



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Instructions for Completing a Certificate of Permission Application for the Office of Long Island Sound Programs

Use these instructions to: 1) complete the Certificate of Permission application form DEP-OLISP-APP-200 and 2) prepare supporting documents. These instructions are not a substitute for the requirements of the relevant statutes and any regulations thereunder. You should review all applicable laws prior to completing this application. Remember, it is your responsibility to comply with all applicable laws

Introduction

The Office of Long Island Sound Programs (OLISP) of the Department of Energy and Environmental Protection (DEEP) regulates a variety of permitting programs for work conducted in tidal wetlands and in tidal, coastal or navigable waters of the state. The purpose of these programs is to conserve and protect the water and natural resources of the state and to protect life and property from erosion and flood hazards. For any questions you may have regarding application requirements, call OLISP at 860-424-3034.

Pre-Application Meeting

OLISP recommends that you meet with staff in a “pre-application meeting” prior to submitting your application to discuss the approvability of your project. Please contact the OLISP Permitting Section at 860-424-3034 to schedule this meeting.

Who Needs a Permit? a COP?

Any person, firm or corporation, whether public or private, who is proposing to carry out any regulated work in the tidal, coastal or navigable waters of the state or in tidal wetlands must apply for and receive an authorization prior to conducting that work.

A Certificate of Permission (COP) may be issued for certain minor activities involving dredging, erection of structures, or fill in any tidal, coastal or navigable waters of the state or in tidal wetlands in accordance with sections 22a-361 through 22a-363c, and sections 22a-28 through 22a-33 of the Connecticut General Statutes (CGS). The specific activities eligible under this program are listed below as defined in CGS section 22a-363b(a):

1. Substantial maintenance or repair of existing structures, fill, obstructions or encroachments authorized pursuant to the Structures, Dredging and Fill Statutes, CGS section 22a-361, and/or the Tidal Wetlands Act, CGS section 22a-32.
2. Substantial maintenance of any structures, fill, obstructions or encroachments in place prior to June 24, 1939, and continuously maintained and serviceable since such time.
3. Maintenance dredging of areas which have been dredged and continuously maintained and serviceable as authorized pursuant to the Structures, Dredging and Fill Statutes, CGS section 22a-361, and/or the Tidal Wetlands Act, CGS section 22a-32.
4. Activities allowed pursuant to a perimeter permit and requiring authorization by the

Commissioner of Energy and Environmental Protection.

5. The removal of derelict structures or vessels.
6. Minor alterations or amendments to activities permitted pursuant to CGS section 22a-361 and/or CGS section 22a-32 consistent with the original permit.
7. Minor alterations or amendments to activities completed prior to June 24, 1939.
8. Placement of temporary structures for water-dependent uses, as defined by CGS section 22a-93(16).
9. Open water marsh management, tidal wetland restoration, resource restoration or enhancement activity, as defined in subsection (a) of section 22a-361, and conservation activities undertaken by or under the supervision of the Department of Energy and Environmental Protection.
10. The placement or reconfiguration of piers, floats, docks, and moorings within existing waterward boundaries of recreational marinas or yacht clubs which have been authorized pursuant to the Structures, Dredging and Fill Statutes, CGS section 22a-361, and/or the Tidal Wetlands Act, CGS section 22a-32.
11. 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.

The following three categories of activity **may** be eligible for a COP, **if** the applicant demonstrates that the activity complies with all applicable standards and criteria:

- Retention of unauthorized activities completed prior to January 1, 1995.

- Substantial maintenance or repair of unauthorized activities completed prior to January 1, 1995.
- Minor alterations or amendments to unauthorized activities completed prior to January 1, 1995.

Eligibility for the categories of activities that pre-date January 1, 1995 is not automatic, but will be determined on a case-by-case basis, taking into account the applicant's responsibility for having conducted the unauthorized activity, whether the applicant "bought into" an existing violation, and whether the applicant knew or had reason to know of the unauthorized activity.

How To Apply

Your Certificate of Permission application must include the following:

- *A Certificate of Permission Application for the Office of Long Island Sound Programs (DEP-OLIS-APP-200)* and all supporting documents,
- Two copies of the original application package, including all plans and photographs,
- The applicable initial fee, paid by check or money order, made payable to the "Department of Energy and Environmental Protection."

Note: The initial fee is the total fee due.

You must submit the above materials together as a package to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Submit one complete application copy to the U.S. Army Corps of Engineers, Regulatory Division, 696 Virginia Road, Concord, MA, 01742

When submitting your Certificate of Permission application, label your supporting documents as directed on your application form and always include, on each document, the applicant's name. When additional space is necessary to answer a question stated in the application, please insert additional sheets by the appropriate question. Label each sheet with the applicant's name, along with the corresponding part number and question number indicated on the Certificate of Permission application form. You should retain a copy of all documents for your files.

Note: If your town has a Harbor Management Commission, a copy of the application and all supporting documents must also be sent by certified mail to the Commission at the time of application to the Office of Long Island Sound Programs. Refer to the [Harbor Management Commission](#) lists for contact information. **Please check the appropriate box on page one of the application form and submit a copy of the receipt with your application materials indicating that these documents were sent certified.**

COP Application Instructions (DEP-OLIS-APP-200)

Please read the application form and instructions carefully. They have been designed to obtain specific information and any information that is missing or unclear will cause delays in the review process. Please answer *all* questions.

Please be advised that these instructions are not a substitute for any state or federal statutes or regulations. Be sure to refer to applicable statutes and regulations while completing your application.

Check the "Available Resources" section at the end of these instructions for assistance in obtaining guidelines, maps, etc., which are referenced in these instructions.

Part I: Application Description

Provide a brief description of the activity and the town location of the subject activity. The description should be specific to identify the application. For example a dock repair on the Connecticut River in Essex.

If there are any changes or corrections to your company/facility or individual mailing or billing address or contact information, please complete and submit the [Request to Change Company/Individual Information](#) to the address indicated on the form. If there is a change in name of the entity holding a DEEP license or a change in ownership, contact the Office of Planning and Program Development (OPPD) at 860-424-3003. For any other changes you must contact the specific program from which you hold a current DEEP license.

Any person proposing to transfer a DEEP permit must submit a completed *Permit Transfer Form* (DEP-APP-006) and transfer fee to DEEP. The *Permit Transfer Form* may be used for changes in owners and operators of the licensed activity; if other changes are proposed

Part II: Fee Information

The fee of \$375.00 (or \$187.50 if the applicant is a municipality) must be submitted with the application.

DEEP will not process an application and will deem such application to be insufficient unless the required initial fees have been paid.

Part III: Applicant Information

When completing this part, please use the following standards:

- *Name* - Provide the full, legal *company/firm* name. (If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on the registration.) This information can be accessed at

CONCORD. If identifying an *individual*, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr., Sr., II, III, etc.). If the applicant is a governmental body, identify the city or town of such body followed by the relevant department, board or division.

- *Phone* - Unless otherwise indicated, the phone number provided should be the number where the corresponding individual can be contacted during daytime business hours.
 - *Contact Person* - Provide the name of the specific individual within the company whom DEEP may contact.
 - *E-Mail* – Applicants must provide an accurate e-mail address when completing their application form. The e-mail address may be used for future correspondence from the DEEP to your business.
1. *Applicant* – Complete the information concerning the applicant. Indicate the *applicant's interest* in the property where the proposed activity is to be located.
 2. *Billing Contact* – Complete the information concerning the applicant's billing contact, if different than the applicant.
 3. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for you during the processing of the permit application, complete this section. DEEP will direct copies of all correspondence and inquiries to this primary contact. Please be aware that for legal reasons there will be circumstances when DEEP will notify the applicant instead of the primary contact.
 4. *Site Owner(s)* - If the applicant is not the owner of the affected facility, complete this section.

5. *Facility Owner(s)* - If the applicant is not the owner of the affected facility, complete this section.
6. *Attorney* - It is not required that an applicant be represented by an attorney or any other agent. If you do have an attorney, complete this section.
7. *Engineers or Consultants* - List any engineers or *other* consultants employed or retained to assist in preparing the application or to design, construct or operate the proposed activity. Be sure to identify the service that is being provided by each.
8. *Abutting and Adjacent Property Owners* - Provide names and addresses of all abutting and adjacent property owners as Attachment C.
9. *Pre-Application Meeting* – If you met with OLISP staff to discuss the proposed project, provide the name of the OLISP staff person you met with and the date the meeting was held.

Part IV: Site and Resource Information

For the purposes of these instructions, site or project site refers to the property at which the proposed regulated activity is to be conducted.

1. Site Location

The site name, if applicable, should be the name by which the site is commonly known and/or uniquely identified.

The information given as the location address should be the address of the property at which the proposed activity will take place. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example, ". . . on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road."

Provide the latitude and longitude, in degrees, minutes and seconds or in decimal degrees, of the approximate center of the facility or site of the proposed work. In addition, please indicate the method used to determine the latitude and longitude coordinates. There are a variety of methods of deriving latitude and longitude coordinates with the Global Positioning System (GPS) being the most accurate.

Provide the municipal tax assessor's mapping reference (map, block, lot/parcel designations) for the site. These numbers may be found on the most recent tax bill for the property or obtained from the tax assessor's office in the town in which the property is located.

2. Coastal Management Act Consistency

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CCMA) (CGS sections 22a-90 through 22a-112). You must indicate whether your project site is or is proposed to be located in the *coastal area*. If the project site is within the coastal area, the proposed work is subject to and will be evaluated for consistency with the CCMA.

The *coastal area*, as defined in CGS section 22a-94(a), includes the land and water within the following towns:

Branford	Guilford	Old Saybrook
Bridgeport	Hamden	Orange
Chester	Ledyard	Preston
Clinton	Lyme	Shelton
Darien	Madison	Stamford
Deep River	Milford	Stonington (Borough and Town of)
East Haven	Montville	Stratford
East Lyme	New London	Waterford
Essex	New Haven	West Haven
Fairfield	North Haven	Westbrook
Greenwich	Norwalk	Westport
Groton (City and Town of)	Norwich	
	Old Lyme	

3. Natural Diversity Data Base (NDDDB) - Endangered And Threatened Species

Section 26-310 (a) of the Connecticut General Statutes states that each state agency, in consultation with the DEEP commissioner,

shall conserve endangered and threatened species and their essential habitats, and shall ensure that any activity authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species.

Please refer to “*Requests for Natural Diversity Data Base State Listed Species Reviews*” located on the DEEP website at:

www.ct.gov/deep/nddbrequest to determine if your activity is located within an area identified as a habitat for endangered, threatened or special concern species. If applicable, prior to submitting the subject application, you must submit a *Request for NDDDB State Listed Species Review*” form (DEP-APP-007) to NDDDB. Please note that NDDDB review generally takes 4 to 6 weeks. You must then submit a CT NDDDB response and copies of any other correspondence to and from the NDDDB, including a copy of the completed *Request for NDDDB State Listed Species Review*” form (DEP-APP-007) with your application as Attachment D.

4. Aquifer Protection Areas

Aquifer protection areas are defined in CGS section 22a-354a through bb and are the areas that contribute water to public water supply wells. Many towns within the state are required to establish Aquifer Protection Areas. Level A areas are final, regulated areas under the aquifer protection program. Level B areas are preliminary approximations of aquifer protection areas that have not yet been mapped to final standards, so the shape of the area may change when final mapping is completed. Level B maps provide an approximation of the Aquifer Protection Areas.

Please review the list of towns, available on the DEEP website, www.ct.gov/deep/aquiferprotection, to determine if your site location is within one of these towns and, if yes, check the appropriate map, also available on the DEEP website, to

see if the site is within an area identified on a Level A or Level B map.

- If your site location is within an area identified on a Level A map, you may be required to register your activity with either the local aquifer protection agency or the DEEP aquifer protection program. The DEEP website, indicated above, provides the list of towns and maps, regulated activities and information to determine if your activity may be regulated either by the local aquifer protection agency or the DEEP Aquifer Protection Program. For further assistance, you may call the Aquifer Protection Program at 860-424-3020.
- If your site location is within an area identified in a Level B map, no action is required at this time, however, you may be required to register under the Aquifer Protection Area Program in the future when the area is delineated as Level A.

5. Conservation or Preservation Restriction

If the subject site has a conservation or preservation restriction, proof of written notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction, must be submitted and included as Attachment G. The municipality where the site is located may have information concerning such restrictions.

6. Indicate the number and date of issuance of any previous coastal permits or certificates issued by DEEP or its predecessor agencies authorizing work at the site and the names of persons to whom they were issued.

If the number and date of issuance of any previous state coastal permits and certificates for the site is unknown, provide the names of the owners of the property since 1939 and years owned.

7. Identify any changes in conditions of the site since the issuance of the most recent state permit or certificate authorizing work at the site. Identify, for example, whether the site has been developed, construction activities have been conducted or infrastructure installed. Identify whether natural resources have degraded or been restored. Also address any change in ownership or use of the site.
8. Describe the *existing* structures, conditions and uses at the site of the proposed work. Identify structures, uses, and site characteristics as they currently exist. This description must include areas where materials and/or equipment may be stockpiled or staged during construction.
9. Provide the name of the waterbody at the site of proposed work. This should be the commonly known or used name of the river or bay, or if applicable, Long Island Sound or Fishers Island Sound.
10. Provide the elevation of the applicable regulatory limit for your project based on the North American Vertical Datum of 1988 (NAVD88). This limit is one foot above local extreme high water for projects located within areas of tidal wetlands or areas capable of supporting tidal wetlands in accordance with CGS section 22a-29(2) and the Coastal Jurisdiction Line (CJL) for projects not located within areas of tidal wetlands pursuant to CGS section 22a-359(c). Local extreme high water is defined in section 22a-30-2(h) of the Tidal Wetlands Regulations as the elevation of the one year frequency tidal flood at a particular location as shown on the most recently adopted U.S. Army Corps of Engineers tidal flood profile. For tidal river areas that are not included in the tidal flood profile, the limit of tidal wetlands must be determined by a qualified person based on the statutory definition (e.g., a professional wetlands scientist, environmental scientist, botanist, or plant ecologist). The CJL for your municipality can be found on the [OLISP](#)

[Coastal Permitting web page](#) on the DEEP website.

For any tidal, coastal or navigable waters of the state located upstream of a tide gate, weir, or other device for which the intent and function is to modify the flow of tidal waters that do not support tidal wetlands, or if your project encompasses more than one CJL, please contact OLISP permitting staff at 860-424-3034 for further guidance.

- 11 Identify how the regulatory limit was determined.** Please note that any alternatively determined regulatory limit that deviates from the values provided by the DEEP must include, as Attachment G: (1) a description of the methodology used to determine the regulatory limit, (2) all calculations, and (3) a justification for the reason that the DEEP values were not used. If a mean high water elevation is used, also provide a discussion of the location of the tide gate, dam or weir.
- 12** Provide the elevations of the mean high water and mean low water at the site and the reference datum used. If using a datum other than NAVD88, an orthometric conversion table must be provided, and included in Attachment G.
- 13.** Identify all aquatic resources on and adjacent to the site and describe the characteristics of each resource. For projects located within the coastal area, identification of aquatic resources should be made using the terms and definitions for coastal resources that are defined in CGS section 22a-93(7). Coastal resource maps, which may be used as a guide to assist in identification of aquatic resources, are available for examination at each municipal planning and zoning office and OLISP; copies may be purchased from DEEP Maps and Publications. If your project is outside the coastal boundary as defined in CGS section 22a-94(a), please indicate the aquatic resources on site such as freshwater or tidal wetlands, riverbank, developed shorefront, etc.

All sites regulated under this program will include one or more coastal or aquatic resources. Describe the characteristics and condition of each resource identified. The location of all aquatic resources, including coastal resources, should be depicted on the Plan View as described in Part V item 2.c. below.

Part V: Project Information

In addition to the general instructions which follow, activity specific guidance, Appendix A, has been prepared to assist you in completing the application form for maintenance dredging and the disposal of dredged material.

To adequately answer the questions in the application form you must refer to the instructions below as well as the activity specific instructions in Appendix A, where applicable.

1. Describe the proposed regulated work and activities including construction methodology and sequencing and plans to minimize erosion and sedimentation.

Provide a written description of all proposed work, including:

- The dimensions of proposed structure(s) and volume(s) of proposed excavation and/or fill;
- The construction method and all equipment and materials to be used and where it will be staged and stored;
- A description of the sedimentation and erosion controls to be employed;
- If proposing maintenance dredging, provide all of the required information specified in the "Maintenance Dredging and the Disposal of Dredged Materials Instructions" in Appendix A.

2. Project Plans

An original and two copies of 8 1/2" x 11" site plans or drawings of a quality sufficient for photocopying must be submitted for all work proposed as Attachment A. Plans or drawings

must be legible and drawn to scale. A plan view, elevation/cross section view, vicinity map and Tax Assessor's map showing the subject and immediately adjacent properties must accompany the application. Drawings may show work as dot shading, hatching, cross hatching or similar graphic symbols. Detailed plan views and cross-sections must be prepared for each separate activity proposed and to show any variation in a particular activity (e.g., variation in channel widths, depths of dredging, different size dock segments.) Full sized site plans may be required for larger, more complex projects.

All plans must contain the following information:

- a title and legend block;
- a north arrow;
- the scale for plan views and a vertical and horizontal scale for cross-sections;
- the date of the drawing(s) or revision(s) thereof;
- the location and height of *existing* and *proposed* tidal elevations, including mean low water and mean high water lines and the applicable regulatory limit relative to the referenced datum.

(NOTE: Clearly distinguishable mean low water, mean high water, and regulatory limit lines are critical to DEEP's ability to evaluate your application.)

- the signature of the preparer (and seal, if preparer is a licensed engineer, architect or surveyor);

Plans for the following *MUST* be prepared by a registered professional engineer or land surveyor:

- marinas and marine commercial facilities;

- erosion control structures such as groins seawalls and revetments;
- fill areas;
- dredged areas;
- any proposed regulated work that will change tidal elevation locations or affect property boundaries.

All surveys, plans and reports requiring measuring, evaluating or mapping topographic conditions, boundary lines, interior lot and street lines, including their monumentation, the horizontal and vertical location of all existing and proposed buildings, structures or other improvements to determine their compliance with any specified location requirements set forth in architectural and/or engineering plans or building and zoning regulations must be prepared by a registered surveyor and must bear his or her seal, as required by section 20-300-10b(b) of the Regulations of Connecticut State Agencies (RCSA).

a. Vicinity Map: A vicinity map is a general map showing a large area, such as a portion of a town, which indicates the location of the project site. Please provide an 8 1/2" x 11" copy or original of a USGS topographic quadrangle map, at a scale of 1:24,000, indicating the exact location of the project site and the proposed activities as described below. DEEP will use this map to enter your project location into its Geographic Information System (GIS). It is important that you accurately locate the project site and proposed activities because the GIS generates natural resource information relevant to your site. An inaccurate description of the project location will delay processing of your application.

The quadrangle name should be noted on the copy of the map submitted.

The location of the project must be delineated in one or more of the three ways depicted on the sample map attached (Appendix B), as follows:

- If practical given the scale of the map and the size of the site, *outline the property boundary* of the site, including the water area, on which the regulated work will take place, or *outline any area* of fill or dredging;
- If the outline of the site or project area cannot be depicted on the map, place a *point* representing the specific location of the proposed work on the map;
- For a linear project such as a revetment or bulkhead along several properties, or a pipeline cable or bridge crossing a tidal river or stream mark a *line* that represents the location of the project. For a linear project which cannot be reasonably represented as a line at this scale or for which the regulated work waterward of the applicable regulatory limit in tidal, coastal and navigable waters is only at selected points, show those points on the map.

b. Tax Assessor's Map: A map from the local tax assessor showing the subject property and immediately adjacent properties must be included with your application.

c. Plan View: A plan view is an overhead view of the proposed work as if you were looking straight down at the site from above. A *GENERAL PLAN VIEW* of the entire project including all proposed work (this may be done on one or more sheets with match lines, as applicable) and *DETAILED PLAN VIEWS* of each of the individual proposed activities must be provided. Plan views should show *existing* and *proposed* conditions at the site. Sometimes all activities and conditions can be shown on a single plan

view but often multiple plan views are required to *clearly* show the proposed activities and proposed changes from existing conditions. At a minimum, the following should be shown on plan views:

- the name of the waterbody;
- the project and property boundaries including riparian line(s), if determined;
- the direction of ebb and flood flows (ebb↔flood);
- the location and height of *existing* and *proposed* tidal elevations, including mean low water and mean high water lines and the applicable regulatory limit relative to the referenced datum.
- To facilitate application review with the U.S. Army Corps of Engineers, the application plans should either contain a label noting that the high tide line is coincident with the coastal jurisdiction line ("HTL/CJL") or with the tidal wetlands limit ("HTL/TWL") or include the two separate elevations.

(NOTE: Clearly distinguishable mean low water, mean high water, and regulatory limit lines are critical to DEEP's ability to evaluate your application.)

- the location of *aquatic resources* as identified in Part IV item 11;
- the location of the shoreline - *existing* and *proposed* (superimposed);
- *existing* and *proposed* bathymetry and land elevations, as appropriate, at the project site based on the specified datum. Proposed bathymetry must take into consideration the reasonable expectation of over dredging;

- all *existing* and *proposed* structures and activities including the erection or removal of structures, filling, dredging and excavation; identify structures and uses, *existing* or *proposed* to be located on or supported by the proposed work;
- the location of all proposed soil erosion control and sedimentation control measures to be employed at the site;
- the staging and storage of equipment and materials to be located in intertidal areas or within tidal wetlands;
- existing navigation projects and facilities such as channels, anchorage areas, fairways and moorings, and their coordinates (coordinates must be based on the Connecticut coordinate grid system).

All plans must be clearly labeled to distinguish existing conditions (e.g., structures, activities, contours) proposed to be authorized, retained or removed, and conditions to be constructed or created through proposed work.

d. *Elevation or Cross-section View:* An elevation or cross-section view is a scaled drawing that shows the side and front or rear views of the proposed work. At a minimum, the following information should be shown on these views:

- all *existing* and *proposed* structures and activities including the erection or removal of structures, filling, dredging and excavation; identify structures and uses, *existing* or *proposed* to be located on or supported by the proposed work;
- the location and elevation of tidal datums;
- the water depths at the waterward face of the proposed work;

- the sideslopes of channels, basins, excavated or filled areas including horizontal (run) to vertical (rise) relationship.

3. *Describe the purpose of the proposed work.*

Describe the purpose, need and intended use (public, private, commercial or other use) of the proposed work.

4. *Identify and evaluate the adverse environmental impacts and mitigation measures to be employed.*

Identify any and all adverse impacts associated with the proposed work. Specifically applicable are resource losses and/or use modifications affecting the subtidal and intertidal zones and adjacent upland. Measures to be employed to reduce or eliminate these adverse impacts must also be identified. Examples of such measures include the placement of erosion and sediment controls, the staking of tidal wetlands or other sensitive resources in order to prevent the intrusion or storage of equipment or fill material in these areas. If no impacts are anticipated, please state why.

5. *Eligible Activities*

Check the appropriate box(es) to identify *each* category of eligible activities applicable to this application. Any proposed activities other than those listed on the application form are ineligible for a certificate of permission.

Substantial maintenance is defined by CGS section 22a-363a as "rebuilding, reconstructing, or reestablishing to a preexisting condition and dimension any structure, fill, obstruction or encroachment, including maintenance dredging."

6. *In question 5, if items 2 and/or 7 were checked, demonstrate that the structure(s) or activity for which work is proposed has been*

continuously maintained and serviceable since 1939.

Please submit in Attachment G dated photographs or other clear documentation necessary to demonstrate that the structure(s) or activity for which work is proposed was built prior to June 24, 1939 or had previous state authorization and evidence that it has been continuously maintained and serviceable since such time. Examples of documentation include dated receipts and other records of work performed, tax records and aerial photographs.

- 7. *In question 5, if item numbers 1, 3, 4, 6 or 10 were checked, demonstrate that the structure(s) or activity has a prior authorization and has been continuously maintained and serviceable.***

Please provide in Attachment G, clear documentation necessary to demonstrate that such structure(s) or activity for which work is proposed has been continuously maintained and serviceable.

- 8 and 9. *In question 5, if item numbers 11, 12, 13, or 14 were checked, please provide the date of installation of the structure(s) or the date the activity occurred, indicate how you made this determination and demonstrate that the structure(s) or activity for which retention or work is proposed complies with all applicable standards and criteria.***

Please submit in Attachment G dated photographs, or other clear documentation necessary to demonstrate that the structure(s) or activity for which work is proposed was built prior to January 1, 1995 and has been continuously maintained and serviceable since such time. Examples of documentation include dated receipts and other records of work performed, approved site plans, tax records and aerial photographs. Demonstrate that the existing structure(s) or activity complies with all applicable standards and criteria.

Please note that, if your proposed activity would have adverse impacts on coastal

resources, navigation, or littoral or riparian rights, you will **not** be eligible for a COP and you must apply for a full permit in order to conduct the activity. Typical examples of such adverse impacts include dredging or filling of tidal wetlands or intertidal flats, filling to create dry land, interference with water circulation and sand transport patterns, and degradation of wildlife, shellfish, or finfish habitat.

- 10. *In question 5, if item numbers 11, 12, 13 or 14 were checked, demonstrate that the structure(s) or activity for which retention or work is proposed has been continuously maintained and serviceable since January 1, 1995.***

Please provide a detailed explanation of how the existing structure(s) or activity has been continuously maintained and serviceable since January 1, 1995. You may also provide documentation in Attachment G such as dated receipts, dated photographs or other records of work performed to demonstrate this.

- 11. *In question 5, if item numbers 12, 13 or 14 were checked, state whether the applicant conducted or was responsible for the unauthorized activity, or whether the applicant knew or had reason to know of the unauthorized activity at the time the property which is the site of such activity was acquired.***

Describe when the applicant acquired the property, and whether the unauthorized activity was in existence at this time. Did the applicant know of, have reason to know of, or conduct any activity which was done without the required state authorizations?

- 12. a. *Is any portion of work for which authorization is being sought now complete or under construction?***

Check the appropriate box. Specify what parts of the project have been completed or are under construction and indicate when such work was undertaken or completed. If the project is an expansion

of an existing facility, it is important that project plans clearly distinguish new work from existing facilities.

b. *If yes, is this application associated with an enforcement action pending with DEEP?*

Has DEEP notified you, or to your knowledge any prior owners or operators of the site or facility, of violations of state environmental laws at this site or associated with the work for which authorization is being sought? Please describe any such notification, and the status of any responses or proceedings, and submit copies of pertinent documents in Attachment G. Also, please complete Applicant Compliance Information Form (DEP-APP-002).

13. *Other Relevant Information*

Provide other relevant information you deem important to consider in the review of this application. If you have supporting documents, please include them in Attachment G.

Part VI: Supporting Documents

All permit applications must include Attachments A through G, unless otherwise noted in these instructions. Check the appropriate box by each applicable attachment as verification that all applicable attachments have been submitted. Please label all attachments as referenced in the permit application form and these instructions and be sure to include the name of the applicant as indicated on the *permit application form*.

Attachment A: Project Plans

Submit as Attachment A the project plans prepared in accordance with Part IV, item 2 of these instructions.

Attachment B: Photographs showing existing conditions of the site

Photographs showing the existing conditions of the site are helpful in evaluating your proposal and must be submitted as part of the application as Attachment B. Submit as many photographs as necessary to illustrate the entire project site and area to be affected by the proposed work. Wherever possible, include panoramas (i.e., a series of photographs taken from a single position at different but overlapping angles). Label the back of the photographs indicating the date the photograph was taken, project address and an explanation of the views. Check the box indicating that photographs are enclosed.

Attachment C: Abutting or adjacent property owner information; including names and mailing addresses

Submit as Attachment C a list of the complete names and addresses of adjacent or abutting property owners whose property adjoins the property at which the proposed work is located, known claimants of water rights adjacent to the project and owners or lessees of oyster grounds or franchises and within which work is proposed. If the proposed work is entirely waterward of mean high water, identify adjacent or abutting upland property owners.

Attachment D: CT NDDDB Information

Submit copies of any correspondence provided to or received from the CT NDDDB program, including a copy of a completed *Request for NDDDB State Listed Species Review* form (DEP-APP-007) as Attachment D, as explained in Part III, item 4 of these instructions.

Attachment E: Applicant Background Information Form

A completed *Applicant Background Information Form* (DEP-APP-008) must be submitted as Attachment E for all permit applications.

Attachment F: Applicant Compliance Information Form

CGS section 22a-6m provides for DEEP review of an applicant's record of compliance with the environmental laws of Connecticut, any other state and the federal government. Under the law, DEEP may consider the applicant's environmental compliance record, as well as the record of the applicant's principals and any parent companies or subsidiaries, when reviewing a permit application. All permit applications for activities **not previously permitted by DEEP** must include a completed *Applicant Compliance Information Form* (DEP-APP-002) as Attachment F.

Attachment G: Other Information

Submit as Attachment G any other information deemed relevant by the applicant or required by these instructions. If the property is subject to a conservation or preservation restriction, submit proof of written notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction, and include it as Attachment G.

Part VI: Application Certification

After the application has been completed it must be reviewed and signed by both the applicant(s) and the individual(s) who actually prepared the application and any part thereof required by the

application. This includes consultants, professional engineers, surveyors, soil scientists, etc. By their signature, they certify that to the best of their knowledge and belief, the information contained in the application, including all attachments, is true, accurate and complete.

The certification of the application package must be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president;

3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);
4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.

An application will be considered insufficient unless all required signatures are provided.

Available Resources:

Below is a list of possible resources for specific information required for this application. Be sure to also check the DEEP website, www.ct.gov/deep and your local town hall or library for maps and other reference materials.

Both the DEEP Maps and Publications 860-424-3555 and the DEEP File Room 860-424-4180 are located on the store level at 79 Elm Street, Hartford, CT. Please call the appropriate office in advance for hours of operation.

For general assistance regarding the subject permit application contact OLISP at 860-424-3034.

For the subject permit application form, instructions and other required documents visit the DEEP website at:

www.ct.gov/deep/lispermitapps

- Coastal Boundary Areas: Town Hall and/or DEEP Maps and Publications; "Coastal Boundary Map". Additional information: Office of Long Island Sound Programs: 860-424-3034
- Coastal Resource Maps: Town Hall and/or DEEP Maps and Publications 860-424-3555

- Reference Guide to Coastal Policies and Definitions (www.ct.gov/deep/permits&licenses)
- USGS Topographic Quadrangle Map: (www.ct.gov/deep/gis) DEEP Maps and Publications, 860-424-3555, or USGS Office, 303-202-4700, or US Geological Survey, Western Distribution Branch, Box 25286, Denver Federal Center, Denver, CO 80225 (sells USGS maps and publications) www.usgs.gov
- Endangered or Threatened Species Areas: DEEP File Room; "State and Federal Listed Species and Natural Communities"; www.ct.gov/deep/endangeredspecies
- Aquifer Protection Area Maps: www.ct.gov/deep/aquiferprotection, DEEP Maps and Publications
- Pollution Prevention: A variety of pollution prevention publications are available from DEEP's Office of Pollution Prevention 860-424-3297
- DEEP's Environmental Equity Policy, Environmental Justice Program and Environmental Justice Public Participation Guidelines: 860-424-3044 (www.ct.gov/deep/environmentaljustice)
- Aerial Photographs: DEP OLISP 860-424-3034
- Historic Aerial Photographs:
 - ◆ State Library: 860-566-4301
 - ◆ Connecticut Historical Aerial Photography (Map & Geographic Information Center at UCONN) <http://magic.lib.uconn.edu/>
- Tidal Wetland Boundary Maps: DEEP Maps and Publications 860-424-3555
- Coastal Policies and Use Guidelines (Planning Report 30): DEEP OLISP 860-424-3034
- Wetlands of Connecticut: DEEP Maps and Publications 860-424-3555
- National Wetland Inventory Maps: DEEP Maps and Publications 860-424-3555
- Best Management Practices for Marinas: DEEP OLISP 860-424-3034
- Flood Index Rate Maps: DEEP Inland Water Resources Division 860-424-3706
- Interim Plan for Disposal of Dredged Materials from Long Island Sound: DEEP OLISP 860-424-3034
- 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&deepNav_GID1654)
- Drainage Basins: DEEP Maps and Publications, "Natural Drainage Basins in Connecticut", 1988; www.ct.gov/deep/gis
- Archeological or Historical Landmarks: Town Hall or Connecticut Historical Commission
- Land Conservation Areas: Town Hall and/or DEEP Maps and Publications; "Open Space Map"
- Soil Series Description and Delineation: County Soil and Water Conservation District Offices and the United States Department of Agriculture Conservation Service Office
- US Army Corps of Engineers
 - ◆ Regulatory Program www.usace.army.mil/inet/functions/cw/ce/cwo/reg/
 - ◆ New England District, Regulatory Office

696 Virginia Road
Waltham, MA 02254
Concord, MA 01742-2751
www.usace.army.mil
800-343-4789; 978-318-8335; 978-318-8338

- ◆ Wetlands Regulatory Assistance Program
el.erdc.usace.army.mil/wrap/wrap.html
- Copies of the Structures, Dredging and Fill Statutes, sections 22a-359 through 22a-363f CGS; the Tidal Wetlands Act, sections 22a-28 through 22a-35a CGS; and the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 CGS: DEEP OLISP 860-424-3034
- State and federal statutes and regulations are available for review at various locations:
On the web:
 - State Statutes
www.cga.ct.gov/asp/menu/Statutes.asp
 - DEEP website for Statutes and Regulations: www.ct.gov/deep/laws-regs
 - US EPA website for Federal Laws, Regulations (Code of Federal Regulations; CFR), Policy Guidance and Legislation: www.epa.gov/lawsregs

Book Format:

- State Library (Hartford)
- University Law Schools (UConn-Hartford, Yale)
- Superior Courthouse Libraries (located throughout the state)
- Town Halls and Libraries (statutes)

Affirmative Action, Equal Employment Opportunity and Americans with Disabilities

The Department is an Affirmative Action/Equal Opportunity Employer that is committed to requirements of the Americans with Disabilities Act. Any person with a disability who may need information in an alternative format may contact the agency's ADA Coordinator at 860-424-3194, or at deep.hrmed@ct.gov. Any person with limited proficiency in English, who may need information in another language, may contact the agency's Title VI Coordinator at (860) 424-3035, or at deep.aoffice@ct.gov. Any person with a hearing impairment may call the State of Connecticut relay number - 711. Discrimination complaints may be filed with DEEP's Title VI Coordinator. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

Appendix A

Maintenance Dredging and the Disposal of Dredged Materials Instructions

The previous sections of these instructions contain general guidance as to the information that must be provided for any coastal Certificate of Permission application. However, if the proposed activities include maintenance dredging, the following additional information is required in order to properly evaluate your application. This list is not exhaustive nor exclusive since other information *may* be necessary depending upon the specific conditions at the project site.

*Applicants must discuss with OLISP staff any proposed dredging and disposal activities prior to sediment testing in order to determine the specific information requirements. **Failure to do so may result in the need to conduct additional testing.***

The submission and review of a sediment sampling plan prior to the submission of a COP application is necessary in order to evaluate the characteristics and the content of the sediment to be dredged. At a minimum, the following information *must* be provided: Information about the disposal location of the dredged material; an estimate of the volume of material dredged; the method of dredging; previous test information (if available) from prior dredging projects; recent bathymetric survey indicating current depths; plans indicating the area proposed for dredging, with a cross-section showing existing and proposed contours; proposed sample locations marked on the plans; locations, type and size of any point source discharges marked on the plans (e.g., storm drains and outfalls, highway drainages); the spill history of the site and the immediate area (upland and water) since the time of the last dredging (can be obtained from the DEEP Oil and Chemical Spill files and harbormaster/Coast Guard records); and the capping procedures to be employed with the proposed maintenance dredging, if applicable. Please be aware that an upland disposal location cannot be in an area designated as class GA or GAA aquifer. If upland disposal is proposed, information regarding the design and operation of

the containment facility, the method of dewatering, a monitoring plan for effluent water quality and the final disposal site for the materials must be included.

Applicants are strongly encouraged to discuss their proposed maintenance dredging and disposal activities with OLISP staff, prior to submitting an application, in order to determine special informational requirements relative to their project. Failure to do so may result in a determination that the proposed work is ineligible for a Certificate of Permission.

The following types of information *are required* for projects, which include dredging or the disposal of dredged material:

A. Maintenance Dredging

1. a current bulk sediment analysis as determined by OLISP in consultation with U.S. Army Corps of Engineers;
2. demonstration of the need for the proposed dredging, including an up-to-date bathymetric survey and discussion of any navigation requirements;
3. an analysis of the projected changes to sedimentation rates and the physical and chemical quality of the bottom sediments that will result from dredging;
4. a description and map of the aquatic communities, subtidal or deepwater habitats and intertidal or shallow water habitats to be affected by the proposed dredging. Such description must contain:
 - a. a characterization of the organisms that are living on or in the sediments to be dredged (this generally involves a quantitative assessment of the numbers and types of organisms living in or on the sediments and their association

with particular types of sediments such as sand, mud or silt); and

- b. an evaluation of the potential impacts to the aquatic habitats and their associated organisms and the likelihood of recolonization of such habitats given the projected changes, if any, in sediment character and water depths;
5. an evaluation of the impact of the proposed dredging upon water quality. This *may* require the calculation of existing and projected flushing rates. Depending on the size, extent and magnitude of the project, its complexity and on-site characteristics, further water quality studies *may* be required. (Dye studies *may* be required to substantiate existing conditions or to calibrate any computer models used.); and
6. specification of the proposed angle of the side slopes of channels and basins and a description of how these slopes will be created. (For example, will a vertical cut be made such that the proposed side slopes will be established through the resulting slumping?)

B. Disposal of Dredged Material:

The two most common ways of disposing of dredged material is at either a designated open water disposal site located in Long Island Sound or on the upland. The specific information requirements for these two disposal alternatives are presented separately below:

1. Disposal of Dredged Materials at a Designated Open Water Disposal Site in Long Island Sound

Disposal of dredged material in Long Island Sound is governed by the "Interim Plan for the Disposal of Dredged Material in Long Island Sound." The information needed to support a dredging project

proposing to dispose of dredged material at a designated disposal site in Long Island Sound varies depending upon a number of factors. These include the prior history of dredging, the adequacy of available information to characterize the existing quality of the sediments, the degree of contamination of the sediments, and the types of pollutants that may be present in the dredged material.

The following information must be provided:

- a. the location of the proposed disposal site;
- b. an analysis of disposal alternatives to show that open water disposal is the only practicable alternative; and
- c. a compilation of existing information that will help identify the physical and chemical characteristics of the sediments to be disposed and the types of contaminants that might be contained in sediments.

A review of the existing information provided pursuant to item b.1.c. above will be used by OLISP to determine the sediment testing requirements for each project. *In general a bulk sediment test will be required.* This requires the procurement of cores of sediment to project depth. Cores are then reviewed for any visually apparent stratification. The cored material is then either completely homogenized and sampled or samples are taken from the identified strata. The samples are then tested for physical characteristics, a suite of metals, and organic compounds. *If additional testing is required, OLISP will inform the applicant as to the types of testing that will be required.* The applicant will be required to prepare a preliminary sampling plan to be reviewed by OLISP. Once approved by OLISP, the applicant must

collect sediments following this plan and the test results and sampling protocols must be submitted to OLISP. If the test results show that the sediment has high levels of contamination, supplemental testing to evaluate the biological effects of the sediments *may* be required.

Alternatively, if capping (covering of the contaminated sediment with clean sediment) is an appropriate substitute for biological testing, then a capping plan will be required.

2. Disposal of Dredged Material on Uplands

Contact OLISP staff to determine the types of sediment testing that will be required and to determine what, if any, additional testing is required for upland disposal. In general bulk sediment testing will be required as described above. Special tests of the sediment, such as elutriate testing to determine release rates for contaminants of concern and/or Toxicity Characteristic Leaching Procedure (TCLP) testing, may be required for dewatering of materials.

The following information must be provided:

- a. method of proposed dredging (specify hydraulic or mechanical and the type of equipment to be used);
- b. a vicinity map showing the location(s) of the disposal site(s) (if the material is to be handled at or transferred to more than one site, indicate the location of each disposal site);
- c. an analysis of the physical and chemical characteristics of the dredged sediments;
- d. a description of how the dredged sediment will be contained, dewatered and stabilized (in general and especially for fine textured dredged sediment, disposal must be

accomplished in a containment facility approved by OLISP);

- e. plan views and cross-sections of the containment facility.

C. For Containment Facilities Associated with Hydraulic Dredging:

1. calculations supporting the size and design of the containment facility (guidance for the design and construction of containment facilities are contained in a number of reports prepared by the U.S. Army Corps of Engineers - for information call 800-343-4789; 978-318-8335; 978-318-8338
2. identification of the temporary erosion and sediment control techniques to minimize sedimentation and erosion from the discharge and stabilization of the containment facility;
3. identification of the permanent sediment and erosion controls for the containment facility, including monitoring and maintenance of such controls;
4. a water quality monitoring plan for the (effluent) discharge from the containment facility;
5. identification of any final dewatering procedures proposed following the disposal of the dredged material such as ditching of the dredged material.

D. For All Upland Disposal:

1. evaluation of the impacts of the proposed disposal upon ground and surface water quality;
2. groundwater classification of the proposed disposal site; and
3. identification of the municipal zoning classification of the proposed disposal site(s).

Appendix B: Vicinity Map

USGS Quadrangle Map: Clinton
Map Scale: 1:24,000 (1"=2,000')

POLYGON Project Area (showing boundary of activity)

POLYGON Project Area (showing boundary of site)

LINEAR Project Area

POINT Project Area (small area)

