



16600  
December 15, 2008

Colonel Vincent V. Quarles  
Commander, Chicago District  
U. S. Army Corps of Engineers  
111 North Canal Street, Suite 600  
Chicago, IL 60606

Dear Colonel Quarles:

I have reviewed your "Summary of Safety Studies Completed at Chicago Sanitary and Ship Canal Dispersal Barrier IIA" and the "Test Plan for Long Tow Assessment During the Operation of Barrier IIA at Peak Field Strength," both dated 1 December 2008. I appreciate the effort and time dedicated by the United States Army Corps of Engineers (USACE) to complete these reports. My response addresses two areas: a.) USACE desire to operate Dispersal Barrier IIA at a maximum in-water field strength of one (1) Volt/inch (V/in) and; b.) the desire to test Dispersal Barrier IIA at higher maximum in-water field strengths up to 4 V/in.

a. I continue to have significant concerns with the potential physiological effects that a person may suffer if immersed in the water in the vicinity of both the initial Demonstration Dispersal Barrier and the new Barrier IIA on the Chicago Sanitary and Ship Canal between mile 296.1 and 296.7; as well as the potential for sparking between vessels. However, I am satisfied the many safety measures that have been put into place or improved upon over the last year will minimize many of my concerns. These safety measures have provided awareness throughout the commercial and recreational community of the current safety risks and provided guidance of how to reduce the risks when transiting this area of waterway. It is imperative that these safety measures continue to be implemented and reviewed on a routine basis to ensure their effectiveness.

With current safety precautions in place, the United States Coast Guard (USCG) does not object to activation of Dispersal Barrier IIA at a maximum in-water field strength of one (1) Volt /inch. I am asking Commander, Ninth Coast Guard District to amend the Regulated Navigation Area (RNA) in 33 CFR § 165.923 to include Barrier IIA's additional operating area and the requirement for all up-bound and down-bound barge tows, that contain one or more red flag barges transiting the RNA, to be assisted by a bow boat until the entire tow is clear of the RNA boundaries. I estimate that it will take 30-45 days to publish a temporary Final Rule and an additional 120 days for the requisite notice and comment period to effect a permanent amendment to the RNA.

There are several additional safety measures identified by the Safety Workgroup that still need implementation including quick emergency shut down capability, first responder on-site training, and the installation of egress mechanisms for a person in the water. These safety measures would further mitigate the risks faced by mariners who transit the area.

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b. The USCG does not object to your plan to test Barrier IIA at peak field strength. To insure the safety of mariners and vessels and the protection of the navigable waters from harm, I request that you submit a written request to me, via Coast Guard Marine Safety Unit Chicago, for the establishment of a safety zone once the anticipated dates of testing are determined. I would expect that the safety zone will prohibit the movement of all vessels and persons through the testing area. Your submission should reach me at least 90 days before testing to ensure adequate time for publication in the Federal Register and dissemination to users of the waterway.

Please note that Coast Guard approval is not required nor is the Coast Guard authorized to grant approval prior to USACE's activation of Dispersal Barrier IIA. The Coast Guard's principal concern is navigation and vessel safety. Thus, the Coast Guard intends to use its discretionary authority to protect mariners and vessels through implementation of a RNA when the Dispersal Barrier IIA is activated and through a safety zone when the peak field strength testing is taking place.

Please advise me immediately if you desire to activate Dispersal Barrier IIA prior to the publication of the temporary Final Rule amending the RNA. For further information regarding this response to activate Barrier IIA and test plan, please contact Commander Paul Mehler at MSU Chicago at Paul.M.Mehler@uscg.mil or call 630-986-23126.

Sincerely,

BRUCE. C. JONES  
Captain,, U.S. Coast Guard  
Commander, Sector Lake Michigan

Copy: Commander, Ninth Coast Guard District (dp)  
Commanding Officer, Coast Guard Marine Safety Unit Chicago