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Sportfishing Association*Canadian Auto Workers-Windsor Regional Environment Council*Canadian
Environmental Law Association*Citizens Concerned for Michipicoten Bay*Clean Water Action*Clean
Water Action Alliance of Minnesota*Committee on the Middle Fork Vermilion River*Congregation of St.
Joseph*Crop Plus*Duck Creek Watershed Assembly*Ducks Unlimited- Great Lakes/Atlantic
Region*Ecojustice*Environment America*Environment Illinois*Environment New York*Environment
Ohio*Environmental Defenders of McHenry County*Essex County Field Naturalists' Club*Fish On II
Charters*Flint River Watershed Coalition*Forest City Flyfishing Club*Freshwater Future*Friends of Big
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Wildlife Federation*Natural Resources Defense Council*Nature Abounds*Nature Center at Shaker
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Association*Prairie Rivers Network*Quinte Conservation*River Alliance of Wisconsin*River Network*Rock
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Authority*St. Louis River Alliance*Stray Cat Charter Fishing*Tennessee Clean Water Network* The Lake
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Council*Toronto and Region Conservation Authority*Town and Country Resource Conservation and
Development*Trollers Unlimited*Upper Peninsula Environmental Coalition*Upper Thames River
Conservation Authority*Vera Cruz Yacht Club*Welland River Keepers*Wisconsin Great Lakes
Coalition*Wisconsin Lakes *Wisconsin Land & Water Conservation Association*Wisconsin Wildlife
Federation***

March 31, 2011

Mr. David Wethington
U.S. Army Corps of Engineers
111 North Canal Street, 6th Floor
Chicago, IL 60606

**Re: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS), Initiate the
Public Scoping Period and Host Public Scoping Meetings for the Great Lakes and
Mississippi River Interbasin Study (GLMRIS)**

Dear Mr. Wethington,

Please accept these comments submitted on behalf of the following 108 organizations, as well as our hundreds of thousands of members across the Great Lakes, St. Lawrence and Mississippi River basins, in both the United States and Canada, regarding the U.S. Army Corps of Engineers

(Corps), Chicago District's Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS), Initiate the Public Scoping Period and Host Public Scoping Meetings for the Great Lakes and Mississippi River Interbasin Study (GLMRIS). We represent environmental, conservation, fishing, boating, labour and religious groups with a shared interest in preventing the ecological and economic harm caused by aquatic invasive species.

The undersigned organizations are extremely concerned about an Asian carp invasion to the international waters of the Great Lakes and St. Lawrence River, as well as concerned about the two-way transfer of aquatic invaders between the Mississippi and Great Lakes basins. We are submitting specific recommendations to improve GLMRIS and ensure the ecologic and economic health of these great basins is protected from damaging aquatic nuisance species.

Prevent Aquatic Nuisance Species (ANS) Transfer

The GLMRIS study was authorized by the U.S. Congress in 2007 to “prevent” rather than “reduce the risk” of aquatic nuisance species movement between the Great Lakes and Mississippi River basin¹. In other words, Congress requires the Corps to only be developing solutions that are 100% effective and it is beyond the scope of the Corps’ statutory authorization for the GLMRIS study to look at any solutions that would not achieve prevention.

We believe the only permanent and sustainable solution to the Asian carp threat to the Great Lakes, and the threat of future movement of invasives, is the hydrologic separation of the Great Lakes and the Mississippi River basin because if water does not flow between the two watersheds, water-based plants, animals and diseases will not be able to migrate actively or passively. The Corps has inappropriately broadened GLMRIS to study “risk reduction”² which is neither what Congress told them to do, nor a credible strategy to prevent ANS movement through the Chicago Area Waterway System (CAWS) or any of the other aquatic connections. Short-term, emergency activities have already been authorized around the CAWS and in Eagle Marsh, Indiana, and funded separately from GLMRIS. We support these emergency activities. However, expanding the scope of GLMRIS to address risk reduction will divert resources from determining how to achieve prevention as fast as possible.

¹ Water Resources Development Act of 2007 (“2007 WRDA”), Pub. L. No. 110-114, § 3061(d) (2007) says: (d) Feasibility Study- The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct, at Federal expense, a feasibility study of the range of options and technologies available to *prevent* the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways

² U.S. Army Corps of Engineers (“USACE”), *Project Management Plan: Great Lakes and Mississippi River Basin Interbasin Feasibility Study 1* (2010), and U.S. Army Engineer Division, Great Lakes and Ohio River (“CELRD”), USACE, *Memorandum for Record* ¶ 2, dated December 15, 2010, available at: http://glmr.is.anl.gov/documents/docs/GLMRIS_prevent_whitepaper.pdf

Produce Results Before 2015

The GLMRIS study takes too long. The Chicago portion of the study is not predicted to be complete until mid-2015, over four years from now. Corps staff indicated in at least one public meeting that this official timeline is optimistic and the actual end date is likely to be even later. The Corps should acknowledge the urgency of finding a permanent solution, narrow the scope of investigation to hydrological separation, condense the timeline and produce final results for the Chicago portion of GLMRIS within 18 months rather than mid-2015.

Further, additional study requirements in GLMRIS, such as a review of all invasive species that could move between the two basins, should not extend the study timeline and should not influence the mandate to “prevent” aquatic invasive species movement between the two basins.

Prioritize Solutions for the Chicago Area

The obvious and critical threat of Asian carp establishing in the Great Lakes is a reason for urgent action. The Corps should study and provide a solution for the CAWS as the first priority, and where needed, act on other aquatic pathways, based on the greatest likelihood of invasion. If necessary, the Corps should consider a phased approach to separating the two watersheds, prioritizing measures to prevent Asian carp migration while still taking steps that will lead to permanent prevention of all movement of aquatic nuisance species in both directions.

Integrate Relevant Research into GLMRIS

In order to accelerate the time frame of the study and save resources, the Corps should not duplicate relevant work that has already been done or is currently being performed. The Corps should integrate the scientific results from the binational risk assessment of Asian carp being facilitated by the Great Lakes Fishery Commission, and the identification of hydrological separation options being developed by the Great Lakes Commission and the Great Lakes-St. Lawrence Cities Initiative into GLMRIS, after an independent critical review.

Provide for Public Review and Input

The Corps should create an opportunity for regular discussion forums during which the public can interact with technical staff and consultants for detailed questions and answers on the progress of GLMRIS. We recommend forums held at least two times a year, in addition to the requirements of the NEPA process.

Request Hearing in Canada

An Asian carp invasion to the Great Lakes is not just a threat to Americans; it presents a serious threat to the health and welfare of Canadians. Approximately 40 percent of the shoreline of the Great Lakes and 36 percent of their waters lie within the boundaries of Ontario, Canada. The majority of the St. Lawrence River basin is in Québec, Canada. A risk assessment study conducted by the Canadian Department of Fisheries and Oceans concluded that if Asian carp successfully colonize the Great Lakes there is a high probability they would spread across the

Great Lakes basin and possibly even through the prairie provinces.³ The study stresses that such an invasion would have a significant impact on the food web and trophic structure of aquatic systems. Furthermore, the Ontario government has stated that if Asian carp enters the Great Lakes there will be serious adverse impacts on Ontario's recreational and commercial fisheries, which are valued at approximately CAD\$400 million per year.⁴ Environment Canada has made a similar assessment.⁵

In 2010 four not-for profit organizations in Canada requested the U.S. Secretary of State to formally request a public hearing in Canada regarding Asian carp as an international pollution threat, under section 310(a) of the *Clean Water Act*.⁶ A response to this petition was never received. The Department of State should request that Foreign Affairs host a public meeting in Canada where the Corps study team would be invited to hear comments from stakeholders in Canada who are concerned with the impact of an Asian carp invasion to shared international waters.

In summary, our organizations strongly encourage the Corps to adhere to the Congressional authority to "prevent" the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins and not "reduce the risk"; accelerate the timeline for completion of GLMRIS; prioritize the CAWS portion of GLMRIS; provide for public comment as the study proceeds; and request a hearing in Canada.

Thank you for the opportunity to comment, and for seriously engaging in this study, which is critical to the health of the Great Lakes-St. Lawrence River and Mississippi River basins in both the United States and Canada. If you have any questions please do not hesitate to contact Jennifer Nalbene, Director, Navigation and Invasive Species for Great Lakes United at phone: (716) 213-0408 or email: jen@glu.org.

³ Department of Fisheries and Ocean Canada (Canadian Science Advisory Secretariat), *Risk Assessment for Asian Carp in Canada*. Department of Fisheries and Ocean Canada., 2009), at 19 – 27.

⁴ Brief of Amicus Curiae Her Majesty The Queen In Right of Ontario in Support of the State of Michigan's Motion For a Preliminary Injunction (31 December 2009).

⁵ Environment Canada, *Invasive Alien Species of the Month* (Environment Canada, undated), available at <http://www.ec.gc.ca/eee-ias/default.asp?lang=En&n=8E8C2C22-1>.

⁶ Petition on behalf of the Waterkeepers Alliance, Great Lakes United, Environmental Defence Canada and Georgian Bay Forever to the U.S. Secretary of State and to the Administrator of the U.S. Environmental Protection Agency concerning s. 310 of the *Clean Water Act*. May 2010

Sincerely,

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