



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : *APP. Nos.: 201700781, 201700782*
STRAND/BRC GROUP, LLC : *April 13, 2018*

FINAL DECISION

On April 5, 2018, Strand/BRC Group, LLC (Applicant) and staff of the Department of Energy and Environmental Protection jointly filed the attached Agreed Draft Decision for my review and consideration ([Appendix 1](#)). Regs., Conn. State Agencies § 22a-3a-6(1)(3)(A). I have reviewed this submission, the record and the relevant law in this matter. I find that the Applications filed by the Applicant, requesting permits to conduct work waterward of the coastal jurisdiction line in tidal, coastal or navigable waters comply with the applicable statutory standards and policies. Furthermore, I find that the parties' Agreed Draft Decision satisfactorily conveys the factual findings and legal conclusions necessary to support my decision. I adopt this Agreed Draft Decision as the final decision in this matter.¹

¹ In the Agreed Draft Decision, the parties indicate that if the Agreed Draft Decision is adopted, the parties . . . "waive all rights to file exceptions with the Commissioner pursuant to § 22a-3a-6(y) of the Rules of Practice . . ." The Commissioner has delegated final decision-making authority to the agency's Office of Adjudications and its hearing officers in limited circumstances. Included in this delegation is the authority to issue final decisions in "matters where the hearing officer has issued a proposed final decision and the parties, including staff of the Department, by written stipulation waive compliance with the right to file exceptions to such decision, pursuant to [General Statutes] § 4-179(d)." Delegation of Authority, July 12, 2011, § VIII, F. 4. c. vii. I therefore, pursuant to authority delegated to me by the Commissioner, issue this decision as the Final Decision of the Department in this matter.

The DEEP has prepared draft permits authorizing work waterward of the coastal jurisdiction line. (Attached as [Appendices A](#) and [B](#) to the Agreed Draft Decision.) The record and these draft permits, including the modifications recommended in the Agreed Draft Decision, reflect staff's consideration of all the relevant criteria set forth in the applicable statutes and regulations governing the proposed activity.

The Agreed Draft Decision also address relevant issues raised by public comment received during this hearing process. I note that the Stamford Harbor Management Commission (Commission) reviewed the Applications and submitted comments to the Department on at least two occasions. Those comments, and the evidentiary record, indicate that, before the Applicant formally filed the Applications with the Department, the Commission reviewed the proposed regulated activities and found that it either lacked sufficient information to review the Applications or found them inconsistent with the Stamford Harbor Management Plan. In a comment submitted February 21, 2018, the Commission purported to amend its earlier conclusion, and stated that “the Applicant’s proposal . . . is inconsistent with the Stamford Harbor Management Plan and should not be approved in its present form.” The comments submitted by the Commission are just that – public comment. The Commission did not seek, and was not granted, party status in this matter. The purpose of public comment is to guide my inquiry into a matter, it is not evidence upon which my decision can be based. However, assuming *arguendo*, that the Commission claims its comments, or its earlier determination, are binding on me in reaching my decision in this matter, and to the extent that a finding of cause would therefore be required to disregard the Commission’s determination, I conclude that sufficient cause exists and that the requested permits should be granted over the Commission’s objections.²

² The findings of fact set out by the Agreed Draft Decision sufficiently identify cause for the issuance of the requested permits. For example, the placement of sheet piling will aid in remediation and prevent polluted soil for entering the waters of Long Island Sound.

I also note that several commenters claim that filling of the travel lift well on the parcel will eliminate a water dependent use and that, when considering this filling, it is irrelevant that the Applicant will construct a travel-lift on another site elsewhere in Stamford harbor. While neither the Agreed Draft Decision nor I rely exclusively or extensively on this claim as justification for granting the permits requested, I address it briefly here in response to public comment. The claim relies on a statement in the Proposed Final Decision *In the Matter of Davenport Landing*, November 20, 2015, which indicates that the Department “may not review this application as part of any larger development plan for Stamford Harbor; its review is limited to the application before it.” While this is true, it is true because, as the Proposed Final Decision indicates, “the Department cannot base its decision on *speculation or potential activities* on other sites . . .” (Emphasis added.) The construction of a travel-lift elsewhere in Stamford Harbor is merely not speculative – it was authorized by the Department in *Davenport Landing*.

Conclusion

If conducted as proposed and in accordance with the terms and conditions of the draft permits, the regulated activities will be consistent with all relevant statutes and regulations regarding activities waterward of the coastal jurisdiction line, specifically the statutes concerning Structures, Dredging and Fill (General Statutes §§ 22a-359 through 22a-363) and the Coastal Management Act (General Statutes §§ 22a-90 through 22a-112). The permits sought by the Applicant shall be issued, consistent with this final decision.



Brendan Schain, Hearing Officer

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF : **APP Nos. 21700782,
201700781**

STRAND/BRC GROUP, LLC : **April 5, 2018**

AGREED DRAFT DECISION

Introduction

Pursuant to § 22a-3a-6(1)(3)(A)(ii) of the Rules of Practice of the Connecticut Department of Energy & Environmental Protection (“DEEP” or the “Department”), The Strand/BRC Group, LLC (the “Applicant”) and the staff of the DEEP Land and Water Resources Division of the Bureau of Water Planning and Land Reuse (“DEEP Staff”) (collectively, the “Parties”) respectfully submit this Agreed Draft Decision in resolution of the above-captioned application matter. The Draft Permits, Permit #201700781 and Permit #201700782 (attached hereto as Appendices A and B), to conduct work waterward of the coastal jurisdiction line in tidal, coastal or navigable water pursuant to Conn. Gen. Stat. § 22a-361 along with a Water Quality Certification issued pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. § 1341), submitted by the DEEP Staff are acceptable to the Parties.

Further, the Parties waive all objections to the adoption of the Agreed Draft Decision without substantive change or modification as the Hearing Officer’s Proposed Final Decision and, if so adopted, waive all rights to file exceptions with the Commissioner pursuant to § 22a-3a-6(y) of the Rules of Practice, including the 15-day period normally allowed to file exceptions. The Parties respectfully urge the Hearing Officer to issue the Proposed Final Decision as expeditiously as possible.

Findings of Fact

Taking into consideration and giving due regard to all the evidence in the record, I make the following findings of fact:

A. Project Background

The Applicant is the owner of property located at 100 Bateman Way, Stamford, Connecticut, commonly referred to as the “14 Acre Site” (the “Site”). (Exhibits APP-1, APP-2). The Site is a peninsula bounded to the northwest by the Ponus Yacht Club, to the northeast by a hurricane barrier constructed by the United States Army Corps of Engineers (USACE), to the west by the West Branch of Stamford Harbor, to the south by Stamford Harbor, and to the east by East Creek, across which is Kosciuszko Park (also known as Dyke Park). A City of Stamford flood control pump station is located at the northern end of Kosciuszko Park and discharges into East Creek. The hurricane barrier and the pump station are part of a flood control project that protects Stamford's south end. (Exhibits APP-1, APP-2).

The peninsula is protected on the south side by approximately 425 feet of new steel sheet pile bulkhead, and on the west side by approximately 960 feet of new steel sheetpile bulkhead; an additional 250 feet of replacement bulkhead on the west side is authorized but not installed yet. The east side of the peninsula is bordered by approximately 195 feet of new steel bulkhead at its south end, then approximately 850 feet of rip-rap revetment, then approximately 410 feet of new steel bulkhead, and then the rip rap area formerly associated with Ponus Yacht Club. (Exhibits APP-1, APP-2).

Historical operations at the Site included a manufactured gas plant and shipyard and boatyard operations. (Exhibits APP-1, APP-2). The historical industrial and water dependent uses provided limited public access to the shoreline. (Exhibit DEEP-20). All former site buildings have been demolished and the site is currently vacant. (Exhibits APP-1, APP-2). The Site is currently undergoing remediation to address soil contamination, pursuant to a Remedial Action Plan (RAP) under the oversight of a licensed environmental professional (LEP). (Exhibits APP-1, APP-2, DEEP-20). The existing riprap revetment and bulkhead are dilapidated and failing. (Exhibits DEEP-20).

Most docks and gangways have been removed, and access to the Site is restricted due to safety and environmental issues. (Exhibits APP-1, APP-2). While the upland operations of the former boatyard have been removed, a temporary travel lift is being operated at the location of existing travel lift well to provide hauling, launching, and fueling services to boaters and to be available in the event of an emergency. This operation is temporary and will operate until other hauling and launching facilities are available elsewhere in the harbor. (Exhibits APP-1, APP-2). The City of Stamford has approved a general development plan for the Site and surrounding area that includes zone changes for the Site and provides a replacement boatyard on a nearby site referred to as Davenport Landing; DEEP approved the permit for Davenport Landing on January 22, 2014.

The Site has been the subject of a number of coastal permits issued by either the USACE or the Department. (See Exhibits APP-1, page 3). Most recently, the Department has permitted under COP# 201001317-KB the installation of 2,970 feet of replacement bulkhead, 1,900 feet of which has been installed. (Exhibits APP-1, APP-2). A length of 1,385 feet of the recently installed bulkhead is also the subject of Application 201700781. (Exhibits APP-1, DEEP-20).

B. The Applications

In January 2017, the Applicant submitted two applications for “Structures, Dredging, and Fill Permits,” pursuant to Conn. Gen. Stat. § 22a-361, along with an application for a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act, 33 U.S.C. § 1341, for work proposed as part an overall plan to stabilize and restore the Site, which will be home to a refurbished marina and new public access walkway along the perimeter of the Site (the “Applications”). (Exhibits APP-1, APP-2).

Specifically, Application 201700781 requested authorization to:

- remove existing rip rap and install a total of 854 feet of steel bulkhead to stabilize the shoreline located along portions of the eastern side of the Site;
- install a concrete cap and a metal safety railing on the new bulkhead;
- place 6,140 cubic yards of fill behind the proposed bulkhead; and

- retain portions of the new bulkhead installed under COP #202001317- KB with an apparent offset from the old bulkhead of more than 18 inches.,

(Exhibits APP-1; DEEP-13, DEEP-20). Application 201700782 requested authorization to:

- extend the steel sheetpiling from the existing travel lift wells to the northwest and fill in the area between the existing bulkhead and proposed bulkhead. This involves a total of 300 linear feet of new bulkhead;
- extend the existing steel sheetpiling at the northeast corner of the Site approximately 93 feet to Bateman Way to the north, and fill in the area behind the bulkhead;
- install a concrete cap and a railing on the new bulkheads;
- install railing on bulkhead previously installed pursuant to COP # 201001317-KB;
- and remove derelict structures located along the shoreline of the project area. These structures include, but are not limited to, the derelict barge located east of the existing rip rap.

(Exhibits APP-2, DEEP-14, DEEP-20).

The Applications were submitted on the prescribed forms and are complete (Exhibit DEEP-13, DEEP-14). The Applications consist of Exhibits (Exhibits APP-1 and APP-2, as supplemented by a number of email responses (Exhibits DEEP-7, DEEP-9, DEEP10, DEEP-11) to the Department's Notice of Insufficiency, dated May 18, 2017 (Exhibit DEEP-6) and follow up request for information dated June 5, 2017 (Exhibit DEEP-12). Exhibits APP-1 and Exhibits APP-2 each consist of a Structures, Dredging, and Fill Permit Application Report ("Application Report"), the completed application form titled "Permit Application for Programs Administered by the Office of Long Island Sound Programs" ("Application Form"), the U.S. Army Corps of Engineers (USACE) Application for Department of the Army Permit Form 4345, and Attachments AA through N (but excluding those attachments not required for this coastal permit application).

A Notice of both Applications was published on December 22, 2016 in the Stamford Advocate (Exhibits APP-1, Attachment AA, APP-2, Attachment AA).

Following submission of the Applications, the DEEP issued a Notice of Insufficiency (“NOI”) for Application 201700781, dated May 19, 2017. (Exhibit DEEP-6). The DEEP requested additional information related to the dismantling and removal of the revetment, rip-rap, soil and sediment and the proposed elevation of the finished bulkhead. By letter dated June 15, 2017, the Applicant submitted a response to the NOI. (Exhibit APP-3).

By email dated September 14, 2017, in response to an inquiry from the Applicant, DEEP requested an amendment to Application 201700782 to “include the fence with rail extension to the bulkhead previously authorized by COP 201001317.” (Exhibit DEEP-9). By email dated September 28, 2017, the Applicant submitted a revised scope for the railing, a new figure, and language for the application form. (Exhibit DEEP-10).

On September 19, 2017, following a technical review of the Applications, the DEEP published a separate Notice of Tentative Determination to Approve Structures, Dredging Fill, and Intent to Waive Public Hearing in the Stamford Advocate for each of the Applications (Exhibits APP-4, APP-5, DEEP-13, DEEP-14). Subsequently, on September 23, 2017, the DEEP received a petition from Ms. Cynthia Reeder signed by 25 or more persons requesting a public hearing on Application 201700781. Another petition submitted by Ms. Maureen Boylan was received at the DEEP on September 24, 2017 by email. Ms. Reeder and Ms. Boylan also submitted petitions by email on October 28, 2017 and November 1, 2017 respectively requesting a public hearing on Application 201700782. (see Prehearing Directive and Notice of Status Conference, dated November 13, 2017.)

A status conference was held on December 6, 2017, during which the prehearing procedures were established and dates for the hearing and prehearing conferences were assigned. Pamela Elkow, counsel for the Applicant, Kristal Kallenberg and Jeffrey Caiola of the DEEP Staff, William Buckley, representing the Applicant, and Geoff Steadman, representing the Stamford Harbor Commission, were present. Cynthia Reeder, one of the petitioners, was in attendance by phone. At the conference, the public hearing was scheduled for January 30, 2018 to be continued for the collection of evidence February 6, 2018. A site visit and second

prehearing conference to stipulate to the facts, identify proposed witnesses and exhibits, and otherwise facilitate an orderly and expeditious hearing process were scheduled for January 13, 2018. The Parties were further requested to file a list of legal issues to be resolved at the hearing, a list of proposed witnesses with a summary of each witness's proposed testimony and for each expert witness, a statement of credentials supporting that witness's qualifications as an expert, as well as a list of all exhibits and electronic copies of all exhibits (Status Conference Summary, Scheduling Directive and Notice of Prehearing Conference, Site Visit and Hearing dated December 6, 2017).

On December 12, 2017, a Notice of Public Hearing was published scheduling a public hearing on the Application beginning on Tuesday, January 30, 2018, in The UConn Stamford Auditorium located at 1 University Place, Stamford (Exhibit DEEP-17).

The Hearing Officer held a site walk on January 18, 2018 at 11:00 am. An evening public hearing session was held at the UConn Stamford beginning at 6:00 pm on January 30, 2018 in the UConn Stamford Auditorium located at 1 University Place, Stamford. The public comment portion of the hearing concluded on January 30, 2018, and the hearing was continued to the DEEP headquarters in Hartford on February 6, 2018 beginning at 10:00 am. The public was given until February 2, 2018 to submit written public comments to the Hearing Officer. By letter dated January 26, 2018, the Stamford Harbor Management Commission (SHMC) requested additional time to submit public comment, specifically, until February 21, 2018. The Hearing Officer granted the SHMC until February 21, 2018 to submit public comment. The parties were given the opportunity to respond to the written public comment with additional testimony, if necessary, at the DEEP headquarters on February 6, 2018 at 10:00 am. The hearing in this matter concluded on February 6, 2018 and the record was closed. The parties were directed to file post hearing briefs, including proposed findings of fact and conclusions of law, on or before March 23, 2018.

Prior to the hearing, prefiled exhibits were received from the Applicant and from the DEEP Staff. Among its exhibits, the Applicant submitted prefiled testimony and credentials for William H. Heiple, P.E., LEP (Exhibit APP-13), and the DEEP Staff submitted credentials and testimony for Kristal Kallenberg (Exhibits DEEP-2 and DEEP-15).

On January 18, 2017, a prehearing conference was held, during which the parties advised the Hearing Officer that there were no objections to the parties' respective lists of issues, witnesses and proposed exhibits. The DEEP Staff and representatives for the Applicant were present. Dates and procedures for the public evidentiary hearing were reviewed. (See Prehearing Conference Summary dated January 24, 2018).

C. Project Description – Structures, Dredging and Fill Permit

The project involves a number of activities along the perimeter of the Site, including the retention of bulkhead modifications performed under a previously issued certificate of permission, removal of existing revetment, installation of a new bulkhead and fill behind that bulkhead and waterward of the coastal jurisdictional line, removal of an existing bulkhead and derelict structures, installation of a new bulkhead and placement of fill behind the bulkhead, waterward of the coastal jurisdiction line, and installation of railings on new and previously installed bulkheads. Much of the Site is currently bulkheaded or bulkheading has been approved; the new bulkhead requested by these Permits is approximately 1,250 linear feet, out of a total of 3176 linear feet around the perimeter (Exhibits APP-1, APP-2). On the eastern side of the Site, the bulkhead replaces existing revetment that is subsiding and is currently unsafe for public access. In addition, the Site is contaminated, and while soil remediation is on-going in the center of the site, the current revetment cannot support the necessary remediation along the edge of the Site; the proposed bulkhead will facilitate the remediation. (Exhibits APP-1, APP-2).

The Site is currently vacant, apart from emergency boatyard services available until the replacement boatyard at Davenport Landing is complete. There has historically been limited public access at the Site. The project includes an area of public access walkway thirty feet from the water's edge around the entire perimeter of the Site, a total of approximately 2.2 acres, or over fifteen percent of the Site. The project will also support a marina with 242 slips, which has already been approved by the City, with electrical and water service provided to each slip and upland amenities such as parking, restrooms and laundry. (Exhibits APP-1, APP-2, APP-3).

Lastly, the Project includes the retention of bulkhead modifications performed under a previously issued certificate of permission ("COP"). COP #201001317- KB allowed the replacement of an old and failing wooden bulkhead with a steel sheetpile bulkhead by driving

new steel sheetpile within 18 inches waterward of the existing wooden bulkhead. (Exhibit APP-13) In many places the old wooden bulkhead had shifted, such that the bulkhead was no longer vertical, but rather was tilted away from the harbor, and the top of the bulkhead was 18 inches or more landward of the toe of the bulkhead. (Exhibits APP-1, Exhibit J, APP-3, APP-13,). This condition had not been identified in the application for COP#201001317-KB. The new bulkhead was generally installed at the toe of the old bulkhead. (Exhibits APP-3, APP-13). As a result, when standing on the Site and observing the new bulkhead, at some locations it is offset of the top of the old bulkhead by more than 18 inches. To avoid any confusion, the Applicant elected to request DEEP approval of the retention of the bulkhead in its current configuration as part of Application # 201700781. (Exhibit APP-13).

Statutory and Regulatory Background

A. Structures, Dredging and Fill

1. Statutory Requirements.

Connecticut General Statutes Sections 22a-359 through 361 provide the framework for the granting of permits for “structures, dredging and fill.” Section 22a-359 provides that it is the DEEP that “regulates dredging and the erection of structures and the placement of fill, and work incidental thereto, in the tidal, coastal or navigable waters of the state waterward of the coastal jurisdiction line.” No one can perform such work without first requesting a certificate or permit for such work and agreeing to any conditions required by the DEEP. C.G.S. § 22a-361. Furthermore, any decisions made by DEEP, including the issuance of a permit, must be

made 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, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.

C.G.S. § 22a-359. In addition, applicants seeking a permit or certificate must provide notice of such application to, among others, the harbor management commission and shellfish commission for the municipality where the work will take place. C.G.S. § 22a-361(b). The application form requires that both the shellfish commission and the harbor management commission be provided the opportunity to complete a “consultation form” as part of the application. (Exhibits APP-1, APP-2).

While the statute provides that the DEEP may adopt regulations, see C.G.S. § 22a-361(c), it is not required to do so, and there are no regulations for Structures, Dredging and Fill Permits.

2. The Project is Consistent with the Statute

The Project will have no adverse impact on wildlife in in the area; there are no endangered, threatened or special concern species in the area. (Exhibits APP-1, APP-2, DEEP-13, DEEP-14, DEEP-19). The Department of Agriculture/Bureau of Aquaculture indicated that the work would not significantly impact any shellfish areas. (Exhibits APP-1, APP-2, DEEP-13, DEEP-14, DEEP-19).

The existing shoreline on the Site was structurally stabilized by a mix of bulkheads and revetment in varying states of repair and a configuration that made the shoreline uneven. While the Site has recently been altered with bulkheads installed under COP # 201001317, with additional bulkheads approved under the same COP to be installed, the remaining bulkheading requested by these permits will improve stability and provide a more even and functional shoreline at the Site. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14, DEEP-19). Furthermore, the bulkhead will also serve to minimize potential environmental or soil releases from the Site into Stamford Harbor, as the upland of the Site continues to be remediated. (Exhibits DEEP-13, APP-13).

A 242-slip marina has been approved for the Site. (Exhibits APP-1, APP-2). All the proposed work is outside the navigational channel. (Exhibits App-1, APP-2). The Project will support future development of the marina, as well as a significant public access walkway that has not previously been provided on this Site, without adversely impacting coastal navigation for vessels. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14, DEEP-19).

The proposed bulkheading will stabilize the existing flood and erosion control structure that is in disrepair. This will help minimize soil erosion from a site that is heavily contaminated and will support remediation of the Site near the water's edge. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14, DEEP-19). This will have a direct and positive impact on water quality. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14, DEEP-19).

The only filling requested by the Applicant is behind the proposed bulkheads. On the east side of the Site, the bulkhead will replace a failing revetment. (Exhibit APP-1) Along the northeastern portion of the Site, the proposed 93 feet of bulkhead will extend existing sheetpile to the hurricane barrier. (Exhibit APP-2). The new bulkhead will be installed at the toe of the revetment, and the filling "waterward of the coastal jurisdiction line" will be limited to the area currently covered by rip-rap. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-19).

The filling along the western edge is also only behind the proposed bulkhead, which will enclose the existing liftwells and continue to north end of the site. This bulkhead will complete the bulkheading of the perimeter of the Site and will allow for future development of the public access walkway along the entire perimeter of the Site. (Exhibits APP-2, DEEP-14).

Application 201700781 also requested the retention of the previously installed bulkheads which were installed farther waterward of the top of the existing bulkhead than was authorized by COP#201001317-KB. (Exhibit APP-1). The sheetpile bulkhead was installed at the toe of the existing timber bulkhead, which was tilted landward at the top, thus making it infeasible to install the replacement bulkhead within 18 inches of the top of the existing bulkhead in some areas. (Exhibits APP-1, APP-13). Therefore, the request was not for a permit for a previously unpermitted structure, but to clarify the legality of the installation of a permitted structure. (Exhibit APP-13).

B. Coastal Management Act

While not explicitly a permitting statute, the Coastal Zone Management Act, Conn. Gen. Statutes Chapter 444, sections 22a-90 through 22a-113c, address activities within the "coastal zone." Specifically, Conn. Gen. Statute section 22a-98 provides that the commissioner of energy and environmental protection must coordinate the various coastal programs, including the

regulation of structures, dredging and fill regulations, and further provides that “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 and that such activity incorporates all reasonable measures mitigating any adverse impacts of such actions on coastal resources and future water-dependent development activities.” C.G.S. § 22a-98.

The goals and policies of the Coastal Management Act applicable are found at Connecticut General Statutes Section 22a-92. They are broad and cover a variety of specific coastal resources, not all of which are applicable to any given application. Applicable goals and policies include:

1. Goals of the Coastal Management Act

i. Section 22a-92(a) – General Goals

(1) To ensure 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;

The Site is in an area defined as developed shorefront. The proposed work is consistent with uses in the developed shorefront area and will not have significant adverse impacts on the natural environment or sound economic growth; rather, it will provide economic and other benefits to the area. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(2) To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;

The Site is developed shorefront but limited public access. The work will allow for improved public access around the entire perimeter of the Site. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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;

This work will support water dependent uses by allowing for development of an approved marina and public coastal access walkway which has not been provided for on this Site

previously. Both the marina and public access walkway are dependent on proximity to the water. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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;

Given the long history of industrial use of the Site and the area, there are minimal natural coastal resources affected and there are significant long term economic benefits to the area. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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;

The bulkhead will minimize coastal flooding and erosion by replacing failing rip rap and deteriorating bulkheads and protect future development at the Site from such hazards. The bulkhead will also serve to minimize potential environmental or soil releases from the Site into Stamford Harbor. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

ii. Sections 22a-92(b) – Policies established for agencies carrying out their responsibilities under the 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;

The work will support future development of a marina and public access walkway, both water dependent uses for which the state is to give high priority and preference. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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;

The work will support future development of a proposed marina and public access walkway, both water dependent uses, and will have no adverse impacts on commercial fishing or navigable channels, nor will it preclude other boating facilities elsewhere in the harbor. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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;

The structures have been designed to minimize impacts to coastal resources. The use of fill has been reduced to only that needed to enhance public access and use of the Site and is limited to the areas behind the proposed bulkheads, including at the travel lift wells. There will be no conflicts with riparian rights of adjacent landowners. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(G) to encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-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;

The work is in support of a proposed marina, which will support recreational boating by providing berthing space in Stamford Harbor. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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 state-wide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;

The Project will involve the redevelopment of a site and shoreline that was previously altered by others for commercial and industrial use; therefore, the project minimizes disruption and degradation of pristine natural resources. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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

The project will support future development of a marina which will provide the opportunities for recreational boating and have no impact on the commercial fishing industry. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(b) (2) Policies concerning coastal land and water resources within the coastal boundary are:

...

(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 despoliation of tidal flats;

There are no intertidal flats on the Site. There are no expected impacts on the intertidal flats located in northern East Creek. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(E) to preserve tidal wetlands and to prevent the despoliation 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;

There are no tidal wetlands on the Site. There are no expected impacts to the tidal wetlands located in northern East Creek. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(F) to manage coastal hazard areas so as to ensure 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;

Structural solutions were previously authorized and installed at the Site to support a water dependent use and minimize hazards to life and property. The proposed bulkheads will simply connect to the existing bulkhead and replace rip rap or bulkheads that are failing. The new bulkhead will better serve to prevent erosion from the Site, particularly as it undergoes environmental remediation. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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;

The Site is in an existing developed shorefront area, and the project will support the future development of a marina and public access walkway, both water dependent uses. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(I) to regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources; and

The bulkhead is replacing existing structures and will have minimal impact on adjacent coastal systems and resources. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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.

There is no natural relationship between eroding and depositional coastal landforms at the Site, due to previously authorized and installed structural solutions (historical filling, bulkheading and rip rap). There is no feasible, less environmentally damaging alternative to the project, and adverse impacts have been minimized to the extent practicable. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

iii. Policies for Federal and State Agencies in Carrying Out Responsibilities under CMA

(1) Policies concerning development, facilities and uses within the coastal boundary are:

...

(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;

There will be minimal adverse impacts to coastal resources resulting from the filling. Further, the area of nearshore waters to be filled will be used primarily to create public access to the waterfront that previously was not available. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(L) to promote the revitalization of inner city urban harbors and waterfronts by encouraging appropriate reuse of historically developed shorefronts, which may include minimized alteration of an existing shorefront in order to achieve a significant net public benefit, provided (i) such shorefront site is permanently devoted to a water dependent use or a water dependent public use such as public access or recreation for the general public and the ownership of any filled lands remain with the state or an instrumentality thereof in order to secure public use and benefit in perpetuity, (ii) landward development of the site is constrained by highways, railroads or other significant infrastructure facilities, (iii) no other feasible, less environmentally damaging alternatives exist, (iv) the adverse impacts to coastal resources of any shorefront alteration are minimized and compensation in the form of resource restoration is provided to mitigate any remaining adverse impacts, and (v) such reuse is consistent with the appropriate municipal coastal program or municipal plan of development.

This project revitalizes an urban harbor and is a minimal alteration of an existing developed shorefront that achieves a net public benefit. Both city approvals and the conditions attached to the Permits require that the shorefront be dedicated to public access. In addition, the project will support future development of a marina which will provide opportunity for recreational boating. There is no other feasible, less environmentally damaging alternative that provides the same benefits. The alterations to the Site, which are necessary to provide for continuous and safe public access, have been minimized as much as is practical. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

(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.

The limited changes to the developed shoreline in this estuarine embayment will not impact sustained biological activity, maintenance of healthy marine populations, or circulation or drainage. (Exhibits APP-1, APP-2, APP-13, DEEP-13, DEEP-14).

Harbor Management Act

As set forth in the Harbor Management statutes found in Connecticut General Statutes (“CGS”) Sections 22a-113k through 22a-113t, the Harbor Management Commission (“HMC”) role is not a regulatory one but a planning and advisory one. It remains the State’s responsibility to evaluate compliance of applications with the local Harbor Management Plan (“HMP”), to the extent one exists, as a means of informing the state’s regulation and management of state-owned public trust lands and waters. While the Department is bound by the recommendations in an approved HMP in applying the provisions of the plan to a specific application, it is not bound by specific comments of a HMC, and the Department as an agency of the state retains ultimate responsibility for protecting the state’s public trust.

To this end, each application submitted to the Department is reviewed by Land and Water Resources Division (“LWRD”) permitting staff for consistency with the applicable HMP before any internal recommendation for action on the application is made.

The Department found Applications 201700781 and 201700782 to be consistent with the Stamford Harbor Management Plan. (Exhibits DEEP-13, DEEP-14, DEEP-19) .

State Funding for Remediation

The DEEP’s decision to issue the Notices of Tentative Determination was based on the information provided by the Applicant in the Applications (Exhibits APP-1, APP-2) and in the response to the Notice of Insufficiency (“NOI”) (Exhibits APP-3, DEEP-6, DEEP-7). In response to the NOI, the Applicant revised the Applications to reflect that state funding had been used for soil remediation and bulkhead installation, work which was performed prior to the submission of the Applications. The DEEP did not base its decision to issue the permits on the

use of state funding. (See Exhibits DEEP-13 and DEEP-14). Furthermore, the standards by which the DEEP determines whether to issue a Structure, Dredging and Fill Permit do not include a consideration of the use of state funds (see discussion above). Therefore, the DEEP acted appropriately when it did not consider that the Applicant had used state funding to remediate the Site and to install previously authorized bulkheads.

Other Required Permits

The Applicant applied for the U.S. Army Corps of Engineers ("USACE") Individual section 404 Permit (Exhibit DEEP-19) for the installation of the bulkhead, which permit has been publicly noticed and is pending. The Applicant has obtained all other necessary federal, state and local permits for the project.

The Draft Permit and Proposed Permit Conditions

The Commissioner has issued Notices of Tentative Determination to approve the Applications for a Structures, Dredging and Fill Permit, thereby authorizing the Applicant to conduct work in the tidal, coastal or navigable waters of the state waterward of the coastal jurisdiction line, pursuant to Conn. Gen. Stat. § 22a-361. The stated purpose of the Permits are retention of bulkhead modifications, removal of an existing revetment, and installation of a new bulkhead, bulkhead modifications, removal of an existing bulkhead and derelict structures, installation of new bulkhead, and placement of fill waterward of the coastal jurisdiction line.

By the Draft Permits, the Applicant would be authorized to impact approximately 0.63 acres of the waters of the state. This activity will be conducted in accordance with the Applications and those plans attached thereto. (See Exhibits APP-1, APP-2).

The DEEP Staff has proposed a series of Special and General Conditions to Draft Permit No. 201700781 and 201700782 which were entered on the hearing record as Exhibits DEEP-15 and DEEP-16. Special Conditions 3 and 4 have been modified at the Applicant's January 8, 2018 request, please refer to exhibit as APP-12. Proposed special conditions 3 and 4 have been modified to apply to newly created land, from the water's edge of the new bulkhead landward, to

the extent coincident with the public access area and setback for the entire property required by zoning. Both Parties have agreed to the following language:

1. Between April 1st and June 30th, pile driving shall not exceed a continuous 1 2-hour period each 24-hour period. No pile driving shall be allowed during this remaining 1 2-hour period in order to minimize the potential for noise from pile driving to interfere with anadromous fish migration during the migratory period.
2. The area of fill placed waterward of mean high water, as noted on plan sheets 4, 5A and 5B (for Application 201700781) and sheets 4B, 4C, 5A, 5B, 5C and 5D (for Application 201700782), as a result of the structure authorized herein, shall remain open and available to the general public and shall not constitute an accession to private property.
3. The permittee shall make available and accessible to the public a 30 foot wide area around the perimeter of the property (the "Public Access Area"). The fill that was placed waterward of Mean High Water in the Public Access Area shall not constitute an accession to private property.
4. Within 60 days of permit issuance, the Permittee shall submit for the Commissioner's review and written approval a deed restriction for the subject property. Such deed restriction shall indicate that:
 - a. no dwelling or additional structure that would interfere with or not support a public access walkway use shall be built upon the land created by fill waterward of the mean high water line in the Public Access Area provided that structures and improvements related to public access or water dependent use and such other structures as may otherwise be permitted by DEEP shall be permitted within the Public Access Area.
 - b. the deed restriction shall run with the land and shall be binding upon the grantee(s), all subsequent grantees and heirs, administrators, executors, successors and assigns; and
 - c. the retained bulkheads, as shown on plan sheet 3, attached hereto, may be maintained, but not increased in size or scope.

- d. The Permittee shall file the deed restriction, as approved in writing by the Commissioner, on the land records of the City of Stamford prior to the placement of any fill for the installation of the bulkhead as described in the Scope of Authorization.
- e. The work authorized herein shall conform to the Remedial Action Plan approved by DEEP's Remediation Division. Specifically, all soil management work related to the bulkhead installation shall be conducted in accordance with the approved Remedial Action Plan.

Proposed Conclusions of Law and Decision

A. Jurisdiction and Standing

The Applicant is the Owner of the 14 Acre Parcel. The Applicant has satisfied all standing requirements and, accordingly, the Commissioner has subject matter jurisdiction as to this matter.

B. Structures, Dredging and Fill Permit

1. Application Contents

Connecticut General Statutes Sections 22a-359 through 363 do not prescribe specific information that is required for a structures, dredging and fill permit, and no regulations have been promulgated pursuant to the statutes. The Commissioner has provided a form of application for "Programs Administered by the Office of Long Island Sound Programs," which includes Structures, Dredging and Fill permits (see http://www.ct.gov/deep/cwp/view.asp?a=2705&q=323582&depNav_GID=1635). The Applicant submitted the Applications on the appropriate form prescribed by the Commissioner, DEEP-OLISP-APP-100 (Exhibits APP-1, APP-2), and, following the issuance of a "Notice of Insufficiency" and several requests for additional information, DEEP Staff determined that the Application was complete (Exhibit DEEP-15 and DEEP-16). Based on the record, the Application contains that material required pursuant to applicable law.

2. *Standards for Issuing Permit*

The Commissioner is charged with regulating the dredging and the erection of structures and the placement of fill, and work incidental thereto, in the coastal, tidal or navigable waters of the state waterward of the coastal jurisdiction line. Conn. Gen. Stat. § 22a-359. Any decision made by the commissioner pursuant to Section 22a-359, including issuing a permit to perform such work, must be

made 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, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.

C.G.S. § 22a-359. Based upon the record, the Applicant has demonstrated that:

- The project will involve the installation of approximately 1250 linear feet of new bulkhead, on a site that is already predominantly bulkheaded. Some of the new bulkhead will replace existing revetment that is subsiding and is currently unsafe for public access. It will also support the on-going remediation of the site. The new bulkhead will also support future development of a marina with 242 slips, which has already been approved by the City, with electrical and water service provided to each slip and upland amenities such as parking, restrooms and laundry. Lastly, the project will include a significant area of public access (2.2 acres), which was not previously available at the site.
- There are few environmental concerns resulting from the Project. There are no beaches, dunes, bluffs, rocky shore front, wetlands, intertidal flats located on the property or impacted by the work. There will be minimal disturbance to wildlife habitat, and any potential impacts to fin fish will be mitigated by the condition providing a restriction the duration of pile driving.
- There are no coastal impacts from the Project, and the bulkhead will prevent further erosion of the shoreline.
- There are no significant impacts anticipated to any shellfish area.
- There are no impacts on navigation.

- The proposed filling of the public trust area will be acceptable because the straightening of the bulkhead will improve the functional use of the waterfront and the public access walkway area that will be constructed subsequent to the Project.

D. Permit and Permit Conditions

The Draft Permits meet all the statutory requirements and contains provisions that are sufficiently protective of the environment. The Applicant agrees to the Draft Permits' conditions.

Accordingly, issuance of the structures, dredging and fill permits is recommended, in its current form and wording (attached hereto as Appendices A and B) except as may be needed to correct typographical errors, if any exist.

E. Conclusion and Recommendation

The Applicant has demonstrated by a preponderance of the evidence presented that its Applications and the Draft Permits comply with all applicable statutory and regulatory requirements. Accordingly, the Draft Permits attached hereto as Exhibit A and B should be issued as final permits.

AGREEMENT

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the Special and General Conditions stated in the Draft Permits, which are attached hereto.

STRAND/BRC GROUP, LLC

By: /s/ Pamela K. Elkow

Pamela K. Elkow, Esq.

Carmody, Torrance, Sandak & Hennessey, LLP

707 Summer Street

Stamford, Connecticut 06901

Telephone Number: (203) 252-2672

Facsimile Number: (203) 325-8608

Its Attorney

By: /s/ Brian Thompson

Brian Thompson

Director

Land and Water Resources Division

Bureau of Water Protection and Land Reuse

Department of Energy & Environmental
Protection

79 Elm Street

Hartford, CT 06106-5127

Telephone Number: (860) 424-3650

Facsimile Number: (860) 424-

cc: service list

APPENDIX A

PERMIT

Permit No: 201700781

Municipality: Stamford

Work Area: Stamford Harbor, LIS off property located at
100 Bateman Way

Permittee: The Strand/BRC Group, LLC
1 Elmcroft Road
Stamford, CT 06902

Pursuant to sections 22a-359 through 22a-363g of the Connecticut General Statutes (“CGS”) and in accordance with and the Regulations of Connecticut State Agencies sections 22a-426-1 to 22a-426-9 (the Water Quality Standards) effective September 10, 2013, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to retain new bulkhead, removing an existing revetment, install a new bulkhead and backfill landward of the proposed bulkhead for recreational boating access as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

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

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application

#201700781, including 8 sheets of plans dated May 26, 2017, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. Retain 1,385 linear feet of bulkhead in its current configuration;
2. remove an existing revetment composed of approximately 4,000 cubic yards of riprap, soil and sediment;
3. install an approximate 854 linear foot bulkhead with concrete cap and railing along the eastern side of the 14-acre peninsular parcel; and
4. place approximately 6,140 cubic yards of clean, free-draining granular backfill landward of the proposed bulkhead.

SPECIAL TERMS AND CONDITIONS

1. Between April 1st and June 30th pile driving shall not exceed a continuous 12-hour period for each 24-hour period. No pile driving shall be allowed during this remaining 12-hour period in order to minimize the potential for noise from pile driving to interfere with anadromous fish migration during the migratory period.
2. The area of fill placed waterward of Mean High Water, as noted on plan sheets 4, 5A and 5B, as a result of the structure authorized herein, shall remain open and available to the general public and shall not constitute an accession to private property.
3. The permittee shall make available and accessible to the public a 30 foot wide area around the perimeter of the property (the "Public Access Area"). The fill that was placed waterward of Mean High Water in the Public Access Area shall not constitute an accession to private property.
4. Within 60 days of permit issuance, the Permittee shall submit for the Commissioner's review and written approval a deed restriction for the subject property. Such deed restriction shall indicate that:
 - a. no dwelling or additional structure that would interfere with or not support a public access walkway use shall be built upon the land created by fill waterward of the Mean High Water line in the Public Access Area provided that structures and improvements related to public access or water dependent use and such other structures as may otherwise be permitted by DEEP shall be permitted within the Public Access Area; and
 - b. the deed restriction shall run with the land and shall be binding upon the grantee(s), all subsequent grantees and heirs, administrators, executors, successors and assigns; and
 - c. the retained bulkheads, as shown on plan sheet 3, attached hereto, may be

maintained, but not increased in size or scope.

5. The Permittee shall file the deed restriction as described in paragraph 4, as approved in writing by the Commissioner, on the land records of the City of Stamford prior to the placement of any fill for the installation of the bulkhead as described in items 3 and 4 of the Scope of Authorization.
6. The work authorized herein shall conform to the Remedial Action Plan approved by DEEP's Remediation Division. Specifically, all soil management work related to the bulkhead installation shall be conducted in accordance with the approved Remedial Acton Plan.
5. 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 all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
6. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
7. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
8. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
9. The Permittee shall establish a minimum of a 10 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.
10. 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 access way other than as provided herein.
11. The Permittee shall dispose of aquatic sediments in accordance with the terms and conditions

of this permit. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material as applicable.

12. At no time shall any barge be stored over intertidal flats, submerged aquatic vegetation or tidal wetland vegetation or in a location that interferes with navigation. In the event any barge associated with the work authorized herein is grounded, no dragging or prop dredging shall occur to free the barge.
13. The Permittee shall stage any barges employed to complete the work authorized herein such that not more than 50% of the watercourse is impeded at any time.
14. The Permittee shall ensure that any vessel utilized in the execution of the work authorized herein shall not rest on, or come in contact with, the substrate at any time.
15. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans of the work area showing all tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. 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, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.
 - b. 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.
2. 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.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et.

seq.

4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. 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 CGS section 22a-423.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7. 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 for the 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 reason for the change.
8. 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.
9. 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.
10. 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:

Regulatory Section
Land & Water Resources Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054
11. 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.

12. 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."
13. 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 proposed 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 any unauthorized activities may be subject to enforcement action.
14. 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.
15. In the event the Permittee becomes 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.

16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. 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 _____, 2017

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Robert Kaliszewski
Deputy Commissioner

Permit #201700781
The Strand/BRC Group, LLC

LAND & WATER RESOURCES DIVISION

APPENDIX A

**TO: Regulatory Section
Department of Energy and Environmental Protection
Land & Water Resources Division
79 Elm Street
Hartford, CT 06106-5127**

PERMITTEE: The Strand/BRC Group, LLC
1 Elmcroft road, Suite 500
Stamford, CT 06902

Permit No: 201700781, Stamford

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)



LAND & WATER RESOURCES DIVISION

APPENDIX B

NOTICE OF PERMIT ISSUANCE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

To: Stamford City Clerk

**Signature and
Date:**

Subject: 100 Bateman Way
Coastal Permit #201700781

Pursuant to Section 22a-363g and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to The Strand/BRC Group, LLC 1 Elmcroft Road, Suite 500, Stamford, CT 06902 to:

1. Retain 1,385 linear foot of bulkhead in its current configuration;
2. remove an existing revetment composed of approximately 4000 cubic yards of riprap, soil and sediment;
3. install an approximate 854 linear foot bulkhead with concrete cap and railing along eastern side of the 14-acre peninsula; and
4. place approximately 6,140cy of clean backfill landward of the proposed bulkhead.

If you have any questions pertaining to this matter, please contact the Land & Water Resources Division at 860-424-3034.

Return to:
Land & Water Resources Division
State of Connecticut
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127



PERMIT NOTICE

This Certifies that Authorization to perform work below the Coastal Jurisdiction Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to: **The Strand/BRC Group, LLC**

At this location: **100 Bateman Way, Stamford**

To conduct the following: **Remove the existing revetment and construct a new bulkhead with backfill.**

Permit #: **201700781**

This Notice must be posted in a conspicuous place on the job during the entire project.

Department of Energy and Environmental Protection
Land & Water Resources Division
79 Elm Street • Hartford, CT 06106-5127
Phone: (860) 424-3034 Fax: (860) 424-4054
www.ct.gov/deep

APPENDIX B

PERMIT

Permit No: 201700782

Municipality: Stamford

Work Area: Stamford Harbor, LIS off property located at
100 Bateman Way

Permittee: The Strand/BRC Group, LLC
1 Elmcroft Road
Stamford, CT 06902

Pursuant to sections 22a-359 through 22a-363g of the Connecticut General Statutes (“CGS”) and in accordance with the Regulations of Connecticut State Agencies sections 22a-426-1 to 22a-426-9 (the Water Quality Standards) effective September 10, 2013, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to replace and extend the existing bulkhead and place fill waterward of the Coastal Jurisdiction Line for recreational boating and public access and flood and erosion control as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

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

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201700782, including 12 sheets of plans dated October 4, 2016 and January 4, 2017, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. Install railing on bulkhead previously authorized by COP #201001317-KB;

2. Remove existing bulkhead, boardwalk and travel lift tracks on the west side of the site;
3. Install approximately 250 linear feet of sheet pile bulkhead with a tie-back system, concrete cap, railing and 50' return to shore to enclose the existing travel lift wells and extend the bulkhead to the northwest corner of the site;
4. Install approximately 93 linear feet of steel sheet pile bulkhead with tieback system, a concrete cap and railing extending to the hurricane barrier at the northeast corner of the site; and
5. Place approximately 6,310 cubic yards (cy) of clean free-draining granular fill waterward of the coastal jurisdiction line and landward of the new bulkhead, as follows:
 - a) approximately 6,000 cy over an area of 8,495 square feet behind the bulkhead authorized in #3 above;
 - b) approximately 310 cy over an area of 1,320 square feet behind the bulkhead authorized in #4 above.

SPECIAL TERMS AND CONDITIONS

1. Between April 1st and June 30th pile driving shall not exceed a continuous 12-hour period each 24 hour period. No pile driving shall be allowed during this remaining 12-hour period in order to minimize the potential for noise from pile driving to interfere with anadromous fish migration during the migratory period.
2. The area of fill placed waterward of Mean High Water, as noted on plan sheets 4B, 4C, 5A, 5B, 5C and 5D as a result of the structure authorized herein, shall remain open and available to the general public and shall not constitute an accession to private property.
3. The permittee shall make available and accessible to the public a 30 foot wide area around the perimeter of the property (the "Public Access Area"). The fill that was placed waterward of Mean High Water in the Public Access Area shall not constitute an accession to private property.
4. Within 60 days of permit issuance, the Permittee shall submit for the Commissioner's review and written approval a deed restriction for the subject property. Such deed restriction shall indicate that:
 - a. no dwelling or additional structure that would interfere with or not support a public access walkway use shall be built upon the land created by fill waterward of the Mean High Water line in the Public Access Area provided that structures and improvements related to public access or water dependent use and such other structures as may otherwise be permitted by DEEP shall be permitted within the Public Access Area; and

- b. the deed restriction shall run with the land and shall be binding upon the grantee(s), all subsequent grantees and heirs, administrators, executors, successors and assigns; and
 - c. the bulkheads, as shown on plan sheets, attached hereto, may be maintained, but not increased in size or scope.
5. The Permittee shall file the deed restriction as described in paragraph 4, as approved in writing by the Commissioner, on the land records of the City of Stamford prior to the placement of any fill for the installation of the bulkhead as described in item numbers 3, 4 and 5 of the Scope of Authorization.
6. The work authorized herein shall conform to the Remedial Action Plan approved by DEEP's Remediation Division. Specifically, all soil management work related to the bulkhead installation shall be conducted in accordance with the approved Remedial Acton Plan.
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 all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
8. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
9. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
10. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.

11. The Permittee shall establish a minimum of a 10 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.
12. 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, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or access way other than as provided herein.
13. 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 access way other than as provided herein.
14. The Permittee shall dispose of aquatic sediments in accordance with the terms and conditions of this permit. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
15. At no time shall any barge be stored over intertidal flats, submerged aquatic vegetation or tidal wetland vegetation or in a location that interferes with navigation. In the event any barge associated with the work authorized herein is grounded, no dragging or prop dredging shall occur to free the barge.
16. The Permittee shall stage any barges employed to complete the work authorized herein such that not more than 50% of the watercourse is impeded at any time.
17. The Permittee shall ensure that any vessel utilized in the execution of the work authorized herein shall not rest on, or come in contact with, the substrate at any time.
18. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans of the work area showing all tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit (“work completion date”) in accordance with all conditions of this permit and any other applicable law.
 - a. 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, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner’s sole discretion to grant or deny such request.
 - b. 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.
2. 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.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. 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 CGS section 22a-423.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7. a. 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.
8. 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.

9. 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.
10. 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:

Regulatory Section
Land & Water Resources Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

11. 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.
12. 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."
13. 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 proposed 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 any unauthorized activities may be subject to enforcement action.

14. 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.
15. In the event the Permittee becomes 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.
16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. 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 _____, 2017

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Robert Kaliszewski
Deputy Commissioner

Permit #201700782
The Strand/BRC Group, LLC

LAND & WATER RESOURCES DIVISION

APPENDIX A

**TO: Regulatory Section
Department of Energy and Environmental Protection
Land & Water Resources Division
79 Elm Street
Hartford, CT 06106-5127**

PERMITTEE: The Strand/BRC Group, LLC
1 Elmcroft road, Suite 500
Stamford, CT 06902

Permit No: 201700782, Stamford

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)



LAND & WATER RESOURCES DIVISION

APPENDIX B

NOTICE OF PERMIT ISSUANCE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

To: Stamford City Clerk

Signature and

Date:

Subject: 100 Bateman Way
Coastal Permit #201700782

Pursuant to Section 22a-363g and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to The Strand/BRC Group, LLC 1 Elmcroft Road, Suite 500, Stamford, CT 06902 to:

1. Install railing on bulkhead previously authorized by COP #201001317-KB;
2. Remove existing bulkhead, boardwalk and travel lift tracks on the west side of the site;
3. Install approximately 250 linear feet of sheet pile bulkhead with a tie-back system, concrete cap, railing and 50' return to shore to enclose the existing travel lift wells and extend the bulkhead to the northwest corner of the site;
4. Install approximately 93 linear feet of steel sheet pile bulkhead with tieback system, a concrete cap and railing extending to the hurricane barrier at the northeast corner of the site; and
5. Place approximately 6,310 cubic yards (cy) of clean free-draining granular fill waterward of the coastal jurisdiction line and landward of the new bulkhead, as follows:
 - a) approximately 6,000 cy over an area of 8,495 square feet behind the bulkhead authorized in #3 above;
 - b) approximately 310 cy over an area of 1,320 square feet behind the bulkhead authorized in #4 above.

If you have any questions pertaining to this matter, please contact the Land & Water Resources Division at 860-424-3034.

Return to:

Land & Water Resources Division
State of Connecticut
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127



PERMIT NOTICE

This Certifies that Authorization to perform work below the Coastal Jurisdiction Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to: **The Strand/BRC Group, LLC**

At this location: **100 Bateman Way, Stamford**

To conduct the following: **To replace and extend the existing bulkhead and place fill waterward of the Coastal Jurisdiction Line**

Permit #: **201700782**

Department of Energy and Environmental Protection
Land & Water Resources Division
79 Elm Street • Hartford, CT 06106-5127
Phone: (860) 424-3034 Fax: (860) 424-4054
www.ct.gov/deep

This Notice must be posted in a conspicuous place on the job during the entire project.

S E R V I C E L I S T

In the matter of Nussbaum
Application Nos: 201700781, 201700782

PARTY

REPRESENTED BY

The Applicant

Strand/BRC Group, LLC
1 Elmcroft Rd., Suite 500
Stamford, CT 06802

Pamela K. Elkow, Esq.
Carmody Torrance Sandak & Hennessy LLP
707 Summer St.
Stamford, CT 06801
Ph: (203) 252-2672
pelkow@carmodylaw.com

Department of Energy and Environmental Protection

Land and Water Resources Division
Bureau of Water Protection & Land Reuse

Kristal Kallenberg
kristal.kallenber@ct.gov
Jeff Caiola
jeff.caiola@ct.gov

Courtesy Copies

Dr. Damian Ortelli, Chairman
Stamford Harbor Management Commission
dortelli@stamfordct.gov

Cynthia Reeder (petitioner)
ckreeder@mindspring.com

Maureen Boylan (petitioner)
saveourboatyard@gmail.com