

More Asian carp DNA found near Lake Michigan, officials say

January 22 2010, By Joel Hood and David G. Savage

The U.S. Army Corps of Engineers says it has more evidence indicating that the dreaded Asian carp is in Lake Michigan, making the announcement hours after the U.S. Supreme Court decided not to force Illinois to do more to keep the fish out of the lake.

Officials with the Army Corps said Tuesday that researchers combing the Calumet Harbor near Lake Michigan for the presence of Asian carp have found two [DNA](#) samples that seem to indicate the invasive fish has already breached the [Great Lakes](#) near Chicago.

The presence of carp DNA in the lake is not necessarily proof the carp are already in Lake Michigan, officials have said in the past. After an earlier announcement about the presence of Asian carp DNA in a branch of the Chicago River that feeds into Lake Michigan near Wilmette, Maj. Gen. John Peabody of the U.S. Army Corps of Engineers said, "This gives us a better indication of the presence of carp but it's not foolproof."

Using a new system developed at the University of Notre Dame, researchers had found trace amounts of Asian carp DNA north of the underwater electronic barrier near Lockport, suggesting that at least some fish have found a way to bypass what was once called "the last line of defense."

Researchers still aren't sure how any carp got beyond the electric barriers.

Earlier, the Supreme Court rejected a request from Michigan and other Great Lakes states to force Illinois to stop the flow of water from its rivers into Lake Michigan. In a brief order, the justices said they had denied the "motion of Michigan for preliminary injunction."

The court's decision leaves it to the state and federal officials in Illinois to prevent the voracious Asian carp from reaching the Great Lakes.

The boating and shipping industries welcomed the decision. Michigan's attorney general, who was among those on the losing side, urged President Barack Obama to step in and close the locks at the center of the dispute.

After Michigan filed its request before the high court, the justices were told that the U.S. Army Corps of Engineers operates the locks between the rivers and Lake Michigan. For this reason, U.S. Solicitor General Elena Kagan had urged the justices to reject Michigan's motion. She said Michigan should have sued the Army Corps, rather than the state of Illinois.

It appears the justices took her advice and steered clear of the dispute between Michigan and Illinois.

While the high court has rejected Michigan's request for a temporary injunction to close the locks, it could still issue a ruling on the broader aspects of Michigan's case, said a spokesman for the Natural Resources Defense Council.

Specifically, the Supreme Court could decide to rule on whether to reopen the 1922 case that created Chicago's Sanitary and Ship Canal and linked the Great Lakes to the Mississippi River. That ship canal is now the most direct route for Asian carp to enter Lake Michigan, a path biologists have referred to as a "super highway" for invasive species.

Reacting to the court's decision, Michigan Attorney General Mike Cox released a statement saying he was "extremely disappointed" in the ruling but optimistic that the court eventually will consider the merits of the case. Cox also called on Obama act to use his executive powers to close the Chicago-area locks to prevent the advance of Asian carp.

"I am extremely disappointed the Supreme Court did not push the pause button on this crisis until an effective plan is in place," Cox said in his statement. "While the injunction would have been an extraordinary step by the court, Michigan and the other Great Lakes states are facing an extraordinary crisis that could forever alter the Lakes, permanently killing thousands of jobs at a time when families can least afford it.

"President Obama said he would not tolerate new threats to the Great Lakes, yet he has left the front door to Lake Michigan wide open. Billions in economic activity and 800,000 Michigan jobs connected with the health of the Lakes are at risk. His indifference is just stunning."

Chicago's boating and shipping industries breathed a sigh of relief following the Supreme Court's decision. But they cautioned that the fight to keep the navigational locks open may not be over yet.

"We're pleased with the court's decision, but we know the nuts and bolts of the case are still to be decided," said Darren Melvin, a board member with the Illinois River Carriers Association. "The real issue is, is the threat (of carp) real? To date, regardless of what certain writers have said, the (Sanitary and Ship) canal is not infested with carp. That's just not accurate. In all this talk about the threat there hasn't been enough talk about solutions."

Melvin said industry officials believe the underwater electric barrier built near Lockport has worked as intended, and that they would be in favor of erecting more fish barriers downstate. The U.S. Army Corps of

Engineers, which operates the electric barrier, has looked at partnering with state agencies to build barriers that use sound or emit bubbles that could deter carp from advancing north toward Lake Michigan.

The Supreme Court's ruling comes at a time of growing concern about the Asian carp and its capacity to devastate the commercial fishing industry in the Great Lakes.

Last week, Sen. Dick Durbin, D-Ill., hosted a roundtable discussion on the progress the state has made in defending Lake Michigan from the voracious fish. Durbin said Illinois officials were not in "denial" about the potential impact of the fish on the region, but that more needed to be done to track carp movement and strengthen the man-made barriers between the carp and the Great Lakes.

"There are no simple and easy solutions to this," Durbin said at a press briefing at the Shedd Aquarium last week. "Let's not meet in the courtroom; let's meet in the halls of Congress and come up with a real solution."

Michigan's attorney general sued Illinois in the U.S. Supreme Court in December, seeking the closing of navigational locks and dams in the Chicago region to seal off [Lake Michigan](#) from Asian carp. Other Great Lakes states, including Minnesota, Ohio, Wisconsin and New York, have since joined Michigan's fight.

The announcement prompted a new round of criticism from Michigan officials, who say Illinois still has no clear plan to deal with this problem.

"It is distressing that inaction on the part of a state with only a few miles of shoreline is threatening the economy and ecology of Michigan and every other state in the Great Lakes basin," Cox said last week.

Boating and shipping operators who navigate Chicago's waterways said closing the locks, even temporarily, would be devastating to commerce and force haulers to find alternate ways to get their goods into consumers' hands.

In court filings this month, the Illinois Department of Natural Resources, Metropolitan Water Reclamation District and Army Corps of Engineers urged the U.S. Supreme Court to deny a request by Michigan to shut the Chicago and O'Brien locks in downtown Chicago and south suburban Burnham to seal off a crucial access point for Asian carp into the Great Lakes.

While the Justice department and Illinois attorney general largely argued against the legal merits of the suit, the water district expanded its defense by claiming Michigan lacked good science to support the idea that Asian carp would disrupt the lakes' fragile ecosystem. And they say Michigan has ignored previous reports showing the carp have existed in other parts of the Great Lakes for at least 15 years.

If carp are such a problem, the district said, wouldn't their impact have been obvious by now?

"We think that this issue about [Asian carp](#) destroying the ecology and the economy of the Great Lakes is just overblown and just fraught with a lot of emotion," water district Executive Director Dick Lanyon said.

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Citation: More Asian carp DNA found near Lake Michigan, officials say (2010, January 22)
retrieved 26 April 2024 from <https://phys.org/news/2010-01-asian-carp-dna-lake-michigan.html>

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