

VOLUME 65, No. 12 • JUNE 20, 2008

**HIGHLIGHTS IN THIS ISSUE**

Magistrate Recommends Injunction Against Massachusetts Law.....1

EPA Publishes Proposed Vessel Discharge Permitting Regulations.....2

Inland Waterways Users Board to Meet.....3

House of Representatives Holds Hearing on Incidental Discharges.....4

House Transportation Minority Holds Roundtable on Short Sea Shipping.....4

House T&I Committee Hearing on Jones Act Repairs in Foreign Shipyards.....6

AWO Member Briefs USCG Inspectors on Towing Vessel Inspection.....7

Cape Cod Canal Stakeholders Meeting Held.....7

Coast Guard Proposes Temporary RNA on Chicago Sanitary and Ship Canal....8

Mississippi River Commission Announces Annual Low Water Tour.....8

AWO Members Participate in Merchant Mariner Industry Training Program.....9

Corps Deauthorizes MRGO.....10

Grants Available for San Francisco Bay Area to Reduce Emissions.....10

Interregion Safety Committee Meeting Reminder.....12

## Magistrate Recommends Injunction Against Massachusetts Law

On June 9, Judge Leo Sorokin, U.S. Magistrate Judge for the District of Massachusetts, issued a report and recommendation that a preliminary injunction should be entered against the Massachusetts oil spill statute, specifically the manning regulations for tank vessels and the tugboat escort requirements. This recommendation is a significant positive development in the litigation because it indicates that the magistrate judge found that the parties opposing the Massachusetts statute have a substantial likelihood of success on the merits of that case. The “substantial likelihood of success” is one of the standards for obtaining injunctive relief. This recommendation does not change the current status of the Massachusetts law, which remains “in effect.”

In January 2005, the U.S. Department of Justice filed a lawsuit against the Massachusetts oil spill statute, alleging that its provisions are preempted by federal law and are therefore unconstitutional. AWO and several other maritime trade associations subsequently joined that lawsuit as intervenors. In 2006, the U.S. District Court for Massachusetts overturned each of the challenged provisions of the Massachusetts statute. That decision was appealed. In June 2007, the U.S. Court of Appeals for the First Circuit vacated the

District Court order as to three provisions on appeal and remanded the case to the District Court for further proceedings. The Department of Justice and the intervenors dropped their challenge to the financial responsibility section of the law, leaving only the manning and tug escort provisions in dispute.



In December 2007, the Department of Justice asked for preliminary and permanent injunctions against the Massachusetts statute, and that motion was heard before Magistrate Sorokin who made the report and recommendation to the District Court. Magistrate Sorokin found that the provisions of the Massachusetts statute were preempted by U.S. Coast Guard regulations establishing a Regulated Navigation Area (RNA) for Buzzards Bay in Massachusetts. He recommended a preliminary injunction be issued at this time. He recommended against a permanent injunction at this time because the final administrative record of the Coast Guard RNA has not yet been filed, but noted that the preliminary injunction could be converted to a permanent injunction after the record is filed.

There is no time limit within which the District Court must act on the recommendation of the Magistrate Judge, but extensive delay is not anticipated. In addition, the District Court judge is not

*(continued on page 2)*



Visit us online at

[www.americanwaterways.com](http://www.americanwaterways.com)

This edition of the  
**AWO Letter** is  
sponsored by:

## Magistrate Recommends Injunction Against Massachusetts Law



(continued from page 1)

bound by the recommendation and may depart from it. However, counsel has indicated that the 30-page report is strong and well-reasoned and the recommendation should carry great weight. AWO and the other maritime intervenors earlier this year made a motion for summary judgment in the case. The Massachusetts response to that summary judgment motion is expected by the end of June, and that motion could also be acted upon relatively quickly.

If you have any questions about the litigation involving the Massachusetts oil spill statute or would like a copy of the Magistrate's report, please contact Boyd Hollingsworth at (703) 841-9300, extension 258, or via email at [bhollingsworth@vesselalliance.com](mailto:bhollingsworth@vesselalliance.com). ☪

## Welcome, New Carrier Member!

**The Jankovich Company**  
Berth 74, P.O. Box 670  
San Pedro, CA 90731

Rep: Mr. Pat Wheat  
Barge Manager

## EPA Publishes Proposed Vessel Discharge Permitting Regulations

On June 17, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking (NPRM) for National Pollutant Discharge Elimination System (NPDES) permits for discharges incidental to normal operation of a vessel. This action comes just over three months before the court-ordered September 30 deadline for the expiration of EPA's 30-year-old exemption of vessel discharges from NPDES permitting requirements. With no word yet on the appeal of the court decision filed by industry and the U.S. government, and with no legislation yet passed by Congress, EPA decided to begin the process of establishing a regulatory regime to bring vessel discharges under the NPDES program.

The rule proposes two general permits, one for commercial vessels and one for recreational vessels. The commercial permit covers all commercial and recreational vessels more than 79 feet long, and does the following:

- For vessels that carry ballast water, the permit incorporates Coast Guard ballast water management and exchange standards, and has supplemental ballast water requirements.
- For other discharges (such as deck runoff and gray water), the permit provides effluent limits.
- The permit also includes requirements for inspections, monitoring, recordkeeping and reporting.

States are free to adopt their own programs, but it is unlikely that many will do so by September 30.

The NPRM was announced one week before its publication at a Congressional hearing on the NPDES

permits for vessel discharges (see story, page 4). Comments on the proposal are due August 1. EPA will hold three public meetings, the first on June 19 in Washington, D.C.; the second on June 24 in Portland, OR; and, the third on June 26 in Chicago, IL. EPA will also hold a Webcast on July 2 (click [here](#) for details) and a public hearing on July 21 in Washington, D.C.

AWO continues to stress that the NPDES program is a poor fit for vessel discharge permitting because it was designed for stationary, not mobile, sources. AWO joined industry partners and the federal government in appealing the court's ruling, and is awaiting a decision. On Capitol Hill, AWO continues to work with Members of Congress to pass federal legislation that would regulate discharges outside of the NPDES permitting program.

In the meantime, AWO is working with EPA so that, in the event that the court decision is not overturned and no federal legislation is passed, the rule is not overly burdensome for vessel operators. Last year, AWO submitted comments in response to an EPA request for preliminary feedback on the rulemaking; to read them, please click [here](#). AWO attended the June 19 public meeting and will present testimony at the July 21 public hearing, and is analyzing the NPRM with the help of members to determine its effect on them in order to submit comments.

To read the rule, click [here](#). To read EPA's press release and public meeting schedule, click [here](#). For more information, please contact Jennifer Carpenter or Mary McCarthy at (703) 841-9300, extensions 260 or 254, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com). ☪

## Inland Waterways Users Board to Meet

On July 31, the Inland Waterways Users Board will meet to discuss funding for inland navigation projects and the Inland Waterways Trust Fund. The meeting will be held at the Marcus Whitman Hotel and Conference Center in Walla Walla, WA, from 8:30 a.m. to 1:00 p.m.

The Inland Waterways Users Board is a federal advisory committee made up of

representatives from the inland navigation industry and the U.S. Army Corps of Engineers. The board makes recommendations to Congress and the Secretary of the Army on inland waterways projects.

To read the meeting notice, please click [here](#). For more information on the meeting, please contact Mark R. Pointon, U.S. Army Corps of Engineers, at (202) 761-4258.

## Important Dates and Reminders

..... at a glance

*For more information, please contact Hermoine Wellman at (703) 841-9300, extension 291, unless otherwise noted.*

**July 17-18:** Southern Region Summer Meeting, Grand Hotel Resort, Point Clear, AL

**July 23-24:** Interregion Safety Committee Summer Meeting, Sheraton Westport Plaza Hotel, St. Louis, MO

**August 13-14:** Midwest and Ohio Valley Regions Joint Summer Meeting, The Palmer House Hilton, Chicago, IL

**August 20-21:** Atlantic Region Summer Meeting, The Seamen's Church Institute, New York, NY

**September 11:** Pacific Region Summer Meeting, Salty's on Alki, Seattle, WA

## TWIC Update:

### Congressman Thompson Volunteers to Help Mariners with Process

Congressman Bennie Thompson (D-MS), the House Homeland Security Committee Chairman, is actively engaged in solving the problems with the Transportation Worker Identification Credential (TWIC) program and is seeking information from AWO members about the difficulties they have encountered when applying for a TWIC. In order to give the committee the most accurate information, we are requesting that members with employees encountering problems with the process send AWO a detailed email about their employees' situations. These details will be forwarded to the committee, and are very important so that the committee understands what problems are occurring

and if certain offices are having the same problems routinely.



Attached to this newsletter is a form that you can use to describe your experiences; however, you can simply explain your experience in an email if you prefer not to use the form. If you are not using this form, please make sure that you include the TWIC office that is involved and

the nature of issue (i.e. fingerprinting, telephone response time and/or misinformation, etc.). This information will be forwarded to Congressman Thompson without any personal or company names.

Please email this information to Susan Miller at [smiller@vesselalliance.com](mailto:smiller@vesselalliance.com) with this information.

## TWIC Enrollment Update

TWIC enrollment will begin at the following ports:

- **June 18:** St. Thomas, VI; Nikiski, AK; Escanaba, MI; Chester, PA
- **June 19:** Sacramento, CA; Pasco, WA; Coram, NY
- **June 25:** New Castle, DE; Bridgeport, CT
- **July 2:** Alpena, MI; Burlington, VT; Pennsbury Manor, PA; Perth Amboy, NJ
- **July 9:** Evansville, IN

For the complete up-to-date TWIC Quarterly Deployment Plan, please click [here](#).

## House of Representatives Holds Hearing on Incidental Discharges *Shipping Industry Ballast Water Coalition Testifies*

On June 12, the Subcommittee on Water Resources and the Environment of the House Transportation and Infrastructure committee held a hearing on “Discharges Incidental to the Normal Operation of a Commercial Vessel.” Presiding over the hearing was Subcommittee Chairwoman Eddie Bernice Johnson (D-TX) and Ranking Member John Boozman (R-AK); they were joined by full Committee Chairman James Oberstar (D-MN). Chairwoman Johnson opened the hearing by explaining its purpose: to learn more about what incidental discharges are and how they affect the environment in order to determine how best to manage and regulate them.

During the hearing, all of the subcommittee members agreed that this was a critical issue, considering the court-ordered September 30 deadline for the expiration of the Environmental Protection Agency’s (EPA) 30-year-old exemption of vessel discharges from National Pollutant Discharge Elimination System (NPDES) permitting requirements. “One bad ruling by one west coast judge means we have little time to enact legislation,” Congressman Gene Taylor (D-MS) said.

Testifying at the hearing was Kathy Metcalf, Director, Maritime Affairs, Chamber of Shipping of America, on behalf of the Shipping Industry Ballast Water Coalition, of which AWO is a member. She explained to the subcommittee, “The foundational question to be answered here is whether the Clean Water Act’s NPDES program should be applied to incidental discharges from vessels that by their very nature are mobile sources... We believe the answer to this question is a resounding ‘no.’”

Ms. Metcalf went on to describe the reasoning behind this assertion: the best

way to create needed national uniform requirements is by amending the Oil Pollution Act of 1990; many discharges are already addressed by international agreements and federal laws and regulations; the NPDES was designed for stationary, not mobile sources; and, the NPDES program is too complex to apply to vessels. Congressman John Duncan (R-TN) commented that he was impressed with Ms. Metcalf’s testimony, and expressed concern that the impracticability of the NPDES permits for vessels would harm small business owners.

James A. Hanlon, Director, Office of Wastewater Management, EPA, also testified, reminding the subcommittee

that EPA was disappointed with the court’s ruling and had filed an appeal. However, because a decision has yet to be reached on the appeal, Mr. Hanlon announced that EPA would publish the Notice of Proposed Rulemaking for NPDES permits for discharges incidental to normal operation of a vessel the following week (see story, page 2).

Congressman Don Young (R-AK) closed the hearing by stating to his colleagues, “The court made this ruling, and it is up to us to fix it. Don’t let the court legislate for us.” For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com). ☘

## *House Transportation Minority Holds Roundtable on Short Sea Shipping*

### **AWO Asks Republican Members to Use Care to Not Stimulate Vessel Construction**

On June 18, House Transportation and Infrastructure Committee Ranking Minority Member John Mica (R-FL) held a “roundtable” on short sea shipping issues in a committee hearing room. Unlike an official committee hearing with its structured panels of witnesses, this proceeding was less formal and offered an opportunity for open discussion of the issues.

Mr. Mica was joined at the event by several other Members of Congress, including Frank LoBiondo (R-NJ), Henry Brown (R-SC), Robert Latta (R-OH) and Thelma Drake (R-VA). In addition to AWO, Ranking Member Mica invited representatives of ports, maritime labor, the trucking industry and other stakeholders to participate in the discussion.

After the Members of Congress made their opening statements, the first speaker was Maritime Administrator Sean Connaughton. He spoke of the concept of “marine highways,” which is the term that MarAd has developed to refer to short sea shipping. Administrator Connaughton



*(continued on page 5)*

## House Transportation Minority Holds Roundtable on Short Sea Shipping

(continued from page 4)

emphasized the importance of developing the marine highways as a way to address existing congestion and environmental problems that are caused by the huge amount of cargo that moves on the roads and rails and pointed out that the volume of freight is predicted to more than double in the next dozen years.

AWO President & CEO Tom Allegretti urged the Members of Congress in attendance to develop a comprehensive strategy on short sea shipping that includes the repeal of the Harbor Maintenance Tax but does not incentivize the construction of vessels for which there is no market demand. He pointed out that history has shown that the single most effective element of maritime policy is when government helps stimulate cargo demand rather than vessel supply. He suggested that providing tax incentives to shippers to move their cargo from land-based modes of transportation to waterborne transportation would be the most effective way to stimulate the growth of short sea shipping for the coastwise movement of containerized cargo. The approach of incentivizing shippers to move their cargoes by water was subsequently echoed by other industry participants in the roundtable.

AWO's concerns in this area of federal policy were heightened last year with the passage of the energy bill and its provision extending the Capital Construction Fund (CCF) program to the domestic coastwise trades for the first time. The CCF program was created to "level the playing field" for U.S.-flag carriers in the international markets, but there is no need for the CCF program in the domestic coastwise market because all operators already compete on an equal basis. AWO is concerned that the extension of CCF to the domestic coastwise markets could result in more than \$2 billion in existing CCF funds being utilized in the domestic markets and could result in vessel overcapacity that could be devastating for the industry. AWO is urging MarAd to draft governing regulation that will extend CCF to the domestic coastwise trades prospectively, and not allow existing CCF funds to be used in the domestic coastwise market.

Mr. Mica concluded the roundtable discussion by capturing several of the salient points offered in the discussion. He particularly noted that the "build it and they will come" approach seemed to be a risky corporate program and ineffective public policy. He also suggested that the

members of the Transportation and Infrastructure Committee should send a *Dear Colleague* letter to the chairman and ranking minority member of the Ways and Means Committee, asking them to move forward with legislation to repeal the Harbor Maintenance Tax.

For more information on short sea shipping, please contact Boyd Hollingsworth at (703) 841-9300, extension 253, or via email at [bhollingsworth@vesselalliance.com](mailto:bhollingsworth@vesselalliance.com).



If you receive a hard copy of the *AWO Letter* and need to know the exact Web addresses of the hyperlinks in any articles, please contact Mary McCarthy at (703) 841-9300, extension 254, or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).



### Order Your Lifelines Brochures!

AWO urges recreational boaters to use special caution when operating around commercial vessels and to educate themselves on the constraints under which those vessels operate. This awareness can arm recreational boaters with the best protection against danger and could save lives.

AWO's popular brochure, entitled "Lifelines: Safety Tips That Could Save Your Life," delivers important safety tips to recreational boaters in an easy-to-read, user friendly format. Have you ordered your brochures yet?

To request copies of the brochure, please email your request to Susan Miller, AWO Government Affairs Assistant, at [smiller@vesselalliance.com](mailto:smiller@vesselalliance.com). This brochure is free; however, there is a cost for shipping. Order your brochures today!



## House T&I Committee Conducts Hearing on Jones Act Repairs in Foreign Shipyards

On June 11, the Subcommittee on Coast Guard and Maritime Transportation of the House Committee on Transportation and Infrastructure conducted a hearing on Rebuilding Vessels under the Jones Act. The Second Proviso to the Jones Act requires that, for vessels eligible to engage in the U.S. coastwise trade, any rebuilding, including the construction of any major component of the hull or superstructure, be done in the United States. The hearing consisted of two panels, a U.S. Coast Guard panel and a civilian panel and the Members of Congress attending the hearing included Reps. Elijah Cummings (D-MD), Gene Taylor (D-MS), Ted Poe (R-TX)[standing in for Rep. Steven LaTourette (R-OH)], Frank LoBiondo (R-NJ), Tim Bishop (D-NY), Rick Larsen (D-WA), Brian Baird (D-WA), and Laura Richardson (D-CA).

The first panel included RADM James Watson, Coast Guard, and Patricia Williams, Deputy Director, National Vessel Documentation Center (NVDC). The committee members and the Coast Guard engaged in a lengthy debate about clarifying the Coast Guard determination process for vessel repairs and rebuilding in order to uphold the Second Proviso of the Jones Act. RADM Watson suggested that Congress provide legislative direction to clarify the definition of “rebuild” for the purposes of enforcing the Jones Act. He added that clarification can come from the courts or the agency, but both risk muddying congressional intent on Jones Act protection. Despite questions from Chairman Cummings regarding the need for businesses to have clarity in the law and to avoid problems with international trade agreements, RADM Watson was very clear in his statement

that the Coast Guard has no intention of revisiting the regulations to provide clarity to the rebuild provisions.

RADM Watson testified that the severe penalty for violating the Second Proviso was so significant (forfeiting vessel use in cabotage) that it motivated cooperation from vessel owners. This statement led to significant questions and concerns from Rep. Gene Taylor (D-MS). Rep. Taylor said that the vagaries in the law encourage a lack of safety through this “honor system” and he lamented the lack of oversight from the Coast Guard in the inspection and approval of foreign repairs. Chairman Cummings echoed Rep. Taylor’s comments that Jones Act enforcement cannot be based on an inconsistent enforcement system relying on the good faith of applicants. Chairman Cummings expressed concerns over the process for Coast Guard determinations and approvals of foreign shipyard rebuilds and suggested that the process should be transparent and final approval should not be made by a single civilian at the NVDC.

On the second panel, John Love, Pasha Hawaii Transport Lines, asked Congress to encourage the Coast Guard to require applicants for rebuild to submit detailed information and to allow input from all interested parties. Matthew Paxton, Shipbuilders Council of America, said that the Second Proviso weakens the industry’s faith in the true cost of operating within the Jones Act. He suggested new legislation to provide a transparent and predictable process. Michael Roberts, testifying on behalf of Crowley Maritime, suggested that the Coast Guard process undermines business confidence and the application process itself erodes the Jones Act.

At the end of the hearing, Reps. Cummings and Taylor indicated a desire for legislative action to correct for the lack of Coast Guard oversight in Jones Act repair and/or rebuild applications. Rep. Taylor suggested specific improvements to the calculations used to verify the difference between a vessel “repair” and a “rebuild.” The Committee allowed witnesses thirty days to provide recommendations on specific improvements for the protection of the Second Proviso.

For more information, please contact Chris Coakley at (703) 841-9300, extension 297, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com).

### Atlantic Region

#### *Chesapeake and Delaware Canal Draft Restrictions Announced*

According to a recent notice from the U.S. Army Corps of Engineers, the maximum draft in the Chesapeake and Delaware Canal will be 32 feet. Dredging of the canal is expected to be completed by the end of this summer. For more information, please contact David Olson, Assistant Chief of Operations for the Corps in Philadelphia at (215) 656-6500, extension 6721, or contact Chris Coakley at (703) 841-9300, extension 297, or [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com).



Atlantic Region

***AWO Member Briefs New Coast Guard Inspectors on Towing Vessel Inspection***

On June 13, AWO member Jeff Parker, Allied Transportation Company, gave a presentation on towing vessel inspection to 28 future U.S. Coast Guard marine inspectors at the agency’s facility in Yorktown, VA. This presentation was part of a Coast Guard program designed to educate the agency’s inspectors on the tugboat, towboat and barge industry in light of the forthcoming towing vessel inspection regulations. CDR Eric Christiansen, who is in charge of the program, was in attendance and delivered remarks about the program evaluation and inspection.

Providing direct education to new marine inspectors is important because the forthcoming towing vessel inspection regulations are not traditional regulations. They create a new inspection paradigm based on a safety management system and Coast Guard-approved third-party auditors. Getting this message to all Coast Guard inspection personnel will lay the groundwork for a smoother transition to Subchapter M. For more information, please contact Chris Coakley or Mary McCarthy at (703) 841-9300, extensions 297 or 254, respectively, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

**Atlantic Region Meeting Planned**



Please mark your calendars for the Atlantic Region Summer Meeting on August 20-21 at the Seamen’s Church Institute in New York, NY. Active member participation in these meetings helps strengthen your association. The meeting will address the emerging issues of air emissions and ballast water management, as well as existing policies of security and towing vessel inspection. Please mark your calendars and plan to attend.

The meeting will begin on Thursday, August 21 at 8:00 a.m. and will conclude at 12:00 p.m. There will be a social dinner on Wednesday evening, August 20, at 6:00 p.m., at a local restaurant. The cost of the dinner will be shared among all dinner attendees.

You will receive meeting and hotel locations with registration information under separate cover. For more information, please contact Chris Coakley at (703) 841-9300, extension 297, or [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com).

**Cape Cod Canal Stakeholders Meeting Held**

The Cape Cod Canal Stakeholders meeting was held on June 17 at the U.S. Army Corps of Engineers Field Office in Buzzards Bay, MA. The U.S. Coast Guard, the Corps and AWO met to discuss operational issues in the canal and how to improve stakeholder communication.



unication between AWO, the Coast Guard and the Corps.

The Coast Guard gave an update on the risk assessment for the east end of the canal, and discussed the best practices for pilot safety. The Corps gave an update on navigation changes related to shoaling.

The meeting included a discussion of issues facing canal stakeholders. Topics include identification of duplicative vessel reporting to Coast Guard and Corps, edits to the Vessel Management Reporting System Buzzards Bay Users Manual and improving comm-

Chris Coakley, AWO Vice President - Atlantic Region, updated the stakeholders on regulatory developments in Massachusetts. For more information, please contact Mr. Coakley at (703) 841-9300, extension 297, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com).

Pacific Region

**Save the Date for the Pacific Region Summer Meeting**



The Pacific Region Summer Meeting has been scheduled for September 11 from 8:00 a.m. to 12:00 p.m. with registration starting at 7:30 a.m. The meeting will be held at Salty’s on Alki Restaurant, 1936 Harbor Avenue SW, Seattle, WA. Issues that are critical to both the regional and national tugboat, towboat and barge industry will be discussed. For more information, please contact Jason Lewis at (206) 262-7308, or via email at [jlewis@vesselalliance.com](mailto:jlewis@vesselalliance.com).

Midcontinent Office

## Coast Guard Proposes Temporary RNA on Chicago Sanitary and Ship Canal

On June 12, the U.S. Coast Guard published a notice of proposed rulemaking (NPRM) indicating its intent to establish a temporary regulated navigation area (RNA) for the Chicago Sanitary and Ship Canal near Romeoville, IL, from June 30 to August 15. The RNA would affect all vessels transiting through the electrical dispersal barrier IIA, and is being established so that the U.S. Army Corps of Engineers can repair barrier I electrodes. Barriers I and IIA are designed to prevent the movement of invasive species.

While the Corps and U.S. Coast Guard have conducted tests to ensure safe navigation over the barrier area, there is a chance that electrical discharges could put vessels and crew at risk. Therefore, the RNA imposes restrictions on vessel movements, specifically requiring all barge tows carrying hazardous material to be assisted by a bow boat within one mile of the RNA. This assistance will be provided by the Corps, and more information will be disseminated in a future Broadcast Notice to Mariners.

Comments on the proposal are due on June 27. The Coast Guard contact is CDR Tim Cummins, Deputy Prevention

Division, Ninth District, who can be reached at (216) 902-6045. For more information, please contact Lynn Muench or Mary McCarthy at (314) 446-6464 or (703) 841-9300, extension 254, respectively, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

### Updated WAP Posted on AWO Web Site

As reported in the June 6 AWO Letter, the recently-updated Waterways Action Plan (WAP), developed to improve safety on the Western Rivers, has been posted to the AWO Web site. During the recent flooding on the Mississippi River, the WAP has been extensively used. To view the WAP, click [here](#). For more information, please contact Lynn Muench at (314) 446-6474, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com).



## Mississippi River Commission Announces Annual Low Water Tour

The Mississippi River Commission (MRC) will hold its annual low water tour meetings on board the *m/v Mississippi* from August 11-22. The meetings are open to the public and will include a summary report by President of the Commission on issues affecting the U.S. Army Corps of Engineers, commission programs and Mississippi River projects; an overview of projects in the district by the District Commander; and, comments by local organizations and citizens on Corps and commission projects.

All meetings begin at 9:00 a.m. The schedule can be viewed at right.

The MRC is a president-appointed commission responsible for the comprehensive Mississippi River and

DATE	CITY	LOCATION
August 11	Red Wing, MN	Levee Park
August 13	Davenport, IA	Oneida Landing
August 14	Hannibal, MO*	City Front
August 15	Alton, IL	Mel Price Lock & Dam
August 18	New Madrid, MO	City Front
August 19	Memphis, TN	Mud Island River Park
August 20	Mayersville, MS	Tennis Court Boat Ramp
August 22	Houma, LA	Genac Towing Dock

*\*No public comment period will be available at this meeting.*

Tributaries Project and engineering work associated with the Mississippi River drainage basin. This basin impacts 41 percent of the United States, including 1.25 million square miles, more than 250 tributaries, 31

states and two Canadian provinces.

For more information, please contact Steve Gambrell, MRC Executive Director, at (601) 634-5768, or via email at [cemvd-ex@usace.army.mil](mailto:cemvd-ex@usace.army.mil).

Midcontinent Office

## AWO Members Participate in Merchant Mariner Industry Training Program

This summer, three AWO companies will be participating in the U.S. Coast Guard’s Merchant Marine Industry Training (MMIT) program to help familiarize a Coast Guard officer about the inland marine industry. AEP River Operations, Osage Marine Services Inc. and Illinois Marine Towing, Inc. are hosting or will host LT Frances Smith, who will soon become MSD-Peoria Commander, for three months. LT Smith has limited brownwater experience; therefore, her “internship” at each company will help her both understand, and work more effectively with, the inland towing industry.

The MMIT program is designed to provide Coast Guard officers with the opportunity to expand their knowledge in a specific area of the marine industry. AWO applauds its members who volunteered to help the Coast Guard ensure its officers gain knowledge and appreciation of the inland towing industry.

For more information, please contact Lynn Muench or Mary McCarthy at (314) 446-6464 or (703) 841-9300, extension 254, respectively, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

### AWO Member Hosts Coast Guard Officer



As part of the Merchant Marine Industry Training program, Capt. Clint Harris, AEP River Operations, explains the Illinois river issues to LT Frances Smith, U.S. Coast Guard.

## Midwest and Ohio Valley Regions Joint Summer Meeting Scheduled

The Midwest and Ohio Valley Regions Joint Summer Meeting will be held in Chicago, IL, on August 14, with a reception to be held the evening before. The host hotel is The Palmer House Hilton in downtown Chicago. AWO Chairman of the Board Merritt Lane and RADM Joel Whitehead will be the featured speakers. Other invited government partners include RDML Peter



Neffenger, U.S. Coast Guard, Ninth District Commander, and the incoming Commanders of the U.S. Army Corps of Engineers Mississippi Valley and Lakes and Rivers divisions. Sector, District and MSU Commanders are also scheduled to provide brief updates. National and regional priorities will be discussed. AWO members are invited to come prepared to ask

questions and provide feedback on recent association advocacy actions.

The Palmer House Hilton, located at 17 East Monroe Street, is offering a special AWO meeting rate of \$259. Make your reservation by July 11 by calling (800) 445-8667 and mentioning that you are with AWO.

For more information please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).

Southern Region

**Corps Deauthorizes MRGO**

On June 5, John Paul Woodley, Assistant Secretary of the Army for Civil Works, deauthorized the Mississippi River Gulf Outlet (MRGO), ending more than 50 years of shipping on the channel. This action, mandated by the Water Resources Development Act of 2007, was officially completed when Mr. Woodley sent the U. S. Army Corps of Engineers Chief’s Report for MRGO Deep-Draft De-Authorization Study to Congress.



MRGO will be deauthorized by blocking the channel with a permanent rock jetty, which is slated to be completed by June 2009. As MRGO is being closed, the Inner Harbor Navigation Canal (IHNC) Lock will be dewatered and repaired this August and September, which will disrupt waterways traffic. The Baptiste Collette channel is being dredged in order to accommodate shallow-draft vessels so that the navigation disruption is lessened.

Because MRGO provided an important alternate route to the 80-year-old IHNC Lock, AWO continues to work with the Corps and the IHNC Lock Closure Contingency Workgroup to ensure that another alternate route is provided in the event that the lock fails. Proposed options for consideration include reconfiguration of the jetty to allow for emergency access to MRGO, such as stop logs or a gate.

To read the Corps’s MRGO Deep-Draft De-Authorization Final Report, click [here](#). For more information, please contact Addie Wiseman or Mary McCarthy at (281) 540-5004 or (703) 841-9300, extension 254, or via email at [awiseman@vesselalliance.com](mailto:awiseman@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

**Southern Region Summer Meeting Fast Approaching**

The Southern Region Summer Meeting will be held in Point Clear, AL, on July 18 with a welcoming reception on the evening of July 17. The host hotel is the Grand Hotel Point Clear Resort & Spa. CAPT Kirk Korn, Chief of Staff, U.S. Coast Guard-Eighth District and Merritt Lane, AWO Chairman of the Board, will be the featured speakers. Other invited government partners include U. S. Army Corps of Engineers BG Michael J. Walsh, Commander, Mississippi Valley Division, as well as incoming Commanders of the Corps Mississippi Valley Division. Sector, District and MSU Commanders are also scheduled to provide brief updates. National and regional priorities will be discussed. AWO members are invited to come prepared to ask questions and provide feedback on recent association advocacy actions.

The Grand Hotel Point Clear Resort & Spa is located at 1 Grand Boulevard, Point Clear, AL. Please make your reservations as soon as possible by calling (800) 544-9933 and mentioning that you are with AWO.

For more information, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).

Pacific Region

**Grants Available for San Francisco Area Bay Harbor Craft to Reduce Emissions**

The Bay Area Goods Movement Program, a state-funded partnership between the California Air Resources Board and the Bay Area Air Quality Management District, is offering grants to assist harbor craft owners with retrofitting, repowering and replacing their diesel engines in order to improve air quality in the San Francisco Bay. For a tug or towboat to be eligible for a grant, it must be a commercial diesel harbor craft vessel moving freight with:

- Its home port located in a trade corridor;
- Two years of operation in California waters; and,
- Uncontrolled (Tier 0) diesel propulsion engine(s).

Grant applications will be accepted until August 15. To download a grant application, click [here](#). The Bay Area Air Quality Management District contact is Joseph Steinberger at (415) 749-5018, or via email at [jsteinberger@baaqmd.gov](mailto:jsteinberger@baaqmd.gov). For more information, please contact Jason Lewis at (206) 245-5758 or Mary McCarthy at (703) 841-9300, extension 254, or via email at [jlewis@vesselalliance.com](mailto:jlewis@vesselalliance.com) or [mmccarthy@jlewis@vesselalliance.com](mailto:mmccarthy@jlewis@vesselalliance.com).

## “Midwest Floods Cripple Shippers”

The following article, written by Alex Roth and Thomas Burton, was published in the *Wall Street Journal* on June 16. The article features AWO members Alter Barge Line, Inc. and Marquette Transportation Co., Inc.

Flooding in the Midwest is causing a host of problems for U.S. freight carriers, forcing railroads to divert or delay shipments and docking tugboats and barges that use the Mississippi River to transport a range of goods including grain, coal, fertilizer and scrap metal.

“We’re thinking this could easily get to be over \$1 million a day for our industry alone,” said Larry R. Daily, president of Alter Barge Line Inc. in Bettendorf, Iowa, which uses the Mississippi to ship corn, soybeans, steel, cement and other cargo. Mr. Daily said more than 100 of his company’s barges and tow boats are stuck at various points along the river, costing his company \$25,000 a day.

Railroads are encountering problems, too, with floods washing out major rail lines in Iowa, Wisconsin, Minnesota, Missouri and Illinois. Customers have been told to expect delays in their shipments ranging from a few days to indefinitely.

Diana Klemme, a vice president with Grain Service Corp. in Atlanta, a futures brokerage and agricultural consulting company, predicted “rail disruptions will be long-lasting and more severe than barge disruptions,” mainly because of damage to bridges and other infrastructure. Truck transportation could also be slowed because portions of Interstate 80, Iowa’s main east-west artery, have been shut, she said.

The disruptions are putting stress on a national shipping system already groaning under the weight of record-high gasoline prices and tight capacity. Any delays could further push up prices of consumer products ranging from food to autos.

Flood waters began to recede Sunday in hard-hit Cedar Rapids, Iowa. As the

flooding moved south, two levees broke Saturday near the Mississippi River town of Keithsburg, Ill., flooding the town of 700 residents about 30 miles downstream from Davenport, Iowa. The National Weather Service said the Mississippi would crest Tuesday morning near Keithsburg at 25.1 feet. Flood stage in the area is 14 feet.

The bloated Mississippi has the country’s biggest barge companies scrambling. Sunday, the Army Corps of Engineers listed at least 11 locks closed along the upper Mississippi River system, principally in Iowa and Missouri, which will effectively close commercial traffic between St. Louis and Minnesota for two weeks, said Ron Fournier, a corps spokesman.

Losing access to the river will be a major headache for shippers. Each 15-barge commercial “tow”—stretching over many football fields in size—carries the equivalent load of 870 trucks. Typically, as many as two dozen such massive tows flow through the locks in a day. Each tow carries 22,500 tons of cargo, which would require 200 railroad cars to replace.

Scores of barges and tugboats have been left essentially bobbing in place. Steve Crowley, executive vice president of marine operations for Marquette Transportation Cos., said the company has seven 15-barge commercial tows loaded with fertilizer, coal, steel and other products in limbo between Clarksville, Mo., and Clayton, Iowa, costing the company thousands of dollars a day. “We’ve been planning for this, and positioned our vessels so that they’re secured,” he said.

At some places, such as near Iowa City, water levels are surpassing levels from



the massively destructive 1993 flood, Mr. Fournier said. At Quincy, Ill., for instance, it appears the flood stage will beat by about four inches the 32.13-foot level achieved in 1993. This raises the possibility of more breached levees downstream toward St. Louis. So far, though, the flooding has been of shorter duration, so levees haven’t become as saturated as they were in 1993.

Union Pacific Corp., the nation’s largest freight railroad by revenue, said at least six of its lines have been out of service at some point over the past several days. Rail damage also has limited the railroad’s ability to reroute cargo. It has given priority to coal freight because of its importance to the country’s energy supply, spokeswoman Donna Kush said.

The country’s other major railroads have not been hit quite as severely. Flooding on the Crawfish River in Wisconsin forced Canadian Pacific Railway Ltd. to close its line between Chicago and Minneapolis, although the company has been able to reroute much of that freight, spokesman Jeff Johnson said.

Burlington Northern Santa Fe Corp., which closed a main line through southern Iowa, has notified some customers to expect delays of 24 to 48 hours as the railroad reroutes traffic. Flooding along lines in Hannibal, Mo., forced Norfolk Southern Corp. to close a 211-mile line between Illinois and Missouri, but the railroad was able to reroute its traffic. The railroads’ long-term prospects “will depend on how long the flooding continues,” said Patrick Hiatte, a Burlington Northern spokesman. ❀

## Interregion Safety Committee to Meet Next Month

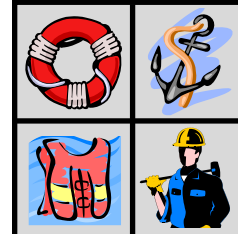
The summer meeting of the AWO Interregion Safety Committee will be held on July 23-24 at the Sheraton Westport hotel, 191 Westport Plaza, St. Louis, MO. The hotel is holding a block of rooms at \$125.00. You can make your reservations by calling (800) 822-3535 and mentioning that you are with the American Waterways Operators Interregion Safety Committee Summer Meeting. The cut off date for reservations is June 27. A meeting fee of \$50.00 will be billed to all attendees.

Subcommittee meetings on Lesson Plans, Falls Overboard, and Crew Alertness will be held at the hotel from 10:00 a.m. to 12:00 p.m. on Wednesday, July 23. The main meeting will begin at 1:00 p.m. A reception will be held at the conclusion of the afternoon session. The meeting resumes at 8:00 a.m. on Thursday, July 24 and will conclude by 12:00 p.m.

The committee is honored to welcome

Mr. Royce Wilken, President American River Transportation Company (ARTCO), Immediate Past Chairman of the AWO Board of Directors. He will speak to the committee on AWO's commitment to safety and the goal of more closely integrating the work of the Safety Committees with the overall priorities of the association. The committee will also hear a presentation by Chuck McAllister, Safety Coordinator, ARTCO, on the "Practical Concerns, Training Requirements, and Maintenance Required for the Onboard Use of Automatic Electronic Defibrillators (AEDs)." Additional presentations will address Leadership Skills, the Science of Sleep, and a Transportation Worker Identification Credential Update.

As always, all AWO member companies are invited to send a representative to the meeting, particularly company safety, operations, and security officers.



"Safety Pages"

Committee members are invited to "bring a mate (or captain or deckhand)" or anyone else who might benefit from seeing the work of a broad base of industry safety professionals and helping to learn new ways crewmembers can help in upgrading the safety culture of the inland barge and towing industry.

A registration form and a copy of the agenda are posted on the AWO Web site and can be accessed by clicking [here](#).

To RSVP for the meeting by phone or for further information, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).

## CEMS Training Opportunities

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact LCDR Vivianne Louie, U.S. Coast Guard, at (202) 372-1358.

DATE	LOCATION	CONTACT
June 30-July 1	Salyers Solutions, LLC Honolulu, HI	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
June 30-July 1	Ingram Marine Group Paducah, KY	Ron Robbins (Contact) (270) 441-1635 <a href="mailto:ron.robbins@ingrambarge.com">ron.robbins@ingrambarge.com</a>
July 15-16	Salyers Solutions, LLC Norfolk, VA	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>

### \*\*CORRECTION\*\*

In a recent newsletter item congratulating Mt. Vernon Barge Service on the completion of its RCP audit, we incorrectly identified the city in which Mt. Vernon Barge Service is located. Mt. Vernon Barge Service is located in Mt. Vernon, IN. We apologize for the error.

