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Lynn M. Muench  
Senior Vice President – Regional Advocacy

March 21, 2023

Ms. Amy Frantz  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, D.C. 20314

RE: Water Resources  
Development Act of 2022  
Implementation Guidance (Docket  
No. COE-2023-0002)

Dear Ms. Frantz,

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 the largest segment of the nation's 40,000-vessel domestic fleet and moves 665 million tons of cargo each year safely and efficiently.

On behalf of AWO's more than 300 member companies, thank you for the opportunity to provide comments as the U.S. Army Corps of Engineers develops implementation guidance for the Water Resources Development Act (WRDA) 2022. Our comments are focused on Sections 8133, Inland Waterways Regional Dredge Pilot Program; 8337, Great Lakes and Mississippi River Interbasin Project, Brandon Road, Will County Illinois; and 8351, Missouri River Interception Rearing Complex (IRC) Construction.

AWO makes the following comments on WRDA 2022 Section 8133 implementation:

1. AWO strongly supports the timely implementation of the Inland Waterways Regional Dredge Pilot Program. The safety and reliability of the inland waterways is vitally important to the health of the American supply chain. Awarding contracts for dredging projects – in navigation channels as well as ports and harbors – will improve the Corps' ability to maintain the authorized depth of the rivers in a cost-effective manner.
2. Awarding contracts proactively will decrease response time. This will increase the capacity of the Corps to react to changing circumstances in a timely manner. Equipment can be positioned at known trouble spots to ensure problems can be addressed before they impact navigation and the supply chain. As the Corps implements this program, contracts should prioritize equipment which will allow for no

or intermittent closures only. An all-day shutdown of a waterway for dredging causes safety concerns and economic impacts. The lack of locations for tows to safely “pull over,” especially as queues increase, causes safety concerns. The impacts to the supply chain and, especially, the export market from waterway closures are significant and should be avoided whenever possible.

3. The Corps is already improving the safety and efficiency of navigation through similar programs in the Pacific Northwest and in the Lower Mississippi’s deep-draft areas. Learning from what has worked well elsewhere will help the Corps succeed in executing this new program, providing a significant return on investment for the nation.

AWO makes the following comment on WRDA 2022 Section 8337 implementation:

1. The provision regarding the Brandon Road Interbasin Project should preclude the use of untested, expensive, and potentially life-threatening technologies. The electric barrier at Brandon Road is a threat to mariner safety and has not been proven to halt the progression of invasive carp. Our members have repeatedly expressed concern about the safety of an electric barrier and do not believe the potential benefits justify the life-safety risks.


AWO makes the following comments on WRDA 2022 Section 8351 implementation:

1. AWO is pleased that the legislation allows for proper vetting by industry of Interception Rearing Complexes and requires the mitigation of impacts to the navigation channel, ports, and harbors. This will ensure that any new IRCs will not impact safe navigation. We look forward to engaging with this process to ensure IRCs will not impact navigation safety and the efficient movement of waterborne commerce.
2. AWO urges the Corps to adhere to the Congressional reporting requirement in section 8351 within a year of IRC construction. The required report to the House Transportation and Infrastructure Committee and the Senate Committee on Environment and Public Works will assess the efficacy of the IRCs and help determine whether they are increasing the recovery of the pallid sturgeon. This is an essential step in determining the value of constructing more structures that may have continued impacts on navigation in the Missouri River.

In addition to the above provisions of WRDA 2022, we would also like to comment on an issue that is not contained in a single provision but has an impact across multiple provisions and the broader Corps’ Civil Works mission. As the Corps undertakes maintenance and repair of locks and dams across country, lock closures should happen concurrently whenever possible. In recent years concurrent closures have decreased the economic impact on the industry, its customers, and the nation. Unfortunately, now we are seeing closures scheduled over several years instead of concurrent closures in one year. Non-concurrent closures have and will negatively impact the efficiency of transportation on the inland waterways. This not only impacts the financial health of barge and towing companies, it also has profound impacts on the entire U.S. economy and supply chain.

Thank you for this opportunity to provide input on WRDA 2022. We look forward to working with the Corps to implement this legislation and are happy to provide more input as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn M. Muench". The signature is written in a cursive style with a large initial "L" and "M".

Lynn M. Muench

Senior Vice President – Regional Advocacy