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A Newsletter from the Connecticut Department of Energy & Environmental Protection
Exploring Long Island Sound - Issues and Opportunities

Connecticut Supreme Court Upholds DEEP Order to Remove Old Saybrook Seawall

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In another victory for Connecticut's coastal management program, the Connecticut Supreme Court issued a decision upholding an enforcement order issued in 2006 by the Department of Environmental Protection (DEP, now DEEP) against David and Betsey Sams of Old Saybrook. The [decision](#), published April 30, 2013, sustains an order requiring removal of a massive 260-foot long gabion seawall built in 2004 without any state or municipal authorization. Jurisdiction over seawalls and other flood and erosion control structures is shared by DEEP and local land use agencies.



Sams Seawall, Old Saybrook

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Sams Seawall, Old Saybrook

Photo Credit: Microsoft Corporation/Pictometry Birdseye (c) 2012 MDA Geospatial Services Inc

After receiving complaints about the seawall's construction, DEP staff investigated the site and, in conjunction with the town of Old Saybrook, determined the wall to be a violation of the state's structures and dredging statutes and the Connecticut Coastal Management Act: construction of the seawall would have required both a state permit and municipal coastal site plan approval. Both the town and DEP instituted enforcement actions, and the DEP action resulted in a Department hearing officer issuing an order on November 2, 2007 to remove the seawall.

The respondents appealed the removal order, first to Superior Court, where they were unsuccessful, and then to the Supreme Court. In its recent decision, the Supreme Court definitively upheld the order, which will require the Sams to submit a removal and restoration plan to the DEEP. In reaching this conclusion, the Court rejected a number of challenges to the Department's determination of its regulatory jurisdiction waterward of the high tide line, and to its authority to enforce against activities undertaken without municipal coastal site plan approval. Instead, the Court concluded that the enforcement action was reasonable and based on the facts in the record.

"At a time when shoreline residents are increasingly concerned about the impacts of shoreline erosion and sea level rise, the Sams decision underscores the importance of following the appropriate legal procedures before considering an erosion control structure," stated Brian Thompson, Director of the Department's Office of Long Island Sound Programs. "Don't risk damage to valuable coastal resources and potential legal liability--give us a call first, and then contact your municipal land use officials as well. Our staff can provide property owners with practical and informed advice, and so can local staff for activities within their jurisdiction." Please see the "Sound Tips" column in the [October 2012 issue of Sound Outlook](#) for more information on jurisdiction issues, or contact the DEEP Office of Long Island Sound Programs 860-424-3034. Readers can also refer to DEEP's [Living on the Shore webpage](#) for more information on waterfront property owners' rights and opportunities.

SPOTLIGHTED COASTAL RESOURCE: Dredged Material from Clinton Harbor Enhances a Beach at Hammonasset State Park

Dredged material is not usually considered a valuable coastal resource. More often than not, the material scooped from navigation channels and marina basins is mucky, fine-grained sediment that is unsuitable for beneficial reuse, and instead is deposited at carefully managed locations in Long Island Sound. In fact, in an effort to deal with this issue and plan for potential alternatives for managing dredged material in Long Island Sound, the States of Connecticut and New York are working with the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency on the development of a comprehensive dredged material management plan for the Sound (please see the [June 2011 issue of Sound Outlook](#) for more information on the plan).

There are occasions, however, when dredged material is of such great quality that it can be beneficially reused rather than disposed of at sea. Such was the case when the federal navigation channel in Clinton Harbor was being filled in by clean, uncontaminated beach sand migrating from adjacent Cedar Island. Beaches are extremely dynamic resources, subjected to wave action and currents. Just as sand is moved back and forth across the face of the beach by wave action, it is also swept along the shoreline by longshore currents. In this way, sand from Cedar Island was being swept by currents along the shoreline and into the federal navigation channel, filling in the channel so much so that boaters had to time their Clinton Harbor arrivals and departures with high tide!



Sound Tips:

**"Sound Gardening"
practices protect
Long Island Sound and
produce beautiful results**

It's summertime, when the days get longer and the sound of lawn mowers fills the air. Those of us born with a green thumb look forward to getting outside to whip the lawn into shape, plant flowers to beautify our properties, and maybe even plant fruits and vegetables to snack on for the next few months (and beyond).

As you putter around your yard this season and into the early fall, please follow these Sound Tips to cultivate a healthy and beautiful landscape, produce a bountiful garden, and maybe even enhance wildlife habitat in your backyard, all while protecting the water quality in your watershed and in Long Island Sound.

These tips are based on the [Long Island Sound Study's Sound Gardening Fact Sheet](#):

Apply fertilizer only if it is needed. Contact the [UConn Soil Testing Lab](#) to perform a soil test to determine if you need to fertilize, what type of fertilizer you need, and where it is needed.

Never apply fertilizers, pesticides, or herbicides on hard surfaces like walkways and driveways, and never apply them to the ground before a big rain. They'll just get washed away into nearby streams and rivers, and may ultimately end up in Long Island Sound.



Cedar Island Sand Spit, Clinton

Cedar Island Sand Spit Migrating into Clinton Harbor
Photo Credit: U.S. Army Corps of Engineers

The Connecticut DEEP authorized dredging of the federal channel in Clinton Harbor in 2008. The partners involved in planning for the dredging project included the DEEP, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the Town of Westbrook, and the project was strongly supported by the operators of the marinas and facilities on the Indian and Hammonasset Rivers that were impacted by the filled-in channel. The project was put on hold until financing could be secured. In 2012--four years after the dredging was authorized--approximately \$1 million from the U.S. Army Corps of Engineers (ACOE) and \$1.7 million of State bond funds were pledged to cover the cost of this important project.

Slow release fertilizers are best (they feed the soil). Organic products are preferable to petroleum-based inorganic products, but remember: too much fertilizer is too much fertilizer, whether it's organic or inorganic.

"Grass-cycle!" Leave your clippings on the lawn. It's easier than collecting them, and they contain nitrogen to feed the lawn, which reduces the need for more added nitrogen by 25% -40%.

Apply fertilizers no more than twice a year: after spring green-up and no later than October 15th. The best one- time application window is mid-September through mid-October.

Mow your lawn high (about 3") to keep grass roots strong.

When starting or reseeding a lawn, introduce hearty varieties (such as fescues) that have lower nitrogen and water demands.

Don't over-water: only apply 1"-1.5" of water a week; early morning hours are best. Water deeply and infrequently, and water the lawn separately from other landscaping.

Reduce your active lawn area in favor of native plant borders and beds that attract wildlife, help diminish pollution and provide habitat for important insect pollinators.

Accept a little damage: only 5%-25% of bugs are pests in the yard.

Don't use "weed & feed" products--one size does not fit all. Pesticides kill the beneficial soil organisms that keep thatch in check. Instead, treat small areas, use practices like pulling



Dredging in Clinton Harbor

Dredging in Clinton Harbor
Photo Credit: U.S. Army Corps of Engineers

During the four-year period that the project was on hold, conditions on Cedar Island had changed from those identified in the initial dredging application. Representatives from DEEP, ACOE, and the U.S. Fish and Wildlife Service visited the site again in 2012 to assess new conditions and develop a plan to protect and enhance habitat on Cedar Island for land-nesting birds and other wildlife. The plan included a recommendation that vegetation that could serve as cover for predators of piping plovers and other shorebirds would be removed to protect nesting sites.

and squishing and alternative treatments (such as vinegar).

Plant native plants that are adapted to local conditions.

For more information on keeping your thumb (and your yard) green with environmentally friendly lawn and yard care practices, please refer to the following resources:

[Long Island Sound Study's Sound Gardening webpage](#)

[DEEP's Organic Lawn Care webpage](#)

[Connecticut Chapter of the Northeast Organic Farming Association \(NOFA\) Organic Land Care webpage](#)

DEEP's Resident's guide to [rain gardens](#) and [vegetated buffers](#) or installing a [rain barrel](#)

DEEP Wildlife Division's [Habitat Management Fact Sheets](#) to attract wildlife to your property and a [list of native trees and shrubs](#)

DEEP's [Composting and Organics Recycling webpage](#)

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Look Out For Upcoming Events!

[Connecticut Trails Day Weekend](#)
June 1st and 2nd

[International Conference on the War of 1812](#)
June 12-15,
US Naval Academy
Annapolis, MD

[Long Island Sound Study \(LISS\) Committee Meetings](#)



Dredged material being deposited on the beach at Hammonasset

Please be sure to check the
[Calendar of Events](#) on
DEEP's website

New EPA Long Island Sound Stewardship Areas Web Pages Released

The Long Island Sound Study program at the Environmental Protection Agency's (EPA) Long Island Sound Office recently updated its webpages describing the Long Island Sound (LIS) Stewardship Initiative's 33 *Stewardship areas* and their contributing *Stewardship sites* recognized as having exceptional ecological or natural resource-based outdoor recreation value.

Please visit the recently revised [EPA LIS Stewardship webpage](#) for an overview of the Initiative, and click the link to the [LIS Stewardship Atlas](#) describing each Stewardship area to help plan your next visit to one of these remarkable coastal areas.

The Beach at Hammonasset Being
Renourished with Sand Dredged from Clinton Harbor
Photo Credit: U.S. Army Corps of Engineers

Another significant benefit of the project was that the high-quality sand dredged from the channel would be deposited onto the beach at Hammonasset Beach State Park at no cost to the State of Connecticut! The sand renourished an area of the park that had experienced chronic erosion. In fact, the renourishment plan was developed during the application review process initiated in 2008, well before Tropical Storm Irene and Super Storm Sandy hit the state.



Dredged material deposited onto beach at Hammonasset

Dredged Material is Deposited onto Beach at Hammonasset
Photo Credit: U.S. Army Corps of Engineers

Ultimately, this dredging project benefits boaters who did not have access to the navigation channel at lower tides, it benefits Clinton's town boating facilities and the private marinas on Clinton Harbor and the Hammonasset and Indian Rivers, it preserves nesting habitat for wildlife on Cedar Island, and it enhances the public's beach-going experience at Hammonasset Beach State Park. The dredged material from the navigation channel in Clinton Harbor proved to be a very valuable coastal resource!

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SPOTLIGHTED COASTAL ACCESS: Celebrate Connecticut Trails Day with a Coastal Walk

Connecticut Trails Day is celebrated in early June every year. This year, readers can explore Connecticut's coastal area by participating in a walk at two of Connecticut's well-known locations, or by helping maintain trails on one of the state's secluded island gems!

Barn Island Wildlife Management Area, Stonington

Educational Walk, Sunday, June 2nd, 1:00 p.m. to 3:00 p.m.

Please join Ron Rozsa (coastal ecologist retired from Connecticut DEP's Coastal Management Program) and Dr. Scott Warren (Professor Emeritus at Connecticut College) who will lead a 2.5-mile tour of an outstanding tidal wetland of regional significance and part of a U.S. EPA-designated Long Island Sound Stewardship Site. You will walk along a level woods road and dike (no boots required) and learn about the history of Barn Island, marsh management and restoration, and observe marsh birds, perhaps even a rare glossy ibis! Bring your binoculars, but a spotting scope will be available to view migratory birds. Meet at the small unpaved parking area opposite the "Marsh Viewing Area" sign on the left side of Palmer Neck Road.

To access the parking area, turn onto Greehaven Road at its intersection with Route 1 at a light, then a quick right onto Palmer Neck Road. Proceed 1.4 miles to the parking area on the right. If you enter the Barn Island State Boat Launch parking, you've gone too far. Sponsored by E.P.A. Long Island Sound Study Program. Heavy rain cancels. Pre-registration is NOT NECESSARY. Please contact [David Kozak](#) at the DEEP's Office of Long Island Sound Programs for more information or to register

Easy. Deer and dog ticks may be present. Mosquito repellant and sun screen highly recommended. Dogs not allowed. No unattended children.



Bluff Point State Park, Groton

Educational Walk, Saturday, June 1st, 1:00 p.m. to 3:00 p.m.



Bluff Point, Groton
Photo Credit: DEEP OLISP

UConn Geologist Ralph Lewis and

coastal ecologist Juliana Barrett will discuss Bluff Point's ecology and geologic history within the context of landscape and habitat development. Topics presented will cover the Connecticut Science Curriculum Framework Standards for grades 6-8 (i.e., landforms are the result of the interaction of constructive and destructive forces over time).

Barn Island Wildlife Management Area, Stonington
Photo Credit: DEEP/Connecticut Coastal Access Guide

Recent storm-related changes to the various rock, cobble, and sandy beaches at Bluff Point will be examined. The hike from the parking lot to the beach is about 30 minutes each way on a stable, relatively flat, unimproved roadway. The tour of the various beach types and habitats will take about one hour. Some climbing over rock/boulder and cobble beaches will require good balance and proper shoes.

Meet near the picnic tables at the far end of the unpaved parking area near the trail head to the beach. Sponsored by EPA Long Island Sound Study Program and CT DEEP. Heavy rain postpones to Sunday, June 2nd at 1:00 p.m. Pre-registration is NOT NECESSARY. Please contact [Ralph Lewis](#) with questions.

Walk in: Easy (Mostly level/calm terrain with no obstacles); Beach Portion: Wet slippery rocks, cobble. Good shoes required. Dogs not allowed. No lifeguards at beaches.

Sheffield Island Trail Maintenance

Saturday, June 1, 8:30 a.m. to 3:30 p.m.

Here is your chance to celebrate National Trails Day on a beautiful island in Long Island Sound! Sheffield Island is a unit of the [Stewart B. McKinney National Wildlife Refuge](#) and a [Long Island Sound Stewardship site](#) that is home to a lighthouse (owned by the [Norwalk Seaport Association](#)) and numerous wildlife species. Leaders Shaun Roche, Kris Vagos, and Georgia Basso of the U.S Fish and Wildlife service need your help to pull invasive plants, repair the nature trail, and clean up damage caused by Super Storm Sandy. All volunteers (max. 40 people) will receive a free round trip ferry ride to the island, tours of the lighthouse and nature trail, and information about this important Long Island Sound ecosystem.

Open to adults and children 9 years or older, the volunteer activities will require moderate physical exertion, sturdy close-toed shoes, and long pants. Sponsored by the U.S. Fish & Wildlife Service/McKinney Refuge, [Long Island Sound Study](#), and Norwalk Seaport Association. Rain postpones to June 2nd at 8:30 a.m. Any change notices will be posted by the leader on the [Connecticut Forest and Park Association Facebook wall](#) by Saturday morning.

Pre-registration is REQUIRED. To pre-register or ask questions, please contact [Shaun Roche](#). Meeting location will be

provided upon registering.

If you can't attend one of these walks during Connecticut Trails Day Weekend, you can always visit the sites on your own. More information about these and approximately 200 other coastal access areas can be found in the [Connecticut Coastal Access Guide](#). Happy Trails!

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Sheffield Island Lighthouse

Sheffield Island Lighthouse
Photo Credit: DEEP/Connecticut Coastal
Access Guide

The Long Island Sound Study Comprehensive Conservation and Management Plan Needs You!

The Long Island Sound Study's (LISS) [Comprehensive Conservation and Management Plan](#) is currently being updated, and we need your help. Public meetings are being scheduled in Connecticut and New York to solicit input from the public to help identify victories, continuing challenges, and emerging issues. WaterVision, the consultant retained by the LISS to lead the update process, will be sending out information via various social media sites, links to which can be found on the [LISS update webpage](#). The webpage will serve as the repository for documents and information throughout the update process, so check back often.



A [public scoping and stakeholder meeting](#) has been scheduled in New York for Wednesday June 5, 2013 from 5:30 pm to 8:30 pm at Stony Brook University's Endeavor Hall, and additional meetings will be scheduled in the near future. Don't miss out on this opportunity to help shape the future vision of Long Island Sound.

For more information on the CCMP update, please contact [Mark Parker](#) at 860-424-3276.

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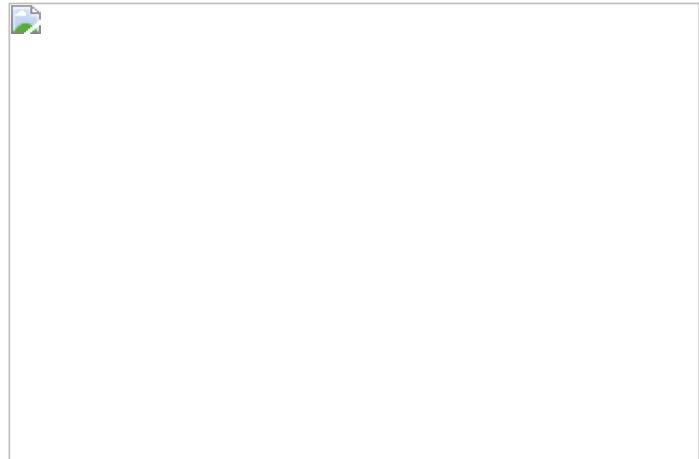
Climate Change Update: Coastal Adaptation Workshop at Avery Point Helps Connecticut Towns Plan for Climate Change

Climate change adaptation and resiliency have taken center stage in coastal municipalities recently, perhaps due in part to the damage that many coastal areas experienced during Tropical Storm Irene and Super Storm Sandy. In an effort to help Connecticut towns better adapt to the impacts associated with climate change and improve their overall resiliency, the DEEP, UConn SeaGrant, UConn's Center for Land Use Education and Research (CLEAR), and the National Oceanic and Atmospheric Administration collectively sponsored an intensive Coastal Adaptation Workshop, held May 15-17 2013 at Avery Point in Groton, Connecticut.

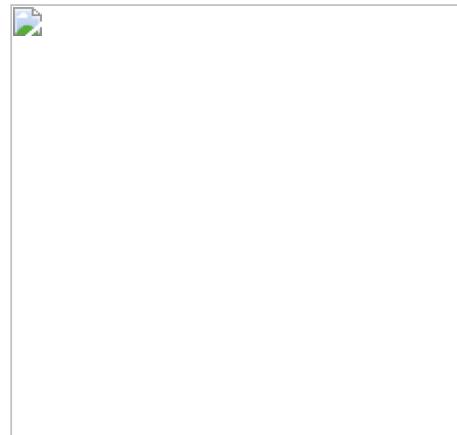
The workshop was attended by over 30 municipal staff, as well as several consultants, students, and representatives from non-governmental organizations (NGOs). Workshop attendees participated in hands-on exercises meant to illustrate how challenging it can be to coordinate and execute climate adaptation work. Participants also toured adjacent Shennacosset Beach to examine the impacts from Super Storm Sandy and witness resource restoration efforts currently underway. The workshop also included presentations by David Valley of the National Weather Service that highlighted the fact that while Tropical Storm Irene and Super Storm Sandy caused significant damage in Connecticut, neither was classified as a hurricane when it hit the state. David Murphy from Milone and MacBroom and Adam Welchel from The Nature Conservancy also presented information on climate change-related impacts and the range of ongoing adaptation efforts in Connecticut.

Perhaps the most valuable aspects of the workshop were the identification of the wealth of resources available from state government, academia, NGOs, and beyond that can help meet communities' most pressing adaptation and resiliency needs, and the offer of assistance as municipalities prepare to incorporate climate and resiliency strategies into local hazard mitigation plans and plans of conservation and development. The workshop also identified funding streams available for adaptation and resiliency work, as well as post-disaster recovery funds. Ultimately, attendees left the workshop with the knowledge that they have multiple valuable resources and a community of climate change partners that they can continue to turn to for mutual support and guidance.

For more information on climate change, or if you are interested in climate education and training opportunities, please contact [Jennifer Pagach](#) at 860-424-3295.



Beach Restoration at Shennacosset Beach, Groton
Photo Credit: UConn CLEAR



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