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3 **RESOLUTION: Support the SPEAR (Sturgeon Protected and Exempt from Absurd**

4 **Regulations) Act which Exempts Wisconsin from Any Listing of Lake**

5 **Sturgeon under the Endangered Species Act**

6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, the US Fish & Wildlife Service is currently considering recommending that lake sturgeon be

9 listed as an endangered species under the Federal Endangered Species Act; and

10 **WHEREAS**, the 1973 Federal Endangered Species Act was designed to protect critically imperiled species

11 from extinction; and

12 **WHEREAS**, lake sturgeon in Wisconsin are abundant in many waters, and are not identified by Wisconsin

13 endangered species laws as either endangered or threatened, nor heading towards extinction; and

14 **WHEREAS**, Wisconsin has a world-renowned statewide lake sturgeon conservation, management and recovery

15 program implemented over 100 years ago, and is currently recognized as a world leader in effective and sustainable

16 management of sturgeon populations and fisheries; and

17 **WHEREAS**, the citizens of Winnebago County, the greater Winnebago System region, and the state have

18 worked in partnership with the Wisconsin Department of Natural Resources over the last 50 years to develop, fine

19 tune, and continuously improve and implement the Wisconsin and Winnebago System Sturgeon Management

20 Programs; and

21 **WHEREAS**, Federal Endangered Species Act listing of lake sturgeon as endangered will bring an unnecessary

22 intrusion of federal bureaucracy and regulation into Wisconsin, seriously hampering the state's ability to continue its long-

23 term world class sturgeon management program in its historic form, and potentially seriously impacting lake sturgeon

24 research and management activities and fisheries in the state in a negative fashion. Additionally, it will ignore the

25 cultural importance and economic impact of lake sturgeon and sturgeon spearing in Wisconsin.

26 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it

27 supports the SPEAR (Sturgeon Protected and Exempt from Absurd Regulations) Act which exempts Wisconsin from

28 any listing of lake sturgeon under the Endangered Species Act.

29

30 Respectfully submitted by:

31 **Supervisor Doug Nelson, District 35**

32

33 Vote Required for Passage: **Three-fourths of Members Present (Rule 7.7)**

34 Approved by the Winnebago County Executive this ____ day of _____, 2024.

35

36

37 _____
Jonathan D. Doemel

38 Winnebago County Executive

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: February 27, 2024

FROM: County Board

RE: Resolution 325-022024: Support the SPEAR (Sturgeon Protected and Exempt from Absurd Regulations) Act which Exempts Wisconsin from Any Listing of Lake Sturgeon under the Endangered Species Act

General Description:

Recent litigation has suggested that Lake Sturgeon should be listed on the endangered species list, which would prevent spearing each February in Winnebago County.

Action Requested:

Recommend Passage

Procedural Steps:

Direct referral to County Board

Background

In 2018, the Center for Biological Diversity advocated for U.S. lake sturgeon to be classified as "threatened". In 2020, conservation organizations filed a lawsuit in Illinois to expedite the listing of Lake Sturgeon as threatened or endangered.

In order for Winnebago County's rich sturgeon spearing history to continue, Congress must act on an exemption. In late-January, Winnebago County's members of congress Mike Gallagher and Glenn Grothman introduced legislation with such an exemption for Wisconsin, which would allow for the continued strict conservation efforts of the historic sturgeon.

Policy Discussion

Winnebago County officials should support the SPEAR Act to ensure lake sturgeon are protected for generations to come. An attached power point provides more details on the current status of sturgeon in Wisconsin.

Attachments:

1. Power Point on Sturgeon
2. Federal Legislation



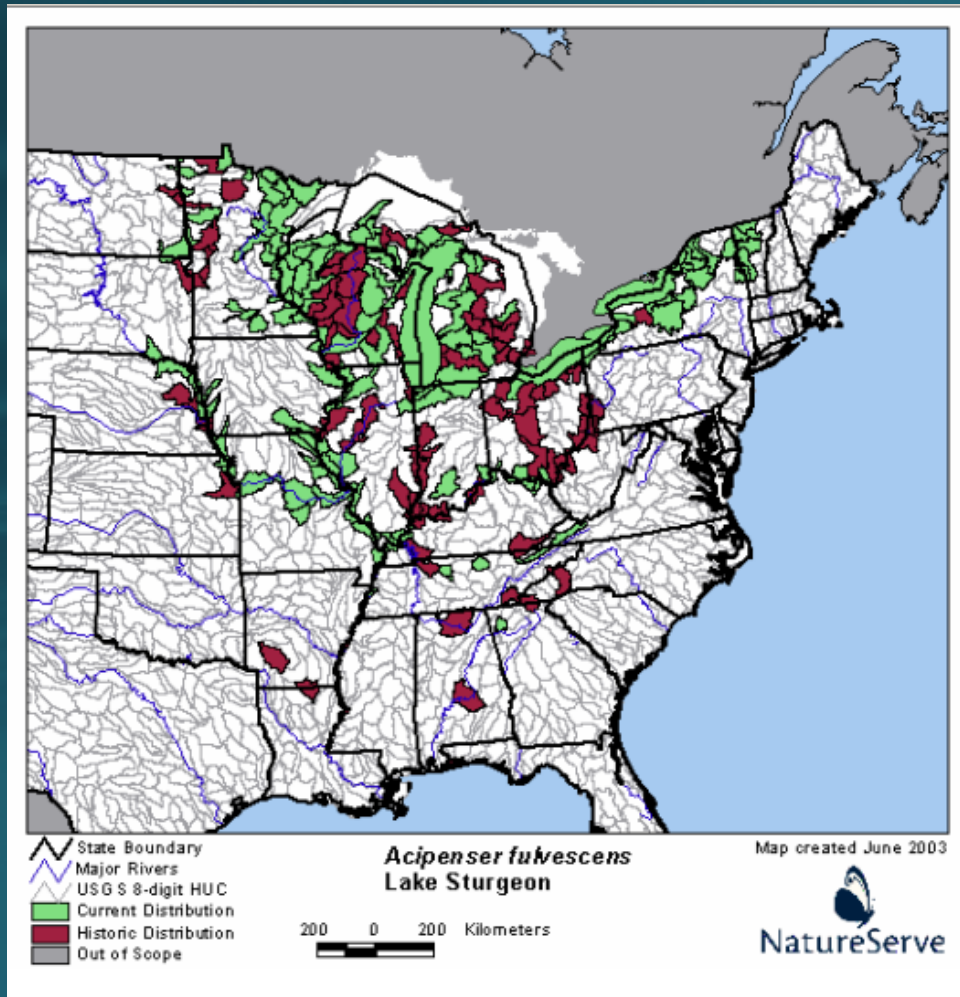
Lake Sturgeon US Fish & Wildlife Endangered Species Listing

Prepared by Casey Bryant

U.S. Lake Sturgeon Distribution

Wisconsin's Lake Sturgeon are found in the Mississippi River tributaries, Lake Michigan watershed, and Lake Superior basin

- Lake Winnebago is the center of Wisconsin's healthy Lake Sturgeon population
- Despite continued high population densities locally, Lake Sturgeon, once plentiful in many freshwater lakes, are now considered rare in much of the U.S.



The Push for Threatened Status

Lake Sturgeon Distribution and Abundance

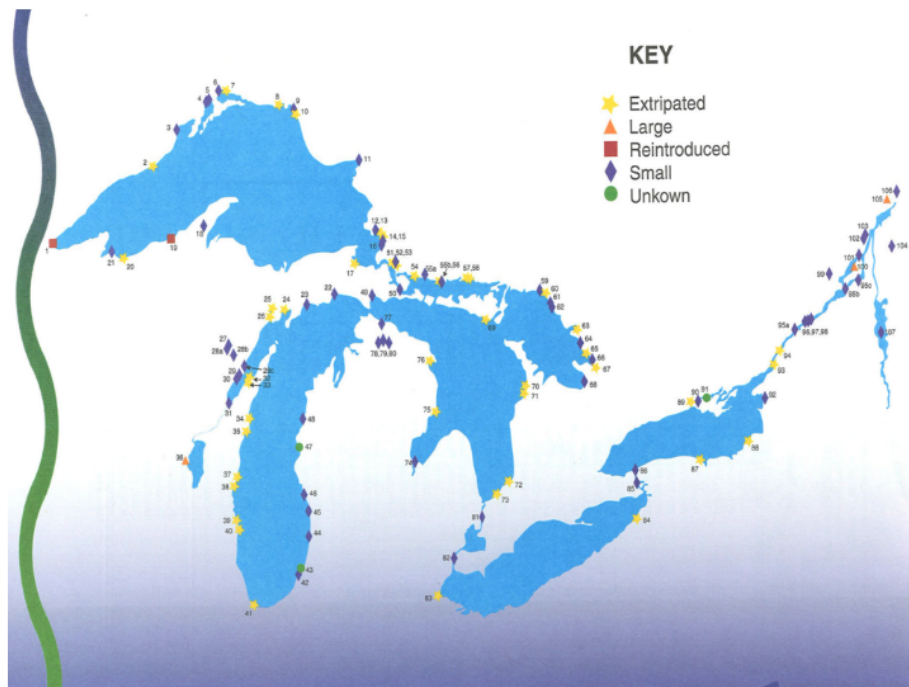


Figure reproduced from the Holeý et al (2000) Great Lakes Fishery Trust report "Research and assessment needs to restore lake sturgeon in the Great Lakes". The figure shows the locations and status of lake sturgeon populations in the Great Lakes. Researchers believe that lake sturgeon abundance and distribution is currently less than 1% of historical levels.

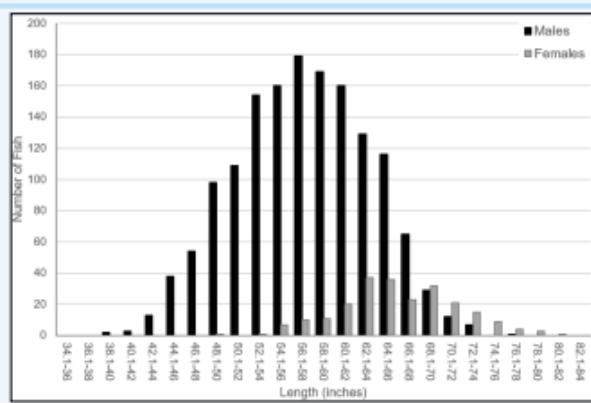
- 2018: The Center for Biological Diversity advocated for U.S. lake sturgeon to be classified as "threatened"
- 2019: U.S. Fish and Wildlife Service acknowledged the need for a potential change in listing
- 2020: Conservation organizations filed a lawsuit to expedite the process.
 - Abrams Environmental Law Clinic at the University of Chicago Law School served as legal representation

Opposition to Endangered Listing

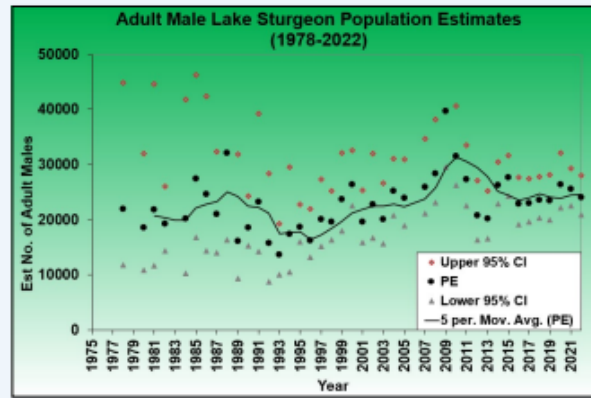
Wisconsin State Representative Ty Bodden opposes the endangered listing of Lake Sturgeon:

- Argues that Wisconsin has efficient sturgeon management, sustainability, and cultural bond with the sturgeon
- Fears that the listing would disrupt Wisconsin's sustainable, yearly sturgeon spearing season, a cherished cultural and economic event
- Has bipartisan support from federal elected officials who share these concerns about the disruption and economic loss

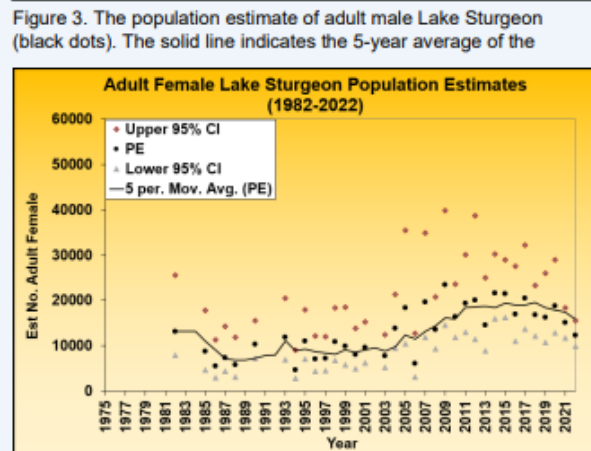
Current Winnebago Lake Sturgeon Population Status



Winnebago's Lake Sturgeon population is healthy at 40,000 mature fish



- Wisconsin officials argue that increased regulation of the closely monitored population would harm the local economy



- North America's largest reproducing Lake Sturgeon populations are in Minnesota and the Lake Winnebago watershed
- Spearing of Lake Sturgeon is a cultural event dating back to the Native Americans and later taught to European settlers

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Endangered Species Act of 1973 to exclude certain populations of the lake sturgeon from the authority of such Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Endangered Species Act of 1973 to exclude certain populations of the lake sturgeon from the authority of such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sturgeon Protected and Exempt from Absurd Regulations Act” or the “SPEAR Act”.

SEC. 2. EXCLUSION OF CERTAIN POPULATIONS OF LAKE STURGEON UNDER ENDANGERED SPECIES ACT OF 1973.

(a) FINDINGS.—Congress finds the following:

(1) The lake sturgeon (*Acipenser fulvescens*) holds a special place in the cultural fabric of Wisconsin~~ites~~, especially for the communities located on Lake Winnebago and the Winnebago System.

(2) Through the staunch dedication and close ~~private~~-public-private collaboration of the Wisconsin Department of Natural Resources, Sturgeon for Tomorrow, the Sturgeon Advisory Committee, the Sturgeon Guard, and local fishing, sportsmen, and conservation groups, Wisconsin has become the global leader in lake sturgeon management.

(3) As a result of these efforts and the development and implementation of a comprehensive management plan, the Lake Winnebago system is home to a thriving lake sturgeon population, one of the largest in North America, and the most successful sustainable sturgeon fisheries in the world.

(4) An integral component of this management plan is the annual sturgeon spearing season that is meticulously managed and provides the data necessary, along with data from detailed spawning assessments, to maintain an accurate account of population levels needed and allowable maximum harvest rates to ensure the health and sustainability of the species.

(5) Mandatory registration stations are established to collect detailed data on the length, weight, sex, and tag status of each harvested fish and ensures strict seasonal harvest caps are followed.

(6) The spearing season has grown into a unique cultural event filled with strong traditions and community ties, drawing participants from throughout Wisconsin and many other states, and is crucial to the livelihoods of local communities and small businesses near the Winnebago System who rely on the annual season.

(7) It is vital that this long-standing and cherished tradition be protected and that Wisconsin is allowed to continue its successful Winnebago System and statewide management of lake sturgeon.

(b) EXCLUSION FROM LISTING.—Section 4(a) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)) is amended—

(1) in paragraph (1), by striking “The Secretary shall by regulation” and inserting “Except as provided in paragraph (4), the Secretary shall by regulation”; and

(2) by adding at the end the following:

“(4) APPLICABILITY TO LAKE STURGEON.—The Secretary may not make a determination under this subsection that any population of the lake sturgeon (*Acipenser fulvescens*) in Wisconsin is threatened or endangered.”.