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It's Commercial versus Sport in lawsuit over Lake Trout harvests in Great Lakes

A suit was filed October 16, 1975 in the Federal District Court, Eastern District of Wisconsin which charges that the Wisconsin Dept. of Natural Resources has exercised a policy of discrimination in favor of the harvest of fish for sporting purposes and against the harvest of fish for food purposes.

Charging that the Wis. DNR plants in Lake Michigan Lake trout provided by federal funding and has planted them on the shore where fish returning to spawn will be more accessible to sports fishermen, but where successful reproduction is less likely than on the reefs historically used for spawning, and that the department refused requests by commercial fishermen to plant lake trout on the reefs until commercial fishermen arranged for, and paid for, a ferry to transport planting trucks to the reefs, at which time (in 1974) the department for the first time planted lake trout on the reef rather than on the shore.

The suit further charges that PCB (polychlorinated biphenyls) present in Lake Michigan concentrates in the fatty tissue of the lake trout, particularly in older and larger fish, so that as fish increase in size and age the percentage content of PCB increases until they reach a five per million level which the Federal Food and Drug Administration has determined to be hazardous to health, and at which level consumption of fish by sports fishermen is discouraged and sale of fish prohibited.

Commercial fishing, the suit continues, is the only selective means for harvesting trout as they attain larger sizes so as to prevent their reaching a size where they become dangerous as a food product.

The suit charges that the use of lake trout for food purposes is necessary both for consumers and for those persons who harvest, process and market lake trout for consumers, because there are insufficient fish to other species in the lake now being used for food purposes to fully meet the needs of the plaintiffs. The harvest of lake trout for food purposes, the plaintiffs claim, will not injure sports fishermen since there are sufficient lake trout for both food and recreational purposes, and there are many other varieties of fish similar to lake trout which are available in sufficient numbers to sustain the recreational needs of the sports fishermen. These fish are not now harvested by commercial fishermen the suit continues.

The plaintiffs charge that they pay tax money to support programs intended for their benefit, but that they are denied those benefits.

They request that the court hold a hearing with regard to the issuance of a preliminary injunction to enjoin the defendants named from interfering with or preventing in any way or manner the harvest of lake trout by commercial fishermen and their processing, marketing and consumption for food purposes;

Or that the harvest of lake trout for recreational purposes be prohibited;

Or that the defendants be stopped from expanding or administering any funds for the purpose of lamprey control or lake trout stocking until such time as they cease from their violations of the Treaty, Acts and Statutes charged in the action.

Persons bringing the action are:

Martha Cook, representing the consumer

Al Johnson, representing commercial restaurant operators who serve fish

Fritz Behlert, representing grocery store owners and operators who would like to offer fish for retail sale

Loddie Fiala, representing Commercial fish market operators

Elaine Johnson, representing commercial fish processors

Jeffrey Weborg, representing commercial fishermen.

The defendants named are:

Henry A. Kissinger, Secretary of State

Rogers C. B. Morton, Secretary of Commerce

Thomas Kleppe, Secretary of the Interior

Nathaniel Reed, assistant Secretary of Fish and Wildlife and Parks

Lynn Greenwald, director of Federal Fish and Wildlife service.

Jack Hemphill, Regional Director of Federal Fish and Wildlife Service

Alberton Mclain, Great Lakes Coordinator of the Federal Fish and Wildlife Service

Jack West, Chief of Fish Hatcheries of the Federal Fish and Wildlife Service

Alberton McClain, acting Executive Secretary of the Great Lakes Fisheries Commission

Aarnek Lamsa, Assistant Executive Secretary of the Great Lakes Fisheries Commission Natural Resources Board for the State of Wisconsin

Lester P. Voight, secretary of the Dept. of Natural Resources

Charles Olson, representative of conservation wardens of the Wis. DNR

James Verdegan, and the Great Lakes Sport Fishermen of Northeastern Wisconsin, representing all persons who fish for sporting purposes on Lake Michigan

Paul Voight, representing all persons operating charter boats on Lake Michigan for the purpose of catching Lake Trout.

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