




FACT SHEET

LWRD's Top 10 Compliance Issues and How to Fix Them

1. **Inadequate installation, inspection, and maintenance of erosion and sedimentation controls and stormwater quality measures at work sites.** Guidance on erosion and sediment controls and stormwater quality measures can be found within the [Guidelines for Soil Erosion and Sediment Control](#) and [Stormwater Manual](#).
2. **Misconception that older and existing coastal structures are considered “Grandfathered” and do not need authorization from DEEP.** Many people mistakenly believe that existing docks are "grandfathered," and that repair of these structures needs no authorization from DEEP.
 - **The only docks which are “grandfathered” are those that were built prior to June 24, 1939 and have been continuously maintained and serviceable since that date.** However, substantial maintenance work or modifications to a pre-1939 dock would also require authorization through the [Certificate of Permission](#) (COP) process.
 - **Docks built between 1939 and January 1, 1980** without permits may be authorized and maintained or modified under a COP, provided there are no resource, navigation, or public trust concerns.
 - **Existing permitted docks** may also be eligible for modification or maintenance through a COP.
3. **Failure to submit required post-license documents, such as tidal wetland restoration monitoring reports, as-built drawings, shared dock agreements, photos of structure/fill removal, etc...** It's important to read the entire license carefully, including all of the attachments that are included with the license.
4. **Noncompliance with permit conditions, such as posting the first page of the license at the work site or flagging tidal wetland limits.** It's important to read the entire license carefully, including all of the attachments that are included with the license.
5. **Changes made to the authorized structures without DEEP notification or approval.** Condition number 16 of the General Conditions for LWRD Licenses requires a pre-approval for any modification to a structure or methodology:

De Minimis Alteration. The Licensee shall not deviate from the authorized activity without prior written approval from the Commissioner. The Licensee may request a de minimis change to any authorized structure, facility, or activity. A de minimis alteration means a change in the authorized design, construction or operation that individually and cumulatively has minimal additional environmental impact and does not substantively alter the project as authorized.
6. **Minor height increases to seawalls or additions of shoreline armor stone conducted without DEEP license.** A COP must be obtained prior to starting minor work that is waterward of the [Coastal Jurisdiction Line](#). For example, minor activities, such as a minor height increase to a seawall related to previously authorized work, may be eligible for a COP.

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7. **Beach raking and grading conducted below the Coastal Jurisdiction Line during the seasonal restriction period for shore nesting birds and horseshoe crab spawning is not in compliance with Coastal Maintenance General Permit.** Please refer to the PowerPoint located at this link: [OLISP General Permits](#), which summarizes seasonal restrictions for Coastal General Permits.
 8. **Unauthorized fences, groins and signs installed below the Mean High Water line that obstruct public access along beaches/shorelines.** [Connecticut's shore belongs to the people](#) under the common law public trust doctrine. As such, all coastal states, as sovereigns, hold the submerged lands and waters waterward of the mean high water line in trust for the public. In Connecticut, numerous state Supreme Court cases confirm that private ownership ends at the mean high water line, and that the state holds title to the lands waterward of mean high water for the use and benefit of the public. Further information on the Public Trust can be found on the [Public Trust Fact Sheet](#).
 9. **Unauthorized dock floats, including jet ski floats, added to authorized docks without DEEP approval.** It is illegal to replace authorized floats with larger floats that are inconsistent with permitted conditions and to add unauthorized floats, including those to berth personal watercraft. DEEP has very strict limitations on dock float size to minimize private encroachments within the public trust and minimize impacts to navigation and abutters littoral/riparian rights. See DEEP's residential dock guidelines at: [Residential Dock Guidelines](#).
 10. **Time lapses in escalation of enforcement response for Notice of Noncompliance (NON) / Notice of Violation (NOV) non-compliance.** Since ownership of coastal properties can change frequently, it is common for DEEP violations to unknowingly pass to a new owner. Informal violations such as NOV's/NON's are not required to be recorded in the municipal land records, and seller disclosure requirements do not include tidal wetlands or the permitted status of coastal structures. Efforts are underway to set specific timeframes for transitioning from informal to formal enforcement and incentivize compliance with a consent order that provides sufficient time to submit a permit application and offsets 75% of civil penalties.

This fact sheet is intended for informational purposes only based on the information available as of the date of its publication and does not represent a formal jurisdictional determination by which DEEP or any other permitting authority referenced will be bound. Information contained in this fact sheet does not represent a comprehensive list of all permit requirements potentially applicable, which in most cases can only be determined on a site-specific basis. It is intended only to provide information on permits that may be required. Refer to the most current statutes, regulations, and public acts for specific language pertaining to each permit. It is your responsibility to comply with all applicable laws. Contact DEEP (DEEP.CONCIERGE@ct.gov) with questions regarding a specific site or project.

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