

**CONNECTICUT MARITIME COMMISSION (CTMC)
REPORT OF MEETING (Mtg. #11-09)
18 November 2009**

Location of Meeting: Bridgeport Regional Vocational Aquaculture School 60 St.
Stephens Road
Bridgeport, CT

Attendance:

Commissioners

Present

Chuck Beck (for Commissioner Marie)
Vincent Cashin
Tom Dubno
G.L. "Doc" Gunther
Joseph P. Maco
John Opie
Larry Miller
Joe Riccio
David Shuda
George Wisker (for Commissioner Marrella)
John Wronowski

Absent

Sue Decina (for Commissioner McDonald)
Robert Genuario
John Johnson
Linda Krause

Guests

David Blatt	John Crowther	Don Eversley	Bill Gash	John Gaucher	Andrew Giering
Fred Hall	Nancy Hadley	Albert Martin	Gary Montano	Andrew Nunn	Kevin Oditt
Lou Rinaldo	Bill Rock	Dave Rossiter	Joe Salvatore	Joel Severance	Peter Simmons
Bill Spicer	SteveTyliszczak		Fred Walters		

I. Call to Order:

The Chair, Commissioner Joe Riccio, opened the meeting at 9:34 AM. A quorum of 11 was present. The CTMC members were asked to introduce themselves. The audience was asked to introduce themselves.

II. Review of Meeting Minutes:

The summary report of the October 21, 2009 meeting was reviewed. A motion was made by Commissioner Gunther and seconded by Commissioner Dubno to approve the summary. The motion was approved by unanimous vote.

III Discussion Open to Public

Gary Montano asked everybody to join him in congratulating Commissioner Gunther on his 90th birthday that he will celebrate the next weekend. All rose and applauded.

Nancy Hadley provided an update on the proposed move of the Bridgeport-Port Jefferson Ferry (BPJF) from the current terminal to the Coastline Terminal. The BPJF has canceled presentations to the Bridgeport Port Authority and the Bridgeport Harbor Management Commission. BPJF reportedly has withdrawn its application to the Bridgeport Planning and Zoning Commission. Ms Hadley provided information on the number of entertainment and dining venues within walking distance of the BPJF Terminal as well as on the efforts made since 2005 to recapture the Bridgeport waterfront. She concluded her remarks stating that moving the ferry terminal across the harbor away from the present intermodal location makes no sense. In response to a question from Joe Maco as to whether Ms Hadley had made a presentation to the TSB she responded no.

Bill Spicer made reference to the material in the meeting package. Specifically, Mr. Spicer pointed out the November 2, 2009 letter from the NY Department of State that notified the US Navy of the NYDOS objection to the consistency determination related to the USN planned use of the New London Disposal Site (NLDS). Of particular interest to Mr. Spicer was paragraph 1 and 2 on page 4 which provided a description of the location of the NLDS. Mr. Spicer's contention is that the NLDS is not within the limits of Long Island Sound.

Bill Gash, Executive Director of the CT Maritime Coalition (CMC), provided a handout that summarized the number of commercial vessel calls to Long Island Sound by arrival port. The summary shows that over the past five years approximately 80% of all arrivals call upon CT ports vs NY ports.

Bill Rock asked the CTMC to consider requesting that the New England District of the Army Corps of Engineers (ACOE) schedule the Dredge CURRITUCK to dredge materials out of the Housatonic River and deposit the material on a local beach in need of nourishment. Joe Salvatore stated that the key to such a request is to identify the exact disposal site. George Wisker stated that the CURRITUCK is not configured to slurry material onto a beach. In response to a question, Mr. Rock stated that the Stratford Waterfront & Harbor Management Commission had not made such a request of the ACOE in writing. Mr. Rock was encouraged to submit a request in writing to the ACOE and provide a copy of the letter to the CTMC.

IV Old Business:

A. Dredging Update - Joe Salvatore

1. Joe Salvatore stated that there were 9 dredging projects in the queue looking to use the CLIS disposal site. Four of the projects would have approximately 54K cubic yards that would require cap material. Five of the projects would provide approximately 60K cubic yards of cap material. He also stated that the CTMC letter to CTDEP requesting the science behind the established dredging window had been sent. George Wisker confirmed the letter had arrived at CTDEP. Joe Salvatore stated that he had recently attended a meeting of the Old Lyme Harbor Management Commission. The OLHMC is in the beginning stages of requesting dredging projects for three local waterways, none of which are federal channels.
2. Joe Salvatore informed all that the 4th Annual EPA report on Long Island Sound would be out soon. The report covers activities from July 2008 to July 2009. The New England District of the ACOE web site has a link to a newsletter that contains LIS DMMP updates.
3. Commissioner Gunther asked about the dredging window issue. The Chairman reminded all that two letters were recently sent to the CTDEP Commissioner requesting information; one from the CT Maritime Coalition and one from the CTMC. Both letters were in the meeting package. The Chairman also stated that the letter to the CTDEP asked for a presentation on the "dredging window" science at the January 2010 CTMC meeting. Commissioner Gunther made some remarks about fish migration data he had collected and distributed some handouts requesting that they be included in the summary report.
4. Lastly, Joe Salvatore and George Wisker provided a brief report on the Disposal Area Monitoring System (DAMOS) Symposium held in Rhode Island that they both attended. They learned that the oldest CAD cell in the U.S. was constructed in Stamford harbor in 1979.

- ##### **B. Economic Impact Study (EIS) – Bill Gash**
- stated that the draft EIS commissioned by the CMC should be available in 2-3 weeks. Preliminary report is that the maritime industry contributes \$5B to the state's economy. Once available he will provide a copy to the CTMC for review. He also stated that the final Study should be available in January 2010.

- C. LIS AMSC Update –CDR Oditt advised that the FBI Special Agent Daniel Coleman has been assigned to be the maritime security liaison within the CG Sector Long Island Sound area. SA Coleman intends on attending meetings such as the CTMC meetings to learn more about maritime issues in CT.
- D. LIS HSC Update – CDR Oditt stated that there was nothing new to report about Amtrak's Niantic River Railroad Bridge replacement project. Commissioner Gunther inquired if any progress has been made in determining the ownership of the abandoned fixed aids to navigation in the upper Housatonic River. CDR Oditt reported that CGSECTOR LIS had forwarded the request to the CG's Naval Engineering Support Unit (NESU). However, The NESU could not find any records associated with the structures. In response to a question from Joe Maco, CDR Oditt stated that the LIS anchorage regulation is on a temporary hold to address an issue raised by the New England District of the Army Corps of Engineers; an uncharted disposal site within the Bridgeport anchorage area.
- E. Coastal Zone Interstate Consistency - Nothing new to report relative to a response from the CT Attorney General to either of the two letters (November 2006 and September 2008) that had been sent by the CTMC requesting assistance in determining if the State of NY was overreaching its authority to conduct a Coastal Zone Consistency review of CT dredging projects. Chuck Beck brought attention to Governor Rell's letter to NY Governor Patterson concerning the NYDOS letter of November 2, 2009 to the US Navy previously mentioned in Public Comments. Joe Salvatore stated that the USN was weighing its options, among them using one of two alternative dredge material disposal sites: one in RI waters and Central LIS Disposal Site (CLIS). The impact of using an alternative site is an increase in cost ranging from \$1.5M to \$3M. Additionally the private and municipal dredging projects that were going to use the clean USN material as capping material at NLDS would not be accomplished. Commissioner Cashin inquired about the Bill Spicer's interpretation that the NYDOS letter supports the contention that NLDS is not in Long Island Sound thus not under the LIS DMMP or the Ambro Amendment. Chuck Beck responded that the assumptions made were irrelevant. Joe Maco asked if CTDEP had been on board with the USN dredging project. George Wisker replied yes. Joe Maco then asked if the USN could claim the project was a matter of "national defense" press forward. George Wisker stated that the USN was exploring all of its options. Joe Salvatore ended the discussion by stating that the NLDS was scheduled to close in 2011. However, the recent action by the NYDOS essentially has closed the site two year early.

V New Business:

- A. Calendar Year 2010 Meeting Schedule – Chuck Beck brought to the attention of all a draft 2010 CTMC meeting schedule that was part of the meeting package. The schedule followed the format of years past: monthly meetings on the third Wednesday of each month (except August) starting at 0930. The meeting location will rotate among four locations: CTDOT HQ office in Newington, Fort Trumbull Conference Center in New London, CG Sector LIS office in New Haven, and the Regional Vocational Aquaculture in Bridgeport. Commissioner Miller made a motion to approve that was seconded by Commissioner Dubno. The motion was approved by unanimous vote.
- B. Letters of Invitation to the Annual Meeting –Chuck Beck brought to the attention of all a draft letter that had been distributed as part of the meeting package. The letter if approved would be sent to the heads of the five state agencies who are statutorily CTMC Commissioners and the two co-chairs of the Legislative Transportation committee. The letter is an invitation/request to attend the CTMC Annual Meeting being held on Wednesday, 16 December 2009 at the CTDO HQ building in Newington. Commissioner Dubno moved to approve the letter. Commissioner Opie provided a second and the motion carried by unanimous vote.

- C. CTDEP CZM Review Process Presentation – Mr. David Blatt of the CTDEP Office of Long Island Sound Programs (OLISP) provided information on the Coastal Site Plan Review process. Mr. Blatt stated that the key to the process is that zoning issues are local matters. CTDEP provides assistance to the municipalities through designated liaisons. The review process attempts to balance economic and environmental issues. However, Federal laws dictate most actions. Water dependent related development projects get the highest priority. Steps to mitigate or better prevent adverse impacts to the environment and/or water dependent uses are considered. CTDEP can review project applications and offer comments but does not have a veto power. CTDEP can challenge an application in court. Mr. Blatt provided a couple of fact sheet handouts on the Coastal Site Plan Review and Water Dependent Uses as well as a Municipal Coastal Management Review Process Flow Chart.

Commissioner Miller asked if CTDEP had reviewed the proposed Seaview Plaza project to be built on the north 16 acres of the Bridgeport Regional Marine Complex (BRMC). Mr. Blatt stated that although he was generally familiar with the proposal, he had not seen any application to review. He also stated that retail a shopping complex would not in of itself be considered a water dependent use unless the project included some mitigation steps. Mr. Blatt stated that there have been and continues to be discussions with the City of Bridgeport concerning the Seaview plaza project.

Commissioner Shuda stated that little to nothing has been done by the state to support water dependent businesses. The cost of doing business in CT is one of the highest in the country. Thus instead of fostering water dependent use businesses, CT is driving them away. Commissioner Miller supported Commissioner Shuda's comments stating that a recent article identified CT as the 35th worst of 36 states when it comes to business polices and tax structures.

In a response to a question about the Federal CZM laws/regulations, Mr. Blatt stated that Federal CZM allows states to create standards as long as they are equal to or better than the Federal standards. The interstate consistency aspects of recent changes to the Federal CZM laws allows states to expand their reach beyond their own waters into waters adjacent where a project might have an adverse impact. Commissioner Cashin asked how the Federal government could control one state's consistency determination from negatively affecting another state. Mr. Blatt stated that under some circumstances, the Federal government can weigh in and move a project along particularly if there is a federal interest in a project. If the dispute is between two states then court action is the best course.

- D. City of Bridgeport Waterfront Development Plan Presentation – Donald Eversley, City of Bridgeport Director of the Planning and Development, provided a summary of activities related to waterfront development projects. He stated that there were many developments pending on or near the waterfront that presented additional challenges but that he was very excited about the economic future of Bridgeport. Mr. Eversley sited three recent examples such as Derecktor Ship Yard, Steele Point and the Seaview Plaza. He provided information about the improvements being made at Derecktor that would bring mega yacht manufacturing and maintenance to the port. Mr. Eversley stated that a well known developer had been selected as the result of a competitive RFP process for the Seaview Avenue project. Seaview Plaza would use 16 acres of the BRMC to create a mixed use, shopping, dinning, and commercial retail facility adjacent to the East End neighborhood. The project would include water related elements such as recreational boat storage and public access to the waterfront. The boat storage will fill a need to be created by the development of a marina as part of the adjacent Steele Point retail/ residential project. Mr. Eversley stated that CT DECD, CTDEP and CTDOT had all favorably endorsed the Seaview Plaza project.

Mr. Eversley stated that the City was transitioning from an industrial port to a high end commercial/recreational port primarily due to the departure of the industrial component. He provided information on other projects on or near the waterfront such as the Water Street Dock parking garage and the private 60 Main Street residential/marina development. Commissioner Shuda stated that the City has been very patient relative to the unused commercial properties around the waterfront. The lack of maintenance dredging of the federal channel to its authorized depth has negatively affected the traditional commercial use of the port. The loss of use caused by the Seaview Plaza project of the BRMC property as a lay down area for containers brought from the Port of NY/NY to Bridgeport was raised. Mr. Eversley stated that tough decisions had to be made. The potential economic impact of a feeder barge was weighed as were other factors such as the increased truck traffic through the East End neighborhood. Bridgeport, CT DECD, CTDEP and CTDOT all agreed that the BRMC property was less than optimal for a feeder barge project. In response to a question about the future of deep draft shipping coming into Bridgeport, Mr. Eversley stated that the use of the Coastline Terminal as a deep draft facility was still desired. However, more aggressive marketing needed to be done. Maintenance dredging is key. Joe Maco stated that the mixed use formula as defined by the Seaview Plaza project is a recipe for disaster. Residential concerns will squeeze the commercial entities out, a phenomenon known as gentrification. Mr. Eversley emphasized that there was no residential element to the proposed Seaview Plaza project. Chairman Riccio added that there were environmental restrictions that would not allow residential use of property where the Seaview Plaza would be located. Commissioner Gunther stated that the water related elements of the Seaview Plaza project were not water dependent. He made some additional remarks about renovating Pleasant Beach. The Chairman stated that a discussion on Pleasant Beach was not germane to the present discussion, asked if there were any further questions and hearing none thanked Mr. Eversley for his time and presentation.

VI Date of Next Meeting:

It was announced that the next meeting of the CTMC would be at the **Annual Meeting and would be held at the CTDOT HQ building in Newington, CT at 0930 on Wednesday December 16, 2009.**

VII Adjournment:

A motion to adjourn was made by Commissioner Dubno, seconded by Commissioner Cashin and passed by unanimous vote. The meeting adjourned at 11:13 AM.