

**OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF** : **APPLICATION NO. IW-96-131**

**CONNECTICUT DEPARTMENT OF  
TRANSPORTATION/ROUTE 66  
MIDDLEFIELD** : **OCTOBER 15, 2001**

**PROPOSED FINAL DECISION ON REMAND**

Based on the June 6, 2000 remand by the Commissioner of Environmental Protection regarding the above matter, the Connecticut Department of Transportation (the applicant), pursuant to Regulations of Connecticut State Agencies §22a-3a-6(1)(3)(A)(i), submitted an Agreed Draft Decision (Agreement) on October 5, 2001, to which it was the only signatory. The DEP Inland Water Resources Division supports issuance of the permit. Some of the intervenors do not concur with all the findings and conclusion contained in this Agreement, and while they have not signed it, they do not object to permit issuance.

Several draft side agreements between the applicant and the intervenors are contained in this Agreement. These agreements are outside the scope of this proceeding and their finality will not affect permit issuance.

After a review of this Agreement and the entire record of this proceeding, including the remanded proceeding, I find by a preponderance of the substantial evidence that this Agreement satisfactorily addresses all the applicable inland wetlands and

watercourses statutes applicable to permit issuance, as well as all the concerns raised in the remand.

I therefore adopt all the proposed findings, conclusions and recommendations contained in this Agreement, which is appended to this Proposed Final Decision on Remand with its attached cover letter, and recommend that Application No. IW-96-131 be approved and the permit issued henceforth.

October 15, 2001  
Date

/s/ Lewis J. Miller  
Lewis J. Miller, Hearing Officer