

# Waterways

A publication of the Upper Mississippi Waterway Association

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Waterways Council head...

## Martin to address UMWA 84th

Cornel Martin will not lack for possible subject matter when he speaks to the 84<sup>th</sup> Annual meeting of the Upper Mississippi Waterway Association (UMWA) later this month. The Sept. 16, event will be held at the Southview Country Club, West St. Paul, Minn., and will be the first annual meeting since UMWA and the River Resource Alliance formalized their merger on Dec. 15, 2009.

The business meeting of members will be held at 5:30 p.m. in the President's Room. It will be followed by the Directors Meeting and the dinner at which Mr. Martin will speak. If you haven't made your reservations, you can contact Executive Director Russ Eichman at 715-776-3108 or by email at [umwa@qwestoffice.net](mailto:umwa@qwestoffice.net).

### WCI Symposium coming

While *Waterways* hasn't been given an advance peek at Mr. Martin's address, as President and CEO of the Waterways Council, Inc., (WCI) he will surely talk about the upcoming Waterways Symposium to be held Oct. 4-6, 2010, at the St. Paul Hotel. Previews of that event say that speakers will address trends in the world's economies that affect business here in the U.S. as well as opportunities for exports. (Visit [www.waterwayscouncil.org](http://www.waterwayscouncil.org) for more information and registration.)

And it's likely that one of the speakers at the symposium will bring up the World Economic Forum's (WEF) recent rankings of international competitiveness released earlier this month. Those



*Above: The Waterways Council uses this picture of the Emsworth lock on the Ohio River to illustrate the condition of much of America's aging waterway infrastructure.*

rankings show that Germany has moved up two positions in the "top ten" rankings and is closing on the United States, which dropped two spots to number four. Germany is close behind at number five.

### Infrastructure factor

The WEF says the most important factor driving Germany's rise is its infrastructure, including its waterborne network. The U.S. dropped for the same reason.

It was also of interest to UMWA members recently when President Barak Obama called for \$50 billion

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## **From the Executive Director. . .**

### **An Endless Fish Tale**

Minnesota, as one of a consortium of six Great Lakes states, is again asking the U.S. Supreme Court to grant a preliminary injunction, without which, they say, Asian carp will be allowed to decimate the \$7 billion sport and commercial fishing industry in the Great Lakes. The primary purpose of a preliminary injunction, according to the December 2009 filing, is to maintain the status quo – that of no Asian carp inhabiting the Great Lakes. In this filing, the coalition argues that a dormant 1920s case pertaining to the Chicago canals could be reopened because of new eDNA evidence that the jumbo fish had apparently breached electric barriers and are inching their way towards Lake Michigan.

### **Fundamental to the economy**

Responding to this filing, Dean Johnson, a long-time UMWA member and officer, recently wrote Minnesota's Attorney General Lori Swanson asking that she reconsider her observation that products which now move by barge can move by truck or rail. In his letter, Johnson did not disagree with the accuracy of her observations, but emphasized that those commodities not only can, but **will** move via truck or rail because they are fundamental to our economy; but that there are consequences for that change of mode. The information he provided to the State's top lawyer was the standard modal comparative data that shows, for example, that forcing 1 million tons of freight to other modes would require 40,000 trucks or 10,000 rail cars.

Minnesota's response letter to Johnson states that Dr. John C. Taylor, Ph.D., of Wayne State University, an expert retained by the state of Michigan, stated “. . . that approximately 7 million tons of cargo per year would be affected and some of this would incur relatively minor inconvenience, that the affected volume represents less than 1% of all the freight traffic in the Chicago region and only 30% of the total Port of Chicago traffic.”

Dr. Taylor also stated barge traffic impacted by the closing of Chicago-area locks “. . . is the equivalent of two daily loaded rail unit trains in a region that has

approximately 500 daily freight trains.” Truck traffic in Chicago, he states, would increase by less than one-tenth of 1%.

Something is obviously amiss with either the 7 million ton number or with the percentages suggested by Dr. Taylor.

In his reply letter to the Attorney General, Johnson suggested that if Asian carp continue to move upriver toward Minnesota, “. . . please do your own study of river traffic volumes before looking to lock closure as a protection. The results of a study of Minnesota ports will contrast sharply with the seemingly inconsequential numbers developed for Michigan by Dr. Taylor.”

### **2007 obligations**

Getting back to Minnesota's original response letter to Dean Johnson, General Swanson brought up an interesting point until now unknown to us – the Corps of Engineers has yet to fulfill obligations committed to in 2007. According to the Attorney General, in 2007 Congress in Section 5016 of the Water Resources Development Act of 2007 directed that the Corps take certain actions to investigate and identify environmentally sound methods of preventing or reducing the movement of aquatic nuisance species through the northern reaches of the Upper Mississippi River system, to use available resources to deal with the problem and to cooperate with the USFWS to monitor and evaluate progress of the prevention program.

Further, the Secretary of the Army on behalf of the Corps was to submit to a Congressional committee the results of their evaluation within six months. In addition to conducting the study, the Secretary was to take into consideration the feasibility of locating the dispersal barrier at the lock portion of L&D 11 in the Upper Mississippi River basin near Dubuque, Iowa.

Four million dollars was authorized to carry out this section. To date, according to the Minnesota letter, the Corps has taken no action whatsoever to fulfill its obligation under Section 5016. While we are not in a position to discredit statements in the Attorney General's letter, our experience with the Corps is the

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opposite of these charges.

### **Commercial consequences**

And finally, according to the *Milwaukee Journal Sentinel*, a federal judge heard testimony last month and has set aside several days in early September for further testimony as to the effectiveness and commercial consequences of the asked-for closures. The case is being heard by Judge Robert M. Dow Jr. in Chicago as the water reclamation district is named as a defendant in the suit.

It is our understanding that the U.S. Supreme Court has ultimate control over this case and that the evidence taken by Judge Dow will be considered by the high court in deciding whether or not to issue the preliminary injunction sought by the consortium of Great Lake states.

### **Conclusion:**

There is a thread of involvement by the Supreme Court in the Lake Michigan water issue reaching back to the 1920s, and there is a strong expectation that the Court's decision as a result of the Chicago trial will extend that thread well into the future.

### **Other river related items...**

◀ There's still time to register for the Waterways Council, Inc., 7<sup>th</sup> Annual Symposium and Annual Meeting, which will be held at the St. Paul hotel Oct. 4-6. Among the many items on the agenda are "Asian Carp: Recipes for Extinction" and a presentation on the Navigation Ecosystem Sustainability Program (MESP) featuring Lee J. Nelson of Upper River Services and Dan McGuiness. Register at [www.waterwayscouncil.org](http://www.waterwayscouncil.org).

◀ The online [www.twincities.com](http://www.twincities.com) recently featured an article on the "Fabled Falls & Forgotten Walls Quest in Minneapolis." Reporter Maja Beckstrom talks extensively about the "recreational gem" that has developed along the Mississippi River in the St. Anthony Falls area.

◀ The Smithsonian Channel recently made its 50

minute program "Hydrotech: Taming the Mississippi" available for online viewing. To stream the program which talks about the importance of the river as an economic asset, visit [www.smithsonianchannel.com](http://www.smithsonianchannel.com).

◀ The Corps of Engineers was among the groups hosting an end-of-August tour of the Upper Mississippi Refuge Island Restoration project in Pool 8. Construction on the project, which involves 26 islands, began in 2006 and is scheduled for completion in 2012. The construction is part of the Environmental Management Program (EMP) on the Upper Mississippi which has completed more than 45 habitat restoration projects on the Upper Mississippi.

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more in infrastructure spending focused on highway, rail and airport projects. While the proposal faces an uncertain future in the U.S. House and Senate, it called for building or rebuilding 150,000 miles of road, 4,000 miles of railroad and 150 miles of runways.

### **Only \$7 million**

By contrast, the U.S. Department of Transportation last month set aside \$7 million for projects called for under the Marine Highway Program. Transportation Secretary Ray LaHood identified 18 marine corridors, 8 projects and 6 initiatives for further development, concentrated on the coasts and an Illinois-Gulf connection. The program was mandated by Congress in 2007 in the Energy Independence and Security Act.

### **Ford meeting**

*Waterways* also notes that St. Paul Mayor Chris Coleman and Minnesota Governor Tim Pawlenty came back from a Detroit, Mich., meeting with Ford Motor company with the sense that the Fall 2011 deadline for closing the St. Paul assembly plant is more certain than past deadlines. Minnesota has offered Ford millions in tax breaks and incentives for plant improvements and St. Paul has floated the idea of having its Port Authority purchase the plant and lease it back to Ford. The idea behind the proposal is that the cash from the sale would be used to make updates to the plant, which comes with its own power source thanks to its dam on the Mississippi River.