

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

P.O. Box 30212
LANSING, MICHIGAN 48909

December 2, 2009

Via e-mail and overnight mail

Colonel Vincent W. Quarles
Commander, Chicago District
U.S. Army Corps of Engineers
111 N. Canal Street, Suite 600
Chicago, IL 60606-7206

Honorable Pat Quinn
Governor, State of Illinois
James R. Thompson Center
100 W. Randolph, 16-100
Chicago, IL 60601

Terrence O'Brien
President, Board of Commissioners
Metropolitan Water Reclamation
District of Greater Chicago
MWRD Headquarters
100 East Erie Street
Chicago, IL 60611

Gentlemen:

As you well know, recent water sampling of the Chicago Shipping and Sanitary Ship Canal indicates that two species of Asian Carp may have already migrated beyond the electric barrier constructed and operated by the US Army Corps of Engineers to locations less than 10 miles from Lake Michigan. These voracious and destructive fish pose the gravest threat yet to a Great Lakes ecosystem already plagued by invasive species.

The State of Michigan has a vital interest in protecting the Great Lakes from the potentially devastating infestation by Asian Carp. We are in the heart of the Great Lakes basin and directly adjoin four of the five Great Lakes. Our citizens and our businesses critically depend upon the health of this ecosystem, as well as the fishery, recreational, and other resources the lakes provide.

As Michigan's chief law enforcement officer and a designated natural resource trustee, I strongly urge the federal government, the State of Illinois, and the Metropolitan Water Reclamation District of Greater Chicago to immediately assume the necessary leadership role both to avert this potential catastrophe and eliminate its root causes. At a minimum, this includes the following:

First, it is essential that all federal, state, and local agencies responsible for the protection of the Great Lakes and operation of the Chicago Sanitary and Ship Canal take immediate, coordinated action, using the full extent of their respective legal authorities, to abate the threat.

Messrs. Quarles, Quinn, and O'Brien
Page 2
December 2, 2009

This should, at a minimum, include intensified monitoring and sampling to determine where the Carp are present, continued applications of fish poison to infested or potentially infested waters, and if necessary, changes in lock and water control operations to prevent the passage of fish into Lake Michigan.

Second, there must be a permanent and reliable solution to this threat. The federal government, in conjunction with the responsible state and local officials should develop and implement plans to ecologically and physically separate the carp-infested waterways from Lake Michigan.

Third, available financial resources, including the \$475 million funding appropriated for the Great Lakes Restoration Initiative, should be targeted to urgently needed measures, both immediate and long-term, to protect the Great Lakes from Asian Carp.

I would appreciate an immediate response outlining the actions you will take to avert the immediate and long-term threat posed to the Great Lakes by the Asian Carp infestation of the waterways you control. Absent assurance that immediate action will be taken, I will be forced to consider all available legal remedies to protect the citizens of the State of Michigan and their greatest natural resource.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Cox", written in a cursive style.

Mike Cox
Attorney General