

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Senate Committee on  
Agriculture and  
Environmental  
Resources  
(SC-AER)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 97hr\_SC-AER\_CRule\_97-121\_pt01
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- Committee Hearings ... CH
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- Hearing Records ... HR
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- Miscellaneous ... Misc
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# MALACOLOGICAL CONSULTANTS

Naiad Mollusks: Research • Surveys • Lectures • Specimens • SCUBA Diving

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La Crosse, Wisconsin 54601 U.S.A.

*Fax* / Phone: 608-782-7958

*To Senator Alice Clausen*

*Fax 608-266-7038*

*From Herman E. Hovde*

*6 pages after this*



*Mytilus higginsi*  
(Lea, 1857)

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21 November 1997

Chairman Trygve Solberg and Members  
Wisconsin Natural Resources Board  
WDNR, P. O. Box 7921  
Madison, WI 53707

Fax: 608-266-6983

Phone: 608-267-7420

RE: Proposed closure of the Wisconsin portion of the Mississippi River to harvest of the washboard, Megaloniaias nervosa (Raf. 1820).

My name is Marian E. Havlik, La Crosse, WI. I have studied unionid mussels since 1969, have 10 peer-reviewed publications, and have given over 60 presentations at professional meetings. From 1 July - 14 Sept. 1997 I spent 11 weeks studying commercial mussels (over 4800 washboards) for the Shell Exporters of America (SEA), from Lansing, IA - Fort Madison, IA, 277 miles of the Mississippi River. I wish to make it very clear that SEA has not in any way tried to influence these remarks, and in fact SEA had little contact with me as I worked up 1997 data. My credibility is of the utmost importance to me.

In 1997 I found the opposite from what I had expected in the Upper Mississippi River. I found that in Wisconsin, and overall, there were large numbers of 10-13 year age classes of washboards, apparently in response to the mid-1980's mussel die-off. This reproductive response has been glossed over/ignored by resource agencies. In some areas I also found large numbers of 5 and 6 year olds. My work confirmed the washboard is a cyclic breeder with large cohorts every 7-10 years, but the schedule varies in time and location. Studies seldom find young, yet these supposedly small year classes show up later as strong year classes. Height per age class varied widely (min/max legal size = 9 to 38 years), therefore age is more important than height in determining overall population health, something I have been saying for years.

Resource agencies have not defined the number (%) of legal sized washboards they feel are necessary to sustain yearly harvest, although in 1990 the WDNR suggested 10% of a mussel population could be harvested. Since the percent of this species (harvestable size) from one area that was unharvested for 10 years, was 18% in 1997, then about 10% of a species which is of harvestable size would seem to be a reasonable number, and it could not be expected to be any higher. By sampling in commercial mussel beds in 1997 I found washboard densities at Lynxville at 7.6/m<sup>2</sup>, or 23,225,452 washboards (does not include other Pool 9 areas). My quantitative data shows that the minimum number of 4" Wisconsin washboards that could be harvested is:

	Total/m <sup>2</sup>	% Legal	4"/m <sup>2</sup>	m <sup>2</sup>	#Legal 4" Age/Pool
P.9(1986)	0.88	3.5% ht>	0.320	3054389 (Heath)	977,404
Pool 9	7.60	3.60%	0.104	3054389 (Heath)	317,656
Pool 10	3.77	8.94%	0.431	1103123 (Heath)	475,446
Pool 11	2.71	7.17%	0.455	(no area available)	11-34 yrs
Pool 12		8.06%		(no quadrats done)	21-25 yrs

The numbers speak for themselves. From 1986-1997 legal washboards/m<sup>2</sup> remain about the same in spite of continued harvest (1986: 0.32 washboards/m<sup>2</sup> = mussels >3.5"). The WDNR presented has little data on Pools 11 and 12. Harvest of a renewable resource cannot be more than a species can tolerate, but closure was proposed before SEA's data was in. The 100 year old clamming industry deserves a fair shake. I've supported a 4 inch commercial washboard size for years. How did we get from a cooked shell size change to closing the harvest? I have never seen data showing that harvesting less than 10% of a mussel population would be harmful, particularly when there is a wide range of age classes. Why is Wisconsin closure proposed if less than 10% of the washboard population can be harvested legally? If clambers choose to work hard shouldn't that be their choice? If there are enforcement problems, enact stronger enforcement measures.

Apparently Wisconsin has given no thought to actively improving the status of the washboard mussel. Why not? There are other impacts on mussels: pollution and commercial navigation. What good is it to close the washboard harvest if those impacts are allowed to continue? I've fought long and hard to protect the East Channel at Prairie du Chien, yet the WDNR has allowed impact after impact to affect this very important area for both commercial and endangered mussels. In 1997 the only place I found fresh-dead mussels with a fine black residue on the nacre, was in the East Channel, apparently coal fines from nearby barge facilities. East Channel mussel densities were down even before my 1990 study when I found washboards 25-33 years of age, yet none were over 4". According to a 1986 WDNR mussel study, 52% of the 22 year old washboards were still reproducing. Thus, some of these old, but undersized washboards are still available to breed. Slow growth areas that occur sporadically through the Mississippi River are apparently due to natural river causes, commercial navigation, and pollution.

During the last major changes to clam regulations the zebra mussel was not an issue. There are considerable impacts from this exotic mussel, but I did not see many native mussels recently dead from zebra mussels both during 1996 and 1997 field work (processed 20,000 mussels/year), although in 1997 I saw a few specimens with decreased tissue size. In 1997 Virginia and Texas researchers told me native mussels are probably starving because of the zebra mussel, and growing at a decreased rate. However I did not find this to be the case. In spite of zebra mussels I found excellent recent growth rates in young mussels (<7-8 yrs) for several years, in many areas. When clambers work a mussel bed, they break up zebra mussel mats. Clammer's harvest efforts may well end up being very beneficial to mussels. Allowing the resource to be nearly untouched may actually make matters much worse; no one really knows. I respectfully request that the Natural Resources Board act responsibly to have an Administrative Code with regulations consistent with other Upper Mississippi River states, but I do not honestly feel the washboard season needs to be closed at this time, nor the cooked shell size changed. The 4" size, season, and other limits/factors should protect this harvestable resource for future generations. Thank you.

*Marian E. Havlik*

Marian E. Havlik, Malacological Consultants



*Lampsilis higginsii*  
(Lea, 1857)

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Paul Johnson, Assistant Business Editor  
WI State Journal

Fax: 608-252-6119

3 December 1997

Chairman Trygve Solberg and Members  
Wisconsin Natural Resources Board  
WDNR, P. O. Box 7921  
Madison, WI 53707

Fax: 608-266-6983

Phone: 608-267-7420

RE: Proposed closure of the Wisconsin portion of the Mississippi River to harvest of the washboard, Megaloniaias nervosa (Raf. 1820).

My name is Marian E. Havlik, La Crosse, WI. Thank you for the opportunity to speak at this meeting. I didn't receive materials agencies submitted for this hearing until after my letter of 21 November 1997. After reviewing materials submitted I have these additional comments.

What evidence is there to substantiate some statements which were made in general, and later submitted the WNR board? Regarding the statement on Lampsilis higginsii (Lea 1857), Higgins eye, by the WI Conservation Congress. Unless researchers are looking for L. higginsii, they would not find more of this federally endangered species than legal-sized washboard mussels. Nearly every study done has shown ALL SIZES of L. higginsii are about 0.5% of any mussel population; the densities of ALL SIZES of L. higginsii are less than half of LEGAL size washboards. In 1997 quantitative samples I found:

Reaches (Pools):	Pool 9	Pool 10	Pool 11	TOTAL
Number 0.25 m2 Quads	101	69	130	300
All Higgins eye in quads	1	2	0	3
Legal Washboards in quads	5	7	10	22
Total Higgins Eye	7	7	16	30
Total legal Washboards	50	47	59	156

Wisconsin is one of the strongholds of L. higginsii. I would hope that there would be significant numbers of this species in Pools 9, 10, and 11 since overall the range of this species in the Mississippi River has been reduced by almost half, and Higgins eye lives in only three of 10 tributaries it formerly inhabited.

Why wasn't WDNR density data (1980, 1986, 1990, 1996 etc) included with the mailing? At the public hearings a commercial clammer's comment/question regarding densities went unanswered. Legal densities are about the same in spite of harvest. Height and age don't tell the whole story. As far as I know only one (of 7) Illinois sanctuary has

been sampled.

Agencies were given diskettes and graphs of SEA's 1997 washboard data on 29 October 1997. SEA has never received similar data or printouts from the agencies regarding their 1997 work although it was promised numerous times.

Apparently a commercial mussel population has never been characterized pre-harvest, so how do we know when population sizes become truncated? Any species, whether harvested or not, has a normal declining point in a size range (bell curve). I've found areas where sub-legal shells are over 25 years of age. They will never be of legal size, often because of their elongate shape (less height), but sometimes because of environmental stress (Prairie du Chien and elsewhere). If this species is a cyclic breeder, then of course there will be weakly represented year classes. But there are also times where there is good reproduction several years in a row. Agencies refuse to believe that the tremendous 10 to 13 year old age classes throughout the Mississippi River are apparently a response to the 1982 - 1986 mussel die-off.

Back in the early 1970's I asked the WDNR to implement commercial mussel size limits. I was always told there was not enough information. It took the WDNR 15 years to implement sizes, season, etc. Now the ones to bear the financial brunt of these decisions are the commercial clambers. \$0.00 fiscal impact seems unreasonable. New skills will be needed to comply with the proposed rule.

Recruitment is NOT a biological factor over which the WDNR has NO control. If you close washboard harvest, then there MUST be concurrent research to improve mussel stocks. Agencies stock fish, why not mussels? Information presented says the WDNR MAY PERIODICALLY access the status of washboards. The commercial mussel industry has absolutely no guarantee that anything will ever be done.

The agencies had their minds made up long before SEA presented their data on 29 October 1997. The Wisconsin mussel fauna had nearly a complete rest during 1997 since for several reasons, buyers were not purchasing many shells. This small harvest was mainly due to small export demand because of problems with the oysters in Japan. The situation may be similar next year. The export demand also depends on other factors such as women's fashions. Incidentally, I have never disagreed with the closure of the washboard harvest in the Minnesota/Wisconsin boundary waters. Thank you.



Marian E. Havlik  
Malacological Consultants

# WISCONSIN STATE JOURNAL

*Rec. 2 PM 24 Dec 97*

Marian,

Thanks again for all of your help with the mussel story. Enclosed, please find your photos, two copies of the story and two copies of an editorial that lends support to the clambers. Thanks again, and happy holidays to you.

*R.B.*  
Rick Barrett

## DNR plan to ban clamming too severe

The state Department of Natural Resources wants to ban washboard clamming on the Mississippi River because of alleged overharvesting by commercial clambers. The DNR's recommendation seems too drastic given the evidence, which suggests overharvesting is only a part of the problem and that beaching the clambers could cause as much harm as good.

The Assembly Natural Resources Committee is likely to receive the DNR's proposal this week. The agency says it wants to ban commercial collection of washboard clams beginning next summer, which means other river states — Iowa, Minnesota, Illinois and Missouri — could quickly follow suit.

The state's 230 licensed commercial clambers, who collectively spend a lot more time mucking around the bottom of the river than the DNR, dispute the agency's proposal in several ways.

First, they contend, the numbers of washboard mussels have not declined all that significantly. The washboard clam harvest has declined over the past five years — but clambers blame that due to changes in the size of clams they are allowed to harvest and market fluctuations.

Second, clambers believe they're doing more to protect a renewal resource than they are to exploit it. Explained clammer Jerry Althiser: "We take only mature clams, which makes room in the mussel bed for the younger ones. We also break up zebra mussels so that the washboard clams we return to the beds have a greater chance to reproduce and survive."

Finally, not all outside experts agree that overharvesting is a major factor. Other problems, ranging from pollution, dam construction and the relentless spread of zebra mussels may be more serious. "I doubt that overharvesting is

the main reason (for a decline in the population of washboard mussels)," said David Stansbury, director of the Museum of Biological Diversity at Ohio State University.

Washboard clams are one of about nine North American fresh water mussels harvested to make pearls for the fashion industry, so there are other market sources. It's also true the washboard mussels take a long time (21 years) to mature, which means it's important to give the species time and space to reproduce and grow.

Still, it seems like the DNR could do a better job of working with the clambers in jointly deciding why a resource that's vital to everyone is under attack.

Rather than impose a moratorium on washboard mussel harvesting, perhaps the number of clamming licenses can be reduced by attrition and stricter limits placed on the size of harvestable clams. Also, the DNR could ask the clambers to act as underwater eyes and ears for the agency as it searches for solutions.

If there's too much tension between the DNR and the clambers, who view themselves as defending a way of life, the Assembly Natural Resources Committee could ask that the dispute be mediated by a neutral party.

Outright bans should be a last resort, not among the first. Let's see if the DNR and the clambers can dig for solutions together.

### WISCONSIN STATE JOURNAL

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-6100

Editorial writers: Chuck Martin, Sunny Schubert, 252-6107

9A

Tuesday, December 16, 1997

WISCONSIN STATE JOURNAL

# OPINION



*Ampsisilis higginsi*  
(Lea, 1857)

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5 December 1997

Director Jerry Conley  
2901 Truman Blvd., Box 180  
Jefferson City, MO 65102

Fax: 573-751-4467

Dear Mr. Conley:

Re: Closure commercial harvest of washboard mussels in the Missouri portion of the Upper Mississippi River.

My name is Marian E. Havlik, La Crosse, WI. I have studied unionid mussels, particularly on the Upper Mississippi River, since 1969, have 10 peer-reviewed publications, and have given over 60 presentations at professional meetings. From 1 July - 14 Sept. 1997 I spent 11 weeks studying commercial mussels (over 4800 washboards) for the Shell Exporters of America (SEA), from Lansing, IA - Fort Madison, IA, 277 miles of the Mississippi River. Unfortunately we did not have time to study the Missouri portion of the Mississippi River in 1997. I wish to make it very clear that SEA has not in any way tried to influence these remarks, and in fact SEA had little contact with me as I worked up 1997 data. My credibility is of the utmost importance to me.

I have studied the Mussel Brief prepared by the Upper Mississippi River Conservation Committee, January 1997, along with other information presented at various recent public meetings in Wisconsin. What evidence is there to substantiate some statements made in the Mussel Brief? Although I requested a copy of the MO DOC's assessment of this matter from Alan Buchanan, prior to Thanksgiving 1997, I have not received this information, and thus cannot respond to any specific statement made by MO DOC at this time. I ask that this letter be read at your 18 December 1997 meeting on this matter, and entered into the records of that meeting.

Mississippi River agencies were given diskettes and graphs of SEA's 1997 washboard data on 29 October 1997. SEA has never received similar data or printouts from the various state agencies regarding their 1997 work, although it was promised numerous times.

I object to the proposal to close the Missouri portion of the Upper Mississippi River to the commercial harvest of the washboard mussel species. Base on the brief information provided to me 29 October 1997 by Alan Buchanan, on the MO DOC 1997 research, it does not appear that Missouri has enough information to justify closure of this harvest. If you close washboard harvest, then there MUST be concurrent research to improve mussel stocks, and I have not heard of any proposal to do this. Thank you.

*Marian E. Havlik*

Marian E. Havlik, Malacological Consultants





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January 20, 1998

JAN 23 1998

Honorable Alice Clausing  
Wisconsin State Senate  
100 North Hamilton  
Box 7882  
Madison, Wisconsin 53707-7882

Re: Clearinghouse Rule 97-12 - Commercial Clamming on MN-WI Waters

Dear Senator Clausing:

This is to advise you that the Mississippi River Regional Committee of the Minnesota-Wisconsin Boundary Area Commission supports the proposal to come before your committee at 1:00 p.m. on Wednesday, January 28<sup>th</sup>, 1998 at 119 Martin Luther King Blvd., Lower Level One Hearing Room; to ban the harvest of washboard mussels (*Megalonaias gigantea*) on the Mississippi River. This action would be consistent with the existing rule of the State of Minnesota.

We believe that such action is necessary in light of the documented decline in the population of this mussel on the Mississippi River and, in particular, the drop in the numbers of young and breeding age individuals, based on information provided to us by the Wisconsin Department of Natural Resources from their own surveys as well as those of commercial clammers. (Detailed information available from Mr. Curt Welke, Wisconsin DNR, Prairie du Chien, Wisconsin.)

Commissioner Bill Howe, Chair of our Mississippi River Regional Committee, is planning on attending your hearing on the 28<sup>th</sup> of January. Please contact me if you have any questions.

Sincerely,

Dan McGuinness  
Administrative Director

cc: All BAC Commissioners  
Curt Welke, Wisconsin DNR

JAN 27 1998

January 21, 1998

Route 2, Box 166  
Gays Mills, Wis., 54631

Senator Alice Clausing  
Chair  
Senate Committee on Agriculture and Environmental Resources  
100 North Hamilton, Suite 308  
Madison, Wisconsin, 53707

Dear Senator Clausing:

I'm writing this in order to put the Wisconsin Conservation Congress on record as supporting whatever measures are necessary to protect the clams and mussels of the Mississippi River and its tributaries, including the washboard clam. The Endangered Resources Committee of the Congress voted in favor of such protection at its most recent meeting, on January 9, 1998, in Stevens Point. I've been authorized by Congress Chairman Robert Ellingson to direct this message to you.

On a personal note, I lived for many years near the shores of Lake Michigan and the lake was part of my life. Some of my ancestors and relatives were commercial fishermen, and I grew up listening to stories of the lake and its life. But it must be said that those same commercial fishermen took too many lake trout, so many that when lamprey eels came in from the Atlantic Ocean the eels could make short work of the trout that were left. The eels were eventually brought under control, but not before the trout were gone.

With the trout gone, no effective predator remained to control the alewives that next invaded Lake Michigan, and the resulting mess was inevitable.

The federal and state governments have since spent millions of dollars trying to re-establish a reproducing population of lake trout in Lake Michigan, all to no avail. There are no natural lake trout in Lake Michigan today, and perhaps there never will be.

The washboard clam is perhaps more humble than the lake trout, but it is no less deserving of protection. Like the lake trout, the washboard clam is being severely stressed by a foreign invader, in this case the zebra mussel. Perhaps we can't do anything today about zebra mussels, but perhaps one day we will discover a control, as we did for lamprey eels. We should do what we can to preserve what clams we can toward that day.

It seems to me that this is one of those precarious situations where it is better to err on the side of caution than to risk disaster.

Sincerely,

A handwritten signature in black ink that reads "Ron Leys". The signature is written in a cursive style with a large, prominent "R" and "L".

Ron Leys  
Secretary  
Endangered Resources Committee  
Wisconsin Conservation Congress

EMPIRE SHELL PRODUCTS, INC.  
26654 LACE AVE.  
GARNAVILLO, IA. 52049  
PHONE/FAX (319) 252-1586

JAN 26 1998

22 January 1998

Senator Alice Clausing  
P.O. Box 7882  
Madison, Wi. 53707-7882

Dear Senator Clausing:

I am contacting you in hopes that this preliminary summary will help shed some light on a very complicated issue which will come before the Senate Agricultural and Environmental Committee on January 28th ,1998. The item on the agenda for discussion pertains to the Wisconsin Department of Natural Resources attempt to change the Rule with regards to Washboard Mussel harvest in the State of Wisconsin.

One of the oldest's recorded industries on the Mississippi River is currently endanger of being eliminated forever by the conspiring efforts of a few Biologists and the Departments of Natural Resources in a Five state area. Native mussel harvesting on the Mississippi has been an important way of life for many people in small river towns for more than a century. This industry has given life to small towns in times of depression and in times of prosperity. The first region in the Mississippi Valley to attract attention in the late 1800's was southwestern Wisconsin. At this time it was the natural pearls found in the mussels located in the Wisconsin and Mississippi rivers that were shipped to retail centers around the world. Wisconsin and Iowa soon became well known and respected in the world pearl industry. In 1890 alone more than \$100,000 worth of pearls were sent to far off retail centers such as Paris, London and New York .

In 1881 another major industry began which utilized the native mussel shell. The pearl button industry provided many manufacturing jobs and allowed brailers and divers to sell their harvests locally. The small river towns prospered and reinvested the shell dollars into their communities which allowed them to grow and build churches , schools, and other businesses. In 1916, the peak year in button production, American factories turned out 40 million gross of buttons with a value of \$12.5 million. There were 9500 factory workers, 9746 mussel harvesters, and 585 shoremen in Iowa alone. This industry flourished until the 1940's when the advent of the plastic button caused the demise of the industry. Much demand had been placed

on the native mussel shell over that 50 year period. And in the mid 40's the reserves had been almost depleted in some areas. Many of the remaining button companies began importing shells from southern states such as Mississippi, Arkansas, to take some of the pressure off the Mississippi river. The shells were shipped by barge to the remaining factories along the river. Other things were also happening to the shell populations in the Mississippi at the same time which would have one of the most profound negative impacts on the native fresh water mussel that would be ever felt by the specie. Man was making his mark on the mussels habitat. More farming was taking place along the bluffs of the Mississippi River and near inland streams that emptied into the Mississippi River. More land was being logged off to build towns leaving bluffs to erode and wash silt into the Mississippi. More industrial sites were being located along the river because transportation was a problem in those days and the cheapest method of transporting goods was barging materials up and down the river. This resulted in millions of tons of silt and thousands of gallons of chemicals to enter the river. These changes were dramatic for the mussel fauna, however not as dramatic as the habitat changes that occurred in the early 1930's. One of the largest single change that occurred, which changed the habitat of the native mussel forever was the Corps of Engineers project of building of the Lock and Dams along the Upper Mississippi River. These dams placed approximately every 30 miles up and down the Mississippi River restricted the movement of host fish which are required in the reproduction cycle of the freshwater mussel. The mussel's natural reproduction cycle was so severely disrupted, they would never again reach the population levels occurring prior to 1930.

As the U. S. button industry continued to slide and the Japanese plastic button manufactures continued to wipe out the pearl button market world wide, the native mussels received a few years of reprieve. The Japanese were however at the same time creating a new market for the U. S. fresh water mussel and had been doing so since the early 1900's.

The Japanese, one man in particular, Kokichi Mikimoto, had been experimenting since the early 1900's with a process to culture pearls. He found that by using a small round object implanted into a pearl oyster, the oyster would coat the round bead with a layer of it's own pearl nacre and create a round cultured pearl. He had tried many materials to make the beads, but found that the bead made out of a fresh water mussel harvested from the Mississippi River seemed to create a higher quality pearl.

At the time almost all cultures of the world treasured pearls as the ultimate symbol of beauty and value, but only the wealthiest individuals could afford pearls, because the only pearls available were natural ones which were becoming very scarce. But with Mikimoto's discovery pearls were made very affordable to all classes of people world wide. Mikimoto had transformed "The Gem of Queens" into one of the worlds most affordable jewel.

It was not until after the war did the demand for pearls increase dramatically, as did the demand for shell. In the early years, around 1950, there were only a few exporters of shell from the U. S. A., today they still number less than ten. With the pearl business booming and no competitors on the horizon Japan increased exports to 25,000 tons in 1968. In 1988 pearl

production total 71.6 tons, worth \$482 million, making pearl farming one of Japan's national treasures. In 1990 exports were around 12,000 tons and have declined to only a forecast of about 800 tons for 1998. This decline in exports is for many reasons.

In the beginning Japan was the " King of Pearl Nations". This monopoly position derived from Mikimoto's insistence that:

(1) No matter where pearls are farmed the production shall be marketed in Japan, and (2) only Japanese shall provide the technical expertise for Japanese-controlled operations. (3) the technology for producing pearls- particularly the implanting procedures of the nuclei (bead) -shall only be taught to Japanese.

Seeing the profits that were being generated in Japan, culturing was started in other countries. Australia in 1955, French Polynesia, Indonesia, in the late 70's. As pearl farming was growing in countries other than Japan, Japan still usually had control of the farms in these countries because Japan still had the only technicians capable of implanting nuclei. In addition, all nuclei was manufactured in Japan and taken to the pearl farms around the world by their technicians. If the pearl farmer refused the services of the Japanese or refused to use Japanese nuclei there would be no farm, because no other nation had the technology.

By the late 80's things started going downhill for the Japanese pearl Industry. Problems at home with pollution from industrial and agricultural sources, and competing uses for pearl farming waters, began to damage their natural resources of Akoya oysters. Also increased competition from countries like Australia, Tahiti, Indonesia, where the pearl farmers had self taught themselves by observing Japanese technicians and in most cases became more proficient than their Japanese counterparts, began to cut into the Japanese monopoly. Many large farmers in Australia began marketing the raw pearls direct to jewelers, thus weakening the Japanese strangle hold even more. Also many non-Japanese nuclei manufactures began entering the market offering the independent farms an alternative to the Japanese nuclei.

It is interesting to note, that as Japan's dominance decreased also the demand for shell also started to decrease. The Japanese began conserving in their own operations and recycling the nuclei which had been implanted and had been rejected or "spit-out" by the oyster. This dramatically reduced the amount of shell being purchased from the U. S. A. Two years ago an even harder blow was received by the Japanese pearl farmer. The Akoya oyster developed a virus which ultimately has killed up to 75% of their brood pearl oyster stocks. Exports of shell have been drastically reduced as previously stated to a forecasted 800 tons in 1998. This dramatic decline in orders for shell, needless to say, has dramatically curtailed harvest numbers in the states over the last two years.

I must apologize for the lengthy introduction and history, but in order for you to better understand where we are at today you must realize what has historically happened. I have left many voids as it is hard to describe 100 years of activity in a couple of pages of written documents.

We can now begin looking at the controversy at hand. I am going to first of all simply state

the intentions of the Wisconsin DNR as the industry sees it. What we have been told through various informational meetings and at a meeting of DNR Commissioners on December 3, 1997, is that the departments intentions are to close the washboard mussel harvest on the Mississippi River in 1998. The reason given by the department for the closure is, based on there analysis of data taken from studies in Wisconsin, Illinois and Corps of Engineer Studies , which were analyzed by a Wisconsin biologist, named Kurt Welke, it is evident that the washboard is in trouble. By trouble, they mean that density of the washboard in the Mississippi have fallen into the critical range and their are certain age groups that are not representative in studies they have performed. They also say that the reason for these declines, is a result of the commercial diver and shell industry exploiting the mussel populations. That their exploitation of the mussels have drove the washboard species of fresh water mussel to levels of extinction.

It is obvious that the Industry doesn't agree with the findings of the WDNR for many reasons. We are thankful to have the opportunity to defend our position in front of your committee. We will show you why we disagree, and what actions we feel should be taken. All our information has been presented to the WDNR prior to this meeting on several occasions but it has fallen on deaf ears.

A few examples of why we disagree will now be presented to allow you a chance to see why we disagree so strongly and feel our industry has been singled out for termination.

Much of the data and surveys the WDNR is and has been using is in most cases, more than ten years old. In addition, the survey's were completed by many different state and federal agencies who did not use uniform testing methodology among the agencies. This would lead one to believe that errors could commonly occur in the tabulation and analysis of data.

The Industries data was compiled in 1997, during a 3 month long study sampling virtually all reaches of the Mississippi River from Lansing Iowa, to Fort Madison Iowa. The study was performed by a well respected malacologist with an "unimpeachable reputation". The methods , using timed qualitative searches and quarter meter quadrats, reflect current state of the art methodology in such studies. The study represents one of the most comprehensive attempts ever performed to determine the density and demographics of a commercial mussel species over an extensive water area. The results between the DNR's studies and the Shell Exporters of America studies are radically different and the conclusions points to a different solution rather than closing of the harvest .

It is the WDNR's contention that the shell industry has caused declines in the density of washboards in the Mississippi River by exploiting the fauna. The Industry can show specifically that a planned and systematic increase in regulations initiated by the DNR over the past ten years, specifically aimed at the shelling industry, is the real reason for declines in harvest numbers.

The DNR contends that unless a correction is made by closing the season , the species will be driven to extinction. The industry can show specifically, based on more current data , compiled by nationally renowned biologists and malacologists that not one of the mussel species

that is currently open to commercial harvest on the Mississippi is listed as extinct , endangered or threatened. We can further prove, the populations currently located in the river , in some cases number in the millions and that by utilizing proper conservation methods not currently being used , and treating the fauna as a Renewable Resource as it should be , that the species can survive indefinitely even with commercial harvesting.

We can could continue to sight DNR accusations and reply with logical Industry responses, but for brevity sake I will end this address. We will be fully prepared to address all facets of the controversy on the 28th. We do appreciate the time afforded us to make our presentations and answer any questions.

Respectfully Submitted

  
Chuck Lawson





**AMERICAN FISHERIES SOCIETY  
WISCONSIN CHAPTER**

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Wis. Chapter of AFS  
DNR Research Center  
1350 Femrite Dr.  
Monona, WI 53716-3736  
608/221-6366  
Fagod@DNR.STATE.WI.US  
January 26, 1998

Senator Alice Clausing  
Senate Committee on Agriculture and Environmental Resources  
100 N. Hamilton, Suite 308  
Madison, WI 53707

Senator Clausing:

The Wisconsin Chapter of the American Fisheries Society whole heartedly supports the Wisconsin Department of Natural Resources ruling which removes the washboard clam from harvest in Wisconsin-Iowa boundary waters of the Mississippi River. We would appreciate if this letter, in lieu of our oral testimony, be read into the record at the time of your hearing on Clearinghouse Rule 97-121.

Sincerely yours,

*Don Fago*

Don Fago  
President

# Mediation sessions designed to

Pine Country since 1860

DN

Sunday, January 25, 1998

## help find common ground

### Preliminary meeting is Feb. 3

By **WASON A. GREVES**  
Reporter

People can be expected to feel good about the mediation process.

Those are the words of Steve Erickson, Twin Cities mediator, who will oversee the upcoming mediation sessions in Menomonie.

"The process of mediation can help people heal," Erickson said. "It can help find common ground."

In the following months, Menomonie residents will have the opportunity to participate in the sessions.

Motivated by several factors and ini-

tiated by the ongoing Menomonie High School Indian logo debate, the Dunn County Community and Family Resource Coalition applied for a grant several months ago to help fund mediation sessions in Menomonie.

The group announced earlier this month that the Bremer Foundation of Minneapolis granted the community \$5,000 to fund sessions.

"We're hoping that yes, this is the beginning of having people on both sides come and get information," said Judy Parejko, who helped the Community and Family Resource Coalition of Dunn County receive the grant.

Erickson, of Erickson Mediation Insti-

tute of Minneapolis, was chosen to lead the sessions.

A preliminary meeting to discuss the process and lay out what people can expect will be held Feb. 3 at 7 p.m. in the Menomonie Public Library.

People who are interested in the process and who may have comments are encouraged to attend. A question-and-answer session on mediation will be held.

"People should come because they might have something to offer that will help the community resolve an issue," Erickson said.

Having mediated numerous sessions, Erickson said he is looking forward to con-

Continued on Page 17.

## Erickson: Discussing differences over Indian logo isn't keeping wound open...

Continued from Page 1A  
ing to Menomonie.

"There are a whole lot of communities that need this, not just Menomonie," Erickson said.

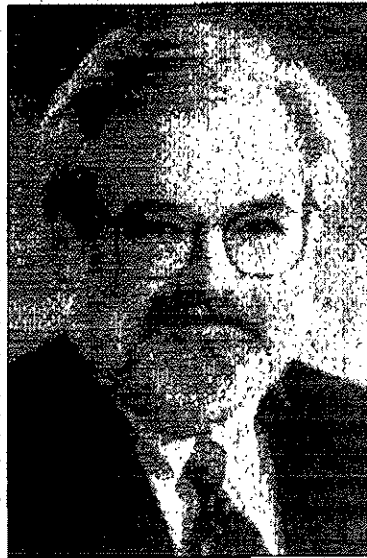
He said he recently mediated sessions in a western Minnesota community torn by the closing of its Catholic school and a dispute between Minnesota and Canada at the Boundary Waters over fishing regulations.

After several years of discussion, the Menomonie Area School Board voted in 1996 to adopt a new logo and asked high school students to design one.

A Mustang logo was developed and selected, but at a recall election, voters installed three new board members who favored keeping the Indian team nickname.

The board then voted to retain the Indian logo and set an advisory referendum to be held April 7 to decide the issue.

"Possibly the idea behind the grant is to produce a better environment," Erickson said. "One different than 'I'm right. You're wrong.' Or 'We got more



Steve Erickson

votes.'"

The process is intended to help people move beyond the issue and help them focus elsewhere

"Are we keeping a wound open? This is a legitimate question. I think the answer to that is no. This is a way for the community to look to the future," Erickson said. "When we mediate, we try to focus on the future, because the past is over with."

Erickson said another problem issue is the timing of the mediation sessions with the April 7 referendum.

The sessions are not a way to influence the vote, Erickson said. "Regardless of the way the referendum comes out, the community will need healing."

History runs deep in Menomonie, which is an important part of the issue, Erickson said. "I have talked to people on both sides. And both sides are very committed to helping the community."

No date for the first session has been set, but it is expected in the coming weeks.

# Twenty-plus from area scheduled for Madison trip on Indian logos

A public hearing regarding the elimination of the use of the Native American culture as mascots and on logos by Wisconsin schools will be held Wednesday in Madison before the state Senate's Committee on Education.

The Senate version of the bill would prohibit school boards from using certain American Indian names, nicknames,

logos and mascots.

The Assembly's version is in the Assembly's Committee on Education and is awaiting a public hearing.

Eighteen Menomonee High School students and two former school board members are expected to make the trip to provide testimony to the committee, along with several area

*Quinn County News 1/25/98*

## Madison trip...

Continued from Page 1A residents.

"I will be there to talk about the issue," said Menomonee attorney and former School Board Member ~~Phil Steans~~

Steans and Lynn Klatt and David Thomas were replaced on the board by current Board Members Linda Lenz, Ron Mikesell and Greg La Pean after a recall election motivated by the elimination of the Indians as MHS's official logo.

The Indian logo was reinstated after the election.

"I was told my testimony would be appreciated, so I made plans to go," Steans said.

Student Council Adviser Karin Worthley said the 18 students making to trip represent all grades at the school.

"I'm proud of the students for doing this," she said.

Thomas is expected to make the trip, while Klatt has work obligations, but may send written testimony.

The hearing will be held at 10 a.m. in the Joint Finance Hearing Room in Madison. A rally in favor of the bill will be held before the hearing outside the building.

F A X T R A N S M I T T A L

TO: Duwayne Johnson

FROM: Shelly Bitter

NUMBER OF PAGES 2 (INCLUDING THIS COVER SHEET)

DATE: 1-27-98 TIME: 9:00 am

SENT BY: Shelly FAX #608-326-8955

Duwayne:

Please let me know if there is anything else that we can do!!  
Thank you for making sure this gets into the right hands.

Shelly Bitter  
608-326-6471

January 26, 1998

To Whom It May Concern:

Since we are unable to attend the scheduled meeting on Wednesday January 28th, please consider all studies, facts, experiences and opinions before making your decision in regards to the closing of the washboard season. According to Kurt Wielke's study he stated that the popularity of washboards is .8 per square meter. In actual figures, this is two million washboards per square mile. This study shows no endangerment whatsoever. Per Jeff Ritter; I have been in the clamming business for Eleven years and have not noticed a decrease in washboards from year to year. Actually, in the last few years I have come across more juvenile washboards than ever before.

Clamming laws have restricted the removal of clams in a way to protect the juvenile beds, the laws are doing just that. DNR Kurt Wielke is not working for protecting or conserving, he is working for preserving. There have been several other studies conducted that show the shells are fine. If the washboard closure takes place and our jobs are ended, the state should be responsible for our loss of income.

Respectfully,

Jeff & Shelly Ritter  
Rt. 1, Box 352  
Prairie du chien, WI 53821  
608-326-4227

Ron Check  
Rt. 1, HWY 27  
Prairie du Chien, WI 53821  
608-326-8205