

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : **APPLICATION NO. 200301803**
DAVID FRANKEL : **AUGUST 19, 2004**

PROPOSED FINAL DECISION

The parties have signed and submitted an *Agreed Draft Decision* (Attachment A) for adoption as the Proposed Final Decision in this matter. Regs., Conn. State Agencies §22a-3a-6(1)(3)(A). I so adopt this agreement of the parties and recommend that the Commissioner issue the requested permit incorporating the terms and conditions set forth in the draft permit (Attachment B).

8/19/04
Date

/s/ Janice B. Deshais
Janice B. Deshais, Director
(Elaine R. Tata, Hearing Officer)¹

¹ Ms. Tata left the employ of the DEP in July 2004; however, before her departure, she advised me as to the status of this matter and recommended the adoption of the forthcoming agreed draft decision.

ATTACHMENT A
AGREED DRAFT DECISION

DAVID FRANKEL
COASTAL PERMIT APPLICATION #200301803-MG
INSTALLATION OF A FIXED PILE AND TIMBER PIER
TOWN OF OLD SAYBROOK

August 5, 2004

1. Introduction: On June 19, 2003, Dr. David Frankel submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the high tide line and in an area of tidal wetlands, for the installation of a fixed pile and timber pier, a davit and four (4) associated tie-off piles in South Cove off of the Connecticut River in the Town of Old Saybrook. This application seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of the Connecticut General Statutes ("General Statutes") sections 22a-359 through 363f, in accordance with the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 of the General Statutes, and Tidal Wetlands Act and regulations, sections through 22a-28 through 22a-35 of the General Statutes and sections 22a-30-1 through 22a-30-17 of the Regulations of Connecticut State Agencies and the Connecticut Water Quality Standards developed pursuant to CGS section 22a-426.
2. Parties: The parties to the proceeding are: the Applicant, David Frankel and staff from the Office of Long Island Sound Programs ("OLISP") of the Department of Environmental Protection ("DEP").

The parties have agreed to the admission of all the exhibits listed on the attached Prehearing Submissions comprising staff exhibits DEP-1 through DEP-25 and APP-1 through APP-9.

FINDINGS OF FACT

Background:

1. Site Location and Character: The site is located at 20 Nibang Avenue on South Cove in the Borough of Fenwick in Old Saybrook. South Cove is an estuarine embayment that is subject to an average 5.3' tidal range. Tidal wetland vegetation is present along the entire frontage of the site. In addition, an area of intertidal flats is located waterward of the existing tidal wetland vegetation and is visible at low water. (DEP-1).

2. Application History: The initial application was received on June 19, 2003 requesting to retain an existing pre-1980 concrete seawall consisting of approximately 275 linear feet and approximately 450 cubic yards of concrete over an approximately 500 square foot area and to construct a 4' wide by 5' long elevated fixed pile and timber landing at elevation +20.5' mean low water ("MLW") with railings, connected to 19' long stairs with open grating, leading down to a 5' wide by 7' long elevated fixed pile and timber landing at elevation +10.5' MLW with railings, connecting to a 5' wide by 83' long fixed pile and timber pier, of which approximately 46' slopes from elevation +10.5' MLW to +5.5' MLW with battered piles, ships ladders and a utility post on the pier, and a davit at the waterward terminus of the pier, and four (4) off shore tie-off piles with a top elevation +9.5' MLW (DEP-1). After the initial review of the application, staff determined that the proposed work appeared to be consistent with applicable State policies, standards and criteria. A letter dated August 5, 2003 was sent to the Applicant requesting additional information. (DEP-4). The Applicant supplied the required information in a August 27, 2003 letter, received August 29, 2003. (DEP-5). In January 2004, OLISP staff recommended tentative approval of the application and on February 14, 2004, the Notice of Tentative Determination to Approve and Intent to Waive a Public Hearing was published in the Pictorial Gazette newspaper for the retention of existing concrete seawall and to construct a fixed pier for private recreational boating use. (DEP-13). Because the project spans an area of tidal wetland vegetation, section 22a-32 of the General Statutes required a 40-day comment period on the application and also required that a public hearing be held upon request by twenty-five (25) individuals in a petition. The public comment period closed on March 25, 2004. On March 22, 2004, staff received a petition from Mrs. Ashley Malinovsky with forty-one (41) signatures requesting that a public hearing be held on the application. (DEP-19).

In accordance with statutory requirements, upon receipt of Mrs. Malinovsky's petition a public hearing was scheduled on the application. On May 14, 2004, a Notice of Public Hearing was published in the Pictorial Gazette. (DEP-24). The hearing was held at the DEP Marine Headquarters in Old Lyme on June 30, 2004 at 6:30 pm.

3. Project Description: The Applicant, seeks to retain existing pre-1980 concrete seawall consisting of approximately 275 linear feet and approximately 450 cubic yards of concrete over an approximately 500 square foot area and to construct a 4' wide by 5' long elevated fixed pile and timber landing at elevation +20.5' mean low water ("MLW") with railings, connected to 19' long stairs with open grating, leading down to a 5' wide by 7' long elevated fixed pile and timber landing at elevation +10.5' MLW with railings, connecting to a 5' wide by 83' long fixed pile and timber pier, of which approximately 46' slopes from elevation +10.5' MLW to +5.5' MLW with battered piles, ships ladders and a utility post on the pier, and a davit at the waterward terminus of the pier, and four (4) off shore tie-off piles with a top elevation +9.5' MLW (DEP-1).
4. Purpose and Use of Proposed Dock: The purpose of the proposed work is to construct a fixed pile and timber pier for the Applicant's private, recreational boating use. (DEP-1).
5. Compliance and Enforcement History: There are no previous permits or certificates issued by the DEP-OLISP that authorized work waterward of the high tide line at this

site. The site has not been the subject of a DEP enforcement action for unauthorized activities waterward of the high tide line. (DEP-11). The existing concrete seawall will be authorized in the final permit (DEP-25).

6. Tidal Wetlands Vegetation: On May 20, 2003, OLISP staff conducted a site visit to verify the location of tidal wetland vegetation within the project location. The inspection revealed that tidal wetland vegetation (consisting primarily of *Spartina alterniflora* and *Spartina patens*) exists along the entire frontage of the property as shown on the submitted plans. The tidal wetland vegetation in this area at the height of the growing season is approximately 3' and 18" in height, respectively, and extends waterward from the existing concrete seawall in widths ranging from 27' to 15'. The proposed pier has been designed to minimize potential impacts to tidal wetland vegetation by not installing piles within the vegetation and the proposed pier will be sufficiently elevated and will have metal or fiberglass grating to minimize shading impacts associated with the structure. (DEP-13 and DEP-25).
7. Shellfish: OLISP staff received a letter from the Department of Agriculture, Bureau of Aquaculture stating that the proposed dock is located in a Restricted Area and that the dock must be used for the exclusive use of the homeowner. (DEP-22).
8. Connecticut Endangered, Threatened and Special Concern Species: A review of all Endangered, Threatened, and Special Concern species was conducted for the project site by staff of DEP's Environmental & Geographic Information Center (EGIC). A July 16, 2003 letter from Kenneth Metzler (EGIC) to Thomas Law, the Applicant's representative indicated that a population of Canada sand-spurry (*Spergularia canadensis*) occurs at the site in questions. Mr. Metzler and Mr. Law met on-site to locate the identified plant species and discuss the proposed project and the potential adverse impacts resulting from the construction. In an October 8, 2003 letter Mr. Law indicates that the application drawings have been modified to include Mr. Metzler's comments. (DEP-7).
9. Intertidal Mudflats: The location of MLW on the project site, in the immediate vicinity of the proposed structure is approximately 51' from the existing concrete seawall. Tidal wetland vegetation extends out from the existing seawall approximately 15'. The area waterward of the tidal wetland vegetation is an intertidal mudflat. The fixed pier will span this intertidal flat. (DEP-1).
10. Finfish: The proposed project was discussed with Mark Johnson, DEP Inland Fisheries Division to determine potential impacts to fisheries and fisheries habitat. His review concluded that the installation of the proposed fixed pier, ramp and float will not adversely impact fisheries resources and habitat in South Cove. (DEP-11).
11. Navigation Impacts: The encroachment associated with the proposed pier is approximately 83' waterward of the existing high tide line and is the minimum length necessary at this particular location to provide the Applicant with reasonable boating access to South Cove and Long Island Sound. The Applicant provided documentation that the area immediately waterward of the existing tidal wetland vegetation is exposed during periods of low water and prohibits safe navigation in that area. (DEP-1 and DEP-

13). The commonly traveled way into and out of South Cove is approximately 80 to 100' waterward of the proposed fixed pier and is not anticipated that the proposed structure will present navigational conflicts within South Cove. (DEP-18).

12. Public Trust: The DEP has found that along the Connecticut coast reasonable access for a riparian property owner can generally be achieved by a fixed pier extending to mean low water with a ramp and 100 square foot float. Thomas Law, the Applicant's representative indicated that due to the shallow water conditions in the vicinity of the proposed structure, a fixed pier equivalent of a ramp and floating dock (approximately 40') was proposed here. (DEP-18). As proposed, the dock is centrally located on the Applicant's frontage. The proposed structure conforms to this finding and therefore, does not represent an unreasonable encroachment into public trust waters in South Cove. (DEP-11).

Environmental Impacts:

Environmental impacts associated with the proposed pier have been minimized to the greatest extent practicable. The Applicant understands that use of this structure to berth vessels may not be possible at all tidal cycles due to shallow depths in South Cove. The installation of the fixed pier and associated tie-off piles are not anticipated to adversely impact existing intertidal flats, tidal wetlands, shellfish or finfish resources. (DEP-11).

Alternatives: Several project alternatives were considered by the applicants:

1. Shorter Fixed Pier: A shorter fixed dock was considered and rejected because it would not provide the applicant with reasonable boating access. If the dock were shorter than proposed, the structure would be useless due to shallow water depths. (DEP-18).
2. Longer Fixed Pier: A longer fixed pier structure to reach deeper water depths was not considered feasible as it would be inconsistent with the public trust responsibilities of the DEP to minimize encroachment into public trust waters. In addition, a longer structure might cause navigation conflicts in the cove. (DEP-1).
3. No Dock: This alternative was considered and rejected because it would not provide the applicants with a means to exercise their riparian right of access to the waters of the cove. In addition, based on the presence of the existing concrete seawall, there is no possible means access to the waters of the cove. (DEP-1).

After balancing all of the relevant concerns, a dock structure consisting of a fixed pier as proposed by the Applicant will afford the Applicant with reasonable access to public trust waters for boating while minimizing both overall encroachment and impacts to coastal resources. This proposal represents the least intrusive and most environmentally sensitive of those alternatives considered.

CONCLUSIONS

1. Environmental Impact of the Proposed Action: The proposed project would provide the Applicants with reasonable access to public trust waters for recreational boating. The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following policies regarding coastal resources, tidal wetlands, and coastal management:
 - a. Section 22a-92(a)(1) of the General Statutes, which requires 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;
 - b. Section 22a-92(b)(1)(D) of the General Statutes which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to 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;
 - c. Section 22a-92(b)(1)(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 redeveloped areas, (iii) are located to assure optimal distribution of state owned facilities to the state wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;
 - d. Section 22a-92(b)(2)(D) of the General Statutes, which requires the management of 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 allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation;
 - e. Section 22a-92(c)(2)(A) of the General Statutes, which policies concerning coastal land and other resources within the coastal boundary (in part) 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 my outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational fisheries;

- f. Section 26-310(a) of the General Statutes, which requires that each state agency, in consultation with the Commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of the endangered or threatened species or result in the destruction or adverse modification of habitat designation as essential to such species, unless such agency has been granted an exemption.
 - g. Section 22a-92(b)(2)(E) of the General Statutes, to preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions.
 - h. Section 22a-92(c)(1)(B) of the General Statutes, 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 adverse impacts on coastal resources are minimal.
 - i. Section 22a-33 of the General Statutes, which establishes the criteria for review of Tidal Wetlands Act applications.
 - j. RCSA section 22a-30-10 of the Tidal Wetlands Regulations which further explains the criteria for Tidal Wetland Act review.
 - k. RCSA section 22a-30-11(b)(2) of the Tidal Wetlands Regulations, defines the use guidelines for small residential docks.
2. Consistent with All Applicable Standards: The proposal is consistent with applicable standards, goals and policies of sections 22a-28 through 22a-35 and 22a-359 of the General Statutes which requires the Department to make permit decisions with due regard for indigenous aquatic life, fish and wildlife, the use and development of adjoining uplands, and the recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.
3. Alternatives to the Proposed Action: There is no feasible or prudent alternative which would provide the applicant reasonable riparian access which would have less impact on the adjacent coastal resources.

AGREEMENT

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the Draft Permit (Exhibit DEP-25), attached hereto.

By: _____
Gregory A. Sharp, Esq.
Attorney for the Applicant, David Frankel

By: _____
Charles H. Evans, Director
Office of Long Island Sound Programs
Department of Environmental Protection

ATTACHMENT B

DRAFT - PERMIT

Permit No.: 200301803-MG

Town: Old Saybrook

Work Area: South Cove and the Connecticut River off property located at 20 Nibang Avenue

Permittee: David Frankel

Pursuant to sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the Connecticut General Statutes (AGeneral Statutes≡), and in accordance with section 22a-98 of the General Statutes and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to retain an existing concrete seawall for shoreline flood and erosion control and construct a fixed pile and timber pier for private recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in the Awork area≡ in the Connecticut River described above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200301803-MG, including one location map and four (4) sheets of plans, dated June 3, 2004 and sheets 1 and 2 of 4 revised October 28, 2003 and sheets 3 and 4 of 4 revised January 6, 2004 submitted by the Permittee to the Commissioner and attached hereto:

1. retain an existing pre-1980 concrete seawall consisting of approximately 275 linear feet and approximately 450 cubic yards of concrete over an approximately 500 square foot area as shown on the plans attached hereto; and
2. construct a 4' wide by 5' long elevated fixed pile and timber landing at elevation +20.5' mean low water ("MLW") with railings, connected to 19' long stairs with open grating, leading down to a 5' wide by 7' long elevated fixed pile and timber landing at elevation +10.5' MLW with railings, connecting to a 5' wide by 83' long fixed pile and timber pier, of which approximately 46' slopes from elevation +10.5' MLW to +5.5' MLW with battered piles, ships ladders and a utility post on the pier, and a davit at the waterward

terminus of the pier, and four (4) off shore tie-off piles with a top elevation +9.5' MLW as shown on sheets 3 and 4 of 4 attached hereto.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
3. The Permittee shall install and maintain the grating on the access stairs authorized herein.
4. The Permittee shall construct the fixed pile and timber pier authorized herein with the landward terminus of the pier with a top elevation of +10.5' MLW as shown on sheets 3 and 4 of 4 of plans.
5. All work associated with the driving of piles shall be conducted from a water-based barge during periods of high tide only. The Permittee shall not allow the barge to rest on the substrate at any time.
6. All waste material generated by the work authorized herein shall be disposed of at an approved upland location landward of the high tide line and outside of any tidal wetland vegetation.
7. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
8. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner Aas-built plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.
9. The Permittee shall not drive any pilings in tidal wetlands as shown on the plans attached hereto.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within three (3) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
2. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in his sole discretion.
3. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
4. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
5. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable laws including, but not limited to, sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the General Statutes.
6. Prior to the commencement of any work authorized herein, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
7. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit "pollution" means "pollution" as that term is defined by section 22a-423 of the General Statutes
8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
15. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.

16. In the event that the Permittee became aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
17. In evaluating the application for this permit, the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the purpose of the work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and the Permittee may be subject to enforcement action.
18. The Permittee may not conduct any work waterward of the high tide line or in tidal wetlands at this work area other than work authorized herein, unless otherwise authorized by the Commissioner pursuant to section 22a-359 et. seq. and/or section 22a-32 et. seq. of the Connecticut General Statutes.
19. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, State and local law.
20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material 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 hereby.

Issued on _____, 2004.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Arthur J. Rocque, Jr.
Commissioner

Permit Application No. 200301803-MG, Old Saybrook
David Frankel
Certified Mail # _____

APPENDIX A

**TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127**

PERMITTEE: David Frankel
20 Nibang Avenue
Old Saybrook, CT 06475

PERMIT NO.: 200301803-MG, Old Saybrook

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____ (signature) _____ (date)