

**CONNECTICUT MARITIME COMMISSION (CTMC)  
REPORT OF MEETING (Mtg. #06-05)  
For  
May 18, 2006**

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

**Attendance:**

**Commissioners**

***Present***

Carl Bard (for Commissioner Korta)  
Tom Dubno  
Ginne-Rae Gilmore (for Commissioner Abromaitis)  
Judy Gott  
G.L. "Doc" Gunther  
Joseph P. Maco  
Joseph Riccio  
Phil Smith (for Secretary Genaurio)  
George Wisker (for Commissioner McCarthy)

***Absent***

Vincent Cashin  
John Johnson  
David Shuda  
Martin Toyen  
Kaye Williams  
Jon Wronowski

**Guests**

Chuck Beck    David Head    Jack Karalius    Bob Sammis    Joel Severance  
Bill Spicer

**I.        Call to Order:**

- Joe Riccio called the meeting to order at 09:37. A quorum of 9 of the members was present.

**II.       Review of Meeting Minutes:**

- The draft minutes of the 20 April 2006 minutes were reviewed. Mr. Dubno made a motion to accept, a second was made by Senator Gunther and the minutes were approved unanimously.

**III       Discussion Open to Public**

- On behalf of the Stratford/Milford Housatonic Dredge Task Force, Bob Sammis thanked the CTMC for the support towards accomplishing the Housatonic River Dredging project. Although there is much more to do, the recent attention given to the project by the CTMC is greatly appreciated.
- Bill Spicer reported that the Long Island Sound Assembly (LISA) recently voted on a resolution to take steps necessary to repeal the Ambro Amendment to Marine Protection, Research & Sanctuary Act (MPRSA) also known as the Ocean Dumping Act. LISA is drafting a letter to be sent to the Governor, legislative leaders and the CT Congressional delegation seeking their support. He offered to provide additional detail but agreed to hold further comment until latter since the Ambro Amendment was on the agenda under New Business.

#### IV Old Business:

- Proposed/Pending Legislation:
  - S.B. 662 Dredging - Doc Gunther reported that stated that a new draft language in S.B. 662 was not acted upon thus died. He apologized for the administrative confusion that caused the wrong version of the Bill to be approved by the Senate. By the time the proper version was acted upon by the House, the Finance Committee didn't have enough time to move the Bill forward prior to the budget being approved by both chambers. Senator Gunther recommended that the best next step would be for one of the Departments (DOT/DEP/DECD) to review the need for a dredge advocate and handle it creation administratively vs legislatively. Phil Smith concurred with the comment that the financial aspects of S.B. 662 and the fact that the budget had been set was the main reason for its demise.

Joe Riccio asked if one of the Departments could pursue creating a dredging advocate/facilitator staff position. Carl Bard stated that DOT was willing to look into the matter. George Wisker stated that DEP was also willing to research the matter. Carl Bard stated that alternative funding for the position was being sought by DOT through OPM. He stated that DOT recognizes the need to keep the State's ports commercially viable. The vision is that the CTMC would be given status similar to the State Traffic Commission (STC) with the staff necessary to promote project delivery. Joe Maco mentioned the fact that the recent heavy rains had turned the harbors brown with sediment runoff from the uplands so perhaps the CTMC needed to address the source of the sediment. Senator Gunther agreed stating that people needed to look at the total picture; the need to resort the river channels to original parameters which would help control flooding. George Wisker stated that Regional Sediment Management was a topic of discussion at the National Dredge Team/Regional Dredge Team Conference held in Boston 3-5 May 2006. Since the NDT/RDT was on the agenda further comment was deferred.

- H.B 5664 Transportation Bill (Specifically Section 3 which was formerly S.B. 519 the Pilot Commission Bill) – Chuck Beck reported that the Bill with the proposed compromise language passed. Senator Gunther opined that the Bill did not go far enough that what was needed was a totally independent Pilot Commission. Joe Maco agreed but stated that what had been recently passed was a good first step since the language of the Bill provided additional balance to the Pilot Commission. A copy was provided to the attendees.
  - H.B. 5658 AN ACT CONCERNING THE REMOVAL OF ABANDONED SUNKENED VESSELS  
Sec 15-3a and Sec 15-11a were amended to redefine an abandoned/derelict boat as well as to provide clarity to the authority and indemnification of local harbor masters. Additionally, the administrative notification process to follow before an abandoned/derelict vessel could be removed/ sold was detailed. A copy of the Bill as passed was provided to the attendees.
- Housatonic River Dredging Project Action Plan – A handout was once again provided to the CTMC that contained a summary of the issues that have brought the Housatonic River Dredging project to a halt. A summary of the issues and a recommended action plan had been discussed at the 20 April 2006 meeting but due to the early departure of some of the Commissioners, a quorum had been lost before a motion could be made to accept/alter/reject the proposed action plan. Tom Dubno moved to approve the action plan. Senator Gunther seconded the motion. Before a vote was taken, there was significant discussion centering on the estimated cost (\$140-150K) of the additional testing required to before a Water Quality Certification (WQC) and Coastal Zone Management Consistency (CZMC) determination could be issued by CTDEP. An earlier estimated cost had been given at \$50K. The tests exceed those required by the federal government thus, the locals/state will have to pay for

the tests. Joe Maco asked if DOT had contractors on call that might be able to conduct the tests required. Carl Bard said yes but asked if a cost sheet was available that would detail what needed to be accomplished. He stated that he had previously discussed the possibility of shifting DOT project funds to accomplish the additional tests with the CONNDOT Commissioner but now that the cost had tripled he would need to reconsider. Judy Gott asked what caused the \$50K estimate to increase to \$150K. George Wisker stated that his previous \$50K estimate was a WAG and the \$140-150K estimate was provided by the Army Corps of Engineers (ACOE) upon request. He further stated that the estimate could be reduced if the towns (Milford & Stratford) could identify where the sediment would go. The tests are driven by the disposal location and not all locations require the same degree of testing.

Phil Smith suggested that DOT, DEP, ACOE and the towns need to meet to resolve the disposal plan issues. Once done the ACOE and DEP could hone the testing cost estimate. Senator Gunther inquired about selling the material to a sand mining company but there was some doubt expressed as to whether or not the granular size of the sediment would be suitable for "construction use". Bob Sammis suggested that the CTMC should send a letter to the Chief Elected Officials (CEO) of the two towns and ask them to determine the disposal sight. Upon questioning he stated that he believed that each of the towns already had made the determination but needed to make a commitment. George Wisker provided some historic background on the possible disposal sights: beach nourishment to mitigate erosion problems, capping of the Army Engine Plant site. Phil Smith opined that the letter suggested by Bob Sammis should come from the DOT Commissioner vs the Chairman of the Maritime Commission. Carl Bard agreed but stated that homework was needed; creation of the task sheet, establishment of milestones, determination of funding needed. He agreed that DOT should and would call the meetings after the details were in hand.

A vote was taken on the motion to adopt the action plan modified to add the drafting of the letters to the towns and calling a meeting of the parties by DOT. The motion carried unanimously.

- Status of the Maritime Policy Statement-Chuck Beck stated that the Chairman had signed and sent letters to the legislative leaders and the Governor asking them to review and support/provide feedback to the Maritime Policy Statement that had been submitted to them in December 2005. This is the second follow-up letter. No response has been received as of the meeting.
- NDT/RDT Conference-George Wisker and Chuck Beck both attended the meeting held in Boston 3-5 May 2006. They provided a summary of the conference agenda and issues. They reported that the overriding issue was the need to provide adequate resources to dredging and dredge material management. They reported that a presentation had been given on Regional Sediment Management. RSM if adopted would allow the ACOE to combine several independently funded projects within a region so that the problems associated with one project might be used as the solution to another. Additionally, an RSM plan would include steps to mitigate the source of sediment; upland run-off.

Another topic of interest was the lack of a central clearing house of information related to innovative solutions to unique problems used to facilitate dredging in various parts of the country. It is hoped that the NDT will address the clearing house issue with the Committee on the Marine Transportation System, a cabinet level council established to facilitate the economic viability of the nation's ports. Joe Maco asked if there was a web site. Although the information was not available at the meeting, the CMTS does have a web site (<http://www.dot.gov/cmts>).

Chuck Beck stated that the ACOE made it clear at the NDT/RDT Conference that within the limited funding received, they were obligated to use the lowest cost environmentally acceptable method. Most often that means use of an open water disposal site. Any alternative method usually means additional cost which becomes a cost share issue. The

ACOE also discussed that their projects were also being funded on a Performance Based Budgeting matrix vs regional allocations. The criteria in the matrix are common to all ports despite their size. There were some additional comments made related to the need for a dredging coordinator and a call to action vs additional studies.

**V New Business:**

- Ambro Amendment-Joe Riccio provided a summary of the scope of the Marine Protection, Research & Sanctuary Act (MPRSA) also known as the Ocean Dumping Act and the Ambro Amendment. Handouts of both were provided to the attendees. In short, the Ambro Amendment applies the restrictions of the Ocean Dumping Act to Long Island Sound (LIS). Otherwise, the use of dredge material disposal sites in LIS would fall under the Clean Water Act and Coastal Zone Management legislation.

Judy Gott made a motion that the CTMC should endorse the repeal of the Ambro Amendment and have the Chair send letters to the President, the CT Congressional delegation, the Governor and the state legislators seeking their support. George Wisker raised several issues for consideration during the discussion. If CT moved to repeal Ambro, NY would most likely move to block the attempt. NY might then retaliate by blocking CT's attempt to obtain federal funding for the ACOE to complete the Dredge Material Maintenance Plan (DMMP) for LIS. He stated an alternative approach would be to put more effort into getting the funds for the DMMP. Phil Smith stated that as long as Ambro is on the books, NY has little incentive to move on the LIS DMMP. A move to repeal Ambro could very well bring NY to the table on the DMMP. Joe Maco stated that the CT Transportation Strategy Board (TSB) had approached the CT Attorney General in the past, asking the he check the Constitutionality of the Ambro Amendment. George Wisker stated that the Governors of NY and CT sent a joint letter dated 8 Feb 2005 to the Commanding General of the ACOE asking the ACOE to construct a DMMP for LIS. Repeal of Ambro may be contrary to the written agreement. Carl Bard stated that CT needed to get its official stand on Ambro on the record. Tom Dubno stated that not allowing dredge material to be disposed in designated location in LIS could affect the structure of any DMMP. Applications for dredging permits are required to have 4 alternatives for disposal of the materials. However, 3 of the four alternatives are usually cost prohibited. A DMMP would require the same structure. Bill Spicer reminded the CTMC of the presentation given in February by the RI Dredge Coordinator, Dan Goulet. CT needs to establish a similar position. He further opined that NY does not want any dredge materials placed into LIS thus, would block the completion of a DMMP that contained that option.

The discussion concluded and a vote was taken on the motion made by Judy Gott. The motion passed unanimously with one abstention.

- Data Development-At the 20 April meeting, 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. It was stated that the CT Economic Resource Commission (CERC) has already compiled some information. The ACOE has information on the commercial traffic. Ginne-Rae Gilmore stated that DECD is in the process of developing information on the recreational boating ports. It was stated that the Boating Industry Association might already have that information. Tom Dubno opined that the data would not be useful unless it could prove the negative impact that a lack of dredging to CT ports and channels would have to the State; loss of jobs, increased cost of consumer goods, lower quality of life for CT residents, etc. Phil Smith stated that DECD did a similar study in 2003. George Wisker added that the Environmental Impact Statement (EIS) for the continued use of the Western Long Island Sound (WLIS) and Central Long Island Sound (CLIS) disposal sites had an economic impact section that might be of use. DECD was asked and agreed to begin the data collection from known sources and provide findings at the next meeting.

- Revenue Sources of Maritime Projects-Ideas were explored to create a fund to support maritime related projects. Projects could include dredging, removal of derelict vessels, facility improvements, etc. The fund could be used as the local/state cost share against federal funds. Some ideas that could establish such a fund would be to increase the registration fee on recreational boats, redirect some of the tax revenue on the fuels sold at marinas, petition the CT Congressional delegation to release more of the Harbor Maintenance Tax funds, etc. Phil Smith stated that the CT legislature never (later modified to with very few exceptions) moves to take funds from the general fund to support a specific project as a consistent policy. Joe Maco stated that advocates for specific projects rarely have a voice in the process. Progress has been made recently in recommending a maritime policy and follow-up is needed to address the identified concerns. Chuck Beck opined that the recreational Boat registration fee was ripe for creating a maritime project funding stream. The registration fee has not been raised since 1978. Thus, an increase in the fee would be considered "new money". Phil Smith opined that raising taxes/fees in an election year would have inherent problems. He also stated that there is a methodology to follow relative to the appropriation process. Carl Bard stated that the Federal Highway Administration (FHWA) has a comprehensive capital improvement funding process. He opined that CT needed to take the same approach with waterway management projects. Joe Maco cautioned that most maritime related projects in the commercial ports would benefit private entities; the owners of the facilities thus, care would have to be taken in the selection process to avoid even the appearance of conflict of interest. Carl Bard stated that public-private partnerships are encouraged whenever federal funds are involved and that DOT has experience in such projects. Bill Spicer stated that RI dedicates a "few pennies" per barrel of fuel products to which is set aside for dredging projects. There was some additional discussion but no definitive resolution.
  
- Several quick hitting ideas were offered as the meeting drew to a close.
  - Joe Riccio suggested that the Apex Companies, LLC be invited to make a presentation at the next CTMC meeting. Apex is the lead contractor conducting dredging in New Bedford, MA using non-federal funds. All agreed to tender an invitation to the 15 June meeting.
  
  - Phil Smith stated that the TSB has to update the State Transportation Strategy. The CTMC should provide input on its direction to that effort.
  
  - Senator Gunther stated that the Port Jefferson-Bridgeport Ferry Company would like to make a presentation to the CTMC at a future meeting. There was no discussion or date set.
  
  - George Wisker mentioned that the next meeting of the NDT/RDT would be in Portland, OR in June. One of the key issues to discuss will be dredging and sediment management.

**VI Date of Next Meeting:**

- Next meeting is scheduled for 0930 Thursday 15 June 2006. The meeting is scheduled to 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. Take I-91 to Exit 12. Turn LEFT at the end of the exit ramp onto WASHINGTON AVE / US-5 (South). Go about three blocks (0.3 miles) and turn right into the parking lot just beyond the McDonalds. Park in the back part of the lot and enter the building furthest from the highway. Take the elevator to the 4th floor.

**VII. Adjournment:**

- Tom Dubno made a motion to adjourn. It was seconded and unanimously approved. The meeting adjourned at 1125.