

U.S. Supreme Court Denies Request to Close Locks on Same Day Asian Carp DNA Found in Lake Michigan

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On January 19, 2010, the U.S. Supreme Court entered a one-sentence order (page 3 of [this list of orders](#)) denying the State of Michigan's request for preliminary injunction that would have immediately closed locks and gates leading to Lake Michigan. [Michigan requested these actions to prevent Asian carp from getting into the lake.](#)

On the same day, [the U.S. Army Corps of Engineers announced](#) that the multi-agency Asian Carp Regional Coordinating Committee "received information from the University of Notre Dame about one positive environmental DNA result for silver carp in Calumet Harbor approximately one-half mile north of the Calumet River and one more at a location in the Calumet River north of O'Brien Lock." According to the Corps, the Regional Coordinating Committee "is now working to respond to the most recent eDNA results, including consideration of:

- Rapid deployment of intensive netting, including electrofishing and specialized netting alternatives, in the area near O'Brien Lock to reduce the possibility that a self-sustaining population might be established.
- Continued research into scientific advances to apply detection systems that will allow participating agencies to pinpoint the exact location and numbers of carp. Current eDNA testing does not yet provide this information.
- Planning to develop the concept of how existing structures, such as locks, could be operated in a way that would minimize the risk of carp migration while the U.S. Coast Guard, local public safety and emergency responders, needed cargo, and other traffic transits the waterway;
- Expedited construction of new electric dispersal Barrier IIB to complement existing barriers, and severance of culverts and other bypass routes in the event of flooding, that might allow carp entry from adjacent waterways. Interim obstructions will be completed this year;
- Accelerate development of possible biological controls for Asian carp; and
- Continued efforts to assess 'ecological separation' as a long-term strategy that blocks invasive species from transferring between the Great Lakes and Mississippi River watersheds while still allowing cargo and 'clean traffic' to pass, leveraging the Corps of Engineers' Great Lakes and Mississippi River Interbasin Transfer Study."

More coverage of these events can be found in the [Associated Press's article](#) on these issues.

Stay tuned to the Illinois Environmental Law Blog for more news and developments.