GREEN BAY, WIS.
PRESS-GAZETTE
D. 48,000 S. 59,500

NOV 18 1975

PLUGS AND SLUGS



By DAVE OTTO
Press-Gazette Outdoor Writer

Everyone from disgruntled athletes to illegedly oppressed minorities are turning to the courts these days in an avalanche of lawsuits designed to promote their aims through loopholes if not through logic.

The sportsman has generally been spared up to now from the results of this legal mumbo jumbo, but this too has come to an end. First it was the anti-hunting zealots who tried to get a court order closing the waterfowl season.

Now it's the commercial fishing interests telling the court, "Play my way on Lake Michigan or I'm going to take my ball and go home!"

This, in effect, is what is being asked in a class action suit filed recently in the U. S. District Court in Milwaukee. The plaintiffs include a housewife, grocer, and restaurant operator, but the familiar names are such as Jeff Weborg, the Ellison Bay commercial netter who has led the fight to open up lake trout to commercial harvest; Kewaunee fish dealer Laddie Fiala, who has had a running fight with the DNR over lake trout rules, and Sturgeon Bay attorney Paul Jonjak, the legal voice of the commercial fishing industry in that area.

Defendants range from Secretary of State Henry Kissinger on down, but the move is aimed primarily at U. S. Fish and Wildlife Service officials, administrators and wardens of the Wisconsin DNR and the Northeastern Wisconsin Great Lakes Sport Fishermen, the organized voice of the sport troller.

When you separate the legal wheat from the chaff, you discover the commercial clique wants unlimited access to the lake trout population.

If they can't have this, then they want the court to close lake trout to all fishing, commercial and sport alike, and to stop funding for stocking young trout in the lake and chemical treatment to keep the sea lamprey population under control.

The plaintiffs base their case on treaties with Canada and the Great Lakes Fishery Act of 1956 which, they claim, established a program of lake trout rehabilitation for commercial fishing purposes. They cite harvest figures showing the commercial harvest of lake trout in the years before the lamprey onslaught in the 1950's.

The suit maintains, "Harvest of lake trout for food purposes will not injure sports fishermen since there are sufficient lake trout for both food and recreational purposes." Sidestepping the fact that many trout are currently unmarketable because of high PCB levels, the suit suggests commercial netters could crop off trout before they get big enough to have a PCB problem.

The plaintiffs even accuse the DNR of planting trout on inshore reefs for better access by sport fishermen instead of on deeper traditional spawning reefs.

Knowing the unpredictability of judges these days, it's hard to say what will come from this court action.

But this writer recalls one day on the rolling swells of Lake Michigan when the lakers weren't having anything to do with our trolling spoons. The charter skipper pointed out a heavy concentration of trout hugging bottom in 130 feet that registered on the sonar graph, a device unknown to commercial anglers in the pre-lamprey days.

"Can you imagine what a guy could do right now with a gang of gill nets," he asked. "It would be sheer murder!"

MONS 033416