

113TH CONGRESS
2D SESSION

S. 3002

To control the spread of aquatic invasive species between the Great Lakes basin and the Mississippi River basin, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2014

Ms. STABENOW (for herself, Mr. LEVIN, Mr. BROWN, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To control the spread of aquatic invasive species between the Great Lakes basin and the Mississippi River basin, and for other purposes.

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 “Guarding Our Great
5 Lakes Act”.

1 **SEC. 2. AQUATIC INVASIVE SPECIES CONTROL ZONE AT**
2 **BRANDON ROAD LOCK AND DAM, JOLIET IL-**
3 **LINOIS.**

4 (a) IN GENERAL.—The Secretary of the Army, acting
5 through the Chief of Engineers, the Secretary of the Inte-
6 rior, acting through the Director of the United States Fish
7 and Wildlife Service and the Director of the United States
8 Geological Survey, the Administrator of the Environ-
9 mental Protection Agency, and each other applicable Fed-
10 eral agency shall take actions to prevent the transfer of
11 aquatic invasive species, with a focus on Asian carp spe-
12 cies, through the Brandon Road Lock and Dam.

13 (b) CONSTRUCTION.—

14 (1) REQUIRED MEASURES.—The Chief of Engi-
15 neers shall construct measures to improve the Bran-
16 don Road Lock and Dam to prevent the upstream
17 transfer of swimming aquatic invasive species
18 through the lock and dam, including—

19 (A) an engineered channel in the approach
20 from the Mississippi River direction, as outlined
21 in the report issued pursuant to section 1538 of
22 Public Law 112–141;

23 (B) adding additional structures necessary
24 for aquatic invasive species control; and

25 (C) the construction and operation of elec-
26 tric dispersal barriers.

1 (2) COST ESTIMATE AND SCHEDULE.—Not
2 later than 6 months after the date of enactment of
3 this Act, the Chief of Engineers shall submit to Con-
4 gress a cost estimate for, and schedule for comple-
5 tion of, measures to be constructed under this sub-
6 section.

7 (c) OTHER MEASURES.—The Director of the United
8 States Fish and Wildlife Service, in consultation with the
9 Director of the United States Geological Survey, the Chief
10 of Engineers, the Commandant of the United States Coast
11 Guard, the Administrator of the Environmental Protection
12 Agency, and the heads of other relevant agencies, shall
13 implement all appropriate measures in compliance with
14 applicable State and Federal law around the Brandon
15 Road Lock and Dam on the Illinois River to prevent the
16 upstream and downstream transfer of swimming and
17 floating aquatic invasive species, with a focus on Asian
18 carp species, including—

19 (1) implementing existing Asian carp moni-
20 toring and control strategies at the Brandon Road
21 location, as applicable;

22 (2) using the Brandon Road location to the
23 greatest extent possible to test new aquatic invasive
24 species control technologies;

1 (3) implementing all control strategies identi-
2 fied through this testing necessary to fulfill the ob-
3 jectives of this section; and

4 (4) developing best management practices to
5 mitigate aquatic invasive species transfer by boat
6 and barge operators on the Illinois River and Chi-
7 cago Sanitary and Shipping Canal and working with
8 operators to implement them.

9 (d) ADMINISTRATION.—

10 (1) ACQUISITION OF REAL ESTATE.—The Chief
11 of Engineers, the Director of the United States Fish
12 and Wildlife Service, and the Director of the United
13 States Geological Survey may acquire any real estate
14 necessary to carry out this section.

15 (2) COOPERATION.—In carrying out this sec-
16 tion, the Chief of Engineers, the Director of the
17 United States Fish and Wildlife Service, and the Di-
18 rector of the United States Geological Survey shall
19 coordinate with each other and—

20 (A) the Governors of Illinois, Indiana,
21 Michigan, Minnesota, New York, Ohio, Pennsyl-
22 vania, and Wisconsin;

23 (B) the Metropolitan Water Reclamation
24 District of Greater Chicago;

- 1 (C) the Asian Carp Regional Coordinating
 2 Committee;
 3 (D) the Great Lakes Commission;
 4 (E) the Great Lakes Fishery Commission;
 5 (F) the Great Lakes and St. Lawrence Cit-
 6 ies Initiative; and
 7 (G) any other applicable State, local, or
 8 international government entity.

9 **SEC. 3. ACTIONS RELATED TO PERMANENT PREVENTION**
 10 **OF AQUATIC INVASIVE SPECIES TRANSFER**
 11 **BETWEEN THE GREAT LAKES AND MIS-**
 12 **SISSIPPI RIVER BASINS.**

13 (a) CONSTRUCTION.—The Administrator of the Envi-
 14 ronmental Protection Agency, acting through the Great
 15 Lakes Interagency Task Force, shall coordinate with the
 16 Governor of Illinois, the City of Chicago, and the Metro-
 17 politan Water Reclamation District of Greater Chicago to
 18 carry out engineering and construction of flood mitigation
 19 and water quality measures on the Chicago Area Water-
 20 way System related to permanent prevention of the trans-
 21 fer of aquatic nuisance species between the Great Lakes
 22 and Mississippi River basins.

23 (b) REQUIREMENTS.—In carrying out subsection (a),
 24 the Administrator shall—

1 (1) coordinate with Chicago and the Metropoli-
2 tan Water Reclamation District of Greater Chicago
3 to combine infrastructure to the greatest extent
4 practicable with the Tunnel and Reservoir Plan of
5 the Metropolitan Water Reclamation District of
6 Greater Chicago;

7 (2) ensure flood mitigation in the vicinity of the
8 Chicago Area Waterway System is not degraded;

9 (3) ensure water quality is protected in the
10 Great Lakes and Chicago Waterway System, con-
11 sistent with the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.);

13 (4) provide for continued commercial and rec-
14 reational watercraft traffic on the Chicago Area Wa-
15 terway System to the greatest practical extent,
16 which may include new infrastructure to minimize
17 the impact of physical barriers necessary for aquatic
18 invasive species control; and

19 (5) prioritize efforts to prevent the transfer of
20 the highest risk aquatic invasive species, including
21 Asian carp.

22 (c) ADMINISTRATION.—

23 (1) CONSULTATION.—In carrying out this sec-
24 tion, the Administrator shall consult with the Asian
25 Carp Regional Coordinating Committee.

1 (2) ASSISTANCE FROM CORPS.—The Chief of
2 Engineers shall provide to the Administrator all doc-
3 umentation relating to the report issued pursuant to
4 section 1538 of Public Law 112–141 and technical
5 and other assistance, as requested by the Adminis-
6 trator.

7 (3) DELEGATION.—In carrying out this section,
8 the Administrator may delegate parts of the project
9 to any of the non-Federal entities referred to in this
10 Act.

11 (4) IDENTIFICATION OF PARTNERS.—In car-
12 rying out this section, the Administrator shall work
13 to identify non-Federal cost-share partners when ap-
14 plicable.

15 (5) FEDERAL SHARE.—The Federal share of
16 the cost of a project carried out under this section
17 may be up to 100 percent.

18 (d) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Administrator shall sub-
20 mit to Congress a report describing the progress made,
21 and a plan for further actions to be taken, under this sec-
22 tion.

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