

Seiners charged in fish kill

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SOMETHING'S FISHY — An anonymous tip led state Department of Natural Resources to investigate reports that a pair of commercial fishermen illegally had buried numerous dead game fish along the Lake Koshkonong shoreline. Steven Kallenbach, 54, of Stoddard, and John Bruring, 47, of La Crosse, were charged on Jan. 27 in Jefferson County Circuit Court with possession of illegal game fish. Each face a maximum fine of \$10,000 and up to three years and six months in prison, if convicted. Altogether, wardens recovered 693 identifiable fish, valued at \$5,643 by state statute. They included 308 walleye, 333 white bass, two catfish, a northern pike, a crappie and 45 native rough fish. The pair's contract to commercial fish on Lake Koshkonong was terminated on Oct. 20 due to the allegations. Pictured here are images of some of the fish recovered by the DNR wardens. Above left is a bag of fish remains identified as either white bass or walleye.

JEFFERSON - Two contract fisherman have been charged in Jefferson County Circuit Court with possession of illegal game fish.

Steven Kallenbach, 54, of Stoddard, and John Bruring, 47, of La Crosse, were charged on Jan. 27 in Jefferson County Circuit Court following a lengthy investigation by state Department of Natural Resources' conservation wardens. They are slated to make their first appearance before Jefferson County Circuit Court Judge Jennifer Weston on Monday, Feb. 21.

If found guilty, each faces a maximum fine of \$10,000 and up to three years and six months in jail. In addition, their hunting, fishing and trapping privileges could be revoked for up to three years.

The criminal complaint alleges that the two men failed to release and then buried a large number of game fish caught in their net while conducting a commercial seining operation for rough fish such as carp on Lake Koshkonong on Sept. 1 and 2, 2010. The game fish were incidental catches in the nets, most died as a result of remaining in the nets and the dead fish were not reported or disposed of properly.

Acting on a citizen tip, DNR conservation wardens discovered numerous locations along the 10,460-acre lake's shoreline where game fish and rough fish had been dumped, buried or covered with debris.

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Section 29.97 of Wisconsin Statutes states: "A person taking, transporting, acquiring, selling, purchasing or possessing or attempting to take, acquire, transport, sell, purchase or possess any fish, or failing to comply with record keeping requirement for fish in violation of this chapter is guilty of a Class I felony if the value of the fish exceeded \$1,000."

Under DNR administrative code, the bag limit for walleye on Lake Koshkonong is five total.

The contract under which Bruring and Kallenbach had been working was terminated on Oct. 20, 2010, for filing a false report.

DNR Warden Ryan Ellifson was notified of the possible killing of game fish by a commercial fishing operation on Lake Koshkonong on Sept. 28. The area resident told him that the fish kill occurred while Kallenbach and his commercial fishing crew were fishing on Sept. 1 and 2.

The complaint states that Kallenbach and his crew were fishing on Lake Koshkonong in Olson's Bay by the Oaklawn Academy shoreline in Dane County.

The warden traveled to the boat launch on Lake Koshkonong near Bingham's Road at approximately 1:30 p.m. on Sept. 28 to meet with the citizen informant. The boat launch and the Oaklawn Academy shoreline are located either within Jefferson County or within a quarter mile boundary of Jefferson and Dane counties.

Walking along the shoreline, the citizen identified locations where game fish had been buried in the sand and dumped in concealed locations.

"I saw that game fish had been dumped and/or placed under or behind uprooted trees, underneath undercut banks and behind riprap or covered with debris found on shore," Ellifson stated in the complaint.

Eighteen separate locations where fish had been placed in a manner that would make them difficult to find were identified. Of those, at least 11 were photographed and Ellifson dug into three locations, finding partially decomposed game fish.

Deputy Warden Greg Stacey had been at the Bingham's Road boat launch on Sept. 2. While there, he observed commercial fishermen pulling their nets and loading fish into trucks waiting at the boat launch.

According to the complaint, Stacey said he observed Kallenbach operating the loader at the boat launch. Bruring was operating the boat that transported the sorted fish from the holding nets to the boat launch.

As part of his investigation, Ellifson reviewed the daily reports submitted to the DNR by Bruring. They indicated that the fisherman pulled their nets in at Haight's Bay on the east side of Lake Koshkonong. No fish were harvested due to weeds in the net.

The complaint states that a total 128,715 pounds of rough fish was reported caught on Sept. 2. It further states that 18 dead game fish had been caught, including five walleye, one crappie and 12 white bass. The location of the fishing was identified as being in the "Oaklawn Academy area."

On Oct. 1, Ellifson spoke with a member of Bruring and Kallenbach's crew who wished to remain anonymous. He told the warden that on Sept. 1, the nets were filling with weeds so a decision was made to open the nets because they were unable to get enough fish.

According to the complaint, the crew members again worked with the pair on Sept. 2. The nets were pulled in starting around 7 a.m. He said they left without sorting any fish to remove any game fish that had been remaining in the bag. Sorting and loading reportedly began on Sept. 3.

The "dead truck" arrived on Sept. 3 and the rough fish dead loss was loaded onto this truck, the complaint states. Crew members began sorting fish during the morning of Sept. 3. The informant was working in the sorting boat sorting carp, buffalo, sheepshead, suckers and other rough fish.

Game fish reportedly were dumped into the boat and rough fish were left in the bottom of the boat. The complaint states that the crew member told Ellifson he was "mid-calf deep in dead walleyes and white bass."

He further noted that the crew, including Bruring, were aware of Warden Stacey's presence at the boat landing.

The complaint notes that When Bruring returned to the sorting boat after off-loading, he said, "Steve says the babysitter is gone," apparently referring to Stacey as "the babysitter."

According to the complaint, after the last truck was loaded, including the "dead truck," the crew was instructed by Kallenbach to get rid of the game fish. A final sorting was done to remove all the remaining game fish from the net.

Crew members dug holes with five-gallon buckets and placed two to three buckets full of game fish into each hole, the complaint states. They told investigators that the digging was taking too long for Kallenbach's liking and he directed them to hide the fish. Fish were dumped behind and under uprooted tree roots, where the bank was undercut, and behind washed-up sticks and debris. At the end of the day, there still were fish in the bottom of the boat that had not been disposed of.

Kallenbach told the crew he would bring a shovel in the morning to make burying the remaining fish easier. The complaint states that when the crew arrived on Sept. 4, Kallenbach already was there and the boat with the game fish was empty. The crew member told Ellifson that he estimated the number of walleye killed and disposed of to be around 1,000 and the number of white bass to be around 1,500.

Upon investigating the site, wardens recovered 693 fish, including 645 game fish.

According to the complaint, Kallenbach admitted that some game fish were killed in the commercial fishing operation on Sept. 2 and 3. He told Ellifson the fish were "disposed of" and indicated that the game fish were buried and dumped on the shore owned by Oaklawn Academy. Upon further questioning, Kallenbach acknowledged that between 400 to 600 game fish were killed, primarily white bass and walleye.

Meanwhile, Bruring told DNR officials that he had been a commercial fisherman for 30 years. He and his crew fish in Iowa, as well as several lakes and rivers around Wisconsin under rough fish removal contracts.

According to the complaint, he said under the contract on Lake Koshkonong, it states that they are supposed to turn over dead game fish to the DNR. He informed the investigators that they caught "quite a few walleyes in their nets" while fishing in front of Oaklawn Academy between Sept. 1 and Sept. 4. Bruring pointed out that he and Kallenbach were the two in charge of the fishing operation and that Bruring handled the paperwork.

The complaint noted that Bruring ultimately provided a written statement to the DNR wardens.

In the statement, he indicated that he and Kallenbach have fished Lake Koshkonong for the past eight years, normally making approximately 40 hauls on the lake itself. There were 14 hauls in 2010.

The two have a crew of six and Kallenbach and Bruring are in charge.

"Everyone does all the work," Bruring stated.

The complaint states that he is specifically responsible for filling and submitting the reports to the DNR.

Describing the regular operation, Bruring stated that the nets are set early in the lake and then dragged back. Pulling the net in takes about four or five hours. Crew members are directed to remove from the net whatever game fish possible.

"We don't usually load anything the first day," Bruring said in his statement. "Depending on the size of the haul and what fish we are looking for, we will divide the net according to the fish. Then we sort the fish and transport to load in the truck."

At that point, he said, the game fish are let go or, if they are dead, they are placed in the boat and buried at the end of the day.

"We would bury the fish on the shore," he said. "We did not get permission to dispose of the fish from the landowners."

Bruring said that sorting usually takes all day and sometimes extends into the next day.

"This is how we operated on the week including the week of Sept. 2 and 3," he wrote in his statement, according to the complaint.

"I would estimate about 25 percent of the 2,000 pounds were game fish totaling 400 and the rest were sheepshead and suckers," he said. "When we had so much dead loss, we were afraid of how it would look, so we disposed of them on shore by burying them."

Bruring said he decided to bury them.

"We disposed of them on the Oaklawn Academy property," he said. "We did not have permission to put the fish there. We disposed of the first fish this way later in the afternoon. I filled out the catch report during the day the following Monday."

The complaint indicated that it was Bruring who decided to file the report indicating that fewer game fish were caught and killed.

"I did this because it won't look good in the public's eye," Bruring said. "We did not want this to look badly on us or the industry so we could keep fishing."

Bruring also is facing an unrelated fine for a charge of fishing in Refuge-Mill Creek at Beaver Dam Lake, according to court records.

In a similar case, Timothy Smith of Ohio was fined \$19,000 for killing more than more than 3,000 walleye, northern pike and catfish in Lake Puckaway in Marquette County in September 2010. He pleaded no contest to charges, including a felony fishing violation. Smith's hunting and fishing privileges were revoked for three years. The incident left approximately 1.3 miles of dead fish on the south shore alone, according to DNR officials.

Commercial fishing is conducted regularly on Lake Koshkonong for the removal of rough fish, including carp, buffalo, red horse, sucker, sheepshead and white carp.

According to a 2009 Janesville Gazette article, Kallenbach has been in the business for 25 years on the Mississippi River and various inland lakes. At the time, he said the future of commercial carp fishing on Lake Koshkonong and other Wisconsin lakes was looking bleak.

He indicated that the low price for a catch and the waning market were two strikes against the business. When combined with the long hours and time away from home, Kallenbach suggested it was all but ending commercial fishing.

"Most of the lakes where we fish there are subsidies," Kallenbach told the Gazette. "We get paid to take the fish out, and we get paid for the fish. There is no subsidy in Lake Koshkonong. The only reason we fish is because of the buffalo."

People on Lake Koshkonong don't seem to want to deal with commercial fishing either, Kallenbach said, though carp must be removed for sport fishing to thrive.

"On Lake Koshkonong, we can't even find a place to stay," Kallenbach was quoted as saying. "You stay in a motel and that gets expensive. So far, I haven't noticed that it's been open arms at Lake Koshkonong."

The lakes that pay subsidies are much more welcoming, Kallenbach said. Lake property owners and sport fishers on Koshkonong, by contrast, have complained about the commercial fishers, he said.

Lake associations at Beaver Dam Lake, Lake Puckaway and Buffalo Lake have subsidized the carp removal. But organizations on Koshkonong apparently believe that the sale of fish is compensation enough, he indicated.