

Connecticut Marine Trades Association  
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June 27, 2005

House of Representatives  
Subcommittee on Fisheries and Oceans  
Re: H.R. "Long Island Sound Stewardship Act of 2005"  
Attn: Representatives Wayne Gilchrest, Rob Simmons, et al

Honorable Members:

Thank you for the opportunity to offer written testimony on H.R. 307 "Long Island Stewardship Act of 2005." Please accept these comments as constructive criticism and an honest dialogue on the development and tracking of this legislation over the past two or more years. I am the Executive Director of the Connecticut Marine Trades Association and serve on numerous state, regional, and national marine industry boards and councils and have been a marina owner, boat dealer, waterfront property owner and marine industry professional for 40 years.

We are thankful that the Subcommittee, in extending their invitations to testify, has recognized one of the major stakeholder groups in the Long Island Sound watershed, recreational boating and the marine industry. Connecticut and New York together register over 650,000 boats and many call "The Sound" their home. This amounts to over 1.2 million boaters enjoying New England's largest watershed. Many boaters from other states regularly use Long Island Sound as an area to recreate or transit frequently especially during the height of the season from April through October. The Marine Trades Associations in both Connecticut and New York represent the recreational marine industry and boaters on all subjects that impact this waterway and its tributaries. The two states' Audubon Societies and the Recreational Fishing Alliance do an admirable job of representing their constituents, however those constituents are not the boating public nor are they the marine industry. If any program of this size and scope is not responsive to the people that it will impact, the process should be questioned.

CMTA

The Connecticut Marine Trades Association (CMTA), a not-for-profit Connecticut corporation organized in 1954, consists of over 300 diverse recreational marine related businesses throughout Connecticut. This industry represents over 6000 employees in Connecticut and services the 112,000 registered vessels and over 280,000 certified boaters using the waters of Long Island Sound and the many scenic rivers, lakes and ponds of this state. The Association is active in the state legislative process and frequently testifies to support beneficial legislation or against counterproductive initiatives. CMTA's leadership also serves on many boards and councils to ensure that we stay in close contact with our recreation's message and the directions established by our membership. Whatever is good for boating is certainly good for this industry.

It is estimated in H.R. 307 that less than 20% of Connecticut's Long Island Sound shoreline is public property. That is probably too large a number, but the recreational marine industry's private property does provide the bulk of public access to the waterfront for the boater and anyone searching for recreation on the water. The marinas' and boatyards' owners have been stewards of the waterfront for generations, doing the difficult job of preserving it for the recreational and commercial use it historically has been used for. Few could be considered better environmentalists than these property owners who have taken care of the waterfront that they live and work on. How goes their property, goes their livelihood, business and ultimately their existence.

Coastal Area Management

Many years ago the marine industry was at an important crossroads, forced to consider a decision to support the new concept of Coastal Area Management (CAM) within the Public Trust Doctrine. A boatyard or waterfront property owner was starting to recognize the rapidly increasing value of his property for the development of offices, retail establishments, restaurants and similar businesses. Most marinas and boatyards were family owned and their closely held businesses were not necessarily well capitalized nor did they generate much annual income for the owners. Selling the waterfront property to a developer was a burgeoning exit strategy that would allow the owners a way to fund their retirement years.

The CMTA recognized that selling off the waterfront like this, over the years, would significantly shrink the inventory of marinas and boatyards in Connecticut, much to the detriment of boating. The industry's decision, a difficult one, was to support Coastal Area Management that mandated any future construction or development on the waterfront would only be for

a water dependent use. This took a lot of money out of property owner's futures but helped prevent the demise of an industry. This same concept is in full force today, forestalling the misuse or diversion of waterfront property and ensuring that such limited and valuable resources are always put to their best use. Marine industry property owners do an excellent job protecting those resources and have paid the price for doing so.

## Waterfront History

Connecticut's Long Island Sound waterfront and the three major tributaries, the Connecticut, Housatonic and Thames Rivers are responsible for significant input to the \$5 Billion attributed to our economy from the watershed. Of that diversity, a large part is our state's rich heritage of over 350 years of commercial and recreational marine business. Shipbuilding, local, national and international transportation and trading, and in the past 50 years, recreational boating and fishing, were and are an important part of the New England identity. But none of the waterfront, estuaries, or shorelines is or should be considered "natural".

This state and our neighboring New England states were the birthplace of the America's Industrial Revolution evident by the remains of the mills and factories found today throughout the Northeast. For the 100 years prior to that, this area was dominated by an agrarian society that eventually had the entire state clear-cut at least three times for crop and pasture use. Today, an old-growth tree in Connecticut is a true rarity and our miles of stone walls are the results of clearing the many 1000's of acres of vegetables, grain and cattle fodder grown during those years. That is not to say that beauty is nonexistent in our nature. We enjoy a diverse habitat of wildlife and by concentration on environmental cleanup more species return every year. Our vegetation, in some areas, is considered special with always a "rare and endangered" example coming to light whenever a waterfront project is being contemplated and the DEP is working on the permits. Connecticut is beautiful but never confuse it with a "natural" state. The footprint of man lies very heavy on this state considering the activities of the past three centuries.

The Southeastern Connecticut coast was totally reconfigured between 1910-1918 when the railroad and a growing mass transit initiative constructed the rail line to connect New Haven and New York with the Boston area. Within that infrastructure were the five movable bridges spanning navigable waterways necessary to link industry and growing population centers. H. R. 307 states that "1/3 of the tidal marshes of LIS have been filled, ditched, diked, or impounded, reducing the value of the marshes." It is true but it did not happen just yesterday but almost 100 years ago. No appreciable filling can happen or has occurred anywhere since legislation prevented those acts starting in 1980. All the estuaries and embayment were artificially constructed or rearranged by the rail embankments and the diverted watercourses in the early 1900's. If these areas are thriving to any extent, it is proof that nature is very resilient and reluctant to take a backseat to development. She is certainly not as fragile as some have decried.

## Controls and Approvals

Today, any construction or development planned for a waterfront must pass many benchmarks before authorization. Local building and zoning approvals, Gateway Region approval, CAM approval, DEP review and approval and frequently approvals or reviews by the US Army Corps of Engineers, US Fish & Wildlife Service and National Marine Fisheries or NOAA are also mandated. This multi-level bureaucracy and need for authorization is a lengthy, expensive and time consuming process during which little gets accomplished other than total disclosure of what work is anticipated and what are the short term and long term implications to the surrounding environment. Fact finding seems to be the only concentration and that is usually very slow and dragged out. Quick authorization does not happen.

Despite the many layers one must navigate to get an approval for construction, dredging or repairs, for the most part the bureaucrats and departments are institutional professionals and generally well qualified to make the necessary decisions. The process can be exhaustive and one thing not needed is another layer of management that must be navigated. Already there are local town commissions searching for additional authorities that complicate projects. Further confusion is not needed in this process. The principal of K.I.S.S. works at all levels of government.

One of the other concerns of the waterfront community is that the costs and time necessary for these approvals is frequently out of balance with the scope of a planned project. Dredging permits can take years to complete. Sometimes it's a longer timeframe to get approved than it takes for the environment to actually silt in and make the dredging necessary. Permits to expand or reconfigure a marina or waterfront facility have come under increased focus by the environmental community to the extent there has been no meaningful expansion of dockage facilities in the past 15-20 years, anywhere in the state of Connecticut. This, in a watershed where H.R. 307 states: "The purpose of this Act is to...enhance sites with... recreational value". And where enhancing the recreational value of sites is also of high importance. Active recreations like boating and fishing don't demand an overdeveloped, publicly funded, infrastructure, just access to traditional boating and fishing areas and allow the private sector to make the investments. Active recreations are just as important as passive recreations and in fact sometimes use fewer public assets. In many cases active recreations involve businesses and

businesses hopefully generate profits, support stronger employment and pay local, state, and federal taxes that ultimately fund initiatives like H.R. 307.

## Legislation Concerns

The purpose of H.R. 307 is to “identify, protect and enhance sites within the LIS ecosystem”. This is certainly a positive goal and worth pursuing, however, protection for these sites is already accomplished by the above referenced approval processes necessary for any project to move ahead. The identified sites in Connecticut are all public access sites and except for one, all are state owned. The question is who or what do these sites need protection from? And why does it take \$25 million to protect them? If the real intent of the bill is to develop a funding stream for enhancements to the identified environmentally important sites and/or secondly, enable restoration work on other areas deemed important and lastly, fund additional properties that can be added to the inventory, then let the legislative language clearly reflect that and not elude to some necessary “protection”.

The marine community’s concerns for the past two years have not changed. The origin of the stewardship initiative was with the environmental community and appeared to be focused on waterfront properties, both public and private. The initial buzzwords were: protect, preserve and restore and there was little follow up with further details about the process. When asked if anyone from the waterfront community was invited to help develop this program, the answer was no. This exclusion lasted for well over a year until the initial bill was defeated in 2004. In fairness, today there is an invitation to be part of the process but in reality the bill is written and the initiative submitted and there’s little left to develop.

It is not difficult to understand why the marine community remains skeptical. We were excluded during the early development of this initiative and later the objectives of the program were somewhat unexplainable. It seemed that the targets of concern consistently were the waterfront and areas principally used in boating. Recently one of the H.R. 307’s supporters commented that this bill would be “good for boating!” Thanking him for his candor, I wondered how it would be good for boating. There was no answer because it should have no impact on boating.

The marine community has been repeatedly assured that H.R. 307 is a completely voluntary program and in our state of Connecticut there will be no identified areas located within the water column. The concern, of course, is identifying areas within the Sound where boating would or could possibly be excluded. These are Public Trust waters, historically available to everyone and traditionally used for hundreds of years in commerce and recreation. There are no valid reasons why boating should ever be excluded in any part of the Sound and care must be taken that it never be allowed to happen!

If the intent of H.R. 307, the stewardship legislation, is to not consider water areas, then have an exclusion written clearly into the bill, at least with reference to Connecticut. If sometime in the future a water area needs to be identified for exclusion, the legislative process must be revisited to ensure that everyone was involved and their opinions were solicited from the start. Every stakeholder that may be impacted must be allowed to participate, validating the process. Leaving out or excluding anyone, especially any major user of the resources voids a project at best and raises significant questions about legislative intent at the worst.

Funding the maintenance and repairs to publicly held, environmentally sensitive areas and making them more accessible to users, all users, is always a good direction. Acquisition of adjoining properties to further buffer them and offer them the conservation they may need, is also an appropriate use of public funding to help augment the inventory of state properties. If privately held conservation properties are brought under the same umbrella and ultimately are available for passive recreation, this too, would be an excellent project. If there are successful acquisitions and the public is not permitted to responsibly enjoy them, we would have many questions about the priorities and policies.

The recreational marine industry encourages the active use and enjoyment of public trust properties and waters. Their registration fees, excise taxes, sales taxes and motor fuels taxes, both on a state and federal level, all support these programs. If the intent of H.R. 307 coincides with full access and participation of the public, especially by the boating public, with the identified and designated areas earlier indicated during the public forums and the concerns of exclusion are addressed, CMTA strongly hopes to be part of this process and help move the objectives forward successfully.

Thank you for the opportunity to submit these comments and concerns and know that we appreciate the chance to be heard, especially on issues of this importance to our industry. We are always available to provide further input to the development of this program and look forward to being included in its future.

Sincerely,

Grant W. Westerson

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