

# LONG ISLAND SOUND **BLUE PLAN**

*Sustainable Ecosystems - Compatible Uses*

## **USERS GUIDE**



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## USERS GUIDE

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# TABLE OF CONTENTS

- Blue Plan Users Guide ..... 1
- Table of Contents..... 1
- Section 1: Introduction ..... 2
  - The Blue Plan; the need and process..... 2
  - Purpose of this guide..... 3
  - How to use this Guide ..... 3
  - Guide quick-start: reference questions ..... 4
- Section 2: Blue Plan component overview ..... 5
- Section 3: Blue Plan as an information source..... 6
- Section 4: Blue Plan Policies and the Permitting Process..... 7
  - 4.1: How the Blue Plan benefits existing uses and ecological resources..... 7
  - 4.2: Does the Blue Plan apply to me? ..... 7
  - 4.3: Blue Plan Policies: brief overview ..... 7
  - 4.4: How Do the Long Island Sound Blue Plan Policies Apply to my Project? ..... 8
  - 4.5: General Considerations for Applying the Blue Plan Policies ..... 10
  - 4.6: Blue Plan Consistency..... 11
  - 4.7: Blue Plan Policy Area..... 12
  - 4.8: Permitting Programs required to consider Blue Plan policies ..... 12
  - 4.9: Supplemental Blue Plan Policy Information..... 18
- Section 5: The Map Viewer..... 18
  - When to use the Viewer ..... 18
  - Map Viewer Tips ..... 18
  - Referring back to the Inventory or other Plan sources..... 19
- Section 6: Updating the Blue Plan..... 19
  - Overview ..... 19
  - Blue Plan Update Process ..... 19
  - Limitations of Blue Plan Data Updates ..... 21
- Section 7: Blue Plan Contacts and Further Information ..... 21
- Supplement and Appendices ..... 23-50



Photo by The Nature Conservancy in Connecticut

## SECTION 1: INTRODUCTION THE BLUE PLAN; THE NEED AND PROCESS

The Blue Plan (Plan) is a collaborative body of work that sets forth a collective vision for all of us who depend on and value Long Island Sound (LIS) and provides the tools to sustain that vision. The Blue Plan is not a step-by-step process, but a suite of spatial information and policies that provide guideposts to project proponents and regulators as they make decisions regarding new in-water activities. By offering a comprehensive view of the Sound, the Plan helps ensure that existing uses and natural resources are not damaged and conflicts are avoided. Before the Blue Plan, there was not an official, Sound-wide approach for identifying and protecting traditional uses and marine life beyond more shallow coastal waters.

The Plan was called for by the Connecticut General Assembly (Public Act 15-66) and prepared by the CT Department of Energy and Environmental Protection (DEEP) in partnership with the Blue Plan Advisory Committee (BPAC; made-up of a diverse group of LIS sectors) along with extensive input from additional stakeholders and researchers. Built on the

best available science and stakeholder expertise, the Plan incorporates the contributions of nearly 2000 individuals including business representatives, recreation enthusiasts, public officials, tribes, conservation professionals and other maritime interests. The Plan is intended to support water-dependent uses and the marine environment, and ensure the Long Island Sound we have today remains vibrant for future generations. By doing so, it protects both the Sound's future economic vitality and the traditional connections that matter to people.

Protecting what we already have does not mean forestalling new water-dependent projects, rather it means assuring their compatibility with our collective vision for LIS. The Plan does not create a new regulatory program with new paperwork or a new permit—rather it improves the existing permitting process by providing extensive information not previously available to all concerned – with policies that clarify the basis for decision-making. The Plan is focused on the waters offshore of the coastal area, and the policies it sets forth only apply in a policy area developed by the BPAC. The Blue Plan will not affect existing activities and if an activity does not require a permit now, it will not require a permit with the Plan either.

## PURPOSE OF THIS GUIDE

This guide is a companion to the Long Island Sound Blue Plan, and is meant to be a “shop manual” for the practical use of the Blue Plan tools and information. It is intended to assist readers in easily finding and understanding the information, policies, and tools provided by the Plan, and to aid them in applying these to their work. It also aims to provide insight and perspective about the Plan not immediately available through the Plan itself.

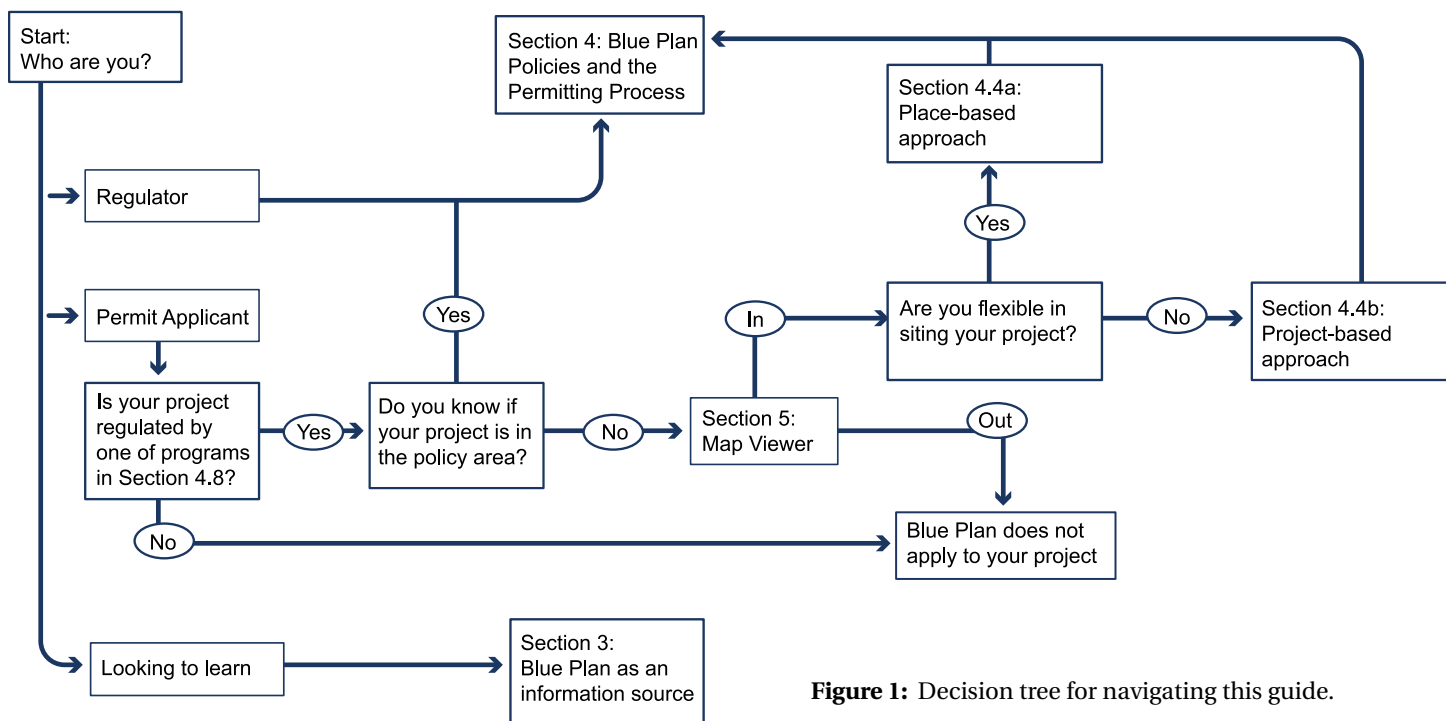
In particular, after reading this guide, project proponents seeking a permit **within the Blue Plan policy area** should be comfortable using these tools to prepare for a preapplication meeting with any of the relevant authorities; see section 4 of this guide for more information. Since the Blue Plan policies apply **only** within the policy area, this guide is focused on users in that portion of LIS. See Appendix 1 of this guide for detailed maps of the policy area.

## HOW TO USE THIS GUIDE

The sections of this guide are organized to answer questions that users are anticipated to have about the functionality of the Blue Plan and readers are directed to the appropriate components of the Plan as they proceed. While the “quick-start” below offers a number of reference questions to start from, the decision tree in Figure 1, below, may also assist in navigating content here and in the Blue Plan.

This guide is written with three audiences in mind, and is intended to clarify use and manage expectations of the Blue Plan to each:

- ▶ **Permit applicants and project proponents** (see section 4)
- ▶ **The regulating community; at DEEP, Department of Agriculture’s Bureau of Aquaculture (DA/BA), the Siting Council, and local Shellfish Commissions** (see section 4)
- ▶ **Researchers, students, and the general public** who want to learn more about LIS or natural resources management (see section 3)



**Figure 1:** Decision tree for navigating this guide.

## GUIDE QUICK-START: REFERENCE QUESTIONS

1. **What is the Blue Plan?** → see [Section 1](#) of this guide, or Chapter 1 of the Blue Plan
2. **How do I know if the Blue Plan applies to me?** → see [Section 4.2](#) of this guide, or Chapter 4.1 of the Blue Plan
3. **How do I use the Blue Plan when getting a permit?** → see [Section 4.4](#) of this guide, or Chapter 4 of the Blue Plan
4. **How does the Blue Plan integrate with existing regulation?** → see [Section 4](#) or the [User's Guide Supplement](#), or Chapter 2.5 of the Blue Plan
5. **Where do I go to learn about the various components of the Blue Plan?** → see [Section 2](#) of this guide, or Chapter 3 of the Blue Plan
6. **Are there examples to help clarify how to use the Blue Plan?** → see [the fictional case study](#) in this guide
7. **What are some of the key terms in the Plan and what do they mean?** → see [part 3](#) in the [User's Guide Supplement](#), or Terminology in the Blue Plan
8. **How does the regulating community evaluate "significant" impacts?** → see [part 1.E](#) of the [User's Guide Supplement](#).
9. **What are "Significant Human Use Areas (SHUA)" and "Ecologically Significant Areas (ESA)?"** → see [Section 2](#) of this guide, or Chapter 3.3 and 3.4 of the Blue Plan
10. **How does the Blue Plan protect me?** → see [Section 4.1](#) of this guide, or Chapter 1 of the Blue Plan
11. **How do I use the Blue Plan as a source of information?** → see [Section 3](#) of this guide, or Chapter 3 of the Blue Plan
12. **What is the process to update or improve the Blue Plan?** → see [Section 6](#) of this guide, or Chapter 5 of the Blue Plan



Photo by Christian Fox

## SECTION 2: BLUE PLAN COMPONENT OVERVIEW

There are several components that make up the Blue Plan, each providing a particular service for readers. These elements need to be used together, and the following overview, along with more detailed explanation of the functional aspects of each elsewhere in this guide, is intended to assist all audiences.

**The Blue Plan document** ([www.ct.gov/deep/lib/deep/long\\_island\\_sound/lis\\_blue\\_plan/blue\\_plan\\_final\\_draft\\_version\\_1-2\\_september\\_2019.pdf](http://www.ct.gov/deep/lib/deep/long_island_sound/lis_blue_plan/blue_plan_final_draft_version_1-2_september_2019.pdf)) is the foundational work of the Blue Plan, containing the policies and information on the Plan formation process and the context of these policies within the Connecticut regulatory landscape. It is not intended to be read cover-to-cover, and there is repetition of points where necessary for clarity. The policies, contained in the 17 pages of Chapter 4, apply only in the Blue Plan policy area and offer guidance on how new in-water projects can proceed while minimizing conflict with the existing uses and ecosystem components of LIS. These uses and resources are presented as the **Significant Human Use Areas (SHUA)** and **Ecologically Significant Areas (ESA)** that emerged from the Blue Plan planning process. Note that the SHUA and ESA show only where these areas are known to exist today: they do not necessarily represent the full extent of where these uses or resources occur and the known extent of each may change in the future as more information becomes available (see Section 6 of this guide). There is detailed information in the Blue Plan document Appendices describing the technical development of the SHUA and ESA, and the policies representing these areas are described in section 4 of this guide.

**The Long Island Sound Resource and Use Inventory (Inventory):** ([www.ct.gov/deep/lib/deep/long\\_island\\_sound/lis\\_blue\\_plan/resource\\_and\\_use\\_inventory\\_version\\_1-4\\_september\\_2019.pdf](http://www.ct.gov/deep/lib/deep/long_island_sound/lis_blue_plan/resource_and_use_inventory_version_1-4_september_2019.pdf)) is a factual accounting of many of the datasets that describe the ecological components and human activities in and around the Sound. The Inventory is divided into 27 chapters, each of which focuses on a different aspect of LIS. The organization of these chapters is consistent within each chapter so that information about a given topic may be referenced and compared quickly across chapters. For each subject there is an overview of available datasets and sources, and then an evaluation of those datasets' relevance to Sound-wide planning.

**The Blue Plan Map Viewer (Viewer):** ([cteco.uconn.edu/projects/blueplan/index.htm](http://cteco.uconn.edu/projects/blueplan/index.htm)) is an interactive online tool used for determining which ESA and SHUA exist where, as well as the extent of the Blue Plan policy area. Like other viewers, it is user-friendly and provides functionality to zoom in on a specific area of interest (for example, where a proposed project may be sited), turn layers on and off, input or determine lat/long coordinates, and query features to learn basic information about them. The Viewer offers numerous different basemaps to help identify a specific location and allows users to easily create printed maps which may be used in preapplication discussions or an application package. Since anyone can access the Map Viewer it provides both applicants and regulators a common knowledgebase from which to start. For more information on when to use the Map Viewer in an application and a tutorial on the functionality of the Viewer, see section 4.

**The Ecological Characterization Summary (ECS):** ([www.ct.gov/deep/lib/deep/long\\_island\\_sound/lis\\_blue\\_plan/blue\\_plan\\_ecological\\_characterization\\_summary.pdf](http://www.ct.gov/deep/lib/deep/long_island_sound/lis_blue_plan/blue_plan_ecological_characterization_summary.pdf)) is a companion document to the Blue Plan. It represents the background and foundation for the development of the ESA. More specifically the purpose of the ECS is to form a bridge between the *Inventory* and the Ecologically Significant Areas developed for the Blue Plan. The ECS describes each dataset considered by the Ecological Experts Group (EEG) and how these were used - including development into map products - leading to selection of the ESA. In short, the ECS provides a picture of how the final ESA were derived from the broader data sets.

**The Story Map:** <https://storymaps.arcgis.com/stories/85e8a0c45ac941779119ab110c053233> is to be made available on the Blue Plan website and tells the story of how the ESA were developed. The purpose of this Story Map is to help navigate the huge amount of data assembled to map ESA so readers can more easily understand what the ESA are and how they were identified. Through pictures, video and text the story of the ESA comes to life.

**The Blue Plan website:** ([www.ct.gov/deep/lisblueplan](http://www.ct.gov/deep/lisblueplan)) is maintained by DEEP to be the online introduction to the Blue Plan, and houses links to each of the preceding components as well as other interim material developed during the process of assembling the Plan. The website is your first stop for accessing any of the documents or more information.



Photo courtesy of Middlesex Community College – Center for New Media Productions

## SECTION 3: BLUE PLAN AS AN INFORMATION SOURCE

The process of forming the Blue Plan identified numerous existing datasets from disparate sources and brought those together in a user-friendly format. Some of this information was not broadly available before, and in some cases this information about LIS has never existed. All the information in the Plan was assembled in a rigorous and objective approach that represents the best available science and strong stakeholder input. The quality, quantity, and diversity of knowledge, experience, and published research that informs the Blue Plan presents a wholistic picture of the Sound that has not existed before. Most importantly, the Blue Plan provides easy-to-navigate tools to access this information, including:

- ▶ The Blue Plan document itself
  - Appendices, such as Appendix 2; Ecologically Significant Areas
- ▶ The Inventory
- ▶ The Map Viewer
- ▶ The Ecological Characterization Summary
- ▶ The Story Map

In the Fall of 2018, a sort video series was produced to tell the stories of the community participants in the Blue Plan; what LIS means to them and how their interests, and the Sound as a whole, will benefit from having a Plan to represent them in the permitting process. These videos are accessible on the Blue Plan website. For more information on these components, see Section 2.



## SECTION 4: BLUE PLAN POLICIES AND THE EXISTING PERMITTING PROCESS

### 4.1: HOW THE BLUE PLAN BENEFITS EXISTING USES AND ECOLOGICAL RESOURCES

The vast majority of people benefiting from the Blue Plan are not project proponents, regulators, or researchers, but rather the Long Island Sound constituent communities represented in the ESA and SHUA. The Blue Plan protects these areas by first identifying geographically where they are found, and then providing policies that call for the avoidance of significant impacts from new development that would negatively affect them. The result is that the uses and ecological components of the Sound are better understood and recognized proactively in the permitting process than had previously been possible. By knowing where these areas are, new applicants can either avoid overlap or design projects to be compatible with them, rather than finding out later that they will need to change a project's location, operation, or structure in order to accommodate existing uses or sensitive resources.

While it is anticipated that the clarity and guidance offered by the plan upfront in the permitting process will reduce the number of conflicts between existing users and project proponents, it is always possible that disputes may occur. In these instances, existing users and interests will benefit from the ESA and SHUA and its corresponding information and guidance, as this new insight may clarify that a particular project, as proposed, will be unreasonably damaging to a significant area. However, it should be noted that the policies are not intended to make pursuing new projects more challenging or difficult; in fact, the Blue Plan is supportive of water-dependent uses, assuming they are sited and operated in such a way as to minimize impact. The key is using the Blue Plan to avoid conflicts and/or significant adverse impacts so that project proponents and stakeholders can come to mutually-agreeable solutions.

### 4.2: DOES THE BLUE PLAN APPLY TO ME?

The Blue Plan does not retroactively apply to permits that have been previously granted or to uses already in existence, only to new proposals that require a specific permit from one of four Connecticut entities (see Section 4.8 below and Chapter 2.5 of the Blue Plan) and are in the Blue Plan policy area (see Map Viewer, section 5). The Blue Plan is not a permit or permitting authority nor does it create additional permits beyond what already exist. However, its policies will be considered as a factor in the review of new permit applications under these four existing entities.

### 4.3: BLUE PLAN POLICIES: BRIEF OVERVIEW.

The Blue Plan policies guide project proponents in avoiding conflicts and impacts, and encourage that development be compatible with other users and resources in the Sound, but are not new regulatory requirements. In general, project proponents are encouraged to develop their applications to avoid, minimize, and mitigate conflicts and impacts on Long Island Sound's natural resources and traditional human uses. As discussed in Permitting Programs (Section 4.8) below, these policies apply only to specific new projects and are intended to preserve the character of the Sound.

**Sound-Wide Policies** are the highest-level policies and apply everywhere within the policy area uniformly.

**General ESA and SHUA Policies** are more spatially specific than the Sound-Wide Policies, these apply within the ESA and SHUA and guide new applicants to avoid impact to these areas.

**Siting and Performance Standards** are the most spatially-explicit policies and apply only within specific ESA or SHUA at the indicated depths. These policies help ensure new projects are compatible with resources and uses.

**Lenses for Consideration** is guidance that can be considered when applying the above policies to evaluate the impacts of project proposals. The lenses may modify the interpretation of a given Siting and Performance Standard, based on the supporting data, or the evaluation of a project based on non-spatial factors such as equity and global climate change. Each lens comes with guidance on how it may be best applied within the context of the Blue Plan.

## 4.4: HOW DO THE LONG ISLAND SOUND BLUE PLAN POLICIES APPLY TO MY PROJECT?

The Long Island Sound Blue Plan and the Blue Plan Map Viewer contain a trove of information that can be used by prospective applicants to best locate a project within the Blue Plan policy area to reduce conflicts with resources and other uses.

Blue Plan policies only apply to new proposals in the Blue Plan policy area which is offshore of the coast (see policy area details below). Most everyday coastal permitting falls *shoreward* of the Blue Plan policy area (e.g., in Connecticut, all marinas, yacht clubs, boatyards and shipyards are outside the Blue Plan policy area).

After addressing the threshold question of whether the Blue Plan Policies apply to a project (see flowchart in Figure 2), if they do apply, the next question is, “How do I apply the policies?”

There are two approaches to answering this question. One is a “place-based” approach if the applicant knows the location of the project. Another is the “project-based” approach whereby an applicant can use the Blue Plan to optimize the location and design of their project to ensure compatibility with other uses and with important ecological resources.

### 4.4.A: PLACE-BASED APPROACH; I.E., IF YOU KNOW THE LOCATION OF YOUR PROJECT:

1. Determine whether or not that project location falls within the Blue Plan policy area as noted above. Use the Blue Plan Map Viewer (Section 5) to find the policy area boundary and see if your project is located within the policy area.

- ▶ If the project IS NOT LOCATED in the policy area, then the Blue Plan policies do not apply to your project.
- ▶ Note that whether the project is inside or outside the policy area, all existing authorities remain applicable.

2. If the project IS located in the policy area, then determine if the project is regulated under the existing regulatory programs listed in Permitting Programs (Section 4.8) below, and Table 2-1 of the Blue Plan.

- ▶ Again, if the project IS NOT REGULATED by any of these statutorily specified regulatory programs, then the Blue Plan policies *do not* apply to your project.

3. If the project is located in the Blue Plan policy area AND regulated by one of the programs listed in Chapter 4.1 of the Blue Plan, then Blue Plan policies do apply to your project. You will be working with one of the following entities: the Connecticut Siting Council, the Department of Agriculture/ Bureau of Aquaculture, a municipal shellfish commission, or the Department of Energy and Environmental Protection (DEEP). **Please refer to the applicable entity for pre-application consultations, regulatory process questions, or any other information regarding the application.** Each entity will consider the appropriate Blue Plan policies within their existing processes and regulatory criteria. The Blue Plan policies are supplemental to existing regulatory practices, and do not impose any additional regulatory requirements. However, the relevant entity may ask applicants to provide additional information discussing how the proposed project is consistent with applicable Blue Plan policies. See Chapter 2.5 of the Blue Plan for more information about these programs. Such additional information, if requested, is likely to help fill-out or complete the normal existing process of providing information about existing uses and environmental resources and addressing potential impacts.
4. The next step is to use the Blue Plan Map Viewer to determine whether the project site is located in an Ecologically Significant Area (ESA) and/or a Significant Human Use Area (SHUA). Remember, the map layers are a guide but the *definitions of these areas* (ESA in Table 3-3 and SHUA in Table 3-6 of the Blue Plan) control whether or not a policy applies. For example, if there is a site or a specific area of interest (such as an aquaculture lease or sail racing area), you will be interested in what information the Blue Plan can offer regarding resources and uses present in that area, and policy guidance into what impacts should be avoided there. The ESA and SHUA are intended to provide greater clarity and guidance to the permitting process, as issues identified upfront through the Blue Plan can be addressed more effectively than if they are identified later in the permitting process.

- ▶ If the project is located in an ESA and/or a SHUA, look at the general policies contained in Chapters 4.2 and 4.3 of the Blue Plan, as well as the policies that apply to those specific ESA (found in Chapter 4.3a of the Blue Plan) and/or SHUA (found in Chapter 4.3b of the Blue Plan), and consider how the project can be consistent with those policies.
- ▶ These policies for siting and performance standards not only provide protection for the ESA and SHUA, but also provide the flexibility necessary to authorize appropriate projects that are compatible with these areas.
- ▶ Another helpful tool is the Conflict and Compatibility Matrices, in Appendix 4 of the Blue Plan, that allow users to see how a project may have a conflict and how it may be compatible with the ESA and SHUA in a given area. This matrix is just a guide to assist and does not pose any procedural requirements.
- ▶ In addition to regular consultation requirements, special notifications or consultations may be necessary if the project may impact commercial fishing or cultural/archaeological resources. Your agency permit contact can advise you regarding coordination with DEEP Marine Fisheries or the State Historic Preservation Office, as appropriate.
- ▶ Refer to the Lenses for Consideration contained in Chapter 4.4 of the Blue Plan to help determine the suitability, location, and timing of a proposed project, and if that project would require additional information and data collection that will be helpful in the preapplication consultation or application submission.
- ▶ Furthermore, permit decisions for proposals to occur inside the policy area may be affected by considering shoreward uses and resources. For example, project proponents within the policy area should consider the impacts their project may have on adjacent coastal resources and uses, such as restricting boat traffic to a marina.

## 4.4.B: PROJECT-BASED APPROACH

The project-based approach will help an applicant or interested party who has a project or activity in mind and seeks guidance from the Blue Plan on siting the project in the most appropriate location or designing it to be compatible or both.

Several things should be considered for the location and design of a project:

- ▶ Is the proposed use itself defined in the Blue Plan as a Significant Human Use?
  - Consult the Blue Plan for definitions of Significant Human Uses in Table 3-6 of the Blue Plan
- ▶ If the use is defined as a Significant Human Use:
  - Locate other similar Significant Human Use Areas (SHUA) on the Blue Plan Map Viewer, since it might be possible to co-locate the proposed use with other similar uses.
  - Check the Conflict and Compatibility Matrices in Appendix 4 of the Blue Plan to evaluate any potential conflicts the proposed project might have with other uses and with Ecologically Significant Areas (ESA).
  - Consult the Blue Plan Map Viewer to identify the locations of the ESA and/or SHUA that may be in conflict with the proposed use and avoid those areas if possible. If ESA and/or SHUA cannot be avoided, try to locate the project in areas where potential conflicts with or impacts to ESA and/or SHUA are minimized.
  - Consult the Blue Plan Policies in Chapter 4 of the Blue Plan to identify the applicable ESA policies (found in Chapter 4.3a of the Blue Plan) and/or SHUA policies (found in Chapter 4.3b of the Blue Plan) that will be considered. Try to design the project to be consistent with these siting and performance standards by minimizing impacts, especially those that the ESA/SHUA in question are susceptible to.
  - Refer to the Lenses for Consideration contained in Chapter 4.4 of the Blue Plan to help determine the suitability, location, and timing of a proposed project's design, and if additional information or data would assist in designing the project.



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## 4.5: GENERAL CONSIDERATIONS FOR APPLYING THE BLUE PLAN POLICIES

When applying Blue Plan policies to a project, we recommend that applicants start with the specific ESA and SHUA Siting and Performance Standards contained in Chapters 4.3a and 4.3b of the Blue Plan, and then work towards the general ESA/SHUA and Sound-wide policies. (In general, applicants should follow the order of the applicable permit process.) Also note that the Siting and Performance Standards are arranged by the depth zone of a potential impact (i.e., at the air and surface, within the water column, and at the bottom). If, for example, your project will only affect the surface of the water, the other two depth categories would not apply. Conversely, the general visual impact policies of Chapter 4.2.3b would not apply to projects affecting only the bottom and/or water column.

With respect to Ecologically Significant Areas,

- ▶ Check 4.3a Part IIa, Siting and Performance Standards for ESA.
  - If there is consistency and compatibility, your project is consistent with Blue Plan policies.
  - If there is a possible incompatibility, refer to the general policies that clarify the circumstances under which projects that may cause potential impacts can be located in an ESA and/or SHUA.
  - Verify compliance with the general ESA and SHUA policies, which specify the conditions in which new activities may be authorized within an ESA or SHUA. These generally involve minimization of adverse impacts or provision of least impacting alternative and public benefit.

- Use the information in the Blue Plan about the ESA to help determine topics to discuss in preapplication meetings with relevant entities; then use the clarity provided by these ESA to provide the necessary information in the relevant permit application form(s).

With respect to Significant Human Use Areas,

- ▶ Check 4.3a Part IIb, Siting and Performance Standards for SHUA.
- If there is consistency and compatibility, your project is consistent with Blue Plan policies.
- If there is a possible incompatibility, refer to the general policies that clarify the circumstances under which projects that may cause potential impacts can be located in an ESA and/or SHUA.
- Verify compliance with the general ESA and SHUA policies, which specify the conditions in which new activities may be authorized within an ESA or SHUA. These generally involve minimization of adverse impacts or provision of least impacting alternative and public benefit.
- Use the information in the Blue Plan about the SHUA to help determine questions and project design to discuss in preapplication meetings with relevant entities; then use the clarity provided by these SHUA to provide the necessary information in the relevant permit application form(s).

With respect to the Sound-wide compatibility and visual impact policies,

- ▶ The Sound-wide policies of Chapter 4.2 Part I of the Blue Plan Document are largely self-explanatory and apply generally to all projects, with a few more specific areas of focus. Compliance with the Sound-wide policies is necessary to ensure that significant adverse impacts not associated with an ESA or SHUA are not overlooked, and they are tied to the underlying goals of the Blue Plan.
- Generally, environmental values must be maintained.
- Structures and obstructions in the policy area should be minimized to allow for maximum public trust uses of the Sound.
- Certain projects in the policy area, such as non-water-dependent uses, are discouraged except under specific

circumstances as stated in these policies of Chapter 4.2.3a of the Blue Plan.

- Visual impacts at the landscape scale need to be considered, and the applicable permitting authority may determine that a visual impact analysis is necessary. Generally, the visual impact policies would apply only to very large projects above the water's surface, such as the formerly proposed Broadwater LNG facility.

Please remember that the Blue Plan policies, whether Sound-wide or associated with an ESA or SHUA, do not impose any categorical prohibitions. While the ESA and SHUA will help answer initial questions about what resources and uses need to be considered in a given area, regulatory entities will conduct a site-specific evaluation of each proposal.

## 4.6: BLUE PLAN CONSISTENCY

Ultimately, whether you knew the project location from the start or you used the project-based approach to optimize locating the project, you have now determined whether your proposal is located within the Blue Plan policy area and whether it is regulated by the statutorily defined regulatory programs listed in Permitting Programs (Section 4.8) below or Table 2-1 of the Blue Plan. If yes to both, Blue Plan policies would apply to the review of your project's permit application by relevant entities.

Regardless of whether your project is regulated by the Connecticut Siting Council, the Department of Agriculture, local shellfish commissions, or the DEEP, all applicable permit applications should include a statement of consistency with Blue Plan policies in your application materials. For further information about which forms to use or how much detail to include, please consult with the permit analyst or other appropriate staff from the program in question.

Lastly, please note that the Blue Plan does not replace review by other relevant entities such as local Harbor Management Commissions (please see Appendix 2 of this guide for more information and maps) or the Army Corps of Engineers.

## 4.7: BLUE PLAN POLICY AREA

The policy area is defined by a line as required by statute, was delineated with input from Stakeholders, and is now a fixed, mapped, immovable line. For more information see Chapter 3.3 of the Blue Plan. This policy area is easily seen on the Blue Plan Map Viewer. Please see Appendix 1 of this guide for maps showing this line in relation to the Connecticut shoreline.

## 4.8: PERMITTING PROGRAMS REQUIRED TO CONSIDER BLUE PLAN POLICIES

Only four regulatory entities are required to implement the policies of the Blue Plan, and only to specific programs they manage, and only for projects that occur within the Blue Plan policy area. While a more complete description and statutory reference, for each of these programs is available in Chapter 2.5 of the Blue Plan, they are:

### ► Department of Energy and Environmental Protection (DEEP)

*Accessible at: [s](#)*

- Emergency authorization for regulated activity. Temporary authorization for regulated activity.
- Regulation of dredging, erection of structures, and placement of fill in tidal, coastal, or navigable waters. Sunken or grounded vessels.
- Permit for dredging, structures, placement of fill, obstruction or encroachment, or mooring area or facility. Regulations. General permits. Removal of sand, gravel or other material. Fees. Prohibited docks or structures.
- Activities eligible for certificate of permission. Exemptions. Issuance of certificate. Failure of commissioner to respond.
- Permit for new discharge. Regulations. Renewal. Special category permits or approvals. Limited delegation. General permits.
- Section 401 Water Pollution Control Act Water Quality Certification

- Crossings of Long Island Sound. Evaluation of application's consistency with comprehensive environmental assessment plan (*Also applies to Connecticut Siting Council; see below*)

### ► Department of Agriculture's Bureau of Aquaculture (DA/BA)

*Accessible at: <https://portal.ct.gov/DOAG/Aquaculture1/Aquaculture/Aquaculture-Home-Page>*

- Permit for Aquaculture Operations
- Licensing of Aquaculture Producers
- Leasing of shellfish grounds. Fee. Utility lines and public use structures. Shellfish removal or relocation costs. Annual host payments for Long Island Sound crossings. Designation of shellfish areas to regional agricultural science and technology education centers.

### ► Connecticut Siting Council (CSC)

*Accessible at: [www.ct.gov/csc/site/default.asp](http://www.ct.gov/csc/site/default.asp)*

- Certificate for Environmental Compatibility and Need
- Crossings of Long Island Sound. Evaluation of application's consistency with comprehensive environmental assessment plan. (Also applies to DEEP; see above)

### ► Local Shellfish Commissions

The Blue Plan policies and guidance will provide needed direction to these entities as they carry out their charges; see Blue Plan Consistency (Section 4.6) above and the User's Guide Supplement below for explanation as to how this meshes with existing processes. As is currently the case, these entities make the final decision on their own permitting programs with all existing rights of appeal by applicants or other parties. The Blue Plan does not award DEEP any new authority to intervene in or overrule any other authorities' permits or decisions. It is always possible, perhaps likely, that the DEEP may be asked for advice or assistance in applying the Blue Plan policies, but each regulatory entity retains its full existing authorities to administer its own permitting program.

**Figure 2:** Blue Plan applicability flowchart.

Double click on name or statute reference to access live links within.

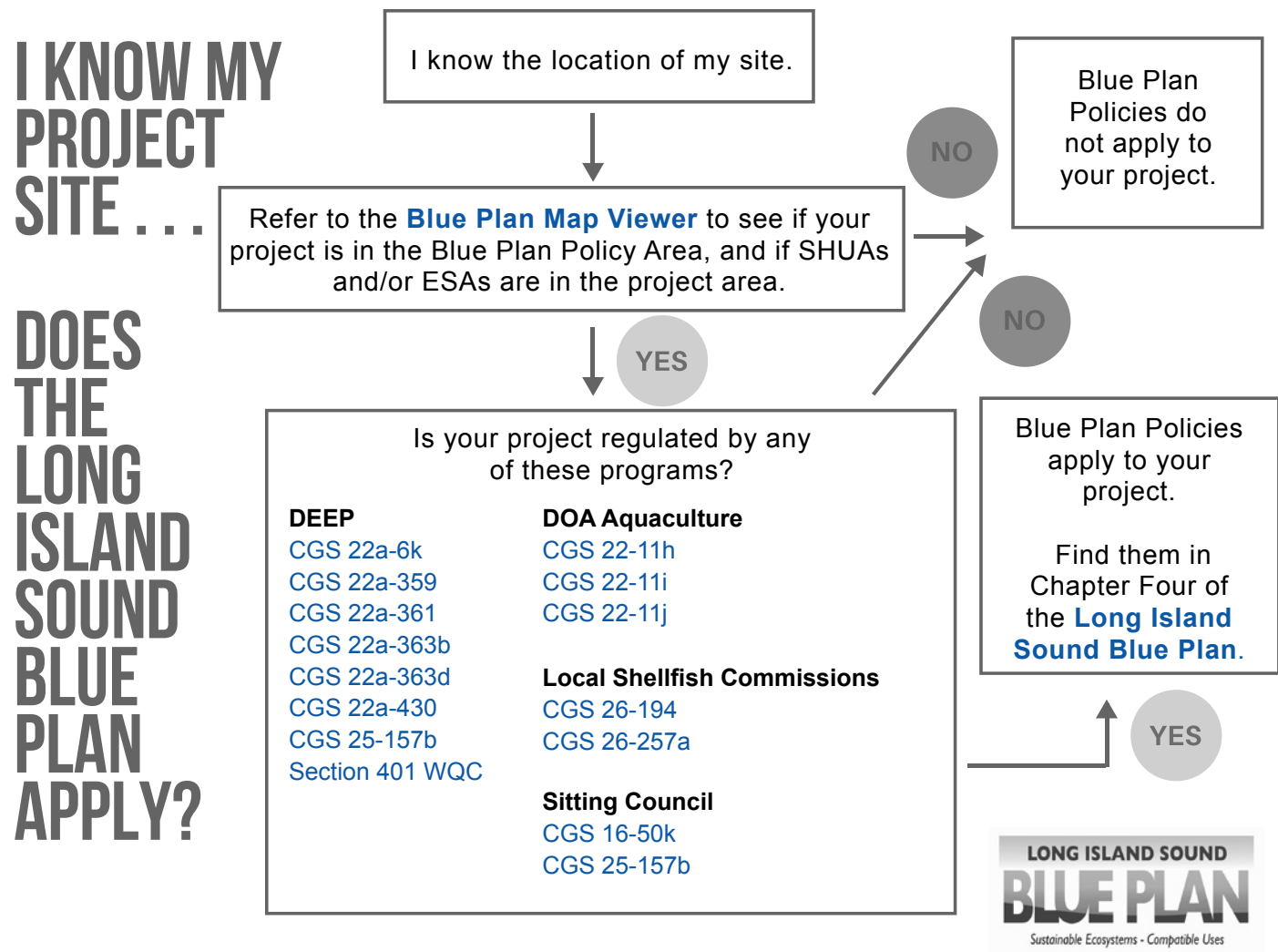


Photo by Emily Hall

## LONG ISLAND SOUND BLUE PLAN PROJECT SITING CHECKLIST

### IS THE PROJECT DEFINED AS A SIGNIFICANT HUMAN USE?

- CONSULT THE BLUE PLAN FOR DEFINITIONS OF SIGNIFICANT HUMAN USES
- IF IT IS, CONSULT THE BLUE PLAN MAP VIEWER TO FIND LOCATIONS OF OTHER SIMILAR SIGNIFICANT HUMAN USE AREAS. CO-LOCATE THE PROPOSED USE IF POSSIBLE

### LOCATE SIGNIFICANT HUMAN USE AREAS (SHUA)

- CHECK THE COMPATIBILITY MATRICES TO DETERMINE THE POTENTIAL CONFLICTS THE USE MIGHT HAVE WITH OTHER USES
- CONSULT THE BLUE PLAN MAP VIEWER TO IDENTIFY LOCATIONS OF THE SIGNIFICANT HUMAN USE AREAS THE PROPOSED USE MIGHT CONFLICT WITH; AVOID THOSE AREAS IF POSSIBLE
- CAN THE PROJECT BE FUNCTIONALLY LOCATED IN AREAS WHERE POTENTIAL CONFLICTS WITH SHUAS ARE MINIMIZED?
- IF THOSE AREAS CANNOT BE AVOIDED, CONSULT THE POLICIES IN CHAPTER FOUR OF THE BLUE PLAN TO IDENTIFY THE APPLICABLE SHUA POLICIES THAT WILL BE CONSIDERED
- NOTE THAT THE SITING AND PERFORMANCE STANDARDS ARE ARRANGED BY THE DEPTH ZONE OF A POTENTIAL IMPACT; DETERMINE IF THE PROJECT WILL AFFECT THE SURFACE, WATER COLUMN, AND/OR SUBSTRATE

## LONG ISLAND SOUND BLUE PLAN PROJECT SITING CHECKLIST

### LOCATE ECOLOGICALLY SIGNIFICANT AREAS (ESA)

- CHECK THE COMPATIBILITY MATRICES TO DETERMINE THE POTENTIAL CONFLICTS THE USE MIGHT HAVE WITH ESA
- CONSULT THE BLUE PLAN MAP VIEWER TO IDENTIFY LOCATIONS OF THE ECOLOGICALLY SIGNIFICANT AREAS THE PROPOSED USE MIGHT CONFLICT WITH; AVOID THOSE AREAS IF POSSIBLE
- CAN THE PROJECT BE FUNCTIONALLY LOCATED IN AREAS WHERE POTENTIAL CONFLICTS WITH ESA ARE MINIMIZED?
- IF THOSE AREAS CANNOT BE AVOIDED, CONSULT THE POLICIES IN CHAPTER FOUR OF THE BLUE PLAN TO IDENTIFY THE APPLICABLE ESA POLICIES THAT WILL BE CONSIDERED
- NOTE THAT THE SITING AND PERFORMANCE STANDARDS ARE ARRANGED BY THE DEPTH ZONE OF A POTENTIAL IMPACT; DETERMINE IF THE PROJECT WILL AFFECT THE SURFACE, WATER COLUMN, AND/OR SUBSTRATE

### CONSIDER GENERAL ESA/SHUA POLICIES, SOUND-WIDE POLICIES, AND LENSES

- ENSURES THAT SIGNIFICANT ADVERSE IMPACTS NOT ASSOCIATED WITH A SPECIFIC SHUA OR ESA ARE ADDRESSED
- GENERALLY, ENVIRONMENTAL VALUES MUST BE MAINTAINED
- CONSULT THE BLUE PLAN LENSES TO DETERMINE THE SUITABILITY, LOCATION, TIMING, AND POSSIBLE CONSULTATION AND ADDITIONAL DATA NEEDS OF THE PROJECT



Photo by Christian Fox



## REEFER SADNESS, LLC'S PROPOSED PROJECT:

- ▶ Placement of a man-made memorial reef structure (e.g., a hollow structure roughly similar to the reef balls that constitute the Stratford Point Living Shoreline), wherein the concrete can contain the cremated ashes of humans and/or their beloved pets, and can include a plaque
- ▶ The project is a regulated activity under one of the Blue Plan-specified programs; it is a structure subject to regulation under Connecticut General Statutes §22a-359 administered by the Connecticut DEEP

### PROJECT LOCATION NEEDS:

- ▶ The reef will sit on the Sound's seafloor but will also include a marker buoy at the surface
- ▶ The reef should be located in 50-100' of water depth to allow for divers to visit
- ▶ The location should be accessible from a port or marina to facilitate placement and visitation

Project proponents should consult the Long Island Sound Blue Plan Project Siting Checklist to locate the proposed memorial reef in a way that minimizes conflicts with existing uses and important ecological resources.

### LONG ISLAND SOUND BLUE PLAN PROJECT SITING CHECKLIST

- ▶ **Is the project defined as a Significant Human Use?**
  - Consult the Blue Plan for definitions: A memorial reef is not specifically defined as one of the Blue Plan's Significant Human Uses, but it is similar to features of historical, cultural, education, or research significance such as shipwrecks and submerged archaeological sites; it will also be accessible to divers once it is placed
- ▶ **Consult the Blue Plan Map View to find locations of other submerged cultural resources and co-locate the proposed reef structure if appropriate. Compatibility with existing submerged features may require further investigation and coordination with the State Historic Preservation Office (SHPO), DEEP Marine Fisheries, or other authorities; to be determined in preapplication discussions with DEEP Land and Water Resources Division (LWRD)**
- ▶ **Locate Significant Human Use Areas**
  - The compatibility matrices indicate that diving-related uses are, potentially, most incompatible with shipping, ferries, towing, navigational dredging, waterfowl hunting, commercial fishing, water-column and bottom-culture aquaculture, sand/gravel mining, and dredged material disposal; use the Blue Plan Map Viewer to identify these areas and avoid them if possible
  - The compatibility matrices also identify how a proposed use might impact a specific region of the Sound, such as the surface, the water column, or the bottom (seafloor); diving-related uses can potentially impact all three regions, while submerged structures (such as reef balls) will have the greatest potential impact on the bottom
    - Upon review of all Human Use compatibility matrices, it appears that navigation channels and bottom-culture aquaculture areas would be incompatible with placement of a memorial reef and the divers who might visit, but in some circumstances placement of a reef structure on the seafloor in an area of seaweed water-column aquaculture might be compatible
    - However, some surface-related impacts might occur from the need to mark the eternal reef site with a buoy marker at the surface; these could include sailing and rowing race areas, waterfowl hunting areas, and designated navigation channels
  - Use the Blue Plan Map Viewer to identify Significant Human Use Areas that might be impacted by the proposed memorial reef at the

**EXAMPLE OF USING THE BLUE PLAN PROJECT SITING CHECKLIST; A FICTIONAL CASE STUDY**

surface and the bottom and avoid those areas if possible

- Use the Blue Plan Map Viewer to also locate areas where ports and recreational boating facilities are located to maximize accessibility
- Note that Reefer Sadness, LLC may benefit from keeping a list or marked-up chart of possible areas that meet all criteria in this siting process, including exporting the coordinates using the Map Viewer

► **Locate Ecologically Significant Areas**

- The Region of Impact compatibility matrices indicate which ecological resources will most likely be impacted by human uses, based on their presence in the three regions of the Sound (i.e., surface, water column, and bottom); placement of a reef structure on the seafloor will have the greatest potential to impact fish, shellfish, marine invertebrates, benthic fauna, and the benthic habitat itself
- Upon review of all Ecological Resource compatibility matrices, it appears that areas of cold water corals and other critical habitats may be incompatible with placement of a memorial reef
- Because it will provide bottom structure and ultimately function like a natural reef, the proposed eternal reef might also provide a positive impact on ecological resources such as bottom-dwelling fish
- Use the Blue Plan Map Viewer to identify Ecologically Significant Areas that might be adversely impacted by a memorial reef at the surface and the bottom and avoid as many of those areas as possible

► **If Significant Human Use Areas and/or Ecologically Significant Areas cannot be avoided, consult Blue Plan Chapter 4 to identify the SHUA- and ESA-specific policies that will apply to the project**

- For example, if the location of the memorial reef is proposed to be co-located with other submerged archaeological sites, the applicable policy for locating a use on the seafloor bottom is “No bottom disturbance that would adversely affect submerged historical or coastal resources”; if the buoy marker at the surface would be located in a sailing or rowing race area and cannot be avoided, the applicable policy would be “No activity that would unreasonably interfere with racing activity during the season.” To ensure these standards are met, Reefer Sadness, LLC should also contact SHPO and the affected sailing or rowing association for input on the optimal placement of a reef structure and associated markers once a potential site has been identified.
- Note that Reefer Sadness, LLC would likely need to provide a site-specific benthic survey to field-verify consistency with existing state statutes and standards, as is already required. The maps associated with the Blue Plan provide guidance at a Sound-wide level, but are not intended to provide site-specific detail.
- Regarding Ecologically Significant Areas, a reef structure placed in, for example, an area of a “Sessile-mollusk Dominated Community” would be subject to the policy of “No activities that would significantly adversely impact diversity, persistence, or abundance of species in these areas”

► **The General SHUA/ESA and Sound-wide policies would also apply to the proposed project**

- The eternal reef, like any activity proposed within the Blue Plan policy area, shall avoid, minimize, and mitigate conflicts with traditional public trust uses, including Significant Human Use Areas, pursuant to CGS § 25-157t(h)
- In addition, new non-water-dependent uses, including industrial, commercial, or residential uses, shall not be placed within the Blue Plan policy area unless:

## EXAMPLE OF USING THE BLUE PLAN PROJECT SITING CHECKLIST; A FICTIONAL CASE STUDY

- a. There are no significant adverse impacts to natural resources, including ecosystem services and water quality, and to existing human uses; **and**
- b. There is a substantial public benefit that outweighs occupation of public trust lands and waters and any unmitigated adverse impacts; **and**
- c. There is no feasible and less environmentally damaging land-based alternative to the proposed use

Although it is not a traditional water-dependent use, a memorial reef that provides habitat for bottom-dwelling fish and is itself considered a cultural resource could likely meet all criteria above.

### ► Consult the Blue Plan Lenses to further narrow site selection for the proposed eternal reef structure

- Other Applicable Laws: the applicant Reefer Sadness, LLC should review and consider any other legal authorities that are not listed in Section 4.1 of the Blue Plan that might apply to the activity
- Placement of a buoy marker is regulated by DEEP Boating Division
- There may be public health issues associated with placement of human and/or animal ashes that should be coordinated with the CT Department of Public Health
- Duration, Permanence, and Seasonality of Resource or Use: Reefer Sadness, LLC should also review and consider the duration, permanence, and seasonality of the resource or use that may be impacted by the placement of the reef structure (such as winter aquaculture activities or summer sailboat racing), and the duration and permanence of the buoy that marks the location of the reef



Photo by Christian Fox

## 4.9: SUPPLEMENTAL BLUE PLAN POLICY INFORMATION

The supplemental section at the end of this guide addresses qualitative and interpretive aspects of the Blue Plan policies and provides answers to questions that have been asked in the course of preparing the Blue Plan. It clarifies, for example, how Blue Plan policies can provide direction and guidance within the existing regulatory process without themselves being regulations. It provides an understanding of how Blue Plan policies serve and fit into existing policy and regulatory processes while not creating new requirements and permits. It looks at how Blue Plan policies relate to existing statutory authority for coastal management. An example is provided of an existing permit application as seen through the use and lens of the Blue Plan. This section also provides a working understanding of topics such as “significant adverse impacts.” It helps clarify that the Blue Plan, while enhancing protection of significant human uses and ecological resources does not create new barriers for compatible economic development. Instead, Blue Plan policies and information represent new tools to help all parties better create and sustain what matters. Avoiding conflicts and making sound decisions for all is the ultimate goal.

The content of this “User’s Guide Supplement” covers: Part 1; “**How Blue Plan Policies relate to Existing Regulatory Processes**” and Part 2; “**How the Blue Plan affects the existing DEEP Permit Application Process (Using the example of LWRD Form C, Structures, Dredging & Fill)**”

## SECTION 5: THE MAP VIEWER WHEN TO USE THE VIEWER

The Map Viewer is one of the first tools users should access when they are planning a project in Long Island Sound or seeking to learn about the spatial extent of human uses or ecological resources through the Blue Plan. The Viewer will be helpful throughout the planning and regulatory processes, from initial conceptualizing through preapplication discussions and beyond. With the Viewer, users are able to see if a site is in the Blue Plan policy area (see Section 1), and what



Peter Auster, University of Connecticut/Mystic Aquarium

is there in terms of significant areas. As users delve deeper into research for a project, the Viewer may be used in micro-siting of structures so that they are compatible with overlapping or neighboring uses or determining the full extent of a single resource. Geospatial data from the Viewer is available for download, allowing users to manipulate Blue Plan information on their desktop GIS. Users are encouraged to use the Map Viewer to prepare for preapplication discussions, and to bring printed maps from the Viewer to these meetings.

## MAP VIEWER TIPS

For an excellent tutorial in navigating the Map Viewer, please see the associated “help” page: [http://cteco.uconn.edu/help/blueplanviewer\\_help.htm](http://cteco.uconn.edu/help/blueplanviewer_help.htm). Users should be aware that there are several different basemaps available for use. The grey option is the default as it reduces the number of display conflicts with the colors and symbols used for the various data layers. However, users should explore other options, such as aerial photography, to see what might work best for a given scenario or need. Additionally, the NOAA Nautical Charts are also available and can be turned on and off from the bottom of the layer list menu.

Users may find it necessary to interact with any number of different data layers available. With many discrete layers

organized across multiple groups, making too many visible at once can render the Viewer and any resulting maps cluttered and incomprehensible. In these cases, it is often best to take a “small-steps” approach: first try to identify layers that seem most critical - often a large group may only have one or two relevant layers. Begin with these to help the overall organization. If necessary, consider whether multiple map outputs with fewer layers is a better option than one map with many layers.

The Map Viewer provides ways to better understand how uses and resources are distributed. These “roll-up” maps show how various groups of layers stack on top of each other and help identify the concentrations of data. For both the ESA and SHUA these roll-ups are given as heat maps; cooler (bluer) colors correspond to areas with lower numbers of Special Areas; warmer (redder) colors indicate more Special Areas. Note that just because an area may have a high concentration of ESA or SHUA does not mean it cannot or should not support a project there; it simply means that there are potentially more individual siting and performance standards to ensure the project appropriately minimizes conflict.

## REFERRING BACK TO THE INVENTORY OR OTHER PLAN SOURCES

The Map Viewer was created to integrate and display in a user-friendly manner a large volume of complex information. While the Map Viewer displays the known extent of Ecologically Significant Areas (ESA) and Significant Human Use Areas (SHUA), it by no means represents all the information that exists for Long Island Sound, or all the information available from the datasets that supported the designation of ESA and SHUA. For this reason, users are encouraged to refer back to the Resource and Use Inventory, Blue Plan appendices or Ecological Characterization summary for a more complete understanding of the data that is the cornerstone of the Blue Plan. The Inventory provides information about the source data used, including where many of the original files may be accessed, in addition to additional context, how the information was vetted, and the data gaps identified. The Inventory also includes related datasets that have not been included in the identification of ESA and SHUA, but may provide additional relevant information about a specific area/ topic or provide overall context. Consistent with the intent that

the Inventory be “first-stop shopping” for geospatial data for anyone seeking to learn about Long Island Sound, users of the Map Viewer are encouraged to consult the Inventory to gain more in-depth understanding on a given topic. This may be especially relevant for project proponents that are preparing for preapplication discussions with the relevant regulatory programs or stakeholders.

An additional handy reference is Table 3-3 (for ESA) and Table 3-6 (for SHUA) in Chapter 3 of the Blue Plan; these show the extents of ESA or SHUA that appear in the Map Viewer, the supporting datasets that form those extents, and a brief description of what those datasets together represent.

## SECTION 6: UPDATING THE BLUE PLAN OVERVIEW

Recognizing that things in Long Island Sound change, the Blue Plan is required to be reviewed and updated by DEEP at least every 5 years. Furthermore, the BPAC will meet quarterly in a public venue, and hold a Public Hearing annually to receive comments, suggestions, and submissions on the Blue Plan and Inventory. The BPAC will continue to advise the Commissioner of DEEP on the operation, implementation, and updating of the Plan and Inventory. In short, if information changes or the process does not work as planned, there is ongoing opportunity to fix it. The Long Island Sound community is encouraged to provide feedback to DEEP or the BPAC to address issues with and through the Blue Plan. Comments are best delivered by email to [DEEP.BluePlanLIS@ct.gov](mailto:DEEP.BluePlanLIS@ct.gov), but can also be addressed to DEEP staff or members of the BPAC. It is important that all those who value the Sound continue to be active in the curation of the Blue Plan and ensure that it remains an evolving collaborative tool to enhance how we manage our urban sea.

## BLUE PLAN UPDATE PROCESS

While it is anticipated that the majority of these updates will be data-driven as new research presents itself, it is possible that the Blue Plan itself will need to be tweaked to best represent the uses and environmental conditions in Long Island Sound. The following sections present the mechanisms by which these needed changes are raised, considered and implemented.

## UPDATING THE BLUE PLAN

The Blue Plan document and Inventory are statutorily-required to be reviewed at least every 5 years. This is a formal process that involves the BPAC, DEEP, and Legislative approval. Updates to the Blue Plan are intended to address substantial issues, such as changes to the interpretation of the policy line or adding a new SHUA or ESA, not minor errata such as spelling, grammar, and non-substantive clarifications. Suggestions for these substantive changes will be compiled by DEEP and considered by the BPAC at a quarterly meeting or the annual Public Hearing held for exactly this reason. Unless a change needs to be made sooner, and some may be, these suggestions will be recorded and brought before the Legislature at the appropriate time, but in no case later than the next conclusion of the 5-year review, so that amendments to the Blue Plan may be made efficiently. DEEP, under the guidance of the BPAC, will be responsible for maintaining an inventory of these suggested changes. In the time before a change is brought to the Legislature, the BPAC and DEEP will review the merits of the suggestion, considering the following:

**Functional nature of the change:** which components of the Plan are altered, and how those would need to be modified. Any additions, modifications, or removals of Plan process and concepts that would need to be made.

**Benefits of the change:** how the change corrects a significant problem or error within the Blue Plan, makes improvements towards the overall goals of the Plan, and provides greater clarity to users of the Plan.

**Priority of the change:** the urgency of the change and if it needs to be made immediately and brought before the next session of the legislature, or can wait until the 5-year review, and how much effort would be needed to make the alteration.

In the event a suggested change is found to not contribute significantly to any of the above it will remain in DEEP's inventory of suggested changes, with a note for the reasons it was not implemented.

## UPDATING THE MAP VIEWER

The Map Viewer is not subject to the formal review process of the other Blue Plan components, so changes may be made more frequently; most likely on an annual timeline. Updates

to the Viewer are intended to improve datasets of the SHUA and ESA so that they represent the real-world conditions using the best available science and information to fulfil the Blue Plan mission. The process for incorporating these updates is similar to the process for addressing changes to the Blue Plan document; above. Suggested datasets should be submitted to DEEP or brought to the BPAC quarterly meetings or Public Hearing; DEEP, with guidance from the BPAC, will maintain an inventory or "que" of these suggestions and data, and will work with the BPAC to review these for inclusion in the Map Viewer. DEEP and the BPAC will consider the functional nature, benefits, and priority of the change, as with changes to the Blue Plan documents as outlined above. Note that not every new dataset will improve the ability of the Blue Plan to fulfil its mission; simply because there is information about something in Long Island Sound does not mean that it is relevant to the Blue Plan; it needs to be relevant to decisions affecting the Sound and/or Sound-related planning. To this end, the benefits of suggested information will be evaluated on the following criteria, intended to be used by the BPAC, DEEP, and the LIS community:

### New data included in the Blue Plan should...

- Be spatially explicit

- Be relevant for planning and/or decision-making in the Blue Plan policy area

- Be collected in a manner that is compatible with a Soundwide dataset

- Represent the best available science and stakeholder input; undergoes some form of vetting from relevant expert communities or is contributed by experts in that field

- Not be duplicative of existing data (unless replacing existing data)

Datasets that are Blue Plan relevant but **don't** meet all of the above criteria may be retained by DEEP existing files or databases, such as "Regulator Unit files" of practical information to be used in permit evaluations. It is possible that datasets will also be added to the LIS Resource and Use Inventory, as this document already contains datasets that are relevant but insufficient to be part of the SHUA and ESA. Incorporating data into the Inventory would require Legislative approval and would follow the process above.

## LIMITATIONS OF BLUE PLAN DATA UPDATES

Appendices 2 and 3 in the Blue Plan document describe the datasets that make up each ESA and SHUA, and lay out the workflow process to create each. Readers should note that in many cases the Blue Plan imports datasets and is not responsible for their upkeep or able to make changes to them. For instance, Vessel Traffic Lanes are distilled from Automatic Identification System (AIS) data collected by the Coast Guard and available through NOAA's Marine Cadaster website. Because this dataset relies on vessels having an AIS transponder and having it on, not all areas that are perceived to be heavily trafficked may appear so in the Vessel Traffic Lanes SHUA. However, it is not within the purview of the Blue Plan to update this Federal dataset.

It is also important for readers to understand what a dataset represents and doesn't represent. Continuing the example above, AIS data pertains primarily to commercial vessels, while High Density Recreational Boating Areas pertain primarily to personal-use recreational power and sail boating. So, an area that is not shown as an important Vessel Traffic Lane may be highlighted as a High Density Boating Area, indicating that there is more recreational boating than commercial activity happening in that location. Readers should familiarize themselves with the SHUA and ESA criteria descriptions in Appendices 2 and 3, or Tables 3-3 and 3-6, of the Blue Plan document before suggesting updates to the SHUA and ESA.

## SECTION 7: BLUE PLAN CONTACTS AND FURTHER INFORMATION

While this Guide is intended to answer basic questions about how the Blue Plan may be used, it is anticipated that specific individual questions will remain. For questions pertaining to the Blue Plan itself, or to be added to the Blue Plan listserv, please contact the general Blue Plan email: [DEEPBluePlanLIS@ct.gov](mailto:DEEPBluePlanLIS@ct.gov).

For questions pertaining to specific permit or permitting program, please contact your permit analyst at the relevant entity. If you are uncertain who the appropriate contact is, please see that entity's website:

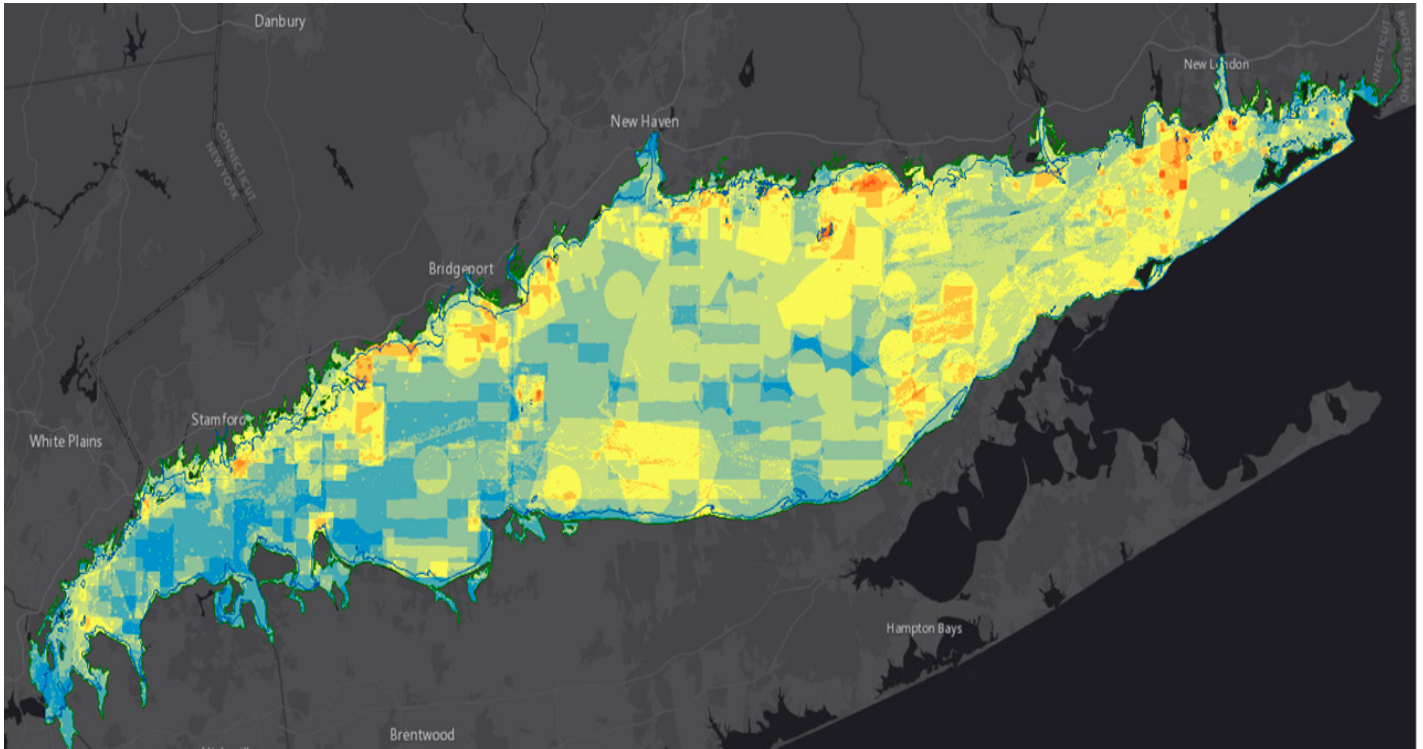


Photo by The Nature Conservancy in Connecticut

- ▶ Department of Energy and Environmental Protection (DEEP) <https://www.ct.gov/deep/site/default.asp>
- ▶ Department of Agriculture Bureau of Aquaculture (DA/BA) <https://portal.ct.gov/DOAG/Aquaculture1/Aquaculture/Aquaculture-Home-Page>
- ▶ Connecticut Siting Council (CSC) [www.ct.gov/csc/site/default.asp](http://www.ct.gov/csc/site/default.asp)
- ▶ Local Shellfish Commissions may be contacted through the applicable municipalities.

Lastly, the Joint Agency Aquaculture Permitting Work Group has produced a Guide to Marine Aquaculture Permitting in Connecticut (published by Connecticut Sea Grant) that provides detailed assistance to applicants seeking a permit in this field, and may be helpful in answering permitting questions. The guide may be accessed at:

<https://portal.ct.gov/-/media/DOAG/Aquaculture/2019/2019-Guide-to-Marine-Aquaculture-Permitting-in-CT.pdf?la=en>



This map shows the number of overlaps of Ecologically Significant Areas in Long Island Sound; with warmer colors being more overlaps and cooler colors being fewer. The Blue Plan identifies these areas for the first time, allowing future in-water activities to be compatible with the environment they exist in. See Section 4.5 of this Guide for more detail.



**LONG ISLAND SOUND**

**BLUE PLAN**

*Sustainable Ecosystems - Compatible Uses*

**SUPPLEMENT AND APPENDICES**

# Blue Plan Users Guide Supplement and Appendices

## Contents

User’s Guide Supplement: Policies and Regulatory Process Discussion.....	24
Part 1: How Blue Plan Policies relate to Existing Regulatory Processes .....	24
A.    General Comment on Blue Plan Policies: .....	24
B.    Relation of Blue Plan Policies to Existing Statutes .....	25
C.    Relation of Blue Plan Policies to Existing Permit Applications .....	27
D.    Blue Plan Policies: Not a New Permit Program but “Considered as a Factor” .....	27
E.    Interpretation of “Significant Adverse Impacts” .....	27
F.    Relevant Authorities make final decisions re Blue Plan policies .....	28
Part 2: How the Blue Plan affects the existing DEEP Permit Application Process .....	29
Table 1: Comparison Table, Permit application with the Blue Plan .....	31
Part 3: Terminology:.....	36
Appendix 1: Maps of the Blue Plan Policy Line .....	39
Appendix 2: Harbor Management Commission areas .....	50

## User’s Guide Supplement: Policies and Regulatory Process Discussion

### Part 1: How Blue Plan Policies relate to Existing Regulatory Processes

#### A. General Comment on Blue Plan Policies:

The following are general comments pertaining to the flexibility of Blue Plan policies and the continued ability to obtain permits with these policies in place.

#### Soundwide Policies

Blue Plan policies have been drafted to allow the necessary flexibility when read together and not in isolation. Activities may be permitted in “Ecologically Significant Areas” (ESA) and “Significant Human Use Areas” (SHUA). Policies are subject to qualifications and lenses of interpretation. There are no absolute prohibitions, and no “no-go” areas. Blue Plan Policies will not create any new, or additional regulatory requirements for new projects, but will be integrated into existing processes and don't dictate any particular outcome.

#### Special areas (ESA/SHUA)

The Blue Plan does not prohibit any uses of the Sound, rather it discourages certain impacts new uses may have on the resources and existing human uses of the Sound. The Blue Plan provides information on the ecological

resources and human uses that are significant to the Sound. It describes why those areas are important and where they are. Both the additional clarity and greater information make it easier to: 1) identify locations and/or design projects with greater likelihood of being approved because they are less in conflict with the proposal location, 2) focus on the most relevant challenges and identify potential design solutions, 3) reduce the need for applicants to find or develop new information. When all layers are added together, the majority of the Sound contains one or more ESA and/or SHUA. However, ESA and SHUA policies, the siting and performance standards, which are to be considered as a factor in the review of permit applications, are not difficult to meet and the vast majority do not prescribe preclusion of new regulated activities. The basic approach is that place-based policies derived from best available science and stakeholder/expert input allow for better decision making.

### Visual impact policies

One of the lessons learned from the Broadwater proposal is that visual policies are important to validate the expressed public interest in preserving the uninterrupted scenic quality of the Sound. It is the policy's intent to require visual impact analyses only when necessary to resolve a large-scale issue and not to constrain traditional water-dependent uses such as maritime commerce, boating, or aquaculture.

## B. Relation of Blue Plan Policies to Existing Statutes

### General

The Blue Plan is not a new permit program; it does not create or entail a new permit. Its policies pertain only to the policy area and are to be considered under *existing* permit programs of the DEEP, the Department of Agriculture, the CT Siting Council and local shellfish commissions. The Blue Plan policies provide clearer guidance and direction for carrying out the normal processes and decision-making of these existing permitting programs.

### The Blue Plan and Existing Statutes

To better understand how the Blue Plan policies relate to existing regulatory programs it is helpful to look at existing statutory authorities that these regulatory programs are built on. CT statutes such as the [Coastal Management Act](#) (CMA), spell out state policies for coastal waters (which include waters seawards of the shoreline out to the New York State line). We use the CMA as a prime example of a statute to explore Blue Plan Policies and their relationship to existing regulatory processes. There is also a helpful guide for the CMA online at: [https://www.ct.gov/deep/lib/deep/Permits\\_and\\_Licenses/Common\\_Forms/coastal\\_guide.pdf](https://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Common_Forms/coastal_guide.pdf)

In considering the environmental aspects of the CMA the first step is to identify what resources are identified in the CMA and how these relate to the Blue Plan. While there are references in the CMA to specific coastal resources such as eelgrass and rocky shorefronts, for marine life in waters seaward of the shoreline (“offshore waters” more relevant to the Blue Plan), the CMA refers to these ecological features through its *definition of adverse impact* to “Wildlife, Finfish and Shellfish Habitat.” Here is that definition:

Wildlife, Finfish, Shellfish Habitat:

Degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat. CGS Section 22a-93 (15)(G).

Through this short definition of both ecological features and adverse impacts we see what the CMA is establishing policy for and that it includes both marine organisms and their associated habitats. The “Ecologically Significant Areas (ESA)” identified through the Blue Plan provide, in effect, more specific representations of these elements broadly encompassed under this definition of “Wildlife, Finfish and Shellfish Habitat.” As such the ESA are not adding new ecological resources not already envisioned under the CMA, they are increasing the specificity and

clarity about what is already embedded within the CMA. For example, the Blue Plan ESA for coastal birds, whales, or seals are examples of the CMA's wildlife. The ESA for hard bottom and complex seafloor is a prime example of the habitat referred to under the "Wildlife, Finfish and Shellfish Habitat." To take this one step further, the existing DEEP permit application associated with the CMA (and other statutes), "[LWRD License Application Form C](#)" also includes references to wildlife, finfish, shellfish and associated habitat areas and requires that impacts be described for them.

In short, ecological resources identified by the Blue Plan fit within the broad coastal resource categories of the CMA and as such better clarify what and where these resources are. Blue Plan information and policies do not add new coastal resources not already included in the permit process nor new requirements that extend beyond the policies of the existing CMA statutes. The same is true for human uses.

#### Identifying resources

The CMA makes it clear that the initial step in assuring consistency with the coastal policies for any use or activity subject to permitting is to *determine the coastal resources on or near the site which may be affected*. In short, the specificity of the coastal resources that may be affected need to be identified by the applicant. That can involve significant work and expense to find and delineate environmental resources. One of the fundamental features of the Blue Plan is that it identifies environmental resources and makes it much easier for applicants to see what they are dealing with. Although, depending on the particular application, this may not obviate the need to better delineate resources than provided by the Blue Plan, the Plan nevertheless provides significant insight into what and where the environmental resources are that the State is already concerned with under its existing permitting processes. That is a new benefit to applicants and applies to human uses as well.

#### Blue Plan Policy is not more stringent than existing policy

Blue Plan policy recommendations don't suggest adding new restrictions outside the bounds of the CMA. The Blue Plan makes State policy within the CMA clearer and puts into specific siting and performance standards the philosophy generally described by statute. More specifically, the overall policy of the existing CMA makes it clear that adverse impacts to coastal resources and existing human uses are undesirable. Although the statutes do not provide specific guidance about what level of adverse impact is acceptable and unacceptable they do define adverse impacts. Subsequent decision-making over the years has made it clear that adverse impacts are to be avoided and if not avoided, than minimized to the extent possible. The DEEP website [contains guidance](#) for existing permitting regarding adverse impacts and it says:

The major objectives of the permit program are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with the [Connecticut Coastal Management Act](#) (CGS Sec. 22a-90 - 22a-112, inclusive).

Blue Plan policies provide greater identification of what level of adverse impact is acceptable. Blue Plan policies generally speak to keeping adverse impacts below "significant" which fits well within the existing policy frame of "avoid or minimize" adverse impacts. In other words, fundamentally, it does not establish a more stringent standard. It does however, provide clearer guidance than currently provided by existing statute alone, especially associated with the specific marine life resources and human uses it identifies. See Section E below entitled "Interpretation of Significant Adverse Impacts" for further discussion on this topic.

#### Summary

To summarize how the Blue Plan relates to permitting, the Blue Plan provides new information and new recommended specifics about how to interpret broad statutory authority in the exercise of the applicable existing permitting processes. As such the Blue Plan does not represent new regulations or new restrictions, it represents greater clarity for applicants (and the State) to use in conducting existing State permitting processes. The Blue Plan policies are intended to be seamlessly integrated into existing regulatory processes without creating any new

procedures or requirements.

### **C. Relation of Blue Plan Policies to Existing Permit Applications**

Please see Part 2 below for a specific illustration of how Blue Policies relate to a relevant permit application as seen through the Land and Water Resources Division (LWRD) License Application Form C. This appendix describes the relation of Blue Plan policies to the existing permit application process and compares the existing requirements with how the Blue Plan may affect those requirements.

### **D. Blue Plan Policies: Not a New Permit Program but “Considered as a Factor”**

It is important to recognize that the Blue Plan statute specifically states that the Blue Plan will be “considered as a factor in the review of applications.” That means that Blue Plan policies, while specifying greater direction and clarity in how state permit decisions should be made, are strong recommendations *but not new, legal requirements*. What is legal is that the policies must be considered as a factor. This allows greater consideration of the particular attributes of a given application to help assure decisions are reasonable and fair. It helps assure that Blue Plan policy is not compelled in a situation where its use would be unreasonable given the particular circumstances or hinder a reasonable proposal from going forward. It is also important to recognize that Blue Plan policy is not fundamentally more restrictive than how applications are handled currently. Again, there is greater upfront clarity and direction but the outcome with Blue Plan policy is likely to be very similar to an outcome under the current process – but with less conflict, complication and cost along the way.

Per Statute, the legal requirements associated with Blue Plan policy are limited to being considered as a factor in decision-making under existing regulatory authorities.

#### Summary

The Blue Plan policies provide a greater level of clarity and insight for applicants than previously available for what is needed to obtain permit approval from the same programs they currently deal with along with sufficient flexibility to help assure decisions are reasonable and fair. And all of this only pertains to the portion of the Sound waterward of the policy line which is seaward of most permit applications the State normally deals with.

### **E. Interpretation of “Significant Adverse Impacts”**

Avoiding significant adverse impacts to significant ecological resources and/or existing human uses is one of the core of the goals expressed through the policies of the Blue Plan. The question is, how will significant adverse impacts be interpreted and does the Blue Plan establish a higher standard or require greater elaboration to show that proposed projects meet the threshold.

As noted above under the section “Relation of Blue Plan Policies to Existing Statutes” under the sub-heading “Blue Plan Policy is not more stringent than existing policy,” the case is made that fundamentally the Blue Plan does not create a higher threshold or standard than exists at present, rather it makes clearer the policy that already exists in statutes such as the CMA. The use and interpretation of “significant adverse impacts” in the Blue Plan is consistent with and supports that conclusion.

#### General points about adverse impacts

Adverse impacts cannot always be specifically defined or delineated in policy; adverse impacts may vary depending on the resource or use being affected and will be interpreted by the permit program that applies the policies. For example, the CMA contains definitions of adverse impacts to coastal resources and water-dependent uses that can

provide part, but not all, of the background for Blue Plan purposes. Ultimately the regulatory agency deciding on the particular permit will make the final decision as to the nature and acceptability of any adverse impacts from a proposed activity, as they do now.

Terms like, “significant,” are determined based on the context of the evaluating regulatory program and the potential impacts of the project. Projects will be evaluated as they always have been, only now, with the Blue Plan, there will be greater insights supporting those evaluations.

#### Practical Example of Demonstrating “No Significant Adverse Impact”

To examine the practical implications of avoiding significant adverse impacts, we use a hypothetical example. Let’s say a permit is being sought for a permanent, fixed marker such as a new navigational aide to mark an entrance to a mooring area. Although there are not many mooring areas close enough to the policy line where this might be a real issue, in the example we assume the proposed navigational aide is in the policy area. This activity would necessitate an anchoring system and would involve obtaining the same permits once the Blue Plan is in place that are already required now.

If we assume the proposal was to be located in a recognized ESA (e.g. hard bottom seafloor habitat), would it be difficult for the applicant to demonstrate no significant adverse impacts? The Blue Plan doesn’t change the existing approach of using reasonability and context to demonstrate “no significant adverse impacts.” To illustrate, it should be reasonable for the applicant to note the relatively small size of the hard bottom affected, the relatively small size of the anchor or anchor system, the stationary nature of the anchor, no significant excavation being required, etc. To note these points represents a reasonable approach and normal regulatory practice; there shouldn’t be a need, based on the Blue Plan, to take additional measures such as conducting a special study or relying on outside experts to make the case. In addition, it is worth noting that the permitting agency recognizes and is familiar with what is being proposed and is able to recognize the relative level of impact compared to the overall natural resource involved. The Blue Plan does not create a higher standard or require more volume of data and analysis than currently needed to demonstrate no significant adverse impact. The Blue Plan will guide you where to start and how to go about finding the rest of the data you may want or need. Similarly, the Blue Plan would not require additional field work unless the proposal were significant enough to warrant it – as is now the case under existing permitting.

We add a further note regarding the interpretation of “no *significant* adverse impact.” The word significant is important because it is the guide for discerning between what impact is acceptable and what is “too much.” The word helps assure that permits are not denied when there is impact, but it is not “significant.” For example, if 100% of a square yard of average hard bottom is occupied by an anchor or other structure (which may seem significant because the area is completely altered) it could still be assessed as “not significant,” simply because the amount of adverse impact would be minor compared to the extent of hard bottom in LIS. This view of “significant” is consistent with how state permitting is carried out now.

#### Flexibility

If an applicant needs to locate something in an ESA or SHUA and it is difficult to show no significant impact, there is additional flexibility or remedy to assure reasonability for proposed new uses. The policy states: “...proposed activities may be located in an ESA or SHUA if ... there is no feasible, less damaging alternative and all reasonable mitigation measures and techniques have been provided to minimize adverse impact...” This is common practice for how permitting policies are implemented now. This provision provides an alternative path within Blue Plan policies for being able to move a project forward.

## **F. Relevant Authorities make final decisions regarding Blue Plan policies**

The Blue Plan statute requires the four authorities previously identified to consider Blue Plan policies in their existing permitting responsibilities. Who will be the final arbiter of whether the Blue Plan policies have been adequately considered to fulfill this statutory requirement? The answer is simple: the four regulatory authorities specified in the statute. As is currently the case, those four entities make the final decision on their own permitting programs with all existing rights of appeal by applicants or other parties. The Blue Plan does not award DEEP or any other entity new authority to intervene in or overrule any other entities' permits or decisions. It is always possible, perhaps likely, that DEEP, as the state agency responsible for creating the Blue Plan, to be asked for advice or assistance in applying the policies, but each regulatory agency retains its full existing authorities to administer its own permitting programs.

## **Part 2:**

### **How the Blue Plan affects the existing DEEP Permit Application Process**

#### **Using the example of LWRD Form C, Structures, Dredging & Fill**

##### **Introduction:**

The following narrative and matrix chart below look at how the Blue Plan affects the existing DEEP Permit Application (LWRD Form C, Structures, Dredging & Fill). This application was selected as one of the best examples to use in describing a comparison of existing permit processes and the effect of the Blue Plan on those processes. It looks at each of the sections of the permit application where the Blue Plan has relevance and comments on how the Blue Plan relates to the existing permit application. The introductory narrative below is important for gaining an overall understanding of how the Blue Plan, which brings new clarity and guidance to the existing permit process, does not fundamentally change that process or add new constraints.

##### Coastal Resources:

The existing permit application requires applicants to identify coastal resources associated with and potentially impacted by the proposed project (see Table 1: Part III.12; Coastal Resources Impact Table). It also requires applicants to describe adverse impacts to these resources. These requirements remain the same under the Blue Plan with the practical effect that the Blue Plan provides more definition of what is encompassed by coastal resources, helps applicants find the locations of these coastal resource components and makes clearer through siting and performance standards what level of adverse impact is acceptable for each of these. The policies of the Blue Plan that identify siting and performance standards fit within and under the existing requirements.

As such the Blue Plan does not establish a new requirement in filling out the permit application, but it does provide new direction in how best to fill out the existing requirement. That is because the Blue Plan information and policies will be considered as a factor in the review of the application. In short, it will be helpful for the applicant to organize answers regarding impacts to the coastal resources so that they correspond with the Ecologically Significant Resources (ESA) identified by the Blue Plan. This is straightforward in that each of the 14 ESA of the Blue Plan are subcomponents of the coastal resources. By addressing each applicable ESA, the applicant is addressing the corresponding coastal resource they are already required to address under the current application requirements (see specific references below in Table 1). The Blue Plan is helpful in both more specifically delineating the relevant components of the coastal resources through the ESA while also providing greater clarity through the associated siting and performance standards about how to describe adverse impacts.

The Map Viewer of the Blue Plan shows each of the ESA components and the known physical geographic extent of these. It also can be used to see which, if any, ESA (coastal resources) the proposed project intersects with. It is also critical to remember that Blue Plan policies only apply in the policy area.

#### Human Uses:

Finally, a similar situation and approach exists for addressing permit requirements associated with existing human uses (see Table 1: Part IV.8; Project Information). Similar to coastal resources, the existing permit application requires an identification of human uses and the potential impact on these by the proposed project. The Blue Plan's Significant Human Use Areas (SHUA) and associated siting and performance standards help the applicant to better respond to this part of the permit application in the same way as the ESA do for coastal resources. Similarly, the Blue Plan does not pose a new permit requirement but does provide new direction in how best to fill out the existing requirement. Like coastal resources, Blue Plan information and policies for SHUA will be considered as a factor in the review of the application. Like coastal resources, the SHUA fall within and under the broad general human use categories identified in the permit application.



Table 1: Comparison Table, Permit application with the Blue Plan

Column A	Column B	Column C	Column D
<b>Form C Language</b>	<b>Existing LWRD Application Requirement</b>	<b>Additional Application Requirements from Blue Plan</b>	<b>Potential Uses of the Blue Plan to Achieve LWRD Requirements:</b>
<p><b>Part I; pre-submission consultations:</b> NDDB, Dredging Projects, DEEP Fisheries, Bureau of Aquaculture, local Harbor Management Commissions, Shellfish Commissions, USACE.</p>	<p>Preliminary coordination and input from these agencies/groups depending on the activity and the location. Consultations must occur prior to submission. Applicant should start with these consultations, as applicable (See Part VI of Form C for further guidance).</p>	<p>If project will be in a SHUA for commercial fishing, applicants are required to give notification to fishers potentially impacted.</p>	<p><b>General:</b> Blue Plan provides information about, and known spatial extent of, the activities and natural resources managed by the agencies in Column A. The Blue Plan also provides direction for minimizing impacts of new projects so they may proceed. Applicants may use all of this in preparing for consultation with the required authorities in order to have more informed, productive conversations.</p> <p>Appendix 1 of this Guide provides maps of Harbor Management Commission areas, allowing applicants to see their exact extent online for the first time.</p> <p><b>Commercial Fisheries:</b> <i>DEEP Fisheries will help with guidance for this and a process has yet to be established, but it will most likely be a mailer to relevant fishers.</i></p>
<p><b>Part III.4; Indian Lands*</b></p>	<p>Is the activity that is the subject of this application located on federally recognized Indian lands? Y/N</p>	<p>None</p>	<p><b>*While not required for LWRD Form C, the State Historical Preservation Office (SHPO) requires project proponents to submit a <a href="#">Project Review Cover Form</a></b>; the Blue Plan assists in assembling this document by providing previously-unavailable locations and information on areas with historical and cultural significance, such as submerged archeological sites.</p>
<p><b>Part III.12; Coastal Resources Impact Table</b></p>	<p>Check the applicable boxes to identify coastal resources to be impacted by the proposed activity at the project site. Describe the impacts, as applicable.</p> <p>Resources: Benthic Habitat, Submerged Aquatic Vegetation, Finfish, Wildlife, Shellfish Areas, Visual Quality</p>	<p>None</p> <p>See Introduction above for an explanation. See Column D for how Blue Plan information and policies nest into the existing permit application.</p>	<p>As noted in the Introduction at the top of the chart, the Blue Plan does not establish a new requirement in filling out the permit application, but it does provide new direction in how best to fill out the existing requirements. That is because the Blue Plan information and policies will be considered as a factor in the review of the application. In short, it will be helpful for the applicant to organize answers re impacts to coastal resources so that they correspond with the Ecologically Significant Areas (ESA) identified by the Blue Plan. Please see below for how the ESA correspond to the coastal resources:</p>

			<p><b>Benthic Habitat:</b> ESA identified through the Blue Plan that apply here are:</p> <ul style="list-style-type: none"> <li>-Hard bottom and complex sea floor</li> <li>-Areas of cold-water corals</li> <li>-Soft-bottom benthic communities (written criteria established but specific areas not identified/mapped; no siting and performance standards identified)</li> </ul> <p><b>SAV:</b> generally n/a to Blue Plan policies because SAV are typically found outside the Blue Plan policy area.</p> <p><b>Finfish:</b> ESA identified through the Blue Plan that apply here are:</p> <ul style="list-style-type: none"> <li>-Important areas for Fish that have been identified through the Blue Plan (Fish ESA)</li> </ul> <p><b>Wildlife:</b> ESA identified through the Blue Plan that apply here are:</p> <ul style="list-style-type: none"> <li>- Endangered, threatened, species of concern or candidate species listed under state or federal ESA, and their habitats (this is already covered under existing (non-Blue Plan) requirements; the Blue Plan calls attention to these existing requirements and provides helpful data and mapping).</li> <li>- Cetaceans (marine mammals)</li> <li>- Pinnipeds (seals)</li> <li>- Sea turtles and other reptiles</li> <li>- Birds</li> <li>- Mobile invertebrates (e.g. American lobster)</li> </ul> <p><b>Shellfish Areas:</b> ESA identified through the Blue Plan that apply here are:</p> <ul style="list-style-type: none"> <li>- Mobile invertebrates (e.g. American lobster)</li> <li>- Managed shellfish beds</li> </ul> <p><b>Visual Quality:</b> Blue Plan policies are consistent with existing CMA policies on visual or scenic resources. Blue Plan policy recognizes traditional human uses in addition to natural LIS features, such as maritime commercial activity, as being part of what constitutes the visual qualities that represent the character of LIS.</p>
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<b>Part IV.1; Project Information</b>	Describe existing structures within State regulatory jurisdiction, their condition and uses at the site of proposed work; resources and existing site conditions	None	The Map Viewer allows project proponents to see the spatial extent of other uses in the Sound, and the Blue Plan describes these uses and how to avoid impacting them. This allows applicants to proactively avoid conflict, either by avoiding heavy-use areas or optimizing project design and siting within the ESA and SHUA. This benefits new projects by debunking the claims of illegitimate opponents.
<b>Part IV.3; Project Information, cont.</b>	For new structures, activities, encroachments, discuss alternatives and why they were rejected...describe why any adverse impacts that remain should be acceptable by LWRD.	None	Using the information in the Map Viewer and Blue Plan policies, project proponents will have clearer direction about what is acceptable and be better able to design and site their project for minimal impact to existing uses and natural resources. By doing so, applicants will be able to navigate the consultation and review process more quickly and efficiently, and will be working with the same information and direction available to regulators from the start. New projects using the Blue Plan will be able to demonstrate that they have minimized their adverse impacts in all the criteria that LWRD reviews. Note that <b>none</b> of the SHUA and ESA are “no-go” zones, and projects that do not cause <b>significant</b> impacts within these areas may be allowed to proceed.
<b>Part IV.4; Project Information, cont.</b>	The proposed work is associated with which of the following uses? ...Marine commercial/industrial use, including aquaculture...public access...other	None	Blue Plan and Map viewer provide descriptions and locations of human use activities in LIS. Applicants can use this information to demonstrate that their project is compatible and consistent with surrounding uses or fills a need in the area.
<b>Part IV.7; Project Information, cont.</b>	If a new or expanded control structure were proposed, would it provide protection of...a water-dependent use	None	Map viewer shows location of water-dependent uses; project proponents can use this to inform their LWRD application and project design.
<b>Part IV.8; Project Information, cont.</b>	Identify and evaluate any potential beneficial or adverse impacts to: navigation; public access to, and public use of, public trust lands and	None See Introduction above for an explanation. See Column D for how Blue Plan	This is the part of Form C that most directly corresponds to the Significant Human Use areas of the Blue Plan. As noted in the Introduction at the top of the chart, the Blue Plan does not establish a new requirement in filling out the permit application, but it does provide new direction in how best to fill out the existing requirement here. That is because the Blue Plan information and policies will be

	waters waterward of Mean High Water.	information and policies nest into the existing permit application.	<p>considered as a factor in the review of the application. In short, it will be helpful for the applicant to organize answers regarding impacts to human uses so that they correspond with the Significant Human Uses (SHUA) identified by the Blue Plan. Please see below for how the SHUA correspond to the human uses broadly identified in column B.</p> <p><b>Navigation:</b> areas associated with: lighthouses, shipwrecks, mooring and anchorage, commercial anchorage and security areas, working waterfronts, designated navigation channels, vessel traffic areas, dredged materials disposal areas, cables and pipelines, coastal energy generating and transmission facilities.</p> <p><b>Public access to, and use of, public trust lands and waters:</b> areas associated with: sailing and rowing, marine events, high activity recreational boating, marinas and yacht clubs, coastal public use areas, historical and cultural significance, importance for research and monitoring, waterfowl hunting, dive sites, recreational fishing, commercial fishing, charter and party boat fishing, recreational shellfishing, commercial aquaculture.</p>
<b>Part VI. Supporting Documents: Attachment 3</b>	Adjacent parcel notification...include any known claimants of water rights...or leases of shellfish grounds.	None	Map Viewer will help applicants identify any adjacent uses, including aquaculture locations. Allows for better consultation with Department of Agriculture's Bureau of Aquaculture, and others as necessary, in identifying the right folks to contact.
<b>Part VI. Supporting Documents: Attachment 7</b>	Executive Summary. Summarize... the environmental...analyses of the impact of such activities.	None	The Blue Plan should reduce the need for applicants to conduct studies or surveys to analyze their impact on ecological resources in the Sound. By adhering to the Siting and Performance Standards when in an ESA, project proponents will be able to demonstrate that they have minimized their impacts.
<b>Part VI. Supporting Documents: Attachment 8</b>	Conservation or Preservation Restriction Information, if applicable.	None	Map Viewer provides location of Open Space and Public Land held by the State and municipalities; though this does not include private conservation land at this time. ESA are not conservation areas, and so no special authorization is required from outside entities.
<b>Part VI. Supporting Documents: Attachment 20;</b>	If project is within NDDB	None	Map Viewer allows applicants to quickly and easily see the exact spatial extent of NDDB areas in relation to their project, allowing for more specific, detailed submission to NDDB reviewers if needed. Since the

			Blue Plan does not break out NDDDB components, this step will remain largely unchanged, but now applicants will be able to see more precisely if their project is within a NDDDB area.
<b>Part VI. Supporting Documents: Attachment 23</b>	Fisheries consultation form (FCF)	It's unlikely projects requiring a FCF will be located in the policy area but if so and the project is in a commercial fishing SHUA, applicants are required to notify fishers potentially impacted.	DEEP Fisheries will help with guidance for this and a process has yet to be established, but it will most likely be a mailer to relevant fishers.  Map viewer allows applicants to see relation of their project to recreational and commercial fisheries, as well as relevant ecological components such as fish abundance and persistence, hard bottom, etc. Allows for a much more complete consultation, including map from the Viewer showing project area and how proposed activity will or will not coincide with these areas.
<b>Part VI. Supporting Documents: Attachment 24</b>	Department of Agriculture/Bureau of Aquaculture Consultation; any project in a municipality directly on LIS.	None	Blue Plan and Map Viewer provide information on and direction regarding town- and state-managed aquaculture leases and gear areas, as well as natural "seed" beds and recreational shellfishing areas. This information will improve applicant's ability to be detailed in submitting this form to DA/BA in describing their project's impacts on aquaculture resources.

### Part 3:

### Terminology:

See Table 2 below:

<p><b>Adverse Impact</b></p>	<p>Adverse impacts are defined in each regulatory program as stated in (statutory reference). For example, in terms of Connecticut’s Coastal Management Program adverse impacts are defined in CGS § 22a-93(15) to include, but are not limited to:</p> <p>Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones; degrading visual quality through significant alteration of the natural features of vistas and view points; degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat; and degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function.”</p>
<p><b>Area of Interest</b></p>	<p>The area in which data and information were collected in Long Island Sound to form a basis for Blue Plan development. Includes but is not limited to the planning area outlined in CGS § 22-157t(c), which states, “the submerged lands and waters subject to the commissioner’s planning, management and coordination authority under the Long Island Sound Blue Plan shall include Long Island Sound and its bays and inlets from the mean high water line, as defined by the most recent data of the National Oceanic and Atmospheric Administration, to the state’s waterward boundaries with the states of New York and Rhode Island.” More information can be found in Chapter 3.3 Long Island Sound Areas Subject to the Blue Plan and can be viewed in the <a href="#">Blue Plan Viewer</a>.</p>
<p><b>Ecologically Significant Areas</b></p>	<p>Areas of resources within Long Island Sound waters, or substrates that are identified as special, sensitive, or unique, including estuarine and marine life, and their habitats. Definitions of each of the ESA criteria can be found in Chapter 3.4a Designation of Ecologically Significant Areas, and Appendix 2, Ecologically Significant Areas: Supplemental Information and Maps and can be viewed in the <a href="#">Blue Plan Viewer</a>.</p>
<p><b>Feasible</b></p>	<p>Defined in CGS § 22a-38(17) as, “able to be constructed or implemented consistent with sound engineering principles:”</p>

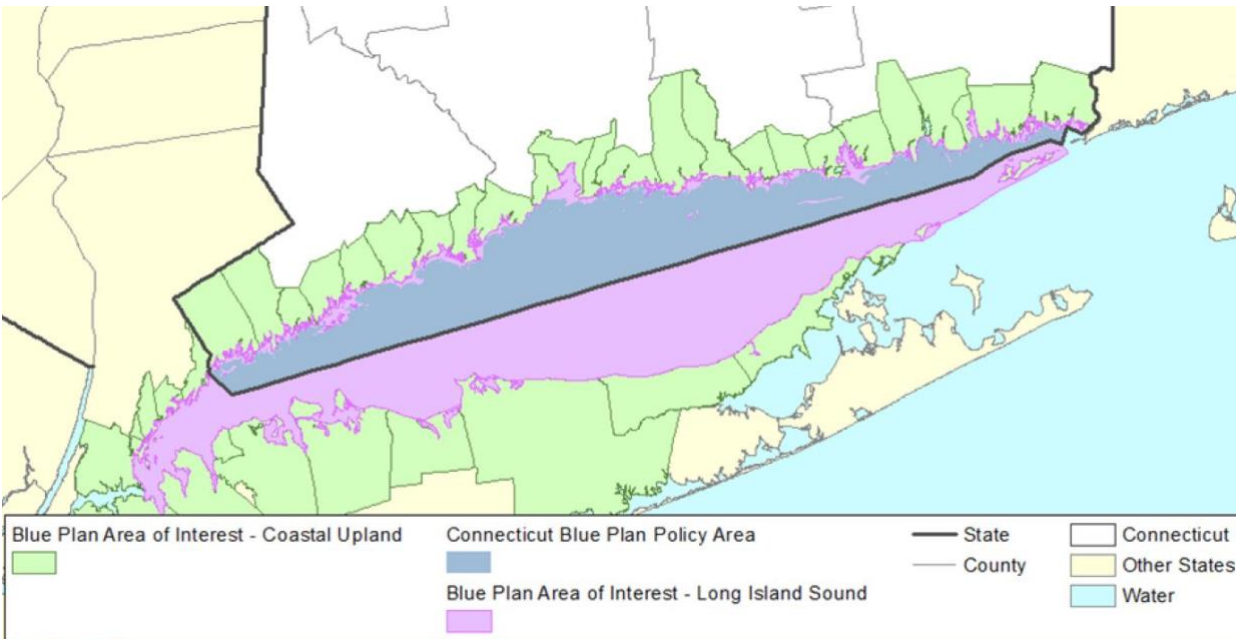
<p><b>Hard bottom or complex sea floor</b></p>	<p>Areas of hard bottom are characterized by exposed bedrock or concentrations of boulder, cobble, pebble, gravel, or other similar hard substrate distinguished from surrounding sediments and provide a substrate for sensitive sessile suspension-feeding communities and associated biodiversity. Complex seafloor is a morphologically rugged seafloor characterized by high variability in neighboring bathymetry around a central point. Biogenic reefs and man-made structures, such as artificial reefs, wrecks, or other functionally equivalent structures, may provide additional suitable substrate for the development of hard bottom biological communities. Areas of hard bottom and complex seafloor are areas characterized singularly or by any combination of hard seafloor, complex seafloor, artificial reefs, biogenic reefs, or wrecks and obstructions. These areas can be seen in the <a href="#">Blue Plan Viewer</a>.</p>
<p><b>Marine Spatial Planning</b></p>	<p>Adapted from the National Oceanic and Atmospheric Administration (NOAA, 2019):</p> <p>Marine planning is a science-based tool that regions can use to address specific ocean management challenges and advance their goals for economic development and conservation....This process is designed to decrease user conflict, improve planning and regulatory efficiencies, decrease associated costs and delays, engage affected communities and stakeholders, and preserve critical ecosystem functions and services. Marine planning is a process developed from the bottom up to improve collaboration and coordination among all coastal and ocean interests, and to better inform and guide decision-making that affects their economic, environmental, security, and social and cultural interests.</p>
<p><b>Policy Area</b></p>	<p>The area of Long Island Sound where Blue Plan policies and standards will apply, as outlined in CGS § 25-157t. The demarcation line is no shallower than the 11.8ft depth contour relative to Mean Lower Low Water. <b><i>This value represents the closest approximation to the depth as referenced in statute without going shallower and is used to leverage the convenience of deriving it from NOAA Nautical Chart data.</i></b> As a result, an authoritative policy line and area can be presented spatially through maps or web-based viewers negating the need for field work and surveys to locate a particular depth. More information and maps representing the policy area can be found in Chapter 3.3 of the Blue Plan and can be viewed in the <a href="#">Blue Plan Viewer</a>.</p>
<p><b>Public Benefit</b></p>	<p>A material positive impact to the well-being of the Long Island Sound ecosystem, economy or the general public, as opposed to any particular benefits to individual firms or economic actors. Public benefit includes facilities in the national interest defined by CGS § 22a-93(14), and facilities in support of the State’s <a href="#">Comprehensive Energy Strategy</a>, required by CGS § 16a-3d(a), and modified by PA 18-82 to become a Comprehensive Climate and Energy Strategy by 2020 (CT DEEP, 2018), and the <a href="#">State Plan of Conservation and Development</a>, CGS §16a-27 through 16a-30 (Office of Policy and Management, 2005-2010).</p>
<p><b>Rare, sensitive or vulnerable, species, communities or habitats</b></p>	<p>The ecological components in this category play critical roles in the Long Island Sound ecosystem but are demonstrably rare or particularly vulnerable to disturbance and/or environmental change. They support ecological functions important for marine life survival. These areas can be seen in the <a href="#">Blue Plan Viewer</a>.</p> <p>The criteria in this category correspond to similar components of ecological importance identified by other ocean planning and management efforts, many of which already confer special protection via local, state, and federal regulations, such as Endangered Species Acts.</p>

<p><b>Significant Human Use Areas (SHUA)</b></p>	<p>Areas of use that have a significant role in the social, cultural, historic, economic, and quality of life practices of Long Island Sound communities. Definitions of each of the SHUA criteria can be found in Chapter 3.4b: Designation of Significant Human Use Areas, and Appendix 3, Significant Human Use Areas: Supplemental Information and Maps and can be viewed in the <a href="#">Blue Plan Viewer</a>.</p>
<p><b>Spatial Plan</b></p>	<p>Adapted from the European Commission:</p> <p>Spatial plans rely on an understanding of the spatial and temporal distribution of resources and uses to form a set of documents that present a strategic direction for the development and conservation of a given geographic area, states the policies, priorities, programs and land allocations that will implement the strategic direction and influences the distribution of people and activities in spaces of various scales.</p>
<p><b>Submerged aquatic vegetation</b></p>	<p>Areas where submerged aquatic vegetation, e.g., eelgrass (<i>Zostera marina</i>), etc., are present or have been found to be present in the US Fish and Wildlife Service National Wetland Inventory mapped eelgrass in Long Island Sound from 2002 on. These areas can be seen in the <a href="#">Blue Plan Viewer</a>.</p>
<p><b>Visual and scenic resources</b></p>	<p>Adapted from the CT Coastal Management Manual and the Blue Plan:</p> <p>Landscape-scale vistas from public viewing points of state or regional significance (such as state parks or prominent viewing areas) offering unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study. This may include natural views as well as built views that typify a cultural landscape and the visual attributes associated with traditional water-dependent uses, such as vessels, moorings or buoys, and common visual points of reference. In general, places used in part for the observation, enjoyment, and appreciation of natural or cultural visual qualities.</p>
<p><b>Water-dependent uses</b></p>	<p>Defined in CGS § 22a-93(16) which states</p> <p>“those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters;”</p>

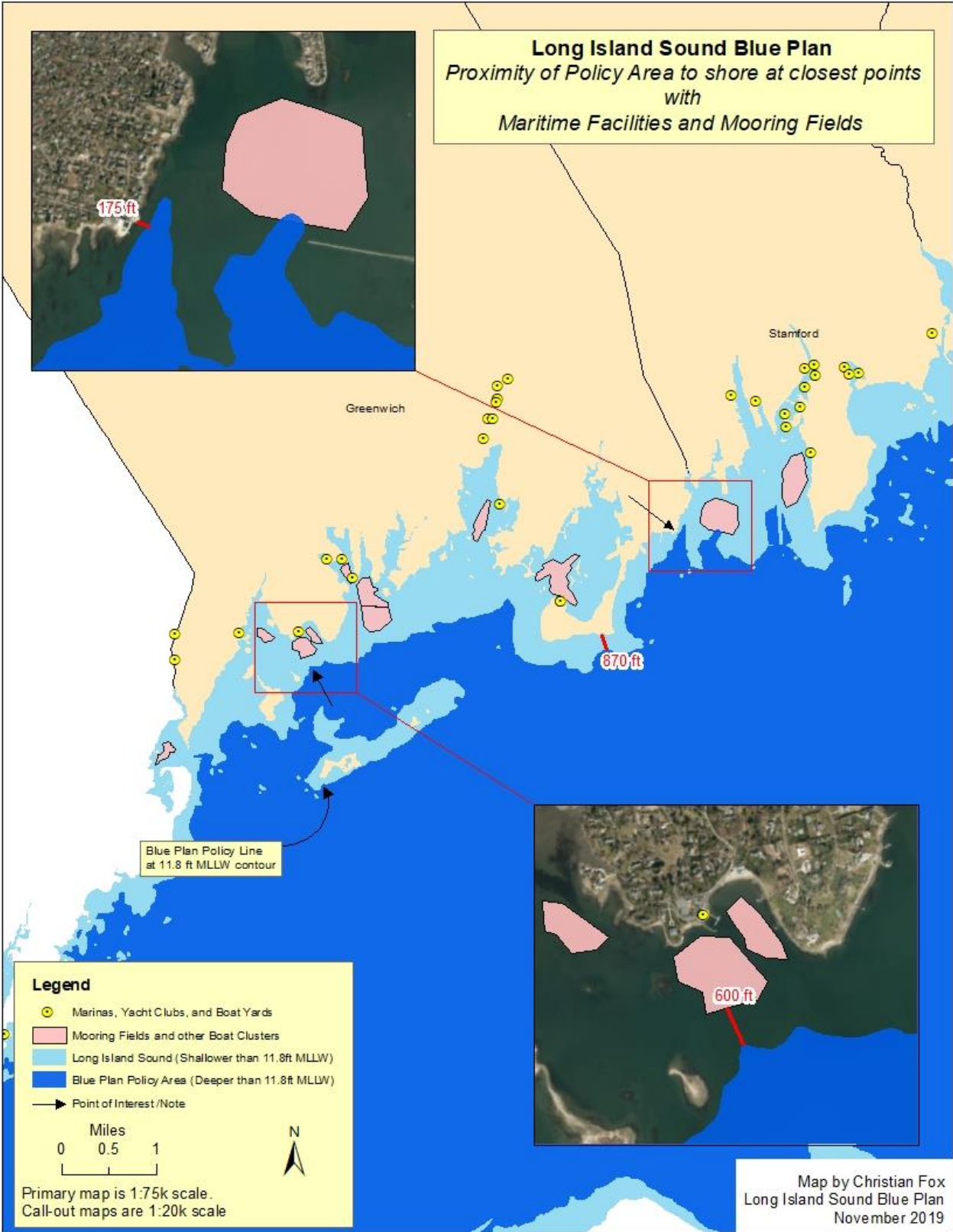


### Appendix 1: Maps of the Blue Plan Policy Line

The following series of maps shows the relation of the Blue Plan policy area to the shoreline of Connecticut and the marinas and mooring fields that service the many recreational boaters here. These maps are intended to give a more intuitive feel for where the policy area may be found in relation to common landmarks. The maps proceed from west to east along the shoreline.



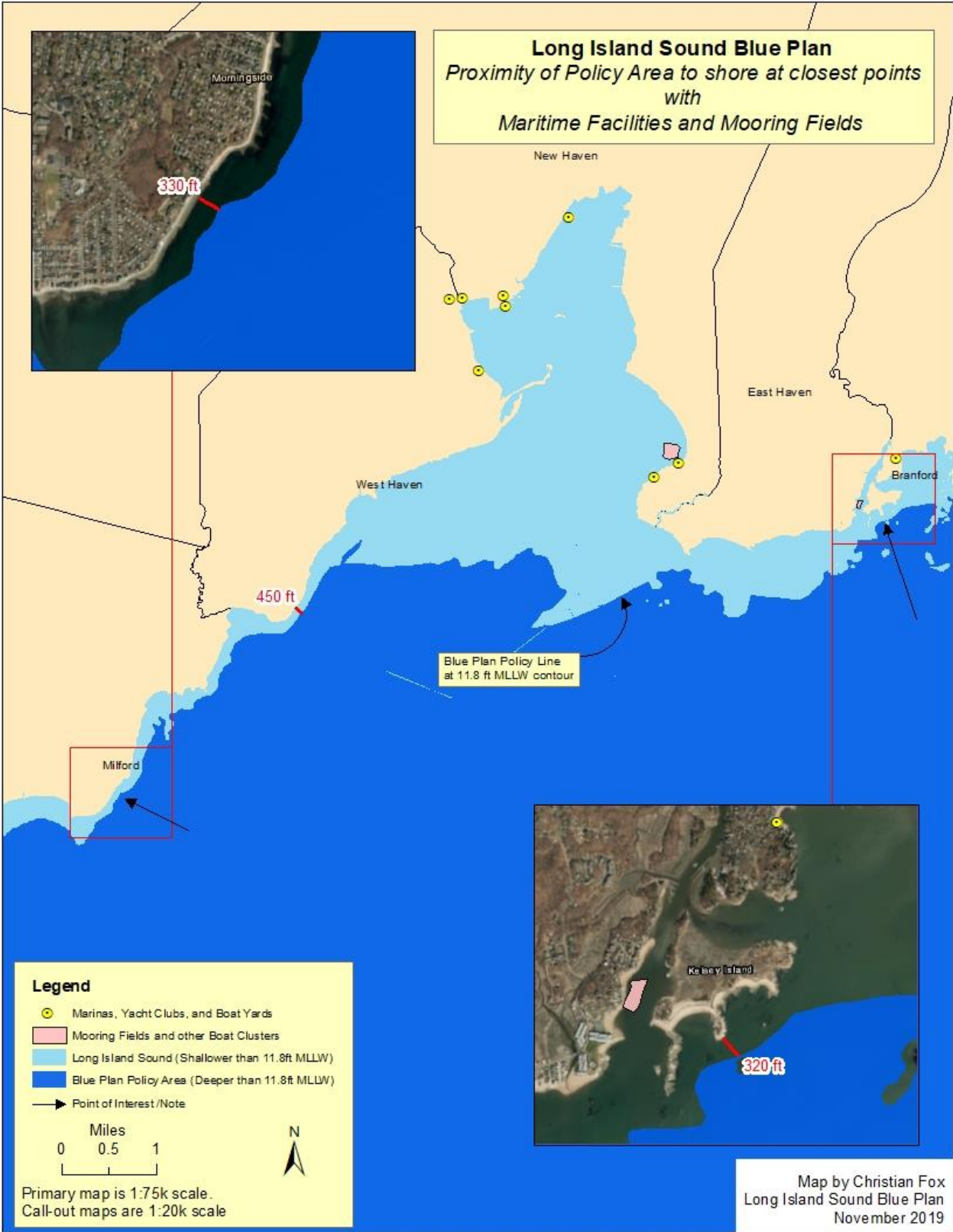
Overview map of Blue Plan policy area

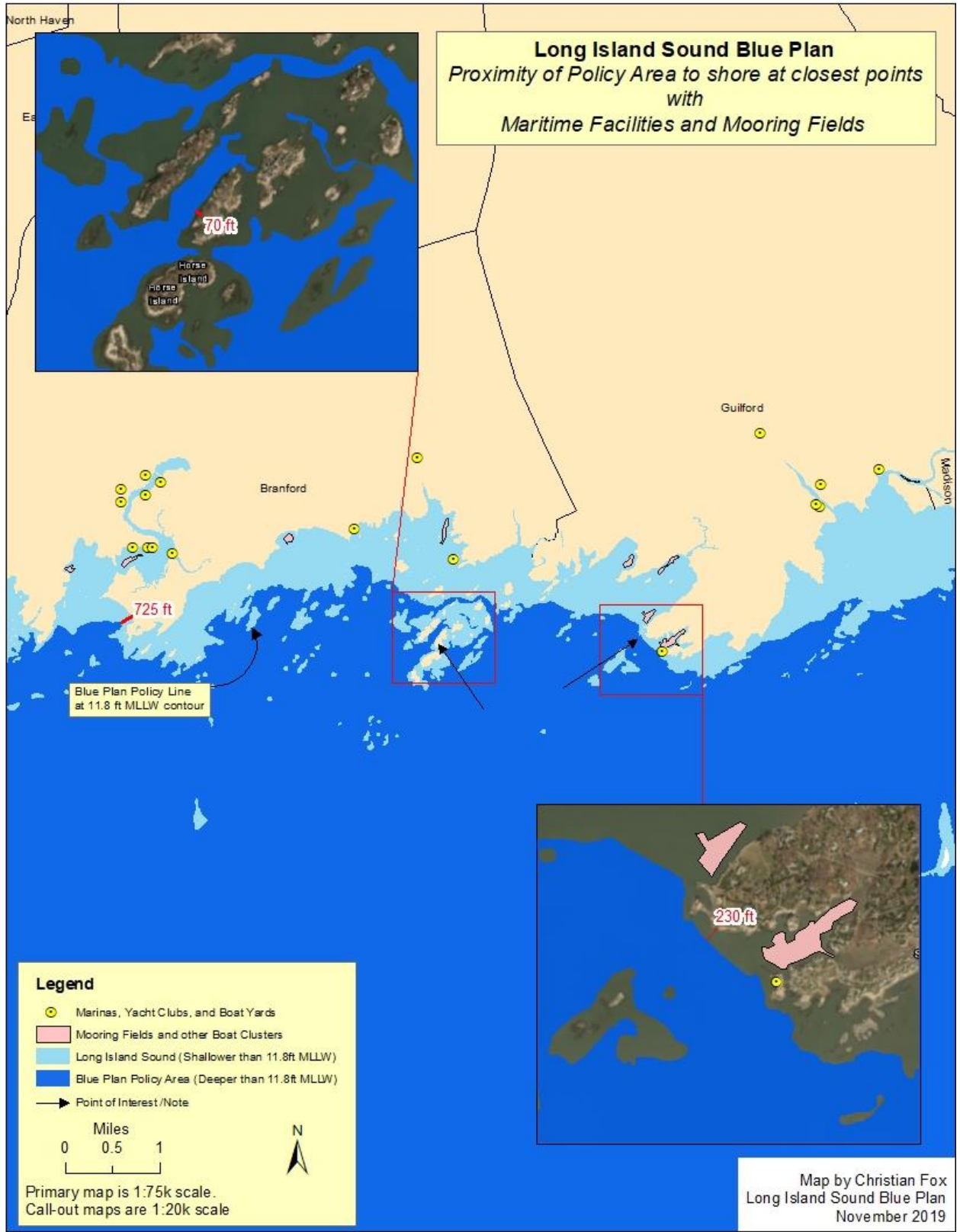






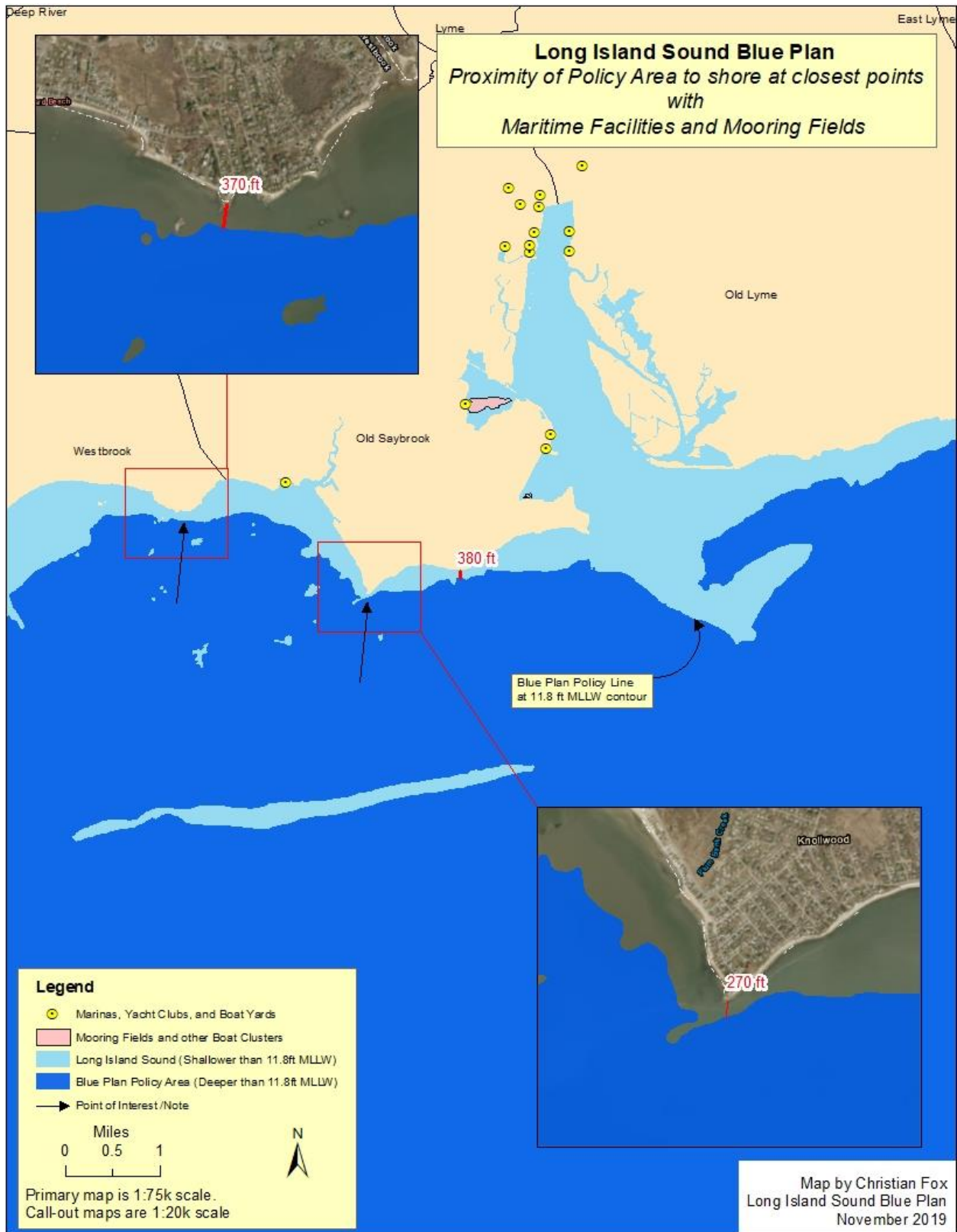


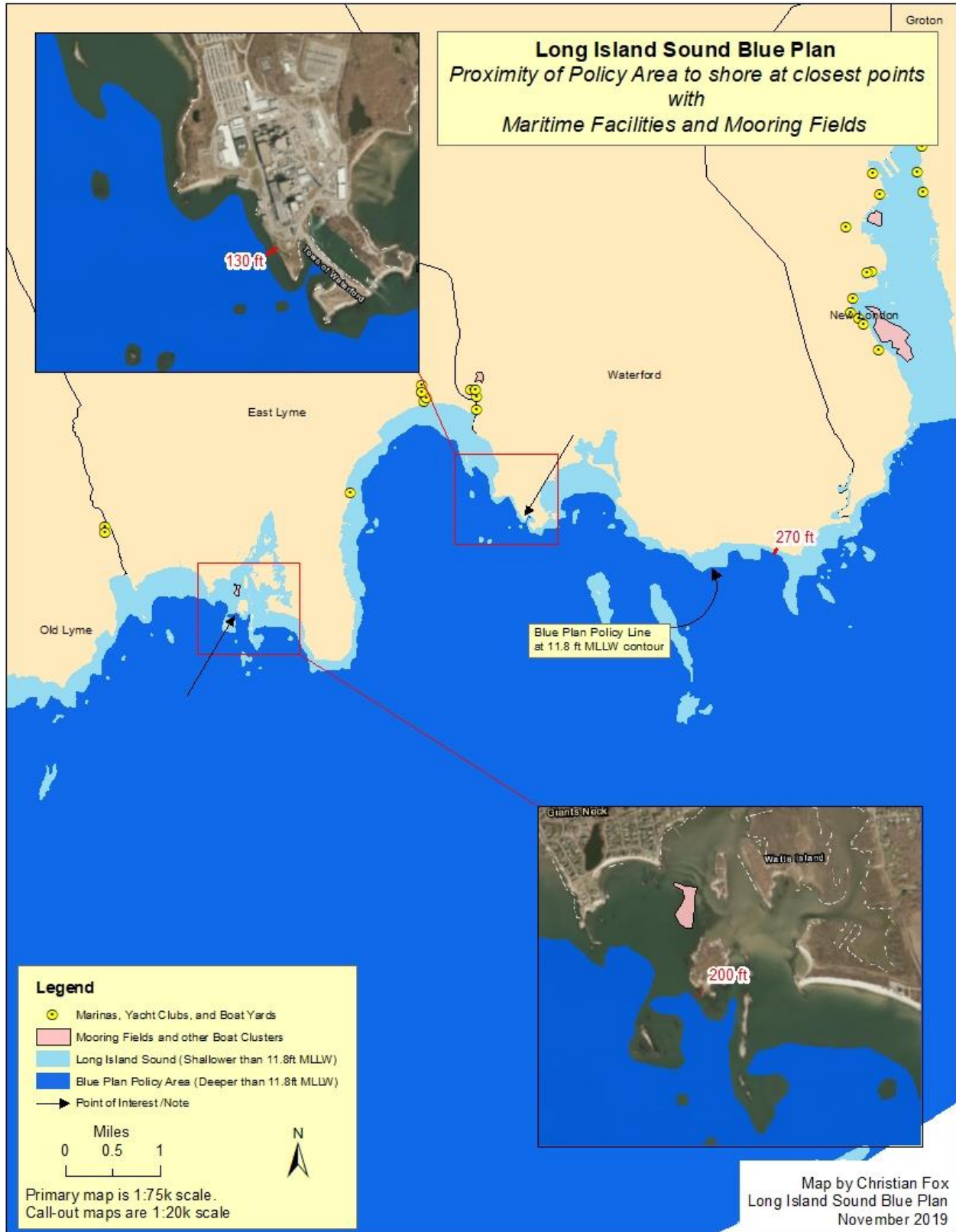


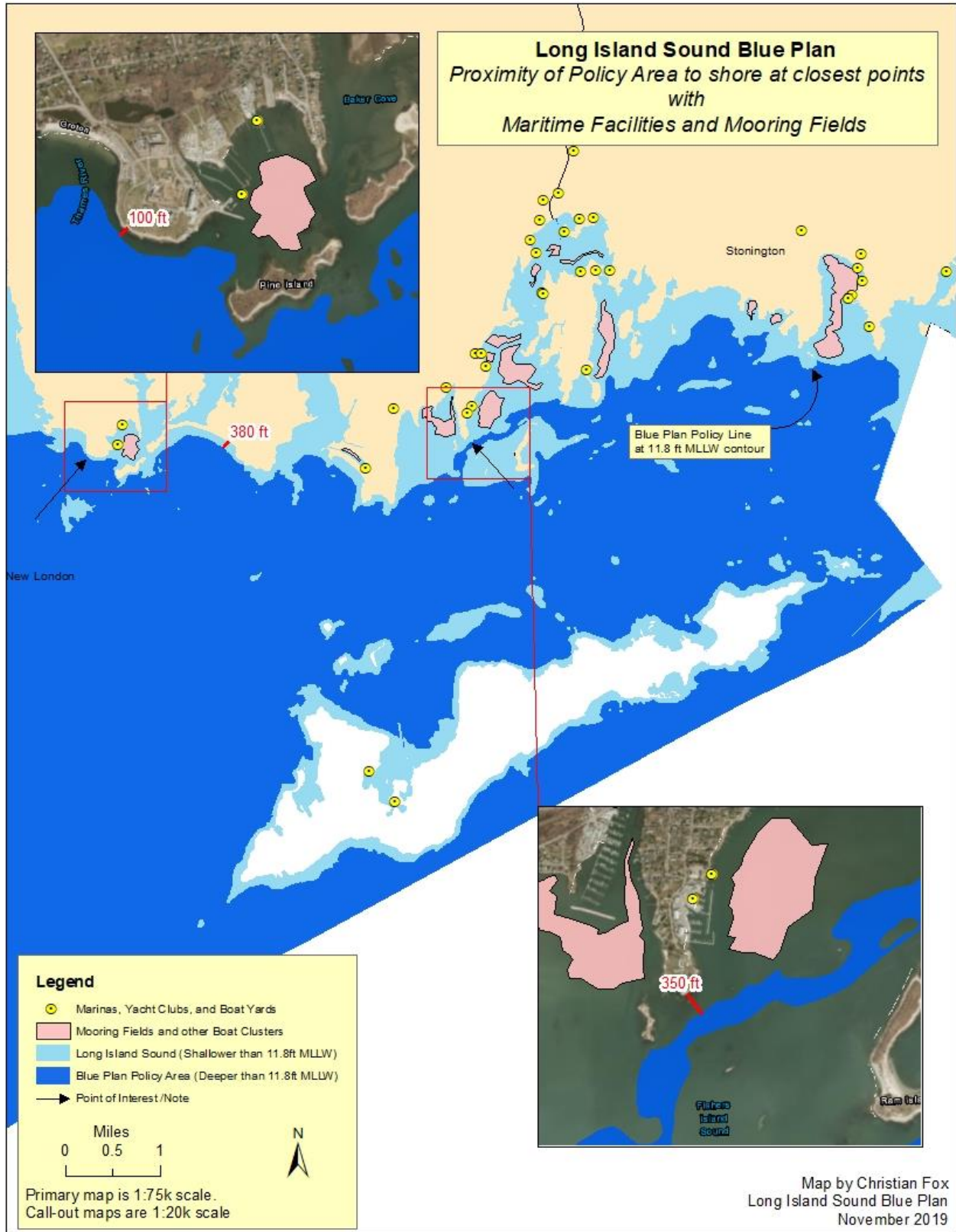






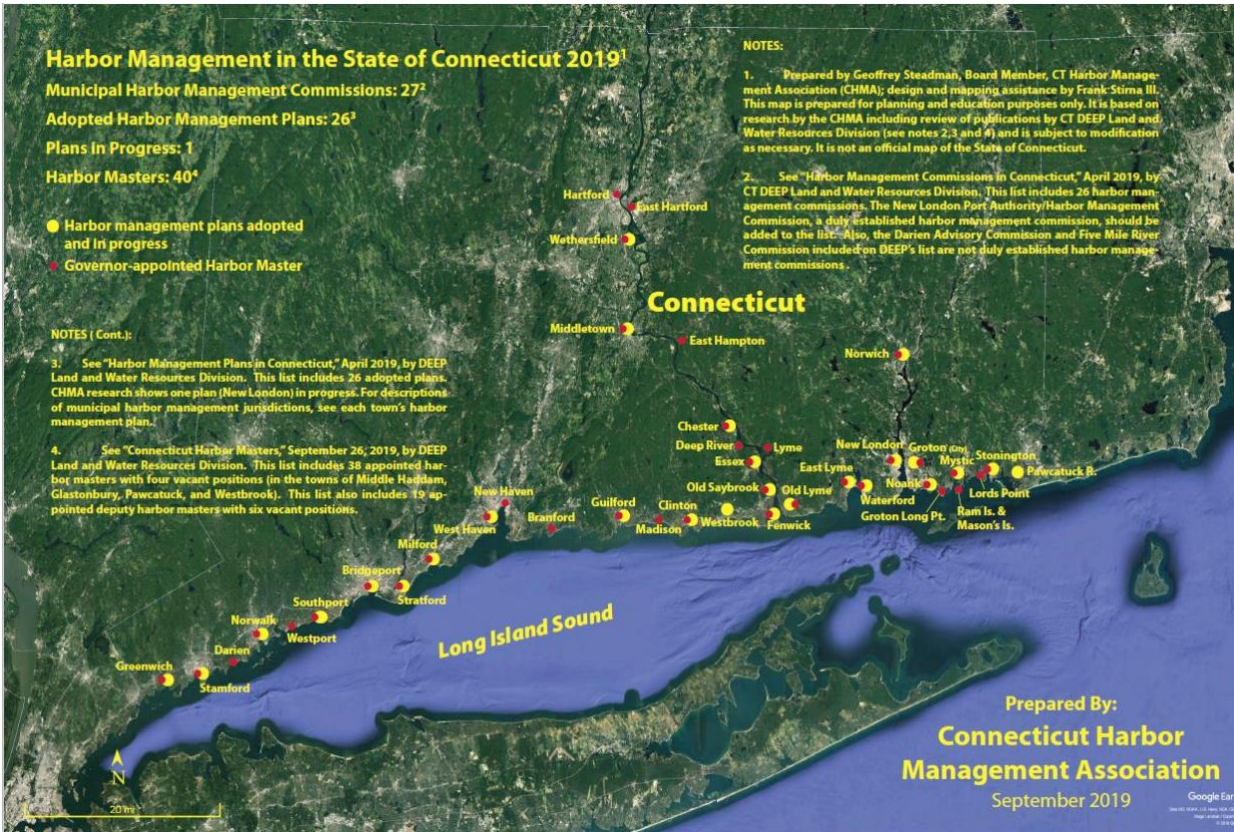






## Appendix 2: Harbor Management Commission areas

It is known that there is some overlap of harbor management plan areas (see below) and the Blue Plan policy area. Even if there is geographic overlap of management areas, there is no jurisdictional conflict; harbor management plans are not compelled to be consistent with the Blue Plan. If a proposed project is in an area of overlap, applicants subject to a harbor management plan must, as now, remain consistent with that local plan as well as consider the policies of the Blue Plan. Except in cases of Federal Consistency, no other programs are affected by the Blue Plan other than those named in the statute.



Towns with harbor management commissions, harbormasters, and both. Map by Geoffrey Steadman, Connecticut Harbor Management Association (CHMA).