Ice Anglers Adjusting To VHS Rules

VHS limits on dead bait and minnows spur new approaches

Ice Fishing in Wisconsin

The use of dead bait, usually smelt or cisco (herring) is a popular method of fishing for northern pike during winter, most commonly using a tip-up. New rules effective Nov. 2 to prevent the spread of a new fish disease, viral hemorrhagic sepsis (VHS), will severely impact the use of live bait and minnows by ice anglers. VHS is not a threat to people or pets but it's a significant health risk to fish and the aquatic environment. The virus can be transmitted to the fish from the shore or bank of any lake or river in Wisconsin.

The emergency rules also limit the use of dead fish as bait, which cannot be transported away from the waterbody. Dead fish can be used as bait only on the water it originated from, or on Lake Michigan or Green Bay, (waters where VHS has already been found) or if the bait was preserved by means that do not require refrigeration or freezing.

Here are other strategies for fishing with minnows or other bait fish that comply with the rules:

- Waterfront property owners or those staying at accommodations with shoreline frontage can keep their minnows in a bait container attached to a dock or boat on that waterbody. As long as the minnows are not being transported away from the water, bank or shore, they can be kept and used later on that waterbody. This option will not always be available in winter when the waters are covered with ice.
- Ice anglers can submerge a bait container under the ice of a permanent ice shanty and can take these minnows at a later date on that waterbody. Remember, however, that ice fishing holes can be no more than 12 inches in diameter or square.
- Anglers who don’t use the previous strategies and who have left over minnows must drain all water out of all containers, including those holding their minnows, before they leave the bank or shore and may not attempt to revive the fish later. If there is a trash can at the boat landing or access point, they may be able to dispose of the minnows there. Otherwise, they can take the minnows home and dispose of them in the trash or compost them or use them in a garden. Another option: water-free, dead minnows can be taken home and chemically treated and then used at a later date.

- Anglers can still trap their own minnows for use as bait, but may not transport any such live minnows away from the water where caught. All minnow traps must drain all water out of all containers, including those holding their minnows, before they leave the bank or shore and may not attempt to revive the fish later. If there is a trash can at the boat landing or access point, they may be able to dispose of the minnows there. Otherwise, they can take the minnows home and dispose of them in the trash or compost them or use them in a garden. Another option: water-free, dead minnows can be taken home and chemically treated and then used at a later date.
- Bait dealers can apply for a wild bait harvesters permit, which allows them to transport live minnows away from a water body. However, they must be checked and the container removed at least once every 24 hours. The possession limit for minnows is 600 unless you are a licensed bait dealer.

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- VHS is not a threat to people or pets but it’s a significant health risk to fish and the aquatic environment. The virus can be transmitted to the fish from the shore or bank of any lake or river in Wisconsin.

- A brochure that answers more of the questions anglers have asked about the new rules is now available online.

- The northern pike ice fishery is more of a food fishery compared to the open water fishery. Anglers can use dead bait elsewhere if it has been preserved by a method other than freezing or refrigeration, neither of which kills the virus.

- Research is going on to figure out what other treatments will kill the virus.

- Margenau’s 2003 study found that fully 54 percent of the pike caught during winter are kept, significantly higher than the 20 percent harvest rate during the open water season. These rates are very similar to those from a 2000-2001 mail survey of Wisconsin anglers.

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Executive Director Activity

December 14, 2007
Mr. Don Hultman, Refuge Manager
Mr. Don Hultman, Refuge Manager
Upper Mississippi River National Wildlife and Fish Refuge
51 East Fourth Street, Room 101
Winona, Wisconsin 55987

Dear Mr. Hultman,

Thank you for the opportunity to submit comments on the final 2007-2008 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge. The Wisconsin Wildlife Federation is comprised of 158 hunting, fishing and trapping organizations located throughout the State of Wisconsin.

The Federation formally objects to the U.S. Fish and Wildlife Service establishing Closed Areas and Slow-No-Wake Areas at the Upper Mississippi River National Wildlife and Fish Refuge without the formal consent of the State of Wisconsin. The Wisconsin Federation does not believe that the Service has legal authority to establish such regulations without such formal Wisconsin consent.

In the September 7, 2007 Federal Register at page 51538, the Service identified the following as the legal authorities:

...the service to unilaterally establish closed and slow-no-wake areas...

For the purposes of this Act, the Constitution, the Migratory Bird Treaty Act, the Migratory Bird Convention Act, the Refuge Recreation Act of 1962, the National Wildlife Refuge Administration Act of 1966; the Fish and Wildlife Coordination Act and the Upper Mississippi Wild and Scenic River Act.

A detailed review of those authorities indicates that the Service cannot lawfully establish regulations limiting navigation in the Refuge without formal State of Wisconsin concurrence. Such formal concurrence has not been given.

Legal Analysis: Article IV of the United States Constitution provides that: “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States...” That is, the Constitutional power that the Congress exercised when it established the Upper Mississippi Wild and Fish Refuge Act and the authority that the Service exercised when it established the Refuge.

In 1954, the Congress specifically adopted the Upper Mississippi River National Wildlife and Fish Refuge Act that created the Refuge. The Congress, in exercising its Article IV powers, specifically provided that: “The Act and other such area shall be acquired by the United States Secretaries of Agriculture...”

The Wisconsin Legislature in 1925 did consent to the establishment of the Refuge by adopting subsection 1.035, Wisconsin Statutes, which provides “the state of Wisconsin consents to the acquisition of the United States for the purposes of this chapter...”

We are also looking for nominations for our annual awards banquet which will be held on April 11-13 at Country Springs (old Holiday Inn) in Stevens Point. We are asking early for nominations so we can get things organized and the booklet printed in time. Everyone knows of someone special to honor and knows of someone special to honor and

Name

Wisconsin Wildlife Federation's 2008 Annual Meeting
April 11-13, 2008
Country Springs Hotel
Stevens Point, WI

Everyone Welcome to Attend! Call 800-897-4161 for more information.

Mark Your Calendars!

Happy New Year to you. Well our year is starting out to be a busy one. On January 30th we will again be hosting a feed at Lobby Days in Madison. If you can, please plan on attending and help make a final push for the DNR Secretary bill and a bill to protect the diversion of Great Lakes waters. We need to inform our legislators of the urgency for these bills. Your voice does count!!!

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President's Message

Vol. I Part VIII

by George Meyer, Executive Director

Long time Wildlife Federation Honorary Vice-President Dan Trainer Jr. has passed on. Trainer was Dean of the Natural Resources at the University of Wisconsin-Stevens Point from 1971 until 1988. Dean Trainer also served on the Natural Resources Board including being chair of the Board. Dan was a World War II veteran and a son of a Wisconsin conservation warden, Dan Trainer, Sr.

Dean Trainer earned his Master's and Doctor's degree in Microbiology at UW-Madison where he served on the Veterinary Science faculty. He was one of the nation's premier experts on wildlife diseases. He was then hired as Dean of the College of Natural Resources at UW-Stevens Point where he built that school to be one of the best natural resources colleges in the United States. A very large percentage of Wisconsin DNR's wildlife and fishery managers and conservation wardens graduate from the school. More than 5000 resource professionals received their education under his tenure.

Dan served as Chair of the Natural Resources Foundation, the Public Intervenor Advisory Committee, the Portage County Park Board, the Portage County Foundation and as part of the Green Circle project helped build a 25-mile hiking trail and conservation area around the City of Stevens Point. Dan was a very avid hunter and angler.

Dean Trainer was inducted into the Wisconsin Conservation Hall of Fame in 2006 and currently UW-Stevens Point named the College of Natural Resources Building the Danzel O Trainer Natural Resources Building in celebration of his service as dean.

December 14, 2007

The Wisconsin Natural Resources Board has the authority pursuant to section 29.014, Stats., and subject to legislative review, to establish closed and slow areas in the state including the Upper Mississippi River Wildlife and Fish Refuge. The Board has not adopted the closed areas as proposed by the Service. Local municipalities have the authority pursuant to section 29.024, Stats., to establish slow-no-wake areas in the state. We believe the Wisconsin Department of Natural Resources has no legal authority to establish closed areas as proposed by the Service.

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First Phase:

The Wisconsin Federation and WWF formally objects to the U.S. Fish and Wildlife Service establishing Closed Areas and Slow-No-Wake Areas in the Upper Mississippi River National Wildlife and Fish Refuge without the formal consent of the State of Wisconsin. The Wisconsin Federation does not believe that the Service has legal authority to establish such regulations without such formal Wisconsin consent.

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The only court case to-date interpreting the two federal and state statutes establishing the Refuge, United States v. Wisconsin, 358 U.S. 312 (1956), did not overturn this prohibition on unilateral federal navigation regulation. Specifically at page 621, the court ruled: “in the second ground alleged as invalidating the order...”

It is clear that this case provides that the Service can establish hunting regulations on the Refuge but it did not rule that the Service had the authority to regulate navigation on the Refuge.

Another Legal Analysis: The Service cites authority for the rules several other Congressional and Legislative acts preserving state authority over navigation on the waters within the Refuge. The Acts cited are:

1. The Migratory Bird Treaty Act, 6 U.S.C. 901 et seq., which provides

2. The Refuge Recreation Act of 1963, 16 U.S.C. 1062 et seq., which provides

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Continued on page 9
Onshore Treatment of Ship Ballast Water Feasible, Study Concludes

MADISON – Onshore treatment of ballast water discharges from international ships arriving in Great Lakes ports is an economically and environmentally feasible option, according to a recently released study.

The Department of Natural Resources has funded a three-year study to investigate whether treatment could be feasible and potentially the most cost-effective option for mitigating the impact of invasive species and diseases into Wisconsindischarged ballast water into the Great Lakes, according to the study.

The Wisconsin Department of Natural Resources Board has already authorized the plan to be released.

While the study focused on the Port of Milwaukee, its authors conclude that similar technology could be used in most Great Lakes ports. The research project was funded with a portion of the $2.3 billion for Great Lakes cleanup.

The study confirms that anyone discharging "biological" materials must provide proof that these discharges will not have an adverse impact on the Great Lakes ecosystem.

The Wisconsin DNR released a list of invasive species and diseases that may be introduced into the Great Lakes through international shipping. It is projected that many of these species have been introduced through the release of ballast water from international ships. The study estimated that the discharges of these species include: the zebra mussel, the quagga mussel, the sand worm, the spiny water flea and VHS. The introduction of these species into the Great Lakes would have a significant impact on local freshwater resources and the economy.

The Wisconsin DNR has developed a Discharge Elimination System to require that anyone discharging “biological” materials must provide proof that these discharges will not have an adverse impact on the Great Lakes ecosystem.

The Wisconsin DNR is also considering regulations to limit the discharge of ballast water into the Great Lakes, according to the study.

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The study also investigated the technical and economic feasibility of onshore treatment of ballast water, according to the study authors.

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In 2006, the amount of commodities trans-
ported through Lock and Dam 4 was 10,291,008 tons. Of these vessels, 2,971,368 were com-
mercial, 7,319,640 of them recreational, and 98,142 others were of the other category.

LOCK AND DAM 5, WINONA, MN.

Exactly 1,180 vessels and 8,031,625 tons of cargo passed through Lock and Dam 5, located at Winona, Minn., during the 2007 navigation season from March 23-Dec. 1. The MV Minnesota Girl was the last tow to pass through Nov. 29. Of these vessels, 2,971,368 were commercial, 5,080,257 of them recreational, and 11,146 of them recreational and 119 other.

In 2006, the amount of commodities trans-
ported through Lock and Dam 4 was 8,268,829 tons. Of these vessels, 2,346,142 were com-
mercial, 5,921,687 of them recreational, and 66,000 others were of the other category. These numbers mark a slight decrease in the amount of cargo passing through Lock and Dam 5 and 204 were other.

The U.S. Army Corps of Engineers, St. Paul District, constructed Lock and Dam 5 in 1938 and maintains it to this day. The lock’s last major rehabilitation occurred from 1995-
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2002.
AB 396—Restrictions on the use of phosphorus in lawn fertilizer
In Assembly Natural Resources Committee
Support—This bill will reduce water pollution and damage to fish and wildlife habitat
AB 403—Eliminating 3-day Waiting Period to Renew After License Purchase
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—Will allow greater opportunity to hunt
AB 407—Allowing Foreign Watercraft to be Registered on State Automated License System
Passed Assembly; Hearing held by Senate Environment and Natural Resources Committee
Support—Will make obtaining certain hunting licenses easier
AB 476—Admissibility into Evidence of the Existence of an Endangered Species
In Assembly Judiciary and Ethics Committee
Public hearing held; Passed Committee
Oppose—Endangered species
New Assembly Bills Since October Meeting
AB 504—Natural Resources Board Appointment of DNR Secretary
In Assembly Natural Resources Committee; Public Hearing Held
Passed Assembly; Passed Senate Environment and Natural Resources Committee;
Passed by Committee
Support—An appropriate recognition for Aldo Leopold
Support—Will increase on-water safety for young anglers and boaters
Passed Assembly; Passed Senate Environmental and Natural Resources Committee; Passed by Committee
Support—This bill is critical to protect Great Lakes fisheries
AB 91—Restricts Voting on Conservation Congress Advisory Questions and Delegates to Wisconsin Counties
In Assembly Natural Resources Committee
Public hearing held; Passed Committee
Support—Assures that Congress proposals represent views of Wisconsin citizens
AB 346—Repealing Pre-application Barriers for Construction of Nuclear Power Plants
Passed Assembly; Hearing held by the Governor—Act 67
In Assembly Natural Resources Committee
Support—Need to keep open all options to reduce greenhouse gas emissions. This position
SB 97—Allowing Great Lakes Indian Fish and Wildlife Commission Wardens To Enforce State Conservation Laws
Passed Assembly; Passed Senate Environment and Natural Resources Committee;
Passed by Committee
Support—Will provide greater opportunity to hunt
SB 161—Naming the State Trail System after Aldo Leopold
In Senate Natural Resources Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
SB 187—Creating a One-Day Fishing License
In Assembly Natural Resources Committee
Passed Assembly Committee; Passed Senate Committee
Support—Provides additional flexibility for preference point applicants
AB 284—Naming the State Trail System after Aldo Leopold
Passed Assembly; Hearing held by Senate Environment and Natural Resources Committee
Counterpart Bill—SB 181 Signed into law by Governor—Act 27
Passed by Committee
Support—Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 157—Regulation of Greenhouse Gases
Passed Assembly; Passed Senate Environment and Natural Resources Committee;
Passed by Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
SB 207—Regulation of Pore
In Assembly Natural Resources Committee
Passed by Committee; Passed Senate Committee
Support—The WWF supported this compromise last session
SB 208—Providing information on Stewardship Plans
In Assembly Natural Resources Committee
Passed Assembly; Passed Senate Environment and Natural Resources Committee
Support—Provides additional flexibility for preference point applicants
AB 334—Designating Feral Pigs as harmful wild animals
In Assembly Natural Resources Committee
Public hearing held; Passed Assembly Committee
Support—This bill is critically important to protect fish and wildlife and their habitat.
SB 252—Authorizing Group Bowhunting
In Senate Environment and Natural Resources Committee
Passed Assembly; Passed Senate Committee; Passed by Committee
Support—An appropriate recognition for Aldo Leopold
SB 296—Authorizing Former Resident Military to have Resident Licenses
Passed Assembly; Public Hearing Held in Senate Environment and Natural Resources Committee
Counterpart Bill—SB 181 Signed into law by Governor—Act 27
Passed by Committee
Support—This bill is critically important to protect fish and wildlife and their habitat.
SB 297—Regulation of Pore
In Assembly Natural Resources Committee
Passed by Committee; Passed Senate Committee
Support—The WWF supported this compromise last session
SB 298—Put into State Budget and Signed Into Law
Passed by Committee
Support—Will provide better information on public land usage
AB 345—Prohibiting Personal Floatation Devices for youth 12 and under
Referred to the Assembly Natural Resources Committee
Public hearing held; Support—Will increase on-water safety for young anglers and boaters
AB 478—Increase Maximum Penalties for Littering
In Assembly Natural Resources Committee
Support—Will provide greater incentives for large scale littering which may degrade fish and wildlife habitat.
SB 300—Authorizing Concealed Carriers for Nonresidents over 65
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—Important to recognize those who have sacrificed for our rights
SB 301—Regulation of Ship Ballast Water Discharges Into the Great Lakes
Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Only reasonable for those serving our nation
SB 302—Allowing Great Lakes Indian Fish and Wildlife Commission Wardens To Enforce State Conservation Laws
Passed Assembly; Passed Senate Committee
Support—Assures that Congress proposals represent views of Wisconsin citizens
SB 304—Prohibiting Personal Floatation Devices for youth 12 and under
Passed Assembly; Passed Senate Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
SB 305—Requiring Background Checks on Sale of Firearms Between Private Citizens in Wisconsin
Passed Assembly; Passed Senate Committee
Support—An appropriate recognition for Aldo Leopold
SB 306—Authorizing All Members of the Wisconsin National Guard to Obtain Resident Hunting and Fishing Licenses
Passed Assembly; Passed Senate Environmental and Natural Resources Committee; Passed by Committee
Support—An appropriate recognition for Aldo Leopold
AB 92—Regulating Possession and Transportation of Invasive Fish Species
In Assembly Natural Resources Committee
Passed by Committee
Support—This bill is important to protecting Wisconsin’s fisheries
AB 10–Free Access to State Parks and Trails for Veterans and Vets and POWS
In Assembly Tourism, State Properties and Recreation Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—Provides additional recreational opportunities to our military veterans
AB 86—Creation Regulation of Ship Ballast Water Discharges Into the Great Lakes
In Assembly Natural Resources Committee
Passed Assembly
Support—This bill is critical to protect Great Lakes fisheries
AB 130—Authorizing All Members of the Wisconsin National Guard to Obtain Resident Hunting and Fishing Licenses
Passed Assembly; Passed Senate Environmental and Natural Resources Committee; Passed by Committee
Support—Only reasonable for those serving our nation
AB 131—Increasing Requirements for Hunting License Requirements for Armed Forces Members
Passed Assembly; Passed Senate Environmental and Natural Resources Committee; Passed by Committee
Support—Only reasonable for those serving our nation
AB 132—Regulation of Greenhouse Gases
In Assembly Natural Resources Committee
Passed Assembly; Passed Senate Environment and Natural Resources Committee;
Passed by Committee
Support—This bill is critically important to protect fish and wildlife and their habitat.
AB 133—Creating Tax Exemption for Conservation Easements Donated to State and Counties
In Assembly Forestry Committee
Support—Provides additional recreational opportunities to our military veterans
AB 187—Creating a One-Day Fishing License
In Assembly Natural Resources Committee
Passed Assembly; Passed Senate Committee
Support—Oppose—if results in a decrease to the Fish and Wildlife account
AB 197—Regulation of Pore
In Assembly Natural Resources Committee
Public hearing held; Passed Assembly Committee
Support—This bill is critically important to protect fish and wildlife and their habitat.
AB 223—Authorizes the Transfer of Approvals to Minors
In Assembly Natural Resources Committee
Passed Assembly; Passed Senate Signed into Law by the Governor—Act 24
Support—Only reasonable for those serving our nation
AB 264—Naming the State Trail System after Aldo Leopold
In Assembly Natural Resources Committee
Passed Assembly; Hearing held by Senate Environment and Natural Resources Committee
Counterpart Bill—SB 181 Signed into law by Governor—Act 27
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 296—Authorizing Former Resident Military to have Resident Licenses
Passed Assembly; Public Hearing Held in Senate Environment and Natural Resources Committee
Passed by Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 328—Authorization of All Members of the Wisconsin National Guard to Obtain Resident Hunting and Fishing Licenses
Passed Assembly Committee; Scheduled for Assembly Vote
Support—Protecting Waterfall, Inland Trout, Pheasant, Turkey and Great Lakes Salmon and Trout from being missappropriated
AB 396—Restrictions on the use of phosphorus in lawn fertilizer
In Assembly Natural Resources Committee
Support—This bill will reduce water pollution and damage to fish and wildlife habitat
AB 403—Eliminating 3-day Waiting Period to Renew After License Purchase
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—Will allow greater opportunity to hunt
AB 407—Allowing Foreign Watercraft to be Registered on State Automated License System
Passed Assembly; Hearing held by Senate Environment and Natural Resources Committee
Support—Will make obtaining certain hunting licenses easier
AB 504—Natural Resources Board Appointment of DNR Secretary
In Assembly Natural Resources Committee; Public Hearing Held
Passed Assembly; Passed Senate Environment and Natural Resources Committee;
Passed by Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 542—Use of Emergency Powers to Restrict Use of Firearm
In Assembly Homeland Security and State Preparedness Committee
Public Hearing Held; Passed Committee
Oppose—Authorizing Concealed Carry for Nonresidents over 65
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—Important to recognize those who have sacrificed for our rights
AB 543—Regulation of Ship Ballast Water Discharges Into the Great Lakes
Passed Assembly; Hearing held by the Governor—Act 67
In Assembly Natural Resources Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 544—County determination of Ordinary Highwater Marks
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—This bill is unconstitutional and may lead to loss of fish and wildlife habitat
AB 545—Sale and use of Day
In Assembly Consumer Protections and Personal Privacy Committee
Passed Assembly Committee; Scheduled for Assembly Vote
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 546—Use of Emergency Powers to Restrict Use of Firearm
In Assembly Homeland Security and State Preparedness Committee
Public Hearing Held; Passed Committee
Oppose—Authorizing Concealed Carry for Nonresidents over 65
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—Important to recognize those who have sacrificed for our rights
AB 547—Decreasing Maximum Penalties for Littering
In Assembly Natural Resources Committee
Support—Will provide greater incentives for large scale littering which may degrade fish and wildlife habitat.
AB 548—Authorizing Concealed Carriers for Nonresidents over 65
In Assembly Natural Resources Committee
Passed Assembly Committee; Referred to Joint Finance Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 549—Authorizing All Members of the Wisconsin National Guard to Obtain Resident Hunting and Fishing Licenses
Passed Assembly; Passed Senate Committee
Support—An aid to reducing greenhouse gas emissions. This position does not reflect whether WWF supports any particular use of nuclear power.
AB 550—Regulation of Ship Ballast Water Discharges Into the Great Lakes
Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Important to recognize those who have sacrificed for our rights
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Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Important to recognize those who have sacrificed for our rights
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Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Important to recognize those who have sacrificed for our rights
AB 553—Regulation of Ship Ballast Water Discharges Into the Great Lakes
Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Attribution for this compromise last session
AB 554—Regulation of Ship Ballast Water Discharges Into the Great Lakes
Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Attribution for this compromise last session
AB 555—Regulation of Ship Ballast Water Discharges Into the Great Lakes
Passed Assembly; In Senate Environment and Natural Resources Committee
Support—Attribution for this compromise last session
Associate Membership and Affiliate Clubs

The Federation’s Awards Committee solicits/invites your participation to nominate person(s) and organizations for the 2008 W.W.F. Conservation Achievement Awards Program!

Nomination Deadline
February 21, 2008
Nomination Form on Page 8

YOUTH CONSERVATIONIST
For the outstanding conservation effort by a person who did not attain the age of 19 during the past year. Youth groups acting together in a conservation program are also eligible. The winner should have demonstrated ability, leadership, and accomplishment in any phase of conservation, either individually or as a group.

CONSERVATION EDUCATOR
For the outstanding effort in conservation education in the state during the past year. The recipient should have accomplished and demonstrated recognized education methods directed toward the use or conservation of natural resources.

FOREST CONSERVATIONIST OF THE YEAR
For outstanding effort in forest conservation during the past year. Eligible areas of effort include tree planting, timber stand improvement, and other forest management practices with emphasis on the development of multiple-use programs on forest lands.

WILDLIFE CONSERVATIONIST
For outstanding accomplishment in making a significant contribution to the management and/or restoration of wildlife resources in Wisconsin during the past year.

WARDEN OF THE YEAR
For outstanding efforts within the community on environmental and conservation issues, habitat restructuring and wise use of our natural resources.

CONSERVATION ORGANIZATION
For the outstanding contribution to the conservation effort by an organization in the state during the past year. Statewide or local bona fide organizations including sportsmen’s clubs, civic organizations, etc., are eligible. Recipient should have demonstrated keen interest in projects and programs within the state which deal with basic and serious natural resource problems and have evolved an action program stemming from that interest.

SOIL, AIR, AND WATER CONSERVATIONIST (3 categories)
For outstanding contribution to the conservation of our soil, air, or water during the past year. Recipient could be a landowner, administrator, or technician involved with such things as small watershed development, approved soil conservation measures, wetlands or estuarine conservation, wild river protection, establishment of air or water quality standards, control of specific air or water pollution problems, etc.

**Deserving persons’ unselfish achievements should be appropriately recognized

CONSERVATION LEGISLATOR
For outstanding legislative accomplishment during the past year which has made a significant contribution to the preservation and management of our state’s natural resources.

CONSERVATION ORGANIZATION
For the outstanding contribution to the conservation effort by an organization in the state during the past year. Statewide or local bona fide organizations including sportsmen’s clubs, civic organizations, etc., are eligible. Recipient should have demonstrated keen interest in projects and programs within the state which deal with basic and serious natural resource problems and have evolved an action program stemming from that interest.

CONSERVATION LEGISLATOR
For outstanding legislative accomplishment during the past year which has made a significant contribution to the preservation and management of our state’s natural resources.

CONSERVATION COMMUNICATOR
For the outstanding conservation effort by a person, newspaper, magazine, radio station, or television station in the state during the past year. Recipient of this award may be any recognized communication medium within the state. A person, organization, or group which has accomplished the most in creating a public awareness of the importance of natural resource conservation.

HUNTER SAFETY EDUCATION
This award may be given to an individual volunteer or a volunteer organization deeply involved in the hunter safety program. To an individual or team who, during the past year, accomplished an unusual degree of improvement, both in quality and numbers of youths completing hunter safety education courses.
Transmission Line Reconstruction May Result in Incidental Taking of Rare Snake

The rebuilding of an existing transmission line between substations in Saukville and St. Lawrence in Ozaukee and Washington counties may result in the ‘incidental taking’ of a rare snake, under an authorization the Department of Natural Resources proposes for the project.

American Transmission Company (ATC) plans to rebuild the existing transmission line by replacing poles, insulators and conductors along the 19.1-mile route. The line is located between the Village of Saukville, Ozaukee County and Hartford Township, Washington County. The corridor includes mostly upland habitat with some wetland areas.

According to the state threatened Butler’s gartersnake (Thamnophis butleri) has been confirmed in the vicinity of the project site. DNR has determined that the species is likely present due to the presence of suitable habitat and that the proposed project may result in the incidental taking of some snakes. However, DNR staff have concluded that the proposed project will minimize the impact to the snakes by adhering to conservation measures; is not likely to jeopardize the continued existence and recovery of the state population of those snakes or the whole plant-animal community of which they are a part; and has benefit to the public health, safety or welfare that justifies the action.

The project will entail construction in the wetland areas and will primarily occur during the winter months (November through March). The project will employ construction tactics to minimize habitat disturbance, snake exclusion fencing, snake removals as needed, and restoration of habitat to pre-activity condition. Some compaction of the soils and vegetation will still result but the impacts are expected to be minimal and the habitat is expected to return to its previous condition.

The conservation measures to minimize the adverse effect on the threatened species will be incorporated into the proposed Incidental Take Authorization. Copies of the conservation measures, background information on the Butler’s gartersnake, and the jeopardy assessment are available upon request from Rori Polakoski, Department of Natural Resources, Bureau of Endangered Resources, 101 South Webster, Madison, WI 53707, (608) 264-6040. Public comments will be taken through January 10, 2008 and should be sent to Ms. Polakoski at the above address.

OFFICIAL CALL FOR RESOLUTIONS!

For presentation at the 2008 Annual Meeting of the Wisconsin Wildlife Federation. 

What is a resolution? 
• A formal, written motion which follows a specific format.

Why submit a resolution? 
• To set a course of action for the WWF Board of Directors to follow.
• To set and express an opinion of the WWF.

Who can submit a resolution? 
• Any affiliate organization of WWF, regardless of size.
• Any member of the WWF Board of Directors.
• Any individual associate or sustaining member – please contact an Associate Director or District Director to submit it on your behalf.

How should a resolution be submitted? 
• Typed on official organization letterhead preferred.
• Signed by the author and/or officer of the submitting organization.
• Mailed to the WWF office.
• Postmarked no later than March 12, 2008.

What topics should resolutions deal with? 
• Issues pertaining to natural resources and their management or the environment.
• Issues of importance to the entire state.

Mail your resolutions to:
Wisconsin Wildlife Federation
W7303 County Hwy. CS
Poyntette, WI 53955
Contact the office for additional information or for specific writing format guidelines. (800) 897-4161

Conservation Achievement Awards
Wisconsin Wildlife Federation
W7303 County Hwy. CS
Poyntette, WI 53955

OFFICIAL NOMINATION APPLICATION

The Wisconsin Wildlife Federation invites you to nominate a person or group who has shown outstanding conservation effort and achievement in any of the categories listed. To make a nomination, send one copy of this form and a copy of a résumé. Attach all supporting documents and send to the above address. Deadline for receiving nominations is February 21, 2008.

Name of Nominee ___________________________ 
Phone ___________________________ 
Address ___________________________________________________________________________ 
City/State/Zip __________ 
Award Nominated For ________ 

(For each nomination you must use a separate form. Please specify one of the categories for which the nomination is made.)

Nomination Made By (Name) ___________________________ 
Address ___________________________________________________________________________ 
City/State/Zip __________ 

Please Note Following Instructions:
1. Please read the general rules carefully.
2. Follow the outline covering the category for which the nomination is being made.
3. Attach a typewritten copy of a résumé of achievements.
4. Include organizational memberships, affiliations, past achievements for which nomination is based on.

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of the Refuge and arguably could provide Congress with the information necessary for a strict restriction of entry if it interfered with the goals set forth in the grant proposal. However the Congress carefully provided at 16 U.S. Code 460k (b) that “(c) this section, and any amendments thereto, does not authorize or amend any previous enactments relating to the disposal or reclamation of solid waste on land or in water.” The need for a solid waste management plan on the refuge is critical. The Wisconsin Wildlife Federation is not stating that all navigation restrictions appropriate on the Refuge, however the authority to create such restrictions remain with the State of Wisconsin under the Upper Mississippi River Wild and Fish Refuges Act. 16 U.S. Code Chapter 8, Section 724 and section 1.035, Wisconsin Statutes.

Respectfully submitted,

George E. Meyer
Executive Director
Wisconsin Wildlife Federation

Wisconsin Department of Natural Resources

Grants Awarded

The 2008 Wisconsin Waterfowl Hunters’ Ad

MADISON –Three businesses, a county park, a is set to provide funding for innovative ideas for waste reduction, reuse or recycling. The project is designed to demonstrate new and innovative ideas for waste reduction, reuse or recycling which will help fund 192 projects. Projects selected to receive funding for 2008 include:

• Bayland, LLC, De Pere – This project will apply the grant of $110,550 to demonstrate the viability of recovering large amounts of marketable cellulose fiber from paper mill solid waste and redirecting the resulting fiber to cellulose insulation manufacturers for use as feedstock.

• Lucid Glass, Milwaukee – The grant of $132,000 will help fund this proposal that involves the testing of a time and energy efficient continuous manufacturing process for glass tile containing 75 percent or more post consumer recycled glass.

• Oneida County Solid Waste Disposal, Rhinoclay – The county’s “Second Story” project will use its $102,600 grant to establish a broad reuse program with reclaimed demolition materials, appliances, and other discarded materials to improve waste diversion in the greater Oneida County area.

• Barron County Habitat for Humanity, Inc., Rice Lake – The $110,050 grant will be used to help establish a Habitat for Humanity ReStore. Project activities are designed to meet the need for an outlet for the collection and resale of usable Constrution and Demolition (C & D) materials.

Although the Wisconsin Department of Natural Resources still has several additional grants for calendar year 2008 have been awarded, the attention is now on the projects in calendar year 2009. Project applications are due August 1, 2008. More information on the Restoration Grant Program, including examples of past projects, is available on the DNR Web site.
Statewide Conservation Banquet
at Ho-Chunk Casino and Convention Center
S3214 Hwy. 12, Baraboo, WI

Saturday, February 9, 2008

Over $35,000 in Door Prizes
With a Top Prize of $15,000

Many More Raffles Throughout the Evening
Over 60 Guns Given Away

Ticket Price: $125
With Only 400 Tickets Available

Tickets purchased before January 1st, 2008
will be entered in a special early bird drawing

To Get Your Tickets
Please Contact:
Wayne Thayer
Phone: 608-754-4965
E-mail: wat68@ticon.net
or
Marge Spencer
Phone: 608-752-9946
Shawano County

Pranke Brothers Auto Wrecking, Inc. Agrees to Pay Penalties and Case Open Burning to Settle Air Pollution Lawsuit

November 2007

MADISON - Pranke Brothers Auto Wrecking, Inc., together with its representatives, Edward A. and David G. Pranke, Sr., will pay $30,000 for alleged air pollution violations at their automobile salvage yard near Withee, Wisconsin. The Wisconsin Department of Justice (DOJ) filed and settled the case in Shawano County Circuit Court following an investigation by the Department of Natural Resources (DNR).

The State’s complaint alleged that Pranke Brothers Auto Wrecking violated solid waste management and air pollution prevention laws by open burning waste from at least 15 mobile homes. It also alleged that Pranke Brothers Auto Wrecking failed to cover or contain open burning activities, and also failed to maintain adequate fire suppression equipment.

Wisconsin law prohibits the open burning of solid waste for the purpose of burning garbage, and also failed to maintain adequate fire suppression equipment. The State’s complaint alleged that Pranke Brothers Auto Wrecking failed to maintain adequate fire suppression equipment. The settlement was approved by Shawano County Circuit Court Judge Thomas G. Kawalski.

Assistant Attorney General Diane Milligan represented the State.

Michael Dettlaff and Todd Tatro are Ordered to Restore Site and Pay $53,198 for Placing in Northern Spruce Bog

December 2007

MADISON/SHAWANO - Shawano County Circuit Court Judge Mary A. Gade determined that landowner and landowner’s agent, Michael Dettlaff, and contractor, Todd Tatro, must pay $53,198 in forfeits, costs and attorneys’ fees for violating the state’s environmental laws while building roadways through a Northern Wisconsin Spruce Bog.

Wisconsin law prohibits the placement of fill material in the waters of the state, including wetlands, without a permit from the Department of Natural Resources (DNR). According to the civil complaint filed by the Department of Justice (DOJ) at the request of the DOJ’s Division of Technical Services on Dec. 2, 2004, Dettlaff arranged and directed the filling of 2.14 acres, or approximately one mile of roadways, without first securing the proper permits. Mr. Tatro placed approximately half of the fill for Dettlaff’s violation of state law.

The fill placed by Mr. Tatro was not removed until after the order of temporary restraining order from the Shawano County Circuit Court, on April 2007, and was not fully removed until August 2007, over 200 days after the filling was completed.

The Court ordered Mr. Dettlaff, to pay $29,156 in forfeitures, court costs and attorney’s fees for violating the 1996 Wisconsin Clean Air Act, the 2002 Wisconsin Solid Waste Law and the 1996 Wisconsin Spill Prevention, Control and Countermeasure Act.

The court also ordered Mr. Tatro, to pay $12,281 in forfeitures, court costs and attorney’s fees for violating the 1996 Wisconsin Clean Air Act, the 2002 Wisconsin Solid Waste Law and the 1996 Wisconsin Spill Prevention, Control and Countermeasure Act.

The settlement was approved by Shawano County Circuit Court Judge Thomas G. Kawalski.

Assistant Attorney General Diane Milligan represented the State.

Kewaunee County

Trega Foods, Inc. Agrees to Pay $36,000 for Unlawful Wastewater Discharges and Fish Kill

December 2007

WASHBURN COUNTY - Trega Foods, Inc., of Kewaunee County, was ordered to pay $36,000 in penalties, fees for violating Wisconsin water pollution laws, by failing to comply with limits for wastewater discharges from 2004 to 2006.

Wisconsin law required Trega Foods, Inc. to install an effluent discharge permit, which sets daily and monthly limits for the concentration and concentrations of pollutants in the wastewater that it discharges from its facility.

According to the complaint, filed at the request of the Department of Natural Resources (DNR), Trega Foods exceeded its effluent permit limits for wastewater discharges from 2004 to 2006. On one occasion the company experienced a treatment plant failure in July 2006, which resulted in an excess discharge of biological oxygen demand that caused a drop in dissolved oxygen, which killed hundreds of thousands of fish in the East Twin River, including the area downstream of the Lake trout. These violations have disrupted the environment so that it will take years for the East Twin River fishery to recover.

The settlement was approved by Kewaunee County Circuit Court Judge Dennis Mueczek approved the settlement.

U.S. EPA REGION 5

Ohio Company Agrees to Reduce Hazardous Emissions

December 2007

WASHINGTON, D.C. - Perma-Fix of Dayton, Inc., a hazardous waste processing facility based in Dayton, Ohio, has agreed to implement an air pollution control program that will reduce hazardous air emissions, as alleged by the Justice Department and Environmental Protection Agency (EPA) announced.

The settlement filed today in U.S. District Court in Dayton resolves alleged violations of the Clean Air Act and a federal civil penalty of $380,000. The company also had agreed to spend $625,000 in order to complete three environmental projects.

Today’s agreement requires Perma-Fix to comply with the Clean Air Act and take steps to reduce air pollution from their hazardous waste treatment facility. Ronald J. Tomas, Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division, “The environmental projects that Perma-Fix has agreed to complete will ultimately benefit the local community by reducing hazardous air emissions that can cause health problems and damage the environment.

This agreement will bring Perma-Fix into compliance with the Clean Air Act and benefit the local community by reducing air emis- tions,” said EPA Region 5 Administrator Mary A. Gabe. “Most of the money for the environmental project will be used to reduce emissions and odors.”

The original complaint against Perma-Fix was filed on Dec. 2, 2004, by citizen Barbara Williams, alleging that the facility violated federal and state emissions regulations. The United States intervened in the case in May 2006, alleging federal Clean Air Act violations. The current lawsuit focuses on allegations that Perma-Fix is a major source of hazardous air pollutants, that it failed to comply with national emission standards for these pollutants, that it failed to apply the necessary non-emission control technologies and that it failed to respond to an EPA information request.

The agreement also requires that emission reductions to protect public health will come from:

• The use of a thermal oxidizer to destroy emissions from storage tanks, biological treat- ment tanks and truck loading operations;

• The construction of environmental projects that will improve the operation of the thermal oxidizer;

• Reduction of emissions from exhaust vents at the laboratory;

• Better monitoring and recording of the operation of biological treatment tanks and the thermal oxidizer;

• The execution of evaluations to ensure proper design and use of equipment; and

• An environmental management plan and a community response plan.

The consent decree also alleges that the facility caused serious health effects including birth defects and cancer. They may also cause harmful environ- mental effects

The consent decree is subject to a 30-day public comment period and approved by the federal court.

A copy of the consent decree is available on the Department of Justice Web site at http://www.usdoj.gov/enrd/Consent_ Decrees.html.

Langlade County

Spring Brook Farm LLC Ordered to Pay $27,500 for Manure Discharges

December 2007

MADISON - Under the terms of a stipulation and judgment settling a lawsuit filed by the Wisconsin Department of Justice, Spring Brook Farm LLC of Langlade County, must pay $27,500 for violations of Wisconsin water pollution laws. The judgment resolves charges relating to two manure discharges in March and May 2005.

Spring Brook Farm operates a concentrat- ed animal feeding operation (a livestock facil- ity with over 1,000 animal units), which between 2002 and 2004 had spread 14 to 19 million gallons of liquid manure annually. Spring Brook Farm was alleged to have discharged 65,000 gallons of liquids manure without a permit, and the manure with snow melt ran off the field into the adjacent private owner’s foundation.

In March 2005, a Spring Brook contractor spread 250,000 gallons of liquid manure on a field, and the manure with snow melt ran off the field into a drainage way tribu- tary to the Spring Brook Creek.

Spring Brook Farms has since constructed additional manures storage capacity, to manage the manure runoff, and to ensure that manure runoff events will not happen again.

Under the terms of the settlement, Spring Brook Farm must pay an additional $16,551 in forfeitures and sanctions, and $10,947 in costs.

In announcing the judgment, Attorney General J.B. Van Hollen stressed how impor- tant it is for large livestock operations to take the steps necessary to ensure compliance with the Spill Prevention Permit requirements that are designed to protect state water resources.

The settlement was approved by Langlade County Circuit Court Judge Ronald J. Tenpas, and the settlement was approved by Assistant Attorney General Joan W. Fisher.

The settlement is subject to a 30-day public comment period and approved by the federal court. A copy of the consent decree is available on the Department of Justice Web site at http://www.usdoj.gov/enrd/Consent_ Decrees.html.
### Environmental Enforcement

**Page 11.**

### Executive Director

**Pages 3 & 4.**

### Legislative Report

**Page 6.**

### Achievement Awards Notice

**Page 7.**

### Call For Resolutions

**Page 8.**

### Take Note!

**Ice Fishing,** Pages 1 & 5.

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## NOAA Trivia Answer from pg. 8

The Search and Rescue Satellite Aided Tracking (SARSAT) program tracks beacons that are activated when people are in distress. There are four types of beacons: Emergency Position Radio Indicating Beacons which are used on ships and boats, Emergency Locator Transmitters which are used on aircraft, Personal Locator Beacons that are used mainly by people in outdoor activities such as hiking and camping, and Ship Security Alerting System used by ships and boats in distress from piracy and terrorism. SARSAT has used the satellites to assist in the rescue of more than 5,000 people in the United States and more than 25,000 people worldwide since its inception began in 1982.

The system works when a satellite picks up an alert from an emergency beacon and relays that alert down to a ground station called a Local User Terminal (LUT). Here at the LUT a location can be calculated by using Doppler processing; in other words a lot of fancy math goes into finding where the beacon is located. The LUT then sends the information to the Mission Control Center where the information on specific beacons is combined and sent on to a Rescue Coordination Center operated by the Air Force or the Coast Guard. It is here where the actual rescue mission is planned and coordinated.

NOAA environmental satellites carry secondary payloads that locate the beacons in distress. The same satellites used to give weather forecasts and save lives and property by forecasting storms also save lives by relaying alerts and the locations of people in distress. NOAA operates the space segment of SARSAT and also operates the ground stations and U.S. Mission Control Center in Suitland, Md.

**NOAA expert:** Lieutenant Jeff Shoup, U.S. NOAA Corps SARSAT Operations Support Officer.

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### December 2007 Wisconsin Wildlife Federation Calendar Winners

<table>
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<tr>
<th>District</th>
<th>Name</th>
<th>Location</th>
<th>Address</th>
<th>Phone</th>
</tr>
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<tbody>
<tr>
<td>Dist 1 (Milwaukee)</td>
<td>Willie</td>
<td>Waukesha, WI</td>
<td>262-965-3359</td>
<td></td>
</tr>
<tr>
<td>Dist 2 North</td>
<td>Ruby</td>
<td>Ogden, WI</td>
<td>920-841-8427</td>
<td></td>
</tr>
<tr>
<td>Dist 3 North</td>
<td>Brian</td>
<td>Amery, WI</td>
<td>715-569-4061</td>
<td></td>
</tr>
<tr>
<td>Dist 4 Central Wisconsin</td>
<td>Jerry</td>
<td>Plover, WI</td>
<td>715-344-6017</td>
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</tr>
<tr>
<td>Dist 5 (Fox Valley)</td>
<td>Bob</td>
<td>Darboy, WI</td>
<td>715-632-2143</td>
<td></td>
</tr>
<tr>
<td>Dist 6 North</td>
<td>Jerry</td>
<td>Milwaukee, WI</td>
<td>414-764-5983</td>
<td></td>
</tr>
</tbody>
</table>

### Other WWF Prints & WWF Cookbook available on the web site:

http://wwf.org/fundraising/morehanding/bm.html