

**NEW HAVEN HARBOR  
CONNECTICUT  
NAVIGATION IMPROVEMENT PROJECT  
  
INTEGRATED FEASIBILITY REPORT AND  
ENVIRONMENTAL IMPACT STATEMENT**

**APPENDIX N  
COASTAL ZONE MANAGEMENT CONSISTENCY  
DETERMINATION  
CONNECTICUT**



**COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION FOR THE  
IMPROVEMENT DREDGING OF THE NEW HAVEN HARBOR FEDERAL  
NAVIGATION PROJECT (NEW HAVEN, CONNECTICUT)**

**SEPTEMBER 18, 2018**

**SUBMITTED TO: STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

**PREPARED BY: US ARMY CORPS OF ENGINEERS  
ENGINEERING/PLANNING DIVISION  
ENVIRONMENTAL RESOURCES SECTION**

**PROJECT:** Improvement Dredging of New Haven Harbor, New Haven, Connecticut, Federal Navigation Project. Improvement dredging of the 35-foot-deep main channel and the 35-foot-deep turning basin.

**DESCRIPTION OF WORK:**

The existing New Haven Harbor Federal Navigation Project (FNP) is shown in Figure 1. Navigation features of the existing Federal Navigation Project include:

- A main ship channel, -35 feet MLLW, extending about 5 miles from deep water in Long Island Sound to the head of the harbor at the mouth of the Quinnipiac River, varying in width from 500 feet (outer-harbor) to 400 feet (inner-harbor), and widened to 800 feet along the upper harbor terminals to provide a maneuvering area;
- A turning basin in the upper harbor west of the channel also at -35 feet MLLW;
- Two anchorages west of the main channel, at -15 and -16 feet MLLW;
- The Quinnipiac River Channel, at -18 feet MLLW (lower channel) and -16 feet MLLW (upper channel), and generally 200 feet wide;
- The Mill River Channel, at -12 feet MLLW, 200 feet wide, including two branches (east branch at 100 ft. wide, and west branch at 125 feet wide);
- The West River channel authorized at -12-feet MLLW, 100 to 150 feet wide, with a -6 foot MLLW anchorage;
- A pile and stone T-dike at Stony Point west of the main channel, 4,200 feet long; and
- Three offshore stone breakwaters, totaling 12,100 feet in length providing a refuge in the outer harbor.

Due to inefficiencies in large vessels transiting the harbor, USACE is considering navigation improvement to the New Haven Harbor FNP. The tentatively selected plan (TSP) for the New Haven Harbor Navigation Improvement project is the 40 ft. Plan. The TSP consists of the following General Navigation Feature Improvements:

### General Navigation Feature Improvements

- Deepen the Channel and Turning Basin from - 35 to -40 feet, MLLW
- Widen the turning basin to the north 200 feet
- Widen the channel to from 400 to 500 feet inner channel and 500 to 600 feet entrance channel
- Widen Bend at Breakwater from 560 to 800 feet

The improvement features are shown in Figure 2. The dredged material quantity estimate for the improvement dredging is shown in Table 1.

Table 1. TSP Dredged Material Quantity Estimates.

TSP (40-ft Plan)	Dredging Quantities (CY)		Total
	Cut	2-ft. Over depth	
Entrance Channel**	278,300	240,000	518,300
Bend (Ordinary Material)	475,300	161,300	636,600
Bend (Rock) (Required Cut to El 42)	24,900	18,600	43,500
Interior Channel	1,537,400	776,000	2,313,400
Maneuvering Area	377,700	274,600	652,300
Turning Basin	117,900	40,200	158,100
<b>Total Improvement Dredging</b>	<b>2,811,500</b>	<b>1,510,700</b>	<b>4,322,200</b>

### Dredged Material Placement Sites Base Plan

The following sites will be used for the placement of dredged material from the improvement project. These sites are considered the Federal base plan and also represent beneficial use of the dredged material. The sites are:

- Morris Cove and West River Borrow Pits
- Create Oyster Habitat south of east breakwater
- Rock placement at west Breakwater (rock reef)
- Cover historic disposal mounds at CLDS

### Salt Marsh Creation Additional Opportunity for Beneficial Use Site

In addition to the above placement sites the opportunity to use some of the dredged material that would go to CLDS to create about 70 acres of salt marsh was identified. This salt marsh creation site represents an increase in cost over the less expensive option of bringing the material to CLDS. The Non-Federal Sponsors support the salt marsh creation site and are

willing to share in the incremental cost above the base plan.

Additionally, a confined aquatic disposal (CAD) cell may be developed within the harbor to hold any unsuitable dredge material (i.e., material that is not suitable for open water placement) that may be generated by the project.

All potential in harbor disposal sites are shown in Figure 2. The CLDS is not shown.

Figure 1. New Haven Harbor Federal Navigation Project.

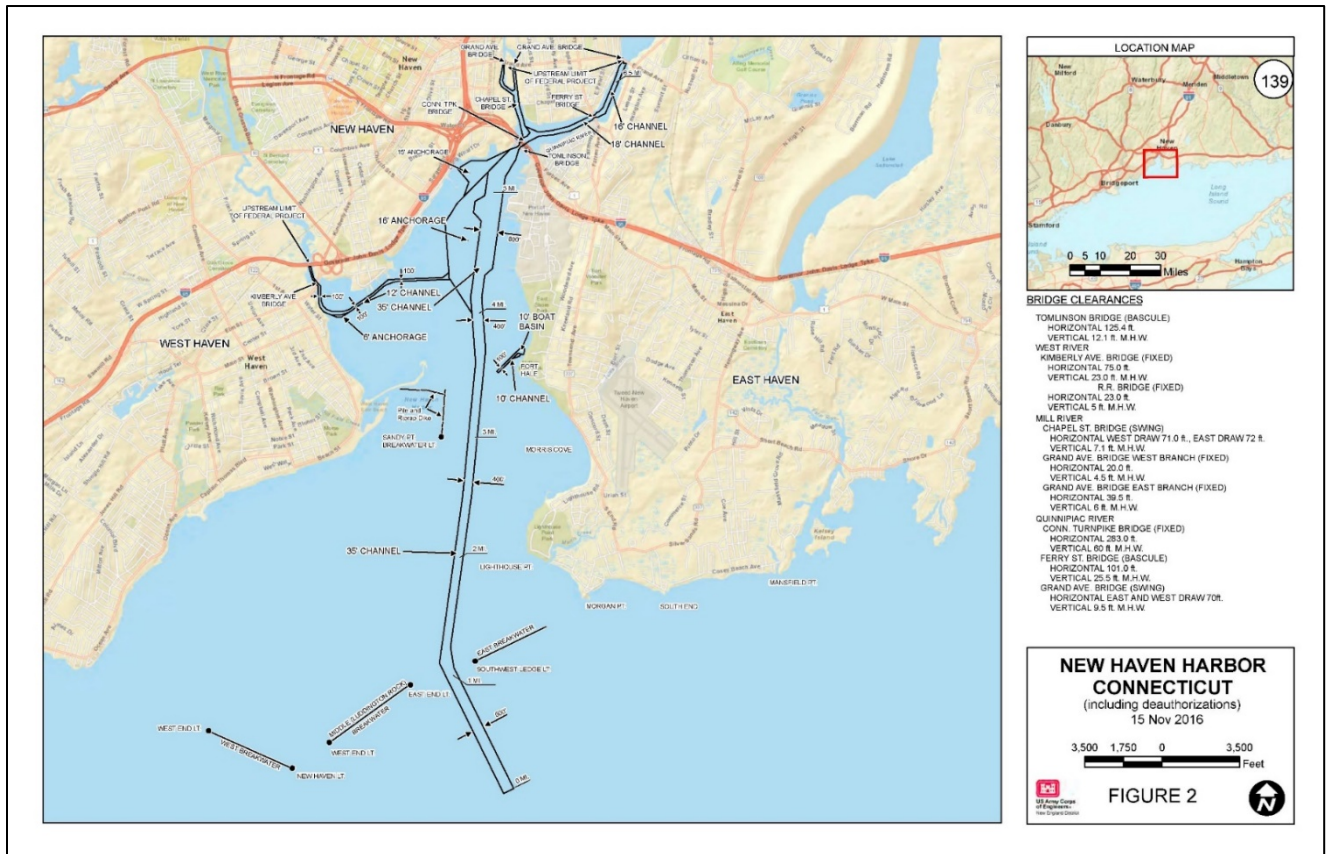
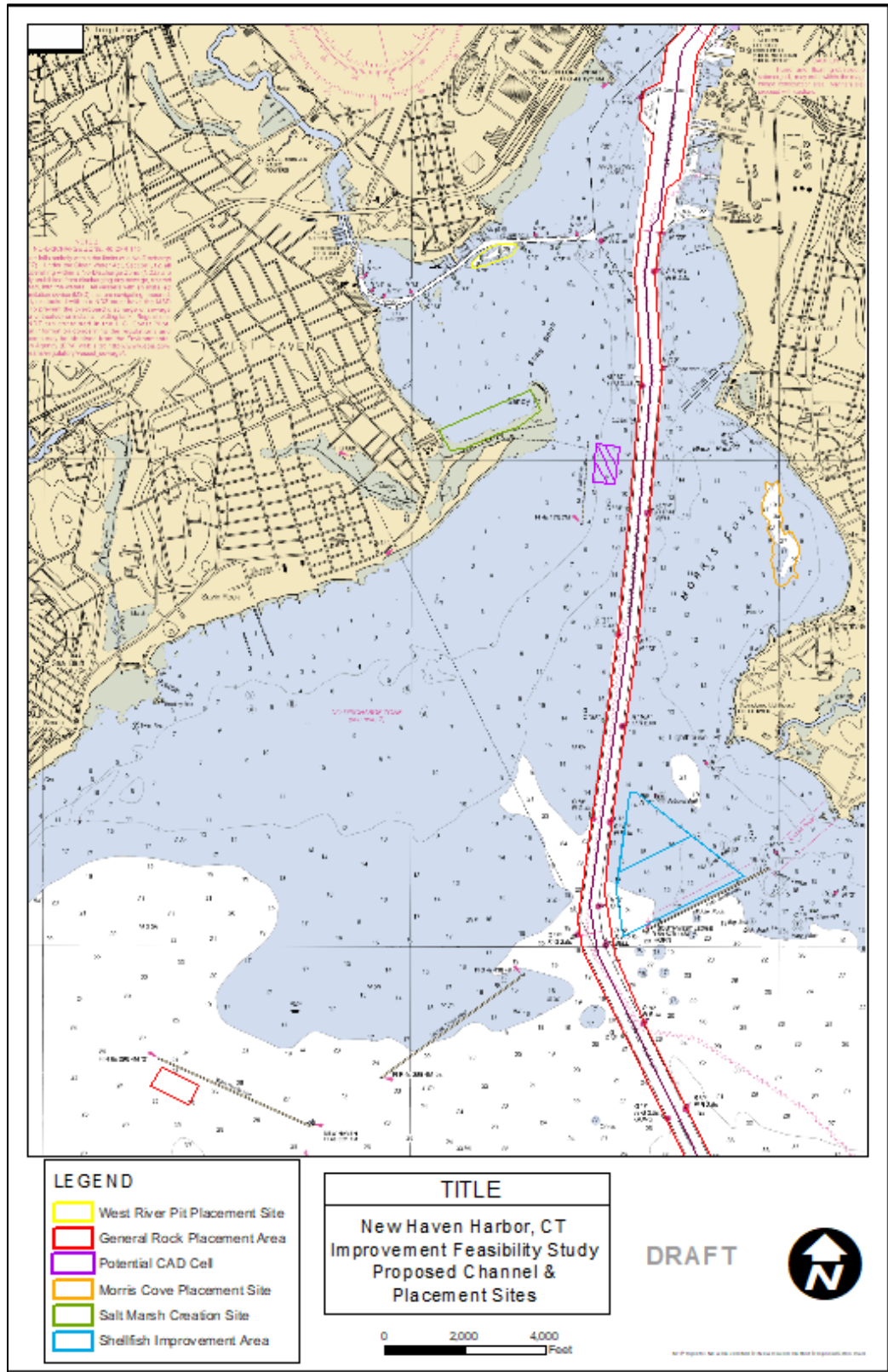


Figure 2. Navigation Improvement Features and Placement Site Locations.



# Connecticut State Policies

## Resource Policies

### General Resources

**1. To preserve and enhance coastal resources in accordance with the policies established by chapters 439(Environmental Protection Department and State Policy), 440 (Wetlands and Watercourses), 446i (Water Resources), 446k (Water Pollution Control), 447 (State Parks and Forests), 474 (Pollution), and 477 (Flood Control and Beach Erosion). CGS Section 22a-92(a) (2)**

**Compliance:** The improvement dredging of the Federal Navigation Project in New Haven Harbor with disposal at multiple beneficial use sites in the harbor and at the CLDS will have no significant long term adverse environmental impacts on coastal resources. An Environmental Impact Statement and Clean Water Act Section 404(b)1 evaluation have been prepared for this project.

**2. The general assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state. CGS Section 22a-1 as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will not produce significant long term air, land, or water pollution. All impacts associated with the project have been deemed to be short-term and non-significant.

**3. It is hereby found and declared that there is a public trust in the air, water and other natural resources of the state of Connecticut and that each person is entitled to the protection, preservation and enhancement of the same. CGS Section 22a-15 as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will not produce significant long term effects to natural resources of the state of Connecticut. All impacts associated with the project have been deemed to be short-term and non-significant.

**4. The commissioner shall carry out the environmental policies of the state and shall have all powers necessary and convenient to faithfully discharge this duty. In addition to, and consistent with the environment policy of the state, the commissioner shall (a) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization; (b) provide for the protection and management of plants, trees, fish, shellfish, wildlife and other animal life of all types, including the preservation of endangered species; (c) provide for the protection, enhancement and management of the public forests, parks, open spaces and natural area preserves; (d) provide for the protection, enhancement and management of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and**

shorelines; (e) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulate, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids; (f) provide for control of pests and regulate the use, storage and disposal of pesticides and other chemicals which may be harmful to man, sea life, animals, plant life or natural resources; (g) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality and land use practices; (h) regulate the storage, handling and transportation of solids, liquids and gases which may cause or contribute to pollution; and (I) provide for minimum state-wide standards for the mining, extraction or removal of earth materials of all types. CGS Section 22a-5, referenced by CGS Section 22a-92(a) (2)

**Compliance:** The improvement dredging of this project with disposal at multiple beneficial use sites in the harbor and at the CLDS will have no significant adverse environmental impacts on air quality, water quality, marine resources, wildlife, recreation, aesthetics and flood protection. Any unsuitable dredged material that is identified and required to be dredged for the proposed project will be managed through the use of a contained aquatic disposal cell to prevent impacts to Connecticut's resources. The proposed project will not add to the pollution of any of Connecticut's resources. An Environmental Impact Statement and Clean Water Act Section 404 (b) 1 evaluation have been prepared for this project.

## **Beaches & Dunes**

**5. To preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities. CGS Section 22a-92 (b) (2) (C)**

**Compliance:** The improvement dredging of the New Haven Harbor FNP will not significantly impact natural beach systems in the harbor. The placement of dredged material at the Sandy Point beneficial use site will add 73 acres of saltmarsh habitat to the harbor's ecosystem that will function to provide critical habitat, coastal flooding buffering, and recreational opportunities for the state.

**6. To insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation. CGS Section 22a-92(b)(2)(C) prevent, loss of life, property and revenue to municipalities and the state from taxation by the construction of protective works on or near shores and beaches within such areas. As title to the land between high and low watermark is vested in the state, it is further found and declared to be in the public interest to secure such exposed areas by the most economical and effective means for safeguarding life and protecting property and, because it is uneconomical and ineffective for the general purpose for an individual landowner to attempt to maintain protective installations separated from and lacking co-extension with those of abutting properties, that it is in the public interest to provide ways and means for collective and cooperative action to alleviate the dangers and destruction common to such exposed areas. It is further found and declared that because of the recurrence of severe flooding of many of the waterways of the state and their tributaries,**



**taking a huge toll in life and property, extensive flood protection measures must be inaugurated. It is, therefore, found and declared to be in the public interest that encroachment limits along waterways be established and any flood control features at dams and reservoirs be utilized as a part of the construction and installation of any flood control project. CGS Section 25-69, referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will not interfere with the natural processes of erosion and sedimentation in New Haven Harbor. Additionally, the project will not affect flooding in the system.

**7. To encourage the restoration and enhancement of disturbed or modified beach systems. CGS Section 22a-92(b) (2) (C)**

**Compliance:** The proposed project will beneficially use dredged material to create salt marsh habitat in the harbor. The creation of salt marsh will enhance the beach system of the harbor by adding to the diversity of habitat available in the New Haven Harbor ecosystem.

**8. To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach. CGS Section 22a-92(c) (1) (K)**

**Compliance:** Public access to beach areas below mean high water will not be impaired as a result of this project.

### **Bluffs & Escarpments**

**9. To manage coastal bluffs and escarpments so as to preserve their slope and toe. CGS Section 22a-92(b) (2) (A)**

**Compliance:** No coastal bluffs or escarpments will be impacted by the proposed project.

**10. To discourage uses which do not permit continued natural rates of erosion. CGS Section 22a-92(b) (2) (A)**

**Compliance:** Natural rates of erosion in the system will not be impaired by the proposed project.

**11. To disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system. CGS Section 22a-92(b) (2) (A)**

**Compliance:** The proposed project will not affect sediment transport in the system.

### **Coastal Hazard Area**

**12. To manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized. CGS Section 22a-92(b) (2) (F)**

**Compliance:** No coastal hazard areas will be affected by this project.

**13. To promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water-dependent uses. CGS Section 22a-92(b) (2) (F)**

**Compliance:** The creation of salt marsh with dredged material will add to the system's ability to dampen the effects of coastal erosion and flooding.

**14. To maintain the natural relationship between eroding and depositional coastal landforms. CGS Section 22a-92(b) (2) (J)**

**Compliance:** The proposed project will not affect the natural relationship between eroding and depositional coastal landforms.

**15. To minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. CGS Section 22a-92(b) (2) (J)**

**Compliance:** The creation of salt marsh with dredged material will add to the system's ability to dampen the effects of coastal erosion and flooding.

**16. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts. CGS Section 22a-92(b) (2) (J)**

**Compliance:** Not applicable.

**17. To maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures. CGS Section 22a-92(c) (2) (B)**

**Compliance:** The natural patterns of water circulation in the project area will not be affected.

**18. It is hereby found and declared that, because of the occurrence of severe storms accompanied by winds up to hurricane force, abnormal high tides and tide flooding, the lives and property of residents and other persons within areas exposed to such hazards are endangered, and that, in the interest of public health, safety and general welfare, it is necessary to minimize, and as far as possible to prevent, loss of life, property and revenue to municipalities and the state from taxation by the construction of protective works on or near shores and beaches within such areas. As title to the land between high and low**

**watermark is vested in the state, it is further found and declared to be in the public interest to secure such exposed areas by the most economical and effective means for safeguarding life and protecting property and, because it is uneconomical and ineffective for the general purpose for an individual landowner to attempt to maintain protective installations separated from and lacking co-extension with those of abutting properties, that it is in the public interest to provide ways and means for collective and cooperative action to alleviate the dangers and destruction common to such exposed areas. It is further found and declared that because of the recurrence of severe flooding of many of the waterways of the state and their tributaries, taking a huge toll in life and property, extensive flood protection measures must be inaugurated. It is, therefore, found and declared to be in the public interest that encroachment limits along waterways be established and any flood control features at dams and reservoirs be utilized as a part of the construction and installation of any flood control project. CGS Section 25-69, referenced by CGS Section 22a-92(a) (2)**

**Compliance:** Not applicable.

**19. Land areas fronting on the ocean, or on bays, inlets and coves, or bordering on rivers in which tides occur, that are subject to the full force of storms; or land areas in direct contact with storm waves, including banks, bluffs, cliffs, promontories and headlands or similar topographical or geological formations, that are subject to erosion through wave action; or open beach areas, including spits, dunes and barrier beaches, that are subject to loss of sand through high waves, strong currents or scouring wave action; or land areas subject to inundation during storms or vulnerable to storm damage because of geographic situation, may be classed as exposed areas within the meaning of Sections 25-69 to 25-75, inclusive. The limits of such areas shall be the extent of the natural configuration of the land surface not necessarily co-extensive with political boundaries, and shall include privately-owned and municipally-owned properties upon which public money may be spent and public debt incurred for the protection and conservation thereof, and taxes levied to support expenditures for such purposes. CGS Section 25-70, referenced by CGS Section 22a-92(a) (2)**

**Compliance:** Not applicable.

**20. The commissioner shall establish, along any tidal or inland waterway or flood-prone area considered for stream clearance, channel improvement or any form-of flood control or flood alleviation measure, lines beyond which, in the direction of the waterway or flood-prone area, no obstruction or encroachment shall be placed by any person, firm or corporation, public or private, unless authorized by said commissioner. The commissioner shall issue or deny permits upon applications for establishing such encroachments based upon his findings of the effect of such proposed encroachments upon the flood carrying and water storage capacity of the waterways and floodplain, flood heights, hazards to life and property, and the protection and preservation of the natural resources and ecosystems of the state, including but not limited to ground and surface water, animal, plant and aquatic life, nutrient exchange, and energy flow, with due consideration given to the results of similar encroachments constructed along the reach of waterway. CGS Section 22a-342, referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project involves the improvement dredging of an existing Federal Navigation Project. No encroachments into waterways will occur.

**21. To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach. CGS Section 22a-92(c) (1) (K)**

**Compliance:** Not applicable.

#### **Coastal Waters & Estuarine Embayment's**

**22. It is found and declared that the pollution of the waters of the state is inimical to the public health, safety and welfare of the inhabitants of the state, is a public nuisance and is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and that the use of public funds and the granting of tax exemptions for the purpose of controlling and eliminating such pollution is a public use and purpose for which public moneys may be expended and tax exemptions granted, and the necessity and public interest for the enactment of this chapter and the elimination of pollution is hereby declared as a matter of legislative determination. CGS Section 22a-422, as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will not cause pollution to the waters of the state.

**23. To manage estuarine embayment's so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration. CGS Section 22a-92(c) (2) (A)**

**Compliance:** Short-term and highly localized affects to marine resources are expected. However, the proposed project will not significantly affect the biological productivity of New Haven Harbor. Essential patterns of circulation, drainage and basin configuration will not be affected.

**24. To protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational finfisheries. CGS Section 22a-92(c) (2) (A)**

**Compliance:** The proposed project will not affect eelgrass resources.

**25. The commissioner of environmental protection shall adopt, and may thereafter amend, standards of water quality applicable to the various waters of the state or portions thereof as provided in subdivision (a) of Section 22a-6. Such standards shall be consistent with the**

**federal Water Pollution Control Act and shall be for the purpose of qualifying the state and its municipalities for available federal grants and for the purpose of providing clear and objective public policy statements of a general program to improve the water resources of the state; provided no standard of water quality adopted shall plan for, encourage or permit any wastes to be discharged into any of the waters of the state without having first received the treatment available and necessary for the elimination of pollution. Such standards of quality shall: (1) apply to interstate waters or portions thereof within the state; (2) apply to such other waters within the state as the commissioner may determine is necessary; (3) protect the public health and welfare and promote the economic development of the state; (4) preserve and enhance the quality of state waters for present and prospective future use for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes and agricultural, industrial and other legitimate uses; (5) be consistent with health standards as established by the state department of health. CGS Section 22a-426(a), as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will not affect the water quality classification of New Haven Harbor. Minor short-term and highly localized impacts to water quality will occur. However, no long term affects to water quality will occur.

#### **Developed Shorefront**

**26. To promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses. CGS Section 22a-92(b) (2) (G)**

**Compliance:** The proposed improvement dredging will facilitate the development and continuation of water-dependent uses and facilities on or adjacent to coastal waters by providing adequate water depth to assure continued safe and economic use of the waterway. The continued and improved access to this channel promotes the economic viability of the region by facilitating overall regional navigation and encourages the development of water-dependent facilities and vicinity support services.

#### **Freshwater Wetlands & Watercourses**

**27. It is, therefore, the purpose of Sections 22a-36 to 22a-45, inclusive, to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the**

**dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn. CGS Section 22a-36 as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** Not applicable.

**28. In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the commissioner shall take into consideration all relevant facts and circumstances, including but not limited to: (1) The environmental impact of the proposed action; (2) The alternatives to the proposed action; (3) The relationship between short-term uses of environment and the maintenance and enhancement of long-term productivity; (4) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity; (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened; and (6) The suitability or unsuitability of such activity to the area for which it is proposed. CGS Section 22a-41(a), referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The improvement dredging of the Federal Navigation Project in New Haven Harbor with disposal at multiple beneficial use sites in the harbor and at the CLDS will have no significant long term adverse environmental impacts on coastal resources. An Environmental Impact Statement and Clean Water Act Section 404 (b) 1 evaluation have been prepared for this project.

### **Intertidal Flats**

**29. To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. CGS Section 22a-92(b) (2) (D)**

**Compliance:** The proposed project will beneficially reuse dredged material to create salt marsh in the New Haven Harbor system. Some intertidal areas will be changed to salt marsh habitat. However, the new salt marsh will be designed to incorporate intertidal flat features within the tidal creeks that feed the marsh. No net loss of intertidal flat area is expected.

**30. To encourage the restoration and enhancement of degraded intertidal flats. CGS Section 22a-92(b) (2) (D)**

**Compliance:** The proposed project will beneficially reuse dredged material to create salt marsh in the New Haven Harbor system. Some intertidal areas will be changed to salt marsh habitat. However, the new salt marsh will be designed to incorporate intertidal flat features within the tidal creeks that feed the marsh. No net loss of intertidal flat area is expected.

**31. To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. CGS Section 22a-92(b) (2) (D)**

**Compliance:** The proposed project should not significantly change natural current flows, slope, sedimentation and nutrient storage functions of the project area. The deepening and widening of the navigation channel in New Haven Harbor will increase the water depths within the channel by approximately 5 feet.

**32. To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. CGS Section 22a-92(b) (2) (D)**

**Compliance:** The proposed project will not substantially accelerate erosion or lead to significant despoliation of tidal flats. While some intertidal areas will be converted to salt marsh, the new salt marsh will be designed to incorporate intertidal flat features within the tidal creeks that feed the marsh. No net loss of intertidal flat area is expected.

**33. To require as a condition in permitting new coastal structures, including but not limited to groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures. CGS Section 22a-92(c) (1) (K)**

**Compliance:** Not applicable. No new structures are being constructed.

#### **Islands**

**34. To manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland. CGS Section 22a-92(b) (2) (H)**

**Compliance:** Not applicable.

**35. To maintain the value of undeveloped islands as a major source of recreational open. CGS Section 22a-92(b) (2) (H)**

**Compliance:** Not applicable.

**36. To disallow uses which will have significant adverse impacts on islands or their resource components. CGS Section 22a-92(b) (2) (H)**

**Compliance:** Not applicable.

#### **Rocky Shorefront**

**37. To manage rocky shorefronts so as to insure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy**

**intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies. CGS Section 22a-92(b) (2) (B)**

**Compliance:** Not applicable.

### **Shellfish Concentration Area**

**38. To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. CGS Section 22a-92(c) (1) (I)**

**Compliance:** The proposed project will not jeopardize the state's fisheries resources. Direct impacts from the project include short-term and highly localized impacts to water quality and benthic resources in the project footprint. However, all impacts are not considered significant and existing conditions should fully return following construction of the project. The creation of 73 acres of salt marsh in the New Haven Harbor system is expected to enhance the natural estuarine resources in the project area by adding to the diversity of habitat found in the system. Additionally, the beneficial use placement options will enhance habitat for fisheries resources in New Haven Harbor by creating shellfish habitat (i.e., the oyster creation area and the filling of the borrow pits) and adding an area of rock reef habitat.

**39. The department of health services is empowered to prohibit the taking or harvesting of shellfish in certain tidal flats, shores and coastal waters whenever it finds by examinations and surveys that such flats, shores or coastal waters are contaminated or polluted to the extent that the waters do not meet standards of purity established by said department, and that shellfish obtained therefrom may be unfit for food and dangerous to the public health. Such closure may be permanent, temporary or contingent upon the occurrence of specified events. CGS Section 19a-98(a)**

**Compliance:** Not applicable. No shellfish will be harvested as a result of this project.

**40. The department of health services may inspect shellfish beds and areas in this state where shellfish are grown or harvested for market, all boats, tools and appliances used in the production and preparation of shellfish for market and all wharves or buildings where shellfish are opened, packed and prepared for sale or shipment. It may prescribe regulations for the sanitary growth, production and preparation of shellfish for market. CGS Section 19a-96**

**Compliance:** Not applicable.

**41. Nothing in Sections 19a-95 to 19a-101, inclusive, shall prohibit the taking of shellfish by commercial harvesters from permanently closed areas when they are removed for transplanting to approve areas under permits issued by the department of health services**



**and under supervision of state and local health agencies having jurisdiction. CGS Section 19a-101**

**Compliance:** Not applicable.

### **Shorelands**

**42. To regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources. CGS Section 22a-92(b) (2) (I)**

**Compliance:** The improvement dredging of the Federal Navigation Project in New Haven Harbor with disposal at multiple beneficial use sites in the harbor and at the CLDS will have no significant long term adverse environmental impacts on coastal resources. An Environmental Impact Statement and Clean Water Act Section 404 (b) 1 evaluation have been prepared for this project.

### **Tidal Wetlands**

**43. To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions. CGS Section 22a-92(b) (2) (E)**

**Compliance:** No tidal wetlands will be lost or impacted as a result of the proposed project. The project will create approximately 73 acres of salt marsh habitat within the New Haven Harbor system.

**44. To encourage the rehabilitation and restoration of degraded tidal wetlands. CGS Section 22a-92(b) (2) (E)**

**Compliance:** The proposed project will create approximately 73 acres of salt marsh habitat within the New Haven Harbor system.

**45. Where feasible and environmentally acceptable, to encourage the creation of wetlands for the purpose of shellfish and finfish management, habitat creation and dredge spoil disposal. CGS Section 22a-92(b) (2) (E)**

**Compliance:** The proposed project will beneficially use dredged material from the improvement of the New Haven Harbor FNP to create approximately 73 acres of salt marsh.

**46. It is declared that much of the wetlands of this state have been lost or despoiled by unregulated dredging, dumping, filling and like activities and despoiled by these and other activities, that such loss or despoliation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment and that such loss of despoliation will, in most cases, disturb the natural ability of tidal wetlands to**

**reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof. CGS Section 22a-28 as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** No tidal wetlands will be lost or impacted as a result of the proposed project. The project will create approximately 73 acres of salt marsh habitat within the New Haven Harbor system.

**47. To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal. CGS Section 22a-92(c) (1) (B)**

**Compliance:** No tidal wetlands will be filled as a result of the proposed project.

**48. In granting, denying or limiting any permit the commissioner or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in Sections 22a-28 to 22a-35 inclusive. The fact that the department of energy and environmental protection is in the process of acquisition of any tidal wetlands by negotiation or condemnation under the provisions of Section 26-17a, shall be sufficient basis for denial of any permit. CGS Section 22a-33 as referenced by CGS Section 22a-92(a) (2) Activities Policies**

**Compliance:** The proposed project is being coordinated with federal, state, and municipal resource agencies to insure the effects of the project minimize impacts to all resources in the project area.

### **General Development**

**49. To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth. CGS Section 22a-92(a) (1)**

**Compliance:** The proposed project will not significantly disrupt the natural resources or the economic viability of the project area.

**50. To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long-term and stable economic benefits. CGS Section 22a-92(a) (4)**

**Compliance:** The proposed project has been designed to minimize impacts to natural resources. The improvement dredging effort is designed to add economic benefits to the Port of New Haven.

**51. It is hereby found and declared that there is a continuing need in the state for: (1) Economic development and activity to provide and maintain employment and tax revenues, promote the export of products and services beyond state boundaries, encourage innovation in products and services, and support or broaden the economic base of the state, the control, abatement and prevention of pollution to protect the public health and safety, and the development and use of indigenous and renewable energy resources to assist industrial and commercial businesses in meeting their energy requirements; (2) the development of recreation facilities to promote tourism, to provide and maintain employment and tax revenues and to promote the public welfare; (3) the development of commercial and retail sales and services facilities in urban areas to provide and maintain construction, permanent employment and tax revenues, to improve conditions of deteriorated physical development, slow economic growth and eroded financial health of the public and private sectors in urban areas and to revitalize the economy of urban areas; (4) assistance to public service businesses providing transportation and utility services in the state; (5) development of the commercial fishing industry to provide and maintain employment and tax revenues; and (6) assistance to nonprofit and governmental entities in financing facilities providing health, educational, charitable, community, cultural, agricultural, consumer or other services benefiting the citizens of the state; that the availability of financial assistance and suitable facilities are important inducements to industrial, commercial and nonprofit enterprises to remain or locate in this state and to provide economic development projects, recreation projects, urban projects, public service projects, commercial fishing projects, health care projects and nonprofit projects; that there are significant barriers inhibiting access by the authority and eligible financial institutions to the public capital markets and expansion of the secondary loan market to assist in financing economic development and other projects in the state; that the exercise by the authority of the powers in this chapter will promote economic development by increasing access to the public capital markets for the authority and eligible financial institutions; and that therefore the necessity in the public interest and for the public benefit and good for the provisions of this chapter is hereby declared as a matter of legislative determination. It is further found and declared that there is a necessity in the state of creating a department of economic development to coordinate and be responsible for matters affecting the growth of business and industry in the state and the maintenance and development of industry in the state as well as the promotion of tourism in the state and for the establishment and creation of an authority to assist the department and the state to carry out the needs and policies of the state as set forth in this section. It is further found and declared that existing, pending and proposed federal legislation has limited and restricted and may further limit and restrict the power of the authority to issue obligations the interest on which is exempt from federal income taxation; that the ability of the authority to issue obligations to provide financing for projects is essential to the maintenance and expansion of employment and the tax base in the state and to the economic development and health, education and general welfare of the state; and that the**

**issuance of obligations the interest on which may be includable in the holder's gross income for the purposes of federal income taxation serves a needed public purpose; and therefore the necessity in the public interest and for the public benefit and good for the provisions of this chapter is hereby declared as a matter of legislative determination. CGS Section 32-23c**

**Compliance:** The proposed project has been designed to minimize impacts to natural resources. The improvement dredging effort is designed to add economic benefits to the Port of New Haven.

## **Boating**

**52. To encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land. CGS Section 22a-92(b) (1) (G)**

**Compliance:** The proposed project will not significantly affect recreational boating in New Haven Harbor.

**53. To protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the statewide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas. CGS Section 22a-92(b) (1) (H)**

**Compliance:** The proposed project will not significantly affect natural coastal resources in the project area. The project has been designed to minimize impacts to resources and maximize efficiencies to navigation in the main channel of the Federal Navigation Project.

**54. To protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. CGS Section 22a-92(b) (1) (I)**

**Compliance:** Not applicable.

**55. To maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided. CGS Section 22a-92(b) (1) (I)**

**Compliance:** The proposed project is not expected to affect the space within the harbor designated for commercial and recreational fishing space.

**56. To design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry. CGS Section 22a-92(b) (1) (I)**

**Compliance:** Not applicable.

**57. In performance of his duties under part II the commissioner shall (1) Classify all waters and all vessels for the purpose of establishing uniformity in the regulation of such waters and such vessels; (2) prescribe uniform navigation aids for state waters and regulate the use of such aids; (3) establish restricted zones or sea lanes within navigable waters and adopt regulations pertaining thereto for the purpose of protecting the natural ecology of such waters and the abutting shoreline from environmental damage resulting from marine accidents which cause the release of petroleum products or other hazardous substances and materials into the waters of the state, provided before establishing such lanes, zones and regulations the commissioner shall consider at least the following factors: (i) The danger in transporting the type of material; (ii) the evidence of deleterious incidents arising from the transportation of such hazardous materials; (iii) available alternatives; (iv) the public need; and (v) the effect on interstate commerce; and further provided any such regulations promulgated by the commissioner shall list and define the substance and materials which are classified as hazardous; (4) prescribe uniform standards for safety devices and equipment required by part II and certify the types of devices and equipment which meet such standards; (5) designate and assist the several towns in designating prohibited and restricted boating areas and waters limited to special boating purposes and prescribe uniform standards for the marking and regulation of such areas; (6) adopt such regulations respecting water skiing and underwater swimming and diving as he finds necessary for public safety; (7) study, plan and recommend the development of boating facilities, safety education and means of improving boating safety; (8) in cooperation with the department of health, investigate matters relating to and recommended means of improving boating sanitation; (9) cooperate with the department of transportation and the bureau of aeronautics concerning regulations governing the operation of seaplanes on state waters; (10) cooperate with the United States and the several states in promoting uniformity of boating laws and regulations and their administration and enforcement, and (11) subject to the applicable provisions of chapter 54 and Section 4-117 and the limitations of part II, adopt such regulations to provide for public safety and environmental quality as he finds necessary to administer and enforce the provisions of said part and to promote the safe use and protection of waters and the safe operation of vessels, provided the commissioner shall make no regulations respecting the operation of vessels on Long Island Sound except as are necessary to secure inshore waters and establish and secure restricted areas. CGS Section 15-121(b)**

**Compliance:** The proposed project will not significantly affect natural resources, harbor safety, or recreational opportunities in New Haven Harbor.

#### **Coastal Recreation & Access**

**58. To encourage public access to the waters of Long Island Sound by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are consistent with sound resource conservation procedures and constitutionally protected rights of private property owners. CGS Section 22a-92(a) (6)**

**Compliance:** Not applicable.

**59. To make effective use of state-owned coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing state-owned facilities where feasible. CGS Section 22a-92(c) (1) (J)**

**Compliance:** The proposed project will beneficially use dredged material to create salt marsh within New Haven Harbor. This will provide recreational opportunities to harbor users as well as to natural resources that use the area.

**60. To require as a condition in permitting new coastal structures, including but not limited to groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures. CGS Section 22a-92(c) (1) (K)**

**Compliance:** Not applicable.

**61. In making grants-in-aid for open space land acquisition or development to the commissioner of environmental protection shall: (a) Seek to achieve a reasonable balance among all parts of the state in the relative adequacy of present areas devoted to recreational and conservation purposes and the relative anticipated future needs for additional areas devoted to recreational and conservation purposes; (b) give due consideration to special park requirement needs of urban areas; (c) wherever possible, give priority to land which will be utilized for multiple recreational and conservation purposes; (d) give due consideration to coordination with the plans of departments of the state and regional planning agencies with respect to land use or acquisition and (e) give primary consideration to the needs of municipalities that have formed local housing partnerships pursuant to the provisions of Section 8- 336f. CGS Section 7-131f**

**Compliance:** Not applicable.

**62. To such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired by municipalities or regional authorities pursuant to any program participated in by this state under authority of Sections 22a-21 to 22a-26, inclusive, such areas and facilities shall be publicly maintained for outdoor recreation or natural resources purposes, and such city or other local governmental unit shall give such assurances to the state as may be required by the commissioner of environmental protection, that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained at municipal or regional expense for public outdoor recreation or natural resources use. CGS Section 22a-27 as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will beneficially use dredged material to create salt marsh within New Haven Harbor. This will provide recreational opportunities to harbor users as well as to natural resources that use the area.

### **Coastal Structures & Filling**

**63. To require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners. CGS Section 22a-92(b) (1) (D)**

**Compliance:** Not applicable, no structures are being built.

**64. To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal. CGS Section 22a-92(c) (1) (B)**

**Compliance:** No tidal wetlands will be lost or impacted as a result of the proposed project. The project will create approximately 73 acres of salt marsh habitat within the New Haven Harbor system.

**65. To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures. CGS Section 22a-92(c) (1) (K)**

**Compliance:** Not applicable, no structures are being built.

**66. To encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach. CGS Section 22a-92(c) (1) (K)**

**Compliance:** Not applicable.

**67. To maintain, enhance, or where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures. CGS Section 22a-92(c) (2) (B)**

**Compliance:** Natural patterns of water circulation will not be affected by the proposed project.

**68. The commissioner of environmental protection shall regulate dredging and the erection of structures and the placement of fill, and work incidental thereto, in the tidal, coastal, or navigable waters of the state waterward of the high tide line. Any decisions made by the commissioner pursuant to this section shall be made with due regard for indigenous aquatic life, fish and wildlife, the prevention or alleviation of shore erosion and coastal flooding, the use and development of adjoining uplands, the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including**

**pollution control, water quality, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned. CGS Section 22a-359(a), as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** Submission of this Coastal Zone Management Consistency Determination to the Connecticut Department of Energy and Environmental Protection for review and concurrence signifies compliance with this policy.

## **Cultural Resources**

**69. To require reasonable mitigation measures where development would adversely impact historical, archaeological or paleontological resources that have been designated by the state historic preservation officer. CGS Section 22a-92(b) (1) (J)**

**Compliance:** The proposed project will not affect any historical, archaeological or paleontological resources in the project area.

**70. Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut historical commission, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation. CGS Section 7-147a (b)**

**Compliance:** Not applicable.

**71. The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of Sections 7-147a to 7-147k, inclusive. CGS Section 7-147a(c)**

**Compliance:** Not applicable.

**72. Any municipality or private organization may acquire, relocate, restore, preserve and maintain historic structures and landmarks and may receive funds from the state and federal government for such purposes. Grants-in-aid may be made to owners of historic structures or landmarks in an amount not to exceed fifty percent of the non-federal share of the total cost of such acquisition, relocation, historic preservation and restoration. Grants-in-aid shall be made through an assistance agreement signed by the owners. Subsequent to the execution of any such assistance agreement, advances of funds may be made by the commissioner to the owner of such an historic structure or landmark. CGS Section 10- 321a**

**Compliance:** Not applicable.

**73. It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment,**



**inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and to prevent deterioration of the natural and traditional riverway scene for enjoyment of present and future generations of Connecticut citizens and that the powers of the commissioner of environmental protection, conferred by the provisions of Section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general responsibility to preserve the natural resources of the state. CGS Section 25-102a**

**Compliance:** Not applicable.

**74. The commission may, using such funds as may be appropriated to it or available from any other source, acquire by gift, grant, bequest, devise, lease, purchase or otherwise historic structures or landmarks, including such adjacent land as may be necessary for the comfort and safety of the visiting public, which the commission determines to be of national or state historical importance and to be of such concern to the public at large that they should be held forever in good condition for visitation by the public and for the protection of the heritages of the people of this state and nation. The commission may restore, maintain and operate such properties in such a condition as to render them suitable for public visitation and to inform the public of the historic event or circumstance connected therewith. The commission may charge reasonable visitation fees in order to help defray the cost of maintenance and operation. CGS Section 10-321d**

**Compliance:** Not applicable.

#### **Dams, Dikes & Reservoirs**

**75. All dams, dikes, reservoirs and other similar structures, with their appurtenances, without exception and without further definition or enumeration herein, which, by breaking away or otherwise, might endanger life or property, shall be subject to the jurisdiction conferred by this chapter. CGS Section 22a-401 formerly CGS Section 25-110, as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** Not applicable.

**76. The commissioner or his representative, engineer or consultant shall determine the environmental impact of the construction work on the inland wetlands of the state, in accordance with the provisions of Sections 22a-36 to 22a-45, inclusive, and the need for a fish way in accordance with the provisions of Section 26-136, and examine the documents and inspect the site, and, upon approval thereof, the commissioner shall issue a permit authorizing the proposed construction work under -such conditions as the commissioner may direct. CGS Section 22a-403 formerly CGS Section 25-112 as referenced in CGS Section 22a-92(a) (2)**

**Compliance:** Not applicable.

#### **Dredging & Navigation**

**77. To encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages. CGS Section 22a-92(c) (1) (C)**

**Compliance:** The project involves the deepening and widening of an existing Federal navigation channel to improve navigation efficiencies for the port of New Haven.

**78. To discourage the dredging of new federally maintained navigation channels, basins and anchorages. CGS Section 22a-92(c) (1) (C)**

**Compliance:** The proposed project involves the improvement (i.e., deepening and widening) of an existing federal navigation project.

**79. To reduce the need for future dredging by requiring that new or expanded navigation channels, basins and anchorages take advantage of existing or authorized water depths, circulation and siltation patterns and the best available technologies for reducing controllable sedimentation. CGS Section 22a-92(c) (1) (D)**

**Compliance:** The proposed project involves the improvement (i.e., deepening and widening) of an existing federal navigation project. The typical maintenance dredging interval in New Haven Harbor is approximately every 10 years. The improvement dredging is not expected to alter the general maintenance cycle for the harbor.

**80. To disallow new dredging in tidal wetlands except where no feasible alternative exists and where adverse impacts to coastal resources are minimal. CGS Section 22a-92(c) (1) (E)**

**Compliance:** The proposed project involves the improvement (i.e., deepening and widening) of an existing federal navigation project. The project has been designed to minimize impacts to natural resources.

**81. The commissioner of environmental protection shall regulate the taking and removal of sand, gravel and other materials from lands under tidal and coastal waters with due regard for the prevention or alleviation of shore erosion, the protection of necessary shellfish grounds and finfish habitats, the preservation of necessary wildlife habitats, the development of adjoining uplands, the rights of riparian property owners, the creation and improvement of channels and boat basins, the improvement of coastal and inland navigation for all vessels including small craft for recreational purposes and the improvement, protection or development of uplands bordering upon tidal and coastal waters, with due regard for the rights and interests of all persons concerned. CGS Section 22a-383 as referenced by CGS 22a-92(a) (2)**

**Compliance:** The proposed project involves the improvement (i.e., deepening and widening) of an existing federal navigation project. The only material removal associated with this project is

related to the improvement of the navigation channel. The project has been designed to minimize impacts to natural resources.

**82. Harbor masters shall have the general care and supervision of the harbors and navigable waterways over which they have jurisdiction, subject to the discretion and control of the commissioner of transportation, and shall be responsible to the commissioner for the safe and efficient operation of such harbor and navigable waterways in accordance with the provisions of this chapter. The commissioner may delegate, any of his powers and duties under this chapter to such harbor masters or to any existing board of harbor commissioners, but shall at all times be vested with responsibility for the overall supervision of the harbors and navigable waterways of the state. CGS Section 15-1**

**Compliance:** The proposed navigation improvement project is being coordinated with the New Haven and West Haven harbor masters.

### **Energy Facilities**

**83. The legislature finds that power generating plants and transmission lines for electricity and fuels, community antenna television towers and telecommunication towers have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are: to provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other values described above; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes. CGS Section 16-50g**

**Compliance:** Not applicable.

**84. In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate. The council's decision shall be rendered within twelve months of the filing of an application concerning a facility described in subdivisions (1) to (3), inclusive, of subsection (a) of Section 16-50i or subdivision (4) of said subsection if the**

application was incorporated in an application concerning a facility described in subdivision (1) of said subsection, and within one hundred eighty days of the filing of any other application concerning a facility described in subdivision (4) of said subsection and an application concerning a facility described in subdivisions (5) and (6) of said subsection, provided such time periods may be extended by the council by not more than one hundred eighty days with the consent of the applicant. The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (1) A public need for the facility and the basis of the need; (2) the nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife; (3) why the adverse effects or conflicts referred to in subdivision (2) of this subsection are not sufficient reason to deny the application; (4) in the case of an electric transmission line, (A) what part, if any, of the facility shall be located overhead, (B) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (C) that the overhead portions of the facility, if any, are consistent with the purposes of this chapter, with such regulations as the council may adopt pursuant to subsection (a) of Section 16-50t, and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines; (5) in the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line. CGS Section 16-50p (a)

**Compliance:** Not applicable.

## **Fisheries**

**85. To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. CGS Section 22a-92(c) (1) (I)**

**Compliance:** The proposed project is not expected to adversely affect fisheries resources in the New Haven Harbor Federal Navigation Project or any of the material placement sites under consideration for the project. The creation of salt marsh habitat within New Haven Harbor will add to the diversity of habitats within the ecosystem and enhance fish and wildlife resources.

**86. The party States, for the purpose of promoting the restoration of Anadromous Atlantic salmon, hereinafter referred to as Atlantic salmon, to the Connecticut River basin by the development of a regional program for stocking, protection, management, research and**

**regulation, do hereby establish the Connecticut River Atlantic Salmon Commission. CGS Section 26-302, Article I**

**Compliance:** Not applicable.

### **Fuel, Chemical & Hazardous Materials**

**87. To minimize the risk of oil and chemical spills at port facilities. CGS Section 22a-92(b) (1) (C)**

**Compliance:** The improvement dredging of New Haven Harbor will increase navigation safety for vessels transiting to the Port of New Haven. This will reduce the risk of oil and chemical spills to vessels in the harbor. The improvement dredging is not expected to increase the number of vessels calling on the port. Therefore, the risk of a higher chance of oil and chemical spills will not be elevated because of increased port traffic.

**88. To disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical facilities which can reasonably be located inland. CGS Section 22a-92(b) (1) (E)**

**Compliance:** The proposed project will increase navigation efficiencies in New Haven Harbor. No new portside facilities are expected as a result of the proposed project.

**89. To require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills. CGS Section 22a-92(b) (1) (E)**

**Compliance:** Not applicable.

**90. To minimize the risk of spillage of petroleum products and hazardous substances. CGS Section 22a-92(c) (1) (A)**

**Compliance:** The improvement dredging of New Haven Harbor will increase navigation safety for vessels transiting to the Port of New Haven. This will reduce the risk of oil and chemical spills to vessels in the harbor. The improvement dredging is not expected to increase the number of vessels calling on the port. Therefore, the risk of a higher chance of oil and chemical spills will not be elevated because of increased port traffic.

**91. To provide effective containment and clean up facilities for accidental spills. CGS Section 22a-92(c) (1) (A)**

**Compliance:** Not applicable.

**92. To disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary. CGS Section 22a-92(c) (1) (A)**

**Compliance:** Not applicable.

**93. The commissioner of environmental protection shall, to the extent possible, immediately, whenever there is discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes upon any land or into any of the waters of the state or into any offshore or coastal waters, which may result in pollution of the waters of the state, damage to beaches, wetlands, stream banks or coastal areas, or damage to sewers or utility conduits or other public or private property or which may create an emergency, cause such discharge, spillage, uncontrolled loss, seepage or filtration to be contained and removed or otherwise mitigated by whatever method said commissioner considers best and most expedient under the circumstances. The commissioner shall also determine the person, firm or corporation responsible for causing such discharge, spillage, uncontrolled loss, seepage or filtration. CGS Section 22a-449(a), as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The proposed project will not produce discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes into waters in the project area.

**94. The commissioner may: 1) License terminals in the state for the loading or unloading of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes and shall adopt, in accordance with Chapter 54, reasonable regulations in connection therewith for the purposes of identifying terminals subject to licensure and protecting the public health and safety and for preventing the discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous product or hazardous wastes. Each license issued under this section shall be valid for a period of not more than one year commencing July first, unless sooner revoked by the commissioner and there shall be charged for each such license or renewal thereof a fee established by regulation and sufficient to cover the reasonable cost of the state of inspecting and licensing such terminals; 2) provide by regulations for the establishment and maintenance in operating condition and position of suitable equipment to contain as far as possible the discharge, spillage, uncontrolled loss, seepage or filtration of any oil or petroleum or chemical liquids or solid, liquid-or gaseous products or hazardous wastes; 3) inspect periodically all hoses, gaskets, tanks, pipelines and other equipment used in connection with the transfer, transportation or storage of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes to make certain that they are in good operating condition, and order the renewal of any such equipment found unfit for further use. Any person, firm or corporation which operates any such terminal in this state on or after the first day of July following the effective date of regulations adopted pursuant to this subsection, without a license issued by the commissioner, shall be fined one hundred dollars per day during any period of unlicensed operation. CGS Section 22a-449(b), as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** Not applicable.

**95. The safe and sanitary disposal of toxic or hazardous wastes shall be the responsibility of the generator and shall be accomplished in a manner approved by the commissioner. CGS 22a-220(a)**

**Compliance:** Not applicable.

**96. The commissioner of environmental protection shall (1) provide and maintain necessary equipment and train adequate emergency response personnel for the purpose of oil spill containment and removal within the lower Connecticut river and adjacent shoreline area; and (2) assist in and coordinate the development of oil spill containment and removal contingency plans for the towns located within the lower Connecticut river and adjacent shoreline area. CGS Section 25-102t (b)**

**Compliance:** Not applicable.

### **Open Space & Agricultural Lands**

**97. It is hereby declared (a) that it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state (b) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for the purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land, and (c) that the necessity in the public interest of the enactment of the provisions of Sections 7-131c and 12-107b to 12-107e, inclusive, is a matter of legislative determination. CGS Section 12-107a**

**Compliance:** Not applicable.

**98. The general assembly finds that the growing population and expanding economy of the state have had a profound impact on the ability of public and private sectors of the state to maintain and preserve agricultural land for farming and food production purposes, that unless there is a sound, state-wide program for its preservation, remaining agricultural land will be lost to succeeding generations and that the conservation of certain arable agricultural land and adjacent pastures, woods, natural drainage areas and open space is vital for the well-being of the people of Connecticut. CGS Section 22-26aa**

**Compliance:** Not applicable.

**99. Connecticut is a state of relatively small area, undergoing rapid industrialization and rapid diminution of areas remaining in their natural condition. It is, therefore, declared to be the public policy that carefully selected areas of land and water of outstanding scientific and educational interest be preserved. In implementation of this policy, there is established a Connecticut system of natural area preserve. CGS Section 23-5a as referenced by CGS Section 22a-92(a) (2)**

**Compliance:** The improvement dredging of the Federal Navigation Project in New Haven Harbor with disposal at multiple beneficial use sites in the harbor and at the CLDS will have no significant long term adverse environmental impacts on coastal resources. An Environmental Impact Statement and Clean Water Act Section 404 (b) 1 evaluation have been prepared for this project.

## **Ports & Harbors**

**100. To promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water-dependent uses, including but not limited to commercial and recreational fishing and boating uses. CGS Section 22a-92(b) (1) (C)**

**Compliance:** The proposed improvement dredging will facilitate the development and continuation of water-dependent uses and facilities on or adjacent to coastal waters by providing adequate water depth to assure continued safe and economic use of the waterway. The continued and improved access to this channel promotes the economic viability of the region by facilitating overall regional navigation and encourages the development of water-dependent facilities and vicinity support services.

**101. To disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor. CGS Section 22a-92(b) (1) (C)**

**Compliance:** The proposed project will improve navigation conditions in New Haven Harbor for the commercial vessels using the port.

## **Sewer & Water Lines**

**102. To locate and phase sewer and water lines, so as to encourage concentrated development in areas which are suitable for development. CGS Section 22a-92(b) (1) (B)**

**Compliance:** Not applicable.

**103. To disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used. CGS Section 22a-92(b) (1) (B)**

**Compliance:** Not applicable.

## **Solid Waste**

**104. Each municipal authority shall make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, including septic tank pumping,**



**sludge from water pollution abatement facilities and water supply treatment plants, solid residues and sludge from air pollution control facilities and solid wastes from commercial, industrial, agricultural and mining operations, but excluding wastes which are toxic or hazardous. CGS Section 22a-220**

**Compliance:** Not applicable.

**105. The commissioner shall administer and enforce the plumbing and implementation requirements of this chapter. He shall examine all existing or proposed solid waste facilities, provide for their planning, design, construction and operation in a manner which conserves, improves and protects the natural resources and environment of the state and shall order their alteration, extension and replacement when necessary to conserve, improve and protect the state's natural resources and environment and to control air, water and land pollution so that the health, safety and welfare of the people of the state may be safeguarded and enhanced. CGS Section 19-524b**

**Compliance:** Not applicable.

### **Transportation**

**106. To make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area. CGS Section 22a-92(b) (1) (F)**

**Compliance:** This improvement project will widen and deepen the existing New Haven Harbor FNP for the users of the Port of New Haven.

**107. To require that new or improved shoreline rail corridors be designed and constructed so as (i) to prevent tidal and circulation restrictions and, when practicable, to eliminate any such existing restrictions, (ii) to improve or have a negligible adverse effect on coastal access and recreation and (iii) to enhance or not unreasonably impair the visual quality of the shoreline. CGS Section 22a-92(c) (1) (F)**

**Compliance:** Not applicable.

**108. To require that coastal highways and highway improvements, including bridges, be designed and constructed so as to minimize adverse impacts on coastal resource. CGS Section 22a-92(c) (1) (G)**

**Compliance:** Not applicable.

**109. To require that coastal highway and highway improvements give full consideration to mass transportation alternatives. CGS Section 22a-92(c) (1) (G)**

**Compliance:** Not applicable.

**110. To require that coastal highways and highway improvements where possible enhance, but in no case decrease coastal access and recreational opportunities. CGS Section 22a-92(c) (1) (G)**

**Compliance:** Not applicable.

**111. To disallow the construction of major new airports. CGS Section 22a-92(c) (1) (H)**

**Compliance:** Not applicable.

**112. To discourage the substantial expansion of existing airports within the coastal boundary. CGS Section 22a-92(c) (1) (H)**

**Compliance:** Not applicable.

**113. To require that any expansion or improvement of existing airports minimize adverse impacts on coastal resources, recreation or access. CGS Section 22a-92(c) (1) (H)**

**Compliance:** Not applicable.

#### **Water Dependent Uses**

**114. To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters. CGS Section 22a-92(a) (3)**

**Compliance:** The proposed improvement dredging will facilitate the development and continuation of water-dependent uses and facilities on or adjacent to coastal waters by providing adequate water depth to assure continued safe and economic use of the waterway. The continued and improved access to this channel promotes the economic viability of the region by facilitating overall regional navigation and encourages the development of water-dependent facilities and vicinity support services.

**115. To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas. CGS Section 22a-92(b) (1) (A)**

**Compliance:** The proposed improvement dredging will facilitate the development and continuation of water-dependent uses and facilities on or adjacent to coastal waters by providing adequate water depth to assure continued safe and economic use of the waterway. The continued and improved access to this channel promotes the economic viability of the region by facilitating overall regional navigation and encourages the development of water-dependent facilities and vicinity support services.