



February 5, 2013

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

CT DEEP
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127
Attn: Kristen Bellantuono

RE: Waterfront Magee, LLC - Application #201207377-KB

Dear Ms. Bellantuono:

As an upstream water dependent industrial user of the East Branch of the Stamford Harbor, O&G is providing comments and concerns regarding the above referenced application.

Due to our active use of the Stamford Harbor for movement of aggregates (sand and stone) by barge, it is critical to the survival of our business of manufacturing asphalt that any development along the navigable channel not impede the flow of our commercial traffic through the harbor or in any way cause unsafe movement of any vessels. In a "typical year" approximately 250 – 300 deliveries of sand or stone are made by barge (which equates to 500-600 "trips" passing this site). These barge movements primarily occur during the same "window" when recreational boat traffic is also greatest. For those reasons, we have asked the tug operators who move our materials through the harbor to review the proposed plans, and we also hired a qualified marine consultant to review and comment on these plans. Enclosed please find comments prepared by our consultant John Tylawsky.

The maritime experts have determined that this project as currently designed will render the East Branch of the Stamford Harbor unsafe for our ongoing operations. O&G would support a development of SBW if redesigned to maintain safe use of the East Branch by all mariners. A possible revision suggested by our consultant requires dredging of the Federal Navigation Channel to its westerly limits, protective dolphins on both sides of the channel and landward relocation of the lift and floating docks. His more detailed report is enclosed.

Thank you for the opportunity to comment on a project which will have significant impact on the use of the Stamford Harbor.

Very truly yours,
O&G Industries, Inc.

Richard O. Warren
Facilities Administrator

City of Stamford Zoning Board – Thomas R. Mills, Chair
City of Stamford Harbor Management Commission – Raymond Redniss, Chair
U.S. Army Corps of Engineers – Diane Ray

John A. Tylawsky, P.E.
Licensed Professional Engineer (CT, NY, RI, NH)
Consulting Marine Engineer
259 New Sweden Road
Woodstock, Connecticut 06281
203-915-0182
www.marinesafetycenter.com

February 5, 2013

State of Connecticut
DEEP- Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106

Attention: Kristen Bellantuono

RE: **STAMFORD BOAT WORKS**
DEEP APPLICATION NUMBER 201207377-KB

Dear Ms. Bellantuono:

I have been retained by O&G Industries in order to assist them in evaluating navigational concerns with regard to the proposed referenced project. I have served over 25 years as consulting chief engineer at Buchanan Marine involved in all aspects of their operations including navigational safety. In addition, I am a licensed professional engineer and board certified forensic marine engineer and have been in private practice for over 30 years investigating and testifying in numerous marine collision and allision cases.

O&G Industries operates an asphalt plant upstream of the subject project. They receive both sand and crushed stone for their plant from Tilcon and Amboy Aggregates. The material is delivered via water by barges operated by Buchanan Marine and Amboy Aggregates. Donjon Marine also provides towing services for customers' barges on the waterway.

O&Gs' operation in Stamford is a strictly water dependent form of commerce. Under Federal law (Commerce Clause, Article 1, Section 8, and 33 USC- Navigation and Navigable Water), the right of a vessel to have the navigable waters free of obstructions to navigation is paramount. The right of navigation extends to the entire width of the navigable waterway and to the mud along the shore through which vessels are capable of running. It is not limited to a dredged channel or the middle of the waterway.

As part of my work in this project, I have interviewed senior management and tug captains at Amboy Aggregates, Buchanan Marine and Donjon Marine, all of whom have expressed serious concerns for navigational safety if the project as proposed were to be constructed. If required, the tug captains have agreed to provide signed statements addressing the concerns noted below.

Their concerns are as follows:

1. The proposed drawings show a Travelift runway and finger pier arrangement that extends near the navigable waterway and aligned with the navigation channel.
2. The navigation channel in this area is effectively only about 50 feet wide and because of sedimentation patterns it carries the 12 foot depth along the easterly edge of the federal channel line, not in the center. This requires that the tug and barge hug the easterly side of the channel line.
3. Because there is a turn in the river at this point, the bow of the tow is required to move outside the channel and to the east (directly in the path of the proposed new construction) and then as the tug passes the location, its stern must swing again also to the east outside the federal channel in order to negotiate the turn.
4. The navigation channel is simply too narrow to add further restrictions at this point.
5. The combination of a narrow channel and the placement of the proposed structures will greatly increase the risk of an allision with the proposed dock and any vessels tied to it.

My client, O&G Industries is prepared to support this project contingent upon the following changes:

1. Address the federal channel by completing maintenance dredging along the westerly side so that the tug and tow can safely hug the west side and stay clear of the proposed project area.
2. Permit relocation of the proposed facility meaningfully farther away from the existing restrictive space of the Federal Channel. (A minimum distance of 30' off the channel line has been suggested.)
3. Provide suitable protective fenders, or dolphins along the east side of the federal channel to prevent tugs and barges from alliding with vessels, or structures at the proposed facility there.
4. Provide a dolphin cluster on the west side of the channel at the turn to assist navigation close to the westerly limit.

Sincerely,

John A. Tylawsky

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