

CAWS STEERING COMMITTEE
CONFERENCE CALL
MEETING NOTES AND ACTION ITEMS
June 16, 2020 AT 8:30 A.M.

Call Participants: Anna-Lisa Castle, Matt Doss, Josh Ellis, Lisa Frede, Robert Hirschfeld, Kay Nelson, Marc Smith, Kathy Luther, Dominique Edwards, and Candice Eklund.

Discussion Items:

- Kathy Luther began the meeting stating there were two topics to follow-up on from the webinar meeting on April 21, 2020. The first issue is the delayed signing of the PED agreement and secondly, the issues with the 2-Way control.
- Kathy spoke with Loren Wobig and John Rogner to acquire additional information on the Committee's issues and concerns with the legal case from 1979, State of Illinois vs. USACE, where the USACE did not get a State of Illinois permit, as required by law. The state of Illinois sued the USACE, ending in a court ordered settlement agreement requiring the USACE to have a permit when working in Illinois. The State of Illinois feels they can't legally sign an agreement due to the permitting issue and the USACE will not commit to meeting state permit requirements working with Illinois to get a state permit ahead of time, if required. The IDNR does not feel they have the legal ability to reach an agreement without confirmation from the USACE. If the USACE doesn't obtain a permit, Illinois's only recourse would be not to enter into a build agreement, resulting in wasting the planning and engineering funds.
- Anna-Lisa Castle asked why the design agreement is being impacted when it was not meant to include permitting issues. Kathy responded that part of the design would be to figure out if a permit is required. The design agreement currently resides with the governor's office and the USACE headquarters.
- Kay Nelson noted that federal environmental laws call to obtain operating permits before breaking ground on construction. The design needs to have the application in place and feels Illinois is being prudent in this situation because the Governor of Illinois needs to ensure funding will not be lost if a permit issue escalates in the future.
- The position of the Illinois Department of Natural Resources (IDNR) is that this issue has escalated beyond them due to the negotiations that are happening between the Governor's office and the USACE. In addition, the IDNR has not received the accelerated funds agreement yet, but can begin using a portion of the non-federal funding while waiting for the approval.
- Marc Smith concluded the PED agreement discussion stating he feels the project is on hold until the PED agreement is approved.
- Kathy Luther discussed the 2-Way agreement that was talked about at the webinar meeting and the concerns of the Steering Committee.

- Marc Smith stated the USACE has been given authorization to investigate the 2-Way transfer of invasive species from the Great Lakes to the Mississippi River. Brandon Road is a one-way transfer that keeps the wild life from coming up from the Mississippi into the Great Lakes. The USACE still has authorization but GLRMIS is not complete until they can find another transfer control point between the two points.
- The Steering Committee agreed that clarification is needed from the USACE on whether they currently have authorization to continue GLRMIS, or if it was a possibility to continue the study by using previous studies?
- Lisa Frede reminded the group it was the responsibility of the Steering Committee to assign agenda items for the in-person meetings to gather input from the Advisory Committee on those agenda items. Therefore, the 2-Way discussion will be an agenda item at the next webinar meeting
- Kay Nelson and Marc Smith will draft a carefully worded letter to the USACE to verify they have been given authority to complete a 2-Way study and request that congress provide funding to perform a feasibility study to layout where the separate control points would be placed. The Steering Committee will review the draft letter before presenting to the Advisory Committee at the next webinar meeting.
- The Steering Committee requested the agenda items for the USACE state very specific questions so they can provide real time feedback to the Advisory Committee.

Action Items:

- Kay Nelson and Marc Smith will write a letter to the USACE, to include a list of specific questions.
- Candice Eklund will send out a survey to find out the best meeting dates for the next Advisory Committee webinar meeting in August.
- Marc Smith will talk with the staff attorney at the National Wildlife Federation.
- Anna-Lisa Castle will update Molly Flannagan on details of the meeting and look into obtaining staff legal counsel from the Alliance for the Great Lakes. Marc Smith and Anna-Lisa will discuss findings from both legal counsels.

Meeting adjourned at 9:31 a.m.