



PERMIT

Permittee: The Hammonasset Fishing Association
605 County Road
Madison, CT 06443
Attn: Victor Donahey

Permit No: DS-202302682

Town: Killingworth

Project: Tetram Pond Dam Repairs, Dam ID #7003, Hazard Class: BB

Waters: Bunker Hill Brook

Pursuant to Connecticut General Statutes Section 22a-403, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to The Hammonasset Fishing Association (“the Permittee”) to conduct regulated activities associated with the Tetram Pond Dam repairs, Dam ID # 7003. The purpose of said activities is to repair the Tetram Pond Dam.

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to do the following: raise the earthen berm and subsurface concrete core walls on both sides of the concrete spillway, replace deteriorated concrete sections, install a prefabricated footbridge atop new concrete abutment, remove all woody vegetation within 25 feet of the dam and establish grass cover.

The proposed activities will not impact wetlands associated with the Bunker Hill Brook.

All activities shall be conducted in accordance with plans entitled: “Final Design Plans, Property of Hammonasset Fishing Association, Tetram Pond Dam, CT Dam ID #7003, Killingworth, Connecticut, Tax Assessor 07, Parcel 04, Zone: Rural Residential Map”, dated March 6, 2020, revised August 7, 2023; prepared by Raymond G. Paier, P.E. of Westcott and Mapes, Inc. signed and sealed on March 6, 2020 and submitted as a part of the application.

This authorization constitutes the licenses and approvals required by Section 22a-403 of the Connecticut General Statutes. This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby.

The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.

This authorization is subject to the following conditions:

CONDITIONS:

1. **Expiration.** This permit shall expire three years following the date of issue unless this permit is specifically renewed.
2. **Construction Commencement and Completion.** If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.
3. **Notification of Project Initiation.**
 - a. The permittee shall notify the Commissioner in writing no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.
 - b. The permittee shall, pursuant to Section 22a-377(b)-1(a)(16)C of the Regulations of Connecticut State Agencies, notify the Commissioner and any potentially affected water company in writing at least seven (7) days prior to the lowering of Tetram Pond for the purpose of undertaking permitted activities.
4. **De minimis Alteration.** The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit. A de minimis alteration means a change in the design, construction or operation authorized under this permit that does not increase environmental impacts or substantively alter the construction of the project as authorized. If during the process of construction, unforeseen conditions are found on the site and the permittee and their engineer determine that it would be appropriate to modify the design, then the permittee shall notify DEEP within 24 hours of any potential design changes. DEEP shall determine if the design modifications will be an activity that can be categorized as a de minimis activity when compared to the permitted design. No work shall take place which was not included as part of the permitted design until DEEP responds to this determination request.
5. **Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized

by this permit, or exempted pursuant to Section 22a-377 of the Connecticut General Statutes or Section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other Connecticut General Statutes, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

6. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
7. **Best Management Practices & Notification of Adverse Impact.** The permittee shall utilize engineered erosion and sediment controls to prevent pollution of wetlands and watercourses in accordance with Best Management Practices. Best Management Practices include, but are not limited to, the *Connecticut Guidelines for Soil Erosion and Sediment Control*¹ as revised, the *Connecticut Stormwater Quality Manual* as revised, the Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

The permittee shall deploy controls prior to the commencement of construction, and regularly inspect and maintain controls as needed for effectiveness. Said controls shall be inspected by the permittee for deficiencies at least once per week and immediately after each rainfall and at least daily during prolonged rainfall. The permittee shall correct any such deficiencies within forty eight (48) hours of said deficiencies being found.

The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.

Drawdown of Tetram Pond shall be limited in extent and duration to that necessary to complete the permitted activities.

8. **Reporting of Potential Violations.**
 - a. The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report in writing to the Commissioner. Such written report shall contain the following information, and be submitted to DEEP.DamSafety@ct.gov:
 - a. The provision(s) of this permit that has been violated;

¹ For guidance on the use of erosion and sediment controls, refer to the *2002 Connecticut Guidelines For Soil Erosion and Sediment Control* document (update pending). URL: <https://portal.ct.gov/-/media/DEEP/water/sesc/sescintrotocpdf.pdf>.

- b. The date and time the violation(s) was first observed and by whom;
- c. The cause of the violation(s), if known
- d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
- e. If the violation(s) has not ceased, the anticipated date when it will be corrected;
- f. Steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented; and
- g. The best telephone number where DEEP can reach the engineering consultant in a timely manner.

9. **Material Storage in the Floodplain.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
10. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
11. **Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
12. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable as a criminal offense in accordance with Section 22a-6 of the General

Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute.”

- 13. Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

DEEP.DamSafety@ct.gov

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

- 14. Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

15. Dam Safety Conditions

- a. This permit and a copy of the approved plans and specifications shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- b. Permitted activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who has expertise in dam construction. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
- c. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawings shall be prepared and sealed by the engineer who oversaw the construction. In addition, the permittee shall arrange for submission of an electronic copy of the final record drawings in Adobe Acrobat “pdf” format.

- d. Nothing in this chapter and no order, approval or advice of the Commissioner, shall relieve any owner or operator of this dam from his legal duties, obligations and liabilities resulting from such ownership or operation. No action for damages sustained through the partial or total failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of Energy and Environmental Protection, or his employees or agents.
 - e. The Sequence of Construction and Water Handling Plan provided in the application shall be reviewed by the contractor repairing the dam. If the plan is revised or updated, a copy of the revised plan must be submitted to the Dam Safety Program at its email address: DEEP.DamSafety@ct.gov before beginning repair or within 48 hours of its revision after the work has started.
 - f. The flood contingency plan submitted with the application shall be reviewed by the contractor and if any revisions are made to the plan, a copy of the revised plans must be submitted to the Dam Safety Program at DEEP.DamSafety@ct.gov within 48 hours.
- 16. Time of Year Restrictions.** All work on the secondary spillway is prohibited from October 1st through May 30th, inclusive, of any year in order to protect fisheries resources in the area unless otherwise authorized in writing by the Commissioner.
- 17. NDDB Species Protection.** The Permittee shall conduct work in accordance with mitigation measures identified in NDDB Final Determination #202302201 dated March 13, 2023, attached hereto. Authorized activities are restricted to June 1st – September 30th.
- 18. Downstream Flow.** The Permittee shall maintain flow downstream of the dam into Bunker Hill Brook at all times. The Permittee shall maintain at least the Q80 durational flow throughout the refilling of the impoundment.

Issued by the Commissioner of Energy and Environmental Protection on:

Date

Graham J. Stevens
Bureau Chief
Water Protection and Land Reuse



3/13/2023

Nash Ericson
WESTCOTT & MAPES, INC.
142 Temple St
New Haven, CT 06510
Nericson@westcottandmapes.com

Subject: Tetram Pond Dam

Filing #: 96520

NDDB - New Determination Number: 202302201

Expiration Date: 3/13/2025

Location: Tetram Pond Dam, Off of Country Rd, Killingworth, CT

I have reviewed Natural Diversity Database (NDDB) maps and files regarding this project. According to our records, there are State-listed species (RCSA Sec. 26-306) that may be influenced by activities within the proposed project area.

- **Eastern box turtle (*Terrapene carolina carolina*) State Special Concern**
- **Spotted turtle (*Clemmys guttata*) State Special Concern**

In Connecticut, eastern box turtles are found in well-drained forest bottomlands and a matrix of open deciduous forests, early successional habitat, fields, gravel pits, and or powerlines. Turtles are dormant between November 1 and April 1 and hibernate in only a few inches from the surface in forested habitat. The greatest threat to this species is habitat loss, fragmentation, and degradation due to development. This species is very sensitive to adult mortality because of late maturity (10 years old) and long life span (50-100years). Vehicular traffic, heavy equipment used for farming, and ATV use in natural areas are implicated specifically in adult mortality through collisions. Illegal collection by the pet trade and unknowing public for home pets exacerbates mortality rates and removes important individuals from the population. Predation rates are also unnaturally high because of increased predator populations (e.g. skunks, foxes, raccoons, and crows) that surround developed areas.

Spotted turtles are associated with wetlands and vernal pools. Over the course of a season and lifetime, individuals will travel large distances (up to 1km) over upland forest and fields between multiple wetlands. They overwinter burrowed into the mud in wetlands between Nov 1- March 15. They do not begin to reproduce until 7-10 years old and adults can live at least 30 years. This species is threatened most by any activities that reduce adult survivorship including road kills, commercial and casual collection, increased predation in areas around commercial and residential development, mortality and injury from agricultural equipment or other mechanical equipment.

Protection measures:

- I do not anticipate impacts to state listed species from tree clearing activities and construction that occur between November 1- March 31 that do not involve a drawdown.
- If a drawdown is required for work:
 - To avoid exposing hibernating individuals avoid conducting full drawdowns of impoundments during their dormant season (November 1- March 15). If drawdown must occur during this time, it should not be a complete drawdown and should be conducted slowly to allow animals to move with the water.

If work occurs between April 1- October 31: The work crew be made aware of the turtle species description and possible presence

- The immediate area to be cleared/worked each day should be searched for turtles before starting work
- Any turtles found during the work should be moved out of the way, just outside of the work area. This animal is protected by law and should never be taken off site.
- Work conducted during the early morning and evening hours should occur with special care not to harm basking or foraging individuals

Your submission information indicates that your project requires a state permit, license, registration, or authorization, or utilizes state funding or involves state agency action. This NDDDB - New determination may be utilized to fulfill the Endangered and Threatened Species requirements for state-issued permit applications, licenses, registration submissions, and authorizations.

Please be aware of the following limitations and conditions:

Natural Diversity Database information includes all information regarding listed species available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, land owners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as enhance existing data. Such new information is incorporated into the Database and accessed through the ezFile portal as it becomes available. New information may result in additional review, and new or modified restrictions or conditions may be necessary to remain in compliance with certain state permits.

- During your work listed species may be encountered on site. A report must be submitted by the observer to the Natural Diversity Database promptly and additional review and restrictions or conditions may be necessary to remain in compliance with certain state permits. Please fill out the [appropriate survey form](#) and follow the instructions for submittal.
- Your project involves the state permit application process or other state involvement, including state funding or state agency actions; please note that consultations with your permit analyst or the agency may result in additional requirements. In this situation, additional evaluation of the proposal by the DEEP Wildlife Division may be necessary and additional information, including but not limited to species-specific site surveys, may be required. Any additional review may result in specific restrictions or conditions relating to listed species that may be found at or in the vicinity of the site.
- If your project involves preparing an Environmental Impact Assessment, this NDDDB consultation and determination should not be substituted for biological field surveys assessing on-site habitat and species presence.
- The NDDDB - New determination for the Tetram Pond Dam as described in the submitted information

and summarized at the end of this document is valid until 3/13/2025. This determination applies only to the project as described in the submission and summarized at the end of this letter. Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes, including if work has not begun by 3/13/2025.

If you have further questions, please contact me at the following:

Shannon Kearney
CT DEEP Bureau of Natural Resources
Wildlife Division
Natural Diversity Database
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov

Please reference the Determination Number 202302201 when you e-mail or write. Thank you for consulting the Natural Diversity Data Base.

Shannon Kearney
Wildlife Division- Natural Diversity Data Base
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov