

ATTACHMENT E

HARBOR MANAGEMENT COMMISSION CONSULTATION:
NEW LONDON PORT AUTHORITY (ACTING AS HMC)

***New London Port Authority / Harbor Management Commission
Consultations and Correspondence***

To address concerns noted by the New London Port Authority / Harbor Management Commission (NLPA/HMC), the Connecticut Port Authority participated in a July 9, 2020 special meeting with the New London Port Authority (online meeting format). This meeting included a presentation of current SPII details by the CPA and provided a forum to review and discuss NLPA/HMC concerns regarding the Project.

The NLPA/HMC has been provided a copy of this Revised JPA for their further review, use and comment.

Plans and text previously provided to this agency as part of the initial JPA consultation process have been superseded by the current Project design. See Attachment P2 for the initial NLPA/HMC consultation documentation, including older SPII design plans (alignment with Installation Vessel dockage at the South Berth).

Van Naerssen, Kris

From: Salvatore, Joseph R. <Joseph.Salvatore@ct.gov>
Sent: Thursday, October 22, 2020 2:25 PM
To: Grzywinski, Micheal
Cc: Van Naerssen, Kris; Lowry, Dennis; Garbolski, Michael
Subject: [EXTERNAL] Access & Project Funding Agreements Executed
Attachments: Project Funding Agreement-Executed 10-22-20.pdf; Access Agreement Executed 10-22-20.pdf

Mike, the CPA, RCDA and the City of New London has executed agreements to initiate a project to investigate/survey the existing infrastructure in Fort Trumbull peninsula.

AECOM will be conducting the work.

The parties are working towards a goal to improve the existing infrastructure and potentially accommodate the state pier fishermen at that location. We first need to assess the existing infrastructure in order to determine the magnitude of improvements needed.

Joe

Joseph R. Salvatore
Program Manager
Connecticut Port Authority
455 Boston Post Road, Suite 204, Old Saybrook, CT 06475
P: 860.577.5174 | E: joseph.salvatore@ct.gov | W: www.ctportauthority.com



Lowry, Dennis

From: Lowry, Dennis
Sent: Thursday, May 07, 2020 11:18 AM
To: Lowry, Dennis
Subject: NLHMC letter and response in JPA

From: Salvatore, Joseph R. <Joseph.Salvatore@ct.gov>
Sent: Thursday, May 07, 2020 11:14 AM
To: Garbolski, Michael <Michael.Garbolski@aecom.com>
Cc: Van Naerssen, Kris <Kris.VanNaerssen@aecom.com>; Lowry, Dennis <Dennis.Lowry@aecom.com>
Subject: [EXTERNAL] RE: NLHMC letter and response in JPA

Gentlemen:

As we have discussed, CPA has been in communication with NLHMC concerning their April 16, 2020 letter to CPA and CT DEEP on our forthcoming submittal to DEEP for the modified State Pier application. As requested by NLHMC in that letter, CPA will continue to reach out to NLHMC to discuss the revised application and respond to their concerns. Please ensure that they receive a copy of the revised Joint Permit Application/NOI Response as it is submitted to CT DEEP in early May. As noted in their letter, NLHMC will have the opportunity to provide additional comments and recommendations on the proposal upon issuance of the DEEP's Public Notice. CPA will also continue to discuss with the Commission a forum for presenting the revised Project, such as a potential video-conference system.

Thank you,
Joe Salvatore



VIA EMAIL

April 16, 2020

Mr. Joseph Salvatore
Connecticut Port Authority
455 Boston Post Road Suite 204
Old Saybrook, Connecticut 06475

Mr. Micheal Grzywinski
Connecticut Department of Energy and Environmental Protection
Land and Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127

**Subject: Application by the Connecticut Port Authority for a DEEP Permit to modify
 and expand the Connecticut State Pier in the New London Harbor Manage-
 ment Area**

Dear Mr. Salvatore and Mr. Grzywinski:

On behalf of the New London Harbor Management Commission (Commission), I am herewith transmitting some additional comments concerning the proposed project (Project) by the Connecticut Port Authority (CPA) for substantial new work at the state-owned Connecticut State Pier in the New London Harbor Management Area. More specifically, we wish to receive clarification about some aspects of the ongoing coastal regulatory process and resolve any uncertainties regarding mitigation of expected Project impacts on existing commercial fishing operations at the State Pier.

But first, I wish to express our most sincere appreciation for your efforts to continue the public business of the State of Connecticut during these difficult and unprecedented times. We wish good health for you and your families and for everyone affected by COVID 19.

Regarding the regulatory process, the Commission as you know conducted a preliminary review in September and October of 2019 of the CPA's initial permit application to the Connecticut Department of Energy and Environmental Protection's Land and Water Resources Division

(DEEP). As stated by the CPA, the primary purpose of the Project is to prepare the facility to accommodate storage and assembly of off-shore wind energy-generating structures and equipment. Our substantial comments and recommendations concerning the application were then transmitted to you in my letter of October 8, 2019.

It is our understanding that the CPA has revised its initial Project plans and that a revised application is being prepared that will respond to the Commission's transmitted comments and recommendations in addition to other concerns expressed by interested parties and to the June 3, 2019 notice of application insufficiency issued by DEEP.

It also is our understanding, based on our representative's recent discussions with you, that we may expect that the CPA will submit a revised draft application to DEEP on or about May 1 of this year and that a copy of the application will be provided to the Commission. The Commission looks forward to reviewing the revised application and transmitting comments to DEEP in a timely manner prior to issuance by DEEP of any Public Notice seeking general public comments on the application. Following issuance of any such notice, there will be an opportunity for the Commission to provide additional comments and recommendations, and DEEP will be required by statute to hold a public hearing on the application if DEEP receives a petition signed by 25 or more persons.

We discussed this regulatory process during the Commission's April 9, 2020 meeting held via teleconference. We agreed to request, for the purpose of facilitating the review process, that a CPA representative meet with the Commission to present and discuss a summary of the substantive changes to the initial application. We are now working to establish a video-conference system to enable such a presentation and discussion under the current circumstances.

In addition, during its April 9 meeting the Commission discussed the need to review the revised application with respect to: 1) the comments and recommendations included in my October 9, 2019 letter; and 2) relevant provisions now being developed by the Commission for inclusion in the New London Harbor Management Plan. We discussed, among the other recommendations in our letter, our recommendations concerning mitigation of potential Project impacts on existing commercial fishing operations at the State Pier.

Please be advised that it is the policy of the Commission, being formalized in the Harbor Management Plan, to encourage and support commercial fishing in the Harbor Management Area, including necessary docking and on-land support facilities. It is also our policy to ensure that new development does not significantly diminish existing and viable water-dependent uses on the New London waterfront. Regarding commercial fishing operations on the State Pier, our harbor management policy calls for proper mitigation of any unavoidable Project impacts on existing and traditional fishing operations, including displacement of docking facilities, so as not to result in any significant reduction of commercial fishing operations and facilities in the Harbor Management Area.

It is our understanding that applicants for DEEP permits who are proposing development projects that would affect viable water-dependent uses are normally required by DEEP to mitigate adverse impacts on those uses. Regarding anticipated impacts of the CPA's proposed Project on existing commercial fishing operations, the Commission can provide guidance to the CPA for

planning the required mitigation of those impacts, including relocation of the existing water-dependent facilities to a suitable waterfront site. For this purpose, we have identified a potential site for construction of a new commercial fishing facility on the Downtown Waterfront and have developed some preliminary estimates of construction costs. We bring this matter to your attention at this time, prior to CPA submittal of its revised application to DEEP, in an effort to avoid unnecessary delay in the regulatory process.

We now request, in accordance with a motion approved by the Commission during its April 9, 2020 meeting, a resolution of any uncertainties concerning the responsibilities of the CPA, as Project applicant, for identifying, evaluating, and funding the required mitigation of Project impacts on commercial fishing operations. At the same time, the Commission will continue throughout the regulatory process to consider opportunities and recommendations for mitigating other Project impacts and provide comments and recommendations to DEEP and the CPA in a timely manner.

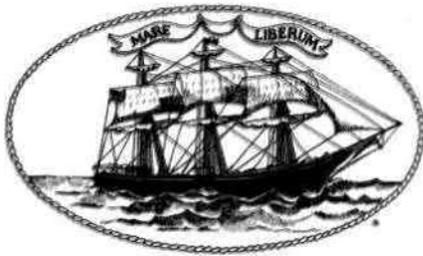
We look forward to your replies, including guidance for achieving the above-requested resolution of mitigation responsibilities and confirmation of our understanding of the regulatory process as presented in this letter. Please contact me at 860-460-3504 (cell) or kwalburn@snet.net.

Stay well and be safe,

Kathy A Walburn

Kathy Walburn
Chair, New London Harbor Management Commission

cc (via email)
Hon. Michael Passero, Mayor of New London
Mr. Dave Crocker, State of Connecticut Harbor Master, New London
Mr. David Kooris, Chair, CT Port Authority



City of New London Port Authority/
Harbor Management Commission
2 State Street, New London, CT 06320 | 860.443.3786

October 8, 2019

Mr. Micheal Grzywinski
Connecticut Department of Energy and Environmental Protection
Land and Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: Application by the Connecticut Port Authority for a DEEP Permit to modify and expand the Connecticut State Pier in the New London Harbor Management Area

Dear Mr. Grzywinski:

The New London Harbor Management Commission (Commission) has conducted a preliminary review of the proposed project (Project) by the Connecticut Port Authority (CPA) for substantial work at the state-owned Connecticut State Pier in the New London Harbor Management Area.

Among other work, the CPA proposes: filling of an approximately seven-acre aquatic area to create additional land for port operations; demolition of existing buildings; maintenance dredging of vessel berthing areas; overall grading and compaction of the site; installation of bulkheads; and installation of new drainage and storm water treatment systems. As stated by the CPA, the primary purpose of the Project is to prepare the facility to accommodate storage and assembly of off-shore wind energy-generating structures and equipment. An application for a Department of Energy and Environmental Protection (DEEP) Permit needed to undertake the Project has been submitted by the CPA to the DEEP Land and Water Resources Division (LWRD).

In accordance with the coastal permitting process and requirements of the LWRD, all applicants for LWRD permits are required to submit pre-application plans for review by the affected municipal harbor management commission. In this instance, the CPA did not submit pre-application plans to the Commission prior to submitting an application to the LWRD. Following recognition of this oversight, the LWRD directed the CPA to discuss the Project with the Commission which would then have an opportunity to provide comments for consideration by the LWRD and CPA during the application review process. It is understood by the LWRD and CPA that the Commission currently is preparing a municipal Harbor Management Plan establishing provisions for beneficial use and conservation of the New London Harbor Management Area, including recommendations applicable to review of proposals affecting the State Pier.

On September 26, 2019, the Commission convened a Special Meeting to discuss the Project with CPA representatives. During that meeting, CPA representatives reported that additional information concerning the Project is being prepared by the CPA. That information will respond to a June 3, 2019 Notice of Insufficiency issued by the LWRD concerning the CPA's submitted Permit application.

The Commission continued to discuss the Project during its regular meeting on October 2, 2019. At that time, following significant discussion, the Commission voted unanimously to transmit the following comments and recommendations to the LWRD and CPA. It is the Commission's understanding that its comments and recommendations will be addressed by the LWRD and CPA in the ongoing Permit application review process.

Comments and Recommendations:

1. Management planning: Development and improvement of the State Pier should proceed according to a comprehensive management plan prepared by the CPA with significant input from the City of New London and other stakeholders, a robust public review process, and a detailed economic analysis of maritime industry opportunities and constraints. To the extent required by law, the Project should be consistent with the goals and requirements of the 1999 State Pier Municipal Development Plan (MDP) adopted by the City of New London and State of Connecticut to increase the efficiency of State Pier facilities. In addition, Project compliance with the requirements of the Connecticut Environmental Policy Act should be determined by the Office of Policy and Management prior to additional action on the CPA's submitted Permit application.
2. Operational flexibility: Retention of intermodal (water-, rail-, and land-based) port facilities capable of handling a diversity of bulk and breakbulk cargoes should be encouraged and supported at the State Pier as necessary to maintain sustainable revenue in response to future and changing market conditions. While the near-term opportunities for economic benefits associated with use of the State Pier to support the off-shore wind-energy industry are recognized, the Project should not diminish future port capabilities for docking, unloading, and storage of diverse cargoes. In this regard, the Project should not diminish future opportunities for use of existing rail connections.
3. Navigation safety: Waterborne commerce to and from the State Pier should be managed to avoid conflicts with military, commercial, and recreational vessels, including passenger ferries and fishing vessels, using the New London Harbor Federal Navigation Project (FNP), Thames River FNP, and other navigable waters in the New London Harbor Management Area, including, but not limited to, Winthrop Cove and waters offshore of the New London waterfront. CPA representatives have advised the Commission that the U.S. Coast Guard will have significant responsibilities for managing vessel traffic to and from the State Pier. The LWRD's Permit application review process should include formal consultation with the Coast Guard, U.S. Navy, General Dynamics Electric Boat, and Cross Sound Ferry, as well as consideration of comments from other stakeholders. This consultation should be for the purpose of determining any necessary Project modifications and Permit conditions to help avoid vessel conflicts and maintain navigation safety.

Priority attention should be given to avoiding conflicts between use of the State Pier and vessels operating in Winthrop Cove, including passenger ferries. Prior to LWRD action on the Permit application, consideration should be given to requiring a specialized risk assessment concerning the operation of passenger ferries in the vicinity of the proposed State Pier facilities. Any potentially significant impacts on ferry operations, including the Cross Sound Ferry Enhancement Project, an element of the National Marine Highway System, should be identified and avoided. Efforts to maintain navigation safety should utilize most effectively the authority of the State of Connecticut Harbor Master to station vessels pursuant to Sec. 15-8 of the General Statutes.

4. Commercial fishing operations: Any unavoidable Project impacts on existing and traditional commercial fishing operations at the State Pier, including displacement of docking facilities, should be properly mitigated so as not to result in any significant reduction of commercial fishing operations and facilities in the Harbor Management Area. When determining requirements for mitigating any unavoidable impacts on commercial fishing operations and facilities, priority consideration should be given to implementing plans now being prepared by the Commission for a new commercial fishing pier on the Downtown waterfront.
5. Harbor management consistency review: Although the CPA's pre-application plans for the Project were not provided to the Commission for review prior to submittal of the Permit application to the LWRD, all future plans and proposals for state permits and certificates necessary for use and development of the State Pier should be submitted to the Commission according to applicable regulatory requirements.
6. Federal Navigation Project management: Use of the New London Harbor and Thames River FNPs in support of use and development of the State Pier must be in accordance with the Corps of Engineers' "open to all on equal terms" policy and any local cooperation agreements concerning use of the FNPs. It should be recognized that the CPA's current proposal for "de-federalizing" the federal "branch" channel between the Admiral Shear and Central Vermont Railroad piers at the State Pier was not submitted to the Commission for review. Any future proposals for modifications of the FNPs as may be needed to meet requirements for safe and efficient navigation, public safety, and beneficial use and development of the State Pier should be pursued in accordance with the process previously established by Connecticut's Congressional delegation. That process would include review and approval by the Commission, endorsement by the Mayor of New London, and concurrence from DEEP.
7. Maintenance dredging: Environmentally sound maintenance dredging as needed to maintain safe and efficient navigation and continued viability of State Pier port facilities, including removal, treatment, or rendering suitable for beneficial re-use of any dredged material unsuitable for open water disposal should be encouraged and supported. In addition, the Commission supports and encourages establishment of a State Pier Dredged Material Management Plan approved by DEEP and the USACE with consideration of local and regional dredging needs and interests. To the extent feasible, consideration should be given to accommodating, in the Project's proposed fill area, placement of suitable

dredged material from City of New London dredging projects, including the currently planned projects to enhance public use of the Amistad Pier and City Pier on the Downtown waterfront.

8. Environmental stewardship and sustainability: Sustainable economic benefits generated by use and development of the State Pier should be pursued in coordination with efforts to protect, enhance, and sustain environmental quality, coastal resources, and ecological functions in the New London Harbor Management Area and Thames River. The Project should include "Green Port" initiatives to avoid, reduce, or otherwise mitigate any significant adverse environmental impacts, including air, noise, water quality, and fish and wildlife impacts, generated by construction activities and operation of the State Pier. (See no. 9 below.) Suitable Best Management Practices (BMPs) and storm water collection and treatment facilities in accordance with best available technology should be employed and maintained to manage, reduce where feasible, or otherwise control storm water runoff into the Harbor Management Area from the State Pier and thereby improve water quality in the Harbor Management Area.

To the extent feasible, "Green Port" initiatives and BMPs should be required through LWRD Permit conditions, including requirements for perpetual maintenance. In addition, any in-lieu fees and environmental enhancement projects needed to mitigate unavoidable adverse impacts of port development on coastal land and water resources, including impacts caused by the Project's proposed fill area, should be applied, to the extent practical, in the New London Harbor Management Area and the affected Thames River environmental system. When determining environmental mitigation requirements, priority consideration should be given to implementing environmental enhancement projects identified by the Commission, including the Winthrop Cove restoration project and Alewife Cove revitalization project.

9. Construction impacts: Appropriate BMPs should be required during demolition and construction to ensure that the Project, including demolition and removal of debris, does not cause any significant adverse impacts on environmental quality, including water quality, in the Harbor Management Area. An effective Turbidity Mitigation and Monitoring Plan should be established and implemented as a condition of any LWRD Permit. Development of this plan should include: 1) pre-construction baseline monitoring of water quality conditions, including turbidity conditions. 2) establishment of threshold water quality values to be maintained throughout Project construction, including acceptable Nephelometric Turbidity Units (NTUs); 3) design and employment of BMPs during all construction operations; 4) water quality monitoring, including turbidity monitoring, on an ongoing basis during construction operations; and 5) establishment of conditions for suspension of construction, including filling operations, upon exceedance of the pre-determined NTU standards.

Stationing of construction vessels should be subject to any orders of the Harbor Master, pursuant to Sec. 15-8 of the General Statutes, needed to maintain safe and efficient operation of the Harbor Management Area.

10. Historic resources protection: State Pier land and water resources of historic significance, including but not limited to, the Central Vermont Railroad Pier included on the National Register of Historic Places, should be recognized and protected, in accordance with all applicable federal, state, and local laws, regulations, and ordinances.
11. Scenic quality: Design and operation of the State Pier should consider impacts on the existing and traditional scenic quality in the New London Harbor Management Area, including traditional views of the area from public properties. To the extent practical, adverse visual impacts that may affect the natural and traditional character, quality, or public enjoyment of the Harbor Management Area should be avoided. As part of the Permit application review process, the CPA should address how planned use of the State Pier may affect traditional views of the Harbor Management Area and New London waterfront and how any significant adverse impacts will be mitigated.
12. Thames River Boat Launch: The Project should not result in any long-term diminishment of public boat launching opportunities at the DEEP-managed Thames River Boat Launch. Any unavoidable construction impacts on public access to the Harbor Management Area from this facility should be properly mitigated so as not to result in any significant reduction of public access opportunities. When determining any necessary mitigation requirements, priority consideration should be given to implementing public access projects identified by the Commission.
13. Emergency preparedness and response capabilities : Necessary capabilities and facilities for effective response to emergency situations on and near the State Pier by responsible City, state, and federal authorities should be established and maintained, including, but not limited to, capabilities and facilities needed to respond to fires and fuel spill emergencies and to implement federal requirements for Homeland Security. An Emergency Operations Plan addressing the broad range of emergency situations and responses possible on and near the State Pier should be maintained and regularly tested by the facility operator. Emergency response activities should be coordinated to the maximum extent possible with the City of New London and neighboring municipalities and among responsible authorities.
14. Resiliency: As described to the Commission, planned elevation of the State Pier land surface will remain below the Base Flood Elevation. Accordingly, plans and measures to reduce the vulnerability of the State Pier to natural hazards, including but not limited to, flooding and wind hazards caused by hurricanes, coastal storms, rising sea level, and other weather and climate-related events and phenomena should be prepared and implemented. To the extent feasible, such plans and measures should be encouraged through LWRD Permit conditions. Actions to accelerate recovery and reduce the amount of resources, including public expenditures, needed to completely restore port facilities and infrastructure that may be damaged by coastal hazards are encouraged and supported. The Project should be in compliance with any applicable FEMA requirements for port construction and maintenance.

Please be advised that the Commission reserves its right to continue to review the Project and provide additional comments at such time as the proposal may be modified, be the subject of a Public Notice or Public Hearing, or additional information is provided, including information in response to the previously issued LWRD Notice of Insufficiency.

Also, at such time as the New London Harbor Management Plan is completed, the Commission will be reviewing all proposals affecting the New London Harbor Management Area for consistency with the Harbor Management Plan and will transmit specific findings and recommendations to the LWRD and other agencies as appropriate.

If you have any questions or require any additional information, please contact me at 860-460-3504 (cell) or kwalburn@snet.net.

Sincerely,



Kathy Walburn
Chair, New London Harbor Management Commission

cc (via email):

Hon. Michael Passero, Mayor of New London
Hon. Keith Hedrick, City of Groton
U.S. Congressman Joe Courtney
U.S. Senator Richard Blumenthal
U.S. Senator Chris Murphy
Ms. Susan Adams, General Dynamics Electric Boat
Mr. Dave Crocker, State of Connecticut Harbor Master, New London
Lt. Robert Garris U.S. Coast Guard Station New London
Mr. David Kooris, Acting Chair, CT Port Authority
Mr. Stan Mickus, Cross Sound Ferry
Captain Todd Moore Naval Submarine Base New London
Ms. Diane Ray, U.S. Army Corps of Engineers
Captain Kevin Reed U.S. Coast Guard Sector Long Island Sound
Mr. Joseph Salvatore, CT Port Authority
Mr. Adam Wronowski Cross Sound Ferry