

FILED June 27, 2011
AT 3:00 P.M.

J. Blais, CTC
TOWN CLERK

TOWN OF EAST LYME
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Chairman
Donald F. Landers Jr.

Treasurer
Stephen Dinsmore

Secretary
Barbara Johnston

REGULAR MEETING
Minutes of Tuesday, June 21, 2011
7:30 p.m., East Lyme Town Hall
108 Pennsylvania Avenue
Niantic, CT 06357

Present: Chairman Don Landers, Secretary Barbara Johnston, Treasurer Steven Dinsmore, Marvin Schutt, Greg Murin and Rick Kanter

Also Present: Harbor Master Joe Hitchery, Deputy Harbor Master Marc Berger, Jack Hogan, Selectman and John Birmingham, Ex officio

Absent: William Mountzoures

1. CALL TO ORDER

Chairman Landers called the meeting to order at 7:32 P.M.

2. APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 17, 2011

Mr. Landers asked for additions, deletions or corrections to the May 17, 2011 Regular Meeting Minutes.

MOTION (1): Marvin Schutt moved to approve the Minutes of the Regular Meeting of May 17, 2011, as presented. Seconded by Barbara Johnston. (4-0) Motion carried.

3. PUBLIC DELEGATIONS There were no public delegations.

4. REPORTS

A. Warden. Mr. Landers reported as of today the shellfish areas have been reopened.

B. Harbor Master. Mr. Hitchery reported approximately \$4,825 has been collected in 2011 mooring fees. 193 permits have been issued to date; 180 renewals and 13 new permits. 49 have not renewed; of these 23 may be waiting for inspection. He has sent an e-mail to these people informing them to renew by June 30 or their permit may be made available to others, but if they have extenuating circumstances, please advise him to discuss.

Mr. Landers reported a legal notice was published in Friday's New London Day stating all East Lyme moorings must now display a 2011 sticker. He suggested that Commission members could also approach and advise individuals who have not yet renewed to do so.

Individuals from Dominion reported the lower Federal channel was partially blocked by two moored fishing boats. Mr. Hitchery notified the Coast Guard and the situation has been corrected. There is a report of a submerged 4x4 winter stick with no identification off Saunders



EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Point. Mr. Hitchery placed a red sticker on it as a hazard to navigation and Mr. Theiler will remove it this week. There was also a similar situation near Saunders Point, but the owner was located and he will take care of it this week.

Commission member Rick Kanter arrived.

Mr. Berger said there had been a waiting list of seven for moorings in Giants Neck. Two individuals gave up their moorings and two of the seven now have moorings.

Mr. Berger said delinquent individuals should not be entitled to renew in the current year until they pay what is owed from previous years, particularly if there is a waiting list, unless there are extenuating circumstances. Also, anyone giving up their mooring should be required to remove it from the water.

Jack Hogan, a member of the Board of Selectmen, arrived.

A general discussion ensued with respect to permit revocation, removal, non-renewal, and abandonment of a mooring. Also discussed was non-payment of the renewal fee where the mooring is still used, or remains in the water unused. New mooring re-application fees and/or penalty fee approaches were mentioned, but no action was taken.

John Birmingham, ex officio member, arrived.

Mr. Hogan suggested that Commission members review State Statutes and the Town Ordinance and develop a procedure on how to proceed.

C. Treasurer. Mr. Landers reported that Invoice No. 0213, dated June 17, 2011, in the amount of \$162.50 has been received from WELSCO for May Warden hours. A bill has been received from the Recording Secretary for 3.5 hours for secretarial services from May 17, 2011 to June 11, 2011 and a bill for the June Meeting so it may be submitted before the end of the fiscal year.

MOTION (2): Mr. Murin moved to approve the Treasurer's Report as presented. Seconded by Mr. Schutt. (5-0) Unanimous.

Commission member Steve Dinsmore arrived.

D. Ex-Officio. Mr. Birmingham had nothing new to report.

5. OLD BUSINESS

A. Harbor Management Plan - Reports from Subcommittees. There were no reports from subcommittees.

B. Discussion of No Wake Zone. Ms. Johnson reported that there is a No Wake Zone in



Mystic.

In regard to the issue of speeds and wake in the Niantic River Mr. Hitchery provided his written thoughts, observations and suggestions (see attached) as a basis of understanding for Commission members to review. Mr. Landers asked Commission members to review Mr. Hitchery's input and be prepared to discuss them at the next regularly scheduled meeting of this Commission.

Ms. Johnston has spoken to Rep. Ed Jutila who stated he would be happy to help.

Mr. Schutt suggested that Mr. Hitchery have discussions with the Mystic Harbor Master.

Mr. Landers felt discussions on this matter will be needed with Town of Waterford.

6. NEW BUSINESS

A. Correspondence. Mr. Landers provided Commission members with emails he has received regarding lines of communication from Ledge Light Health District for closing and opening of shellfish beds.

B. Discussion of Dowling Dock Application at 285 Black Point Road. Keith Nielsen was not present, and there was no update on the Dowling Dock application.

C. Discussion of Shellfish MOU. Mr. Kelley, Chairman of WELSCO, will schedule a joint meeting on either June 29 or July 6 at a location to be determined.

7. COMMENTS FROM OTHER COMMISSION MEMBERS. There were no additional comments from Commission members.

8. ADJOURNMENT.

MOTION (3): Marvin Schutt moved to adjourn at 9 p.m.
Seconded by Greg Murin. (6-0) Unanimous.

Respectfully submitted,

Frances Gheri
Recording Secretary

Thoughts, Observations, & Suggestions from the Harbor Master

Recently observed patrols by ELPD boat on the Niantic River. There may have been more, but these were seen at random observation on the indicated days.

Saturday, 4 June 2011: 9:15 AM

Sunday, 5 June 2011: 10:00AM

Monday, 6 June 2011: 9:35 AM

Tuesday, 7 June 2011: 11:30 AM

Wednesday, 16 June 2011: 2:15 PM (with what appeared to be 3 civilian passengers on a slow tour).

Sunday, 19 June 2011 (Fathers Day): 2:00-2:30 PM. This time they drifted in the high traffic area, maintaining a deterrent presence, which I think is the most effective type of patrol.

They usually make one fast run up the river and return, and then are gone. At these early times of the day, very few boats are on the river (usually kayaks or fishing skiffs). Early morning patrols are simply a waste of time and fuel.

As I have stated before, the time frame needed for police presence is on Saturdays and Sundays and holidays, between noon and 6:00 PM. At these hours they would be a lot more effective at traffic and wake control by just hanging on the anchor or idling around (between the end of the Federal Channel and Sandy Point) where their visibility would be a deterrent to the irresponsible.

Other than being a visible deterrent, in their defense the PD has no realistic enforcement options (except in cases of obvious violations), in re 200' no wake rules. It is hard to judge distances on the water, and the "responsible for your wake" rule is of no practical use, because by the time a person's moored boat or floating dock suffers any damage, the offender is long gone at high speed. How many people can accurately read the registration numbers on passing boats? And which of the wake generating boats caused the damage? A set speed limit can be specifically identified by radar and there is no room for equivocation. Many people have no experience of the impact of big wakes. Wakes will dissipate as they roll out into the large area of the river. The other side of the wake builds intensity and size as it encounters shallow bottom formations. Some wakes from larger boats can be preceded by a surge before they make contact and break upon docks, boats, and bulkheads. Bulkheads when impacted can exacerbate the situation by bouncing a reverse wake back out to the river, again buffeting docks and boats nearby. Multiply this by several boats in the area passing at the same time, and the potential for property damage and bottom destruction causing turbidity is increased considerably.

There is also the safety problem of overcrowding the waterways with a mix of watercraft never dreamt of in 1995 when the EL Harbor Management Plan was adopted. We now have Personal Watercraft (Jet Skies) that carry passengers and pull water-skiers; Jet Boats propelled by the force of water and can turn on a dime; large racing boats sporting three (or more) 300 HP motors; a proliferation of kayaks, canoes, and stand up paddle boards. All of these are presently using the Niantic Estuary (River) which is less than ½ mile at its widest and less than 3&1/4 miles long. Combine these activities on a sunny weekend day

Thoughts, Observations, & Suggestions from the Harbor Master

with those who come up river by speeding boat or dinghy to Sandy Point (I've personally counted up to 100 people occupying that small strand of beach at one time!) , and we have potential for accidents.

In re the small boat, kayaks, sunfish sailboats, stand up paddle boards, etc., these cannot go out into the Bay to enjoy the recreational use of the water, while the 24 -40' power boats and racing boats can do so.

According to Mr. Smith, Beth Hogan and Commissioner McCarthy responded to his letter of September 15, 2007. These were the only responses he received to the three letters he sent. It is dismaying that nothing is being done. In McCarthy's response of October 10, 2007, she states "I understand this area is popular with water-skiers. Our goal is to ensure that recreational boating is enjoyed in a safe manner." If she had any on-site knowledge of the situation, she would know that the increasing number of larger and higher powered boats, in conjunction with the proliferation of small kayaks, rowing shells, more recreational docks, and the number of people engaged in swimming, clamming, and other less aggressive activities will negate recreational boating in a "safe manner". If nothing is done soon, an incident with injuries and/or property destruction is inevitable.

I have a suggestion which should be amenable to all but the ignorant or inconsiderate boaters who are the cause of the problem. THERE MUST BE A SPEED LIMIT – perhaps 6MPH for the entire river outside the Federal Channel. This limit does not have to be all the time, but at least should be imposed from Memorial Day to Columbus Day on weekends and holidays, and strictly enforced with radar during the crowded and highly active periods. People engaged in an active water sport such as a water-skier would be exempt, as would sailboats. Even jet skies, as irritating as they can be, but needing speed to maneuver safely could be exempt. Since the big wake-causing speedboats at 6 MPH would be operating at much slower speeds eliminating their harmful large wakes, this would stop the jet skiers from having an incentive to jump the wakes. Even marinas could still test their engines during the week day working hours, when the river is not so crowded. Frankly, from my years of observation, I think water-skiers and boat testing is infrequent, not long-lasting, and the speed is fast enough for them to be on a plane and minimize their wake.

This is not a perfect solution perhaps, but a start which is a reasonable approach, accommodating both water sports enthusiasts, marina activities, the "small boat people, sail boaters under sail, and is time limited. (Although ideally, I would like to see all boats over 24' limited to 6MPH at all times!)

How to accomplish this plan? It has to start here in the Commission. Then to the Board of Selectmen to recommend to the DEP. Hopefully DEP can implement this without going to the Legislature. I think, but am not sure, that Mystic had to go the legislative route because years ago the Mystic channel was involved in a legislative act and this had to be changed with the recent legislation. Maybe the Secretary or Town Counsel could investigate and determine how to proceed.

I'm open to any and all ideas, except the irresponsible response to do nothing.

Thoughts from your Harbor Master,

Capt. Joe Hitchery



Michael Smith
Noreen Cooney
87 Quarry Dock Road
Niantic, CT. 06357
860-739-8597

Town of East Lyme
First Selectperson
Chief of Police
Environmental

September 15, 2007

Re: Niantic River Public Safety and Environmental Concerns

Dear Sir/Madam:

We are residents of Niantic whose house is located on the Niantic River, north of Sandy Point and have been boating on the river for over thirty years. We are writing to formally request that you initiate a study of the boating activity at the north end of the river. We feel that once a thorough and meaningful evaluation is conducted, you will agree that, for numerous reasons, it is imperative that a posted boating speed limit be established and enforced. Although the section of the Niantic River south of Sandy Point has a posted "no wake" zone, we feel that a posted limit, similar to the channel speed limit postings at the south end of the river, would more specifically identify the operational guideline necessary.

Our reasons for recommending a study are numerous and have evolved over several years of observation, frustration, concern, and another summer of an increasing combination of traffic and recklessness. We have always assumed that someone in the town was overseeing the matter of unsafe boating, but because of the increase in this problem over several years, we feel we may have been wrong and that it is time to bring this to the attention of the proper authorities and propose that it be addressed. In addition to the public safety issue, our concerns extend to two additional categories, all of which are outlined below:

Public Safety (Traffic and Speed)

- There appears to be a lack of observance of lawful and common sense practices by jet skiers, water skiers, wake boarders, tubers and many power boaters in general. Speed is excessive and combined with the increase in the number of watercraft traveling at extreme high speeds, all within a very confined area, an unfortunate accident is inevitable.
- Power watercraft is going to increase in the coming year due to the conversion of the Three Belles Marina (formerly Bayreuther's Boatyard) into a predominantly powerboat boatyard with the installation of an approximately 100+ powerboat rack storage system. The increase in numbers will only increase the chaos and confusion on the river.
- The safety of kayakers, smaller recreational fishing boaters, and smaller sailboaters is jeopardized by the traffic congestion, speed, and chaos that naturally emanates from too many watercraft traveling too fast and much too recklessly within a very narrow waterway.

Environmental

- The water turbidity created as a result of power watercraft speed has to have a detrimental effect on marine life.
- The agitation has a harmful effect on the eel grass as is evidenced by the amount of grass left floating after a busy weekend.
- The continuous wake action has a destructive impact on bank erosion.

erty

- Excessive wakes have caused damage to homeowners' docks. We have personally had to repair our dock twice in the past three years for damage caused by wake action.
- The constant wake action causes damage to docked boats from repeatedly striking against the dock.

There is no question that a tragedy will occur on the river, the only question is, how soon? Anyone who is even mildly observant can appreciate that the activity at the north end of the river, combined with an increase in power watercraft traffic, is a perfect formula for disaster. The tragic accident that occurred at the mouth of the Connecticut River this summer really serves as a wake up call to all of us. As town residents and concerned neighbors, we are requesting that this matter be reviewed on a priority basis in order to proactively manage what is only going to become worse with time. We urge you to address this matter promptly before someone is seriously injured or killed.

We don't imagine that we are the first of the river residents to bring this issue to your attention. However, if this problem is one of which you have not been aware, we would like to extend an invitation to any town official concerned about this matter to join us on our deck on any summer Saturday or Sunday afternoon to observe first hand the concerns outlined in this letter. We feel confident that should you explore this matter, you will find the situation as urgent as we do.

We look forward to hearing favorably from you.

Very truly yours,

Michael Smith and
Noreen Cooney

courtesy copies to:
East Lyme Board of Selectmen
Chief of Police, Waterford
Waterford town selectperson
Environmental Protection

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Town of

108 Pennsylvania Ave.
P.O. Drawer 519
Beth A. Hogan
First Selectman



East Lyme

Niantic, Connecticut 06357
Phone: (860) 739-6931
ext. 110
Fax: (860) 739-6930

September 18, 2007

Michael Smith
Noreen Cooney
87 Quarry Dock Road
Niantic, CT 06357

Dear Mr. Smith and Ms. Cooney:

I am in receipt of your letter dated September 14, 2007 concerning the Niantic River public safety and environmental concerns. On behalf of the Town of East Lyme, I strongly support whatever measures can be taken to ensure the public safety of the general public in their use of the Niantic River. The issue concerning eel grass is to protect the ecological balance of the Niantic River. You have advised the East Lyme Harbor Master, the Chairman of the East Lyme Harbor Management and Shellfish Commission, Sgt. Crooks of the East Lyme Police Department and the CT DEP of your concerns and I will add my support to your observations concerning the use of the River. Please be advised that the East Lyme Police Department does have a police boat for enforcement capabilities for use on the Niantic River. I will see that there are more patrols during the summer next year. I do believe that the issue regarding speed signs similar to those you find in Long Island Sound will serve as a deterrent for our recreational users. I do not believe that there is a need to perform a study of the boating activity at the north end of the Niantic River. If however, the State of CT feels a study is necessary before a sign can be posted that is within their jurisdiction to do so.

I will ask the Harbor Master, Sgt. Crooks, the Chair of Harbor Management and DEP to keep me aware of their progress to date on this matter.

Very truly yours,

Beth A. Hogan
First Selectman



Gina McCarthy
Commissioner

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

79 ELM STREET HARTFORD, CT 06106-5127

PHONE: 860-424-3001



October 10, 2007

Ms. Beth A. Hogan
First Selectman, Town of East Lyme
108 Pennsylvania Avenue
P.O. Drawer 519
Niantic, Connecticut 06357

Dear First Selectman Hogan,

Thank you for providing me with a copy of your response to Mr. Michael Smith and Ms. Noreen Cooney regarding concerns of vessel traffic on the upper Niantic River. I have instructed our Boating Division to convene a meeting with appropriate individuals from the Towns of East Lyme and Waterford next boating season to review the area. At that point, the DEP will be better informed to determine what action, if any, should be taken to improve safety in the area north of Sandy Point. A review of DEP's boating accident database indicates two accidents in the last five years in the area north of Sandy Point. Neither could be deemed a result of congestion, although one accident with injuries was reported as resulting from excess speed by an inexperienced boat operator. I understand that this area is popular with water-skiers. Our goal is to ensure that recreational boating is enjoyed in a safe manner.

Please provide R. Michael Payton, DEP Boating Division, 333 Ferry Road, Old Lyme, Connecticut 06375, email mike.payton@po.state.ct.us, with a contact for this purpose. Thank you for your interest in making Connecticut's waters safe.

Yours truly,

Gina McCarthy
Commissioner

GM/ecm

cc: Eleanor Mariani, Director, Boating Division
Michael Smith, 87 Quarry Dock Road, Niantic CT 06357
Noreen Cooney, 87 Quarry Dock Road, Niantic CT 06357



Michael D. Smith

*87 Quavry Dock Road
Niantic, CT. 06357
860-739-8597*

Chairman, East Lyme Board of Finance
Town of East Lyme
108 Pennsylvania Avenue
P.O. Box 519
Niantic, Ct. 06357

March 28, 2008

Re: Niantic River Police Boat Patrolling

Dear Chairman Larcen,

It has come to my attention that the Board of Finance is considering the allocation of funds necessary to support ninety-six days of East Lyme Police Boat patrolling during the upcoming 2009 boating season. I strongly endorse the funding of these patrols in the interest of public safety and on going environmental concerns.

Last year, at those few times the East Lyme Police boat was on duty, during the peak boating activity hours of 1:00 PM to 5:00 PM, there was a noticeable decrease in the amount of speeding, reckless operation and power craft throwing large, excessive and damaging wakes in the sections of the river north of Sandy Point.

You will note from the attached letter of September, 2007, I have previously communicated my concerns to a number of local and State officials. I remain convinced that unless corrective action is taken, it is just a matter of time before someone is seriously or fatally injured. In addition, property damage continues to boats, docks and the environment.

I continue to believe the ultimate solution is a posted speed limit in the northern section of the river, similar to that in place at the south end of the river. However, until such a regulation can be enacted, because the presence of the Police Boat patrol last season had a positive effect on some of the imprudent, reckless conduct, a reasonable alternative would be the employment of regularly scheduled police patrols during the designated prime boating periods.

I greatly appreciate your consideration of this matter. I am hopeful that funding for the patrols will be approved and that residents and guests of the Niantic River can look forward to a safe and "sound" boating season.

Very truly yours,

Michael D. Smith

Cc: Mr. Paul M. Formica, First Selectman
Sergeant Wilfred J. Blanchette III, Resident State Trooper



*Michael Smith
Noreen Cooney
87 Quavry Dock Road
Niantic, CT. 06357
860-739-8597*

Town of East Lyme
Paul Formica, First Selectperson
108 Pennsylvania Ave.
East Lyme, CT. 06333

June 26, 2010

Dear Mr. Formica:

Enclosed please find a copy of a September 15, 2007 letter we presented to the previous Board as well as other individuals whom we felt would be interested parties. We are also enclosing a March 28, 2008 letter extended to the Board of Finance Chairman, a copy of which was submitted to you. With a new summer upon us and no change in the unsafe boating practices since our original correspondence, we felt it practical to reiterate our observations and recommendations at this time.

You will note that we outlined what we felt to be serious safety, environmental, and public property issues on the Niantic River, north of Sandy Point. With the exception of a few police patrols at off-peak times, nothing much has changed in the three years since we voiced our concerns.

We are asking that you review our previously stated concerns and proactively address what we, and many of our neighbors, feel is the imperative posting of a boating speed limit and a realistic and unequivocal speed limit enforcement by the East Lyme/Waterford water police.

We gladly continue to extend an invitation to you or any town official to join us on our deck on any summer Saturday or Sunday afternoon to personally observe the concerns outlined in our previous letter.

Very truly yours,

Michael Smith and
Noreen Cooney

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Seamanship

By Kevin Falvey



No Wake!

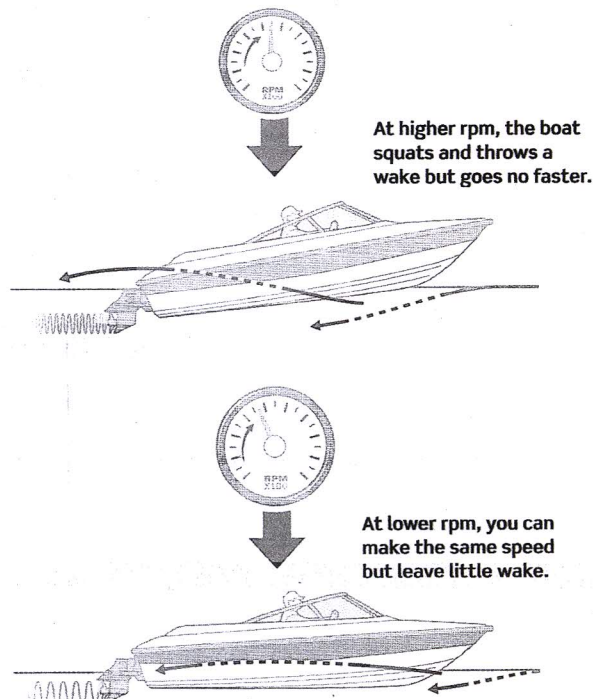
► THE SIGNS READ, "5 MPH, NO WAKE," NOT EITHER/OR.

THE HARD-CHINE PLANING hulls most of us operate aren't suited to no-wake situations. The deeper your V, the worse it is. And if you run a stern-drive, the problem is exacerbated because many drives have play in them until you add some revs. None of this is an excuse for throwing a bigger wake than is necessary.

Most boats have two 5 mph speeds. The first, with the throttle clicked just forward of neutral, is called "idling in gear" — so that the engine is turning at around 600 rpm. The second 5 mph speed is the one in which the engine is turning about 1,300 rpm. At this engine speed, there's more thrust. But the boat is squatting, resulting in a bigger wake and no increase in speed.

Observation makes clear the speed that many boaters prefer. It's understandable. When idling in gear, there's little feel at the wheel. The skipper must use a learned touch to keep the boat on course. But add a little rpm and ... yeah! You're in control. Problem is, you create a larger wake. Your right to feel like a master of machinery does not subvert the rights of those boat owners tied up in the marina you're passing, the homeowners whose bulkheads you're undermining or the canoeist, kayaker or skiff fishermen trying to enjoy the water without having their world rocked.

This might elicit shrugs, but consider that federal law makes you responsible for your wake. Besides, operating in squat mode is like hanging a sign saying "Amateur" over the side. Might as well dangle your fenders too. The following tips will help you look cool while going slow.



Besides when in posted no-wake zones, slow down whenever you pass within 500 feet of a small boat, the shoreline or a marina. Distances beyond that allow the wake's waves to spread out and get rounder, disrupting other boats less and causing less erosion.

Slow down in advance. Chopping the throttles as you come abeam of a marina or close aboard to a small boat doesn't alleviate the wake's effect.

Most boats have two 5 mph speeds.

When operating at no-wake speed, trim the drive or outboard to a vertical position. Neutral trim allows your boat to proceed with the smallest wake.















Larger boats can go 10 mph while idling in gear due to their large props. If that's you, alternately shift in and out of gear as you proceed.

Now, I dislike having to slow down for a couple of morons in a livery skiff anchored in the middle of a narrow channel as much as the next guy. But I'd rather do so than have to explain to their widows and kids why I was in such a hurry in the first place.

WANT THE SCOOP ON YOUR WAKE AND THE LAW?
Visit boatingmag.com/wakewoes.

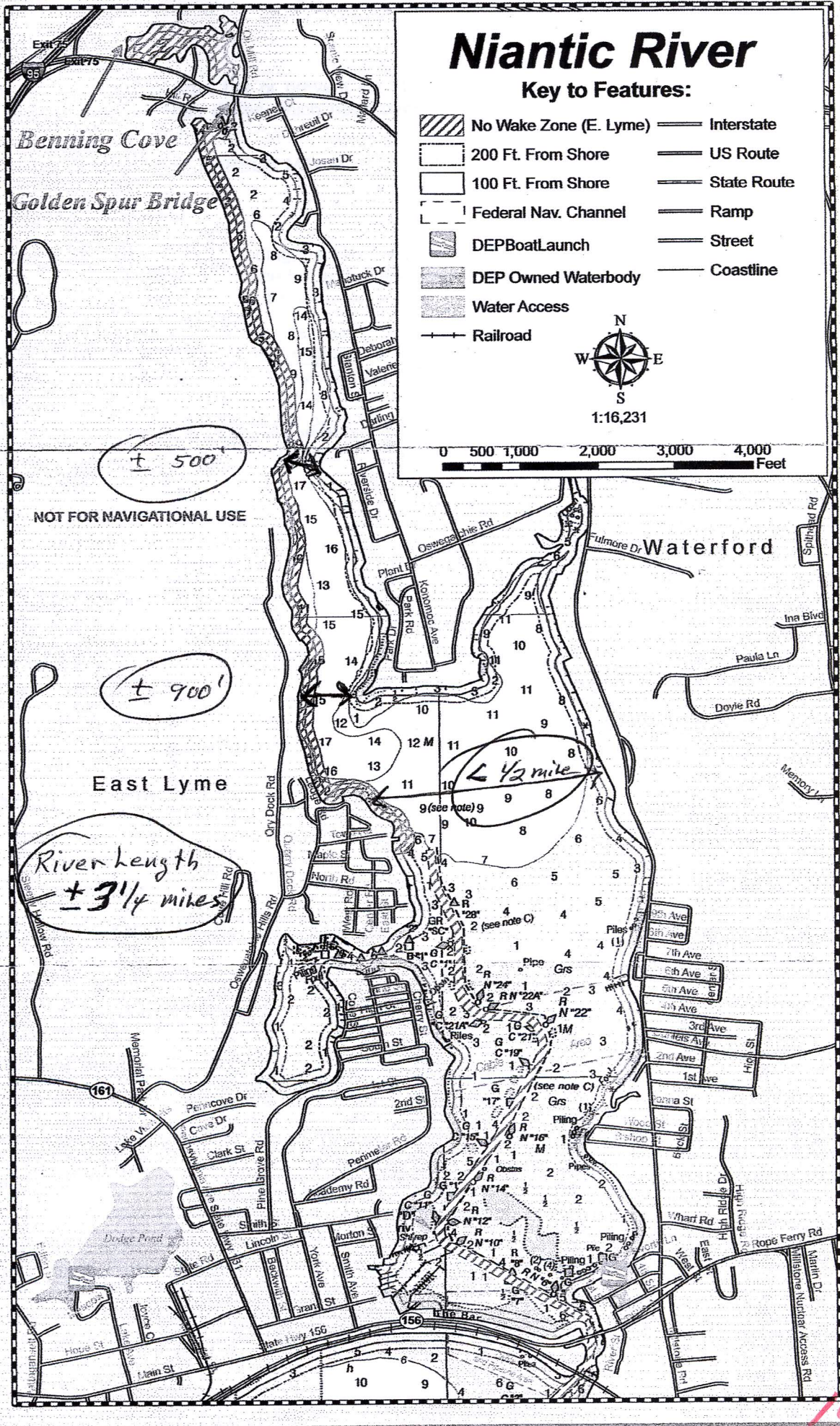
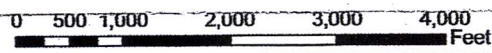
Niantic River

Key to Features:

-  No Wake Zone (E. Lyme)
-  200 Ft. From Shore
-  100 Ft. From Shore
-  Federal Nav. Channel
-  DEP Boat Launch
-  DEP Owned Waterbody
-  Water Access
-  Railroad
-  Interstate
-  US Route
-  State Route
-  Ramp
-  Street
-  Coastline



1:16,231



SLOW-NO-WAKE: A vessel shall not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hour over the ground unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger or injury to persons, or will damage vessels or structures of any kind. Please operate your vessel carefully, especially north to the Golden Spur Bridge, including Benning Cove.

Environmental Protection (DEP) is an equal opportunity affirmative action employer offering its services without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids of services should call (1-800-424-3000) or (800) post consumer waste.

Nothing hereon contained shall bar or prevent the Harbor Master or Deputy Harbor Master from performing those duties which have been assigned to them under the General Statutes of the state.

SECTION 5. USE OF THE HARBOR MANAGEMENT AREA

a. Vessel Speed and Wake

The operation of any vessel, including personal watercraft, within the East Lyme Harbor Management Area shall proceed in a manner which protects all persons and property from any damage caused by a wake.

In no event shall any vessel under power exceed a speed limit of 6 mph within: 1) the federal navigation channel; 2) 200 feet of shore in the Upper Niantic River north of the federal navigation channel; 3) the Pattagansett River Estuary Restricted Speed Area as marked by state speed limit signs; and 4) 100 feet of shore or any dock, pier, float or anchored or moored vessel in any other part of the Harbor Management Area.

Does "shore" include dock, pier, float, or anchored or moored vessel?
#4 Specifically states 100' "IN ANY OTHER PART OF THE HMA"

b. Obstruction of Channels, Fairways and Berthing Space

No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of any channel, fairway or berthing space within the Harbor Management Area.

c. Swimming and Underwater Diving

Swimming and underwater diving are prohibited in all designated channels except in an emergency or for inspection purposes.

d. Fishing

Fishing from vessels and shellfishing shall not occur in any designated channels, fairways and anchorages in a manner that poses a hazard to navigation. The placement of lobster pot floats and fixed fishing nets is prohibited in all channels marked by U.S. Coast Guard channel markers, within any fairway as designated in the Harbor Management Plan and within any mooring area designated in the Harbor Management Plan.

e. Waterskiing

Waterskiing is prohibited in all designated channels, and in anchorages and mooring areas in the Harbor Management Area when vessels are anchored or moored therein.

Waterskiing is prohibited within 200 feet of shore in the Upper Niantic River north of the federal navigation channel, within the Pattagansett River Restricted Speed Area as marked by state speed limit signs and within 100 feet of shore or any dock, pier, float or anchored or moored vessel in any other part of the Harbor Management Area.

Same question here

f. Personal Watercraft

Use of personal watercraft shall be in accordance with all applicable statutes and regulations concerning the operation of vessels.

Use of personal watercraft is prohibited in all designated channels except as necessary to reach personal watercraft activity areas, and within designated anchorages and mooring areas when vessels are anchored or moored therein.

g. Board Sailing

Board sailing is prohibited within designated channels, anchorages and mooring areas except as necessary to cross a designated channel, anchorage or mooring area in a manner that does not pose a hazard or inconvenience to navigation.

h. Public Docks and Boat Launch Ramps

The use of any public dock and boat launch ramps shall be in accordance with rules and regulations established by the Harbor Management Commission.

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(5) **Lights on bridges.** All lights on bridges shall be fixed red lights marking the edges of the safe channel with a single fixed green light placed over the center of the safe channel to indicate maximum vertical clearance at that point.

[March 9, 1962 (Secretary of State File Number (SOSFN): 935); May 31, 1974 (SOSFN: 1716); August 25, 1987 (SOSFN: 3590); March 9, 2004 (SOSFN: 5496)]

Sec. 15-121-A5. Permission required to place markers.

(a) No person or town, shall place any regulatory or navigational marker except as authorized in this section.

(b) Any town desiring to place any regulatory or navigational marker in waters within its jurisdiction shall apply to the commissioner for authorization to place said markers.

(c) Any person desiring to place any regulatory or navigational marker shall apply to the commissioner for authorization to place said marker after having obtained signed approval from the chief executive authority of the town or designated lake authority in which said marker will be placed.

(d) Application for any such authorization shall be made on forms provided by the commissioner. A detailed map or drawing to a scale which readily depicts the marked area and its surroundings and shows the proposed location of each marker and its relation to nearby shores, channels and water traffic patterns shall accompany the application.

(e) Criteria for authorization shall include:

(1) signed approval from the chief executive authority of the town or designated lake authority in which said marker will be placed;

(2) completeness, accuracy and detail of the application form;

(3) demonstrated need for the proposed markers;

(4) public safety considerations;

(5) environmental impact considerations;

(6) review for possible conflicts with various water use groups;

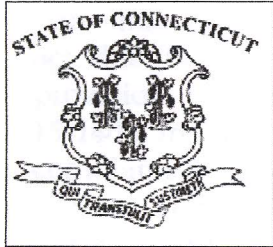
(7) visibility and durability of proposed markers;

(8) conformity with existing authorizations; and

(9) consistency with federal, state and local law.

(f) The commissioner may impose whatever conditions he deems necessary regarding an application for placement of regulatory or navigational markers pursuant to this section. If authorization from the commissioner has been granted, said markers shall be deemed lawfully placed, provided said markers are placed subject to any conditions set forth therein and in the manner specified by the authorization. If the commissioner finds authorized markers to be an obstruction or menace to navigation or a hindrance to public use of waters, he may revoke the authorization.

[March 9, 1962 (Secretary of State File Number (SOSFN): 935); May 31, 1974 (SOSFN: 1716); January 13, 1981 (SOSFN: 2676); June 23, 1988 (SOSFN: 3716); September 8, 1998 (SOSFN: 5026); March 9, 2004 (SOSFN: 5496); January 3, 2007 (SOSFN: 5746)]



House of Representatives

File No. 822

General Assembly

January Session, 2011 (Reprint of File No. 470)

House Bill No. 5300

As Amended by House Amendment

Schedule "A"

Approved by the Legislative Commissioner

May 20, 2011

AN ACT CONCERNING THE SPEED LIMITS OF BOATS ON THE MYSTIC RIVER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) (a) No person shall operate a vessel in excess of Slow-No-Wake on the Mystic River within the following two areas: (1) Between the entrance to the Mystic Harbor and Red Navigation Marker No. 22, excluding Beebe Cove, where the entrance to Mystic Harbor shall be a line beginning at the southernmost tip of Mouse Island, then east to Red Navigation Buoy "4", known as Whale Rock, then generally northeasterly to Green Navigation Buoy "9" to the northern tip of Ram Island and to the southernmost tip of Mason Point, and (2) from Red Navigation Buoy "26" northward to Green Navigation Buoy "53".

(b) Any violation of subsection (a) of this section shall be an infraction. The Commissioner

of Environmental Protection shall administer the provisions of this section in accordance with chapter 268 of the general statutes.

Sec. 2. Subsection (a) of section 15-154 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any harbor master, deputy harbor master, conservation officer, special conservation officer or state police officer and any municipal police officer, any special police officer appointed under sections 29-18 and 29-19, any town marine officers appointed under section 15-154a and certified by the commissioner for marine police duty and any lake patrolman appointed under section 7-151b may enforce the provisions of section 1 of this act, this chapter and chapter 446k, except that only peace officers shall enforce the provisions of section 15-132a, subsection (d) of section 15-133 and sections 15-140l and 15-140n. In the enforcement of this chapter, such officer may arrest, without previous complaint and warrant, any person who fails to comply with the provisions of this chapter. Failure to appear in court pursuant to such arrest, unless excused by the court or the state's attorney or assistant state's attorney, shall constitute sufficient cause for the suspension by the Commissioner of Motor Vehicles of the boat registration of the boat involved for not more than thirty days or until the matter is resolved by the court, whichever is sooner.

Sec. 3. Section 15-16 of the general statutes is repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	15-154(a)
Sec. 3	<i>from passage</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
None			

Municipal Impact: None

Explanation

The bill allows the Department of Environmental Protection (DEP) to enforce provisions of a Slow-No-Wake zone within two certain areas on the Mystic River. To the extent DEP, or other certain officers issue citations for violations of these provisions, there may be a minimal revenue gain to the state of not more than \$100 for each violation. It is anticipated that there would be less than \$5,000 generated in both FY 12 and FY 13 from this type of violation.

House "A" strikes the underlying bill and results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations that occur.

OLR Bill Analysis

HB 5300 (as amended by House "A")*

AN ACT CONCERNING THE SPEED LIMITS OF BOATS ON THE MYSTIC RIVER.

SUMMARY:

This bill repeals current law regarding the speed of vessels on specified rivers. By repealing the law, vessel speed limits will be regulated under existing Department of Environmental Protection (DEP) boating safety regulations.

The bill establishes a "slow-no-wake zone" on two portions of the Mystic River. It makes a violation of the zone an infraction and requires the DEP commissioner to administer the provision. It authorizes various people to enforce the slow-no-wake zone, including harbor masters, deputy harbor masters, conservation officers, police officers, town marine officers certified for marine police duty, and lake patrolmen.

*House Amendment "A" replaces the original file (File 470), which required boats on the Mystic River to comply with regulations to be promulgated by the DEP regarding speed limits. The amendment repeals the current law on speed of vessels on specified rivers, imposes a "slow-no-wake zone" on two portions of the Mystic River, and specifies those people who can enforce the requirement.

EFFECTIVE DATE: Upon passage

MYSTIC RIVER SLOW-NO-WAKE ZONE

The bill prohibits people from operating vessels in excess of "slow-no-wake" on the Mystic River within the following two areas: (1) between the entrance to the Mystic Harbor and Red Navigation Marker No. 22, excluding Beebe Cove, where the entrance to Mystic Harbor is a line beginning at the southernmost tip of Mouse Island, then east to Red Navigation Buoy "4", known as Whale Rock, then generally northeasterly to Green

Navigation Buoy "9" to the northern tip of Ram Island and to the southernmost tip of Mason Point, and (2) from Red Navigation Buoy "26" northward to Green Navigation Buoy "53".

"Slow-no-wake" is defined in DEP boating safety regulations. It means that a vessel must not produce more than a minimum wake and must not attain speeds greater than six miles per hour over the ground unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case can the wake produced by the vessel be such that it creates a danger of injury to people or damage to vessels or structures (Conn. Agencies Regs. § 15-121-A1(j)).

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime and violators can pay the fine by mail without making a court appearance. These mail-in procedures automatically apply to infractions (CGS §§ 51-164m and 51-164n).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/21/2011)

Transportation Committee

Joint Favorable

Yea 31 Nay 0 (04/19/2011)

TOP