

January 28, 2010

Cameron Davis  
Senior Advisor to the Administrator  
Environmental Protection Agency  
77 West Jackson Boulevard, Room 1901  
Chicago, IL 60604

Dear Mr. Davis:

As head of the federal interagency work group that is putting together a plan of action to stop Asian carp from invading Lake Michigan, we respectfully submit these comments on some of the key actions we support. We look forward to seeing the government's proposed Asian carp action plan. Please let us know the day the plan will be released for public review. Contact information is provided at the end of this letter.

As you know, Asian carp are voracious feeders that can grow to more than 4 feet long and weigh up to 100 pounds. They can quickly dominate aquatic ecosystems by gobbling up the same food that sustains native fish populations. Coupled with the other invasive species in the Great Lakes, this could result in the collapse of the Great Lakes food web. If Asian carp invade the Great Lakes, they could also devastate the region's \$7 billion fishing industry and permanently alter how recreational boaters, anglers and tourists use and enjoy the lakes and their many tributaries. The impact of the Asian carp would be irreversible to the people, wildlife, and economies that rely upon them.

We know from experience the devastating impacts of invasive species on the Great Lakes. Too rarely do we have the opportunity to prevent the damage of invasion before it begins, yet such an opportunity is now on our doorstep. There are no second chances. The actions by the Federal and Illinois governments – and all of us – are crucial to the health of the Great Lakes ecosystem and our economy. We cannot miss this opportunity to protect the lakes from these fish and their devastating legacy.

Therefore, we recommend the following steps be taken in both the short- and long-term to prevent Asian carp from destroying the Great Lakes. These are not listed in order of priority. Instead, we believe that all our recommendations are priorities that must be considered as part of a comprehensive plan:

First, temporary lock closure will help deter, but not fully prevent, fish migration into Lake Michigan. Until a decision to temporarily close the locks is made, the locks leading to Lake Michigan must be operated and managed in a way that reduces further transfer of Asian carp into Lake Michigan. We acknowledge that this may cause short-term disruptions in navigation in the canal system. However, a variety of temporary changes in lock operations can slow future movement of additional Asian carp toward Lake Michigan. We recognize that there is a legitimate concern about flooding and emergency response in the City of Chicago. Planning for flooding events can be anticipated so we expect to see contingency plans in place to deal with the locks being opened for flood control. Lock operations for emergency responders can also be addressed in a similar fashion.

Second, outline different scenarios agencies may face in the near-term and describe what actions would be triggered based on each scenario. We need to move away from reacting to each announcement of additional eDNA results as a separate crisis to a focus on what steps are being taken as a result of discovering Asian carp DNA in a particular area. For example, this type of planning would outline how much eDNA evidence would trigger use of rotenone or other management methods like netting and electro fishing to find and eradicate all Asian carp within the Chicago Waterway System (CWS) or any

portion of it. Each scenario should outline how much rotenone must be purchased and stockpiled and what other logistical issues need to be overcome for each response.

Third, until all Asian carp that have entered the CWS are found and eradicated, agencies must identify and take actions that interrupt their spawning behavior. These actions as outlined in the plan should be applied wherever positive eDNA tests are detected during spring and summer spawning.

Fourth, complete the Dispersal Barrier Efficacy Study by August. Also, immediately begin implementation of the measures recommended in the Study's first interim report. Building barriers between the Des Plaines River and the Chicago Sanitary and Ship Canal and the Calumet-Sag Channel will help eliminate the risk that Asian carp will find their way into the CWS during flooding events. Construction of these barriers should be completed by fall 2010.

Fifth, operate the Dispersal Barrier System at optimal power and frequency and expedite both the completion of Barrier IIB by the end of this summer and the upgrade of Barrier I.

Sixth, close the sluice gates at the Wilmette Pumping Station and immediately install interim barriers in the Grand Calumet and Little Calumet Rivers, as necessary, to prevent Asian carp from migrating to Lake Michigan.

Seventh, eliminate any risk of Asian carp by-passing the Dispersal Barrier System by waterway traffic, including the strict enforcement of the Coast Guard's prohibition of ballast/bilge water transfers to and from below and above the dispersal barriers.

Eighth, expand eDNA testing and use eDNA results to make management decisions. eDNA testing indicates that Asian carp are present in the CWA and now Lake Michigan. First, studies have verified that this testing approach is accurate for other animals (bullfrogs). Second, the scientists at the University of Notre Dame had all their protocols reviewed by EPA, which found the method to be "sufficiently reliable and robust" so that it should be "considered actionable in a management context." Third, where Asian carp have been thought to be abundant using other methods, eDNA evidence was also found. Fourth, when traditional methods were used in areas where eDNA evidence of Asian carp was found, an actual fish was either caught or spotted in areas where they were not thought to occur. We also expect that agencies will work quickly to verify not simply that eDNA results indicate the presence of fish but in addition attempt to gather information on the extent and characteristics of carp in the area of the positive results.

Ninth, make adequate resources and lab capacity available to more quickly process the expanded collection of eDNA test results from more areas within the CWS and around the Chicagoland region, including in Lake Michigan and high-risk tributaries in the area.

Tenth, begin immediate implementation of the Aquatic Nuisance Species Task Force's November 2007 Asian carp management plan, especially the strategies related to population control.

Eleventh, provide clear agency authority on instituting emergency and affirmative action's through a public Memorandum of Understanding between agencies or some other public mechanism. We suggest that EPA be that lead agency given its leadership role in coordinating government action through the Great Lakes Interagency Task Force.

Twelfth, expedite the Chicago portion, including all National Environmental Policy Act (NEPA) requirements, of the Great Lakes and Mississippi River Interbasin Transfer Study so that it is completed by 2011 instead of 2014 as is currently expected. Although we support the study's basin-wide

perspective, the crisis in the CWS shows that the Chicago area should be prioritized so long-term solutions, like ecological separation, can be identified and implementation begun expeditiously.

Many of our recommendations require sufficient funding in order to be properly implemented. Thankfully, the Great Lakes Restoration Initiative (GLRI) is in place to help address emergency needs in a timely manner. However, even the GLRI cannot take the place of proper budgeting and we expect the agencies to include sufficient funding to implement these recommendations in their base budgets—either through re-programming or in other ways—so as to avoid having to wait for Congress to respond through the regular appropriations process.

Additionally, we expect all agencies to take a “can do” rather than a “can’t do” attitude. Congress has provided federal agencies with broad discretion to take action against Asian carp. To now claim that additional authority is needed seems to prioritize an overly narrow focus on process rather than on getting the work done with the tools the Congress already has provided. We will support legal clarity where needed, but we cannot support parsing of legislative language when the region faces one of its biggest crises.

We again want to submit these recommendations to you and hope they are helpful as agencies develop an action plan to prevent Asian carp from invading Lake Michigan. As noted above, please forward a response to the following address:

Healing Our Waters-Great Lakes Coalition  
c/o: Chad Lord, National Parks Conservation Association  
1300 19<sup>th</sup> Street, NW, Suite 300  
Washington, DC 20036

Sincerely,

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