

111TH CONGRESS
2D SESSION

S. 3553

To require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2010

Ms. STABENOW (for herself, Mr. DURBIN, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. LEVIN, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. BURRIS, Mrs. GILLIBRAND, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Permanent Prevention
5 of Asian Carp Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 (a) In this Act:

1 (1) CAWS.—The term “CAWS” means the
2 Chicago Area Water System.

3 (2) DIRECTOR.—The term “Director” means
4 the Director of the United States Geological Survey.

5 (3) HYDROLOGICAL SEPARATION.—The term
6 “hydrological separation” means a physical separa-
7 tion on the CAWS that—

8 (A) would disconnect the Mississippi River
9 from Lake Michigan; and

10 (B) shall be designed to be adequate in
11 scope to prevent the transfer of aquatic species
12 between each water basin.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Army, acting through the Chief
15 of Engineers.

16 (5) STUDY.—The term “study” means the fea-
17 sibility study described in section 11(a).

18 **TITLE I—FEASIBILITY STUDY**

19 **SEC. 11. FEASIBILITY STUDY.**

20 (a) IN GENERAL.—Not later than 30 days after the
21 date of enactment of this Act, the Secretary, pursuant to
22 section 206 of the Food Control Act of 1958 (Public Law
23 85–500; 72 Stat. 317), shall study the watersheds of the
24 following rivers (including the tributaries of the rivers)
25 that drain directly into Lake Michigan:

1 (1) The Illinois River, at and in the vicinity of
2 Chicago, Illinois.

3 (2) The Chicago River in the State of Illinois.

4 (3) The Calumet River in the States of Illinois
5 and Indiana.

6 (b) PURPOSE OF STUDY.—The purpose of the study
7 is to determine the feasibility and best means of imple-
8 menting the hydrological separation of the Great Lakes
9 and Mississippi River Basins to prevent the introduction
10 or establishment of populations of aquatic nuisance spe-
11 cies between the Great Lakes and Mississippi River Basins
12 through the CAWS and other aquatic pathways.

13 (c) REQUIREMENTS OF STUDY.—

14 (1) OPTIONS.—The study shall include options
15 to address—

16 (A) flooding;

17 (B) Chicago wastewater and stormwater
18 infrastructure;

19 (C) waterway safety operations; and

20 (D) barge and recreational vessel traffic al-
21 ternatives, which shall include—

22 (i) examining other modes of trans-
23 portation for cargo and CAWS users; and

24 (ii) creating engineering designs to
25 move canal traffic from 1 body of water to

1 another body of water without transferring
2 aquatic species.

3 (2) COST-BENEFIT ANALYSIS.—The study shall
4 contain a detailed analysis of the environmental ben-
5 efits and costs of each option described in paragraph
6 (1).

7 (3) ASSOCIATION WITH OTHER STUDY.—The
8 study shall be conducted in association with the
9 study required under section 3061(d) of the Water
10 Resources Development Act of 2007 (121 Stat.
11 1121).

12 (4) CONSULTATION.—The Secretary shall con-
13 sult with any relevant expert or stakeholder knowl-
14 edgeable on the issues of hydrological separation and
15 aquatic nuisance species.

16 (d) DEADLINE.—The Secretary shall complete the
17 study by the date that is 18 months after the date of en-
18 actment of this Act.

19 **SEC. 12. REPORT.**

20 (a) IN GENERAL.—The Secretary shall prepare a re-
21 port on the waterways described in section 3(a) in accord-
22 ance with—

23 (1) the purpose described in section 3(b); and

24 (2) each requirement described in section 3(c).

1 (b) DEADLINES.—The Secretary shall submit to Con-
2 gress and the President—

3 (1) not later than 180 days after the date of
4 enactment of this Act, an initial report under this
5 section;

6 (2) not later than 1 year after the date of en-
7 actment of this Act, a second report under this sec-
8 tion; and

9 (3) not later than 18 months after the date of
10 enactment of this Act, a final report under this sec-
11 tion.

12 **SEC. 13. FEDERAL COST REQUIREMENT.**

13 The Secretary shall carry out this Act at full Federal
14 cost.

15 **SEC. 14. PRESIDENTIAL OVERSIGHT.**

16 The President, or the Council on Environmental
17 Quality as a designee to the President, shall oversee the
18 study to ensure the thoroughness and timely completion
19 of the study.

20 **TITLE II—RESPONSE TO**
21 **ADDITIONAL THREATS**

22 **SEC. 21. RESPONSE.**

23 (a) MONITORING CONNECTING WATERS.—To iden-
24 tify additional threats that could allow Asian Carp to enter
25 the Great Lakes Basin, the Director, in cooperation with

1 the Director of the United States Fish and Wildlife Serv-
2 ice, shall monitor and survey all waters that connect to
3 the Great Lakes Basin or could connect to the Great
4 Lakes Basin due to—

- 5 (1) flooding;
- 6 (2) underground hydrological connection; or
- 7 (3) human-made diversion.

8 (b) RESPONSE TO ADDITIONAL THREATS.—As soon
9 as practicable after the date of identification of a threat
10 under subsection (a), the Director, in cooperation with the
11 Director of the United States Fish and Wildlife Service,
12 shall—

- 13 (1) prioritize each threat; and
- 14 (2) help identify means to impede the passage
15 of Asian Carp to the Great Lakes Basin.

16 (c) CONSULTATION WITH OTHER ACTORS.—In car-
17 rying out subsections (a) and (b), the Director, in coopera-
18 tion with the Director of the United States Fish and Wild-
19 life Service, shall consult with each relevant—

- 20 (1) Federal agency;
- 21 (2) State; and
- 22 (3) stakeholder.

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