

OFFICE OF ADJUDICATIONS

IN THE MATTER OF

: APPLICATION NO. 200501872-MG

NANCY PAWLIK

: OCTOBER 20, 2006

PROPOSED FINAL DECISION

I

SUMMARY

The applicant, Nancy Pawlik, has filed an application with the Department of Environmental Protection (DEP) Office of Long Island Sound Programs (OLISP) seeking a permit to conduct certain regulated activities in connection with the construction of a pier, ramp and floating dock in the Niantic River in Waterford. This permit is sought in accordance with the structures, dredging and fill provisions of General Statutes §§22a-359 through 22a-363f, the Coastal Management Act, §§22a-90 through 22a-112, and the Tidal Wetlands Act and regulations. §§22a-28 through 22a-35; Regs., Conn. State Agencies §§22a-30-1 through 22a-30-17.

The applicant and OLISP submitted the attached *Agreed Draft Decision* for my review and consideration following a hearing on the application (Attachment A). The record in this matter closed on September 20, 2006. On October 19, 2006, the record was opened for the purpose of admitting three new exhibits, which are attached to and referenced in the *Agreed Draft Decision*. OLISP has also prepared a draft permit authorizing the project (Attachment B).

The *Agreed Draft Decision* submitted by the parties satisfactorily conveys the findings of fact and conclusions of law necessary to support a conclusion that the proposed activities, if conducted in accordance with the terms and conditions of the draft permit, will comply with all relevant statutes and regulations. I therefore adopt this attached *Agreed Draft Decision* as my proposed final decision and recommend issuance of the permit.

/s/ Jean F. Dellamarggio
Jean F. Dellamarggio, Hearing Officer

P A R T Y L I S T

Proposed Final Decision in the Matter of
Nancy Pawlik/Application No. 200501872-MG

PARTY

The Applicant
Nancy Pawlik

REPRESENTED BY

John P. Casey
Robinson & Cole
280 Trumbull Street
Hartford, CT 06103

Department of Environmental Protection

Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106

Micheal Grzywinski

AGREED DRAFT DECISION

NANCY PAWLIK
COASTAL PERMIT APPLICATION # 200501872-MG

INSTALLATION OF A PIER, RAMP AND FLOATING DOCK
TOWN OF WATERFORD

October 16, 2006

1. Introduction: On July 7, 2005, Nancy Pawlik 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, ramp and floating dock with associated tie-off piles in the Niantic River, in the Town of Waterford. 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 (“CGS”) sections 22a-359 through 363f, in accordance with the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 of the CGS, and Tidal Wetlands Act and regulations, sections through 22a-28 through 22a-35 of the CGS and sections 22a-30-1 through 22a-30-17 of the Regulations of Connecticut State Agencies.
2. Parties: The parties to the proceeding are: the Applicant, Nancy Pawlik, 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-21. Applicant’s only exhibit, APP-1, which was not listed on the Applicant’s Prehearing Submissions, was admitted without objection at the hearing of this matter on September 13, 2006. Exhibit DEP-21 was also admitted into the record without objection at the hearing.

FINDINGS OF FACT

Background

1. Site Location and Character: The site is located at 50 Niantic River Road on the Niantic River in Waterford, Connecticut. The landward area of the site is classified as Coastal Bluffs and Escarpments. The Niantic River itself is an Estuarine Embayment. The entire shoreline frontage of the Applicant’s property contains tidal wetland vegetation, consisting primarily of *Spartina patens*. There are also areas of *Spartina alterniflora*, dune grass, and *Ivy frutescens* along the shoreline. There is no eel grass or intertidal flats in the vicinity of the proposed fixed pier, ramp or float. (DEP-10).

2. Application History: The initial application was received by the Department on August 2, 2005 requesting authorization to install an elevated 4' wide by 80' long fixed pile and timber pier, an 8' wide by 20' long floating dock with a hinged ramp, and four (4) restraint piles and five (5) tie-off pilings. (DEP-1).

In evaluating the application, OLISP staff solicited or received input from the State of Connecticut Department of Agriculture, the State of Connecticut Historic Preservation Office, as well as input from other offices within the DEP itself. (DEP-6, DEP-13, DEP-10). OLISP staff inspected the site on November 21, 2005. (DEP-10). During the course of OLISP staff review, staff asked that the Applicant revise her application to state that she would remove an existing 30' wooden walkway, justify the need for the proposed float size, provide the dimensions of the proposed ramp, show a 5' vertical clearance between the location of the mean high water line and the lowest horizontal member of the fixed pier, as well as make other technical corrections to the application. (DEP-2). The Applicant complied with staff's requests and provided justification for the proposed float size. (DEP-4, DEP-5, DEP-7, DEP-8, DEP-9, DEP-10, DEP-12). The Army Corps of Engineers granted its approval for the dock on June 19, 2006. (DEP-16).

On May 7, 2006, OLISP staff recommended tentative approval of the application and issued a Notice of Tentative Determination to Approve and Intent to Waive a Public Hearing. (DEP-11). On that same day, the notice was published in *The Day*, a daily newspaper published in New London, CT. (DEP-17). 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 June 16, 2006. On June 13, 2006, OLISP staff received a petition from Attorney Scott Jezek, who represents Timothy and Margaret Brundage, owners of 52 Niantic River Road, with 27 signatures requesting that a public hearing be held on the application. (DEP-14). The Brundages were concerned about the dock obstructing their view, as well as the impact of certain provisions in their deed and the Applicant's deed. (DEP-14, DEP-19). OLISP staff determined that the deed language had no impact on their decision to approve the dock, and noted instead that it was a private matter between the Brundages and the Applicant. (DEP-18). Prior to the hearing, the Applicant and her attorney met with the Brundages and their attorney to discuss the Brundages' concerns and their proposals to resolve the dispute. After the meeting, the Applicant agreed to make the following changes to the dock design: (1) change the wooden hand railings to wires so they are less visible; (2) remove the two northern tie-off pilings; and (3) angle the entire structure from its starting location further to the south.

In accordance with statutory requirements, upon receipt of the petition a public hearing was scheduled on the application. The hearing officer, Jean F. Dellamarggio, of the DEP Office of Adjudications, held a status conference on July 10, 2006. On August 16, 2006, a Notice of Public Hearing was published in *The Day* newspaper. (DEP-21). The parties submitted their prehearing exchange of information on August 17, 2006. A final Prehearing Conference was held on August 31, 2006. Thereafter, a site visit was held on September 6, 2006. The hearing was held in Waterford at the Waterford Town Hall on

September 13, 2006 at 6:30 pm. At the hearing, the Applicant presented evidence and testimony that the dock was appropriate for its intended use and that it complied with the relevant statutory and regulatory guidelines, as well as put on the record the Applicant's agreement to make revisions in the dock design to satisfy the Brundages. (APP-1).

3. Project Description: The Applicant, in her initial application, sought authorization to install an elevated 4' wide by 80' long fixed pile and timber pier, an 8' wide by 20' long floating dock with a hinged ramp with four (4) restraint piles, and five (5) tie-off pilings. (DEP-1). At the request of the OLISP staff, the Applicant clarified that the dimensions of the ramp would be 3' wide by 20' long and that the Applicant would remove the existing 30' long wooden walkway. (DEP-4, DEP-7). The proposal also changed in accordance with the agreement the Applicant made with the Brundages to (1) change the wooden hand railings to wires so they are less visible; (2) remove the two northern tie-off pilings; and (3) angle the entire structure from its starting location further to the south. A set of revised plans to reflect this agreement, as well as a written consent to the dock signed by the Brundages, is attached to the Agreed Draft Decision.
4. Purpose and Use of Proposed Dock: The purpose of the proposed work is to construct a pier, ramp and floating dock for the Applicant's private, recreational boating use. (DEP-1, DEP-10).
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-1, DEP-10).
6. Tidal Wetlands Vegetation: On November 21, 2005, OLISP staff conducted a site visit to verify the location of tidal wetland vegetation within the project location. The entire shoreline frontage of the Applicant's property contains tidal wetland vegetation, consisting primarily of *Spartina patens*. There are also areas of *Spartina alterniflora*, dune grass, and *Ivy frutescens* along the shoreline. There will be minor impacts to the existing tidal wetland vegetation associated with the installation of the timber piles. The proposed pier will span an approximately 20' wide band of *Spartina patens*, which is the narrowest band of vegetation on the Applicant's property. The proposed structure is designed to be sufficiently elevated (4' to 5') to minimize shading of this vegetation. The ramp and float portions of the dock structure will be installed waterward of the extent of the tidal wetland vegetation on-site and therefore is not expected to impact this resource. In addition, the ramp and float will be removed seasonally reducing impacts to the bottom substrate. (DEP-1, DEP-6, DEP-10, DEP-12).
7. Shellfish: The site is classified as an area of Bay Scallops ("SB") as shown on the DEP Shellfish Concentration Map; however, no evidence of shellfish was found during the Applicant's site investigation. (DEP-1). The State of Connecticut Department of Agriculture, Bureau of Aquaculture determined that the proposed work would not significantly impact any shellfish area and noted that while the project was located in a conditionally approved growing area, there are no deeded or leased shellfish grounds in the project area. (DEP-6). To minimize impacts on shellfish areas, the float will be

equipped with skids to keep it above the bottom substrate at periods of low water and the ramp and float are to be removed seasonally. (DEP-1, DEP-6, DEP-10).

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 the DEP Environmental & Geographic Information Center (“EGIC”). In a letter dated March 22, 2005 to Thomas C. Law, the Applicants’ representative, Kenneth J. Metzler of EGIC indicated that there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur at the site in question. (DEP-1). Mr. Metzler’s letter also stated that this information is not necessarily the result of comprehensive or site-specific field investigations.
9. Intertidal Mudflats: There are no intertidal mudflats in the project area. (DEP-10). Regardless, the floating dock will be equipped with skids to keep it above the bottom substrate at periods of low water. (DEP-1).
10. Finfish: The proposed project will not adversely impact fisheries resources and habitat in the Niantic River. (DEP-1, DEP-10).
11. Navigation Impacts: The encroachment associated with the proposed pier, ramp and floating dock is approximately 122' waterward of the existing high tide line, with 82' of fixed pier extending waterward of the high tide line. Only 5' of the fixed pier extends beyond mean low water. The ramp and floating dock extend 43' waterward of mean low water. The proposed project is the minimum length necessary at this particular location to provide the applicant with reasonable boating access to the Niantic River and Long Island Sound. Because the floating dock is located in approximately 1' to 1½' of water at low tide, the distance is necessary to ensure that the float and any vessels moored to it do not bottom out at low tide. The length of the proposed structure and the size of the floating dock are also consistent with the dock permitted at 54 Niantic River Road (two properties to the north), which was permitted on May 18, 2000. The proposed dock is also shorter in length than the existing dock immediately to the south, which extends approximately 20' further into the Niantic River. It is not anticipated that the proposed structure will present navigational conflicts within the Niantic River.
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 floating dock. The proposed fixed pier complies with this policy by terminating just beyond mean low water. (DEP-1, DEP-10). The bottom stringers of the fixed pier will be elevated 5' above the substrate, thus not interfering with public access. (DEP-12). In certain exposed areas, the DEP can find floats that are larger than 100 square feet consistent with the public trust policies when the applicant demonstrates that a larger float is necessary due to site conditions. The applicant has sufficiently demonstrated that a larger than 100 square foot floating dock is appropriate at this site and the float size is consistent with other recently state approved permits in the area. (DEP-4, DEP-7, DEP-9, DEP-10). Therefore, the proposed structure does not represent an unreasonable encroachment into public trust waters in the Niantic River. (DEP-10).

13. Environmental Impacts: Environmental impacts associated with the proposed pier, ramp and floating dock have been minimized to the greatest extent practicable. The installation of the ramp and float are not anticipated to adversely impact existing tidal wetlands, shellfish, or finfish resources. (DEP-10).

Alternatives

1. The Applicant considered the following alternatives:
 - a. A larger fixed pier only, which would extend the same length as the proposed fixed pier, ramp and float. This alternative was rejected because of its potential impact on navigation, because of the difficulty in accessing small watercraft from a fixed pier at this location (a ramp and float is preferable) and because it would be inconsistent with DEP public trust policy. (DEP-1).
 - b. A larger float, to provide greater water access and better stability on the water. This alternative was rejected because it would be inconsistent with DEP public trust policy. (DEP-1).
 - c. A smaller float, to be more in line with DEP public trust policy; however, this was rejected because a smaller float at this site because the prevailing wind conditions and exposure from the southwest at this site would cause a smaller float to be unstable. (DEP-1).
 - d. The alternative of no dock was considered and rejected because it prevents the Applicant from exercising its right of riparian access to the waters of the Niantic River. (DEP-1).
2. After balancing all of the relevant concerns, a dock structure consisting of a fixed pier, ramp and float as proposed by the Applicant was determined to provide 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. (DEP-10).

CONCLUSIONS

1. Environmental Impact of the Proposed Action: The proposed project would provide the Applicant 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 CGS, 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 CGS, 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) of the CGS, which provides for the protection of 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)(E) of the CGS, which requires the preservation of tidal wetlands and the prevention of despoliation and destruction of tidal wetlands in order to maintain their vital natural functions;
- f. Section 22a-92(c)(1)(B) of the CGS, which disallows 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;
- g. Section 22a-92(c)(2)(A) of the CGS, which requires the management of 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; and 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 fisheries;
- h. Section 26-310(a) of the CGS, 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;

- i. Section 22a-359 of the CGS, which establishes the criteria for review of applications seeking permission for dredging and erection of structures and placement of fill in tidal, coastal or navigable waters;
 - j. Section 22a-33 of the CGS, which establishes the criteria for review of Tidal Wetlands Act applications;
 - k. Section 22a-30-10 of the Tidal Wetlands Regulations, which further explains the criteria for Tidal Wetland Act review; and
 - l. Section 22a-30-11(b)(2) of the Tidal Wetlands Regulations, which 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 CGS, 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, attached hereto.

Department of Environmental Protection

Applicant, Nancy Pawlik

By /s/ Brian Thompson _____
 Brian Thompson, Director
 Office of Long Island Sound Programs
 Department of Environmental Protection
 79 Elm Street
 Hartford, CT 06106-5127

By /s/ John P. Casey _____
 Her Attorney
 John P. Casey, Esq.
 Robinson & Cole LLP
 280 Trumbull Street, 27th floor
 Hartford, CT 06103-3597

DRAFT PERMIT

Permit No.: 200501872-MG

Town: Waterford

Work Area: Niantic River off property located at 50 Niantic River Road

Permittee: Nancy Pawlik
50 Niantic River Road
Waterford, CT 06385

Pursuant to section 22a-359 through 22a-363f of the Connecticut General Statutes (CGS), and in accordance with section 22a-98 of the CGS and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to remove an existing timber walkway and construct a fixed pile and timber pier, ramp and floating dock and install new tie-off piles for private recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in the work area in the Niantic 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 #200501872-MG, including one location map and four (4) sheets of plans dated July 7, 2005, sheet 1 of 4 revised December 15, 2005, sheets 2 through 4 of 4 revised August 25, 2006 submitted by the Permittee to the Commissioner and attached hereto:

1. remove an existing 30' long timber walkway;
2. construct a 4' wide by 88' long fixed pile and timber pier with timber stairs on the landward terminus, of which 80' is located waterward of the high tide line, with a landward deck elevation of +8.5' mean low water ("MLW) and a waterward deck elevation of +6.5' MLW, with metal guide wire railings, a 3' wide by 20' long ramp with railings to an 8' wide by 20' long floating dock equipped with float skids and three (3)

tie-off piles; and

3. construct a 5' wide by 10' long set of timber stairs on the southern side of the timber pier identified above as shown on the plans.

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. Prior to the construction of the fixed pile and timber pier authorized herein, the Permittee shall remove the existing timber walkway identified in paragraph 1. of the SCOPE OF AUTHORIZATION.
4. All work associated with the installation of the piles authorized herein shall be conducted from a water-based barge during periods of high tide. The Permittee shall not allow the barge to rest on the substrate at any time.
5. 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.
6. The Permittee shall install and continuously maintain the float skids authorized herein.
7. The Permittee shall remove the float and access ramp authorized herein no later than November 15th, and shall not install such float and ramp before April 15th, of any calendar year. The Permittee shall store such structure at an upland location landward of the high tide line and outside of any wetlands.
8. 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.

9. 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.

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 her 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 CGS.
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 CGS.

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 becomes aware that she 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 CGS.
19. The issuance of this permit does not relieve the Permittee of her 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 _____, 2006.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Gina McCarthy
Commissioner

Permit Application No. 200501872-MG, Waterford
Nancy Pawlik

APPENDIX A

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

PERMITTEE: Nancy Pawlik
50 Niantic River Road
Waterford, CT 06385

PERMIT NO.: 200501872-MG, Waterford

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)