

## **Council of Lake Committees**

Detroit Metro Airport Marriott at Romulus, MI

734-729-7555

23 October 2002

### **Executive Summary**

**Attendees** – CLC Chair Bob Lange (NYDEC), Bill Culligan (NYDEC), Ken Cullis (OMNR), Jim Dexter (MDNR), Tom Gorenflo (CORA), Bill Horns (WDNR), Roger Knight (OH DNR), David McLeish (OMNR), Mike Morencie (OMNR), Sandra Orsatti (OMNR), Steve Scott (MDNR), Gary Towns (MDNR), Jack Wingate (MN DNR),

Bob Adair (USFWS), Nancy Andrews (Environmental Consulting and Technology), Kevin Barber (OMNR), Mark Bobal (USCG), Mark Coscarelli (Public Sector Consultants), Marg Dochoda (GLFC), Mark Ebener (GLFC & CORA), Marc Gaden (GLFC), Mike Gardiner (USCG), Dave Gesl (USACOE), Chris Goddard (GLFC), Gary Isbell (OH DNR), Roger Kenyon (PFBC), Chuck Krueger (GLFC), Arunas Liskauskas (OMNR), Sue Marcquenski (WDNR), Doran Mason (NOAA), Bill Mattes (GLIFWC), Kurt Newman (MDNR), Dave Reid (OMNR), John Robertson (Consultant), Jaci Savino (USGS), Sanjiv Sinha (Environmental Consulting and Technology), Bill Taylor (Michigan State U.), Tom Trudeau (IL DNR)

#### **1. Call to order, introductions, announcements, adoption of agenda**

CLC Chairman Bob Lange (NYDEC) called the meeting to order, inviting participants to introduce themselves.

#### **2. Sturgeon rehabilitation**

The Chair of the Law Enforcement Committee, Kevin Barber (OMNR), addressed the CLC about enforcement issues in rehabilitating Great Lakes sturgeon. As recommended by its Law Enforcement Committee, Law Enforcement Subcommittees were charged to establish appropriate Combined Enforcement Teams to monitor and enforce lake sturgeon harvest in the St. Marys River system and Lake St. Clair. Also, the CLC Chair will provide the Law Enforcement Committee with a rationale regarding the disparate harvest regulations for lake sturgeon in the Great Lakes; agencies that permit sturgeon harvest should write the chair with its rationale.

### **3. Status of lake trout rehabilitation**

Mark Ebener (CORA) reviewed the status of lake trout rehabilitation in the Great Lakes, analyzing apparent constraints and beneficial conditions. The Lake Huron Technical Committee has proposed that all hatchery fish be stocked in one historically important spawning site each year and that the stocking “pulse” be rotated to a new such site each year. Pulse stocking is intended to (1) reduce mortality due to predation by flooding the area with stocked lake trout, (2) reduce competition with wild young of the year, and (3) focus stocking on important stocking sites.

### **4. Deepwater cisco rehabilitation plans**

Sandra Orsatti (OMNR) and Bob Lange (NYDEC) reported on efforts to re-introduce deep-water ciscoes into Lake Ontario. There have been two unsuccessful attempts to secure eggs from a Lake Superior (disease-free) strain, and the Lake Ontario Committee will be consulting the Great Lakes Fish Health Committee regarding acceptability of Lake Michigan or Lake Nipigon strains. After securing eggs, hatchery-rearing techniques will be tested before a full-scale rehabilitation program is undertaken.

### **5. American eel rehabilitation plans**

On behalf of John Cooley (DFO), Sandra Orsatti (OMNR) reported that Lake Ontario and the St. Lawrence River are at the northern edge of the range for American eels, where we have seen steep declines to virtually zero recruitment. There are a number of stressors including barriers, turbine mortality and harvest of all life stages. The GLFC and LOC sponsored a white paper on the eel in Lake Ontario (<http://www.glfc.org/lakecom/loc/eel.pdf>). OMNR has reduced Lake Ontario’s commercial quota for American eel to 25% of previous levels. OMNR believes that because of the international dimensions of the eel decline, Fisheries and Oceans Canada should take the lead. A workshop to develop management options is being discussed: OMNR’s John Casselman will lead a day-one synthesis on eel status, and DFO will lead in developing a management strategy on day two. The USFWS and Atlantic states will be asked to participate

Bob Lange (NYDEC) reported that New York has no commercial fishery and does not permit anglers to possess eels (for contaminant reasons). NY is concerned about turbine mortality in mature females descending through the Moses Saunders Dam, and hopes to prevent such mortalities as a condition of Federal Energy Regulating Commission (FERC) relicensing. All Lake Ontario eels are females (and large) and thus the population could be important to global populations.

The CLC Chair will write a letter urging all agencies to work on a management plan for America eels. Chris Goddard (GLFC) offered to work with the chair in drafting the letter.

## **6. Update on planned Klondike strain lake trout stocking plan**

Bill Culligan (NYDEC) reported that New York will stock 80,000 Klondike strain lake trout in 2004. Chuck Krueger (GLFC), Mark Ebener (GLFC & CORA), and Dave Reid (OMNR) sought to correct a perception that the Lake Superior strain was “fat”. Bryan Henderson (OMNR) found that Klondike strain had lower fat content than most lake trout at spawning age. Bob Adair (USFWS) reported that the Klondike strain lake trout grow faster, mature early, and spawn earlier than other strains. The strain is now held at two federal hatcheries, Iron River NFH and Allegheny NFH.

## **7. Update on status of Great Lakes whitefish**

On behalf of Lloyd Mohr (OMNR), Dave McLeish (OMNR) reported on the status of whitefish in each of the Great Lakes. There were concerns in Lakes Michigan, Huron, Ontario and Superior (the southeast portion) with regard to abundance, condition, and growth of whitefish. The disappearance of *Diporeia* in certain areas appeared to be a factor. More information is needed on catch-at-age of whitefish. Mohr hopes to secure GLFC support to reconvene biennial workshops to support information sharing and coordination on the status of Great Lakes whitefish.

## **8. Lake Committee development and advocacy for environmental objectives**

Arunas Liskauskas (OMNR) reported on the environmental objectives work session that he had co-chaired the previous day with Ed Rutherford (UOM). Biologists tasked with developing environmental objectives for their respective lakes met with researchers and managers to conceptualize and discuss needs for developing, advocating, and assessing progress on environmental objectives. The biologists will be discussing with their respective lake committees the thrust of the LEC’s draft environmental objectives, whether to prepare funding proposals from the “wish list”, and a vision of data sharing and dissemination to support the environmental management strategy of *A Joint Strategic Plan for Management of Great Lakes Fisheries*. Work session participants plan to reconvene. Presentations and minutes from the environmental objectives work session will be forwarded to the lake committees.

Mark Ebener (GLFC & CORA) commented on the extensive “wish list” compiled at the work session, suggesting that additional sources of monies will be needed. Bob Lange (NYDEC), however, cited the possibility of a significant increase in Restoration Act grant monies. Mark added that Sea Grant could help with outreach to municipalities on environmental objectives.

Work session participant Bill Horns (WDNR) especially appreciated Pat Chow-Fraser’s (McMaster U.) demonstration of how her ecological value information was used to protect a wetland from development. We want to use environmental objectives to protect aquatic habitat, but he didn’t think that the approach the LEC used in its environmental objectives would help in zoning and development questions. Ed Rutherford reported that Phil Ryan (OMNR) explained how Erie’s environmental objectives worked; now the

challenge is to provide status information. According to Bob Lange (NYDEC), Pat Chow-Fraser reported that data on offshore fish aggregations inspired regulators to protect a coastal wetland. Gary Towns (MDNR) reported that the US Army Corp of Engineers is proving responsive to arguments for protecting remnants of once extensive aquatic habitat.

In response to a question on remote sensing from Dave McLeish (OMNR), Arunas Liskauskas reported that there is a lot of information on aquatic habitat, but it is not easily accessible. Longterm, stable funding is needed to manage data once it's assembled. Ed Rutherford suggested that Great Lakes managers consider an approach such as that used in the Global Ocean Observing System.

Bill Horns (WDNR) read a message from Chuck Ledin (WDNR) urging fish managers to think beyond environmental objectives and traditional roles in order to seize some unusual opportunities to make progress on environmental issues. Marg Dochoda (GLFC) reported that she had forwarded the Ledin message to organizers prior to the work session. One opportunity that Chuck had been championing was the U.S. Dept. of Agriculture program restoring buffer strips on streams.

Chairman Lange noted that the Great Lakes Fish Habitat Committee is in abeyance, and that the CLC has committed to advising the Commission on the kind of support that would be useful to develop, advocate, and evaluate progress on environmental objectives. (The Joint Strategic Plan requests that the Commission provide such a committee to support the lake committees.) The CLC will develop its advice to the Commission after Lake Committees have seen and considered the report from the environmental objectives work session. Lake Committees were asked to submit their comments on the environmental objectives recommendations and other material to the CLC Chair. Ken Cullis (OMNR) thought that the environmental objectives initiative is proceeding in the right direction, and that the works session had proven valuable. Marg Dochoda advised that the Commission had set aside some of the Habitat Committee's budget to support meetings such as the previous day's work session on environmental objectives, and that in 2001 it had declared environmental objectives a high priority for funding support. She expected that kind of support to continue.

## **9. Management options for *Heterosporis***

Sue Marcquenski (WDNR), with input from Joe Marcino (MN DNR), Rod Penney (OMNR), Jim Hoyle (OMNR), and Dan Sutherland (U of WI), briefed the CLC on the biology of *Heterosporis* and recommended the following interim actions to limit its spread:

***Permit lake-to-lake transfer of fish only when fish from the source lake test negative for the parasite.*** Because there appears to be a broad host range for *Heterosporis*, lake-to-lake transfers of fish should only be permitted after testing fish from the source lake for the parasite.

*Fish fed pelleted feed provide the least risk for disseminating the parasite. Fish fed live food (fathead minnows, etc.) are at greater risk for introducing the parasite to new waters unless the forage or production fish are tested before stocking.* Agencies that stock fish reared on live feed could implement a screening protocol similar to Minnesota's prior to stocking the fish.

*Develop a monitoring protocol to screen Great Lakes fish caught for assessment purposes. This is more of an early warning system than a prevention technique.*

A monitoring protocol to screen fish caught in assessment nets or commercial nets could be developed. This may not prevent the spread of the parasite, but could act as an early warning system to increase the chances of detecting the parasite in new locations before it becomes widespread.

*Increase educational efforts regarding the parasite in the Great Lakes basin (similar to other aquatic exotics).* Increase educational efforts regarding the parasite in the Great Lakes basin for agency personnel, sport anglers and commercial fishers. Anglers were the first to recognize infected fish in Wisconsin, Minnesota, and Ontario and again, this may not limit the spread, but is an effective way to identify the presence of the parasite in new locations.

Until more is known about the life cycle of the parasite, especially the role of birds, effective disinfection methods, and which species native to the Great Lakes are susceptible, it is difficult to provide more specific information regarding actions to limit the spread of the parasite.

The Council of Lake Committees urged the Fish Health Committee to consider adopting the recommendations of the fish pathologists from jurisdictions with *Heterosporis*. The expectation was that the agencies would take whatever action the Fish Health Committee recommended to minimize and contain the spread of the parasite, now in the Bay of Quinte as well as in a handful of inland lakes in Minnesota and Wisconsin.

## **10. Botulism**

Bill Culligan (NYDEC) briefed the CLC on outbreaks of type E botulism that have occurred in Lakes Huron, Erie and Ontario in recent years. *Clostridium botulinum* has been recognized as a major cause of mortality in migratory birds in the Great Lakes since the 1900s. Death is rapid and caused by ingestion of the toxin. The bacterium is classified into seven types (A-G) by the characteristics of the neurotoxins that are produced. For the most part, type E has been restricted to fish-eating birds in the Great Lakes. Now, however, fish mortalities have been attributed to type E botulism.

## **11. Status of Asian carp / Chicago barrier**

Tom Trudeau (IL DNR) reported that a bighead carp was found 25 miles from the electric barrier on the Chicago Sanitary and Ship Canal. At the urging of the GLFC, the U.S. Army Corps of Engineers has initiated a study for the first phase in the construction

of a second electric barrier, for which the State Dept. gave the GLFC \$175,000. U.S Advisor Phil Moy (WI Sea Grant) determined that a second power grid was not an alternative to a backup generator for the electric barrier. The US Environmental Protection Agency made available \$230,000 for monitoring the effectiveness of the barrier. The International Joint Commission provided \$10,000 to evaluate acoustic bubble screen effectiveness as a barrier to the movement of Asian carp.

Marc Gaden (GLFC) added that Illinois DNR's Water Division is trying to redirect \$7 million in order that the barrier can commence before monies are made available federally. The Illinois funds might be available as match to the U.S. federal funds.

Law Enforcement Committee Chair Kevin Barber (OMNR) reported on the actions and recommendations of his committee. First, as Chair, he commented in support of the current Notice of Proposed Rulemaking of the USFWS to add black carp to the list of "injurious species" with a request to expand the proposed listing to include all forms of Asian carp with the possible exception of grass carp.

Second, the Law Enforcement Committee recommended that the Council of Lake Committees

- a) Send a letter similar to Recommendation 1 (re listing Asian carp as an injurious species) to the USFWS; and,
- b) Advise the Great Lakes Task Force and the Great Lakes Congressional Delegation regarding the need to add black carp to the list of "injurious species" with a request to expand the proposed listing to include all forms of Asian carp, with the possible exception of grass carp.

Finally, he recommended that the CLC and the Law Enforcement Committee work together to:

- a) Recommend that each agency take action to list or classify snakeheads (Channidae), and all forms of Asian carp as injurious species and ban the importation, possession, transportation, purchase, sale, release and exportation of previously listed injurious species; and,
- b) Recommend that each agency take action to prevent future harm to indigenous species and ecosystems from non-indigenous species.

Chris Goddard (GLFC) explained that a ban on live Asian carp such as existed in Ohio and was in process in Michigan could be used in Ontario to ban those fish which were transported through those states.

Jack Wingate (MN DNR) asked if states were being asked to ban grass carp, which Barber confirmed; the USFWS probably couldn't ban grass carp but individual Great Lakes states possibly could. Chris Goddard (GLFC) and Bill Taylor (MSU) noted that agriculture departments of southern states are lobbying for importation and rearing of black carp.

Chairman Lange announced that the Council is establishing a subcommittee co-chaired by Roger Knight (OHDNR) and Bill Culligan (NYDEC) to help address Asian carp and exotics in a more proactive, anticipatory manner. Tom Gorenflo (CORA) and Bill Horns (WDNR) offered their support and participation, and Kevin Barber offered a representative for the Law Enforcement Committee.

## **12. National Aquatic Invasive Species Act**

Gary Isbell (OH DNR) reported on the 2002 National Aquatic Invasive Species Act that has been introduced in the U.S. Congress to update the 1996 National Invasive Species Act and the 1990 Nonindigenous Aquatic Nuisance Prevention and Control Act. He reviewed the anatomy of the bill, encouraging CLC members to understand the basics, to get a taste of the detail, and to become involved in advocacy and constructive input. In particular, readers should consider:

1. appropriateness of dollar allocations to prevention v. control;
2. timelines v. urgency of the threat;
3. potency of goals and funding;
4. administrative efficiency; and
5. environmental soundness and effectiveness.

Bill Horns (WDNR) noted that there was a potential issue regarding state primacy in resource management in the proposal to develop a rapid response capability. Isbell agreed, noting that an effective prevention capability could obviate rapid response. If there is to be rapid response, there will need to be an effective option available for stopping an invader plus adequate funding.

Noting that \$12 million was authorized for prevention v. \$44 million for control, Marg Dochoda (GLFC) asked Isbell, if in his opinion, the proposed Act would prevent the influx of ballast invaders within the decade. While he thought NAISA was an improvement over previous Acts, he did not think that it would stop new ballast invasions within the decade. Mike Gardiner (USCG) thought that more money was required for research rather than for enforcing ballast regulations. Strong science to develop biologically based standards would help decision-making, for example in ballast treaty discussions under the umbrella of the International Maritime Organization.

## **13. IJC ballast water reference**

Marc Gaden (GLFC) reported that Canada and the United States could be expected to take six months to decide whether to write a ballast exotics reference for the International Joint Commission. He added that the IJC appreciates the CLC's support.

## **14. St. Marys River sea lamprey plans update**

Gavin Christie (GLFC) discussed the future of the St. Marys River control strategy for sea lamprey, its progress, options (trapping, sterile male release technique, Bayluscide), the decision analysis model and the Commission's decision process. He summarized that

sea lamprey larvae had been successfully reduced. Numbers of parasitic phase sea lamprey seem to be declining. Effects on lake trout likewise seem to be declining. There are still some questions around the effectiveness of the enhanced Sterile Male Release Technique (SMRT), although the enhancement does seem to have suppressed recruitment of sea lamprey.

## **15. Restoration Act and Fishery Research Program research proposals**

Chuck Krueger (GLFC) discussed efforts to coordinate the application processes and timelines for GLFC's Fisheries Research Proposals and for the Great Lakes Fish and Wildlife Restoration Act. Also under investigation is a common mechanism for securing peer reviews.

Bob Adair (USFWS) noted that the Restoration Act monies are for projects and not just research. A 25% match is required as is a state or tribe sponsor for research. Currently the service looks for approval of the sponsor in reviewing research completion reports. Jack Wingate (MN DNR) added that there are also questions regarding final dissemination and use of the research completion reports as well as how to follow up on secondary questions. In response to Tom Gorenflo (CORA), Adair explained that the USFWS does not withhold funds in a Restoration Act grant. The Service asks for money back if the terms of the grant are not met, and it could deny repeat business for the Principal Investigator. It could hold back a portion if the CLC so requested. Bill Mattes (GLIFWC) observed that holding back funds could skuttle some projects.

The Restoration Review Committee will develop suggestions for review of Research Completion Reports. Reports could be posted on a website, as are the GLFC's Research Completion Reports.

## **16. Research priorities of Lake Committees**

Chuck Krueger (GLFC) referred attendees to the lake committees' research priorities, which are appended. They are also posted with the priorities of the Fish Health Committee on the Commission's Fishery Research Program web page.

## **17. Restoration Act**

Marc Gaden (GLFC) reported about progress in advocating inclusion of Restoration Act grants in the President's budget. In 2003 there will be \$500,000 plus \$75,000 from the U.S. Fish and Wildlife Service for Restoration Act grants. The USFWS director Steve Williams and members of Congress have been contacted personally and by letter.

Dale Burkett (GLFC) advised that the Restoration Act grant money would likely not be in the USFWS budget for FY 2004. The reason is that since 1998, the USFWS has been required to make compensatory cuts when adding new items to its budget, a practice that has been applied across the Department of Interior as a result of Office of Management and Budget directives.



In addition and as a result of recent Congressional and Administration focus, the Great Lakes are perceived to be of lesser priority than areas such as the Everglades. Further compounding the issue, is the fact that, within the USFWS, the Fisheries program ranks third in general priority behind both the Refuges and Ecological Services programs.

Effective CLC action to influence the USFWS to request funding for the Restoration Act grants should be focused on the Office of Management and Budget and the Department of Interior's Budget Examiner. In addition, State Governor communications with the Office of the President regarding the value of the Restoration Act grant program might prove helpful.

Burkett also suggested that appreciation for the Act and its associated benefits will need to be expressed to secure its reauthorization.

Chairman Lange noted that Restoration Act authorizations are in two parts: grants and administration of Fish and Wildlife offices. He thought the authorizations should be linked and that both should be in the FWS budget.

Bob Adair (USFWS) stated that the Service appreciates the support for the Restoration Act grants process, noting that the Service did ask that the grants money be included in the FY 2003 FWS budget. He noted that there was support for the FWS's Fisheries Resource Offices eight years before the grants were requested, and that there was no increase in the FWS budget when the Offices were added.

Gaden added that it's important to recognize complexities and not "to throw the baby out with the bathwater."

## **18. Great Lakes Fishery and Ecosystem Restoration Program, Corps**

John Robertson (MDNR, retired) reported on efforts to develop a plan for the US Army Corps of Engineers to support management of Great Lakes fisheries. (The plan was authorized under the Water Resource Development Act 2000. Sec. 506.) The Corps and the Great Lakes Fishery Commission are cooperatively sponsoring and overseeing plan development. The support plan will describe the state of the Great Lakes fishery, projects needed to restore fishery and ecosystem, a process for soliciting and evaluating projects, and cross-linkage between the Corps and fishery managers. The plan will be available May 2003.

Construction projects eligible for funding must address fish habitat or ecological restoration, e.g., fish passage, dam removal, restore reefs, wetlands, bottom substrate, shoreline structures, flows, control of exotics and rehabilitation of indigenous species. A non-federal match (35%) is required. \$100 million has been authorized.

CLC members Bob Lange (NYDEC), Kurt Newman (MDNR), and Jim Dexter (MDNR) volunteered to serve on a steering committee, and Tom Gorenflo (CORA) and Ken Cullis

(OMNR) will report back shortly on whether they too would serve. Through 14 May 2003, they would be asked to review the state of the Great Lakes fishery report, survey responses, the proposed process, and the overall report. Travel costs will be covered.

### **19. Report of CAP Review Panel**

Panel Chair Bob Lange (NYDEC) asked for comments within the next few days on draft terms of reference for the Coordination Activities Program Review Panel. (Note: none received.) He noted that there was confusion regarding what is appropriate to submit for CAP funding and the timeline. Chris Goddard (GLFC) noted that the timeline confusion was due to two FY cycles of CAP funding in calendar year 2002. Appropriate subjects for CAP funding include support for development of fish community and environmental objectives, workshops, training, databases, literature reviews, etc. Research proposals requiring peer review should be directed toward the Fisheries Research Program.

### **20. Interagency data sharing**

Marg Dochoda (GLFC) reported that a discussion draft had been posted on the CLC's web page of *General Recommendations for Creating a Database Integrating Data from Diverse Sources*. She reported the status of the GLFC-Ontario Data Exchange Agreement and its role in developing and distributing the Lake Huron GIS database being developed by Mark MacKay (MDNR)

### **21. U.S. Vessel safety inspections**

Complimenting the Peck and Schneider report on fish management and assessment vessels, CDR Mark Bobal proposed a U.S. Coast Guard umbrella vessel inspection agreement with the Great Lakes Fishery Commission, that Great Lakes states (and tribes?) could tap merely by requesting an inspection. He suggested an annual inspection similar to Canada's. Annual safety inspections would be free and take a half-day in the period June to August. A dry-dock inspection would be scheduled every five years in the winter. There would be a cost from the dry-dock facility. He referred CLC members to publication #682 at [www.tc.gc.ca/marinesafety](http://www.tc.gc.ca/marinesafety). The CLC welcomed the approach proposed by CDR Bobal. Lake Committee members will serve as contacts for their agencies.

US federal fish management and research vessels already undergo a more rigorous inspection.

### **22. Status of fish stocking database**

Chuck Bronte (USFWS) hopes to have the fish stocking database operational by 1 December. The CLC Chair will write a letter of thanks. Bob Adair (USFWS) added that Bronte is seeking the name of a contact from each agency.

### **23. GLSC science delivery & large vessel program**

Chuck Krueger (GLFC) listed the members of the Blue Ribbon Panel to Evaluate the GLSC Vessel Program. Panel Chair, Commissioner Roy Stein contacted members in August. The report would be delayed.

### **24. SOLEC report**

Dave McLeish (OMNR) introduced a discussion on the relationship between fish managers and the indicators developed for the State of the Lakes Ecosystem Conference organized by EPA and Environment Canada. In particular there was displeasure with the biointegrity white paper and its discussion by non-experts. The salmonids indicator had been developed initially without input from fish managers.

Marg Dochoda (GLFC) noted that fish community objectives (end points) and state of the lake reports (indicators) reflect well on fish managers at these conferences. Progress had been made in educating environmental colleagues about management issues of sea lamprey and of alewife. Last April the CLC had decided to provide some support for the SOLEC process, rather than none or taking ownership. She would convey concerns to organizers at an upcoming SOLEC steering committee meeting. SOLEC is under the direction of the Binational Executive Committee, and that was another avenue for fish management agencies to express concerns.

### **25. Other business**

Chris Goddard (GLFC) reported that U.S. Congressman Bart Stupak had introduced a bill on management of cormorants.

Bob Adair (USFWS) reported that Rob Elliott (USFWS) has scheduled a sturgeon meeting 11, 12 December in Sault Ste. Marie, MI.

Adair also reported that ruffe had been discovered in the Keweenaw water way and in upper Green Bay.