

Connecticut Maritime Commission Annual Report 2008

The Connecticut Maritime Commission (CTMC) was established in July 2004 by State Statute (TITLE 13b CHAPTER 242* Section 13b-51a) as the successor agency to the Connecticut Port Authority. The CTMC consists of fifteen members representing five State agencies, the maritime business industry, local port authorities, port operators, marine passenger services, port labor unions, recreational marine services and the coastal communities. The State agencies are represented by the Commissioners of the Departments of Transportation (CONNDOT), Economic and Community Development (DECD) and Environmental Protection (DEP), the Secretary of the Office of Policy and Management (OPM) and the Chairman of the Transportation Strategy Board (TSB) or their respective designees. The remaining members of the CTMC are appointed as follows: four members appointed by the Governor; one member each appointed by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the majority leader of the House of Representatives and the minority leader of the House of Representatives. All appointed members serve for terms coterminous with their appointing authority and until their successor is appointed and has qualified. Vacancies on the CTMC are filled for the remainder of the term in the same manner as original appointments. The chairman of the CTMC is selected by the Governor from among the appointed members of the commission. The CTMC members annually elect one of their numbers as secretary. The commission may elect such other officers as it deems proper. Members receive no compensation for the performance of their duties.

In accordance with TITLE 13b CHAPTER 242* Section 13b-51a.(f) of the Connecticut General Statutes, on or before January 1st, the CTMC is to submit an annual report to the Commissioner of Transportation, the Governor and the Transportation Strategy Board. The report is to provide: (1) a list of projects which, if undertaken by the state, would support the state's maritime policy and encourage maritime commerce and industry; (2) recommendations for improvements to existing maritime policies, programs and facilities; and (3) such other recommendations as it considers appropriate. Copies of the report are to be submitted to the General Assembly as well.

During calendar year 2008, the CTMC met monthly on the third Wednesday of each month at four different locations throughout the State on a rotating basis (Newington, New London, North Haven and Bridgeport). The annual schedule of the CTMC meetings and the minutes of meetings held were made available to the general public by being posted on the CONNDOT webpage (www.ct.gov/dot) under "About Us" and then "Commissions".

Membership of the CTMC changed slightly during the year. State Representative Lawrence Miller replaced Robert Virgulak. John Johnson replaced Kay Williams. And John Opie replaced Judy Gott. Additionally, the Chairman was notified by the Secretary of the Office of Policy and Management that he had never appointed a designee to the CTMC as previously believed. Martin Toyen submitted a letter of resignation on November 18, 2008 as a member and Chairman of the CTMC effective January 1, 2009 to the Governor.

The Maritime Policy for the State of Connecticut developed in December 2005 and approved by the Governor's office in 2006 without comment continued to serve as the cornerstone of issues addressed by the CTMC during calendar year 2008. Maintenance dredging of the state's waterways and the associated economic impact remained the top issues throughout 2008.

The most significant project undertaken by the CTMC was submitting a draft Harbor Improvement Fund (HIF) Bill to be considered by the Connecticut General Assembly's 2008 Legislative Session. The draft legislation was introduced by the Committee on Environment as SB 302. Raised Bill SB 302 would have established an account to be known as the "harbor improvement account" as a separate, non-lapsing account within the General Fund. The "account" could receive deposits from multiple sources: (1) The proceeds of notes, bonds or other obligations issued by the state; (2) funds appropriated by the General Assembly; and (3) any other funds required or permitted by law to be deposited in the account. The funds would be available to the Commissioner of Transportation for the purpose of initiating harbor improvement projects. The harbor improvement account was intended to be used for federal dredging projects: (1) to support, in full or in part, local and state matching requirements for such projects; (2) to pay the difference between the federal least cost, environmentally acceptable method of disposing of dredge materials and the additional cost created by the state's testing or disposal requirements; and (3) to cover part or all of the costs of such projects in the absence of adequate federal funds. The Committee on Environment favorably forwarded the Bill. The language of SB 302 was later incorporated into House Bill 5746 AN ACT CONCERNING THE DEPARTMENT OF TRANSPORTATION and passed as Public Act 08-101. PA 08-101 amended Section 13b-57 of the General Statutes to establish an account to be known as the "harbor improvement account". The establishment of a dedicated account for harbor projects is considered a major step towards funding infrastructure improvements to keep the State's ports competitive such as dredging.

The New England Division of the Army Corps of Engineers routinely provided updates on the development of the Long Island Sound Dredge Material Management Plan (LIS DMMP) as well as the Connecticut dredging project such as Bridgeport Harbor, North Cove and Norwalk. If an LIS DMMP is not in place by June 2013, both the Western LIS and Central LIS disposal sites will be closed. The estimated cost of the LIS DMMP is approximately \$15-16M. Part of the LIS DMMP process involved the distribution of a questionnaire to determine the dredging needs of the state. A survey distributed in conjunction with a former EIS had only received a 20% return rate. The return rate on the current questionnaire was 57% and rising as of December 2008.

In January 2008, the CTMC learned that the President had signed a \$555B appropriations act that contained the Energy and Water Appropriation Act. The Energy and Water Appropriation Act contained 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). The CTMC was made aware of numerous private dredging projects waiting for capping material to be identified. The CTMC proactively adopted a methodology to prioritize dredging projects, particularly the list of private projects that will be looking to slip under the potential capping material offered from the North Cove project. The methodology started with a premise that a project would already have all permits/water quality certificates, already be funded and have a contractor lined

up. The pecking order for projects would then be as follows: (1) Other federal/state/municipal/public funded projects (2) Projects with the oldest dated permits (3) Projects with the most contaminated dredge materials (4) Projects offering the best economical benefit. There was considerable discussion concerning the need for a methodology, whether the methodology would apply to future dredging projects and other details. Armed with the methodology and through coordination among the CTMC, the Department of Transportation's Dredging Project Coordinator, the ACOE, the CT Department of Environmental Protection and the local project coordinators, more than 19 small municipal and private dredging project capping needs are being accommodated by the disposal of the clean North Cove dredge material during the winter 2008-2009 dredging season.

A meeting was held in September 2008 with staff members of the CT Congressional Delegation (CODEL). The CODEL staff members were very knowledgeable on dredging issues. They offered assistance/support for any CTMC efforts to create a State dredging fund. The federal funding needs for CT dredging related projects for FY 2009 were discussed. The CODEL staff provided information on the dubious nature of the FY 2009 federal budget. It was stated that 2009 could be a series of continuing resolutions. The use of funds already available in the Harbor Maintenance Tax Fund was raised and discussed. The CTMC authorized the Chairman to send a letter to the CT CODEL requesting federal appropriations for specific CT projects as a result of the meeting.

An issue was raised concerning whether or not the New London Disposal Site (NLDS) was outside of Long Island Sound. The thesis presented to the CTMC was that if the NLDS is not within Long Island Sound, the use of the NLDS is not constrained by the Ambro amendment to the Marine Resources and Sanctuary Protection Act (MRSPA) also known as the Ocean Dumping Act (ODA). The Chairman was authorized to send a letter to the CT Attorney General requesting a legal determination with respect to the geographic boundary of Long Island Sound. On December 17, 2008, a reply from the CT Attorney General was received. The letter cited several legal cases that provided different benchmarks/way points related to the eastern boundary of LIS. However, since there was no universally established boundary line the AG could offer no legal opinion on whether the New London Dredge Site (NLDS) falls within the MPRSA.

The Chairman was authorized to send a letter to the Department of Economic and Community Development Commissioner (DECD) asking that the maritime issues identified over the past two years by the CTMC be considered during the development of the State Economic Strategic Plan. The CT Maritime Coalition (CMC), also known as the "maritime cluster", initiated a study to update the impact of the maritime industry on the state's economy. Once completed, the study will also be provided to DECD to be included in the State Economic Strategic Plan and to the ACOE for possible use in the LIS DMMP.

The CTMC authorized the Chairman to send a letter to the appropriate authorities at the U.S. Customs and Border Patrol to not adopt a proposed rule change that would change the port call regime (number of days required at a foreign port) of cruise ships. The new rule would have a very negative impact on the industry relative to port calls in New London and New England. The proposed rule change was eventually dropped.

The CTMC entertained presentations from several harbor management commissions during the year: Housatonic River Estuary Commission, Stratford Waterfront and Harbor Management Commission, Milford Harbor Management Commission, the Westbrook Stannard Beach Association, Clinton Harbor,

The CTMC kept abreast of status of the Broadwater project through periodic presentations as well as articles circulated via e-mail distribution.

Updates on the Long Island Sound Area Maritime Security Committee (LIS AMSC) and the Long Island Sound Harbor Safety Committee (LIS HSC) were routinely provided by representatives from U.S. Coast Guard Sector Long Island Sound. Issues presented included port security grants, the TWIC card project, heavy weather plans, the establishment of anchorage and lightering zones, and an impending port access review study for Block Island Sound.

The CTMC authorized the Chairman to send a letter to the CODEL asking them to intervene and get Amtrak to treat the Thames River Rail Road Bridge replacement project as an urgent matter. The replacement of the bascule bridge with a lift bridge was millions of dollars over budget and several months behind schedule eventually interfering with commercial and recreational maritime traffic during the beginning of the boating season. A representative of the CTMC was authorized to attend a Harbor Safety Committee Working Group meeting to express the CTMC's concerns and advise the Amtrak officials of the action being taken by the CTMC.

The CTMC authorized the Chairman to send a letter Congress in support of changes requested to be made to the legislation that would restrict charging crew members and ship owners for services provided by the marine terminals. The requested changes would also protect the facilities from shouldering the cost.

The CTMC followed the move of the Turbana Company's fruit importation operation from Bridgeport to Philadelphia, PA. Approximately 180 truck loads of product that previously arrived every week at Bridgeport via Turbana vessels are now delivered to the New England market via trucks using the congested southwest I-95 corridor. The State of Pennsylvania provided bond money to the Port Authority of Philadelphia for infrastructure improvements as an enticement for Turbana to relocate.

Cruise ship initiatives were followed by the CTMC. Most notable was the addition of Princess Cruise's ROYAL PRINCESS to the list of ships calling on New London. The ROYAL PRINCESS made 5 port calls during 2008.

Gentrification of the CT waterfront and the economic impact that could result remained an important topic in 2008. Specifically, a concern about the rumored sale and development of the Coastline property in Bridgeport, formerly known as the CILCO Terminal, was followed. The collective opinion of the CTMC is that the loss of the commercial cargo deep water facility in Bridgeport would not be in the strategic interest of the State. The CTMC authorized the Chairman to send a letter to the Mayor of the City Bridgeport requesting a presentation be made on the City's plans for waterside land use. The Mayor's office declined.

Although all of the CTMC meetings are open to the public, the 2008 Annual Meeting of the CTMC required to be held in accordance with CGS Sec. 13b-51a (e) was held on December 17, 2008. In attendance were State agency leaders Commissioner Marie (DOT), Commissioner McCarthy (DEP) and Commissioner McDonald (DECD). A review of the ongoing dredging projects in the state was provided as well as updates on several other topics carried from meeting to meeting. The recently created state Harbor Improvement Fund and a Deep Draft Port Study/Strategy dominated the discussion under new business.

With respect to the Harbor Improvement Fund (HIF) and as previously stated, PA 08-101 amended Section 13b-57 of the General Statutes to establish an account to be known as the "harbor improvement account". The establishment of a dedicated account for harbor projects is considered a major step towards funding infrastructure improvements to keep the State's ports competitive such as dredging. Although the creation of the HIF was a step forward, no money was attached to the fund. The states of Rhode Island and Massachusetts have similar funds created with bonded money. The outlook in CT over the next fiscal year or too is not good with respect to asking the legislature/administration to support funding the HIF. The possibility of acquiring some of the reported federal economic stimulus package for the HIF was discussed and will be pursued. Word on the street is that infrastructure projects that are "shovel ready" and that will create jobs will be a priority. It was reported that CT DECD is looking at the stimulus package as an opportunity to review streamlining permits. The economic stimulus package has yet to be totally defined. New vs. existing projects issue was still being determined as is the definition of "shovel ready". CT DOT is in the process of creating a list of projects that could be executed within 180 days; i.e. bridge, roadway, rail projects that either had been designed and permitted or were close. The CTMC has created a list of "clamshell ready" dredging projects. The projects have been permitted, could be executed during the 2009-2010 winter dredging season and merely need funding. The CTMC has also created a list of dredging projects that could be executed over a three to four year period if the federal economic stimulus program takes a multi-year approach. There are other maritime infrastructure projects beyond dredging that could compete for stimulus funding such as bulkhead repairs/updates and expansion of lay down areas for example.

The need to develop a CT Deep Draft Port Study/Strategy is driven by predictions of both a doubling in container cargo by the year 2020 as well as moves to create freight corridors including use of the Maritime Highway. The CT Departments of Economic and Community Development, Environmental Protection, Transportation and the Office to Policy and Management initiated legislation to provide funding for a Deep Draft Port Study. However, the legislation failed to be passed by the 2008 session of the CT Legislature. DOT, DEP and DECD have been discussing next steps.

The Maritime Administration (MARAD) is the sponsor for the Maritime Highway program. The American Association of Port Authorities (AAPA) is pushing Congress for a freight study and Federal funding for projects that will relieve current and anticipated freight choke points (such as CT) along identified freight corridors. Better cooperation among the New England states relative to the movement of freight has been identified as an issue.

The CTMC calendar year 2009 meeting schedule was established and posted on the CONNDOT webpage. The 2009 monthly meetings will be held at 0930 on the third Wednesday of each month at four different locations around the state (Newington, New London, New Haven and Bridgeport) to better facilitate public participation.
