



The American Waterways Operators
www.americanwaterways.com

Midcontinent Office
1113 Mississippi Avenue
Suite 108
St. Louis, MO 63104

PHONE: (314) 446-6474
CELL: (314) 308-0378
FAX: (314) 446-6479
E-MAIL: lmuench@vesselalliance.com

Lynn M. Muench
Senior Vice President - Regional Advocacy

March 26, 2010

Asian Carp Regional Coordinating Committee
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Blvd.
Chicago, IL 60604

RE: Draft Asian Carp Control Strategy
Framework

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the tugboat, towboat and barge industry. We represent more than 300 member companies in an industry of nearly 4,000 towing vessels, more than 27,000 dry and liquid cargo barges and over 30,000 mariners. Fifteen AWO members have headquarters in Illinois, and many others operate vessels that transit through the Chicago area waterways system (CAWS). We appreciate this opportunity to comment on the draft *Asian Carp Control Strategy Framework (Framework)* that the U.S. Army Corps of Engineers (Corps), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Coast Guard and the Illinois Department of Natural Resources jointly released in February. ***AWO encourages the state and federal agencies involved in the Framework to focus efforts on actions that will protect both the environment and the economic viability of the region.***

AWO members have demonstrated their full commitment to protecting the ecosystems of the Great Lakes and the Western Rivers through their cooperative work with the Corps and the Coast Guard to build, test and maintain the electric dispersal barriers in the Chicago Sanitary and Ship Canal (CSSC) over the past several years. Additionally, AWO has recently provided comments to the U.S. House Committee on Transportation & Infrastructure, Water Resources & Environment Subcommittee, the Illinois Senate Environment Committee, and the Corps that included recommendations on strategies to prevent carp entry into the Great Lakes while preserving the waterborne commerce that is essential to the nation. Consistent with the views expressed in these documents, we strongly encourage the Asian Carp Regional Coordinating Committee (ACRCC) to implement technologies that hold the promise of preserving the natural resources of the Great Lakes and the Western Rivers, while not harming the national economy.

AWO's comments will focus on the following issues discussed in the *Framework*:

1) the Modified Lock Operations; 2) the Corps' Environmental Assessment (EA) of barrier technologies; 3) actions that AWO and the ACRCC both agree are important to contain the Asian carp south of the electric barriers; 4) the creation of an eco-barrier; and, 5) the need for peer review of eDNA testing and analysis.

Modified Lock Operations

AWO members and the customers they serve are disappointed that the implementation of Modified Lock Operations figures so prominently among the control actions proposed by the ACRCC. Closures of Chicago and O'Brien locks would severely disrupt the regional and national economy. Barges move essential commodities to, from and through the CAWS, including millions of tons of coal to the region's power plants, iron ore to steel manufacturing plants, concrete for construction projects, and vital petroleum products, including fuel for aircraft. The deliveries of all of these products and many others would be affected by implementation of the proposed Modified Lock Operations. ***AWO, its member companies, member companies' customers, and other companies, associations and individuals, have provided, and will continue to provide the Corps with documentation detailing the economic impacts that would be felt throughout the nation if the locks were closed, especially during this economic downturn.***

Simply transferring the products in question to other modes of transportation are not logistically, economically or environmentally viable options. Businesses have developed throughout the region assuming the CAWS would continue to provide a reliable, low-cost and environmentally friendly method to import or export goods. The region's environment and the quality of life of its residents will suffer severe negative consequences if goods are shifted to rail and trucks. For example, as reported in a study by the Texas Transportation Institute, sponsored by the Maritime Administration of the U.S. Department of Transportation and the National Waterways Foundation, if the annual amount of ton-miles of activity on the nation's inland waterways were transferred to rail or truck, the former mode would produce 2.1 million additional tons of carbon dioxide, while the latter mode would generate 14.2 million additional tons of the pollutant. The same study found that a cessation of waterborne commerce in the smaller metropolitan area of St. Louis would increase that region's traffic delays by almost 500%, and increase the injuries and fatalities on the region's highways by up to 45%. The Chicago region has an estimated population of 9.7 million, while the St. Louis region has an estimated population of only 2.8 million.

In addition to the disruptions described above, closing the locks, even on a periodic basis, would not assist federal agencies in our mutually-shared goal of protecting the ecosystem of the Great Lakes. According to a brief filed by the State of Illinois in the case of *Michigan v. Illinois* earlier this year, "The locks were not designed to be fish barriers; they are not perfectly watertight, and small fish or eggs conceivably could penetrate even a permanently closed lock."

Given the importance of waterways transportation to the national economy and the limited ability for lock closures to keep the Asian carp from entering the Great Lakes, Modified Lock Operations represents an action that, at best, would be a lose-neutral action, not a win-win action. ***AWO respectfully requests that the state and federal agencies not pursue the option of Modified Lock Operations.***

The Corps' EA of Technologies to Repel Carp

AWO applauds the Corps' recent release of an EA on technologies that would provide low-cost and effective redundancy to the electric dispersal barriers without impacting the flow of commerce on Congressionally-authorized waterways. AWO submitted comments on March 19 to the Corps in support of these technologies, including acoustic deterrents, air bubble curtains and strobe lights. The comments are attached to this document. To reiterate what was stated there, these technologies have had success in other parts of the world and will provide much needed redundancy to the electric dispersal barriers. Recent marine research has also revealed promising results for all three approaches. ***State and federal agencies should move as quickly as possible to secure funding for, and installation of, these barriers.***

Further Recommended Actions to Repel the Carp and Protect the Economy

Throughout AWO's involvement with this issue, we have been clear about recognizing the danger posed by the Asian carp to the Great Lakes. AWO members are serious about protecting the environment and the national economy. ***However, choosing between protecting the Great Lakes and the economy is a false choice.*** With that in mind, AWO endorses several promising actions that are in line with the recommendations in the draft *Framework*:

- a) Commercial fishing, electro-fishing, netting, and targeted fish sampling. These methods should be pursued in a planned and scheduled time frame with clear objectives. AWO agrees with the *Framework's* long-term plan to engage in commercial fishing below Lockport lock, as the effectiveness of this action will decrease if larger populations of fish move further toward the Great Lakes. ***To ensure that the risk is as minimal as possible for a large population to move past the electric dispersal barriers, AWO recommends the Dresden and Marseilles pools in the Illinois River as locations where fishing is most likely to decrease the likelihood that a spawning population of the Asian carp will move closer to the Great Lakes;***
- b) Investigation of towboats and barges as potential vectors. A multi-agency group has already begun work on investigating the likelihood of vessels being at risk for carrying carp farther north along the waterway. AWO has been impressed with the conscientiousness and scientific inquiry of this group thus far. ***AWO encourages the multi-agency group to continue its work on investigating the role of towboats and barges as potential vectors;***

- c) Increase law enforcement options to preclude invasive species importation. AWO agrees with the *Framework* that “stricter enforcement is necessary to mitigate the risk of transfer” of invasive species. Additionally, AWO supports the rulemaking process to list the Bighead carp as injurious under the Lacey Act. This conveys the correct message about the seriousness of the invasive species threat to both watersheds;
- d) Expedited completion of Barrier IIB. AWO is committed to working with the Corps and the Coast Guard to help the agencies with the installation, operational testing and safety testing of the long-delayed Barrier IIB in the CSSC this summer and fall. ***AWO agrees with the statement in the Framework that there should be no hurdles to the barrier’s construction, provided the agencies work closely with the towing industry to minimize disruption to commerce;***
- e) Usage of tagged fish research. This method can be used to validate the effectiveness of the barriers already in place, and is essential if we are to find out more about how current methods are working. ***As pointed out in the Framework, this inexpensive and reliable action will facilitate the ability of researchers to evaluate the potential pathways for the carp;***
- f) Expedited and immediate completion of barriers to address flooding concerns. Since floods have historically provided a great opportunity for carp and other invasive species to enter bodies of water for the first time, it is vital that movement of the carp via flooding is eliminated. The *Framework* recognizes the problem and wisely calls for enacting solutions, including building structures between the Des Plaines River and the CSSC, and the Illinois & Michigan Canal and the CSSC. ***AWO encourages immediate funding to allow the Corps to begin, and finish quickly, the construction of these structures;***
- g) Delivery of biocides to specific sites. AWO supports the development of a targeted oral delivery platform for the purpose of delivering biocides to particular areas. ***AWO would only caution that this be conducted in a fashion that minimizes the impact to commerce.*** The “fish kill” that was conducted with rotenone in the CSSC in December 2009, by contrast, was conducted with little warning and closed down the canal for several days;
- h) Discovery of the response of the carp to pheromone products. AWO finds it worthwhile to discover more about the effectiveness of repelling the carp with attraction or repellent pheromones;
- i) Identification of selective toxicants to control the carp. This method is more promising than rotenone, the poison most recently used. Rotenone kills all species without selectivity. As a result, its application needlessly causes harm to a variety of other species in the waterways;

- j) Initiation of all necessary steps to eradicate the carp population in Lake Erie. As we both agree, part of reducing the carp threat must include removing it from where it is currently believed to be residing. In order to control this problem, therefore, we recommend identifying, locating with eDNA and eradicating all carp from Lake Erie; and,
- k) Continued scientific study on the carp. It is in the interest of all stakeholders that our scientific knowledge of the carp is increased. A greater degree of knowledge will allow policymakers to make better and more effective decisions. ***AWO urges the agencies to recommend further scientific study about the potential of the carp to survive within the Great Lakes and, if survival is believed to be possible, expedite studies of methods to mitigate population growth.*** The recommendations in the *Framework* to: a) discover more about the ability of the carp to thrive in tributaries of the Great Lakes; and, b) evaluate methods that disrupt spawning, are good examples of the type of study needed.

Creation of an Eco-Barrier

According to the *Framework*, “water quality in Chicago’s urban waterways had controlled the transfer of invasive species between the Great Lakes and the Mississippi River watersheds.” Although no one wants to return to the water quality that existed before the implementation of the *Clean Water Act*, it would be a viable and very effective method to ensure that the Asian carp cannot move into the Great Lakes if an eco-barrier were created by releasing water into the CSSC that is oxygen-deprived, provided the water a few miles downstream is re-oxygenated. ***AWO strongly urges the appropriate federal agencies to implement an eco-barrier immediately.***

Need for Greater Peer Review of eDNA Testing and Analysis

Since August 2009, federal officials have used eDNA sampling as justification for actions and decisions. While AWO has no intention of presuming that we know as much about the scientific features of this issue as the officials charged with overseeing it, we have been puzzled by the apparent incongruence between the results obtained from eDNA sampling and the number of carp that have been physically found. In order for stakeholders to have more confidence in the decisions made on the basis of eDNA sampling, ***AWO respectfully requests that eDNA testing and analysis be subject to a greater degree of peer review in the scientific community, and that the results of such reviews be publicly shared.***

Conclusion

Given the importance of this issue, increased notice and opportunity for feedback than was provided would have been well-advised. To ensure full transparency of the process, a notice in the *Federal Register* should have been published to notify stakeholders on the comment period. An open and transparent process would have ensured more extensive, thoughtful and complete comments from all stakeholders.

AWO appreciates the opportunity to comment on this important matter. We recognize the challenging environment in which this situation places the ACRCC, and would like to reiterate our interest in helping the involved agencies develop and follow through on solutions that protect both the environment and the economy.

Sincerely,



Lynn M. Muench

- Enclosures:
- Affidavit submitted by AWO in January 2010 in the case of *Michigan v. Illinois*;
 - Opening Statement submitted by AWO representative Del Wilkins of Canal Barge Company at the February 9, 2010 Congressional hearing on the Asian carp issue;
 - Supplementary Comments presented to the Committee holding the February 9 hearing;
 - Comments submitted by AWO to a January 21 Illinois Senate Environment Committee hearing on the Asian carp issue; and,
 - Comments submitted to the Corps in response to its planned EA on different technologies.