

DAVID B. CALLARD
Chairman

GEORGE R. BOWER
Vice Chairman

CHARLES H. NESBITT, JR.
Chief Administrative Officer

NADINE P. HANLON
Clerk of the Legislature

DAVID SCHUBEL
County Attorney



ORLEANS COUNTY LEGISLATURE
COURT HOUSE SQUARE

3 South Main Street, Suite 2, Albion, New York 14411
Phone: (585) 589-7053
Fax: (585) 589-1618

LEGISLATORS

- Donald J. Allport - At Large
- George R. Bower - At Large
- David B. Callard - At Large
- William H. Eick - District 1
- Lynne M. Johnson - District 2
- Henry Smith, Jr. - District 3
- Kenneth E. Rush - District 4

EE

March 28, 2011

Senator Charles E. Schumer
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer;

On behalf of the Great Lakes Small Harbors Coalition (GLSHC), we ask for your support of the 20 New York Federal Harbor communities and their thousands of citizens, as well as the 115 Federal Harbor communities spread throughout the Great Lakes. We are asking that you actively support House Bill H.R. 104 and Senate Bill S. 412, thus providing continuing maintenance of our small Federal Harbors throughout the Great Lakes.

The Harbor Maintenance Trust Fund, which came into existence under the Reagan administration and then expanded under the Clinton administration, was implemented to provide monies collected from the shipping industry to provide proper maintenance of our harbors. As of this date the monies in that fund, exceeding \$5 billion is being used for programs other than those which were intended for their use. If these funds were used only for their intended use, all of our harbors would be kept current under a self sustaining program requiring no other funding than those collected for that purpose.

Oak Orchard Harbor in Orleans County should be dredged once every 3 to 5 years according to the Army Corps of Engineers, yet it has not been dredged in over 7 years and now has a 35,000 cubic yard removal requirement to bring it to the depths mandated by the Corps. This harbor is utilized by the Coast Guard, the Coast Guard Auxiliary, the Orleans County Sherriff's Marine Patrol, Home Land Security, the Border Patrol, 35 Charter Boat Operators and hundreds of private boaters including those who use the video phone to report their arrival into the United States from Canada. The Oak Orchard Harbor has long been known as a "Safe Harbor of Refuge" and is used by many who traverse Lake Ontario when conditions are not favorable.

As you likely know, there are no 2011 Budget line items or other appropriations (earmarks) for dredging or infrastructure repair of New York's federally authorized shallow draft harbors and inadequate funding to maintain our commercial harbors. Further, the Administration's 2012 budget reflects a new policy of only dredging the few commercial harbors handling at least 1 million tons annually. The President and Congress in general vow to not approve any earmarks which have historically provided a minimal funding to keep critical needs harbors open. This combination of bad news effectively cuts adrift the 20 Federal Harbors of New York and 115 harbors of the Great Lakes! In fact, the USACE presently estimates that at least 8 New York harbors, including Oak Orchard Harbor, badly need dredging this summer, and that some will likely not be open to sailboats, ferries or deeper draft power boats unless they are dredged in 2011. The effect on those harbor communities will be severe and potentially economically devastating.

8M-19
Contm. 8M-19
Page 1 of 2

It is a real travesty and plain WRONG that harbor maintenance taxes (HMT) have been collected since 1986 for the stated purpose of maintaining our Federal Harbors, but have not been used for that purpose. The harbor communities of New York and throughout the Great Lakes are incredulous to the fact that such taxes of some \$1.5 billion are collected annually while these harbor communities are literally begging for "earmark" appropriations to keep their harbor communities viable. Their strong feelings and disbelief are only heightened further as they realize the Harbor Maintenance Trust Fund (HMTF) has a credit balance of over \$5 Billion that has been withheld while their harbors continue to deteriorate.

These harbor communities do not own their navigation channels (the Federal Government does), but the channels are the life blood of these communities, the core of that region's quality of life, the economic engine providing employment for thousands of people, and an economic boon to states and the nation of billions of dollars (see the John Glenn Study on the Economic impact of the Great Lakes Shallow Draft Harbors and the USACE's published impact of commercial shipping on the Great Lakes.) As a matter of fact, a sum of \$20 million annually will provide needed dredging for all 115 harbors and \$20 million annually would return the deteriorating and dangerous infrastructure to an acceptable condition. In short, an investment of \$40 million per year protects lives and the \$5 to 10 billion annual economic benefit provided by these 115 harbors—a payback of 100 to 200 times the investment.

Please lend your support to and seek the support of others in passing Senate bill S.412 and House bill H.R. 104, thereby helping our harbor communities to continue providing economic support to our states and to the Federal government.

Respectfully Yours,



David B Callard
Chairman, Orleans County Legislature

c.c.: Chuck May, Chair Pro Tem Great Lakes Small Harbors Coalition;
The Honorable Brian Higgins, U.S. House of Representatives 27th District
The Honorable Ann Marie Buerkle, U.S. House of Representatives 25th District
The Honorable William L. Owens, U.S. House of Representatives 23rd District
Mrs. Maggie Brooks, Monroe County Executive
Mr. Jeffery R. Adair, President Monroe County Legislature
Mr. Jeffery M. Glatz, Niagara County Manager
Mr. William L. Ross, Chairman Niagara County Legislature
Mr. James Marquette, Wayne County Administrator
Mr. James Hoffman, Chairman Wayne County Board of Supervisors
Mr. Thomas T. Squires, Cayuga County Administrator
Mr. Peter A. Tortorici, Chairman Cayuga County Legislature
Mr. Phillip R. Church, Oswego County Administrator
Mr. Barry Leemann Chairman Oswego County Legislature
Mr. Robert F. Hagemann III, Jefferson County Administrator
Ms. Carolyn D. Fitzpatrick Chairwoman Jefferson County Legislature
Mr. Chris Collis, Erie County Executive
Ms. Barbara Miller Williams, Chairperson Erie County Legislature
Mr. Gregory J. Edwards, County Executive Chautauqua County
Mr. Fred Croscut, Chairman Chautauqua County Legislature