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DEC 1975

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# Conservation Trails FOCUS ON ISSUES

## Hunting on Trial, PCB Peril, Wolves on Prod

### HUNTING ON TRIAL

• As this issue goes to press, waterfowl hunting has weathered the first round in what promises to be a new series of legal broadsides similar to the court action that almost closed the season last year (see this department for January 1975). As OUTDOOR LIFE's Washington, DC, correspondent Jim Phillips told me "The bleak legal outlook is that hunter 'success' soon may focus on courtroom verdicts rather than duck-blind bags". Here's how Phillips described the situation:

"The first legal skirmish for this year began September 29 when seven "environmental" organizations filed suit to limit nationwide the hunting of all migratory birds to a single consecutive 3½-month period. The suit also sought to block entirely the shooting of greater snow geese, American goldeneyes, Barrows goldeneyes, common mergansers, red-breasted mergansers, and Atlantic brant during the 1975-76 season. The action came just as Eastern Flyway hunters were looking forward to their first season on greater snow geese in more than 40 years.

"Two more suits are expected to be filed. The Audubon Society reportedly is considering court action to halt the use of the point system in determining bag limits. And a Defenders of Wildlife official said a suit was in preparation to curtail the traditional shooting times of from one-half hour before sunrise to sunset.

"The cumulative effect of the suits —those in the courts, those being prepared in legal offices, and those being planned—could be devastating. Waterfowl hunting could be piecemealed to death.

"The first suit filed during the current 'open season' on hunting seeks to limit the hunting of all migratory birds—geese, ducks, rails, jacksnipe, doves, gallinules, sea ducks, coots, cranes, and swans—to a single 3½-month period. The action is based on the 1916 Migratory Bird Treaty Act between the United States and Great Britain, which stipulates that migratory birds may be hunted no more than 3½ months per year.

"Both U.S. and Canadian authorities responsible for enforcing the treaty interpret this limitation on a statewide or provincial basis. However, the plaintiffs in the suit interpret the wording of the treaty to mean a single nationwide season, which would mean an end to migratory-bird hunting during periods of peak populations, either in the North or in the South. Waterfowl hunting in Alaska, for example, begins in early September, and some Southern seasons run on past mid-December.

"The organizations claimed that the U.S. Fish and Wildlife Service did not follow legal administrative procedures and did not include the greater snow geese, Atlantic brant, common merganser, red-breasted merganser, American goldeneye, and Barrows goldeneye in its Environmental Impact Statement on migratory-bird hunting, which would be a violation of the National Environmental Policy Act. The groups also cited a 1972 migratory-bird treaty between Japan and the U.S. calling for both nations to maintain 'optimum levels' of certain migratory birds. The plaintiffs claimed that the U.S. Department of the Interior had not issued a numerical optimum level for mergansers and goldeneyes.

"In addition, the plaintiffs asked U.S. District Court Judge John Lewis Smith Jr. to issue, on the eve of the duck season in many Northern states, a temporary restraining order prohibiting the gunning of all six birds except the Atlantic brant. The restraining order would remain in effect while the court heard arguments from both sides in the case.

"After studying the arguments overnight, Judge Smith denied the temporary restraining order, in part because the 'plaintiffs have not demonstrated a likelihood of success on the merits.' So as this issue goes to press, the case continues without a restraining order against migratory bird hunting as attorneys for both sides prepare to argue the merits of the case before Judge Smith in Washington.

"An alarming side issue in the case was the haphazard use of the word 'species.' Attorneys for both sides and the judge frequently referred to mergansers, snow geese, and goldeneyes as 'species.'

"A ruling that the hunting of 'snow geese' should be prohibited could affect hunters nationwide since the greater snow geese is merely a subspecies of the snow-geese family.

"In the Mississippi, Central, and Pacific flyways, gunners shoot lesser snow geese and blue geese. Blues now are considered a color phase of the lesser snow.

"An interior source said, however, that the government would file immediately for a clarification of definitions to avoid a court decision that might unintentionally include a number of other commonly hunted birds.

"The plaintiffs in the suit were Friends of the Earth, Defenders of Wildlife, Fund for Animals, the New Jersey chapter of the Humane Society, DEER Inc., Animal Protection Institute of America, and Wildlife Preserves Inc."

After I read Jim Phillips' story, I asked Charles Callison, executive vice-president of the National Audubon Society, about reports that his group was planning a suit against the use of the point system in waterfowl hunting. Callison said that the society was, indeed considering such an action, and as you read this it may well have been filed.

Callison pointed out, however, that Audubon—unlike the seven groups that filed the suit outlined earlier in this column—would not seek a restraining order to stop the season while the case was argued.

"We don't want to throw the present season into chaos," he said. "We simply want to challenge the effectiveness of the point system and would like to go back to the old way of having legal bag limits based on so many birds of each species."

Many adverse things have happened during the past year—including CBS's "Guns of Autumn" blast at hunting (see "Reverberations of a Professional Hatchet Job on Hunters" in last month's issue of OUTDOOR LIFE), the resulting wave of anti-hunting sentiment expressed in the news media, and the current spate of actual and implied court actions. In the face of it all, however, sportsmen are left with glimmers of hope.

They have seen some graphic examples of why it is so important to



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expedition. For some it's whenever they have the time; for others it's a quiet day with little wind and a recent rain for silent walking, or a night or two after new snow when there's a full moon. Whenever you go, you'll find this surprisingly tough and challenging sport to be productive if you travel with care, pick your spots, and give the animals credit for excellent senses and natural wariness.—*O.M.*

## Monroe Is Magnet for Indiana Duck Hunters

• Monroe Reservoir, Indiana's largest lake with 10,750 acres of water and 25,596 land-and-marsh acres, has been a good place to hunt ducks since it was impounded in 1964. And a marsh-building program launched there last year in time for the waterfowl season has turned the North Fork of Salt Creek into a real mecca for waterfowlers.

The big hangup at Monroe has been the fact that there were two big refuges and the ducks tended to remain in those areas after they had been burned a few times. But two years ago the refuges were changed to resting areas and were hunted enough to keep the birds moving without running them off the reservoir completely.

Then last year reservoir manager Tom Weddle and his fish-and-wildlife manager Randy Showalter came up with the marsh-building plan for the North Fork area southwest of the town of Belmont, and the duck hunting boomed.

The game men created a 155-acre tract known as Stillwater Marsh, flooded in winter but planted by sharecroppers to corn and buckwheat in summer.

Bulldozers pushed up earth levees along the banks of Salt Creek's bottomland fields, and when the farmers tilling the land got their share of the grain out the areas were flooded with water pumped out of the creek.

In addition to Stillwater Marsh, several smaller marshes were created in the same manner, and when the season opened something like 200 acres in corn and buckwheat were covered with water.

As a result, the Monroe harvest of ducks went from under 1,000 to almost 1,800 for the season. A good part of the birds were puddle ducks —mallards, blacks, pintails, and woodies.

The best hunting was during the last part of the split season which runs from about Christmas to January 1 or 2. Look for a repeat this year.

The Stillwater Marsh story wasn't too well known last year, so it was fairly easy for savvy hunters to find a place to shoot. But the word has been spreading and it probably will be more difficult this time.

The drawing for the hunting at Stillwater Marsh is conducted twice each day—about 5 a.m. for the morning hunt and 11 a.m. for the afternoon hunt. But the area is not hunted both morning and afternoon of the same day. The checking station is situated west of the town of Belmont and south of Indiana 46, on the east bank of Salt Creek.—*S.S.*

## Rabbits Are Prime Fare in December

• The rosy predictions of early fall have a way of dimming before the stark realities of December, but the almost unanimous feeling among Wisconsin game managers as this magazine goes to press was that rabbit hunters will have a bonanza this season.

Cottontails will remain legal targets through January 31 statewide, again with a daily bag limit of three. Many rabbits are taken incidental to other upland game in October and November, but bunny hunting really gets serious once the first snows powder the ground.

"We've got rabbits coming out of our ears. You hardly dare plant a garden if it isn't fenced" was a typical comment received from many DNR game specialists back in the summer.

Although losses run high on cottontails, there should be plenty of huntable targets around through the rest of the season.

Cottontails have been on the upswing in Wisconsin for several years following a cyclic low. In 1974, Wisconsin gunners bagged an estimated 1,251,000, a 40-percent jump from the previous year. The southern counties account for the bulk of the harvest, with Dane, Columbia, Dodge, and Rock among the top producers. Other good bets include Brown, Outagamie, Grant, Waukesha, and Racine counties.

Marginal farm cover is top cottontail habitat. Small woodlots, marsh mixed with low brush, and overgrown fence rows and ditches all harbor rabbits, and if a picked cornfield is nearby, all the better. Public hunting grounds managed for pheasants or waterfowl often hold good rabbit populations as well.

It usually isn't too difficult to get permission to hunt private land for rabbits. Often, landowners who post their acres against deer or bird hunting allow late-season rabbit hunting once the crops are safely in.

Many Wisconsin hunters prefer to hunt their rabbits with beagle hounds. There are many beagle clubs throughout the state that are dedicated to running dogs in field trials, and most of the houndsmen also love to hunt. A brush-and-briar patch powdered with fresh snow and the throaty bark of a beagle hot on the trail is a combination tough to beat.

For the man who hunts without dogs, the snows of December provide a decided edge. Nothing gives the rabbit hunter a bigger kick than walking the woods after a new snow and spotting a set of tracks leading under a brushpile with none coming out. Mild sunny days are best, with rabbits sunning themselves in protected openings. A cold windy day, on the other hand, often causes the population to hole up.

If the cottontail is king in the south, it's the snowshoe or varying hare that attracts attention in the big-woods country of the north. The snowshoe is one of the most cyclic of game animals, but populations are stable enough in Wisconsin to allow year-round hunting with no daily bag limit. This year, game managers believe that the snowshoe again is on the upswing.

Snowshoes begin making an impact as soon as you cross into the upper half of the state. Marathon County is a top producer for both cottontails and snowshoes. Lincoln, Oneida, and Price counties in the north-central region also are top hare producers, along with Douglas County in the northwest. Last year, Wisconsin hunters bagged an estimated 186,000 snowshoes, a jump of 110 percent over the previous year.

The snowshoe hunter doesn't have to worry about finding a place to pursue his game. Much of the top snowshoe habitat is in county, state, or federal forests open to public hunting, and hunters also are more than welcome in large timber tracts where snowshoes are considered a threat to young seedlings.

Big cedar swamps are always good bets, as are the slash areas left from recent pulp and logging operations. State clear-cutting programs to promote aspen growth for deer also provide good snowshoe cover.

If snow comes late in the north, the snowshoe may be caught with his white on, making him a relatively easy target against the dark forest background.

Many hunters simply walk old logging trails and jump-shoot. Dog men like to work with large packs in snowshoe country, since this hare makes long runs compared with the tight circles most cottontails follow when pushed by dogs.—*D.O.*



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# THAT AFFECT YOUR FISHING AND HUNTING

express themselves to the nonhunting public and their elected representatives, and they have been shown the importance of working together to protect their sport.

## DANGEROUS TO YOUR HEALTH

• A catfish caught from a sewage-fouled creek is a meal I'd reject out-of-hand. But I might not even ponder whether eating a fresh-caught chinook salmon from Lake Michigan or a striped bass from the Hudson River might, like smoking a cigarette, be dangerous to my health.

The polluted creek and the fish taken from it are hazards I can see. But the possibly contaminated salmon and striper are products of a more insidious, less visible, yet possibly more dangerous type of pollution that's grabbing headlines: PCB's, an abbreviation for a group of industrial chemicals with a two-dollar name, polychlorinated biphenyls.

Much of the world's supply of PCB's comes from Monsanto Industrial Chemicals, which sells them to industries specializing in electronics. Prior to 1970, before some of the hazardous effects of PCB's were widely known, the compounds were used in the manufacture of plastics, adhesives, and many other products.

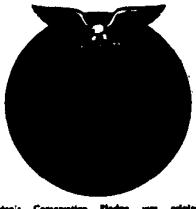
PCB's are blamed for 16 deaths in Japan in 1968. They cause liver damage and birth defects in animals —probably including man. The federal government says that concentrations of over 5 p.p.m. (parts per million) are detrimental to human health. New York residents were shocked last August to learn that concentrations as high as 37 p.p.m. were turning up in striped bass in the Hudson River. And stripers are known to migrate from the Hudson to widely scattered points along the Atlantic Coast. Relatively high concentrations of PCB's also were found in largemouth bass, rock bass, and several other species from the Hudson.

Ogden Reid, New York Commissioner of Environmental Conservation, issued a warning against eating fish taken from the Hudson, a warning that, according to a New York Times story, was unheeded by much of the public and deeply resented by some restaurant owners.

In September, New York gave the identification of sources of PCB's first priority in its water-monitoring program. Wisconsin authorities have advised eating no more than one meal per week of large trout and salmon from Lake Michigan, the Upper Mississippi, and the Fox River. And Michigan's DNR has been distributing tips on preparing fish that might be contaminated. They advise that fish should be cleaned immediately after being caught, belly flaps should be trimmed off, and fat should be removed by filleting. Boiling or barbecuing is recommended, to remove oils.

Despite increased pressure from the states, the federal government has reacted to the PCB problem with characteristic slowness. Washington has been reluctant to issue any sweeping orders banning discharges of PCB's—or even to identify the sources of pollution.

In that regard, the U.S. Environmental Protection Agency (EPA) has



America's Conservation Pledge was originated as a public service by Outdoor Life in 1946

been sent a 14-page letter from the Hudson River Fishermen's Association and the Natural Resources Defense Council. The letter cites two General Electric facilities at Hudson Falls and Fort Edwards as major sources of PCB's in the Hudson, and points out that more than 80 percent of the fish sampled at one location in the river had PCB levels exceeding the limit of 5 p.p.m.

The two conservation groups are urging the EPA to take the following actions: 1) legal steps to compel polluters to undertake "major pollution-abatement efforts in the next few months," 2) issue a warning that EPA will soon enforce a no-discharge policy for PCB's, and 3) declare a federal moratorium on dredging activities on the Hudson to avoid stirring up the highly persistent PCB's.

Even if the EPA were to take all the recommended steps tomorrow, the PCB's already loose in the environment will be around for many generations. But what continues to be the most amazing thing about the problem is the amount of time that has been involved in getting something done about it.—*Bill Vogt.*

## NEW HASSLE OVER WOLVES?

• A new storm is gathering over the Eastern timber wolf, a species classified by the U.S. Department of the Interior as endangered.

Increased complaints of livestock predation in Minnesota have prompted calls for removal of the problem predators. One Clearwater County rancher reportedly has lost 33 head of cattle to a renegade wolf pack.

According to a Washington, DC, source, Interior, is considering changing the wolf's status in Minnesota to "threatened," which could permit killing of the problem wolves there.

Some biologists believe the wolf is not endangered in Minnesota. A dispute over this issue would strike at the heart of the 1973 Endangered Species Act.

The total wolf population in the state is estimated at 1,000. Many people believe that number to be too great for the habitat. In recent years biologists have found wolf pups dead of starvation. The reproductive rate of the wolves also has declined. Furthermore, efforts to live-trap wolves and release them in remote areas have failed, largely because the Minnesota wolf population has reached the saturation point, and established packs do not accept strangers.

Transplanting wolves to other states with suitable and uncrowded wolf habitat also appears impossible. Michigan, Wisconsin, and Maine have turned down offers of Minnesota wolves.—*Jim Phillips.*

## LION GOES WILD

• The first successful reintroduction to the wild of a captive mountain lion has been reported by the California Department of Fish and Game.

The lion, taken as a cub, was trained to hunt before being released in Santa Barbara County five months after its capture. Within a month the lion extended its range to a 15-square-mile area. State officials say they know of no other instance in which a captive mountain lion was successfully returned to the wild.



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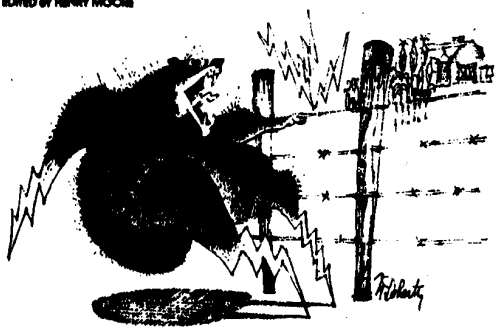
# The Gist OUTDOOR NEWS ON THE LIGHT SIDE

EDITED BY HENRY MOORE



**Shock Treatments.** An Athens farmer who strung an electric fence around his cornfield to prevent deer from damaging crops heard a roar when it shorted one evening. Investigation revealed that a bear had tangled with the wire and wasn't appreciating the shock treatment at all. By the time the farmer returned with his gun, the bear had freed itself.—*Gene Letourneau, Portland (ME) Press-Herald.*

After 10 years of vainly trying to keep deer out of his garden with chemicals, flags, and even a dog, Dan Sabia of Yreka thinks he has found the solution. His new technique is a radio, permanently tuned to an all-night talk program. He puts it inside a 55-gal. oil drum. Sabia says he suspects the hidden and different voices scare off the deer.—*Rolla Williams, San Diego (CA) Union.*

Warden Lee Grinnell of Southwest Harbor, who has himself issued a record number of deer repellents to reduce crop damage, reports that one man is experimenting with cat litter around his garden plot, while another has set out a series of bullet casings so that when the wind blows off the ocean they whistle and scare off the browsing whitetails.—*Bud Leavitt, Bangor (ME) News.*

**Mistaken Identity.** Most people would hightail it for shore if they spotted a big dark fin cruising leisurely between them and the beach. But not Joe Flynn and Jack McClune, who were clamming in the bay. Figuring it was just another sand shark of the type they see so often, Joe grabbed a gaff from their skiff anchored nearby, eased toward the shark, and gaffed the critter as Jack grabbed its tail. Not until they had beached it after a 15-min. battle did they get a good look at its dentures and discover they had tangled with a 7-ft. dusky and not a toothless sand shark.—*Staff Carroll, Providence (RI) Bulletin.*

**Thought Provoking.** Here is a thought for protectionists who want to outlaw hunting because they believe it is a threat to wildlife. More than 10 percent of some 22,000 kinds of seed plants and ferns native to this country are on either the threatened or the endangered species list. As far as I know, we don't hunt plants.—*Stan Berchulski, Springfield (MA) News.*

**Retirement Age.** Smokey the Bear, the symbol of fire prevention for 25 years, has retired, and a new bear has taken on his official duties at the National Zoological Park in Washington. "Smokey is now 25 years old, the equivalent of 70 years in humans, and 70 is the mandatory retirement age for federal employees," a Forest Service official explained. Old Smokey will doze away his days at the Carson National Forest near Santa Fe, NM.—*Gary D. Warner, Kansas City (MO) Star.*

**Inflation.** Perhaps you can afford to hunt in Maine next year, but you probably can't afford to get caught deer jacking (night hunting with a flashlight). The tab is a minimum of $500, maximum $1,000, and a jail term of three to five days on the first offense; same fine with a 10-to-15-day jail term for subsequent offenses; penalties mandatory; no provision for suspension; and firearms will be seized at the time of violation and sold at auction upon conviction.—*Stan Berchulski, Springfield (MA) News.*

**Surgical Approach.** Steelheaders who'll grasp any tip to improve their streamside lore may consider this method to protect their hands from egg-roe slime and subzero weather. I use inexpensive rubber surgical gloves imported from Australia and sold at variety stores. They are easy to slip on, and completely protect the hands from cold water. They're especially good protection from the corrosive action of boraxed egg roe that usually is pretty ripe by the time you use it. Moreover they'll keep you from smelling like a sardine factory between fishing trips. —*Don Holm, Portland (OR) Oregonian.*

**Goof.** If the wise old owl is as uncanny as they say in stalking his prey from the air and sweeping down unerringly for the kill, how come I have photographic proof of one great horned owl who dived into a snowfield to sink his talons into a dried-up elm leaf?—*Rod Hunter (Bob Peal), Syracuse (NY) Post-Standard.*

**Devious Scheme.** A couple of smart kid fishermen at Chelles, unable to cast far enough to reach the big catfish figured to inhabit the depths of the lake, solved the problem neatly. One youngster released line from his position on the bank, and a friend carried bait, hook, and sinker overland around one end of the small impoundment. When the walker was on the opposite shore he tossed his cargo into the lake, and the fisherman retrieved line until his bait was about in the middle. Result: two 17-lb. catfish in two days.—*Rolla Williams, San Diego (CA) Union.*

**Miss the Mark?** The claim that a beaver can drop every tree he fells on a dime is pure bunk. If I had a dollar for every tree I have found hung up on another because the beaver cut it wrong, I could buy my wife a beaver coat.—*Rod Hunter (Bob Peal), Syracuse (NY) Post-Standard.*

**Survival Test.** For three days we watched 11 hydroplanes race at speeds of up to 200 m.p.h. on the Ohio River at Madison, IN. The whine of 2,000-h.p. engines, the roar of the crowds, and the starting-gun blasts left most of us almost deaf and exhausted. But right in front of us five waterfowl—four mallards and a renegade white domestic—quietly cruised the banks, and a school of shad played undisturbed around the docking area. It all indicated to me that nature may be able to adapt to man better than man can to nature.—*Bob Rankin, Cincinnati (OH) Enquirer.*



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TIMES UNION
ALBANY, N. Y.
D. 80,049 SUN. 195,921

DEC 11 1975

# GE case nears end in PCB fight

By FREDRIC U. DICKER

General Electric Co. all but completed its case Wednesday in its attempt to block a state Environmental Conservation Department order halting all discharges of polychlorinated biphenyls into the Hudson River by next September.

GE's principal witness was Dr. Leon Golberg, scientific director of the Albany Medical College's Institute of Comparative and Human Toxicology.

Although Dr. Golberg did not discuss the potential toxicity of PCBs now found in the Hudson, he cautioned that experimental findings of such toxicity must be subject to extremely careful review.

In particular, Dr. Golberg suggested it was possible that one set of experiments on monkeys which indicated PCBs can produce a variety of serious physical ailments may have been faulty because of the use of contaminated feed.

In addition, he said it is possible that impurities known as polychlorinated dibenzofurans, founds in PCBs, can be responsible for toxic affects attributed to the PCBs.

ALTHOUGH GE had been expected to present several more witnesses, a company spokesman said Wednesday "We feel that we have shown that the state has not proven its case against us."

EnCon has charged GE with endangering humans and animals by allowing PCBs, liquid insulators used in the manufacture of capacitors at two Washington County plants, to be discharged into the Hudson.

On Monday, GE said it is prepared to build a pollution abatement plant costing between $3 million and $4 million to reduce the PCB discharges to no more than three and one half ounces a day.

However, EnCon is seeking a zero discharge rate.

The special EnCon hearing called to allow GE to appeal the zero discharge order is scheduled to resume Wednesday at 9 a.m. at the department's headquarters at 50 Wolf Road, Colonie.

At that time GE is expected to present final results of PCB tests performed on 13 Hudson River fish taken from the area of the two plants.

GE agreed Wednesday to permit an EnCon representative to travel to the Woodson-Tenent laboratories in Memphis, Tenn., today to review the test procedures being used.

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