

Waterways

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River system is 'essential' and remains open

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Essential river remains open for business

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Federal employees and services furloughed during the U.S. Government shutdown were those deemed, "non-essential." And it's telling that those furloughs did not include the Mississippi River system which is economically vital for farmers and other shippers in the few weeks between harvest and winter shutdown on the Upper Mississippi.

A check of [traffic at Locks and Dams](#) downstream where harvest is further along showed a lot



(Above) Barges at the CHS terminal in Savage, Minn., carry crops from area farmers to world markets.

of activity - 21 transits in on 24-hour period - this past weekend at Lock and

Dam 16, for instance.

The Wisconsin DNR says there's been some confusion, but the [Mississippi is open for recreational use](#) and the reopening of duck hunting season, as long as hunters and boaters enter from a state or private boat launch.

Downriver The Mississippi River Cities and Towns Initiative will be holding its [Mississippi River Economy Summit](#) this week as scheduled.

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River industry working with 'old Model Ts' says Farm Bureau

The web site *Politico* notes how unusual it is that [an industry is asking to have its taxes raised](#) to save the nation's waterway infrastructure.

The web site quotes Andrew Walmsley, director of congressional relations for the American Farm Bureau who says updating is desperately needed.

"These barge guys are

basically doing the work in old Model Ts. We're stretching them thin and the concern is that if we have a catastrophic failure of a lock or dam somewhere along the system, we wouldn't have the infrastructure to continue to move products."

Politico notes that fewer than 300 companies pay the inland waterways fuel tax which industry leaders hope

to raise by six or nine cents to generate the millions necessary to maintain, rehabilitate and build water infrastructure.

Mike Toohey, president of the Waterways Council calls the plan a "work in progress." He each penny increase adds about \$4.6 million to the

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From the Executive Director...

A New Twist on WRRDA 2013

This month's column looks at an inexplicable event relating to the proposed closure of the lock at Upper St. Anthony Falls (USAF).

On September 11, the Transportation and Infrastructure Committee (Committee) introduced the Water Resources Reform & Development Act of 2013 as H.R. 3080.

A week later, a law firm sent a letter on behalf of a well-known member of the commercial navigation industry to the eight House members of Minnesota's congressional delegation.

The Letter took issue with Section 219 of H.R. 3080 which mandates closure of the lock at Upper St. Anthony Falls within 12 months of passage, as being contrary to WRRDA 2013's stated purpose and inconsistent with keeping our Nation's inland waterways open and competitive. The House version is similar to the version passed by the Senate earlier this year, with a few twists, but more on that letter.

To support this claim of inconsistency the Letter discussed four problems with Section 219.

Problem 1. Sets Precedence to Close 60 Locks.

As the minimum tonnage required of Section 219 is not unique to USAF, it would create unintended precedence that would threaten closure of other locks that also do not meet the minimum annual 1.5 million tons required of the Minneapolis lock, states the Letter.

As a matter of interest, a September 2013 Corps of Engineers' document lists a total of 60 low-volume locks located on 33 U.S. river systems.

The Letter further states that Section 219 merely masks the failure of Congress to craft agreeable language to address the real issue at hand – controlling the spread of Asian carp. The use of arbitrary tonnage minimums to address an environ-

mental issue is unsound practice that will undermine the value of our Nation's navigable waterways without "reasoned debates and analysis".

Problem 2. Undermines Congressional Authority.

With regards to USAF, the Committee recognized that the two locks in Minneapolis were constructed and maintained at a cost exceeding several tens of millions of dollars. Section 219, according to the Letter "simply abandons that investment without analysis or comment on the financial implications thereof."

The Letter goes on to state that without locks, local businesses will be forced to reroute freight via trucks that would increase traffic by more than "24,000 trucks per year" in local neighborhoods surrounding the affected businesses and further congest Minnesota highways in and around the Twin Cities already struggling with increased trucking in connection with the North Dakota oil boom and demand for frac sand.

Given these concerns, "there is no economic justice in Section 219's mandated closure of the lock", said the Letter.

Problem 3. No Economic Analysis.

The Letter recited the economic impacts of the lock closure as determined by the 2012 Metropolitan Council study: the permanent loss of 84 jobs, \$5.3 million in annual wage income, \$93 million in annual value-added and \$14.4 million in economic output each year for 2013 to 2040 and a switch to a more expensive, less safe and less environmentally friendly mode of transport."

To further compound the issue there has been no analysis of the effectiveness in controlling the spread of invasive species through the \$13.5 million improvements in the Coon Rapids Dam, or other proposals studied by the DNR, said the Letter.

"...It would create unintended precedence that would threaten closure of other locks..."

Problem 4. Fiscally Irresponsible Studies Added.

The Committee's report states that in addition to being contrary to, and inconsistent with national waterway objectives, Section 219 consolidates or eliminates unnecessary studies.

Not so on the consolidation claim, the Letter maintains, as tonnage through USAF is already known to be below the proposed annual minimum of 1.5 million tons and will be closed within one year from the date of enactment.

Therefore, says the Letter, any study mandated by Section 219 pertaining to closure of the lock is unnecessary, hence fiscally irresponsible and at odds with the Committee's report.

In closing, the Letter states that invasive species pose a serious, nation-wide issue that must be treated as such and NOT isolated as a parochial Minnesota issue that Minnesota alone can and should cure one lock at a time.

Why Now?

Why we wonder, were the four Problems listed in the Letter raised against the House version, and not the Senate version which was being debated earlier this year. Certainly, the Problems were the same then as now, with the possible exception of language used in Problem 4 which is more detailed than the Senate version.

We wonder, too, why the Letter suggests that Section 219 is all about Asian carp, when the Senate version substituted an arbitrary tonnage minimum instead, which threaten 60 similarly-situated locks which can be readily identified with data openly available on the Corps of Engineers' website.

We can only speculate as to why, in closing, the Letter stated that the inclusion of Section 219 in the House legislation "is a mistake" given that affected businesses voluntarily cooperate with science-based steps to protect against further spread of invasives.

Is it a suggestion that the Section be removed from the House bill, so as to not require conference committee debate of

the USAF matter, possibly leaving the Senate language supreme even though it targets only USAF, but in reality, could apply to many, many more?

Most of all we wonder why the letter was even sent in the first place, given the near-end of the Congressional session, the looming onset of a new fiscal year with its normal dearth of national budgets and programs and with the nation facing the possibility of yet another shut-down, among other pressing matters.

But then, it's possible that the Letter simply seeks to assist the fast and unencumbered passage of national legislation deemed essential by the Waterway Industry and others, to rescue critical current and future projects.

Our expectation is that it's nothing more complicated, fundamental and necessary than that.

"Most of all we wonder why the letter was even sent in the first place..."

Other river related items...

- Another writer has discovered the beauty and efficiency of river transportation. John F. Cline writes for the [Oxford American](#) and says, "What towboats lack in looks they make up for in efficiency."
- *Dredging Today* has posted a short video which shows [how the expanded Panama Canal will work](#). The project is expected to double the canal's capacity by 2015 and is already bringing changes in several U.S. ports.
- Michigan's Agri-Business Association is suggesting that [a river barge terminal be built in Lansing](#) to transport non-hazardous bulk cargo to Chicago and down the Mississippi River system. The Association notes that the Coast Guard has established regulations that allow for limited service river barges on Lake Michigan.
- Just a reminder that past issues of Waterways newsletter are archived online at the [Upper Mississippi Waterway Association web site](#), along with other relevant information about the Association's positions on issues and statistics on the importance of water transportation to the Upper Midwest and the nation.

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Fifty Nine mayors belong to the group and many other groups with river interests are part of the group and the upcoming Summit.

At the gathering, the Initiative will release early results from an economic impact report on the lower Mississippi. They'll also talk about how to coordinate container-on-barge efforts with the U.S. Maritime Administration.

The shutdown did interrupt processing of mariner credentials. The Coast Guard (CG) says those most likely affected will be workers whose credentials expire between October 1, 2013 and November 30, 2013. The CG says they

will be granting extensions under authority of the United States Code and will put up a letter on the [National Maritime Center's web site](#) which can be printed and carried with credentials.

There were other complications due to the shutdown, for example, updates to the Department of Agriculture's Grain Transportation Report were halted October 1. Also the Corps of Engineers cancelled a series of public meetings on the Draft Annual Operating Plan for the Missouri River. Meetings will not be rescheduled, but the Corps says there may be a public conference call and comments will be taken by phone. [The draft Operat-](#)

[ing Plan](#) is available for viewing online.

And the Mississippi's economical bulk rates are becoming more important to even more customers. [Canada's Business Financial Post](#) reports that Western Canadian oil producers are buying or leasing increased numbers of rail cars and tank barges to bypass congested (or unbuilt) U.S. pipelines and gain access to U.S. crude prices.

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Inland Waterways Trust Fund each year to bolster then 1930s era system.

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