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**File Code:** 1950/2400

**Date:** December 13, 2016

Dear Interested Parties:

The U.S. Forest Service (USFS) has received a request to permit the placement of an anchoring system of a temporary resistance board weir (RBW) on National Forest System lands in the Manistee River. The seasonal weir is intended to aid in the Adult Lake Sturgeon Monitoring Project being conducted by the Little River Band of the Ottawa Indians (applicant). The proposed project site is located on the Manistee Wild and Scenic River approximately one river kilometer downstream from the Rainbow Bend Access Site.

#### Proposed Action

The USFS would authorize a Special Use Permit to allow the applicant to anchor the RBW to the bottom of the Manistee River. The riverbed is the only land in the project area under the jurisdiction of the USFS. As described in the proposed connected action, a rail is required as a means of attaching the panels to the river bottom (see Figure 4 below). The rail stays anchored to the bottom year round until it is no longer required.

#### Need for the Proposed Action

The applicant is proposing the placement of a substrate rail (the anchoring system of a temporary resistance board weir) along the riverbed from bank to bank (see Figure 4 below). During seasonal operation the resistance board panels will be placed on the substrate rail. The completed RBW would then be utilized for sturgeon migration sampling.

#### Connected Action

If permitted, the anchoring system would be used by the applicant to install a temporary resistance board weir in the Manistee River approximately one kilometer downstream of the Rainbow Bend boat launch. The applicant has a Letter of Support from the Northern Lake Michigan Unit of the State of Michigan's Department of Natural Resources to install the weir in the Manistee River, and will access the site from tribal lands that abut the north bank of the river.

The proposed site location for this project has a USFS property parcel on the south bank of the river and tribal property parcel on the north bank. The applicant is proposing the placement of a substrate rail (the anchoring system of a temporary resistance board weir) along the riverbed



from bank to bank (see Figure 4 below). During seasonal operation the resistance board panels, with gaps of approximately 1½ inches, will be placed on the substrate rail with a passage chute and live trap for the holding of adult lake sturgeon. A portion of the weir will be designated for recreational boating for both upstream and downstream passage.

Operation of the temporary weir will be during the spring (from approximately late February through early June) to encompass the spawning migration of the adult lake sturgeon. During operation the structure will be checked daily for maintenance, and the passage of sturgeon and bycatch through the structure. The protocol for the operation of the weir would allow for manual passing of non-target species through the weir multiple times per day. If any adverse effects on the migration of non-target fish are noticed during the daily checks, the weir can be removed from operation until a fix can be made to allow for passive migration.

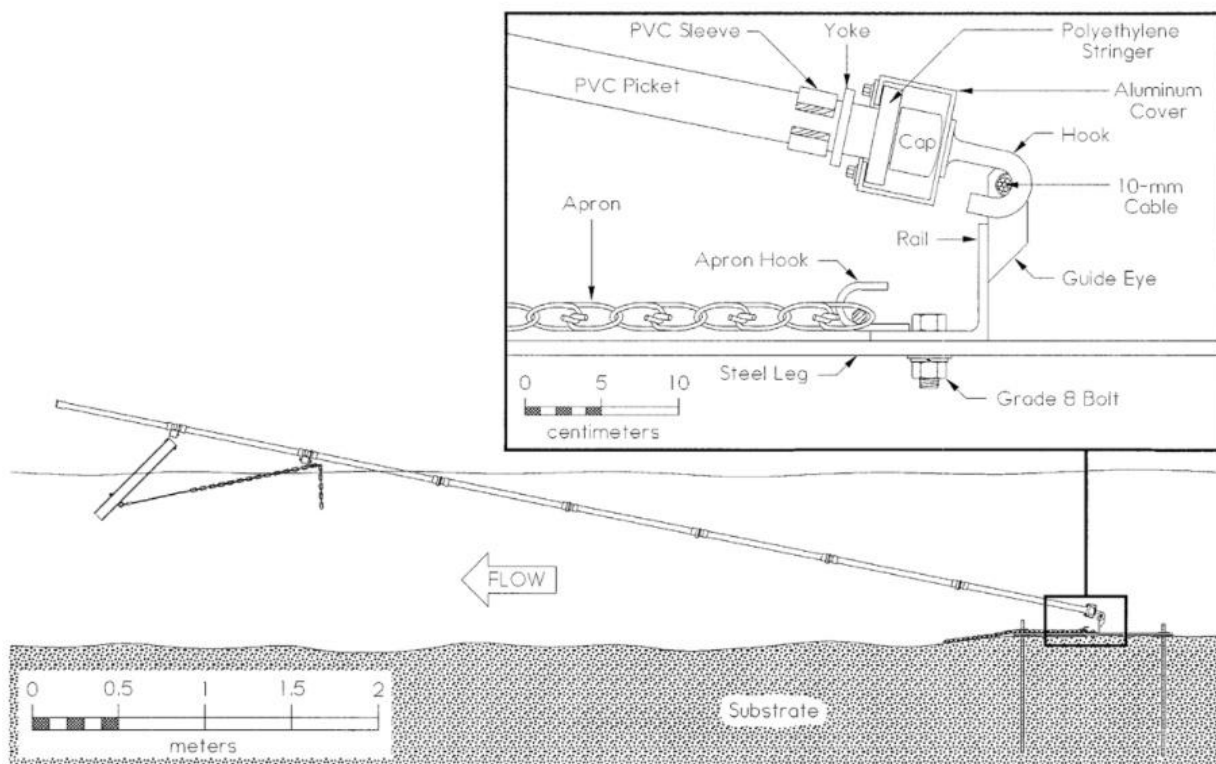


FIGURE 4.—Lateral view of an installed weir panel. Inset detail shows apron and panel attachment to the substrate rail and 10-mm cable.

### Need for the Connected Action

The applicant proposes the use of a seasonal fish weir to evaluate the streamside rearing program, the population demographic, and genetic status of lake sturgeon in the Manistee River. This project would provide the first opportunity to directly assess recruitment of streamside-reared sturgeon to the adult spawning population, and provide additional data necessary for updating past estimates regarding population demographic and genetic status.

This project proposes the use of a seasonal RBW to assess adult lake sturgeon during spawning migrations in the Manistee River downstream from all known spawning areas. The use of a site-specific, custom-designed RBW would provide data from all captured lake sturgeon completing their spring migration. This project is intended to provide critical missing data concerning performance of the streamside-rearing program, and comparisons of wild and streamside-rearing program, and comparisons of wild and streamside-reared fish regarding sex ratios, age at maturation, length, weight, spawning periodicity, timing, and success.

The proposal aligns with the Manistee National Recreational River Management Plan (1996) standards and guidelines for Cultural Values: “Maintain relationships with the Little River Band of Odawa and Grand Traverse Ottawa to ensure recognition and maintenance of treaty rights and preservation of culturally significant plant and animal species and landscape characteristics (p. 13).”

Project Timeframe: The project would run through December 31, 2019 as a test for potential longer term assessment.

Objectives: This project will provide the first chance to directly assess recruitment of streamside reared sturgeon to the adult spawning population and updates to the overall population demographic and genetic status.

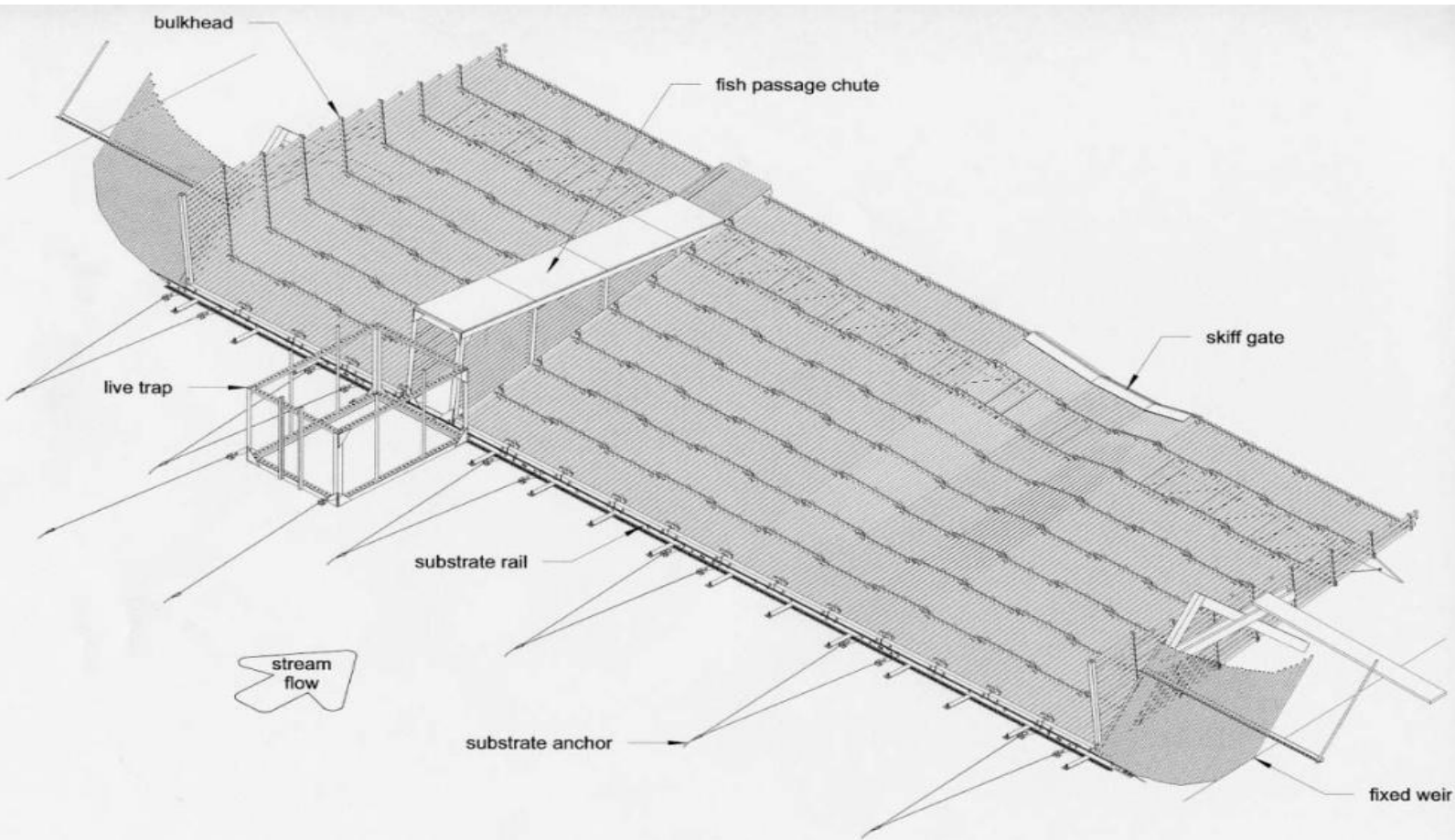
This project will fulfill portions of the applicants Lake Sturgeon Stewardship Plan for the Manistee River by evaluating adult population abundance and continued assessment of streamside-reared sturgeon compared to wild sturgeon.

Methods - Field Sampling: A RBW would be installed during late February 2017 in the Manistee River across the channel to ensure that the complete spring spawning migration is sampled. The RBW will be checked at least once a day for cleaning and to ensure that it is properly functioning and having no unintended negative effects on non-target fish. Integrated into the RBW design is a holding pen that migrating sturgeon will be funneled into for biological sampling and tagging. Once fish are detained in the trap and data samples are collected, all lake sturgeon will be released upstream of the RBW to spawn naturally. Monitoring of fish activity below, above, and around the weir will occur daily to ensure proper functioning, to limit any possible avoidance behavior, and to maximize effective collection of migrating fish. Operation of the weir will cease once upstream migration has ended (approximately late May/early June).

### Resistance Board Weirs

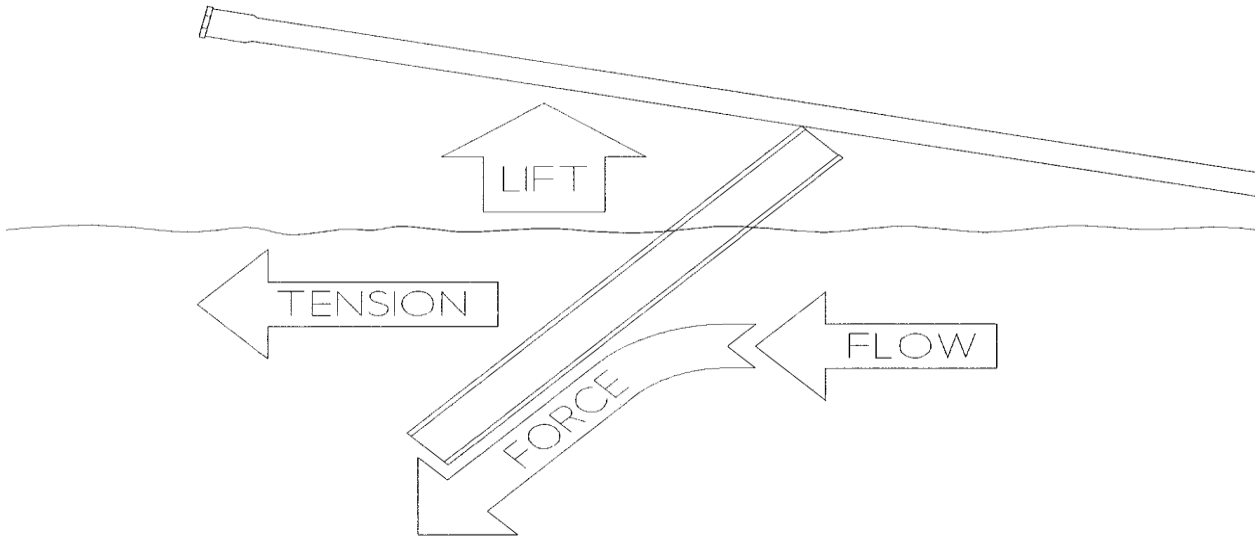
RBWs are designed to accommodate fluctuations in water flow and debris, and to allow for the inclusion of easy-to-use boat passages. Although not immune to washout, RBWs have been used in rivers that may experience debris-laden, high-water seasons.

The following diagrams show the basic components of an RBW, and the resistance boards and how they operate.



**Figure 1.** Resistance board weir

Above (Figure 1): The basic components of a resistance board weir. Below (Figure 2): The effect of the resistance board on water flow.



RBWs consist of three main components: panels made of capped PVC pipe, a chute and trap box where fish are captured or counted, and a rail anchored to the substrate that attaches the panels to the river bottom (see Figure 1 above).

The panels are constructed of PVC electrical conduit, reinforced by stringers. A resistance board is attached at the downstream end of the panel to deflect water flow downward, which causes lift and holds the downstream end of the panel above the surface of the water (see Figure 2 above). Panels are attached to one another and span the width of the river.

A skiff gate is incorporated into the structure which allows upstream and downstream passage of boats without opening the weir.

A trap box is used to capture fish for direct examination, after which they are passed upstream of the weir.

The rail that is installed across the river is anchored to the substrate using steel rods and cables attached to anchors placed upstream of the weir. The rail anchors and aligns the cable to which the PVC panels are attached.

#### Reason for a Categorical Exclusion

A proposed action may be categorically excluded from documentation in an environmental impact statement or environmental assessment only if there are no extraordinary circumstances related to the proposed action and if: the proposed action is within one of the categories established by the Secretary at 7 CFR part 1b.3; or within a category listed in 36 CFR 220.6 (d) and (e). This proposal falls under Categorical Exclusion 36 CFR 220.6(e)(3) that includes: “Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.”

#### Public Participation and Scoping

Please submit your written or hand-delivered comments to District Ranger Jim A. Thompson, USDA Forest Service, Cadillac-Manistee Ranger District, 412 Red Apple Road, Manistee, MI 49660, between 9:00 a.m. and 4:00 p.m. Monday through Friday, or faxed to (231) 723-8642, or emailed to comments-eastern-huron-manistee-manistee@fs.fed.us (must be readable by Microsoft Office 2007 or Adobe Acrobat 6.0 formats). It would be most helpful if comments were received prior to January 20, 2017, although comments will be accepted at any time.

Please include the following:

- 1) name, address, telephone number, organization represented and title;
- 2) title of the project on which the comments are being submitted;
- 3) specific facts and supporting reasons regarding your comments.

In addition, an open house will be held on December 20<sup>th</sup> from 3:00 to 7:00 pm at the Days Inn Conference Room in Manistee, MI. Representatives from the applicant and the USFS will be available to discuss the project.

Comments received in response to the project will become a matter of public record. If you have questions or need additional information regarding the project, please contact Mark A. Herberger at (231) 723-2211, ext. 3109, or write to USDA Forest Service, Cadillac-Manistee Ranger District, 412 Red Apple Road, Manistee, MI 49660. Copies of the final decision will be mailed to people who have submitted comments on this proposal and to anyone who requests a copy of these documents.

Sincerely,

JIM A. THOMPSON  
District Ranger

Enclosure (1)