



## **State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

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On Water Resources and Environment

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### **Introduction**

Chairwoman Johnson and members of the Subcommittee, thank you for the opportunity to appear before you today to discuss our shared efforts aimed at protecting the Great Lakes from aquatic invasive species – in this case Asian Carp. My name is Matt Frank and I am the Secretary of the Wisconsin Department of Natural Resources. I am pleased to submit this testimony on behalf of the WDNR and my boss, Wisconsin Governor Jim Doyle.

I want to start by thanking Representative Oberstar for his leadership on many Great Lakes issues as Chair of the House Transportation and Infrastructure Committee. I also want to applaud Representative Kagen for his leadership as a member of this Subcommittee and I would also like to recognize Representative Petri who serves on the full Committee on Transportation & Infrastructure.

### **The Great Lakes in Perspective**

The Great Lakes are a treasure of international significance. They contain approximately 20% of the world's surface freshwater, and 95% of North America's. One in three Canadians and one in 10 U.S. residents depend on the Great Lakes for their water. More than 35 million U.S. residents and 8 million Canadians live, work, and recreate in, on or by the waters of the Great Lakes Basin.

The Great Lakes regional economy and, indeed, our nation's depend on the Great Lakes. For example, the Great Lakes provide water for 70 percent of U.S. steel production. The Lakes provide transportation for almost 200 million tons of international and interlake cargo—indeed, the lake carriers can tell you how much transport tonnage they lose for each inch of water lost. One-third of all the boats registered in the United States are in the Great Lakes States and boating alone supports over 250,000 jobs. Overall, our

region generates nearly 30% of our nation's gross domestic product and about 60% of all U.S. manufacturing. Water is also used for hydro-power on both sides of the border. All of these different uses depend on the lakes in different ways as a source for clean, abundant fresh water.

Wisconsin boasts a \$13 billion tourism industry, much of those dollars are generated thanks to abundant, healthy water resources and in turn a popular recreational fishery.

Wisconsin waters of Lake Michigan and Lake Superior support a popular and thriving sport fishery which includes private anglers, licensed guides and charter captains. There are approximately 235,000 anglers who fish 3.7 million days each year primarily for rainbow, brown and lake trout, chinook and coho salmon, walleye, smallmouth bass, strain muskellunge, and yellow perch. Wisconsin licensed 359 charter captains in 2009. Based on Wisconsin Department of Natural Resources (WDNR) creel surveys of major fisheries in 2008 (not all fisheries are covered), anglers harvested a minimum of 640,000 fish in Lake Michigan and 36,000 fish in Lake Superior.

Sport fishing in Wisconsin waters of Lake Michigan and Lake Superior generated \$419 million in economic activity and supported 5,000 jobs in Wisconsin alone, based on a comprehensive survey conducted in 2006 by the United States Fish and Wildlife Service and the Department of the Census and an economic analysis done by the American Sportfishing Association.

Sustainable management and use of the Great Lakes can foster economic growth while protecting our environment. Conversely, we place our water resources, our environment and our economy at risk if we do not manage the Lakes sustainably and do not keep our lakes at healthy levels. Therefore, we must be forward-looking to put in place effective policies that address today's issues and anticipate tomorrow's challenges. These policies should include immediately and effectively tackling our most pressing problems; putting in place an effective long-term water management framework; and, developing a robust research and information-sharing regime to encourage adaptive management.

Restoring and protecting the Great Lakes is a persistent challenge requiring myriad and collaborative actions across all levels of government. Required actions are not easily isolated from one another, nor should they be, and we must look at all of the challenges that face our Great Lakes.

## **Great Lakes Regional Collaboration Strategy**

### **Highlights the Challenge of Aquatic Invasive Species**

When I testified at your field hearing in Green Bay in the spring of 2008, I noted with pride the collective achievement of Great Lakes region in producing the Great Lakes Regional Collaboration (GLRC) Strategy to achieve our shared goals. The framework for the GLRC was based on the nine priorities that the Great Lakes Governors outlined in 2003. The process started with a Presidential Executive Order and included our regional leaders—Governors, Mayors, Members of Congress and Tribal leaders—as well as non-governmental groups and hundreds of committed citizens. The process united us as never before toward our shared goals of protecting and restoring our nation’s water belt--the Great Lakes. And, it provided a shared vision of near-term steps that could put us on a path toward a restored water belt--a healthy water belt to power our nation’s economy and support a robust environment.

That promise is now being brought to reality thanks to the hard work of those same Great Lakes stakeholders and the welcome federal commitment of significant resources to support the strategy through the Great Lakes Restoration Initiative. As you know, this Initiative was funded by this Congress at the full \$475 million requested by President Obama for Federal Fiscal Year 2010.

### **Aquatic Invasive Species Control Key Strategy**

While we are extremely grateful to Congress and to the Administration for your support of the GLRI, it is noteworthy that over \$60 million of the \$475 million for the Initiative is being expended just to combat aquatic invasive species. Indeed, aquatic invasive species (AIS) continue to pose one of the most serious threats to the Great Lakes ecosystem. An average of one new species is discovered in the Great Lakes ecosystem every eight months, and once present, eradication is often impossible. Prevention is vital to stemming ecosystem impacts from new invasive species. And, because AIS easily transfer from watershed to watershed, it is absolutely critical that comprehensive national action be taken to combat the spread of AIS.

### **Chicago Ship Canal Just One Vector for Invasives**

Yesterday’s White House Asian Carp Summit was a very important step in our collective efforts to keep

Asian Carp out of the Great Lakes. Your support of additional federal revenue for this task would also be very appreciated. For several weeks now, we have been raising several issues where swift action is needed. Some of the key issues where we continue to focus our attention and urge concrete action include:

***Achieving a total “ecological separation” of the Mississippi-Illinois River System from the Great Lakes drainage.***

Background: Like Michigan, Wisconsin is gravely concerned about Asian Carp and other AIS movement into Lake Michigan, but unlike Michigan we also have to live with AIS movement downstream into the Mississippi River system. The current electrical barrier provides no protection against downstream movement, so “ecological separation” is the only effective option for Wisconsin. In Chicago, this means infrastructure changes in the **Chicago Waterway System (CWS)** such that there are no direct hydrologic connections between the Illinois Sanitary and Ship Canal and Lake Michigan.

To ensure that Asian Carp do not become established in Lake Michigan before “ecological separation” is completed, we also want swift action in these areas:

***Operate the existing Electrical Dispersal Barrier system at maximum effective power and expedite completion of the proposed Barrier IIB.***

Background Congress first directed the COE to deal with the problem of invasive species movement in the CWS in 1996 and they have slowly been developing a system of 3 electrical barriers at a bottleneck location on the Chicago Sanitary and Ship Canal (see attached diagram). The first was a low power “demonstration” barrier (Barrier I) which did not begin operation until 2002. After lengthy wrangling over funding, a second, more powerful dual barrier has been incrementally constructed. Testing began on the first barrier of the new dual system (Barrier IIA) in March 2006 and finally began full time operation in April 2009. Due to safety concerns it is still not being operated at a voltage that is sufficient to repel all sizes of Asian Carp. COE has stated that it has received funding for the second barrier of the new dual system (Barrier IIB) and that construction is underway and will be completed by September, 2010. COE states that operational and safety testing must be completed before Barrier IIB can start operation and provides no timetable for completion of the tests. In the years since Congress first instructed the COE to deal with this issue, progress has been slow. In 2004, despite the fact that this interstate waterway is the responsibility of the Federal government, the eight Great Lakes states contributed \$575,000 needed to fill a gap in funding to construct the barrier (Wisconsin contributed \$68,000 from WNDR).

***Comprehensively monitor the Chicago Sanitary and Ship Canal and all connected waterways for the presence and location of bighead and silver carp using the best available methods and techniques.***

Background The urgency of creating “ecological separation” and the severity of interim measures depends to some extent on the level of Asian Carp infestation in the CWS above the electric barrier. So it makes sense to routinely conduct comprehensive fish sampling to monitor the level of infestation. Over the years, Illinois DNR, US Fish and Wildlife Service, and several other agencies have done varying levels of Asian Carp monitoring primarily downstream, but also occasionally at or above the electric barrier. Monitoring is usually done with normal fish sampling gear such as electrofishing boats, nets or radio tracking. Starting in August, 2009, COE began looking for Asian Carp DNA in water samples using an experimental technique they call “environmental DNA” (eDNA) testing. This new testing has not been calibrated – it is not known what level of Asian Carp infestation will trigger a positive eDNA test - but this testing has found evidence of Asian Carp DNA at several locations above the barrier. Illinois DNR has recently been trying to organize a coalition of state and federal agencies – including Wisconsin DNR - to contribute resources for an actual fish sampling monitoring program for 2010.

***Eradicate any bighead or silver carp discovered in these waters.***

Background Again, to ensure that Asian Carp do not become established above the electric barrier and escape into Lake Michigan before “ecological separation” can be created, it will be necessary to eradicate any populations of Asian Carp discovered by the monitoring program described in #3a. Currently the only feasible way to control Asian Carp is to chemically poison all the fish in the infested location. The chemical used is called rotenone and while deadly for fish is not any threat to human health or other land or water animals. These chemical treatments however, can be logistically difficult and expensive. For example, in December 2009, Illinois DNR sponsored a chemical treatment of a 5 mile stretch of the **Chicago Sanitary and Ship Canal (CSSC)** just below the electric barrier to keep Asian Carp from passing the barrier while it was down for maintenance. Illinois DNR sought financial and staff assistance from other agencies and the final effort included 250 staff from many federal and local agencies, states around Lake Michigan and even Ontario and Quebec, at a total cost of probably \$5 million. It is likely that treatments in other areas of the CWS should Asian Carp populations be discovered would be of comparable magnitude – however in the future it is unclear if any of the other participating agencies would be able to repeatedly donate resources to frequent treatments.

***Expedite completion of the barriers between the CSSC and the Des Plaines River far enough upstream to ensure that Asian Carp cannot cross over during flood events.***

Background The location of the electrical barrier on the CSSC is above the confluence of the Des Plaines River which means that Asian Carp coming upstream from the Illinois River would have unimpeded access to the Des Plaines River. Unfortunately, the Des Plaines River flows right next to the CSSC for a distance of approximately 13 miles separated only by a narrow strip of land. During flooding events (such as occurred in summer, 2008), water – and potentially Asian Carp - can move between the Des Plaines and the CSSC above the barrier which would give them direct access to Lake Michigan. Nothing was done about this potential barrier breach until December, 2009 when EPA announced it would provide \$13 million of its Great Lakes Restoration Initiative funding to allow construction of levees and fences to help separate the Des Plaines and CSSC. While a worthy effort, it is unclear if the funding provided or the final engineering plans will be sufficient to provide an adequate fish barrier.

***Quickly assess the impacts of actions such as closing the locks and modifying sluice gate operations. Discuss and evaluate those impacts and agree to immediate modifications to lock and sluice gate operations that significantly minimize the chances of Asian Carp movement but also are protective of public health, safety and significant commerce issues.***

Background In various court filings, COE, State of Illinois and the Chicago Metropolitan Water Reclamation District have sincerely argued that there are significant flooding and commercial barge traffic economic implications to preliminary injunction requests for immediate lock closures and changes in water diversion operations. At the same time, the states of Michigan, Wisconsin, Minnesota and Ohio have all sincerely argued that their fishery interests worth \$7 billion are also at grave risk should Asian Carp become established in the Great Lakes. Assuming that these both represent extreme positions, it would seem the parties could have a fair discussion of the impacts, and see if there are any reasonable changes in lock or water diversion operations that could be taken on an interim basis that would reduce the risk of Asian Carp movement but still reasonably address flooding and barge movement issues.

***Complete construction of passive Asian Carp barriers on the Mississippi River.***

Background Asian Carp are extremely abundant in the Mississippi River just south of Wisconsin, and there are no impassable barriers to keep them from spreading up into Wisconsin and Minnesota. In 2004, Minnesota, Wisconsin and US Fish and Wildlife Service paid for a joint study of barrier options for the

Mississippi River which made some specific recommendations for installation of passive barriers ([http://files.dnr.state.mn.us/natural\\_resources/invasives/aquaticanimals/asiancarp/umrstudy.pdf](http://files.dnr.state.mn.us/natural_resources/invasives/aquaticanimals/asiancarp/umrstudy.pdf)). Generally passive barriers include lights, sound, bubble screens and chemical attractants installed at bottleneck points such as locks. The study also recommended these passive barriers be installed at two neighboring lock and dams, and that active control and removal programs (eg localized chemical treatments or commercial harvest) be initiated should Asian Carp penetrate the downstream barrier. At the time it was estimated such a barrier system would cost about \$25 million. COE was asked to include this as part of their infrastructure redevelopment, however no action has been taken to date (it was not included among the COE ARRA projects for example).

### **Federal Actions Needed to Prevent Other Invasive Introductions**

As Governor Doyle, myself and many other in the Great Lakes region have requested repeatedly, the federal government must move swiftly under its existing authorities to require improvement for ballast water management including practices for those ships declaring no ballast on board to forestall the introduction of new invasive species to the Great Lakes.

A system of state by state regulations will not be nearly as effective and is clearly less desirable than a consistent and clear federal solution. In Wisconsin, we have already acted to require a state ballast water permit for ships coming into our ports but this is not a substitute for meaningful federal action.

We have commented on the draft Coast Guard ballast water permit (see Attachment A) and have urged support for federal legislation in the past (see Attachment B).

Federal support is also needed to strengthen rapid response capabilities. Legislation is needed to prevent the introduction and spread of harmful species via the trade in live organisms and other vectors. Finally, Congress should provide full funding for the Great Lakes Fishery Commission's sea lamprey control program and other state and regional programs under the National Invasive Species Act.

### **Conclusion**

More than 180 non-native species have invaded the Great Lakes, damaging water-dependent industries, threatening valuable fish and wildlife resources, and costing the region an estimated \$5.7 billion annually.

The region must remain vigilant to prevent new invasive species from entering the Great Lakes and causing long-term, irreversible damage. The imminent threat of Asian carp devastating the region's \$7 billion sport fishing industry underscores the urgent need for action to safeguard the Great Lakes against the threat from aquatic invasive species.

The continued health and availability of Great Lakes water in this region is critically important for our nation's environment and economy. Fortunately, we have a strong partnership and tools that we can use to ensure our future. Ms. Chairwoman and members of the Committee, our pledge to you is that we will continue to work with you to ensure that we make real progress on preventing Asian Carp and other aquatic invaders from entering and further compromising the health of our Great Lakes. This is our responsibility to our citizens, our children and our grandchildren.

Thank you, Ms. Chairwoman.