

DEEP Coastal Permitting



Land & Water Resources Division
79 Elm St., Hartford, CT



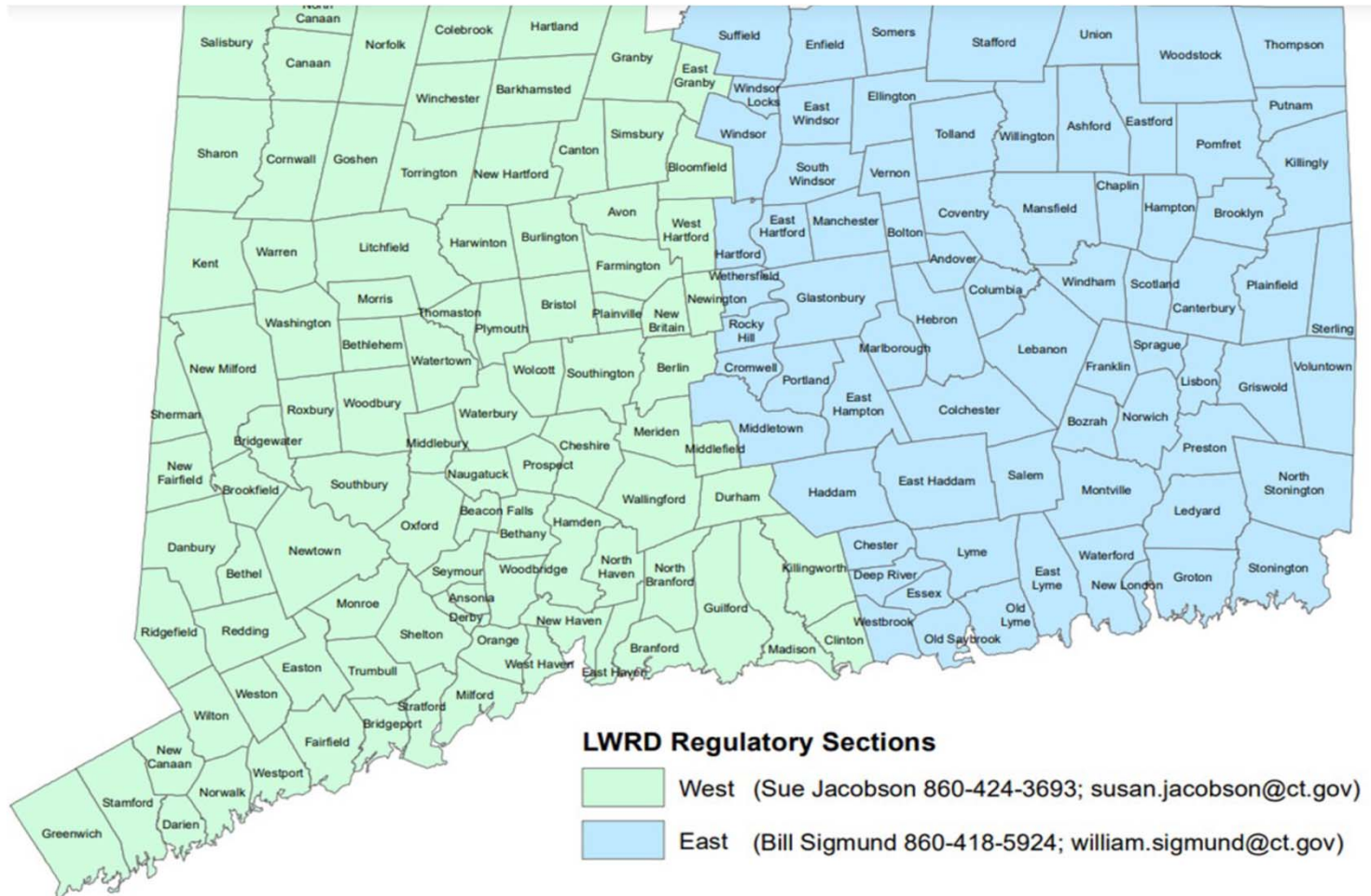
Connecticut Department of Energy and Environmental Protection

DEEP Coastal Permitting

Two Regions

**Combined
OLISP &
IWRD
Regulatory
Programs**

**401WQC
IWW
DIV
FM
TW
SDF
COP
CSPR
FCC**



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DEEP Coastal Permitting

Coastal Permitting

DEEP regulates all activities conducted in tidal wetlands and in tidal, coastal or navigable waters in Connecticut under the **Structures, Dredging and Fill Act** (Conn. Gen. Statutes (CGS) Sec. 22a-359 - 22a-363f, inclusive) and the **Tidal Wetlands Act** (CGS Sec. 22a-28 - 22a-35, inclusive).

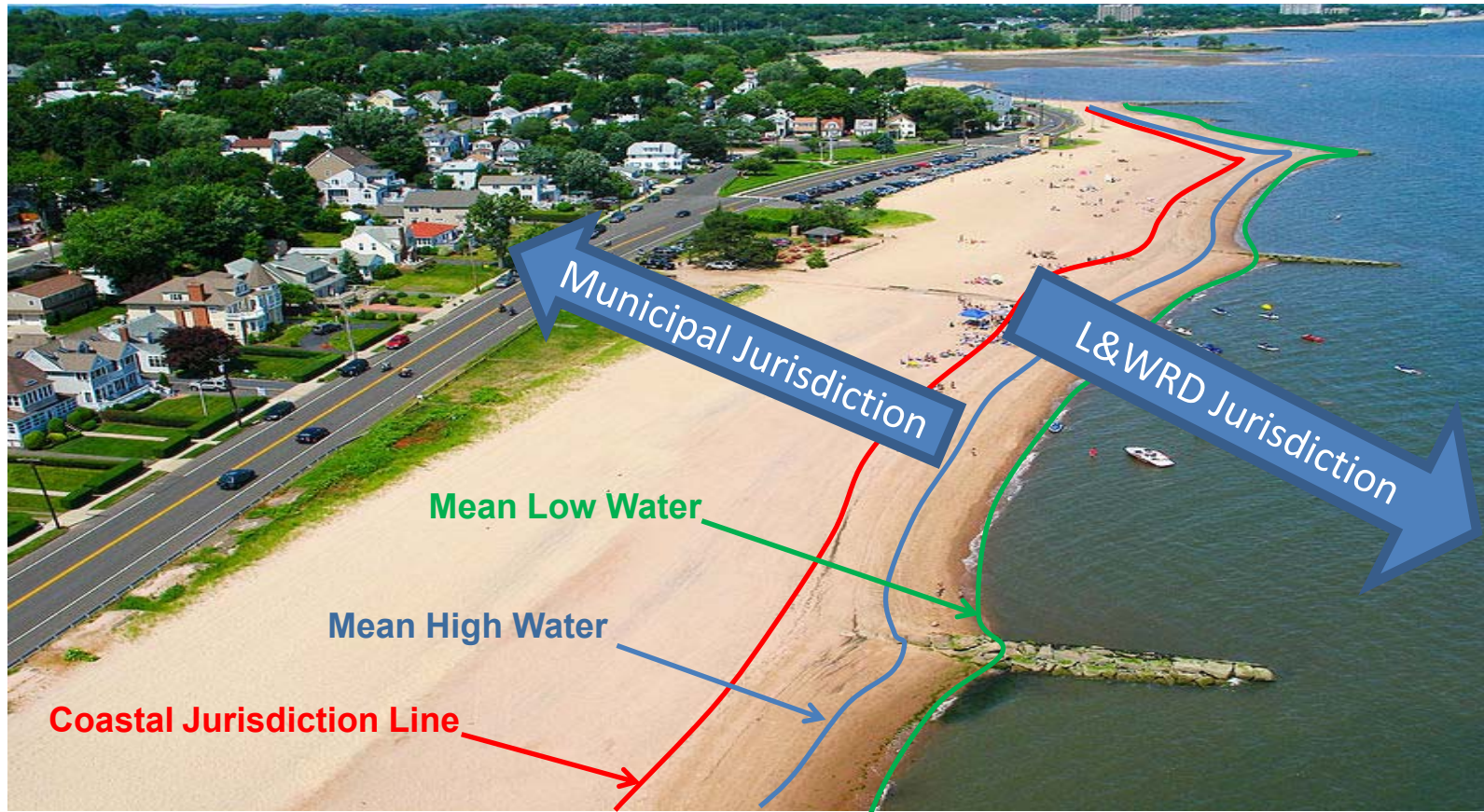
The major objectives of the coastal permitting program are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with the **Connecticut Coastal Management Act** (CGS Sec. 22a-90 - 22a-112, inclusive).



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Structures, Dredging & Fill Jurisdiction



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Coastal Jurisdiction Line (CJL) =
Elevation of the highest predicted tide 1983-2001 referenced to most recent Tidal Datum Epoch published by NOAA in NAVD88.

<http://www.ct.gov/deep/cwp/view.asp?A=2705&Q=511502>

Calculate yourself, or use

Mean High Water (MHW) is the average of all the high water heights observed over the National Tidal Datum Epoch

Mean Low Water (MLW) is The average of all the low water heights observed over the National Tidal Datum Epoch.



Office of Long Island Sound Programs Coastal Jurisdiction Line Elevations Elevations Referenced to NAVD88

Long Island Sound	
Greenwich	5.5'
Stamford	5.5'
Darien	5.5'
Norwalk	5.4'
Westport	5.3'
Fairfield	5.2'
Bridgeport	5.0'
Stratford*	4.8'
Milford*	4.7'
Orange*	4.7'
West Haven	4.6'
New Haven	4.6'
Hamden	4.6'
North Haven	4.6'
East Haven	4.5'
Branford	4.3'
Gulford	4.0'
Madison	3.7'
Clinton	3.4'
Westbrook	3.2'
Old Saybrook	2.9'
Old Lyme*	2.8'
East Lyme	2.3'
Waterford*	2.1'
New London*	2.0'
Groton*	2.0'
Stonington	2.0'

Connecticut River	
Old Lyme*	2.9'
Old Saybrook	2.9'
Lyme	2.9'
Essex	2.8'
Deep River	2.9'
Chester	2.9'
East Haddam	3.0'
Haddam	3.0'
East Hampton	3.0'
Middletown	3.1'
Portland	3.3'
Cromwell	3.3'
Rocky Hill	3.4'
Glastonbury	3.5'
Wethersfield	3.6'
East Hartford	3.8'
Hartford	3.8'
South Windsor	3.9'
Windsor	3.9'
East Windsor	15.0'
Windsor Locks	15.0'
Suffield	40.5'
Enfield	40.5'

Thames River	
New London*	2.1'
Groton*	2.1'
Waterford*	2.2'
Ledyard	2.3'
Montville	2.3'
Preston	2.3'
Norwich	2.4'

Housatonic River	
Stratford*	5.0'
Milford*	5.1'
Shelton	5.4'
Orange	5.4'
Ansonia	5.4'
Derby	5.4'

*- Municipalities with two CJL elevations.



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For any tidal, coastal or navigable waters of the state located **upstream of a tide gate**, weir, or other device that modifies the flow of tidal waters, **the coastal jurisdiction line** for such tidal, coastal or navigable waters **shall be** the elevation of **mean high water** as found at the downstream location of such device.

“navigable waters” means Long Island Sound, any cove, bay or inlet of Long Island Sound, and that portion of any tributary, river or stream that empties into Long Island Sound upstream to the first permanent obstruction to navigation for watercraft from Long Island Sound



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“Coastal waters” means those waters of Long Island Sound and its harbors, embayments, tidal rivers, streams and creeks, which contain a salinity concentration of at least five hundred parts per million under the low flow stream conditions as established by the commissioner;



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SD&F Permitting (CGS Sections 22a-359 through 22a-363f)

Need a permit to: dredge, erect any structure, place any fill, obstruction or encroachment or carry out any work incidental thereto or retain or maintain any structure, dredging or fill, in the tidal, coastal or navigable waters of the state waterward of the coastal jurisdiction line.



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DEEP Coastal Permitting

SD&F Permitting (CGS Sections 22a-359 through 22a-363f)

Decision-making Criteria:

CGS Sec. 22a-359(a) Any decisions made by the commissioner pursuant to this section shall be made with due regard for:

- indigenous aquatic life
- fish and wildlife
- the prevention or alleviation of shore erosion and coastal flooding
- the use and development of adjoining upland



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SD&F Decision-making Criteria (cont...):

- the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes
- the use and development of adjacent lands and properties
- the interests of the state, including pollution control, water quality, recreational use of public water and management of coastal resources
- **with proper regard for the rights and interests of all persons concerned (Riparian/Littoral Rights)**



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Certificate of Permission

- Considered a DEEP Short Permit Process
- Sort of an “Amnesty” program for pre-1995 structures
- Issue approximately 170 COP’s/year, with average processing time +/-50 days
- COP’s outnumber individual SD&F permits by >2:1 ratio
- Can require modifications to mitigate impacts to coastal resources, navigation, etc...

1995 Aerial Photo



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DEEP Coastal Permitting

Sec. 22a-363b(a) Activities eligible for COP's

- **Substantial maintenance** or repair of existing structures, fill, obstructions or encroachments authorized pursuant to section 22a-33 or 22a-361
- **Substantial maintenance** of any structures, fill, obstructions or encroachments in place prior to January 1, 1995, and continuously maintained and serviceable since such time;
- **Maintenance** dredging of areas which have been dredged and continuously maintained and serviceable as authorized pursuant to section 22a-33 or 22a-361;



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COP eligible activities cont...

- Activities allowed pursuant to a **perimeter permit** and requiring authorization by the commissioner;
- The removal of derelict structures or vessels;
- Minor alterations or amendments to permitted activities consistent with the original permit;
- Minor alterations or amendments to activities completed prior to January 1, 1995;



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COP eligible activities cont...

- **Placement of temporary structures for water-dependent uses, as defined in section 22a-93;**
- **Open water marsh management, tidal wetland restoration, resource restoration or enhancement activity, as defined in subsection (a) of section 22a-361, including beach nourishment, and conservation activities undertaken by or under the supervision of the Department of Energy and Environmental Protection;**



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COP eligible activities cont...

- The placement or reconfiguration of piers, floats, docks or moorings within existing waterward boundaries of recreational marinas or yacht clubs which have been authorized pursuant to section 22a-33 or 22a-361; and
- **Substantial maintenance** or repair of structures, fill, obstructions or encroachments placed landward of the mean high waterline and waterward of the coastal jurisdiction line completed prior to October 1, 1987, and continuously **maintained** and **serviceable** since said date.



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Sec. 22a-363b(b)(1) – more COP eligibility...

- The commissioner shall issue a certificate of permission for activities that were completed prior to January 1, 1995, for which permits, certificates or emergency authorizations were required pursuant to section 22a-32, this section, section 22a-361 or section 22a-363d, which were conducted without such permit, certificate or emergency authorization, provided the applicant demonstrates that such activity substantially complies with all applicable standards and criteria.
- The commissioner shall authorize the maintenance of or minor alterations to unauthorized activities consistent with this subsection, including, but not limited to, the use of alternative deck surfacing materials and the use of alternative materials for seawalls designed using generally accepted engineering practices.



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More COP Definitions:

For the purposes of this section, **standards and criteria** are those specified in sections 22a-33 and 22a-359 and regulations adopted pursuant to section 22a-30, in any regulations adopted pursuant to subsection (c) of said section 22a-361, in the water quality standards of the Department of Energy and Environmental Protection, and in sections 22a-92 and 22a-98 for activities within the **coastal boundary**, as defined in section 22a-93.



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COP Definitions

“**routine maintenance**” means replacement and repair of **out-of-water structures** including the surfaces of docks, piers, wharves and bridges, replacement or repair in any year of up to fifty per cent of all pilings approved in accordance with section 22a-361 and seasonal installation, reinstallation or repair of floating docks, provided that all locations, dimensions, elevations and materials shall remain the same as or equivalent to that approved in accordance with said section;

“**Substantial maintenance**” means rebuilding, reconstructing, or reestablishing to a **preexisting condition and dimension** any structure, fill, obstruction or encroachment;



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COP Decision-making cont...

The commissioner shall, within **forty-five days** of receipt of a request for a certificate of permission, issue such certificate or notify the person making such request that (1) additional information or an application for a permit pursuant to section 22a-32 or 22a-361 is required, or (2) the structure, fill, obstruction or encroachment is not eligible for a certificate of permission.

If the commissioner requests additional information from an applicant, the commissioner shall make a determination on the application no later than **ninety days** from the date of receipt of the request for a certificate of permission.



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Tidal Wetlands Jurisdiction:

- Border on or lie beneath tidal waters
- Banks, bogs, salt marshes, swamps, meadows, etc...
- Now or formerly connected to tidal waters
- Ground surface at or below one foot above the extreme high tide (1 Year Frequency Tidal Flood on USACOE Flood Profiles Sept. 1988)
<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Forms/TidalFloodProfiles.pdf>
- Capable of growing plants listed in statute



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Tidal Wetland Plant List (no soils in the definition)

“upon which may grow or be capable of growing some, but not necessarily all, of the following:

Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass (*Spartina alterniflora*), saltworts (*Salicornia Europaea*, and *Salicornia bigelovii*), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus robustus* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina*), switch grass (*Panicum virgatum*), tall cordgrass (*Spartina pectinata*), high-tide bush (*Iva frutescens* var. *oraria*), ...”



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Tidal Wetlands Act (CGS Sections 22a-28 through 22a-35a)

Tidal Wetland Regulations (RCSA Sections 22a-30-1 through 22a-30-17)

“Regulated activity” means any of the following: draining, dredging, excavation, or removal of soil, mud, sand, gravel, aggregate of any kind or rubbish from any wetland or the dumping, filling or depositing thereon of any soil, stones, sand, gravel, mud, aggregate of any kind, rubbish or similar material, either directly or otherwise, and the erection of structures, driving of pilings, or placing of obstructions, whether or not changing the tidal ebb and flow.



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***All TW activities are also regulated under SDF**

TW Decision-making criteria:

CGS Sec. 22a-33 “...shall consider the effect of the proposed work with reference to:

- the public health and welfare
- marine fisheries, shellfisheries, wildlife
- the protection of life and property from flood, hurricane and other natural disasters
- and the public policy set forth in sections 22a-28 to 22a-35, inclusive.”



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The Public Trust and Coastal Permitting

<http://www.ct.gov/deep/cwp/view.asp?A=2705&Q=323792> (DEEP Fact Sheet)

The public trust area comprises submerged lands and waters waterward of the mean high water line in tidal coastal, or navigable waters of the state of Connecticut.

The public trust area is also called the “**Public Beach**” which is that portion of the shoreline held in public fee ownership by the state or that portion of the shoreline below the mean high tide elevation that is held in public trust by the state.

In almost every case, private property ends, and public trust property begins, at the mean high water line (often referred to as "high water mark" in court decisions).



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"Public rights include fishing, boating, hunting, bathing, taking shellfish, gathering seaweed, cutting sedge, and of passing and repassing. . ."
Orange v. Resnick, 94 Conn. 573 (1920).

"It is settled in Connecticut that the public has the right to boat, hunt, and fish on the navigable waters of the state." State v. Brennan, 3 Conn. Cir. 413 (1965).

"The public has the right to fish and shellfish over submerged private lands", Peck v. Lockwood, 5 Day 22 (1811).

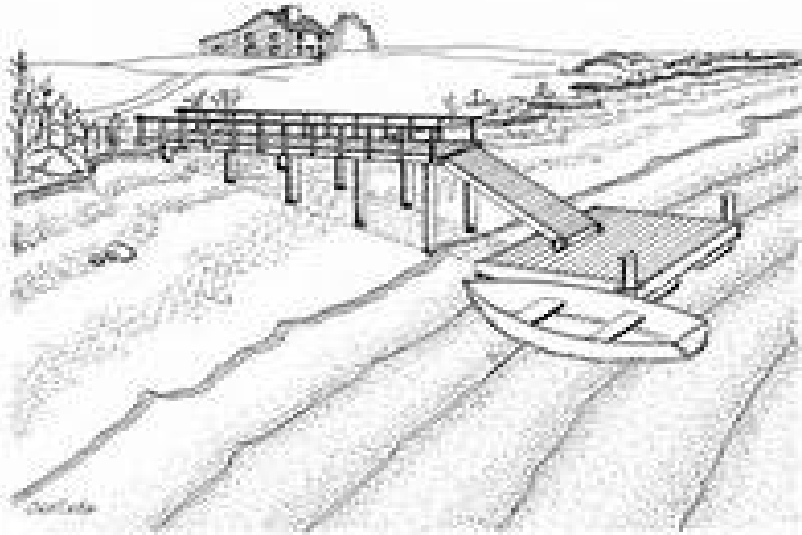
"The public has the right to pass and repass in navigable rivers", Adams v. Pease 2 Conn. 481 (1818) .

"The public may gather seaweed between ordinary high water and low water", Chapman v. Kimball 9 Day 38 (1831).



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Policy to require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, **the public beach below mean high water** must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach;



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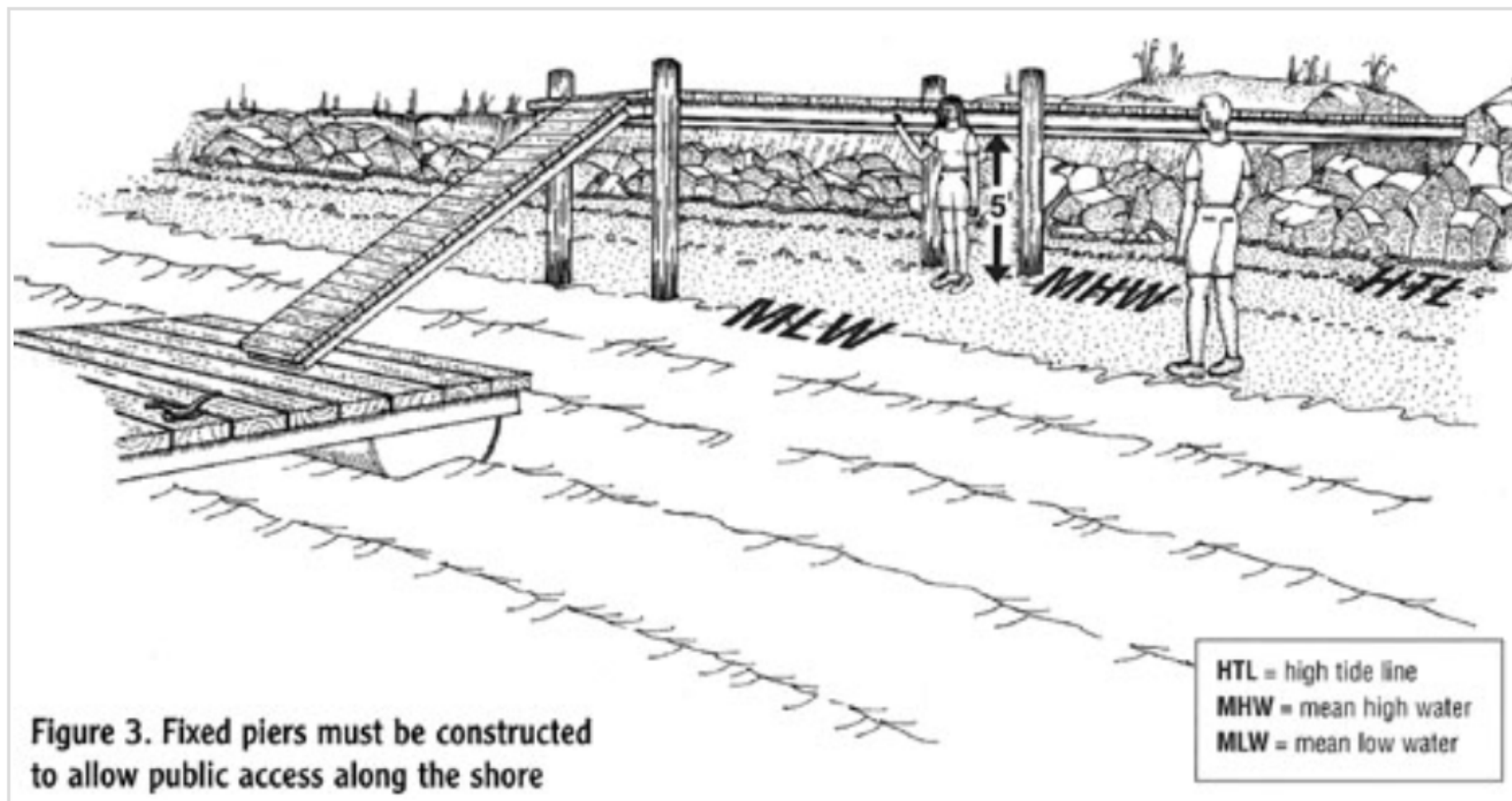
Topic Discussion: Residential Dock Guidelines (There are no dock standards in statute or regulation)

<http://www.ct.gov/deep/cwp/view.asp?a=2705&q=323798>

The placement of a private dock in public trust waters is limited to the minimum encroachment which provides "reasonable" access to the water. In most situations, reasonable access is achievable with a four-foot wide fixed pier extending to mean low water (MLW), a gangway or ramp and a 100 square foot float. While such a structure may not be ideally sized for a specific vessel size and may not provide full tidal-cycle access, in most cases it strikes a balance between private rights of access and the public's right to use and enjoy public trust waters.

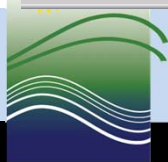
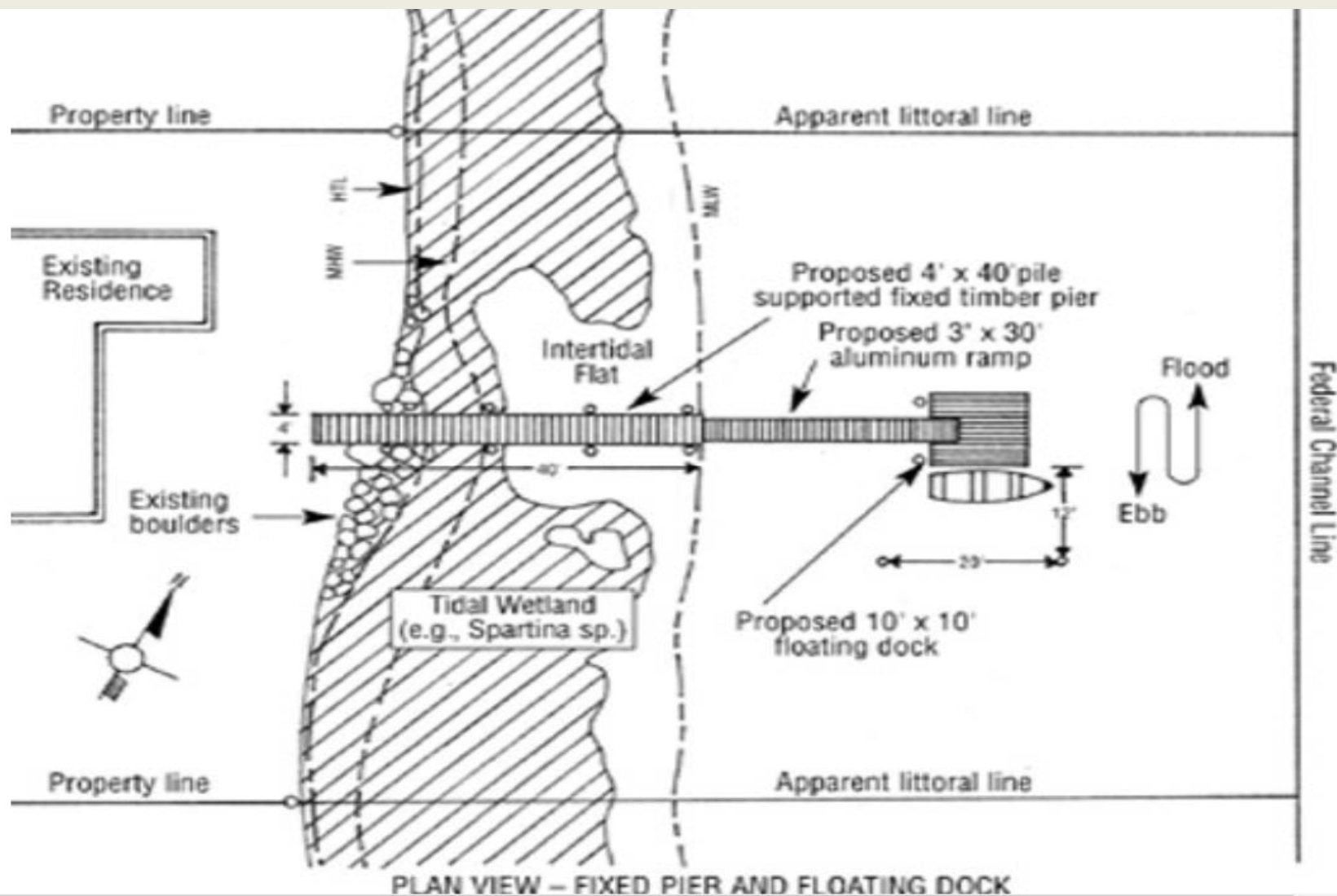


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Connecticut Coastal Management Act

Basic Objectives

- protect coastal resources
- promote water-dependent uses
- avoid unacceptable adverse impacts to coastal resources and water-dependent use development opportunities

***Need to read CGS Secs. 22a-91 through 22a-93**

https://www.cga.ct.gov/current/pub/chap444.htm#sec_22a-90

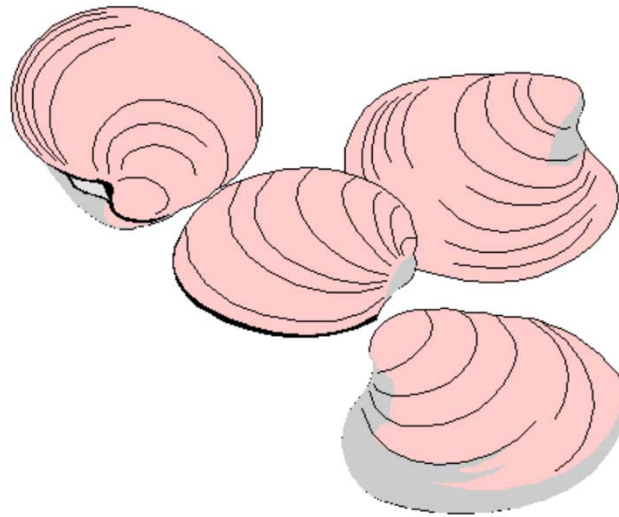


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http://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Commission_Forms/coastal_guide.pdf

REFERENCE GUIDE TO COASTAL POLICIES AND DEFINITIONS



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Sec. 22a-91. Legislative findings. The General Assembly finds that:

- (1) The waters of **Long Island Sound** and its coastal resources, including tidal rivers, streams and creeks, wetlands and marshes, intertidal mudflats, beaches and dunes, bluffs and headlands, islands, rocky shorefronts, and adjacent shorelands form **an integrated natural estuarine ecosystem which is both unique and fragile**;
- (2) **Development** of Connecticut's coastal area has been extensive and has had a **significant impact** on Long Island Sound and its coastal resources;
- (3) The coastal area represents an **asset** of great present and potential value to the economic well-being of the state, and there is a **state interest** in the effective management, beneficial use, protection and development of the coastal area;



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(4) The **waterfront** of Connecticut's major **urban ports** is **underutilized** and many existing urban waterfront **uses are not directly dependent on proximity to coastal waters**;

(5) The coastal area is rich in a variety of natural, economic, recreational, cultural and aesthetic resources, but the full realization of their value can be achieved only by **encouraging further development in suitable areas and by protecting those areas unsuited to development**;



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(6) The key to improved public management of Connecticut's coastal area is **coordination at all levels of government** and consideration by **municipalities** of the impact of development on both coastal resources and future water-dependent development opportunities when preparing plans and regulations and reviewing municipal and private development proposals; and

(7) **Unplanned** population **growth** and economic **development** in the coastal area have caused the **loss** of living marine resources, wildlife and nutrient-rich areas, and have **endangered** other vital **ecological systems** and scarce resources



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CGS Sec. 22a-92. Legislative goals and policies. (a) The following general goals and policies are established by this chapter:

- (1) To ensure that the **development, preservation or use of the land** and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
- (2) To **preserve and enhance coastal resources** in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;
- (3) To give **high priority and preference to uses and facilities which are dependent upon proximity to the water** or the shorelands immediately adjacent to marine and tidal waters;



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- (4) To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by **giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits;**
- (5) To consider in the planning process the potential **impact of a rise in sea level, coastal flooding and erosion patterns on coastal development** so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;
- (6) To **encourage public access to the waters of Long Island Sound** by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;



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- (7) To conduct, sponsor and assist research in coastal matters to improve the data base upon which coastal land and water use decisions are made;
- (8) To coordinate the activities of public agencies to ensure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan for conservation and development adopted pursuant to part I of chapter 297;
- (9) To coordinate planning and regulatory activities of public agencies at all levels of government to ensure maximum protection of coastal resources while minimizing conflicts and disruption of economic development;



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CGS 22a-92(b) In addition to the policies stated in subsection (a) of this section, the following policies are established for federal, **state and municipal agencies** in carrying out their responsibilities under this chapter:

(1) Policies concerning development, facilities and uses within the coastal boundary are: **(A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas;**



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Connecticut Coastal Management Act (C.G.S. §22a-90 through § 22a-112)

The Connecticut coastal area shall include the land and water within the area delineated by the following: The westerly, southerly and easterly limits of the state's jurisdiction in Long Island Sound; the towns of Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield, Bridgeport, Stratford, Shelton, Milford, Orange, West Haven, New Haven, Hamden, North Haven, East Haven, Branford, Guilford, Madison, Clinton, Westbrook, Deep River, Chester, Essex, Old Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London, Montville, Norwich, Preston, Ledyard, Groton and Stonington.



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Within the coastal area, there shall be a coastal boundary which shall be a continuous line delineated on the landward side by the interior contour elevation of the one hundred year frequency coastal flood zone, as defined and determined by the National Flood Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234), or a one thousand foot linear setback measured from the mean high water mark in coastal waters, or a one thousand foot linear setback measured from the inland boundary of tidal wetlands mapped under section 22a-20, whichever is farthest inland; and shall be delineated on the seaward side by the seaward extent of the jurisdiction of the state.



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These Coastal Boundary Maps are available in:

- **Various GIS layers (including OLISP Coastal Viewer - v2.0 & SIMS Geospatial Viewer)**
- **Mylars at DEEP**
- **At the Coastal Area Town's offices**



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“Water-dependent uses” means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: **Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water** which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters;



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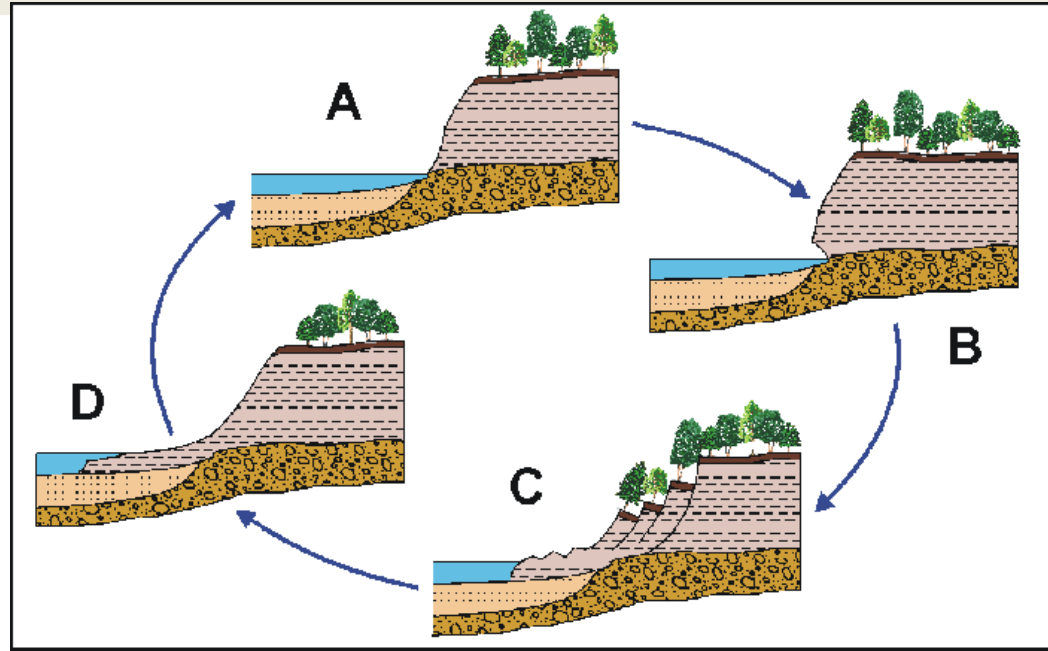
“Coastal resources” means the coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem; coastal resources include the following:



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“Coastal bluffs and escarpments” means naturally eroding shorelands marked by dynamic escarpments or sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage and degree of plant cover;



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Policies concerning coastal land and water resources within the coastal boundary are to manage **coastal bluffs and escarpments** so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system;



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“rocky shorefronts” means shorefront composed of bedrock, boulders and cobbles that are highly erosion-resistant and are an insignificant source of sediments for other coastal landforms;

http://longislandsoundstudy.net/wp-content/uploads/2010/02/6_LivingTreasures_RockyIntertidal_LoRes.pdf



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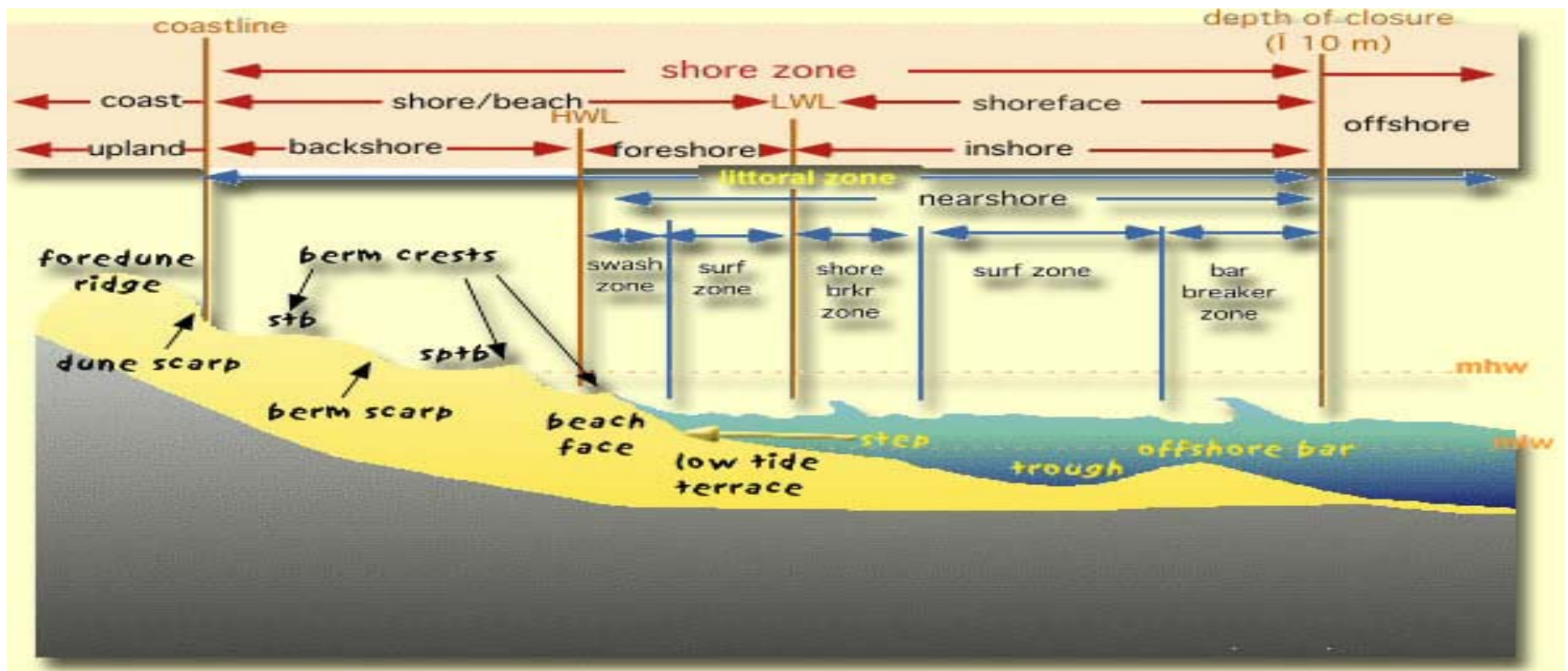
Policy to manage **rocky shorefronts** so as to ensure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies;



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“beaches and dunes” means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats;



http://w3.salemstate.edu/~lhanson/gls210/GLS210_coasts/beach.htm



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Policy to preserve the dynamic form and integrity of **natural beach systems** in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to ensure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and **enhancement of disturbed or modified beach systems**



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“intertidal flats” means very gently sloping or flat areas located between high and low tides composed of muddy, silty and fine sandy sediments and generally devoid of vegetation;

http://longislandsoundstudy.net/wp-content/uploads/2010/02/4_LivingTreasures_TidalFlats_LoRes.pdf



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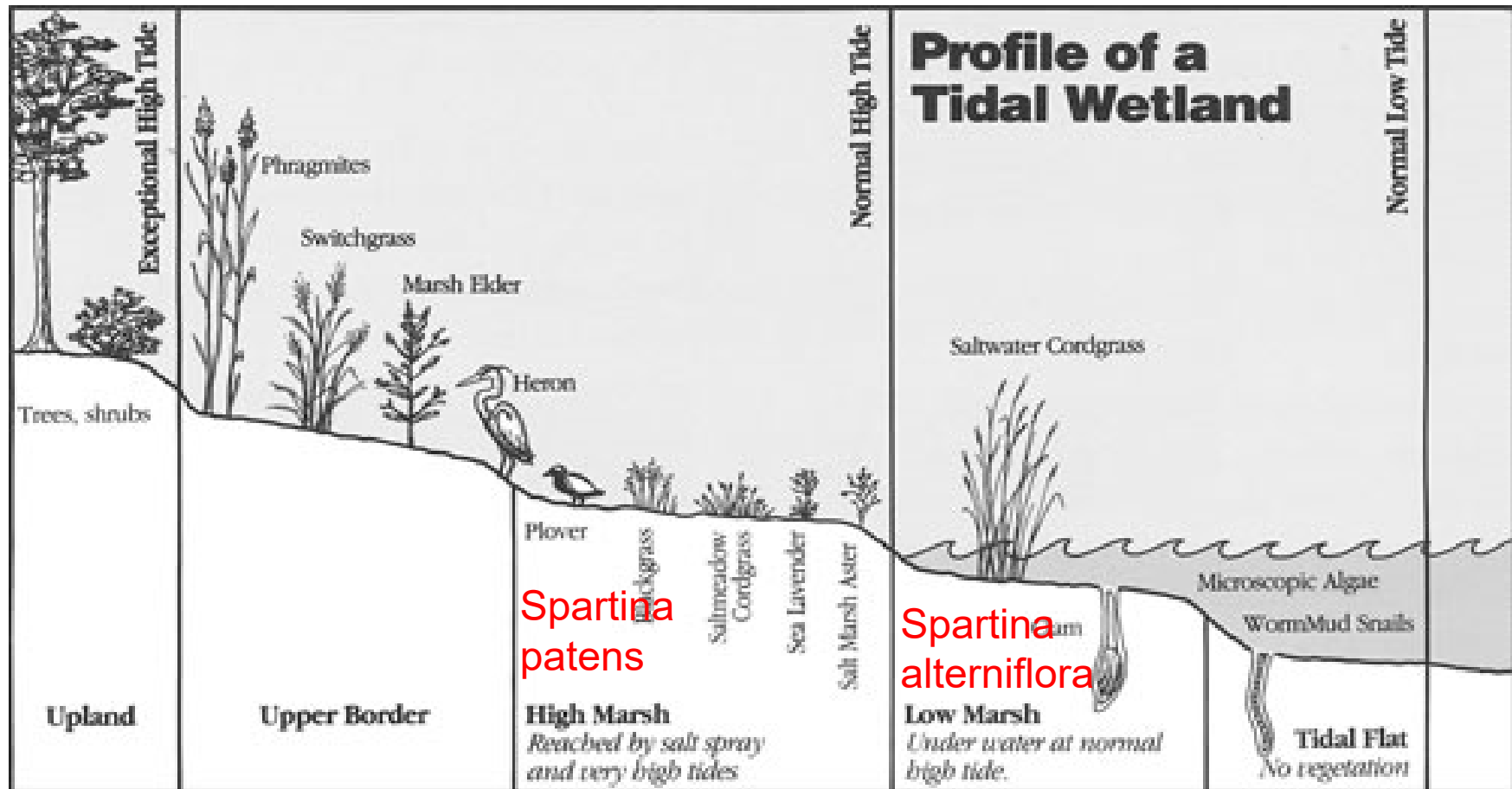
Policy to manage **intertidal flats** so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; **to encourage the restoration and enhancement of degraded intertidal flats**; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats;



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“tidal wetlands” means “wetland” as defined by section 22a-29



<http://longislandsoundstudy.net/wp-content/uploads/2004/12/tidal-wetlands.pdf>



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Policy to preserve **tidal wetlands** and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; **to encourage the rehabilitation and restoration of degraded tidal wetlands** and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal;



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Policy to disallow any filling of **tidal wetlands** ... for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal;

Policy to disallow new dredging in **tidal wetlands** except where no feasible alternative exists and where adverse impacts to coastal resources are minimal;



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“freshwater wetlands and watercourses” means “wetlands” and “watercourses” as defined by section 22a-38;

The preservation and protection of the **wetlands and watercourses** from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state.



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“estuarine embayments” means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves;



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To manage **estuarine embayments** so as to ensure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational finfisheries;



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To maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures.



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“coastal hazard areas” means those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the commissioner;

<http://www.ct.gov/deep/cwp/view.asp?A=2705&Q=470890>

<http://www.ct.gov/deep/cwp/view.asp?A=2705&Q=480782>



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Policy to manage **coastal hazard** areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses;



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“**developed shoreline**” means those harbor areas which have been highly engineered and developed resulting in the functional impairment or substantial alteration of their natural physiographic features or systems;



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Policy to promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing **developed shorefront areas** for marine-related uses, including but not limited to, commercial and recreational fishing, boating and other **water-dependent** commercial, industrial and recreational uses;



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“island” means land surrounded on all sides by water;

Policy to manage **undeveloped islands** in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components;



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“**shorelands**” means those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills and drumlins;

Policy to regulate **shoreland** use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources;



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“**nearshore waters**” means the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour;

“**offshore waters**” means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour;

Policy to disallow any filling of ... **nearshore, offshore and intertidal waters** for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal;



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“shellfish concentration areas” means actual, potential or historic areas in coastal waters, in which one or more species of shellfish aggregate;
(Refer to policy on Intertidal Flats)

“Shellfish Concentration Area” map mylars in the map cubicle (behind the Alert Room)

“Managed Shellfish Beds” GIS layer in OLISP Coastal Viewer - v2.0

<http://seagrant.uconn.edu/whatwedo/aquaculture/shellmap.php>



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“Adverse impacts on coastal resources” include but are not limited to:

- (A) **degrading water quality** through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity;
- (B) **degrading existing circulation patterns** of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours;
- (C) **degrading natural erosion patterns** through the significant alteration of littoral transport of sediments in terms of deposition or source reduction;



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“Adverse impacts on coastal resources” include but are not limited to:

(D) **degrading natural or existing drainage patterns** through the significant alteration of groundwater flow and recharge and volume of runoff;

(E) **increasing the hazard of coastal flooding** through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones;

(F) **degrading visual quality** through significant alteration of the natural features of vistas and view points;



... Jurisdiction



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A municipality regulates upland activities under local planning and zoning authority down the ***mean high water*** line. Because the DEP-OLISP regulates activities waterward of the coastal jurisdiction line, in general, especially on gently sloping shorelines, there will be an area of overlapping jurisdictions because the high tide line will be further landward than mean high water.



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Regardless of whether the DEEP, a municipality, or both, have jurisdiction over specific proposed activities along the shore, the Connecticut Coastal Management Act's (CCMA) policies and standards apply. During coastal site plan review and long range municipal planning, municipal planning and zoning commissions apply the CMA's goals and standards for the protection of both coastal resources and water-dependent uses.



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CCMA Framework

- ❖ Legislative Findings 22a-91
- ❖ Legislative Goals and Policies 22a-92
- ❖ Definitions 22a-93
- ❖ Adverse Impacts *(on resources and water WDUs)*
- ❖ **CSPR 22a-105 to 22a-109**
 - ❖ Activities that are required to undergo a CSPR (plans submitted to P&Z, Special Exceptions and Special Permits, variance requests, municipal actions, SFECS)
 - ❖ Minimum site plan requirements
- ❖ Criteria for Action *(adverse impacts acceptable or not)*
 - ❖ Written Findings are required – may condition an approval to mitigate potential adverse impacts

Regulatory Training

Municipal Coastal Site Plan Review

Does project include a change of zoning map or regulations, a shoreline flood and erosion control structure or is a coastal site plan review required?

Shoreline Flood & Erosion Control Structure:

Referral of coastal site plan review to DEP- OLISP is required within 15 days of receipt of proposal. The commission or board must allow the commissioner of DEP 35 days for review and comment before it may render its decision.

Zoning Map or Regulation Change:

The commission or board must allow the commissioner of DEP 35 days for review and comment before it may render its decision.



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