

## FishPass Monthly Update



Dear partners and stakeholders:

On behalf of the FishPass team, I am pleased to provide the December 2020 – February 2021 update. Please distribute the update as you see fit.

On January 15, 2021, Judge Thomas Power of the 13th Circuit Court, issued a preliminary injunction impeding the commencement of FishPass construction in order to consider a case concerning the alleged disposal of City parkland. It is important to note that the case was not a ruling against FishPass per se, rather, the ruling concerned questions about whether the City was allegedly disposing of park property at the Union Street Dam site to accommodate FishPass. The Great Lakes Fishery Commission, its partners, and the community remain excited about FishPass and are reviewing all options as this progresses in the legal arena.

### *Engineering Design / Construction:*

- The U.S. Army Corps of Engineers is reviewing all submittals from the prime contractor, Spence Brothers Construction, and the Phase 1 construction schedule. These administrative activities remain permitted under the preliminary injunction. Phase 1 of the construction includes relocating the watermain, constructing the arc-labyrinth weir, and preparing the nature-like bypass channel.
- The FishPass team collaborated with the City of Traverse City to apply and eventually receive a \$300,000 grant from the Michigan DNR Natural Resources Trust Fund to support the installation of river and park access features integral to the FishPass project. Items addressed by the grant include: a dedicated kayak slide rail with erosion resistant landings, ADA kayak and canoe access docks with ramp and transfer slide bench above and below the dam, stepped stone fishing access to the river, and new boardwalks that connect to existing boardwalk on the north side of the river and to Hannah Park on the south side.

### *Research*

- The FishPass Advisory Board met in February 2021 to discuss, among many topics, the FishPass Operation and Maintenance Plan, research coordination, and progress updates from ongoing research activities.

### *Assessment:*

- FishPass assessment activities continue. Although no fish sampling occurred during this update period, the telemetry systems continue to collect movement data on tagged fish in the Boardman River and Grand Traverse Bay. In total, we are tracking 562 fish of various species within the system.

### *In the News:*

- Hearing held on future of FishPass project (UpNorthLive, 23 February 2021): <https://upnorthlive.com/news/local/hearing-held-on-future-of-fishpass-project>
- Points North: A multi-million-dollar fisheries project is suddenly on hold (Interlochen Public Radio, 18 February 2021): <https://www.interlochenpublicradio.org/post/points-north-multi-million-dollar-fisheries-project-suddenly-hold>
- Marc Gaden joins Ron Jolly to discuss FishPass project (Ron Jolly WTCM, 17 February 2021): <https://soundcloud.com/ronjolly/dr-marc-gaden-gl-fisheries-commission-2-17-21mp3>
- FishPass Project Will Go to Trial, Construction Halted (9&10 News, 17 February 2021): <https://www.9and10news.com/2021/02/17/fishpass-project-will-go-to-trial-construction-halted/>
- Judge keeps FishPass injunction (Record Eagle, 17 February 2021): [https://www.record-eagle.com/news/local\\_news/judge-keeps-fishpass-injunction/article\\_c3466caa-70a9-11eb-8cd0-73620ad38f34.html](https://www.record-eagle.com/news/local_news/judge-keeps-fishpass-injunction/article_c3466caa-70a9-11eb-8cd0-73620ad38f34.html)
- FishPass violates city charter, judge says (Record Eagle, 16 February 2021): [https://www.record-eagle.com/news/local\\_news/breaking-fishpass-violates-city-charter-judge-says/article\\_0cdb938c-7095-11eb-bba5-039722d616c9.html](https://www.record-eagle.com/news/local_news/breaking-fishpass-violates-city-charter-judge-says/article_0cdb938c-7095-11eb-bba5-039722d616c9.html)
- Traverse City FishPass Project remains on hold until court ordered trial this spring (UpNorthLive, 16 February 2021): <https://upnorthlive.com/news/local/traverse-city-fishpass-project-remains-on-hold-until-court-ordered-trial-this-spring>
- Multi-million dollar FishPass project in Traverse City is on trial (Interlochen Public Radio, 16 February 2021): <https://www.interlochenpublicradio.org/post/multi-million-dollar-fishpass-project-traverse-city-trial>
- FishPass Project Halted Until Trial Date in May (9&10 News, 16 February 2021): <https://www.9and10news.com/2021/02/16/fishpass-project-halted-until-trial-date-in-may/>
- Judge Upholds FishPass Injunction; Construction Halted Until May Trial (The Ticker, 16 February 2021): <https://www.traverseticker.com/news/judge-upholds-fishpass-injunction-construction-halted-until-may-trial/>
- Decision Coming On FishPass Injunction (The Ticker, 12 February 2021): <https://www.traverseticker.com/news/decision-coming-on-fishpass-injunction/>
- FishPass injunction decision coming (Record Eagle, 12 February 2021): [https://www.record-eagle.com/news/local\\_news/fishpass-injunction-decision-coming/article\\_43082ae8-6c9d-11eb-b985-67bb74526704.html](https://www.record-eagle.com/news/local_news/fishpass-injunction-decision-coming/article_43082ae8-6c9d-11eb-b985-67bb74526704.html)
- No new decision on FishPass injunction (Record Eagle, 6 February 2021): [https://www.record-eagle.com/news/local\\_news/no-new-decision-on-fishpass-injunction/article\\_911d70da-67ed-11eb-bf9d-cbd26e1758f1.html](https://www.record-eagle.com/news/local_news/no-new-decision-on-fishpass-injunction/article_911d70da-67ed-11eb-bf9d-cbd26e1758f1.html)
- FishPass lawsuit hearing coming (Record Eagle, 30 January 2021): [https://www.record-eagle.com/news/local\\_news/fishpass-lawsuit-hearing-coming/article\\_8848347c-627a-11eb-8385-bf55209fd6a8.html](https://www.record-eagle.com/news/local_news/fishpass-lawsuit-hearing-coming/article_8848347c-627a-11eb-8385-bf55209fd6a8.html)
- Opposition to removal of 63 trees delays construction of fish sorting channel (MLive, 27 January 2021): <https://www.mlive.com/news/2021/01/opposition-to-removal-of-63-trees-delays-construction-of-fish-sorting-channel.html>
- 'Fish sorting channel,' park construction underway in Northern Michigan (MLive, 21 January 2021): <https://www.mlive.com/news/2021/01/fish-sorting-channel-park-construction-underway-in-northern-michigan.html>

- Group continues to push for FishPass Project in Traverse City to move forward (UpNorthLive, 19 January 2021): <https://upnorthlive.com/news/local/group-continues-to-push-for-fishpass-project-in-traverse-city-to-move-forward>
- FishPass or Parkland? Traverse City Resident Fights Project (9&10 News, 18 January 2021): <https://www.9and10news.com/2021/01/18/fishpass-or-parkland-traverse-city-resident-fights-project/>
- Judge Power Puts Traverse City FishPass Project on Hold (9&10 News, 17 January 2021): <https://www.9and10news.com/2021/01/17/judge-power-puts-traverse-city-fishpass-project-on-hold/>
- Judge puts FishPass on hold (Record Eagle, 16 January 2021): [https://www.record-eagle.com/news/local\\_news/judge-puts-fishpass-on-hold/article\\_c3b9b9ac-5831-11eb-97fc-d3eaf0d0e414.html](https://www.record-eagle.com/news/local_news/judge-puts-fishpass-on-hold/article_c3b9b9ac-5831-11eb-97fc-d3eaf0d0e414.html)
- FishPass, Rotary Square, More Downtown Projects Move Ahead (The Ticker, 16 January 2021): <https://www.traverseticker.com/news/fishpass-rotary-square-more-downtown-projects-move-ahead/>
- UPDATE: Nearly \$20 million FishPass Project on hold in Traverse City (UpNorthLive, 15 January 2021): <https://upnorthlive.com/news/local/nearly-20-million-fishpass-project-on-hold-in-traverse-city>
- Traverse City residents to protest Fishpass Project (UpNorthLive, 15 January 2021): <https://upnorthlive.com/news/local/traverse-city-residents-to-protest-fishpass-project>
- Newsmaker: FishPass construction could start in January (Record Eagle, 30 December 2020): [https://www.record-eagle.com/news/local\\_news/newsmaker-fishpass-construction-could-start-in-january/article\\_1c0e6eec-49fd-11eb-854b-b77c7a4a8870.html](https://www.record-eagle.com/news/local_news/newsmaker-fishpass-construction-could-start-in-january/article_1c0e6eec-49fd-11eb-854b-b77c7a4a8870.html)
- Nearly \$2.8 Million In Park Grants Announced For Grand Traverse Region (The Ticker, 4 December 2020): <https://www.traverseticker.com/news/nearly-28-million-in-park-grants-announced-for-grand-traverse-region/>



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