

Losing what we love

Is it the end of Montana as we know it?

If you've lived in Montana for any length of time, you've probably heard that what we lack in wages we make up for with our so-called "recreation bonus": easy access to the fabulous rivers, forests and mountains we love so much. The good news is that we've moved up from rock bottom to about 44th in per capita income in the last few years. The bad news is that global warming and uncontrolled growth are crimping our recreational opportunities at an alarming pace. We're literally losing what we love.

If you want to see an angler's face light up, just mention Montana. Almost every fishing magazine on the shelves will have at least one story about the legendary trout streams with which our state is blessed. Throughout the world anglers dream of some day being lucky enough to fish our waters. For many, the lure of those rivers and fish—and the ability to regularly enjoy them—is the primary reason they live here.

But that's changing.

Years ago, it was highly unusual to find any stream in our state closed to fishing during the summer. Nowadays, thanks to triple-digit daytime temperatures, shorter winters and skimpier snowpacks, reduced fishing hours and even total stream closures are common. And not only are more streams being closed, the closures are coming far sooner and lasting far longer than anything we've experienced in the past.

As a lifelong fly-fisherman, I fully understand why those streams are being closed. Water temperatures are arcing into the 70s during the day and, thanks to warmer nights and the more frequent cover of forest fire smoke, they're staying there instead of cooling back down. Already this year we've seen large fish kills in Yellowstone National Park because the water is simply getting too hot for the trout. And that says nothing about the hundreds or thousands of fish that die after being caught, handled, photographed and released.

To save the basic resource of our rivers—the fish—state policy is now to curtail fishing hours or shut the streams down altogether. To their credit, most anglers and commercial guiding organizations support the closures, and are doing their part to try to save our coldwater fisheries.

But stream closures are a stop-gap, desperate measure, not a viable, long-term solution to the problems plaguing our waterways. Moreover, closures primarily target the small sector of anglers and guides, and makes them pay—either economically or recreationally—for problems created by society at large.

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if we are to pass the rivers we love on to future generations. One contributing factor to the closures is that there's simply less water in the rivers. While irrigated agriculture is by far the largest water user in the state, it's at least a regulated use. Farmers and ranchers hold water rights that clearly define how much water they get to use, and when the rivers begin to fall, water commissioners known as "ditch riders" patrol the irrigation diversions, measure the water, and do their best to make sure no one is taking more than their legal allocation.

Unfortunately, there's no similar protection for groundwater. The homes filling our valleys simply sink a well and start pumping. Domestic wells are supposedly limited to 30 gallons per minute, but no one really has any idea how much water is actually being pumped from the ground on any given day. When you stuff

more sucking straws into the groundwater, less and less water makes it from the mountains to the stream. Less water in a stream means slower flows that get hot faster and bring on stream closures earlier. In the near future we'll either have to ascertain and implement limits to growth based on available water, or risk losing our rivers, our fish, and the economies they fuel.

The same story can be applied just as well to forest and back-country recreational closures as global warming turns our woods into tinderboxes. After a week in the stifling heat of the cities, thousands of Montanans seek the refuge of cool pines and higher elevations. But now, just as with the rivers, those forests and mountains are being closed to use earlier every year. And again, a small sector is paying for problems caused by us all. Loggers, like fishing guides, suffer direct economic losses from forest closures, while recreational users lose the "bonus" that makes living in Montana such a joy.

We need to make some big changes very soon. But since our policymakers seem hog-tied and incapable of moving at anything but glacial speed, what can we actually do? Well, here's where personal responsibility comes in. Every one of us can do our part by simply conserving resources every day. Using less water and turning off the lights when you're not in the

room are simple but effective measures that add up when tens of thousands of people join in. Reduce your carbon footprint by driving less, driving more fuel-efficient vehicles, car-pooling and buying locally. And finally, vote for politicians who understand the need to move quickly on global warming issues, and have the courage to do so.

It may rub some of us wrong to think we're losing our "freedom" to use as much water and energy as we want. But in the bigger picture, it should be obvious that the hard choices are upon us. We either cut back on our consumption and pollution or, in the not-too-distant future, we lose the very things we love most. ♪

Helena's George Ochenski rattles the cage of the political establishment as a political analyst for the Independent. Contact Ochenski at opinion@missoulanews.com.

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Siltation of Montana's Waters Pose Problem

Siltation of Montana's waters is a serious problem requiring a great deal of research and study, according to Forest Service and Fish and Game Department speakers at a meeting of the conservation committee of the Bozeman Chamber of Commerce.

John Venrick, range and wildlife staff, U. S. Forest Service, told the conservation committee that much of the silt coming into the West Gallatin River was from natural geologic formations in the Taylor Fork drainage. He stated that geologists consider the Upper Gallatin drainage area as geologically young, and land slippage, sluffing and other types of movement is to be ex-

pected for many years. These disturbed areas often are bare of vegetation and become sources of siltation in the watershed.

Venrick showed the committee land ownership maps to indicate that about 53 per cent of the land in the West Gallatin drainage is privately owned. This checkerboard pattern of ownership complicates the administration of Forest Service lands and makes it difficult to assess and control the sources of siltation.

Bud Gaffney, district fisheries manager, Montana Fish and Game Department, explained to the group that siltation is a form of water pollution. He said

that there are a number of things that can cause siltation — overgrazing by livestock and game animals, roads, logging, fires, and agricultural practices. The Fish and Game Department is concerned with the causes of

excessive siltation brought about by man's mismanagement of the land because they can be corrected.

Gaffney said that the effects of silt on trout reproduction and food organisms on the bottom of a stream can seriously reduce trout populations. He stated that there is a great need for more research on the effects and causes of siltation in Montana's streams.

John Peters, habitat biologist for the Fish and Game Department, told about a siltation study being conducted by the department on Bluewater Creek near Billings. He said that they are learning a great deal about agricultural siltation on that stream and its effects on trout. He pointed out that to study silt in a stream requires the use of highly technical equipment and must be carried out in a systematic manner throughout the year.

The Conservation Committee of the Bozeman Chamber of Commerce is making further study of the siltation problem in the entire Gallatin River, according to Paul Dudley, director in charge of this committee. He said that the conservation committee may recommend that governmental research be carried out to determine the causes and effects of silt in all portions of the Gallatin River.

Americanism Awards at Tuesday Dinner

The American Legion is sponsoring an Americanism awards dinner Tuesday at which John D. Shively, recipient of one of 17 Educator's Medals awarded by Freedoms Foundation of Valley Forge, will be honored.

Also to be honored at the public dinner will be those who contributed to the Americanism program developed for Bozeman schools.

The dinner will be served at 6:30 p. m. Don Langohr, Jr. is commander of the Gallatin Legion Post which has been instrumental in providing copies of the Bozeman Americanism program to other schools.

Tickets for the dinner are available from post officers.

A 20-cent piece was minted by the U.S. in 1875.

MSU trout laboratory rededication Sept. 7

The trout laboratory at Montana State University will be rededicated Sept. 7 with a new name, a new look and an expanded focus.

The former Wild Trout Research Laboratory was built a decade ago to investigate whirling disease, said Gretchen Rupp, director of the Montana Water Center at MSU.

Its name has been changed to the Aquatic Sciences Laboratory because the focus has expanded to include other fisheries topics, aquatic invertebrates and plants, she said.

"The need to accommodate whirling disease research has diminished in recent years, but demand for other aquatic-research capabilities has grown," she said. "Whirling disease still afflicts Montana's fish, but research on it is now ecological in scope and doesn't require so many live fish in a laboratory setting. In the meantime, other issues that do require an aquatic laboratory have emerged."

The lab also is undergoing renovations that will give it four indoor water systems and a fenced-in area behind the lab for larger-scale and outdoor studies. The indoor additions include an aquarium and raceway recirculating systems. The work is scheduled to be completed this fall.

Funding for the lab comes from the Montana Water Center and individual research grants.

The 3 p.m. rededication ceremony is open to the public and will feature speakers, refreshments and tours of the lab, which is located on the southeastern edge of campus.

Woman pleads guilty to deliberate homicide

ANACONDA — A woman who said her husband told her during a drunken argument "the only way I'm going to get you alone is for you to kill me," did.

The woman, Fish, pleaded guilty to second-degree murder and manslaughter to mitigated deliberate homicide in the April

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Montana Fouls Its Water

Laws are gutted; anglers and the public are gagged

AS IF ITS WATERS weren't troubled enough by whirling disease, Montana's state legislature stirred some ugly whirls of its own in the state's trout streams during the 1995 session.

"We now have, from a water quality standards viewpoint, one of the weakest state laws in the country," says Bruce Farling, executive director of the Montana Council of Trout Unlimited.

Most notably, Montana's elected officials passed bills SB 330 and 331, both of which severely undermine water quality safeguards. SB 330 redefines water classifications by stating that any waters not considered "high quality"—that is, water cleaner than one or more established standards—are not protected under the state's nondegradation policy.

The Madison River, for instance, does not meet drinking-water standards, due to naturally high levels of arsenic. With Montana's new definition of "quality," the Madison may lose all protection; under SB 330, the discharge of pollutants into a stream that is not "high quality" no longer requires permission from the State Board of Health, as long as the discharger does not exceed established standards. But significant fisheries damage can occur long before discharges reach those levels. As many as 13,000 miles of Montana streams could be affected by the new definitions.

And dischargers now only need to demonstrate that the economic benefits of additional degradation outweigh the benefits of clean water. The bill also makes it more difficult for the state to revoke such authorizations.

Finally, and perhaps most troubling, the bill decrees that only those parties who have an active economic interest in the quality of a stream can legally challenge the authorization to degrade. This excludes the general public—conservation organizations and the average angler—even though the Montana Constitution says that the state's waters belong to all the people of Montana.

"This is astounding to me," Farling says. "If I'm an individual and I fish on a river and that fishery is going to be trashed, I can't do anything about it. I think that shocked me most of all the bills [Governor Mark Racicot] signed."

In tandem with SB 330, Montana SB 331 further allows degradation by restructuring current standards, including risk-

based standards for all carcinogens. For arsenic, for instance, the risk factor dropped from one cancer death per 1,000,000 people to 1:1,000, a thousandfold increase in risk. And the bill sets a dangerous precedent by allowing the legislature, rather than the Environmental Protection Agency, to establish water quality standards.

Farling feels the heavy hand of the extractive resource industry behind this bill. "Industry knows they'd get their ass kicked in the historical manner in which standards were brought before the Board of Health, because the public won't accept this stuff when it's laid out to them in that sort of process," he says.

SB 331 also allows for denser subdivisions by permitting higher concentrations of nitrate discharges in groundwater—many of which pose threats to nearby lakes and stream systems.

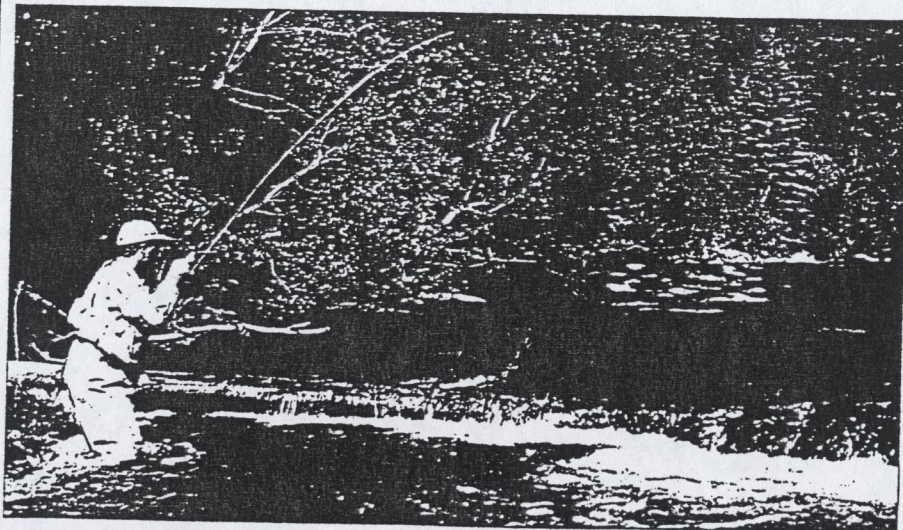
Several other bills threaten Montana's streams as well. SB 201 mandates that between 45 and 55 million board feet of timber must be cut from state lands each year, but makes no allowances for protecting wildlife or streams in the affected areas. The drainages most affected by SB 201—those with timber left standing on state lands—also happen to include prime bull trout waters.

Another bill, SB 346, creates a new stream class, called a T-class. Under the old B-1 classification, streams had to meet "beneficial use" requirements. One beneficial use was the propagation of salmonid fishes. But industry lobbyists behind SB 346 successfully argued that when a stream does not

meet other B-1 beneficial use requirements—say, drinking quality—it is therefore already degraded and should be classified industrial. The legislature agreed to create the T-class, which allows dischargers to further degrade these streams temporarily, as long as they promise to clean them up afterward. This bill seems intended specifically to aid Noranda Minerals' Crown Butte project on the upper reaches of the Clarks Fork of the Yellowstone, just outside of Yellowstone Park.

Other bills even further weaken Montana's clean water policy and the public's ability to change it. HB 501 states that individuals or groups who win a court injunction to stall a decision concerning state lands—such as the authorization to mine or log—must post a bond equal to the income the state would receive from such an operation while the case is being adjudicated. HB 521 prohibits the state from adopting water quality standards that are stiffer than federal standards. SB 362 exempts a large number of industrial activities from groundwater permitting rules. HB 338 states that open-pit mines larger than two acres can be considered reclaimed if left in place, even if they contain polluted water.

Overall, the legislation passing through Helena this year has dealt a stunning blow to the quality of Montana's trout streams. And Governor Racicot, despite more 2,000 written comments and, at one point, a reported 1,000 phone calls a week opposing the measures, signed these bills into law. It's a damn shame. □



PAUL GUERNSEY

House panel kills stream-access bill touted as compromise

By **WALT WILLIAMS**
Chronicle Staff Writer

HELENA — A House committee voted to kill a stream-access bill Tuesday only hours after hearing warnings from its supporters that if the Legislature doesn't take action to resolve the issue, the courts will.

The House Fish, Wildlife and Parks Committee voted 13-6 to table Senate Bill 78, which would have allowed landowners to attach fences to county bridges as long as they provided some means of accessing the streams or rivers they cross.

The vote to kill the bill came after committee Republicans amended the bill into a version that its supporters said destroyed its intent.

The committee's decision came too late in the legislative session to rescue the bill by having the entire House vote it out of committee, unless lawmakers agree to suspend the rules in this one case. Mark Aagenes of Trout Unlimited held out hope Tuesday that could still happen, al-

though he would want to see the bill amended back into its original form.

"Montana cares about this issue," he said, pointing to polls showing large support for stream access. "So we hope Republicans and Democrats would see the value in getting this to the House floor."

Earlier in the day the committee heard from dozens of people both for and against the bill, which is supported by hunting and fishing groups across the state. It sets a solution to a fight that has erupted in Madison County, which was sued by a public access group after county officials started issuing permits to allow landowners to attach fences to bridges.

"Litigation is not the solution to this problem. Legislation is," said Jim Goetz, a Bozeman attorney who is representing recreation groups in the stream-access fight.

Supporters of the bill touted it as a compromise, arguing that landowners

currently have no legal right to attach fences to public bridges. But it wasn't seen that way by the ranchers and farming organizations that spoke out against it Tuesday.

"Litigation, or the threat of litigation, is no reason to support or oppose this bill," Madison County rancher George Trischman said.

At the heart of the issue is the state's stream-access law, a 22-year-old law that guarantees the public the right to recreate on any stream or river regardless of who owns the stream bed.

One way to access those rivers is at county bridges, which are public property. But a few years ago some landowners along the Ruby River started attaching barbed-wire and electric fences to bridges along with "no trespassing" signs.

Landowners say the fences are needed to keep livestock off the roads, but anglers say the fences are more about keep-

ing people out than keeping animals in.

SB 78 by Sen. Lane Larson, D-Billings, is one of two bills before lawmakers seeking to resolve the dispute. The bill was supported by Gov. Brian Schweitzer, who spoke in favor of it at a stream-access rally in Butte on Saturday.

The other bill, carried by Rep. Mike Milburn, R-Cascade, would have effectively closed off bridges as access sites to protect private property rights. That bill, which died in committee, was supported by groups that oppose Larson's bill.

Milburn also is chair of the FWP Committee. The GOP-sponsored amendment to SB 78 changed the bill to de-emphasize the need to provide access when fences were attached to bridges, instead requiring a study of the issue over the next two years so it could be taken up by the next Legislature.

Rep. Kendall Van Dyk, D-Billings, made a motion to table the bill after it was amended, saying it was better to kill a bad bill than to let it go forward.

There would be no way for

landowners to satisfy the requirements of the bill because fences will always be construed as unreasonable barriers to streams and rivers, John Bloomquist of the Montana Stockgrowers Association said of the original bill. The group was one of the main opponents of SB 78, instead preferring Milburn's bill.

Other opponents wondered who would be liable should livestock escape onto roads because an absent-minded angler left a gate open, or if the person was injured while trying to access a river.

The bill "is a taking of property," Big Sandy rancher Fred Finke said.

Proponents argued that the public has the right to access streams from bridges, so all they're asking for is the ability to use what already belongs to the public.

"We're not talking about what's mine and what's yours," Bob Gilbert of Walleyes Unlimited of Montana said. "We're talking about what's ours."

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could not immediately be determined, but speculation in legal and government circles has focused on the new

Bozeman's Bud Lilly to be featured on 20/20

Renowned fly-fisherman Bud Lilly of Bozeman will be one of several people featured in an ABC 20/20 segment on fly-fishing.

Lilly took the ABC crew fishing last week on the Yellowstone River. ABC 20/20 producer Kate Wenner said the program will probably air in late summer or early fall.

Filming started in New York and ended in "nirvana," or Montana, Wenner said. And, when fishing in nirvana there was no doubt about the person they wanted for program, she added.

"Bud Lilly had to be the only person to take us," Wenner said.

Lilly owned a tackle shop in West Yellowstone before retiring and he now serves on the board of several conservation and fishing organizations.

The ABC crew spent three days in Bozeman and left Friday. Sports writer Dick Schaap is the correspondent for the segment. Wenner also said Montana will play a big part in the program.

A 50th Reunion
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Notes on fishing by Mr. Harry Trischman

The fishing in the park is good in all the streams, that is if you know how to fish. People who are used to fishing with a hook and line and a cork on the line, with no leader ^{or} ~~of~~ anything like that, are not going to be successful in catching trout. You have to know how to approach a trout stream properly and ^{lay} ~~make~~ your fly properly in the water in order to have the trout take it. If a dry fly is placed properly on the water the fish will take it much quicker than the ^{ordinary fly which} ~~other fly~~ ^{fly} since the ordinary ~~fly~~ makes more of a splash, ~~sinks~~ ~~sinks~~ and also sinks. The sportsman will use a dry or ordinary artificial fly in preference to a spinner as he can cast better and handle his line better with a fly rather than a spinner. A fine split bamboo trout rod will not stand the rigors of spinner fishing very long without suffering from this abuse. Personally I prefer an artificial fly about No. 8 hook, except in the larger streams like the Yellowstone, Madison, and Snake Rivers. In the lakes one can catch as many fish on a No. 8 artificial fly as on any other bait, either artificial or ^{real} ~~fish~~. In fishing for brook, ~~trout~~ or the smaller trout, I usually use a three or four foot leader with a single fly on account of the brush and other obstacles that a fisherman encounters, but in the larger streams and lakes I use a six foot leader and I use two or three flies to test out the stream and as soon as I find out what the fish are taking I transfer that fly to the end (unless it is already there) and remove the other one or two flies. I have just as much success with one fly as I ~~would~~ with two or three, as when I get two fish on at once I usually lose one in trying to land them both unless they are quite small. In fishing for trout one should use a fairly long line as it would be difficult to handle this with an

ordinary willow fish pole so I recommend the use of a moderate priced split bamboo trout rod, jointed.

I use just a common line--a tapered or double tapered lines are for the fancy fisherman who use a \$65.00 rod with a ~~gate guides~~ ^{guide}. With this they can handle the tapered lines in good shape. I can get just as many fish with a cheap line as I can with a tapered line and a \$65.00 pole. In landing a 3½ pound Rainbow trout I usually ~~I~~ "play" him as long as he~~x~~ will play, and then, if I have a landing net I pull him out with that, ~~and unless I have a net~~ ^{but without a net,} I find a good place along the shore where I can draw him out onto the bank, gradually, and grab him by the gills so he won't drop back into the ~~stream~~ ^{water.} After he gets through fighting I grab hold of the line and slide him into the shore rather easily without letting him have any slack, however, this requires sometimes fifteen or twenty minutes to play him out ^{and} ~~or~~ ground him. All trout weighting a pound or more have to be played before they can be landed easily and only the fishing ~~running~~ ^{in length} about eight inches can be pulled right out on the shore as soon as they are hooked.

In the Yellowstone River are the Rainbow, Lock^hleven, Cutthroat (or Native) Trout, and below about a point about a mile about Blacktail Creek are also found the Whitefish averaging about 2½ pounds each. In the spring of the year when the water is a little ^oily I use a devil scratcher ⁽²⁾ and put a sinker on and am usually sure of getting a whitefish if I am fishing between the point a mile above Blacktail Creek and Gardiner in the Yellowstone. An occasionally I hook a large trout instead of the Whitefish, because certain times of the year like in the fall about September 15th the trout will take the

Emerson Hough buck-tail which is a very deadly fly. For the year-around use, the coachman is my favorite fly, but the major pitcher is also good, and I have had good success with the grey hackel, brown hackel, black ^{gnat} ~~mat~~, silver doctor, professor, grizzley king, queen of of the waters, cow dung, and coachman. The fish along the roads are pretty well [^] ~~wised~~ [^] up and the fishing is not good in the easily accessible places. The best fishing I ever had was ⁱⁿ ~~on~~ Mariposa Lake on Two-Ocean Pass in the south boundry of the park at a place that had to be reached with a pack outfit which took several days. Along the highways the streams are whipped so much by good fishermen that an inexperienced fisherman that the fish are wild and in these places it takes a real fisherman to catch any fish. If people are good fishermen at all they can catch good trout at places two miles from the road in most any part of the park. I never use a double leader because the flies usually tangle up between the strands, although a great number of people do use double leaders, however, I doubt if they have caught any larger fish than I have caught on a single leader, as one can land almost any sized fish with a single leader by handling him carefully. I use the same colored line all of the time and never change. My line is grey or light green. If a fisherman fishes a long time and is over taken by darkness I wouldn't advise him ^{not} ~~to~~ try to return in the dark unless he is sure of where he is going, ^{but} ~~In this case I would advise him to build a fire and~~ wait until morning to return to ^{camp.} ~~his tent.~~ I would suggest that all fishermen carry waterproof matchboxes to keep their matches dry, as a fire is indispensible if he has to stay out all night, and the nights here are pretty cool at any season of the year. I carry a

If the fisherman slips the water with his line. The idea being to

waterproof matchbox when skiing in winter on account of the perspiration which would dampen the matches unless I had them so protected. All a fisherman needs in the way of food is a sack of salt in his hip pocket as he can ^{make palatable the trout he} roast ~~trout~~ over the coals of his fire, ~~and salt them and make them very edible.~~ In fishing with a spinner in deep holes it is a good idea to let the spinner sink down into the water four or five feet and then draw it up, this will attract the attention of the big fish and they can easily be caught. A good fisherman will look at his hook frequently to see that the point is not broken off, and also that there is no moss, or leaves or other matter caught on the hook as a fish will not strike a hook that has any foreign matter of this kind on it, and if the ^{spur} ~~fur~~ is broken off of the hook a man might lose a fine fish for that reason alone. Trout can be caught anytime of the day and the usual alibi of the fishermen who is unsuccessful do not count for very much--I mean alibis like, it is too early in the morning, or too late in the afternoon, or too light, or the sun is not in the right direction, or the wind is too strong, or the banks were too high, the water too clear, or not clear enough, or poor fishing tackle, too much natural feed, fish all caught out, tackle no good, no landing mat, too many fisherman, not my lucky day, wrong time of the year--none of these alibis are used by a good fisherman as he can catch them at anytime of the year whether the water is clear, or muddy, or whether there is wind, or no wind, and all of the rest of these alibis. The fisherman should be careful that his shadow does not strike the water as fish can see this plainly and it has a lot to do with his lack of success. The fish will also be scared if the fisherman slaps the water with his line. The idea being to

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place the line on the water as lightly as possible and to always ^{aim} to keep his line on the surface. After fishing half an hour the fly will get soaked up and will sink so it is advisable to change flies every half hour ^{or so} in order to keep them on the surface. The big fish will often ~~times~~ take a small fly, No. 12 but ^{with so small a hook} it is very hard to land ~~the~~ fish as the hook will tear out so easily.

If a dry fly is placed properly on the water the fish will take it much quicker than the other ~~fly~~ since the ordinary ^{fly} makes more of a splash, splashes and also sinks. The sportsman will use a dry or ordinary artificial fly in preference to a spinner as he can cast better and handle his line better with a fly rather than a spinner. A fine split bamboo trout rod will not stand the rigors of spinner fishing very long without suffering from rot abuse. Personally I prefer an artificial fly about 3.5 foot, except in the larger streams like the Yellowstone, Madison, and Snake Rivers. In the lake one can catch as many fish on a No. 12 artificial fly as on any other bait, either artificial or ~~fish~~. In fishing for brook trout or the smaller trout, I usually use a three or four foot leader with a single fly on account of the brush and other obstacles that a fisherman encounters. But in the larger streams and lakes I use a six foot leader and I use two or three flies to test out the stream and as soon as I find out what the fish are taking I transfer that fly to the end (unless it is already there) and remove the other one or two flies. I have just as much success with one fly as I would with two or three, as when I get two fish on at once I usually lose one in trying to land them both unless they are quite small. In fishing for trout one should use a fairly long line as it would be difficult to handle this with an