

St. Anthony Falls Cutoff Wall Updates

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The update below covers recent correspondence and meetings concerning the cutoff wall under the Mississippi River at St. Anthony Falls. I provide this information as background for the April 22 LLC Water Policy Subcommittee meeting. I trust it will help inform the conversation with Brian Herridge (3Dgeophysics) and Julia Steenberg (Minnesota Geological Survey), who are scheduled to testify.

Ownership. The question of ownership is becoming more complex and contested. Although built by the Corps and funded by Congress for the specific purpose of preserving navigation above St. Anthony Falls, the Corps insists they don't own it. If the Corps doesn't own it, and, if there no record the Corps transferred it to another party, than who owns it? Most responsibilities for dam inspection, maintenance, repair and an emergency response plan rest with the owner.

A recent interpretation suggests that whoever owns the property over the cutoff wall owns that portion of the wall under their property. If this is the case: Xcel owns the wall under the land they own on Hennepin Island; the Minneapolis Park and Recreation Board and possibly the City of Minneapolis own what lies above the wall where it ties into the east and west banks; the State would own sections of the wall under the riverbed, and, the Corps what lies under their lock guidewalls.

For an April 1 meeting, the Corps said it was bringing together those entities who own facilities at the falls and who operate, maintain and inspect structures associated with the dam. By bringing the facility owners together, the Corps stated that their purpose was "to have a unified response should an emergency arise with any of their facilities." This is an important and welcome step. At the meeting, the Corps asked the attending parties about their physical structures, status of monitoring those structures and their emergency action plans. Since the Department of Natural Resources (DNR) doesn't own any facilities at the falls, the Corps did not invite them. If the Corps does not own the cutoff wall, who should be leading these meetings?

As no one acknowledges ownership of the cutoff wall, no one reported on it and no one would consider it their responsibility in an emergency. No plan for the falls is complete that does not assign some entity responsibility for the cutoff wall. In an emergency, who would direct or permit any entity to take specific actions or seek funding if there is no owner?

Study. At the April 1 meeting, the Corps did not address studying the wall but did present an option for monitoring it. They said the monitoring project would cost \$6 to \$8.5 million over a five-year period, with \$2 million needed the first year. The Corps explained that the cost is so high because the cutoff wall is a one-of-a-kind structure; they know of no other structure like it. So, we have a unique structure that hasn't been inspected since the Corps finished it over 145 years ago. This makes resolving the ownership question and conducting a study more imperative.

The Corps has stated that the wall and surrounding geology cannot be studied effectively, safely or at a reasonable expense and that any invasive examination, like borings, could threaten the

stability of the falls or the wall. Brian Herridge of 3Dgeophics will address feasibility and costs of studying the wall and surrounding geology.

Hennepin County. Chris Goepfert, from the National Parks Conservation Association (NPCA), and I met with Eric Waage, Director of Hennepin County Emergency Management, on March 7. He called the cutoff wall “an orphan hazard” and insisted that his interest is in knowing the risk of a failure. He suggested that his office could conduct a Hazard Assessment. The assessment would identify potential failure modes and economic costs of a catastrophic failure. He would, however, need funding for this assessment.

DNR and Cutoff Wall as a Dam. In email correspondence from a Corps staff member to NPCA and Friends of the Mississippi River, the Corps staffer said the DNR’s dam safety lead insists the cutoff wall is not a “dam”. Since the DNR oversees dams that are not federally owned, this interpretation would appear to distance the DNR from potential responsibility should the Corps not own the cutoff wall. I recognize this is second hand information and am seeking confirmation from the DNR. I have not heard back yet.

There is strong evidence that the cutoff wall is a dam, but if the DNR or others argue that it isn’t, we may need a formal determination on whether the cutoff wall is a dam or at least a fundamental component of the damming structures at St. Anthony Falls. If each property owner is responsible for sections of the wall that underlie their property, then the State of Minnesota would own a large portion of the cutoff wall, regardless of how it is defined.

Along with the NPCA and FMR, I have been strong in raising concerns about the potential risks and consequences of a catastrophic failure of the cutoff wall or surrounding geology. It has been over 145 years since a comprehensive study. Most dams have a 50-year life expectancy. We are simply asking for a thorough study, a determination of ownership and an Emergency Action Plan. All are overdue.