

Five Mile River Commission Annual Report 2013

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 2013, 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 and a budget for 2014.

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, Conn. Beginning at 7:30 p.m. Scheduled meeting

dates in 2013 were January 17, February 28, April 11, June 6, August 1, October 3, and November 7.

Highlights of the FMRC's Operations in 2013.

The FMRC meets annually with representatives from the working boat yards to discuss mutual interests and concerns. This year's meeting focused on the winter storage of floats and ramps that has occurred in the past on the intertidal waters of the River and at the docks of boatyards and marinas. The meeting covered the DEEP requirements regarding such storage. A framework was outlined to develop a plan for future winter storage of floats on the River.

An electronic procedure to approve meeting minutes was adopted by the Commission, making it possible to adhere to the mandatory timetable established to report meeting results to the Town of Darien and the City of Norwalk.

A green marine growth appeared in the River for the first time in 2013. It is a form of benthic sea lettuce that occurs both locally and around the world, particularly in intertidal waters. It is caused in part by non-point source pollution including fertilizer run-off, and one potential consequence is that it inhibits the growth of marine life in the mud underneath the sea lettuce. The Commission is investigating the causes and potential solutions to this problem, with the assistance of outside sources such as the DEEP and local environmental experts.

The Commission is exploring the use of a website to be hosted by Town of Darien and created by an individual who has volunteered to build the website. A decision to move forward will be based on whether or not the Commissioner feels a website would be helpful to boaters using the River and the needs of the FMRC.

The FMRC collects an annual harbor use fee from all boats berthed at docks and those moored in the River. These fees cover future maintenance dredging as well as the Commission's day-to-day operating costs incurred to manage the River. In 2013, harbor use fee collections totaled \$43,500; and operating expenses totaled \$12,663. The harbor use fees are 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, 2013, the special fund's balance was \$546,317. Interest income for 2013 was \$2,017.

The Commission continues to explore the logistics of its next dredging project. In August, they met with a marine consultant to understand current costs and procedures. The River was last dredged in 1999. Cost estimates vary considerably, but the general consensus is that the Commission would need several times the current account balance to self-fund the dredging operation.

The Commission held a public hearing on February 28, 2013 and voted to increase the harbor use fee. The \$50 fee was increased to \$100, the \$100 fee was increased to \$150 and the \$200 fee remains the same. The hearing was advertised, as required, in Darien and Norwalk newspapers. It was also announced in the *Five Mile River Currents* published by the Commission and distributed electronically, using a recently completed database of email addresses of all owners who berth boats in the River. The database also includes operators of boatyards, marinas and others who have an interest in the River.

The Commission's use of *Five Mile River Currents* enables it to keep in touch with boat owners on issues relating to the River, including storm warning alerts, seasonal deadlines, etc. Beginning in 2014, *Currents* will also be used to renew mooring permits, thus eliminating the expense of the three-part mailed form used in the past.

The budget for 2014 projects harbor use fee income of \$59,850 and operating expenses of \$13,000. The income reflects an expected \$16,350 increase over 2013 due to the new harbor use fees.

Mooring location permits are issued annually by the Harbor Superintendent. In 2013, 115 permits were issued to recreational boat owners and three permits were issued to commercial fishermen. In addition, 242 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 47 to a high of 60 in 2013. 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 2013, seven 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 2013 in accordance with the governing regulations.

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 put in place seasonally between April and November.

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 reducing 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 Energy and Environmental Protection, Darien Planning & Zoning Commission and the Norwalk Planning & Zoning Commission. The location of the properties included 21 Rowayton Ave., 25 Rowayton Ave., 71 Rowayton Ave., 77 Rowayton Ave., 79 Rowayton Ave. and 143 Rowayton Ave. all located in Rowayton; also, properties at 66 Five Mile River Road and 123 Five Mile River Road in Darien.

The Commission plans to progress a number of projects in 2014, including its review of the environmental health of the River, the timing/logistics for proposed future dredging, and the suitability of the governing ordinances and policies for the Commission's regulatory activities in the River.

Signed,
Matthew Marion
Chairman, Five Mile River Commission