



## Silver Carp eDNA found above Coon Rapids Dam, MN in Mississippi River

MINNEAPOLIS – The latest round of eDNA testing for Asian carp in the Mississippi River has yielded unexpected results, according to the Minnesota DNR.

Nineteen of the 48 water tests near the Coon Rapids Dam have tested positive for silver carp DNA, and three of the positive results are from above the dam. The highly sensitive tests are designed to detect DNA in the environment that comes from the mucus or excrement of invasive Asian carp. Although testing was done to detect DNA of two Asian carp species — bighead and silver — all positive results were for the leaping silver carp.

The Coon Rapids Dam, located upstream of the river’s lock and dam system, has been a significant fish barrier since it was upgraded in the 1970s, preventing a number of native species such as white bass from migrating upstream. DNR fisheries biologists are surprised by the positive eDNA results.

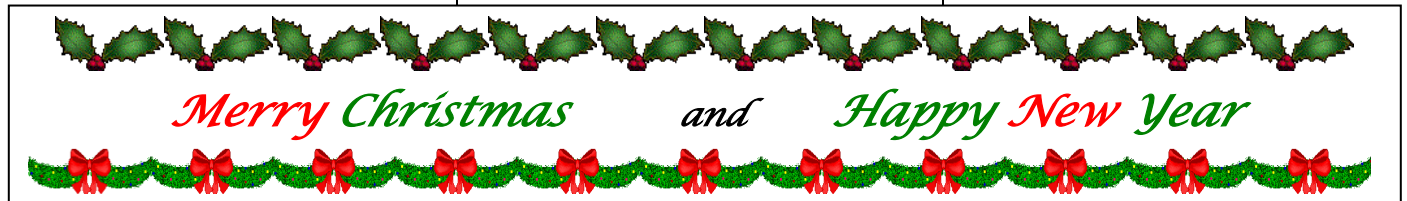
“We are investigating the likelihood of false positives or other sources of Asian carp DNA in the river,” said Tim Schlagenhaft, Mississippi River manager for the DNR. “A study being done in the Chicago area is providing insight into other potential sources of Asian carp DNA, where they have also been

getting positive eDNA samples but have been unable to document the presence of live fish. The results of that study will help determine other potential sources of DNA in our waters. Until we can prove the DNA is from other sources, the risk is too high to assume live fish are not present.”

In recent years, the dam’s effectiveness as a fish barrier has figured prominently in the DNR’s strategy for keeping invasive Asian carp out of the Mississippi River north of the Twin Cities. The dam is about to undergo \$16 million in re-

**Silver Carp eDNA found**

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## Army Corps resets electric parameters of electric barriers

CHICAGO – The U.S. Army Corps of Engineers (USACE) announced November 28 they will return the operating parameters of the electric barrier to the higher operating parameters established in October 2011. The barrier had been temporarily reset to pre-October 2011 settings while USACE investigated possible interference with railroad signals adjacent to the barrier site.

Technical experts from USACE (and contractors) worked with railroad representatives to determine potential causes. Engineers at the barrier site were able to identify a piece of equipment that was contributing to the issue. The equipment has been reconfigured to

avoid interference with the railroad signals.

The operating parameters of 2.3 volts, 30 hertz and 2.5 milliseconds went into effect on November 29, 2011.

USACE continues to work in partnership with the U.S. Coast Guard and other members of the Asian Carp Regional Coordinating Committee to ensure both safe and effective operation of the electric barrier system and continued progress on all Asian carp efforts.

"The Corps remains committed to operating the barriers safely and effectively," said Colonel Frederic

**Electric barriers reset**

*Continued on page 10*

## Angling community calls for the dismissal of unwarranted petition

Alexandria, VA – December 6, 2011

– On November 16, the U.S. EPA was yet again petitioned by the Center for Biological Diversity and two other anti-fishing groups, requesting that the agency regulate the manufacture and sale of lead fishing tackle of certain sizes and uses under the Toxic Substances Control Act (TSCA). If approved, such regulation could result in a de facto ban of lead sinkers, jigs and other popular types of fishing equipment.

This comes on the heels of a similar petition that the EPA dismissed in November 2010. The original petition also sought to ban lead hunting and shooting ammunition, which is exempted from regulation under TSCA. In dismissing the original petition, the EPA indicated that the “petitioners have not demonstrated that the requested rule is necessary to protect against an unreasonable risk of injury to health or the environment, as required by the TSCA.”

“The sportfishing community is once again asking the EPA to rule on the side of scientific fish and wildlife population management and dismiss this unwarranted petition,” said American Sportfishing Association (ASA) Vice President Gordon Robertson. “Such regulations will have a significant, negative impact on recreational anglers and the sportfishing industry, yet the petitioners lack credible science to back such a far-reaching request. They claim lead is threatening loons across the nation, but several studies, including one by the U.S. Fish and Wildlife Service, have shown that loon populations are either stable or increasing throughout most of their range.”

“Despite the EPA's clear ruling, the petitioners continue to attempt to push the ban,” said Robertson. “This further demonstrates the need for a legislative solution to this growing

threat to recreational fishing. In response, the co-chairs of the Congressional Sportsmen’s Caucus have introduced the Hunting, Fishing and Recreational Shooting Sports Protection Act, which would prevent an overreaching ban of lead fishing tackle. With anti-fishing organizations trying to over-regulate fishing using whatever means they can, legislation is needed to protect traditional fishing tackle and ammunition from unjustified bans that will harm the economy and reduce participation in outdoor activities.”

“Last year more than 43,000 anglers sent their objections to EPA Administrator Lisa Jackson through [KeepAmericaFishing™](http://www.KeepAmericaFishing.org),” said Robertson. “ASA encourages members of the sportfishing industry and the angling public to contact the EPA in opposition to the petition and to urge their Members of Congress to support the Hunting, Fishing and Recreational Shooting Sports Protection Act. ASA will soon provide suggested comments on [www.KeepAmericaFishing.org](http://www.KeepAmericaFishing.org). The sportfishing industry applauds the Congressional Sportsmen’s Caucus for its leadership and for so powerfully addressing an issue that urgently needs a dose of common sense.”

Two of the three petitioners are currently engaged in a lawsuit against the EPA’s dismissal of the original petition to ban lead fishing tackle. “The petitioners are taking advantage of our federal government, ignoring the decision that the EPA made just a year ago and working around the ongoing litigation that they filed shortly after that decision,” said Robertson. “This is a gaming of the system and ASA urges the EPA to deny the most recent petition and asks all anglers to voice their support for the Hunting, Fishing and Recreational Shooting Sports Protection Act.” ✧



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### Position Statement

Representing a major interest in the aquatic resources of the Great Lakes states and the province of Ontario, the Great Lakes Sport Fishing Council is a confederation of organizations and individuals with a concern for the present and future of sport fishing, our natural resources and the ecosystem in which we live. We encourage the wise use of our resources and a search for the truth about the issues confronting us.

### Inland Seas Angler

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## MI DNR to reduce Lake Huron Chinook salmon stocking

The Michigan Department of Natural Resources plans to reduce Chinook salmon stocking in Lake Huron by more than half in 2012, compared to 2011 levels. The DNR plans to stock 693,000 spring Chinook fingerlings in 2012, down from almost 1.5 million in 2011, because of poor return and harvest of stocked Chinooks.

“Recreational harvest of Chinook salmon has virtually vanished in the southern two-thirds of Lake Huron,” said acting DNR Fisheries Division Chief Jim Dexter. “It’s obvious the forage base is no longer available to support large numbers of Chinooks in Lake Huron.”

Analysis of recreational catch data shows only the northern portion of Lake Huron, where there is significant Canadian natural

reproduction of Chinook salmon, continues to produce a viable recreational fishery.

Michigan will continue to stock Chinook salmon at Nunns Creek, Cheboygan River and Swan River in the northern Lake Huron watershed. All three stocking sites are within the boundaries of the 2000 Consent Decree with Tribes in the 1836 Treaty area. The DNR consulted with the Chippewa-Ottawa Resource Authority, the Lake Huron Citizen Fishery Advisory Committee, Ontario fisheries officials, and held three public meetings in the Lake Huron Basin before reaching this decision.

Reduced Chinook salmon stocking is likely to continue for the immediate future.

“Angler harvest of stocked

Chinook has been at record low levels for the past few years. Poor returns of stocked fish and a collapse of prey fish populations throughout Lake Huron were key factors in the decision to suspend Chinook salmon plants in the southern two-thirds of Lake Huron,” said Todd Grischke, the DNR’s Lake Huron Basin coordinator. “We will continue to monitor biological data for the next six years and will make interim stocking adjustments as necessary.”

The DNR has committed to mass marking all Chinooks stocked in Lake Huron during the next three years to help biologists better understand the contributions of natural reproduction to the fishery.

For more information, visit [www.michigan.gov/fishing](http://www.michigan.gov/fishing). ✧

## Fisheries bill introduced in Senate

### Major implications for fresh – and saltwater – fishery

With a Dec. 31 deadline, support is mounting for legislation to ensure that NOAA’s National Marine Fisheries Service uses sound science to set catch limits for the nation’s fisheries. A Senate version of the Fishery Science Improvement Act, HR 2304, was introduced Nov. 28 by Senators Nelson, D-FL, and Rubio, R-FL.

The Magnuson-Stevens Fishery Conservation and Management Act requires Regional Fishery Councils to put in place annual catch limits for every fishery by December 31. The requirements were intended to end over-fishing by 2011, but were predicated on two critical assumptions: Catch limits would be based on up-to-date and accurate stock assessments, and improved catch data to better anticipate potential problems in a given fishery.

Neither of these obligations has been met, according to a release from the National Marine Manufacturers Association and other concerned stakeholders, including the ASA, the Center for Coastal Conservation, the Coastal Conservation Association, the

Congressional Sportsmen’s Foundation, IGFA and The Billfish Foundation.

Similar to legislation introduced in the House by Rep. Rob Wittman, R-VA, and 34 bipartisan co-authors, the Nelson/Rubio bill has the backing of a broad coalition of fishing, boating and industry groups that see a critical need for federal managers to avoid an unacceptable situation in which the groups say arbitrary deadlines are being allowed to trump the need for science-based management of marine resources.

“Fishery management decisions should be based on sound science,” Nelson said. “This legislation will ensure that science is a priority.”

“It’s a simple formula,” Rubio added. “Regulatory decisions should be based on sound science. This legislation provides a simple answer to anglers and fishery managers.”

The Congressional Sportsmen’s Caucus — the largest bipartisan caucus in Congress, with nearly 300 members from all 50 states — has lent its voice to calls for this legislation,

which will safeguard the conservation standards of the Magnuson-Stevens Act while addressing shortcomings within NOAA Fisheries.

To maintain MSA’s conservation tenets, the Nelson/Rubio bill would not apply to stocks that already have been determined to be over-fished. However, it offers key components that are intended to steer NOAA Fisheries back to the true intention of the Magnuson-Stevens Act. The bill states that if NOAA Fisheries has not done a stock assessment on a particular stock in the past six years and there is no indication that over-fishing is occurring, no annual catch limit on that stock is required.

The federal government has about 528 fish stocks or complexes of stocks under management, and today only 121 of those stocks are considered “adequately assessed.”

“The Nelson/Rubio bill provides a timely path for NOAA Fisheries to manage all of America’s marine fish stocks based on sound science,” according to the stakeholders’ statement. ✧

## PA Game Commission offers advice to prevent hypothermia

New regulation to require some hunters to use PFD starting in 2012

HARRISBURG – Pennsylvania Game Commission Hunter-Trapper Education Division Chief Keith A. Snyder is reminding hunters, trappers and other outdoors enthusiasts to plan well to avoid hypothermia.

"Anyone heading afield for late fall and winter hunting and trapping seasons should be aware of the threat of hypothermia and how to combat it," Snyder said. "Hypothermia occurs when exposure to the wind, cold and wetness drain heat from the body faster than it can be produced. Extreme cold is not required for hypothermia to develop, and most cases occur when the air temperature is between 30 and 50 degrees. The best way to combat hypothermia is to dress properly and avoid getting wet."

Non-absorbent, wicking long underwear of polypropylene or a similar synthetic base layer, covered by a layer of wool or other insulating material, such as fleece, followed by a breathable waterproof outer shell would be good in most wet-weather situations. The rain gear can be carried in a small pack, but should be put on before the other clothes become wet because once a person gets wet, he or she risks hypothermia. A warm hat and gloves also help to prevent heat loss.

"Wet clothing should be exchanged for dry clothing as soon as possible, especially if it is windy," Snyder said. "Getting out of the wind and rain promptly can mean the difference between a safe outing and a life-threatening ordeal." One of the most important defenses against hypothermia is recognition and treatment of the early symptoms. Uncontrolled shivering is the first signal of the onset of hypothermia. It also is one of the few symptoms the victim may recognize.

As hypothermia sets in, slurred speech, frequent stumbling, loss of manual dexterity, memory lapses, exhaustion and drowsiness occur. Often a victim will not notice these signs, so hunting partners should

watch each other when wind, water or cold create the potential for hypothermia. "It is wise to get out of the wind and cold, remove wet clothing, and warm the body before hypothermia sets in," Snyder said. "Once the telltale symptoms are recognized, these steps are absolutely critical: Stop, take shelter, remove wet clothes and warm the body."

If only mild impairment is evident, warm drinks and dry clothes will probably solve the problem. High-energy foods can help provide fuel for metabolic heat production. Powdered sweetened gelatin mixed with warm water makes a high-energy emergency drink. A warming fire or other heat source can help speed the recovery. Wrapping in a blanket or crawling into a sleeping bag, if available, also will speed recovery.

In advanced cases of hypothermia, drowsiness may lead to unconsciousness and, ultimately, death, unless action is taken to provide warmth. In these cases, emergency medical assistance is needed as soon as possible. The early warning signs of hypothermia occur as the body shuts down circulation to the limbs and nonessential organs in an attempt to maintain its core temperature. As more energy is drained, survival becomes dependent upon stopping the outflow of heat and supplying warmth from external sources.

"Awareness of the signs followed by prompt attention to the problem can save lives," Snyder said. "Keep hypothermia in mind whenever you are outdoors and the weather turns wet or cold." "Cold water shock causes an involuntary gasp, often resulting in aspiration of water, hyperventilation, breathlessness and a reduced ability to control breathing and to swim," Snyder said. "A life jacket greatly increases your chance for survival in cold water. It also increases the amount of time for you to be rescued."

Hunters have many different styles of approved life jackets available that offer comfort and maneuverability, including several Type III and V life jackets specifically designed for waterfowl hunters.

"Waterfowl hunters in small boats are at a greater risk," Snyder said. "While hunting, you often reach overboard while setting or retrieving decoys, retrieving downed game, and may have dogs entering and exiting your boat. Worse yet, you may stand or move quickly in the heat of the hunt. Any of these activities may result in an unexpected fall overboard.

"However, there are several late season hunters and trappers who may use one of these types of boats, canoes or kayaks, so we wanted to make sure everyone is aware of the recent change in Fish and Boat Commission regulation." Should you accidentally fall into the water, Snyder said that you should not panic; try to get control of your breathing and hold onto something or stay as still as possible until your breathing settles down.

"When your breathing is under control, perform the most important functions first before you lose dexterity, which can occur within 10 or 15 minutes after falling into cold water," Snyder said. "Get out of the water quickly and try to get back into your boat, even if it is full of water or capsized, before you lose full use of your hands, arms and legs. Get as much of your body out of the water as possible as the rate of heat loss will be slower when partially submerged in water.

"If you cannot get out of the water quickly, act to protect against rapid heat loss. Stay as motionless as possible, use the Heat Escape Lessening Posture (HELP) position to protect the high heat loss areas of your body, and keep your head and neck out of water. ♦

## NEW! Chicago Outdoor Sportsmen Show

Met Event Group is producing the Chicago Outdoor Sportsmen Show January 26-29 at the Stephens Convention Center in Rosemont, Ill. The announcement comes less than a month after the National Marine Manufacturers Association said it was cancelling the Rosemont Sportfishing, Travel & Outdoors Show, which was scheduled for January 25-29 at the same convention center.

For more info and to register:

[www.ChicagoSportsmenShow.com](http://www.ChicagoSportsmenShow.com). ✧

## US House Bill gives more cormorant control to states

US House Bill H.R. 3074, "Cormorant Management and Natural Resources Protection Act," amends the Migratory Bird Treaty Act to delegate to the States the authority of the Secretary of Interior to address cormorant control. The bill appears to delegate the Secretary of Interior's authority to regulate cormorants to the states after a State plan is approved by the Secretary.

The Congress finds the current permitting system is not sufficient to achieve a streamlined control of excessive cormorant populations.

Excessive cormorant populations cause damage to ecosystems; excessive cormorant populations pose public health and safety concerns; excessive cormorant populations pose an unsightly, loud, and olfactory nuisance. In addition excessive cormorant populations can have a detrimental effect on fish populations, displace native species from their habitats, and cormorant excrement in colonies often kills vegetation.

The bill was introduced by Rep. John Kline (R-MN) and has been referred to the Committee on Natural Resources. ✧

## Fishery updates for Lake Huron

### Reduced Chinook salmon stocking

DNR handout material summarized the decision timeline and process for the Chinook salmon stocking reduction in Lake Huron. This was accomplished in a timely manner over five months allowing reductions to be made starting with the 2011 fall egg take. The final decision resulted in a target of 693,000 Chinook salmon to be stocked in Lake Huron beginning in 2012 with 250,000 at Nunns Creek, 67,000 at Cheboygan and 375,000 at Swan River.

This is the first year that mass marking will be conducted on all Chinook salmon stocked in the Great Lakes. The State of Michigan will also be partnering with the tribes to recover tagged Chinook from Nunn's Creek. These fish will have the adipose fin clipped since all fish marked with coded wire tags (CWT) in their nose have the adipose fin removed.

### Steelhead update

This is the first year for stocking marked steelhead in net pens at Harbor Beach, Oscoda and Harrisville. A comparison is being made to determine if steelhead stocked after becoming acclimated in net pens survive better than steelhead stocked directly into Lake Huron. This study will continue in 2012 and 2013 and it is crucial that captured marked fish are turned in! These fish have an adipose fin clip and a coded wire tag in their nose.

Three Lake Huron tributaries including the East Branch of the Au Gres River, Riffle River, and Ocqueoc River each received a plant of 100,000 fall fingerling steelhead. These fish were not marked and measured 2-3 inches in length. Survival is anticipated to be low, but fishing opportunities should result.

### Atlantic salmon experimental rearing study

Currently all the rearing space is utilized for production of yearling brown trout and steelhead. There is some space available, however, at the

Emphasis will be placed on determining if production level Atlantic salmon can be obtained at the Platte River Hatchery.

Currently, tests have shown that fingerling Atlantic salmon produced at other facilities and transported to the Platte River State Hatchery can be raised to an acceptable yearling size. During 2008, eyed Atlantic salmon eggs were reared at this hatchery but the spring fingerlings became infected with whirling disease and had to be destroyed. This fall a UV filter system, at a cost of \$150,000, was installed on the Brundage Creek water supply to control the organisms that cause the disease. Tests will be conducted in 2011 and 2012 to determine if the new filter was successful and if Atlantic salmon can be raised from egg to yearling. This will be a less than a full production trial with a target of 40,000 to 120,000 yearlings raised from eggs for stocking in 2013 and 2014.

The final step in the Atlantic salmon experiment is to determine the full capacity of the Platte River State Hatchery using both the indoor and outdoor rearing space.

### Brown trout update

2011 began the third and final stocking year of the fall yearling brown trout project. We are now entering the review phase of the study. Jim Baker's crew surveyed the harbor at Harbor Beach on September 27, shocking and capturing 14 brown trout that appeared to be from the 2009 plant. These preliminary results indicate we are potentially starting to see some return on these fish, but so far it appears the fish are not returning in big numbers. The goal is to have a return of at least 5%, and to determine more accurately how the study is progressing we will revisit this topic at the January 11, 2012 Lake Huron Citizens Fishery Advisory Committee Meeting. The discussion will include the creel and charter boat data from the 2011 harvest. ✧

# USEPA proposes standards for ballast water dumping

Agency released a new draft Vessel General Permit on November 30, 2011

*In addition, EPA released the draft of the Small Vessel General Permit, a simpler, shorter permit to provide coverage for smaller vessels after December 19, 2013.*

WASHINGTON – The U.S. Environmental Protection Agency (EPA) is issuing two draft vessel general permits that would regulate discharges from commercial vessels, excluding military and recreational vessels. The proposed permits would help protect the nation's waters from ship-borne pollutants and reduce the risk of introduction of invasive species from ballast water discharges.

The draft Vessel General Permit, which covers commercial vessels greater than 79 feet in length, would replace the current 2008 Vessel General Permit, when it expires in December 2013. Under the Clean Water Act, permits are issued for a five-year period after which time EPA generally issues revised permits based on updated information and requirements. The new draft Small Vessel General Permit would cover vessels smaller than 79 feet in length and would provide such vessels with the Clean Water Act permit coverage they will be required to have as of December 2013.

Both permits will be subject to a 75-day public comment period, which will allow a broad array of stakeholders, including industry and communities, to provide feedback. That information will help inform EPA's decision on the final permits, which are expected to go into effect in 2013. EPA intends to issue the final permits in November 2012, a full year in advance, to allow vessel owners and operators time to prepare for new permit requirements.

## Information on the draft Vessel General Permit:

The updated permit would reduce the administrative burden for vessel owners and operators, eliminating duplicative reporting requirements,

clarifying that electronic record keeping may be used instead of paper records, and streamlining self-inspection requirements for vessels that are out of service for extended periods. The permit would continue to regulate the 26 specific discharge categories that were contained in the 2008 permit and, for the first time, manage the discharge of fish hold effluent.

A key new provision of the permit is a proposed numeric standard to control the release of non-indigenous invasive species in ballast water discharges. The new ballast water discharge standard addressing invasive species is based upon results from independent EPA Science Advisory Board and National Research Council National Academy of Sciences studies. These limits are generally consistent with those contained in the International Maritime Organization's 2004 Ballast Water Convention. The new standard is expected to substantially reduce the risk of introduction and establishment of non-indigenous invasive species in U.S. waters.

The draft Vessel General Permit also contains updated conditions for mechanical systems that may leak lubricants into the water and exhaust gas scrubber wash water, which would reduce the amount of oil and other pollutants that enter U.S. waters. EPA will take comment on potentially more stringent requirements for bilge water discharges.

This permit would be the first under the Clean Water Act to address discharges incidental to the normal operation of commercial vessels less than 79 feet in length. Recognizing that small commercial vessels are substantially different in how they operate than their larger counterparts, the draft Small Vessel General Permit is shorter and simpler. The draft permit specifies best management practices for several broad discharge management categories including fuel

management, engine and oil control, solid and liquid maintenance, gray water management, fish hold effluent management and ballast water management, which consists of common sense management measures to reduce the risk of spreading invasive species. The permit would go into effect at the conclusion of a current moratorium enacted by Congress that exempts all incidental discharges from such vessels, with the exception of ballast water, from having to obtain a permit until December 18, 2013. ✧

*Merry Christmas  
and  
Happy New Year*

## Ludington Fishery Workshop

Michigan Sea Grant invites you to attend the annual Ludington Regional Fishery Workshop to be held on Saturday, January 7, 2012. Topics presented will cover current research on issues that affect Lake Michigan fisheries. A hot lunch buffet will be included in the conference registration fee of \$20 (\$30 after December 10).

Advanced registration is requested to assure an accurate count for food service. Please use the registration form and mail it with your check made out to Ottawa County MSU Extension. The mailing address is listed on the registration form. If you should have questions, please call (616) 994-4580.

The conference will be held at the Ramada Inn and Conference Center located at 4079 West U. S. 10, on the southeast corner of the US-31/US-10 intersection.

For more information and to register:

<http://www.miseagrant.umich.edu/fisheries/fishery-workshop.html>. ✧

## Congress considers testimony on lawsuit reform

Would reverse trend of judges, rather than conservation professionals, shaping the future of wildlife in America

In testimony before a Congressional committee, Boone and Crockett Club president emeritus Lowell E. Baier told committee members that H.R. 1996, the Government Savings Litigation Act, will help America's fish, wildlife and natural resources agencies do their jobs.

The legislation will benefit conservation and sound wildlife management by bringing fairness, transparency and accountability to the Equal Access to Justice Act (EAJA).

EAJA is an historic law that allows plaintiffs to recover attorney fees and other expenses from the federal government when they prevail in lawsuits against the government. It was intended for retirees, veterans, small businesses—average citizens who need help finding and paying for a lawyer to correct errors in their earned benefits or to remedy mistaken penalties imposed by federal agencies.

In recent years, animal rights and environmental advocacy groups began using lawsuits to protest lawful decisions they happen to oppose. The groups use EAJA to recoup their legal costs. The most frequent abuses include suing the U.S. Fish and Wildlife Service and other agencies on minor procedural decisions, then collecting settlements and EAJA reimbursements.

These private groups are collecting taxpayer dollars and consuming agency resources that could have gone toward wildlife management and conservation programs. And it's a trend resulting in judges, rather than conservation professionals, shaping the future of wildlife in America.

The U.S. House Committee on the Judiciary's Subcommittee on Courts, Commercial and Administrative Law held an October 11 hearing on H.R. 1996. Conservation, agriculture and livestock interests attended to urge passage. Baier said, "We are resolute that we will not tread on EAJA's

historic purpose. But we need to put 'equal' back into the Equal Access to Justice Act by requiring everyone to meet the same eligibility standards."

Currently, individuals are eligible to use EAJA if their net worth does not exceed \$2 million. Businesses are eligible provided their net worth does not exceed \$7 million.

"H.R. 1996 would extend these same eligibility requirements to nonprofit organizations. As EAJA stands today, special interest groups are eligible to recoup legal fees regardless of their net worth. That's an inequity that needs repair," said Baier. "To be clear, this measure will not prevent litigation. It relieves taxpayers of paying the legal bills of big-business animal rights and environmental advocacy groups."

H.R. 1996 would make EAJA consistent with the 205 other federal fee shifting statutes, all of which limit 501(c)(3) not-for-profit organizations to the same eligibility requirements that apply to private citizens and small businesses.

Baier said, "The Congressional Research Service in 2009 determined that EAJA was an anomaly in this regard. That's a glaring privilege for nonprofit groups that is the antithesis of equality and fairness."

Federal oversight and accounting of EAJA payouts are virtually absent. Total costs are unknown. One attorney tracking the issue estimates 12 animal rights and environmental advocacy groups alone filed over 3,300 lawsuits and recovered more than \$37 million in EAJA funds over the past decade. Boone and Crockett research shows EAJA actual costs exceeding \$50 million per year from litigation by the top 20 environmental litigants.

H.R. 1996 requires reporting exact costs.

He explained that when EAJA was enacted in 1980, it required an annual report of the number of cases processed and total attorney fees

reimbursed. That reporting ended in 1995. H.R. 1996 reinstates EAJA reporting requirements, beginning with an audit of prior unreported years. Baier added that EAJA also has hidden costs such as conservation agency personnel time spent reviewing procedures, defending complaints and often re-doing entire processes. ✧

### Kentucky Fish/Wildlife discuss Asian carp harvest program

The Kentucky Department of Fish and Wildlife Resources outlined its new Asian carp harvest program during a public meeting November 15 at the Kentucky Dam Village Convention Center.

Fisheries officials say commercial angling is the best way to help control the expanding Asian carp populations in Kentucky and Barkley lakes. Asian carp can present a hazard to boaters and compete with native fish for food. The Asian carp harvest program will include Kentucky Fish and Wildlife observers and trained volunteers whenever commercial anglers are scheduled to fish in normally restricted waters. Observers will monitor Asian carp catch rates and non-target fish catch and disposition at release. Kentucky Fish and Wildlife will post commercial fishing information and data from this program online at [www.fw.ky.gov](http://www.fw.ky.gov).

Commercial fishing is the most economic method of removing large quantities of Asian carp from Kentucky and Barkley lakes and their tributaries. This is an opportunity to demonstrate how the commercial fishing industry can work alongside and co-exist with anglers for the benefit of Kentucky's native fish species. ✧

## MI DNR OKs purchase of 2,354 acres to create Menominee River Recreation Area

The Michigan DNR is purchasing 2,354 acres in Menominee and Dickinson counties in the Upper Peninsula to create the Menominee River State Recreation Area. The DNR will purchase the land for \$2,534,400 in funding from the Michigan Natural Resources Trust Fund and DNR Land Exchange Facilitation Fund. The land is currently owned by Wisconsin Electric Power Company.

The acreage includes two separate tracts – Piers Gorge and Quiver Falls. Piers Gorge is located one mile south of the community of Norway, and includes 145.35 acres of land and 1.5 miles of access along the Menominee River. The acreage includes whitewater rapids and waterfalls, and contains some of the

fastest-moving water in Michigan or Wisconsin. It is not navigable for general canoeing, but has become a popular destination for expert class kayakers seeking challenging Class IV whitewater. The parcel also contains good wildlife viewing opportunities for eagles, osprey and waterfowl, as well as public fishing access.

Quiver Falls is eight miles south of Piers Gorge and contains 2,208.83 acres of land and provides eight miles of access along the Menominee River. It is adjacent to the existing Menominee River Natural Resource Area, a 4,450-acre tract along five miles of the Menominee River managed by both the Michigan and Wisconsin Departments of Natural Resources.

The Quiver Falls parcel contains river frontage on both sides of the Menominee River, scenic rocky gorges with significant drops in the river and waterfalls. The area is popular with hunters and anglers, as well visitors because of the scenic sightseeing opportunities.

“This acquisition will give the DNR a unique opportunity to co-manage this area with our counterparts in Wisconsin,” said Ron Olson, chief of the Michigan DNR’s Parks and Recreation Division. “This would be our first jointly operated public recreation area and river corridor park, and would protect and make open to the public more than 5,000 acres along the Menominee River. The tourism potential of this project is enormous.” ✧

### New National Wildlife Refuge Visitor Center on Long Island

**Project supported local jobs, center will serve millions**

Shirley, NY – The USFWS recently dedicated the new Long Island National Wildlife Refuge Complex Visitor Center at Wertheim National Wildlife Refuge in Shirley. The 13,000-square-foot center is located within an hour’s drive of New York City, and it will serve as a hub for visitors to the ten national wildlife refuges on Long Island. Service staff moved into the building in early December, and a grand opening event is planned for May 2012.

The center features interactive exhibits, an environmental classroom with a wet lab, and a nature store run by the non-profit Friends of Wertheim. Three miles of new trails and two new viewing platforms along the Carmans River will be created before next spring, expanding the refuge’s trail system. ✧



### Great Lakes photo contest underway

**Written entries also accepted by Feb. 1, 2012**

MADISON – Amateur and professional photographers have until February 1, 2012, to submit their entries for the Wisconsin’s [Great Lakes photo contest](#), with winning images featured in a calendar handed out at the Wisconsin State Fair.

The Wisconsin DNR Office of the Great Lakes is holding its fourth annual photo contest and is seeking photos in all seasons and in the following categories: Natural Features and Wildlife; Cultural and Historic Features; People Enjoying Wisconsin’s Great Lakes; and Lake Protection Activities. Photos of Lake Michigan and Lake Superior as well as their tributaries, wetlands and harbor towns are eligible. Photos must be taken in Wisconsin. ✧

### Bass Pro Shops Gift Card gets top ranking

Gift cards are again set to be a holiday favorite with consumers, and Bass Pro Shops has one of the best.

The Bass Pro Shops gift card has received top marks from consumer gift card rating service ScripSmart®. Both Bass Pro Shops’ traditional plastic gift card and virtual e-gift card have received a Gift Card Score® of 99; the company is the first to obtain a 99 for both physical and electronic gift cards. There are no other retailers of gift cards with a Gift Card Score higher than 99 and over 600 gift cards from leading national merchants have been rated by ScripSmart.

Bass Pro Shops Gift Cards never expire, have no fees, offer free online shipping and can also be redeemed at Big Cedar Lodge, Top of the Rock restaurant, Hemingway’s Blue Water Cafe, Islamorada Fish Company restaurants and even towards a boat purchase or service through Tracker Marine. ✧

## Older vets to get GI Bill

The President signed the [VOW to Hire Heroes Act](#) into law on Monday, November 21. The new law has several provisions that will have a positive impact on the veteran unemployment rate, including tax credits for employers that hire veterans and improved transition assistance. But the provision that will be most welcomed by older veterans is a new program that will give veterans over the age of 35 a new shot at 12 months of the [Montgomery GI Bill](#). This benefit can be used for finishing up a college degree, advanced professional certification, vocational training, [On-the-Job Training](#) and more. ✧

## Trout fishing at Castalia Fish Hatchery

Controlled trout fishing opportunities on Cold Creek await anglers who enter a special lottery conducted by the Ohio DNR. A half-mile section of the creek, located at the Castalia State Fish Hatchery in Erie County, will again be open to a limited number of anglers on selected dates between April 2 and November 2 next year. Anglers interested in fishing the stream must apply online and pay a non-refundable \$3 application fee between December 1, 2011 and January 31, 2012 in order to be eligible for the random drawing. Applicants can apply on the Division of Wildlife website at [www.wildohio.com](http://www.wildohio.com).

Two seasons will be offered: adults and teens 16 and older from April 2-June 15 and again August 20-November 2; a second season will be held for those 15 and younger June 18-August 17. Individuals selected to participate in either season will be allowed to bring two adults (includes 16 and older) and three youths age 15 and younger (no more than six people total). ✧

## 'Discovery Weekend' Jan. 27 offers women ice fishing, more

The Michigan DNR will offer a "Winter Discovery Weekend" — designed to give women an opportunity to try a variety of outdoor skills in a fun, safe and non-competitive environment — January 27-29 at the MacMullan Conference Center in Roscommon. The event is part of the DNR's Becoming an Outdoors-Woman (BOW) program, and classes are geared toward beginners, with no skill level required.

Participants choose three classes from among several topics offered, including ice fishing, self-defense basics, wilderness first aid, snowshoeing, hiking, turkey and duck hunting and basic pistol shooting.

The MacMullan Conference Center is located on the north shore of Higgins Lake at 104 Conservation Dr. in Roscommon. The registration fee is \$225 and includes two nights of lodging, four meals, all instruction and materials. Registration deadline is January 12.

For registration forms and info on this and other BOW programs, visit [www.michigan.gov/bow](http://www.michigan.gov/bow), call 517-241-2225 or email [dnr-outdoors-woman@michigan.gov](mailto:dnr-outdoors-woman@michigan.gov). ✧

## Hunter orange clothing good choice for everyone

Hunting season is well underway and now is a good time to remind everyone that it is wise to wear hunter orange clothing when you are out enjoying the state's trails and forest lands. It is required by law that hunters wear "hunter orange." There is no similar law for recreationalists, but it is imperative that individuals take precaution and dress themselves and their pets in brightly colored clothing.

Be smart about where you choose to go, wear brightly colored clothing and let hunters know that you are in the area. ✧

## Scaup mortality continues on Minn North Central lakes

Wildlife managers from the Minnesota DNR are again finding dead lesser scaup on Lake Winnibigoshish. Although not yet confirmed, the ducks are suspected to have died from acute infestation of intestinal parasites called trematodes, which are carried by faucet snails, an invasive species that inhabits lakes. Lesser scaup feed on the snails and become infected with the trematodes.

"So far, about 100 to 200 dead scaup have been observed along the northwestern shoreline of Winnie in the Third River Flowage area," said Area Wildlife Manager Perry Loegering, who conducts weekly searches of the west shore of Winnie, Bowstring and Round lakes. A small number of sick and dead scaup have been observed on Bowstring and Round lakes as well.

"Faucet snails have not been found in Bowstring or Round lakes, so we think the birds are moving from lake to lake feeding on Winnie but getting sick on the other lakes," Loegering said. The DNR Wetland Wildlife Research Group is studying faucet snails in infested waters to learn more about their habitat use, abundance and parasite prevalence. These waters include Winnie, Upper and Lower Twin lakes, Shell River, First and Second Crow Wing lakes, and Crow Wing River.

Officials continue to sample Round and Bowstring lakes to facilitate early detection of faucet snails. They are also sampling areas where scaup are feeding to learn where scaup are most likely to encounter snails.

Die-offs of lesser scaup have occurred on Winnie in 2007 and 2008 when an estimated 8,000 and 2,000 scaup died, respectively. About 2,000 scaup were estimated to have died on Bowstring in 2010. ✧



## Hunting and Fishing Act H.R. 2834 gains committee support

By a vote of 28-13, the House Natural Resources Committee passed H.R. 2834, the Recreational Fishing and Hunting Heritage Opportunities Act. NSSF thanks all hunters, sportsmen, gun owners and firearms enthusiasts who urged their representatives to support the legislation. The act would require federal public land management officials, in cooperation with the respective state and fish and wildlife agency, to consider facilitating and providing access for hunting, recreational shooting and fishing when federal public land use is being planned. ✧

## Michigan increases Snowmobile Trail Permit fee

**Comes with support from Mich. Snowmobile Assoc and DNR**

The 2011 snowmobile season marks the next stage of a new fee structure for snowmobile permit fees. This season the price for a permit is \$45, an increase of \$10 over last year's price. The fee will remain \$45 through the 2015 snowmobile season. A state law signed in 2008 provided for the incremental increase in snowmobile trail fees, which support maintenance and grooming of the state's snowmobile trail network. ✧

## Electric barriers reset

*Continued from page 1*

Drummond, Commander, U.S. Army Corps of Engineers, Chicago District. "We have high confidence in the effectiveness of the barriers and continue to work with our partners and stakeholders to assess the Asian carp threat and make informed decisions regarding barrier operations."

It is important to note that all evidence strongly indicates that very small Asian carp are not close to the vicinity of the fish barrier, and in fact have been observed at locations of

verified spawning 152 miles away from Lake Michigan. Expanded use of ultrasonic telemetry to determine fish behavior near the electric fields has shown that of more than 2.7 million detections of tagged surrogate fish in the barrier area, no tagged fish have crossed any of the electric barriers in the upstream direction.

"Nevertheless, as long as the electric dispersal barriers can be operated in a safe manner, I intend to operate Barrier II at the higher operating parameters as a conservative precaution," Drummond said. ✧

## Silver Carp eDNA found

*Continued from page 1*

pairs and upgrades in an effort to further improve its effectiveness as an Asian carp barrier. DNR officials said the improvements are still necessary to slow the upstream spread of Asian carp in the Mississippi River.

"The positive test results don't change the fundamental goal of the state's Asian carp action plan," said DNR Commissioner Tom Landwehr. "We must research and implement our available options to prevent or slow the movement of Asian carp upstream in our river systems, and to manage and control their populations should they become established."

So far, most of the eDNA tests done on Twin Cities metro area rivers have come back positive for silver carp, but extensive netting efforts in the St. Croix and other parts of the Mississippi River have not yielded any of the elusive fish.

The netting results and ongoing commercial fishing in the Mississippi River further downstream suggest a very low population of invasive carp, said Schlagenhaft, so there is still time to implement strategies to slow their movements and keep population levels low.

Gov. Mark Dayton will hold his third Asian Carp summit December 20 to discuss the state's proposed actions on Asian carp.

The eDNA testing has been conducted by the Asian Carp Task Force, a consortium of local, state and

federal agencies, along with local environmental groups, examining Asian carp risks and policies. When eDNA is detected, the group's protocol is to deploy netting operations to look for Asian carp.

The DNR said it will hire a commercial fisherman to look for Asian carp below and above Coon Rapids Dam, as it has at other sites where the carp DNA has been detected.

The eDNA samples were collected last September. Test results are still pending for water samples collected in the Minnesota River and above the St. Croix Falls Dam on the St. Croix River.

Here are the test results for the St. Croix River and various sites on the Mississippi River. All positives were for silver carp, there were no bighead carp samples testing positive:

- St. Croix River below St. Croix Falls – 22 out of 50 samples.
- Mississippi River below Ford Dam – 14 out of 52 samples.
- Mississippi River below Hastings Dam – 19 out of 62 samples.
- Mississippi River above Coon Rapids dam – 3 out of 19 samples.
- Mississippi River below the Coon Rapids dam – 16 out of 29 samples.

Bighead and silver carp are voracious eaters, capable of eating 5 to 20 percent of their body weight each day. Asian carp feed on algae and other microscopic organisms, often out-competing for food with native fish. Scientists believe the fish could severely disrupt the aquatic ecosystems of Minnesota waters. ✧

## Illinois House creates task force to explore possibility of right-to-carry law!

During the General Assembly's veto session on November 9, the Illinois House of Representatives passed [House Resolution 550](#), which creates the Firearm Public Awareness Task Force to explore the possibility of a Right-to-Carry law in Illinois. HR 550 stipulates that the NRA will be represented on the task force. ✧

## Illinois Court sides with gun owners in protecting identities

Lawful firearm owners across the state may rest a little easier now knowing that their sensitive personal information is finally safeguarded from release under the Illinois Freedom of Information Act (FOIA).

Honorable Michael E. Brandt, Chief Judge of the 10<sup>th</sup> Judicial Circuit of Illinois, signed an order permanently barring the Illinois State Police from revealing the identities of the state's 1.5 million firearm owners. This order extends to prohibit the release of information contained in Firearm Owner ID (FOID) applications and Firearm Transfer Inquiry Program (FTIP) background checks.

Judge Brandt's order stems from a lawsuit filed earlier this year by the ISRA against the State Police. The ISRA filed the suit upon learning Illinois Attorney General Lisa Madigan had ruled that FOID information was releasable under the FOIA and that the Illinois State Police must honor a FOIA request for such

information filed by a newspaper reporter. Lawful firearm owners were appalled and angry over the prospect of their private information being released to the media. In response, the ISRA successfully sought a temporary restraining order to halt the release of firearm owner personal information. Monday's action by Judge Brandt makes the provisions of that restraining order permanent.

"Gun control organizations and their friends in the press have been trying for years to get the names and addresses of firearm owners," commented ISRA Executive Director Richard Pearson. "For some reason, they think that the public has a right to know who in their city, town or social organization owns guns. Thus, they would like nothing more than to see the names and addresses of gun owners along with detailed inventories of privately-held firearms plastered across every newspaper in the state. For years, the State Police correctly and successfully resisted

calls for the release of such information. Well, then along comes Attorney General Lisa Madigan."

"Madigan is well known as a staunch supporter of efforts to ban civilian firearm ownership," continued Pearson. "In fact, Madigan routinely receives recognition and awards for her anti-gun activities from Illinois' largest gun control organization. Brandt's order put the kibosh on her abuse of power."

"The most important outcome of Brandt's order will be the restoration of peace of mind among the state's gun owners," said Pearson. "No longer will they have to fear Madigan will target their homes for burglary. They won't have to worry that gun control extremists will "occupy" their front yards or harass their children on the way to school. Yes, the state's gun owners will be quite content in the knowledge that the court has declared that the choice to own firearms is nobody's business but their own." ✧

## Court OKs lawsuit challenging post-office gun ban

A federal judge in Denver has allowed a lawsuit challenging the U.S. Postal Service's ban on guns in post offices to go forward, the [Denver Post reports](#). A Colorado couple filed the suit last year, saying the ban violates their Second Amendment rights.

Avon residents Debbie and Tab Bonidy filed the suit last year, saying the ban violates their Second Amendment rights. The Bonidys say they carry handguns for self-defense and both hold concealed-carry permits, and they do not receive mail at their remote home. The law bans carrying guns in post offices and in their parking lots, making it impossible to pick up their mail.

James Manley, an attorney at the Mountain States Legal Foundation who represents both the Bonidys and the National Association for Gun Rights in the lawsuit, said the case could have a nationwide impact. "This

is a situation that hasn't been challenged before, where you have the general public who want to exercise their right to carry," Manley said.

In a motion seeking to dismiss the case, the Postal Service noted that the Bonidys could park on the street and leave their guns in the car. It also defended the ban as lawful. The U.S. Supreme Court, while affirming an individual's right to possess firearms, has ruled that laws prohibiting firearms in "sensitive places" are okay, the Postal Service argued.

"Many people from all walks of life gather on postal property every day," the motion stated. "The Postal Service is thus responsible for the protection of its employees and all the members of the public who enter postal property."

But earlier this month, U.S. District Senior Judge Richard Matsch rejected the Postal Service's motion,

allowing the case to proceed. A more substantive opinion on the law could now be decided next year.

In its defense, the Postal Service has pointed to a case in which the 5th U.S. Circuit Court of Appeals in New Orleans upheld the conviction of a man who was found to have a handgun in his vehicle in a Postal Service parking lot. That court concluded that Postal Service property was a "sensitive place." But the 5th Circuit's decision is not binding on the Bonidy case.

Manley counters that the defendant in the 5th Circuit case was a Postal Service employee whose vehicle was parked in a restricted, employees-only lot. No court in the country, he contends, has taken up whether the Second Amendment right to possess firearms extends to public areas of post offices. ✧

## Administration wants guns off public land

The Department of the Interior has drafted new legislation that would potentially kick firearms enthusiasts off of millions of acres of public lands in order to keep them from “freaking out” urbanites who like to use the land for hiking and dog walking.

According to an article written by Paul Bedard for [Washington Whispers](#), if the Interior Department is successful, large portions of the 245 million acres of public lands controlled by the Bureau of Land Management will likely be off-limits for hunting and target practice. The biggest impact of the laws will be to tracts of land situated in the West.

“It’s not so much a safety issue. It’s a social conflict issue,” said Frank Jenks, a natural resource specialist with the Bureau. The draft regulations raise concerns about how shooting can cause a “public disturbance,” and also say that shooters can hurt plants and litter public lands.

According to the article, Land Management officers will be assigned the task of assessing areas where hunting or target practice often take place to determine if the area is being misused or if other users of the land are being annoyed by the presence of firearms. The Wildlife and Hunting Heritage Conservation Council, which represents many organizations that promote hunting and gun sports, is fighting the new rules and has worked to draft a counterproposal to the rules.

Those fighting the rules note that shooters bring fewer accidents and less destruction to public land than other recreationists such as ATV riders.

Since this story first broke, the Interior Department has been under heavy pressure from gun owners to ensure that public lands remain available for shooting sports. A Department official said yesterday that the agency supports shooters and has a goal of keeping most of the land available to them, though some areas closer to homes will be made off limits. ✧

## ATF bans Chore Boy household scrub-pads and a 14" piece of shoestring is a "machine gun" ... Government run Amuck

World Net Daily reports a letter has surfaced from the federal government warning against consumers stockpiling [Chore Boy](#) household scrubbers because they can be considered a component of a gun silencer and, therefore, regulated by federal gun laws.

The letter is from the [U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, the ATF](#). It was obtained by [David Codrea](#), who publishes online as the Gun Rights Examiner. And it comes from a federal agency that earlier determined a 14-inch-long piece of shoestring must be regulated under federal gun laws and restrictions because it is a "machinegun." The latest unusual determination from the agency is found in a letter [submitted to the agency](#) on behalf of a client. The letter is dated November 26, 2010, and Codrea said it was obtained recently.

In it, an attorney was asking about a repair that a client wished to make on an already-registered silencer for a .22 caliber rifle. "Does sound/gas absorbing materials manufactured from Chore Boy copper clean pads, along with fiberglass insulation, constitute a silencer part as defined in 18 U.S.C 921(a)(24)?" he asked.

"Yes," confirmed the letter signed by John R. Spencer, the chief of the Firearms Technology Branch. "Gas/sound-absorbing material is the same as a baffle in that it is designed to reduce/trap hot gases within the expansion tube to allow cooling before they are released from the silencer, subsequently reducing sound."

Spencer, responding to a question about whether such material, which becomes worn in a silencer, could be replaced said it would be a violation of federal law. "Replacement of any component part or parts of a registered silencer, other than a silencer wipe, would be a violation of

the NFA if performed by a non-licensed manufacturer," the letter said.

The correct procedure would be for the owner of the registered silencer to submit an application to the ATF and pay a \$200 tax, the letter said. "Further, he would have to submit a 'no-marking' variance to FTB since there is no viable area in which to apply a serial number to the sound-absorbing material," Spencer wrote. He also noted that it would not be lawful for the owner of the registered silencer to "have a stockpile of sound-absorbing materials for his own use in replacing deteriorated sound-absorbing material."

Here's Page 1 of the [letter, which is available online](#):

Codrea pointed out that not even two years ago, [ATF seized toy guns designed to shoot plastic BBs](#) and said it would take only a "quick retooling" to make them fire live ammunition. The "retooling" would involve replacing the barrel, bolt, upper and lower receivers and trigger assembly, he said. The letter from Sterling Nixon, then chief of the branch, said any part designed and intended for use in converting a weapon into a machinegun is a machinegun.

"The FTB examined and classified a 14-inch long shoestring with a loop at each end. The string was attached to the cocking handle of a semiautomatic rifle and was looped around the trigger and attached to the shooter's finger. The device caused the weapon to fire repeatedly until finger pressure was released from the string. Because this item was designed and intended to convert a semi-automatic rifle into a machinegun, FTB determined it was a machinegun as defined in 26 U.S.C. 5845(b)."

The agency also has classified the M1 Garand, a rifle used by the U.S. military for two decades and issued to thousands of soldiers and Marines during World War II and Korea, as a "threat to public safety in the U.S." ✧

# Twelve Big Wins for Gun Owners

The final conference report on the combined Appropriations bills—known as the “Mini-Bus,”—was passed by both the U.S. House and the U.S. Senate, and has been signed into law.

One of the most important ways that Congress has protected the Second Amendment is through a number of general provisions included in various appropriations bills. Many of these provisions have been included in the bills for many years—some of the provisions go back almost three decades. This conference report is no exception, as it contains 12 provisions that strengthen the Second Amendment and protect the American people.

Specifically, the conference report makes **PERMANENT** the following protections:

► **Firearms Database/National Gun Registry Prohibition.** No funds may be used to create, maintain or administer a database of firearms owners or their firearms. This prohibition has been in place since Fiscal Year 1979, and prevents the federal government from establishing a national gun registry.

► **Former Firearms Dealers Information Retrieval Prohibition.** No funds may be used to electronically retrieve personally identifying information gathered by federal firearms licensees. The provision prohibits the creation of a gun registry from dealers’ records that are required by law to be surrendered to the federal government when a dealer goes out of business. This provision has been included since FY 1997.

► **Information Gathering Prohibition/24-Hour Destruction of Records.** A prohibition on the use of funds to retain any information gathered as a part of an approved instant background check for more than 24 hours. This provision protects the privacy of law-abiding gun buyers by prohibiting gun buyers’ personal

information about legal gun purchases from being retained by government authorities for more than 24 hours after a firearm background check. It has been included since FY 1999.

In addition, the conference report adds two **NEW** provisions designed to bolster our gun rights and protect the Second Amendment from unelected bureaucrats who would twist the law to facilitate their gun-control agenda.

► **Prohibit Funding for “Gun Walking” Operations.** No funds may be used to knowingly transfer firearms to agents of drug cartels unless U.S. law enforcement personnel control or monitor the firearms at all time. This amendment is designed to prevent the Justice Department (or any government entity) from spending taxpayer dollars on “gun walking” programs like Operation Fast and Furious.

► **Shotgun Importation Protections.** Prohibits the Department of Justice from requiring imported shotguns to meet a “sporting purposes” test that the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) has used to prohibit the importation of shotguns with one or more features disliked by the Agency, such as adjustable stocks, extended magazine tubes, etc.

Finally, the conference report **RETAINS** the following provisions:

► **Curio and Relic Definition.** A prohibition on the use of funds to change the definition of a “curio or relic.” This provision protects the status of collectible firearms for future generations of firearms collectors.

► **Physical Inventory Prohibition.** Prohibition on a requirement to allow a physical inventory of Federal Firearms Licensees. The Clinton Administration proposed a rule in 2000 to require an annual inventory by all licensees. While the Bush Administration eventually withdrew

the proposal, Congress has still passed this preventive provision every year since FY 2007.

► **Business Activity.** A prohibition on the use of funds to deny a Federal Firearms License (FFL) or renewal of an FFL on the basis of low business activity. This provision prohibits BATFE from denying federal firearms license applications or renewals based on a dealer’s low business volume alone.

► **Firearms Trace Data Disclaimer.** A requirement that any trace data released must include a disclaimer stating such trace data cannot be used to draw broad conclusion about firearms-related crime.

► **Firearms Parts Export to Canada.** A prohibition on the use of funds to require an export license for small firearms parts valued at less than \$500 for export to Canada. This provision removed an unnecessary and burdensome requirement on U.S. gun manufacturers that was imposed under the Clinton Administration.

► **Importation of Curios and Relics.** A prohibition on the use of funds to arbitrarily deny importation of qualifying curio and relic firearms. This provision ensures that collectible firearms that meet all legal requirements for importation into the United States are not prevented from import by executive branch fiat.

► **Transfer of BATFE Authority.** A prohibition on the use of funds to transfer any duty or responsibility of the BATFE to any other agency or department. This provision was written in response to a Clinton Administration plan to transfer firearms enforcement to the FBI or Secret Service. It also prohibits the Executive branch from skirting the will of Congress by allowing another agency to implement policies the BATFE is prohibited from implementing. ✧

## **Other Breaking News Items:**

(Click on title or URL to read full article)

### **[Invasive species wreaking havoc with salmon fishing in Lake Huron](#)**

As invasive species turn Lake Huron's food web on its head, the Michigan Department of Natural Resources is cutting its salmon stocking efforts by more than 50 percent.

### **[Senator wants Canadian boater fee dropped](#)**

U.S. Sen. Charles Schumer, D-N.Y., introduced legislation that would prohibit the feds from charging new fees on Canadians who enter the United States by boat or plane.

### **[Washington doesn't need to regulate rain](#)**

If the Supreme Court declines to review it, a recent ruling from the 9th U.S. Circuit Court of Appeals in San Francisco will put federal courts into the business of managing every acre of privately owned timberland in America. Farmers beware. You could be next.

### **[EPA defends ballast water proposal](#)**

The proposal beefs up equipment onboard cargo vessels, most of them ocean-going "salties," so most foreign organisms in the ballast water are killed. People can submit comments to the EPA or go to public hearings in Washington or one in Chicago on January 23. The new rules would take effect in mid-December 2013.

### **[NY sets hearings on water use regulations](#)**

New York regulators are holding public hearings this month on new permit rules for withdrawals of large amounts of water.

### **[Great Lakes safer after Purdue studies data](#)**

A new method of visualizing data developed by Purdue University is helping the Coast Guard reduce deaths on the Great Lakes.

### **[Great Lakes islands have unique wildlife, landscape and environmental challenges](#)**

Kraus, manager of conservation science and planning at the Nature Conservancy of Canada, worked on a report called Islands of Life, which measured the biodiversity of Great Lakes islands and the things that threaten it.

### **[Cisco seine fishing is for hearty Wisconsinites](#)**

The state DNR hoped to catch a couple hundred ciscos to transplant in Lake Wazee, a deep lake in Jackson County, to fill the role of forage fish for hungry walleye, smallmouth bass and brown and rainbow trout. Using seine nets to capture ciscos is a relatively obscure way to fish in Wisconsin, though a small

### **[Anders Andren Retires](#)**

The director of the University Of Wisconsin Sea Grant Institute and the Water Resources Institute steps down after two decades of leadership.

### **[Proposed EPA ballast water regulations criticized](#)**

Newly proposed ballast water regulations fell flat Thursday with environmental groups that argued the restrictions would not go far enough to thwart the spread of invasive species.

### **[EPA proposes standards for cleansing ship ballast water, leading pathway for invasive species](#)**

The USEPA has proposed stricter requirements for cleaning ballast water but enables invasive species to reach U.S. waters, where they have ravaged ecosystems and caused billions of dollars in economic losses. The new standards would require commercial vessels to install technology strong enough to kill at least some of the fish, mussels and even microorganisms such as viruses

### **[Manistee receives grant for new fish cleaning station](#)**

A grant of \$75,000 from the Great Lakes Fishery Trust and \$75,000 from the City of Manistee will mean a new fish cleaning station for anglers using the municipal boat launch.

### **[Pesky shrimp may prove a food source](#)**

An invading species of shrimp may offer a new food source for fish in the Great Lakes, according to a report from a team of Queen's University researchers.

### **[Army Corps to return Asian carp barrier to higher voltage after month-long tests](#)**

The U.S. Army Corps of Engineers announced Monday that it is restoring a higher power setting on an electric barrier designed to prevent invasive species from migrating between the Great Lakes and Mississippi River systems

**[Editorial: Obama's EPA is killing the economy with costly rules](#)**

EPA is hog-tying the economy with dozens of proposed major new rules. One of them, aimed at coal-fired power plants that generate electricity, will add at least \$18 billion in compliance costs by 2020. As Kathleen White of the Texas Public Policy Center told the House Energy and Commerce Committee earlier this year, "never in its 40-year history has EPA promulgated—at the same time—so many costly new regulatory dictates. The rules on track to go into effect in the next three years could cost more than \$1 trillion and result in hundreds of thousands of jobs lost."

**[EPA proposes standards for cleansing ship ballast water, leading pathway for invasive species](#)**

The Environmental Protection Agency proposed stricter requirements Wednesday for cleaning ballast water that keeps ships upright in rolling seas but enables invasive species to reach U.S. waters, where they have ravaged ecosystems and caused billions of dollars in economic losses.

**[Push to keep invasives out driving force behind ballast water measures](#)**

The quest to stop invasive species from reaching the Great Lakes in the ballast water of ocean-going ships is moving forward in Congress and at the state level.

**[Help for Grand Marais Break Wall trapped in Limbo](#)**

Grand Marais in the UP asked the U.S. Army Corps of Engineers to rebuild a break wall, and the Corps said when they get the money, they'll fix it. Grand Marais got the money, but corps officials said they couldn't start unless the money was turned over to them

**[Michigan reports bigger salmon harvest this year](#)**

The state says it collected more than twice as many Coho and chinook salmon this fall at six Lake Michigan and Lake Huron facilities than last year.

**[Ashland brook trout project gets funding](#)**

The National Fish and Wildlife Foundation will be funding further study of Lake Superior brook trout next year. The Ashland FWS Office learned it would be awarded a \$45,000 Bring Back the Natives grant from the foundation to support field season activities in 2012, including looking into the status, distribution, and threats to brook trout in the Lake Superior basin.

**[Des Plaines River dyed red for study](#)**

Scientists dumped a red dye "tracer" into the Des Plaines River in the Lockport, Ill., area earlier this week to study Asian carp and other species migrating to Lake Michigan.

**[Weaker ballast water standard and badger exemption expected to win house approval](#)**

The U.S. House of Representatives is expected to pass legislation today that would establish a national standard for ballast water discharges by oceangoing vessels in the Great Lakes and block states from setting their own tougher standards.

End