

# **Five Mile River Commission 2015 Annual Report**

## Introduction

The purpose of this report is to provide the Town of Darien (“Darien”) and the City of Norwalk (“Norwalk”) with a summary of the Five Mile River Commission’s (“FMRC” or “Commission”) operations for 2015, as required by the ordinances governing the Commission’s activities. The report also includes the Commission’s recommendations about possible changes to the current Darien and Norwalk ordinances governing the Five Mile River (“River”) and its proposed 2016 budget.

## Background

The FMRC is a state agency 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 adopted by Darien and Norwalk regarding its oversight of the River. 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 Kellogg 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 2016 are January 14, February 25, March 31, May 5, June 16, July 28, September 8, October 20 and December 8.

## Highlights of the FMRC's Operations in 2015.

In March, the FMRC met with representatives of the marinas and boat yards, as it does annually, to discuss mutual interests and concerns. This year, representatives from the Norwalk Marine Police attended to discuss appropriate procedures to follow in the event of marine casualties, shared jurisdiction with Darien's Marine Police, and the use of kayaks and paddleboards within and outside the River. In addition, the Commission and boatyards discussed the yards' direct assistance in collecting harbor use fees and their need for temporary storage for floating docks and ramps between October 1–November 30 and April 1–May 31 when docks and floats are being transitioned into marinas for the winter.

At its June meeting, the Commission met with a dredging consultant to discuss the logistics and anticipated cost of its next dredging project. The River was last dredged in 1999. Cost estimates vary considerably, but the Commission expects the project will cost several times more than its current account balance to self-fund the dredging operation. Moreover, unlike 1999, it is anticipated that federal funding of the operation may not be available for the dredging itself.

In the latter half of 2015, the Commission developed a new ground tackle certification program to be implemented beginning in 2016. The program requires ground tackle users, both directly and through their marine service providers, to certify that their ground tackle has been inspected biannually and is properly maintained, as well as suitable and fit for its intended use. The FMRC met with the impacted marine service providers, all of whom support the new program.

In addition, during the year, the Commission received a number of applications for docks and other waterfront construction activities impacting the River from the Department of Energy and Environmental Protection, Darien Planning & Zoning Commission and the Norwalk Planning & Zoning Commission. The location of the properties included 123 Five Mile River Road, 41 Rowayton Ave., 51 Rowayton Ave., 215 Rowayton Ave. and 123 Richards Ave. The Commission conducted site visits, held hearings, and issued written decisions, as appropriate, regarding such applications.

As regards its financial results, the FMRC collected harbor use fees totaling \$54,350, offset against operating expenses of \$10,576, in 2015. Both results were better than budgeted. (These fees are collected from all boats berthed at docks and those moored in the River, and are set aside for future maintenance dredging as well as the Commission's day-to-day operating costs incurred to manage the River.) The use fee was paid by 318 boat owners who kept their boats on moorings or at boatyard docks, marinas or private docks in the River. In addition, the Harbor Superintendent is investigating enforcement steps regarding a very small number of non-payers.

As of December 31, 2015, the accrued dredging funds held by the Controller of the City of Norwalk on the Commission's behalf totaled \$639,015. Interest income for 2015 was \$4,857.

The budget for 2016 projects harbor use fee income of \$54,000 and operating expenses of \$11,000. In addition, the Harbor Superintendent anticipates approximately \$700 in extraordinary expenses for mooring stickers and the purchase of one mushroom anchor.

As regards mooring permits, the Harbor Superintendent issued 105 recreational boat permits and 3 commercial vessel permits in 2015. In addition, the Harbor Superintendent maintained a wait list of boat owners who had requested suitable moorings (based on draft and location) in the River. The maximum number on the wait list in 2015 was 57 owners and the minimum was 40. Eleven boat owners were assigned mooring locations in the River for the first time in 2015. Current wait lists are posted at the clerks' offices in Norwalk and Darien and the libraries in Rowayton and Darien, and are available from the Harbor Superintendent.

Seven service mooring permits were issued to qualified marine service operators in 2015 solely for repair and commissioning purposes, and were made available to transient boaters when not otherwise occupied, as provided in the FMRC's ordinances.

The FMRC continued its practice of maintaining 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--and a "No Discharge Area" buoy at the mouth of the River. It also maintains two Coast Guard-authorized private navigation aids, a red nun marked "4A" and a green can marked "5", at the mouth of the River to support safe navigation as boaters enter the River. The two navigation aids are placed seasonally between April and November. Also, continuing the arrangement it set up in 2014, the FMRC maintained nine yellow buoys marked "kayaks" and "paddle" westward of the federal navigation channel to help encourage kayakers and paddle boarders to remain outside the channel.

The Commission plans to make further progress on a number of projects in 2016, including its assessment of the environmental health of the River, the timing/logistics for proposed future dredging, and the suitability of the governing ordinances for the Commission's regulatory activities and use fee collections on the River.

Signed,  
Matthew Marion  
Chairman, Five Mile River Commission