



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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December 19, 2007

TO: Anglers who have contacted us with concerns about VHS rules

Subject: Responding to your comments on VHS rules

Dear Sir or Madam:

Thank you for your recent communication on administrative rules to control the spread of the fish disease viral hemorrhagic septicemia (VHS). As with all our ongoing efforts to develop policies and rules to manage our critical natural resources, we appreciate any and all input from interested citizens and strive to incorporate this input wherever possible. The Natural Resources Board – which is the Governor-appointed citizen board that sets policies and makes rules for the DNR – met on December 5 to consider final VHS permanent rules. I shared all comments that I received before the meeting directly with Board members so they were aware of your individual concerns before making decisions. In addition, the department held 11 different formal public hearings since May 2007 on VHS rules, and board members publicly discussed these rules at six different board meetings, so they are making their decisions based on extensive public input.

At their December 5 meeting, the NR Board did approve a set of final permanent rules. These rules extend to the entire state requirements that have been in effect in many areas of the state since April 2007. All boaters and anglers are now required to drain all water out of their boating and fishing equipment when leaving the water or entering Wisconsin over land from another state, and are prohibited from moving live fish or fish eggs away from any water without a permit. Emergency rules in effect this spring and summer required these actions only on Lake Winnebago, the Great Lakes, the Mississippi River and all connecting waters up to the first barrier impassible to fish. More information about the NR Board's action and generally about VHS can be found on our website at <http://dnr.wi.gov/fish/pages/vhs.html>.

Many of the comments we have received concern use and reuse of minnows for bait. Many of you have made very reasonable suggestions for ways in which unused minnows could be saved for use on another lake or another day without spreading VHS. During their deliberations on December 5, the NR Board did consider an amendment to the rules which would have allowed people to keep leftover minnows if they had not exchanged water in their minnow bucket and were only going to use them later on the same waterbody. The fundamental problem with this and similar exceptions is that it is impossible to tell if people are complying. There is simply no way to keep track of minnows once they leave the water, and there is no way to know where the minnows that are being taken off the water actually came from. They could have even been netted from the water itself, which would be very troubling if that water had VHS.

We know that the vast majority of anglers care about Wisconsin's fisheries resources and would certainly follow the rules to avoid spreading VHS. Our experience, however, also shows there are always a few people who disregard the rules. If law enforcement personnel do not have a way to actually identify and catch those few people, those people have little incentive to do the right thing. The NR Board members discussed this issue at length and fully understood that they were choosing between a set of rules that would be less popular but would be legally enforceable and a set of rules that - if everyone followed them - would prevent the spread of VHS but because they are legally unenforceable would essentially be voluntary.

In the end, there were some differences of opinions among NRB members, but they passed rules that would in fact be enforceable. Wisconsin has some of the nation's best fishing resources and most popular fishing, and NRB Board members were unwilling to place these at the mercy of voluntary regulations.

Many of you expressed other concerns with the rules. While I cannot address each of your letters and e-mails individually, I have tried to summarize some of the issues that have been considered in detail and at length by the Department and the Natural Resources Board as part of the development of the rules:

1. *The virus is not likely to be transmitted by residual bilge water or birds.* By far, the most likely way in which VHS will be transmitted to another water body is **infected fish**, with **large quantities of contaminated water** a distant second. It is very unlikely that VHS will be transmitted by water remaining in bilges or pumps after they are drained, or boats and equipment that are just still wet, or by birds or animals. There must be a threshold level of virus particles transferred before fish in another water can actually catch the disease. An **infected fish** can easily transfer the disease because they are alive and their bodies continually manufacture and spread virus particles - or they can be eaten by an uninfected fish. Contaminated water can spread enough virus particles, but only if **large quantities of water** are moved. Small amounts of water simply won't contain enough virus particles to infect fish in another water body. Also, the virus does not survive when a fish is eaten by a bird or mammal, so there is no live virus in any animal droppings. It is possible that a bird could carry some virus in the water on its feathers, but again, it is unlikely that enough virus will be transferred to infect fish in another water. So the approach that we have taken is to focus on the most likely vectors which are potentially infected fish and larger quantities of potentially contaminated water.

2. *The horse is not out of the barn.* There are still thousands of lakes and miles of rivers in Wisconsin that do not have VHS and can be protected by aggressive control measures. VHS has been in Great Lakes waters of New York and Michigan since at least 2005, and so far there are only 3 inland waters in New York and 1 in Michigan that have been infected (please note that state officials in those states believe infected minnows were responsible for all of the inland infections).

3. *We will never know exactly which waters have VHS at any given time.* Whatever regulation system we have, it **cannot** rely on knowing exactly what waters are infected with VHS. To date, DNR has tested about 150 lots of fish from around 50 waters statewide. In 2008 we are hoping to expand this to another 80-90 waters. That is the practical limit given our current staffing and available laboratory testing capacity. This level of testing does give us a good idea generally which watersheds have VHS, but with 15,000 lakes and 44,000 miles of rivers and streams, there is no way we will ever be able to definitely tell people exactly which waters have VHS and which do not. That is one of the reasons that the Natural Resources Board has chosen to expand regulations aimed at curbing the movement of live fish and large quantities of water to all waters statewide.

4. *No control measures will work unless anglers and boaters know about the threat from VHS.* We wholeheartedly agree that public education and information is our best weapon in this fight. In 2007 we did a lot to get the word out including press releases, signs at landings, public information materials, paid advertising on radio and TV, watercraft inspections, direct outreach to reporters, clubs, and anglers, and a comprehensive VHS website (<http://dnr.wi.gov/fish/pages/vhs.html>). And we will continue and expand that effort in 2008.

5. *There is no cure for VHS once it infects fish.* There is no way to treat minnows to make them safe from VHS. VHS is a fish virus and there is no treatment or cure once a fish is infected. We have provided disinfection procedures for water and equipment on our website, but the concentrations of chemicals or temperatures needed to kill the virus in the water would also kill any fish in the water. The only way to prevent the spread of VHS is to make sure that infected fish are not moved to other waterbodies.

6. *Commercial wild bait harvesters, fish farmers, and minnow importers must meet strict fish health inspection and testing standards.* Under current DNR and Wisconsin Department of Agriculture, Trade and Consumer Protection regulations, all minnows available for sale or distribution in Wisconsin will have undergone a fish health inspection performed by an accredited professional. Wisconsin has among the most stringent fish health testing requirements in the US which will ensure that the risk of introducing or spreading VHS or other fish diseases is minimized. The only exception is for anglers who harvest bait for their personal use on the same waterbody which is allowable without testing though the fish may not be moved away from that waterbody. Again, there is more information about wild bait harvesting on our VHS webpage.

Ultimately, all of us anglers and boaters must take personal responsibility to make sure that our recreational activities are not spreading harmful invasive species or diseases. Sometimes it means that we have to take a step back and look at the situation from a statewide perspective, and we may find that the best thing for everyone is to change how we've been doing things in the past. I encourage you to continue to participate in the dialogue on this difficult issue and continue to make suggestions on how to make things better. The Department and the Natural Resources Board do listen to what is being said and try to take everyone's concerns into account when making final decisions. What might not seem like a good idea today may eventually end up being the right solution.

Thanks again for your help and input on this issue.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Staggs". The signature is written in a cursive style with a large, stylized 'S' at the end.

Michael Staggs, Director  
Bureau of Fisheries Management

cc: Matthew Frank, DNR Secretary  
Natural Resources Board