

CONNECTICUT MARITIME COMMISSION (CTMC)
REPORT OF MEETING (Mtg. #07-09)
19 September 2007

Location of Meeting: Connecticut Department of Transportation Office
2800 Berlin Turnpike Newington, CT

Attendance:

Commissioners

Present

Chuck Beck (for Commissioner Carpenter)
Tom Dubno
Susan Decina (for Commissioner McDonald)
Joseph P. Maco (for TSB Chair Kelleher)
Judy Gott
G.L. "Doc" Gunther
Martin Toyen
Kaye Williams
George Wisker (for Commissioner McCarthy)
John Wronowski

Absent

Vincent Cashin
Phil Smith (for Secretary Genaurio)
David Shuda
Robert Virgulak
Joseph Riccio

Guests

Jim Bacon	John Crowther	Michael Griffin	John Johnson
Richard Jaworski	Tony Mobilia	LCDR Kevin Oditt	Ed O'Donnell
John Pinto	Dave Rossiter	Joe Salvatore	Joel Severance
Bill Spicer	Geoff Steadman	Alan Stevens	Kurt Walton
Grant Westerson			

I. Call to Order:

- The Chair opened the meeting at 9:33. A quorum of 10 was present.

II. Review of Meeting Minutes:

- The draft minutes of the 15 August 2007 meeting were reviewed. After a motion by Tom Dubno and second by George Wisker, the minutes were approved by unanimous vote.

III Discussion Open to Public

- No comments were offered by the public. The Chair welcomed Doc Gunther back.

IV Old Business:

- Appointment Update: Marty Toyen reminded all that it might be wise to reach out to their appointing authority to discuss intent/desire to continue serving on the Commission. The Governor's office is in the process of reviewing the 4 appointments for which the Governor has responsibility.
- Dredging Update: Joe Salvatore provided an update on the pending dredging projects (Rocky Hill/Glastonbury, Norwalk, North Cove, and Long Island Sound DMMP). He also reported on the LIS DMMP Project Delivery Team meeting hosted at the CONNDOT HQ on 27 August 2007. The purpose of the PDT meeting was to review and complete the Project Management Plan for the DMMP. Joe also reported on a meeting of the LIS Regional Dredge Team held on 28 August hosted at CONNDOT. The focus of the RDT meeting was the need for dredging in western LIS. Several private dredging projects in western LIS require capping material. Options for obtaining the necessary cap were discussed. The project coordinators (consultants) were asked to submit a plan to the RDT that would combine/coordinate their needs. Joe also attended the RI dredge meeting on 6 Sept 2007.

It was also reported that the letter authorized by the CTMC at the August meeting requesting full financial backing of the Norwalk and North Cove dredging projects was sent to the CT Congressional delegation as well as to the Governor and State legislative leaders.

Doc Gunther commented that he has never seen a list of projects. He was reminded that a list of projects had been provided at previous CTMC meetings but that the current list would be provided to him again. Chuck Beck stated that steps are being taken to resubmit a Harbor Improvement Fund Bill (formerly HB 7070 at the last Legislative Session).

Grant Westerson inquired about the expiration status of water quality certificates (permits) as related to funding. George Wisker stated that the Norwalk permit had already been extended to 2009. North Cove had been extended as well. He further stated that if funding were identified for a project whose permit was due to expire, an additional extension was possible.

Marty Toyen returned to the Harbor Improvement Fund Bill with a concern that perhaps the Bill should not ask for too large an amount to be bonded. Chuck Beck stated that the amount being requested (\$65M) equals the amount needed for dredging projects that have already received a permit, the LIS DMMP and three improvement studies. He opined that it would be better to ask for the amount needed up front rather than asking for bits and pieces year after year. Judy Gott agreed.

Mike Griffin commented that the Norwalk permit extension would not be valid by the time the funding is provided if Congress acted this year due to the lead time the ACOE needs to distribute request for bids and the limited seasonal dredging window in CT. He asked how the 3 year limit on a permit was established. George Wisker stated that EPA/ACOE Manual make reference that dredge material testing data older than 3 years becomes suspect as a true indicator of the quality of the material. Ed O'Donnell stated that the 3 year limit is a policy not a hard and fast rule. George Wisker offered that the Norwalk material was last tested in the 1999-2000 time frame. There was a further discussion on the nature of the EPA Manual (law, regulation, or policy). Doc Gunther opined that getting a dredging project accomplished took too much time from start to finish.

George Wisker returned the conversation to the RDT DMMP meeting held on 28 August, providing additional insight on the issues. He stated that a draft Project Management Plan (PMP) has been created and reviewed by the PDT. The RDT also discussed the need for a disposal site to be designated in eastern LIS. The current New London interim disposal site is scheduled to be closed to MPRSA projects in 2011 unless re-designated by the EPA. Marty Toyen asked if the RDT is considering any changes to toughen/ease permit requirements to better align CT's requirements with the federal standards. George Wisker responded that CT actually considers all disposal options but NY only wants to consider options other than open water disposal in LIS. A previously conducted \$7M Environmental Impact Study indicated that open water disposal in LIS was OK provided it was managed properly. George Wisker stated that the goal within the RDT is to reach consensus on the LIS DMMP. In response to a question on what would happen if NY and CT can not reach consensus, he replied that the matter would most likely end up in court. There was some discussion on the effect closing the New London disposal site might have on the viability of the Groton Sub Base. EPA is aware of the issue but thus far has remained silent on NY and CT collaborating in "good faith" requirement. Joe Maco inquired about the term interim. George Wisker explained that it was a technical definition stemming from the Ambro Amendment to the Ocean Disposal Act.

Doc Gunther re-visited the Caswell Cove dredging project recently conducted alleging that it was an example of how DEP can change their mind on a capping requirement. It was reiterated by George Wisker that capping is driven by the relative quality of the material being disposed and where the material is placed. The Caswell Cove material was of better quality than the material at the original disposal site (the upstream hole in the Housatonic) but worse than the material on the bottom at the final disposal site (Central Long Island Sound disposal site).

Marty Toyen returned the conversation to Norwalk. The Norwalk Harbor Commission was asked for waterway use data at the August CTMC meeting. He noted for the record that the Norwalk HMC submitted a letter with waterway use data provided by O&G and Devine, two manufactures that use tug and barge to move materials. There was some conversation about the truck to barge load equivalent as well as a third customer of tug and barge deliveries, the power plant.

The Chair asked for the CTMC to authorize a letter to be sent to the State elective leaders. The focus of the letter would be to express the economic impact of not dredging CT's channels by using the aforementioned letters from O&G and Devine as examples. The letter would also champion a meeting of DECD, DOT, DEP and OPM with CTMC to address dredging. Sue Decina stated that in a conversation she had with her (DECD) Commissioner, the Commissioner expressed similar concern. A motion was made to authorize the letter by Doc Gunter, seconded by Tom Dubno and approved unanimously. Joe Maco asked how DOT funded the purchase of old rail lines. Rich Jaworski stated that each purchase was handled as an individual bond request and that DOT had the first right of refusal. Kaye Williams stated that that the proposed letter was impressive but what the CTMC needed was better PR to sell the case for dredging. Doc Gunther made a comment about the number of dredge companies (3) that mined materials from the Housatonic in 1968 paying the State \$0.20 per ton. He wondered out loud why mining materials from the channels couldn't be used today since the state royalty charged would be \$4.00 per cubic yard.

Ed O'Donnell asked about the dredging needs economic analysis that the CTMC had discussed several meetings ago. Tom Dubno stated that the CT Maritime Coalition (also know as the Maritime Cluster) was in the process of hiring a consultant to conduct the study. John Pinto stated that the economic value of the shelf fish industry is not counted by the ACOE.

Geoff Steadman revisited a request for support made to the CTMC via a letter sent to the Chairman dated 6 August 2007. The main issue was seeking relief from the capping requirement of the materials that need to be removed from the Norwalk Harbor Phase II dredging project. The capping requirement will add an estimated \$1M dollars to the cost of the project. Geoff asked the CTMC for support on two additional issues: clarification of the capping requirement and encouraging CT DEP to more actively advocate for dredging as one of the water dependent use requirements of the Coastal Management Act. Judy Gott asked Geoff to submit his request in writing so that all of the members of the CTMC could study. He stated that he would have the letter out by weeks end.

- Pilotage Rate Issue – Neither Captain Vin Cashin nor Mike Eisele of the CT Pilot Commission were able to attend the meeting to provide an update on the pilotage rate increase request discussed at the August CTMC meeting. Chuck Beck stated that the letter of support authorized by the CTMC in August was sent to the Governor with copies to the appropriate State agencies and legislative leaders. He also stated that OPM had acquiesced to a degree, allowing the 6% increase per year for three years to be advanced but disallowing the diversion of the 6% of gross revenue earned currently paid by the pilots to the General Fund to a pilot training and safety equipment fund. The change to the CT Pilotage Regulations was posted in the CT Law Journal for comment on 18 Sept 2007 for a 30 day public comment period. Doc Gunther opined that the CTMC needed to review the CT General Statutes that created the CT Pilot Commission (CPC) and get them changed to give the CPC greater authority. The Chair stated that the CTMC could support such a legislative change if asked by the CPC but that it would be improper for the CTMC to initiate such an action. Joe Maco indicated that the CPC is making progress of late.

V New Business:

- OPM Presentation: There was no member of OPM in attendance. Thus, there was no OPM presentation. The Chair indicated that although he had heard indications that the Secretary might not attend, he had not received confirmation. A motion was made by Doc Gunther that the CTMC should send a letter to the Governor expressing disappointment in the lack of participation by OPM, a statutory member of the CTMC. The motion was seconded by Tom Dubno and approved unanimously.
- Gentrification of the Waterfront: Joe Maco expressed a concern about the gentrification of the CT waterfront and the economic impact that could result. He was specifically concerned about the reported development of the Steel Point area in Bridgeport and the rumored sale of the CILCO Terminal. George Wisker reminded all about the recent articles that reported a change of support for the Feeder Barge project expressed by various Mayoral candidates in Bridgeport. Kay Williams offered some negative comments about the Feeder Barge project and returned to a previous issue stating that the CTMC should force the CPC to seek more authority. There was some follow-on discussion about the need to separate the CPC issue from the Bridgeport issue. Chuck Beck commented that the State of CT needed all three of its deep water ports. Each had a niche market that no one or two could accommodate. He likened the recent move to gentrify the Bridgeport waterfront to past airport experiences. Large airports, located in remote areas attract business which attracts housing which attracts complaints about noise and fosters movements to close or limit the operations of the airport. He addressed a comment that CT DEP could “force” water dependent use of the facility regardless of ownership by stating that water dependent use was very flexible: it could range from a beach to a marina to a deep draft port facility. George Wisker concurred with the comments. Chuck Beck moved that the CTMC send a letter to the Governor supporting the retention of the CILCO facility as a deep draft terminal. The motion was seconded by Doc Gunther. After concern expressed by Judy Gott, the motion was amended to drafting a letter to be considered at the October CTMC meeting. The amended motion was approved with 9 yeas, 0 nays and 1 abstention. A draft letter will be on the agenda for the October CTMC meeting. Joe Maco added that the State of RI has similar gentrification issues around the port of Providence.
- Errata: Mike Griffin stated that the State has a policy and ability to acquire land to retain as open space. He asked why the State could not adopt a similar policy related to the waterfront to stem the gentrification move. He also made a comment that the RI dredging coordinator (Dan Goulet) stated at a meeting last year that making dredging predictable is a goal in RI. CT should adopt the same goal.

Chuck Beck made note of two additional handouts that had been distributed. One was a notice that the East River would be closed the end of the month during a United Nations General Assembly meeting. The other was an extract from an electronic news letter that contained several issues of interest to the CTMC. One concerned LNG terminal. Another provided a link to the North American Cruise Industry that provided information on the positive economic impact that a visiting cruise ship can make at a port call. The third concerned the State of Florida providing \$50M in state funding for port infrastructure improvement projects. Marty Toyen added information about Hampton Roads, VA providing \$10M per year for a number of years for similar purposes. Judy Gott inquired if anybody knew what the Transportation Strategy Board’s balance might be on the bonds acquired for transportation projects.

VI Date of Next Meeting:

- Marty Toyen reminded all that the next meeting of the CTMC is scheduled at 9:30 AM **Wednesday 17 October, 2007** in the Fort Trumbull Conference Center in New London, CT.

VII. Adjournment:

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