



DRAFT PERMIT

Permittee: Windham County 4H Foundation, Inc.
326 Taft Pond Road, Pomfret, CT 06259

Permit No: DS-202503986

Town: Pomfret

Project: Windham 4H Lower Pond Dam (Dam ID #11206; Hazard Class BB,
Moderate Hazard Potential Dam)

Waters: Lyon Brook

Pursuant to Connecticut General Statutes Section 22a-403, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to Windham County 4H Foundation, Inc. (“the Permittee”) to conduct regulated activities associated with the Windham 4H Lower Pond Dam. The purpose of said activities is to repair an existing dam.

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to do the following: remove the existing intake structure and low-level outlet pipe, install a new precast concrete intake structure and new low-level outlet pipe, install a rip rap stilling basin and an endwall at the downstream discharge point, construct new zoned earth embankment fill along the length of the new outlet pipe, conduct surface repairs to the existing concrete spillway, and replace the small bridge spanning the spillway.

There will be a permanent impact of 704 square feet (sf) and a temporary impact of 2,093 sf for a total of approximately 2,797 sf of impact to Lyon Brook and associated wetlands.

All activities shall be conducted in accordance with plans entitled, “Windham -Tolland 4H Camp Improvements & Repairs to 4H Lower Pond Dam, Pomfret, Connecticut” dated April 2025 and revised through June 8, 2026, signed and sealed by Karl F. Acimovic, P.E. 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 (3) years following the date of issue.
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 if any activity authorized herein does not commence within three (3) years of issuance of this permit, this permit shall expire three years after issuance as 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 Windham 4H Lower Pond for the purpose of undertaking permitted activities.
 - a. The Department of Energy and Environmental Protection (DEEP) Fisheries Division shall be separately notified at least forty-eight (48) hours prior to drawdown of the impoundment, in accordance with Section 26-138 of the Connecticut General Statutes. Such notification shall be made to the Fisheries Division, 79 Elm Street, Hartford, CT 06106-5127, Telephone No. 860-424-3474.
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*² 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 the Windham 4H Lower Pond shall be limited in extent and duration to that necessary to complete the permitted activities.

¹ For guidance on the use of erosion and sediment controls, refer to the *2024 Connecticut Guidelines For Soil Erosion and Sediment Control* document. URL: [sescg_cleanfinal.pdf](#)

² For guidance on Stormwater Quality, refer to the *2024 Connecticut Stormwater Quality Manual*. URL: [Connecticut Stormwater Quality Manual](#)

8. **Reporting of Potential Violations.** 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:
- The provision(s) of this permit that has been violated;
 - The date and time the violation(s) was first observed and by whom;
 - The cause of the violation(s), if known
 - If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
 - If the violation(s) has not ceased, the anticipated date when it will be corrected;
 - 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
 - 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.
- g. The surface elevation of the impoundment shall be lowered only to the elevation and for the amount of time necessary for these activities. During drawdown and refilling periods, water must be continuously released in an amount no less than the minimum of either the rearing and growth bioperiod Q80 or the natural inflow of water, whichever is less. The rearing and growth bioperiod Q80 value can be found using the USGS National Streamflow Statistics (NSS) website. Questions can be directed to DEEP.StreamflowClass@ct.gov.

16. Fisheries Time-of-Year Restriction.

- a. Drawdown is prohibited from April 15th through June 15th, inclusive, of any year to protect spawning fish.
- b. Unconfined in-water excavation, dredging, filling or removal of debris or other material is prohibited from June 1st through September 30th, inclusive, of any year.

17. NDDB Time or Year Restriction and Species Protections. Drawdown is prohibited from November 1st through March 15th, unless the drawdown is not a complete drawdown and is conducted slowly to allow animals to move with the water to avoid exposing hibernating turtles and protect Wood turtles (*Glyptemys insculpta*). Additionally, the permittee shall follow the recommendations outlined in NDDB Determination No. 202601196, dated February 4, 2026 and attached herein.

18. **Boulder Installation and Removal of In-stream Riprap.** The permittee shall install rounded toe boulders along the grouted riprap extension and remove the instream riprap to restore Lyon's Brook to match downstream conditions as shown in the site plans attached herein.
19. **Discharge of Concrete.** At no time shall the permittee allow concrete to be discharged into Lyon Brook.
20. **Water Handling and Erosion & Sedimentation Controls.** If final water handling and/or erosion and sedimentation controls vary from that shown on the plans approved herein, the permittee shall submit, at least two weeks prior to the commencement of work and for the Commissioner's review and written approval, a final water handling and/or erosion and sedimentation control plan.

Issued by the Commissioner of Energy and Environmental Protection on:

Date

Graham J. Stevens
Bureau Chief
Water Protection and Land Reuse



2/4/2026

Karl Acimovic
ACIMOVIC
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karl26535@outlook.com

Subject: Improvements and Repairs to 4H Lower Pond Dam

Filing #: 140693

NDDDB - New Determination Number: 202601196

Expiration Date: 2/4/2028

Location: 4H Lower Pond Dam, 326 Taft Pond Rd, Pomfret, CT

I have reviewed Natural Diversity Database (NDDDB) 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.

- **Brook floater (*Alasmidonta varicosa*) State Endangered**
- **Wood turtle (*Glyptemys insculpta*) State Special Concern**
- **Bridle shiner (*Notropis bifrenatus*) State Special Concern**

Brook floater (*Alasmidonta varicosa*) State status: Endangered

Habitat: Small to medium-sized rivers, usually in gravel and cobble substrates in swift current. The brook floater is critically imperiled throughout most of New England, including Connecticut. Remaining populations of brook floaters are found in undisturbed sections of streams in the upper reaches of watersheds that have relatively in-tact upland forest. DEEP Wildlife Division considers all streams with populations of brook floaters to be conservation priorities.

Freshwater mussels are aquatic animals that play an important role in our environment. These sedentary organisms live in sediments on the bottom of streams and rivers and provide a service to all by filtering water and removing bacteria and phytoplankton. It is because they are filter-feeding animals that they are very susceptible to sediments and pollutants in the water in which they live. The greatest diversity of freshwater mussels in the world is found in Eastern North America. Freshwater mussels are one of the most endangered groups of animals with almost three-quarters of the native mussels in North America imperiled. The disappearance of freshwater mussels is a reliable indicator of chronic water pollution. The following considerations will help protect and benefit these species.

- Apply sediment and erosion controls that will allow you to adhere strictly to water quality standards at your project site. (see water quality targets below)
- Turf grass and impervious surface should be minimized in the surrounding watershed.

- Employ precautions to prevent the introduction and spread of invasive plants and bivalves.

Water quality targets for waterways downstream that contain this species:

- Turbidity
 - Turbidity should not increase 8 NTU over background levels
- Suspended sediments
 - Maximum induced suspended sediments in any 24 hr period should be less than 25mg/L over background levels
 - Induced suspended sediments averaged over 30 day period should be less than 5mg/L over background levels
- Water temperature
 - Water temperature should not increase 1° C (~1.8°F)

Wood turtle (*Glyptemys insculpta*) State Status: Special Concern

Individuals of this species are riverine and riparian obligates, overwintering and mating in clear, cold, primarily sand-gravel and rock bottomed streams and foraging in riparian zones, fields and upland forests during the late spring and summer. They hibernate in the banks of the river in submerged tree roots between November 1 and April 1. Their summer habitat focuses within 90m (300ft of rivers) and they regularly travel 300m (0.2 mile) from rivers during this time. During summer they seek out early successional habitat: pastures, old fields, woodlands, powerline cuts and railroad beds bordering or adjacent to streams and rivers. Their habitat in Connecticut is already severely threatened by fragmentation of riverine, instream, riparian, and upland habitats, but is exacerbated by heavy adult mortality from machinery, cars, and collection. This is compounded by the species late maturity, low reproductive potential, and high nest and hatchling depredation rates.

Dams can affect this species habitat by flooding upstream areas and turning low-gradient stream habitat into deep water, and also by altering down stream flow regime which can degrade nesting habitat or flood nests near the river.

- To avoid flooding nesting areas, minimize large water releases between late May and August on rivers with this species.
- 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.

When working in the upland with heavy equipment, if work occurs between April 1- November 1:

- Exclusionary practices will be required to prevent any turtle access into construction areas. These measures will need to be installed at the limits of disturbance as shown on the plans.
- Exclusionary fencing be at least 20 inches tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animals pass through.
- Prior to construction, all turtles occurring within fencing work area will be relocated to suitable habitat outside disturbance area. This should be performed by a qualified professional familiar with habitat requirements and behavior of the species.
- The Contractor must search the work area each morning prior to any work being done.
- All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species.
- Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and fencing should be inspected to identify and remove access point.

These animals are protected by law and no turtles should be relocated from the site.

- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable to allow for reptile and amphibian passage to resume.

Bridle shiner (*Notropis bifrenatus*) State Status: Special Concern

Small minnow species native to Northeastern streams and lakes.

DEEP Fisheries Biologists review permit applications submitted to DEEP regulatory programs as well as other aquatic activities to determine whether projects might adversely affect listed species. You do not need to follow up with NDDDB regarding fish protection. Please complete the DEEP Fisheries consultation form and submit to: Deep.inland.fisheries@ct.gov for your consultation.

https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Common_Forms/fisheriesconsultationappdoc.doc

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 Improvements and Repairs to 4H Lower Pond Dam as described in the submitted information and summarized at the end of this document is valid until 2/4/2028. 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 2/4/2028.

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 202601196 when you e-mail or write. Thank you for consulting the Natural Diversity Data Base.

Shannon Kearney
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Hartford, CT 06106-5127
(860) 424-3170
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Application Details:

Project involves federal funds or federal permit:	No
Project involves state funds, state agency action, or relates to CEPA request:	No
Project requires state permit, license, registration, or authorization:	Yes
DEEP enforcement action related to project:	
Project Type:	Dams
Project Sub-type:	Repair/modification of a Dam with a drawdown
Project Name:	Improvements and Repairs to 4H Lower Pond Dam
Project Description:	