


MARATHON ASHLAND Pipe Line LLC

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January 16, 2001

Mr. Roger Little - Information Resou
Office of Pipeline Safety
Research and Special Programs Admi
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Post-it* Fax Note	7671	Date	1-17-01	# of pages	2
To	SAM HALL	From	TAD SCHELL		
Co./Dept.	OPS	Co.	MAPL		
Phone #		Phone #	419-421-3201		
Fax #	202-366-4566	Fax #	419-421-3917		

RE: St. Joseph River Michigan Navigability

Dear Roger:

As a result of new section 49 CFR 195.59, that was effective October 22, 2000, Marathon Ashland Pipe Line LLC (MAPL) has reviewed the NPMS listing of Navigable waters posted on the internet as it affects our systems subject to 49 CFR Part 195.

The listing of Navigable waters matches up reasonably well with our understanding of "navigable waters" for the purposes of compliance with 49 CFR 195.412 and 195.59. We appreciate the efforts of OPS in developing a listing of these waters and making it available to pipeline operators and others via the internet.

However, in the case of the St. Joseph River in Michigan, we believe the extent of commercial navigability expressed in the NPMS is inaccurate, as explained below:

1. The St. Joseph River is listed on the NPMS database as navigable up to the base of a dam at the town of Berrien Springs, approximately 20 miles upstream from the mouth of the River at Lake Michigan.
2. Information from the USCG Benton Harbor Office indicates however that barge traffic cannot ascend the River beyond the main street bridge in the town of Benton Harbor, approximately 1.3 miles upstream from the mouth of the River.
3. According to USCG chart number 14930, the River is dredged for barge traffic only 1.3 miles upstream from the mouth of the River. According to River soundings listed on this same chart, the River becomes shallow (1-4 feet) at Marina Island, which is approximately 1.8 miles upstream from the mouth of the River. Barges typically require 9 feet of water depth to operate.

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4. Navigable waters are discussed by the OPS in interpretation 195.412-9, issued March 8, 1994:

"Navigable waters or waterways include those waterways which have been designated as being navigable by the United States Coast Guard in 33 CFR Subpart 2.05-25(a). As defined by this section, navigable waters include:

- 1. Territorial seas of the United States;*
- 2. Internal waters of the United States that are subject to tidal influence; and*
- 3. Internal waters of the United States not subject to tidal influence that:*

i. Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or

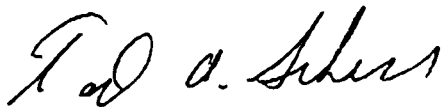
ii. A government or non-government body, having expertise in water improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, highways for substantial interstate or foreign commerce."

*Superseded
by rule*

For the reasons stated above, MAPL does not believe that the St. Joseph River is "Navigable" as defined by 33 CFR 2.05-25(a). As such, MAPL requests 1) OPS confirmation of this determination, and 2) requests that information in the NPMS be corrected to show the extent of "navigability" on the St. Joseph River extending only 1.3 miles upstream from the mouth of the River.

Please contact me at 419-421-3201 if you require additional information.

Sincerely,



Tad A. Schell, P.E.
Regulatory Compliance Coordinator

Attachments