

# **DRAFT MEETING MINUTES**

## **WORKING GROUP OF THE TOWN OF FAIRFIELD HARBOR MANAGEMENT COMMISSION, SHELLFISH COMMISSION, AND CONSERVATION COMMISSION FOR REVIEW OF HARBOR MANAGEMENT COMMISSION'S PLANS FOR LOWER WHARF AND TOWN BOAT YARD MAINTENANCE AND IMPROVEMENT**

**DECEMBER 9, 2011**

**ATTENDANCE:** Mary von Conta, Chairman, Harbor Management Commission; Nelson North, Alternate Member, Harbor Management Commission; Geoff Steadman, Harbor Management Commission Consultant; Greg Lanute, Member, Shellfish Commission; Paul Nelson, Member, Shellfish Commission, Tom Steinke, Town of Fairfield Conservation Director.

### CALL TO ORDER

Ms. von Conta called the meeting to order at 4:30 p.m. at Sullivan Independence Hall.

### COORDINATION OF PLAN REVIEW

Ms. von Conta said the working group has been established in accordance with agreements among the Harbor Management Commission (HMC), Shellfish Commission, and Conservation Commission. The purpose of the working group is to review the HMC's plans for maintenance and improvement of Southport Harbor and the Town properties adjoining the harbor known as the Lower Wharf and Town Boat Yard. Ms. von Conta said the HMC's plans have been submitted to the Connecticut Department of Energy and Environmental Protection's Office of Long Island Sound Programs (DEEP OLISP) for approval, and the DEEP OLISP has issued a "Notice of Tentative Determination" to approve the plans pending receipt of public comments. Public comments, including comments from the HMC, Shellfish Commission, and Conservation Commission, may be submitted to the DEEP OLISP by December 30, 2011.

Mr. Steadman reviewed the HMC's plans which involve removal of derelict structures adjoining the Lower Wharf; restoration of the existing fixed pier at the Lower Wharf; installation of a new community sailing dock consisting of a ramp, float, and piles; repair and expansion of the existing boat launching ramp at the Town Boat Yard; installation of a float atop the boat launching ramp; and new dredging for recreational boating.

Mr. Steinke has conducted a review of the HMC's proposed plans and has provided recommendations concerning the plans to the Shellfish Commission, Conservation Commission, and HMC. Those recommendations, including recommendations for modification of the plans to avoid potential adverse impacts on shellfishing and shellfish resources, are set forth in Mr. Steinke's report dated November 17, 2011. Ms. von Conta said that any agreements reached by the working group in response to Mr. Steinke's recommendations, including any agreements for modification of the HMC's plans, will be transmitted to the HMC, Shellfish Commission, and Conservation Commission for consideration. The commissions can then provide appropriate comments to the DEEP OLISP.

Mr. Nelson and Mr. Lanute both said they have recently visited the Lower Wharf and Town Boat Yard to familiarize themselves with the HMC's proposed plans.

### DISCUSSION OF ISSUES

Mr. Steinke suggested that the Lower Wharf's existing elevated pier which the HMC proposes to rebuild should be rebuilt closer to the face of the Lower Wharf. Doing so, he said, would allow more room for shellfishing in the harbor along the pier and would also allow the existing navigation channel in this area of the harbor to be shifted to the west as the sandbar to the east continues to expand to the west. Ms. von Conta and Mr. Steadman said that the HMC is pursuing a sand management plan that is directed toward maintaining the channel according to the location last dredged by the Corps of Engineers with approval by the DEEP OLISP. They also said they believed the issue of channel maintenance should be kept separate from the Lower Wharf plans. Mr. Steinke said he thinks 50% of the distance across the harbor at the harbor entrance should be available for navigation and 50% should be dedicated to the natural environment.

There was a lengthy discussion about the effect of piles in the harbor on opportunities for shellfishing. Generally, the Shellfish Commission discourages the placement of additional piles in the harbor because they can interfere with the movement of shellfish boats which can harvest shellfish from the harbor for transplanting outside the harbor. Mr. Steinke suggested that the HMC remove the elevated pier in its entirety and not rebuild it. Ms. von Conta and Mr. Steadman said that the pier had a public benefit and shouldn't be removed.

It was agreed that the HMC would contact the DEEP OLISP to discuss the possibility of rebuilding the elevated pier closer to the Lower Wharf wall for the purpose of providing more room at the entrance to the harbor for shellfishing. In addition, the HMC's engineer should be asked to evaluate the feasibility of rebuilding the pier closer to the wall and utilizing fewer piles than currently exist. Consideration also should be given to the possible presence of ledge rock closer to the wall which could affect the feasibility of driving new piles closer to the wall.

Mr. Steinke said he was concerned that dredging in the area of the existing south docks at the Town Boat Yard could affect the stability of the existing piles that are used to anchor those docks. Mr. Steadman said he has discussed this matter with Town Engineer Bill Hurley who said he will try to find the record of how deep those piles were driven or, absent those records, how long the piles are and then we can calculate how deep they are driven. Depending on the depth to which the piles were driven, dredging may have no effect on their stability.

There was a lengthy discussion about the potential adverse impacts of the proposed dredging project on shellfish resources and about possible approaches for mitigating those impacts. Mr. Steinke said that once the area is dredged, shellfish habitat will be adversely affected for the foreseeable future. Mr. Steadman said that a study conducted for the HMC did not indicate the presence of shellfish populations in any significant number. Mr. Steinke said he disagreed with the results of that study. Mr. Steadman said the DEEP OLISP did not request any additional information from the HMC and that the Connecticut Bureau of Aquaculture has no objections to the proposed dredging of this area.

Mr. Nelson said he believes that the harbor bottom in the vicinity of the proposed community sailing float is a sandy bottom that does not have significant shellfish habitat value, and therefore he does not think it is necessary to consider mitigating the effects of dredging that area.

Mr. Steinke said the most significant shellfish populations are found along the shoreline in the vicinity of the Town Boat Yard and therefore he is concerned about the possible addition of new piles along the shoreline which would interfere with vessels moving along the shoreline at high tide to harvest those populations. Mr. Steinke also said that the existing floating docks on the south side of the Town Boat Yard interfere with shellfish harvesting. That harvesting may take place during the period from October to April when it is possible to harvest shellfish for transplanting outside the harbor.

Mr. Nelson and Mr. Lanute asked if it would be possible for the Town to remove, on a seasonal basis, the existing floating docks on the south side of the Town Boat Yard, along with any new floating docks that might be approved, when requested to do so by the Shellfish Commission. This removal would be for the purpose of removing obstructions to small vessels harvesting shellfish and probably would not be necessary every year but perhaps every two or three years. Ms. von Conta said she did not know what the cost of such removal would be, but that this can be discussed with the Parks and Recreation Commission and Public Works Department which are responsible for the docks at the Town Boat Yard.

Mr. Steinke suggested that consideration be given to relocating the existing boat launching ramp to the site of the former marine railway at the Town Boat Yard. Mr. Steadman said that would be a significant undertaking involving rearrangement of Town Boat Yard facilities and it is his opinion that the Historic District Commission likely would not be agreeable to such rearrangement.

Mr. Steinke said that when considering mitigation for the effects of the HMC's proposed dredging project on shellfish resources, the first consideration should be to minimize the proposed project and then to provide some sort of compensation for the unavoidable impacts.

Mr. Steadman noted that the HMC's proposed dredging footprint was developed over time with the DEEP OLISP and already minimized to the extent practical. The DEEP OLISP did not want to see any disturbance of the intertidal area landward of the lowest predicted tide except in the area of the existing boat launching ramp where it is necessary to dredge landward of the lowest predicted tide in order to maintain a functional launching ramp. Mr. Steinke asked if the HMC intended to request that the DEEP OLISP allow additional dredging closer to the shoreline in the area of the south docks at the Town Boat Yard. Mr. Steadman said the DEEP OLISP has already informed the HMC that it will not approve additional dredging closer to the shoreline because of the presence of intertidal flats in those areas.

Ms. von Conta noted that the mitigation required by the Shellfish Commission with respect to the pending dredging of the private channel known as the Faile channel elsewhere in the harbor was in the form of a specified number of clam bushels. Mr. Steinke said that is a different situation than the HMC's proposed dredging project because the Faile channel has been dredged previously with approval from the state and federal government.

Mr. Steinke said that possible mitigation for the HMC's proposed dredging project could be restoration of a previously dredged area in the harbor. Ms. von Conta, referring to an aerial photo of the harbor, said that all previously dredged areas are currently and historically used as navigation channels and boat mooring areas and were dredged for those purposes.

Mr. Steinke said that as an alternative to restoring a previously dredged area, mitigation for the HMC's proposed dredging project could involve placing shells (cultch) over the bottom of the harbor in the area to be dredged by the HMC. Those shells would then provide surfaces on which oyster spat could attach and then grow into seed oysters for eventual transplantation outside of the harbor. The area could then be cultivated for the purpose of restoring functional shellfish habitat.

There was a lengthy discussion about the HMC's proposed new floating dock which would be constructed on top of the existing boat launching ramp and be anchored with five piles. The intent of the dock is to aid boat launching. Mr. Nelson, Mr. Lanute, and Mr. Steinke said that new pilings in this area could interfere with the passage of small vessels harvesting shellfish at high tide. As a result, they believe the Shellfish Commission would support removal of this aspect of the project from the HMC's proposed plans.

The group summarized its points of agreement and uncertainty. It was agreed that the HMC will: 1) continue to discuss, with the Town Engineer and HMC's engineering consultant, the potential effect of the proposed dredging project on the stability of the existing pilings anchoring the south docks at the Town Boat Yard; 2) consider modifying the project plans to remove the proposed new pilings and floating dock at the boat launching ramp; 3) consider removing the existing floating docks and proposed community sailing float from the harbor on a seasonal basis, when requested to do so by the Shellfish Commission; and 4) consider re-building the Lower Wharf elevated pier closer to the Lower Wharf with less pilings. The group did not agree on an approach to mitigating potential adverse impacts of the HMC's proposed dredging project on shellfish resources but agreed to continue to discuss this matter.

#### PROPOSED MEETING SCHEDULE

The group agreed that the next meeting will be on Monday, December 12, if possible, or on Tuesday, December 13.

#### ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Geoff Steadman, Harbor Management Commission consultant