

My name is Kevin Dailey. I own a home at 18 Oaklawn Ave., in Stamford, CT. I have been boating since 1965 and working in the Marine Industry since 1976. This has given me the opportunity to have 10's of thousands of hours of personal experience on the waters of LI Sound and having visited nearly every harbor on the Sound.

I am here tonight to urge you and your board to uphold your mission to protect the waters of Long Island Sound, to protect and to encourage water dependent use, and to protect the safety of both commercial and recreational boating in Connecticut waters.

The application being discussed this evening appears to have skipped some steps to get to this point. My understanding is that only a person or entity that has ownership or control of a water front land may apply to the DEEP. Waterfront Magee LLC is not the owner, nor do they have rights to it from the owner, the City of Stamford. I would believe that this application should be rejected and the DEEP should instruct Waterfront Magee LLC, or as known to the general public, BLT, not to file an application until they have a legitimate right to file such application. "Fast tracking" of projects like this by any entity, be it private or government, usually ends with a lot of should have, could have and we only wished, outcomes. And the results are compromises that if otherwise reviewed properly would have had different outcomes.

The piece of land that Waterfront Magee LLC wishes to alter for private use is a public park. The park was purchased by the City of Stamford, under the direction of Mayor Dan Malloy. The purpose was to protect one of the last pieces of wetlands and truly public access to this branch of the Stamford Harbor. This was not a move by the City to make a land grab to use as a bargaining chip with developers, it was bought to preserve the public right to enjoy the wonders of Long Island Sound and its tributaries, like the East Channel. When the Governor was the Mayor of Stamford, this was one of his proudest procurements for the citizens of Stamford. This site as I am going to demonstrate momentarily is not suitable for a marina and thus the public access should be a priority! This application, if and when the legitimate owner or entity in control properly files it, should be rejected.

The proposed site is within an area designated by the State as an area from which shellfish can't be harvested. The reason is not because they are not there; it is because the soil below the water is filled with pollutants. Magee LLC wishes to dredge this area for docks and a travel lift slip. This dredging will release huge amounts of pollutants into the water, which will with tidal changes intermix with the healthy shellfish beds in the inner harbor and outside of the breakwater. Not only will this affect the shellfish, it will affect the health the children that swim in the harbor every summer day. The proximity of the commercial traffic prop wash will stir up this new bottom surface for years to come, thus this is not a temporary situation.

In addition to the releasing of pollutants into the water, the proposed travel lift bulkheading may also restrict or alter the tidal exchange rate, thus worsening the already questionable health of this section of the Stamford Harbor.

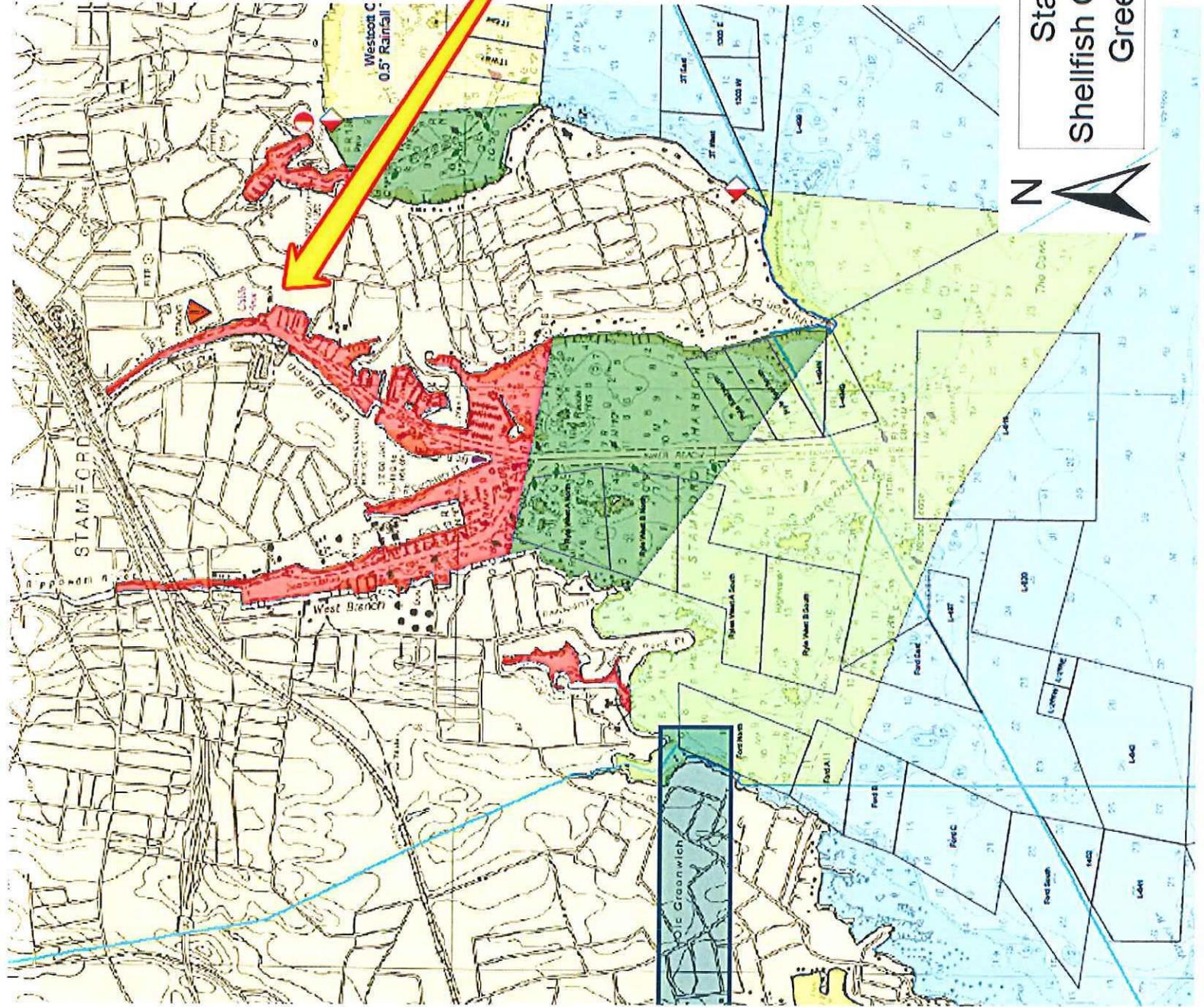
The commercial traffic in this area is significant. Nearly every day there are at least one or more transits of the channel. The channel is extremely tight at the proposed location and is right at a bend. The traffic travels on the eastern side of the channel and it is not uncommon for it to go outside the boundaries of the Federal Channel while making the turn. This presents a clear and present danger to boaters that would be using the floating docks, potentially to the operators of the commercial traffic and to the vessels involved and lastly the docks themselves. The proposed site for the marina is at the exact apex of the turn in the channel. This is the most dangerous spot for any vessel to navigate, let alone a huge barge and tug going at speeds fast enough to turn the load, but too fast to stop if the circumstance required. Even if dredged, widened or otherwise modified, the distance between the Federal Channel and anything along the bend would be too close to be considered a safe distance. A letter stating all these dangers was written by the commercial operator using this body of water every day. Base solely on this point, the location is not suitable for any floating docks, fixed docks, launching facilities or other such structures that would put human life and property at risk.

I believe that the DEEP has a responsibility to ensure that any person or entity that they approve of for any application has a sincere and dedicated motive for the application. The public feels that Waterfront Magee LLC or BLT is only seeking this boatyard location so that it may build a huge office building on the property known as Yacht Haven. If this boat yard is approved, and the office building site approved to be rezoned for non water dependant use, I fear that BLT will start the office building project with haste and not even bother with building the boat yard. The boat yard as they proposed is not accurate in its capacity and thus I don't believe it is going to be a profitable business, even it completed. That would then put the environment at risk as they will not maintain the dredging, will have altered a site that they will not support and so on. It is not their priority to own and operate a boatyard; this is just a requirement on a piece of paper that they need to build a replacement for the much larger Yacht Haven Marina.

I urge you not to approve this application which I don't think is valid anyway. If it is valid, it does not make any sense and should not be allowed.

Sincerely,

Kevin S. Dailey



**Prohibited area**

RECEIVED

FEB 06 2013

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ADJUDICATIONS

State of Connecticut  
Shellfish Classifications and Beds  
Greenwich to Stamford

*Submitted by K. Daily 2/6/13 KMLC*

