

**CONNECTICUT MARITIME COMMISSION (CTMC)  
REPORT OF MEETING (Mtg. #01-10)  
20 January 2010**

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

**Attendance:**

**Commissioners**

***Present***

Chuck Beck (for Commissioner Marie)  
Vincent Cashin  
Tom Dubno  
John Johnson  
Joseph P. Maco (for TSB Chairman)  
John Opie  
Larry Miller  
Joe Riccio  
Peter Simmons (for Commissioner McDonald)  
George Wisker (for Commissioner Marrella)

***Absent***

Robert Genuario  
G.L. "Doc" Gunther  
Linda Krause  
David Shuda  
John Wronowski

**Guests**

Donald Frost	Bill Gash	Mike Keegan	David Lis	Maya Loewenberg
Albert Martin	Ed O'Donnell	Dave Rossiter	Joe Salvatore	Joel Severance
Judi Sheffele	Bill Spicer	Alan Stevens	Brian Thompson	Fred Walters

**I. Call to Order:**

The Chair, Commissioner Joe Riccio, opened the meeting at 9:35 AM. A quorum of 10 was present. The CTMC members were asked to introduce themselves. The audience was asked to introduce themselves.

**II. Review of Meeting Minutes:**

The summary report of the December 16, 2009 meeting was reviewed. A motion was made by Commissioner Johnson and seconded by Commissioner Cashin to approve the summary. The motion was approved by unanimous vote.

**III Discussion Open to Public**

Bill Gash, Executive Director of the CT Maritime coalition (CMC), stated that both the CMC and the CTMC had made several inquiries to the Chairman of the TSB concerning a lack of a chairperson for the TSB's maritime subcommittee/working group however the position remains vacant thus the subcommittee has never met. Joe Maco stated that a new chairman of the TSB, replacing Chairman Kelleher, was to be announced at the TSB meeting being held at the Capitol building today. Joe Maco stated that he would report back on who the new Chair is once he is informed as well as his own status as the TSB designee.

Joel Severance, a representative from the CT Harbor Management Association (CHMA), informed all that the CHMA board of directors has been discussing the ramifications of the legislative moves to sweep various funds from specific programs in order to balance the state budget. He provided some specific examples of the action of boating related funds raised through boat registration fees that are supposed to go back to the communities: Branford will lose \$50K, Bridgeport will lose \$27K, and Stratford will lose \$25K. Local Boards of Finance are just getting a handle on the on the problem. Commissioner Johnson stated that the local governments need to reach out to their state legislators. George Wisker agreed stating that the state agencies are only able to watch the loss of funding for programs from the sidelines. Commissioner Miller reminded

all that the issue had been raised at the Annual Meeting last month in the presence of three of the State Agency Commissioners. Joel Severance stated that the problem has deeper roots. Since 1978, the amount of funding passed back to the communities has remained constant despite an increase in the number of boats registered each year as well as an increase in the assessed value of the boats. DMV has the data but apparently is not able to manipulate to respond to inquiries. Commissioner Johnson suggested that the CTMC invite the CTDMV to make a presentation on the topic at a future meeting. There was some discussion on having the CTMC write a letter requesting the funding be reinstated and returned to the communities. A bit of history was offered on how and why the boat registration fees were returned to the communities back in the 1990's. A motion was made by Commissioner Cashin that the CTMC write a letter to the Governor and the Legislature requesting the funding be returned to the communities. Commissioner Johnson provided a second. During the discussion, Commissioner Dubno stated that the effort was worthwhile by questioned how the issue was a maritime vs revenue matter. He further stated that it would be better to ask OPM to make a presentation on the topic as opposed to the previous recommendation to have DMV present. Peter Simmons agreed stating that it would be best to ascertain the source of the revenues first. Chuck Beck suggested that it might be better if the CHMA decided on its course of action and then to request a supporting letter form the CTMC if appropriate. Commissioner Cashin suggested that the CHMA should make a presentation at the February CTMC meeting and got a general approval of the idea. He then withdrew his motion and Commissioner Johnson withdrew the second. Chairman Riccio stated that he would send an e-mail to OPM again emphasizing the need for attendance at the CTMC meetings in order to provide the financial perspective on this and similar topics. The discussion ended with a comment by Bill Gash concerning the steps discussed by CTDECD to keep and even grow business in CT despite the business climate in CT being ranked near the bottom nationally.

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

- A. Dredging Update - Ed O'Donnell and Mike Keegan of the New England District of the Army Corps of Engineers were in attendance. Ed O'Donnell provided an update on a request by officials from Westbrook and Clinton to have the ACOE Dredge CURRITUCK dredge the entrance to their respective harbors in June 2010. He stated that there are sufficient funds for the limited dredge but that the current permits would need to be amended on two points; disposal area and dredging window. He announced that a meeting has been scheduled for 29 January by Congressman Courtney's office to bring the issue to a resolution.

Mike Keegan stated that a Bridgeport Harbor DMMP meeting was to be held in the afternoon. Issues such as the location of the CAD cell and the use of Morris Cove in New Haven will be discussed. Mike also advised that the ACOE had received a letter from Nautilus Consulting who, on behalf of a client (Ryan's Marine Services), requested that the upper section of the Yellow Mill Creek be de-authorized as a Federal Channel. The purpose of the request is to allow Ryan's marina to expand and increase its capacity by approximately 160 vessels. In response to a question Mike stated that there are no industrial/commercial entities in the upper reach of the Yellow Mill Creek.

Mike Keegan changed topics by stating that the LIS DMMP steering committee would be meeting in about 2 weeks. The LIS DMMP Dredging Needs Study that was conducted is now posted on the ACOE web page (<http://www.epa.gov/region01/eco/lisdreg/lisdmp.html>) as is the Upland, Beneficial Use and Sediment Dewatering Site inventory. Additional studies such as cultural, historical and others will be conducted. In response to a question as to whether or not the New Haven officials are onboard with the use of Morris Cove for Bridgeport dredge materials, Mike Keegan stated that representatives from both the Bridgeport and New Haven port authorities as well as Congressman Himes office will be attending the afternoon meeting previously mentioned. Bill Gash asked if there had been any thoughts on the state's Harbor Maintenance Account (HMA). Chuck Beck stated that perhaps funding the HMA would be a good topic to raise by the CMC during the meeting with the Legislature's Environmental Committee scheduled for 5 February.

Joe Maco asked about use of excess capacity in the CAD cell being planned for the Bridgeport dredging project. Mike Keegan responded that CAD cells are normally designed for a specific dredging project. However, expansion can be considered if the entity requesting the expansion pays the difference in cost.

- B. Economic Impact Study (EIS) – Bill Gash stated that the draft EIS commissioned by the CMC has been completed. He stated that the draft has been distributed for comments. It is hoped that the final EIS will be completed within the next 30-40 days.
- C. LIS AMSC Update –Nothing new to report. The next LIS AMSC meeting will be 18 February, 2010.
- D. LIS HSC Update – Chuck Beck stated that a LIS HSC meeting was held on 1/14/2010. The main topic was abandoned/derelict vessels. Joe Maco added that a legislative agenda will be pursued relative to the [problem with abandoned/derelict boats in CT waters.
- E. Coastal Zone Interstate Consistency - Nothing new to report. There has yet to be a response from the CT Attorney General to either of the two letters (November 2006 and September 2008) that had been sent to him by the CTMC requesting assistance in determining if the State of NY was overreaching its authority to conduct a Coastal Zone Consistency review of CT dredging projects.
- F. Connecticut Economic Strategic Plan (ESP) Update – Peter Simmons provided information on the status of the draft ESP. DECD is in the middle of the 2<sup>nd</sup> round of public forums being held on the EIS. The next meeting is Thursday 21 Jan in Torrington. There is also a meeting scheduled for Monday 25 Jan in Norwich. Comments received to date have fallen into four general categories in no particular order: housing, transportation, cost of doing business in CT and education. He encouraged members of the Commission as well as those in the audience to attend. Commissioner Miller asked whether or not the CTMC should submit comments to the docket. He further stated that he was a proponent of home rule thus against the recommendation in the EIS to establish a statewide port authority. The Chairman and Peter Simmons reminded all of the lively discussion and the commitment made by DECD Commissioner McDonald at the December meeting to engage the maritime community on the statewide port authority issue. Chuck Beck provided his personal thoughts on the need for a statewide port authority (personally supports idea) citing several recently past (the move to dissolve the Bridgeport Port Authority) and current steps (the DECD proposed legislation) being taken that could have a negative impact on maritime issues. He also made reference to a deep draft port strategic plan called for but never funded by the CT Legislature. There was some additional discussion that covered numerous items: how an statewide port authority could protect local port authorities from the vagaries of changing patronage; how CT's neighboring states provide funding for port infrastructure improvements; the lack of state laws to protect commercial deep draft port properties; and the lack of attention to CT's maritime issues by the state's two Senators. Joe Maco stated that despite RI having laws on the books that protect commercial port properties the Port of Providence is having a fight with the City of Providence over attempts to rezone the properties for mixed or residential use.
- G. Annual Report – A motion was made by Commissioner Johnson and seconded by George Wisker to approve the draft 2009 Annual Report that had been provided as part of the meeting package. The motion was approved by unanimous vote.

## V New Business:

- A. Dredging Window Presentation – Mark Johnson from the CTDEP Inland Fisheries unit provided information related to why and how dredging windows were established. The Inland Fisheries Unit is responsible for reviewing maritime related project applications to determine possible affects the project might have on fish and fish habitats. If it is determined that there will be a significant impact, the unit recommends changes to the project to mitigate. Mr. Johnson acknowledged the letters recently received from the CMC and the CTMC requesting information on the science behind establishing seasonal restrictions on dredging, otherwise known as the dredging window. The season restrictions are generated by the spawning season of various fish species and shellfish. Mr. Johnson provided information on the most common fish stocks; winter flounder, shellfish and anadromous species such as blueback herring and alewife.

Winter flounder is a commercially important fish whose stocks have historically been declining. Winter flounder is indigenous to CT and spawns in near shore shallow waters (less than 30 feet), typically in Feb and March. It takes 15 -20 days for the eggs to hatch. It takes an additional 50-60 days for the larvae to mature. Shellfish spawn and develop during the summer months. In 1988, NMFS was conducting laboratory experiments with winter flounder eggs at the Milford Lab. During the experiments, maintenance dredging of the navigation channel began. Water from the harbor, presumably containing material suspended by dredging, was circulated through the tanks and most of the eggs did not develop or developed abnormalities, causing the experiments to fail. Staff attempted to conduct new experiments with the remaining embryos and larvae to determine what caused the effects. It was observed that suspended sediment significantly affected eggs and larvae, but problems with the experiments made quantifying effects difficult. But based on those experiences, NMFS decided that dredge projects should be reviewed for effects on winter flounder reproductive success and mitigated as necessary. One way to avoid or minimize the effects of dredging was to prohibit dredging during the winter flounder spawning period and egg and larval development period during Feb through May, which NMFS began recommending to the ACOE at that time. After reviewing the data, the CT DEP Marine Fisheries Division agreed, and in the early 1990's began recommending to DEP permitting offices – primarily the Office of Long Island Sound Programs – that applications should be reviewed and dredging restricted as needed. The implementation of the winter flounder seasonal restriction began during this time. The Marine Fisheries Division also sought to have the NMFS experiments redesigned and repeated. NMFS repeated the experiments in 1995 and 1996. Approximately 35% of eggs and 35% of larvae failed to develop when exposed to concentrations of suspended sediment similar to those observed in dredge plumes. The results of the experiments in 1988, 1995 and 1996 are part of the basis for restricting dredging projects during the spawning season. There have never been any field experiments conducted to assess the effects of suspended sediment on flounder eggs and larvae. The general dredging restriction related to winter flounder is 1 Feb – 15 May. The general restrictions for shellfish, which were established in the 1980s is June-Sept. The need for the Feb 1 - May 15 restriction is made on a case-by-case basis. Furthermore, modifications to this period are often made depending on the characteristics of the dredge material, temperature of the water, bucket size of the dredge, and other factors. Similarly, if a project has not been completed, extensions may be allowed if conditions warrant. In response to a series of questions, the creation of the CAD cell in Norwalk harbor in August and a dredging project at Derecktor Shipyard in early summer were given as examples. Mr. Johnson stated that there are other sources of mortality on the fish stocks; power plant discharge, winter storms, legacy contaminants, etc. the relative affect of each not known. He stated that the overall water quality in CT streams, rivers, harbors and in LIS has improved over the years due to the enactment of regulatory programs to control industrial and municipal STP discharges and the decline of the manufacturing base. However, the sediments contain legacy contaminants that can be reintroduced to the water column during dredging. George Wisker added that there is also an estrogenic impact problem of household chemicals and medications being introduced to the water.

Mr. Johnson acknowledged that the sum of all of the spawning season dredging restrictions can, in some cases, limit dredging to the period Oct 1- through Jan 31. He further stated that dredging in Oct and beyond was preferred by marinas since the boats and floats were out of the water for the winter season. Comments were made by several Commission members relative to the larger projects that need longer than the 4 month window. Phasing a large project over 2 dredging seasons increased costs to mobilization, demobilization and re-mobilization of the equipment. Commissioner Johnson stated that the narrow dredging window has had a negative impact on the dredging industry in CT. The number of dredge companies has declined. The cost of dredging has increased from \$7 to \$30 or more per cubic yard due to the environmental restrictions. Mike Keegan stated that the ACOE made every attempt to keep a dredge company occupied at all times to minimize the re-mobilization costs. He also stated that the ACOE had conducted more recent studies that show that sediments reintroduced to the water column during dredging stay within the foot print of the channel dredging project. Mr. O'Donnell added that the ACOE can define the plume limits but can not define the location of the winter flounder at any given time. In response to a question about recent verification of the past studies on the location of spawning areas, Mr. Johnson stated that none have occurred since the 1990s. Bill Spicer stated that research in a laboratory has no resemblance to the field. Eggs and larvae disperse more rapidly in the field than in a confined lab container. Plus, the locations of the spawning areas change from season to season. He further stated that results of studies conducted tend to track towards the source of the funding provided. Commissioner Cashin agreed with Bill Spicer. He stated that the existing data from the experiments was old (1988,1995) but had no doubt they could be replicated in the controlled environment of a lab. In response to a question by Bill Gash, Mr. Johnson stated that the source of the information on the declining fish stocks was CT DEP Marine Fisheries Division and is available online at the CT DEP website.

**VI Date of Next Meeting:**

It was announced that the next meeting of the CTMC would be at the **would be held at the Fort Trumbull Conference Center in New London, CT at 0930 on Wednesday February 17, 2010.**

**VII Adjournment:**

Prior to adjourning, Commissioner Johnson asked if CTDEP could address the dissolved oxygen standards at the next meeting. A motion to adjourn was made by George Wisker, seconded by Commissioner Opie and passed by unanimous vote. The meeting adjourned at 11:30 AM.