

114TH CONGRESS
1ST SESSION

H. R. 1135

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 HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

Mrs. MILLER of Michigan (for herself, Mrs. DINGELL, Ms. SLAUGHTER, Mr. KELLY of Pennsylvania, Mr. HUIZENGA of Michigan, Mr. LEVIN, Ms. KAPTUR, Mr. CONYERS, Mr. MOOLENAAR, Mr. LATTA, Mr. WALBERG, Mr. BENISHEK, Mr. BISHOP of Michigan, Mr. UPTON, Mr. JOYCE, Mr. DUFFY, Mr. TROTT, Mr. NOLAN, and Mr. KILDEE) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Defending Our Great
3 Lakes Act of 2015”.

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

7 (a) IMMEDIATE ACTIONS.—

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

19 (2) FOCUS.—Actions under paragraph (1) shall
20 place a special focus on Asian carp species and other
21 aquatic nuisance species of concern to the Great
22 Lakes as referenced in the Great Lakes Mississippi
23 River Interbasin Study of the Army Corps of Engi-
24 neers issued pursuant to section 1538 of Public Law
25 112–141 (126 Stat. 586).

26 (b) CONSTRUCTION.—

1 (1) REQUIRED MEASURES.—The Chief of Engi-
2 neers shall implement measures to improve the
3 Brandon Road Lock and Dam site to prevent the
4 upstream transfer of Asian carp and other swim-
5 ming aquatic nuisance species through the lock and
6 dam, including—

7 (A) constructing an engineered channel in
8 the approach to the site from the Mississippi
9 River direction, as outlined in the report issued
10 pursuant to section 1538 of Public Law 112–
11 141 (126 Stat. 586); and

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

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

22 (c) OTHER MEASURES.—The Director of the United
23 States Fish and Wildlife Service, in consultation with the
24 Director of the United States Geological Survey, the Chief
25 of Engineers, the Commandant of the United States Coast

1 Guard, the Administrator of the Environmental Protection
2 Agency, and the heads of other relevant agencies, shall
3 implement all appropriate measures in compliance with
4 applicable State and Federal law around the Brandon
5 Road Lock and Dam site on the Illinois River to prevent
6 the upstream transfer of swimming and floating aquatic
7 nuisance species, with a focus on Asian carp species, in-
8 cluding—

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

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

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

24 (4) developing best management practices to
25 mitigate aquatic nuisance species transfer by boat

1 and barge operators on the Illinois River and Chi-
2 cago Sanitary and Shipping Canal and working with
3 operators to implement the practices.

4 (d) ADMINISTRATION.—

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

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

15 (A) the Governors of Illinois, Indiana,
16 Michigan, Minnesota, New York, Ohio, Pennsyl-
17 vania, and Wisconsin;

18 (B) the Chicago Area Waterway System
19 Advisory Committee; and

20 (C) any other applicable State, regional,
21 local, and international government entity.

22 (3) CONSULTATION.—In carrying out this sec-
23 tion, the Chief of Engineers, the Director of the
24 United States Fish and Wildlife Service, and the Di-
25 rector of the United States Geological Survey shall

1 consult with appropriate entities in the business,
2 commerce, and environmental communities.

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

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

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

1 Lakes basin, including transfer through the Chicago Area
2 Waterway System.

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

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

12 (2) ensure flood mitigation in the vicinity of the
13 Chicago Area Waterway System is improved and
14 strengthen protections against flooding for residen-
15 tial and commercial neighborhoods;

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

21 (4) provide for continued commercial and rec-
22 reational watercraft traffic on the Chicago Area Wa-
23 terway System, and maintain efficient navigation;
24 and

1 (5) prioritize efforts to prevent the upstream
2 and downstream transfer of aquatic nuisance spe-
3 cies.

4 (d) ADMINISTRATION.—

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

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

13 (B) the Chicago Area Waterway System
14 Advisory Committee; and

15 (C) any other applicable State, regional,
16 local, and international government entity.

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

23 (3) DELEGATION.—In carrying out this section,
24 the Chief of Engineers may delegate parts of the

1 project to non-Federal entities subject to the avail-
2 ability of funding.

3 (4) IDENTIFICATION OF PARTNERS.—In car-
4 rying out this section, the Chief of Engineers shall
5 work to identify non-Federal cost-share partners
6 when applicable.

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

12 (e) REPORT.—

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

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

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that there is an ongoing
3 need to further examine and protect the tributaries and
4 waterways located in other affected areas and States in
5 the Great Lakes region, including at a minimum, the St.
6 Croix River, the Minnesota River, the Wisconsin River,
7 and the Ohio River, against the transfer of aquatic nui-
8 sance species.

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