VIA EMAIL TRANSMISSION

August 18, 2019

Governor Ned Lamont  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106-1591

Senator Carlo Leone 
Co-Chair  
Transportation Committee  
Legislative Office Building  
Room 3500  
Hartford, CT 06106-1591

Representative Roland Lemar  
Co-Chair  
Transportation Committee  
Legislative Office Building  
Room 2103  
Hartford, CT 06106-1591

Mr. David Kooris  
Acting Chair, CT Port Authority  
455 Boston Post Road, Suite 204  
Old Saybrook, CT 06475

**Subject: Connecticut Port Authority**

Dear Governor Lamont, Senator Leone, Representative Lemar, and Acting Chair Kooris:

On behalf of the Board of Directors of the Connecticut Harbor Management Association (CHMA), I am writing to provide some comments concerning the Connecticut Port Authority (CPA). We understand that the Transportation Committee will hold an informational forum on August 20, 2019 concerning the CPA’s function and operation. In anticipation of that hearing, we wish to provide pertinent background information on the CHMA and CPA, emphasize the importance of the state dredging programs first administered by the Connecticut Department of Transportation (CT DOT) and now the CPA, and express support for the CPA’s Small Harbor Improvement Projects Program (SHIPP). We ask that our comments be included as part of your public record, and that any decisions concerning the future function, operation, and mission of the CPA, a quasi-public agency, recognize
that Connecticut’s small and mid-size harbors contribute significantly to our state’s economy and quality of life.

**Connecticut Harbor Management Association:**

The CHMA is a state-wide, not-for-profit organization representing the interests of municipal harbor management commissions, State of Connecticut harbor masters appointed by the Governor, and others concerned with Connecticut’s harbors and marine resources. In 2019, 24 Connecticut towns implement state-approved and locally adopted harbor management plans. In addition, there are more than 50 harbor masters and deputy harbor masters appointed by the Governor with authorities for managing safe and efficient operation of the state’s waterways in the public interest. For reference, a summary of Connecticut towns with harbor management plans and harbor masters is enclosed (Enclosure Item 1).

The mission of the CHMA is to share information and facilitate coordination among harbor management commissions, harbor masters, and state and federal agencies to address issues of common interest and concern. Our Board members volunteer their time to advance this mission.

Since its formation, the CHMA has interacted with the Connecticut Department of Environmental Protection and now the Department of Energy and Environmental Protection (DEEP), CT DOT, U.S. Army Corps of Engineers (USACE), and other state and federal agencies on a number of initiatives to address issues affecting Connecticut’s ports and harbors and Long Island Sound. State-wide topics of particular interest and for which we have devoted significant time and energy include, but have not been limited to, dredging and dredged material management, coastal permitting and the role of harbor management commissions in the regulatory process, and coastal resource protection, including protection of water quality.

**CT Port Authority Legislation:**

The CHMA has been involved with matters concerning the CPA since early in 2014 when Raised Bill No. 5289, *An Act Establishing the Connecticut Port Authority*, was proposed. Our concerns with respect to that proposed Act were transmitted to the Transportation Committee in my letter of February 28, 2014 (See Enclosure, Item 2). Among other things, we were concerned about the effect of the proposed legislation on then-existing programs of benefit to Connecticut’s small and mid-size harbors, including programs historically administered by the CT DOT’s Maritime Office. That office would be eliminated upon establishment of the CPA.

We recommended that the proposed legislation ensure continuation of the State’s Grants-In-Aid and other programs of benefit to small and mid-size harbors, and that the state’s maritime policy and the agency responsible for that policy (i.e., the CPA) continue to recognize and advance the economic, environmental, and cultural benefits of not just Connecticut’s three major ports, but the smaller harbors as well.

**Port Authority Working Group:**

As a result of our concerns and similar concerns expressed by others, the adopted Act establishing the CPA called for a Port Authority Working Group (PAWG) to prepare recommendations to “fine tune” the legislation to help ensure that the CPA would have the focus, resources, and authorities it would need to be successful.
A representative of the CHMA served as a member of the PAWG, and representatives of municipal harbor management commissions provided information and testimony throughout the almost year-long PAWG process. In addition, the CHMA prepared and submitted substantial background information to the PAWG concerning municipal harbor management commissions, harbor management plans, and harbor masters. The PAWG’s “Report to the Governor and General Assembly Regarding the Connecticut Port Authority” was transmitted to the Governor and General Assembly in February 2015 (A copy, without appendices, is enclosed as Item 3).

CHMA Comments on Port Authority Legislation:
At the conclusion of the PAWG process, new legislation was proposed (later enacted during the June 2015 Special Session) concerning the functions and duties of the CPA (Substitute House Bill No. 6816, “An Act Concerning the Connecticut Port Authority”). The CHMA’s subsequent position statement concerning that legislation identified several issues and presented recommendations with regard to: 1) oversight of the Harbor Masters (we recommended transfer of oversight from the CT DOT to DEEP); 2) continuation of the Grants-In-Aid Program for Ports and Marinas (we recommended oversight of this program by a state agency—the Department of Economic and Community Development); and 3) operation of the CPA to pursue a mission to promote all of Connecticut’s ports and harbors, including the three deep-water ports as well as the small and mid-size harbors. These recommendations were transmitted to the Governor and Legislature in my letter of May 28, 2015. An additional concern was transmitted via my letter of June 19, 2015. In that letter we expressed concern about the proposed transfer of “jurisdiction over the harbors of the state” from the CT DOT to the CPA insofar as the harbors of the state are public trust waters held in trust by the state for the benefit of the general public. Absent additional information and public discussion, we felt it was inappropriate to transfer such broad authority from a state agency to a quasi-public agency (Copies of the two above-referenced letters are enclosed as Items 4 and 5).

State Dredging Programs:
It is well understood that timely maintenance dredging is needed to maintain and enhance the viability of the state’s marine-related economies, the beneficial quality of life associated with the Connecticut coast, and opportunities for public access to Long Island Sound.

In 2006, the CT DOT’s Maritime Office assumed a significant and much-needed responsibility for promoting maintenance dredging of all Connecticut ports and harbors. A CT DOT employee was assigned the job of State Dredge Coordinator and tasked with working with the USACE, other state and federal agencies, and the towns to advance the maintenance dredging process. These actions followed a 2005 CHMA study and report concerning the Federal Maintenance Dredging Process in the State of Connecticut. Among other things, we reported that in Connecticut, unlike some other coastal states, there was no state agency or official serving as a planner or facilitator for expeditiously advancing the federal dredging process, nor was there any agency or official working to coordinate or prioritize the timing of the needed projects. We recommended that a specific state agency be designated with powers, duties, and sufficient resources for this purpose. The CT DOT recognized this need and assumed this role.

In addition to serving as a facilitator and advocate, the CT DOT’s Maritime Office administered a funding program authorized by Public Act 11-57, Section 13(f) for “Port Infrastructure Improvements, Dredging, and Navigational Direction.” This program provided, for the first time, state-bonded funds to be used by the USACE for maintenance dredging of federal navigation projects (FNPs) in small and mid-size harbors. Through this program and the work of the State
Dredge Coordinator, the CT DOT’s Maritime Office in effect provided the funds for maintenance dredging of a number of small and mid-size harbors from Greenwich to Stonington. Without those funds, this work would not have been undertaken.

Upon establishment of the CPA, dredging-related responsibilities of the CT DOT’s Maritime Office were transitioned to the CPA. The CT DOT employee serving as Connecticut’s first State Dredge Coordinator was transferred to the CPA (he remains a CT DOT employee) where he has continued successful efforts to facilitate and coordinate dredging projects.

*If the Transportation Committee and General Assembly should determine a need for institutional changes to adjust or refocus the CPA’s mission, the CHMA urges that the dredging-related programs administered by the CPA and now the CPA be continued. It should be recognized that Connecticut’s smaller harbors are not able to compete with the nation’s large ports for the limited federal dredging funds available. Although Federal Navigation Projects are authorized by Congress in 36 Connecticut harbors, without the continued provision of state funds there is no reasonable expectation that the navigation channels in our small and mid-size harbors can be maintained.*

**Small Harbor Improvement Projects Program:**

Recognizing its responsibility to advance the needs and interests of all Connecticut ports and harbors, the CPA in 2017 established its Small Harbor Improvement Projects Program to provide state-bonded matching funds to municipalities pursuing harbor infrastructure projects and improved management of local waterways. In 2018, following a competitive process, the CPA approved 18 municipal projects for funding in the total amount of four million dollars. Approved projects included harbor management planning, engineering, and construction projects involving dredging, boat launching, boat docking, and other harbor improvement projects for the public.

A second round of SHIPP funding was announced in 2019 and 19 submitted grant applications are currently being evaluated by the CPA. The submitted applications represent a significant effort on the part of the involved municipalities with respect to providing not only the required local cost-share but also obtaining the coastal permits needed to ensure that the submitted projects are “shovel-ready.” The SHIPP is managed by the CPA’s Program Manager who also functions as the above-noted State Dredge Coordinator.

*If the Transportation Committee and General Assembly should determine a need for institutional changes to adjust or refocus the CPA’s mission, the CHMA urges that the SHIPP or a similar program that provides assistance to municipalities be continued. In addition to supporting local harbor infrastructure projects for the public, the program has served to build beneficial partnerships between the State of Connecticut and municipal harbor management authorities for effective management of Connecticut’s small and mid-size harbors and the economic and quality of life benefits they provide.*

Thank you for considering our comments. They are presented in the spirit of protecting and advancing the public interest in all of Connecticut’s ports and harbors. We look forward to participating in further discussion of these matters with the Transportation Committee and others as necessary to help achieve the most beneficial use and conservation of the Connecticut coast.
If you have any questions or if there is additional information we might provide that would be helpful to your discussions at this time, please contact me at (203) 984-5339 or pintoj@optonline.net.

Sincerely,

John Thomas Pinto, Ph.D.
President, Connecticut Harbor Management Association

Enclosures

cc:
CHMA Board of Directors
Senator Bob Duff, Senate Majority Leader
Senator Leonard Fasano, Senate Minority Leader
Senator Martin M. Looney, Senate President Pro Tempore
Representative Matthew D. Ritter, House Majority Leader
Representative Themis Klarides, House Minority Leader
Representative Joe Aresimowicz, Speaker of the House
LIST OF ENCLOSURES

1. CHMA summary of Connecticut towns with harbor management plans and harbor masters;

2. CHMA letter of February 28, 2014 concerning proposed Port Authority legislation;

3. Port Authority Working Group report to the Governor and Legislature concerning function and operation of CT Port Authority;

4. May 28, 2015 CHMA position statement on proposed legislation to implement the CT Port Authority;

Enclosure Item 1.

CHMA summary of Connecticut towns with harbor management plans and harbor masters
February 2, 2015  
Updated April 3, 2018; January 28, 2019; June 9, 2019

**CONNECTICUT TOWNS AND MUNICIPAL AREAS WITH COASTAL AND NAVIGABLE WATERWAYS**

Connecticut Harbor Management Association

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Coastal towns identified in the Connecticut Coastal Management Act and listed in Sec. 22a-94 of the Connecticut General Statutes are marked by (c) in this table. Some non-coastal towns have prepared harbor management plans and are served by governor-appointed harbor masters.

The Harbor Master is appointed for Southport Harbor in the Town of Fairfield.

The Borough of Fenwick is a political subdivision within the Town of Old Saybrook with its own Harbor Management Commission and Harbor Management Plan.

The Harbor Master is appointed for Lyme/Hamburg Cove.

The Town of Groton Harbor Management Plan and Harbor Master cover the Noank section of Town.

Groton Long Point is a political subdivision within the Town of Groton.

Mystic is a village within the towns of Groton (west of the Mystic River) and Stonington (east of the Mystic River). The Mystic Harbor Management Plan covers the Mystic River in Stonington. The Mystic Harbor Management Commission is a Town of Stonington commission.

The inhabited Mason’s Island and smaller Ram Island are in the Town of Stonington.

Lords Point is a private beach community in the Town of Stonington.

The Pawcatuck River is an area in the Town of Stonington; the Pawcatuck River Harbor Management Commission is a Town of Stonington commission.

**SUMMARY:**

Coastal Towns: 36

Non-Coastal Towns with Harbor Management Commissions and/or Harbor Masters: 6

Harbor Management Commissions: 27
(Includes 2 commissions in non-coastal towns; 3 commissions in Town of Stonington; and City and Town of Groton harbor management commissions)

Harbor Management Plans: 26 (Includes 2 plans in non-coastal towns and 3 plans in Town of Stonington)

Port Authorities: 3

Harbor Masters: 40 (Includes 6 harbor masters in non-coastal towns and 5 harbor masters in the Town of Stonington)

Deputy Harbor Masters: 24 (including 9 vacant positions)

Towns with Harbor Masters and Harbor Management Commissions: 24
(Includes City of Groton; 2 harbor masters in Town of Groton; 5 harbor masters in Stonington)

Towns with Harbor Masters and no Harbor Management Commission: 11
Prepared by Geoffrey Steadman, Board Member, Connecticut Harbor Management Association (CHMA) for review by the CHMA and Port Authority Working Group.


This document is prepared for planning and discussion purposes only. It is based on research by the CHMA and is not an official document of the State of Connecticut.

Sources:
Connecticut General Statutes Sec. 22a-94
(Identification of coastal towns)

Connecticut Department of Transportation:
“Connecticut Harbor Masters and Deputy Harbor Masters”
January 14, 2015

Connecticut Department of Energy and Environmental Protection
Office of Long Island Sound Programs
“Harbor Management Commission Chairman
State-Approved and Municipally Adopted Harbor Management Plans”
2014

Selected town websites
Enclosure Item 2.

CHMA letter of February 28, 2014 concerning proposed Port Authority legislation
VIA EMAIL AND REGULAR MAIL

February 28, 2014

Senator Andrew M. Maynard, Co-Chair
Representative Antonio Guerrero, Co-Chair
Connecticut General Assembly
Transportation Committee
Room 230
Legislative Office Building
Hartford, Connecticut 06106

Subject: Raised Bill No. 5289, An Act Establishing the Connecticut Port Authority

Dear Senator Maynard and Representative Guerrero:

On behalf of the Board of Directors (Board) of the Connecticut Harbor Management Association (CHMA), I wish to provide comments and recommendations concerning Raised Bill No. 5289—An Act Establishing the Connecticut Port Authority.

The CHMA is a state-wide, not-for-profit organization representing the interests of municipal harbor management commissions, state harbor masters appointed by the Governor, and others concerned with Connecticut’s harbors and marine resources. We are not a lobbying group. Our mission is to share information and facilitate coordination among our member commissions, the harbor masters, and state and federal agencies to address issues of common interest and concern.

In 2014 there are 20 towns with locally adopted and state-approved harbor management plans; several other towns are giving consideration to preparing such plans. In addition, there are more than 50 State of Connecticut harbor masters and deputy harbor masters, all of whom have significant authority for the safe and efficient operation of the state’s waterways.

To the extent that Raised Bill No. 5289 may have a significant impact on all of Connecticut’s ports and harbors, its adoption and implementation are of interest to all of our members. Our principal comments and recommendations at this time concern the possible impact of the proposed legislation on: 1) the existing State Maritime Office in the Department of Transportation (ConnDOT); 2) small and mid-sized harbors; and 3) the state’s existing harbor master program.
Comments and Recommendations

1. **State Maritime Office:** ConnDOT’s State Maritime Office provides significant financial assistance to Connecticut’s coastal towns, including state-bonded funds authorized by Public Act 11-57, Section 13(f) for “Port Infrastructure Improvements, Dredging, and Navigational Direction.” While Sec. 9 of Raised Bill No. 5289 calls for the State Maritime Office to, among other things, serve as the Governor’s principal maritime policy advisor, Sec. 13 of the proposed legislation would establish an Office of Maritime Development within the Department of Economic and Community Development (DECD). It is unclear to us whether Raised Bill No. 5289 would maintain the existing grant-in-aid programs of the Maritime Office for harbor improvement projects. If not, would funding opportunities to small and mid-sized harbors be assumed by the DECD or the Connecticut Port Authority? The Board recommends that implementation of the proposed legislation should ensure continuation, in the most effective and efficient manner, of the existing services to municipalities now provided by the Maritime Office.

2. **Small and Mid-Sized Harbors:** It is unclear how establishment of a Connecticut Port Authority will affect small and mid-sized harbors. Raised Bill No. 5289 does not mention specifically the three major ports of Connecticut—Bridgeport, New Haven, and New London. Sec. 3, however, describes the powers and duties of the Connecticut Port Authority with reference to cargo movement and the domestic and international shipping industry. This implies an emphasis on the three major ports cited above. The General Assembly, in other legislation such as the Harbor Management Act, recognizes the economic, environmental, and cultural benefits of small and mid-sized harbors in Connecticut. The CHMA Board is interested to know whether the new Connecticut Port Authority will only focus on needs of the three major ports. If this were the case, we would be concerned about the apparent lack of a state entity with powers and duties to assist the small and mid-sized harbors of the state. The Board recommends that implementation of the proposed legislation should ensure continuation of the existing opportunities, including funding venues, available to small and mid-sized harbors through ConnDOT’s State Maritime Office and other state programs.

3. **State Harbor Master Program:** Connecticut’s harbor masters and deputy harbor masters have a distinct and essential role, established in the General Statutes, for ensuring public safety and managing the state’s waterways in the public interest. Harbor masters and deputy harbor masters are state officers appointed by the Governor and, pursuant to the General Statutes, are subject to the direction and control of the Commissioner of Transportation. Support for the harbor master program is currently provided through ConnDOT’s State Maritime Office. If Raised Bill No. 5289 envisions that existing functions of the Maritime Office would be assumed by the DECD or Connecticut Port Authority, consideration should be given to the impact of this change on the harbor master program. The Board recommends that prior to any legislative change that would affect the State Maritime Office, consideration should be given to the impact of that change on the harbor master program. The new legislation should enhance and revitalize the program.
It is our hope that these comments and recommendations will be considered by the Transportation Committee as part of the public hearing process on Raised Bill No. 5289.

If you have any questions or desire any additional information, please contact me at (203) 984-5339 or pintoj@optonline.com.

Sincerely,

John Thomas Pinto, Ph.D.
President, Connecticut Harbor Management Association
35 Winfield Court
East Norwalk, Connecticut 06855

JTP/gs

cc:
CHMA Board of Directors
Mr. Charles Beck, ConnDOT, Transportation Maritime Manager
Mr. Rob Klee, Commissioner of Energy and Environmental Protection
Mr. James P. Redeker, Commissioner of Transportation
Ms. Catherine Smith, Commissioner of Economic and Community Development

nick.neeley@cga.ct.gov.
Enclosure Item 3.

Port Authority Working Group report to the Governor and Legislature concerning function and operation of CT Port Authority
Pursuant to Public Act 14-222

Report to the Governor and General Assembly Regarding the Connecticut Port Authority
I. Introduction and Executive Summary

II. Letter from Port Authority Working Group Members

III. Review of Public Act 14-222

IV. Port Authority Working Group: Charge and Process

V. Connecticut Ports: Situation Assessment

VI. Recommendations

VII. Port Authority Working Group Membership and Meetings Overview

Appendix A: Connecticut Deepwater Ports Overview
Appendix B: Statewide Coastal Management Overview
Appendix C: Information Concerning Comparable East Coast Port Authorities
Appendix D: Information Concerning DOT’s Maritime Division
I. Introduction and Executive Summary

Governor Malloy and Members of the Connecticut General Assembly Joint Standing Committees on Commerce, Transportation and the Environment:

Enclosed for your review and consideration please find a report of activities, findings and recommendations concerning the establishment of the Connecticut Port Authority (CPA), pursuant to Section 3 of Public Act 14-222, passed unanimously by both chambers, and signed by Governor Malloy in New London in June 2014.

Connecticut is blessed to have a shoreline that provides an important dimension of our quality of life and economic activities. Our working group and the Department agree that our ports are currently a critical but underutilized part of our economy. We believe that the establishment of the new Connecticut Port Authority will help focus attention on bringing more business activity to the state, and strongly support the overall goals of Public Act 14-222.

This report includes a series of findings and recommendations designed to build upon and fine tune the legislation passed in 2014 and to ensure that the new Connecticut Port Authority has the operational focus, resources and authorities it needs to become a successful driver of economic development along our coastline. The recommendations are mindful, however, of the limited revenue streams currently available to support the CPA, of the work that will be required to build up a larger revenue profile for the new Authority, and of the budget challenges facing the State this year. I believe that the foundation that will be laid with the implementation of the port authority legislation, will serve us well as we continue to find ways to align and incorporate more activity in and with our ports and their communities leading to a stronger base of economic activity in the state.

Included in the recommendations are the following key highlights:

- Maintaining the CPA as a quasi-public entity, but organized “for administrative purposes only” with DECD to minimize start-up, staff costs and other expenses
- Recommending a small appropriation to support the operations of the CPA for its first few years of operations
- Directing the CPA to maintain a strategic focus on Connecticut’s three deepwater ports but to also serve the other commercial port operations involving the waterborne movement of cargo and passengers
- Directing the CPA to manage the State Pier Facility in New London
- Continuing successful State existing programs that support the maritime economy, particularly in smaller and mid-size harbors, and specifically giving responsibility for existing dredging programs to the CPA

On behalf of the Department of Economic and Community Development, I would like to thank all of the members of the Port Authority Working Group for their time, energy and excellent
suggestions. The group spent a significant amount of time researching, debating and formulating recommendations, and we are incredibly appreciative of their commitment to and enthusiasm for Connecticut’s maritime economy.

I would also like to thank our partners within the state government at the Office of the Treasurer, the Department of Energy and Environmental Protection, the Office of Policy and Management and the Department of Transportation, and particularly Commissioner James P. Redeker, who co-chaired the Working Group. Under his leadership, the DOT has prioritized investments in infrastructure and in initiatives like the Connecticut Port Authority that are making Connecticut’s economy more competitive and more conducive to job creation.

We look forward to working with the Governor and the General Assembly to develop a legislative package based on these recommendations that will position the Connecticut Port Authority for a successful launch.

The State’s maritime economy is poised for growth and development, and with smart investments through the Connecticut Port Authority, we believe that our State can be home to more jobs and more economic activity in and along our diverse waterfront.

Respectfully submitted,

[Signature]

Catherine H. Smith
Commissioner, Department of Economic and Community Development
The undersigned members of the Port Authority Working Group support the findings and recommendations contained in the report prepared by the Commissioner of Economic and Community Development for submission to the Governor and the General Assembly.

The members of the Working Group have spent a significant amount of time together learning about best practices of port authorities in Connecticut and elsewhere, and how the Connecticut ports and harbors currently function. We have heard suggestions from a wide variety of stakeholders on how to improve Connecticut's ports and their economic development potential. The Working Group discussions were robust, and in the end resulted in a series of well thought out recommendations that we believe will serve the newly created Port Authority as its board begins its efforts to improve the economic vitality and well-being of Connecticut's ports.

We believe that with the creation of the Connecticut Port Authority, Connecticut's ports can generate more economic activity, create jobs and attract private investment. Connecticut's commercial waterfront is an important asset for the State, and we believe that the structure and strategy proposed by this report represent an historic opportunity to maximize the return on this asset.

For all these reasons, we support the report prepared by the Commissioner.

Commissioner James P. Redeker (Working Group Co-Chair)

Andrew Anastasio

Kevin Cavanagh

Orest T. Dubno

Pamela Elkow

Garrett Eucalitto

Bill Cash

John Johnson

Stan Mickus

David Pochyly

Joseph Riccio, Jr.

Robert Ross

Sarah Sanders

Thomas Santa

Tony Sheridan

Geoffrey Steadman

Brian Thompson

Parker Wise
III. Public Act 14-222

In June 2014, Public Act 14-222 was signed into law by Governor Dannel P. Malloy after being passed unanimously by the Connecticut General Assembly. The legislation establishes the Connecticut Port Authority as an independent state governmental body that will come into existence on October 1, 2015. Public Act 14-222 also outlined the responsibilities and purposes of the new organization. The Connecticut Port Authority is intended to:

“coordinate port development, with a focus on private and public investments, pursue federal and state funds for dredging and other infrastructure improvements to increase cargo movement through Connecticut ports, market the advantages of such ports to the domestic and international shipping industry, coordinate the planning and funding of capital projects promoting the development of such ports and develop strategic entrepreneurial initiatives that may be available to the state.”

The legislation also calls for a Board of Directors to govern the Connecticut Port Authority and appoint an Executive Director.\(^a\)

Connecticut Port Authority Board of Directors Designations

<table>
<thead>
<tr>
<th>Position</th>
<th>Appointed By</th>
<th>Initial Length of Term</th>
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<tbody>
<tr>
<td>State Treasurer or Designee</td>
<td>Ex Officio</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Commissioner of Economic and Community Development or Designee</td>
<td>Ex Officio</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Commissioner of Energy and Environmental Protection or Designee</td>
<td>Ex Officio</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Commissioner of Transportation or Designee</td>
<td>Ex Officio</td>
<td>Indefinite</td>
</tr>
<tr>
<td>At Large(^a) (3)</td>
<td>Governor</td>
<td>Two (2) Years</td>
</tr>
<tr>
<td>At Large(^a) (2)</td>
<td>Governor</td>
<td>Four (4) Years</td>
</tr>
<tr>
<td>At Large(^a)</td>
<td>Speaker of the House</td>
<td>Two (2) Years</td>
</tr>
<tr>
<td>At Large(^a)</td>
<td>House Majority Leader</td>
<td>Two (2) Years</td>
</tr>
<tr>
<td>At Large(^a)</td>
<td>House Minority Leader</td>
<td>Two (2) Years</td>
</tr>
<tr>
<td>At Large(^a)</td>
<td>Senate President</td>
<td>Four (4) Years</td>
</tr>
<tr>
<td>At Large(^a)</td>
<td>Senate Majority Leader</td>
<td>Four (4) Years</td>
</tr>
<tr>
<td>At Large(^a)</td>
<td>Senate Minority Leader</td>
<td>Four (4) Years</td>
</tr>
</tbody>
</table>

\(^a\) Per PA 14-222, At Large appointees to have “Business/Managerial and International Trade, Marine Transportation, Finance, or Economic Development” experience

While the initial terms vary for members of the Connecticut Port Authority Board of Directors, after the initial terms have expired, each appointed position will have a term of four years (starting July 1\(^{st}\) of a given year).\(^i\)

In addition to establishing the Connecticut Port Authority, Public Act 14-222 created a Port Authority Working Group.\(^v\) The Port Authority Working Group was created to provide guidance and recommendations regarding the Connecticut Port Authority and its Board of Directors to the Department of Economic and Community Development. The Port Authority Working Group is
composed of members appointed by the Connecticut General Assembly, Governor Malloy, the State Treasurer, the Commissioner of the Department of Economic and Community Development and members appointed by the Commissioner of DECD. The Port Authority Working Group will cease to exist on October 1, 2015, when the Connecticut Port Authority comes into existence. The Commissioner of the Department of Economic and Community Development is charged with submitting this report, after consulting the Department of Transportation, Department of Energy and Environmental Protection, Office of Policy and Management, and the Port Authority Working Group, to the Governor and the Connecticut General Assembly’s committees on commerce, transportation, and the environment by March 1, 2015.

Public Act 14-222 also adds the Connecticut Port Authority to the statutory list of “quasi-public” agencies, as well as qualifying the Connecticut Port Authority and its Board of Directors and employees for the same protections and authorities as other Connecticut “quasi-public” agencies. Additionally, the legislation specifies that municipal grant-in-aid requests and harbor improvement projects will be recommended to the Department of Transportation by the Connecticut Port Authority. The final sections of the legislation address taxes for petroleum products.

IV. Port Authority Working Group: Charge and Process

The Port Authority Working Group, as established by Public Act 14-222, convened to research and craft recommendations to the Governor and Assembly regarding:

“(1) Employment and personnel practices and policies, including those relating to hiring, promotion, compensation, retirement and collective bargaining; (2) issuance of bonds; (3) authority to acquire, lease, purchase, own, manage, hold and dispose of personal and real property; (4) authority to make and enter into contracts and agreements; and (5) any other powers, duties or functions of the Connecticut Port Authority.”

The recommendations from the Department of Economic and Community Development for the Connecticut Port Authority are provided in a later section of this report.

The Port Authority Working Group first convened on October 1, 2014 and has met five times. Department of Economic and Community Development Commissioner Catherine H. Smith and Department of Transportation Commissioner James P. Redeker serve as co-chairs of the Working Group.

Regular meetings of the Port Authority Working Group have generally consisted of informational presentations, as well as discussion among members. Port Authority Working Group members also conducted outside research to support their input on recommendations for
the Connecticut Port Authority. In addition to regular meetings, the Port Authority Working Group convened two subgroups that met separately during November 2014. The sub-group meetings were focused on crafting recommendations regarding the scope and structure of the future Connecticut Port Authority. Meetings were held in a variety of locations in Connecticut, including two of the deepwater ports, New Haven and New London.

V. Connecticut Ports: Situation Assessment

Connecticut is home to three deepwater ports (Bridgeport, New Haven and New London) where the bulk of Connecticut’s commercial maritime industry operates, as well as small and mid-size coastal and river harbors that also make important contributions to the State’s economy. From the terminals in New Haven, New London and Bridgeport to commercially successful ferry operations in Bridgeport and New London to major shipyards such as Electric Boat and the U.S. Navy Sub Base in Groton to numerous marinas to fishing fleets and boat repair facilities, Connecticut’s commercial waterfront is an important contributor of jobs, economic activity and tax revenue. In total, 24 municipalities in Connecticut have Harbor Management Commissions, and three municipalities (Bridgeport, New Haven and New London) have existing port authorities. Connecticut’s coastal economy is broad and diverse.

Prior to the onset of the Great Recession, Connecticut’s maritime industry contributed more than $5 billion to the state’s economy and employed more than 30,000 people, according to a study published in 2010 by the Connecticut Maritime Coalition. In 2007, according to the same study, average wages in the maritime industry were 15 percent higher than the state average. According to recent analysis by DECD found that the industry has rebounded from the impact of the Great Recession, again employing slightly more than 30,000 people.

The last several years have seen significant challenges for Connecticut’s commercial cargo ports, with declines in cargo import volumes of more than 80% since 2006, driven mostly by the global recession but also because Connecticut has not been active enough in marketing its ports in the global marketplace. Other ports on the Eastern seaboard have maintained or increased their port activity. In addition to the largest ports in New York/New Jersey and Norfolk, Virginia, there are several other smaller ports operated by comprehensive port authorities.

These port authorities vary in structure, as well as in scope and governance, and were reviewed by the Port Authority Working Group. A summary comparison of East Coast Port Authorities is included in Appendix C of

2009 Metric Tonnage

Source: U.S. Dept. of Trans., Research and Innovative Technology Administration, Bureau of Transportation Statistics
this report.

In order to compete with other well-established port authorities, it is necessary for the Connecticut Port Authority to be structured appropriately to Connecticut’s size and potential in the maritime and marine economies.

Consistent with the overall strengthening of Connecticut’s economy since 2011, Governor Malloy’s economic development strategy has prioritized major investments in critical infrastructure – including the New Haven-Hartford-Springfield rail line, CT Fastrak, the State’s first comprehensive energy strategy and the creation of the Connecticut Airport Authority – that will attract private investment and allow more people and goods to move into, out of and through Connecticut – all of which drives economic growth and helps create jobs. The legislation signed in June similarly recognizes that Connecticut’s ports and harbors are critical economic development assets that can be engines for economic growth.

The success of this effort will be judged by growth in maritime-related jobs, growth in private investment in the maritime economy, and growth in activity at the state’s ports and harbors.

Important investments in Connecticut’s maritime infrastructure are already underway. In September, Governor Malloy, Senator Chris Murphy, Senator Richard Blumenthal and Congressman Joseph Courtney announced the awarding of an $8.2 million federal TIGER grant to upgrade a 19-mile stretch of freight rail that brings cargo to and from the State Pier in New London, paving the way for significant additional capacity on the vital New England Central corridor which runs north from New London through the eastern half of Connecticut. The federal grant followed a $3.6m investment of State bond funds in 2013 that enabled the first phase of the track upgrade.

Similarly, the State and Federal government and the private sector have made major commitments to maintenance dredging in Connecticut. Since Fiscal 2012, the Malloy Administration and the General Assembly have authorized $60.9 million in State bond funds to support critical dredging projects, including major projects in New Haven, Guilford, Stratford, Stonington, Wethersfield, and Greenwich.

While the Department of Economic and Community Development believes that the establishment of the Connecticut Port Authority creates a significant opportunity to create jobs and grow Connecticut’s maritime economy, the Working Group also identified several critical challenges to the creation of a successful new organization, most crucially a lack of significant existing revenue streams to support ongoing operations. The principal source of State revenues to support maritime operations is the operating agreements for the State Pier in New London with Logistec USA, Inc., and a lease with the Thames River Seafood Co-Op LLC. From Fiscal 2007 through 2014, average revenue to the State was $393,672, with a high of $461,762 in FY14 and a low of just $281,245 in FY10. The revenues from the State Pier Facility currently go into the
Special Transportation Fund. Additionally, marine pilot licensing fees and pilottage generated $58,834 in CY14 for the Special Transportation Fund.

Within the Department of Transportation, the State Maritime Office has a total staff of four people (excluding ten operational staff dedicated to the Connecticut River Ferries). The current estimates for these staff costs are approximately $900,000 per year — thus, current revenues do not even cover current expenses.

Therefore any expansion of activities must be considered in the context of the ongoing challenging fiscal picture for the State. In order to establish a fully independent Connecticut Port Authority, the new organization would need to add new staff to address, at a minimum, legal, finance/budget, legislative liaison, press, technology, purchasing as well as non-personnel expense for office space, capital equipment and office supplies. Conservative estimates indicate such staffing could add at least another $750,000 per year of operating expenses (which would be in addition to the cost of a salary and fringe benefits for the CPA’s Executive Director).

As a result, any discussion of the Connecticut Port Authority’s structure, responsibilities and budget should be conscious of the challenges of establishing a new organization with limited revenues and existing staff resources in a period of continuing fiscal challenges for the State.

VI. Recommendations

In order to fully capitalize on the opportunities available to the State, and cognizant of the challenges and constraints of establishing a new organization with minimal existing revenue streams, set forth below are summary recommendations for the consideration of Governor Malloy and the General Assembly. It is important to note that the report does not include recommendations to curtail or end any current financial or technical support provided to municipalities, ports, marinas or harbors – rather it attempts to broaden the State’s commitment to growing commercial cargo and passenger activity and maritime related jobs in Connecticut while maintaining and strengthening existing programs and functions.

1. Employment and Personnel Practices and Policies
   - In order to attract the strongest possible candidates, the Executive Director of the Connecticut Port Authority should be exempt from the classified service, as currently articulated in P.A. 14-222.
   - The CPA should be given the flexibility to add additional unclassified staff for senior leadership positions.
   - Any current State employees given the opportunity to transfer to the CPA should retain all status, rights and privileges to which they would otherwise be entitled as State employees at their current respective agencies.

2. Issuance of Bonds
Although a powerful tool for the CPA to have at its disposal for the future, given the limited revenue streams likely associated with the CPA, it is unlikely in the near term that the CPA will be able to issue its own bonds. In the near term, the CPA should rely on State bond funds, administered through the Department of Economic and Community Development or the Department of Transportation, for port improvements, dredging and property acquisition.

3. Authority with Regard to Property Ownership
   - The CPA should maintain the authority it was granted in P.A. 14-222 to own, lease, acquire and sell real and personal property.
   - The CPA board should consider opportunities to acquire port-related property which may generate attractive revenue opportunities for the CPA as well as properties that would enable it to pursue strategic maritime economic development opportunities.

4. Authority with Regard to Contracts
   - The CPA should maintain the authority it was granted in P.A. 14-222 with respecting to contracting.
   - Additionally, language should be added to the CPA’s authorizing statute obligating it to accept and/or adopt any contractual obligations entered into by State agencies (such as DOT) related to any and all assets which are transferred to the CPA.

5. Other Powers, Duties and Functions
   - Structure
     - The Connecticut Port Authority (CPA) should remain, as is currently outlined in P.A. 14-222, a quasi-public agency.
     - However, in order to maximize the impact of the very limited revenues available to support its activities, the CPA should be established within the Department of Economic and Community Development “for administrative purposes only” for the first few years of the CPA’s existence to allow the CPA to share resources with DECD such as legal, accounting, communications and administrative services rather than having to fund and hire a fully built-out staff operation.
       - The recommended structure would also allow for maximum synergies between DECD and the CPA, whose primary function is maritime economic development.
   - Governance
     - The Connecticut Port Authority should be governed by the independent Board of Directors currently envisioned in the CPA’s enabling legislation.
     - The Board of Directors should be convened on July 1, 2015.
     - The Board of Directors could benefit from having one or more of the 15 members represent one or more of the deepwater port municipalities.
o Strategic Focus

- The strategic focus of the Connecticut Port Authority should be to encourage the growth and development of the Connecticut maritime industry.
- The CPA’s primary focus should be Connecticut’s three deepwater ports (Bridgeport, New Haven and New London) as well as other commercial port operations involving the waterborne movement of cargo and passengers.
- The CPA should also recognize the important economic role that smaller and mid-size harbors play in Connecticut’s maritime economy, and provide for the continuation of existing programs that support them.
- The CPA should focus in the near term on identifying stable revenue streams that would support the CPA on an ongoing basis, such as the acquisition of revenue generating port-related property.

o Responsibilities/Activities of the Connecticut Port Authority

- Advise the State with respect to overall maritime strategy and policy
- Market Connecticut’s ports.
- Manage the State Pier Facility and oversight of any third-party operating/lease agreements.
- Lead statewide dredge and infrastructure improvement project coordination (including allocating funds for needed improvements to mid-size and small harbors and establishing processes for application and allocation of grant-in-aid funds).
- Administer any maritime-specific development incentives (see below) in conjunction with DECD.
- Coordinate with local port authorities and relevant municipal development plans, where applicable.

o Other Maritime Activities/Responsibilities

- In addition to the recommended responsibilities of the CPA, the following allocation of other existing maritime activities/responsibilities is also recommended:
  - Connecticut River Ferries: Department of Transportation (status quo)
  - Oversight of Harbor Masters: The state’s Harbor Masters, nominated by the Governor, play an important role in the operation of local ports and harbors. The CPA’s primary purpose is to promote economic activity, not provide operational oversight of the local harbors. Therefore, it is recommended that the oversight of Harbor Masters reside with a governmental entity other than the CPA. We recommend that DEEP serve as that agency and continue
Report to the Governor and General Assembly Regarding the Connecticut Port Authority

to work with port and harbor stakeholders to develop a proposal for oversight of the Harbor Masters.

- Licensing of State Pilots: DOT currently has regulatory responsibility to license Connecticut pilots (of which there are currently six). This regulatory authority should be statutorily transferred to the CPA. Importantly, legislation has been proposed in the current legislative session to revise the regulation of State Pilots, which is recommended for adoption.

- Maritime Commission: Disbanded.

  o Assets and Revenues
    - Ownership of the State Pier Facility in New London should be transferred to the CPA.
    - Revenues from the Logistec agreement and Thames River Seafood Co-Op lease should be dedicated to the CPA rather than the General or Special Transportation Funds.
    - Bond funds authorized for dredging and harbor improvement should be administered by the CPA.

  o Fiscal
    - The Governor and Assembly should consider making an appropriation, as proposed in the Governor’s current budget proposal, to support the CPA to cover start-up costs as well as staffing needs.
    - The Governor and Assembly should consider creating maritime-specific economic development incentives and programs that would encourage maritime-related development both at the ports themselves but also at inland/upland sites connected to the ports via rail and interstate highway.

VII. Port Authority Working Group Membership and Meetings Overview

<table>
<thead>
<tr>
<th>Port Authority Working Group Members</th>
<th>Appointed By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Catherine H. Smith</td>
<td>Ex Officio</td>
</tr>
<tr>
<td><em>Department of Economic and Community Development (DECD)</em></td>
<td></td>
</tr>
<tr>
<td>Assistant Treasurer Sarah K. Sanders</td>
<td>Ex Officio</td>
</tr>
<tr>
<td><em>Office of the State Treasurer</em></td>
<td></td>
</tr>
<tr>
<td>William Gash</td>
<td>Governor</td>
</tr>
<tr>
<td>Pamela Elkow</td>
<td>Governor</td>
</tr>
<tr>
<td>Joseph Riccio, Jr.</td>
<td>Governor</td>
</tr>
<tr>
<td>John Johnson</td>
<td>Speaker of the House</td>
</tr>
<tr>
<td><em>Connecticut Maritime Trades Association</em></td>
<td></td>
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<tr>
<td>Parker Wise</td>
<td>House Majority Leader</td>
</tr>
<tr>
<td><em>Coastal municipality with a population not greater than 100,000 people</em></td>
<td></td>
</tr>
<tr>
<td>Dave Pohorylo</td>
<td>House Minority Leader</td>
</tr>
</tbody>
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### Connecticut Pilot Commission

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Stan Mickus</td>
<td>Senate President</td>
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<tr>
<td>Tom Dubno</td>
<td>Senate Majority Leader</td>
</tr>
<tr>
<td>Geoffrey Steadman</td>
<td>Senate Minority Leader</td>
</tr>
<tr>
<td>Kevin Cavanagh</td>
<td>Co-Chairs of Transportation Committees</td>
</tr>
<tr>
<td>Thomas Santa</td>
<td>Ranking Members of Transportation Committees</td>
</tr>
<tr>
<td>Commissioner James Redeker</td>
<td>DECD Commissioner</td>
</tr>
<tr>
<td>Garrett Eucalitio</td>
<td>DECD Commissioner</td>
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<tr>
<td>Brian Thompson</td>
<td>DECD Commissioner</td>
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<td>Robert Ross</td>
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<td>Andrew Anastasio</td>
<td>DECD Commissioner</td>
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<tr>
<td>Thomas “Tony” Sheridan</td>
<td>DECD Commissioner</td>
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### Port Authority Working Group Meetings

<table>
<thead>
<tr>
<th>Meeting Date and Location</th>
<th>Presenters and Presentations</th>
</tr>
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<tbody>
<tr>
<td>October 1, 2014</td>
<td>Commissioner James Redeker, Department of Transportation Review of Department of Transportation’s Maritime Division</td>
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<tr>
<td></td>
<td>Bob Ross, Director of Office of Military Affairs Review of Connecticut Deepwater Port Strategy Study</td>
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<tr>
<td></td>
<td>Tim Sullivan, Director of Waterfront, Brownfield, and Transit-Oriented Development at DECD Review of Public Act 14-222 and Discussion of Working Group Work Plan</td>
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<tr>
<td>November 5, 2014</td>
<td>Kevin Dillon, Executive Director of Connecticut Airport Authority Presentation on Connecticut Airport Authority</td>
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<tr>
<td></td>
<td>Karla Lindquist, Policy Fellow at DECD Port Authority Comparison Presentation</td>
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<tr>
<td>December 1, 2014</td>
<td>Andrew Nunn, Chief Administrative Officer, City of Bridgeport and Executive Director, Bridgeport Port Authority Overview of Bridgeport Port Authority</td>
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<tr>
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<td>Judy Sheiffele, Executive Director, New Haven Port Authority Overview of New Haven Port Authority</td>
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<tr>
<td></td>
<td>Tammy Daugherty, Director of Development and Planning, City of New London Overview of New London Port Authority</td>
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<tr>
<td>Date</td>
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<tr>
<td>January 6, 2015</td>
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<tr>
<td>February 5, 2015</td>
<td>Department of Transportation, Newington</td>
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The agenda, minutes and materials presented at all Port Authority Working Group meetings are available on DECD’s website (http://www.ct.gov/ecd).

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2 Ibid, Sections 1(c), 1(e).
3 Ibid, Section 1(c).
4 Ibid, Section 2(a).
5 Ibid, Section 2(b).
6 Ibid, Section 2(a).
7 Ibid, Section 3.
8 Ibid, Sections 4, 5, 6, & 7.
9 Ibid, Section 8.
10 Ibid, Sections 9, 10.
11 Ibid, Section 2(a).
Enclosure Item 4.

May 28, 2015 CHMA position statement on proposed legislation to implement the CT Port Authority
May 28, 2015

Governor Dannel P. Malloy
Connecticut State Legislators
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

Subject: Connecticut Harbor Management Association’s position statement on proposed legislation to implement the Connecticut Port Authority.

Dear Legislators:

The Board of Directors of the Connecticut Harbor Management Association (CHMA), representing municipal harbor management commissions and State of Connecticut Harbor Masters from Stonington to Greenwich, has reviewed the latest draft of Substitute House Bill No. 6816, “An Act Concerning the Connecticut Port Authority”. We believe that the proposed Bill in its current form requires amendment in order to achieve effective oversight and equitable management of all of Connecticut’s ports and harbors. Three major issues require your immediate attention and thoughtful resolution.

**CHMA Board Members**

**President**
John Thomas Pirito, Ph.D.
Norwalk Harbor Mgmt. Comm.

Peter Holecz
Bridgeport Harbor Mgmt. Comm.

Stephen Dinsmore

Joel P. Severance
Chester Harbor Mgmt. Comm.

Ned Farman
Old Lyme Harbor Mgmt. Comm.

Raymond Redniss
Stamford Harbor Mgmt. Comm.

William Rock
Stratford Waterfront and Harbor Mgmt. Comm.

Michael Griffin
State of Connecticut Harbor Master, Norwalk Harbor

Geoffrey Steadman
Coastal Area Planning Consultant
Westport, CT.

John Roberge (Alternate)
Roberge Assoc. Coastal Engrs, LLC,
Stratford, CT.

**Oversight of the Harbor Masters:** Oversight should be transferred from the Department of Transportation (DOT) to the Department of Energy and Environmental Protection (DEEP) instead of to the Connecticut Port Authority as currently called for in the latest draft of Subst. House Bill No. 6816. In absence of the DOT’s Maritime Office, the DEEP is the only logical home for the harbor master program at this time. The harbor master stipend funds along with the existing funded position and salary of the current DOT Harbor Liaison Officer should be transferred from DOT to DEEP, thereby ensuring that no current DEEP programs would need to be reduced or eliminated to fund this new DEEP responsibility. We recommend that the current Liaison Officer be given the opportunity to continue his existing responsibilities so that he may share his 35 years of experience concerning the harbor master program, at least, during a reasonable period of transition.

**Grants-In-Aid Program for Ports and Marinas:** The existing DOT-administered program authorized by Public Act 11-57, Section 13(f) for “Port Infrastructure Improvements, Dredging, and Navigational Direction” should be transferred to the Department of Economic and Community Development (DECD) instead of to the Port Authority as currently called for in the latest draft of Subst. House Bill No. 6816. The program should continue to be administered by a state agency; ultimate funding-decision authority would rest with the DECD Commissioner, Governor, and Legislature. Funding requests would be considered by the DECD, independently of the Port Authority, fairly and equitably and based on considerations of public needs and benefits.
In addition, the existing Harbor Improvement Account established by Sec. 13b-55b of the General Statutes and administered by the DOT should be transferred to the DECD.

In a fashion similar to that recommended for the harbor master program, the existing position and budgeted salary of the current DOT Maritime Manager should be transferred from the DOT to the DECD, thereby ensuring continuity of existing Maritime Office programs. Through this transfer, no current DECD programs would need to be reduced or eliminated to fund these new DECD responsibilities. We recommend that the DOT Officer currently responsible for managing the Grants-In-Aid Program for Ports and Marinas be given the opportunity to continue those responsibilities as the new Maritime Manager, thereby providing continuity of service.

The Grants-in-Aid Program for Ports and Marinas and the Harbor Infrastructure Account should continue to be available for public projects such as maintenance dredging of federal channels and other public use facilities. The program should not be used for maintaining berthing facilities or other infrastructural facilities of private or for-profit port businesses. Consistent with the authorizing legislation, available funds should not be segregated with a specified amount or percentage allocated for the deep-water ports and another amount or percentage set aside for the smaller harbors.

**Connecticut Port Authority:** Consistent with the “Report to the Governor and General Assembly Regarding the Connecticut Port Authority” pursuant to Public Act 14-222, the Port Authority should pursue a mission to promote all of Connecticut’s ports and harbors, including but not limited to the three deep water ports, through marketing strategies and other appropriate means. It would do so by working cooperatively with, and otherwise assisting, the three existing port authorities (Bridgeport, New Haven, and New London), any future authorized port authorities, and other entities involved in port and harbor development. It would also operate the State Pier in New London and assume the duties of the CT Maritime Commission. It should have its own bonding authority but should not have oversight over any existing or future state funding programs. If the Port Authority should see a need for nonfederal dredging funds for public facilities, it would bond its own funds or apply to the DECD with appropriate justification to acquire state-bonded funds through the existing Grants-in-Aid Program for Ports and Marinas.

The CHMA’s proposed resolutions to these critical issues were made with foresight and reasoned judgment for the purpose of achieving the most effective management of all of Connecticut’s ports and harbors in the public’s interest.

Respectfully submitted,

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Cc: Garrett Eucalitto
    Zack Hyde
    T.J. Magnoli
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    Tim Sullivan
Enclosure Item 5.

June 19, 2015 CHMA statement concerning transfer of public trust authority to a quasi-state agency
June 19, 2015

Governor Dannel P. Malloy
Connecticut State Legislators
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

Subject: Statement regarding abrogation of Public Trust holdings to a non-state agency as proposed in the legislation to implement the Connecticut Port Authority.

Dear Legislators:

The Board of Directors of the Connecticut Harbor Management Association hereby submits additional comments concerning legislation being prepared to direct the function of the Connecticut Port Authority. Previously, we expressed our concerns in a May 28, 2015 Position Statement on Substitute House Bill No. 6816—"An Act Concerning the Connecticut Port Authority." (A copy of our Position Statement is attached.) We understand that a version of this bill will be considered in the Special Legislative Session without opportunity for public comment.

A recent draft of the bill would transfer "jurisdiction over the harbors of the state" from the Commissioner of Transportation to the new Port Authority. In addition, a number of specific responsibilities affecting the state's harbors, historically assigned by the General Assembly to the Department of Transportation, would be reassigned to the Port Authority.

The proposed transfer of authority raises some significant issues concerning the General Assembly's responsibilities pursuant to the Public Trust Doctrine—the body of law pertaining to waters subject to the ebb and flood of the tide as well as navigable freshwaters. Title to Connecticut's tidewaters, navigable freshwaters, submerged lands beneath those waters, and the plant and animal life inhabiting those waters is held by the State of Connecticut in trust for the benefit of the general public.

Absent additional information and public discussion, we believe it is inappropriate for the General Assembly to transfer authority over the harbors of the state from a state agency to a quasi-public agency—an entity which "shall not be
construed to be a department, institution or agency of the state.” The proposed transfer appears to be an abroga-
tion of the General Assembly’s responsibility under the Public Trust Doctrine.

We strongly urge the General Assembly to take no action on the Port Authority bill until this issue is properly ad-
dressed.

If you have any questions or require additional information, please contact me.

Respectfully submitted,

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