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Contact: Nancy Alcalde (SLSDC)
Tel: 202-366-0091

Seaway Corporations Reaffirm Bi-National Process for Setting Seaway Opening Dates

(Washington, DC) U.S. Saint Lawrence Seaway Development Corporation Administrator Collister “Terry” Johnson today affirmed that decisions concerning when to open and close the St. Lawrence River to navigation are governed by long-standing international agreements between the United States and Canada and cannot be subject to unilateral rulemaking processes from either country without violating the agreements between those countries.

Administrator Johnson made the determination in responding to a petition filed by Save The River, an environmental advocacy organization in Clayton, New York, which sought to change the process to a unilateral notice-and-comment rulemaking. Johnson cited an Administrative Procedures Act (APA) exemption from the rulemaking process when collaborative foreign affairs functions are involved.

“The U.S. and Canada Seaway Corporations are committed to continuing the open international process that has been established over the years for determining the Seaway’s opening date,” said Administrator Johnson. “This process has been shown to strike the appropriate balance between ensuring safety and protecting the environment while facilitating the transportation needs of commercial navigation.”

In presenting its petition, Save the River expressed concern that the Seaway has been opening with ice still present on the St. Lawrence River. A recently completed scientific study endorsed by both Seaway corporations and the St. Regis Mohawk Tribe and the Mohawk Council of Akwesasne found no negative physical effects from opening the navigation season when ice is present on the river.

Richard Corfe, President of the SLSDC’s counterpart, the St. Lawrence Seaway Management Corporation (SLSMC), in commenting on the Save The River petition,

wrote a letter expressing the Canadians' opposition to the idea of the U.S. adopting a unilateral rulemaking process for choosing an opening date. In his communication, he stated, "The process for opening and closing the Seaway involves continuous gathering of information, development of strategies, planning, implementation and monitoring, all supported by a detailed communication plan. There is ongoing discussion and dissemination between industry stakeholders, First Nations, U.S. and Canadian Coast Guards, and the SLSDC and SLSMC."

The significant factors considered by the Seaway entities in setting the opening date include the weather and ice conditions on the river, the completion of winter maintenance work at the locks, and the anticipated demand for use of the Seaway. Administrator Johnson noted that these criteria are public information.