



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD Forms C and D Application Guidance

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General Application Guidance

Pre-application coordination with LWRD staff is strongly recommended prior to application submission. To speak with an analyst or engineer, call LWRD at 860-424-3019. Once you have a staff contact, e-mail a project location map with any preliminary project information.

The applicant is responsible for identifying all affected natural resources and demonstrating that: the project is consistent with all applicable statutory policies, standards and criteria; all potential adverse impacts have been mitigated to the greatest extent practicable; and, any remaining adverse impacts are acceptable.

The level of detail required to fully answer each question is related to the scale and scope of the proposed project. Applicants are requested to provide a thorough description of the proposed project and answer each question as it applies to the work and impacts of that work. More detail is required for a large and complex project than for a small and relatively simple project. Complete and accurate information will prevent unnecessary delays in processing your permit application and may help avoid rejection of your application. You should retain a copy of all documents for your files.

Public Notice of Application (Form C)

Section 22a-6g of the Connecticut General Statutes imposes public notification requirements on applicants for certain licenses issued by DEEP. A public notice is required to be posted for Structures, Dredging & Fill, Tidal Wetland, and Section 401 Water Quality Certification applications.

In order to comply with these requirements, you must:

1. Publish notice of the license application in a newspaper of general circulation in the area potentially affected by the activity that is the subject of your application. Refer to the following list, [Determination of Newspaper of General Circulation \(ct.gov\)](#) for newspapers of general circulation in Connecticut.
2. This notice *must follow the format* specified at the end of these instructions and must be published **before** you submit your application to DEEP.
3. Send a copy of the published notice to the chief elected official of the municipality in which the regulated activity is proposed. The chief elected official is generally the mayor, 1st selectman, town manager or the chairman or president of the town council, depending on the municipality's form of government. The municipality's website is the best source for contact information.
4. Include, with a copy of the published notice, a completed Certification of Notice found in [Common Forms \(ct.gov\)](#) (DEEP-APP-005A) as an attachment with the license application. The copy of the published notice must be a photocopy of the newspaper page that displays the notice, the name of the newspaper and the date of publication. The Certification of Notice Form - Notice of Application asks you to:
 - a) specify the date and newspaper in which the notice was published;
 - b) certify that a copy of the notice was provided to the chief elected municipal official; and
 - c) identify the municipal official(s) to whom the notice was provided

If you have any questions about these notice requirements, contact LWRD at 860-424-3019. In addition, DEEP may notify you that other forms of notice are required, including the posting of a sign in accordance with CGS section 22a-6l.

Your application will not be processed until DEEP receives the notice copy as described above and a completed Certification of Notice Form - Notice of Application.

Also, when the application review is complete and LWRD has made a tentative decision on your license application, DEEP will publish a Notice of Tentative Determination in the newspaper. Please note that you will receive an invoice for this public notice fee and you will be responsible for payment.

The following format must be used when publishing notice of an application. The format contains instructions in brackets. You must insert the appropriate information to replace the instructions in the brackets. Be sure to *delete* all instructions that are specified in brackets, in bold and in uppercase type. When a choice is specified in brackets, do not include any of the words in brackets unless they specifically apply to the activity you intend to conduct.

Notice of Permit Application

Town(s): **[LIST ALL TOWNS IN WHICH THE REGULATED ACTIVITY IS LOCATED]**

Notice is hereby given that **[INSERT APPLICANT NAME]** (the "applicant") of **[INSERT APPLICANT ADDRESS]** will submit to the Department of Energy & Environmental Protection an application under Connecticut General Statutes Section(s) **[SELECT ONLY THE STATUTE NUMBER(S) CORRESPONDING TO THE LICENSE(S) REQUESTED:**

22a-32 (TIDAL WETLANDS);

22a-361 (STRUCTURES, DREDGING AND FILL);

AND/OR

Section 401 of the Federal Clean Water Act, 33 U.S.C. 1341 (401 WATER QUALITY CERTIFICATE).

NOTE: IF THE APPLICATION IS LIMITED TO JUST A REQUEST FOR 401 WATER QUALITY CERTIFICATION, DELETE THE WORDS "CONNECTICUT GENERAL STATUTES" FROM THE ABOVE TEXT]

Specifically, the applicant proposes to **[INSERT A BRIEF DESCRIPTION OF THE PROPOSED ACTIVITY AND ITS PURPOSE]**. The proposed activity will take place at **[INSERT THE STREET ADDRESS OR IF NOT AT A STREET ADDRESS GIVE THE SPECIFIC LOCATION OF THE PROPOSED ACTIVITY WITH REFERENCE TO FIXED LANDMARKS E.G., ROADWAY INTERSECTIONS, BRIDGES, OR OTHER STRUCTURES]**. The proposed activity will potentially affect: **[INSERT LIST OF NATURAL RESOURCES POTENTIALLY AFFECTED BY SUCH ACTIVITY (I.E., COASTAL OR AQUATIC RESOURCES; SPECIFIC SURFACE WATER AND NAME OF WATERBODY IF APPLICABLE; TIDAL WETLANDS).]**

Interested persons may obtain copies of the application from **[INSERT NAME, E-MAIL, MAILING ADDRESS AND TELEPHONE NUMBER OF THE APPLICANT'S REPRESENTATIVE]**.

The application will be available for inspection at the Department of Energy & Environmental Protection, Land & Water Resources Division, 79 Elm Street, Hartford, CT 06106-5127, telephone 860-424-3019 from 8:30 to 4:30 Monday through Friday. Please call in advance to schedule review of the application.

Site and Resource Information

Aquifer Protection Areas

Aquifer protection areas are defined in CGS section 22a-354a through 22a-354bb and are the areas that contribute water to public water supply wells. Many towns within the state are required to establish Aquifer Protection Areas. Level A areas are final, regulated areas under the aquifer protection program. Level B areas are preliminary approximations of aquifer protection areas that have not yet been mapped to final standards, so the shape of the area may change when final mapping is completed. Level B maps provide an approximation of the Aquifer Protection Areas.

Review the [Aquifer Protection Area](#) maps to determine if your site is located in a Level A or Level B mapped aquifer protection area and check the appropriate box.

If your site is within a Level A aquifer protection area and your business is registered with either the local aquifer protection agency or DEEP, then no action is required.

If your site is within a Level A aquifer protection area and your business is not already registered, check the Table of Regulated Land Uses in [Connecticut's Aquifer Protection Area Municipal Manual](#) to determine if your activity is required to be registered under the Aquifer Protection Area Program. If you determine your activity is required to be registered, then contact the local aquifer protection agent or DEEP to take appropriate actions.

If your site is within a Level B Aquifer Protection Area, then no action is required at this time. However, you may be required to register under the Aquifer Protection Area Program in the future when the area is delineated as Level A.

For more information on the Aquifer Protection Area Program visit the DEEP website at [Aquifer Protection Program](#) or contact the program at 860-424-3019.

Project Information

Description of Proposed Regulated Work

Describe the proposed regulated work and activities in a detailed narrative. The following list describes the type of information necessary to fully describe the proposed work. This list is not all-inclusive. The types and level of detailed information required is dependent upon the magnitude of the project and the resources potentially affected by it. The description of the proposal must include at least the following items, as applicable:

- a description of proposed work and structures, including the dimensions and areal extent of such activities;
- a description of proposed uses of adjacent uplands (areas landward of the regulatory limit at the site);
- if proposed structure(s) are to be located within a flood hazard area (i.e., A-Zone, V-Zone or floodway), as identified on local FEMA Flood Insurance Rate Maps (FIRM) or floodway maps, a description of how such structure(s) will be elevated and flood-proofed and how emergency access and egress will be provided (i.e. evacuation plans);
- identification and location of proposed utilities including fuel, sewer, water, and electrical;
- the volume of fill material to be placed or the volume of material to be dredged or excavated (calculations of volume should take into consideration the reasonable expectation of overdredging);
- the type and source of any fill material to be used; and
- a description of proposed changes to any stormwater runoff system including details pertaining to collection, retention, and discharge.

Describe the construction activities involved for the project, including the following:

- Detail the construction method and the sequencing of the construction activities and incidental work associated with the proposed work, including the creation of temporary access ways, blasting and the placement of cofferdams;
- Describe the method for placement of any fill;
- Specify the type and number of construction equipment to be used and identify the areas where equipment and materials will be stockpiled, staged and stored;
- Identify all possible alternative construction methodologies that might be employed. Be as specific as possible in describing the construction techniques so that any potential adverse impacts of each alternative and consistency with standards and policies identified in the applicable statutes and regulations can be evaluated.

Alternatives Analysis

Provide an analysis demonstrating whether there are any feasible alternatives that would avoid or further minimize adverse impacts to resources, and when applicable, to navigation or public trust encroachment. Alternatives may include but are not limited to:

- reducing the scope, size or type of the design;
- alternate locations for the proposed work including the use or purchase of an alternate site; and
- use of alternative design or construction methodologies for the proposed work.

Discuss the reasons why or how the proposed project meets the statutory and regulatory standards for approval in light of these remaining adverse impacts.

Flood and Erosion Control Structures

Shoreline erosion or stabilization structures are defined as any structure the purpose or effect of which is to control flooding or erosion from tidal, coastal, or navigable waters and includes breakwaters, bulkheads, groins, jetties,

revetments, riprap, seawalls and the placement of concrete, rocks, or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline. For projects that include the construction of a shoreline erosion or stabilization structures, breakwaters or wave attenuators, provide the following information:

- A.** A written analysis of alternatives to the proposed structure, which demonstrates the following:
 - 1. if and why non-structural flood and erosion control measures are not feasible;
 - 2. if and why the structural alternative proposed is necessary and unavoidable to protect infrastructural facilities, water-dependent uses or inhabited structures existing prior to 1995;
 - 3. if and why there are no alternatives with less environmental impact; and
 - 4. that access to or along the public lands and waters waterward of mean high water is not unreasonably impaired by the structure.
- B.** A description of the level of protection (i.e., storm event frequency) intended to be provided by the proposed structure and its anticipated longevity.
- C.** An analysis of the impacts of the structure(s) upon the following:
 - 1. erosion or sedimentation of adjacent properties;
 - 2. erosion or sedimentation of land, wetlands or waters located seaward of the structure; and
 - 3. longshore or onshore/offshore transport of sediment.
- D.** A description of the toe or flank protection or tie-backs proposed and the reasons why such measures are or are not necessary.
- E.** A description, if applicable, of the drainage measures incorporated to allow for seepage of groundwater through the structure(s) or diversion of upland stormwater away from the structure.
- F.** An evaluation of the potential for adverse impacts from the structure(s) to adjoining properties and structures.
- G.** For proposed structures perpendicular to the shoreline such as groins, a determination of the amount of sand fill needed to concurrently nourish the beach or fill the area or cell between adjacent groins. Identify the source and texture of the material to be used for beach nourishment. Calculate the frequency at which this material will need to be replaced. (NOTE: Since structures such as groins generally cause the trapping of material on one side and erosion of material on the other, applicants may be responsible for a long term beach nourishment plan.)
- H.** An evaluation of the effects of the proposed structures upon sediment quality and water quality. Dye studies to assess the flushing rates and water quality studies *may* be required as part of this analysis.

Available Resources

Below is a list of resources that can be used for application preparation. Be sure to also check the DEEP website at <https://portal.ct.gov/deep> and your local town hall or library for maps and other reference materials. The DEEP File Room, 860-424-4180, is located on the store level at 79 Elm Street, Hartford, CT. Please call in advance for hours of operation. For general assistance regarding permit application preparation, contact LWRD at 860-424-3019.

[ConnDOT Drainage Manual](#)

[DEEP 2002 Connecticut Guidelines for Soil Erosion and Sediment Control](#)

[DEEP 2004 Connecticut Stormwater Quality Manual](#)

[DEEP Aquifer Protection Area Program](#)

[DEEP Connecticut Coastal Management Manual](#)

[DEEP Endangered Species/Natural Diversity Data Base Areas Maps](#)

[DEEP Environmental Justice Program](#)

[DEEP Maps and GIS Data](#)

[DEEP Reference Guide to Coastal Policies and Definitions](#)

[UCONN/DEEP CTECO](#)

[US Army Corps of Engineers, New England District](#)

US Department of Agriculture, Natural Resource Conservation Service [Web Soil](#)

[Survey](#) US Fish and Wildlife Service, National Wetlands Inventory [Wetlands Mapper](#)

US Geological Survey [Stream Stats](#)

US Department of Homeland Security, FEMA [Flood Map Service Center](#)

Affirmative Action, Equal Employment Opportunity and Americans with Disabilities

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act (ADA). Please contact DEEP Office of Diversity and Equity at (860) 418-5910 or by email at deep.accommodations@ct.gov if you are requesting a communication aid or service, have limited proficiency in English, need some other type of accommodation, or if you wish to file an ADA or Title VI discrimination complaint. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.