

Office of Adjudications

IN THE MATTER OF : ***APPLICATION NO.***
201500185-SJ

***DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION
DIVISION OF STATE PARKS
(Silver Sands State Park)*** :

APRIL 4, 2016

PROPOSED FINAL DECISION

***I
SUMMARY***

The Department of Energy and Environmental Protection (DEEP) Bureau of Outdoor Recreation, State Parks and Public Outreach Division (the Applicant) has filed an application with DEEP's Office of Long Island Sound Programs (OLISP) for a permit to conduct work in tidal wetlands and waterward of the coastal jurisdiction line within Silver Sands State Park in Milford. The Applicant proposes to construct a pile-supported boardwalk across tidal wetlands and repair a section of existing boardwalk by installing additional piles in tidal wetlands. The proposed activity is intended to improve public access to and from an area of the state park that is planned to be the site of additional public facilities, including bathrooms, concession areas, and changing rooms. OLISP issued a Notice of Tentative Determination (NTD) to approve the application and issue a permit. After the NTD, a petition signed by more than 25 members of the public was submitted requesting a hearing on the application and tentative determination to approve the proposed activity.

A public hearing was held at Milford City Hall on October 1, 2015 to accept public comment on the record. The hearing was continued in Hartford on October 14, 2015 to collect evidence from the parties. The Applicant, OLISP, and other members of DEEP staff presented evidence on the application and its review, including the details of the final project plans and the proposed draft permit as assurance that the proposed activity complies with the applicable statutes and regulations, namely the Tidal Wetlands Act (General Statutes §§ 22a-28 through 22a-35) and its implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq.; the Structures

Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363); and the applicable portions of the Coastal Management Act (General Statutes § 22a-90 through 22a-112).

Following the hearing, OLISP submitted a post-hearing brief that acknowledged the public comment received regarding wildlife impacts and the proposed mitigation plan. OLISP recommended modification of the proposed draft permit to incorporate a new mitigation plan as a permit requirement to be completed within three years of the permit issuance. I have reviewed the record in this matter, including the exhibits admitted into evidence; the hearing testimony of the Applicant and OLISP; and the public comment offered in writing and at the hearing. The facts in the record support a conclusion that the proposed project complies with applicable statutory and regulatory standards. I recommend issuance of the proposed draft permit with the modifications submitted by OLISP in its post-hearing submission.¹

II
DECISION
A
FINDINGS OF FACT

1. On behalf of the State of Connecticut, DEEP owns and operates a state park known as Silver Stands State Park (the Park) situated in Milford and bordered on the south by Long Island Sound and generally on the north, east, and west by residential neighborhoods and tidal marshes. (Exs. DEEP-1, 4, APP-7, 8; test. T. Tyler, 10/14/15.²)

2. The Park currently has an elevated, pile-supported boardwalk that extends to the south from the main parking lot to the beach. The boardwalk crosses a tidal wetlands and marsh system. The existing boardwalk is approximately 1110 feet long and is used by park visitors to access the beach from the main parking area. Silver Sands averages between 200,000 and 225,000 visitors annually over the last ten years. (Exs. DEEP-4, 7, APP-7, 8; test. T. Tyler.)

3. The DEEP Division of State Parks and Public Outreach has proposed in coordination with the Connecticut Department of Administrative Services, Division of Construction Services, to repair a 60-foot section of the existing boardwalk. The repair will address a section of the boardwalk that is inadequately supported because the pile at this section was not driven into the

¹ For ease of reference, the post-hearing submission from OLISP staff will be admitted to the record as exhibit DEEP-24.

² The testimony and proceedings in this matter were recorded. No written transcript has been prepared. The audio recording of this hearing is on file with the Office of Adjudications and is the official record of this proceeding. References to testimony are from the evidentiary hearing on October 14, 2015.

ground. The existing boardwalk in this section is unstable and irregular and will eventually fail. The proposed repair will connect the existing boardwalk to new piles adequately driven into the ground to provide the needed foundational support for the existing boardwalk. The direct impact to tidal wetlands from the proposed repair is 2.6 square feet. (Exs. DEEP-1, 4, APP-7, 8; test. P. Katz.)

4. The application also proposes the installation of a pile-supported boardwalk extending from the existing boardwalk easterly to an elevated area in the Park that is currently used as a picnic area and the location of portable lavatory facilities for the public. The proposed boardwalk would be 10 feet wide and 290 feet long. The existing boardwalk is 10 feet wide. The new boardwalk would be elevated and supported by piles driven in the tidal wetlands. The direct physical impacts to the tidal wetlands from the pile installation measures 29.1 square feet. There is no dredging or filling associated with the proposed structure. (Exs. DEEP-4, 22; test. S. Jacobson, P. Katz.)

5. There are potential impacts to the tidal wetland vegetation from shading over the entire length of the proposed boardwalk. The potential for 2900 square feet of shading impact is minimized by the height of the proposed boardwalk over the tidal wetland vegetation. The top of the boardwalk will be 6.5 feet above the wetlands where the proposed boardwalk meets the existing boardwalk. The proposed boardwalk will start at the same height as the existing boardwalk and slope up to a higher elevation along its length. The boardwalk will rise to approximately 13 feet above the tidal wetlands at the boardwalk's eastern terminus at the existing picnic area. There is tidal wetland vegetation growing under the existing boardwalk. The existing boardwalk uses standard, solid-wood decking. The proposed boardwalk will have less of an impact on tidal wetland vegetation than the existing boardwalk because portions of it are at a higher elevation over the vegetation than the existing boardwalk. (Exs. DEEP-4, 17, 23, 24.)

6. The design of the boardwalk as proposed in the original application used an open-style decking to further minimize any impacts from shading. The primary tidal wetland vegetation proximate to the existing and proposed boardwalk is *Spartina alterniflora*. *Spartina alterniflora* does not derive significant benefit from the use of open style decking. The height of the boardwalk over the vegetation is a more critical factor for growth of *Spartina alterniflora* under a boardwalk than the additional light that may come through the open-style decking. The use of standard decking for the proposed boardwalk will ensure it blends in with the existing boardwalk over time. Standard decking is suitable for use in the proposed boardwalk because the boardwalk is at a sufficient height over the *Spartina alterniflora* to allow for its growth. (Exs. DEEP-1, 4, 22, 23, 24, APP-7; test. P. Katz.)

7. The tidal wetland areas within the Park include Fletcher's Creek, Great Creek, and Nettleton's Creek. These areas provide foraging habitat for several bird species. The Park is close

to Charles Island which provides nesting habitat. Bird species nesting on Charles Island benefit from the proximity of the foraging habitat in the Park. There is no definitive measure of impact to wildlife from the placement of the proposed boardwalk. The proposed boardwalk could cause some species to forage in other locations. The existing boardwalk from the parking area to the beach has not eliminated the use of the Park for foraging. The number of birds foraging in the Park has increased since the construction of the existing improvements at the Park, including the existing boardwalk. Other areas of the Park provide the same or similar foraging habitat as the area proximate to and most impacted by the proposed boardwalk. The establishment of additional permanent foraging habitat would mitigate any potential impact from the boardwalk installation. (Exs. DEEP-4, 22, 24; test. S. Jacobson, L. Saucier, J. Dickson.)

8. The proposed boardwalk is a public facility that will promote additional public access to existing and planned Park facilities. The proposed boardwalk will allow the flow of people into and out of the Park from different areas of the Park. The proposed boardwalk supports the placement of additional recreational facilities that are outside of the tidal wetland jurisdiction of OLISP. The proposed location of the proposed boardwalk is ideally located to maximize the public benefit while minimizing actual and potential impacts. The tie-in point to the existing boardwalk was altered to minimize the length of the proposed boardwalk. (Exs. DEEP-4, APP-7; test. T. Tyler.)

9. A seasonal restriction on construction from March 15 to September 1 will ensure any nesting habitat of the piping plover located on the beach will not be disturbed. DEEP will use a top-down construction methodology that will minimize impacts to tidal wetlands. The piles for the boardwalk extension will be driven from the existing boardwalk. There will no machinery placed in the tidal wetland. After each set of piles is driven the decking will be constructed so the machinery can be moved to the end of the deck to drive the next set of piles. (Exs. DEEP-4, 17, APP-7, 8; test. P. Katz, T. Tyler.)

10. The proposed boardwalk will not have a significant impact on any shellfish area. The proposed boardwalk will not impact any rare plant species identified at Silver Sands. (Exs. DEEP-4, 5.)

11. The placement and use of the proposed boardwalk is in the eastern/southeast portion of the Fletcher's Creek wetland. This area near the existing boardwalk and an area already frequented by the public when accessing the beach. Of the ideal foraging areas appropriate for long-legged wading birds, only one 400-square foot pond lies proximate to the proposed boardwalk and is one of many areas in the Fletcher's Creek wetlands suitable for foraging by long-legged wading birds. The proposed boardwalk can potentially disturb birds foraging in the nearby pond. The Applicant will be required by the proposed permit conditions to establish foraging habitat for long-legged wading birds in the nearby Great Creek wetland, which lies in an undisturbed area between

residential housing and the beach area adjacent to the more actively used portion of the Park, and will mitigate for any disruption of the foraging habitat in the location of the proposed boardwalk. DEEP will create five new pools and 2400 linear feet of tidal channels to enhance existing foraging habitat for long-legged wading birds in the Park. In addition, there will be a phragmites control plan to foster the growth of more desirable wetland plant species in the tidal wetlands through a three-year mowing and herbiciding regime across 80 acres of the Great Creek, Fletcher's Creek and Nettleton Creek tidal wetlands areas of the Park. (Exs. DEEP-4, 22, 24; test. S. Jacobson, L. Saucier, J. Dickson.)

B

CONCLUSIONS OF LAW

The activity proposed in the application as conditioned by the attached draft permit is regulated by: the Tidal Wetlands Act (General Statutes §§ 22a-28 through 22a-35) and its implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq; the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363); and the applicable portions of the Coastal Management Act (General Statutes §§ 22a-90 through 22a-112). The overall regulatory framework requires a balancing of interests and requires applicants to minimize impacts to coastal resources. The record supports the factual findings and conclusions based on those findings that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project as conditioned by the draft permit is consistent with the statutory and regulatory scheme.

Overall, the proposed project meets the requirements of the referenced statutes and regulations. Regulation of proposed structures in the coastal area and tidal wetlands requires a balanced approach clearly seen when reviewing a proposed project against the backdrop of the entire statutory and regulatory scheme that applies to coastal permitting. The Coastal Management Act highlights numerous policies and goals that cannot be read to the exclusion of others. It recognizes the importance of providing public access to the shoreline for the recreational opportunities the coastal area offers while at the same time affirming the necessity of protecting coastal resources such as tidal wetlands. General Statutes §§ 22a-92a)(6) and 22a-92(b)(1)(D) and (J). The protection of tidal wetlands and importance of public access to the shoreline is also specifically highlighted in the Structures Dredging and Fill Act. General Statutes § 22a-359. Tidal wetlands receive specific protection through the Tidal Wetlands Act and implementing regulations, which incorporate the policies listed in the Coastal Management Act and Structures, Dredging and Fill Act as permitting criteria. The Tidal Wetlands Act and its regulations also recognize that certain activities that may cause limited disturbance to tidal wetlands are still consistent with the Tidal Wetlands Act and regulations, especially when they serve important public interests such as access to the shoreline.

As with the other applicable statutes, one must read the regulations governing activity in tidal wetlands collectively rather than examining certain parts in isolation. When one does so, it is clear that the regulations identify activities deemed generally compatible with the tidal wetlands regulation despite the minimal disturbance that may occur. Regs., Conn. State Agencies § 22a-30-11(b). Likewise, the regulations designate certain activities as generally incompatible. Regs., Conn. State Agencies § 22a-30-11(c). Any activities deemed compatible would then be more specifically reviewed in consideration of the criteria for tidal wetlands permitting respecting the necessary balance to be achieved between competing uses and resources by minimizing impacts from compatible uses.

Here, as a starting point, the installation of the proposed boardwalk is generally compatible with the Coastal Management Act and the tidal wetlands regulations. The Coastal Management Act states that one of its goals is, “[t]o 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.” General Statutes § 22a-92(a)(6). Included among the list of activities generally compatible with the tidal wetland regulations is the:

- (2) [p]lacement of small piers, catwalks, floats, docks, piles and other similar structures including trails and pedestrian access routes when:
 - (A) They do not involve dredging or filling of the wetland surface;
 - (B) They are elevated on low-impact pile foundations;
 - (C) They do not interfere with or obstruct navigation;
 - (D) They do not restrict tidal circulation or flushing;

Reg., Conn. State Agencies § 22a-30-11(b)(2).

Therefore, the proposed boardwalk is generally compatible with the regulations and in line with the goals of the Coastal Management Act. It provides alternative pedestrian routes that will incorporate the plan for additional public facilities equal to those at other shoreline parks and increase the accessibility of these additional facilities to the general public from other areas within the park as part of the overall public experience at the Park. The general compatibility of the proposed structure with the regulations, however, does not ensure it deserves a permit. The structure must be more specifically examined in light of the criteria for review of structures proposed to be located in tidal wetlands enumerated in Regs., Conn. State Agencies § 22a-30-10. This compatibility must be weighed and balanced against other considerations given the functions and values of the tidal wetlands resource.

In general, the regulations require that proposed structures do not cause the destruction or despoliation of tidal wetlands. Regs., Conn. State Agencies § 22a-30-10(b). The focus of this

requirement is to ensure that any impacts associated with compatible projects is sufficiently minimized. Here, the impact to the wetlands has been sufficiently minimized through the overall design and the identified construction methodology. The tidal wetlands will continue to function appropriately and will recover fully from any temporary impact associated with construction. The permanent impact, limited to the area occupied by the piles, cannot be further minimized and still support the applicant's objective to provide alternate routes for public access to park facilities, an activity that is generally compatible with the tidal wetlands regulations and the goals under the Coastal Management Act that include promoting public pedestrian access to the shoreline. The proposed activity will not destroy or despoil the tidal wetlands.

In this proposal, DEEP has minimized the direct impact from the proposed boardwalk installation. The proposed location ensures that it will cover a shorter distance and require fewer piles. The height of the structure over the tidal wetland grasses will minimize the shading impacts and the natural materials will ensure consistency with the existing boardwalk. Finally, the proposed construction methodology will keep heavy equipment out of the tidal wetlands while the piles are being installed.

The proposal will not destroy existing or potential recreational or navigational opportunities. Regs., Conn. State Agencies § 22a-30-10(c). The purpose of the project is to further support access to existing and planned park facilities by providing an additional access point and repairing an existing section of boardwalk that provides the only direct access from the parking area to the beach. The area of tidal wetlands in the vicinity of the proposed boardwalk is not currently navigable. Even if it were, the pile supported structure is sufficiently elevated to allow small craft access underneath it.

The elevated structure will not cause or produce unreasonable erosion or sedimentation. Regs., Conn. State Agencies § 22a-30-10(d). The installation of the piles will not interfere with coastal sedimentation and erosion patterns in any manner that would cause an unreasonable impact on existing patterns. There is no filling or dredging associated with the proposed project.

The proposed structure will not result in significant adverse impacts on marine fisheries, shellfisheries, or wildlife. There is no evidence of active shellfish beds or significant marine fisheries in the location of the proposed boardwalk. However both members of the public and DEEP staff raised concerns about potential impact from the proposed structure on the foraging habitat of bird species that nest on Charles Island. Besides the temporary impact from construction, which will be greatly minimized by the lack of heavy equipment disturbance to the wetlands, the placement of a structure to be used by the general public on a regular basis will potentially disrupt feeding birds. The department's wildlife experts, although concerned about potential impacts from the proposed boardwalk, recognize that species are adaptable and that wildlife have utilized feeding areas throughout the Park despite the public's presence.

As a means to address the potential impact that the proposed boardwalk may have on existing foraging habitat, even if temporary, the Applicant and DEEP wildlife staff agreed on a more effective mitigation plan that will provide foraging birds, especially long-legged wading birds, with sufficient alternatives for feeding areas within a reasonable range of their nesting areas on Charles Island. OLISP has recommended the addition of the new mitigation plan as a permit condition to ensure its implementation to the satisfaction of DEEP's wildlife staff and OLISP. The net benefits of the creation of five pools and additional channels in the Great Creek area highlights the superiority of the amended mitigation plan to that originally envisioned to be implemented on the fringes of the parking area. The net benefit to the bird species outweighs any potential impact from the placement of the structure in the proposed location given the proximity of the proposed boardwalk to existing structures that are already used extensively by the general public. The potential impact has been sufficiently addressed by the proposed construction plan and creation of new foraging areas as birds adapt to the placement of a new boardwalk structure proximate to existing feeding areas. If birds no longer use the area near the boardwalk, then alternate areas will be available in sufficient proximity to provide needed foraging habitat.

The placement of a pile-supported structure in this areas of tidal wetlands is consistent with the requirement that proposed activity will not result in a significant adverse impact on the circulation and quality of coastal or tidal waters. Regs., Conn. State Agencies § 22a-30(10)(f). The tidal wetlands regulations state a preference for elevated, pile-supported structures as a means to eliminate or minimize obstructions to the flow and circulation of water in the tidal wetlands system. Regs., Conn. State Agencies §§ 22a-30-10(b)((3) and 22a-30-10(f)(3). The installation of a pile-supported structure rather than a solid fill structure will meet DEEP's objective to promote public access to the shoreline and associated facilities while ensuring the continued free flow of water and sediments in the existing system.

The State's coastal areas play host to diverse and sometimes competing interests. Coastal areas provide recreational opportunities for the public and are also havens for diverse species of plants and animals worthy of protection. In order to serve these competing interests, effort must be made to minimize impacts to natural areas, such as tidal wetlands, to ensure these resources are not unreasonably impacted by the use of these areas by the public for recreation. Silver Sands State Park is no exception. Those that have used the park regularly recognize the vast improvement the area has seen as a recreational destination and host to ever increasing numbers of wildlife, especially since the Park's establishment. The primary wildlife presence stems from a diverse number of bird species, including those that utilize nearby Charles Island and the shoreline of Silver Sands for nesting habitat. These bird species have flourished despite the continued presence of human activity that go hand in hand with its regular and increasing use as a recreational destination. The efforts to balance these interests has been very successful at Silver Sands and the large numbers of park users that traverse the wetlands on the existing boardwalk has not negatively impacted the area's natural improvement and increased use of the park as foraging habitat for these

birds. The proposed boardwalk will not unreasonably disrupt this balance especially when coupled with the improved mitigation plan for Great Creek.

III
CONCLUSION AND RECOMMENDATION

Given the evidence in the record, I conclude that the proposal is consistent with the applicable standards, goals and policies of the Tidal Wetlands Act (General Statutes §§ 22a-28 through 22a-35) and its implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq.; the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363); and the applicable portions of the Coastal Management Act (General Statutes §§ 22a-90 through 22a-112).

For the reasons stated above, I recommend issuance of the attached draft permit, which incorporates a permit condition requiring completion of the mitigation plan in Great Creek as recommended by OLISP staff with the agreement of the Applicant and DEEP Wildlife staff.



Kenneth M. Collette, Hearing Officer

Attachment C

PERMIT

Permit No: 201500185-SJ

Municipality: Milford

Work Area: Fletchers Creek off property located at Silver Sands State Park

Permittee: State of CT, DEEP, Outdoor Recreation
79 Elm Street
Hartford, CT 06106

Pursuant to sections 22a-359 through 22a-363g and sections 22a-28 through 22a-35 of the Connecticut General Statutes (“CGS”) and in accordance with CGS section 22a-98 and the Connecticut Water Quality Standards, effective February 25, 2011, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to install a boardwalk section for public use as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201500185-SJ, including three sheets of plans dated November 25, 2014 and a habitat mitigation plan dated December 24, 2015, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. install a 10' x 290' section of boardwalk from an existing boardwalk to an upland deck;

2. repair an approximately 60' section of the existing boardwalk by installing wider pile bents for support; and
3. restore and enhance the Great Creek tidal wetland in accordance with SPECIAL TERMS AND CONDITIONS, paragraph 2., below.

SPECIAL TERMS AND CONDITIONS

1. Work authorized herein is prohibited between March 15th and September 1st, inclusive, of any year in order to protect nesting piping plover (*Charadrius melodus*) in the area, unless otherwise authorized in writing by the Commissioner.
2. Prior to permit expiration, the Permittee shall provide funding sufficient to cover costs for, and ensure the completion of, the attached "Proposed Great Creek Habitat Mitigation Plan", elements 1 - 3.
3. At no time shall heavy equipment be staged waterward of the coastal jurisdiction line or in tidal wetlands while conducting boardwalk work authorized in SCOPE OF AUTHORIZATION, paragraphs 1. and 2., above. All work shall be conducted from the upland or from the existing boardwalk.
4. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
5. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
6. 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. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
7. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
8. The Permittee shall establish a minimum of a 10 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.

9. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or access way other than as provided herein.
10. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
11. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans of the boardwalk work authorized in SCOPE OF AUTHORIZATION, paragraphs 1. and 2., above, showing all tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.
 - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution

of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.

6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
8. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
9. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
10. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054
11. 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. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.

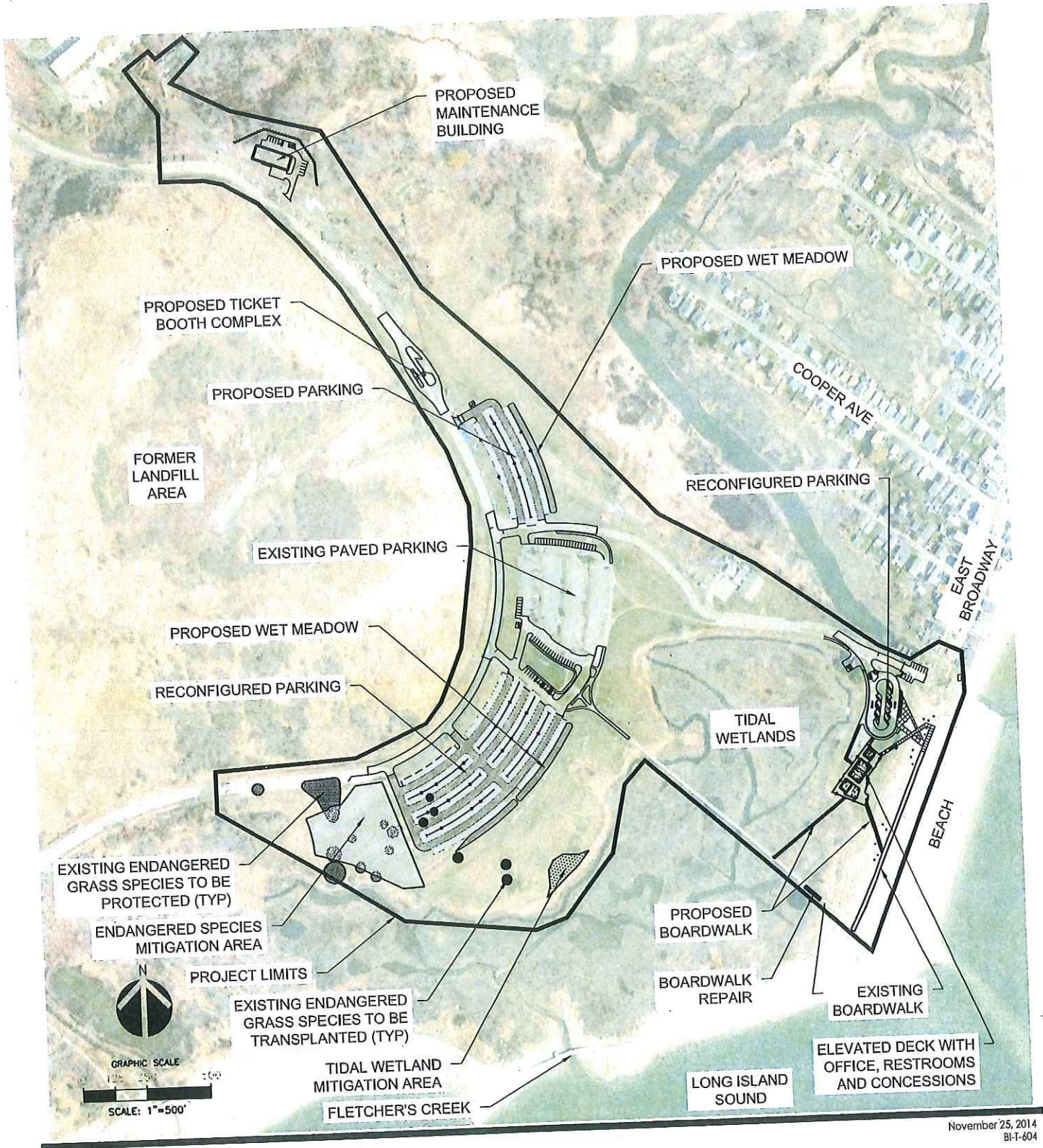
12. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "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."
13. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event the Permittee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and 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.

Issued on _____, 2016

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Robert Klee
Commissioner

Permit #201500185-SJ
State of CT, DEEP, Outdoor Recreation



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CT DAS - DCS

Client/Project

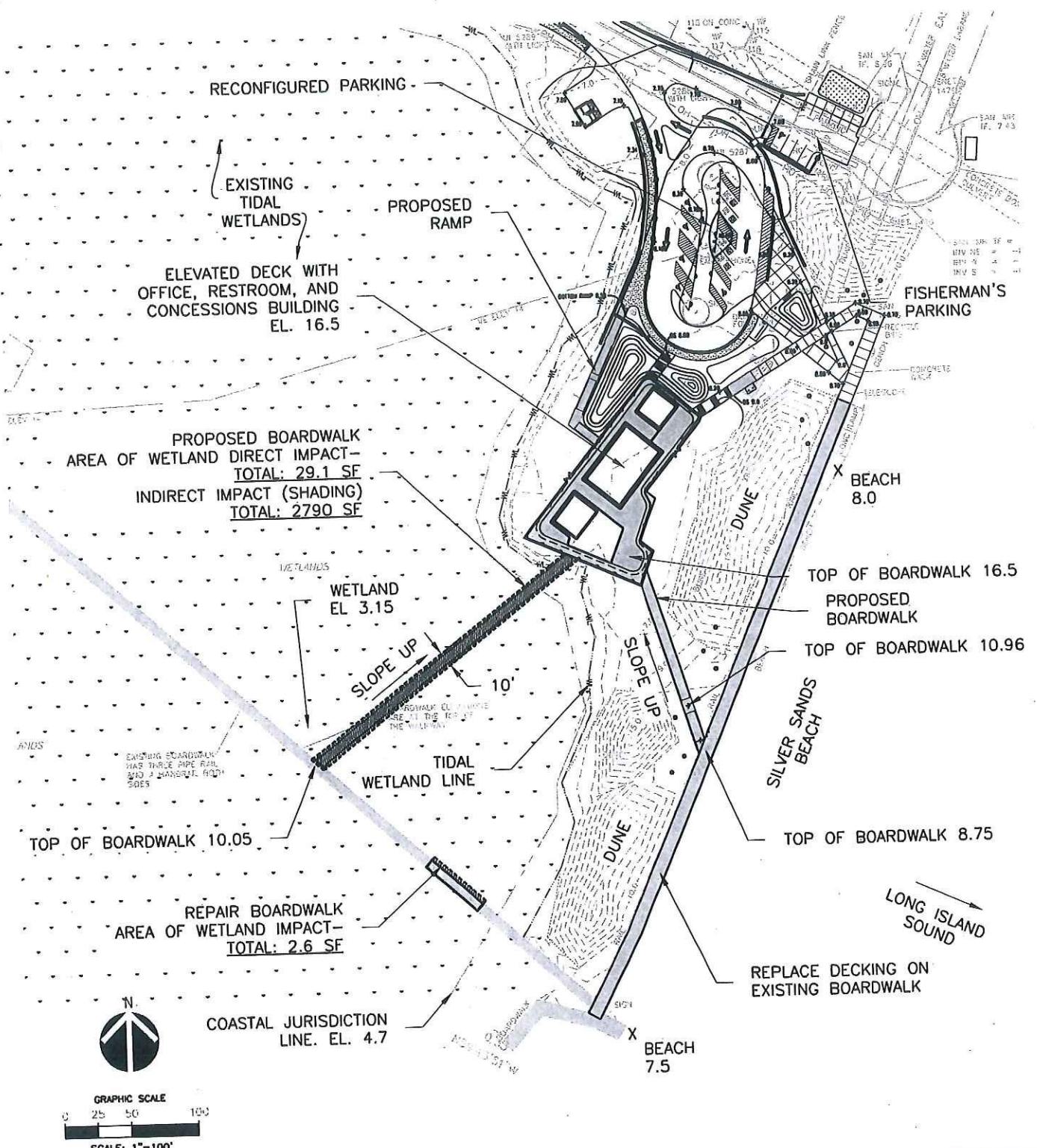
SILVER SANDS STATE PARK
MILFORD, CT

Figure No.

1

Title

OVERALL PLAN



November 25, 2014
 BI-T-604

Stantec
 2321 Whitney Avenue
 Hamden, CT 06518

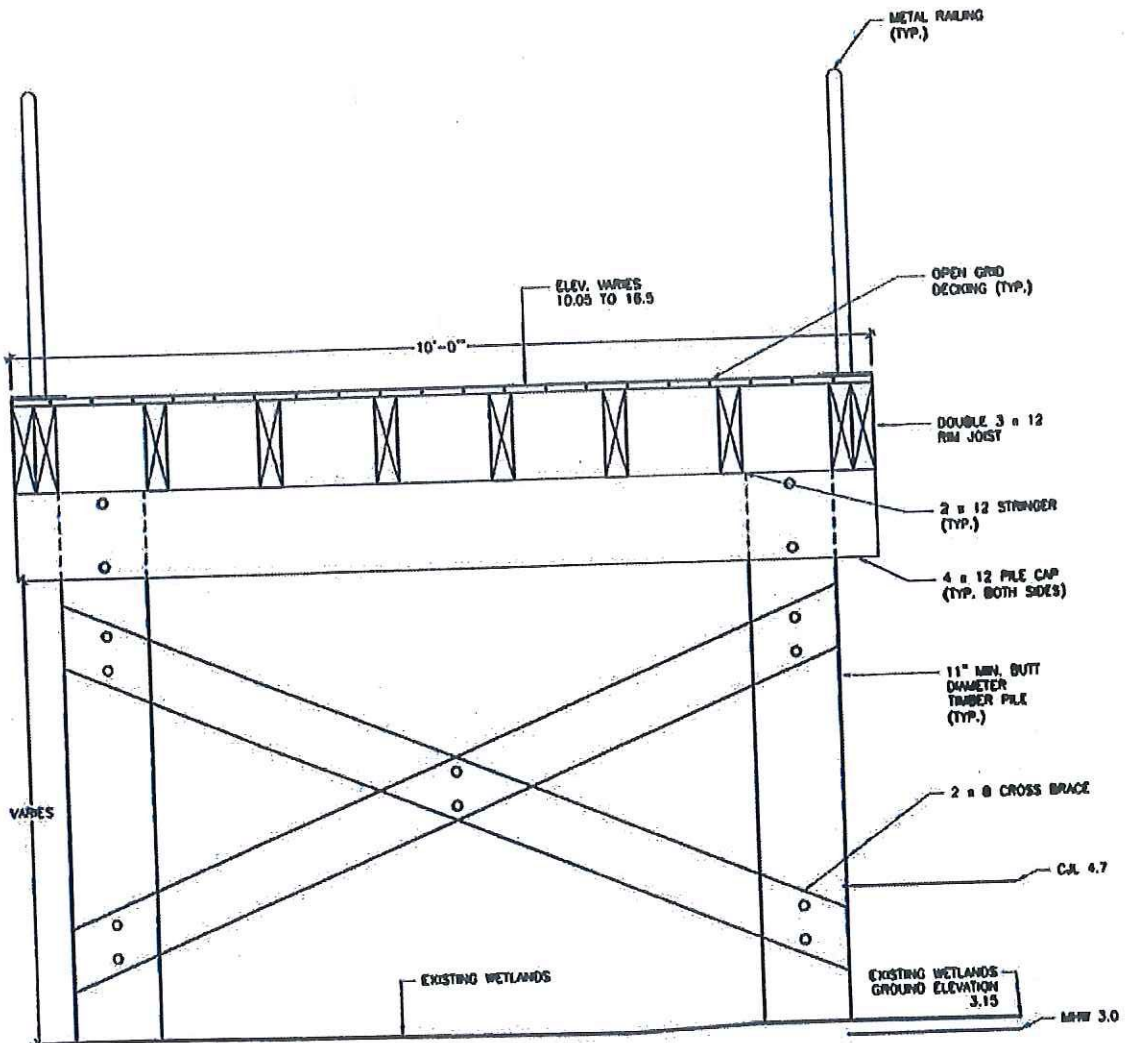
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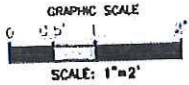
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 SILVER SANDS STATE PARK
 MILFORD, CT

Figure No.
 2

Title
 BEACH AREA
 ENLARGEMENT PLAN



NOTE:
MLW -3.7



November 25, 2014
BI-T-604

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MILFORD, CT

Figure No.
3a

Title
BOARDWALK
SECTION

Proposed Great Creek Habitat Mitigation Plan

Prepared by:

Department of Energy and Environmental Protection

Wildlife Division and

State Parks and Public Outreach Division

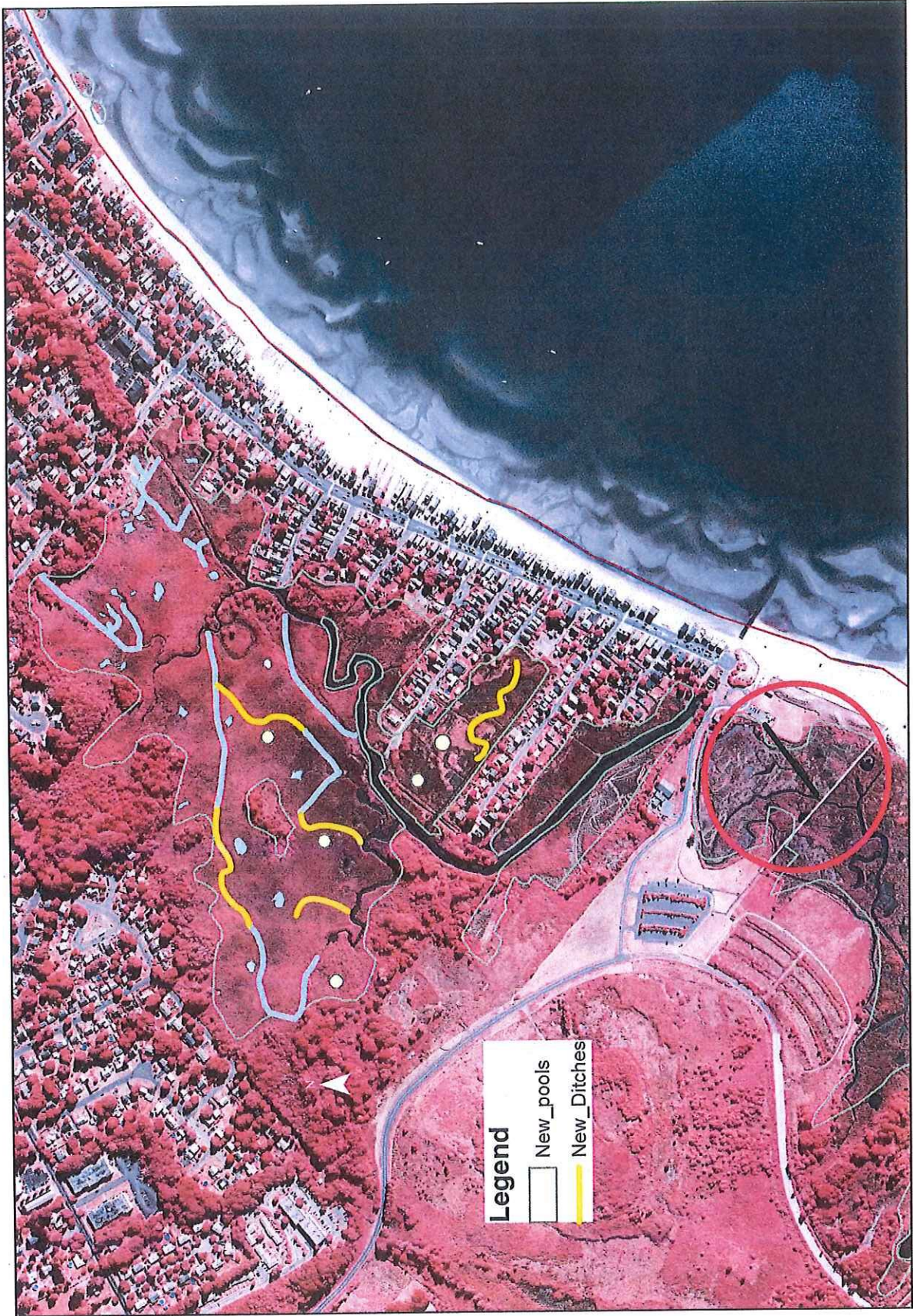
December 24, 2015

The proposed Great Creek Habitat Mitigation Plan has three elements.

- 1) The first element is the creation of 5 new pools in the wetland to enhance habitat for foraging wildlife. The pools would be created in the areas delineated by the 5 white circles on the attached figure.
- 2) The second element of the mitigation plan would be the restoration or creation of approximately 2400 feet of tidal channel, which would be constructed to further enhance waterbird habitat in the Great Creek system. The proposed tidal creek creation/restoration would occur as depicted by the yellow lines on the attached figure.
- 3) The third element of the plan would be further control the Phragmites throughout the Park. This would include managing the Phragmites through a 3-successive-year herbiciding and mowing regime in an area of approximately 80 acres across Great Creek, Fletcher Creek, and Nettleton Creek systems throughout the Silver Sands State Park.

The costs of this habitat mitigation plan will be paid for through the approved Silver Sands State Silver Sands State Park Phase 1B Enhancements Project (BI-T-604), such that the funds will be available when needed to conduct the work over a three year period. It is anticipated that the work will be conducted by the DEEP's Wetland Habitat and Mosquito Management Program of the Wildlife Division. This staff is very familiar with the marsh complex at Silver Sands after having conducted similar work there in the recent past, pursuant to prior authorization.

Great Creek Habitat Mitigation Plan



Service List

In re
DEEP – Division of State Parks
(Silver Sands State Park)

Application No. 201500185

PARTY

DEEP Division of State Parks -
Applicant

REPRESENTED BY

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