

**CONNECTICUT MARITIME COMMISSION (CTMC)
REPORT OF MEETING (Mtg. #07-03)
21 March 2007**

Location of Meeting: South Central Region Council of Governments Office
North Haven, CT

Attendance:

Commissioners

Present

Chuck Beck (for Commissioner Carpenter)
Tom Dubno
Ginne-Rae Gilmore (for Acting Comm Angelo)
Judy Gott
G.L. "Doc" Gunther
Joseph P. Maco (for TSB Chair Kelleher)
Joseph Riccio
Martin Toyen
George Wisker (for Comm McCarthy)
Robert Virgulak
Kaye Williams

Absent

Vincent Cashin
David Shuda
Phil Smith (for Secretary Genaurio)
Jon Wronowski

Guests

John Crowther	Dave Lis	Ed O'Donnell	M.A. Peszke	Dave Rossiter
Joe Salvatore	Joel Severance	Bill Spangler	Bill Spicer	Alan Stevens
Brian Thompson	Grant Westerson			

I. Call to Order:

- Chairman Marty Toyen opened the meeting at 9:39. A quorum of 9 was initially present with two more arrivals at 9:53.

II. Review of Meeting Minutes:

- The draft minutes of the 21 February 2007 meeting were reviewed. After a couple of corrections were recommended, the minutes as amended were approved unanimously after a motion by Judy Gott and second by George Wisker.

III Discussion Open to Public

- Brian Thompson (Director of CTDEP's OLISP) provided a summary of dredging issue taking place in the Housatonic River. Caswell Cove Marina had applied for a permit to dredge approximately 23,000 cubic yards of material to be disposed locally in the Housatonic River at a site that was mined for gravel material in the past (Two Mile Island Cove). After the testing of the proposed dredged material and the material already at the intended disposal site were completed, Fish schooling concerns caused the disposal site to be moved to a similar deep channel location with a depth of about 40 feet approximately 700-800 feet from the original site. Although the dredged material contained contaminants, the levels were less than those at the disposal site. Plus the dredged material could be beneficially used to cap accumulating contaminates at the disposal site in the deep channel. The funding source for the project was private; Caswell Cove. Since the project was maintenance dredging, the materials had a beneficial use and other factors, CT DEP issued a Certificate of Permission (COP) for the project. A COP is a streamlined process that does not require public notice or a public hearing. Once the dredging project started, local fisherman protested the materials being placed back in the River. Challenges have been raised to the use of the COP and a lack of public notice/involvement in the disposal site selection. A local legislator has added and amendment to a pending environmental bill that could alter if not eliminate the use of COPs. It was pointed out that "in river" disposal is nothing new. It was also pointed out that

the Caswell Cove project was the first maintenance dredging project in the Housatonic River in quite some time. Brian Thompson stated that the use of the COP to facilitate the project has created a public relations problem due to the COP not requiring public notification/hearing/involvement.

Judy Gott expressed concern about the possible negative effect that the legislative amendment would have on the use of COPs on other projects. However, she was not certain what the CTMC might be able to do. Ed O'Donnell opined that a change to the COP process could have a negative effect on the pending Milford project. Questions were asked about why the materials were not slated to be disposed of in a Long Island Sound. Brian Thompson reiterated that the applicant requested in river disposal. He also restated the beneficial use aspects of placing a less contaminated material over more contaminated material as well as creating a better source of material for marine at the disposal site.

During a recap of the situation to accommodate late arrivals to the CTMC meeting, questions were asked and answered concerning the testing of the dredged material, the bottom materials at the intended disposal site (Two Mile Island Cove) and the actual disposal site (800 feet from the intended site). It was stated that the dredged material contained heavy metals, pesticides, PAHs and PCBs in various amounts but far less than the levels in the materials at the disposal site. Doc Gunther provided information about "mine dredging" operations allowed in the Housatonic River the past. He repeated his concerns about the lack of public involvement related to the Caswell Cove project and provided comments on the possible negative effect that the project could have on the recreational fishing and commercial oyster industry near Caswell Cove.

Bill Spicer stated that it would not be beneficial to have CTDEP make the COP process more difficult. He also stated that from his experience towns are normally provided copies of COPs even though the regulation does not require public notification. Marty Toyen reiterated concern that the Caswell Cove dredging project controversy might result in causing all dredging projects to follow the path of a more time consuming full permitting process.

IV Old Business:

- Status of the Dredge Material Management Plan (DMMP) – George Wisker provided information about a Regional Dredge Team (RDT) conference call the end of March. One of the agenda items is the Long Island Sound (LIS) DMMP. He also stated that in April there will be a meeting of the project development team charged with drafting a LIS DMMP Project Management Plan. Once completed scoping sessions will be held involving all stakeholders and the public. Marty Toyen stated that it is important to include the Dredging Project Coordinator (Joe Salvatore) in these meetings. George Wisker explained that the RDT consisted of the regulatory agencies but that he would raise the issue with the RDT. He further stated that Joe should certainly be involved on the Project Delivery Team. Judy Gott inquired about whether or not the RDT meeting was "open to the public". George Wisker reiterated that it was not a meeting but a conference call among the regulatory agencies only.

With respect to funding for the LIS DMMP, nothing new had occurred. Ed O'Donnell stated that the \$1.74M in the FY 07 federal budget has yet to materialize. The FY 08 Federal budget proposes \$2.8M for the LIS DMMP. Doc Gunther inquired as to whether or not the Department of Interior (DOI) is involved in the LIS DMMP. Ed O'Donnell replied that DOI is involved through DOI's U.S. Fish and Wildlife Service. Upon further questioning, Ed O'Donnell stated that the National Marine Fisheries Service was also heavily involved in dredging matters. Judy Gott inquired about the timeline for the LIS DMMP. George Wisker stated that if an LIS DMMP is not in place by June 2013, both the Western LIS and Central LIS disposal sites will be closed. In response to a question on the cost of the LIS DMMP, it was stated that it would cost approximately \$15-16M. Thus, if congress provides on average \$2M a year starting with FY 2008, the LIS DMMP will be under funded to be completed by the deadline. Judy Gott asked if the CTMC should send a letter to the CT Congressional delegation (CODEL). Marty Toyen stated that letters about funding the LIS DMMP had

already been sent to the CT CODEL. George Wisker stated that CTDEP sends a letter to the CT CODEL about the need for funding for the LIS DMMP every spring. Marty Toyen stated that funding for the LIS DMMP is on the agenda for the 10 AM 5 April 2007 meeting that the CTMC has with representatives of the CT CODEL. He further stated that the meeting is being held at SCRCOG office and that the meeting is open to the public. Only 2 of the CT CODEL have not yet responded: Congressman Larson and Congressman Murphy. Ed O'Donnell stated that the State of NY's Congressional delegation needs to support the LIS DMMP as well. Ginne-Rae Gilmore opined that perhaps the newly appointed Business Advocate (former Congressman Rob Simmons) should be invited to the meeting. Marty Toyen stated that an invitation would be extended. Brian Thompson and Joe Riccio both stated that they had had conversations with the Washington staff of the CT CODEL on CT's dredging needs.

CT Maritime Cluster (CMC)/DECD Development of Commercial/Recreational Data - The Chairman reported that he had met with Bill Gash (CMC Executive Director) and that they were formulating an outline of needs upon which an RFP would be drafted. Tom Dubno stated that the CMC Board of Directors supports the project and is working on the RFP.

- Revenue Sources for Maritime Projects/Proposed Draft Legislation - Chuck Beck reported that the two Bills (HB 7070 and HB 7367) that were introduced to the CT legislature via the Transportation Committee were dead; neither made it out of Committee. HB 7070 mirrored the draft Harbor Improvement Fund legislation created by the CTMC with a few editorial differences. HB 7367 was a more "global" Transportation Bill that contained a section that mirrored the language of HB 7070. Chuck Beck reported that there was still one dredge funding related bill in play; SB 983 AN ACT FUNDING CERTAIN DREDGING PROJECTS. Senator Finch has sponsored the Bill that would provide \$5M from the General Fund to CTDEP to "fund and implement dredging projects in the greater Bridgeport area". It was suggested that perhaps the CTMC members should reach out to Senator Finch and other legislators and determine if the language of SB 983 could be amended to reflect the language of HB 7070 leaving the amount and source of the funding (\$5M from the General Fund) the same.

Marty Toyen asked if anybody had used and or gotten any replies to the template letter that he had provided after the February meeting to contact the members of the Transportation Committee to support HB 7070. Kay Williams stated that he had not received any reply or acknowledgement. Judy Gott stated that the municipal Chief Elected Officials within the SCRCOG had some issues with parts of HB 7367 thus she could not support it. Tom Dubno stated that the CMC lobbyist had work on getting HB 7070 through committee and is still working on SB 983. Joe Maco stated that the CTMC needed somebody to advocate the needs for a dredging fund, someone to "get in the face of the legislators". Bill Spicer offered the assistance of the Long Island Sound Assembly (LISA). Judy Gott stated that there still might be an opportunity to get funding into the Appropriations Bill. Marty Toyen once again appealed to the CTMC Commissioners and the stakeholders in the audience to contact their respective legislators and all of the legislative leaders to seek their support for an amended SB 983. He recommended that they use the previously drafted a template letter.

- CONNDOT Purchase of 201 Waterfront Street, New Haven – Marty Toyen reported that he had sent a letter to the Commissioner of the Department of Transportation concerning the New Haven Port Authority's request to swap properties relative to CONNDOT's need for Quinnipiac River Bridge project a waste storage facility. Judy Gott stated the SCRCOG had sent a similar letter. Neither had received a reply nor has there been a resolution.

V New Business:

- Transportation Committee Meeting –.Marty Toyen reported that he had asked for a meeting with the chairmen of the Transportation Committee to discuss dredging needs and the Harbor Improvement Fund legislation, but had not received a response. Even though the Transportation committee has concluded its business, he stated that he would continue to seek a meeting.

- Status of CTMC Appointed Commissioners - Marty Toyen introduced newly appointed Commissioner Robert Virgulak. After the introduction, a discussion took place concerning the need to re-affirm the status of other CTMC appointed Commissioners. Specifically, it was pointed out the Doc Gunther was filling a position of "and elected official from a coastal community". However, he had retired from elective office. Similarly, Joe Maco had been the Chairman of the Transportation Strategy Board "designee". However, Joe's term on the TSB had expired. Thus, it was considered prudent for both members and perhaps others to contact their respective appointing/designating authority and obtain a new letter of affirmation.
- Meeting with the Congressional Staff - Marty Toyen reiterated that the CTMC has a meeting with representatives of the CT CODEL at 10 AM 5 April 2007 at SCRCOG office in North Haven. He further stated that the meeting is open to the public.
- Errata – Joe Maco asked if anybody had an update on the potential move of the Turbana fruit importation operation from Bridgeport to another port. Joe Riccio stated that the matter was still under review by Turbana.

Kay Williams asked for an update on the Bridgeport Feeder Barge project. Joe Riccio stated that negotiations with the NY unions and the Port Authority of NY & NJ continue. He also stated that the feeder barge (short sea shipping) program has support at the highest levels of the Maritime Administration. Attention was drawn to the materials provided to the CTMC for the meeting specifically several articles about short sea shipping.

Grant Westerson (CT Maritime Trades Association) provided information concerning the negative affect that a proposed increase in rail service on Shoreline East will have on the recreational boating industry/public, particularly in SE CT. Shoreline East is basically a commuter service that for the past 15 years or so has been making runs from New Haven to Old Saybrook to New London. These trains are in addition to the AMTRAK trains that use the same tracks. The Governor is backing a proposition (HB 1401) to increase the Shoreline East service; i.e. additional trains. There are 5 movable rail road bridges between Old Saybrook and New London. The additional trains will necessitate additional bridge openings which will cause delays for vessels (primarily recreational) that need the bridges to open in order to enter or depart the harbor/marina. There are presently 41 trains per day that need to be accommodated. The proposed Shoreline East expansion will increase the number of trains by 60%. There are approximately 5,000 boats moored above the 5 movable bridges. The recreational industry has 700-800 businesses and 10,000 employees in the area. In addition to the negative impact to the CT boating interests, there will be a similar negative impact to the transient boating public. Mr. Westerson provided handouts and promised to provide more hard data at a future meeting. Joel Severance offered to add a column to the boat pump-out operation logs to assist in collecting transits through the bridges. Marty Toyen stated that the CTMC is tasked with championing all levels of the maritime industry but was not certain what the CTMC could do at this time.

Chuck Beck proposed that a sub-committee be formed and tasked with developing an informational packet on dredging. The packet could be used to educate the public, the CT legislators and municipal elected leaders on the importance of dredging to them and the State. The sub-committee would also be charged with developing a decision making matrix to be used to rank order CT dredging projects. He recommended that the sub-committee be purposely kept small in size and suggested that the membership could consist of CONNDOT, CTDEP, ACE, the CT Maritime Coalition (CMC) and the CT Harbor Management Association (CHMA). CONNDOT would represent project management. CT DEP and ACE would represent the regulatory/permitting issues, both state and Federal. CMC and CHMA would represent the stakeholders (maritime industry and recreational). Chuck Beck made his proposal a motion that was seconded by Judy Gott. During further discussion, Doc Gunther opined that the sub-committee should have a "peasant" as a member but could not define what that meant or identify who that might be. The motion was passed unanimously.

Joe Maco made a statement relative to recent articles about the Cruise Ship Task Force and the schedule port call by three cruise ship from May to September of this year. Chuck Beck stated that has a meeting with the Cruise Ship Task Force and City of New London officials on Friday morning 23 March. He will report out on the meeting at the next CTMC meeting.

VI Date of Next Meeting:

- Marty Toyen reminded all that the next meeting of the CTMC is scheduled at 9:30 AM **Wednesday** 18 April 2007 at the Bridgeport Regional Vocation Aquaculture School located at 60 St. Stephens Road in Bridgeport, CT

Marty Toyen stated that he (or Joe Riccio) would arrange for a 45 minute tour of the school as part of the agenda.

VII. Adjournment:

- A motion was made by Tom Dubno, seconded by George Wisker and approved unanimously to adjourn. The meeting ended at 11:28 PM.