

Obama Administration Releases 2012 Framework to Prevent Asian Carp Invasion of Great Lakes

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On February 23, 2012, the Asian Carp Regional Coordinating Committee (ACRCC) released its FY 2012 Asian Carp Control Strategy Framework. The ACRCC is a partnership between the Executive Office of the President, numerous federal agencies including the Army Corps of Engineers (Corps), Great Lakes states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Wisconsin, and Pennsylvania, and the City of Chicago. The ACRCC's mission is to create a sustainable solution that prevents the invasion of Asian carp into the Great Lakes ecosystem. Asian carp refers to imported species of fish that escaped from aquaculture facilities in the southern United States in the 1970's. Since then, these species have spread throughout the Mississippi and Illinois Rivers and are threatening to invade the Great Lakes.

Last year we [discussed](#) the Seventh Circuit's August 2011 [decision](#) denying a preliminary injunction, sought by some of the Great Lake states, to require the City of Chicago and the Corps to close down parts of the Chicago Area Waterway System (CAWS) and take other actions to prevent the invasion of the carp into the Great Lakes. In issuing its decision, the court noted that measures planned by the City, the Corps, and other government agencies negated the need for a preliminary injunction. (The states have [petitioned](#) the United States Supreme Court to review the Seventh Circuit's decision regarding two of the narrower actions sought by the states, but the Court has not yet decided whether it will take on the case.)

The Framework discusses the ACRCC's FY 2012 plan for strategic management of Asian carp within the Great Lakes Basin, which includes prevention, monitoring, control, and impact mitigation, as well as the development of related technologies and other supporting actions, such as education, outreach, and regulatory support. Some of the specific regulatory actions currently include: the use of electric dispersal barriers in the CAWS, a study of options to prevent the spread of invasive species between the Great Lakes and Mississippi River Basins (the GLMRIS), monitoring and removal of Asian carp within the CAWS, the use of environmental DNA in monitoring, risk assessment, research and technology, and enforcement against the illegal transportation of invasive species. The Framework indicates that the effectiveness of a permanent closure of the Chicago locks will be considered in the GLMRIS. If the Supreme Court grants *certiorari*, it is certain to consider whether the actions set forth in the Framework are sufficient to prevent the spread of Asian carp into the Great Lakes ecosystem. The entire Framework can be reviewed [here](#).

2 Min Read

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