

PERMIT

Permit No: #201600993-TS

Municipality: Branford

Work Area: Town of Branford Commercial Float & Boat Ramp Area and
Town Dock Area off Indian Point Road

Permittee: Town of Branford
1019 Main Street – 3rd Floor
Branford, CT 06405

Pursuant to sections 22a-359 through 22a-363g of the Connecticut General Statutes (“CGS”) and in accordance with section 401 of the Federal Clean Water Act, as amended, CGS section 22a-98 and the Regulations of Connecticut State Agencies sections 22a-426-1 to 22a-426-9 (the Water Quality Standards) effective September 10, 2013, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to conduct dredging activities for marine commercial use as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201600993-TS, including eight sheets of plans dated January 5, 2016, with sheets 1 and 5 revised July 6, 2016, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. At the Town Commercial Float & Boat Ramp: dredge, by mechanical means, a total of 1,300 cubic yards of sediment over a 16,300 square foot area to a depth of -4.0' MLLW plus 1' allowable overdredge;
2. At the Town Dock: dredge, by mechanical means, a total of 2,800 cubic yards of sediment over a 22,220 square foot area to a depth of -6.0' MLLW plus 1' allowable overdredge; and
3. dispose of the dredged sediments authorized in paragraphs 1. and 2. above at the Central Long Island Sound Disposal Site in accordance with the SPECIAL TERMS AND CONDITIONS of this permit.

SPECIAL TERMS AND CONDITIONS

1. The dredged sediments may be disposed of at the Central Long Island Sound Disposal Site provided that the sediments represented by Samples identified as "B-4" and "B-5" as shown on the attached plan sheet labeled "Disposal Sequencing," are dredged and disposed of first, followed by the remainder of the sediments placed on top.
2. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
3. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty (30) days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
4. Not later than two (2) weeks subsequent to the completion of any dredging activity authorized herein, the Permittee shall submit to the Commissioner a completed Dredging Report on the form attached hereto as Appendix C. A separate form shall be submitted by the Certificate Holder for each distinct dredging activity conducted pursuant to this authorization.
5. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
6. Dredging is prohibited from June 1st through September 30th in order to protect spawning shellfish.
7. The Permittee shall dispose of dredged or excavated material in accordance with the requirements of the United States Army Corps of Engineers-New England District, except that if the disposal site location is modified from the site authorized herein, the Permittee shall submit a request for modification of the location to the Commissioner and shall not dispose

- of the material until such location modification has been approved by the Commissioner in writing.
8. The Permittee shall dispose of aquatic sediments in accordance with the terms and conditions of this permit.
 9. Sediment dredged pursuant to this authorization shall not be sold nor shall any fee for its use be charged without the express prior written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the State of Connecticut Department of Environmental Protection, pursuant to section 22a-361(e) of the General Statutes.
 10. The Commissioner may modify the disposal site authorized herein and direct dredged sediment to an alternate site for use as cap material, provided that no modification will take effect if such modification imposes uncompensated additional costs solely attributable to such modification on the Permittee.
 11. Dragging the bottom with a spoil barge, scow, vessel, beam or similar equipment outside of the area authorized by this certificate to be dredged or excavated is prohibited.
 12. Sidecasting or in-water rehandling of dredged or excavated material is prohibited.
 13. Spoil scows or barges shall be loaded and navigated in a manner which prevents uncontrollable motion or spillage and washout of dredged or excavated materials.
 14. Except as specifically authorized by this permit, no equipment or material including, but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
 15. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner an “as-dredged” survey of the work area showing contours, bathymetries, and tidal datums. Such survey shall be the original one and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within three (3) years from date of issuance of this certificate (“work completion date”) in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner’s sole discretion to grant or deny such request.
 - b. Any work authorized herein conducted after said work completion date or any authorized

one-year extension thereof is a violation of this certificate and may subject the Permittee to enforcement action, including penalties, as provided by law.

2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this certificate. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this certificate site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-28 et. seq.
4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this certificate, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
7. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set forth in this permit. No change in purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this certificate, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
8. The Permittee shall allow any representative of the Commissioner to inspect the work authorized hereunder at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this certificate.
9. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this certificate shall not be affected by the passage of title to the permit site to any other person or municipality until such time as a transfer is authorized by the Commissioner.
10. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section

Office of Long Island Sound Programs
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

11. The date of submission to the Commissioner of any document required by this certificate shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this certificate, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this certificate, the word “day” as used in this certificate means calendar day. Any document or action which is required by this certificate to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
12. 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 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 and 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, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense.”
13. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee’s representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this certificate may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. In granting this permit, the Commissioner has relied on all representations of the Permittee, including information and data provided in support of the Permittee’s application. Neither the Permittee’s representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this certificate or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all

reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

- 16. This permit may be revoked, suspended, or modified in accordance with applicable law.
- 17. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
- 18. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and 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 hereby.

Issued on _____, 2016.

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Michael Sullivan
Deputy Commissioner



OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

**TO: Permit Section
Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127**

PERMITTEE: Town of Branford
1019 Main Street – 3rd Floor
Branford, CT 06405

Permit No: #201600993-TS, Branford

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____

(signature)

(date)



79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX B

NOTICE OF PERMIT ISSUANCE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

To: Branford Town Clerk

Signature and

Date:

Subject: Town of Branford Commercial Float & Boat Ramp and
Town Dock Area, Branford
Coastal Permit #201600993-TS

Pursuant to Section 22a-363g, and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Town of Branford, 1019 Main Street – 3rd Floor, Branford, CT 06405 to:

1. At the Town Commercial Float & Boat Ramp: dredge, by mechanical means, a total of 1,300 cubic yards of sediment over a 16,300 square foot area to a depth of -4.0' MLLW plus 1' allowable overdredge;
2. At the Town Dock: dredge, by mechanical means, a total of 2,800 cubic yards of sediment over a 22,220 square foot area to a depth of -6.0' MLLW plus 1' allowable overdredge; and
3. dispose of the dredged sediments authorized in paragraphs 1. and 2. above at the Central Long Island Sound Disposal Site in accordance with the SPECIAL TERMS AND CONDITIONS of this permit.



PERMIT NOTICE

This Certifies that Authorization to perform work below the Coastal Jurisdiction Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to: **Town of Branford**

At this location: Town of Branford Commercial Float & Boat Ramp and Town Dock Area

To conduct the following: Conduct Dredging

Permit #: 201600993-TS

Issued on:

This Authorization expires on:

This Notice must be posted in a conspicuous place.
on the job during the entire project.

Department of Energy and Environmental Protection
Office of Long Island Sound Programs
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