

LWRD License Pre-Application Consultation Form

Water Resource Mitigation

If construction activities result in irreversible impacts to water resources, compensatory mitigation may be required to offset resource losses with resource gains. This form is used to help determine if mitigation would be required to compensate for impacts to state-regulated waters authorized under state regulatory programs.

NOTICE: Connecticut's water resource laws and policies require that applicants first avoid and minimize impacts to water resources to the greatest extent feasible and prudent when designing projects, prior to proposing resource loss and compensation via mitigation¹. Applicants must demonstrate that irreversible impacts are unavoidable, and further minimization of impact is not practicable, prior to submitting license applications which propose permanent destruction or degradation of water resource extents or functions.

To the Applicant:

If any of the water resource impacts listed below apply to your project, complete Part I of this form and email it to WaterResourceMitigation@ct.gov prior to submitting a license application to DEEP's LWRD Division. Staff will complete Part II and return the form. Once the form is returned to you, include it in Attachment 17 of your LWRD license application.

If mitigation is determined to be required, a Mitigation Plan (or acceptable alternative) must also be submitted as Attachment 17 to the LWRD license application. Mitigation Plans require Commissioner approval, so if compensatory mitigation is required to offset impacts, then typically a Mitigation Plan describing the compensation must be provided in the same license application that proposes the impacts.

Submit this form if your project proposes any of the following:

(Refer to the [Mitigation Glossary](#) for definitions of the terms below)

- a) Any square footage of permanent impact to [tidal wetlands or intertidal flats](#);
- b) Over 3,000 square feet of permanent impact to [inland wetlands](#);
- c) Over 1,000 square feet of permanent impact to [inland or tidal streams](#);
- d) Over 4,000 square feet of permanent impact to [open waters \(lakes, ponds, harbors, embayments, LIS\)](#)
- e) Substantial areas of temporary activities in resources that may significantly alter resource function over the long term, such as temporary impacts to wetlands that exceed 20,000 square feet/0.5 acres;
- f) GP-eligible activities anticipated to impact water resources cumulatively, to the extent that such activities may exceed the impacts described in a) to e) above, in one annual reporting period.

Note: Temporary activity areas in water resources that cannot or will not be restored to pre-construction conditions within one year may result in permanent conversion of resource function over the long term, which is considered permanent impact.

¹ Avoidance and minimization considerations are outlined in CGS § [22a-41](#) of the Inland Wetlands and Watercourses Act, CGS § [22a-33](#) and § [22a-35a](#) of the Tidal Wetlands Act, RCSA § [22a-30-10](#) of the Tidal Wetlands Regulations and § [22a-92](#)(b) of the Connecticut Coastal Management Act.

Part I: Applicant and Project Information (completed by APPLICANT)

1. Applicant Information

Name: _____ Phone: _____ Email: _____
Address: _____ City/Town: _____ State: _____ Zip Code: _____

2. Project and Site Information

Name of Project: _____
Project Address: _____ City/Town: _____ State: _____ Zip Code: _____

A) License Type(s) Anticipated to be Needed (*List all that apply*):

B) LWRD Regulatory Region where License Application is Anticipated to be Submitted:

_____ (See [LWRD Regulatory District map](#))

C) Briefly summarize the main project purpose and key construction activities proposed:

3. Water Resource Impact Information

A) Have avoidance and minimization measures been fully considered, yet further avoidance and minimization of impacts to water resource(s) was determined not practicable, and long-term impacts to water resources are anticipated to occur?

☐ Yes ☐ No

Please note that demonstration of avoidance and minimization of impacts, and alternatives explored, is required in the LWRD permit application.

B) If yes, and unavoidable impacts remain after avoidance and minimization have been fully considered, summarize the anticipated impacts using the table below.

In the **Water Resource Impact Summary** table below, check each box (as applicable) to indicate the water resource types that are proposed to be impacted. Identify square footages of anticipated temporary and permanent impacts to each water resource, as applicable, and describe the impact.

Water Resource Impact Summary				
Resource Type	Impact Area (square feet)			Describe Activity and Impact on Resource Functions
	Temporary	Permanent	Total	
<input type="checkbox"/> Tidal Wetland				
<input type="checkbox"/> Intertidal Flat				
<input type="checkbox"/> Tidal Stream				
<input type="checkbox"/> Tidal Open Water				
<input type="checkbox"/> Inland Wetland				
<input type="checkbox"/> Inland Stream				
<input type="checkbox"/> Inland Open Water				
<input type="checkbox"/> Special Resource (NDDB species/habitat, bog, fen, vernal pool, etc)				

For resource type definitions and terminology, refer to the [Mitigation Glossary](#) and [Connecticut Coastal Management Manual](#).

- C) Will the project result in **permanent conversion** areas, where a water resource type or its habitat is permanently altered post-construction, yet it remains a water resource? *(For example, a conversion of wetland to open water or a conversion of forested wetland to emergent wetland?)*

☐ Yes ☐ No

If yes, ensure all permanent conversion impacts are included in the 'permanent' column above, and describe each resource proposed to be converted (existing and proposed resource type, square footage of conversion area, overall loss or gain of function/value anticipated, etc).

- D) Would construction activities result in an overall ecological improvement to the water resource(s) over the long term *(for example, replacing a closed culvert with an open span bridge/daylighting)?*

☐ Yes ☐ No If yes, describe: _____

- E) Are mitigation alternatives (other than restoration, creation, or enhancement) being considered or proposed as compensation to offset project impacts?

☐ Yes ☐ No If yes, describe: _____

- F) Will the proposed project result in temporary impacts to water resources that, when summed, exceed 20,000 square feet (~0.5 acres) in size?

☐ Yes ☐ No If yes, describe: _____

- G) Other (*Optional*) – Please provide any notes or explanations as to why compensatory mitigation may be warranted to offset project impacts to water resources.

To LWRD Staff: Review the Part I information above to determine if a project will result in impacts that warrant and/or necessitate compensatory mitigation. Complete Part II and return the form to the applicant.

This form facilitates pre-application consultation, and the application(s)/project(s) discussed herein have not yet been submitted to CT DEEP for review. This form is intended to help applicants determine if compensatory mitigation is warranted, and/or a Mitigation Plan is required to be provided, within a CT DEEP license application. This form is intended only for screening purposes, to consult on whether compensatory mitigation and a Mitigation Plan are likely to be needed in the license application for Department review and approval. This form does not address amount(s) of mitigation nor acceptability of mitigation strategies and is not considered a final approval.