

***IN THE MATTER OF*** : ***APPLICATION NO. IW-2000-119***

***STATE OF CONNECTICUT  
OFFICE OF POLICY AND  
MANAGEMENT (RENTSCHLER  
FIELD STADIUM, EAST HARTFORD)*** : ***FEBRUARY 22, 2001***

***FINAL DECISION***

Having reviewed the hearing officer's *Recommendations*, I affirm the recommendation to *GRANT* the application for a permit to conduct regulated activities at Rentschler Field Stadium in East Hartford, Connecticut.

This permit shall be issued in accordance with the terms and conditions of the draft permit that is appended to the *Recommendations*, attached as Attachment A.

February 22, 2002

/s/ Arthur J. Rocque, Jr.  
Arthur J. Rocque, Jr.  
Commissioner

## **RECOMMENDATIONS (ATTACHMENT A)**

### **I**

#### **SUMMARY**

The State of Connecticut, Office of Policy and Management (the applicant), has applied to the Department of Environmental Protection (DEP) for a permit to conduct regulated activities in 68,880 square feet or approximately 1.58 acres of wetlands in conjunction with the construction a stadium in the Town of East Hartford. The application is filed pursuant to General Statutes Sec. 22a-36 through 22a-45, the *Inland Wetlands and Watercourses Act* and PA 99-241 and 00-140 *An Act Implementing the Master Development Plan for the Adriaen's Landing Project and the Stadium at Rentschler Field Project*.

The project site consists of approximately 75 acres of land at the northeastern end of the currently inactive airfield previously know as Rentschler Field adjacent to Silver Lane in the Town of East Hartford. The project site was donated by United Technologies to the State of Connecticut for the purpose of building a Division IA football stadium for the University of Connecticut.

The parties to this proceeding are the applicant and the DEP Inland Water Resources Division (staff). Staff supports issuance of the permit and has submitted into the record a draft permit that would authorize the applicant's proposed regulated activities.

The project has been planned to minimize wetland impacts. The development of the property will sufficiently balance the economic interests of the state and the use of its land with the need to protect its environment and ecology. These proposed activities, if conducted in accordance with the terms and conditions of the draft permit, will be consistent with the applicable legal standards for permit issuance.

I recommend that a permit be issued in accordance with the terms and conditions set forth in the draft permit (See Attachment A).

## II

### PROCEDURAL HISTORY/BACKGROUND INFORMATION

On or about December 19, 2000, the applicant submitted an application to the Department of Environmental Protection (DEP) Inland Water Resources Division for an Inland Wetlands and Watercourses permit.<sup>1</sup> The applicant pursued approval for its proposed project from DEP according to General Statutes Sec. 22a-39 the *Inland and Watercourses Act* and the guidelines set forth in PA 99-241 and 00-140 *An Act Implementing the Master Development Plan for the Adriaen's Landing Project and the Stadium at Rentschler Field Project*.

As background, pursuant to PA 00-140 Sec.17 (j), on September 5 and September 6, 2000 the applicant held a hearing on the Environmental Impact Evaluation (EIE) for the Stadium at Rentschler Field. The EIE was required to include a description of the permits, licenses or other approvals required from the DEP for the overall project. Any person was allowed to comment at the public hearing or in writing on the EIE and permit issues and on the material related to the Endangered Species Act. All public comments received by the applicant were forwarded to the DEP for consideration.

The EIE decision was issued on September 18, 2000. As required by PA-00-140 Sec.17 (k), the proposed stadium project at Rentschler Field was determined by the Office of Policy and Management to satisfy the requirements of Conn. Gen. Stat. Sec. 22a-1a through 22a-1c of the Connecticut Environmental Policy Act (CEPA). The EIE included an analysis of alternative project site locations. Rentschler Field was identified as the most feasible and prudent alternative for stadium development. In addition, the placement and configuration of the stadium on the 75 acres at the northeast portion of the over 625 acre Rentschler Field parcel was selected as the preferred location for stadium development. The evaluation included an examination of whether the location would minimize potential environmental impacts to natural resources including wetlands.

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<sup>1</sup> A Section 401 Water Quality Certification Sec. 33 U.S.C. Sec. 1341 was issued by DEP on September 29, 2000 as part of the Army Corps of Engineers Programmatic General Permit #200000741.

On September 18, 2000 the Office of Policy and Management (OPM) also determined that the proposed construction of the Stadium would result in an incidental taking for purposes of General Statutes Sec. 26-310 of the State Endangered Species Act. A bird survey of the entire Rentschler Field had been conducted by the Massachusetts Audubon Society in the spring of 2000. The survey indicated that State of Connecticut protected, including two endangered, upland bird species were inhabiting the grassland for nesting and foraging. In response to the findings of the survey, OPM, in consultation with the DEP, proposed a mitigation plan for the establishment of 126.5 acres of suitable grassland habitat to be protected in perpetuity at the State Correctional Facility located in Somers and Enfield.

On September 29, 2000, pursuant to General Statutes Sec. 26-310 (d) DEP specified the impact of the incidental taking on the endangered species and set forth the required measures, terms and conditions required by OPM to satisfy in order to ensure that the proposed action does not reduce the likelihood of recovery of the species. DEP found that an incidental taking of a state-listed endangered bird species – Grasshopper sparrow – would result due to the loss of 56.5 acres of grassland habitat. It was determined that four nesting pairs of Grasshopper sparrows utilized this habitat in 2000. Although three Upland sandpipers, also listed as a state endangered species, were observed on the stadium site there was no evidence that this species is nesting on the site. It was also noted that although the grassland habitat at the stadium is currently ideal for Grasshopper sparrows, the habitat is in transition and will eventually develop into shrub growth then to forest without periodic maintenance. OPM accepted the required measures, terms and conditions set forth by DEP including the implementation of the mitigation plan entitled *Proposal for the Development of Grassland Bird Habitat at the Complex One Development of the Correction Facility in Somers and Enfield, CT* and agreed to work with DEP to successfully complete the requirements.

Regarding the inland wetland permit application at issue in this proceeding, a notice of sufficiency concerning the completeness of the application was issued on or about December 23, 2000. Pursuant to PA 00-140 Sec. 17 (l) within thirty days a hearing for the proposed regulated activities was held by DEP on January 23, 2001 in the Town of East Hartford Community Cultural Center. PA 00-140 Sec.1 7 (l)

states that “a single public hearing shall be held for the stadium facility project” and that “such public hearing shall be limited to considering the issues or factors not included in the related environmental evaluation.”

The record on these proceedings was closed on January 23, 2001 with the limited exception of remaining open until January 26, 2001 for the specified purpose of allowing DEP staff to incorporate the final plan revision dates and the proposed permit conditions recommended by staff into the draft inland wetlands permit application.

### **III**

#### **SUMMARY OF COMMENTS**

##### **Applicant**

The applicant provided a project overview and a technical presentation of the proposed regulated activities including a description of the impacts to wetlands and a description of the proposed mitigation and wetland creation area. The technical presentation of the permit application also highlighted the stormwater management system, sedimentation and erosion control measures and FEMA floodway and floodplain aspects of the project.

The applicant explained how the storm water management system has been designed in accordance with the State of Connecticut’s Best Management Practices. In particular, the applicant addressed how the site has been designed to minimize storm water runoff by the use of grass parking in lieu of impervious parking material which would result in a much higher amount of runoff. To the extent possible vegetative filter strips and grass swales have been used where feasible. Similarly, sheet flow has been used where feasible in order to dissipate runoff energy and minimize erosion.

The applicant also explained how the storm drainage system has been designed to include sedimentation sumps in catch basins as well as trap hoods in select catch basins to help catch floatables. Most storm water piping will outlet to one of the three detention basins. The detention basins have been designed to provide no increase in peak runoff flow rates for the 100 year storm event and will slow the

flow of water and allow suspended solids and particulate matter to settle to the bottom. The applicant stressed how this will minimize siltation or pollution of surrounding watercourses and wetland areas resulting from runoff from the site. The design also includes outlets that will minimize the potential for downstream erosion.

The applicant noted how since the enabling legislation mandated an open-air, non-domed stadium; special consideration had to be made for storm water and washdown water from the stadium bowl seating area. During normal operations, storm water falling into the stadium and into the bowl area will be directed via piping and sheet flow to storm water discharge pumps.

The outlet from these pumps will go into the site detention basins. However, since water from wash down operations may contain detergents or other wash down chemicals, the water needs to be prevented from entering the surrounding wetlands through the stormwater system. For such reason, the applicant explained how valves within the stadium piping system would redirect all water runoff during wash down operations into the sanitary sewer.

Finally, the applicant summarized how temporary sedimentation and erosion control measures will include anti-tracking aprons at the entrances, silt fences, hay bales, erosion control matting on steep slopes and the early excavation and use of the detention basins for settlement and maintenance of storm water runoff. The applicant also stated how the permanent sedimentation and erosion control measures will include several of the items discussed above such as sedimentation sumps in the catch basins, vegetative filter areas, outlet protection and stabilization, detention basins, and trap hoods in certain catch basins.

## **DEP Staff**

### Wetlands Impacted

DEP staff explained that the total state jurisdictional wetland area impacted by the construction of the stadium is 68,880 square feet and described the impact amounts and disturbance type in the specific wetlands. DEP staff commented that the impacted wetlands are isolated from each other and may be characterized as low to moderate quality wetlands.

### Betonite Slurry Wall

DEP staff explained how the stadium is located so that the field is more than 20' below the existing ground surface. The report submitted by the applicant states that there is about 15' of sand layers above clay layers at the site. In this situation there would be a concern that the entire sand layer would bleed into the depressed stadium site. However, there is a betonite slurry wall around the entire stadium site which is dug into the clay layer below the site. This slurry wall helps keep the groundwater outside of the stadium site at the same level it rests at today. (The groundwater changes elevation depending on seasonal rainfall events.) The wall is needed to prevent surrounding wetlands from being dried out. Without this wall, the lower areas of the stadium would constantly be wet and pumping of groundwater would be constant through out the year. DEP staff concludes that this slurry wall is an integral component of this project and, in particular, serves to protect the wetlands.

### Hydrologic/Detention Basins

DEP staff confirmed that the applicant has demonstrated that the hydrologic/detention basin aspects for the proposed project are adequate. Staff explained how storm water from the site, which is extremely flat, drains into two local brooks, Willow Brook and Pewterpot Brook. Willow Brook flows to the northwest and Pewterpot Brook flows to the southeast. The application states that the soils on the property consist of sand layers over clays. The clays cause the area to have a high ground water level. The drainage report submitted by the applicant demonstrates that for all the rainfall events analyzed (which consist of the 2 year, 10 year, 25 year, 50 year, and the 100 year events) the peak expected lows on both Pewterpot Brook and Willow Brook are reduced after the proposed construction of the stadium. This will be accomplished by the use of three detention basins proposed at the site. The proposed detention basins located on the North and West sides of the site flow into Willow Brook. The proposed detention basin on the east side of the site flows in Pewterpot Brook.

### Flood Control

DEP staff confirmed that due to the limited use of the floodplain and adequate detention at the site, flooding concerns are sufficiently addressed. Although the detention basin along the Northwestern

corner of the site is within the floodplain, there will be no construction activity within the floodway as designated by FEMA (Federal Emergency Management Agency). The stadium itself is not in the floodplain. A small section of parking associated with the stadium will be in the 100 year floodplain, however, this parking area will not have an effect on floodplain storage as it will generally be constructed at the grades as they exist on the site. Parking areas have slopes, which allow the area to drain to catch basins, which will be constructed as part of the project.

#### Catch Basins and Piping System

The stormwater system (the catch basins and piping system on the site) has been sized to collect and pass the runoff from a 25-year rainfall event. The outlets for the storm drainage systems flow into the detention basins. DEP staff finds that the pipe size at the outlets and the riprap pads meet the criteria for adequate outlet protection. DEP staff noted that the pipe from CB #19 and #20 are a different design and will outlet downstream from a detention basin onto a wet swale. This is due to the flat landscape and the fact that the catch basins are too far away from any detention basin to be piped by gravity flow. However, the wet swale is not directly connected to Pewterpot Brook, but it is a long narrow wet detention area. As a result, DEP staff finds that the flow from these catch basins will have adequate pre-treatment before water flows into Pewterpot Brook.

DEP staff also noted that since the proposed facility is not expected to be used in the Winter, the need for winter road sanding operations would be minimal which, in turn, will reduce the typical storm system sediment load. DEP staff explained that 2' sumps are appropriate for the project and as part of the application an Inspection Maintenance Plan will be required. A regular inspection and maintenance of all of the proposed drainage facilities will insure the timely removal of sediments that might find there way into the system.

#### Parking Area

DEP staff stated that more than half of the proposed parking at the site will be grassed parking. The grassed area will use GravePave2 pavers to allow for a firm surface for a parking lot. These pavers are pervious and allow for rainfall to infiltrate the parking surface. DEP staff find that this is an



appropriate use for this stadium which will see a limited number of events. The use of infiltration will help maintain water quality at the site.

### Wetlands Mitigation

DEP staff explained that the applicant has proposed a 1.25:1 mitigation ratio for the wetland areas impacted by the construction of the stadium. The total area of the wetland mitigation site will be 87,570 square feet which will create a greater area of wetlands than the amount of wetlands being disturbed by the construction of the stadium. The DEP staff stated that the mitigation area will provide higher quality wetlands and more diverse habitat which will benefit the species on site now and may encourage other species to thrive which presently frequent the area. In addition, the proposed wetland mitigation area will connect some of the previously isolated wetlands currently on the site. The mitigation area will provide 3 main habitat types including wet meadow, shallow water marsh, and deepwater marsh.

The area, in which the wetland mitigation site will be built, is an area with a high groundwater table. DEP staff stated that this should provide a constant surface water area. Based on the elevations of the outlet structures of the mitigation areas, it appears that the area will likely support the proposed habitat types. Five islands will be placed within the deepwater marsh area to provide habitat for nesting waterfowl. In addition, a small berm is proposed to the southeast of the mitigation area that will assist in shielding the mitigation site and existing wetland areas from stadium activities.

DEP staff expressed concern regarding the Wetlands mitigation area on the East Side of the project. In particular, there was a concern that the sandy ground might make the construction of wetlands difficult. The applicant explained that the groundwater in this area is still being monitored, and will be monitored throughout the summer of 2001. At that time, the bottom elevation of the proposed wetland mitigation area may be manipulated slightly to allow for the best wetlands possible. As this monitoring is not complete, DEP staff recommend that a special condition be included in the permit that requires the applicant to approach the Inland Water Resources Division section of DEP with any proposed changes to this area. There has been monitoring throughout the fall of 2000, which was quite dry and the applicant believes that the elevation of the wetlands area are close to the desired elevation.

DEP staff confirmed that the planting plan appears complete. DEP staff states that the species chosen will provide a variety of functions including wildlife. The plants selected will provide cover, food, nesting areas and screening from stadium activities for a variety of mammal, waterfowl, songbirds and amphibian species.

DEP staff also confirmed that the monitoring plan for the mitigation area is complete and adequately detailed. As requested by DEP staff, the applicant has proposed to monitor the created wetland yearly for the first three years and on a bi-yearly basis after the three-year period for a total of ten years. In general, the area will be monitored to ensure adequate wetland hydrology is established, a 60% survival rate in each planting zone, at least 80% area cover of desirable hydrophytes, monitor and control the establishment of purple loosestrife (*Lythrum salarica*), common reed (*Phragmites australis*), reed canary grass (*Phalaris arundinacea*), and cattails (*Typha latifolia*, *T. angustifolia* & *T. glauca*) and will provide photographic documentation of the site conditions.

#### Fisheries Resources

Staff from the DEP Fisheries Division provided an account of the onsite conditions and the fisheries resources for both Willow Brook and an unnamed tributary to Pewterpot Brook. DEP Fisheries staff expressed satisfaction with the applicant's attempt to pursue a fisheries mitigation opportunity which they had suggested. The DEP staff recognized that one of their recommendations for an enhanced fish passage area on an unnamed tributary to Pewterpot Brook is not feasible since the area is not on property owned by the applicant and the applicant has no means of gaining access to the site for the purpose of constructing the fish passage.

#### **Public**

Three people spoke at the public hearing held to receive public comment on the draft wetlands permit. One person expressed that she was interested in having a maintenance schedule set for the catch

basins and detention basins. She also wanted to ensure the protection of the habitat for the grassland birds. Another person inquired as to whether the necessary measures were being taken to assure that the Willow Brook did not overflow. DEP staff explained that this issue had been adequately addressed by the applicant. Finally, an adjacent property owner expressed concern regarding a partially blocked drainage ditch. The applicant explained that the area was outside the area of the proposed regulated activity.

#### IV

#### DECISION

The purposes and policies set forth in the *Connecticut Inland Wetlands and Watercourses Act*<sup>2</sup> are secured through the process and criteria outlined in General Statutes Sec. 22a-41. Section 22a-41(b) requires that where a permit application has been the subject of a hearing, the Commissioner must find that there is no feasible and prudent alternative to the proposed action before issuing the permit. In determining whether such an alternative exists, the Commissioner must consider all relevant fact and circumstances, including but not limited to, the six statutory factors outlined in General Statutes Sec. 22a-41 (a). These factors include:

- (1) The environmental impact of the proposed action;
- (2) The alternatives to the proposed action;
- (3) The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity;
- (4) Irreversible and irretrievable commitments of wetland or watercourse resources which would be caused by the proposed activity, including whether a future ability to protect, enhance or restore such resources would be foreclosed and any mitigation measures which may be considered as a condition of issuing a permit, including measures to restore, enhance and create productive wetlands and watercourse resources;
- (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of the property which is caused or threatened; and
- (6) The impacts of the proposed action on wetlands outside the area and future activities made inevitable by the proposed activity that may have an impact on the wetlands.

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<sup>2</sup> General Statutes Sec. 22a-36 through 22a-45 inclusive.

See also Regs., Conn. State Agencies Sec. 22a-39-6.1.

(1) Environmental Impact on Wetlands

Although the proposed activities will result in some loss of wetlands, the impact is minimal when compared to the total extent of wetlands on the site and the size and quality of the proposed wetland mitigation area. The record demonstrates that the proposed regulated activities will result in impacts upon approximately 68,880 square feet or approximately 1.58 acres of wetlands. The applicant has proposed an area of wetland mitigation, which will provide a ratio of approximately 1.25:1 wetlands area created to wetlands lost or disturbed by the construction of the stadium. The wetlands mitigation area will provide 87,570 square feet of wetlands area which will create a greater area of wetlands than the amount of wetlands being lost or disturbed by the construction of the stadium.

In addition, the record indicates that the wetland areas which will be impacted consist of low to moderate quality wetlands, while the mitigation area will provide a higher quality and more diverse habitat for a variety of ecological resources. The mitigation area will consist of wet meadow, shallow marsh, and deep marsh wetlands that will protect the integrity of the wetlands and will provide a diverse habitat including natural vegetation and nesting islands for waterfowl and amphibious species. The wetland area will utilize groundwater to maintain a year round surface water level within the mitigation area that will support and promote the wetland vegetation. The plants selected will provide cover, food, nesting areas and screening from stadium activities for a variety of mammal, waterfowl and amphibious species. Finally, the proposed wetland mitigation area will enhance some of the wetlands currently on the site by providing a connection for those previously isolated wetlands.

DEP staff expressed concern that the sandy ground in the wetlands mitigation area on the east side of the project might make the construction of a wetlands difficult. The applicant explained that the groundwater in that area is still being monitored, and will be monitored throughout the summer of 2001. At that time, the bottom elevation of the proposed wetland mitigation area may be manipulated slightly to allow for the best wetlands possible. As this monitoring is not complete, DEP staff

recommend that a special condition be included in the permit that requires the applicant to approach the Inland Water Resources Division of DEP with any proposed changes to this area. The applicant has, where possible, incorporated improvements recommended by DEP, such as proposing to monitor the created wetlands yearly for the first three years and on a bi-yearly basis after the three-year period for a total of ten years.

The record demonstrates that the hydrologic/detention basin aspects for the proposed project are adequate. The drainage report submitted by the applicant demonstrates that for all the rainfall events analyzed the peak expected flows on both Pewterpot Brook and Willow Brook are reduced after the proposed construction of the stadium. This will be accomplished by the use of three detention basins proposed at the site. Due to the limited use of the floodplain and adequate detention and drainage systems at the site, the record also demonstrates that flooding concerns are sufficiently addressed. In addition, DEP staff noted how the applicant has assisted in protecting the wetlands by including a bentonite slurry wall around the entire stadium site that will prevent the wetlands from drying out.

The record further indicates how the site has been designed to minimize storm water runoff and help maintain water quality by the use of grass parking in lieu of impervious parking material. To the extent possible, vegetative filter strips and grass swales have been used where feasible. Similarly, sheet flow has been used where feasible in order to dissipate runoff energy and minimize erosion.

In addition, temporary and permanent sedimentation and erosion control measures have been adequately addressed. Temporary sedimentation erosion control measures will include, for instance, anti-tracking aprons at the entrances, silt fences, hay bales, erosion control matting on steep slopes and the early excavation and use of the detention basins for settlement and maintenance of storm water runoff. Permanent sedimentation and erosion control measures will include, for instance, sedimentation sumps in the catch basins, vegetative filter areas, outlet protection and stabilization, detention basins, and trap hoods in certain catch basins.

The impacts to the wetlands will be minimal and will not diminish the wetlands' natural capacity to support desirable biological life, prevent flooding, control sediment, facilitate drainage and promote public health and safety.

(2) Alternatives

As discussed in Section II "Procedural History/Background Information," the applicant considered several alternative sites for the stadium at Rentschler Field. These alternatives were analyzed as part of the EIE and found to satisfy the requirements of General Statutes Sec. 22a-1a through 22a-1c of CEPA and the specific responsibilities assigned in PA-00-140.

Pursuant to PA-00-140 (l) the public hearing held by the DEP on any applications requiring a public hearing shall be limited to considering issues or factors not included in the related environmental evaluation. Through the EIE's alternative site analysis, the alternative sites were found not to be feasible or prudent. A "no build" alternative and sites in Storrs at the University of Connecticut campus and in Hartford at Adriaen's Landing and a site on the north side of the City were considered.

Several alternatives were also considered on-site for the placement or configuration of the stadium and surrounding parking areas. Stadium locations in the center and northeastern corner of the site were evaluated. However, due to the limitations of the site, the fact that the wetlands exist in most perimeter areas of the site, and due to the requirements indicated in the enabling legislation, no alternatives were found that did not result in some impacts to regulated wetland areas. The record indicates that the final design plan has equal, or less, impact to regulated areas than the other alternatives considered and has better access and traffic circulation patterns.

(3) Short-term Uses of the Environment/Maintenance and Enhancement of Long-term Productivity

As discussed above in factor (1) "Environmental Impact of the Proposed Activity," the creation of the proposed wetland mitigation area will enhance both the diversity and quality of wetlands habitat on the site. The proposed activities will result in a net increase of approximately 18,690 square feet of wetlands. The mitigation areas will consist of wet meadow, shallow marsh and deep

marsh wetlands that will protect the integrity of the wetlands and provide a diverse habitat including natural vegetation and nesting islands for waterfowl and amphibious species.

While the proposed regulated activities will result in some short-term, temporary impacts as well as some loss of existing wetlands, the quality and nature of the wetlands and associated habitats or ecological resources created or enhanced through the proposed wetland mitigation area will ensure long-term productivity of the wetlands at the site.

(4) Irreversible/Irretrievable Commitment of Resources and Mitigation Measures

The proposed project keeps to a minimum the irreversible and irretrievable commitment of wetlands resources. In recognition of wetlands as an indispensable, irreplaceable fragile natural resource, the project is designed to protect existing wetland areas to the greatest extent possible. The applicant will mitigate the loss or disturbance of wetlands by creating a wetland mitigation area to replace and enhance this natural resource.

As discussed above in factors (1) and (3), the wetlands mitigation area will create a greater area of wetlands than the amount of wetlands being lost or disturbed by the construction of the stadium. Although the proposed activities will result in some loss of wetlands, the impact is minimal when compared to the total extent of wetlands that will remain on the site and the proposed mitigation area which will result in the creation of a greater acreage of wetlands on the site. In addition, the record indicates that the wetland areas which will be impacted consist of low to moderate quality wetlands, while the mitigation area will provide a higher quality and more diverse wildlife habitat. The mitigation area will consist of wet meadow, shallow marsh, and deep marsh wetlands that will protect the integrity of the wetlands and provide a diverse habitat including natural vegetation and nesting islands. Finally, the proposed wetland mitigation area will enhance some of the wetlands currently on the site by providing a connection for those previously isolated wetlands.

The commitment of wetland resources to the proposed project will not result in an unacceptable loss of irretrievable or irreplaceable wetland resources and that the mitigation area that will be created will restore, enhance and create a productive wetland resource.

(5) Impact on Safety, Health and Reasonable Property Use

The record demonstrates that the project has been designed to avoid adverse impacts to the wetlands to the greatest extent possible. The applicant will take measures to mitigate potential harm, including the protection of ground and surface waters and providing adequate flood control measures. As described above in factors (1) (3) and (4), any adverse impacts to wetlands caused by the proposed stadium project will be sufficiently mitigated through the wetland mitigation plan. The impacts to the wetlands do not pose a threat of injury or interference with the public health or safety or the reasonable use of the property.

(6) Impact on Wetlands Outside the Area and Inevitable Future Activities

The record indicates that the wetlands adjacent to the project site will not be negatively impacted by the project. With regard to future activities, the record demonstrates that the proposed regulated activities for which the permit is sought effect only the stadium project site and presently have no foreseeable relation to any future activities either on the site or adjacent properties that would impact wetlands or watercourses. Although the applicant acknowledges that United Technologies, the owner of the remainder of Rentschler Field, may further develop the site, any plans United Technologies may have are independent of the stadium project and are subject to their own regulatory review.

The proposed regulated activities, which will take place at the site of a currently unused airfield previously known as Rentschler Field, will have minimal adverse environmental impacts, thereby striking an appropriate balance of the state's interest in economic growth and its need to protect the environment.

In conclusion, this permit application has met the requirements of General Statute Sec. 22a-41(b). Based on the record and consideration of all the relevant facts and circumstances, including the six factors



outlined in General Statutes Sec. 22a-41 (a), there is no feasible and prudent alternative to the proposed project that meets the purpose of the project and that would cause substantially fewer impacts to the natural resources. The permit that is the subject of this permit application should be issued.

### **Recommendations**

I recommend that the Commissioner issue the requested permit incorporating the terms and conditions set forth in the draft permit.

February 21, 2001 \_\_\_\_\_  
Date

/s/ Nicole Morganthaler Lugli \_\_\_\_\_  
Nicole Morganthaler Lugli, Hearing Officer

Attachment A

DRAFT PERMIT - Draft date 1/26/01

Permittee: State of Connecticut, Office of Policy and Management  
450 Capitol Avenue  
Hartford, CT 06106-6495

Permit No: IW-2000-119  
Permit Type: Inland Wetlands and Watercourses  
Town: East Hartford  
Project: UConn Stadium

Pursuant to Connecticut General Statutes Section 22a-39 the Commissioner of Environmental Protection hereby grants a permit to the State of Connecticut, Office of Policy and Management (the "permittee") to conduct activities within inland wetlands and watercourses in the Town of East Hartford in accordance with its application filed with this Department on December 15, 2000 signed by Marc Ryan, December 15, 2000 and plans which are part thereof which have been revised through January 8, 2001 (the "plans"). The purpose of said activities is a football stadium at Rentschler Field located off of Silver Lane (the "site").

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to alter 1.6 acres of inland wetlands or watercourses for the construction of a football stadium and associated amenities in accordance with said application.

This authorization constitutes the permits and approvals required by Section 22a-39 of the Connecticut General Statutes and is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

This authorization is subject to the following conditions:

SPECIAL CONDITIONS

1. If any changes are proposed in the water handling plan at the site from that which is shown on the permit plates, the permittee shall submit such changes to the Commissioner for review and written approval. The permittee shall not implement any such plan until an approval is issued.
2. If any changes are proposed in the storm drainage system at the site, including any proposed swales, from that which is shown on the permit plates, the permittee shall submit such changes to the Commissioner for review and written approval. The permittee shall not implement any such plan until an approval is issued.
3. The permittee shall implement the construction and planting portions of the wetlands creation plans entitled, "Wetland Mitigation Plan; Stadium at Rentschler Field Monitoring Well Data," dated 12/19/00, "Mitigation Area Planting Plan," Sheet L-6, dated 12/4/00, and "Wetland Monitoring Details," Sheet L-7, dated 11/15/00 prior to the expiration date of this permit. If any alterations are proposed to these plans, the permittee shall submit such alterations to the Commissioner for review and written approval prior to implementing such alterations. The reporting period for the wetland monitoring must be initiated on December 15 of the year in which the construction of the created wetland is completed.
4. At least one week prior to anticipated start of construction of the wetland mitigation site, the permittee shall notify the DEP Inland Water Resources Division (IWRD) (contact person: Andrew Dangler, (860) 424-4149). In addition, the permittee shall arrange a post-construction site visit with IWRD within one week of completion of the wetland mitigation plan.

GENERAL CONDITIONS

1. Initiation and Completion of Work. At least five (5) days prior to starting any construction activity at the site, the permittee shall notify the Commissioner of Environmental Protection (the "Commissioner"), in writing, as to the date activity will start, and no later than five (5) days after completing such activity, notify the Commissioner, in writing, that the activity has been completed.
  
2. Expiration of Permit. If the activities authorized herein are not completed by five years after the date of this permit, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.

Upon the written request of the permittee and without notice, the Commissioner may extend the expiration date of this permit for a period of up to one year, which period may be extended once for a like period, in order for the permittee to complete activities authorized herein which have been substantially initiated but will not be completed by the expiration date of this permit. Any request to extend the expiration date of this permit shall state with particularity the reasons therefore.

In making his decision to extend the expiration date of this permit, the Commissioner shall consider all relevant facts and circumstances including but not limited to the extent of work completed to date, the permittee's compliance with the terms and conditions of this permit, and any change in environmental conditions or other information since the permit was issued.

Any application to renew or reissue this permit shall be filed in accordance with the Section 22a-39 of the General Statutes and section 22a-3a-5(c) of the regulations of Connecticut State Agencies.

3. Compliance with Permit. All work and all activities authorized herein conducted by the permittee at the site shall be consistent with the terms and conditions of this permit. Any regulated activities carried out at the site, including but not limited to, construction of any structure, excavation, fill, obstruction, or encroachment, that are not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. In constructing or maintaining the activities authorized herein, the permittee shall not store, deposit or place equipment or material including without limitation, fill, construction materials, or debris in any wetland or watercourse on or off site unless specifically authorized by this permit. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
4. Transfer of Permit. This authorization is not transferable without the written consent of the Commissioner.
5. Reliance on Application. In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked.
6. Best Management Practices. In constructing or maintaining the activities authorized herein, the permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and erosion and sedimentation and to prevent pollution. Such practices to be implemented by the permittee at the site include, but are not necessarily limited to:
  - a. Prohibiting dumping of any quantity of oil, chemicals or other deleterious material on the ground;

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- b. Immediately informing the Commissioner's Oil and Chemical Spill Section at 424-3338 of any adverse impact or hazard to the environment, including any discharges, spillage or loss of oil or petroleum or chemical liquids or solids, which occurs or is likely to occur as the direct or indirect result of the activities authorized herein;
- c. Separating staging areas at the site from the regulated areas by silt fences or haybales at all times.
- d. Prohibiting storage of any fuel and refueling of equipment within 25 feet from any wetland or watercourse.
- e. Preventing pollution of wetlands and watercourses in accordance with the document "Connecticut Guidelines for Soil Erosion and Sediment Control" as revised. Said controls shall be inspected by the permittee for deficiencies at least once per week and immediately after each rainfall and at least daily during prolonged rainfall. The permittee shall correct any such deficiencies within forty eight (48) hours of said deficiencies being found.
- f. Stabilizing disturbed soils in a timely fashion to minimize erosion. If a grading operation at the site will be suspended for a period of thirty (30) or more consecutive days, the permittee shall, within the first seven (7) days of that suspension period, accomplish seeding and mulching or take such other appropriate measures to stabilize the soil involved in such grading operation. Within seven (7) days after establishing final grade in any grading operation at the site the permittee shall seed and mulch the soil involved in such grading operation or take such other appropriate measures to stabilize such soil until seeding and mulching can be accomplished.
- g. Prohibiting the storage of any materials at the site which are buoyant, hazardous, flammable, explosive,

soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

- h. Immediately informing the Commissioner's Inland Water Resources Division (IWRD) of the occurrence of pollution or other environmental damage resulting from construction or maintenance of the authorized activity or any construction associated therewith in violation of this permit. The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
- (i) the provision(s) of this permit that has been violated;
  - (ii) the date and time the violation(s) was first observed and by whom;
  - (iii) the cause of the violation(s), if known
  - (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
  - (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
  - (vi) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;

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- (vii) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 9 of this permit.

For information and technical assistance, contact the Department of Environmental Protection's Inland Water Resources Division at (860)424-3019.

7. **Contractor Liability.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
8. **Monitoring and Reports to the Commissioner.** The permittee shall record all actions taken pursuant to Condition Number 6(e) of this permit and shall, on a monthly basis, submit a report of such actions to the Commissioner. This report shall indicate compliance or noncompliance with this permit for all aspects of the project which is the subject of this permit. The report shall be signed by the environmental inspector assigned to the site by the permittee and shall be certified in accordance with Condition Number 9 below. Such monthly report shall be submitted to the Commissioner no later than the 15th of the month subsequent to the month being reported. The permittee shall submit such reports until the subject project is completed.
9. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of the permittee, or a duly authorized representative of the permittee and by the individual or individuals responsible for actually



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preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense in accordance with Section 22a-6 under Section 53a-157b of the Connecticut General Statutes."

10. Submission of Documents. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. Except as otherwise specified in this permit, the word "day" as used in this permit means the calendar day. Any document or action which falls on a Saturday, Sunday, or legal holiday shall be submitted or performed by the next business day thereafter.

Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

The Director  
DEP/Inland Water Resources Division  
79 Elm Street, 3rd Floor  
Hartford, Connecticut, 06106-5127

Issued by the Commissioner of Environmental Protection on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Arthur J. Rocque, Jr., Commissioner