



# CT DEEP REGULATORY UPDATES

MARCH 7, 2024

JEFF CAIOLA, ASSISTANT DIRECTOR

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# LAND & WATER RESOURCES DIVISION

## Mission Statement:

“The Land & Water Resources Division is committed to the protection, restoration and management of Connecticut’s tidal and non-tidal waters, wetlands, natural resources and the appropriate use of floodplains, coastal areas and Long Island Sound”



# LWRD ORGANIZATIONAL FRAMEWORK

## Regulatory

- East
- West
- Infrastructure - 2022
- Enforcement - 2021

## Planning

- Municipal Outreach (IWWA Municipal, CSPR)
- Harbor Management
- Harbor Masters
- Blue Plan

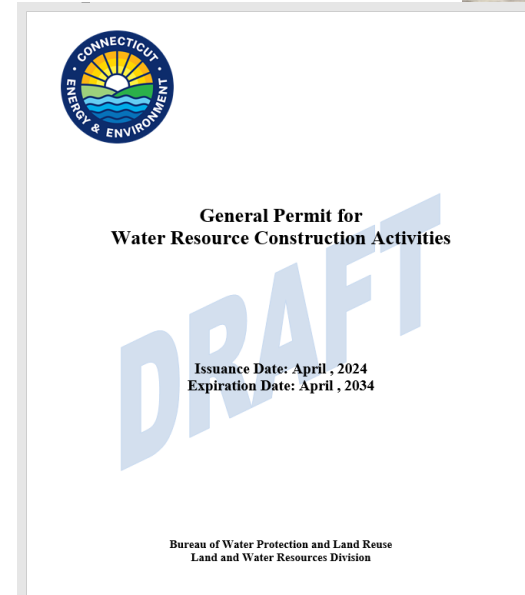
## Technical Resources

- Wetland Mitigation Specialist - 2022
- Habitat Restoration
- Coastal Access
- Long Island Sound Study
- Coastal Land Acquisition

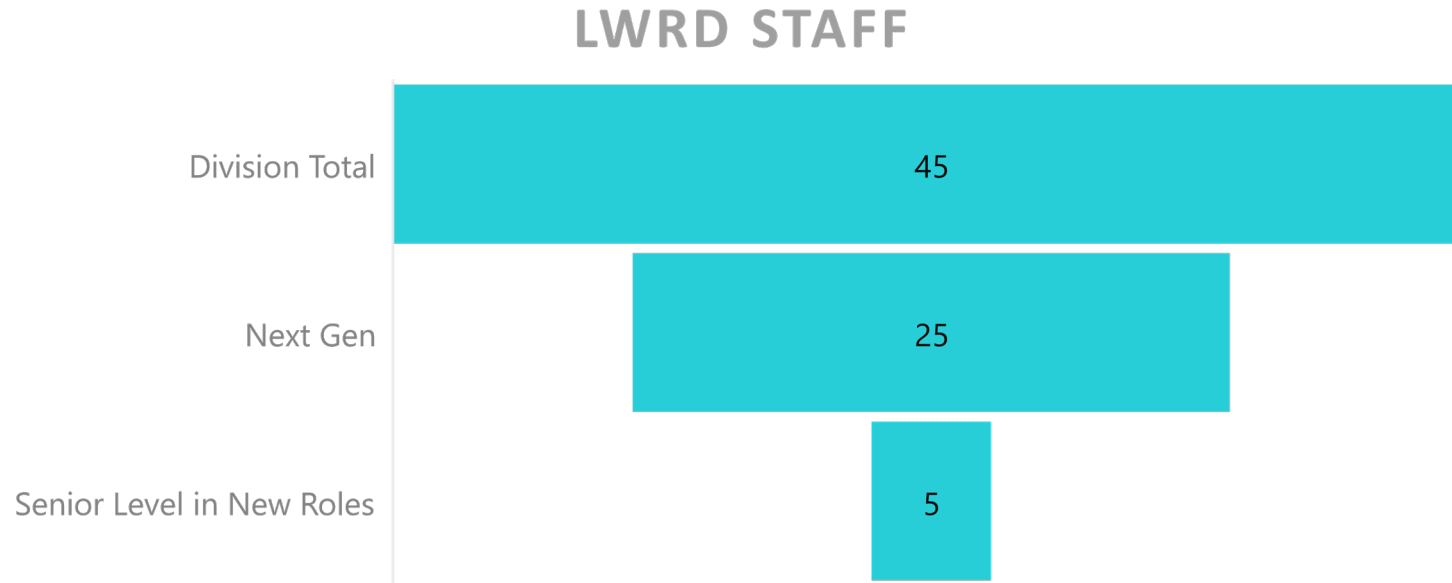


# CURRENT PROGRAM INITIATIVES

- Organizational Changes & Program Development
- Tide Gate Study
- Renewal of Water Resources Construction General Permit
- Compliance Assistance & Enforcement Initiatives



# STRENGTHEN PROGRAMS BY A TEAM APPROACH



## LWRD Training Program

- Internal & External Partners (Audubon, ACEC-CT, DOT, Consultants, Contractors, EPA, ACOE, NRCS and DEEP)
- Cross program training
- Annual Self-Assessment of skillset



# STRENGTHEN PROGRAMS BY A TEAM APPROACH

## LWRD Training Program

Wetland Plant ID (Tidal & Inland)

Vernal Pools

NDDDB / Endangered Species Act

Water Quality Standards

DEEP Fisheries, Wildlife & Forestry

Water Quality Monitoring

Stormwater & LID



# NEW POSITIONS BRING AN ENHANCEMENT TO OUR PROGRAMS

## Wetland Mitigation Specialist

Laura Robbins

- Establish Connecticut's first watershed-level mitigation bank to provide alternatives to small scale, project-specific, permittee-responsible mitigation
- Coordinate development and implementation of a modern mitigation program: establish policy, create guidance materials, provide education and outreach
- Research complex mitigation topics and design modern program to align with federal requirements, to streamline permitting and reduce burden
- Expand toolbox of mitigation options and assistance under the state program



# NEW POSITIONS BRING AN ENHANCEMENT TO OUR PROGRAMS

## CZM IJA Non-Competitive - Capacity Funding

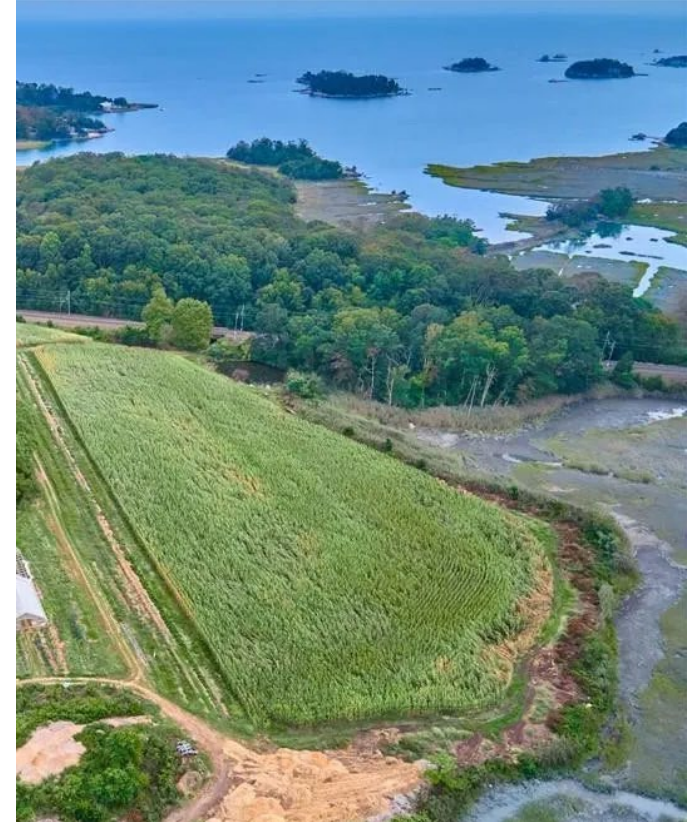
Melinda Gosselin

- DEEP will establish a Land Acquisition & Restoration Coordinator (LARC) position to develop a “project pipeline” for habitat restoration and enhancement projects and land acquisition that support habitat and resiliency goals in Connecticut’s coastal area, and Long Island Sound and its tributaries.

Update the CELCP Plan (Coastal and Estuarine Land Conservation Program)

Development of a Coastal Habitat Restoration Plan – Ranking Criteria

Create a **project pipeline** of high and medium priority projects suitable for use for responding to various funding proposals.





# MARSH RESTORATION & RESILIENCY - TIDE GATE STUDY

NOAA – Coastal Zone Management IRA Non-Competitive Grant

Resilience and Planning Study

\$400,000

This project is a coast-wide planning study of both publicly and privately owned tide gates to create a central repository for information about the gate structures and the developed and natural areas that they affect. The study will identify current and potential future resilience issues with tide gates and recommend strategies for addressing the issues including possible removal, repair, modification of the structures and modification of operation regimes as appropriate.



# WATER RESOURCES CONSTRUCTION GENERAL PERMIT

3/11/2024

Connecticut Department of Energy & Environmental Protection



Inland Wetlands



Water Diversion Non-Consumptive

# REGULATORY PROGRAMS ADMINISTERED BY LWRD

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Inland Wetlands &  
Water Quality  
Certification



Water Diversion Non-  
Consumptive



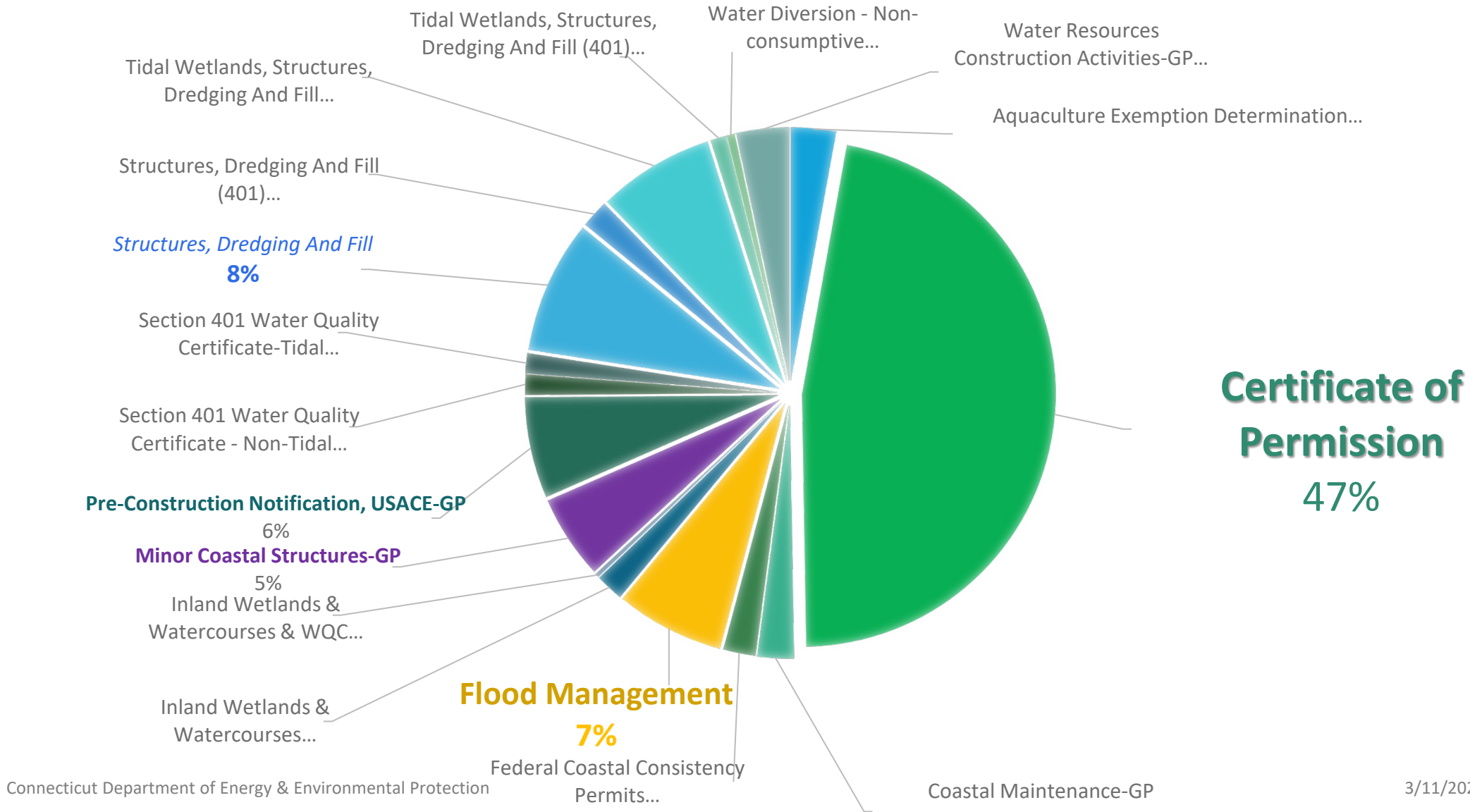
Structures, Dredging & Fill and  
Tidal Wetlands



Flood  
Management

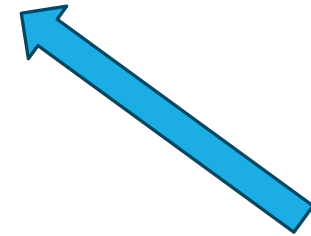
# PROGRAM METRICS

## Application Received by 2023 Program Type



# WATER RESOURCES CONSTRUCTION GENERAL PERMIT

- This general permit will be issued under the authority of the following sections of the Connecticut General Statutes Sec. 22a-45a **Inland Wetlands & Watercourses** & Sec. 22a-378a - **Water Diversion Non-Consumptive**



State defined

- **Types of Application Procedures under the General Permit**

Maintenance Plans

Site Specific Activities

Registration Only

# MAINTENANCE PLANS & PROCESS



# WATER RESOURCES CONSTRUCTION GENERAL PERMIT

## Maintenance Plans

- Drainage Maintenance – **Minor Changes**
- Trail Maintenance
- Boat Launch Maintenance
- Beach Maintenance for Inland Beaches
- Minor Activities Conducted on State Property – **New Category**

# NEW MAINTENANCE PLAN CATEGORY

## **Minor Activities Conducted on State Property**

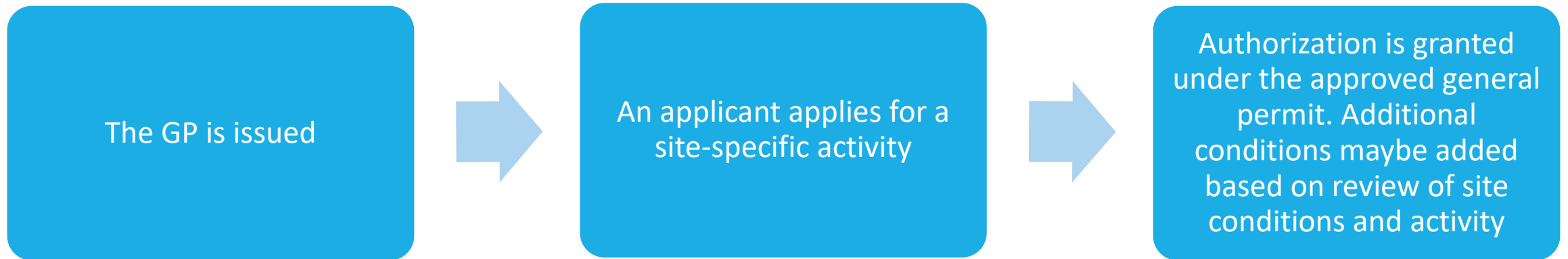
Activities such as, but not limited to, shoreline stabilization measures (grading, placement of fill, installation or maintenance of landscape timbers and/or stone walls); installation or maintenance of structures (docks or swim floats); replacement or installation of drainage pipes or culverts for road crossings; replacement or installation of utility conduits, provided any such activities shall not involve placement of more than twenty five (25) cubic yards of fill or impact more than 0.15 acres of wetlands or watercourses and are performed pursuant to a *State Property Use Plan* and provided such activities are approved, in writing, by the Commissioner under Section 4 of this general permit.



## NEW MAINTENANCE PLAN CATEGORY

“*State Property Use Plan*” means a written plan approved by the Commissioner for the allowance of minor activities conducted on state property. Such plan may from time to time be amended provided such amendments are approved by the Commissioner and shall include a process for validating that a proponent of the activity has a *Documented Legal Right* to conduct such activity on State property. Such plan shall also identify State properties, the types of activities, including but not limited to, shoreline stabilization measures, installation of seasonal recreational structures, replacement or installation of drainage pipes or culverts for road crossings, replacement or installation of utility infrastructure and the best management practices to be implemented while conducting such activities, including measures to ensure fish passage and minimize damage to habitat for fish, wildlife, or stream invertebrates.

# SITE SPECIFIC PROCESS



# WATER RESOURCES CONSTRUCTION GENERAL PERMIT

## Site Specific Categories

- Trail Construction
- Facility Upgrades for Resilience (Public Works) – **modified**
- Infrastructure Repairs – **modified**
- Conservation Activities – **process change**
- Infrastructure Projects with Interagency Coordination - **modified**

# WATER RESOURCES CONSTRUCTION GENERAL PERMIT

## Registration Only

### Infrastructure Projects with Interagency Coordination (Old Category 8, Now # 10)

Wetland impacts must be the same (State & Federal)

#### Existing Language

- Activities Authorized Under a Department of Army (US Army Corps of Engineers) General Permit, and Activities Authorized Under a General Section 401 Water Quality Certification Issue by the Department.

#### Proposed Language

- Any activity for which an authorization has been granted under a Department of Army (US Army Corps of Engineers) General Permit, Self Verification

# CHANGES TO THE SITE-SPECIFIC CATEGORIES

## Facility Upgrades for Resilience – (**Public Works**)

Reconstruction of an existing state facility for resilience from flooding and extreme weather events.

Activities may include, but are not limited to the following:

- construction of a dry egress pathway for emergency access to an existing facility;
- installation of geotextiles or vegetative buffer strips for slope stabilization;
- elevation of an existing site for the purposes of providing dry floodproofing;
- raising of an existing structure above the base flood elevation;
- improvements to existing stormwater management systems;
- installation of a generator for the purposes of providing emergency backup power and
- upgrading of facilities in general (including but not limited to sidewalks or parking lots)

# WATER RESOURCES CONSTRUCTION GENERAL PERMIT

## Timeline

- Outreach to State Agencies fall of 2023
- Public Informational Meeting January 2024
- Public Notice March 2024
- Adopt New General Permit April 2024



# DEEP ENFORCEMENT

Land & Water Resources Division

The Team:

Brian Golembiewski

Kevin Zawoy

Diane Ifkovic

Katie Perzanowski

Katharine Becker

Chris Yacavone

Carol Ladue







## LAND & WATER RESOURCES DIVISION

- Regulates all activities conducted in tidal wetlands and in tidal, coastal, or navigable waters in Connecticut
- Regulates Water Diversion through the Water Diversion Policy Act
- Regulates State Inland Wetlands and Watercourses
- Issues Water Quality Certificates pursuant to Section 401 of the federal Clean Water Act.

The major objectives of the permit program are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with Connecticut's Coastal Management Act (CCMA), CGS Sections [22a-90 - 22a-112](#), inclusive.

# ENFORCEMENT RESPONSIBILITIES & GOALS

- Enforce CT's Structures, Dredging, & Fill, Tidal Wetlands, State Inland Wetlands & Watercourses, Water Diversion, and Sec. 401 Water Quality Certification regulatory programs.
  - Investigate complaints of unauthorized regulated activities
  - Assure compliance with issued DEEP licenses
- Coordinate with municipal IWWC, DEEP Stormwater and USACOE/EPA on complaints that involve non-state IWW and Section 404 CWA activities and erosion control/stormwater management issues.
- Implement compliance assurance and assistance outreach initiatives.
- Help identify, prevent, and resolve floodplain management issues through the National Flood Insurance Program.

# LWRD ENFORCEMENT

**Mission\*:** Support the LWRD's regulatory programs through

- Prevention and prompt cleanup of pollution and its sources; protection and restoration of natural resources at site where violation occurs and at other sites; protection of public health and safety;
- Prompt compliance w/ legal requirements that have been violated;
- Removal of any economic advantage or savings realized by noncompliance;
- Punishment of violators, w/ an escalation of the punishment for recurrent violations or repeat violators;
- Satisfaction of federal funding and program authorization requirements; and
- Increased public awareness, understanding and support, and increased regulated community's knowledge, of environmental requirements.

\*[Enforcement Response Policy \(ct.gov\)](https://www.ct.gov/lwrd/enforcement-response-policy)

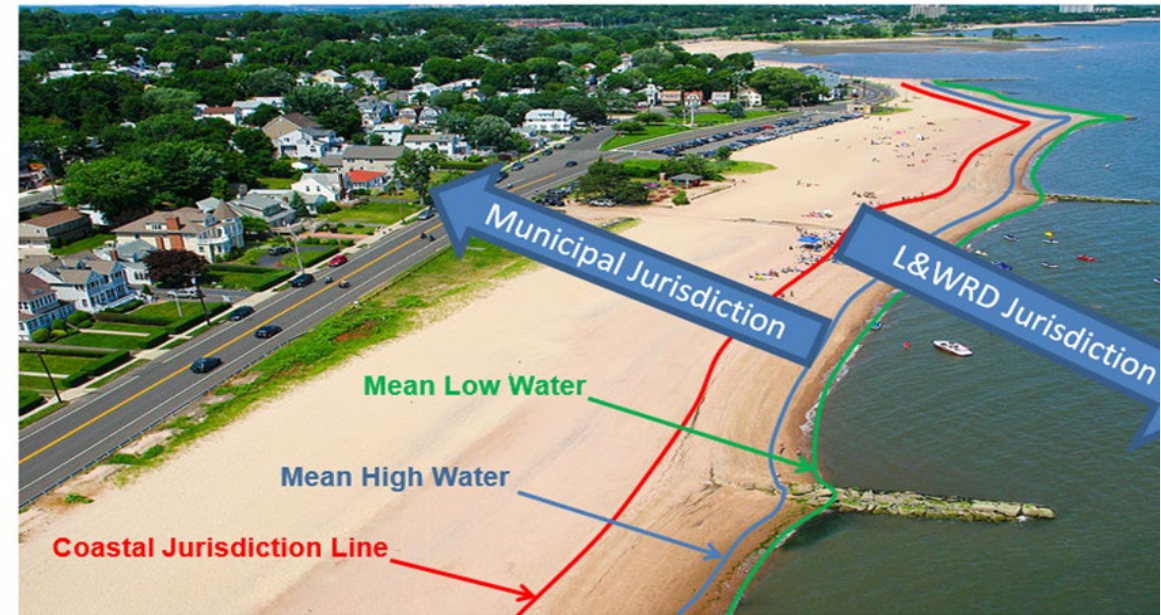


# COASTAL JURISDICTION LINE

Pursuant to the SDF statutes, DEEP's jurisdiction is called the Coastal Jurisdiction Line (CJL), which is a series of elevations computed for each regulated Town using the highest predicted tides found in Long Island Sound, and the Connecticut, Housatonic and Thames Rivers, up to their respective heads of tide.

[Coastal Jurisdiction Line Fact Sheet](#)

## Structures, Dredging & Fill Jurisdiction



Long Island Sound	
Greenwich	5.5'
Stamford	5.5'
Darien	5.5'
Norwalk	5.4'
Westport	5.3'
Fairfield	5.2'
Bridgeport	5.0'
Stratford*	4.8'
Milford*	4.7'
Orange*	4.7'
West Haven	4.6'
New Haven	4.6'
Hamden	4.6'
North Haven	4.6'
East Haven	4.5'
Branford	4.3'
Guilford	4.0'

Connecticut River	
Old Lyme*	2.9'
Old Saybrook	2.9'
Lyme	2.9'
Essex	2.8'
Deep River	2.9'
Chester	2.9'
East Haddam	3.0'
Haddam	3.0'
East Hampton	3.0'
Middletown	3.1'
Portland	3.3'
Cromwell	3.3'
Rocky Hill	3.4'
Glastonbury	3.5'
Wethersfield	3.6'
East Hartford	3.8'
Hartford	3.8'

Thames River	
New London*	2.1'
Groton*	2.1'
Waterford*	2.2'
Ledyard	2.3'
Montville	2.3'
Preston	2.3'
Norwich	2.4'

Housatonic River	
Stratford*	5.0'
Milford*	5.1'
Shelton	5.4'
Orange	5.4'
Ansonia	5.4'
Derby	5.4'

\*- Municipalities with two CJL

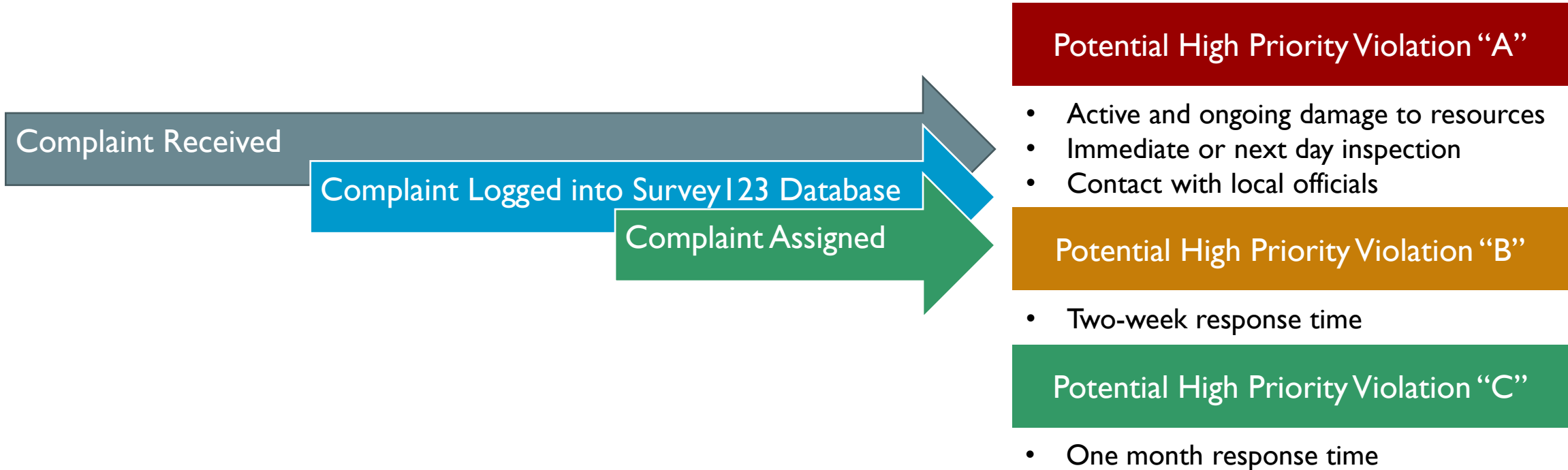
# DEFINITIONS

- **Tidal Wetlands:** areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the following listed at CGS Sec. 22a-29.
- **Inland Wetland:** means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;

# DEFINITIONS

- **Watercourse:** rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive.
- **Water Diversion:** activities which cause, allow or result in the withdrawal from, or the alteration, modification or diminution of, the instantaneous flow of the waters of the state. The Department recognizes two types of diversions; consumptive, and non-consumptive. Non-consumptive diversions, (administered by LVRD), involve the physical alteration or modification of a surface water(s), generally impacted water resources with greater than 100 acres watershed/drainage area.

# LWRD COMPLAINT INTAKE



## LWRD Wetlands, Watercourses, & Coastal Complaints

Use this form to report *only* Inland Wetlands, Watercourses, Tidal Wetlands, and Coastal Waters complaints in Connecticut. Submitted complaints are reviewed on an ongoing basis and will be investigated in accordance with the potential environmental harm and risk to public safety. If you have questions, contact the DEEP Land and Water Resources Division (LWRD) at 860-424-3019.

You may also use this form to report an administrative complaint about a municipal Inland Wetlands Agency/staff. Examples of this type of complaint are, *Agency is not following the statutory timeline for reviewing applications, or Agency and/or staff did not allow a member of the public to speak at a public hearing.* To learn more about the roles and responsibilities of municipal Inland Wetland Agencies, see the DEEP's [Inland Wetlands Citizen Information](#) web page.

If you have a different environmental complaint, please see the DEEP's [Reporting Environmental Concerns and Problems](#) web page. In the event of a wildlife-related emergency, contact DEEP EnCon dispatch at 860-424-3333.

### Date and time of violation\*

Default response is current date and time. Please edit to reflect the date and time of the observed violation.

2/28/2024

08:08 AM

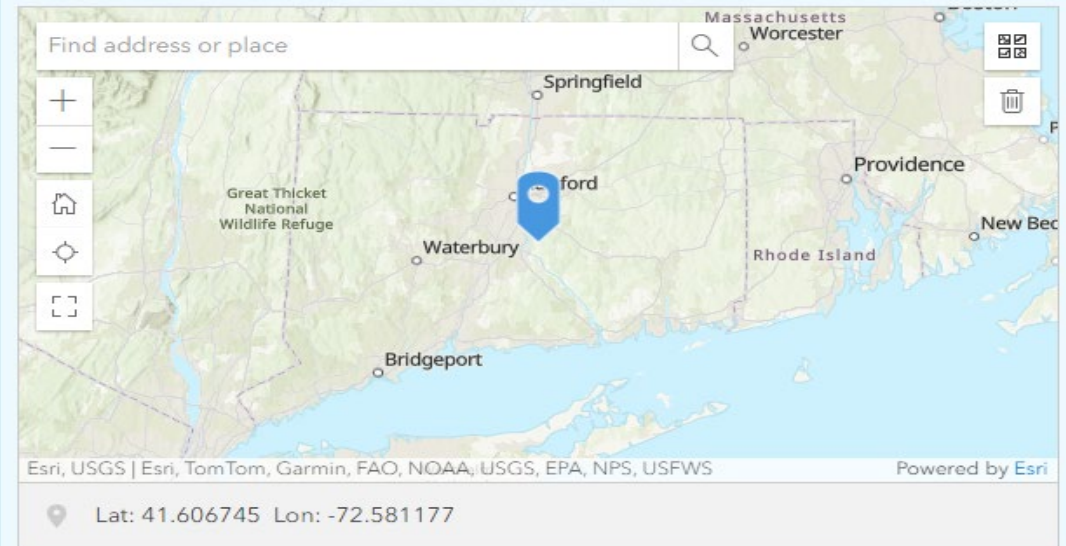
### Town where violation occurred (or for which an administrative complaint is being made)\*

-Please select-

## Geolocation

Select the location on the map where you observed the violation (if an administrative complaint, use the location of the town/city hall)\*

The map will attempt to use your device's location to place the point. Please tap or click the map once to move the geopoint, and drag the map with a finger or mouse to change locations.



### Please Verify the Map Pin is in the Correct Location\*

Check This Box to Verify

### Street Address if Known, or Nearest Street/Intersection\*

If complaint is solely administrative, please use town hall location.



# LWRD ENFORCEMENT – COMPLAINT INTAKE UPGRADE

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The major advantages of Survey 123 included:

- The complaint intake form can be posted on the DEEP Website at multiple locations to help the public;
- Complaints of violations are geospatially located and can be viewed by staff;
- The complainant can provide contact information or remain anonymous;
- Establishes a standard LWRD intake system that minimizes staff time and unnecessary steps;
- LWRD can discontinue use of unsupported database programs (such as access);

# LWRD ENFORCEMENT – COMPLAINT INTAKE UPGRADE

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The major advantages of Survey 123 included (cont.):

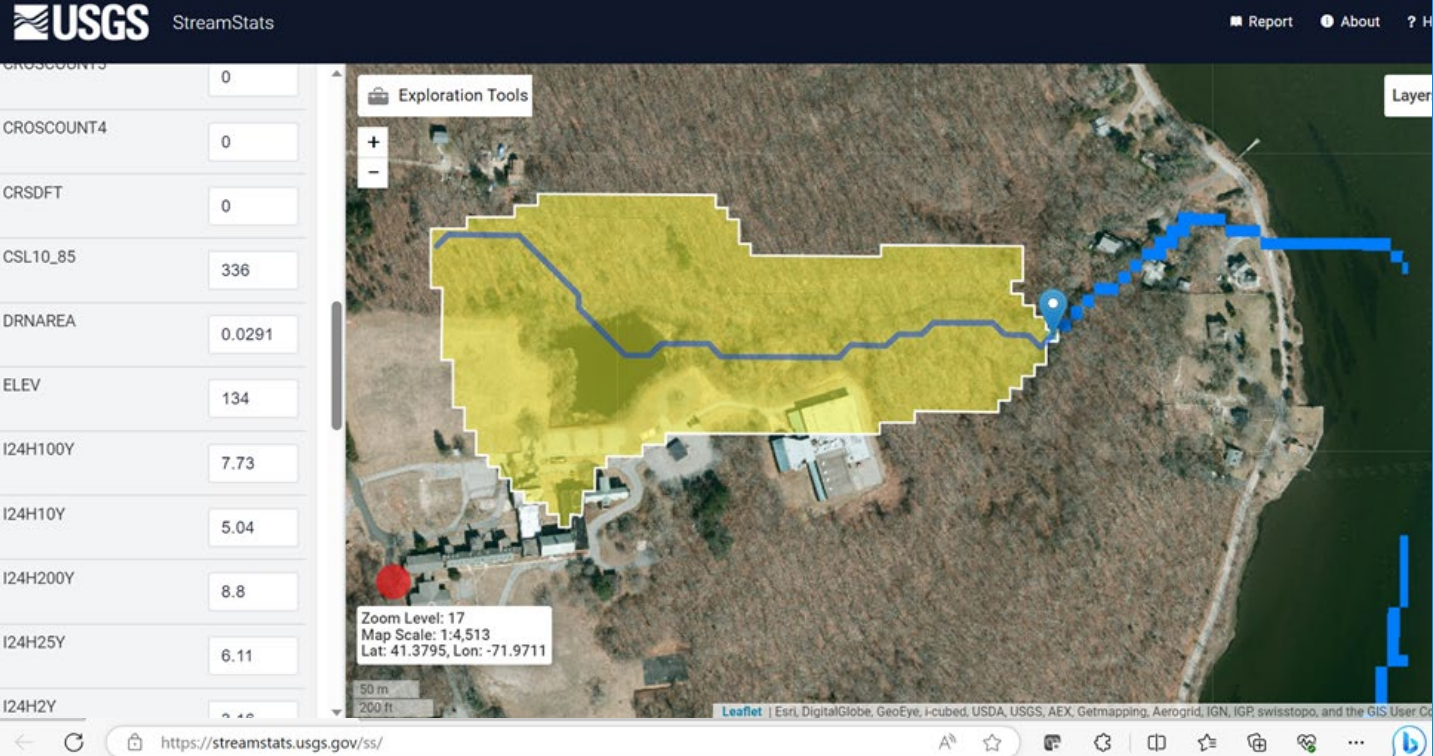
Complainant can upload photos and supporting documents;

Received complaints can be administered with the same functionality or better than current databases;

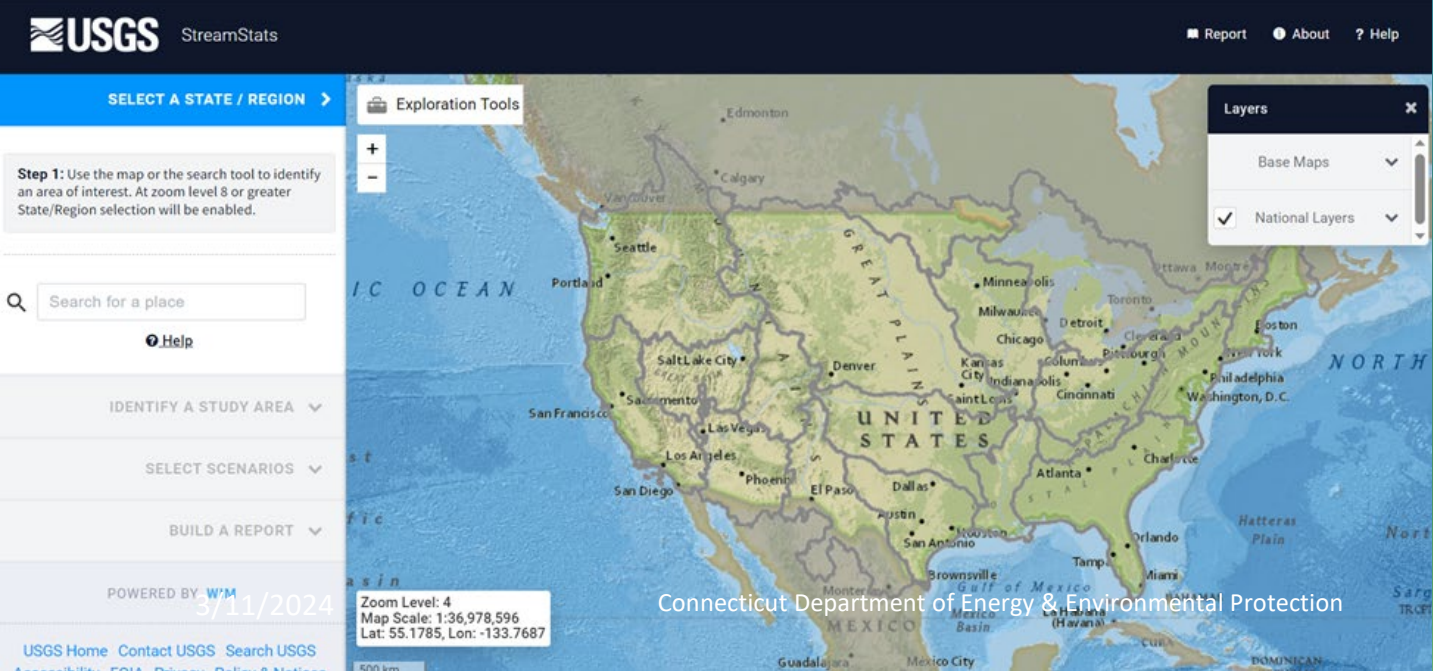
Can add Administrative IWW Commission and Staff issues as a complaint type;

Reports can be tailored to LWRD staff needs, such as NOAA Reporting Periods, Annual Statistics/Totals, Staff Assignments, etc...; and

A dashboard can be developed for management, showing complaint types and locations, statistics, timeframes, etc...



USING USGS  
STREAMSTATS TO  
IDENTIFY POTENTIAL  
WATER DIVERSION  
VIOLATIONS  
(100 ACRES DRAINAGE  
AREAS)



# PRE-INSPECTION

## Pre-inspection To-Do List

- Research site and history to get familiarized:
  - Review any associated e-mails, complaint form, CSPRs
  - Perform a SIMS search
  - Review LWRD Data Viewer
  - Review aerial images and Google Earth
  - Review property assessor's information
- Check tide chart (coastal) to aid in planning day of inspection

## Inspection Field Bag

- Site address
- Tablet, phone, or camera
- Tape measure
- Business cards & ID badge
- Notebook & pencil
- First Aid Kit

A photograph of a wooden dock extending into a body of water. The dock is made of light-colored wooden planks and has a railing on both sides. The water is calm, and the sky is overcast with grey clouds. In the background, there are some buildings and trees on the shore.

# INSPECTION

1. Knock on door. Show ID badge, offer business card, and explain/state reason for visit.
  - If no one answers, check for security cameras. If a security camera is present, hold ID badge in front of the camera and leave a business card.
2. Request permission to access property to view complaint.
  - If access is approved, continue to Step 3.
  - If access is denied, look for nearby Public Access Points or other ways to access waterward of CJL.
  - If unable to gain access, obtain the services of an ENCON officer at a later date.
3. Upon access approval, begin inspection.
  - Take notes: time and date, current tide, coastal resources, evidence of recent construction
  - Make a sketch of any structures, plant life, and tide lines
  - Take measurements and photos
4. If necessary, issue FNOV or Stop Work Order.

# INSPECTION

Inspections are allowed based on the authority given in Sec. 22a-6.(a)(5):

“The commissioner may in accordance with constitutional limitations, enter at all **reasonable times**, without liability, upon any public or private property, **except a private residence**, for the purpose of inspection and...”

and in Sec. 22a-30:

“Entry on public or private property to carry out wetlands and watercourses responsibilities. Regulations. (a) The commissioner or his authorized representative shall have the right to enter upon **any** public or **private property** at **reasonable times** to carry out the provisions of sections 22a-28 to 22a-35, inclusive.





## POST INSPECTION DETERMINATION

- If no violation – close out complaint
- If someone else’s violation jurisdiction – refer to DEEP stormwater unit, Town, and/or US ACOE
- If violation found - we follow Enforcement Response Policy
- Standard informal action = NON for private property owners or NOV for commercial, municipal, repeat offender
- Extreme/severe impact or deviation = formal action - Order, Cease and Desist, Penalty Order



# ENFORCEMENT RESPONSE POLICY

## A. Classify the type of violation

- 1.) High Priority Violation
- 2.) Secondary Priority Violation

## B. Determine the appropriate enforcement action

- 1.) Formal Enforcement Response
- 2.) Informal Enforcement Response

## Considerations:

- Actual harm or potential threat of significant harm to public health, safety, or the environment.
- Fraudulent or criminal conduct.
- Chronic or recalcitrant violator.
- Risk of damage to the regulatory program.
- Extent of deviation from permit, order, etc.
- Economic benefit.
- Multimedia case.

# INFORMAL VS. FORMAL ENFORCEMENT

## INFORMAL

- **Warning Letter:**
  - Used for very minor issues
    - E.g., float stored in tidal wetlands
- **Notice of Non-Compliance (NON):**
  - Standard for residential property owners
    - E.g.,, unauthorized dock or structure at residential site
- **Notice of Violation (NOV):**
  - For commercial/industrial, municipal, and state agency sites
    - E.g., unauthorized rip rap at a commercial marina

## FORMAL

- **Consent Order:**
  - Issued by the Commissioner. Not a contract. Is recorded on the land record
  - Statutory penalties available for noncompliance
- **Unilateral Order:**
  - Issued by the Commissioner. Recipient may request a hearing before the Department within 30 days.
  - If no hearing is requested, the order becomes final and legally enforceable after 30 days.
- **Cease and Desist Order:**
  - Administrative order when violation is causing actual and substantial harm or is threatening to cause such harm imminently.
- **Administrative Civil Penalty Notice:**
  - Issued by the Commissioner and gives the Department the ability to issue a civil penalty. It removes any competitive or financial gain associated with noncompliance and is assessed pursuant to the department's [Administrative Civil Penalty Regulations](#).
- **AG Referral:**
  - Formal request by the Commissioner made when consent order negotiations fail to resolve in a timely manner, or violator appears unwilling to comply.



# GENERAL LWRD PRACTICES

## **NON or NOVs** - Removal, Restoration, Permit

- Remove or permit to authorize
- Restore if minor impact or increased height
- Restoration Plan if more than minor impact

**Consent Order** - If found working or activity is completed without a permit and respondent wants to permit it, then enter the CO w/ penalty and requirement to submit for appropriate permit type

**4x FEE CGS 22a-361(a)(2)** – The application fee for the retention of a structure built in a violation of this subsection where such structure is ineligible for a certificate of permission under section 22a-363b, shall be four times the fee calculated.

# Coastal Violations



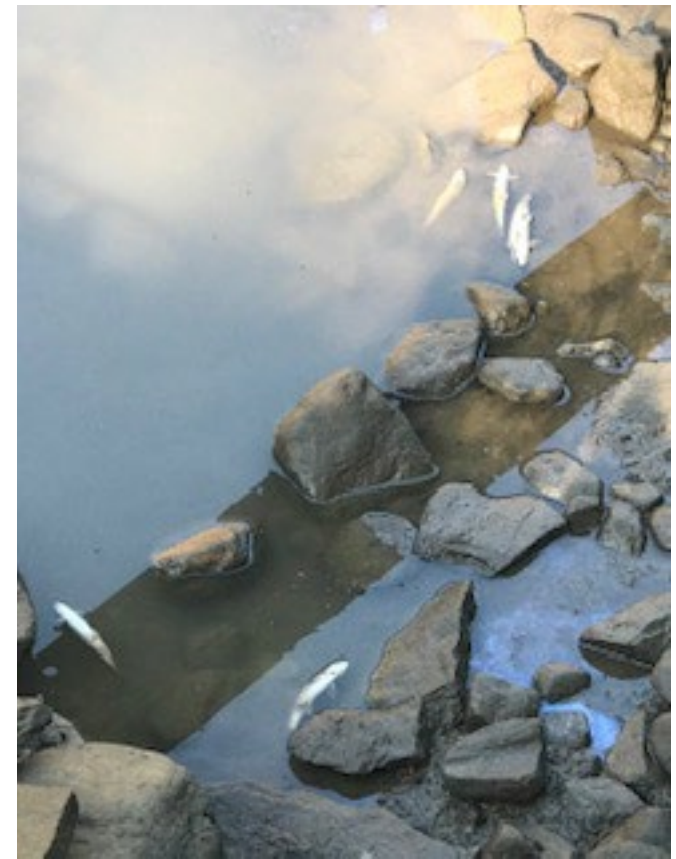
Sand placement



New gravel fill and rip rap



Rip rap



# Inland Violations

## CEASE & DESIST ORDER

CGS Section 22a-7 – Any person is causing, engaging in or maintaining, or is about to cause, engage in or maintain, any condition or activity which, in his judgment, will result in or is likely to result in imminent and substantial damage to the environment, or to public health and is substantial and continuous and it appears prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, (the Commissioner) may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity.

CGS Section 22a-363f - Whenever the commissioner finds after investigation that any person is conducting or is about to conduct an activity for which a certificate, permit or authorization is required without obtaining such certificate, permit or authorization he may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity **(Both require a hearing in 10 days)**.

# COMPLIANCE AT CT DOT INFRASTRUCTURE PROJECTS




- Inspect State Projects in varying phases of construction for compliance with LWRD environmental permits, standards, and regulations
- Coordinate w/ DOT's Environmental Planning Office
- LWRD "Site Inspection Report Form" to document issues within certain timeframes
- SOP for active construction changes
- Quick time processing Emergency Authorizations

Coastal



Inland





**FEMA/  
NFIP  
COMPLIANCE**

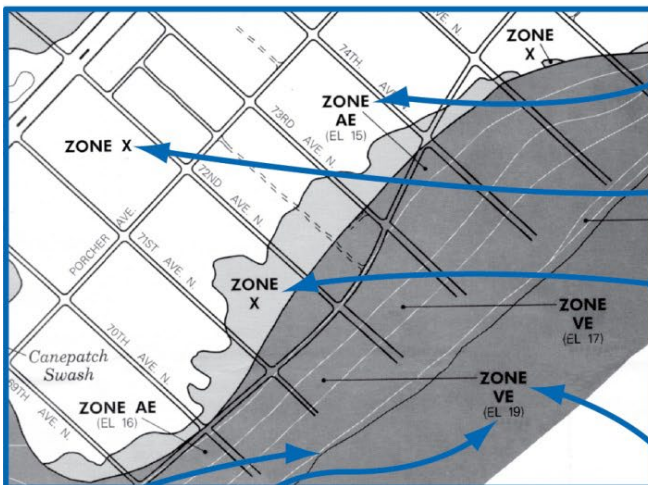
- All CT municipalities participate in the National Flood Insurance Program (NFIP)
- Municipalities can be suspended from the NFIP, no flood insurance sold, hinders real estate transactions



# FEMA/NFIP COMPLIANCE

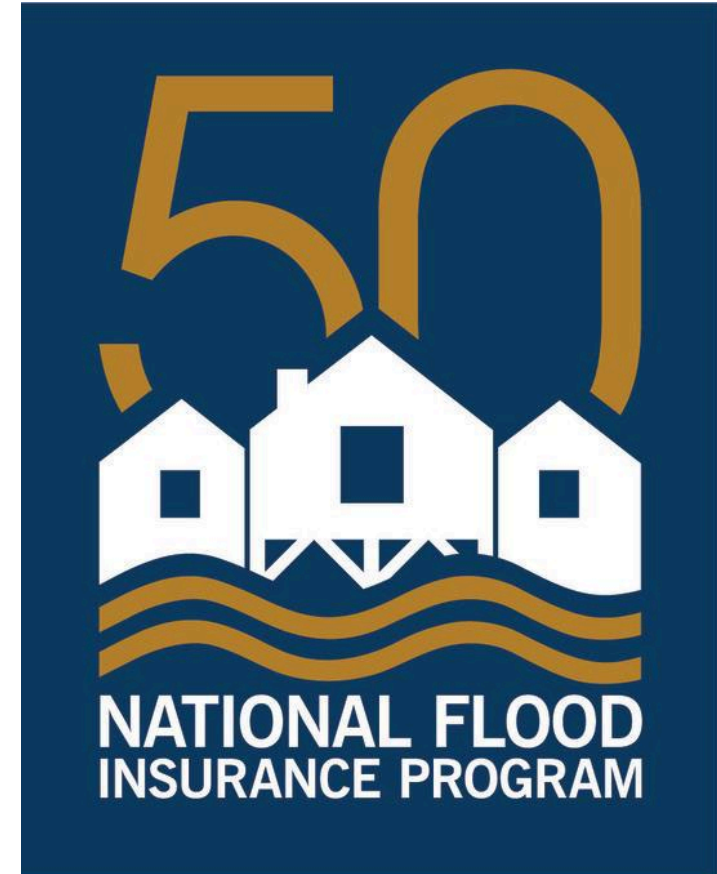
- **Flood Maps** – FEMA produces the maps
- **Flood Regulations** – Communities must adopt the maps and zoning regulations to regulate construction in the floodplain
- **Flood Insurance** – FEMA makes federal flood insurance available to property owners in participating communities

FEMA Flood Insurance Rate Map (Coastal)



## COASTAL FLOOD HAZARD ZONES

- 1 **Zone A** and **Zone AE** are subject to flooding by the base or 100-year flood (1-percent-annual-chance), and waves less than 3 feet (formerly called Zones A1-A30).
- 2 **Unshaded Zone X** is the area of minimal flood risk outside the 500-year floodplain, formerly called Zone C.
- 3 **Shaded Zone X** is subject to flooding by the 0.2-percent-annual-chance (500-year) flood and the 1-percent-annual-chance (100-year) flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; also designates areas protected from the 1-percent-annual-chance (100-year) flood by levees.
- 4 **Zone V** and **Zone VE** are where waves are expected to be 3 feet or more.
- 5 **Base Flood Elevation (BFE)** is the estimated water surface elevation (in feet above datum).
- 6 **Shoreline**



# COMPLIANCE ASSISTANCE

## COASTAL PROPERTY "DUE DILIGENCE" CHECKLIST

- ✓ Identify structures that appear to be in coastal waters, tidal wetlands, or contacted by high tides
  - Find out when they were installed
  - Determine if there are authorizations
  - Look for outstanding violations
  
- ✓ Determine FEMA Compliance
  - Check for FEMA flood zones
  - Check flood insurance rate maps
  - Determine insurance responsibilities
  - Visit [msc.fema.gov](https://www.msc.fema.gov)
  
- ✓ Contact local municipality
  - Determine town jurisdiction and permitting requirements
  - Check town land records for past property notices, site plans, and survey maps
  
- ✓ Contact DEEP
  - For regulatory and enforcement history
  - For permitting and general info

**Creating informative graphics (infographics) targeting common violation areas and audiences, e.g.:**

- Unpermitted structures
- Unauthorized work
- Beach Associations
- New homeowners – “grandfathered in”

**Process** – Identify problems and solutions, compile relevant information, condense to meaningful concise advice, add visual graphics for easier digestion

**Success:** “Coastal Property Owner’s Guide”

- [Poster](#) and [Brochure](#)

**On-going Project:** “Beach Association Guide”



# COASTAL PROPERTY OWNER'S GUIDE

## Are you interested in buying, selling, or doing work at a coastal property?

Many owners and potential buyers are unaware of state environmental laws, the responsibility to permit structures, and the need to comply with FEMA floodplain standards. If you don't have a permit from the CT Department of Energy & Environmental Protection (DEEP) for shoreline structures, new construction, or substantial repairs, it is likely unauthorized and a violation.

*Even if someone else installed it, or you were misinformed that it is "grandfathered," it is your responsibility to find out if the structure or new repairs require a permit. If you own the property, you own the violation.*



Don't let your dream home turn into a nightmare. If you are a prospective buyer/seller, contractor, or real estate professional, please do your due diligence. To submit a permit inquiry, or for more info, contact: [DEEPLWRDPermitInfo@ct.gov](mailto:DEEPLWRDPermitInfo@ct.gov).



## Does your property feature:



### Docks

- Usually a fixed pier, ramp, and float.
- Directly regulated by DEEP; must be authorized. If you don't have a DEEP license in hand, it may be a problem.



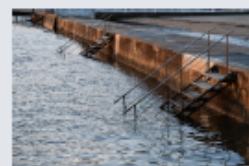
### Seawalls & Bulkheads

- Vertical structures that halt erosion at the shoreline.
- DEEP approval is required for any installation, maintenance work, or modifications to such structures.



### Jetties & Groins

- Captures sand or keeps the mouth of streams open.
- Has significant impacts to beaches and neighboring properties.



### Stairs & Boardwalks

- Stairs and walkways along the shore need DEEP authorization.
- Can have negative impacts on public access to the shoreline and coastal resources.



### Revetments & Armor

- Armored slope built to protect against erosion.
- Significant statutory limitations to the installation of such structures.



### Filled Areas

- Unauthorized fill in coastal waters and tidal wetlands is a DEEP violation.
- Very likely that removal will be required at your expense.

# Regulations

## FEMA & Flooding

Every municipality in CT participates in the National Flood Insurance Program (NFIP). Check with the community's planning and zoning department to learn zoning regulations and previous flooding impacts. Be familiar with flood zones and evacuation routes.

## Town & Federal

Some of the same structures and construction activities are also regulated by local municipalities and by the US Army Corps of Engineers. It is likely that you will need to contact DEEP, Corps, and the town for work along the shoreline.

## DEEP Regulatory

DEEP regulates CT's shoreline under the Structures, Dredging, & Fill, Tidal Wetlands, and the 401 Water Quality Certification programs. Simplified permit types are available for minor and older structures and activities.



# Coastal Property Owner's Guide

Are you interested in buying, selling, or doing work at a coastal property? Many owners and potential buyers are unaware of state environmental laws, the responsibility to permit structures, and the need to comply with FEMA floodplain standards. If you don't have a permit from the CT Department of Energy & Environmental Protection (DEEP) for shoreline structures, new construction, or substantial repairs, it is likely unauthorized and a violation. Even if someone else installed it, or you were misinformed that it is "grandfathered," it is still your responsibility to find out if the structure or new repairs require a permit. If you own the property, you own the violation.

Don't let your dream home turn into a nightmare. If you are a prospective buyer/seller, contractor, or real estate professional, please do your due diligence. To submit a permit inquiry, or for more info, contact: [DEEPLWRDPermitInfo@ct.gov](mailto:DEEPLWRDPermitInfo@ct.gov).

## Does your property feature:

### Docks

- Usually a fixed pier, ramp, & float
- A great amenity to the property, if property authorized
- If you don't have a DEEP license in hand, it may be a problem



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## Regulations affecting coastal property:



### FEMA & Flooding

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- Check with the community's planning and zoning department to learn zoning regulations and previous flooding impacts



### Town & Federal

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### DEEP Regulatory

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- Simplified permit types are available for minor and older structures and activities

## Property "Due Diligence" Checklist:



- Identify structures that appear to be in coastal waters, tidal wetlands or contacted by high tides
  - Find out when they were installed
  - Determine if there are authorizations
  - Look for outstanding violations



- Contact local municipality
  - Determine town jurisdiction and permitting requirements
  - Check town land records for past property notices, site plans, and survey maps



- Determine FEMA Compliance
  - Check for FEMA flood zones
  - Check flood insurance rate maps
  - Determine insurance responsibilities



- Contact DEEP
  - For regulatory and enforcement history
  - For permitting and general information
  - [DEEPLWRDPermitInfo@ct.gov](mailto:DEEPLWRDPermitInfo@ct.gov)

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact DEEP Office of Diversity and Equity at (860) 410-9110 or by email at [deep.accommodations@ct.gov](mailto:deep.accommodations@ct.gov) if you are requesting a communication aid or service, have limited proficiency in English, need some other type of accommodation, or if you wish to file an ADA or Title VI discrimination complaint. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.

Photographs by Paul Fucini and Katie Perencowski



Learn more at [portal.ct.gov/deep/coastal-resources](http://portal.ct.gov/deep/coastal-resources)

# Horseshoe Crabs

Horseshoe crabs are living fossils, surviving for hundreds of millions of years in the depths of the ocean through five mass extinction events. Not true crabs, horseshoe crabs are closely related to arachnids (e.g., spiders) sporting a hard carapace over their bodies and a tail-like feature called a telson, which is used as a rudder and to help flip themselves over if they end up on their backs.

Though they are a resilient species, their population numbers are either dwindling or being maintained at impoverished levels, which is concerning for the fish, reptiles, and birds that rely on horseshoe crab eggs and adult crabs alike for food.

## How do horseshoe crabs effect my beach association?

Beach grading, nourishment, and mechanized raking all are prohibited during horseshoe crab spawning season, May — June, to protect the crabs and their nests.

All photos on page are courtesy of Paul J. Fusco / CT DEEP Wildlife



## Horseshoe crab fact

- ✦ Spawning Season: m
- ✦ Peak spawning: even during full and new r beaches that are prior from surf within bay:
- ✦ Females will dig nest 8" deep.
- ✦ Young crabs molt the they grow.
- ✦ The long tail like feat a rudder.
- ✦ A common myth is tl is not dangerous and to humans.
- ✦ Their blueblood cont and is harvested for horseshoe crabs use up to 30% do not sur

You can help protect the future of disturbing them and their nests d through June. You may see groups waves, leaving thousands of fertili intertidal zone. It is critical to allow horseshoe crab larvae to travel ou they can continue on their journey

For more information, please visit [Bluebloods](#), [Maritime Aquarium: I University's Project Limulus](#), and [Horseshoe](#).



## Land and Water Resources Division Connecticut Beach Association's Guide to Coastal Activities and Permitting

Contact: [DEEPLWRDPermitInfo@ct.gov](mailto:DEEPLWRDPermitInfo@ct.gov)

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QUESTIONS