

**CONNECTICUT MARITIME COMMISSION (CTMC)  
REPORT OF MEETING (Mtg. #06-04)  
For  
April 20, 2006**

**Location of Meeting:** CONNDOT Headquarters  
2800 Berlin Turnpike  
Newington, CT

**Attendance:**

**Commissioners**

***Present***

Rich Jaworski (for Commissioner Korta)  
Vincent Cashin  
Tom Dubno  
Ginne-Rae Gilmore (for Commissioner Abromaitis)  
Judy Gott  
G.L. "Doc" Gunther  
John Johnson  
Martin Toyen  
Kaye Williams  
George Wisker (for Commissioner McCarthy)  
Jon Wronowski

***Absent***

Joseph P. Maco  
Joseph Riccio  
Phil Smith (for Secretary Genaurio)  
David Shuda

**Guests**

Chuck Beck	Don Frost	Bob Hammersley	David Head	LTJG Miller
Ed O'Donnell	John Pinto	David Rossiter	Bob Sammis	Joel Severance
Bill Spicer	Geoff Steadman	Alan Stevens		

**I. Call to Order:**

- Martin Toyen called the meeting to order at 09:32. A quorum of 10 of the members was initially present with a late arrival of one additional commissioner for a total of 11 present.

**II. Review of Meeting Minutes:**

- The draft minutes of the 16 March 2006 minutes were reviewed, a motion made to accept, a second received and a unanimous vote to approve were obtained.

**III Discussion Open to Public**

- There were several members of the public present thus comments were offered.

Bill Spicer provided background on the mission and make-up of the Long Island Sound Assembly (LISA). He provided an oral presentation and various documents. He referenced several letters signed by Mayors, Executive Directors of Regional Planning Organizations, City Managers, First Selectmen, Harbor Management Commissions, etc that were written over the past 7 years to the CT Congressional Delegation requesting that the Ambro Amendment to the Marine Protection, Research & Sanctuary Act (MPRSA) also known as the Ocean Dumping Act be repealed. He felt that the CT delegation has been ineffective in repealing the Ambro Amendment thus far. It is felt that the Ambro Amendment creates a significant and unnecessary economic hurdle to conducting dredging projects in CT harbors by imposing standards that should not apply. Mr. Spicer stated that the previous DEP Commissioner (Arthur Rocque) agreed that dredging of CT waters should fall under the Clean Water Act not the Ocean Dumping Act. He stated that LISA has a member of the CT delegation lined up to sponsor a repeal of Ambro.

Mr. Geoff Steadman made a summary presentation on the Norwalk dredging project. Phase I was completed and removed 150K cubic yards of material from the upper reach at a cost of \$5M. Phase II of the project will remove 350K cubic yards of material from the lower reach (southeast and entrance channel) at a cost of \$7M. However, there are no federal project funds available for Phase II. In fact money had to be "borrowed" from the Old Saybrook North Cove project to complete Phase I. Additionally, the cost includes a \$200K local cost share for CAD cells. Another issue is that DEP water quality certificates are due to expire, most likely prior to federal funding being identified. George Wisker stated that a one year extension to the certificates would not be a problem. He further stated that an additional year (totaling 2) extension would most likely be possible but beyond that would most likely require sediment tests to be updated. There was a lengthy discussion among the Commissioners relative to the driving forces behind setting expiration dates. Judy Gott inquired about the process to obtain an extension. George Wisker stated that before the current certificate expires, the Army Corps of Engineers (ACOE) needs to submit a letter to DEP requesting the extension. DEP would need a week or two to process the request. John Pinto reminded everybody that the main issue is still a lack of funding to complete the project. Marty Toyen asked Ed O'Donnell about CT's priority projects that have been identified by the ACOE. Ed O'Donnell stated that all federal project money provided to CT is the result of an "earmark". Since money was "borrowed" from the North Cove project to complete Phase I in Norwalk, the CT Congressional delegation feels that North Cove has priority over Phase II in Norwalk. Don Frost added that if a harbor does not handle 1 million tons of cargo per year any related dredging project is not even on the radar screen. The discussion concluded with talk about the need for a white paper on Norwalk's needs.

#### **IV Old Business:**

- Bridgeport Port Authority Bond Issue - It was reported that the Bond Commission had approved the \$750K bond for Bridgeport as the local match for the Innovative Dredged Material Treatment project. Upon questioning, Ed O'Donnell stated that the ACOE decision document on the Innovative project was submitted for approval. Treatment could occur within 2-3 months. The results should be known within the next 12 months.
- Proposed/Pending Legislation:
  - S.B. 662 Dredging - Doc Gunther stated that a new draft language in S.B. 662 has been drastically changed reducing 11 pages of material to three paragraphs. He credited Marty Toyen with moving the Bill forward. The end result is that the Bill as currently written establishes a Dredging Advocate position within the CONNDOT. It also establishes funding for the position out of the recreational boat mooring fees. There was considerable discussion as to how the new language would be inserted into the shell of the old Bill. There was also considerable discussion about the funding recommendation. Bill Spicer stated that LISA had voted to support the revised Bill but only if the finding paragraphs were deleted. Geoff Steadman also questioned why the recreational mooring fees were being targeted to support a position that would primarily support dredging in the commercial ports as a priority. He also stated the mooring fees do not include slip fees and that the HMAs were all in dire financial straights. Marty Toyen attempted to take control of the discussion by suggesting that discussion on revenue should be handled as a separate discussion at the next meeting since it seemed to bog discussion at this time. However, discussion on different revenue sources continued including the mention of user fees, license plates, and even having CONNDOT fund the advocate position as a line item in its budget. Rich Jaworski reminded the group that any position being established within a state agency would have to be approved by OPM as would any adjustment to the host department's budget.
  - H.B 5664 Transportation Bill (Specifically Section 3 which was formerly S.B. 519 the Pilot Commission Bill) – Chuck Beck reported that a meeting of the minds had been held resulting in some language changes to the Bill. The proposed language changes made Sec 3 of HB 5664 acceptable to all interested parties.

- H.B. 5658 AN ACT CONCERNING THE REMOVAL OF ABANDONED VESSELS  
Senator Cook submitted a Bill that would alter Sec 15-11a *Disposal of old vessels and floating structures* by deleting Commissioner of Transportation and inserting Commissioner of Environmental Protection. It was reported that the Bill was an attempt to rectify both a perceived liability and a funding issue relative to the ability of harbor masters to remove derelict/abandoned boats from their waters. Part of the problem is that different sections of Title 15 have overlapping responsibility fall under the purview of different State agencies (DOT, DEP and even DMV). A meeting was held on the topic that included DEP, DOT and harbor representatives from Mystic. It was agreed that the best approach at this time would be to put forward a short term fix with a promise to address all of the overlapping statues dealing with boating, harbors, harbor management and harbor masters.
- Report on Housatonic River Dredging Project – A handout was provided that contained a summary of the issues that have brought the Housatonic River Dredging project to a halt. The major factor is funding. There has been no federal funding identified for the project. A related significant issue is the need for additional testing of the dredged materials. Although there are no specific upland disposal standards for dredged sediments, CT DEP is requiring additional tests pursuant to the Remediation Standard Regulations to be conducted as part of the evaluation whether or not the dredged materials will be suitable for upland disposal or beach nourishment. The additional testing will cost in the neighborhood of \$140-150K. Since the tests exceed those required by the federal government, the locals/state will have to pay for the tests. An outline and timeline of an action plan was provided at the end of the report/handout.

The discussion diverted back to funding of dredging projects and the dredging advocate and S. B. 662 with motions and counter motions being made and withdrawn relative to how to fund the position and or create a pool of state money to cover local/state shares in dredging projects. The end result was a motion was made by John Johnson that the CTMS support the three paragraph version of S.B. 662 that establishes a Dredging Advocate but that the current two paragraphs on funding be deleted and language be inserted to fund the position out of funds collected under Sec 22-113s *Permit fee* and 15-144(b)(1) *Vessel registration number or registration decal use by another person or on another vessel. Schedule of fees payable to Commissioner of Motor Vehicle*. The motion was seconded by Kaye Williams George Wisker stated that the fees collected were already being used to support boating related programs and that there that an additional use could put a strain on those funds. The motion carried with 10 yeas and one nay. It was recommended that letters be sent to the legislative leaders, the Governor, the Secretary of OPM and the Commissioners of DOT and DEP asking for their support of the revised S.B. 662.

The discussion returned to the Housatonic River Dredging Project in an attempt to obtain a resolution on the proposed action plan. A motion was made to adopt the action plan but four of the Commissioners had departed due to pressing business, thus there was no longer a quorum. The matter was tabled.

- Status of the Maritime Policy Statement-Marty Toyen stated that no action had been taken by either the legislators or the Governor's office on the recommended Policy Statement. He will write a follow-up letter to both.

## **V New Business:**

- DiPietro vs Milford Zoning Board-A brief summary was provided on the State Appellate Courts ruling on the case. The end result is that the court upheld the authority of the town and the harbor management commission to control through regulations the use of its waters.
- NDT/RDT Conference- Information was distributed on the National Dredging Team/Regional Dredging Team Conference being held 3-5 May in Boston at the Omni-Parker House. Commissioners were encouraged to attend if possible.

- Data Development-Marty Toyen expressed a need for the CTMC to collect data relative to commercial and recreational use of CT's waters and harbors. Information on ship calls, cargo tonnage, boating registrations dredging projects, etc would be useful to the CTMC as the group advocates for the funding of harbor and waterway projects. DECD was asked to begin the data collection form known sources and provide findings at the next meeting.
- 15 June 2006 CTMC Meeting-Everyone was reminded that the 15 June 2006 CTMC meeting would be held at the South Central Region Council of Government offices in North Haven located at 127 Washington Avenue, 4th Floor West North Haven, CT 06473. The change has been made on the schedule of meetings posted on the CTMC web site.
- Cross Sound Ferry Lawsuit-The Chairman asked Jon Wronowski for an update on the lawsuit Southold, NY has brought against the Cross Sound Ferry. A brief summary of the issues was provided. Southold officials are attempting to roll back the ferry transits to the 1995 levels which would be a 30% loss of current capacity

**VI Date of Next Meeting:**

- Next meeting is scheduled for 0930 Thursday 18 May 2006. The meeting is scheduled to be held in Conference Room B CONNDOT at 2800 Berlin Turnpike Newington, CT.

**VII. Adjournment:**

- The meeting adjourned at 1104 to adjourn.