

September 2006 *Snags & Snarls*

Our mission is to conserve, protect and restore coldwater fisheries and their watersheds in the Western North Carolina region.



From the President

The general meeting in September is when officer and directors are elected, or re-elected to the board. I would ask that you do not nominate an individual for a position without first speaking to that person. Additionally, if you are interested in serving in a leadership position within the chapter, please let me know. Jim Heller has informed me that he is a believer in term limits and would like to turn the treasure position over to someone else. He also indicated that he would be there to assist in the transition.

Delayed harvest is nearly upon us and at this point I have some stocking dates that you may be interested in marking on your calendar.

Green River: October 5th & November 6th.

Little River: October 3rd & November 3rd.

North Mills River: October 6th & November 1st.

I will provide other stocking dates of interest as it is made available.

For many of our new members and those not familiar with delayed harvest: delayed harvest water is marked with black and white signs and may be fished only with artificial lures with one single hook. No natural bait may be possessed, and no fish may be harvested or possessed while fishing these waters between October 1, 2006 and ½ hour after sunset on June 1, 2007. At 6 a.m. on June 2, 2007, these waters are open to fish-

MEETING NOTICES

DATE/TIME: **Thursday, September 14, 2006**
7:00 p.m. Social • 7:30 p.m. Meeting

PROGRAM: **General Elections**
Speaker: Diane Silver - Mud Creek Watershed Coordinator for Henderson County
Topic: Status of the Mud Creek Watershed

DATE/TIME: **Thursday, October 12, 2006**
7:00 p.m. Social • 7:30 p.m. Meeting

PROGRAM: **Speaker:** Matt Kulp, Fishries Biologist - Great Smokey Mountains National Park
Topic: Update on GSMNP programs

A Chapter Board of Directors meeting is scheduled for **Wednesday, September 6, 2006** at 6:30 p.m. at the Log Cabin of the Unitarian Universalist Fellowship on Kanuga Road. All members are invited.

ing under hatchery supported regulations. Further details can be found in the "Regulations Digest" effective July 1, 2006. There has been a change to delayed harvest section on the Nantahala River in Macon County; the delayed harvest section is from White Oak Creek to Nantahala hydro-power discharge canal.

Chuck Pressley will address the membership at the September general meeting regarding the Trout in the Classroom program. It appears that the program will be in four schools and a mentor will be needed for each one. Chuck will give us more details at the meeting. Please consider volunteering to support this worthwhile effort.

The 2006 TU Annual Meeting in Minneapolis will be September 13 -

16. You can register online at www.tu.org; or contact Sally Armstrong at sarmstrong@tu.org or by calling 703-284-9410.

Some of you may, or not, have asked why I missed the last board and general meeting; and have generally not been on the water much. As it turns out, I was fortunate enough to make a little trip to central Idaho and fish Silver Creek and the Big Wood River. If you are not familiar with Silver Creek, it is a spring creek that is part of Silver Creek Preserve owned and managed by the Nature Conservancy. Silver Creek Preserve is an 850 acre tract protected by nearly 10,000 acres of conservation easements. For those of you that have been to Montana and Wyoming fish-

Continued on page 5

Public or private?

Dale Klug

I have recently received a letter, a couple of phone calls and more than a few e-mails concerning how a person or outfit can claim a stretch of water is “private”? It appears that everyone I’ve spoken with has a slightly different “opinion” than what the state of North Carolina indicates. The following is a summary only by an attorney in Charlotte, and is intended to provide an overview of water law in North Carolina and to make individuals aware of legal issues that may affect them. It is not a comprehensive statement of the law, and it is not a substitute for the advice of an attorney. Anyone with questions or concerns about specific legal issues or involved in a legal dispute should consult an attorney.

Questions often arise concerning the ownership of the submerged lands under rivers and lakes and the tidal lands of the oceans, sounds and estuaries. Under North Carolina law, all land under saltwater bodies, lands subject to the ebb and flow of the tide, and land under water that is subject to the influx of saltwater is owned by the State “in trust” for the public. Such lands cannot be privately owned, with the exception of certain limited grants and sales of these lands that the State has made in the past.

The same rule of State ownership applies to lands underlying fresh water bodies that have an outlet to the ocean and would be potentially navigable by historical sea vessels. In all of the above cases, private property boundaries extend only to the high water line or the mean high tide line of the water body. When the State owns submerged lands, the owner of land adjacent to the water body still has riparian rights of access to and use of the water and bottoms (using water for irrigation or building a dock, for example). Those rights are limited, however, by the requirements of navigation and by the rights of the public to use the publicly-owned navigable waters and tidal lands. Other regulations also may apply, including the requirement to obtain a permit before building docks or piers in coastal waters.

Submerged lands that do not fall into the above categories, which would include most land under streams, smaller rivers, and lakes, can be privately owned. When a private property boundary is described in the deed as the course or “thread” of a stream, the property line is considered to run down the middle of the stream. The property line will shift as the stream slowly changes course. Gradual erosion from one side and gradual accretion on the other will respectively reduce and increase the amount of land held by the adjacent owners. If a flood or other unusual event causes a stream to change course suddenly and dramatically, the property boundary does not move and will be established at the center of the old stream bed.

Public Use Rights

Although riparian owners have certain rights to use water, they do not actually own the water itself. All surface and ground waters are legally “waters of the State.” The water, plus the fish and other aquatic life belongs to the State. (There is an exception for fish in private ponds

continued on page 5

Are you getting PCTU e-mail?

Chris Ellis

Currently we have 128 e-mail addresses in our list server for PCTU. If you are not receiving psgahtu@list.nctu.org e-mail at least once a month, you are either not on our list, your registered address is not active, or our address is being blocked.

The following e-mail addresses are bouncing (not receiving e-mail successfully) and have been unsubscribed from psgahtu@list.nctu.org:

Tommy M.; Jack L.; Marc C.; Gary N.; David H.; Karl T.; Bill C.; Denis D.; Wally H.; David R.; Paul C.

Visit our PCTU web site (<http://main.nc.us/PCTU/>) to add yourself back to the list with your correct email address.

PCTU e-mail is how we disseminate late-breaking news and schedule changes. If you have e-mail and haven’t done so, sign up now to keep yourself up-to-date.



Annual elections

Annual election of TU Pisgah Chapter officers and directors will be held at the September 14 general meeting. Nominees for the board seats to be vacated by Woodley Murphy and Art Smith are Wai Syn and David Pearce.

While nominations will be accepted from the floor, please don't nominate someone on the spur of the moment. Make sure beforehand that your nominee is willing to serve.



Fly of the Month - Light Cahill

Dale Klug

Hook: TMC #5210, #10-18

Thread: 6/0 yellow

Wings: Imitation wood duck, upright and divided tails

Tails: Light ginger hackle fibers

Body: Cream, pale yellow, or yellowish orange dubbing

Hackle: Light ginger



1) Mount the hook in the vise and debarb it. Start the thread one eye length behind the eye of the hook. Wrap a thread base (this will prohibit the wing from rolling off the top of the hook), with the thread finishing one-third the shank length back from the eye of the hook.

2) Prepare a well-marked, even-tipped imitation wood duck feather by stripping the unnecessary fluff and fibers from its base and trimming out the center quill.

3) Roll the fibers into a single bunch, and measure them against the shank. The wing on a standard dry fly is equal in length to the shank.

4) Tie the wing firmly onto the top of the hook, one-third the shank behind the hook eye.

5) Trim the wing butts on a neat taper, and bind them down tightly. Return the thread to the wing tie-in point.

6) Stand the wing upright, and wrap thread in front of it to hold it upright.

7) Using your fingers, or a dubbing needle if necessary, divide the wing into two equal parts.

8) The task now is to use wraps of thread to make the split permanent. Wind the thread from the front of the near wing, across the top of the hook, to the back of the far wing. Then, wind the thread under the hook to the rear of the near wing, across the top of the hook to the front of the far wing, and finally back under the hook to the starting point.

9) During the process of wing division, the wing fibers often become disheveled. To reconcentrate them, take turns of thread around the base of first the far wing. Use minimal tension to accomplish this, and take a turn of thread around the shank afterwards. Then, repeat the same procedure on the near wing.

10) The finished wing, displaying good balance and symmetry, hopefully.

11) Attach 12-15 stiff tailing fibers, just behind the wing butts, such that the finished tail is equal in length to the hook shank.

12) Dub a neatly tapered body, ending at mid-shank.

13) Select and attach two stiff, good quality dry fly hackles just ahead of the body. Advance the thread to the hackle tie-off area (one eye length behind the eye of the hook), smoothing the hackle wrapping area as you do

14) Wrap three or four turns of the first hackle behind the wing. Bring the hackle under the hook to pass it in front of the wing, and place a turn of hackle tight to the front of the wing. Take two three more turns of the first hackle and tie it off. Do not crowd the hook eye. Wind the second hackle, taking care to fill in any obvious gaps left by the first.

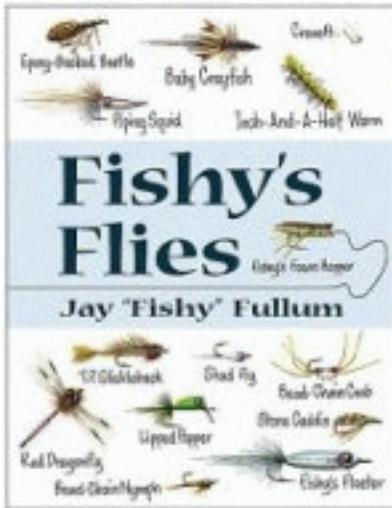
15) Build a neat head, and whip finish to complete the fly.

Keep one -- Release one

Reviewed by Bruce E. Harang

Fishy's Flies

by Jay "Fishy" Fullum
Stackpole Books
Mechanicsburg PA, 2002
68 pages, softbound
illustrated, B&W
suggested price \$9.95



This is one of the best surprises of the year for the fly tier. A small volume in size but a gigantic volume in fun and novel fly tying techniques and materials. In only 68 pages of text and wonderfully clear line drawings the author teaches how to tie twenty-seven different fly patterns he has created. Here you will find foam hoppers, epoxy ants, craneflies, stickleback minnows, and stoneflies tied with plastic canvas, lipped poppers, and bead-chain crabs. Each and everyone tied using novel materials found in out of the way places and products designed for all manner of uses other than fly tying.

But don't let the fun and novelty fool you. These flies are both very fishable and very durable. If you are a natural materials traditionalist you may have a

bit of a psychological barrier to overcome. After all using an electric pencil sharpener on a bit of balsa wood to make a popper body, or to cut a piece of needle-point plastic canvas to create a stonefly takes just a bit of loosening up mentally. The warm-water and saltwater tiers will not have this problem to the same extent as they are used to using all manner of synthetic material in their everyday fly tying. Once over this hurdle however, the reader will be surprised on how much fun and how effective flies designed by the author can be.

Overall this slim volume provides the fly tier with interesting, fun, and effective materials and techniques for tying a larger variety of effective fishing flies. With a retail price of under \$10.00 the reader receives his money's worth and much more. For innovative and inquisitive fly tiers this book is a must.

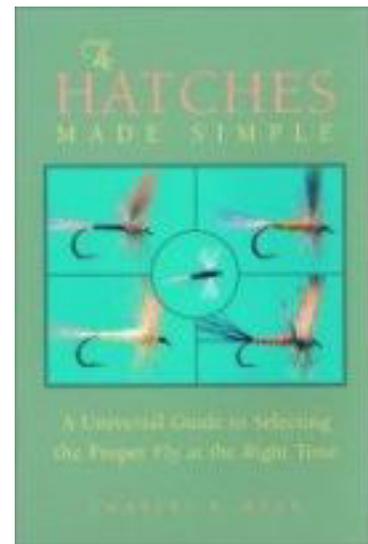
The Hatches Made Simple

by Charles R. Meck
Countryman Press, 2002
Woodstock, VT
261 pages, Hardbound
illustrated, Color and B&W
suggested price, \$35.00

Charles R. Meck has written a number of books on fly fishing. This latest effort is no better than the previous attempts and worse in that there is very little worth struggling through the book to find. The book title suggests that the fly fisherman can simplify his fly selection. However, the simplified system put

forth by the author requires over three hundred flies if the fisherman is only carrying one of each pattern and size.

The physical layout of the book clearly was never planned. There is no continuity and the reader is forever required to look somewhere else in the book for



the completion of the current subject. The material is all available elsewhere, nothing new or innovative is offered. Thus, the book is extremely difficult to read and provides nothing for the reader's edification in the end.

The Countryman Press has done a great job as usual of physically producing the book. However, the editor of this manuscript should clearly be taken out behind the woodshed and soundly thrashed. 🐉

Special thanks to
Diamond Brand Fly Shop
for donating flies and a cap for
the August meeting raffle.
\$37. was raised
for the PCTU.

Public or Private? - from page 2

if the fish cannot escape to or enter from public fishing waters.) Even when all of the submerged land under a water body belongs to private owners, the State owns the water, although the riparian owners continue to enjoy their riparian rights.

If the body of water that lies over privately owned submerged land can be navigated by any craft such as a canoe or a raft, then the public has a permanent right to use the water surface for all purposes of recreation and commerce, including fishing, whitewater canoeing, etc. It is not clearly settled whether the public's right to use such water bodies includes the right to wade on the privately owned stream bed for fishing or other recreation. When a stream is so small that it is no longer navigable by smaller craft such as a canoe, there is clearly no public right to wade, fish, or otherwise use or enter upon the stream.

Similarly, there is no public use right for man-made ponds on private property. On water bodies over submerged lands owned by the State (historically navigable waters and tidal waters) the public has a clear right to navigation, fishing, and other recreation on the water, as well as the right to use the foreshore the area between the low and high water lines.

There is no public right to travel over private property to obtain access to streams, lakes, tidal areas or other waters that the public has a right to use. Likewise, the public cannot generally trespass on private property on the banks of a stream, river or lake

See you on the water.

Dale



From the President - from page 1

ing and are looking for another destination, look just a few hours West. If you decide to take a closer look, be sure to take at least a 5 weight that you can punch into the wind, some long 6 or 7x tippet and your sense of humor. You'll primarily catch big browns and bows, and lots of them... what a ride! For more information: www.nature.org and search Silver Creek.

See you on the water.

Dale

Davidson River workday

Skip Sheldon

We had a great day of building fences with the Brevard College folks. Our TU chapter had a tremendous turn-out with the following fellows lending a hand. Richard Burns, Ross Fox, Walt Hill, Art Smith, Emery Schneider, Al Rolla, Yoshi Kinoshita, Erwin Hoadley, Tom Clyde, Wai Yun Syn, Carson Carpenter, Hal Hume, Zachary Browning, Alan Frank, Peter Litvinchyk, Joe Carpenter, Karl Trumpler, Mike Hanesworth, Bill Every, Sogi Soder, David Pierce, Bob Daubert, and Skip Sheldon. Brevard College brought 23 students and 6 Forest Service folks also pitched in. We were well on our way to achieving the goal of 800 feet of new fence, when we ran out of rails about noon. Turns out the rail supplier shorted us by about 300 rails, so we only finished 500 feet, but what was built looks great. A great big Thank You to everyone who helped make the day a great success.



Diane Silver to be September speaker

Art Smith

Diane Silver, Mud Creek Watershed Coordinator for Henderson County, will present the September program. Her program will include an update on the Mud Creek Watershed, including the causes of its impairment, and strategies for its restoration.

Ms. Silver will also discuss the *Kids in the Stream* program.





Snags and Snarls is published eleven times a year by the Pisgah Chapter of Trout Unlimited, a nonprofit organization, for its members and supporters. Produced by Sam Davis. September 2006, Vol. 60, No. 9). Address comments to: Snags & Snarls, P.O. Box 841, Hendersonville, NC 28793-0841.

MEMBERSHIP INFORMATION

New Members: You may join by accessing the national TU website at www.tu.org/intro. Please specify our Pisgah Chapter number **034** in the the box for *Code/Chapter Number*. This will put you on our membership roster and mailing list. New members may take advantage of the special Introductory Member rate of **\$17.50**.

Renewals: Current Pisgah TU members may renew in two ways. You may simply complete and return the renewal form sent to you by TU Headquarters, or renew on-line at www.tu.org by accessing the *Join/Renewal* link. TU is encouraging use of the e-mail link and there may be some special promotional offers available. Your chapter affiliation will remain the same. If you are a renewing member transferring to the Pisgah Chapter, you will need to note this on the renewal form or send a separate e-mail to change to our Pisgah Chapter (**034**). There is a link on the **TU.ORG** webpage for this purpose. You will need to include your membership number (ID) for any actions.

Calendar of Events

Upcoming Schedule of Events for the Pisgah Chapter

The following schedule lists the upcoming programs and events that have been approved and have been assigned dates. More details will be provided for each event as it approaches.

September 6 Board Meeting, UUF Log Cabin, 6:30 p.m.

September 14 General Meeting/ Annual elections, UUF, 7:00 p.m.

Pisgah Chapter Directory

Officers and Board

President	Dale Klug	243-6783	daleklug@bellsouth.net
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Director (2008)	John Kies	698-5207	johnkies@bellsouth.net
Director (2007)	Steve Herring	749-9352	castawaync@aol.com
Director (2008)	Richard Burns	628-3153	rg_burns@bellsouth.net
Director (2008)	John Carney	862-3886	jjcarney@brinet.com

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Reference Phone Numbers

NC Wildlife Violations	800-662-7137
NC Wildlife Resource Comm. - Doug Bessler	828-659-8684
Fish Biologist - Tom Harshbarger	828-645-6000
Silt Problems - Dennis Owenby	828-251-6208
Fish Hatchery Kiosk - Dale Klug	828-243-6783
Fish Outings - Skip Sheldon	828-891-3264
Water discharges on the Green River	828-698-2068
Water discharges on the Nantahala River	866-332-5253
Water discharges on the Tuckasegee River	866-332-5253

Reference Web Sites

National Trout Unlimited	www.tu.org
Pisgah Chapter Trout Unlimited	www.main.nc.us/PCTU
Western North Carolina trout fishing	www.wnctrout.com

OUR VISION

Pursue a future where healthy populations of native and wild coldwater fish thrive in the Western North Carolina region for following generations to enjoy.

OUR MISSION

Conserve, protect and restore coldwater fisheries and their watersheds in the Western North Carolina region.

Fishing Mentors

Chapter members listed below are available to accompany one or two members who would like to learn more about fly fishing in our streams. If you are just beginning to fly fish, here's an opportunity to get help from some knowledgeable fishermen.

Henderson County

Bob Daubert	693-6262
Steve Fromholtz	674-2450 *
Tim Lauffer	697-1496 *
Joe Whisnant	891-2784
John Barsotti	696-8292

Polk County

Dave Maxwell	894-0308
Don Sain	749-1245

Transylvania County

Jack Elmore	884-7197
Bob Cornelisen	862-8282

Legend: * weekends only



General Meeting

Location and Directions

LOCATION: Unitarian Universalist Fellowship Hall at the intersection of Kanuga Road and Price Road, Hendersonville.

DIRECTIONS:

From downtown Hendersonville - From intersection of Church Street and Kanuga Street proceed on Kanuga past light at intersection of Kanuga and Erkwood Drive (on left). Hall is on right approximately 1 mile from light.

From Polk County - Exit I-26 at Upward Road (Exit 53). Proceed west on Upward Road. Cross highway US 176 to US 25. Turn right at light, then 0.4 mile turn left on Erkwood Drive. Turn left at light at intersection of Erkwood Drive and Kanuga Road. Hall is on right approximately 1 mile from light.

From Transylvania County - Take US 64 east. Turn right on Crab Creek Road and follow toward Hendersonville. Road name changes to Kanuga Road at intersection with Little River Road. Hall is on left less than 2 miles from intersection.

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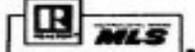
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