

112TH CONGRESS
1ST SESSION

H. R. 892

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

MARCH 3, 2011

Mr. CAMP (for himself, Mr. BENISHEK, Mrs. MILLER of Michigan, Mr. CLARKE of Michigan, Mr. CONYERS, Mr. AMASH, Mr. KILDEE, Mr. HUIZENGA of Michigan, Mr. PETERS, Mr. ROGERS of Michigan, Mr. UPTON, Mr. LEVIN, Mr. MCCOTTER, Mr. DINGELL, Mr. WALBERG, Ms. SLAUGHTER, Mr. NADLER, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HIGGINS, Mr. ACKERMAN, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 “Stop Asian Carp Act”.

1 **SEC. 2. DEFINITIONS.**

2 (a) In this Act:

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

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

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

10 (A) would disconnect the Mississippi River
11 from Lake Michigan; and

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

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

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

20 **TITLE I—FEASIBILITY STUDY**

21 **SEC. 11. FEASIBILITY STUDY.**

22 (a) IN GENERAL.—Not later than 30 days after the
23 date of enactment of this Act, the Secretary, pursuant to
24 section 206 of the Flood Control Act of 1958 (Public Law
25 85–500; 72 Stat. 317), shall study the watersheds of the

1 following rivers (including the tributaries of the rivers)
2 that drain directly into Lake Michigan:

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

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

6 (3) The Calumet River in the States of Illinois
7 and Indiana.

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

15 (c) REQUIREMENTS OF STUDY.—

16 (1) OPTIONS.—The study shall include options
17 to address—

18 (A) flooding;

19 (B) Chicago wastewater and stormwater
20 infrastructure;

21 (C) waterway safety operations; and

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

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

1 (ii) creating engineering designs to
2 move canal traffic from 1 body of water to
3 another body of water without transferring
4 aquatic species.

5 (2) COST-BENEFIT ANALYSIS.—The study shall
6 contain a detailed analysis of the environmental ben-
7 efits and costs of each option described in paragraph
8 (1).

9 (3) ASSOCIATION WITH OTHER STUDY.—The
10 study shall be conducted in association with the
11 study required under section 3061(d) of the Water
12 Resources Development Act of 2007 (121 Stat.
13 1121).

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

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

21 **SEC. 12. REPORT.**

22 (a) IN GENERAL.—The Secretary shall prepare a re-
23 port on the waterways described in section 11(a) in ac-
24 cordance with—

25 (1) the purpose described in section 11(b); and

1 (2) each requirement described in section 11(c).

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

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

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

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

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

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

16 **SEC. 14. PRESIDENTIAL OVERSIGHT.**

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

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

23 **SEC. 21. RESPONSE.**

24 (a) MONITORING CONNECTING WATERS.—To iden-
25 tify additional threats that could allow Asian Carp to enter

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

6 (1) flooding;

7 (2) underground hydrological connection; or

8 (3) human-made diversion.

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

14 (1) prioritize each threat; and

15 (2) help identify means to impede the passage
16 of Asian Carp to the Great Lakes Basin.

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

21 (1) Federal agency;

22 (2) State; and

23 (3) stakeholder.

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