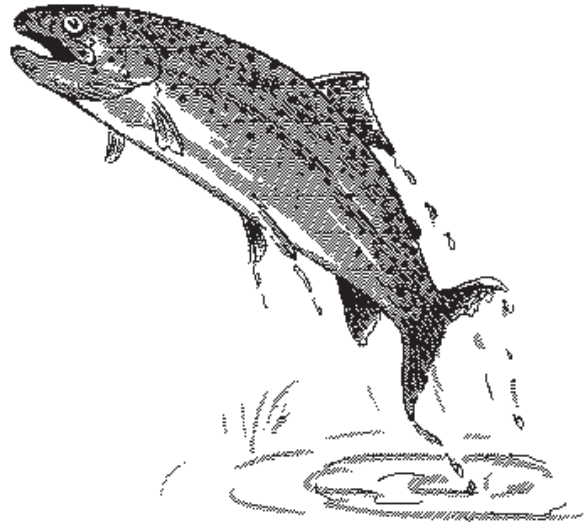


Electric

The Evergreen Trout



March 2002 The Newsletter of the Evergreen Chapter of Trout Unlimited Vol. 20 No. 3

From the Prez,

TU and ETU continue to be in the spotlight lately.

If you missed it, the Friday, March 1st Rocky Mountain News featured a very favorable article by Ed Dentry on the good work that Colorado Trout Unlimited's (CTU) 8129 members do in our state. Our chapter was specifically mentioned for the efforts we've taken with Bear Creek. Thanks to all of you who've helped work on Bear Creek over the years. This almost framable article is available on the internet at www.rockymountainnews.com, and on the CTU site www.cotrout.org.

Recently, Hugh Gardner (for the "Friends of Bear Creek" group and ETU) and Karen Christopherson (ETU) met with Evergreen Metro Water officials to discuss strategies to alleviate some of the thermal problems and overuse conditions within Bear Creek. All seemed to go very well with many positive comments at the meeting. The front page story in the Canyon Courier suggested differently though with Metro taking a rather defensive posture and refuting some of our findings. It does appear now that additional thermal monitoring on Bear Creek, by Evergreen Metro and several other water agencies, is in the works, which is a very good thing. Also, the Bear Creek Watershed Assn., CTU, and the state are now involved, which will definitely bring more credence to the issues.

For those interested in helping out with ETU's good work, here's our grab bag of upcoming opportunities: **March 9th and 16th** (Saturday, 9a to 4p) selling raffle tickets and signing up new members at King Soopers. Call John Ellis if you can spare a couple of hours. **April 13th - Bear Creek Cleanup**, (Saturday, 9a - ???) Call

me for details. **April 20th - Earth Day Fair** at the Evergreen Lake House (Saturday, times TBA). Call Ron Belak if you'd like to help staff our booth. **April 23rd and 24th - Mt. Evans Lab School** (Tuesday and Wednesday, 8:45a - Noon). Teach Aquatic Ecology, Fly Tying, etc. to a group of 6th graders. Call me if you can help. If none of those fit your schedule, please help us out by buying/selling some raffle tickets. And, as always, you are cordially invited to attend any of our informal board meetings, held on the fourth Wednesday of each month, at the Rib Crib's Other Side - no obligations!

Karen Christopherson (ETU's Person of the Year for 2001) has volunteered to fill our long vacant "Resource" position. She'll help filter through the maze of info we receive on the bigger issues/projects, and help relay our opinions, ideas, help, etc. to the CTU Resource Committee. Thanks, once again, Karen.

Our apologies to those of you who came to February's general meeting, hoping to warm up with a tropical slide show on bonefishing Belize. Unfortunately, the snow storm that night kept our guests from getting over Vail pass, but we plan to book them again in the future. Since March is historically Colorado's snowiest, we've booked locals this month. (This I write while looking outside at a biting wind and -8 degrees F. temp.) On tap this month are two local flytiers, Dan Beley and Bob Churchill (Blue Quill Angler), who'll show you some very proven patterns and interesting techniques for our upcoming Green River trip (good on other tailwaters too). See you there!

Stay warm!

Rich

The Evergreen Chapter of Trout Unlimited meets the third Wednesday of the month at Evergreen's Sports Grill in the Tanoa Center. Join us for Dinner/Chapter Business at 6:30pm followed by the program at ~7:30pm.

February Board Meeting

Attendees: Craig Dunham, Ron Belak, Len Wheaton, Steve Murray, John Ellis, Karen Christopherson, Wayne Kosloske, Rich Reynolds, Hal Garwood, Mike Uhes.

Programs: March - fly tying with Dan Beley and Bob Churchill; April - British Columbia with Al Himmelman; May - North Park Anglers.

Bear Creek: ETU's previous meeting with the contractor of the Highway 73/74 construction project revealed that the company is operating under a nationwide permit. Specifications for stream protection and reconstruction are rather loosely defined, and as such, the company is probably in compliance. However, the stream has been highly altered -- the stream is re-channeled through a concrete raceway, silt fencing has been sporadically maintained, and piles of dirt have been placed in the stream to act as bridges for the movement of heavy equipment across the stream. The contract specifies that the **contractor will spend \$5,000 to "reconstruct" the stream.** In comparison, ETU spent \$5,000 of its own funds over 10 years ago to restore the small section of Bear Creek below the Highway 73/74 intersection, and these funds were just for materials. At that time, Renaud did the heavy lifting, literally, by donating the use of its heavy equipment to place boulders and construct drop structures. ETU will be contacting Audubon, the Sierra Club, and the Garden Club to form a coalition which will approach the contractor with a plan for wisely spending the \$5,000 specified in the contract.

Environmental Education: ETU has been invited to give a presentation of conservation and fly tying at Sierra Elementary School on the mornings of April 22nd and 23rd. Members that are interested in participating should call John Ellis. On a related matter, **Craig Dunham** is leading our effort to rehabilitate the aquatics unit at the Jeffco Outdoor Lab. He has arranged with the lab for the replacement of one of its badly damaged aquariums and the refurbishing of the other tanks. Craig has arranged the purchase of chillers for cold water aquariums in Bergen Elementary, and he is working on obtaining chillers for the high school and middle schools here in Evergreen. He hopes that these cold water aquariums **will be used for raising greenback cutthroats,** thereby introducing youngsters to their native trout.

Trips: Green River - weekend of April 13th (no vacancies reported by local motels); Gray's Reef, North Platte River - last weekend of April; Big Horn - weekend of May 18th; Trappers Lake - weekend of July 13th.

Earth Day: ETU will again sponsor a booth on Earth Day, April 20th, at Evergreen Lake. We'll be talking to attendees about Trout Unlimited, cold water conservation, and, of course, catching monster trout. We'll also be tying flies and handing them out to interested attendees. If you can help for a couple of hours that day, call Ron Belak.

Spring Clean Up of Bear Creek: We've scheduled this event for Saturday, April 13th. Meet at 9a, near the parking lot in downtown Evergreen. Lunch afterwards at the Little Bear.

Ron Belak

Settlement Allows Snowmaking

Concerns over the environmental effects of snowmaking have some times pitted Colorado ski resorts -- trying to extend or simply save their ski season -- against anglers and other conservationists, trying to protect the limited water in winter streams. But attorneys with Trout Unlimited's Colorado Water Project recently demonstrated that there is some **middle ground** in this conflict. TU reached an agreement with the state and the Arapahoe Basin Ski Area to allow snowmaking to occur at the resort, with landmark environmental protections.

"The resolution at A-Basin demonstrates that if all parties can **sit at the same table and listen to each other's concerns** it is possible to fashion solutions that protect the environment and enhance Colorado's skiing experience," said Melinda Kassen, director of the Colorado Water Project.

Arapahoe Basin, or A-Basin, as it is locally known, is a small independent ski area west of Denver in Summit County. Perched at 12,000 feet, A-Basin is known for cold winters, unfettered spring skiing and steep runs. The North Fork of the Snake River, which runs by the ski area's base, is home to a **healthy brook trout fishery.** This is notable because the Snake River Basin is mostly too contaminated from mine drainage to support wild fish.

Early in 2000, the ski area sought state and federal permission under the Clean Water Act to expand its snowmaking operation and tap the North Fork. The U.S. Forest Service, Corps of Engineers, and Environmental Protection Agency are involved in decisions over many snowmaking expansions because of the need to comply with the **Clean Water Act**, and because western ski areas are often situated on public land, managed by the Forest Service. A-Basin, which sits in the White River National Forest, is subject to a number of federal permitting requirements.

TU saw a few problems with the snowmaking plan. Snowmaking would not only lower flows in the North Fork during the fishery's naturally stressful fall season, but also remove clean water that helps dilute the heavy metals in the Snake River mainstem. So TU opposed the plan and pointed to alternatives, such as moving the diversion point downstream or storing water for later use. TU demanded monitoring, and stream restoration, if necessary.

The Colorado Water Quality Control Division, which

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Kudos...

...to **Ron Belak, Rich Reynolds, and Karen Christopherson** for their help with the newsletter.

...to **Master Printers Inc. of Evergreen** for copying and folding.

Ed.

The Evergreen Trout

Please, Help Us Support SB156

Change Of Water Rights For Flow Augmentation

An anyone can secure a water right to take water out of the stream, why not to keep it in the stream? This legislative session, Senator Ken Gordon has introduced legislation, which would allow anyone, not just the state, to acquire existing water rights to **keep water in the stream** for recreation, fish and wildlife, scenic beauty, or ecological diversity.

Maximizing the benefits from Colorado's water includes the use of our rivers and lakes for recreation, fish and wildlife habitat, and for scenic purposes. These uses are in fact essential to maintain both the natural heritage and economy of Colorado. Permitting private parties to change existing water uses to enhance stream flows would be **a significant new tool** for restoring Colorado's rivers. It will open the door for returning more water to our rivers, whether it is a rancher looking to 'give something back' to a stream on his property, or a group like TU or a local land trust, buying water from a willing seller to restore a key trout stream.

How would the proposed law work?

Colorado's entire water law system is based on the fundamental premise that a property right in water is the right to use the water. The use may be changed if a water court agrees that the change will maintain a legally recognized beneficial use, and can be done **without any harm to any other water right holder**. Water courts hear "change cases" every day. Senator Gordon's bill simply says that an existing water right to use water out of a stream may be changed to a right to use water in the stream. The owner of the right seeking the change will have to submit a plan for flow augmentation to the court. The plan will identify the new beneficial use, (recreation, fish and wildlife, scenic beauty,) the amount of water, and the exact location where the flow will be maintained. The plan will identify:

- The times and points between which such flows or levels will be provided.
- Terms and conditions as may be necessary to avoid material injury.
- Means by which the State Engineer can administer the right for instream uses, including how such uses will be protected and measured.

Anyone who has a water right and thinks they might be injured by keeping water in the stream may object to the court, just as they would now for any other change. If the Water Court approves the plan, the change proceeds, just as any other change case would.

Jo Evans - CTU Legislative Liaison

Incredible ETU Raffle Is Underway

Win one of three fabulous prizes in the 2002 ETU Raffle!!! This year's Grand Prize is a custom made (Thank You, Len Wheaton!) Walton Powell 9' 3-weight rod (2 pc.), complete with an Orvis Battenkill 3/4 Disc Reel, Orvis WF-3 Wonderline, backing, rod case, and 6 dozen assorted flies. **Second prize is a Sage DS-2 9' 5-weight rod (2 pc.)**, outfitted with a Cortland LTD-60 Disc Reel, WF-5 line, backing, and rod case. **Third prize is a pair of Cabela's Dry-Plus Waders** and a 10 punch Buchanan Ponds pass.

You need not be present to win, but you can't win without a ticket. **Where can I get them, you ask?** Tickets are available from any Board member, and will also be on sale at our March 20th and April 17th meetings. The cost is a mere **\$5 each, or 5 for \$20**. The drawing will be held at our general meeting at Evergreen's Sports Grill on April 17th, at 7:30pm.

This will be our only fundraiser this year, so please be GENEROUS in your support of ETU's continued conservation efforts. BUY EARLY, BUY OFTEN!!! Who knows? YOU just might be one of this year's LUCKY WINNERS!

Tim Haller

Snowmaking

Continued from page 2

administers Clean Water Act in Colorado, ignored these concerns and declared that ski area's exercise of its water right for snowmaking lay outside their regulatory authority. **TU, joined by another group, Colorado Wild**, appealed the decision and lost again, so the organizations **went to court**. The lawsuit finally got the attention of the regional office of the Environmental Protection Agency, where staff began rattling sabers. The state then responded, and eventually, all the players sat down in one room and hammered out an agreement.

The **ski area will be allowed to make snow**, but it must monitor the North Fork and contribute \$20,000 to a \$120,000 cleanup project for the Snake River mainstem. The monitoring program will involve the monitoring of fish and macroinvertebrates for five years, habitat mapping and stream flow monitoring both on the North Fork and a reference stream.

In addition, TU may use the data to publish an article on the effects of depleted winter stream flows on fish habitat in a peer-reviewed journal. A-Basin agreed not to challenge a provision in the yet-to-be-issued **Corps permit requiring habitat restoration**, if the monitoring demonstrates that the snowmaking is having adverse effects. **This is a good result**, for the fishery, the ecosystem and the ski resort.

CO Water Project *Keeping Current* - Winter 2001/2002

National TU Restructuring Update

A proposal to "**strengthen state-level activities**" is gaining support in the National Resource Board (NRB) Futures Committee. Progress of the volunteer-led NRB Futures Committee was the primary topic of volunteer leader discussions during two recent meetings: State Council chairs, via national teleconference in early February; and Regional Vice Presidents (RVP's), during the Board of Trustees meeting in Arlington, VA, in late February. The charge of the Futures Committee is to **review the roles and structure of TU's current leadership body** (the NRB), to ensure that the organization is best positioned to meet the conservation, economic and societal challenges of the 21st century.

TU's RVP's and State Council Chairs participating in these meetings agreed in principle with major changes in TU organizational structure, proposed in consultant Jon Roush's report to the Futures Committee. The thrust of Roush's recommendations is that **the focus of grassroots leadership should be at the State Council level**. State Councils would be relied on to help strengthen and build better linkages with chapters, as well as serve as the primary conduit in improving interaction and communication with TU national. Proposed changes include the following, both of which would dramatically strengthen the voice and role of State Councils in carrying out TU's conservation mission:

Reconstitute TU's national leadership body, the NRB, so it is comprised of representatives from State Councils (not necessarily the Council Chair).

- Move toward **increased state-level staffing** in the field. State Council executive directors (or perhaps multi-state "circuit riders") would have fund-raising and other organizational strengthening abilities, in addition to conservation experience.

- Both RVP's and State Council Chairs helped identify key issues that will need to be addressed as the process moves forward, e.g., how to continue to **encourage multi-state cooperation on resource issues**, how to best utilize (at grassroots and national levels) expertise of past council chairs. Minutes of both meetings will be posted on the web in the "Leaders Only" section shortly.

A national teleconference for NRB Directors to discuss proposed changes is being planned for mid to late March, and proposed changes will be a major point of discussion at TU regional meetings this spring and summer (prior to the meetings, national staff will provide answers to Frequently Asked Questions and other information to help guide discussions at the regional meetings).

All TU leaders are encouraged to review and

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Salmon De-Listing Petitions Fall Short

In February, TU publicly criticized the National Marine Fisheries Service's (NMFS) acceptance of five new petitions to remove 15 populations of endangered or threatened Northwest salmon and steelhead from the Endangered Species List. The petitions fail to meet the agency's own standards for such actions, and are based on questionable legal precedent.

After last fall's widely misinterpreted decision by U.S. District Judge Michael Hogan, who found that NMFS' rules for separating hatchery and wild salmon populations for Endangered Species Act protection were faulty, several interest groups clamored to use the decision to escape federal protections afforded listed fish by the ESA. The Hogan decision was stayed by the Federal 9th Circuit Court in December pending an appeal by conservation groups, leaving the questions surrounding listings of mixed wild and hatchery populations unsettled. Still, interest groups have continued to seize on an unfounded Hogan standard by filing hastily prepared and substandard de-listing petitions.

"These petitions represent little more than an attempt to capitalize on a decision still very much in question and to clog the docket with specious arguments having little, if any, scientific or legal footing," said Kaitlin Lovell, TU salmon policy coordinator. "NMFS is doing a disservice to the very species it is charged with protecting by spending limited resources on these petitions, especially when they have to turn their backs to their own standards to do so."

TU has repeatedly filed letters with NMFS detailing the failures of the various de-listing efforts to meet NMFS' own standards, but the agency has continued to accept most petitions. The five petitions recently accepted were among six submitted; only one was rejected for requesting action that is impermissible under the Endangered Species Act. This action leaves 15 of the 26 West Coast ESA listings exposed after the Hogan decision under challenge.

In December TU prepared a petition to list only the wild stocks of Oregon coast coho on the heels of the Hogan decision. While the 9th Circuit stay rendered that petition unnecessary, it was submitted to NMFS on behalf of 15 conservation groups as comment for its ongoing hatchery policy review. TU and its partner groups maintain that the only legally viable solution that will give wild salmon populations the protection they require is to list them separately under the ESA.

For more information, contact Kaitlin Lovell at (503) 827-5700 x13.

NTU *Lines to Leaders* - March 2002

Futures Committee

Continued from page 4

comment on proposed organizational changes. As the proposals take form, **updates will be posted in the "Leaders Only" section of TU's web page.** If you do not have access to the "Leaders Only" section, request a copy of NRB Futures materials from Russ Schnitzer, TU Volunteer Services Coordinator at rschnitzer@tu.org or 608-252-8404, or contact your State Council Chairman (copies were sent to all Councils, RVP's and NRB Directors in late January).

For more information on progress of the NRB Futures Committee, contact committee chair Steve Born (smborn@facstaff.wisc.edu, 608-257-6625), Sara Johnson (johnson@tu.org, 415-488-1295; 608-345-8812), Steve Moyer (smoyer@tu.org, 703-284-9406), or Kirk Otey (704-332-8182, skotey@mindspring.com). Thank you for taking the time to read and comment.

NTU *Lines to Leaders* - March 2002

Gary LaFontaine Loses Battle With ALS

Gary LaFontaine died [January 4, 2002] after a lengthy battle with Lou Gehrig's disease, or ALS. He was 56 years old. He is survived by his daughter, Heather LaFontaine-Ellison, and her husband Patrick Ellison.

Gary LaFontaine **published more than 100 articles** on fly fishing in more than a dozen different national and regional publications. He **authored five books** and **coauthored many more** including the just-released books *Fly Fishing the Yellowstone* (with Bob Jacklin) and *Fly Fishing the Madison* (with Craig Mathews). Before he died he was working on a book on Blue-winged Olives.

LaFontaine was a founding partner of Greycliff Publishing company, which recently sold all the rights to LaFontaine's books to Lyons Press, and the founder and director of the Book Mailer -- a direct mail catalog LaFontaine filled with his personal book recommendations along with what he called weird stories and bad jokes. Cathy Ransier of Greycliff says that the book mailer catalog will continue to be published by the company.

The family requests that memorial donations go to the Five Valley Land Trust, Rock Creek Trust Project, P.O. Box 8953, Missoula, MT, 59807.

from *The Virtual Flyshop*

New Members

Please join me in welcoming **John Cunningham, Rick Danger, Don Marshall, Bob Perkins, and Edward Stevenson** to ETU.

If you need help with a membership problem of any kind, call me and I'll do my best to get it straightened out.

Creel count: **299**

Randy Huiting

Manager Reassigned For Enforcing ESA

The BLM's manager of the 11.5 million acre California Desert Conservation Area has been reassigned to a Washington desk job **"because he angered ranchers and off-road vehicle enthusiasts** when he settled a lawsuit with environmental groups to protect endangered species including the desert tortoise and peninsular bighorn sheep", says the Center for Biological Diversity, Public Employees for Environmental Responsibility and Earthjustice 1/30. The groups condemn the "retaliatory move" as part of an **"emerging trend by the Bush administration to get rid of public lands officials who bring balance to land management decisions."**

Reprinted from the 2/1/02 issue of GREENLines, from the GrassRoots Environmental Effectiveness Network of The Endangered Species Coalition. To subscribe to this free e-mail service of environmental news, e-mail:

listproc@envirolink.org,

or visit their web site at:

<http://www.defenders.org/grnhome.html>

Electronic Newsletter Contest Winners

Congratulations to **Carter Boardman, Richard Kurczak, and Robert Ogden** -- prize winners in our E-newsletter contest. Their names were drawn at the January meeting, from among the **60+ ETU members** (just over 20% of our membership) who have opted to receive their newsletter via e-mail. These brave pioneers are saving the chapter nearly \$400/year in printing and mailing costs, and **we thank them all!** We will be holding **another drawing later this year**, so sign up today! Let's see if we can get up to 50% or more!!!

How do I get my newsletter by e-mail? It's simple. Just e-mail me (thaller@pcsisys.net) with your name and city/state/zip to request your electronic copy. Then, all you need to view *The Electric Evergreen Trout* is the Adobe Acrobat Reader (version 3.0 or later), which is available FREE at www.adobe.com (a 5 - 7 MB download, depending on your operating system). You say that you're the victim of a slow internet connection -- and who isn't up here???

No problem. I have the files for **Windows** (95 or newer), **Mac** (OS 8.6 - OSX), and **Linux** (any REAL geeks among us?) available on CD. Call or e-mail me and I'll get it to you.

Speaking of which, Karen Christopherson and I are thinking about producing **an ETU CD-ROM**. It would be available (at meetings or by mail) for a small fee (a buck or two to cover media, copying, and mailing costs), and would contain the Acrobat Reader, past newsletters, other useful shareware/freeware programs, other chapter related info, etc. In fact, we'd like your input too, so if you have ideas about additional content (sorry, no copyrighted material), or want to see the current 'table of contents', e-mail me and I'll send it to you.

One final note: **I value my privacy, and I respect yours. (Death to all SPAMMERS!!!)** Therefore, **I will not** give away, sell, trade, or otherwise divulge your address to anyone, without your permission. Period. Even the other recipients will not be able to see it. (Thanks, Harry.)

Tim Haller

??? What's Happening ???

March 2002

- 20th (W) **ETU Chapter Meeting**
Evergreen's Sports Grill - 6:30p
Bob Churchill and Dan Beley
Fantastic Fly Tying
- 26th (Tu) **CTU Auction**
Denver Performing Arts Complex
Donald R. Seawell Grand Ballroom
5:30p Doors open
6:45p Auction
- 27th (W) **ETU Board Meeting**
Rib Crib (Other Side) - 6:30p

April 2002

- 13th (Sa) **Bear Creek Cleanup**
Meet in the downtown parking lot at 9:00a
Lunch (on us) at the Little Bear afterwards
- 17th (W) **ETU Chapter Meeting**
Evergreen's Sports Grill - 6:30p
Al Himmelman
Flyfishing British Columbia
- 20th (Sa) **CTU Spring Rendezvous**
Redstone, CO
Call the CTU office for registration info
- 20th (Sa) **Earth Day Fair**
Evergreen Lakehouse
Call Ron Belak if you can help
- 23rd (Tu) **Teaching acquatics to 6th graders**
Mount Evans Outdoor Lab
8:45a - Noon (Wed. the 24th also)
- 24th (W) **ETU Board Meeting**
Rib Crib (Other Side) - 6:30p

The Evergreen Trout

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On the web - www.tu.org; www.cotrout.org; www.evergreentroutrout.org

Contact any of us with **questions, suggestions, or spare time.**

Editorial Policy

All submissions to the newsletter must be received by the Editor by the **1st Friday of the month**. All items are subject to editing/space limitations. Submissions may be on 3 1/2" disk (**UNFORMATTED ASCII TEXT ONLY, PLEASE**), or e-mailed to: thaller@pcisys.net. Your disk will be returned. Articles are copyrighted by the author unless otherwise noted. **All phone numbers are Area Code 303 unless otherwise noted.** For further information, call me at the number above.

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