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CONSENT AGREEMENT REACHED ON PLATTE RIVER STATE FISH HATCHERY DISPUTE

LANSING--Representatives of the Platte Lake Improvement Association, the Michigan Department of Natural Resources and the Department of Attorney General today filed a consent agreement with the Ingham County Circuit Court that ends a 14-year dispute concerning discharges from the Platte River State Fish Hatchery.

"This agreement will ensure the Platte River State Fish Hatchery will not be a significant phosphorus contributor to the Platte River watershed. It also resolves all of our outstanding issues concerning this facility," said Wilfred Swiecki, president of the Platte Lake Improvement Association. The citizen's group had filed a lawsuit against the DNR in 1986.

"The agreement will allow for the continued full operation of this important hatchery, that raises most of Michigan's salmon, while making the facility as 'environmentally neutral' as possible, thus helping protect a unique and important watershed," said Dr. Kelley Smith, DNR Fisheries Division Chief.

The agreement addresses the amount of water and phosphorus the hatchery can discharge, the number of salmon that can be allowed past the lower weir for spawning purposes at the hatchery, the way hatchery discharges will be monitored, the way antibiotics and other chemicals are used at the hatchery and the way compliance will be determined with the agreement. The parties also have agreed upon a level of phosphorus that is protective of Big Platte Lake, which will result in the improved water quality of this important resource.

The agreement also provides a clear communication protocol to prevent future misunderstandings and will encourage both parties to work together on watershed problems. An implementation coordinator will be hired to assist in enacting the agreement and helping to ensure compliance with the agreement.

The agreement has the following key provisions:

- The hatchery discharge will be limited to a maximum of 20 million gallons per day.
- The hatchery discharge of phosphorus will be phased down over the next six to seven years to 175 lbs. per year and no more than 55 lbs. for any three-month period. This phased approach is needed to allow the facility to be renovated in order to meet the conditions of the agreement. There are specific phosphorus limits for the pre-construction period (210 lbs. annually and 75 lbs. for any three-month period), the construction period (250 lbs. annually and 75 lbs. for any three-month period) and a three-year post-construction testing period (225 lbs. annually and 70 lbs. for any three-month period).

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- The lower weir will be operated from August 15 to November 14, unless otherwise agreed upon by the parties. A total 20,000 adult coho and 1,000 adult chinook salmon may be passed annually. All naturally migrating non-salmonid species along with brook, brown, lake and rainbow trout (steelhead) may be passed by the lower weir.
- The upper weir will be operated from August 15 to December 14, unless otherwise agreed upon by the parties. All salmon will be removed at the upper weir. All naturally migrating non-salmonid species along with brook, brown, lake and rainbow trout (steelhead) will be returned to the river.
- All harvested salmon from the two weirs will be removed from the drainage to ensure phosphorus from this source is not released back into the Platte River watershed.
- The parties agree that to properly protect Big Platte Lake the phosphorus concentration should not exceed 8.0 ug/l and this standard should be met 95 percent of the time.
- All inflows and discharge points will be measured twice per week for total phosphorus, temperature, suspended solids and flow.
- The current watershed-monitoring program will be continued until compliance with the final 175-lbs. phosphorus standard has been demonstrated for five continuous years.
- The use of antibiotics, antiseptics and other effluents will be evaluated to determine whether and to what extent such materials are released into the environment from the hatchery.
- Annual compliance audits will be conducted.
- A communication protocol and a dispute resolution process have been developed by the parties.
- An implementation coordinator will be hired by the parties and reappointed annually. The implementation coordinator will assist in ensuring the success of the agreement and has specific duties outlined in the agreement. The implementation coordinator duties will terminate with the achievement of the final annual and three-month phosphorus limits set by the agreement for a period of five continuous years.

"The agreement allows the \$7.5 million renovation program for the Platte River State Fish Hatchery to proceed," Smith said, "since it removes all the legal uncertainties concerning this facility and provides reasonable fixed targets the renovation program can meet."

One of the key components to this program is to install state-of-the-art effluent controls at this facility, anticipating the future needs of the agreement in this important area.

All parties agree this consent agreement will continue to improve water quality conditions in the Platte River watershed and allow the Great Lakes salmon program to continue in its current form. The parties also agree that the agreement is a model of how government can successfully interact with concerned citizens to protect natural resources.

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