

General Permit for Minor Coastal Structures

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Bureau of Water Protection and Land Reuse
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General Permit for Minor Coastal Structures

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General Permit for Minor Coastal Structures

Section 1. Authority

This general permit is issued under the authority of section 22a-361(d) of the General Statutes.

Section 2. Definitions

As used in this general permit:

"4/40 dock" means a structure comprised of a fixed pier, ramp and float, or any part or combination thereof, which is accessory to a residential property, does not extend further waterward than the distance to a depth of -4 feet mean low water or a distance of 40 feet from mean high water, whichever is shortest, and which is used to achieve riparian or littoral access to tidal, coastal or navigable water for noncommercial boating purposes.

"Access stairs" means an open-design structure or ladder affixed in a parallel fashion to an existing authorized wall, bulkhead or revetment or a stairway constructed landward into an existing wall or revetment, which is used solely for pedestrian access from the upland to the shoreline, and which is accessory to a residential property.

"Approval of registration" means an approval of registration issued under Section 3 of this general permit.

"Authorized activity" means any activity authorized by this general permit.

"Buoy or marker" means any aid to navigation, water skiing ramp or course marker, slalom or regatta course marker, or buoy marking an aquaculture area or gear, swim area, boating channel or other defined water sports area. No mooring, dock, pier, floating dock or other structure for the berthing or securing of vessels shall constitute a buoy or marker.

"Clean Vessel Act program" means the grant program administered by the department pursuant to the federal Clean Vessel Act of 1992 (Title 5, Subtitle F of P.L. 102-587) as amended.

"Coastal Jurisdiction Line" or "CJL" means coastal jurisdiction line as defined by section 22a-359(c) of the General Statutes.

"Coastal resources" means coastal resources as defined by section 22a-93(7) of the General Statutes.

"Commissioner" means commissioner as defined by section 22a-2(b) of the General Statutes.

"Day" means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

"Department" means the department of energy and environmental protection.

"Experimental activity" means any activity conducted below the coastal jurisdiction line or in tidal wetlands for the purpose of collecting biological, geological, environmental, meteorological, engineering or other scientific information. This includes, but is not limited to, test pits, core sampling, driving of test pilings, and use of geological probes.

"Individual permit" means a permit issued to a named permittee under section 22a-32 or 22a-361 of the General Statutes.

"Harbormaster" means a harbormaster or deputy harbormaster appointed pursuant to section 15-1 of the General Statutes.

"Harbor mooring" means a mooring approved by a harbormaster in accordance with section 15-8 of the General Statutes and, where applicable, is consistent with a harbor management plan approved pursuant to section 22a-113m of the General Statutes.

"Mean high water" means the average of all the high water heights observed over the National Tidal Datum Epoch.

"Mean low water" means the average of all the low water heights observed over the National Tidal Datum Epoch.

"Mooring" means a structure which is employed to moor, dock, or otherwise secure a vessel used for waterborne travel, and which consists of either (1) a mooring buoy secured by bottom anchor; (2) a system of mooring lines secured to no more than two pilings or stakes; or (3) a single floating dock unattached to land and not associated with any other docking structure, which is no more than 100 square feet in area, secured by bottom anchor or by no more than two pilings or stakes, and seasonally installed and removed.

"Non-harbor mooring" means a mooring placed where the location of such mooring is not subject to the jurisdiction of a harbormaster or of a harbor management plan approved pursuant to section 22a-113m of the General Statutes.

"Osprey" means the bird species *Pandion haliaetus*.

"Osprey platform" means a single pole or group of poles each no more than 20 feet long and having a diameter of no more than 15 inches, with a platform which rests upon the pole or poles at least 10 feet off the ground, and which does not exceed 25 square feet in surface area.

"Perch pole" means a pole no more than 10 feet long and having a diameter of no more than 15 inches, which is utilized for the purposes of providing a perch for osprey.

"Municipality" means a city, town or borough of the state.

"Permittee" means a person or municipality which has filed a registration with the commissioner and has received a written receipt from the commissioner of such registration, where applicable.

"Person" means person as defined by section 22a-2(c) of the General Statutes.

"Pump-out facility" means any device, equipment or structure that allows for the removal of sewage from the sewage holding tank of a marine sanitation device as defined by section 15-170(c) of the General Statutes or from a portable toilet and the transfer of such sewage to a system for sewage treatment or disposal, and includes any associated sewage storage tank, portable or permanently installed pump, fitting, hose or piping.

"Registrant" means a person or municipality which files a registration pursuant to Section 4 of this general permit.

"Registration" means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

"Scientific monitoring device" means any instrument, apparatus, trap or other equipment utilized below the coastal jurisdiction line or in tidal wetlands for the purpose of collecting biological, geological, environmental, meteorological, engineering, or other scientific data, specimens, or samples.

"Surface elevation table" means a specific device consisting of a rod, concrete base, instrument receiver and associated sampling equipment, stakes, and temporary access platforms installed in a wetland surface and used to measure changes in wetland substrate elevations.

"Site" means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

"Swim float" means a single floating or inflatable structure unattached to land or to any other structure, secured by bottom anchor, seasonally installed and removed, and used solely for swimming.

"Tidal wetlands" means wetland as defined by section 22a-29(2) of the General Statutes.

"Watercourse" means watercourse as defined by section 22a-38 of the General Statutes.

Section 3. Authorization Under This General Permit

(a) Eligible Activities

This general permit authorizes the following activities within the tidal, coastal, and navigable waters of the state below the elevation of the coastal jurisdiction line and, where specifically allowed, in tidal wetlands, provided the requirements of Section 3(b) of this general permit are satisfied:

- (1) construction and maintenance of a 4/40 dock or access stairs;**

- (2) **placement, removal and replacement of a non-harbor mooring;**
- (3) **installation of an osprey platform and perch pole;**
- (4) **installation of a buoy or navigational marker;**
- (5) **placement, removal and replacement of a harbor mooring;**
- (6) **placement, removal and replacement of a swim float;**
- (7) **installation, replacement or repair of a pump-out facility;**
- (8) **experimental activities or the placement, removal and replacement of scientific monitoring devices.**

(b) Requirements for Authorization

This general permit authorizes each of the activities listed in Section 3(a) of this general permit provided:

(1) **Registration Required**

A completed registration with respect to activities identified in Section 3(a)(1) (4/40 dock) and 3(a)(2) (non-harbor mooring) of this general permit has been filed with the commissioner and the commissioner has issued an approval of registration in-writing to the permittee.

No registration is required with respect to activities identified in Section 3(a)(3) through Section 3(a)(8) of this general permit.

(2) **Coastal Area Management**

Such activity is consistent with all-applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes.

(3) **Endangered and Threatened Species**

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction or adverse modification of habitat designated as essential to such species.

(4) **Aquifer Protection**

Such activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, complies with regulations adopted pursuant to section 22a-354i of the General Statutes.

(5) **Conservation and Preservation Restrictions**

Such activity, if located on or may affect property subject to a conservation or

preservation restriction, complies with section 47-42d of the Connecticut General Statutes, by providing the following to the commissioner: proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction.

(6) **Flood Management**

Such activity shall be consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(c) ***Geographic Area***

This general permit applies throughout the tidal, coastal and navigable waters of the State of Connecticut and, where not explicitly disallowed, in tidal wetlands.

(d) ***Effective Date and Expiration Date of this General Permit***

This general permit is effective on the date it is issued by the commissioner and expires twenty (20) years from such date of issuance.

(e) ***Effective Date of Authorization***

Any activity identified in Section 3(a)(1) or Section 3(a)(2) of this general permit is authorized by this general permit on the date the commissioner issues a written approval of registration with respect to such activities.

Any activity identified in Section 3(a)(3) through Section 3(a)(8) of this general permit is authorized by this general permit on the date this general permit becomes effective or on the date the activity is initiated, whichever is later.

(f) ***Transition to and from an Individual Permit***

No person shall operate or conduct an activity authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

(1) ***Transition from an Individual Permit to Authorization under this General Permit.*** If an activity meets the requirements of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the permittee may seek a modification to the permit to exclude such operation or activity from the individual permit or if the operation or activity is the sole operation or activity authorized by such permit, the permittee shall surrender its permit in writing to the commissioner. In either event, such permittee's individual permit shall continue to apply and remain in effect until authorization of such operation or activity under this general permit takes effect.

(2) ***Transition from Authorization under this General Permit to an Individual Permit*** If an activity or operation is authorized under this general permit and the commissioner subsequently issues an individual permit for the same activity,

then on the date any such individual permit is issued by the commissioner, the authorization issued under this general permit shall automatically expire.

Section 4. Registration Requirements

(a) *Who Must File a Registration*

Any person seeking under the authority of this general permit to construct and maintain a 4/40 dock/access stairs or install a non-harbor mooring shall file with the commissioner:

- (1) A registration form which meets the requirements of Section 4 of this general permit; and
- (2) The applicable fee.

(b) *Scope of Registration*

A registrant shall register each activity for which the registrant seeks authorization under this general permit on a separate registration form.

(c) *Contents of Registration*

(1) Fees

(A) Fee Schedule

1. For 4/40 docks/access stairs pursuant to Section 3(a)(1) of this general permit, the registration fee of \$700.00 shall be submitted with a registration form.
2. For non-harbor moorings pursuant to Section 3(a)(2) of this general permit, the registration fee of \$250.00 shall be submitted with the registration form.

(B) The registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full.

(C) The registration fee shall be paid by check or money order payable to the **Department of Energy and Environmental Protection**.

(D) The registration fee is non-refundable.

(2) Registration Form

A registration shall be filed on forms prescribed and provided by the commissioner.

(d) *Where to File a Registration*

A registration shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(e) *Notification of Harbor Management Commission*

The registrant shall submit a complete copy of the registration and attachments to the harbor management commission, if applicable, in the town where the work is proposed at the time the registration is filed with the commissioner.

(f) *Additional Information*

The commissioner may require a registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(g) *Action by Commissioner*

- (1) The commissioner may reject without prejudice a registration if it is determined that it does not satisfy the requirements of Section 4(c) of this general permit or more than thirty days (30) have elapsed since the commissioner requested that the registrant submit additional information or the required fee and the registrant has not submitted such information or fee. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The commissioner may disapprove a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) Rejection or disapproval of a registration shall be in writing.

Section 5. Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) *Special Conditions for CONSTRUCTION AND MAINTENANCE OF A 4/40 DOCK OR ACCESS STAIRS authorized in Section 3(a)(1) of this general permit.*

- (1) Such 4/40 dock or access stairs shall be no longer than necessary to achieve reasonable riparian or littoral access to navigable water, and shall not necessarily extend to the maximum allowable reach as provided in paragraph (2), below.

- (2) Such 4/40 dock shall not extend further waterward than the distance to a depth of -4.0 feet mean low water or a distance of 40 feet from mean high water, whichever is shortest, provided that any tie-off pilings may extend beyond such distance.
- (3) Any fixed pier comprising all or part of such 4/40 dock shall be no wider than four (4) feet.
- (4) The waterwardmost floating component of such 4/40 dock shall be no greater than 100 square feet in surface area. Any ramp landing float used in addition to such 100 square foot float shall be no greater than 30 square feet.
- (5) Such 4/40 dock may include a boat lift, hoist or davits, but any such structures shall not extend beyond -4.0 feet mean low water or a distance of 40 feet from mean high water.
- (6) The total surface area of such 4/40 dock shall be no greater than 220 square feet as calculated waterward of the mean high water line. The calculation of the 220 square feet shall be exclusive of any tie-off pilings, berthing area, or boat-lift.
- (7) Any fixed pier comprising all or part of such 4/40 dock shall utilize the minimum number of pilings necessary, consistent with safety and resource protection considerations, and where feasible, shall utilize longer spans on fewer pilings rather than shorter spans on more pilings.
- (8) When such 4/40 dock is located in tidal wetlands, the fixed pier component of such dock shall be constructed such that the lowest horizontal member of the fixed pier is no lower than five (5) feet off the surface of any underlying wetland areas.
- (9) When such 4/40 dock is located in tidal wetlands, no floating components of such dock shall be on or over tidal wetlands.
- (10) For the purposes of this General Permit, a single 4/40 dock per lot shall constitute reasonable riparian or littoral access, where such 4/40 dock is otherwise consistent with the requirements of this General Permit. In addition, such reasonable riparian or littoral access shall not necessarily include the right to full tidal access, the right to moor or dock a vessel of a particular size or multiple vessels, or the right to construct a particular type or size of dock.
- (11) No existing dock is present on the site of such 4/40 dock.
- (12) Such 4/40 dock shall not be used to moor or berth any vessel or floating structure used as an abode, office, workshop or for any other purpose which is not water dependent as defined by section 22a-93(16) of the General Statutes.
- (13) Such 4/40 dock shall be floating or constructed on pilings, in a manner that

does not unreasonably restrict access to or along lands and waters waterward of mean high water.

- (14) Any floating components of such 4/40 dock shall be securely anchored, held in place by piles, or made fast to the shore or fixed pier, to prevent substantial changes in its position.
- (15) Such 4/40 dock and any vessels moored or docked thereto shall not interfere with access to any riparian or littoral property. Such 4/40 dock shall be set back from the extension of adjacent property lines after consideration of available water depths, access and resource protection, in order to avoid conflicts with adjacent property owners.
- (16) Any such 4/40 dock located in the Connecticut River shall not interfere with existing drift net shad fisheries.
- (17) If site conditions provide water depths equal to or greater than -4.0 feet mean low water along a seawall or bulkhead, a non-conforming 4/40 dock may be allowed. Such non-conforming dock shall consist of a 40 square foot platform, a ramp situated parallel with such wall, and a floating dock of no greater than 100 square feet.
- (18) Such 4/40 dock shall maintain a minimum height clearance over the shore at the mean high water mark sufficient to allow public access along the shore, or shall otherwise include a stairway or other provision for public access along the shore.
- (19) Such 4/40 dock or access stairs have not been constructed on or before the date of submission of the registration, unless the commissioner has required submission of such registration in accordance with an Order issued pursuant to section 22a-6 or 22a-363f of the General Statutes.
- (20) Such 4/40 dock or access stairs shall not include or comprise any structure not used for riparian or littoral access such as a gazebo, deck, viewing platform, patio, or walkway.
- (21) Such 4/40 dock or access stairs, once constructed, shall constitute a “permitted structure” for the purposes of section 22a-363b of the General Statutes.
- (22) Such 4/40 dock or access stairs shall not be constructed on or over submerged aquatic vegetation.
- (23) Such 4/40 dock or access stairs shall not be located on any right-of-way or easement.
- (24) Such 4/40 dock or access stairs shall be designed to allow most wave and current energy to pass through or under the structure and to prevent scouring of the adjacent areas.

- (25) Treatment and use of timbers, pilings or other treated wood components used in the construction of such 4/40 dock or access stairs shall be consistent with all applicable federal and state standards regarding such material and application.
- (26) Such access stairs shall not include any support piles, footings, or landings which are located on or over tidal wetlands.
- (27) Such access stairs shall not interfere with public access along the shore at or below the high water mark.
- (28) Where possible, such access stairs shall be set back from the property lines in order to avoid conflicts with adjacent property owners.
- (29) Any such access stairs affixed on the waterward side of a wall, revetment or bulkhead shall be oriented parallel with the existing wall, revetment, or bulkhead and shall not extend perpendicularly. No part of such access stairs shall be wider than four (4) feet, except landings which may be no wider than five (5) feet. No part of such access stairs shall extend further than six (6) linear feet waterward from the toe of the existing wall.
- (30) No existing access stairs are present on the site of such access stairs.

(b) *Special Conditions for PLACEMENT, REMOVAL AND REPLACEMENT OF A NON-HARBOR MOORING authorized in Section 3(a)(2) of this general permit.*

- (1) Such mooring shall not be placed within a federally-designated navigation channel and shall not create a hazard to or interfere with existing navigation uses in any waterway, including channels, turn basins, fairways, or transient anchorages.
- (2) Such mooring shall not be located on or over submerged aquatic vegetation.
- (3) Such mooring is not rented and no other charge by the permittee is made for its use, and it is not used for any commercial purpose.
- (4) Such mooring shall be easily identified by boaters and shall be maintained on tackle and anchors sufficient to prevent such mooring from changing position.
- (5) Such mooring shall not be used by any boat, barge, or other structure or vessel which is neither used for nor capable of safe navigation except for emergency purposes.
- (6) Such mooring shall be inspected annually to ensure the integrity of the components.
- (7) Any such mooring located in the Connecticut River shall not interfere with existing drift net shad fisheries.

(c) ***Special Conditions for INSTALLATION OF AN OSPREY PLATFORM AND PERCH POLE authorized in Section 3(a)(3) of this general permit.***

- (1) Not later than two weeks prior to the installation of work authorized herein, the permittee shall submit two copies of a Project Report consisting of the following information:
 - (A) contact information for the party responsible for installing such structure(s);
 - (B) site map specifying the location of the project;
 - (C) specifications of the design used;
 - (D) commissioner's design approval, if applicable, as may be required in (2) below;
 - (E) commissioner's waiver of setbacks, if applicable, as may be required in (5) or (6) below; and
 - (F) anticipated date(s) of construction.
- (2) The permittee shall construct the osprey platform or perch pole in accordance with either (A) one of the three designs shown as Appendix A, B or C of this general permit, or (B) another design which is pre-approved in writing by the commissioner as equivalent to one of the above-referenced designs.
- (3) Any perch pole authorized herein shall be erected or placed within twenty (20) feet of an osprey platform.
- (4) Any osprey platform authorized herein shall be installed at least ten (10) feet away from any areas of open water.
- (5) Unless otherwise waived in writing by the commissioner, any osprey platform or perch pole authorized herein shall be placed more than three hundred (300) feet away from any overhead electric power lines or other osprey platforms.
- (6) Unless otherwise waived in writing by the commissioner, any osprey platform or perch pole authorized herein shall be placed more than six hundred (600) feet way from any roads, houses, industrial or commercial facilities, or other similar sources of human disturbance.
- (7) Any osprey platform or perch pole authorized herein located below the coastal jurisdiction line or within tidal wetlands shall be installed by hand methods only, without the use of heavy equipment.
- (8) Any osprey platform or perch pole authorized herein shall be for the sole purpose of providing osprey with nesting or perching sites.

(d) ***Special Conditions for INSTALLATION OF A BUOY OR NAVIGATIONAL MARKER authorized in Section 3(a)(4) of this general permit.***

- (1) Any buoy or marker authorized herein shall have first received authorization

by the commissioner in accordance with section 15-121, 15-133a, 15-134, 15-135, or 15-140b of the General Statutes or section 15-121-A1 through 15-121-A6 of the Regulations of Connecticut State Agencies and shall at all times comply with such authorization.

- (2) Any buoy or marker shall not be located on or over tidal wetlands or submerged aquatic vegetation.

(e) ***Special Conditions for PLACEMENT, REMOVAL AND REPLACEMENT OF A HARBOR MOORING authorized in Section 3(a)(5) of this general permit.***

- (1) Such mooring shall have first been approved by a harbormaster in accordance with section 15-8 of the General Statutes and, where applicable, is consistent with a Harbor Management Plan approved pursuant to section 22a-113m of the General Statutes.
- (2) Such mooring shall not be placed within a federally-designated navigation channel and shall not create a hazard to or interfere with existing navigation uses in any waterway, including channels, turn basins, fairways, or transient anchorages.
- (3) Such mooring shall not be located on or over submerged aquatic vegetation.
- (4) Such mooring is not rented and no other charge by the permittee is made for its use or maintenance, and it is not used for any commercial purpose.
- (5) Such mooring shall be easily identified by boaters and shall be maintained on tackle and anchors sufficient to prevent such mooring from changing position.
- (6) Such mooring shall not be used by any boat, barge, or other structure or vessel which is neither used for nor capable of safe navigation except for emergency purposes.
- (7) Such mooring shall be inspected annually to ensure the integrity of the components.
- (8) This General Permit shall not be deemed applicable to any mooring with respect to which a harbormaster's authorization under section 15-8 of the General Statutes has expired or has been revoked.
- (9) Any such mooring located in the Connecticut River shall not interfere with existing drift net shad fisheries.

(f) ***Special Conditions for PLACEMENT, REMOVAL AND REPLACEMENT OF A SWIM FLOAT authorized in Section 3(a)(6) of this general permit.***

- (1) Such swim float shall not exceed two hundred (200) square feet.

- (2) The permittee shall not install more than two swim floats at any site. Such swim floats may not be rafted or otherwise connected to each other.
- (3) When such swim float is associated with a swim area designated under section 15-121 of the General Statutes and the permittee is the person who has obtained such designation, such swim float shall be located within the boundaries of such area.
- (4) Such swim float shall have no less than six (6) inches of freeboard. Any such inflatable swim float shall have no more than three (3) feet of freeboard.
- (5) Such swim float shall have a silver or international orange reflective band of no less than two (2) inches in width placed above the waterline around the sides of the upper perimeter of such swim float unless such swim float is located within the boundaries of a swim area.
- (6) Such swim float shall be secured by appropriate bottom anchors and tackle to avoid dragging or shifting of position.
- (7) Such swim float shall not be secured by steel cables.
- (8) Such swim float is used solely for swimming and associated water-based recreation, and may not be used to moor or dock a vessel used for navigation.
- (9) Such swim float shall not be located on or over tidal wetlands or submerged aquatic vegetation.
- (10) Such swim float shall not be placed within a federally-designated navigation channel or anchorage area and shall not create a hazard to or interfere with existing navigation uses in any waterway including channels, fairways, turning basins, or transient anchorages.

(g) *Special Conditions for INSTALLATION, REPLACEMENT OR REPAIR OF A PUMP-OUT FACILITY authorized in Section 3(a)(7) of this general permit.*

- (1) Such pump-out facility is located on a structure authorized pursuant to section 22a-361 and 22a-32 of the General Statutes, as applicable.
- (2) Such pump-out facility shall only include equipment and components to be used for the collection of boat sewage. Such pump-out facility shall not be used for the collection of bilge or oily waste. Any storage tank installed for the purpose of receiving and storing pump-out facility waste shall not be used to receive or store waste from any other facility.
- (3) The permittee shall either (1) obtain and maintain approval for increased flow to publicly-owned treatment works (wastewater treatment plant); or (2) obtain and maintain a valid contract, with a schedule, for the removal of sewage from a storage tank by a licensed septage hauler and for the transport and ultimate

disposal of such septage at a municipal sewage/receiving treatment facility.

- (4) In accordance with section 22a-430-3(k) of the Regulations of Connecticut State Agencies, within two hours of any discharge of sewage from a pump-out facility to a water of the state or the ground, the permittee shall report such discharge to the following:
 - (A) Department of Energy & Environmental Protection, Bureau of Water Protection and Land Reuse, Planning & Standards Section at 860-424-3704;
 - (B) Department of Public Health, Water Supply Section at 860-509-7333;
 - (C) Department of Agriculture, Bureau of Aquaculture at 203-874-0696; and
 - (D) Local/Municipal Health Department.

If the discharge occurs outside normal business hours, notification shall be made within two hours of any discharge of sewage from a pump-out facility to a water of the state or the ground to Department of Energy & Environmental Protection, Emergency Response Unit at 860-424-3338.

- (5) Not later than two weeks prior to the initiation of work authorized herein, any permittee who is not a grant recipient of the Clean Vessel Act program shall submit two copies of a Project Report consisting of the following:
 - (A) Contact information for the party responsible for the pump-out facility;
 - (B) Site map specifying the project location;
 - (C) Narrative description identifying the name of the facility, the type, number and design of the pump-out equipment to be installed; and
 - (D) Anticipated construction date(s).

(h) Special Conditions for EXPERIMENTAL ACTIVITIES OR THE PLACEMENT, REMOVAL AND REPLACEMENT OF SCIENTIFIC MONITORING DEVICES authorized in Section 3(a)(3) of this general permit.

- (1) Experimental shoreline flood and erosion control structures or practices are specifically not authorized under this general permit.
- (2) With the exception of installed surface elevation tables, any scientific monitoring device or experimental activity shall be of a temporary nature and shall be removed by the persons responsible for installing such device or equipment upon completion of the project.
- (2) For surface elevation tables, any permanently installed component of the

measuring device may remain indefinitely. Any temporary access platforms or other related structures shall be of a temporary nature and shall be removed by the persons responsible for installing such platforms or structures.

- (3) Upon removal of any scientific monitoring device or experimental activity, the permittee shall restore to the condition prior to work any area affected by or used as access to the authorized activity.
 - (4) Any scientific monitoring device or experimental activity authorized herein shall be of minimal and limited scope such that it causes only negligible environmental effects when conducted individually or cumulatively.
 - (5) Any scientific monitoring device or experimental activity shall allow most wave and current energy to pass through or over. At no time shall any such device be used to block the flow of tidal water into tidal river systems. At no time shall any such device unreasonably shield underlying tidal wetlands from direct sunlight.
 - (6) Any scientific monitoring device or experimental activity shall not unreasonably affect public access to public areas including beaches, wetlands or subtidal areas.
 - (7) Any scientific monitoring device or experimental activity shall not be installed or conducted unless the permittee holds any and all necessary wildlife or other collection permits as may be required.
 - (8) Any scientific monitoring device or experimental activity shall not be placed or conducted within a designated navigation area such that it creates a hazard to or interferes with existing navigation uses in any waterway including channels, fairways, turning basins, or transient anchorages.
 - (9) Any scientific monitoring device or experimental activity located in the Connecticut River shall not interfere with existing drift net shad fisheries.
- (i) ***General Construction and Use Conditions applicable to all activities of this General Permit.***
- (1) Prior to the commencement of any work authorized by this general permit or any approval of registration, the permittee shall provide copies of this general permit and any applicable approval of registration to any contractor employed to conduct such work and shall make such documents available for inspection at the site whenever work is being performed at the site.
 - (2) No registrant or permittee shall initiate construction of any activity authorized herein prior to submission and approval of registration, as applicable, or prior to the submission of a Project Report, as applicable.
 - (3) Any activity authorized herein shall be conducted in accordance with the plans included with the approval of registration, as applicable.

- (4) Any barge utilized conducting any activity authorized herein, where allowed, shall not be stored over intertidal flats, submerged aquatic vegetation or tidal wetlands or in a location that interferes with navigation. In the event that any barge associated with the work authorized herein becomes grounded, no dragging or prop-dredging shall occur to free the barge.
- (5) Any activity authorized herein shall not be conducted such that it creates a hazard to or interferes with existing navigation uses in adjacent waterways. Such activities shall be setback from federal navigation channels and shall also be setback as prescribed in any harbor management plan approved pursuant to section 22a-113m of the General Statutes.
- (6) Such activities are, where applicable, consistent with a harbor management plan approved pursuant to section 22a-113m of the General Statutes.
- (7) The construction, installation, use or removal of any activity authorized herein shall not interfere with access or navigation to or from any riparian or littoral property.
- (8) The permittee shall maintain in good working condition all structures authorized under this general permit. Unless otherwise authorized in writing by the commissioner, the permittee shall remove from tidal, coastal or navigable waters of the state or tidal wetlands any structure or portions of structures which have been destroyed by any cause whether natural or man-made.
- (9) In the course of conducting any activity authorized herein, no person shall place any equipment or material, including fill, construction materials, construction debris or solid waste as defined in section 22a-207 of the General Statutes in any wetland or watercourse, nor use any wetland or watercourse as staging area except as explicitly authorized herein or in any approval of registration.
- (10) Upon completion of any work authorized herein, the permittee shall restore any area affected by, or used as a staging area in connection with, such activity to the condition of such area prior thereto.
- (11) Any debris associated with any activity authorized herein shall be removed from the area waterward of the coastal jurisdiction line and tidal wetlands and disposed of at an approved upland site applicable for such debris.
- (12) The permittee shall dispose of any solid waste, as defined in section 22a-207 of the General Statutes generated by the work authorized herein in accordance with all applicable law, including Chapters 446e and 446k of the General Statutes.
- (13) Any activity authorized herein shall be conducted so as to minimize adverse impacts to coastal resources and processes.
- (14) Any activity authorized herein shall be conducted so as to minimize adverse impacts to commercial and recreational fishing and shellfishing.

- (15) Any activity authorized herein shall not create an obstruction or hindrance that will have an adverse effect on the flood heights, flood carrying and water capacity of the waterways and floodplains.
- (16) Any activity authorized herein shall not adversely affect existing or designated uses of the waters of the state as defined in Connecticut's Water Quality Standards pursuant to section 22a-426 of the General Statutes.
- (17) In conducting any activity authorized herein, the permittee shall not cause or allow pollution, as defined in section 22a-423 of the General Statutes, including without limitation pollution resulting from erosion and sedimentation.

Section 6. General Conditions

(a) Reliance on Registration

When evaluating a registration, the commissioner relies on information provided by the registrant. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) Duty to Correct and Report Violations

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with Section 6(d) of this general permit.

(c) Duty to Provide Information

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) Certification of Documents

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, 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 those 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 made 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 of the General Statutes, and in accordance with any other applicable statute.”

(e) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(f) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(g) *Correction of Inaccuracies*

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for registration is pending and after the commissioner has approved such request.

(h) *Transfer of Authorization*

An authorization under this general permit is transferrable only in accordance with the provisions of section 22a-60 of the General Statutes.

(i) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 7. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Filing of an Individual Permit Application*

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: October 26, 2015

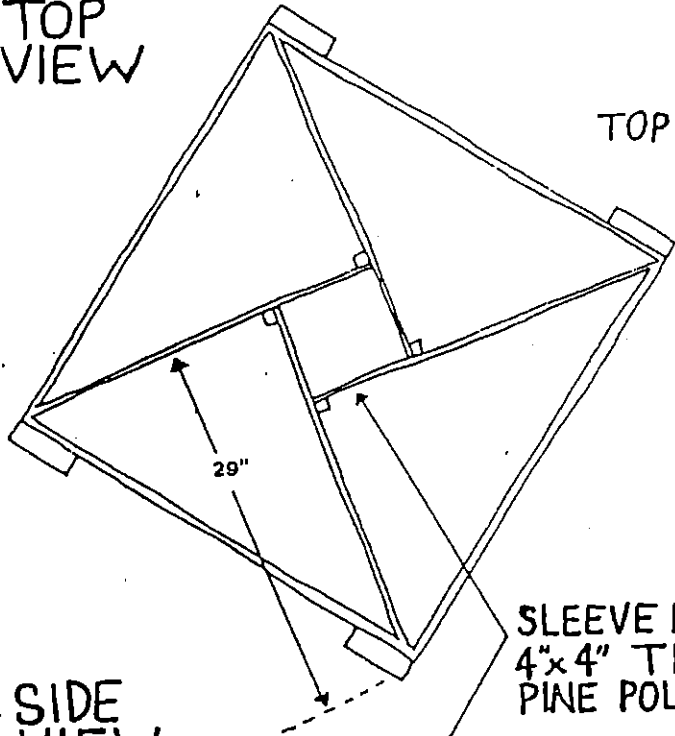
Robert J. Klee

Commissioner

This is a true and accurate copy of the general permit executed on **October 26, 2015** by the Commissioner of the Department of Energy and Environmental Protection.

OSPREY PLATFORM PLANS

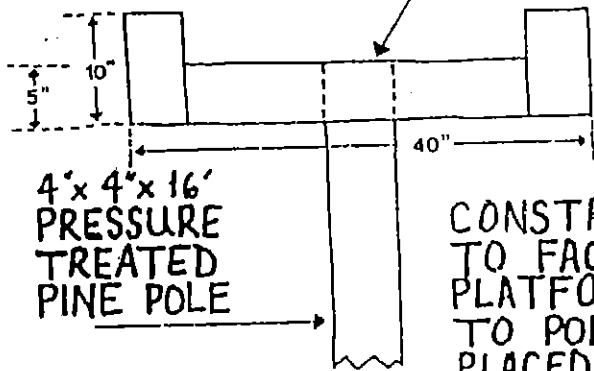
TOP VIEW



TOP COVERED WITH GALVANIZED WIRE MESH

SLEEVE MADE TO FIT 4"x4" TREATED PINE POLE

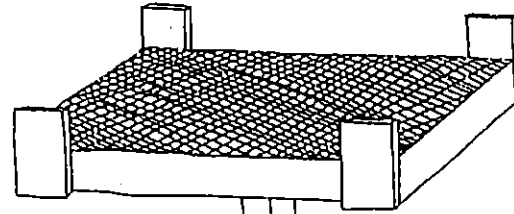
SIDE VIEW



5"x10" PIECE TO RETAIN NEST MATERIAL

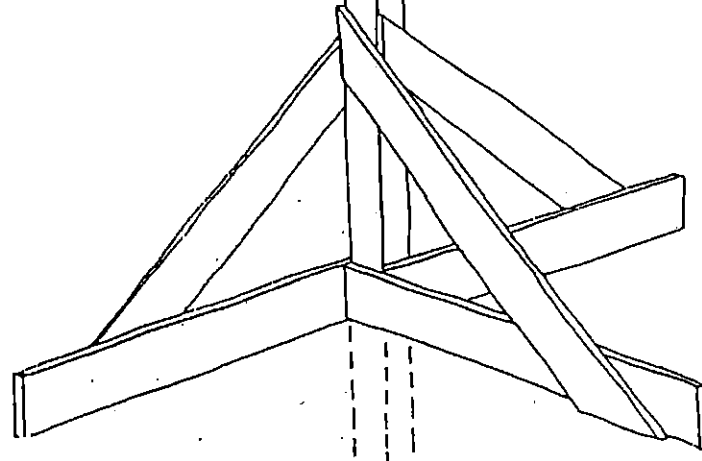
4"x4"x16' PRESSURE TREATED PINE POLE

CONSTRUCTED IN 2 PARTS TO FACILITATE TRANSPORT. PLATFORM IS ATTACHED TO POLE AT SITE. POLE IS PLACED 4' INTO GROUND. BRACES ARE ATTACHED TO POLE AFTER ITS ERECTION.



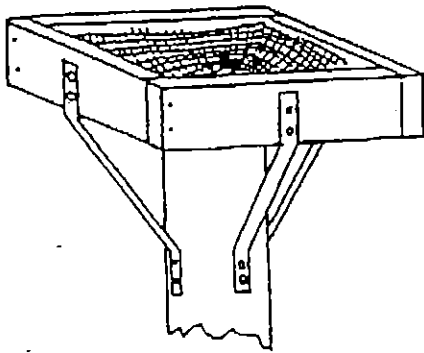
REPRESENTATION OF ERECTED PLATFORM WITH SIX 1"x6"x4' TREATED PINE BRACES AT BASE

SHEET METAL FLASHING PREDATOR GUARD 4' IN LENGTH



Appendix A

OSPREY NEST PLATFORM



LUMBER: One 12" x 12" x 1/2" exterior plywood
 One 2" x 6" x 12' cedar board
 One 20' or 30' cedar support post
 One 2" x 6" x 8' cedar board

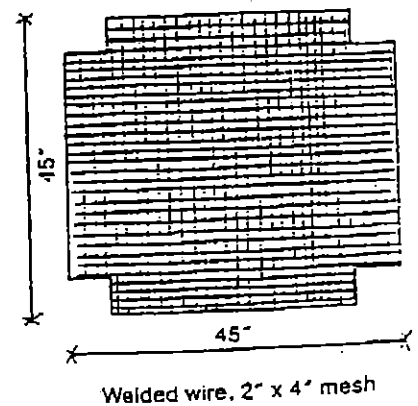
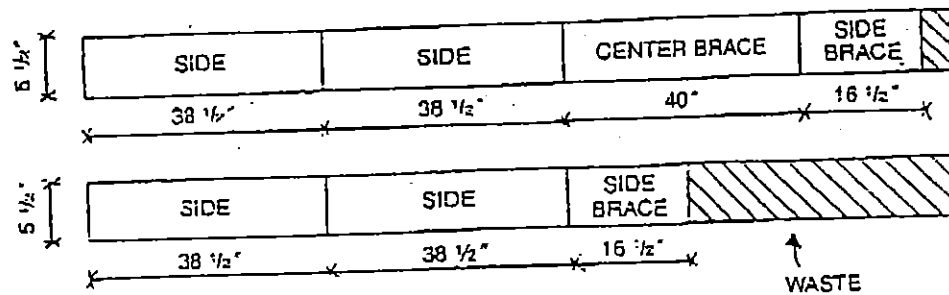
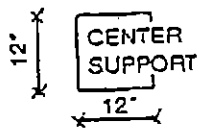
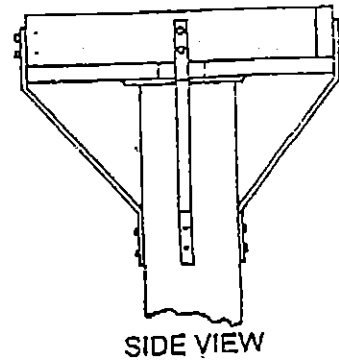
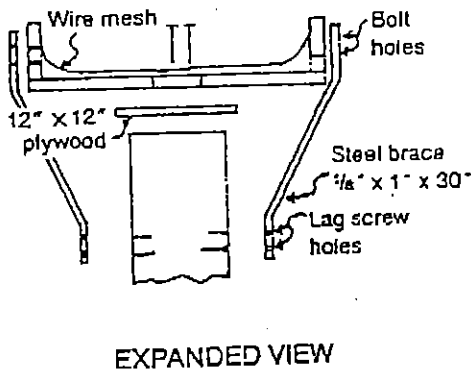
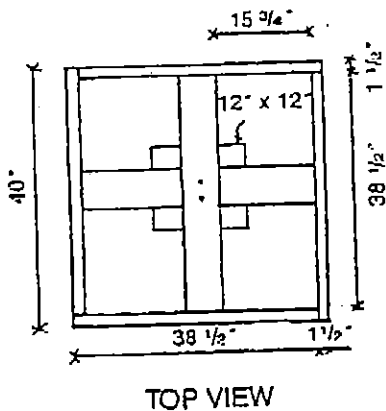


Fig. 12.1. Diagram of an osprey nest platform. To construct the platform, the following materials are required: (1) 2" x 6" x 12' cedar board; (2) 2" x 2" x 8' cedar board; (3) 12" x 12" x 1/2" exterior plywood; (4) 45" x 45" piece of heavy duty wire mesh; (20) galvanized 40D nails; (4) 1/8" x 3" x 30" steel strapping; (8) 2 1/2" x 1/2" bolts, with washers and nuts; (6) 4" x 1/2" lag screws; (1) 6" or 8" diameter cedar post, 20' to 30' long; and wood preservative and stain. To prevent splitting, predrill all nails and bolt holes. Treat the entire structure with wood preservative and stain brown. To encourage use by ospreys, wire several sticks into the nest. (Platform drawing by C.L. Henderson, J. Voigt-Englund, and M. Miller. This diagram and information appears in *Woodworking for Wildlife*, Henderson [1984]. Please see this publication for additional information on platform construction and placement.)

Appendix C

