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Lynn M. Muench
Senior Vice President – Regional Advocacy

December 22, 2021

Mr. Ryan Johnson
U.S. Army Corps of Engineers, Chicago District
231 South La Salle Street, Suite 1500
Chicago, IL 60604

Re: USACE Draft EA for the
Chicago Area Waterway System

Dear Mr. Johnson:

On behalf of the American Waterways Operators (AWO), thank you for the opportunity to submit comments regarding the draft environmental assessment (EA) for the Chicago Area Waterway System (CAWS).

AWO is the tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry is a vital segment of America's transportation system. The industry safely and efficiently moves over 665 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 nearly 6,200 tugboats and towboats, and over 33,000 barges. These vessels transit 25,000 miles of inland and intracoastal waterways; the Great Lakes; and the Atlantic, Pacific, and Gulf coasts. Tugboats also provide essential services including ship docking, tanker escort and bunkering in ports and harbors around the country.

Eleven AWO member companies are headquartered in Illinois, and more than 35 member companies transit the Illinois Waterways. The CAWS is an important link for AWO members as they move freight to, from, and through Illinois' robust freight network – including the more than 17 million tons of freight that are moved on the CAWS every year¹. Therefore, it is essential that the U.S Army Corps of Engineers Chicago District treats any deviation to the approved Water Control Manual at the Chicago Lock and the T.J. O'Brien Lock with great caution. The Corps has a legal obligation to maintain navigation flows in the CAWS with adherence to congressionally authorized depths. AWO strongly disagrees with the assessment

¹ *Draft Illinois Marine Transportation System Plan and Economic Impact Analysis*. 2020. Illinois Department of Transportation. p. 17

in this draft EA that the intended actions of drawdowns would not significantly impact navigation. We ask the Chicago District to re-evaluate its conclusions by undertaking a full Environmental Impact Statement (EIS).

During the scoping process earlier this year, AWO requested that the Corps engage with all impacted parties to understand how the proposed changes would impact the region. We appreciate your efforts to connect with stakeholders – including the Illinois River Carriers Association (IRCA) – since then. We request that you continue to engage and coordinate with the breadth of maritime stakeholders that would be affected by these changes, including but not limited to passenger vessels, ports, terminals, the Chicago Harbor Safety Committee, IRCA, the Coast Guard, and Inland Rivers, Ports and Terminals. We also requested a clear definition of “severe storm event,” which you have provided. However, our request regarding how far in advance water flow decisions would be announced was not answered. This is a critical and essential step to ensure safety and environmental protection.

The draft EA describes the circumstances that would trigger notifications but does not provide information on how much lead time companies would have to prepare for the drawdown. Given that it takes tows roughly six hours to transit the CAWS in one direction, a minimum of 12 hours’ notice would be necessary to allow operators to avoid the worst impacts of the lowering. It is impossible to predict navigation impacts without knowing when the drawdown would be announced. Furthermore, operators report unreliable notifications under current circumstances. If poor communication continues under this proposal, the consequences would be even more dire.

The navigational viability of the Calumet-Saganashkee (Cal-Sag) Channel remains the area of greatest concern. While most of the CAWS may have ample depth to maintain an adequate navigation channel, the Cal-Sag Channel has just enough depth to maintain proper navigation at normal pool. Reductions to the Cal-Sag Channel could lead to grounded barges, inaccessible fleeting areas, and halted operations. According to vessel operators, the bathymetric data presented in Appendix D overestimates water levels in the Cal-Sag Channel. Without undertaking a thorough evaluation of water levels, including a side-scan survey, the Corps cannot adequately address the impacts to safety and the environment.

While the historical data presented in the Draft EA suggests that only a few vessels would transit the area during rare 4-foot drawdown events, the consequences could be severe. Even if only 5% of vessels transiting the area would be under threat of grounding during a 4’ drawdown, that still presents an unacceptable risk of loss of life, environmental damage, or extended closure of the waterway. A full EIS is necessary to ensure that the risks are accurately identified.

The Draft EA states that there have only been 31 days with more than 2” of precipitation between 2001 and 2021, indicating that instances of a 4’ drawdown would be rare. However, given how weather patterns are expected to shift with stronger, wetter storms, it is most prudent to anticipate increasing worst-case-scenarios. When it comes to safety, it is imperative to prepare for the worst-case scenario and not historical events.

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A single drawdown of the CAWS could cost a towing company more than \$60,000 with opportunity costs easily reaching into the six figures. This does not include impacts to future business based on unreliability and safety concerns. While the proposed deviation could prove very costly to towing companies that transit the CAWS, the safety, environmental, and economic impacts would be experienced by shippers and other stakeholders across the country who rely on barge transportation. To fully understand these impacts, the Corps must perform an EIS.

Thank you for the opportunity to share our concerns with you about the proposed change to the Water Control Manual. We would be pleased to provide additional feedback or answer any questions.

Sincerely,

A handwritten signature in black ink that reads "Lynn M Muench". The signature is written in a cursive style with a large initial "L" and "M".

Lynn Muench
Senior Vice President – Regional Advocacy