

Chicago Area Waterway System Aquatic Invasive Species Stakeholder Group

AUGUST 21, 2020 Google Meets, Meeting Summary

Welcome, Introductions and Review of Agenda

Kathy Luther, NIRPC, welcomed those in attendance to the CAWS-AIS Stakeholder Group meeting. Kathy provided the background administration functions of the Google Meets platform and reviewed the agenda.

Congressional Update - Matt McKenna, Northeast-Midwest Institute

Matt McKenna, Northeast-Midwest Institute, provided an update on the Water Resources Development Act (WRDA) saying the House passed the Bill for WRDA before adjourning for the summer break. The Bill includes a graduated authorization for the Brandon Road project with a cost share of 80/20 (80% federal and 20% local sponsor cost) and the jurisdiction and public works committee also approved their WRDA bill. The full Senate hasn't voted on the bill yet, but the bill was approved by the Environment and Public Works (EPW) committee with bi-partisan support. The Senate took a 2-phased approach by having an infrastructure bill and a drinking water bill. The Senate bill does include Brandon Road authorization, but their cost share is 75/25. The Senate bill also addresses some of the downriver issues, creating an asian carp prevention and control pilot program. This program has been authorized for \$35 million and can have up to 20 projects. Matt stated an additional Senate bill includes expanding multi-agency efforts to slow asian carp beyond the upper Mississippi and all six sub basins in the Mississippi River. Discussions are expected to continue in September.

Matt McKenna presented on the FY 2021 appropriations process. Funding by the House included \$14.3 million for the electric barrier requested by the administration, \$50,000 for the GLRMIS/Brandon Road project, the Great Lakes Restoration Initiative (GLRI) appropriations were increased to \$335 million (up from \$320 million in FY 2020), Fish and Wildlife was appropriated \$25 million for asian carp activities, and appropriations of \$10.62 million to the United States Geological Survey. The House will reconvene on September 8 and the House Floor will reconvene the week after Labor Day and will remain in session through September. The Senate will also reconvene on September 8 and will adjourn October 9 for the presidential election, most likely reconvening the day after the election. Kay Nelson inquired if there would be an opportunity to witness the House and Senate meetings virtually. Matt feels they would be available and will share the meeting links when he receives them.

Brandon Road Pre-Construction Engineering and Design (PED) Agreement and USACE Updates

Loren Wobig, Illinois Department of Natural Resources (IDNR), stated Illinois is serving as the non-federal sponsor for the Brandon Road ecosystem project and is tracking three issues impacting progress toward signing the pre-construction engineering and design (PED) Agreement.

- Accelerated funds provision approval - The state of Illinois, as a non-federal sponsor, has agreed to utilize local funds ahead of available federal funds before proceeding with the project design of Brandon Road. The Corps, as part of their process, removed that provision from the PED because it requires a separate approval. The agreement currently resides with the federal Office of Management and Budget (OMB) for approval, where it needs to be approved by the committees of Congress.
- Non-federal sponsor support agreement with the State of Michigan - The states of Illinois and Michigan are collaborating on the intergovernmental agreement. This agreement will allow Michigan to provide support to Illinois as a non-federal sponsor up to \$8 million and placed in an escrow account. The PED requires \$10 million from non-federal sponsors.
- PED agreement language - The state of Illinois is continuing to communicate with the Corps on the PED agreement, particularly related to the Corps acknowledgement and affirmation on the design process that needs to abide by Illinois public water laws. Illinois is looking for affirmation from the Corps for either inside or outside of the final PED agreement.

Director Colleen Callahan and Loren Wobig had a meeting with General Diana Holland and Mr. Bellcliff with the Corps, on this matter. General Holland is looking into the possibility of creating an official document for the State of Illinois to be outside the PED agreement to help address these issues.

The PED agreement currently resides at Governor Pritzker's office for consideration. The IDNR is ready to move forward when the funding from the State of Michigan is moved to an account that would be available for use and when the Corps affirms they are able to abide by the Illinois public waters laws as they go forward into the design. Lynn Muench asked the Corps how long it would take to begin construction once the IDNR receives the requirements above. Andy Leichty with the Corps, stated it would take 3-4 years before getting to the first construction contact.

Great Lakes and Mississippi River Interbasin Study (GLMRIS) Letter Discussion

Marc Smith, National Wildlife Federation, provided a history on the efforts of the 2-Way transfer study discussions. When the CAWS group was first created, they agreed to address the 2-Way transfer of invasive species between the Mississippi River Basin and the Great Lakes. The Brandon Road project was originally designed as a one-way control point that would help reduce the risk of invasive species between these two points. The group investigated how to stop both transfers, but there has not been funding for the Corps to identify an additional control point outside of Brandon Road. Marc Smith and Kay Nelson modified the existing letter that builds off the original mission and would be a second effort to identify where to place another control point. The Corps had existing authorization of the GLMRIS to do this, but they do not have funding to proceed. The changes to the letter that were agreed on at the meeting were made live by Kathy Luther.

Mindy Barnett, Illinois Department of Natural Resources (IDNR), inquired if there has been coordination with other partners to protect us from their waters, and how their responsibilities are defined. Kay Nelson explained that the CAWS Stakeholder group is not charged with all of the solutions because there are commissioners representing their states to the Great Lakes Commission (GLC). The GLC is undergoing a process to update position papers on asian carp. The GLC has representation from all eight Great Lakes states and two provinces of Canada that border them, which is where that level of discussion will take place with regard to partnership and other AIS's.

Erica Jensen with the Great Lakes Commission said the Great Lakes Aquatic Nonindigenous Species Information System (GLANSIS), compiles information representing the work of federal, state, provincial, and non-governmental groups, including private industry groups on the U.S and Canadian side, are working to coordinate across the basins, multiple pathways and species. There is work being done with multiple institutions to address other species and other access points beyond the work being performed by the CAWS stakeholder group.

Many organizations voiced their support of the letter and extended appreciation to Marc Smith and Kay Nelson for their efforts. Molly Flanagan offered to send Kathy Luther input on the WRDA appropriations section of the letter. Marc Smith asked when the letter should be submitted to the Corps. Jeff Zuercher, with the Corps, suggested sending the letter in the near future and recommends a follow-up after the appropriations bills passes. The draft letter will be sent to the Stakeholder Group on September 4 with a response date of September 10.

Next Steps

- NIRPC will make requested edits to the draft letter, with Molly Flanagan providing input on the WRDA appropriations section of the letter.
- NIRPC will send the updated draft letter to the Stakeholder Group on September 4 and include any opposition received by September 11.
- NIRPC will update the draft from the revisions received and redistribute to the group on September 11.
- Updated draft letter will be discussed at the Steering Committee meeting on September 15.

Kathy Luther thanked everyone for their participation.

The meeting adjourned at 11:16 a.m.