Massachusetts Legislation Preempted by Federal Law, AWO Testifies

Significant portions of proposed Massachusetts state legislation are invalid incursions into areas exclusively reserved to the federal government, AWO and INTERTANKO testified at a May 25 hearing before the state Joint Committee on Natural Resources and Agriculture in Boston. The joint AWO-INTERTANKO statement was presented by Jonathan Benner, Esq., who argued the landmark INTERTANKO v. Locke case before the U.S. Supreme Court in 1999. Mr. Benner told state legislators that “relevant Supreme Court decisions make clear that substantial portions of the legislation as drafted can have no legal or practical effect and would be void upon enactment.” Mr. Benner urged legislators to amend the legislation to “remove superfluous or duplicative requirements and . . . avoid unwitting incursions into subject matters that the Supreme Court has ruled are the sole province of federal action.”

Numerous provisions of the proposed Massachusetts legislation “impermissibly invade the constitutionally preempted field of tank vessel ‘design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification and manning,’” Mr. Benner asserted. These include proposed requirements related to drug and alcohol testing

(continued on page 2)
Massachusetts Legislation Preempted by Federal Law, AWO Testifies
(continued from page 1)
of vessel crewmembers; watch practices, crew requirements, and
manning standards for tank vessels and associated towing
vessels; manning and personnel qualifications for tank barges;
navigation requirements for tank vessels operating within Coast
Guard-established vessel routes; tug escort requirements; and
double hull requirements. In addition, proposed pilotage
provisions impermissibly impose state pilotage requirements on
enrolled vessels operating in domestic commerce, which are
subject to federal pilotage requirements under existing law.
Proposed requirements for tug escorts must also be revised in
light of previous Coast Guard regulation establishing tug escort
requirements for vessels operating in the waters of the First
Coast Guard District, AWO and INTERTANKO asserted.

Instead of proceeding to enact legislation with significant
constitutional defects, AWO and INTERTANKO urged the state
to work with the Coast Guard and industry to identify any
deficiencies in existing federal requirements and seek federal
remedies in such cases. “AWO and INTERTANKO will work
closely with all interested parties to rectify any deficiencies that
place vessels, crews, cargoes, or the marine environment at
risk,” the two associations pledged.

For a copy of the AWO-INTERTANKO statement, please contact
Jennifer Carpenter at jcarpenter@vesselalliance.com.

Coast Guard Urges Federal-State Cooperation in
Lieu of Impermissible Massachusetts State Action

One week after AWO-INTERTANKO
testimony on proposed Massachusetts
legislation regarding transportation of
oil through Buzzards Bay (see story,
page 1), the U.S. Coast Guard formally
asserted jurisdiction over significant
aspects of the proposed state action.
On June 1, First District Legal Officer
Capt. Fred Kenney hand-delivered a
letter from VADM (sel) Vivien Crea,
the Commander of the First Coast
Guard District who is slated to become
Commander-Atlantic Area this summer.
The Coast Guard letter expressed
concern that provisions of the state
legislation “touch areas of regulation
reserved to the Federal Government, as
described in the U.S. Supreme Court
decisions in United States v. Locke, 529
U.S. 89 (2000), Ray v. Atlantic Richfield
Co., 435 U.S. 151 (1978) and in Federal
statutes at 46 U.S.C. 8501” and
recommended cooperative action to
implement federal solutions to the
state’s environmental concerns.

The Coast Guard letter expressed that
“[I]n areas where State action is
preempted under current law, it would
be in the best interests of the
Massachusetts marine environment to
pursue appropriate, cooperative Federal
solutions.” This approach “is the fastest
route to deliver meaningful change to
the current regulatory regime, and
avoids unnecessary expenditure of State
and Federal resources.” Specifically,
“To avoid enacting State law that
conflicts with the Locke and Ray
decisions, the legislature could direct
the Office of Environmental Affairs, or
another appropriate State agency, to
engage with the Coast Guard to initiate
Federal regulatory projects with the aim
of implementing the same protections
proposed in HR 4724. Thus, with
amendment, the goals of HR 4724 can
remain largely intact, while avoiding the
preemption issues.”

Specific provisions of the
Massachusetts legislation that raise
preemption concerns for the Coast
Guard include: design, construction,
and equipment requirements for escort
tugs; drug and alcohol testing
requirements for mariners; manning,
watchstanding, and crew list
requirements on tugs and tows carrying
oil in Buzzards Bay; state enforcement
of any eventual recommended vessel
route promulgated by the Coast Guard;
requirements for tug escorts in certain
situations; prohibitions on single hull
vessels operating in state waters after
their federally mandated phase-out
dates; and state pilotage requirements
for tankers and tank barges engaged in
the coastwise trade.

The Coast Guard also commented on a
state proposal to give Massachusetts
Environmental Police and other officers,
such as harbor masters and fish and
game wardens, the authority to board
vessels to ensure compliance with the
proposed legislation. “While the Coast
Guard has no objection to granting State
officers this authority, we believe the
provision should be amended to ensure
that State officers do not interfere with
ongoing response operations being
directed by the Federal On Scene
Coordinator,” the agency noted,
recommending that a Memorandum of
Understanding be negotiated between the
state and the Coast Guard to that end.
The Coast Guard has published significant updates to two Navigation and Vessel Inspection Circulars (NVICs) on vessel and facility security and one new NVIC on security screening. On May 27, the Coast Guard issued “Change 1” to both NVIC 03-03 (facilities) and 04-03 (vessels). The changes supplement existing guidance in the preambles to the security interim and final rules, the original NVICs published last December (see January 9 AWO Letter), and other guidance promulgated by the Coast Guard.

The additions to the vessel security NVIC, 04-03, consist of two new enclosures. The first enclosure, Enclosure 7, is the “Domestic Vessel Security Plan Verification Guide for MTSA/ISPS Code.” The guide serves as a checklist for the marine inspector during the verification of a vessel security plan or ASP. Also included is the “exam booklet” inspectors will use to verify vessel security practices and crew competencies through observation, questioning of the crew, verification of required on-board documentation, and proper operation of security equipment. The exam booklet also describes how the inspector will observe a security drill. The guide is of significant value to vessel owners and operators because it provides a list of questions that an inspector might ask the vessel security officer or other personnel on board the vessel.

The new Enclosure 8 to NVIC 04-03, “Additional Policy Guidance,” provides information on a variety of topics. Of note, the NVIC states that the Coast Guard will conduct security inspections aboard uninspected vessels at least once between July 1, 2004, and December 2006. After the initial verification inspection, uninspected vessels must undergo verification inspections at least twice every five years.

Both the vessel and facility NVIC changes include a Compliance Matrix that outlines the Coast Guard’s recommended control and penalty measures for non-compliance with the vessel and facility security requirements. Possible control actions include restricting or suspending vessel operations. The Matrix can be found in Figure 8-1 of Enclosure 8 of NVIC 04-03, CH-1. Also found in both NVICs is a new “Declaration of Security (DoS) Applicability Decision Tool,” which provides graphic representation of the proper use of DoS. AWO will be reviewing the new guidance on DoS applicability to assess any possible implications for the DoS procedures contained in the AWO Alternative Security Program (ASP). Any necessary changes to the AWO ASP will be distributed to AWO members as soon as possible.

The Coast Guard has also published NVIC 06-04, which provides voluntary guidance for vessel and facility operators when establishing a screening program for persons, cargo, vehicles or baggage. The enclosure to NVIC 06-04 is classified as sensitive security information (SSI) and must be obtained from a Captain of the Port (COTP) or the Commandant (G-MPS).

The NVICs and changes are available on the Internet at www.uscg.mil/hq/g-m/nvic/index00.htm. As the Coast Guard publishes additional guidance, the MTSA-ISPS Helpdesk website, www.uscg.mil/hq/g-m/mp/mtsa.shtml, will be updated with new information. AWO members with questions about security should contact Amy Brandt at (703) 841-9300. Ø

AWO Seeks FCC Assistance on AIS Issue

In a recent letter to Federal Communications Commission (FCC) Chairman Michael Powell, AWO urged the FCC to develop an administratively simple, cost-effective way for vessels to receive the identifier numbers they will need to use required automatic identification system (AIS) equipment.

Although Coast Guard regulations on AIS require that each vessel possess its own unique FCC-issued MMSI (Maritime Mobile Service Identity) number, at present, most domestic vessel operators do not have MMSI numbers for each vessel. AWO enlisted the FCC’s assistance in resolving this issue because the FCC, not the Coast Guard, has the final authority to determine how MMSI numbers will be issued.

AWO noted that most towing vessels lack individual MMSI numbers because most towing companies have FCC-issued (continued on page 4)
4.3-Cent Fuel Tax Repeal Update: 
Legislative Vehicles in Motion

Ways and Means Committee Chairman Bill Thomas (R-CA) introduced a revised corporate tax bill (H.R. 4520) in the House of Representatives on June 4. The original House bill had been stalled for some time. The rewrite of the corporate tax measure was prompted by Senate passage of its version of the legislation in early May. The newly introduced House bill does not contain language to repeal the 4.3-cent fuel tax that is currently paid by inland barge operators. However, if the corporate tax measure proceeds to conference, 4.3-cent repeal will be considered due to its inclusion in the Senate version of the legislation. At press time, the Ways and Means Committee was expected to mark up and approve the revised corporate tax bill on June 14. House floor consideration of the measure could be scheduled shortly thereafter.

Language to repeal the 4.3-cent fuel tax also remains in the Senate version of the highway reauthorization bill. Conference action on the highway measure commenced on June 9. Negotiators will face many challenges as they work through differences in the House and Senate versions of the highway bill, the most difficult of which is a multi-billion dollar gap in funding. In addition, both the House and Senate measures exceed the spending cap suggested by the Administration and President Bush has threatened to veto any bill that does not conform to the recommended limit. In a recent letter to President Bush, the heads of 211 companies urged support for the spending level in the Senate’s version of the highway bill, estimated at $319 billion, rather than the House-passed $284 billion or the $256 billion suggested by the Administration. The letter was copied to all highway bill conferees.

AWO Seeks FCC Assistance on AIS Issue

(continued from page 3)

fleet radio station licenses (rather than individual vessel licenses). AWO has learned that the FCC will allow future applicants for fleet licenses to receive MMSI numbers simply by checking a box on the application form. Existing fleet license holders, however, will need MMSI numbers before their current MMSI licenses expire. AWO suggested to Chairman Powell that one possible solution would be to allow companies to renew their existing fleet licenses early, receive individual MMSI numbers for their vessels, and receive credit for the time remaining on the original license.

For more information on AIS, MMSI numbers, or AWO’s outreach to the FCC and the Coast Guard on this issue, please contact Jennifer Carpenter or Amy Brandt at (703) 841-9300.
Annual Appropriations Process Underway

The Fiscal Year (FY) 2005 appropriations process is now actively underway on Capitol Hill. On June 9, the House Appropriations Committee approved a $32 billion FY 2005 Homeland Security Appropriations bill. The measure allocates funding for the Department of Homeland Security, including the U.S. Coast Guard. Overall, the appropriations bill provides $7.3 billion for the Coast Guard in FY 2005. This amount represents a significant increase over the FY 2004 enacted spending level for the agency, but falls roughly $28 million short of the Administration’s FY 2005 budget request.

Also on June 9, the House Energy and Water Development Appropriations Subcommittee approved the FY 2005 Energy and Water Development Appropriations bill, which includes funding for the U.S. Army Corps of Engineers. In his opening remarks, Subcommittee Chairman David Hobson (R-OH) addressed the issue of adequate funding for the Corps. “We did the right thing for the Army Corps of Engineers in this bill: We provide a total of $4.82 billion for the Civil Works programs of the Army Corps of Engineers, an increase of $243 million over Fiscal Year 2004 and $703 million over the budget request. The Corps has been in an unhealthy situation the past couple of years. We have given them more work to do but not enough money to do it. This year, we were determined to correct that situation and put the Corps on the road to fiscal recovery. For a change, we have not over-subscribed the Civil Works budget. We provide a reasonable increase over the current year but exercise restraint on the number of projects we put on the Corps’ plate.”

The Chairman continued, “My Ranking Member and I decided to concentrate on protecting existing infrastructure and completing ongoing projects. This

(continued on page 6)

INTERREGION SAFETY COMMITTEE

Interregion Safety Committee to Meet, Continue Work on 2004 Safety Priorities

The Summer meeting of the AWO Interregion Safety Committee will be held on July 14-15 at the Holiday Inn Charleston House, 600 Kanawha Boulevard East, Charleston, WV. The meeting will begin at 1:00 p.m. on Wednesday, July 14. A trip on the Kanawha River is being planned to immediately follow the afternoon session. The meeting resumes at 8:00 a.m. on Thursday, July 15 and will conclude by 12:00 noon. A tour of the Marmet Lock is tentatively scheduled for Thursday afternoon.

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 towing and barge industry.

The Committee’s subcommittees will meet to work on 2004 safety priorities on the morning of Wednesday, July 14 on the following schedule:

- Lesson Plan Subcommittee: 9:30 a.m.
- Fall Overboard Prevention Subcommittee: 10:00 a.m.
- Crew Alertness Subcommittee: 11:00 a.m.

All are invited to attend and participate in the work of any or all of the subcommittees.
“Tragedy Continues to Haunt Town”

This story from the May 31 Daily Oklahoman provides an updated picture of the aftermath of the I-40 accident. It mentions that two investigative reports -- one from the Oklahoma State Department of Transportation and the other from the National Transportation Safety Board -- will be released this summer. AWO will be prepared at that time to present an accounting of the numerous actions that the association has taken since the accident to improve industry safety with regard to bridge transits.

By Matthew Brady

WEBBERS FALLS -- Two years after the collapse of the Interstate 40 bridge, the physical wounds have healed. The bridge has been repaired, the lawsuits have been settled. Still lingering, though, is the horror of those few minutes on May 26, 2002, when a barge collided with the bridge and 14 unsuspecting highway travelers plunged to their deaths.

Staying in touch

A brief ceremony at 1:30 p.m. today will commemorate the victims.

“We are surviving,” Webbers Falls Mayor Jewell Horne said. “Of course, it’s still with all of us. We’ll never forget this tragedy and the lives that were lost.”

She said she continues to stay in touch with survivors and families of victims.

“I call them some and they call me,” she said. “It’s a role that I wished I had never been put in, but since I’m in it, I’m there for them any time they need me.”

State lawsuit settled

The state settled out of court two weeks ago its lawsuit against three parties involved in the bridge collapse. The $4.5 million settlement fell far short of the state’s earlier estimates of $58 million.

But Charlie Price, spokesman for the state attorney general’s office, said $58 million was a “pie in the sky” number.

“If you throw a number out there to the press, you throw out a big number,” he said. “You can always come down, but you can’t go up.”

Case hurt by maritime law

An antiquated maritime law -- upheld by a 10th U.S. Circuit Court of Appeals decision -- undermined the state’s case, Price said.

The 1851 law said the barge company could be held liable for no more than the value of its boat and contents.

“That was about $1.2 million,” he said. “Had we gone to court, we could very easily have walked out of there with $1.2 million.”

The state hired experienced maritime attorneys out of New Orleans. They advised the state to settle for $2.5 million.

“We held out and actually got a little bit more,” Price said.

After legal expenses, the state Transportation Department will receive at least $1.5 million and probably more, Price said.

With $28 million already promised from the federal government, the state will “more or less” break even on the $30 million cost of the bridge collapse, he said.

State Transportation Department spokesman Terri Angier agreed, but said she is still disappointed tax dollars paid for most of the cost.

“The fact is, the maritime laws are very antiquated and do need to be updated,” she said.

Two key reports remain unfinished two years after the tragedy. The state Transportation Department’s report will be released this summer, as will the National Transportation Safety Board report. Both will include recommendations.

Annual Appropriations Process Underway

(continued from page 5)

country has invested over $300 billion in current dollars in our existing water infrastructure, and this system of ports, waterways, locks and dams already provides over $38 billion in annual benefits to the economy. But if we don’t take care of our infrastructure, the added costs to our economy will be enormous. Imagine the impact if we have to close down part of our inland navigation system for several months because one of the lock structures fails. We can’t afford to ignore the maintenance and rehab of this critical infrastructure.”
The jobs of hundreds of workers who oversee operation of the region’s river system for the U.S. Army Corps of Engineers could be in jeopardy if a shortfall in federal funds to upgrade the rivers’ aging lock-and-dam system continues, officials warned Thursday.

Operation of the river system itself could also be in peril, along with the millions of dollars worth of commerce that are shipped annually.

“While we are here to celebrate a really striking development in the dedication of the Braddock dam ... we have some problems because of the perilous condition of our locks and dams,” said James McCarville, executive director of the Port of Pittsburgh Commission, at a news conference.

Ceremonies yesterday marked the official dedication of a new $107 million dam at Lock 2 on the Monongahela River at Braddock.

The Corps of Engineers already is in the process of reducing its civilian staff because of the funding shortage -- about 65 workers have taken early retirement, with more voluntary cutbacks definite and layoffs a possibility, said Karen L. Auer, public affairs officer for the Pittsburgh District Office of the Corps.

The local district, whose budget is dependent on funding for specific projects, recently reduced its 790-person staff to about 725 when about 65 employees took advantage of an early-retirement buyout package.

Auer said a “worst case scenario” could see an overall reduction to 520 workers (270 less than the originally 790) in the absence of additional funding.

Another round of early retirement incentives will be offered soon, she said. But if not enough workers take advantage of the offers, employee layoffs could be ordered to meet the job reduction targeted.

McCarville and other officials warned, as they have repeatedly in recent years, of damage to the river system that handled about 52 million tons of cargo in 2002, according to the study by Martin & Associates, Lancaster.

The region is coming up short in annual federal allocations for a $750 million project to refurbish three lock-and-dam sites on the Lower Monongahela River. The project originally was targeted for completion in 2004, but now is not expected to be complete until 2010 or later.

In addition to a new dam and gates at Lock 2 in Braddock, the project includes elimination of Lock 3 at Elizabeth and construction of new locks to replace the existing Lock 4 at Charleroi.

The problem is illustrated by the 72-year-old Lock 4, which may have to operate as a single chamber for the next 15 years, said McCarville, whose Port of Pittsburgh Commission promotes business and economic interests on the rivers.

“If anything happens to that single chamber, it will cut down navigation into one of the most critical pools in the Pittsburgh Port District.”

About 12.5 million tons of cargo are shipped on the rivers each year, including coal, petroleum and petroleum products, agricultural products, chemicals, sand, gravel, gypsum and steel. McCarville said if that tonnage had to be transported by truck, it would take 50,000 vehicles to move the same tonnage as is moved by about 8,300 barges on the river.

Officials believe a “reasonable” schedule of funding would be about $63 million a year for the next five or six years to complete the Lower Mon project. But funding levels averaged only about $35 million annually in the 2000 to 2003 fiscal years, and a majority of the $37.5 million appropriated for 2004 went to the Braddock dam project.

Now, only about $20 million may be available in the next fiscal year, said Barry Palmer, president of the Waterways Council Inc., a national association comprised of waterways users.

“This is a difficult problem for everybody, and this project is one of the top priority projects in the nation,” Palmer said.

Palmer said the organization is pushing for release of additional funds from the Waterways Trust Fund, which receives half of its annual revenues from a 20-cent-per-gallon diesel fuel tax paid by commercial users to maintain the waterways.

The fund has a $400 million surplus, he said.

Welcome, New Member!

Stepper Towing, Inc.
634 Peters Road
Harvey, LA 70058
Rep: Mr. Charles L. Arnold
President
AWO Seeking Photos for 2005 Safety Calendar

AWO is now accepting photos for its fourth annual “Safety Calendar Photo Contest.” The 2005 calendar’s theme will focus on Safety and Security, with the goal of promoting safety and security aboard towing vessels. We are looking for both “vessel” and “people” photos to feature in next year’s calendar.

All prints must be in color, at least 5 x 7 inches in size, and have the company’s name, the name of the person submitting the photo, and a contact phone number on the back of the photo.

Electronic photos may be entered, but must be in a “TIFF” or “JPG” format, at least 300 dpi, and emailed to Traci Fischer or Kathy Rehak at tfischer@vesselalliance.com or krehak@vesselalliance.com, respectively.

Photos must be received by August 15 for consideration. All photos received become the property of AWO, and AWO reserves the right to use them in other association materials to promote the industry. If you have any questions about the contest, please contact Traci or Kathy at (703) 841-9300.

Atlantic Region

Atlantic Coast Ports Prepare for Hurricane Season 2004

On June 1, 2004, the U.S. Coast Guard notified the maritime community that Hurricane Season Alert Conditions are in effect from June 1 through November 30, 2004. All vessels, facilities and marinas are asked to review the hurricane preparedness plans for all ports in which they operate and plan accordingly.

Overall, the template for the Coast Guard is found in the Atlantic Area Command’s Port Operations Severe Weather Policy, finalized in September 2000. Coast Guard COTPs and MSOs may modify the specific port requirements for notification and the pre-planning safety measures from one season to the next. Mooring and anchorage restrictions may also be imposed on vessel operations in severe weather conditions. Therefore, it is imperative that vessel owners verify the requirements of individual ports by reviewing the port’s checklist, notification procedures and mooring/anchorage requirements prior to arrival in or departure from Atlantic ports during the hurricane season and/or severe weather conditions.

The Marine Safety Information Bulletins and a copy of the Severe Weather Preparedness Plan can be secured directly from the Coast Guard’s Web site. For example, at www.uscg.mil/d5/mso/philadelphia, mariners may access the plans for the ports in Philadelphia, PA. North Atlantic ports (District 1) and South Atlantic ports (District 7) may be accessed in the same manner.

The Atlantic Area Command’s policy for all ports east of the Mississippi is available by calling Linda O’Leary at (212) 406-1884. If any discrepancies occur during the hurricane season in specific port requirements, kindly contact AWO’s Atlantic Region office.

2005 AWO Safety Calendar Sponsorships Available!

Last year, AWO sold its entire stock of 2004 Safety Calendars in a matter of months. Who purchased these calendars? Hundreds of people who have an interest in safety and a stake in the tugboat, towboat and barge industry, that’s who! If our industry is your target market or if you would like to help AWO promote safety, then we have a great opportunity for you!

AWO is now accepting sponsors for its 2005 Safety Calendar. The calendar is printed in full color and features safety tips and photos of member company vessels -- all winners of AWO’s Annual Photo contest. There are twelve high-profile sponsorship blocks available, one featured each month, allowing sponsoring companies to spread the word about their products and services. To secure a sponsorship, please complete the attached form and fax to “AWO Safety Calendar Sponsorship” at (703) 841-0389. For additional information, please call Traci Fischer or Kathy Rehak at (703) 841-9300.
Midcontinent Office

Legislative Update: ILLINOIS MOTOR FUEL TAX

On May 31, the Illinois regular legislative session ended without a vote on the repeal of the motor fuel tax exemption. The state House and Senate will now be in Special Session until a budget is passed. The session began on June 9. For repeal of the exemption to pass during the Special Session, the bill would need the support of 3/5 of each house. Given the strong support the industry received from the entire Republican delegation and key members of the Democratic delegation in the Senate (see May 28 AWO Letter), the outlook for passage of this repeal appears dim.

A Springfield-based lobbyist continues to closely monitor this legislation on behalf of the barge and towboat industry. An amendment is available to exempt commercial navigation from this legislation if it moves forward.

For more information, contact Lynn Muench at (314) 621-2929.

Missouri River Update

On Monday, June 7, 2004, the U.S. Army Corps of Engineers - Northwest Division transmitted biological documentation to the U.S. Fish and Wildlife Service (USFWS) on 1,420 acres of created shallow-water habitat (SWH). The SWH is mandated by the Biological Amendment (BiAd) for the pallid sturgeon. The BiAd required 1,200 SWH acres to be certified by July 1, 2004 to avoid low summer flows (i.e. a split-navigation session).

The USFWS will review the documentation and respond to the Corps with approval or concerns by June 17, 2004. If the acres are approved by the USFWS, the Corps will not be under any BiAd obligation to lower flows. If the acres are not approved, the Corps has five days to address the concerns or construct acreage or the flows will begin to decline on June 22 to hit the July 1 flow target of 25,000 cfs.

For more information, contact Lynn Muench at (314) 621-2929.

Corps Delays Construction of Fish Barrier

On June 6, AWO staff and the Illinois River Carriers Association (IRCA) members met with the U.S. Coast Guard - Marine Safety Office Chicago, the U.S. Army Corps of Engineers - Chicago and Rock Island districts, and the Illinois Department of Natural Resources to discuss the safety issues that came to light after an AWO member experienced a 12-inch arc between a towboat and barge in the vicinity of the electronic fish barrier. The Corps announced that construction would not begin until the safety concerns were addressed. The Corps’ contractor will conduct tests to address industry concerns before proceeding. The Corps is unwilling at this point to consider other types of fish barriers such as acoustic barriers. The Corps has asked for input from industry on the trial parameters.

For more information, contact Lynn Muench at (314) 621-2929.
AWO Safety Calendar Sponsorship Form

Your company’s sponsorship of the AWO Safety Calendar demonstrates your leadership in supporting the public affairs work of AWO as well as your commitment to safety. The cost of sponsorship is $500, which provides your company with a prominent monthly promotional space to be placed on the 2005 Safety Calendar.

If you would like to secure sponsorship placement in the 2005 AWO Safety Calendar, please check the box below, fill in your company information, and fax the form to (703) 841-0389 by Friday, July 30. For more information on calendar sponsorship opportunities, please call Traci Fischer or Kathy Rehak at (703) 841-9300.

<table>
<thead>
<tr>
<th>Company Contact Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: ______________________</td>
</tr>
<tr>
<td>Title: _____________________</td>
</tr>
<tr>
<td>Company Name: _______________</td>
</tr>
<tr>
<td>Address: ___________________</td>
</tr>
<tr>
<td>___________________________</td>
</tr>
<tr>
<td>Phone: _____________________</td>
</tr>
<tr>
<td>__________________________</td>
</tr>
<tr>
<td>Email address: ______________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sponsorship Information (to be printed on calendar):</th>
</tr>
</thead>
<tbody>
<tr>
<td>❑ Yes, I would like to be an AWO Safety Calendar sponsor. Please format my ad using the following information, and I will arrange to send you my company’s logo.</td>
</tr>
<tr>
<td>Web site address: _________________________________</td>
</tr>
<tr>
<td>General Contact phone #: __________________________</td>
</tr>
<tr>
<td>One sentence describing your company’s products and/or services: ____________________</td>
</tr>
<tr>
<td>________________________________</td>
</tr>
<tr>
<td>______________________________</td>
</tr>
<tr>
<td>______________________________</td>
</tr>
<tr>
<td>______________________________</td>
</tr>
</tbody>
</table>

| ❑ Yes, I would like to be an AWO Safety Calendar sponsor. I will send AWO camera-ready or electronic art for use in my sponsorship block. [Please contact Traci at (703) 841-9300 to arrange this.] |

Sponsorships are assigned on a first-come, first served basis. Be sure to fax back this registration form to (703) 841-0389 as soon as possible!