

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



**General Permit for Structures, Fill, Obstructions, or
Encroachments in Dolphin Cove Lagoon, Stamford
GP-LIS-95-001**

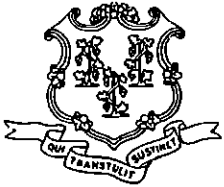
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STATE OF CONNECTICUT
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***General Permit for Structures, Fill, Obstructions or
Encroachments in Dolphin Cove Lagoon, Stamford***

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, the following definitions apply:

"Authorized activity" means any activity authorized under this general permit, including the retention, routine maintenance, or substantial maintenance of any structure, fill, obstruction, or encroachment.

"Commissioner" means the Commissioner of Environmental Protection or his agent.

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

"Department" means the Department of Environmental Protection.

"High tide line" means high tide line as defined in section 22a-359(c) 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.

"Permittee" means a person who has submitted a complete registration form and registration fee in accordance with the terms and conditions of this general permit and the Commissioner has acknowledged in writing the receipt thereof.

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

"Registrant" means a person who has submitted a registration to the Commissioner under section 4 of this general permit.

"Registration" means a complete registration form and registration fee submitted to the Commissioner under section 4 of this general permit.

"Site" means the property or properties 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.

"Substantial maintenance" means rebuilding, reconstructing, or reestablishing in place and to a preexisting condition and dimension any structure, fill, obstruction or encroachment or any part thereof.

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

Section 3. Authorization under this General Permit

(a) Activities Authorized

This general permit authorizes the retention, routine maintenance, and substantial maintenance of structures, fill, obstructions, and encroachments in tidal, coastal, or navigable waters or in tidal wetlands provided:

- (1) The structure, fill, obstruction, or encroachment which is proposed to be retained or upon which routine maintenance or substantial maintenance is proposed to be conducted was erected or placed prior to the date of issuance of this general permit;
- (2) The proposed 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) The proposed activity will not interfere with the littoral or riparian rights of adjacent property owners to access navigable waters, and will not interfere with navigation;
- (4) The proposed activity will not threaten the continued existence of any endangered or threatened species or species of special concern, as those terms are defined in section 26-304 of the General Statutes, or result in the destruction or adverse impacts to habitat designated as essential to such species in accordance with section 26-310 of the General Statutes;

- (5) The proposed activity will not adversely affect existing and designated uses of the waters of the state as defined in the Connecticut Water Quality Standards adopted pursuant to section 22a-426 of the General Statutes; and
- (6) A person proposing to retain or to conduct routine maintenance or substantial maintenance of any structure, fill, obstruction or encroachment has submitted a complete registration form and registration fee to the Commissioner with respect to such proposed activity, and the Commissioner has notified such person of his receipt of the complete registration form and registration fee.

Any retention, routine maintenance, and substantial maintenance of any structure, fill, obstruction, or encroachment in tidal, coastal, or navigable waters or in tidal wetlands, other than as specified in this subsection, is not authorized by this general permit. Any person who wishes to conduct any such other activity shall first obtain an individual permit or certificate under section 22a-361 or 22a-363b and, as applicable, under section 22a-32 of the General Statutes.

(b) Geographic Area

This general permit applies **only** to the waters within Dolphin Cove Lagoon in the city of Stamford, landward of the area labeled "PRE-1974 HTL: LIMIT OF PUBLIC TRUST" as depicted on drawing no. 94024-01, titled "EXISTING WATERFRONT DEVELOPMENT CONDITIONS, GENERAL SITE PLAN" by Ocean and Coastal Consultants, Inc., dated 12/01/94, attached hereto and incorporated by reference herein.

(c) Effective Date of General Permit

This general permit is effective on the date it is issued by the Commissioner.

Section 4. Registration Requirements

(a) Who Must Submit a Registration

Any person who proposes to retain or to conduct any routine maintenance or substantial maintenance of any structure, fill, obstruction, or encroachment in tidal, coastal, or navigable waters or in tidal wetlands as described in section 3 of this general permit shall submit a complete registration form and registration fee.

(b) Authorization Effective Upon Notification

A proposed activity shall not be authorized under this general permit until a complete

registration form, with a registration fee, is filed with the Commissioner and the Commissioner has notified the registrant of his receipt of the complete registration form and registration fee.

(c) Contents of Registration

- (1) Fees: A non-refundable registration fee of \$50.00 shall be submitted with each registration. The registration fee shall be paid by certified check or money order payable to the **Department of Environmental Protection**. The certified check or money order shall state on its face: "Dolphin Cove General Permit Registration Fee".
- (2) Registration Form: A registration shall be submitted on a form prescribed and provided by the Commissioner and shall include, without limitation, the following:
 - (A) Legal name, address, and telephone number of the person proposing to conduct any activity authorized under this general permit.
 - (B) Legal name, address, and telephone number of the person who owns the structure, fill, obstruction, or encroachment for which an activity is proposed and the site at which the proposed activity is to be conducted, if such person is different from the person listed in (A).
 - (C) Legal name, address, and telephone number of the registrant's attorney, consultant, or other representative, if any.
 - (D) Address of the site at which the registrant proposes to retain or to conduct routine maintenance or substantial maintenance to any structure, fill, obstruction or encroachment.
 - (E) A narrative description of (1) the structure, fill, obstruction, or encroachment for which an activity is proposed, and (2) the proposed activity.
 - (F) A brief narrative description of the coastal resources on or in the vicinity of the site.
 - (G) A brief narrative description of (1) any impacts on coastal resources that may reasonably be expected to occur as a result of the proposed activity and (2) any measures which will be taken to prevent or minimize such impacts.
 - (H) A plan of the site showing (1) the boundaries of such site; (2) all manmade features and coastal resources on and in the vicinity of such site; (3) the

structure, fill, obstruction, or encroachment with respect to which retention, routine maintenance, or substantial maintenance is proposed; and (4) the retention, routine maintenance, or substantial maintenance proposed. Such plans shall include a plan view and cross section, drawn to scale, showing the relation of such structure, fill, obstruction, or encroachment to the high tide line, mean high water, and mean low water.

- (I) The signature of the registrant and of the individual or individuals who prepared the registration, 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 any 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.

- (d) Where to Submit a Registration

A registration shall be submitted to the following address:

OFFICE OF LONG ISLAND SOUND PROGRAMS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD CT 06106-5127

- (e) Correction of Inaccuracies

Within fifteen days after the date a registrant becomes aware of a change in any information in the registration or in any material provided in support thereof, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such registrant shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commissioner.

- (f) False Statements

Any false statement in any information submitted in a registration or in support of a registration may be punishable as a criminal offense, in accordance with section 22a-6, under section 53a-157b of the General Statutes.

(g) Rejection and Disapproval of Registration

- (1) Upon receipt of a registration, the Commissioner may reject the registration if he determines that it is insufficient. A registration resubmitted after rejection pursuant to this subdivision shall be accompanied by the registration fee required under section 4(c)(1) of this general permit.
- (2) Upon receipt of a registration, the Commissioner may disapprove the registration (A) for the same reasons for which he may under section 22a-361(d)(3) require an individual permit, including without limitation, if he finds that the proposed activity is inconsistent with the criteria for authorization under this general permit; (B) if he finds that the proposed activity is inconsistent with any of the applicable standards and criteria of sections 22a-28, 22a-33, 22a-92, 22a-359, 22a-361, and 22a-363b of the General Statutes; or (C) for any other reason provided by law. Disapproval of a registration under this subdivision shall constitute notice that an individual permit or certificate must be obtained under section 22a-361 or 22a-363b and, as applicable, under section 22a-32 of the General Statutes, before conducting any activity proposed in such registration.

(h) Transfer of Authorization

An authorization under this general permit is not transferable to any person, except as authorized in writing by the Commissioner.

(i) List of Authorized Activities

The Commissioner shall maintain a list, updated annually, of activities which have been authorized under this general permit. Such list shall include the names and addresses of all permittees, and shall be made available to the public upon request.

Section 5. Terms and Conditions of this General Permit

Each permittee shall assure that authorized activities are conducted in accordance with the following conditions:

- (a) Authorized activities shall be completed no later than three years after submission of the registration in accordance with the terms and conditions of this general permit.
- (b) In conducting authorized activities, 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.

- (c) Before commencing any authorized activity, the permittee shall mark, with easily identifiable markers, a ten (10) foot setback from any wetlands, watercourses, or other coastal resources which are not located in the area where any authorized work is to be conducted or which is to be used for access to the site where such activity is to take place.
- (d) No person shall, in the course of conducting authorized activities (1) place any equipment or material, including fill, construction materials, or solid waste as defined in section 22a-207 of the General Statutes, in any wetland or watercourse or within the ten-foot line marked pursuant to subsection (c) of this section, or (2) use any wetland as a staging area or accessway.
- (e) Upon completing any authorized activities, the permittee shall restore any area affected by, or used as a staging area or accessway in connection with, the conduct of such activities to the condition of such area prior to the conduct of such activities.
- (f) All authorized activities shall be conducted in accordance with the site plan submitted with the applicable registration. Any deviation from such plan other than a de minimis deviation may be lawfully carried out only under a new registration or, as appropriate, an individual permit or certificate under section 22a-361, 22-363b, or 22a-32.
- (g) The permittee shall dispose of any solid waste, as defined in section 22a-207 of the General Statutes, generated by the performance of authorized activities in accordance with all applicable law, including chapters 446e and 446k of the General Statutes.
- (h) The permittee shall maintain in good working condition all structures, fill, obstructions or encroachments authorized under this general permit. Unless otherwise authorized by the Commissioner, the permittee shall remove from tidal, coastal or navigable waters, tidal wetlands, and submerged lands any structure or portions of structures which have been destroyed by any cause, whether natural or man-induced.
- (i) In evaluating a registration or any other document under this general permit, the Commissioner relies on information and data provided by the registrant and on the registrant's representations concerning site conditions, design specifications, engineering feasibility and purpose of the proposed work, including but not limited to the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, the authorization under this general permit may be revoked in accordance with section 7 of this general permit, and any unauthorized activities may be subject to enforcement action.
- (j) Authorization under this general permit does not relieve the permittee of the obligation to obtain any other authorizations required by applicable federal, state and local law.
- (k) Authorization under 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 any and all public and private rights and to any federal, state or local laws pertinent to the property or activity affected by such authorization.

Section 6. Individual Permits

- (a) At any time following issuance of a notification pursuant to section 3(a) of this general permit, the Commissioner may require a permittee to obtain an individual permit under section 22a-361 of the General Statutes, as specified in subdivision 22a-361(d)(3) of the General Statutes. The permittee's authorization under this general permit shall remain valid as to any activity which is the subject of such authorization while the individual permit application is pending, unless authorization has been revoked pursuant to section 7 of this general permit.
- (b) When the Commissioner issues an individual permit or certificate under section 22a-361, 22a-363b, or 22a-32 of the General Statutes authorizing any activity which has been authorized under this general permit, authorization under this general permit shall expire.

Section 7. Revocation

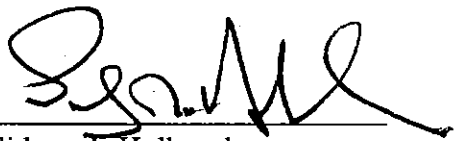
The Commissioner may revoke authorization under this general permit as to any permittee who does not comply with any provision of this general permit, or of any applicable statute, regulation, or permit. A revocation proceeding shall be conducted in accordance with the provisions of section 22a-3a-5(d) of the Regulations of Connecticut State Agencies.

Section 8. Unauthorized Activities

No person may retain or conduct any routine maintenance or substantial maintenance of any structure, fill, obstruction, or encroachment in tidal, navigable, or coastal waters or in tidal wetlands as authorized in section 3 of this general permit without first receiving notification of registration under section 4 of this general permit or an individual permit or certificate under section 22a-361 or 22a-363b and, as applicable, 22a-32 of the General Statutes. Failure to obtain appropriate authorization before conducting such activities may subject the violator to an injunction and penalties under Chapters 440 and 446i of the General Statutes.

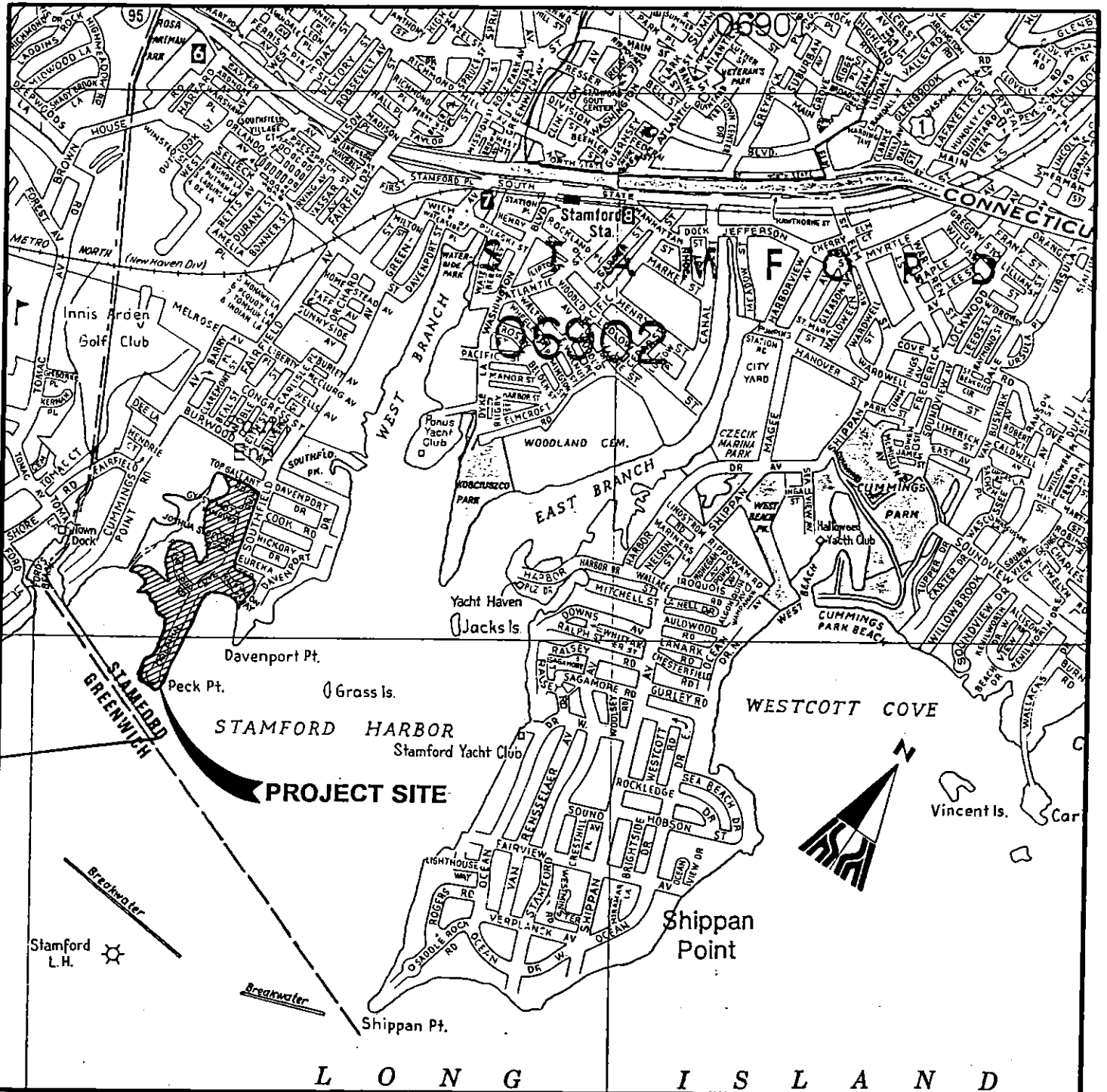
Issued on 7 Dec, 1995

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Sidney J. Holbrook
Commissioner

General Permit No. GP-LIS-95-001



TAKEN FROM HAGSTROM
FAIRFIELD COUNTY ATLAS

VICINITY MAP



AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

EXISTING WATERFRONT DEVELOPMENT CONDITIONS
IN DOLPHIN COVE & LONG ISLAND SOUND
CITY OF STAMFORD
COUNTY OF FAIRFIELD
STATE OF CONNECTICUT

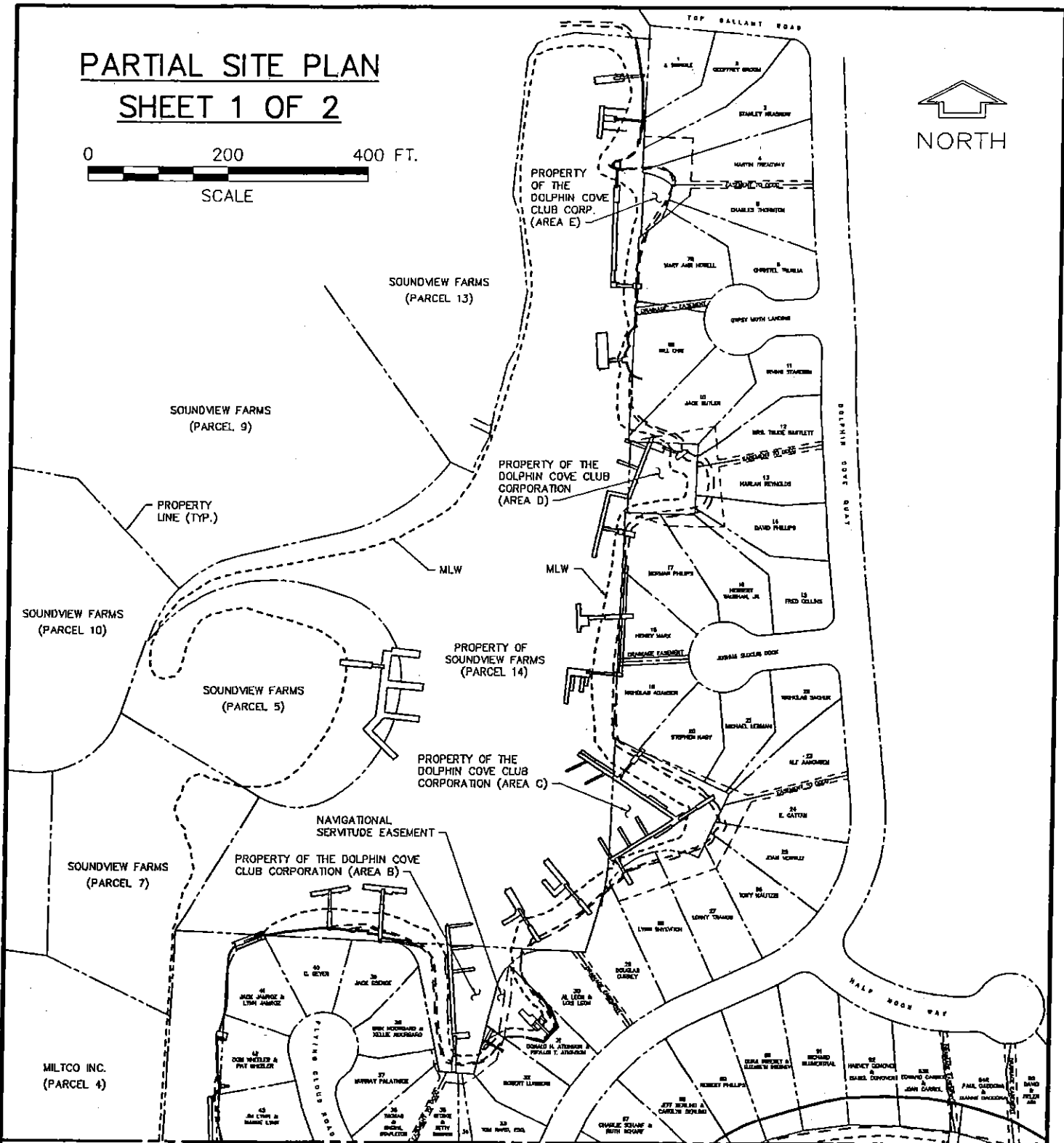
FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

APPLICATION BY: DOLPHIN COVE CLUB CORPORATION
DATE: 10-18-95

SHEET 1 OF 3

PARTIAL SITE PLAN

SHEET 1 OF 2



MATCH LINE "A", FOR CONTINUATION SEE SHEET 3 OF 3

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

NOTES:

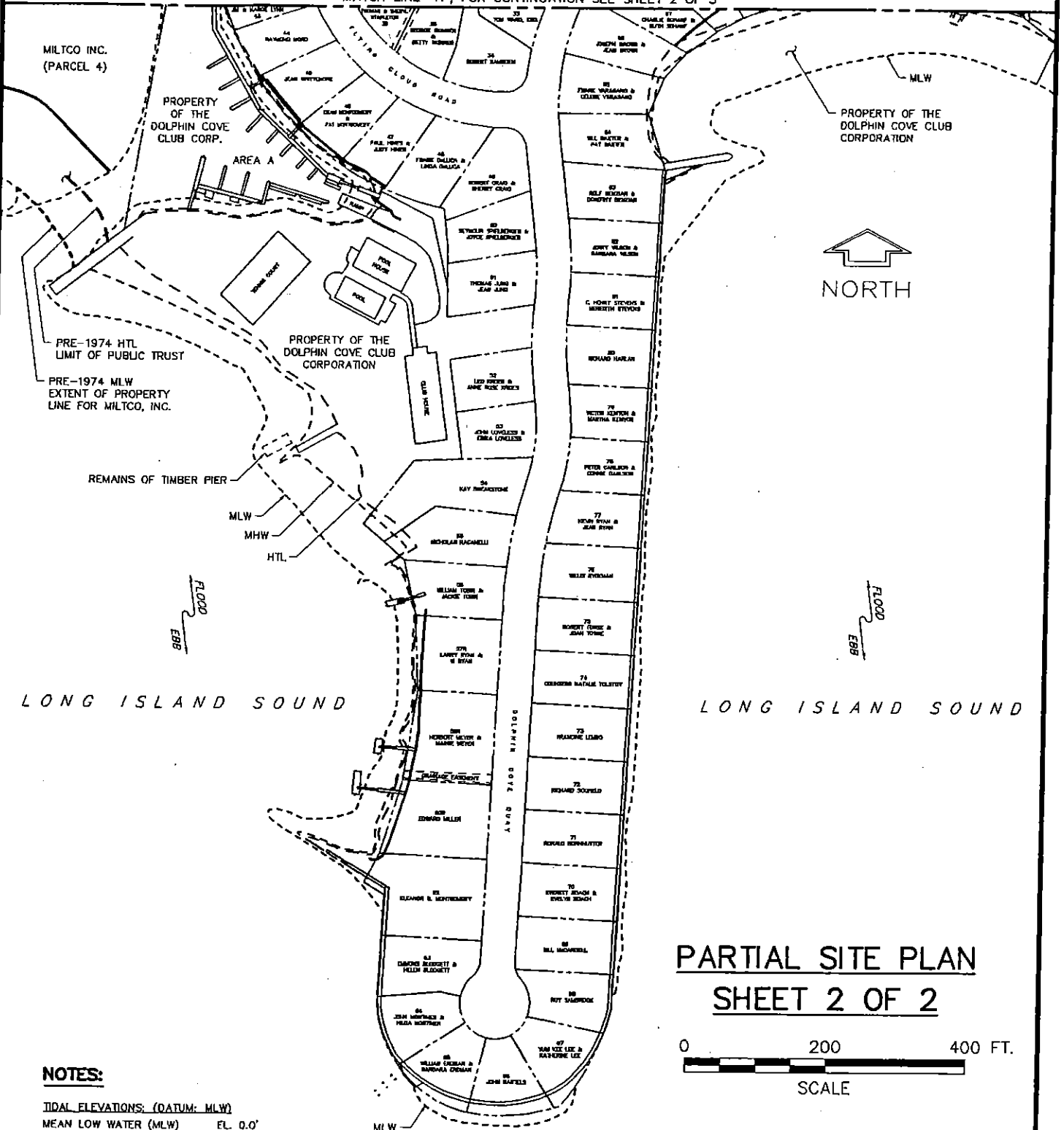
TIDAL ELEVATIONS: (DATUM: MLW)
 MEAN LOW WATER (MLW) EL. 0.0'
 MEAN HIGH WATER (MHW) EL. +7.1'
 HIGH TIDE LINE (HTL) EL. +8.5'

EXISTING WATERFRONT DEVELOPMENT CONDITIONS
 IN DOLPHIN COVE & LONG ISLAND SOUND
 CITY OF STAMFORD
 COUNTY OF FAIRFIELD
 STATE OF CONNECTICUT

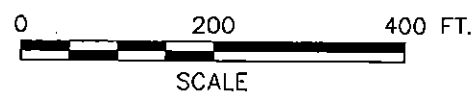
APPLICATION BY: DOLPHIN COVE CLUB CORPORATION
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MATCH LINE "A", FOR CONTINUATION SEE SHEET 2 OF 3



**PARTIAL SITE PLAN
SHEET 2 OF 2**



NOTES:

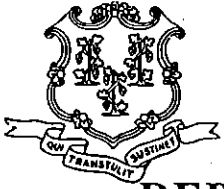
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AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

EXISTING WATERFRONT DEVELOPMENT CONDITIONS
 IN DOLPHIN COVE & LONG ISLAND SOUND
 CITY OF STAMFORD
 COUNTY OF FAIRFIELD
 STATE OF CONNECTICUT

**FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION**

APPLICATION BY: DOLPHIN COVE CLUB CORPORATION
 DATE: 10-18-95 SHEET 3 OF 3



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LONG ISLAND SOUND PROGRAMS

Notice of Issuance of General Permit
General Permit No. GP-LIS-95-001

Dolphin Cove Lagoon, Stamford

The Department of Environmental Protection hereby gives notice that it has issued general permit No. GP-LIS-95-001 pursuant to section 22a-361(d) of the Connecticut General Statutes, effective December 7, 1995. The general permit authorizes the retention, routine maintenance, and substantial maintenance of existing structures, fill, obstructions and encroachments in tidal, coastal, or navigable waters or in tidal wetlands within the Dolphin Cove Lagoon in Stamford, pursuant to the criteria for authorization specified in the permit. To qualify under this general permit, the proposed activity must not interfere with riparian rights or navigation, must not threaten endangered species, must not adversely affect water quality, and must be consistent with Coastal Management Act policies. Procedurally, persons wishing to conduct work under the general permit would be required to submit a registration form and a processing fee of \$50 to the Department of Environmental Protection. The proposed activity would be authorized upon submission of a complete registration form to the Commissioner.

On the basis of a review by Department staff in accordance with applicable law, the Department has determined that the activities authorized in the general permit would cause minimal environmental effects when conducted separately, would cause only minimal cumulative environmental effects, would not be inconsistent with the considerations and the public policy set forth in sections 22a-28 to 22a-35, inclusive, and section 22a-359, as applicable, would be consistent with the policies of the Coastal Management Act, and would not constitute any encroachment into public trust lands, because Dolphin Cove Lagoon was created in its entirety from privately owned upland.

Interested persons who wish to obtain copies of general permit number #GP-LIS-95-001 may do so by contacting the Office of Long Island Sound Programs, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, (860) 424-3034.

BY:

Arthur J. Rocque, Jr.
Assistant Commissioner
Department of Environmental Protection

December 12, 1995
Date