

2009 DRAFTING REQUEST

Assembly Resolution

Received: 12/08/2009

Received By: smiller

Wanted: As time permits

Identical to LRB:

For: Jon Richards (608) 266-0650

By/Representing: brett blomme

This file may be shown to any legislator: NO

Drafter: smiller

May Contact:

Addl. Drafters:

Subject: Memorials - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Richards@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Urge and authorize attorney general to act on Asian carp in Great Lakes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For: NONE

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State of Wisconsin  
2009 - 2010 LEGISLATURE

3968/1

ERB-3956/P1

SRM:bjk:md

FROM  
3956/P1

↳ stays

2009 ASSEMBLY ~~JOINT~~ RESOLUTION

- 1 **Relating to:** urging and authorizing the attorney general to pursue every legal  
2 means available to prevent Asian carp from entering the Great Lakes.
- 3 Whereas, the state of Illinois constructed the Chicago Sanitary and Ship Canal  
4 over 100 years ago, connecting the Great Lakes Basin to the Mississippi River Basin  
5 in order to move Chicago's sewage away from Lake Michigan; and
- 6 Whereas, the Chicago Sanitary and Ship Canal, in addition to diverting billions  
7 of gallons of water from Lake Michigan each day, also opens a channel of  
8 communication between the lake and the lower Mississippi basin; and
- 9 Whereas, Asian carp, an invasive, non-native species, have migrated  
10 northward through the Mississippi River Basin, advancing as close as 20 miles from  
11 Lake Michigan; and
- 12 Whereas, an invasion of Asian carp into Lake Michigan would devastate native  
13 wildlife and cause incalculable economic loss and irreversible damage to recreational  
14 fishing on the Great Lakes and the resulting tourism industry; and



## Miller, Steve

---

**From:** Blomme, Brett  
**Sent:** Monday, December 07, 2009 10:08 AM  
**To:** Miller, Steve  
**Subject:** AJR

**Attachments:** Van Hollen Illinois Water.pdf; 1203 Asian Carp Van Hollen.pdf

Steve,

Please find attached some of the information that we discussed on the phone. Please let me know if you have any questions.

Thanks,  
Brett

---

**Brett Blomme**  
Office of Representative Jon Richards  
(608) 266-0650  
brett.blomme@legis.wisconsin.gov

<http://www.michigan.gov/ag/0,1607,7-164--227224--,00.html>

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Van Hollen Illinois  
Water.pdf ...



1203 Asian Carp  
Van Hollen.pdf...



STATE REPRESENTATIVE

JON RICHARDS

WISCONSIN STATE ASSEMBLY

December 3, 2009

J.B. Van Hollen  
Wisconsin Attorney General  
114 East, State Capitol  
Madison, WI 53707

HAND-DELIVERED

Dear Attorney General Van Hollen:

I am writing to request that you join the Michigan Attorney General in pursuing every legal means necessary to prevent Asian carp from entering Lake Michigan, including bringing an action in front of the United States Supreme Court. The Chicago Sanitary Ship Canal is the only barrier that stands in the way of the Asian carp infestation from reaching Lake Michigan, and subsequently all of the Great Lakes.

As I am sure you are aware, the Supreme Court in 1967 ruled that the Chicago diversion of water from Lake Michigan was permissible provided that the diversion was capped at a certain level. Additionally, States can seek relief from the Court if they believe the Chicago diversion is damaging the Great Lakes. Asian carp are a huge threat to habitat in Lake Michigan, the other Great Lakes, and to our rivers and streams in Wisconsin.

Asian carp may grow up to 4 feet long, and can weigh over 100 pounds. These fish have destroyed the natural habitat of the waters they have infiltrated. We must do everything we can to prevent them from infesting Lake Michigan. Our fishing industry depends on a vibrant Lake Michigan. We cannot afford to allow these monsters to destroy our greatest natural resource.

I will be introducing a formal Resolution asking you to intervene and to do everything in your power to force the State of Illinois to close the Sanitary Ship Canal. I hope you will join me in protecting our lakes and rivers from the Asian Carp.

I look forward to your prompt reply.

Sincerely,

JON RICHARDS  
State Representative



**For Immediate Release**  
December 3, 2009

**Contact:** Rep. Jon Richards  
414-416-1695

## **Richards Asks Wisconsin Attorney General to Join Action to Close Chicago Ship Canal**

MILWAUKEE – State Rep. Jon Richards (D-Milwaukee) today asked for the Assembly to formally request that Attorney General J. B. Van Hollen join Michigan Attorney General Mike Cox in appearing before the United States Supreme Court to force the state of Illinois to close the Chicago Sanitary Ship Canal until the Asian Carp threatening to invade Lake Michigan have been eradicated. Yesterday, Michigan Governor Jennifer Granholm formally requested Michigan's Attorney General to press the case to close the barrier.

Richards is sending a letter to Van Hollen requesting him to represent Wisconsin in an action to close the canal and is drafting a resolution that would put the Assembly on record as making that request. The Wisconsin statutes authorize the Attorney General to act in response to a request from either house of the legislature in any matter in which the state has an interest.

“Asian Carp pose a dangerous and immediate threat to the vitality of Lake Michigan and Lake Superior,” Richards said. “These enormous fish, which can consume up to 20% of their body mass in food every day, have the potential to destroy the habitat for the salmon, trout, bass and perch in the lakes. They have come close to crossing the barrier that separates Lake Michigan from the Illinois River and based on recent information some may have already come through. We need to take decisive steps to block them from entering Lake Michigan.”

Recent reports have noted that the Asian Carp are swimming just below the barrier between the Mississippi River watershed and Lake Michigan. The only formal step taken up until now to block the Asian Carp and other invasive species from entering Lake Michigan from the Chicago Sanitary and Shipping Canal has been an electrical barrier installed by the Army Corps of Engineers that has only been operating at half strength since its installation.

###





**Office of the  
Attorney General**  
Mike Cox, Attorney General



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December 2, 2009

**LANSING** -Michigan Attorney General Mike Cox today announced that his office has contacted authorities responsible for overseeing Illinois waterways infested with Asian Carp and demanded a full explanation of their immediate plans to protect the Great Lakes from this looming threat. Asian Carp are an aggressive invasive species that could destroy Great Lakes fish populations, causing severe damage to Michigan's economy by ruining the fishing and tourism industries.

"With Asian Carp literally at the front door of the Great Lakes, we will not get another chance to protect our greatest natural resource," said Cox. "The Great Lakes are a vital part of our economy, our way of life, and our future. They are an essential part of turning Michigan around. Allowing the lakes to be decimated when authorities knew of the danger for years would be a colossal failure."

Cox said that his office in recent weeks has been reviewing its legal options to force authorities responsible for the Chicago Ship and Sanitary Canal to take more aggressive action to stop the Carp from entering Lake Michigan at Chicago. Today, Cox sent a letter to the U.S. Army Corps of Engineers, the State of Illinois, and the Metropolitan Water Reclamation District of Greater Chicago demanding that they take action in the immediate and long term, including, potentially, the closing of the locks to ensure the Carp never enter the Great Lakes. In the letter, Cox indicated that he is prepared to take whatever legal action is necessary to protect the Great Lakes.

Cox also sent a letter to Governor Granholm today requesting additional information about the effect closing the locks would have on Michigan's faltering economy and about the Michigan Department of Natural Resources' cooperation with the state of Illinois in efforts to eliminate the Carp, reported by the news media today.

Cox's office has aggressively protected Michigan's water resources, suing the federal government three times to compel them to address the threat from invasives to our Lakes. He also successfully defended Michigan's first-in-the-nation ballast water statute.

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# Office of the Governor

## Governor Jennifer M. Granholm



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## Granholm, Cherry Urge Attorney General Cox to Pursue Every Legal Means to Keep Asian Carp Out of Great Lakes

**Contact:** Liz Boyd 517-335-6397

**December 2, 2009**

LANSING - Governor Jennifer M. Granholm and Lt. Governor John D. Cherry Jr. today urged Attorney General Mike Cox to vigorously pursue every legal means to prevent Asian carp from entering the Great Lakes.

"The Great Lakes' ecosystem is at risk and because of the importance of the Great Lakes to Michigan's economy, we urge you to vigorously pursue every legal tool at your disposal as Michigan's attorney general to prevent the ecological disaster that will occur if Asian carp are allowed into the Great Lakes," said Granholm and Cherry in a letter delivered to Cox today. "Michigan's \$4.5 billion sport and commercial fishery is in jeopardy."

Asian carp can grow to more than four feet long and weigh up to 100 pounds. They are voracious feeders and overwhelm native species. The carp may have breached the electric fish barrier on the Chicago Sanitary and Ship Canal which connects the Mississippi River system with the Great Lakes.

"We believe that emergency action to close the Chicago Sanitary Shipping Canal locks, and ultimately, the permanent biological and/or hydrological separation of the Great Lakes from the Mississippi system via the Chicago Sanitary and Ship Canal must be fully explored and appropriate legal action pursued as quickly as possible," Granholm and Cherry said.

The Granholm administration has moved aggressively to block Asian carp from entering the Great Lakes. The administration's actions include:

- prohibiting possession of live Asian carp in Michigan;
- providing direct financial support for the electrical barrier in 2004;
- providing staffing, materials and equipment for the upcoming emergency response along with other states and Canadian provinces.

Recently, Lt. Governor Cherry wrote the Undersecretary of the Army to urge additional actions to protect the Great Lakes, including the completion of the second portion of the new barrier, full utilization of the existing barrier now operating at minimal levels, creating a physical barrier to block carp from entering via other waterways during flooding, and using all existing congressional authorities to block the carp's entry.

"We ask that you join us in this effort to protect the Great Lakes," Granholm and Cherry said. "We appreciate your immediate response as the state's lawyer to this imminent and looming threat to Michigan's natural resources and economy."

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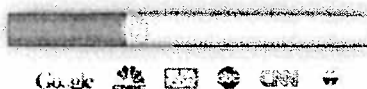
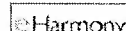
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# Michigan governor wants Chicago canal locks closed to stop Asian carp

By Dan Egan of the Journal Sentinel

Posted: Dec. 2, 2009

## Great Lakes, Great Peril

**Special Section:** This series will periodically examine challenges facing the Great Lakes in what experts forecast will be the century of water.



Even as hundreds of fishery workers begin to poison the Chicago Sanitary and Ship Canal in a desperate attempt to keep Asian carp from invading the Great Lakes, Michigan Gov. Jennifer Granholm hopes to open a new front in the fight.

She wants the U.S. Army Corps of Engineers to take emergency action to shut the navigational locks in the Chicago area that are now believed to be the only thing standing between the invading fish and Lake Michigan, and she's asking Michigan Attorney General Mike Cox to take the case into court - the U.S. Supreme Court.

The reason the fish are poised to colonize the Great Lakes, Granholm argues, can be traced back to Chicago's construction of the Chicago Sanitary and Ship Canal over a century ago. The canal, built to carry Chicago sewage away from Lake Michigan, created an artificial connection between the Great Lakes basin and the Mississippi River basin.

Cox late Wednesday said he was contacting officials with the Army Corps and state of Illinois to demand a full explanation of their immediate plans to stop the carp, and a news release issued from his office said he is "prepared to take whatever legal action is necessary to protect the Great Lakes."

Other Great Lakes states, including Wisconsin, didn't appreciate Chicago's decision to divert billions of gallons of Lake Michigan water each day into the Mississippi basin, and they sued last century in a case that went all the way to the Supreme Court.

The court decreed in 1967 the Chicago diversion could continue, provided it was capped at certain level. Today that level is 2.1 billion gallons per day. But the lawsuit isn't closed; the justices ruled that the states that sued can bring the case back into court if they believe the Chicago diversion is causing damage to the shared Great Lakes.

Granholm thinks the looming threat of Asian carp swimming up the canal and into Lake Michigan fits that definition, and beyond closing the navigational locks - only a temporary solution to the problem - she wants to use the lawsuit to explore forcing Illinois to permanently sever the artificial link between the two grand drainage basins.

"Ultimately, the responsibility for the Asian carp threat attaches to the diversion of Great Lakes waters that has been sought by the state of Illinois and allowed to proceed by the U.S. Supreme Court," Granholm wrote to Attorney General Cox Wednesday. "While the diversion has been allowed by the court, it has acknowledged that damage due to the diversion relates to fishing, among other things."

## Separating basins

A permanent separation of the two basins would have dramatic impacts on the barge industry that relies on the canal to move goods in the Chicago area, as well as between the Great Lakes and the Gulf of Mexico. It would also force significant changes in the way Chicago manages its sewage.

The barge industry has acknowledged the importance of keeping the carp out of the lakes, but operators warn against even short-term disruptions. American Waterways Operators spokeswoman Lynn Muench has said millions of tons of cargo move on the canal annually. That cargo presumably would have to be transferred to the congested rails and roads of the Chicago metro area.

Conservationists, however, have argued that the costs of keeping the drainages connected will also be staggering because the canal has become a revolving door for invasive species to move back and forth between two of the continent's most important watersheds. Those species include the round goby, quagga and zebra mussels, and now possibly the super-sized carp.

The Army Corps has already begun exploring the possibility of such a separation.

The carp threaten the Great Lakes \$7 billion fishing industry because they have a history of upending the ecosystems they invade. They are filter feeders that can grow to 50 pounds or more, in some cases much more. They swim with their gaping mouths open, hogging the plankton that make up the base of a lake's food chain. They can consume up to 20% of their weight per day.

The imported carp have been migrating north in the Mississippi River basin since escaping containment ponds in Arkansas decades ago, and the best hope for stopping a Great Lakes invasion is an electric barrier in the Sanitary and Ship Canal, about 20 miles downstream from Lake Michigan.

That barrier has its own issues. The State of Illinois was expected to begin a massive poisoning of the canal

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**Duerst, Christina**

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**From:** Blomme, Brett  
**Sent:** Tuesday, December 08, 2009 12:36 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3968/1 Topic: Urge and authorize attorney general to act on Asian carp in Great Lakes

Please Jacket LRB 09-3968/1 for the ASSEMBLY.