

STATE OF MINNESOTA

FILED
Court Administrator

DISTRICT COURT

COUNTY OF RAMSEY

JUL 7 2011

SECOND JUDICIAL DISTRICT

By BJH Deputy

Case Type: Civil

In re-Government Shutdown Litigation,

Court File No. ~~62-CV-11-5205~~

62-CV-11-5203

In Re Temporary Funding Core Functions
Of the Executive Branch of the State of
Minnesota

STATE OF MINNESOTA)

)ss.

COUNTY OF RAMSEY)

AFFIDAVIT OF CHARLES F. DERSCHEID

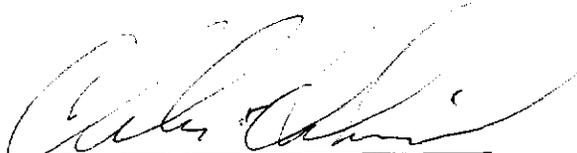
Charles F. Derscheid, being first duly sworn, deposes and states:

1. I am Charles F. Derscheid, the Saint Paul Port Authority's Development Services Manager.
2. Attached hereto as Exhibit A is a Permit for Maintenance Dredging at the Southport Facility, City of Saint Paul, Ramsey County, issued by Molly Shodeen, Area Hydrologist of the DNR on June 27, 2011.
3. Attached hereto as Exhibit B is our request to perform Maintenance Dredging at the Southport Facility on June 17, 2011. The request includes a marine survey that we took of the Southport slip on May 20, 2011 that shows silting at the mouth.

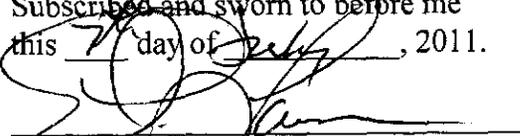
4. Attached hereto as Exhibit C is a map of the Saint Paul Harbor depicting the location of the Southport Terminal and the other public terminals in the Saint Paul. The Southport Terminal serves three river shipping customers.
5. The reason we completed a marine survey and requested the dredging permit is because tenants at the Southport Terminal called to let us know that barges were bottoming out because of the shallow water. The survey was used to solicit proposals to complete the work. Proposals were received June 16, 2011 and June 23, 2011.
6. Heavy rains in June allowed Mississippi River levels to rise so barges were able to access the terminal while we completed procurement and permitting necessary for the dredge work.
7. Attached hereto as Exhibit D is a letter issued by Regional Manager of DNR on June 30, 2011, that temporarily terminates our permit for maintenance dredging in event of a state government shutdown, pending any other direction from the courts.
8. The Port Authority also has a contract with the U.S. Army Corp of Engineers for the Army Corp to deposit its dredge materials at Southport. The Port Authority needs to dredge to provide the Army Corp access to the Southport Terminal. The Army Corp dredges the main channel of the Mississippi River so that the barges may use the River. The Army Corp has a contract with the Port Authority to use the Southport Terminal to deposit its dredge material. The Army Corp may not need access and use of Southport until sometime this fall, but per the Port Authority's contract with the Army Corp, the Southport Terminal must be accessible for the Army Corp to fulfill its main channel

dredging when needed by the Army Corp. If the Army Corp requires access to the Southport Terminal this summer the Port Authority must dredge soon.

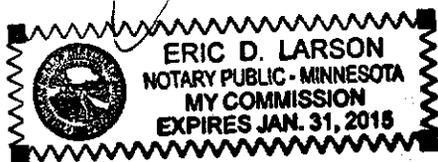
Dated: July 7, 2011.


Charles F. Derscheid

Subscribed and sworn to before me
this 7th day of July, 2011.



Notary Public



Minnesota Department of Natural Resources

DNR Ecological and Water Resources
 Region 3- 1200 Warner Road, St. Paul, MN 55106-6793
 Telephone: (651) 259-5845 Fax: (651) 772-7977



June 27, 2011

St. Paul Port Authority

JUN 28 2011

Mr. Charles Derscheid
 St. Paul Port Authority
 345 St. Peter Street
 St. Paul, MN 55102

Re: Permit #2004-3210, Maintenance Dredging, Southport Facility, City of St. Paul, Ramsey County

Dear Mr. Derscheid:

As you requested in your correspondence, received via e-mail June 17, 2011, approval is hereby granted to perform maintenance excavation as specified under Condition #13 of Permit #2004-3210. The maintenance excavation will include removal of approximately 10,000 cubic yards of material. The spoil material will be placed in the Southport disposal site.

The project site is located in the SW¼ of Section 9, T28N-R22W. This authorization for maintenance excavation shall expire November 30, 2011.

If you have any question, please me at 651-259-5802.

Sincerely,

Molly Shodeen

Molly Shodeen
 Area Hydrologist

c: City of St. Paul, Tom Beach and Wesley Saunders-Pearce
 Ramsey-Washington Metro Watershed District, Tina Carstens
 DNR Fisheries, Jerry Johnson
 DNR EWR, Melissa Doperalski
 Mississippi River File (Mile 836)

Ramsey SWCD, Ryan Johnson
 U.S. COE, Marie Kopka
 DNR Wildlife, Bryan Lueth
 DNR Conservation Officer, Brad Johnson
 EWR Permits, Sean Hunt



Charles F. Derscheid

From: Charles F. Derscheid
Sent: Friday, June 17, 2011 3:19 PM
To: Shodeen, Molly (DNR) (Molly.Shodeen@state.mn.us)
Cc: Kelly Jameson; William M. Morin
Subject: Dredging Request- Southport Barge Slip
Attachments: 2011 Southport Slip.pdf; South Port Proposal.pdf

Molly,

Due to the on-going high water event along the Mississippi River, The Saint Paul Port Authority requests authorization to conduct maintenance dredging at the mouth of Southport Slip located in the SW1/4 of Section 9, Township 28 North, Range 22 West, Ramsey County, MN.

The River is beginning to lower its elevation and, as it does so, the sediment deposits at the mouth of the slip are becoming problematic regarding ingress & egress for commercial navigation. I believe this dredging activity is covered under Condition No. 13 of Permit #2004-3210.

For your convenience, I've attached the following:

- A marine survey dated May 20th, 2011;
- An estimate by Portable Barge Service, Inc. June 8th, 2011;
- The above proposal anticipates a cut of about 9,840 cubic yards; and,
- All material will be deposited at our Official USCOE dredge disposal site at Southport.

Please let me know if there is any additional information needed for reauthorization of maintenance dredging activity under the above permit.

Thank you,

Chuck

Charles F. Derscheid
Saint Paul Port Authority
Manager of Development Services
651.204.6243 - Direct
651.223.5198 - Fax
612.708.2943 - Mobile
345 St. Peter Street #1900
St. Paul MN 5512
cf@spga.com
www.spga.com

SOUTHPORT SLIP 2011

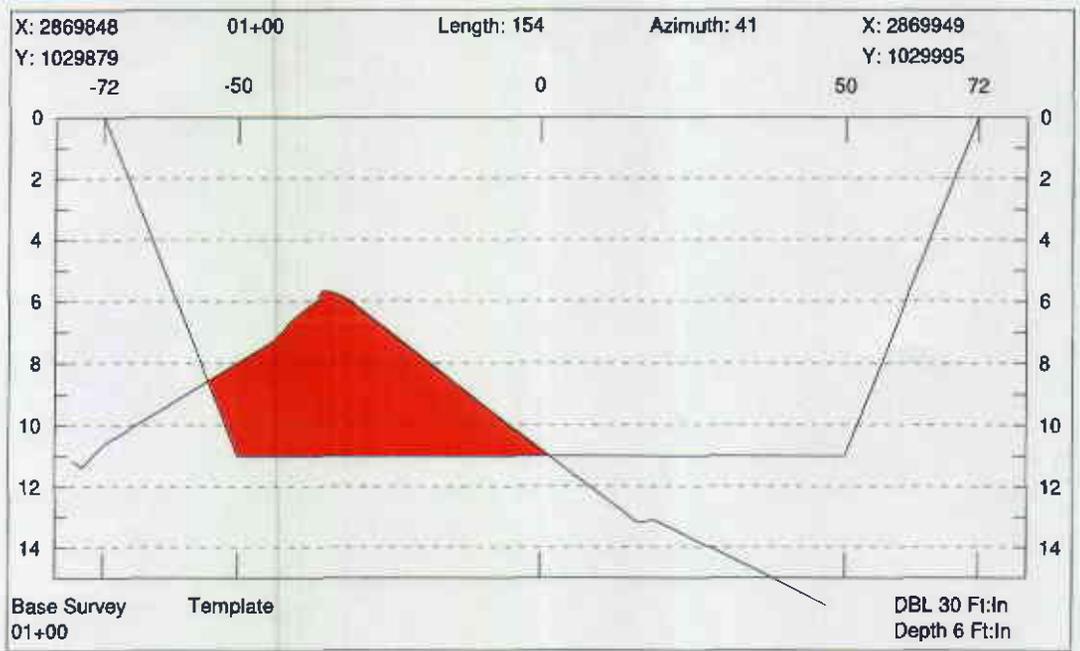
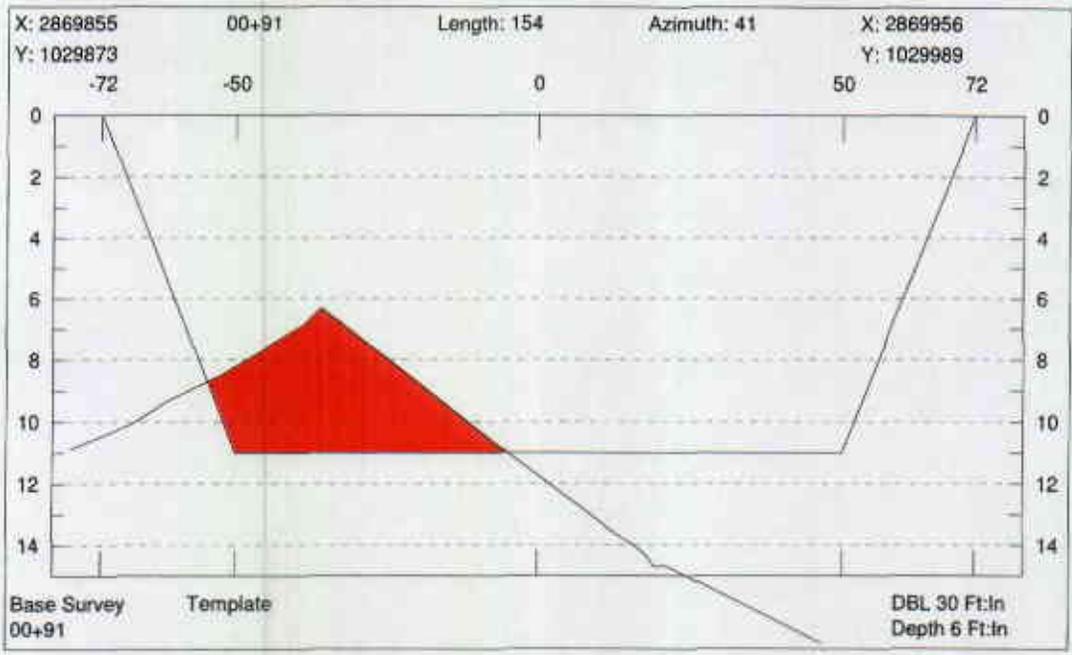


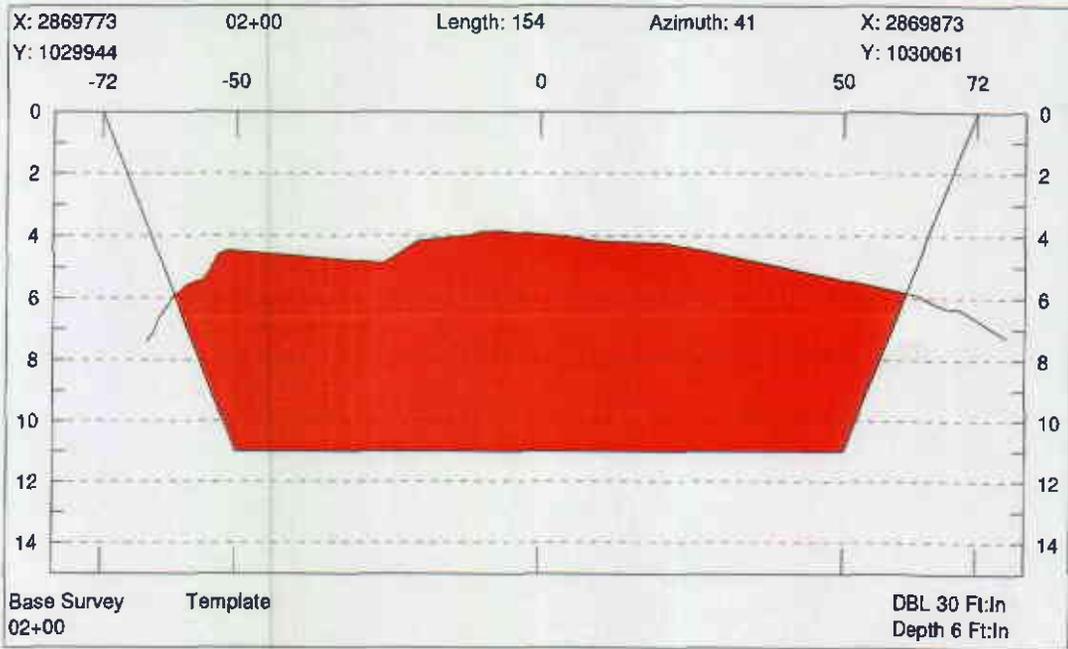
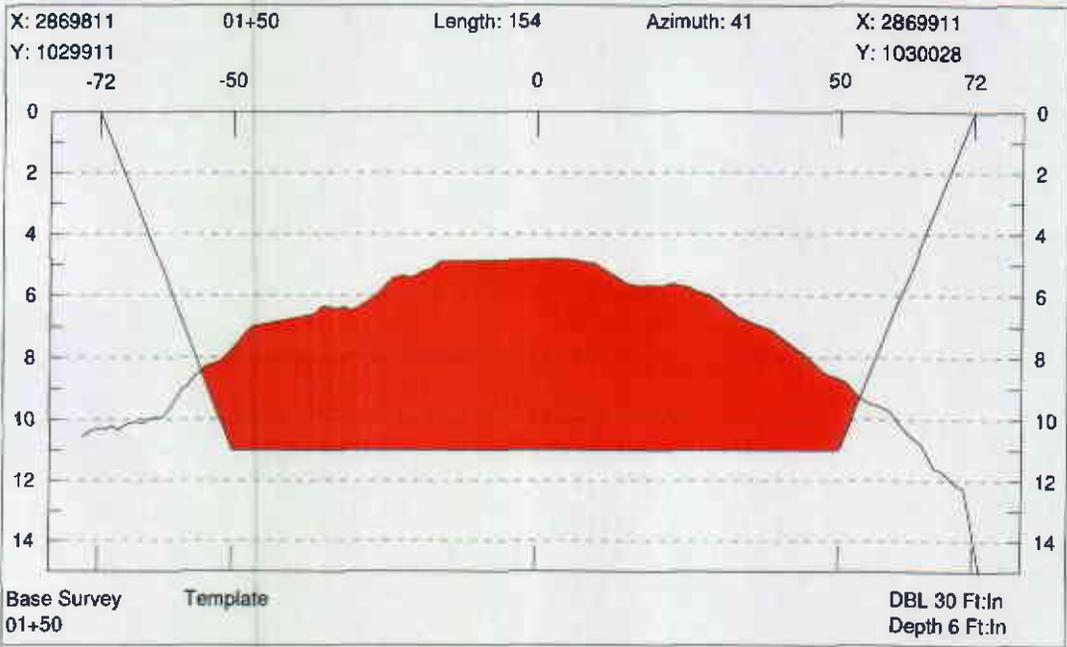
Volumes: Average End Area 1

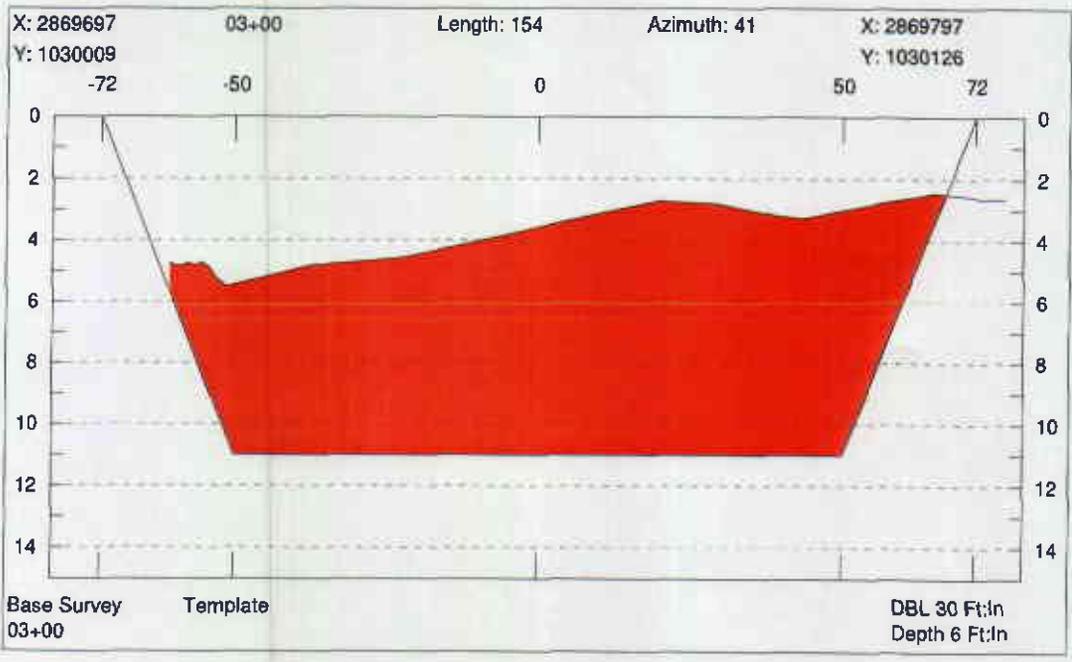
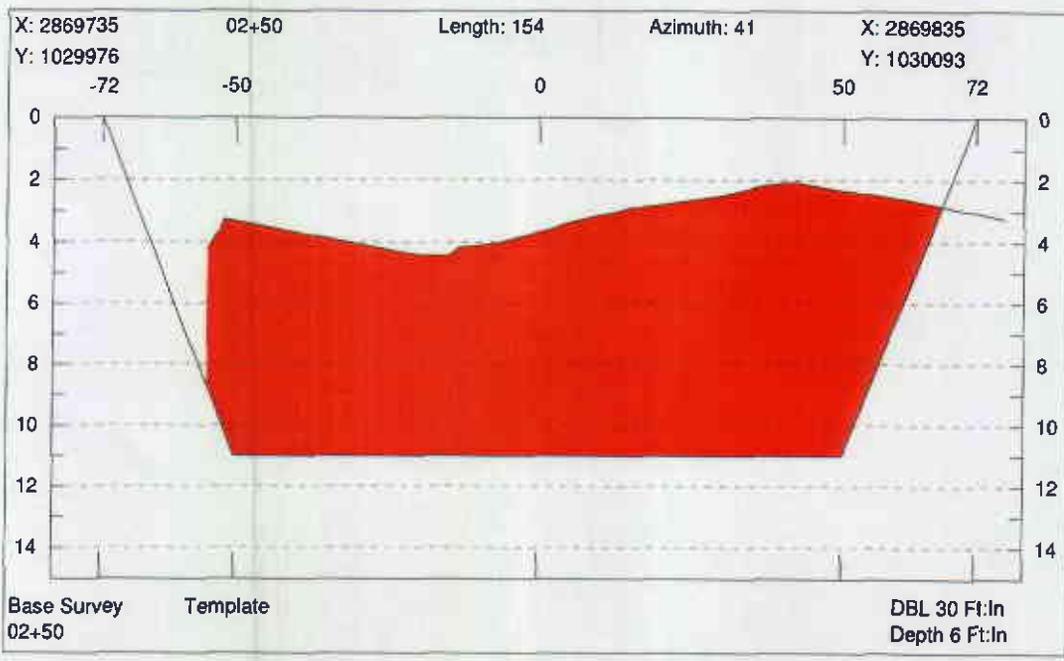
Volume Summary:

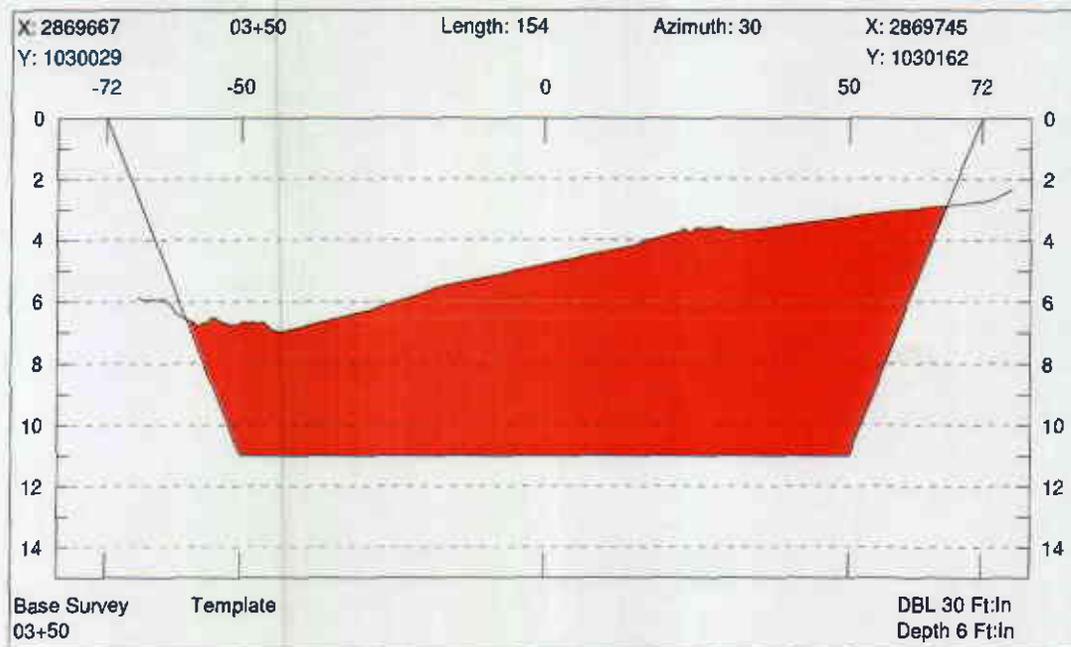
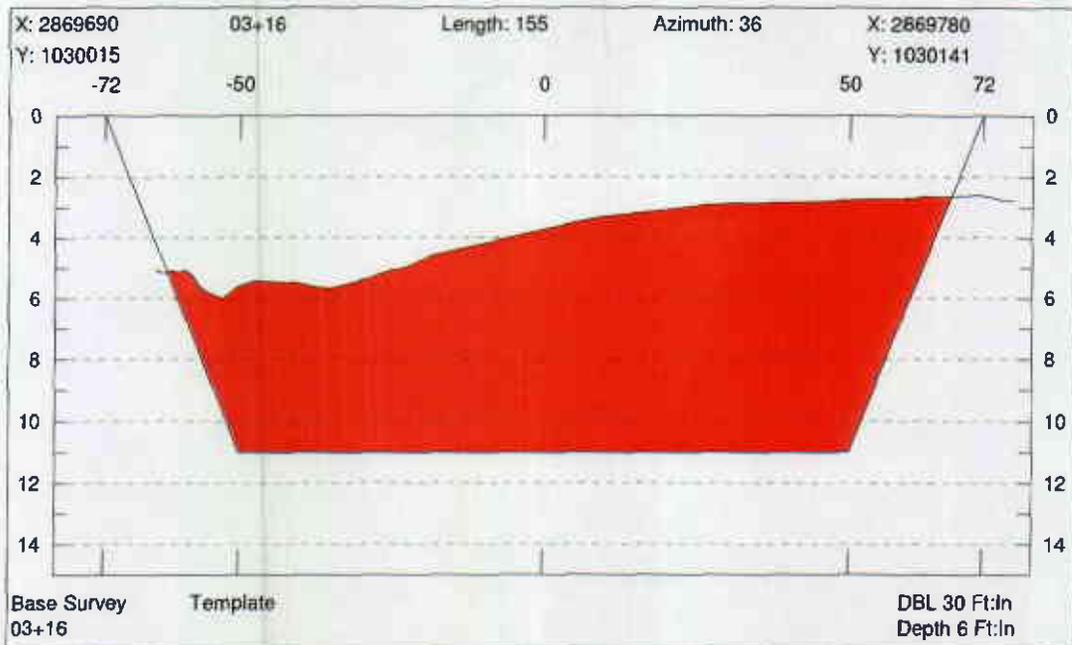
Design	Date:	6/3/2011 1:15:53 PM
Left: 260	Areas:	Sq. Feet
Center: 8,854	Volumes:	Cubic Yards
Right: 721		
Total: 9,836		

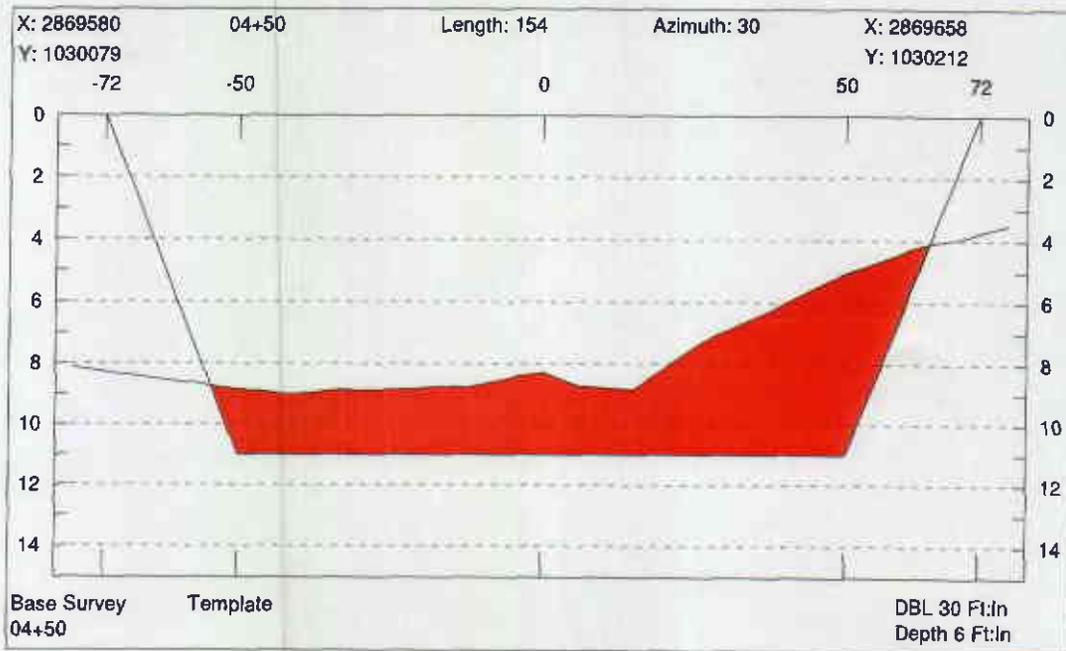
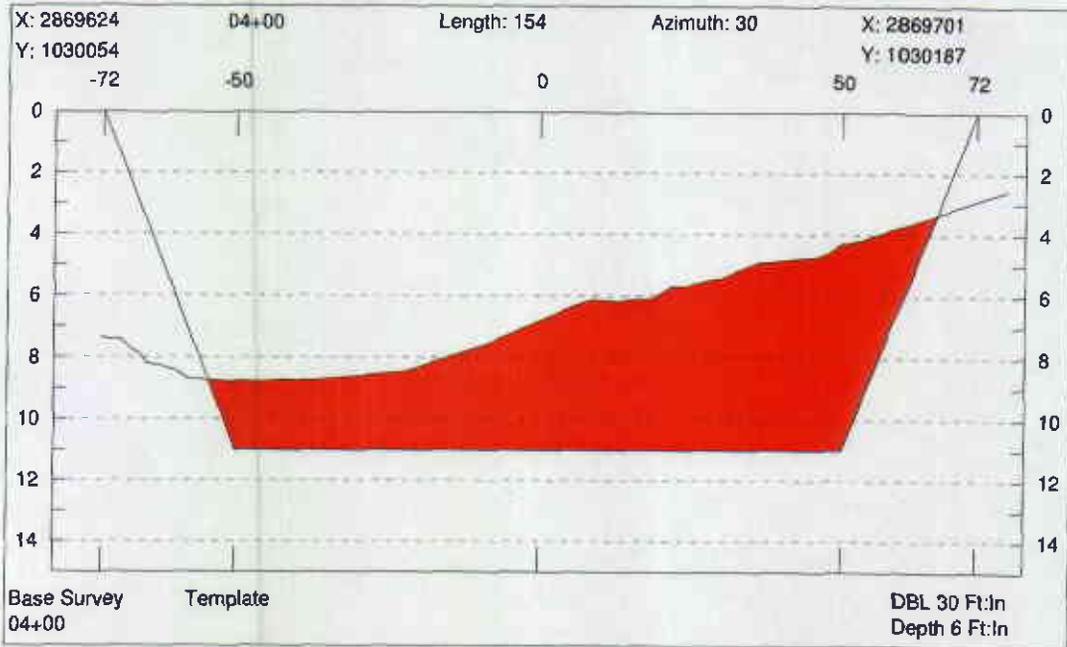
Area					Volume				
Line:	File:	V1L	V1	V1R	Line:	File:	V1L	V1	V1R
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2	00+50.750	0	0	0	2	00+50.750	0	0	0
3	00+91.750	6	124	0	3	00+91.750	5	94	0
4	01+00.750	7	162	0	4	01+00.750	2	49	0
5	01+50.750	8	499	4	5	01+50.750	14	612	4
6	02+00.750	34	654	29	6	02+00.750	39	1,067	31
7	02+50.750	29	767	71	7	02+50.750	58	1,316	93
8	03+00.750	36	721	69	8	03+00.750	60	1,378	130
9	03+16.750	30	704	69	9	03+16.750	13	431	56
10	03+50.750	19	607	63	10	03+50.750	25	815	96
11	04+00.750	5	409	51	11	04+00.750	22	941	105
12	04+50.750	5	293	41	12	04+50.750	9	650	85
13	05+00.750	4	249	21	13	05+00.750	8	502	57
14	05+50.750	0	152	9	14	05+50.750	4	372	27
15	06+00.750	0	71	7	15	06+00.750	0	207	14
16	06+50.750	0	86	5	16	06+50.750	0	145	11
17	07+00.750	0	77	4	17	07+00.750	0	151	8
18	07+50.750	0	57	2	18	07+50.750	0	124	5
							260	8,854	721
TOTAL							9,836		

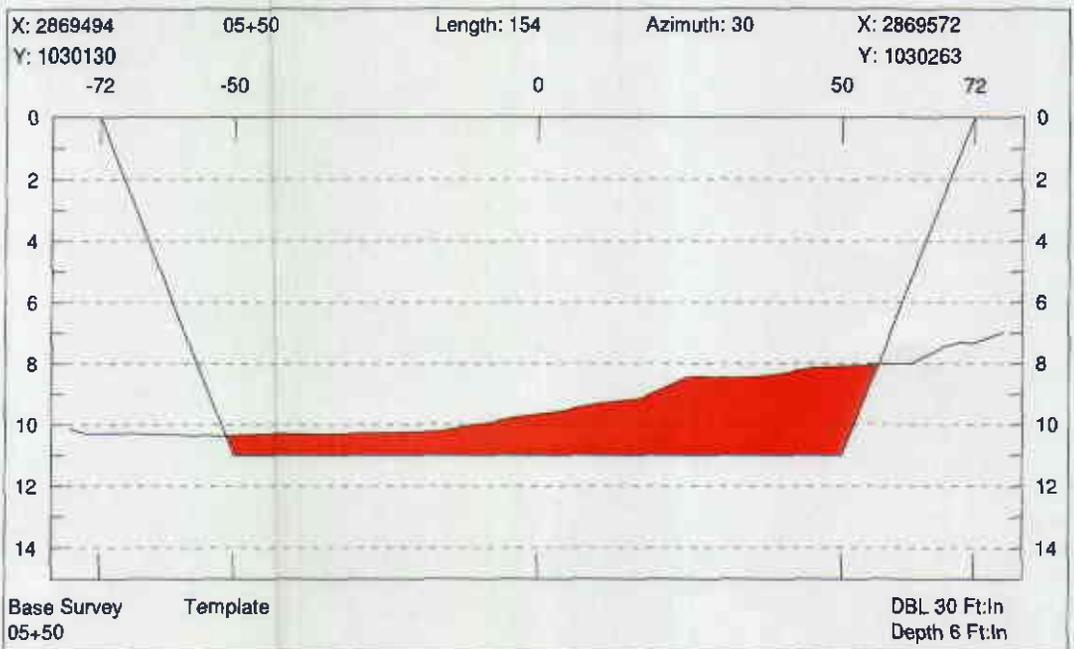
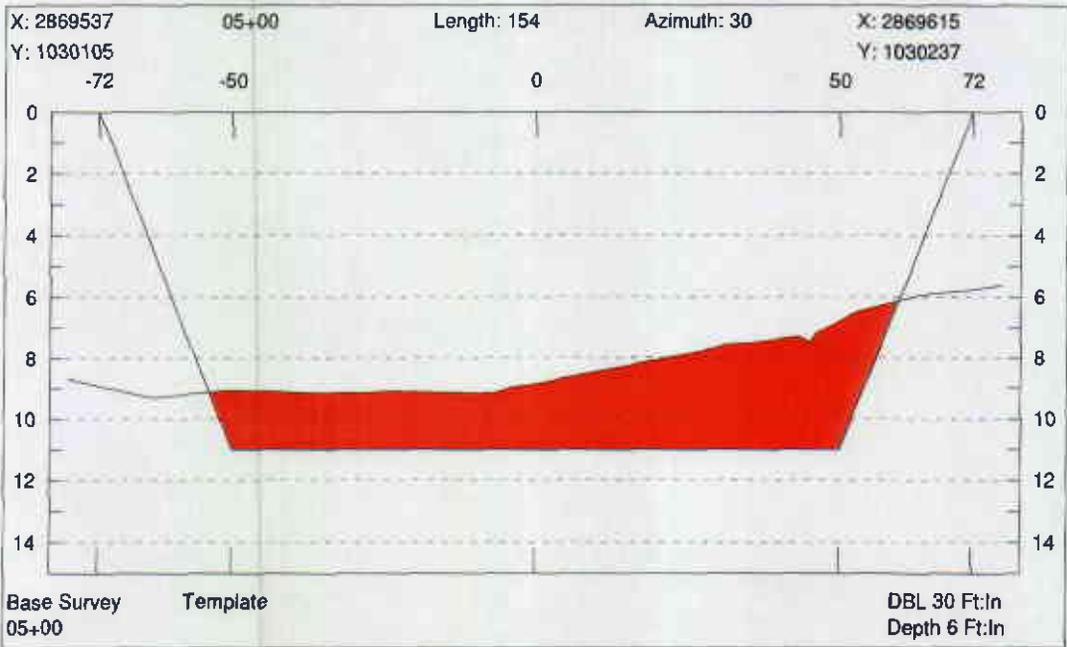


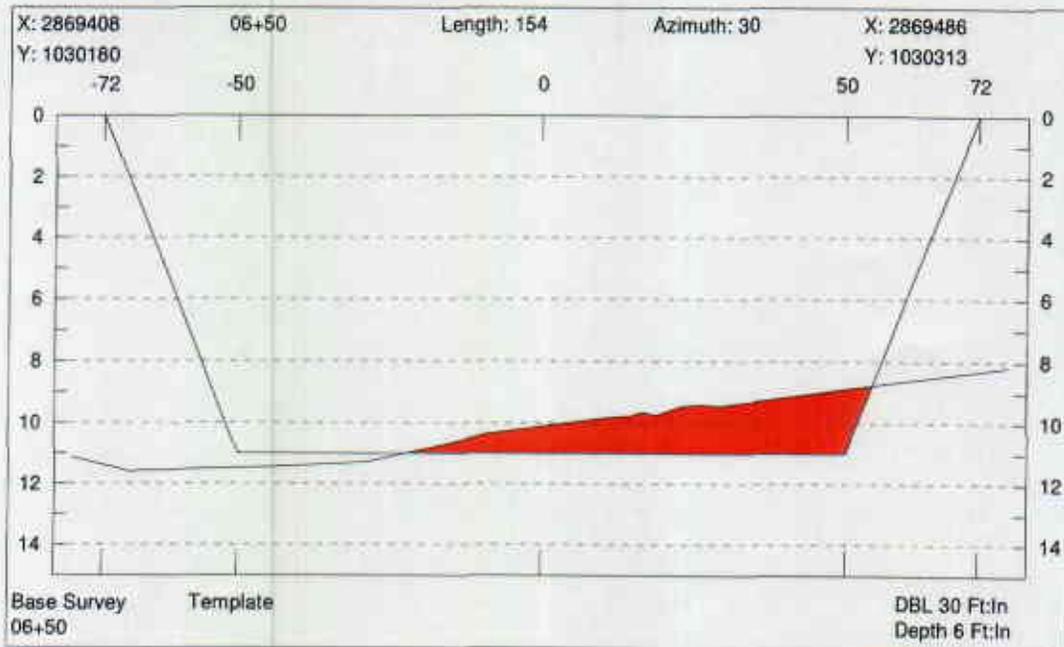
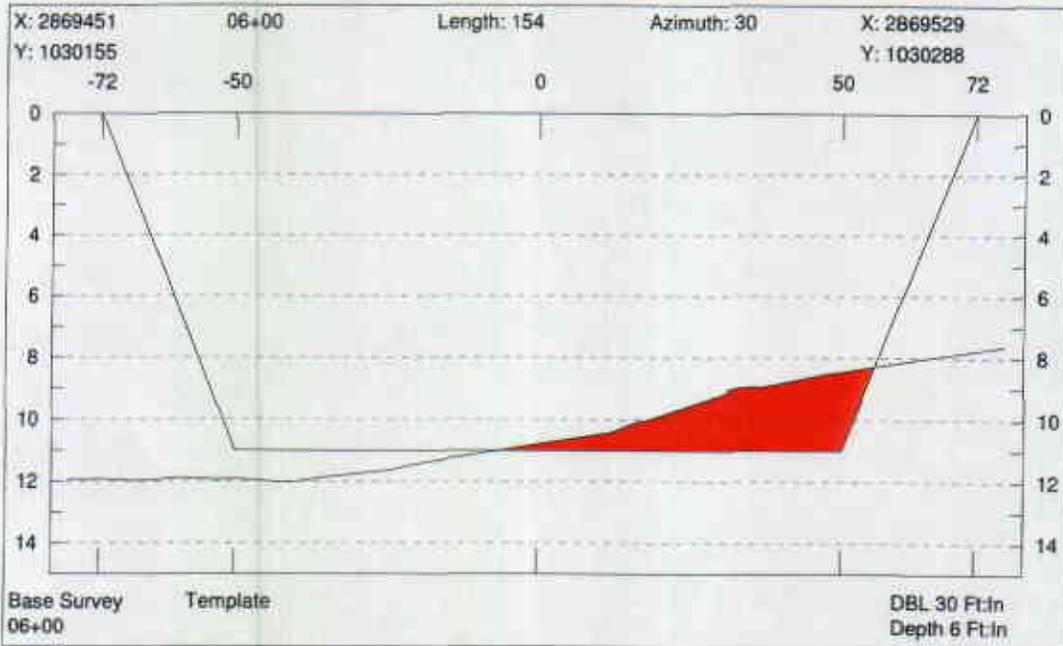


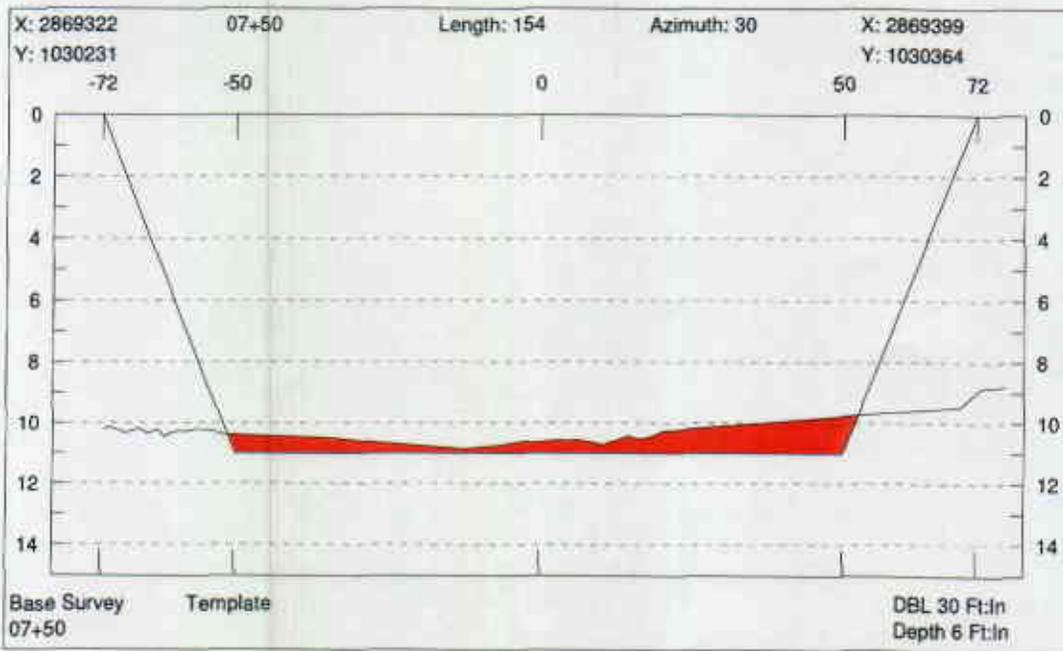
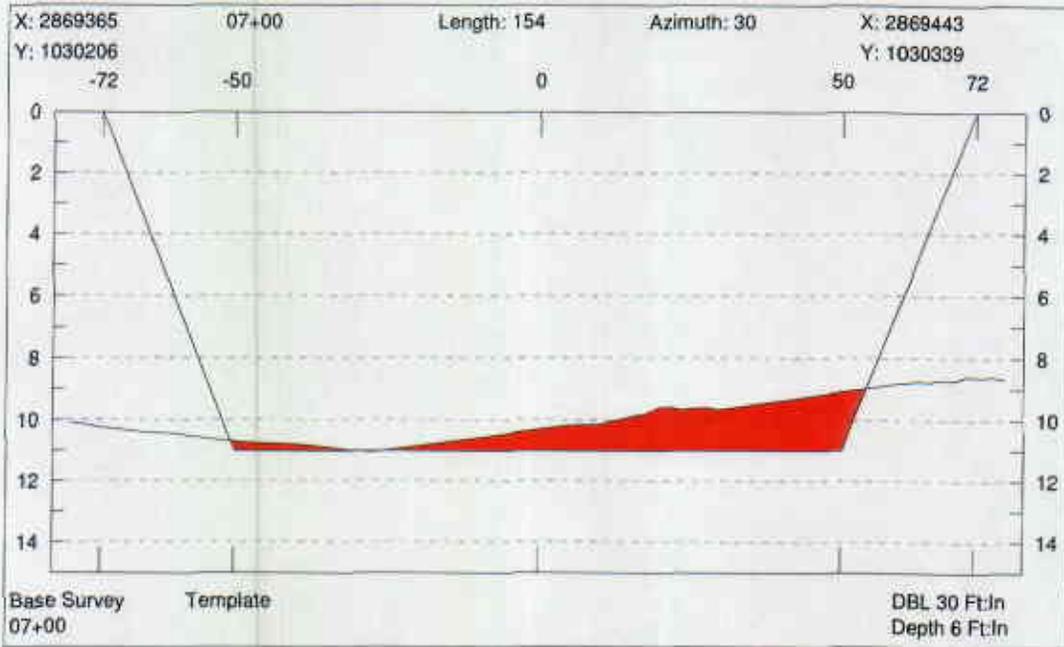






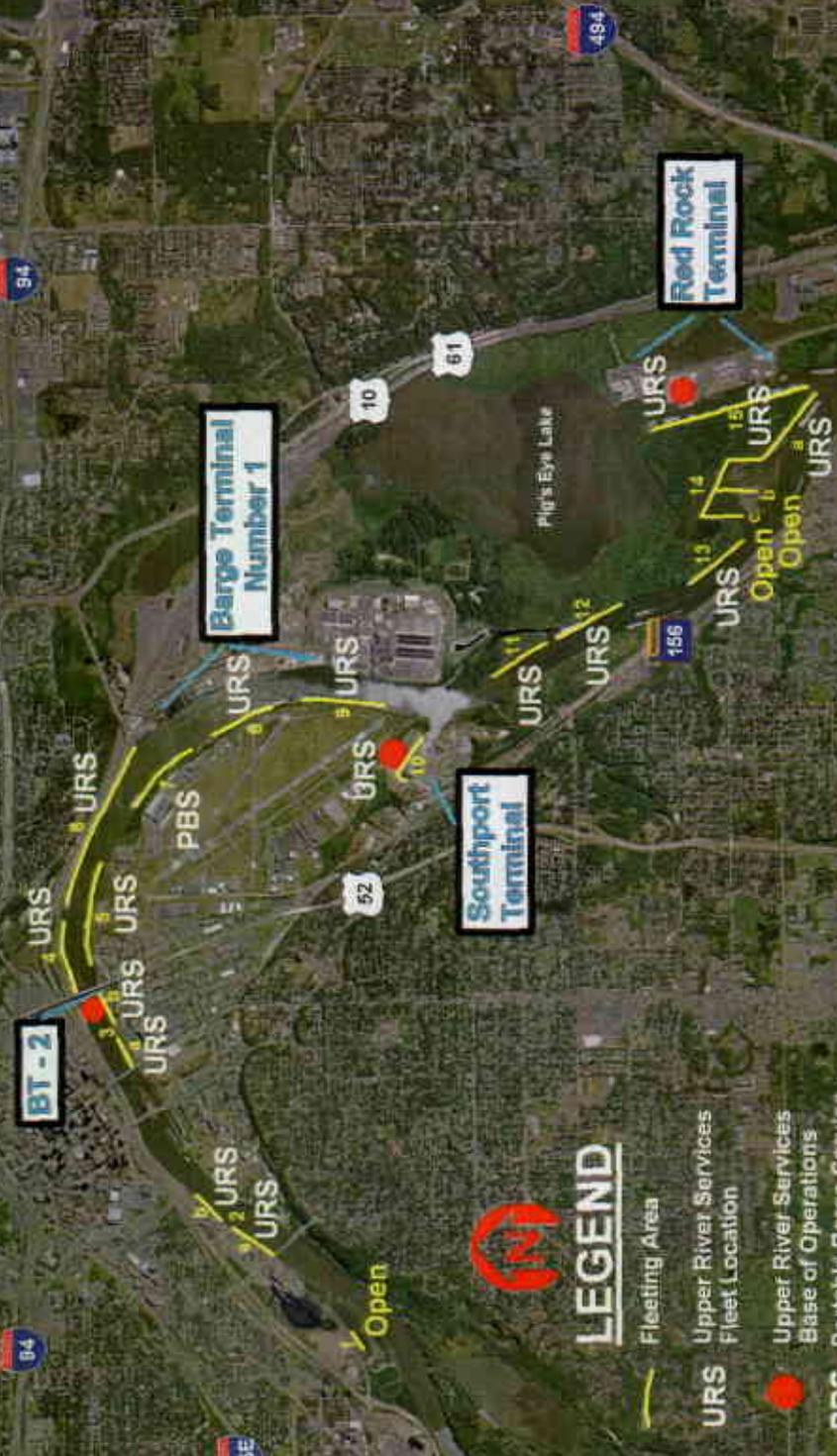






SAINT PAUL HARBOR

Port Authority River Shipping Terminals & Fleeting Areas



LEGEND

-  Fleeting Area
-  Upper River Services Base of Operations
-  Upper River Services Base of Operations
-  PBS Portable Barge Service
-  URS
-  Upper River Services Fleet Location

Upper River Services
 1900 Landmark Towers
 345 St. Peter Street
 Saint Paul, MN 55102

Port Authority
 651-321-5098
 651-324-5888
 Toll Free: 1-800-338-9417
 E-mail: info@apps.com

Minnesota Department of Natural Resources

St. Paul Port Authority

June 30, 2011

JUL - 5 2011



Dear Public Waters Permit Holder:

Re: Potential State Government Shutdown and Work in Public Waters

In the event of a state government shutdown and pending any other direction from the courts, all permits that authorize work in Public Waters will be temporarily terminated from July 1, 2011, until state offices re-open for business. During this time period, you may not start or continue the work that was authorized by your permit.

Condition #3 of your permit states: "The **permittee** shall notify the Area Hydrologist at least five days in advance of the commencement of the work authorized hereunder and notify him/her of its completion within five days." Because there will be no DNR Area Hydrologists available during a state government shutdown, it will be impossible to comply with this condition.

Condition Number 6 of your permit states; "This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare." Since there will be no DNR staff available to monitor these activities, it has been determined that it is in the public interest to temporarily terminate your permit until such staff are again available.

DNR Conservation Officers will continue working during a shutdown and will enforce this temporary termination.

Media announcements that state offices have re-opened for business will serve as your notice that this temporary termination has been reversed.

Thank you for your cooperation with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarwood".

Regional Manager
Division of Ecological and Water Resources

c: Conservation Officers

