

Sturgeon for Tomorrow supports DNR Wolf River planning effort, but opposes Menominee Tribe's plans to construct expensive and unnecessary fishways at Wolf River dams

Malone, WI
October 11, 2016

Sturgeon for Tomorrow (SFT), a 3000 member non-profit sturgeon conservation advocacy organization, with 5 chapters in the Lake Winnebago-Wolf River region, strongly supports the fisheries planning effort on the upper Wolf River announced by the WI Department of Natural Resources on October 7. SFT encourages all Winnebago/Wolf River sturgeon and fisheries interests to attend one of the DNR's meetings on this topic scheduled for from 6:30 -8:30 PM on Monday, Oct. 17, in Menasha at the Stone Toad, 1109 Oneida St.; Tuesday, Oct. 18, in Keshena at Menominee Indian High School, School Theater, N500 Wisconsin Highway 47; and Wednesday, Oct. 19, in Shawano at Shawano City Hall, Community Room, 127 S. Sawyer St.



SFT has been actively involved in addressing fisheries and sturgeon issues on the Wolf River upstream from the Shawano Paper Mill dam in Shawano since early 2015 in response to efforts by the Menominee Tribe, and two Federal agencies, US Fish and Wildlife Service and the Bureau of Indian Affairs, to force the construction of a \$1.25 million (potentially Federal \$) fishway at the Balsam Row dam 5 miles upstream of the Shawano dam, and then ultimately another fishway at the Shawano dam as well. Early in the discussions on these issues, SFT called for the development of a fisheries plan for the upper Wolf River to drive management decisions, especially the decisions on whether the highly expensive fishways being proposed by the Tribe at both dams were actually needed. Neither of the two dams in question are within the Menominee Reservation but the Menominee Tribe and its Federal agency supporters have, prior to having open public discussions or a management plan in place for the river, been aggressively pursuing the construction of fishways at both dams to provide access for sturgeon, walleye and other fish species in the lower Wolf River below Shawano upstream into the Menominee Reservation,

Since 2011, and with SFT support, the DNR has been working with the Menominee Tribe through a Memorandum of Understanding to implement a sturgeon Capture and Transfer program to restore sturgeon to the Reservation and has successfully re-established a naturally reproducing lake sturgeon population in the Wolf River within the Reservation. The DNR has also provided sturgeon eggs over the last 20 years to the USFWS and the Tribe each year to produce fingerlings for stocking into Legend Lake on the Reservation which has produced a fishable population of sturgeon in the lake for Tribal members as well.

Due to the presence of aquatic invasive species (AIS) in the lower Wolf River and Lake Winnebago including common carp and VHS virus, building fishways on the Wolf River dams significantly increases the risk that AIS could spread into the upper Wolf River and other waters in northern Wisconsin. SFT strongly believes that using low risk, low cost, high reward methods such as the highly successful sturgeon Capture and Transfer Program to restore sturgeon in the upper Wolf River is the best management option for the river, and one that the public in the DNR's proposed planning process will also support.

Sturgeon for Tomorrow's full position on these issues at this time is detailed in the attached SFT Issue Brief.

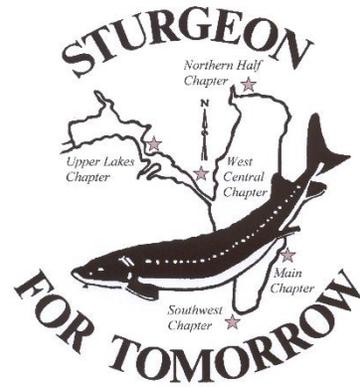
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Issue Brief
on
***Proposed Fishways at Balsam Row and Shawano
Paper Mill Dams on the Wolf River***

**Sturgeon for Tomorrow
October 2016**



Issue Summary:

- ***The Menominee Indian Tribe of Wisconsin and the Federal US Fish and Wildlife Service (USFWS)*** have been aggressively pursuing the installation of a fish passage facility at the Balsam Row Dam on the Wolf River (~5 miles upstream from the Shawano Paper Mill dam, and ~3 miles below the Menominee Reservation), and have expressed an interest in pursuing the installation of a fish passage structure also at the Shawano Paper Mill Dam, to potentially provide a route for lake sturgeon (as well as walleye and other migratory species) to swim upstream from Lake Winnebago to the Wolf River within the Menominee Reservation.
- Because ***Carp, VHS virus, and other possible aquatic invasive species*** are present in the Winnebago System and/or Shawano Lake, state law currently requires that all fish moved upstream of the dams on the Wolf River be examined, possibly tested for disease, and only moved upstream after being certified healthy by a Fish Veterinarian or registered Fish Health Specialist.
- At this time ***the WI Department of Natural Resources (DNR) is requiring*** that any fish passage facilities potentially built at either or both of the Wolf River dams would need to be **Trap and Sort** facilities to allow fish to be captured in the fishway and examined (i.e. fish would not be allowed to freely swim upstream through a ladder or by-pass channel).
- ***The DNR has been Capturing and Transferring 100 to 140 (primarily) adult lake sturgeon*** from Wolf River below the Shawano paper Mill dam to the river within the Menominee Reservation annually since 2011. Fish are very efficiently captured using electrofishing boats and trucked upstream for release, after being tagged, on the Reservation and above both dams.
- ***The Capture and Transfer program has been exceptionally successful*** with transferred fish spawning below Keshena Falls on the Reservation each year, with wild sturgeon larvae production documented; and with a resident population of lake sturgeon also increasing each passing year in Wolf River on the Reservation above the dams – **there is no biological need to build fish passage way(s) on the Wolf River to allow sturgeon to be restored to the Menominee Reservation waters as this is already occurring through the Capture and Transfer program.**
- ***The sturgeon Capture and Transfer program is a low cost (~\$5,000 to \$10,000/year), low risk, and high reward program*** compared to the cost of designing, constructing, operating, and maintaining a hardened fish passage structure that may not even work.

- ***Designing and Constructing a fishway at the Balsam Row dam is estimated to cost more than \$1.25 million, with annual operating costs likely to be more than \$10,000 year. Constructing and operating fish passage way(s) on the Wolf River for the purpose of restoring sturgeon to the Menominee Reservation waters is not cost effective nor economically feasible, and would be a waste of economic resources regardless of the source of those resources. (\$1.25 million would fund the current Capture and Transfer Program for 125-150 years)***
- ***The USFWS has already pushed the construction of two expensive and ineffective sturgeon fishways in Wisconsin. The fish elevator on the Menominee River in Marinette, and the natural bypass channel on the Chippewa River near Winter (similar to the fishway being proposed for Balsam Row) collectively cost over \$5 million to design and construct. Neither structure has to date effectively passed lake sturgeon upstream, but the structure on the Chippewa River has allowed carp to move upstream within the Chippewa System.***

Sturgeon for Tomorrow's Position:

- ***Sturgeon for Tomorrow supports the Capture and Transfer program*** to restore lake sturgeon to the Wolf River within the Menominee Reservation and above the Shawano and Balsam Row dams.
- ***Sturgeon for Tomorrow is opposed to the construction and operation of fish passage ways at the Balsam Row and Shawano Paper Mill dams*** on the Wolf River because:
 1. ***There is no biological need to build fish passage way(s) on the Wolf River to allow sturgeon to be restored to the Menominee Reservation waters as the current Capture and Transfer program is working exceptionally well.***
 2. ***Constructing, operating, and maintaining fish passage way(s) on the Wolf River for the purpose of restoring sturgeon to the Menominee Reservation waters is not cost effective nor economically feasible, and would be a waste of economic resources regardless of the source of those resources.***
 3. ***Capture and Transfer of lake sturgeon using electrofishing boats and trucks is a proven low cost, low risk, and high reward method for restoring lake sturgeon to the upper Wolf River; Constructing, operating, and maintaining fishways on the Wolf River at Balsam Row and/or Shawano Paper Mill dams is a high cost, high risk, and likely low reward method of restoring sturgeon to the upper Wolf River.***

Important Public Questions related to the proposed Wolf River Plan

Wolf River Fisheries Plan - Critical sturgeon element. DNR is proposing to develop a Fisheries and Aquatic Resource Management Plan for the river from Shawano Paper Mill dam upstream to Keshena Falls on the Menominee Reservation. Plan will hopefully focus on fish and aquatic resources and habitat management objectives in that section of river, and SFT expects it to also include an element that sets objectives for sturgeon transfers upstream of the two dams (whether there are fishways at the dams or not).

Menominee Tribe (and USFWS) will likely closely participate in the development of the plan for the section of river on the Reservation below Keshena Falls.

SFT is calling for the Plan be a State plan only and **not** a multi-agency plan requiring approval by the Menominee Tribe and the Federal agencies (USFWS, BIA) that covers the State resources and waters **up to** the Reservation boundary.

Important Questions:

For the DNR:

1. When will the planning and public discussions begin for the Wolf River Plan?
2. Is this plan going to be a State DNR sponsored plan, or a plan needing to be approved by multiple agencies?
3. Who from the DNR will lead and conduct the planning and public involvement for this plan?
4. How will the Winnebago Sturgeon Advisory Committee and the general public be involved in the planning effort?

For the Menominee Tribe:

1. What is your (the Menominee Tribe's) ultimate objective for the sturgeon restoration efforts in the Wolf River above the Shawano Paper Mill and Balsam Row dams?
2. What needs to happen for the Tribe to consider the Wolf River sturgeon restoration a success?
3. Does the Tribe intend to harvest sturgeon someday from the Wolf River?
4. If yes, how many each year, and will this be a spring harvest during the spawning period?

Upstream Fish Passage: Critical economic and sturgeon element. Fishway design for Balsam Row dam has been submitted to the Federal Energy and Regulatory Commission by the Menominee Tribe (with extensive assistance from USFWS and BIA). BIA and USFWS are trying to find funding at this time to cover \$1.5 million estimate construction costs.

Important questions for Menominee Tribe:

1. *Since the Tribe already has sturgeon successfully spawning on the Reservation below Keshena Falls through the ongoing Capture and Transfer program, why is the Tribe so aggressively pushing the construction of this expensive fishway (that will be required to be a trap and sort facility), and that may not even work all that well? (fewer sturgeon may end up at Keshena Falls with a fishway at Balsam Row than are there now through the Capture and Transfer Program.)*
2. *How can the Menominee Tribe justify spending \$1.5 million dollars of mostly **taxpayer's** dollars, in addition to operating costs which will likely cost more than the current*

Capture and Transfer costs each year, for a fishway at Balsam Row dam that may give the Tribe fewer sturgeon, and might not even work?

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