

Five Mile River Commission Annual Report 2012

Introduction

The purpose of this report is to provide the Town of Darien and the City of Norwalk with an annual summary of the Five Mile River Commission's ("FMRC" or "Commission") operations for 2012 as required by the ordinances governing the Commission's activities.

The report also includes a statement as to whether or not the FMRC recommends any changes to the current ordinances governing the Five Mile River ("River") that have been adopted by the Town of Darien and the City of Norwalk.

Background

The FMRC is an agency of the State of Connecticut established by Connecticut statute with regulatory jurisdiction over the navigation, pollution and conservation of the River and its drainage basin. In addition, the Commission is guided by ordinances primarily governing the mooring of vessels within the River that have been adopted by the Town of Darien and the City of Norwalk.

There are four Commissioners, two from Darien and two from Norwalk, who are appointed by the Governor of Connecticut. This equal representation recognizes that the River is flanked geographically on the west by Darien and on the east by Norwalk.

FMRC Commissioners

Matthew Marion, Chairman, 16 Harstrom Place, Rowayton, CT
John deRegt, 6 Vincent Place, Rowayton, CT
William Jessup, 122 Five Mile River Road, Darien, CT
Dirk Leasure, 94 Five Mile River Road, Darien, CT

FMRC staff

Ray Meurer, Harbor Superintendent, 30 Rowayton Ave., Rowayton, CT
David Snyder, Assistant Harbor Superintendent, 10 Kellog Drive, Wilton, CT
Tammy Papp, Administrative Assistant, 95 Rowayton Ave., Rowayton, CT

FMRC meetings

Meetings are held in the Board Room of the Rowayton Community Center, 33 Highland Ave., Rowayton, beginning at 7:30 p.m. Meeting dates in 2012 were

January 11, February 9, March 8, April 16, June 7, October 18 and November 15.

Highlights of the FMRC's Operations in 2012.

In an effort to accumulate funds for future dredging, the Commission voted unanimously to conduct a public hearing in order to consider increasing the harbor use fee of \$50 to \$100 and the \$100 fee to \$150. The \$200 fee would remain the same. A public hearing was planned for early 2013 to discuss the proposed increase.

The Commission also discussed instituting an occasional newsletter to increase awareness about the importance of the River and the need to fund future dredging. As contemplated, the newsletter would be emailed to boat owners, marina and boat yard operators, property owners on the River, officials of the Town of Darien and the City of Norwalk, and others with an interest in the River.

Tropical Cyclone Sandy saw one private dock swept away and another destroyed in place. Most working boatyards reported some flooding. There were no reports of boats breaking loose from moorings.

A protocol regarding whom to alert in the event of a boat sinking or some other casualty on the River was established by the Commission. The protocol includes a list of agencies to be contacted, including the U.S. Coast Guard (Long Island Sound), U.S. Coast Guard (Eaton's Neck), Department of Environment and Energy Protection, the City of Norwalk (911), and the Town of Darien.

The FMRC is authorized to collect an annual harbor use fee from all boats berthed at docks and those moored in the River. These fees are collected to cover future maintenance dredging as well as the Commission's day-to-day operating costs incurred while managing the River. In 2012, harbor use fee collections totaled \$44,600; and operating expenses totaled \$10, 505. The harbor use fees were deposited in a special fund maintained for the Commission by the Controller of the City of Norwalk (subject to examination by the finance officer of the Town of Darien). As of December 31, 2012, there was \$517,871 in the special fund. Interest income for 2012 was \$4,844.

Mooring location permits are issued annually by the Harbor Superintendent. In 2012, 114 permits were issued to recreational boat owners and three permits were issued to commercial fishermen. In addition, 235 boat owners paid the harbor use fee for boats berthed at docks owned by boatyards, marinas and private individuals along the River.

The Harbor Superintendent maintains a wait list of boat owners requesting a mooring in the River. The number of boat owners on the wait list ranged from a low of 42 to a high of 62 in 2012. The wait list includes people whose boats are

only suitable for certain mooring locations due to length or draft. Other people are on the wait list in anticipation of purchasing a boat. During 2012, 16 boat owners were assigned mooring locations in the River for the first time. The wait list is made available to the clerks' offices in Norwalk and Darien, the Rowayton Library and the Darien Library. It is also available directly from the Harbor Superintendent.

Annual service mooring permits are issued to qualified marine service operators solely for repair and commissioning purposes. The service mooring are also made available free of charge to transient vessels. Seven such permits were requested and issued in 2012 in accordance with the governing regulations.

The FMRC meets annually with representatives from the working boat yards on the River to discuss mutual interests and concerns. This year's meeting on February 9 included discussions about the attempt to grow spartina grass in the River, compliance with the No Wake Zone, pollution caused by run-off from roads, the State requirement to collect waste water from spray washing of boat bottoms, planned dredging of the boat slip area of one marina, storm damage from Hurricane Irene, future dredging of the federal channel, increased shallowness of the main boat channel at the northern end of the River beginning at Barclay's Landing, the support of boatyard and marina operators in identifying boat owners who do not pay the harbor use fee and the abundance of kayak and paddle boards in the River.

The FMRC continues to maintain two "No Wake Zone" floating buoys in the River: one at the entrance to the harbor and a second one 200 yards from the entrance. Enforcement of the "no wake" policy is provided by the Norwalk Marine Police and the Darien Marine Police.

The FMRC also maintains a "No Discharge Area" buoy at the mouth of the River.

The U.S. Coast Guard has granted permission to the FMRC to place and maintain a red nun marked "4A" and a green can marked "5" at the mouth of the River to ensure safe navigation as boaters enter the River. The two floating aids to navigation are designated as "private aids to navigation" and are authorized to be put in place seasonally between April and November. The aids were installed for the first time in April 2009.

To ensure the safety of the growing number of people using kayaks and paddle boards in the River, the FMRC maintains nine yellow buoys marked with the words "kayaks" and "paddle". The yellow buoys create a "trail" west of the federal channel that people using kayaks and paddle boards can follow when transiting the River, thus minimizing traffic in the federal channel.

A number of applications for docks and other waterfront construction activities on the River were received from the Department of Environmental Protection and

reviewed by the Commission. The location of the properties included 7 Davis Lane, 18 Five Mile River Road and 87 Five Mile River Road, all in Darien.

The Commission notes that the River is in good shape generally and plans to study a number of projects including a review of the governing ordinances and policies, as well as education initiatives that pertain to the River.

Signed,
Matthew Marion
Chairman, Five Mile River Commission