different city and wish to be affiliated with the TU chapter in your area, note the new chapter number (see chapter numbers at left).

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Change of Address Notices, including the member’s eight-digit member ID number, must be sent directly to TU National at:

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Letters

Don't expect DOT to change any time soon

Editor,

Your Fall 2000 issue of *Wisconsin Trout* contained a story on the damage done to Mehlberg Creek in Shawano County due to the construction of Highway 45 during the summer of 1999. As the person who coordinated the investigation of this incident for the Department of Natural Resources I was dismayed, but not surprised, to see that a Wisconsin Department of Transportation spokesperson told *Wisconsin Trout* that DOT disagreed with the characterization that its employees did not take appropriate action to prevent the serious damage that occurred.

In my role as the Regional Leader for the DNR's Enforcement and Science Division in Northeast Wisconsin until my retirement in July of 2000, I had many occasions in recent years to review the actions of the DOT when environmental damage was done during their road building projects.

In virtually every case, DOT's response to being told they were not carrying out their duties to protect the environment while building roads was predictable. They would issue denials that any problem existed and, if that failed, lay the blame on others, including the private contractors they employed, or DNR staff for somehow failing to ensure DOT staff did their jobs.

Thus, it comes as no surprise to me that the official DOT position in the Mehlberg Creek case is to deny any wrongdoing. However, the documented facts of the Mehlberg investigation, which is a public record currently in possession of the DNR, the Shawano County Court system, as well as myself, is that DOT employees turned their back and walked away from Mehlberg Creek when they saw the damage beginning to occur in spite of the fact that some of their own employees advised their supervisors that something needed to be done immediately. The damage caused by several rainfalls over the next few

weeks continued to escalate with DOT, as well as the private contractors who were charged in Shawano County Court, failing to take appropriate action to stop it.

I find the continued denials of the DOT on this issue to represent yet another demonstration of their arrogance and disdain toward not only our environment, but the citizens of Wisconsin they are employed to serve. There are many good employees of the DOT who are trying to do their jobs well. However, it appears the culture of that agency, as demonstrated by the people who lead it, is one of disregard for the environment and a willingness to mislead the very public they serve.

The citizens of Wisconsin should not expect any public statements from the DNR criticizing the DOT. Such statements are not allowed in our current form of cabinet government in Wisconsin. Our governor would not tolerate any public dissension among his cabinet agencies. And, of course, there no longer is an independent Public Intervenor working for this state's citizens who can sort through all the accusations, denials, etc., without fear of political retaliation.

Mehlberg Creek is not the first trout stream severely damaged by projects done under the direction and supervision of the Wisconsin DOT. If the citizens of this state do not speak out and demand accountability from this agency you can expect that at some point in the future a wetland, a lake, or a trout stream near you could be degraded by a highway construction project.

The DOT currently enjoys some broad exemptions granted to them by the legislature from having to comply with certain environmental regulations which citizens and private businesses must comply with, so don't expect that they will be held accountable anytime soon in a court of law.

Larry Krieser
Green Bay TU

WDNR Secretary appreciates TU's efforts

Editor (via Duke Welter),

Thank you for your September 21, 2000, letter advancing to me Trout Unlimited's recently adopted resolution calling on the Wisconsin Legislature to:

- implement a moratorium on the permitting of high-capacity wells in areas that directly support coldwater resources until such time as legislation is enacted which enables and requires scientific review to ensure that such wells will not adversely affect State's Public Trust resources, and
- enact legislation to include the groundwater of Wisconsin among those resource under the State's Public Trust Doctrine through statutory recognition of the hydraulic continuity of groundwater and surface water resources.

I appreciate and support the ac-

tive involvement of Trout Unlimited in this issue....

I welcome the opportunity to work with you on legislation to strengthen the high-capacity well statute and allow us to impose restrictions and conditions in cases where valued water and wetland resources may be adversely impacted. Senator Robert Cowles issued a press release last week announcing his intentions to submit a bill next year to address these issues, and we agree with his approach. We have heard from other legislators who are contemplating similar actions.

Thank you again for sharing your organization's resolution. I greatly value the partnership that your agency and Trout Unlimited have built. Let me know if you'd like to discuss these issues further.

George E. Meyer
Secretary, WDNR

Throw WAA definition out on its ear

Editor,

Chapter 30 of the Wisconsin Statutes, which delineates allowable practices affecting navigable waters, is currently undergoing a legislative review and recodification process. This is of importance due to the fact that a determination of navigability allows access by anglers, as well as the safeguarding of these waters under the public trust doctrine.

In fact, navigability is, in many cases, the only standard giving DNR any authority at all over impacts to water quality and quantity. Therefore, any weakening of this standard will also weaken that authority. Drainage districts, the cranberry industry, agricultural interests in general and, more recently, the aquaculture industry, would love nothing more.

Currently, Wisconsin's waters are defined as navigable if they can float any recreational boat, skiff, or canoe during a certain recurrent period of the year. This historic standard for navigability is, without question, ambiguous at best, but any proposed change to the current definition should be viewed with caution and examined very carefully.

Testifying before the Special Committee on Navigable Waters Recodification, the Wisconsin Aquaculture Association recently proposed a change to the definition of navigable waters in Wisconsin, worded as follows:

"...the water craft must be a standard commercially available craft, occupied by a person weighing 150 lbs. or more and capable of being navigated without sliding along the bottom or portaging for the entire reach of the stream or lake deemed navigable."

CARA legislative success worth repeating

Editor,

The Teaming with Wildlife National Steering Committee met recently and affirmed its commitment to continue working for permanent funding for state-based wildlife conservation and wildlife-related education and recreation. We are heartened by the enthusiasm that our supporters exhibited throughout the 106th Congress, in particular during the final hectic weeks.

We share your disappointment that CARA was not enacted in the 106th Congress, especially after getting so close. The federal legislative process is purposely deliberative. Many times legislation takes several sessions of Congress to be finalized.

What is phenomenal about our efforts with CARA is that we actually had legislation introduced, pass committees, pass the House by a huge margin, and have 65+ senators on record supporting the concept.

Finally, the President of the United States publicly supported CARA. This is an amazing accom-

This proposal does little to resolve the problem of ambiguity and, in fact, would further complicate the definition. Additionally, the obvious intent behind this proposed language is to reduce DNR authority to protect the surface water resources of Wisconsin.

Consider, for instance, the fact that the condition "without sliding along the bottom or portaging for the entire reach of the stream or lake" would disqualify many of the trout streams, and other waters, in our state from the protections given navigable waters. I've personally (at a body weight of 130 lbs. soaking wet) canoed or kayaked a number of our larger trout streams and have almost always had to deal with virtually impassable shallow reaches, not to mention rocks, and "the bottom" would, you can be certain, include rocks.

Without question, this proposed definition for navigability should be thrown out of the discussion on its ear.

A far more logical and reasonable means of determining stream navigability would be to simply establish a mathematical standard of measurement. This standard could, for example, be based on a minimum base flow in cfm of a given duration within, say, a 10-year period. This could be scientifically measured and monitored.

I believe Trout Unlimited should support just such a formula and should go on record as opposing any attempt — such as the proposal by the Wisconsin Aquaculture Association — to weaken the standard for navigability in Wisconsin.

Stu Grimstad, member
WITU Water Resources & Legislative Committees

plishment for one congressional session, particularly for such a substantive bill. We aimed for the stars, and to everyone's amazement, got very close to realizing our goals.

All of our accomplishments are truly historic. But the job is not yet finished. It is important that we continue to build upon our accomplishments. We must get back into the ring because we have another round ahead of us. And we are glad to hear from so many of you that you are still willing to fight on.

Rest assured that we will stay in contact with you as developments unfold for the 107th Congress. As always your suggestions are most welcome and valued.

Naomi Edelson
Intl. Assn. of Fish and Wildlife Agencies
Washington, D.C. 20001

(The Teaming with Wildlife National Steering Committee includes many leading hunting and fishing organizations. You can visit their web site at www.teaming.com. -Ed.)



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Report studies groundwater law revision options

By Todd Hanson

A report published last fall by the University of Wisconsin Dept. of Urban and Regional Planning has identified a number of areas legislation could focus on to address per-

ceived weaknesses in Wisconsin groundwater laws.

The report *Modernizing Wisconsin's Groundwater Management: Reforming the High Capacity Well Laws* was supervised by UW Professor Steve Born.

“There are numerous issues that should be considered in any new legislation for improved groundwater quantity management,” the report concludes.

Copies of the report can be obtained for \$7 from the Dept. of Ur-

ban Planning, 112-A Old Music Hall, 925 Bascom, Madison, WI 53706.

The excerpts below are from the conclusions and recommendations section of the report.

1. Explicit legislative recognition of hydraulic continuity

Statutory recognition of groundwater-surface water interconnections (hydraulic continuity) is an important first step towards protecting both groundwater and surface water resources. In an unconfined or water-table aquifer, surface water bodies are inherently connected to the aquifer. In a confined aquifer, the water contained in the aquifer will be strongly connected to surface waters only through fractures and faults, or if the overlying confining bed is absent or varies in hydraulic characteristics. If hydraulic continuity is demonstrated, then a well's impacts on both surface water and groundwater resources should be assessed.

2. Expanded criteria for review and permitting

The basis for reviewing applications for high-capacity wells is too narrow. At a minimum, criteria for assessing and permitting wells should be expanded to include protection of public rights in the state's waters (public interest criteria) and of environmental resources related to interconnected surface waters (springs, wetlands, rivers and streams, lakes, and fish and wildlife). The basis for denying a permit application could also be expanded beyond the singular criterion of adverse impacts on a public utility, and could include consideration of impacts on other public and private water supplies, as well as possible water quality/public health impacts. The administering agency could be required to determine acceptable levels of environmental impact from high-capacity well proposals in administrative rules.

3. Scope/geographic targeting

The substantive reach and geographic scope could be limited to categories of highly valued environmental resources (outstanding resource waters, Class I trout streams, rare wetlands, habitat for threatened and endangered species, or other sensitive public resources such as parks and scientific areas); or targeted at priority hydrogeologic regions, watersheds, or other management units where groundwater or related surface water problems are known to exist. Reducing the scale of management attention would allow resource managers to focus on priority issues/regions, and more efficiently deploy personnel and fiscal resources.

4. Monitoring, reporting, and data acquisition

Sound long-term management of state water resources requires adequate information about the resource and uses. There are currently large data gaps that (a) limit present management as well as (b) impair the development of better understanding of the effects of high-capacity wells on surface waters and ecosystems. Monitoring and reporting requirements associated with high-capacity well permits need to be enforced. Voluntary reporting of water use information from other groundwater users should be encouraged. Funding for data management and analysis is essential. Such information, when added to long-term monitoring data gathered by state and federal agencies, will lead to an increased understanding of the hydrogeologic system in Wisconsin and better management of both groundwater and related surface waters. Additionally, monitoring and reporting “feedback” is essential to an adaptive management approach.

5. Exemptions and retroactivity

Most states exempt one or another category of wells from state regulation (Glennon & Maddock, 1997). The most common exemption is for groundwater used for domestic purposes, which might also include some limited amount of stock watering, and other designated uses. These uses are presumably low-volume in comparison to high-capacity wells, and a policy judgment has been made that it is probably not worth the time and trouble to require domestic users to obtain a permit (Glennon & Maddock, 1997). However, high-capacity well legislative proposals that provide regulatory exemptions and review limitations for various uses, such as agricultural irrigation, really represent unregulated “loopholes.” They may seriously impact surface waters and related resources; moreover, failure to ensure monitoring and reporting at exempted well categories undermines the goal of gaining adequate data and information regarding the state's water

resources. In short, the decision regarding regulatory review exemptions for particular categories of wells is a political decision and in many respects impairs the state's ability to scientifically manage its water resources. Similar reasoning pertains to whether or not to include existing wells in any reform of the high-capacity well law. New legislation could consider whether existing wells that are causing demonstrable damage to surface water and related resources (the burden of proof would presumably be on the regulatory agency) should be subjected to another round of regulatory review and possible permit modification or denial. In the interest of gaining essential information about groundwater and groundwater uses, pre-existing high-capacity wells should be required to adhere to reporting requirements.

6. Addressing cumulative impacts and future uses

The cumulative effect of new wells being installed every year, together with the recognition that the impacts of these wells/uses occurs over time, is well illustrated by the Central Sands Plain case study. High-capacity well permit decisions are made incrementally – one at a time – without considering future demands on the aquifers and societal preferences. While this is admittedly a difficult issue, one mechanism for addressing future needs, resource availability and cumulative impacts is planning. A variety of plans either exist or are being developed (watershed plans, WDNR Geographic Management Unit plans, other natural resource plans, “Smart Growth” land use plans). Where possible, an assessment of groundwater resources and development potentials and threats might be conducted as part of preparing or modifying such plans. Where comprehensive water management plans exist, they may be of use in anticipating future uses and conflicts or environmental problems. Plans are of limited value if they do not influence decision-making. Reviewing high-capacity well applications for consistency with any relevant plans, where they exist, offers one option for incorporating cumulative impacts in future years into decision-making.

7. Administrative review issues

There are a number of issues related to the administrative review procedures used by regulatory agencies that could be addressed in any new high-capacity well regulation initiatives. Provisions could be made to ensure that any application for a high-capacity well permit with potential impact on surface waters and related resources is reviewed not only by hydrologists, engineers and hydrogeologists, but also by agency staff trained in ecology and biology. Achieving a more integrated, interdisciplinary permit review may be considered an internal agency management issue, but could also be specifically addressed in legislative language. The burden of proof to show that the public's waters and related resources will not incur significant adverse effects as a result of high-capacity well development could be placed explicitly on the permit applicant (as is being done voluntarily in the case of the Perrier Group permit application in central Wisconsin). Placing this burden on a permit applicant rather than the regulatory agency internalizes the full costs of any groundwater development, and additionally generates data and information to further water management in the state. Legislation could also incorporate specific language establishing realistic streamlined permit review procedures and timelines, akin to the Oregon approach; however, any such measures should be sensitive to the need to have sound multi-seasonal information as a basis for decision-making. Of course, the degree of administrative discretion accorded the regulatory/management agency is an important legislative prerogative.

8. Continuing research support

Wisconsin, through the state Groundwater Coordinating Council, has been innovative in directing research to state priorities to solve/clarify management problems and strategies. Continuing research support is essential to better understand Wisconsin's groundwater and related resources, use impacts, and management alternatives.

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From the Chairman

Thoughts on the state of trout and Wisconsin TU

By John Welter

This being written on a snowy evening when the presidential election result is at last final. Let's take a few moments to reflect and look ahead at where we should be going in Wisconsin Trout Unlimited.

In some ways, these ARE the "good old days" for Wisconsin's trout streams.

TU chapters, working on their own and in partnership with other groups, including DNR crews, have developed and carried out dozens of worthwhile stream projects in recent years.

The trout stamp funds glut, a surplus around \$2 million just three years ago, has been in large part put to work in the streams. We need to continue to support promptly putting trout stamp monies back into stream projects, using methods that allow efficient use of those funds and not rewarding stockpiling.

Wild trout stocks provide somewhere around a third of the hatchery-reared fish put into our streams, and fish managers are more supportive of using wild trout in place of long-time hatchery strains. We should support the use of wild trout stocks as much as possible.

We are having some failures, too, such as in urging removal of small dams on trout streams. Where legislative and regulatory changes can be made toward a statewide policy supporting dam removals, we must support those changes.

All small dams aren't automatically bad for streams. Some provide a useful physical barrier to prevent damaging species from taking over a stream, but the state's present no-policy position hinders the restoration of trout waters.

One of the useful aspects of those dam removal struggles has been to develop more awareness among the public of the deleterious effects of dams on trout waters. It will bear fruit in the future, but we face more difficult debates in years ahead.

One of our key roles is informing the public about the state's trout resources. We aren't doing that in some key ways, and neither is the DNR or any other group. We sink hundreds of thousands of dollars worth of work and funding into streams, and support buying lands and easements for public use, and then we don't publicize our efforts. Why in the world shouldn't we be publishing informative brochures showing areas of public access, easements, and the waters into which we

have sunk our resources? Chapters could be helpful by mapping their own areas on a county-by-county basis, and eventually we could cover much of the state's trout waters.

We have learned, especially in the Mining Moratorium and Perrier/Mecan Springs debates, of the value of working with coalitions of like-minded groups to achieve a common cause. Those efforts must continue in the future, and we must remember we cannot carry the ball alone on every issue.

Land: they're not making any more of it, especially not with trout streams on it, and we need to think a couple of decades ahead and find ways to preserve stream corridors wherever possible. That may mean alliances with existing land trusts, exploring innovative ways to create new partnerships, and encouraging chapters to beg, borrow, or buy easements for public use and to allow restoration efforts.

Neighbor by neighbor is the way the West Fork Sports Club does this in the Kickapoo, as does our Wisconsin River Valley Chapter along the Prairie and Plover. Those efforts should be our models statewide.

Transportation projects have been problematic for streams during the binge of highway construction across the state. It is time for a full examination of the impact of those projects and a review of the tools we have or should develop for enforcing existing regulations or, in their absence, for coming up with rules with teeth.

Sometimes I get the feeling that chapters and the council get so immersed in advocacy and issues that they forget to have fun while carrying out the hard work. We need to encourage chapter outings — our chapter does a fall picnic and barbecue at a trout farm — and lessons for beginners who are grateful for our efforts, and fun evenings like those March auction nights hosted by Dr. Sausage and Col. Mustard (names probably wrong, but the faces are unforgettable) of the Southern Wisconsin Chapter.

That's a key source of fresh enthusiasm and new faces that come into our chapters. After all, there's nothing in our bylaws or handbooks that requires that meetings be grim, sour-faced and energy-sapping affairs or that disagreements about TU's direction have to become personal struggles. Good will, good humor, good times should be part of our efforts.

During the past three years the

wealth of commitment, ideas, energy, and good will among TU members has been apparent to me time and again, and I am grateful for those of you I have been lucky to work with as State Council chair. In turn, it has been an honor to occupy this position and represent our organization. Thank you.

§

By the time you read this, Wisconsin might have a replacement governor if Tommy Thompson goes off to a new assignment in a Bush administration. The Thompson legacy in conservation issues will be analyzed and, I suggest, found to be a mixed one.

The minuses are notable. Croaking the Public Intervenor and making the DNR secretary's position a gubernatorial appointment have met with widespread and increasing public criticism, but the governor and those who backed the moves have been unwavering so far.

Stewardship funds were renewed and expanded, but much of the public lands bought with state funds were big flowages, owned in large part by utility companies, or unwanted paper company lands. We have found little in the way of an overall state effort to preserve stream easements or purchase stream parcels for preservation and future public use.

Gov. Thompson did not veto the Mining Moratorium Bill, a reflection of the widespread public support shown by concerned users of wild places, including hundreds and hundreds of TU members. But the law's interpretation by the DNR and its board has led to its emasculation in the permitting process for the Crandon Mine at the headwaters of the Wolf River.

To his credit, the governor has seen the handwriting on the waters of Waushara and Adams counties and has suggested to the Perrier Group that its proposed bottling operations aren't welcome there. That's a far cry from the initial support for the economic development efforts behind the Mecan Springs proposal. Whether it is due to realistic political tea leaf reading or to environmental protection sentiments is a matter of opinion.

Gov. Thompson's support for the cranberry industry — and its members' financial support of his campaigns — have been unwavering, even when the DNR asked for more regulatory power over the industry. Cranberry operations are hard on the state's streams and have been

exempt from much environmental protection regulation because of the 1867 Cranberry Law and its inter-



John Welter

pretation by the courts. Now that the industry's self-described "friend in the East Wing" of the capitol is on the verge of moving east, it will be interesting to see if things change.

Similarly, the governor's support for aquaculture has led to his urging that permitting for fish farming operations be speeded up, and that regulation of them be taken over by the Department of Agriculture, traditionally a less stringent regulator than the DNR. TU has been concerned about that push, but our efforts have been unavailing with Mr. Thompson in office.

Efforts to protect streams through CREP and meaningful nonpoint pollution regulations have met with a governor with an attitude that farms must be protected first. That's meant some manure spills that kill streams don't violate existing, inadequate regulations. Maybe that will change in coming years.

§

My faith in human goodness is being sorely tested. As reported in the fall issue of *Wisconsin Trout*, I lost my nymph box — a green plastic "Maine Guide Fly Shop" box with about 250 nymphs — on the South Fork of the Tongue River in Wyoming.

It had my name and phone number on it, and when I returned home my wife reported an angler had called and asked for my address. I immediately began mulling an appropriate reward. No further word, much less the fly box, has been received. Maybe mulling the appropriate reward is merely an academic exercise.

WSN conference features groundwater forum and Meyer address

By Todd Hanson

The Wisconsin Stewardship Networks' two-day annual conference is featuring a groundwater issues forum and a keynote address by DNR Secretary George Meyer.

TU Water Resources Committee member Stu Grimstad and TU's WSN Steering Committee Representative Gary Horvath helped the WSN select the guest experts for the Friday forum.

The forum is entitled *Issues and*



George Meyer

Ideas for Protecting Wisconsin's Groundwater and features:

- **Roger Bannerman**, WDNR, researcher on groundwater recharge methods,
- **George Kraft**, hydrologist and Director, Central Wisconsin Groundwater Center, UW-Stevens Point,
- **Jim Krohelski**, Chief Supervisory Hydrologist, U.S. Geological Service,
- **Marilyn Leffler**, UW-Extension, and researcher on the UW's recent high-capacity well report, and
- **Melissa Scanlan**, Legal Director, Midwest Environmental Advocates, and authority on Wisconsin's public trust doctrine.

DNR Secretary George Meyer will speak Saturday afternoon on

"Wisconsin's greatest conservation and environmental challenges of the new century."

The conference will be held Jan. 26-27 at the Best Western Royale

Inn in Stevens Point.

For further conference information, contact the WSN at (608) 268-1218 or visit the group's web site at www.wsn.org.

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Great Lakes water agreements

The Water Resources Development Act of 1986
The WRDA prohibits “any diversion of Great Lakes water by any State, federal agency, or private entity for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lakes States.” It also prohibits any Federal agency from studying the transfer of Great Lakes water for use outside the Great Lakes basin, unless done under the auspices of the IJC. To ensure compliance with a 1967 Supreme Court (modified 1980) consent decree, the Act also appropriates federal resources to monitor and measure Lake Michigan’s water flow into the Chicago River.

Great Lakes Water Management Governance (1985)
The Great Lakes Charter, an agreement signed in 1985 by the eight Great Lakes Governors and the Premiers of Ontario and Quebec, created a notice and consultation process for Great Lakes diversions. The signatories agreed that no Great Lakes State or Province would proceed with any new or increased diversion or consumptive use of Great Lakes water over five million gallons per day without notifying, consulting and seeking the consent of all affected Great Lakes States and Provinces.

388 U.S. 426 (1967) Modified 449 U.S. 48 (1980)
In 1900, the City of Chicago reversed the flow of the Chicago River so that instead of flowing into Lake Michigan, it flowed out of Lake Michigan toward the Mississippi River system. This necessitated the diversion of water from Lake Michigan. Following decades of negotiations among the Great Lakes States, the eight Great Lakes states entered into a Consent Decree in 1967 regulating the diversion of Great Lakes water into the Chicago River. The decree states that the State of Illinois may not divert more than 3200 cubic feet per second (cfs) from Lake Michigan for navigation, domestic or sanitary uses. The consent decree was modified in 1980 to allow Illinois to extend domestic use of the water to additional communities and to provide additional guidance on the parameters of the measurement of the diversion.

Memorandum of Understanding on the Lake Michigan Diversion (1996)
In 1997, the Great Lakes States entered into a Memorandum of Understanding, concluding a lengthy mediation process on the matter of Illinois’ diversion of Lake Michigan water at Chicago. Under the U.S. Supreme Court decrees, Illinois was limited to 3,200 cfs each year. Illinois had exceeded that limit by nearly 15 percent. Illinois will further reduce its annual diversion over the following 14 years to restore to Lake Michigan the excess amount of water it has withdrawn since 1980 and construct new lakefront structures that do not allow leakage. In addition, the U.S. Army Corps of Engineers repaired the Chicago River locks that had not been sealing adequately. All eight Great Lakes States and the U.S. Federal government participated in discussions mediated by a professional mediator. The Province of Ontario, as well as the City of Chicago and the Army Corps of Engineers, also were involved as observers or by providing technical support.

The Boundary Waters Treaty of 1909
This treaty addresses common issues facing the U.S. and Canada for water resources shared along their border. Article III of the Treaty states that “no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.”

GOVERNORS: Great Lakes water compact needs revision

Continued from p. 1
Under the WRDA, no bulk export or diversions of Great Lakes waters from the basin can take place without the unanimous approval of all of the Great Lakes governors.

Some see inadequacies
Several regional environmental groups have already expressed concerns about the draft agreement. Both Reg Gilbert, senior coordinator for Great Lakes United, and Gordie Meryer, president of the Minnesota Conservation Foundation, had hoped the governors would temporarily ban water exports while the agreement is being finalized.

A potential loophole in the proposed agreement has been noted by Lake Michigan Federation Project Manager Cheryl Mendoza.

Mendoza says the proposal focuses on large diversions instead of also addressing small withdrawals. She foresees a series of smaller diversions that could come in under the agreement’s notification requirements, but collectively add up to large amounts of water.

A step forward
“This proposed *Annex* represents a significant step forward in protecting our Great Lakes,” said Governor Ridge, “The goal of the *Annex* is to ensure that we who live on and manage the Great Lakes on a day-to-day basis have the tools necessary

to make certain that our water is used wisely and effectively to the benefit of all of our citizens. The public’s input in this process is critical as we work with our counterparts in Ontario and Quebec to build a more effective regional water management system.”

Following the public comment period, the governors and premiers will review the comments and make changes before releasing the final *Annex 2001*. They will then begin developing a set of more binding agreements as agreed to in the *Annex*.

Public comment sought
Comments should be forwarded to the Council of Great Lakes Governors by e-mail at cglg@cglg.org, by fax at (312) 407-0038, or by mail to:

Annex 2001 Comments
Council of Great Lakes Govs.
35 East Wacker Dr.
Suite 1850
Chicago, IL 60601

The Council of Great Lakes Governors is a nonprofit, non-partisan partnership of governors of the Great Lakes states.

Through the Council, the governors collectively tackle the environmental and economic challenges facing the citizens of the region.

Text of the governors’ proposal can be viewed at <http://www.cglg.org/projects/water/annex2001.pdf>.

RUNOFF: Rush hit by manure

Continued from p. 1
charges the factory farm operator frequently ignores guidelines prohibiting manure spreading within 200 feet of a navigable water. He also says Door-nick refuses to employ buffer strips to control runoff and overspreads his land with manure.

“*[Fosmo] has been talking with local Trout Unlimited members about working together on a united citizen monitoring program for the river.*”

“My kids are the fifth generation to stock trout,” Fosmo fondly remembers. He says most everyone in the area feels a particular affection toward the Rush.

To better protect the Rush River, Fosmo has helped form a local chapter of the Izaak Walton League.

Fosmo’s love for the Rush has deep family roots. His great-grandfather immigrated to western Wisconsin from Norway. Decades ago, the elder Fosmo hauled brown trout to the Rush in milk cans as part of early fish stocking activities.

He has also been talking with local TU members about working together on a united citizen monitoring program for the river. The intention, says Fosmo, “is to isolate where the problems are.” He also wants the DNR to step up its monitoring activities.

WHIRLING: WI ripe for outbreak?

Continued from p. 1
outstanding fisheries such as the Madison River in Montana and several Colorado rivers.

In Colorado, stocking agencies refused to accept early reports of problems and continued to stock infected fish into formerly uninfected streams, contributing to the problem. Through TU’s efforts, such

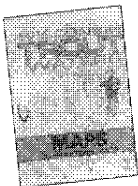
stocking has now been stopped.

The coulee region streams harbor few rainbow trout, but have healthy naturally reproducing brown and brook trout populations. “The potential is there” for an outbreak because the Tubifex worm population is “absolutely phenomenal,” said Sutherland.

Vetrano and Sutherland agree, but note that if anglers and agencies take measures to prevent the parasite from being transported to the area, the likelihood of an outbreak will be reduced.

When returning from fishing in other areas, trout anglers should clean off their waders, especially neoprenes, and boots with a bleach solution or spray with a dairy disinfectant such as those carried by Cenex cooperatives, said Vetrano. Agencies must carefully monitor fish being brought into the area for whirling disease, and enforce rules against “midnight stocking” efforts by individuals, he said.

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Manure kills trout in Bostwick Creek

More than 1,000 trout were reported killed by runoff from manure spread on frozen fields near Bostwick Creek about seven miles east of La Crosse.

The portion of Bostwick Creek affected is a Class I trout stream.

WDNR Law Enforcement Supervisor Steve Dewald said the fish kill resulted from the spreading of about one million gallons of liquid manure onto fields in the weeks preceding the incident.

Because land was frozen, the manure was not incorporated into the ground during spreading. Pools of manure accumulated and overflowed into the creek from at least two fields.

Dewald said the DNR received a complaint about the fish kill on Dec. 1 and investigated the incident throughout the weekend.

Wardens documented 1,235 dead trout from 4-14 inches in size.

The DNR is continuing to investigate the spill. Water and manure samples have been sent to Madison for analysis.

DNR's Perrier deal has international trade implications

By Tom Wilson

Much has been written and discussed regarding the WDNR's failure to call for a full Environmental Impact Statement (EIS) regarding the permit application by the Perrier Group of American to sink a high-capacity well near the headwaters of the Mekan River and other Fox River tributaries. TU members have been, by definition, particularly concerned with the preservation of high-quality trout streams.

Member Analysis

An additional element of the DNR's Environmental Analysis (EA) that deserves attention is the lack of a proactive stance by the DNR with regard to the cumulative effects and precedent they have set on the international trade of our water.

In the DNR's EA, they summarily dismiss their obligations with regard to potential future wholesale export of state waters on the basis of the nature of the water export. They lump their sole authority to examine this issue under the terms of the Great Lakes Charter.

This dismissal fails to recognize the reality of recent policy decisions exercised under the guidelines of the World Trade Organization (WTO) with regard to Process and Production Methods (PPMs) and a general rejection of the Precautionary Principle.

Export form doesn't matter

The Process and Production Methods policy essentially says it doesn't matter whether water is being exported in pint bottles, super-tankers, or pipelines; it is still water,

and if you allow one company to export it in *one* form, you can't restrict another from choosing a *different* means of packaging or transport.

And the rejection of the Precautionary Principle demands *absolute*

Compact have been superseded.

It is to the credit of the DNR, Wisconsin's responsible agricultural and manufacturing community, and every one of its concerned citizens that we have been able to pre-

Once trade is established and water becomes a readily traded commodity, these two tenants of world trade policy leave the door wide open to mass export of our water resources by any means.

proof that irreversible damage will occur before any export restrictions may be applied. Once trade is established and water becomes a readily traded commodity, these two tenants of world trade policy leave the door wide open to mass export of our water by any means.

The DNR presumes that the approval of the Perrier project would not supersede its authority to deny future water extraction projects. This may be true within the confines of *state* law, but the DNR has failed to consider the historic decisions of the WTO and other supranational tribunals.

To these organizations, precedent is supreme; any divergence from a previously enacted policy is deemed an unfair restraint of trade.

The historic track record of WTO tribunals is that whenever a decision has been reached where environmental concerns conflict with free access to trade opportunities — and there have been in excess of 30 such decisions — the environment has lost *every* time as state, national, or even transnational agreements such as the Great Lakes

serve this resource for our own use.

Although our surface waters are largely protected under the Public Trust Doctrine, Wisconsin does *not* have a comprehensive water rights policy with respect to groundwater. This lack of policy simply opens up our resource to any individual who wants to buy a couple of acres of land and sink a well.

We all know that the aquifer being tapped does not respect that legal surface boundary of the property line, and the present state of knowledge even denies the intrinsic distinction between ground and surface water.

The DNR has recognized the limitations of its analysis when in Section 22 of the Perrier Environmental Assessment it states, "For the Department to properly and fully address and prevent serious water resource or use problems in the future, the Department believes changes are needed to clarify and expand the Departments' (sic) regulatory authority."

It is my belief, rather than simply denying its authority as the primary watchdog of Wisconsin's environ-

ment, the DNR should be consulting with their best international lawyers and sounding the alarm.

Just as the DNR must consider its authority, obligations, and the implications of its *local* decisions under the umbrella of state, federal, and Great Lakes Compact agreements, so too here it should consider its decisions under the *realpolitik* of international law, international treaty obligations, and the WTO.

Although it is the DNR's responsibility to consider the long-term environmental impacts of all of its decisions, it is apparent that the DNR is presently taking a most conservative position by considering *only* that authority where it is specifically mandated (even though it obviously exceeded its legislated mandate by negotiating and signing an unprecedented "agreement" with the Perrier corporation wherein the company promised not to pollute in return for the granting of a permit).

This being the case, the mantle of responsibility now falls on the legislators of both parties to provide enabling legislation to extend the public trust doctrine to ground water and not only *allow* the DNR to consider the precedent-setting impacts of its decisions in the realm of international trade obligations, but to *mandate* them to do so. To do any less is an abrogation of the legislature's environmental oversight responsibilities.

(TU member Tom Wilson is the Western Regional Hub Coordinator for the Wisconsin Stewardship Network, which is presently considering adding groundwater legislation as a statewide priority issue at its annual meeting January 26-27, 2001. -Ed.)

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PERRIER TEST DRILLING BRINGS OUT THE CURIOUS

Perrier tested its high-capacity well withdrawal rate in early November at the Roland and Sandra Jensen property in Adams County. The drilling brought out reporters, the curious, and official observers.

Outcry delays rescinding 'Wild Rivers' ordinance

By Todd Hanson

The Florence County Zoning Committee appeared ready to recommend rescinding the county's "Wild Rivers Ordinance" in early December before they were barged with public sentiment against the change.

An estimated 50 people attended the Dec. 6 zoning committee meeting to urge the committee not to recommend the full county board loosen its Pine and Popple river restrictions that:

- allow only new seasonal structures no more than 25 feet tall,
- require setbacks of 150 feet from the river, and
- specify that lots be at least five acres and have at least 500 feet of frontage.

About 25 people and organizations wrote the zoning committee opposing their efforts to rescind the ordinance.

The matter is not dead. The full Florence County Board met Dec. 19 and decided to study possible future changes to the ordinance.

The Florence County Zoning Committee meets every first Wednesday at 7 p.m. at the courthouse.

Perrier sinks test wells as county opposition mounts

By Todd Hanson

Despite increasing expressions of opposition from counties, state groups, and Governor Thompson, the Perrier Company continues

evaluating the results of its high-capacity well tests conducted in early November.

Company officials and the WDNR have said they expect it to take

about two months to evaluate the data from the November well tests. Marquette resolution passes

The latest resolution of opposition comes from Marquette County, which passed a revised shoreland zoning ordinance December 19 that prohibits high-capacity wells whose purpose is to extract water for retail consumption.

The Marquette ordinance also requires that new structures be set back at least 75 feet from the ordinary high water mark and establishes a vegetative buffer strip extending 35 feet inland from the ordinary high water mark.

Adams County votes

Perrier was dealt another setback when the Adams County Board passed a resolution opposing any large-scale extraction of spring water for bottling or bulk sale on November 21.

That Adams County resolution passed by a vote of 14-3 and is considered important because Perrier must get a zoning change from agricultural to commercial for its well-head site.

Adams County supervisors have been quoted as saying rezoning at this point is unlikely.

Residents in the towns of New Haven and Newport have also voted against the project at earlier town meetings.

County group reacts

The Wisconsin Counties Association (WCA) has also reacted to the Perrier controversy.

The WCA passed a groundwater

withdrawal resolution at its annual meeting this fall.

The WCA resolution asked the DNR to conduct a full environmental impact statement of all high-capacity wells sunk for retail consumption purposes.

In addition, the WCA resolution says that the state's counties should be the final authority for such well approvals.

The WCA resolution states, "...before the Wisconsin Department of Natural Resources gives final approval to a high capacity well application to extract water for retail consumption, this being a land use decision, ...the County Board of Supervisors of the county in which the proposed well is located shall review the well application and be given final authority to approve or deny it."

Thompson: look elsewhere

Governor Thompson appeared to concede to local wishes following the November Adams County resolution vote.

Thompson said, "People in Adams County and the Town of New Haven do not want Perrier there, and they've made that crystal clear. I have advanced that information to Perrier. It's time for them to find a different location."



DRILLING MARKED BY CANDLELIGHT PROTEST

Carol Zimmermann (left) and her mother, Sylvia Goslawski, join others for a candlelight protest at Perrier's test well site in November.



Black outlines 2001 state environmental agenda

By Rep. Spencer Black

On January 3, 2001, the new state legislature will be sworn into office. Environmental bills figure to be high on the list of issues to be considered by lawmakers. Key conservation legislation will concern our system of environmental stewardship, protection of our water resources, and recycling.

DNR independence

Until five years ago, Wisconsin's renowned system of environmental protection stood on two sturdy legs — a conservation agency free of day to day political interference and the public intervenor, the state's environmental watchdog.



Spencer Black

In 1995, both those sturdy legs were cut off at the knees.

Formerly, the DNR was an independent, scientifically based agency run by a seven-member citizen board. Now, however, the DNR is a politically controlled agency where the secretary and top administrators serve at the pleasure of the governor. At the same time the governor politicized the DNR, he also eliminated the public intervenor.

Increasingly, decisions at DNR are based on politics, not science. In a recent survey of DNR employees, nearly half of the respondents said that in their own experience at the agency, scientific evaluations are influenced by political considerations." A majority of the DNR employees said that they do not trust DNR's top administrators to stand up to political pressure in order to protect the environment.

I will again introduce legislation to kick the politics out of the DNR so that decisions about our outdoors will be based on science and on what

is best for our environment — not on what is best for politicians or campaign contributors.

Public intervenor

I will also reintroduce legislation to restore the public intervenor. The public intervenors' job was to protect the public's interest in our rivers, lakes, and groundwater. Their legal power to make sure that state agencies followed environmental laws helped protect our outdoors.

Groundwater protection

Efforts by two foreign corporations to exploit our water resources will be addressed by legislation. The attempt by Perrier, a subsidiary of Swiss conglomerate Nestle Foods, to extract a million gallons of groundwater a day from sensitive environmental areas has pointed out a huge loophole in our groundwater law.

Our current groundwater law is too weak because the state can deny a well permit only if it is determined that the well will adversely affect a public water supply. I will introduce a bill to strengthen the law by requiring the DNR to also deny a well permit if the high-capacity well will harm our public waters.

Currently, the state lacks clear statutory authority to deny a pumping permit like Perrier's even if the water extraction will hurt neighboring streams, lakes or wetlands.

Mining cyanide ban

The Wolf River is threatened by the proposed sulfide mine near Crandon. Recently discovered documents indicate that the Crandon mine operation, which now owned by a South African mining conglomerate, would use as much as 20 tons of cyanide a month.

A recent mining disaster in Romania points out the danger of using cyanide in mining. Cyanide waste from the mine flooded the Tisza River, which had been regarded as one of Europe's cleanest and most beautiful rivers. The cyanide waste killed all life in the Tisza River and destroyed neighboring farmland. Some scientists believe this river may never recover.

The Romanian disaster is just one of dozens of incidents of massive environmental destruction caused by the use of cyanide in mining ore processing.

I will introduce a bill to ban the use of cyanide in mining operations in Wisconsin. The state of Montana has already adopted a similar law after suffering widespread environmental damage from mining operations using cyanide.

Recycling efforts

Recycling continues to be a major environmental issue. Wisconsin's recycling law has been a great success. More than 40% of the waste that used to be dumped in landfills is now being recycled. Plans for dozens of new landfills have been put on hold. Over 2000 new jobs have been created.

However, a veto by Tommy Thompson threatens this record of success. The governor's veto creates a shortfall in the recycling fund of \$8 million a year which will significantly reduce the recycling assistance provided to local governments.

I will introduce legislation to balance the recycling fund. The legislation will set the fee for dumping non-recycled waste in state landfills at \$2.00 a ton.

Such a fee will not only ensure the continued success of local recycling efforts. It will also help reduce out-of-state waste. Last year, 1.2 million tons of out-of-state waste was dumped in our landfills. Wisconsin is a popular destination for out-of-state waste because our dumping fee is less than the fees in other states. This bill would remove the current incentive for out-of-state waste dumping.

Another recycling bill I will introduce will require plastic bottles to contain at least 25% recycled plastic by 2005. Wisconsin collects more than 60,000 tons of recyclable plastics each year, but the plastic industry has been generally uncooperative in reusing these materials. This bill will force the plastics industry to take responsibility for their waste and will increase the market for recycled plastics.

All these bills are sure to be controversial and face opposition from well-funded industry lobbyists. The best way to overcome these lobbyists is for citizens to speak to their legislative representatives and let them know that they favor strong action to protect our environment.

(Rep. Spencer Black is the author of several major environmental laws including the state Recycling Law, the Mining Moratorium Law, and the Stewardship Fund. He was recently recognized by conservation organizations for having the best environmental voting record in the state assembly. -Ed.)

Hunting-fishing constitutional amendment proposed

State Senator Russ Decker (D-Weston) is proposing that Wisconsin adds the right to hunt and fish to its constitution.

This proposed constitutional amendment provides that individuals have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law.

"Hunting and fishing have been longstanding traditions for many Wisconsin families and friends. Wisconsin's hunters and fishers are part of this state's great heritage," Decker said. "By having this constitutional amendment, we can ensure that these traditions continue for many years down the road."

Last spring, the Conservation Congress had its spring rules hearing and voted in favor of a similar proposal. Conservation Congress members all across the state voted in favor of promoting the heritage of hunting and fishing by an 8,096-721 vote.

A constitutional amendment requires adoption by two successive legislatures and ratification by the people before becoming effective.

To Slay a Giant documents state's grass roots environmental tradition

By Tom Wilson

For nearly 18 years I lived in the west central part of the state in Fairchild, WI. The town was named after Lucius Fairchild who was apparently a great Civil War hero who later served as governor for — at that time — an unprecedented three terms. And yet, 130 years later, I doubt if any of our readers — or even many of the residents of Fairchild — could even recall his first name much less relate any of his accomplishments as either a military or political leader.

That's a funny thing about Wisconsin. We don't hear or read much about our past heroes of war or politics. When people think of the great leaders from Wisconsin, it is more likely that names such as John Muir or Aldo Leopold come to mind. Even those political leaders who we do remember and honor such as Warren Knowles or Gaylord Nelson are remembered more for their influence on environmental protection than for any other contribution they may have made.

This is no coincidence. These men and the movements they stood for are widely recognized as preserving the rich natural legacy which we hold so dear. The legacy and the mythical status these leaders hold is

in part due to the stature of these individuals themselves, but it is also due to the excellent tradition of periodically documenting the details and the participation of the individuals who have led the environmental battles that have shaped our destiny.

Books such as Vernon Carstensen's *Farms or Forests: Evolution of a State Land Policy for Northern Wisconsin*, Thomas Huffman's *Protectors of the Land and Water, Environmentalism in Wisconsin 1961-1968* and more recently Al Gedick's *The New Resource Wars* and Rick Whaley and Walt Bresette's *Walleye Warriors* all document and honor both the struggles and the heroes that led them in the partial victories that we call environmental activism.

Mutter book in this tradition

John Mutter Jr.'s *To Slay a Giant, The Fight to Protect the Wolf River From the Proposed Crandon Copper Mine* is one more example in this grand tradition. The book has recently been published by Burtston, LLC, Shawano, WI 54166 and costs \$17.00.

The title of this book is, of course, somewhat misleading. The giant has not been slain. Although it would be fair to say that Nicolet

Minerals has been severely battered by the constant vigilance of almost the entire environmental and conservation community, the Crandon Mine project is still very much alive and seems to have the full support of the present State Department of Administration and those individuals within the WDNR charged with regulating this activity.

What *To Slay a Giant* does do is chronicle the struggle for the period between May of 1996 and April 22, 1998, when Governor Thompson was essentially forced to sign into law the Churchill Mining Moratorium Law.

That law requires any company desiring to mine in Wisconsin to identify a mine (or mines) in sulfide ore bodies in North America that have been operated and successfully reclaimed for periods of ten years or more respectively without causing significant environmental damage. This still may be the Achilles heels that does indeed bring down the Giant, but, as they say, the fat lady — or in this, case the administrative judge — hasn't sung yet.

Snapshot of longer mine battle

Thus this book is not quite the definitive history of the battle against the mining company. It's two-year snapshot focuses primarily

on the Nashville political struggles and the moratorium bill. The author's attention is also, perhaps, too focused on the activities of one group, albeit an important one, Protect Our Wolf River (POWR), to the neglect of numerous other groups across the state who were simultaneously active.

Nonetheless, *To Slay a Giant* accurately represents the truism in environmental activism. Sure, we may have our John Muirs and our Gaylord Nelsons, the "generals" in the great war to preserve and protect our pristine resources. But it is to the credit of the everyday foot soldiers, the John Mutters, the Laura Furtmans and the Evelyn and Roscoe Churchills — the just plain folks — who relentlessly mail out letters to newspapers all across the state and show up religiously at every relevant public hearing and doggedly challenge the mining company officials at their every lie and misstep.

These are the Davids of biblical proportion who will, indeed, eventually, slay the giant with their endless slings of truth and mass public opinion.

(Tom Wilson is co-chair of the Wis. Stewardship Network's Metallic Mining Subcommittee. -Ed.)



Chapter News



SHAW-PACA HONORS MEMBERS AND FRIENDS

Recent Shaw-Paca Chapter honorees include (top l-r) Gordy Kulhanek, Brian Belonger, and Tom Thuemler, plus (bottom l-r) John Deuchert, Russ Heiser, and Gary Zimmer.



sodded an overhead structure that was installed a few months earlier, and in the afternoon we began a brushmat wall to narrow the stream and flush out sand. The trout responded well, having constructed numerous redds in the area almost as soon as we were done.

Our November workday didn't try to tackle a large project, but did still manage to move quite a bit of large and small rock into more effective positions in the stream. It was one of those late fall picture-perfect days when we were just glad to be on the stream.

As usual, the chapter didn't have a December workday, but we did have a noon cookout and get out on an afternoon "streamwalk" with **Al Hauber** and **Jason Spaeth**, our area **DNR fisheries** people. It was an opportunity for the chapter and DNR to clarify our mutual understanding of plans and directions for upcoming stream work.

As with many chapters, it has been and ongoing challenge to get enough people active in the chapter to assure continuity. With this in mind, our December board meeting saw a lively discussion of new means we will be exploring to increase active participation. An April event is tentatively planned, and hopefully we will have some good news to report back.

The chapter's fall annual election was also held, with the slate elected:

President — Jim Friedrich
Vice President — Don Ebbers
Secretary — Bud Nehring
Treasurer — Jim Henke

Our board of directors consists of **Sean Ebert**, **Stu Grimstad**, **Bob Juracka**, **Bud Nehring**, and **Dave Stakston**. And in his absence, we hope it was OK to also nominate and re-elect **Paul Peck** to the board. We think this will fly with Paul.

— Jim Friedrich

Blackhawk Chapter

The September meeting was hosted by **Todd Polacek** of **Madison Outfitters** who presented a program on fishing Wisconsin spring creeks.

The October meeting was hosted by **Jim Bartel**, a teacher at **Madison High School** who presented a slide program profiling some southern Wisconsin spring creeks.

Blackhawk Chapter has committed

to the **Raccoon Creek** project.

Fly tying classes will be held at the **DNR Service Center** in Janesville. Classes will be conducted on Wednesday evenings from 6-9 p.m., beginning Jan. 3 and running through Feb. 21. A fee of \$10 will be charged to all members.

— Bill Karduck

Coulee Region Chapter

The onset of fall marked the resumption of regular monthly membership meetings for us. Beginning in December, our meeting location changed from **Whitetails Restaurant** to **Schmidty's Bar and Restaurant**, 3119 State Rd., La Crosse.

Chapter President **Cy Post** has done excellent work in securing commitments from a slate of outstanding guest presenters for our meetings. In September, **Dave Vetrano** of the **WDNR** and **Laura Hewitt** of **TU's Upper Midwest** office spoke to us on the state of coldwater habitat restoration in the coulee region.

In December, **UW-La Crosse** biology and river studies professor **Roger Haro** enlightened us with a discussion of the results of recent studies of mayfly and caddis populations in coulee region streams.

Chapter members **John Wisneski** and **Jim Sobota** entertained us in October with information and anecdotes from their personal fishing adventures in Alaska and Wyoming

respectively. Programs like these have kept members coming back for more.

An important decision was made at our September meeting when the membership voted to make **Mormon Coulee** just east of La Crosse the site of our ongoing stream improvements efforts in 2001. Specifically, a stretch of stream coursing through a DNR easement and located immediately upstream of our 1998-2000 project site has been chosen. A site assessment began in November.

Beyond grants, the other major funding source for our **Mormon Coulee** project will be proceeds from our annual fundraising banquet scheduled for Tuesday, Feb. 27, at **Pogy's Catering** in La Crosse.

Special guest speaker at the banquet will be **Sara Johnson**, volunteer operations director for **TU National**. Tickets for the banquet are available through banquet chair **John Wisneski**.

— Rolf Skogstad

Fox Valley Chapter

Our meeting season kicked off in September with a presentation on outdoor photography.

October was time for our annual scatter plant on the **Waupaca/Tomorrow River**.

At the November meeting we saw some great slides from chapter webmaster **Steve Heuser's** trip to Costa Rica.

December highlights included a presentation by author and chapter member **Ross Mueller** on "Fishing Wisconsin Spring Creeks."

Our chapter also participated in the award of a \$250 scholarship to **Jana Olsen**, a culinary arts student at **Fox Valley Technical College**. Each January members of the culinary arts program at the **FVTC** delight our palates with various fish recipes. A hat is passed, and the chapter contributes at least \$250 to a deserving student. It's a wonderful partnership and becoming the highlight of our meeting season.

— Dean Simon

Frank Hornberg Chapter

This fall saw the chapter tying up some loose ends for the winter.

In October we were at our **Wel-**

ton Road worksite on the **Tomorrow River** at Nelsonville. We had a very good turnout. In the morning we

Green Bay Chapter

In lieu of a regular business meeting, the **Green Bay Chapter** made the December meeting a dinner meeting where members gathered to enjoy a fine meal, some great entertainment, wonderful company and, most importantly, recognize people who have made a positive impact on our environment during the past year.

This year about 45 members and guests attended the event which was held at **Splinter's Bar & Grill**.

During the evening, the chapter awarded honorary membership to **Tom Thuemler** and **Brian Belonger**, both of whom recently retired after many years of service with the **Wisconsin DNR**.

Thuemler, of the **Marinette** office, was instrumental in getting the chapter started with work projects and finding worthwhile places for the chapter to spend its limited dollars during its formative years back in the early 70s.

Belonger, who worked out of the **Green Bay** office, was the catalyst for getting the **Oconto River Restoration Project** off the ground. This project will be completed as soon as water levels permit next summer. We thank them for all their assistance over the years and wish them well in retirement.

The chapter also selected a "Member of the Year" and inducted two persons into the **President's Club**.

Gordy Kulhanek was selected member of the year. Over the past year, Gordy has been a participant in all that the chapter does to attain the goals of **TU**. He gave up much of his free time to work on habitat improvement projects and helped out at the chapter's annual **Kids Fishing Day**. Gordy was a regular attendee at meetings, where he helped make decisions on how the chapter uses its resources on behalf of trout. Plus he served on the committee that arranges for the chap-

ter's annual conservation banquet. To Gordy Kulhanek, congratulations on a well-deserved award.

The chapter had two very special inductees into its **President's Club**. This award goes to persons whose participation in habitat improvement projects has been exemplary.

Our first inductee was **John Deuchert**, son of longtime chapter member **Bruce Deuchert**. John was an active participant in four of five work projects, and he also gave up free time to help at the **Kid's Fishing Day**.

Our second inductee was **Russ Heiser** of the **Marinette DNR** office. For many years, Russ has worked with the chapter to schedule work projects, make sure that needed materials are on hand, and, most importantly, gotten down and dirty with the rest of us to see that the project is completed. John, Russ, thank you for all you have done for our coldwater resource.

At a separate event, the chapter also awarded honorary membership to **Gary Zimmer** who is leaving the **U.S. Forest Service** to accept a position with the **Ruffed Grouse Society**. Zimmer is largely responsible for the fine working relationship the chapter enjoys with the **Forest Service**. He has created many fine opportunities for the chapter to participate in the **Challenge Grant Program**, whereby funds donated by groups for specific projects are matched by the **Forest Service**. Zimmer was also the driving force behind the two bridges built over the **Thunder River** and the **Barrier Free Fishing Trail** on the **South Branch of the Oconto River**. Thanks, Gary, we'll miss your smiling face.

Finally, the chapter is busy planning for **Banquet 2001** to be held March 15 at the **Swan Club** in De Pere where 450 guests will help the chapter to raise funds for trout and our coldwater resource.

— Gary Stoychoff

Harry & Laura Nohr Chapter

The **Harry & Laura Nohr Chapter** continues to promote an active agenda for the protection of our streams in Southwest Wisconsin. Our water monitoring program was highlighted in a day-long event known as the **Water Celebration** held Nov. 11 at the **UW-Richland Center** campus.

David Fritz, **Adopt-a-Stream** committee chair from our chapter, along with **Peggy Compton**, **Basin Educator** for **UW-Extension**, and **Barb Schieffer**, **Monitoring Coordinator** for the **Kickapoo River Watershed**, were the organizers for this event. It was a very successful program, and approximately 75 people

Chapter News



attended (see separate story in this issue).

For more information, contact David Fritz at kayndave@mhtc.net.

On Labor Day our chapter was honored to have the noted geomorphologist **Dr. Luna B. Leopold** (Aldo Leopold's son) speak to our group. An informal discussion took place at the home of **Madelyn Leopold** (Dr. Luna Leopold's daughter) and **Claude Kazanski**.

Dr. Leopold, drawing on a lifetime of research, spoke on how rivers and streams establish and maintain their channels through successive events of erosion. According to Leopold, streams should be allowed to find their own natural course and not be artificially restrained.

Many members of our chapter are concerned about the upcoming **Blue Book** revision that the DNR plans to complete by February 1, 2001. **Chuck Steudel** has volunteered to chair a committee that will be focusing on the DNR process and review the streams that are selected for inclusion into the revised trout water list.

We are also following closely **Perrier's** interest in **Lafayette County** as a possible location for a high-capacity well facility.

Our chapter's next general membership meeting is scheduled for January 16 at the old Cobb High School building. **Todd Kalish**, graduate student from UW-La Crosse, will be speaking to us about his research in aquatic ecology. Todd is quite interested in strategies that will improve the genetic quality of trout populations in Wisconsin.

Questions and comments on our chapter activities can be directed to **Bill Wisler** at wisler@mhtc.net

— Bill Wisler

Kiap-TU-Wish Chapter

Programs this season started with **Rick McMonagle** of the **Kinnickinnic River Land Trust** and **Tim Popple** of the **Kinnickinnic Priority Watershed** in October.

November had chapter member **Andy Lamberson** speaking on family fishing and vacationing in **Yellowstone National Park**.

The annual **Kiap-TU-Wish Holiday Banquet** highlighted December with **Tom Helgeson** of **Midwest Fly-Fishing Magazine** presenting a

Lakeshore Chapter

Chapter workdays were held on the **Onion River** this fall. The primary focus was brushing on **Ben Nutt Creek**, one of the headwaters to the Onion. The brushing will allow heavy equipment to be moved in so that the stream can be returned to the original stream bed, which should improve spawning.

The DNR has contracted with **Marty Melchoir** of **NES** to oversee portions of the stream restoration project. **Larry Doeber** gave a presentation to the **Sheboygan County Conservation Association** (a contributor to the Onion River Project) in November regarding progress made on the project.

Northwoods Chapter

The Northwoods Chapter initiated the year with a get-together at **Pat's Tavern** in September. Many tales were told about the "big ones"



"SLAYTON STRETCH" DEDICATED ON TIMBER COULEE

A stretch of 20 stream structures on the upper Timber Coulee near Westby was dedicated last year to the memory of Ward Slayton. Standing next to the "Slayton Stretch" marker is Bill Welk, manager of the Westby Rod and Gun Club (left) and Joe Putsch, vice president of the Blackhawk Chapter of Trout Unlimited. The marker was placed by both clubs and reads, "In memory of Ward Slayton. Made possible by his club friends, the Blackhawk Chapter of Trout Unlimited of Janesville, Wisconsin, and the Westby Rod and Gun Club. Dedicated 2000."

spectacular slide show.

Thank you banquet committee members **Steve Parry**, **Mike Alwin**, **Brent Sittlow**, and **Jon Jacobs** for a great evening of fun and fundraising.

— Brent Sittlow

Chapter members, including **Tom Steinberg**, **Ron McCormick** and **Bob Melcher**, tied flies at "**Buck Fever**" and **Camp Sinawa**, which are two major outdoor events in Manitowoc County.

Rod building expert **George Souik** gave a demonstration on bamboo rod building at the November meeting.

The chapter held its annual holiday party and gift exchange in December.

The chapter's awards and fundraising banquet is tentatively set for April 21, 2001.

— Doug Lepanen

that got away this summer, and some stories where the big one didn't get away.

Regular meetings will begin in

January and will continue through May when we conclude with a picnic at **Buck Lake**. In case you missed the chapter's schedule in the last issue of *Wisconsin Trout*, meetings are held the third Thursday of the month at 7:00 p.m. at the **Associated Bank Building Community Room** in Rhinelander, with the exception of the December meeting which will be held on December 14.

December — Chapter Christmas Party at the **Rhineland Pub & Café**.

January — Black Hills Trout Fishing program by **Mitch Bent**.

February — Chequamegon Bay Fishing Opportunities by **Roger LaPenter**.

March 10 — Fly tying session.

March — Banquet Committee meeting.

March 27 — 27th Annual Banquet at the Rhinelander Café & Pub

April — **Terry Cummings** presenting slides on his trip to **Kamchatka**.

May — End of the year picnic at **Buck Lake**.

The chapter will continue stream work on the **Bearskin River** next summer. Plans are being made to collect Christmas trees in January for bundles.

The Deerskin River dam removal has been postponed by the DNR until next spring, hopefully, while lawsuits are settled and access issues resolved.

It's a rather scant report this month, but hey, we were busy doing other things like hunting and fishing this fall.

— Brian Hegge

Ojibseau Chapter

The Ojibseau Chapter has set its banquet date for April 19. The location and speaker will be announced soon.

Monthly winter meetings are being held the second Tuesday of each month through March at the **Eau Claire Rod and Gun Club** starting 7:30 p.m.

Also a winter beginner fly tying course is being offered starting Jan-

uary 17 and running six weeks. Please call **Jeff Bartynski** at (715) 832-2362 to sign up.

Finally, our board is welcoming new members **Skip Van Gorden** and **Bob Johnson**. Bob will also be serving as our newsletter editor.

— Jeff Bartynski

Continued on p. 12



Chapter News

Shaw-Paca Chapter

Our programs for the rest of the year have been set.

December 21 — **Al Neibur**, - Waupaca Area DNR Fish Biologist,
January 18 — State Chairman **John Welter**,

February 15 — Chapter member **John Kunzman**,

March 15 — Chapter member-**Lee Kersten**,

April 19 — To be arranged, and
May 17 — Elections and Chapter Fishing Night.

We voted to send the **North Woods Chapter** \$1,000 to help with the removal and renovation of a dam on the **Deerskin River**.

We have purchased three copies of the **TU TV Series** from 1999 for distribution in three local city libraries. They will be donated to libraries in Shawano, Marion, and Waupaca.

At our last meeting, **Ross Langhurst**, chapter member and **Shawano County Fish Biologist**, presented a program on the status of problem areas on **The West Branch of The Shioc River** in Bonduel and **Mehlberg Creek** near Marion.

At this point, all the cleanup has been done, the natural process of healing has to go on from here.

We are looking at new areas to lease for habitat improvement. These areas are on the **South Branch of The Embarrass**, **Mill Creek**, and **The West Branch of The Red River**.

A fly-tying class has been proposed for next year starting in January.

— *Lee Kersten*

Southern Wisconsin Chapter

The Southern Wisconsin Chapter has been busy planning its annual **Ice Breaker** clinic and **Let's Talk Fishing banquet** (see story elsewhere in this issue).

The chapter is planning a number of work projects for the coming year, including work on upper **Bohn Creek**, tree planting along **Deer Creek** or the **West Branch of the Sugar River** and placing a memorial bench along **Black Earth Creek**. If you would like to be placed on a list of potential volunteers for projects please call **John Serunian** at (608) 277-9295 or e-mail him at jserunian@aol.com.

Much of the work on the **Upper Sugar River** has been completed. Many thanks to **Henry Nehls-Lowe** for his hard work and dedication in guiding this project to completion. Also many thanks to all those chapter members who helped to build lunger structures.

Our chapter meetings are held the second Tuesday of every month at the **Maple Tree Restaurant** in McFarland. Meetings begin at 7:00 p.m., but many members often arrive at 6:00 to enjoy a dinner and hear a few fishing stories.

Many belated thanks to **Vern Lunde** for his generosity and help in the annual chapter picnic in July. Vern kindly let the chapter use the grounds surrounding his **Fly Fishing Chalet** near **Deer Creek**. He also sponsored the Winston fly rod representative who brought along demonstration fly rods for testing by chapter members.

The September chapter meeting featured an educational film on how our waters are damaged by the runoff from roads, lawn applications, and other sources of nonpoint pollution. Chapter members also heard a report from a **Middleton High School** group the chapter helped send to an environmental competition in **Nova Scotia**.

The October chapter meeting was a panel discussion of the impact of nonpoint pollution on local creeks. Chapter members learned about the threats to local streams and the steps that are being taken (and need to be taken) to remedy this problem.

The November chapter meeting featured a talk by **Pat Ehlers**, a guide and owner of the **Flyfishers Fly Shop**. He shared his knowledge

of, and experiences fishing, many different spring creeks in the state. Many suggestions were made on

where and how to catch that truly memorable fish.

— *John Serunian*

Wild Rivers Chapter

This past summer the Wild Rivers Chapter, as a part of its commitment to the **Whittlesey Creek National Wildlife Refuge**, erected a 4'x5' cement block structure to house a gaging station on **US Fish and Wildlife Service** property on Whittlesey Creek.

Chapter members **Dick Berge**, **Paul Gilbert**, **Mike Stobbe**, **Bill Heart**, and **Jeff Carlson** all helped with the construction of the building. The structure houses a computerized gage operated by the US Geological Service that monitors stream flows and velocities. The current info is available on the USGS web site.

Data gathered will facilitate watershed restoration initiatives for Whittlesey Creek. It is common practice for gauge station buildings such as this one to be built right on the stream bank. In this situation, however, it was recommended by the **Whittlesey Creek Habitat Coalition** to concede to local zoning ordinances, which the department in immune from, and build the structure outside the required setback from the stream bank. Also, the

floor of the structure was elevated to put it above the established flood plain level.

This July, in cooperation with the **Northern Great Lakes Visitor Center**, chapter members helped with a **Kids Fishing Day** at the center.

Susan Nelson, an employee of the Center, arranged and promoted the event and requested that our chapter members help all participants who wanted actual fishing experience at the center's pond, which is stocked with Isle Royale strain brook trout. Each child went through a series of educational stations. They covered the following topics — fishing gear, fishing ethics, biology, practice casting, and catch-and-release fishing on the center's pond. Chapter members **Paul Gilbert**, **Michael Klump**, **Metro Maznio**, **Dick Berge** and **Jeff Carlson** worked with the youth demonstrating proper release techniques.

About 120 youths participated in the event which Susan plans to make an annual event. TU's *Consider Proper Release* video and brochures were part of the program.

— *Jeff Carlson*

Wisconsin River Valley Chapter

This coming year will be a busy one for our chapter. We have two projects on the **Prairie River** in **Lincoln County** this summer that total about 7,500 feet of stream frontage.

The projects will involve narrowing and deepening the channel and adding boulder retards, rock weirs, and pools.

The **Plover River** project in **Marathon County** this summer covers about 4,000 ft. of stream footage. This also will involve narrowing the stream channel and adding boulder retards, half logs, etc.

There are also two small spring creeks that have become clogged with brush, logs, etc. They are both about 200 yards long and will be cleaned this summer.

This spring our banquet will be held at the **Memories Ballroom** seven miles west of Wausau on Hwy. NN. The banquet date is April 7. Tickets are \$30 each or two for \$55. Information can be obtained from **Brian Marnholtz**, N2675 Hwy. 107, Merrill, WI 54452.

— *Herb Hintze*

“Ice Breaker” features noted entomologist, spring creek guide

The Southern Wisconsin Chapter of TU will hold its annual “Let's Talk Fishing” banquet on Friday, Jan. 19, and its “Ice Breaker” trout fishing clinic Saturday, Jan. 20.

The “Let's Talk Fishing” banquet will be held on at the Radisson, 517 Grand Canyon Drive, Madison. A social hour with cash bar will start at 5:30 p.m., with a trout and chicken dinner beginning at 7:00.

Fishing stories with “Ice Breaker” speakers **Rick Hafele** and **Jim Bartelt** will begin at 7:30.

Rick Hafele is the co-author of *An Anglers Guide to Aquatic Insects and Their Imitations* and *The Complete Book of Western Hatches*. He is a columnist for *American Angler* magazine and is a professional aquatic entomologist.

Jim Bartelt operates Spring Creek Specialties, a guiding service focused on fishing Wisconsin's spring creeks. He has been an Orvis Professional Guide for 10 years and has taught beginner to advanced fly fishing schools for **Vern Lunde's Fly Fishing Chalet**.

The “Icebreaker” trout fishing clinic will be held on Saturday, Jan. 20, at the **Park Ponderosa Ballroom**, 5100 Erling Ave., McFarland, WI,

beginning at 9 a.m.

“Let's Talk Fishing” banquet tickets are \$20 and must be purchased by Jan. 12.

“Ice Breaker” tickets are \$9.00 (\$10 at the door).

Icebreaker Schedule

9:00 — Welcome and introduction.

9:15 — **Rick Hafele** on “Fly Fishing the Lakes” — hatches, patterns, and tactics for western lakes.

10:30 — **Jim Bartelt** on “Fishing Southern Wisconsin Spring Creeks.”

11:30 — Lunch, fly tying demonstrations

1:00 — Door prizes drawn

1:30 — **Jim Bartelt** on “Presenting the Fly On Spring Creeks.”

1:30 — “Fly Tying for Kids” workshop

2:30 — **Rick Hafele** on “Caddis: What, Where, and How”

3:30 — Bucket raffles for fly rods, reels, art work, and much more.

Tickets can be ordered by sending a stamped self-addressed envelope with check payable to Trout Unlimited to **Lynn Blenker**, 127 N. Monroe, Stoughton, WI 53589.

For more information call **Tom Fredrick** at (608) 873-1623. All proceeds will be used by Southern Wisconsin TU to support coldwater conservation projects.

FURLED TAPERED LEADERS

We have all experienced the shortcomings of the tapered monofilament leader: we see the rise, then false cast to get the perfect length, judge the distance upstream from the rise, then cast. Your reward is the mono leader, tippet and fly all end up in a big pile, well short of the target. Despite all the claims, mono leaders often do not perform. But there is a solution to this dilemma, and it has been around for generations.



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Water Celebration finds teamwork the key to local stream monitoring success

By Barbara Ballard

“Water monitoring is a team sport,” says Dave Fritz, one of the three co-chairs of the First Annual Water Celebration held November 11 at the UW-Richland Center campus.

Emphasizing his point, Fritz noted the contributions of six people and more than a dozen organizations, including Iowa-Grant Middle School, where Fritz taught water monitoring to many of his science students before his retirement a year ago.

Training need identified

A member of The Harry and Laura Nohr Chapter of Trout Unlimited, Fritz recalls that the first chapter initiative in water monitoring, the Adopt-a-Stream program of 1997, did not attract many volunteers.

“All that was required was that a person walk up and down a stream of his/her choice and note circumstances — like pollution, windfalls or beaver dams — that might create problems for trout,” Fritz explained. “There was no training, accountability, or data-gathering mechanism in this program.”

When Bill Wisler, who had spearheaded the Adopt-a-Stream program, heard Wes Halverson give a water monitoring course on the Big Green River two years ago, he brought discussion of the program back to Nohr Chapter members.

They agreed that training seemed important. And Fritz, whose students had been working with monitoring equipment loaned by the University of Wisconsin Ex-

tension (UWX) Water Lending Library in Lancaster, suggested that equipment could balance Halverson’s academic approach with a real hands-on experience. Thus, with adjustments, a good idea became better and better.

Other water quality work

At about the same time, several other responses to an increasing interest in stream and water quality were laying the groundwork for even greater cooperation.

- Laura Hewitt, then a TU regional director, began working with the Home Rivers Initiative in the Kickapoo River basin to train people who wanted to become water monitors. Among those trained was Barb Schieffer, now

monitoring coordinator for the Kickapoo River Watershed and a co-chair of Water Celebration. Schieffer works with Community Conservation, Inc., which makes monitoring equipment available through the Soldier’s Grove Library and The Valley Stewardship Network, which creates opportunities for pro-active stewardship.

- UWX and the WDNR worked 50/50 to create a no-frills initiative called Water Action Volunteer Program (WAV) out of Madison. Fritz recalled that Pam Packer was an effective manager and he looks forward--now that UWX has taken over full responsibility for the program--to the arrival of a new manager in the next few months.



PLAYING — AND LEARNING — IN THE WATER

Nelson Duerksen and Nick Berres (left) take data on Brush Creek in Richland County, while other students (above) gather at the First Annual Water Celebration at UW-Richland Center. The celebration let young and old share information they’d gathered during the regular spring-through-fall monitoring season and participate in a number of fun, water-related activities.

- Peggy Compton, UWX Basin Educator for Southwest Wisconsin, director of the Water Lending Library in Lancaster, and co-chair of Water Celebration, became a full participant with the Nohr Chapter of TU, making equipment available to monitors trained by the chapter in the spring of 2000.

Water Celebration brings groups together

The First Annual Water Celebration brought participants in these initiatives together to share information about organizing and sustaining their water monitoring programs.

Teachers came from as far away as Janesville and Waunakee to learn how water monitoring stimulates students’ interest in chemistry and biology. Students and families came, excited to share what they had learned. And many anglers came to learn more about creating healthier habitats for their beloved trout.

Fritz is clear in stating that educating water monitors and encour-

aging people to find excitement in science are TU’s goals. However, he knows that, because land-use decisions are made in political arenas, some monitors are active in promoting a political agenda on the basis of evidence revealed by their work. The bottom line is that an informed citizenry is one that makes better decisions.

Whatever the use of the data gathered by water monitors, it is built on the teamwork of many people. Each one brings his or her different interests and talents to gathering and interpreting data and then turns around to give that data away: to the greater good, to better water, and to sustaining a rich biodiversity.

Another training event planned

The next training event will be late in the spring of 2001, probably May. If you, your family, students, or neighbors are interested in becoming water monitors — or if you want to know more about macroinvertebrates — call Dave Fritz at (608) 943-8454.

Several TU chapters’ work funded

River protection grants awarded to 22 Wisconsin river projects

Twenty-two Wisconsin municipalities and nonprofit organizations will receive grants totaling almost

\$300,000 for projects to protect and improve state river ecosystems.

The awards represent the second

round of river protection grants awarded through the WDNR River Protection Grants program.

Grants are capped at \$10,000 and can be used to:

- get new organizations started,
- have informational efforts,
- study conditions,
- make plans and develop ordinances to protect the river, and
- study land uses around a river.

Grants cover up to 75 percent of eligible project costs. Applicants are responsible for providing the other 25 percent, which can be cash, in-kind contributions, or donated services.

2001 River Protection Grants

Applicant	County	River planning grants project type	Amount
Black Earth Watershed Assn.	Dane	Black Earth Creek – Protection into Perpetuity	\$10,000
Grant Co. Land Conservation District	Grant	Castle Rock Creek Watershed	\$10,000
Friends of Rowan Creek	Columbia	Friends of Rowan Creek Capacity Building	\$10,000
Gratiot Sportsman’s Club	Lafayette	Pecatonica River Enhancement Council	\$5,325
Friends of Jump River	Price	Jump River Water Quality Monitoring	\$10,000
Trout Unlimited – Lakeshore Chapter	Sheboygan	Onion River Project	\$10,000
Kinnickinnic River Land Trust	Pierce/St. Croix	New Outreach Media Project	\$7,500
Citizens for Waterfront Revitalization	Sauk	Baraboo River Strategic Planning	\$10,000
Rock River Coalition	Rock/Dodge/Walworth/Dane/Jefferson/Fond du Lac/Columbia	Rock River Corporate Outreach	\$10,000
Rock River Headwaters Inc	Dodge	Organizational Transition and Basin Planning	\$10,000
Golden Sands RC&D	Portage Marathon	Plover River Water Quality Evaluation – Phase II	\$7,900
Polk County Land & Water Resources Department	Polk	Apple River Association Development and I & E	\$10,000
Green & Rock Audubon Society	Green	Kittleson Creek Tributary Headwaters	\$7,388
Eau Claire County LCD	Eau Claire	Otter Creek	\$10,000
Buffalo County LCD	Buffalo	Elk Creek Streambank Protection	\$9,994
Village of Cleveland	Manitowoc	Centerville Creek Watershed Eval & Streambank Stabilization	\$9,800
Waupaca County	Waupaca	Lower Lt Wolf River Water Quality Evaluation	\$10,000
West Fork Sportsman Club	Vernon	West Fork of the Kickapoo (A History of Partnering)	\$31,516
Waukesha Land Conservancy	Waukesha	Genesee Creek Headwaters Restoration	\$35,750
Lincoln County	Lincoln	Prairie River Scenic area – 5 acre parcel	\$21,000
Dane County	Dane	Removal of Rockdale Dam, Koshkonong	\$50,000
Dunn County LCD	Dunn	Elk Creek Bank Stabilization	\$3,603



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Scientists studying global warming's effects on trout

By Rich Bogovich

"Trout and other fish species could be entirely wiped out in many states — depriving millions of our children and grandchildren of the simple pleasures of fishing."

So read testimony on global warming from the U.S. Environmental Protection Agency to Congressman F. James Sensenbrenner (R-Wis.) and his House Science Committee in February of 1998.

DNR Secretary George Meyer put this in a Wisconsin context in a three-part series on global warming in the *Milwaukee Journal Sentinel* in late May of this year. "Clearly, we will have a reduction in trout streams," said Meyer. "That's a given. It's just a matter of how much."

Trout habitat losses predicted

The EPA provided a rough estimate of "how much" in a 1999 brochure that documented what global warming could do to trout populations in about half of the 50 states.

Wisconsin is one of the states that could see a 50-100 percent loss of habitat due to global warming. The cover of this brochure entitled *Climate Change and Cold Water Fish: Is Trout Fishing An Endangered Sport?* was printed in last summer's *Wisconsin Trout*.

At that time the EPA was projecting an average temperature rise with an upper range of 6-8 degrees. However, the top news story on Trout Unlimited's web site last November said new research has revised this projection for the worse.

Under the headline "Global Warming More Severe," the brief item read:

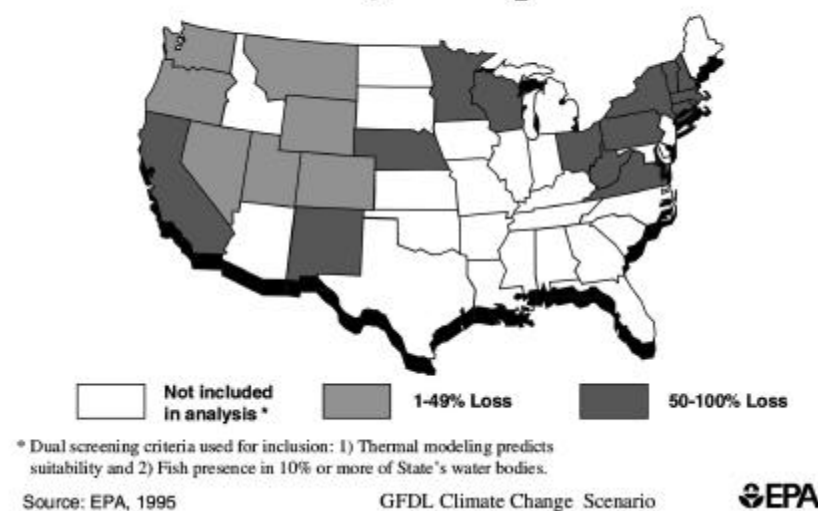
A "confidential draft report" by the Intergovernmental Panel on Climate Change finds that global warming by the end of the 21st century will be "substantially higher than previous estimates," perhaps as high as "11 degrees Fahrenheit," recently reported the *Los Angeles Times*. Those familiar with the report, which represents a "consensus reached across scientists in the international community," say that "its findings significantly strengthen the case for a human role in climate change."

The implications for trout populations in particular are very serious. Back in 1996, TU Resource Director Joe McGurrin confirmed what most TU members undoubtedly know. "Of all the major sport fish,

trout need the coldest, cleanest, clearest water and the most pristine habitat," said McGurrin. "When you have trouble in the environment, the trout are first to go."

The worst news of all is for trout (and trout anglers) in geographic regions where the fish cannot move to higher elevations, such as the

Loss of Habitat for Brown Trout from a Doubling of CO₂ - 2050



Genetic implications

That same year, fisheries research biologist Hal Schramm explained in an issue of *North American Fisherman* precisely how global warming could affect trout:

Great Plains or where trout seeking suitably cool temperatures are already restricted to headwater streams. In such areas, trout may not have thermal refuges in which to retreat, and the populations would perish.

A more subtle, long-term effect of global warming may affect trout populations that initially are able to survive. As they move upstream to higher elevations, populations become "fragmented." In other words, a river's genetically diverse population becomes separated into isolated populations, each possessing a limited amount of genetic material and therefore less likely to adapt to future environmental changes. The bottom line? Global warming is a valid scientific theory that could have a major impact on trout fisheries. Efforts to study and possibly prevent it should not be taken lightly.

Research on trout populations is an ongoing process, and in October the Swedish Environmental Protection Agency announced that, for the first time, researchers have developed computer models to study how global warming will affect individual species.

With so much scientific evidence pointing in the same dire direction, it is reasonable to ask how this major threat will be remedied.

Legislation making rounds

Negotiations on an international treaty collapsed just after Thanksgiving, but these talks have been revived and may still bear fruit. There will also soon be bills in Congress and in Wisconsin's legislature that would represent a first step to reduce emissions of the gases (mainly carbon dioxide and methane) that cause global warming.

In the meantime, hopefully most people will heed the wisdom of Babe Winkleman in a column that appeared in some Wisconsin newspapers this past spring.

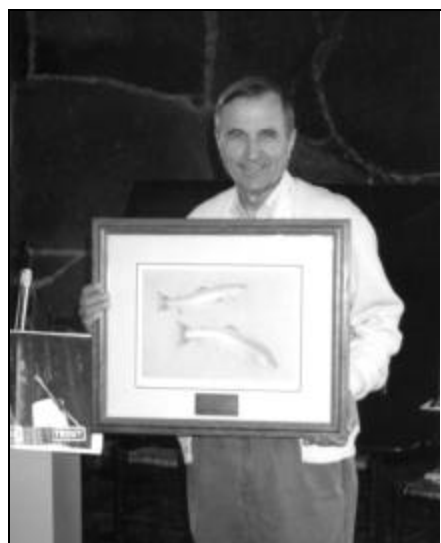
"While much is yet to be learned about global warming," noted Winkleman, "one thing is for certain: It's not a subject that should be pooh-poohed or dismissed just because the temperature falls below freezing for a few days in one section of the country."

(Rich Bogovich is the climate change specialist with Wisconsin's *Environmental Decade*. -Ed.)

Hunt honored at Montana Wild Trout symposium

By Todd Hanson

Former WDNR trout researcher Robert Hunt was recently awarded the Starker Leopold Award from a field of eight professional nominees at the *Wild Trout VII* symposium at Yellowstone National Park.



BOB HUNT AT YELLOWSTONE

Bob Hunt receives an award for his lifelong efforts on behalf of wild trout at *Wild Trout VII* in Montana.

In 1974 trout fisheries biologists from across North America gathered

at Yellowstone Park for a first-of-its-kind meeting titled "Wild Trout Management."

About every five years since then another such symposium has been convened. Trout Unlimited has been one of the sponsors of each symposium.

Wild Trout VII was held this past October at Old Faithful Conference Center.

These symposia have become the premier professional gathering of trout fisheries managers, researchers, and university staff personnel interested in preserving and expanding wild trout fisheries.

Much of the success achieved during the past 25 years toward attaining these goals can be attributed to the application of information shared among participants and disseminated through publication of the symposiums' proceedings.

It is now widely accepted among fisheries management agencies and trout anglers that domesticated, hatchery-reared trout cannot provide the same angling quality that wild trout provide. Such was not the case, however, 25 years ago when much less was known about behavioral and genetic differences between wild and domesticated strains of trout.

During the past four Wild Trout symposia, an awards luncheon has been included in the agendas to honor one professional fisheries scientist and one individual from the trout angling community who have contributed exceptional "long-term service to the cold water fishery resources" of North America.

Honored at *Wild Trout VII* were Bud Lilly, famous western guide, author, and owner of a fly shop in Gardiner, Montana, and Bob Hunt, retired WDNR trout researcher.

Bob was singled out from among eight professional award nominees for his pioneering long term research evaluations of experimental trout fishing regulations, trout habitat restoration techniques, and life history studies of wild trout.

The Starker Leopold Award and accompanying remarks were made by Dr. Robert Behnke, the first recipient of the professional award.

Behnke noted that he had long admired the innovative and effective habitat improvement efforts carried out in Wisconsin, and the many long-term evaluations of such projects by Hunt, Ray White, and other fisheries managers, but his appreciation was greatly strengthened by a first-hand visit (with fly rod in hand) to sites of several projects near Coon Valley last summer.

In his acceptance remarks, Hunt said he was much more optimistic now than when he attended the first symposium in 1974 that wild trout fisheries would receive more attention by managing agencies and become popular among angler clients.

Hunt challenged symposium participants to go back to their agencies — whether state, federal, tribal, or private — and become strong advocates for a policy he called "manage first for wild trout" that includes:

- preserving healthy streams and watersheds that currently sustain healthy wild trout,
- protecting those populations from overharvest through enforcement of regulations,
- restoring damaged habitats so wild trout can flourish, and
- stocking non-wild trout when necessary.

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The evolution of the public trust doctrine and the degradation of trust resources: Courts, trustees, and political power in Wisconsin

This issue of *Wisconsin Trout* concludes its three-part series on the history and status of Wisconsin’s water stewardship.

Part one of the series focused on the origins of the Public Trust Doctrine, which places all of the state’s navigable waters in trust for use by the public.

Part two of the series examined how the Public Trust Doctrine is being implemented by the Wisconsin Department of Natural Resources.

This final installment is the most disturbing of the three. Conversations with WDNR employees have led the author to conclude that the WDNR

is “constrained by a variety of systemic and political factors, including the inability to deny permits, a perceived dependence on local district attorneys to prosecute violations, understaffing, and pressure from supervisors and politicians to allow riparians greater freedom to degrade trust resources.”

This article originally appeared as a comment by Melissa Scanlan in the Spring 2000 issue of *Ecology Law Quarterly*. Scanlan earned her law degree from UC-Berkeley. She is founder and legal director of Midwest Environmental Advocates, the first environmental law center in Wisconsin.



By Melissa Kwaterski Scanlan

In addition to the shortcomings in current regulations reviewed in Part II.B, there are numerous pressures on Water Management Specialists (WMSs) that impact their ability to protect water resources for the public interest.

C. Pressures Shaping the Trustees’ Water Management Decisions

1. Voices from the Field: Commitment and Frustration

Each WMS was asked to describe their role as trustee of the public’s navigable waters. The responses followed a general theme of commitment to protecting the public interest and frustration with their inability to do so. All of the WMSs recognized the importance of their role as trustee, but claimed that they cannot truly protect the public interest due to vocal opposition from riparians, politicians, and DNR upper management. The following are three statements from WMSs that reflect these general themes:

1) Over time I have learned that there are limited things I can do. I must pick and choose my battles. I have learned to evaluate in the field how to spend taxpayers’ money in the best way, but this is difficult because I end up having to give away public property. The projects that have small impacts are allowed to go in because you need to balance things. I can’t just stop all development for the sake of natural scenic beauty. This would be political suicide—it would erode public support and we could lose the entire program.

2) My role as trustee hasn’t changed over time. I have always seen myself as a protector of the resource. But I get more abuse for doing my job every year.

3) When I started I was pretty naive. I thought I could deny permits and really protect resources. Then I learned to pick and choose the most serious cases because we don’t have time to actually protect the resource and study each site. If we really were going to do it right, we would hire more people.

When a WMS receives a permit application or a verbal inquiry about the feasibility of a project, each WMS follows the same general procedure: check the statute and/or handbook to see if the DNR has jurisdiction, visit the site, talk to other experts such as biologists or wildlife specialists, and issue the permit if in compliance. Yet there are wide variations in this procedure with some WMSs rarely making a site visit or consulting with experts and other WMSs looking at a variety of maps (wetland maps, U.S. Department of Agriculture soil maps, topographical maps, etc.) to determine the special characteristics of the site. Additionally, as discussed below, how the WMS determines compliance with the applicable standards is subjective, and at times, subject to a variety of political pressures from sources both inside and outside the DNR.

2. The Many Faces of WMSs: Eco-Warriors, Harassed Bureaucrats, Clever Politicians

The three main obstacles preventing WMSs from implementing the public trust doctrine in line with Wisconsin court decisions are: (1) excessive workload, high turnover rate, and training; (2) political pressure; and (3) lack of enforcement. These issues are intertwined on a number of levels, but

for purposes of clearer analysis they are reviewed separately.

a. The WMS’s Workload

Workload influences the quality of decisions that WMSs make because the greater the workload, the less time a WMS has to spend analyzing and skillfully addressing the impacts of any one project. Many WMSs identified understaffing as one of the biggest obstacles to protecting the public trust. As noted by one WMS, “time management is a problem. I look the other way on the small things because I just don’t have the time to deal with it all.” Another WMS observed that “we cannot do the work the way it should be done because we are understaffed and we have a high turnover rate.” One indicator of workload is the number of permit decisions issued each year by each WMS. There are several types of permit actions. The WMS can talk people out of applying for a permit, issue a formal permit, issue a short form permit, or issue a formal denial. The following numbers are estimates given by the WMS in response to a question about the number of permits they issue every year. The number of permits issued varied from a low of 22 to a high of 267, with most issuing between 140 and 200 per year.

Many DNR employees (WMSs, attorneys, and supervisors) are concerned by the high turnover rate that seems to plague the WMS position. Most WMSs opined that people leave the job quickly because the workload and lack of support from management create a high stress work environment. Indeed, when the author updated her list of WMSs only one month after conducting her interviews, one WMS had announced he was transferring to another DNR position and two were interviewing for new jobs. Since 1990, 67% of all field staff positions have experienced turnover. This turnover rate is a significant threat to adequate protection of the public trust. Due to the intense workload, WMSs must make decisions based on limited information. The quality of these decisions suffers when made by less experienced WMSs who are unable to foresee the potential impacts of proposed projects.

The adequacy of protections for the public trust relies on many factors, one of which is the amount of support and training each WMS receives. If a WMS does not understand the extent of his or her jurisdiction, as interpreted by the courts, the WMS is more likely to make erroneous regulatory decisions (that is, decisions that either jeopardize the public trust or that illegally restrict private property rights). Although almost all of the WMSs inform themselves about the law on a regular basis and there are regular trainings, many WMSs assert that the training is insufficient and there are too many inexperienced WMSs. All of the WMSs agreed that they receive training on recent developments in the law at quarterly and statewide meetings. DNR attorneys make presentations at these meetings. This is also a forum for WMSs to exchange ideas with each other and increase the consistency of their actions across the state. Trainings and summaries of court opinions written by DNR attorneys have played a critical role in the development of WMSs’ understanding of the public trust doctrine.

However, many WMSs argue that the amount of training is not enough given the complexity of the WMS’s job and the important interests at stake. The most senior

WMSs reflected that when they started with the DNR, they received a lot of on the job training. It was very important to their professional development to learn from other staffers and supervisors. “You don’t pick this stuff up over night; the newer WMSs really don’t know what’s going on.” One of these WMSs linked the changes in training to the mid-1990s reorganization of the DNR. When he started as a WMS, he received ten months of on the job training by his supervisor. Now the new WMSs no longer have such intensive training periods. Another WMS who had over five years of experience opined that “since the reorganization we have been lacking a bit on getting trainings on recent developments in the law.” A WMS who has been with the agency for less than a year echoed these concerns. Although he was unaware of the amount of training that his more experienced counterparts had gotten prior to the reorganization, he said that he wished he had more training on every law he was administering. As a new WMS, he felt that the training offered at their quarterly meetings was “not very formal and certainly not enough.”

One finding that is particularly important in light of the high turnover rate is that many WMSs who had been in their positions for three or more years said that they primarily learned how to administer and protect the public trust by experience and by advice from more experienced co-workers. “My years of experience are invaluable. Knowledge is power in this job.” The loss of highly experienced WMSs is a loss to the public trust.

b. Political Pressure Impacting WMSs’ Decisions

In 1995, the DNR underwent a structural change that altered the amount of political influence exerted on resource management decisions. The budget bill made the Secretary of the DNR a cabinet position and terminated the Public Intervenor’s Office. The WMSs’ response to these changes has been quite profound. Their perception of the independence and integrity of the DNR has plummeted. One WMS aptly expressed the situation with the following statement: “We are a political agency now, not a natural resource agency. There is a big difference.” Another WMS similarly observed that:

life as a field staffer changed dramatically due to these structural changes. All of the field staffers take their jobs very seriously, and it has been hard on all of us the way the political climate has changed. Now that the Public Intervenor is gone, the public has no way to keep the DNR in check and politicians are running rampant without a watch dog.

By contrast, the DNR’s Secretary, George Meyer, who has experienced life as a secretary both before and after this structural change, stated that “there has been no change in the amount of political influence exerted” over his agency since he became part of the governor’s cabinet. Apparently, the field staff are more sensitive to political pressure than the Secretary.

Even though the interview for this study contained no questions that explicitly asked about political influence, most WMSs mentioned political influence as a serious impediment to protecting the public interest in the water resources of the state.

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PUBLIC TRUST: courts, trustees, and political power in Wisconsin

Continued from p. 15

The vast majority of WMSs wanted to describe how politics influences their water management decisions. Even those who stated that they never personally experienced political pressure discussed friends and colleagues of theirs who had left the DNR because of politics. Thus, those who were not directly pressured still felt that politics played a role in their decisions because they were aware of the harassment that others had faced. Political impediments to protecting the public trust in water resources fall into three broad categories: pressure from without, pressure from within, and pressure from a sister agency.

WMSs must defend their decisions to local and state politicians as well as applicants' attorneys on a regular basis. This may improve the accountability of WMSs and prevent rogue regulators from abusing their position of power. On the other hand, it may impede the implementation of laws passed by a democratically-elected legislature to ensure protections for the public trust. The fact that politicians are advocating for the interests of individual riparians may threaten the ability of WMSs to regulate in a manner that protects statewide rather than localized interests. The amount of direct contact a WMS has with politicians varies, yet with the exception of one WMS, most described the situation in very negative terms. One WMS in northern Wisconsin claimed that "politics plays a big role in undermining the public interest." Another WMS noticed that "the political situation is getting worse and worse." A third WMS lamented that "I have always been passionate about being entrusted with this responsibility, but I don't know how I can continue when I am undermined by politically-influential people."

A WMS observed that "you need to have a very strong character to deal with this job because people yell at you all the time." For example, he had brought an enforcement case against a Drainage Board not realizing until after he had initiated the action that the Board was well connected to the DNR's Secretary. The Drainage Board retaliated against the WMS by sending "nasty" letters to the Secretary about the WMS's job performance. The Board did not stop at writing letters. They asked their state representative to join them in an unannounced visit to the WMS's office. The group harassed the WMS and tried to tell him that he was "unrealistic" for trying to require a sediment fence, a fairly standard mitigation measure that is used to prevent erosion. Ultimately, one of the regional supervisors became involved in the case and negotiated a compromise to require sediment fencing in only very limited areas and matting in areas with severe erosion problems.

Because of their occupation, WMSs interact with politicians on a regular basis. The frequency of the visits varies from daily contacts during contentious periods to contacts once every other month. One WMS commented that although he considers politics when making a permit or enforcement decision, he weighs legal standards more heavily than politics. When asked to give an example of how he balanced these pressures, it became clear that legal standards are sometimes manipulated in order to obtain a politically acceptable outcome. For instance, on one river in his management area there is a size limit for boat shelters. Some large boats do not fit under the standard boat shelter. A politician from this area responded to the size limit enforced by the DNR by calling the WMS on behalf of his constituents and telling him to "change the standards." In response to this pressure, the WMS creatively interpreted the standard to allow large boat owners to eliminate some boat slips in exchange for a permit to build a large shelter. Some might support this decision as an example of the agency's customer-friendly approach to regulation. While others might say it undermines the agency's credibility because it creates the appearance that standards are arbitrary and easily changed.

Although the WMS described above engaged in a questionable interpretation of the law in order to appease a politician, his actions are understandable given the consequences of applying the letter of the law in certain circumstances. "When a regulated party does not like the WMS's decision or suggestions, the party will just call his or her politician. The politician will, in turn, call the Secretary or Governor Thompson directly and threaten to change the law." Several WMSs agreed that the DNR has to be careful about its implementation of current laws because there is a lot of pressure to change the laws. These changes do not necessarily destroy entire programs. Rather they are usually small changes intended for very specialized interests. Some WMSs have the impression that legislators continually pass laws that exempt certain parcels of property from water regulations. One might argue that this is merely a democratic system in action: citizens mobilize their politicians to change the laws they do not like. However, when the laws sought to be changed deal with the public trust, the Wisconsin court is highly suspicious of legislation that appears to abdicate the legislature's responsibility as trustee in favor of localized interests.

One WMS described how two counties were notoriously delinquent in enforcing their shoreland zoning ordinances. "In the past fifteen years there has never been a case brought by a zoning administrator against violators of the shoreland zoning ordinance." This WMS opined that "wealthy people can get variances for anything." When the DNR audited one of the counties and found 222 violations on one lake, the residents responded by calling their representatives. These land owners, many of whom had violated the shoreland zoning laws, sought to pass a law prohibiting the DNR from enforcing shoreland zoning violations. Ultimately, the court ruled that this law was unconstitutional, yet the shoreland zoning violations continue unabated.

One recent case exemplifies the power struggle in Wisconsin between the legislature, the DNR, and the courts. In the early 1990s the DNR tried to enforce Section 30.12 of the Wisconsin Statutes to stop the City of Oak Creek from channelizing Crawfish Creek. In 1993-94, the legislature enacted a statute attempting to exempt Crawfish Creek from the requirements of Section 30.12. In 1994, the court of appeals upheld a determination by the circuit court that Crawfish Creek was a navigable waterway, that "Oak Creek's channelization of Crawfish Creek violated § 30.12, Stats., that § 30.055, Stats., 1993-94, a statute enacted by the legislature purporting to exempt Crawfish Creek from the requirements of § 30.12, was unconstitutional, and that the creek had to be restored to its pre-channelization condition." After that court's decision in 1996, the legislature reenacted an identical exemption. The Attorney General once again challenged the constitutionality of the statute. The court of appeals recently reviewed the new statute and, rather than directly challenge the legislature, held instead that the Attorney General could not challenge the constitutionality of a statute.

Additionally, many WMSs believe that politicians have threatened to cut the DNR's budget in response to implementation and enforcement of the state's water laws. One WMS was deeply effected by one experience where, in his opinion, he had built a strong case against a private party who was clearly violating water laws and infringing upon the public trust. The enforcement team was well prepared and had a scientific study to prove the damage that was being done by this private party. Yet on the night before the court hearing, the Secretary "cut a deal," and told the enforcement team to drop the case. According to this WMS, the Secretary told them that politicians had threatened to reduce the DNR budget if they did not stop the enforcement action.

Likewise, the DNR's budget was threatened when a WMS simply asked a farmer to fill out an application for a project that would impact a navigable water body. Although the farmer gave no indication that he was displeased with the WMS, he later called his legislator. The WMS asserted that the legislator called the Regional Director, the Secretary, and Governor Thompson to complain about how "unreasonable" the WMS was and gave a thinly veiled threat about reducing the agency's funding. The legislator asked the DNR how they could expect to get funding when their field personnel are so obstinate.

Political pressure on WMSs is not limited to pressure from legislators. WMSs say that they face an increasingly hostile work environment created by their supervisors. According to most WMSs who have been in their position for more than three years, the priorities of the DNR and the attitude of supervisors toward field staff has changed markedly since the Secretary of the DNR became a cabinet position. Even the WMSs who have not directly experienced this state that they are aware of it and that it impacts their decisions. When describing this internal pressure, some WMSs differentiated between their direct supervisor or Basin Supervisor and those higher up in the management hierarchy, saying that they felt supported by their Basin Supervisor. These WMSs felt that the pressure to overturn their management decisions came from the Regional Supervisors, Regional Directors, Secretary Staff, and/or the Secretary.

Although local politicians call WMSs directly, some WMSs say that they are more influenced by the thought that the Secretary will undermine their decisions. One WMS stated that when he makes a decision, he tries to make one that the Secretary will not overrule. He concluded that politics make him think a lot harder about his decisions because he knows that the Secretary and the Governor can overrule it. Another WMS lamented how hard it was to work in this politicized work environment. He commented that although he has always been passionate about being entrusted with the duty to protect the public trust, his supervisors devalue the WMS's job and expertise and make them feel like their job is unimportant. "Supervisors used to support field staff decisions. But ever since the Secretary became a cabinet position, supervisors have supported the applicants."

Similarly, others observed that it now seems routine for a disgruntled party to contact his or her politician or the Governor. "Before [the Secretary became a cabinet po-

sition,] our central office did not second-guess our decisions. Now what is happening is that our supervisors are giving away the resource. Wardens cannot enforce the laws anymore because the supervisors rarely sign off on an enforcement action." One WMS further noted that he could predict almost every case where this will happen. "If you have an applicant who is contentious and threatens to call the Secretary, you know it will get messy."

Several WMSs were very emotional about this issue. One claimed that his "Regional Supervisor is a real problem. If a regulated person contacts him, he caves and sides with the outsider rather than with the DNR employee." This supervisor has a controversial "touchy feely win-win" attitude. This attitude is problematic for WMSs who know from experience that "a WMS is a regulator and at times regulators have to say no; everything is not win-win when it comes to managing a shared resource like water." Another WMS referred to the upper management in the same region in similar terms. He said that the managers "do not want to hear bad things from applicants," and that they "want to make everyone happy." This clash of resource management attitudes creates a tense work environment in which WMSs are undermined by supervisors. One WMS voiced an opinion that was common to many WMSs in this region. He observed that when he issued citations, he received "absolutely no support" from the regional supervisor. In fact, in his opinion the supervisor was actually encouraging violations by supporting the regulated community rather than supporting the expertise of the DNR field staff.

This lack of support from upper management is not isolated to one region. Another WMS on the other side of the state with approximately the same number of years of experience said that "although conflicts do not happen very often, when they do, supervisors will take the side of the project proponent." He thought that these conflicting methods of resource management led to sporadic, seemingly arbitrary enforcement that undermines the DNR's credibility with the public.

By contrast, one WMS claimed that "no one told him what to do," and that he has never had a supervisor second-guess his work. This experience, however, is anomalous; in fact, this WMS worked in the same region as another WMS who described a highly political work environment that involved a lot of pressure from upper management. The more prevalent attitude is represented by the following comment: "Our [staffers'] actions have changed because of this [lack of support by management]. We are more sensitive to politics now." For instance, when a politician complained that a WMS asked a farmer in his district to fill out an application for a waterway modification, the WMS's supervisor confronted the WMS and took the attitude that the WMS was "the one in the wrong" before hearing his side of the story. Rather than support for the WMS, the supervisor's attitude in this situation exemplifies a total distrust of the expertise of the WMS.

Additionally, a WMS in a northern region described a situation where political power prevailed over protecting the public trust. This WMS observed that the DNR had been allowing a considerable amount of seawalls in this region despite the DNR's written policy to limit the installation of seawalls. He saw a pattern emerging in his job. When he denied seawall permit applications for contractors who did not have "political clout," there was "no problem." Yet, when he denied a seawall for one particular contractor who was politically powerful he would have to face the consequences. This WMS tried to follow the DNR's scientifically-based guidance on this issue. He would tell the contractor that he could not have a seawall permit because the DNR's guidance dictates that they should only approve a seawall as a last resort for erosion control. The contractor would "get irate" and write letters to Governor Thompson and the Secretary. He described sitting down with his Regional Supervisor and telling him about his safety and ecological concerns, only to be told that these concerns were "not an issue." He said that he felt that his job was being threatened by his attempts to follow written guidance. It seemed to him that the unwritten political policy trumped the scientific guidance. Despite this overt supervisory pressure, this WMS refused to sign off on these permits. Although this did not stop the projects from going forward, it did force the supervisors to sign off on what he considered to be illegal permits.

Apparently, this atmosphere of intimidation has been very effective. Even those who have not had negative interactions with their supervisors have changed their behavior. One WMS said that although he had not personally experienced pressure from upper management, he knows that supervisors tell other WMSs not to be so tough or restrictive. He emphatically stated, "I hate this. I see this as an unwritten policy from above that I must follow. This effects my job because I try to avoid controversy and reprimand by my supervisors." This WMS admitted that he was very lenient with the regulated community.

One WMS gave a colorful answer in response to the question: Is there a hierarchy

of uses that influences how you balance competing uses of water? He laughed nervously and said, "That is very political." He stated further, "I have heard of several situations that have caused me to more clearly understand how we [the DNR] prioritize uses of water. There is a hierarchy of uses and the uses of the rich and politically powerful are at the top." He went on to support his statement with a few stories that took place in other WMSs' areas of supervision. He described a large golf course that was promoted by a politically-connected corporation:

The WMS responsible for that area wanted to deny the permits because of the adverse impacts the golf course would have on the public interest. Every time the staffer visited the site, the company called management and complained. The managers facilitated the company's access to the staffer by giving the company the staffer's personal cell phone number so they could reach him anytime they wanted. The company continually used the cell phone number to harass the WMS. The company also contacted the Secretary directly. Ultimately, the Secretary told staff that the DNR *will issue* a permit. Of course, the DNR did issue the permit, and the WMS left the program shortly after this incident.

This WMS also believed that some positions have been written out of the state budget due to a local legislator's pressure. "One local legislator did not like the staffer who was responsible for the Lower Wisconsin River, so the legislator got that position cut out of the budget, and that staffer was relocated." The message that this WMS got from these actions was loud and clear: If you have enough money to be politically powerful, your water uses come first.

Another WMS observed that large developers "get heard first" in the Southeast Region. He had worked in several regions and felt he could compare them. Based on his experience, he strongly asserted that "the Southeast Region is different from others." He went on to say that "it is very political and there is a lot of pressure to do jobs in an expedient manner; this does a disservice to a lot of people."

In fact, what may have been an informal system of allowing large developers to receive permits faster than other applicants was formalized by the Wisconsin Legislature in 1998. The legislature passed a law that created an expedited permit process for applicants willing to pay an extra fee. The concept of an expedited permit is a fairly new one. Under this system, an applicant can pay an extra \$2,000 in order to get the WMS to "put the permit application on the top of his pile." Unlike short form permits (which are also issued relatively quickly) for projects that are considered to have minimal impacts, the typical expedited permit is for large projects with potentially significant impacts. For example, one such permit was issued for a 486 acre golf course with 105 residential lots located near a trout stream and a high quality wetland.

There is one WMS in the state who has been designated to issue expedited permits. He is located in the Southeast Region, the most heavily urbanized region in Wisconsin. The problems of a lack of training and inexperience discussed above are exemplified here. The employee that the DNR hired to issue expedited permits had no prior experience as a WMS. Given the fact that most WMSs contended that they needed experience to make high quality water management decisions, it threatens the public trust to allow an inexperienced WMS to make expedited decisions on large projects.

Expedited permits must be resolved within a certain timeframe and have broad implications for other regulatory programs applicable to the project. The timeframe that the WMS follows is: 90 business days for a regular Sections 30 or 31 permit, 150 business days for a water quality certification (for alterations to wetlands), and 210 business days for permits that also require an environmental assessment under the Wisconsin Environmental Policy Act (WEPA). As indicated by this timeframe, the expedited status of a permit required under Chapter 30 also carries over to other regulatory programs that are involved in the proposed project, such as environmental assessments required by WEPA. All of the expedited permits issued thus far have been well within this timeframe. For instance, a water quality certification should be done within 150 business days. This timeframe is longer than that for the average permit because it requires a 30 day public notice period. Rather than taking the entire 150 days, the WMS completed one expedited water quality certification in 30 days, the time needed to give public notice. Thus, the day the application was filed for the project, the WMS posted notice of his intent to issue the water quality certification. This begs the question of how much analysis this WMS is giving to the environmental impacts of these large projects.

Not only has the DNR become increasingly influenced by politics, but sister agencies with which the DNR coordinates projects have as well.

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PUBLIC TRUST: courts, trustees, and political power in Wisconsin

Continued from p. 16

Several WMSs described their frustration with the politicization of various sister agencies. This has been a recurring issue with highway projects promoted by the Wisconsin Department of Transportation (DOT) that have significant adverse environmental impacts. The Secretaries of the DNR and the DOT are appointed by the Governor. Although the DNR has a cooperative agreement with the DOT that covers the development of county and state roads, some WMSs asserted that this agreement is ineffective because it is not practically enforceable. Not only is it undesirable for an agency to bring an enforcement action against a sister agency, in many WMSs' opinions, it is also practically impossible to do so now that the two secretaries are political appointees.

In one situation this relationship forced DNR field staff to stand by and watch while the DOT filled half an acre of wetland for a railroad project. The DNR field staff conducted a lengthy investigation and wanted to bring an enforcement action against the DOT as well as a civil or criminal action against the DOT's engineer who failed to follow applicable regulations. One WMS felt that due to pressure put on the DNR's Secretary by the DOT's Secretary, the DNR field staff had to "accept the fact that their Secretary would rather approve the filling of the wetland than take on the DOT and the railroad."

Ultimately, the DNR's district environmental impact coordinator signed off on this project.

The DNR Secretary and one staff attorney allege that the situation was more complex than that described by the WMS. The staff attorney reflected that there were clear violations of law, but it was complex because the situation involved a sister agency. The agencies ultimately worked together with the Wisconsin Department of Justice and agreed to resolve the problem by the DOT agreeing to take disciplinary action against its employee, sending a memo to all DOT employees, and taking remedial action.

Yet the DNR's data on wetland loss causes one to wonder how often this scenario has arisen over the past decade. From August 1991 through April 1998, Wisconsin lost 2,053 acres of wetland due to regulated activities, and "538 DOT projects resulted in a total wetland loss of 1,299.3 acres."

The study noted that this data on DOT-caused losses "may be included in acreage loss identified under permitted wetland losses above." If true, DOT projects caused about half of the wetland losses in Wisconsin during that time period.

WMSs interact with other agencies and units of government on a regular basis. Many see these relationships in political terms and are aware of balancing power between various government entities. One WMS discussed relationships with other agencies or local governments in quid pro quo terms. He described political considerations in very pragmatic terms:

There are a lot of folks who the DNR depends on to get things done, such as the city, the county, the harbor commission, the builder's association, and the regional planning commission. The DNR needs these groups to support the DNR's ideas when we push the drafting of codes or when we need public support for a project. If we sour the relationship by acting in a politically unpopular way, then we won't have the support we need on other issues.

WMSs try to gain greater protection for water resources by working with local governments to strengthen their zoning ordinances, but this work "is very delicate politically." One seasoned WMS questions how much the DNR should get involved with restructuring zoning given the political environment in which he works. There is a strong private property movement in his area of supervision and a "good ole boys network on the zoning board." In his experience the worst thing for the DNR to do is give the public the impression that the DNR is limiting private property rights. It is with this political balance in mind that he carries out his job. Thus, on zoning issues he makes himself available to provide technical assistance when it is requested but does not push his assistance as a DNR initiative.

This territorial attitude spills over when a county's ordinances are more lenient than the DNR's standards. For instance, one county in southern Wisconsin recently issued a storm water permit under its ordinance for a large development next to a cold water stream. When the developer came to the DNR for a grading permit, the DNR required a special basin to handle the storm water in order to prevent warming of the stream. The DNR's requirement has caused a lot of tension between the DNR and the county because the county contends that their ordinance is "good enough."

c. Permit Denials and Enforcement Issues

In addition to political pressure and workload issues that impact WMSs' decisions, it is very difficult for a WMS to deny a permit and/or initiate an enforcement action. There are several procedural obstacles in place that deter WMSs from stopping riparians' projects. The existence of these obstacles explains why it is typically better for a WMS to negotiate with project proponents,

impose permit conditions, and resolve conflicts out of court.

Few WMSs deny any permits. The amount of permits denied varied from zero to twenty per year, with most WMSs issuing between zero and two formal denials per year. WMSs do not issue many formal permit denials because they perceive serious procedural barriers to doing so. Under Sections 30.12 and 30.19, among others, WMSs can recommend a permit denial, but a Hearing Examiner is the only person who can actually deny a permit. Thus, WMSs believe that they need to have a legally-defensible case for every recommendation for permit denial that they issue. Given the WMSs'

...trustees (legislators, DNR upper management, and WMSs) abdicate their responsibility to the public when they act in ways that benefit the short-term interests of a few at the expense of the public's interest in water.

workload, it is not possible to spend the time required to bring these types of cases. This procedural barrier to allowing WMSs to deny permits effectively "makes it too difficult to deny a permit."

On first glance at the lack of formal denials issued, it appears that the WMSs are administering a rubber stamp permit program where an applicant is ensured a permit by simply filling out the appropriate forms. Further investigation shows that this assessment does not accurately describe the regulatory program. Faced with a significant procedural barrier to denying permits, most WMSs concluded that talking project proponents out of their proposals avoids the problem of going to a Hearing Examiner. One of the most experienced WMSs noted that he gets about twenty calls a day from people inquiring about different project proposals. He spends a significant amount of time discussing proposals with people before they even submit an application. By doing this, he can influence the shape of the project before it has gone very far. From his experience, he found that talking people out of projects in this early stage saves a lot of time because a formal denial requires a legally defensible case complete with experts and lawyers. These preapplication conversations allow him to screen the requests, resulting in many people never even asking for the permit application. Although most WMSs try to talk people out of applying or pursuing permits, the frequency with which this strategy is employed ranged from a low of "not very many" to a high of two hundred per year, with the majority talking fifty or less people out of permits every year.

Enforcement of the WMSs' regulatory program presents its own set of issues. Project proponents who initiate or complete a project without a permit or who violate their permit's conditions adversely impact the public trust. Obviously, the deterrence value of enforcement depends on the likelihood that an enforcement action will be taken and the extent of the penalties imposed. It appears that there is little deterrence value in Wisconsin's program because most WMSs contend that enforcement of the state's water regulations is very lax. Even when the DNR has jurisdiction to regulate a project, "The resource suffers when people do not comply with their permits" and are not penalized. One WMS relayed a story about a situation where he met with a developer prior to construction along a river bank and told him how to minimize the impacts of the development. "The guy didn't listen and went ahead and just destroyed the resource. We issued a fine, but our fines are so low that it is just factored in as a cost of doing business. And can we ever restore the damage he caused?"

When a WMS discovers a violation, such as an applicant starting construction activities prior to receiving a permit, he or she typically discusses enforcement options with their wardens. Some report that wardens are reluctant to issue citations to violators because of the concerns outlined below. WMSs who feel that a citation must be issued in order to obtain some degree of respect for the DNR's authority, if persuasive enough, may get a warden to issue a citation; but the warden will generally only cite an offender who is not likely to contest the issue in court.

Enforcement is impeded by financial and strategic concerns. Several WMSs explained that the DNR has three possible enforcement avenues: It can ask the District Attorney to prosecute the case in state court and seek fines and restoration, it can start a contested case hearing with an administrative law judge and seek restoration, or it can issue an after-the-fact permit. Many WMSs prefer to have the violator pay fines but found it very difficult to get a district attorney to prosecute any cases.

One WMS explained why it is sometimes better to issue an after-the-fact permit to a land owner who has altered a water body without a permit. He carefully explained that they do this rather than initiate an enforcement action for three main reasons: (1) the enforcement action starts in local district court where the DNR may be unpopular; (2) many district attorneys refuse to prosecute

the DNR's cases; and (3) the financial benefits of litigation do not outweigh the costs. Expanding on his last point, he added that "if the DNR wins its case, the amount of money the DNR receives from the violator is less than the fee the DNR charges to apply for an after-the-fact permit; financially, an enforcement action doesn't make sense." These are not reassuring words for the public beneficiaries of the trust to hear.

The WMSs have highlighted the need for legislative reform to allow greater enforcement of the laws that have been enacted to protect and promote the public trust. Reducing the barriers to initiating enforcement actions and raising the fines and penalties

cases could result in budgetary cuts to their program or negative pressure from upper-level management, and to deter non-compliance when given limited enforcement options. The sum of these pressures lead to an anemic regulatory program that may significantly infringe on public rights in navigable waters.

Some may welcome these constraints as checks on an agency to which the courts have given far too much power over the rights of private property owners. Yet the issue is not that simple. Private property owners benefit from a rigorous system of water laws. Impairment of public trust resources is felt by anyone in Wisconsin who fishes, swims, or boats on the navigable waters of the state, regardless of status as owner or non-owner of riparian lands. The trustees (legislators, DNR upper management, and WMSs) abdicate their responsibility to the public when they act in ways that benefit the short-term interests of a few at the expense of the public's interest in water.

In sum, protection of the public trust could be greatly improved by implementing several systemic changes:

- restore the independence of the DNR by removing the Secretary from the Governor's cabinet;
- restore the Public Intervenor's Office to counter-balance the private interests that have weighed so heavily in DNR decisionmaking;
- eliminate the procedural barriers to denying permits and initiating enforcement actions;
- increase the number of citations issued for violations of water regulations; and
- increase the monetary fines issued and penalties awarded for damaging public trust resources.

(This comment can be downloaded in its entirety at the Midwest Environmental Advocates' web site at www.midwest-e-advocates.org. Footnotes have been eliminated from this reprint. Scanlan will be one of the panelists at the Wisconsin Stewardship Network's groundwater issues forum Friday, Jan. 26, 2001, in Stevens Point. -Ed.)

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Friends of Rowan Creek watershed group formed

By Theresa Plenty

A group called The Friends of Rowan Creek has formed to protect and enhance the Rowan Creek watershed.

The Rowan Creek watershed drains 60 square miles in portions of five Columbia County townships (Arlington, Dekorra, Lowville, Lodi, and Leeds), with the village of Poynette lying squarely in the middle.

Upcoming Friends of Rowan Creek events

January 17 — 7:30 p.m. at Poynette Village Hall. Panel discussion "Protecting the Rowan Creek Watershed Using Storm Water Management: Lessons to be learned from the Black Earth Creek Watershed." Refreshments at 7 p.m.

February 10 (time and location to be announced). Rowan Creek Winter Walk, including refreshments and entertainment.

The creek flows through a valley bordered by steep hillsides to Lake Wisconsin, where it joins the Wisconsin River.

Upper reaches trout water

The upper four miles of the Creek is designated Class 1 trout water, and the lower eight miles Class 2. While the dominant species is brown trout, stream surveys report many other native fish such as brook trout, northern pike, walleye, largemouth bass, and rock bass.

There are also numerous min-

now species, such as mottled sculpin, brook stickleback, western mud minnow, blacknose dace, creek chub, and northern common shiner.

The surrounding valley still contains areas of intact native vegetation such as bluff prairies, oak woodlands and savanna, and extensive sedge meadows.

The group's goal is to provide education, outreach, and watershed protection and enhancement for the Rowan Creek watershed. Upcoming activities include:

- educational activities such as wood duck and bluebird house construction, fish shocking and surveying demonstrations, and a winter nature hike;
- design of a watershed bike route;
- development of an interpretive nature trail;
- native landscaping demonstration garden;
- public lectures on issues relative to watershed protection;
- participation in WDNR efforts in planning for future management activities;
- identification of exotic plant infestations and exotic species control; and
- tree planting.

River protection grant received

Recently the group received notice that it is a recipient of a \$10,000 DNR River Protection Planning Grant (*see separate story on p. 13*).

This grant was awarded to the group to assist it in developing as a nonprofit organization, and to provide training and organizational assistance.

Friends of Rowan Creek meetings are held on the third Wednesday of each month. Winter meetings



©John Wachholz

A BEAUTIFUL MEANDER

The Friends of Rowan Creek are trying to preserve spots like this for the future.

will be in the Poynette Village Hall, at 6:30 p.m. on February 21, March 21, April 18, and May 16.

For more information on the

Friends and their activities, please contact President Nancy Braker at (608) 635-4040, or P.O. Box 94, Poynette, WI 53955.

Trout Lake's rare inland lake trout population being studied

Declining natural reproduction and an aging population are stirring fears that Wisconsin may lose one of only two remaining native inland lake trout populations if restrictive harvest regulations, continuing research, and a new rescue plan don't work, according to state fisheries officials.

"There's an urgency to the problem. Natural reproduction appears to be failing in Trout Lake, and we've got a population consisting of middle- to older-aged fish with very little or no recruitment of juvenile fish to sustain this unique population," says Wes Jahns, a WDNR fisheries technician who has led efforts for the past five years to preserve this unique fishery.

"We'd like to get Trout Lake back to a naturally reproducing population — it's almost 100 percent stocking right now. We don't know if that's possible. It may not be. But we're going to look at researching any way we can do that."

Few inland lake trout waters

Trout Lake is one of only a handful of lakes in Wisconsin that support lake trout, and state fisheries officials believe it's one of only two native inland populations remaining in the state.

Other Wisconsin lakes contain lake trout largely of Great Lakes origin, but the Trout Lake population has been found to be genetically separate.

"It's a genetically unique population, and we'd like to preserve that," Jahns said. "Also, there are so few lakes that are physically capable of supporting lake trout, which need

cold, clear, well-oxygenated water, that it would be a shame if Trout Lake lost its native population."

Trout Lake, at 3,816 acres and 117 feet deep, is Vilas County's largest lake and ranks as one of the state's deepest. Its lake trout became very popular with fisherman in 1953 when the lake was opened to ice fishing for the first time, so popular in fact that by 1956 fish managers decided to regularly supplement the native population with stocked fish.

DNR staff started regularly stocking 16-month-old yearlings of Lake Superior or Trout Lake strains, fish that were larger than the fingerlings that were periodically stocked in the lake dating back to the 1920s.

In 1982 fish managers decided to stock the Trout Lake strain because it was found to survive in much greater numbers than did stocked fish of the Lake Superior strain.

The stocking of yearlings continued until 1988, when the state hatchery producing these larger lake trout became infected with a viral disease affecting cold water fishes. Due to disease concerns, the Trout Lake strain has not been allowed back into the coldwater hatchery, Jahns says.

As a result, Trout Lake lost its stocking supply until 1998, when the Art Oehmcke Hatchery in Woodruff, which specializes in propagating cool water species such as musky and walleye, started producing lake trout fry on an experimental basis.

More than 180,000 of these fry have been produced and stocked

since and more than 200,000 fertilized eggs are currently incubating in the hatchery.

Fish managers won't know how well the smaller fingerlings survive until the fish reach sexual maturity, beginning in 2005. In the meantime, they will be examining various hatcheries to see whether they can potentially produce the larger yearling fish of the Trout Lake strain for stocking.

As these management challenges were occurring, fish managers also were documenting a continuing decline in natural reproduction, according to Steve AveLallemant, the fish expert for the DNR Northern Region.

The state closed the ice fishing season in 1990 to protect the lake trout population, and in 1996 established a 30-inch minimum length and a daily bag limit of one fish during the season.

Reproductive problems

Jahns and his crews started intensively studying the lake trout for clues to its natural reproduction problem. They tagged more than 1,100 lake trout, including four fish recently tagged with radio transmitters, to help them track the fish. That information has allowed them to calculate an adult population estimate, determine growth rates, and document spawning sites and the fishes' "homing" tendency.

They believe that reproductive problems likely aren't the result of habitat changes due to increasing development along the lakeshore.

"We had some initial concerns about degradation of habitat and

whether it was harming water quality, but the long-term data set for dissolved oxygen indicates that those levels have been maintained over the years," Jahns says.

"We still have whitefish and cisco, also coldwater species, that are still reproducing naturally."

They also learned that the eggs are viable but "we don't know where the hang-up is in the lack of natural reproduction," Jahns says. "It could be at the egg stage itself or it could be after eggs hatch into fry and are preyed upon by predators."

They tried to protect eggs from predators by experimenting with artificial egg nurseries — layers of Astroturf filled with thousands of fertilized eggs and placed in the lake near known spawning areas.

These nurseries protected eggs from predation but allowed the newly hatched fry to escape to open water. "The bundles had been used successfully in Lake Superior but were ineffective in Trout Lake due to fungus problems," Jahns says.

Such research results are rolled into a long-term management plan that outlines more detailed study to evaluate natural reproduction and restore the Trout Lake fishery to a sustainable level through natural reproduction.

Until there's evidence that natural reproduction has been successfully restored in the lake, "we will continue to aggressively protect these fish by largely eliminating harvest," AveLallemant says. "The Trout Lake lake trout fishery is one of a kind, and we don't want to lose it."

No-hackle caddis dry versatile and realistic

By Tom Wendelburg

I doubt there is one dry fly that can be used for as many situations on Wisconsin streams as the no-hackle caddis. Matching the hatch, un-matching the hatch, pumping up trout to take a fly on the surface, or merely suggesting the right insect on the water — those are times the tent-winged caddis silhouette has taken larger trout for me.

I'm reminded of a friend who used one of my no-hackles on a wintry day and did well. He used the small no-hackle black caddis that wouldn't be on the water for a month or longer at the latest.

I'm also reminded of the numerous trout that have fallen for one of my olive-gray little no-hackles during late winter hatches of baetis mayflies. The solid form and buoyancy of no-hackle caddises make them much easier to use than the delicate matches of midges or mayflies in the sometimes hand-numbing cold of our early season.

But while such instances are timely to the month of March, the successful episodes with no-hackle caddises occur whenever trout can be taken on a dry fly.

Suggests many insects

There are innumerable reasons why the caddis is successful in so many situations. One is that the backwing silhouette of a caddis is suggestive of a great variety of aquatic and terrestrial insects trout recognize as natural food. In addition, caddis flies of numerous varieties hatch over much of the season and on virtually all of our streams. No other silhouette in a dry fly is as prevalent on the water as the one shown by a no-hackle caddis.

When tying no-hackles to match hatches, attention to size, body coloration, and wing hue can be achieved with such a variety of materials that the original pattern you develop may, indeed, be unique. That's another satisfaction to the angler who prefers to catch fish on personally tied flies. Some would

have it no other way.

There are so many caddis flies that observation and sampling of naturals are the best guides to discovering a pattern to tie at the vise. Adult caddis flies can be elusive — to the angler attempting to sample them, as well as to the trout, which feed in splashy rises and in vaults out of the water.

The angler can use a little, fine-mesh hand net of the variety that snugs in the large back pocket of a fishing vest, in lieu of trying to cup caddis by hand on the water or snatching for them in the air. But take a cue from the cautious, wizened, and often larger trout that has found a feeding lie where it can sip caddis with little effort, often not far from a feeding frenzy displayed by other fish.

The observant angler will discover caddis flies at rest by the dozens on the shady side of streambed grasses, ready for cupping in a 35mm film canister, while nary a natural will be found on the sunny side of each blade.

And like the trout that feeds quietly on caddis, the experienced angler will find that drifting the caddis imitation naturally along the stream to be a panacea of choice, a somewhat different manner than the usual twitching and skittering used by fly fishers during caddis time.

A no-hackle is not only realistic in appearance on a natural drift when scrutinized by a trout, but it is exemplary of that natural I term an "easily captured insect." I use this phrase because a naturally drifted, realistic fly often is the one that will convince a wary fish it is taking the real thing. It will take the fly in the manner or rise form in which it has



NO-HACKLE CADDIS DRY
One of the author's favorite flies for Wisconsin streams.

been quietly taking the naturals.

Setting the hook is thus often a mere afterthought as the fish savors the fly momentarily. Simply put, the artificial caddis adrift naturally on the stream is all the more effective when it's a no-hackle.

My new book, *Catching Big Fish on Light Fly Tackle*, features two chapters devoted to caddis flies and especially tuned to Wisconsin streams. So useful can these flies be in a practical angler's on-stream selection that they cannot be emphasized enough.

No-hackle caddis tying tips

Let me give a few tying tips for the no-hackle caddis shown here.

The abdomen is of some buoyant material — synthetic, or natural (as hare's ear) dubbed along the hook shank, rear to front. Some flies may be tied a bit slender, others chubbier, with guard hairs retained in the mix to give the desired impression; guard hairs increase buoyancy and provide a jaunty float on the water.

The underside of the wing of a quill (from a duck, turkey, or other appropriate bird) is coated with a bonding agent to minimize splitting of fibers, and smaller caddises in particular frequently appear like new even after they have taken several trout. A silicone spray may be used to coat an entire quill in seconds, while a cement such as Flexament gives a tad sturdier wing. Individual wing sections may then be slit from the quill feather with a bodkin point.

The tent wing is formed by folding the quill section lengthwise. Tapering the front edges may be helpful in later seating the wing on a layer of thread ahead of the abdo-

men; so is using a looser turn or two of thread to initially position the wing properly atop the hook. Wrap a few spaced turns of thread forward to just behind the hook eye, and then reverse the thread and wrap tighter turns backward to the base of the wing to secure it.

Clipping the rear edge of the wing shorter on top with one snip of the scissors while pinching the wing creates the length desired.

While a head of thread is used on some patterns, I often opt for a dubbed fur head. I make mine by beginning at the hook eye and winding the dubbed thread backwards a few turns to the base of the wing. Make an additional clearing turn of thread if you want to add antennae.

Whether forming a thread or fur head, I'm partial to paired antennae on a no-hackle caddis as they are highly visible. Various stems may be antennae; I'll choose a guard hair such as mink or a single strand of pheasant for many patterns. When you get the process down, you can position both antennae by holding them slightly spaced on either side atop the fly head between thumb and forefinger and lining them up uniformly at the base of the wing. Again a loose turn of thread seats the antennae, and another one or two turns of thread and a couple of half-hitches finishes the fly.

The keys to tying a neat no-hackle caddis are to use a thread of a fine diameter of a color matching the body and head color.

Even if a fly you tie is off a bit, save it. Caddises and many of the naturals no-hackles suggest display so many actions, and appear so variously on the water, that both the "works of art" and the "mistakes" will take fish. That's just another plus of the no-hackle caddis.

(Tom Wendelburg, from *Middleton, is the author of Catching Big Fish on Light Fly Tackle, being published this spring by The University of Wisconsin Press. -Ed.)*

State seeking ideas on state's land preservation needs

Do you have ideas about special places in Wisconsin that you believe should be protected for future generations?

The Department of Natural Resources is undertaking a *Land Legacy Study* of Wisconsin's long-term conservation and recreation needs and the places that may be best able to meet these needs.

As part of this study, the DNR is

hosting a series of twelve public meetings from February 26 through March 28, 2001, to get input on the places that the public believes:

- are worthy of protection,
- potential strategies to protect their conservation and recreation values, and
- opportunities to partner with other organizations.

The dates and places of the pub-

lic meetings are shown below.

At public meetings held earlier this year, the public provided guidance on the types of places and resources they believed will meet our long-term needs and what the department should consider in evaluating new projects.

From these comments, the department developed a set of criteria to identify places that will most ef-

fectively address future conservation and recreation needs. At the upcoming public meetings, the DNR will present places that appear to meet these criteria.

Now the department wants feedback from the public on the list of places identified, including omissions, geographic diversity, protection strategies, and acquisition priorities.

For more information, visit the project's web site at: www.dnr.state.wi.us/master_planning/land_legacy/.

Planning Wisconsin's Land Legacy Meetings			
Date	City	Place	DNR Contact
26 February (Monday)	Waukesha	Waukesha State Office Building, 141 NW Barstow Street	Jim Morrissey (414) 263-8640
27 February (Tuesday)	Fitchburg	Fitchburg Community Center 5510 Lacy Road	Greg Delwiche (608) 275-3314
28 February (Wednesday)	Eau Claire	DNR Regional Headquarters Building 1300 W. Clairemont Avenue	Bob Michelson (715) 839-3736
1 March (Thursday)	Onalaska	Upper Miss. River Fish & Wildlife Refuge District Office 555 Lester Avenue	Craig Thompson (715) 839-3731
12 March (Monday)	Milwaukee	DNR Southeast Region Headquarters, Room 140 2300 North Dr. Martin Luther King, Jr. Drive	Jim Morrissey (414) 263-8640
13 March (Tuesday)	Oshkosh	Oshkosh Town Hall	Jill Mrotek (920) 492-5830
14 March (Wednesday)	Green Bay	Howard Public Library, Weyers-Hilliard Branch 2680 Riverview Drive	Jill Mrotek (920) 492-5830
15 March (Thursday)	Sheboygan	Mead Public Library, Rocca Meeting Room 710 North 8th Street	Jim Morrissey (414) 263-8640
20 March (Tuesday)	Platteville	Best Western Governor Dodge Motor Inn Highway 151	Greg Delwiche (608) 275-3314
26 March (Monday)	Stevens Point	UW-Stevens Point, University Center 1015 Reserve Street, Alumni Room	Pete Wolter (715) 421-7811
27 March (Tuesday)	Rhineland	DNR Service Center 107 Sutliff Ave	Linda Winn (715) 358-9207
28 March (Wednesday)	Ashland	Wisconsin Indian Head Technical College 2100 South Beaser Avenue, Main Meeting Room	Linda Winn (715) 358-9207

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Friends requests sought by committee

Wisconsin Trout Unlimited’s Water Resources Committee reminds chapters and groups interested in receiving a Friends of Wisconsin TU grant to send the committee requests.

WITU’s Water Resources Committee meets periodically to review and award Friends requests.

The committee will have a report at the State Council meeting in Oshkosh Feb. 3.

Knowles habitat grants available

Conservation organizations interested in undertaking long-term projects for habitat restoration may apply for cost-sharing grants through the state Knowles-Nelson Stewardship Program.

To be eligible, a conservation group must be organized under Chapter 181 of the Wisconsin statutes and have as one of its purposes the protection, enhancement or restoration of the state’s natural resources for the benefit of the public. It must not have 501(c)(3) status (non-profit/tax exempt). Up to 50 percent of the total project cost may be eligible for funding under this program. There is a total of \$100,000 available for the 2001 grant cycle. Grants will range from a minimum of \$3,000 to a maximum of \$20,000.

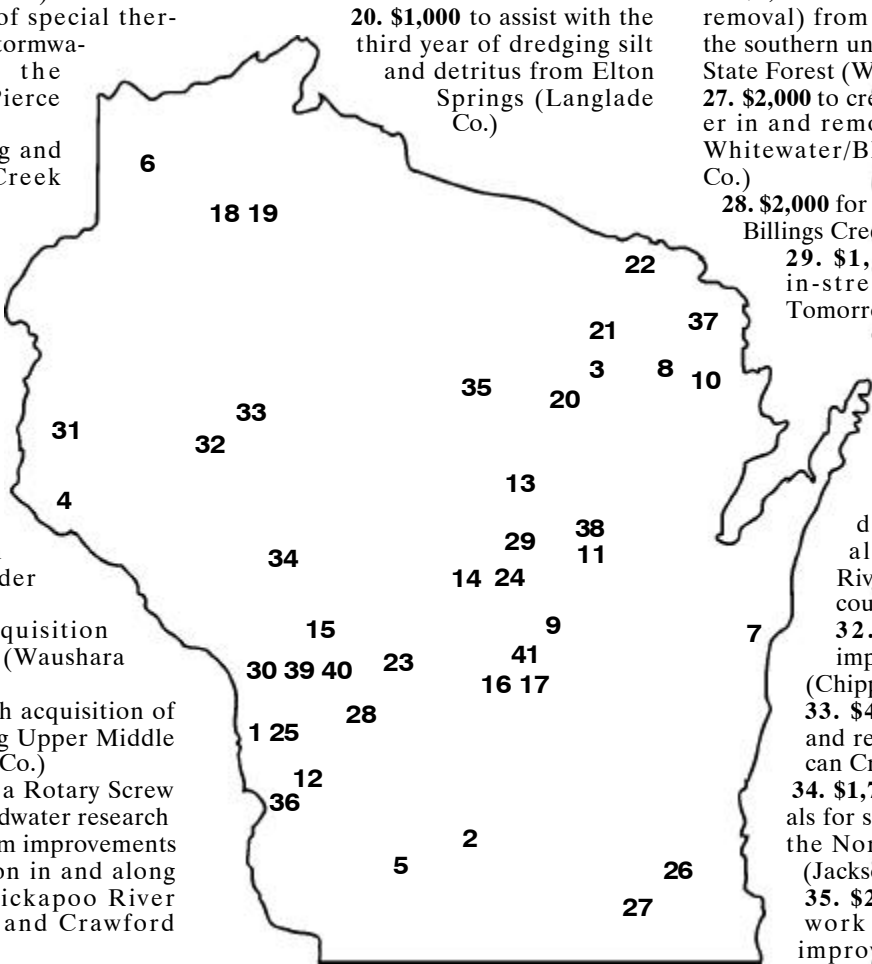
The Knowles-Nelson Stewardship Program is intended to assist groups doing important conservation projects. To learn if a group is eligible or to receive an application contact Becky Spithill, Grants Coordinator for the Natural Resources Foundation of Wisconsin, (608) 266-1430 or spithr@dnr.state.wi.us. Applications are available on-line at www.nrfwis.org.

“Friends” Project Locations

1. **\$4,000** for rip-rapping and structural improvements on the West Fork Kickapoo River (Vernon Co.)
2. **\$1,500** for placement of LUNKER structures and bank stabilization in Black Earth Creek (Dane Co.)
3. **\$1,000** for hydraulic dredging of Saul Spring Pond (Langlade Co.)
4. **\$750** for purchase of special thermometers to monitor stormwater runoff into the Kinnickinnic River (Pierce Co.)
5. **\$2,000** for rerouting and stabilizing Brewery Creek (Iowa Co.)
6. **\$75** for purchase of catch and release signs for the Bois Brule River Douglas Co.)
7. **\$2,500** for renovation of trout rearing facilities in Lincoln Park (City of Manitowoc)
8. **\$500** for bank, stabilization, and structural improvements on the North Fork Thunder River (Oconto Co.)
9. **\$1,000** for land acquisition along the White River (Waushara Co.)
10. **\$1,000** to assist with acquisition of 64+ acres of land along Upper Middle Inlet Creek (Marinette Co.)
11. **\$7,000** to purchase a Rotary Screw Fish Trap for DNR Coldwater research
12. **\$3,000** to fund stream improvements and riparian protection in and along streams of Middle Kickapoo River watershed. (Vernon and Crawford counties)
13. **\$1,000** to help fund instream habitat work in the Plover River (Marathon Co.)
14. **\$551** to help purchase recording thermographs to monitor thermal regimes in trout streams in the Buena Vista and Leola marshes (Portage, Wood, Adams counties)
15. **\$3,372** for installing bank cover and closing side channels in Sand Creek (Jackson and Monroe counties)
16. **\$3,296** to continue and extend stream bank brushing along Chaffee Creek (Marquette Co.)
17. **\$1,000** to continue population and movement studies of brown trout in the Mecan River (Marquette County) for potential stream reclassification
18. **\$1,700** to conduct follow-up surveys

on wild brown trout in the Namekagon River (Sawyer/Bayfield counties)

19. **\$2,000** to conduct studies of fall movements and concentrations of spawning wild brood fish in the Namekagon River (Sawyer/Bay field counties) for capture and use in raising wild trout for the river



21. **\$1,000** for stream brushing, debris removal, and brush bundle installation in Swanson Creek (Forest County), a tributary to the Rat River
22. **\$500** for building a sand/ sediment trap in Wisconsin Creek (Florence County), a tributary to the boundary Brule River, to enhance trout spawning potential.
23. **\$2,750** to purchase materials for fencing projects approved under the Streambank Easement Program (part of the state’s Stewardship Program) for the Wisconsin Rapids Area; and for fencing materials for the Little Lemonweir River project (Monroe Co.)
24. **\$350** to conduct trout population studies in the lateral ditches listed as

- trout waters (Portage, Wood and Adams counties) that are under threat from agricultural/cranberry operation encroachment
25. **\$250** toward habitat work on the West Fork Kickapoo River (Vernon and Crawford counties)
26. **\$2,000** to fund dredging (silt/debris removal) from McClintock Springs in the southern unit of the Kettle Moraine State Forest (Waukesha Co.)
27. **\$2,000** to create overhead bank cover in and remove beaver dams from Whitewater/Bluff Creek (Walworth Co.)
28. **\$2,000** for stream improvements in Billings Creek (Vernon Co.)
29. **\$1,500** for materials for in-stream structures in the Tomorrow River (Portage Co.)
30. **\$2,500** for stream restoration in Mormon Coulee Creek (La Crosse Co.)
31. **\$1,500** to assist in production of an educational video on development impacts along the Kinnickinnic River (St. Croix and Pierce counties)
32. **\$7,000** for stream improvement on Elk Creek (Chippewa Co.)
33. **\$4,000** for rock hauling and restoration work on Duncan Creek (Chippewa Co.)
34. **\$1,750** to purchase materials for stream improvements on the North Fork Buffalo River (Jackson Co.)
35. **\$2,000** to fund backhoe work on intensive habitat improvement in the Prairie River (Lincoln Co.)
36. **\$500** for stream rehabilitation in Tainter Creek (Crawford Co.)
37. **\$1,000** for expenses to study the long-term effects on brook trout following the removal of beaver dams on the Pemebonwon River in northern Wisconsin (Marinette Co.).
38. **\$2,000** to help fund reprinting *Trout Stream Therapy* book (Waupaca Co.)
39. **\$1,000** to defray expenses involved in holding the Midwest Trout Angling Workshop in La Crosse in July, 2000 (La Crosse Co.)
40. **\$2,000** to fund stream improvement work on Mormon Coulee Creek (La Crosse Co.)
41. **\$2,000** to fund restoration work on the Little Pine River. (Waushara Co.)

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