

114TH CONGRESS
1ST SESSION

S. 589

To provide an immediate measure to control the spread of aquatic nuisance species from the Mississippi River basin to the Great Lakes basin and to inform long-term measures to prevent the Interbasin transfer of aquatic nuisance species.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

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

A BILL

To provide an immediate measure to control the spread of aquatic nuisance species from the Mississippi River basin to the Great Lakes basin and to inform long-term measures to prevent the Interbasin transfer of aquatic nuisance species.

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 “Defending Our Great
5 Lakes Act of 2015”.

1 **SEC. 2. AQUATIC INVASIVE SPECIES CONTROL ZONE AT**
2 **BRANDON ROAD LOCK AND DAM SITE, JO-**
3 **LIET, ILLINOIS.**

4 (a) IMMEDIATE ACTIONS.—

5 (1) IN GENERAL.—The Secretary of the Army,
6 acting through the Chief of Engineers, the Secretary
7 of the Interior, acting through the Director of the
8 United States Fish and Wildlife Service and the Di-
9 rector of the United States Geological Survey, the
10 Administrator of the Environmental Protection
11 Agency, and any other applicable Federal agency
12 shall take immediate actions to prevent the up-
13 stream transfer of aquatic nuisance species from the
14 Mississippi River basin to the Great Lakes basin
15 through the Brandon Road Lock and Dam site.

16 (2) FOCUS.—Actions under paragraph (1) shall
17 place a special focus on Asian carp species and other
18 aquatic nuisance species of concern to the Great
19 Lakes as referenced in the Great Lakes Mississippi
20 River Interbasin Study of the Army Corps of Engi-
21 neers issued pursuant to section 1538 of Public Law
22 112–141 (126 Stat. 586).

23 (b) CONSTRUCTION.—

24 (1) REQUIRED MEASURES.—The Chief of Engi-
25 neers shall implement measures to improve the
26 Brandon Road Lock and Dam site to prevent the

1 upstream transfer of Asian carp and other swim-
2 ming aquatic nuisance species through the lock and
3 dam, including—

4 (A) constructing an engineered channel in
5 the approach to the site from the Mississippi
6 River direction, as outlined in the report issued
7 pursuant to section 1538 of Public Law 112–
8 141 (126 Stat. 586); and

9 (B) adding technologies and measures nec-
10 essary for aquatic nuisance species control,
11 while protecting the area’s ecosystem to the
12 greatest extent feasible.

13 (2) COST ESTIMATE AND SCHEDULE.—Not
14 later than 180 days after the date of enactment of
15 this Act, the Chief of Engineers shall submit to Con-
16 gress a cost estimate for, and schedule for comple-
17 tion of, measures to be constructed under this sub-
18 section.

19 (c) OTHER MEASURES.—The Director of the United
20 States Fish and Wildlife Service, in consultation with the
21 Director of the United States Geological Survey, the Chief
22 of Engineers, the Commandant of the United States Coast
23 Guard, the Administrator of the Environmental Protection
24 Agency, and the heads of other relevant agencies, shall
25 implement all appropriate measures in compliance with

1 applicable State and Federal law around the Brandon
2 Road Lock and Dam site on the Illinois River to prevent
3 the upstream transfer of swimming and floating aquatic
4 nuisance species, with a focus on Asian carp species, in-
5 cluding—

6 (1) implementing existing Asian carp moni-
7 toring and control strategies at the Brandon Road
8 site, as applicable, including real-time monitoring for
9 aquatic nuisance species passing through by using
10 relevant technology;

11 (2) using the Brandon Road Lock and Dam
12 site to the maximum extent practicable to test new
13 aquatic nuisance species control technologies and
14 measures;

15 (3) implementing control strategies identified
16 through that testing necessary to fulfill the objec-
17 tives of this section, considering those strategies that
18 minimize the negative impact on the river ecosystem
19 and desirable aquatic native species, while maintain-
20 ing efficient navigation; and

21 (4) developing best management practices to
22 mitigate aquatic nuisance species transfer by boat
23 and barge operators on the Illinois River and Chi-
24 cago Sanitary and Shipping Canal and working with
25 operators to implement the practices.

1 (d) ADMINISTRATION.—

2 (1) ACQUISITION OF REAL ESTATE.—The Chief
3 of Engineers may only acquire real estate that is
4 necessary to carry out this section and shall do so
5 pursuant to the laws (including regulations) in exist-
6 ence at the time of the acquisition.

7 (2) COOPERATION.—In carrying out this sec-
8 tion, the Chief of Engineers, the Director of the
9 United States Fish and Wildlife Service, and the Di-
10 rector of the United States Geological Survey shall
11 coordinate with each other and—

12 (A) the Governors of Illinois, Indiana,
13 Michigan, Minnesota, New York, Ohio, Pennsyl-
14 vania, and Wisconsin;

15 (B) the Chicago Area Waterway System
16 Advisory Committee; and

17 (C) any other applicable State, regional,
18 local, and international government entity.

19 (3) CONSULTATION.—In carrying out this sec-
20 tion, the Chief of Engineers, the Director of the
21 United States Fish and Wildlife Service, and the Di-
22 rector of the United States Geological Survey shall
23 consult with appropriate entities in the business,
24 commerce, and environmental communities.

1 **SEC. 3. ACTIONS RELATED TO THE LONG-TERM PREVEN-**
2 **TION OF AQUATIC NUISANCE SPECIES**
3 **TRANSFER BETWEEN THE GREAT LAKES**
4 **Basin AND MISSISSIPPI RIVER Basin.**

5 (a) IN GENERAL.—The Secretary of the Army, acting
6 through the Chief of Engineers, the Secretary of the Inte-
7 rior, acting through the Director of the United States Fish
8 and Wildlife Service and the Director of the United States
9 Geological Survey, the Administrator of the Environ-
10 mental Protection Agency, and any other applicable Fed-
11 eral entity shall take actions for the long-term prevention
12 of aquatic nuisance species between the Mississippi River
13 basin and the Great Lakes basin, including transfer
14 through the Chicago Area Waterway System.

15 (b) CONSTRUCTION.—The Chief of Engineers shall
16 coordinate with the Governor of Illinois, the City of Chi-
17 cago, the Metropolitan Water Reclamation District of
18 Greater Chicago, and other relevant entities to design, en-
19 gineer, and construct flood mitigation and water quality
20 measures on the Chicago Area Waterway System related
21 to the prevention of the transfer of aquatic nuisance spe-
22 cies between the Mississippi River basin and the Great
23 Lakes basin, including transfer through the Chicago Area
24 Waterway System.

25 (c) REQUIREMENTS.—In carrying out subsection (b),
26 the Chief of Engineers shall—

1 (1) coordinate with the City of Chicago and the
2 Metropolitan Water Reclamation District of Greater
3 Chicago to combine infrastructure to the maximum
4 extent practicable with the Tunnel and Reservoir
5 Plan of the Metropolitan Water Reclamation District
6 of Greater Chicago, and other relevant storm and
7 sewer water infrastructure projects;

8 (2) ensure flood mitigation in the vicinity of the
9 Chicago Area Waterway System is improved and
10 strengthen protections against flooding for residen-
11 tial and commercial neighborhoods;

12 (3) ensure water quality is protected in the
13 Great Lakes, the Chicago Waterway System, and
14 the Mississippi River basin consistent with the Fed-
15 eral Water Pollution Control Act (33 U.S.C. 1251 et
16 seq.);

17 (4) provide for continued commercial and rec-
18 reational watercraft traffic on the Chicago Area Wa-
19 terway System, and maintain efficient navigation;
20 and

21 (5) prioritize efforts to prevent the upstream
22 and downstream transfer of aquatic nuisance spe-
23 cies.

24 (d) ADMINISTRATION.—

1 (1) COOPERATION.—In carrying out this sec-
2 tion, the Chief of Engineers, the Director of the
3 United States Fish and Wildlife Service, and the Di-
4 rector of the United States Geological Survey shall
5 coordinate with each other and—

6 (A) the Governors of Illinois, Indiana,
7 Michigan, Minnesota, New York, Ohio, Pennsylv-
8 vania, and Wisconsin;

9 (B) the Chicago Area Waterway System
10 Advisory Committee; and

11 (C) any other applicable State, regional,
12 local, and international government entity.

13 (2) CONSULTATION.—In carrying out this sec-
14 tion, the Chief of Engineers, the Director of the
15 United States Fish and Wildlife Service, and the Di-
16 rector of the United States Geological Survey shall
17 consult with appropriate entities in the business,
18 commerce, and environmental communities.

19 (3) DELEGATION.—In carrying out this section,
20 the Chief of Engineers may delegate parts of the
21 project to non-Federal entities subject to the avail-
22 ability of funding.

23 (4) IDENTIFICATION OF PARTNERS.—In car-
24 rying out this section, the Chief of Engineers shall

1 work to identify non-Federal cost-share partners
2 when applicable.

3 (5) ACQUISITION OF REAL ESTATE.—The Chief
4 of Engineers may only acquire real estate that is
5 necessary to carry out this section and shall do so
6 pursuant to the laws (including regulations) in exist-
7 ence at the time of the acquisition.

8 (e) REPORT.—

9 (1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this Act, and each
11 year thereafter, the Chief of Engineers shall submit
12 to the Committee on Environment and Public Works
13 of the Senate and the Committee on Transportation
14 and Infrastructure of the House of Representatives
15 a report describing the progress made, and a plan
16 for further actions to be taken, under this section.

17 (2) PUBLIC AVAILABILITY.—Reports under
18 paragraph (1) shall be made available to the public
19 through electronic means, including the Internet.

20 **SEC. 4. SENSE OF CONGRESS.**

21 It is the sense of Congress that there is an ongoing
22 need to further examine and protect the tributaries and
23 waterways located in other affected areas and States in
24 the Great Lakes region, including at a minimum, the St.
25 Croix River, the Minnesota River, the Wisconsin River,

- 1 and the Ohio River, against the transfer of aquatic nui-
- 2 sance species.

