CANDICE S. MILLER
10TH DISTRICT, MICHIGAN

WASHINGTON OFFICE:
320 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2106
FAX: (202) 226-1169

DISTRICT OFFICE:
48701 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317
(586) 997-5010
FAX: (586) 997-5013

Congress of the United States
House of Representatives
Washington, DC 20515–2210

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WATER RESOURCES
AND ENVIRONMENT

April 17, 2013

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army
Department of the Army, Civil Works
108 Army Pentagon
Washington, DC 20310-0108

Dear Secretary Darcy:

I am writing in response to your letter dated April 2, 2013, regarding my inquiry over the low water levels in the Great Lakes and the water diversion from Lake Michigan to the State of Illinois. While I appreciate your assurances that this diversion has a negligible impact on the water levels of the Great Lakes, I respectfully disagree and request that we continue to find ways to mitigate the damage caused by these historically low water levels.

As you know, the U.S. Supreme Court consent decree in Wisconsin v. Illinois, 388 U.S. 426 (1967), and the Water Resources Development Act of 1986 require the Army Corps of Engineers (Corps) to provide an accounting of water diverted from Lake Michigan to the Chicago Sanitary and Ship Canal. The Corps' Chicago District is responsible for this accounting – the data collection, computation, and report. I appreciate the complexity of this scientific process but continue to be concerned that a report has not been produced since 2009. Without a timely analysis of the accounting of water that is diverted, it remains difficult to find an appropriate remedy for the low water levels in the Great Lakes.

I respectfully request a thorough explanation of the processes and procedures used to produce the Lake Michigan diversion accounting report, with specific emphasis on the aspects that create the lag time.

Additionally, I will be exploring the possibility of working with Michigan's governor and the governors of the Great Lakes states to revisit the Consent Decree and amend the amount of water diverted to Illinois. Moreover, as Congress begins its consideration of the Water Resources Development Act, I will be exploring options for an independent evaluation of water diversion accounting for Lake Michigan.

I stand ready to assist the Corps in continuing its efforts in protecting the Great Lakes and I am eager to work together to find solutions that will stop the damage being caused to the region by these record low water levels.

Sincerely,

Candice S. Miller

Candice S. Miller
Member of Congress