United States Senate
WASHINGTON, DC 20510

March 14, 2014

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
108 Army Pentagon
Washington, DC 20310-0108

Dear Secretary Darcy:

As Senators from Great Lakes states, we are committed to protecting the lakes from a variety of threats, including from invasive species like the destructive Asian carp. We want to impress upon you the need to implement short-term measures to stop Asian carp from getting into the Great Lakes, and to move aggressively toward a long-term solution. The January 2014 Great Lakes and Mississippi River Inter-basin Study (GLMRIS) outlined both short- and long-term options for preventing inter-basin transfer of aquatic nuisance species (ANS) and we want to ensure that you are advancing the options that look most promising and implementing measures that are already available.

We also have a number of questions for you concerning the process of moving forward with different options for protecting the Great Lakes from ANS:

- How are you planning to use the $3,000,000 Congress appropriated for GLMRIS in fiscal year 2014 (FY2014)? The GLMRIS report explains that you will work to "build consensus toward a collaborative path forward for GLMRIS." What does that statement mean? What exactly will you be doing to further define a collaborative path forward?

- The GLMRIS report identifies a number of nonstructural control technologies that could be implemented in the short-term. You note in the report that these activities are not traditionally performed by the Army Corps of Engineers (the Corps). For that reason, are you finished with the evaluation of this alternative? Will you be recommending to the Asian Carp Regional Coordination Council (ARCC) that these measures be implemented immediately?

- To move forward with a long-term solution, a phased implementation may be needed. What interim measures could the Corps move forward with that would allow for the most flexibility with a long term solution?

- The Brandon Road Lock has been identified as one location at which work could be undertaken as an intermediate solution (e.g., including a GLMRIS lock and an electrical barrier). Does the Corps need further direction from Congress to study interim ANS control technologies at Brandon Road?

- Legislation passed in July 2012, "Moving Ahead for Progress in the 21st Century Act," authorizes the Corps to proceed directly to preconstruction engineering and design if a project is 'justified.'" How would the Corps determine if a project is justified? Is it correct to assume that this process would be less involved than when making a recommendation in a "Chief's Report"?

- To study and implement an interim demonstration of control technologies at Brandon Road (including a GLMRIS lock, an electrical barrier in the channel, and any additional necessary ANS control technologies), can the Corps provide a cost estimate to perform this work (and a breakdown between direct and mitigation costs)? Could you provide a rough time estimate for completing the study, design and construction of this project? Does the Corps have current authority to undertake this effort? What trigger or direction would the Corps require to further study such an interim demonstration project?

- Does the Corps need a non-federal partner if the project is funded at full federal funding?

- Will the Corps undertake an independent peer review of the GLMRIS alternatives?

- What triggers the Corps to further study potential long term control alternatives?

- A typical Corps feasibility study includes a detailed evaluation of alternatives, along with cost and benefit estimates, and a recommended alternative. We understand that for navigation and flood control projects, benefit-cost ratios for each of the alternatives are calculated. For environmental projects, we understand the Corps selects the preferred alternative as the most cost-effective means of producing environmental benefits. If the Corps moves forward with making a recommendation, what metrics would the Corps use to select a preferred alternative?

- The fiscal year 2014 omnibus appropriations bill provided authority to the Corps to implement emergency measures to prevent invasive species from dispersing into the Great Lakes by way of any hydrologic connection to the Mississippi River basin. What decision criteria will be used by the Corps to determine whether there exists an emergency? If the Asian carp continue to move toward the Brandon Road lock, would the Corps consider using the emergency authority provided in the omnibus appropriations bill to implement measures at the Brandon Road lock, such as fixing the lock gates and/or constructing an electric barrier at the mouth of the lock?

We look forward to receiving a prompt reply to our questions. Thank you.

Sincerely,

Rob Portman

Carl Levin

Sherrod Brown

Charles E. Schumer

Tammy Baldwin

Amy Klobuchar

Kirsten E. Gillibrand

Robert P. Casey, Jr.

Debbie Stabenow

Ron Johnson

Al Franken