State Of Connecticut Coastal Management Program and Final Environmental Impact Statement

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

UNITED STATES DEPARTMENT OF COMMERCE

FINAL ENVIRONMENTAL IMPACT STATEMENT

AND THE

PROPOSED CONNECTICUT COASTAL MANAGEMENT PROGRAM

Prepared by:

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and

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DESIGNATION: Final Environmental Impact Statement

TITLE: Proposed Federal Approval of the Connecticut Coastal Management Program

ABSTRACT: The State of Connecticut has submitted its Coastal Management Program to the Office of Coastal Zone Management for approval. Approval would allow program administrative grants to be awarded to the state, and require that federal actions be consistent with the program. This document includes a copy of the program (Section II) which is a comprehensive management program for coastal land and water use activities. It consists of numerous policies on diverse management issues which are enforced by various state laws, and is the culmination of several years of program development.

Approval and implementation of the program will enhance governance of the state's coastal land and water areas and uses according to the coastal policies and standards. The effect of these policies is to condition, restrict or prohibit various uses in parts of the coastal zone, while encouraging development and other uses in other parts. This program will improve decision-making processes for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. The program may result in minor short-term economic impacts on coastal users but these will be offset in the long-term and the program will lead to increased long-term protection of the state's coastal resources.

Federal alternatives include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met.

APPLICANT: Connecticut Department of Environmental Protection

LEAD AGENCY: U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
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COMMENT PERIOD: Comments closed on the Draft Environmental Impact Statement on May 28, 1980.

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SUMMARY

SUMMARY

A. CONNECTICUT COASTAL MANAGEMENT PROGRAM

The Connecticut Coastal Management Act (CCMA) of 1978 (P.A. 78-152 as amended by P.A. 79-535) establishes a comprehensive coastal resource management program in Connecticut that is based on a combination of new and existing authorities. Under the provisions of the Act, responsibility for implementing Connecticut's program will be shared among agencies at both the state and municipal levels of government. The Department of Environmental Protection, which is the primary state permitting agency for both public and private coastal development activities, is designated as the lead agency to receive and administer CZM funds, to monitor, evaluate, and coordinate the overall implementation of the program, and to represent the state in all matters related to the federal consistency provisions of the Coastal Zone Management Act of 1972. In addition to creating the basic structure for Connecticut's program, the Coastal Management Act delineates a coastal management boundary, establishes specific coastal policies, standards, and procedures to direct the implementation of the program, and defines management responsibilities for agencies at both the state and local levels of government.

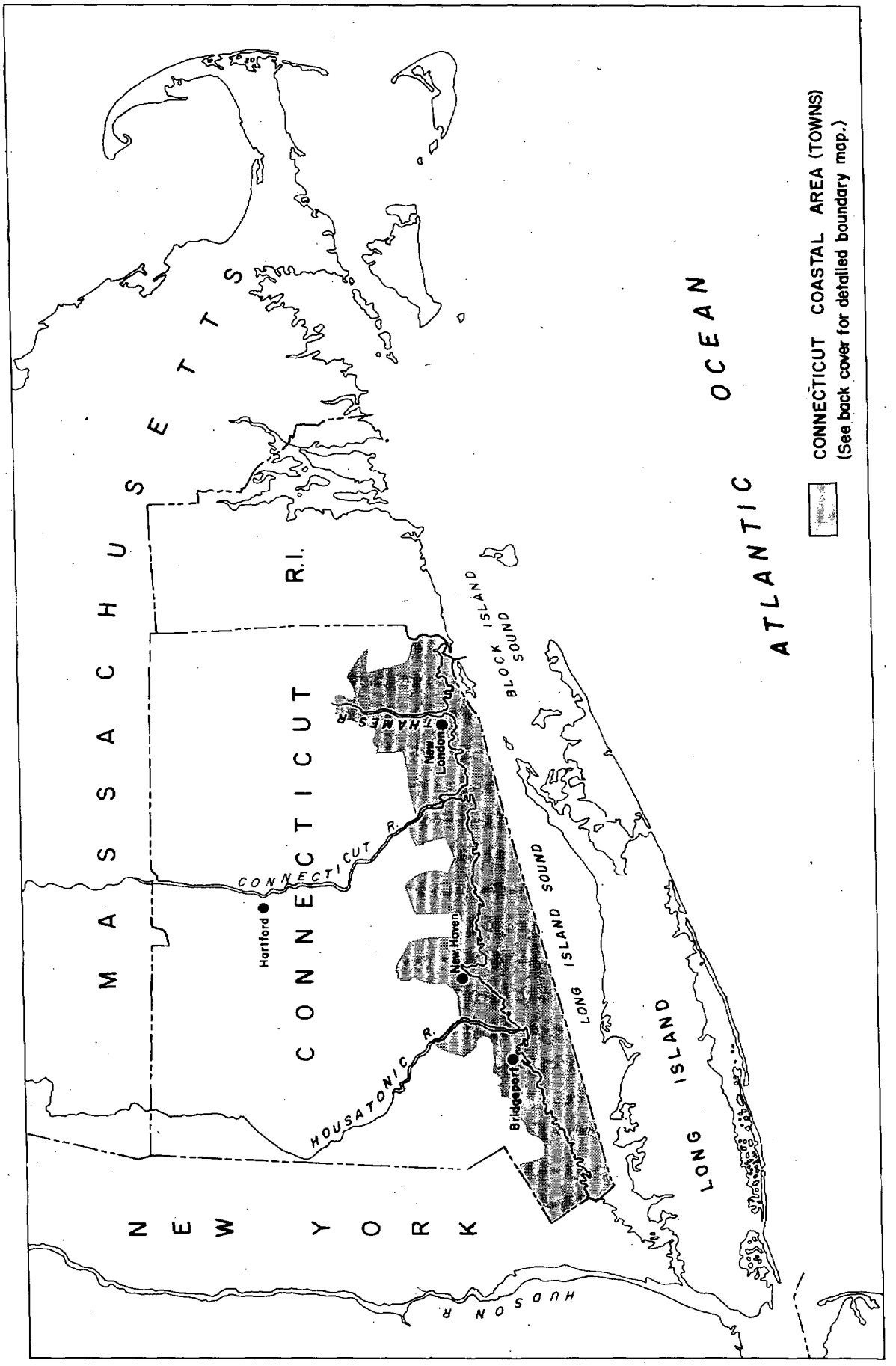
Under the CCMA authority, the Department of Environmental Protection (DEP) will directly administer, supervise, or certify for consistency all state and federal actions subject to the management program. In addition, DEP will oversee and assure compliance of local implementation of CCMA coastal site plan review requirements for all activities subject to local zoning. Both the state and local components of the management program are based on a resource zoning concept with all land and water areas within the coastal boundary defined by statute and depicted on 1:24000 scale resource maps. The policies and standards in the CCMA are organized around these statutorily defined coastal resources and major coastal development activities; they will be implemented by the existing state and local agencies with primary jurisdiction over the land and water uses subject to the management program.

Coastal Boundary

Connecticut has established a two-tiered management boundary. The primary nearshore tier is bounded on the seaward side by the limit of the state's jurisdiction in Long Island Sound. On the landward side, this tier is bounded by a continuous line delineated by 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 state regulated tidal wetlands, or the continuous interior contour elevation of the one hundred year frequency coastal flood zone, whichever is farthest inland. This line is referred to in the CCMA as the "coastal boundary." Within this first tier, all major uses, activities and resources could have a direct and significant impact on coastal waters and thus will be managed by the Connecticut program using a combination of state and municipal authorities. The primary focus of the program is on this nearshore boundary since it encompasses all coastal resources, the coastal flood hazard zone, and the majority of uses and activities of direct and significant impact.

The secondary, inland tier, includes the area that is landward of the nearshore or coastal boundary and that is bounded by the inland boundary of the thirty-six coastal municipalities. Within this tier, only certain major uses or activities have been identified as potentially having a direct and significant impact on coastal waters. These major uses and activities will be managed by the state and federal governments under existing statutory authorities referenced in the CCMA.

FIGURE 1. Long Island Sound and its Environs.



Connecticut has excluded from its total "coastal area" all lands which are under the sole jurisdiction of the federal government or which are held in trust by the federal government, its officers or agents.

B. CHANGES THE PROGRAM WILL MAKE

The Connecticut Coastal Management Program will make two major changes both of which directly affect the institutional environment as it pertains to the Connecticut coastal area. First, the program will change the criteria upon which public decisions are made regarding the use and management of Connecticut's coastal land and water resources. Second, in order to insure that these new criteria are applied, the program will modify the process and procedures by which these public decisions are made. Both of these changes are specifically enumerated in the Connecticut Coastal Management Act of 1978, as amended, and will be carried out under the authority established by this legislation. These changes to the institutional environment have been designed to achieve the following two major coastal management objectives: 1) better coordination of coastal regulatory, planning, and management authorities at all levels of government: local, state and federal, and 2) thorough consideration of coastal resource capacities and their limitations in all coastal regulatory planning and management programs.

The new standards and criteria for the use and management of Connecticut's coastal resources are embodied in a set of comprehensive coastal policies that are established in the Coastal Management Act. These detailed criteria provide specific guidance for 1) management of coastal land and water resources, 2) management of coastal uses, and 3) management of governmental programs that effect the coastal area.

In addition to making these major improvements to the overall management structure, the Connecticut Coastal Management Program will also make a number of significant but less sweeping improvements to the management system. These improvements include the following:

1) Identification of those geographic areas within the coastal boundary that are of particular concern to the state, and implementation of special management techniques for these areas.

2) Implementation of special planning procedures to work toward the resolution of specific problems in the following four areas:

   - shoreline erosion
   - shorefront access and protection
   - energy facilities
   - dredging and the disposal of dredged materials

3) Definition of uses and resources that are in the national interest and implementation of a specific statutory policy to evaluate such uses and resources.

4) Implementation of measures to improve public awareness of coastal issues and increase public participation in coastal decision making processes.

5) Implementation of measures to simplify coastal regulatory procedures and improve inter-governmental coordination in the management of coastal resources.

6) Implementation of a procedure to insure the consistency of federal actions with Connecticut's Coastal Management Program.

7) Implementation of special measures to improve the data base for Coastal Management and conduct special management studies as necessary.

C. WHAT THE PROGRAM WILL NOT DO

The Connecticut Coastal Management Program is not designed to provide immediate and complete solutions to all coastal problems and issues; rather, it is designed to provide the governmental framework and standards by which such solutions may be achieved. Specifically, the Program will not accomplish the following:

1. The Program will not substantially alter the existing governmental regulatory jurisdictions over coastal resources, activities or land uses. Agencies currently having responsibility for management of these resources and activities will continue to exercise their authorities in accordance with the policies, standards and evaluation procedures established by the Connecticut Coastal Management Act (CCMA).

2. The Program will not stop all development in or near coastal resources as defined by the CCMA. Rather, development activities will be evaluated on the basis of their impact on coastal resources with permits and the capability of the affected coastal resources to withstand development related impacts.

3. In general, the Program does not require the regulation of individual single family homes or minor activities incidental to their use unless they are located within 100 feet of tidal wetlands, beaches and dunes or bluffs and escarpments as defined by the CCMA. However, such uses are subject to regulation under the Program if local zoning commissions do not act to specifically exempt them by regulation.

4. The Program will not change the existing patterns of public and private shorefront ownership except that additional public recreational access will be provided through state acquisition of suitable properties when they are available.

5. The Program does not propose direct state administrative control over local zoning activities. However, local zoning activities subject to coastal site plan review requirements of the CCMA will be reviewed by the state for consistency with the policies, procedures and standards of the CCMA with judicial enforcement sought when necessary or warranted to insure compliance.

6. The Program is not specifically designed as a growth management program. Rather, it is a resource management program which includes specific, enforceable statutory policies and standards which will direct development away from fragile coastal resources.

7. The Program does not require that all shorefront uses and activities be water dependent as defined by the CCMA. It does, however, require that water dependent uses be given highest priority in both planning and regulatory decisions and, in cases of direct conflict between proposed uses of substantially similar impacts on coastal resources, preference be given to any water dependent use.

D. AREAS OF CONTROVERSY

There were three principle areas of public controversy surrounding the development of the Connecticut Coastal Management Program. These areas of controversy were 1) the basic management approach to be employed by the program, 2) the inland management boundary to be employed by the program, and 3) the starting date for implementation of the development review and control mechanisms established by the legislation.

Management Approach

The basic management approach to be employed by the coastal management program was one major area of controversy at the numerous public meetings, hearings, and workshops that were held throughout the development phase of the program. While there seemed to be widespread agreement on the need for better management of coastal resources and better coordination between state and municipal programs there was considerable public debate concerning the issue of how this improved management and coordination should be accomplished and by whom. Fear about loss of local initiative in the decision making process to the state and federal government was the concern most frequently raised about implementation of a coastal management program in Connecticut. There was general agreement that a strong and central role for municipalities in the management program was necessary 1) if the program was to adequately address and resolve coastal problems and 2) if the program was to gain acceptance in the state. There was some concern at the local level about state and federal intervention and national interest requirements in the federal Coastal Zone Management Act. A few people suggested that coastal management be implemented using only state funds, thus freeing the state from all possibility of federal intervention.

This major program controversy regarding the basic management approach to be employed in Connecticut has been resolved through full public dialogue on the development of the CCMA over a two year period (over twenty public hearings, one year of legislative study, and over 300 public meetings). The Connecticut Coastal Management Act of 1978 establishes a shared state-local management program with municipalities playing a central role in the management process. Local initiative in the overall management program is maintained with state intervention based on demonstrated inconsistency with statutory policies in the CCMA. This approach was endorsed by all but one of the coastal municipalities commenting on the final version of the CCMA amendments of 1979. Similarly, national interest

uses and resources and the policies pertaining to them were specifically stated in the CCMA to assure consistent, non arbitrary application. State, local and federal roles in the coastal management program were carefully designed to ensure that Connecticut's two major management issues, intergovernmental coordination, and consideration of the coastal resources, were addressed and are likely to be resolved by the management program.

Management Boundary

There was some concern expressed during public hearings, meetings, and workshops about the inland coastal management boundary. Many people felt that Connecticut should employ a two-tiered management boundary with intensive management of all resources and uses in the first tier and management of certain key uses or resources in the second-tier. Such an approach, it was argued, would give Connecticut an added measure of control over uses which might potentially have a minor or indirect impact on coastal resources. Other people felt that the proposed management boundary was too inclusive, as proposed, and should at most include only a 500 foot or 250 foot setback from mean high water or tidal wetlands.

The two-tiered management boundary, as defined and established in the Connecticut Coastal Management Act, is a reasonable boundary for Connecticut's coastal management program. The inland zone includes a sufficiently broad area to provide for effective management of all major uses that are likely to have a direct and significant impact on coastal waters, yet it is not too large for efficient program administration. This zone will be managed by state and federal authorities as described earlier.

The nearshore zone includes all of the specific coastal resources which are required to be included within a state's coastal zone under section 305(b)(1) of the CZMA. In addition, it reasonably incorporates all shorelands strongly affected by or affecting coastal waters based on scientific criteria such as the geographic extent of flood and erosion hazard areas, proximity of the land to coastal waters, and bio-physical factors such as microclimatic variation and salt-spray influence. This zone will be managed by municipal, state and federal agencies under a combination of local and state authorities as described earlier.

Program Implementation Date

The date for the initial implementation of Connecticut's coastal program proved to be a minor area of controversy during public hearings, meetings, and workshops on Connecticut's proposed management legislation and management program. Many people felt that Connecticut could not afford to postpone implementation of the CCMA until after the program has been through the lengthy federal review process and had received formal federal approval. They felt that a long delay in the implementation of the Act could lead to a "land-grab" or an acceleration of development proposals as developers rushed to begin construction of poorly planned projects prior to the implementation of the management program in order to avoid the new requirements of the Act.

The Program began implementation on January 1, 1980 and has operated with state funds since that date.

E. COASTAL ISSUES AND PROBLEMS

Connecticut has identified the following two fundamental coastal management related issues and problems: 1) lack of overall coordination among the existing array of management authorities (municipal, state, and federal) affecting the coastal area and 2) inadequate consideration of adverse impacts on natural resources in the process of reviewing and permitting coastal uses. The Connecticut coastal management program has been specifically tailored to correct these deficiencies.

Under the existing management structure in Connecticut, many agencies at all levels of government influence the conservation and development of the coastal area. Coastal towns, the state, and the federal government have all, over the years, become involved in coastal problems through a variety of activities such as planning and zoning, wetlands regulation, road construction, fish management, flood and erosion control, channel dredging and harbor development. The result is that scores of individual administrative and regulatory agencies make independent decisions affecting the coast: some addressing one specific coastal issue; others applying only to a limited geographic area.

Counting agencies at the state and federal level and relevant commissions and boards in each of Connecticut's thirty-six coastal municipalities, literally hundreds of independent decision making bodies are involved in some manner in the management of the coast. However, there is no notable coordination, uniform guidance or common long range direction among these agencies regarding coastal development and protection. Individual authorities that deal with one geographic area or one-specific issue are often not in a position to adequately address coastal problems that cross town lines or involve a large number of interrelated issues.

A major consequence of this lack of coordination among management authorities has been historical inattention among decision-makers to the fate of coastal resources and their capacity and limits in supporting development activity. For example, nearly 15,000 acres of Connecticut's original tidal wetlands have been destroyed by encroaching development, most of them during the 30 years immediately after World War II.

Connecticut now leases out only ¼ of the shellfish beds that it once did as a result of degraded water quality due to inadequately treated domestic and industrial effluent and other non-point water pollution sources. The closing of shellfish beds has meant the loss of a 3 to 6 million dollar industry annually. Many houses have been constructed in hazardous coastal flood and erosion prone areas, exposing

the buildings to the possibility of considerable damage in the event of severe storms and costing the state of Connecticut millions of dollars in bond funds spent for their protection.

The CAM Program has been designed to address these basic management deficiencies of inadequate coordination and inadequate consideration of coastal resources. Correction of these short comings should, in turn, greatly facilitate the solution of many specific problems and issues which have been perpetuated or caused by these major management problems.

SECTION I: PURPOSE AND NEED

SECTION I: PURPOSE AND NEED

A. FEDERAL COASTAL ZONE MANAGEMENT ACT (FCZMA)

In response to intense pressure, and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM). The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P.L. 94-370). The Act and the 1976 amendments affirm a national interest in the effective protection and development of the coastal zone by providing assistance and encouragement to coastal states to voluntarily develop and implement rational programs for managing their coastal areas.

Broad guidelines and the basic requirements of the CZMA provide the necessary direction to States for developing coastal management programs. These guidelines and requirements for program development and approval are contained in 15 CFR Part 923 as revised and published, March 28, 1979, in the Federal Register. In summary, the requirements for program approval are that a State develop a management program that:

(1) Identifies and evaluates those coastal resources recognized in the Act that require management or protection by the State;

(2) Re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;

(3) Determines specific uses and special geographic areas that are to be subject to the management program which should be based on resources capability and suitability analyses, socio-economic considerations and public preferences;

(4) Identifies the inland and seaward areas subject to the management program;

(5) Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and

(6) Includes sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.

In arriving at these substantive aspects of the management program, States are obliged to follow an open process which involves providing information to and considering the interests of the general public, special interest groups, local government, and regional, State, inter-state and Federal agencies.

Section 305 of the CZMA authorizes a maximum of four annual grants to develop a coastal management program. After developing a management program, the state may submit it to the Secretary of Commerce for approval pursuant to Section 306 of the CZMA. If approved, the State is then eligible for annual grants under Section 306 to implement its management program. If a program has deficiencies which need to be remedied or has not received approval by the time Section 305 program development grants have expired, a state may be eligible for preliminary approval funding under Section 305(d).

Section 307 of the Act stipulates that Federal agency actions shall be consistent, to the maximum extent practicable, with approved State management programs. Section 307 further provides for mediations by the Secretary of Commerce when a serious disagreement arises between a Federal agency and a coastal State with respect to a Federal Consistency Issue.

Section 308 of the CZMA contains several provisions for grants and loans to coastal states to enable them to plan for and respond to onshore impacts resulting from coastal energy activities. To be eligible for assistance under Section 308, coastal states must be receiving Section 305 or 306 grants, or in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Connecticut's Department of Environmental Protection discusses the purpose of developing a comprehensive program through participation in the Federal Coastal Zone Management Program and its desire to seek approval of its Program under Section 306 of the CZMA in Section II of this document.

Approval of the Connecticut Coastal Management Program is considered a major action which significantly affects the quality of the human environment. An immediate effect of approval is the qualification of the State for Federal matching funds for use in administering the program. In addition, the CZMA stipulates that Federal activities affecting the coastal zone shall be consistent to the maximum extent practicable with an approved management program.

It is the general policy of OCZM to issue a combined final environmental impact statement (FEIS) and program document. Sections I, III, IV, and V of this FEIS were prepared by OCZM. Section II of this FEIS is a description of the state's program and was prepared by the Connecticut Department of Environmental Protection. Attachment A (Responses to Comments) was prepared by OCZM in consultation with the Connecticut DEP staff.

For purposes of reviewing the proposed action, the key questions are:

- whether the Connecticut Program is consistent with the objectives and policies of the national legislation,

- whether the award of Federal funds under Section 306 of the Federal act will help Connecticut to meet those objectives,

- whether the State's management authorities are adequate to implement the Program, and

- whether there will be a net environmental gain as a result of program approval and implementation.

OCZM has made an assessment that the answers to these questions are affirmative. OCZM wants the widest possible circulation of this document to all interested agencies and parties. OCZM thanks those participating in the review of the Connecticut Program and this Final Environmental Impact Statement.

B. How the Connecticut Coastal Management Program Meets the Requirements of the Coastal Zone Management Act:

Requirements	Sections of Approval Regulations
Sec. 306(a), which includes the requirements of Sec. 305:	
305(b)(1): Boundaries	923.31-923.34, Part II (p.II-28), Part V (p.II-198), Appendix B, back cover
305(b)(2): Uses subject to management	923.11, Part IV (p.II-36), Part V (p.II-202)
305(b)(3): Areas of particular concern	923.21-923.23, Part VIII (p.II - 248)
305(b)(4): Means of control	923.41, Part V (p.II-195), Part VI (p.II - 204), Part VII (p.II-221)
305(b)(5): Guidelines on priorities of uses	923.21, Part IV (p.II-36), Part V (p.II-195), Part VIII (p.II-248) Appendix B
305(b)(6): Organizational structure	923.46, Part VI (p.II-204)
305(b)(7): Shorefront planning process	923.24, Part X (p.II-296)
305(b)(8): Energy facility planning process	923.13, Part X (p.II-282)
305(b)(9): Erosion planning process	923.25, Part X (p.II-319)
Sec. 306(c), which includes:	
306(c)(1): Notice; full participation; consistent with Sec. 303	923.3, 923.51, Part XI, (p.II-332) 923.55, 923.58
306(c)(2)(A): Plan coordination	923.56, Part VII (p.II-221)
306(c)(2)(B): Continuing Consultation mechanisms	923.57, Part VII (p.II-221)
306(c)(3): Public hearings	923.58, Appendix L of DEIS
306(c)(4): Gubernatorial review and approval	923.48, page II-i
306(c)(5): Designation of recipient agency	923.47, Part V (p.II-195)
306(c)(6): Organization	923.46, Part VI (p.II-204), Appendix B
306(c)(7): Authorities	923.41, Part V (p.II-195), Appendix B
306(c)(8): Adequate consideration of national interest	923.52, Part IX (p.II-263), Appendix B
306(c)(9): Areas for preservation/restoration	923.22, Part VIII (p.II-262)
Sec. 306(d), which includes:	
306(d)(1): Administer regulation, control development; resolve conflicts	923.41, Part V (p.II-195), Part VI (p.II-204), Part VII (p.II-221), Appendix B
306(d)(2): Powers of acquisition, if necessary	923.41, Part V (p.II-195), Part VIII (p.II-248), Part X (p.II-304)
Sec. 306(e), which includes:	
306(e)(1): Technique of control	923.42, 923.44, Part II (p.II-28), Part V (p.II-195)
306(e)(2): Uses of regional benefit	923.12, Part IX (p.II-278)
Sec. 307, which includes:	
307(b): Adequate consideration of Federal agency views	923.51, Part XI (p.II-332)
307(f): Incorporation of air and water quality requirements	923.45, Part I (p.II-22), Part VIII (p.II-248), Part IX (p.II 263)

ELLA GRASSO
GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD

July 31, 1980

Mr. Michael Glazer
Assistant Administrator
Office of Coastal Zone
Management
National Oceanic and
Atmospheric Administration
2001 Wisconsin Avenue
Washington, D.C. 20235

Dear Mr. Glazer:

I am pleased to submit for your approval Connecticut's Coastal Management Program prepared in response to the Coastal Zone Management Act of 1972 (P.L. 92-583), as amended.

Connecticut's program is based on the existing authority vested within the Department of Environmental Protection and on existing municipal planning and zoning authority as amended by the Connecticut Coastal Management Act (CCMA). As you know, the CCMA was passed by the 1979 session of the General Assembly. It was my pleasure to sign this bill into law on June 29, 1979. The effective date of the Act was January 1, 1980.

Our program has been organized to meet all the requirements of your office's Program Approval Regulations, 15 CFR 923, as amended, utilizing a shared state-local management system. The Department of Environmental Protection has been designated as the lead agency to administer and oversee program implementation. The experience of the six months under the CCMA indicates that our shared state-local management system is both workable and effective in preserving Connecticut's valuable coastal resources without denying development opportunities, particularly for water-dependent uses, within our coastal area.

I am anxiously awaiting federal approval and continued federal funding to assist our state agencies and coastal municipalities in carrying out their responsibilities under the Connecticut Coastal Management Act.

Thank you for your assistance and the assistance of your staff in developing Connecticut's Program.

With best wishes,

Cordially,

Ella Grasso

ELLA GRASSO
Governor

SECTION II

DESCRIPTION OF THE PROPOSED ACTION

CONNECTICUT'S COASTAL MANAGEMENT PROGRAM

PART I

CONNECTICUT'S COASTAL MANAGEMENT PROGRAM

A. Introduction

Long Island Sound has been frequently characterized and described as an "Urban Sea." The image raised by this description is appropriate for Connecticut's coastal area which has historically been the center of intense industrial, commercial and residential activity. While residential usage of the Connecticut shoreline in other than the vicinity of the ports of Stamford, Norwalk, Bridgeport, New Haven, New London and Norwich began as seasonal dwellings, changes in land use patterns following World War II and the corresponding residential and corporate exodus from the New York metropolitan area have changed the residential mix from seasonal to permanent. Vacant shorefront land and open space in Connecticut's heavily developed coastal area is at a premium. Recent studies of population growth and corresponding industrial, commercial and residential activity along Connecticut's coast completed under contract to the Coastal Area Management (CAM) Program indicate that this trend will continue for the forseeable future.

Because of historical growth patterns along the coast, a significant number of traditional public safety and welfare oriented police power regulatory programs have been implemented at both the state and municipal level for coastal lands. For example, planning and zoning began in Connecticut in the early 1930's and the state's regulatory program for coastal structures was underway by 1940. Today all of Connecticut's coastal municipalities exercise full planning and zoning authorities with most communities retaining professional support staff. The notable exception is in the lower Connecticut River estuary which remains largely undeveloped. Municipalities in this region generally rely on the capabilities of the Connecticut River Estuary Regional Planning Agency which also provides staff support to the Connecticut River Gateway Commission, established as part of the lower Connecticut River Conservation Zone.

While land use regulatory programs at the state and municipal level,complimented by a variety of federal coastal regulatory programs, have provided complete regulatory coverage of development activities in the coastal area, it was not until passage of Connecticut's tidal wetlands act in 1969 and creation of the Department of Environmental Protection in 1971 that the management of coastal resources became part of the statutory mandate. Using the initiative established during the early 1970's by the Committee on Coastal Management headed by State Senator George Gunther and the U.S. Senator Abraham Ribicoff sponsored New England River Basins Commission's Long Island Sound Regional Study, the CAM Program of the Department of Environmental Protection has developed a comprehensive coastal management program for statewide implementation at both the state and municipal level of government.

The recommended program utilizes the significant array of existing state and municipal regulatory programs as its foundation and has two central purposes; first, to assure that adequate consideration of the impacts of development on coastal resources is given by both the state and coastal municipalities and, second, to increase the level of intergovernmental coordination through planning and regulatory programs affecting the coast by providing common, statewide policies to guide federal, state and municipal agencies. To achieve these purposes, Connecticut is not proposing additional regulatory programs nor are existing regulatory jurisdictions being significantly altered. Rather coastal management will be implemented through a coastal site plan review as part of municipal planning and zoning programs and through statewide coastal policies to guide federal, state and municipal planning and investment programs. Coastal municipalities are also encouraged to develop municipal coastal programs by revising existing town plans of development for their coastal areas. Existing state regulatory programs will be required to be consistent with the same coastal resource definitions, policies and impact criteria proposed for the municipal coastal site plan review,and coastal municipalities are given a formal role in state regulatory actions.

Because of the highly developed nature of Connecticut's coast and the resultant loss and degradation of critical coastal resources, the focus of the management program is first, the resources at the land-water interface significantly affecting or affected by natural coastal processes and second, adjacent land and water resources. This focus is critical if Connecticut is to protect, restore and enhance remaining coastal resources. For example, CAM surveys indicate that, except for urbanized port areas, over 50% of the remaining undeveloped shorefront property is classified as tidal wetland. In addition, much of the remainder is in flood or erosion hazard areas. To assure a concentrated effort in protecting those endangered resource areas, critical resources and the natural processes that they support have been identified as in the "national interest." Further, tidal wetlands and shellfish concentration areas have been nominated as "areas of particular concern" along with the activities that most significantly affect them, dredging and spoil disposal. To assist in better regulatory decisions at all levels of government, coastal resources and adverse impacts have been defined by statute in Connecticut's Coastal Management Act and a comprehensive set of coastal resource maps have been prepared for the entire coastal area. Funding through the federal Coastal Zone Management Act will be used to provide a continuing state overview through the Department of Environmental Protection's CAM Program and to provide needed technical and financial support to state and municipal coastal regulatory programs.

B. Description of Connecticut's Coastal Environment

Natural Environment

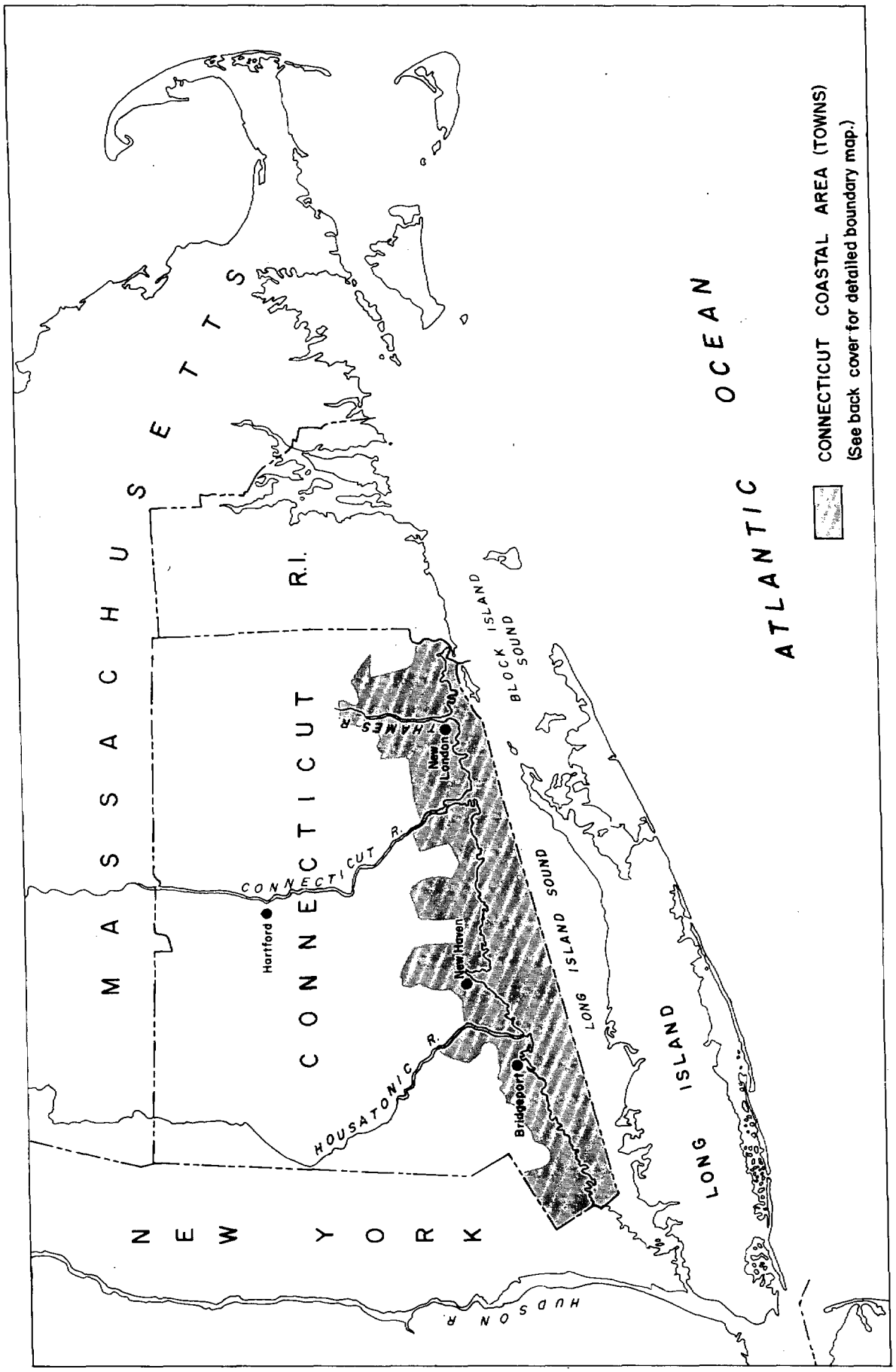
The coastal seaboard and waters of the Long Island Sound estuary and their resource systems form an integrated coastal ecosystem that is unique and fragile. Long Island Sound occupies a basin, 113 miles long and 21 miles wide, located between Long Island and the Connecticut-Westchester County, New York region. The Connecticut coast bordering the Sound is 98 miles long, but total shoreline frontage, including tidal rivers and embayments, is 583 miles.

Forty percent of Connecticut's population lives in the 36 coastal towns; however, seventy-five percent of that population, or nearly 910,000 residents, lives in the 17 southwestern towns (west of Guilford). This population pattern reflects the proximity of these towns to New York city and its markets. This pattern of development and the dense urban areas surrounding many harbors have significantly affected the quality of nearshore water and its ability to support both recreational interests and healthy marine resources. Although most of the Sound's offshore waters are of acceptable quality, the westernmost waters show deteriorated characteristics. These characteristics are a result of the cultural effluents and urban runoff from the western Long Island, Westchester County, and southwestern Connecticut urban environments. The most notable cause is the East River, which is joined to New York Harbor and runs through sections of New York city.

Connecticut's coastal seaboard, which is the coastal part of the New England Uplands, is a glaciated zone underlain by crystalline bedrock which slopes southward at 50 feet per mile. In contrast the Connecticut Lowland Valley at New Haven is comprised of shales, sandstones, and limited exposures of trap rock. Elevations vary from sea level to a maximum of 400-500 feet inland, but shoreline relief is maximal where the rocky uplands intersect with the coast. Low, rolling hills and occasional rocky lands interposed by level to undulatory sand and gravel plains characterize the coastal landscape.

Biophysical Zone V, depicted in Figure 2 , embodies two ecoregions that are virtually coextensive to the seaboard. The moderating effect of seabreezes, penetrating 5-10 miles inland, produces a cooling trend in spring and summer and a warming one in fall and winter. The mean annual temperature is 51 degrees F, and precipitation averages 44-48 inches a year. The coast experiences one of the longest frost free seasons in the state, 180 days in duration. The maritime climate, and the recurrent pattern of landforms and glacial inceptsolic soils, create a vegetation zone called the coastal hardwoods zone.

FIGURE 1. Long Island Sound and its Environs.



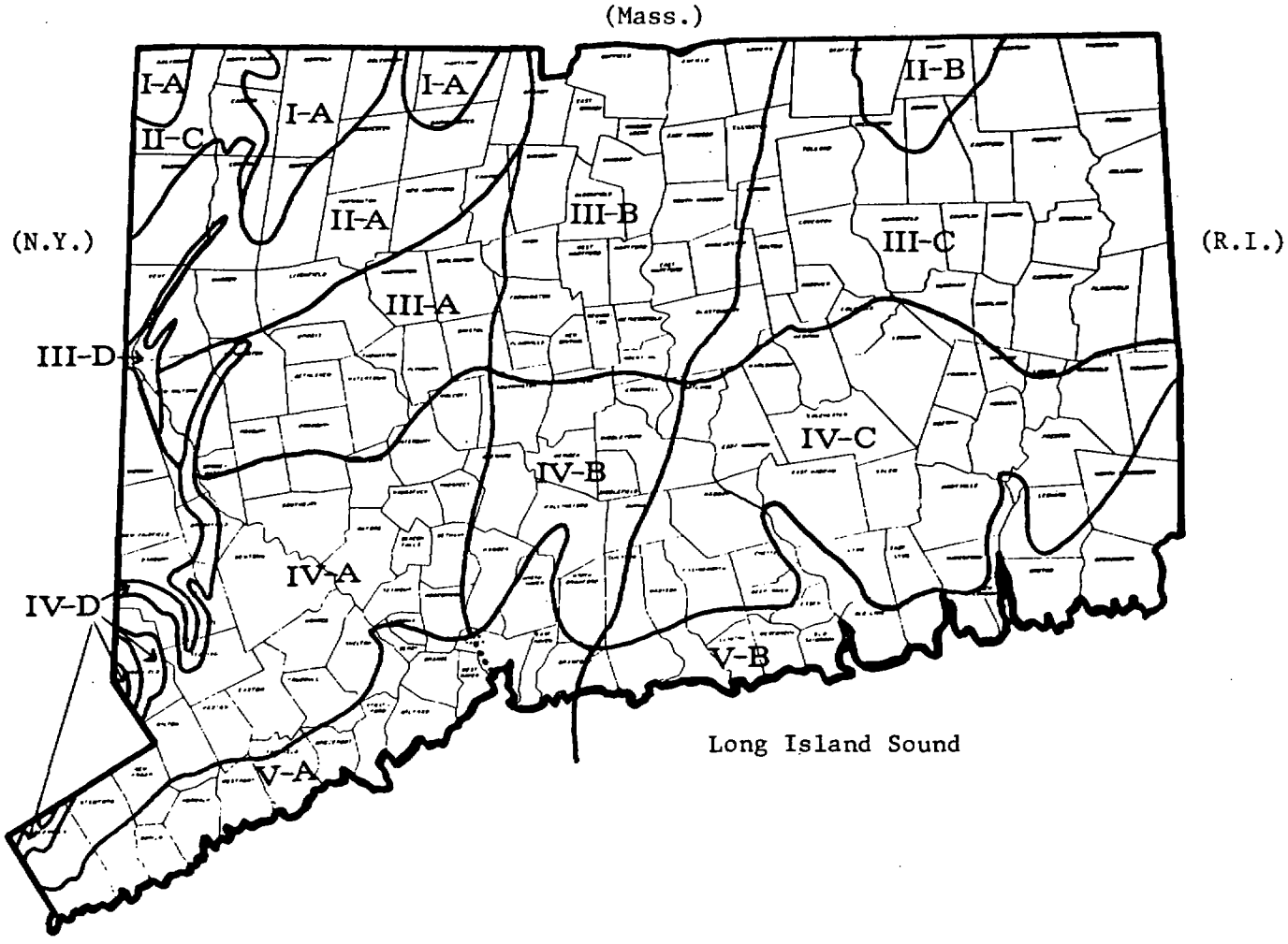


Fig. 2. Ecoregions of Connecticut

I. Northwest Highlands-Northern Hardwoods zone
   A. Northwest Highlands ecoregion

II. Northern Uplands-Transitional Hardwoods zone
   A. Northwest Uplands ecoregion
   B. Northeast Uplands ecoregion
   C. Northern Marble Valley

III. Northern Hills-Central Hardwoods-White Pine zone
   A. Northwest Hills ecoregion
   B. North-Central Lowlands ecoregion
   C. Northeast Hills ecoregion
   D. Central Marble Valley

IV. Southern Hills-Central Hardwoods zone
   A. Southwest Hills ecoregion
   B. South-Central Lowlands ecoregion
   C. Southeast Hills ecoregion
   D. Southern Marble Valley

V. Coastal Hardwoods zone
   A. Western Coastal ecoregion
   B. Eastern Coastal ecoregion

The Connecticut shoreline is subject to the forces of wave action, and sea level rise presently averaging approximately one to one and one-half feet per century. These forces act in concert on Connecticut's shore (85% of which is composed of potentially erodible materials) and the result is a retreating and submerging shoreline. This shoreline has an irregular geometry with many headlands, embayments, and islands. The following composition statistics illustrate the diversity of resources along the shore interface: sandy beach - 14.2%; glacial drift - 11.3% artificial fill - 8.2%; bedrock - 7.2%; and combined tidal wetland and undifferentiated tidal river shores - 59.1%. The variety of coastal landforms, and the variable marine processes affecting them, preclude a simplistic management treatment of the coast. In addition, seven complex districts, each representing a recurrent pattern of coastal landforms that are mixed or uniform in nature, can be discerned along the coast. The following district composition statistics in Table 1 together with the descriptions below show the characteristics of each district (see Figure 3).

TABLE 1

Shoreline Statistics

DISTRICT	SANDY BEACH	GLACIAL DRIFT	BEDROCK	ARTIFICIAL FILL	TIDAL WETLANDS (Acres)	TOTAL MILES	LINEAR MILES
A	25.7%	28.8%	19.3%	19.1%	7.1%(911)	79.9	15
B	37.0%	20.1%	0.7%	28.4%	13.7%(3424)	59.8	20
C	50.4%	15.2%	4.0%	30.4%	0.8%(400)	12.5	8
D	13.2%	10.2%	56.3%	9.0%	11.1%(2326)	33.2	12
E	54.9%	18.8%	1.7%	10.1%	14.5%(5290)	34.6	22
F	27.9%	36.0%	12.7%	12.9%	10.2%(827)	39.4	13
G	16.0%	40.8%	16.6%	9.9%	16.6%(865)	18.2	8

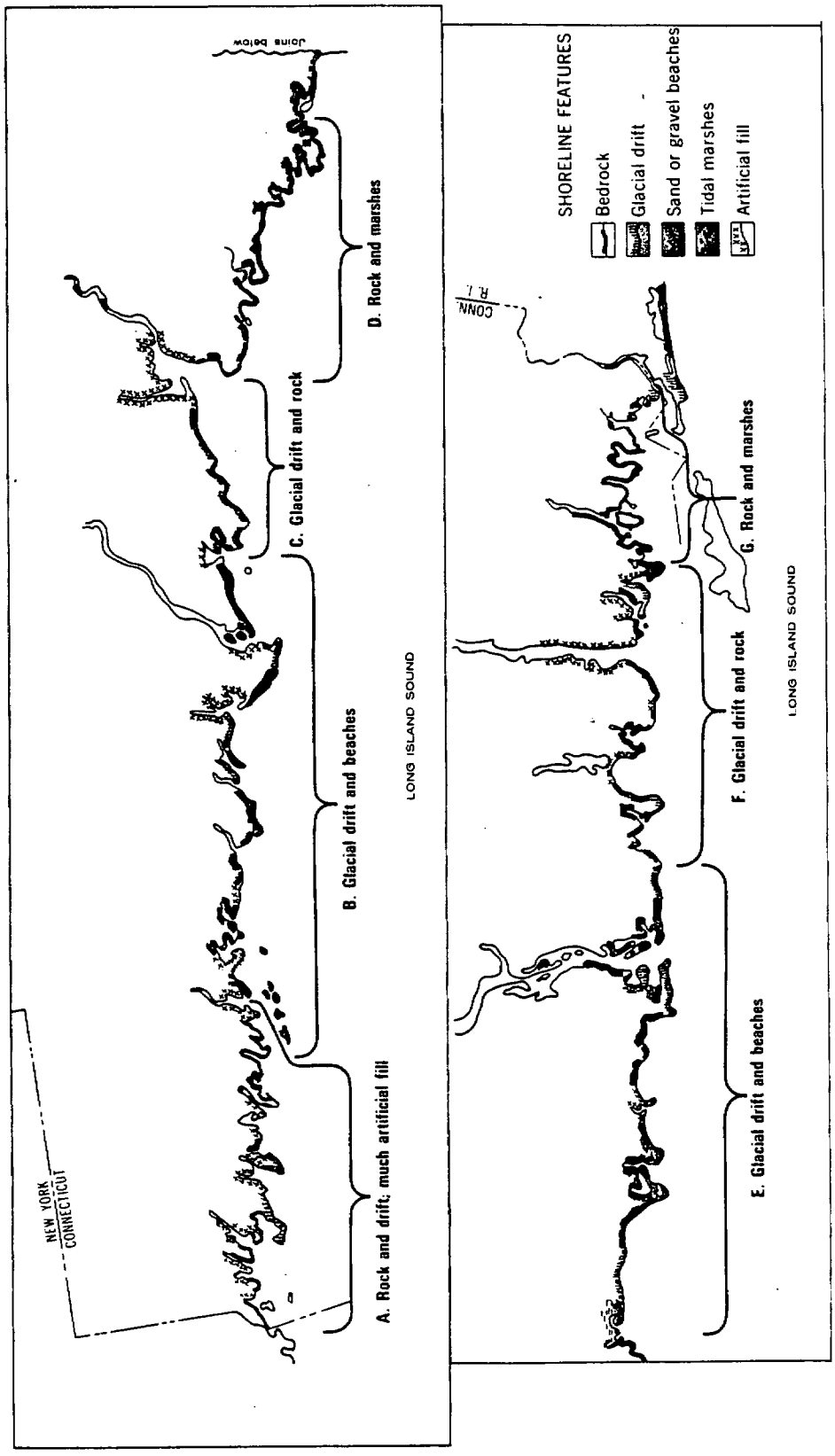
Source: CAM Planning Report No. 29, Shoreline Erosion Analysis and Recommended Planning Process

(1) Mixed Districts (A, F, G) are embayed and have an irregular geometry controlled by the preponderance and distribution of the least erodible materials: bedrock and till. Surficial resources are mixed, but central to district F are the three tombolos: Black Point Spit, Bushy Point Beach, and Groton Long Point.

(2) Outwash Districts (B,E). Salient features in these wave-straightened, linear to arcuate districts, are the extensive stretches of sandy (predominantly fringing) beaches fronting two broad zones of sandy outwash.

FIGURE 3

DISTRIBUTION OF SHORELINE FEATURES AND DISTRICTS



(3) Mixed Drift District (C) has a scalloped shoreline controlled by recurrent but limited outcrops of bedrock. Conspicuous in this district of mixed till and outwash are the largest sea cliffs in Connecticut ranging upwards to 40 feet.

(4) Bedrock District (D). Rocky headlands that have been stripped of their veneer of drift and residuum by wave erosion essentially account for this irregular district of rocky headlands shorefront, limited pocket beaches, and tidal wetlands. The many small rocky islands and reefs in the Thimble Island system are a unique characteristic of this district.

(Note: The preponderance of artificial fill in districts A through C reflect the intense urbanization of southwestern Connecticut.)

The Long Island Sound basin is an asymetric, preglacial valley situated between the bedrock of southern New England and the coastal plain sediments of Long Island. The estuary is unusual in that two independent and restricted passages to the ocean exist at opposite ends of the Sound. There are multiple passages at the eastern end which link the Sound with Block Island Sound. The East River, a tidal strait connected with New York Harbor is the passage at the western end of the Sound. The Mattituck sill and the Hempstead sill are submarine ridges with minimum elevations of 10 and 20 meters respectively, which delimit the eastern and western boundaries of the main central basin (averaging 26 meters) and its water mass. West of the Hempstead sill to the Throgs Neck lies the westernmost basin. Its waters are a mixing zone with an estuarine circulation that shunts lower density East River water into the western basin. The chain of morainal islands between Orient Point, Long Island and southwestern Rhode Island demarcate the eastern boundary of the Sound and the irregular eastern basin. Its waters are connected with the Block Island Sound. These cold, saline waters, dominated by an estuarine circulation pattern coupled to the ocean tides entering the Race, influence the overall water and salt budget of the central basin. Volume exchange rates at the Race are 60 times that of the western passage.

Tides and currents are dominated by semi-diurnal lunar tides. Basin geometry amplifies the ocean tides such that they increase progressively from east (2.5') to west (7.8'). The scouring effect of the turbulent tidal exchange at the Race has sculptured the irregular bathymetry in the eastern basin, and caused sediments predominantly of medium sands to collect in sheltered regions, and coarse sands, gravel, and cobble to settle in the main channels. Concurrent with the net westward motion of the bottom waters in the eastern basin is the conveyance of medium and fine sands to the Mattituck sill. The sediments in the central basin and western basin, regions of low tidal currents, are characterized by a non-uniform veneer of marine silts and fine sands over deposits of glacial sands and gravels. Extraction of these valuable glacial sediments in the main is economically unfeasible and not without severe environmental impacts.

Coastal waters are defined by the Connecticut Coastal Management Act as those waters containing a measurable quantity of seawater,(waters with a salinity at or above 0.5 parts per thousand). Freshwater drainage from the five major drainage basins fronting on the Sound and its estuaries contain countless small streams and creeks. Principal to the chemical properties of the Sound are the three tidal rivers: the Housatonic, the Connecticut, and the Thames. Secondary are the Saugutuck and Quinnipiac Rivers. In fact, the Connecticut River, discharging into the eastern basin, accounts for more than seventy percent of the Sound-wide runoff. The low salinity plumes at the mouths of the Housatonic and Connecticut Rivers are frequently visible from the air. The net transport of low salinity surface waters eastward, and dense, saline bottom waters westward in the eastern basin, has the propensity to conserve essential nutrients in the central basin, particularly when surface waters are depleted of nutrients by phytoplankton. Reputedly, nitrogen limits phytoplankton blooms. Average salinities in the western and central basins are 26 parts per thousand and 27-28 parts per thousand respectively. Waters in the central basin are highly mixed, except during prolonged periods of calm that promote vertical stratification. Residence time of water in the eastern basin is on the order of one week, but the renewal rate increases westward to the point that the westernmost waters have limited capacities to assimilate cultural pollutants.

The enriched estuarine waters of Long Island Sound support a variety of marine finfish and shellfish. More than 100 species of fish inhabit Connecticut's coastal waters, although significant commercial and recreational species number fewer than one dozen. The otter trawl commercial fishing industry harvests blackback and yellowtail flounders, porgy, butterfish, and to a lesser extent mackerel and herring. The anadromous American Shad supports the most valuable commercial industry in the lower reaches of the Connecticut River. Principal commercial shellfish species are hardclams, scallops, and mussels, but especially important are the oyster and American lobster. The western region of the Sound supports the largest populations of both oyster and lobster. Bluefish is the most important recreational fish, followed by striped bass, flounder, blackfish, porgy, mackerel, and weakfish.

The Sound functions as an important resting and feeding area for migratory waterfowl and shorebirds in the Atlantic Flyway. Numerous bay-marsh complexes function as critical waterfowl staging areas. The intertidal flats at New Haven Harbor and the Great Meadows also concentrate large numbers of shorebirds. Large rafts of waterfowl frequent the Sound in winter, particularly Black Duck, Greater Scaup, Canada Geese, Red-breasted Mergansers, Scoters, and Goldeneye. A few onshore beaches and offshore islands support small localized breeding colonies of terns. These habitats are more important than ever because many suitable habitats have been destroyed along the entire eastern seaboard. Rare and declining coastal avifauna include American bittern, Common Egret, Little Blue Heron, Yellow-Crowned Night Heron, Black Rail, Piping Plover, Willet, and the endangered Osprey. The recreational value of coastal wildlife, save the hunting aspect, is predominantly an aesthetic one.

COASTAL RESOURCES

The area within the coastal boundary as defined by the Connecticut Coastal Management Act and each of its component resources form an integrated but fragile ecosystem. The coastal management boundary encompasses (1) all coastal waters, (2) all nearshore lands with the potential to significantly impact coastal waters, (3) lands prone to coastal flooding, and (4) unique resources found nowhere else in the state. In principle, these are composite resources, each with their own distinct abilities to assimilate impacts or their own unique intrinsic properties with respect to the welfare of the larger coastal ecosystem. A detailed treatise of the 14 coastal resources defined by the Act is beyond the scope of this document but the cursory treatment below will suffice to delimit their physical attributes and to function as a foundation for discussion of the issues. Definitions of each resource are contained in the Connecticut Coastal Management Act and accompany the coastal policies (see Part IV).

Coastal Waters

Long Island Sound is composed of discrete water masses and substrates including countless tidal estuarine streams and creeks which collectively form an integrated, continuous, and composite water system. Each component differs in chemical and physical properties and overall significance to the coastal water ecosystem or specific biota. Most notably they contain different capacities to assimilate anthropogenic impacts and cultural pollutants. Offshore waters, nearshore waters, and estuarine embayments, are the principal resource elements in this system. The texture and pattern of benthonic sediments in addition to offshore topography(below the 10 meter bathymetric contour), in the main, are not influenced by wind-waves occurring during either normal conditions or storms. The nearshore zone is distinguished by coarse sediments, predominantly coarse to fine sands, and a well-mixed water column. Turbulence at the shore and upper shoreface creates typically unstable substrate conditions which preclude all but the most active marine organisms. This zone varies considerably in width from 0.5 miles contiguous to rocky shorelines, to a maximum of 4 miles where the broad, sandy outwash plains intersect with the shore. The average southward slope is 1:200'. The offshore, however, slopes more gently southward, and its waters are moderately stratified to well-mixed by tidal currents and waves. The role of the turbulent tidal exchange at the race is an important one for both the coarse nature of the sediments, and the rapid flushing rate in the eastern basin.

Estuarine embayments are small, confined waters encircled by land that are semi-enclosed with a restricted tidal passage to the Sound. Fringed by vital tidal wetlands and flats, embayments represent a highly productive resource. Basin geometry varies, and depths average 6 feet but range to over 20 feet in the principal tidal rivers. Turbidity is generally higher than in nearshore waters and salinity ranges from 0.5 to 28 parts per thousand. Sediments are predominantly fine-textured. An important characteristic of these sheltered environments is the submerged flats of eelgrass (*Zostera marina*)which enhance pro-

ductivity, transfer essential nutrients from the sediments to the water column, mitigate the impact of wave energy on the shoreline, trap and stabilize sediments, and are an essential substrate to the life cycle of the scallop for brief periods of time. It is, therefore, not unusual that the preponderance of scallops coincides with the distribution of eelgrass which is essentially restricted to the easternmost embayments, and to the protected Fishers Island Sound. Embayments are particularly susceptible, more so than nearshore waters, to pollutants because of their small water volume, fine-textured sediments, and limited circulation.

Intertidal Resources

Tidal Wetlands -- Tidal wetlands have a significant rôle in the estuarine environment. Notably, these grassy coastal floodplains are highly productive. Salt and brackish marshes are the two primary tidal wetland systems that occur in the coastal area. In southern New England, tidal marsh soils are predominantly organic. However, suspended riverine silts are essential to marsh maintenance and growth.

There are four vegetation zones in the salt marsh. These zones run in progression from the low to high marsh: (1) the lower slope marsh comprised of a belt of salt marsh cordgrass, (Spartina alterniflora) (2) the upper slope dominated by either salt marsh hay (Spartina patens) or Spike grass (Distichlis spicata) or an intricate mosaic of both, (3) the lower border of the rush, Black Grass (Juncus gerardi), and (4) upper border transition between the marsh and upland which is inundated by extreme annual storms and supports a grassy belt of switchgrass (Panicum virgatum). Historically, impacts, such as dredging and filling, have irreversibly destroyed up to 50% of Connecticut's marshes. In addition, certain activities, particularly the construction of tidal gates that significantly alter hydrology, flood frequency and salinity of the upstream estuary, have culminated in the conversion of acres of salt marsh to brackish reed (Phragmites communis) marshes. Only a small percentage of Connecticut's salt marshes are in a natural state. Most contain a complex network of mosquito ditches that have altered drainage and vegetation patterns.

Progressing upstream, as salinities diminish, salt marsh species are replaced by a plethora of brackish water taxa, predominantly the brackish water reed and the brackish water cattail (Typha angustifolia). Lesser in importance are the bulrushes (Scirpus americana, Scirpus olneyi, S. validus and S. fluviatilis).

Intertidal Flats -- Intertidal flats are level to gently seaward sloping areas, restricted to protected, low wave energy embayments, that are subjected to alternating tidal inundation and dessication incidental to exposure. Substrate characteristics range from mud to sand in the more exposed cases. These flats generally average less than 1,000-2,000 feet in width. They function as temporary nutrient traps, act as limited sinks for pollutants, are specialized habitats for certain marine invertebrates, and are particularly important feeding and resting areas for migratory shorebirds.

Coastal Land Resources

Beach Systems (Beaches and Dunes) -- The beach composed of unconsolidated sands and gravels, in addition to landforms of wind deposited sands, constitutes an integrated but complex resource system. Along Connecticut's shore these systems develop under conditions of low wave energy and are therefore narrow features, generally less than 200 feet in width. The generic classes of beach systems are interspersed between a multitude of headland and rocky shoreline which preclude lateral continuity of the littoral transport system creating "pocket" beaches, the most common type of beach system in Connecticut. Such beaches are characterized by their short, narrow topography. Fringing beaches fronting glacial drift uplands, and barrier beaches surrounded by water are the two classes of beach systems on the coast although their coastwide distribution is limited. Fringing beaches generally lack aeolian landforms and border escarpments or seacliffs (bluffs). Aeolian landforms, however, are conspicuous on Connecticut's few barrier beach systems.

Generally, in Connecticut, aeolian dunes are rare landforms. A single dune ridge, averaging less than 1-2 meters in relief, and level to undulatory sand flats leeward, typify the nature of aeolian systems at the coast. Sufficient breadth and elevation of these deposits to support a freshwater table and marshes do not exist. Ridges and flats support a one-layered coastal grassland dominated by Beach Grass (*Ammophila breviligulata*) and Poison Ivy (*Rhus radicans*), the two most important sand dune and ridge stabilizers. Limited in occurrence are dunes which provide sufficient protection from the rigors of salt spray to permit development of a coastal scrub woodland of Wild Black Cherry (*Prunus serotina*) and Shadbush (*Amelanchier* species).

Beach systems are valuable coastal resources in Connecticut. However, because of the encroachment of development, notwithstanding the above noted natural limitations, most are only of local importance from either a natural or a recreational perspective. Few beaches are devoid of structural devices built to mitigate the impacts of erosion, particularly groins and seawalls. Aeolian landforms and their biotic communities have all but been obliterated by low to moderate residential development and concurrent pedestrian traffic. Notable exceptions are Griswold Point, Bushy Point Beach, Black Point Spit, Milford Point and Long Beach, representing virtually the only significant and unaltered beach systems in the state. It should be noted that because of the fetch limits on wave energy imposed by physiography of Long Island Sound, Connecticut has no true "barrier beaches" or "barrier islands."

Coastal Bluffs and Escarpments -- Bluffs and escarpments are steep, seaward sloping coastal cliffs etched into glacial drift headlands. Nearshore bathymetry is also steep, permitting the maximum expenditure of wave energy on these shorelines. These shorelines have dynamic slopes that adjust to the rate of erosion of the lower slope as mediated by waves, substrate composition, drainage and degree of plant cover. Seacliffs range from small marine escarpments with a relief of 0.5 to 1 meter upwards to a maximum of 40 feet fronting the most prominent headlands. Concurrent with slope failure and wave action is the formation of narrow headland beaches of cobble mixed with boulder. Like rocky shorefronts, these landforms are less than 100 feet in width. Today, most bluffs and escarpments have been modified by seawalls and riprap.

Because of these attempts to stabilize bluffs and escarpments, an invaluable sediment source to the contiguous beaches is lost, causing accelerated downdrift erosion. Inevitably, the stabilization influence of structures is a temporary one, and if fetch limitations were not imposed on wave energy by the physiography of the Sound, many of these structures would have been undermined and destroyed long ago. The few remaining natural bluffs support a diverse variety of herbaceous vegetation and scattered shrubs. This vegetation provides natural stability but does not interfere with the function of these sea cliffs to nourish beaches with sand.

Coastal Islands -- The former seaward extent of Connecticut's coast is marked by the distribution of coastal islands, representing upland hills with sufficient elevation to preclude inundation which have not yet succumbed to wave erosion. These islands are chiefly composed of bedrock, mantled with a thin veneer of droughty soils, and have rocky shorelines (e.g., the Thimble Islands). In addition, abutting the shore are numerous islands of till. The Norwalk Islands and the two islands south of Guilford, Falkners and Goose, which are reputedly morainal in origin, are less common. The shorelines on both till and morainal islands are replete with a variety of resource types, including boulder shorefront, seacliffs, salt marshes on sheltered shores, and stony or cobble beaches. Sandy beaches, dune ridges and sand flats are rare elements. Less than 20% of these islands exceed 10 acres with the average areal extent of 7 acres.

Physical parameters such as salt spray, habitat diversity and acreage affect the structure and floristic composition of island vegetation. Small islands often support scant vegetation consisting of herbs and salt pruned shrubs. Dry coastal woodlands of oak and, locally, pitch pine (Pinus rigida) occur on the larger islands.

Certain islands support wildlife not found on the mainland coast because of the limited development commonplace to islands. Two islands merit mention. The first, Chimon Island in the Norwalk group, contains one of the few Northern heron rookeries of Black Crowned Night Herons, Snowy Egrets, and state rare taxa, the Little Blue Heron, Cattle Egrets, and Great Egret. Although Chimon Island is the largest heron rookery in Connecticut, it represents an extreme Northern habitat for the rare species (which are more common to the South) that nest there. The second, and of regional and perhaps national importance, is the Roseate tern breeding population on Falkner's Island which is owned by the U.S. Coast Guard. Not only does the island contain the largest Connecticut Common and Roseate tern colony, but it also contains one of the largest of the few remaining Roseate tern colonies on the eastern seaboard. In 1978, 160-180 pairs nested on this island. Historically, this island served as a refuge for terns during periods of disturbances at the main regional colonies such as Great Gull Island, New York. In fact, at one time, Falkners and the nearby island, Goose, supported 1,600 pairs of Roseate Terns.

Rocky Shorefront -- This category entails both intertidal and supralittoral shorefront of gently to steep sloping rockland, and dense aggregations of boulder armoring the shore. Rocky shorefront constitutes a relatively erosion stable shoreline, and is an insignificant sediment source to downdrift landforms like beaches. Beyond the reach of the tides, the rock is exposed, devoid of vegetation, and rarely exceeds 100-200 feet in width. Intertidal rocky shorefront functions to provide a stable substrate for a plethora of specialized marine plant and animal communities. Barnacles, mussels, snails and rockweed are prevalent here.

Shorelands -- Shorelands together with Rocky Shorefronts, as defined by the Connecticut Coastal Management Act, comprise the most dominant features of Connecticut shoreline. Shorelands are defined as those areas with elevations that exceed the still water flood level of the 100 year coastal event, thereby precluding coastal flooding. Activities initiated on shorelands may not significantly impact coastal waters. These lands are replete with a variety of upland landforms including drumlins, rocky lands, glacially rounded till hills and plains, each with their own conspicuous and characteristic sequences of soils. Coastal vegetation in both the shorelands and coastal hazard areas are differentiated by the preponderance of oaks, particularly scarlet, black and white, and the absence of northern species. Rich silty loams and lower concave slopes support a rich, fast growing forest dominated by oaks.

Coastal Hazard Area -- These nearshore lands as defined by the Connecticut Coastal Management Act are subject to coastal flooding and concurrent erosion incidental to normal or extreme coastal events (upward to the 100 year event as identified by FEMA-FIA mapping). This zone embodies beach systems, rocky shorefront, bluffs and escarpments, tidal wetlands, occasionally freshwater wetlands, and uplands of low elevation. The biotic communities here are markedly similar to those inhabitating shorelands. However, plant communities contiguous to the shore can be markedly pruned by the dessicating action of salt spray.

Freshwater Wetlands and Watercourses -- The definition of this compound category conforms to the Wetlands and Watercourses definition in the Connecticut General Statutes which defines wetlands on the basis of certain soils that are poorly drained, very poorly drained, alluvial, or flood plain types as designated by the soil conservation service. At least 20 different wetland soils exist in the coastal area reflecting these categories, not all of which meet the statutory definition for tidal wetlands. Watercourses include rivers, streams, brooks, waterways, lakes, and ponds. Flood mitigation, recharge, filtration of pollutants and important wildlife habitat are included in the functional role of these indispensible and fragile resources.

Wetland vegetation on both mineral and organic soils is primarily a swamp type, dominated by Red Maple. There are, however, local occurrences of Atlantic White Cedar. Floodplains and alluvial deposits are scarce.

Urban Shorefront -- These nearshore lands are defined by the Connecticut Coastal Management Act as those areas that have been highly engineered and developed so that the relationship of the natural landscape and systems to contiguous resources is functionally impaired and irreversibly altered. In principle, these lands are major coastal economic centers. Their land use ranges from light to heavy industry,

commercial, institutional to high density residential uses. The former natural structure and function of the soils have been substantially altered by grading and capping with artificial fill and impervious surfaces. The shoreline is generally rectilinear with a host of seawalls, wharves and docks to accommodate shipping activities. As a result of urban runoff, groundwater contamination, oil spills, discharges from municipal treatment plants, and certain industrial uses, water quality in these harbor areas may be significantly degraded or altered.

Man-Made Environment

The preceding description of the natural environment explains the unique, fragile system which borders Long Island Sound's north shore. Upon this fragile base is a pattern of development that has evolved over a period of three hundred years. While the type of development has changed throughout the years, the pattern of intensive shorefront use and development remains. In fact, the unindoctrinated visitor expecting white clapboard houses and historic seaports of New England would be surprised upon travelling Interstate 95 as it parallels the coast from Greenwich to Stonington, to find urban sprawl, fuel storage tank farms and industrial centers dominating much of the landscape. Stretches of natural beauty and historic settings can be found, but a great deal has been changed by three centuries of progress and growth.

Some of the earliest colonists' migrations from Massachusetts followed the Connecticut River to its mouth at Old Saybrook, Connecticut. By the mid-1600's the entire Connecticut coast was settled and patterns of land use began to develop. In the beginning, argriculture was the major land use along the coast. Though not well suited to agriculture because of the predominant bedrock base and hilly terrain, this use of the land was born of necessity. Today, agriculture is a minor use within the coastal area. Only 5% of the total area within the thirty-six municipalities is in agricultural use. Between 1970 and 1975 there was a 6.5% decrease in the amount of land in agricultural use. Approximately two thirds (2/3) was returned to natural vegetation; the remaining third (1/3) was permanently lost to other uses. This decline is expected to continue.

Two revolutions helped implement the change from agricultural to urban dominance - the American Revolution and the Industrial Revolution. Unlike its suitability for agricultural usage, the Connecticut coast was very well suited to the demands of water-borne commerce and water-powered industries. The natural embayments along Long Island Sound and numerous waterways facilitated the growth of major port and harbor areas which, in turn, spurred the development of major urban centers in those areas. Though the range of activities has changed, the combined elements of commerce, transportation and industrial uses maintain the significance of ports and harbors. The state's three largest harbors are New London, New Haven and Bridgeport. New London Harbor comprises the lower twelve miles of the Thames River in southeastern Connecticut. The main channel is 3.8 miles long. New Haven Harbor (the third largest port in New England) is 4.5 miles long, located on a bay in southcentral Connecticut. It is comprised of a 35 foot entrance channel and three subsidiary channels: the Quinnipiac River, the Mill River and the West River. Bridgeport Harbor, located in southwestern Connecticut is actually a port area consisting of two harbors, Bridgeport Harbor (the main harbor) and Black Rock Harbor which are about 2 miles apart. The main harbor has three subsidiary channels: the Yellow Mill Channel, the Poquonnock River and Johnson's River. Together, these three major harbors supply 34 oil handling facilities, and over 1,000 storage tanks with combined capacities of over 14 million barrels. The smaller ports include Stamford Harbor, Norwalk Harbor, and ports along the Housatonic and Connecticut Rivers. Between 1952 and 1972 the total volume of waterborne commerce increased 114%; commerce in petroleum products

increased 156%. In 1972, the total volume of waterborne commerce handled at Connecticut's ports was approximately 29 million short tons. Over 80% of this was in petroleum products.

Commercial and industrial activities were once totally water dependent and, thus, coastally oriented. Today the range of activities encompasses water-dependent and non-water-dependent uses. Commercial fishing, shellfishing and sportfishing, marina facilities and other tourist facilities exemplify water dependent commercial uses. While historically of great economic importance to the state, commercial finfishing and shellfishing activities are no longer major commercial uses of Connecticut's coast. Total finfish landings have declined 75% in the twenty years between 1950 and 1970 (from 20 million pounds to 5 million pounds). The shellfish industry which underwent a similar decline has been enjoying a slow resurgence since the mid-1970's. In contrast to the three hundred natural growthers, hundreds of steamers, and thousands of employees associated with the oyster industry at the turn of the century, there now exist approximately 70 natural growthers, 29 large vessels, five companies and 200 employees utilizing the oyster resource. Sportfishing, commercial recreation and water-based tourism are, on the other hand, growing in their importance as segments of the state's economy. There are approximately 70,000 registered power boats and in excess of 30,000 sailboats in Connecticut. Some of these boats are accommodated by 164 commercial marinas, many of which supply a host of associated facilities (i.e., boat repairs, restaurants, filling and pump-out stations) all adding to their economic import.

Many older factories and industries located along the coast are no longer water-dependent, yet occupy valuable coastal acreage. Shipbuilding, petroleum storage and mineral extraction (i.e., sand and gravel mining) are existing industrial uses of the coast. Manufacturing includes production of machinery, primary and fabricated metals, transportation equipment, chemicals and food products. Commercial and industrial activities beyond the immediate shorefront have greatly contributed to the economic growth of the thirty-six coastal municipalities. Commercial uses within the coastal municipalities include shopping centers, office buildings, and other trades and services facilities. Between 1960 and 1970 there was an increase of 133% in commercial land use in the municipalities. From 1970 to 1975 there was a 3.4% increase. Average annual expansion was 740 acres per year in the 1960's and 151 acres per year in the 1970's. In addition, many nationally known industries are represented within the coastal municipalities (i.e., American Can Company, AVCO, Arnold Bakers, Inc., and U.S. Tobacco Corp. in Greenwich; Charles Pfizer Chemicals and Electric Boat Division of General Dynamics in Groton). The most industrial region, southcentral Connecticut, is the site of Armstrong Rubber Co., Bic Pen Corp., Cheeseborough-Pond's Inc., Federal Paper Board Co., Pratt-Whitney Aircraft, Upjohn Co., and many other large and small manufacturing firms. (Manufacturing accounts for 39% of employment within the coastal area.) There was a 50% increase in industrial land use from 1960 to 1970. From 1970 to 1975 there was a 12.8% increase. Most new industrial land use has located adjacent to the highway system (e.g., along I-95 in Greenwich, Stamford, Fairfield, Stratford, Milford and Branford; along Route 8 in Shelton; near Route 52 in Norwich; along I-91 in North Haven).

Connecticut's highway system, as noted above, is just one transportation advancement which facilitated growth within the coastal area while decreasing commercial and industrial water-dependence. All major forms of transportation are represented along Connecticut's coast. The main railroad line from Boston to Washington, D.C. parallels the coast for its entire span from New York to Rhode Island. Interstate Route 95 also parallels the entire Connecticut coast and north-south Route 8 and 91 in the west, and Route 9 along the Connecticut River, connect the coast to inland areas. Three airports - Bridgeport Municipal, Tweed-New Haven, and Groton-New London - are located in the coastal area. Cross-Sound ferries operate between Bridgeport and Port Jefferson, New York and between New London and Orient Point, New York.

Water as a power source was a major factor in the historically intensive use of the coast. Electric generating plants located on the coast, utilizing Long Island Sound and major rivers as a water source. There are currently twenty electric generating stations operating within the coastal municipalities. (Three of these are nuclear powered with a fourth under construction.) These facilities are fairly evenly distributed among the western, central and eastern coastal regions, with a noticeable lack in the Connecticut River Estuary area. Transmission lines transporting electricity facilitated the location of consumers along the coast <u>and</u> inland. (See "Energy Facilities," Part X.)

Throughout the centuries, the economic growth spurred by commercial and industrial development was accompanied by increasing residential use of the shorefront and inland areas. Residential use accounts for 25% of shorefront use. Rising land values and a lack of undeveloped shorefront land have stimulated more recent residential growth away from the immediate waterfront. Within the thirty six coastal municipalities, residential land acreage in the five years between 1970 and 1975 accounted for nearly one-half of the total newly developed land acreage.

While recreational and institutional uses have always occurred along the shorefront, they too have changed in character. Boating facilities are prominent along the coast. In addition to the 164 commercial marinas previously cited, there are 63 private yacht clubs and 8 public marinas together supplying over 25,000 berths and slips, and 23 state boat ramps to accommodate the more than 100,000 boaters in coastal Connecticut. The state does not have extensive beach resources. However, the 78.6 miles of sandy beach are intensively utilized. Public ownership accounts for 30.2 miles of sandy beach; 32.1 miles are privately owned and 16.3 miles are owned by associations. Of the 30.2 miles of beach in public ownership, 7.52 miles are state owned and 22.65 miles are municipally owned. Furthermore, there are 5,599 acres of public campgrounds affording 1,332 sites within the 4 coastal counties. Within one mile of the shore there are over 8,400 acres of recreation lands including some acreage attributable to small municipal parks and playgrounds. The range of recreational activities accommodated both along the coast and within the coastal municipalities encompasses both active and passive recreational uses. (See Planning Report No. 25, and "Shorefront Access and Protection Planning," Part X.)

Water dependent institutions along the coast include military facilities and marine research facilities (e.g., Naval Submarine Base, Navy Underwater Systems Lab, Coast Guard Academy, University of Connecticut's Marine Science Institute). Other specialized services and cultural facilities such as public buildings, landfills, museums, prisons and schools are also coastal occupants (e.g., Seaside Regional Center in Waterford; Niantic Prison Farm; and Camp Grasso, the Connecticut National Guard training center).

Land Use Patterns

Connecticut's coast is part of an urbanized area that stretches along the eastern seaboard from Portland, Maine to Norfolk, Virginia. Figure 1 (p. II-4) depicts Connecticut and its coast as the intrinsic link between Boston and New York. The state's size and location left it subject to inter-state as well as intra-state development pressures. An urban "corridor" extends along the southwestern coast to New Haven where it curves north-ward following major transportation links toward Hartford. This creates a primary division of the coast-the urbanized densely populated areas west of New Haven and the less intensively developed areas east of New Haven. Further regional subdivisions, often used for statistical purposes, identify the dominant characteristics of the given areas.

Southeastern Connecticut. The coexistance of heavy industry and rural, historic districts in this region epitomizes the diversity of the coast. New London, one of Connecticut's oldest cities, and Groton form the major industrial center east of New Haven. New London Harbor, bordering the Thames River, spurred the growth of New London;an old manufacturing city. The harbor is bounded on the east by Groton, the home of Electric Boat Division of General Dynamics Corporation, the Pfizer Chemical Company and the U.S. Naval Submarine Base. These towns are flanked on either side by Stonington and Waterford which are mainly suburban to rural, residential in character. Waterford is the location of the Millstone Point nuclear power plants (two are operational and a third is under construction). Stonington is sparsely populated, suburban-rural in character and is the location of an eighteenth century village (Stonington Borough), historic Mystic Seaport and Connecticut's last remaining commercial fishing fleet. Employment opportunities and an increasing economic base have caused a rate of growth in this region almost twice that of the nation over the past decade.

The Connecticut River Estuary Region originally developed as a center for boat building and shad and salmon fishing. It went through a period of economic decline brought on by competition from the railroad and commercial deepwater vessels. With the completion of I-95 in 1958 and Route 9 in 1968 the area opened up gaining an economic base from the large pleasure boating population to which it became accessible. Today the Connecticut River has the distinction of being one of the largest rivers in the United States without a major city at its mouth. The region, extending from Clinton to East Lyme and up the Connecticut River, is largely rural in character. Much of the shoreline is devoted to seasonal homes. Old Saybrook and Westbrook experienced the fastest increase in population in the state between 1960 and 1970. This increase was largely attributable to the conversion of seasonal housing units to year-round homes, and highway development (Route 9 and I-95).

(This region also has the highest median age group, which, when viewed in conjunction with the conversion of seasonal homes, implies its attractiveness for retirement.) The towns in this region are experiencing the development pressures of suburbanization.

Southcentral Connecticut. This region is dominated by urban New Haven and the industrial development along New Haven Harbor, the Mill River, the Quinnipiac River and the West River. Sixty-three percent of New Haven's shoreline is zoned for industry. With the exceptions of East Haven which is highly urbanized and Branford which is experiencing residential and industrial relocation, towns to the east of New Haven (Guilford and Madison) are suburban/rural in character. They have long accommodated seasonal homes and summer vacationers' activities (e.g., recreational boating). In the past, towns north and west of New Haven (i.e., Hamden and West Haven) absorbed the large suburban population increases. The trend now appears to be moving eastward.

The Greater Bridgeport Area. This region is mostly urban with Bridgeport Harbor dominating the area. Bridgeport has the largest population of all the urban areas in Connecticut. The shoreline houses a number of industrial uses, a landfill operation, the University of Bridgeport, and municipal recreational facilities. Residential use is intensive throughout this region with strips of commercial use. Stratford and Fairfield also have large expanses of open space and wetlands which are threatened by development pressures. Most development pressures, however, have shifted to the suburban areas. Shelton, for example, experienced the greatest residential growth in the area since 1960.

Southwestern Connecticut. This is the most densely populated region within the coastal area. From World War II through the 1960's the region grew rapidly, serving as a "bedroom community" for the New York City job market. The highest priced waterfront is along the so-called Gold Coast - Greenwich, Darien, Westport and the portion of Fairfield known as Southport. The New York Times recently reported waterfront property values range from about $500,000 an acre in Greenwich to $200,000 for a "few remaining" lots in Westport. Because of the high land values, low density zoning and existing high population densities in addition to general trends of decreasing birth rates and net in-migration, growth in this area has slowed since 1960 and will continue to do so, according to projections. Recently however, suburban relocation of corporations has been substantial. For example, the international headquarters of Continental Group, Inc. and Kennecott Copper Corporation are relocating in Stamford. Norwalk Harbor and Stamford Harbor stimulated commercial and light industrial use in the region and Norwalk Harbor houses one of the last oyster companies operating in the state.

Population and Demographics

In 1975 an estimated 1.25 million persons lived in the thirty-six coastal municipalities. Over 80% of the total coastal population reside in the three regional areas west of Clinton (i.e., Southwestern, Greater Bridgeport and Southcentral regions). Since 1970 net in-migration and births in the coastal area have decreased. Population projections for the

next twenty years show a continued decelerating growth rate. Major reasons include the continuation of lower birth rates and smaller net in-migration. These trends are accompanied by a continually decreasing mortality rate and the assumption that the economy will undergo a slow, steady recovery from the mid-1970's recession. The following table depicts annual growth rates for the past and as projected for the future for the total coastal area.

% Annual Growth Total Coastal Area

1950-1960	1960-1970	1970-1980	1980-1990	1990-2000
2.5%	1.5%	.6%	.5%	.4%

While the growth rate will generally decelerate along the coast, rates of growth will vary among towns and regions from east to west. For example, the following chart depicts annual percent growth rates for the western and eastern regions.

% Annual Growth

	Western (Greenwich-Madison)	Eastern (Clinton-Stonington)
1970-1980*	.42%	1.51%
1980-1990	.39	.99
1990-2000	.32	.82

Generally, decreasing rates of growth are evident in major urban areas (e.g. New Haven, Bridgeport, New London) with projected increases for the suburban and rural areas. In 1975 population densities ranged from a low of 48.5 persons per square mile in Lyme to a high of 8708.6 persons per square mile in Bridgeport.

The median age in the coastal area was 29.2 years in 1970. The highest median age was in the Connecticut River Estuary region. The lowest median age, largely attributed to the presence of military establishments, was in Southeastern Connecticut. The five to twenty-four (5 to 24) year old age group showed the largest increase between 1960 and 1970 and has a major fiscal impact on municipalities in terms of educational and associated facilities. The next most significant increase was in the twenty-five to forty-four year age group. This age group is associated with young and growing families and thus has a major impact on housing and related services.

Median family incomes in 1970 ranged from a low of $9,031, in New Haven to a high of $22,172 in Darien. The median income for families in the coastal area as a whole was $11,991. In general, the lowest median incomes were found in major urban areas (e.g., Bridgeport, New London, Groton). The highest median incomes were found in the suburban communities of the Southwestern region (e.g., Westport, Greenwich).

* Projected populations and growth rates are based upon a "modified-trend" approach developed by the Office of Policy and Management in conjunction with the regional planning agencies for CAM.

Air Quality

While significant progress has been made in improving Connecticut's air quality, violations of the National Ambient Air Quality Standards continue to occur. The state has met the national standards for sulfur dioxide and nitrogen dioxide, but a determination of non-attainment has been made for total suspended particulates (TSP) and photochemical oxidants. Current ambient pollution levels are the result of three general categories of source emissions: 1) natural sources, 2) out-of-state sources, and 3) in-state sources. Natural sources are essentially uncontrollable and their impact considered minor. Out-of-state sources consist of an air mass portion and an urban plume portion. The general air flow from west to east brings pollutants from across the country to Connecticut. Located just a few miles to the southwest of Connecticut, the New York City/New Jersey Urban Complex is one of the state's largest emissions sources. In fact, DEP studies show that on certain southwest wind days up to two-thirds (2/3) of elevated photochemical oxidant (ozone) levels are assignable to this complex. At other times, however, levels of both photo-chemical oxidants and total suspended particulates are attributable to instate sources and intrastate air pollutant transport. The major instate emission source is the automobile and associated traffic congestion.

The coastal area lies within three of the four Air Quality Control Regions (AQCR) established for the state. For the most part, ambient air pollutants can more readily be attributed to a generic source than a specific source. However, several points directly associated with the coastal area can be noted.

Non-attainment of the primary standard for total suspended particulates (TSP) in AQCR 43 has been related to the coal fired Cos Cob Power Plant in Greenwich. The violation was caused by reduced stack height. The stack has been replaced and the station is converting to oil which should eliminate the violation. AQCR's 42 and 43 have been determined non-attainment for the 8 hour carbon monoxide (CO) standard. The primary cause here is traffic congestion in urban areas. The coastal area not only houses many of Connecticut's urban areas but several major traffic routes including Interstate 95 which runs along the length of Connecticut's coastline.

The coastal area contributes to intrastate air pollutant transport through both mobile and stationary sources. In a sense, the coastal location contributes to the transport of out-of-state sources of air pollutants. Winds are a dominant factor in TSP transport. The land-sea breeze affects the direction of prevailing winds. The frequent occurrence of land and sea breezes along coastal Connecticut, especially in spring and summer, accounts for the transport of out-of-state and in-state emissions beyond the coastal area to inland areas.

The Connecticut Department of Environmental Protection prepared its first State Implementation Plan (SIP) for air quality in late 1971 and received EPA approval in May 1972. Under existing state regulations new or modified stationary sources must obtain permits from DEP for the construction and operation of a facility. A Transportation Control Plan was submitted to EPA in 1976 as a revision to the orginal SIP which did not meet standards for auto-related pollutants. This plan has not yet received approval from EPA.

The DEP is in the process of formal revision to the State Implementation Plan for Air Quality. The strategies proposed in this plan are oriented toward achieving federal emissions goals and standards. DEP projections show probable attainment of emissions standards by 1987 since the federal government revised the .08 ppm oxidant standard to a .12 ppm oxidant standard.

Six of the fifteen proposed strategies deal with mobile sources which mostly affect hydrocarbon and carbon monoxide levels. The nine remaining strategies deal with stationary sources to reduce volatile organic compound emissions (non-methane hydrocarbons).

It is important to note that if the State Implementation Plan is not approved the Environmental Protection Agency may impose sanctions. Were these sanctions to take the form of the state's loss of sewer construction grants, serious set backs to the improvement of water quality in Long Island Sound would result.

The Department of Environmental Protection is responsible for both Air Quality and Coastal Management. This has facilitated consultation and coordination between the two programs and helps ensure the continuation of similar efforts. Coordination during both coastal management program development and SIP revision has occurred (see Part VII,Plan Coordination) and resulted in compatible programing.

The Connecticut Coastal Management Act incorporates by reference all state and federal requirements established in accordance with the 1977 Clear Air Act Amendments. Specific coastal policies, use guidelines and implementation strategies addressing air quality are discussed in "Air Resources and Air Quality," Part IV.

Water Quality

Connecticut has long been in the forefront of water quality control. Significant progress has been and continues to be made toward the Federal goal of fishable-swimmable waters by 1983. The offshore waters of Long Island Sound are suitable for all sea-water uses (class SA). The harbors and nearshore waters of the state have, for the most part, been upgraded in quality since the inception of the state's water pollution control programs. However, the dynamics of "water" preclude quality control as a purely coastal matter. It is an interstate, as well as intrastate, concern.

Historically, heavily settled areas coincide with river basins and thus, the location of most of the existing sources of water contamination. The Sound is the recipient of waters from eleven river basins. Three of these (the Housatonic River Basin, the Connecticut River Basin, and the Thames River Basin) drain areas which extend beyond Connecticut's political boundaries and empty directly into the Sound. Waters of degraded quality enter the state from drainage areas which include Canada, New Hampshire, Vermont, New York, Massachusetts and Rhode Island. For example, the major source of high PCB levels in the Housatonic is located in Massachusetts. Typical problems in all three basins have been low dissolved oxygen concentrations and high levels of coliforms, solids, nitrogen and total phosphorus. Over 50% of the state's river miles do, however, meet state water quality standards and 86% are expected to be Class B-fishable/swimmable or better by 1983. The major in-state impediments to water quality control are combined sewers, municipal and residential discharges, and non-point sources.

Combined sanitary and storm sewer systems overload treatment facilities during heavy rains. This overflow of untreated waste water causes periodic pollution problems in the Thames River downstream of Norwich, and in coastal waters of New Haven and Bridgeport.

According to DEP statistics, municipal sewage effluent is 80% of the problem of water quality. The sewage collectors and treatment facilities in Connecticut discharge approximately 200 million gallons per day of secondarily treated effluent. Significant reduction in this source of pollution is expected through expenditure of funds now available for facilities. Municipal wastewater also enters the Sound from the Upper East River in New York.

Non-point source pollution is also of concern. Pollutants enter coastal waters from various non-specific sources. These general sources include: stormwater runoff, rainfall and wind-borne contaminants, resuspension of previously deposited pollutants, seepage from contaminated ground water and leaching from dumps and landfills. Erosion, sedimentation and flooding carry and deposit pollutants from unknown sources. Control of these non-point sources is often problematic.

Oil as a water pollutant results from accidental spills, discharge of oily bilge water, inadequately treated municipal and industrial wastewater, overflow of combined sewers, and runoff from land. Though the coastal area contains no refineries, it is a major transportation route for small tankers and oil barges. Oil unloading and storage facilities are major coastal activities with over 50 associated hazardous material storage areas. Oil spills occur most commonly during the unloading process.

Recreational and commercial vessels contribute untreated or inadequately treated wastes to Long Island Sound. The mobility of these sources is an additional detriment, as the discharge is not limited to specific areas. The U.S. Coast Guard presently controls vessel discharges via sanitary device requirements and over-side discharges. (The DEP is drafting regulations for state control of vessel discharges, including the establishment of "no discharge zones", for inclusion in the 1980 update of State Water Quality Standards.)

The Department of Environmental Protection administers all state water pollution control programs which is widely considered one of the best programs in the United States. Its success is evidenced by the significant improvement made in water quality statewide, since its inception in the mid-1960's.

In fulfilling the Federal Clean Water Act requirement (303)(e), Connecticut has developed a "Continuing Planning Process" for water pollution control. This includes the preparation of Water Quality Management Plans, Water Quality Standards, a Water Quality Strategy and an annual Water Quality Inventory Report.

State Water Quality Management Plans coordinate and direct water quality decisions on a river basin scale by identifying water quality problems and proposing measures (including effluent limitations and revision of water quality standards) to correct those problems. Phase I of these plans focused primarily on point source pollution. Phase II will deal further with point sources and also develop non-point source pollution control strategies.

State Water Quality Standards were approved most recently by the EPA in November 1977. The overall goal is for "fishable/swimmable" (classes B,SB or better) waters and includes a non-degradation policy for waters with existing quality better than established standards. An update of standards is due in November 1980.

Using the EPA-delegated National Pollutant Discharge Elimination System (NPDES) program supported by state statutes, the state is controlling point source discharges. Most industrial permits issued in 1974 were reissued in 1978, some with modification. Since most municipal discharges met secondary treatment requirements, or were subject to state modification orders, no

municipal sewage treatment permits required reissue in 1978. New permits continue to be issued for acceptable new discharges. Monitoring and enforcement of NPDES compliance have been stressed. DEP also administers "401" certification requirements for activities such as dredging, which may result in discharge into navigable waters.

Connecticut's "208" program began, in June 1976, as a planning process to assess non-point sources' contribution to the state's waters and to develop a program to control non-point sources. The culmination of the 208 program is the implementation of a management system to control non-point sources of pollution to the degree necessary to achieve swimmable/fishable waters. An inventory of existing regulations and controls at the local, regional, state, and federal levels, has been conducted by the regional planning agencies. Management strategy recommendations have been made based on studies of specific problem areas. Detailed studies of groundwater, industrial sites and sludge disposal sites, erosion and sedimentation, and urban and agricultural runoff reached completion by the end of 1979. These studies were carried out by the state's regional planning agencies, the U.S. Geological Survey and U.S. Soil Conservation Service. Recommended water quality controls include amendments to existing DEP regulations, zoning changes and adoption of municipal ordinances, and, to some degree, newly drafted DEP regulations. Work efforts of Phase II of the aforementioned State Water Quality Management Plan have been coordinated with 208 studies. The 208 program is also coordinating with the Municipal Sewer Avoidance Program. The voluntary sewer avoidance program has been established as a compliment to state water pollution control efforts by State statute (CGS Sec. 7-245 to 7-273). Through this program (and existing state and federal funding) municipalities are encouraged to find alternatives to sewers and incorporate community growth plans with plans for sewered and non-sewered areas. A requirement of this program is development of a plan which would include information which already has been compiled and mapped by the RPA's under the 208 program. This information includes: water quality data, zoning, population density projections, soils, wetlands, and other natural resource data. (Note: DEP's Deputy Commissioner of Environmental Quality is the Chairman of the 208 Board and a principal coordinator of DEP's water quality management planning and areawide 208 planning.)

The DEP also licenses the design, construction and operation of oil and chemical terminal facilities, collection and disposal of oil or chemicals. Through this Oil and Chemical Handling Facility Licensing Program, DEP is authorized to set bond for potential clean-up costs of oil and chemical carriers, and to supervise and coordinate containment and clean-up of oil and chemical discharges.

Connecticut's Water Pollution Control Program and Coastal Area Management Program are both housed within the Department of Environmental Protection. Consultation and coordination between the two programs have occurred during program development and are an ongoing process (see PartVII,Plan Coordination.) The Connecticut Coastal Management Act incorporates by reference all state and federal requirements established in accordance with the Federal Clean Water Act. Specific coastal policies, use guidelines and implementation strategies addressing water quality are discussed in "Coastal Waters and Estuarine Embayments", Part IV. Furthermore, coastal uses with the potential to pollute the waters of the state are subject to coastal site plan review and the assessment of adverse impacts as required by the Connecticut Coastal Management Act.

PART II. BOUNDARY

Inland and Seaward Boundaries

The Connecticut Coastal Management Act (Appendix B) establishes a two-tiered management boundary for Connecticut. As defined in the Act (C.G.S. Sec. 22a-94 as amended by P.A. 79-535), the nearshore tier is bounded on the seaward side by the limit of the state's jurisdiction in Long Island Sound. On the landward side, this tier is bounded by a continuous line delineated by 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 state regulated tidal wetlands, or the continuous interior contour elevation of the one hundred year frequency coastal flood zone, whichever is farthest inland. This line is referred to in the CCMA as the "coastal boundary." Within this first tier, all major uses, activities and resources could have a direct and significant impact on coastal waters and thus will be managed by the Connecticut program using a combination of local and state authorities (see Part V, "Legal Authorities").

The primary focus of the Connecticut coastal program is on this nearshore boundary since it encompasses all coastal resources, the coastal flood hazard zone, and uses and activities with direct and significant impact on coastal waters. This first tier includes all of the following areas that are specifically required to be included in a state's coastal management program pursuant to federal regulations (15CFR Sec. 923.31): (1) Those areas the management of which is necessary to control uses which have a direct and significant impact on coastal waters, (2) areas of particular concern, (3) waters containing a significant quantity of seawater, (4) salt marshes and wetlands, (5) beaches, (6) intertidal areas, areas subject to coastal storm surge, and areas containing vegetation that is salt tolerant and survives because of conditions associated with proximity to coastal waters, and (7) islands.

The secondary, inland tier, includes the area that is landward of the nearshore or coastal boundary and that is bounded by the inland boundary of the following thirty-six coastal municipalities: 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. Within this second tier, only certain major uses or activities have a "potential" to impact coastal waters. These major uses and activities will be managed by the state and federal governments under existing authorities (see Part V , "Legal Authorities"). Together, the two management tiers make up what is referred to in the CCMA as the total "coastal area" of Connecticut. A map of Connecticut's two-tiered coastal boundary is presented in the back cover of this document.

Connecticut's coastal boundary was selected from a number of boundary options that were considered during the development of the coastal management program. Planning Report No. 20, published in May, 1977 outlined these boundary

options and assessed the relative advantages and disadvantages of each major option. The inland boundary options considered were classified as one or a combination of the following basic approaches:

1) Fixed Linear Distance Boundaries
2) Political Boundaries
3) Natural Features Boundaries
4) Transportation Corridor Boundaries
5) Aesthetic Distance Boundaries
6) Long Island Sound Study Recommended Boundary
7) Multiple Zone Boundaries

The chosen option combines elements of a natural features boundary (based on the 100 year frequency flood elevation), fixed linear distance boundary (based on a 1,000 foot linear setback), and a political boundary (based on the jurisdiction of the thirty-six coastal towns). In addition it is a close variation of the boundary recommended by the Long Island Sound Study.*

As defined, the selected two-tiered management boundary is reasonable for Connecticut's shared state-local program. It includes a sufficiently broad area to provide for effective management of all significant coastal resources and all uses subject to management, yet it is not too large for efficient program administration by either level of government. The area within the coastal boundary includes all coastal resources, coastal hazard areas, and uses which have a direct and significant impact on coastal waters. In addition, the coastal boundary reasonably incorporates all shorelands strongly affected by or affecting coastal waters based on scientific criteria such as the geographic extent of flood and erosion hazard areas, proximity of the land to coastal waters, and bio-physical factors such as microclimatic variation and salt-spray influence.

Excluded Lands

In accordance with the Coastal Zone Management Act of 1972, Connecticut has excluded from its coastal boundary all land the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents. A list of the major such excluded federal land is contained in Table A-1 of Appendix A. This list was compiled from information provided by federal agencies in response to an extensive CAM survey.

Interstate Boundaries

Connecticut has consulted with and coordinated the development of its coastal management program with the adjoining states of Rhode Island and New York. This consultation and coordination has occurred through direct program contact with the adjoining states as appropriate, and through the regular forum provided by the New England River Basins Commission's New York-New England Coastal Zone Task Force. While Connecticut's coastal boundary is not precisely coterminous with either Rhode Island's adopted boundary or

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* The Long Island Sound Study, completed in 1975, was a federal level B water resources planning study prepared by the New England River Basins Commission. Among numerous other recommendations, it called for Connecticut to establish a coastal management program with a management boundary which would be defined as the area from the state's territorial limits in Long Island Sound to 500 feet inland of mean high water or to the ten foot elevation whichever was larger.

New York's proposed boundary, the boundaries are reasonably close and should not present any particular management difficulties or incompatibilities that cannot be handled through the existing interstate and regional coordinating mechanisms.

Note: See Figure 1 on page II-4 for a locational map of Connecticut's coastal area. A map delineating the coastal boundary is included in the back cover of this document.

PART III: MANAGEMENT ISSUES AND PROBLEMS

A. INTRODUCTION

Under the existing land use and resource management system, many agencies at all levels of government, local, state and federal, influence the conservation and development of the Connecticut coastal area through a variety of planning, regulatory, funding, construction, acquisition, and other management authorities (see Section II, Part V, Authorities). Counting relevant agencies at the state and federal level, and relevant commissions and their counterparts in each of Connecticut's thirty-six coastal municipalities, literally hundreds of agencies are involved in the management of the Connecticut coast, often with conflicting responsibilities or overlapping jurisdiction. Historically, these numerous authorities and agencies were established to solve or address various public problems and issues that arose or were anticipated as the state and the coastal areas grew, developed, and became more urbanized. For example, the state level regulatory authority over coastal structures was established almost forty years ago in response to severe devastation and destruction of the Connecticut coast caused by the hurricane of 1938. More recently, the state regulatory authority over tidal wetlands was established in 1969 as an increasing number of wetlands were being destroyed by the continuing urbanization of the coast and as the general public became more aware of the value of tidal wetlands and the important role that tidal wetlands play in the functioning of the coastal environment.

Given the existence in Connecticut of these individual authorities that address many specific problems and issues of the coast, the Connecticut Coastal Management Program has been designed to correct two fundamental shortcomings of the present management system. These shortcomings are 1) lack of overall coordination and guidance of the regulatory authorities that are already in existence, and 2) inadequate consideration of coastal resources in the coastal decision-making process. Correction of these basic management deficiencies should, in turn, greatly facilitate the solution of many specific problems and issues which are either perpetuated or caused by these major management problems.

In response to these two fundamental problems, the Connecticut General Assembly passed the Connecticut Coastal Management Act during the 1978 and 1979 sessions (P.A. 78-152 and P.A. 79-535). Codified as Chapter 444 of the Connecticut General Statutes, the Act establishes a "resource zoning" approach to coastal management to be implemented jointly by the state and coastal municipalities. The Act relies substantially on existing state and municipal regulatory programs and their existing jurisdictions, refocusing them through the imposition of over fifty specific, statewide resource management, coastal use and government process policies. These statewide policies, together with specific definitions of coastal resources and adverse impacts, provide the standards and criteria for a new coastal development permit procedure, coastal site plan review, to be implemented by coastal municipalities through existing planning and zoning for all uses with direct and significant impact on coastal waters that are under exclusive municipal jurisdiction.

B. INADEQUATE COORDINATION

As noted above, Connecticut's impressive array of existing management authorities has been instituted gradually over the years in response to specific needs and problems. However, under the current management structure, there is a notable lack of overall coordination, guidance, uniformity or long range direction given to the application of these authorities. For example, neighboring municipalities which share common resources may use the same authorities to manage these common resources in greatly different and often contradictory ways. Overlapping or complimentary permit authorities at the state, local, and federal levels are largely uncoordinated, resulting in needless duplication of applications, hearings and other regulatory proceedings, unnecessary time delays and occasional conflicting decisions (see CAM Planning Report #21). Necessary commercial and industrial uses have been constructed in locations which are harmful to coastal resources such as tidal wetlands, intertidal flats and shellfish beds, while suitable, vacant urban shorefront goes begging for development or redevelopment. Water dependent or water enhanced uses such as marinas and port and harbor facilities are being converted to non-water dependent or non-water enhanced commercial, industrial, and residential uses which do not require valuable shorefront sites. Power plants, federally maintained dredged channels, and state or federally owned marine related recreational facilities and other facilities and resources of regional and national importance are actively solicited by some towns and shunned by others.

Compounding these coordination problems under the existing management structure is a critical absence of continuous oversight, monitoring and evaluation of the effectiveness of existing authorities. For example, CAM analysis of the state-administered coastal structures, dredging, and tidal wetlands regulatory programs has revealed high violation rates, both in terms of violation of permit conditions and activities conducted without valid permits for the period under study (see CAM Planning Report #21). These problems are just a few examples of the management difficulties that have resulted from lack of adequate coordination and monitoring of existing authorities.

C. INADEQUATE CONSIDERATION OF COASTAL RESOURCES

Historically in Connecticut, coastal resources and hazards have not been given adequate consideration in the coastal decision-making process. This situation has largely resulted from three interacting factors: 1) a historical lack of public awareness regarding the importance of coastal resource and hazard considerations in determining land and water use patterns (see Planning Reports #13 and 17), 2) inexplicit and unclear legal authority at the state and local level to consider coastal resources and hazards in making public decisions (see Planning Reports #11, 14 and 18), and 3) a lack of available technical assistance and expertise in the area of coastal resource management to make effective resource based decisions (see Planning Report #13).

Many specific problems and issues have resulted from this management deficiency. For example, over half of Connecticut's original tidal wetlands have been destroyed by encroaching development. Highly productive shellfish beds have been closed to harvesting and a number of recreational beaches have been closed to swimming as a result of degraded water quality due in large part to inadequately treated domestic and industrial effluent and other non-point water pollution sources. Houses and other vulnerable buildings have been constructed in hazardous coastal flood and erosion prone areas and could be subject to considerable damage or destruction in the likely event that another storm as severe as, or more severe than, the 1938 hurricane should occur. Public access to the Connecticut shorefront has been influenced by a pattern of dense shorefront land use which together with the lack of large contiguous stretches of sandy beach make it physically difficult to get to the water in many places and, because of the pattern of small, highly valued land parcels, and small, narrow "pocket" beaches, difficult to manage or develop the shorefront for public recreational use. Valuable plants and wildlife species have disappeared or all but disappeared from the Connecticut coast largely as a result of natural habitat destruction. Shorefront erosion has, in many cases, been accelerated or aggravated by the construction of shoreline stabilization structures. These are just a few of many examples of specific problems and issues that have resulted from inadequate consideration of coastal resource capacities and limitations by decision-makers at all levels of government: federal, state and local.

D. RESOLUTION OF MANAGEMENT ISSUES AND PROBLEMS

Connecticut's shared state-local coastal management program has been specifically designed to address and resolve the two fundamental management problems and issues discussed above. To resolve the problem of inadequate coordination, Connecticut has pursued an approach to coastal management which creates an active partnership between all levels of government: local, state and federal (see Section II, Parts V, VI). A set of uniform, consistent, and comprehensive coastal policies have been developed to guide and coordinate decision-making at all levels of government (see Part IV). The responsibility for overall coordination of Connecticut's management program is assigned to the State Department of Environmental Protection within which a permanent coastal management unit has been established in the Office of the Commissioner. Specific provisions have been included in the Connecticut Coastal Management Act which require the DEP to coordinate all of its planning and regulatory programs for the coastal area based on the standards set by the specific statewide policies in the Act. In addition, the Coastal Management Act gives DEP the authority and responsibility to coordinate its coastal regulatory programs with those of the federal Army Corps of Engineers, Coast Guard, and other applicable federal agencies specifically to eliminate duplication and simplify the permit process. In addition, the CAM Act requires other state agencies to coordinate, and if necessary, revise their plans and programs to be consistent with the Act's coastal policies. The Department of Environmental Protection is also required to continuously monitor the effectiveness of the coastal management program and annually to propose

necessary revisions to the program to ensure that the authorities are coordinated and that the program operates effectively to solve specific coastal problems and issues and manage coastal resources.

At the local level, coastal municipalities are given the authority in the CAM Act to revise their municipal plans and ordinances consistent with the Act's goals and policies. In addition, they are required to review coastal site plans and to make all regulatory decisions for uses having a direct and significant impact on coastal waters consistent with the Act's policies and standards. Such decisions pertain to construction (building) permits, municipal funding and acquisition projects and municipal construction projects (see Section II, Part V).

Under the management program, the Department of Environmental Protection's Coastal Management Unit, in its capacity as a central coordinating body for the coastal management program, will also function as 1) a central source of information, expertise and technical assistance on coastal resources, issues, problems and needs, 2) a planning body to conduct long-range planning and research into the future needs of the coastal area, including major long-range planning needs in such areas as shorefront access and protection, shorefront erosion, coastal energy-related facilities, tidal wetlands, shellfish areas, and dredging and dredge spoil disposal, 3) an advocacy voice in state government for the coastal area, responsible for oversight of state, municipal and federal activities under the coastal management program, and 4) a body to coordinate public participation in the coastal decision-making process.

To resolve the problem of inadequate consideration of coastal resources in coastal land use decision-making processes, the Connecticut Coastal Management Act refines and clarifies existing statutory authorities to both allow and require that coastal resources and hazards be considered in decision-making processes at the state and local level. Coastal municipalities are explicitly given the authority to prepare municipal coastal programs through which municipal plans and ordinances would be revised to reflect coastal resource capabilities and limitations. In addition, coastal municipalities are required to review coastal site plans, and to base their regulatory decisions in part on an assessment of the impact of the activity on coastal resources and hazards and to assure consistency of their decisions with the Act's statewide coastal policies.

Under these refined, coordinated and focused authorities, relevant municipal agencies and state agencies will explicitly have the authority to address and correct specific management problems and issues related to environmental degradation and resource management. For example, municipalities will be able to make planning and regulatory decisions based on considerations such as the impact of the proposed plan or activity on tidal wetlands, beaches and dunes, water quality, shellfish productivity, or flooding and erosion. To support and guide such decisions, resource factor maps depicting coastal resources as defined by the Connecticut Coastal Management Act are available from the state CAM Program and from the municipalities (see Section II, Appendix D of Draft EIS). In addition, adverse impacts have been specifically defined by the Act and Use Guidelines have been prepared for the specific resource policies in the Act (see Section II, Part IV).

While, as noted, there are many specific problems and issues to be managed by Connecticut's coastal management program, generally these problems and issues represent a specific component of the two basic management needs identified above. One specific issue and problem common to many other coastal states is notable by its absence from the preceding discussion. While the impact related to the Outer Continental Shelf oil and gas exploration and development is an important issue in many coastal states, it is not expected to be a major issue in Connecticut largely because of major transshipment problems in the shallow Long Island Sound basin, the lack of large vacant parcels of shorefront property for OCS-related development, the distance to lease areas of high interest, and on-shore air pollution problems (see Section II, Part I, Air Quality and Part X, Energy Facilities) which could preclude the construction of any major oil or gas processing facilities or major support bases.

PART IV: COASTAL POLICIES AND USE GUIDELINES

A. INTRODUCTION

This part of the management plan presents Connecticut's coastal policies and use guidelines. Taken from the Connecticut Coastal Management Act and relevant sections of the existing statutes, the coastal policies provide the foundation for the management program. Their purpose is to guide all federal and state planning, development, acquisition and regulatory activities that are subject to the management program within the coastal area. Further, they are to guide all municipal planning, development, acquisition and regulatory activities that are subject to the management program within the coastal boundary. In short, the coastal policies provide uniform standards and criteria for all public agencies that conduct or regulate activities subject to the management program.

The policies contained in the Connecticut Coastal Management Act have been developed specifically for the purpose of coastal management. They are based on draft policies originally published in CAM Planning Report No. 26 (August, 1978) and commentary received during a six month public review period. Together with policies from existing statutes for coastal planning and regulatory programs which are incorporated in the Act by reference, the coastal policies refocus existing state and municipal planning and regulatory programs to adequately address the two fundamental management issues identified in Part III - lack of coordination and inadequate consideration of coastal resources. The policies have been adopted as an integral part of the Act and are directly enforceable through implementation of the management program.

Connecticut's coastal management program incorporates a resource management/impact zoning concept to be used by both state and municipal agencies. Uses and activities subject to the management program are evaluated, through all applicable state and municipal permit programs, for their consistency with the coastal policies and for their adverse impacts on coastal resources. To provide the necessary guidance to implement this resource-based approach to coastal management, the policies are divided into three broad categories - coastal land and water resource policies, coastal use policies, and governmental process policies. The Connecticut Coastal Management Act specifically defines all coastal resources within the land and water areas of the coastal boundary. Such resource definitions range from natural resources (e.g. tidal wetlands, beaches and dunes) to man-made resources (e.g. developed shorefront). Each defined resource category has a set of specific statutory policies pertaining to it. The Act further requires that all defined coastal resources be mapped (resource factor maps - see Appendix D of Draft EIS) and that copies of such maps be available through the state CAM Program and each coastal municipality prior to its effective date.

To assist in the evaluation of the impacts on coastal resources associated with activities in the coastal area, the Act specifically defines the adverse impacts (see box on page II-39) which must be considered in conjunction with all applicable coastal policies. Use guidelines have been provided for each defined resource category in order to provide further guidance in interpreting the technical aspects of the coastal land and water resource policies and in evaluating adverse impacts on coastal resources. The purpose of the use guidelines is two-fold. First, they provide specific technical detail to be used in both the state and municipal regulatory programs as uses or activities are evaluated in light of the coastal policies in the Act and the statutorily defined adverse impacts. Second, they will be used by the state as guidance in determining whether individual regulatory decisions are consistent with the relevant statutory policies, as required by the Connecticut Coastal Management Act.

In addition to the coastal land and water resource policies which apply to all uses occurring in or affecting any defined resource category, the Act also contains specific "coastal use" policies for major uses and activities subject to the management program. These policies pertain to certain major uses and activities independent of their location within the coastal area. They must be considered in addition to and in conjunction with all applicable coastal land and water resource policies and potential adverse impacts. The third broad category of policies, "governmental process" policies, pertain to intergovernmental coordination, permit simplification, planning programs, national interest and related topics. Their purpose is to provide direction and standards for program implementation, coordination and long-range planning.

USING THE COASTAL POLICIES

The most important function of the coastal policies, of course, is to guide program implementation through the state and municipal regulatory programs that issue permits for uses or activities subject to the management program. (For a full discussion of these regulatory programs and the interrelationships between them, see Part V, Legal Authorities, Part VI, Management of the Coastal Program.) The following is a brief discussion describing the use of the coastal policies through the regulatory programs, notably the state coastal permit programs and the coastal site plan review procedures established by the Connecticut Coastal Management Act for municipal zoning programs.

At the outset it should be noted that the Act establishes the burden of demonstrating consistency with the coastal policies and adverse impact standards on the applicant. (The level of detailed information that will be necessary directly correlates with the magnitude of the project and the fragility of the resources affected by it.) Agencies, in reviewing permit applications, may require modifications or establish conditions to assure consistency and must state their findings as to consistency in writing. Further, consistency with all applicable policies and standards in the Act must be certified before a valid permit may be issued. That is, a permit issued without such certification for a use or activity subject to the

management program does not constitute a legal permit.

The initial step in assuring consistency with the coastal policies for any use or activity subject to the management program is to determine the coastal resources on or near the site that may be affected. To aid potential applicants (and decision-makers) in making this determination, coastal resources are defined in the Connecticut Coastal Management Act and mapped on resource factor maps available either through the state or each of the coastal municipalities. Determining the resources to be affected will indicate which of the coastal land and water resource policies are applicable to the project.

The second step is to review the coastal use policies to determine if there are specific policies regarding the use or activity under consideration. The applicable coastal land and water resource policies together with any applicable coastal use policies will indicate the criteria and standards with which the proposed activity or use must be consistent. At this point, a review of the use guidelines for the applicable policies will provide specific technical guidance as to whether the proposed use or activity is consistent or may be altered or redesigned so as to be consistent with the coastal policies. Given the restrictive nature of the policies for sensitive resource areas together with the technical guidance pertaining to construction and design practices in the use guidelines, it is anticipated that the majority of uses and activities inconsistent with the coastal policies will be terminated at this stage.

Review of applicable coastal policies constitutes the resource management component of the resource management/impact zoning system established by the Connecticut Coastal Management Act. Assuming consistency with all applicable coastal resource and use policies, the remaining step in the evaluation process is assess the adverse impacts on the affected coastal resources. The adverse impacts to be considered (see box, page II-39) are defined by the Act. Obviously, the magnitude of the impacts is dependent upon the nature of the project (e.g. its size, available infrastructure such as sewers, water service, method and time of construction) and the project's location (i.e. the fragility of the affected resources). While the coastal land and water resources and the coastal use policies are designed to provide specific locational and siting criteria for major uses or facilities, the adverse impacts are designed to prevent significant long-term degradation of the coastal resources.

Once an applicant has determined consistency with applicable coastal policies and has evaluated the adverse impacts associated with the use or activity, he seeks the required permits through municipal zoning and state regulatory programs. The review of the application by the permitting agency or agencies includes determination of consistency with the coastal policies and assessment of the adverse impacts, upon which permit certification is based. Further, any federal permits required must be issued consistent with the coastal policies under the federal consistency provisions of coastal management.

The goal of the resource management/impact zoning system established by the Connecticut Coastal Management Act is to incorporate coastal resource management considerations into the decision-making process on development at all levels of government. The system has been designed with sufficient standards and criteria through the coastal policies and adverse impact definition to give landowners and developers guidance as to the approvability of a proposal through the evaluation process outlined above. In general, uses and activities subject to the management program are not prohibited outright. Rather, the system encourages developers to modify proposals to eliminate or minimize long-term adverse effects on coastal resources, assuring preservation of their natural form and function and to abandon proposals not meeting the standards of the Act. Because the coastal policies, use guidelines and adverse impacts are less stringent or easier to comply with in resource areas most suitable for development, development is encouraged in those areas and discouraged in sensitive resource areas. By giving existing municipal and state regulatory programs the authority and responsibility to assure compliance with the standards contained in the Act, the potential of conflicting decisions is substantially reduced. That is, regardless of the nature of other criteria applicable to municipal zoning or state regulatory permits, certification of compliance with the standards contained in the coastal policies and adverse impacts definitions in the Connecticut Coastal Management Act is required prior to issuance of a valid permit for uses and activities subject to the management program with the evidential findings on consistency stated in writing.

ADVERSE IMPACTS

- 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.

  (Source: P.A. 79-535, sec. 3(15)(A))

- Degrading existing circulation patterns of coastal waters through the * significant patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours.

  (Source: P.A. 79-535, sec. 3(15)(B))

- Degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction.

  (Source: P.A. 79-535, sec. 3(15)(C))

* Should read, "significant alteration of patterns of tidal exchange..."

- Degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff.

  (Source: P.A. 79-535, sec. 3(15)(D))

- Increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones.

  (Source: P.A. 79-535, sec. 3(15)(E))

- Degrading visual quality through significant alteration of the natural features of vistas and view points.

  (Source: P.A. 79-535, sec. 3(15)(F))

- Degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alterations of the natural components of the habitat.

  (Source: P.A. 79-535, sec. 3(15)(G))

- Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function.

  (Source: P.A. 79-535, sec. 3(15)(H))

The remainder of this part presents the coastal policies, grouped in the three basic categories - coastal land and water resource policies, coastal use policies, and government process policies. Under each subcategory, relevant definitions, use guidelines, technical resources (e.g., maps) and brief descriptions of uses or activities subject to the policies and implementation authorities are included. Other statutory policies that are indirectly applicable or applicable only under certain circumstances are cross-referenced. Relevant policies from the Conservation and Development Policies Plan (Plan of Conservation and Development) are identified but not reproduced in the text. Copies of the Plan are available from the state's Office of Policy and Management. For a more complete discussion of implementation authorities, see Part V, Legal Authorities.

An index to the policies contained in this part is included below as a guide to the reader.

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I. COASTAL LAND AND WATER RESOURCES

A. GENERAL RESOURCE

DEFINITION - "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.

(Source: P.A. 79-535, sec. 3(7))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 447, 473, 474, 474a and 477.

(Source: P.A. 79-535, sec. 2(a)(2))

B. The general assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state.

(Source: C.G.S. sec. 22a-1 as referenced by P.A. 79-535, sec. 2(a)(2))

C. It is hereby found and declared that there is a public trust in the air, water and other natural resources of the state of Connecticut and that each person is entitled to the protection, preservation and enhancement of the same.

(Source: C.G.S. sec. 22a-15 as referenced by P.A. 79-535, sec. 2(a)(2))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

D. The commissioner shall carry out the environmental policies of the state and shall have all powers necessary and convenient to faithfully discharge this duty. In addition to, and consistent with the environment policy of the state, the commissioner shall (a) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization; (b) provide for the protection and management of plants, trees, fish, shellfish, wildlife and other animal life of all types, including the preservation of endangered species; (c) provide for the protection, enhancement and management of the public forests, parks, open spaces and natural area

preserves; (d) provide for the protection, enhancement and management of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and shorelines (e) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulates, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids; (f) provide for control of pests and regulate the use, storage and disposal of pesticides and other chemicals which may be harmful to man, sea life, animals, plant life or natural resources; (g) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality and land use practices; (h) regulate the storage, handling and transportation of solids, liquids and gases which may cause or contribute to pollution; and (i) provide for minimum state-wide standards for the mining, extraction, excavation or removal of earth materials of all types.

(Source: C.G.S. sec. 22a-5, referenced by P.A. 79-535 sec. 2(a)(2))

SEE ALSO:

- Coordination and Consistency of State Programs, Projects, Expenditures and Acquisitions Policy C (improving and coordinating state environmental plans, functions, programs, and resources).

- Coordination and Consistency of State Programs, Projects, Expenditures and Acquisitions Policy D (improving and coordinating state environmental plans with all public and private organizations and concerned individuals).

USES TO BE REGULATED

- The above policies apply to all uses subject to DEP permit requirements and municipal coastal site plan reviews.

(Source: P.A. 79-535, sec. 12 and sec. 21)

MAPS

- Maps of all coastal resources will be prepared at 1:24,000 scale by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- Issuance of DEP permits under all of its regulatory programs must be consistent with all of the above general environmental policies.

(Source: P.A. 79-535, sec. 25)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through C above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through C above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 U.S.C. 1456)

B. Bluffs and Escarpments

DEFINITION - "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.

(Source: P.A. 79-535, sec. 3(7)(A))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To manage coastal bluffs and escarpments so as to preserve their slope and toe.

(Source: P.A. 79-535, sec. 2(b)(2)(A))

B. To discourage uses which do not permit continued natural rates of erosion.

(Source: P.A. 79-535, sec. 2(b)(2)(A))

C. To disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system.

(Source: P.A. 79-535, sec. 2(b)(2)(A))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

SEE:

- Coastal Structures and Filling Policy C (maintenance of access to and along the public beach when permitting structures).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring within bluffs and escarpments and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- All state agency actions significantly affecting the environment including land acquisitions, development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through C above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including bluffs and escarpments) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (c))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Section 307 of the Federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Bluffs and Escarpments:

- function as a significant sediment source for other features such as beaches
- provide valuable wildlife habitat
- support unique plant communities and species

Social Value of Bluffs and Escarpments:

- provide coastal flooding protection; dissipate wave energy
- are a moderately important recreational resource for hiking and vistas

USE GUIDELINES

PRIORITY USE: PRESERVATION

GENERAL USE CRITERIA (applicable to all uses)

- Preserve bluff and escarpment slopes through the maintenance, enhancement and restoration of natural vegetative cover.
- Preserve the natural patterns and volumes of littoral transport between bluffs/escarpments and related beaches and dunes.
- Maintain coastal bluffs and escarpments as vertical buffers to storms and flooding.
- Employ development setbacks for siting of structures which occur on lands adjacent to bluffs and escarpments. Allow for predictable bluff/escarpment recession which may be expected to occur during the useful life of the structure.
- Employ temporary erosion control techniques such as mulch, hay bales, fabric nets and short term drainage controls during the erection of consistent structures on bluffs and escarpments.

- Maintain or enhance public access to and along the shorefront.
  - When compatible with the proposed use, design facilities so as to take advantage of waterfront location in order to provide an area for public enjoyment.
  - Maintain or improve access to and along publicly owned shorefront including public trust lands below the mean high water mark.
- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts or which create positive visual and aesthetic impacts on the site and surrounding area.
  - Alleviate blighted or deteriorated conditions on-site.
  - Blend the architecture, size, materials, color and textures of new structures with the existing qualities of the surrounding natural and man-made environment.
  - Provide visual setbacks from the water based on considerations of building height and mass for all structures which do not functionally require a shorefront location.
  - Make extensive use of landscaping plantings, and natural ground coverings.
  - Maintain, improve, or enhance visual access to the coast.
- Employ non-structural erosion control techniques such as erosion setbacks and buffers, location of vulnerable uses out of hazard areas and vegetative stabilization.
- Apply general use criteria for coastal hazard areas.

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Passive recreational activities such as hiking, nature study, fishing, bird watching and picnicking, which do not result in the destruction of vegetation, accelerate erosion or alter the drainage of the bluff or escarpment area are generally consistent with the coastal policies.
- Conservation: Conservation activities such as the planting of stabilizing vegetation and control of drainage so as to prevent accelerated erosion due to upland runoff are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Filling: Filling may be consistent with the coastal policies when 1) the material is placed as part of an erosion control project designed to protect the bluff or escarpment or to provide sediment to related beaches and dunes, 2) the material is of a sediment grain size, composition and character which is compatible with the bluff or escarpment sediments, 3) the material does not contain any chemical, biological or man-made pollutants which may violate state water quality standards, 4) the material is placed in such a manner as to minimize the destruction of bluff/escarpment vegetation, 5) the material does not significantly alter the surface water drainage pattern of the bluff or escarpment in such a manner as to accelerate erosion, 6) dispersal of sediments during the placement of the material is controlled so as to minimize its impact on water quality and sedimentation in surrounding areas, 7) all vegetated areas disturbed during the placement of the material are restored.

- Disposal of Dredged Material: Disposal of dredged material may be consistent with the coastal policies when it meets the guidelines for filling.

- Grading: Grading may be consistent with the coastal policies when 1) it is conducted in conjunction with a filling activity as part of a consistent structural stabilization project or in conjunction with the disposal of dredged material, or 2) it is conducted for the purpose of increasing bank stability by terracing.

- Seawalls, Bulkheads and Revetments: Seawalls, bulkheads and revetments may be consistent with the coastal policies when 1) the use of fill in their construction is limited to the minimal amount necessary and incidental to erection of the structure, 2) excavation is limited to the minimum amount necessary and incidental to the erection of the structure, 3) they are erected for the purposes of providing flooding or erosion protection to water dependent uses, infrastructural facilities or existing inhabited structures which were in place prior to January 1, 1980, 4) other non-structural flood and erosion control techniques have been explored and found to be infeasible, 5) the slope of the protective structure is no steeper than 3:1 when the bluff/escarpment to be protected is fronted by a beach system, 6) the design of protective structure incorporates drainage spillways or vegetation suitable to accommodate or diffuse surface water runoff, 7) the protective structure contains sufficient weep holes or interstices to accommodate the release of groundwater drainage, 8) the protective structure does not encroach on adjoining beach systems except as minimally and absolutely necessary to achieve structural stability, and 9) measures necessary to mitigate the protective structure's impact on adjacent beaches are incorporated.

- Piers, Docks, Wharves: Piers, docks and wharves may be consistent with the coastal policies when 1) they do not interfere with sediment transport from bluffs and escarpments to related beach systems and

nearshore areas, 2) they do not alter the physical dimensions of the bluffs or escarpments, 3) they do not disturb bluff and escarpment vegetation, 4) all vegetated areas disrupted during their construction are restored and replanted immediately following the completion of the structure, and 5) they do not interfere with or obstruct navigation.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) the pipes/cables must pass through the bluff/escarpment and no suitable alternative route is available, 2) they are set sufficiently below the existing grade so as to prevent their exposure by erosion, 3) they do not interfere with littoral movement of sediments, 4) they do not alter surface water drainage so as to accelerate bluff/escarpment erosion, 5) they do not permanently destroy or disrupt bluff/escarpment stabilizing vegetation, and 6) all areas excavated during the placement of pipe or cables are restored to their previously existing grade and replanted.

- Point Discharge Structures: Point discharge structures may be consistent with the coastal policies when 1) the discharge is for the the purposes of storm water drainage, 2) the discharge pipe and headwall do not alter local surface water drainage in such a manner as to accelerate bluff/escarpment erosion, 3) the velocities of discharged storm water are not sufficient to cause bluff/escarpment erosion or scouring, 4) the discharge pipe is equipped with catch basins and gas traps which are periodically cleaned.

- Traffic Corridors (Pedestrian): Pedestrian traffic corridors may be consistent with the coastal policies when 1) they are designed so as to avoid or eliminate the destruction of bluff or escarpment vegetation or to prevent the disruption of slope stability, 2) they do not alter the surface water drainage of bluffs or escarpments so as to accelerate erosion, 3) low impact pile or timber construction is utilized where practical, 4) they do not inhibit sediment transport from bluffs or escarpments to related beach systems, intertidal or nearshore areas.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Dredging
- Excavation
- On site waste disposal
- Transportation corridors (rail, air, road)

C. Rocky Shorefronts

DEFINITION - "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.

(Source: P.A. 79-535, sec. 3(7)(B))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To manage rocky shorefronts so as to insure 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.

(Source: P.A. 79-535, sec. 2(b)(2)(B))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

SEE:

- Coastal Structures and Filling Policy C (maintenance of access to and along the public beach when permitting structures).

(Source: P.A. 79-535, sec. 2(c)(1)(K))

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring along rocky shorefronts and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- All state agency action significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including rocky shorefronts) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with the above policy.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Rocky Shorefronts:

- resist erosion
- provide hard substrate and habitat for rocky intertidal organisms
- serve as feeding grounds and refuge areas for some shorebirds and finfish

Social Value of Rocky Shorefronts:

- provide recreational opportunities: climbing, wildlife observation and vistas
- dissipate and absorb storm and wave energy without significant changes in shoreline configuration

USE GUIDELINES

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT

GENERAL USE CRITERIA (applicable to all uses)

- Preserve rocky shorefront slope and composition in order to provide a natural buffer to wave attack, storms and erosion.
- Maintain the natural features of rocky shorefront which provide habitat for intertidal shellfish and molluscs, feeding grounds and refuge areas for shorebirds, finfish and shellfish.
- Maintain or enhance public access to and along the shorefront.
  - When compatible with the proposed use, design facilities so as to take advantage of waterfront location in order to provide an area for public enjoyment.
  - Maintain or improve access to and along publicly owned shorefront including public trust lands below the mean high water mark.
- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts on the site and surrounding areas.
  - Alleviate blighted or deteriorated conditions on-site.

- Blend the architecture, size, materials, color and textures of new structures with the existing qualities of the surrounding natural and man-made environment.

- Provide visual setbacks from the water based on considerations of building height and mass for all structures which do not functionally require a shorefront location.

- Make extensive use of landscaping, plantings and natural ground coverings.

- Maintain, improve or enhance visual access to the coast.

- Apply general use criteria for coastal hazard areas.

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Recreational activities such as fishing, climbing, hiking, bird watching and nature study are generally consistent with the coastal policies.

- Conservation Activities: Conservation activities such as access control for the purposes of protecting shorebird nesting, breeding and feeding areas are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Specific Conditions.

- Dredging: Dredging may be consistent with the coastal policies when 1) it does not alter the shorefront's natural resistance to erosion, 2) it does not permanently alter a productive shorebird, finfish or shellfish habitat to a significant areal extent, 3) it does not increase the natural slope of the intertidal shorefront, 4) it does not reduce the capacity of the shorefront to act as a buffer to flooding, storms and waves, 5) the finished side slopes of the dredged area are of the same or similar roughness and composition as the existing shore, 6) it does not adversely affect water quality, and 7) appropriate sedimentation controls are employed when necessary to protect shellfish beds, adjacent beaches, finfish populations or water quality.

- Filling: Filling may be consistent with the coastal policies when 1) the finished slopes of the filled area are of the same or similar roughness and composition as the existing shore, 2) sedimentation and erosion control techniques are employed during construction when

necessary to prevent disturbances of water quality and to prevent spillover of sediments into surrounding resource areas, 3) the fill does not contain any chemical, biological or man-made pollutants which may have an adverse affect on surface or ground water quality or which may result in a violation of state water quality standards, 4) the filling does not permanently disrupt littoral transport of sediment to adjacent beaches, 5) the fill does not significantly reduce the areal extent of a productive shorebird, finfish, or shellfish habitat, and 6) the material is suitably contained so as to prevent it from being eroded or re-entering a waterway, unless it is being placed as part of an erosion control project.

- Disposal of Dredged Material: Disposal of dredged material may be consistent with the coastal policies when it meets the guidelines for filling.

- Seawalls, Revetments and Bulkheads: Seawalls, revetments and bulkheads may be consistent with the coastal policies when 1) they do not significantly reduce or interfere with the supply of littoral sediments to adjacent beaches 2) they do not increase erosion on adjacent beaches, bluffs or escarpments, 3) they do not substantially reduce the areal extent of productive shorebird, finfish or shellfish habitat, 4) other non-structural means of erosion control or stabilization have been explored and found to be infeasible, and 5) they are constructed for the purposes of protecting water dependent uses, infrastructural facilities, or existing inhabited structures which were in place prior to January 1, 1980.

- Groins: Groins may be consistent with the coastal policies when they meet the guidelines for seawalls, revetments and bulkheads.

- Jetties: Jetties may be consistent with the coastal policies when they meet the guidelines for seawalls, revetments and bulkheads.

- Piers, Docks and Wharves: Piers, docks and wharves may be consistent with the coastal policies when 1) they do not reduce the resistance of the shorefront to erosion, 2) they do not increase erosion on adjacent beaches, bluffs and escarpments, 3) they do not substantially reduce the areal extent of productive shorebird, finfish or shellfish habitat, and 4) open pile or timber construction is used to the maximum extent practical in order to avoid the reduction of benthic habitat.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) they are set below grade where feasible, 2) they do not reduce the shorefront's natural resistance to erosion, 3) they do not increase erosion on adjacent beaches, bluffs or escarpments by altering sources, volumes or directions of movement of littoral sediments, 4) areas excavated or otherwise altered during placement are restored to their pre-excavation grade and character, and 5) sedimentation and erosion control techniques are employed during construction when necessary to prevent disturbances of water quality and to prevent spillover of sediments into surrounding resource areas.

- Point Discharge Structures: Point discharges may be consistent with the coastal policies when 1) the discharge pipe and/or headwall do not alter local surface water drainage in such a manner as to accelerate erosion, 2) the velocities of discharged storm water are not sufficient to cause erosion or scouring, and 3) the discharge pipe is equipped with catch basins and gas traps which are periodically cleaned.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Excavation
- On-site waste disposal
- Transportation corridors (air, rail, road)

D. Beaches and Dunes

DEFINITION - "Beaches and Dunes" means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats.

(Source: P.A. 79-535, sec. 3(7)(c))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. 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.

(Source: P.A. 79-535, sec. 2(b)(2)(C))

B. To insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation.

(Source P.A. 79-535, sec. 2(b)(2)(C))

C. To encourage the restoration and enhancement of disturbed or modified beach systems.

(Source: P.A. 79-535, sec. 2(b)(2)(C))

SEE ALSO:

- Sewer and Water Lines Policy B (extension of lines into sensitive resources).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

D. 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.

(Source: P.A. 79-535, sec. 2(c)(1)(K))

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring on beaches and dunes and above the mean high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

- All structures and fill in coastal waters are regulated under the DEP structures permit program (CGS 25-7b to 7f).

(Source: CGS 25-7b)

- All new dredging in coastal waters is regulated under the DEP dredging permit program (CGS 25-10 to 18).

(Source: CGS 25-11)

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

IMPLEMENTATION

STATE

- Issuance of the following DEP permits must be consistent with all of the above policies: a) permits for structures or fill in coastal waters

pursuant to CGS 25-7b, b) permits for new dredging in coastal waters pursuant to CGS 25-11.

(Source: P.A. 79-535, sec. 21)

- All state agency actions, significantly affecting the environment, including land acquisitions, development projects and grants for development projects, must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b)),

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through C above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including beaches and dunes) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, secs. 11(e), 12(a),(b) and (e))

- Municipal agencies responsible for preparing voluntary municipal coastal programs must insure that they are consistent with policies A through C above.

(Source: P.A. 79-535, secs. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: section 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Beaches and Dunes:

- provide critical nesting habitat for some shore birds
- provide unique habitats for plant species and communities
- dunes and dune ridges act as reservoirs for sand supply to beaches

Social Value of Beaches and Dunes:

- act as a buffer to coastal flooding and erosion
- dissipate wave energy
- provide very important recreational resource for fishing, swimming, sunning, hiking and vistas
- provide areas of scientific and educational value

USE GUIDELINES

PRIORITY USE: PRESERVATION

GENERAL USE CRITERIA (applicable to all uses)

- Apply general use guidelines for coastal hazard areas to all activities proposed for beach systems.
- Preserve or enhance the natural form, volume and stability of beach systems through: 1) the maintenance, restoration and enhancement of natural beach and dune vegetation, 2) the control of pedestrian access so as to prevent the trampling or destruction of beach system vegetation, 3) the utilization of non-structural erosion control techniques such as the planting of dune grass and placement of sand fill and snow fencing for dune management purposes; placement of sand fill for beach nourishment.
- Employ development setbacks for siting of structures which must occur on or in areas abutting beach systems. Setbacks should allow for predictable shoreline recession and/or dune migration which may be expected to occur during the useful life of the structure.
- Protect the nesting and breeding habitats of terns and other shorebirds which occupy beach areas through the control of pedestrian access

and temporary restriction of access to such areas during breeding season.

- Employ low impact pile and timber construction for the siting of consistent uses on beach systems.

- Preserve the natural dynamic relationships between littoral sediment sources and depositional features of beach systems by avoiding the location of structures or uses which divert or otherwise alter littoral drift volumes, patterns and directions.

- Preserve public access to or along beaches below the mean high water mark by requiring that consistent development not obstruct passage along the public portion of the beach.

- Preserve the physical and spatial relationship between beach systems and related intertidal flats through the prohibition of excavation, grading and dredging of intertidal flats when they abut or are related to beach systems.

- Employ construction techniques which minimize the necessary alteration of beach system, form, volume and vegetation such as 1) top side construction, 2) storage of construction materials and equipment off-site at a non-beach location, 3) placement of construction materials or elevated ramps so as to prevent soil compaction and destruction of beach vegetation, 4) scheduling of construction so as to avoid shorebird and shellfish breeding seasons, 5) restricting equipment movement to non-vegetated areas, and 6) restore and revegetate areas disturbed by construction.

- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts on the site and surrounding area.

  - Alleviate blighted or deteriorated conditions on-site.

  - Blend the architecture, size, materials, color and textures of new structures with the existing qualities of the surrounding natural and man-made environment.

  - Provide visual setbacks from the water based on considerations of building height and mass for all structures which do not functionally require a shorefront location.

  - Make extensive use of landscaping plantings and natural ground coverings.

  - Maintain, improve or enhance visual access to the coast.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Active and passive recreational activities such as swimming, fishing, hiking, sunning, bird watching which do not result in the destruction of sand dunes and ridges and dune vegetation are generally consistent with the coastal policies.

- Conservation: Conservation activities such as erection of temporary access control structures to protect shorebird nesting and breeding habitat, planting and transplanting of dune vegetation, placement of snow fencing for dune stabilization or for protection of beach and dune vegetation are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Filling: Filling may be consistent with the coastal policies when 1) the fill is placedfor the purposes of beach nourishment or dune management, 2) the fill is of a grain size distribution and character which is compatible with the existing beach or dune sand, 3) the fill is free of chemical, biological or man-made pollutants which may adversely affect water quality or violate state water quality standards, 4) the fill is placed in a manner utilizing techniques which restrict, eliminate or substantially limit the destruction of dune and beach vegetation and/or shorebird nesting and breeding habitat, 5) the filled beach slope is the same as the natural beach slope, and 6) dispersal of sediments during filling is controlled when necessary to minimize impacts on water quality and sedimentation in surrounding areas.

- Groins and Jetties: Groins and jetties may be consistent with the coastal policies when 1) other non-structural techniques of erosion control have been explored and found to be infeasible and there is no other less environmentally damaging alternative, 2) the groins or jetties are being placed to provide protection to infrastructural facilities, water dependent uses, or existing inhabited structures which were in existence prior to January 1, 1980, 3) measures to mitigate the impacts of permitted structures on erosion and sedimentation such as: limiting their height and length and requiring the placement of sand fill between groins and jetties or eliminating sediment losses to the littoral transport system are instituted.

- Traffic Corridors (Pedestrian): Pedestrian traffic corridors may be consistent with the coastal policies when 1) they are laid out so as to minimize or eliminate the destruction or trampling of beach and dune vegetation, 2) elevated pile, supported walkways are utilized for access over dunes or sand ridges, 3) they avoid shorebird nesting and breeding habitats, and 4) they do not inhibit sediment movement in the beach system, particularly in downdrift areas.

- Disposal of Dredged Material: Disposal of dredged material for the purposes of beach nourishment or dune management may be consistent with the coastal policies when it is accomplished according to the special requirements for filling as listed above.

- Grading: Grading may be consistent with the coastal policies only when it is accomplished as part of a beach or dune nourishment or filling project.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) the pipes or cables must cross the beach system and no suitable alternative route is available, 2) they are set sufficiently below the existing grade of the beach or dune so as to eliminate their interference with sediment transport and to prevent their exposure by erosion, 3) all areas excavated during the laying of the pipes and cables are restored to their previously existing grade with materials which are compatible with the beach system, and 4) all excavated areas are replanted immediately following construction.

- Piers, Docks, Wharves: Piers, docks and wharves may be consistent with the coastal policies when 1) pile construction is utilized, 2) they do not interfere with sediment transport on the beach system, 3) they do not alter the form or volume of the beach or dune, 4) their construction does not permanently destroy beach or dune vegetation, 5) they do not interfere with access to or along the public beach below mean high water, and 6) all vegetated areas disturbed by construction are replanted.

- Point Discharge Structures: Point discharge structures may be consistent with the coastal policies when 1) the discharge is for the purposes of stormwater drainage, 2) the discharge pipe and headwall do not project onto the beach or dune in such a way as to interfere with sediment movement, 3) the velocities of the discharged water are not sufficient to cause beach or dune erosion or scouring, and 4) the discharge pipe is equipped with catch basins, gas traps and is periodically cleaned.

- Seawalls, Revetments, Bulkheads: Seawalls,revetments and bulkheads may be consistent with the coastal policies when they meet the conditions prescribed for groins and jetties and 1) the use of fill in their construction is limited to the minimal amount necessary for the erection of the structure, 2) excavation is limited to the minimum amount necessary and incidental to the erection of the structure, 3) they do not encroach on dunes, 4) their intrusion onto the beach system is the minimum necessary to provide protection to water dependent uses, infrastructural facilities, or existing inhabited structures which were in place prior to January 1, 1980.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Dredging
- Excavation
- On site waste disposal (septic systems, leach fields, solid waste landfills)
- Dikes
- Transportation corridors (rail, highway, road, air)

E. INTERTIDAL FLATS

DEFINITION - "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.

(Source: P.A. 79-535, sec. 3(7)(D))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. 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.

(Source: P.A. 79-535, sec. 2(b)(2)(D))

B. To encourage the restoration and enhancement of degraded intertidal flats.

(Source: P.A. 79-535, sec. 2(b)(2)(D))

C. To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions.

(Source: P.A. 79-535, sec. 2(b)(2)(D))

D. To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats.

(Source: P.A. 79-535, sec. 2(b)(2)(D))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

E. 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.

(Source: P.A. 79-535, sec. 2(c)(1)(K))

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All structures and fill in intertidal flats are regulated under the DEP structure permit program (CGS 25-7b to 7f).

(Source: CGS 25-7b)

- All new dredging of intertidal flats is regulated under the DEP dredging permit program (CGS 25-10 to 18).

(Source: CGS 25-11)

- All activities in tidal wetlands adjoining intertidal flats are regulated under the DEP tidal wetlands permit program (CGS 22a-28 to 22a-35) except for state Health Department mosquito control activities, DEP conservation activities, the construction and maintenance of aids to navigation, the activities authorized in emergency decrees of the municipal public health officer.

(Source: CGS 22a-29(3))

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variance, all planned unit developments and all municipal projects occurring adjacent to intertidal flats and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- Issuance of the following DEP permits must be consistent with all of the above policies: a) permits for structures or fill in coastal waters pursuant to CGS 25-7b, b) permits for new dredging in coastal waters pursuant to CGS 25-11, and c) permits for activities in tidal wetlands pursuant to CGS 22a-32.

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 20(a))

- All major agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through D above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including intertidal flats) and future water dependent development opportunities are acceptable.

  (Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through D above.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

  (Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Intertidal Flats:

- serve as rich nutrient source and reservoir
- provide valuable feeding areas for invertebrates, fish and shorebirds
- provide significant shellfish habitat
- act as sink for toxic materials (thereby contributing to water quality)

Social Value of Intertidal Flats:

- provide recreational opportunities including shellfishing, fishing, wildlife observation
- buffer storm energy
- are areas of scientific and educational value

USE GUIDELINES

PRIORITY USE: PRESERVATION/LIMITED DEVELOPMENT IN DEVELOPED SHOREFRONT AREAS

GENERAL USE CRITERIA (applicable to all uses)

- Avoid or minimize activities that interrupt or alter the nature, chemistry or tidal pattern of estuarine waters that inundate and permeate intertidal flats.
- Maintain the natural patterns of sedimentation and littoral transport which determine the character and quality of intertidal flats.
- Protect and when practicable, restore the shellfish species diversity and capacity of intertidal flats.
- Utilize all reasonable siting and construction practices that avoid or substantially reduce the negative impacts of development in or on intertidal flats such as, but not limited to, 1) locating inconsistent uses and activities on other compatible and less sensitive coastal resources, when feasible, 2) minimizing the area of intertidal flat affected by the activity, 3) avoiding the disruption of intertidal flats in areas identified as shellfish concentration areas, and 4) minimizing and

controlling, through the best mitigatory practices, the adverse impacts of suspended sediments generated during construction on intertidal flats and contiguous estuarine habitats especially when shellfish concentration areas may be impacted.

- Initiate all reasonable design practices and mitigation measures which will avoid or substantially limit the negative impacts to intertidal flats such as 1) use of elevated pile construction, 2) use of topside construction techniques, 3) use of siltation screens, 4) storage of construction materials on an upland area, 5) provide waterborne or elevated access to the site, and 6) scheduling the activity so as to avoid critical finfish, shellfish or shorebird breeding or migratory periods.

- Apply general use criteria for coastal hazard areas.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Recreational activities such as bird watching, hiking, nature study, clamming, crabbing and fishing that do not alter significantly the physical nature of and biota on intertidal flats are generally consistent with the coastal policies.

- Conservation: Conservation activities and practices such as habitat restoration, shellfish management, shellfish restoration and wildlife management that do not require substantial alteration of, or do not commit irreversible impacts on, the natural elements of intertidal flats are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Traffic Corridors (Pedestrian): Construction of pedestrian traffic corridors across intertidal flats may be consistent with the coastal policies when 1) they are used to ameliorate the impact of moderate to heavy pedestrian traffic incidental to bird watching and nature study, and 2) they are constructed of timber and are elevated.

- Piers, Docks, Piles: Construction of these structures may be consistent with the coastal policies when 1) the area of intertidal flats to be impacted is minimized, 2) the structure can not be reasonably located in or on a less sensitive coastal resource, 3) the integrity and physical dimensions of intertidal flat is not altered substantially or tidal circulation is not impeded, 4) no filling or excavation is required, 5) no construction of basins for anchorage, turning or new navigation channels are required, 6) pile or timber construction is used, 7) construction activities are timed to avoid critical finfish or shellfish spawning periods, and

8) controllable sedimentation generated on the site is reduced in order to minimize the impacts to shellfish or finfish.

- Disposal of Dredged Material: Disposal of dredged material may be consistent with the coastal policies only when used for the purpose of habitat restoration or tidal wetland creation and when 1) the material does not contain any chemical, biological or man-made pollutants which may violate state water quality standards, 2) the texture of the material is compatible with the existing disposal site, and 3) as necessary, the material is containerized in order to minimize the off-site impacts to shellfish and other sensitive resources.

- Dredging (Maintenance and Enhancement): Maintenance and enhancement dredging may be consistent with the coastal policies when 1) the channel or basin is not substantially enlarged from the original project and dimensions, 2) the best available technologies are used to reduce controllable sedimentation, and 3) the timing of the dredging activity avoids critical shellfish or finfish spawning periods.

- Pipes and Cables: Placement of pipes and cables in intertidal flats may be consistent with the coastal policies when 1) they are set below grade, 2) there are no less environmentally sensitive alternative locations, 3) the affected area of flat is kept to a practicable minimum, 4) the impacted intertidal flat is restored following placement, and 5) the proper erosion/sedimentation practices are employed.

- Transportation Corridors: Transportation corridors may be consistent with the coastal policies only when 1) no feasible and less damaging alternative exists, 2) the corridor is designed in such a manner so as to minimize the impacts to intertidal flats through elevated pile structure, 3) the area affected is minimized, and 4) direct and indirect impacts to shellfish concentration areas and important finfish habitats are avoided.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Dredging (new)
- Excavation
- Filling
- Grading
- Seawalls, Revetments, Bulkheads, Dikes
- Groins
- Jetties

- Breakwaters
- Floats and Floating Docks
- On-site Waste Disposal

NOTE: Where intertidal flats occur in urban port areas and contiguous to developed shorefronts, certain of the above activities may be consistent with the coastal policies under special conditions (see guidelines for Developed Shorefront).

F. TIDAL WETLANDS

DEFINITION - "Tidal Wetlands" means "wetland" as defined by CGS Section 22a-29.

(Source: P.A. 79-535, sec. 4(7)(E))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

B. To encourage the rehabilitation and restoration of degraded tidal wetlands.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

C. 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.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

D. It is declared that much of the wetlands of this state have been lost or despoiled by unregulated dredging, dumping, filling and like activities and despoiled by these and other activities, that such loss or despoliation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or

despoliation will, in most cases, disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof.

(Source: CGS sec. 22a-28, referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

- Sewer and Water Lines Policy B (extension of lines and sensitive resources).
- Coastal Structures and Filling Policy A (construction in tidal wetlands).
- Coastal Hazard Areas Policy A (management of development).
- Coastal Hazard Areas Policy B (solutions to flood and erosion problems).
- Coastal Hazard Areas Policy C (natural relationship of landforms).
- Coastal Hazard Areas Policy D (nonstructural erosion mitigation).
- Coastal Hazard Areas Policy E (structural erosion mitigation measures).
- National Interest Facilities and Resources Policy A (planning for and protection of resources which are in the national interest including tidal wetlands).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

E. In granting, denying or limiting any permit the commissioner or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shell fisheries, 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. The fact that the department of environmental protection is in the process of acquisition of any tidal wetlands by negotiation or condemnation under the provisions of section 26-17a, shall be sufficient basis for denial of any permit.

(Source: CGS sec. 22a-33 as referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

- Coastal Structures and Filling Policy B (filling of tidal wetlands).
- Dredging and Navigation Policy D (dredging in tidal wetlands).
- Coastal Structures and Filling Policy E (restoring and maintaining saltwater circulation patterns).
- Coastal Hazard Areas Policy F (public flood protection measures).
- Coastal Hazard Areas Policy G (exposed land areas defined).
- Coastal Hazard Areas Policy H (establishment of stream channel encroachment lines).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Land and Water Resources Policy A, action 5 (protection of wetlands).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All activities in tidal wetlands are regulated under the DEP tidal wetlands permit program (CGS 22a-28 to 35) except for State Health Department mosquito control activities, DEP conservation activities, the construction and maintenance of aids to navigation, and activities authorized in emergency decrees of a municipal public health officer.

  (Source: CGS 22a-29(3))

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring within tidal wetlands and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

  (Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management

Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

- Maps at 1:2,400 scale are available from the Water Resources Unit of DEP.

(Source: CGS 22a-30)

IMPLEMENTATION

STATE

- Issuance of DEP permits for activities in tidal wetlands pursuant to CGS 22a-32 must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment, including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through D above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including tidal wetlands) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through D above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307, federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Tidal Wetlands:

- are areas of high nutrient and biological productivity
- provide detrital products forming base of food chain in Long Island Sound
- provide habitat, nesting, feeding and refuge areas for shorebirds
- serve as a nursery ground for larval and juvenile forms of many of the organisms of Long Island Sound and of many estuarine dependent oceanic species
- provide significant habitat for shellfish

Social Value of Tidal Wetlands:

- improve water quality by trapping sediments, reducing turbidity, restricting the passage of toxics and heavy metals, decreasing BOD and trapping nutrients
- buffer storm and wave energy
- vegetation stabilizes shoreline and buffers erosion
- provide recreational opportunities: fishing, wildlife observation, hunting
- provide area of scientific and educational values
- are a major source of coastal open space
- are important to commercial and recreational shell and finfisheries

USE GUIDELINES

PRIORITY USE: PRESERVATION

GENERAL USE CRITERIA (applicable to all uses)

- Preserve or restore the natural landscape of tidal wetlands.

- Preserve or restore the structure, function, and integrity of the physical and biological components of tidal wetlands.

  - Maintain or restore the natural tidal flushing, circulation, and chemical characteristics of tidal wetlands and adjacent estuarine waters.

  - Maintain or restore the natural plant and animal species that inhabit tidal wetlands.

  - Where feasible, avoid adverse impacts to U.S. and state rare and endangered species.

- Provide development setbacks and vegetation buffers surrounding tidal wetlands which are adequate to protect the wetlands from runoff, erosion, and other negative impacts that might result from development on adjacent upland resources.

- Employ siting alternatives such as the following, which will avoid or substantially limit negative impacts: 1) siting inconsistent use out of tidal wetlands on adjacent upland areas, or 2) siting consistent uses in such a manner as to minimize the marsh area affected.

- Employ design modifications such as the following (where feasible) which will avoid or substantially limit negative impacts: elevation of consistent uses on low impact pile foundations at a height sufficient to meet the minimum requirements of the National Flood Insurance program and to allow for light penetration to the marsh surface below.

- Employ construction techniques such as the following (where feasible) which will avoid or substantially limit impacts: 1) use of above-ground, "top-side" construction techniques, 2) storage of construction materials and equipment off-site in non-wetland areas, 3) provision of waterborne access to the construction site, or use of temporary elevated construction accessways, 4) scheduling construction activities during late fall, winter or early spring months when impacts to marsh systems are generally the least, 5) scheduling construction activities so as to avoid shorebird, shellfish and finfish breeding seasons, and 6) restoring all disturbed marsh surfaces as nearly as possible to their natural topographic condition following construction activities and reestablishing a natural vegetation cover.

- Where applicable, as a component of permitted activities, rehabilitate and restore degraded tidal wetlands through such means as 1) restoration of natural tidal range or circulation patterns 2) restoration of tidal flushing and circulation to wetlands which were formerly connected to tidal waters, and 3) reestablishment of marsh vegetation.

- Incorporate site planning and design features which limit or avoid negative and aesthetic impacts or which create positive visual and aesthetic impacts on the site and the surrounding area.

  - alleviate blighted or deteriorated conditions on-site

  - make extensive use of landscaping, plantings, and natural ground coverings

  - maintain, improve, or enhance visual access to the coast

- Maintain or improve access to and along publicly owned shorefront including public trust lands below the mean high water mark.

- Maintain or improve water quality in accordance with the highest standards set by federal, state or local authorities.

  - Preserve and maintain those waters with existing quality better than established standards.

  - Restore the surface waters of the state to a quality consistent with its use for the protection and propagation of fish, shellfish, and wildlife including breeding, feeding and nursery grounds, and with its use for recreation in and on the water. Restore all waters to the maximum extent possible to a quality consistent with Class B or Class SB.

  - Prohibit the discharge of sewage from marine sanitation devices on those waters of the state (i.e. No Discharge Zones) where greater control is required for public health or environmental protection.

- Apply general use guidelines for coastal hazard areas.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Passive recreational activities such as bird watching, hiking, nature study, fishing, crabbing, hunting, and canoeing that do not result in significant compaction of the peat soils or destruction of the vegetation are generally consistent with the coastal policies.

- Conservation: Conservation activities such as habitat restoration, wildlife management, or property maintenance, which do not require substantial physical alteration of the wetland or continuous compaction of the peat soils are generally consistent with the coastal policies.

- Agriculture: Low intensity agricultural uses such as salt haying that do not result in significant compaction of the peat soil; do not require plowing, grading, or excavation; and do not alter the composition of the marsh vegetation are generally consistent with the coastal policies.

- Floats: Floats in tidal waters within wetland boundaries that do not involve or encourage the encroachment of inconsistent uses on adjacent wetland areas are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Active Recreation: Active forms of recreation which involve the passage of large numbers of people on or through a marsh may be consistent with the coastal policies only if appropriate mitigation measure are employed to protect the peat soils, vegetation, and overall natural landscape of the marsh in accordance with the general use criteria above.

- Piers, Docks and Piles: Small piers, docks, piles and other similar structures may be consistent with the coastal policies only when 1) they do not involve dredging or filling of the marsh surface, 2) they are elevated on low-impact pile foundations, 3) they do not interfere with or obstruct navigation, 4) they do not restrict tidal circulation or flushing and 5) other siting, design, and construction measures are employed to mitigate impacts, in accordance with the general use criteria above.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies only when 1) they are installed below grade, 2) they are sited to take advantage of existing areas of disturbances such as mosquito ditches or existing transportation corridors, 3) damage to the wetland system as a result of construction activities is minimized in accordance with the general use criteria, 4) the wetland is restored to its natural condition following construction, and 5)appropriate erosion and sedimentation controls are instituted during placement of the pipes and cables so as to minimize impacts on water quality and sedimentation in surrounding areas.

- Transportation Corridors (road, rail, pedestrian): Roads, railroads, trails, and pedestrian access routes through tidal wetlands may be consistent with the coastal policies only when 1) all non-wetland alternatives have been considered and have been shown to be infeasible, 2) the transportation corridor is designed to minimize impact on the wetland using elevated, low-impact pile foundations, in accordance with the general use criteria above, 3) construction techniques minimize impacts on the wetland in accordance with the general use criteria above, 4) the improvements have a beneficial effect or negligible adverse effect on coastal access or recreation, 5) they do not interfere with or obstruct navigation, and 6) they do not restrict tidal circulation and flushing.

- Point Discharge Structures (stormwater): Stormwater discharge structures may be consistent with the coastal policies only when 1) the pipe empties into tidal streams or ditches within the tidal wetland rather than directly onto the marsh surface, 2) the discharge pipe and head wall do not project onto the marsh surface or require fill of the marsh surface, 3) the velocities of the discharged water are not sufficiently large to cause erosion or scouring of the marsh surface or vegetation, and 4) the discharge pipe is equipped with catch basins, and gas traps which are periodically cleaned.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Dredging (new)
- Filling
- Disposal of Dredged Material
- Grading
- Excavation
- Bulkheads, Revetments
- Dikes, Tidal Gates
- Culverts
- On-site Waste Disposal (septic systems, leach fields, solid waste, landfills)
- Point Discharge Structures (wastewater)
- Transportation Corridors (air)

G. FRESHWATER WETLANDS AND WATERCOURSES

DEFINITION - "Freshwater Wetlands and Watercourses" means "wetlands" and "watercourses" as defined by Section 22a-38.

(Source: P.A. 79-535, sec. 3(7)(F))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. It is, therefore, the purpose of sections 22a-36 to 22a-45, inclusive, to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and water courses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and water courses for their conservation, economic, aesthetic , recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

(Source: CGS sec. 22a-36 as referenced by P.A. 79-535, sec. 2(a)(2))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

B. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the commissioner shall take into consideration all relevant facts and circumstances, including but not limited to:

(a) The environmental impact of the proposed action;

(b) The alternatives to the proposed action;

(c) The relationship between short term uses of the environment and the maintenance and enhancement of long term productivity;

(d) Irreversible and irretrievable committments of resources which would be involved in the proposed activity;

(e) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened; and

(f) The suitability or unsuitability of such activity to the area for which it is proposed.

(Source: CGS sec. 22a-41, referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

- Dams, Dikes and Reservoirs Policy B (construction in inland wetlands).
- Coastal Structures and Filling Policy C (maintenance of access to and along the public beach when permitting structures).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Land and Water Resources Policy A, action 5 (protection of wetlands).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All activities in inland wetlands and watercourses are under either the DEP or local agency inland wetlands permit program (CGS 22a-36 to 45) except for agricultural uses, boat anchorages or moorings, uses incidental to residential property, construction of dams for water supply and minor conservation and recreational uses.

(Source: CGS 22a-38(13) and 22a-40, RCSA 22a-39-3 and 22a-39-4.2)

- All dams and reservoirs in inland wetlands or watercourses are under the DEP dams and reservoir permit program (CGS 25-110 to 112).

(Source: CGS 25-110)

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring adjacent to freshwater wetlands and watercourses and above the high water mark are subject

to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation. (Note: This requirement is in addition to requirements for inland wetlands permits pursuant to CGS 22a-38(13) and 22a-40.)

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

- Maps at various scales are available from the Water Resources Unit of DEP and the town offices.

(Source: CGS 22a-39)

IMPLEMENTATION

STATE

- Issuance of DEP permits for activities in inland wetlands and watercourses pursuant to CGS 22a-42(f)(1) and for dams, dikes and reservoirs pursuant to CGS 25-110 must be consistent with the above policy. Administrative regulations governing inland wetlands permits have been promulgated. (RCSA 22a-39-1 to 22a-39-132).

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- Issuance of local inland wetlands agency permits pursuant to CGS 22a-42a(c) must be consistent with policy A above and local regulations. Local regulations must be consistent with DEP regulations (RCSA 22a-39-1 to 22a-39-132) and must be approved by DEP.

(Source: CGS 22a-42 and 42a)

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including freshwater wetlands and watercourses) and future water dependent development opportunities are acceptable. It should be noted that review of a coastal site plan for a project in an inland wetland or watercourse is in addition to and does not supercede the permit review undertaken by either DEP or a local inland wetland agency. Criteria for issuing inland wetlands permits are contained in the inland wetlands statutes (CGS 22a-41) and regulations (RCSA 22a-3902(15) and 22a-39-6.1) and in applicable local regulations.

  (Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all the above policies.

  (Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Freshwater Wetlands and Watercourses:

- provide for stormwater storage and transfer
- are areas of high biological productivity
- provide wildlife habitat for birds and small animals
- serve as spawning areas for anadromous fish
- influence salinity and estuarine circulation through freshwater input
- contribute to the productivity of Long Island Sound

Social Value of Freshwater Wetlands and Watercourses:

- act as an erosion buffer
- provide recreational opportunities: swimming, fishing, hunting, wildlife observation, boating
- transport toxics, heavy metals and pathogens to coastal waters
- act as flood control buffer

USE GUIDELINES

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT

GENERAL USE CRITERIA (applicable to all uses)

- Apply requirements and criteria contained in the Inland Wetlands and Watercourses Act and pursuant administrative regulations.
- Protect, preserve and maintain the natural form and integrity of wetlands and watercourses by minimizing their disturbance and pollution.
- Maintain and improve water quality in accordance with the highest standards set by federal, state or local authorities.
    - Preserve and maintain those waters with existing quality better than established standards.
    - Restore the surface waters of the state to a quality consistent with its use for the protection and propagation of fish, shellfish and wildlife including breeding, feeding and nursery grounds and with its use for recreation in and on the water. Restore all waters to the maximum extent possible at least to a quality consistent with Class B or SB.
    - The discharge of sewage from marine sanitation devices installed on vessels shall be prohibited on those waters of the state (i.e. no discharge zones) where greater control is required for public health or environmental protection.
- Utilize site and engineering designs which are compatible and harmonious with the natural amenities of wetlands and watercourses and which 1) will not adversely affect or destroy important natural features such as vegetation, landscape, and drainage, but will preserve and incorporate these into the design, 2) will not adversely impact unique biologic, geologic or hydrologic features, 3) minimize the amount of disturbance and extent of clearing, 4) will not reduce or increase the natural ground and surface water retention capacity of the wetland, 5) consider the

capability of the soil and subsoil conditions to support the activity, 6) apply Soil Conservation Service erosion/sedimentation guidelines as appropriate, and 7) employ adequate vegetation buffers to protect the wetland from runoff and sedimentation from adjacent upland and wetland sites.

- Apply general use criteria for coastal hazard areas.

- Employ construction techniques,such as the following, that avoid or substantially limit impacts to wetlands and watercourses: 1) minimize the area of wetland affected, and 2) restore the disturbed wetland area following construction.

- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts or which create positive visual and aesthetic impacts on the site and surrounding area.

  - Alleviate blighted or deteriorated conditions on-site.

  - Blend the architecture, size, materials, color and texture of new structure with the existing qualities and characteristics of the man-made and natural environment.

  - Make extensive use of landscaping, plantings, and natural ground coverings.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing, and shellfishing where the indigenous character of the land is not disturbed are permitted as a right and are consistent with the coastal policies.

- Agriculture: Agricultural activities such as grazing, farming, nurseries, gardening, harvesting or crops and farm ponds of three acres or less are permitted as of right and are consistent with the coastal policies.

- Conservation: Conservation activities and practices including conservation of soil, vegetation, water, fish, shellfish and wildlife are permitted as of right and are consistent with the coastal policies provided the indigenous character of the land is not disturbed.

B. Activities and Uses Which May Be Consistent with the Coastal Policies.

- Piers and Docks: Conservation of piers and docks may be consistent with the coastal policies when 1) the area of wetland affected is

minimized, 2) the best available technologies are used to reduce the amount of controllable erosion and sedimentation, 3) pile, timber or float construction are used, and 4) the structure is sited so as to take advantage of natural deep water or channels in order to avoid the necessity of dredging.

- Culverts: Culverts may be consistent with the coastal policies when 1) the natural conveyance capacity of the drainageway is not significantly reduced, 2) irreversible changes in the character of the wetland do not ensue,and 3) the flood hazard potential is not significantly increased.

- Traffic Corridors (Pedestrian): Construction of pedestrian traffic corridors may be consistent with the coastal policies especially when constructed of wooded elevated walkways so as to minimize the impact of moderate to heavy pedestrian traffic to those wetlands composed of organic soils (Adrian, Palms, Carlisle).

- Dredging (Maintenance and Enhancement): Maintenance and enhancement dredging may be consistent with the coastal policies when 1) the dimensions of the channel or basin is not significantly enlarged from the original project dimensions, 2) the impacts of dredging does not adversely affect coastal waters or violate state water quality standards, and 3) the operations are timed so as to avoid critical anadromous fish runs.

- Bulkheads and Revetments: Bulkheads and revetments may be consistent with the coastal policies when 1) used for the purpose of controlling bankline erosion when non-structural solutions have been shown to be infeasible, 2) the natural conveyance capacities of the watercourse are not impeded, and 3) their intrusion on wetlands is the minimum necessary to provide flooding or erosion protection.

- Point Discharge Structures: Point discharge structures may be consistent with the coastal policies when 1) the discharge pipe is equipped with catch basins and gas traps which are periodically cleaned, 2) the discharge does not violate state water quality standards, and 3) the velocity of the discharge waters are not sufficient to cause wetland erosion.

- Traffic Corridors (Road, Rail): Traffic corridors may be consistent with the coastal policies when 1) it is not feasible to locate them in a less sensitive resource area, 2) the best available mitigation technologies are employed to reduce controllable sedimentation incidental to construction and roadway drainage, 3) the corridor is constructed so as to maximize the encroachment on the wetland area, and 4) low impact pile construction is used when feasible.

- Filling: Filling may be consistent with the coastal policies when 1) all non-wetland alternatives have been considered and demonstrated to be infeasible, 2) the facility is designed and sited so as to

minimize the amount of wetland area filled, 3) the flood hazard potential is not significantly increased, 4) the fill is not placed on wetland areas that are unique, unusual, important wildlife habitats for rare and endangered species or important fish runs, and 5) the fill does not contain any chemical, biologic, or man-made pollutants which could adversely affect coastal water quality or violate state water quality standards.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) there are no reasonable alternatives such as siting in or on less sensitive upland resources, 2) the affected area is kept to a minimum, 3) all disturbed areas are restored to their previously existing grade and are replanted as necessary, and 4) they are set below grade.

- Dikes: Dikes may be consistent with the coastal policies when they meet the guidelines for filling.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Grading (except as incidental to grading permitted fill).
- Excavation (except as incidental to placement of consistent structures).
- Disposal of Dredge Material
- On-site Waste Disposal (septic systems, leach fields, landfills)
- Dredging (new)
- Dams

DEFINITION - "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 (U.S.C. 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the Commissioner.

(Source: P.A. 79-535, sec. 3(7)(H))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized.

(Source: P.A. 79-535, sec. 2(b)(2)(F))

B. To promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses.

(Source: P.A. 79-535, sec. 2(b)(2)(F))

C. To maintain the natural relationship between eroding and depositional coastal landforms.

(Source: P.A. 79-535, sec. 2(b)(2)(J))

D. To minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures.

(Source: P.A. 79-535, sec. 2(b)(2)(J))

E. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, water dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.

(Source: P.A. 79-535, sec. 2(b)(2)(J))

SEE ALSO:

- Flooding and Erosion Planning Policy A (consider impacts of flooding and erosion in the planning process).
- Beaches and Dunes Policy B (insure coastal uses are compatible with coastal resources).
- Beaches and Dunes Policy C (restoration of disturbed beach systems).

- Bluffs and Escarpments Policy B (discourage uses interfering with natural rates of erosion).
- Bluffs and Escarpments Policy C (disapprove uses that accelerate erosion).
- Intertidal Flats Policy D (disallow uses adversely impacting tidal flats).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

F. It is hereby found and declared that, because of the occurrence of severe storms accompanied by winds up to hurricane force, abnormal high tides and tide flooding, the lives and property of residents and other persons within areas exposed to such hazards are endangered, and that, in the interest of public health, safety and general welfare, it is necessary to minimize, and as far as possible to prevent, loss of life, property and revenue to municipalities and the state from taxation by the construction of protective works on or near shores and beaches within such areas. As title to the land between high and low watermark is vested in the state, it is further found and declared to be in the public interest to secure such exposed areas by the most economical and effective means for safeguarding life and protecting property and, because it is uneconomical and ineffective for the general purpose for an individual landowner to attempt to maintain protective installations separated from and lacking co-extension with those of abutting properties, that it is in the public interest to provide the ways and means for collective and cooperative action to alleviate the dangers and destruction common to such exposed areas. It is further found and declared that because of the recurrence of severe flooding of many of the waterways of the state and their tributaries, taking a huge toll in life and property, extensive flood protection measures must be inaugurated. It is, therefore, found and declared to be in the public interest that encroachment limits along waterways be established and any flood control features at dams and reservoirs be utilized as a part of the construction and installation of any flood control project.

(Source: C.G.S. 25-69, referenced by P.A. 79-535, sec. 2(a)(2))

G. Land areas fronting on the ocean, or on bays, inlets and coves, or bordering on rivers in which tides occur, that are subject to the full force of storms; or land areas in direct contact with storm waves, including banks, bluffs, cliffs promontories and headlands or similar topographical or geological formations, that are subject to erosion through wave action; or open beach areas, including spits, dunes and barrier beaches, that are subject to loss of sand through high waves, strong currents or scouring wave action; or land areas subject to inundation during storms or vulnerable to storm damage because of geographic situation, may be classed as exposed areas

within the meaning of sections 25-69 to 25-75, inclusive. The limits of such areas shall be the extent of the natural configuration of the land surface not necessarily co-extensive with political boundaries, and shall include privately-owned and municipally-owned properties upon which public money may be spent and public debt incurred for the protection and conservation thereof, and taxes levied to support expenditures for such purposes.

(Source: C.G.S. 25-70, referenced by P.A. 79-535, sec. 2(a)(2))

H. The commissioner shall establish, along any tidal or inland waterway or flood-prone area considered for stream clearance, channel improvement or any form of flood control or flood alleviation measure, lines beyond which, in the direction of the waterway or flood-prone area, no obstruction or encroachment shall be placed by any person, firm or corporation, public or private, unless authorized by said commissioner. The commissioner shall issue or deny permits upon applications for establishing such encroachments based upon his findings of the effect of such proposed encroachments upon the flood-carrying and water storage capacity of the waterways and flood plains, flood heights, hazards to life and property, and the protection and preservation of the natural resources and ecosystems of the state, including but not limited to ground and surface water, animal, plant and aquatic life, nutrient exchange, and energy flow, with due consideration given to the results of similar encroachments constructed along the reach of waterway.

(Source: C.G.S. 25-4a, referenced by P.A. 79-535, sec. 2(a)(2))

I. 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.

(Source: PA. 79-535, sec. 2(c)(1)(K))

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Land and Water Resources Policy A, action 3 (prevent uneconomic development in state's flood plain).
- Preservation Areas Policy B.2 (mitigation measures in flood hazard areas).
- Conservation Areas Policy B.2 (flood fringe development).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All structures and fill in coastal waters are regulated under the DEP structures permit program (CGS 25-7b to 7f).

  (Source: CGS 25-7b)

- All new dredging in coastal waters is regulated under DEP dredging permit program (CGS 25-10 to 18).

  (Source: CGS 25-11)

- All activities in tidal wetlands are regulated under the DEP tidal wetlands permit program (CGS 22a-28 to 35) except for State Health Department mosquito control activities, DEP conservation activities, the construction and maintenance of aids to navigation, and activities authorized in emergency decrees of municipal public health officer.

  (Source: CGS 22a-29(3))

- Obstructions or encroachments within state established flood encroachment lines are regulated under the DEP flood encroachment line permit program (CGS 25-4a to 4g).

  (Source: CGS 25-4a)

- All activities in coastal waters requiring certification of water quality from DEP pursuant to the Federal Clean Water Act of 1972.

  (Source: 33 USC 1411, sec. 401)

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring within coastal hazard areas and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

  (Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps of both flood hazard and erosion hazard areas at a scale of 1:24,000 will be prepared by the Coastal Area Management Unit of DEP.

  (Source: P.A. 79-535, sec. 5(b))

- Maps of flood prone areas prepared by the federal Flood Insurance Program at various scales are available from the Water Resources Unit of DEP and from the town offices.

(Source: Federal Flood Insurance Regulations 24 CFR sec. 1914.3)

IMPLEMENTATION

STATE

- Issuance of the following DEP permits must be consistent with all of the above policies: 1) permits for structures or fill in coastal waters pursuant to C.G.S. 25-7b, 2) permits for new dredging in coastal waters pursuant to C.G.S. 25-11, 3) permits for activities in tidal wetlands pursuant to C.G.S. 22a-32, and 4) permits for obstructions beyond flood encroachment lines pursuant to C.G.S. 25-4a.

(Source: P.A. 79-535, sec. 21)

- Issuance of a certificate of water quality by DEP pursuant to the Federal Clean Water Act of 1972 (33 U.S.C. 1411, sec. 401) must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including flood and erosion control projects, land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must by July 1, 1981 be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through E above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including coastal hazard areas) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, secs. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary coastal programs must insure that they are consistent with policies A through E above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Coastal Hazard Areas:

- encompass most other important coastal resources

Social Value of Coastal Hazard Areas:

- constitute hazard areas for structural development
- serve as a flood and erosion buffer zone

USE GUIDELINES

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT

GENERAL USE CRITERIA (applicable to all uses)

- Maintain or restore the natural relationship between eroding and depositional coastal landforms.
  - maintain or restore natural patterns of littoral transport
  - avoid uses and activities which interrupt or alter natural sediment transport from eroding source areas to depositional receiving areas
- Maintain or restore natural landforms within or adjacent to coastal hazard areas that serve as buffers to flood and erosion such as beaches, dunes and wetlands.

- Maintain or restore natural vegetation in coastal high hazard areas (V-Zones as designated by the FEMA, National Flood Insurance Program) to serve as a buffer against storm, wind, and wave energy.

- Site outside of coastal hazard areas, all facilities which have the potential to cause pollution or hazardous conditions as a result of flooding or erosion, such as energy and oil and chemical handling facilities. In the event that a facility cannot, by reason of its water dependent nature, be located outside of a coastal flood hazard area, incorporate flood proofing measures in the design of the facility that will protect against extreme flooding conditions (generally a 500 year frequency flood event or greater).

- Apply the National Flood Insurance Program, flood plain management requirements (24 CFR 1909 et. seq.) administered by the Federal Emergency Management Agency, to all activities in designated A-Zones and floodways.

- Apply the National Flood Insurance Program, flood plain management requirements (24 CFR 1909 et. seq.) administered by the Federal Emergency Management Agency, to all new construction or substantial improvements in designated coastal high hazard zones (V-Zones) with the following additional constraints: 1) site all new or substantially improved buildings, dwellings and non-water dependent structures out of the designated coastal high hazard zone (V-Zone), 2) for those new or substantially improved water dependent buildings and habitable structures which cannot functionally be sited outside the designated V-Zone, elevate the lowest floor sufficiently above the base flood level, so as to be free from the impacts of wave action generated by 100 year frequency storm events.

- In all erosion hazard areas designated by the Commissioner of the Department of Environmental Protection, where applicable, require that all new development in erosion-prone areas be set back from the water to create a safety buffer consisting of a natural vegetative or contour strip. The width of this buffer should be based on the predicted erosion rate in conjunction with the anticipated "useful life" of the proposed structure.

- Employ non-structural flood and erosion control techniques such as erosion setbacks and buffers, location of vulnerable uses out of hazard areas, vegetative stabilization, and construction of artificial dunes, as the primary means of controlling flood and erosion hazards except in instances where such non-structural techniques would be inadequate to protect infrastructural facilities (such as sewer and water lines), water dependent uses, or existing inhabited structures that were in place prior to January 1, 1980.

- Employ structural flood and erosion control techniques such as groins, seawalls, and revetments only when 1) the structures are being placed to provide protection to infrastructural facilities, water dependent uses, or existing inhabited structures that were in place prior to January 1, 1980, 2) non-structural techniques have been explored and are found to be infeasible, 3) there is no other less environmentally damaging alternative, and 4) all reasonable mitigation measures and techniques are employed to minimize adverse environmental impacts.

- Control or mitigate on-site and off-site impacts resulting from soil erosion, sedimentation and stormwater runoff through the use of appropriate construction, siting, and design practices such as 1) timing and staging of earthmoving, grading and vegetation to minimize soil exposure, 2) use of vegetative control techniques such as sod, temporary vegetation, or vegetation buffers, 3) use of non-vegetative control techniques such as mulches, nettings, and chemical binders, 4) use of structural control techniques such as filters, traps, basins, ponds and diversion structures, 5) avoiding excavation on steep slopes (greater than 25%), and 6) terracing.

- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts or which create positive visual and aesthetic impacts on the site and on the surrounding area.

  - alleviate blighted or deteriorated conditions on-site

  - blend the architecture, size, materials, color, and texture of new structures with the existing qualities and characteristics of the man-made and natural environment.

  - provide visual setbacks from the water based on considerations of structure, height and mass for all structures which do not functionally require a shorefront location.

  - make extensive use of landscaping, plantings, and natural ground coverings.

  - maintain, improve, or enhance visual access to the coast.

- Avoid any use or activity which would significantly increase floodwater elevations, or otherwise increase flood or erosion hazards.

- Maintain or enhance public access to and along the shorefront.

  - when compatible with the proposed use, design facilities so as to take advantage of waterfront location in order to provide an area for public enjoyment.

  - maintain or improve access to and along publicly owned shorefront including public trust lands below the mean high water mark.

- All activities and uses should be consistent with the capacity of the soil and subsoil to support such use or activity.

- Maintain or enhance cultural features through measures such as 1) protection of historic sites and districts from incompatible land uses and 2) prevention of harmful alteration of significant archaeological or geologic sites.

- Apply all coastal policies and use guidelines for all other coastal resources where they occur within coastal hazard areas (see bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands, freshwater wetlands and watercourses, developed shorefronts, islands, estuarine embayments, and coastal waters).

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

When undertaken in accordance with the general use criteria above, the following uses and activities are generally consistent with the coastal policies for those areas that are exclusively coastal hazard area (i.e. all coastal hazard areas that are not composed of other coastal resources). To determine the consistency of various uses and activities in those coastal hazard areas that are composed of other basic coastal resources, refer to the use guidelines for the component resources (i.e. bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands and watercourses, developed shorefront, islands, estuarine embayments and coastal waters).

- Recreation
- Agriculture
- Conservation Activities
- Grading
- Excavation
- Pipes and Cables

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

When undertaken in accordance with the general use criteria above, the following activities and uses may be consistent with the coastal policies, as noted, for those areas that are exclusively coastal hazard areas (i.e. all coastal hazard areas that are not composed of other coastal resources). To determine the consistency of various activities and uses in those coastal hazard areas that are composed of other basic

coastal resources, refer to the use guidelines for the component resources (i.e. bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands, freshwater wetlands and watercourses, developed shorefront, islands, estuarine embayments, and coastal waters):

- Disposal of Dredged Material: The disposal of dredged material may be consistent with the coastal policies when 1) the dredged material is clean and free of chemical, biological or man-made pollutants which are likely to adversely affect water quality or violate state water quality standards, 2) the best available technologies are used to reduce controllable sedimentation, and 3) the dredged material is contained so as to prevent its release to coastal waters.

- Seawalls, Revetments, Bulkheads: Seawalls, revetments and bulkheads and other such flood and erosion control structures may be consistent with the coastal policies only when 1) the structures are being placed to provide protection to infrastructural facilities, water dependent uses, or existing inhabited structures which were in place prior to January 1, 1980, 2) non-structural techniques have been explored and are found to be infeasible, 3) there is no other less environmentally damaging alternative, 4) all reasonable mitigation measures and techniques are employed to minimize adverse environmental impacts, and 5) the structures comply with all applicable general use criteria above.

- Buildings: Buildings and related structures may be consistent with the coastal policies only when 1) the structures comply with the National Flood Insurance Program requirements (24 CFR 1901 et. seq.) administered by the Federal Emergency Management Agency, and 2) the structures comply with all applicable general use criteria above.

- Point Discharge Structure: Point discharge structures may be consistent with the coastal policies when 1) the discharge is for the purpose of stormwater drainage, 2) the velocities of the discharged water are not sufficient to cause erosion or scouring, and 3) the discharge pipe is equipped with catch basins and gas traps which are periodically cleaned.

- Transportation Corridors (road, rail, air, pedestrian): Road, rail, air, and pedestrian transportation corridors may be consistent with the coastal policies only when 1) in the case of all vehicular traffic improvements, the improvements involve the rehabilitation, upgrading, or improvement of existing transportation facilities, 2) the improvements are designed and constructed to minimize adverse impacts on coastal resources in accordance with the general use criteria above, 3) the improvements have a beneficial effect or a negligible adverse effect on coastal access and recreation, 4) other less environmentally damaging alternatives including location of the improvements outside of the coastal boundary have been considered

and are shown to be infeasible, 5) in the case of highway improvements, mass transportation alternatives have been considered and are shown to be infeasible, 6) in the case of airport improvements, the improvement does not involve the construction of a major new airport facility or the substantial expansion of an existing airport, and 7) the flood hazard potential is not significantly increased.

- Dikes: Dikes may be consistent with the coastal policies when 1) they are designed so as not to increase the flood hazard potential behind the structure due to the effects of ponding or backwater, and 2) all reasonable mitigation measures have been employed to minimize the impact of the structures on coastal resources, in accordance with the general use criteria above.

- Filling: Filling may be consistent with the coastal policies when 1) the flood hazard potential is not significantly increased, and 2) the fill is clean and free of chemical, biological or man-made pollutants which could adversely affect water quality or violate state water quality standards.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- On-site waste disposal (septic systems, leach fields, solid waste landfills).

- Transportation improvements (major new airports and substantial expansion of existing airports).

I. Developed Shorefront

DEFINITION - "Developed Shorefront" 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.

(Source: P.A. 79-535, sec. 3(7)(I))

"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, navigational aids, basins and channels, industrial uses dependent upon waterborne 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.

(Source: P.A. 79-535, sec. 3(16))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. 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.

(Source: P.A. 79-535, sec. 2(b)(2)(G))

SEE ALSO:

- Boating Policy D (maintain existing boating harbor space).
- Water Dependent Uses Policy A (high priority to uses and facilities dependent on proximity to the water).
- Water Dependent Uses Policy B (management of uses in the coastal boundary).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

- Coastal Structures and Filling Policy C (maintenance of access to and along the public beach when permitting structures).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All structures and fill in coastal waters are regulated under the DEP structure permit program (CGS 25-7b).

(Source: CGS 25-7b)

- All new dredging in coastal waters is regulated under the DEP dredging permit program (CGS 25-10 to 18).

(Source: CGS 25-11)

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring on developed shorefront and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- Issuance of DEP permits for structures or fill in coastal waters pursuant to CGS 25-7b and permits for new dredging in coastal waters pursuant to CGS 25-11 must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- Establishment of boundaries seaward of the mean high water mark by DEP for the regulation of uses, obstructions, encroachments and facilities pursuant to CGS 25-7b must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- Designation of channels and boat basins by DEP pursuant to CGS 25-3d and 25-14 must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- Approval of municipal harbor improvement plans by DEP pursuant to section 15 must be consistent with the above policy.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including developed shorefront) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), 12(b) and 12(e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Function of Developed Shorefront:

- limited

Social Value of Developed Shorefront:

- are areas of significant economic development and importance
- serve as transportation centers
- function as commercial centers

- are recreational boating centers
- are areas of significant cultural and historic value

USE GUIDELINES

PRIORITY USE: DEVELOPMENT

GENERAL USE CRITIERIA (applicable to all uses)

- Where feasible, reserve developed shorefront areas for water-dependent uses, including but not limited to commercial and recreational fishing, boating, uses providing public access and other water-dependent commercial, industrial and recreational uses.

- Control or mitigate on-site and off-site impacts resulting from soil erosion, sedimentation and stormwater runoff through the use of appropriate construction, siting, and design practices such as 1) timing and staging of earthmoving, grading and vegetation to minimize soil exposure, 2) use of vegetative control techniques such as sod, temporary vegetation, or vegetation buffers, 3) use of non-vegetative control techniques, such as mulches, nettings, and chemical binders, 4) use of structural control techniques such as filters, traps, basins, ponds, and diversion structures, 5) avoiding development on steep slopes (greater than 25%) and 6) terracing.

- Avoid any use or activity which would significantly increase flood or erosion hazards.

- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts or which create positive visual and aesthetic impacts on the site and on the surrounding area.

  - alleviate blighted or deteriorated conditions on-site
  - blend the architecture, size, materials, color, and texture of new structures with the existing qualities and characteristics of the surrounding man-made and natural environment
  - provide visual setbacks from the water based on considerations of building height and mass for all structures which do not functionally require a shorefront location
  - make extensive use of landscaping, plantings, and natural ground coverings
  - maintain, improve, or enhance visual access to the coast

- Maintain or enhance public access to and along the shorefront.
  - when compatible with the nature of the proposed use, design waterfront utility, commercial, industrial, residential and institutional facilities so as to take advantage of the opportunity presented by a waterfront location to provide an attractive area along the water for public enjoyment of the shoreline.
  - maintain or enhance public access to and along shorefront areas that are publicly owned (including public land below the mean high water mark).
- Reuse and redevelop built-up or vacant shorefront in preference to development of previously undeveloped shorefront.
- Insure that shorefront development is compatible with municipal harbor development plans, where such plans are consistent with the coastal policies in the Connecticut Coastal Management Act.
- All activities and uses should be consistent with the capacity of the soil and subsoil to support such use or activity.
- Apply general use criteria for coastal hazard areas, where appropriate.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Grading
- Excavation
- Pipes and Cables
- Recreation
- Conservation Activities

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Piers, Docks, Wharves, Piles, Floats: Piers, docks, wharves, piles and floats may be consistent with the coastal policies when 1) siting and design practices are used which minimize impacts to estuarine embayments, intertidal flats, and shellfish concentration areas, 2) the structures are designed so as not to impede tidal flushing or circulation, and 3) the structures do not interfere with or obstruct navigation.

- Seawalls, Revetments, Bulkheads: Seawalls, revetments and bulkheads may be consistent with the coastal policies when 1) the structures are being placed to provide protection to infrastructural facilities, water dependent uses, and existing inhabited structures that were in place prior to January 1, 1980, 2) non-structural techniques have been explored and are found to be infeasible, 3) there is no other less environmentally damaging alternative, and 4) all reasonable mitigation measures and techniques are employed to minimize adverse environmental impacts.

- Disposal of Dredged Material: The disposal of dredged material may be consistent with the coastal policies when 1) the dredged material is clean and free of chemical, biological or man-made pollutants which are likely to adversely affect water quality or violate state water quality standards, 2) the best available technologies are used to reduce controllable sedimentation, and 3) the dredged material is contained so as to prevent its release to coastal waters.

- Filling: Filling may be consistent with the coastal policies when 1) the flood hazard potential is not significantly increased, and 2) the fill is clean and free of chemical, biological or man-made pollutants which could adversely affect water quality or violate state water quality standards.

- Point Discharge Structures: Point discharge structures may be consistent with the coastal policies when 1) the discharge is for the purpose of stormwater drainage, 2) the velocities of the discharge are not sufficient to cause erosion or scouring, and 3) the discharge pipe is equipped with catch basins and gas traps which are periodically cleaned.

- Transportation Corridors (road, rail, air, pedestrian): Road, rail, air and pedestrian transportation corridors may be consistent with the coastal policies when 1) in the case of all vehicular traffic improvements, the improvements involve the rehabilitation, upgrading, or improvement of existing transportation facilities, 2) the improvements are designed and constructed to minimize adverse impacts on coastal resources in accordance with the general use criteria above, 3) the improvements have a beneficial effect or a negligible adverse effect on coastal access and recreation, 4) other less environmentally damaging alternatives including location of the improvement outside of the coastal boundary have been considered and are shown to be infeasible, 6) in the case of airport improvements, the improvement does not involve the construction of a major new airport facility or the substantial expansion of an existing airport, and 7) the flood hazard potential is not significantly increased.

- Dikes: Dikes may be consistent with the coastal policies when 1) they are designed so as not to increase the flood hazard potential behind the structure due to the effects of ponding or backwater, and 2) all reasonable mitigation measures have been employed to minimize the impact of the structures on coastal resources, in accordance with the general use criteria above.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- On-site waste disposal (septic systems, leach fields, solid waste landfills).
- Transportation corridors (major new airports and substantial expansion of existing airports).

J. ISLANDS

DEFINITION - "Island" means land surrounded on all sides by water.

(Source: P.A. 79-535, sec. 3(7)(J))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. 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.

(Source: P.A. 79-535, sec. 2(b)(2)(H))

B. To maintain the value of undeveloped islands as a major source of recreational open space.

(Source: P.A. 79-535, sec. 2(b)(2)(H)

C. To disallow uses which will have significant adverse impacts on islands or their resource components.

(Source: P.A. 79-535, sec. 2(b)(2)(H))

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit

developments and all municipal projects occurring on islands and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b), 15(a) and 15(b))

- All structures and fill in coastal waters are regulated under the DEP structures permit program (CGS 25-7b to 7f).

(Source: CGS 25-7b)

- All new dredging in coastal waters is regulated under the DEP dredging permit program (CGS 25-10 to 18).

(Source: CGS 25-11)

- All activities in tidal wetlands are regulated under the DEP tidal wetlands permit program (CGS 22a-28 to 35) except for the Department of Health Services' mosquito control activities, the construction and maintenance of aids to navigation, and activities authorized in emergency decrees of a municipal public health officer.

(Source: CGS 22a-29(3))

- All activities in inland wetlands and watercourses are regulated under either the DEP or local agency inland wetlands permit program except for agricultural uses, boat anchorages, uses incidental to residential property, construction and recreational uses.

(Source: CGS 22a-38(13) and 22a-40)

- All activities in coastal waters requiring certification of water quality from DEP pursuant to the Federal Clean Water Act of 1972.

(Source: 33 USC 1411, sec. 401)

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- Issuance of the following DEP permits must be consistent with all of the above policies: 1) permits for structures or fill in coastal waters pursuant to CGS 25-7b, 2) permits for new dredging in coastal waters pursuant to CGS 25-11, 3) permits for activities in tidal wetlands pursuant to CGS 22a-32, 4) permits for activities in inland wetlands and watercourses pursuant to CGS 22a-42, and 5) certification of water quality pursuant to the Federal Clean Water Act of 1972.

  (Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through C above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including islands) and future water dependent development opportunities are acceptable.

  (Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through C above.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Islands:

- provide isolated nesting areas and critical habitat for shorebirds
- provide valuable habitat, support many floral and faunal species which have all but disappeared from the mainland
- constitute a large percent of undeveloped shoreline
- morrainal islands constitute unique geologic features

Social Value of Islands:

- provide unique recreational opportunities for fishing, swimming, boating, and wildlife observation
- contain large amounts of open space
- are areas of scientific and educational value
- provide a storm buffer for adjacent mainland areas

USE GUIDELINES

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT

GENERAL USE CRITERIA (applicable to all uses)

- Apply all coastal policies and use guidelines for all other coastal resources where they occur on islands (see bluffs and escarpments, rocky shorefronts, beaches and dunes, tidal wetlands , intertidal flats, freshwater wetlands and watercourses, coastal hazard areas, developed shorefront, shorelands, estuarine embayments and coastal waters).

- Control or mitigate on-site and off-site impacts resulting from soil erosion, sedimentation and stormwater runoff through the use of appropriate construction, siting, and design practices such as 1) timing and staging of earthmoving, grading, and vegetation to minimize soil exposure, 2) use of vegetative control techniques such as sod, temporary vegetation, or vegetation buffers, 3) use of non-vegetative control techniques such as mulches, nettings, and chemical binders, and 4) use of structural control techniques such as filters, traps, basins, ponds, and diversion structures.

- Avoid any use or activity which would significantly increase flood or erosion hazards.

- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts on the site and the surrounding area.

  - alleviate blighted or deteriorated conditions on-site

  - blend the architecture, size, materials, color and texture of new structures with the existing qualities and characteristics of the man-made and natural environment

  - provide visual setbacks from the water based on considerations of building height and mass for all structures which do not functionally require a shorefront location

  - make extensive use of landscaping, plantings, and natural ground coverings

- Maintain, restore or enhance critical habitats for terns, herons, shorebirds and other valuable,unique, rare or endangered flora and fauna.

- Limit development to low-density, low-impact residential or recreational uses.

- Prohibit extension of fixed access route (such as roads or bridges) and infrastructural facilities (such as sewer and water lines) that would induce or support high intensity urban or suburban use of islands.

- Maintain or enhance public access to and along the shorefront.

  - when compatible with the nature of the proposed use, design island uses so as to take advantage of the opportunity presented by a waterfront location to provide an attractive area along the water for public enjoyment of the shoreline

  - maintain or enhance public access to and along shorefront areas that are publicly owned (including public land below the mean high water mark)

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Low intensity recreational uses such as swimming, fishing, hiking, bird watching, nature study, and crabbing that do not adversely impact sensitive resources or valuable wildlife habitats, are generally consistent with the coastal policies.

- Conservation: Conservation activities such as habitat restoration, wildlife management, property management and erection of temporary access control structures to protect shorebird nesting and breeding habitat are generally consistent with the coastal policies.

- Agriculture: Agricultural uses such as grazing, farming, and aquaculture are generally consistent with the coastal policies when the indigenous character of the land is not significantly disturbed and where sensitive coastal resources are not adversely impacted.

- Apply Use Guidelines for Component Resources (bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands, freshwater wetlands and watercourses, coastal hazard areas, developed shorefront, shorelands, estuarine embayments, and coastal waters).

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Apply Use Guidelines for Component Resources (bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands, freshwater wetlands and watercourses, coastal hazard areas, developed shorefront, shorelands, estuarine embayments, and coastal waters).

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Transportation improvements (road, rail, air)

- On-site waste disposal (solid waste landfills)

- Excavation (major)

- Apply Use Guidelines for Component Resources (bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands, freshwater wetlands and watercourses, coastal hazard areas, developed shorefront, shorelands, estuarine embayments, and coastal waters)

K. SHORELANDS

DEFINITION - "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.

(Source: P.A. 79-535, sec. 3(7)(M))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources.

(Source: P.A. 79-535, sec. 2(b)(2)(I))

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II- 39)

USES TO BE REGULATED

- All buildings, uses and structures, all uses requiring a municipal special permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring within tidal wetlands and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b) 15(a) and 15(b))

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with the above policy, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including shorelands) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with the above policy.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Shorelands:

- function as immediate source of upland runoff contributing to coastal drainage
- serve as immediate source of upland sediments
- may provide wildlife habitat when undeveloped

Social Value of Shorelands:

- provide scenic vistas
- have high development potential

USE GUIDELINES

PRIORITY USE: DEVELOPMENT

GENERAL USE CRITERIA

- Maintain vegetative buffer areas on the perimeter of shorelands as necessary to 1) protect adjacent coastal wetlands, beaches and watercourses from the impacts of accelerated velocities or increased volumes of upland runoff and associated sedimentation and erosion, 2) preserve coastal water quality, 3) provide visual buffers, and 4) protect important habitat areas.

- Prevent increases in volumes and rates of upland runoff by 1) limiting the amount of impervious surface area created by construction, 2) requiring installation of stormwater detention facilities such as ponds and holding basins capable of preventing increases in preexisting natural runoff rates for all intensities and durations of rainfall, 3) requiring the installation of temporary drainage controls during construction, and 4) limiting site clearing to the minimum necessary for construction and location of facilities and requiring the maintenance of vegetative buffers adjacent to wetlands and watercourses.

- Prevent erosion by 1) minimizing site clearing and devegetation through phasing of construction activities in order to limit soil exposure, 2) requiring that vegetative buffers be maintained in an undisturbed condition, 3) requiring replanting and revegetation of areas disturbed during construction, 4) employing temporary erosion

control techniques such as hay bales, mulching, sod, nettings, diversion structures and filters, 5) avoiding development on steep slopes (25% or greater), 6) limiting development on moderately steep slopes (15% to 25%) to low intensity uses), and 7) avoiding the alteration of natural drainage channels which would accelerate stream flow.

- Protect rare and endangered species and preserve their critical habitats.

- Maintain or enhance public access to and along the shorefront.

  - maintain or improve access to and along publicly owned shorefront including public trust lands below the mean high water mark.

  - discourage development which reduces or eliminates public access to the shoreline

  - preserve groundwater quality in recharge and aquifer areas by preventing the discharge, disposal, or storage of toxic or hazardous materials on or near such areas

- Insure that all activities and uses are consistent with the capacity of the soil or subsoil to support such activities.

- Where appropriate, provide setbacks for new structures when they occur near bluffs and escarpments, beaches or dunes. Setbacks should allow for predictable erosion which would occur over the useful life of the structure.

- Incorporate site planning and design features which limit or avoid negative visual and aesthetic impacts or which create positive visual and aesthetic impacts on the site and on the surrounding area.

  - alleviate blighted or deteriorated conditions on-site

  - blend the architecture, size, materials, color, and texture of new structures with the existing qualities and characteristics of the man-made and natural environment

  - make extensive use of landscaping, plantings, and natural ground coverings

  - maintain, improve, or enhance visual access to the coast

- Maintain cultural characteristics of shorelands by 1) protecting historic sites and districts against incompatible land uses, and 2) preventing the alteration of significant archaeological or geologic sites.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- All activities are generally consistent with the coastal policies when conducted in accordance with the general use criteria with the following exceptions:
  - construction of new airport facilities
  - substantial expansions of existing airport facilities
  - solid waste landfills

L. Shellfish Concentration Areas

DEFINITION - "Shellfish Concentration Areas" means actual, potential or historic areas in coastal waters, in which one or more species of shellfish aggregate.

(Source: P.A. 79-535, sec. 3(7)(N))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

SEE:

- National Interest Facilities and Resources Policy A (planning for and protection of facilities and resources which are in the national interest including restoration and enhancement of Connecticut's shellfish industry).
- Intertidal Flats Policy A (preservation of value as nutrient source and shellfish habitat).
- Tidal Wetlands Policy C (creation of wetlands for shellfish management).
- Water Dependent Uses Policy A (priority to uses and facilities which are dependent upon proximity to coastal waters).
- Boating Policy C (protection and upgrading of facilities serving the commercial fishing industry).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations.

(Source: P.A. 79-535, sec. 2(c)(1)(I))

B. The department of health services is empowered to prohibit the taking or harvesting of shellfish in certain tidal flats, shores and coastal waters whenever it finds by examinations and surveys that such flats, shores or coastal waters are contaminated or polluted to the extent that the waters do not meet standards of purity established by said department, and that shellfish obtained therefrom may be unfit for food and dangerous to the public health. Such closure may be permanent, temporary or contingent upon the occurrence of specified events.

(Source: CGS 19-55a)

C. The department of health services may inspect shellfish beds and areas in this state where shellfish are grown or harvested for market, all boats, tools and appliances used in the production and preparation of shellfish for market and all wharves or buildings where shellfish are opened, packed and prepared for sale or shipment. It may prescribe regulations for the sanitary growth, production and preparation of shellfish for market.

(Source: CGS 19-53)

D. Nothing in sections 19-52 to 19-58, inclusive, shall prohibit the taking of shellfish from closed areas when they are removed for transplanting to approved areas under permits issued by the department of health services and under supervision of state and local health agencies having jurisdiction.

(Source: CGS 19-59)

SEE:

- Coastal Waters and Estuarine Embayments Policy B (adoption of water quality standards).

- Coastal Waters and Estuarine Embayments Policy C (management of estuarine embayments to insure substantial biological productivity and the maintenance of healthy marine populations).

- Coastal Waters and Estuarine Embayments Policy D (alteration of eelgrass flats for purposes of shellfish management).
- Dredging and Navigation Policy E (protection of shellfish grounds in the regulation of dredging).
- Coastal Structures and Filling Policy C (maintenance of access to public beach when permitting structures).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- The taking of shellfish from state-owned shellfish beds is regulated by the Department of Agriculture's Aquaculture Division (CGS 26-187 to 26-237).

  (Source: CGS 26-192)

- The taking of shellfish from beds under municipal jurisdiction is regulated by local shellfish commissions or other designated local agencies or boards (CGS 26-238 to 26-294).

  (Source: CGS 26-240)

- The harvesting of shellfish from all shellfish beds is subject to regulation for health purposes by the Department of Health Services (CGS 19-52 to 19-59).

  (Source: CGS 19-53 and 19-55)

- All structures and fill in coastal waters overlying shellfish concentration areas are regulated under the DEP structures and fill permit program (CGS 25-7b to 25-7f).

  (Source: CGS 25-7b)

- All new dredging in coastal waters overlying shellfish concentration areas is regulated under the DEP dredging permit program (CGS 25-10 to 25-18).

  (Source: CGS 25-11)

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- The Department of Agriculture's management program for shellfisheries must be consistent with policy A above.

(Source: P.A. 79-535, sec. 20(b))

- The taking of shellfish from state-owned beds is regulated by the Department of Agriculture (CGS 26-187 to 26-237). Detailed criteria governing the issuance of leases and permits, harvesting methods, and limits on numbers are contained in the statutes.

(Source: CGS 26-187 to 26-237)

- Department of Health Services regulation of all shellfish beds for health purposes pursuant to the Shellfish Sanitation Law (CGS 19-52 to 19-59) must be consistent with policies B, C and D above. Regulations have been promulgated by the Public Health Council to cover various aspects of shellfish sanitation including the sale of shellfish, transplanting of shellfish, cleanliness of shellfish boats, and construction and operation of shellfish processing plants.(RCSA 19-13-B64 to 19-13-B77).

(Source: CGS 19-52 to 19-59)

- All permits and orders issued by DEP for water pollution control pursuant to CGS 25-27, 25-54g, 25-54h, 25-54i, 25-54j and 25-54k must be consistent with policy H above.

(Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for structures and fill in coastal waters overlying shellfish concentration areas pursuant to CGS 25-7b and for new dredging in coastal waters overlying shellfish concentration areas pursuant to CGS 25-11 must be consistent with policy A above.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policy A above.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with policy A above.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The harvesting of shellfish from beds under local jurisdiction is regulated by municipal shellfish commissions or other designated local agencies pursuant to the Local Shellfisheries Statutes (CGS 26-238 to 26-294) and to local regulations. Detailed criteria are contained in the statutes governing such matters as jurisdictional disputes, methods for taking of shellfish from the waters of certain municipalities, and size and catch limits for various species of shellfish.

(Source: CGS 26-238 to 26-294 and local regulations)

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Shellfish Concentration Areas:

- provide habitat for several species of shellfish
- contribute to the diversity of benthic life
- provide source of food for shorebirds, lobsters and other marine life

Social Value of Shellfish Concentration Areas:

- support an important source of food

- provide recreational shellfishing opportunities
- provide economic opportunities for the shellfish industry
- provide employment through shellfish industry

USE GUIDELINES

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT IN DEVELOPED SHOREFRONT AREAS

GENERAL USE CRITERIA (applicable to all uses)

- Maintain and insure the continued viability and productivity of shellfish concentration areas.

  revitalize and increase the number and extent of productive shellfish beds

  restore and maintain healthy and productive bottom conditions

- Preserve eelgrass beds except in those instances where it can be demonstrated that the benefits accrued through their alteration or removal for the purposes of shellfish management outweigh the benefits of preserving such flats in their natural state.

- Avoid activities that may have an adverse impact on water column characteristics, sedimentation, and substrates in shellfish concentration areas during critical spawning periods.

- Apply guidelines for coastal waters and estuarine embayments.

- Maintain and restore water quality to a condition that permits direct harvesting of shellfish for human consumption.

- Avoid uses and activities which would restrict the harvesting of shellfish of a quality suitable for human consumption.

- Avoid the placement of structures which would restrict access to or prevent the harvesting of shellfish.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

  - Recreation: Recreational activities such as hiking, bird watching, swimming, fishing, and shellfishing which do not destroy the productivity potential or alter the integrity of shellfish concentration areas are generally consistent with the coastal policies.

- Conservation: Conservation activities and practices for the purposes of wildlife and finfish management are generally consistent with the coastal policies.

- Agriculture (Aquaculture): Aquaculture practices are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Dredging (Maintenance and Enhancement): Maintenance and enhancement dredging may be consistent with the coastal policies when 1) the dredging is staged so as to avoid impacts to shellfish or finfish populations during critical breeding periods, 2) the best available technologies are used to reduce controllable sedimentation and prevent adverse impacts on water quality, 3) significant impacts on contiguous shellfish concentration areas are avoided, 4) the activity is timed so as to avoid reductions in dissolved oxygen concentrations which may result in fish kills, and 5) the channel or basin is not substantially enlarged from the original project dimension.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) they are placed to avoid significant impacts to shellfish concentration areas, 2) the best available technologies are used to reduce controllable sedimentation, 3) they are installed below grade so as not to interfere with the harvesting of shellfish, 4) they are designed to minimize their encroachment on shellfish beds, 5) no less environmentally damaging alternative exists, and 6) the activity is staged so as to avoid impacts to shellfish populations during critical breeding periods.

- Piers, Docks, Wharves, Piles: Piers, docks, wharves and piles may be consistent with the coastal policies when 1) they are properly designed so as to not impede tidal flushing or circulation, 2) they are placed so as to minimize their encroachment into shellfish concentration areas, 3) they do not unreasonably restrict the harvesting of shellfish, 4) there is no less environmentally damaging alternative, 5) elevated pile construction or floats are utilized and 6) they do not interfere with or obstruct navigation.

- Transportation Corridors (Rail, Highway): Rail and highway corridors may be consistent with the coastal policies when 1) they are properly designed so as not to impede tidal flushing or circulation, 2) they are placed so as to minimize their encroachment into shellfish concentration areas, 3) they do not unreasonably restrict the harvesting of shellfish, 4) there is no less environmentally damaging alternative, 5) they utilize elevated pile supports where feasible, 6) their construction is timed so as to avoid critical spawning periods, and 7) construction is accomplished from floating barges or top-side construction techniques are used.

C. Activities and Uses Which Are Generally Inconsistent with the Coastal Policies.

- Filling
- Disposal of Dredged Material
- Dredging (new)
- Traffic Corridors (air)
- Point Discharge Structures
- Tidal Gates

M. Coastal Waters and Estuarine Embayments

DEFINITION - "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.

(Source: P.A. 79-535, sec. 3(5))

"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.

(Source: P.A. 79-535, sec. 3(7)(K))

"Offshore Waters" means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour.

(Source: P.A. 79-535, sec. 3(7)(L))

"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.

(Source: P.A. 79-535, sec. 3(7)(G))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. It is found and declared that the pollution of the waters of the state is inimical to the public health, safety and welfare of the inhabitants of the state, is a public nuisance and is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and that the use of public funds and the granting of tax exemptions for the purpose of controlling and eliminating such pollution is a public use and purpose for which public monies may be expended and tax exemptions granted, and the necessity and public interest for the enactment of this chapter and the elimination of pollution is hereby declared as a matter of legislative determination.

(Source: CGS sec. 25-54a, referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

- Coastal Structures and Filling Policy A (structures and fill in tidal wetlands and coastal waters).
- Boating Policy A (increased recreational boating use of coastal waters).
- National Interest Facilities and Resources Policy A (planning for and protection of resources which are in the national interest including tidal wetlands and related estuarine resources and the use of water pollution control measures).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

B. The commissioner of environmental protection shall adopt, and may thereafter amend, standards of water quality applicable to the various waters of the state or portions thereof as provided in subdivision (a) of section 22a-6. Such standards shall be consistent with the federal Water Pollution Control Act and shall be for the purpose of qualifying the state and its municipalities for available federal grants and for the purpose of providing clear and objective public policy statements of a general program to improve the water resources of the state; provided no standard of water quality adopted shall plan for, encourage or permit any wastes to be discharged into any of the waters of the state without having first received the treatment available and necessary

for the elimination of pollution. Such standards of quality shall: (1) Apply to interstate waters or portions thereof within the state; (2) apply to such other waters within the state as the commissioner may determine is necessary; (3) protect the public health and welfare and promote the economic development of the state; (4) preserve and enhance the quality of state waters for present and prospective future use for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes and agricultural, industrial and other legitimate uses; (5) be consistent with health standards as established by the state department of health.

(Source: CGS sec. 25-54e(a) referenced by P.A. 79-535, sec. 2(a)(2))

C. To manage estuarine embayments so as to insure 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.

(Source: P.A. 79-535, sec. 2(c)(2)(A))

D. 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.

(Source: P.A. 79-535, sec.2(c)(2)(A))

SEE ALSO:

- Fuel, Chemicals and Hazardous Materials Policy A (minimize the risk of spillage).
- Coastal Structures and Filling Policy B (disallow filling of tidal wetlands and coastal waters).
- Coastal Structures and Filling Policy E (maintain water circulation and exchange in placement of flood control structures).
- Fuel, Chemicals and Hazardous Materials Policy E (provide containment and clean up of accidental spills).
- General Resource Policy D, sec. (d) (protection, enhancement and management of coastal water resources).
- Fisheries Policy A (management of fisheries to promote economic and recreational benefits).

- Dredging and Navigation Policies A through F (maintenance and enhancement of federal navigation channels, criteria for approving dredging projects and duties of harbor masters).

- Dredging and Dredged Material Disposal Planning Policy A (cooperation with federal government on long range planning for channel maintenance and dredged material disposal).

- Coastal Recreation and Access Policy A (expansion, development and effective utilization of state-owned recreational facilities to promote public access to the waters of Long Island Sound).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Wastewater Management Goal (maintain existing high quality waters and restore the quality of all surface waters).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All structures and fill in coastal waters and in estuarine embayments are regulated under the DEP structures and fill permit program (CGS 25-7b to 7f).

(Source: CGS 25-7b)

- All new dredging in coastal waters and in estuarine embayments is regulated under the DEP dredging permit program (CGS 25-10 to 18).

(Source: CGS 25-11)

- All discharges into the waters of the state begun prior to May 1, 1967 which cause pollution are subject to abatement orders pursuant to CGS 25-54h.

(Source: CGS 25-54h)

- All new discharges into the waters of the state are regulated under the DEP water pollution permit program (CGS part II of Chapter 474 and Chapter 474a).

(Source: CGS 25-54i)

- All municipalities causing pollution of the waters of the state or having an existing or potential community pollution problem are

- All state agency actions significantly affecting the environment including land acquisition, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such activities and boards must determine whether or not the adverse impacts of the activity on coastal resources (including coastal waters) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits, and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Coastal Waters:

- are areas of high primary and secondary productivity

- provide habitat for a variety of marine organisms (shellfish, finfish, crustaceans and benthic organisms)

subject to abatement orders pursuant to CGS 25-54g.

(Source: 25-54g)

- All sources of water pollution, actual or potential, permitted or unpermitted are subject to abatement orders pursuant to CGS 25-27, 25-54j, or 25-54k.

(Source: CGS 25-27, 25-54j and 25-54k).

- All activities in coastal waters requiring certification of water quality from DEP pursuant to the Federal Clean Water Act of 1972.

(Source: 33 USC 1411, sec. 401)

MAPS

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- All permits and orders issued by DEP for water pollution control pursuant to CGS 25-27, 25-54g, 25-54h, 25-54i, 25-54j and 25-54k must be consistent with the above policies. The state's water pollution control program satisfies all requirements of the Federal Clean Water Act.

(Source: P.A. 79-535, sec. 21)

- DEP certification of water quality pursuant to the Federal Clean Water Act of 1972 (33 USC 1411, sec. 401) must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for structures and fill in coastal waters pursuant to CGS 25-7b and for new dredging in coastal waters pursuant to CGS 25-11 must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

- support many diverse floral and faunal species
- provide spawning and breeding areas for many species
- are an important contributor to the productivity of contiguous ocean waters

Social Value of Coastal Waters:

- are critical to the assimilation of industrial, commercial and residential wastes
- support commercial and recreational fisheries
- are important to marine transportation and navigation
- provide recreational opportunities: boating, swimming, fishing, diving and vistas

Natural Functions of Estuarine Embayments:

- are areas of high biological productivity
- significant habitat for shellfish, finfish and waterfowl
- serve as spawning and feeding grounds for commercially important finfish
- are essential biological corridors for spawning anadromous and catadramous fish
- exhibit unique circulation patterns (estuarine circulation) which influence nutrient distribution, control salinity, mix the water column and work and redistribute sediments
- supply sheltered areas for the development of eelgrass flats which are highly productive; provide nursery grounds, shelter and refugia for various aquatic species; are a vital food source for marine organisms, support an important biomass of epiphytic plants; and transfer nutrients from sediments into the water column

Social Value of Estuarine Embayments:

- provide protected locations for activities such as boating, swimming, fishing and other passive recreational activities
- provide protected point of deep water access and navigational corridors for commercial and industrial waterfront uses
- are areas of unique scientific and educational value
- eelgrass flats (a component of some embayments) reduce current velocities and control erosion by trapping and binding sediments

USE GUIDELINES

(Coastal Waters)

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT

GENERAL USE CRITIERIA

- Maintain, enhance or restore the quality of coastal waters and the submerged lands.

- Maintain, enhance or restore the natural circulatory patterns and biochemical processes of coastal waters.

- Maintain the continued biological productivity and viability of Long Island Sound as a resource capable of supporting 1) healthy marine and finfish resources, 2) a broad spectrum of safe and healthy recreational opportunities, and 3) an efficient system of marine transportation and navigation.

- Maintain and improve water quality in accordance with the highest standards set by federal, state or local authorities.

  - preserve and maintain those waters with existing quality better than established standards

  - restore the surface waters of the state to a quality consistent with its use for the protection and propagation of fish, shellfish and wildlife including breeding, feeding and nursery grounds and with its use for recreation in and on the water; restore all water to the maximum extent possible, at least to a quality consistent with Class B or SB

  - the discharge of sewage from marine sanitation devices installed on vessels shall be prohibited on those waters of the state (i.e. no discharge zones) where greater control is required for public health or environmental protection

- Preserve and restore shellfish concentration areas and important finfish breeding grounds or fishruns.

- Phase activities when necessary so as to avoid or minimize impacts to shellfish concentration areas during critical breeding periods.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

  - Recreation: Recreational activities such as swimming, fishing,

shellfishing, boating, and skiing which do not degrade water quality or accelerate shoreline erosion are generally consistent with the coastal policies.

- Conservation: Conservation activities and practices such as habitat restoration or finfish management are generally consistent with the coastal policies.

- Agriculture (Aquaculture): Aquacultural practices are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

- Dredging (Maintenance and Enhancement): Maintenance and enhancement dredging may be consistent with the coastal policies when 1) the dredging is staged so as to avoid impacts to shellfish or finfish populations during critical breeding periods, 2) the best available technologies are used to reduce controllable sedimentation and prevent adverse impacts on water quality, 3) significant impacts on contiguous shellfish concentration areas are avoided, 4) the activity is timed so as to avoid reductions in dissolved oxygen concentrations which may result in fish kills, and 5) the channel or basin is not substantially enlarged from the original project dimensions.

- Dredging (New): New dredging may be consistent with the coastal policies when 1) it can be demonstrated that existing navigation channels are inadequate to provide access from the facility to deep water, 2) sensitive coastal resource areas such as shellfish areas, intertidal flats, important finfish habitats and major eelgrass flats are avoided, 3) the channel, basin, or anchorage area is designed to take optimal advantage of naturally deep water or existing natural channels so as to minimize the need for dredging, 4) dredging does not induce or contribute to accelerated erosion or sedimentation in critical resource areas such as beaches, bluffs and escarpments, tidal wetlands, intertidal flats, and shellfish concentration areas, and 5) appropriate guidelines under maintenance dredging are applied.

- Excavation: Excavation may be consistent with the coastal policies when 1) the excavated material is for the purpose of beach fill, 2) the grain size and distribution of the material is compatible with the beach, 3) the excavated material is clean and devoid of chemical, biological or man-made pollutants, 4) the extent of excavation is minimized and avoids the creation of anaerobic holes, 5) the excavation avoids shellfish concentration areas and important finfish habitats such as offshore reefs, 6) the best available technologies are used to reduce controllable sedimentation and prevent adverse impacts on coastal waters and shellfish concentration areas, and 7) excavation is not conducted in "nearshore waters" when it may induce accelerated shoreline erosion.

- Groins: Groins may be consistent with the coastal policies when 1) other non-structural techniques of erosion control have been explored and found to be infeasible and there is no less environmentally damaging alternative, 2) the groins are being placed to provide protection to infrastructural facilities, water dependent uses or existing inhabited structures that were in place prior to January 1, 1980, 3) measures to mitigate the impacts of groins on erosion and sedimentation are employed such as: limiting their height and length and requiring the placement of suitable fill between groins to reduce or eliminate sediment losses to the littoral transport system, particularly in downdrift areas , and 4) they are placed so as to avoid significant impacts on shellfish concentration areas.

- Jetties: Jetties may be consistent with the coastal policies when 1) used to stabilize an inlet, 2) there is no less environmentally damaging alternative, 3) tidal circulation and flushing is not impeded, and 4) measures to mitigate the impacts of jetties on erosion and sedimentation are employed when necessary.

- Breakwaters: Breakwaters may be consistent with the coastal policies when 1) used for the creation of an anchorage area or harbor protection, 2) critical resource areas such as shellfish concentration areas or important finfish habitats are avoided, and 3) the breakwater is designed and positioned to minimize adverse impacts on adjacent shorelines and to prevent accelerated erosion.

- Piers, Docks, Wharves, Piles: Piers, docks, wharves and piles may be consistent with the coastal policies when 1) the structures are placed in such a manner so as to not interfere with the littoral transport of sediment, 2) they do not restrict tidal exchange or flushing, 3) designed and constructed in a manner that best avoids impacts to adjacent sensitive resource areas and shellfish concentration areas, and 4) the structures are sited so as to take advantage of existing deep water and natural channels.

- Point Discharge Structures: Point discharge structures may be consistent with the coastal policies when 1) the velocities of the discharged water are not sufficient to cause shoreline erosion or scouring, 2) the structure contains gas traps and catch basins that are periodically cleaned if the structure is for the purposes of stormwater discharge, 3) the structure is designed to the maximum extent possible, to minimize disturbance of or adverse impacts to shellfish beds and intertidal flats, and 4) the quality of the discharged water does not adversely impact coastal waters or violate state water quality standards.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) they are placed to avoid significant impacts to shellfish concentration areas, and 2) the best available technologies are used to reduce controllable sedimentation.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Culverts
- Filling
- Traffic Corridors (rail, road, air)

USE GUIDELINES

(Estuarine Embayments)

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT

GENERAL USE CRITERIA (applicable to all uses)

- Maintain the essential physical dimensions and configurations of estuarine embayments.
- Maintain ambient patterns of tidal currents, tidal circulation and tidal flushing and the chemistry of the estuarine waters.
- Maintain and improve water quality in accordance with the highest standards set by federal, state or local authorities.
  - preserve and maintain those waters with existing quality better than established standards
  - restore the surface waters of the state to a quality consistent with its use for the protection and propagation of fish, shellfish and wildlife including breeding, feeding and nursery grounds and with its use for recreation in and on the water; restore all waters to the maximum extent possible at least to a quality consistent with Class B or SB
  - the discharge of sewage from marine sanitation devices installed on vessels shall be prohibited on those waters of the state (i.e. no discharge zones) where greater control is required for public health or environmental protection
- Avoid modifications which alter hydraulic characteristics of inlets and result in measurable changes in tidal wetland vegetation and ecology.
- Maintain, restore or enhance eelgrass beds, shellfish concentration areas and important breeding areas for finfish or waterfowl.
- Use all reasonable siting and construction practices that avoid or substantially reduce the negative impacts or activities upon water quality, tidal circulation and flushing and basin configuration in estuarine embayments such as but not limited to: 1) minimizing the

area of embayment affected by the activity or development, 2) locating inconsistent uses and non-water dependent activities on other less sensitive and compatible resource areas when possible, 3) avoiding to the fullest degree possible, the effects of direct or indirect impacts on shellfish concentration areas, eelgrass beds, critical finfish breeding habitats and anadromous fish runs, 4) using the best available technologies to reduce controllable sedimentation, 5) avoiding activities that accelerate erosion of sedimentation on contiguous sensitive resources, 6) scheduling the activity so as to avoid critical shellfish and finfish breeding periods, and 7) locating the activity in areas which would not significantly impede or alter natural drainage and circulation patterns.

- Initiate all reasonable design practices and mitigation measures which will avoid or substantially limit the negative impacts on estuarine embayments, eelgrass flats and shellfish concentration areas such as elevated pile and timber construction.

- Minimize the effects of boat wakes on intertidal flats and tidal wetland resources through the establishment of "no wake" zones.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

- Recreation: Recreation activities such as swimming, fishing, crabbing, clamming, boating that do not alter the physical characteristics of estuarine waters, estuarine basins, eelgrass flats, and contribute to or cause shoreline erosion are generally consistent with the coastal policies.

- Conservation: Conservation activities and practices such as shellfish or finfish management or restoration, waterfowl management or protection, and habitat restoration projects including restoration of tidal wetlands, intertidal flats and tidal circulation are generally consistent with the coastal policies provided that substantial physical alteration of the basin does not ensue or that water quality is not reduced.

B. Activities and Uses Which May Be Consistent with the Coastal Policies.

- Dredging (Maintenance and Enhancement): Maintenance and enhancement dredging may be consistent with the coastal policies when 1) the dredging is staged so as to avoid impacts to shellfish or finfish populations during critical breeding periods, 2) the best available technologies are used to reduce controllable sedimentation and prevent adverse impacts on water quality, 3) significant impacts on contiguous shellfish concentration areas are avoided, 4) the activity is timed so as to avoid reductions in dissolved oxygen concentrations which may result in fish kills, and 5) the channel or basin is not substantially enlarged from the original project dimensions.

- Dredging (New): New dredging may be consistent with the coastal policies when 1) it can be demonstrated that existing navigation channels are inadequate to provide access from the facility to deep water, 2) sensitive coastal resource areas such as shellfish areas, intertidal flats, important finfish habitats and major eelgrass flats are avoided, 3) the channel, basin, or anchorage area is designed to take optimal advantage of naturally deep water or existing natural channels so as to minimize the need for dredging, 4) dredging does not induce or contribute to accelerated erosion or sedimentation in critical resource areas such as beaches, bluffs and escarpments, tidal wetlands, intertidal flats, and shellfish concentration areas, and 5) appropriate guidelines under maintenance dredging are applied.

- Disposal of Dredged Material: Disposal of dredged material may be consistent with the coastal policies only when 1) placed only for the purpose of ancillary filling behind erosion control structures or for habitat restoration or creation such as tidal wetland restoration, island creation, etc., 2) the material is clean, devoid of toxic pollutants or is suitably contained to prevent the release of pollutants to the embayment, 3) the sediment texture is compatible to the disposal site, 4) the placement of dredged material does not alter tidal circulation, flushing or increase flood hazard potential in the estuarine embayment, and 5) it meets the guidelines for filling.

- Groins: Groins may be consistent with the coastal policies when 1) other non-structural techniques of erosion control have been explored and found to be infeasible and there is not less environmentally damaging alternative, 2) the groins are being placed to provide protection to infrastructural facilities, water dependent uses or existing inhabited structures that were in place prior to January 1, 1980, 3) measures to mitigate the impacts of groins on erosion and sedimentation are employed such as: limiting their height and length and requiring the placement of suitable fill between groins to reduce or eliminate sediment losses to the littoral transport system, particularly in downdrift areas, and 4) they are placed so as to avoid significant impacts on shellfish concentration areas.

- Jetties: Jetties may be consistent with the coastal policies when 1) used to stabilize an inlet, 2) there is no less environmentally damaging alternative, 3) tidal circulation and flushing is not impeded, and 4) measures to mitigate the impacts of jetties on erosion and sedimentation are employed when necessary.

- Piers, Docks, Wharves, Piles: Piers, docks, wharves and piles may be consistent with the coastal policies when 1) they are properly designed so as to not impede tidal flushing or circulation, 2) they are placed so as to avoid significant impacts on intertidal flats and shellfish concentration areas, 3) they use pile or timber construction or floats where feasible, and 4) they do not interfere with or obstruct navigation.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) they are placed to avoid significant impacts to shellfish concentration areas, and 2) the best available technologies are used to reduce controllable sedimentation.

- Seawalls, Bulkheads, Revetments: Seawalls, bulkheads and revetments may be consistent with the coastal policies when 1) the use of fill in their construction is limited to the minimum amount necessary for erection of the structure, 2) they are erected for the purposes of providing flooding or erosion protection to infrastructural facilities, water dependent uses or existing inhabited structures which were in place prior to January 1, 1980, 3) other non-structural flood and erosion control techniques have been explored and found to be infeasible, 4) the protective structure incorporates drainage spillways to accommodate or diffuse surface water runoff, 5) the protective structure contains sufficient weep holes or interstices to accommodate the release of groundwater, 6) the protective structure does not encroach on adjoining intertidal flats or shellfish concentration areas except as minimally and absolutely necessary to achieve structural stability and, 7) they do not significantly interrupt the littoral transport of sediments.

- Point Discharge Structures: Point discharge structures may be consistent with the coastal policies when 1) the velocities of the discharged water are not sufficient to cause shoreline erosion or scouring, 2) the structure contains gas traps and catch basins that are periodically cleaned if the structure is for the purpose of stormwater discharge, 3) the structure is designed to the maximum extent possible, to minimize disturbance of or adverse impacts to shellfish beds and intertidal flats, and 4) the quality of the discharged water does not adversely impact coastal waters or violate state water quality standards.

- Filling: Filling may be consistent with the coastal policies when 1) the material is placed as part of an erosion control project or for the purposes of promoting a water dependent use in a developed shorefront area, 2) the material does not contain any chemical, biological or man-made pollutants which may violate state water quality standards, 3) dispersal of sediments during the placement of the fill is controlled so as to minimize impacts on water quality or sedimentation, 4) the filling is timed so as to avoid impacts on shellfish beds or spawning activities when necessary, and 5) the fill does not restrict or alter tidal circulation or flushing.

- Transportation Corridors (Rail, Road): Rail and highway corridors may be consistent with the coastal policies when 1) they utilize open pile supports to the maximum extent feasible, 2) they do not interfere with or obstruct navigation, 3) they do not significantly affect tidal flushing or circulation, 4) they do not restrict access to the shoreline, and 5) they meet all appropriate guidelines for filling when fill is used in their construction.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

- Grading
- Excavation
- Traffic Corridors (air)
- Tidal Gates
- Dikes
- Culverts

N. Air Resources and Air Pollution

DEFINITION - "Air Pollution" means the presence in the outdoor atmosphere of one or more air pollutants or any combination thereof in such quantities and of such characteristics and duration as to be, or be likely to be, injurious to public welfare, to the health of human, plant or animal life, or to property, or as unreasonably to interfere with the enjoyment of life and property.

(Source: CGS 19-505)

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

SEE:

- National Interest Facilities and Resources Policy A (planning for and protection of resources which are in the national interest, including use of air pollution control measures).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. The commissioner, in the manner provided in subdivision (1) of section 22a-6, shall have the power to formulate, adopt, amend and repeal regulations to control and prohibit air pollution throughout the state or in such areas of the state as are affected thereby, which regulations shall be consistent with the Federal Air Pollution Control Act and which qualify the state and its municipalities for

available federal grants. Any person heard at the public hearing on any such regulation shall be given written notice of the determination of the commissioner.

(Source: CGS sec. 19-508(a))

B. The commissioner in making regulations and issuing orders and in enforcing the provisions of this chapter shall take into consideration all of the facts and circumstances bearing on the reasonableness of the activity involved and the regulations proposed to control it, including: (a) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened to be caused; (b) the social and economic value of the activity involved; (c) the suitability or unsuitability of such activity to the area in which it is located; and (d) the practicability, both scientific and economic, of reducing or eliminating the discharge resulting from such activity. In all cases the commissioner shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the area involved and to any lawful business, occupation or activity involved resulting from requiring compliance with the specific requirements of any order or regulation.

(Source: CGS sec. 19-510)

SEE ALSO:

- General Resources Policy D (prevention and abatement of air pollution).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

- All sources of air pollution existing and proposed are subject to DEP's air pollution permit and order program.

(Source: CGS 19-519a)

- Sources of air pollution in municipalities or in inter-municipal air pollution control districts with air pollution control regulations approved by DEP pursuant to CGS 19-520a are subject to regulation by such municipalities or districts.

(Source: CGS 19-520a)

IMPLEMENTATION

STATE

- Issuance of DEP permits and orders for air pollution pursuant to CGS 19-508(c), 19-519a, 19-514 and 19-519 must be consistent with the above policies and, pursuant to CGS 19-507(d) and 508(a), with the detailed regulations issued by DEP (RCSA 19-508-1 to 508-25 and 19-508-100). The DEP air pollution control program meets federal Clean Air Act requirements.

(Source: P.A. 79-535, sec. 21)

MUNICIPAL

- Municipal and municipal air pollution control district regulations and ordinances must be in conformity with the above policies and DEP regulations.

(Source: CGS 19-520a)

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with 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.

(Source: P.A. 79-535, sec. 2(a)(1))

B. To resolve conflicts between conflicting 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.

(Source: P.A. 79-535, sec. 2(a)(4))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

C. It is found and declared that there exists in the state a great and growing need for industrial and commercial development and activity to provide and maintain employment and tax revenues; that assistance and encouragement of industrial and commercial development to provide and maintain such employment and revenues is an important function of the state; that the availability of financial assistance and suitable facilities are important inducements to industrial and commercial enterprises to remain or locate in this state and therefore the necessity in the public interest and for the public benefit and good for the provisions of this chapter is hereby declared as a matter of legislative determination. It is further found and declared that there exists a great and growing need for the construction of facilities by private water companies in the state for the furnishing of clear and wholesome water to the general public and that financial assistance by the Connecticut development authority is an important inducement to such companies to construct such facilities and therefore this necessity in the public interest and for the public benefit and good is hereby declared as a matter of legislative determination. It is further found and declared that there exists a great and growing need for the acquisition and construction of ferry boats for the transportation of persons, goods or vehicles and of all facilities, equipment, land and improvements necessary or useful in connection with ferry operations in coastal and inland waterways of the state, and that financial assistance by the Connecticut

development authority is an important inducement to the acquisition and construction of ferry boats and such related facilities and therefore this necessity in the public interest and for the public benefit and good is hereby declared as a matter of legislative determination. It is further found and declared that there exists a great and growing need for the acquisition and construction of railroads for the operation of freight and passenger trains and associated equipment to transport persons and goods and for the acquisition and construction of: Facilities and equipment necessary or useful in connection with railroad operations, including railroad right-of-way and all associated tracks and facilities, including but not limited to switches, sidings, yards, signal systems and bridges; related plant facilities, including but not limited to station buildings, maintenance facilities and storage facilities; locomotives and rolling stock and other railroad related equipment, including but not limited to maintenance of way equipment, shop equipment, communications equipment and snow and wreck clearing equipment and that financial assistance by the Connecticut development authority is an important inducement to the acquisition and construction of railroads and associated facilities and equipment and therefore this necessity in the public interest and for the public benefit and good is hereby declared as a matter of legislative determination. It is further found that there exists in the state a great and growing need for the development of municipal civic and cultural centers to furnish recreation to the general public and to improve the economy of the state, increase employment and provide a wider tax base, and that financial assistance by the Connecticut development authority is an important inducement to the acquisition and construction of municipal civic and cultural centers and related facilities, and therefore this necessity in the public interest and for the public benefit and good is hereby declared as a matter of legislative determination. It is further found and declared that there exists in the state a great and growing need for the conservation, protection and improvement of the natural resources and environment and to control land, water, sewer, air, noise and general environmental pollution derived from the operation of industry and commerce to provide facilities to control such pollution is an important function of the state; that the availability of financial assistance by the state is an imporant inducement to industry and commerce to control such pollution and therefore the necessity in the public interest and for the public benefit and good for the provisions of this chapter, is hereby declared as a matter of legislative determination, and shall be a guiding policy of the department of economic development. It is further found and declared that there is a necessity in the state of creating a department of economic development to coordinate and be responsible for matters affecting the growth of business and industry in the state and the maintenace and development of industry in the state as well as the promotion of tourism in the state and for the establishment and creation of an authority to assist the department and the state to carry out the needs and policies of the state as set forth in this section.

(Source: CGS 32-23c)

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Economic Development Policy A (strengthening of state economy by attracting private investment and directing state expenditures into areas of major economic development needs and long term opportunity).
- Economic Development Policy A, action 2 (economic assessment and direction of economic development assistance).
- Economic Development Policy A, action 4 (public investment to optimize long term economic development potential).
- Economic Development Policy C (efficient management of state government activities).
- Housing Policy C, action 2 (environmental impacts of housing developments).
- Urban Centers Guideline A-2 (state grants for rehabilitation of urban centers).

IMPLEMENTATION

STATE

- Issuance of all DEP permits must be consistent with policies A and B above and with other applicable resource protection policies contained in the Coastal Management Act.

  (Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policies A and B above.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with policies A and B.

  (Source: P.A. 79-535, sec. 20(a))

- All development activities of the Connecticut Development Authority must be consistent with policy C above.

  (Source: CGS 32-23e)

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A and B above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A and B above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with policies A and B above.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

B. WATER DEPENDENT USES

DEFINITION - "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 boatbuilding facilities, navigation aids, basins and channels, industrial uses dependent upon waterborne 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.

(Source: P.A. 79-535, sec. 3(16))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. 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.

(Source: P.A. 79-535, sec. 2(a)(3))

B. 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.

(Source: P.A. 79-535, sec. 2(b)(1)(A))

SEE ALSO:

- Ports and Harbors Policy A (high priority to water dependent and boating support uses in fishing ports).
- Ports and Harbors Policy B (disallow uses which congest navigation channels and preclude boating support facilities).
- Developed Shorefront Policy A (promotion of marine related uses).
- Boating Policy A (limiting non-water dependent uses that preclude boating support facilities).
- National Interest Facilities and Resources Policy A (criteria for siting of facilities which are in the national interest).

IMPLEMENTATION

STATE

- Issuance of DEP permits must be consistent with all of the above policies and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- Issuance of permits by other state agencies must be consistent with policy B above.

  (Source: requirement included in the policy)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981 be revised to insure consistency with all of the above policies.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with all of the above policies, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent opportunities are acceptable.

  (Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with policies A and B above.

  (Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

C. Ports and Harbors

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses.

(Source: P.A. 79-535, sec. 2(b)(1)(C))

B. To disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor.

(Source: P.A. 79-535, sec. 2(b)(1)(C))

SEE ALSO:

- Fuel, Chemicals and Hazardous Materials Policy A (minimizing risk of spills at port facilities).

- Boating Policies A through E (encouraging increased recreational boating, utilizing existing altered, developed or redeveloped areas for boating facilities, limiting non-water dependent land uses, protecting and upgrading facilities serving fishing and boating industries, maintaining existing harbor space, and locating recreational boating facilities so as not to interfere with the needs of the commercial fishing industry).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

SEE PLAN OF CONSERVATION AND DEVELOPMENT POLICY:

- Transportation Services Policy A, action 7 (expansion of existing water-borne transportation facilities).

IMPLEMENTATION

STATE

- Issuance of DEP permits must be consistent with all of the above policies and with other applicable resource protection policies contained in the Coastal Management Act.

  (Source: P.A. 79-535, sec. 21)

- Issuance of permits by other state agencies must be consistent with policies A and B above.

  (Source: requirement contained in policy)

- Approval of municipal harbor improvement plans by DEP pursuant to CGS sec. 13b-56 must be consistent with the above policies.

  (Source: P.A. 79-535, sec. 21)

- Establishment of boundaries seaward of the mean high water mark by DEP for the regulation of uses, obstructions, encroachments and facilities pursuant to CGS 25-7c must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A and B above, where applicable, and in addition such agencies and boards must

determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A and B above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

D. Coastal Structures and Filling

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners.

(Source: P.A. 79-535, sec. 2(b)(1)(D))

SEE ALSO:

- Coastal Hazard Areas Policy B (promotion of nonstructural solutions to flood and erosion problems).

- Coastal Hazard Areas Policy E (structural solutions to flooding and erosion problems permissible under certain circumstances).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

B. To disallow any filling of tidal wetlands and 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.

(Source: P.A. 79-535, sec. 2(c)(1)(B))

C. 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.

(Source: P.A. 79-535, sec. 2(c)(1)(K))

D. To encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach.

(Source: P.A. 79-535, sec. 2(c)(1)(K))

E. 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.

(Source: P.A. 79-535, 2(c)(2)(B))

F. The commissioner of environmental protection shall regulate the erection of structures and the placement of fill, and work incidental thereto, in the tidal, coastal, or navigable waters of the state 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 uplands, 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 and the interests of the state, including pollution control, water quality and recreational use of public waters and management of coastal resources, with proper regard for the rights and interests of all persons concerned.

(Source: CGS 25-7b as amended by P.A. 79-201 as referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

- Coastal Hazard Areas Policy H (establishment of stream channel encroachment lines).

IMPLEMENTATION

STATE

- Issuance of DEP permits for structures and fill in coastal waters pursuant to CGS 25-7b must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for activities in tidal wetlands pursuant to CGS 22a-32 must be consistent with policies A, B and E above.

  (Source: P.A. 79-535, sec. 21)

- Establishment of boundaries seaward of the mean high water mark by DEP for the regulation of uses, obstructions, encroachments and facilities pursuant to CGS 25-7c must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

  (Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

E. DREDGING AND NAVIGATION

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

SEE:

- Tidal Wetlands Policy C (creation of wetlands for dredged spoil disposal)
- National Interest Facilities and Resources Policy A (planning for and protection of national interest facilities and resources including federal navigation channels).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. To encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages.

(Source: P.A. 79-535, sec. 2(c)(1)(C))

B. To discourage the dredging of new federally maintained navigation channels, basins and anchorages.

(Source: P.A. 79-535, sec. 2(c)(1)(C))

C. To reduce the need for future dredging by requiring that new or expanded navigation channels, basins and anchorages take advantage of existing or authorized water depths, circulation and siltation patterns and the best available technologies for reducing controllable sedimentation.

(Source: P.A. 79-535, sec. 2(c)(1)(D))

D. To disallow new dredging in tidal wetlands except where no permissible alternative exists and where adverse impacts to coastal resources are minimal.

(Source: P.A. 79-535, sec. 2(c)(1)(E))

E. The commissioner of environmental protection shall regulate the taking and removal of sand, gravel and other materials from lands under tidal and coastal waters with due regard for the prevention or alleviation of shore erosion, the protection of necessary shell fish grounds and finfish habitats, the preservation of necessary wildlife habitats, the development of adjoining uplands, the rights of riparian property owners, the creation and improvement of channels and boat basins, the improvement of coastal and inland navigation for all vessels including small craft for recreational purposes and the improvement, protection or development of uplands bordering upon tidal and coastal waters, with due regard for the rights and interests of all persons concerned.

(Source: CGS sec. 25-10 as referenced by P.A. 79-535, sec. 2(a)(2))

F. Harbor masters shall have the general care and supervision of the harbors over which they have jurisdiction, subject to the discretion and control of the commissioner of transportation, and shall be responsible to the commissioner for the safe and efficient operation of such harbor in accordance with the provisions of this chapter. The commissioner may delegate any of his powers and duties under this chapter to such harbor masters or to any existing board of harbor commissioners, but shall at all times be vested with responsibility for the overall supervision of the harbors of the state.

(Source: CGS sec. 15-1)

SEE ALSO:

- Dredging and Dredged Material Disposal Planning Policy A (cooperation with federal government on long-range planning for channel maintenance and dredged material disposal).
- Boating Policy F (state regulation of boating).
- Ports and Harbors Policy B (disallow uses which congest navigation channels).

MAPS

- Federal navigation channels and existing dredge spoil disposal sites are depicted on a statewide map at 1:125,000 scale.

- Maps of federal navigation channels at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

- Issuance of DEP permits for new dredging in coastal waters pursuant to CGS 25-11 must be consistent with policies A through E above and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for activities in tidal wetlands pursuant to CGS sec. 22a-32 must be consistent with policies C and D above.

(Source: P.A. 79-535, sec. 21)

- Designation of channels and boat basins by DEP pursuant to CGS sec. 25-3d and 25-14 must be consistent with policies A, B, C and E above.

(Source: P.A. 79-535, sec. 21)

- Regulation of harbors by the Department of Transportation and state-appointed harbor masters pursuant to CGS sec. 15-1 must be consistent with policy F above.

(Source: CGS sec. 15-1)

- All state agency actions significantly affecting the environment including grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

F. BOATING

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting nonwater dependent land uses that preclude boating support facilities, (iii) increasing state owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land.

(Source: P.A. 79-535, sec. 2(b)(1)(G))

B. To protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state owned facilities to the statewide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas.

(Source: P.A. 79-535, sec. 2(b)(1)(H))

C. To protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries.

(Source: P.A. 79-535, sec. 2(b)(1)(I))

D. To maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided.

(Source: P.A. 79-535, sec. 2(b)(1)(I))

E. To design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry.

(Source: P.A. 79-535, sec. 2(b)(1)(I))

SEE ALSO:

- Ports and Harbors Policy B (uses which congest navigation channels and preclude boating support facilites).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

F. In performance of his duties under part II the commissioner shall (1) Classify all waters and all vessels for the purpose of establishing uniformity in the regulation of such waters and such vessels; (2) prescribe uniform navigation aids for state waters and regulate the use of such aids; (3) establish restricted zones or sea lanes within navigable waters and adopt regulations pertaining thereto for the purpose of protecting the natural ecology of such waters and the abutting shoreline from environmental damage resulting from marine accidents which cause the release of petroleum products or other hazardous substances and materials into the waters of the state, provided before establishing such lanes, zones and regulations the commissioner shall consider at least the following factors: (i) The danger in transporting the type of material; (ii) the evidence of deleterious incidents arising from the transportation of such hazardous materials; (iii) available alternatives; (iv) the public need; and (v) the effect on interstate commerce; and further provided any such regulations promulgated by the commissioner shall list and define the substances and materials which are classified as hazardous; (4) prescribe uniform standards for safety devices and equipment required by part II and certify the types of devices and equipment which meet such standards; (5) designate and assist the several towns in designating prohibited and restricted boating areas and waters limited to special boating purposes and prescribe uniform standards for the marking and regulation of such areas; (6) adopt such regulations respecting water skiing and underwater swimming and diving as he finds necessary for public safety; (7) study, plan and recommend the development of boating facilities, safety education and means of improving boating safety; (8) in cooperation with the department of health, investigate matters relating to and recommended means of improving boating sanitation; (9) cooperate with the department of transportation and the bureau of aeronautics concerning regulations governing the operation of seaplanes on state waters; (10) cooperate with the United States and the several states in promoting uniformity of boating laws and regulations and their administration and enforcement, and (11) subject to the applicable provisions of chapter 54 and section 4-117 and the limitations of part II, adopt such regulations to provide for public safety and environmental quality as he finds necessary to administer and enforce

the provisions of said part and to promote the safe use and protection of waters and the safe operation of vessels, provided the commissioner shall make no regulations respecting the operation of vessels on Long Island Sound except as are necessary to secure inshore waters and establish and secure restricted areas.

(Source: CGS sec. 15- 121(b))

SEE ALSO:

- Dredging and Navigation Policy F (harbor master duties).

IMPLEMENTATION

STATE

- Issuance of DEP permits for structures and fill pursuant to CGS 25-7b must be consistent with policies A through E above and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for new dredging pursuant to CGS 25-11 must be consistent with policies A through E above and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- Establishment of boundaries seaward of the mean high water mark by DEP for the regulation of uses, obstructions, encroachments and facilities pursuant to CGS 25-7c must be consistent with policies A through E above.

(Source: P.A. 79-535, sec. 21)

- Designation of channels and boat basins by DEP pursuant to CGS 25-3d and 25-14 must be consistent with policies A through E above.

(Source: P.A. 79-535, sec. 21)

- DEP regulation of boating pursuant to CGS 15-121 through 15-140d must be consistent with policy F above.

(Source: requirement contained in policy F)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through E above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities (including boating facilities) are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through E above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

SEE:

- Boating Policy C (protection and upgrading of facilities).
- Boating Policy E (recreational boating facilities and the commercial fishing industry).
- Intertidal Flats Policy A (intertidal flats as nutrient source, habitat and feeding area).
- Coastal Waters and Estuarine Embayments Policy A (water pollution as public nuisance and use of public funds to eliminate pollution).
- National Interest Facilities and Resources Policy A (planning for and protection of resources and facilities which are in the national interest including restoration and enhancement of fisheries and the shellfish industry).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations.

(Source: P.A. 79-535, sec. 2(c)(1)(I))

B. The party states, for the purpose of promoting the restoration of Anadromous Atlantic salmon, hereinafter reffered to as Atlantic salmon, to the Connecticut River basin by the development of a regional program for stocking, protection, management, research and regulation, do hereby establish the Connecticut River Atlantic Salmon Commission.

(Source: P.A. 79-528, Article I)

SEE ALSO:

- Coastal Waters and Estuarine Embayments Policy C (maintenance of biological productivity and healthy marine habitats).

- Coastal Waters and Estuarine Embayments Policy D (restoration of eel-grass flats).
- Coastal Waters and Estuarine Embayments Policy B (establishment of water quality standards).

IMPLEMENTATION

STATE

- DEP regulation of marine fisheries pursuant to CGS chapter 490 and regulations thereunder (RCSA 26-114-1, 26-142a-1 through 15, 26-194-1 through 3, 26-157b-1, and 26-159a-1) must be consistent with policy A above.

(Source: requirement is contained in the policy)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policy A above.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with policy A above.

(Source: P.A. 79-535, sec. 20(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

POLICIES

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. 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.

(Source: P.A. 79-535, sec. 2(a)(6))

B. To make effective use of state owned coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing state owned facilities where feasible.

(Source: P.A. 79-535, sec. 2(c)(1)(J))

C. 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.

(Source: P.A. 79-535, sec. 2(c)(1)(K))

D. In making grants-in-aid for open space land acquisition or development the commissioner of environmental protection shall: (a) Seek to achieve a reasonable balance among all parts of the state in the relative adequacy of present areas devoted to recreational and conservation purposes and the relative anticipated future needs for additional areas devoted to recreational and conservation purposes; (b) give due consideration to the special park requirement needs of urban areas; (c) wherever possible, give priority to land which will be utilized for multiple recreational and conservation purposes; (d) give due consideration to coordination with the plans of departments of the state and regional planning agencies with respect to land use or acquisition.

(Source: P.A. 79-607, sec. 7)

E. To such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired by municipalities or regional authorities pursuant to any program participated in by this state under authority of sections 22a-21 to 22a-26, inclusive, such areas and facilities shall be publicly maintained for outdoor recreation or natural resources purposes, and such city or other local governmental unit shall give such assurances to the state as may be

required by the commissioner of environmental protection, that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained at municipal or regional expense for public outdoor recreation or natural resources use.

(Source: CGS 22a-27 as referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

- Transportation Policy B (rail corridors and improvement of coastal access and recreation).
- Transportation Policy E (enhancement of coastal access and recreational opportunities in highway improvements).
- Coastal Structures and Filling Policy D (removal of illegal structures).
- Boating Policies A through E (encouragement of increased recreational boating by provision and expansion of facilities in a manner which protects coastal resources).
- National Interest Facilities and Resources Policy A (planning for and siting of facilities which are in the national interest including provision of adequate state and federally owned recreation facilities.

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Land and Water Resources Policy B (provision of outdoor recreation opportunities).
- Land and Water Resources Policy B, action 3 (priority to recreation facilities that are accessible to many users).
- Land and Water Resources Policy B, action 4 (acquisition, development and improvement of water-based recreation sites).
- Land and Water Resources Policy B, action 5 (acquisition and expansion of coastal recreation areas).
- Urban Centers Policy C-4 (recreational use of urban rivers).

IMPLEMENTATION

STATE

- DEP's acquisition and management of state recreational facilities pursuant to CGS chapter 447 and 22a-21 through 27 must be consistent with policies A, B and C above and with other applicable resource protection policies contained in the Coastal Management Act.

  (Source: P.A. 79-535, sec. 20)

- DEP's grants to municipalities for recreation pursuant to CGS 22a-21a and 22a-22 must be consistent with policies D and E above.

  (Source: requirement is contained in the policies)

- Issuance of DEP permits for structures and fill in coastal waters pursuant to CGS 25-7b must be consistent with policies A through C above.

  (Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policies A through C above.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with policies A through C above.

  (Source: P.A. 79-535, sec. 20(a))

- DEP must include a waterfront access and protection planning process in the coastal management program. This process is described in Part X of this document.

  (Source: Sec. 305(b)(7) of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

FEDERAL

- Federal agency actions including development projects, permits and

grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

I. SEWER AND WATER SERVICES

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To locate and phase sewer and water lines, so as to encourage concentrated development in areas which are suitable for development.

(Source: P.A. 79-535, sec. 2(b)(1)(B))

B. To disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used.

(Source: P.A. 79-535, sec. 2(b)(1)(B))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

SEE PLAN OF CONSERVATION AND DEVELOPMENT POLICY:

- Wastewater Management Policy B, action 1 (extension of sewer collection systems into non-urban areas).

IMPLEMENTATION

STATE

- Issuance of DEP approvals, orders and permits for sewer systems pursuant to CGS 25-26 and 25-54g through 25-54k must be consistent with the above policies and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for activities in tidal wetlands pursuant to CGS 22a-32 must be consistent with the above policies.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects, including DEP grants for municipal sewer construction pursuant to CGS 25-54r, must be consistent with the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state plans, except the plan of Conservation and Development must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with the above policies, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with the above policies.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

POLICIES

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. The legislature finds that power generating plants and transmission lines for electricity and fuels, community antenna television towers and telecommunication towers have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are: To provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other values described above; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes.

(Source: CGS 16-50g)

B. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (1) A public need for the facility and the basis of the need; (2) the nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on,and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife; (3) why the adverse effects or conflicts referred to in subdivision (2) of this subsection are not sufficient reason to deny the application; (4) in the case of an electric transmission line, (A) what part, if any, of the facility shall be located overhead, (B) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and

(C) that the overhead portions of the facility, if any, are consistent with the purposes of this chapter, with such regulations as the council may adopt pursuant to subsection (a) of section 16-50t, and with the Federal Energy Regulatory Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines; (5) in the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line.

(Source: CGS 16-50p(a))

SEE ALSO:

- National Interest Facilities and Resources Policy A (planning for and siting of facilities that are in the national interest including energy facilities serving statewide and interstate markets).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Energy Policy E, action 3 (preservation of potential energy facility sites).
- Conservation Areas Guideline B-7 (development of potential energy facility sites and surrounding areas).

IMPLEMENTATION

STATE

- The siting of power facilities including: 1) electric generating or storage facilities, 2) substations and switchyards, 3) electric transmission lines with a capacity of 69 kilovolts or more, 4) fuel transmission facilities except gas lines with a capacity of less than 200 pounds per square inch pressure, and 5) other facilities which may have a substantial adverse environmental effect is under the regulatory jurisdiction of the state Power Facility Evaluation Council (see CGS 16-50i(a)). Issuance by the PFEC of a "certificate of environmental compatibility and public need" for the siting of a power facility must be consistent with policies A and B above. In addition, as stated in policy B, issuance of a certificate by PFEC must be consistent with other environmental policies (including those of the Coastal Management Act) unless the Council makes a reasonable determination that the public need for the facility outweighs denial of a certificate based on the environmental policies. The PFEC has exclusive jurisdiction which

supercedes other state regulatory programs regarding the type and siting of power facilities (see CGS 16-50x(a)). By a two-thirds vote the PFEC may override local restrictions or exclusions of power facilities (see CGS 16-50x(a) and (d)). However, the PFEC's jurisdiction over effluents, thermal effects, air and water emissions, protection of fish and wildlife and other environmental factors is in addition to, not in lieu of, other state regulatory programs (see CGS 16-50t(b)).

(Source: CGS Chapter 277a and P.A. 79-535, sec. 20(a))

- DEP energy facility permits for effluents (CGS Chapter 474a), air emissions (CGS Chapter 360), protection of fish and wildlife (CGS Chapter 490), structures and dredging (CGS Chapter 473), and wetlands and watercourses (CGS Chapter 440) must be consistent with all policies contained in the Coastal Management Act and other resource, use, and governmental process policies found elsewhere in this document.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

- The Coastal Area Management Unit of DEP has prepared an energy facility planning process which is contained in Part X(A) of this document.

(Source: Sec. 305(a)(8) of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

K. Fuel, Chemicals, and Hazardous Materials

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To minimize the risk of oil and chemical spills at port facilities.

(Source: P.A. 79-535, sec. 2(b)(1)(C))

B. To require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills.

(Source: P.A. 79-535, sec. 2(b)(1)(E))

C. To disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical facilities which can reasonably be located inland.

(Source: P.A. 79-535, sec. 2(b)(1)(E))

SEE ALSO:

- National Interest Facilities and Resources Policy A (planning for and siting of energy facilities that are in the national interest including facilities used for storage, receiving or processing petroleum products).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

D. To minimize the risk of spillage of petroleum products and hazardous substances.

(Source: P.A. 79-535, sec. 2(c)(1)(A))

E. To provide effective containment and clean up facilities for accidental spills.

(Source: P.A. 79-535, sec. 2(c)(1)(A))

F. To disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary.

(Source: P.A. 79-535, sec. 2(c)(1)(A))

G. The commissioner of environmental protection shall, to the extent possible, immediately, whenever there is discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes upon any land or into any of the waters of the state or into any offshore or coastal waters, which may result in pollution of the waters of the state, damage to beaches, wetlands, stream banks or coastal areas, or damage to sewers or utility conduits or other public or private property or which may create an emergency, cause such discharge, spillage, uncontrolled loss, seepage or filtration to be contained and removed or otherwise mitigated by whatever method said commissioner considers best and most expedient under the circumstances. The commissioner shall also determine the person, firm or corporation responsible for causing such discharge, spillage, uncontrolled loss, seepage or filtration.

(Source: C.G.S. 25-54cc(a) (as amended by P.A. 79-605, sec. 3) as referenced by P.A. 79-535, sec. 2 (a)(2))

H. The commissioner may: 1) license terminals in the state for the loading or unloading of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes and shall adopt, in accordance with Chapter 54, reasonable regulations in connection therewith for the purposes of identifying terminals subject to licensure and protecting the public health and safety and for preventing the discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes, 2) provide by regulations for the establishment and maintenance in operating condition and position of suitable equipment to contain as far as possible the discharge, spillage, uncontrolled loss, seepage or filtration of any oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes, 3) inspect periodically all hoses, gaskets, tanks, pipelines and other equipment used in connection with the transfer, transportation or storage of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes to make certain that they are in good operating condition, and order the renewal of any such equipment found unfit for further use, 4) require by regulations, in accordance with said subdivision (a), that suitable equipment be readily available and in operating position to remove from the waters of the state any oil, petroleum or chemical liquids or products spilled or discharged therein.

(Source: C.G.S. 25-54cc(b) (as amended by P.A. 79-605, sec. 3) as referenced by P.A. 79-535, sec. 2(a)(2))

I. The safe and sanitary disposal of toxic or hazardous wastes shall be the responsibility of the generator and shall be accomplished in a manner approved by the commissioner.

(Source: CGS 19-524n as amended by P.A. 19-605)

J. The commissioner of environmental protection shall (1) provide and maintain necessary equipment and train adequate emergency response personnel for the purpose of oil spill containment and removal within the lower Connecticut river and adjacent shoreline area; and (2) assist in and coordinate the development of oil spill containment and removal contingency plans for the towns located within the lower Connecticut river and adjacent shoreline area.

(Source: P.A. 79-319, sec. 1(b))

SEE ALSO:

- Boating Policy F (establishment of sea lanes).

IMPLEMENTATION

STATE

- Issuance of DEP licenses for petroleum, chemical or hazardous wastes terminals pursuant to CGS 25-54cc(b) must be consistent with policies A through F and H above and with other applicable resource protection policies contained in the Coastal Management Act. Regulations have been promulgated for terminal licenses (RCSA 25-54cc-1 through 25-54cc-7).

(Source: P.A. 79-535, sec. 21 and CGS 25-54cc(b))

- Construction and operation of such terminals must be consistent with the State Fire Code (RCSA 29-62-1 to 29-62-215), especially RCSA 29-62-5 to 29-62-15 (above ground storage), and 29-62-58 to 29-62-66 (tanks in flood prone areas).

(Source: RCSA 29-62-1 to 29-62-215)

- Issuance of DEP approvals for disposal of hazardous wastes pursuant to CGS 19-524n must be consistent with policies A, D, E, H and I above and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21 and CGS 19-524n and 25-54cc(b))

- Issuance of DEP permits for structures in coastal waters pursuant to CGS 25-7b and for new dredging in coastal waters pursuant to CGS 25-11 must be consistent with policy F above.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policies A through H above.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with policies A through H above.

(Source: P.A. 79-535, sec. 20(a))

- DEP's implementation of the requirements of Policy J above must be consistent with all of the above policies and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 20(b))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through C above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through C above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area.

(Source: P.A. 79-535, sec. 2(b)(1)(F))

SEE ALSO:

- National Interest Facilities and Resources Policy A (planning for and siting of facilities which are in the national interest including improvements to existing interstate rail, highway and waterborne transportation systems).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

B. To require that new or improved shoreline rail corridors be designed and constructed so as (i) to prevent tidal and circulation restrictions and, when practicable, to eliminate any such existing restrictions, (ii) to improve or have a negligible adverse effect on coastal access and recreation and (iii) to enhance or not unreasonably impair the visual quality of the shoreline.

(Source: P.A. 79-535, sec. 2(c)(1)(F))

C. To require that coastal highways and highway improvements, including bridges, be designed and constructed so as to minimize adverse impacts on coastal resources.

(Source: P.A. 79-535, sec. 2(c)(1)(G))

D. To require that coastal highway and highway improvements give full consideration to mass transportation alternatives.

(Source: P.A. 79-535, sec. 2(c)(1)(G))

E. To require that coastal highways and highway improvements, where possible, enhance, but in no case decrease coastal access and recreational opportunities.

(Source: P.A. 79-535, sec. 2(c)(1)(G))

F. To disallow the construction of major new airports.

(Source: P.A. 79-535, sec. 2(c)(1)(H))

G. To discourage the substantial expansion of existing airports within the coastal boundary.

(Source: P.A. 79-535, sec. 2(c)(1)(H))

H. To require that any expansion or improvement of existing airports minimize adverse impacts on coastal resources, recreation or access.

(Source: P.A. 79-535, sec. 2(c)(1)(H))

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Transportation Services Policy E, action 1 (public investment in transportation systems).
- Transportation Policy A, action 3 (modernization of west end rail system and consideration of new rail passenger service).
- Transportation Policy C, action 5 (maintenance and upgrading of existing highway network).
- Transportation Policy A, action 7 (preference to expansion of existing air transportation facilities).

IMPLEMENTATION

STATE

- Issuance of DEP permits for transportation facilities pursuant to its various air, water and water related permit programs must be consistent with all of the above policies and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects, including highway projects pursuant to CGS Chapters 236-243, airport projects pursuant to CGS Chapter 242 and rail projects pursuant to Chapters 242 and 292 must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans (including the Master Transportation Plan pursuant to CGS 13b-15) must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal (particularly those of planning commissions under CGS 8-24) concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

M. SOLID WASTE

POLICIES

POLICY FOR MUNICIPAL, STATE AND FEDERAL AGENCIES

A. Each municipal authority shall make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, including septic tank pumping, sludge from water pollution abatement facilities and water supply treatment plants,

solid residues and sludge from air pollution control facilities and solid wastes from commercial, industrial, agricultural and mining operations excluding wastes which are toxic or hazardous.

(Source: CGS 19-524n as amended by P.A. 79-605, sec. 1)

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

B. The commissioner shall administer and enforce the planning and implementation requirements of this chapter. He shall examine all existing or proposed solid waste facilities, provide for their planning, design, construction and operation in a manner which conserves, improves and protects the natural resources and environment of the state and shall order their alteration, extension and replacement when necessary to conserve, improve and protect the state's natural resources and environment and to control air, water and land pollution so that the health, safety and welfare of the people of the state may be safeguarded and enhanced.

(Source: CGS 19-524b)

SEE ALSO:

- Fuel, Chemicals and Hazardous Materials Policy I (safe disposal of hazardous or toxic wastes).

IMPLEMENTATION

STATE

- Issuance of DEP permits for solid waste disposal sites pursuant to CGS 19-524b(c) must be consistent with policy B above and other applicable resource protection policies contained in the Coastal Management Act. Regulations governing solid waste disposal have been promulgated.

(Source: P.A. 79-535, sec. 21 and CGS 19-524b(c))

- Municipalities must comply with policy A above. Moreover, the decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements (including reviews of solid waste disposal facilities) must be consistent with all applicable resource protection policies contained in the Coastal Management Act and, in addition, such agencies

and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development activities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

N. DAMS, DIKES AND RESERVOIRS

POLICIES

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. All dams, dikes, reservoirs and other similar structures, with their appurtenances, without exception and without further definition or enumeration herein, which, by breaking away or otherwise, might endanger life or property, shall be subject to the jurisdiction conferred by this chapter.

(Source: CGS sec. 25-110 as referenced by P.A. 79-535, sec. 2(a)(2))

B. The commissioner or his representative, engineer or consultant shall determine the environmental impact of the construction work on the inland wetlands of the state, in accordance with the provisions of sections 22a-36 to 22a-45, inclusive, and examine the documents and inspect the site, and, upon approval thereof, the commissioner shall issue a permit authorizing the proposed construction work under such conditions as the commissioner may direct.

(Source: CGS sec. 25-112 as referenced by P.A. 79-535, sec. 2(a)(2))

IMPLEMENTATION

STATE

- The issuance of DEP permits for dams, dikes and reservoirs pursuant to CGS 25-112 must be consistent with the above policies and other policies contained in the Coastal Management Act including policies concerning freshwater wetlands and watercourses.

(Source: P.A. 79-535, sec. 21 and CGS 25-112)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To require reasonable mitigation measures where development would adversely impact historical, archaeological or paleontological resources that have been designated by the state historic preservation officer.

(Source: P.A. 79-535, sec. 2(b)(1)(J))

B. Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut historical commission, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings, places and districts of historic interest by the maintenance of such as landmarks in the history of architecture, of the municipality, of the state or of the nation, and through the development of appropriate settings for such buildings, places and districts. The development of appropriate settings for such buildings, places and districts. The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of sections 7-147a to 7-147k, inclusive.

(Source: CGS sec. 7-147a)

C. Any municipality or private organization may acquire, relocate, restore, preserve and maintain historic structures and landmarks and may receive funds from the state and federal government for such purposes. Grants-in-aid may be made to owners of historic structures or landmarks in an amount not to exceed fifty percent of the non-federal share of the total cost of such acquisition, relocation, historic preservation and restoration.

(Source: CGS 10-321(b))

D. It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations of Connecticut citizens and that the powers of the commissioner of environmental protection, conferred by the provisions of section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general

responsibility to preserve the natural resources of the state.

(Source: CGS 25-102a)

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

E. The commission may, using such funds as may be appropriated to it or available from any other source, acquire by gift, grant, bequest, devise, lease, purchase or otherwise historic structures or landmarks, including such adjacent land as may be necessary for the comfort and safety of the visiting public, which the commission determines to be of national or state historical importance and to be of such concern to the public at large that they should be held forever in good condition for visitation by the public and for the protection of the heritages of the people of this state and nation. The commission may restore, maintain and operate such properties in such a condition as to render them suitable for public visitation and to inform the public of the historic event or circumstance connected therewith. The commission may charge reasonable visitation fees in order to help defray the cost of maintenance and operation.

(Source: CGS 10-321d)

SEE ALSO:

- Open Space and Agricultural Lands Policy C (natural areas preserves system).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Conservation Areas Guideline B-4 (use of historical and cultural resources and surrounding areas).

IMPLEMENTATION

STATE

- Issuance of DEP permits for air, water, solid waste and water-related resource development projects must be consistent with policy A above.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policy A above.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with policy A above.

(Source: P.A. 79-535, sec. 20(a))

- Acquisition of property by DEP within the boundaries of the Lower Connecticut River Conservation Zone must be consistent with policy D above.

(Source: CGS 25-102f)

- Acquisition of property by the Connecticut Historical Commission must be consistent with policy E above.

(Source: CGS 10-321d)

- Grants by the Connecticut Historical Commission for preservation of historic structures must be consistent with policy C above. Regulations governing grants for historic preservation have been promulgated (RCSA 10-321-6 and 7).

(Source: CGS 10-321d)

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

- Municipalities establishing historic districts must be consistent with policy B and the criteria formulated by the Connecticut Historical Commission.

(Source: requirement contained in policy B)

- The eight municipalities within the Lower Connecticut River Conservation Zone (six of which are also in the coastal area) have adopted common standards governing zoning, planning and subdivision regulations in the conservation zone consistent with policy D above and have established the Connecticut River Gateway Commission to review the common standards and insure local compliance with the standards. The standards of the Connecticut River Gateway Commission are deemed consistent with the policies in the Coastal Management Act. Any revisions to the standards affecting the area within the coastal boundary must be consistent with the policies in the Coastal Management Act.

(Source: P.A. 79-535, sec. 16)

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

P. Open Space and Agricultural Lands

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. It is hereby declared (a) that it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state, to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state, (b) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land, and (c) that the necessity in the public interest of the enactment of the provisions of sections 7-131c and 12-107b to 12-107e, inclusive, is a matter of legislative determination.

(Source: CGS 12-107a)

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

B. The general assembly finds that the growing population and expanding economy of the state have had a profound impact on the ability of public and private sectors of the state to maintain and preserve agricultural land for farming and food production purposes, that unless there is a sound, state-wide program for its preservation, remaining agricultural land will be lost to succeeding generations and that the conservation of certain arable agricultural land and adjacent pastures, woods, natural drainage areas and open space areas is vital for the well-being of the people of Connecticut.

(Source: CGS 22-26aa)

C. Connecticut is a state of relatively small area, undergoing rapid industrialization and rapid diminution of areas remaining in their natural condition. It is, therefore, declared to be the public policy that carefully selected areas of land and water of outstanding scientific and educational interest be preserved. In implementation of this policy, there is established a Connecticut system of natural area preserves.

(Source: CGS 23-5a as referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Existing Preserved Open Space Guideline A-1 (state capital investment and grants to be consistent with natural resource and open space values).
- Existing Preserved Open Space Guideline A-2 (approval of investment and grants that are not consistent with preservation values).
- Existing Preserved Open Space Guideline A-4 (encouragement of public use of open space).
- Food Production Policy A (securing prime agricultural land for future needs).
- Food Production Policy B (prime agricultural lands considered in highest and best use for food production).
- Food Production Policy C (long range food production plan and preservation of active agricultural lands).

IMPLEMENTATION

STATE

- Acquisition of agricultural lands by the Department of Agriculture pursuant to the pilot program established by CGS 22-26cc must be consistent with policy B above.

(Source: CGS 22-26cc)

- Acquisition of property for natural area preserves by DEP pursuant to CGS 23-5h must be consistent with policy C above.

(Source: CGS 23-5a)

MUNICIPAL

- Municipal tax assessments of farmland, forests and open space pursuant to CGS 12-107c, 12-107d, 12-107e and 7-131c must be consistent with policy A above.

(Source: CGS 12-107a)

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

III. GOVERNMENT PROCESS

A. INTERGOVERNMENTAL COORDINATION OF PLANNING AND REGULATORY ACTIVITIES

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To coordinate planning and regulatory activities of public agencies at all levels of government to insure maximum protection of coastal resources while minimizing conflicts and disruption of economic development.

(Source: P.A. 79-535, sec. 2(a)(9)

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

SEE:

- Coordination and Consistency of State Programs, Projects, Expenditures and Acquisitions Policy A (agency coordination and state expenditures).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES.

- Preservation Areas Guideline A-5 (coordination with State Comprehensive Outdoor Recreation Plan and Environmental Plan).

- Preservation Areas Guideline A-6 (continuation of 5-year open space acquisition and recreation development plans).

IMPLEMENTATION

STATE

- The issuance of all DEP permits must be consistent with the policies in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- DEP is authorized to simplify and coordinate permit programs under its jurisdiction and to coordinate permit administration with federal permit programs.

(Source: P.A. 79-535, sec. 21;
C.G.S. 22a-96a and 22a-96b)

- DEP is required to provide boundary maps, resource factor maps and technical assistance to municipalities.

  (Source: P.A. 79-535, Sec. 4 and 5)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policy A above.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must by July 1, 1981 be revised to insure consistency with policy A above.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

  (Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

  (Source: sec. 307 of the federal Coastal Zone Management Act of 1972, 16 U.S.C. 1456)

- DEP is responsible for representing the state in matters concerning federal consistency.

  (Source: C.G.S. 22a-96(c) and (d))

B. Coordination and Consistency of State Programs, Projects, Expenditures and Acquisitions

POLICIES

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. To coordinate the activities of public agencies to insure 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.

(Source: P.A. 79-535, sec. 2(a)(8))

B. In addition to the policies in this section, the policies of the state plan of conservation and development adopted pursuant to Part I of chapter 297 shall be applied to the area within the coastal boundary in accordance with the requirements of section 16a-31.

(Source: P.A. 79-535, sec. 2(c)(2)(d))

C. In furtherance of and pursuant to sections 22a-1 and 22a-15, the general assembly, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influence of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social,economic, and other requirements of present and future generations of Connecticut residents.

In order to carry out the policy set forth in sections 22a-1a to 22a-1f, inclusive, it is the continuing responsibility of the state government to use all practicable means, consistent with other essential considerations of the state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the state may: (1) Fulfill the responsibility of each generation as trustee of the environment for succeeding generations; (2) assure for all residents of the state safe, healthful, productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and

unintended consequences; (4) preserve important historic; cultural, and natural aspects of our Connecticut heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice; (5) achieve an ecological balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources; and (7) practice conservation in the use of energy, maximize the use of energy efficient systems and minimize the environmental impact of energy production and use.

(Source: C.G.S. 22a-1a(a) and (b) as referenced by P.A. 79-535, sec. 2(a)(2))

D. The general assembly finds that the growing population and expanding economy of the state have had a profound impact on the life-sustaining natural environment. The air, water, land and other natural resources, taken for granted since the settlement of the state, are now recognized as finite and precious. It is now understood that human activity must be guided by and in harmony with the system of relationships among the elements of nature. Therefore the general assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protects its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state. It shall further be the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments other public and private organizations and concerned individuals, and to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations.

(Source: C.G.S. 22a-1 as referenced by P.A. 79-535, sec. 2(a)(2))

E. The secretary of the office of policy and management shall develop a form for capital development impact statements on which state agencies shall indicate the manner in which a planned or requested capital project or program addresses the following goals: (1) Revitalization of the economic base of urban areas by rebuilding older commercial and industrial areas, and encouraging new industries to locate in the central cities in order to protect existing jobs and create new job opportunities needed to provide meaningful economic opportunity for inner city residents; (2) revitalization of urban neighborhoods to reduce the isolation of various income, age and minority groups through the promotion of fair and balanced housing opportunities for low and moderate income residents; (3) revitalization of the quality of life for the residents of urban areas by insuring quality education, comprehensive health care, access to balanced transportation, adequate recreation facilities, responsive public safety, coordinated effective human service programs, decent housing and employment and clean water and by insuring full and equal rights and opportunities for all people to reap the economic and social benefits of society; (4) coordination of the conservation and growth of all areas of

the state to insure that each area preserves its unique character and sense of community and further insure a balanced growth and prudent use of the state's resources. The secretary shall establish criteria for determining the capital projects and programs for which such statements shall be required to be filed with said secretary and with the state bond commission.

(Source: P.A. 79-607, sec. 1)

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

- Economic Development Policy A, Action 4 (public investments which optimize long-term economic development potential).
- Land and Water Resources Policy A, Action 1 (areas of critical environmental concern).
- Land and Water Resources Policy A, Action 2 (rare, unique and otherwise significant plant and physical features).
- Land and Water Resources Policy B, Action3 (priority to recreation facilities accessible to greatest number of users).
- Land and Water Resources Policy B, Action 4 (new and existing water-based recreation sites).
- Land and Water Resources Policy B, Action 5 (increasing amount of shoreline land available for public recreational use, expansion and development of facilities, recommendations for state purchase of coastal recreation areas).
- Urban Centers Guideline A-2 (State Industrial/Business Development grant program).
- Urban Centers Guideline A-7 (locating state facilities on sites served by public transportation).
- Urban Centers Guideline C-2 (priority consideration to urban center needs in state/federal funding programs).
- Existing Preserved Open Space Guideline A-1 (state capital investment and grants to be consistent with natural resource and open space values).
- Existing Preserved Open Space Guideline A-2 (approval of investments and grants that are not consistent with preservation values).
- Existing Preserved Open Space Guideline A-4 (encouragement of public use of open space).
- Preservation Areas Guideline A-2 (investments of a development nature should not contribute to expansion into preservation areas).

- Preservation Areas Guideline A-3 (plans and proposals incompatible site values).
- Preservation Areas Guideline A-4 (project occurring within or adjacent to preservation areas).
- Preservation Areas Guideline A-7 (special project acquisition fund for large-scale preservation projects).
- Conservation Areas Guideline A-2 (uses compatible with resource or hazard of concern).
- Conservation Areas Guideline A-3 (proposals that are clearly incompatible with conservation).
- Conservation Areas Guideline B-4 (uses compatible with historical and cultural resources).
- Conservation Areas Guideline B-8 (development projects that affect natural areas, wetlands or recreational areas).

IMPLEMENTATION

STATE

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies and other policies in the Coastal Management Act.

  (Source: P.A. 79-535, sec. 20(b))

- All state agencies must review their policies and practices to insure consistency with policies C and D above.

  (Source: C.G.S. 22a-1b(a))

- All state agencies undertaking actions including programs, projects and grants which may significantly affect the environment must prepare an environmental impact evaluation describing the action's consistency with all of the above policies and with the goals and policies in or referenced by the Coastal Management Act if applicable to the proposed action. The environmental impact evaluation must also describe: direct and indirect environmental effects; unavoidable and irreversible resource commitments; alternatives to the proposed action; mitigation measures; short and long term economic, social and environmental costs and benefits; and the effects on use and conservation of energy. The evaluation must be made available for public comment. Adequacy of evaluation is determined by the Office of Policy and Management. The agency issuing the evaluation must take agency and public comments on the evaluation into account in making a final decision on the proposed action. Regulations governing

preparation of environmental impact evaluations have been promulgated by DEP (RCSA 22a-1a-1 through 12).

(Source: C.G.S. 22a-1b(b), 22a-1d, 22a-1e as referenced by P.A. 79-535, sec. 2 (a)(2); P.A. 79-535, sec. 20(b))

- Policy B above provides the clarification that policies in the coastal management act are supplementary to those of the state Plan of Conservation and Development. Copies of the Plan of Conservation and Development are available from the state's Office of Policy and Management. As noted in the cross-references many of the policies contained in the Plan are relevant to coastal management. The Plan of Conservation and Development serve as an advisory document for the following actions by state agencies undertaken with state or federal funds: 1) the acquisition of real property; 2) development or improvements of real property costing more than $100,000; 3) acquisition of public transportation equipment or facilities costing more than $100,000; 4) state grants of more than $100,000 for the purchase, development or improvement of real property or for the acquisition of public transportation equipment or facilities. The secretary of the Office of Policy and Management must prepare an advisory report on the conformity of all actions defined above with the Plan of Conservation and Development. The advisory report must also be considered by the State Bond Commission prior to the allocation of bond funds for actions defined above. State plans required by state or federal law must also be reviewed in an advisory report by the secretary of the Office of Policy and Management for conformity with the Plan.

(Source: CGS 16a-31)

C. Flooding and Erosion Planning

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To consider in the planning process the potential impact of coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and reduce the necessity of public expenditure to protect future development from such hazards.

(Source: P.A. 79-535, sec. 2(a)(5))

SEE ALSO:

- Coastal Hazard Areas Policies A through G (management of hazard areas and mitigation measures for flooding and erosion problems).

IMPLEMENTATION

STATE

- DEP's planning activities must be consistent with the above policy (as well as the policies for Coastal Hazard Areas). Relevant DEP planning activities include: 1) Coastal plans pursuant to 22a-96(c), 2) the erosion planning process described in Part X of this document, and 3) flood control and beach erosion project plans pursuant to C.G.S. chapter 477.

  (Source: P.A. 79-535, sec. 20(a) and (b))

- All major state agency plans must by July 1, 1981 be revised to insure consistency with policy A above.

  (Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with policy A above.

  (Source: sec. of 307 of the federal Coastal Zone Management Act of 1972, 16 U.S.C. 1456)

D. Dredging and Dredged Material Disposal Planning

POLICIES

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

A. To initiate in cooperation with the federal government and the continuing legislative committee on state planning and development a long range planning program for the continued maintenance and enhancement of federally maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials:

(Source: P.A. 79-535, sec. 2(c)(1)(1))

SEE ALSO:

- Dredging and Navigation Policies A through E (maintenance of existing navigation channels and criteria for approval of dredging projects and dredged material disposal).

IMPLEMENTATION

STATE

- DEP is responsible for implementing the above policy in cooperation with other state agencies, the continuing legislative committee on state planning and development, the state of New York and federal agencies.

(C.G.S. sec. 22a-96(c))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: sec. 307 of the federal Coastal Zone Management Act of 1972, 16 U.S.C. 1456)

E. Coastal Related Research

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To conduct, sponsor and assist research in coastal matters to improve the data base upon which coastal land and water use decisions are made.

(Source: P.A. 79-535, sec. 2 (a) (7))

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

SEE PLAN OF CONSERVATION AND DEVELOPMENT POLICY:

- Preservation Areas Guideline A-8 (funding of research that is necessary to protect environmental, resource and recreation areas of statewide significance).

IMPLEMENTATION

STATE

- DEP has the primary responsibility for implementing this policy within available appropriations.

(Source: P.A. 79-535, sec. 17(a))

MUNICIPAL

- Municipal agencies may conduct research studies as part of their preparation of voluntary municipal coastal programs.

(Source: P.A. 79-535, sec. 7(a) and 8(b))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with policy A above.

(Source: sec. 307 of the federal Coastal Zone Management Act of 1972, 16 U.S.C 1456)

F. National Interest Facilities and Resources

DEFINITION -"Facilities and resources which are in the national interest" means: (A) adequate protection of tidal wetlands and related estuarine resources; (B) restoration and enhancement of Connecticut's shellfish industry; (C) restoration, preservation and enhancement of the state's recreational and commercial fisheries, including anadromous species; (D) water pollution control measures and facilities consistent with the requirements of the Federal Clean Water Act, as amended; (E) air pollution control measures and facilities consistent with the requirements of the Federal Clean Air Act, as amended; (F) continued operations of existing federally funded dredged and maintained navigation channels and basins; (G) energy facilities serving statewide and interstate markets, including electric generating facilities and facilities for storage, receiving or processing petroleum products and other fuels; (H) improvements to the existing interstate rail, highway and waterborne transportation system; (I) provision of adequate state or federally owned marine related recreational facilities, including natural areas and wildlife sanctuaries and (J) essential maintenance and improvement of existing water dependent military, navigational, resource management and research facilities.

(Source: P.A. 79-535, sec. 3(14))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To insure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 3 of this act and to insure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) may reasonably be sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental, health or safety standard or (C) unreasonably restricts physical or visual access to coastal waters. This policy does not exempt any nonfederal facility in use from any applicable state or local regulatory or permit program nor does it exempt any federal facility or use from the federal consistency requirements of section 307 of the federal Coastal Zone Management Act.

(Source: P.A. 79-535, sec. 2(a)(10))

IMPLEMENTATION

STATE

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with the above policy.

  (Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must by July 1, 1981 be revised to insure consistency with the above policy.

  (Source: P.A. 79-535, sec. 20(a))

- Issuance of DEP and other state agency permits must be consistent with the above policy.

  (Source: For DEP consistency P.A.79-535, sec. 21 and the policy itself for other state agencies)

MUNICIPAL

- The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policy A above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including tidal wetlands) and future water dependent development opportunities are acceptable.

  (Source: P.A. 79-535, sec. 11(e). 12(a), (b) and (e))

- Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with the above policy.

  (Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

- Federal agency actions including development projects, permits and grants must be consistent with the above policy.

(Source: sec. 307 of the federal Coastal Zone Management Act of 1972, 16 U.S.C. 1456).

NOTE: The above policy should be considered in conjunction with other policies pertaining to the uses and resources listed in the definition of "national interest facilities and resources." Thus, the above policy is referred to in the appropriate sections of LAND AND WATER RESOURCES and COASTAL USE POLICIES.

PART V: LEGAL AUTHORITIES AND USES TO BE MANAGED

A. INTRODUCTION

The legal authorities for Connecticut's Coastal Management Program are designed to accomplish four primary tasks:

1. To insure that all uses of the coast with major impacts on coastal resources are subject to management control (see the introduction to Part III).

2. To coordinate the coastal management activities of the various state and local agencies implementing the program (see the introduction to Part III).

3. To integrate coastal management considerations with other land and water use concerns by incorporating them under existing programs.

4. To implement the program's resource management/impact zoning approach for controlling coastal uses (see the introduction to Part IV).

The key to understanding Connecticut's legal authorities for management is that they build on pre-existing legal authorities at the state and local level rather than replacing them. Every use of Connecticut's coastal resources is subject to regulatory or development controls which predate passage of the Coastal Management Act. Frequently, multiple clearances at both the state and local level are required before an activity affecting the coast may be undertaken. The Coastal Management Act refocuses these existing programs to insure that in reviewing coastal uses under them, all government decision-makers take into account the impacts on coastal resources under a set of common policies.

Because it builds on pre-existing legal authorities, Connecticut's Coastal Management Program consists of policies, standards, criteria and procedures included in both the Coastal Management Act and other state statutes, and state and local administrative regulations. The interconnections between the Coastal Management Act and other legal authorities is discussed in subpart C following. The important point is that the total program can only be understood in the context of all relevant authorities:

These are a number of benefits to using pre-existing programs to implement the state's management plan:

* "Red tape" is minimized:

  - No new regulatory or development agencies are created;

  - Primary regulatory jurisdiction over both uses and geographic areas remains essentially unchanged;

  - Established and well understood regulatory procedures are altered only insofar as necessary to insure consideration of coastal impacts.

* Coastal management considerations are integrated with other important land and water use concerns at all levels of government:

- All agencies with regulatory, planning and development authority must take into account the effects of their decisions on coastal resources;

- Coastal management policies and procedures supplement existing criteria and procedures.

* Comprehensive management of coastal resources and uses is facilitated:

  - State agencies control, through existing environmental protection programs, the direct and significant impacts of large uses and the uses of sensitive natural resource areas;

  - Local agencies control, through existing zoning programs, the indirect and cumulative impacts of smaller uses.

* Coordination of coastal management decisions at all levels of government is facilitated:

  - Common policies enhance coordination among municipalities;

  - Common policies enhance coordination among state agencies;

  - Common policies enhance coordination between state and local agencies.

The state's Coastal Management Program is comprehensive covering uses likely to have significant impacts on coastal resources whether they be direct, indirect or cumulative. Sections 305(b)(2) and 305(b)(4) of the federal Coastal Zone Management Act and section 923.11 of the federal regulations require as a condition of federal approval that the state's program identify and control all uses having a "direct and significant" impact on coastal water. Connecticut's program controls all such uses and, in addition, controls uses with indirect or cumulative impacts in sensitive resource areas (tidal wetlands, beaches and dunes). As noted in the discussion of benefits above, the comprehensiveness of Connecticut's program is a direct result of using pre-existing legal authorities to implement the management program.

On the basis of extensive analysis of the quality, location, distribution and demand for the natural and man-made resources occurring in the coastal area, the state has determined that the following uses may potentially have a direct and significant impact on coastal waters:

1. Construction in and filling of coastal waters including construction of flood and erosion control projects.

2. Dredging in coastal waters and disposal of dredged materials in or near coastal waters, including dredging for navigation channels, berthing areas, and turning basins.

3. Construction in and filling or alteration of tidal wetlands.

4. All uses significantly polluting the waters of the state.

5. All uses significantly polluting the air resources of the state.

6. Construction of dams, dikes and reservoirs.

7. Commercial and recreational finfishing.

8. Disposal of solid wastes.

9. Handling, storage, processing, disposal of oil, chemical and hazardous substances.

10. Boating activities.

11. Sea lanes, port navigation and anchorage patterns.

12. Port and harbor development projects.

13. Power facilities, including electric generation and transmission lines and gas pipelines.

14. Sewer systems and wastewater treatment and disposal systems.

15. Construction in and filling or alteration of freshwater wetlands and watercourses.

16. Construction in and alteration of coastal hazard areas (high velocity flood zones and erosion prone areas).

17. Construction on and alteration of beaches and dunes.

18. Construction on and alteration of bluffs and escarpments.

19. Acquisition and development of state beaches and recreational areas.

20. Acquisition and management of state conservation areas.

21. Commerical and recreational shellfishing.

22. Construction and expansion or major modification of major transportation facilities including state and interstate highways, bridges, airports, and railroads.

23. All state actions significantly affecting the natural environment, including programs, acquisitions, projects and grants.

All these uses are subject to control under the state's Coastal Management Program. Most of these uses are controlled directly through state regulatory or development programs. In addition, several of them are controlled through local regulatory programs. In addition to the above, the following uses with indirect or cumulatively significant impacts are also subject to the state's management program:

24. All building, structures and uses subject to local zoning requirements except gardening and agricultural uses and specified minor developments exempted at the option of local agencies including individual single

family homes in non-sensitive resource areas (i.e. not within 100 feet of tidal wetlands, beaches and dunes or bluffs and escarpments as defined in P.A. 79-535 and mapped by CAM).

25. Planned unit developments.

26. Subdivision of land.

27. Variances from local zoning requirements.

28. Uses subject to special permit requirement by local zoning.

29. Municipal development projects.

30. Historic districts and structures.

A full discussion of uses subject to Connecticut's Coastal Management Program is included in subpart D of this part.

B. SUMMARY OF THE CONNECTICUT COASTAL MANAGEMENT ACT

The legal authority for insuring that state and local agencies consider coastal impacts under a set of common policies is the Connecticut Coastal Management Act (hereafter referred to as CCMA). The CCMA was passed in the 1978 session of the General Assembly by Public Act 78-152 and codified as Chapter 444 of the Connecticut General Statutes, Sections 22a-90 through 22a-96. The CCMA was substantially amended in the 1979 session of the General Assembly by Public Act 79-535 to provide detailed legal authority for the state's management approach. Hereinafter references to Sections 1 to 25 of P.A. 79-535 will be cited as references to Sections 1-25 of the CCMA. The CCMA contains the following specific authorities.

Coastal Management Boundary

Sections 3(3) and 4(a) of the CCMA define the 36 towns bordering on Long Island Sound and rivers with measurable salinity as the state's coastal area. Within the coastal area, sections 3(4) and 4(b) define the coastal boundary as the seaward extent of the state jurisdiction over Long Island Sound, the state's borders with Rhode Island and New York and all land areas 1) within the U.S. Flood Insurance Program boundaries, 2) within 1,000 feet from the mean high water mark, and 3) within 1,000 feet of state designated tidal wetlands. A full discussion of the boundary can be found in Part II of Section II of this document.

Coastal Resources

Section 3(7) of the CCMA defines fourteen resource categories which subdivide the entire area within the coastal boundary. The resource categories have been mapped by DEP pursuant to Section 5(1) of the CCMA. The resource

categories include hazard areas and developed areas in addition to natural resource categories.

Coastal Policies, Standards and Criteria

Section 2 of the CCMA contains coastal-related management policies to be followed by state and local decision-makers which supplement the policies, standards and criteria of other state statutes and state and local regulations. Section 3(15) of the CCMA defines adverse impacts on coastal resources which must also be considered in government decision-making. Section 3(16) defines water dependent uses which receive the highest priority and preference for shoreline siting. Section 5(c) requires DEP to prepare use guidelines and other criteria pertinent to implementation of the program's policies and standards (see Part IV). A full discussion of the policies is contained in Part IV and are summarized here.

1. Resource Policies. The policies include specific resource policies which apply to all development activities in designated resource areas defined in Section 3(7) and mapped by DEP pursuant to Section 5(b).

2. Use Policies. The policies include specific use policies which apply to a number of specific uses regardless of the resource area for which they are proposed. They are in addition to all relevant resource policies for the specific use.

3. Government Process Policies. The policies include government process policies which apply to intergovernmental coordination during program implementation.

4. Multi-Purpose Nature. The policies are designed to guide all major governmental activities affecting coastal resource utilization at both the state and local level, including: regulation, planning, public projects and public investment.

5. Enforceability. State and local agencies responsible for regulatory and development decisions under the management program are legally bound to insure that their decisions are consistent with all of the applicable specific resource and use policies in Section 2 of the CCMA.

6. National Interest and Regional Benefit Facilities and Resources. Section 3(14) of the CCMA defines facilities and resources in the national interest (the state has also determined that these are facilities and resources of regional benefit). Section 2(a)(10) of the CCMA contains a specific policy which requires adequate consideration of these facilities and resources in planning and regulation, and further, requires that any restrictions on or exclusions of them are reasonable and justified under the statutory definitions. The national interest and regional benefit policy is fully discussed in Part IX.

7. Relationship to Other Policies. The policies in Section 2 of the CCMA were designed to supplement and must be read in conjunction with policies in other state statutes and state and local regulations. Because of

their inclusion in the legislation, no further adoption or ratification of the policies in Section 2 is required prior to implementation by state and local agencies. In the case of any conflict with state or local regulations, the policies in Section 2 prevail.

8. Policy Clusters. The full impact of a specific resource or use policy cannot be determined in isolation from either the specific proposed activity to which it will be applied or the other policies or standards which are also applicable to the proposed activity. Each of the policies in Section 2 of the CCMA addresses a distinct aspect of coastal development and use. Decisions concerning a proposed activity will seldom be dependent solely on a single policy. Hence, projects and plans must be evaluated in terms of the "cluster" of policies that apply to them, including policies from the CCMA and other statutes and regulations.

State Regulatory Programs

Section 21 of the CCMA requires that issuance of permits by coastal-related regulatory programs be consistent with the coastal policies in Section 2 and that coastal-related regulatory programs be coordinated. All such regulatory programs are under the jurisdiction of the DEP. (See Tidal Wetlands Regulations in Appendix C.)

State Development Projects and Programs

Section 20(a) of the CCMA requires that state agency actions significantly affecting the environment, including programs, development projects, acquisition and grants must be consistent with the coastal policies in Section 2. It should further be noted that, under Connecticut statute, state agencies are subject to the same permit requirements as private development.

State Plans

Section 20(b) of the CCMA requires that major state agency plans affecting the coast must be revised, if necessary, to insure consistency with the coastal policies in Section 2.

Municipal Coastal Site Plan Review

Sections 11 through 15 of the CCMA require that the regulatory decisions of local agencies concerning private and municipal land and water uses within the coastal boundary must be consistent with policies in Section 2.

Municipal Coastal Programs

Sections 7 through 10 of the CCMA authorize municipalities, at their option, to prepare a comprehensive coastal program which, if undertaken, must be consistent with the policies in Section 2. These municipal coastal programs are made up of both revisions to the municipal plan of development and revisions

to local zoning regulations and other municipal land use regulations and ordinances conforming to and implementing the revised plan of development.

DEP Commissioner's Supervisory Responsibilities and Right as a Party to Municipal Decisions

Section 17 of the CCMA requires the Commissioner of DEP to exercise general supervision of the implementation of the Act and to monitor and evaluate the activities of federal and state agencies and the activities of municipalities to assure continuing, effective, coordinated and consistent administration of the requirements and purposes of the Act. Section 19 authorizes the Commissioner of DEP to intervene as a party or appellant to site plan review decisions at the municipal level in order to insure proper consideration of coastal impacts and to enforce compliance with the policies in Section 2.

Municipal Right as a Party

Section 18 authorizes municipalities to intervene as a party to state regulatory decisions affecting the coast to insure that the state gives proper consideration to coastal impacts and the policies in Section 2.

Connecticut River Gateway Commission Compact

Section 16 of the CCMA requires that any revisions to the conservation and land use standards adopted by the Connecticut River Gateway Commission and any approval of local regulations by the Commission to be consistent with the policies in Section 2.

Coordination of State and Federal Programs

Section 22a-96 of the CCMA (C.G.S. 22a-96) authorizes the Commissioner of Environmental Protection to enter into agreements with federal agencies to simplify and coordinate administration of state and federal coastal permit programs. Section 22a-96 also designates the Commissioner to represent the state in all matters concerning the application of the "federal consistency" provisions of section 307 of the federal CZM Act. A full discussion of the state's approach to federal consistency is discussed in Part VII.

State Assistance to Municipalities

Section 6 of the CCMA requires the Commissioner of DEP to provide continuing financial assistance to coastal municipalities and section 5 requires DEP to provide coastal municipalities with technical assistance for the purpose of management program implementation at the local level.

C. EXISTING STATE AND MUNICIPAL REGULATORY, DEVELOPMENT AND PLANNING AUTHORITIES SUBJECT TO THE COASTAL MANAGEMENT ACT'S REQUIREMENTS.

To gain a full appreciation of Connecticut's approach to coastal management, the preceding discussion of the requirements of the Connecticut Coastal Management Act must be supplemented by a description of state and local regulatory, development and planning authorities subject to those requirements. In Appendix D, these authorities are broken down and listed in tables. Table 2 describes existing state programs subject to the CCMA requirements. Table 3 describes municipal programs subject to the requirements. Columns 1 and 2 of both tables give the title and statutory authority of programs affected by the CCMA. Column 3 provides a brief description of each program's jurisdiction and procedures. Column 4 lists the state or local agency responsible for program administration. Finally, column 5 gives a brief description of the changes in program administration affected by CCMA requirements (see Tables 2 and 3, Appendix D).

D. USES SUBJECT TO CONTROL AND REGULATION UNDER THE COASTAL MANAGEMENT ACT.

As noted in the introduction to this Part, all uses having a direct and significant impact on coastal waters are regulated or controlled under Connecticut's coastal management program. As also noted, uses having an indirect or cumulative impact on coastal resources are also subject to program jurisdiction. This broad comprehensiveness is a result of the state's decision to utilize and build on existing state and local authorities governing public and private uses of the coast. All uses subject to the Coastal Management Act's requirements are already subject to state and local control or regulation. No new state or local approvals are required. No new regulatory or control agencies are created. However, the legal authorities of state and local regulatory and development agencies have been altered to require that agency decision-makers, in reviewing proposed activities within the coastal boundary, consider coastal impacts in light of the coastal policies.

In Appendix D, column 1 of Table 4 provides a detailed listing of uses having the potential for significant coastal impacts. Column 2 gives the statutory authority for the regulatory or development control to which the use is subject. Column 3 describes briefly the manner in which coastal impacts of the use will be considered in light of the coastal policies. Column 4 refers back to the appropriate sections of Tables 2 and 3 which provide more complete information on how the use will be reviewed under existing regulatory and development programs for the purposes of coastal management (see Table 4, Appendix D).

Also in Appendix D, uses 1 through 18 in Table 4 are uses subject to state regulatory jurisdiction. As noted in Table 4 they may also be subject to municipal control. Uses 19 through 24 are primarily state development projects. Uses 25 through 29 are uses primarily subject to municipal regulation or control, but may also be subject to state regulation depending on their location and nature.

It should be noted that uses, structures and buildings proposed by private developers or municipal agencies are, at a minimum, subject to municipal coastal site plan review requirements. Section 15(b) of the CCMA exempts gardening, grazing and the harvesting of crops from coastal site plan review. Section 15(b) also authorizes municipal zoning commissions to exempt

the following minor activities from the coastal site plan review process:

1) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds.

2) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings.

3) Construction of new or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach.

4) Construction of an individual conforming single-family residential structure except in or within one hundred feet of the following coastal resources: tidal wetlands, coastal bluffs and escarpments, and beaches and dunes.

5) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.

PART VI: MANAGEMENT OF THE COASTAL PROGRAM

A. INTRODUCTION

While under Connecticut's approach to coastal management no new regulatory or control programs or agencies are created, the authorities of existing agencies are altered to incorporate coastal management responsibilities. As part of those responsibilities, the Department of Environmental Protection is required to coordinate, supervise and assist state and local agencies in carrying out their coastal management related duties.

The purpose of this discussion is to systematically list the duties of state and local agencies and to describe the interrelationships among them. The primary emphasis will be on the supervisory responsibilities of the Department of Environmental Protection and the new duties assigned to municipal planning and zoning agencies.

B. THE PLANNING AND COORDINATION/COASTAL MANAGEMENT UNIT (hereinafter CAM Unit)

Section 17 of the Connecticut Coastal Management Act (CCMA) requires the Department of Environmental Protection to coordinate, supervise and assist the activities of existing state and local agencies in carrying out coastal management requirements. These responsibilities have been assigned to the Department of Environmental Protection because that agency was both the lead agency in developing the state's coastal management program and either directly administers or has a role defined by statute in all of the coastal-related regulatory programs at the state level. A Coastal Area Management (CAM) Unit has been established within DEP to administer DEP's statutory responsibilities (see Figure 4). The CAM unit is within the Office of the Commissioner to facilitate communication and coordination with other units in the Commissioner's office and with the two major operating divisions of the Department, the Division of Environmental Quality (which is responsible for permitting activities) and the Division of Conservation and Preservation (which is responsible for parks, recreation, fish and wildlife management, conservation measures and property management). The major functional responsibilities of the CAM Unit are discussed below.

1. Administration of State and Federal Coastal Management Funds -- In accordance with Section 22a-96 of the General Statutes the CAM Unit has been given the following responsibilities with respect to administration of state and federal funds for coastal management:

    a. With the cooperation of DEP's Business Administration Unit, the CAM Unit is responsible for the annual preparation of the state's application for federal financial assistance under Section 306 of the federal CZM Act.

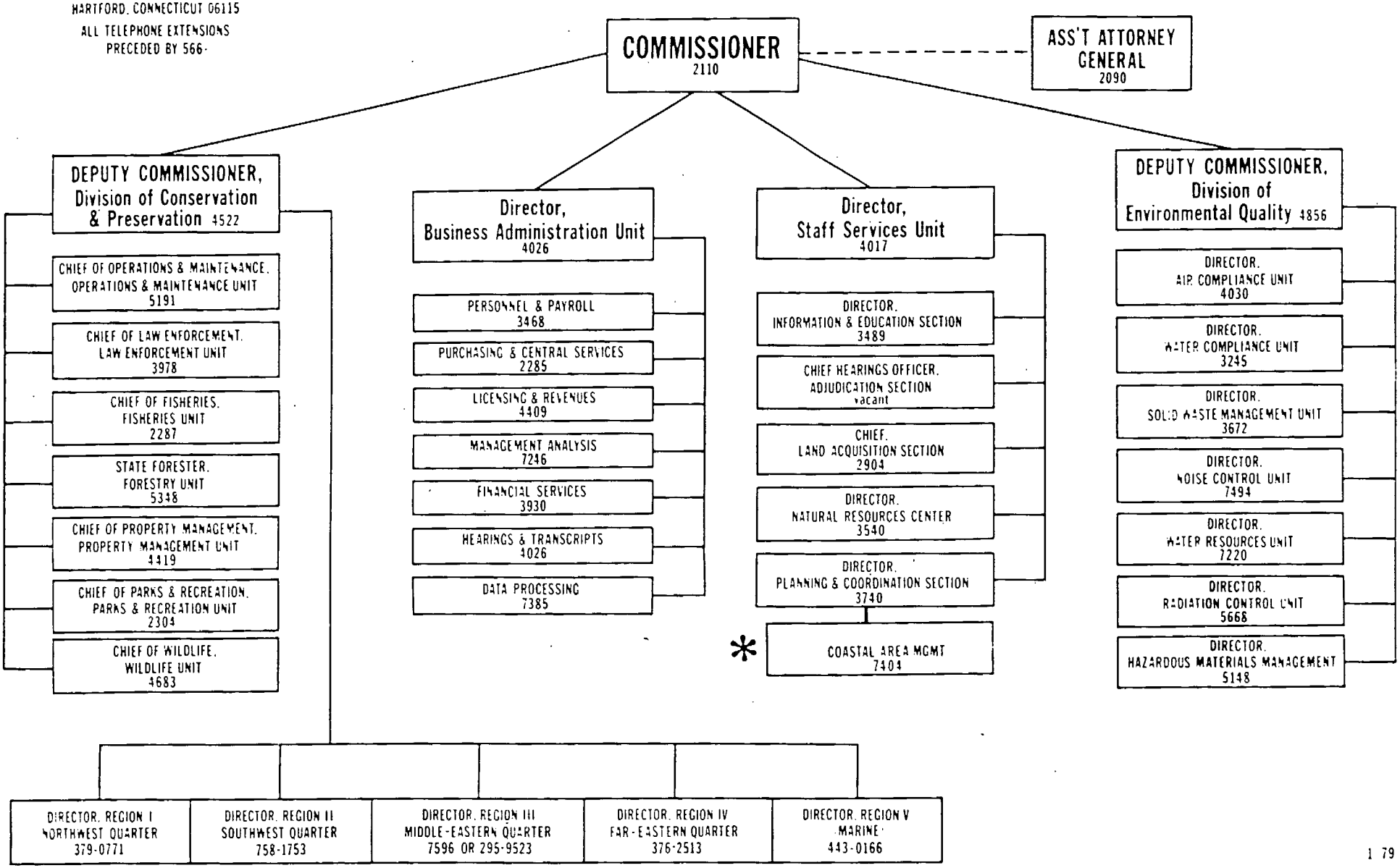
    b. With the cooperation of DEP's Business Administration Unit, the CAM Unit is responsible for administering annual grants to

FIGURE 4

DEPARTMENT OF ENVIRONMENTAL PROTECTION

General Mailing Address:

STATE OFFICE BUILDING
HARTFORD, CONNECTICUT 06115
ALL TELEPHONE EXTENSIONS
PRECEDED BY 566-



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municipalities for the purpose of carrying out their duties for coastal site plan reviews and for preparation and implementation of municipal coastal programs.

c. With the cooperation of DEP's Business Administration Unit, the CAM Unit is responsible for allocating state and federal funds to other units of DEP, other state agencies, regional planning agencies and outside consultants and contractors as applicable for the purposes of relevant regulation, planning, technical assistance, and research.

d. With the cooperation of DEP's Business Administration Unit and the Land Acquisition Unit, the Planning and Coordination/Coastal Management Unit is responsible for preparing applications and administering federal grants for purchasing estuarine sanctuaries and land for access to public beaches and other public coastal areas under Section 315 of the federal CZM Act and the HCRS SCORP Program.

e. With the cooperation of DEP's Business Administration Unit, the CAM Unit is responsible for preparing applications for and administering special federal grants from the federal Office of Coastal Zone Management and other federal funding sources for activities such as urban port studies and fisheries management studies.

f. In cooperation with the state's Office of Policy and Management, the CAM Unit is responsible for preparing applications and administering federal grants for studying and ameliorating the effects of energy-related impacts under Section 308 of the federal CZM Act.

2. Coordination of DEP Responsibilities for Coastal Management -- The CAM Unit is responsible for coordinating the following coastal management duties of DEP.

a. The CAM Unit is responsible for preparing the coastal boundary maps required by Section 22a-94 of the General Statutes as amended by section 4 of the CCMA.

b. The CAM Unit is responsible for providing technical assistance to municipalities as required by section 5 of the CCMA, including preparing of a model municipal program (see Appendix C of the Draft EIS) and preparation of resource factor maps (see Appendix D of the Draft EIS).

c. The CAM Unit is responsible for preparing use guidelines to assist state and local agencies in evaluating the impacts of coastal development consistent with CCMA coastal policies in accordance with section 5 of the CCMA (see Part IV).

d. The CAM Unit is responsible for monitoring the coastal management activities of state and local agencies and for preparing an annual report in accordance with section 17 of the CCMA.

e. With the cooperation of the Water Resources, Water Compliance, Air, Marine, Fisheries, Solid Waste, and Hazardous Materials Management Units of DEP, the CAM Unit is responsible for insuring that all coastal related permitting activities are administered consistent with CCMA coastal policies as required by section 21 of the CCMA.

f. The CAM Unit is responsible for monitoring municipal regulatory decisions within the coastal boundary and advising the Commissioner of DEP on when to intervene as a party or appellant to such decisions as authorized by section 19 of the CCMA (see Part VI, E).

g. The CAM Unit is responsible for reviewing revisions to municipal plans of development and revisions to municipal zoning regulations undertaken in preparation of municipal coastal programs in accordance with sections 8(d) and 9(b) of the CCMA.

h. In cooperation with the Water Resources Unit of DEP and the Aquaculture Division of the Department of Agriculture, the CAM Unit is responsible for developing policies for the state's areas of particular concern (see Part VIII, A).

i. In cooperation with the Division of Conservation and Preservation and the Land Acquisition Unit of DEP, the CAM Unit is responsible for the state's activities with respect to preservation and restoration of coastal areas (see Part VIII, B).

j. The CAM Unit is responsible for monitoring the administration of the national interest policy (see Part IX).

k. The CAM Unit is responsible for providing staff support to the Commissioner of DEP's Coastal Area Management Advisory Board (see Part IX).

l. The CAM Unit is required to (a) revise regulations concerning state project environmental impact statements (CEPA) to include consistency with the coastal policies, (b) revise the coastal-related section of the State Comprehensive Outdoor Recreational Plan, and (c) conduct coastal-related e.i.s. and A-95 reviews (see also NOTE on p. II-209).

3. Coordination with Other State Agencies -- The CAM Unit is responsible for the following activities concerning coordination of the duties of other state agencies for coastal management.

a. The CAM Unit is responsible for consulting with other units of DEP and other state agencies revising major state plans to insure consistency with the coastal policies in accordance with section 20a and 21 of the CCMA (see also the discussions on erosion planning, shorefront planning and energy planning in Part VIII).

b. The Planning and Coordination/Coastal Management Unit is responsible for revising the regulations for state agency project environmental impact statements in accordance with section 20b of the CCMA.

c. In cooperation with the State Power Facilities Evaluation Council (PFEC), of which the Commissioner of DEP is a member, the CAM Unit is responsible for insuring that the coastal policies are considered in licensing electric generating facilities and and other power facilities regulated by the PFEC in accordance with Section 16-50p of the General Statutes.

4. Federal Consistency Reviews -- In accordance with Section 22a-96 of the General Statutes, the CAM Unit is responsible for reviewing the consistency of federal agency activities, actions, permits, grants and outer continental shelf energy related activities with the state's coastal program (see also the discussion of federal consistency in Part VII, C).

5. Coordination and Simplification of State and Federal Coastal Permit Programs -- With the cooperation of the Water Resources and Water Compliance Units of DEP, the CAM Unit is responsible for procedural coordination and simplification of state and federal coastal permit programs in accordance with Section 22a-96 of the General Statutes.

6. Interstate Coordination -- The CAM Unit is responsible for coordinating the state's coastal management program with the coastal management programs of New York and Rhode Island and other interstate agencies as required by Section 306(c)(2)(B) of the federal CZM Act.

7. Public Participation -- The CAM Unit is responsible for insuring continuing public participation in the state's coastal management program (see Part XI).

C. RESPONSIBILITIES OF OTHER UNITS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Water Resources Unit -- The Water Resources Unit is required to administer the following coastal-related programs in conformity with the coastal policies: Tidal wetlands, coastal structures, coastal dredging, inland wetlands, stream channel encroachment lines, dams and reservoirs, flood and erosion control, and FEMA Flood Insurance Program. The Water Resource Unit also assists the CAM Unit in providing technical assistance to municipalities and other state agencies in developing shoreline erosion and coastal flood hazard management planning processes, in developing regulations and performance standards for coastal-related regulatory programs, and in developing a state dredged materials disposal policy.

Water Compliance Unit -- The Water Compliance Unit is required to administer the following coastal-related programs in conformity with coastal policies: NPDES water pollution permits, sewer treatment facility grants, sewerage system approvals, sewer avoidance regulations, 401 water quality certification, and 208, 303(e) and 201 planning. The Water Compliance Unit also assists the CAM Unit in developing a state dredged materials disposal policy.

Hazardous Materials Management Unit -- The Hazardous Materials Management Unit is required to administer its oil and chemical terminal regulatory program in conformity with the coastal policies.

Air Compliance Unit -- The Air Compliance Unit is required to administer its air pollution regulatory activities in conformity with the coastal policies and must consider the coastal policies in revising the State Air Quality Implementation Plan, the Air Quality Maintenance Plan and Transportation Control Plan.

Solid Waste Management Unit -- The Solid Waste Unit is required to administer its solid waste facility permit program in conformity with the coastal policies.

Fisheries Unit -- The Fisheries Unit is required to administer its regulation of commercial and recreational marine fisheries in conformity with the coastal policies.

Parks and Recreation Unit -- The Parks and Recreation Unit is required to conform to the coastal policies in planning and developing coastal recreational facilities.

Marine Region Field Office -- The Marine Region Field Office is required to conform to the coastal policies in regulating boating activities. The Marine Region Field Office will also assist the CAM Unit in conducting research studies.

Natural Resources Center -- The Natural Resources Center assists the CAM Unit in providing technical information and assistance, preparing flood and erosion plans, resource maps, and preparing management plans for natural areas.

Open Space Acquisition Unit -- The Open Space Acquisition Unit is required to conform to the coastal policies in recommending coastal property for purchase under the HCRS SCORP Program.

Business Administration Unit -- The Business Administration Unit will assist the CAM Unit in administering grants from the federal government and in providing grants to municipalities.

Information and Education Unit -- The Information and Education Unit will assist the CAM Unit in public participation activities.

NOTE: As this document is being released, the CAM and Planning and Coordination Units of DEP have been merged. While both units were part of the Commissioner's Staff Services Unit and no changes in the overall responsibilities of the CAM Unit were proposed, this merger substantially strengthens the relationship of the CAM Unit to other units within the agency. The combined unit in addition to its CAM responsibilities serves as the Commissioner's policy planning and research staff; responsibilities include agency planning

(including statewide recreational (SCORP) planning), policy planning and analysis, program evaluation and coordination, new program development, budget review, development of regulations (in conjunction with the administering unit), liaison with the legislature and legislative drafting (in conjunction with the administering unit), coordination of agency review of all environmental impact statements, A-95's and related documents, supervision of activities under the Connecticut Environmental Policy Act (CEPA), and agency staff participation on the Power Facilities Evaluation Council (PFEC). The Director of the combined unit has been designated Program Manager for coastal management. This merger was proposed because of the essentially parallel functions of the two units. It should be noted that the Coastal Management Program was originally developed by Planning and Coordination, prior to becoming a separate operating unit during the program development (305) phase of the program.

D. RESPONSIBILITIES OF OTHER STATE AGENCIES

All state agencies have three major responsibilities under the Coastal Management Act: (a) they must revise major state plans to conform to the coastal policies, (b) in planning and undertaking major development projects they must insure that such projects are consistent with the coastal policies, and (c) they must include an evaluation of coastal impacts in preparing state environmental impact statements. (It should also be noted that all state agency development projects are also subject by statute to regulation under state permit programs.) The discussion below focuses on state agencies subject to the plan revision requirements of the CCMA or agencies with other special responsibilities for coastal management.

1. The Office of Policy and Management -- The Office of Policy and Management has three major responsibilities related to coastal management: (a) review of state project environmental impact statements (CEPA) to insure that they are consistent with the coastal policies, (b) revision of state energy plans to insure consistency with the coastal policies, and (c) administration of energy impact planning grants under Section 308 of the federal CZM Act after consultation with the CAM Unit of DEP and subject to final approval by the Commissioner of DEP. It should be noted that CEPA regulations under which these reviews are conducted are developed and supervised by DEP's Planning and Coordination/Coastal Management Unit.

2. Department of Transportation -- The Department of Transportation has three major responsibilities related to coastal management: (a) revision of the State Master Transportation Plan to insure consistency with the coastal policies, (b) coordination with DEP concerning the activities of Harbor Masters and municipal harbor improvement agencies, and (c) conduct of the development activities of its major bureaus (Highways, Aeronautics, Waterways and Rail) in a manner consistent with the revised Master Transportation Plan and the coastal policies. Such activities are also subject to CEPA and all applicable coastal permit programs.

3. Division of Aquaculture -- The Aquaculture Division of the Department of Agriculture will prepare a management program for state-owned shellfish beds that is consistent with the CCMA.

4. Power Facilities Evaluation Council -- The Power Facilities Evaluation Council (of which the Commissioner of DEP is a member) is required to consider the coastal policies in licensing the siting and operation within the coastal boundary of electric generating and storage facilities, electric transmission lines, fuel transmission lines, and substations and switch-yards within the coastal boundary.

5. The Department of Economic Development -- The Department of Economic Development is required to revise its economic plan for the state to insure consistency with the coastal policies.

6. Connecticut Resources Recovery Authority -- The Connecticut Resources Recovery Authority is required to revise its plans for the development of a solid waste recovery system in the coastal area to insure consistency with the coastal policies.

7. University of Connecticut -- The services of the Marine Sciences Institute and Marine Advisory Service of the University of Connecticut will be utilized in coastal research studies.

The activities summarized above are required to be consistent with the coastal policies of the CCMA in accordance with Section 20 of the CCMA. Section 20(a) requires consultation with the Commissioner of DEP during plan revision and Section 17(b) of the CCMA establishes the Commissioner of DEP's responsibility for oversight of state programs not under his direct jurisdiction.

E. RESPONSIBILITIES OF COASTAL MUNICIPALITIES

Municipalities have two major responsibilities for coastal management: Administration of the mandatory coastal site plan reviews and preparation of voluntary municipal coastal programs. Each of these responsibilities will be discussed separately.

1. Municipal Coastal Site Plan Reviews -- Sections 11 through 15 of the Connecticut Coastal Management Act (CCMA) require municipalities to review coastal site plans for proposed development projects currently under their regulatory jurisdiction to evaluate the impacts of the proposed project on coastal resources and future water dependent use of the site. Because the coastal site plan reviews are mandated directly by state statute superceding any conflicting local ordinances or regulations, no revision to municipal zoning regulations or other land use ordinances or regulations is required for its implementation. Insofar as they differ from existing planning and zoning requirements, the standards and procedures for decision are contained in the CCMA.

Municipalities currently exercise regulatory jurisdiction over land and water uses under the following major programs and authorities:

a. Zoning under the authority of Sections 8-2 and 8-3 of the General Statutes -- all buildings, uses, and structures are regulated by the municipal zoning commission.

b. Subdivisio ı regulations under the authority of Section 8-25 of the General Statutes -- all subdivisions of land are regulated by the municipal planning commission.

c. Planned unit development regulations under the authority of Section 8-13f of the General Statutes -- all planned unit developments of greater than 25 dwelling units are regulated by the municipal planning commission.

d. Variances under the authority of Section 8-7 of the General Statutes -- variances from zoning regulations are regulated by the municipal zoning board of appeals.

e. Special permits under the authority of Section 8-2 of the General Statutes -- municipalities may, by regulation, permit development otherwise excluded from a particular zone if it meets specified conditions as determined (at the option of the municipality) by the zoning commission, planning commission or zoning board of appeals.

f. Review of municipal improvements under the authority of Section 8-24 of the General Statutes -- all major municipal development projects are subject to review and approval by the municipal planning commission.

Section 11(b) of the CCMA provides that development projects subject to the above programs and occurring within the coastal boundary are also subject to coastal site plan review requirements. Municipalities, under authority provided in Section 15(b) of the CCMA, may adopt a regulation exempting certain minor uses subject to the zoning regulations from a coastal site plan review. Allowable uses for exemption are specified by statute in Section 15(b).

The coastal site plan review, in practice, consists of the following four steps:

- Initiation of the Review Procedure -- As under existing planning and zoning procedures, an applicant initiates the review process by submitting a complete application and request for approval to the local board or commission with jurisdiction over the proposed activity (i.e. planning commission, zoning commission, zoning board of appeals). If the project has been exempted from coastal site plan review by local regulation, the applicant need only include the information normally required to determine compliance with the zoning regulations. An application for a project subject to a coastal site plan review must contain sufficient data, maps, drawings and other back-up materials necessary to adequately describe the proposed activity and to enable the appropriate local commission to conduct the coastal site plan review.

Information necessary for the coastal site plan review includes the following: All information required under the applicable existing regulation; a detailed description of the project including the time sequence, duration and methods of construction; plans showing the location and design of the project and the location and spatial relationship of the coastal resources on and contiguous to the site; an identification of all beneficial and adverse impacts associated with the project; a description of the proposed methods to mitigate the adverse impacts of the project on coastal resources; and such additional information that the commission may deem necessary to make a decision on the application. The applicant, as part of his submission, must also demonstrate that the project, as proposed, is consistent with all applicable coastal policies and further, that the adverse impacts on coastal resources and future water dependent development opportunities are acceptable. Much of this material is required already under existing municipal regulations with the exception of environmental information. The amount of detail necessary would depend both on the size or extent of the project and the fragility of the coastal resources that would be affected as dictated by the coastal policies in the CCMA.

The CCMA contains the necessary coastal resource definitions, all coastal policies and the definitions of "adverse impacts on coastal resources" and "water dependent uses." Part IV contains these same coastal policies and definitions along with use guidelines to aid in determining the consistency of a project with the coastal policies and information on identifying and mitigating adverse impacts. Maps depicting the location of all coastal resources within the coastal boundary have also been prepared by the CAM Program. Samples of these coastal maps are contained in Appendix D of the Draft EIS.

- Commission Review and Evaluation -- It is the responsibility of the appropriate municipal commission to review the information provided by the applicant in a coastal site plan for completeness and accuracy and to evaluate the proposed activity for compliance with the applicable existing regulations and with the following three standards for review of coastal site plans contained in the CCMA. First, the commission must determine the project's consistency with all applicable coastal resource and use policies; second, the commission must determine the acceptability of adverse impacts on coastal resources; and third, the commission must determine the acceptability of adverse impacts on future water dependent development activities. Then, based on their findings, the commission must make a decision to approve, approve with conditions, approve with modifications or deny the proposed project.

The majority of development projects evaluated by a municipality under the coastal site plan review would not require detailed technical analyses and site inventories beyond the material provided by the applicant and the coastal resource maps provided by the Department of Environmental Protection. However, should the need for such services arise, technical assistance would be available through the

CAM Unit of DEP. Available resources would include technically trained personnel, resource inventories, maps, photographic surveys and related data. In addition, state financial assistance under federal CZM Act funding will be available to the municipalities for staff or consultant services (either private or through coastal regional planning agencies) to assist in the site plan reviews.

- Prepare Written Findings -- After reviewing and evaluating the information contained in the Coastal Site Plan, the commission must prepare a written statement detailing their findings concerning the consistency of the project with the coastal policies and the acceptability of adverse impacts on coastal resources and future water dependent development activities. The commission must state in writing its decision, the reasons for the decisions, and any conditions or modifications being imposed to assure consistency.

- Certification of Project -- Before issuing a building permit for any proposed activity subject to the zoning regulations, the official charged with enforcement of the zoning regulations must certify in writing that the proposed activity has either been reviewed and approved in accordance with the requirements for a coastal site plan review contained in the CCMA, or is a use exempt from a coastal site plan review under regulations adopted by the zoning commission.

2. Municipal Coastal Programs -- Sections 7 through 10 of the CCMA allow coastal municipalities to prepare and adopt a comprehensive Municipal Coastal Program. Financial and technical assistance will be available from the state for muncipalities electing to prepare a coastal program in accordance with the provisions of section 6 of the CCMA.

Municipal coastal programs apply to that portion of a municipality within the coastal boundary and landward of the mean high water mark. A Municipal Coastal Program, if undertaken, must be developed in two major phases: First, revision of the municipal Plan of Development based on a consideration of the municipality's existing conditions, the character and distribution of its coastal resources, identified coastal related issues, and the coastal policies contained in the CCMA, and second, revision of municipal zoning regulations and other land use ordinances and regulations to conform with the revised Plan of Development. The primary mechanism for continued implementation of the Municipal Coastal Plan Program would be the coastal site plan review process. In contrast with and in support of the Coastal Site Plan Reviews, the Municipal Coastal Program would provide municipalities with an opportunity to undertake better coordinated long range planning and management of their coastal resources by making municipal zoning and related ordinances consistent with long term management objectives. It should be noted, however, that Municipal Coastal Programs are not required since the means to implement them, coastal site plan reviews, are both mandatory and supercede, by statute, any conflicting local regulations or ordinances.

Preparation of a municipal coastal program includes the following steps:

- Issues and Problems Identification. The municipal planning commission identifies the major coastal related problems and issues facing the community.

- Revision of the Municipal Plan of Development. The municipal planning commission prepares revisions of the municipal Plan of Development consistent with (a) the community's coastal problems and issues, (b) the coastal policies contained in the CCMA, (c) the nature and location of coastal resources, (d) future water-dependent development opportunities, (e) existing land use and development patterns, and (f) public service needs.

- Review by the Commissioner of DEP. Proposed revisions of the municipal Plan of Development are submitted to the Commissioner and the regional planning agency for review for consistency with the criteria contained in section 8 and the coastal policies of the CCMA.

- Adoption of Revised Municipal Plan of Development. After receiving comments from the Commissioner and the regional planning agency, the municipality adopts the revisions to the municipal Plan of Development and other related plans in accordance with existing planning and zoning procedural and public participation requirements.

- Revisions to Municipal Land Use Regulations. After adopting revisions to its Plan of Development, the municipality prepares necessary revisions to its zoning, subdivision and planned unit development regulations and other land use regulations and ordinances to conform to and implement the revised municipal Plan of Development.

- Review by the Commissioner of DEP. Proposed revisions to municipal land use regulations and ordinances are submitted to the Commissioner for review and comment as to their consistency with the municipality's previously revised and adopted municipal Plan of Development.

- Adoption of Revised Land Use Regulations. After receiving comments from the Commissioner, the municipality adopts the revisions to land use regulations and ordinances in accordance with existing planning and zoning procedural and public participation requirements.

- Revision of Other Municipal Plans. The municipality may also revise other municipal plans and programs listed in Section 7(d) of the CCMA to be consistent with the revised and adopted municipal Plan of Development.

- Implementation. Implementation of the municipal coastal program would occur through existing regulatory and development programs, and, in particular, the coastal site plan review process.

- Amendments. Future amendments or revisions to the municipal plan of development and land use regulations for the area within the coastal boundary would be undertaken in accordance with these steps.

Appendix C contains a model municipal coastal program. The model program explains in greater detail the preparation of a Municipal Coastal Program. It also contains maps which illustrate the types of changes to municipal plans and zoning regulations that could be undertaken pursuant to sections 7 through 10 of the CCMA.

F. STATE SUPERVISION OF MUNICIPAL COASTAL SITE PLAN REVIEW REQUIREMENTS.

The Connecticut Coastal Management Program relies primarily on state agency regulatory and development controls, particularly in controlling uses having a direct and significant impact on coastal waters (see subparts A and D of Part V). However, the Connecticut Coastal Management Act also grants municipal planning and zoning agencies expanded regulatory authority over many coastal uses and municipalities have exclusive regulatory authority over some categories of uses having direct and significant impacts on coastal waters. Municipal regulation is not unconstrained; local decisions are subject to DEP review and court enforcement for compliance with CCMA requirements.

Coastal municipalities are legally bound by Section 11 of the CCMA to conduct coastal site reviews in accordance with the procedures, policies, and criteria in the Act. Municipal agencies failing to adhere to the requirements of the Act are subject to court appeal taken by project sponsors or other aggrieved parties. In addition, the Department of Environmental Protection is required to review municipal compliance with the coastal site plan review requirements and is empowered to seek judicial enforcement of compliance.

Section 17 of the CCMA requires DEP to "monitor and evaluate...the activities of municipalities to assure continuing, effective, coordinated and consistent administration of the requirement and purposes of" the CCMA. In order to monitor municipal compliance with the coastal site plan review requirements, DEP will utilize the following mechanisms:

- DEP will require quarterly reports summarizing the written findings of fact and reasons for decision required for all municipal coastal site plan review decisions pursuant to Sections 12(d) and 12(e) of the CCMA. DEP will review them for compliance and consistency with the policies, standards, and procedural requirements in the CCMA.

- DEP permit applications for activities requiring concurrent local coastal site plan review approvals will be reviewed.

- Third party complaints, in particular those raised pursuant to Section 14 of CCMA, will be investigated.

- DEP will review its requests for technical assistance on coastal site plan reviews.

- Reports of suspected violations submitted by DEP field enforcement staff will be investigated.

- DEP will continue to subscribe to and review all weekly and daily newspapers covering coastal towns, giving particular attention to

legal notices for activities subject to coastal site plan review.

- DEP will utilize spot checks, and periodic aerial photo surveys similar to those undertaken for state regulatory programs (see CAM Planning Report No. 21).

In evaluating and monitoring the municipal administration of the coastal site plan review process DEP will focus primarily on the following factors:

- Compliance with the procedural requirements in Sections 11, 12, and 15 of the CCMA.

- The consistency of local decisions with the policies in Sections 2(a) and 2(b) of the CCMA.

- The reasonableness of local decisions in terms of both the information evaluated by the local agency and the agency's written findings and reasons for decision.

- The reasonableness of local agencies' determinations that the adverse impacts of a project on both coastal resource and future water dependent development opportunities are acceptable and that all reasonable measures have been taken to mitigate those impacts.

The use guidelines included in Part IV will be used by DEP in evaluating both the consistency of local decisions with the resource policies in Section 2(b)(2) of the CCMA and the reasonableness of local determinations that adverse impacts on coastal resources are acceptable. The use guidelines constitute DEP's best technical judgement concerning the application of the statutory policies, standards and criteria to common development situations. They have been published in accordance with Sections 5(b) and (c) of the CCMA to provide further assistance to both municipal agencies and developers. The decisions of local agencies regarding specific development proposals must be consistent with the statutory policies, standards, and criteria and need not follow in detail the use guidelines. However, local decisions significantly at odds with the use guidelines will be given special and careful review by DEP to insure their consistency with statutory requirements.

In the event that monitoring efforts discover a proposed project potentially having substantial impact on coastal resources in a manner likely to be inconsistent with the policies and standards of the CCMA, DEP may, pursuant to Section 19 of the CCMA, intervene as a party to the local regulatory proceeding, present evidence and testimony concerning the coastal-related impacts of the proposed activity and recommend conditions or modifications to assure consistency with the policies, standards and criteria in the CCMA. Such DEP testimony would have to be reflected in the written findings of fact and subsequent decision on the project. Should the resultant decision not be consistent with the requirements of the CCMA, DEP may request court enforcement under Section 19 of the CCMA.

In the event that monitoring efforts uncover a local decision substantially inconsistent with the requirements of the CCMA, DEP may, pursuant to Section 19 of the CCMA, appeal to the decision for court enforcement whether or not it has intervened as a party prior to the decision.

If monitoring efforts reveal development activities which have occurred without a local coastal site plan approval or in violation of the terms of a certified local approval, DEP may, pursuant to Section 14 of the CCMA and section 22a-6 or 22a-7 of the General Statutes, issue administrative cease and desist and abatement orders. Alternatively, DEP may request the Attorney General to seek court injunction of the development activity since Section 14 deems such projects as "public nuisances."

In the event that a pattern of non-compliance is detected, DEP may adopt any one or a combination of the above enforcement strategies to obtain compliance with the legal requirements of the CCMA. Where patterns of non-compliance are detected, DEP will notify the municipality of its finding, offer technical assistance, and request copies of all decisions and accompanying written findings. Should this approach be refused or should the pattern of non-compliance persist, DEP will intervene directly in the local regulatory process and request court enforcement as necessary. It should be noted here that the requirement of written findings pursuant to Section 12(e) of the CCMA followed by the certification requirement of Section 15(f) were incorporated into the CCMA to encourage continued compliance through a local "check and balance" system. Such a system not only provides a clearer record for court enforcement, but also provides substantial notification and incentive for private sector compliance through lending institutions (i.e., lack of proper certification of the building permit renders the permit invalid). This system was developed because the DEP believes that the avoidance of non-complying activities before they occur is inherently more successful in terms of resource protection than is after-the-fact enforcement.

To put local compliance in the proper perspective, it should be reempasized that the majority of significant uses subject to the management program are under state regulatory and development control. Additional discussion of state oversight of municipal coastal site plan review may be found in the discussions of uses and resources of national interest and of regional benefit (Part IX) and water dependent uses (see below).

G. WATER DEPENDENT USES

Although the major emphasis of the state's Coastal Management Program is on coordinating government controls and protecting coastal resources, both the program and the CCMA encourage appropriate development of the coast. In particular, water dependent uses receive special treatment. Section 3(16) of the CCMA defines water dependent uses as follows:

> "Section 3(16): '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, navigational aides, basins and channels, industrial uses dependent upon waterborne 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."

In addition, a number of specific water dependent uses have been defined as in the national interest and are subject to the CCMA's national interest policy. (See Part IX for a full discussion of the national interest policy and uses.)

The general policy in section 2(a)(3) of the CCMA requires that high priority and preference be given in all government planning, regulatory, and development programs to the siting of water dependent uses along the coast. This general policy is strengthened by the specific requirement in section 2(b)(1)(A) that state and local regulatory programs given highest priority and preference to such uses. In addition, water dependent uses are given highest priority and preference in specific policies for developed shorefront areas (see Section 2(b)(2)(G) of the CCMA) and ports and harbors (see Section 2(b)(1)(C) of the CCMA). Specific water dependent uses such as boating facilities (see Section 2(b)(1)(I) of the CCMA) are specially encouraged. While the general policy establishes an overall policy for the encouragement of water dependent uses, recognizing that not all areas of Connecticut's coast are suited for such uses, the specific policies together with the state and local regulatory authorities discussed below require the evaluation of waterfront sites in light of both specific development proposals and the suitability of the site for water dependent uses which individually are of the highest priority.

Since use decisions of this nature have traditionally been, at least in part, under the jurisdiction of the municipal planning and zoning authorities, the municipal coastal site plan review requirement in Sections 11 and 12 of the CCMA require that local agencies assess the adverse impacts of proposed projects on future water dependent development opportunities. Municipal agencies must specifically determine that the adverse impacts of a project on water dependent development opportunities are acceptable (Section 12(a)). Moreover, they must insure that all reasonable measures which would mitigate adverse impacts of a project on future water dependent development activities have been incorporated in an approved project.

There are several practical consequences of these policies, standards and their implementing authorities for water dependent uses in the CCMA. First, the specific water dependent use policy in Section 2(b)(1)(A) of the CCMA requires state and local regulatory agencies to give siting preference to a water dependent project over a competing, non-water dependent project proposed for the same site. This assumes, of course, that other factors are equal - that is, the projects are consistent with all other applicable policies of the CCMA and can meet the standards for adverse impacts on coastal resources.

Second, the water dependent use policy in Section 2(b)(1)(A) of the CCMA in conjunction with local zoning authorities amended by Sections 11 and 12 of the CCMA and in conjunction with existing DEP permit authorities authorizes state and local agencies to reject a non-water dependent project, when there is no competing water dependent use, if it can be demonstrated that the site is well suited for a water dependent use and there is a reasonable expectation of demand for a water dependent use for which the site is suited. While the CCMA authorizes such rejection under the above circumstances, Sections 12(a) and 12(e) require a rejection when the impact of siting a non-water dependent use has unacceptable impacts on future water dependent development opportunities. A rejection of a non-water dependent use under these conditions would be required in instances where a viable water dependent use was being displaced, the site was uniquely suited for a water dependent use for which there was a clear, expressed demand, or where existing public access was being substantially reduced or inhibited by the proposed non-water dependent use. As noted in subpart F above, DEP will monitor state and local decisions for reasonableness in this regard.

Third, the water dependent use policy in Section 2(b)(1)(A) of the CCMA allows developers to receive highest priority and preference for projects if they are water dependent or if they incorporate as a significant aspect of the project a water dependent element, such as the provision of general public access. In this way, the CCMA encourages water dependent uses as well as discouraging non-water dependent uses.

PART VII:
PLAN COORDINATION, FEDERAL CONSISTENCY AND RESOLUTION OF CONFLICTS CONCERNING COASTAL DEVELOPMENT

A. PLAN COORDINATION

Section 306(c)(2)(A) of the federal Coastal Zone Management Act and federal regulations thereunder (15 CFR 923.56) require that, as of January 1, 1980 the contents of the state's management program have been coordinated with local, areawide and interstate plans and planning programs applicable to the coastal area. Listed below are those government agencies identified by the Connecticut Coastal Area Management Program as having major coastal related plans and planning responsibilities, as of January, 1980. A brief summary of the plan or program toward which CAM has directed its coordination efforts is also included. It should be noted that this subpart is intended to highlight major plans and planning responsibilities as required in 15 CFR 923.56(a). This subpart is not intended to provide an in-depth discussion of agency plans and planning programs not is it intended to provide a comprehensive review of all relevant agency responsibilities.* For a discussion of the roles and responsibilities of other Connecticut agencies in the CAM program, see the discussion of management roles and responsibilities in Part VI.

Department of Transportation -- The Department of Transportation prepares the annual Connecticut Master Transportation Plan which serves as the basis for implementing statewide transportation improvement programs.

Department of Economic Development -- The Department of Economic Development is presently preparing an Economic Plan for the state covering such topics as manpower training, taxation, and industrial growth and decline.

Office of Policy and Management (OPM) -- The Office of Policy and Management is charged with general state planning activities including preparation of the legislatively adopted Conservation and Development Policies Plan. OPM also shares responsibility with the Department of Economic Development and the Department of Environmental Protection for Outer Continental Shelf Exploration and other energy related planning activities.

Department of Environmental Protection -- The Department of Environmental Protection is responsible for a number of coastal related planning programs focusing upon:

- air quality (State Implementation Plan for Air Quality)
- water quality (Section 208, 303(e) and 201 planning requirements of the Clean Water Act)
- fisheries management

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* Additional information on Connecticut plans and planning programs and the relevant responsibilities of other Connecticut agencies is available in: The unpublished Department of Planning and Energy Policy report, Review of Plans and Planning Processes, prepared under contract to CAM; CAM Planning Report No. 9: Major Public and Private Interests in the Coastal Area: An Overview of the Present Management System; CAM Planning Report No. 16: Major Policy Options for State Involvement in Coastal Management; CAM Planning Report No. 21: Discussion Papers: Options and Recommendations for a Connecticut Coastal Management Program, Part II; and an unpublished CAM white paper, Recommendations for the Functional Responsibilities and Organizational Framework of the Section 306 Coastal Management Program.

- solid waste management
- recreation (State Comprehensive Outdoor Recreation Plan)
- statewide Environmental Plan

Connecticut Resources Recovery Authority -- The Connecticut Resources Recovery Authority is in the process of developing and implementing a statewide solid waste recovery system. This system is outlined in the State Solid Waste Management Plan.

Thirty-Six Coastal Municipalities -- The planning commission (or combined planning-zoning commission) of each municipality is responsible for preparing, adopting, and amending a municipal Plan of Development.

Coastal Regional Planning Agencies -- Each regional planning agency prepares a Regional Plan of Development which sets forth general use recommendations for the area under its jurisdiction.

Tri-State Regional Planning Commission -- This planning organization has broad transportation and comprehensive planning responsibilities for the interstate urban regions of Connecticut, New York and New Jersey.

New England River Basins Commission (NERBC) -- The New England River Basins Commission's planning responsibilities focus on river basin planning; comprehensive, coordinated joint planning; and regional coastal planning. To date, the Long Island Sound Study is one of the major NERBC plans concerning Connecticut's coastal resources.

In the course of developing the management program, a number of mechanisms have been utilized by the Coastal Area Management Program to ensure coordination with the above plans and planning programs. From its inception, the CAM program has been guided by an Advisory Board which has served as a major forum for program coordination. As noted in Part XI, the Advisory Board included representatives from the seven major state agencies with interests in the coast and all of the coastal regional planning agencies. The CAM Advisory Board has been utilized throughout the program's development to establish policy direction, to provide continuing advice, to act as a sounding board on major issues, and to coordinate management program development with relevant Connecticut agencies. A listing of all formal Advisory Board meetings is presented in Appendix E.

In addition, to ensure coordination during program development, CAM has maintained a continuous liaison with state, local, and regional officials. Coordination efforts with officials have included numerous workshops and meetings, widespread distribution of CAM planning reports and the Land's End newsletters, and other public participation endeavors. For a listing of CAM's meetings, workshops and public participation engagements, see Appendix E.

Contractual work assignments to independent agencies are a further mechanism which has been used by CAM to ensure coordination. In this respect, the regional planning agencies, the Office of Policy and Management, and the Department of Economic Development have contributed to program development by assisting CAM in data collection and analysis and formulation of program recommendations including review of applicable plans.

Regional and interstate coordination has been handled primarily through the A-95 review process, the New England River Basins Commission's (NERBC) Coastal Activities Committee and its working subcommittees (Coastal Zone Task Force, Dredge Management Work Group, Ports and Harbors Study Group, etc.)

and direct contacts with neighboring states. In keeping with the A-95 review requirements, CAM's federal grant applications have been circulated by the authorized "clearinghouses" (Tri-State, Connecticut River Estuary and Southeastern Regional Planning Agencies, Office of Policy and Management) for review and comment. The NERBC New York-New England Coastal Zone Task Force was organized in direct response to CZMA coordination requirements as a forum for discussion of state programs and issues of common concern. Connecticut has served as an active member of the Task Force since its inception . Connecticut has also established a number of informal working relationships with individuals in the New York and Rhode Island coastal programs thereby enhancing and faciltating the flow of information between neighboring states.

Because of CAM's ongoing coordination efforts, there are no conflicts between the management program and the previously identified local, regional, state and interstate plans and programs requiring resolution at this time. This conclusion is supported by the unpublished report prepared by the Department of Planning and Energy Policy (now the Office of Policy and Management) under contract to CAM. This report, entitled Report of Plans and Planning Processes, reviewed all major Connecticut plans and planning programs and identified no major unresolved plan conflicts with the coastal management program.

The federal regulations at 15 CFR 923.56(b)(3) require identification of both conflicts between the coastal management program and plans of a regulatory nature and the means that can be used to resolve them. As of January 1, 1980 the only plans of a regulatory nature affecting the coastal area are local planning and zoning regulations, local regulations adopted by municipalities to qualify them for participation in the federal Flood Insurance Program (42 U.S.C., section 4101 et seq) and (for towns along the lower Connecticut River valley) the standards adopted by the Connecticut River Gateway Commission. There are no conflicts between these local regulations and the state's coastal management program; Sections 11 through 15 of the Connecticut Coastal Management Act effectively amend, by state statute, the regulations of all local agencies pertaining to the coastal boundary area and require adherence to the policies in section 2 and the standards and criteria in sections 3 and 12 of the CCMA. In the case of any conflict between local regulations and the requirements of a state statute, the statutory requirements prevail and supercede conflicting local regulations. This rule of state preemption of local regulations is summarized in the case of Luaricella v. Planning and Zoning Board of Appeals, 32 Conn. Supp. 104, 343 A.2d 374:

> "The interrelationships between state and local law on the same subject matter is best expressed in the leading case of Shelton v. Shelton, 111 Conn. 433, 150 A. 811.... If the general law is enacted after the ordinance covering the same field, it will take the place of the ordinance and supercede it. If the ordinance is enacted after the general law in conflict with it, the ordinance will be void. Where the statute and ordinance deal with the same subject matter, the statutory power will prevail, to the exclusion of the ordinance, so far as they conflict."

With respect to local regulations implementing the federal Flood Insurance Program, it should also be noted that there is no substantive conflict with the state's coastal management program. The coastal boundary area includes all coastal flood hazard areas (see Part II). Local flood hazards regulations are incorporated as part of the management program and serve as minimum standards. However, in some instances the coastal hazard area policies in the CCMA (see Part IV, p. II-86) may impose more severe requirements for development in flood prone areas.

Similarly, there is no substantive conflict between the standards of the Connecticut River Gateway Commission and the state's coastal management program. After in depth review, the state has determined that there are no existing conflicts between the Commission's current standards and the coastal policies of the Connecticut Coastal Management Act (see section 16(a) of the CCMA). Section 16(b) of the CCMA requires that any future revision of the Commission's standards be consistent with the coastal policies. In addition, Section 16(c) of the CCMA requires that Commission approvals of regulations of municipalities participating in the conservation zone program must also be consistent with the coastal policies.

B. CONTINUING PLAN COORDINATION

The Connecticut Coastal Management Act incorporates a number of provisions designed to ensure continuing cooperation, consultation and coordination with the planning programs identified in subpart A (above). The mechanisms for continuing coordination are discussed below.

Coordination of State Plans -- Section 20(a) of the CCMA requires that all major state plans affecting the coastal area be consistent with the coastal policies in section 20 of the Act. Existing plans are required to be revised, if necessary, by July 1, 1981 after consultation with the Commissioner of DEP to insure such consistency.

Local Plans -- Sections 7, 8 and 10 of the CCMA require that municipalities adopting a coastal program shall be consistent with the coastal policies in revising and amending local plans. The plans of municipalities which do not choose to prepare a coastal program need not be consistent with the coastal policies in revising and amending local plans. The plans of municipalities which do not choose to prepare a coastal program need not be consistent with the coastal policies, because, as noted in Part VI, such municipalities are required to be consistent with the coastal policies in making determinations concerning development project coastal site plan reviews. The coastal site review process is the primary implementing authority at the local level and will, in those municipalities not revising plans, serve as an ad hoc planning process.

Regional Planning Agencies Development Plans -- Section 8-35a of the General Statutes requires that the preparation of a regional plan of development "be based on studies of physical, social, ecomonic and governmental conditions and trends." Since the CAM Program is a major "government condition" the regional planning agencies must consider the CAM Program and the coastal policies in revising regional plans.

Coordination with Interstate Plans -- Coordination with the Tri-State Regional Planning Commission and the New England River Basins Commission (including, in particular, its New York-New England Coastal Zone Management

Task Force) will be handled through the state's representatives to those organizations.

Coordination with Federal Plans -- Coordination with federal agencies will be handled through both the "federal consistency" process (see the discussion on federal consistency in subpart C below) and through the "A-95" review process. Federal agencies have also had an opportunity to comment on the state's developing management program through direct solicitation of views, meetings and workshops (see Part XI). These contacts and activities will be continued during the management program.

Other Means of Plan Coordination -- Consultation with state and regional planning agencies will also be maintained through the continued existence of the CAM Advisory Board. The CAM Advisory Board has representatives of both state and regional planning agencies and will continue to advise the Commissioner on coastal management issues.

Continuing contact with municipal officials is also a major responsibility of the Department of Environmental Protection. Section 17 of the CCMA requires DEP to monitor and evaluate municipal coastal management activities, while section 5 requires DEP to consult regularly with municipal officials, to hold periodic workshops for them and to provide technical information and staff assistance upon municipal request. Furthermore, in order to provide coastal municipalities an adequate opportunity to comment on major program decisions and to satisfy the requirements of section 306(c)(B) of the federal CZM Act and the federal regulations, thereunder, (15 CFR 923.57) the Department of Environmental Protection will notify in writing those municipalities whose zoning authority may be affected by a proposed major program decision as defined in section 923.57(b)(2)(ii) of the federal regulations. Upon receipt of such notice, affected municipalities will be given a thirty (30) day review period (during which they may provide written comments including any recommended alternatives to the proposed decision, providing that no action is taken by a municipality which would interfere or conflict with the proposed decision). DEP will consider such comments and will hold a public hearing, as appropriate, prior to implementing the decision at the end of the thirty (30) day period. In the event that the program decision involves adoption of an administrative regulation, the hearing notice and other procedural requirements of the state's Uniform Administrative Procedures Act (C.G.S. Chapter 54) will be followed and affected municipalities will be given at least thirty (30) days notice.

In addition, section 17(c) of the CCMA requires DEP to prepare and submit an annual report to the General Assembly and Governor. Among the items which must be explicitly addressed in the report is coordination with other state, federal, regional and municipal programs.

C. FEDERAL CONSISTENCY

Introduction

The federal Coastal Zone Management Act of 1972 (as amended) requires that each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs. If a state determines that an activity will be inconsistent with its management program, the federal agency sponsoring or undertaking that activity may not proceed with that particular activity, project or plan unless the Secretary of Commerce finds that such activity, project or plan is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security.

The Office of Coastal Zone Management has provided coastal states, federal agencies and other interested parties with regulations (15 CFR Part 930, 44 Federal Register p. 37142, June 25, 1979) that set forth the policies and procedures necessary for the implementation of the federal consistency provisions (section 307) of the Coastal Zone Management Act of 1972(as amended).

The state agency designated to administer and review federal actions in Connecticut to determine their consistency with the state's coastal management program is the Department of Environmental Protection. In the DEP, the Coastal Management Unit is responsible for securing the necessary review and comment from other state, regional or local government agencies and is authorized to comment officially on a federal consistency determination, concur with or object to a consistency certification, or determine the consistency of a proposed federal assistance activity.

The following guidelines, which provide consistency review procedures for each of the four categories of federal activities outlined in the federal regulations mentioned above, have been designed to incorporate three management principles.

The first is to arrange early consultation between state and federal officials and applicants to federal agencies. Federal agencies and applicants proposing to conduct an activity for which a consistency review is or may be required should consult DEP's Coastal Management Unit as early as possible in the planning of the activity. This will allow the Coastal Management Unit to advise the agency or applicant of the relevant coastal policies and provisions of the Connecticut Coastal Management Plan, and will help to eliminate any potential conflicts before extensive work on a particular proposal has been completed. The Coastal Management Unit feels that implementing this principle will establish more efficient coordination between state and federal activities and will avoid unnecessary or duplicative procedures.

The second is to avoid unneeded duplication of information. Whenever possible, the Coastal Management Unit will base its consistency determination on documents required for compliance with federal regulations or approval. Generally these will include environmental impact statements and assessments, applications for federal permits and licenses, federal grant applications, and supporting information.

The third is to keep information requirements at a manageable level. Whenever additional information is needed to make a consistency determination, the Coastal Management Unit will promptly notify the federal agency or applicant that additional information is needed, will specify in detail the nature of the required information, and will advise the agency or applicant why it is needed.

General Definitions--The term "Act" means the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.).

The term "Section" means a section of the Coastal Zone Management Act of 1972, as amended.

The term "Secretary" means the Secretary of the U.S. Department of Commerce.

The term "Executive Office of the President" means the office, council, board, or other entity within the Executive Office of the President which shall participate with the Secretary in seeking to mediate serious disagreements which may arise between a Federal agency and a coastal State.

The term "OCZM" means the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

The term "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

The term "Federal agency" means any department agency, board, commission, council, independent office or similar entity within the executive branch of the Federal Government, or any wholly owned Federal Government corporation.

The term "State agency" means the agency of the State government designated pursuant to section 306(c)(5) of the Act to receive and administer grants for an approved coastal management program, or a single designee State agency appointed by the 306 (c)(5) State agency. Any appointment by the 306 (c)(5) State agency of a designee agency must be described in the State's management program. In the absence of such description, all consistency determinations, consistency certifications and Federal assistance proposals shall be sent to and reviewed by the 306 (c)(5) State agency.

The State agency is responsible for commenting on Federal agency consistency determinations, concurring with or objecting to consistency certifications for Federal licenses, permits, and Outer Continental Shelf plans, and reviewing the consistency of Federal assistance activities proposed by State or local government agencies. The State agency shall be responsible for securing necessary review and comment from other State, regional, or local government agencies. Thereafter, only the State agency is authorized to comment officially on a Federal consistency certification, concur with or object to a consistency certification or determine the consistency of a proposed Federal assistance activity.

The term "management program" has the same definition as provided in section 304(11) of the Act, except that the term is limited to those management programs adopted by a coastal State in accordance with the provisions of section 306 of the Act, and approved by the Assistant Administrator.

Federal consistency regulations (15 CFR Part 930) set up four categories of federal actions that require a consistency review. These categories are as follows: direct federal activities; federally licensed and permitted activities; federally licensed and permitted activities described in detail in OCS* (Outer Continental Shelf) plans; and federal assistance to state and local governments. Direct federal activities that "directly affect" the coastal area must be conducted in a manner that is consistent to the "maximum extent practicable" with Connecticut's approved coastal management program for those federal activities affecting land or water uses in the coastal zone. Activities in the latter three categories must be certified by the Coastal Management Unit as being "consistent" with its management program before the license, permit or grant is approved by the federal agency.

It should be pointed out that federal consistency does not require a federal agency to approve activities which the state has determined to be consistent with its coastal management program. A state determination on consistency is a necessary but insufficient requirement for federal decisions concerning licenses, permits or assistance grants.

Also, federal consistency does not refer to the consistency of state permit decisions and state coastal policies. Section 307 of the Coastal Zone Management Act applies only to federal activities. Whether a state regulatory decision is consistent with the policies governing that decision is a matter of state law.

Consistency is required for federal activities "directly affecting" or "affecting" the coastal zone. Activities not directly affecting or affecting the coastal zone are not subject to review. The federal regulatory format requires that the initial determination that an activity does or does not directly affect the coastal zone be made by the person or agency seeking to conduct that activity, unless the state has already done so. The Connecticut Coastal Management Unit regards the specific activities listed below (for each of the four categories mentioned above) as activities requiring a consistency review. Activities not contained in these lists ("unlisted activities") may also directly affect the coastal area. The Coastal Management Unit reserves the right to notify persons or agencies that a consistency review is required for such an unlisted activity.

The geographic scope of the Connecticut Coastal Management Plan is described in Section II, Part II of this document and a map of the coastal boundary is presented in the back cover of this document.

The consistency review requirement will, in some cases, extend beyond those activities taking place within the coastal boundary. Activities on federal lands and on other lands outside the boundary are subject to consistency review if it is found that they may directly affect the coastal zone (15 CFR 930.33c). Whether these "spillover effects" will have such an impact will depend generally on the type of activity to be conducted, its magnitude, and its proximity to the coastal zone. Agencies and persons proposing to conduct an activity with potential spillover impacts should consult with the Coastal Management Unit early in the planning process in order to avoid later problems.

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* OCS Plan - the term "OCS Plan" means any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 USC Sec. 1331 et. seq.).

Direct Federal Activities (15 CFR 930.31)

General -- Direct federal activities include any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities. A development project is defined as any federal activity involving the planning, construction, modification or removal of public works facilities or other structures, and the acquisition, utilization, or disposal of land or water resources.

Federal activities other than development projects may be viewed as a residual category covering federal actions which are neither federal development projects nor activities covered by the Federal License and Permits and the Federal Assistance to State and Local Governments sections discussed below. An example would be federal assistance for housing development to entities other than state and local governments, such as to private or non-profit interests or Indian tribes.

Activities and Projects Subject to Consistency Review -- Federal activities and development projects are subject to consistency review if it is determined that these activities or projects will "directly affect" the coastal area. Actions or projects are deemed to have a "direct effect" if they cause:

- Changes in the manner in which land, water, or other coastal area natural resources are used;
- limitation on the range of uses of coastal area natural resources; or
- changes in the quality of coastal area natural resources.

The term "directly affect" or "affecting the coastal zone" describes the coastal zone effect caused by a federal activity (including development projects), a federal license or permit activity (including OCS activities), or a federal assistance activity which is sufficient to trigger the responsibility for complying with federal consistency requirements.

The issue of whether a particular type of federal action (e.g. federal activity, development project, license, permit or assistance) directly affects the coastal zone is separate from whether the proposed action satisfies the relevant consistency requirements of the Act. The former issue simply addresses a test (described above) which, once met by a federal action, leads to an opportunity for state agency review of the proposed action. During the consistency review stage, the issue of the consistency of the proposed federal action (with the state's management program) is analyzed and resolved.

Under the consistency regulations, direct federal activities and development projects within the coastal boundary must be consistent with the management program to the "maximum extent practicable." According to the federal regulations, "maximum extent practicable" means "to be fully consistent with such programs unless compliance is prohibited based on the requirements of existing law applicable to the federal agency's operations." It should be noted that a federal license or permit activity (including OCS activities), or a federal assistance activity must meet simple "consistent with the state's management program" criteria.

Federal agencies shall determine which of their activities directly affect Connecticut's coastal area and shall consider all development projects within the coastal boundary to have a direct effect. In order to facilitate this determination, a listing of federal activities and development projects which are likely to directly affect the coastal area and, if so, would require a consistency determination under Section 307(c)(1) are provided below:

Federal Agency	Activity or Development Project
Army Corps of Engineers Department of Defense	- Proposed authorizations for dredging, channel improvements, other navigation works, beach replenishment, erosion control structures, dams or flood control works, maintenance dredging.
	- land acquisition for spoil disposal or other purposes
	- selection of open water disposal sites
Other Department of Defense Agencies	- location, design, acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
	- plans, procedures and facilities for handling or storage of hardous materials
	- establishment of impact, compatibility or restricted uses zones.
Department of Transportation	- location, design, construction or enlargement of Coast Guard stations.
	- location, placement or removal of air or sea navigation devices.
	- expansion, abandonment, designation of anchorages, lightering areas, shipping lanes or pilot areas.
Department of Energy	- prohibition orders
Department of Interior	- proposed land acquisition by the U.S. Fish and Wildlife Service or the National Park Service.
	- OCS lease sales and other actions taking place on the Outer Continental Shelf, including but not limited to operating orders, etc. (see number 2 on p. II-231).

Federal Agency	Activity or Development Project
	- development of federal minerals ownership (FMO) rights
General Services Administration	- location and design of proposed federal government property or buildings whether leased or owned by the federal government
	- disposal of federal surplus lands and approval
National Marine Fisheries Service (and North Atlantic Fisheries Management Council)	- preparation and approval of plans and implementing mechanisms pursuant to management of fisheries within the 200 nautical mile extended jurisdiction
Amtrak, Conrail	- expansions, curtailments, new construction, upgradings, or abandonments of railroad facilities or services in or affecting the state, including actions regarding the Northeast Corridor Realignment

Generally, the following types of activities and development projects whether or not listed above are generally assumed to directly affect Connecticut and, therefore, are subject to a consistency determination.

1. Actions on Excluded Federal Lands

   - any activity which would cause a discharge which otherwise would be subject to Connecticut air, water or hazardous materials regulations.

   - any activity in a flood prone or erosion prone area which would lead to a significant change in drainage patterns, run-off coefficients, or sediment loadings.

   - any activity which would result in a significant change in land or water use/development patterns or which would require major new public investment.

2. Actions Outside the Coastal Management Area/State:

   - any activity or development project (landward or seaward of the management area) which would result in a significant change in air or water quality within the management area.

   - construction of a major federal facility in close proximity to Connecticut which could result in significant land or water use impacts, or require major public investment, or adversely affect the state's economy.

Notes

(1) Activities and development projects listed above should be reviewed specifically with respect to their impacts on:

- Water quality
- Air quality
- Living resources, both terrestrial and marine
- Natural, scenic, historic and cultural areas
- Social and economic resources land use patterns
- Effect on public facility and service investment
- Plans and regulations of state and local governments
- Recreational and visual access to coastal waters

(2) The state recognizes the need to maintain flexibility in this process and acknowledges that a shorter review time or the development of consistency agreements and waivers may be necessary in the interests of national security or other overriding national interest.

(3) The state through negotiation with federal agencies may enter into agreements limiting the applicability of consistency review based upon the scope, size, location or other characteristics of the proposed action. (ref. Sec. 22a-96 of the Connecticut General Statutes)

Notification Process--Federal agencies must provide the Connecticut Coastal Management Unit with consistency determinations at the earliest practicable time in the planning of the activity, preferrably before the activity or project reaches a decision stage likely to restrict the evaluation of alternative approaches. In any case, the consistency determination must be provided to the Coastal Management Unit at least 90 days before final approval of the federal activity or project. Although use of existing notification procedures is not required, federal agencies are encouraged to provide consistency determinations through existing mechanisms such as OMB Circular A-95 and NEPA environmental impact statements.

The consistency determination must contain the following:

- a brief statement indicating whether or not the proposed activity or project will be undertaken in a manner consistent to the maximum extent practicable with the Connecticut Coastal Management Plan:
- an evaluation of the relevant provisions of the program, particularly the coastal policies contained in the Connecticut Coastal Management Plan;
- a detailed description of the activity or project, associated facilities, and related coastal area effects;

- comprehensive data and information sufficient to support the federal agency's consistency statement.

If a federal agency decides that a consistency determination is not required for a federal activity (1) identified by a state agency on its list, (2) which is the same as or similar to activities for which consistency determinations have been prepared in the past, or (3) for which a federal agency undertook a thorough consistency assessment and developed finding on the effects of the activity on the coastal zone, the federal agency shall provide the state agency with a notification, at least 90 days before final approval of the activity, setting forth the reasons for its negative determination.

State Review Process--Pursuant to Secion 930.41 (15 CFR Part 930) the state shall inform the federal agency of its agreement or disagreement with the federal agency's consistency determination at the earliest practicable time, but in no case later later than 45 days following receipt of federal notification, unless an extension has been granted. State concurrence is presumed if no response is received within the 45 day period. The state may request and shall be given one 15 day extension; longer or additional extensions may be granted by the federal agency. If notice is made through the A-95 process and the Coastal Management Unit cannot complete its review within the A-95 required 30 day review period, the Coastal Management Unit will notify the A-95 clearinghouse that additional time is required and the reason for the delay.

Upon receipt of federal notification, the Coastal Management Unit will notify the Coastal Area Management Advisory Board and any affected agencies, organizations or individuals. Additionally, the Planning and Coordination/Coastal Management Unit with the Department of Environmental Protection will notify all affected DEP units. The Unit shall be responsible for compiling comments and responding to the federal agency. If notice is received through the A-95 Clearinghouse, a copy of the comments and the response will also be sent to the Clearinghouse.

If the Coastal Area Management Advisory Board elects to review the federal agency's consistency determination, the Advisory Board review will include consideration of the application and supportive information to determine if:

(a) the proposed activity conflicts with the objectives and policies of the Connecticut Coastal Management Plan;

(b) the proposed activity by itself, or in consideration with existing projects, would cause a violation of a Connecticut statute or regulation contained in the program or result in an adverse impact of an unacceptable nature as defined by the management program; or

(c) alternative measures exist, which if adopted by the applicant would permit the proposed activity to be conducted in a manner consistent with the management program.

The Advisory Board will render its recommendation to the Coastal Management Unit and such recommendation will be part of the record upon which the unit's consistency certification decision is based.

State Agency Disagreement -- In the event that the Coastal Management Unit disagrees with the federal agency's consistency determination, the Coastal Management Unit will respond to the agency with its reasons for disagreement and any necessary supporting information. The response will describe:

(a) how the proposed activity will be inconsistent with specific elements of the Coastal Management Plan;

(b) alternative measures, if feasible, which if adopted by the federal agency would make the proposed action consistent; and

(c) the nature and necessity of additional information that would be necessary to determine the consistency of the activity or development.

The Coastal Management Unit will send copies of its objections to the affected federal agency and to the Assistant Administrator of NOAA (National Oceanic and Atmospheric Administration).

In the event of disagreement, the state will utilize the remaining portion of the 90 day review period to attempt to resolve its differences with the federal agency.

Mediation -- Provisions have been made and a procedure described in subpart G of NOAA regulations published in the Federal Register of June 25, 1979 (15 CFR Part 903 Section 930.110 through 930.116) by which the Secretary of Commerce may mediate disagreements arising from consistency determinations for (a) federal activities and development projects; (b) federal licenses and permits; (c) OCS plans; and (d) federal assistance to state and local governments.

The purpose of the rules in subpart G is to describe mediation procedures which federal and state agencies may use to attempt to resolve serious disagreements which arise during the administration of approved management programs.

The availability of mediation does not preclude use by the parties of alternative means for resolving their disagreement. In the event a serious disagreement arises, the parties are strongly encouraged to make every effort to resolve the disagreement informally. OCZM shall be available to assist the parties in these efforts.

The Secretary or other head of a federal agency, or the Governor or the Commissioner of the Department of Environmental Protection may notify the Secretary in writing of the existence of a serious disagreement, and may request that the Secretary seek to mediate the serious disagreement. A copy of the written request must be sent to the agency with which the requesting agency disagrees, and to the Assistant Administrator.

Within 15 days following receipt of a request for mediation the disagreeing agency shall transmit a written response to the Secretary, and to the agency requesting mediation, indicating whether it wishes to participate in the mediation process. If the disagreeing agency declines the offer to enter into mediation efforts, it must indicate the basis for its refusal to participate in mediation efforts, the Secretary shall seek to persuade the disagreeing agency to reconsider its decision and enter into mediation efforts. If the disagreeing agencies do not agree to participate, the Secretary will cease efforts to provide mediation assistance.

If the parties agree to the mediation process, the Secretary shall appoint a hearing officer who shall schedule a hearing in the local area concerned. The hearing officer shall give the parties at least 30 days notice of the time and place set for the hearing and shall provide timely public notice of the hearing.

At the time public notice is provided, the Federal and State agencies shall provide the public with convenient access to public data and information related to the serious disagreement.

Hearings shall be informal and shall be conducted by the hearing officer with the objective of securing in a timely fashion information related to the disagreement. The Federal and State agencies as well as other interested parties, may offer information at the hearing subject to the hearing officer's supervision as to the extent and manner of presentation. Unduly repetitious oral presentation maybe excluded at the discretion of the hearing officer with a written submission of the proposed oral presentation. Hearing will be recorded and the hearing officer shall provide transcripts and copies of written information offered at the hearing to the Federal and State agency parties. The public may inspect and copy the transcripts and written information provided to these agencies.

Following the close of the hearing, the hearing officer shall transmit the hearing record to the Secretary. Upon receipt of the hearing record, the Secretary shall schedule a mediation conference to be attended by representatives from the Office of the Secretary, the disagreeing Federal and State agencies, and any other interested parties whose participation is deemed necessary by the Secretary. The Secretary shall provide the parties at least 10 days notice of the time and place set for the mediation conference.

Mediation shall terminate (a) at any time the Federal and State agencies agree to a resolution of the serious disagreement, (b) if one of the agencies withdraws from mediation, (c) in the event the agencies fail to reach a resolution of the serious disagreement within 15 days following secretarial conference efforts, and the agencies do not agree to extend mediation beyond that period, or (d) for other good cause.

The availability of mediation services is not intended expressly or implicitly to limit the parties' use of alternate forums to resolve disputes. Specifically, judicial review where otherwise available by law may be sought by any party to a serious disagreement without first having exhausted the mediation process.

Federal Licenses and Permits (15 CFR 930.50)

General--The term federal license or permit means any authorization, certification, approval or other form of permission which any federal agency is impowered to issue to an applicant. OCS leases and permits are not covered in this definition and they are explained in detail in the following section describing OCS Exploration, Development and Production Activities.

Applicants for federal licenses or permits for activities affecting the coastal area or for renewals or amendments to such licenses or permits shall provide the Coastal Management Unit with a certification that the proposed activity is consistent with the Coastal Management Plan. Federal agencies may not issue a license or permit if the state objects to the applicant's consistency certification unless the U.S. Secretary of Commerce finds that a proposal is consistent with the purpose of the Federal CZMA or is necessary in the interest of national security.

Prior to or concurrent with the consistency review process, any appropriate state permit applications should be submitted to the Department of Environmental Protection. If the Coastal Management Unit receives a consistency certification for an activity which requires a state permit but for which no permit application has been submitted, the Coastal Management Unit will advise the agency or person proposing to conduct the activity that such a permit, or permits, is required.

Listed Licenses and Permits--All the licenses and permits listed below for activities occuring within Connecticut's coastal management boundary are considered as significantly affecting Connecticut's coastal zone and, therefore, are subject to consistency certifications and review.*

Federal Agency	License or Permit and Statutory Citation
Army Corps of Engineers Department of Defense	- Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Section 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403) - Establishment of harbor lines pursuant to Secion 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404,405) - Occupation of sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) - Approval of plans for improvements made at private expense under USACE supervision pursuant

(*) Mechanisms may be developed to allow for a waiver of certain steps in the State Review Process for projects covered by listed permits and licenses. Such waivers will be based on the size, scope, location and extent of State and local control of the proposed activity and shall be negotiated pursuant to Sec. 22a-96 of the Conn. General Statutes.

Federal Agency	License or Permit and Statutory Citation
Army Corps of Engineers Department of Defense	to the Rivers and Harbor Act of 1902 (33 U.S.C. 565)
	- Discharge of dredged spoils into the waters of the United States pursuant to the Clean Water Act, Section 404(33 U.S.C. 1344).
	- All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)
	- Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.)
Coast Guard Department of Transportation	- Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455
	- Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501)
Environmental Protection Agency	- NPDES permits and other permits for federal installations, discharges in contiguous zones and ocean waters, sludge runoff permits and agriculture pursuant to Sections 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343 and 1328)
	- Permits pursuant to the Resources Recovery and Conservation Act of 1976
	- Permits pursuant to the underground injectic control program under Section 1424 of the Safe Drinking Water Act (42 U.S.C. 300h-c)
	- Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857)
Nuclear Regulatory Commission	- Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

Federal Agency	License or Permit and Statutory Citation
Federal Energy Regulatory Commission	- licenses and permits ordering interconnection of electric transmission lines or issuing certificates of public convenience and necessity for interstate natural gas transmission, including approval of LNG sites pursuant to the Federal Power Act, the Energy Reorganization Act of 1974 and the Natural Gas Act.
	- siting, construction and operation of non-nuclear power plants.
Department of Energy	- Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
	- exemptions from prohibition orders
U.S. Geological Survey Department of the Interior (*)	- permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans.
Bureau of Land Management (*) Department of the Interior	- permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931(c) and 20 U.S.C. 185.
Fish and Wildlife Service Department of the Interior	- endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

(*) These activities may be covered under review of OCS plans. If the permits and licenses are part of such plan no separate review will be required.

As a convenience to applicants, federal agencies are requested to list the requirements for consistency determinations on their application forms and inform the applicant of the address and telephone number of the designated Connecticut consistency agency (Coastal Management Unit).

At the same time that an application for a listed federal license or permit is submitted to the federal agency, the applicant will transmit a copy of the application and consistency certification in the form specified by Sections 930.57 and 930.58 to the state. If the application would ordinarily be sent to a state agency other than the Coastal Management Unit, a copy must also be sent to the Coastal Unit.

State Review Process -- Pursuant to Section 930.60, state review of a federal license or permit application commences at the time the Coastal Management Unit receives a copy of the consistency certification and supportive information in the form specified under Sections 930.57 and 930.58. Public notification of the application will be carried out by the most applicable procedure listed below. Wherever possible, federal and state agencies are encouraged to issue joint public notices to minimize duplication of effort and to avoid unnecessary delays.

(a) In cases where a federal agency reviewing an application for a license or permit is required to give public notification such as through NEPA environmental impact statements, the Coastal Management Unit will rely upon these notification procedures.

(b) In those cases that require public notification by a state agency (NPDES, 401 Water Quality, USACE 404 Permits, etc.), notification will be carried out by the state agency utilizing that agency's notification procedures as well as required state procedures.

State Concurrence with a Consistency Certification - Notice and Process-- At the earliest practicable time, and generally with 60 days after receipt of the certification in acceptable form, the Coastal Management Unit shall notify the federal agency and the applicant whether it concurs or objects to the consistency certification. Concurrence shall be in writing. (If the Coastal Unit has not issued a decision within 90 calendar days of the commencement of the review, the Coastal Unit shall notify the federal agency and the applicant of the status of the matter and the basis for further delay). Concurrence by the Coastal Management Unit shall be automatically and conclusively presumed if the Coastal Management Unit does not respond within six months of the commencement of the review.

Federal Action When the Coastal Management Unit Concurs with a Consistency Certification -- If the Coastal Management Unit issues a concurrence (or concurrence is conclusively presumed) with the applicant's consistency certification, the federal agency may approve the application for a license or permit. If a federal agency determines that it will deny an application, early notification to the Coastal Unit is desired in order to avoid an unnecessary consistency review.

Licenses and permits listed which relate to activities occurring outside the boundary established pursuant to Connecticut's Coastal Management Plan will be considered to affect the coastal zone (i.e. subject to a consistency review) if they:

(a) could result in a significant change in air or water quality or quantity within Connecticut's coastal boundary; or

(b) involve activities in close proximity to Connecticut's coastal boundary and could lead to significant land or water use pattern impacts, require new or expanded facilities or services within Connecticut, or have the potential to adversely impact the conduct of commerce, trade or agricultural pursuits within Connecticut; or

(c) involve actions which could impact commercial or recreational fishing, marine transportation, or other uses of the state's coastal waters or submerged lands; or

(d) involve the transport, storage or handling of hazardous or toxic materials such that spills or other accidents could impact Connecticut's land or waters.

The list of federal licenses and permits may be refined by the Coastal Management Unit following consultation with the affected federal agency and approval of additions or deletions by the Assistant Administrator of NOAA.

Unlisted Licenses and Permits -- Section 930.54 of the federal regulations pertaining to Federal Consistency (15 CFR 930) provides that state agencies, with the assistance of federal agencies, may monitor other federal license and permit activities which may reasonably be expected to affect the state's coastal zone. Connecticut proposes to monitor other federal license and permit activities through the A-95 process, state and regional clearinghouses, NEPA environmental impact statements, and routine reporting of regional resource agencies (New England River Basins Commission, New England Regional Commission, etc.).

Notification Process - Applicant's Responsibility -- Federal agencies are required to inform applicants for listed federal licenses and permits of the applicant's responsibilities for notification to the state and submission of required information including a consistency certification. Form of notice and the consistency certification shall comply with Sections 930.57 and 930.58 (15 CFR Part 930).

These requirements shall also apply to unlisted licenses and permits and to licenses and permits for activities occurring outside of Connecticut's coastal management boundary if the Coastal Management Unit notifies the federal agency, the applicant and the Assistant Administrator of NOAA within 45 days of the public notice of the federal license or permit.

Applicants should, as a preliminary matter, seek the views of the state and seek the assistance of the Coastal Management Unit regarding the means for ensuring the proposed activity will be coordinated in a manner consistent with the Connecticut program.

Federal Action When the Coastal Management Unit Objects to a Consistency Certification -- At any time during the six months following commencement of the review period, the Coastal Unit may object to the consistency certification. Such objection will be contained in a written notice to the applicant, the federal agency and the Assistant Administrator of NOAA. The notice will describe how the proposed activity is inconsistent, any alternatives which will make the project or activity consistent, and the nature and necessity of any information required to determine program consistency. Upon receipt of the state's objection, the federal agency shall be prevented from granting the federal license or permit, except where permitted upon approval by the Secretary of Commerce based upon a finding that the proposed activity is consistent with the purposes of the Federal Coastal Zone Management Act or in the interest of national security (15 CFR 930, subpart H).

Mediation -- See Mediation section contained under Direct Federal Activities section.

Waiver of Review -- The Coastal Management Unit may, after program approval, establish procedures to waive the consistency review for certain classes or types of projects based on a consideration of their size, scope, location or extent of state and local control. Such waivers will be considered whenever the objectives of the Coastal Management Program are met, when in the opinion of the state adequate safeguards are built into state and local permitting authority, or when the interests of the public and the applicant are best served by such action. Waivers will apply only to the State Review Process set forth above, not to the requirements placed on the applicant for a consistency determination.

OSC Exploration, Developement and Production Activities (15 CFR 930.70)

General -- Subpart E of 15 CFR Part 930 provides that OCS* plans submitted to the U.S. Secretary of the Interior for Outer Continental Shelf exploration, development and production, and all associated federal licenses and permits described in detail in such OCS plans, shall be subject to a determination of their consistency with a state's coastal management program. To be included in a consistency determination are: (a) license and permit activities which are described in detail in the OCS plan, such as, permits to drill, rights-of-use and easements for the construction and maintenance of structures, platforms, gathering and flow lines; and (b) OCS-related licenses and permits, such as for pipelines crossing federal land, including OCS lands, artificial islands or other fixed structures, transport of dredged materials, and discharge or emissions subject to the Federal Water Pollution Control Act of 1972 or the Clean Air Act of 1970.

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*OCS Plan - the term "OCS Plan" means any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 USC Sec. 1331 et. seq.).

It should be noted that the Department of the Interior's OCS prelease sale "activities", such as determination of tracts to be offered and choice of lease sale stipulations, are subject to the requirements of Subpart C (Federal Activities). OCS plan federal license and permit activities which are not required to be described in detail in the plan are subject to the requirements of Subpart D (Federal License or Permit).

A certification of consistency for activities described in detail in the OCS plan shall be attached to the OCS plan at tne time it is submitted to the Secretary of the Interior. No federal official or agency shall grant any license or permit for activities described in detail in the OCS plan until the state has received such certification and plan together and until the state has concurred or conclusive concurrence is presumed.

Notification Process -- Any person submitting to the U.S. Secretary of the Interior any OCS plan must provide the Department of the Interior with a consistency certification, attached to the OCS plan, and must furnish the Coastal Management Unit with a copy of the OCS plan (excluding proprietary information) and a consistency certification.

When satisfied that the proposed activities described in detail in the OCS plan meet the federal consistency requirements, the OCS lessee or operator shall declare in the consistency certification that :

> "The proposed activities described in detail in this plan comply with Connecticut's approved Coastal Management Plan and will be conducted in a manner consistent with such plan".

Supporting information to accompany the certification will include comprehensive offshore, nearshore and onshore data and material required by the Department of the Interior's operating regulations governing exploration, development and production operations on the OCS (30 CFR 250) and regulations pertaining to the Interior's OCS information program (30 CFR Part 252) and must also include a brief assessment of the probable coastal zone effects and a brief set of findings indicating that the proposed activities, their associated facilities, and their combined effects, are all consistent with the provisions of the management program.

State Review Process -- The Coastal Management Unit will utilize the review process described under Federal Licenses and Permits for purposes of consistency review of OCS exploration, development and production activities. Any Department of the Interior OCS prelease sale activities, such as determination of tracts to be offered and choice of leases sale stipulations will be reviewed under the process described in the Direct Federal Activities section.

State Concurrence with Consistency Determination -- At the earliest practicable time, and generally within 60 days, the Coastal Unit will notify the person and federal agency whether it concurs with or objects to the consistency certification. If the state issues a concurrence, it will notify the Secretary of Commerce, the Secretary of the Interior and the Assistant Administrator of NOAA. Concurrence by the state agency shall be conclusively presumed in the absence of an objection within three months following commencement of state review.

If the Coastal Unit has not issued a decision within 90 days following the beginning of review, it will notify the person, the Department of the Interior and the Assistant Administrator of NOAA of the status of the review and the basis for further delay in issuing a final decision.

If the state issues a concurrence or is conslusively presumed to concur, the person will not be required to submit additional certifications and supporting information for state review at the time federal applications are actually filed for the federal permit activities described in detail in the OCS plan provided that the OCS plan is not amended or substantially altered. The lessee or operator must, however, supply the Coastal Management Unit with copies of permit applications to allow the state to monitor the approved OCS activities.

State Objection to a Consistency Determination -- In the event the state objects to the person's OCS plan certification, it will accompany its objection with reasons and supporting information concerning each activity which the state finds to be inconsistent with the Coastal Management Plan. The state's objection will include a statement informing the person of a right to appeal to the Secretary of Commerce on the grounds described below. Following the receipt of a state agency objection, federal agencies may not issue any of the licenses or permits for activities described in detail in the OCS plan, unless the Secretary of Commerce finds that such activities are consistent with the objectives of the CZMA, or is necessary in the interest of national security.

Mediation -- See Mediation Section contained under Direct Federal Activities.

Federal Assistance to State and Local Governments (15 Cfr 930.90)

General -- Federal assistance to state and local governments for projects affecting the coastal area may not be granted until the Coastal Management Unit certifies that the activity will be consistent with the Connecticut Coastal Management Plan, unless the Secretary of Commerce finds that the proposal meets the objectives of the federal CZMA or is necessary in the interest of national security.

The Coastal Management Unit will consider an activity consistent if it does not conflict with the Coastal Policies contained in the Connecticut Coastal Management Plan or is the available alternative most supportive of that plan.

The term "federal assistance " means assistance provided under a federal program to an applicant through grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other forms of financial aid. The term "applicant" refers to any unit of state or local government that submits an application for federal assistance after the date that the Connecticut Coastal Management Plan has received federal approval.

Listing of Applicable Federal Assistance Programs -- Federal regulations, 15 CFR 930.94, require that the state list the specific federal assistance programs subject to consistency review. The following is a list of federal assistance programs subject to consistency review.

DEPARTMENT OF AGRICULTURE

10.409 Irrigation, Drainage, and other Soil and Conservation Loans
10.414 Resource Conservation and Development Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection Flood Prevention Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.901 Resource Conservation and Development (construction only)
10.904 Watershed Protection and Flood Prevention (construction only)

DEPARTMENT OF COMMERCE

11.300 Economic Development Grants and Loans for Public Works and Development Facilities
11.304 Economic Development-Public Works Impact Projects
11.310 Local Public Works Capital Development and Investment Act of 1976 Projects
11.407 Commercial Fisheries Research and Development
11.501 Development and Promotion of Ports and Intermodel Transportation

DEPARTMENT OF DEFENSE

12.101 Beach Erosion Control Projects
12.106 Flood Control Projects
12.107 Navigation Projects
12.108 Snagging and Clearing for Flood Control
12.109 Protection, Clearing and Straightening Channels

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.001 Flood Insurance
14.112 Mortgage Insurance-Construction or Rehabilitation of Condominium Projects
14.115 Mortgage Insurance-Development of Sales-Type Cooperative Projects
14.124 Mortgage Insurance-Investor Sponsored Cooperative Housing
14.125 Mortgage Insurance-Land Development and New communities
14.126 Mortgage Insurance-Management Type Cooperative Projects
14.127 Mortgage Insurance-Mobile Home Parks
14.128 Mortgage Insurance-Hospitals
14.129 Mortgage Insurance-Nursing Homes and Related Care Facilities
14.207 New Communities-Loan Guarantees
14.218 Community Development Block Grants/Entitlement Grants
14.219 Community Development Block Grants/Discretionary Grants
14.701 Disaster Assistance

DEPARTMENT OF THE INTERIOR

15.802 Minerals Discovery Loan Program
15.950 Additional Water Resources Research

DEPARTMENT OF TRANSPORTATION

20.102 Airport Development Aid Program
20.205 Highway Research, Planning and Construction (construction only)
20.506 Urban Mass Transportation Demonstration Grants

ENVIRONMENTAL PROTECTION AGENCY

66.005 Air Pollution Control Survey and Demonstration Grants (construction projects only)
66.418 Construction Grants for Wastewater Treatment Works
66.452 Solid Waste Management Demonstration Grants
66.505 Water Pollution Control-Research, Development, and Demonstration (construction projects only)
66.506 Safe Drinking Water Research and Demonstration Grants (construction projects only)
——— Sole Source Aquifer Program Grants

Note: 1) Reference to Catalog of Federal Domestic Assistance, 1978.
2) DEP reserves the right to monitor proposed federal assistance projects other than those described above through the A-95 and other review processes. Where such monitoring indicates a significant impact on the State's coastal region and a subsequent need for a consistency determination DEP shall notify the statewide A-95 clearing house, relevant regional A-95 clearinghouse, the applicant agency, involved federal agencies, and the Assistant Administrator of NOAA of its intention to make such a determination.

Notification Process -- The Coastal Management Unit will use the A-95 Project Notification and Review Process to monitor proposed federal assistance projects in the coastal area. The Connecticut Office of Policy and Management, the state agency designated to administer the A-95 process, shall notify the Coastal Management Unit of proposed federal assistance projects in the coastal area.

If, pursuant to the A-95 process, the Coastal Management Unit identifies an application for federal assistance to conduct an activity which significantly affects the coastal area but which is outside the coastal boundary, the Coastal Management Unit shall provide notice to that effect to the federal agency, the applicant, the A-95 Clearinghouse and the Assistant Administrator of NOAA within the A-95 comment period.

State Review Process -- The A-95 distribution process generally requires that only a summary of a large scale grant application, and not the full application, be made available for A-95 review and comment. The Coastal Management Unit anticipates that a review of the full application for federal assistance to state and local governments for projects significantly affecting the coastal area will often be required before a consistency determination can be made. The short period of time available for comment and review under the A-95 process (thirty days less the time it takes for the notice to arrive from the A-95 Clearinghouse) and the fact that full applications are not generally submitted for A-95 review is likely to result in a large number of comments by the Coastal Management Unit to the A-95 Clearinghouse that additional information is required for a consistency review.

When additional information (e.g. a full application) is needed to make a consistency determination, the Coastal Management Unit will submit comments to that effect to the A-95 Clearinghouse, thus allowing the Clearinghouse to complete its A-95 review within the 30 day period. These comments should not be construed as a consistency determination. The consistency review is a separate review process conducted by the Coastal Management Unit, not the A-95 Clearinghouse.

The Coastal Management Unit will then notify the grant applicant and the granting federal agency (and send a copy of this notification to the A-95 Clearinghouse), that additional information is needed to make a consistency determination. This notice will contain the nature and degree of specificity of the needed information and the reason such information is required.

Whenever possible, the Coastal Management Unit will base its consistency decision on the document or documents required for compliance with federal regulations or to complete the application for federal assistance. However, when it is possible, the applicant is advised to submit the following information:

(a) geographic location of the proposed project for which federal assistance is requested in sufficient detail to allow the Coastal Management Unit to determine which coastal resources may be affected;

(b) description of the proposed project including, where applicable, scope, nature, timing, public facility and service requirements, population impact, employment impact, total cost, and other features or characteristics in sufficient detail to allow for review of the proposed project relative to the Connecticut Coastal Management Plan.

The chief executive officer of the governmental agency or unit making the application shall ensure that a consistency certification by the applicant accompanies the application for federal assistance. The following form is recommended:

> "The proposed activities described in this application comply with the approved Connecticut Coastal Management Plan and will be conducted in a manner consistent with that program."

The federal agency reviewing the application for assistance should not delay processing the application pending receipt of the Coastal Management Unit's consistency approval or objection. If the federal agency determines that an application will not be approved on some basis other than consistency certification, it shall immediately notify the applicant and the Coastal Management Unit.

Pre-application consultation between state and federal officials as well as applicants proposing to conduct an activity for which a consistency review is or may be required is encouraged. Such pre-application conferences will avoid duplicative or unnecessary procedures and will delineate the information requirements for an adequate consistency review.

State Concurrence with a Consistency Certification - Notice and Process -- At the earliest practicable time, and generally within 60 days after receipt of the information required for a consistency review, the Coastal Management Unit shall notify the federal agency and the applicant whether it concurs or objects to the consistency certification. Concurrence shall be in writing. Concurrence by the Coastal Management Unit shall be automatically and conclusively presumed if the Coastal Management Unit does not respond within six months of the commencement of the review. If the Coastal Unit has not issued a decision within 90 calendar days of the commencement of the review, the Coastal Unit shall notify the federal agency and the applicant of the status of the matter and the basis for further delay.

State Objections to Federal Assistance Application -- In the event the Coastal Management Unit objects on grounds of inconsistency with the Coastal Management Plan to the applicant's proposal, it shall accompany its objections with reasons and supporting information.

The Coastal Management Unit objections will: (a) describe how the proposed project is inconsistent with specific elements of the management program; (b) indicate alternative measures, if any, which if adopted would make the proposal consistent; and (c) if the objection is on the basis of insufficient information, indicate the nature of the information and necessity of having such information to determine the consistency of the activity.

The Coastal Management Unit will notify the applicant and the federal agency directly of the objections to the application as well as the applicant's right to appeal to the Secretary of Commerce. The Coastal Management Unit will agree to a request of the applicant for informal meetings to resolve the consistency disagreement anytime within thirty days of the applicant agency's receiving notice of the objection from the Coastal Management Unit.

Mediation -- See Mediation section contained under Direct Federal Activities.

Monitoring Activities for Continuing Consistency -- In the event that the Coastal Management Unit determines that an activity previously determined to be consistent with the Coastal Management Plan is now being conducted in such a manner or is having such effects on the coastal area as to be inconsistent with such program, it shall request that the federal granting agency take appropriate remedial action. The Coastal Management Unit request shall include necessary supporting information and a proposal for recommended remedial action.

PART VIII: SPECIAL MANAGEMENT AREAS

A. GEOGRAPHIC AREAS OF PARTICULAR CONCERN

Introduction

The federal Coastal Zone Management Act recognizes the fact that certain areas in the coastal zone embody unique coastal-related values and that these areas require special management attention. The CZMA requires each state to include in its management program "an inventory and designation of areas of particular concern within the coastal zone." While no specific management techniques are required for these areas, sufficient authority must exist and other techniques must be used to protect these resources and to encourage uses for which they are best suited.

Connecticut's approach to the designation and subsequent management of areas of particular concern takes into account both the physical nature of the coast and the state's approach to coastal management. The diverse and segmented nature of the Connecticut coast has necessitated a comprehensive resource management approach to resolving conflicts among the many uses in the coastal area. Under the coastal management program, virtually all uses and resources will be managed at either the federal, state, or local level of government. Therefore the primary objective in designating areas of particular concern is to focus public attention on certain significant areas that are distinquished by unique coastal-related values including their economic and ecological importance.

An initial inventory of potential areas of particular concern was completed by the coastal regional planning agencies during the early stages of program development. This inventory was supplemented with information gathered by the Coastal Area Management Program staff on critical habitats, other important natural areas, and areas of economic significance. Four options for designating areas of particular concern are discussed in CAM Planning Report No. 20 (1977). Subsequently, three basic criteria were developed to select areas of particular concern.

These criteria are as follows:

(1) The resource should be of regional or statewide significance based on its ecological and/or economic values.

(2) The resource should be coastal related--i.e. the area should be directly related to natural and man-made coastal systems and processes. Thus APC's should be unique in or to the coastal area including the riverine and estuarine components of the coastal area.

(3) Adequate legal authorities (state or federal) must be available to promote desired uses of the area.

Based on these criteria, the following four generic categories of areas of particular concern are designated as part of Connecticut's coastal management program:

(1) Tidal Wetlands
(2) Shellfish Concentration Areas
(3) Federal Navigation Channels
(4) Dredged Materials Disposal Sites

All of these areas have been mapped at a statewide scale of 1:125,000. In addition, tidal wetlands, shellfish areas, and federal navigation channels have been mapped at the quadrangle base scale of 1:24,000 (see Coastal Maps, Appendix D of Draft EIS).

It should be noted that tidal wetlands, federal navigation channels, and the restoration and enhancement of the state's shellfisheries and shellfish industry have been designated as in the national interest (Connecticut Coastal Management Act, sec. 3(14), Appendix B).

Description of APC's

1. Tidal Wetlands

Rationale--Tidal wetlands are areas which border on or lie beneath tidal waters, such as banks, bogs, salt marshes, swamps, meadows, flats or other lowlands subject to tidal action and which have surfaces at or below an elevation of one foot above local extreme high water. This includes regulated and unregulated areas as defined by Section 22a-29 of the Connecticut General Statutes.

As areas of high biological productivity, tidal wetlands are an important link in the food chain of the Long Island Sound and adjacent shorelands. They provide habitat, nesting, feeding and refuge areas for shorebirds, nursery grounds for larval and juvenile forms of many marine species, and a significant habitat for shellfish.

Tidal wetlands provide economic and social benefits to the people of Connecticut. In addition to providing recreational and educational

opportunities, they act as water purifiers by trapping sediments, reducing turbidity, and restricting the passage of toxic substances and heavy metals. Healthy wetland vegetation can help to buffer storms and wave energy and stabilize shoreline erosion.

It is estimated that fifty percent of the tidal wetlands that were present in Connecticut in 1914 have been destroyed as a result of man's activities. These activities include filling, dredging, tidal gates, ditching, chemical dumping, and waste disposal. Approximately 15,500 acres of tidal wetlands remain but few exist in their natural state. The Connecticut General Assembly recognized the need to protect the state's remaining tidal wetlands by passing the Tidal Wetlands Act in 1969.

Management Approach--The state Tidal Wetlands Act (C.G.S. Section 22a-28 to 35) gives the Department of Environmental Protection (Water Resources Unit) significant authority for regulating activities in designated tidal wetlands. A permit must be obtained from DEP for virtually any alteration of a wetland including draining, excavation or removal of material, dumping of any material, filling, erection of structures and placement of any obstructions. DEP permit decisions must consider the effect of the proposed activity on the public health and welfare, marine fisheries, shellfisheries, wildlife, flood and storm protection, and the public policy set forth in Sections 22a-28 to 35 of the Connecticut General Statutes. In addition, a permit may be denied if DEP is in the process of acquiring an area of tidal wetlands.

Areas exist that fit the statutory definition of tidal wetlands but have yet to be designated as such. These areas may be regulated under the Inland Wetlands and Watercourses Act (CSG Sections 22a-36 to 45) until such time as they are mapped and designated as state-regulated tidal wetlands.

Other authorities which are relevant to the regulation of tidal wetlands are the state Water Pollution Control Law (C.G.S. 25-54a to 25-54g, 25-26, 25-27, and 25-54aa), state and local shellfish statutes (CGS 26-187 to 294), Coastal Structures Law (CGS 25-7b to 7f) and Coastal Dredging Law CGS. 25-10 to 25-18). A complete discussion of relevant state authorities appears in Part V of this document.

All permits issued by DEP for activities in tidal wetlands must be consistent with applicable resource protection and use policies contained in the Coastal Management Act (Appendix B). The Act contains four specific policies to guide the regulation of tidal wetlands. The policies are as follows:

- To preserve tidal wetlands and to prevent the despoilation and destruction thereof in order to maintain their vital natural functions.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

- To encourage the rehabilitation and restoration of degraded tidal wetlands.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

- 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.

(Source: P.A. 79-535, sec. 2(b)(2)(E)).

- To disallow new dredging in tidal wetlands except where no feasible alternative exists and adverse impacts to coastal resources are minimal.

(Source: P.A. 79-535, sec. 2(C)(1)(E)

Other coastal management policies concerning tidal wetlands are contained in Section II, Part IV of this document.

Use Priorities--High Priorities are preservation, restoration, conservation, low intensity agriculture, research, and passive recreation. Low priorities are dredging of new channels, filling, structures, dredged material disposal, waste disposal, chemical dumping, grading, excavation, bulkheads and revetments, dikes and tidalgates, culverts, transportation corridors (air) and point discharge structures (wastewater). For further clarification of use priorities, see USE GUIDELINES for tidal wetlands in Part IV of this document.

2. Shellfish Concentration Areas

Rationale--As defined by the Connecticut Coastal Management Act, (sec. 3(7)(N)) shellfish concentration areas are "actual,potential or historic areas in coastal waters, in which one or more species of shellfish aggregate". These species include oysters (Crassostrea virginica), hardshell clams or quahogs (Mercenaria mercenaria), soft shell clams (Mya arenaria), and bay scallops (Aequipecten irradian). Shellfish concentration areas include both natural shellfish habitats and areas that have been cultivated for aquaculture purposes. At present there are approximately 46,000 acres of state-owned shellfish beds and 18,000 acres under local jurisdiction.

Shellfish concentration areas are important for economic, recreational, and environmental reasons. Although oystering represents the largest commercial shellfish industry in the state, scallops, quahogs and softshell clams are of substantial value to sportfishermen and small commercial establishments.

Connecticut's oyster industry used to be among the world's largest. In 1898, it is estimated that 15 million bushels were harvested by an industry that employed thousands of people. By 1970, oyster production was reduced to about 16,000 bushels and presently only 5 companies and 200 employees are involved in the commercial oyster industry. Although water pollution and overfishing appear to have been the primary reasons for this decline, natural factors such as storms, the presence of predators (starfish and oyster drills) and changes in salinity, temperature, oxygen and food supply, sediment grain size and stability, sediment organic matter, current velocity and circulation may have had a significant impact on oyster populations.

Over the last few years, improved water quality and advanced aquaculture techniques have led to increased oyster production in Connecticut. Particularly significant have been techniques developed to increase the harvest of marketable oysters including the preparation of seed beds, spawning in hatcheries, the spreading of quicklime to control starfish and oyster drill populations, off-bottom cultivation, intensive cultivation of off-shore (artificial) beds, and the removal of juvenile and adult oysters from polluted nearshore waters to cleaner sites in deep water where they can purify themselves in approximately two weeks. It should be noted that oysters harvested in Connecticut are primarily seed oysters (smaller than the size of 3½ inch market oysters) which are usually transplanted to "growth beds" in bays around Long Island, New York.

Aside from oysters, quahogs (hard-shell clams) are the only other species of commercial significance in Connecticut. Because this fishery relies on natural sets and recruitment (bed cultivation is rarely practiced), quahog harvests are unpredictable. For example, over the last thirty years, hard clam landings have ranged from less than 10,000 pounds to over 400,000 pounds annually. The quahog fishery is limited as an offshore resource to a few large companies with most individual activity occurring in nearshore and intertidal areas within town jurisdiction. Many productive nearshore areas are closed due to water quality problems and harvesting is generally restricted (by state statutes and local regulations) to inefficient hand-power methods.

The soft-shell clam and scallop fisheries represent potential commercial fisheries although both species have declined to the point of commercial insignificance. Some recreational harvesting of both occurs and 1977 saw a commercial harvest of about 2,000 bushels of scallops which appear to be recolonizing in nearshore areas of Long Island Sound, especially in southeastern Connecticut. Mussels and conch are also considered to have potential commercial value.

Although the number of shellfish grown and harvested in Connecticut's waters has increased in recent years, attempts to manage and protect the shellfish resource and to develop the recreational and commercial shellfish industries have been limited by a lack of specific information in several critical areas. Preliminary analysis has identified 5 significant issues that will require further study (summarized from the Connecticut Shellfish Management Report prepared by CAM, see "Management Approach" below):

1. Land-based facilities. The decreasing availability of dock space and waterfront plants and the prohibitive costs of available space are limitations to individual or small group operations.

2. Authorities, jurisdictions, programs and studies. Coordination of efforts at all levels of government is needed to reduce discrepancies and overlap between jurisdictions and to establish an equitable distribution of costs and benefits between public and private interests.

3. Economic data. More information on the extent of recreational shellfishing and the supply and demand aspects of the commercial shellfish industry is needed.

4. Water quality. Approximately 30% of Connecticut's shellfish beds have been closed by the Department of Health Services due to high pollution levels. Several types of water pollution can affect shellfish marketability or viability as a resource including sewage discharge, industrial and chemical pollution, heavy metals, radionuclides, the disposal of contaminated dredged material, and increased turbidity and siltation (resulting from storms, dredging and dredged material disposal among other sources).

5. Scientific data. More information is needed on the biological and ecological aspects of shellfish including the following; a) the exact location and extent of natural shellfish beds, b) the effects of various pollutants on the shellfish and consumer.

Management Approach--The Department of Agriculture, Aquaculture Division leases and regulates state-owned shellfish beds pursuant to C.G.S. 26-187 to 26-237. DOA activities include administration of leased, franchised, and natural beds, supervising volunteer shellfish policemen, leasing grounds, collecting taxes, issuing licenses, and designating spawning beds. Certain general restrictions on harvesting methods, catch limits and seasons are contained in the State Shellfish Statutes mentioned above.

Pursuant to section 20 of the Coastal Management Act, all Department of Agriculture actions significantly affecting the environment must be consistent with the policies contained in the Act. In addition, major state agency plans, including plans developed for the purposes of shellfish management, must by July 1, 1981, be revised to insure consistency with the coastal policies.

Local agencies lease and regulate shellfish beds under town jurisdiction (C.G.S. 26-238 to 26-294). Shellfishing authorities may be assumed by the local shellfish commission or by the chief legislative body. These authorities include the issuance of licenses, the setting of quantity and size limits, and participation in research efforts.

The Department of Health Services regulates health aspects of shellfisheries (C.G.S. 19-52 to 19-59).

Other relevant authorities include the Tidal Wetlands Act (C.G.S. 22a-28 to 22a-35), Coastal Structures Law (C.G.S. 25-7b to 25-7f), Coastal Dredging Law (C.G.S. 25-10 to 25-18), and the Water Pollution Control Law (C.G.S. 25-54a to 25-54g, 25-26, 25-27, and 25-54aa). A complete description of relevant authorities appears in Part V of this document.

The Coastal Management Act contains a specific policy concerning the state's fisheries including shellfish concentration areas:

- To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations.

(Source: P.A. 79-535, sec. 2(c)(1)(I)

Other coastal policies relevant to shellfish concentration areas as well as use guidelines and implementation methods can be found in Part IV of this document. Of particular significance to shellfish concentration areas are the policies dealing with national interest facilities and resources and water dependent uses.

The "restoration and enhancement of Connecticut's shellfish industry" has been included in the list of facilities and resources which are in the national interest (Connecticut Coastal Management Act, sec.3(14), Appendix B). Thus all plans and evaluations of activities affecting the shellfish industry will include consideration of the national interest policy contained in the Connecticut Coastal Management Act(sec. 2(a)(10), Appendix B).

In addition, recreational and commercial fishing facilities, shellfish processing plants and waterfront dock and port facilities are included in the definition of "water dependent uses" (Coastal Management Act, sec. 3(16), Appendix B) and thus must be given high priority for siting in shorefront areas by state, federal and local agencies (see "Water Dependent Uses" in Part IV of this document).

The Coastal Area Management Unit of DEP has completed a draft of a preliminary study of the state's shellfisheries entitled the "Connecticut Shellfish Management Report". The study includes the following: 1) a description of the shellfish resource, 2) the status and potential for growth of commercial and recreational shellfisheries, and 3) problems associated with the growth of both of these industries including water quality and governmental coordination. In addition, the "Connecticut Shellfish Management Report" identifies several issues that require further study. These issues are summarized above (under "Rationale").

A technical economic study concerning oysters has been prepared for the Coastal Area Management Program by the Department of Agricultural Economics and Rural Sociology at the University of Connecticut. Entitled "Estimation of Demand for Long Island Sound Oysters", this report presents information on production, price trends and other market demand aspects of the oyster industry in Connecticut.

Other studies on various aspects of the state's shellfisheries will be undertaken by CAM in order to resolve the issues raised by the above mentioned studies.

Use Priorities--Aquaculture, restoration, recreation and conservation, are high priorities. Dredging of new channels, filling, disposal of dredged material, point discharge structures, traffic corridors (air), and tidal gates are low priorities. Limited development in developed shorefront areas may be consistent with the coastal policies under certain circumstances. For further clarification of use priorities, see USE GUIDELINES for shellfish concentration areas in Part IV of this document.

3. Federal Navigation Channels and Dredged Material Disposal Areas

Rationale--Connecticut's recreational and commercial ports and harbors have an extensive history of navigational dredging improvements. Materials derived from upland erosion, industrial and municipal discharges and, in large part, from Long Island Sound itself are continually transported to and deposited in the state's estuarine harbors. Unless they are dredged, harbors become unsafe for boating and marine transportation.

Subsequently, the need to maintain navigational improvements and to dispose of materials removed from various channels and basins have been long-standing. In addition to numerous private anchorages, channels, and basins, more than 30 federal navigation projects have been instituted in the state's coastal waters since 1892. While the number of miles of privately dredged and maintained areas is not known, more than 240 applications to conduct dredging in Connecticut's waters were reviewed and approved by state and federal regulators between 1968 and 1977. At present there are approximately 100 miles of federally maintained channels in the coastal area and additional improvements are being contemplated for Bridgeport Harbor, Black Rock Harbor, New Haven Harbor, Clinton Harbor, the Patchoque River and New London Harbor. These federal navigation channels are constructed, maintained, and periodically improved by the U.S. Army Corps of Engineers as authorized by Congress under various Rivers and Harbors Acts.

Unquestionably both private and federal navigation works play a major role in influencing the recreational and economic vitality of ports and harbors throughout the coast. Nearly 100,000 recreational vessels are registered in Connecticut and use Long Island Sound. Twenty-three thousand tons of general and bulk cargo worth more than $111,000,000 (1976 figure) are handled in the state's ports each year including large amounts of petroleum.

In order to maintain and enhance the navigability of the state's ports and harbors, and enhance their recreational and commercial viability, it is estimated that a projected 58.9 million cubic yards of material will be removed from rivers and harbors in the state between 1985 and 2035 (Estimate by U.S. Army Corps of Engineers, New England Division). Approximately 38.8 million cubic yards of the total will be removed from federal navigation channels while the remainder will be generated by private dredging.

To facilitate removal of these projected volumes from Connecticut's waters some provision must be made for disposal of dredged material. Historically, the most common methods of disposing of dredged material were open water dumping in Long Island Sound or land disposal. Until 1970 dredged material was often deposited in tidal wetlands in an effort to "reclaim" them. At that time tidal wetlands were afforded the protection of state regulation under Sections 22a-28 through 22a-35 of the Connecticut General Statutes (CGS). In the past, nineteen aquatic disposal areas were utilized in the Sound. Today only three are still in use. They have been designated as areas of particular concern by CAM and include the following:

(1) A two square mile area in the middle of the Sound south of New Haven;

(2) A one mile square area in the middle of the Sound south of the mouth of the Connecticut River; and

(3) A one mile square area south of the mouth of the Thames River.

These sites and the issue of dredged material disposal in Long Island Sound, Block Island Sound and adjacent open waters are currently being re-evaluated as part of a Corps-sponsored Composite Environmental Impact Statement. The impact statement will serve to form part of the basis of a more complete long range dredging management plan. As a result of the re-evaluation it is possible that the locations of the regional disposal sites may change. It is also possible that, in the future, alternative regional disposal sites other than open water may be implemented. For these reasons regional dredged material disposal sites located within the Connecticut Coastal Area have been designated as generic APC'S.

Problems--The problems of dredging and dredged material disposal are focused primarily on disposal operations. Whether the dredged material is to be disposed of on land or in open water, key concerns are related to its physical and chemical composition and subsequent impacts on water quality and indigenous biota during and after disposal.

Materials dredged from Connecticut's harbors are variable in their content of contaminants. Harbors in the western end of the Sound are relatively more contaminated than those in the eastern and

central areas. Contaminant levels are also variable within individual harbors. Materials removed from inner more upstream areas exhibit higher levels of pollutants than outer more seaward areas.

The occurrence of pollutants in harbor sediments is the result of a number of factors. Water circulation patterns, industrialization and intense urbanization of harbor areas are important contributors. The historic use of Long Island Sound as a receiver of untreated waste waters has also had a significant effect on the chemical and biological quality of harbor sediments. As a consequence of these land uses and discharges a number of potentially toxic constitutents may be found in dredged material. Depending on its origin, sediment may contain significant amounts of volatile solids, oil and grease, heavy metals (mercury, lead, zinc, etc.), pathogenic viruses, bacteria and pesticides.

The environmental impacts of disposing of sediments containing any or all of the noted pollutants are less readily quantified than the presence of the contaminants themselves. Much research has been conducted in an attempt to identify actual disposal impacts. However, many concerns surrounding the disposal operations and their short and long term effects have yet to be resolved. Degradation of water quality through release of pollutants to the water column; initiation of increased turbidity; elimination of benthic (bottom dwelling) habitat and bio-accumulation of heavy metals, pesticides and organic wastes are central issues involved in aquatic disposal.*

In order to address these concerns on a case-by-case basis and to coordinate the regulatory evaluation of potential impacts at state and federal levels the processing of environmental permits has taken on an added degree of complexity. As a result, the accomplishment of dredging and disposal in a timely fashion has become exceedingly difficult.

Obviously some mechanism must be evolved to address cogent impact related issues of dredging and dredged material disposal and to balance environmental impacts with the economic and recreational needs of the state's coastal communities. Equally apparent is the need to efficiently coordinate various state and federal regulatory evaluations of dredging and disposal alternatives.

Alternatives--In addition to open water disposal of dredged material several other alternatives are potentially useful. They include: contained disposal in shore, nearshore and offshore areas; beach nourishment; habitat development; and contained disposal in upland areas. Although each of these alternatives may prove feasible in selected instances none has yet been developed to the extent necessary to accommodate large volumes of materials from the maintenance of federal navigation projects.

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* Gordon, Robert B., Rhoades, Donald C. and Karl K. Turekian, 1972 "The Environmental Consequences of Dredge Spoil Disposal in Central Long Island Sound: I. The New Haven Spoil Ground and New Haven Harbors."

Preliminary investigation of contained disposal of dredged material in shoreline, nearshore, and offshore areas indicates that this alternative will be extremely expensive.** Containerized disposal facilities may cost as much as $150,000,000 to design and construct. The use of dredged material for beach nourishment is feasible and is currently accomplished when materials with suitable characteristics for beach placement occur in navigation channels. These types of material, however, constitute only a small portion of the material removed from port and harbor areas. Habitat development utilizing dredged material has also been investigated but attempts to put this technique into actual practice in the state have encountered logistical problems and public opposition. The character of most dredged material and its ability to support marine and terrestrial flora and fauna are still highly problematic. Upland disposal is also unlikely to present a real solution to the problem of dredged material disposal in the immediate future. The intense use and development of lands in the coastal area coupled with development limitations imposed by the mechanical properties of the material and its possible effects on ground and surface waters make this alternative unattractive at present.

In recognition of the limitations currently associated with alternatives to open water disposal and of the unresolved concerns surrounding its use the following management approach has been designed to address navigation channels and regional disposal sites as areas of particular concern.

Management Approach--Techniques for managing federal navigation channels and dredged material disposal areas include the use of existing federal and state authorities, federal consistency provisions of the Coastal Zone Management Act; application of the guidelines and policies adopted as part of the "Interim Plan for the Disposal of Dredged Material from Long Island Sound," CAM Coastal Policies, and programs for coordinating the management efforts of all levels of government.

Authorities--The U.S. Army Corps of Engineers is authorized by various federal Rivers and Harbors Acts to construct, repair and maintain specific navigation projects. General authority for these projects was granted in the Rivers and Harbors Act of 1899 which authorizes funds for "construction, completion, repair and preservation" of projects. The Corps' activities in these areas consist primarily of the channels but may also include the development of safe entrance channels, major access channels, and maneuvering and turning basins. Individual projects are authorized by Congress when a municipality demonstrates the need for improved navigation facilities.

Both state and federal authorities are involved in the selection process for dredged material disposal sites in Long Island Sound.

Corps of Engineers disposal permits are issued pursuant to Section 404 of the Clean Water Act. The Clean Water Act (Sec. 404b) also requires the U.S. Environmental Protection Agency to develop guidelines for the designation of disposal areas within the Corps' 404 permit program.

** U.S. Army Corps of Engineers, 1979, "Reconnaissance Report: Dredged Material Containment in Long Island Sound".

The Act prohibits the designation and use of any disposal site when its use would result in unacceptable adverse impacts on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreation areas.

Pursuant to Section 307(c) of the federal Coastal Zone Management Act, Corps of Engineers and EPA activities related to dredging and dredged spoil disposal must be consistent with the objectives and coastal policies of the Connecticut Coastal Management Act.

The state currently regulates dredging and disposal of dredged material in its coastal and tidal waters under Sections 25-10 through 25-18 of the Connecticut General Statutes (CGS) and Section 401 of the federal Clean Water Act (as amended) respectively. Under these authorities a state permit is required for the original dredging of channels or basins and state water quality certification is necessary for the disposal of dredged material from original or maintenance dredging activities (including Corps of Engineers' activities). In addition, if dredging or disposal involves a tidal wetland as defined by CGS Section 22a-29 state authorization is required under CGS Sections 22a-28 through 22a-35.

Applications for dredging and disposal under these authorities are evaluated with respect to water quality, erosion, shell and finfish habitat, preservation of wildlife habitat, navigational improvements, protection of uplands, flooding and the preservation of tidal wetlands.

A complete discussion of existing state authorities relevant to dredging and dredged material disposal is contained in Part V of this document.

CAM Policies -- Coastal policies have been developed to guide and coordinate the activities of state regulators and to evaluate the consistency of federal actions involving navigational dredging and disposal. They appear in Coastal Policies and Use Guidelines (Part IV of this document). The relevant policies are as follows:

- To encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages and to discourage the dredging of new federally maintained navigation channels, basins and anchorages.

  (Sources: P.A. 79-535, sec. 2(c)(1)(C))

- To reduce the need for future dredging by requiring that new or expanded navigation channels, basins, and anchorages take advantage of existing water depths, circulation and siltation patterns and the best available technologies for reducing controllable sedimentation.

  (Sources: P.A. 79-535, sec. 2(c)(1)(D))

- To initiate in cooperation with the federal government a long range planning program for the maintenance and enhancement of federally maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials.

(Source: P.A. 79-535, sec. 2(c)(1)(C))

- To disallow new dredging in tidal wetlands except where no feasible alternative exists and adverse impacts to coastal resources are minimal.

(Source: P.A. 79-535, sec. 2(c)(1)(E))

Long Range Dredged Material Management -- Following preliminary investigations into the problem of dredged material disposal, Connecticut and New York in conjunction with relevant federal agencies initiated development of an interim disposal plan for the Long Island Sound. The Plan was adopted by the New England River Basins Commission (NERBC) on June 20, 1980. Presently, management efforts at all levels are being coordinated through NERBC's Dredging Management Committee. The Dredging Management Committee consists of members from the New England Division of the Corps of Engineers, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the EPA, the New York Department of Environmental Conservation, the Connecticut Department of Environmental Protection, the U.S. Third District Coast Guard, the Interstate Sanitation Commission, and NERBC. The objectives of the efforts are:

1. To provide a basis for the assessment of alternatives to open water disposal.

2. To confirm the specific roles and responsibilities of federal, state, and local agencies for various aspects of dredged material disposal and develop the planning basis for public agencies to carry out their responsibilities.

3. To develop substantive data that will improve the dredged material disposal regulation process.

The eventual goal of this cooperative endeavor is an effective, environmentally sound management plan for dredged material disposal in the Long Island Sound region. A Proposal to Study was designed to supplement existing work in those areas required to complete an overall dredging management plan and submitted to the Water Resources Council by FY 82 funding.

A proposal has been initiated for the establishment of an intra-agency task force within the Department of Environmental Protection. This task force, if it is created, would provide a mechanism for collecting all existing information pertaining to dredging and dredged material disposal and for evaluating the viability of specific probjects and techniques. The task force could also be used to establish Department policy regarding dredging and disposal and to assist the federal government in the timely and effective completion of individual navigation projects.

Use Priorities--For federal navigation channels, shipping and recreational boating are high priorities. Structures and other recreation are low priorities. Regarding disposal sites, dredged material disposal is high priority. Uses that would alter disposal sites by disturbing sediments or preventing access are low priorities.

B. AREAS FOR PRESERVATION OR RESTORATION

The Connecticut General Statutes provide both broad criteria and a mechanism by which areas for preservation and restoration may be identified and designated. The Commissioner of the Department of Environmental Protection (DEP) has authority to acquire and manage areas that are in need of preservation or restoration. Specifically, the Commissioner "may acquire in the name of the state...lands (and) waters...for any purpose or activity relating to or compatible with the functions of the department of environmental protection" (CGS Section 22a-25). This provision allows the Commissioner to designate sites within the coastal area for the purpose of preserving or restoring them for their conservation, recreational, ecological, or aesthetic values.

Under this authority, the Commissioner is specifically authorized to acquire and manage property for the following purposes: to establish natural area preserves (CGS Sections 23-5a to 23-5i), to make available public open space for recreation (Sections 23-8 to 23-9), to establish state forests (Sections 23-20 to 23-22), to improve, protect, and conserve tidal wetlands (Section 26-17a), and to establish fish and game refuges (Sections 26-99 to 26-107). In general, state-owned property under the jurisdiction of DEP must be managed in a way that is compatible with the uses for which the property was acquired. For example, the legislative act establishing the Bluff Point Coastal Reserve (P.A. 75-45) states the following:

> "Section 4. Said coastal reserve shall be maintained and administerd by the Department of Environmental Protection and no improvement shall be undertaken which does not contribute to the preservation of the natural, scenic, historical or ecological values of the reserve...."

The Connecticut Natural Area Preserves System (CGS Sections 23-5a to 23-5i) provides a mechanism for identifying and designating areas for preservation and restoration. A preliminary inventory of the state's natural area has been completed. Final designation of a natural area is made by the Governor after the site has been approved by the Commissioner of DEP. Areas may be designated if they contain, or have the potential to support, "plant or animal life or geologic features worthy of preservation in their natural condition" (CGS Section 23-5b). The Natural Area Preserves System also includes a process for recommending the acquisition of specific lands which are suitable for natural area preserves.

In addition, an intra-agency taskforce designated by the Governor and including the state's Historical Preservation Officer may recommend the acquisition of cultural, historical and prehistorical archaeological sites for inclusion under these programs.

PART IX: NATIONAL INTEREST AND REGIONAL BENEFIT

A. NATIONAL INTEREST

Consideration of the National Interest

Recognizing the distinct and irreplaceable nature of the nation's coast, the United States Congress, in enacting the Coastal Zone Management Act of 1972 found that, "...there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." Further, Section 306(c)(8) of the Coastal Zone Management Act specifically requires that state management programs provide for adequate consideration of the national interest involved in the siting of facilities (including energy facilities...) necessary to meet requirements which are other than local in nature. This requirement is intended to assure that national concerns over facility siting are considered in the development and implementation of the coastal zone management programs.

In order to meet the requirements of subsection 306(c)(8) of the Coastal Zone Management Act and the 15 CFR Section 923.52 regulations, states must:

1) Describe which national interests in the planning for and siting of facilities were considered during program development.

2) Indicate the sources relied upon for a description of the national interest in the planning for and siting of the facilities.

3) Indicate how and where the consideration of the national interests is reflected in the substance of the management program.

4) Describe the process for continued consideration of the national interests in the planning for and siting of facilities during program implementation, including a clear detailed description of administrative procedures and decision points where such interests will be considered.

By itself, section 306(c)(8) of the federal CZM Act requires that adequate consideration of the national interest be given only with respect to major facilities which are necessary to meet requirements which are other than local in nature. However, as noted in a comment in the federal regulations, 15 CFR 923.52(c)(4), there is also a national interest in the use, management and protection of important state and national cultural and natural resource areas. These also merit adequate consideration in the state management program.

In response to the requirements and the comment noted above, the Coastal Area Management program staff undertook a thorough review of: 1) the state's coastal resources and uses, 2) federal laws and regulations, 3) policy statements and executive orders of the President of the United States, 4) state laws and regulations, 5) planning reports and studies prepared by federal, state and regional agencies, and 6) comments from public hearings and meetings on the CAM program. In addition, during the summer of 1978 questionnaires were sent to federal and state agencies, industries, trade groups, environmental

groups, and other interest groups on the regional, state and national level. The questionnaire provided an opportunity for them to identify facilities and resources they perceived to be in the national interest.

Based on the staff review of the sources cited above and response to the questionnaires, the CAM Advisory Board identified and recommended a list of facilities and resources in the national interest which resolved conflicts among conflicting opinions in light of both the federal requirements and the specific needs and characteristics of Connecticut's coastal area. The CAM Advisory Board's recommended identification of national interest facilities and resources was adopted by the General Assembly as section 3(14) of Public Act 79-535:

> "'Facilities and resources which are in the national interest' means: (A) adequate protection of tidal wetlands and related estuarine resources; (B) restoration and enhancement of Connecticut's shellfish industry; (C) restoration, preservation and enhancement of the state's recreational and commercial fisheries, including anadromous species; (D) water pollution control measures and facilities consistent with the requirements of the federal Clean Water Act, as amended; (E) air pollution control measures and facilities consistent with the requirements of the federal Clean Air Act, as amended; (F) continued operations of existing federally funded dredged and maintained navigation channels and basins; (G) energy facilities serving statewide and interstate markets, including electric generating facilities and facilities for storage, receiving or processing petroleum products and other fuels; (H) improvements to the existing interstate rail, highway and waterborne transportation system; (I) provision of adequate state or federally owned marine related recreational facilities, including natural areas and wildlife sanctuaries and (J) essential maintenance and improvement of existing water dependent military, navigational, resource management and research facilities;"

A full discussion of the justification for including each of these facilities or resources as in the national interest is included below (see p. II-266).

Continuing Consideration of National Interest Facilities and Resources in Implementation of the Coastal Management Program

Consideration of the national interest in the planning for, siting, managing and regulating of facilities and resources listed in Section 3(14) of CCMA is implemented through a number of methods. It should be noted that the majority of these facilities and resources are under state control or regulatory jurisdiction. Hence, the responsibility for considering the national interest lies primarily with the state.

The primary mechanism for insuring that facilities and resources in the national interest receive adequate consideration is the policy in section 2(a)(10) of Public Act 79-535 which establishes the following as applicable to state and local agencies:

> "To insure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 3 of this act and to insure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) may reasonably be sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental, health or safety standard or (C) unreasonably restricts physical or visual access to coastal waters. This policy does not exempt any nonfederal facility in use from any applicable state or local regulatory or permit program nor does it exempt any federal facility or use from the federal consistency requirements of section 307 of the federal Coastal Zone Management Act."

This policy requires that adequate consideration be given to facilities and resources in the national interest under state and local authorities. Moreover, it requires that adequate consideration be given to the siting or regulation of these facilities and resources by requiring that any restriction or exclusion of them be based on reasonable grounds concerning their environmental impacts, water dependency, and restriction of coastal access.

In addition to this general policy which applies to all facilities and resources in the national interest, the CCMA contains specific policies for each of the facilities and resources, individually. These specific policies are listed in Part IV , Coastal Policies and Use Guidelines. References to the specific policies for each national interest facility and resource are provided in the discussions below (see p. II-266).

The CCMA established a number of requirements concerning implementation of state authorities which affect national interest facilities and resources. Section 20(a) requires that all state agency plans be revised to insure consistency with both the general national interest policy in section 2(a)(10) and the specific policies pertaining to each facility and resource. Section 20(b) requires that all state agency actions significantly affecting the environment, including programs, projects, acquisitions and grants be consistent with both the general national interest policy and specific use and resource policies. Similarly, section 21 requires that issuance of environmental permits by DEP be consistent with both the general national interest policy and the specific policies.

The CCMA also requires that implementation of local coastal management legal authorities consider national interest facilities and resources. Section 12(b) requires that in reviewing coastal site plans, local agency decisions must be consistent with both the general national interest policy and specific policies for individual uses and resources. Sections 8(a) and 9(a) require that voluntarily adopted municipal coastal programs must be consistent with both the general national interest policy and specific policies.

It should also be noted that tidal wetlands, shellfish concentration areas and federal navigation channels are also designated as "areas of particular concern" (see Part VIII) and that energy facilities and state recreation areas are also subject to special planning processes (see Part X).

Justification of Connecticut's Selection of National Interest Facilities and Resources

As previously noted, the basis on which facilities and resources were identified as in the national interest were extensive. Included in the exhaustive identification processes were numerous consultations with the public and state and federal agencies. In the context of the following justifications for Connecticut's determined national interest facilities and resources, relevant agencies are listed among the sources consulted. This listing also includes relevant state and regional agencies, public interest groups, state and federal laws and policy statements and relevant studies. (A complete listing of public participation and federal consultations is located in Appendix E of the Draft EIS. Table 10 of this appendix specifically documents federal consultation including the recipients of and respondents to a National Interest and Federal Consistency Questionnaire.) The objectives of citing the determined facilities and resources as in the national interest are summaries of specific policies contained in Part IV. References to the specific policies are provided.

1. Adequate Protection of Tidal Wetlands and Related Estuarine Resources.

In determining the national interest in tidal wetlands and related estuarine resources the following sources were consulted:

- Endangered Species Act of 1972
- Fish and Wildlife Coordination Act
- Marine Protection, Research and Sanctuaries Act of 1972
- Executive Order No. 11990 (protection of wetlands)
- Migratory Bird Act
- Executive Order No. 11988 (flood plain management)
- Fishery Conservation and Management Act
- Connecticut Tidal Wetlands Act of 1969
- Connecticut Forest and Park Association, Inc.

The major objectives of the national interest in tidal wetlands and related estuarine resources are:

- To preserve tidal wetlands and prevent the despoliation and destruction thereof in order to maintain their vital natural functions;

- to encourage the rehabilitation and restoration of degraded tidal wetlands;

- to encourage the creation of wetlands (see p. II-70)

Protection of the state's tidal wetlands is in the national interest particularly in view of the substantial amount of destruction this resource has faced. It is estimated that only about one-half of the tidal wetlands Connecticut once had are in existence at the moment (about 15,000 acres). Wetlands play a significant role in the coastal ecosystem as they remove impurities caused by pollution, serve as a buffer from storms, and provide spawning, nursery and feeding areas for fish and wildlife. Two-thirds of the fish and shellfish population spend part of their life cycle in tidal wetlands.

Connecticut recognized the value of tidal wetlands in 1969 with the passage of P.A. 69-695. This Act declared as public policy the preservation of the wetlands and prevention of their despoliation and destruction (C.G.S. Sec. 22a-28).

Many responses to CAM's national interest questionnaire identified tidal wetlands protection and enhancement as in the national interest for Connecticut. The State Council on Environmental Quality cited the importance of tidal wetlands as a habitat for endangered species. Other organizations citing tidal wetlands were the Connecticut Forest and Park Association and the Nature Conservancy.

Connecticut's Coastal Area Management Program recognized the national interest in tidal wetlands and the urgent need to protect this biologically valuable resource from further destruction. (In addition to "National Interest" policies and "Tidal Wetland" policies, see Part VIII, "Areas of Particular Concern.")

2. Restoration and Enhancement of Connecticut's Shellfish Industry.

In determining the national interest in Connecticut's shellfish industry, the following sources were consulted:

- CZMA (as amended) Section 16
- National Marine Fisheries Service
- Connecticut Department of Agriculture/Aquaculture Division
- Fish and Wildlife Service
- Fish and Wildlife Coordination Act
- Connecticut Forest and Park Association, Inc.
- Valley Regional Planning Agency.

The major objective of the national interest in Connecticut's shellfish industry is:

- To manage the state's shellfisheries in order to promote the economic benefits of commercial and recreational shellfishing, enhance recreational shellfishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy shellfisheries resources for future generations. (see p. II-114)

Historically, Connecticut has been a leader in the shellfish industry. Many may recall the heyday of oystering in the state, particularly in the southwestern portion. Today however, commercial oystering is limited to a few active companies. In the 1800's, oystering was carried out by a fleet of over 450 vessels but by 1970 only 30 vessels were still active in Long Island Sound. Connecticut leases only about one-quarter of the shellfish beds it once leased. A major and disturbing reason for the decline of this industry was and continues to be severe pollution of the coastal waters. Numerous shellfish beds have felt the adverse impact of pollution, being closed for health reasons.

The national interest in this resource was cited by a number of agencies and interest groups. For example, the State Department of Agriculture, Aquaculture Division, stated that the shellfish industry and the lands required to produce the necessary seed to insure a continuing ability to grow oysters and clams is in the national interest. The National Marine Fisheries Service of the U.S. Department of Commerce identified the protection of living aquatic resources and their habitat in coastal waters, marshes and shoal areas as in the nationl interest.

Because of these factors, CAM views the restoration and enhancement of Connecticut's shellfish industry as a critical and national interest concern. (In addition to "National Interest" policies and "Shellfish Concentration Areas" policies, see Part VIII, Areas of Particular Concern.)

3. Restoration, Preservation and Enhancement of the State's Recreational and Commercial Fisheries, Including Anadromous Species.

In determining the national interest in the state's recreational and commercial fisheries, the following sources were consulted:

- A Compilation of Federal Laws Relating to Conservation and Development of Our Nation's Fish and Wildlife Resources, Environmental Quality, and Oceanography. The Library of Congress, Congressional Research Service. January, 1975;
- A Marine Fisheries Program for the Nation. U.S. Department of Commerce. July, 1976.
- Fishery Conservation and Management Act
- Fish and Wildlife Coordination Act
- Army Corps of Engineers
- National Marine Fisheries Service
- Regional Planning Agencies
- Connecticut Department of Environmental Protection, Fisheries Unit
- Connecticut Fisheries and Game Statutes (C.G.S. Chapter 490)

The major objective of the national interest in the state's commercial and recreational fisheries is:

- To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. (see p. II-156)

Closely related to the national interest identified in the previous section is the interest in recreational and commercial fisheries. Commercial fishing, as with shellfishing activities, was once extensive in Long Island Sound but has steadily declined in recent years, particularly since the 1950's. The factors contributing to the decline of the shellfish industry, primarily the pollution problems, are also responsible for the gradual decrease in recreational and commercial fishing opportunities.

The federal government, through the National Marine Fisheries Service of the Department of Commerce, regards protection of fisheries as in the national interest. Their response stated, "permitted uses of the coastal area should be designed to be compatible with, and potentially protective of, existing fishery resources and associated habitats such as wetlands, nursery and spawning grounds, commercial and recreational fishery grounds. In this sense, the national interest should be equivalent to Connecticut's for the purpose of ensuring environmental integrity."

4. Water Pollution Control Measures and Facilities Consistent with the Requirements of the Federal Clean Water Act, As Amended.

In determining the national interest in water pollution control the following sources were consulted:

- Clean Water Act of 1977
- U.S. Environmental Protection Agency
- Connecticut State Plan for Conservation and Development
- State Water Quality Management Plans
- New England Interstate Water Pollution Control Commission
- Connecticut Water Pollution Control Statutes - C.G.S. Chapters 474 and 474a.

The major objective of the national interest in water pollution control is:

- To preserve and enhance the quality of state waters for present and prospective future use for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes and agricultural, industrial and other legitimate uses. (see p. II-121)

An examination of the shellfish and fish industry in Connecticut has served to highlight the detrimental impact of water pollution. This form of pollution is no longer solely a concern for the "ecology-conscious" but has become a problem posing serious problems for all living things.

The federal Coastal Zone Management Act of 1972 recognized the importance of effective water pollution control measures in each state's development of a coastal management program. The Act states in Section 307(f), "notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended...or (2) established by the Federal Government or by any state or local government pursuant to such Acts." This section further stipulates that "such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control requirements applicable to such programs."

As the Connecticut coast continues to face development pressures, particularly in the area of energy facilities and production, meeting strict clean water standards becomes all the more crucial for Connecticut and the broader national interest.

5. Air Pollution Control Measures and Facilities Consistent with the Requirements of the Federal Clean Air Act, As Amended.

In determining the national interest in air pollution control the following sources were consulted:

- Federal Clean Air Act
- U.S. Environmental Protection Agency
- State Implementation Plan for Air Quality
- Connecticut State Plan for Conservation and Development
- Connecticut Air Pollution Statutes - C.G.S. Chapter 360.

The major objective of the national interest in air pollution control is:

- To protect and enhance the quality of the state's air resources so as to promote the public health and welfare and the productive capacity of its population. (see p. II-135)

The inclusion of air pollution control measures as a national interest concern again stems from federal legislation -- the Clean Air Act. The federal Coastal Zone Management Act states in Section 307(f), "notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) establishing the...Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Act. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the...air pollution control requirements applicable to such program."

The national interest in air quality control also impacts on the successful protection and enhancement of other natural resources in the coastal area, some of which are themselves considered to be of national importance. Air quality standards also impact upon facility development as to whether the facilities can be sited outside the coastal boundary and whether the facility meets federal and state environmental, health or safety standards.

6. Continued Operation of Existing Federally Funded, Dredged and Maintained Navigation Channels and Basins.

In determining the national interest in federally funded, dredged and maintained navigation channels and basins the following sources were consulted:

- Sections 401 and 404 of the Federal Clean Water Act, as amended
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- New England River Basins Commission, "Interim Plan for the Disposal of Dredged Material in Long Island Sound."

The major objectives of the national interest in these facilities are:

- To initiate a long-range planning program for the continued maintenance and enhancement of federally maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials;

- To encourage the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages;

- To discourage the dredging of new federally maintained navigation channels, basins and anchorages;

- To reduce the need for future dredging. (see pp.II-149 and II-190)

The Connecticut Coastal Area Management Program recognizes the particular national interest in the dredging and maintenance of existing navigation channels and basins given the substantial military presence of the state, the importance of the Connecticut coast as a center for commercial activity, and the frequent use of recreational harbors. The southeastern portion of the coast is the site of military facilities and industries involved in the construction of naval vessels. These facilities, a subject of the national interest themselves (see #10 - "Essential Military, Navigational, Resource Management and Research Facilities") depend on well maintained navigation channels.

Numerous harbors in the state are presently attempting to cope with the growing demand for recreational boating. The success of such facilities depends on adequately dredged and maintained navigation channels and basins.

The New Haven Terminal responded to the national interest questionnaire by emphasizing the importance of maintaining navigational channels for commercial activity. It felt that New Haven Harbor is in the national interest because it can handle deep craft ocean-going vessels. Additionally, this interested party stated "because of the limited amount of land adjacent to deep water, marine terminal facilities should be given priority in New Haven Harbor."

The U.S. Army Corps of Engineers is mandated by Congress to maintain navigability of Connecticut's harbors, ports and channels. The disposal of dredged materials has raised serious questions to both short and long term effects on the environment. Prior to the Tidal Wetlands Statute (C.G.S. Section 22a-28), Connecticut disposed of some dredged material by dumping it on tidal wetlands for reclamation purposes. This statute wisely stopped this practice. Presently, Connecticut generally disposes of it on land or in the Sound, but suitable land disposal sites are becoming scarce. The impacts from this activity are not fully known although the short term impacts appear to be minimal according to a state Department of Environmental Protection report ("Dredging and Dredged Spoil Disposal in Long Island Sound: A Discussion Paper", 1975). This report also stated "if deep water access in industrial ports, recreational harbors, slips and marinas in Connecticut is to be maintained, a 'solution' to the dredged materials disposal problem must be found." (In addition to "National Interest" policies and "Dredging and Navigation" policies, see PartVIII, "Areas of Particular Concern.")

7. Energy Facilities Serving Statewide and Interstate Markets, Including Electric Generating Facilities and Facilities for the Storage, Receiving or Processing of Petroleum Products and Other Fuels.

In determining the national interest in energy facilities the following sources were consulted:

- The Department of Energy
- The National Energy Plan
- The Federal Energy Regulatory Commission
- The Federal Energy Administration
- The Bureau of Land Management
- The Maritime Administration
- The U.S. Geological Survey
- The Department of Transportation
- The U.S. Army Corps of Engineers
- The Energy Research and Development Administration
- The Nuclear Regulatory Commission
- Long Island Sound Study
- Brookhaven National Laboratory
- Power Facility Evaluation Council
- Public Utilities Control Authority
- Sierra Club - Connecticut Chapter
- Northeast Utilities
- Connecticut Petroleum Council

- Connecticut Office of Policy and Management
- Southeastern Connecticut Regional Planning Agency
- Connecticut Public Utility Environmental Standards Act, C.G.S. Chapter 277a.

The major objectives of the national interest in energy facilities are:

- To balance the need for adequate and reliable public utility services with the need to protect the environment and ecology of the state and to minimize damage to historic, scenic and recreational values;

- To provide environmental quality standards for facilities furnishing public utility services;

- To encourage research to develop new and improved energy technologies. (see p. II-163)

Most of the controversy surrounding the interpretation of the national interest requirements has arisen in regard to energy facility siting. Some organizations have read Section 306(c)(8) as requiring an affirmative commitment to the siting of energy facilities in the coastal area. Energy interests stress the language of Section 306(c)(8), which specifically mentions "energy facilities" in making their argument. However, a recent federal court decision* involving a challenge to the California coastal plan said that an affirmative commitment to energy facility siting is not required under the federal Coastal Zone Management Act. The national interest in energy is not to be placed above other national interests. It is not to be denied however, that energy facility siting is an important component of the national interest and must receive adequate consideration in a coastal management program.

A significant number of questionnaire responses identified energy facilities as in the national interest. For example, the U.S. Department of Energy stressed the need to make energy self-sufficiency a basic policy objective. The agency provided an extensive list of those types of facilities it considered to be in the national interest including facilities utilized for importing or exporting energy resources in international commerce, facilities for the transportation or marketing of energy resources in interstate commerce, facilities receiving special federal financial support for research and development, and facilities owned and/or operated by the federal government.

The Department of Energy also stated that it "does not conclude that energy projects must be permitted in the coastal zone simply because they are of larger than local nature." A management program must have a "balancing of the national interest in energy self-sufficiency with state and local interests involving social, environmental and economic factors."

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* American Petroleum Institute v. Knecht, 456F Suppl 889 (C.D. Cal), August 31, 1978.

The federal Energy Regulatory Commission believes that a balancing of conflicts between energy facilities and other interests is not for federal agencies to determine. Rather, it is a problem "the state must decide on the basis of all national interest considerations along its coast."

The Power Facility Evaluation Council in Connecticut sited the national significance of nuclear facilities in Connecticut. They also made the observation that while generating facilities aren't necessarily coastal dependent, they require large quantities of water for cooling.

The Connecticut Coastal Area Management Program considers energy facilities serving statewide and interstate markets to be in the national interest, but an interest on a par with other resources and facilities of national importance.

8. Improvements to the Existing Interstate Rail, Highway and Waterborne Transportation System.

In determining the national interest in these transportation facilities the following sources were consulted:

- Department of Transportation Act
- Railway Safety Act of 1970
- U.S. Coast Guard
- Department of Transportation: Federal Highway Administration, Federal Aviation Administration
- Maritime Administration
- Brookhaven National Laboratory
- U.S. Army Corps of Engineers
- Connecticut Master Transportation Plan
- New Haven Terminal
- Connecticut Construction Industries, Inc.
- Sierra Club, Connecticut Chapter
- Northeast Utilities
- Connecticut Office of Policy and Management
- Connecticut Department of Transportation
- Long Island Sound Study

The major objectives of the national interest in these facilities are:

- To make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area;

- To enhance or not unreasonably impair the visual quality of the shoreline, coastal access and recreational opportunities in designing, constructing and improving coastal highways and shoreline rail corridors. (see p. II-170)

Connecticut's CAM Program considers the upgrading of existing elements of the transportation system to be in the national interest. Much

of the state's interstate highway network and rail corridor are located in or near the coastal boundary. Long Island Sound and Connecticut ports are the scene of extensive commercial activity. The transportation system has a direct relationship to future development in the coastal boundary as well as to health, access, and environmental quality concerns.

This national interest choice generated responses from a variety of agencies and interest groups. The Greater Bridgeport Regional Planning Agency listed the Bridgeport Harbor and associated dock and terminal facilities, rail lines and interstate routes as in the national interest. The Connecticut Chapter of the Sierra Club cited transportation, particularly the restoration of rails along existing rights of way on the shore as in the national interest. However, it did feel that construction of new interstate highways in the coastal area was not in the national interest.

Northeast Utilities was concerned about the adequacy of transportation facilities for fuels needed for generating facilities and transportation by water. Brookhaven National Laboratory considered transportation a high priority interest but also acknowledged that it must be balanced against the national interests in environmental legislation.

9. Provision for Adequate State or Federally Owned Marine Related Recreational Facilities, Including Natural Areas and Wildlife Sanctuaries.

In determining the national interest in these facilities the following sources were consulted:

- Federal Coastal Zone Management Act, as amended, Section 305(b)(7)
- The Nation-Wide Outdoor Recreation Plan
- Land and Water Conservation Fund Act
- Historic Preservation Act
- Connecticut State Comprehensive Outdoor Recreation Plan
- Heritage Conservation and Recreation Service
- National Parks Service
- Fish and Wildlife Service
- CAM Planning Report No. 25, "Coastal Recreation"
- Connecticut Marine Trades Association, Inc.
- Connecticut Chapter - Sierra Club
- Connecticut Forest and Park Association, Inc.
- Regional Planning Agencies
- Long Island Sound Study

The major objectives of the national interest in these facilities are:

- 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;

- To make effective use of state owned coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing state owned facilities where feasible. (see p. II-158)

Long Island Sound is an important natural and recreational resource serving an interstate area. Recreational uses include boating, bathing, fishing, nature study, etc. The number of recreational boats in use continues to decrease as does the construction of marinas and clubs. Additionally, the Sound is "home" to an avid contingent of recreational fishermen.

The Connecticut Marine Trades Association noted the growing demand for marine related recreational facilities. "Coastal dependent facilities that make use possible are in the national interest." The Connecticut Chapter of the Sierra Club cited the national interest in the preservation of coastal land for recreational use. The Nature Conservancy found critical natural and wildlife areas to be in the national interest as did the Connecticut Forest and Park Association. Finally, the U.S. Department of the Interior, Heritage Conservation and Recreation Service (formerly the Bureau of Outdoor Recreation) is "concerned about adequate access to the coast for recreational purposes for minorities, the handicapped and the underpriveleged."

The Connecticut Coastal Area Management Program considers state and federal recreational facilities, including natural areas and wildlife sanctuaries, to be in the national interest. Because of the high cost of waterfront property and because of the unique physiographic nature of Connecticut's coast due to the generally low wave energy in Long Island Sound, it is believed that only state or federal agencies will have the financial resources to acquire property parcels of sufficient size to warrant "national interest" designation. State and federally owned recreation areas are also discussed within "Shorefront Access and Protection Planning" (see Part X).

10. Essential Maintenance and Improvement of Existing Water-Dependent Military, Navigational, Resource Management and Research Facilities.

In determining the national interest in these facilities the following sources were consulted:

- Department of the Navy
- Department of Defense
- Department of the Air Force
- Brookhaven National Laboratory
- Connecticut Office of Policy and Management
- Regional Planning Agencies
- Department of Environmental Protection, Natural Resources Center
- Federal Coastal Zone Management Act
- Sea Grant
- U.S. Coast Guard

The major objectives of the national interest in these facilities are:

- To ensure adequate facilities for the national defense;

- To ensure adequate facilities for the safe and efficient operation of vessels;

- To ensure adequate facilities to improve the data base upon which coastal land and water use decisions are made. (see p. II-191, II-149)

The active presence of the military in Connecticut coastal area was outlined in number 6 concerning dredging and navigation channels. Obviously, military facilities are in the national interest because of their defense and security importance. Many commentators on the questionnaire listed military facilities as in the national interest. For example, the United States Department of the Navy, the major military unit on the coast stated, "all Navy facilities are in the national interest as each contributes to the national defense....Conflicts, if any, will be minimal since the Navy will be consistent with all coastal zone considerations to the maximum extent practicable and the requirements of NEPA will be met." Siting criteria considered by the Navy are nondegradation of the environment and attention to air and water pollution.

Another division of the armed forces, the U.S. Department of the Air Force, commented that national defense installations are in the national interest. It is Air Force policy to "plan, initiate and carry out environmental programs and actions in a manner to avoid adverse effects on the quality of the human environment, insofar as practicable, and with appropriate consideration of assigned missions and of economic and technical factors."

Brookhaven National Laboratory, National Center for Analysis of Energy Systems (Long Island), regards military facilities as a high priority but recognized the balancing process that must take place with national interests identified in environmental legislation.

State and regional agencies citing the national interest in military facilities were the Office of Policy and Management, the Valley Regional Planning Authority and the Southeastern Connecticut Regional Planning Agency. Electric Boat, a major defense contractor in the southeastern coastal area, must be viewed in conjunction with the national interest in military facilities.

Navigational facilities, including lighthouses, buoys and other aids, have also been declared as in the national interest. The basis of this designation lies in the use of these facilities for transportation. This use, in turn, serves the national interest in terms of interstate commerce, national defense, and recreation. This designation is consistent with the designation of federal navigation channels as discussed above.

In Section 302(a) of the CZMA the Congress found that "There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." Connecticut's CAM Program has declared research and resource management facilities to be in the national interest in order to actively implement and effectuate the coastal policies of both the federal Coastal Zone Management Act and the Connecticut Coastal Management Act.

B. USES OF REGIONAL BENEFIT

Introduction

The federal CZM Act recognizes the importance of insuring that local agencies do not arbitrarily restrict or exclude land and water uses with benefits of importance to an entire region. Section 306(e)(2) of the federal CZM Act states:

> "Prior to granting approval, the Secretary shall also find that the program provides...for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit."

In order to meet the above requirements the federal regulations at 15 CFR 923.12 require the state to:

1)"Identify what constitutes uses of regional benefit" and

2)"Identify and utilize any one or a combination of methods, consistent with the control techniques employed by the state, to assure local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit."

Identification of Uses of Regional Benefit

The federal regulations recommend that the state consider two criteria in identifying uses of regional benefit. First, that the use have an effect on more than one local unit of government. And second, that the use have a direct and significant impact on coastal waters. The federal regulations note that uses in which there is a national interest will ordinarily meet

these two criteria. Thus, the regulations offer the state the option of defining uses of regional benefit as those uses in which there is a national interest. Connecticut has chosen this option.

The state has identified uses of regional benefit as those facilities and resources in which there is a national interest as defined in section 3(14) of the CCMA:

> "'Facilities and resources which are in the national interest' means: (A) adequate protection of tidal wetlands and related estuarine resources; (B) restoration and enhancement of Connecticut's shellfish industry; (C) restoration, preservation and enhancement of the state's recreational and commercial fisheries, including anadromous species; (D) water pollution control measures and facilities consistent with the requirements of the federal clean water act, as amended; (E) air pollution control measures and facilities consistent with the requirements of the federal clean air act, amended; (F) continued operations of existing federally funded dredged and maintained navigation channels and basins; (G) energy facilities serving statewide and interstate markets, including electric generating facilities and facilities for storage, receiving or processing petroleum products and other fuels; (H) improvements to the existing interstate rail, highway and waterborne transportation system; (I) provision of adequate state or federally owned marine related recreational facilities, including natural areas and wildlife sanctuaries and (J) essential maintenance and improvement of existing water dependent military, navigational, resource management and research facilities;"

All of these uses have a direct and significant impact on coastal waters (see subpart A of Part V). An individual discussion of the greater than local significance of each of these facilities and resources may be found in subpart A, p. II- 263.

Methods for Assuring That Local Regulations Do Not Unreasonably Restrict or Exclude Uses of Regional Benefit

A comment in the federal regulations, 15 CFR 923.12, describes several methods which individually or in combination may be utilized by the state to assure that local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit, including:

1. "Statewide siting laws that supercede local regulations when necessary."

2. "Definition of what constitutes unreasonable restrictions or exclusions and identification of standing and an administrative or judicial mechanism to assure that such unreasonable restrictions or exclusions do not occur."

Connecticut has adopted a combination of these two approaches to assure that local regulations do not unreasonably restrict or exclude uses and resources of regional benefit. First, most of the facilities and resources defined in section 3(14) of the CCMA are either not subject to local regulation or are also subject to state regulatory jurisdiction which overrides local regulation. Second, the national interest policy in section 2(a)(10) of the CCMA requires that local decisions insure that restrictions or exclusions of the few regional benefit facilities subject to local regulation are reasonable. Moreover, section 17 of the CCMA requires DEP to review such local decisions, while section 19 authorizes DEP to seek judicial enforcement of the national interest policy where a local agency has failed to comply with it.

As noted above, most of the facilities and resources identified in section 3(14) of the CCMA are either under direct state or federal development control and, therefore, not subject to local regulation or they are under state regulatory control which preempts or overrides local regulations. Hence, restrictions or exclusions of uses of regional benefit by local regulations will seldom be an issue.

The control techniques applicable to each of the facilities or resources of regional benefit may be found by referring to the discussion of uses subject to the management program in Part V. The only facilities and resources of regional benefit not subject to the exclusive control of federal or state agencies or to state agency regulatory authority overriding local regulations are the following:

1. Energy facilities (excluding the siting of power generating facilities and electric and gas transmission lines, which are subject to the state Power Facilities Evaluation Council which may override local regulations under C.G.S. Chapter 277a).

2. Land-based improvements to the existing waterborne transportation system.

3. Land-based maintenance and improvements of existing water-dependent resource management and research facilities.

Local regulation of these three categories of uses is subject to the coastal site plan review requirements of sections 11 through 15 of the CCMA. Section 12 of the CCMA requires that the decisions of local agencies be consistent with all applicable policies in the Act, including the national interest and regional benefit policy in section 2(a)(10). As noted in subpart A, above, this requires that regulatory agencies insure that restrictions or exclusions of regional benefit facilities (i.e., national interest facilities) are reasonable. The policy also provides three criteria

for determining the reasonableness of restrictions or exclusions:

> "Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) may be reasonably sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental health or safety standards or (C) unreasonably restricts physical or visual access to coastal waters."

Under the state's judicial case law on land and water use regulation a restriction or exclusion of facilities and resources of regional benefit will be deemed unreasonable and overturned by the courts if it is arbitrary; capricious; confiscatory; clearly erroneous in view of the reliable, probative and substantial evidence; or, in violation of constitutional or statutory provisions.

Section 17 of the CCMA requires DEP to monitor and evaluate the activities of municipalities to assure compliance with the requirements of the Act including the requirements of the national interest and regional benefit policy in section 2(a)(10). Moreover, section 19 of the CCMA authorizes DEP to appeal the decision of local agencies to the courts in order to ensure compliance with the policy. In addition, a project applicant and any other aggrieved party may seek court enforcement of the policy.

PART X

SPECIAL PLANNING ELEMENTS

A. ENERGY FACILITIES

Introduction

Historically, coastal sites have been in great demand for the location of energy facilities. The availability of water for cooling, waste disposal, and fuel transportation as well as the proximity of major population centers for distribution have all contributed to this high demand. Recently developed technologies such as nuclear power and Outer Continental Shelf oil and gas extraction often require coastal locations for economic and practical reasons. In the future, the development of energy sources such as ocean thermal energy conversion, wave energy, tidal energy, and salinity gradients will maintain the importance of the coastal area as a source of energy.

A large number of major energy facilities are located in Connecticut's coastal area including three nuclear power units (two are in operation), several oil fueled power plants, and facilities for the receiving, storage, and distribution of oil and natural gas. Due to the physical nature of the coast and the generally high level of development, few large open tracts of land remain that would be suitable for large scale industrial development such as oil refineries and gas processing plants. It is likely that the shortage of adequate suitable land will also limit the siting of new power plants in the coastal area. Environmental concerns and supply and demand considerations will further limit the siting of facilities that may have substantial negative impacts on coastal resources. This is particularly true with respect to the demand for energy. Total end use net energy demand in Connecticut is expected to increase by only 0.2% per year until 1997 including a 3.3% annual growth rate in electricity demand.*

The purpose of this part is to describe an energy facility planning process for Connecticut's coastal area. It includes an identification of energy facilities which are likely to locate in, or which may significantly affect, the coastal area. It also includes a description of state and federal authorities that have planning responsibilities and jurisdiction over facility siting, CAM policies regarding facility siting and the national interest, and an identification of how affected public and private parties may be involved in the planning process. References to other sections of this document and to previous CAM publications are included where appropriate in order to prevent unnecessary duplication of material.

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* Connecticut Energy Advisory Board, Connecticut's Energy Outlook: 1978-1997, annual report to the Governor and General Assembly, 1978.

1) Identification of energy facilities which are likely to locate in or significantly affect the coastal area (923.13(1))

Power Plants and Related Facilities

According to the Connecticut Energy Advisory Board's 1978 report, electricity consumption in Connecticut is expected to show an annual growth rate of 3.3% over the next 20 years. This translates into a 29% total increase or 1.4% annual growth rate in electric power plant fuel consumption. Barring unexpected improvements in energy conservation or other factors influencing the demand for electricity, there will be a need for increased generating capacity in the future.

At the present time nuclear power provides 52% of the state's electricity. This is expected to increase to 56% by the end of the 20 year projection period (1978-1997), with the addition of Connecticut's fourth nuclear power unit , Millstone III. It is expected that nuclear power will provide most of the electricity needed to satisfy increased demand in the forseeable future. In fact, Connecticut presently exports electricity to other states in the region, and will continue to do so. This excess supply situation has been an important factor in the delayed completion of Millstone III. Originally scheduled to be completed in the early 1980's, the nuclear power plant is now expected to come on line around 1986. Therefore, no other generating plants are being planned. However, the unpredictable oil supply situation, which has led to the formulation of a national policy to reduce dependence on petroleum, could create a need for more facilities using various energy sources.

While Connecticut has made a firm commitment to nuclear power in the last decade, a heavy dependence on petroleum has also been maintained. Approximately 46% of the state's electricity is generated by oil fueled plants, while the use of coal for electric generation has decreased from 82% in 1965 to 0.1% in 1970, due to air quality concerns as well as lower residual oil prices in the 1960's and the growing commitment to nuclear power. The state's other significant source of energy for electricity, hydro power, accounted for 1.6% of all generating capacity in 1976.

CAM supports the statutory goal of balancing the "need for adequate and reliable" electric power generation at the lowest reasonable cost to consumers "with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values..." (CGS Section 16-50g). Impacts that should be considered in the siting of power plants include preemption of natural areas, impacts on existing land use, alteration of land runoff patterns, effects on water quality from thermal and chemical discharge, esthetics, and air quality impacts including the emission of sulfur dioxide, nitrogen oxide and particulates, fogging and noise. In addition, radiation emission is an environmental impact associated with nuclear power plants. While none of these impacts are confined to power plants located in the coastal area, the vulnerability and scarcity of certain valuable coastal resources, as well as the heavy population concentration along the Connecticut coast, require a close examination of environmental impacts during the power plant siting process.

Recent energy-related events have led to a renewed interest in the utilization of this country's vast coal reserves. Uncertainties regarding petroleum supplies and the rising costs of petroleum products may increase the pressure on Connecticut's utilities to convert some generating plants to coal. However the future of coal in Connecticut is not clear. Because of air quality problems and the lack of adequate transportation facilities, it is unlikely that new coal-fueled power plants will be built in the coastal area. According to the State Implementation Plan for Air Quality, the entire state is classified as non-attainment (exceeds federal standards) for particulates, a major pollutant emitted by coal plants. Sulfur oxides and nitrogen oxides present problems in certain areas of the state. In addition, the cost of converting oil-fueled plants to coal would appear to be prohibitive especially since many of the existing plants were only converted from coal to oil in the last decade. New technologies, however, may increase the attractiveness of coal use in the future. The conversion of coal to oil and natural gas, fluidized bed combustion, solvent refining, and pollution control devices such as scrubbers and electrostatic precipitators may be utilized. In fact, one Connecticut plant is subject to a prohibition order (Bridgeport); two others are anticipated in the near future (Norwalk and Devon).

The lack of adequate transportation facilities is another factor limiting the use of coal in Connecticut. Rail and harbor facilities for storing and handling coal are limited and there are few existing harbor-rail linkages. Coal transportation in Connecticut is the subject of a study being conducted by the state Departments of Commerce and Transportation and the Office of Policy and Management. This project is funded in part by the Coastal Energy Impact Program and is being conducted with advice from the Coastal Area Management Adivsory Board, regional planning agencies, municipalities, and operators of port and rail facilities. The study has the following objectives:

- examine alternative means and routes for coal shipments;
- document technical barriers;
- identify handling and storage facilities as needed and harbor land use implications;
- assess environmental consequences;
- consider factors affecting unloading time, such as space for storing and moving rail cars.

The projected completion date for this study is September, 1980.

While it is possible (but not probable) that additional nuclear and oil-fueled power plants will be needed in Connecticut to satisfy state and regional electricity demands, these facilities are not necessarily dependent on location in, or proximity to, marine or tidal waters. Because of their potential for having significant adverse impacts on coastal resources, inland locations are preferred. According to Section 2(a)(10) of the Coastal Management Act (Section II, Appendix B), nuclear and oil-fueled power plants, as facilities of national importance, may be excluded from the area within the coastal boundary if it is demonstrated that they may reasonably be sited outside the coastal boundary, fail to meet any applicable environmental standards, or unreasonably restrict access to coastal waters. In addition, existing petroleum supplies and the recently raised economic, environmental, and safety concerns associated with nuclear power may affect the demand for these facilities.

It is clear that other sources of energy will become more important in the future. There are presently 18 hydro power facilities located at dams throughout the state and the U.S. Army Corps of Engineers has identified several existing dams that are adaptable to hydro-electric generating equipment. The Legislature recently appropriated funds for the Office of Policy and Management to formulate a state policy concerning the restoration and use of hydroelectric energy sources in Connecticut. The report is to be developed in consultation with D.E.P., the Power Facility Evaluation Council, and the Division of Public Utility Control. A 3,000 watt wind turbine in Winsted now provides electricity to the first Connecticut public building powered by the wind. Bridgeport and Waterford, both coastal municipalities, have been cited as areas that have average wind speeds sufficiently high to support a typical wind energy conversion system. Other potential future energy sources for electric generation include co-generation, biomass conversion, photovoltaics, and solid waste.

Additional electrical transmission lines, switchyards, and substations may be needed in the future to facilitate the efficient distribution of electricity to Connecticut and other New England states. While economic and environmental considerations should be considered in the siting of these facilities, their operation should not generally result in significant and wide-ranging impacts.

The siting of electric generating facilities, electrical transmission lines (except those having a design capacity of less than 69 kilowatts), switchyards, and substations is regulated by the Power Facility Evaluation Council (PFEC) pursuant to the Public Utility Environmental Standards Act (CGS Sections 16-50g to 16-50y). A "certificate of environmental compatibility and public need" must be obtained from the PFEC in order to construct any of the above mentioned facilities. These certificates preempt all other state and municipal permit authority. PFEC authorities are discussed in detail below.

Fuel Storage, Handling and Receiving Facilities

These facilities include all land-based petroleum storage, handling, and receiving facilities that are not discussed under OCS facilities (see below). Generally, they are located in the state's major harbors in order to facilitate the handling and distribution of fuel shipped by barges and small and medium sized tankers. Petroleum products first enter the state almost entirely by water, predominately at the three deepest ports on the coast - New London, New Haven, and Bridgeport. Shipments from Mid-Atlantic refineries as well as from Caribbean and Gulf Coast refineries generally arrive in tankers of 38,000 deadweight tons. Subsequently, petroleum products are distributed throughout the state via barge, coastal tanker, truck, pipeline, and rail. Petroleum demand projections contained in the 1978 Report of the Connecticut Energy Advisory Board and a background study prepared for CAM by the Department of Planning and Energy Policy (DPEP, now the Office of Policy and Management) do not indicate a future need for significant additional petroleum storage capacity in the state. The DPEP Study presents a detailed analysis of the fossil fuel receiving, storage and distribution system in Connecticut.

Because of the frequent occurrence of oil spills at marine terminals and fuel storage facilities, the Coastal Management Act disallows the siting of tank farms and other fuel storage facilities within the coastal boundary which can reasonably be located inland and requires any new storage tanks that must be located within the coastal boundary to be sited near existing tanks or in urban industrial areas and to be adequately protected against floods and spills in accordance with applicable standards (Section 2(b)(1)(E) of the Coastal Management Act, Sec. II, Appendix B).

Receiving and handling facilities are, for the most part, coastal dependent and should be sited and constructed with the goal of minimizing the risk of oil spills which may damage valuable coastal resources. The provision of effective containment and cleanup facilities for accidental spills is another CAM policy related to marine terminals (Sec. 2(c)(1)(A) of the Coastal Management Act, Section II, Appendix B).

Fuel storage, handling and receiving facilities are licensed for operation by the Hazardous Material Management Unit of the Department of Environmental Protection under the Oil and Chemical Handling Law (CGS 25-54bb to 25-54kk as amended by P.A. 79-605). In addition, regulations have been promulgated for terminal licenses (RCSA 25-54cc-1 through 25-54cc-7). The siting of these facilities is under the jurisdiction of local zoning authorities subject to the requirements of state regulatory programs (e.g. tidal wetlands, structures, and dredging) and to coastal policies.

Because of the need to protect the natural resources of the lower Connecticut River from spills resulting from the high volume of petroleum shipments on the river, the General Assembly, in 1979, passed a law which requires D.E.P. to provide for the effective containment and removal of oil spills within the lower Connecticut River and adjacent shoreline area. This includes the provision of necessary equipment and trained personnel (Public Act 79-319).

Outer Continental Shelf Oil and Gas Exploration, Development and Production Facilities

The National Energy Plan recognizes that oil and gas under federal ownership on the Outer Continental Shelf are important national assets and should be "developed in an orderly manner consistent with national energy and environmental policies." As part of New England, Connecticut can expect to experience some portion of the impacts stimulated by the activity on the Georges Bank; activity that will modify both the offshore and onshore environments. However, the onshore impacts are of less immediate concern to Connecticut than to other New England states for several reasons. In general, five factors will affect the siting of major OCS-related facilities in Connecticut's coastal area:

(1) The large distance separating Connecticut from the major areas of OCS activity and the availability of suitable alternative sites closer to major lease areas;

(2) The lack of suitable vacant tracts of land;

(3) Insufficient deepwater access to the coast;

(4) Transshipment problems posed by the narrow entrance channels to Long Island Sound and the existing large volumes of commercial and recreational boat traffic. (The waters of eastern Long Island Sound, New Haven Harbor and Bridgeport Harbor have been designated as "confined and congested" by the U.S. Coast Guard in proposed regulations dealing with navigation safety (33CFR part 164 , April 16, 1979).)

(5) Air pollution and other environmental quality concerns.

These factors indicate that, even if significant finds of offshore oil and gas are made in the North Atlantic, it is highly unlikely that any major OCS-related facilities will be located in Connecticut. However, the state may experience some indirect economic impacts of OCS development because of increased production in industries, such as tool and machinery manufacturing, that support OCS development activities (see CAM Planning Report No. 22).

OCS-related facilities include oil refineries, gas processing plants, deepwater ports, pipelines and shore terminals, and support facilities (platform fabrication yards, pipecoating yards, etc.). Potential environmental, social and economic impacts resulting from OCS development have been analyzed in CAM Planning Report No.22 (1976) as well as in the Report of the Governor's Fact-Finding Task Force on Oil Refineries(1975). The important considerations regarding each type of OCS-related facility are summarized below.

Oil Refineries -- An oil refinery is used to convert crude oil (a raw material) into a variety of useable products such as gasoline, home heating oil, industrial oil and asphalt. The three major steps in the refining process are separation, transformation of molecules, and the removal of impurities. A refinery located in New England could be built with a design capacity of anywhere from 250 to 450 thousand barrels per day, thereby constituting a heavy industrial use.

The need for an oil refinery in New England will depend on significant finds of offshore oil in the North Atlantic and Mid-Atlantic regions. Considering recent exploration results, there is a low probability of finding a supply of crude oil substantial enough to justify locating a refinery in southern New England. Even if offshore wells do produce significant quantities of oil, energy company officials have indicated a preference for expanding existing facilities as opposed to finding new locations (see Report of the Governors Fact-Finding Task Force on Oil Refineries).

Connecticut's generally poor air quality makes it highly unlikely that a refinery will be sited anywhere in the state. According to the Report of the Governor's Fact-Finding task Force on Oil Refineries (1975), a refinery that emits 10,000 tons per year of hydrocarbons (a conservative estimate) will cause violations of the ambient air quality standards for hydrocarbons as well as lead to an increase in oxidant concentrations in much of the state. Strict application of existing hydrocarbon standards would likely prohibit the siting of a refinery in Connecticut. In addition, a refinery would cause a significant increase in existing concentrations of sulfur oxides and particulates.

Other significant effects of an oil refinery include impacts on water supply, water quality (including an increased risk of oil spills in vulnerable estuarine areas), critical ecological, historic, and scenic areas, and existing land use.

There is no centralized permit authority for this facility. However, numerous regulatory mechanisms would apply if a facility were proposed. The Department of Environmental Protection (DEP) is the principal agency responsible for issuing air and water pollution permits, structures and dredging permits, and licenses for the storage, handling and transportation of petroleum products. A complete discussion of these authorities is presented in Section II, Part V of this document.

Refinery siting is indirectly regulated by the Public Utility Environmental Standards Act (CGS Sections 16-50g to 16-50z) which requires that a Certificate of Environmental Compatibility and Public Need be obtained from the Power Facilities Evaluation Council for the construction of oil pipelines. Federal agencies that may be involved in the refinery siting process include the U.S. Army Corps of Engineers (dredging and filling), Coast Guard (transportation of hazardous materials), and the Environmental Protection Agency (water pollution standards).

Federal and State agencies issuing various types of permits for an oil refinery would have to assure consistency with CAM policies (Section II, Part IV of this document) including the policy on national interest facilities and resources. The national interest policy is discussed in detail in Section II Part IX of this document.

Gas Processing Plants--United States Geological Survey estimates indicate that commercially profitable quantities of natural gas may be found in the Georges Bank area. The gas must be purified at a processing plant before entering commercial pipelines. A gas plant is a large industrial facility (utilizing 20 to 75 acres of land) and would have a significant impact on air quality, including large emissions of nitrogen oxides. Impacts on water quality and supply would also be significant as anywhere from 200,000 to 750,000 gallons of water per day would be used for cooling, depending on the process employed. Other environmental impacts include the production of hazardous wastes, esthetic considerations and noise.

No such plant has ever been considered for location in Connecticut and it is unlikely that one will locate here in the future. The air quality problems discussed in the preceding section on oil refineries, the need for a large land area, and the greater distance separating offshore sources of natural gas from the Connecticut coast relative to suitable alternative sites in the region are the primary reasons.

The siting of a gas processing plant would be subject to various regulatory programs under the jurisdiction of DEP including air and water pollution control and regulation of structures and dredging. These authorities are described in Part V of this document. The CAM policy on national interest facilities and resources (as discussed in Section II, Part IX.)

Deepwater Ports -- Deepwater ports used to transfer bulk products such as oil may serve important economic and environmental interests. They would allow supertankers (VLCC's) to unload large quantities of oil at a safe distance from land in order to minimize the risk of damage to the coast from oil spills. However, deepwater ports will probably not be located in Connecticut's coastal waters for several reasons.

While the use of supertankers may necessitate fewer tanker trips than if smaller ships were used, thereby reducing the probability of chronic low volume spill levels, severe navigational difficulties would be posed. The relatively narrow natural channels at the Race and between Block Island and Rhode Island are likely to be dangerous for supertankers. In addition, the large maneuvering areas required around single point moorings would make it difficult to find suitable sites for deepwater ports in Long Island Sound. (This issue is discussed in the Report of the Governor's Fact Finding Task Force on Oil Refineries.)

An offshore facility will also pose a danger to navigation due to normally heavy commercial and recreational boat traffic in most areas of the Sound. Nearly 100,000 recreational vessels are registered in Connecticut and the state's waters are also heavily utilized for commercial shipping. As noted earlier, the waters of eastern Long Island Sound, New Haven Harbor and Bridgeport Harbor have been proposed for designation by the Coast Guard as "confined and congested"(proposed regulations, 33CFR Part 164, April 16, 1979).

While none of these problems are presented by deepwater ports located a sufficient distance from the shore, this would include waters well beyond state jurisdiction.

The siting of deepwater ports in Connecticut's waters would be subject to various regulatory programs under DEP's jurisdiction including the Coastal Structures Law (CGS Sections 25-7b to 25-7f), Coastal Dredging Law (CGS Sections 25-10 to 25-18), and Water Pollution Control (CGS Sections 25-54a to 25-54g, 25-26, 25-27, and 25-54aa to 25-54hh). These authorities are discussed in detail in Section II, Part V.

Pipelines and Shore Terminals -- Significant oil or gas finds on the outer continental shelf may necessitate the construction of pipelines to connect the mainland with wells and deepwater ports. A pipeline shore terminal would also be needed to house pumping machinery that moves oil or gas through the pipeline and to provide connections to a refinery or processing plant.

Several factors limit the potential for locating an OCS pipeline and shore terminal in Connecticut. First, large quantities of oil and/or gas would have to be found in the North Atlantic in order to provide economic justification for the construction of a pipeline. Second, for economic reasons, pipelines are generally directed to the land area closest to the drilling source. Finally, as noted previously, it is unlikely that an oil refinery or gas processing plant will be located in the state. For these reasons, Massachusetts and Rhode Island are the most likely locations for a pipeline landfall.

In the unlikely event that an OCS pipeline is proposed for Connecticut, certain impacts would have to be considered. On the positive side, a pipeline and shore terminal could provide economic benefits while posing less danger to the environment than supertanker transport (see discussion of deepwater ports above). Negative environmental impacts include spills and damage to barrier reefs and wetlands resulting from dredge and fill operations required to bury the pipeline.

A pipeline shore terminal would probably have a significant environmental impact, but it would not be nearly as severe as impacts resulting from a refinery or gas processing plant. An oil spill is possible if the pumping machinery is damaged but the risk of a catastrophic spill caused directly by the terminal is minimal. Air pollution impacts can be mitigated by the use of proper emission controls.

A number of federal agencies are involved in overseeing the siting, construction, and operation of interstate pipelines. These agencies deal with safety and environmental considerations, economic requirements and the proper development of natural resources in general. Included are the Department of the Interior, Interstate Commerce Commission (for oil), Federal Energy Regulatory Commission (for gas), Department of Transportation, and the Army Corps of Engineers. Coordination with the states is provided informally through Department of the Interior field personnel and more formally through CZMA (section 307(c)), 1978 Outer Continental Shelf Lands Act Amendments (P.L. 95-372), Oil and Gas and Sulfur Operations in the Outer Continental Shelf (30 CFR 250), and OCS Oil and Gas Information Program (30CFR 252). The siting of pipelines below the mean high water mark is also regulated under the Coastal Structures Law (CGS 25-7b to 25-7f).

A pipeline shore terminal would be subjected to various state and local land use authorities that are discussed elsewhere in this document.

OCS Support Facilities -- Facilities that may be needed if significant OCS finds are made in the North Atlantic include oil and gas platforms, platform fabrication yards, storage depots, crew and supply bases, and tank farms. The potential demand for these facilities will depend on several factors including where recoverable amounts of oil and gas are found, the quantity of production estimated from exploratory drilling results, the composition of the find (i.e. all oil, all gas, or a mixture), and the rate of production. As in the case of the other OCS-related facilities discussed above, Connecticut's distance from the drilling locations will generally restrict the siting of support facilities in the state. However, if the demand were to arise for such facilities the economic benefits could be significant.

Although some OCS support facilities are not coastal dependent, coastal sites are often preferred for economic reasons. Proposed facilities should be examined on a case-by-case basis utilizing all relevant federal, state, and municipal authorities. Such an examination will include an assessment of the impact on coastal resources using coastal policies (Part IV of this document) and should provide an analysis of alternative sites within and outside the coastal area.

LNG Facilities

A typical liquefied natural gas (LNG) import facility consists of a marine unloading pier, a cryogenic pipeline leading from the pier to storage tanks, vaporizers, storage tanks and pipeline facilities to transport gas. Such a facility would be used to handle the importation of foreign gas supplies.

The federal Department of Energy recently denied a proposal to import LNG to the northeastern United States because of the lack of demonstrated regional need for the imports. Given this decision and the fact that large LNG terminals are presently located in Massachusetts and the New York-New Jersey area, it is unlikely that one will be proposed for Connecticut in the near future.

Since at least some parts of LNG facilities are coastal dependent, any site evaluation would have to carefully examine impacts on coastal resources including the large land area needed, increased tanker traffic, the effect on shipping, increased air and water pollution due to LNG shipping and processing, and socioeconomic impacts. Another major concern associated with LNG facilities is the risk to public health and safety should an LNG spill occur. Security and safety measures at the Massachusetts facility have been questioned in recent years.

LNG transshipment problems in Connecticut's coastal waters will be difficult to overcome. As in the case of supertanker transport (see discussion of deepwater ports), LNG transport will be limited by the narrow channels at the entrance to Long Island Sound, the lack of large deepwater harbors, and the large volume of recreational and commercial vessels presently using the Sound. The large land area required by LNG facilities would also limit the potential for siting in Connecticut.

The siting of LNG facilities is subject to various regulatory programs under the jurisdiction of DEP including air and water pollution control and structures and dredging regulations (See Section II, Part V of this document). The Federal Energy Regulatory Commission and the Economic Regulatory Administration are the primary federal agencies involved in the LNG permit process.

2) State authorities involved in energy facility planning and siting (923.13 (2), 923.13 (3))

Connecticut has instituted a coordinated and comprehensive system for energy facility planning and for regulating the location and construction of power plants, distribution facilities, and transmission lines. The Power Facilities Evaluation Council (PFEC) is the chief agency responsible for the siting of major energy facilities. Facilities which are not under the PFEC's jurisdiction are subject to State permit authority centralized in the Department of Environmental Protection, or to municipal zoning authority. Coastal policies Section II, Part IV of this document) have been developed to guide and coordinate the planning and decision-making processes at all levels of government. In addition, the Energy Advisory Board has responsibility for developing energy supply and demand projections and for recommending broad energy policy and regulatory changes to the General Assembly and the Governor.

Planning -- Many state agencies are currently involved in decision-making that affects energy policy, including the execution of programs aimed at reducing energy consumption through conservation and increased efficiency. Agencies having energy planning responsibilities include the Energy Division of the Office of Policy and Management, Connecticut Resource Recovery Authority, Public Utilities Control Authority, Power Facility Evaluation Council, Department of Administrative Services, Department of Transportation, and Department of Environmental Protection.

The Energy Division of the Office of Policy and Management is the central energy office for the state. Policy planning and program operations that the Energy Division is charged with include the following:

(1) Analysis of all aspects of energy production and supply, transportation, consumption, and conservation.

(2) Development of recommended energy policies and programs for the state which are designed to balance economic, environmental, and social considerations.

(3) Execution of federal and regional programs involving energy conservation, renewable energy resource development, and energy allocation. Another division of the Office of Policy and Management (Comprehensive Planning) is responsible for implementing the Coastal Energy Impact Program in Connecticut.

(4) Coordination of state energy activities.

The Energy Division also provides staff support to the Connecticut Energy Advisory Board. The board consists of representatives of various state agencies as well as members of the general public and is responsible for submitting an annual report to the Governor and General Assembly. The report must contain both short-range and long-range forecasts of energy supply and demand for the state as well as recommendations for correcting energy imbalances. In the event of projected shortages in energy supply, these recommendations must include the following (CGS Section 16a-17):

> "...measures to develop new or expanded sources of energy, including any recommendations to authorize the establishment of oil refineries, deepwater ports, nuclear power facilities, off-shore drilling facilities, or other similar major capital facilities. The board shall identify any beneficial or adverse social, economic, or environmental impact of such energy projections and recommendations."

Informal coordination between CAM and the Energy Advisory Board is maintained by the three state agencies that are represented on both the Coastal Area Management Advisory Board and the Energy Advisory Board -- the Power Facility Evaluation Council, the Department of Environmental Protection and the Department of Economic Development. The Office of Policy and Management is also represented on the CAM Advisory Board.

Another energy planning mechanism is contained in Section 16-50r of the General Statutes which requires all electric generating companies to furnish an annual report to the Power Facility Evaluation Council containing long term forecasts of loads and resources. In addition to supply and demand forecasts, these reports must include lists of existing and planned energy facilities.

The CAM Program provides guidelines for facility siting in Connecticut's coastal area. Under CAM, virtually all uses and resources in the coastal area will be managed. Coastal policies have been developed for energy facilities as well as for other coastal uses, land and water resources, research, inter-governmental coordination, and national interest facilities and resources. These policies will serve as a guide to energy facility planning and siting by all levels of government in the coastal area (Section I: Part IV of this document).

Siting -- The Power Facility Evaluation Council (PFEC), established pursuant to the Public Utility Environmental Standards Act (CGS Sections 16-50g to 16-50z), consists of one representative each from the Department of Environmental Protection, Public Utilities Control Authority, House of Representatives, and Senate, in addition to five members of the general public The PFEC has jurisdiction over the siting and modification of the following energy facilities (Section 16-50i):

(1) Electric transmission lines of a design capacity of 69 kilovolts or more, including associated equipment;

(2) Fuel transmission facilities, except gas pipelines having a design capacity of less than 200 pounds per square inch gauge pressure (interstate gas pipelines are regulated by the Federal Energy Regulatory Commission);

(3) Any electric generating or storage facility using any fuel, including nuclear materials, including associated equipment for furnishing electricity by electric utilities;

(4) Such substations, switchyards, and other facilities which may have an adverse environmental effect.

No construction or modification of the above mentioned facilities may be undertaken without a "certificate of environmental compatibility and public need" (herein referred to as "certificate") issued by the PFEC. Any proposed facility must "be built , maintained and operated in conformity with such certificate and any terms, limitations or conditions contained therein." The requirement for obtaining a certificate provides a mechanism for regulating the siting of energy facilities.

The PFEC must adhere to statutory criteria in deciding on an application for a certificate. The decision must be based on a determination of the following factors (Section 16-50p):

(1) The public need for the facility and the basis for the need;

(2) The nature of the probable environmental impact including an identification of every significant adverse effect on, or conflict with State policies concerning the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, forests and parks, air and water purity, and fish and wildlife;

(3) Why the adverse effects or conflicts referred to above are not sufficient reason to deny the application;

(4) In the case of an electric transmission line, that the facility serves the interests of electric economy and reliability and that the overhead portions are consistent with all applicable state and federal guidelines;

(5) In the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property.

Section 16-50p clearly requires a balancing of the need for the facility with the environmental impact of the facility. In addition, violation of any state environmental policy or standard, including coastal management policies, is sufficient reason to deny a certificate unless the PFEC presents an explicit finding that the public need for the facility outweighs violations of such standards. This statement is substantiated by Section 16-50t which allows the PFEC to adopt standards for power facilities in addition to, but not inconsistent with, other federal and state environmental standards. Prior to any hearings on applications, the PFEC is specifically required to consult with the Department of Environmental Protection, Department of Health Services, Council on Environmental Quality, Division of Public Utility Control within the Department of Business Regulation, Office of Policy and Management, Department of Economic Development, and Department of Transportation. Section 16-50l which describes the required content of an application for a certificate provides additional input into the assessment of public need and environmental impact of energy facilities. Regulations governing PFEC procedures have been promulgated (RCSA 16-50j-1 to 16-50j-84, 16-50l-1 to 16-50l-5, 16-50v-1 to 16-50v-2, 16-50z-1 to 16-50z-4).

3) Identification of how interested and affected public and private parties will be involved in the planning process (923.13(4)).

The Public Utility Environmental Standards Act provides for the incorporation of all relevant public and private interests into the facility siting process. The composition of the PFEC (described above), strict requirements for public hearings, and the inclusion of various interested groups and individuals as potential parties to certification proceedings all serve to provide input into the decision-making process. In addition, municipal zoning commissions and inland wetland agencies may regulate and restrict the proposed location of a facility although a municipal decision may be revoked by a vote of

six members of the PFEC.

The mechanisms used to involve all relevant public and private grpups are consistent with the efforts of CAM to involve all affected local, regional, state, and federal agencies as well as interest groups and the general public in all phases of coastal management.

CAM's past efforts at involving the public in coastal management as well as plans for future coordination are described in Section II, Part XI of this document. In addition, CAM's approach to planning for and siting of facilities which are in the national interest, including "energy facilities serving statewide and interstate markets", is described in Section II, Part IX of the document.

B. SHOREFRONT ACCESS AND PROTECTION PLANNING

Introduction

Three major factors influence the planning process for enhancing shorefront access and protection in Connecticut: first, the extent of development of the immediate shorefront area; second, the natural physiographic limit in the amount of suitable coastal resource; and third, the high cost of acquisition and development coupled with a real lack of available acquisition and development opportunities. These factors are largely a result of the physical (or geologic) characteristics of the shorefront and the patterns of land use resulting from the historical development of Connecticut's coast.

The coast of Connecticut is, for the most part, highly developed. Unlike many coastal states, the development of Connecticut's shorefront began over 300 years ago. The pattern of land use and intensity of development evident along Connecticut's coast today is the result of a long history of development in which a variety of often conflicting uses competed for an increasingly scarce resource.

The greatest intensity of development in the coastal area occurs in the western part of the state. Industry and other urban uses have concentrated along the western shorefront in New Haven, Bridgeport, Norwalk and Stamford. In terms of population, these four cities along with Fairfield and Greenwich represent six of the ten largest cities in Connecticut; together, they support 20% of the state's population (40% of Connecticut's population is located in the 36 coastal communities). The remaining towns along the western shoreline are characterized by dense residential development due in part to their proximity to New York City and their general location along the major northeastern transportation corridors connecting Boston and Washington, D.C.

The coastal area east of New Haven is less intensely developed, but the same general patterns of land use evident in the western end of the state are repeated, particularly in the immediate shorefront area. Though several of these towns are decidedly rural in overall character, land use densities increase as one moves toward the shore.

This development trend is expected to continue. Studies conducted under contract to the Connecticut Coastal Area Management Program show that even in some of the least developed sections of the coast, development within 1000 feet of the shore increased by 50% over the decade from 1965-1975. Though advancing technology and changing needs have recently permitted less intense uses such as recreation to be emphasized as an important use of the coastal area, the long established pattern of development along Connecticut's shorefront has left few undeveloped areas suitable for new recreational opportunities.

This historical demand from competing land uses for the desirable shorefront property has resulted in the private ownership of much of the coast. The state of Connecticut has 583 miles of shoreline bordering on coastal waters. Of this total coastal frontage, 215 miles front directly on Long Island Sound and the remaining 368 miles consist of major and minor river and cove frontage. Of the

total frontage, the state owns 49 miles (8.4%), the municipalities 64 miles (11%), and the federal government only 4.3 miles (.7%). The great majority(80%) of the shoreline is privately owned. Individuals or private commercial, industrial or institutional interests own approximately 434 miles (74.5%). Residential associations (generally beach associations) own 19.5 miles (3.3%) and private conservation groups hold 12.4 miles (2.1%).

The Connecticut shorefront does not have an abundance of those physical resources which support the most demanded forms of coastal recreation. Sandy beach comprises only 13.5% of the total shoreline; tidal wetlands account for 6.5%. The remaining shorefront is a combination of bedrock, glacial drift and artificial fill. These latter resources constitute a significant portion of the shorefront and though they are not sought out to satisfy a specific recreational demand, they can provide valuable physical and visual access opportunities.

The natural limit in the amount of suitable resource and the history of intense development along the coast has left very little undeveloped land available for recreational use. These two factors effectively limit the opportunity to rely either on land use controls or on acquisition (either in fee simple or less-than-fee simple) as the primary means of improving access to the shorefront.

Requirements of Section 305(b)(7) of the CZMA

Section 305(b)(7) of the federal Coastal Zone Management Act (CZMA) requires that the management program for each coastal state include "a definition of the term 'beach' and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value. The federal regulations concerning this section of the CZMA require that the program contains "a procedure for assessing public beaches and other public areas...a description of appropriate types of access and protection, and ...an identification and description of enforceable policies, legal authorities, funding programs and other techniques that will be used to provide such shorefront access and protection that the state's planning process indicates is necessary."

Public Shorefront Areas: Identification and Analysis of Supply and Demand

Planning Report #25, published by the Coastal Area Management Program in March, 1978, discusses in detail the recreational demand, opportunities and limitations in Connecticut's coastal area. Recreational use of the coast takes many forms and depends on the availability of different resources and facilities. Sandy beaches are sought out for swimming; boating requires some type of shore based facility; fishing can be done from the beach, rocks, jetties and piers; and hunting and wildlife observation depend on the existence of natural habitat. Given the pressure from competing land uses and the limited amount of undeveloped land in the coastal area, satisfying the public demand for these and other recreational activities requires that access to all publicly-owned coastal land be ensured.

Publicly owned coastal areas include those portions of the shore held in fee ownership by the state and also that portion of the shore between mean high and mean low tide lines. This latter area is held in trust by the state under

jus publicum or public trust doctrine. Of these areas, the coastal resource in greatest demand and, from a geological perspective, in shortest supply is sandy beach.

Beach Recreation

For the purposes of CAM's shorefront planning element, "beach" is defined as gently sloping deposits of loosely consolidated sedimentary material (sand and/or gravel on cobbles) fronting on coastal waters and extending landward from mean low water to the location where a distinct change in the physical composition or physiographic form occurs. This definition includes all of the "beach and dune" coastal resource areas enumerated in sec. 3(7)(c) of the Connecticut Coastal Management Act: "'Beaches and Dunes' means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats."

Due to the general physiographic character of Connecticut and the estuarine setting of the coast (see Part II), sandy beach is not abundant along the Connecticut coast; of the 583 miles of total shorefront only 78.5 miles (13.5%) is sandy beach. The lack of beach resource in Connecticut is the result of: 1) a paucity of beach-forming sediments due to glaciation and the extensive occurrence and nature of bedrock along the coast, and 2) the low wave energy estuarine system of Long Island Sound. These factors also account for the uneven distribution of the resource, the generally poor sand quality and the high percent of comparatively small and narrow beaches.

Characteristics of the Resource

An analysis of the Connecticut Coastal Area Management Program's coastal resource maps and aerial photographs reveals that Connecticut's 78.5 miles of beach consist of over 190 separate stretches of resource. Almost one half (46%) of these stretches of beach are under 1000 feet in length and approximately 60% are less than 1500 feet in length. The beaches in Connecticut also tend to be narrow. A survey of beaches owned by the state, municipalities and associations indicates that even these beaches, which were acquired for intensive recreational use and are often artificially nourished,average only about 100 feet in width. The remaining beach resource in the state is, on the average, considerably narrower. Because of these factors, a sizable number of Connecticut's beaches, both private and public, afford only limited recreational opportunities in terms of capacity.

The physical limitations of the resource also diminish the quality of the beach experience as do the small wave heights and the coarse texture of the sand. Waves approaching the Connecticut shoreline rarely reach two feet in height--in fact, 60% of the waves are less than one-half foot. These small wave heights are attributable to the protection afforded Long Island Sound by the presence of Long Island and by the nature of the local wind patterns.

The beach resource is also unevenly distributed throughout the coast. The towns along the southwestern and far southeastern shore have very little beach resource due primarily to the predominance of bedrock, and what resource does exist tends to be small, narrow pocket and fringe beaches. In addition, many of the beaches along the western shoreline are heavily developed and highly modified through bulkheading and artificial fill. Private residential development crowding

and dissecting the larger beaches and poor water quality caused by intense industrial, commercial and residential use of the shorefront are major limitations to providing additional public recreational access. The central portions of the shoreline, with a few exceptions, have the greatest amount of beach resource. Most of the state's barrier beaches, offering the longest and widest stretches of resource are found here.

Beach Ownership

Of the 78.5 miles of sandy beach, 48.4 miles (62%) are in private ownership; 16.3 miles (20% of the total beach frontage) are owned by beach associations, the great majority of which are located east of New Haven. Though there are a few fairly long stretches of beach owned by associations, the average length is under 1000 feet. Access to these beaches is usually restricted to the residents/members of the associations. They are generally heavily utilized by both the residents who live on the waterfront and the residents whose property is back from the shore. Private conservation organizations own 1.2 miles of Connecticut's beaches. Limited access is often available, but the primary resource management objective of these organizations is to preserve the beach in a natural state.

Most of the remaining 31 miles of privately-owned beach are held by individuals (a small percent is owned by private commercial, industrial or institutional interests). This represents 39% of the total beach frontage. Though the exact number of owners and lengths of beach held by each has not been compiled, it is known that private individual ownership of the beach is characterized by small house lots fronting on small (100-200 feet ±) portions of beach. There are very few instances of individual ownership of large stretches of beach.

The state holds 7.5 miles (9.5% of the total) of beach in fee ownership. Sherwood Island, Hammonasset and Rocky Neck State Parks (totaling 4.5 miles) are managed by the state as recreational beach areas. Bluff Point, Harkness Memorial and Silver Sands State Park are state-owned preserve or undeveloped beach areas and account for most of the remaining 2.5 miles of state fee-owned beach. Sherwood Island and Hammonasset State Parks encompass two of the longest stretches of beach resource in the state. There are no large, and very few medium lengths of beach in the state that are not already owned by the state or municipalities that would be suitable for acquisition and development as a state recreational beach facility.

Municipalities own the remaining 22.7 miles (28.8%) of sandy beach. The municipal beaches range in size from short (100 ft.) stretches of sand with very limited parking and user capacity to highly developed, good quality beach areas offering a full range of support facilities. There are approximately 78 separate municipal beaches owned by 24 of the 36 coastal communities. Though the average length is only about 1500 feet, the municipalities own many of the largest stretches of beach; a good example of this is Pleasure Beach/Long Beach owned by Bridgeport and Stratford, the former being the second most populous city in the state. In fact, of the ten longest stretches of beach owned by a single entity, municipalities account for six (the state owns three and a private conservation organization owns one). Appendix D (Designated Public Recreational Beaches) of Planning Report #25 contains a listing of the municipally-owned beaches in the state, and gives the location, frontage and area, restrictions, and capacities of each.

Public Access to Connecticut Beaches

Given the lack of basic beach resource in Connecticut and the historical land use patterns of the coast, public access to Connecticut's beaches is reasonable. The general public has access to virtually all of the state fee-owned beach (approximately 7 miles) and greater than 90% of the municipally owned beach (approximately 17 miles). It is unlikely that the removal of municipally imposed residency requirements in the few areas of restricted access would provide new use opportunities since these municipal facilities tend to be small and are generally used to capacity. Of the four stretches of beach in Connecticut over 10,000 feet in length, the public either owns or has good access to all of them. Eight of the ten longest beaches in single ownership are held by the state (3) or municipalities (5) and afford unrestricted access to the general public.

As previously noted, the portion of shore below the mean high water mark is owned by the state. All of the state fee-owned beaches and most of the municipally-owned beaches can provide general public access to this state-owned portion of the contiguous beach where private ownership of the dry-sand area may prevent perpendicular access. The 7.5 miles of state fee-owned beach allow direct access to an additional 3.3 miles of contiguous public beach below mean high water. About 25 municipally-owned beaches are part of a larger stretch of continuous resource and afford direct public access to over 15 additional miles of this state-held portion of the beach. Therefore, the total amount of beach directly accessible to the general public from state fee-owned or unrestricted municipal beaches is at least 42 miles or 54% of the total length of beach resource in Connecticut. This figure does not include any amount of state-owned beach below mean high water that is accessible from any other type of publicly-owned upland or coastal resource, or that is accessible through public easements over private property.

When all the factors presented in the preceding sections are considered together, it is apparent that the major constraint to significantly improving beach access in Connecticut is not the existence of extensive, privately-owned and restricted beach areas, but simply a genuine lack of suitable resource. It is with an understanding of this situation that the state will attempt to satisfy public demand for sandy beach-based recreation opportunities.

General Recommendations for Improving Beach-Based Recreation Opportunities

The State Comprehensive Outdoor Recreation Plan, which assesses statewide recreational needs, identifies swimming--particularly saltwater swimming utilizing Connecticut's Long Island Sound beaches--as the most popular form of recreational activity. Through an analysis of statewide supply and demand data a significant level of unmet need for public swimming facilities was identified. It is primarily the state's responsibility to provide for state-wide and regional recreation needs, and according to SCORP, much of this swimming capacity deficit can and will be met through development of state facilities on inland water bodies. However, improvement of access to shoreline beaches is a top priority in the state's recreation plan.

Given the lack of available beach resource in Connecticut, improvement of public access to coastal beach areas may best occur in four major ways.

First, by developing or reutilizing former or currently underutilized state-owned beach areas; second, by increasing the capacity of, and improving the access to, existing state-owned recreational beach facilities; third, by acquisition and development of new state-owned recreational beach facilities when suitable properties become available and as acquisition funds allow; and fourth by requiring the provision or improvement of access through applicable state regulatory and planning programs.

Access may also be improved, to a lesser degree, through a fifth method: use of municipal regulatory and land use control techniques such as 1) bonus and incentive zoning and 2) dedication of subdivision open space and access rights-of-way, to encourage provision or improvement of shorefront access by private developers. However, because of the small size and extent of beach resource in Connecticut, the narrow width and length of "public beach" areas below mean high water, and the basic lack of undeveloped shorefront property, use of municipal land use control techniques is not expected to result in a significant increase in access opportunities. These basic approaches to increasing shorefront access are further discussed in the analysis of Connecticut actions below.

Boating

Boating is another major recreational use of the coastal area. There are approximately 70,000 power boats registered in Connecticut and an unknown but sizeable number of sailboats (estimated in excess of 30,000). The improvement of existing, and the development of new support facilities to create new boating opportunities and enhance the recreational experience was the major recreational issue raised by the public throughout the development of the Connecticut Coastal Area Management Program.

A 1976 survey of marinas in Connecticut conducted by the state Department of Commerce under contract to the Coastal Area Management Program identified 164 commercial marinas (down 30 in the last 5 years), 8 public marinas and 63 private yacht clubs. In addition, there are 13 state boat launching ramps providing access directly to the Sound, and 10 ramps providing access to the lower Connecticut River. A listing of the marinas, clubs and boat launching facilities is provided in Appendix E (State Boat Launching Ramps, Marinas) of Planning Report No. 25. Aside from the approximately 5,000 car capacity of the public boat launching areas, available slips and berths total roughly 25,000. An unsurveyed but significant number of individual harbor moorings provide additional boating facilities.

It is evident from the data presented in Planning Report #25, that a large share of the boating facilities are supplied by the private sector. Within the economic constraints of the user, these facilities are largely accessible to the general public. Both Planning Report # 25 and SCORP identify a need to provide relatively inexpensive public boating access and recommend the development of additional state boat launching sites throughout the coastal area to meet that need. Since boating relies on the coastal waters and not a particular type of land resource, the state can provide additional boating access from any publicly owned land--beach, tidal wetland or urban shorefront. In addition, the Coastal Area Management Program recognizes the significant role of the private sector in providing boating access to the Sound and has developed policies which encourage the development of commercial boating facilities in suitable locations.

Other Public Coastal Areas

Tidal Wetlands

Though sandy beaches comprise the most demanded coastal resource in terms of coastal recreational opportunities, it is not the only one. Tidal wetlands constitute an important resource from both an ecological and recreational standpoint. The state owns significant tidal wetland acreage and other similar areas preserved and valued for their natural features.

Over 2500 acres of tidal wetlands are owned by the state and managed by DEP as fish and wildlife areas. These wetlands, such as Barn Island in Stonington, C.E. Wheeler Wildlife Area in Milford and Great Harbor in Guilford are maintained primarily for fish and wildlife habitat which support wildlife management and extensive recreation including hunting, fishing, educational field trips, bird watching and hiking. Tidal wetlands are also generally considered a scenic resource and provide a valuable source of visual access to the coastal waters; they comprise more than 50% of the remaining open or undeveloped shore frontage in Connecticut. State-owned tidal wetlands account for 14.5 miles of shoreline and contain public boat launching sites which provide access to rivers and the waters of Long Island Sound.

Urban Waterfronts

As stated earlier, Connecticut has a highly developed coastal area. A number of the state's most populated urban centers are located along the coast where natural harbors became commercial ports, providing the basis for the area's economy. Four of the state's seven largest cities -- Bridgeport, New Haven, Stamford and Norwalk -- are located on the shoreline in the western part of the state. Groton, New London and Norwich, located in the eastern end of the state are smaller in size but also possess significant segments of major river and Sound frontage.

The waterfront of these urban areas can and do provide an important source of access to coastal waters for large concentrations of the population, some of which depend on nearby opportunities. The urban waterfronts often contain marine related historic, cultural and aesthetic resources as well as boating facilities which provide physical access to the water.

Though all of Connecticut's coastal cities provide some public access to the waterfront, this is a resource that needs additional attention. Improvement of water quality and the re-use of underutilized or redevelopable properties by uses that enhance visual access and provide physical access to the waterfront are encouraged by the coastal policies in the Connecticut Coastal Management Act.

Cultural and Historic Areas

Long Island Sound and the major rivers played a central role in much of Connecticut's history. In particular, the Long Island shore east of the mouth of the Connecticut River along with the lower Connecticut River valley and Thames River estuary still possess a substantial degree of native landscape charm and cultural interest. The seaport villages of Mystic and Noank as well as the Borough of Stonington still retain their character from the late 1800's

when they were major shipbuilding centers. In this section of the coast, the combination of historic sites and villages, parks and preserves, tidal marshes, and busy harbor scenes maintain the sense of this region's marine heritage and provide excellent physical and visual access to both the natural and cultural aspects of the coastal environment.

Islands

The Connecticut coast is dotted with some 143 nearshore islands that range in size from under one acre to seventy acres. Most of these islands have remained undeveloped largely as a result of access difficulties and development constraints. Many of these islands support populations of flora and fauna which have all but disappeared from the mainland.

A number of the larger islands in the Norwalk Island group have good quality sandy beaches, and state acquisition could provide a valuable addition to available public shorefront. The primary obstacle to public acquisition of these islands is the cost. Asking prices for the properties have been substantially above appraised value. In addition, there is the special problem of providing efficient, low cost general public access to the island, which would be obligatory if substantial amounts of public recreation funds were expended for acquisition.

The principal value of many of the islands is as natural habitat for shorebirds and other species. It is unlikely that public ownership will provide better protection of these unique habitats than private ownership has for many years. The access difficulties and small size of most of the islands will continue to be effective barriers to development.

Shorefront Access and Protection Planning

Connecticut will utilize the existing state Comprehensive Outdoor Recreation Planning (SCORP) process as the planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value.

The State Comprehensive Outdoor Recreation Plan is prepared by the Connecticut Department of Environmental Protection in response to the planning requirement of the Land and Water Conservation Fund Act of 1965. SCORP must be prepared and updated on a continuing basis in order for the state or its municipalities to be eligible to receive grants from the Land and Water Conservation Fund administered by the federal Heritage Conservation and Recreation Service. The Connecticut SCORP serves as a guideline for the allocation of these funds.

The SCORP planning process encompasses the major elements which a shorefront enhancement planning process should include. On a statewide basis, the plan determines recreational needs, analyzes the supply and capabilities of existing facilities and areas and includes policies and recommendations to meet these needs. The plan identifies capital investment priorities for acquiring, developing, and protecting all types of outdoor recreation resources within the state. Coastal area concerns, needs, and recommendations have been, and will continue to be, incorporated into this established recreation planning process. The on-going coordination of the SCORP planning process with the CAM shorefront access and protection planning process will continue under the

306 implementation phase of the coastal management program. Section 20 of the Connecticut Coastal Management Act requires that all major state plans (including SCORP)which affect the coastal area be consistent with the goals and policies of the CCMA, and further, that these state plans be revised as necessary by July 1, 1981 to make them consistent.

One of the primary advantages of utilizing the SCORP process is that coastal recreation can be considered and balanced in light of statewide recreation demands and opportunities. While recreational access is an important use of coastal land and water, it is not the only potential use. Given the limited amount of undeveloped land in the coastal area and the competition from alternative uses, the priority for recreational use of coastal resources should be determined from a statewide perspective. Other parts of the state can provide water oriented recreational opportunities that will alleviate some part of the demand for the limited recreational resources of the coast.

SCORP's Chapter V (Major Water and Land Recreation Resource Issues), Chapter VIII (Goals, Policies and Recommendations for Meeting Outdoor Recreation Needs) and Chapter IX (Connecticut's Five Year Action Plan), incorporate coastal recreation analyses, recommendations and a number of policies from Planning Report #25 for increasing coastal access through coastal area acquisition and development projects.

Authorities

The essential legal authorities necessary to carry out shorefront access and protection planning are held by the Commissioner of Environmental Protection (see Part V, Legal Authorities). The Commissioner of DEP has broad statutory authority to plan for, acquire, operate and maintain state recreational, conservation, open space and natural areas.

Section 22a-21 of the Connecticut General Statutes (C.G.S.) authorizes the Commissioner of Environmental Protection to prepare, maintain and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources and other natural resources of the state. This statute provides the legal authority for preparation of the State Comprehensive Outdoor Recreation Plan.

Section 22a-25 of the C.G.S. gives the Commissioner of Environmental Protection the authority to acquire land for any purpose or activity relating to or compatible with the function of the Department of Environmental Protection.

Sections 23-8 and 23-9 of the C.G.S. give to the Commissioner the power to acquire, maintain and make available to the public open space for recreation. The Commissioner is authorized to acquire, in the name of the state and for the benefit of the public, by purchase, gift or other device, or by right of eminent domain, lands and rights in land for public open spaces. He is further authorized to maintain open spaces that may be entrusted or given to the state by the federal or local governments, corporations, or individuals for the purposes of public recreation, or for the preservation of natural beauty or historical significance.

Sections 22a-27 and 7-131f (as amended by P.A. 79-607, Sec.7) of the C.G.S. gives the Commissioner of Environmental Protection exclusive authority to administer all state and federal grant funds for municipal acquisition and development of outdoor recreation resources or other natural resources.

Though DEP has primary responsibility for the protection and enhancement of the scenic and cultural character of the state, another applicable authority is held by the Connecticut Historical Commission which is the central authority for historic preservation in the state. Section 10-321d of the C.G.S. gives to the Connecticut Historical Commission, the authority to acquire, restore, maintain and operate historic structures or landmarks and adjacent lands which the commission determines to be of national or state historical importance. This Commission also has the authority (through Sec. 321b of the C.G.S.) to administer all state and federal grant funds for municipal acquisition and maintenance of historic structures and landmarks.

Policies

Policies contained in P.A. 79-535 (Connecticut Coastal Management Act) and other statutory policies contained in the Connecticut General Statutes (which have been incorporated by reference in Sec. 2(a)(2) of P.A. 79-535) provide guidance to the Commissioner in carrying out his statutory responsibilities for the provision of public recreational opportunities and the protection of natural resources in the coastal area. Policies contained in both the state's Conservation and Development Policies Plan (formerly the Plan of Conservation and Development) and the State Comprehensive Outdoor Recreation Plan provide additional guidance to the Commissioner when undertaking actions which fall within the purview of these Plans.

The Conservation and Development Policies Plan provides a policy framework for the planning and investment decisions of state government which influence the future growth and development of the state and the conservation of its natural resources. The Plan must be applied (through advisory reports prepared by the Office of Policy and Management) when state agencies, including the Department of Environmental Protection, undertake the following actions with state or federal funds: 1) acquisition of real property, 2) development or improvement of real property costing more than $100,000, 3) acquisition of public transportation equipment or facilities costing more than $100,000, or 4) state grants-in-aid of more than $100,000 to be used for the above purposes. In addition, all functional plans prepared by DEP and other state agencies must be reviewed in an advisory report prepared by OPM for conformance with the policies of the Plan. Bond commission allocations related to the state capital investment actions identified above must be similarly reviewed.

As discussed above, SCORP goals, policies and recommendations are to be applied by the Commissioner when allocating funds from the Federal Land and Water Conservation Act of 1965.

General State Policy for Environmental Protection

General environmental policies concerning protection of the state's land and water resources are contained in Sections 22a-1, 22a-1a, 22a-15, and Sec. 25-54a of the Connecticut General Statutes. Briefly, these sections state that it is the policy of the State of Connecticut to conserve, improve and protect the State's natural resources and environment and to control air, land and water pollution. It is the policy of state government to use all practicable means and measures including financial and technical assistance, the improvement and coordination of state plans, functions, programs and resources to assure a safe,

healthful, productive, and esthetically and culturally pleasing environment for the present and future generations of Connecticut residents.

Sec. 22a-5 of the Connecticut General Statutes states that the Commissioner of Environmental Protection shall carry out the environmental policies of the state and, consistent with these policies, shall provide for the protection, enhancement and management of the public forests, parks, open spaces and natural area preserves and of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and shorelines. Sec. 25-54c directs the Commissioner to adopt standards of water quality, consistent with the Federal Water Pollution Control Act, and to preserve and enhance the quality of state waters for all legitimate uses including recreation.

SCORP goals for the Department of Environmental Protection include:

> " To provide an adequate supply and variety of open space and recreational opportunities for the citizens of Connecticut"
>
> " To protect and further the optimum use of Connecticut's marine resources."

As detailed above, the State, through the Commissioner of DEP, has primary authority and responsibility for providing recreational access and natural resource protection in Connecticut. Policies from P.A. 79-535, the Conservation and Development Policies Plan and SCORP provide specific guidance to the Commissioner for providing access to, and protection of, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value.

Recreational Access Policies: Acquisition and Development

The following policies pertain to the provision of recreational access in the coastal area through state and municipal acquisition and development.

Two policies from P.A. 79-535 enhance existing state policy concerning the primary role of the state:

> " 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."
> (sec. 2(a)(b))
>
> " To make effective use of state-owned coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing state owned facilities where feasible."
> (sec. 2(c)(1)(J))

Policies from the Conservation and Development Policies Plan incorporated by reference in P.A. 79-535 Section 2(d)) that the State:

> " Provide a wide variety of high quality outdoor recreation opportunities to all citizens."

Give priority to the purchase and development of facilities in and locations accessible to the greatest number of users.

Acquire and develop new water-based recreation sites and improve existing water recreational areas of the Plan.

Take advantage of every opportunity to increase the amount of shoreline land available to the public for recreational use.

a. Increase opportunities for public access to saltwater swimming through expansion of existing facilities and development of new facilities.

b. Identify areas of highest coastal water-based recreation potential with recommendation for state-first option to purchase and lease-back, and other incentives to maintain and increase public access to coastal areas.

Insure that development in watersheds tributary to recreational water-bodies is fully compatible with water-based recreation." (Sec. 10, Policy B)

Another policy from the Conservation and Development Policies Plan concerning "preservation areas" recommends:

"undertaking of long-term acquisition of storm-damaged coastal areas where appropriate for increased public access to Long Island Sound."

SCORP policies and recommendations offer further guidance. Specific acquisition priorities include:

- " Coastal region purchases for public access to Long Island Sound and for future development of water based activities."

- " Acquire coastal beach access...offering a potential for swimming opportunity wherever they become available."

- " To provide fishing and boating opportunities...acquire and develop a publicly-owned boat-launching site...in every town along the coast and along navigable streams such as the Connecticut River."

- " Selection, acquisition and expansion of areas for new State Parks that are near cities."

Because land acquisition presents particular difficulties with respect to the timing of land sales and the availability of funding, SCORP contains a number of recommendations (from the Coastal Area Management Program and/or the state's Conservation and Development Policies Plan) for land acquisition assistance that are specifically related to the coastal area. These are:

- "Establishment of a state-first option to purchase areas of highest coastal water-based recreation potential."

- " Establishment of a funding procedure to allow timely exercise of purchase options where appropriate especially for shorefront properties following natural disasters."

- " Provision of State matching funds for shorefront access planning under Sec. 315(2) of the Coastal Zone Management Act of 1972."

SCORP policies concerning development of recreational areas and facilities include:

- " The State should concentrate its development funds on expanding and upgrading the recreation potential of its existing coastal swimming beaches."

- " Development of additional coastal swimming capacity at Rocky Neck, Hammonasset and Sherwood Island State Parks...Begin construction of Silver Sands State Park; one of the state's few remaining opportunities for significant new coastal swimming capacity."

- " The Department should make a thorough evaluation of the potential of all state owned coastal lands to increase recreational usage especially in providing swimming capacity."

- " The Department should develop existing sites acquired for boat launching areas and rehabilitate sites as the first priority in meeting demand".

The Municipal Action Plan contained in SCORP encourages municipal acquisition and development when it is more appropriate (for example, when an available parcel is not of sufficient size to manage as a statewide facility). The policies in SCORP provide general guidance to the municipalities for developing individual goals for addressing local recreational needs and demands.

A number of state policies which are applicable to the coastal area concern the acquisition, protection and preservation of public areas of cultural, historic, and natural values. Section 23-5a of the C.G.S. concerns Connecticut's system of natural area preserves:

> "It is...declared to be the public policy that carefully selected areas of land and water of outstanding scientific and educational interest be preserved. In implementation of this policy, there is established a Connecticut system of natural area perserves."

Section 25-102a contains the state policy behind establishment of the Lower Connecticut River Conservation Zone:

> "It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and to prevent deterioration of the natural and traditional riverway scene for the

enjoyment of present and future generations of Connecticut citizens and that the powers of the commissioner of environmental protection, conferred by the provisions of section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general responsibility to preserve the natural resources of the state."

SCORP policies and recommendations that are applicable to acquisition and development of historic, cultural and natural areas include the following:

- " Protect sites, villages, and areas of historic or cultural significance as well as surrounding areas which act as their setting."

- " Assist in the acquisition of cultural and historic sites, in conjunction with the Connecticut Historical Commission, where recreation can be provided."

- " Acquisition of natural areas listed on the State's Inventory of Natural Areas and other critical habitats which are immediately endangered and cannot be protected by other methods... A program of planned acquisition of threatened sites or preservation through conservation easements and other land use control techniques must continue to be a state priority for preserving Connecticut's environment for its scientific, educational and natural values."

Recreational Access Policies: Regulatory and Planning Programs

P.A. 79-535 establishes twelve policies relevant to shorefront access and coastal recreation that are to be used by the state in 1) administering existing DEP regulatory programs, 2) undertaking all state development activities, and in 3) revising all state plans affecting the coastal area as discussed in Part VI of this document. These policies are also to be used by coastal municipalities in regulatory decisions under the coastal site plan review procedures and in developing municipal coastal programs as discussed in Part VI of this document. All of these policies appear below; three of them deserve particular note.

First, to strengthen existing state regulatory programs pertaining to structures on or over the public beach (area below mean high tide), P.A. 79-535, Sec. 2 (c)(1)(K) requires that new structures not unreasonably impair access to, or along the public beach.

" 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."

Second, P.A. 79-535 establishes several policies that place highest priority on water dependent uses in shorefront areas for planning purposes and for the

purpose of resolving conflicts between competing uses. The definition of water dependent use (ref. P.A. 74-535, Sec. 3(16)) specifically includes water based recreational uses and other uses which provide general public access to marine or tidal waters.

> "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." (P.A. 78-535, Sec. 2(b)(1)(A))

Third, P.A. 79-535 identifies state and federally owned recreation facilities as being in the national interest (ref. P.A. 79-535, Sec. 3(14)). The state's national interest policy requires adequate planning for and prohibits exclusion of any such facilities; and requires that in no case may other national interest facilities unreasonably restrict access to coastal waters:

> "To insure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 3 of this act and to insure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use:...(C) unreasonably restricts physical or visual access to coastal waters..." (P.A. 79-535 Sec. 2(a)(10))

Other policies from P.A. 79-535 are applicable to state and municipal planning and regulatory program and state-initiated development projects which pertain to shorefront access and protection. These include:

- " To encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting nonwater dependent land uses that preclude boating support facilities, (iii) increasing state owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land." (Sec. 2(b)(1)(G)

- " To protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry." (Sec. 2(b)(1)(I))

- " 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 insure 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." (Sec. 2(b)(2)(c))

- " 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." (Sec. 2(b)(2)(G))

- " 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." (Sec. 2(b)(2)(H))

- " To require that new or improved shoreline rail corridors be designed and constructed so as..., (ii) to improve or have a negligible adverse effect on coastal access and recreation and (iii) to enhance or not unreasonably impair the visual quality of the shoreline." (Sec. 2(c)(1)(F))

- " ... To require that coastal highways and highway improvements where possible enhance, but in no case decrease coastal access and recreational opportunities." (Sec. 2(c)(1)(G))

- "...To require that any expansion or improvement of existing airports minimize adverse impacts on coastal resources, recreation or access." (Sec. 2(c)(1)(H))

- "To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities..." (Sec. 2(c)(1)(I))

The Conservation and Development Policies Plan includes the following policy concerning state funded development projects:

> "Promote the consideration of potential recreation and aesthetic uses of urban rivers in connection with state funded projects or urban renewal, drainage control, flood control, wastewater treatment, and other construction projects in Urban Centers."
> (Urban Centers Policy C.4)

SCORP includes the following policy:

> "Attempt to build-in recreation facilities in conjunction with the projects developed under the Federal Water Pollution Control Act."

Connecticut Actions

Many of the recommendations contained in Planning Report No. 25 and the State Comprehensive Outdoor Recreation Plan are currently being implemented in Connecticut. Increasing the capacity at, and improving the access to, the public beaches of Long Island Sound is the objective of a number of State recreational development projects now underway. These projects are described in the following paragraphs.

Increasing Access to the Public Beach: State Development Projects

Silver Sands State Park in Milford is the state's best opportunity for increasing access to the shorefront. It is approximately 300 acres with 3100 feet of Sound frontage, and is ideally located midway between two existing State beaches (Sherwood Island in Westport and Hammonasset in Madison) and in proximity to the urban centers of New Haven and Bridgeport. Two remaining obstacles to development of this area for recreational use must be removed before actual construction of park facilities can commence. First, an active landfill within the Park's boundary is contributing to pollutants which are degrading the water quality of the area. This facility must be closed and the pollution controlled. Second, United Illuminating Co. owns a nearshore island and a strip of land bisecting the park. This property must be acquired by the state.

The state is currently moving on a number of fronts which will make the development of a future active recreation area on the land feasible. The legislature has approved general bonding authorization for preliminary studies and for acquisition of the United Illuminating Co. property. Preliminary design work on the access road from I-95 to the park entrance is underway at the Department of Transportation. The Department of Public Works is working on a number of on-going contracts involving preliminary design of such site improvements as the closing of the landfill and improvement of an existing drainage and erosion problem at Great Creek. Final plans for the closing of the landfill are due by January 1, 1980. Requests for additional funds will be submitted by DEP, with the full support of the Governor, to the 1980 legislature to proceed with implementation of these projects.

A draft of a study concerning shoreline stabilization of Sherwood Island State Park has recently been completed. The report includes a Plan of Improvement which would combine an economical and practical method of erosion control with the creation (by direct placement of borrow sand) of a pocket beach 225 feet wide and extending for 800 feet.

At Hammonasset State Park, improvements to the interior roads will be made in the next few months to improve vehicular circulation and related access difficulties.

In addition to these development projects which will increase user capacity, the State has a variety of transportation-related programs which improve public access to the State beaches.

Increasing Access to the Public Beach: Transportation

This past summer, beginning on the last weekend in June, the State Department of Transportation inaugurated a bus service operating on weekends and holidays between nine inland cities and towns and two State beach parks--Hammonasset and Sherwood Island. The purpose of the service was to encourage conservation of gasoline and to provide increased public transportation for weekend recreational travel, particularly for use by inland, urban residents.

Two programs administered by DEP which apply to all twenty-two State Parks with swimming facilities (i.e. those that charge an entrance fee) are particularly effective in increasing the accessibility of the three State shoreline beach parks, since Hammonasset, Sherwood Inland, and Rocky Neck account for 2/3 of the 95,100 person total capacity of all State swimming facilities.

The first is the Charter Oak Pass which is available from D.E.P. for five dollars and allows summer-long admission to all State Parks at which an entrance fee is otherwise charged. The second measure allows any group in Conn. using a bus for transportation to a State Park free addmission upon receipt of a bus pass from DEP's Parks and Recreation Unit.

Another transportation program involving the State Recreation areas (again, the three large shoreline beach parks play a major role) which has been particularly valuable in alleviating urban area recreational deficiencies, is geared toward improving the recreational opportunities of disadvantaged youth in Connecticut. Utilizing federal funds provided by the Federal Reimbursement Program for Social Services (Title XX), the Conn. Dept. of Income Maintenance administers the Summer Recreation Transport Program. This program, implemented on the local level by the 31 cities and towns with the highest number of low income families, provides transportation for disadvantaged youths to State Parks. It effectively addresses both the need to improve access to public recreational areas (beaches) and the special access needs of one segment of the urban population.

Increasing Access to Other Coastal Areas

In addition to the measures described above which improve the availability and accessibility of public beach areas, the State is relying on a variety of methods to address similar needs in other coastal areas cited by the Federal Coastal Zone Management Act and of other recreational needs identified through the supply and demand analysis in SCORP. In its fourth year of funding, the Coastal Area Management Program received a supplemental grant to be used for urban waterfront planning and coastal access projects. Three grants were awarded to municipalities for urban waterfront studies, each with a recreational component, and one for a statewide recreational access study.

General Access

The CAM Program commissioned a study of the feasibility of retro-fitting certain coastal erosion control and navigation structures, constructed in whole or in part through the use of public funds, for the purpose of providing fishing and other recreational access for the general public.

Approximately thirty-three coastal structures (breakwaters, groins, jetties, and revetments) that have been constructed through the use of public funds were studied to determine the feasibility of using the structures for recreational purposes, primarily as fishing piers and walkways: Each of the structures were evaluated and ranked using the following criteria: accessibility from shore, availability of parking, availability of public transportation, safety, availability of adequate recreational fishing stocks, and stability of the structure for supporting and maintaining use. Particular emphasis was placed on the suitability of use by the elderly and handicapped and accessibility by urban populations.

The study produced the following conclusions: (1) the concept of retrofitting a coastal erosion or navigation structure for use as a fishing pier is economically viable when compared to the cost of constructing a new pile and timber pier specifically for that purpose, and (2) of the top five ranked structures, Ash Creek in Fairfield and Hammonasset Beach in Madison represent the best choices for improvement based on cost per use.

Urban Waterfronts

The City of Norwalk, using a coastal management urban waterfront grant, has prepared a plan for the revitalization of the urban waterfront in South Norwalk. The plan proposes a Maritime Center for South Norwalk which includes an aquarium, a maritime museum, and a historic seaport. Also included in the proposal are major public improvements which are designed to open up the city's waterfront to public access and to encourage public use and enjoyment of the Norwalk River. The proposed Maritime Center will serve as a focus for the revitalization of the South Norwalk business district and surrounding neighborhoods.

The urban waterfront grant awarded to New Haven was used by the city to identify and define several coastal issues including: expansion of recreational access to the harbor, port expansion potential, and commercial fisheries development potential. An interim report on recreational access was prepared in which existing access points were examined and proposals developed to improve public access to the waterfront parks and private commercial developments, and to improve transportation facilities. The City Plan Department will incorporate these recreational issues and proposals into the Municipal Coastal Program being prepared under the same urban waterfront grant.

The City of Stamford has completed a study of the South End using a coastal management urban waterfront planning grant. The study recognizes that one of the South End's major assets is its harbor location. The "Action Plan" element of the South End Study includes recommendations for improving public access and recreational opportunities along the waterfront. An additional grant awarded to the City will also enhance access (both physical and visual) to the waterfront. The City will prepare a development plan for an urban trail connecting the waterfront to the downtown with trailside recreational features.

Areas of Cultural and Historic Value

The maritime heritage of Connecticut's coastal area, particularly evident in the eastern portion of the state, is a valuable historic and cultural resource and is receiving considerable attention from all levels of government as well as the private sector.

Historic district commissions exist in a number of coastal communities and serve to protect and maintain the local historic character by regulating alterations to buildings within an established district.

The Connecticut River Gateway Conservation Zone is an eight town compact established to protect the natural, historic and aesthetic values of the lower valley of the Connecticut River. The Gateway Committee, consisting of local, regional and state members, developed proposals for minimum zoning standards to be applied in the conservation zone and recommended areas in which the State should acquire scenic easements and development rights. All eight towns have adopted at least the minimum standards; the State DEP has acquired one easement and has been negotiating with other towns for additional easements.

Two proposals have been made recently concerning the historic and recreational resources of the Thames River Estuary region. One proposal emanating from the DEP recommends that the various sites of historic interest (many of which are already in public ownership) in the Thames River area serve as the basis of a National Maritime Historic Area developed and operated by the National Park Service. This, the proposal suggests, "would be in line with the recent National Park Service trend to emphasize historic themes in the urbanized northeast ... Furthermore, this theme would seem to be timely in view of the newly authorized Federal Maritime Heritage Preservation Grant Program."

The second proposal is a draft Plan for Recreational Development of the Thames River Area prepared by the Southeastern Connecticut Regional Planning Agency. This proposal "suggests a strategy whereby people might be attracted to the Thames River area by improved opportunities for tourism and recreation". The plan proposes linking existing and proposed recreational facilities along the Thames River by establishing an overall theme based on the River, and by providing public transportation between each facility. Railroads which run along both sides of the river could be used in conjunction with a boat excursion.

Natural Areas

Another category of coastal resources receiving protection through State action is comprised of areas of educational, scientific and scenic value.

In 1969, the Connecticut General Assembly passed P.A. 727, creating the Natural Area Preserve System. This Act declared it "to be the public policy that carefully selected areas of land and water of outstanding scientific and educational interest be preserved". This program is administered by the Commissioner of Environmental Protection who is given the "responsibility for selection, care, control, supervision and management of all natural area preserves within the system ... and to maintain such preserves in as natural and wild a state as is consistent with educational and scientific purposes". The Commissioner is authorized to "conduct inventories of areas within the state that may prove worthy of inclusion within a system of natural area preserves" and further "to acquire real property of any interest therein for natural area preserves by purchase, gift or devise ... and to accept any gift or bequest of money or other personal property to be used to acquire natural area preserves, or any interest therein, or to meet expenses involved in matters pertaining to the system of national area preserves."

To date, 3704 acres are managed statewide under the Natural Area Preserve system. This includes over 600 acres of salt marsh in Hammonasset State Park.

The New England Natural Areas Project coordinated by the New England Natural Resources Center conducted in the early 1970's, an inventory of natural areas in Connecticut having important geologic, biological and soil type significance. This inventory, which is a first step in the eventual protection of important natural land areas is being updated by DEP's Natural Resource Center. To focus attention on coastal sites, the CAM Program will continue to assist in the Natural Resource Center's efforts to maintain a current and accurate inventory of natural land areas.

In 1975, the Connecticut General Assembly enacted P.A. 75-45 which created a coastal reserve at Bluff Point in Groton. Bluff Point represents the last remaining significant piece of undeveloped land along the Connecticut coast. The State owns 803 acres at Bluff Point including one and one half miles of barrier beach which is the only completely undeveloped sand barrier in Connecticut. The Act declared that 750 acres of the State-owned land at Bluff Point be designated as "a coastal reserve for the purpose of preserving its native ecological associations, unique faunal and floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity". The Coastal Reserve is maintained and administered by the Connecticut DEP.

Other Methods of Increasing the Access and Protection Needs of the Coastal Area

Municipal Coastal Programs

Municipalities will address recreational access within their jurisdiction when developing Municipal Coastal Programs under Section 7 of the CCMA. As provided in the Act, municipalities are required to consider all applicable coastal issues, including specifically recreational facilities, when making revisions to their municipal Plans of Development. The revisions to the goals, policies and recommendations of the Plan of Development must be consistent with the coastal (recreational) policies contained in Section 2 of the CCMA and must address the identified issues. This revision could include such changes as 1) alteration of plan policies concerning recreational uses in the coastal area, 2) changes in acquisition and development priorities to focus on deficiencies of coastal recreational facilities, and 3) designating certain undeveloped parcels in the coastal area as open space.

The municipality must then revise the municipal zoning ordinance and revise or adopt related municipal ordinances to conform to and implement the policies and land and water use strategies of the Municipal Coastal Plan. These revisions could include: 1) bonus and incentive zoning regulations to encourage provision of access by the private sector to the public shorefront below mean high water, 2) building height limitations and setback requirements for shorefront property to enhance visual access to the water, 3) dedication of open space requirement in subdivision regulations to provide for shorefront recreational and public access needs, or 4) adoption of a Planned Unit Development ordinance with flexible design considerations encouraging the provision of open space and public access.

The Long Island Sound Heritage Bill

At the federal level, the Long Island Sound Heritage Bill, sponsored by U.S. Senator Abraham Ribicoff of Connecticut, calls for the federal appropriation of 50 million dollars to provide New York and Connecticut with up to 75% of the costs of acquiring and/or developing fifteen areas of recreation, scenic and conservation value on Long Island Sound. The plan calls for federal acquisition

of these lands and federally-supported state administration of the areas. While this bill would not greatly increase state land holdings since most of the proposed areas in Connecticut are currently either state or municipally owned, it would provide Connecticut with needed additional funds for development, restoration, and maintenance of recreational facilities along the coast, thereby increasing both the quality and availability of recreational opportunities in the coastal area.

Areas of Particular Concern

Another method for protecting certain shorefront areas is provided in this document. The protection needs of certain significant shorefront areas will be enhanced through their designation as areas of particular concern. The method and criteria for designating these areas - tidal wetlands, shellfish concentration areas, federal navigation channels, and dredged spoil disposal sites are described in Part VIII. Other shorefront areas can be protected for their conservation, recreation, ecologial or esthetic values by designation as areas for preservation or restoration. The procedures for identifying and designating future APR's are also described in Part VIII of this document.

Funding

Connecticut will continue, as it has in the past, to rely on a number of funding programs to enhance shorefront recreation and/or access. The State currently has over $20 million in bonding authorizations for land acquisition and related recreational development that can be used to match existing federal funding sources.

The major source of federal funding is the Heritage Conservation and Recreation Service's Land and Water Conservation Fund. This program provides grants-in-aid to states and their municipalities for the acquisition and development of outdoor recreation areas and facilities for the general public. The Land and Water Conservation Fund is used by the state and its municipalities for approximately 50% of the assisted recreational projects. Connecticut receives approximately six million dollars per year, of which on the average, 40% is used for state purposes and 60% for municipal.

Two other related sources of federal funding are the Federal Aid in Wildlife Restoration Program (Pittman-Robertson) and the Federal Aid in Sport Fish Restoration Program (Dingell-Johnson). Both programs provide up to 75% reimbursement of total project cost. The purpose of the Pittman-Robertson fund is to restore or manage wildlife populations and provide for public use of these resources. Connecticut's annual appropriation of $500,000 is used primarily for acquisition of lands providing habitat for wildlife such as marshes and farmland. State coastal areas acquired using this funding source are Ragged Rock, Nell's Island and Barn Island. The Dingell-Johnson fund supports projects designed to restore and manage sport fish populations for the preservation and improvement of sport fishing and related uses of these fisheries resources. Connecticut receives approximately $220-230,000 per year from this source.

A State Boating Fund, consisting of state funds only, is administered by the Dept. of Environmental Protection. These funds are used by the state and municipalities for the administration and enforcement of the boating laws and regulations and for acquisition, construction, maintenance and improvement of public boating facilities. There is currently about $450,000 in the fund.

Sec. 315(2) of the CZMA Amendments could provide another source of federal funds for improving shorefront access. Though currently unfunded, Sec. 315(2) authorizes grants of up to 50% of the cost of acquiring lands to provide access to public beaches and other valuable coastal areas. Thus, if funded, Sec. 315(a) could become a significant additional source of assistance.

A new program with potential for improving access to the waterfront in urban areas is the Urban Parks and Recreation Recovery Program. Five cities along Connecticut's coast--Bridgeport, New Haven, New London, Norwich, West Haven -- are included among the nine cities in Connecticut and 360 cities and counties selected nationwide to be eligible for matching grants to rehabilitate or develop urban recreation areas under the National Parks and Recreation Act of 1978. The Act establishes a five year program to provide Federal grants to economically hard pressed communities specifically for the rehabilitation of critically needed recreation areas and facilities. All of the eligible coastal communities have waterfront recreational areas in need of rehabilitation. It is anticipated that at least some of these facilities will be among those chosen by the cities for improvements using this funding source.

Two other federal programs with the potential for providing funds to the state for improving the public access and protection needs of ecological, cultural, historic and esthetic areas are the Maritime Heritage Preservation Grants Program of the National Trust for Historic Preservation and the Coastal Zone Management Estuarine Sanctuaries Program. The former provides funding, for selected projects, to encourage creative and innovative approaches for the identification, protection and enhancement of historic maritime resources, and grants from the latter can be used to cover 50% of the cost of acquisition, development and operation of estuarine sanctuaries for the purpose of creating natural field laboratories.

A listing of additional sources of financial assistance for recreational activities appears in Appendix H (Complementary Legislation and Funding) of Planning Report #25.

C. EROSION PLANNING PROCESS

Introduction

Connecticut's coastal area shoreline and Long Island Sound were briefly introduced and described in Part II, Description of the Natural Environment. Geologically speaking, the north shore of Long Island is most aptly described as an embayed, primary coast, originally formed by glacial deposition and currently being submerged by rising sea level. These two processes, glacial deposition and submergence, are responsible for the overall configuration of Connecticut's present-day shoreline. Coupled with the low energy environment of Long Island Sound, which is protected from the open ocean by Long Island, they have produced a shoreline which is variably irregular and curvilinear in configuration and is composed of bedrock, glacial drift, tidal marshes and beaches.

The seven morphologic districts which comprise the north shore of Long Island Sound are shown in Figure 3 . Statistics on their composition have been tabulated from surficial geology and soils maps and are presented in Table 1.

Review of all available pertinent literature and research dealing with the problems of shoreline erosion in the state indicates that only those portions of the coastal area fronting directly on Long Island Sound and the lower reaches of the state's three major tidal rivers are affected by erosion of any consequence. This direct Long Island Sound fronting shoreline constitutes 278 miles of the total 583 miles of coastal area frontage. Examination of state and federal expenditures for erosion control over the past twenty-five years further verifies this conclusion. For these reasons the analysis and planning processes have focused on the 278 mile portion of direct Sound-fronting shoreline. A detailed discussion of the processes of shoreline erosion, their impacts, and legal, institutional and operational means of mitigating their effects are presented in Planning Report No. 29.

Nature and Occurrence of Shoreline Erosion

Shoreline erosion in Connecticut has consistently expressed itself most significantly as a beach erosion problem. Statistics compiled for the Long Island Sound Regional Study (LISRS) in 1975 by the U.S. Army Corps of Engineers indicate that approximately 26 miles, or 10 percent of our shoreline, can be classified as subject to "critical erosion." The LISRS further states:

> "The erosion is mainly confined to beaches that are receding at an estimated rate of one to one and one-half feet per year."

A more recent inventory conducted by the Coastal Area Management Program has concluded the following. Connecticut has a total of 278 miles of shoreline which front on Long Island Sound. Of that approximately 85 miles are beach, 69 miles are composed of glacial drift, 30 miles are saltmarsh, 44 miles consist of bedrock and the remaining 50 miles are dominated by artificial fill. Potentially, the beach, saltmarsh, glacial drift and artificial fill portions of the shoreline are erodible, while bedrock can be considered non-erodible. Based on a comparative analysis of historical shoreline information and aerial photographs, 47 miles, or approximately 17 percent of our shoreline, are significantly affected by erosion. Table 6 gives further details on measurement techniques and definitions, and statistical breakdowns by town. Examination of the data contained in the table indicates the following towns encompass a majority of the state's significantly eroding shoreline:

Milford	6.5 miles
West Haven	4.6 miles
Fairfield	4.6 miles
Madison	4.0 miles
Old Lyme	3.5 miles
Stratford	3.2 miles
Westport	2.7 miles
Stamford	2.7 miles

It is also worthy of note that approximately 35 percent of the total shoreline miles classified as significantly eroding is attributable to shoreward migration being experienced along the state's larger barrier beaches. Information on areas of significant erosion is being transferred to resource factor maps (Appendix D, Figure D-6 of the Draft EIS).

Relatively speaking, shore erosion on the north side of Long Island Sound is not as critical in terms of magnitude as that encountered along shorelines exposed to the open ocean. For instance, the outer shore of Cape Cod is subject to erosion rates on the order of three feet per year, or almost three times that experienced along Connecticut's coast. This difference is primarily a result of fetch limiting by Long Island. That is , Long Island functions as a wind break which effectively controls the generation of surface waves in the Sound. Consequently, smaller, shorter waves predominate in the Sound and littoral transport along the shoreline is generally very weak. As a secondary characteristic, fetch limiting confines significant erosion to those periods when major storms and hurricanes occur. It also markedly reduces the generation of swell (long, low waves) which can act to move material onshore to replenish eroded areas. Near the mouths of the three major coastal rivers, the Connecticut, Thames and Housatonic, and at several of the larger seaward projecting headlands strong tidal currents act to supplement weak wave induced littoral transport and may, at times, play a dominant role in the erosion process.

TABLE 5

SHORELINE COMPOSITION AND EROSION STATISTICS

TOWN	DOMINANT SHORELINE COMPOSITION[1] BEACH mi. (km)	GLACIAL DRIFT[2] mi. (km)	SALT MARSH[5] mi. (km)	ARTIFICIAL FILL mi. (km)	POTENTIALLY ERODIBLE SHORELINE[3] mi. (km)	SHORELINE SIGNIFICANTLY AFFECTED BY EROSION[3] mi. (km) %	BEDROCK[4] mi. (km)	SHORELINE TOTAL[7] mi. (km)
Greenwich	1.7 (2.7)	7.3(11.8)	2.7 (4.4)	7.0(11.3)	18.7 (30.3)	0.8 (1.3) 3.5	3.8 (6.1)	22.5 (36.5)
Stamford	3.2 (5.2)	1.1 (1.8)	0.3 (0.5)	3.8 (6.1)	8.4 (13.6)	2.7 (4.3)26.2	1.9 (3.1)	10.3 (16.7)
Darien	0.6 (1.0)	4.9 (7.9)	1.1 (1.8)	1.1 (1.8)	7.7 (12.5)	-----	5.9 (9.5)	13.6 (22.0)
Norwalk	15.0(24.3)	9.7(15.7)	1.6 (2.6)	3.4 (5.5)	29.8 (48.4)	0.4 (0.6) 1.1	3.8 (6.1)	33.6 (54.4)
Westport	5.0 (8.2)	4.3 (6.9)	2.1 (3.4)	2.6 (4.2)	14.1 (22.9)	2.7 (4.3)19.1	----	14.1 (22.8)
Fairfield	4.2 (6.8)	1.6 (2.6)	0.7 (1.1)	1.3 (2.1)	7.8 (12.6)	4.6 (7.4)58.9	----	7.8 (12.6)
Bridgeport	3.0 (4.8)	2.1 (3.4)	0.3 (0.5)	8.7(14.0)	14.1 (22.8)	2.4 (3.9)17.0	----	14.1 (22.9)
Stratford	4.0 (6.5)	0.7 (1.1)	3.2 (5.2)	3.6 (5.8)	11.5 (18.6)	3.2 (5.1)27.8	----	11.5 (18.6)
Milford	5.9 (9.6)	3.3 (5.4)	1.9 (3.1)	0.8 (1.3)	12.0 (19.4)	6.5(10.4)52.4	0.4 (0.7)	12.4 (20.1)
West Haven	4.5 (7.4)	1.1 (1.8)	0.1 (0.2)	0.4 (0.7)	6.3 (10.2)	4.6 (7.4)71.8	0.2 (0.3)	6.4 (10.4)
New Haven	1.8 (2.9)	0.8 (1.3)	---	3.4 (5.5)	6.0 (9.7)	1.0 (1.6)15.8	0.3 (0.5)	6.3 (10.2)
East Haven	1.0 (1.6)	0.2 (0.3)	0.2 (0.3)	---	1.4 (2.3)	0.9 (1.5)39.1	0.9 (1.5)	2.3 (3.7)
Branford	2.6 (4.2)	2.3 (3.7)	2.0 (3.2)	1.1 (1.8)	8.0 (13.0)	----	12.9(20.9)	20.9 (33.9)
Guilford	0.8 (1.3)	0.9 (1.5)	1.5 (2.4)	1.9 (3.1)	5.1 (8.3)	1.3 (2.1) 13.0	4.9 (7.9)	10.0 (16.2)
Madison	4.9 (7.9)	1.1 (1.8)	.2 (0.3)	0.8 (1.3)	7.0 (11.3)	4.0 (6.4)52.6	0.6 (1.0)	7.6 (12.3)
Clinton	2.7 (4.4)	0.8 (1.3)	1.3 (2.1)	1.2 (1.9)	6.0 (9.7)	1.2 (1.9) 20.0	----	6.0 (9.7)
Westbrook	3.8 (6.2)	1.7 (2.8)	---	---	5.6 (9.1)	1.4 (2.2)25.0	----	5.6 (9.1)
Old Saybrook	3.8 (6.2)	1.5 (2.4)	1.4 (2.3)	1.4 (2.3)	8.1 (13.1)	2.0 (3.2)24.6	----	8.1 (13.1)
Old Lyme	3.8 (6.2)	1.4 (2.3)	2.1 (3.4)	0.1 (0.2)	7.4 (12.0)	3.5 (5.7) 47.3	---	7.4 (12.0)
East Lyme	3.0 (4.7)	2.7 (4.4)	1.3 (2.1)	0.2 (0.3)	7.1 (11.5)	0.5 (0.8) 5.4	2.0 (3.2)	9.1 (14.7)
Waterford	2.5 (4.0)	2.7 (4.4)	0.2 (0.3)	0.6 (1.0)	6.0 (9.7)	1.2 (1.9)17.6	0.8 (1.3)	6.8 (11.0)
New London	1.7 (2.7)	1.2 (1.9)	----	1.7 (2.7)	4.5 (7.3)	0.5 (0.7)10.0	0.4 (0.7)	5.0 (8.1)
Groton	3.8 (6.1)	7.6(12.3)	2.5 (4.0)	2.6 (4.2)	16.5 (26.9)	1.2 (1.9) 6.6	1.8 (2.9)	18.3 (29.6)
Stonington	2.9 (4.7)	7.4(12.0)	3.0 (4.9)	1.8 (3.0)	15.2 (24.6)	0.3 (0.5) 1.6	3.0 (4.9)	18.2 (29.5)
TOTALS	86.2(139.6)	68.4(110.8)	29.7(48.1)	49.5(80.1)	234.3(379.4)	46.9(75.0) 16.8	43.6(70.6)	277.9(450.1)

1. Shoreline composition categories indicate dominant shoreline types (i.e. minute, narrow beach shorefront, backed immediately by glacial till, is considered to be dominantly glacial drift). Measurements were compiled from Surficial Geology and Soils maps of a scale of 1:24,000.

2. Glacial drift includes all types of glacial material: outwash, till, end moraine, etc.

3. Beach, glacial drift, salt marsh and artificial fill are all considered to be potentially erodible.

4. Bedrock is considered to be non-erodible or to have limited potential for erosion.

5. Salt marsh measurements are generalized and do not include frontages on minor streams and ditches.

6. Only large islands, such as Masons Island (Stonington), and large island groups, such as the Norwalk and Thimble Islands, are included in the shoreline measurement.

7. Shoreline measurements include river frontage up to the first bridge, usually I-95.

8. Significant erosion occurs where erosion presents significant problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, demographic, environmental, and other relevant factors indicates that action to mitigate such erosion may be justified.

In conjunction with erosion, rising sea level is also affecting the shoreline. Recently (within the last 100 years),sea level in Long Island Sound has been rising at the rate of one to one and one-half feet per century. On initial consideration an annual increase in sea level of .08 to .16 inches seems insignificant. However the impact of such a fluctuation is more evident when its effect on a sloping land surface is considered. For example, an increase in sea level of one to one and one-half feet over a century would "drown" 20 to 30 feet of shorefront with a slope of 1:20 (one foot increase in elevation for every 20 horizontal feet).

Although Connecticut's shoreline experiences lower erosion rates as a result of sheltering by Long Island, the intense use and development of the coast offset these lower rates and focus the impact of smaller scale changes. This phenomenon is particularly evident along the more intensely developed coastal segments west of New Haven.

Historically, structural stabilization (groins, seawalls, breakwaters, etc.) has accompanied recreational, residential, commercial and industrial uses of the shoreline, almost as a corollary. As a result, structural stabilization plays a major role in the erosion-sedimentation process affecting our shore. Revetments (sloping seawalls) seawalls and bulkheads have been used to stabilize many of the sediment sources which naturally supplied materials to beaches and dunes through wave and current induced erosion and transport. Groins and jetties which are utilized to protect beaches and retard littoral (along shore) transport of material have worked,but often at the expense of inducing erosion on adjoining parcels. In addition, figures compiled as part of the LISRS indicate that total erosion damages of $1.8 (1970 dollars) million are experienced along our coast annually. Of that total approximately $ .5 million are attributable to the cost of repairing existing erosion control structures. In short, structural methods used to prevent erosion are not only costly but have been utilized without adequate attention to natural processes, or without the benefit of a clearer understanding of coastal processes which exist today.

Clearly the erosion "problem" is a manifestation of the interaction of a number of variables. However, it may be briefly characterized as a storm induced beach erosion problem which has been intensified by the high use demand for recreational beach in the state; the intense use of all shorefront areas for recreational, commercial, residential and industrial purposes; and the high degree of structural shoreline stabilization.

In terms of its spatial occurrence, significant erosion is limited to two general segments of our shoreline. The first segment lies west of New Haven and includes shorefront in the towns of Westport, Fairfield, Bridgeport, Stratford, Milford and West Haven. The second segment encompasses the shoreline area between Guilford and Old Lyme. Geographically

these two segments correspond with shoreline districts B, C and E (Figure 3). Their composition is largely glacial drift (primarily outwash) and beaches. Damages arising from erosion in these areas account for nearly 65 percent of the total annual damages experienced as a result of erosion.

Erosion Management Techniques

Many techniques may be applied to shorelines in an attempt to control or mitigate the effects of erosion. In general, they fall into two categories. Structural alternatives are those involving the construction of a concrete, timber, sheet steel or rock structure which divert erosive forces or contain the shoreline which is eroding. Non-structural alternatives are those which involve no structures at all, such as placement of sand fill, dune building or restoration, and control of land use in such a manner as to allow erosion to continue without affecting buildings or facilities.

Over the long term neither structural or non-structural techniques will halt shoreline recession. Rising sea level in conjunction with storms, winds, waves and tidal currents will continue, on a geologic time scale, to rearrange and submerge Connecticut's shoreline. With this in mind, the approach to be used in dealing with eroding shoreline will depend on the economic value and use of the shoreline for which protection is considered and the monies available for implementation of protection. A complete presentation of erosion control techniques is contained in Planning Report #29. The following is a brief discussion of structural and non-structural alternatives.

Structural Techniques

Structural erosion control techniques may be generally divided into three categories:

(1) Wall-type structures built immediately adjacent and parallel to shore such as seawalls, revetments and bulkheads.

(2) Structures built perpendicular and connected to shore such as groins and jetties.

(3) Structures built offshore or near shore such as breakwaters.

Each of these generic types of control works is common along Connecticut's shore.

Seawalls, Revetments and Bulkheads--These wall type structures are commonly used to contain fill placed in shoreline areas and/or to protect eroding shorefront in the immediate vicinity of houses, roads and other endangered facilities. In and of themselves they are not effective means of protecting beaches. In many instances they have been used to stabilize sources of beach material supply thereby contributing to erosion in adjacent areas. Seawalls and bulkheads may actually induce erosion at their bases by reflecting scouring waves from their vertical faces.

Groins and Jetties--Groins and jetties are typical structural means of controlling beach erosion or containing sand fill placed to form beaches. Their function is to retard the transport of materials along and parallel to shore. Jetties differ from groins in that they are also used to stabilize inlets and channels. On the north shore of Long Island Sound groins and jetties appear along nearly every shorefront. They have compartmentalized or divided most of the natural beach areas along the coast and have significantly altered nearshore sediment systems. Short term alterations in shoreline configuration are almost invariably associated with the placement of groins and jetties. Realignment is caused by groin initiated erosion of the beach on the downdrift side and accretion on the updrift side. Groins and jetties are not effective means of controlling movements of material perpendicular to shore such as storm overwash.

Breakwaters--Breakwaters are erected in offshore waters for the purposes of providing protection for harbors, anchorages and port facilities. They produce quiet water areas by forming a surface against which waves break. By providing protection from wave action they enhance the depositional environment in shoreline areas which they serve. Breakwaters are extremely expensive to construct and their design and layout require extensive analysis of local conditions. Use of these structures solely for erosion control can be very effective but it is generally economically unsound.

Non-Structural Techniques

Dune management, placement of sand fill and shoreline use controls can provide effective non-structural alternatives for the mitigation of erosion. The central value of these techniques lies in their ability to function with the natural processes of erosion.

Sand Fill--Placement of sand as fill in beach areas or to create beaches is one of the most common types of erosion mitigation techniques in use in Connecticut. Sand fill may be used in two ways. It may be placed directly onto the shore to be protected or developed as beach, or it may be placed in an area adjacent to and updrift of the area to be protected. That is, it may be directly placed or placed to form a feeder beach which is designed to be eroded by waves and

currents and transported via littoral transport to the area to be protected. In Connecticut sand fill has been used nearly exclusively in conjunction with groins and jetties.

In order for sand fill to provide effective mitigation to erosion a source of sand must be readily and economically available to provide initial fill material and to facilitate annual replacement of eroded fill. The fill must also have grain size and distribution characteristics that are compatible with the area into which it is to be placed. Fill material placed along any shoreline to create or enhance beaches is, at best, a temporary solution. Continuous replacement of eroded fill is necessary annually.

Dune Management--The construction of dunes and the stabilization of natural and artificial dunes with vegetation, commonly American Beach Grass (Ammophila breviligulata) represent a second type of non-structural erosion mitigation. Under this technique dunes are constructed or enhanced by the placement of sand fill and planting of stabilizing vegetation. Snow fences may also be used to physically retain initial sand fill until vegetative cover is adequate, or to control access points so as to prevent the destruction of dune grasses. Dunes are constructed parallel to and behind the beach proper and serve to trap and absorb sand which is transported onshore by wind and storm overwash.

Dune maintenance and/or construction can provide a most effective means of alleviating shoreline erosion. Since dunes act as a dynamic beach sand reservoir and flood barrier they are able to adjust to varying wave and wind conditions and rising sea level, in contrast to static structures such as seawalls and groins.

Dune management has been limited in use as an approach to shoreline erosion in Connecticut. Only one such management effort has been undertaken at Hammonassett State Park in Madison. The effort was initiated in 1973.

Utilization of dune management and construction does have several drawbacks. Existing uninterrupted dunes are not common along the shoreline and in many areas construction has taken place in such close proximity to the beach proper that creation of a dune line would also require massive beach fill. Even so, dune enhancement is probably the most viable approach to managing barrier beaches where necessary.

Use Controls--Controlling the use of shoreline areas in order to avoid the creation of erosion hazards and to prevent endangerment of development is another method of non-structural mitigation. Under this approach shoreline areas may be designated as no-construction areas or special structural design may be required within them. Alternatively, setbacks for buildings may also be established. These setbacks may be based on some multiple of the annual erosion rate at the location where construction is to occur and the expected longevity of the proposed structure. Both methods require the identification of

justifiable and equitable parameters for delineation of boundaries or setbacks.

The former approach is being applied in Connecticut, through the Department of Housing and Urban Development's (HUD) Flood Insurance Program. HUD-FIA has identified several zones within the coastal area on the basis of the 500 year (B zone) and 100 year (A zone) coastal floods and the occurrence of areas exposed to storm waves (V-zones). These zones have been designated primarily for flood management purposes. However, they are also effective for use in erosion management since most erosion is storm induced.

Both methods are best applied to property which is undeveloped. Establishment of a setback line after an area is developed provides no protection for development nor does it preclude the need to construct protective works. In addition, the setback method requires an accurate and enforceable determination of erosion rates and lines. Unfortunately, annual erosion rates which are accurate and area specific are not presently available for Connecticut's coast.

Final establishment of HUD-FIA hazard zones has not been completed in all coastal municipalities but preliminary boundaries and associated criteria have been implemented coast-wide.

Alternatives

Each structural and non-structural alternative has unique characteristics which make it the most desirable approach to erosion mitigation in a particular situation. For example, non-structural protection of a developed bluff area is more difficult to achieve than structural protection simply because of topographic and use considerations. Setbacks and building restrictions would prove useless to protect existing development and the placement of beach fill or dunes is not always compatible with the shoreline characteristics. Hence, structural controls, such as a revetment, would need to be implemented in order to provide protection. In addition to site and development considerations, costs of construction and maintenance needs play a significant role in the selection of erosion control alternatives. In the case of Connecticut's shoreline these considerations take on an added complexity. The varied use and development of the shoreline coupled with its extremely variable and diverse composition and configuration preclude the application of one type of alternative (structural or non-structural) coast-wide.

Several observations serve to provide a basis for the establishment of priorities for the use of control techniques. General evaluation of structural alternatives implemented in the state indicate that:

1. Repayment periods on state loans which have been incurred by local interests (towns and private associations) to implement erosion control works have often exceeded the effective life of protection projects.

2. The cost of annual maintenance of structures and sand fill have resulted in neglect of maintenance, and reduced project lives. Further, lack of regular maintenance can lead to catastrophic structural failure.

3. Structural means of erosion control such as seawalls and groins have often aggravated erosion in adjacent areas, or in the case of vertical seawalls, induced erosion on site.

4. Structural stabilization which has historically occurred along the coast has depleted or limited sediment sources necessary for the natural development of protective beaches, and has significantly altered shoreline behavior and the way in which the shoreline naturally copes with erosion.

In contrast to wholly structural measures, non-structural alternatives provide several distinct advantages. Sand fill, beach development and dune construction serve to enhance and expand recreational resources and, therefore provide recreational benefits in addition to mitigating shore erosion. These types of erosion protection also function more effectively with the natural system as opposed to structural measures which seek to limit or alter completely erosional processes. Because they augment natural erosion and flood control mechanisms, non-structural managerial techniques are often more easily maintained.

In recognition of the advantages and drawbacks of both structural and non-structural erosion control techniques, Connecticut's approach to determining the most effective means of mitigating erosion will be predicated on site specific conditions. In general, however, it will be the state's policy to implement controls on the following priority basis:

First priority: non-structural control
Second priority: combination structural and non-structural control
Third priority: structural control
Fourth priority: no control

Management Approach

In order to provide for continued planning and management of the effects of shoreline erosion the state has implemented an approach consisting of the following interrelated components:

(1) Regulation of activities affecting and affected by shoreline erosion through use of state authorities governing coastal structures and dredging, and municipal authorities under coastal site plan review, as provided for by the Connecticut Coastal Management Act, and the National Flood Insurance Program.

(2) Funding, design, construction and management of structural and non-structural erosion control techniques, in accordance with the coastal policies of the Connecticut Coastal Management Act, through the existing state initiated Flood Control and Beach Erosion Program.

(3) Provision of technical assistance to individuals and municipalities, through the Department of Environmental Protection, during the design and implementation of non- publicly funded control techniques.

(4) Continued planning and evaluation of erosion and its effects in all coastal shoreline areas in cooperation with established municipal flood and erosion control boards.

Authorities

Coastal Structures Regulatory Program--Sections 25-7b through 25-7f of the Connecticut General Statutes (C.G.S.) authorize the Commissioner of Environmental Protection to regulate the erection of structures and the placement of fill in the tidal, coastal and navigable waters of the state. Under this regulatory program all construction and filling waterward of the mean high water line in the state's tidally influenced waters must be conducted in accordance with a permit issued by the Department of Environmental Protection (DEP). All permits issued under these authorities are, by law, evaluated with respect to "the prevention or alleviation of shore erosion" (Section 25-7b). Provision is also made under these sections for the removal of nuisance structures and levying of fines for violations.

Coastal Dredging Regulatory Program--The authority to regulate the removal of sand, gravel or other material from beyond the mean high water mark is vested in the Department of Environmental Protection by Sections 25-10 through 25-18 of the Connecticut General Statutes. Prior to the initiation of any dredging or excavation within the state's coastal waters a permit must be obtained from the Commissioner of Environmental Protection. Only previously permitted maintenance dredging of navigation channels, berths, basins, moorings and waterfront facilities are exempt from regulation. As part of its review of dredging and excavation applications the Department of Environmental Protection must evaluate the impact of the activity on shore erosion. Section 25-18 provides penalties for violations.

Flood Control and Beach Erosion Program -- Authority for cooperative funding, design and construction of erosion control works is derived from sections 25-69 through 25-98 of the Connecticut General Statutes. These sections provide for the organization of municipal flood and erosion control boards and empower the Department of Environmental Protection (DEP) to cooperate with such boards and the federal government in the construction of and payment for flood and erosion control systems. An initial sum of four million dollars was allocated to pay for the costs of state participation in the development of beach erosion control systems under the following cost sharing formulae:

	PERCENT CONTRIBUTION	
Property Ownership	State	Municipal
public (municipal)	66.6%	33.3%
public (state)	100%	---
private	33.3%	66.6%

State funded loans are also available to local authorities for the initial payment of the local contribution on federal projects.

During the period between 1955 and 1971 a total of fifty erosion control projects were completed at a total cost of 7.5 million dollars. Nineteen of the projects involved in the participation of the federal government through the U.S. Army Corps of Engineers under Section 103 of the Rivers and Harbors Act of 1899 (33 U.S.C. Sections 426e to 426i). The Corps' involvement consisted of contribution of 50% of the cost of the construction of protection works which benefitted public property.

More recently, in 1978, the state legislature allocated an additional 3 million dollars for the continuation of the beach erosion control program. Utilizing these and other specially allocated funds, studies have been initiated for the protection of shoreline areas in Milford, East Haven and Westport. It is fully anticipated that erosion management under the existing program will continue to improve contingent upon funding availabilities at state, municipal and federal levels.

In order to provide for a fair and equitable allocation of public funds for the mitigation of shoreline erosion and to provide for the greatest public benefit from expenditures, it will be the state's policy to provide erosion control funds on the following basis:

1. State owned public shorefront.

2. Municipally owned public shorefront.

3. Quasi-public recreational shorefront where public access is provided.

4. Privately owned recreational shorefront where public access is provided.

5. Privately owned recreational shorefront.

This policy is not intended to exclude privately owned shorefront from receiving the financial benefit of state-owned protection when such protection is justified and economically feasible. Rather it is designed to prioritize expenditures when projects involving several different types of shorefront are competing for limited state and federal funds.

Coastal Site Plan Review -- Connecticut's Coastal Area Management Act requires municipalities to initiate a site plan review for the following activities when they occur within the coastal boundary:

1. Buildings, uses or structures subject to zoning regulations (Section 8-3 of the Connecticut General Statutes (C.G.S.).

2. Subdivisions of land (C.G.S. Section 8-25).

3. Planned unit developments (C.G.S. Section 8-13f).

4. Variances (C.G.S. Section 8-7).

5. Requests for special exceptions or special zoning permits (C.G.S. Section 8-2).

6. Municipal improvements (C.G.S. Section 8-24).

Under the provisions of the site review procedure any person or municipal board undertaking an activity which is regulated under the sections of the general statutes listed above must submit a coastal site plan to the municipal planning or zoning commissions for review. As part of the review process, and in addition to the criteria provided for by municipal regulations, the board or commission responsible for coastal site plan review must consider three criteria in the evaluation of a coastal site plan:

1. The characteristics of the site, including the location and condition of any coastal resources defined by the Coastal Area Management Act.

2. The potential adverse and/or beneficial effects of the proposed activity on coastal resources and future water dependent development opportunities.

3. The coastal policies contained in the Coastal Area Management Act.

Based on consideration of these three criteria the municipal board or commission responsible for coastal site plan review may approve, deny or modify permits issued for development within the coastal area. Certain minor activities may be exempted from the review process by local regulation.

To aid municipal decision-makers in the evaluation of erosion hazards, resource factor maps depicting shoreline composition, areas of significant erosion and historic shoreline changes are being developed by the Coastal Area Management Program. Sample maps are contained in Appendix D of the Draft EIS.

National Flood Insurance Program--The National Flood Insurance Act (42 U.S.C. 4001-4128) provides low cost insurance against flood damages in designated hazard areas(see Part V on use controls). In return, communities must apply a set of established regulations to the evaluation of any development involving hazard areas. Part of the regulations which are applied involve the evaluation of erosion hazards. Sections 1910.5 (a) (1), (2) and (3) of Title 24 of the Code of Federal Regulations apply in all of Connecticut's coastal communities. Under these authorities a permit is required for development in areas of flood-related erosion "as they are known to the community". In the evaluation of permit applications a determination is made regarding the safety of site improvements from flood-related erosion and the likelihood that the proposed improvements will induce erosion. In the event a proposed improvement is found to be in the path of flood-related erosion or likely to induce flood-related erosion, relocation or protective measures may be required. Factor maps depicting areas of significant erosion are being developed by the CAM Program and may be used in the identification of hazard areas (Appendix D, Figures 5 and 6 of the Draft EIS).

Coastal Policies

In addition to the policies specifically noted in this section the coastal policies contained in Part IV will be applied in the state and municipal regulatory review of shoreline activities. The coastal policies will also apply to state instituted erosion control projects and to federal mitigation efforts through consistency requirements. Particular attention and emphasis will be given to the policies developed for:

I. COASTAL LAND AND WATER RESOURCES
   A. Bluffs and Escarpments
   B. Beaches and Dunes
   C. Intertidal Flats
   D. Coastal Hazard Areas

II. COASTAL USE POLICIES
   A. Coastal Structures and Filling

III. GOVERNMENT PROCESS POLICIES
   A. Flooding and Erosion Planning

PART XI

PUBLIC PARTICIPATION AND FEDERAL AGENCY CONSULTATION

A. PUBLIC PARTICIPATION

Public participation in Connecticut's CAM program has been and will continue to be a serious effort. The Federal Coastal Zone Management Act requires genuine public involvement in every phase of development of a coastal management program. CAM has encouraged and sought active public assistance in both drawing up the management program and in seeking reaction to its various recommendations. Affected local, regional, state and federal agencies as well as interest groups and the general public have been involved. CAM is committed to providing continued opportunity for public and government involvement during program review and approval and implementation.

As described below, a variety of methods has been used to make full participation an actuality in Connecticut's CAM program. Documentation of all meetings is contained in Section II, Appendix E of the Draft EIS.

CAM Advisory Board

A cornerstone of CAM's public participation process has been its Advisory Board, made up of twenty-four representatives of state agencies, regional planning agencies and citizens. The ten citizen members reflect a wide variety of social and economic interests including business and industry, coastal recreation, marine fisheries, coastal property owners, conservation, environmental-ecological concerns, urban minorities and inland residents concerned with the coastal area.

From its inception, the CAM program has received policy direction from the Advisory Board. Meeting each month, it has acted as a sounding board for major issues and policy options during program development. The Board established eight subcommittees, each to work on one major component or aspect of Connecticut's program such as management options, coastal legislation, and regional facility siting. The public information and citizen participation subcommittee worked with CAM staff to establish and implement a comprehensive public participation strategy.

In both 1978 and 1979 the Advisory Board sponsored and introduced proposed coastal management legislation to the Connecticut General Assembly. A precise listing of Board members and meetings appears in Appendix E of the Draft EIS.

Public Meetings

Between the fall of 1975 and December 1979 the CAM Program has been formally involved in over 300 public meetings with local officials, special interest groups and organizations, and interested citizens. In 1976 CAM initiated preliminary meetings with mayors, first selectmen, and staffs of coastal municipalities to discuss CAM's objectives, federal requirements, and possible approaches. In 1977 and 1978, further discussions were conducted with chief elected officials and town staff, including Planning and Zoning Commissions, Conservation Commissions, Inland Wetland Commissions, and others, on CAM's proposed draft legislation.

A series of twenty-three coastal town meetings were conducted for CAM during October and November of 1976 by the League of Women Voters. The meetings were held to obtain preliminary information and opinions from coastal residents concerning problems in their communities, and suggestions for the design of a coastal management program. The findings of these meetings were collected by the League in a report and published by the CAM Program. In early 1977, CAM sponsored nine regional workshops and three Cooperative Extension workshops to present program options and obtain input from local officials and interested citizens.

By invitation CAM staff members have met with over one hundred special interest groups and organizations between 1975 through 1978. Many meetings were briefings on the status of CAM, while others were presentations concerning natural resources, resource management, the history of the coast, or other special topics. In addition, approximately 20 meetings have been held with a citizen initiated "Friends of CAM" coalition, which consists of several special interest groups explicitly interested in coastal management.

Legislative Process and Public Hearings

Efforts to secure new legislative authority to establish a shared state/local coastal management program began in late 1977. In November, 1977, a discussion draft of CAM legislation was released for public review and comment by the CAM Advisory Board. At that time, the CAM staff met with each of the thirty-six coastal towns to solicit comments of local officials and citizens. Revisions based on comments received were incorporated into a final draft, dated February 6, 1978, and it was submitted to the General Assembly's Environment Committee. After five public hearings in March 1978, a substitute Coastal Management Act (P.A. 78-152) establishing coastal management policies and a framework for further legislative action was passed and signed into law. An interim committee of legistators was also established to work on finalizing CAM enabling legislation for follow-up action by the 1979 session of the General Assembly.

The 1978 Coastal Management Act also required the CAM program to submit a special report to the General Assembly by September 1978. This report (Planning Report No. 27) addressed specific information requests listed in P.A. 78-152 and included revised draft legislation recommended for consideration in the 1979 General Assembly. During October and November 1978, ten public hearings were held by the Interim Study Committee throughout the coastal area to solicit public testimony on the CAM report and legislative proposals. Subsequently, the CAM draft legislation was submitted by the Interim Study Committee in their January 1979 report to the General Assembly for consideration by the Environment Committee. Public hearings on final legislation took place in March. The result, P.A. 79-535, was passed in both Houses of the General Assembly by wide margins and was signed into law by Governor Ella Grasso on June 29, 1979, becoming effective January 1, 1980.

Media Efforts

Early in CAM program development, a comprehensive media contact list including all major newspapers and radio and television stations in Connecticut was assembled for use in publicity and information efforts.

To afford maximum opportunity for public involvement, advance notice of workshops and public hearings as well as releases on CAM events of general public interest have been disseminated to the press and radio stations. Media efforts have also included slide show and film presentations and several radio and television appearances.

Public Information

Providing information to the public on CAM's progress, major coastal policy issues and opportunities for involvement has been a continuing role of CAM's public participation staff. The program newsletter, technical planning reports and several special publications have been widely distributed throughout Connecticut.

Land's End: CAM's quarterly newsletter LAND'S END covers CAM's program proposals, announces meetings and workshops, advertises publications and CAM speakers, and includes informational and educational items of interest to coastal citizens. Circulation has grown to approximately 4,200 and includes a wide range of organizations and interested citizens throughout the state.

Citizens' Bulletin: Each month CAM has written an article on coastal management related topics for the state Department of Environmental Protection's Citizens' Bulletin. The Bulletin is an informational and educational publication, which covers program and unit activities of the Department, with a circulation of some three thousand. One issue in 1976 was completely dedicated to the coast, and coastal management.

Citizen's Handbook & Questionnaire, and Resource Atlas. In June 1977, CAM published a fourteen-page Citizen's Handbook which was distributed to several thousand citizens. The purpose of the handbook was to outline CAM's preliminary recommendations and to obtain public input. A citizen questionnaire, concerning coastal management options was included in the handbook, and a subsequent survey of citizen responses was completed.

Long Island Sound: An Atlas of Natural Resources was also published in June of 1977. The fifty-four page scientific document touches on all the different natural aspects of Long Island Sound and its environs, and was intended as an educational and informational tool. In response to the document's popularity, several thousand copies have been distributed to schools and citizens throughout the state. Circulation to date has amounted to over 12,000 copies.

Planning Reports. To date, CAM has published thirty planning reports on a variety of topics. Although the reports are technical in concept and serve as research and development tools, many copies have been distributed to local officials and technical staffs, and to citizens upon request. A complete annotated listing of CAM planning reports and publications is provided in Appendix E of the Draft EIS.

Seacoast Celebrations

Governor Ella Grasso declared June 11, 1977 and September 17, 1977 coastal awareness days for Connecticut. Over twenty thousand people attended the two Seacoast Celebrations in Mystic and in New Haven. The purpose of the celebrations was to attract large numbers of Connecticut residents to the coast in order to increase awareness of the shoreline, the problems that confront it, and the opportunities for its future. Many private and governmental organizations provided exhibits, and many entertaining and educational activities took place. A CAM display was set up, and staff members were on hand to distribute free literature and to answer questions. For CAM the celebrations provided opportunities to reach more people, to spread CAM Program news, and to encourage citizen participation in the coastal management planning process.

Oyster Festivals, Boat Shows, Exhibits

Several oyster festivals took place in 1977 along Connecticut's coast, namely, in Milford, Norwalk, and New Haven. At each of the festivals CAM operated an exhibit, handing out free publications and answering questions. In addition, each year CAM has displayed at the Connecticut Marine Trades Boat Show, a three day event that attracts large crowds, and nearly every boating manufacturer and dealer in the area. With the cooperation of the Union Trust Bank of Connecticut, during the summer and fall of 1977, CAM

placed week-long displays in the lobbies of those banks located in Groton, New London, Old Saybrook, New Haven, and Madison.

Continued Public Involvement

The CAM program will continue to provide ongoing opportunities for public input and involvement in the following ways.

1. The CAM Advisory Board, made up of government agency, regional planning agency and citizen membership will continue to provide policy direction to the CAM program throughout program approval and implementation.

2. Public information efforts via LAND'S END, media releases, speaking engagements, special workshops, a film and slide show loan library and participation in coastal events will be an ongoing commitment of the CAM program to increase public awareness and involvement.

3. CAM will provide pertinent information to enable users to act in a manner consistent with Connecticut's coastal program and policies. A handbook on local coastal program development will be prepared to assist coastal municipalities.

4. The draft coastal management program will be widely distributed for review and comment by federal, state, regional and local governments as well as the general public. All key program documents will be advertised, made available and sent to interested agencies and citizens.

5. An annual CAM report to the General Assembly will summarize the activities of the agency with regard to the implementation of the provisions of a Coastal Management Act. The report will be a public document. (See Appendix B Section 17(c).).

6. CAM will conduct periodic workshops throughout program implementation with citizens and municipal officials responsible for working decisions under a coastal management program. (See Appendix B, Section 5(d).)

B. FEDERAL CONSULTATION

In the course of program development, CAM has recognized the importance of providing full federal participation. During the first and second year of the program, contacts were initiated and views exchanged with several interested federal agencies. Descriptions of agency responsibilities were solicited and agency liaisons to the Connecticut program were identified.

In 1976 CAM contracted with the Soil Conservation Service for mapping of the accelerated soil survey data being developed in the coastal area and arranged for the Corps of Engineers to survey coastal flooding in Connecticut. In addition, representatives from a few federal agencies, such as the National Marine Fisheries Service, have participated in the CAM Advisory Board meetings.

In September 1976 all relevant federal agencies were invited to send representatives to a special Federal Agency Workshop in Connecticut that focused on establishing better state and federal coordination in coastal management matters. This workshop marked the beginning of more formal coordination through the implementation of a review and comment process. CAM formally solicited comments on key portions of the management program that were sent to relevant federal agencies. Copies of a National Interest and Federal Consistency Questionnaire, Coastal Goals and Policies and CAM draft legislation were sent to agency contacts. A summary of the nature and frequency of these contacts can be found in Appendix E of the Draft EIS. In addition, CAM formally asked federal agency assistance in identifying federal properties located in the coastal area.

As Connecticut approaches the review and approval phase of the program, a careful evaluation of federal comments on the program draft will be conducted and where appropriate the substance of relevant comments will be accommodated in the management program.

The following points cite mechanisms that the CAM program will employ to insure future input in Connecticut's program.

1. CAM will maintain an updated and active list on relevant federal agencies and will continue to solicit agency comments on program documents involving major program decisions. Copies of the program newsletter LAND'S END and CAM annual reports will continue to be sent to relevant agencies.

2. Through the A-95 review process federal, state and interstate agencies are provided the opportunity to review Connecticut's annual grant applications and supplemental grant applications.

3. Because federal agencies will be obligated to carry out their activities in a manner consistent, to the maximum extent possible, with the Program, appropriate federal agencies will be contacted to insure consistency with the state management plan; particularly with regard to: 1) direct federal activities, 2) federally licensed and permitted activities, 3) federally licensed and permitted activities described in OCS plans, and 4) federal assistance to state and local governments.

4. CAM will initiate contact with relevant federal agencies regarding permit coordination and simplification (i.e. Army Corps of Engineers, Department of the Interior, Department of Transportation, EPA).

SECTION II

MANAGEMENT PLAN APPENDICES

MANAGEMENT PLAN
APPENDIX A
EXCLUDED FEDERAL LANDS

APPENDIX A

Connecticut Coastal Area

Excluded Federal Lands

AGENCY	TOWN	FACILITY	ACREAGE
Department of the Air Force (Corps of Engineers)	Orange West Haven	West Haven and Orange Air National Guard Facility	28.2
Department of the Army (Corps of Engineers)	Westport	Bridgeport Defense Area Nike Battery 73	64.4
	Westport	Bridgeport Defense Area Housing Site	5.6
	Fairfield	Bridgeport Defense Area Nike Battery 65	54.3
	Fairfield	Bridgeport Defense Area Housing Site	7.0
	Bridgeport	Army Reserve Center	5.1
	Stratford	Stratford Army Engine Plant	75.3
	Shelton	Bridgeport Defense Area Housing Site	26.6
	Milford	Bridgeport Defense Area Nike Battery 17	63.4
	Milford	Bridgeport Defense Area Housing Site	5.0
	Milford	Bridgeport Defense Area Tactical Site Support Facility	2.6
	Orange	Bridgeport Defense Area Nike Battery 15	79.6
	Orange	Bridgeport Defense Area Housing Site	9.3
	New Haven	Army Reserve Center	5.6

AGENCY	TOWN	FACILITY	ACREAGE
Department of Commerce	Milford	National Marine Fisheries Service Laboratory	
Department of the Interior (Fish and Wildlife Service)	Westbrook	Salt Meadow National Wildlife Area	183.4
Department of the Interior (Bureau of Land Management)	Stonington	Federally owned mineral rights 75% coal, oil and gas	3.5
Department of the Navy	Stamford	Navy Reserve Training Center	4.5
	Bridgeport	Navy Reserve Training Center	2.7
	New Haven	Navy Reserve Training Center	7.2
	East Lyme	Navy Underwater Sound Laboratory Dodge Pond Annex	24.1
	Waterford	Navy Underwater Sound Laboratory Millstone Research Field Station	9.8
	New London	Navy Underwater Sound Laboratory	25.5
	New London	Naval Submarine Base State Pier	547.0
	Groton	Naval Submarine Base	552.0
Department of Transportation (U.S. Coast Guard)	Greenwich	Great Captain Island Light	0.3
	Stamford	Stamford Channel Lights (2)	0.4

AGENCY	TOWN	FACILITY	ACREAGE
(Continued) Department of Transportation (U.S. Coast Guard)	Norwalk	Green Ledge Light Station	1.0
	Norwalk	Norwalk Channel Light	0.7
	Norwalk	Round Beach Light	0.7
	Norwalk	Fitch Point Light	0.7
	Norwalk	Long Beach Light	0.3
	Bridgeport	Bridgeport Harbor Light	0.2
	Bridgeport	Black Rock Harbor Lights (2)	1.4
	Bridgeport	Housatonic River Light	0.7
	Bridgeport	Penfield Reef Light Station	0.2
	Stratford	Stratford Point Light and Housing	1.6
	Stratford	Stratford Shoal Light Station	1.0
	New Haven	New Haven Station	9.4
	Branford	Branford Reef Light	1.0
	Guilford	Falkner Island Light Station	5.0
	Old Saybrook	Lynde Point Light Station	0.7
	Old Saybrook	Brockway Island Light	0.7
	Essex	Essex Reef Light	1.1
	Old Lyme	Calves Island Light	0.2
	Old Lyme	Brockway Reach Light	0.7
	New London	U.S. Coast Guard Academy	93.0

AGENCY	TOWN	FACILITY	ACREAGE
(Continued) Dept. of Transportation (U.S. Coast Guard)	New London	Bartlett Point Light	0.7
	New London	Bartlett Reef Light	0.7
	New London	New London Harbor Light	0.2
	New London	Scotch Cap Light	0.7
	New London	Ice House Light	0.7
	New London	New London Station	5.5
	New London	New London Ledge Station	0.1
	New London	New London Depot	1.5
	New London	New London Thames Shipyard	16.1
	Groton	Groton Research and Development Center	
	Groton	Seaflower Reef Light	1.0
	Norwich	Long Reach Lights (2)	1.4
General Services Administration	Bridgeport	U.S. Courthouse - Federal Building	
	New Haven	U.S. Federal Building	
	New London	U.S. Custom House	
Veteran's Administration	New Haven	Veteran's Administration Hospital	47.4

AGENCY	TOWN	FACILITY			ACREAGE
	POST OFFICE	UNIT	ST ADDRESS	COUNTY	TOT SITE SQ FT
Postal Service	BRANFORD	MAIN OFFICE	1111 MAIN ST	NEW HAVEN	42125
	BRANFORD	MAIN OFFICE	PARK PLACE	NEW HAVEN	66000
	BRANFORD	SHORT BEACH STA.	BRADLEY AVE & MAIN ST	NEW HAVEN	1118
	BRANFORD	STONY CREEK STATION	202 THIMBLE ISLAND RD	NEW HAVEN	4800
	BRIDGEPORT	BARNUM STATION	1434 STATE ST	FAIRFIELD	11754
	BRIDGEPORT	BEARDSLEY STA	2741 MAIN ST	FAIRFIELD	16456
	BRIDGEPORT	EMPLOYEE PARKING	10 MIDDLE STREET	FAIRFIELD	94500
	BRIDGEPORT	HILLSIDE STA	36 BOND ST.	FAIRFIELD	4232
	BRIDGEPORT	HILLSIDE STA VEH PK	36 BOND ST	FAIRFIELD	6000
	BRIDGEPORT	MAIN OFFICE	120 MIDDLE ST	FAIRFIELD	112435
	BRIDGEPORT	NEWFIELD STATION	1387 STRATFORD AVE	FAIRFIELD	4486
	BRIDGEPORT	NOBLE STATION	934 EAST MAIN STREET	FAIRFIELD	20070
	BRIDGEPORT	SSPU - STRATFORD BR.	DOCK SHOPPING PLAZA	FAIRFIELD	132
	BRIDGEPORT	STRATFORD BRANCH	MAIN ST & HURD AVE	FAIRFIELD	67300
	BRIDGEPORT	TRUMBULL BR	MAIN ST.	FAIRFIELD	32900
	BRIDGEPORT	TRUMBULL BR.-PARKING	QUALITY STREET	FAIRFIELD	10500
	BRIDGEPORT	V M F	915 HOUSATONIC AVE	FAIRFIELD	36000
	BRIDGEPORT	VMF CITY LAND	WATER ST	FAIRFIELD	8568
	CHESTER	MAIN OFFICE	MAIN ST	MIDDLESEX	29900
	CLINTON	MAIN OFFICE	2 WEST MAIN ST	MIDDLESEX	21503
	DARIEN	MAIN OFFICE	30 CORBIN DR	FAIRFIELD	28786
	DARIEN	NOROTON HEIGHTS STA.	352 HEIGHTS ROAD	FAIRFIELD	2597
	DARIEN	NOROTON STATION	1939 POST ROAD	FAIRFIELD	991
	DARIEN	PARKING	CORBIN DRIVE	FAIRFIELD	16592
	DEEP RIVER	MAIN OFFICE	MAIN ST.	MIDDLESEX	22464
	EAST LYME	MAIN OFFICE	225 BOSTON POST RD	NEW LONDON	6960
	ESSEX	MAIN OFFICE	MAIN ST	MIDDLESEX	3013
	FAIRFIELD	MPO	1262 POST ROAD	FAIRFIELD	64800
	FAIRFIELD	SAMP MORTOR STA.	2055 BLACK ROCK TPKE.	FAIRFIELD	17292
	GALES FERRY	LEDYARD STATION	COL.LEDYD HGHWY & IRON	NEW LONDON	30722
	GALES FERRY	MAIN OFFICE	CR OLD MILITRY& WINTHRP	NEW LONDON	11642
	GREENWICH	GLENVILLE STA	GLEN RIDGE RD	FAIRFIELD	30450
	GREENWICH	MAIN OFFICE	310 GREENWICH AVE	FAIRFIELD	21623
	GREENWICH	WEST PUTNAM AVE. STA.	480 W PUTNAM AVE	FAIRFIELD	41925
	GROTON	BOROUGH STA	204 THAMES ST	NEW LONDON	3164
	GROTON	MAIN OFFICE	100 PLAZA COURT	NEW LONDON	35700
	GROTON	NOANK	PEARL ST	NEW LONDON	6168
	GUILFORD	MAIN OFFICE	42 WATER ST	NEW HAVEN	30000
	JEWETT CITY	MAIN OFFICE	78 MAIN ST.	NEW LONDON	7944
	MADISON	MAIN OFFICE	781 BOSTON POST ROAD	NEW HAVEN	19677
	MILFORD	DEVON STA	594 NAUGATUCK AVE	NEW HAVEN	3222
	MILFORD	DEVON STA -DRIVEWAY	590 NAUGATUCK AVE	NEW HAVEN	466
	MILFORD	MAIN OFFICE	6 WEST RIVER STREET	NEW HAVEN	25802
	MILFORD	PARCEL POST ANNEX	1400 BOSTON POST RD	NEW HAVEN	32442
	MILFORD	WILDEMERE BEACH S	21 BROADWAY	NEW HAVEN	3138
	MILFORD	WOODMONT STA	27 VILLAGE ROAD	NEW HAVEN	4530
	MONTVILLE	MAIN OFFICE	MAIN ST	NEW LONDON	684
	NEW HAVEN	ADD'L PRKG-KILBY STA.	437 CONGRESS AVENUE	NEW HAVEN	1500
	NEW HAVEN	ADDL PKG - HAMDEN STA	DIXWELL AVENUE	NEW HAVEN	9900
	NEW HAVEN	ADDL PKG - TERM STA	BREWERY STREET	NEW HAVEN	123710

AGENCY	TOWN	FACILITY			ACREAGE
	POST OFFICE	UNIT	ST ADDRESS	COUNTY	TOT SITE SQ FT
Postal Service (continued)	NEW HAVEN	AMITY STATION	30 AMITY RD	NEW HAVEN	13876
	NEW HAVEN	CENTERVILLE-MT CARMEL	35 NORTH AVENUE	NEW HAVEN	19212
	NEW HAVEN	EAST HAVEN BR.	383 1/2 MAIN STREET	NEW HAVEN	17229
	NEW HAVEN	EAST HAVEN BR.	589 CAMPBELL AVENUE	NEW HAVEN	28240
	NEW HAVEN	FAIR HAVEN STA	GRAND AVE	NEW HAVEN	7889
	NEW HAVEN	FAIR HAVEN STATION	230 GRAND AVENUE	NEW HAVEN	2071
	NEW HAVEN	HAMDEN BRANCH	1744 DIXWELL AVENUE	NEW HAVEN	31714
	NEW HAVEN	KILBY STA.	730 HOWARD AVENUE	NEW HAVEN	9435
	NEW HAVEN	MAIN OFFICE	141 CHURCH STREET	NEW HAVEN	49692
	NEW HAVEN	PARKING	VETS MEMORIAL COLISEUM	NEW HAVEN	12000
	NEW HAVEN	TERMINAL ANNEX	50 BREWERY ST	NEW HAVEN	183000
	NEW HAVEN	W HAVEN TEMP CARR SPC	719 CAMPBELL AVE	NEW HAVEN	18698
	NEW HAVEN	WESTVILLE STATION	95 FOUNTAIN STREET	NEW HAVEN	34605
	NEW HAVEN	WHITNEYVILLE PARKING	1210 WHITNEY AVENUE	NEW HAVEN	4500
	NEW HAVEN	WHITNEYVILLE BR.	40 PUTNAM AVENUE	NEW HAVEN	7040
	NEW HAVEN	YALE STA. PKG.	280 CROWN STREET	NEW HAVEN	3600
	NEW HAVEN	YALE STATION	ELM & HIGH STS	NEW HAVEN	3629
	NEW LONDON	MAIN OFFICE	27 MASONIC ST	NEW LONDON	52893
	NEW LONDON	VEHICLE STORAGE	GOV WINTHROP & ONEIL	NEW LONDON	10200
	NORTH HAVEN	MAIN OFFICE	74 WASHINGTON AVE	NEW HAVEN	29956
	NORWALK	BELDEN STATION	2 BELDEN AVENUE	FAIRFIELD	42983
	NORWALK	MAIN OFFICE	16 WASHINGTON ST	FAIRFIELD	51307
	NORWALK	ROWAYTON STA	144 ROWAYTON AVE	FAIRFIELD	1139
	NORWICH	ADDITIONAL PARKING	REAR OF 352 MAIN STREET	NEW LONDON	3072
	NORWICH	MAIN OFFICE	340 MAIN ST	NEW LONDON	33035
	NORWICH	PARKING (25 SPACES)	MAIN STREET	NEW LONDON	7500
	OLD LYME	MAIN OFFICE	LYME ST	NEW LONDON	47320
	OLD SAYBROOK	MAIN OFFICE	#36 MAIN ST	MIDDLESEX	46000
	ORANGE	MAIN OFFICE	36 OLD TAVERN RD	NEW HAVEN	31110
	SHELTON	EMPLOYEE PKG	HOWE STREET	NEW HAVEN	9000
	SHELTON	HUNTINGTON STA.	TAYES	FAIRFIELD	30165
	SHELTON	MAIN OFFICE	83 BRIDGE ST	FAIRFIELD	19000
	STAMFORD	DAVENPORT ST.-PARKING	12 DAVENPORT STREET	FAIRFIELD	3000
	STAMFORD	GLENBROOK STA.	370 HOPE STREET	FAIRFIELD	17000
	STAMFORD	MAIN OFFICE	421 ATLANTIC ST	FAIRFIELD	47040
	STAMFORD	PEDC, FIN.PERS.	365 ATLANTIC ST.	FAIRFIELD	13752
	STAMFORD	PPA-DAVENPORT ST.	17 DAVENPORT STREET	FAIRFIELD	24046
	STAMFORD	RIDGEWAY STATION	60 SIXTH ST	FAIRFIELD	23492
	STAMFORD	SPRINGDALE STA.	1004 HOPE ST	FAIRFIELD	5594
	STAMFORD	VEHICLE PARKING	70 FEDERAL STREET	FAIRFIELD	1260
	STAMFORD	VMF	717 WASHINGTON BLVD.	FAIRFIELD	37902
	STONINGTON	MAIN OFFICE	BROAD STREET	NEW LONDON	31373
	WATERFORD	MAIN OFFICE	169 BOSTON POST RD	NEW LONDON	24725
	WESTBROOK	MAIN OFFICE	NORTH MAIN STREET	MIDDLESEX	1637
	WESTBROOK	MAIN OFFICE	GOLF LINKS& OLD TROLLEY	MIDDLESEX	28582
	WESTPORT	MAIN OFFICE	154 EAST STATE ST	FAIRFIELD	20599
	WESTPORT	SAUGATUCK	626 RIVERSIDE AVE	FAIRFIELD	10341
	WESTPORT	WESTON BRANCH	WESTON RD-RTE 57	FAIRFIELD	16160

MANAGEMENT PLAN

APPENDIX B

CONNECTICUT COASTAL MANAGEMENT ACT

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AN ACT CONCERNING COASTAL MANAGEMENT

(Connecticut General Statute Section 22a-90 to Section 22a-96 (P.A. 78-152) as amended by P.A. 79-535).

SHORT TITLE (P.A. 78-152)

Sec. 22a-90. Short title. Sections 22a-90 to 22a-96, inclusive, shall be known and may be cited as "The Coastal Management Act."

LEGISLATIVE FINDINGS (P.A. 79-535)

Section 1. Section 22a-91 of the general statutes is repealed and the following is substituted in lieu thereof:

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;

(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;

(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.

GOALS AND POLICIES (P.A. 79-535)

Sec. 2. Section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof:

GOALS AND POLICIES—GENERAL (P.A. 79-535)

(a) The following GENERAL goals and policies are established by THIS ACT:

(1) To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with 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, 447, 473, 474, 474a 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;

(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 coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and reduce the necessity of public expenditure to protect future 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;

(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 insure 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 insure maximum protection of coastal resources while minimizing conflicts and disruption of economic development AND

(10) TO INSURE THAT THE STATE AND THE COASTAL MUNICIPALITIES PROVIDE ADEQUATE PLANNING FOR FACILITIES AND RESOURCES WHICH ARE IN THE NATIONAL INTEREST AS DEFINED IN SECTION 3 OF THIS ACT AND TO INSURE THAT ANY RESTRICTIONS OR EXCLUSIONS OF SUCH FACILITIES OR USES ARE REASONABLE. REASONABLE GROUNDS FOR THE RESTRICTION OR EXCLUSION OF A FACILITY OR USE IN THE NATIONAL INTEREST SHALL INCLUDE A FINDING THAT SUCH A FACILITY OR USE: (A) MAY REASONABLY BE SITED OUTSIDE THE COASTAL BOUNDARY; (B) FAILS TO MEET ANY APPLICABLE FEDERAL AND STATE ENVIRONMENTAL, HEALTH OR SAFETY STANDARD OR (C) UNREASONABLY RESTRICTS PHYSICAL OR VISUAL ACCESS TO COASTAL WATERS. THIS POLICY DOES NOT EXEMPT ANY NONFEDERAL FACILITY IN USE FROM ANY APPLICABLE STATE OR LOCAL REGULATORY OR PERMIT PROGRAM NOR DOES IT EXEMPT ANY FEDERAL FACILITY OR USE FROM THE FEDERAL CONSISTENCY REQUIREMENTS OF SECTION 307 OF THE FEDERAL COASTAL ZONE MANAGEMENT ACT.

POLICIES FOR FEDERAL, STATE, MUNICIPAL AGENCIES (P.A. 79-535)

(b) IN ADDITION TO THE POLICIES STATED IN SUBSECTION (a), THE FOLLOWING POLICIES ARE ESTABLISHED FOR FEDERAL, STATE AND MUNICIPAL AGENCIES IN CARRYING OUT THEIR RESPONSIBILITIES UNDER THIS ACT:

(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; (B) TO LOCATE AND PHASE SEWER AND WATER LINES SO AS TO ENCOURAGE CONCENTRATED DEVELOPMENT IN AREAS WHICH ARE SUITABLE FOR DEVELOPMENT; AND TO DISAPPROVE EXTENSION OF SEWER AND WATER SERVICES INTO DEVELOPED AND UNDEVELOPED BEACHES, BARRIER BEACHES AND TIDAL WETLANDS EXCEPT THAT, WHEN NECESSARY TO ABATE EXISTING SOURCES OF POLLUTION, SEWERS THAT WILL ACCOMMODATE EXISTING USES WITH LIMITED EXCESS CAPACITY MAY BE USED; (C) TO PROMOTE, THROUGH EXISTING STATE AND LOCAL PLANNING, DEVELOPMENT, PROMOTIONAL AND REGULATORY AUTHORITIES, THE DEVELOPMENT, REUSE OR REDEVELOPMENT OF EXISTING URBAN AND COMMERCIAL

FISHING PORTS GIVING HIGHEST PRIORITY AND PREFERENCE TO WATER DEPENDENT USES, INCLUDING BUT NOT LIMITED TO COMMERCIAL AND RECREATIONAL FISHING AND BOATING USES; TO DISALLOW USES WHICH UNREASONABLY CONGEST NAVIGATION CHANNELS, OR UNREASONABLY PRECLUDE BOATING SUPPORT FACILITIES ELSEWHERE IN A PORT OR HARBOR; AND TO MINIMIZE THE RISK OF OIL AND CHEMICAL SPILLS AT PORT FACILITIES; (D) TO REQUIRE THAT STRUCTURES IN TIDAL WETLANDS AND COASTAL WATERS BE DESIGNED, CONSTRUCTED AND MAINTAINED TO MINIMIZE ADVERSE IMPACTS ON COASTAL RESOURCES, CIRCULATION AND SEDIMENTATION PATTERNS, WATER QUALITY, AND FLOODING AND EROSION, TO REDUCE TO THE MAXIMUM EXTENT PRACTICABLE THE USE OF FILL, AND TO REDUCE CONFLICTS WITH THE RIPARIAN RIGHTS OF ADJACENT LANDOWNERS; (E) TO DISALLOW THE SITING WITHIN THE COASTAL BOUNDARY OF NEW TANK FARMS AND OTHER NEW FUEL AND CHEMICAL STORAGE FACILITIES WHICH CAN REASONABLY BE LOCATED INLAND AND TO REQUIRE ANY NEW STORAGE TANKS WHICH MUST BE LOCATED WITHIN THE COASTAL BOUNDARY TO ABUT EXISTING STORAGE TANKS OR TO BE LOCATED IN URBAN INDUSTRIAL AREAS AND TO BE ADEQUATELY PROTECTED AGAINST FLOODS AND SPILLS; (F) TO MAKE USE OF REHABILITATION, UPGRADING AND IMPROVEMENT OF EXISTING TRANSPORTATION FACILITIES AS THE PRIMARY MEANS OF MEETING TRANSPORTATION NEEDS IN THE COASTAL AREA; (G) TO ENCOURAGE INCREASED RECREATIONAL BOATING USE OF COASTAL WATERS, WHERE FEASIBLE, BY (i) PROVIDING ADDITIONAL BERTHING SPACE IN EXISTING HARBORS, (ii) LIMITING NONWATER DEPENDENT LAND USES THAT PRECLUDE BOATING SUPPORT FACILITIES, (iii) INCREASING STATE OWNED LAUNCHING FACILITIES, AND (iv) PROVIDING FOR NEW BOATING FACILITIES IN NATURAL HARBORS, NEW PROTECTED WATER AREAS AND IN AREAS DREDGED FROM DRY LAND; (H) TO PROTECT COASTAL RESOURCES BY REQUIRING, WHERE FEASIBLE, THAT SUCH BOATING USES AND FACILITIES (i) MINIMIZE DISRUPTION OR DEGRADATION OF NATURAL COASTAL RESOURCES, (ii) UTILIZE EXISTING ALTERED, DEVELOPED OR REDEVELOPMENT AREAS, (iii) ARE LOCATED TO ASSURE OPTIMAL DISTRIBUTION OF STATE OWNED FACILITIES TO THE STATEWIDE BOATING PUBLIC AND (iv) UTILIZE RAMPS AND DRY STORAGE RATHER THAN SLIPS IN ENVIRONMENTALLY SENSITIVE AREAS; (I) TO PROTECT AND WHERE FEASIBLE, UPGRADE FACILITIES SERVING THE COMMERCIAL FISHING AND RECREATIONAL BOATING INDUSTRIES; TO MAINTAIN EXISTING AUTHORIZED COMMERCIAL FISHING AND RECREATIONAL BOATING HARBOR SPACE UNLESS THE DEMAND FOR THESE FACILITIES NO LONGER EXISTS OR ADEQUATE SPACE HAS BEEN PROVIDED; TO DESIGN AND LOCATE, WHERE FEASIBLE, PROPOSED RECREATIONAL BOATING FACILITIES IN A MANNER WHICH DOES NOT INTERFERE WITH THE

NEEDS OF THE COMMERCIAL FISHING INDUSTRY AND (J) TO REQUIRE REASONABLE MITIGATION MEASURES WHERE DEVELOPMENT WOULD ADVERSELY IMPACT HISTORICAL, ARCHEOLOGICAL, OR PALEONTOLOGICAL RESOURCES THAT HAVE BEEN DESIGNATED BY THE STATE HISTORIC PRESERVATION OFFICER.

(2) POLICIES CONCERNING COASTAL LAND AND WATER RESOURCES WITHIN THE COASTAL BOUNDARY ARE: (A) 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; (B) TO MANAGE ROCKY SHOREFRONTS SO AS TO INSURE 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; (C) 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 INSURE 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; (D) 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 DESPOILATION OF TIDAL FLATS; (E) TO PRESERVE TIDAL WETLANDS AND TO PREVENT THE DESPOILATION 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; (F) TO MANAGE COASTAL HAZARD AREAS SO AS TO INSURE 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 EXISTING INHABITED STRUCTURES, INFRASTRUCTURAL FACILITIES OR WATER DEPENDENT USES; (G) 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; (H) 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; (I) TO REGULATE SHORELAND USE AND DEVELOPMENT IN A MANNER WHICH MINIMIZES ADVERSE IMPACTS UPON ADJACENT COASTAL SYSTEMS AND RESOURCES AND (J) TO MAINTAIN THE NATURAL RELATIONSHIP BETWEEN ERODING AND DEPOSITIONAL COASTAL LANDFORMS AND TO MINIMIZE THE ADVERSE IMPACTS OF EROSION AND SEDIMENTATION ON COASTAL LAND USES THROUGH THE PROMOTION OF NONSTRUCTURAL MITIGATION MEASURES. STRUCTURAL SOLUTIONS ARE PERMISSIBLE WHEN NECESSARY AND UNAVOIDABLE FOR THE PROTECTION OF INFRASTRUCTURAL FACILITIES, WATER DEPENDENT USES, OR EXISTING INHABITED STRUCTURES, AND WHERE THERE IS NO FEASIBLE, LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE AND WHERE ALL REASONABLE MITIGATION MEASURES AND TECHNIQUES HAVE BEEN PROVIDED TO MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS.

POLICIES FOR FEDERAL AND STATE AGENCIES (P.A. 79-535)

(c) IN ADDITION TO THE POLICIES STATED IN SUBSECTIONS (a) and (b), THE FOLLOWING POLICIES ARE ESTABLISHED FOR FEDERAL AND STATE AGENCIES IN CARRYING OUT THEIR RESPONSIBILITIES UNDER THIS ACT:

(1) POLICIES CONCERNING DEVELOPMENT, FACILITIES AND USES WITHIN THE COASTAL BOUNDARY ARE: (A) TO MINIMIZE THE RISK OF SPILLAGE OF PETROLEUM PRODUCTS AND HAZARDOUS SUBSTANCES, TO PROVIDE EFFECTIVE CONTAINMENT AND CLEAN UP FACILITIES FOR ACCIDENTAL SPILLS AND TO DISALLOW OFFSHORE OIL RECEIVING SYSTEMS THAT HAVE THE POTENTIAL TO CAUSE CATASTROPHIC OIL SPILLS IN THE LONG ISLAND SOUND ESTUARY; (B) TO DISALLOW ANY FILLING OF TIDAL WETLANDS AND 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; (C) TO INITIATE IN COOPERATION WITH THE FEDERAL GOVERNMENT AND THE CONTINUING LEGISLATIVE COMMITTEE ON STATE PLANNING AND DEVELOPMENT A LONG RANGE PLANNING PROGRAM FOR THE CONTINUED MAINTENANCE AND ENHANCEMENT OF FEDERALLY MAINTAINED NAVIGATION FACILITIES IN ORDER TO EFFECTIVELY AND EFFICIENTLY PLAN AND PROVIDE FOR ENVIRONMENTALLY SOUND DREDGING AND DISPOSAL OF DREDGED MATERIALS; TO ENCOURAGE, THROUGH THE STATE PERMITTING PROGRAM FOR DREDGING ACTIVITIES, THE MAINTENANCE AND ENHANCEMENT OF EXISTING FEDERALLY MAINTAINED NAVIGATION CHANNELS, BASINS AND ANCHORAGES AND TO DISCOURAGE THE DREDGING OF NEW FEDERALLY MAINTAINED NAVIGATION CHANNELS, BASINS AND ANCHORAGES; (D) TO REDUCE THE NEED FOR FUTURE DREDGING BY REQUIRING THAT NEW OR EXPANDED NAVIGATION CHANNELS, BASINS AND ANCHORAGES TAKE ADVANTAGE OF EXISTING OR AUTHORIZED WATER DEPTHS, CIRCULATION AND SILTATION PATTERNS AND THE BEST AVAILABLE TECHNOLOGIES FOR REDUCING CONTROLLABLE SEDIMENTATION; (E) TO DISALLOW NEW DREDGING IN TIDAL WETLANDS EXCEPT WHERE NO FEASIBLE ALTERNATIVE EXISTS AND WHERE ADVERSE IMPACTS TO COASTAL RESOURCES ARE MINIMAL; (F) TO REQUIRE THAT NEW OR IMPROVED SHORELINE RAIL CORRIDORS BE DESIGNED AND CONSTRUCTED SO AS (i) TO PREVENT TIDAL AND CIRCULATION RESTRICTIONS AND, WHEN PRACTICABLE, TO ELIMINATE ANY SUCH EXISITNG RESTRICTIONS, (ii) TO IMPROVE OR HAVE A NEGLIGIBLE ADVERSE EFFECT ON COASTAL ACCESS AND RECREATION AND (iii) TO ENHANCE OR NOT UNREASONABLY IMPAIR THE VISUAL QUALITY OF THE SHORELINE; (G) TO REQUIRE THAT COASTAL HIGHWAYS AND HIGHWAY IMPROVEMENTS, INCLUDING BRIDGES, BE DESIGNED AND CONSTRUCTED SO AS TO MINIMIZE ADVERSE IMPACTS ON COASTAL RESOURCES; TO REQUIRE THAT COASTAL HIGHWAY AND HIGHWAY IMPROVEMENTS GIVE FULL CONSIDERATION TO MASS TRANSPORTATION ALTERNATIVES AND TO REQUIRE THAT COASTAL HIGHWAYS AND HIGHWAY IMPROVEMENTS WHERE POSSIBLE ENHANCE, BUT IN NO CASE DECREASE COASTAL ACCESS AND RECREATIONAL OPPORTUNITIES; (H) TO DISALLOW THE CONSTRUCTION OF MAJOR NEW AIRPORTS AND TO DISCOURAGE THE SUBSTANTIAL EXPANSION OF EXISTING AIRPORTS WITHIN THE COASTAL BOUNDARY; TO REQUIRE THAT ANY EXPANSION OR IMPROVEMENT OF EXISTING AIRPORTS MINIMIZE ADVERSE IMPACTS ON COASTAL RESOURCES, RECREATION OR ACCESS; (I) TO MANAGE THE STATE'S FISHERIES IN ORDER TO PROMOTE THE ECONOMIC BENEFITS OF COMMERCIAL AND RECREATIONAL FISHING, ENHANCE RECREATIONAL FISHING OPPORTUNITIES, OPTIMIZE THE YIELD OF ALL SPECIES, PREVENT THE DEPLETION OR EXTINCTION OF INDIGENOUS SPECIES, MAINTAIN AND ENHANCE THE PRODUCTIVITY OF

NATURAL ESTUARINE RESOURCES AND PRESERVE HEALTHY FISHERIES RESOURCES FOR FUTURE GENERATIONS; (J) TO MAKE EFFECTIVE USE OF STATE OWNED COASTAL RECREATIONAL FACILITIES IN ORDER TO EXPAND COASTAL RECREATIONAL OPPORTUNITIES INCLUDING THE DEVELOPMENT OR REDEVELOPMENT OF EXISTING STATE OWNED FACILITIES WHERE FEASIBLE AND (K) 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.

(2) POLICIES CONCERNING COASTAL LAND AND OTHER RESOURCES WITHIN THE COASTAL BOUNDARY ARE: (A) TO MANAGE ESTUARINE EMBAYMENTS SO AS TO INSURE 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 AND (B) 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.

(d) IN ADDITION TO THE POLICIES IN THIS SECTION, THE POLICIES OF THE STATE PLAN OF CONSERVATION AND DEVELOPMENT ADOPTED PURSUANT TO PART I OF CHAPTER 297 SHALL BE APPLIED TO THE AREA WITHIN THE COASTAL BOUNDARY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 16a-31.

DEFINITIONS (P.A. 79-535)

Sec. 3. Section 22a-93 of the general statutes is repealed and the following is substituted in lieu thereof:

For the purposes of THIS ACT:

(1) "Commissioner" means the commissioner of environmental protection;

(2) "Municipality" means any TOWN LISTED IN SUBSECTION (a) OF SECTION 22a-94, AS AMENDED BY SECTION 4 OF THIS ACT, THE CITY OF GROTON, THE BOROUGH OF STONINGTON, THE BOROUGH OF GROTON LONG POINT, THE BOROUGH OF FENWICK AND THE BOROUGH OF WOODMONT, BUT SHALL NOT INCLUDE ANY SPECIAL DISTRICT;

(3) "Coastal area" means those lands described in subsection (a) of section 22a-94;

(4) "Coastal boundary" means the boundary described in subsection (b) of section 22a-94;

(5) "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;

(6) "Public beach" means 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;

(7) "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: (A) "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; (B) "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; (C) "BEACHES AND DUNES" MEANS BEACH SYSTEMS INCLUDING BARRIER BEACH SPITS AND TOMBOLOS, BARRIER BEACHES, POCKET BEACHES, LAND CONTACT BEACHES AND RELATED DUNES AND SANDFLATS; (D) "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; (E) "TIDAL WETLANDS" MEANS "WETLAND" AS DEFINED BY SECTION 22a-29; (F) "FRESHWATER WETLANDS AND WATER COURSES" MEANS "WETLANDS" AND "WATER COURSES" AS DEFINED BY SECTION 22a-38; (G) "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; (H) "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 (U.S.C. 42 SECTION 4101, P.L. 93-234) AND ALL EROSION HAZARD AREAS AS DETERMINED BY THE COMMISSIONER; (I) "DEVELOPED SHOREFRONT" 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; (J) "ISLAND" MEANS LAND SURROUNDED ON ALL SIDES BY WATER; (K) "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; (L) "OFFSHORE WATERS" MEANS THE AREA COMPRISED OF THOSE WATERS AND THEIR SUBSTRATES LYING SEAWARD OF A DEPTH APPROXIMATED BY THE TEN METER CONTOUR; (M) "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; (N) "SHELLFISH CONCENTRATION AREAS" MEANS ACTUAL, POTENTIAL OR HISTORIC AREAS IN COASTAL WATERS, IN WHICH ONE OR MORE SPECIES OF SHELLFISH AGGREGATE;

(8) "ZONING COMMISSION" MEANS THE MUNICIPAL ZONING COMMISSION ESTABLISHED UNDER SECTION 8-1 OR BY ANY SPECIAL ACT OR THE COMBINED PLANNING AND ZONING COMMISSION ESTABLISHED UNDER SECTION 8-4a;

(9) "PLANNING COMMISSION" MEANS THE MUNICIPAL PLANNING COMMISSION ESTABLISHED UNDER SECTION 8-19 OR BY ANY SPECIAL ACT OR THE COMBINED PLANNING AND ZONING COMMISSION ESTABLISHED UNDER SECTION 8-4a;

(10) "MUNICIPAL COASTAL PLANS" MEANS THE PLANS LISTED IN SUBSECTIONS (b) AND (d) OF SECTION 7 OF THIS ACT;

(11) "MUNICIPAL COASTAL REGULATIONS" MEANS THE REGULATIONS AND ORDINANCES LISTED IN SUBSECTION (b) OF SECTION 7 OF THIS ACT;

(12) "FEDERAL COASTAL ZONE MANAGEMENT ACT" AND "FEDERAL ACT" MEANS THE U.S. COASTAL ZONE MANAGEMENT ACT OF 1972, AS AMENDED;

(13) "COASTAL SITE PLANS" MEANS THE SITE PLANS, APPLICATIONS AND PROJECT REFERRALS LISTED IN SECTION 11 OF THIS ACT;

(14) "FACILITIES AND RESOURCES WHICH ARE IN THE NATIONAL INTEREST" MEANS: (A) ADEQUATE PROTECTION OF TIDAL WETLANDS AND RELATED ESTUARINE RESOURCES; (B) RESTORATION AND ENHANCEMENT OF CONNECTICUT'S SHELLFISH INDUSTRY; (C) RESTORATION, PRESERVATION AND ENHANCEMENT OF THE STATE'S RECREATIONAL AND COMMERCIAL FISHERIES, INCLUDING ANADROMOUS SPECIES; (D) WATER POLLUTION CONTROL MEASURES AND FACILITIES CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL CLEAN WATER ACT, AS AMENDED; (E) AIR POLLUTION CONTROL MEASURES AND FACILITIES CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL CLEAN AIR ACT, AS AMENDED; (F) CONTINUED OPERATIONS OF EXISTING FEDERALLY FUNDED DREDGED

AND MAINTAINED NAVIGATION CHANNELS AND BASINS; (G) ENERGY FACILITIES SERVING STATEWIDE AND INTERSTATE MARKETS, INCLUDING ELECTRIC GENERATING FACILITIES AND FACILITIES FOR STORAGE, RECEIVING OR PROCESSING PETROLEUM PRODUCTS AND OTHER FUELS; (H) IMPROVEMENTS TO THE EXISTING INTERSTATE RAIL, HIGHWAY AND WATERBORNE TRANSPORTATION SYSTEM; (I) PROVISION OF ADEQUATE STATE OR FEDERALLY OWNED MARINE RELATED RECREATIONAL FACILITIES, INCLUDING NATURAL AREAS AND WILDLIFE SANCTUARIES AND (J) ESSENTIAL MAINTENANCE AND IMPROVEMENT OF EXISTING WATER DEPENDENT MILITARY, NAVIGATIONAL, RESOURCE MANAGEMENT AND RESEARCH FACILITIES;

(15) "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 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; (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; (G) DEGRADING OR DESTROYING ESSENTIAL WILDLIFE, FINFISH OR SHELLFISH HABITAT THROUGH SIGNIFICANT ALTERATION OF THE COMPOSITION, MIGRATION PATTERNS, DISTRIBUTION, BREEDING OR OTHER POPULATION CHARACTERISTICS OF THE NATURAL SPECIES OR SIGNIFICANT ALTERATION OF THE NATURAL COMPONENTS OF THE HABITAT AND (H) DEGRADING TIDAL WETLANDS, BEACHES AND DUNES, ROCKY SHOREFRONTS, AND BLUFFS AND ESCARPMENTS THROUGH SIGNIFICANT ALTERATION OF THEIR NATURAL CHARACTERISTICS OR FUNCTION; AND

(16) "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 WATERBORNE 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.

COASTAL BOUNDARY (P.A. 79-535)

Sec. 4. Section 22a-94 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) 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.

(b) 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 (U.S.C. 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.

(c) The coastal boundary as defined in subsection (b) of this section shall be shown on maps or photographs prepared by the commissioner which supplement flood hazard rate maps prepared by the United States Department of Housing and Urban Development under the National Flood Insurance Act. Such maps shall be sufficiently precise to demonstrate whether the holdings of a property owner, or portions thereof, lie within the coastal boundary. Copies of such maps or photographs shall be filed with the commissioner and with the CLERK OF EACH coastal MUNICIPALITY.

(d) The maps described in subsection (c) of this section shall be promulgated

NOT LATER THAN July 1, 1980. Prior to final adoption of any map, the commissioner shall hold a public hearing in accordance with the provisions of chapter 54 within the applicable coastal town. The commissioner may use interim maps prepared on United States Geological Survey Topographic base at a scale of one to twenty-four thousand or their metric equivalent. In preparing such interim maps, the commissioner may use any manmade structure, natural feature, property line, preliminary flood hazard boundary maps as prepared by the United States Department of Housing and Urban Development, or a combination thereof which most closely approximates the landward side of the boundary. Further, the commissioner may use city or town property tax maps or aerial photographs, state tidal wetlands photographs, or similar maps of property delineation as they are available.

(e) The commissioner may, from time to time, amend such maps described in subsection (c) of this section. Prior to the adoption of an amendment to any map, the commissioner shall hold a public hearing in the affected municipality in accordance with the provisions of chapter 54. THE COMMISSIONER SHALL CONSIDER FOR AMENDMENT CHANGES IN THE BOUNDARY PETITIONED BY THE COASTAL MUNICIPALITY, BY ANY PERSON OWNING REAL PROPERTY WITHIN THE BOUNDARY, OR BY TWENTY-FIVE RESIDENTS OF SUCH MUNICIPALITY. THE COMMISSIONER SHALL APPROVE, DENY OR MODIFY SUCH PETITION WITHIN SIXTY DAYS OF RECEIPT AND SHALL STATE, IN WRITING, THE REASONS FOR HIS ACTION. ALL AMENDMENTS TO THE BOUNDARY SHALL BE CONSISTENT WITH SUBSECTION (b).

(f) A MUNICIPAL COASTAL BOUNDARY MAY BE ADOPTED BY THE MUNICIPAL PLANNING COMMISSION OF EACH COASTAL MUNICIPALITY IN ACCORDANCE WITH THE NOTICE, HEARING AND OTHER PROCEDURAL REQUIREMENTS OF SECTION 8-24. SUCH BOUNDARY MAY BE DELINEATED BY ROADS, PROPERTY LINES OR OTHER IDENTIFIABLE NATURAL OR MANMADE FEATURES, PROVIDED SUCH BOUNDARY SHALL APPROXIMATE AND IN NO EVENT DIMINISH THE AREA WITHIN THE COASTAL BOUNDAY AS DEFINED IN SUBSECTION (b) AND AS MAPPED UNDER SUBSECTION (d). SUCH BOUNDARY SHALL BE SUFFICIENTLY PRECISE TO DEMONSTRATE WHETHER THE HOLDINGS OF A PROPERTY OWNER, OR PORTIONS THEREOF, LIE WITHIN THE BOUNDARY. UPON ADOPTION SUCH BOUNDARY SHALL BE SUBMITTED TO THE COMMISSIONER FOR MAPPING IN ACCORDANCE WITH SUBSECTION (c). THE MUNICIPAL PLANNING COMMISSION MAY, AT ITS OWN DISCRETION OR UPON REQUEST OF A PROPERTY OWNER, AMEND THE COASTAL BOUNDARY IN ACCORDANCE WITH THE PROCEDURES AND CRITERIA OF THIS SUBSECTION.

(g) ALL PROPERTY LYING WITHIN THE COASTAL BOUNDARY SHALL BE SUBJECT TO THE REGULATORY, DEVELOPMENT AND PLANNING REQUIREMENTS OF THIS ACT.

TECHNICAL ASSISTANCE FOR MUNICIPALITIES (P.A. 79-535)

Sec. 5. Section 22a-95 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) THE COMMISSIONER SHALL, ON A CONTINUING BASIS, ASSIST COASTAL MUNICIPALITIES IN CARRYING OUT THEIR RESPONSIBILITIES UNDER THIS ACT.

(b) THE COMMISSIONER SHALL PROVIDE EACH COASTAL MUNICIPALITY WITH RESOURCE FACTOR MAPS AND OTHER INFORMATION CONCERNING THE LOCATION AND CONDITION OF ITS COASTAL RESOURCES AND SHALL ALSO PROVIDE GENERAL TECHNICAL BACKGROUND INFORMATION ON THE BENEFICIAL AND ADVERSE IMPACTS OF VARIOUS TYPES OF DEVELOPMENT ON COASTAL RESOURCES.

(c) THE COMMISSIONER SHALL RESPOND TO QUESTIONS REGARDING THE REQUIREMENTS OF THIS ACT, SHALL RESPOND TO REQUESTS BY COASTAL MUNICIPALITIES FOR BACKGROUND TECHNICAL INFORMATION AND SHALL MEET REASONABLE REQUESTS BY SUCH MUNICIPALITIES FOR TECHNICAL STAFF ASSISTANCE IN DEVELOPING AND IMPLEMENTING MUNICIPAL COASTAL PROGRAMS AND COASTAL SITE PLAN REVIEWS.

(d) THE COMMISSIONER SHALL CONSULT REGULARLY WITH OFFICIALS OF COASTAL MUNICIPALITIES REGARDING IMPLEMENTATION OF THIS ACT AND SHALL PERIODICALLY HOLD WORKSHOPS WITH MUNICIPAL OFFICIALS RESPONSIBLE FOR MAKING DECISIONS UNDER THIS ACT.

(e) THE COMMISSIONER SHALL PREPARE A MODEL MUNICIPAL COASTAL PROGRAM WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO: (1) MODEL MUNICIPAL COASTAL PLANS AND REGULATIONS; (2) SUGGESTED PLANNING METHODOLOGIES USEFUL IN REVISING MUNICIPAL COASTAL PLANS; (3) SUGGESTED REGULATORY METHODS USEFUL IN REVISING MUNICIPAL COASTAL REGULATIONS TO CONFORM TO AND EFFECTUATE THE PURPOSES OF MUNICIPAL COASTAL PLANS AND (4) SUGGESTED CRITERIA AND PROCEDURES FOR UNDERTAKING MUNICIPAL COASTAL SITE PLAN REVIEWS.

(f) WRITTEN TECHNICAL INFORMATION PROVIDED BY THE COMMISSIONER TO COASTAL MUNICIPALITIES SHALL BE IN CLEAR AND READILY UNDERSTANDABLE LANGUAGE.

FINANCIAL ASSISTANCE FOR MUNICIPALITIES (P.A. 79-535)

Sec. 6. (NEW) (a) In order to carry out the purposes of this act, the commissioner shall equitably allocate any funds received for the implementation of this act between coastal related state programs, which may include coastal research projects, and municipal coastal programs.

(b) Upon receipt by the commissioner of a written application from a coastal municipality, said commissioner shall make a grant to such municipality of not less than twenty-five hundred dollars to be used to carry out the responsibilities of such municipality under this act, provided, on or after July 1, 1980, funds shall be allocated to coastal municipalities in accordance with subsections (c) and (d).

(c) The commissioner shall provide continuing financial assistance to coastal municipalities to carry out their responsibilities under this act. Municipalities may apply annually for financial assistance in carrying out their responsibilities for municipal coastal site plan reviews under sections 11 to 15, inclusive, of this act and for the purpose of preparing and implementing municipal coastal programs under sections 7 to 10, inclusive, of this act. The commissioner shall, by regulations adopted in accordance with chapter 54 of the general statutes, establish reasonable application requirements consistent with federal application requirements. In reviewing municipal applications for financial assistance the commissioner shall consider: (1) The area, length of shorefront, population and development pressures within the municipality's coastal boundary, (2) the nature of the municipality's coastal resources and coastal related problems, (3) the demonstrated capacity and commitment of the municipality to carrying out the purposes of this act, (4) the number of coastal site plan reviews conducted by the municipality, (5) the availability of funds, and (6) the state plan for conservation and development adopted pursuant to part I of chapter 297.

(d) Not less than thirty per cent of any funds received annually by the state under section 306 of the federal coastal zone management act shall be provided annually to coastal municipalities for municipal coastal site plan reviews under sections 11 to 15, inclusive, of this act. Up to an additional twenty per cent of any funds received annually by the state under section 306 of the federal coastal zone management act shall as a first priority be provided annually to assist coastal municipalities which have chosen to prepare and implement a municipal coastal program under sections 7 to 10, inclusive, of this act, provided that if in any one year the total amount of all grants to municipalities which have agreed to adopt municipal coastal programs is less than twenty per cent of such federal funds received in that year, the difference shall be allocated for the purposes of this act in accordance with subsection (a).

MUNICIPAL COASTAL PROGRAM [M.C.P.]—

DEFINED AND AUTHORIZED (P.A. 79-535)

Sec. 7. (NEW) (a) In order to carry out the policies and provisions of this act and to provide more specific guidance to coastal area property owners and developers, coastal municipalities may adopt a municipal coastal program for the area within the coastal boundary and landward of the mean high water mark.

(b) A municipal coastal program shall include, but is not limited to: (1) Revisions to the municipal plan of development under section 8-23 of the general statutes or special act, insofar as it affects the area within the coastal boundary, such revisions to include an identification and written description of the municipality's major coastal related issues and problems, both immediate and long term, such as erosion, flooding, recreational facilities, and utilization of port facilities and to include a description of the municipal boards, commissions and officials responsible for implementing and enforcing the coastal program, a description of enforcement procedures and a description of continuing methods of involving the public in the implementation of the municipal coastal program; (2) revisions to the municipal zoning regulations under section 8-2 of the general statutes or under special act and revisions to the following regulations and ordinances if the municipality has adopted such regulations or ordinances, and insofar as such regulations or ordinances affect the area within the coastal boundary: (A) Historic district ordinances under section 7-147b of the general statutes; (B) waterway encroachment line ordinances under section 7-147 of the general statutes; (C) planned unit development regulations under sections 8-13c and 8-13d of the general statutes; (D) subdivision ordinances under section 8-25 of the general statutes; (E) inland wetland regulations under subsection (e) of section 22a-42 and section 22a-42a of the general statutes; (F) sewerage ordinances under section 7-153 of the general statutes; (G) ordinances or regulations governing filling of land and removal of soil, loam, sand or gravel under section 7-148 of the general statutes; (H) ordinances concerning protection and improvement of the environment under section 7-148 of the general statutes; and (I) regulations for the supervision, management, control, operation or use of a sewerage system under section 7-247 of the general statutes.

(c) If a municipality has not yet adopted a municipal plan of development under section 8-23 of the general statutes, a municipal planning

commission may prepare a municipal coastal plan of development solely for that portion of municipality within the coastal boundary in accordance with subsection (b) of this section and section 8 of this act.

(d) A municipal coastal program may include revisions to the following municipal plans or programs which revisions shall be consistent with the municipal plan of development revised in accordance with subsection (b) of this section and section 8 of this act: (1) The community development plan under sections 8-169c and 8-169d of the general statutes; (2) the harbor improvement plan under section 13b-56 of the general statutes; (3) the redevelopment plan under sections 8-125 and 8-127 of the general statutes; (4) the port development plan under section 7-329c of the general statutes; (5) the capital improvement plan under section 8-160 of the general statutes; (6) the open space plan under section 12-107e of the general statutes; (7) any development project plan or plans under section 8-189 of the general statutes; and (8) the municipal water pollution control plan under section 7-245 of the general statutes.

(e) Revisions to the municipal plan of development in accordance with subsection (b) of this section and section 8 of this act may include a description of any development projects, acquisition plans, open space tax abatement programs, flood and erosion control projects and other nonregulatory measures which the municipality intends to undertake in order to promote wise management of coastal resources.

M.C.P.—REVISIONS TO TOWN PLAN OF DEVELOPMENT (P.A. 79-535)

Sec. 8. (NEW) (a) In revising the municipal plan of development in accordance with subsection (b) of section 7 of this act the municipal planning commission shall follow: (1) The policies and goals in section 22a-92 of the general statutes, as amended by section 2 of this act; (2) criteria listed in section 8-23 of the general statutes.

(b) In revising its municipal plan of development the municipal planning commission shall also consider: (1) The character and distribution of the coastal resources defined in section 3 of this act within its coastal boundary, the capacity of and limitations on such resources to support development, and the types and methods of development compatible with the wise use, protection and enhancement of such resources; (2) the nature and pattern of existing development and (3) the need for public services.

(c) The municipal planning commission may revise its municipal plan of development by making such changes as: Modifications of land use categories, changes in the density and intensity of land use, alteration in plan policies; modifications in growth strategies, changes in acquisition priorities, and alterations in public infrastructure, highway and other capital improvement projects.

(d) The municipal planning commission shall submit its proposed revisions to the municipal plan of development prepared in accordance with subsections (a) and (b) of this section and section 7 of this act to the commissioner and the regional planning agency for review and comment prior to the final adoption of such revisions in accordance with section 8-23 of the general statutes. Upon receipt of such proposed revisions the commissioner and the regional planning agency shall review them for consistency with requirements and criteria listed in subsections (a) and (b) of this section and section 7 of this act and shall within ninety days notify the municipality in writing of any suggested modifications to the proposed revisions. Upon receipt of such comments or ninety days after receipt by the commissioner of proposed revisions, the municipal planning commission may modify and adopt the proposed revisions in accordance with section 8-23 of the general statutes.

M.C.P.—REVISIONS TO TOWN ZONING REGULATIONS (P.A. 79-535)

Sec. 9. (NEW) (a) In revising zoning regulations and other municipal coastal regulations and ordinances listed in subdivision (2) of subsection (b) of section 7 of this act, the municipal agency with jurisdiction over such regulations or ordinances shall consider the criteria in section 8-2 of the general statutes and the other sections of the general statutes or special act authorizing such regulations. Such regulations shall conform to and effectuate the policies and land and water use strategies of the municipal coastal plans revised under sections 7 and 8 of this act and the criteria listed in subsections (a) and (b) of section 8 of this act.

(b) The municipal agency with jurisdiction over the zoning regulations and other municipal coastal regulations and ordinances listed in subdivision (2) of subsection (b) of section 7 of this act shall submit its proposed revisions of such regulations and ordinances to the commissioner for his review and comment prior to final adoption of such revisions in accordance with the appropriate statutory requirements

regarding amendment of such regulations or ordinances. Upon receipt of the proposed revisions to the municipal coastal regulations, the commissioner shall review them for their consistency with the municipality's previously adopted municipal plan of development and the criteria listed in subsections (a) and (b) of section 8 of this act, and shall within ninety days notify the municipality in writing of any suggested modifications. Upon receipt of the commissioner's comments or ninety days after his receipt of proposed revisions the municipal agency with jurisdiction over such regulations may modify and adopt the proposed revisions in accordance with the appropriate statutory requirements regarding amendment of such regulations and ordinances.

(c) In revising zoning regulations under chapter 124a of the general statutes for the area within the coastal boundary the municipal zoning commission may utilize any lawful zoning techniques, including but not limited to, modifications of use categories, alteration of density and intensity of use, special use zones, overlay zones, special permit regulations, sign controls, design controls, landscaping and gardening regulations, hazard or geological review requirements, conservation, cluster, open space and lot coverage requirements, minimum lot sizes, set back requirements, and bonus and incentive zoning regulations.

(d) In revising subdivision regulations under chapter 126 of the general statutes the municipal planning commission may utilize any lawful technique including, but not limited to, conservation, cluster, open space, park and recreation regulations.

M.C.P.— AMENDMENTS TO COASTAL PROGRAM (P.A. 79-535)

Sec. 10. (NEW) (a) If a municipality has adopted a municipal coastal program in accordance with sections 7, 8 and 9 of this act, such program shall be implemented by those municipal bodies exercising legal authority for the regulatory decisions listed in subsection (b) of section 11 of this act.

(b) Amendments to the municipal plan of development affecting the area within the coastal boundary or municipal coastal regulations shall be made in accordance with subsection (e) of this section and sections 7, 8 and 9 of this act.

(c) When amendments are made to the municipal plan of development affecting the area within the coastal boundary, the municipality shall also make such amendments to the zoning regulations and other municipal coastal regulations listed in

subdivision (2) of subsection (b) of section 7 of this act in accordance with applicable statutory requirements regarding amendment of such regulations and ordinances as are necessary to insure that such regulations conform to and effectuate the policies and land and water use strategies of the amended plans.

(d) When amendments are made to zoning regulations and other municipal coastal regulations listed in subdivision (2) of subsection (b) of section 7 of this act, without prior amendments to corresponding provisions of municipal coastal plans, such regulations, as amended, shall conform to and effectuate the policies and land and water use strategies of the municipal coastal plans and the criteria listed in subsections (a) and (b) of section 8 of this act.

(e) The commissioner shall be notified of proposed amendments to zoning regulations or other municipal regulations or ordinances listed in subdivision (2) of subsection (b) of section 7 of this act at least fourteen days prior to any public hearing held by the municipality on such amendments or, where no hearing is held, at least forty-five days prior to the taking of any final action on such amendments by the municipality. Upon receipt of such proposed amendments, the commissioner shall review them for consistency with the municipality's previously adopted municipal plan of development and the criteria listed in subsections (a) and (b) of section 8 of this act, and shall within forty-five days notify the municipality in writing of any suggested modifications. Upon receipt of the commissioner's comments or forty-five days after his receipt of such proposed amendments the municipal agency with jurisdiction over such regulations or ordinances may modify and adopt the proposed amendments in accordance with the appropriate statutory requirements regarding amendment of such regulations and ordinances.

COASTAL SITE PLAN REVIEW [C.S.P.R.]— DEFINED AND AUTHORIZED (P.A. 79-535)

Sec. 11. (NEW) (a) Coastal municipalities shall undertake coastal site plan reviews in accordance with the requirements of this act.

(b) The following site plans, plans and applications for activities or projects to be located fully or partially within the coastal boundary and landward of the mean high water mark shall be defined as "coastal site plans" and shall be subject to the requirements of this act: (1) Site plans submitted to a zoning commission in accordance with section 15 of this act; (2) site plans submitted to a planning commission in accordance with section 8-25 of the general

statutes; (3) plans submitted to a planning commission under section 8-13f of the general statutes; (4) applications for a special exception or special permit submitted to a planning commission, zoning commission or zoning board of appeals in accordance with section 8-2 of the general statutes; (5) an application under subdivision (3) of section 8-6 of the general statutes and (6) a referral of a proposed municipal project to a planning commission in accordance with section 8-24 of the general statutes.

(c) In addition to the requirements specified by municipal regulation, a coastal site plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.

(d) Municipalities, acting through the agencies responsible for the review of the coastal site plans defined in subsection (b) of this section, may require a filing fee to defray the reasonable cost of reviewing and acting upon an application.

(e) The board or commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the general statutes or in any special act, approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of the criteria listed in section 12 of this act to ensure that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development activities are acceptable.

C.S.P.R.—CRITERIA FOR APPROVAL (P.A. 79-535)

Sec. 12. (NEW) (a) In addition to determining that the activity proposed in a coastal site plan satisfies other lawful criteria and conditions, a municipal board or commission reviewing a coastal site plan shall determine whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development activities are acceptable.

(b) In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both coastal resources and future water dependent development

opportunities, a municipal board or commission shall: (1) Consider the characteristics of the site, including the location and condition of any of the coastal resources defined in section 3 of this act; (2) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities and (3) follow all applicable goals and policies stated in section 22a-92 of the general statutes, as amended by section 2 of this act and identify conflicts between the proposed activity and any goal or policy.

(c) Any persons submitting a coastal site plan as defined in subsection (b) of section 11 of this act shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies in section 22a-92 of the general statutes, as amended by section 2 of this act.

(d) A municipal board or commission approving, modifying, conditioning or denying a coastal site plan on the basis of the criteria listed in subsection (b) of this section shall state in writing the findings and reasons for its action.

(e) In approving any activity proposed in a coastal site plan, the municipal board or commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the board: (1) Is consistent with all applicable goals and policies in section 22a-92 of the general statutes, as amended by section 2 of this act; (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

C.S P.R.— BONDS (P.A. 79-535)

Sec. 13. (NEW) As a condition to a coastal site plan approval a board or commission may require a bond, escrow account or other surety or financial security arrangement to secure compliance with any modifications, conditions and other terms stated in its approval of a coastal site plan.

C.S.P.R.— ENFORCEMENT/PUBLIC NUISANCE (P.A. 79-535)

Sec. 14. (NEW) Any activity within the coastal boundary subject to the coastal site plan review requirements, as defined in sections 11 and 12 of this act, which occurs without having received a lawful approval from a municipal board or commission under the procedures and criteria

listed in sections 11 and 12 of this act, or which violates the terms or conditions of such approval, shall be deemed a public nuisance. Municipalities shall have the authority to exercise all enforcement remedies legally available to them including, but not limited to, those under section 8-12 of the general statutes for violations of coastal site plan review requirements. After notifying the municipality in which the activity is located, the commissioner may order that such a public nuisance be halted, abated, removed or modified and that the site of the violation be restored as nearly as reasonably possible to its condition prior to the violation, under the authority of sections 22a-6 and 22a-7 of the general statutes. Upon receipt of a petition signed by at least twenty-five residents of the municipality in which an activity is located the commissioner shall investigate to determine whether or not an activity described in the petition constitutes a public nuisance. Within ninety days of receipt of such petition, the commissioner shall make a written determination and provide the petitioning municipality with a copy of such determination.

C.S.P.R.—REVIEW PROCEDURES/EXEMPTIONS (P.A. 79-535)

Sec. 15. (NEW) (a) A coastal site plan shall be filed with the municipal zoning commission to aid in determining the conformity of a proposed building, use or structure, fully or partially within the coastal boundary, with the specific provisions of the zoning regulations of the municipality and the provisions of sections 11 and 12 of this act. A coastal site plan required under this section may be modified or denied if it fails to comply with the requirements already set forth in the zoning regulations of the municipality and, in addition, the coastal site plan may be modified, conditioned or denied in accordance with the procedures and criteria listed in sections 11 and 12 of this act. Review of a coastal site plan under the requirements of this section shall supersede any review required by the municipality under subsection (g) of section 8-3 of the general statutes and shall be in addition to any applicable zoning regulations of any special district exercising zoning authority under special act.

(b) The zoning commission may by regulation exempt any or all of the following uses from the coastal site plan review requirements of this section: (1) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds; (2) construction of new or modification of existing

structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings; (3) construction of new or modification of existing on premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach; (4) construction of an individual conforming single family residential structure except in or within one hundred feet of the following coastal resource areas; tidal wetlands, coastal bluffs and escarpments and beaches and dunes and (5) activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources. Gardening, grazing and the harvesting of crops shall be exempt from the requirements of this act.

(c) The zoning commission may, at its discretion, hold a hearing on a coastal site plan required by this section.

(d) The zoning commission shall set forth the reasons for any decision to deny, modify or condition a coastal site plan submitted under this section. A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen days after such decision is rendered.

(e) The coastal site plan review required under this section shall be subject to the same statutory requirements as subsection (b) of section 8-7d of the general statutes for the purposes of determining the time limitations on the zoning commission in reaching a final decision.

(f) In addition to the requirements of subsection (f) of section 8-3 of the general statutes, no building permit shall be issued for a building, use or structure subject to the zoning regulations of a municipality and located fully or partially within the coastal boundary without certification in writing by the official charged with enforcement of such regulations that such building, use or structure has been reviewed and approved in accordance with the requirements of this act or is a use exempt from such review under regulations adopted by the zoning commission in accordance with this section.

(g) A municipality by vote of its legislative body may delegate its responsibility for coastal site plan review under this section to a special

district exercising zoning authority under special act for the area within both the coastal boundary and limits of the special district, subject to acceptance by the special district of such responsibility following the procedures listed in section 7-327 of the general statutes. The municipality may revoke the delegation of such responsibilities and the special district may also revoke acceptance of such responsibility under this subsection at any time. Notwithstanding the provisions of this subsection, the town of Groton shall delegate authority for coastal site plan review to the Noank fire district.

(h) A municipal zoning commission reviewing, in accordance with this section, a coastal site plan for a building use or structure occurring within the limits of a special district exercising zoning authority under special act shall provide a copy of the coastal site plan to the chief elected official of such district and shall provide an adequate opportunity for comment by such official prior to making a final decision on the coastal site plan. A special district delegated the responsibility for coastal site plan reviews in accordance with subsection (g) of this section shall provide a copy of any coastal site plan submitted for its review to the municipal zoning commission of the town in which the project is to occur and shall provide an adequate opportunity for comment by the zoning commission prior to making a final decision on the coastal site plan.

CT. RIVER GATEWAY COMPACT (P.A. 79-535)

Sec. 16. (NEW) (a) The minimum standards established by the Connecticut River Gateway Committee under section 25-102d of the general statutes and revisions to such standards adopted by the Connecticut River Gateway Commission under subsection (c) of section 25-102g of the general statutes before January 1, 1980, shall be deemed to be consistent with the goals, policies and purposes of this act.

(b) On or after January 1, 1980, the commission shall make no revisions to such standards which are inconsistent with the goals and policies stated in subsections (a) and (b) of section 22a-92 of the general statutes, as amended by section 2 of this act.

(c) No provision of this act shall be deemed to derogate from the authority of the commission to approve or disapprove the adoption, amendment or repeal of local zoning, subdivision or planning regulations under subsection (b) of section 25-102g of the general statutes, provided any such approval or disapproval shall be consistent with the goals and policies stated in subsections (a)

and (b) of section 22a-92 of the general statutes, as amended by section 2 of this act.

DUTIES OF COMMISSIONER (P.A. 79-535)

Sec. 17. (NEW) (a) The commissioner shall provide, within available appropriations, technical, coordinating and research services to promote the effective administration of this act at the federal, state and local levels.

(b) The commissioner shall have the overall responsibility for general supervision of the implementation of this act and shall monitor and evaluate the activities of federal and state agencies and the activities of municipalities to assure continuing, effective, coordinated and consistent administration of the requirements and purposes of this act.

(c) The commissioner shall prepare and submit to the general assembly and the governor, on or before December first of each year, a written report summarizing the activities of the department concerning the development and implementation of this act during the previous year. Such report shall include, but not be limited to: (1) The department's accomplishments and actions in achieving the goals and policies of this act including, but not limited to, coordination with other state, regional, federal and municipal programs established to achieve the purposes of this act, and research programs established pursuant to subsection (a) of section 6 of this act; (2) recommendations for any statutory or regulatory amendments necessary to achieve such purposes; (3) a summary of municipal and federal programs and actions which affect the coast; (4) recommendations for any programs or plans to achieve such purposes; (5) any aspects of the program or the act which are proving difficult to accomplish, suggested reasons for such difficulties, and proposed solutions to such difficulties; (6) a summary of the expenditure of federal and state funds under this act and (7) a request for an appropriation of funds necessary to match federal funds and provide continuing financial support for the program. Such report shall comply with the provisions of section 4-61k of the general statutues.

MUNICIPAL RIGHT AS PARTY (P.A. 79-535)

Sec. 18. (NEW) A coastal municipality may submit written testimony to the commissioner and may appear by right as a party to any hearing before said commissioner concerning any permit or license to be issued by said commissioner for an activity occurring within the coastal boundary of the municipality or occurring within the coastal

boundary of any adjacent municipality and within five hundred feet of the boundary of such municipality and may appeal any decision of the commissioner concerning such permit or license.

COMMISSIONER'S RIGHT AS PARTY (P.A. 79-535)

Sec. 19. (NEW) The commissioner or his designee may submit written testimony to any municipal board or commission and may appear by right as a party to any hearing before such municipal board or commission concerning the review of a coastal site plan or a municipal approval, permit or license for a building, use or structure affecting the area within the coastal boundary and said commissioner may appeal, or appear as a party to any appeal of, a municipal decision concerning such matters whether or not he has appeared as a party before the municipal board or commission. If the decision of such board or commission is upheld by a court of competent jurisdiction, the state shall reimburse the municipality within three months for all costs incurred in defending the decision.

CONSISTENCY OF STATE PLANS AND PROJECTS (P.A. 79-535)

Sec. 20. (NEW) (a) All major state plans, other than the state plan for conservation and development adopted pursuant to part I of chapter 297 of the general statutes, which affect the coastal area shall be consistent with the goals and policies stated in section 22a-92 of the general statutes, as amended by section 2 of this act and existing state plans, other than the state plan for conservation and development adopted pursuant to part I of chapter 297 of the general statutes, which affect the coastal area shall, on or before July 1, 1981, be revised, if necessary, to insure consistency with this act. Agencies responsible for revising state plans, other than the state plan for conservation and development adopted pursuant to part I of chapter 297 of the general statutes, shall consult with the commissioner in making such revisions.

(b) Each state department, institution or agency responsible for the primary recommendation or initiation of actions within the coastal boundary which may significantly affect the environment, as defined in section 22a-1c of the general statutes, shall insure that such actions are consistent with the goals and policies of this act. The secretary of the office of policy and management shall consider the consistency of such proposed actions with such goals and policies in determining whether or not an environmental impact evaluation prepared pursuant to section 22a-1b of the general statutes satisfies the requirements of

sections 22a-1a to 22a-1h, inclusive, of the general statutes and regulations adopted pursuant thereto. The commissioner shall amend such regulations, if necessary, to insure consistency with the goals and policies of this act.

CONSISTENCY OF DEP REGULATORY PROGRAMS (P.A. 79-535)

Sec. 21. (NEW) The commissioner shall coordinate the activities of all regulatory programs under his jurisdiction with permitting authority in the coastal area to assure that the administration of such programs is consistent with the goals and policies of this act. Such programs include, but are not limited to: (1) Regulation of wetlands and water courses pursuant to chapter 440 of the general statutes; (2) regulation of stream encroachment pursuant to sections 25-4a to 25-4h, inclusive, of the general statutes; (3) regulation of the erection of structures or the placement of fill in tidal, coastal or navigable waters pursuant to sections 25-7b to 25-7f, inclusive, of the general statutes; (4) regulation of the removal of sand and gravel pursuant to sections 25-10 to 25-18, inclusive, of the general statutes and (5) certification of water quality pursuant to the federal clean water act of 1972 (33 U.S.C. 1411, section 401). The commissioner shall assure consistency with such goals and policies in granting, denying or modifying permits under such programs. Any person seeking a license, permit or other approval of an activity under the requirements of such regulatory programs shall demonstrate that such activity is consistent with all applicable goals and policies in section 22a-92 of the general statutes, as amended by section 2 of this act. The coordination of such programs shall include, where feasible, the use of common or combined application forms, the holding of joint hearings on permit applications and the coordination of the timing or sequencing of permit decisions.

FEDERAL—STATE PERMIT COORDINATION/SIMPLIFICATION (P.A. 78-152)

Sec. 22a-96. Commissioner authorized to enter into agreements; designated as representative of state. (a) The commissioner is authorized to enter into written agreements with federal agencies concerning the matters set forth in subsection (b) of this section having an interest in or regulatory authority in the coastal area. Such agreements shall be consistent with the provisions of sections 22a-90 to 22a-96, inclusive, and chapters 439, 440, 447, 473, 474 and 477, shall indicate the respective powers and duties of the commissioner and the federal agency or agencies thereunder and shall provide for cooperation and coordination in the implementation of state and federal programs with jurisdiction in the coastal area in a manner consistent with the provisions of sections 22a-90 to 22a-96, inclusive.

(b) Agreements concerning regulatory programs of the U.S. Army Corps of Engineers and the U.S. Coast Guard, Bridges Section, may include the following: (1) Procedures for conducting joint hearings on permit applications; (2) procedures

for issuing common and joint application materials and instructions for permit applications; (3) procedures for timely exchange of technical materials related to permit applications and other matters and (4) procedures for coordinating the timing and sequence of the issuance of decisions on permit applications.

(c) The commissioner is authorized to (1) represent the state in formal proceedings regarding "federal consistency" as defined in the federal act; (2) request, receive and administer funds under said act and (3) develop and coordinate, in cooperation with other state agencies, plans to achieve the purposes of sections 22a-90 to 22a-96, inclusive.

(d) The commissioner is designated as the representative of the state in all matters concerning the consistency of federal activities, projects or proposals with the policies and provisions of sections 22a-90 to 22a-96, inclusive.

SUNSET REVIEW (P.A. 79-535)

Sec. 22. Subsection (d) of section 2c-2 of the general statutes is amended by adding subdivision (23) as follows:

(NEW) (23) The coastal management program, established under chapter 444 of the general statutes.

APPROPRIATIONS (P.A. 79-535)

Sec. 23. The sum of two hundred fifty thousand dollars is appropriated to the department of environmental protection, for the fiscal year ending June 30, 1980, from the sum appropriated to the finance advisory committee under section 1 of special act 79-23, for 1979 acts without appropriations, for the purposes of subsection (b) of section 6 of this act and to provide matching funds to implement a state municipal coastal management program pursuant to this act.

USE OF STATE FUNDS (P.A. 79-535)

Sec. 24. Any funds appropriated to the department of environmental protection for the purposes of subsection (b) of section 6 of this act and for the purpose of providing matching funds to implement a coastal management program pursuant to this act which are not used for such purposes shall be allocated to coastal municipalities in accordance with subsection (c) of section 6 of this act.

EFFECTIVE DATE (P.A. 79-535)

Sec. 25. This act shall take effect January 1, 1980.

MANAGEMENT PLAN

APPENDIX C

TIDAL WETLANDS REGULATIONS

CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

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* As approved by the Legislative Regulations Review Committee of the Connecticut General Assembly on 7/31/80. Committee deletions are marked with brackets [ ]. The regulations become effective when filed with the Connecticut Secretary of State, which should take place before September 1, 1980.

INTRODUCTION

Proposed Tidal Wetlands Regulations of the Connecticut Department of Environmental Protection (DEP) were printed in the Draft EIS. In the interim since the DEIS was released, DEP has continued its efforts to have tidal wetlands regulations adopted. Connecticut rule-making procedures require that proposed regulations be publicized with public hearings held during a public comment period. These hearings were held at regional locations in late April in the towns of Westport, New Haven, East Lyme and Hartford.

Federal, state and municipal officials as well as private individuals and groups commented on the proposed regulations. Their comments and the legal advice received from the office of Connecticut's Attorney General were taken into consideration for the revision of the regulations. As a result, the revised Tidal Wetlands Regulations, presented in this document, are more concise. The administrative procedures were consolidated where possible and cross-referenced to the enabling statutes. The number of definitions was reduced reflecting the fact that many of the terms used in the regulations derive their meaning from common usage. Nevertheless, important terms, already defined by statute, are cross-referenced in the revised regulations. Finally, the evaluation criteria were carefully reorganized in accordance with Public Act 80-356 of the Connecticut General Assembly.

In Connecticut, all regulations promulgated by any State agency must be approved by the Attorney General and the Legislative Regulations Review Committee (LRRC) of the General Assembly. The Attorney General has approved the revised Tidal Wetlands Regulations. They are currently being reviewed by the LRRC. After LRRC approval, the Tidal Wetlands Regulations will become effective when they are filed at the office of Connecticut's Secretary of State.

This Appendix begins with the revised Tidal Wetlands Regulations which have been annotated with information available to the permit applicant for the benefit of out-of-state readers. These annotations key the reader to the state statutes and existing state agency regulations printed in the appendixes and necessary for a full interpretation of the tidal wetlands regulations.

- The first of these statutes is the enabling legislation, C.G.S. (Connecticut General Statutes) Sections 22a-28 through 22a-35, as amended by Public Acts 79-170 and 80-356. These sections comprise the first part of C.G.S. Chapter 440, "Wetlands and Water Courses".

- Following the enabling legislation are sections of the Connecticut General Statutes which delineate the powers of the DEP Commissioner applicable to tidal wetlands protection.

- Relevant excerpts from Connecticut's Uniform Administrative Procedure Act (UAPA), C.G.S. Chapter 44, are also included. The UAPA specifies the hearing procedures for contested cases. Applications for tidal wetland permits are considered as contested cases when a public hearing is held.

- This Appendix concludes with pertinent sections of the DEP Rules of Practice from the Regulations of Connecticut State Agencies. The Rules govern the administrative aspects of permit application reviews.

N.B. Deletions made to the tidal wetlands regulations by the LRRC are bracketed. (7/31/80)

ANNOTATIONS

STATE OF CONNECTICUT
REGULATION
OF

Department of Environmental Protection

Concerning

(NEW) Tidal Wetlands Regulations

The regulations of Connecticut State Agencies are amended by adding Sections 22a-30-1 to 22a-30-18, inclusive, as follows:

Section 22a-30-1 (NEW) Title and authority

SECTION 22a-30-1. Sections 22a-28 through 22a-35 of the General Statutes pertain to tidal wetlands and are reproduced with their amendments in this Appendix, see pp. 14-16.

These regulations shall be known as the "Tidal Wetlands Regulations of the Connecticut Department of Environmental Protection." They are promulgated under the authority of Section 22a-30, as amended by Public Acts 79-170 and 80-356, and Sections 22a-6 of the General Statutes.

Section 22a-30-2 (NEW) Legislative findings and purpose

Deleted because deemed "unnecessary".

[Section 22a-28 of the General Statutes sets forth legislative findings concerning the value of tidal wetlands and the adverse consequences to the state from their loss through continued destruction and despoliation.]

SECTION 22a-30-2. The Coastal Management Act is printed in its entirety in Appendix B.

The purpose of these regulations shall be to establish uniform criteria for evaluation and to standardize the procedure for review of applications for tidal wetland permits; to ensure enforcement of statutory policies of the tidal wetlands statutes, Sections 22a-28 through 22a-35 of the General Statutes, and the Coastal Management Act, Sections 22a-90 through 22a-96 of the General Statutes, as amended by Public Act 79-535; to provide guidance to those who are proposing regulated activities in wetlands; and to establish regulations which are consistent with the goals and policies of the Coastal Management Act.

Section 22a-30-3 (NEW) Definitions

SECTION 22a-30-3. Section 22a-29 of the General Statutes defines the terms "Commissioner", "person", "regulated activity" and "wetland," see p. 14 of this Appendix.

P.A. 79-535 is the Coastal Management Act which is printed in Appendix B. "Adverse impacts on coastal resources" is defined in Section 3(15) of the Act. "Coastal resources" is defined in Section 3(7). "Coastal waters" is defined in Section 3(5). "Water-dependent uses" are defined in Section 3(16). see pp. 9-12 of Appendix B.

(a) The following terms are used as defined in Section 22a-29 of the General Statutes: "commissioner", "person", "regulated activity", "wetland";

(b) The following terms are used as defined in Section 22a-93 of the General Statutes as amended by Section 3 of P.A. 79-535: "adverse impacts on coastal resources", "coastal resources", "coastal waters", "water-dependent uses";

(c) "Applicant" means a person who files an application for a permit issued by the Department pursuant to Section 22a-32 of the General Statutes and who is either the owner of the land on which the proposed regulated activity will be located, a contract vendee of such owner, a lessee of such owner, or the person who will actually control and direct the undertaking of the proposed activity;

(d) "Department" means the Department of Environmental Protection;

(e) "Party" means party as defined by Section 4-166 of the General Statutes;

Section 4-166 of the General Statutes is part of the Uniform Administrative Procedure Act. see p. 20 of the Appendix.

(f) "Permit or license" means license as defined by Section 4-166 of the General Statutes;

Deleted in definition and throughout as inconsistent with statutes. Wetlands and regulated activities are defined by statute. "Regulated wetland" is a new term that must be defined by statute. Original purpose was for clarity only.

(g) [Regulated] wetland" means those wetlands mapped or temporarily designated in accordance with the provisions of Section 22a-30 of the General Statutes, as amended, and Section 5 of these regulations.

Other terms used but not defined herein shall be construed to have their meaning determined by common usage.

Section 22a-30-4 (NEW) Entrance onto private property

SECTION 22a-30-4. Section 22a-5(d) and 22a-6 of the General Statutes are found on p.17 of this Appendix.

In the performance of his duties under Section 22a-28 through 22a-35 and Section 22a-5(d) of the General Statutes, the commissioner or his designated agent pursuant to Section 22a-6 of the General Statutes may enter at all reasonable times upon any public or private property, for the purpose of inspection and investigation to ascertain possible violations of these regulations or for the purpose of inventorying, mapping and revising maps of all wetlands.

Section 22a-30-5 (NEW) Commissioner to make inventory and establish boundary maps

SECTION 22a-30-5. The procedure of mapping tidal wetlands for the purpose of regulation is fully described in Section 22a-30 of the General Statutes. see pp. 14-15 of this Appendix.

(a) The commissioner shall make an inventory of all wetlands within the state and shall establish boundary maps of [regulated] wetlands in accordance with the provisions of Section 22a-30 of the General Statutes as amended. All maps and documents relating to the public hearing required prior to adoption of maps of [regulated] wetlands in accordance with aforementioned section shall be posted for inspection in the offices of the Department and in the office of the town clerk of the town or towns wherein the wetland lies;

(b) Revision of [regulated] wetlands boundary maps.

The commissioner shall periodically inspect the wetlands of the state to determine the necessity for revision or correction of such [regulated] wetland boundary maps in accordance with Section 22a-30 of the General Statutes as amended. Such revised maps shall be prepared to cover entire subdivisions of the state or portions thereof as determined by the commissioner;

(c) Field location of boundaries.

The commissioner or his designated agent may, upon written request of any person having legal interest in a [regulated] wetland, establish by survey and mark on the ground, the bounds of a [regulated] wetland;

(d) Designation of an area before maps are completed.

In accordance with Section 22a-30 of the General Statutes, as amended, the commissioner may designate and regulate wetlands for which maps have not been adopted.

Section 22a-30-6 (NEW) Activities not regulated

SECTION 22a-30-6. Section 22a-29(3) of the General Statutes defines regulated activities and specifies which activities are not regulated, i.e. which are excluded from the permit requirements of Section 22a-32 of the same Statutes. see pp. 14-15 of this Appendix.

(a) In accordance with the provisions of Section 22a-29 of the General Statutes, the following activities are excluded from regulation under Section 22a-32 of the General Statutes and these regulations:

(1) Activities conducted by the mosquito control division of the Department of Health Services;

(2) Conservation activities of the State Department of Environmental Protection

(3) Construction or maintenance of aids to navigation which are authorized by governmental authority;

(4) The emergency decree of any duly appointed health officer of a municipality acting to protect the public health.

Deleted because deemed not consistent with statutory authority.. Point is moot because activities listed in subsection (a) are regulated under US Army Corps of Engineers' general permit and State's structures and dredging permit programs. Original purpose was for administrative ease in monitoring.

[(b) Notification of activities not regulated.

Any person who intends to undertake an activity which is not regulated as defined in subsections (a)(1) through (a)(3), shall provide the commissioner with a written notification of intent to conduct such activity at least thirty (30) days prior to the initiation of such activity. Written notification of the proposed activity shall include the location at which the activity will be conducted, a short description of the activity, the name of the person who intends to conduct the activity, the date on which the activity will be initiated and its duration. In lieu of the requirements of this section concerning activities initiated under subsections (a)(1) or (a)(3), such agency may substitute a written agreement with the Department detailing a notification procedure to be followed as an alternative to project-by-project notification. Any person who conducts or causes to be conducted a regulated activity as a result of an emergency decree under subsection (a)(4) shall notify the commissioner in writing within ten (10) days of the date on which the activity commenced. Written notification shall include the name of the person who made the decree, the location of the activity, a short description of the activity and the date on which the activity was commenced and its duration.]

Section 22a-30-7 (NEW) Permitting of regulated activities

(a) Regulated activities, permit required.

In accordance with the provisions of Section 22a-32, no person shall conduct or cause to be conducted on any [regulated] wetland any of the following activities without first obtaining a permit from the commissioner for the conduct of such activity:

(1) Draining, dredging, excavation or removal of soil, mud, sand, gravel, aggregate of any kind or rubbish from any wetland;

(2) Dumping, filling or depositing on a wetland any soil, stones, sand, gravel, mud, aggregate of any kind, rubbish or similar material either directly or otherwise;

(3) Erection of structures, driving of piles or placing of obstructions on a wetland whether or not such activity changes the tidal ebb and flow.

(b) Form and content of applications.

An original application for a permit and seven (7) copies shall be filed with the commissioner containing such information and in such form as he may prescribe. Said application shall include at a minimum, the following written information and drawings:

(1) A letter of application addressed to the commissioner;

(2) The name, home and business addresses and telephone numbers of the applicant and his agent (if the application is being submitted by a person other than the applicant);

(3) The address at which the proposed activity is to be conducted;

(4) If the applicant is not the owner of the property on which the activity is to take place, the name(s), home and business addresses and telephone number(s) of the owner(s) of the property(ies) on which the proposed regulated activity is to take place;

(5) The applicant's legal interest in the land (if the applicant is not the owner);

(6) The purpose of the proposed activity;

(7) A detailed description of the proposed work;

(8) The schedule and estimated time required to complete the activity;

(9) A listing of State and Federal licenses, permits or certificates which have been obtained or which are being sought for existing facilities and for the proposed activity;

(10) A listing of local permits which have been obtained or which are being sought for the proposed activity;

(11) Names and mailing addresses of current owners of record of adjacent lands and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice;

(12) A listing of state statutes or rules which the applicant believes support the application;

(13) A map showing:

(A) The geographic location of the property which is to be affected by the proposed activity;

(B) The area of wetland directly affected by the proposed activity including the Ecological Unit, subdivision, drawing and parcel number as shown on maps of designated wetlands on file at the offices of the Department or in the town clerk's office of the town(s) in which the wetlands are located;

(C) The location of the proposed work and the surface area of the wetland to be affected by the work;

(D) The location and design of all facilities, structures, filling, dredging or excavation which are part of the proposed activity and the boundary of the affected wetland;

SECTION 22a-30-7(b)(13)(B). The term Ecological Unit is a mapping term, which keys to a specific map in the wetland map series.

(14) If the proposed activity is located within the coastal boundary as defined in Section 22a-94 of the General Statutes as amended by Section 4 of Public Act 79-535, additional information as required by the commissioner pursuant to Sections 22a-90 through 22a-96 of the General Statutes, as amended by Section 21 of Public Act 79-535;

SECTION 22a-30-7(b)(14). The coastal boundary is a jurisdictional line defined and mapped according to the terms of Section 4 of the Coastal Management Act. see pp. 12-14 of Appendix B.

Section 21 of P.A. 79-535 is found on p.28 of Appendix B. It specifies that DEP regulatory programs, including the tidal wetlands regulatory program, must be consistent with the Coastal Management Act policies. Basically this application requirement allows the commissioner to request information he deems necessary to determine that the activity is consistent with coastal policies.

(15) Additional information required by the commissioner based on his preliminary review of the application;

(16) Additional information which the applicant considers relevant.

Section 22a-30-8 (NEW) Processing of an application

(a) Determination of completeness.

Within thirty (30) days of receipt of an application, the commissioner shall make a determination as to whether or not the application is complete, and notify the applicant, in writing, of such determination. No application shall be considered complete unless it is in such form and contains such information as the commissioner deems necessary for a fair determination of the issues. If the commissioner determines that any application is incomplete, he shall inform the applicant of information necessary in order to make the application complete. Nothing in this section shall restrict the commissioner from requiring additional information from an applicant or his agent if his application is accepted as complete;

Deleted because covered under C.G.S. Section 22a-32 and DEP's Rules of Practice. Thirty day limit requires statutory change.

(b) Acceptance of an application.

Any period of time prescribed by statute or rule which begins to run when a person files an application with the commissioner shall begin when the commissioner determines an application to be complete in accordance with subsection (a);

(c) Copies of application to be provided.

The commissioner shall prior to or at the time of issuance of a public notice provide by mail copies of all complete applications submitted under these regulations to:

(1) The chief administrative officer in the town, or towns, where the proposed work, or any part thereof, is located;

(2) The chairman of the conservation and shellfish commission of the town or towns, where the proposed work, or any part thereof, is located;

(3) The town clerk of the town, or towns, where the proposed work, or any part thereof, is located;

The commissioner shall request that the town clerk(s) post a copy of the application for review by interested citizens.

(d) Public notice.

SECTION 22a-30-8(d). Section 22a-32 of the General Statutes describes when the commissioner must hold a hearing on a permit application and when the hearing can be waived. It also outlines the public review process. see p. 15 of this Appendix.

Following the receipt of a complete application, the commissioner shall publish a public notice of his intent to conduct or waive a hearing on such application in a newspaper having general circulation in the town or towns in which the proposed regulated activity or any part thereof is located. Such notice shall contain the information listed in subsection(e) and shall be issued in accordance with the provisions of Section 22a-32 of the General Statutes;

(e) Content of public notices.

Public notices issued pursuant to subsection (d) of these regulations shall include at a minimum the following:

(1) A reference to the particular sections of the statutes and regulations pertinent to the consideration of the application;

(2) A short and plain statement of the matters relevant to the consideration and evaluation of the application including:

(A) A concise description of the proposed activity;

(B) The specific geographic location of the activity or address of the property on which the proposed activity is to occur;

(C) The name of the applicant and his designated agent if applicable;

(D) The name of the owner of record of the property on which the proposed regulated activity is to be conducted, if the applicant is not the owner;

(E) The Ecological Unit, subdivision, drawing and parcel number(s) from the wetland map showing the [regulated] wetland on which the proposed regulated activity is to be conducted;

(F) The date of the plans showing the proposed activity;

(G) The address and location of the office(s) at which the complete application is on file for inspection;

(3) In the event a hearing is to be held, a statement of the date, time, place, nature of the hearing and a statement of the legal authority and jurisdiction under which the hearing is to be held;

(4) In the event the hearing is proposed to be waived, a comment period for receipt of written comments on the application. The comment period shall run for a period not less than forty (40) days nor more than forty-five (45) days from the date of issuance of the notice of intent to waive the public hearing.

(f) Hearing upon receipt of a petition.

When the commissioner receives a petition submitted in accordance with Section 22a-32 of the General Statutes, he shall hold a public hearing on the application in question and shall publish a public notice of said hearing in accordance with said section.

(g) Copies of public notices of applications to be provided.

The commissioner shall provide, by certified mail, copies of all public notices of applications issued pursuant to Section 22a-32 of the General Statutes to the following persons or agencies:

(1) The chief administrative officer of the town, or towns, where the proposed work, or any part thereof, is located;

(2) The chairman of the conservation commission or its equivalent and the chairman of the local inland wetland and watercourse agency of the town, or towns, where the proposed work,or any part thereof,is located;

(3) The chairman of the shellfish commission or the local body with authority over the shellfish in the town, or towns, where the proposed work,or any part thereof,is located;

(4) The town clerk of the town, or towns, where the proposed work, or any part thereof, is located;

(5) The chairman of the planning, zoning or planning and zoning commissions or the zoning board of appeals of the town, or towns, in which the proposed work, or any part thereof, is located;

(6) All owners of record of adjacent land;

(7) All known claimants of water rights in or adjacent to the wetland of whom the applicant has notice;

(8) All of those persons and agencies who are entitled to receive a copy of such application.

The commissioner shall provide, by first class mail, copies of all public notices of application issued pursuant to Section 22a-32 of the General Statutes to the following persons or agencies:

(9) All state, federal and municipal agencies whose regulatory or managerial functions or interests are affected by the project or its effect on the wetland as determined by the commissioner;

(10) Other persons or agencies which have indicated in writing to the commissioner their desire to receive such notices.

Section 22a-30-9 (NEW) Hearing procedures

SECTION 22a-30-9. Because applications for tidal wetland permits are treated as contested cases, the provisions of the Uniform Administrative Procedure Act (UAPA) apply. see pp.20-21 this Appendix. The DEP Rules of Practice follow the provisions for hearing officers, rules of evidence and timing of decisions that the UAPA requires. see pp. 23 ff of this Appendix.

(a) Application as a contested case.

When a hearing is held, the proceedings on an application for a permit shall be treated as a contested case according to Chapter 54 of the General Statutes and the Rules of Practice of the Department of Environmental Protection as set forth in Sections 22a-7-2, 22a-8-8 and 22a-8-9 of the Regulations of Connecticut State Agencies. The commissioner shall appoint hearing officers in accordance with Section 22a-31 of the General Statutes.

(b) Notice of order.

The commissioner shall cause notice of his order in issuance, denial, revocation or suspension of a permit to be published in accordance with Section 22a-33 of the General Statutes.

Section 22a-30-10 (NEW) Evaluation of applications

SECTION 22a-30-10. Tidal influence on the Connecticut River extends upriver beyond the salinity content cutoff (> 0.5ppm) for coastal waters. Therefore Connecticut does have, by definition, a few tidal wetlands bordering the Connecticut River which are not within the coastal boundary.. Regulated activities in tidal wetlands within the coastal boundary must be consistent with Coastal Management Act policies.

(a) Legislative standard for issuing permits.

(1) In accordance with Section 22a-33 of the General Statutes, in granting, denying or limiting any permit the commissioner or his duly designated hearing officer 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 through 22a-35 of the General Statutes;

(2) In accordance with Section 21 of Public Act 79-535 the commissioner shall assure consistency with the goals and policies of Section 22a-92 of the General Statutes, as amended by Public Act 79-535, in granting, denying, or modifying permits for regulated activities in tidal wetlands occurring within the coastal boundary, defined and mapped in accordance with Section 22a-94 of the General Statutes, as amended by Public Act 79-535.

Section 22a-30-11 (NEW) Criteria for review

(a) In accordance with Section 22a-30 of the General Statutes,as amended by Public Act 79-170 and Public Act 80-356, the commissioner establishes the criteria of this section for granting, denying or limiting permits giving due regard to the impact of regulated activities on the wetlands of the state, adjoining coastal and tidal resources, navigation, recreation, erosion, sedimentation, water quality and circulation, fisheries, shellfisheries, wildlife, flooding and other natural disasters and water-dependent use opportunities as defined in Chapter 444. These criteria are consistent with and implement the statutory policies and standards contained in Sections 22a-28 and 22a-33 of the General Statutes and Section 22a-92 of the General Statutes, as amended by Public Act 79-535. The commissioner shall grant, or grant with limitations or conditions a

permit to conduct a proposed activity on any [regulated] wetland only if it is determined that the application is consistent with all applicable criteria set forth herein.

(b) Criteria for preservation of wetlands and prevention of their despoliation and destruction.

In order to make a determination that a proposed activity will preserve the wetlands of the state and not lead to their despoliation and destruction the commissioner shall, as applicable, find that:

(1) There is no alternative for accomplishing the applicant's objectives which is technically feasible and would further minimize adverse impacts;

(2) Any structure or fill will be no greater in length, width and height than necessary to accomplish its intended function;

(3) Pile supported construction will be used to the fullest extent practicable;

(4) All reasonable measures which would minimize the adverse impacts of the proposed activity on the wetlands of the state and adjoining coastal and tidal resources are incorporated as limitations on or conditions to the permit.

(c) Recreational and navigational uses.

In order to make a determination that a proposed activity will not destroy existing or potential recreational or navigational uses, the commissioner shall, as applicable, find that:

(1) The proposed activity will not unreasonably interfere with established public rights of access to and use of wetlands, or with access to the portion of the shoreline below the mean high tide elevation that is held in public trust by the state, or with access to and use of public recreational facilities, both in operation and planned;

(2) The proposed activity will not be located in a way which unreasonably interferes with a navigable channel or small craft navigation;

(3) The proposed activity will not cause or contribute to sedimentation problems in adjacent or nearby navigable waters, navigational channels, anchorages or turning basins.

(d) Erosion and sedimentation.

In order to make a determination that a proposed activity will not cause or produce unreasonable erosion or sedimentation the commissioner shall, as applicable, find that:

(1) The proposed activity will not cause significant changes in current patterns, water velocity or exposure to storm or wave conditions which result in adverse effects on erosion or sedimentation patterns;

(2) Temporary erosion control measures will be utilized on the project site both during and after construction;

(3) When permanent erosion control measures are proposed, non-structural alternatives are utilized unless structural alternatives are demonstrated to be unavoidable and necessary to protect infrastructural facilities, water-dependent uses or existing inhabited structures;

(4) Any structure or fill shall:

(A) Not cause a significant adverse impact on the movement of sediments on or along the shoreline;

(B) Not cause erosion of adjacent or downdrift areas;

(C) If necessary, include provision for the transfer of sediment to downdrift areas to prevent those areas from being deprived of sediments.

(5) The perimeter of all areas proposed to be filled, dredged or excavated are suitably stabilized to prevent spillover or erosion of material into adjoining wetland or watercourse areas;

(6) When areas are proposed to be dredged:

(A) They are laid out so as to make the best practical use of existing water depths;

(B) They are designed to avoid siltation of any existing natural or established navigation channel;

(C) The best available methods are used to reduce sedimentation.

(e) Marine fisheries, shellfisheries, and wildlife.

In order to make a determination that a proposed activity will not result in significant adverse impacts on marine fisheries, shellfisheries or wildlife the commissioner shall, as applicable, find that:

(1) The existing biological productivity of any wetland will not be unreasonably affected;

(2) Habitat areas, such as habitat of rare and endangered wildlife and fish species, will not be destroyed, filled, or otherwise unreasonably affected;

(3) Wildlife and their nesting, breeding or feeding habitats will not be unreasonably reduced or altered;

(4) Erosion from the proposed activity will not result in the formation of deposits harmful to any fish, shellfish or wildlife habitat;

(5) Shellfish beds will not be adversely affected by changes in:

(A) Water circulation and depth patterns around and over the shellfish beds;

(B) Natural relief of shellfish beds;

(C) Grain size and distribution of sediment in shellfish beds;

(6) The timing of construction activities takes into consideration the movements and lifestages of fish, shellfish, and wildlife;

(7) The proposed activity will not unreasonably interfere with the harvesting or maintenance of leased, franchised or natural shellfish beds.

(f) Circulation and quality of coastal or tidal waters.

In order to make a determination that a proposed activity will not result in a significant adverse impact on the circulation and quality of coastal or tidal waters the commissioner shall, as applicable, find that:

(1) The proposed activity will not cause the significant adverse alteration of patterns of tidal exchange or flushing rates, freshwater input or existing basin characteristics and channel contours;

(2) Water stagnation will be neither caused nor contributed to, and the ability of wetlands and adjacent water bodies to flush themselves will not be adversely affected;

(3) Pile-supported construction will be utilized to the fullest extent practical;

(4) The proposed activity will not result in water pollution which unduly affects:

(A) The bottom fauna;

(B) The physical or chemical nature of the bottom;

(C) The propagation and habitats of shellfish, finfish and wildlife.

(g) Protection of life and property from hurricanes or natural disaster.

In order to make a determination that a proposed activity is consistent with the need to protect life and property from hurricanes or other natural disasters, including flooding, the commissioner shall, as applicable, find that:

(1) The proposed activity will not increase the potential for flood or hurricane damage on adjacent or adjoining properties;

(2) The proposed activity will not increase the exposure of any property, land or structures to damage from storm waves and erosion produced thereby;

(3) The proposed activity will not result in significant increase in the velocity or volume of flood water flow both in streams and estuaries;

(4) The proposed activity will not significantly reduce the capacity of any stream, river, creek or other water course to transmit flood waters generated by hurricanes or other storm events and will not result in significantly increased flooding either up or downstream of its location.

(h) Criteria for water dependent use of tidal wetlands.

In order to make a determination that a proposed activity within the coastal boundary, as defined and mapped in accordance with Section 22a-94 of the General Statutes as amended by Section 4 of Public Act 79-535, is consistent with the state policy that water-dependent uses of the shorefront be given highest priority and preference, the commissioner shall, as applicable, find that:

(1) When the proposed activity is not a water-dependent use:

(A) The wetland is unsuitable for or incapable of supporting a water dependent use;

(B) There is little or no demonstrable demand for water-dependent uses suitable for or capable of being supported by the wetland;

(C) A non-water-dependent use has substantially fewer adverse impacts than all water-dependent uses suitable for or capable of being supported by the wetland;

(2) All reasonable measures which would minimize adverse impacts on future water-dependent uses are incorporated as limitations on or conditions to the permit;

(3) The proposed activity will not unreasonably interfere with the riparian rights of adjacent landowners or claimants of water or shellfish rights in or adjacent to the wetland.

(i) Special standards for the placement of sewer or water services.

The commissioner shall disapprove extension of sewer and water services into tidal wetlands located within the coastal boundary, defined in Section 22a-94 of the General Statutes as amended by Section 4 of Public Act 79-535, except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used.

(j) Special standards for the siting or expansion of airports.

The commissioner shall disallow the construction of major new airports and shall discourage the substantial expansion of existing airports on any regulated wetland located within the coastal boundary defined by Section 22a-94 of the General Statutes as amended by Section 4 of Public Act 79-535. Further, he shall require that any expansion or improvement of airports involving regulated activities within any [regulated] wetland located within said coastal boundary shall minimize adverse impacts on the [regulated] wetland or other coastal resources, recreation or access.

Section 22a-30-12 (NEW) Use guidelines

(a) The classes of activities listed in this section are established for the purpose of providing guidance to prospective applicants and to the public when determining the potential acceptability of proposed regulated activities to be undertaken within the boundaries of a [regulated] wetland. Nothing in this section shall be construed as constituting approval or disapproval of any activity prior to the decision on a permit. All activities except those specifically exempted by Section 22a-29(3) of the General Statutes are subject to the permit requirements of these regulations. Since the physical and biological conditions within the [regulated] wetlands of the state vary with respect to location, tidal range, soil condition, water quality, sediment supply and the character of the surrounding upland each activity must be judged as to its acceptability on a case-by-case basis.

(b) Activities which may be generally compatible under certain conditions.

The following activities may be generally compatible with the [natural and social] functions of [regulated] wetlands and with established public policy for their management under certain conditions. Nothing in this subsection shall be construed as constituting conditional approval of any activity prior to regulatory review and the decision on a permit. The conditions listed with each activity are minimum conditions. All activities listed in this subsection are further subject to any conditions or limitations which the commissioner deems necessary on a case-by-case basis to carry out the provisions of these regulations:

(1) Conservation activities, except those not regulated pursuant to Section 22a-29 of the General Statutes, such as habitat restoration or wildlife management, which:

(A) Do not require significant physical alteration of the [regulated] wetland;

(B) Do not result in continuous compaction of the peat soils;

(2) Placement of small piers, catwalks, floats, docks, piles and other similar structures including trails and pedestrian access routes when:

(A) They do not involve dredging or filling of the [regulated] wetland surface;

(B) They are elevated on low-impact pile foundations;

(C) They do not interfere with or obstruct navigation;

(D) They do not restrict tidal circulation or flushing;

(3) Repair, relocation and/or rearrangement of floating docks, open pile docks, and similar structures within an established marina or boat basin where such activities involve no disturbance of regulated wetland other than removing and relocating anchors or pilings;

(4) Placement of pipes and cables when:

(A) They are installed below grade;

(B) They are sited to take advantage of existing areas of disturbances or existing transportation corridors;

(C) Damage to the [regulated] wetland systems as a result of construction activities is minimized;

(D) The [regulated] wetland is restored to its natural condition following construction;

(E) Appropriate erosion and sedimentation controls are instituted so as to minimize impacts on water quality and sedimentation in surrounding areas;

(5) Stormwater drainage structures when:

(A) The pipe empties into streams or ditches within the [regulated] wetland rather than directly onto the wetland surface;

(B) The discharge pipe and head wall do not project unnecessarily onto or require fill of the [regulated] wetland surface;

(C) The velocities of the discharged water are not sufficiently large to cause erosion or scouring of the [regulated] wetland's surface or vegetation;

(D) The discharge pipe is equipped with catch basins which are cleaned sufficiently often to maintain unimpaired function;

(6) Erection of water-dependent industrial and commercial facilities when:

(A) Elevated pile-supported construction is utilized;

(B) They do not interfere with the circulation of tidal or coastal waters;

(C) The facilities are designed to minimize the destruction of indigenous wetland vegetation;

(D) They do not significantly affect native wildlife, finfish or shellfish populations;

(E) Their encroachment into wetland areas is limited to that minimally necessary to provide structural stability;

(F) There is no alternative for accomplishing the applicant's objective which is technically feasible and which further minimizes adverse impacts;

(G) The height, width and length of structures are limited to the minimum dimensions necessary to accomplish their intended function;

(7) Construction of boat launching ramps when:

(A) All parking is provided on upland;

(B) Encroachment into the [regulated] wetland is limited to the minimum necessary to provide access to coastal or tidal waters;

(8) Erection of power transmission lines when:

(A) They do not alter the topography of the wetland;

(B) Permanent vehicular accessways to the structure are not constructed in the wetland;

(C) Alternative routes have been explored and found to be infeasible;

(D) Encroachment onto the wetland is limited to the minimum necessary to achieve structural stability.

(c) Activities which are generally incompatible.

The following activities are generally incompatible with the [natural and social] functions of [regulated] wetlands and with established public policy for their management. Nothing in this subsection shall be construed as constituting disapproval of any activity prior to regulatory review and the decision on a permit:

(1) Dredging;

(2) Filling;

(3) Installation of electric, gas, water or other utilities which would change the natural contours of the wetland or prevent reestablishment of wetland vegetation or impede tidal circulation;

(4) Installation of drainage control structures such as dry wells, retention basins, filters, open swales, or ponds;

(5) Disposal of dredged materials;

(6) Grading;

(7) Excavation;

(8) Construction of solid fill docks;

(9) Construction of bulkheads, groins, revetments, berms and other shoreline stabilization structures;

(10) Construction of dikes and tidal gates or maintenance, repair or replacement of dikes and tidal gates which have not been maintained in serviceable condition during the period immediately prior to the proposed maintenance, repair or replacement;

(11) Construction of single family dwellings or multiple family dwellings on fill;

(12) Construction of commercial or industrial use facilities or public buildings which do not require water access, and construction of water-dependent commercial or industrial use facilities or public buildings on fill;

(13) Construction or substantial expansion of airports, runways and any accessory facilities to support air transportation, not including maintenance of existing facilities.

Section 22a-30-13 (NEW) Permits

(a) Duration of permit, initiation of activity.

All activities initiated under a permit issued pursuant to these regulations shall be completed within the time period specified in the permit. The commissioner, in writing, may extend a permit upon receipt of a written request stating a valid reason for such extension.

(b) Other permits and licenses; property rights.

Any permit issued pursuant to these regulations shall be subject to and in no way derogate any present or future property rights or powers of the State of Connecticut and convey no property rights in real estate or material including riparian or littoral rights nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected by it. Obtaining any other applicable permit or license is solely the responsibility of the applicant.

Section 22a-30-14 (NEW) Bonds

The commissioner may require the posting of a bond in accordance with Section 22a-33 of the General Statutes securing to the state compliance with conditions and limitations set forth in the permit.

Section 22a-30-15 (NEW) Monitoring and enforcement

(a) Commissioner to investigate complaints.

The commissioner shall investigate all complaints as to any actual or suspected violation under Sections 22a-28 through 22a-35 of the General Statutes or these regulations, including any violation of any permit or order issued thereunder. Upon receipt of a complaint, the commissioner shall investigate to determine whether or not a violation has occurred.

SECTION 22a-30-15(a). For hearing procedures see p. 23 of this Appendix.

The commissioner may hold an investigative hearing in accordance with the Rules of Practice of the Department, Section 22a-4-8 of the Regulations of Connecticut State Agencies. Within thirty (30) days of the date of the complaint, the commissioner shall respond to the filer of the complaint with his determination on the possible violation.

(b) Violations defined.

Any person who commits, takes part in, or assists in any violation enumerated herein shall be subject to the penalties and remedies provided in subsection (d) and to such other penalties and remedies as the law may provide. The commissioner shall issue a notice of violation if he determines that any person has engaged in or is engaging in any activity not in compliance with these regulations or Sections 22a-28 through 22a-35 of the General Statutes. Such activities may include but are not limited to:

(1) Engaging in any regulated activity in any [regulated] wetland without having obtained a permit from the commissioner;

(2) Not complying with the conditions or limitations placed on a permit;

(3) Exceeding the scope of work set forth in an application;

(4) Not complying with the terms and conditions set forth in an application;

(5) Obtaining a permit through deception or through inaccurate information as to either the activity or its environmental impact.

(c) Notice of violation.

The notice of violation shall describe the nature of the violation, the section or sections of the statutes or these regulations with which the person is not in compliance, and request appropriate remedial action.

SECTION 22a-30-15(d). Sections 22a-6(3), 22a-6a and 22a-7 of the General Statutes are found on pp. 17-19 of this Appendix. The cited sections of the DEP Rules of Practice are found on pp. 24-25 of this Appendix. Section 22a-35 of the General Statutes deals with violations and penalties. Taken together, these sections detail the commissioner's enforcement authority.

(d) Remedies and penalties for violations.

If the commissioner determines that any person has committed, taken part in or assisted in any violation as described in subsection (b) of these regulations he may:

(1) Issue an emergency order, pursuant to Section 22a-7 of the General Statutes, as amended, or, a cease and desist order, pursuant to Section 22a-6(3) of the General Statutes, as amended, directing such person to halt any and all regulated activity or other violations, and to take appropriate remedial action, in accordance with the Rules of Practice of the Department, Section 22a-8-1 and Sections 22a-8-10 and 22a-8-11 of the Regulations of Connecticut State Agencies;

(2) Revoke or suspend any permit in accordance with subsection (f);

(3) Bring an action for forfeiture and the cost of restoration pursuant to Section 22a-35 of the General Statutes, as amended;

(4) Seek a temporary or permanent injunction pursuant to Section 22a-6(3) and Section 22a-35 of the General Statutes;

(5) Institute a suit to recover for damages, costs and expenses pursuant to Section 22a-6a of the General Statutes;

(6) Impose a civil penalty pursuant to Section 22a-6a of the General Statutes and regulations thereunder;

(7) Cause the bond or other security required pursuant to Section 14 of these regulations to be forfeited;

(8) Institute other legal remedies provided for by statute.

(e) Application for maintenance of a violation.

The commissioner may entertain an application for a permit for any activity constituting a violation as described in subsection (b). If the commissioner entertains an application for such activity the application shall be processed in accordance with Sections 7 through 12 of these regulations. The commissioner shall include as part of his final decision on such application a finding of whether or not the regulated activity was in violation of Section 22a-32 of the General Statutes. If the commissioner determines that such violation has occurred he may:

(1) Deny the permit and refer the application to the Office of the Attorney General for action pursuant to Section 22a-35 of the General Statutes;

(2) Grant the application in part with limitations and conditions and deny it in part, and refer the denied portion of the application to the Office of the Attorney General for action pursuant to Section 22a-35 of the General Statutes;

(3) Grant the application with limitations and conditions.

If the commissioner determines that such violation has occurred, a decision to grant a permit for the regulated activity in whole or in part shall not preclude his seeking other applicable remedies listed in subsection (d) or any other remedy concerning the violation available to him at law or in equity. If the commissioner determines that a violation has occurred and if the permit is granted in part and denied in part, the permit shall not be effective until the applicant has, as determined by the commissioner, restored that portion of the wetland for which the permit was denied.

(f) Suspension and revocation.

SECTION 22a-30-15(f). Section 4-182 of the General Statutes is part of the Uniform Administrative Procedure Act. see p. 21 of this Appendix.

In accordance with Section 22a-33 of the General Statutes, the commissioner may suspend or revoke a permit if the commissioner finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application. The commissioner may suspend a permit if the permitee fails to comply with the terms and conditions set forth in the application. Such suspension or revocation shall be in accordance with Section 4-182 of the General Statutes. The commissioner may hold a hearing on the revocation or suspension of a permit in accordance with the Rules of Practice of the Department, Sections 22a-8-10 and 22a-8-11 of the Regulations of Connecticut State Agencies.

(g) Other remedies not excluded.

Nothing in these regulations shall be taken as limiting or excluding such other remedies as are available to the commissioner for the protection of [regulated] wetlands.

Section 22a-30-16 (NEW) Appeals

SECTION 22a-30-16. Chapter 54 of the General Statutes in the Uniform Administrative Procedure Act. see pp. 20-22 of this Appendix.

An appeal may be taken by the applicant or any person or corporation, municipal corporation or interested community group other than the applicant who has been aggrieved by such order from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit in accordance with the provisions of Section 22a-34 of the General Statutes and Chapter 54 of the General Statutes.

Section 22a-30-17 (NEW) Conflict and severance

(a) Conflict with other regulations.

Where there is a conflict between the provisions of these regulations and those of any other regulation administered by the Department, the provisions of the regulation which imposes the most stringent standards for the use of the [regulated] wetland shall govern.

(b) Invalidity of certain parts of regulations.

The invalidity of any word, clause, sentence, section, part or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

Section 22a-30-18 (NEW) Joint processing

SECTION 22a-30-18. Both Section 22a-96 of the General Statutes and Section 21 of P.A. 79-535 are part of the Coastal Management Act. see Appendix B, p. 28.

Deleted because emergency regulation procedures allow same.

In accordance with Section 22a-96 of the General Statutes and Section 21 of Public Act 79-535 the commissioner may, by mutual agreement with any federal body having jurisdiction over any activity in a regulated wetland, provide for joint processing of any application under these regulations with any application for a permit or other processing required by such body, including provisions for joint notices and hearings, joint application materials and instructions for applicants, timely exchange of technical information related to permits, and coordination of the timing and sequence of issuance of permit decisions. [In furtherance of this section the commissioner may, prior to amending these regulations, alter any time limits, application requirements, or hearing requirements set forth in these regulations which are incorporated in a mutual agreement with any federal body and which are not specifically set by statute in order to facilitate joint processing, provided that applicants are notified of such changes and provided further that these regulations shall promptly be amended to incorporate such alterations.]

Statement of Purpose: The purpose of these regulations is to provide information concerning the administration of the state tidal wetlands program and to provide criteria for the issuance of tidal wetlands permits in accordance with Section 22a-6 of the General Statutes and Section 22a-30 of the General Statutes as amended by Public Act 79-170 and Public Act 80-356.

CHAPTER 440

WETLANDS AND WATER COURSES

Sec. 22a-28. (Formerly Sec. 22-7h). Preservation of tidal wetlands. Declaration of policy. It is declared that much of the wetlands of this state has been lost or despoiled by unregulated dredging, dumping, filling and like activities and that the remaining wetlands of this state are all in jeopardy of being lost or despoiled by these and other activities, that such loss or despoliation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or despoliation will, in most cases, disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof.

(1969, P.A. 695, S. 2.)
See Sec. 26-17a.
Former section 22-7h, et seq. Cited. 161 C. 24.
Present section:
Cited. 168 C. 349.
Cited. 32 CS 104, 107, 110, 114.

Sec. 22a-29. (Formerly Sec. 22-7i). Definitions. The following words and phrases, as used in sections 22a-28 to 22a-35, inclusive, shall have the following meanings: (1) "Commissioner" means the commissioner of environmental protection; (2) "wetland" means those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and 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 Lavendar (Limonium carolinianum), saltmarsh bulrushes (Scirpus robustus and Scirpus paludosus var. atlanticus), sand spurrey (Spergularia marina), switch grass (Panicum virgatum), tall cordgrass (Spartina pectinata), hightide bush (Iva frutescens var. oraria), cattails (Typha angustifolia, and Typha latifolia), spike rush (Eleocharis rostellata), chairmaker's rush (Scirpus americana), bent grass (Agrostis palustris), and sweet grass (Hierochloe odorata), royal fern (Osmunda regalis), interrupted fern (Osmunda claytoniana), cinnamon fern (Osmunda cinnamomea), sensitive fern (Onoclea sensibilis), marsh fern (Dryopteris thelypteris), bur-reed family (Sparganium eurycarpum, Sparganium androcladum, Sparganium americanum, Sparganium chlorocarpum, Sparganium angustifolium, Sparganium fluctuans, Sparganium minimum), horned pondweed (Zannichellia palustris), water-plantain (Alisma triviale), arrowhead (Sagittaria subulata, Sagittaria graminea, Sagittaria eatoni, Sagittaria engelmanniania), wild rice (Zizania aquatica), tuckahoe (Peltandra virginica), water-arum (Calla palustris), skunk cabbage (Symplocarpus foetidus), sweet flag (Acorus calamus), pickerelweed (Pontederia cordata), water stargrass (Heteranthera dubia), soft rush (Juncus effusus), false hellebom (Veratrum viride), slender blue flag (Iris prismatica pursh), blue flag (Iris versicolor), yellow iris (Iris pseudacorus), lizard's tail (Saururus cernuus), speckled alder (Alnus rugosa), common alder (Alnus serrulata), arrow-leaved tearthumb (Polygonum sagittatum), halberd-leaved tearthumb (Polygonum arifolium), spatter-dock (Nuphar variegatum nuphar advena), marsh marigold (Caltha palustris), swamp rose (Rosa palustris), poison ivy (Rhus radicans), poison sumac (Rhus vernix), red maple (Acer rubrum), jewelweed (Impatiens capensis), marshmallow (Hibiscus palustris), loosestrife (Lythrum alatum, lythrum salicaria), red osier (Cornus stolonifera), red willow (Cornus amomum), silky dogwood (Cornus obliqua), sweet pepper-bush (Clethra alnifolia), swamp honeysuckle (Rhododendron viscosum), highbush blueberry (Vaccinium corymbosum), cranberry (Vaccinium macrocarpon), sea lavendar (Limonium nashii), climbing hemp-weed (Mikania scandens), joe pye weed (Eupatorium purpureum), joe pye weed (Eupatorium maculatum), thoroughwort (Eupatorium perfoliatum); (3) "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. Notwithstanding the foregoing, "regulated activity" shall not include activities conducted by the mosquito control division of the department of health services, conservation activities of the state department of environmental protection, the construction or maintenance of aids to navigation which are authorized by governmental authority and the emergency decrees of any duly appointed health officer of a municipality acting to protect the public health; (4) "person" means any corporation, association or partnership, one or more individuals, and any unit of government or agency thereof.

(1969, P.A. 695, S. 1; 1971, P.A. 872, S. 400; 1972, P.A. 132, S. 1; P.A. 77-614, S. 323, 610.)
Cited. 32 CS 104, 107, 109, 110, 114.

Sec. 22a-30. (Formerly Sec. 22-7j). Procedure.

(a) The commissioner or his authorized representative shall have the right to enter upon any public or private property at reasonable times to carry out the provisions of sections 22a-28 to 22a-35, inclusive. The commissioner shall promptly make an inventory of all tidal wetlands within the state. The boundaries of such wetlands shall be shown on suitable reproductions or aerial photographs to a scale of one inch equals two hundred feet with such accuracy that they will represent a class D survey. Such lines shall generally define the areas that are at or below an elevation of one foot above local extreme high water. Such maps shall be prepared to cover entire subdivisions of the state as determined by the commissioner. If, before the maps are prepared, the commissioner finds that an area is in immediate danger of being despoiled by any activity which would require a permit if such area were designated as wetland and that such area shall probably be so designated when such maps are completed, the commissioner may designate such area as wetland, provided, if such map of such area is not completed within sixty days, such designation shall be void. Upon completion of the tidal wetlands boundary maps for each subdivision, the commissioner shall hold a public hearing. The commissioner shall give notice of such hearing to each owner of record of all lands designated as such wetland as shown on such maps by [registered] CERTIFIED mail, RETURN RECEIPT REQUESTED, not less than thirty days prior to the date set for such hearing. The commissioner shall also cause notice of such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for such hearing in a newspaper or newspapers having a general circulation in the town or towns where such wetlands are located. After considering the testimony given at such hearing and any other facts which may be deemed pertinent and after considering the rights of affected property owners and the purposes of sections

22a-28 to 22a-35, inclusive, the commissioner shall establish by order the bounds of each of such wetlands. A copy of the order, together with a copy of the map depicting such boundary lines, shall be filed in the town clerk's office of all towns affected. The commissioner shall give notice of such order to each owner of record of all lands designated as such wetlands by mailing a copy of such order to such owner by [registered] CERTIFIED mail, RETURN RECEIPT REQUESTED. The commissioner shall also cause a copy of such order to be published in a newspaper or newspapers having a general circulation in the town or towns where such wetlands are located. Any person aggrieved by such order may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of Hartford-New Britain.

(b) The commissioner shall periodically inspect the wetlands of the state to determine the necessity for revision or correction of such tidal wetlands boundary maps. If the commissioner finds that wetland areas have been omitted from such maps or uplands have been included within designated wetland boundaries or finds that the natural processes of accretion, reliction, subsidence and erosion have rendered such maps inaccurate he shall, at intervals of two years, revise such wetland boundary maps in accordance with the provisions of subsection (a) of this section.

(c) The commissioner shall [promulgate] ADOPT, in accordance with the provisions of chapter 54, such regulations as [are] SAID COMMISSIONER DEEMS necessary to carry out the provisions of sections 22a-28 to 22a-35, inclusive AND, AS APPLICABLE, SECTIONS 22a-90 TO 22a-96, INCLUSIVE, AS AMENDED BY PUBLIC ACT 79-535. SUCH REGULATIONS SHALL BE CONSISTENT WITH THE PROVISIONS OF THE FEDERAL COASTAL ZONE MANAGEMENT ACT (P.L. 92-583) AND THE FEDERAL REGULATIONS ADOPTED THEREUNDER THAT PERTAIN TO TIDAL WETLANDS. SUCH REGULATIONS SHALL BE FOR THE PURPOSE OF QUALIFYING THE STATE AND ITS MUNICIPALITIES FOR AVAILABLE FEDERAL GRANTS PURSUANT TO SAID (P.L. 92-583) AND FOR THE PURPOSE OF PERMIT COORDINATION WITH OTHER STATE AND FEDERAL PROGRAMS AFFECTING THE TIDAL WETLANDS OF THE STATE. SUCH REGULATIONS SHALL ESTABLISH CRITERIA FOR GRANTING, DENYING, OR LIMITING PERMITS GIVING DUE REGARD TO THE IMPACTS OF REGULATED ACTIVITIES ON THE WETLANDS OF THE STATE, ADJOINING COASTAL AND TIDAL RESOURCES, NAVIGATION, RECREATION, EROSION, SEDIMENTATION, WATER QUALITY AND CIRCULATION, FISHERIES, SHELLFISHERIES, WILDLIFE, FLOODING AND OTHER NATURAL DISASTERS AND WATER DEPENDENT USE OPPORTUNITIES AS DEFINED IN CHAPTER 444. THE COMMISSIONER MAY ALSO ADOPT, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 54, REGULATIONS WHICH SET FORTH INFORMATIONAL MATERIAL DESCRIBING GENERAL CATEGORIES OF REGULATED ACTIVITIES FOR THE PURPOSE OF PROVIDING PERMIT APPLICANTS WITH MORE EXPLICIT UNDERSTANDING, PROVIDED SUCH INFORMATIONAL MATERIALS SHALL BE CONSISTENT WITH AND SHALL NOT INCREASE THE DISCRETION GRANTED TO THE COMMISSIONER UNDER THE POLICIES, STANDARDS AND CRITERIA CONTAINED IN SECTIONS 22a-28 and 22a-33 AND, AS APPLICABLE, SECTION 22a-92.

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Sec. 22a-31. (Formerly Sec. 22-7k). Hearing officers. The commissioner shall appoint such hearing officers as may be necessary to carry out the purposes of sections 22a-28 to 22a-35, inclusive.

(1969, P.A. 695, S. 4.)
Cited. 32 CS 104, 107, 110, 114.

Sec. 22a-32. (Formerly Sec. 22-7l). Regulated activity permit. Application. Hearing. Waiver of hearing. No regulated activity shall be conducted upon any wetland without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause a copy of such application to be mailed to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and shellfish commission of the town or towns where the proposed work, or any part thereof, is located. No sooner than thirty days and not later than sixty days of the receipt of such application, the commissioner or his duly designated hearing officer shall hold a public hearing on such application, provided, whenever the commissioner determines that the regulated activity for which a permit is sought is not likely to have a significant impact on the wetland, he may waive the requirement for public hearing after publishing notice, in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located, of his intent to waive said requirement, except that the commissioner shall hold a hearing on such application upon receipt of a petition, signed by at least twenty-five persons, requesting such a hearing. The following shall be notified of the hearing by mail not less than fifteen days prior to the date set for the hearing: All of those persons and agencies who are entitled to receive a copy of such application in accordance with the terms hereof and all owners of record of adjacent land and known claimants to water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause notice of such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in the newspaper having a general circulation in each town where the proposed work, or any part thereof, is located. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. At such hearing any person or persons may appear and be heard.

(1969, P.A. 695, S. 5, 6; 1971, P.A. 872, S. 401; P.A. 73-590, S. 1, 3.)
Cited. 32 CS 104, 107, 110, 114.

Sec. 22a-33. (Formerly Sec. 22-7m). Issuance or denial of permit. In granting, denying or limiting any permit the commissioner or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shell-fisheries, 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. The fact that the department of environmental protection is in the process of acquisition of any tidal wetlands by negotiation or condemnation under the provisions of section 26-17a, shall be sufficient basis for denial of any permit. In granting a permit the commissioner may limit or impose conditions or limitations designed to carry out the public policy set forth in sections 22a-28 to 22a-35 inclusive. The commissioner may require a bond in an amount and with surety and conditions satisfactory to him securing to the state compliance with the conditions and limitations set forth in the permit. The commissioner may suspend or revoke a permit if the commissioner

finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The commissioner may suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application. The commissioner shall state, upon his record, his findings and reasons for all actions taken pursuant to this section. The commissioner shall cause notice of his order in issuance, denial, revocation or suspension of a permit to be published in a daily newspaper having a circulation in the town or towns wherein the wetland lies.

(1969, P.A. 695, S. 7; 1971, P.A. 872, S. 402.)
Cited. 32 CS 104, 107, 110, 114.

Sec. 22a-34. (Formerly Sec. 22-7n). Appeal. (a) An appeal may be taken by the applicant or any person or corporation, municipal corporation or interested community group other than the applicant who has been aggrieved by such order from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit within thirty days after publication of such issuance, denial, suspension or revocation of any such permit to the superior court for the judicial district of Hartford-New Britain. If the court finds that the action appealed from is an unreasonable exercise of the police power, it may set aside the order. If the court so finds that the action appealed from constitutes the equivalent of a taking without compensation, and the land so regulated otherwise meets the interests and objectives of sections 22a-28 to 22a-35, inclusive, it may at the election of the commissioner (1) set aside the order or (2) proceed under the provisions of sections 48-12 to 48-14, inclusive, to award damages.

(b) Such appeal shall be brought in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of Hartford-New Britian. Such appeal shall have precedence in the order of trial.

(c) When the persons who should otherwise be made parties to such appeal are so numerous that it would be impracticable or unreasonably expensive to make them all parties by personal service, the court to which such appeal is taken, or, if said court is not in session, any judge of said court, may order notice of such appeal to be given, by some method other than by personal service, to such of the parties as said court or such judge deems just and equitable, and notice so given shall operate to bind the interests of such parties on such appeal as fully as if personal service had been made upon such parties.

(1969, P.A. 695, S. 8, 9; 1971, P.A. 606; 870, S. 116; 1972, P.A. 108, S. 5; P.A. 76-436, S. 270, 681; P.A. 77-603, S. 12, 125; P.A. 78-280, S. 5, 127.)
Subsection (a) of former section 22-7n. Cited. 161 C. 24.
Present section:
Cited. 168 C. 349.
Cited. 32 CS 104, 107, 110, 114.

Sec. 22a-35. (Formerly Sec. 22-7o). Penalty. Any person who knowingly violates any provision of sections 22a-28 to 22a-35, inclusive, shall be liable to the state for the cost of restoration of the affected wetland to its condition prior to such violation insofar as that is possible, and shall forfeit to the state a sum not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The attorney general, upon complaint of the commissioner, shall institute a civil action to recover such forfeiture. The superior court shall have jurisdiction in equity to restrain a continuing violation of said sections at the suit of any person or agency of state or municipal government.

(1969, P.A. 695, S. 10.)

Sec. 22a-5. Duties and powers of commissioner. The commissioner shall carry out the environmental policies of the state and shall have all powers necessary and convenient to faithfully discharge this duty. In addition to, and consistent with the environment policy of the state, the commissioner shall (a) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization; (b) provide for the protection and management of plants, trees, fish, shellfish, wildlife and other animal life of all types, including the preservation of endangered species; (c) provide for the protection, enhancement and management of the public forests, parks, open spaces and natural area preserves; (d) provide for the protection, enhancement and management of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and shorelines; (e) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulates, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids; (f) provide for control of pests and regulate the use, storage and disposal of pesticides and other chemicals which may be harmful to man, sea life, animals, plant life or natural resources; (g) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality and land use practices; (h) regulate the storage, handling and transportation of solids, liquids and gases which may cause or contribute to pollution; and (i) provide for minimum state-wide standards for the mining, extraction, excavation or removal of earth materials of all types.

(1971, P.A. 872, S. 6.)

Sec. 22a-6. Commissioner to establish environmental standards, criteria and regulations, make contracts, studies, issue permits. Complaints. Hearings. Bonds. The commissioner may (1) adopt, amend or repeal such environmental standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out his functions, powers and duties. No adoption, amendment or repeal of any standard, criterion or regulation shall take effect except after a public hearing, thirty days prior notice of the date, time, place and subject matter of which shall be published in the Connecticut Law Journal, or earlier than thirty days after the publication thereof in said law journal; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by him. The commissioner shall have the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions, for the enforcement of any statute, regulation, order or permit administered, adopted or issued by him; (4) in accordance with regulations adopted by him, require, issue, renew, revoke, modify or deny permits, under such conditions as he may prescribe, governing all sources of pollution in Connecticut within his jurisdiction; (5) in accordance with constitutional limitations, enter at all reasonable times upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by him and the owner, managing agent or occupant of any such property shall permit such entry, or he may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit administered, adopted or enforced by him, provided any information relating to secret processes or methods of manufacture or production ascertained by the commissioner during, or as a result of any inspection, investigation, hearing or otherwise shall be kept confidential and shall not be disclosed; (6) undertake any studies, inquiries, surveys or analyses he may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157; (9) notwithstanding the provisions of section 4-131, make or contract for the making of any alteration, repair or addition to any real asset under his control and management, including rented or leased premises, involving an expenditure of fifty thousand dollars or less, provided any expenditure in excess of twenty-five thousand dollars shall be subject to the bidding procedures in section 4-132.

(1971, P.A. 872, S. 7; P.A. 73-665, S. 3, 17; P.A. 74-188.)
See chapter 54 and Sec. 22a-6c.

Sec. 22a-6a. Violators liable to state for costs and expenses. Statutory remedy not exclusive of others. (a) Any person who knowingly or negligently violates any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, chapter 441, sections 19-507, 19-508, 19-508a, 19-513a, 19-514, 19-517, 19-519, 19-519a, 19-524b, 19-524c, 19-524g, 19-524n, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39, 25-2, 25-4a, 25-4d, 25-4e, 25-4f, 25-7a, 25-7b, 25-7d, 25-7e, 25-8a, 25-8c, 25-10, 25-11, 25-12, 25-15, 25-26, 25-26a, 25-27, 25-54c to 25-54l, inclusive, 25-54aa, 25-54cc, 25-54dd, 25-54ee, 25-54hh, 25-54ii, 25-54ll, 25-54oo, 25-54pp, or 25-110 to 25-114, inclusive, or any regulation, order or permit adopted or issued thereunder by the commissioner of environmental protection shall be liable to the state for the reasonable costs and expenses of the state in detecting, investigating, controlling and abating such violation. Such person shall also be liable to the state for the reasonable costs and expenses of the state in restoring the air, waters, lands and other natural resources of the state, including plant, wild animal and aquatic life to their former condition insofar as practicable and reasonable, or, if restoration is not practicable or reasonable, for any damage, temporary or permanent, caused by such violation to the air, waters, lands or other natural resources of the state, including plant, wild animal and aquatic life and to the public trust therein. Institution of a suit to recover for such damage, costs and expenses shall preclude the imposition of a civil penalty for such violation as provided in section 22a-6b or in the schedule or schedules adopted pursuant thereto, but shall not preclude the application of any other remedies.

(b) Whenever two or more persons knowingly or negligently violate any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, chapter 441, sections 19-507, 19-508, 19-508a, 19-513a, 19-514, 19-517, 19-519, 19-519a, 19-524b, 19-524c, 19-524g, 19-524n, 22a-5, 22a-6 or 22a-7, 22a-32, 22a-39, 25-2, 25-4a, 25-4d, 25-4e, 25-4f, 25-7a, 25-7b, 25-7d, 25-7e, 25-8a, 25-8c, 25-10, 25-11, 25-12, 25-15, 25-26, 25-26a, 25-27, 25-54c to 25-54l, inclusive, 25-54aa, 25-54cc, 25-54dd, 25-54ee, 25-54hh, 25-54ii, 25-54ll, 25-54oo, 25-54pp or 25-110 to 25-114, inclusive, or any regulation, order or permit adopted or issued thereunder by the commissioner and responsibility for the damage caused thereby is not reasonably apportionable, such persons shall, subject to a right of equal contribution, be jointly and severally liable under this section.

(c) Any person whose acts outside Connecticut contribute to environmental damage in Connecticut shall be subject to suit under this section if such person is subject to in personem jurisdiction within this state pursuant to section 52-59b, or if such person, in person or through an agent, expects or should reasonably expect his acts outside this state to have an effect upon the environment in this state and process upon any such person shall be served in the manner set forth in section 52-59b.

(P.A. 73-665, S. 1, 17; P.A. 74-338, S. 61, 94; P.A. 77-529, S. 28, 29; P.A. 78-96, S. 1.)

Sec. 22a-6b. Imposition of civil penalties by the commissioner. (a) The commissioner of environmental protection is authorized to adopt a schedule or schedules establishing the amounts, or the ranges of amounts, of the civil penalties which may become due under this section. Such schedule or schedules shall be adopted by the commissioner after public hearings pursuant to section 22a-6, and may be amended from time to time in the same manner as for adoption. The civil penalties established for each violation shall be of such amount as to insure immediate and continued compliance with applicable laws, regulations, orders and permits. Such civil penalties shall not exceed the following amounts:

(1) For failure to file any registration, plan, report or record, or any application for a permit, for failure to display any registration, permit or order, or file any other information required pursuant to any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, chapter 348, sections 19-507, 19-508, 19-508a, 19-513a, 19-514, 19-517, 19-519, 19-519a, 19-524b, 19-524c, 19-524g, 19-524n, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39, 25-2, 25-4a, 25-4d, 25-4e, 25-4f, 25-7a, 25-7b, 25-7d, 25-7e, 25-8a, 25-8c, 25-10, 25-11, 25-12, 25-15, 25-26, 25-26a, 25-27, 25-54c to 25-54l, inclusive, or 25-54aa, 25-54cc, 25-54dd, 25-54ee, 25-54hh, 25-54ii, 25-54ll, 25-54oo, 25-54pp or 25-110 to 25-114, inclusive, or any regulation, order or permit adopted or issued thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than one thousand dollars for said violation and in addition no more than one hundred dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) of this section assessing the civil penalty for such violation;

(2) For deposit, placement, removal, disposal, discharge or emission of any material or substance in violation of any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, chapter 348, sections 19-507, 19-508, 19-508a, 19-513a, 19-514, 19-517, 19-519, 19-519a, 19-524b, 19-524c, 19-524g, 19-524n, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39, 25-2, 25-4a, 25-4d, 25-4e, 25-4f, 25-7a, 25-7b, 25-7d, 25-7e, 25-8a, 25-8c, 25-10, 25-11, 25-12, 25-15, 25-26, 25-26a, 25-27, 25-54c to 25-54l, inclusive, 25-54aa, 25-54cc, 25-54dd, 25-54ee, 25-54hh, 25-54ii, 25-54ll, 25-54oo, 25-54pp or 25-110 to 25-114, inclusive, or any regulation adopted thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation and in addition no more than one thousand dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) assessing the civil penalty for such violation;

(3) For violation of the terms of any final order, except final orders under subsection (e) of this section and emergency orders and cease and desist orders as set forth in subdivision (4) of this subsection, of the commissioner, for violation of the terms of any permit issued by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation and in addition no more than one thousand dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) of this section assessing the civil penalty for such violation;

(4) For violation of any emergency order or cease and desist order of the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation and in addition no more than five thousand dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) assessing the civil penalty for such violation.

(b) In adopting the schedule or schedules prescribed by this section, the commissioner shall consider the amounts, or ranges of amounts, of assessment necessary to insure immediate and continued compliance, and the character and degree of injury or impairment to, or interference with, (1) public health, safety or welfare, (2) the public trust in the air, water, land and other natural resources of the state, and (3) reasonable use of property which is caused or is likely to be caused by the type of activity described in such schedule or schedules.

(c) In addition, in setting a civil penalty in a particular case, the commissioner shall consider all factors which he deems relevant, including, but not limited to, the following:

(1) The amount of assessment necessary to insure immediate and continued compliance;

(2) The character and degree of impact of the violation on the natural resources of the state, especially any rare or unique natural phenomena;

(3) The conduct of the person incurring the civil penalty in taking all feasible steps or procedures necessary or appropriate to comply or to correct the violation;

(4) Any prior violations by such person of statutes, regulations, orders or permits administered, adopted or issued by the commissioner;

(5) The economic and financial conditions of such person;

(6) The character and degree of injury to, or interference with, public health, safety or welfare which is caused or threatened to be caused by such violation;

(7) The character and degree of injury to, or interference with reasonable use of property which is caused or threatened to be caused by such violation.

(d) If the commissioner has reason to believe that a violation has occurred for which a civil penalty is authorized by this section, he may send to the violator, by certified mail, return receipt requested, or personal service, a notice which shall include:

(1) A reference to the sections of the statute, regulation, order or permit involved;

(2) A short and plain statement of the matters asserted or charged;

(3) A statement of the amount of the civil penalty or penalties to be imposed upon finding after hearing that a violation has occurred or upon a default; and

(4) A statement of the party's right to a hearing.

(e) The person to whom the notice is addressed shall have twenty days from the date of receipt of the notice in which to deliver to the commissioner written application for a hearing. If a hearing is requested then, after a hearing and upon a finding that a violation has occurred, the commissioner may issue a final order assessing a civil penalty under this section which is not greater than the penalty stated in the notice. If such a hearing is not so requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of such twenty day period or on the first day after the withdrawal of such request for hearing, whichever is later, become a final order of the commissioner and the matters asserted or charged in the notice shall be deemed admitted unless modified by consent order, which shall be a final order. Any civil penalty may be mitigated by the commissioner upon such terms and conditions as he in his discretion deems proper or necessary upon consideration of the factors set forth in subsection (b) hereof.

(f) All hearings under this section shall be conducted pursuant to sections 4-177, to 4-184, inclusive. The final order of the commissioner assessing a civil penalty shall be subject to appeal as set forth in section 4-183 except that any such appeal shall be taken to the superior court for the judicial district of Hartford-New Britan and shall have precedence in the order of trial as provided in section 52-191. Such final order shall not be subject to appeal under any other provision of the general statutes. No challenge to any final order of the commissioner assessing a civil penalty shall be allowed as to any issue which could have been raised by an appeal of an earlier order, notice, permit, denial or other final decision by the commissioner. Any civil penalty authorized by this section shall become due and payable (i) at the time of receipt of a final order in the case of a civil penalty assessed in such order after a hearing, (ii) on the first day after the expiration of the period in which a hearing may be requested if no hearing is requested, or (iii) on the first day after any withdrawal of a request for hearing.

(g) Any person acting within the terms and conditions of a final order or permit issued to him by the commissioner shall not be subject to a civil penalty, under this section, for such actions.

(h) A civil penalty assessed in a final order of the commissioner under this section may be enforced in the same manner as a judgment of the superior court. Such final order shall be served in person or by certified mail, return receipt requested. Any notice of violation or final order against a private corporation shall be served upon at least one of the individuals enumerated in section 52-57. After entry, a transcript of such final order may be filed by the commissioner, without requiring the payment of costs as a condition precedent to such filing, in the office of the clerk of the superior court in any one or more of the following judicial districts: Any judicial district in which the respondent resides, any judicial district in which the respondent has a place of business, any judicial district in which the respondent owns real property and any judicial district in which any real property which is a subject of the proceedings is located; or, if the respondent is not a resident of the state of Connecticut, in the judicial district of Hartford-New Britain. Upon such filing, such clerk or clerks shall docket such order in the same manner and with the same effect as a judgment entered in the superior court within the judicial district. Upon such docketing, such order may be enforced as a judgment of such court.

(i) The provisions of this section, subsection (a) of section 19-518, sections 22a-2, 22a-6, 22a-6a, 22a-7, 25-17, 25-54g, 25-54h, subsection (d) of section 25-54i, 25-54j, 25-54k, 25-54l, 25-54p, subsections (b) and (c) of section 25-54mm and 25-54qq are in addition to and in no way derogate from any other enforcement provisions contained in any statute administered by the commissioner. The powers, duties and remedies provided in such other statutes, and the existence of or exercise of any powers, duties or remedies hereunder or thereunder shall not prevent the commissioner from exercising any other powers, duties or remedies provided herein, therein, at law or in equity.

(P.A. 73-665, S. 2, 17; P.A. 78-96, S. 2; 78-280, S. 2, 6, 127.)

Sec. 22a-6c. Hearing on orders concerning solid waste. Each order issued under section 19-524b or section 22a-6 concerning the operation of any solid waste facility shall be sent by certified mail, return receipt requested, to the subject of such order and shall be deemed issued upon deposit in the mail. Any person aggrieved by any such order may, within thirty days from the date of issuance, request a hearing before the commissioner, which request shall be a condition precedent to any appeal by such person. Such hearing shall be conducted in accordance with chapter 54 and applicable regulations of the commissioner. The commissioner shall consider all supporting and rebutting evidence presented relating to the affirmation, modification or revocation of such order, and shall issue a final decision accordingly. The commissioner may, after the hearing or at any time after the issuance of his order, modify such order by agreement or extend the time schedule therefor if he deems such modification or extension advisable or necessary, and any such modification or extension shall be deemed to be a revision of an existing order and shall not constitute a new order. There shall be no hearing subsequent to or any appeal from any such modification or extension.

(P.A. 75-403, S. 1, 2.)

Sec. 22a-7. Cease and desist order, subsequent hearing. The commissioner, whenever he finds after investigation that any person is causing, engaging in or maintaining, or is about to cause, engage in or maintain, any condition or activity which, in his judgment, will result in or is likely to result in imminent and substantial damage to the environment and it appears prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity. Upon receipt of such order such person shall immediately discontinue, abate or alleviate or shall refrain from causing, engaging in or maintaining such condition or activity. The commissioner shall, within ten days of such order, hold a hearing to provide the person an opportunity to be heard and show that such condition does not exist. Such order shall remain in effect until ten days after the hearing within which time a new decision based on the hearing shall be made.

(1971, P.A. 872, S. 8; P.A. 73-665, S. 4, 17.)

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Sec. 26-17a. Acquisition and preservation of tidal wetlands. (a) For the purposes of this section, "tidal wetlands" means any land contiguous with, adjacent to or adjoining waters which are subject to tidal action at any time. The department of environmental protection shall establish a program for the protection, preservation, acquisition and improvement of the tidal wetlands of the state.

(b) The commissioner of environmental protection may, by purchase, exchange, condemnation, gift, devise, lease or otherwise, acquire tidal wetlands or any easements, interests or rights therein, or enter into covenants and agreements with owners of such tidal wetlands to maintain, improve, protect, limit the future use of or otherwise conserve such tidal wetlands. The commissioner may also enter into leases with an option to buy tidal wetlands, provided the term of any such lease shall not exceed ten years.

(c) The commissioner is authorized to take land or any interests therein by right of eminent domain in the manner provided in section 48-12 for the purposes for which he is authorized to acquire land under the provisions of subsection (b). All of the owners of different tracts of land which are included in the same tidal wetlands area may be joined in the same action.

(d) When the municipal property tax on any tidal wetlands is unpaid for a period of six years, the tax collector of the municipality in which such tidal wetlands are located shall notify the commissioner of environmental protection. Said commissioner may direct the municipality to take title to such tidal wetlands by foreclosure of its tax liens and, upon payment to the municipality of a sum equal to the amount of the tax liens foreclosed and the expenses incurred by it in the foreclosure action, the municipality shall convey title of said wetlands to the state.

(1967, P.A. 536, S. 1-5; 1971, P.A. 872, S. 221.)

See Sec. 22-7i et seq.

CHAPTER 54*

UNIFORM ADMINISTRATIVE PROCEDURE ACT

Sec. 4-166. Definitions. As used in this chapter:

(1) "Agency" means each state board, commission, department or officer, other than the legislature, courts, judicial review council, governor, lieutenant governor, attorney general or town or regional boards of education authorized by law to make regulations or to determine contested cases;

(2) "Contested case" means a proceeding, including but not restricted to ratemaking, price fixing and licensing, in which the legal rights, duties or privileges of a party are required by statute to be determined by an agency after an opportunity for hearing or in which a hearing is in fact held, but does not include hearings referred to in section 4-168;

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but it does not include a license required solely for revenue purposes;

(4) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;

(5) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

(7) "Regulation" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior regulation, but does not include (1) statements concerning only the internal management of any agency and not affecting private rights or procedures available to the public, or (2) declaratory rulings issued pursuant to section 4-176, or (3) intra-agency or inter-agency memoranda.

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Sec. 4-177. Contested cases. Notice. Record. (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include: (1) A statement of the time, place, and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) The record in a contested case shall include: (1) All pleadings, motions and intermediate rulings; (2) evidence received or considered; (3) questions and offers of proof, objections and rulings thereon; (4) any decision, opinion or report by the officer presiding at the hearing.

(f) Oral proceedings or any part thereof shall be transcribed on request of any party. The requesting party shall pay accordingly, the cost of such transcript or part thereof.

(g) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Sec. 4-178. Evidence in contested cases. In contested cases: (1) Any oral or documentary evidence may be received, but the agency shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Agencies shall give effect to the rules of privilege recognized by law. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; (2) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original; (3) a party may conduct cross-examinations required for a full and true disclosure of the facts; (4) notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Sec. 4-179. Proposal for decision. Procedure. Waiver. When in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

Sec. 4-180. Final decision to be rendered within ninety days. Application to court upon agency failure.

(a) Each agency shall proceed with reasonable dispatch to conclude any matter pending before it and shall render a final decision in all contested cases within ninety days following the close of evidence and filing of briefs in such proceedings.

(b) If any agency fails to comply with the provisions of subsection (a) of this section in any contested case, any party thereto or any interested person may apply to the superior court for the judicial district of Hartford-New Britain for an order requiring the agency to render a decision forthwith, after hearing [~~, the~~]. THE court shall issue such order unless the agency establishes to the satisfaction of the court reasonable cause for such failure.

(c) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

Sec. 4-181. Communications between agency members and employees and parties in contested cases. Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member may communicate with other members of the agency, and may have the aid and advice of one or more personal assistants.

Sec. 4-182. Matters involving licenses. (a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Sec. 4-183. Appeal to superior court. (a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review by way of appeal under this chapter, provided, in case of conflict between this chapter and federal statutes or regulations relating to limitations of periods of time, procedures for filing appeals or jurisdiction or venue of any court or tribunal, such federal provisions shall prevail. A preliminary, procedural or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

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(b) Proceedings for such appeal shall be instituted by filing a petition in superior court for the judicial district of Hartford-New Britain or for the judicial district wherein the aggrieved person resides or if such person is not a resident of this state to the court for the judicial district of Hartford-New Britain within [~~thirty~~] FORTY-FIVE days after mailing of the notice of the final decision of the agency or, if a rehearing is requested, within [~~thirty~~] FORTY-FIVE days after the decision thereon. Copies of the petition shall be served upon the agency and all parties of record [~~in the same manner as process is served in civil actions~~] WITHIN THIRTY DAYS AFTER MAILING OF SUCH NOTICE OR, IF A REHEARING IS REQUESTED, THIRTY DAYS AFTER THE DECISION THEREON; EXCEPT THAT SERVICE UPON AN AGENCY MAY BE MADE BY MAILING A COPY OF THE PETITION BY REGISTERED OR CERTIFIED MAIL, POSTAGE PREPAID, TO THE OFFICE OF THE COMMISSIONER OF THE AGENCY OR TO THE OFFICE OF THE ATTORNEY GENERAL IN HARTFORD.

(c) The filing of the petition does not of itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

(d) Within thirty days after the service of the petition, or within such further time as may be allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding appealed from, which shall include the agency's findings of fact and conclusions of law, separately stated. By stipulation of all parties to such appeal proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(f) The appeal shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(g) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (1) In violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(h) Upon all such appeals which are denied, costs may be taxed in favor of the prevailing party at the discretion of the court, but no costs shall be taxed against the state.

(i) In any case in which an aggrieved party claims that he cannot pay the costs of an appeal under this section and will thereby be deprived of a right to which he is entitled, he shall, within the time permitted for filing the appeal, file with the clerk of the court to which the appeal is to be taken an application for waiver of payment of such fees, costs and necessary expenses, including the requirements of bond, if any. The application shall conform to the requirements of section 28A of the Practice Book. After such hearing as the court determines is necessary, the court shall enter its judgment on the application, which judgment shall contain a statement of the facts the court has found, with its conclusions thereon. The filing of the application for the waiver shall toll the time limits for the filing of an appeal until such time as a judgment on such application is entered.

Sec. 4-184. *Appeal from final judgment of superior court.* An aggrieved party may obtain a review of any final judgment of the superior court under this chapter. The appeal shall be taken in accordance with section 51-197b.

RULES OF PRACTICE

Part 1

General

Sec. 22a-4-1. Application and construction

The rules in this article govern practice and procedure before the department of environmental protection under the applicable laws of the state of Connecticut, except where otherwise provided by law. The rules in this article prescribe general procedure, and shall be construed consistent with any more specific procedural rules provided elsewhere in the rules of the department.

(Effective October 19, 1972)

Sec. 22a-4-2. Definitions

As used in this article:

(a) "Application" means a formal, written request for a license from the department.

(b) "Commissioner" means the Commissioner of Environmental Protection or his lawfully designated agent.

(c) "Contested case" means an action in which the legal rights, duties or privileges of a party are required by law to be determined by the department after an opportunity for hearing, but it does not include an action in which a hearing or opportunity for hearing is provided solely by a rule.

(d) "Department" means the Department of Environmental Protection.

(e) "Final Decision" means all or part of a final disposition by the department in any action.

(f) "Hearing" means a formal proceeding in which the commissioner examines witnesses and receives oral and/or documentary evidence.

(g) "License" means all or part of any permit, certificate, approval, registration, exemption, variance, or similar form of permission which the department is authorized by law to grant or deny, but it does not include a license issued solely for revenue purposes.

(h) "Order" means all or part of any order, or of any revocation, modification or suspension of any license, issued by the department, but it does not include a notice of violation.

(i) "Party" means each person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any action.

(j) "Person" means any individual, corporation, political subdivision, governmental agency or authority, municipality, partnership, association, trust or estate, and any other entity, public or private, however organized.

(k) "Petition" means a formal, written request for the department to commence an action for rule-making or declaratory ruling.

(l) "Rule" means a rule or a regulation, within the meaning of Public Act 854 of the 1971 General Assembly.

(Effective October 19, 1972)

Sec. 22a-4-3. Commencement of actions

(a) An administrative action of the department commences when (1) a person files an application or a petition with the department, or (2) the department issues a notice of intent or an order.

(b) Upon commencement of an administrative action as provided in subsection (a), any order issued during the course of proceedings in the action shall be part of the action and shall not commence a new action.

(Effective October 19, 1972)

Sec. 22a-4-4. Rejection for incompleteness

Any application or petition may be rejected by the department if it is incomplete or otherwise inadequate to permit processing or disposition thereof, unless prohibited by law. Any rejection under this section shall lapse any period of time prescribed by statute or by rule which begins to run when a person files a petition or application with the department. Any such period of time shall begin anew when a person resubmits a petition or application after prior rejection under this section. Any rejection under this section is without prejudice and is not a final decision by the department. Nothing in this section shall restrict the department from requiring additional information from an applicant or petitioner if his application or petition is accepted.

(Effective October 19, 1972)

Sec. 22a-4-5. Service of process

All papers shall be served in accordance with applicable statutes.

(Effective October 19, 1972)

Sec. 22a-4-6. Computation of time and extensions

Computation of any period of time or extension of any such period shall be made in accordance with applicable statutes.

(Effective October 19, 1972)

Sec. 22a-4-7. Intervention

Intervention as a party shall be permitted in any action as provided by applicable statute or otherwise within the discretion of the commissioner.

(Effective October 19, 1972)

Sec. 22a-4-8. Investigative hearings

The commissioner may hold investigative hearings for the purpose of (1) ascertaining compliance or noncompliance with any statute or regulation within the department's jurisdiction to administer or enforce; or (2) receiving information concerning any matter which reasonably may be the subject of regulation by the department. The commissioner shall provide reasonable notice of any such hearing. The hearing shall be conducted in accordance with Section 22a-5-2 of these rules.

(Effective October 19, 1972)

Part 2

Rule Making

Sec. 22a-5-1. Commencement of action

A rule-making action shall commence upon the publication of a notice of intent in the Connecticut Law Journal. The notice shall include a statement of the terms or substance of the proposed rule or rules or a description of the subjects and issues covered by them, and at least 30 days prior notice of the public hearing concerning them, unless otherwise provided by statute. The commissioner may provide any other reasonable notice of hearing which he deems appropriate.

(Effective October 19, 1972)

Sec. 22a-5-2. Hearing

(a) The commissioner shall preside over the convening, conduct, and adjourning of hearings. He may summon and examine witnesses, administer oaths, subpoena witnesses and evidence, receive any oral or documentary evidence, exclude irrelevant, immaterial or unduly repetitious evidence, permit cross-examination of witnesses, and provide for stenographic or recorded reporting of the hearing proceedings.

(b) All hearings shall be public.

(c) Any record of any hearing shall be available for public inspection at a place designated by the commissioner. The commissioner may make available at reasonable or nominal cost copies of any transcript or other record.

(Effective October 19, 1972)

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Part 4

Licenses

Sec. 22a-7-1. Form, contents and filing of application

(a) Any application for a license shall include, unless otherwise provided by statute, (1) the name and address of the applicant, (2) the name and address of the applicant's counsel, agent, or other representative, if any, (3) the purpose for which the application is made, (4) any statutes and rules which support the application, (5) a complete and concise description of the activities, facilities, projects or other actions for which the license is sought, (6) any other information which the commissioner may require, (7) any additional information which the applicant considers relevant. Applications shall be addressed to the commissioner and shall be sent by mail or delivered during normal business hours to him in such quantity as he may require.

(b) When the activity for which a license is sought involves any substantial alteration of the surface or subsurface of the soil, or any substantial emission or discharge of any matter into the soils, waters, or air of the state, the applicant shall submit with his application or so soon thereafter as the commissioner shall require, but in any event in compliance with Sec. 22a-8-4, engineering and, where appropriate, cost studies of the proposed activity and of alternative methods of achieving the result sought. In the event alternatives other than those suggested by the applicant appear feasible, the commissioner may require the applicant to prepare and submit engineering and cost studies of such additional alternatives. This sub-section shall not apply where prohibited by law.

(Effective October 19, 1972)

Sec. 22a-7-2. Hearing

If the department is required by law to hold a hearing on an application, the commissioner shall conduct the hearing after notice as required by any applicable statute and any other reasonable notice which he deems appropriate. In addition, the commissioner may hold a hearing on any other application after providing reasonable notice. Any hearing shall be conducted in accordance with Sec. 22a-5-2 or with Secs. 22a-8-5, 22a-8-6 and 22a-8-7 of these rules, as determined by the commissioner.

(Effective October 19, 1972)

Sec. 22a-7-3. Disposition of application

A decision by the commissioner to grant or deny all or part of a license shall be a final decision of the department, unless an applicable statute or rule provides a right to hearing on such denial to a party other than the department. If an applicable statute or rule provides such right, the denial shall be an order of the department.

(Effective October 19, 1972)

Sec. 22a-7-4. License renewals

(a) If an action for renewal of any license or for a new license with respect to any activity of a continuing nature is a contested case, an application shall be filed not later than 120 days prior to the expiration of the existing license. Any application for a renewal or new license under this section shall be made in accordance with the rules in this part, except that the application may incorporate by reference any part or parts of the next prior application by the same licensee concerning the same operation or activity.

(b) Within 60 days following receipt of any application under this section, the commissioner may determine that the application is untimely or insufficient. He shall state briefly in any such determination the basis for it and shall send the determination to the licensee. Any such determination shall not be a rejection for incompleteness, shall be a final decision, and shall cause the existing license of the licensee-applicant to expire upon its original expiration date, without regard to the pendency of any actions for renewal or new license.

(c) This section does not apply where prohibited by law.

(Effective October 19, 1972)

Part 5

Orders

SUBPART A. PROCEEDING BEFORE HEARING

Sec. 22a-8-1. Construction and application

(a) The rules in this part govern proceedings following issuance of an order whether such order is issued during the course of an action or commences a new action.

(b) Any order, except a cease and desist order or an emergency order, shall become final and effective as provided therein or by applicable statute. Any person to whom an order is issued may file a written answer to it within the time specified in the order or in an applicable statute.

(c) A cease and desist order and an emergency order shall become effective upon service. Following service of any such order, subsequent proceedings shall proceed in accordance with subpart D of this part.

(Effective October 19, 1972)

Sec. 22a-8-2. Answer

(a) The answer shall state clearly and particularly any and all grounds on which the order is claimed to be invalid, insufficient, or unreasonable; any and all material facts, particularly stated, in support of such claims; any and all statutory or regulatory standards which are claimed to have been improperly applied; and any and all particular aggrievements caused by the order. When applicable, the answer may incorporate any facts or assertions which are part of the record in the action, but any facts or assertions so incorporated shall be clearly and specifically identified. Any facts or assertions in the order not specifically denied shall be deemed admitted. If the party filing an answer desires a hearing, he shall request it in the answer.

(b) In any action in which a hearing is held pursuant to subpart B of part 5 of these rules the failure of a party to request any additional hearing to which he is entitled by statute or rule shall not impair any right of such party to seek judicial review of a final decision by the department in the action, unless prohibited by statute.

(Effective October 19, 1972)

Sec. 22a-8-3. Conferences

(a) **Informal dispositions.** The commissioner may call and hold conferences to consider simplifying, clarifying or joining issues, and disposing of any action by consent order or license, unless prohibited by statute. Within a reasonable time prior to any such conference, the commissioner shall notify the parties of it. If the parties who attend the conference agree to a disposition of the action, the commissioner shall issue a consent order or license which shall embody the terms of such disposition, and which shall be a final decision of the department.

(b) **Pre-hearing conferences.** The commissioner may direct the parties to appear at specified times and places for conferences to consider (1) simplification and clarification of issues for hearing; (2) consolidation or joinder of parties; (3) stipulations and admissions of fact and of documents; (4) limitation of expert witnesses, exchange of lists of witnesses and summaries of testimony, and other steps to expedite the presentation of evidence; and (5) such other matters as may aid in the orderly disposition of the hearing. The commissioner shall notify the parties of the date, time, and place of the conference. Following any conference, the commissioner may enter an order which (1) recites the action taken at the conference, and any agreements made by the parties as to any of the matters considered; (2) states the issues for the hearing; (3) consolidates parties at hearing; or (4) otherwise aids in the orderly disposition of the hearing. Any such order shall control the subsequent course of the action unless modified by the commissioner for good cause.

(Effective October 19, 1972)

Sec. 22a-8-4. Submission of documentary evidence in advance

(a) The commissioner may require that documentary evidence which is to be offered at a hearing be submitted to him sufficiently in advance of hearing to permit study and preparation of cross-examination and rebuttal by other parties.

(b) The commissioner may refuse to admit any documentary evidence not submitted in advance in accordance with subsection (a) in the absence of a showing that the offering party had good cause, including limited financial resources, for his failure to produce the evidence earlier.

(c) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity during the hearing upon a clear showing of good cause for failure to file such earlier written objection.
(Effective October 19, 1972)

SUBPART B. HEARING

Sec. 22a-8-5. Powers and duties of the commissioner

The commissioner shall have full authority to control the conduct of the hearing, including but not limited to the authority to limit the scope of the hearing, to subpoena witnesses and evidence, to administer oaths, to summon and examine witnesses, to permit cross-examination of witnesses, to admit or exclude testimony or other evidence, to make findings and recommendations, and to suspend, reconvene and adjourn the hearing. The commissioner shall make full inquiry into all facts at issue and shall obtain a full and complete record of all facts at issue and shall obtain a full and complete record of all facts necessary for a full determination of the issues.
(Effective October 19, 1972)

Sec. 22a-8-6. Rights of parties at hearing

All parties to a hearing may, subject to the ruling of the commissioner, request summons and examination of witnesses; cross-examine witnesses; introduce records, papers, documents, or other evidence into the record; and submit oral arguments and file briefs.
(Effective October 19, 1972)

Sec. 22a-8-7. Rules of evidence

The rules of evidence shall be as prescribed in Section 13 of Public Act 854 of the 1971 General Assembly.
(Effective October 19, 1972)

SUBPART C. DECISION

Sec. 22a-8-8. Submission of proposed findings and decision

Any party may submit proposed findings of fact, conclusions of law, and decision. Any such submissions shall be filed within a reasonable time after hearing, as specified by the commissioner.
(Effective October 19, 1972)

Sec. 22a-8-9. Final decision

(a) Any proposed decision prepared or caused to be prepared by a hearing officer shall be served upon the parties. Any part of a proposed decision which the hearing officer makes at the conclusion of the hearing and in the presence of any parties shall be considered served upon them.

(b) Any exceptions or briefs, or any request for oral argument concerning a proposed decision shall be filed with the commissioner not later than ten (10) days after service of the proposed decision, unless otherwise provided by the hearing officer in the proposed decision.

(c) Following receipt of any exceptions or briefs, and after any oral argument, the commissioner shall consider (1) the record, or (2) the proposed decision and any exceptions and briefs filed and arguments made thereon, or both, and shall render a final decision.
(Effective October 19, 1972)

SUBPART D. CEASE AND DESIST ORDERS AND EMERGENCY ORDERS

Sec. 22a-8-10. Hearing

(a) The commissioner shall preside at the hearing. He shall have the powers and duties provided in Sec. 22a-8-5.

(b) Parties shall have rights at hearings as provided in Sec. 22a-8-6.
(Effective October 19, 1972)

Sec. 22a-8-11. Decision

(a) Any proposed decision prepared or caused to be prepared by a hearing officer shall be served upon the parties. Any part of a proposed decision which the hearing officer makes at the conclusion of the hearing and in the presence of any parties shall be considered served upon them.

(b) Any exceptions or briefs, or any requests for oral argument concerning a proposed decision shall be made to the commissioner promptly, as specified by him.

(c) Following receipt of any exceptions or briefs, and after any oral argument, the commissioner shall consider (1) the record, or (2) the proposed decision and any exceptions and briefs filed and arguments made thereon, or both, and shall render a final decision.
(Effective October 19, 1972)

MANAGEMENT PLAN

APPENDIX D

MATRICES

LEGAL AUTHORITIES AND USES TO BE MANAGED

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* For an explanation of these matrices see page II-202.

TABLE 2A - STATE REGULATORY AUTHORITIES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
1. Programs regulating water resources and water related land uses a. Structures and fill in coastal waters.	Coastal Structures Law C.G.S. Sec. 25-7b to 25-7f.	All structures, filling and work incidental thereto, in all tidal and coastal waters seaward of the mean high water mark, require a permit.	DEP-Water Resources Unit.	Permit review process will include consideration of coastal policies. (Sec. 21 Connecticut Coastal Management Act)
b. Dredging and removal of sand and gravel from tidal waters.	Coastal Dredging Law C.G.S. Sec. 25-10 to 25-18	The taking and removal of sand, gravel or other materials from lands under tidal and coastal waters seaward of the mean high water mark, requires a permit.	DEP-Water Resources Unit	Permit review process will include consideration of coastal policies. (Sec. 21 Connecticut Coastal Management Act)
c. All activities in tidal wetlands	Tidal Wetlands Law C.G.S. Sec. 22a-28 to 22a-35	All uses, except a)mosquito control ditching conducted by the State Health Dept. under the authority of C.G.S. Sec. 19-50 and 51, b) DEP conservation activities c)construction and maintenance of navigation aids, and d) emergency health measures in all marsh areas at or below an elevation of one foot above local extreme high water and capable of growing salt tolerant flora, require permits.	DEP-Water Resources Unit.	Permit review process will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act). See also draft regs. Appendix F.
d. Inland wetlands and watercourses	Inland Wetland and Watercourses Law CGS Sec. 22a-36 to 22a-45 and RCSA Sec. 22a-39-1 to 13.2	All uses except a) agricultural uses, b) residential homes approved prior to passage of the law (1972), c) farm ponds of 3 acres or less, d)boat anchorages, e) uses incidental to residential enjoyment, f) public water supply systems, g) conservation uses, and h) passive recreation, in or upon all land, including submerged land consisting of poorly drained, alluvial or flood plain soil types as defined by the USGS Soil Conservation Service and all bodies of water, natural or artificial, but excluding tidal wetlands, require permits.	DEP-Water Resources Unit (and municipal inland wetland agencies subject to DEP administrative regulations and oversight).	Permit review process will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).

TABLE 2 A-STATE REGUALTORY AUTHORITIES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
e. Dams and Reservoirs	Dams and Reservoirs Law C.G.S. Sec. 25-110 to 25-119.	All dams, dikes, reservoirs and associated facilities and any site of a dam, dike or reservoir, require permits.	DEP-Water Resources Unit	Permit review process will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).
2. Flood Control a. Stream Channel Encroachment Line Program	C.G.S. Sec. 25-4a to 25-4f.	Lines are determined by DEP, along shorelines of any tidal or inland waterway or flood prone area considered for stream clearance or any form of flood control or flood alleviation measure, within which any obstruction, encroachment or hinderance require permits.	DEP-Water Resources Unit	Permit review process will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).
3. Water Pollution a. Water Pollution Discharge	Water Pollution Control Laws: C.G.S. Sec. 25-26 to 25-27 C.G.S. Sec. 25-54a to 25-54q C.G.S. Sec. 25-54aa	Any source, actual or potential, of water contamination for all waters of the state including groundwater, is subject to pollution abatement orders and requires permits.	DEP-Water Compliance	Permit review process will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).
b. Sewerage	Water Pollution Control Laws: C.G.S. Sec. 25-26 Sec. 25-54b 25-54g 25-54i 25-54o to 25-54z	Permits required for all sewer lines and sewage treatment plants at any site proposed for sewer lines or sewage treatment plants	DEP-Water Compliance	Permit review process will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).

TABLE 2 A-STATE REGULATORY AUTHORITIES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
3. b. continued	Municipal Sewer Avoidance Program P.A. 78-154 C.G.S. Sec. 7-245 to 7-273 and Sec. 25-54	DEP establishes regulations for municipal administration of sewer avoidance programs and facilities. (Program is voluntary).	DEP-Water Compliance Unit and municipal Water Pollution Control Authorities	
	State Grants for pollution abatement facilities. C.G.S. Sec. 25-54r to 25-54z	The State provides financial assistance to municipalities constructing pollution abatement/water pollution control facilities	DEP-Water Compliance Unit	Grant application review will include considerations of coastal policies. (Sec. 21, Connecticut Coastal Management Act).
4. Air Pollution Control	Air Pollution Control C.G.S. Sec. 19-505 to 19-522, and RCSA Sec. 19-508-1 to 19-508-100	Any source of air contamination for the state's entire outdoor atmosphere requires permits.	DEP-Air Compliance Unit	Permit review will include consideration of coastal policies(Sec. 21, Connecticut Coastal Management Act).
5. Navigation	Harbor Navigation Laws C.G.S. Sec. 15-1 to 15-31	All vessels and all harbors of Long Island Sound are subject to regulation	Dept. of Transportation and local harbor masters subject to DOT supervision.	All regulation will be consistent with coastal policies. (Sec. 20, Connecticut Coastal Management Act).
	Channels C.G.S. Sec. 25-3d	DEP designates and lays out channels and boat basins in lands under tidal and coastal waters for access to and from deep water to uplands.	DEP-Water Resources Unit	All regulation will be consistent with coastal policies. (Sec. 21, Connecticut Coastal Management Act).

TABLE 2 A-STATE REGULATORY AUTHORITIES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
5. continued	Coastal Dredging Law C.G.S. Sec. 25-10 to 25-18 (See Program A. 2 above)		DEP-Water Resources Unit	
	Boating Laws. C.G.S. Sec. 15-121 to 15-157	All sea lanes and port navigation and anchorage patterns in all navigable waters of the state are subject to DEP regulation.	DEP	All regulation will be consistent with coastal policies. (Sec. 21, Connecticut Coastal Management Act).
6. Boating	Boating Laws: C.G.S. Sec. 15-121 to 15-157.	All vessels in all navigable waters of the State are subject to DEP regualtion. DEP has the authority to 1) classify all vessels and waters for the purposes of regulating them, 2) regulate navigation aids, 3) establish sea lanes, 4) prescribe standards for safety devices, 5) restrict certain water for specific boating uses, 6) restrict waters for use in water skiing and scuba diving, 7) plan boating facilities, 8) recommend (with State Health Dept.) improved boating sanitation 9) assist State Department of Transportation in regulating sea plane activity, 10) coordinate with federal agencies regulating boating.	DEP	All permitting, licensing, and regulation will be consistent with coastal policies. (Sec. 21, Connecticut Coastal Management Act).
7. Fisheries a. Shellfishing	State Shellfisheries C.G.S. Sec. 26-187 to 26-237.	Taking of shellfish and lease and cultivation of all designated state shellfish beds are subject to police power and propietary controls.	Dept. of Agriculture-Aquaculture Division	Shellfish beds will be designated Areas of Particular Concern. All permitting and regulation will be consistent with coastal policies. (Sec.20, Connecticut Coastal Management Act).

TABLE 2 A- STATE REGULATORY AUTHORITIES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
7. continued	Shellfish Sanitation C.G.S. Sec. 19-55	Taking of shellfish from polluted waters may be prohibited	Department of Health	
7. b Commercial and Recreational Fishing	State Fisheries and Game Laws: C.G.S. Sec. 26-1 to 26-186	All recreational and commercial fishing, hatcheries, private ponds and streams in all waters of the state are subject to police powers. Specific authorities include: 1) regulation of spawning, 2) regulation of seasons, 3) regulation of all commercial hatcheries, and fishing, 4) specific limits on quantities and types of species, and use of nets. A license is required for inland fishing and all commercial fishing. Marine fishing is regulated by specific standards.	DEP	All permitting, licensing and regulation will be consistent with coastal policies. (Sec.21 Connecticut Coastal Management Act).
8. Solid Waste	Solid Waste Management Law: C.G.S. Sec. 19-524a to 19-524o; RCSA Sec. 19-524-1 to 19-524-14.	All solid waste disposal sites are subject to regulation. Disposal sites of solid waste with a capacity of more than five tons per year and operators of solid waste disposal sites, require permits.	DEP-Solid Waste Management Unit	Permit review will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).
9. Oil and Chemical Handling	Oil and Chemical Handling Law: C.G.S. Sec. 25-54bb to 25-54kk; RCSA Sec. 25-54cc1 to 25-54cc-7	Any site where oil and chemical terminal or handling facilities are located is subject to police powers. Uses subject to regulation include: 1) all terminals for the loading or discharge of oil or chemicals and associated equipment, 2) all discharges or spills of oil or chemicals on the land or into the waters of the state, 3) oil and chemical spill containment equipment, and 4) persons collecting waste oils or chemicals or involved in spill removal or containment.	DEP-Hazardous Substances Unit	Permit review and promulgation of regulations will include consideration of coastal policies. (Sec. 21, Connecticut Coastal Management Act).

TABLE 2 A-STATE REGULATORY AUTHORITIES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
10. Power Facilities	Public Utilities Environmental Standards Act: C.G.S. Sec. 16-50g to 16-50y; and RCSA Sec. 16-50g-1 to 43; 16-50-i-1 to 43; 16-50r-1 to 2; 16-50z-1 to 4.	Any site in the state proposed as the location for a power facility is subject to regulation. Specifically regulated are: 1) electric transmission lines with a design capacity of 69 kilovolts or greater, 2) full transmission lines extending 1,000 feet or more, 3) gas transmission lines with a design capacity of 200lbs/sq. in. or greater, 4) any electric generating or storage facility and associated equipment, and 5) substations, switchyard and associated facilities having a substantial adverse environmental impact.	Connecticut Power Facilities Evaluation Council (PFEC)	PFEC siting authority preempts all other state and local land and water use regulation but must be consistent with CCMA policies. In addition, C.G.S. Sec. 16-50 p(2) and 16-50 p(3) require that prior to granting a certificate the council find and determine the "nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning, the natural environment, ecological balance, public health and safety, scenic historic and recreational values, forests and parks, air and water purity and fish and wildlife" and "why the adverse effects or conflicts referred to...are not sufficient reason to deny the application."

TABLE 2B-STATE DEVELOPMENT PROJECTS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
1. State Flood and Erosion Control Projects	State assistance for flood control and beach erosion C.G.S. Sec. 25-69 to 25-83a.	The state is authorized to pay for the total cost of flood and erosion control projects benefiting state property, 66% of the cost of such projects benefiting municipal property and 33% of the cost of such project benefiting private property.	DEP-Water Resources Unit	All State development projects are subject to Connecticut Environmental Protection Act environmental impact statement requirements. All state development projects will be consistent with coastal policies. (Sec. 20, Connecticut Coastal Management Act).
	Executive Order 18 Ella Grasso, Governor, June 1, 1977	State agencies are required to follow HUD-FIA standards in undertaking development projects in flood plains		
2. Harbor and Port Development	State Port Development C.G.S. Sec. 13b-53	The State may acquire own, construct, maintain or operate port facilities	Department of Transportation-Bureau of Waterways	All state development projects are subject to Connecticut Environmental Protection Act environmental impact statement requirements. All state development projects will be consistent with coastal policies. (Sec. 20, Connecticut Coastal Management Act).
	State Grants-in-Aid for Harbor Improvement Projects C.G.S. Sec. 13b-57.	The state may pay up to 2/3 of the cost of municipal harbor improvements up to a limit of one million dollars.	Department of Transportation-Bureau of Waterways.	

TABLE 2 B-STATE DEVELOPMENT PROJECTS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
3. Park and Recreation Facilities	State Park and Recreation Laws C.G.S. Sec. 22a-21 to 22a-27. Sec. 23-6 to 23-9 Sec. 23-10 to 23-18 Sec. 23-24 to 23-27 Sec. 22a-25 Sec. 26-16	The Commissioner of DEP has broad authority to purchase or condemn property for recreational uses. The Commissioner also receives and disburses federal funds, for purchase of property by municipalities for recreational use.	DEP-Parks and Recreation Unit	1. C.G.S. Sec. 22a-25 authorizes the Commissioner of DEP to acquire lands and waters for "any purpose or activity relating to or compatible with the functions of the department of environemtnal protection." 2. All state development projects are subject to Connecticut Environmental Protection Act environmental impact statement requirements. 3. All state development projects will be consistent with coastal policies. (Sec.20, Connecticut Coastal Management Act).
4. Conservation Reserves and Research Facilities	State Openspace, Conservation, and Recreation Laws; C.G.S. Sec. 26-3 Sec. 23-5a to 23-5i Sec. 22a-25 Sec. 22a-6 Sec. 26-99 Sec. 26-102	The Commissioner of DEP has broad authority to purchase or condemn land cultivated for conservation and research uses and to control uses of such lands and waters.	DEP	1. C.G.S. Sec. 22a-25 authorizes the commissioner of DEP to acquire lands and waters for "any purpose or activity relating to or compatible with the functions of the department of environmental protection". 2. All state developments projects are subject to Connecticut Environmental Protection Act environmental impact statement requirements. 3. All state development projects will be consistent with coastal policies. (Sec. 20, Connecticut Coastal Management Act).

TABLE 2 B-STATE DEVELOPMENT PROJECTS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
5. Transportation				
a. Highways	State Transportation Law: C.G.S. Chapters 236-242	State Department of Transportation is responsible for planning and constructing state highways (including interstate highways.	Dept. of Transportation Bureau of Highways.	All state development projects are subject to Connecticut Environmental Protection Act environmental impact statement requirements. All state development projects will be consistent with coastal policies. (Sec. 20, Connecticut Coastal Management Act).
b. Airports	State Transportation Law: C.G.S. Sec. 13b-46 to 13b-49.	The State may establish, maintain and operate, and may expand, an airport at any location within the state	Dept. of Transportation Bureau of Aeronautics	
c. Railroads	State Transportation Law: C.G.S. Sec. 13b-32 to 13b-38	The Department of Transportation is authorized to assist in the development and improvement motor carrier and rail facilities and services	Dept. of Transportation	
6. Economic Development	Connecticut Development Authority-C.G.S. Sec. 32-10 to 32-23m	The Connecticut Development Authority has broad authority to construct, purchase, manage or help finance development projects including explicitly pollution control facilities, ferry boats, and recreational facilities.	Department of Economic Development Connecticut Development Authority	All state development projects are subject to Connecticut Environmental Protection Act environmental impact statement requirements. All state development projects will be consistent with coastal policies. (Sec. 20, Connecticut Coastal Management Act).

TABLE 2C -STATE PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
1. State Master Transportation Plan	C.G.S. Sec. 13b-15	The commissioner of DOT is authorized to develop and revise annually a comprehensive long-range master transportation plan. The plan must include: 1) Recommendations for planning, engineering, acquisition of rights-of-way, construction, reconstruction rehabilitation and modernization of transportation facilities; 2) consideration of present and projected travel volumes, safety, maintenance costs, long-range land use, environmental impact and economic development patterns; 3) indication of the order of priority of need for improvements within each mode of transportation. Consultation with the public and consultation and coordination with government and private agencies are provided for.	Department of Transportation (DOT)	All state plans must be consistent with coastal policies by July 1, 1981 (Sec.20, Connecticut Coastal Management Act).
2. State Plan for Development of Outdoor Recreation and Other Natural Resources	C.G.S. Sec. 22a-21	The commissioner of environmental protection is authorized to prepare, maintain and keep up-to-date a comprehensive plan for the development of outdoor recreation resources and other natural resources of the state. The plan will coordinate the activities and represent the interests of the component agencies of DEP and may coordinate with and/or represent the interests of other state agencies and units of government.	DEP-Planning and Coordination Unit	All state plans must be consistent with coastal policies by July 1, 1981. (Sec. 20, Connecticut Coastal Management Act).

TABLE 2 C -STATE PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
3. Economic Plan	Public Law 93-423 (Public Works and Economic Development Act) Sec. 302 C.G.S. Sec. 8-206c	The Federal program requires that overall state economic development planning be closely coordinated with a comprehensive planning process so that consideration shall be given to; the provision of public works to stimulate and channel development, economic opportunities and choices for individuals, support of sound land use, enhancement and protection of the environment including the conservation and preservation of open spaces and environmental quality, provision of public services and balancing of physical and human resources through management and control of physical development. An Economic Plan is presently being prepared for the state, covering such topics as manpower training, taxation, and industrial growth and decline.	Department of Economic Development	All state plans must be consistent with coastal policies by July 1, 1981. (Sec. 20, Connecticut Coastal Management Act).
4. Water Pollution Control Plans a. Areawide Wastewater Management Plan. b. Water Quality Management Plans	Federal Clean Water Act P.L. 92-500 as amended Sect. 208 and 303(e) C.G.S. 25-54c	a. Areawide Wastewater Management Plan (208 Plan). The entire state of Connecticut has been designated as the "208 area." This plan essentially addresses non-point source water pollution. Planning elements include: groundwater protection, erosion and sedimentation control, industrial site selection, land use evaluation, management, public participation and special studies. The plan must include: an identification of projected necessary treatment works; the establishment of construction priorities; the establishment of regulatory programs.	1. 208 Planning Agency (DEP, OPM, Health, EDA, Agriculture, Transportation, and representatives of 15 RPAs, and 15 representatives of the Chief Elected Officials,) DEP is the designated lead agency.	All state plans must be consistent with coastal policies by July 1, 1981. Sec. 20, Connecticut Coastal Management Act).
		b. A "Continuing Planning Process" for water pollution control is required by Sec. 303(e) to include State Water Quality Management Plans. These plans coordinate and direct water quality decisions on a river basin scale by identifying water quality problems and proposing measures to correct those problems.	DEP-Water Compliance Unit	

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
1. Zoning	C.G.S. Sec. 8-2	All activities, structures, uses, and buildings within the limits of a municipality which are not subject to other specific municipal land use regulations (eg. Planned Unit Development regulations) are subject to municipal zoning regulations. The zoning commission is authorized to regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and uses of buildings, structures and land for trade, industry, residence or other purposes; and the height, size, and location of advertising signs and billboards. No statutory review procedure is required for conforming uses. However, the municipal zoning enforcement officer must certify that a proposed use meets zoning requirements prior to issuing a building permit(C.G.S. Sec. 8-3 (f)) and municipalities may at their option require developers to submit a site plan to the zoning commission to insure that projects conform to municipal zoning regulations. (C.G.S. Sec. 8-3(g))	Zoning Commission or combined Planning-Zoning Commission.	A. Municipal Site Plan Review All activities, uses or structures proposed for the area within the coastal boundary will be subject to coastal site plan review requirements. of the Connecticut Coastal Management Act. Sec. 11(b). Site plans for activities uses or structures located fully or partially within the coastal boundary shall include the plans, descriptions, and assessments outlined in Sec. 11(c) of the Connecticut Coastal Management Act. The zoning commission or combined planning-zoning commission shall, in addition to the discretion granted in Sec. 8-3 (g) of the C.G.S., approve modify, condition or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act to ensure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the municipal zoning regulations, insofar as they affect the area within the coastal boundary, shall be revised to insure that they conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plans revised under Sec. 7-10 of the Connecticut Coastal Management Act. Future amendments to the zoning ordinance, insofar as they affect the area within the coastal boundary, will also have to conform to Municipal Coastal Plans.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
a. Special Exception	C.G.S. Sec. 8-2	Within zoning districts, certain classes or kinds of buildings, structures or uses of land are permitted only if a special permit has been obtained from the zoning commission, planning commission, combined planning-zoning commission or zoning board of appeals. Types of buildings, structures or uses requiring a special permit are enumerated in the zoning ordinance. Prior to granting a special permit, the appropriate commission must hold a public hearing (C.G.S. Sec. 8-3c).	Zoning Commission or Planning Commission or combined Planning-Zoning Board of Appeals.	A. Municipal Site Plan Review Applications for special exceptions for activities or projects located fully or partially within the coastal boundary will be subject to coastal site plan review requirements of the Connecticut Coastal Management Act, Sec. 11(b). Site Plans shall include the plans, descriptions and assessments outlined in Sec. 11(c) of Connecticut Coastal Management Act. The appropriate commission shall, in addition to the discretion granted in Sec. 8-3(g) of the C.G.S., approve, modify, condition or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act to insure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable. B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the lists of uses, structures, buildings, etc. requiring a special permit in districts within the Coastal area shall be revised to insure that they conform to and effectuate the goals and policies

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
1.a. continued				and land and water use strategies of the Municipal Coastal Plans revised under Sec. 7-10 of the Connecticut Coastal Management Act.
b. Variance	C.G.S. Sec. 8-6	Zoning requirements may be waived for individual parcels of land when, owing to conditions peculiar to the land, literal enforcement of zoning regulations would cause exceptional difficulties or hardship for the owner/developer. Requests for variances are directed to the zoning board of appeals who prior to reaching a decision must hold a public hearing (C.G.S. Sec. 8-7).	Zoning Board of Appeals	A. Municipal Site Plan Review Applications for variances for parcels of land located fully or partially within the coastal boundary will be subject to coastal site plan review requirements of the Connecticut Coastal Management Act, Sec. 11(b). Site plans shall include the plans, descriptions and assessments outlined in Sec. 11(c) of the Connecticut Coastal Management Act. The zoning board of appeals shall, in addition to the discretion granted in Sec. 8-6 of the C.G.S., approve, modify or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act to insure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				B. Municipal Coastal Program No change.
2. Planned Unit Development Ordinance	C.G.S. Sec. 8-13c and Sec. 8-13f	A Planned Unit Development Ordinance regulates the use of large parcels of land controlled by one owner and slated for development as a single entity. The ordinance is incorporated into the municipal zoning regulations and establishes standards for: (1) the use of land and use, bulk, location of buildings and structures, (2) the quantity and location of open space, and (3) the intensity of use or density of residential units. A developer seeking to develop land as a PUD must submit an application for tentative approval to the planning commission or combined planning-zoning commission. The application must contain a detailed site plan, and the commission must hold a public hearing on the proposed plan. (C.G.S. Sec 8-13g). Final approval must be secured prior to initiation of construction. While a site plan is required as part of the submission for final approval, if the degree of divergence is minor between the tentative site plan and the final site plan, the commission need not hold a public hearing. (C.G.S. 8-13j(a) and (b))	Planning Commission or combined Planning-Zoning Commission	A. Municipal Site Plan Review Applications for Planned Unit Developments located fully or partially within the coastal boundary will be subject to coastal site plan review requirements of the Connecticut Coastal Management Act, Sec. 11(b). Site plans shall include the plans, descriptions, and assessments outlined in Sec. 11(c) of the Connecticut Coastal Management Act. The appropriate commission shall in addition to the discretion granted in Sec. 8-13h and Sec. 8-13j(c) approve, modify, condition or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act to ensure that the potential impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, PUD regulations, insofar as they affect the area within the coastal boundary, shall be revised to insure that they conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plans revised under Sec. 7-10 of the Connecticut Coastal Management Act.
3. Subdivision Ordinances	C.G.S. Sec. 8-25	No subdivision of land shall be made until a plan for such subdivision has been approved by the planning commission. Before exercising this power, the planning commission shall adopt regulations covering the subdivision of land. Such regulations shall cover the suitability of land for building purposes; the provision of water, drainage, sewerage, open space; and flood control measures. They shall provide that proposed streets are in harmony with existing or proposed principal throughfares and may include that provision be made for sedimentation control and control of erosion caused by wind or water. They may also prescribe the extent to which streets shall be graded and improved and public utilities and services provided, and in lieu of completion of such work, the commission may accept a bond securing the construction and installation of such improvements and utilities within a specified period. All plans are submitted to the planning commission with an application and fee. A public hearing may be held and a decision to approve, modify and approve or disapprove made within 65 days. (C.G.S. Sec. 8-26)	Planning Commission Planning/Zoning Commission	A. Municipal Site Plan Review In addition to the requirements specified by the municipal subdivision regulations, site plans for subdivisions located fully or partially within the coastal boundary shall include the plans, descriptions, and assessments contained in Sec. 11(c) of the Connecticut Coastal Management Act. The planning commission shall, in addition to the discretion granted in Sec. 8-25 of the C.G.S., approve, modify, condition or deny the subdivision proposed in a coastal site plan on the basis of criteria listed in Sec. 12 of the

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				Connecticut Coastal Management Act to ensure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable. B. Municipal Coastal Programs If a municipality opts to prepare a municipal coastal program, the municipal subdivision regulations, insofar as they affect the area within the coastal boundary, shall be revised to insure that they conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plans revised under Sec. 7-10 of the Connecticut Coastal Management Act.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
4. Historic District Ordinance	C.G.S. Sec. 7-147b	Any municipality may, by vote of its legislative body and in conformance with standards and criteria of the Conn. Historical Commission, establish a historic district(s) to promote the educational, cultural, economic and general welfare of the public through the protection and preservation of buildings, places, and districts of historic interest. The legislative body of the municipality appoints a historic district study committee which investigates and reports on the historic significance of the buildings, features, and surroundings to be included in the proposed district and designates the area. The committee holds a hearing, submits a final report(map of the proposed area, proposed ordinance etc.) to the legislative body and a vote of owners of real property within the area is taken. 3/4 of the voters must approve for the legislative body to establish the district. Once a historic district is established in a municipality, a historic district commission is created and has responsibility for establishing new districts and administering these provisions. A certificate of appropriateness as to exterior architectural features must be obtained before a structure is erected, altered, restored, moved or demolished, or before an area is used for parking.	Historic District Commission	A. Municipal Site Plan Review No Change. B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the historic district ordinance, insofar as it affects the area within the coastal boundary, shall be revised to insure that it conforms to and effectuates the goals and policies and land and water use strategies of the Municipal Coastal Plans revised under Sec. 7-10 of the Connecticut Coastal Management Act.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
5. Inland Wetlands Regulations	C.S.G. Sec. 22a-42(e) and 22a-42a	Any municipality may authorize a board or commission to promulgate regulations and establish boundaries for the protection of wetlands and water courses. Municipal or district ordinances or regulations must be in conformity with and effectuate the regulations, purposes and standards of "The Inland Wetlands and Water Courses Act" (C.G.S. Sec. 22a-36 to 22a-45). A public hearing must be held before any regulation or boundary established by an inland wetlands agency becomes effective or before any change is made to them. No regulated activity shall be conducted upon any inland wetland without a permit. Regulated activities are any operation within or use of a wetland or water course involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or water courses, excluding the activities in Sec. 22a-40. A public hearing may be held and the commission may grant, deny or limit a permit for a regulated activity based on criteria in C.G.S. Sec. 22a-41. The commission may suspend or revoke a permit if after a hearing, it decides the permittee has not complied with the conditions or limitations set forth in the permit.	Inland wetland agency	A. Municipal Site Plan Review No change. B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the municipality shall insure that such regulations conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plans as revised under Sec. 7-10 of the Connecticut Coastal Management Act.
6. Sewerage Ordinance	7-153	Any municipality may by ordinance, prohibit or regulate the construction of dwellings, apartments, boarding houses, hotels, commercial buildings, youth camps and commercial camping facilities therein unless the sewerage facilities have been approved by the authorized officials of such municipality.	Authorized officials of the municipality	A. Municipal Site Plan Review No change B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the municipality shall insure that such ordinances conform to and effectuate the goals and policies and land and water use strategies of Municipal

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
6. Sewrage Ordinance continued				Municipal Coastal Program continued Coastal plans as revised under Sec. 7-10 of the Connecticut Coastal Management Act.
7. Regulations for the supervision, management, control, operation or use of a sewerage system	C.G.S. Sec. 7-427	Any municipality by its Water Pollution Control Authority may: acquire, construct and operate a sewerage system; take and hold any real property by purchase, condemnation, etc. that is necessary for its use; establish and revise regulations for the supervision, management, control, operation and use of a sewerage system; contract with any person or other municipality to provide or obtain sewerage system service including the provision or exchange of staff and equipment. The authority may establish rules for transaction of its business, shall keep a record of its proceedings and designate an officer to maintain its books.	Water Pollution Control Authority	A. Municipal Site Plan Review No change B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the municipality shall insure that such regulations conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plan as revised under Sec. 7-10 of the Connecticut Coastal Management Act.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
8. Ordinances concerning the protection and improvement of the environment	C.G.S. Sec. 7-148	Any town, city or borough, may, by ordinance provide for the protection and improvement of the environment by a commission or board and make appropriations therefor.	The designated commission or board	A. Municipal Site Plan Review No change B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the municipality shall insure that such ordinances conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plan as revised under Sec. 7-10 of the Connecticut Coastal Management Act.
9. Ordinances or regulations governing filling of land and removal of soil, loan, sand or gravel	C.G.S. Sec. 7-148	Any town, city or borough, may, by ordinance regulate the filling of. or removal of soil, loan, sand or gravel from land not in public use in the whole or in specified districts of the town, city or borough and provide for the reestablishment of ground level and protection of the area by suitable cover. Regulations enacted by a local zoning commission pursuant to this section shall have the same effect and application as an ordinance enacted pursuant to this section.	Zoning Commission Planning Commission Planning/Zoning Commission	A. Municipal Site Plan Review No change B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the municipality shall insure that such ordinances conform to and effectuate the goals and policies and land and water use strategies of the Municipal Coastal Plan as revised under Sec. 7-10 of the Connecticut Coastal Management Act.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
10. Waterway Encroachment line ordinances	C.G.S. Sec. 7-147	Allows any municipality to establish by ordinance lines along any part of any waterway beyond which, in the direction of the waterway, no permanent obstruction or encroachment shall be placed, unless permission is granted by the legislative body of the municipality.	Legislative body of the municipality	A. Municipal Site Plan Review No change B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the waterway encroachment line ordinance insofar as it affects the area within the coastal boundary, shall be revised to insure that it conforms to and effectuates the goals and policies and land and water use strategies of the Municipal Coastal Plan as revised under Sec. 7-10 of the Connecticut Coastal Management Act.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
11. Municipal Improvements	C.G.S. Sec. 8-24	Municipalities must refer proposed municipal projects to the planning commission or combined planning commission for review and comment before proceeding with the project. Examples of projects which must be referred include: improvements to public rights of ways, public buildings, and public recreational facilities; actions related to the location of public utilities (e.g. sewer, water power); and development/redevelopment projects. The commissioner must either approve or disapprove the project. A project rejected by the commission can be adopted pursuant to a vote of approval by 2/3 of the legislative body.	Planning Commission or combined Planning Zoning Commission	A. Municipal Site Plan Review Municipal projects located fully or partially within the coastal boundary will be subject to coastal site plan review requirements of the Connecticut Coastal Management Act, Sec. 11(b). Site plans shall include the plans descriptions, and assessments outlined in Sec. 11(c) of the Connecticut Coastal Management Act. The appropriate commission shall, in addition to the discretion granted in Sec. 8-24, approve, modify or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act to ensure that the potential impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3-A MUNICIPAL ORDINANCES AND REGULATIONS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
11. continued				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, proposed municipal projects within the coastal boundary will be reviewed in terms of their coastal resource compatibility. Projects which conflict with the statewide policies of the Connecticut Coastal Management Act will be altered. Changes will be incorporated into the Town Plan of Development or other appropriate plans.

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
1. Municipal Plan of Development	C.G.S. Sec. 8-23	The Municipal Plan of Development is a statement of goals, policies, and standards for the physical and economic development of the municipality. It includes recommendations for the most desirable use of land within the municipality for residential, recreational commercial, and industrial purposes and the most desirable density of population for different areas. The Plan of Developement is advisory only. There is no legal requirement that zoning regulations conform to the Plan. Prior to adopting a Municipal Plan of Development or a part thereof or an amendment to the Plan, the planning commission or combined planning-zoning commission must hold a public hearing.	Planning Commission or Planning-Zoning Commission	A. Municipal Site Plan Review Unless a municipality adopts a Coastal Program there will be no change in the status of the Plan of Development. Coastal Site Plan Review decisions based on the statewide coastal policies will prevail over conflicting Plan provisions. If a municipality opts to prepare a Coastal Program the Plan of Development will be revised to ensure consistency with the statewide coastal policies and zoning regulations will be revised to conform to the Plan. This incorporation of the coastal policies will result in fewer inconsistencies between local plans and regulations and coastal site plan review decisions, enhancing predictability. B. Municipal Coastal Program The planning commission may at its discretion revise the Plan of Development, for the area within the coastal boundary, to insure consistency with statewide coastal policies. (CCMA, Sec. 7-10). Revisions would be subject to public hearing requirements of C.G.S. Sec. 8-23.

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
2. Community Development Plan	C.G.S. Sec.8-169c and 8-169d	The Community Development Plan is an outline of proposed municipal projects designed to benefit low and moderate income families and to aid in the prevention and elimination of urban blight. The plan's contents must include a summary of a three year community development program; a description of specific projects and activities including their location, estimated costs, and the availability of resources for implementing the aforementioned projects; a housing assistance plan; and a description of the environmental considerations taken into account in preparing the overall plan. The Plan must be referred to the planning commission or the combined planning-zoning commission; the municipal housing authority; and other agencies with plans/programs affected by the Community Development Plan. Ultimate approval of the Community Development Plan rests with the municipal legislative body. Before acting on the Plan, the legislative body must hold a public hearing.	Community Development Agency	A. Municipal Site Plan Review Per the requirements of Sec. 8-24 of the C.G.S., community development projects (outlined in the Community Development Plan) must be referred to the planning commission or combined planning-zoning commission for review and comment. All community development projects within the coastal boundary will be subject to coastal site plan review requirement of the Connecticut Coastal Management Act, Sec. 11(b). The planning commission or combined planning-zoning commission shall, in addition to the discretion granted in Sec. 8-24 of the C.G.S., approve, modify, or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act. The review of community development projects will insure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the Community Development Plan, insofar as it affects the area within the coastal boundary, may be revised to insure that it conforms to and effectuates the goals and policies and land and water use strategies of the (revised)Municipal Plan of Development.(The Connecticut Coastal Management Act, Sec. 7-10.)
3. Redevelopment Plan	C.G.S. Sec. 8-125 and 8-126	The Redevelopment Plan locates and contains recommendations for those deteriorated or deteriorating areas of a municipality in need of improvement by means of rehabilitation or demolition of structures and/or construction of new ones. The Redevelopment Agency may prepare or cause to be prepared a Redevelopment Plan or a redeveloper may submit a plan to the Redevelopment Agency. A Redevelopment Plan must be submitted to the planning commission or combined planning-zoning commission for review and comment prior to its adoption. The commission may at its discretion prepare a comprehensive plan to guide redevelopment. Before approving any Redevelopment Plan, the Redevelopment Agency must hold a public hearing.	Redevelopment Agency	A. Municipal Site Plan Review Per the requirements of Sec. 8-24 of the C.G.S., all redevelopment projects (outlined in the Redevelopment Plan) must be referred to the planning commission or combined planning-zoning commission for review and comment. Under CAM, redevelopment projects within the coastal boundary will be subject to coastal site plan review requirements.(The Connecticut Coastal Management Act, Sec. 11(b)). The planning commission or

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
3. continued				combined planning zoning commission shall, in addition to the discretion granted in Sec. 8-24 of the C.G.S., approve, modify or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act. The review of redevelopment projects will insure that the potential adverse impacts on both coastal resources and future water dependent development activites are acceptable. B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, Redevelopment Plans, insofar as they affect the area within the coastal boundary, may be revised to insure that they conform to and effectuate the goals and policies and land and water use strategies of the (revised) Municipal Plan of Development. (The Connecticut Coastal Management Act. Sec. 7-10). Procedural requirements governing plan modification (C.G.S. Sec. 8-136) remain unchanged.

TABLE 3 B MUNICIPAL PLANS TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
4. Harbor Improvement Plan	C.G.S. Sec. 13b-56	The Harbor Improvement Plan is an outline of proposed harbor improvements for the harbor area of a coastal municipality. Harbor improvement projects include the development, improvement, construction and installation of berthing areas and channels to these areas; seawalls, piers, and docks; navigation aids; bridges; and other harbor related facilities and structures. Plan contents are subject to a public hearing requirement and must be approved by the planning commission or combined planning-zoning commission and the Commissioners of DEP and DOT before adoption by the municipal legislative body. Amendments to the plan must be approved by the commissions and individuals listed above and have the consent (in writing) of each purchaser or lessee of land in the harbor improvement project affected by the proposed modification.	Harbor Improvement Agency	A. Municipal Site Plan Review Per the requirements of Sec. 8-24 of the C.G.S., harbor improvements projects (outlined in the Harbor Improvement Plan) must be referred to the planning commission or combined planning-zoning commission for review and comment. All harbor improvement projects will be subject to coastal site plan review requirements of the Connecticut Coastal Management Act Sec. 11 (b). The planning commission or combined planning-zoning commission shall, in addition to the discretion granted in Sec. 8-24 of the C.G.S., approve, modify or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act. The review of harbor improvement projects will insure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
4. continued				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the Harbor Improvement Plan may be revised to insure that it conforms to and effectuates the goals and policies and land and water use strategies of the (revised) Municipal Plan of Development. (the Connecticut Coastal Management Act, Sec. 7-10). Procedural requirements for modifying Harbor Improvement Plans remain unchanged. Note: When reviewing and approving Harbor Improvement Plans and/or amendments, the Commissioner of DEP and DOT will be required to review each plan to insure consistency with statewide coastal policies.

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
5. Port Development Plan	C.G.S. Sec. 7-329c	Any town may establish a port district and a port authority to manage that district. The port authority must prepare a comprehensive plan for the development of port facilities in such district. Port facilities include wharfs, docks, piers, air or bus terminals, railroad tracks or terminals, cold storage and refrigerating plants, warehouses, elevators, freight-handling machinery and such equipment as is used in the handling of freight, passengers and vehicles, and the establishment and operation of a port and any other works, properties, buildings, structures, or other facilities necessary or desirable in connection with the development and operation of port facilities.	Port Authority	A. Municipal Site Plan Review Per the requirements of C.G.S. Sec. 8-24, port development projects must be referred to the Planning Commission or combined Planning-Zoning Commission. Under CAM the commission must undertake a site plan review for each project referred. (The Connecticut Coastal Management Act, Sec. 11-b). Per C.G.S. Sec. 7-329c(12), all port authority powers are subject to rules, regulations and other directives of federal, and state agencies. Therefore, consistency with coastal policies will be required. B. Municipal Coastal Program If the municipality opts to prepare a Municipal Coastal Program, the port authority may revise its port development plan to be consistant with the revised Municipal Plan of Development. (The Connecticut Coastal Management Act, Sec. 7-10).

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
6. Capital Improvement Program	C.G.S. Sec. 8-160	A Capital Impnovement Program prioritizes and schedules all necessary municipal capital improvements over a six year period. Capital improvements are major improvements to a municipality's physical plant of a non-recurring nature as differentiated from ordinary repairs or maintenance of a recurring nature.	Planning Commission or combined Planning-Zoning Commission	A. Municipal Site Plan Review All capital improvement projects located fully or partially within the coastal boundary will be subject to coastal site plan review requirements. (The Connecticut Coastal Management Act. Sec. 11(b)). The planning commission or combined planning-zoning commission shall, in addition to the discretion granted in Sec. 24 of the C.G.S., approve, modify or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act. The review of capital improvement projects will insure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the Capital Improvement Program, insofar as it affects the area within the coastal boundary, may be revised to insure that it conforms to and effectuates the goals and policies and land and water use strategies of the (revised) Municipal Plan of Development. (The Connecticut Coastal Management Act, Sec. 7-10.)

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
7. Open Space Plan	C.G.S. Sec. 12-107e	In preparing a Plan of Development, the planning commission may designate areas which it recommends for preservation as open space. Private owners of open space land designated in the Municipal Plan of Development may apply for relief from municipal property taxes.	Planning Commission/ Municipal Tax Assessors	A. Municipal Site Plan Review No Change. B. Municipal Coastal Program If the municipality opts to prepare a Municipal Coastal Program, the municipality may revise its Open Space Plan to be consistent with its revised Municipal Plan of Development. (The Connecticut Coastal Management Act, Secs. 7-10.)

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
8. Development Plan or Project	C.G.S. Sec. 8-189	Development projects are projects conducted by the municipality for the assembly, improvement, and disposition of land and/or buildings to be used principally for industrial or business purposes. A Development Plan outlines and describes the proposed projects. Development Plans are referred to the planning commission or combined planning zoning commission to insure consistency with the Municipal Plan of Development and to the appropriate Regional Planning agency to insure consistency with regional plans. The municipal legislative body and the Commissioner of Economic Development must both approve a Development Plan before it can be adopted. The development agency is required to hold at least one public hearing on the Plan.	Economic Development Commission or Redevelopment Agency	A. Municipal Site Plan Review Per the requirements of Sec. 8-24 of the C.G.S., development projects (outlined in Development Plans) must be referred to the planning commission or combined planning-zoning commission for review and comment. All development projects within the coastal boundary will be subject to coastal site plan review requirements. (The Connecticut Coastal Management Act, Sec. 11(b)). The planning commission or combined planning-zoning commission shall, in addition to the discretion granted in Sec. 8-24 of the C.G.S. approve, modify or deny the project proposed in the site plan on the basis of criteria listed in Sec. 12 of the Connecticut Coastal Management Act. The review will insure that the potential adverse impacts on both coastal resources and future water dependent development activities are acceptable.

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
				B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, Development Plans, insofar as they affect the area within the coastal boundary, may be revised to insure that they conform to and effectuate the goals and policies and land and water use strategies of the (revised) Municipal Plan of Development. (The Connecticut Coastal Management Act, Secs. 7-10.)

TABLE 3 B MUNICIPAL PLANS SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Program Name	Statutory Authority	Description of Program Jurisdiction and Procedures	Administering Agency	Changes Under CAM
9. Water Pollution Control Plan	C.G.S. Sec. 7-246	A Water Pollution Control Plan designates and delineates areas served by any municipal sewerage system; areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; areas where sewers are to be avoided; areas served by any community sewerage system not owned by a municipality; and areas to be served by any proposed community sewerage system not owned by a municipality. The plan also describes the means by which municipal programs are being carried out to avoid community pollution problems.	Water Pollution Control Authority	A. Municipal Site Plan Review- No change B. Municipal Coastal Program If a municipality opts to prepare a Municipal Coastal Program, the Water Pollution Control Plan, insofar as it affects the area within the coastal boundary, may be revised to insure that it conforms to and effectuates the goals and policies and land and water use strategies of the (revised) Municipal Plan of Development. (The Connecticut Coastal Management Act, Secs. 7-10.)

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
1. All structures and fill in tidal or coastal waters	Coastal Structures Law CGS Sec. 25-7b to 25-7f. Conn. Coastal Management Act, (P.A. 79-535) Sec. 21.	Permit controls under Coastal Structures Law will be consistent with coastal policies.	Table 2 A-1a
2. All dredging and removal of sand and gravel from tidal or coastal waters.	Coastal Dredging Law CGS Sec. 25-10 to 25-18 Conn. Coastal Management Act, (P.A. 79-535) Sec. 21.	Permit controls under Coastal Structures Law will be consistent with coastal policies.	Table 2 A-1b
3. All activities in tidal wetlands.	Tidal Wetlands Law CGS Sec. 22a-28 to 22a-35. Municipal Ordinances CGS Sec. 7-148. Conn. Coastal Management Act, (P.A. 79-535) Sec. 7 to 10; Sec. 11 to 15; Sec. 21.	Permit controls under Tidal Wetlands Law will be consistent with coastal policies. Municipal coastal site plan review is required. Coastal policies will be considered if ordinance is revised as part of Municipal Coastal Program.	Table 2 A-1c Table 3 A-9
4. All construction activities in or alteration of inland wetlands and watercourses.	Inland Wetland and Watercourses Law CGS Sec. 22a-36 to 22a-45. RCSA Sec. 22a-39-1 to 39-13.2. Conn. Coastal Management Act (P.A. 79-535) sec. 21.	State regulations under Inland Wetland and Watercourses Law will be consistent with coastal policies.	Table 2 A-1d
	Municipal Regulations per CGS Sec.22a-42(e) and 22a-42a. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal coastal site plan review is required. Coastal policies will be considered if regulations are revised as part of Municipal Coastal Program	Table 3 A-5

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
5. Construction in and alteration of flood and erosion prone areas.	Flood Encroachment Lines Program CGS Sec. 25-41 to 25f. Conn. Coastal Management Act, (P.A. 79-535) Sec. 21.	State regulations under Flood Encroachment Lines Program will be consistent with coastal policies.	Table 2 A-2
	Executive Order 18, Ella Grasso, Governor. State Assistance for Flood Control and Beach Erosion CGS Sec. 25-69 to 25-83a. Conn. Coastal Management Act, (P.A. 79-535) Sec. 20.	State development programs for Flood Control and Beach Erosion will be consistent with coastal policies.	Table 2 B-1
	Zoning CGS Sec. 8-2. Waterway Encroachment Line Ordinances. CGS Sec. 7-147. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and 7 to 10.	Municipal coastal site plan review is required. Coastal policies will be considered if ordinance is revised as part of Municipal Coastal Program.	Table 3 A-1 Table 3 A-10
6. All dams and reservoirs	Dams and Reservoirs Law CGS Sec. 25-110 to 25-119. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State regulations under Dams and Reservoirs Laws will be consistent with coastal policies.	Table 2 A-1e
7. All uses significantly polluting the waters of the state.	Water Pollution Control Laws CGS. Sec. 25-26 to 25-27 Sec. 25-54a to 25-54q Sec. 25-54aa. Conn. Coastal Management Act (P.A. 79-535) Sec. 21	State permits controls and regulations will be consistent with coastal policies.	Table 2 A-3a
	Water Quality Planning CGS Sec. 25-54c Fedl Clean Water Act (PL 92-500) Sec. 208 and 303(e). Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State plans will be consistent with coastal policies.	Table 2 C-5

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
8. All sewer lines, sewage treatment plants and municipal sewer avoidance programs.	Water Pollution Control Laws CGS Sec. 25-26; 25-54b; 25-54g; 25-54i; 25-54o to 25-54z. State Grants for Pollution Abatement Facilities CGS Sec. 25-54r to 25-54z. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-3b
	Federal Clean Water Act (PL 92-500) Sec. 208 and 303 (e). Conn. Coastal Management Act, (P.A. 79-535) Sec. 20	State development programs and state plans will be consistent with coastal policies.	Table 2 C-5
	Municipal Sewer Avoidance Programs CGS Sec. 7-153. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review will be required. Coastal policies will be considered if program is revised as part of Municipal Coastal Program.	Table 3 A-6 (Table 2 A-3b)
9. All uses significantly polluting the air resources of the state.	Air Pollution Control Laws CGS. Sec. 19-505 to 19-522. RCSA Sec. 19-508-1 to 19-508-100. Conn. Coastal Management Act, (P.A. 79-535) Sec. 21	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-4
10. All navigation channels.	Coastal Dredging Laws CGS Sec. 25-10 to 25-18. Channels CGS Sec. 25-3d. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-5
11. All sea lanes, port navigation and anchorage patterns.	Boating Laws CGS Sec. 15-121 to 15-157. Harbor Navigation Laws CGS. Sec. 15-1 to 15-31. Conn. Coastal Management Act, (P.A. 79-535) Sec, 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-5

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
12. All boating activities	Boating Laws CGS. Sec. 15-121 to 15-157. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-6
13. All commercial and recreational fisheries.	State Fisheries and Game Laws. CGS Sec. 26-1 to 26-186. Conn. Coastal Management Act (P.A. 79-535) Sec. 21	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-7b
14. All shellfishing	State Shellfisheries Laws CGS. Sec. 26-187 to 26-237. Shellfish Sanitation CGS. Sec. 19-55. Conn. Coastal Management Act (P.A. 79-535) Sec. 20, 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-7a
15. All solid waste disposal sites.	Solid Waste Management Laws CGS. Sec. 19-524a to 19-524o RCSA Sec. 19-524-1 to 19-524-14. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-8
16. All oil and chemical terminal and handling facilities.	Oil and Chemical Handling Law CGS. Sec. 25-54bb to 25-54kk RCSA Sec. 25-54cc-1 to 25-54-cc-7. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-9
17. All power facilities	Public Utilities Environmental Standards Act CGS Sec. 16-50g to 16-50y. RCSA Sec. 16-50g-1-43; Sec. 16-50i-1-43; Sec. 16-50r-1-2; Sec. 16-50z-1-4. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-10

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
18. Harbor and port developments.	Coastal Structures Law CGS. Sec. 25-7b to 25-7f. Coastal Dredging Law CGS. Sec. 25-10 to 25-18. Conn. Coastal Management Act (P.A. 79-535) Sec. 21.	State permit controls and regulations will be consistent with coastal policies.	Table 2 A-1a,b
	State Port Development CGS. Sec. 13b-53 State Grants-in Aid for Harbor Improvement CGS Sec. 13b-57. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State development projects will be consistent with coastal policies.	Table 2 B-2
	Municipal Harbor Improvement Agencies. CGS. Sec. 13b-56 to 13b-57 Municipal Port Development CGS. Sec. 7-329c. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review is required. Coastal policies will be considered if plans and ordinances are revised as part of Municipal Coastal Program.	Table 3 B-4 Table 3 B-5
19. State Park and recreation facilities.	State Park and Recreation Laws. CGS. Sec. 22a-21 to 22a-27 Sec. 23-6 to 23-18 Sec. 23-24 to 23-27 State Fisheries and Game Laws Sec. 26-16. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State development projects and state plans will be consistent with coastal policies.	Table 2 B-3 Table 2 C-2
20. State conservation reserves and research facilities.	State Open Space, Conservation and Recreation Laws CGS. Sec. 22a-6; Sec. 22a-25; Sec. 23-5a to 23-5i. State Fisheries and Game Laws CGS. Sec. 26-3; 26-99; 26-102. Conn. Coastal Management Act (P.A. 79-535) Sec. 20	State development projects will be consistent with coastal policies.	Table 2 B-4

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
21. All state and interstate highways.	State Transportation Law CGS. Chapters 236 to 242. Master Transportation Plan CGS. Sec. 13b-15. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State development projects and state plans will be consistent with coastal policies.	Table 2B-5a Table 2 C-1
22. All airports	State Transportation Law CGS. Sec. 13b-46 to 13b-49. Master Transportation Plan CGS. Sec. 13b-15. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State development projects and state plans will be consistent with coastal policies.	Table 2 B-5b Table 2 C-1
23. All railroads	State Transportation Law CGS. Sec. 13b-32 to 13b-38. Master Transportation Plan CGS. Sec. 13b-15. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State development projects and state plans will be consistent with coastal policies.	Table 2 B-5c Table 2 C-1
24. All uses incidental to economic development.	Connecticut Development Authority CGS. Sec. 32-10 to 32-23m. Conn. Coastal Management Act (P.A. 79-535) Sec. 20.	State development porjects will be consistent with coastal policies.	Table 2 B-6
25. All buildings, structures and uses (except those minor projects exempted by the municipality).	Zoning Laws CGS. Sec. 8-2 Municipal Ordinances CGS. Sec. 7-148. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review is required. Coastal policies will be considered if ordinances are revised as part of Municipal Coastal Program.	Table 3 A-1 Table 3 A-8 Table 3-A-9

TABLE 4 USES SUBJECT TO COASTAL MANAGEMENT REQUIREMENTS

Uses	Statutory Authorities	Controls Under CAM	Table References
26. Planned Unit Development	Planned Unit Development CGS. Sec. 8-13(c) and 8-13(f). Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review is required. Coastal policies will be considered if ordinances are revised as part of Municipal Coastal Program.	Table 3 A-2
27. Subdivisions	Subdivision CGS. Sec. 8-25. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review is required. Coastal policies will be considered if ordinances are revised as part of Municipal Coastal Program.	Table 3 A-3
28. Variances	Variances CGS. Sec. 8-6(3) Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review is required. Coastal policies will be considered if ordinances are revised as part of Municipal Coastal Program.	Table 3 A-1b
29. Municipal development projects.	Municipal Development Projects CGS. Sec. 8-189. Conn. Coastal Management Act (P.A. 79-535) Sec. 11 to 15 and Sec. 7 to 10.	Municipal Coastal Site Plan Review is required. Coastal policies will be considered if ordinances are revised as part of Municipal Coastal Program.	Table 3 B-1

SECTION III

ALTERNATIVES TO THE PROPOSED ACTION

SECTION III: ALTERNATIVES TO THE PROPOSED ACTION

A. INTRODUCTION

All alternatives to the proposed action, approving the Connecticut Coastal Management Program, involve a decision to delay or deny approval. Delay or denial of approval would be based on failure of the Connecticut Program to meet any one of the requirements of the federal Coastal Zone Management Act (CZMA). In approving a coastal management program, affirmative findings must be made by the Assistant Administrator for Coastal Zone Management on over twenty such requirements.

During their 1978 and 1979 sessions, the Connecticut General Assembly passed comprehensive coastal management legislation in response to the need for management of Connecticut's coastal resources. This legislation, the Connecticut Coastal Management Act (CCMA) was in direct response to the national initiatve for coastal management and was designed to alleviate the two major coastal management issues and problems identified by the program -- lack of coordination between state and local regulatory agencies and lack of adequate consideration of the adverse impacts on coastal resources in the permitting of development.

The CCMA establishes forty-three statutory policies pertinent to coastal resource management as well as incorporating by statutory reference all existing state policies for resource management, environmental protection, and land acquisition. In addition the CCMA establishes standards and new procedures for assessing adverse impacts of development on coastal resources without substantially altering existing regulatory jurisdictions at either the state or local level. Existing coastal regulatory, development and planning programs are "networked" by statute to require permit, project and plan consistency with the policies and standards in the CCMA.

Connecticut's Department of Environmental Protection (DEP), which is the primary permitting agency for coastal development activities, both public and private, is established as the lead coastal management agency by the CCMA. Under CCMA authority, DEP has either certification or permitting responsibility for all coastal-related activities subject to state jurisdiction. Further, the CCMA vests DEP with both administrative and judicial review capability over local decisions to assure consistency with the policies and standards of the CCMA.

During the early development of the Program, several areas of potential deficiencies were identified. Following revisions to the Program by Connecticut, the Assistant Administrator has made a preliminary determination that the Program meets the requirements for approval under Section 306 of the CZMA. In order to elicit public and agency comment and assure that the Assistant Administrator's preliminary assessment is correct, this section identifies these areas of potential deficiency and considers alternatives of delay or denial of approval based on each. This decision has been reached after a careful review of the comments received on the DEIS and a review of the operation of the program from January to June 1980, while it operated on state funding. The review of the operation consisted of an OCZM staff on-site meeting with town officials of Norwalk, Old Saybrook, New Haven, Ledyard, Groton and Stonington, for detailed discussions of their experiences with the coastal program. Included in these meetings were a discussion of specific permits that were being processed. While recognizing that these meetings may not be necessarily representative, these towns had the major number of coastal permit experience. In no case were deviations from the Act discovered. In cases where procedural problems normally associated with start up of such a program were to be expected they were quickly being

resolved between the State and towns. The OCZM review also consisted of examination of the extensive communications between the State and local governments, six written case studies of how the process had worked to date, the state's appeal of local ZBA decisions in Stonington, and of the quarterly reports submitted after the first quarter.

Alternatives

Throughout the development of the Connecticut Coastal Management Program a variety of alternatives to specific elements of the program were considered. Many of these derived from comments received from involved local and state agencies, federal agencies, and other interest groups. In addition, the State Legislature looked at numerous alternatives to specific features contained in various coastal bills. The consideration of alternative boundaries, management techniques, policies and guidelines took place over three to four years. The record of the process of reviewing substantive alternatives which were considered consists of thousands of pages. Any attempt in this environmental impact statement to consider all policy and programmatic alternatives would only repeat the detailed public record and cause unnecessary bulk and delays in the EIS process, a process that the new Council on Environmental Quality (CEQ) Regulations on Implementation of the National Environmental Policy Act (NEPA) attempt to avoid. OCZM believes that the review of alternatives during program development meet the applicable requirements of NEPA and that NEPA standards have been built into OCZM's requirements for program development.

Normally, at the time a program is submitted for approval, most of the substantive decisions regarding policies, how the program is to be implemented, etc., will have been made by state executive or legislative branches of government. In many instances in other states, changes have been made after state program approval. As a result of what is now termed the scoping process under CEQ's regulations implementing NEPA, OCZM has tried to identify the major issues discussed during the public review process. OCZM's alternatives to approval are to delay or deny approval for a number of reasons. These reasons are limited to those identified in the review process and those that OCZM feels are potentially valid reasons.

Additional valid alternatives are those which can be carried out by the state. They are to modify parts of the program or withdraw their application for federal approval. While these were not specifically elaborated on in the DEIS because the consequences coincide with those of the federal alternatives, they remain throughout the process as valid alternatives.

With respect to the "no action" alternative, OCZM has generally considered that federal denial or state withdrawal of the program, and "no action" are synonymous. State participation under the CZMA is voluntary and when a state participates in program development, it decides whether or not program approval and implementation is in its best interests. A few states have chosen the alternative of non-participation. This alternative may be chosen by a state at any time. Some states have decided not to participate during the legislative hearings on various coastal bills. The Legislature decided against the "no action" alternative when it passed P.A. 79-535. The impacts of the "no action" alternative are described below under the "Loss of Federal Funds to Implement the Program" and "the Loss of Consistency of Federal Actions with the Program." OCZM believes that these descriptions are sufficient for an understanding of the impacts associated with this particular alternative.

The general impacts of delay or denial of approval of the Connecticut Program, regardless of the reason for delay or denial, are as follows:

1. Loss of federal funds to implement the program -- Under Section 306 of the CZMA, Connecticut would receive approximately $1,200,000 per year to administer its coastal management program. Most basic to a loss of federal funds will be the inability of the state to provide adequate staffing and administrative support to its reviews for consistency and its permitting activities. Efforts to provide information and technical assistance on permits and assistance in obtaining them could be eliminated.

   Additionally, problems identified by Connecticut may continue due to a lack of adequate funding to address them. Local governments would be hampered in their efforts to evaluate adverse impacts of development on coastal resources as required under the CCMA and there would be inadequate funding at the local level to revise plans and ordinances to assure greater consistency with the CCMA policies and standards. DEP's capacity to oversee the management program at both the state and local level and resolve conflicts would also be seriously limited.

2. Loss of consistency of federal actions with the program -- Approval of Connecticut's Program would mean federal actions in or affecting the coastal area would have to be consistent with the state program under section 307(c) of the CZMA. Loss of consistency would be of particular concern as the coastal area is influenced by federal activities.

B. FEDERAL ALTERNATIVES

Alternative 1: The Assistant Administrator could delay or deny approval if the policies of the program are not specific enough to meet the requirements of Section 305(b)(2) of the CZMA.

CZMA regulations 923.11(b)(2) and 923.3(b)(4) require that coastal policies must provide a clear sense of direction and predictability for decision makers who must take actions pursuant to or consistent with the management program. Specificity is particularly important when such policies will be administered in part by local governments, as is proposed in the Connecticut program. It is also important to assure that state administered policies are not subject to an excessively broad range of interpretations.

The Assistant Administrator has made the preliminary decision that the new policies and standards contained in the CCMA together with those existing policies, standards and regulations incorporated into the program by the CCMA provide sufficient specificity for program approval. This decision is based, in part, on the fact that the legal authority, policies and standards in the CCMA became effective on January 1, 1980. This will provide a period of testing to assure that no substantive problems arise during program implementation; particularly at the local level, that would require additional specificity.

In making the preliminary decision on program approval the Assistant Administrator concluded that two policy areas would require additional specificity prior to program approval. The first is in the protection of wetlands. The state has the authority to regulate any alteration of wetlands under the Tidal Wetlands Act of 1969. Under this authority the state has regulated by permit all alterations of wetlands for over ten years and has successfully defended court challenges to its regulatory authority. However, detailed regulations for the permit program have not been adopted although the state has the authority to adopt such regulations. The Assistant Administrator has required that wetland regulations be adopted prior to program approval. These regulations entitled, "Tidal Wetland Regulations" are contained in Appendix C of Section II of this FEIS.

The second policy area that was found to require additional specificity was the implementation of policies pertaining to water dependent development as a priority for shorefront properties. It should be noted that the water dependency policies and standards in the CCMA are extremely important as they delineate one of the areas of expanded jurisdiction over land use decisions in the Connecticut Program. Given the requirements of Sections 302, 303 and 307(g) of the CZMA, a state coastal program must address a broad range of issues. Connecticut proposes to use the water dependency policies in the CCMA as a significant mechanism to address such issues as competing demands on land and water resources, decreasing open space for public use, and protection of special natural and scenic resources from ill-planned development. In response to the Assistant Administrator's finding, the state has included in Section II, Part IV G a specific interpretation of how the water dependency policies in the CCMA will be implemented by state and local agencies and how their performance will be monitored by the state.

Alternative 2: The Assistant Administrator could delay or deny approval if the State does not have adequate review over local actions to meet the requirements of Section 306(e)(1)(A) or 306(e)(1)(C) of the CZMA.

The CZMA states "the key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone...(302(h))." The Act allows local governments to implement the program under state established criteria and standards with state authority to review local government actions or individual development plans. The CZMA and its regulations make clear that when local governments implement the program there must be state "administrative review and enforcement of compliance...306(e)(1)(a)" or the state must have the authority to review all projects on a case-by-case basis. One of the techniques of state overview is described in Section 923.42(c)(3)(iv) is "State review of local government actions on a case-by-case basis or on appeal." Under this technique the State must have "the power to prohibit, modify or condition those activities based on the policies, standards and criteria of the management program."

The issue has been raised over whether Connecticut has established adequate procedures to review local government compliance. The CCMA provides the authority for state participation in, review of, and court

challenge of all local decisions and actions pertinent to coastal management. In addition, the CCMA clarifies the state's authority to seek immediate injunctive relief for outright violations at the local level. While OCZM recognizes that seeking judicial relief against local governments for failure to properly enforce the policies and standards may be administratively cumbersome, it is clearly allowed in CZM regulations 923.42(c)(4)(A)(2)(iii) and (iv).

Because of the potentially cumbersome nature of seeking judicial relief, OCZM requested Connecticut to add Part VI, F, to Section II of the FEIS which clarifies how, and when, the administrative review over local government decisions will be made. This section also describes the procedures for private or citizen challenge to local decisions. The operation of the program from January 1980 until June 1980 has provided an opportunity to evaluate the effectiveness of the administrative review over local governments.

Alternative 3: The Assistant Administrator could delay or deny approval if the state has not adequately addressed the competing demands on beach access and open space as addressed in Section 302 of the CZMA.

One of the requirements for program approval is the management program must contain three broad classes of policies, consistent with the findings in Section 302 of the Act (Section 923.3(b)(2)). The Section 302 finding at issue here deals with "decreasing open space for public use" (Section 302(c)).

The Assistant Administrator is aware of the lack of sandy beaches in Connecticut and the residency or membership restrictions placed on some town and privately owned beaches. Of the 583 miles of shorefront in Connecticut only 78.5 miles or 13.59% is sandy beach. Ownership of the sandy beaches is as follows: 48.4 miles (62%) are in private ownership (including 16.3 miles owned by beach associations); 7.5 miles (9.5%) are in state ownership, and 22.7 (28.8%) are in municipal ownership. Ninety percent of municipal owned beaches are open to the general public. A more detailed description of beach ownership and public access is in Section II, Part X, of this document. It describes how the provision of access in coastal site plans will give priority to projects otherwise considered not to be water dependent. In Section II, Part X, the document describes other methods proposed to increase public access including,first, by developing or reutilizing former or currently underutilized state owned beach areas; second, by increasing the capacity of, and improving the access to, existing state-owned recreational beach facilities; third, by acquisition and development of new state-owned recreational beach facilities when suitable properties become available and as acquisition funds allow; and fourth, by requiring the provisions or improvement of access through applicable state regulatory and planning programs.

SECTION IV

AFFECTED ENVIRONMENT

SECTION IV: AFFECTED ENVIRONMENT

The environment to be affected by the Connecticut Coastal Management Program is composed of the following three components: the natural environment, the man-made environment, and the institutional environment. These components are described in detail in the discussion of the management program (see Section II, Part I(B)).

The Natural Environment. Connecticut has identified fourteen basic land and water resource types that are found in the Connecticut coastal area. These resources include the following: 1) bluffs and escarpments; 2) rocky shorefronts; 3) beaches and dunes; 4) intertidal flats; 5) tidal wetlands; 6) freshwater wetlands and watercourses; 7) estuarine embayments; 8) coastal hazard areas; 9) developed shorefront; 10) islands; 11) nearshore waters; 12) offshore waters; 13) shorelands; and 14) shellfish concentration areas. Section II of this document contains a description of these basic resources as well as an overview of the natural environment of Long Island Sound and coastal Connecticut.

The Man-Made Environment. Although the coast of Connecticut is only about 100 miles in length "as-the-crow-flies" from end to end, the man-made environment of the coast is characterized by a high degree of diversity. Section II of the management program discusses various socio-economic components of the man-made environment including general development characteristics, land use patterns, cultural features, population distribution, and employment and economic development characteristics.

The Institutional Environment. A multitude of agencies and jurisdictions, at both the state and local level of government currently regulate, manage, or significantly impact the natural and man-made environments of the coastal area. Refer to Section II of this document for a complete discussion of the institutional environment that will be affected by the implementation of the Connecticut Coastal Management Program.

Connecticut's management program has been carefully structured to address and facilitate the correction of the following two major deficiencies that characterize the existing "environment": 1) inadequate consideration of coastal resources under the existing management structure, and 2) inadequate coordination of regulatory and other decision making activities under the existing management structure. These major deficiencies and the specific issues and problems that have resulted from these deficiencies are discussed fully in Section II of this document.

SECTION V
ENVIRONMENTAL CONSEQUENCES

SECTION V: ENVIRONMENTAL CONSEQUENCES

INTRODUCTION

The objective of coastal management as stated in the Coastal Zone Management Act is"...to achieve wise use of coastal land and water resources giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." States are encouraged to achieve this objective by recognizing the long term consequences of development decisions; instituting a rational decision making process; and coordinating federal, state, regional, and local government actions relative to the coastal zone.

In response to this objective, Connecticut has developed a management program which, if approved and implemented, will affect much of the future activity within the coastal boundary. While the coastal management program was specifically designed to benefit the coastal environment by altering the institutional environment, the program may as an unavoidable consequence, adversely impact the natural environment outside of the coastal zone and some development interests within the coastal zone. Overall, the net environmental impact of the program should be decisively positive. Adverse impacts and mitigating measures are discussed in subpart D of this section.

The specific action for which impacts have been analyzed is federal approval (and subsequent federal funding) and implementation of coastal management in the manner described by the Connecticut management program. The impacts of federal approval and funding are considered direct impacts and include those impacts associated with the expenditure of federal funds; impacts stemming from the use of federal consistency provisions; impacts resulting from consideration of the national interest in siting facilities within the purview of national interest; and any impacts attributable to Connecticut's efforts to achieve the national objectives of the CZMA. Indirect impacts are those impacts resulting from implementation of Connecticut's management program including impacts upon the natural environment; impacts of land and water use regulations; and impacts attributable to specific policies and control techniques.

A. DIRECT EFFECTS OF FEDERAL APPROVAL

Connecticut's coastal management program could be implemented as a state program, unencumbered by the requirements of the Coastal Zone Management Act. Participation in the federal program, however, and a federally approved management program offers several advantages to the state including a more comprehensive and effective program.

1. Federal Funding

If Connecticut's management program is approved by the Office of Coastal Zone Management, Connecticut will be eligible for federal grants-in-aid and other forms of financial assistance. The primary source of funding (Section 306) will provide for increased resource management capabilities (coordination, administration, and enforcement of authorities); continued programs to expand public awareness of coastal issues and foster public participation in policy development; research and other activities to gain a better understanding of

resource utilization questions and opportunities to deal with special management concerns that otherwise might not be addressed.

Other sources of funding will enable state and local agencies to continue to plan for and deal with the impacts of energy facilities; plan for and possibly increase public access to the coast; and plan for and manage the effects of shoreline erosion.

2. Federal Consistency

Approval of the Connecticut management program will have implications for federal agencies conducting activities which affect the coastal zone. The federal consistency provisions of the Coastal Zone Management Act (Section 307) require that direct federal activities and development projects that "significantly affect" the coastal area must be conducted in a manner that is "consistent to the maximum extent practicable" with Connecticut's approved management program. Also, federally licensed and permitted activities, federally licensed and permitted activities detailed in OCS plans, and federal assistance to state and local governments must be certified by the state as being consistent with the management program before the license, permit, or grant can be approved by the federal agency. (For a complete discussion of federal consistency, see Section II, Part VII(C).)

Once a consistency determination has been made, the federal agency is free to decide the application in question. It is important to note that an affirmative consistency determination by the state does not guarantee federal approval of the project, license or assistance application. The proposed action may still be rejected on the basis of criteria contained in the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, or other national policy statements containing federal criteria which are more stringent than the requirements of the state's management program. Since in all instances the more stringent environmental regulation will apply, NEPA's objective to administer federal programs in a manner which maintains the quality of the environment is more than adequately fulfilled.

While the federal consistency requirement will place an additional administrative burden upon the state, this new responsibility will enhance the state's ability to manage coastal resources. The consistency process will provide for more coordinated and comprehensive resource management and has the potential to reduce the fragmented, single-purpose, and sometimes conflicting nature of federal activities affecting the coastal zone.

3. National Interest

Federal approval of Connecticut's management program will signify the inclusion of an adequate procedure in the management program for considering national interest when siting facilities and protecting resources of greater than local concern. The national interest provisions of the management program ensure that national interest facilities and resources will not be arbitrarily excluded or unreasonably restricted, and they indicate a conscious effort on the part of the state to deal with national concerns during program development and implementation. (National interest is discussed in greater detail in Section II, Part IX.)

The national interest provisions have two impacts. First, they ensure that Connecticut has a process and a program which adequately considers all coastal dependent uses or activities. In the absence of a comprehensive program, national concerns might be ignored or overruled by purely state or local interests. Second, criteria governing exclusions or restrictions should serve to enhance the siting procedure for national interest facilities as well as the resource protection capabilities of the state and local municipalities.

B. INDIRECT EFFECTS OF FEDERAL APPROVAL

To fully understand the impacts of federal approval, it is necessary to examine the probable impact the Connecticut coastal management program will have upon the natural, socio-economic, and institutional (government) environment. By analyzing the goals and policies of the Connecticut Coastal Management Act (PA 79-535), it is possible to determine the impacts which can be expected to occur from implementing an approved management program. Because the management program will be implemented over a period of years within a fluctuating economic, social, and institutional environment, it is impossible to determine and describe discrete impacts that will result from the implementation of the program. Thus the discussion which follows will highlight impacts in general terms only.

1. Environmental Impacts

Managing coastal resources in accordance with the goals and policies of the Connecticut Coastal Management Act will minimize many of the detrimental effects associated with coastal development. The priorities established by the goals and policies seek to ensure compatibility between the uses proposed for coastal resources and the capacity of those resources to support activities without experiencing significant adverse impacts. Since activities with a potential for adverse impacts will be discouraged by the coastal goals and policies, coastal land and water resources will be preserved, protected, and enhanced.

The coastal resource policies will facilitate protection and management of coastal bluffs and escarpments; rocky shorefronts; beach systems; intertidal flats; freshwater wetlands and water courses; tidal wetlands; estuarine embayments; coastal hazard areas; and nearshore and offshore waters. While the resource policies are detailed in Section II, Part IV, the following discussion highlights resource policies of particular interest.

Policies relative to tidal wetlands, estuarine embayments, and intertidal flats seek to preserve the particular resource, prevent degradation, and restore degraded areas. As the intent of the policies is to facilitate the natural function of the resource, activities such as dredging, fill, and construction of structures are discouraged unless adverse impacts can be minimized.

Policies relative to beaches and dunes and bluffs and escarpments seek to preserve and enhance the dynamic form and integrity of the resource. Uses which interfere with the natural processes of erosion and sedimentation are discouraged.

Coastal hazard area policies encourage consideration of coastal flooding and erosion patterns in the planning and siting of coastal development. They discourage structural solutions to flooding and erosion except in instances where structural solutions are necessary to protect existing developed areas.

A second group of policies, coastal use policies, will be used in conjunction with the resource policies to protect and enhance the environmental quality of the coastal zone. Coastal use policies prioritize uses on the basis of water dependency, impacts upon coastal resources, and existing uses within the coastal boundary. Coastal use policies cover such uses and activities as structures and fill, ports and harbors, dredging and navigation, boating, fisheries, recreation, sewer and water lines, energy facilities, and transportation.

Use policies related to water quality seek to 1) minimize the risk of oil and chemical spills at port facilities, 2) encourage the provision of effective containment and clean up facilities, and 3) prohibit any off-shore oil facilities that have the potential for causing catastrophic oil spills in Long Island Sound. To protect water quality in urban waterfront areas, the siting of fuel and chemical storage facilities is discouraged. When necessary, new storage tanks can be sited adjacent to existing tanks, but they must be adequately protected against floods and spills.

Dredging and navigation policies seek to facilitate navigation and minimize the adverse impacts of dredging and dredge spoil disposal activities. Maintenance dredging of existing channels, basins, and anchorages is encouraged while the dredging of new navigation channels is discouraged. To minimize the need for future dredging, new channels which must be created are required to take advantage of existing water depths, natural circulation and siltation patterns, and the best available technology for reducing controllable sedimentation. Dredging policies also encourage the creation of a cooperative governmental planning program to plan and provide for environmentally sound long range dredging and disposal techniques.

Policies relative to sewer and water lines seek to discourage development in sensitive areas such as undeveloped beaches, barrier beaches, and tidal wetlands. Extension of sewer and water lines into sensitive areas is prohibited except when necessary to eliminate existing sources of pollution. If extension is necessary, the capacity of new sewer lines is limited to that capacity necessary to alleviate the problem.

To meet transportation needs in the coastal area, transportation policies encourage the rehabilitation and upgrading of existing transportation facilities and the consideration of mass transportation alternatives; construction of new highways is discouraged. Construction of new major airports within the coastal zone is prohibited, substantial expansion of existing airports is discouraged, and improvements to existing airports must be accomplished so as to minimize adverse impacts to coastal resources. In addition, railroad corridor improvements and highway improvements(i.e. structures) must be designed and constructed so as to prevent tidal and circulation restrictions and eliminate where possible existing restrictions.

As a result of the guidance provided by the coastal policies and use guidelines, the following beneficial environmental impacts can be expected to occur

either directly or indirectly from implementation of the management program:

-- protection of critical wildlife habitats

-- protection and enhancement of finfish and shellfish habitats including spawning and feeding grounds

-- protection and enhancement of nursery grounds for larval and juvenile forms of many of the organisms of Long Island Sound and many estuarine dependent oceanic species

-- protection of nesting, feeding, and refuge areas for shorebirds and water fowl

-- protection and enhancement of productive areas critical to the Long Island Sound food chain

-- preservation and restoration of natural flood and erosion buffering land forms and zones

-- minimization of losses (life and property) due to natural hazards such as floods, storms, and erosion

-- protection, maintenance, and enhancement of coastal water quality and estuarine circulation patterns which influence nutrient distribution, salinity concentration, and sediment distribution

-- reduction of "urban sprawl" patterns as growth is directed to and concentrated upon non-sensitive areas including areas outside the coastal zone

-- maintenance and/or improvement of existing air quality within the coastal boundary

2. Socio-economic Impacts

Prudent coastal zone planning should result in a balance between conservation of irreplaceable natural resources and the needs for jobs, housing, recreation, and shopping which are created by an expanding population and a healthy economy. While some coastal zone actions may result in net gains or net losses for the local economy, in most instances the short term effects of coastal management should be redistributional. Some loss expectations will undoubtedly be encountered, but gains elsewhere should offset these losses.

To achieve the environmental benefits of coastal management, certain costs will be borne by the general public, coastal property owners, coastal industries and commercial establishments, and government agencies of all levels (federal, regional, state, municipal). In return for these costs, it is anticipated that certain socio-economic benefits will accrue to the aforementioned interests as a result of coastal management. These benefits may include:

-- increased production of goods by coastal industries

-- increased sales and profits for coastal industries and commercial establishments.

-- decreased utility costs and better utility service (both within the coastal boundary and statewide)

-- increased employment opportunities

-- increased property values and land transactions

-- improved financing and investment opportunities especially for the construction industry

-- decreased government expenditures and operating costs for coastal regulatory programs

-- improved educational and recreational opportunities along the coast

The accrued benefits of coastal management may have the following attributes: they may be one time only in nature or recurring; they may cause net increases in economic activity or merely shift the benefits among different individuals and groups; and finally, secondary or indirect benefits (both positive and negative) may result from implementation of coastal management depending upon the nature of the policies and economic activity affected.

Land Values

Managing coastal resources in accordance with the coastal policies of the management program will enhance the desirability and value of some coastal properties and reduce the value of others. Upland areas within the coastal boundary that have high development capability and potential may increase in value. Sensitive lands that are subject to development restrictions may undergo an initial decline in value only to increase again over time as all land values continue their upward trend. Future technological innovations could also result in increased land values if the innovations provide for increased levels of development on sensitive resources while still maintaining the basic integrity of the resources.

The economic impact of coastal management may also be felt outside the coastal boundary. Regulation of coastal resources could reduce the overall amount of new development within the coastal boundary, and thereby shift development and growth (and possibly adverse impacts associated with growth) to non-coastal areas. Under such circumstances, land values of competitive non-coastal properties could experience an increase in value.

Coastal use polices could also influence property values. Policies related to ports and harbors and urban waterfront areas seek to protect these areas from encroachment by non-water dependent uses. Because water dependent uses including commercial and recreational fishing and boating uses are encouraged, land values of prime waterfront property may stabilize at levels appropriate for marine uses. This stabilization may discourage residential development of prime waterfront property and shift residential development inland, thereby increasing property values inland as previously noted.

Industry and Commerce

Implementation of Connecticut's coastal management program may provide direct or indirect benefits to major coastal industries especially the

commercial fishing industry. Preservation and restoration of tidal wetlands, estuarine embayments, and intertidal flats should provide longterm benefits to the commercial fishing and shellfishing industries since these productive areas are critical to the Long Island Sound food chain and provide spawning, nursery, and feeding grounds for finfish and shellfish. Benefits should also accrue to the fishing industry as a result of 1) dredging policies which emphasize environmentally sound dredging and disposal techniques, 2) policies relative to water dependent uses, ports and harbors, and developed shorefront which encourage and facilitate use of the shorefront for water-dependent uses including uses related to commercial and recreational fishing, and 3) boating policies which seek to eliminate conflicts between recreational and commercial fishing. Finally, policies relative to fisheries seek to upgrade facilities serving the commercial fishing industry, and they encourage management of the state's fisheries in a manner which ensures sustained productivity and economic viability.

Marine commerce should also benefit from implementation of coastal management. Maintenance dredging, permitted by the coastal policies, will restore the capacity of navigational channels to provide for efficient transportation of commercial and recreational waterborne traffic. Because commercial traffic will no longer find it necessary to wait for tides of sufficient depths before moving into shoaled channels and harbors, costly delays will be eliminated. Marine commerce should also benefit from simplification of federal and state permit procedures which will facilitate permit decisions relative to dredging, from policies regulating structures in coastal waters, particularly those policies which disallow uses which unreasonably congest navigation channels, and from policies which encourage development, reuse, and redevelopment of existing port, harbor, and developed shorefront areas for water dependent uses.

The impact of coastal management upon the construction industry is difficult to assess considering the influence of outside economic forces. Generally, the anticipated impacts on the construction industry should closely parallel the anticipated impacts on land values. Construction activity constrained in areas of sensitive resources may be offset by greate opportunities elsewhere. The construction industry may also benefit from coastal management in the form of decreased development costs and simplification of permit processes. In response to local regulations adopted pursuant to the Connecticut Coastal Management Act, developers may be able to cluster development so as to avoid sensitive resources. This ability to avoid sensitive resources will eliminate reliance upon costly development techniques such as fill and/or structural modifications.

Fiscal Impacts

While the following section dealing with institutional impacts highlights the fiscal impacts associated with the institutional changes of coastal management, a number of the goals and policies of the Connecticut Coastal Management Act have important fiscal implications which warrant consideration at this point.

Structures policies, and their reliance upon non-structural solutions to flood and erosion control, should lead to reduced public and private expenditures for construction and maintenance of flood and erosion control measures. In addition, policies for coastal hazard areas should also lead

to reduced expenditures for protective structures since development in Coastal hazard areas is discouraged and consideration of flooding and erosion patterns in the planning process is encouraged and facilitated. Adequate planning for coastal hazards should serve to reduce future public expenditures for disaster relief following catastrophic coastal storms.

The reuse and redevelopment of urban ports for water dependent uses encourages more efficient use of existing infrastructure and, therefore, lowers government expenditures by avoiding costs that would be required to refit waterfront areas for other types of development (ie. residential). Transportation policies with their emphasis upon rehabilitation and improvement of existing facilities and mass transit alternatives may have positive cost implications as well. Finally over time, as development is redirected from unsuitable to suitable areas sewage related water quality problems should decline as should public and private expenditures to correct these problems.

Access and Recreation

Implementation of the Connecticut coastal management program should result in more opportunities for public use and enjoyment of the coastline in a manner which is consistent with sound resource conservation practices and the constitutionally protected rights of private property owners. Recreation policies will encourage the expansion, development, redevelopment, and efficient utilization of state owned recreational facilities within the coastal boundary. They will also encourage the retention of existing and provision of additional berthing spaces and marine support facilities for recreational boating. Maintenance and enhancement of productive estuarine resources will ensure sufficient stock for sport fishing, while protection of other sensitive resources (ie. islands and tidal wetlands) will ensure the availability of areas suitable for open space, scenic enjoyment, and scientific and educational purposes.

Access, both physical and visual will be encouraged by structures policies and transportation policies. Structures will be regulated so that new structures (e.g. groins, jetties, and breakwaters) will not impair physical access to the public beach below mean high water, and illegal structures which unreasonably restrict passage along the public beach will be removed. Siting requirements for new tank farms will limit visual obstructions along the coastline while design and construction criteria for railroad and highway improvements will include physical access and visual quality considerations.

In addition to these policies, recreation policies contained in the Statewide Plan for Conservation and Development (Plan of C and D) and the Statewide Comprehensive Outdoor Recreation Plan (SCORP) are formally incorporated into the Connecticut coastal management program. These policies encourage the provision and expansion of coastal recreation opportunities and the purchase and development of coastal recreation sites and facilities and should lead to enhanced public use and enjoyment of Connecticut's coast. If Connecticut's management program is approved, the economic impacts of implementing all coastal recreation policies could be minimized by federal grants-in-aid for the acquisition of coastal lands pursuant to Section 315

of the Coastal Zone Management Act of 1972 should these funds become available in the future.

The benefits of increased use and enjoyment of the coast will accrue to Connecticut state residents, residents of other states, and commercial establishments dependent upon the seasonal influx of tourists for their livelihood. The costs associated with these benefits include potential overuse of some shore areas (although as noted above, every effort will be made to increase access in a manner consistent with sound resource conservation practices) and an increase in public costs to maintain beaches and provide additional recreational support facilities.

3. Institutional Impacts

In assessing the institutional impacts of the Connecticut coastal management program, the following facts warrant consideration. First, Connecticut's management program has been carefully designed to work through existing regulatory programs; no changes in regulatory jurisdiction are required. All coastal uses will be managed through existing municipal planning and zoning and other regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authority. Second, regulatory procedures ie. site plan review procedures will compliment existing planning and zoning procedures and their existing informational and application formats; no new permits will be required. Third, on the state and federal level, some new institutional arrangements will be forged, but these new arrangements will be created in the interest of cooperation and permit simplification. Fourth, the criteria (coastal policies) upon which regulatory decisions will be made have been altered by the Connecticut Coastal Management Act. This change is intended to add predictability and consistency to the planning and decision making process as well as to enhance the management capabilities of government agencies.

In regard to the criteria upon which regulatory decisions will be made, it should be noted that the Connecticut Coastal Management Act references and incorporates the coastal policies of existing state programs and applicable to coastal land and water resources. These coastal policies are included to reaffirm their intent and the commitment to their implementation. In some instances the scope of their application has been increased by expanding their coverage to municipal decisions. Despite this increase in scope, the intent is still the same, and therefore, the impacts of existing policies upon the decision-making process will remain substantially unchanged.

Impacts Upon Municipal Regulatory Agencies

In addition to the criteria currently considered, municipal regulatory agencies will be required under the management program, to consider impacts upon coastal resources and coastal policies when making regulatory decisions concerning private and municipal development projects. New coastal decision-making criteria will be applied to development regulated by zoning and subdivision ordinances, planned unit development ordinances, inland wetland regulations, sewerage ordinances, and municipal development regulations. Municipal development projects including harbor improvement projects, port development projects, and capital improvement projects will also be subject to coastal management considerations. For a complete discussion of the impacts of coastal management upon municipal agencies and projects see Section II, Part V.

To minimize institutional impacts upon municipalities, the requirements, standards and criteria for coastal site plan review procedures have been set by statute, thereby eliminating the need for municipalities to enact implementation ordinances or regulations. In addition, municipalities may at their discretion, exempt minor uses such as single residences and uses incidental to residential property from review requirements except in sensitive resource areas such as tidal wetlands and coastal hazard areas. Thus, at the local level, the incremental costs of coastal management (i.e.new costs attributable solely to coastal management, over and above current regulatory costs) should be substantially limited as a result of implementing coastal management through existing regulatory programs and as a result of specific mitigation measures included in the Coastal Management Act.

While coastal site plan review procedures are mandatory, municipalities have the option of preparing comprehensive coastal management programs that would consist of: (1) revisions to the municipal plan of development; (2) optional revisions to the following municipal plans: the community development plan, the harbor improvement plan, the redevelopment plan, the port development plan, the capital improvement plan, development project plan(s), and the municipal water pollution control plan; and (3) revisions to local zoning regulations and other land use regulations conforming to and implementing the revised municipal plan of development including: historic district ordinances, waterway encroachment line ordinances, planned unit development regulations, subdivision regulations, inland wetland regulations, ordinances governing the filling of land and removal of soil, ordinances concerning protection and improvement of the environment, and regulations for the supervision, management, control, operation or use of a sewerage system. (Municipal Coastal Programs are discussed in Section II, Part V.)

The provision in the management program for revision of municipal plans, ordinances, and regulations through the preparation of municipal coastal programs should result in the overall enhancement of the resource management process. Preparation of coastal programs will provide municipalities with the opportunity to undertake long range coastal planning, and, therefore, to consider and address cumulative resource impact problems which might not be addressed directly through the site plan review process. Since the site plan review procedure will be complimented by the coastal program, the municipal decision-making process should be more consistent and predictable. Developers and coastal property owners should benefit from this effect since costly delays in municipal permit proceedings will be minimized. Finally, coordination between various levels of government will be improved through preparation and implementation of a coastal program, as coastal policies will be consistent at both the state and local levels. Municipal conflicts should also be reduced due to greater uniformity in municipal management of coastal resources.

Since the Connecticut Coastal Management Act guarantees municipalities financial and technical assistance for coastal program preparation, the fiscal impact of this management option upon municipalities should be non-existant or positive, assuming that Connecticut receives currently anticipated levels of state and federal funding for the implementation of its management program.

Impacts Upon State Agencies

Pursuant to the requirements of the Connecticut Coastal Management Act, coastal related state regulatory programs, state development projects, and state plans will be consistent with coastal management objectives. Toward this end, administrators of coastal related regulatory programs will be required to be consistent with coastal policies in making permit decisions. State programs affected by this consistency requirement include: programs regulating water resources and water related land uses; flood control regulatory programs; water pollution control regulatory programs; air pollution control regulatory programs; programs regulating navigation and navigation related activities; boating regulatory programs; programs regulating fisheries; solid waste regulatory programs; programs regulating oil and chemical handling; and programs regulating the siting of power facilities.

In regard to state development projects, the Connecticut Coastal Management Act requires state agencies to be consistent with coastal policies when designing and constructing state sponsored development projects impacting the coastal zone. Environmental impact evaluations which are already required for signigicant state projects must include an analysis of the project's impact upon the coast. Included among the state projects affected by this requirement are: flood and erosion control projects; harbor and port development projects; projects related to the development of parks and recreation facilities; projects related to the development of conservation reserves and research facilities; transportation projects; and economic development projects.

Major state plans must also be consistent with the coastal policies of the Connecticut Coastal Management Act, and towards this end, state agencies will be required to revise the following state plans in so much as they affect the coastal area: Master Transportation Plan, State Comprehensive Outdoor Recreation Plan, Economic Development Plan, and Water Pollution Control Plans.

The Department of Environmental Protection is charged with the task of overseeing state agencies to ensure adherence to the requirements of the Connecticut Coastal Management Act. Generally, the DEP is responsible for monitoring and evaluating the activities of federal, state, and municipal government agencies to ensure effective, coordinated, and consistent administration of the Connecticut Coastal Management Act. A Coastal Management Unit has been established within the Commissioner's Office to carry out these functions and to serve as a central coordinating body for all coastal management activities. The Unit will also oversee the administration of state and federal coastal funding including the municipal grants program, function as a coastal planning body, act as an advocacy voice in state government for the coastal area, and coordinate public participation for the ongoing coastal management process.

The result of state agency actions under the management program will facilitate coastal resource protection, add predictability and consistency to state coastal permit decisions, coordinate state government activities,plans, and development projects relative to the coastal zone, and improve coordination among all levels of government. In fulfilling their responsibilities under the coastal management program, state agencies are not expected to incur any

significant fiscal impacts or staffing burdens that will not be mitigated by anticipated levels of state and federal coastal management funding.

Impacts Upon Federal Agencies

As described in the section entitled "Direct Impacts," federal agencies conducting activities affecting the coastal area must do so in a manner consistent with the Connecticut coastal management program. In addition, upon initiation from the state, federal agencies will coordinate their permit programs with state permit programs of overlapping jurisdiction. Federal permit programs slated for coordination and permit simplification include programs regulating structures and fill, dredging, and discharge of dredged materials in navigable waters and tidal wetlands.

Adjustments to the new permit procedures may cause some temporary delays in permit reviews and development projects, but in the long run, coastal regulatory and management decisions should be made more efficiently and with better coordination among state and federal agencies. This addition of efficiency and coordination to the regulatory process will facilitate coastal resource protection and will have some beneficial economic impacts as well. Since permit decisions will be expedited by combined state-federal application and hearing procedures, costly delays attributable to permit complications will be minimized. Also after an initial adjustment period,combined permit procedures will "streamline" administrative costs associated with the operation of regulatory programs.

C. Possible Conflicts Between the Proposed Action and the Objectives of Federal, Regional, State and Local Land Use Plans, Policies and Controls for the Areas Concerned.

During program development, an extensive program of consultation and coordination was carried out. Government agencies at all levels, coastal interest groups, and the general public were consulted so as to ensure compatibility between the management program and existing federal, regional, state, and local land use plans, policies, and controls applicable to the coastal area. Techniques used to ensure coordination included: a policy board of diverse membership including state, regional, and private interest; numerous workshops and meetings with both public officials and the general public; widespread distribution of technical planning reports and the"Land's End" newsletter; contractual work assignments with other government agencies; the A-95 review process; membership on the NERBC New York-New England Coastal Zone Task Force; establishment of informal working relationships with individuals in the New York and the Rhode Island Coastal Programs; and direct contact with key federal agencies. The result of this extensive coordination effort has been the elimination of all conflicts between the objectives of the Connecticut coastal management program and the objectives of federal, regional, state, and local regulatory plans and programs. (Note: For a complete discussion of Coordination and Consultation, see Section II, Part VII.)

To ensure adequate coordination during program implementation, Connecticut's management program will include provisions for the continued existence of the policy board; an on-going public participation program; continued membership on the NERBC Task Force; continued liaison with other state program representatives; and utilization of the federal A-95 review process and federal consistency review process. In addition, conflicts will be minimized due to the requirements of the Connecticut Coastal Management Act which call for consistency of state plans and

preparation of municipal coastal programs. (For a complete discussion of continuing plan coordination, see Section II, Part VII.)

D. Adverse Impacts and Mitigating Measures

The approval of the Connecticut coastal management program will not directly cause adverse impacts. However, as a result of implementing the resource protection and public investment policies, development will be redirected to and concentrated in non-sensitive areas. In areas where new development is encouraged, some permanent reduction in environmental quality may result: air quality may be reduced, noise increased, and an area's visual qualities may be adversely affected. While those areas recommended for growth and development will ultimately become more congested, existing air, noise, and water quality standards will be strictly enforced to preclude significant environmental deterioration and damage. In addition, any impacts resulting from development in non-sensitive areas should be more than offset by the corresponding increased protection offered to fragile coastal resources in other locations and by reduced costs to individuals and government as a result of avoiding costly problems which result from development in hazardous or unsuitable areas.

The protection of sensitive resources and the redirection of growth may mean that land use options in some areas will be limited. Although these actions may result in some economic disadvantages to coastal property owners and to some units of government, the adverse impacts should be localized and offset by well planned growth in other suitable areas. In addition, coastal property owners are legally protected from severe economic disruptions to the value of their property. In any case where it is legally determined that a regulation "takes" property without due process and just compensation, the regulation in question would be declared void or compensation paid.

While every effort was made to include the management program in existing regulatory procedures, the addition of coastal resource considerations into existing site plan review procedures could lengthen the decision making process. During an adjustment period, while municipalities are learning to handle coastal site plan reviews smoothly and efficiently, developers caught in the permit process may suffer time consuming, costly delays. Developers may also be confronted with an overall increase in application costs to help defray incremental municipal costs for program administration. However, these impacts should level off as municipalities adjust to their new responsibilities and as increased costs are offset by streamlined permit procedures and by the addition of consistency and predictability to the state and municipal decision-making process.

SECTION VI

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SECTION VII

LIST OF AGENCIES, ORGANIZATIONS AND PERSONS RECEIVING DOCUMENT

SECTION VII

LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS RECEIVING COPIES OF THE FEIS

Federal Agencies

Advisory Council on Historic Preservation
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health, Eduation, and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
U.S. Coast Guard
Environmental Protection Agency
Federal Energy Regulatory Commission
General Services Administration
Marine Mammal Commission
Nuclear Regulatory Commission

National Interest Groups

Natural Resources Defense Council

Connecticut State Agencies

Department of Agriculture - Division of Aquaculture
Department of Economic Development
Department of Transportation
Office of Policy and Management-Comprehensive Planning Division
Power Facility Evaluation Council
Department of Health Services
Southern Connecticut State College
Connecticut General Assembly

Organizations and Special Interest Groups

CAM Advisory Board
Connecticut Council on Environmental Quality
Connecticut Environmental Caucus
Connecticut Fund for the Environment
Preserve the Wetlands Association

Organizations and Special Interest Groups (continued)

Taxpayers of East Lyme
Real Estate Technology
Lombard Associates of Connecticut
Ad Hoc Committee for Responsible Development
New Haven City Planning Department
Citizens for Coastal Planning and Conservation
Connecticut Marine Trades Association
Connecticut Audubon Society
Connecticut Sierra Club
League of Women Voters of Connecticut
Greater Bridgeport Regional Planning Agency
Connecticut Citizens for Coastal Planning and Conservation
Save Our State Committee, Inc.
Connecticut Forest and Park Association
Schooner, Inc.
Long Island Sound Task Force

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Coastal Municipalities

Branford
Bridgeport
Chester
Clinton
Darien
Deep River

Coastal Municipalities (continued)

East Haven
East Lyme
Essex
Fairfield
Greenwich
Groton (City)
Groton (Town)
Borough of Groton Long Point
Guilford
Hamden
Ledyard
Lyme
Madison
Milford
Borough of Woodmont
Montville
New Haven
New London
North Haven
Norwalk
Norwich
Old Lyme
Old Saybrook
Borough of Fenwick
Orange
Preston
Shelton
Stamford
Stonington
Borough of Stonington
Stratford
Waterford
Westbrook
West Haven
Westport

ATTACHMENT A

RESPONSES TO COMMENTS ON DRAFT EIS

ATTACHMENT A

Responses to Comments Raised on Connecticut's Draft Environmental Impact Statement for the Coastal Area Management Program

This attachment contains responses to all written comments on the Draft Environmental Impact Statement (DEIS) received during the official review period (March 28, 1980 through May 28, 1980). Generally, the responses to the comments are provided by expanding, clarifying, or revising the DEIS, or by a point-by-point response from the federal Office of Coastal Zone Management (OCZM) and the Connecticut Coastal Area Management (CAM) Program. The state and federal responses to these comments have been coordinated between the Connecticut CAM Program and the federal OCZM.

No attempt has been made to distinguish between comments made on the DEIS and those made on the Management Program, primarily because of the combined format of the document and the interrelated nature of most comments received.

The first three questions and responses, collectively referred to as General Questions I, II and III, were posed frequently and represent questions concerning core elements of the Connecticut CAM Program. Given their complicated nature and the need to explain them thoroughly, they have been answered in depth at the beginning of this attachment. All other questions and concerns are specifically answered, point-by-point, often with reference to the three general questions for additional clarification.

Several comments resulted in specific changes to the text of the DEIS. Those changes have been made to the appropriate pages of the DEIS. Likewise, the revisions have been noted in response to the various comments and are reflected in this FEIS.

Written comments were received from ten (10) federal agencies, six (6) state agencies, and nine (9) private individuals and interest groups. An index of the commentators and responses to them can be found on the following pages. For ease of reference, the distinct comments of each commentator have been separated and numbered, and a numbered response follows each comment.

In addition, twenty-two (22) individuals testified at the three public hearings on the DEIS. Their comments are summarized and responsed to at the end of this attachment. A full summary of the hearings is available through OCZM. (Note: Those individuals who submitted written comments at the hearings are included in the responses to written comments.)

INDEX OF DEIS COMMENTATORS

I. U.S. Department of Agriculture

II. U.S. Department of the Army, Corps of Engineers

III. U.S. Department of Energy

IV. U.S. Environmental Protection Agency

V. Federal Energy Regulatory Commission

VI. U.S. General Services Administration

VII. U.S. Department of Housing and Urban Development

VIII. U.S. Department of the Interior

IX. U.S. Department of the Navy

X. U.S. Department of Transportation

XI. CT Department of Agriculture, Aquaculture Division

XII. CT Coastal Area Management Advisory Board, Chairman

XIII. CT Council on Environmental Quality

XIV. CT Department of Economic Development

XV. CT Department of Transportation

XVI. CT Office of Policy and Management

XVII. CT Power Facility Evaluation Council

XVIII. Diane M. Cundy

XIX. William A. Hubbard

XX. Connecticut Environmental Caucus, Holly Schadler

XXI. Preserve the Wetlands Association, Leslie Latham

XXII. Thomas J. Steinke, Conservation Director, Fairfield

XXIII. Taxpayers of East Lyme, Robert and Mary Gadbois

XXIV. Natural Resources Defense Council, Gregor I. McGregor

XXV. Connecticut Fund for the Environment, John Escheverria

XXVI. Anthony Chapin, President, Citizens for Coastal Planning and Conservation

XXVII. Mary B. Walton, President, Save Our State Committee, Inc.

XXVIII. William L. Swartzbaugh, Chairman, Connecticut Marine Trades Association

XXIX. Linda Krause, Director of Planning, Town of Ledyard on behalf of the Southeastern Connecticut Regional Planning Agency

XXX. Allen Berrien, Connecticut Marine Trades Association

XXXI. John Rankin, Chairman, Coastal Area Management Advisory Board

XXXII. Karl J. Wagner, Director, Connecticut Audubon Society

XXXIII. Barbara M. Deitrick, State League of Women Voters

XXXIV. John E. Hibbard, Secretary, Connecticut Forest and Park Association

XXXV. Holly Schadler, Sierra Club

XXXVI. Alice L. Williams, League of Women Voters of Branford

XXXVII. Peter Neill, Director, Schooner, Inc.

XXXVIII. Elizabeth Smith, Branford

XXXIX. J.R. Nelson, Long Island Oyster Farms

XL. Suzanne C. Wilkins, President, Long Island Sound Task Force

XLI. James B. Farnam, New Haven City Planning Department

XLII. David R. Fortuna, Branford

XLIII. Jim Gardella, Norwalk

XLIV. Tom Gardella, Norwalk

XLV. John Heeran, New Haven

XLVI. Clifford Templeton, West Haven

XLVII. Marilyn Hambly, League of Women Voters of Hamden

XLVIII. Curt Johnson, Ad Hoc Committee for Responsible Development, New Haven

GENERAL QUESTION I

A number of comments question whether the policies of the program are sufficiently specific. Those comments asserting that the state should promulgate additional regulations or adopt its "Use Guidelines" as regulations are included in this category.

If the standards and criteria contained in the CAM Act are themselves sufficiently specific, no further definition by regulation is necessary. The question of what degree of specificity is appropriate is not capable of precise answers.

For approval purposes, the adequacy of the policies must be measured against the federal standards spelled out in 15CFR 923.3 (b) (3) and (4):

> "(3) The policies in the program must be appropriate to the nature and degree of management needed for uses, areas, and resources identified as subject to the program.
>
> "(4) The policies, standards, objectives, criteria and procedure by which program decisions will be made must provide (i) clear understanding of the content of the program, especially in identifying who will be affected by the program and how, and (ii) a clear sense of direction and predictability for decision-makers who must take actions pursuant to or consistent with the management program."

Similarly, in an advisory comment the regulations at 15CFR 923.11 (b) (2) state:

> "To the extent a state's management program policies are generalized, performance standards that will be used to enforce these policies will need to be sufficiently explicit and specific that persons affected by the management program will have a reasonable understanding of what uses would be permitted in which locations of the coastal zone and under what conditions."

In the only federal court case involving the issue, American Petroleum Institute v. Knecht, 456 F. supp. 889 (C.D. Cal., 1978), the court found:

> "That Congress never intended that to be approvable under Section 306 a management program must provide a "zoning map" which would inflexibly commit the state in advance of receiving specific proposals to permitting particular activities in specific areas. Nor did Congress intend by using the lanaguage of 'objectives, policies, and standards' to require that such programs establish such detailed criteria that private users be able to rely on them as predictive devices for determining the fate of projects without interaction between the relevant state agencies and the user.

To satisfy the definition in the Act, a program need only contain standards of sufficient specificity to guide public and private uses." (p. 919).

Similarly, in Forest Construction Co. v. Planning and Zoning Commission, 155 C. 669(1967) the Connecticut Supreme Court gave its most cited test regarding the specificity of land use regulations:

> "It is unrealistic to demand detailed standards which are impracticable or impossible (Bowles v. Willinghan, 321, U.S. 503, 515, 64 S. Ct. 641, 88 1. Ed. 892). As the complexity of economic and governmental conditions increases, the modern tendency is liberal in approving broad regulatory standards so as to facilitate the operational functions of administrative boards or commissions. It is apparent that the regulations are within the purview if the enabling act, and the criteria contained in the commission's regulations are as reasonably precise as the subject matter requires and are reasonably adequate and sufficient to guide the commission and to enable those affected to know their rights and obligations."

Another Connecticut Supreme Court case, Bartlet v. Zoning Commission 161 C 24 (1971) demonstrates the danger of adopting coastal policies which violate constitutional constraints by being overly rigid and inflexible. In the Bartlett case, a coastal municipality amended its zoning regulations to provide greater protection of tidal wetlands. Its previous zoning regulations required approval of projects based on findings that "any proposed operation will not cause any hazard from flooding, will not adversly affect drainage or groundwater level, and will not be detrimental to property values or the public health, safety, and welfare." The zoning commission repealed these regulations in favor of stricter, use-oriented regulations designed to prevent despoliation of marshlands. The new regulations allowed wooden walkways, wharves, duckblinds, public boat landings and public ditches as of right. In addition, digging of private channels, erection of private piers and construction of boat-houses were allowed by special permit after zoning commission approval. The court in Bartlet found the purpose of the regulations "laudable" but struck them down. The court held that the regulations placed extreme restrictions on the use of private property and that they were "unreasonable, confiscatory, and unconstitutional."

Given the state of Connecticut law and the available data, the policies of Connecticut's coastal act are adequately specific to meet the standards articulated above. Probably the most sensitive and significant areas covered by the program are the wetlands and for these areas the state has promulgated specific regulations. These regulations have been developed as a result of long term attention to the issues involved. For other less sensitive and less studied areas the standards are somewhat more flexible. This is entirely appropriate.

The Act's policies occasionally use the term "significant" to qualify impacts that are subject to review. Similarly, the term "reasonable" and "unreasonable" are used to qualify those significant impacts that are permissible and impermissable, respectively. Although it would, in theory, be desirable to substitute standards based

on numbers and measurements for these terms, in practice such magic numbers do not exist. Numbers that are sensible for some specific geographic areas and some specific uses are inapplicable to other areas and uses. In the absence of detailed information on numbers and standards for all geographic areas of the coast and on numbers and standards for all potential uses and engineering techniques and further, on numbers and standards based on a cross comparison of the other two sets, a single set of generally applicable numbers or standards is technically unjustifiable. Clearly, to seek to generate these all encompassing numbers is both a technically and economically infeasible task.

To avoid arbitrary decisions based on technically unjustifiable numbers and standards Connecticut has chosen to specify the specific aspects and impacts of projects which require evaluation and to use the terms "significant" and "reasonable" in reviewing them. While use of these terms allows for judgement and discretion on the part of state and local administrative agencies, the discretion is not unchecked. The judgements must be based on information concerning numbers and measurements which are available at the time that a specific site and a specific use and a specific engineering design are proposed. This information will come from proponents or opponents of the project, and when desirable from the State when intervening in the decision. It is only in the specific context of an actual project proposal that the qualifiers "significant" and "reasonable" can take on any real meaning and it should be kept in mind that under the CCMA the proponent will have the burden of proof.

Connecticut's coastal management policies detail the elements and aspects of development projects which must be reviewed and they are reasonably precise in guiding the evaluation of those elements. Every portion of the area within the coastal boundary consists of one or more coastal resources (e.g. a salt marsh would be classified as both a tidal wetland and coastal hazard area). DEP has prepared resource factor maps for the entire coastline which depict the location of the coastal resources. Section 2(b)(2) and 2(c)(2) of P.A. 79-535 provide specific policies for regulating development activities within each of the coastal resource areas and section 3(15) explicitly defines "adverse impacts on coastal resources." Read together these policies and criteria create a "resource-zoning" approach to coastal management.

In addition sections 2(b)(1) and 2(c)(1) of P.A. 79-535 provide specific policies governing certain uses regardless of the specific coastal resources on which they are to be located. These include policies for major facilities and water dependent uses (defined in section 3(16)). This "use impact" approach to coastal management was designed to be compatible with and to supplement the "resource zoning" approach discussed earlier.

Finally, section 2(a) of P.A. 79-535 contains general goals and policies for management of the coast, government planning and coordination, and provision of adequate planning and regulation of facilities and resources in the national interest (which are defined in Section 3(14)). Most importantly, section 2(a)(2) incorporates by reference the numerous coastal-related policies in the state's environmental protection statutes which predate the Coastal Management Act. Taken as a whole, Connecticut's Coastal Management policies including those in both the Coastal Management Act and other environmental protection statutes are comprehensive and specific.

As a final point, it should be noted that all policies applicable to a specific site and project must be reviewed to determine the project's acceptability or the conditions or modification to be made to it.

Thus even if a single policy may not dictate a decision, generally a cluster of policies will provide predictability. The more significant the impacts of the use and the more sensitive resource involved, generally the larger the cluster of policies that will come into play.

GENERAL QUESTION II

Several commentators question the adequacy of Connecticut's polices to enforce compliance with the management program particularly with respect to local agency decisions under the municipal coastal site plan review process. Related to the question is the comment of the Natural Resources Defence Council (NRDC) that the authority of the state to intervene in local coastal site plan review and to take judicial appeals of adverse decision does not constitute "administrative review" and is not authorized by the CZM Act.

A major thrust of the federal CZM Act is to ensure that decisions affecting greater than local interests are subject to adequate state control. The State may exercise primary jurisdiction for these decisions but is not required to. Section 306 (d) of the CZM Act clearly authorizes states to delegate primary jurisdiction to local agencies:

> "Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments... has authority for the management of the coastal zone in accordance with the management program." (emphasis added)

Section 306(e)(i) of the CZM Act provides further guidance to the states concerning acceptable technique for implementing the management program. It allows:

> " for any one or a combination of the following general techniques for control of land and water uses within the coastal zone :
>
> (A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;
>
> (B) Direct state land and water use planning and regulation; or
>
> (C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings ; (emphasis added)

Connecticut has chosen to use both direct state control for a majority of the management decisions and primary jurisdiction at the local level for the remaining management decisions. This is clearly appropriate under the CZM Act provided the state retains effective oversight of the latter category.

Connecticut's Coastal Management Act requires local agencies to conduct a "municipal coastal site plan review" following state established uniform procedures, policies, standards and criteria for every major decision within the State's coastal boundary and authorizes the State to appear as a party at this proceeding and/or to appeal the decision to Court. This oversight role is authorized by NOAA's regulations and is adequate to fulfull the purposes of the federal CZM Act.

NOAA regulations at 15 CFR 923.42(c)(3)(ii) set forth two tests under the first local control method (technique A). The State must have:

> "(A) statutory authority to prepare and adopt a program for a local government, and (B) a mechanism by which the State can cause the local government to enforce the State-created program. Where the mechanism to assure local enforcement will be judicial relief, the program must include the authority under which judicial relief can be sought." (emphasis added)

The Connecticut General Assembly in passing the state Coastal Management Act did prepare and adopt a coastal program for all coastal municipalities consisting of comprehensive coastal site plan review criteria and standards integrated into the existing local planning and zoning requirements, and established the authority under which judicial review may be sought.

NOAA regulations at 15CFR 923.44(c) specify the requirements for the second local control method (Technique C). The state must

> "(1) Identify the plans, projects or regulations subject to review, based on their significance in terms of impacts on coastal resources, potential for incompatibility with the State's coastal management program, and having greater than local significance:
> (2) Identify the State agency that will conduct this review;
> (3) Include the criteria by which identified plans, projects and regulations will be approved or disapproved;
> (4) Have the power to approve or disapprove identifed plans, projects or regulations that are inconsistent with the management program, or the power to seek court review thereof, and
> (5) Provide public notice of reviews and the opportunity for public hearing prior to rendering a decision on each case-by-case review." (emphasis added)

The Connecticut Coastal Management Act clearly identifies the plans, projects, etc, subject to review, the responsible agency, the criteria, utilizes a system to provide public notice and an opportunity for a hearing (see General Question 3) and provides for judicial review as specifically allowed.

The essence of NRDC's complaint with this approach appears to be that the State will have the burden of overturning a local decision that it finds violates coastal policies. However, if the state provided an administrative forum to review the decision, the burden would presumably remain the same -- on whoever is challenging the decision. There is nothing in the federal CZM Act which requires that an administrative review board have the authority to review local decision de novo and substitute its judgement for the local decision. In fact, such a review would make technique A and C functionally the same as technique B, direct state control.

Connecticut's approach places the burden of proof on the applicant while allowing the state to present opposing evidence and to appeal the decision of local agencies. This approach gives the State potentially greater leverage than many of the traditional administrative review processes and is certainly less cumbersome than if the State simply provided an administrative forum where aggrieved parties could seek review prior to seeking further review by the courts.

GENERAL QUESTION III

Several commentators questioned whether the state would be able to adequately monitor the activities of local governments in their conduct of coastal site plan reviews. In particular, the issue was raised whether there was adequate time for the state to prepare testimony or otherwise participate in local hearings. A related question deals with how public interest groups can be made aware of the monitoring process.

As the coastal site plan review permit is a major method of implementing the coastal program in Connecticut it is important that there be adequate state review and monitoring of the permit process. Such oversight is a requirement for federal program approval. To be effective, the state must receive timely notification of all significant proceedings involving coastal policies and continue to demonstrate its willingness to participate in the proceedings and appeal adverse decisions. Furthermore, approval is based on the understanding that the policies provide a sufficiently specific basis for reviewing these decisions. Both the state and OCZM agree that the monitoring techniques described in Section II, Part VI, subpart F of the FEIS have been shown during the first six months of program implementation to be generally adequate for monitoring local agency actions for the purposes and reasons noted therein. However, both the state and OCZM believe the efficiency of the information gathering process could be improved with the cooperation of local agencies. Therefore, the state will conduct the overview of local governments through the following methods:

(1) Receive notice of local public hearings. All site plan reviews must have a public hearing unless the activity is allowed under current zoning. The site plan review hearing is tied to the required zoning/subdivision hearings to reduce a duplicative burden on the applicant. Connecticut law requires two notices of public hearings be filed in the local newspapers. The legal notice will include mention that a Coastal Site Plan Review is under consideration. The first notice must be published 10-15 days prior to the hearing, the second one must be not less than two days before the hearing. The towns will notify the CAM office of the public hearing at the same time legal notice is sent to the newspaper. In the worst case only eight days of advance notification of the hearing may be available. While OCZM is concerned that such short notice has the potential for being inadequate, in six months of operation there are no indications that this has been a problem. Furthermore, the CZMA encourages a simplified government process which does not unnecessarily add paperwork or public hearing burdens to towns or applicants. OCZM will carefully monitor the adequacy of this minimal advance notification of public hearings and will particularly focus on this issue at the annual program review.

(2) Receive notice of coastal permits which do not ordinarily require a public hearing. The towns will send notice to the Coastal Area Management Office of any site plan review application which does not require a public hearing at least 12 days prior to the taking action on the permit. These notices will be kept on file by town and available in the Connecticut CAM offices in Hartford for review by citizens.

If, after receiving notification, the state requests a hearing, local governments will hold one. While the basis for the requirement that local governments provide adequate notification to the state and hold hearings on request is contractual as opposed to statutory, the failure to do either or both could be reviewed as evidence that the local action was arbitrary and capricious should the state appeal the decision (the state must be notified of the decision, see below). In addition, of course, the failure of a local government to notify the state of a local hearing or permit would provide a basis for the termination of funding under the contract. In view of any speculated advantage to be gained by procedural short-cuts and the certain penalty that will result, the potential for difficulty seems limited.

(3) Site plan review logbook. Upon receipt of the above notices, CAM will add the permit to a logbook which is prepared for each town to enable the state to monitor the status of each permit. This logbook is kept continually updated. It is available for public review in CAM offices.

(4) Opportunity to consult informally with applicant or town. Before a public hearing is held, CAM may meet with the towns to prepare written comments or oral testimony for public hearings. Although not a monitoring technique, *per se*, this interaction will assist the state in overseeing the local review process.

(5) Receipt of local site plan review written findings. This monitoring device is crucial as CAM has only 15 days in which to appeal to the courts a local decision after it becomes effective by posting in a local newspaper. The state can appeal if it determines the decision to be inconsistent with the Connecticut Coastal Program. Towns are required to publish the notice of their decisions in local papers and will be required to send the legal notification to CAM at the same time including the written final decision on each site plan review permit. The preparation of written findings is mandatory under state coastal law.

(6) Town quarterly report. Every three months the towns will send a quarterly summary of their coastal site plan review activities to CAM including the number of permits approved, approved with conditions, denied, pending or withdrawn. The report will also describe the exemptions granted.

(7) Publication of coastal site plan review status in DEP newsletter. DEP/CAM newsletter, Land's End, published quarterly, will contain a brief status of the activities for the period and a summary of the year to date activity.

I. United States Department of Agriculture
Norman Berg, Chief
P.O. Box 2890
Washington, D.C. 20013

1. A general comment is that the report is well-organized and well written. It recognizes the importance of prime agriculture and forest lands and advocates the continuation of the land uses.

1. No response necessary

2. A weakness of the Draft Environmental Impact Statement is the lack of an analysis of the socio economic costs to the public of initiating the program or delaying or denying approval for specified reasons.

2. The discussion in the EIS is sufficient to meet the requirements of NEPA. See pp. V-6 through V-8 in Section V and Section III.

3. There did not appear to be any policy statement regarding drainage. Drainage in coastal areas is particularly important, and it should have been discussed as a policy issue.

3. Drainage is included in the policies for "coastal structures and filling", see p. II-147, and in the definition of "adverse impacts" in CCMA, Section 3(16).

4. Policy for open space and agricultural lands does not provide a definition for "agricultural land" (page II-179-180). A reference to prime farmland with its definition as a substitute for "agricultural lands," would avoid confusion on this ambiguous term.

4. "Prime farmland" is not generally a good definition for agricultural lands within Connecticut's coastal boundary. Rather, the program relies on the statutory definition of "agricultural lands" contained in the Farmlands Preservation Act.

5. The last paragraph on page II-180 refers to a "Plan of Conservation and Development Policies." We were not able to find such a plan in the document.

5. Due to its size and since only portions of the Plan of C. and D. were relevant, the document was not included in the interest of meeting document length guidelines. Copies of the entire published Plan are available upon request. (The Plan of C and D is a policy plan, adopted by state statute, to provide guidance to state agencies with respect to public actions -- projects, funding, acquisition, etc. -- Since it is a statewide plan, only portions are relevant to coastal actions. In general, its policies are either broad - i.e. less specific than CCMA policies - or single purpose.)

6. Appendix D contains a soil map and legend. We recommend that this be supplemented by an example of the data and interpretations available on each soil type. Enclosed is an example of a single page Soil Interpretations Record.

6. Appendix D has been deleted from the FEIS to reduce document length. Copies of Soils Interpretations Manuals have been forwarded with the soils maps to all state and municipal agencies participating in program implementation.

II. Department of the Army
Office of the Chief of Engineers
George F. Boone, LTC
Assistant Director of Civil Works
Environmental Programs
Washington, D.C. 20314

1. Generally, we find the program acceptable. However, the format of the document, particularly the extensive use of cross-references is cumbersome and difficult to work with.

1. No response necessary

2. With respect to program policies we question whether the policy to discourage new federally maintained navigation channels, basins, and anchorages applies to proposals to deepen and enlarge existing Federal projects, such as New Haven Harbor, and whether such a policy would be compatible with the national interest in energy efficiency and waterborne transportation.

2. The referenced policy applies only to new channels and does not apply to maintenance or improvements to exisitng channels. The latter are both covered by separate policies.

3. The Program/DEIS, particularly Section II, does not conform to CEQ guidelines for page limits for an EIS. The document is extremely cumbersome.

3. Section II is the entire state's management program, reprinted here to eliminate duplication of documents. Note that several appendices, believed necessary for the DEIS, have been dropped from the FEIS.

4. In addition, the lack of a paragraph numbering system makes the document difficult to follow. In order to facilitate its use and comprehensibility particularly by private party applicants for permits in the coastal zone, it is recommended that a more abbreviated digest of policies be developed.

4. This has been done. See CAM Planning Report No. 30, published Aug., 1979. A handbook will be published shortly.

5. Page II-28 Part II, Boundary. In the third paragraph it is noted that only certain major uses or activities in the secondary, inland boundary, have a potential to impact coastal waters. These major uses should be identified.

5. Referenced uses are identified on pp. II-196 and II-197.

6. Also, it states that "these major uses or activities will be managed by the state and federal governments under existing authorities" (see Part V, "Legal Authorities"). However, the CZMA, as amended, only requires that Federal activities be consistent to the maximum extent practicable with state CZM programs. Federal agencies will not manage state programs. Federal authority will be used only to carry out Federal programs.

6. Section II, Part V refers specifically to state statutory authorities for the state's role in managing these uses. Federal role is clarified in Part VII, C.

7. Policies. It should be noted that regardless of implications in the document, the CZMA does not provide authority to the State to mandate Federal implementation of State Policy or to subject Federal programs to state permits beyond the requirements established for Federal consistency.

7. Agreed. See response to comment 6 above.

8. Page II - 85, 86 Freshwater Wetlands and Watercourses. Suggest that under Dredging, (3) be rewritten to "the operations are scheduled and designed so as not to degrade critical anadromous fish runs."

8. Note that all dredging in navigable waters, fresh or salt, is subject to state (DEP) permit authority. DEP also manages the state's anadromous fishery, which has been identified in the national interest. Referenced statement reflects existing state practice.

9. In the last paragraph of pg. II-85 "Filling" it states that filling may be consistent with the Coastal policies when certain conditions, as listed are considered. However, on page II-86 under "C". Activities and Uses Generally Inconsistent with the Coastal Policies," disposal of dredge material is listed as being inconsistent. This appears to be a contradiction as dredged material when disposed in a fresh water wetland or watercourse is fill.

9. Current state practice is to disallow disposal of dredged material in wetlands and allow such disposal in major rivers only under limited conditions. As such, disposal of dredged materials in wetlands and watercourses is generally inconsistent and not permitted.

10. Page II-149 E. Dredging and Navigation -POLICIES Policy D. discourages the dredging of new federally maintained navigation channels, basins and anchorages. Does this apply to proposals to enlarge and deepen existing Federal navigation projects such as is presently proposed by the Corps of Engineers, New England Division for the New Haven Harbor to meet the safe and economic transportation of oil products into that harbor.

10. See response to comment 2 above.

11. Federal consistency. a. Page II-226 - The entire discussion of consistency should be revised to reflect the current consistency regulations. References to "significantly affecting" should be changed to "directly affecting." In addition, the references to the federal consistency requirement that appear throughout the policies section of the document should be revised to show that Federal projects and activities are required to be consistent "to the maximum extent practicable."

11. These changes have been made.See revised Section II, Part VII C.

12. Page II-230 Suggest the following be added to "Activity or Development Project," subject to a consistency determination: Army Corps of Engineers-Maintenance dredging activity - Selection of open water disposal sites.

12. See revised page II-230.

13. Page II-236. "Construction of dams or ditches" should be revised to read "construction of dams or dikes."

13. See revised page II-236.

14. Page II-237. The "Federal Water Pollution Control Act of 1972" in the upper right hand corner and in other places throughout the EIS would be better cited as the "Clean Water Act."

14. Thank you.

15. Page II-241. We question the authority for Connecticut to automatically subject OCS activities to its CZM program and consistency determinations.

15. This is consistent with section 307 of the CZMA and 15 CFR 930 regulations.

16. Section III "Alternatives to the Proposed Action" dwells upon the decision to deny or approve the coastal plan rather than providing implementable, substantive alternatives for reviewers to consider and comment on.

16. The specific federal action is to approve or deny the program as submitted. The alternatives examined herein are consistent with the requirements of NEPA. It should be noted that during program development, several organizational alternatives were publicly debated (see discussion in Section II, Parts III and IX).

III. Department of Energy
R. Dobie Langenkamp,
Deputy Assistant Secretary
Washington, D.C. 20461

1. National energy interest requirements of the Coastal Zone Management Act (CZMA) have been adequately considered in the Connecticut program.

1. No response necessary.

2. Page II-238 lists DOE as licensing the "siting, construction and operation of non-nuclear power plants." DOE has no such general program or authority. Prohibition orders are direct DOE activities and do not involve approval of an application as defined by Section 930.51 of the Federal consistency regulations.

2. See revised page II-238.

3. Under the FEA authorities, recipients of a prohibition order may apply for an exemption to allow continued use of oil or natural gas. Such applications will be regarded as license or permit actions pursuant to Section 930.51. In the final program, Connecticut may wish to list the exemptions under the FEA program in the table for "Listed Licenses and Permits."

3. See revised page II-238.

4. Page II-284 contains a general discussion of possible use of coal as a powerplant fuel source. We believe the program should provide more specific recognition for DOE coal conversion actions related to Connecticut.

4. See revised page II-284.

5. We suggest that measures to promote coordination and program compliance be a first year refinement project, with a detailed report thereon completed and circulated for timely review prior to the annual evaluation pursuant to Section 312 of the CZMA.

5. See responses to general questions 2 and 3.

IV. Environmental Protection Agency (Region I)
Bart Hague, Chief
Environmental Studies
J.F. Kennedy Federal Building
Boston, Mass. 02203

1. We support approval of the application for a management grant under Section 306 Coastal Zone Management Act (CZM) and vigorous implementation of the program.

1. No response necessary.

2. The program will only succeed if the Governor and Legislature provide strong and continuing backing, funding, and staffing so that the program will, in fact, exercise an aggressive role in overseeing local planning and site plan review; in providing policy leadership and technical assistance; and in seeking any necessary Court Action.

2. Agreed.

3. The program will have to overcome a history through which only 25 percent of Connecticut's tidal wetlands now remain.

3. Surveys indicate that approximately 15,000 acres of an original 30,000 acres remain. The most significant portion of this loss was during the two decades following World War II, a trend clearly reversed since implemenation of the state's tidal wetland program in 1969.

4. We recommend that the municipal coastal program become mandatory after an ample grace period (say five years). We recommend that the EIS evaluate this as a significant alternative.

4. The state will address this issue in its annual reports to the legislature required by the CCMA. Since it is now voluntary, it is not a significant alternative that needs to be examined at this time.

5. Connecticut's commitment to seeking out possible sites for upland disposal of dredged material (found in II-260) needs to be stressed since this is an intergral part of the Long Island Sound Interim Plan.

5. Connecticut is clearly committed to (and the primary author of) the L.I. Sound Interim Plan, recently adopted by NERBC. Connecticut and N.Y. jointly sponsored the resolution focusing an investigation of land disposal options in the long-range Dredged Materials Management Plan.

6. The plan is unclear on how the cumulative impacts of a series of exempt "minor actions" is to be handled. Are local programs to address this issue?

6. The CZMA does not require regulation of the cumulative impacts of exempted "minor actions." The state will continue to monitor the effect, if any, of exempted uses under the mandate of CCMA, Sec. 17(b). Should individual or cummulative problems be identified the state's annual report to the legislature will request the appropriate statutory changes as required under CCMA, Section 17(c).

7. We applaud the emphasis in involving the Connecticut Coastal Area Management Program at the earliest project planning stages. One suggestion is to insure this would be to encourage Coastal Program participation in selected preapplication conferences where coastal interests may have a stake.

7. The state program has participated (since January, 1980) and will continue to participate in preapplication conferences on significant and controversial projects.

8. We recommend that the program specifically review recommendations by both the Connecticut Water Quality Management Program and State Air Implementation Plan for management practices and both voluntary and regulatory programs to control nonpoint sources of water pollution and indirect or mobile sources of air pollution.

8. Both referenced programs are managed by the Environmental Quality Division of DEP and are regularly reviewed by the Office of Planning and Coordination/ Coastal Management. This practice will continue.

9. Page II-237 - Permits under underground injection control program under Section 1424 of the Safe Drinking Water Act (42 U.S.C. 300h-3).

9. See revised page II-237.

10. Page II-245 - Consistency with Sole Source Aquifer Program under the Safe Drinking Water Act (42 U.S.C. 300h-3). Applies to Federal construction and grants programs.

10. See revised page II-245.

11. We are pleased to note that potential violations of air quality standards and state implementation plans are considered in the analyses and policies siting refineries.

11. No response necessary.

12. We look forward to Section 306 funds being used to help the State and Coastal communities implement the recommendations by the Connecticut Waste Treatment Management Planning Board (Section 208 of the Clean Water Act).

12. While the 208 program and the coastal management program are compatible, no direct funding linkages are planned.

13. The EIS itself would be more useful and more in conformity with NEPA if it drew the issues more sharply and critically(but not at greater length). The draft reads like an apology for the program.

13. OCZM believes the DEIS is in conformance with NEPA requirements. See Alternatives,Section III for discussion

14. The principal argument advanced for approval of the program is weak: that approval will bring Connecticut Section 306 implementation grants.

14. Since the regulatory actions set in place by the CCMA have been in effect since January, 1980, the only major differences upon approval will be federal CZM Section 306 funding and federal consistency.

15. The EIS makes a major point that the effectiveness of the preferred local/state management mix will have been evaluated during the period since January 1 initiation. A supplement statement covering this would be helpful in the Final EIS.

15. Agreed. See introduction to Section III.

16. The final EIS should analyze more specifically the effectiveness of the proposed mechanisms for weighing priorities for "water dependent" uses.

16. It is believed that the discussion of pp. II-218 through II-220 is adequate.

17. We rate the EIS as LO - Lack of Objections and Category 1 - Adequate. An explanation of our rating system is enclosed.

17. No response necessary.

V. Federal Energy Regulatory Commission
Carl N. Shuster, Jr. Coordinator,
Coastal Zone Affairs
Washington, D.C. 20426

1. The staff has indicated that on the whole the State of Connecticut should be commended for developing a well organized and balanced program.

1. No response necessary.

2. It is recommended that FERC replace FPC on pp. II-164 and II-272.

2. See revised pages II-164 and II-272.

3. Conn. coastal program fails to include all four areas of FERC responsibility on page II-238.

3. Thank you

4. On page II-239, requests that each federal agency identify on application forms, the name, address, and telephone no. of the designated consistency agency seems burdensome.

4. The purpose of this information is to assist in expediting the state review.

5. Pages II-241 and II-247 should be changed to clarify that the CZM agency has only six months to review applications.

5. See pages II-241 and II-247.

6. The state appears to have adequately recognized the importance of national interest and regional benefit in Part IX.

6. No response necessary.

7. There is a lack of discussion in Part X relating to national interest and regional benefit consideration in the energy facility planning process.

7. The discussion in Part X is adequate to meet the requirements of the CZMA.

8. Page II-282 should be revised to indicate that there is only one nuclear power plant in Connecticut's coastal area.

8. The reference cited in the comment is correct. The Millstone power installation in Waterford has three separate nuclear-powered generating units, two of which are currently in operation.

VI. General Services Administration
James G. Whitlock
Assistant Commissioner
Office of Space Management
Washington, D.C. 20405

1. The General Services Administration(GSA) has reviewed the draft environmental impact statement. Neither the Public Buildings Service or the Federal Property Resources Service of GSA whose actions could conceiveably relate to the CZM plan have any substantive comments to make.

1. No response necessary.

VII. Department of Housing and Urban Development
Trudy McFall
Acting Director
Office of Planning and Program Coordination
Washington, D.C. 20410

1. The Plan assigns coordination for all A-95 coastal zone related clearinghouse activities to the State Office of Policy and Management (OPM). The OPM is presently understaffed and has difficulty completing its current workload on time. No staff increase is recommended in the document, or in corollary State actions. We believe additional staffing is essential to the success of any OPM CZM assignment.

1. Operational arrangements have been worked out between DEP and OPM. See also OPM letter in state agency comments.

2. Parts VI-B and VII-A and B describe the duties of OPM and other State agencies assigned CZM tasks. In none of the organizational descriptions is specific reference made to responsibilities related to such areas of HUD concerns as housing and urban needs. It would be most helpful to our housing and Community Development Block Grant applicants were specific responsibilities noted for their reference.

2. See P. II-244 for identification of HUD programs applicable to coastal management. Corresponding responsibilities are contained in the narrative for Section II, Part VII, C.

3. The proposed plan does not deal in sufficient detail with urban needs within the coastal area. Parts I-B, III-D and IV-B Should be rewritten to strengthen and augment the few references now made to CT's heavily populated coastal zone.

3. The referenced sections are sufficient to meet the requirements of the CZMA. Note that while the CCMA establishes a uniform, statewide program for coastal management several CCMA policies are directed specifically toward urban waterfront areas. See CCMA, Section 2 in Appendix B and pages II-97 through II-104.

4. The plan also notes projected removal between 1985 and 2035 of approximately 58.9 million cubic yards of dredging material. No mention is made of how this detritus will be relocated, or the location(s) to which it will be removed.

4. Disposal of dredged materials are currently subject to the standards and requirements of the L.I. Sound Interim Plan for the Disposal of Dredged Materials jointly approved by Conn., N.Y., U.S.A. Corps and EPA through NERBC. Locations for disposal are specified in the plan based on classification (i.e., quality) of dredged material. See also response to EPA Comment 5 above.

VIII. Department of Interior
Larry Meierotto
Assistant Secretary
Policy, Budget and Administration
Washington, D.C. 20240

1. The Department is concerned about the lack of specificity in a number of key resources and use policies, since many of these policies are modified by terms subject to varying interpretation, such as "minimize change," "significant alterration", and "substantially accelerate."

1. See response to general question 1.

2. Believe the fresh water wetlands policy(p II-79) extracted from the State's inland wetlands statute, is so comprehensive in its attempts to balance the various interests in the protection and use of the resources that it provides no clear direction to state or municipal decision-makers who must administer the management program.

2. Inland wetland programs have been in effect since 1973 with specific regulations, based on state model regulations, providing necessary specificity at municipal level.

3. Department feels that the use guidelines should be incorporated into the regulatory decisions and be made a mandatory requirement at both the State and municipal levels of government.

3. See response to general question 1.

4. Believe the CCMP should discuss the enforceability of the use guidelines as standards of review under law.

4. The use guidelines provide the basis for determining consistency with the coastal policies as the state reviews management program decisions. See discussion on p. II-37 and p. II-217.

5. Concerned that cumulative effect of several minor use exemptions may result in significant adverse impacts.

5. See response to EPA comment 6 above.

6. The 100 ft. construction buffer for individual residence may not be adequate and requests explanation of the technical basis on which it was chosen.

6. The 100 ft. buffer was established after an exhaustive literature search, evaluation of other state's programs, the basis of experience from 10 years of regulating tidal wetlands.

7. It appears that the freshwater wetlands do not appear to be considered a sensitive resource in as much as the construction buffer does not apply to this resource. Thus we request:

   a) the extent to which individual residence construction occurs in freshwater wetlands within the coastal area boundary.

   b) number of coastal municipalities which exercise exclusive regulatory jurisdiction over freshwater wetland resources.

   c) average annual loss of freshwater wetland acreage in coastal area since 1975.

7. See response to comment 2 above. All except 3 coastal municipalities regulate inland wetlands under specific municipal regulations with continuous state oversight. Remaining 3 are regulated under direct state regulations. Average annual loss has been minimal; several independent evaluations have rated success of state and local inland wetland program as very high. It should be further noted that the incidence of freshwater wetlands within the coastal boundary is limited primarily to the "shorelands" coastal resource classification.

8. Will coastal site plan reviews be required for any new modifications or additions when they occur in or adjacent to sensitive coastal resources.

8. Unless specifically exempted as allowed under CCMA, Section 15(b), all activities are subject to coastal site plan reviews. Under the CCMA, Sections 11 and 12, all additions and modifications subject to variances are subject.

9. What criteria will a municipality use to make a finding that an exempted use does not result in substantial alteration of the natural character of coastal resources.

9. The applicable criteria and standards found in CCMA Sections 11, 12 and 15. See Appendix B, pp. 20-23.

10. CCMP should provide a discussion or means by which state will review exempted uses, specific authorities available to override a municipal rule and means by which state will assess cumulative effects of use exemptions.

10. See response to general question 3 and pp. II-216 through II-220 for discussion of state review procedures.

11. Requests additional information concerning the exemption of the mosquito control activities, emergency decrees of a municipal public health officer and construction and maintenance of aids to navigation.

11. Mosquito ditching and navigation aids are specifically exempted from tidal wetlands regulations under Section 22a-29(3), C.G.S. However, agency tidal wetland regulations require within notification of such activities (see Section 22a-30-5(b)) even though all of state's marshes were ditched prior to implementation of program in 1969 and maintenance work is done by a new automated process that spreads spoil lightly over marsh surface, minimizing impacts.

12. Believes the CCMP should include discussion of the extent of unregulated tidal wetland areas and specific objectives for managing such areas during first two years of program implementation.

12. There are no unregulated tidal wetland areas within the coastal area. Section 22a-30(a), C.G.S. specifies requirements for updating maps.

13. The judicial review process for resolving conflicts between the state and municipal agencies is a weakness and could undercut the effectiveness of the proposed program.

13. See response to general question 2.

14. There is no procedure for resolution of conflicts between DEP and other state agencies. This should be included in the FEIS.

14. All public projects and plans are subject to the CCMA (see Section 20) and all public projects are subject to permit requirements of DEP's coastal regulatory programs (see Section 22a-1C, C.G.S.). CCMA, Section 17(b) establishes the Commissioner of DEP's authority to resolve conflicts.

15. CCMP should discuss the procedures to resolve conflicts between the Power Facility Evaluation Council and the State or municipal agency for decision made by (PFEC) pursuant to the management program.

15. PFEC authority establishes such procedures and standards(see Section 16-50t, C.G.S.). See also PFEC letter in state agency comments. Briefly, PFEC has preemptive authority which overrides all municipal and state agency authority except that PFEC decisions must be consistent with the CCMA and other relevant environmental standards. PFEC must also entertain comments from all affected parties (including agencies) and show through written findings how conflicts were resolved.

16. The program doesn't give adequate consideration to cultural resources.

16. Cultural resources are included in the policy regarding historic preservation. In addition, cultural resources must be considered under CEPA and are subject to state Plan of C & D policies. Both are specifically incorporated into the CCMA by direct reference.

17. Section 106 of the amended National Historic Preservation Act, Executive Order 11593, and the procedures of the Advisory Council on Historic Preservation (36 CFR Part 800) establish standards for the activities of Federal agencies, what procedures will be used by State and municipal agencies?

17. See response to comment 16, above.

18. Are cultural resources "designated" by the State Historic Preservation Officer (SHPO) those resources that are listed on or eligible for listing on the National Register of Historic Places, or will state and local registers be considered as well?

18. Both existing federal and state registers as well as eligible resources will be considered. See also response to comment 16, above.

19. Since the coastal zone of Connecticut has not yet been completely surveyed to identify and assess historic and prehistoric archaeological sites important to our Nation's heritage, how will those as yet unknown resources (which might be affected by proposed development) be identified?

19. It is state policy that archaeological sites not under specific protective covenant not be identified publicly to prevent vandalism. The SHPO who has exclusive jurisdiction over such sites keeps a listing to be used if the site is jeopardized by a specific project. The state does and will, in all cases, defer to the judgement of the SHPO.

20. What standards or criteria will be used to determine "reasonable mitigation measures"?

20. Again, the state does and will defer to the judgement of the SHPO.

21. With reference to Policy E (p. II-177), we would like to point out that the Connecticut Historic Commission also has the authority to acquire and protect archaeological sites under the amended National Historic Preservation Act.

21. Understood. The policy is taken from the Commission's enabling statute. See also response to Comment 16, above.

22. In this same vein, we recommend that Policies B and C also allow for designation, acquisition, restoration, preservation and maintenance of archaeological sites, districts and landmarks.

22. None of these activities are precluded by their statutory policies.

23. We are concerned by the apparent lack of cooperation between the work of the State Historic Commission and that of the Department of Environemntal Protection. The Department believes that in order to properly implement the Cultural Resources Policies, the SHPO should be given the opportunity to review all permit applications, projects, programs and coastal site plans.

23. First, it should be noted that the state coastal management program is housed in the same DEP office that is responsible for SCORP. That office serves as staff for the newly formed twenty-five member Heritage Task Force, upon which the Commissioner has substantial representation. Second, the SHPO traditionally exercises the opportunity to review such materials under existing state law. Nothing in the CCMA limits that opportunity.

24. We also believe that the program should contain some reference to the State Historic Preservation Plan.

24. The State Historic Preservation Plan is adequately referenced in both SCORP and the Plan of C.and D. Both are incorporated by specific reference in CCMA, Section 20(a).

Mineral Resources

25. No mention is made of the proposed program's impact, if any, ongoing or potential mineral development activities.

25. Mineral development is subject to the state's coastal permits program (see Appendix D, Table 4). It should be noted that mineral development activities are virtually non-existant in Connecticut's coastal boundary area with the closing of coastal quarries during the last 50 years.

Federal Consistency

26. The language should be quoted directly or referenced from CZMA. We recommend that OCZM work closely with the CCMP staff to assure these important requirements are stated precisely. The following paragraphs point out some, but probably not all the errors in this section.

26. See following responses.

27. The consistency section should, be updated to change any reference from "significantly affecting" to "directly affecting." We note in particular the need for changes on pages II-228, 229, 230, 231, and 240.

27. See revised pages II-228 through II-231 and II-240.

28. The text at the top of pp. II-230 should read "...projects which are likely to directly affect the coastal area and, if so, would require a consistency determination under Section 307 (c)(1) is provided below:

28. See revised page II-230.

29. Also, the CCMP should be clarified to indicate that lease sales and operating orders for the Outer Continental Shelf (OCS) are not activities within the coastal boundary. Therefore, these activities do not automatically require a consistency determination unless the Federal Agency determines that such activities directly affect the coastal zone. This fact should be clearly stated here (reference 15 CFR 930, subpart C).

29. This clarification has been made.

30. The text at the top of pp. II-230 should include a note that the federal regulations governing the consistency requirements are being rewritten to clarify the Section 307 (c)(1) requirements in light of current misunderstandings and disagreements over the meaning of the term "directly affecting".

30. See revised page II-230 and response to comment 28 above.

31. Delete from the list on pp. II-230-231, under DOI, "exploration and development plans" and list under USGS on pp. II-238.

31. See revised pages II-230, II-231, and II-238.

32. With regard to Federal licenses and permits on pages II-236 through 238 the heading "U.S. Geological Survey", a notation be added to indicate that the licenses or permits referred to here, if described in an OCS plan will not be subject to separate review.

32. See revised table on pages II-236 through II-238.

33. Under the heading "Bureau of Land Management," references to "permits required for offshore drilling" should be deleted since BLM does not issue such permits. In addition, the references to pipeline corridors in this listing and on p. II-241 should be changed to "permits for pipelines crossing federal lands, including OCS lands."

33. See revised pages II-238 and II-241.

34. The second paragraph on page II-242, incorrectly indicates that a separate certificate of consistency is required for each activity detailed in an OCS plan. It should be made clear that only one certification of consistency is required for each plan, and the certification covers all of the activities described in detail in the plan.

34. See revised page II-242.

35. As is the case with other licenses and permits, it should be mentioned on pp. II-242 and 243 that Federal officials may grant licenses and permits described in detail in the OCS plan without State consistency concurrence, if the Secretary of Commerce finds that such activities are consistent with the objectives of the CZMA or it is otherwise necessary in the interest of national security.

35. Reference is made on page II-243 to mediation section, covered previously. Please refer to pages II-234 and II-235 where this point is clear.

36. Delete item 15.207 on pp. II-244. A mineral lease is not a form of Federal assistance.

36. Sorry. See revised page II-244.

Energy Facility Planning Process

37. It is unclear what agency has primary jurisdiction over such other major facilities as oil refineries and gas processing plants. The decision-making process for these other energy facilities should be described in more detail in the final program document.

37. Existing regulatory programs (e.g., air, water, oil & chemical facilities) within DEP, as revised by the CCMA, are the primary authorities under which these facilities will be managed. See Appendix D, Table 4.

38. It is also not clear how such "minor" facilities as electric transmission lines of 68 kilovolts or less and gas pipelines with a capacity of less than 200 pounds per square inch gauge pressure are managed.

38. Such facilities are subject to local coastal site plan review and, depending on their location, DEP coastal permits.

39. Existing State or local authorities which become involved in pipeline siting issues should be listed on page II-290.

39. A complete listing of all authorities and the regulated uses may be found in Appendix D.

Waterfront Access

40. Although the importance of access to and use of urban waterfronts is recognized, the specific activities cited clearly represent "demonstration efforts" rather than elements of a comprehensive approach. As the text notes (p. II-302), "this is a resource that needs additional attention";

40. The state is in the final planning stages prior to development of a major new beach and park in Milford. Funds have been authorized by the legislature to complete this project. See also the discussion of "water dependent uses" on pages II-218 through II-220.

40. (continued)
we believe that the CCMP would be improved by some indication that this attention will be provided.

41. In cases where CCMP policies would appear to discourage or limit access (e.g. islands), we believe such policies should be referenced and their implications discussed as part of this planning element.

41. CCMA policies do not discourage or limit access to islands. In fact, CCMA, Section 2(b)(2)(H) recognizes islands for their natural and recreational value. See also Islands, pages II-104 through II-109.

Draft Environmental Impact Statement

42. In addition, the discussion of the Environmental Consequences of implementing the CCMP (pp.V-1-13) fails to mention beneficial and detrimental impacts to the State's coastal cultural heritage.

42. Benefits to "cultural heritage" are adequately addressed in Section II of the document. See also responses to comments 16-24, above.

Other Specific Comments on the CCMP by Page Number

43. II-16-19. This part of the Description of Connecticut's Coastal Environment should include a discussion of the pre-history and history of coastal Connecticut.

43. This would add unnecessarily to the length of the document and has been covered in two other program documents, CAM Planning Report No. 29 and L. I. Sound, An Atlas of Natural Resources. A cultural history of Connecticut's coast is pending publication.

44. II-34 & II-38. We assume that the resource factor maps and accompanying material will be reviewed periodically and if applicable, updated.

44. They are updated on a continuing basis. False color infrared transparencies, a primary source, are available on a five year cycle.

45. II-48-51. (Bluffs and cliffs) preservation or restoration efforts should include a review of wildlife use so that work can be scheduled with a minimum of interference to nesting periods or other critical periods.

45. While these areas are not significant nesting sites due to Connecticut's geomorphology, these factors are included in both the CCMA definition of adverse impacts and in the use guidelines for Bluffs and Escarpments.

46. II-58 (and other appropriate sections Part IV). When applicable, the top surfaces of groins and jetties should be laid in such a manner to provide a reasonable walking surface. Also public access or right-of-way should be secured and parking provided.

46. This is an existing state policy. Program staff are currently investigating the feasibility of retrofit on selected existing structures.

47. II-82. Freshwater wetlands and watercourses may also serve as spawning areas for some resident fish species or provide habitat for migratory species that may have spawned elsewhere.

47. Agreed. These areas are protected under a regulatory program in operation since 1973. See also response to comments 2 and 7, above.

48. II-85. We recommend that the following be added under dredging: "4) it will not cause or contribute to bankline erosion and require bulkheads or other corrective action."

48. This point is covered under "bulkheads" on the same page and is directly implied in the "general use criteria" on pages II-83 through II-84.

49. II-86-97. The headline for these pages should be changed to Coastal Hazard Areas.

49. Thank you.

50. II-112. We recommend that the following be added under Natural Functions of Shorelands: "provide wildlife habitat when undeveloped."

50. See revised page II-112.

51. II-182. We suggest that coordination with the State Comprehensive Historic Preservation Plan be added to the set of guidelines on intergovernmental coordination of planning and regulatory activities.

51. This is required under SCORP and Plan of C & D, both specifically incorporated by reference in CCMA. See also response to comment 24, above.

52. II-187. We suggest that Conservation Area Guidelines B-4 (use of historical and cultural resources surrounding areas) be added to the set of guidelines on coordination and consistency of State programs, projects, expenditures, and acquisitions.

52. See revised page II-187.

53. II-207. Item "h." This paragraph should be clarified to indicate whether the Aquaculture Division will cooperate in all APC's or just those under their jurisdiction.

53. See revised page II-207.

54. II-216. Concerning the last item, it appears that coastal towns could provide DEP with a copy of their legal notices at the time they are arranging for newspaper publication.

54. See response to general question 3.

55. II-231. Item 2 requires Federal consistency determination for some actions outside the Coastal

55. These activities are subject to state permit programs, in general, and are listed in Appendix D.

55. (continued)
Management Area. There does not appear to be a parallel provision elsewhere in the draft for review of non-federal activities outside of the coastal area that could have similar impacts.

56. II-262. The Department recommends that the CCMP include provisions for adding cultural, historical, and prehistorical archaeological sites to the list of areas for preservation or restoration.

56. Such sites are not precluded from inclusion under the authorities cited for APR's.

57. II-275. Cultural, historical and prehistorical archaeological sites should be added to the list of areas for preservation or restoration.

57. See response to comment 56, above.

58. II-302-303. This section should describe the State Comprehensive Historic Preservation Plan and the responsibilities of the SHPO.

58. See responses to comments 16-24, above.

59. Appendix C. It appears that this model should facilitate the transition from one policy to action for participating coastal communities.

59. That is the primary purpose of this model, required by CCMA, Section 5(e).

60. Appendix D. We believe that the exclusion in figure D-4 of "historically productive but presently inactive shellfish areas" could preclude restoration efforts or adequate review of impacts associated with a development proposal.

60. There is not sufficient information available to map these areas. Note that the statutory definition of "shellfish concentration areas" is inclusive and the mandatory review of adverse impacts requires evaluation of these factors.

61. Appendix F Section 22a-30.1.a. We suggest that PCB's and pesticides be added to the list of substances that cause adverse impacts by degrading water quality.

61. PCB's and pesticides are both regulated by DEP as hazardous materials and there discharge into surface and groundwater strictly controlled.

62. Section 22a-30-3. The Department believes that paragraph 24 should be clarified to indicate that filling of coastal or tidal waters and wetlands for the purpose of parking, storage, building construction or other similar uses is not water dependent, even though the overall facility may need to be located at the water edge.

62. See Sections 22a-30-11 and 22a-30-12. See also CCMA, Section 2(c)(1)(B).

63. Section 22a-30-8.1. The Department believes that the inclusion of additional specific descriptions and/or standards would be desirable. As currently written, it appears that even relatively insignificant activities, such as removal of one cubic inch of soil, may necessitate a State permit.

63. Technically, that interpretation is both correct and consistent with the long-standing state statutory policy "to preserve and prevent despoilation of" tidal wetlands.

64. Section 22a-30-13.6. We recommend the addition of a statement that maximum utilization of upland or "fast land" shall be made when routing any power, gas, sewer, and water lines.

64. Utilization of upland whenever possible is existing agency policy. Note DEP has regulatory authority over both sewer lines and tidal wetlands; municipal agencies regulating other uses must also follow CCMA standards and criteria.

65. Section 22a-30.14.1.f. We suggest the addition of a statement that construction of mosquito control ditches will follow the principles of open marsh water management.

65. See final regulations. Mosquito ditching, except by the Department of Health, is considered to be "dredging" and hence, an incompatible activity.

IX. Department of the Navy
Commandant, Fourth Naval District
Philadelphia, Pa. 19112

1. There should be a statement in this section in accordance with Section 930.33 of the Consistency Regulations (15CFR930 of 25 June 1979) that "Federal agencies will determine which of their activities directly affect the coastal zone of States with approved management programs." Also, a statement in accordance with Section 930.35(D) on negative determinations would be appropriate.

1. The referenced section (Section II, Part VII, C) has been revised.

2. It would be desirable to describe the Coastal Policies (Coastal Land and Water Resources, Coastal Use, Government Process Policies) for the proposed actions and to state briefly a summary of the interaction of these policies with Federal actions.

2. It is believed that any benefit of such a revision would be outweighed by the added length. As written, this section meets CZMA requirements.

3. Page II-226: (first paragraph): Use the following statutory language rather than paraphrasing:"Each Federal Agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is,

3. See revised page II-226.

3. (continued)
to the maximum extent practicable, consistent with approved state management program." Subsection 307(c)(1).

4. Page II-228: (first and fourth paragraphs): The document uses the language "significantly affecting the coastal zone." This terminology has been changed to "directly affecting." See summary 15CFR930 published in Federal Register of June 25, 1979.

4. See revised page II-228.

5. Page II-228: (second paragraph). The following should be added to the second sentence: "for these federal activities affecting land or water uses in the coastal zone. This is in accord with 16 USC 1456(c)(3)(a).

5. See revised page II-228.

6. Page II-229: (third paragraph): This paragraph should be changed to reflect the new regulations (15CFR930).

6. See revised page II-229.

7. Page II-229: (sixth paragraph): Definition of term "to maximum extent practible" -should be changed to reflect the definition in Section 930.32 (15CFR930) i.e. "to be fully consistent with such programs unless compliance is prohibited based upon the requirements of existing law applicable to the federal agency's operations."

7. See revised page II-229.

8. Page II-231: 1. Actions on Excluded Lands It is not the intent of the CZM regulation to require the preparation of a consistency determination where an activity results in a significant change in population. In addition there are no coastal zone policies for such an action on which to base a Consistency Determination.

8. See revised page 231.

9. Page II-231 2. Actions Outside the Coastal Management Area/State It is not the intent of the CZM regulation to require the preparation of a consistency determination where an activity requires major public investment or adversely affects state's economy.

9. This is at the discretion of the state and allowed under CZMA regulations.

10. Page A-2 (Appendix A): The navy land at the State Pier is approximately 547 acres and there are approximately 552 acres in the housing areas.

10. Thank you.

X. Department of Transportation
George R. McCarthy
Regional Representative of the Secretary
Cambridge, Massachusetts 02142

1. The aspects of the program which most affect the Federal Highway Administration involve the issuance of Section 404 and water quality permits, which are discussed on pages V-12, G-10 and G-44. The FHWA feels their concerns have been adequately covered.

1. No response necessary.

2. The value and usefulness of Section II: DESCRIPTION OF THE PROPOSED ACTION, Parts II, III and IV could be improved by the use of graphics to illustrate the techniques for implementating the various proposed policies.

2. Graphics were considered but rejected due to their complexity and the added length to the document. The state has, however, published a booklet, Developer's Handbook, which relies heavily on graphics for precisely the same purpose. Copies are available upon request.

XI. John E. Baker, Division Chief
Department of Agriculture, Aquaculture Division
State of Connecticut
Rogers Avenue, P.O. Box 97
Milford, CT 06460

Letter dated April 28, 1980

1. Endorses and supports the concept of CAM as presented in DEIS.

1. Support appreciated.

2. States that Connecticut's shellfishery is expanding, and that in order to insure the survival and growth of the shellfish resources, an orderly management plan is needed to protect remaining tidal wetlands and mudflats.

2. No response necessary.

Letter dated May 8, 1980

3. Acknowledges his letter of April 28, 1980 which states the Aquaculture Division's support for the concept of CAM, and reiterates that support. Adds, however, that after reading the "massive" document entitled, "State of Connecticut Coastal Management Program and Draft Environmental Impact Statement", the following questions have been raised:

3. It should be noted that statements in the program document concerning the state's shellfishery are meant to present an overview and are not meant as an exhaustive or detailed treatment. Similarly, comments concerning cooperative endeavors between DEP and other state agencies and researchers with respect to shellfisheries are intended as statements of general intent not as the details of formal agreements. DEP, the Aquaculture Division and the research community have worked together cooperatively and fruitfully in the past. The increased attention given to shellfisheries in the state's coastal management program and the potential for increased resources to devote to it should further strengthen this cooperative approach. See also following letter by CAM Board Chairman, J.S. Rankin.

4. Page II-20, only Norwalk is mentioned as a base for one of the oyster companies when, in fact, there are also bases for oyster companies in New Haven and Guilford as well as harvesting of seed and market oysters along the entire Connecticut coast.

4. See response to comment 3 above.

5. Page II-33 states that highly productive shellfish beds have been closed due to pollution. Shellfish are harvested from uncertified waters and transplanted for a period of fourteen days at 50 degrees Fahrenheit water temperature in certified waters.

5. See response to comment 3 above.

6. Page II-34 states that long range plans will be conducted by a planning body to study the needs of, among other things, shellfish lands. This statement does not clarify who will be involved in the studies proposed.

6. See response to comment 3 above.

7. Page II-211, paragraph 3, states that the Division of Aquaculture will cooperate with the Department of Environmental Protection in preparing a management program for state-owned shellfish beds. All other agencies are required only to revise their plans to insure consistency with coastal policies. We ask that the wording be changed to reflect that rather than as stated in the draft statement.

7. See response to comment 3 above, and see change on page II-211.

8. Paragraph 7 states that the activities of the Marine Science Institute and Marine Advisory Service will be utilized in the studies. This should at least also include Southern Connecticut State College which has had an intensive study that is still ongoing of the shellfish beds and bottom as well as water column sampling in estuarine areas.

8. See response to comment 3 above. Note that UConn is the state's Sea Grant Institution.

9. Page II-251, paragraph 2, Shellfish Concentration Areas, does not include mussels (Mytilus edulis), the razor clam (Siliqua patula), the surf clam (Spisula solidissma) and conchs (Busycon carica) which can be found in Connecticut waters.

9. See response to comment 3 above.

10. Page II-252 has many inconsistencies such as the use of polystream which is not allowed because it is a hydrocarbon and therefore a pollutant. Also there are very few oysters raised in hatcheries and Connecticut now markets as many or more oysters as Long Island does. This section does not state that the resources which are available in uncertified waters can be and are transplanted to

10. See response to comment 3 above. See revised page II-252.

10. (continued)
certified waters. The hand power harvest method on public lands is not inefficient but is valuable in the restriction of overharvest of public lands which depend on natural cultching and setting.

11. Page II-253, paragraph 5. Scientific data is now being compiled on a regular basis by the Aquaculture Division and Southern Connecticut State College under the direction of Dr. Peter Pellegrino. Also, pursuant to section 20 of the Coastal Management Act, plans developed for purposes of shellfish management must be revised but this is vague as to how and why.

11. See responses to comments 3 and 7 above. The statutory language of section 20 of the CCMA is explicit.

12. Pages II-254 and II-255 state that preliminary reports have been made by the Coastal Area Management Unit of the Department of Environmental Protection. Also, a technical economic study concerning oysters has been prepared by the Department of Agricultural Economics and Rural Sociology at the University of Connecticut. These reports should be included in this document to expand on the depth of the reports and to allay any doubts as to their extent and authority.

12. See response to comment 3 above. The noted reports are not included because they would add unnecessarily to the length of the FEIS.

13. In view of the above, it would seem that the division which is engaged in the day-to-day operation of the Connecticut molluscan shellfishery as well as in daily communication with public bed harvesters, industry and leased and franchised owners and market operators must be consulted before any studies are made concerning the well-being and growth of Connecticut's shellfishery and before reports such as the above are published to insure authenticity.

13. All reports referenced in the FEIS were written with the cooperation of the Department of Agriculture, Aquaculture Division.

14. I was a member of the Advisory Board but to be quite frank I was surprised at the size of the massive document presented which required many hours of intensive reading to complete and digest.

14. Pre-draft EIS was reviewed by Advisory Board in February 1979. DEIS was reviewed by Advisory Board in January 1980, prior to publication.

XII. Dr. John Rankin, Jr., Chairman
Coastal Area Management Advisory Board
P.O. Box 97
Ashford, CT 06278

Responding to John Baker's letter of May 8, 1980

1. Response to each of the concerns raised by John Baker as follows. Requests copy of letter appear in FEIS.

1. The state appreciates the efforts of Dr. Rankin in responding to the individual points raised by Mr. Baker (Mr. Baker's comments 3-14, above). It should be stressed, as noted in the state's response to Mr. Baker's comment 3, that the program document's treatment of the state's shellfishery is meant to be a generalized overview and not an exhaustive report, and that the state assumes on continuation of and not a change in the historic pattern of cooperative management and investigation of the shellfisheries resource.

2. Page II-20 is part of a Description of Connecticut's Coastal Environment which is not intended to be an exhaustive treatment of the total environment. Note: "For example...and Norwalk Harbor houses one of the last oyster companies operating in the state." This is an example only, and a factual one.

2. No response necessary.

3. Page II-33. The statement is true. Read the whole paragraph. Again, remember that these are but examples, not treatment of problems ad infinitum. Degraded water quality is a problem. To throw in commercial cleansing of shellfish is to inject a non-sequitur.

3. No response necessary.

4. Page II-34 states specifically that the DEP CAM Unit will also function as "...2) a planning body to conduct long-range planning and research into the future needs of the coastal area, including major long-range planning needs in such areas as... shellfish areas..." Read the whole. You will note that an expert, experienced staff, aided by a 23 member Advisory Board, has had about four years of intensive study and planning. This staff

4. No response necessary.

4. (continued)
will see to it that qualified personnel will be responsible for carrying out the plan once the problems are delineated.

5. Page II-211, paragraph 3. Please read all the parts under D. Responsibilities of Other State Agencies, especially the opening paragraph: "All state agencies have three major responsibilities under CMA: they must revise..." All agencies must revise plans to conform to the coastal policies. This includes the Aquaculture Division of the Department of Agriculture. The last paragraph of D. states the reason(s) for this section.

5. No response necessary.

6. Page II-211, paragraph 7. The Marine Sciences Institute of the University of Connecticut is the only institution in the state with a nationally recognized and respected coherent marine program. It is of Sea Grant caliber. Among other criteria, recognition is based on papers presented at scientific meetings, publications in reputable scientific journals, ability to attract financial support and membership in scientific societies. In marine biology, Southern Connecticut State College cannot fulfill any one of these requirements. For example, at the New England Estuarine Research Society annual meeting this weekend at Mystic, not a single representative from the SCSC biology department is on the agenda. Nor have they been for the last ten years with which I am familiar. The University of Connecticut, host to the meeting, is presenting four papers. I might add that other institutions and private firms are presenting 10 papers on Long Island Sound ecology.

6. No response necessary.

7. Page II-251, paragraph 2. I assume you mean #2. This is part of VIII, Special Management Areas, with particular reference to Areas of Particular Concern. Please read all of p. II-248, but especially the first paragraph, last sentence: "While no specific management techniques are required for these areas, sufficient authority must exist and other techniques must be used to protect these resources and to encourage uses for which they are best suited." Also read the last sentence in paragraph 2. Finally, the last paragraph on p. II-248 reveals that the inventory of potential APC's was made early in the CAM study, that supplemental information has been incorporated, etc. You had access to all this information as it was being discussed in Board meetings. You could have suggested listing of additional species. As a marine biologist associated with L.I.S. research for about 40 years and as a member of the State Shellfish Commission, 1949-64, I know that there is no justification for including the three species that you mention.

7. No response necessary.

8. Page II-252 is part of 2., Shellfish Concentration Areas. Polystream certainly was a significant technique at the time it was developed by Loosanoff. It worked. I used it. However, recognition of it as a pollutant led to its recall. It has not been used for about 20 years. Please state the inconsistencies - I cannot find them. You give no data to support the contention of your last two sentences.

8. No response necessary.

9. Page II-253. As far as I know, the Aquaculture Division and Dr. Pellegrino have published no scientific data nor have they presented their results.

9. No response necessary.

10. Pages II-254 and 255. You can get the reports for the asking.

10. No response necessary.

11. Finally, your statement that you were surprised "...at the size of the massive document..." is surprising to me. You wrote that your division "...supports the concept of CZM, which we still do." Then comes the baffling statement: "However, after reading the massive document..." It is obvious that you had not read the document until someone pointed out the items you enumerated.

11. No response necessary.

12. I regret the length of this letter, the necessity to rebutt out of context statements, and especially the realization that at least one member of the Advisory Board did not do his homework.

12. No response necessary.

13. You know that your letter must be submitted to the federal OCZM review board as part of the record. It is because of this that I am requesting Mr. Rocque to attach this letter to you so that the latter may be viewed in its true perspective.

13. No response necessary.

XIII. Connecticut Council on Environmental Quality
State Office Building, Room 141
Hartford, CT 06115
Domenic Forcella, Executive Director

1. Repeats its longtime support of Connecticut CAM Program (as demonstrated in its 1978 and 1979 annual reports) and urges immediate approval.

1. Support appreciated.

2. States that two major factors dominate discussion of CAM Program: 1) its broad range of support from all the various coastal interest groups, and 2) the ability of Connecticut citizens to serve as environmental advocates. Department of Environmental Protection (DEP) and its programs are under constant public scrutiny aided by CEQ which also scrutinizes DEP and to which the public has easy access.

2. The role of the Council on Environmental Quality as a "watchdog" for state environmental programs, including coastal management, and as an "ombudsman" for citizen complaints is extremely valuable.

XIV. John J. Carson, Deputy Commissioner
State of Connecticut
Department of Economic Development (DED)
210 Washington Street
Hartford, CT 06115

1. States DED's active role in the development of CAM Program. Served on CAM Advisory Board since 1975. Fully supports the CAM Program.

1. Support appreciated.

2. Expresses commitment to successful implementation of CAM Program. States that development programs sponsored by DED are regularly monitored for consistency with the Connecticut Coastal Management Act so that development efforts can be coordinated with environmental concerns.

2. No response necessary.

3. Notes the benefits to DED development efforts of the CAM mandate to simplify and coordinate permit procedures and to clarify requirements for permits.

3. No response necessary.

XV. William Lazarek, Deputy Commissioner
Bureau of Planning and Research
State of Connecticut
Department of Transportation (DOT)
24 Wolcott Hill Road
P.O. Drawer A
Wethersfield, CT 06109

1. DOT supports federal approval and funding of Connecticut's CAM Program, with the minor exceptions noted below:

1. No response necessary.

2. DOT views the program as one that will simplify the permit process and also develop an awareness, among staff of DEP's Planning and Coordination/Coastal Management Unit, of DOT's technical capability.

2. No response necessary.

3. Asks that, if an elaborate process to address coastal management policies and concerns is contemplated, DOT be directly involved in order to avoid duplication of existing data.

3. Determination of consistency with Connecticut's Coastal Management Act (CCMA), P.A. 79-535, was designed to be incorporated into existing procedures rather than create an entirely new review. The Connecticut Department of Transportation and all state agencies are involved in addressing CCMA policies and concerns in three ways: Connecticut Environmental Protection Act (CEPA: C.G.S. Sections 22a-1 through 1h) review, DEP regulatory programs, and development of state agency plans. A memo detailing the relevant procedures and entitled, "Implementation of the Connecticut Coastal Management Act: State Agency Responsibilities" was attached to a letter about CCMA sent to the DOT

3. (continued)
Commissioner and his ex-officio representative to the Coastal Area Management (CAM) Advisory Board on March 24, 1980.

4. Suggests that the definition of what constitutes a major airport requires clarification.

4. A major airport is one which is suitable for air commerce. At present, there are three airports existing within the coastal boundary which are considered to be major airports. They are: Bridgeport-Sikorsky Municipal Airport in Bridgeport; Tweed-New Haven Airport in New Haven and East Haven; and Trumbull Airport in Groton. These airports serve as examples of the size and capacity characteristic of a major airport.

5. Determination of what national interest is requires clarification, considering each federal agency may have a different viewpoint. Can that federal agency which has a primary responsibility for funding a given program in Connecticut reconcile its position with that of federal agencies?

5. Section 306(c)(8) of the federal Coastal Zone Management Act and the regulations thereunder (15 CFR 923.52) require that the state provide adequate planning for activities which are in the national interest. Determination of which facilities are in the national interest is a matter for state decision (15 CFR 923.52). The Connecticut General Assembly in Section 3(14) of P.A. 79-535 explicitly defined "facilities and resources in the national interest." This definition legally binds all state and municipal agencies and private individuals. After federal approval of the state's management program, federal agencies will also be bound by the state's definition. To the extent federal consistency provisions apply to their actions.

6. Measures taken to simplify the permit process require a determination of CZP compatibility between the appropriate agency and the Department of Environmental Protection where the DEP is also acting as the regulator. This would refer to Section 22a-30-13 and 22a-30-14 of the Proposed Tidal Wetlands Regulations which relate to Standards for Review and to Use Guidelines.

6. The proposed Tidal Wetlands Regulations have been revised. The revised regulations are found in Appendix C. The Standards for Review and Use Guidelines, as found in Sections 13 and 14 of the <u>proposed</u> Tidal Wetlands Regulations were designed to be compatible and consistent with the goals and policies of the CCMA. Hence, if a proposed action meets regulatory criteria for a tidal wetlands permit, then it is considered consistent with the goals and policies of the CCMA. (See Sections 11 and 12 of the revised regulations, Appendix C.)

7. Section 22a-30-13.7 of the proposed Tidal Wetlands Regulations dealing with siting or expanding airports does not allow for a major new airport to be constructed which could be required in the national interest. Further concerns relate to the legislative intent of what is a substantial expansion of an airport. This must be clarified in guidelines or other appropriate documents for ease of implementation.

7. Section 22a-30-13.7 of the proposed Tidal Wetlands Regulations is taken directly from the coastal policies for federal and state agencies in the CCMA, Section 2(c)(1)(H) of P.A. 79-535, "Facilities and resources in the national interest" as defined by Connecticut do not include airports (see answer to question 5). If a new major airport or substantial expansion of an existing airport were proposed to occur in a tidal wetland within the coastal boundary, the Commissioner of DEP could not approve a permit application.

Substantial expansion is any expansion which would increase volume or frequency of scheduled traffic in or out of the facility <u>and</u> which requires construction of new hangars, terminals, runways or service facilities or expansion of existing runways, terminals, hangars or similar paved surfaces or support facilities. Improvements to safety or navigational systems are not considered substantial expansions but must be consistent with applicable policies of the CCMA. Such improvements would include any structures, mechanisms, lights, beacons, marks, communicating systems or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area.

8. Section 22a-30-8.1 of the proposed Tidal Wetlands Regulations. Regulated activities, permit required. This section requires a permit for many of the normal maintenance activities of the Department. If this interpretation is correct, it would appear to negate the concept of a simplified permit procedure and also conflict with Section 22a-30-7 (Proposed Tidal Wetlands Regulations) e, h, i.

8. Section 22a-30-8.1 and Section 22a-30-7.C of the proposed regulations are both taken directly from the definition of "regulated activity" found in existing state statute: C.G.S. Section 22a-29(3). Section 22a-30-7h of the proposed regulations was included to clarify existing practice. These regulations do not change the terms under which Connecticut DOT currently applied for state tidal wetlands permits to conduct regulated activities in regulated tidal wetlands. Section 22a-30-18 of the regulations provides for joint applications and hearings for activities in tidal wetlands which require

8. (continued)
state and federal permits. This would eliminate redundancy and simplify the permit procedure.

9. Section 22a-30.7.1 of the proposed Tidal Wetlands Regulations -- Notification of initiation of activities not regulated. Again, this section could be construed to produce a significant amount of correspondence that has little relevance. Modification of notice and reporting for continuing maintenance activities is necessary if a simplified permit procedure is still envisioned.

9. As discussed in the previous answer, Connecticut DOT already applies for permits to conduct regulated activities in tidal wetlands. The permits often include provisions for maintenance of permitted projects. However, the definition of regulated activities in C.G.S. 22a-29(3) does exclude certain activities from permitting. These activities are listed in Section 22a-30-8.1 of the proposed regulations. Specifically, construction or maintenance of aids to navigation which are authorized by governmental authority is the only activity which Connecticut DOT can conduct in a tidal wetland without a permit. Because the Commissioner of DEP is charged with protection of wetlands it is essential that he be informed of all activities which take place in wetlands. To facilitate notification, the proposed regulations have been revised to allow DOT to enter into a written agreement with the Commissioner of DEP which details a notification procedure to be followed when these navigational aids are placed in tidal wetlands. (See Section 22a-30-6(a) and (b) of the revised regulations, Appendix C.)

10. An interdepartmental agreement would be necessary prior to this Department changing operating procedures if our interpretation of the proposed Tidal Wetlands Regulations is correct.

10. See response to question 9 above.

XVI. J. William Burns, Under Secretary
Comprehensive Planning Division
State of Connecticut
Office of Policy and Management (OPM)
80 Washington Street
Hartford, CT 06115

1. States OPM's responsibilities for various aspects of policy and management for Connecticut including comprehensive planning.

1. No response necessary.

2. Actively served on CAM Advisory Board. Performed technical work for the program.

2. No response necessary.

3. Supports the CAM legislation, and is committed to its successful implementation. Urges prompt approval of CAM Program.

3. Support appreciated.

XVII. Raeann Curtis, Executive Assistant for
Gloria Dibble Pond, Chairperson
Power Facility Evaluation Council (PFEC)
Department of Business Regulation
State Office Building
Hartford, CT 06115

1. Served on CAM Advisory Board since 1975. Supported the CAM legislation from its beginning. Considers PFEC responsible for being consistent in implementation of CAM legislation.

1. Support appreciated.

2. Recognizes PFEC's responsibilities to include the goals and policies of the CAM legislation when considering coastal activities over which PFEC has jurisdiction.

2. For further information on PFEC responsibilities see Part VI, Section D and Part X, Section A of the FEIS.

3. States the DEIS provides criteria and guidelines that will facilitate compliance with PFEC's responsibilities. Appreciates the extensive effort represented here.

3. No response necessary.

XVIII. Diane M. Cundy
48 Palmieri Avenue
New Haven, CT 06513

1. Expresses support for the inclusion of Southern Connecticut State College along with the University of Connecticut in the preparation of coastal research studies.

1. See response to Mr. Baker's comment 3 above.

2. Expresses confidence in John Baker's work with shellfish in coastal waters.

2. No response necessary.

XIX. William A. Hubbard
42 View Street
East Haven, CT 06512

1. Responding to DEIS, feels his comments warrant credibility because he is a resident of East Haven and property owner in New Haven. Served as Assistant Harbormaster for Town of East Haven. Currently involved in Marine Biological research in Norwalk, Westport, Milford and New Haven.	1. No response necessary.
2. Strongly recommends tha the letter from John Baker, State Division of Aquac.lture, which was read into the minutes of the hearing at New Haven, May 8, 1980, be given the most careful consideration. Feels Baker's work with shellfish should be praised and fully endorsed by DEIS.	2. No response necessary.
3. Notes that at the New Haven public hearing, Dr. Peter Pellegrino presented a film which established the validity, as a well-equipped research facility, of Southern Connecticut State College Foundation. Expresses high esteem for the ongoing research of Southern Connecticut State College and their association with the Division of Aquaculture. States that they have already assimilated a great deal of baseline data on Connecticut's coast.	3. No response necessary.

XX. Holly Schadler, Secretary
Connecticut Environmental Caucus
69 Lafayette Street
Hartford, CT 06115

1. Declares support for the CAM Program. Encourages speedy federal approval.	1. Support appreciated.
2. States that Connecticut environmental groups worked long and hard for enabling CAM legislation. Cooperative effort resulted in strong legal protection for our coastal towns.	2. No response necessary.
3. States the objections of the Natural Resources Defense Council (NRDC) seem inappropriate at present time. States NRDC's criticisms do not reflect the views of the environmental community in Connecticut.	3. No response necessary.
4. Lists the following environmental groups as active supporters of the CAM Program: Long Island Sound Taskforce; Connecticut Chapter of the Sierra Club; Connecticut Audubon Society; Connecticut Committees of Correspondence; Save Our State; Connecticut Cetacean Society.	4. No response necessary.

XXI. Mrs. Leslie Latham, Secretary
Preserve the Wetlands Association
P.O. Box 8
Rowayton Station
Norwalk, CT 06853

1. CZM Act of 1972 and the Connecticut CAM Act of 1979 have set down excellent rules and guidelines for the management and land use determinations of our coastal areas on the local level.	1. No response necessary.
2. Feels local administration of CAM Act by the Planning and Zoning Commission of the affected municipalities is at once a strength and a weakness; depending on the reasonableness and responsiveness of that body to the public welfare.	2. See General Questions 1 and 2.
3. Feels that strict procedural checks within the CAM Act, providing for recourse to the state and federal levels, should serve as a strong deterrent to misapplication of the CAM Act at the local level.	3. See General Questions 1 and 2.
4. Commends the Norwalk Planning and Zoning Commission for its amendements (town regulations) which appear to have actually strengthened and clarified the CAM Act.	4. No response necessary.
5. Endorses the Connecticut CAM Program and recom-	5. Support appreciated.

5. (continued)
mends federal approval.
- Resolution of the Board
Preserve the Wetlands Association

XXII. Thomas J. Steinke, Conservation Director
Town of Fairfield
Independence Hall
611 Old Post Road
Fairfield, CT 06430

1. Recommends approval of CAM Program as presented. Concurs with administrative procedures, boundary, policies, guidelines, coordination of plan review, provision for special management areas and addressing areas and activities of national interest.

1. No response necessary.

2. Notes careful provision for public participation on state level in formulating management program.

2. No response necessary.

3. Describes problems in implementation of CAM Program in Town of Fairfield. Cites problems that Fairfield agencies have had in obtaining information on CAM Program through the town Planning and Zoning Commission and in participating in actions of town Planning and Zoning Commission.

3. The staff of the Planning and Coordination/Coastal Management Unit is aware of difficulties in the Town of Fairfield. A letter was sent to the Town on April 29, 1980 expressing the staff's ongoing concerns and offering technical assistance. The possibility of legal intervention was also noted. Subsequent to this letter the staff met with the Planning and Zoning Commission on June 10, 1980. The evidence indicated that the Town is complying with the requirements of the Coastal Management Act. It should be noted that, as in all other coastal towns, Fairfield's town agencies are kept abreast of CAM activities in Fairfield through inclusion on the state's mailing list for each town. Further, all town agencies have the right to participate in town Planning and Zoning activities.

4. Recommends enabling legislation be amended to allow local towns to delegate municipal coastal management responsibilities to the agency of its choice so that an unwilling Planning and Zoning Commission is not made responsible. Recommends, as an alternative, that legislation require review and recommendations of coastal site plans by other town agencies prior to approval by Planning and Zoning Commission.

4. The legislature considered and rejected assigning coastal site plan review responsibilities to a new agency or to agencies not already approving development plans. The legislature did not want to create new regulatory agencies nor require applicants to undergo a wholly new regulatory review. Requiring mandatory reviews by other local agencies was also considered by the legislature and rejected due to the wide variation in local governmental structure. It was felt that this issue should be left to local discretion.

5. Believes present administrative set-up in Fairfield and in other communities is unacceptable and contrary to the purposes of state and federal Coastal Management Act. Recommends federal approval of Connecticut CAM Program recognize the need for legislative amendment to correct this deficiency.

5. See response to comment 4 above.

XXIII. Robert and Mary Gadbois, Co-Chairpersons
Taxpayers of East Lyme
P.O. Box 415
Niantic, CT 06357

1. We just read about the hearing regarding CAM at New London High School. We're furious because The Day in its last article that we read about CAM and public hearings concerning it, we read nothing about a hearing in New London. Previously we had assumed there was a hearing on May 7th, but then decided an error was made on the date and there was no hearing. As a result, we missed this recent hearing and the opportunity to ask questions and make comments concerning our feelings about CAM.

1. We apologize for confusion over the hearing date. Notices sent to the press were accurate.

2. We are specifically concerned as to how CAM affects the proposed 55 foot high fixed Niantic River Bridge. Since final design has not yet begun, doesn't CAM have some influence now? We don't feel a 55 foot fixed bridge over such a small body of water is controlled development.

All in all, from what we've read we think CAM is an excellent program. We're worried, though, that exceptions will be made that will render CAM in-

2. DEP has determined that the basic design of the Niantic Bridge is subject to the policies of the Coastal Management Act. A review of the basic bridge design indicated that it is consistent with the policies of the Coastal Management Act. Specific bridge design features will also be subject to review under the policies of the Coastal Management Act when the Department of Transportation seeks state permits for the bridge.

2. (continued)
effective. The 55 foot fixed bridge does not, in our personal opinions, reflect preservation of our coastal region and resources.

XXIV. Natural Resources Defense Council (NRDC)
c/o Gregor I. McGregor
27 School Street - Suite 603
Boston, MA 02108

1. The Connecticut CAMP is not legally approvable at this time. It lacks the legal authorities, specific enforceable policies and organizational structure to meet the requisites of Section 923.40 of the NOAA regulations. Specifically, Connecticut lacks adequate authority for the Commissioner of the Department of Environmental Protection (Conn. DEP) to promulgate administrative regulations governing his own agencies, agencies outside Conn. DEP, and municipalities to bind them to the program and its policies.

1. With respect to the adequacy of state's coastal policies and legal authorities see the answer to general questions I and II. With respect to promulgation of regulations by DEP, such regulations are unnecessary as the procedures, policies, standards and criteria for the program are contained in the state statutes. There is no provision in the federal CZM Act and regulations thereunder requiring that a state agency have the authority to adopt administrative regulations where state legislation, with its superior legal status, adequately addresses federal concerns.

2. The policies themselves are not sufficiently specific to regulate land and water uses, control development and resolve conflicts among competing uses.

2. See the discussion on the state's coastal policies in the answer to general question I.

3. The organizational structure selected lacks administrative and enforcement power to ensure that state and local agencies are required to exercise their authorities in conformance with the program policies, with a means in place of ensuring such compliance.

3. The state and local agencies responsible for administering the state's coastal management program are legally bound by statute to exercise their authority in conformance with the program's policies. Existing private and public enforcement remedies are fully adequate to ensure compliance in the unlikely situation that agencies break the law. See the discussion of legal authorities in the answer to general question II.

4. What the program needs before it can be approvable is: a) legal authority in a statute for Conn. DEP to issue coastal zone program regulations for Conn. DEP agencies, non-Conn. DEP agencies and municipalities; b) actual adoption of these regulations binding these entities to the program; c) more specific program policies, or Conn. DEP regulations fleshing out the policies to make program administration more uniform and predictable; d) and vastly improved administrative review and enforcement statutory authority plus the regulations to make the administrative review and court enforcement authorities realistic.

4. Administrative regulations, more specific policies and amended enforcement procedures are not required. See the response to comments 1 and 3 and the answers to all three general questions.

5. The state should publicize as soon as possible a) the number, nature and disposition of public nuisance enforcement actions by the state and by municipalities under Section 14 of the Coastal Management Act against activities without local approvals; b) the number, nature and disposition of administrative orders by the Commissioner of DEP under Section 14 that such nuisances be halted, abated, removed or modified, with restoration of the site; c) the number, nature and disposition of 25-citizen petitions to the Commissioner under Section 14 calling for investigation of activities, with written determinations by the Commissioner; d) the number, nature and disposition of interventions by the Commissioner of DEP under Section 19 of the Coastal Management Act in municipal decision-making, and the nature of his written testimony filed, if any; e) the number, nature and disposition of court appeals by the Commissioner under Section 19 challenging local board decisions for non-compliance with the program, including instances where the state was forced under that section to reimburse the towns for legal fees and other expenses; f) the number, nature and disposition of administrative and court efforts by the Commissioner to prevent, correct or challenge actions of other state agencies inconsistent with the program policies.

5. Both local agencies and developers are legally bound by state statute to comply with the policies and procedures of the management program. Implementation of the program's policies occurs through well understood and long administered regulatory procedures at both the state and local level. When developers violate the requirements of either the state Coastal Management Act or the term of local approvals both the state and municipalities have concurrent jurisdiction for exercising judicial and administrative remedies. When local agencies violate the requirements of the Act, developers, other aggrieved parties and DEP may seek judicial enforcement of the Act's requirements. The Coastal Management Act's enforcement procedures are deterrent in nature, and their primary influence is through their existence and the potential for their use. In the first six months of program implementation, violation of the state Act has been rare. Therefore, DEP and local agencies have not had to undertake any enforcement actions against developers. No petitions from citizens alledging violations have been received by DEP. No court appeals by developers or other aggreived parties have been initiated. DEP has filed one appeal against a municipal zoning board of appeals for failure to follow the Act's requirements in approving a variance. That appeal has not yet been heard by the courts and the developer has asked the Board to void the appeal by rescinding its approval and rehearing the variance request in accordance with the Coastal Management Act. See also the answer to general question I. DEP has not formally intervened in any local pro-

5. (continued)
ceedings but has provided technical assistance to a number of municipalities and developers requesting the state's aid in meeting their obligations under the Act. Such assistance has resulted in revisions to projects as originally proposed to meet the standards of the CCMA.

6. Lacking Conn. DEP regulations to govern Conn. DEP agencies, agencies outside Conn. DEP, and municipalities signals a weakness in the crucial underpinnings for enforcing the policies. With this regulation-making authority lacking, the adequacy of the overall program is questioned.

6. See the response to comment 1 and the answer to general question I.

7. The policies themselves do not appear specific enough in themselves to regulate among competing uses. What would make the present policies specific enough would be the legal authority and commitment for administrative regulations of Conn. DEP agencies and municipalities, because then the performance standards and design specifications to regulate uses, control development and resolve conflicts will be laid out clearly in administrative regulations. These fundamental deficiencies should be addressed before approval. They should be specifically addressed in any Final EIS.

7. See the discussion of the state's coastal policies in the answer to general question I.

8. There remains the difficulty under Section 923.40 of the federal regulations that the state cannot meet the essential requirement of demonstrating a means to ensure compliance with the policies. The singular weakness of the program is in enforcement and judicial review.

8. See the response to comment 5 above, and the answer to general question II.

9. Why does the program fail to require municipalities to notify the Commissioner when projects are proposed in the coastal zone? At pages II-216-218 of the DEIS, the state answers federal criticisms on this point. The response is inadequate. Merely "quarterly reports" from towns plus investigation of "third party complaints" within 90 days allowed the Commissioner, will make it too late for the Commissioner to appear at local hearings on zoning, special permits, variances, subdivision reviews and other matters; file timely written testimony; issue order against violators; commence timely court enforcement; or appeal incorrect local board decision within 15 days allowed by Connecticut zoning and subdivision statutes.

9. Changes have been made in the state's monitoring system in response to this issue. See the answer to general question III.

10. At a minimum, legal notice ought to be sent to the Commissioner at the same time it is sent to the local newspaper for publication. Notices should contain reference to Coastal Site Plan Review plus the resource types involved, since Connecticut has cataloged them very well already. The Commissioner should also have authority to require special advance notice from towns with chronic problems, where it is more likely that he will have to intervene, appear at hearings and file testimony.

10. See the response to comment 9 above. Under Section 17 of P.A. 79-535 DEP does have authority to require advance notice from towns suspected of having problems. DEP has requested such advance notice from two towns which were suspected of having problems in implementing the Act. Also see response to general question 1.

11. Why does the state rely on antiquated public nuisance principles for monitoring and enforcement? Connecticut, under Section 14 will be unable to act effectively until an activity "occurs" without the necessary approvals or without compliance with permit conditions. Moreover, by labeling it a public nuisance, Connecticut makes it more difficult for private citizens to take action, in court, since public nuisance enforcement is limited to governmental officials. Private citizens would have to show special injury from a public nuisance to bring their own private nuisance actions. Relief for them is also limited, especially because of the reluctance of courts to order removal of offending buildings or work.

11. You have misunderstood and exaggerated the importance of public nuisance enforcement. Section 14 of P.A. 79-535 does not rely solely on public nuisance remedies. Both state and local administrative enforcement remedies are authorized by section 14. Designation of violations as public nuisances confers jurisdiction to the state. Moreover, since administrative enforcement powers ultimately rest on judicial enforcement, experience in Connecticut has shown that delay in proceedings is often minimized by seeking judicial relief immediately rather than utilizing adminstrative procedures first. Designation of violations as "public nuisances" does not impair private remedies. Private parties always have to demonstrate special injury in order to obtain standing to bring a nuisance action. See also the response to Connecticut Fund for the Environment's comment 7.

12. Private citizens cannot trigger an investigation by the Commissioner unless at least 25 residents of the municipality join in the request for an investigation. Moreover, they must wait up to 90

12. Any citizen may request an investigation by DEP of alleged violations. The policy of the Department is to investigate all substantive allegations of violation within one week of receipt. Section 14

12. (continued)
days for the Commissioner to make a written determination. Then, there is no mention in Section 14 of the citizen right to proceed to court.

12. (continued)
merely guarantees this policy where 25 residents request an investigation. Furthermore, as discussed in the response to comment 11 above, the Coastal Management Act neither expands nor abridges the right of private citizens to proceed to court. By incorporating coastal management into existing planning and zoning procedures, aggrieved parties are authorized to appeal the decisions of both local and state administrative decisions.

13. The Final EIS should answer the specific question whether citizens in Connecticut may use the existing citizen-suit-statute to enforce the coastal program.

13. The Connecticut Environmental Protection Act (C.G.S. 22a-14 through 20) establishes the right of any person to seek judicial, equitable relief against any activity which will cause "unreasonable pollution, impairment or destruction" of the natural resources of the state. The Connecticut Environmental Protection Act also authorizes any person to raise such issues in any administrative regulatory proceeding and in any judicial review therof. Since the Connecticut Environmental Protection Act establishes a separate and distinct cause of action, it cannot be used to directly enforce the state's coastal management program. However, because there will often be an overlap in the issues addressed in the state's coastal management program and the issues that may be raised by private parties under the Environmental Protection Act, private citizens may wish to raise the issue of unreasonable pollution, destruction or impairment of the state' natural resources in a separate judicial action concerning a development activity subject to the state's coastal management program. Alternatively, they may raise the issue in any state or local administrative regulatory proceeding concerning development activities, including those incorporated in the state's coastal management program. It should be emphasized again that the policies of the Coastal Management Act cover a broader range of issues than the issues that may be raised under the Environmental Protection Act. Therefore legal actions under the two Acts will not be strictly comparable. However, the specific definitions of coastal resources and the specific resource protection policies and adverse impact standards of the Coastal Management Act may well aid citizens bringing legal actions under the vaguely defined terms of the Environmental Protection Act. In short, while citizens may use the Connecticut Environmental Protection Act for the purposes of enforcing the Connecticut Coastal Management Act, it is not the only mechanism available.

14. The Final EIS also should answer whether the Commissioner has other administrative powers, not mentioned in the Coastal Management Act, for issuing administrative orders to enforce this law.

14. The Commissioner's administrative powers for issuing administrative orders to enforce the coastal management act are contained in C.G.S. Sections 22a-6 and 22a-7 which are explicitly referenced in section 14 of P.A. 79-535.

15. How can the state be permitted to substitute judicial review for administrative review of local decisions? Under Section 10 of the Coastal Management Act, the Commissioner has general authority to appeal unsatisfactory local CSP decisions. Unfortunately, he will have no greater standing than an ordinary party to any such appeal. The burden of proof in court would be on the Commissioner to overturn a local decision. The municipality will be able to invoke presumptions of regularity that apply and courts will give the benefit of the doubt to the municipality.

15. See the answer to general question II.

16. The Commissioner's willingness to appeal will be chilled by section 19 obligating the state to pay any municipality for all costs in defending a decision if the state action in court is unsuccessful. It appears this judicial review process will be virtually unused.

16. There is no evidence that the provisions for payment of costs in Section 19 will have a "chilling" effect. The state has already appealed the one municipal decision that, to date, merited appeal.

17. The reliance on judicial review alone is illegal under the CZMA. Judicial review alone does not appear to be a permissible means of enforcement under

17. See the answer to general question II.

17. (continued)
either technique A or C as methods for a state to exert authority over local decisions.

18. Given the legislative history and NOAA regulations in conflict with the CZMA, the Connecticut program cannot be approved as it stands.

18. The NOAA regulations are not in conflict with the language of the CZM Act. Moreover, the legislative history of the CZM Act is clear in establishing the Congressional intent to authorize the states to delegate implementation and administration of the state's program to municipal agencies provided they have the powers listed in section 306(d). The legislative history of the CZM Act is ambiguous in defining what role, if any, the states would be required to have in locally-administered, state-established programs. The legislative history of unpassed federal land use legislation cited by the commentators is of little aid in resolving the ambiguity and is not directly relevant.

19. The proposed Connecticut Tidal Wetlands Regulations do not ensure resource protection. It is vital for Connecticut to build on the experience with tidal wetlands regulation, not just codify existing practices. It is vital to define key statutory terms, not just repeat them in the regulations.

19. The primary purpose of the regulations is clearly to insure Connecticut's statutorily stated public policy "...to preserve the wetlands and to prevent the despoliation and destruction thereof." A regulatory permit program has been shown to be the most effective way to insure resource protection short of outright purchase of the wetlands. The Connecticut tidal wetlands permit program has been very effective. Half of the state's wetlands were lost prior to the program's inception. However, in the last ten years of the program's operation, only an insignificant portion of wetlands have been lost with most of this loss resulting from natural processes. The regulations do more than codify existing practice, they explicitly state criteria by which activities are evaluated for their impact on the resource.

20. Why do the proposed regulations fail to protect all wetland resources? The regulations define "wetlands" (section 22a-30-3-25) with a narrow geographic reach, excluding beaches and dunes. Also excluded are resources higher than one foot above mean high water, even though they can affect or be affected by resources bordering or beneath tidal waters.

20. Tidal wetlands as defined by Connecticut statutes and these regulations, include all tidal marsh areas. Other wetland areas are subject to regulation under the Inland Wetlands Act. The CCMA was purposely designed to incorporate all land 1000 feet inland from tidal wetland borders. The CCMA requires that all development activities in these lands adjacent to and affecting tidal wetlands must be reviewed to ensure minimal adverse impacts on the tidal wetlands and other coastal resources affected by them. Regulatory programs at the state level and the municipal coastal site plan review cover major developments in the entire land and water area within the coastal boundary.

21. If the answer is that the basic state statute is so limited, then why has it not been amended to afford adequate protection of these resources? Why does the state and NOAA conclude that is unnecessary?

21. The General Assembly has supplemented the Tidal Wetlands Act with both the inland wetlands program and the CCMA as explained in the answer to comment 20.

22. Why do the proposed regulations not regulate more work affecting wetlands? They have a very limited reach in regulating activities (30-8.1), excluding (by not mentioning) activities like alterations, pollution, or other drainage into wetlands.

22. The activities listed for regulation by the state are basic engineering functions that would be required for any land development or construction activity in a wetland. For instance, it is theoretically impossible to make an alteration to an existing use in a tidal wetland without filling or excavating or draining or depositing any material or without performing any other "regulated activity" thereby necessitating a permit. Additionally, the Water Compliance Unit of the Connecticut Department of Environmental Protection regulates discharges into tidal wetlands and any pollution thereof through their permit programs. Field inspectors from the Water Resources and Water Compliance Units continuously monitor tidal wetland areas.

23. Why do the regulations not regulate work outside wetlands which has significant adverse effects on wetlands, as does the inland wetland program in Connecticut?

23. Any activity which could cause adverse impacts on wetlands is regulated by the CCMA as explained in the answer to question 20 with no exemptions allowed within 100 feet of wetland boundaries. See CCMA, Section 15(f).

24. Why do the regulations not utilize the Massachusetts model, regulating not only removal, excavation or dredging of soil or other material, but also changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood storage retention areas;

24. Section 22a-30-11 of the revised Tidal Wetlands Regulations, Criteria for Review (see Appendix C) addresses precisely these concerns. Specifically, Section 22a-30-11(f) requires the commissioner to determine that the proposed activity will not result in a significant adverse impact (as defined

24. (continued)
drainage or disturbance of the water level or water table; and changing of water temperature, BOD, and other natural characteristics of the receiving water? See Regulations of the Wetlands Protection Act, Section 2.3 ("Alter") (1977).

24. (continued)
by CCMA, Section 3(15). The definition of adverse impacts includes the items listed by the commentator. As a point of information, the wetland regulations of Massachusetts, as well as Maine, Rhode Island, New York, Delaware, New Jersey, Maryland, Virginia and North Carolina were reviewed for guidance on technique and substance in preparation of those regulations. Many of these states used Connecticut's statute as the model for their enabling legislation.

25. If the answer again is the limitations in the Connecticut statute, why has it not been amended to give this kind of routine protection? Why have Connecticut and NOAA concluded this is not necessary?

25. As shown by the answer to question 24, the Connecticut statute is not limited. The type of resource protection described is afforded under present statutes and these regulations.

26. Why do the proposed regulations leave key terms undefined? The critical term "adverse impacts" (30-3) is defined in such a way as to in every case be contingent on impacts being "significant", yet "significant" is not itself defined. This variable is left to the judgement of the Commissioner in deciding whether to hold a public hearing (30-9.6) and then whether to regulate proposed work by giving permission or by giving permission with conditions (30-12.2). This is too much discretion.

26. Key terms are defined according to existing state statutes. The regulations were written to be adaptable to definitions already in use or to reflect common usage of terms. The word "significant" is used as a qualifier in each case because natural systems can adjust to many perturbations without becoming dysfunctional. By intentionally employing the word "significant" the regulations imply that an adverse impact is one which causes an alteration to a natural system which prevents its existing and optimal function. Note that the definition of each adverse impact emphasizes the "degrading" aspect of an action. Some significant alterations to wetlands can be beneficial. As noted in the response to comment 24, extensive research of the impact evaluation technique of other states was undertaken prior to the drafting of these regulations. All of the techniques studied required some form of subjective evaluation. Moreover, every attempt that was made to define terms such as "significant" resulted in terminology that would require further definition ad infinitum. For further discussion on the use of terms such as "significant" see the answer to general question I. The commissioner, based on technical information and knowledge of the site, can make an initial determination that an activity does not involve significant impact on a wetland. However, this does not preclude the possibility that adverse impacts may be shown in the subsequent public review of the application, nor does it prejudice the final decision on a permit application. Finally, the conditions which the Commissioner attaches to the permit are always more restrictive than the elements of the original proposal.

27. Why has the state not used the available scientific/biological criteria, recreational/aesthetic criteria and other measures more objective?

27. Because of the nature of land use and the types of remaining tidal wetlands in Connecticut, each activity is judged on a case-by-case basis. Therefore it is impossible to fairly and appropriately set numerical limits in law. However, available scientific/biological information and recreational/aesthetic criteria are meant to be introduced, objectively and subjectively, when the commissioner determines that the application is consistent with the criteria for review (section 22a-30-11 of the revised regulations, Appendix C). See also the answer to general question I and the response to comment 26.

28. Why has the state chosen to let the result of regulation depend on a judgement of significance of the <u>impact</u>, rather than significance of the resource being protected?

28. Connecticut's remaining wetlands, despite size, vegetative makeup or location are deemed important resources of significance to the residents of the state. The statutory policy ties wetland protection to the fact that they provide valuable functions which support the well-being of humans and wildlife. The rationale of the legislation and the regulations is to guard against adverse impacts on <u>all</u> wetlands thereby preserving their integrity and ability to function properly.

29. Or why not simply eliminate the qualifier "significant" in the definitions, as has been done in 30-13.3d regarding erosion resulting in any deposit harmful to any fish, shellfish, or wildlife habitat?

29. As explained in the answer to question 26, the state has purposely chosen to use the word "significant" as a necessary qualifier. In instances where it is not used, any change from the existing state, e.g. Section 22a-30-11(e)(4) of the revised regulations (Appendix C), has the potential for harm.

30. Connecticut should define adverse impacts in a straightforward way, without the qualifier.

30. If the word "significant" were removed from the definition of adverse impacts, development within the coastal boundary of Connecticut would be brought to a virtual standstill. Practically speaking, no activity can take place without affecting water quality, circulation, erosion or drainage patterns, flooding potential, visual quality, natural habitats or coastal resources. This would raise serious constitutional issues, not to mention erode credibility and demonstrate irrationality. Practically speaking, to avoid such an irrational outcome, argument would merely shift to a determination of "what's degrading?" Judgement of the threshhold at which degradation occurs would inevitably lead to a judgement of "significance." The emphasis in the definition is on significant change which causes degradation.

31. Better still would be to define "adverse impacts" in a way making clear the preservation intent of the program.

31. The rationale behind Connecticut's tidal wetlands statute is explained in the answer to comment 28. Through the prevention of the occurrence of adverse impacts, wetlands are preserved and protected from destruction and despoliation.

32. Why do the proposed regulations give the Commissioner so much discretion but so little guidance, leaving the results so unpredictable? Wetland resources in Connecticut are put in double jeopardy by the regulations having no definition of "unreasonable." This two-tiered judgement, depending first on "significance" and then on "unreasonable" is unworkable.

32. The answers to questions 26 through 31 discuss the use of "significance." Based on analysis of the revised regulations, the Commissioner must use a "two-tiered" judgement only when determining how a proposed activity affects erosion and sedimentation and marine fisheries, shellfisheries and wildlife (Sections 22a-30-11(d) and (e)). Taken in context, the Commissioner's judgement cannot be made without supporting factual evidence. See also the answer to general question I.

33. Why has the state chosen to make administration of the tidal regulations so unpredictable?

33. Administration of the tidal wetlands regulations will not be unpredictable because explicit coastal policies have been firmly incorporated in the regulations' criteria for granting or denying permits. The tidal wetlands program has been operational for ten years. Even without the additional specificity of coastal policies, the state's record in court under this statute has been outstanding.

34. Why have the regulations been written to be so circular?

34. The regulations have not been written to be circular; rather, they have been thoroughly cross-referenced as an aid to the applicant whose project may come under the jurisdiction of several regulatory agencies and programs alerting him or her to all pertinent review procedures.

35. Why does the state feel it necessary to qualify "significance" with "unreasonable?"

35. See answers to questions 26 through 32.

36. Why has "unreasonable" not been defined?

36. "Unreasonable" is used only under circumstances where scientific/biological/economic evidence is necessary for a proper determination of the effects of an action. The term cannot be defined any further than the context of its use and through common usage. See the answer to general question I.

37. Why is implementation of the proposed regulations dependent on an "inventory of all wetlands" (30-5) and "boundary maps" of regulated wetlands?

37. Inventory of the wetlands of the state has been made and boundary maps prepared according to the statute. This procedure was developed to resolve disputes and simplify administration. The statute specifically allows the Commissioner to regulate activities in wetlands which have not been mapped if the area is in immediate danger of being despoiled by any activity which would require a permit. More than 99% of Connecticut's tidal wetlands have been mapped since the early 1970's.

38. Why do the proposed regulations allow waiver of public hearings (30-9.6)?

38. The regulations follow the allowances of the state statute. This particular allowance eases the regulatory burden of administration <u>only</u> when a project does not involve significant impacts.

39. Why do the regulations force 25 persons to request hearing when the Commissioner makes such a judgement?

39. The Commissioner may, and often does, hold a public hearing in such cases upon the request of one person. He <u>must</u> hold a hearing if twenty-five people request one.

40. Why is the hearing itself treated as an ajudicatory hearing as well as a public hearing (30-10.1)?

40. The Uniform Administrative Procedures Act (Chapter 54 of the Connecticut General Statutes) governs all agency actions in Connecticut and specifies that the hearing be held in this manner.

41. Where the statute allows, why do the proposed regulations not build on the decade of experience with statute, instead of just repeating it?

41. The regulations do build on a decade of experience with administration of the tidal wetland statutes in several ways. The regulations incorporate the policies of CCMA, many of which were developed on the basis of the decade of experience. The regulations specify criteria for review of an application for a permit. The regulations include advisory guidelines on appropriate activities to be conducted in wetlands. The regulations detail enforcement procedures based on administrative experience. Finally, the regulations establish a base for joint processing of federal and state permits.

42. Why is the opportunity not taken to streamline administration of the statute with these new regulations?

42. Every opportunity has been taken to streamline the administration of the statute with the new regulations. The revised regulations (Appendix C) are the result of constructive input from state, federal and local agencies as well as private citizens during public hearings and the public comment period. They are more concise than the proposed regulations published in the DEIS. See also comment 39 and 41.

43. Why do the proposed regulations not make clear the authority to the Commissioner to disapprove work?

43. The regulations have been revised to clarify this point. Sections 22a-30-10 and 22a-30-11a now clearly include denial as one of the Commissioner's options in rendering a permit decision.

44. The use guidelines in the Connecticut Program should be given the force of law.

44. See the response to comment 1 and the answer to general question I.

45. First, the CAM policies are very general. Even if they meet minimum legal requirements, in practical terms they will be very difficult to implement in predictable, understandable and consistent fashion.

45. See the answer to general question I.

46. There are numerous examples of key words which need further definition: "encourage", "discourage", "feasible", "essential", "compatible", "necessary", "promote", "unreasonable", "minimize", "minimal", "unavoidable", "full consideration", and "where possible." The use guidelines are intended to give these flexible terms real meaning. This they cannot do without having the force of regulations.

46. See the response to comment 1 and the answer to general question I.

47. If making the regulations after program approval, according to schedule, is not mandated, that should be discussed in detail in the Final EIS.

47. See the response to comment 1 and answer to general question I.

Conclusion

48. We know the hard work that has gone into the Connecticut program and the support it enjoys. We also support the program, but ask for improvement before federal approval. The state has had ample time to make corrections made known by federal comments and NRDC comments last year. There is ample time to improve the program as required before federal approval.

48. The state responded to all of the concerns expressed by OCZM prior to the issuance of the DEIS. Further changes have been made on the FEIS in response to comments, as noted. The state's management program, as demonstrated by six months of implementation, satisfies all federal requirements for federal approval.

XXV. Connecticut Fund for the Environment, Inc.
152 Temple Street
New Haven, CT 06510

1. Specifically-worded regulations interpreting the CMA legislation are needed.

1. See the answer to general question I.

2. The CMA policies are general indeed.

2. See the answer to general question I.

3. Each type of "adverse impact on coastal resources" listed in Section 3(15) is qualified by the word "significant" - a term that is left undefined.

3. See the answer to general question I and the response to NRDC's comment 26.

4. As a practical matter, the discretion granted to state and local agencies by the Act is so broad as to make it extremely difficult for citizens to determine in advance whether a proposed use will or will not be deemed consistent with the CZMA.

4. See the answer to general question I.

5. By the same token, this broad discretion allows decision-makers to approve or disapprove projects for arbitrary reasons or for no reason at all.

5. See the answer to general question I.

6. The inevitable result will be inconsistent interpretations of coastal policies in the different coastal regions.

6. See the answer to general question I.

7. As an intervenor, DEP has no authority to require that its recommendations be followed. Successful state judicial action must overcome numerous obstacles, including: uncertain priority for attention in the Office of the Attorney General; the state's burden of proof as plaintiff; the important limitations of a "nuisance" action; and the state's reasonable fear that, if the state is ultimately unsuccessful, it will be liable to the defendent municipality for "costs."

7. See the answer to general question II. Several points should also be noted. The cooperation of the Attorney General has been assured and DEP had no problems in obtaining the assistance of the Attorney General's Office in bringing its first appeal of a local decision. As demonstrated by the DEP's appeal there is no indication that the state will fear to take judicial action to enforce compliance. The importance of "public nuisance" actions apply only to outright violations of the program by developers. Both DEP and local agencies have the option of choosing administrative orders or a public nuisance action to remedy such violations. The decisions of local agencies which violate the procedures or policies of the Coastal Management Act are subject to judicial appeal by developers, other aggrieved parties and DEP. They are not subject to public nuisance actions. See also the response to NRDC's comment 11.

8. In the five months since the effective date of the CMA legislation, DEP has not filed any written comments with local boards or formally intervened in local hearings.

8. DEP has appealed the decision of one zoning board of appeals. See the response to NRDC's comments 5 and 16.

9. Given the difficulties with the policies and the barriers to their effective implementation, specific policies are essential to ensure uniform application of CMA policies by coastal communities, to provide affected citizens a predictable regulatory process and to ensure a strong minimum level of environmental resources protection, particularly for local applications requiring no DEP permit.

9. See the answer to general question I.

10. As discussed above, CMA's policies do not provide specificity or predictability regarding the regulation of coastal uses. To provide the necessary specificity and predictability, specific policies elaborating on the policies must be promulgated.

10. See the answer to general question I.

11. Our analysis of the CZMA and federal regulation indicates that Connecticut's proposed local site plan review/state judicial review enforcement mechanism falls under Technique C rather than Technique A. All of these provisions suggest that Technique A calls for local, state approved coastal programs, not just ad hoc local decision-making using state policies as Connecticut.

11. The Connecticut Program meets the approval criteria under both technique A and technique C.

12. In addition, CAM does not conform to many of the specific requirements of section 923.42(c).

12. See response to comment 11 above.

13. In sum, CFE has concluded that formally adopted regulations interpreting the CMA policies should be adopted by the Commissioner prior to 306 approval. However, CFE recognizes that there may be insurmountable practical obstacles to the promulgation of regulations prior to October 1, 1980. In that case, regulations should be made a condition of program approval to be satisfied during the first year of 306 funding. CFE believes that the present use guidelines presented in the CAM program document represent the logical starting place for drafting regulations.

13. See the answer to general question I.

14. CFE questions the adequacy of the current judicial review mechanism through which the state will enforce the program policies; in addition, the right of citizens to seek judicial review of illegal coastal development is not clearly guaranteed by the CAM program.

14. See the answer to general question II. There is no requirement in the CZM Act or regulations thereunder which requires provision of standing to private citizens to seek judicial review of illegal activities. However, under the Connecticut program, aggrieved parties may appeal decisions of both state and local agencies. Moreover, private parties also maintain any rights they may have to enjoin a private nuisance. See also the response to comment 7 and the response to NRDC's comment 11.

15. Second, neither the CAM Unit nor the general public will have adequate, timely notice of possible program violations.

15. See the answer to general question III.

16. CFE has strong reservations about Connecticut's reliance on judicial review as an enforcement tool. Nevertheless, CFE has concluded that judicial review can be an effective enforcement tool

16. See the answer to general question III and the response to NRDC's comment 16.

17 Based on a review of the legislative history of the closely related National Land Use Policy Act of 1971, Ms. Stout concludes that judicial review is not a permissible enforcement technique under 306(e)(1)(C) or under 306(e)(1)(A).

17. See the response to NRDC's comment 18 and the answer to general question III.

18. Whether or not Ms. Stout is correct that judicial enforcement is an impermissible technique, the conclusion is inescapable that the reference to "State administrative review" in 306(e)(1)(C) (and the reference to "administrative review" in 306(e)(1)(A) requires some form of "state administrative review" as a preliminary step to whatever kind of enforcement may be required.

18. See the answer to general question II.

19. The proposed program must be revised prior to 306 approval, establishing some form of DEP administrative review of all pending local applications prior to the local decision. At a minimum, the CAM Unit staff must review each local application to determine whether DEP should intervene in the local proceedings in order to influence the municipal decision, or, if necessary, to determine whether judicial action is warranted.

19. See the answers to general questions II and III.

20. A related concern is that the proposed CAM program will rely exclusively on judicial action commenced by the state to enforce the program. Inexplicably neither the CAM document nor the CMA identify the Connecticut Environmental Protection Act (C.G.S. 22a-14 through 20) as a statutory authority that will be relied on to enforce the program.

20. See the response to comment 14 above. See also the response to NRDC's comment 13. It should be noted that citizen suits under the Connecticut Environmental Protection Act are a separate and distinct cause of action from enforcement actions under the Coastal Management Act. Because of this, the Coastal Management Act does not mention the Environmental Protection Act. However, the silence of the Coastal Management Act does not diminish the right of private parties to bring legal actions against coastal development projects under the separate and independent provisions of the Environmental Protection Act. As noted in the response to NRDC's comment 13, the two Acts may often be used in conjunction with one another and the specific definitions and policies of the Coastal Management Act may aid private parties bringing action under the Environmental Protection Act.

21. Moreover, although CMA has a specific provision regarding citizens' petitions to the DEP Commissioner requesting nuisance abatement, the Act does not appear to recognize the right of any citizen to seek judicial review of coastal site plan decisions under the Connecticut Environmental Protection Act.

21. See the response to comment 20.

22. Federal requirements mandate that Connecticut provide a right of action permitting private citizens to enforce the CAM program.

22. See the response to comment 14.

23. Alternatively, a condition should be attached to first year 306 grant requiring that a legislative amendment be sought that will clarify the continuing vitality of P.A. 96 for protecting coastal resources.

23. No amendment is necessary. See the response to comment 20.

24. Unless DEP receives prior notice of all coastal site plan applications, it will lack the information required to perform the administrative review mandated by the CZMA (see Section II A).

24. See the answer to general question III.

25. DEP has sufficient authority under the CMA to correct this inadequate information flow. These provisions give the commissioner the authority to require each coastal municipality to give prior notice to DEP of all coastal site plan review applications.

25. See the answer to general question III.

26. A related problem with the proposed enforcement mechanism is that the public and other governmental bodies will frequently not receive sufficient prior notice to challenge unwise regulatory decisions.

26. See the answer to general question III.

27. We offer the following specific recommendations for consideration by OCZM and DEP: 1) a requirement that public notice be given for all coastal site plan reviews, not just those conducted in conjunction with a municipal regulatory proceeding for which notice is already required to be given. A requirement of public notice for all coastal site plan reviews is explicitly required by 15 CFR 923.44(c)(5). 2) The contents of the public notice should conform to the requirements of C.G.S. 8-3 to 8-7, except

27. See the answer to general question III.

27. (continued)
that a 15 day period should be required as discussed in no. 4 and 5. 3) A public hearing should be required to be held on every coastal site plan application for which EPA, or any other interested party, requests a hearing. A public hearing is mandated by 15 CFR 923.44(c)(5). 4) Public notice should be given at least 15 days prior to the date of the decision on the application or to the date of the public hearing, if any, on the application. Advance warning is essential to provide adequate time to citizens and to government agencies to assess proposed projects and to determine whether comments or interventions are warranted. 5) DEP should be provided with a complete copy of each coastal site plan application, 15 days prior to the date of the decision on the application or to date of the hearing, if any, on the application. This prior notice of permit decision is essential if DEP is to perform its duty to conduct "administrative review" of proposed projects. A listing of pending site plan review applications (containing such information as the site of the proposed project, the type of project, the resources affected) should be compiled weekly by the CAM Unit in DEP and maintained for public inspection. In addition, a copy of this weekly compilation should be mailed upon request to any interested group or individual for a reasonable fee.

28. CFE will give the Connecticut program complete support once these amendments have been made.

28. No response necessary.

THE FOLLOWING PERSONS TESTIFIED AT THE THREE PUBLIC HEARINGS ON THE DEIS.

XXVI. Anthony Chapin, President
Citizens for Coastal Planning and Conservation

1. State and local cooperation is very important in Connecticut. Localities do not want to be told what to do by the state. The proposed program combines local knowledge with state expertise. It gives local government a role in the permitting process and area site-plan review within the state guidelines. The state has the right of intervention, and citizens have the right of petition. This program meets Connecticut's needs specifically. It needs federal fundings to carry it out.

1. No response necessary.

XXVII. Mary B. Walton, President
Save Our State Committee, Inc.

1. Our CZM Program is a well-coordinated program that reflects the needs of the communities as well as their growing expertise in managing their land uses. The Save Our State Committee is in disagreement with the Natural Resources Defense Council (NRDC) in its inadvisable criticism of our coastal program. Environmental groups in Connecticut who worked hard and long to get a coastal program accepted are eager for the program to move ahead. We urge your support and funding. This legislation is the direct product of the desires of the communities, the legislators and the interest groups.

1. No response necessary.

XXVIII. William L. Swartzbaugh, Chairman
Connecticut Marine Trades Association

1. The Association represents about 170 marine businesses in the state. We strongly support the Connecticut Program and we believe in it.

1. No response necessary.

2. Suggested minor corrections in the report:
- References to 164 commercial marinas in Connecticut should reflect a loss of at least 30 marinas in the last five years.

- Section 2, page 217 - reference to state boating -

2. See revised pages.

2. (continued)
should reflect that there are no federal monies being used or anticipated.

- Section 2, page 276 - mentions that boating marinas and clubs continue to increase - should be changed to reflect that the trend is in the opposite direction

XXIX. Linda Krause, Director of Planning
Town of Ledyard, on behalf of the Southeastern Connecticut Regional Planning Agency

1. Connecticut's program will be extremely successful in dealing with our important coastal resources because it is a grass roots program. The approach which has been selected provides for a great breadth of involvement and this is the program's major strength. The structure of the program is producing a well-informed and concerned citizenry. The proposed program is already leading to better decisions about the use of coastal resources. We have improved information, a good set of standards, provisions for eliminating conflicts and an increasing public awareness. Federal approval is the next logical step to continue the work.

1. No response necessary.

XXX. Allen Berrien
Connecticut Marine Trades Association

1. Requests approval of the Connecticut program. Denial of federal approval at this stage would be an absolute disaster -- you would never see coastal planning again in the state of Connecticut.

1. No response necessary.

XXXI. John Rankin, Chairman
Coastal Management Advisory Board

1. Two fundamental problems in Connecticut are to be addressed by the Connecticut Coastal Management Program:

   - lack of overall coordination among management agencies; and
   - inadequate consideration of adverse impact on coastal resources in reviewing and permitting coastal uses.

   Connecticut is the only state that has won support from both environmental and marine trade organizations.

1. No response necessary.

XXXII. Karl J. Wagner, Director
Connecticut Audubon Society

1. Has reviewed the program and has no serious objection to the program. Would like to the see the program approved, but will continue to monitor its results.

1. No response necessary.

XXXIII. Barbara M. Deitrick, representing
State League of Women Voters

1. The problem of duplication and conflicting programs and regulations is addressed by the Connecticut program -- through the establishment of mandatory, statewide policies, use guidelines and evaluation procedures for activities impacting coastal resources. State technical assistance is essential for effective implementation of local site plan review. Extraordinary efforts have been made in citizen participation. Strongly urges approval of the program without delay.

1. No response necessary.

XXXIV. John E. Hibbard, Secretary
Connecticut Forest and Park Association

1. Program is an excellent one for State of Connecticut. I urge its adoption.

1. No response necessary.

XXXV. Holly Schadler, representing Sierra Club

1. The Sierra Club supports the CAM program and we are pleased to see the process for implementation

1. No response necessary.

1. (continued)
moving forward.

XXXVI. Alice L. Williams, representing
League of Women Voters of Branford

1. Supports the Connecticut CAM Program and hopes that it meets with quick federal approval.

1. No response necessary.

XXXVII. Peter Neill, Director
Schooner, Inc.

1. Would like to commend staff for public input into the CAM legislation. No other bill in the state has gone through so much public input. The program offers a good compromise between centralized state authority and decentralized local management. Enforcement will be very important in carrying out the Act. The citizens' "watchdog" role is very important and is provided for. Encourages federal approval of the program as presented.

1. No response necessary.

XXXVIII. Elizabeth Smith
Branford

1. Supports the program.

1. No reponse necessary.

XXXIX. J.R. Nelson
Long Island Oyster Farms

1. Thoroughly endorses letter of John Baker.

1. See response to Baker's letter above.

XL. Suzanne C. Wilkins, President
Long Island Sound Task Force

1. The Task Force has participated in the program and supports it. Procedures for objection to and violation of coastal usage should be spelled out.
The CAM staff should be commended for development of a program to meet the needs of coastal municipalities.

1. No response necessary.

XLI. James B. Farnam
New Haven City Planning Department

1. Department has good working relationship with Connecticut program. Strongly supports federal approval of the program as a definite net environmental benefit. The Program provides a common set of policies to which all federal, state and local agencies must conform. It represents a giant step forward for preserving natural resources and promoting sound development. New Haven program funded by the state and OCZM provides opportunity to accelerate the revitalization of their deteriorated waterfront areas.

1. No response necessary.

XLII. David R. Fortuna, Branford

1. The public announcements for these hearings were not enough. The Coastal Act does not spell out how to go about getting a permit.

1. Public announcements met the legal requirements for hearing notice and were supplemented by several press releases.

XLIII. Jim Gardella, Norwalk

1. Hearings on the Connecticut Act were weighted against the property owner - i.e., those supportive were notified but property owners were not. The Act does not address the property rights of owners. Public input was not properly evaluated. The Act was not made available until after it was made law. The Act over-favors the biological environment and under-favors the economic and business environment. An economic impact statement should be considered. CAM is another layer of red tape that the small businessman must put up with.

1. CAM program held 21 hearings on legislation before passage including two hearings in Norwalk. CCMA provides no additional "layer" -- rather, it is implemented through existing agencies and programs. See also Section II, Parts III and IV.

XLVIII. Curt Johnson. representing
Ad Hoc Committee for Responsible Development
New Haven

1. Is in favor of the Connecticut program. Citizens groups should be allowed to bring local actions ignoring the guidelines to the attention of the state -- and the state should be able to step in and enforce the guidelines. Would like to see the use guidelines strengthened to regulations.

1. See response to Templeton's comments above.

XLIV. Tom Gardella, Norwalk

1. This program should be cut back to aid in the Government's efforts to balance the budget. This is only more red tape and regulations that are not needed. The program is too general and is confiscatory of private property rights. The program does not make it easier to apply for permits -- it is a waste of time.

1. No response necessary.

XLV. John Heeran, New Haven

1. Supports comments of Mr. Baker regarding shellfish.

1. See comments to Baker's letter above.

XLVI. Clifford Templeton, West Haven

1. The due process issue is not adequately addressed in the DEIS. Coastal issues are often disregarded in conflict situations. Individuals in these proceedings are often attempting to protect the public interest for future generations, rather than private economic interests.

1. The CCMA, Sections 11 through 15 provide sufficient authority to prevent this problem especially in conjunction with state oversight under authority of CCMA Section 19.

2. Administrative appeals processes should be such that individuals do not have to employ an attorney and so they can appeal directly to the state rather than the courts.

2. CCMA provides for citizen petition to state.

XLVII. Marilyn Hambly, representing
League of Women Voters of Hamden

1. Stongly supports Connecticut program. Program strikes a desirable balance between local and state control and appears to meet federal requirements. CAM appears to be working. It should receive federal approval and funding.

1. No response necessary.