CONNECTICUT MARITIME COMMISSION (CTMC)
REPORT OF MEETING (Mtg. #06-09)
September 21, 2006

Location of Meeting: Connecticut DOT Headquarters
2800 Berlin Turnpike
Newington, CT Conference Room B

Attendance:
Commissioners

Present	***Absent***
Chuck Beck (for Commissioner Carpenter)	Ginne-Rae Gilmore (for Comm Abromaitis)
Vincent Cashin	John Johnson
Tom Dubno	Martin Toyen
Judy Gott	
G.L. "Doc" Gunther	
Joseph P. Maco	
Joseph Riccio	
David Shuda	
Phil Smith (for Secretary Genaurio)	
Kaye Williams	
George Wisker (for Comm McCarthy)	
Jon Wronwoski	

Guests

John Crowther	Donald Frost	Richard Jaworski	D. Lis	Ed O'Donnell
John Pinto	Dave Rossiter	Bill Spicer	Geoff Steadman	Alan Stevens

I. Call to Order:

- Joe Riccio opened the meeting at 09:34. A quorum of 10 was present prior to the two late arrivals at 0943. Joe Riccio noted that Chuck Beck has replaced Carl Bard as the Commissioner of the Department of Transportation's designee.

II. Review of Meeting Minutes:

- The draft minutes of the 15 June 2006 meeting were reviewed and approved after a motion by George Wisker and second by Tom Dubno. The draft minutes of the 20 July 2006 meeting were reviewed and approved after a motion by Tom Dubno and second by George Wisker.

III Discussion Open to Public

- Ed O/Donnell (ACOE) requested CTMC input for a presentation that the New England Division of the Army Corps of Engineers District Commander Col. Curtis L. Thalken will be making to the CT Harbor Master Association's (CHMA) annual dinner being held on Thursday Oct 19th at the at the Woodwinds. John Pinto provided additional information about the CHMA Annual Dinner. Ed O'Donnell also took the opportunity to state that Public Notices concerning waterways projects are available electronically to anybody who registers with the ACOE. Joe Maco asked what it would take to move dredging projects along. Ed O'Donnell responded that the ACOE works for the Administration.

- Bill Spicer (LISA) reported on the progress of the action to repeal the Ambro Amendment to the Marine Protection, Research & Sanctuary Act (MPRSA) also known as the Ocean Dumping Act. He stated that the campaign was going well and beyond "critical mass". He stated that more work still needs to be done in Fairfield County. Bill Spicer also introduced the Federal EPA's 1st Annual Report Regarding Progress in the Developing a Dredged Material Management Plan for the Long Island Sound Region. He provided copies.

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IV Old Business:

- Status of the Dredge Material Management Plan (DMMP) – Chuck Beck pointed out that there was some correspondence related to the DMMP in the handouts. One item was a copy of a 17 July 2006 letter received from Congressman Shays in response to the 23 March CTMC letter seeking support for the development of the DMMP and the dredging of Bridgeport harbor. The Congressman pointed out that $1.7M has been placed in the ACOE budget for the LIS DMMP.

- Status of the Maritime Policy Statement- Chuck Beck reported that the CTMC has yet to hear from the Governor or the legislative leaders with respect to the draft Maritime Policy that was submitted for consideration in December 2005.

- Data Development - Joe Riccio noted the need for the CTMC to collect data relative to commercial and recreational use of CT's waters and harbors still exists. He also drew attention to a 1 September letter from Commissioner Abromaitis (DECD) in reply to the 4 August CTMC letter requesting a meeting and funding to develop economic data on the marine industry in CT. Commissioner Abromaitis stated that the Connecticut Maritime Coalition (CMC) is presently working with DECD staff to develop a proposal for state assistance in developing an action plan relative to the needs of the marine industry. He encouraged the CTMC to speak with the co-chairs of the CMC and coordinate efforts. Tom Dubno (member of both the CTMC and the CMC) acknowledged the charge and stated that he and Mike Vasaturo (the other CMC co-chair) were working on developing a plan but needed some additional time. He will keep the CTMC informed.

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- Revenue Sources for Maritime Projects- There was no DECD representative in attendance to report on any progress. However, discussion on additional taxes on the marine industry to fund dredging projects or maritime infrastructure improvements ensued. Joe Riccio and Joe Maco stated that attempting to fund waterway projects through additional taxes on the marine industry could have a negative impact; drive business out of the state. Joe Maco stated that recent actions have shown that the maritime infrastructure is "movable"; i.e. port operators can move their operation form one port to another for cost benefits.

  A lengthy discussion took place. Issues raised included: recent attention to dredging matters by the TSB; dredging being more than a maritime issue (also an environmental improvement issue); dredging being more than a transportation issue; multi purpose benefits to dredging channels; possible actions that CTMC could take; and funding considerations.

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  Doc Gunther and Judy Gott called for the CTMC to draft legislation to provide funding for maritime projects. Judy Got asked which elected official should be approached to sponsor legislation. An opinion was stated that all but the State Agency members of the CTMC were appointed by a high level elected state official so that perhaps each Commissioner should reach out to their respective sponsors. A recommendation was made that the Speaker of the House might be the best first person to approach. It was noted that Speaker Amman appointed Joe Riccio (vice chair) to the CTMC. Doc Gunther stated that the CTMC needed to develop a legislative package and soon. Judy Gott asked if it would be possible for DOT staff (Beck) to put some language together. George Wisker opined that it would be best to garner support from the Governor on any legislative proposal as a first step. Joe Riccio summarized the actions that CTMC has initiated relative to dredging thus far (policy statement, presentations, and letters, recommending a dredge project position) but there has been a lack of assurances from the "higher levels of state government".

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Doc Gunther said that the state agencies needed to take action through their budget requests. Phil Smith stated that it may already be too late for any state agency to include any "new funding" requests in their respective budgets. He further stated that OPM would not authorize any bonding issues for an "unspecified" project. Dredging projects would need to be defined scheduled and ready to execute before bonding would be considered. Judy Gott asked if the maritime cluster sponsored by DECD could provide a list of prioritized dredging projects. Tom Dubno stated that there was no such current list. George Wisker stated that disposal of dredged materials is the wild card that drives costs up in most cases. This led to a discussion on the innovative dredge material disposal project in Bridgeport before the discussion returned to use of the rainy day fund.

A question was asked as to why a dredging project would be limited to bonded funds. It was pointed out that the "rainy day fund" (state operating funds) is at or approaching $1 billion. Chuck Beck pointed out that there is a handful of dredging related projects (Long Island Sound DMMP, Norwalk, North Cove, Bridgeport harbor) that have been identified, priced and work schedules developed but were lacking sufficient funds to complete. The deficient funds were in some case caused by increased costs to meet State imposed requirements in addition to those required by the federal government. It was suggested that any project cost created by such action should be the responsibility of the entity that imposed the additional requirement. The question was asked as to why a portion of the rainy day fund couldn't be used to get the projects completed. Phil Smith stated that he felt the ACOE might be shifting costs of projects to the State. Ed O'Donnell provided a description of the purpose of a DMMP; it lists all viable options for the disposal of the materials.

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Vin Cashin made a statement relative to the State action to keep the sub base and Air National Guard bases open; i.e. all of state and federal governmental leaders pulled together. He opined that will take the same approach to keep CT ports open. He used the shoaling of Bridgeport as a prime example of critical need and possible economic impact to the port, City, region and State. Dave Shuda stated that TURBANA is considering moving their operation out of Bridgeport due to the limited channel depth caused by shoaling. A decision will be made by April of 2007. Joe Maco stated that if open water disposal is not available to CT, the State will cease to exist as a place with deep water ports. He called for action by leadership. He stated that the arguments relative to dredging causing sediments to be re-suspended in the water column were bogus because every time a commercial vessel arrives in a CT port today, the propeller action stirs up the bottom due to the shoaling which re-introduces the sediments to the water column. He also stated that perhaps the term sediment transfer should be adopted vs dumping since the sediment is already in the water and is merely being relocated. Ed O'Donnell stated that the Bridgeport DMMP is 50/75% complete. George Wisker pointed out that a Regional Sediment Management (RSM) meeting is being held on Thursday 28 Sept at the DEP facility in Old Lyme. It was pointed out that information on registering for the meeting was in the handouts.

The discussion ended with another plea from Doc Gunther for a legislative package to be drafted for consideration during the next session of the CT legislature.

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- TSB Presentation – Joe Riccio pointed out that in response to a TSB solicitation to the CTMC (among others) to provide an update to the appropriate sections of the 2003 TSB Strategy, Marty Toyen submitted a consolidation of changes provided by members of the CTMC. A copy of the submission was part of the handouts. It was also pointed out that a copy of a Maritime Issues presentation made to the TSB last week by Bob Hammersley (OPM) was part of the handouts. It was announced that the next TSB meeting is scheduled for 17 Oct 2006 and the focus would be drafting a maritime issues document. Although no presentations are scheduled by the maritime community, the meeting is open to the public.

V New Business:

- Annual Meeting – The November meeting of the CTMC will be the "annual meet ing". There was a discussion about the need to set the calendar year meeting schedule as soon as possible so that it could be presented to the Secretary of State in November. The discussion turned to changing or keeping the meetings on the third Thursday of each month and/or changing the venue fr om the CONNDOT HQ building in Newington to somewhere else. Several recommendations of locations along the CT coastline were offered (Aquaculture School, SCRCOG offices, New London). It was also recommended that the meetings be moved to the third Wednesday morning of each month. Chuck Beck is to draft a schedule to be considered at the October meeting.

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- New York Coastal Management - George Wisker provided a summary to an action recently taken by the States of New York and Connecticut for a "Routine Change to the New Yorkand Connecticut Coastal Management Programs". Concern was raised by Bill Spicer that the action would provide additional power to NY to stop dredging projects in CT waters. Federal CZM allows activities in the coastal areas of one state to be reviewed by another state in reference to consistency of that reviewing state's CZM plans. The ability to review and intervene has existed since the passage of the CZM Act in 1972, but the activity and the geographic area subject to interstate consistency review must be listed in the states CZM program The current NY approved list defines the area of their concern to include the discharge of dredged and fill materials on the waters of Long Island sound and Fishers Island Sound form the New/Connecticut state line to the 20 foot bathymetric contour closest to the CT shoreline. Ed O'Donnell stated that the ACOE Office of Council was in the process of reviewing the possible impact to projects in CT. It is possible that the New England Division of the ACOE would have to get a Water Quality Certificate (WQC) and Coastal Consistency concurrence from CT and NY depending on the interpretation. Bill Spicer opined that the move was based on bogus science. Once of the big problems is that NY has made the program change without providing CT general public the opportunity to comment. George Wisker stated that the federal program change process does not include the ability for the public to comment. CT was involved in consultations with NY on these changes, but federal rules do not allow a state to "veto" another state's list. Judy Gott asked if DEP is saying that the change is not a problem. George Wisker stated that there is nothing new but a clarification of definition geographic area subject to review. After considerable and at times heated discussion including some history of the CZM Act, an explanation of the consistency process and recommendation to establish an ad hoc group to investigate, Joe Maco moved that the CTMC send a letter to the CT Attorney General for an interpretation on CT vs NY rights both before and after the change to the language. The motion was seconded by Judy Gott and approved unanimously. DOT staff is to draft a letter.

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VI Date of Next Meeting:

- Next meeting is scheduled at 0930 Thursday 19 October 2006 at the CONNDOT HQ building in Newington, CT.

- Before adjourning, Doc Gunther initiated a discussion on the dredge advocate/project manager position. He made reference to the failed attempt to create the position last session. Chuck Beck reported that the CONNDOT was pursuing establishing the position administratively as one of the first tier (top 25) positions supposedly approved by OPM to execute the Transportation Bill passed by the CT legislature last session. Phil Smith stated that the dredge advocate position is "not certain". When questioned as to what that meant he indicated that OPM had not seen a request yet and even if they had there is a question of whether or not DOT has the statutory authority to create such a position.

- A request for an update on the Bridgeport Feeder Barge project was requested which Joe Riccio provided. Negotiations continue with the New York and New Jersey Port Authority (NY NJPA). Judy Gott stated that the I91 TIA group is requesting a change to the language of the Bond authorization that limited a feeder barge project to Bridgeport. The request will be to allow any port to be eligible for state backed financing for similar projects.

VII. Adjournment:

A motion was made to adjourn by Judy Gott, seconded by Tom Dubno and approved unanimously. The meeting ended at 1140.

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