

Model Municipal Harbor Management Plan



State of Connecticut

COASTAL MANAGEMENT PROGRAM

Department of Environmental Protection

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STATE OF CONNECTICUT

William A. O'Neill, Governor

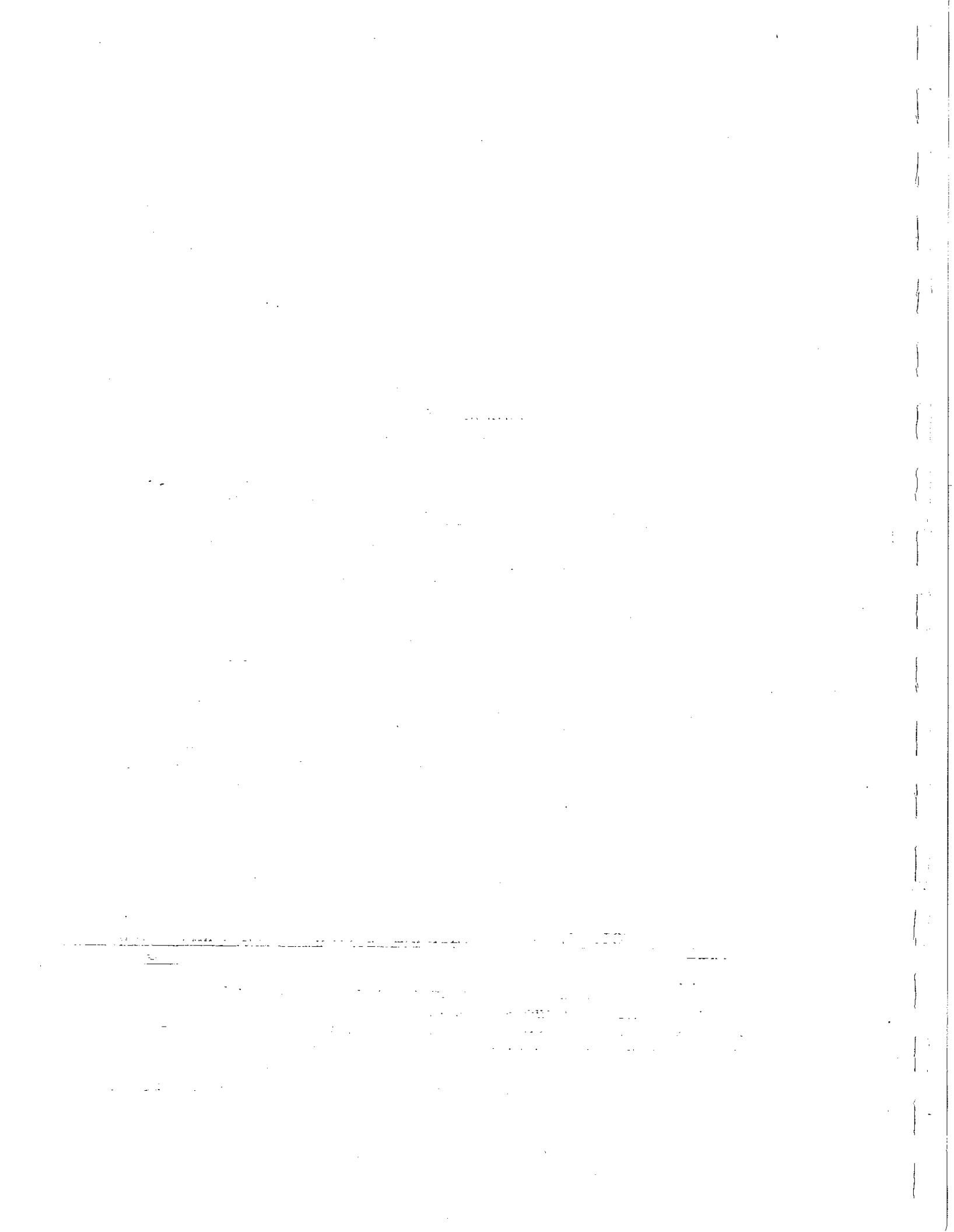
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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April, 1985



MODEL MUNICIPAL HARBOR MANAGEMENT PLAN

Prepared by:

Connecticut Department of
Environmental Protection's
Office of Planning and Coordination/
Coastal Management

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Preface

Connecticut's Harbor Management Act became effective on October 1, 1984 and is codified in Chapter 444a, Sections 22a-113k through 22a-113t of the Connecticut General Statutes. The legislation was enacted in response to increased pressures and competing demands for limited harbor resources statewide. This legislation, among the first of its kind in the nation, provides the enabling authority and conditions for the voluntary establishment of municipal harbor management commissions and the preparation of harbor management plans.

This model harbor management plan is intended to illustrate the range of plan components which might be developed under the guidelines established in the Harbor Management Act. The model was prepared in consultation with the Connecticut Commissioner of Transportation in fulfillment of the requirements of Section 22a-113t of the Harbor Management Act.

* * *

This Document was financed in part by a grant through the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce under the Coastal Zone Management Act of 1972.

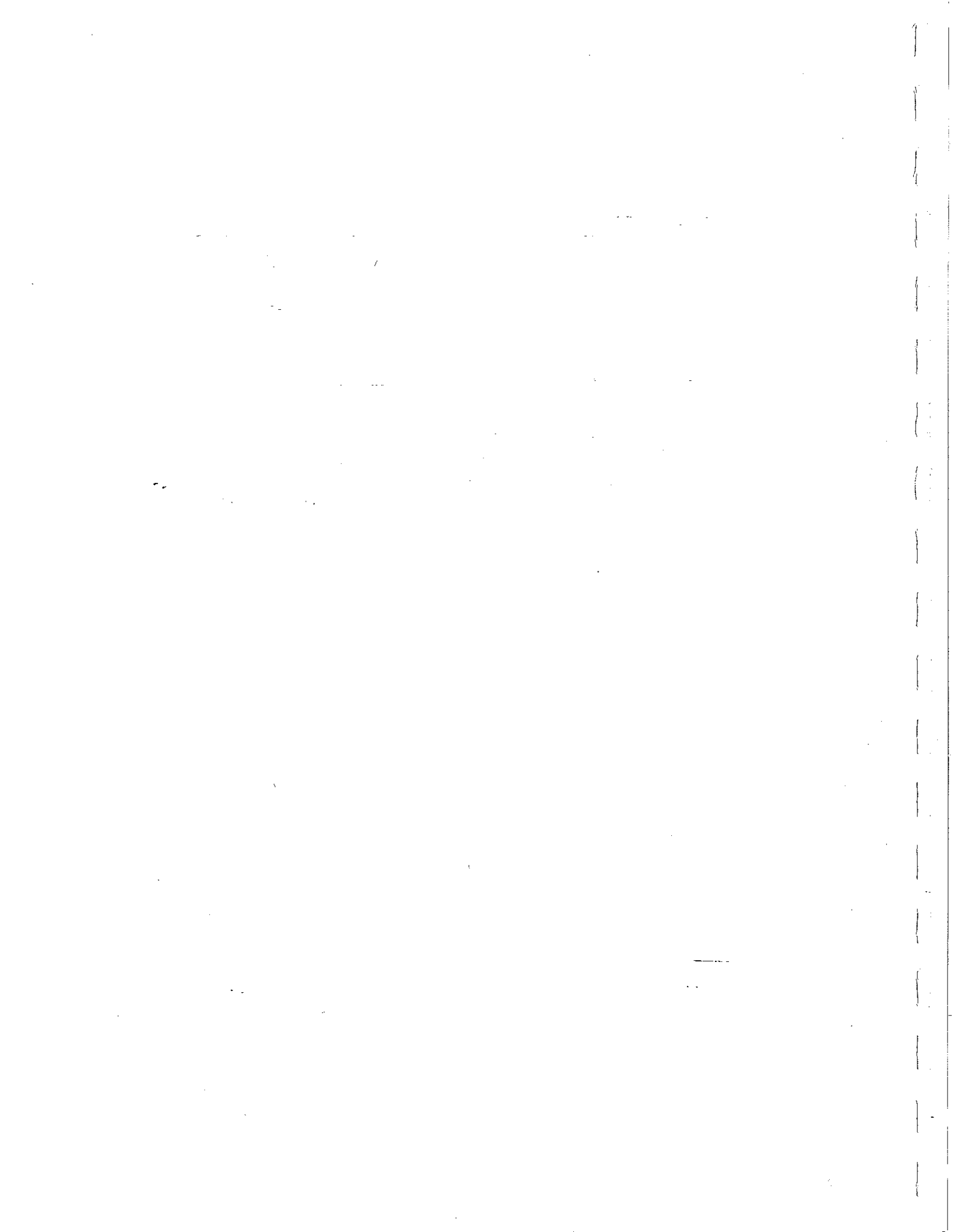


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INTRODUCTION

Effective October 1, 1984, the State of Connecticut enacted pioneering legislation which authorizes municipalities having navigable waters within their boundaries to establish harbor management commissions and prepare harbor management plans. The Act was drafted in response to increased pressures and competing demands for harbor use and development occurring across the state and the region. Although problems and opportunities tend to be harbor-specific, common issues may include overcrowding, encroachments into federal navigation projects (e.g. channels, anchorages), transient boat and boater facilities, preservation of coastal resources and water dependent facilities, and a need for more local participation in the regulation of harbor uses.

Conceptually, a harbor management plan may be understood as a "wet side" application of more traditional land use planning theories and techniques. Such a plan becomes, in effect, a map for the use and management of harbor lands and water under its jurisdiction. In Connecticut, the need for "wet side" management became apparent in several municipalities developing municipal coastal programs under the auspices of the State Coastal Management Program. While municipal coastal programs identify harbor issues and put forth recommendations, their primary focus is "land side," and regulatory control mechanisms such as zoning generally stop at the mean high water mark, traditionally the limit of local authority and jurisdiction.

This model municipal harbor management plan illustrates what might be included in a plan intended to be adopted in accordance with the provisions of the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes). Once approved by the Department of Environmental Protection (DEP) and Department of Transportation (DOT) and adopted by the legislative body of a municipality, a harbor management plan provides a comprehensive and coordinated approach to harbor management at the municipal level. Further, by developing such a voluntary harbor management plan, a municipality is assured that local goals and objectives are incorporated into the federal and state permit decision-making process.

The model plan has been developed for the Town of Old Port, a hypothetical community characterized by resources, land and water uses, and issues typical of some Connecticut coastal municipalities. While the legislation allows any municipality with navigable waters to establish commissions and prepare plans, much of the interest and efforts to date have focused on coastal harbors. Because of this, the model has been devised for a coastal harbor area. Old Port was originally created for Planning Report No. 28, Model Municipal Coastal Program, which was published by the Connecticut Coastal Area Management Program in 1979. The model harbor management plan builds upon this municipal coastal program and its related fictional plan of development and zoning

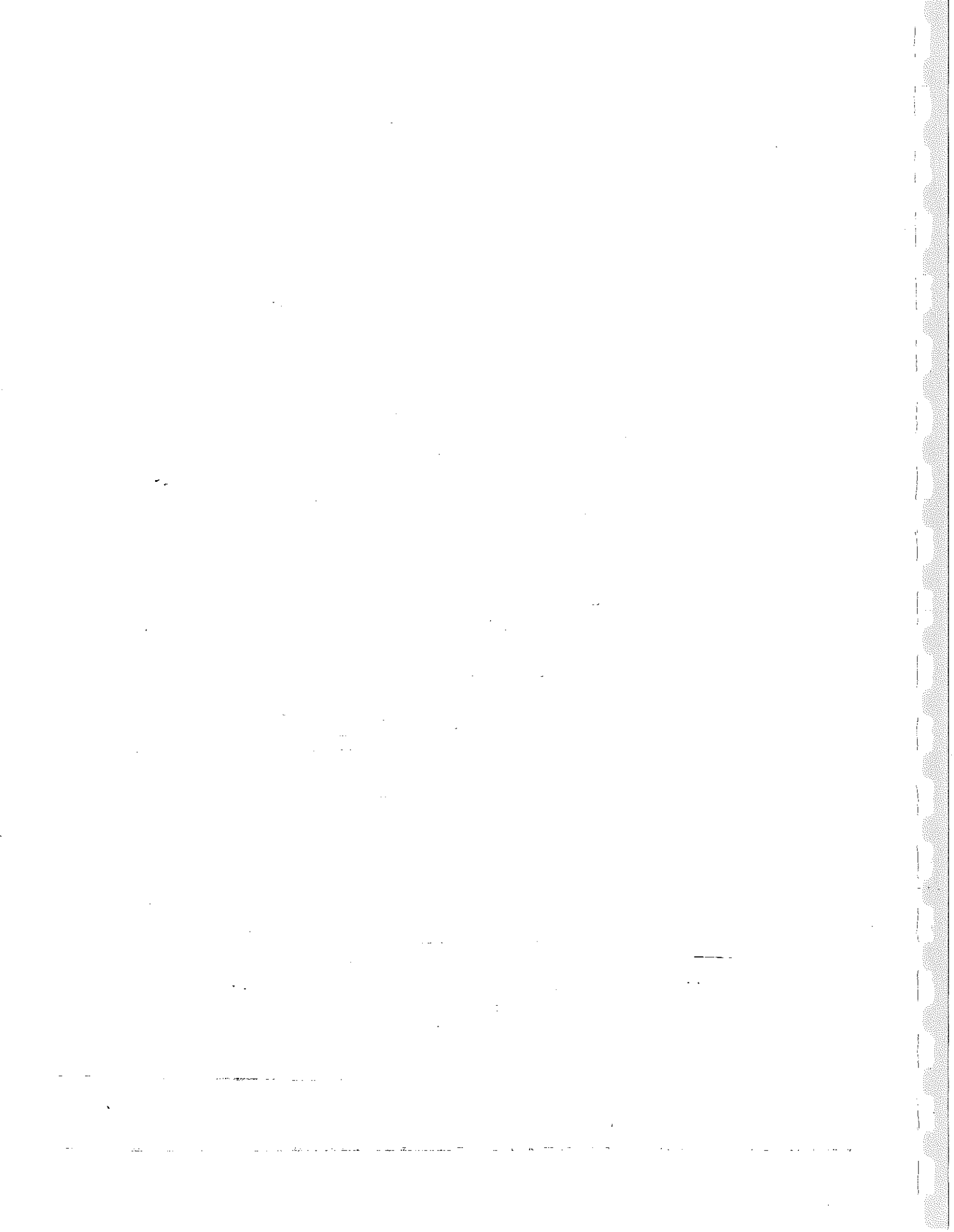
map. As with any local plans, harbor management plans should reflect the conditions and issues specific to each individual community. The goals, policies, recommendations, and ordinances presented here apply specifically to the Town of Old Port and are intended as an example only. The content of an actual municipal harbor management plan may be expected to vary considerably from that of the model. The model plan simply illustrates the process of harbor management planning and provides a suggested format for the organization of harbor management plans.

The model plan is presented as a three step procedure. Section One outlines the process for establishing a harbor management commission, which should be a municipality's first step toward the development of a plan. Section Two outlines the preparation of a harbor management plan and presents the model plan. Section Three details the procedure for the final step, adopting a harbor management plan. Thus, both the procedure for the harbor management planning and the model plan are presented. To clearly distinguish between the two, all procedures are presented in standard type and the model is printed in **bold face** type.

Appendix A contains a summary of the Harbor Management Act and is intended to familiarize the reader with all provisions and requirements of the legislation. The codified statutes are also included. To facilitate the municipal planning process, a detailed harbor management planning checklist is included as Appendix B, and a flowchart for the planning process is presented in Appendix C. Appendix D provides a list of typical harbor activities and provides a reference to the applicable regulatory agencies and programs.

Management plans are not a panacea for the multitude of complex and varied problems evident in our harbors. However, they do provide, together with the State's enabling legislation, a sorely needed framework to resolve conflicts through equitable compromise and resource allocation. Further, the opportunities to administer and enforce harbor regulations more effectively are substantial. On a most basic level, the harbor management planning process provides a forum for planners, regulators, administrators, and diverse user groups to join forces, establish dialogues, and assure the viable future of these invaluable resources.

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I. ESTABLISHING A HARBOR MANAGEMENT COMMISSION

Section 22a-113k of the General Statutes authorizes the creation of harbor management commissions. Formation of the harbor management commission is the initial step a municipality must take if development of a harbor management plan is desired. To establish a commission, a municipality can either designate an existing commission or council as the harbor management commission by local ordinance, or create a new commission by local ordinance. The harbor management commission directs the development of a municipal harbor management plan. It is responsible for soliciting public participation in plan development, determining town policy on harbor use; shepherding the plan through the approval process and; along with the harbor master, implementing the plan. The commission can hire staff or consultants to assist in the task of developing the plan.

Establishing a New Commission

In deciding the make-up of a new commission, the municipality should consider the interests reflected in the current use of the harbor and consider future uses as anticipated by the municipal plan of development. Typical interest groups might be commercial and recreational fishermen, marina operators, environmental groups, cargo terminal operators, recreational boaters and shorefront neighborhood associations. Although not required by law, it is recommended that representatives of existing boards and commissions, such as planning, zoning, conservation, shellfish and flood control, also be included as regular harbor management commission members since these local agencies frequently regulate activities which affect the use of the harbor.

The number of commission members will most likely reflect the number of interest groups in the harbor and what experience has shown to be a manageable size for other existing local commissions. Should more than one municipality be involved, there must be equal representation from each community. Each municipality would then independently adopt an identical ordinance establishing the joint commission. Finally, although the statute does not specifically authorize alternate members, it may be practical to provide such commissioners to function in place of absent regular members.

Commissioner Tenure

The ordinance designating an existing commission or establishing a new harbor management commission must also specify the number of commission members, their method of selection, terms of office and procedure for filling any vacancy. Commission members can be elected or appointed. It is advisable to design the commissioners' initial and subsequent terms so that turnover of

the commission is staggered to keep change in membership in any given year to a minimum, providing continuity for individual members over several years. The initial time spent on development of the harbor management plan will require a substantial commitment on the part of members. Therefore, meeting attendance requirements may be prescribed. It is also desirable to provide for the timely replacement of members who do not complete their terms of office.

Commission Jurisdiction

Another key element of the ordinance establishing a harbor management commission is the designation of the harbor area within the territorial limits of the municipality(ies) and below mean high water that will be within the commission's jurisdiction. If an existing commission assumes the harbor management responsibilities and functions, the limits of its harbor management jurisdiction must also be defined by municipal ordinance. Factors to consider in delimiting the harbor jurisdiction are natural and constructed features, areas of competing/conflicting harbor use, desire to regulate uncontrolled activities (swimming, speeding boats, etc.) and the reasonable and feasible extent to which local regulations and ordinances could be enforced. A municipality may elect to exclude selected water areas from the jurisdiction of its harbor management commission, if desired.

The following model ordinance was prepared for the hypothetical Town of Old Port to provide a sample ordinance to create a harbor management commission. For the purpose of this model, it is assumed that the town wanted a new commission with both policy-making and regulatory responsibilities which could focus specifically on harbor issues. Representatives of certain existing local commissions may serve on the harbor management commission to assure coordination of municipal agencies with interests and responsibilities in the harbor.

It must be stressed that this ordinance is an example only, and was developed for the hypothetical Town of Old Port. The precise language and structure of ordinances will vary from municipality to municipality depending on the respective local government structure and harbor interests.

ORDINANCE CREATING A HARBOR MANAGEMENT COMMISSION: Old Port, Connecticut

**WHEREAS, the Town of Old Port wishes to protect its marine-his-
toric resources and sensitive natural resource areas found along
its harbor and in nearshore coastal waters; to provide greater
public opportunities for water-based recreational activities; to
maintain and enhance navigational facilities for the benefit of
all harbor users; to allocate land and water resources in an
economically and environmentally sound manner, and**

WHEREAS, the town believes that the most equitable way of balancing competing uses in the harbor and adjacent coastal waters is to develop, adopt and implement a harbor management plan, and

WHEREAS, a harbor management commission could properly manage and plan for the Harbor,

THEREFORE, the Representative Town Meeting of the Town of Old Port hereby enacts a harbor management commission pursuant to Section 22a-113k of the General Statutes.

Section 1: Commission Composition

There shall be a harbor management commission which shall consist of eight (8) members who must be electors and residents of the Town of Old Port. In accordance with Section 9-167a of the Connecticut General Statutes, no more than five (5) of the members shall be members of the same political party. These members shall be appointed by the Board of Selectmen from a list of persons recommended, because of their interest in harbor activities, by existing local commissions, town staff or local residents. Said commission shall be composed of members or representatives of the following groups: the Planning and Zoning Commission of Old Port, the town Shellfish Commission, town Parks and Recreation Department, the recreational boating community, the marine commercial industry, the Old Port Commercial Fisherman's Association, the town Conservation Commission and one other person with interest in use and development of the harbor. In addition, there shall be appointed two alternate members to serve in place of absent regular members, if necessary. The harbor master shall serve as an ex-officio member of the commission, without vote.

No regular member of the harbor management commission shall receive compensation for service but may be reimbursed for any necessary expenses. The harbor master or deputy harbor master may receive compensation for any prescribed duties.

Section 2: Commission Member Tenure

The term of all members shall run for four (4) years except that the initial term shall be staggered so that the terms of not more than three (3) members shall terminate in any single year. Alternate members shall be appointed for two (2) years except that the initial term of one alternate shall be for one year. If a member resigns or is removed for any reason before his or her term expires, a replacement shall be appointed within two months of termination by the Board of Selectmen, in accordance with Section 1, to complete that term. A commission member can be removed by the Board of Selectmen for good cause, upon request of the commission. Failure to attend four (4) consecutive meetings without good reason shall constitute good cause for removal.

The commission shall elect a chairperson and secretary. The commission can form subcommittees to address specific duties of the commission.

Section 3: Jurisdiction of the Harbor Management Commission

The harbor management commission shall have jurisdiction within the area located in or contiguous to the waters of the town as delimited by the jurisdiction of the Old Port Shellfish Commission in Section 1000 of the Town Charter and bounded by the projection of the boundary line of neighboring towns.

Section 4: Harbor Management Commission Powers, Duties and Responsibilities

The purpose of the harbor management commission shall be to prepare a harbor management plan for the harbor in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes. The commission may hire staff and consultants for the preparation of a plan and to assist with any subsequent powers, duties, and responsibilities pursuant to the plan. Upon adoption of the plan, the commission shall provide for the annual review of the harbor management plan and shall make any additions and/or modifications to the plan that may be deemed appropriate subject to the process set forth in Sections 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the General Assembly. In addition, the commission may exercise any of the following powers, duties and responsibilities:

(a) to recommend ordinances for adoption by the Representative Town Meeting which implement the harbor management plan and which may specify fines for violation of those ordinances, in accordance with Section 22a-113m of the Connecticut General Statutes;

(b) to assist the harbor master in the assignment of moorings, the management of mooring and anchorage areas and the collection of mooring fees after a local mooring fee system is established by ordinance;

(c) to prepare an operating budget for the commission using funds from sources which may include, but are not limited to, local appropriations, mooring fees, violation fines or a harbor management fund established by town ordinance;

(d) to assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area;

(e) to review and make recommendations on proposed land and water use activities contiguous to the waterfront and within the waters delineated in Section 3 of this ordinance that are received for review by other municipal agencies in accordance with the procedure described in Section 5 of this ordinance;

(f) to review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for an activity taking place within the commission's jurisdiction as described in Section 3 of this ordinance, and to respond in a timely fashion with recommendations to the regulating agencies;

(g) to conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Old Port waters and to present to the Board of Selectmen proposals for the harbor's efficient operation; and

(h) to request, when appropriate, a general permit from the United States Army Corps of Engineers and/or delegation of state enforcement authority pursuant to Section 22a-2a of the Connecticut General Statutes.

Section 5: Referral of Proposals Submitted to Other Municipal Agencies

Pursuant to Section 22a-113p of the Connecticut General Statutes, the commission shall review and make recommendations, consistent with the adopted harbor management plan, on any proposal affecting the real property on, in, or contiguous to the harbor submitted to the Planning and Zoning Commission, Zoning Board of Appeals, Flood and Erosion Control Board, Redevelopment Agency, Sewer Commission, Historic District Commission, and Shellfish Commission. The harbor management commission shall be notified in writing of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The respective municipal agency shall send a copy of the application/proposal to the commission upon request.

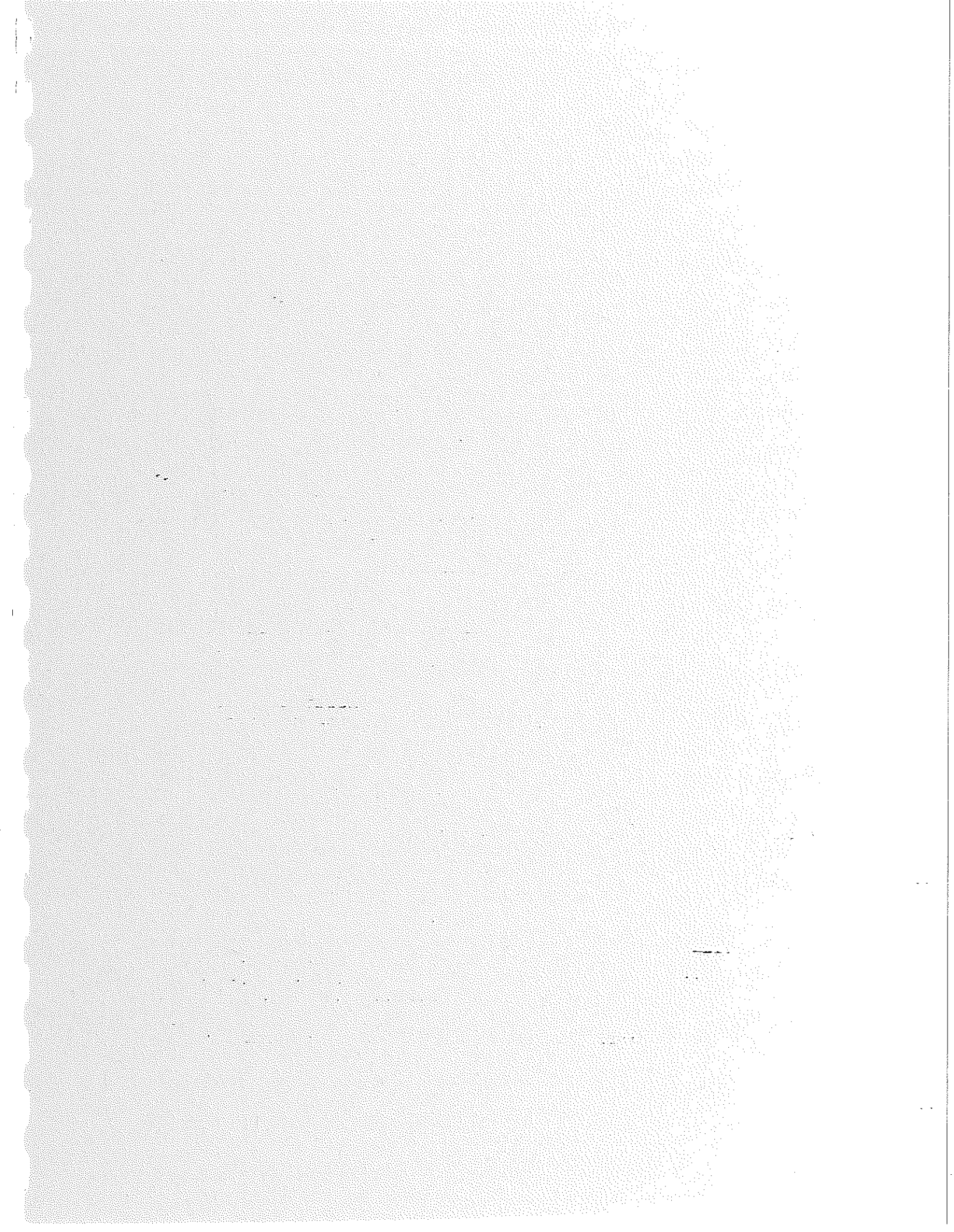
The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation on or before the date of the hearing or action on such a proposal shall be deemed an approval.

Section 6: Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this ordinance are hereby declared to be severable.

Section 7: Effective Date

This ordinance shall be effective as of July 1, 1985.



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II. PREPARING A HARBOR MANAGEMENT PLAN

A. EXISTING CONDITIONS

Harbor management commissions should begin the planning process by describing the geographic extent and nature of the harbor, and examining the historic and current waterfront and water uses. Coastal resource factor maps, municipal coastal programs, plans of development, zoning maps, and navigation charts should be consulted. Coastal resources and existing land uses should be field checked if the municipality has not recently completed a municipal coastal program. During the planning process, it may be helpful to refer to the checklist presented in Appendix B.

Physical Setting

The geographic extent of the harbor for which the plan is being prepared needs to be identified. This may include all or a portion of the municipality's waterfront and seaward territorial limits. In order to evaluate the nature of the harbor, it is necessary to determine the water depth, wind direction and fetch, water quality, and areas of sedimentation, erosion, and shoaling. Coastal resources should be identified and evaluated in terms of quality. Anadromous fish runs, spawning areas, and shellfish beds must be considered, as should areas subject to high velocity waters, and areas subject to flooding and erosion. For the purposes of delineating a flood hazard area, the 100 year coastal flood boundary should be considered. A 100 year coastal flood is defined as a flood event which has a one percent chance of occurring in any given year. Biological habitats of significance (e.g. tidal wetlands, intertidal flats, grass beds) should also be included.

History

An understanding of the historic development and use of the harbor is vital to the formulation of a desired future. A harbor's identity (e.g. shipping port, fishing village) is formed, at least in part, by historic waterfront uses. Historic uses may be chronicled in this section, and discussion should focus on those uses which have been preserved, abandoned, restored, or displaced.

Land Uses

Existing uses of the waterfront, including vacant parcels and points of public access, should be identified. A community's municipal coastal program, or plan of development and zoning regulations (if a municipal coastal program has not been

completed), and historic district regulations (if applicable) should also be consulted. The purpose of this review is to determine the consistency of the municipality's planning objectives with what presently exists in the harbor area and the extent to which both of these are reflected within zoning. Economic trends and factors affecting waterfront use, including property assessments, tax revenue and employment should be examined and the supply and demand for waterfront facilities assessed.

Water Uses

An inventory of public, private and commercial harbor structures, including jetties, breakwaters, docks, piers, boat launch ramps and moorings should be identified and mapped. The extent to which the shoreline in these areas has been modified by bulkheading and rip-rap should be evaluated and the condition of such structures noted. In addition to the above, the water use map and accompanying text should note the location and dimensions of any federally maintained navigation channels, turning basins and anchorages, and any special anchorage areas designated by the Coast Guard. Other water uses should also be identified including fairways, swimming areas, wildlife preserves, and recreational and commercial fishing areas. Ownership and restrictions should be noted where water uses are affected.

Jurisdictions

The various local, state and federal authorities with interests or authority over the harbor and harbor-front should be identified along with the limits of their jurisdictions. Appendix D should be consulted for a comprehensive list of state and federal authorities.

The following discussion and Figures 1, 2, 3, and 4 describe existing conditions in the Town of Old Port. The maps depicting the municipal plan of development and municipal zoning are included to provide as much detail as possible in the model plan and are not required components of a municipal harbor management plan.

Existing Conditions: Town of Old Port

Physical Setting

As established within the "Ordinance Creating a Harbor Management Commission," Old Port's harbor includes the area located in or contiguous to the waters of the town as delimited by the jurisdiction of the Old Port Shellfish Commission and bounded by the projection of the boundary line of neighboring towns. Old Port Harbor contains approximately 16 miles of shoreline, and

extends to the Town's eastern and western boundaries. The depth of water in Old Port Harbor at the mean low water mark ranges from 9.4 feet (within the federally maintained navigation channel at the mouth of channel) to exposed intertidal flats at various locations. A February 1984 Conditions Survey conducted by the U.S. Army Corps of Engineers showed evidence of sedimentation and shoaling with the depth of the navigation channel varying between 9.4 feet and 7.5 feet (at the head of the channel), with an average depth of 8.5 feet. Sources of sediment are primarily upstream erosion, surface water runoff, and littoral transport. The littoral drift pattern across the mouth of the navigation channel results in moderate shoaling problems.

The normal tidal range is 6.4 feet and the average spring tidal range is 7.4 feet. The prevailing winds in Old Port Harbor are primarily from the south during the summer, and tend to be from the northwest during the winter. The combination of wind, velocity, direction, fetch, and duration create wave action within the harbor.

The entire shoreline is within the coastal flood hazard area and is subject to flooding and/or velocity waves during coastal storm events. In Old Port Harbor, the base flood elevation is approximately 10.2 feet above mean sea level ("A" zones), and the elevation of flood waters in areas subject to velocity waves reaches 15 feet above mean sea level ("V" zones). The specific location of these flood zones is noted on the Federal Emergency Management Agency's flood insurance rate maps. The 100 year coastal flood boundary is delineated on Figure 1. Also identified on this Figure are erosion hazard areas.

The water quality of Old Port Harbor is classified as SB, indicating that the water is suitable for all types of recreation. Because of the presence of high fecal coliform counts, however, the shellfish concentration area adjacent to the navigation channel has been closed for the direct harvesting of shellfish by the health director. Commercially licensed shellfishermen must transfer shellfish from this area to clean beds for depuration prior to harvesting for consumption. Potential sources of such pollution include the discharges from Old Port's sewage treatment plant, located north of the coastal boundary and adjacent to Hale's River, from an undetermined number of failing septic systems, and from in-harbor discharges of marine toilets from boats. The problem is further compounded by the lack of pump-out facilities within the harbor. Water quality is also affected to some extent by industrial discharges.

Figure 1 depicts the coastal resources within the Town of Old Port. The shoreline contains areas of rocky shorefront, bluffs and escarpments, and sandy beach. Although there has been an incremental loss of tidal wetlands in past years, several healthy tidal wetlands remain along inlets, and intertidal flats and shellfish concentration areas are found in the nearshore waters. As noted above, the shellfish concentration area

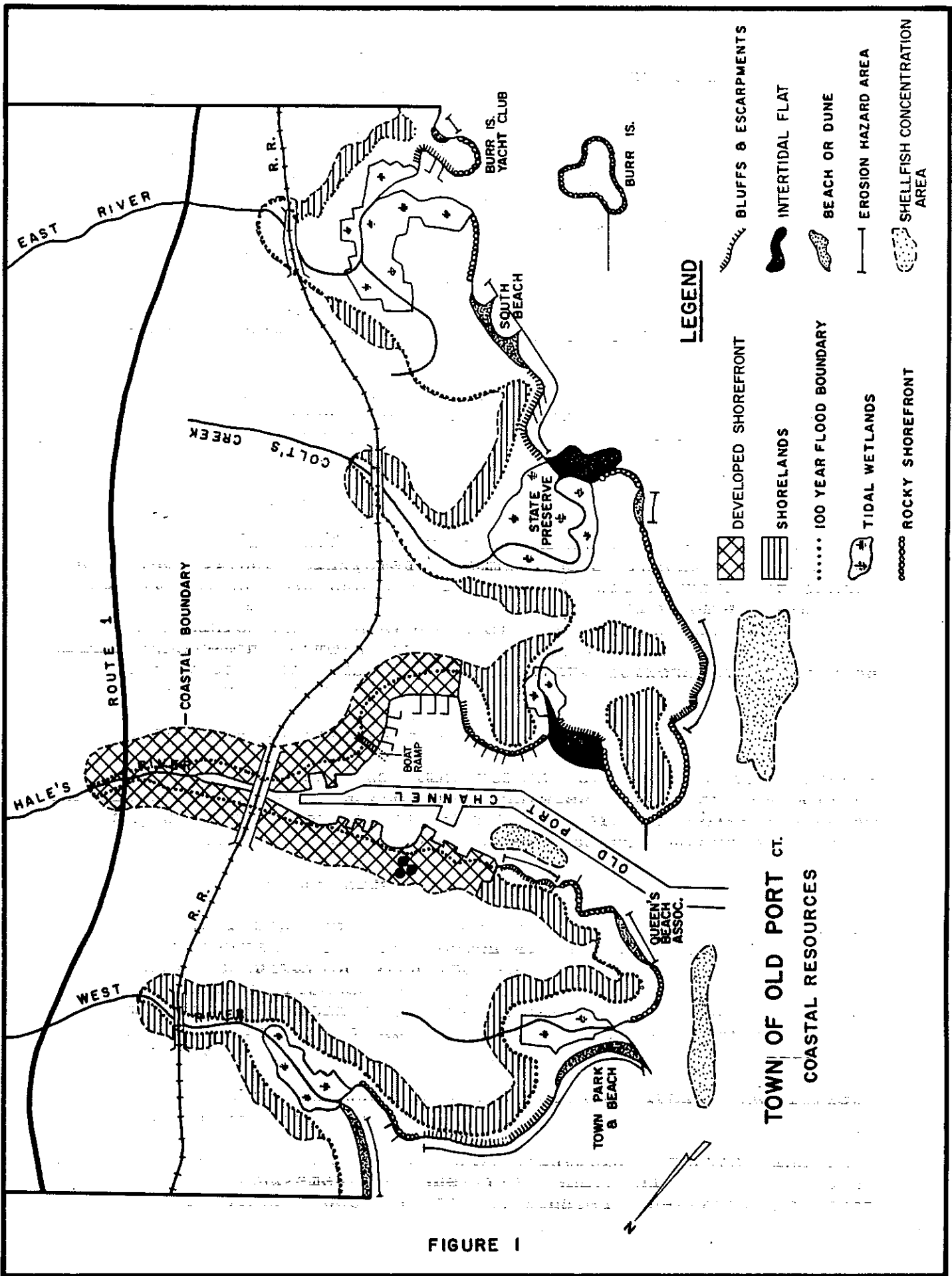


FIGURE I

adjacent to the navigation channel has been closed because of the presence of high coliform counts. The shellfish beds located in open waters offshore, however, are commercially leased and harvested.

History

Old Port Harbor was settled as a fishing and trading port in the late 1600's. Fishing, shellfishing, shipping and shipbuilding remained the principal waterfront activities through the mid-1900's, when these industries declined dramatically as a result of water quality problems as well as changes in the regional economy. Industrial development began to replace these declining uses on the northwest side of the harbor beginning in the early to mid-1900's.

The head of the harbor, an area historically active as a maritime village center, is now underutilized and in various stages of disrepair. A shellfish processing plant (Yankee Oyster Farms), once a major industry and employer in Old Port, is still in operation but at less than full capacity. A row of small shops which originally catered to workers at the plant is now decrepit and hosts a variety of retail trades unrelated to the harbor.

The railroad station has been rehabilitated as a mixed use project which includes a restaurant, several small shops, the historical society office, and a small museum. Other commercial establishments in the immediate vicinity of the station are being revitalized in a piecemeal fashion.

Land Use

Figure 2 notes the existing land uses along Old Port's harbor. The industrial, commercial, and institutional uses are concentrated around the federally maintained navigation channel. Most of the remaining waterfront is committed to residential uses, although areas of open space, recreation (including town and association beaches), and vacant parcels are scattered throughout the town's waterfront. The majority of water dependent uses are located adjacent to the navigation channel, and this developed shorefront offers the potential for the development of new or the expansion of existing water dependent uses.

Of the two marina facilities within Old Port, both are privately owned, with one functioning as a yacht club, and the other functioning as a full-service marina. The waiting list at both facilities is extensive. Neither facility provides pump-out services. The yacht club offers launch service to boats mooring within the Burr Island breakwater. As recommended in the town's municipal coastal program, a town boat launch ramp has been constructed.

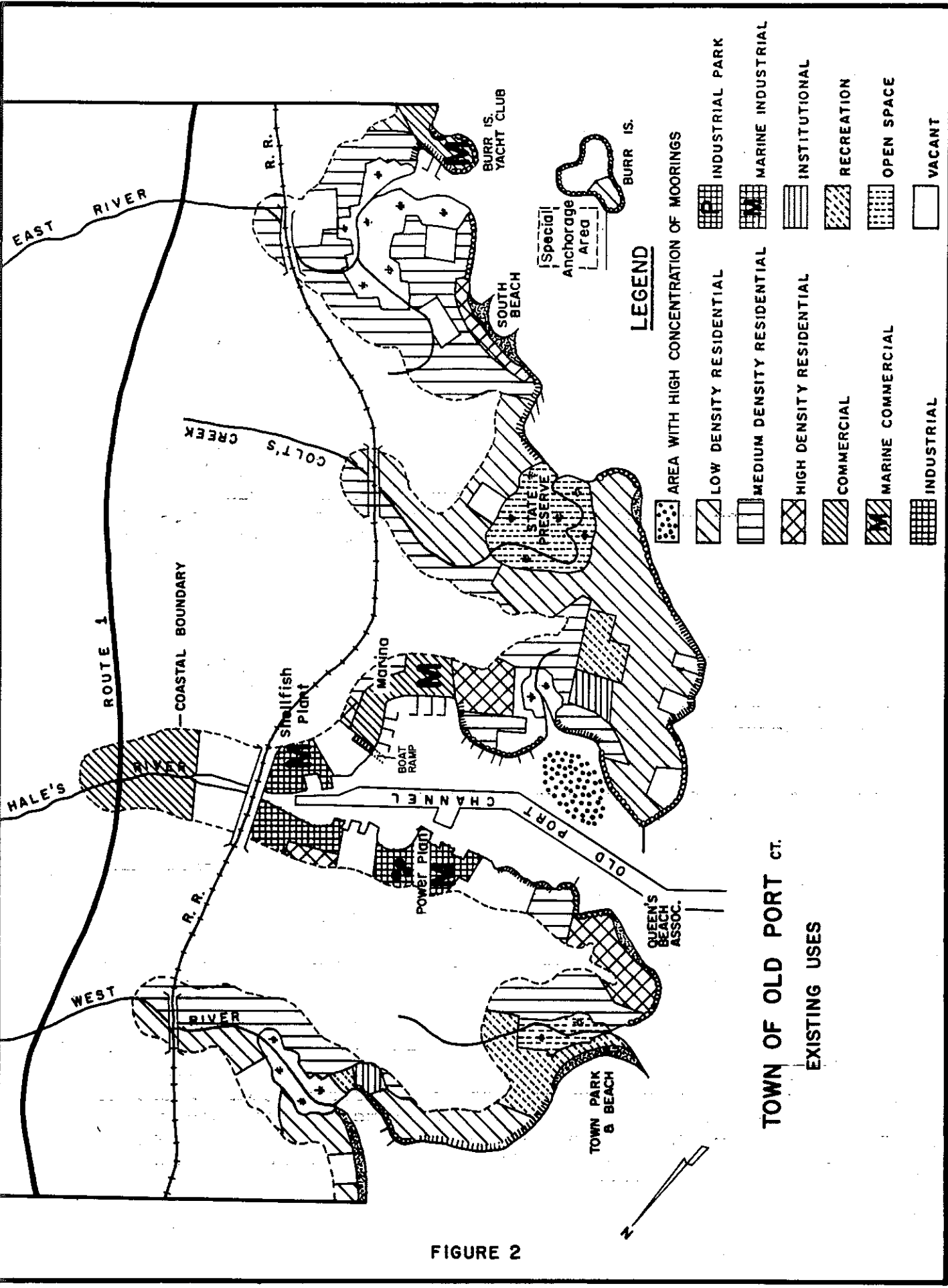


FIGURE 2

Of the five beaches within Old Port, two are privately owned, two are owned by beach associations (Queen's Beach and South Beach) and one is town-owned. During the beach season, the town and association beaches are well utilized and are considered to be crowded during the weekends.

Because of the extensively developed nature of Old Port's waterfront, public access to the waterfront is limited to the town park, beaches, and street-end parks. The facilities at the town park are in need of maintenance and modernization. Acquisition of additional waterfront property for public use and enjoyment and/or development of other town parcels for recreational use is desirable. The state preserve could be developed for passive, water dependent educational opportunities.

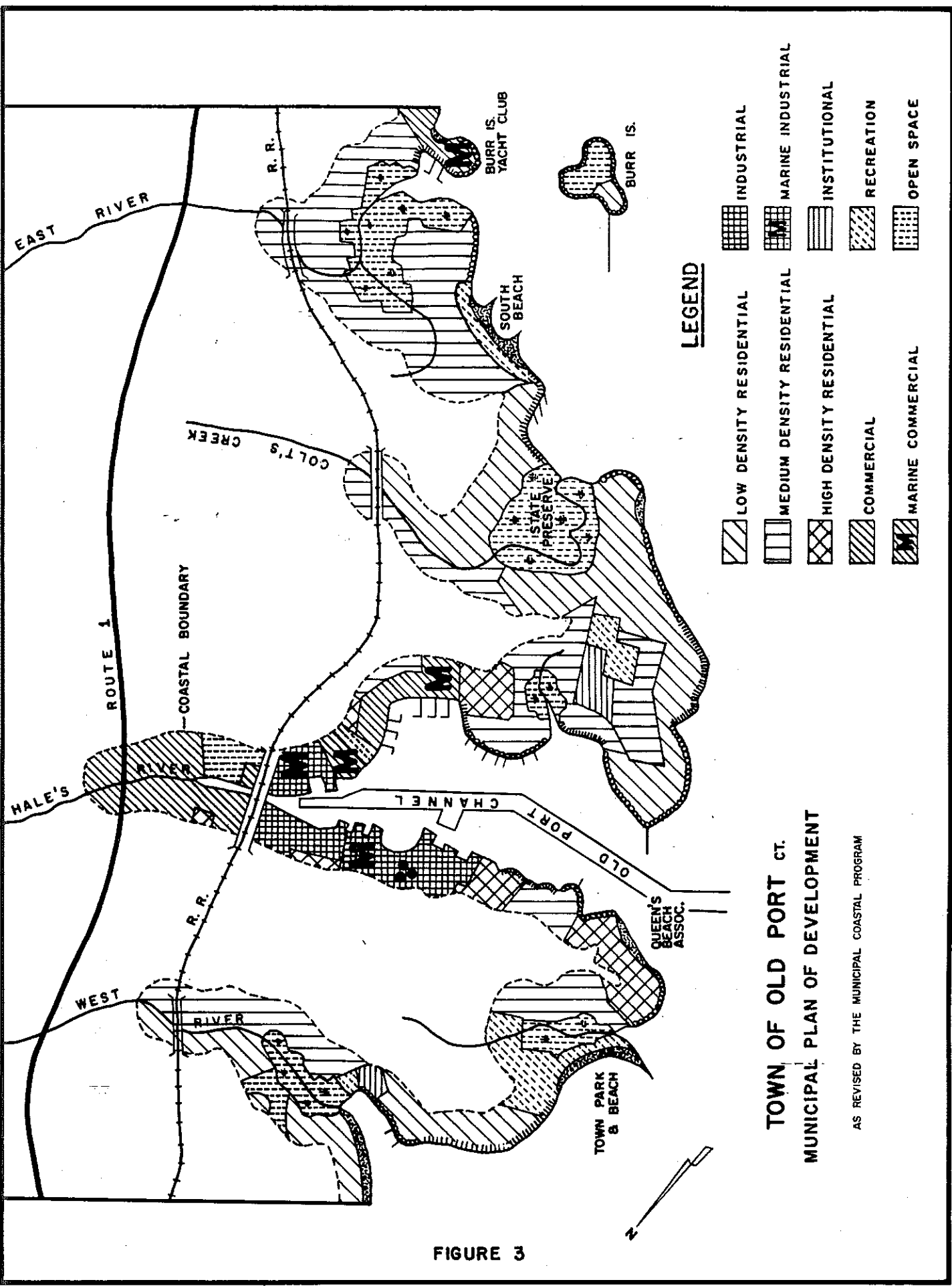
The development of Old Port's waterfront has proceeded historically with little regard to coastal flooding and erosion. Structural solutions, such as seawalls and groins, have been typically employed in an effort to protect property from flooding and erosion. Because of the temporary and often detrimental effects of these structural solutions, the Town of Old Port is presently pursuing and encouraging non-structural alternatives to control flooding and erosion consistent with policies contained in the Connecticut Coastal Management Act. As an example, the town established an Erosion Control District Overlay, which requires minimum setbacks of all structures from such hazards, as a component of the Old Port Municipal Coastal Program.

Figure 3 graphically presents the goals, policies, and recommendations of the town's plan of development (as revised through the municipal coastal program process). The map depicts what the town considers to be its desired future. Of note is the designation of certain existing vacant waterfront parcels for marine commercial, marine industrial, and open space uses. These designations reflect the town's desire to protect existing water dependent uses and to encourage new water dependent uses in areas suitable for such development (developed shorefront), and to preserve tidal wetlands.

Existing zoning (as revised during completion of Old Port's municipal coastal program) is shown in Figure 4. As can be seen, the Old Port harbor area is zoned primarily for residential uses.

Water Use

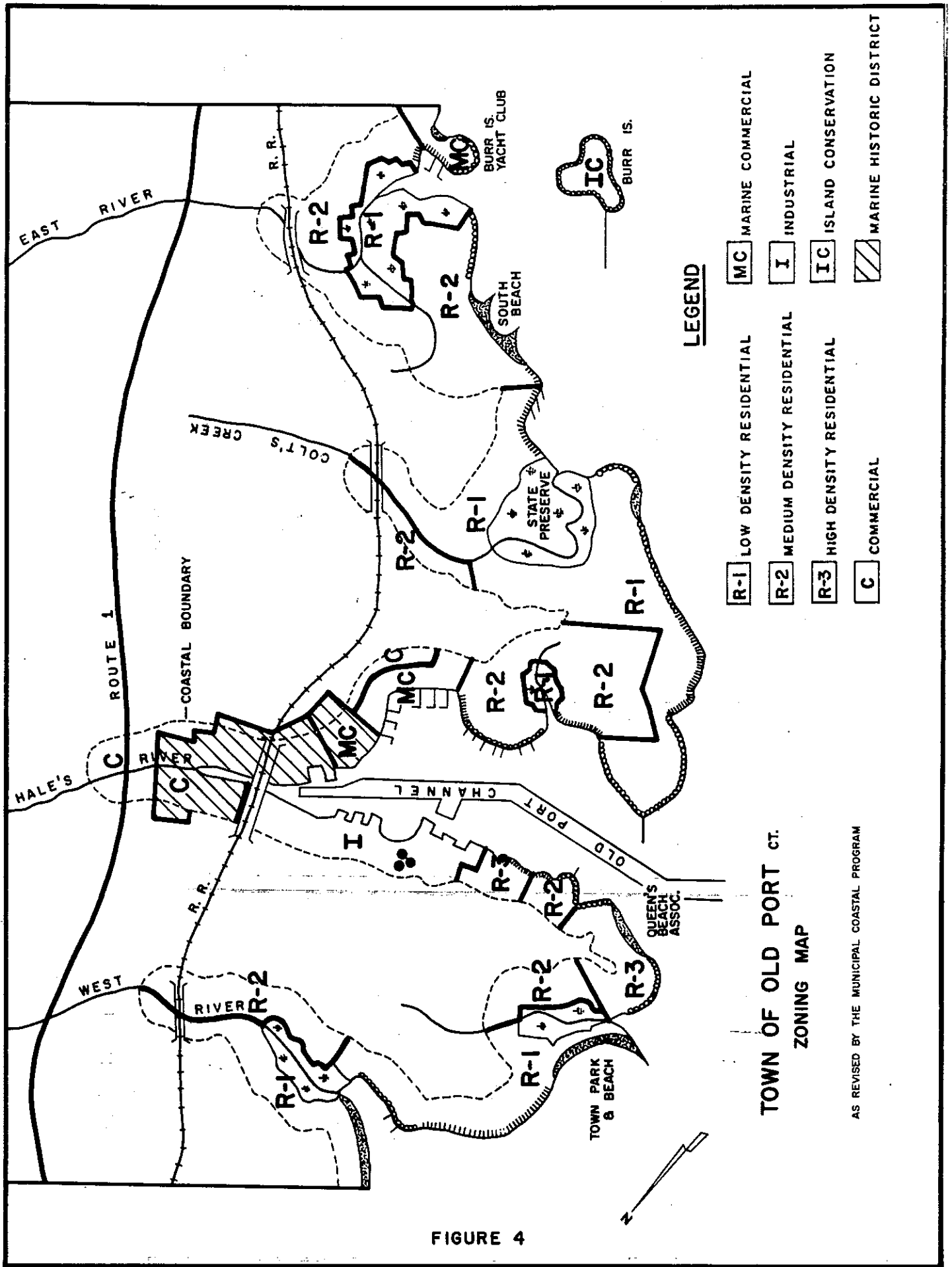
Old Port Harbor contains a substantial number of structures located below mean high water including slips, piers, and moorings, public and private docks, and groins and breakwaters. Figure 1 shows the placement of these structures relative to coastal resource areas and the federally maintained navigation facilities (i.e. channel, anchorage, and turning basin).



**TOWN OF OLD PORT CT.
MUNICIPAL PLAN OF DEVELOPMENT**

AS REVISED BY THE MUNICIPAL COASTAL PROGRAM

FIGURE 3



LEGEND

- R-1 LOW DENSITY RESIDENTIAL
- R-2 MEDIUM DENSITY RESIDENTIAL
- R-3 HIGH DENSITY RESIDENTIAL
- C COMMERCIAL
- MC MARINE COMMERCIAL
- I INDUSTRIAL
- IC ISLAND CONSERVATION
- / / / / MARINE HISTORIC DISTRICT

**TOWN OF OLD PORT CT.
ZONING MAP**

AS REVISED BY THE MUNICIPAL COASTAL PROGRAM

FIGURE 4

The U.S. Army Corps of Engineers maintains the federal navigation channel, which is 150 feet wide tapering to 100 feet at the head of the harbor, and which has a dredged depth of minus 10 feet at mean low water. The Burr Island anchorage area and the turning basin at the power plant are similarly maintained by the Corps of Engineers. The channel was dredged in 1976 and as a result of sedimentation and shoaling will require dredging in the near future. Dredging has been performed every six to eight years in the recent past, and the amount of material removed has averaged approximately 60,000 cubic yards. Prior to the passage of the state's tidal wetlands statutes, disposal was accomplished by placing spoils on several wetland parcels. Because the town lacks any land environmentally suitable for upland disposal, all material is now transported to offshore disposal sites.

Old Port Harbor supports some 220 boat slips and 155 moorings. To date, the placement of moorings has not occurred under any general plan, and several moorings may be encroaching into the navigation channel. A recent survey indicates that 59 moorings (38 percent) are rented commercially and 96 (62 percent) are used privately. The number of commercial moorings is expected to rise, as several marina owners have expressed interest in applying for additional mooring permits. The number of private moorings is increasing, but at a modest annual rate.

At present, no moorings are specifically set aside in the anchorage area for transient boaters. This fact deserves special consideration in that the Army Corps of Engineers considers the degree to which access is available to the general boating public in their evaluation of dredging priorities.

Swimming, water skiing, lobstering and fishing are additional seasonal uses of the waters of Old Port. However, these uses occasionally conflict when they occur within the same general area.

While no one presently lives aboard any vessels within Old Port's harbor, this type of use is becoming increasingly popular elsewhere in the state, and it appears that such use could be anticipated in Old Port in the future.

Jurisdictions

Several federal, state and local agencies have jurisdiction over various activities in and adjacent to the harbor. These authorities perform different, but often overlapping functions in the regulation of harbor activities. The key authorities with administrative control or interest in Old Port's harbor include:

Federal Level

- U.S. Army Corps of Engineers
- U.S. Coast Guard

State Level

Department of Agriculture
Aquaculture Division
Department of Environmental Protection
Law Enforcement Unit
Marine Fisheries Unit
Planning and Coordination/Coastal Management
Water Compliance Unit
Water Resources Unit
Department of Health Services
Department of Transportation
Bureau of Waterways
Harbor Master

Local Level

Board of Selectmen
Conservation Commission
Director of Health
Fire Department
Flood and Erosion Control Board
Harbor Management Commission
Historic District Commission
Inland Wetlands and Watercourses Commission
Marine Police
Parks and Recreation
Planning and Zoning Commission
Redevelopment Agency
Representative Town Meeting
Sewer Commission
Shellfish Commission
Zoning Board of Appeals

B. HARBOR MANAGEMENT ISSUE IDENTIFICATION

In preparing a harbor management plan, the harbor management commission should identify and assess all significant harbor-related issues, problems, and needs which are to be addressed through the harbor management planning process. Meetings with the public and regulatory interests, and mail-out-and-return surveys may be helpful in this task. Appendix C identifies key points for public and regulatory agency input. Any concern that affects or involves the waterfront and water may be identified. For example, shortage of recreational boating facilities, obstructions within the federally maintained navigation channel, and the lack of public access to the waterfront are common issues confronting many of Connecticut's coastal municipalities. For municipalities which have completed municipal coastal programs, many of the issues identified in those programs will be applicable to the management of the harbor. Such issues should be

gleaned from the municipal coastal program and included within this section of the harbor management plan.

The following issues have been identified in the Town of Old Port. While they are intended to illustrate those confronting many of Connecticut's coastal municipalities, the list is not exhaustive.

Harbor Management Issues: Town of Old Port

1. The shortage of public and private marina space and boat launching areas.
2. The impending need to dredge Old Port's navigation channel.
3. Encroachments within the federally maintained navigation channel.
4. The need for more efficient utilization and arrangement of moorings within the anchorage area, the need for additional mooring space, and the need to allocate moorings fairly for private and commercial use.
5. The need to provide safe harbor and shore access for transient vessels.
6. The overdevelopment of parts of Old Port's coastline which has resulted in the loss of visual access, public right-of-way, and a depletion of vital coastal resources.
7. A need for improved and expanded public recreational facilities in Old Port.
8. The filling and degradation of Old Port's tidal wetlands.
9. The need to protect unique wildlife areas.
10. The desire to improve commercial and recreational shell-fishing.
11. The potential for expansion of existing or development of new water dependent uses along the developed urban waterfront.
12. The need to provide appropriate restrictions on water uses and users in order to minimize conflict between competing activities.
13. The need for coordination of harbor information and activity among agencies, commissions, and departments with interests in the use and regulation of the water and waterfront.
14. The damage to coastal property caused by periodic flooding.

15. The lack of available pump-out facilities for boaters.
16. Periodic water quality problems despite improvements in overall quality.

C. HARBOR MANAGEMENT GOALS

Using the information obtained in the preceding stages of the planning process, the harbor management commission should develop goals for the use, development and preservation of the harbor. Such goals indicate what should and should not occur within the harbor and provide direction for the implementation of the harbor management plan.

The municipal harbor goals should address the previously identified issues and needs within the framework of existing conditions. They should also be consistent with the goals and policies of the Connecticut Coastal Management Act and the municipal coastal program, if one has been completed.

Harbor Management Goals: Town of Old Port

1. Regulate the use of the harbor to resolve conflicts between harbor uses, and in a manner which provides for the safe, orderly and efficient use of the water and waterfront.
2. Provide for water dependent uses in areas suitable for supporting such development.
3. Respond to the increasing demand for coastal recreational opportunities by:
 - a. Giving highest priority and preference to water dependent uses in suitable waterfront locations.
 - b. Encouraging the development of marine recreational facilities including pump-out equipment.
 - c. Pursuing opportunities for improving existing and providing new areas for public access.
4. Provide for the maintenance and enhancement of Old Port's existing Federal navigation channels, basins and anchorages, and discourage the dredging of new or expanded Federal navigation channels, basins and anchorages.
5. Provide for the efficient and equitable distribution of commercial and private moorings.

6. Provide adequate anchorage, mooring, and dockage for the public and sufficient anchorage with shore access for transient boaters so that the harbor is open to all on an equitable basis.
7. Provide for public utilization and enjoyment of the urban waterfront by preserving Old Port's historic maritime character and by encouraging maritime uses which create additional opportunities for public access.
8. Recognize the importance, both historically and economically, of the town's shellfishing industry and take appropriate measures to ensure its revitalization and continued viability.
9. Provide unobstructed access to federal navigation channels, anchorages and harbor facilities.
10. Encourage non-structural solutions to flood and erosion problems except in those instances where structural alternatives, (e.g. groins, sea walls, revetments) prove unavoidable and necessary to protect existing inhabited structures, roads, sewer and water lines, other utilities, or water dependent uses.
11. Protect Old Port's remaining tidal wetlands from further degradation. Restore destroyed or degraded tidal wetlands where practical.
12. Maintain the value of Burr Island as critical wildlife habitat and recreational open space.
13. Establish a fund to be used in the administration, operation and maintenance of the harbor.
14. Attempt to improve water quality in the harbor.
15. Improve existing town waterfront facilities, as needed.

D. POLICIES AND RECOMMENDATIONS

This section presents policies and recommendations in response to the harbor management goals contained in Section II.C, based on identified problems and needs discussed in Section II.B. A major component included within this section of the model is the presentation of a water use plan, shown as Figure 5 and accompanying text which identifies uses to be regulated and corresponding policies. Although not specifically required by the Harbor Management Act, this component of a harbor management plan provides the harbor management commission's policies for harbor structures and uses, as well as a map which may prohibit and/or encourage structures or uses in specific locations. A water use plan is highly recommended to present the municipality's policies to local, state and federal regulatory bodies.

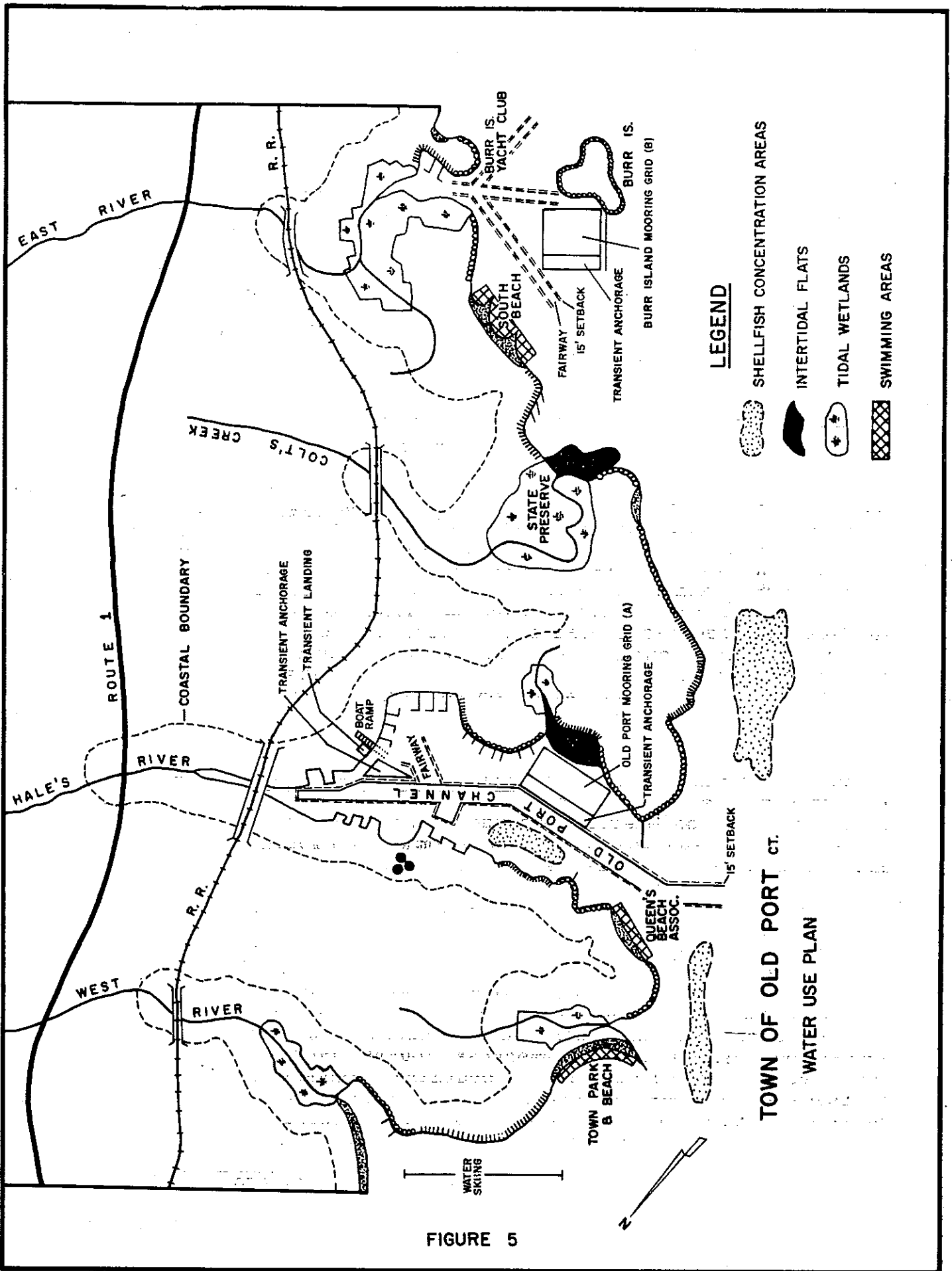


FIGURE 5

The use of rules and regulations, in the form of a harbor management ordinance, is an effective means of implementing specific policies and recommendations offered in this section. A model ordinance containing rules and regulations implementing the policies and recommendations of this section is presented in Section II.E., "Harbor Management Ordinances." This suggested format separates the ordinance from the rest of the harbor management plan which allows for subsequent amendments to the ordinance without major changes to the other components of the plan.

Policies and Recommendations: Town of Old Port

To implement the goals presented in Section II.C, it is recommended that the following items be included as part of the Old Port Harbor Management Plan: a water use plan, transient anchorage, mooring grids, and harbor administration.

1. Old Port Water Use Plan

The Old Port Water Use Plan is drawn as Figure 5 and presents the harbor management commission's recommendations for conservation, development and use of Old Port Harbor. In accordance with Section 22a-113n of the Harbor Management Act, all state and municipal regulatory decisions within the area of the harbor management commission's jurisdiction shall be consistent with this water use plan, unless contrary actions are supported by a "show cause" justification.

a. Preservation of Coastal Resources

The preservation and improvement of significant natural resources in Old Port Harbor is consistent with the Connecticut Coastal Management Act and the Old Port Municipal Coastal Program and is further supported by the Old Port Harbor Management Plan.

(1) Shellfish Resources

Significant shellfish concentration areas, as mapped by the Department of Environmental Protection and refined through consultation with the Old Port Shellfish Commission, have been designated on the water use plan. The harbor management commission should periodically consult with the shellfish commission and update the map if changes become necessary.

Within designated shellfish resource areas, the following policies shall apply:

- (a) The cultivation, transplantation, harvest and general management of shellfish shall have priority over all other uses within designated shellfish resource

areas. This should not, however, be construed to deny a riparian owner's access to navigable waters.

(b) New navigation channels, turning basins, fairways, berthing areas, mooring areas and anchorages shall not be dredged in designated shellfish concentration areas unless it is demonstrated that the resources have been permanently depleted or that no other feasible alternatives exist and that the proposed activity is in the public interest.

(c) New structures such as docks, pilings, breakwaters, groins, and sea walls should not be placed in designated shellfish concentration areas unless the resource impacts are minimal and no feasible alternatives exist. This should not, however, be construed to deny a riparian owner's access to navigable waters.

(2) Tidal Wetlands and Intertidal Flats

The ecological values of intertidal resources for habitat, breeding, nutrient productivity, storm water retention and pollution control are well established. Tidal wetlands and intertidal flats, as defined by state statute, are depicted on the water use plan. Consistent with state statutes and regulations and the Old Port Municipal Coastal Program, the following policy shall apply:

(a) The priority use for tidal wetlands and intertidal flats is preservation. Limited uses and structures may receive regulatory approval if the resource impacts are minimal and no feasible alternatives exist.

b. Structures

To assure the orderly, safe, and efficient use of designated mooring areas, anchorages, fairways and other navigation areas, the following policies shall apply:

(1) There shall be a 15 foot setback of all new structures from any designated channel, turning basin, fairway, mooring area, or anchorage. The setbacks from these areas are delineated on the water use plan. Existing structures which extend into the setback area may be subject to periodic removal, if required, for maintenance dredging.

(2) No vessel at a dock permitted after the adoption of this plan shall extend into the limits of the channel, fairway, turning basin, mooring or anchorage setbacks, as delineated on the water use plan.

(3) There shall be a 10 foot setback of new structures from property line extensions into navigable waters where practicable. This should not, however, be construed to deny a riparian owner's access to navigable waters.

c. Special Restrictions

To resolve identified conflicts between harbor uses and to promote public safety, the following policies are incorporated into the water use plan:

- (1) To prohibit swimming in all designated channels and fairways.
- (2) To prohibit fishing and shellfishing in all designated channels and fairways.
- (3) To prohibit water skiing in all designated channels, fairways, mooring areas and anchorages. Water skiing is specifically encouraged in the area northwest of Town Beach (See Figure 5).

d. Public Access

Consistent with the Connecticut Coastal Management Act and the Old-Port Municipal Coastal Program, public access to Old Port Harbor should be preserved and improved together with all proposed harbor uses and development. Accordingly, the following policies shall apply:

- (1) No proposed structures or uses shall restrict existing public access, as delineated on the water use plan.
- (2) Plans reviewed by the harbor management commission in accordance with Section 22a-113p of the Harbor Management Act shall be examined for potential impacts to existing or proposed public access. The provision of additional public access in conjunction with proposed plans is encouraged and will be viewed favorably by the harbor management commission.

2. Transient Anchorage

To implement Goals 1, 2, 3, 4, 6, 7, and 9 in Section II.C., it is recommended that the town boat launch area also serve as an access point for an adjacent transient anchorage area. This location provides easy pedestrian access to several restaurants, a laundromat at an adjacent marina, and other services required by transient boaters. The Old Port Harbor Water Use Plan designates an area immediately offshore of this boat launch facility which shall be reserved for transient vessels and can accommodate approximately 5 such vessels in the 25 to 32 foot range. This area was dredged recently for the construction of the boat launch ramp and provides approximately -6' MLW depth. Any further maintenance dredging of the boat launch facility should also include maintenance dredging of this anchorage if necessary. It is further recommended that a series of use restrictions be enacted and enforced by ordinance as part of this plan.

Additionally, significant portions of the protected waters within mooring grid areas A and B as designated below shall be reserved and free of moorings for transient vessel use and for emergency shelter. These areas are designated on mooring grid plans A and B (Figures 6 and 7), and are also delineated on the water use plan (Figure 5). The designation of such anchorage areas is not intended to preclude future wharfing out by riparian owners.

3. Mooring Grids A and B

To achieve an orderly and equitable distribution of moorings, it is recommended that the harbor management commission establish and administer mooring grids at the two areas in Old Port which are currently the best protected and which are the most accessible from shore. To provide safe mooring without the display of anchor lights in Grid A, it is recommended that the Town of Old Port formally petition the Coast Guard to designate this area as a special anchorage area in accordance with established procedure. Mooring grid B is already designated as such and is so identified on nautical charts. Accordingly, mooring grids A and B accompany this text and are incorporated as figures 6 and 7, respectively. The number and vessel types designated for each mooring area are based on vessel requirements including length, draft, and maneuvering capabilities. These requirements have been generalized, and the harbor master may alter them to suit a particular vessel, as necessary.

Mooring Grid A - Old Port Harbor

This area is approximately 29 acres in size, and provides a transient anchorage of approximately 4 acres, and a mooring grid encompassing approximately 25 acres. Moorings have been allocated as outlined below.

<u>Vessel Size</u>	<u>Quantity</u>
11-20'	31
21-30'	56
31-40'	31
41-46'	7
	<u>125</u> Total

Mooring Grid B - Burr Island

This area, a designated special anchorage, is approximately 35 acres in size, and provides a transient anchorage of 6 acres and a mooring grid encompassing approximately 29 acres. Moorings have been allocated as outlined below:

MOORING GRID "A" OLD PORT HARBOR

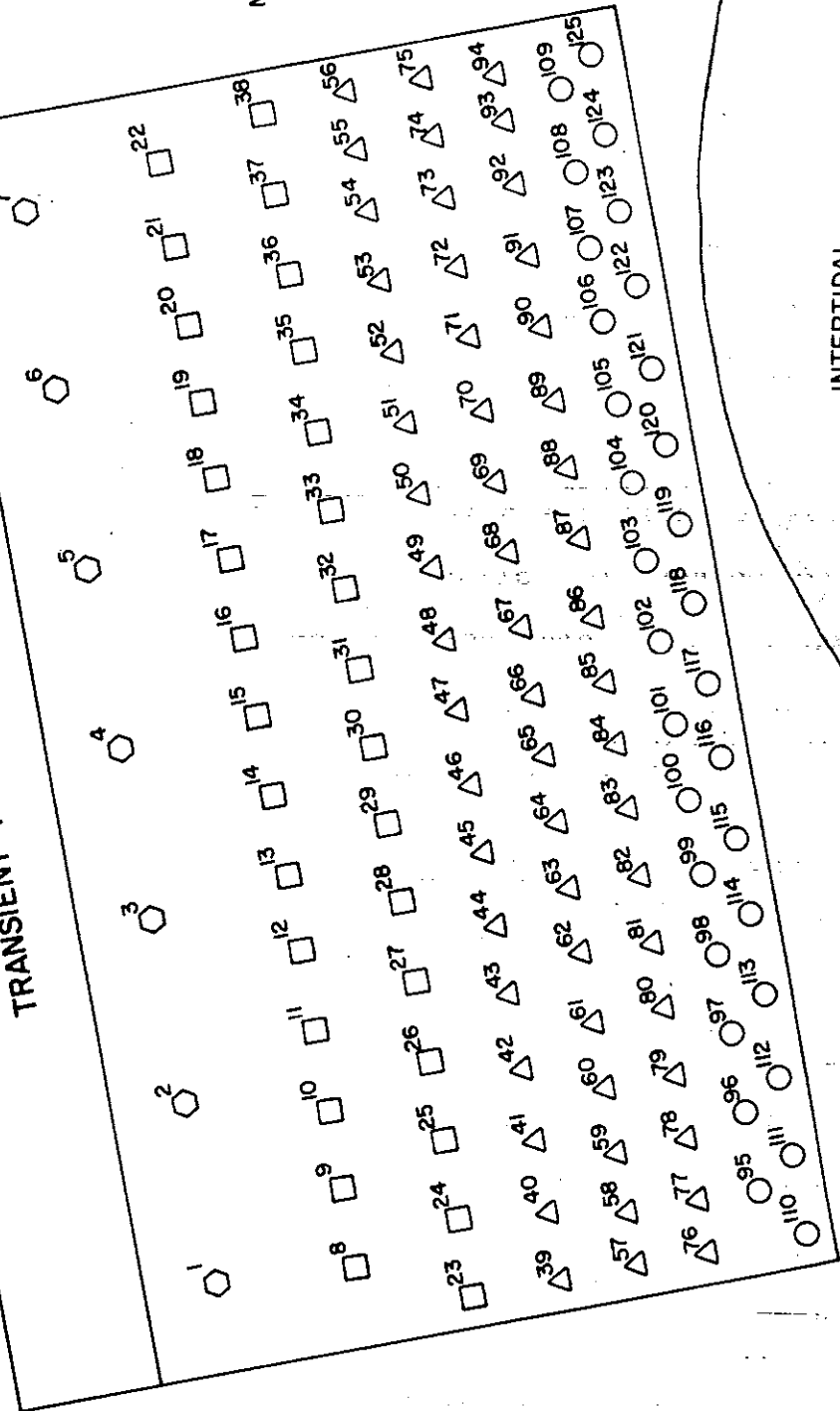
CHANNEL

15 FOOT SETBACK

RESERVED AS
TRANSIENT ANCHORAGE AREA

KEY	
SYMBOL	VESSEL SIZE
○	11 - 20'
△	21 - 30'
□	31 - 40'
◇	41 - 46'

N
NOT TO SCALE



INTERTIDAL
FLAT

FIGURE 6

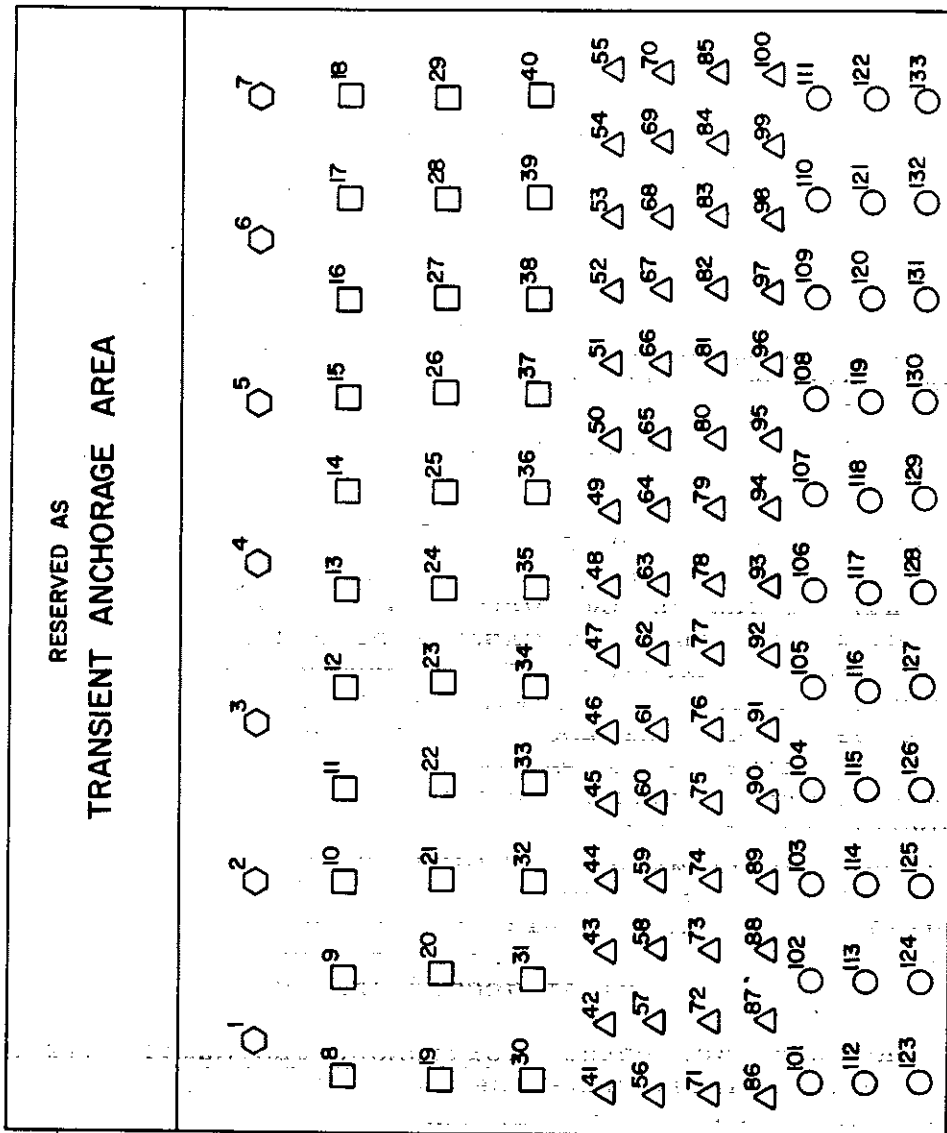
MOORING GRID "B" BURR ISLAND

KEY

SYMBOL	VESSEL SIZE
○	11 - 20'
△	21 - 30'
□	31 - 40'
○	41 - 46'



NOT TO SCALE



FAIRWAY

15 FOOT SETBACK

15 FOOT SETBACK

FAIRWAY

BURR ISLAND

FIGURE 7

<u>Vessel Size</u>	<u>Quantity</u>
11-20'	33
21-30'	60
31-40'	33
41-46'	7
	<u>133 Total</u>

4. Harbor Administration

In order to meet its stated objectives, it is recommended that the commission function within an administrative framework regulated by municipal ordinances contained in Section II.E. and enforced by the harbor master or his or her designee. The harbor management plan proposes the following administrative framework:

a. Review of Local Plans

In accordance with the provisions of Section 22a-113p of the Harbor Management Act and Section 5 of An Ordinance Creating a Harbor Management Commission, the following local boards and commissions must notify the harbor management commission of any and all pending proposals for real property in, on, or contiguous to Old Port Harbor:

- (1) The Planning and Zoning Commission
- (2) The Zoning Board of Appeals
- (3) Shellfish Commission
- (4) Flood and Erosion Control Board
- (5) Redevelopment Agency
- (6) Historic District Commission
- (7) Sewer Commission

The commission will establish a procedure to receive proper notification in conformance with Section 22a-113p of the Harbor Management Act and plans will be reviewed at regularly scheduled meetings of the harbor management commission. All meetings shall be open to the public. The commission shall determine the consistency of any such proposal with the harbor management plan. Upon receipt of a finding of inconsistency by the commission, the primary reviewing agency (e.g. planning and zoning commission) may approve a project, but a two-thirds majority vote is required to do so.

b. Establishment of a Harbor Management Fund

In accordance with Sections 22a-113l and 22a-113s of the Connecticut General Statutes, the Town of Old Port should establish, by ordinance, a harbor management fund to provide for the costs associated with administering the harbor management plan. The ordinance should specify terms of the fund, sources of revenue, and permitted expenditures.

c. Harbor Master

In addition to existing powers and duties, the Old Port harbor master shall assume the following duties in accordance with Sections 22a-113k, 113r, and 113s of the Harbor Management Act:

- (1) Act as a non-voting, ex-officio member of the harbor management commission.
- (2) Issue permits for all moorings.
- (3) Keep records of the location of all moorings, users and vessels within the designated mooring grid area.
- (4) Prepare and make available a current waiting list for mooring permits, if demand is greater than the number of moorings available in any given year.
- (5) Collect mooring permit fees annually for deposit into the harbor management fund.
- (6) Enforce any ordinance or provision of the harbor management plan.

d. Mooring Grid Administration

In order to provide for the proper administration of the mooring grid presented in II.D.3, the following administrative details are recommended:

- (1) All moorings are to be located according to assigned locations on the mooring grid. The harbor master or his or her designee will inspect moorings before placement and issue an annual permit after determining that a mooring has been properly located upon the mooring grid.
- (2) Mooring permits are for a one year period and must be renewed annually. An annual fee shall be charged for each mooring and shall be collected by the harbor master prior to the issuance of a mooring permit. The fee is posted in the office of the town clerk.
- (3) Available moorings shall be allocated on a first-come, first-served basis. First preference shall be extended to those with existing moorings placed in Old Port Harbor for the first year. A minimum of twenty-five percent of all mooring areas will be reserved for transient users, subject to adjustments dictated by local demand. Every effort shall be made by the harbor master to accommodate specific needs due to draft, beam, length, and available access from the shore. However, it should be noted that 100 percent of the designated mooring areas may not be available in any given year as a result of unusual shoaling. The harbor master may

revise this allocation as necessary in such instances. A permit holder shall have priority rights to the same mooring each year if renewed by December 31st.

(4) The number of commercial moorings allocated within the grid system is based on available data and knowledge of the harbor master with respect to prior demand for private and commercial moorings. Accordingly, a minimum of 40 percent of moorings within the grid system shall be available for commercial use. However, the harbor master shall reserve the right to issue greater than 40 percent for commercial use, provided that less than 60 percent has been requested for private use, after March 1st of each year. Similarly, the harbor master may issue greater than 60 percent for private use, provided that less than 40 percent of the available moorings have been requested for commercial use, after March 1st of each year. Such adjustments shall be valid for the duration of one mooring season only.

(5) In accordance with Section 22a-113r of the Connecticut General Statutes, the harbor master will keep records of users, vessels, and locations of each mooring. The harbor master shall keep a current waiting list available for public inspection, if necessary.

(6) Private mooring permits are issued to an individual permittee for his or her personal use and may not be leased, sold, or transferred. Commercial mooring permits are issued to commercial operators who provide parking, access, launch services and other shoreside amenities. Commercial moorings may be leased or transferred, but only with the amenities noted above. No privately controlled commercial moorings shall be allowed in federally maintained project areas.

(7) Minimum mooring tackle specifications are recommended to avoid mooring failure and are presented in Section II.F. Mooring permits are subject to utilization of secure tackle as determined by the harbor master.

e. Transient Anchorage Use

To assure the equitable and efficient use of the transient anchorage areas, the following policies shall apply:

(1) Vessels anchoring in the area adjacent to the town boat launch ramp shall not restrict access of ramp users or marina users to the channel.

(2) The transient anchorage adjacent to the town boat launch ramp is designated for short term use only. Vessels may remain anchored in this area for a period not to exceed three successive days.

(3) Vessels in all designated transient areas shall be anchored securely and properly.

(4) Operators of transient vessels may go ashore during this period but may not leave the Old Port area without notifying the Old Port harbor master.

f. Boating, Safety and Traffic

To assure the safe and efficient movement of vessels in Old Port Harbor, it is recommended that a series of rules and regulations be enacted by ordinance to:

(1) Limit vessel speed and wake to protect other vessels and structures, and to protect the shore from erosive wave action.

(2) Enforce, where necessary, any and all provisions and designations on the water use plan.

g. Town Facilities

To assure the safe and efficient use of town-owned harbor facilities, it is recommended that rules and regulations be enacted by ordinance to regulate the use of the town boat launch ramp, landing area and the transient anchorage areas.

h. The Use of Vessels as Abodes

To preserve Old Port Harbor for water dependent uses, it shall be the policy of the harbor management commission to disallow the principal use of vessels as abodes in the harbor. The intent, however, is not to deny short-term use of vessels for sleeping as a secondary use to the vessels' primary commercial or recreational uses. Accordingly, it is recommended that a regulation be enacted for the following purpose:

(1) To prohibit the use of vessels within the harbor as abodes, except by permission of the harbor master and for temporary, extenuating circumstances.

E. HARBOR MANAGEMENT ORDINANCE

The harbor management ordinance is a major component of the model harbor management plan. This ordinance, to be enacted by the legislative body of the municipality, is designed to implement the policies and recommendations put forth in Section II.D. A municipal harbor management ordinance is authorized by several provisions of the Harbor Management Act, which in turn references other existing enabling authorizations. Upon adoption, the local ordinance becomes part of the municipal code of ordinances, rules, and regulations.

The range of activities regulated by a municipal harbor management ordinance is, of course, determined by the results of the planning process leading to this final step. Existing conditions (II.A.), Issue Identification (II.B.), Goals (II.C.), and Policies and Recommendations (II.D.) all determine the ultimate need for regulation and thus, the content of the ordinance. The following section provides a model harbor management ordinance for the hypothetical Town of Old Port and is designed to implement the policies and recommendations of the model plan. Simply put, it is the "teeth" of the plan. The ordinance is organized into five sections: Preamble, General Provisions (Article 1), Definitions (Article 2), Harbor Uses and Restrictions (Article 3), and Moorings (Article 4).

The Old Port Model Ordinance is an example only, and has been included for illustrative purposes. The specific content of this ordinance has been determined by the content of the model plan and by the organizational framework of Old Port's hypothetical municipal government. The content of any municipality's ordinance will be determined by that individual municipality's policies and recommendations and the basic structure of its government.

Ordinance for the Establishment of Rules and Regulations for the Management of Old Port Harbor

WHEREAS, the Town of Old Port has established a harbor management commission and prepared a harbor management plan pursuant to the requirements of Sections 22a-113k through 22a-113s of the Connecticut General Statutes and other related legislation, and

WHEREAS, the Town of Old Port desires to manage its harbor resources effectively and plan for the most desirable use of the harbor for conservation, recreation, and development, and

WHEREAS, the Town supports the use of rules and regulations as the most effective and responsible means to ensure that the policies and recommendations of the harbor management plan are implemented,

THEREFORE, the Representative Town Meeting hereby enacts the rules and regulations for the management of Old Port Harbor as hereinafter set forth.

ARTICLE I

General Provisions

Section 1. Applicability. The provisions of this ordinance and any rules and regulations adopted pursuant thereto

shall be applicable, and shall govern the use of harbor lands, waters, and facilities under the jurisdiction of the Old Port Harbor Management Commission. This ordinance shall be subordinate to all existing federal and state statutes and regulations affecting Old Port Harbor, and is not intended to preempt any other valid laws.

- Section 2.** Invalidity of Provisions. Should any provision or provisions of this Ordinance be held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been determined.
- Section 3.** Authorities. The Old Port Harbor Master or his or her designee, under the direction of the Old Port Harbor Management Commission, shall have the authority to carry out harbor management directives and enforce all provisions of the harbor management plan, including this ordinance. The harbor master or his or her designee may cite any alleged violators of this ordinance.
- Section 4.** Violations. Any violation of this ordinance shall be a municipal infraction as defined in Chapter 2, Section 2-06 of the Town of Old Port Code of Ordinances, and a fine not to exceed \$100.00 shall be imposed for each conviction hereunder. Each day in violation shall be considered a separate repeat offense and subject to separate citations. A fine not to exceed \$100.00 shall be imposed for each repeat offense. Fines levied under the provisions of this ordinance shall be collected by the Town of Old Port and deposited into the Old Port Harbor Management Fund.*
- Section 5.** Harbor Management Fund. A harbor management fund is hereby created to receive and expend monies for harbor management purposes determined by the harbor management commission. All revenues generated by (1) boat launch ramp fees, (2) mooring permits, and (3) fines levied under the provisions of the harbor management ordinance shall be deposited into this fund. Funds shall be disbursed for purposes directly associated with the management of Old Port Harbor and implementation of the Old Port Harbor Management Plan. Monies from this fund may be allocated to the harbor master or his or her designee for the purpose of enforcing the provisions of the Old Port Harbor Management Plan and/or the harbor management ordinance. The harbor management fund shall be established, budgeted, and administered in a manner consistent with the procedure contained within the Old Port Town Charter.

*Check Town Charter or other relevant laws to determine whether funds generated by fines can be deposited into a dedicated operational account such as a Municipal Harbor Management Fund.

ARTICLE II

Definitions

- "Abode":** Means the principal, non-water dependent use of a structure or vessel as a dwelling or home.
- "Anchoring":** Means to secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors or other ground tackle from a vessel.
- "Channel":** Means any water areas reserved for unobstructed movement of vessels.
- "Commercial Mooring":** Means the rental or lease of a mooring along with the provision of shoreside amenities such as parking, launch service, and bathrooms.
- "Fairway":** Means any locally designated and/or maintained water areas reserved for unobstructed movement of vessels.
- "Harbor Management Act":** Means the legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t.
- "Harbor Management Commission":** Means any local municipal commission established under and carrying out the responsibilities authorized by the Connecticut Harbor Management Act.
- "Harbor Master":** Means an official appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes.
- "Moor":** Means to permanently secure a vessel to the bottom of a waterbody by the use of mooring tackle.
- "Mooring":** Means a place where buoyant vessels are permanently secured to the bottom of a waterbody by mooring tackle and by permit from the Town of Old Port.
- "Mooring Tackle":** Means the hardware used to secure a vessel at a mooring and which is kept in place seasonally.
- "Transient Anchorage":** Means any area reserved and designated on the Old Port Water Use Plan for the exclusive short term use of commercial and recreational vessels and any vessels seeking emergency shelter.
- "Vessel":** Means every description of watercraft, other than a seaplane on water, used or capable of being used as

a means of transportation on water. Specifically excluded by this definition are floating homes.

ARTICLE III

Harbor Regulations

- Section 6. Liability. Persons using the public facilities and areas within the limits of Old Port Harbor shall assume all risk of personal injury and damage or loss to their property. The Town of Old Port assumes no risk on account of accident, fire, theft, vandalism or acts of God.
- Section 7. Vessel Speed. The operation of any vessel within Old Port Harbor and landward of Buoy 3 and within the East River and landward of Buoy 12 shall proceed in a manner which protects all persons and property from wash. In no event shall any vessel under power exceed a speed limit of 3 knots within this area.
- Section 8. Obstruction of Channels, Fairways, and Berthing Space. No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of the channels, fairways or berthing spaces within the area designated in Section 1 of this ordinance.
- Section 9. Swimming. Swimming is prohibited in all designated channels and fairways. No vessel may be operated within a designated swimming area, which shall be properly identified using ropes and floats in accordance with state law.
- Section 10. Fishing. Fishing from vessels and shellfishing is prohibited in all designated channels and fairways. The placement of lobster pot floats and fish nets is prohibited in all channels and fairways.
- Section 11. Waterskiing. Waterskiing is prohibited in all designated channels, fairways, turning basins, and anchorages.
- Section 12. Boat Launch Ramp.
- (A) No vessel may be launched from the Old Port municipal ramp unless a valid town registration sticker is displayed on said vessel's trailer. Failure to display a valid registration sticker shall be a violation of this ordinance.
- (B) Registration stickers are available for an annual fee and are issued by the Old Port Harbor

Master. Annual sticker fees are posted in the Town Clerk's office. Stickers are valid for the season of issue only.

Section 13. Transient Mooring. Vessels using transient mooring space in accordance with the provisions of Article IV may land at the designated area immediately north of the municipal boat launch area and may leave tender secured in this area for a period of not more than three consecutive days. The operator of a vessel in the transient mooring area may go ashore during this period but may not leave the Old Port area without notifying the harbor master. The Town of Old Port shall provide a reasonably secure landing but shall assume no responsibility for vandalism, theft or general damage to tenders at the landing, in accordance with Article III, Section 6 of this ordinance.

Section 14. Use of Vessel as Abode. The use of vessels in Old Port Harbor as permanent or long-term abodes is specifically prohibited. Sleeping aboard vessels is allowed as a secondary use to the vessel's principal commercial or recreational use. Temporary exceptions to this for unusual circumstances may be allowed at the discretion and by permission of the harbor master. Floating homes or any abode which fails to meet the definition of a vessel in Article II of this ordinance are specifically prohibited.

Section 15. Discharge of Refuse. It shall be a violation of this ordinance to willfully discharge any refuse or waste matter, petroleum product or by-product, paint, varnish, dead animals, fish, bait, or debris into Old Port Harbor.

Section 16. Marine Toilets. No person shall operate a marine toilet at any time so as to cause or permit to pass or to be discharged into the waters of Old Port Harbor any untreated sewage or other waste matter or contaminant of any kind.

ARTICLE IV

Regulations Concerning Mooring and Anchoring Vessels in Old Port Harbor

Section 17. Placement of Private and Commercial Moorings. It shall be a violation of this ordinance to place any mooring in the waters of the Town of Old Port without a permit from the harbor master. No vessel moored or anchored shall extend beyond the mooring

area into any designated channels, fairways, turning basins, or transient anchorages.

Section 18. Mooring Records.

(A) The harbor master shall keep a detailed record of each mooring, its location, and the owner's name, home and business address, telephone number, date mooring was set, and name, length, registration number or documentation, and type of boat to be attached thereto.

(B) The harbor master shall maintain in a public place a waiting list for mooring space, and a list for assignment of mooring space, and both lists shall be updated annually.

(C) Applications for all moorings shall be renewed annually.

Section 19. Allocation of Moorings.

(A) The harbor management commission shall establish and post in a public place, an allocation procedure and priority list for small craft moorings.

(B) As provided in Section 18(B) above, available moorings shall be offered to the senior applicant on the mooring waiting list, subject to the constraints contained in these rules and regulations. If the available mooring is not suitable to accommodate the senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his or her place on the waiting list in this case. The harbor management commission shall continue efforts to provide a suitable mooring for the senior applicant. If the senior applicant refuses a mooring which is suitable for his or her vessel in the opinion of the harbor master, that person shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring facilities, lists of applicants will be maintained according to the length and draft of their vessels. These lists will be available for public inspection during regular office hours at the office of the Town Clerk.

Section 20. Original Application for Mooring Permit. Any interested person, persons or corporation may apply for a mooring permit by completing in full the application provided for that purpose. In the case of a corporation, association, or other group however

organized, disclosure of the principals of the corporation, and evidence of corporate organization must be submitted by producing current articles of incorporation or a similar instrument registered with, approved and issued by the State of Connecticut.

Section 21. Mooring Permits Valid for One Year Only. Mooring permits are valid for a period not to exceed one year unless renewed as referenced in this ordinance.

Section 22. Renewal of Mooring Permit. All mooring permits shall expire on December 31st, and should be renewed by January 30th of the following calendar year. A grace period lasting until the last calendar day of February is allowed, after which period applications received will be treated in the same manner as original applications.

Section 23. Mooring Registration Fee. All applications for registration or renewal of registration shall be accompanied by a fee. All such fees shall be non-refundable unless an application is denied or an applicant is placed on a waiting list. In the case of applications for new mooring space, the fee shall not be due until such time as the harbor master shall assign such applicant a mooring space and the applicant shall accept same. All mooring permits shall expire on the 31st day of the December following the date of issuance.

Section 24. Mooring Permits are Non-transferable. Whenever a permittee parts with possession of or transfers the title or interest in the vessel identified in the mooring permit to another person by any arrangement whatsoever, the mooring permit shall expire except as otherwise provided herein with respect to the original permittee. The new possessor, transferee or owner shall have no right to use the mooring space covered by the mooring permit. The original permittee may, upon written application to and approval by the harbor master, retain the mooring space assigned under his or her mooring permit provided that another vessel owned by the permittee is moved onto the mooring within thirty (30) days (unless the period is extended by the harbor master because of special circumstances involved) and the permittee continues to pay the required fees. If replacement vessel is significantly smaller, larger, or of different draft or type, the harbor master shall have the right to relocate said vessel to another, more suitable mooring.

Section 25. Mooring Location. The mooring areas for Old Port Harbor are segregated into "grid" and "non-grid" areas as shown specifically on the Old Port mooring grid and generally on the Old Port water use plan. The areas encompassed by grids A and B represent the best mooring opportunities in terms of protection and proximity to the shore. Moorings within the grids are organized with respect to type of vessel, vessel length and draft. Mooring locations within the grid have been designated in a manner which provides for an orderly and efficient arrangement of vessels. Non-grid areas may be assigned to an applicant by the harbor master with due consideration of vessel size, draft, riparian access, and any other relevant factors. No permits shall be granted for areas prohibited by this ordinance and permits granted shall be consistent with all provisions of the Old Port water use plan.

Section 26. Mooring Placement. When an applicant has registered for a mooring within grids A or B, the harbor master shall assign a place and number for a specific location. The harbor master shall mark the precise location with a stake or float indicating the registration number. The applicant or his or her agent shall remove the stake or float and place the mooring at the precise location indicated by the stake or float. The mooring float shall bear the proper mooring registration number. Upon return of the stake or float and verification of proper location by the harbor master, the applicant shall receive a mooring permit in accordance with the requirements of Section 17. Mooring permits for moorings outside the grids are subject to final inspection and approval by the harbor master.

Section 27. Transient Anchorage. Space for transient anchorage, designated in three areas within the Old Port water use plan is available on a first-come, first-served basis. These areas are reserved for the exclusive short-term use of commercial and recreational vessels. Accordingly, the following regulations shall apply to the use and users of designated transient anchorages:

(A) Because of the physical limitations of this location, use of the transient anchorage adjacent to the town boat launch shall be limited to a maximum of 5 vessels. Each vessel must be under 32 feet long and have no greater than a 5 foot draft. Vessels exceeding these measurements shall use the designated transient anchorages within the special anchorage areas at grid A or B. Fifteen percent of each grid area has been reserved for this purpose

and is so designated on the mooring grids and the Old Port water use plan.

(B) Vessels may remain at the transient anchorage adjacent to the town boat launch ramp for a period not to exceed 3 consecutive days. Vessels may remain at the transient anchorage areas within mooring grids A and B for a period not to exceed 7 consecutive days except in cases of special circumstances and after notification of and approval by the harbor master.

(C) Vessels shall be anchored securely and properly.

(D) Vessels must be anchored so as to remain within the designated areas at all times and under all conditions.

(E) Vessels may be left unattended up to 3 days, but the vessel's operator shall not leave the immediate Old Port area without notifying the harbor master.

(F) No structures or permanent moorings may be placed in the designated transient mooring areas. This shall not, however, be construed to deny a riparian owner's access to navigable waters.

F. RECOMMENDED MINIMUM MOORING TACKLE SPECIFICATIONS: TOWN OF OLD PORT

Utilization of proper mooring tackle is necessary to secure vessels adequately at their moorings. Storms, wind, waves, tides, currents, and wash must be considered when selecting appropriate hardware. Therefore, the harbor management commission recommends minimum standards for tackle to secure vessels adequately in the Old Port area. These standards are advisory only, and the Town of Old Port assumes no liability for personal injury or property damage which results from the utilization of any tackle which meets or exceeds these recommendations.

1. Mooring tackle should meet the following minimum standards:

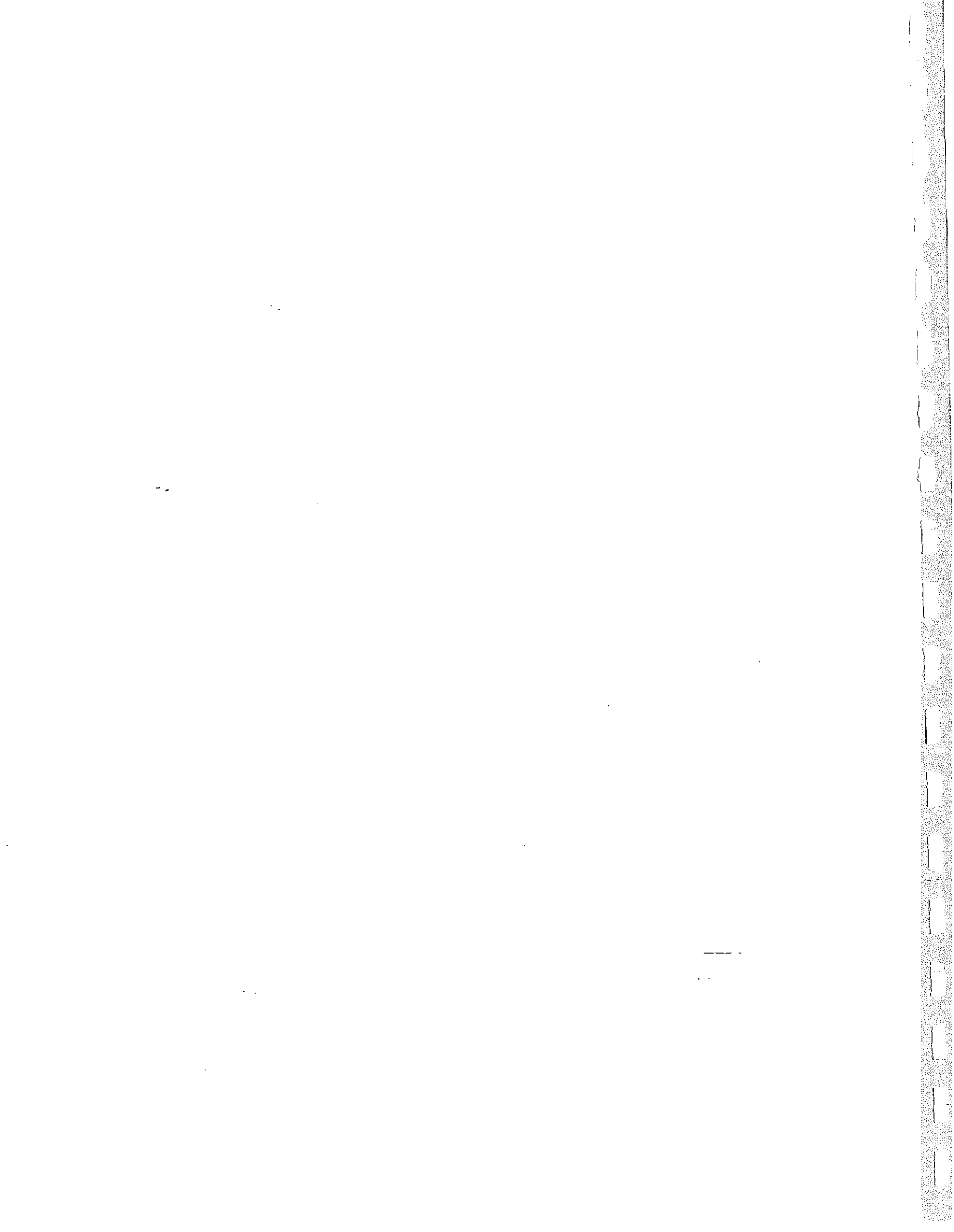
OLD PORT YACHT CLUB MOORING SYSTEM

Registered Boat Length (Feet)	Mushroom Anchor (Pounds)	Bottom Chain (Inches)	Top Chain (Inches)	Nylon or Dacron Line (Inches)	Stainless Steel Wire (Inches)
Under 16	75	3/8	5/16	1/2	1/4
16-19	150	3/8	5/16	1/2	1/4
20-22	200	1/2	5/16	5/8	1/4
23-25	250	1/2	5/16	3/4	1/4
26-30	300	5/8	3/8	3/4	1/4
31-35	400	5/8	3/8	3/4	1/4
36-40	500	3/4	1/2	7/8	3/8
41-50	600	3/4	1/2	1	1/2
51-65	750	1	1/2	1-1/4	1/2

2. The maximum length of the pennant should be two and one-half times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
3. All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
4. The total scope of the chain should be two and one-half times the depth of the water at high tide. This scope will be considered as a total of 50 feet in the main harbor. The bottom and top chain should each consist of approximately 50 percent of the scope.
5. All shackles, swivels and other hardware used in the mooring hookup should be proportional in size to the chain used.
6. All shackles should be properly seized.
7. It is recommended that the pennant be spliced or shackled into the bitter end of the top chain below the buoy so the strain is not carried by the buoy. The use of a second pennant and anchor in heavy weather is encouraged.
8. Only mushroom anchors will be acceptable on permanent moorings.
9. In non-grid areas, the minimum distance between any two moored vessels should be 1.25 times the total mooring scope plus the length of the larger vessel.

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III. ADOPTING A HARBOR MANAGEMENT PLAN

This section presents the procedure for the adoption of a municipal harbor management plan in accordance with the requirements of the Harbor Management Act. The adoption procedure is the third and final step in the harbor management planning process, after establishing a harbor management commission and preparing a plan.

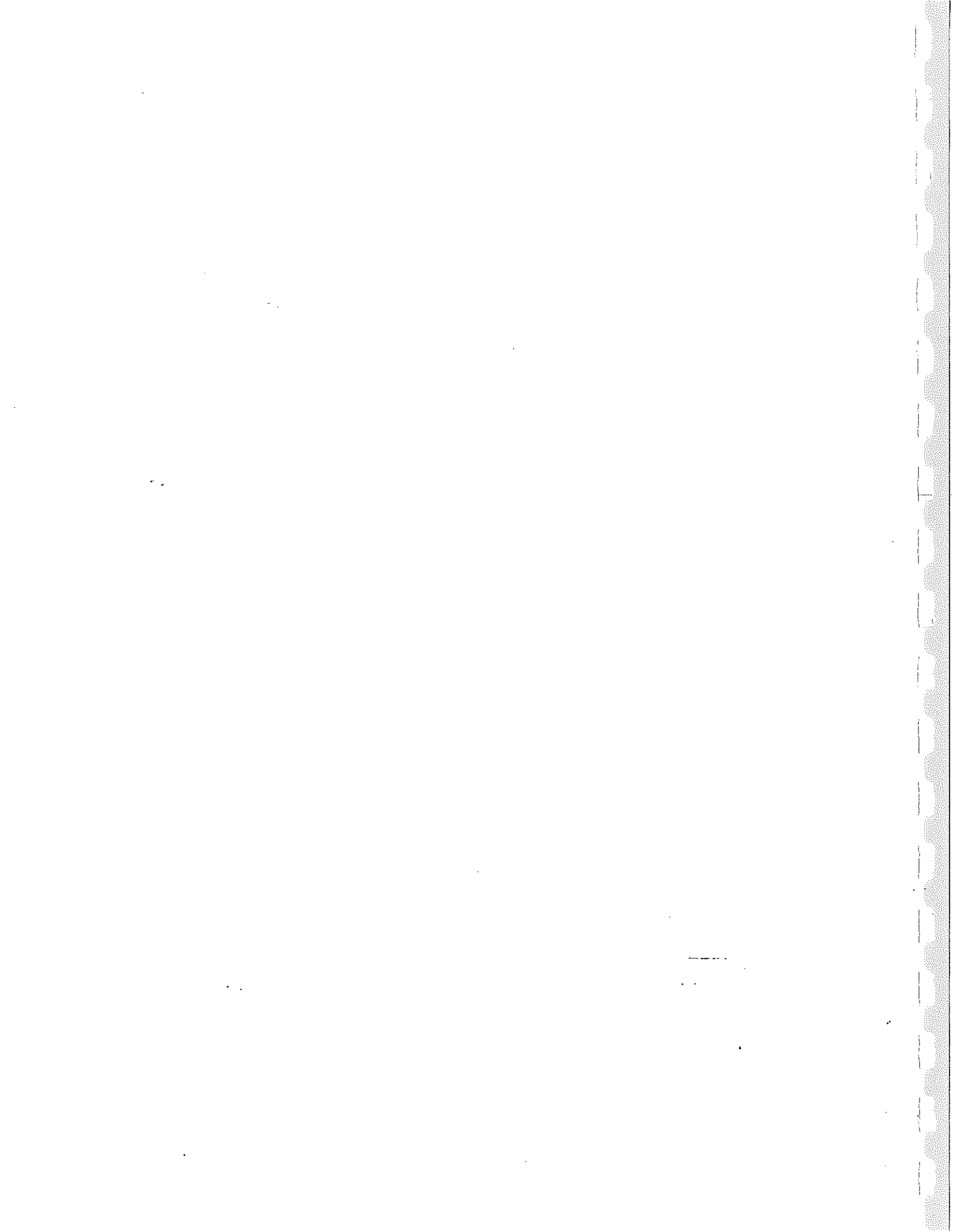
The specific requirements for adoption of a harbor management plan are contained within Section 22a-113m of the Harbor Management Act, entitled "Harbor Management Plan Approval." After a municipality has established a harbor management commission by ordinance (See Section I), such a commission may prepare a harbor management plan in consultation with the Commissioners of Environmental Protection (DEP) and Transportation (DOT). Since both of these state agencies must formally approve a harbor management plan prior to municipal adoption, it is recommended that harbor management commissions work informally but actively with them in the plan development phase. Both agencies can provide technical assistance and examples of harbor management planning efforts in other municipalities in Connecticut and elsewhere.

Public participation is vital to the preparation of a municipal harbor management plan. By allowing for substantial public input, the needs of a diverse user group can be ascertained and addressed. In any given harbor, the public might include homeowners, recreational boaters, marina operators, individuals who fish and shellfish, merchants, and others. The public meeting provides a forum where such a diverse group of harbor users can present and exchange their views. It is recommended that public input be solicited informally at a minimum of two workshops or public meetings at the initial plan formulation stage and after the commission has prepared a draft plan. Then the plan may be submitted formally to the Army Corps of Engineers and the State DEP and DOT (see procedure below). In addition, formal comment is solicited at public hearings prior to the establishment by ordinance of the harbor management commission and prior to final municipal adoption of an approved plan. The recommended procedure is illustrated in Appendix C: "Harbor Management Planning Procedural Flowchart."

The state and federal review and approval process is established in Section 22a-113m of the Harbor Management Act. It requires that harbor management plans be submitted to the U.S. Army Corps of Engineers and the Connecticut Departments of Environmental Protection and Transportation for review. Approval by the DEP and DOT is required before a municipality can adopt a plan in accordance with Section 22a-113m. The DEP, Office of Planning and Coordination/Coastal Management will coordinate the review of harbor management plans by state and federal agencies. To submit a plan for review, a minimum of four (4) copies of the complete plan should be forwarded to the following address:

Planning and Coordination/Coastal Area Management, Department of Environmental Protection, 71 Capitol Avenue, Hartford, Connecticut 06106. This office will then forward copies to the Commissioners of DEP and DOT, and to the U.S. Army Corps of Engineers. Agency responses will be coordinated from this office and submitted to the municipality within 60 days of receipt of the draft plan. Upon receipt of DEP and DOT approvals, a municipality's legislative body may then adopt the plan by ordinance. Section 22a-113m requires that this ordinance state the effective date of the plan.

This section also provides for subsequent amendments to harbor management plans, which must be approved in the same manner as the original plan. Section 22a-113m concludes with a stipulation that approved and adopted plans be reviewed annually by municipal harbor management commissions, the DEP, and the DOT.



APPENDIX A

A Summary of Connecticut's Harbor Management Act

The Harbor Management Act authorizes the voluntary establishment of harbor management commissions and the preparation of harbor management plans. The legislation also establishes minimum criteria for an approvable plan and the procedure for approval and adoption. The Act is codified in Chapter 444a, Sections 22a-113k through 22a-113t of the Connecticut General Statutes and is included at the end of this Appendix for your reference. To foster a general understanding of the Harbor Management Act, the following is an annotated summary of the legislation:

Chapter 444a, Sections 22a-113k through 22a-113t

Section 22a-113k: Harbor Management Commission. Authorizes any municipality having navigable waters within its limits to establish a harbor management commission or to designate an existing commission to serve as such by ordinance. This ordinance must designate the area of the commission's jurisdiction and establish the number of commissioners, their method of selection, terms of office, and procedure for filling vacancies. It also allows for two or more municipalities sharing boundaries within navigable waters to establish joint harbor management commissions by concurrent ordinances, with equal representation.

Section 22a-113l: Powers. Empowers harbor management commissions to enter into contracts, employ consultants and assistants, and receive and expend funds to carry out the purposes of the Act.

Section 22a-113m: Harbor Management Plans. Authorizes the harbor management commission to prepare a harbor management plan, consistent with the provisions of the Connecticut Coastal Management Act and local municipal coastal programs. This section also provides for state and federal governmental review and approval, and municipal adoption of harbor management plans. This procedure is detailed in Section III of this document, "Adopting a Harbor Management Plan."

Section 22a-113n: Plan Contents. Provides a breakdown of required and optional components of a harbor management plan. Required are: (1) an identification of existing and potential harbor problems; (2) goals and recommendations for use, development and preservation of the harbor; (3) an identification of officials responsible for enforcement of the

plan and proposed ordinances to implement the plan; and (4) provisions for the orderly, safe, and efficient allocation of the harbor for boating by establishing moorings, anchorages, unobstructed access to navigational and landside facilities, and facilities for transient vessels.

In addition, this section authorizes, but does not require, that the plan recommend: (1) the establishment of boundaries seaward of the mean high water mark along tidal and coastal waters (Ref. 22a-360 CGS); (2) channels and boat basins exclusive of federal navigation projects (Ref. 22a-340 CGS); (3) areas restricting or prohibiting liveboard vessels and/or floating homes (Ref. 19a-227 CGS); (4) pump-out facilities and the designation of "no discharge" zones (Ref. Sec. 312, Federal Clean Water Act); and (5) local regulations and ordinances governing the operation of vessels in the harbor (Ref. 15-136 CGS). This section further provides that all state and municipal regulatory decisions affecting the area within the commission's jurisdiction are bound by the recommendations of this subsection upon the plan's adoption, unless contrary actions are supported by a "show cause" justification. This section grants substantial planning authority to harbor management commissions for areas within their jurisdictions.

Section 22a-113o: Considerations. Requires the commission to consider a broad range of harbor issues in the preparation of a plan: recreational and commercial boating and fishing, fish and shellfish, natural resource conservation, flood and erosion hazard areas, water dependent uses, water quality and public health, recreation, and public access.

Section 22a-113p: Referrals. Authorizes the commission to review and make recommendations consistent with the plan for any proposal affecting land or waters under the commission's jurisdiction. The local reviewing agency (e.g. planning and zoning commission) is required to notify the commission of such proposals at least 35 days prior to the hearing or final decision* and must forward copies of such proposals to the commission upon request. This section further requires the local reviewing agency to accept and consider the recommendations of the commission. Upon receipt of an unfavorable response from the harbor management commission, the reviewing agency may only approve a proposal by a two-thirds favorable vote, where a simple majority would otherwise be required. This is a significant power of review, although not intended to supplant the authority of the primary reviewing agency.

*Depending on whether or not a public hearing by the reviewing authority is required.

Section 22a-113q: General Permits and Delegation of Enforcement Authorities. Authorizes the commission to apply for a General Permit for qualified coastal structures and activities within the harbor from the U.S. Army Corps of Engineers upon adoption of the plan. The final implications of this and the mechanisms by which they are accomplished remain to be developed because no General Permits based on harbor management plans have been granted by the Corps of Engineers (COE) as of this date. However, Coastal Management staff are actively pursuing this issue with the COE, who strongly support this concept, and expect that the details can be worked out as an addendum to the statewide General Permit currently in effect or as an amendment to Connecticut's Coastal Management Program. The intent would be for the Corps to delegate, through the issuance of the General Permit, authority for activities which are relatively minor and which have the potential for little or no adverse environmental impact. This section further authorizes the commission to request delegation of state enforcement authority pursuant to section 22a-2a CGS from the Department of Environmental Protection. State regulations necessary to implement this delegation are currently under consideration.

Section 22a-113r: Mooring, Anchorage Permits. Requires that any mooring or anchorage receive a permit from the harbor master or deputy harbor master in any municipality with an adopted plan. Permits must be consistent with the plan and renewed annually. This section also requires the harbor master or deputy harbor master to keep formal records with respect to the location, user, and vessel for each mooring or anchorage. The records are to be available for the enforcement of all state boating regulations (Chapter 268 of the Connecticut General Statutes). The harbor master or deputy harbor master is empowered to enforce any ordinance adopted by a municipality to implement the plan.

Section 22a-113s: Permit Fees. Authorizes the commission to establish a fee schedule for mooring or anchorage permits or any other activities within the scope of the plan. Such fees, which must be adopted by vote of the legislative body of the municipality, are limited to a maximum annual charge of \$100.00, and are to be collected by the harbor master or deputy harbor master. Fees collected pursuant to the Act must be earmarked exclusively for the maintenance and improvement of the harbor for the public and for personnel and equipment directly related to the function of the commission, the harbor master, and the deputy harbor master.

Section 22a-113t: Model Plan. Requires the Commissioner of Environmental Protection, in consultation with the Commissioner of Transportation, to prepare a "model" harbor management plan.

Sections 15-1 and 15-7(a): These statutes concerning the appointment, terms, and jurisdiction of harbor masters and deputy harbor masters, have been amended to include the requirement that such harbor masters and deputy harbor masters exercise their duties in a manner consistent with adopted harbor management plans.

CHAPTER 444a*

HARBOR MANAGEMENT COMMISSIONS

*See chapter 263 (Sec. 15-1 et seq.) re harbors and rivers.

Sec. 22a-113k. Harbor management commissions. (a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance a harbor management commission or may designate any existing board, commission, council, committee or other agency as such commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of the commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of the commission and shall set forth the number of members of the commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Any two or more municipalities whose common boundaries lie within navigable waters as defined in subsection (b) of section 15-3a may by concurrent ordinances of their legislative bodies establish a harbor management commission. Such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a). Any municipality that is a member of the commission may, by vote of its legislative body, elect to withdraw from the commission.

(P.A. 84-247, S. 1.)

Sec. 22a-113l. Powers. Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-133t, inclusive. Any municipality may appropriate funds to such commission.

(P.A. 84-247, S. 2.)

Sec. 22a-113m. Harbor management plan. Approval. The commission, in consultation with the commissioners of environmental protection and transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-112, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the commissioners of environmental protection and transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the commissioners of environmental protection and transportation.

(P.A. 84-247, S. 3.)

Sec. 22a-113n. Content of plan. (a) The plan shall identify existing and potential harbor problems; establish goals and make recommendations for the use, development and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to, provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the commissioner of environmental protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the commissioner of environmental protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the Federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this subsection shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

(P.A. 84-247, S. 4.)

Sec. 22a-113o. Factors considered in preparation of plan. In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as defined in section 22a-93.

(P.A. 84-247, S. 5.)

Sec. 22a-113p. Action on applications to municipal agencies referred to commission. The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the

proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

(P.A. 84-247, S. 6.)

Sec. 22a-113q. Request for general permit and delegation of enforcement authority. Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

(P.A. 84-247, S. 7.)

Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan. Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

(P.A. 84-247, S. 8.)

See Secs. 15-1 and 15-7 re duties of harbor masters.

Sec. 22a-113s. Permit fee. The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be one hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

(P.A. 84-247, S. 9.)

Sec. 22a-113t. Model harbor management. Not more than six months after October 1, 1984, the commissioner of environmental protection in consultation with the commissioner of transportation shall prepare a model harbor management plan.

(P.A. 84-247, S. 10.)

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APPENDIX B

Harbor Management Plan Checklist

By statute, certain minimum considerations and criteria must be included within a harbor management plan. As a check during the plan's development and finalization, the following checklist should be consulted.

In preparing a harbor management plan, the harbor management commission must consider:

- Recreational and commercial boating
- Recreational and commercial fisheries and shellfisheries
- Fish and shellfish resources, including leased and designated shellfish beds
- Conservation of natural resources
- Areas subject to high velocity waves
- Exposed areas subject to flooding and erosion
- Commercial and industrial uses that are water dependent
- Water quality and public health
- Recreational uses other than boating and fisheries
- Water dependent educational uses
- Public access
- Tidal wetlands, beaches and dunes, bluffs and escarpments, and intertidal flats

The harbor management plan must:

- Identify existing and potential harbor problems
- Establish goals and make recommendations for the use, development, and preservation of the harbor
- Identify officials responsible for enforcement of plan
- Propose ordinances to implement plan

_____ Include provision for the safe, orderly, and efficient allocation of the harbor for boating by establishing:

_____ 1) location and distribution of seasonal moorings and anchorages

_____ 2) unobstructed access to federal navigation channels, anchorages and harbor facilities

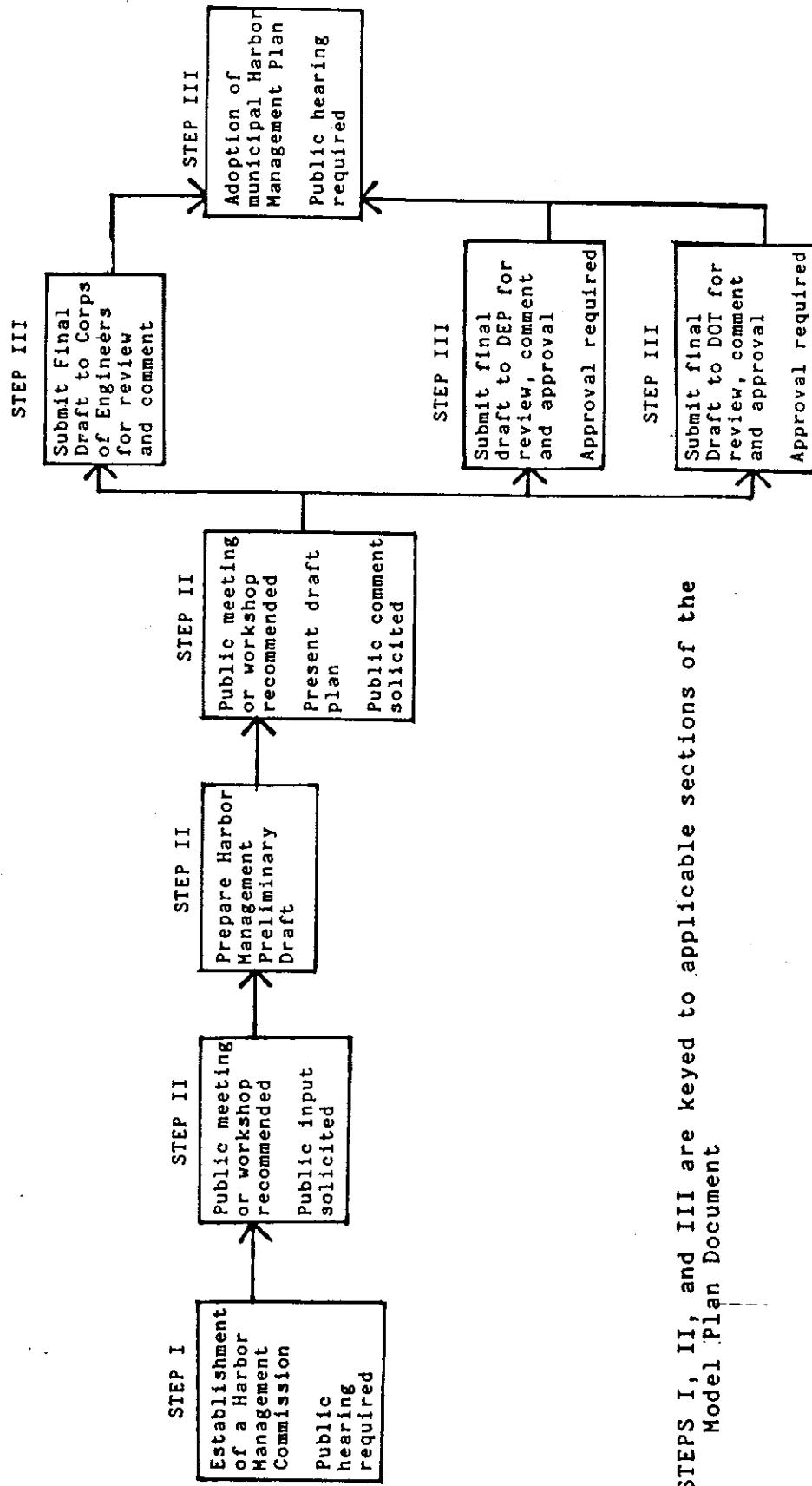
_____ 3) space for transient moorings and anchorage

_____ Provide for the preservation and use of coastal resources in a manner consistent with the provisions of the Connecticut Coastal Management Act, and the municipality's coastal program (if one has been completed).

A minimum of four (4) copies of the harbor management plan should be forwarded to:

_____ Director
Planning and Coordination/Coastal Area Management
Department of Environmental Protection
71 Capitol Avenue
Hartford, Connecticut 06106

Harbor Management Planning Procedural Flowchart



*STEPS I, II, and III are keyed to applicable sections of the Model Plan Document

ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT

APPENDIX D

Permit and Regulatory Authorities

The list below identifies many activities that are likely to occur in a harbor, or in or adjacent to a municipality's coastal waters. For each activity, the relevant and applicable federal and state laws associated with that activity are shown with a legal reference. A short description of the specific activity follows the legal reference. The agency responsible for implementing the law is abbreviated in parentheses at the end of each entry. A list of the complete names, addresses and phone numbers of the agencies referred to by the abbreviations can be found at the end of this Appendix. An asterisk (*) indicates that a permit or approval may be required; individuals are advised to contact the agency for further clarification.

Other additional review requirements by local authorities do exist but will vary from municipality to municipality. Therefore, this list only references generic local reviews.

CGS means Connecticut General Statutes

USC means United States Code

CFR means Code of Federal Regulations

AIDS TO NAVIGATION/BUOYS/MARKERS

- Federal: *Section 10 of River and Harbor Act of 1899, structures in navigable waters of the U.S., (Corps)
*14 USC 83 and 33 CFR 60 et seq., aid registration, (Coast Guard)
- State: Section 15-121 CGS, recreational boating, (DEP-LE)
Section 15-25 CGS, injuring, interfering with buoys, etc., (ConnDOT)

ANCHORAGES

- Federal: *Section 10 of River and Harbor Act of 1899, federal maintenance in navigable waters of the U.S., (Corps)
*33 CFR 110.1, Subpart A, special anchorages, (Coast Guard)
- Local: *Section 15-8 CGS, use of, (local harbor masters)

AQUACULTURE see SHELLFISHERIES

BEACH EROSION

- Federal: Section 103 of River and Harbor Act of 1962, small beach erosion control projects, (Corps)
State: Section 25-69 through 83 CGS, State assistance for projects, (DEP-WRU)
Local: Section 25-84 through 98 CGS, municipal Flood and Erosion Control Board, (local commission)

BOATING

- Federal: 46 USC 25 and 33 CFR Parts 1-199, safety, (Coast Guard)
State: Section 15-121 CGS, administration, (DEP-LE)
Section 15-127 through 15-140d CGS, safety, (DEP-LE)
Section 15-16 CGS, speed, (DEP-LE)
*Section 15-136 CGS, local ordinances proposed by select persons, subject to DEP approval, (DEP-LE)
*Sections 15-141 through 157 CGS, registration of boats, (DMV)

BRIDGES see STRUCTURES etc.

BUOY see AIDS TO NAVIGATION etc.

CHANNELS

- Federal: Section 107 of River and Harbor Flood Control Act of 1960, small public navigation projects, (Corps)
*Section 10 of Rivers and Harbors Act of 1899, construction and maintenance in navigable waters of the U.S., (Corps)
State: Sections 22a-340, and 386 CGS, layout, (DEP-WRU)
*Section 22a-361 CGS, construction and maintenance of non-federal channels, (DEP-WRU)

DISCHARGES

- Federal: Many authorities have been delegated to state under federal law
State: *Sections 22a-416 through 22a-471, regulation of water pollution, (DEP-WCU)
Sections 22a-448 through 22a-452, oil spills, (DEP-WCU)
*Section 401 of the Clean Water Act, Water Quality Certificate, (DEP-WRU)

*Section 22a-430, point-source discharge, see also NPDES, (DEP-WCU)

DOCKS see STRUCTURES

DREDGING/DREDGED MATERIAL DISPOSAL

- Federal: *Section 103 of Marine Protection, Research and Sanctuaries Act of 1972, ocean dumping of dredged material, (Corps)
*Section 404 of Clean Water Act, in all waters of the U.S., (Corps)
*Section 10 of River and Harbor Act of 1899, in navigable waters of the U.S., (Corps)
- State: *Section 22a-359 through 361 CGS, for navigation, (DEP-WRU)
*Sections 22a-383 through 390 CGS, sand & gravel mining, (DEP-WRU)
*Section 401 of Clean Water Act, Water Quality Certificate, see also Section 22a-430 CGS, (DEP-WRU)
*Sections 22a-28 through 45 CGS, in wetlands, (DEP-WRU) (local wetland agency)

ENFORCEMENT

- Federal: Corps and Coast Guard enforce the federal laws; usually enforcement authorities are not delegated to state or local agents.
- State: Violations are pursued under the same statutory authority that regulates the activity. For example, some of the state statutory authorities are listed below.
Section 15-121 through 157 CGS, state boating statutes, (Section 15-154 CGS) can be enforced by DEP or harbor master, deputy harbor master, conservation officer, special conservation officer, state police officer, municipal police officer, special police officer (under Section 29-18 through 19 CGS), volunteer police auxiliary force (under Section 29-22 CGS), and town marine officers (appointed under Section 15-15a CGS), (DEP-LE)
Sections 22a-416 through 471 CGS, enforcement authority for water pollution control, (DEP-WCU)
Sections 22a-28 through 45, 22a-359 through 361, 22a-383 through 390 CGS, violations in structures, dredging or filling, (DEP-WRU)
Sections 26-205 through 206 CGS, violation of shellfish laws, (Aquaculture)
- Local: Section 26-6a CGS, constables for fish and game protection, (local appointment)

Section 15-8 CGS, location of vessels in harbor,
(local harbor master)

FILLING

- Federal: *Section 10 of River and Harbor Act of 1899, in navigable waters of the U.S., (Corps)
*Section 404 of Clean Water Act, in all waters of the U.S. (includes wetlands), (Corps)
- State: *Section 22a-359 through 363 CGS, in coastal, tidal or navigable waters, (DEP-WRU)
*Section 22a-28 through 45 CGS, in wetlands, (DEP-WRU) (local wetland agency)

FISH AND GAME REFUGES

- State: Sections 26-99 through 107 CGS, establishment of boundaries, restrictions on hunting, fishing, etc, (DEP-LE)
Section 26-17a CGS, acquisition and preservation of tidal wetlands, (DEP-PROP)

FISHERIES

- State: *Sections 26-142 through 186a CGS, commercial, fishing, recreational fishing, lobstering, (DEP-LICENSE) (DEP-FISH)
Section 26-16 CGS, public hunting and fishing lands and waters, (DEP-LE)

FLOATS see STRUCTURES

FLOODPLAIN ENCROACHMENT LINES

- Local: Section 7-147 CGS, setbacks landward from mean high water line, (local ordinance)

HARBOR IMPROVEMENTS

- Federal: Water Resource Development Act of 1974,--federal authorization of improvements, (Corps)
Section 7 of River and Harbor Act of 1915, federal authorization of improvements, (Corps)
Section 107 of River and Harbor Flood Control Act of 1960, redevelopment and construction of small navigation projects, (Corps)
- State: Sections 13b-56 and 57 CGS, agencies, plans, grants-in-aid, (local agency, with DEP/ConnDOT approval)

HARBOR LINES

State: *Sections 22a-360 C.G.S, designation, (DEP-WRU)

HARBOR MANAGEMENT

State: Sections 22a-113k through 113t CGS, commissions, plans, mooring fees, (DEP-PC/CM) (ConnDOT)

HARBOR MASTERS

State: Sections 15-1 through 10 and 13b-51 CGS, responsibilities, (ConnDOT)
Section 15-7 CGS, jurisdiction, powers, duties in Bridgeport only, (Harbor Master)
Section 3-125 CGS, Attorney General appearance on behalf of harbor master, (ConnDOT)

HOUSEBOATS

State: Sections 19a-227 through 230 CGS, limitations on use, (local Director of Health)

LAND DEVELOPMENT/USE ON WATERFRONT

Federal: *Section 307 of Federal Coastal Zone Management Act, federal activities, federal financial assistance and federal permits must be consistent with Connecticut Coastal Management Program, (DEP-PC/CM)

44 CFR 59 et seq., National Flood Insurance Program, (local ordinance) (DEP-WRU)

State: *Section 22a-92 through 112 CGS, all state plans and actions and DEP permits must be consistent with Coastal Management Act, (DEP-PC/CM)

*Section 25-68b through 68h CGS, state-funded or state-regulated actions in floodplains, (DEP-WRU)

Local: Sections 22a-92 through 112, CGS, activities within town's coastal boundary must be consistent with Coastal Management Act, (local land use agencies)

Variances to local flood regulations and standards must be approved by local zoning boards of appeal and referred to DEP-WRU for approval under Section 743 of the State Building Code.

Section 22a-113p CGS, recommendation by Harbor Management Commission (local Harbor Management Commission)

LOBSTERING see FISHERIES

MARINE SANITATION DEVICES

Federal: Section 312 of Clean Water Act, (Coast Guard)
State: Sections 15-121(b)(8), 15-144(f) CGS, (DEP-LE)

MARKERS see AIDS TO NAVIGATION

MOORINGS

Federal: *Section 10 of River and Harbor Act of 1899, individual or commercial moorings in navigable waters of the U.S., (Corps)
State: *Section 15-8 CGS, individual and/or commercial moorings, separate applications required, (local harbor master)
Local: Section 113s CGS, local mooring fee, (local harbor master) (Harbor Management Commission)

NAVIGATION

Federal: 33 USC 164.01 through 164.61, safety, (Coast Guard) Various River & Harbor Acts and Congressional Authorizations, dredging of authorized facilities, (Corps)
State: Sections 15-1, 15-7b, 15-8 CGS, Harbor Masters, (ConnDOT)

"NO DISCHARGE" ZONES see MARINE SANITATION DEVICES

OBSTRUCTIONS TO NAVIGATION

Federal: Sections 19 and 20 of River and Harbor Act of 1899, obstructions in federal projects, wrecks or sunken vessels, removal from navigable waters of the U.S., (Corps)
State: *Section 15-11a CGS, disposal of old vessels and floating structures, (ConnDOT)
Section 15-140d CGS, removal of hazardous structures in tidal waters, (ConnDOT)
Local: Section 15-12 CGS, removal of obstructions from waterfront land, (local selectmen)

PIERS see STRUCTURES

POLLUTION see DISCHARGES

PORT AUTHORITIES

State: Sections 7-329a through 7-329f CGS, formation of port authorities.

PUBLIC FACILITIES

Local: Section 7-148 CGS, description of municipal powers to develop public facilities.

RACES, REGATTAS, MARINE PARADES

Federal: *33 CFR 100, permits, (Coast Guard)

RESTRICTED BOATING AREAS

State: *Section 15-121 CGS, designation of and regulation, (DEP-LE)

SHELLFISHERIES

State: *Sections 26-192 through 237 CGS, state shellfisheries, (Aquaculture)
Section 19a-95 through 101 CGS, shellfishing closures, (DOHS)
*Section 22a-361 CGS, erection of structures or placement of fill on oyster grounds, (DEP-WRU)
Section 22-416 through 418 CGS, State Aquaculture Commission, (Aquaculture)
Local: *Section 26-238 through 294 CGS, local shellfisheries, (local shellfish commission)

STREAM CHANNEL ENCROACHMENT LINES

State: *Section 22a-342 through 348 CGS, encroachments in floodways, (DEP-WRU)

STRUCTURES/BRIDGES/DOCKS/FLOATS/PIERS

Federal: *Section 10 of River and Harbor Act of 1899, in navigable waters of the U.S., (Corps)
*Section 404 of Clean Water Act, in all waters of the U.S. (includes wetlands), (Corps)

- *Section 9 of River and Harbor Act of 1899, bridges, (Coast Guard)
- State: *Section 22a-359 through 363 CGS, permit, (DEP-WRU)
- Section 22a-362 CGS, nuisance/violation, (DEP-WRU)
- *Section 22a-28 through 45 CGS, in wetlands, (DEP-WRU) (local wetland agency)

SWIMMING AREAS

- Federal: 14 USC 83 and 33 CFR 60 et seq., floats, (Coast Guard)
- *Section 10 River and Harbor Act, floats, (Corps)
- State: *Section 15-121 CGS, marked swimming areas, (DEP-LE)

VESSELS (removal of)

- Federal: Sections 19 and 20 of River and Harbor Act of 1899, removal of wrecks from navigable waters of the U.S., (Corps)
- State: Section 15-11a CGS, order for removal of sunken vessels as violation, (ConnDOT/DEP-WRU)
- Section 22a-359 C.G.S, sunken vessels as encroachments, (DEP-WRU)
- Local: Section 15-9 through 11 CGS, moving obstructing vessels, (local harbor masters)

WATERFRONT DEVELOPMENT see LAND DEVELOPMENT/USE etc.

WETLAND ACTIVITIES

- Federal: *Section 404 of Clean Water Act, discharges of dredged or fill material in waters of the U.S., (Corps)
- State: *Section 22a-28 through 35 CGS, activities in state-mapped tidal wetlands, determined by vegetation, (DEP-WRU)
- *Section 22a-36 through 45 CGS, activities in inland wetlands, determined by soil type, (DEP-WRU)
- Section 26-17a CGS, acquisition and preservation of tidal wetlands, (DEP-PROP)
- Local: *Section 22a-36 through 45 CGS, activities in inland wetlands, determined by soil type, (local inland wetland agency)

Federal/State Agencies
With Jurisdiction Over Harbor Activities

Listed below are the agencies which regulate or in some way oversee harbor activities. The agencies are listed alphabetically according to the parenthetical abbreviations found with the statutory references on the previous pages. Contacts and addresses for local commissions, agencies and harbor masters are not listed here but can be obtained by calling the Town Clerk.

1. (Aquaculture)
CT Department of Agriculture
Aquaculture Division
190 Rogers Avenue
Milford, Connecticut 06460
874-0696
2. (Coast Guard)
U.S. Dept. of Transportation
Commander
Third Coast Guard District
Governor's Island
New York, New York 10004
(212)668-7994 bridge permits
(212)668-7193 aids to
navigation
3. (ConnDOT)
CT Dept. of Transportation
Bureau of Waterways
State Pier
New London, Connecticut 06320
566-7635
4. (Corps)
U.S. Army Corps of Engineers
Attn: Regulatory Branch
424 Trapelo Road
Waltham, Massachusetts 02254
1-800-343-4789 (Weekdays)
5. (DEP-FISH)
CT Dept. of Environ. Protection
Bureau of Marine Fisheries
Marine District
P.O. Box 248
Waterford, Connecticut 06385
443-0166
6. (DEP-LE)
CT Dept. of Environ. Protection
Law Enforcement
165 Capitol Ave., Room 217
Hartford, Connecticut 06106
566-3978; 566-7820
publishes booklet entitled
"Boating Statutes and
Regulations"
7. (DEP-LICENSE)
CT Dept. of Environ. Protection
Licensing and Revenue
165 Capitol Avenue, Room 124
Hartford, CT 06106
566-4409
8. (DEP-PC/CM)
CT Dept. of Environ. Protection
Planning and Coordination/
Coastal Management
71 Capitol Avenue
Hartford, CT 06106
566-7404
9. (DEP-PROP)
CT Dept. of Environ. Protection
Land Acquisition/Property Mgmt.
165 Capitol Ave., Room 102
Hartford, CT 06106
566-2904
10. (DEP-WCU)
CT Dept. of Environ. Protection
Water Compliance Unit
122 Washington Street
Hartford, CT 06106
566-5903 (Western District)
566-7617 (Eastern District)
11. (DEP-WRU)
CT Dept. of Environ. Protection
Water Resources Unit
165 Capitol Ave., Room 205
Hartford, CT 06106
566-7160
12. (DMV)
CT Dept. of Motor Vehicles
60 State Street
Wethersfield, CT 06109
566-3781
13. (DOHS)
CT Dept. of Health Services
Shellfish Unit
150 Washington Street
Hartford, CT 06106
566-1257

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