

SR-173, As Adopted by Senate, July 21, 2010

Senator Birkholz offered the following resolution:

Senate Resolution No. 173.

A resolution to express support for the lawsuit filed July 19, 2010, in federal court by the Michigan Attorney General and four other Great Lakes states to halt the invasion of the Asian carp.

Whereas, With the recent discovery of a mature, 20-pound Asian carp in Lake Calumet, beyond all physical barriers to its path to nearby Lake Michigan, the ongoing effort to halt the invasion of the Asian carp has taken on a renewed sense of urgency. Earlier arguments expressing concern over detected DNA have proven to be accurate in assessing the grave importance of the struggle to keep this voracious species from the Great Lakes; and

Whereas, In appropriate acknowledgment of the need to shut off access to Lake Michigan immediately, Michigan's Attorney General has initiated a new lawsuit, filed July 19, 2010, in U.S. District Court for the Northern District of Illinois, to halt the invasion of the Asian carp into the Great Lakes. This litigation, which also includes the states of Wisconsin, Ohio, Pennsylvania, and Minnesota, seeks to force the U.S. Army Corps of Engineers and the Metropolitan Water Reclamation District of Greater Chicago to take emergency action to block Asian carp from entering Lake Michigan and to develop a permanent solution to protect the Great Lakes; and

Whereas, The lawsuit is predicated on the Asian carp being a clear and imminent threat to the Great Lakes. The suit is based on the species being a public nuisance that is being allowed to cause likely irreparable harm to the aquatic resources of the Great Lakes and on the Administrative Procedures Act, 1969 PA 306, which allows legal challenges to federal agency decisions that are arbitrary or harmful. The suit is consistent with Michigan statutes identifying these fish as prohibited species (MCL 324.41301 and MCL 324.41305); and

Whereas, The Michigan Legislature has repeatedly demonstrated its strong commitment to protecting the Great Lakes from the perils of the Asian carp. Concerns over this grave threat to our fisheries and the ecology of the Great Lakes have been expressed through SCR 28, SCR 32, and SCR 42 of the Ninety-fifth Legislature. This commitment remains firm, as does the magnitude of the issue at hand; now, therefore, be it

Resolved by the Senate, That we express support for the lawsuit filed July 19, 2010, in federal court by the Michigan Attorney General and four other Great Lakes states to halt the invasion of the Asian carp; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. District Court for the Northern District of Illinois and the Michigan Attorney General.