

**CONNECTICUT MARITIME COMMISSION (CTMC)
REPORT OF MEETING (Mtg. #07-11)
21 November 2007**

Location of Meeting: CONNDOT Headquarters
Newington, CT

Attendance:

Commissioners

Present

Chuck Beck (for Commissioner Carpenter)
Tom Dubno
Susan Decina (for Commissioner McDonald)
Joseph P. Maco (for TSB Chair Kelleher)
Judy Gott
Joseph Riccio
David Shuda
Martin Toyen
George Wisker (for Commissioner McCarthy)

Absent

Phil Smith (for Secretary Genaurio)
Vincent Cashin
G.L. "Doc" Gunther
Robert Virgulak
Kaye Williams
John Wronowski

Guests

John Crowther	Donald Frost	Mike Griffin	Bob Hammersley	Kasey Jacobs
Ed O'Donnell	John Pinto	Dave Rossiter	Joe Salvatore	Bill Spicer
Geoff Steadman	Alan Stevens	Brian Thompson		Matt Wingate
Grant Westerson				

I. Call to Order:

- The Chair opened the meeting at 9:31. A quorum of 9 was present.

II. Review of Meeting Minutes:

- The draft minutes of the 17 October 2007 meeting were reviewed. Some minor typographical errors were noted. A motion to accept was made by Tom Dubno, second by George Wisker and the minutes were approved by unanimous vote.

III Discussion Open to Public

- None were offered.

IV Old Business:

- Letters Update: The Chair reported that the letters authorized at the October meeting (to OPM on participation, to Governor on Gentrification of the Waterfront and to the State's elective leaders concerning the economic impact of not dredging) had been signed and sent.
- Dredging Update: Joe Salvatore reported that he and George Wisker had recently attended a Sudbury Group (RDT) meeting. He also reported that the CT Legislature had finally passed a bond bill that included earmark money for a few dredging related projects (Norwalk, Bridgeport, New London and Rocky Hill-Glastonbury). He also reported that Congress had passed the 2007 Water Resources Development Act (WRDA). However, individual dredging projects would still need to compete for funding. A comment was made about the piecemeal earmark approach towards dredging in the State Bond Bill being indicative of the lack of understanding by the state legislators of the dredging needs of all of the State's waterways.

All were informed that the Long Island Sound Dredge Material Disposal Plan (LIS DMMP) public scoping meeting schedule had been published by the EPA. All meetings will be held the week of 26 November 2007. There will be 3 sessions held in NY and 3 sessions held in CT. Salvatore and Wisker would be attending all meetings. There was discussion on the need for CTMC Commissioner representation at all of the LIS DMMP scoping meetings, particularly those held in CT. Commitments were made by Beck to attend all three CT meetings, Riccio to attend the NY meeting in Port Jefferson, Dubno to attend the meeting in New Haven and Toyen to attend the meeting in New London. There was discussion about the need for the CTMC representative to present a written statement for the record at any meetings attended. The discussion centered on the content of the letter. A motion was made seconded and approved to draft a letter that would introduce the CTMC using language expressed in previous correspondence that states the Commission's commitment to serving as the dredging coordinating group for CT.

John Pinto had a question on the amount of funding being provided by WRDA to the Norwalk dredging project. The previous comment that passing of WRDA did not guarantee funding for any specific project was repeated. The discussion turned to legislatively creating a Harbor Improvement Fund with CT. Judy Gott stated that the CTMC needed a legislator or legislators to serve as the CTMC advocate(s). Joe Maco recommended that the list of legislators on the Transportation Committee be revised and distributed. It was recommended that the CTMC invite key legislators to the December 2007 CTMC meeting. Judy Gott moved that such a letter invitation be sent. The motion was seconded and approved unanimously. It was further recommended that the CT Congressional delegation be informed of both the resubmission of the Harbor Improvement Fund legislation as well as the invitation to attend the Annual Meeting of the CTMC in December.

- Norwalk Harbor Commission Request: Geoff Steadman of the NHMC was asked to summarize the requests made in the NHMC letters date 6 Aug and 8 Oct 2007. He stated that the letters requested a CTMC a letter of support to DEP on NHMC's goals of 1) obtaining a delay to the DEP requirement to cap the materials from the Norwalk Harbor Phase II dredging project 2) that DEP more clearly define the capping policy and 3) that the Office of Long Island Sound Programs take an active role in the completion of dredging projects. Geoff Steadman stated that not being allowed flexibility in the capping timeline was the key factor in preventing the Norwalk project from being started/completed. Chuck Beck opined that the fact that the Norwalk project has not been funded by the Federal government was the key reason that he project could not be started. He cautioned that asking the CT DEP to commit to a rigid set of capping "standards" could work against the flexibility that might be needed to complete other projects down the road. Lastly, he stated that OLISP was a regulatory body not a project management body and reminded all that CONNDOT had created and filled the Dredging Project Coordinator position to serve as the project advocate. Geoff Steadman countered that unless the rigid timeline for capping the Norwalk project was relaxed, capping would increase the cost which would not be funded by the Federal government because the ACOE has deemed that the material does not need to be capped based on the biological and other tests.

Ed O'Donnell stated that Geoff Steadman was correct concerning the ACOE determination that the Norwalk materials were acceptable for open water disposal. He further stated that agencies in other states in New England that had Coastal Zone Management responsibilities served as both regulatory and project advocates. George Wisker read into the record a November 23, 2004 letter from the Acting CT DEP Commissioner to the then District Engineer of the New England District of the Army Corps of Engineers. The letter addressed then the same concerns raised by the NHMC in their 6 August and 8 October 2007 letters; the conditions incorporated in the Water Quality Certificate (WQC) for the dredging and disposal of the sediments from the Norwalk Harbor Phase II project. The letter explained that the capping requirement was a sediment management issue. The letter confirmed that the sediments from Norwalk Harbor had to be capped due to the levels of polycyclic aromatic hydrocarbons (PAH) and heavy metals in the Norwalk sediments being 4-5 time higher than those at the CLIS disposal site. The letter also explained that defacto capping (an unspecified

gap in time between depositing and capping) of the Norwalk materials would not provide adequate protection to the marine environment. In response to a question, it was confirmed that other dredging projects were held to the same "management considerations.

There was some additional discussion about the quantity of capping material, the possible use of upland materials for capping to reduce cost, and another call for capping "standards" to be committed in writing. Bill Spicer stated that the preceding discussion was the best he had heard. He emphasized that the State needed to create a dredging fund, He asked that consideration be given to keep CAD cells developed for specific dredging projects to open longer so that other projects could use them. He also reiterated that the Cadmium levels in CT waters needed to be based-lined. Brian Thompson (Director of OLSIP) advised that the Cadmium study recently completed by Ted Sailer of the CT Maritime Trade Association (CTMA) was being reviewed. He stated that CT DEP has and will continue to advocate for dredging projects within safe environmental practices.

Joe Maco stated that the CTMC should invite the Governor and the DEP Commissioner to attend the CTMC Annual meeting on 17 December 2007. All were reminded that the DEP Commissioner shouldn't need to be invited because she is statutorily a member of the CTMC. The Chairman reminded all that the letter sent to all of the legislative leaders about the economic impact of dredging not being done recommended a meeting of Commissioners of the DECD, DEP, CONNDOT as well as the Secretary of OPM to discuss dredging issues.

The discussion returned to the NHMC letters. The Chair asked for a motion to draft a letter of support as requested by NHMC but none was made. Judy Gott moved that a letter be sent to DEP requesting the "capping policies and standards" be provided to the CTMC in writing so that it will be clear that they apply to all projects. The motion was seconded by Dave Shuda. During the discussion, Joe Maco opined that the CTMC should be "careful for what you wish for because you may get something you don't like". It was clarified by the Chair that all that was being sought is the current regulations and guideline currently in use by the DEP. The motion carried with 6 affirmative, 2 abstaining, and 1 negative vote of the 9 members present. Another motion was made by Joe Riccio and seconded by Judy Gott to send a letter to the DEP Commissioner asking that DEP review the capping issue of the Norwalk Harbor dredging project one more time. The motion was amended to have the letter include an invitation the Commissioner to attend the CTMC meeting in December to discuss the review. After considerable discussion, the motion carried with 6 affirmative, 2 abstaining and 1 negative votes.

V New Business:

- Annual Report – A draft Annual Report for 2007 up to the October 2007 meeting was reviewed. Some changes/updates were offered/made to the draft. All were reminded that the results of the meeting taking place as well as the meeting in December would need to be added to the draft Annual Report. The goal would be to review a final draft prior to the January 2008 meeting so that the Annual report could be voted on/approved.
- Errata: The Chairman suggested that the CTMC draft and send a letter to the Chairman of the Governor's Commission on the Reform of the Connecticut Department of Transportation. The purpose of the letter would emphasize that the CONNDOT has a maritime function and that it should not be overlooked during the reorganization deliberations. Furthermore, the governance of all the CT commercial ports should be addressed as part of the reorganization. The Chairman presented a draft letter that was reviewed and amended on the spot. A motion to approve the letter was made by Joe Riccio, seconded by Tom Dubno and approved unanimously.

The Chairman announced that he had received a letter form the Long Island Sound Assembly (LISA) that stated that Mike Griffin would be their representative to CTMC meetings and asked if his name could be added to the CTMC e-mail distribution. The appointment by LISA was acknowledged and Mike Griffin's name will be so added.

Chuck Beck presented a draft schedule for the CTMC meetings in 2008. After some discussion and changes to locations, a motion was made by Judy Gott to approve the schedule. The motion was seconded by Joe Maco and approved unanimously.

VI Date of Next Meeting:

- Marty Toyen reminded all that the next meeting of the CTMC is scheduled at 9:30 AM **Wednesday** 19 December, 2007 in Conference Room A of the Department of Transportation headquarters building in Newington, CT. He also stated that the December meeting would be the Annual meeting.

VII. Adjournment:

- A motion was made by Tom Dubno seconded by Joe Riccio and approved unanimously to adjourn. The meeting ended at 11:13 AM. All were wished a Happy Thanksgiving.