

**CONNECTICUT MARITIME COMMISSION (CTMC)  
REPORT OF MEETING (Mtg. #07-12)  
19 December 2007**

**Location of Meeting:** CONNDOT Headquarters  
Newington, CT

**Attendance:**

**Commissioners**

***Present***

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

***Absent***

Vincent Cashin  
G.L. "Doc" Gunther  
Robert Virgulak  
Kaye Williams  
John Wronowski

**Guests**

Michael Ciccheti	John Crowther	Jenny Contois	Sue Decina	William Gash
Michael Griffin	David Lis	Tony Mobilia	Ed O'Donnell	Dave Rossiter
Joe Salvatore	Joel Severance	Bill Spicer	Geoff Steadman	Alan Stevens
Brian Thompson	Kurt Walton	Grant Westerson	Betsey Wingfield	George Wisker

**I. Call to Order:**

- The Chair opened the meeting at 9:37. A quorum of 10 was present. The Chair made some initial greetings and thanked for those in attendance, particularly Secretary Genuario, Commissioner McCarthy and Commissioner McDonald. Introductions were made.

**II. Review of Meeting Minutes:**

- The draft minutes of the 21 November 2007 meeting were reviewed. A motion to accept was made by Commissioner McDonald, seconded by Tom Dubno 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 of invitation to the State Agency heads to attend the December CTMC meeting which were authorized at the November meeting had been signed and sent.
- Dredging Update: Joe Salvatore reported that he and George Wisker had attended all 6 of the Long Island Sound Dredge Material Management Plan (LIS DMMP) Public scoping meetings held the week of 26 November 2007. The three meetings held in CT were well attended. The 3 CT meetings had a CTMC representative who provided comments and or written material for the public record on behalf of the CTMC.

Joe also provided information on the Energy and Water Appropriation Act. Jenny Contois (Congressman Courtney's office) advised that the House passed the Joint House-Senate resolution on Monday evening. The Senate was expected to roll the appropriations into a larger War Spending bill and act on it this week. All were cautioned by Ed O'Donnell that nothing was certain until the appropriations bill was signed by the President. Even once signed it could be months before the Army Corps of Engineers (ACOE) actually receives authorization to spend. The good news reported is that the Energy and Water Appropriation Act contains funding for several dredging related projects in CT: Norwalk (\$5.609M), North Cove (\$4.33M), LIS DMMP (\$3.525M), Bridgeport Harbor (\$738K) and Patchogue River (\$93K).

A lengthy discussion ensued around the State's dredging needs. Joe Salvatore and Chuck Beck pointed out that the State still needed to create a Harbor Improvement Fund (HIF) through legislation. The HIF would allow some projects not funded by the Federal government to be pursued as well as provide a funding source for costs above what the Federal government may provide caused by pursuit of alternate disposal methods.

Jeff Steadman opined that the \$5.609M being provided would not meet the funding needs to complete all of Phase 2 in Norwalk Harbor which would cause some tough decisions to be made on how to proceed, or not. He further questioned whether or not CT DEP would extend the water quality Certificate (WQC or permit) any further or demand new testing of the materials to be dredged. He also questioned whether the North Cove material would fulfill the capping requirement for the Norwalk materials. Lastly he conjectured that the materials to be dredged from the Housatonic should be considered for capping materials of the Norwalk project vs beach nourishment at Hammonasset Beach. Commissioner McCarty stated that the questions raised were good but would be addressed separately at a later time. She further stated that capping requirements imposed on any project are deemed necessary to maintain water quality. DEP makes every effort to align projects such as using the North Cove material to cap the Norwalk material. Use of the Housatonic River materials could be used to cap the Norwalk material but additional testing would need to be conducted to determine the suitability of placing the Housatonic material at the Central Long Island Sound (CLIS) disposal site. Should the Energy and Water Act pass, the funding provided should be used as soon as possible to accomplish what can be accomplished. Funding of projects needs to be the focus of efforts. Unfortunately, the ACOE and EPA are not presently aligned when it comes to how dredge materials should be disposed and how the project should be funded. The Commissioner stated that the State needs to create a stronger voice with the Federal government with respect to obtaining the necessary funding for dredging related project. She welcomed the funding for the LIS DMMP stating that it holds promise to resolve differences between NY and CT with respect to the use of LIS for dredge material.

Joe Maco stated that channels silt in on an annual basis like snow falling in the winter. Thus, CT still needs to legislatively create a dredging fund to insure the economic viability of the State. Dave Shuda opined that CT needs the support of NY in order to prevent NY from blocking a CT dredging project. He stated that he has been surprised that CT has not leveraged projects delivering gas and electricity to NY (like Broadwater, Cross Sound Cable, cross sound gas pipelines, etc) to get NY to support CT dredging needs. Joe Riccio returned the conversation to the need for a CT dredging fund stating that it could be used to meet the ACOE required local match on some projects. It was pointed out that the CTMC has not yet taken any action on resubmitting legislation to the next legislative session. Questions were raised and answers provided about cost sharing requirements. Commissioner McDonald echoed Commissioner McCarthy's comments about the need to speak with one voice to the Federal government about CT's dredging needs. She made mention of the growing transportation congestion problem on I-95. She stated that she felt strongly that CT needs to maintain and grow its maritime industrial capabilities in coordination with preservation of the recreational waterfront. She reminded all that there is a lot of discussion in the Federal government about using the waterways as highways. CT needs to be strategic and become part of the dialog because the State has untapped assets on the waterfront.

Judy Gott raised the issue about the perceived difference between the Federal standards for dredge material disposal and CT's standards. Commissioner McCarthy responded pointing out that the ACOE uses different standards depending on the size of the project. The ACOE basically looks at biological impacts and acute toxicity. However, the ACOE does not look at possible degradation to the disposal site. The State does. George Wisker indicated that it was a bit more complicated due to EPA regulations. Commissioner McCarthy stated that the LIS DMMP will hopefully sort out the Federal standards vs long term degradation of the disposal site issues. She repeated a previous comment about the need to focus on the funding for dredging projects including completion of the LIS DMMP. Until the LIS DMMP is completed, CT DEP will continue to require capping of dredged materials to maintain the quality of the disposal site.

Grant Westerson made comments on the North Cove project. He was encouraged on the possibility of the project being funded but concerned about the possible expiration of the WQC. He requested flexibility. Betsy Wingfield stated that tests need to be indicative of the actual materials. The concern is the composition of the materials may have changed over time thus a balance of the time gap needs to occur.

The discussion returned to the need for the CTMC to resubmit the Harbor Improvement Fund legislation. Tom Dubno made a motion that the CTMC resubmit the Bill known last year as HB 7070. Joe Riccio seconded the motion. Secretary Genuario asked questions about the proposed legislation: how CT dredging projects would be prioritized, the decision making process, how the different sources of funding would be applied. Chuck Beck provided a summary of the genesis and intent of the Harbor Improvement Fund (HIF) draft legislation (HB 7070). The HIF language was an amendment to an existing Statute (CGS 15-57b) that already allowed the State to provide funding to municipalities for harbor infrastructure projects. The CTMC has agreed to be the dredging council for the State. The CTMC would review requests and forward recommendations to the Commissioner of DOT. A dredging project would be handled by DOT much in the same manner as a highway project. A state fund would be used in lieu of Federal funding if none was being provided. The HIF would also be used to provide the cost above what the Federal Government might provide generated by pursuit of an alternative method of disposal. The HIF would also serve as the mechanism to accept funding on a private dredging project in order to coordinate the project costs with the ACOE. Having an HIF would allow long term planning towards harbor infrastructure projects. Secretary Genuario inquired about how the State would insure that a funded area would continue to be used for that commercial purpose. Joe Riccio provided information on the need for "governance" of the commercial ports by the State. As it stands now, the State manages the ports as part of the public trust vs direct ownership or regulatory oversight. Comments were made related to Coastal Zone Management regulations currently requiring water dependent use of waterfront areas but that the CZM regulations may need to be strengthened to cover commercial areas. Commissioner McDonald made comments about recent private/public ownership and investments in ports in the NY and NJ area. Part of the negotiations covered continued use of the properties as commercial maritime industrial facilities. CT needs to evaluate as part of its long term strategy. Joe Maco made reference to a previous study conducted to determine the need to have 3 ports in CT. The study determined that each of the 3 CT ports had a niche market. Lack of land at each port was a limitation toward consolidation. Tom Dubno commented on the current regulations, tax rates revenue stream and strategic importance of the current ports. He also mentioned that the CT Maritime Coalition (CMC) has a study underway that will hopefully show the negative economic impact to the State if dredging is not done. Chuck Beck made comments related to the loss of a shipping company from Bridgeport to Philadelphia in part because Pennsylvania provided bonded funds to the port to be used as monetary incentives to the shipping company. If a State wants to maintain the viability of its ports, there is more to it than dredging. The State needs to offer economic incentives to attract industry/shipping companies to call on CT ports. Marty Toyen offered the success of Derecktor Ship Yard in Bridgeport as an example of what State investment can do.

Dave Shuda stated that he does not agree on the 3 port concept in CT. He provided information on the reported sale of the Coastline facility in Bridgeport (formerly known as the CILCO Terminal). He also provided information on the current status of ship arrivals, and product being brought into CT ports; all are less than in the past. Additionally, New Haven has lost 70% of its receivers (i.e. companies to which materials are being delivered) to other ports. Joe Riccio stated that the issue is not competition among the CT ports. Knowing that funding is available to maintain channel depth will allow for longer term planning relative to attracting customers. He further commented on the strategic importance of Bridgeport as a relief port to NY. CZM regulations can be strengthened if needed to assist in the "guarantee" of port use as intended. Certainly no action will guarantee the loss of the ports. A vote was taken on the motion for the CTMC to resubmit the HIF legislation. The motion passed with 9 affirmative 0 negative and 3 abstentions.

There were additional comments on the proposed legislation, as well as additional dredging issues: use of waterways vs trucks on highways, dredge material vs air quality, CAD cells, etc. Commissioner McDonald reported that DECD was hosting 10 public forums as part of its mandate to form a strategic plan for responsible growth in CT. Port growth should be a part of the plan. The study will be completed by July 2009. The dates and locations of the forums were provided and all were encouraged to participate.

Bill Spicer provided material on the New London disposal site. His thesis is that the New London disposal site is not in Long Island Sound thus is not subject the Ambro Amendment to the Ocean Dumping Act.

#### **V New Business:**

- Annual Report – A draft Annual Report for 2007 up to the October 2007 meeting was provided for review. All were reminded that the results of the November meeting and 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 Connecticut Maritime Association being held in March 2008 in Stamford was discussed. It was proposed that the CMC and CTMC coordinate staffing a booth on behalf of the maritime interests in CT. Bill Gash and Chuck Beck were asked to coordinate the details.

Judy Gott introduced a letter sent by the New Haven Harbor Coalition to the CONNDOT Commissioner. The subject matter is the traffic issues at the Port of New Haven caused by the Quinnipiac River Bridge project. It was decided to add the issue to the agenda of the January 2008 CTMC meeting.

All were reminded of the 2008 CTMC Meeting Schedule.

#### **VI Date of Next Meeting:**

- Marty Toyen reminded all that the next meeting of the CTMC is scheduled at 9:30 AM **Wednesday** 16 January 2008 in Conference Room A of the Department of Transportation headquarters building in Newington, CT. He also wished everybody a happy and safe holiday season.

#### **VII. Adjournment:**

- A motion was made by Judy Gott seconded by Tom Dubno and approved unanimously to adjourn. The meeting ended at 11:17 AM.