



**Connecticut Department of
Energy & Environmental Protection**
Office of the Commissioner
Office of Planning & Program Development
Land Acquisition & Management

Instructions for Completing the Application for Review of Land Management Request on State-owned Land or Water

Use these instructions to complete the application form DEEP-LAM-APP-001 and prepare supporting documents. These instructions are not a substitute for the requirements of the relevant statutes and any regulations. You should review all applicable laws prior to completing this application. Remember, it is your responsibility to comply with all applicable laws.

Introduction

This program is administered by the Department of Energy and Environmental Protection's (DEEP) Land Acquisition and Management Unit.

DEEP owns or manages over 260,000 acres of land in its system of State Parks, Forests, Wildlife Management Areas, Water Access Areas, and other areas. Land and interests in land held by DEEP were obtained to protect property for environmental conservation and public recreation purposes. This provides a current benefit to the general public as well as a benefit to future generations.

DEEP developed the Form for *Review of Land Management Request* to provide a mechanism for people to request landowner permission from the State for legal access or other property rights on, over, across, or under DEEP-owned or controlled land or water.

Upon receiving complete request packages, requests are evaluated by the Department's Property Management Review Committee, a multiple-disciplinary team of staff from throughout the agency. Committee meetings are held quarterly and typical review times range around three months, depending on the

complexity of the request and staff availability. When a final determination has been rendered by the Property Management Review Committee, the applicant will be notified in writing by the DEEP Land Acquisition and Management Unit.

Depending on the circumstances, and subject to the applicant obtaining any and all necessary state, federal, and local requests or approvals, determinations on State land rights requests may result in the execution of one or more of the following legal documents, to be prepared and issued by DEEP's Land Acquisition and Management Unit:

- Authorization/Permission Letter
- Temporary Special Use License
- Easement (temporary or permanent)
- Lease Agreement (temporary)
- Boundary Line Agreement

Be Advised: Any buildings, structures, excavations, vegetation management, or other activity performed without prior approval by DEEP is considered an unauthorized structure or activity and therefore constitutes an encroachment on public land. Encroachments are subject to enforcement, immediate removal, and possible state law fines or other legal

action.

Requests That Cannot Be Considered

- Sale of DEEP-held land or interest in land; and
- *Grant of a new easement to cross DEEP-owned land.

*Only upon concurrence with an applicant's evidence of having the existing rights to do so, the Department may clarify existing rights by granting easements to cross or access DEEP property. Requests for easements over DEEP land must include the following as Attachment G or will not be considered:

- Title report dating to the time at which the crossing was established and certified by a title attorney;
- Copies of title report deeds which follow the establishment and subsequent conveyance of a crossing; and
- Compilation map showing the chain of title.

Requests That May Be Considered

- Clarification of land rights for non-State landowners (e.g., proposed boundary line agreement);
- Allowing passive recreational use of DEEP land by municipalities; and
- Approving projects that are mutually beneficial for the State and the applicant.

Additional Request Criteria

DEEP considers requests in extenuating circumstances and only when certain criteria are met:

- The circumstances of a proposed request do not conflict with any terms under which, or conditions for which, the

DEEP land was acquired;

- Affected DEEP land or interests are evaluated by a staff committee review and are determined not to be integral or significant to DEEP's resource management programs;
- Any title work, appraisals to determine land value, and land survey costs, as well as any DEEP administrative fees, must be borne by the requestor; and
- The proposal is consistent with the local Conservation and Development Plan.

Who Needs a Land Management Review?

Any individual person, company, organization, or municipality requiring legal land rights or landowner permission from the State to conduct an activity on, over, across, or under DEEP-owned or controlled land or water.

If you have any questions about these notice requirements contact the Land Acquisition and Management Unit at DEEP.PropertyManagement@ct.gov or 860-424-3143 (email is preferred).

How To Apply

You may submit an electronic copy of the completed application package to:

DEEP.PropertyManagement@ct.gov

You may also submit a hard copy of the completed application package to:

LAND ACQUISITION AND MANAGEMENT UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET, 6TH FLOOR
HARTFORD, CT 06106-5127

DEEP encourages all applicants to submit their application electronically. Submit only one hardcopy or an electronic copy of the completed application package. Double-sided printing is preferred for hardcopies.

When submitting your request application, label your supporting documents as directed on your application form and always include, on each document, the applicant's name as indicated on the *Application Form*. When additional space is necessary to answer a question stated in the application, please insert additional sheets. Label each sheet with the applicant's name as indicated on the *Application Form*, along with the corresponding part number and question number. You should retain a copy of all documents for your files.

Request Application Instructions

Please read the application form and instructions carefully. They have been designed to obtain specific information and any information that is missing or unclear will cause delays in the review process. If any questions are not applicable to your specific activity, please enter "N/A" in the space provided. If a question or supporting document is only required for specific activities it will be noted on the application form and in the instructions.

Please be advised that these instructions are not a substitute for any state or federal statutes or regulations. Be sure to refer to the applicable statutes and regulations while completing your application.

Refer to the Available Resources Section at the end of these instructions to obtain help in obtaining required documents and guidance related to the subject review application.

Part I: Application Type

Please indicate whether you are applying for a new authorization, a renewal of an authorization, a modification of an existing authorization, or a reconsideration of a previously denied request by checking the appropriate box. If an authorization is deemed to be "existing", please provide the existing authorization "A-File" number, if known.

NOTE: If an application is for a reconsideration, it will be important to describe in Part IV of this application what has changed from the previous request and how such changes address DEEP's past concerns. You must reference the A-File number for all reconsiderations.

Copies of any prior authorizations, such as letters of permission or other documentation, should be provided in Attachment F.

Part II: Applicant Information

If there are any changes or corrections to your company/facility or individual mailing or billing address or contact information, please complete and submit the [Request to Change Company/Individual Information](#) to the address indicated on the form. If there is a change in name of the entity holding a DEEP authorization or a change in ownership, contact the Land Acquisition and Management Unit at 860-424-3143.

When completing this part, please use the following standards:

- *Name* - Provide the full, legal *company/firm* name. (If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on the registration. Please note, for those entities registered with the Secretary of State, the registered name will be the name used by DEEP. This information can be accessed at [CONCORD](#)). If identifying an *individual*, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.). If the applicant is a governmental body, identify the city or town of such body followed by the relevant department, board or division.
- *Phone* - Unless otherwise indicated, the phone number provided should be the number where the corresponding individual can be contacted during daytime business hours.

- *Contact Person* - Provide the name of the specific individual within the company whom DEEP may contact.
- *E-Mail* – Applicants must provide an accurate e-mail address when completing their application form. The e-mail address may be used for future correspondence from DEEP to your business.

1. *Applicant* - Complete the information concerning the applicant.
2. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for *you* during the processing of the request application, complete this section. DEEP will direct copies of all correspondence and inquiries to this primary contact. Please be aware that for legal reasons there will be circumstances when DEEP will notify the applicant instead of the primary contact.
3. *Attorney* - It is not required that an applicant be represented by an *attorney* or any other agent. If you do have an attorney, complete this section.
4. *Engineer, Land Surveyor, or Other Consultant* – It is not necessarily required that an applicant be represented by an engineer, land surveyor, or other consultant. If you do have such representation, complete this section.

Part III: Site Information

1. Site Location

The State (DEEP) property name should be the name by which the site is commonly known and/or uniquely identified.

The information given as the location address should be the address of the property at which the proposed activity will take place. Include the street address, municipality, and the Tax Assessor's Map,

Block and Lot Number of the site, if known. These numbers may be obtained from the tax assessor's office in the town in which the property is located. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example, “. . . on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road.”

DEEP strongly encourages all applicants to conduct a review of the following Coastal and Natural Diversity Data Base (NDDB) as soon as possible and to resolve any outstanding issues, where feasible, before submitting their request application to DEEP to ensure a more efficient and timely review of their review application.

2. Coastal Management Act Consistency

If the application is for a new request or a modification of an existing request where the physical footprint of the subject activity is modified you must further evaluate your activity as detailed below.

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CGS sections 22a-90 through 22a-112). You may be required to complete a Coastal Consistency Review Form (DEEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. To determine whether this requirement pertains to you, you must first decide if your activity is, or is proposed to be, located in either the coastal area or the coastal boundary.

The coastal area, as defined in CGS section 22a-94 (a), includes the land and water within the following towns:

Branford	Guilford	Old Saybrook
Bridgeport	Hamden	Orange
Chester	Ledyard	Preston
Clinton	Lyme	Shelton
Darien	Madison	Stamford
Deep River	Milford	Stonington (Borough and Town of)
East Haven	Montville	Stratford
East Lyme	New London	Waterford
Essex	New Haven	West Haven
Fairfield	North Haven	Westbrook
Greenwich	Norwalk	Westport
Groton (City and Town of)	Norwich	
	Old Lyme	

The *coastal boundary*, as defined in CGS section 22a-94(b), is a designated region within the coastal area. It is delineated on DEEP-approved coastal boundary maps which are available for review at the DEEP Land and Water Resources Division (LWRD), the DEEP File Room, and municipal offices of towns located in the coastal area. The map can also be viewed at:

www.cteco.uconn.edu/map_catalog.asp

(Select the town and then select coastal boundary. If the town is not within the coastal boundary you will not be able to select the coastal boundary map.)

Activities within the coastal boundary:

If your requested activity is proposed to be located in the coastal boundary, and you are applying for a new request or a modification of an existing request where the physical footprint of the subject activity changes, you must complete a [Coastal Consistency Review Form](#) (DEEP-APP-004) and submit with your application a copy of the submitted form or the resultant response from DEEP, as Attachment C.

For renewals or other modifications of existing requests for activities located within the coastal boundary, you are not required to submit a Coastal Consistency Review Form with your initial application materials. However, DEEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

Activities outside the coastal boundary but within the coastal area:

For request applications (new requests, modifications, renewals, or reconsiderations) for activities located outside of the coastal boundary, but within a town in the coastal area, you are not required to submit a Coastal Consistency Review Form with your initial application materials. However, DEEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

For assistance in completing the form, or if you have questions on this process, call LWRD at 860-424-3034.

3. *Natural Diversity Data Base (NDDB) - Endangered and Threatened Species*

Section 26-310 (a) of the Connecticut General Statutes states that each state agency, in consultation with the DEEP commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any activity authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species.

Please refer to “Requests for Natural Diversity Data Base State Listed Species Reviews” located on the DEEP website at: www.ct.gov/deep/nddbrequest to determine if your activity, including any areas beyond the immediate footprint of the project and beyond the property line that will be either directly or indirectly affected, is located within an area identified as, or otherwise known to be, a habitat for endangered, threatened or special concern species. Include areas such as equipment and materials staging areas, areas receiving discharge and dredge material disposal

areas. If applicable, prior to submitting the subject application, you must submit a [Request for NDDB State Listed Species Review” form](#) (DEEP-APP-007) to NDDB. Please note that NDDB review generally takes 4 to 6 weeks and may require the applicant to produce additional documentation, such as ecological surveys, which must be completed prior to submitting the subject permit application. A copy of the NDDB Determination response letter that has not expired *must* be submitted with the completed subject application as Attachment D. Include a copy of any mitigation measures developed for this activity and approved by NDDB. Do *not* submit any NDDB Preliminary Site Assessments with your application. Be aware that you must renew your NDDB Determination if it expires before project work commences.

If your activity is not located within an area deemed by the NDDB evaluation process as being a habitat for endangered, threatened, or special concern species, submit as Attachment D a color copy of the most current "[Natural Diversity Data Base Areas Map](#)" showing the area subject to this application.

NOTE: All requests are subject to review by DEEP’s Property Management Review Committee, which includes staff from the Wildlife Division, Fisheries Division, and other Departmental programs, whether or not a proposed activity is located within an area deemed by the NDDB evaluation process as being a habitat for endangered, threatened, or special concern species.

4. *Conservation Easement or Restriction*

If the proposed activity, which is the subject of the application, is located within a conservation easement or restriction area, proof of written notice of the proposed activity to the holder of such easement or restriction, or a letter from the holder of such easement or restriction, verifying that the proposed activity is in compliance with the

terms of the easement or restriction, must be submitted as Attachment E. In addition, a full copy of such deeds or documents shall be submitted as Attachment E. The Town Hall where the site is located may have records concerning such easements or restrictions.

5. *Other Requests or Approvals*

Indicate whether any other state, federal, or local requests or approvals have been obtained, or are in the process of being obtained, for the proposed activity. For example, any requests or approvals from programs such as inland wetlands, aquatic pesticides, or coastal management/jurisdiction.

Part IV: Summary of Requested Project

1. *Type of State Property* – Indicate whether the proposed activity is requested at a State-owned or controlled waterbody, boat launch, Park, Forest, Wildlife Management Area, or other DEEP property. Provide the name of the DEEP property.

List of Waterbodies: See [Addendum A](#) for a list of waterbodies which DEEP owns, owns a portion, or has an interest.

List of State Boat Launches: See [Addendum B](#) for a list of DEEP-owned or controlled boat launches. Any party proposing to use these properties for other than simply launching a boat (e.g., mixing chemicals; holding meetings; storing equipment, etc.) must also seek a [Marine Event Request](#) to do so. In addition, applicants shall secure other parking arrangements on proposed working days, due to parking space availability and facility popularity with the public, unless otherwise approved in writing.

2. *Duration of Proposed Activity* – Indicate whether the applicant requires temporary, short-term authorization or permanent property rights.

3. **Anticipated Start Date** – Provide the date on which the proposed activity is expected to begin.

4. **Anticipated Date of Completion** – Provide the date on which the proposed activity is expected to be completed.

5. **Construction Methods and Materials** – Provide a description of any construction methods, equipment, and materials which will be used (if applicable).

6. **Mutual Benefit(s) Provided by Request** – Provide a synopsis of how the request will mutually benefit the State, the general public, and the state’s environmental and recreational resources.

7. **Project Narrative** – Provide a project description which includes:

- a description of existing site conditions and present and intended use(s) of the property at which the proposed activity is requested to be conducted;
- a description of proposed activities;
- the reason for conducting the proposed activity;
- the proposed project timeline;
- if the application is for a new or a modification of an existing structure where the physical footprint of the structure is modified, provide the dimensions for both the existing and new structures; and
- a synopsis of any ecological reviews or environmental impact analyses performed; and
- any other pertinent information that will aid in the review of the requested activity.

- If an application is for a reconsideration, a description on what has changed from the previously denied request and how such changes address DEEP’s past concerns. The application must reference the A-File number for all reconsiderations.

Part V: Supporting Documents

All request applications must include Attachments A through F, unless otherwise noted in these instructions. Check the appropriate box by each attachment being submitted as verification that all applicable attachments have been submitted. Please label all attachments as referenced in the request application form and these instructions and be sure to include the name of the applicant as indicated on the *request application form*.

Attachment A: Deeds and Town Assessor’s Maps

For ownership and rights-of-ways determination purposes, provide the following in Attachment A:

- Deed(s) to the properties subject to the proposed activity;
- Map from the local tax assessor showing the subject property and adjacent properties.

Deeds and assessor’s documents can be obtained from the land records and tax assessor’s offices in the town in which the property is located.

Attachment B: Project Plan, Site Plan, or Engineering Drawings

The application package must include sketches of the proposed activity, site plan, and drawings (if applicable), as Attachment B. Sketches, plans, or drawings must be legible and may show activities as dot shading, hatching, cross hatching, or similar graphic symbols.

At minimum, site plans must contain the following information:

- Clearly distinguishable property boundaries;
- Any existing structures (e.g., buildings, docks, retaining walls, etc.) at the subject area; and
- Sketch showing proposed activity.

If requesting to apply aquatic pesticides to a State-owned or controlled waterbody, submit as Attachment F, a recent (less than 12 months old) vegetation survey of the proposed treatment area.

Attachment C: Coastal Consistency Review Form

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CGS sections 22a-90 through 22a-112). You may be required to complete a *Coastal Consistency Review Form* (DEEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. Please refer to the instructions in Part III to determine if this requirement pertains to you.

Attachment D: NDDB Information

Submit a copy of the NDDB Determination response letter that has not expired, and include a copy of any mitigation measures developed for this activity and approved by NDDB, as Attachment D, as explained in Part III, item 3 of these instructions.

If your activity is not located within an area deemed by the NDDB evaluation process as being a habitat for endangered, threatened, or special concern species, submit as Attachment D a color copy of the most current "Natural Diversity Data Base Areas Map" showing the area subject to this application.

Attachment E: Conservation Easement or Restriction

If the property is subject to a conservation easement or restriction, submit a full copy of such deeds or documents and proof of written notice of this application to the holder of such easement or restriction, or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the easement or restriction, as Attachment E. The Town Hall where the site is located may have records concerning such easements or restrictions.

Attachment F: Other Supporting Documents

Please submit, as Attachment F, any other information deemed by the applicant to be important to consider in the review of this request application. In addition:

- Copies of any prior DEEP authorizations, such as letters of permission, letters of denial, leases, or other documentation, should be provided in Attachment F.
- Only upon concurrence with an applicant's evidence of having the existing rights to do so, the Department may grant easements to cross or access DEEP property. Requests for easements over DEEP land must include the following as Attachment F or will not be considered:
 - Title report dating to the time at which the crossing was established and certified by a title attorney;
 - Copies of title report deeds which follow the establishment and subsequent conveyance of a crossing; and
 - Compilation map showing the chain of title.

Part VII: Application Certification

After the application has been completed it must be reviewed and signed by both the applicant(s) and the individual(s) who actually prepared the application. By their signature, they certify that to the best of their knowledge and belief, the information contained in the application, including all attachments, is true, accurate and complete.

The certification of the application package must be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president;
3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);
4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.

An application will be considered insufficient unless all required signatures are provided.

Available Resources:

Below is a list of possible resources for specific information required for this application. Be sure to also check the DEEP website, www.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 basement level at 79 Elm Street, Hartford, CT. Please call the appropriate office in advance for hours of operation.
- Coastal Boundary Areas: Town Hall. Additional information: DEEP Land and Water Resources Division: 860-424-3034.
 - www.cteco.uconn.edu/map_catalog.asp
 - magic.lib.uconn.edu/connecticut_data.html#water
- [Coastal Consistency Review Form](#)
- Coastal Resource Maps: Town Hall.
- USGS Topographic Quadrangle Map: [\(USGS\) Topographic Quadrangle Map: \(www.ct.gov/deep/gis\)](#); USGS Office, 303-202-4700, or US Geological Survey, Western Distribution Branch, Box 25286, Denver Federal Center, Denver, CO 80225 (sells USGS maps and publications) www.usgs.gov
- Endangered or Threatened Species Areas: DEEP File Room; "State and Federal Listed Species and Natural Communities"; www.ct.gov/deep/endangeredspecies
- Tidal Wetland and Wetland Boundary Maps: Town Hall.
- Coastal Policies and Use Guidelines (Planning Report 30): DEEP LWRD 860-424-3034

- 2002 Connecticut Guidelines for Soil Erosion and Sediment Control

www.ct.gov/deep/soilerosionsedimentcontro

- State and federal statutes and regulations are available for review at various locations:

On the web:

- State Statutes:
www.cga.ct.gov/lco/statutes-index.asp
- DEEP website for Statutes and Regulations: www.ct.gov/deep/laws-regs
- US EPA website for Federal Laws, Regulations (Code of Federal Regulations; CFR), Policy, Guidance and Legislation: www.epa.gov/lawsregs

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 us at (860) 418-5910 or deep.accommodations@ct.gov if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint.