

FishPass Monthly Update



Dear partners and stakeholders:

On behalf of the FishPass team, I am pleased to provide an update from the fourth quarter of 2022. Please distribute the update as you see fit.

Engineering Design / Construction:

- 20 October 2022 – Oral arguments regarding the ongoing litigation (Grand Traverse Circuit Court Case No. 20-35540-AW) were heard by the 6th Panel of the Michigan Court of Appeal on 4 October 2022 in Petoskey, MI. The Court issued their decision summarily dismissing the plaintiff's complaint and reversing the 13th District Court's injunction. The Courts decision stated "*the [FishPass] Project is not limited to mere improvement of the Dam and research purposes [...] the Project will result in a net gain of parkland and more public use [...] and] engaging in environmental research concerning the habitat or species found in the area has a natural connection to the Property's purpose and use as a park*".
- 02 December 2022 – The Plaintiff entered an application for leave to appeal with the Michigan Supreme Court. Despite this latest delay, the Great Lakes Fishery Commission, its partners, and the community remain excited about FishPass and look forward to recommencing construction once the legal challenge is resolved.

Research/Assessment:

- The FishPass Advisory Board met in November 2022 to discuss research coordination, commissioning research plans for day 1, and to receive progress updates from ongoing research and assessment activities.
- November 2022 – Brett Fessell (Grand Traverse Band of Ottawa and Chippewa Indians [GTB]), Frank Dituri (City of Traverse City), Carl Platz (US Army Corps of Engineers), and Dan Zielinski (Great Lakes Fishery Commission [GLFC]) published an article "A river reborn: the fulfillment of the project partnership agreement for the removal of Sabin Dam" in a special issue *Bridging Knowledge Systems between Indigenous and non-Indigenous communities* in the *Journal of Great Lakes Research*. In this article, the Project Partnership Agreement between the Grand Traverse Band of Ottawa and Chippewa Indians and the U.S. Army Corps of Engineers to remove the Sabin Dam negotiation process was used as a snapshot of how Tribal leadership, along with their fellow project partners established lasting relationships which built trust among stakeholders and funders, and ultimately led to unified support of long-term commitments to accomplish the largest river restoration project in Michigan history. The perspectives detailed within the article serve as a prime example of how the principles of relationships, trust, and commitment can help bring together knowledge

systems to help overcome numerous cultural, financial, and logistical challenges facing other ambitious environmental restoration projects. The article is freely available at <https://doi.org/10.1016/j.jglr.2022.10.009>.

- 08 November 2022 – Staff from the GLFC and GTB completed the fourth scheduled “quarterly” index electrofishing survey in the lower Boardman/Ottaway River (below Union St. Dam). These surveys are conducted to understand the seasonal diversity and abundance of the Boardman/Ottaway River fish populations (Table 1).

Table 1. Average length (Ave. Length) and number of fish (n) sampled during the 08 November 2022 electrofishing survey of the lower Boardman/Ottaway River.

Species	n	Ave. Length (in.)
brown trout	10	15.5
coho salmon	1	25.1*
common white sucker	4	15.2
lake trout	1	31.5*
rainbow trout	59	24.6

*Denotes a sample size of one

- 10 October & 18 November 2022 – Staff from the GLFC continued to collect water samples in support of the *Energy and Nutrient Dynamics* project to create a time-series dataset of nutrient concentrations which will be used to assess stream nutrient availability throughout the year.
- 25 October 2022 – Acoustic receivers that record the presence of fish implanted with acoustic transmitters were re-deployed in West Grand Traverse Bay just off the Boardman/Ottaway River near the locally known “Salmon hole” (Figure 1). Five of the receivers (solid red circles) are removed annually prior to August 1st and re-deployed upon the completion of operations at the Michigan Department of Natural Resources Salmon Weir. The receivers indicated by the solid black markers are maintained year-round in less than 40 feet of water (FOW). The approximate location (Lat/Lon, WGS 84) was provided via the FishPass Facebook [page](#) for angler’s reference. The receivers are deployed using a heavy mooring and then suspended up to approximately 30’ below the surface in order to avoid impeding navigation. Receivers deployed in less than 30 FOW are affixed directly to the mooring on the lake bottom. More information on acoustic telemetry can be found on the Great Lakes Acoustic Telemetry (GLATOS) [website](#).

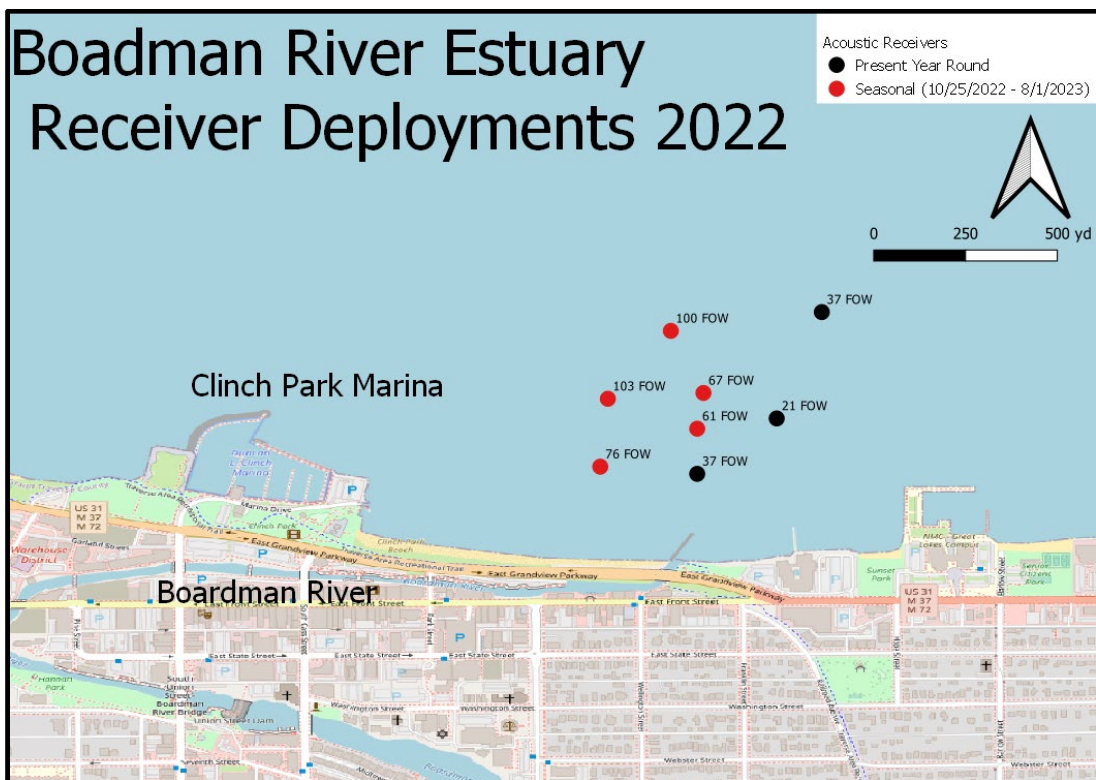


Figure 1. Map of acoustic receiver deployments in West Grand Traverse Bay just off the Boardman/Ottaway River mouth near the locally known “Salmon hole.” Colored dots represent continuously deployed receivers (black) and seasonal receivers (red) removed during peak salmon angling season (August 1st) and re-deployed upon the completion of operations at the Michigan Department of Natural Resources Salmon Weir (Approx. October 15th).

Outreach:

- November 2022 – Staff from the GLFC, GTB, City of Traverse City, and US Army Corps of Engineers participated in site tours of the Boardman/Ottaway River and future site of FishPass and presented project overviews with the Green and Blue Network and Council of Michigan Foundations.

In the News:

- Fate of cutting-edge fishery research in Traverse City now in hands of Michigan Supreme Court (MLive, 12 January 2023): <https://www.mlive.com/public-interest/2023/01/fate-of-cutting-edge-fishery-research-in-traverse-city-now-in-hands-of-michigan-supreme-court.html>
- FishPass decision could be appealed (Record Eagle, 10 December 2022): https://www.record-eagle.com/news/local_news/fishpass-decision-could-be-appealed/article_3b31e872-767d-11ed-b485-8b1e89c2971b.html

- Traverse City's research boom, from Fish Pass to a new Michigan Tech center (Crain's Detroit, 09 December 2022): <https://www.crainsdetroit.com/crains-michigan-business/traverse-citys-research-boom-fish-pass-michigan-tech>
- Traverse City's Fish Pass project is back on track (Crain's Detroit, 09 December 2022): <https://www.crainsdetroit.com/crains-michigan-business/traverse-city-fish-pass-project-back-track>
- What's Next For Building Height, FishPass In Traverse City? (The Ticker, 31 October 2022): <https://www.traverseticker.com/news/whats-next-for-building-height-fishpass-in-traverse-city/>
- Michigan Court of Appeals Reverses Judge's Ruling, Allows Traverse City FishPass to Move Forward (Michigan Department of Attorney General, 27 October 2022): <https://www.michigan.gov/ag/news/press-releases/2022/10/27/mi-court-of-appeals-reverses-ruling-allows-traverse-city-fishpass-to-move-forward>
- 'Ready to get moving': Court of Appeals allows FishPass to move forward in Traverse City (Petoskey News-Review, 27 October 2022): <https://www.petoskeynews.com/story/news/environment/2022/10/27/court-of-appeals-reverses-ruling-allows-fishpass-in-traverse-city/69596334007/>
- Traverse City's FishPass dam replacement project OK'd by appeals court (Bridge Michigan, 24 October 2022): <https://www.bridgemi.com/michigan-environment-watch/traverse-citys-fishpass-dam-replacement-project-okd-appeals-court>
- A change of course on Traverse City's FishPass project (Interlochen Public Radio, 21 October 2022): <https://www.interlochenpublicradio.org/2022-10-21/a-change-of-course-on-traverse-citys-fishpass-project>



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