



GREAT LAKES AND ST. LAWRENCE CITIES INITIATIVE
ALLIANCE DES VILLES DES GRANDS LACS ET DU SAINT-LAURENT

RESOLUTION 10 – 2011M

RESOLUTION ENDORSING TOWN OF AJAX COUNCIL RESOLUTION
ON ASIAN CARP

WHEREAS, the attached Town of Ajax City Council resolution was proposed by the Town of Ajax after the date of nominations had passed, was voted by the membership to be read from the floor, was discussed by the members and then passed by the members at the Great Lakes and St. Lawrence Cities Initiative Annual Members Meeting on June 15, 2011 in Niagara Falls.

WHEREAS, at the meeting, members discussed the need for prompt action to prevent Asian Carp, the need to increase public awareness on Asian Carp impacts and the need for increased public input into Asian Carp projects.

NOW THEREFORE BE IT RESOLVED, that the following resolution calling for greater public input and meeting on preventing Asian Carp from reaching the Great Lakes and St. Lawrence was endorsed by the membership on the condition that:

- This resolution supports the earlier GLSLCI members' resolution calling for immediate action to prevent the entry of Asian carp into the Great Lakes and St. Lawrence River
- A public meeting would not in any way act to delay action needed to prevent Asian Carp from entering the Great Lakes and St. Lawrence
- Regular reports on progress on Asian Carp be made publicly available.

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative request that a public meeting be held in Canada on actions to prevent Asian Carp from entering the Great Lakes and St. Lawrence, and that the Army Corps of Engineers be invited to hear the comments of Canadian municipalities, other stakeholders and members of the public about the impacts of invasive Asian Carp on shared international waters.

Signed this 16th day of June, 2011

Brian McMullan, Chair
Great Lakes and St. Lawrence Cities Initiative
Mayor of St. Catharines



Extract of the Minutes of Council May 9, 2011

The following is a recommendation ratified by Council of the Town of Ajax at its regular Meeting of Council held May 9, 2011

Invasive Asian Carp Species in Great Lakes

Moved by: C. Jordan
Seconded by: P. Brown

WHEREAS the transfer of invasive Asian Carp (an aquatic nuisance species) into the Great Lakes poses a significant threat to the health and welfare of Canadians and Americans; and,

WHEREAS the U.S. Army Corps of Engineers was authorized by U.S. Congress in 2007 to prevent the movement of aquatic species between the Mississippi River Basin and the Great Lakes Basin; and,

WHEREAS, according to a 2009 Risk Assessment conducted by the Canadian Department of Fisheries and Oceans, the time has come to take decisive, co-ordinated actions to protect the Great Lakes from reaching the avoidable, irreversible ecological “tipping point” that is anticipated to result from an Asian Carp invasion; and,

WHEREAS a permanent, sustainable solution to the proliferation of Asian Carp in the Great Lakes Basin requires re-establishing the hydrologic separation between the Mississippi River Basin and the Great Lakes Basin in the Greater Chicago area, as confirmed in Resolution 8-2010M approved by the members of the Great Lakes and St. Lawrence Cities Initiative in 2010; and,

WHEREAS the complementary “Statement of Unity” respecting Asian Carp approved by the members of the Great Lakes and St. Lawrence Cities Initiative in 2010 established a series of short term (2010), mid term (2011-2012) and long term (2013 and beyond) actions; and,

WHEREAS the Statement of Unity did not anticipate the need for and appropriateness of conducting public hearings regarding Asian Carp as an international pollutant under Section 310(a) of the *Clean Water Act* of the U.S.A. to allow citizens and stakeholders in U.S. and Canadian Great Lakes communities who are concerned about the impact of an Asian Carp invasion to provide comments directly to the U.S. Army Corps of Engineers; and,

WHEREAS the above-noted Resolution and Statement of Unity were endorsed as an expression of shared widespread concern about the threats that invasive Asian Carp would pose to ecological conditions, habitat and recreational activities along Great Lakes and St. Lawrence shorelines and tributaries, yet Canadian municipalities, stakeholders and citizens have not been provided with the opportunity to express their concerns directly to the U.S. Army Corps of Engineers, as the U.S. *Clean Water Act* does not require that public hearings be conducted in Canada or, more specifically, in Ontario and Quebec;

NOW THEREFORE BE IT RESOLVED, that the comments and recommendations set out in the Toronto and Region Conservation Authority report entitled “Great Lakes and Mississippi River Interbasin Feasibility Study-Invasive Asian Carp Species”, dated April 29, 2011, and the comments of Great Lakes United to the U.S. Army Corps of Engineers (USACE), dated March 31, 2011, regarding the “Great Lakes and Mississippi Interbasin Feasibility Study” be endorsed;

BE IT FURTHER RESOLVED, that the members of the Great Lakes-St. Lawrence Cities Initiative, other stakeholders and the public be afforded an opportunity to convey their views about the serious adverse impacts of Asian Carp, on recreational activities and commercial fisheries, as identified by both the Ontario Government and Environment Canada and valued at approximately \$400 million CDN per year, and other potentially costly impacts, in a public hearing conducted in Canada forthwith, and that USACE provide regular opportunities for discussion about their progress in public forums, at least two times per year, in Canada;

BE IT FINALLY RESOLVED, that this resolution be sent to the Board of Directors of the Great Lakes-St. Lawrence Cities Initiative requesting that said resolution be considered and approved at the Annual General Meeting being held on June 16, 2011 in Niagara Falls, Ontario, Canada and then sent forthwith to the U.S. Department of State with a request that Foreign Affairs host a public hearing in Canada where the U.S. Army Corps of Engineers team would be invited to hear the comments of Canadian municipalities, other stakeholders and members of the public about the impacts of invasive Asian Carp on shared international waters.

CARRIED



Blair Labelle, Deputy Clerk

Item AUTH7.8

TO: Chair and Members of the Authority
Meeting #4/11, April 29, 2011

FROM: Deborah Martin-Downs, Director, Ecology

RE: **GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN FEASIBILITY STUDY**
Invasive Asian Carp Species

KEY ISSUE

Support for comments sent by Great Lakes United to the U.S. Army Corps of Engineers on the Great Lakes and Mississippi River Interbasin Feasibility Study (GLMRIS) to prevent the spread of the invasive Asian carp species between the Great Lakes and Mississippi River.

RECOMMENDATION

WHEREAS Toronto and Region Conservation (TRCA) objectives for Healthy Rivers and Shorelines and Regional Biodiversity are supported by fisheries management plans that strongly recommend actions to prevent the introduction and spread of aquatic invasive species;

AND WHEREAS the Asian carp are aquatic invasive species that pose a threat to the biodiversity and nearshore habitat structure of Lake Ontario and potentially the lower reaches of relatively large river systems within the TRCA jurisdiction, such as the Humber and Rouge Rivers and Duffins Creek;

THEREFORE LET IT BE RESOLVED THAT TRCA endorse the comments contained in the letter on the Great Lakes and Mississippi River Interbasin Feasibility Study (GLMRIS), dated March 31, 2011, sent by the Great Lakes United (GLU) to the U.S. Army Corps of Engineers to prevent the spread of Asian carp between the Great Lakes and Mississippi;

AND FURTHER THAT staff report back to the Authority with progress on GLMRIS.

BACKGROUND

TRCA was approached by GLU, an international citizens coalition dedicated to protecting and restoring the Great Lakes-St. Lawrence River Ecosystem, and asked to consider endorse their comment letter as a means of helping to prevent the spread of Asian carp into the Great Lakes and St. Lawrence River. The membership of GLU spans a diverse spectrum of interests, organizations and individuals, including citizens, environmentalists, conservationists, labour unions, First Nations, hunters, anglers, academics, and progressive business and industry.

GLU is very concerned about an Asian carp invasion to the international waters of the Great Lakes and St. Lawrence River. One of the most significant opportunities to help stop the Asian carp from spreading is the Great Lakes and Mississippi River Interbasin Feasibility Study. This study was authorized by U.S. Congress in 2007 mandating that the U.S. Army Corps of Engineers (the Corps) determine how to prevent the two-way transfer of invasive fish species through the Chicago area waterways, as well as all the hydrological connections between the Great Lakes and Mississippi River watershed.

The Corps recently announced Chicago District's Notice of Intent to Prepare a Draft Environmental Impact Statement; Initiate the Public Scoping Period; and host Public Scoping Meetings for the GLMRIS. GLU submitted, in the form of a letter with support from various groups (including TRCA), specific comments meant to improve the GLMRIS and ensure the ecological and economic health of these waters and basins are protected from the impacts of aquatic invasive species. The comments are summarized as:

- the need for the Corps to adhere to the U.S. Congressional authority to "*prevent*" the spread of aquatic invasive species between the Great Lakes and Mississippi River basins and not just "*reduce the risk*";
- accelerate the timeline for completion of the GLMRIS;
- prioritize the Chicago Area Waterway System portion of the GLMRIS;
- provide for public comment as the study proceeds; and
- conduct a public hearing in Canada.

RATIONALE

The term "Asian carp" refers to four different species of fish: Bighead, Black, Grass and Silver Carp. The Bighead and Silver Carp are the species closest to invading the Great Lakes from the Chicago area waterways. In 2005, the Ontario Ministry of Natural Resources (OMNR) introduced legislation making it illegal to possess, sell or import live Asian carp. A risk assessment study undertaken by Fisheries and Oceans Canada (DFO) in 2009 concluded that if Asian carp successfully colonized the Great Lakes there is a high probability they would spread across the Great Lakes basin. The study stresses that such an invasion would have a significant impact on the food web and trophic (community) structure of aquatic systems. Furthermore, the Ontario government has stated that if Asian carp enters the Great Lakes there will be serious adverse impacts on Ontario's recreational and commercial fisheries. Environment Canada has made a similar assessment.

The various fisheries management plans (FMP) written for watersheds within the TRCA jurisdiction all recognize that aquatic invasive species disrupt the balance of native aquatic communities and are considered one of the most serious threats to biodiversity. The most recently completed FMP, the *Rouge River Watershed Fisheries Management Plan* (TRCA and OMNR, 2010), recommends that priority emphasis should be placed on monitoring and preventing the spread of invasive and exotic fish species. To date, the Asian carp species of concern have not been collected by the TRCA regional or waterfront monitoring programs but field crews are alerted to the risk and know to bring such species to the attention of our partner agencies with mandates for fisheries management (i.e. OMNR and DFO).

The Toronto and Region Remedial Action Plan (RAP) has identified, as a first priority, the protection of existing fish habitat with a focus on coastal wetlands and nearshore physical habitat (e.g. reefs and spawning shoals). RAP states that protecting these existing habitats can be through the firm and effective enforcement of policies and guidelines, which would include legislation that speaks to preventing invasive species introductions. A secondary priority of RAP is to rehabilitate waterfront areas where habitat potential is very high (e.g. Rouge Marshes and Toronto Island wetlands), areas that are vulnerable to destruction should Asian carp enter the system. Over the recent decades, significant funding has been provided through RAP for extensive habitat rehabilitation along the Toronto waterfront with continued opportunities for future work. In this context, failing to keep Asian carp out of Lake Ontario could be a major setback to achieving RAP and TRCA priorities for fish habitat.

DETAILS OF WORK TO BE DONE

TRCA staff will request to be maintained on the GLU distribution list and be informed of any progress with the GLMRIS and possible public hearings or meetings held in Ontario on the subject of preventing Asian carp entering Lake Ontario and the other Great Lakes.

A copy of the GLU comment letter and list of supporters is available upon request.

Report prepared by: Christine Tu, extension 5707

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For Information contact: Christine Tu, extension 5707

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Date: April 11, 2011

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 Basinkeeper*Barrington Area Conservation Trust*Blanchard River Watershed Partnership*Blue Water
 Sportfishing Association*Canadian Auto Workers-Windsor Regional Environment Council*Canadian
 Environmental Law Association*Citizens Concerned for Michipicoten Bay*Clean Water Action*Clean
 Water Action Alliance of Minnesota*Committee on the Middle Fork Vermilion River*Congregation of St.
 Joseph*Crop Plus*Duck Creek Watershed Assembly*Ducks Unlimited- Great Lakes/Atlantic
 Region*Ecojustice*Environment America*Environment Illinois*Environment New York*Environment
 Ohio*Environmental Defenders of McHenry County*Essex County Field Naturalists' Club*Fish On II
 Charters*Flint River Watershed Coalition*Forest City Flyfishing Club*Freshwater Future*Friends of Big
 Creek*Friends of the Mississippi River*Friends of the Salmon River*Friends of Wetlands*Georgian Bay
 Association*Great Lakes Environmental Law Center*Great Lakes Sport Fishermen*Great Lakes
 United*Gulf Restoration Network*Indiana Wildlife Federation*Iowa Environmental Council*Izaak Walton
 League of America - Minnesota Division*Izaak Walton League of America - Wisconsin Division*Izaak
 Walton League of America- A.D. Sutherland Chapter*Izaak Walton League of America- Dwight Lydell
 Chapter*Izaak Walton League of America- Great Lakes Committee*Izaak Walton League of America- New
 York State Division*Izaak Walton League of America- Ohio Division*Kalamazoo River Sturgeon for
 Tomorrow*Kentucky Waterways Alliance*Lake Erie Charter Boat Association*Lake Erie Region
 Conservancy*Lake Erie Waterkeeper*Lake Ontario Trout & Salmon Association*Land Trust
 Alliance*London and District Labour Council- Environment Committee*Luna Pier Harbour Club*Michigan
 Charter Boat Association*Michigan Environmental Council*Michigan United Conservation Clubs*Michigan
 Wildlife Conservancy*Midwest Environmental Advocates*Milwaukee Riverkeeper*Minnesota B.A.S.S.
 Federation*Minnesota Center for Environmental Advocacy*Minnesota Trout Association*Minnesota Trout
 Unlimited*Missouri Coalition for the Environment*National Parks Conservation Association*National
 Wildlife Federation*Natural Resources Defense Council*Nature Abounds*Nature Center at Shaker
 Lakes*New York League of Conservation Voters*Ohio Environmental Council*Ontario Shorewalk
 Association*Ottawa Riverkeeper*Pelican River Watershed District*Pentwater Sportfishing
 Association*Prairie Rivers Network*Quinte Conservation*River Alliance of Wisconsin*River Network*Rock
 River Coalition*Salmon Unlimited of Illinois*Save Lake Superior Association*Save the Dunes*Save The
 River*Shaker Lakes Garden Club*Sierra Club Ontario*Sierra Club-Binational Great Lakes
 Committee*Sisters of St. Francis of Penance and Christian Charity*St. Clair Region Conservation
 Authority*St. Louis River Alliance*Stray Cat Charter Fishing*Tennessee Clean Water Network* The Lake
 Huron Centre for Coastal Conservation*Thunder Bay Salmon Association*Tip of the Mitt Watershed
 Council*Toronto and Region Conservation Authority*Town and Country Resource Conservation and
 Development*Trollers Unlimited*Upper Peninsula Environmental Coalition*Upper Thames River
 Conservation Authority*Vera Cruz Yacht Club*Welland River Keepers*Wisconsin Great Lakes
 Coalition*Wisconsin Lakes *Wisconsin Land & Water Conservation Association*Wisconsin Wildlife
 Federation*

March 31, 2011

Mr. David Wethington
 U.S. Army Corps of Engineers
 111 North Canal Street, 6th Floor
 Chicago, IL 60606

**Re: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS), Initiate the
 Public Scoping Period and Host Public Scoping Meetings for the Great Lakes and
 Mississippi River Interbasin Study (GLMRIS)**

Dear Mr. Wethington,

Please accept these comments submitted on behalf of the following 108 organizations, as well as
 our hundreds of thousands of members across the Great Lakes, St. Lawrence and Mississippi
 River basins, in both the United States and Canada, regarding the U.S. Army Corps of Engineers

(Corps), Chicago District’s Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS), Initiate the Public Scoping Period and Host Public Scoping Meetings for the Great Lakes and Mississippi River Interbasin Study (GLMRIS). We represent environmental, conservation, fishing, boating, labour and religious groups with a shared interest in preventing the ecological and economic harm caused by aquatic invasive species.

The undersigned organizations are extremely concerned about an Asian carp invasion to the international waters of the Great Lakes and St. Lawrence River, as well as concerned about the two-way transfer of aquatic invaders between the Mississippi and Great Lakes basins. We are submitting specific recommendations to improve GLMRIS and ensure the ecologic and economic health of these great basins is protected from damaging aquatic nuisance species.

Prevent Aquatic Nuisance Species (ANS) Transfer

The GLMRIS study was authorized by the U.S. Congress in 2007 to “prevent” rather than “reduce the risk” of aquatic nuisance species movement between the Great Lakes and Mississippi River basin¹. In other words, Congress requires the Corps to only be developing solutions that are 100% effective and it is beyond the scope of the Corps’ statutory authorization for the GLMRIS study to look at any solutions that would not achieve prevention.

We believe the only permanent and sustainable solution to the Asian carp threat to the Great Lakes, and the threat of future movement of invasives, is the hydrologic separation of the Great Lakes and the Mississippi River basin because if water does not flow between the two watersheds, water-based plants, animals and diseases will not be able to migrate actively or passively. The Corps has inappropriately broadened GLMRIS to study “risk reduction”² which is neither what Congress told them to do, nor a credible strategy to prevent ANS movement through the Chicago Area Waterway System (CAWS) or any of the other aquatic connections. Short-term, emergency activities have already been authorized around the CAWS and in Eagle Marsh, Indiana, and funded separately from GLMRIS. We support these emergency activities. However, expanding the scope of GLMRIS to address risk reduction will divert resources from determining how to achieve prevention as fast as possible.

¹ Water Resources Development Act of 2007 (“2007 WRDA”), Pub. L. No. 110-114, § 3061(d) (2007) says: (d) Feasibility Study- The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct, at Federal expense, a feasibility study of the range of options and technologies available to *prevent* the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways

² U.S. Army Corps of Engineers (“USACE”), *Project Management Plan: Great Lakes and Mississippi River Basin Interbasin Feasibility Study 1* (2010), and U.S. Army Engineer Division, Great Lakes and Ohio River (“CELRD”), USACE, *Memorandum for Record* ¶ 2, dated December 15, 2010, available at: http://glmr.is.anl.gov/documents/docs/GLMRIS_prevent_whitepaper.pdf

Produce Results Before 2015

The GLMRIS study takes too long. The Chicago portion of the study is not predicted to be complete until mid-2015, over four years from now. Corps staff indicated in at least one public meeting that this official timeline is optimistic and the actual end date is likely to be even later. The Corps should acknowledge the urgency of finding a permanent solution, narrow the scope of investigation to hydrological separation, condense the timeline and produce final results for the Chicago portion of GLMRIS within 18 months rather than mid-2015.

Further, additional study requirements in GLMRIS, such as a review of all invasive species that could move between the two basins, should not extend the study timeline and should not influence the mandate to “prevent” aquatic invasive species movement between the two basins.

Prioritize Solutions for the Chicago Area

The obvious and critical threat of Asian carp establishing in the Great Lakes is a reason for urgent action. The Corps should study and provide a solution for the CAWS as the first priority, and where needed, act on other aquatic pathways, based on the greatest likelihood of invasion. If necessary, the Corps should consider a phased approach to separating the two watersheds, prioritizing measures to prevent Asian carp migration while still taking steps that will lead to permanent prevention of all movement of aquatic nuisance species in both directions.

Integrate Relevant Research into GLMRIS

In order to accelerate the time frame of the study and save resources, the Corps should not duplicate relevant work that has already been done or is currently being performed. The Corps should integrate the scientific results from the binational risk assessment of Asian carp being facilitated by the Great Lakes Fishery Commission, and the identification of hydrological separation options being developed by the Great Lakes Commission and the Great Lakes-St. Lawrence Cities Initiative into GLMRIS, after an independent critical review.

Provide for Public Review and Input

The Corps should create an opportunity for regular discussion forums during which the public can interact with technical staff and consultants for detailed questions and answers on the progress of GLMRIS. We recommend forums held at least two times a year, in addition to the requirements of the NEPA process.

Request Hearing in Canada

An Asian carp invasion to the Great Lakes is not just a threat to Americans; it presents a serious threat to the health and welfare of Canadians. Approximately 40 percent of the shoreline of the Great Lakes and 36 percent of their waters lie within the boundaries of Ontario, Canada. The majority of the St. Lawrence River basin is in Québec, Canada. A risk assessment study conducted by the Canadian Department of Fisheries and Oceans concluded that if Asian carp successfully colonize the Great Lakes there is a high probability they would spread across the

Great Lakes basin and possibly even through the prairie provinces.³ The study stresses that such an invasion would have a significant impact on the food web and trophic structure of aquatic systems. Furthermore, the Ontario government has stated that if Asian carp enters the Great Lakes there will be serious adverse impacts on Ontario's recreational and commercial fisheries, which are valued at approximately CAD\$400 million per year.⁴ Environment Canada has made a similar assessment.⁵

In 2010 four not-for profit organizations in Canada requested the U.S. Secretary of State to formally request a public hearing in Canada regarding Asian carp as an international pollution threat, under section 310(a) of the *Clean Water Act*.⁶ A response to this petition was never received. The Department of State should request that Foreign Affairs host a public meeting in Canada where the Corps study team would be invited to hear comments from stakeholders in Canada who are concerned with the impact of an Asian carp invasion to shared international waters.

In summary, our organizations strongly encourage the Corps to adhere to the Congressional authority to “prevent” the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins and not “reduce the risk”; accelerate the timeline for completion of GLMRIS; prioritize the CAWS portion of GLMRIS; provide for public comment as the study proceeds; and request a hearing in Canada.

Thank you for the opportunity to comment, and for seriously engaging in this study, which is critical to the health of the Great Lakes-St. Lawrence River and Mississippi River basins in both the United States and Canada. If you have any questions please do not hesitate to contact Jennifer Nalbene, Director, Navigation and Invasive Species for Great Lakes United at phone: (716) 213-0408 or email: jen@glu.org.

³ Department of Fisheries and Ocean Canada (Canadian Science Advisory Secretariat), *Risk Assessment for Asian Carp in Canada*. Department of Fisheries and Ocean Canada., 2009), at 19 – 27.

⁴ Brief of Amicus Curiae Her Majesty The Queen In Right of Ontario in Support of the State of Michigan's Motion For a Preliminary Injunction (31 December 2009).

⁵ Environment Canada, *Invasive Alien Species of the Month* (Environment Canada, undated), available at <<http://www.ec.gc.ca/eee-ias/default.asp?lang=En&n=8E8C2C22-1>>.

⁶ Petition on behalf of the Waterkeepers Alliance, Great Lakes United, Environmental Defence Canada and Georgian Bay Forever to the U.S. Secretary of State and to the Administrator of the U.S. Environmental Protection Agency concerning s. 310 of the *Clean Water Act*. May 2010

Sincerely,

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