

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commanding Officer  
United States Coast Guard  
Marine Safety Office Chicago

215 W. 83rd Street, Suite D  
Burr Ridge, IL 60527  
Phone: (630) 986-2155  
FAX: (630) 986-2120

16601

July 27, 2005

City of Chicago  
Attn: Cathy Hudzik  
121 North LaSalle, Room 406  
Chicago, IL 60602-2570

Dear Ms. Hudzik:

The number and type of waterway users on the Chicago River has changed over the years creating competing demands for access and space on the waterway. Increasing numbers of commercial tour boats, recreational vessels, marine events, and the proposed Riverwalk all contribute toward congestion along the waterway today where commercial navigation was the sole interest of the past. This office has provided opinions to the City of Chicago in the past related to individual waterways projects/activities; however, I would like to formally state my Captain of the Port (COTP) methodology in evaluating proposed waterways projects and activities on the river in an effort to simplify public review of waterway proposals.

The channel is considered as a "bank to bank" channel for federal navigation purposes from the North Avenue Turning Basin on the Chicago River North Branch to Lockport, IL lock and dam on the Sanitary and Ship Canal, and also for the entire length of the Chicago River Main Branch. As a general concept, I consider vessels or activities on the water to create a navigational obstruction if they are of a size, shape, or configuration to restrict two-way traffic. This is generally not allowed without a traffic management scheme (risk mitigation) in place. Vessels/activities that create navigational obstructions include tug/barge combinations that take up more than half the navigation channel, regattas or marine events such as the Flatwater Classic that effect the entire navigation channel, or vessels brought into the river for special events such as Tall Ships that restrict the width of the channel available for navigation. Some of these activities are "managed" through simple passing agreements between vessel operators, some are "managed" through tacit agreement between the City of Chicago and the waterway users, and some are "managed" by use of U.S. Coast Guard issued Safety or Security zones.

As COTP I do not typically insert myself into the "management" of these on-water activities unless I receive complaints that indicate a referee is needed. Of course as the demand for waterway access and use increases, the need for a referee and a management scheme that exercises greater positive control also increases. The City of Chicago's proposal for "waterway use zones" is an example of such a positive control management scheme. The U.S. Coast Guard can also issue federal regulations (Regulated Navigation Areas) to establish, augment, or support such positive control measures. I consider vessels that stop temporarily to load or discharge passengers to be in navigation as long as their engines are running (not necessarily engaged) and an operator remains at the helm. In this fashion, water taxis may stop to load or discharge passengers in safe locations without impacting the navigation channel any more than any other slow moving vessel underway.

As COTP I also try not to limit individual access to the waterway or the adjacent shoreline. I believe that a waterfront property owner should have the ability to exercise his/her riparian rights; however, it is also my responsibility as COTP to exert control on behalf of the federal government with regard to federal waterways' navigation and navigational safety. In exerting this control I consider three primary issues for each riverfront or shoreline development proposal. The first is whether the proposal will infringe on the federal navigation channel by reducing the area available for navigation. The second is whether a project would create a dangerous condition or adversely affect navigation of the federal channel such as strong currents, severe wave refraction, 90 degree or blind entries to the main flow of traffic, etc. The third is whether the project is consistent with the other general uses of the waterway and/or will adversely affect the existing waterway users.

My intent is to maintain an open channel throughout the Chicago River for all commercial and recreational users to safely enjoy. Consequently, I almost always object to proposals that would reduce the width of the Federal Navigation Channel even slightly since this represents a private taking of public domain. Projects that reduce the width of the channel include any extensions from the existing shoreline into the channel such as docks, marinas, boat ramps, sea wall improvements and moorings. However, these types of projects may be acceptable if physically cut back from the riverwall so that the actual width of the waterway remains constant and navigation in that area is not negatively impacted or if there is a defined benefit to navigation as a result of the project.

In determining whether a project will adversely affect navigation, I consider the general two-way flow of traffic, any adjacent restrictions such as bridge abutments, navigational visibility, vessel or small craft maneuverability, outflows or wake issues caused by normal passage of traffic, etc. For example, construction of a launching ramp perpendicular to the navigational channel is like making a perpendicular entry on a major automobile thoroughfare without stop signs or stoplights. It is worse if it is behind a bridge abutment where current is unpredictable and visibility for oncoming traffic is limited (like a blind entry for automobiles). It is worse still if the launching ramp is for human powered craft with limited maneuverability (like a bike crossing) and worst if it is on the outside of a bend where the wake and current effects are maximized. If a project is proposed with one or more of these unabated risks, I will typically consider that project to have a negative impact on navigation.

I also try to balance current proposals with anticipated future waterways usage of the Chicago River. The public has a general right to enjoy the waterway, but no single entity has a privileged right to benefit from the waterway at the expense of others. In determining whether a project is consistent with other waterway uses, I consider the types of traffic and the existing or planned development for a particular region of the Chicago waterway. For example, placing human powered craft rentals in a high-density traffic area like the Main Branch of the Chicago River places the least skilled people in the least stable craft into the highest risk area of the waterway. Since this creates operational safety concerns for all vessel operators, I generally would not support this type of business or recreational use/development without a significant series of operational controls or risk mitigations. As references in applying consistent use determinations, I consult the following general guidelines: *33 USC 401 and 409, the Volpe Study 2004, Chicago River Master Plan 2002, and Joint ACOE/USCG Policy Statement for Proposed Activities on the*

*Chicago River from the Chicago Lock to Lake Street 2000*. These documents provide a foundational approach in dealing with the growing use of the Chicago River and are reflected in the City of Chicago's *Dock and Waterway Usage Policy* and *Designated Waterway Use Zones* on the Chicago River.

I hope this general statement of policy will be helpful in your evaluation of future uses for the Chicago River. Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. W. Carter', with a horizontal line extending to the right across the end of the signature.

T. W. Carter  
Captain, U.S. Coast Guard  
Captain of the Port

Copy: Cheri Heramb, CDOT Acting Commissioner  
Thomas H. Power, 1<sup>st</sup> Deputy Commissioner  
U.S. Army Corps of Engineers, Chicago District