

111TH CONGRESS
2D SESSION

H. R. 5625

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 HOUSE OF REPRESENTATIVES

JUNE 29, 2010

Mr. CAMP (for himself, Mr. UPTON, Mr. ROGERS of Michigan, Ms. KILPATRICK of Michigan, Mr. EHLERS, Mrs. MILLER of Michigan, Mr. DINGELL, Mr. KILDEE, Mr. LEVIN, Mr. HOEKSTRA, Mr. PETERS, Mr. McCOTTER, Mr. STUPAK, and Mr. SCHAUER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 In this Act:

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

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

6 (A) would disconnect the Mississippi River
7 from Lake Michigan; and

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

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of the Army, acting through the Chief
13 of Engineers.

14 (4) STUDY.—The term “study” means the
15 study described in section 3(a).

16 **SEC. 3. FEASIBILITY STUDY.**

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

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

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

1 (3) The Calumet River in the States of Illinois
2 and Indiana.

3 (b) PURPOSE OF STUDY.—The purpose of the study
4 shall be to determine the feasibility and best means of im-
5 plementing the hydrological separation of the Great Lakes
6 and Mississippi River Basins to prevent the introduction
7 or establishment of populations of aquatic nuisance spe-
8 cies between the Great Lakes and Mississippi River Basins
9 through the CAWS and other aquatic pathways.

10 (c) REQUIREMENTS OF STUDY.—

11 (1) OPTIONS.—The study shall include options
12 to address—

13 (A) flooding;

14 (B) Chicago wastewater and stormwater
15 infrastructure;

16 (C) waterway safety operations; and

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

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

21 (ii) creating engineering designs to
22 move canal traffic from 1 body of water to
23 another body of water without transferring
24 aquatic species.

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

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

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

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

17 **SEC. 4. REPORT.**

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

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

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

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

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

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

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

10 **SEC. 5. FEDERAL COST REQUIREMENT.**

11 The Secretary shall carry out this Act at Federal ex-
12 pense.

13 **SEC. 6. PRESIDENTIAL OVERSIGHT.**

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

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