



The American Waterways Operators

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January 30, 2015

Mr. David Wethington
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Re: Great Lakes and Mississippi River
Interbasin Study (“GLMRIS”)-
Evaluation of Aquatic Nuisance
Species Controls Near Brandon Road
Lock and Dam

Dear Mr. Wethington:

On behalf of the American Waterways Operators (AWO), the national trade association for the tugboat, towboat, and barge industry, thank you for the opportunity to comment on the U.S. Army Corps of Engineers’ proposed Brandon Road Lock project as a part of the Great Lakes and Mississippi River Interbasin Study (GLMRIS).

The U.S. tugboat, towboat, and barge industry is a vital segment of America’s transportation system. The industry safely and efficiently moves over 800 million tons of cargo each year, including more than 60 percent of U.S. export grain, energy sources such as coal and petroleum, and other bulk commodities that are the building blocks of the U.S. economy. The fleet consists of more than 4,000 tugboats and towboats, and over 27,000 barges of all types. These vessels transit 25,000 miles of inland and intracoastal waterways, the Great Lakes, and the Atlantic, Pacific, and Gulf coasts. The tugboat, towboat, and barge industry provides the nation with a secure, safe, low-cost, and environmentally friendly means of transportation for America’s domestic commerce.

The benefits of waterways transportation are widely understood. According to the Texas Transportation Institute (TTI), one fully-loaded barge of dry cargo carries the equivalent of 70 trucks. The ratio of CO₂ tons produced per million ton-miles by a towboat with a 15-barge tow versus CO₂ tons produced by the equivalent number of trucks needed to move an identical amount of cargo is 16.41 to 171.83. TTI also finds that over a four-year average, for every one

fatality in commercial navigation per billion ton miles there are 155 highway fatalities caused by trucks.¹

Over 20 AWO members utilize and rely upon the Illinois Waterway. All 350 member companies of AWO and their customers depend on the federal government's commitment to maintaining Congressionally authorized waterways to support the long-term transportation needs of the nation.

AWO and its members have a long history of working with our federal and state partners to ensure that aquatic nuisance species (ANS), including Asian carp, are not transferred from one basin to the other. For the last decade, we have actively participated in several joint efforts between government and industry to control ANS populations and minimize the risk of their interbasin transfer, including the following:

- AWO members were involved in the development of a 2005 Memorandum of Understanding between the Corps, the Coast Guard, first responders, and industry to ensure that human life was safeguarded as vessels passed over the electric fish barriers in the Chicago Sanitary and Ship Canal (CSSC).
- AWO members provided equipment to facilitate a study that evaluated whether Asian carp eggs or young-of-year fish could be transported across the CSSC electric barriers in water contained in barge voids.
- The industry worked with the Coast Guard to develop guidelines for vessel operators to manage the discharge of ballast water as vessels cross from one side of the CSSC electric barriers to the other.
- AWO staff and members assisted with the creation and distribution of a brochure educating commercial and recreational boaters about Asian carp and providing them with recommendations for the removal of Asian carp carcasses from vessels before transiting the CSSC electric barriers.
- AWO staff and members have participated in work to study and mitigate the potential transfer of Asian carp across the CSSC electric barriers if they become trapped between barge rakes or if the barriers' electrical charge is adversely impacted by passing tows.

The industry has paid an economic price for its cooperation with the Corps and the Coast Guard to ensure that aquatic invasive species do not advance further up the CAWS or into the Great Lakes. AWO members paid for assist vessels to ensure safe transit through the CSSC electric barriers. The Corp's construction, testing, and ongoing operation and maintenance of the barriers have caused negative financial impacts for our members and their customers. However, the industry has borne these costs in good faith because the industry believes it is possible to simultaneously protect the Great Lakes and the Mississippi River basins from ANS, ensure safety, and preserve the flow of waterborne commerce. AWO and its members will continue to

¹ <http://www.nationalwaterwaysfoundation.org/study/public%20study.pdf>

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partner with state and federal agencies to develop the common-sense solutions that will maintain waterborne commerce while enhancing the ecosystem of the rivers and lakes.

While AWO is a committed partner in the development of these preventative measures, we stress the importance of finding the correct solution, rather than the most convenient solution. The January 2014 GLMRIS Report cited eight Alternative Plans to address the transfer of ANS from one basin to the other. The Corps' decision to pursue an Environmental Impact Statement on Brandon Road will impact one-way movement of ANS, while the Congressional direction was to identify and pursue alternatives to prevent two-way movement of ANS. Although a Brandon Road structure was presented in Alternative Plans 4, 7, and 8, it was listed as a component of a more expansive set of controls. The GLMRIS Report did not list a Brandon Road structure as a stand-alone alternative and certainly not as the Preferred Alternative.

In our March 2014 comments on the GLMRIS Report, AWO noted that no single action or structure can effectively prevent the interbasin transfer of ANS. We recommended continued coordination with the Asian Carp Regional Coordinating Committee (ACRCC) and utilization of a variety of options that have been identified in the Asian Carp Control Strategy Framework. Alternative Plan II would entail a comprehensive array of control strategies including: chemical control, netting, controlled waterway use, and education programs. This approach would provide a gauntlet of control measures that can be targeted to various types of species in a cost-effective manner. **AWO requests that the state and federal agencies, including the Corps, focus on Alternative II in the short term.**

Congressional Directives

As noted above, before further action can be taken, the Corps must consider if its proposed project meets the Congressionally authorized goals and is fully compliant with all federal laws and agency policies. The GLMRIS Report was authorized in Section 3061(d) of the Water Resources Development Act of 2007. Section 3061(d) clearly states that the primary objective of the GLMRIS is to conduct "a feasibility study of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins." The underlining problem with proceeding on this project is that it only addresses one-way ANS control and, as such, does not accomplish the directive that was laid out by Congress.

Congress further addressed GLMRIS in the Moving Ahead for Progress in the 21st Century Act (MAP-21). Section 1538 of MAP-21 directed the Corps to **complete** the GLMRIS within 18 months from enactment, in January 2014. MAP-21 does state that "If the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction engineering and design (PED)." Since the Corps' normal process of identifying a preferred Alternative, producing an EIS, a Record of Decision, and a Chief's Report, was not followed, no Alternative appears to be identified. Indeed, the proposed Brandon Road project was not one of the GLMRIS Alternatives. Further Congressional action is needed to authorize a project that is

not a GLMRIS Alternative and only provides one-way protection from ANS movement between the basins.

Project Deficiencies and Concerns

Despite the three public meetings hosted by the Corps, further definition of the proposed project(s) at the Brandon Road site is needed to provide substantive comments. In the time since the Brandon Road project was announced, a range of options has been proposed, from engineered channels, electrical barriers, and water propulsion jets to the still-conceptual “GLMRIS/ANS Lock.” The Corps has not identified any of these solutions as its proposed project, which makes it difficult to provide useful comments. For example, any scoping of an electric barrier is a non-starter for navigation due to safety issues. And, the information on the many new options has unknown impacts to navigation during construction and maintenance. Without further details of this project, the first round of comments will be based on little more than theory, philosophy, and emotion. This is not a responsible way to develop public policy and spend taxpayer money. A precise explanation of what is under consideration will facilitate the ability of stakeholders to provide critical information. **AWO strongly requests that the Corps postpone any further action on the Brandon Road scoping process until such time that it can present a concise outline of the proposed project.**

As well as a clear definition of the project, the Corps has yet to explain how the Brandon Road project will be funded or how long it will take to complete. There is a serious backlog of much needed lock improvements just to maintain our nation’s world-class transportation infrastructure system. **As stewards of the nation’s waterway infrastructure, the Corps should not fund unproven technologies before the much-needed updates on our aging infrastructure are addressed.** The Water Resources Reform and Development Act of 2014 (WRRDA 2014), Title I – Program Reforms and Streamlining provides a very precise way to evaluate and prioritize existing and future projects. **Since Brandon Road Lock as a navigation structure falls under this act, any construction activities must be included in this Congressionally-directed process.**

Navigational Concerns

From the limited information that we have about the proposed Brandon Road project, the one feature that has been consistently mentioned is the construction of a new electric barrier. Due to the safety issues alone, the installation of another electric barrier in a navigation channel is unacceptable.

Deckhands are required to be on the front of tows before and during a lockage to provide information back to the Captain for safety reasons. This approach period is a dangerous time for falls overboard, and would be even more perilous to human life when a vessel transits over electrified waters.

The existing electric barriers near Romeoville, IL are the only place in the United States where the Coast Guard will not conduct rescue operations due to the safety risks to Coast Guard personnel. Under the current Coast Guard Regulated Navigation Area, crew members are required to be inside the vessel before, during, and after crossing the electric barriers, making the two legal requirements impossible to comply with at the same time. **AWO requests that the Corps work closely with industry and the Coast Guard to identify all safety issues before proceeding with a study of an electric barrier as part of an ANS structure.**

AWO must also remind the Corps of the recent delays and negative impacts to navigation during the construction of the new barrier as it was repeatedly delayed and the ongoing interruption to navigation during the multitude of maintenance activities. **Any structure that negatively impacts waterborne commerce and the economy during its construction or maintenance is not acceptable to navigation**, as stated clearly in the CAWS Advisory Committee's letter to Congress in August 2014 (Exhibit A).

Economic Concerns

According to the Rock Island District's website, the Brandon Road Lock faces a nearly \$50 million backlog in maintenance.² The repairs needed are crucial to maintain the movement of goods throughout the country and across the globe. It is imperative that the Corps evaluate the full impacts of the proposed Brandon Road project to the towing industry, its customers, and the U.S. economy, including the impacts to future potential growth. A series of freight reports by the Illinois Department of Transportation (IDOT) in 2013 estimated that the amount of freight passing through Illinois will increase from 1.26 billion tons to 1.7 billion tons by 2040. Our inland waterways account for 60% of the nation's grain exports. Agriculture constitutes the majority of waterways traffic in Illinois, specifically corn and soybeans.

The increase in potential maritime transportation capacity, such as the expansion of the Panama Canal locks, means that our agricultural partners must be prepared to meet the increase in demand for their products. In 2014, agricultural groups in Michigan petitioned the U.S. Coast Guard to add a load-line exempt route for dry cargo river barges from Muskegon to Chicago in order to better facilitate exports to New Orleans. **AWO strongly requests that the Corps evaluate all projects in the light of potential increased traffic, including agricultural exports.**

Conclusion

In conclusion, AWO believes that the Corps must cease work on this scoping project until Congress has provided further directions on the next steps. The GLMRIS report offers a robust set of Alternatives that Congress can consider. The Corps and Congress should wait for further input and direction from the CAWS AC.

² http://www.mvr.usace.army.mil/Portals/48/docs/CC/FactSheets/IL/Brandon_Road_LockandDam.pdf

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If the Corps proceeds, AWO requests that the project is further described so substantive comments can be provided, that the Corps reach out to the Coast Guard and industry immediately to identify safety and logistical concerns, include the upgrade of the navigation structures in the study, utilize complete information on the projected growth of tonnage on the waterways, and provide realistic values to increased air and noise pollution, increased fatalities, and increased costs to maintain roadways.

Thank you again for the opportunity to comment on the Brandon Road scoping project. We would be happy to answer any questions or provide further information as needed.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned below the word "Sincerely,".

Lynn M. Muench

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Exhibit A

August 25, 2014

Dear Members of the Great Lakes Congressional Delegation:

This letter is written on behalf of the Advisory Committee for the Chicago Area Waterway System (CAWS). The committee includes representatives from 32 public and private stakeholders that benefit from and have responsibilities related to the CAWS, as well as regional stakeholder groups representing commercial, recreational, and environmental interests. We ask for your support to 1) direct the Army Corps of Engineers to take action on the requests below, and 2) to fund those actions. Further, we request that the studies outlined below result in decision-making documents that provide an actionable path forward for short-term measures that will reduce the risk of aquatic invasive species including Asian carp (AIS) reaching the Great Lakes from the Mississippi River system.

As a follow up to the Great Lakes and Mississippi River Interbasin Study (GLMRIS), the Advisory Committee is committed to finding a two-way, long-term solution that prevents the inter-basin transfer of AIS while also maintaining or enhancing transportation, maritime commerce, water quality, recreation, and flood protection in the region. The Advisory Committee is working to develop consensus recommendations on a long-term solution by December 2015. The Committee also supports the ongoing work of the Asian Carp Regional Coordinating Committee (ACRCC). The investments we are proposing below will develop and demonstrate control technologies for near-term actions to reduce the risk of transfer of AIS into the Great Lakes.

The Advisory Committee believes that the Brandon Road lock and dam is an important site for a demonstration of additional one-way measures to reduce the risk of upstream movement of AIS into both the CAWS and the Des Plaines River, while maintaining efficient navigation.¹ Control measures at Brandon Road can provide a degree of risk reduction now, and may be consistent with the ultimate long-term solution. This site can also serve as a valuable national proving ground to demonstrate technologies that can be used in other areas – such as the Ohio and Upper Mississippi rivers – to prevent the expansion of AIS. To be effective, an engineered channel at Brandon Road will be required and a full set of control technologies to be deployed there will need to be evaluated.

In addition to the consideration of short-term measures at Brandon Road, the Advisory Committee requests that additional studies be initiated now to evaluate the potential for new lock configurations and gate systems that are identified in the GLMRIS report. While any new lock configuration would be considered as part of a long-term solution, more work is required to fully understand this possibility.

The Advisory Committee asks that Congress support and fund the following:

1. **Design of a new engineered channel to be constructed in the approach to the Brandon Road lock.** The existing approach channels to the Brandon Road lock may lend themselves to construction of a new engineered channel. Such a channel would enable deployment of control technologies with greater effectiveness due to the narrower and more concentrated area on which they would be implemented.

¹ Efficient navigation means that the flow of traffic will not be significantly hindered during construction or after completion of construction by the new structures or technologies.

2. **Evaluation, engineering, and design of control technologies to deploy in the approach channel and the Brandon Road lock structure.** Several “add-on” control technologies are being evaluated as part of the Asian Carp Control Strategy Framework. These technologies could be used in the approach channel to deter AIS from entering the lock along with other control technologies in the existing lock to prevent AIS moving further upstream towards Lake Michigan. The Army Corps of Engineers, in collaboration with other federal and state agencies, should complete the evaluation, engineering, and design of appropriate control technologies that could be deployed at the Brandon Road lock and approach channel. Any technologies that are tested and/or employed at Brandon Road must take into account the important ecological value of the location, as the Brandon Road lock tail waters are critical habitat for this segment of the Des Plaines River.

3. **Research to further evaluate reconfiguring locks as a means to control aquatic invasive species.** The GLMRIS report proposed a new lock configuration and gate system that would allow boat traffic to pass between water bodies and that would exchange water in a way to prevent the passage of aquatic organisms. If such a concept is proven to be feasible, it could be deployed in the CAWS as part of a long-term solution. It could also be used in other river systems to prevent the movement of AIS. However, significant questions remain regarding its potential effectiveness. One concern is whether such locks could adequately flush out species or whether additional treatment technologies will be required. Further, the overall cost and time frame for deployment and impacts on the water system as a whole and commercial navigation need to be identified before proceeding to full engineering and design. The Advisory Committee supports initial research and design necessary to further evaluate the concept’s effectiveness in preventing AIS transfer.

Request: The Advisory Committee requests that Congress provide \$8 million, and additional funding levels as appropriate, to the Army Corps of Engineers in FY 2015 to conduct the above studies. Upon approval of funding, the Army Corps of Engineers should be directed to provide to Congress, within six months, a detailed schedule and cost estimate for completing the necessary studies for the above projects. The studies will result in design and engineering analysis as well as projected design and construction costs, timelines, and any new legislative authority required to implement the projects.

The Army Corps of Engineers should be instructed to complete these investigations within two years and to coordinate with other federal and state agencies and non-federal partners via the Asian Carp Regional Coordinating Committee and to report to the Advisory Committee. In addition to these specific investigations and reports, the Advisory Committee asks that the Army Corps of Engineers provide Congress with a decision-making document that incorporates the Corps’ traditional principles, guidelines and policies, including the evaluation of alternatives, selection of a recommended plan, and compliance with applicable environmental statutes. This should be sufficient to enable Congress to authorize and fund, and the Army Corps of Engineers to proceed to implementation of, a recommended plan for near-term measures.

These requests reflect the consensus of the Advisory Committee. We appreciate your support for these urgent and immediate actions to strengthen protections against the movement of AIS into the Great Lakes.

Sincerely,

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