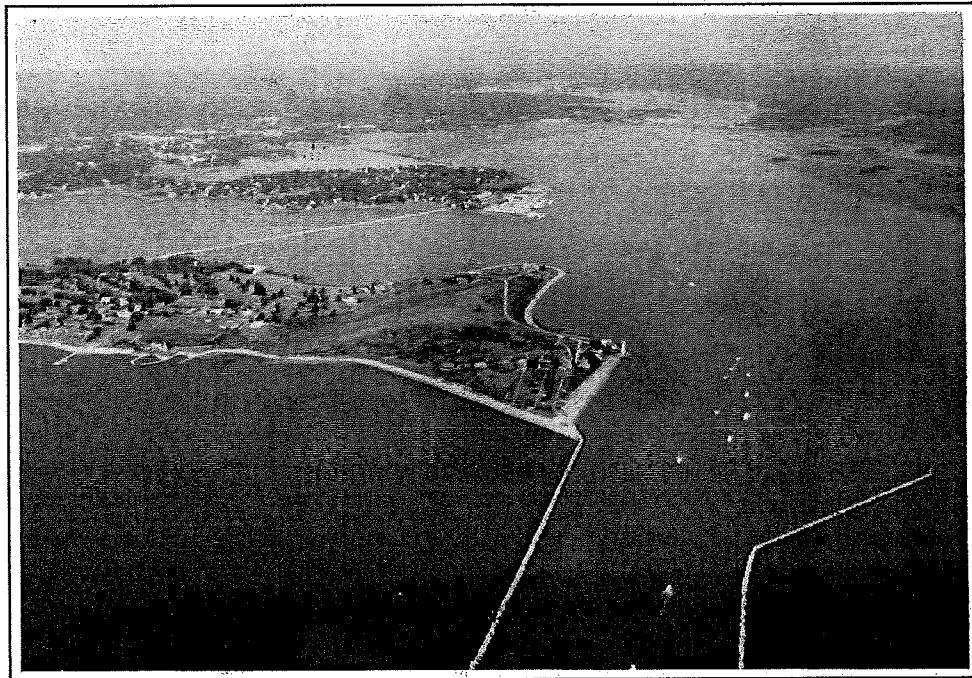


TOWN OF OLD SAYBROOK HARBOR MANAGEMENT PLAN



**OLD SAYBROOK
HARBOR MANAGEMENT COMMISSION**

Town of Old Saybrook, Connecticut

June 2003

Cover Photo: Mouth of the Connecticut River and Lynde Point at Old Saybrook

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Consultant to the Harbor Management Commission:
Geoffrey Steadman
Westport, Connecticut

June 2003

FOREWORD

This document contains the Town of Old Saybrook Harbor Management Plan. Pursuant to Section 22a-113m of the Connecticut General Statutes, the Plan has been reviewed by the U.S. Army Corps of Engineers, approved by the Connecticut Commissioners of Environmental Protection and Transportation, and adopted by the Old Saybrook Town Meeting effective [effective date to be added following adoption by the Town Meeting]. The Plan was prepared by the Old Saybrook Harbor Management Commission in accordance with authority provided by the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and Town Ordinance No. 77 which establishes the jurisdiction, powers, duties, and responsibilities of the Harbor Management Commission.

The Plan contains goals, objectives, policies, guidelines, and recommendations for balanced use of the Old Saybrook Harbor Management Area (HMA), for protection of environmental quality in the HMA, and for safe and enjoyable use of the HMA. The HMA includes the Town's jurisdiction on the Connecticut River and North and South coves; it also includes nearshore Long Island Sound at Old Saybrook and the intertidal portions of the several tributaries to the Sound at Old Saybrook, including the Oyster River.

Some of the Plan's provisions are detailed and specific; others are more general to allow for flexibility in Plan implementation and case-by-case decision-making by the Harbor Management Commission. This flexibility is important so that the Plan can respond to changing circumstances over the years.

The Harbor Management Plan provides an important mechanism to increase Town influence and control in the HMA, which includes marine waters that previously have been subject primarily to State and Federal authorities. Upon adoption of the Plan by the Old Saybrook Town Meeting, public and private actions affecting the use and condition of the HMA are to be consistent with the Plan. The Harbor Management Commission is responsible for ensuring this consistency through a "Harbor Management Review" process established by the Plan.

The Plan increases coordination among the different Town commissions, boards, and departments that carry out responsibilities affecting the HMA. It establishes a policy framework to ensure that these Town agencies incorporate an awareness and understanding of harbor management concerns into their deliberations and that their actions are consistent with the harbor management goals, objectives, policies, guidelines, and recommendations included in the Plan.

The provisions of the Harbor Management Plan are consistent with and complement the provisions of the Old Saybrook Plan of Conservation and Development. Together, these two Town plans function as the principal guides for use and conservation of Old Saybrook's water and waterfront resources.

ACKNOWLEDGMENTS

A number of persons have provided information and other assistance for preparation of the Old Saybrook Harbor Management Plan. The Plan was prepared by the Old Saybrook Harbor Management Commission:

	Ross L. Byrne, Chairman	
Les Bowman		Peter Fredrickson, Secretary
James Downey		Anne Troy

Grant Westerson, the Old Saybrook Harbor Master, is an ex-officio member of the Harbor Management Commission and provided valuable assistance for preparation of the Plan. James Mitchell, the Old Saybrook Dock Master, should be recognized for his important harbor management responsibilities carried out at the direction of the Harbor Master and Harbor Management Commission.

Work on the Old Saybrook Harbor Management Plan also reflects the dedicated efforts of the Old Saybrook Waterfront Commission which preceded the Harbor Management Commission. Former members of the Waterfront Commission and of an ad hoc group of citizens who worked to prepare a Town plan for managing Old Saybrook's marine and harbor resources include Whit Anderson, Richard Blok, Jean Castagno, William Edgerton, William Fitzgerald, John Fuller, Richard Goduti, Lew Lewandowski, Mike Looney, Scott Mills, Ron Pearl, Anne Troy, Bill Steinbuch, Ray Varley, and Chris Wick.

The current First Selectman of Old Saybrook, Michael Pace, and former First Selectmen Barbara Maynard, Roger Goodenow, Laurence Reney, Susan Townsley, and Robert Fish are thanked for their leadership and their recognition of the need for active Town involvement and authority in matters pertaining to Old Saybrook's harbor management jurisdiction on the Connecticut River and Long Island Sound.

In addition, the owners/operators of water-dependent facilities at Old Saybrook who responded to the Harbor Management Commission's 1998 Boating Facility Survey are thanked for their input and interest, and for providing information for inclusion in the Harbor Management Plan.

Geoffrey Steadman of Westport, Connecticut served as consultant to the Harbor Management Commission for preparation of the Harbor Management Plan. Mr. Steadman worked at the direction of the Commission to prepare the Plan document as well as the preceding draft Plan documents for review by Town agencies, interested citizens, and State and Federal agencies. He also prepared the "Phase I Report: Background Information for the Old Saybrook Harbor Management Plan" which incorporates information included in a March 1998 draft Harbor Management Plan prepared by the Commission. Photographs in the Plan are provided by Mr. Steadman and are from July 1998.

Special thanks are extended to the citizens of Old Saybrook who have expressed their interest for the conservation of the Town's vital waterfront and harbor resources and have supported the efforts of the Commission to plan for the wise use and protection of those resources in the public interest.

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GLOSSARY OF TERMS¹

Abandoned Vessel: Any vessel, as defined by State statute, not moored, anchored, or made fast to the shore, and left unattended for a period greater than 24 hours, or left upon private property without consent from the waterfront property owner for a period greater than 24 hours.

Active Recreational Use: Recreational uses generally requiring facilities and organization for participation and/or having a more significant impact on the natural environment than passive recreational uses.

Aids to Navigation: All markers on land or in the water placed for the purpose of enabling navigators to avoid navigation hazards and/or to fix their position. Aids to navigation include Federal aids placed and maintained by the U.S. Coast Guard and “private” aids placed and maintained by all other government and private interests under permit from the U.S. Coast Guard and Connecticut Department of Environmental Protection. Private aids include any buoys, signs, and other markers identifying restricted speed areas.

American Heritage Rivers Initiative: A Federal program intended to increase public enjoyment of the historic, cultural, recreational, economic, and environmental values provided by America’s great rivers. The program is to provide Federal assistance in support of local projects that protect natural resources, promote economic revitalization, and preserve cultural heritage. The Connecticut River is one of 14 rivers nationwide that have been designated as American Heritage Rivers.

Anchorage: A nonchannel water area that may be designated for the safe anchoring of vessels.

Anchoring: To secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors from a vessel.

Aquatic Environment: Waters of the United States, including wetlands, that serve as habitat for interrelated, interacting communities and populations of plants and animals.

Aquifer: An underground geological formation, or group of formations, containing usable amounts of groundwater and capable of yielding considerable quantities of water to wells and springs.

A-Zone: That portion of the floodplain as marked on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency that is likely to be inundated by a flood with a one-percent annual chance of occurring (“100-year” flood) and not subject to wave action. (See V-Zone.)

Best Management Practices (BMPs): Regulatory, structural, or nonstructural techniques applied to prevent and reduce nonpoint source pollution. Some examples of BMPs are buffers of streamside vegetation to keep pollutants from entering a watercourse; construction of wetlands to act as natural filters; and better maintenance of lawns and septic systems.

Bulkhead: A vertical wall of wood, steel, or concrete, built parallel to the shoreline and designed to deflect waves and control erosion.

Buoy: A float; especially a floating object moored to the bottom of a waterbody to mark a channel, mooring location, restricted speed area, or the location of something beneath the surface of the water such as a rock or shoal.

Carrying Capacity: A term generally used to refer to the level of use or extent of modification that environmental or man-made resources may bear before unacceptable resource deterioration or degradation occurs.

¹ The definitions of terms contained in this Glossary of Terms are for the purpose of the Old Saybrook Harbor Management Plan only. The meaning and use of the terms included herein may differ in State and Federal laws and regulations.

Channel: A water area specifically designated for unobstructed movement of vessels, shown on navigation charts, and marked in-water by aids to navigation. The Connecticut River navigation channel through the Old Saybrook Harbor Management Area is a Federal navigation channel authorized by Congress and maintained by the U.S. Army Corps of Engineers.

Clean Vessel Act: Federal legislation intended to reduce overboard discharge of sewage from recreational boats and providing funds for the construction, renovation, operation, and maintenance of pump-out stations for holding tanks and dump stations for portable toilets.

Clean Vessel Act Program: Connecticut's program, administered by the Department of Environmental Protection, to implement the goals of the Clean Vessel Act and through which Federal funds for the purpose of the Act are distributed.

Coastal Resources: Resources including coastal waters, estuarine embayments, beaches, wetlands, intertidal flats, islands, coastal hazard areas, developed shoreline, and other resources as defined in the Connecticut Coastal Management Act and the Old Saybrook Municipal Coastal Program.

Coliform Bacteria: Widely distributed microorganisms found in the intestinal tracts of humans and other warm-blooded animals and used as an indicator of the sanitary quality of water.

Commerce Power: The Federal authority, established by the commerce clause of the U.S. Constitution, whereby the U.S. Congress has exclusive powers over interstate commerce and therefore jurisdiction over all navigable waters of the United States.

Commercial Mooring: A mooring as defined by the Corps of Engineers for which any type of fee is charged, (excepting any fee charged by a municipality for a mooring permit issued by that municipality's harbor master) and which must be authorized by a permit from the Corps of Engineers, the Connecticut Department of Environmental Protection, and the harbor master.

Commercial Vessel: Any vessel, licensed or unlicensed, used, or engaged for any type of commercial venture, including but not limited to the carrying of cargo and/or passengers for hire and commercial fishing.

Connecticut Coastal Management Act: The legislation contained within the State of Connecticut General Statutes, Sections 22a-90 through 22a-112, as may be amended from time to time, and which requires, in part, that municipalities review certain activities within their coastal boundaries for consistency with the legislative goals and policies established by the Act. This legislation also provides for the voluntary development of local plans and regulations known as Municipal Coastal Programs.

Connecticut Harbor Management Act: The legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t, as may be amended from time to time, and which authorizes municipalities to establish harbor management commissions and prepare harbor management plans.

Contaminant: A chemical or biological substance in a form that can be incorporated into, onto, or be ingested by and that harms aquatic organisms, consumers of aquatic organisms, or users of the aquatic environment. A contaminant that causes actual harm is sometimes referred to as a pollutant. (See Pollutant.)

Controlling Depth: The most shallow depth in the navigable parts of a waterway, thereby governing the maximum draft of vessels that can safely use that waterway.

Corps of Engineers: The U.S. Army Corps of Engineers which is the principal Federal agency with roles and responsibilities pertaining to harbor management in Connecticut. These roles and responsibilities include authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain Federal navigation projects.

Cultural Resources: Natural and man-made resources related to open space, natural beauty, scientific study, outdoor education, archaeological and historic sites, and recreation.

Cumulative Impacts: The impacts on environmental or man-made resources that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Department of Environmental Protection (DEP): The principal State agency responsible for management of the State's natural resources. The DEP's Office of Long Island Sound Programs (OLISP) is responsible for ensuring that activities within the State's coastal area conform with the policies of the Connecticut Coastal Management Act and Harbor Management Act. The OLISP also reviews proposed development activities and issues or denies permits for the following activities: placement of structures below the high tide line; placement of structures and filling in tidal wetlands; filling in coastal, tidal or navigable waters; dredging for navigation and disposal of dredged material; marine mining; and construction and maintenance of nonfederal channels.

Deputy Harbor Master: A Deputy Harbor Master for any Connecticut municipality with navigable waters within its limits who may be appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes, and who shall carry out his or her duties under the direction of the Harbor Master.

Discharge of Dredged Material: Any addition of dredged material into waters of the United States. Dredged material discharges include: open water discharges; discharges resulting from unconfined disposal operations (such as beach nourishment or other beneficial uses); discharges from confined disposal facilities which enter waters of the United States (such as effluent, surface runoff, or leachate); and overflow from dredge hoppers, scows, or other transport vessels.

Disposal Site: An in-water or upland location where specific dredged material disposal activities are permitted.

Dissolved Oxygen (DO): The oxygen, vital to fish and other aquatic life, freely available in water. Traditionally, the level of dissolved oxygen has been accepted as the single most important indicator of a water body's ability to support beneficial aquatic life.

Dock: A structure that can be used as a landing or berthing space for a vessel or vessels; generally defined as a wharf or portion of a wharf extending along the shoreline and generally connected to the upland throughout its length. Docks may float upon the water or be fixed structures abutting the shoreline.

Dockominium: A marina development and operation concept whereby the user of a boat slip or berth purchases fee simple title to the use of that slip or berth.

Dolphin: A cluster of piles, bound firmly together and driven into the bottom of a harbor, to which boats may be secured.

Dredging: The excavation of sediments and other material from aquatic areas for the purpose of maintaining adequate depths in navigation channels and berthing areas as well as for other purposes.

Ecosystem: The interacting system consisting of a biologic community and its nonliving environment, each influencing the properties of the other and both necessary for the maintenance of life.

Effluent: Treated or untreated wastewater that flows out of a wastewater treatment plant, sewer, industrial outfall, marine sanitation device, or other source; generally refers to wastes discharged into surface waters.

Emergency: A state of imminent or proximate danger to life and property.

Erosion: The wearing away of the shoreline by the action of natural forces including wave action and currents.

Estuary: A confined coastal water body with an open connection to the sea and a measurable quantity of salt in its waters. Estuaries are of particular ecological value and significance because they provide important natural values concerning, for example, fish and wildlife habitat, flood protection, and the maintenance of water quality. The Connecticut River estuary and other Connecticut estuaries contribute to the ecological health of Long Island Sound.

Excursion Vessel: A vessel providing sight-seeing tours available to the general public.

Fairway: A specific water area to be kept free of obstructions to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages, and berthing areas.

Fecal Coliform Bacteria: Specific coliform bacteria associated with the digestive tract of warm-blooded animals.

Federal Navigation Project: Authorized by Acts of Congress and maintained by the U.S. Army Corps of Engineers, Federal navigation projects may consist of designated channels and anchorages as well as dikes, breakwaters, and jetties designed to maintain ease and safety of navigation. The Federal Navigation Project at Old Saybrook consists of the Connecticut River channel, an entrance channel and two anchorages in North Cove, and two riprap jetties at the mouth of the River.

Filling: The act of adding or depositing material to replace an aquatic area with dry land or to change the bottom elevation of a water body.

Fill Material: Any material used for the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of a water body for any purpose. Dredged material can be used as fill material.

Float: Any structure, buoyant on the water surface, extending seaward, and affixed and secured in place to the shore, a bulkhead, or a dock, whose purpose is to berth and secure vessels and provide a means of access to and from the shore. The term float includes a floating dock.

Floatable Debris: Trash floating in coastal waters or washed upon the shore and which may reduce beneficial use and enjoyment of a waterbody, present a nuisance or hazard for boaters, and harm wildlife.

Floating Home: Any structure constructed on a raft, barge or hull, moored or docked and that is used primarily for single or multiple-family habitation or that is used for the domicile of any individual(s).

Flood/Flooding: A general and temporary condition of: 1) partial or complete inundation of normally dry land resulting from the overflow of inland and/or coastal waters; and 2) the unusual accumulation of waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community prepared by the Federal Emergency Management Agency identifying the elevation of the "100-year" flood and the areas that would be inundated by that level of flooding, and used to determine flood insurance rates. The FIRM of the Town of Old Saybrook is dated July 3, 1978.

Floodplain: Low lands adjoining the channel of a river, stream, watercourse, or other body of water, which have been or may be inundated by flood water, and those other areas subject to flooding.

Floodway: The channel of a river or other watercourse plus any adjacent floodplain areas that must be kept free of encroachment so that the "100-year" flood discharge can be conveyed without increasing the water surface elevation more than a designated amount. The floodway is intended to carry the deep and fast-moving water.

Foreshore: The part of the shore lying between the mean high water line and the low water mark which is ordinarily traversed by the rising and falling tides and which is held in trust by the State of Connecticut for the public interest and use.

Freshwater Wetlands: Wetlands subject to regulatory authority of the State of Connecticut pursuant to the State's Inland Wetlands and Watercourses Act. Freshwater wetlands perform a variety of ecologically important functions, including functions related to maintaining and improving water quality, as well as providing important fish and wildlife habitat.

General Permit: A type of permit issued by the Corps of Engineers for structures and work subject to the Section 10 and 404 regulatory programs. A general permit is an authorization issued on a nationwide or regional basis for categories of activities judged to be substantially similar in nature and to cause only minimal individual and cumulative adverse environmental impacts.

Geographic Information System (GIS): A computerized data base of land use and other types of information referenced to a location and which enables statistical analysis, comparison, and display of large quantities of data for planning purposes.

Greenbelt: A linked system of natural areas along the shoreline of a watercourse or body of water, often including public easements, open space land, and public access walkways. A greenbelt typically provides a natural, protective buffer area between the upland and aquatic area, conserves valuable natural resources, and may provide opportunities for passive recreational use.

Groundwater: The supply of freshwater found beneath the earth's surface (usually in aquifers) which is often used for supplying wells and springs.

Habitat: The place where a human, animal, plant, or microorganism population lives, and the living and nonliving characteristics, conditions, and surroundings of that place.

Harbor Master: The Old Saybrook Harbor Master appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes and responsible, in accordance with other sections of the General Statutes, for the general care and supervision of the navigable waters within the territorial limits of the Town.

Harbor Management Area: The area of jurisdiction of the Old Saybrook Harbor Management Commission as defined in Ordinance No. 77 of the Town of Old Saybrook in accordance with authority provided by the Connecticut Harbor Management Act. The Old Saybrook Harbor Management Area encompasses the Town's harbor management jurisdiction on the Connecticut River, North Cove, South Cove, nearshore Long Island Sound, and other navigable waters seaward of the mean high water line.

Harbor Management Commission: The duly elected body of the Town of Old Saybrook with responsibilities for managing the navigable waters within the Town's Harbor Management Area, including responsibilities for preparing and implementing a municipal harbor management plan as set forth in the Connecticut Harbor Management Act and Ordinance No. 77 of the Town of Old Saybrook.

Harbor Management Plan: A municipal plan for the balanced use of navigable waters within a municipality's territorial limits for recreational, commercial, and other purposes and for the protection of environmental resources as prepared by the municipality's harbor management commission, adopted by the municipality's legislative body, reviewed by the Corps of Engineers, and approved by the Connecticut Commissioners of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes.

Harbor of Refuge: A protected water area providing safe haven for vessels in time of storm. North Cove in the Old Saybrook Harbor Management Area is used as a harbor of refuge by boaters navigating the Connecticut River and Long Island Sound and is generally recognized as the only harbor of refuge between New London and New Haven on the Sound.

Hazard to Navigation: Any obstruction, usually sunken, that presents a sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

High Tide Line: The line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. Proposed work and structures seaward of the high tide line are subject to State regulatory authorities. (Proposed work and structures seaward of the mean high water line are subject to Federal as well as State regulatory authorities; see below.)

Hypoxia: A condition of degraded water quality characterized by a deficiency of oxygen.

Individual Permit: A type of permit issued by the Corps of Engineers for structures and work subject to the Section 10 and 404 regulatory programs. An individual permit is issued following evaluation of a specific proposal and involves public notice of the proposed activity, review of comments and, if necessary, a public hearing. In general, an individual permit must be received from the Corps for most activities that involve: a) filling of wetlands and navigable waters; b) placement of structures in navigable waters; and c) dredging and disposal of dredged material.

Individual-Private Mooring: A mooring belonging to an individual and authorized for use by a mooring permit issued by a municipality's harbor master.

Intertidal Flats: Coastal resources consisting of very gently sloping or flat areas located between high and low tides and composed of muddy, silty and fine sandy sediments and generally devoid of vegetation.

Knot: The unit of speed used in navigation equal to one nautical mile (6,076.115 feet or 1,852 meters) per hour.

Land Use: The character and condition of the use of land and which may be described in terms of general categories, such as residential, commercial, industrial, and open space, or with reference to the specific use or development of a specific site.

Launching Ramp: A man-made or natural facility used for the launching and retrieval of boats; primarily providing facilities for boaters to launch trailered boats and park their vehicles and trailers while engaging in boating activities.

Live-Aboard Vessel: Any berthed, anchored, or moored vessel that is used as a permanent residence. (See Floating Home.)

Maintenance Dredging: The generally periodic and repetitive removal of recurring, naturally deposited bottom sediment from an existing navigation channel or berthing area.

Marine Facility: Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels.

Marine Sanitation Device (MSD): Any equipment installed on board a vessel to receive, retain, treat, or discharge sewage.

Mean High Water: A tidal datum. The arithmetic mean of the high water heights observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Proposed work and structures seaward of the mean high water line are subject to Federal regulatory authorities carried out by the Corps of Engineers as well as State regulatory authorities. All land and water areas seaward of the mean high water line are subject to the Public Trust Doctrine and held in trust by the State of Connecticut for public use. The mean high water line also marks the seaward boundary of the jurisdiction of the Old Saybrook planning and zoning commissions.

Mean Low Water: A tidal datum. The arithmetic mean of the low water heights observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch).

Mean Lower Low Water: A tidal datum. The arithmetic mean of the lower low water heights of a mixed tide observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Only the lower low water of each pair of low waters, or the only low water of a tidal day is included in the mean. Federal navigation projects now reference the Mean Lower Low Water.

Mitigation: An action to lessen the severity of impact of another action, either natural or human. Mitigation may refer to an action taken to reduce or eliminate the risk to human life and property and the negative impacts that can be caused by flooding and other natural and technological hazards. Mitigation may also refer to actions designed to lessen the adverse impacts of proposed development activities on natural and cultural resources, including wetlands and water resources.

Moor: To secure a vessel to the bottom of a waterbody by the use of mooring tackle.

Mooring: The place where, or the object to which, a vessel can be made fast by means of mooring tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

Mooring Area: A designated water area within which vessels may moor.

Mooring Tackle: The hardware (e.g., chain, line, and anchor) used to secure a vessel at a mooring.

Municipal Coastal Program: The program authorized by the Connecticut Coastal Management Act that provides for the voluntary development and adoption of local plans and land use regulations to guide coastal area development balanced with coastal resource protection. The Old Saybrook Municipal Coastal Program document (this document is distinct from the Town's land use regulations to guide coastal area development) was prepared by the Old Saybrook Planning Commission and adopted as part of the Town's Plan of Conservation and Development.

National Flood Insurance Program (NFIP): A program established by the National Flood Insurance Act of 1968 to provide relief from the impacts of flood damages in the form of Federally subsidized flood insurance available to participating communities; such insurance is contingent on the incorporation of nonstructural flood loss reduction measures into local floodplain management regulations.

Natural Resource Values: The qualities of or functions served by natural resources (such as wetlands, floodplains, and water resources) which include but are not limited to: a) water resource values (including natural moderation of floods and water quality maintenance); b) living resource values (fish, wildlife, and plant habitats); and c) cultural resource values (open space, natural beauty, scientific study, outdoor education, archaeological and historic sites, and recreation).

Nautical Mile: A unit of nautical measurement accepted as 6,076.115 feet, approximately 1.15 times as long as the U.S. statute mile of 5,280 feet.

Navigable: Capable of being navigated or passed over by ships or vessels.

Navigable In Fact: A body of water navigable in its natural or unimproved condition, affording a channel for useful commerce of a substantial and permanent character conducted in the customary mode of trade and travel on water.

Navigable Waters of the United States: Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Navigate: To go from one place to another by water by sailing or managing a boat; to use a waterbody as a highway for commercial, recreational, educational, or other purposes.

Navigation: The act, science, or business of traversing the sea or other navigable waters in vessels.

Navigation Servitude: The public right of navigation for the use of the people at large. Any property right dependent for its exercise or value on the presence of navigable waters is subject to a defect of title, called a servitude, originating from an ancient common law principle whereby there is a right of way of the public to use a stream or other water body for navigation despite the private ownership of the bed or bank. Hence, in exercise of Congress's power over navigation stemming from the Commerce clause of the U.S. Constitution, no further Federal real estate interest is required for navigation projects in navigable waters below the ordinary high water mark.

No Discharge Zone: An area designated by the U.S. Environmental Protection Agency (EPA) within which no sewage, untreated or treated, may be discharged from any vessel. An area particularly sensitive to contamination and that will benefit from a complete prohibition of all vessel sewage discharges may be designated by the EPA upon application by a state, contingent upon the certification by the state that adequate and reasonably available vessel waste pump-out facilities exist for boaters to use.

Nonpoint Source (NPS) Pollution: Pollution that does not originate from a specific identifiable source such as a sewage discharge pipe. Types of nonpoint pollution include stormwater runoff from roads, parking lots, and backyards, as well as wet and dry atmospheric deposition. Precipitation can carry pollutants from the air to the ground and then gather more pollutants as the water runs off pavement and land to the nearest waterway.

Nonstructural Flood Protection Measures: Planning, regulatory, and other techniques intended to discourage or avoid dangerous, uneconomic, or unwise use of floodplains and erosion prone areas, as distinguished from the more traditional "structural" measures (such as dams, levees, and seawalls) used to control flooding and erosion.

Obstruction to Navigation: Anything that restricts, endangers, or interferes with navigation.

"100-year" Flood: A term commonly used to refer to a flood of the magnitude that has a one-percent chance of being equalled or exceeded in any given year. The "100-year" flood is the flood that is equalled or exceeded once in 100 years on the average, but the term should not be taken literally as there is no guarantee that the "100-year" flood will occur at all within the 100-year period or that it will not recur several times. The "100-year" flood is the standard most commonly used for floodplain management and regulatory purposes in the United States, and is therefore often referred to as the "base flood" for floodplain management purposes.

Outfall: A structure (e.g., pipe) extending into a body of water for the purpose of discharging wastewater, stormwater runoff, or cooling water.

Passive Recreational Use: Recreational activities, such as hiking, walking, picnicking, canoeing, and fishing, generally not requiring facilities and organization for participation and/or having little significant impact on the natural environment.

Pathogen: Microorganisms that can cause disease in other organisms or in humans, animals, and plants. Pathogens may be bacteria, viruses, or parasites transported in sewage and in runoff from agricultural and other areas.

Personal Watercraft: Any inboard powered vessel less than sixteen feet in length which has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

Pier: Generally, a structure, usually of open construction, extending out into the water from the shore to serve as a vessel landing place or recreational facility rather than to afford coastal protection; generally defined as a wharf or portion of a wharf extending from the shoreline with water on both sides.

Pile: A long, heavy timber or section of concrete or metal to be driven or jettied into the earth or seabed to serve as a support or protection.

Point Source Pollution: Any discernable confined or discreet conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant: Generally, any substance introduced into the environment that adversely affects the health of plants and animals or the usefulness of a resource, and including toxic substances, nutrients, and pathogens which adversely affect water quality.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of an aquatic ecosystem. (See Contaminant.)

Public Access: Physical and/or visual access to marine or tidal waters that is available to all members of the general public and therefore not limited to any particular groups or individuals.

Public Trust Doctrine: The doctrine based on the common law principle that certain lands and waters are so important to the public that private ownership or other impediments to public uses should not be permitted. Under the Public Trust Doctrine, the State of Connecticut holds title to the foreshore, open tidal waters, and submerged land under tidal waters seaward of the mean high water line as trustee for the public and must administer the use of these lands in the public interest.

Pump-out Station: A marine facility for pumping sewage from vessel holding tanks and then containing that waste before proper disposal into a sewage disposal system.

Ramp: A structure used to gain access from a bulkhead, fixed dock, or platform to a float; also, a uniformly sloping surface used for launching small craft.

Recreational Boating Facilities: Facilities for the support of recreational boating activities, including marina and boatyard facilities providing docks, slips, moorings, and launching ramps as well as sales, repair, service, and storage facilities, and private docking facilities constructed by waterfront property owners.

Revetment: A facing of stone, concrete, or other hard material, built to protect a scarp, embankment, or shore structure against erosion by wave action or currents.

Risk: The probability of being flooded.

Riparian: Of or relating to or living or located on the bank of a watercourse.

Riparian Ecosystems: Distinct associations of soil, flora, and fauna occurring along a river, stream, or other body of water and dependent for survival on a periodically high water table.

Riparian/Littoral Rights: The rights of an owner of land contiguous to a navigable body of water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, the rights are said to be littoral rights. The terms "riparian" and "littoral" are commonly used interchangeably. Riparian/littoral rights may be defined as principally the right of access to the water, the right of accretions and relictions, and the right to other improvements.

Runoff: That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water and which can carry pollutants from the air and land into the receiving body of water.

Sanitary Sewer: A system of pipes, usually underground, that carry only wastewater, not stormwater.

Section 10 and 404 Regulatory Programs: The principal Federal regulatory programs, administered by the Corps of Engineers, affecting structures and work below the mean high water line. The Corps, under Section 10 of the River and Harbor Act of 1899, regulates structures in, or affecting, navigable waters of the United States, as well as excavation or deposition of materials (e.g., dredging or filling) in navigable waters. Under Section 404 of the Federal Water Pollution Control Act Amendments (Clean Water Act of 1977), the Corps is also responsible for evaluating applications for Department of the Army permits for any activities that involve the placement of dredged or fill material into waters of the U.S., including adjacent wetlands.

Sediment: Particulate material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by the forces of air, water, gravity, or ice, including material deposited in a loose, unconsolidated form on the bottom of a water body. The term dredged material refers to material that has been dredged from a water body, while the term sediment refers to material in a water body prior to dredging.

Sedimentation: The process of transportation and deposition of particles onto the bottom of a body of water.

Sewage: The combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing, or laundry machine, or the water-carried waste from any other fixture, equipment, or machine, together with such groundwater infiltration and surface water as may be present.

Sewer: A system of pipes, usually underground, that carries wastewater and/or stormwater runoff from the source to a treatment plant or receiving body of water. Sanitary sewers carry household, industrial, and commercial waste; storm sewers carry runoff from rain and melting snow; combined sewers are used for both purposes.

Sheet Pile: A pile with a generally slender, flat cross section to be driven into the ground or seabed and meshed or interlocked with like members to form a bulkhead or seawall.

Shoal: A shallow place in a river or sea, comprised of material that is not rock, that may endanger surface navigation. Also, to become shallow gradually; to cause to become shallow; to proceed from a greater to a lesser depth.

Slack Tide: The state of a tidal current when its velocity is near zero, especially the moment when a reversing current changes direction and its velocity is zero; sometimes considered the intermediate period between ebb and flood currents.

Slip: Berthing space for a single vessel alongside a pier, finger float, or walkway.

Storm Sewer: A system of pipes, generally underground, carrying only stormwater runoff from building and land surfaces; as distinguished from a sanitary sewer.

Stormwater Runoff: The rainwater, melting snow, and associated material draining into storm drains and water bodies.

Structural Flood Protection Measures: Engineered measures such as dams, dikes, levees, seawalls, and channel alterations designed to modify the volume and location of flooding and extent of erosion and intended to help protect lives and properties from the impacts of floods and erosion.

Tidal Wetlands: Wetlands subject to the ebb and flow of the tide, defined by State statute, and subject to the regulatory authorities of the Connecticut Department of Environmental Protection in accordance with Sections 22a-28 through 22a-35 (the Tidal Wetlands Act) and Sections 22a-359 through 22a-363f (the "Structures, Dredging, and Fill" statute) of the Connecticut General Statutes.

Toxic Substances: Substances, both naturally occurring and derived from human sources, that cause adverse biological effects or health risks when their concentrations exceed a certain level in the environment. Toxic substances include heavy metals and organic chemicals such as chlorine, polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs), and pesticides.

Transient Boaters: Persons traveling to a harbor or marine facility by boat and staying for a temporary period of time.

Turbidity: A state of reduced clarity in a fluid caused by the presence of suspended matter.

Unauthorized Encroachment: Any structure (including docks, piers, floats, pilings, moorings and other structures) and any other work (including dredging and filling) extending into a Federal navigation project or into any other areas below the high tide line without necessary Town, State, and/or Federal approvals.

Underway: The condition of a vessel not at anchor and not made fast to the shore or aground.

Upland: Land lying above the ordinary high water mark.

Upland Disposal: Disposal of dredged material on upland sites where the material is contained in a manner such that it is isolated from the environment.

V-Zone: The "velocity zone" or the portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is subject to high velocity waters from wave action associated with the one-percent annual chance flood. Also called the coastal high hazard area, the V-Zone is usually determined by the area subject to wave heights of three feet or greater. (See A-Zone.)

Vessel: Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. Specifically excluded by this definition are floating homes.

Vulnerability: Characterization of the nature and extent of damage that may occur during flooding.

Wastewater: Water that carries treated or untreated wastes, including dissolved or suspended solids, from homes, businesses, and industries.

Water Column: The water located vertically over a specific location on the floor of a water body.

Water-Dependent Uses: Those uses and facilities as defined in the Connecticut Coastal Management Act that require direct access to or location in marine or tidal waters and which therefore cannot be located inland.

Water Quality Standards: Standards established by the Connecticut Department of Environmental Protection for all of the State's waters to provide clear and objective statements for existing and projected water quality and the State's general program to improve Connecticut's water resources.

Water Resources Values: Natural values including those related to natural storage and conveyance of flood water, maintenance of water quality, and recharge of groundwater.

Waters of the United States: This term, as it applies to the jurisdictional limits of the authority of the Corps of Engineers under the Federal Clean Water Act, includes all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.

Watershed: A drainage area; the region or area contributing ultimately to the water supply of a particular water course or water body. The Connecticut River watershed, for example, is the area within which precipitation drains into the Connecticut River and ultimately into Long Island Sound.

INTRODUCTION AND OVERVIEW

The Town of Old Saybrook at the mouth of the Connecticut River on Long Island Sound is one of the oldest and most historic communities in Connecticut. The River is a constant and prominent theme running through any description of the Town's social and economic history, from the first settlement to the present day. Old Saybrook is truly a maritime community with a rich sense of history and seafaring tradition.

The water and waterfront resources associated with the Connecticut River and Long Island Sound at Old Saybrook were vital to the historical use and development of the Town. Today, those same resources continue to provide irreplaceable environmental, cultural, and economic values. The Town's waterfront and marine areas are used for a variety of recreational and commercial purposes. Local and visiting pleasure craft, excursion boats, commercial barges, ferry boats, and other motorized, wind-, and hand-powered vessels all share the Connecticut River's navigable waterway. Nearshore Long Island Sound also provides important boating and other recreational opportunities for Town residents and the general public.

The nonboating public enjoys shoreline areas that provide opportunities for walking, bicycling, picnicking, fishing, quiet enjoyment of water views, special waterfront events, and environmental study. In addition, the natural environment and resources of the Connecticut River and Long Island Sound provide vital natural values that are related, for example, to fish and wildlife habitat, water quality, and other ecological functions. The scenic values are self-evident. In sum, the overall quality of life at Old Saybrook is largely dependent on the Town's coastal area setting.

The existence of the irreplaceable resource values associated with the Connecticut River and Long Island Sound at Old Saybrook highlights the importance of active involvement and long-range planning by the Town to help ensure continued public enjoyment of the Town's shoreline and marine areas, protection of environmental resources, realization of water-related economic benefits, and preservation of the Town's traditional quality of life.

THE OLD SAYBROOK HARBOR MANAGEMENT COMMISSION AND HARBOR MANAGEMENT PLAN

The need for increased Town involvement and planning with respect to the Town's shoreline and marine areas was recognized by the Old Saybrook Town Meeting when it adopted Ordinance No. 77 to create the five-member Old Saybrook Harbor Management Commission in 1997. The Commission succeeded the Old Saybrook Waterfront Commission and is authorized by Town Ordinance No. 77 to carry out all the duties and responsibilities previously conferred upon the Waterfront Commission. In addition, the Harbor Management Commission is authorized to carry

out all of the powers and duties granted to municipal harbor management commissions by the State legislature through passage of the Connecticut Harbor Management Act.¹ These powers and duties include preparing the Old Saybrook Harbor Management Plan that can be thought of as the “water-side” equivalent of the Old Saybrook Plan of Conservation and Development—the Town’s land use plan.

The Harbor Management Commission was established by the Town Meeting with authority provided by State legislation, and in this respect is no different from other Town commissions—the Planning Commission, Zoning Commission, and Conservation Commission, for example—all of which are authorized to function by State enabling legislation.

Following its establishment by the Town Meeting, the Harbor Management Commission began to prepare the Old Saybrook Harbor Management Plan for the most desirable use of the Old Saybrook Harbor Management Area (HMA) for recreational, commercial, and other purposes. The HMA encompasses the Town’s municipal harbor management jurisdiction on the Connecticut River, North and South coves, the Oyster River, nearshore Long Island Sound, and other navigable waters seaward of the mean high water line at Old Saybrook.

To prepare the Harbor Management Plan, the Commission: 1) analyzed conditions in the HMA; 2) assessed the laws, programs, and authorities pertaining to the HMA; 3) identified and evaluated problems and issues that should be addressed by the Town through the Plan; 4) prepared Town goals, objectives, and policies to guide use of the HMA; 5) prepared guidelines and recommendations for specific areas within the larger HMA; and 6) formulated recommendations and identified opportunities for implementing the Plan provisions.

The Commission prepared a “Phase I Report: Background Information for the Old Saybrook Harbor Management Plan” (June 1999); distributed this report to interested citizens, agencies and commissions; and held a special public meeting on October 25, 1999 to hear comments on the report.

In September 2000, the Commission completed the “Town of Old Saybrook Harbor Management Plan, Draft for Town Review” (Draft Plan). The Commission distributed the Draft Plan to interested citizens, agencies, and commissions and to the Connecticut Department of Environmental Protection’s Office of Long Island Sound Programs (DEP OLISP). The Commission then announced and held a January 22, 2001 public meeting to hear public comments on the Draft Plan. The Commission carefully reviewed all comments on the Draft Plan and prepared a July 2001 Plan Addendum to include appropriate modifications to the Draft Plan based on the comments received. At that time the Commission formally submitted the Draft Plan and Plan Addendum to the DEP OLISP for the purpose of having the DEP OLISP coordinate State review and approval by the Connecticut Commissioners of Environmental Protection and Transportation and review by the U.S. Army Corps of Engineers in accordance with Section 22a-113m of the Connecticut General Statutes. Following receipt of State approval in March 2003, the

¹ The Harbor Management Act was passed by the Connecticut Legislature in 1984 and is codified in Sections 22a-113k through 22a-113t of the Connecticut General Statutes.

Commission prepared a revised Plan document dated June 2003 to incorporate the Draft Plan modifications identified in the Addendum and other modifications identified as necessary during the review and approval process by the State of Connecticut and Corps of Engineers. The Commission then submitted the revised Plan document to the Old Saybrook Board of Selectmen and to the Town Meeting for adoption in accordance with Section 22a-113m of the Connecticut General Statutes and Town Ordinance No. 77.

The Town of Old Saybrook Harbor Management Plan consists of the following parts, chapters, and appendices.

- **Part I: Background Information for the Harbor Management Plan.** Part I contains three chapters. Chapter One contains background information pertinent to development of the Plan, including descriptions of the Old Saybrook Harbor Management Area and the uses, activities, and environmental conditions found in the HMA; Chapter Two summarizes the existing governmental and private authorities and responsibilities affecting the HMA; and Chapter Three describes the key issues to be addressed in the Plan.
- **Part II: The Harbor Management Plan.** Part II includes the provisions of the Old Saybrook Harbor Management Plan, presented in four chapters. Chapter Four contains the Town's goals and objectives for harbor management; Chapter Five establishes the Town's harbor management policies to guide use of the HMA and conservation of resources in the HMA; Chapter Six contains more specific guidelines and recommendations for each of three "harbor planning districts" within the larger HMA; and Chapter Seven contains Plan implementation responsibilities and recommendations. The Plan's provisions complement, and are consistent with, the Old Saybrook Plan of Conservation and Development which incorporates the Town's Municipal Coastal Program document.
- **Appendices.** The appendices include: a) a list of references used in preparing the Plan; b) a copy of the Connecticut Harbor Management Act; c) Town ordinances for waterfront and harbor management; and d) "Guidelines for the Placement of Fixed and Floating Structures in Waters of the United States Regulated by the New England District, U.S. Army Corps of Engineers."

In preparing the Plan, the Commission worked to serve the best interests of the community, not the interests of any one group. The Commission made every effort to hear from and consider the comments of all concerned parties and throughout the planning process sought input from the general public, Town officials, and governmental agencies with relevant roles and responsibilities. In addition, the Commission gave all concerned citizens and officials the opportunity to express their views at the Commission's regularly scheduled monthly meetings.

IMPLEMENTING THE HARBOR MANAGEMENT PLAN

In accordance with Section 22a-113m of the Connecticut General Statutes, the Old Saybrook Harbor Management Plan takes effect following its adoption by the Old Saybrook Town Meeting. Any Plan amendments that may be proposed in the future must be approved and adopted in the

same manner as the Plan — in other words, proposed Plan amendments must be submitted to the Corps of Engineers for review, comments, and recommendations; to the Connecticut Commissioners of Environmental Protection and Transportation for review and approval; and to the Town Meeting for adoption.

The Plan provides a policy and decision-making framework to guide the Town's future actions affecting the HMA as well as the actions of State and Federal agencies. The Harbor Management Commission will work within that framework to manage the use and conservation of harbor resources and, where necessary, improve conditions in the HMA.

Plan implementation will be achieved primarily through the actions of the Harbor Management Commission, other Town agencies, the Old Saybrook Harbor Master, and relevant State and Federal agencies.

- **Harbor Management Commission.** Among its responsibilities, the Harbor Management Commission will carry out a "Harbor Management Review" process to review certain proposals potentially affecting the Harbor Management Area to determine their consistency with the Harbor Management Plan. Following adoption of the Plan by the Town Meeting, proposed governmental and private activities affecting the HMA will be reviewed by the Commission for consistency with the goals, objectives, policies, and other provisions contained in the Plan. The Commission's review will be carried out within the existing time frames used by other Town, State, and Federal agencies in their review of applications and will therefore not add to the time required for processing development applications. The Commission will review applications to Old Saybrook agencies as well as to the Connecticut DEP OLISP and to the Corps of Engineers for consistency with the Plan. The Commission will also serve in an advisory capacity on all Town-supported planning and development initiatives that affect the HMA.

The Harbor Management Commission will be responsible for conducting an ongoing examination of the effectiveness of the Plan and will update or modify the Plan as necessary to respond to changing conditions.

- **Other Town Agencies.** Town commissions and departments with authority to review and approve proposals for activities affecting the HMA will, as part of their review and approval procedures, also refer those proposals to the Harbor Management Commission for review and comment as part of the Harbor Management Review process. In addition, Town commissions and departments proposing actions themselves that would affect the HMA will do so in a manner consistent with the Plan and refer their proposals to the Harbor Management Commission for review and comment.

The Planning Commission, Zoning Commission, Parks and Recreation Commission, Public Works Department, Water Pollution Control Authority, Police Department, Fire Department, Conservation Commission, and other Town commissions and departments with roles and responsibilities affecting the HMA will work cooperatively with the Harbor Management Commission to achieve the goals and objectives established in the Plan.

- **Old Saybrook Harbor Master.** The Old Saybrook Harbor Master is appointed by the Governor of Connecticut and is responsible for the general care and supervision of the navigable waterways within the jurisdiction of the Town. In accordance with Section 15-1 of the Connecticut General Statutes, the Harbor Master must exercise his or her duties in a manner consistent with the duly approved and adopted Harbor Management Plan. The Harbor Master will work cooperatively with the Harbor Management Commission to implement the Plan, and will carry out his or her responsibilities in accordance with the Plan.
- **State and Federal Government Agencies.** Actions by State and Federal government agencies should also be consistent with the Harbor Management Plan. Following adoption of the Plan by the Town Meeting and approval by the State of Connecticut, the Connecticut DEP OLISP and Corps of Engineers will forward public notices of the permit applications received by those agencies to the Harbor Management Commission. The Commission will comment regarding the consistency of those applications with the Plan. The DEP OLISP and Corps of Engineers will then have to incorporate the Commission's findings into their overall review and decision processes, thus providing for a strengthened Town role in decisions that heretofore have been made, for the most part, outside of the Town.

BENEFITS OF THE HARBOR MANAGEMENT PLAN

There are several broad benefits that the Town should realize through adoption and implementation of the Harbor Management Plan. First and foremost, the Town's role, relative to State and Federal authorities, for the planning, management, and regulation of in-water and waterfront activities will be strengthened.

Without a Harbor Management Commission and Harbor Management Plan, the Town's authority to address a number of important concerns in the Harbor Management Area would be very limited. All tidal waters, submerged lands, and intertidal areas are held in trust by the State of Connecticut for the benefit of the general public; just about everything that takes place below the high tide line is subject to the control and jurisdiction of the State of Connecticut and Federal government, acting primarily through the Department of Environmental Protection and Corps of Engineers, respectively.

Through its Harbor Management Commission and a Town Harbor Management Plan, Old Saybrook has the opportunity for an expanded role in the planning, management, and regulation of in-water and waterfront activities. An important aim of the Connecticut Harbor Management Act is to create this expanded role. The Plan will provide the basis for an increased Town role in the State and Federal decisions (pertaining to permits for docks, piers, and dredging, for example) that affect waterfront development, environmental resources, and the boating and other activities that take place in the HMA. Following adoption of the Plan by the Town Meeting, Town, State, Federal, and private actions affecting the HMA will have to be consistent with the Plan. This consistency requirement should be a powerful tool that the Town can use to ensure that State and Federal actions conform with Town needs and conditions. The Harbor Management Commission will evaluate this consistency.

While the Plan does not give the Harbor Management Commission regulatory power to approve or deny the proposals that it reviews, it will provide a special mechanism whereby the Commission's findings must be considered and incorporated into the relevant State and Federal permitting programs. The existence of the Plan should also help to expedite the State and Federal permitting processes for authorizing work that is on, in, or contiguous to the HMA. Without a Town-adopted Plan, there would continue to be no formal mechanism or overall context to define the Town's involvement in the State and Federal decisions that affect the HMA.

The Harbor Management Plan should also serve to increase coordination among the different Town commissions and departments that now carry out harbor management-related responsibilities. Described in Chapter Two of the Plan, a number of Town commissions and departments in addition to the Harbor Management Commission have authority or influence in the Town's water and waterfront areas. Close coordination between these Town bodies is necessary to accomplish the best management of the Town's water and waterfront resources. The Plan will provide a guiding framework (e.g., the Town's harbor management goals, objectives, and policies) within which the existing and future activities of these commissions and departments can be carried out in a coordinated and effective manner. The Plan will help ensure that awareness and understanding of harbor management concerns are incorporated into the actions of Town commissions and departments without removing any of their existing authorities.

In addition, the duties of the State of Connecticut Harbor Master for Old Saybrook will have to be carried out in accordance with the Plan. The Old Saybrook Harbor Master is appointed by the Governor of Connecticut and is subject to the direction and control of the State Department of Transportation. With a Harbor Management Plan, the duties of the current Harbor Master and any future Harbor Master will have to be carried out in accordance with the Plan. Thus, the Plan will provide local direction and control with regard to the Harbor Master's activities, and ensure continuity between the actions of current and future Harbor Masters. Also, Town adoption of the Plan ensures that future Harbor Masters must be appointed by the Governor from a list of candidates provided by the Harbor Management Commission.

COSTS OF PLAN IMPLEMENTATION

The costs of implementing the Harbor Management Plan should be minimal. The most significant aspects of the Plan will be its goals, objectives, policies, guidelines, and recommendations, many of which will be applied and implemented through already-existing programs and activities with no added cost to the Town. The Harbor Management Commission, for example, will apply the Plan's provisions to its review of applications for State and Federal permits, and then formulate recommendations that must be considered by the Department of Environmental Protection's Office of Long Island Sound Programs and the Corps of Engineers.

Some longer-term recommendations (for improving Town-owned waterfront properties and carrying out special harbor management projects, for example) could require future expenditures of Town funds, but only if the Town chooses to implement those recommendations. The Plan will not commit the Town to future expenditures, but provide a basis for implementing the recommendations should funds be available in the future.

AN ONGOING PROCESS IN THE PUBLIC INTEREST

It is important that harbor management in Old Saybrook be viewed as an ongoing process that should continue to develop in response to changing conditions and circumstances in the years ahead. As the Harbor Management Commission works to implement the Harbor Management Plan, it must be remembered that the Plan will not be able to identify every issue or concern that is likely to affect the Harbor Management Area in the future, nor will it be able to provide a definitive answer to every problem. The need for case-by-case decision-making will remain, but the Plan will provide a framework to guide this decision-making. The framework must be flexible because it will require modification over time as conditions change and responses to sometimes complicated harbor management issues continue to evolve.

Some of the Plan's provisions can be implemented immediately following its adoption by the Town Meeting; other provisions will require a longer time to implement. As the Town's harbor management efforts continue to develop in the years ahead, additional management provisions may be formulated to respond to changing circumstances. To accommodate this additional work, and to ensure that the Plan responds to changing conditions, the Plan will be amended as needed.

As implementation of the Harbor Management Plan proceeds, the Harbor Management Commission will provide a continuing forum to hear the concerns, questions, and thoughts of Town residents, waterfront property owners, water-dependent facility operators, and others concerning the waterfront, HMA, and Harbor Management Plan.

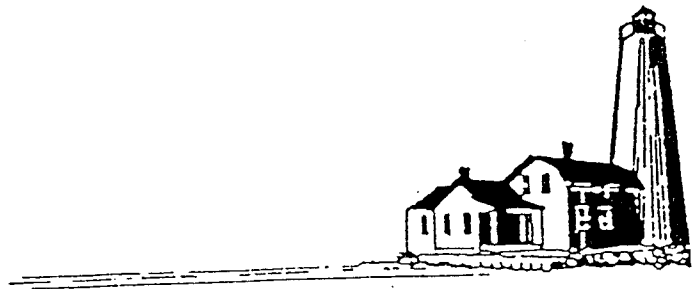
NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in the Harbor Management Plan should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

PART I:

**BACKGROUND INFORMATION FOR
THE OLD SAYBROOK
HARBOR MANAGEMENT PLAN**

- **CHAPTER ONE: THE OLD SAYBROOK HARBOR MANAGEMENT AREA**
- **CHAPTER TWO: CURRENT ROLES AND AUTHORITIES
FOR HARBOR MANAGEMENT AT OLD SAYBROOK**
- **CHAPTER THREE: HARBOR MANAGEMENT ISSUES
AND CONSIDERATIONS**



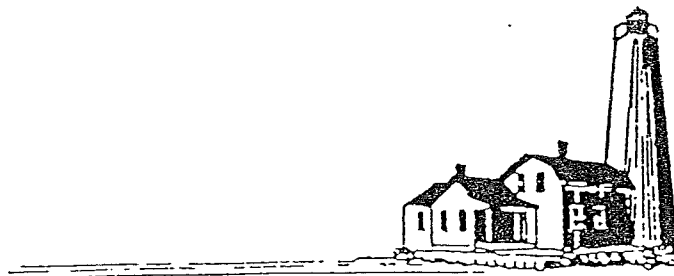
**TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN**

June 2003

CHAPTER ONE: THE OLD SAYBROOK HARBOR MANAGEMENT AREA

Old Saybrook dates back to 1635 when a company of English puritans... erected a fort to guard the river entrance... which in turn was guarded by a sandy shoal bar that called for precise piloting to enter. The residents bless this shoal for it was a natural barrier against over industrialization and helped preserve the integrity of the environment with all of its natural beauty. When a deep channel was dredged and breakwaters erected, ships no longer had to off-load at Saybrook Point. Thus, the channel up river was opened for expansion of trade, commercial fishing, and shipbuilding—traditional occupations that have carried on over the years.

Town of Old Saybrook Annual Report 2001



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

THE OLD SAYBROOK HARBOR MANAGEMENT AREA

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NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in this chapter should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

THE OLD SAYBROOK HARBOR MANAGEMENT AREA

This chapter describes conditions in and near the Old Saybrook Harbor Management Area (HMA) which encompasses the Town's harbor management jurisdiction on the Connecticut River, North and South coves, the Oyster River, nearshore Long Island Sound, and other navigable waters seaward of the mean high water line at Old Saybrook. Included are descriptions of: 1) Old Saybrook's coastal area setting and the boundaries of the HMA; 2) historical use and development of the waterfront and HMA; 3) conditions affecting navigation; 4) environmental conditions and coastal resources; 5) water-dependent uses and facilities; and 6) waterfront land use and development conditions.

The information presented in this chapter is based on material included in previously completed reports and studies, discussions with knowledgeable individuals during work to prepare the Harbor Management Plan, an aerial reconnaissance of the HMA, and information provided by the owners/operators of water-dependent facilities at Old Saybrook in response to a 1998 boating facility survey conducted by the Harbor Management Commission. Sources of information are listed in Appendix A.

Conditions in the HMA and along the waterfront, including conditions pertaining to water-dependent uses and waterfront use and development, are subject to change. As the Town proceeds with implementation of the Harbor Management Plan, it will be necessary to continue to examine waterfront and HMA conditions and consider any changes that may arise.

COASTAL AREA SETTING AND HARBOR MANAGEMENT AREA BOUNDARIES

The Town of Old Saybrook at the mouth of the Connecticut River (see Figure 1-1) is one of the oldest and most historic communities in Connecticut. The Saybrook settlement, the fourth oldest in Connecticut, was established in 1635 to encompass a large area of land centered around the mouth of the Connecticut River. Included was land that is now within the boundaries of the towns of Old Saybrook, Westbrook, Essex, Deep River, Chester, and Old Lyme. The Town of Old Saybrook within its present boundaries was incorporated in 1854.

Today, Old Saybrook is often described as the "place where the Connecticut River meets Long Island Sound." The River was a vital resource for the Native Americans who lived along its banks and the European settlers who followed. Old Saybrook developed as an important center for coastal trade and for the transfer of goods and materials between river vessels and ocean ships. The River is a constant and prominent theme running through any description of the Town's social and economic history, from the first settlement to the present day. (See the following section on Historical Use and Development). The Town is truly a maritime community with a rich sense of history and seafaring tradition.

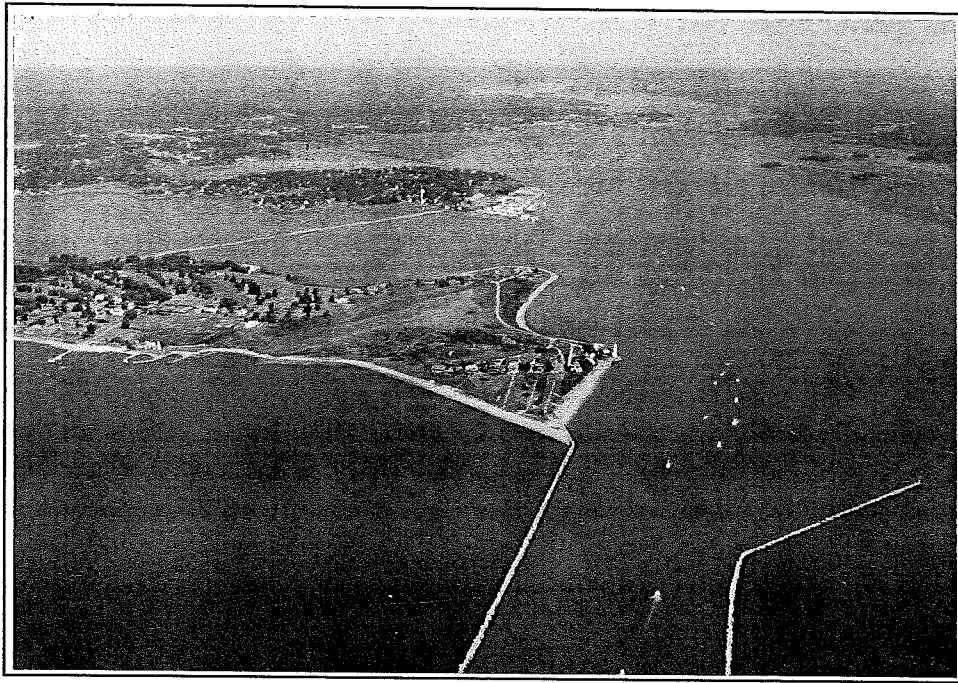


Figure 1-1: Mouth of the Connecticut River and Lynde Point at Old Saybrook.

In 2000 Old Saybrook's population was 10,369; its land area covers about 15 square miles. The Town is within Middlesex County, 45 miles downriver from Hartford and about 100 miles along the Long Island Sound shoreline from New York City. Old Saybrook is bounded on the west by the Town of Westbrook; on the north by the Town of Essex; on the east by the Connecticut River and Town of Old Lyme; and on the south by Long Island Sound. (See Figures 1-2 and 1-3).

The Old Saybrook Harbor Management Area delineates the jurisdiction of the Town's Harbor Management Commission and the area of focus of the Town's Harbor Management Plan. Section 3 of Town Ordinance No. 77 establishes the jurisdiction of the Commission as the "waters within the territorial boundaries of the Town of Old Saybrook below mean high water, with the exception of the waters within the jurisdiction of the Fenwick Harbor Management Commission.¹" The HMA encompasses Old Saybrook's municipal jurisdiction on the Connecticut River, North and South coves, the Oyster River, nearshore Long Island Sound, and other navigable waters seaward of the mean high water line. (See Figure 1-4.)

¹ The Borough of Fenwick is a political subdivision of the Town of Old Saybrook. The area of the Borough within the jurisdiction of the Fenwick Harbor Management Commission includes all waters within the territorial boundaries of the Borough below mean high water. This area of jurisdiction as claimed by the Borough is described as bounded by "a line running northerly and perpendicular to the shore from the northwest corner of the Borough to the centerline of South Cove, thence easterly along the centerline of South Cove to the west side of the Connecticut River channel, thence southerly along the channel to the south end of the breakwaters, thence westerly maintaining the same distance from the shore to a point of intersection with a line perpendicular to the shore from the southwest corner of the Borough, and thence to the southwest corner of the Borough."

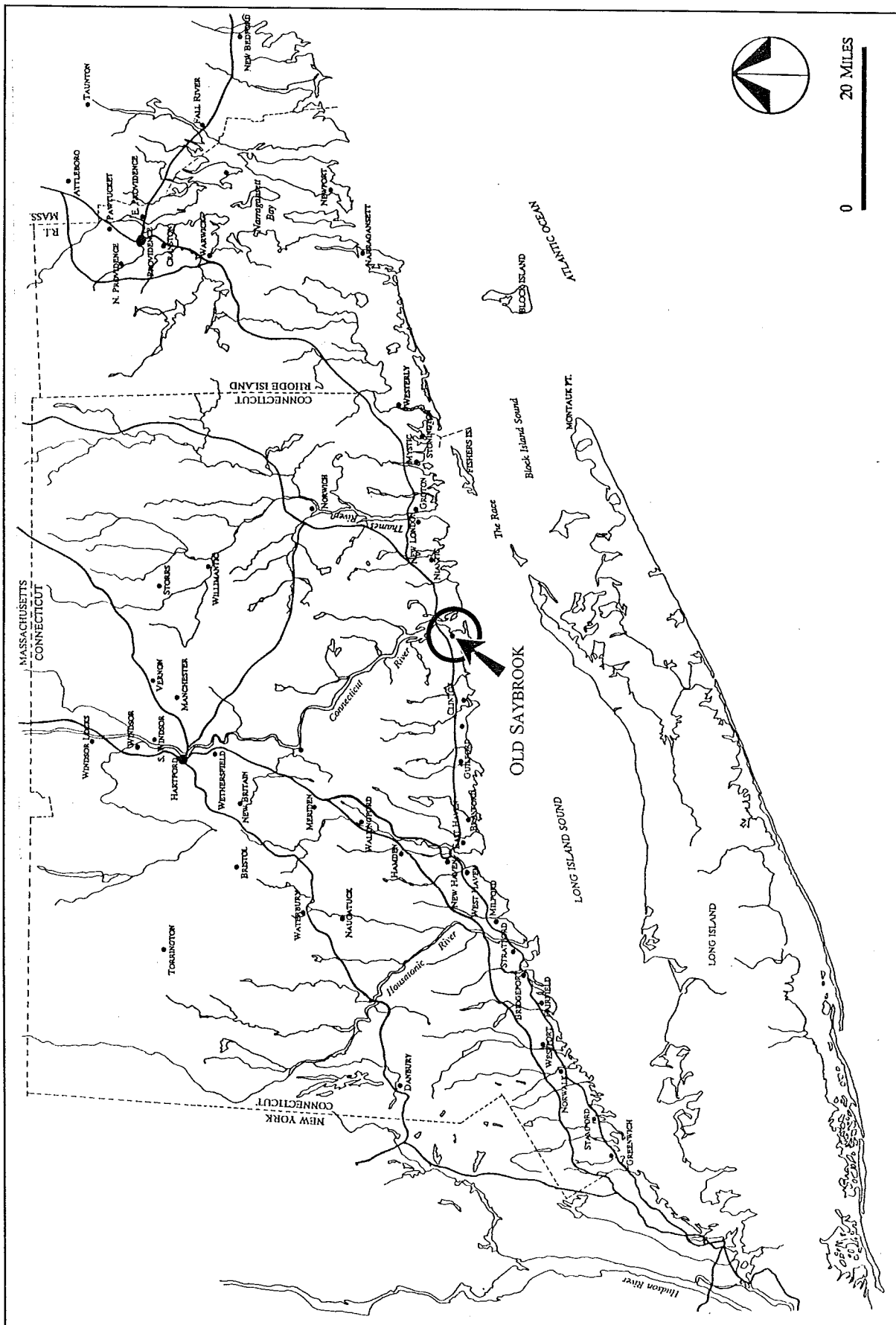


Figure 1-2: Town of Old Saybrook at the Mouth of the Connecticut River on Long Island Sound.

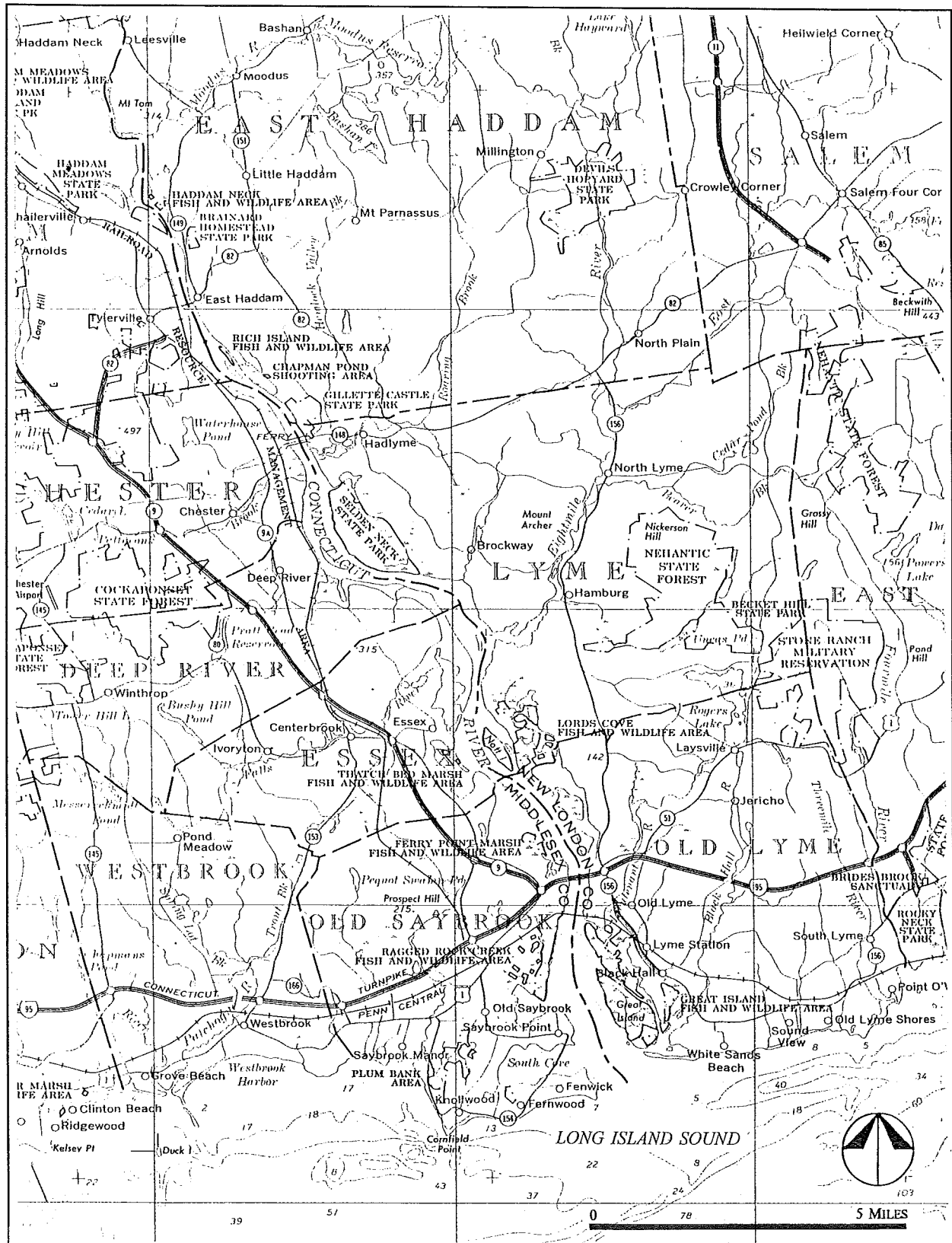
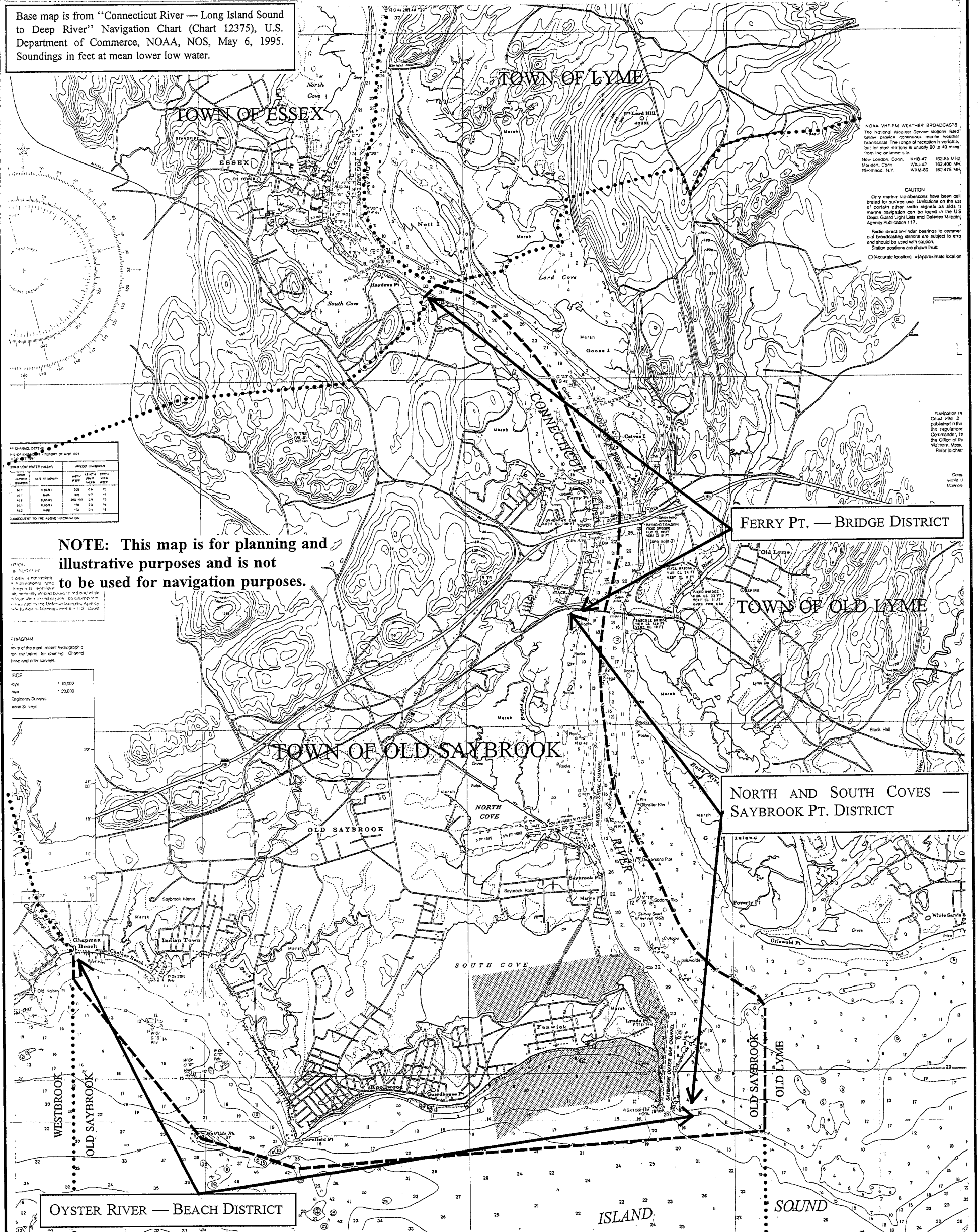


Figure 1-3: Town of Old Saybrook and Lower Connecticut River Valley Towns. (Source: Map of State of Connecticut by U.S. Department of Interior, Geological Survey, revised 1974.)

Base map is from "Connecticut River — Long Island Sound to Deep River" Navigation Chart (Chart 12375), U.S. Department of Commerce, NOAA, NOS, May 6, 1995. Soundings in feet at mean lower low water.



NOAA VHF-FM WEATHER BROADCASTS
The National Weather Service stations listed below provide continuous marine weather broadcasts. The range of reception is variable, but for most stations is usually 20 to 40 miles from the antenna site.
New London, Conn. KWB-47 162.55 MHz
Morton, Conn. WXC-42 162.400 MHz
Riverhead, N.Y. WXM-92 162.475 MHz

CAUTION
Only marine radioisotopes have been calibrated for surface use. Limitations on the use of certain other radio signals as aids to marine navigation can be found in the U.S. Coast Guard Light List and Defense Mapping Agency Publication 117.
Radio direction-finder bearings to commercial broadcasting stations are subject to error and should be used with caution.
Station positions are shown thus:
○ (Accurate location) ◐ (Approximate location)

Navigation in Coast Pilot 2 published in the Regulations Commandant, is the Office of the Writings Mess, Refer to chart.

Cont. with # 12376

CHANGING DEPTHS
BY REPORT OF MAY 1991
BY REPORT OF MAY 1991

DEPTH	DATE OF SURVEY	DEPTH	DATE OF SURVEY
14.1	6/15/81	100	6/15/81
14.2	6/15/81	100	6/15/81
14.3	6/15/81	100	6/15/81
14.4	6/15/81	100	6/15/81
14.5	6/15/81	100	6/15/81

INDEPENDENT TO THE ABOVE INFORMATION

NOTE: This map is for planning and illustrative purposes and is not to be used for navigation purposes.

NOTES:
1. This map is for planning and illustrative purposes and is not to be used for navigation purposes.
2. Soundings are in feet at mean lower low water.
3. Bearings are true unless otherwise indicated.
4. Bearings are given in degrees, minutes and seconds.
5. Bearings are given in degrees, minutes and seconds.
6. Bearings are given in degrees, minutes and seconds.
7. Bearings are given in degrees, minutes and seconds.
8. Bearings are given in degrees, minutes and seconds.
9. Bearings are given in degrees, minutes and seconds.
10. Bearings are given in degrees, minutes and seconds.

SCALE
1:10,000
1:20,000
Engineers Survey
about 50 miles

**Figure 1-4:
OLD SAYBROOK
HARBOR MANAGEMENT AREA
AND HARBOR PLANNING DISTRICTS**

LEGEND:

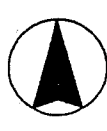
- Outer boundary of Harbor Management Area in the Connecticut River and Long Island Sound
- Town boundaries/jurisdictional lines outside of Harbor Management Area
- Harbor management jurisdiction claimed by the Borough of Fenwick

OLD SAYBROOK HARBOR MANAGEMENT PLAN

OLD SAYBROOK HARBOR MANAGEMENT COMMISSION
Old Saybrook, Connecticut

Consultant to the Harbor Management Commission:
GEOFFREY STEADMAN
Westport, CT

2003



0 1 NAUTICAL MILE

While the Town's overall territorial limits extend to the Connecticut/New York boundary in the center of Long Island Sound, the HMA delineates a more specific area of "active" harbor management jurisdiction in nearshore Long Island Sound. This area is bounded by an imaginary line extending due south for 1,000 feet from the Old Saybrook/Westbrook boundary at the mouth of Cold Spring Brook, then in a generally southeasterly direction to the center of Halftide Rock, then in a generally east-southeasterly direction to a point 1,000 feet due south of Cornfield Point, and then in a generally easterly direction following a straight line through a point 1,000 feet due south of the Saybrook Breakwater Light to the Old Saybrook/Old Lyme boundary in Long Island Sound. (See Figure 1-4.)

In the Connecticut River, Old Saybrook's municipal jurisdiction extends to the center line of the River; that line also marks the western boundary of the jurisdiction of the Town of Old Lyme. Upstream of the HMA, the towns of Essex and Lyme share jurisdiction on the Connecticut River.

The water and waterfront resources now associated with the HMA were vital to the historical use and development of the Town of Old Saybrook. Today, the same resources continue to provide irreplaceable economic, cultural, and environmental values. The Old Saybrook waterfront and HMA are used for a variety of recreational and commercial purposes. Visiting and resident boaters, excursion boats, commercial barges, ferry boats, and other vessels all share the Connecticut River's navigable waterway; nearshore Long Island Sound also provides important boating and other recreational opportunities for Town residents and the general public.

The nonboating public enjoys the HMA at waterfront areas that provide opportunities for walking, bicycling, picnicking, fishing, quiet enjoyment of water views, special waterfront events, and environmental study. In addition, the natural environment and resources of the Connecticut River and Long Island Sound provide vital natural values that are related, for example, to fish and wildlife habitat, water quality, and other ecological functions. The scenic values are self-evident. In sum, the overall quality of life at Old Saybrook is largely dependent on the Town's coastal area setting at the mouth of the Connecticut River on Long Island Sound.

The River and nearshore Long Island Sound provide two different coastal environments; each is distinct in terms of natural coastal resources and waterfront land uses as summarized below.

The Connecticut River is the largest river system in New England and one of the Nation's great waterways. It flows 410 miles from its headwaters near the Canadian border to Long Island Sound and provides nearly 70 percent of the Sound's freshwater input. The River's watershed encompasses an area of over 11,000 square miles included in four states; the entire watershed has been designated as the Silvio O. Conte National Fish and Wildlife Refuge for the purpose of ecosystem conservation. The River's lower 36 miles, from Cromwell to Long Island Sound and including a major portion of the Old Saybrook HMA, comprise an area recognized as containing "Wetlands of International Importance" and designated as one of the "40 Last Great Places" in the Hemisphere. (See the later section on Environmental Conditions and Resources.)

Old Saybrook's Connecticut River shoreline (not including the shorelines of North and South coves) extends for almost six miles from Deitch Pond Creek at the Old Saybrook/Essex boundary to Lynde Point at the west jetty of the Saybrook Outer Bar Channel. Prominent features of the Connecticut River portion of the HMA include: Ferry Point and the commercial marine facilities around the Point; the Baldwin Bridge carrying I-95 over the Connecticut River; the State-operated Baldwin Bridge boat launching area and fishing pier; the Connecticut River Railroad Bridge (known locally as the Old Lyme drawbridge); the commercial marine facilities between the I-95 and railroad bridges; Ragged Rock Creek and the extensive tidal wetlands adjoining the Creek; North Cove; Saybrook Point and the commercial marine facilities on the Point; South Cove; and Lynde Point. (See figures 1-5 and 1-6.)

Also, this portion of the HMA includes the Congressionally authorized Connecticut River Federal Navigation Project consisting of the designated channel extending from the mouth of the River at Long Island Sound upstream toward Hartford, as well as an entrance channel and two anchorage basins in North Cove, and two stone jetties at the mouth of the River. (See the later section on Conditions Affecting Navigation.)

Old Saybrook's Long Island Sound shoreline extends for a little over five miles from Cold Spring Brook at the Old Saybrook/Westbrook boundary to Lynde Point at the west jetty of the Saybrook Outer Bar Channel. The shoreline here is characterized by shorefront residential communities, private boating facilities, Town and private beach areas, and several important tributary and tidal wetland areas.

Prominent features of the nearshore Long Island Sound portion of the HMA include: Chalker Beach; the Indiantown Harbor area at the mouth of Mud Creek; the Oyster and Back rivers and the extensive tidal wetlands associated with those rivers; Great Hammock and Plum Bank beaches; Plum Bank Creek and the tidal wetlands associated with the Creek; Cornfield Point; several private piers maintained by waterfront neighborhood associations; and the Long Island Sound shoreline of the Borough of Fenwick, a political subdivision of the Town. (See figures 1-7 and 1-8.)

Within the overall boundaries of the Old Saybrook Harbor Management Area, three harbor planning districts have been identified by the Harbor Management Commission based on natural features, current and potential uses, and harbor management concerns. These are the Ferry Point - Bridge District and the North and South Coves - Saybrook Point District on, in, and contiguous to the Connecticut River, and the Oyster River - Beach District on, in, and contiguous to nearshore Long Island Sound. (See Figure 1-4.)

Before describing prominent features and conditions on the waterfront and in the HMA in more detail, some of the Town's maritime heritage is recounted in the following section of this chapter.

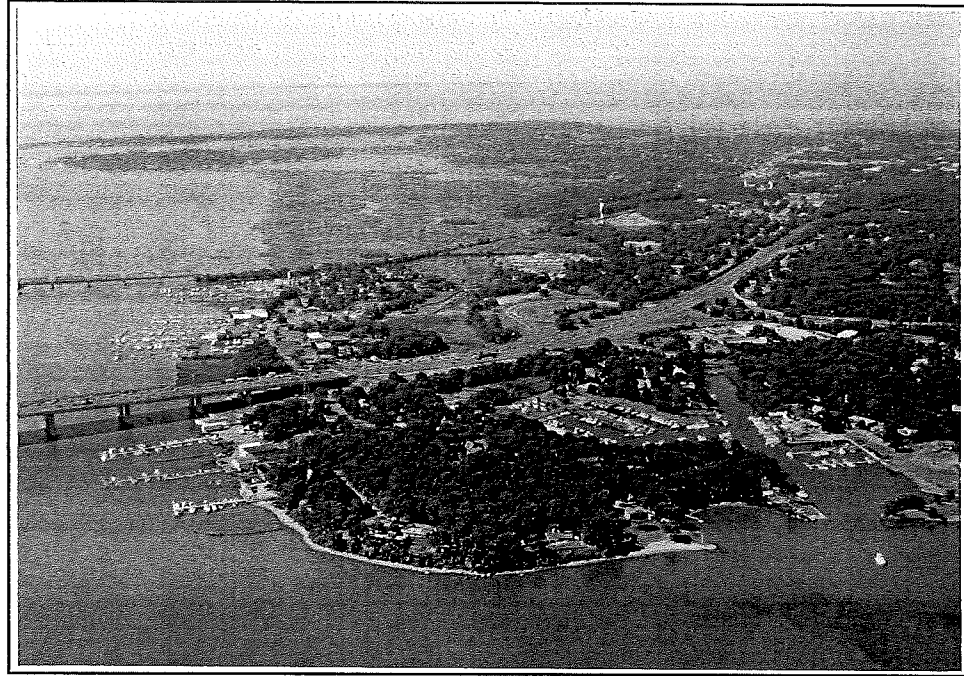


Figure 1-5: Ferry Point looking south.



Figure 1-6: Saybrook Point on the Connecticut River looking west; South Cove to left and North Cove to right.

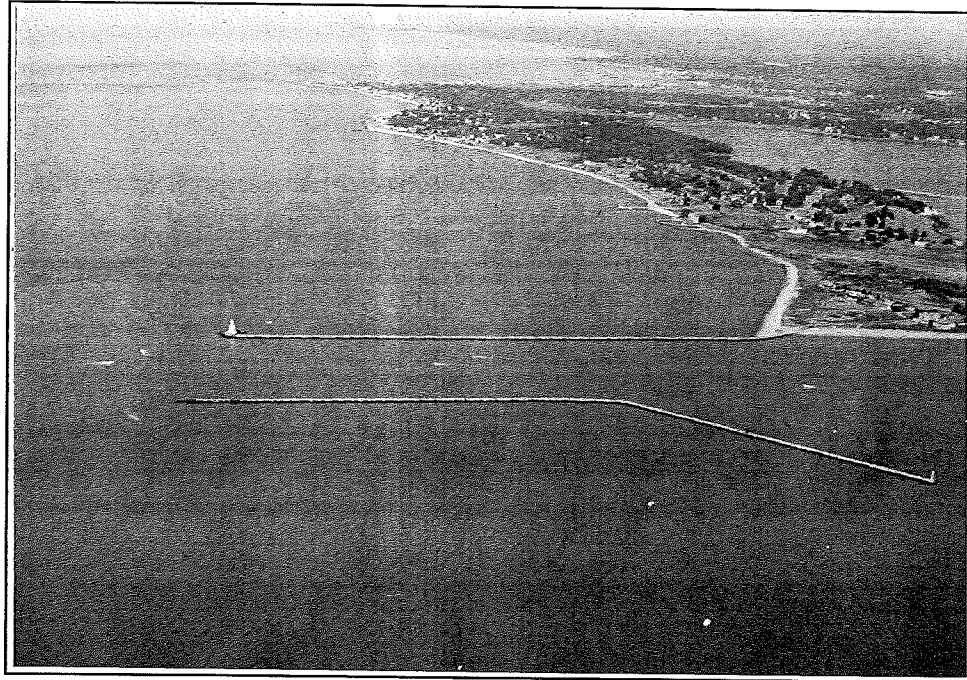


Figure 1-7: Saybrook jetties at the mouth of the Connecticut River; nearshore Long Island Sound looking west along the Old Saybrook shoreline, including Borough of Fenwick shoreline, toward Cornfield Point.

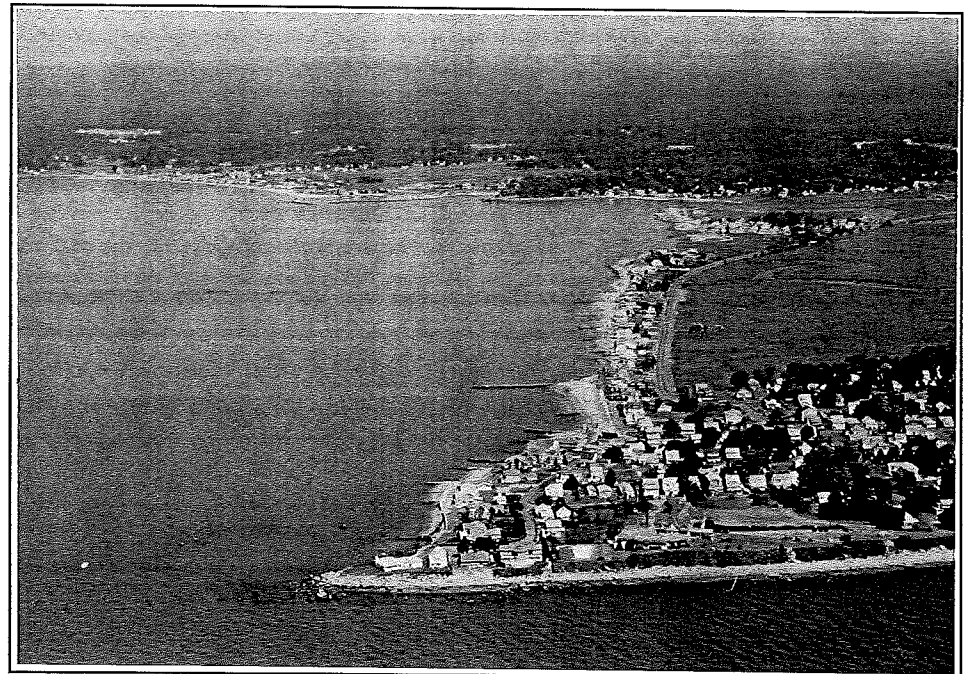


Figure 1-8: Cornfield Point looking toward the Indiantown Harbor and Oyster River areas.

HISTORICAL USE AND DEVELOPMENT

Much of the history of Old Saybrook must be told with respect to the Town's location at the mouth of the Connecticut River on Long Island Sound. Early in the 17th century, the Connecticut River became a primary corridor for exploration and settlement of New England and in effect became one of America's first large river highways. The first European to sail up the Connecticut River was the Dutch explorer Adriaen Block who had sailed from Manhattan on the ship *Onrust* in 1614 and was able to navigate as far upriver as the Enfield rapids. In 1623 a Dutch party was sent to take possession of the lands at the mouth of the River in the area that is now Old Saybrook. They were not welcomed by the Native Americans, however, and did not stay. Ten years later Dutch soldiers landed at the point of land they named Kievet's Hook (now Saybrook Point) and affixed their coat of arms to a tree there.

In response to the Dutch presence, the English Earl of Warwick made a large grant of land (the Warwick Patent) at the mouth of the River to 15 English noblemen of Puritan descent, including First Viscount Say and Sele and Baron Brooke. These two never visited the area but their titles were used to name the "Saye-Brooke" colony which began with the first English settlement at Saybrook Point in 1635. This was the fourth English settlement in Connecticut behind the upstream River communities of Windsor, Wethersfield, and Hartford. John Winthrop, Jr. was the first governor of the Saybrook colony but the principal leaders were Lion Gardiner and Colonel George Fenwick. Gardiner (who later repaired to the island that now bears his name) built Fort Saybrook on Saybrook Point in 1636 to command the entrance to the River. Today, the Town's Fort Saybrook Monument Park memorializes the historic significance of this location. Fort Saybrook was the first English fort in Connecticut and was barely completed when a Dutch ship sailed into the River. The Dutch retreated, however, deciding not to challenge the English claim. Colonel Fenwick, after whom the present Borough of Fenwick within the Town of Old Saybrook is named, was in charge of the fort and trading post until the Saybrook colony agreed to become part of the larger Connecticut colony in 1644.

The original intent of the recipients of the Warwick patent was to establish at Saybrook a place of refuge for aristocratic men of "distinction and qualitie" (apparently themselves). They were to have built large estates and lived comfortably, but none, except for Colonel Fenwick, ever came to the colony. Colonial life was harsh and Saybrook did not become the elegant retreat first envisioned. Instead, the Town developed in a more conventional manner, as an important maritime center.

Organized ferry service across the Connecticut River between Saybrook and Lyme began in 1662. The early ferries were powered by sails, oars, and tow ropes; steam ferries arrived in the second half of the 19th century. John Whittlesey and his brother-in-law William Dudley operated the first ferry, and service was provided by this family for several generations. The first ferry landing on the Old Saybrook side of the River was just north of the present railroad bridge along what is still called Ferry Road. The Town later built another landing at Ferry Point, above the present highway bridge, for steam ferries. Other ferries docked at Saybrook Point.

In 1701 the Collegiate School, later Yale University, opened in Saybrook; the school was moved to New Haven in 1716 over the strong protests of Town residents who locked up the books and took planking off bridges in an attempt to stop the movers. During this time Saybrook was also the ecclesiastical center for the entire colony. In 1704 the General Assembly of the Connecticut colony incorporated the Town of Saybrook which included the land now within the boundaries of the six towns of Old Saybrook, Westbrook, Essex, Deep River, Chester, and Old Lyme. It was not until 1854 that the Town of Old Saybrook, corresponding to its present boundaries, was separated from the larger town and incorporated.

Shipbuilding was a major industry at Saybrook in the 1700's and 1800's; it is estimated that over 1,000 vessels were built. Some of these ships carried livestock, including horses used to power treadmills in the West Indies, and were called "horse jockeys." These were slow, sturdy, and seaworthy vessels ranging from 50 to 200 tons. It took two to four weeks to sail to the West Indies and on their return voyages the ships carried sugar, molasses, and rum.

A number of notable vessels were built at Old Saybrook, including sloops with square topsails and larger ships such as two-masted schooners (often fitted with square topsails), brigs, brigantines, and three-masted schooners. In 1809 the shipyard owned by John, Asa, and Bushnell Kirtland built a 110-ton pilot schooner with a big square fore topsail designed to run through the British embargo into French ports. This vessel was built at Ragged Rock Creek Landing, near the ferry dock, and reportedly was so "sharp" that she heeled over upon launching and had to be ballasted upright. Having set the speed record between the Connecticut River and New York, the schooner sailed for France with a cargo of coffee but was captured. The Kirtlands also built the schooner *Syren* in 1812 on the South Cove of Saybrook Point and a 196-ton brig in 1815. Their last ship was the three-masted schooner *Mary E. Kellinger* also built on the south side of Saybrook Point.

Saybrook became a bustling seaport with warehouses, chandleries, sailmakers, carpenters, and stores. While the constantly shifting shoals and sandbars at the relatively shallow mouth of the Connecticut River prevented establishment of a deep-water port, the Town became an important center for coastal trade and the transfer of goods and materials between river vessels and ocean ships. North Cove was then known as Saybrook Harbor and North Cove Road was called Water Street. Insurance and banking establishments were started by Saybrook men involved in the sugar, molasses, and rum trades.

As Saybrook developed in the 1800's, the development of railroads and steamboats had significant effects on maritime businesses and Town character. When the New Haven and New London Railroad began operation in 1852 there was no railroad bridge across the Connecticut River. The ferry *Samppishue* carried railroad cars across the River until 1870 when the first railroad bridge was built. That bridge accelerated the decline of commercial sailing vessels on the River.

In 1871 the Connecticut Valley Railroad connected Hartford and Old Saybrook; track was soon extended to Saybrook Point and Fenwick. A railroad station and a roundhouse with a locomotive turntable were constructed on the Point. Commerce here consisted largely of the transshipment

of freight between steamboats and trains, particularly in the winter when the River was blocked by ice. Coal docks were constructed on the northeast side of Saybrook Point to receive coal barges from the Norfolk, Virginia area. The coal was used to power the steamboats and provide fuel for local industry, locomotives, and domestic use.

The railroad substantially changed the character of Saybrook Point and the adjoining waterfront. The mound on which Fort Saybrook had been built was used for fill to construct a causeway and low railroad bridge across the mouth of North Cove, the easterly portion of which had accommodated relatively deep draft vessels. A railroad bridge was also extended across the mouth of South Cove, from Saybrook Point to Fenwick. The railroad to Saybrook Point was abandoned in 1923 and the bridge across North Cove removed, but by then siltation had transformed the Cove into essentially a mud flat at low tide.

Regular steamboat service on the Connecticut River to connect Hartford with New York and places in between began in 1822 and lasted until 1931. Steamboats operating from Saybrook Point provided an important link between the River towns and the large metropolitan areas of New York and Boston. Ferries such as the *Lady Fenwick* and the *Colonial* also continued to carry passengers across the Connecticut River at Old Saybrook. The last such ferry service ended in 1911 when the Connecticut Highway Bridge over the River was opened. This bridge was replaced by the Baldwin Bridge in 1948, which in turn was replaced by the second Baldwin Bridge in 1993. The old ferry dock at the foot of Ferry Road is now a Town dock, still known as the Ferry Dock, but now providing berthing space for commercial fishing boats and other vessels.

To facilitate waterborne commerce, the Federal government authorized and constructed important navigation improvement projects in the Connecticut River and at Old Saybrook in the 1800's. A lighthouse to mark the entrance to the River was built on Lynde Point in 1803. The original structure was of wood and 35 feet high; it was replaced by the existing structure in 1838. Illumination was first provided by whale oil and then kerosene.

The two jetties intended to maintain the entrance channel at the mouth of the River were authorized by the 1872 Federal Rivers and Harbors Act. The 1881 Rivers and Harbors Act authorized construction and maintenance of the Connecticut River Federal navigation channel from Long Island Sound to Hartford. (See the following section on Conditions Affecting Navigation). In 1886 the Saybrook Breakwater Light was constructed on the west jetty complete with a complex fresnel lens on a rotary beacon that was visible for 14 miles.

Later, other navigation improvements were accomplished to support recreational boating at Old Saybrook. During the late 1930's local interests proposed dredging of North Cove to provide a harbor of refuge for small craft. The 1945 Rivers and Harbors Act authorized an 11-foot entrance channel from the Connecticut River to two anchorages, six and 11 feet deep, in the Cove. However, no funding was appropriated. In 1961 the Old Saybrook Advisory Waterfront Commission was formed and worked to secure funding for this project. Dredging of North Cove finally took place in the fall of 1965 and was funded primarily by the Federal government with some contribution from the State of Connecticut. The Town's contribution was to provide access

to the project in the form of the Town Dock at North Cove and a dinghy storage area. The dredging created a deep draft anchorage for about 150 boats and safe mooring for visiting vessels. Maintenance dredging to remove the ongoing sedimentation that accumulates in the Cove was performed by the U.S. Army Corps of Engineers in 1975, 1983, and again in 1991/92.

No discussion of Old Saybrook's maritime history would be complete without mentioning commercial and recreational fishing. Connecticut River shad, salmon, whitefish, and other species have been netted in Town waters since colonial times. Fishing piers of stone and wood were built on both sides of the channel and windlasses were mounted on these piers to haul heavily laden seines. The remnants of these piers (some are shown on navigation charts as Sodom Rocks, Dickersons Pier, and Gibraltar Rocks) provide a present day hazard for unwary boaters who stray from the channel.

The River's mouth is relatively shallow. The constantly shifting shoals and sandbars hindered colonial navigation and prevented establishment of a deep-water port. Even today, the Connecticut River is one of the few American rivers of its size without a major city at its mouth. Thanks to the sandbars, the River's estuary has remained unspoiled and without industrial development.

The preceding is just a brief review of some of the elements of Old Saybrook's maritime history. When looking to the future, one can not help but to recall and recognize the historical importance of the Town's water and waterfront resources. These resources were vital to the development of Old Saybrook and will be just as significant with regard to the Town's future.

CONDITIONS AFFECTING NAVIGATION

Opportunities for navigation afforded by the Connecticut River and Long Island Sound were essential for Old Saybrook's development. Those opportunities are still vital for recreational and commercial purposes; they help to maintain the Town's maritime character and contribute importantly to Old Saybrook's quality of life.

Old Saybrook is served by the Connecticut River Federal Navigation Project which includes a Congressionally authorized channel that extends from the mouth of the River at Long Island Sound upstream for approximately 52 miles to Hartford. The Navigation Project also includes the entrance channel and two anchorage basins in North Cove, and the two riprap jetties at the mouth of the River. (See Figure 1-9.) The Connecticut River channel generally follows the River's natural channel and was originally authorized by the Federal Rivers and Harbors Act of 1881 to support waterborne commerce. Authorized channel dimensions are 15 feet deep and 300 feet wide from the mouth of the River to the railroad bridge, and then generally 15 feet deep and 150 feet wide to Hartford. Natural channel dimensions, however, are greater in some locations.

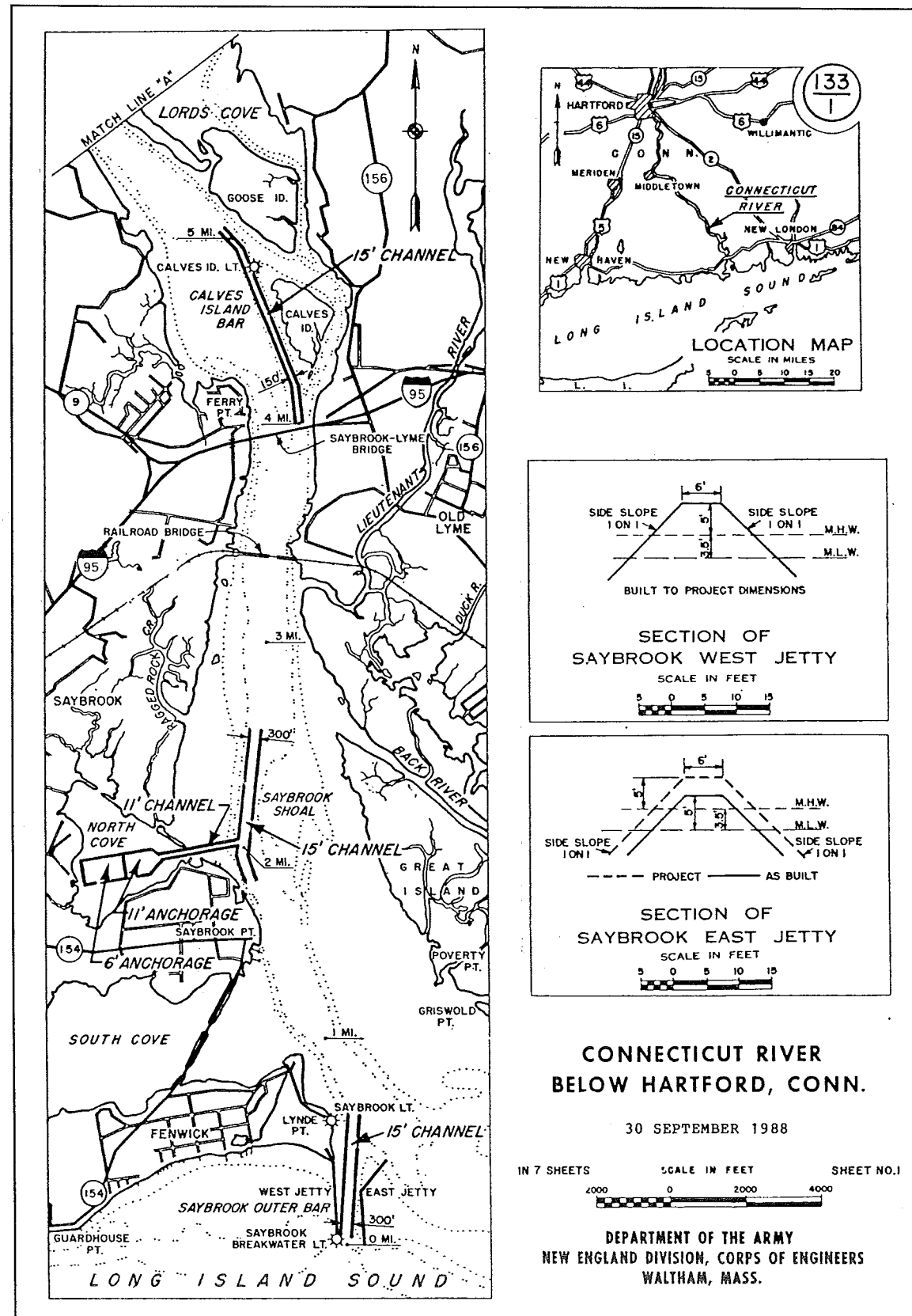


Figure 1-9: Connecticut River Federal Navigation Project at Old Saybrook. (Source: Corps of Engineers, "Navigation and Beach Erosion Control Projects, Volume 3 - Rhode Island and Connecticut," Sept. 30, 1988.)

The entrance channel and two anchorage basins at North Cove (Figure 1-10) were authorized by the Federal Rivers and Harbors Act of 1945. The entrance channel, with an authorized depth of 11 feet and width of 100 feet, extends for 1,900 feet from the 15-foot channel in the Connecticut River to the two anchorage areas. The two anchorages cover an area of about 19 acres. Authorized depth of the east anchorage is 11 feet; authorized depth of the west anchorage is six feet. North Cove is a naturally protected body of water providing safe haven for vessels in time of storm. The Cove, including the two Federal anchorages, is used as a harbor of refuge by boaters navigating the Connecticut River and Long Island Sound and is generally recognized as the only harbor of refuge between New London and New Haven on the Sound.

The two jetties at the mouth of the River (Figure 1-11) were authorized by the Federal Rivers and Harbors Act of 1872. The west jetty is 2,750 feet long and the east jetty is 2,300 feet long.

The New England District of the U.S. Army Corps of Engineers (see Chapter Two) is responsible for maintenance of the Connecticut River Federal Navigation Project. The Corps has conducted dredging operations to maintain the authorized dimensions in the North Cove entrance channel and anchorages, and in the several designated "bar channels" in the Connecticut River where the natural depth of the River is not sufficient to support waterborne transportation. In and near the Old Saybrook Harbor Management Area, the bar channels include the Saybrook Outer Bar channel between the two jetties, the Saybrook Shoal channel opposite North Cove, and the Calves Island Bar channel upstream of the Baldwin Bridge. (See Figure 1-21 later in this Chapter.)

Connecticut River navigation charts and Corps of Engineers' surveys of the Connecticut River channel show designated channel boundaries only in the areas of the bar channels. In other areas, where the River's natural channel is greater than 15 feet deep and either 300 feet wide (downstream of the railroad bridge) or 150 feet wide (upstream of the railroad bridge), designated channel boundaries are not shown on the charts and surveys. Nevertheless, the Corps requires that no dock, pier, or other structure may be placed in the River, in any location, so as to interfere in any way with the normally used navigation channel. (See Chapter Two.)

The Corps' last maintenance dredging operation in North Cove was conducted in 1991/92; the most recent dredging operation in the Connecticut River channel was conducted by the Corps in 2002 in the "Pistol Point Bar" upstream of Middletown. Prior to those dredging operations, the Corps dredged in the River channel and Cove in the early 1980's; before that time, Connecticut River dredging projects were conducted on a more frequent basis. Historically, dredged material was disposed of in a number of ways. Sandy material from upstream bar channels, for example, was deposited on nearby wetland islands such as Nott Island and Calves Island. This disposal practice is no longer permitted and dredged material may now be placed in designated locations in the River and Long Island Sound.

The frequency of maintenance dredging operations is described as highly variable, and controlled, in large part, by the volume and velocity of water discharged during the River's spring freshets. Both the Corps of Engineers and the Connecticut River Pilot's Association report no pressing need for dredging of the Connecticut River channel at Old Saybrook at the present time.

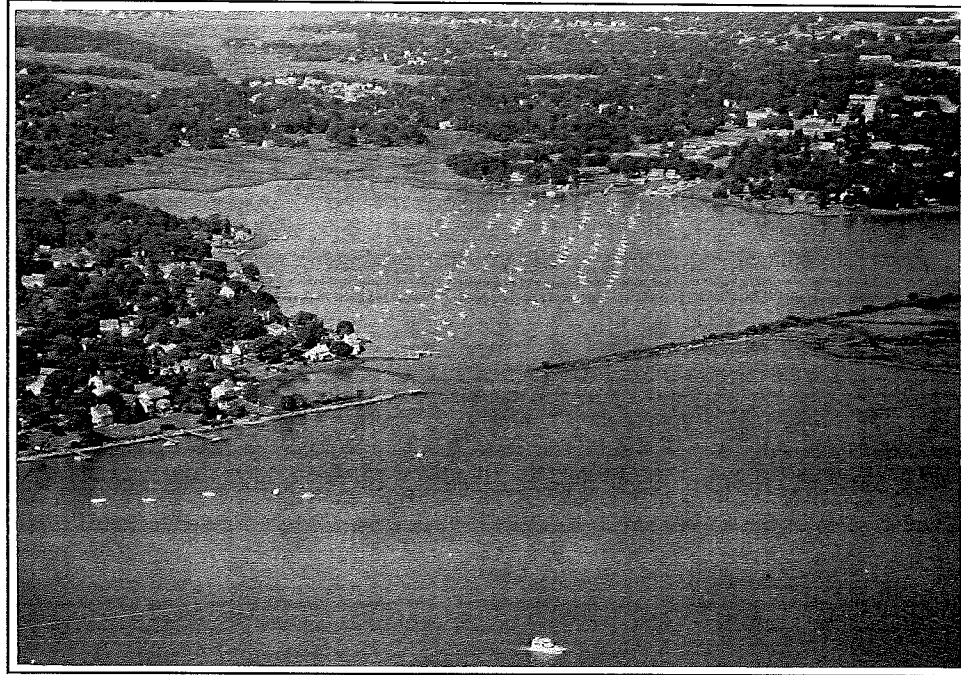


Figure 1-10: North Cove and anchorage on the Connecticut River.

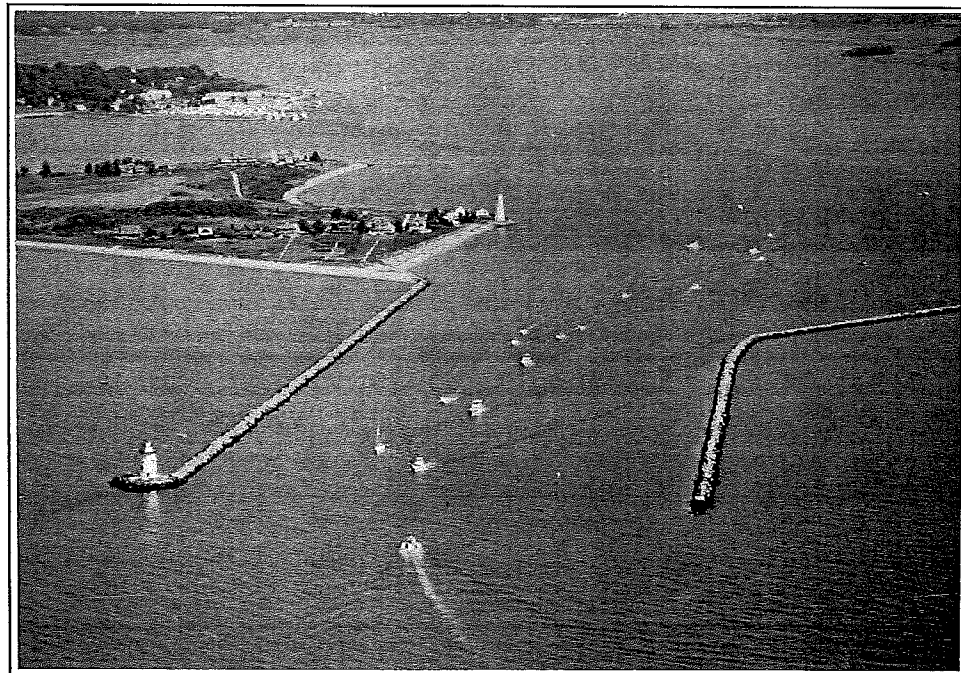


Figure 1-11: Saybrook jetties, Saybrook breakwater light, and Lynde Point light at the mouth of the Connecticut River.

Small craft navigation in the HMA occurs outside of designated navigation channels in the Connecticut River and Long Island Sound but is limited, particularly near the mouth of the River, by shallow areas and shifting sandbars. Described above, the shoals and sandbars at the mouth of the River have hindered navigation dating back to colonial times. As a result, the Connecticut River is one of the few major rivers in the world, if not the only major river, without a substantial port or metropolitan area at its mouth.

Elsewhere in the HMA, small boat navigation takes place on the Oyster River and in the Indiantown Harbor area at the mouth of Mud Creek where a dredged channel is privately maintained by the Indiantown Association. The waters of South Cove are used only by small outboard-powered vessels and hand-powered craft because of the substantial siltation that has occurred in the Cove and the presence of the Route 154 highway causeway and the submerged remnants of the former railroad causeway at the mouth of the Cove.

Federal aids to navigation in and near the HMA, including lighted and unlighted channel buoys, the Saybrook Breakwater Light on the west breakwater, and the Lynde Point Lighthouse, are maintained by the U.S. Coast Guard to mark the Connecticut River channel and approaches to the channel in Long Island Sound. (See Connecticut River Nautical Chart 12375 and the Coast Guard's Atlantic Coast Light List.) In the lower Connecticut River in and adjoining the HMA there are 21 such aids, including the Saybrook Breakwater and Lynde Point lights and three buoys to mark the entrance channel at North Cove. Several of the channel buoys are within the municipal jurisdiction of the Town of Old Lyme. Privately maintained aids to navigation in the HMA include three markers that have been upgraded by the Harbor Management Commission to indicate rocks in nearshore Long Island Sound west of Cornfield Point, and the flashing light that marks the jetty at Indiantown Harbor.

Two bridges over the Connecticut River at Old Saybrook—the Baldwin Bridge and the Connecticut River Railroad Bridge (Old Lyme drawbridge)—are of interest with respect to potential impacts on navigation and the HMA. (See Figure 1-12.) The Baldwin Bridge, constructed and maintained by the Connecticut Department of Transportation (DOT) carries I-95 over the River about 3.5 miles north of Lynde Point at the mouth of the River. The existing bridge was opened in 1993, replacing the previous span completed in 1948. (The first highway bridge across the River at Old Saybrook—the Saybrook Bridge—was opened in 1911.) The fixed span of the Baldwin Bridge provides substantial horizontal and vertical clearances (183 and 81 feet, respectively) and therefore does not have a significant effect on navigation.

The Connecticut River Railroad Bridge, owned, maintained, and operated by the National Railroad Passenger Corporation (Amtrak), is a “through-truss bascule” bridge and one of eight movable railroad bridges along the Connecticut shoreline. Built in 1907 as part of a massive turn-of-the-century railroad improvement project, the bridge is historically significant because it illustrates the development of Connecticut's most important rail corridor and its design embodies important aspects of the technology of movable bridges. The bridge is listed on the National Register of Historic Places.

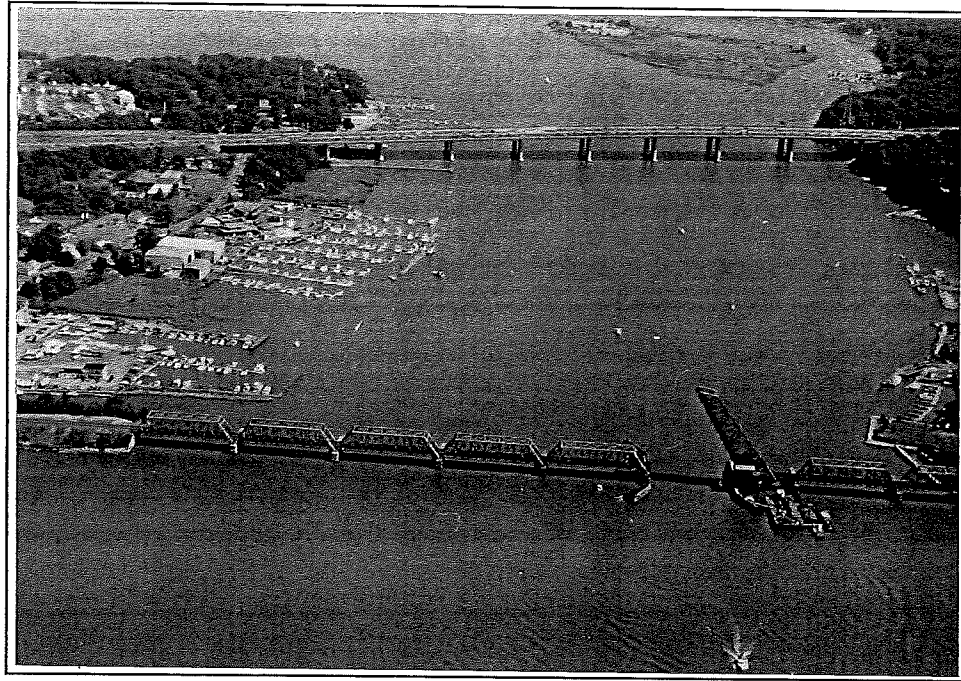


Figure 1-12: Baldwin Bridge (I-95) and railroad bridge (with open span) across the Connecticut River; “between the bridges” marine facilities to left.

The railroad bridge, about one-half mile downstream of the Baldwin Bridge, provides a horizontal clearance of 139 feet and a vertical clearance, when closed, of 19 feet. The bridge must be raised to allow sailboats and large powerboats to pass. In response to Amtrak’s Northeast High-Speed Rail Improvement Project, Connecticut River boaters and marina operators expressed concerns about the effect of additional train traffic and bridge closings on recreational boating activities and marina viability. To reduce impacts on boating in the Connecticut River and other locations, Amtrak agreed to limit train traffic to 36 trains each day between New York and Boston. Also, the Connecticut River bridge is to remain in an open position from May 15 to the end of October, except when a train is approaching, and is to be opened immediately after a train passes. During the rest of the year, the bridge will normally be closed but will be opened for boating traffic upon demand. In addition, Amtrak agreed to implement specific measures to improve the efficiency of bridge openings to accommodate boating traffic.

The small openings in the Route 154 causeway across South Cove (Figure 1-13) limit the passage of vessels, although the use of South Cove by any vessel other than a small outboard-powered or hand-powered craft is precluded by the shallowness of the Cove.

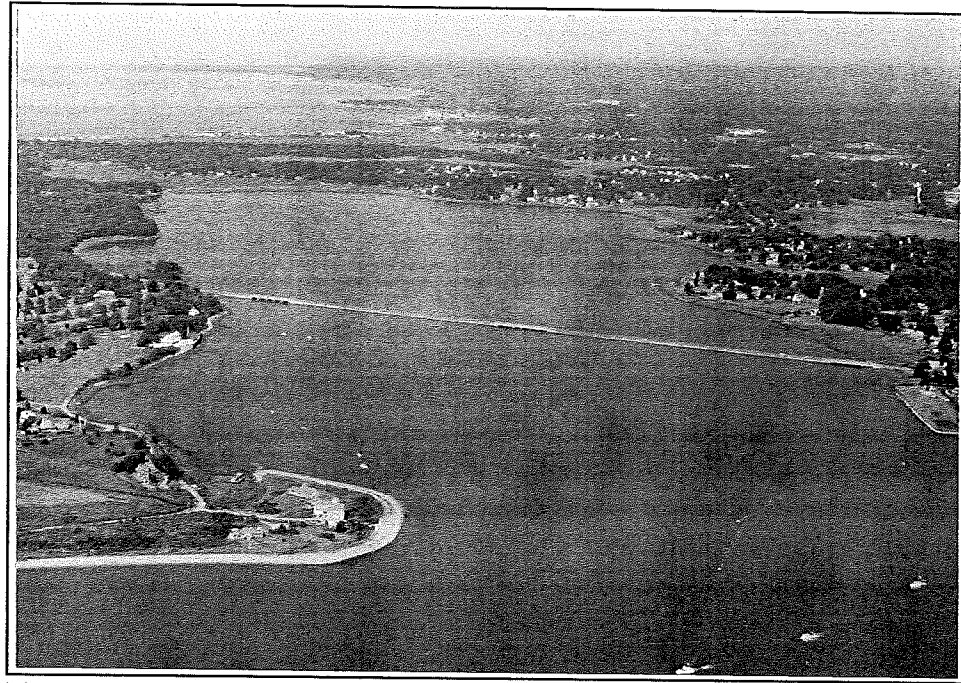


Figure 1-13: South Cove and Route 154 causeway looking west.

Vessel speed in the Connecticut River is controlled by State boating laws and regulations.² Regulation of Connecticut State Agencies (RCSA) Section 15-121-B15 establishes three steerage speed areas at Old Saybrook: 1) the area between the Saybrook breakwaters bounded northerly by the Saybrook inner light and bounded southerly by the Saybrook outer light; 2) the area bounded northerly by the navigation aid Connecticut River light no. 14 and bounded southerly by the southernmost point of Old Saybrook Point; and 3) the area bounded northerly by the navigation aid Connecticut River red nun no. 20 and bounded southerly by the railroad bridge.

Sec. 15-121-B15 RCSA also specifies that outside of the steerage speed areas, “when passing a marina, yacht club area in which boats are docked[,] at anchor, or being launched or retrieved or a congested area, a motorboat shall be operated with minimum wake and at a speed not to exceed six miles per hour unless a greater speed is necessary to maintain steerage, in which case the motorboat may be operated at steerage speed.”

Also, in accordance with Sec. 15-121-B15 RCSA, no person may operate a vessel in the other sections of the Connecticut River in excess of the following speed limits:

- (1) 45 miles per hour from one half hour before sunrise to one half hour after sunset on Monday through Friday, inclusive, during all seasons, and on Saturdays and Sundays from the Saturday following Labor Day to the Friday preceding Memorial Day, inclusive;

² Boating laws and regulations affecting the Old Saybrook HMA are subject to change and/or renumbering. Persons affected by or otherwise interested in those laws and regulations should consult the Connecticut General Statutes and Regulations of Connecticut State Agencies for current laws and regulations.

- (2) 30 miles per hour from one half hour before sunrise to one half hour after sunset on Saturday and Sundays from the Saturday preceding Memorial Day to the Sunday preceding Labor Day, inclusive, and on Memorial Day, Independence Day, and Labor Day;
- (3) 25 miles per hour from one half hour after sunset to one half hour before sunrise on all days of the year.

A special anchorage area has been designated by the U.S. Coast Guard partially in the Old Saybrook Harbor Management Area upstream of the Baldwin Bridge and on the west side of the Calves Island Bar channel. Part of this anchorage is within the municipal jurisdiction of the Town of Old Lyme. Within this area, which is designated on navigation charts, moored or anchored vessels less than 65 feet in length are not required to display anchorage lights.

ENVIRONMENTAL CONDITIONS AND COASTAL RESOURCES

The most profound influences on environmental conditions and resources associated with the Old Saybrook waterfront and Harbor Management Area are of course the Connecticut River—one of the Nation's great waterways, and Long Island Sound—an estuary of National significance as designated by the United States Congress.

Called "Quinatucquet" (meaning "long tidal river") by Native Americans, the Connecticut River is tidally influenced as far north as Windsor Locks, Connecticut—a distance of about 60 miles from Long Island Sound. The River's tidal region, including a major portion of the Old Saybrook Harbor Management Area, is considered one of the richest ecological systems in the United States.

The Connecticut River forms the largest riverine ecosystem in the northeastern United States; its main stem is 410 miles long and it drains an area of about 7.1 million acres. The River has a profound influence on Long Island Sound. It has a mean freshwater discharge of almost 20,000 cubic feet per second and provides almost 70% of the freshwater input into the Sound. The River is tidally influenced as far north as Windsor Locks, about 60 River miles upstream from the Sound. High slack water arrives first at the mouth of the River, occurs one hour later at Hadlyme, and almost three and one-half hours later at Hartford. The tidal wave progresses upstream at a rate of about 14 miles per hour. Mean tidal range at the mouth of the River at Old Saybrook is 3.6 feet. This range progressively decreases northward to a little over one foot at Hartford.

Prominent environmental conditions and resources of the Connecticut River in and adjoining the Old Saybrook HMA can be described with respect to surface water resources and quality, wetlands resources, fish and wildlife resources, flooding and floodplains, beaches, and historic/cultural resources. The natural resources of the Connecticut River and Long Island Sound and their several tributaries at Old Saybrook provide a variety of irreplaceable ecological functions and values in addition to important cultural (historic, educational, and scientific) values.

The quality of surface water in the HMA has a profound impact on the overall quality of life as well as waterfront land use and just about every water use. In recent years there have been a number of accomplishments with regard to understanding and improving water quality conditions in the Connecticut River and Long Island Sound, including improvement of municipal wastewater collection and treatment systems along the River and Sound and establishment of the monitoring and educational efforts of the Connecticut River Watch Program (see Chapter Two). Nevertheless, pollution and the risk of pollution still exist. Bacteria and other pollutants can affect the enjoyment of boating activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Simply stated, pollution in the HMA diminishes the quality of life and should be of concern to everyone.

Water quality in the Connecticut River, Long Island Sound, and the several tributaries to the River and Sound at Old Saybrook is classified by the State of Connecticut in accordance with State water quality criteria. The Connecticut River at Old Saybrook, North and South coves, and the several tributaries to the River, including Ragged Rock Creek, are classified as SB; nearshore Long Island Sound near the mouth of the River is also SB; nearshore Long Island Sound from Cornfield Point to Lynde Point is SA; the Oyster River, Back River, and Plum Bank Creek are SB/SA; and nearshore Long Island Sound from the Old Saybrook/Westbrook town line to Cornfield Point is also SB/SA.

Class SA is the highest classification applied to the State's coastal and marine surface waters. Designated uses of Class SA waters are "marine fish, shellfish and wildlife habitat, shellfish harvesting for direct human consumption, recreation, and all other legitimate uses including navigation." Designated uses of Class SB waters are "marine fish, shellfish and wildlife habitat, shellfish harvesting for transfer to a depuration plant or relay to approved areas for purification prior to human consumption, recreation, industrial and other legitimate uses including navigation." An SB/SA classification means the existing classification is SB and the future goal is to reduce sources of pollution in order to obtain an SA classification.

The Connecticut River Watch Program has reported that elevated levels of bacteria are found in the Connecticut River, particularly after heavy rainfall, and that water contact recreation in the River may be a health risk due to elevated bacteria levels, especially after rainfall events.

Sources of pollution in the HMA are categorized as "point" and "nonpoint" sources. Potential point sources at Old Saybrook are easily identified and include discharges from storm drains that empty into the HMA. The threat of fuel spills from recreational and commercial vessels is also present in the HMA. There are no municipal wastewater discharges into the River downstream of the Town of Deep River.

Other potential point sources of pollution include discharges of treated and untreated sewage from vessel holding tanks. (The discharge of untreated sewage from vessel holding tanks is illegal under State and Federal law.) The extent to which these discharges contribute to water quality problems has not been determined, but there is concern whenever a large number of boats are docked or moored in confined waterways.

Unlike point sources of pollutants, “nonpoint” pollution does not originate from a specific identifiable source, and because of its nonspecific nature is more difficult to regulate and control. Types of nonpoint pollution include stormwater runoff from roads, parking lots, and backyards. As precipitation runs off pavement and land to the nearest catch basin or waterway draining to the HMA, it gathers oil, bacteria, sediment, and other substances that eventually enter the water. Poorly functioning septic systems that leak bacteria and excessive nutrients into groundwater are another nonpoint source of pollution. Other types of nonpoint pollutants include floating debris and other trash improperly discarded and floating on the water. In addition, contaminants (e.g., lead paint chips and metal shavings) are potentially associated with repair and maintenance operations on the railroad and Baldwin bridges across the Connecticut River.

Noted above, the drainage area of the Connecticut River encompasses about 7.1 million acres (over 11,000 square miles). Needless to say, actions that take place far from Old Saybrook’s jurisdiction can contribute to pollution in the HMA. However, just as the actions of all communities and individuals within the Connecticut River watershed can affect the quality of water in the River, so too can the actions of all those communities and individuals contribute to maintenance and improvement of water quality. On a much smaller but still significant scale, the Oyster River at Old Saybrook drains an area of about 6¹/₂ square miles, or more than a third of the Town’s land area.

The wetland and other aquatic resources in and adjoining the Old Saybrook HMA are of particular ecological significance as recognized by a number of organizations. The U.S. Fish and Wildlife Service in 1991 identified the tidelands of the Connecticut River as one of 40 vital ecological systems in the Northeast United States. In 1993 the conservation organization The Nature Conservancy designated the tidelands one of “40 Last Great Places” in the Hemisphere. The lower Connecticut River from Cromwell to Long Island Sound, including the Connecticut River portion of the Old Saybrook HMA, was recognized in 1994 as containing “Wetlands of International Importance” in accordance with the Convention on Wetlands of International Importance (Ramsar Convention). Also, the entire Connecticut River watershed is included in the Silvio O. Conte National Fish and Wildlife Refuge in accordance with Federal legislation passed in 1991. Within this vast ecological system, individual wetland units and shallow water riverine habitats are all linked by the tidal waters of the Connecticut River.

According to the Old Saybrook Municipal Coastal Program, there are 1,335 acres of tidal wetlands at Old Saybrook. The tidal wetlands surrounding Ragged Rock Creek are considered an especially valuable brackish marsh system. (See Figure 1-14.) Much of this wetland area is owned by the State of Connecticut; some of the wetlands are in private ownership and others are owned by the Town of Old Saybrook and The Nature Conservancy. Other important brackish marsh areas adjoin North and South coves, Hydes Point Creek north of Ferry Point (Figure 1-15), and Deitch Pond Creek marking the boundary between Old Saybrook and Essex (Figure 1-16). Across the River in Old Lyme, salt and brackish meadow marshes of significant ecological value are found in the Great Island and Upper Island area upstream of Griswold Point.

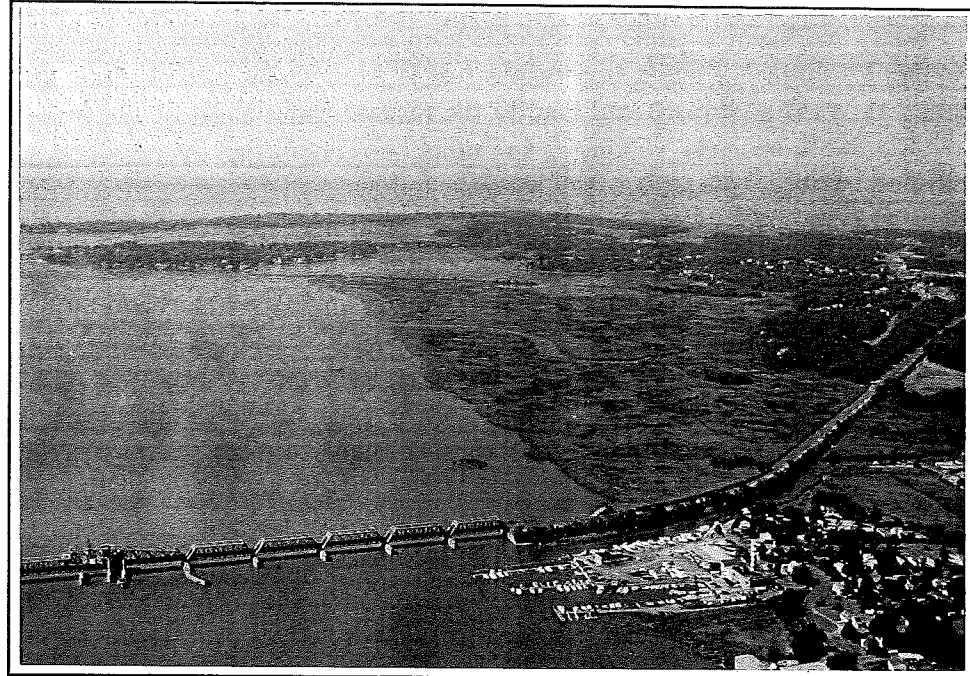


Figure 1-14: Ragged Rock Creek wetland on the Connecticut River; railroad embankment and Connecticut River bridge in foreground.

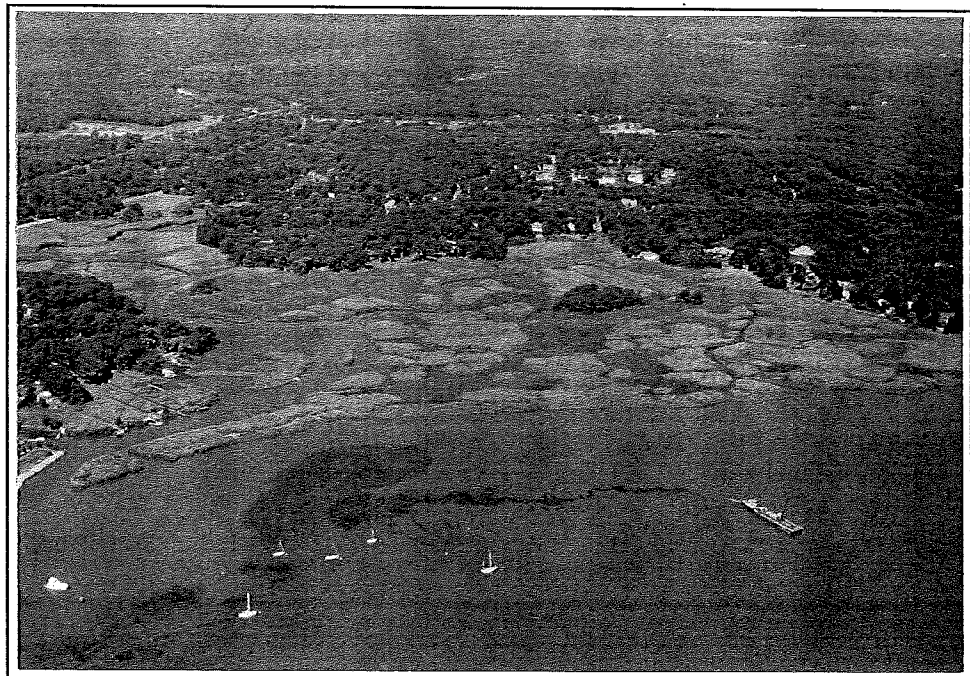


Figure 1-15: Hydes Point Creek wetlands north of Ferry Point.

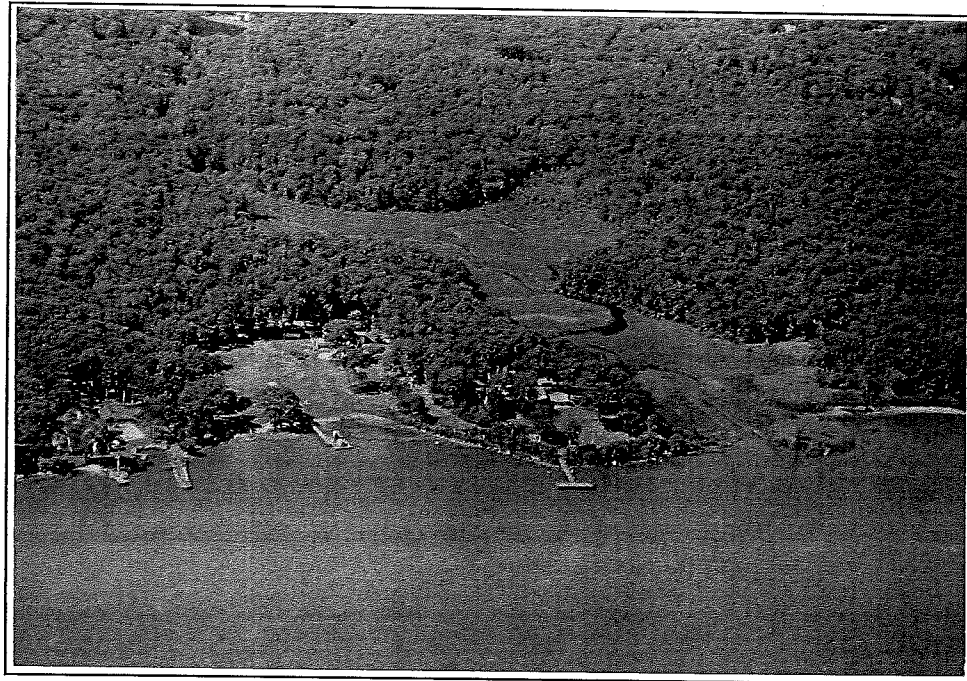


Figure 1-16: Deitch Pond Creek marking the boundary between Old Saybrook and Essex at the Connecticut River.

Along Old Saybrook's Long Island Sound shoreline, substantial tidal wetlands adjoin Plum Bank Creek (Figure 1-17), the Oyster and Back rivers (Figure 1-18), Mud Creek (Figure 1-19), and Cold Spring Brook which marks the Old Saybrook/Westbrook town boundary (Figure 1-20). The Plum Bank Creek and Mud Creek wetlands are protected from waves and high water from Long Island Sound by the barrier beaches of Plum Bank Beach and Chalker Beach.

The ecological functions and beneficial values of tidal wetlands, once poorly understood or not appreciated, have been the subject of much attention and study in recent years. As a result, their biological productivity and values related to fish and wildlife habitat, water quality, and floodwater storage are generally well recognized, along with their recreational, scientific, educational, and scenic values. The wetlands of the lower Connecticut River, for example, provide critical habitats for a variety of rare plants and animals such as the bald eagle, osprey, black rail, least bittern, northern harrier, American bittern, northern diamondback terrapin, golden club, and Parker's pipewort. In addition, the wild rice marshes in the lower Connecticut River are biologically important as resting and feeding areas for migratory waterfowl, shorebirds, and rails, and are especially significant migratory habitats for American black duck. Biological productivity in the wetlands of the Connecticut River estuary is especially high. Aside from the marshes themselves, the waters, tidal flats, and river bed of the Connecticut River are important finfish and shellfish areas, especially for anadromous species (species traveling upriver to spawn) such as the Atlantic salmon, alewife, American shad, blueback herring, and endangered shortnose sturgeon, as well as for American oyster and soft-shelled clam.

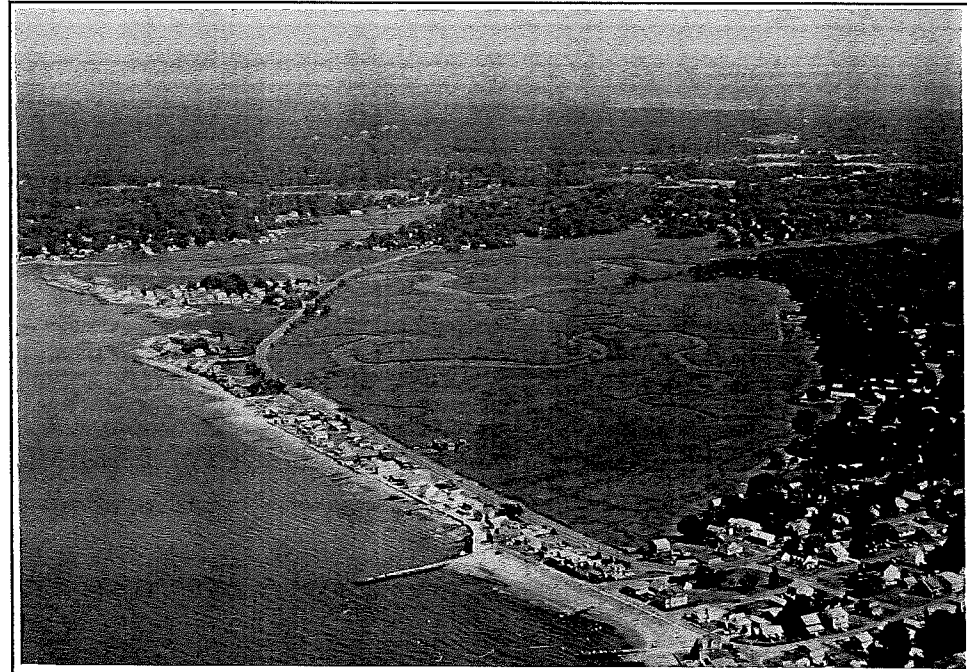


Figure 1-17: Plum Bank Beach area and Plum Bank Creek wetland; Oyster River and Great Hammock Beach area at far left.



Figure 1-18: Oyster River (to left) and Back River (to right) flowing into Long Island Sound.



Figure 1-19: Mud Creek and wetland; Chalker Beach area in foreground.

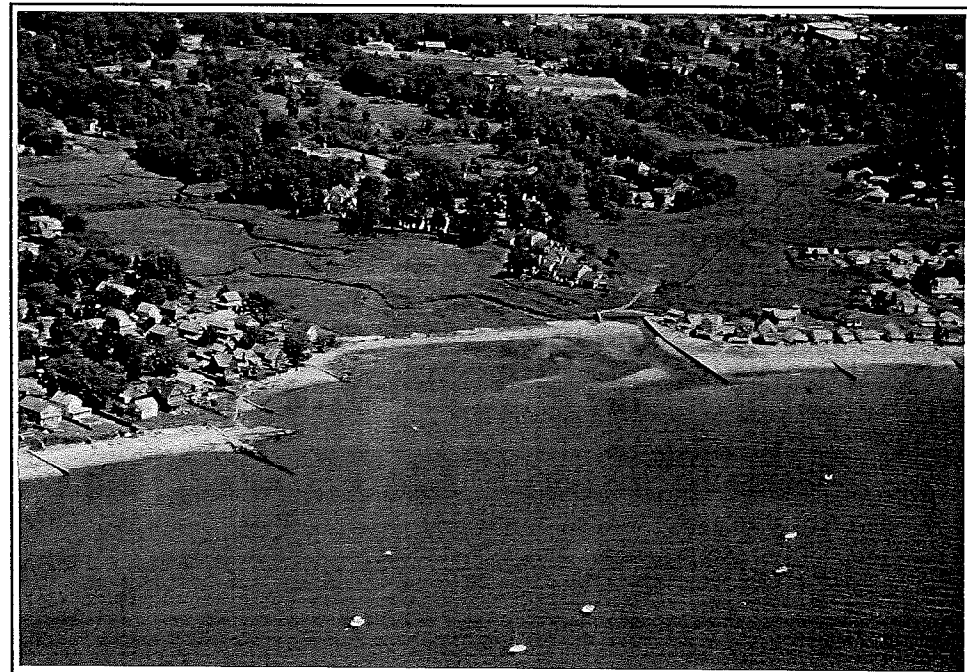


Figure 1-20: Cold Spring Brook marking the boundary between Old Saybrook and Westbrook at Long Island Sound.

The Old Saybrook Conservation Commission describes the invaluable habitat for migratory bird and fish species provided by the tidal marsh complexes at Old Saybrook, and particularly by the marsh areas adjoining North and South coves, Ragged Rock Creek, and the Back River. The Conservation Commission points out that these areas are critical resting, feeding, and breeding areas for resident and migratory waterfowl such as the black duck and greater scaup. The marshes also support important populations of pintail, teal, and other ducks.

In addition, the tidal wetlands at Old Saybrook provide important scenic values and open space functions in the coastal area. They establish the pattern of land development and help define the waterfront neighborhoods. In short, the Town of Old Saybrook is a steward of some of the best examples of functional tidal marsh systems in the entire northeast United States.

The Connecticut River has the most diverse fish populations of any New England river system and supports important recreational and commercial fisheries. In the lower reaches of the River there is good fishing for largemouth bass, bluefish, panfish, northern pike, catfish, eel, carp, white perch, and striped bass. The Fisheries Division of the Connecticut Department of Environmental Protection, in coordination with the U.S. Fish and Wildlife Service, is involved with restoration, management, regulation, and research concerning several important fish species and populations in the Connecticut River. For example, the Fisheries Division's programs are directed toward enhancing existing populations of American shad and restoring Atlantic salmon in accordance with the goals of the Connecticut River Atlantic Salmon Commission of which the State of Connecticut is a member. The shad population of the Connecticut River is the second largest in North America; commercial fishing for shad occurs on the River from April 1 to June 15. The Fisheries Division is also working to restore anadromous herring populations and is conducting research concerning the endangered shortnose sturgeon. All of these species are of interest at Old Saybrook where the HMA provides critical spawning areas for a great number of finfish that are of economic importance in the region and vital to the ecological health of Long Island Sound.

In the Old Saybrook Municipal Coastal Program document it is reported that excessive concentrations of oysters have been found on shoals in the Oyster River and Back River and that hardshell clams are found in a number of locations. While commercial and recreational shellfishing historically took place at Old Saybrook, such activities have been precluded or severely limited in recent years due to water pollution.

Flooding and shoreline erosion are natural, ongoing processes that will continue to affect water and waterfront use and development at Old Saybrook. There is need for continued attention to these processes and to the application of appropriate measures to mitigate their impacts. While floods have occurred on the Connecticut River during every month of the year, flooding during the springtime is most common and is usually caused by freshets generated by rain and rapid snowmelt. This type of flooding is most pronounced upstream on the River and typically has minimal impacts at Old Saybrook. Significant flooding in the summer and fall at Old Saybrook has usually been caused by hurricanes. A more common occurrence is local flooding of shoreline areas caused by extreme high tides and onshore winds.

Considerable sections of Old Saybrook's Long Island Sound and Connecticut River shorelines are identified as flood hazard areas on the Town's Flood Insurance Rate Map (see "Flood Insurance Rate Map, Town of Old Saybrook, Connecticut, Middlesex County," prepared by the Federal Emergency Management Agency, effective July 3, 1978). As shown on the Flood Insurance Rate Map, the waterfront includes both A-Zone and V-Zone flood hazard area designations. The A-Zone is that part of the coastal floodplain likely to be inundated by the "100-year" (1% chance of occurring each year) flood. The V-Zone, also called the coastal high hazard zone, is that part of the coastal floodplain likely to be inundated by the "100-year" flood and simultaneously subject to high velocity water from direct wave action. Developed shoreline areas at Chalker Beach, Indiantown, Great Hammock Beach, Plum Bank Beach, Fenwick, and Saybrook Point are within the designated V-Zone. It is reported in the Old Saybrook Municipal Coastal Program document that the 1938 hurricane destroyed most of the structures in what is now the V-Zone area at Chalker, Great Hammock, and Plum Bank beaches.

The Town's Floodplain Management Ordinance and Section 54 of the Old Saybrook Zoning Regulations establish regulations for development within the flood hazard areas. Those regulations are intended to minimize public and private losses caused by flooding.

The Old Saybrook Municipal Coastal Program document describes over five miles of beaches along the Town's Long Island Sound shoreline. In addition to being important recreational resources, the beaches provide important wildlife habitat and protect adjacent areas from the erosive force of waves and high water. The beaches are important resources that add significantly to the quality of life in the Town. Chalker Beach, Great Hammock Beach, and Plum Bank Beach are barrier beaches that have especially important ecological functions. The term "barrier" reflects the protective aspect of these formations which serve to protect the wetlands behind them from waves and high water generated in Long Island Sound. The extensive tidal wetlands associated with Mud Creek, the Oyster River, the Back River, and Plum Bank Creek would not have developed without the protection afforded by the barrier beaches.

Old Saybrook's beaches include the Town Beach on Great Hammock Road, Harvey's Beach on Great Hammock Road, neighborhood association beaches, and individually owned beaches adjoining private homes. (Seaward of mean high water, beach ownership is held by the State of Connecticut in accordance with the Public Trust Doctrine; see Chapter Two.) All of the beaches are subject to the ongoing, natural process of beach erosion. Many groins (structures built perpendicular to the shoreline to trap the alongshore movement of sand) have been constructed in an effort to halt erosion. While some of these structural works have been successful, others have blocked natural sand movement to downdrift properties. Beach erosion control has been a long-standing concern in the Chalker Beach, Indiantown, Great Hammock Beach, and Plum Bank Beach areas.

The scenic quality associated with the Connecticut River and Long Island Sound is among the most important of Town resources. Scenic views over tidal marshes and creeks, Long Island Sound, Lynde Point and the Saybrook Lighthouse, North and South Coves, and the Connecticut River are available from a number of coastal roads and locations. (See the later section on Waterfront Land Use and Development Conditions.)

WATER-DEPENDENT USES AND FACILITIES

This section describes the water-dependent uses and facilities on the Old Saybrook waterfront. Those uses and facilities provide significant opportunities for access to the Harbor Management Area, contribute to the vitality and attractiveness of the HMA, and are important to the local economy. Water-dependent facilities, including commercial marine facilities, public boating access facilities, and private boating facilities, are shown on Figure 1-21. Information on the water-dependent uses and facilities at Old Saybrook was provided by the owners/operators of those facilities in response to a 1998 boating facility survey conducted by the Harbor Management Commission.

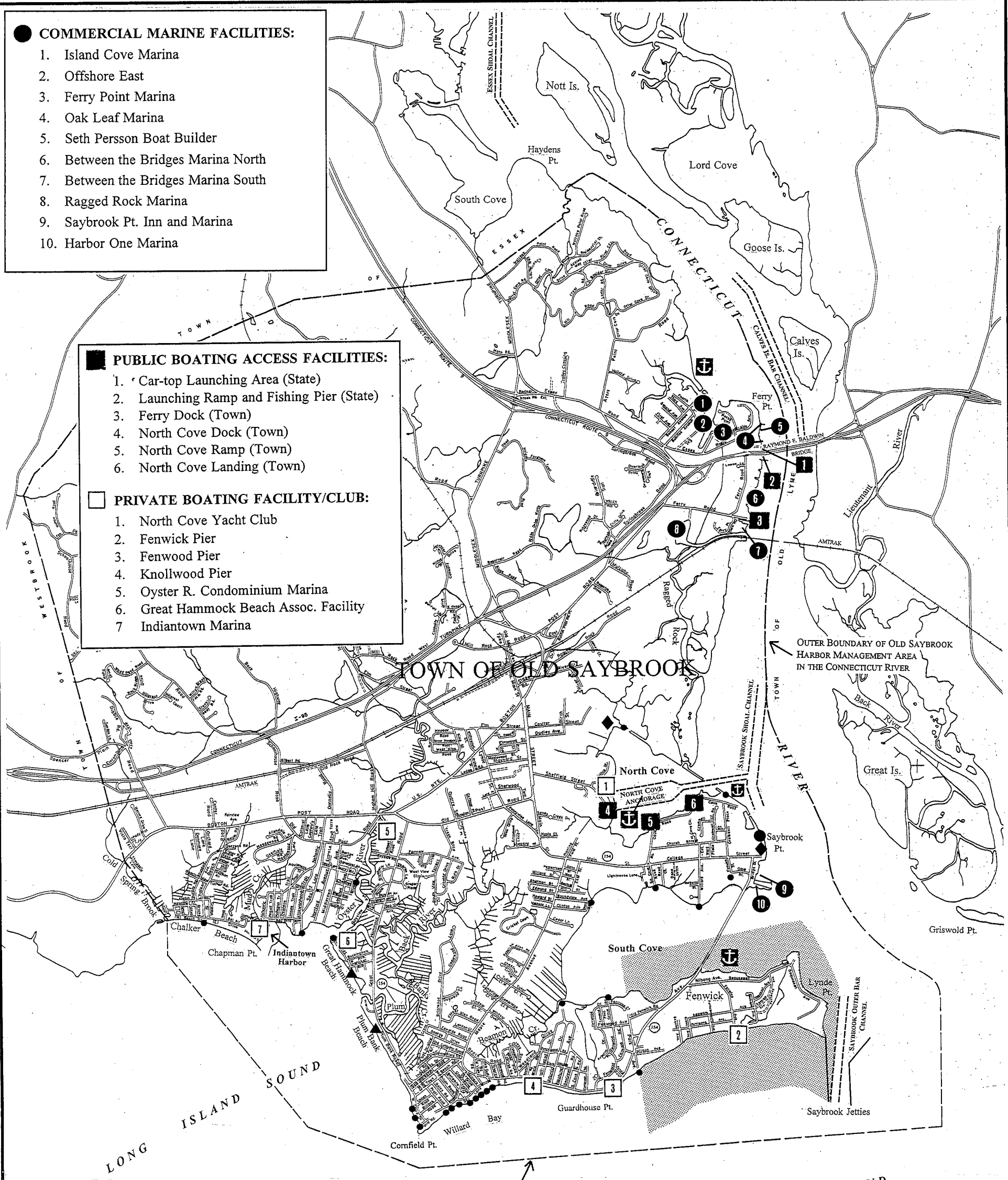
Commercial Marine Facilities

There are ten commercial marine facilities providing a variety of boatyard and marina services at Old Saybrook. These facilities have been developed in the Ferry Point area; in the “between the bridges” area between the Baldwin Bridge and Connecticut River Railroad Bridge; and in the Saybrook Point area. Of the eight facilities that responded to the Harbor Management Commission’s 1998 boating facility survey,³ all provide berthing/dock spaces (a total of 971 spaces are reported); one provides mooring spaces (for 12 boats); three provide dry rack (summer) storage spaces (a total of 240 dry rack spaces are reported); six provide winter storage spaces (a total of 818 winter storage spaces are noted); seven provide space for transient boaters (88 transient dock and mooring spaces are reported); six provide fuel for boaters; three provide vessel waste pump-out facilities; seven provide repair services; five provide boat and/or engine sales; and seven provide marine supplies. Roughly 91% of the resident vessels using Old Saybrook’s commercial marine facilities are power boats; the remaining 9% are sail boats.

Several of the survey respondents emphasized the importance of regular maintenance dredging to maintain adequate water depths at their facilities. Others noted the importance of the water-dependent facilities to the Town’s economy, and one respondent pointed out that for many travelers and vacationers, Old Saybrook’s marinas are the gateway to the Town and the Connecticut River.

The facilities at Ferry Point are the Island Cove Marina, Offshore East Marina, Ferry Point Marina, Oak Leaf Marina, and Seth Persson Boat Builder. (See figures 1-22 and 1-23.) Island Cove, Offshore East, and the Ferry Point Marina occupy dredged marina basins on the north side of Ferry Point; the Oak Leaf Marina and Seth Persson Boat Builder are just north of the Baldwin Bridge on the Connecticut River. Offshore East provides 30 boat slips, 50 winter storage spaces, and 12 mooring spaces in a small anchorage area north of Ferry Point; Ferry Point Marina provides 140 boat slips and 150 winter storage spaces; the Oak Leaf Marina provides 100 slips and 180 winter storage spaces.

³ Two water-dependent facilities—the Island Cove Marina and Seth Persson Boat Builder—did not respond to the Commission’s boating facility survey. A 1988 permit application to the U.S. Army Corps of Engineers by the Island Cove Marina included plans for the construction and maintenance of 73 boat slips. The Old Saybrook Municipal Coastal Program document describes the Seth Persson Boat Builder facility as providing four boat slips, winter storage space, repair services, and fuel.



- COMMERCIAL MARINE FACILITIES:**
1. Island Cove Marina
 2. Offshore East
 3. Ferry Point Marina
 4. Oak Leaf Marina
 5. Seth Persson Boat Builder
 6. Between the Bridges Marina North
 7. Between the Bridges Marina South
 8. Ragged Rock Marina
 9. Saybrook Pt. Inn and Marina
 10. Harbor One Marina

- PUBLIC BOATING ACCESS FACILITIES:**
1. Car-top Launching Area (State)
 2. Launching Ramp and Fishing Pier (State)
 3. Ferry Dock (Town)
 4. North Cove Dock (Town)
 5. North Cove Ramp (Town)
 6. North Cove Landing (Town)
- PRIVATE BOATING FACILITY/CLUB:**
1. North Cove Yacht Club
 2. Fenwick Pier
 3. Fenwood Pier
 4. Knollwood Pier
 5. Oyster R. Condominium Marina
 6. Great Hammock Beach Assoc. Facility
 7. Indiantown Marina

- Figure 1-21:
EXISTING WATER ACCESS FACILITIES**
- LEGEND:**
- Commercial Marine Facility
 - Public (Town or State) Boating Access Facility
 - Private Boating Facility/Club
 - Town-owned Street End
 - ◆ Town-owned and Underutilized Waterfront Land
 - ⚓ Mooring Area
 - ▲ Public Beach
 - Waterfront Restaurant
 - ▨ Harbor Management Jurisdiction Claimed by the Borough of Fenwick

OUTER BOUNDARY OF OLD SAYBROOK HARBOR MANAGEMENT AREA IN LONG ISLAND SOUND

OLD SAYBROOK HARBOR MANAGEMENT PLAN

OLD SAYBROOK HARBOR MANAGEMENT COMMISSION
Old Saybrook, Connecticut

Consultant to the Harbor Management Commission:
GEOFFREY STEADMAN
Westport, CT

2000 0 2000 4000 Feet

2003

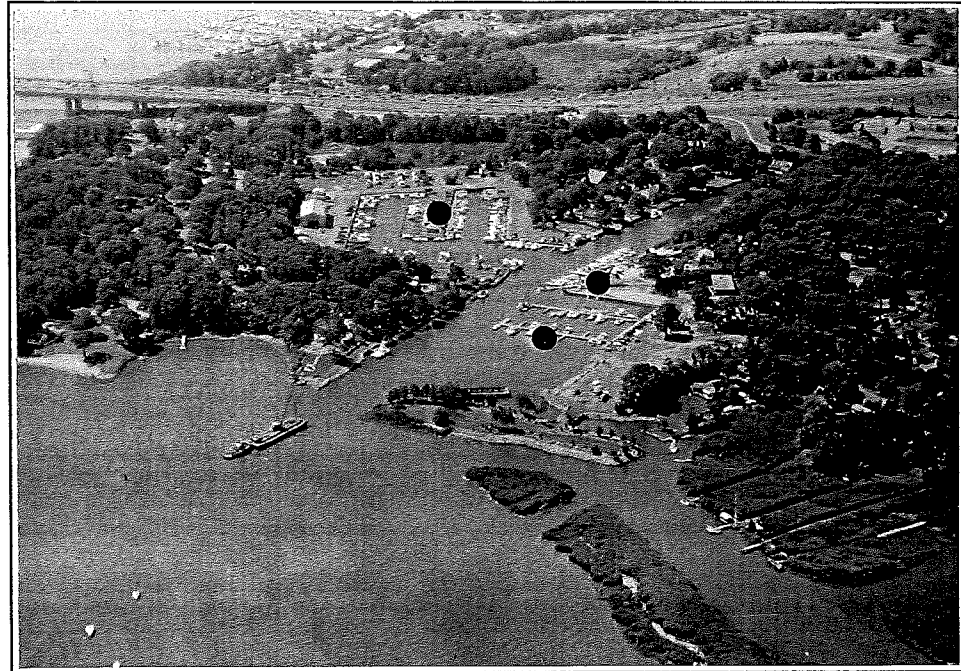


Figure 1-22: Marina facilities on the north side of Ferry Point, including (clockwise from upper left and marked by ●): Ferry Point Marina, Offshore East Marina, and Island Cove Marina.

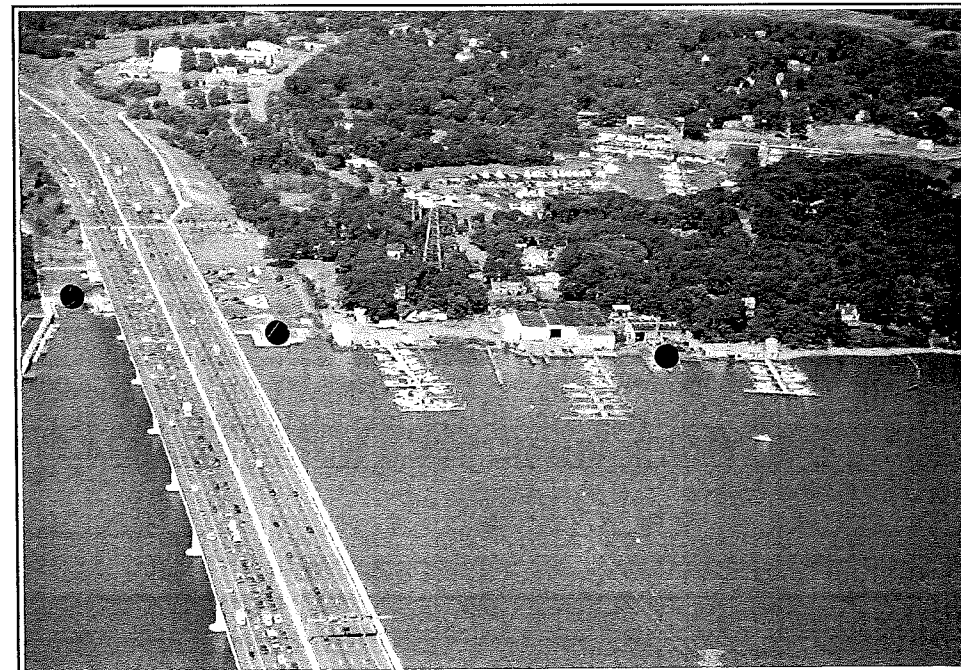


Figure 1-23: Baldwin Bridge State Boat Launch and fishing pier (marked by ● to left of bridge) and car-top launching area (marked by ● to right of bridge); Oak Leaf Marina facilities to right of bridge on both sides of Seth Persson Boat Builder (marked by ● to right).

In the “between the bridges” area are the Between the Bridges North and South marinas and the Ragged Rock Marina. (See figures 1-24, 1-25, and 1-26.) The Between the Bridges North and South marinas provide a total of 285 boat slips, 100 dry rack storage spaces, 400 winter storage spaces, and vessel waste pump-out facilities on the Connecticut River shoreline. The Ragged Rock Marina, located in a dredged basin that is connected with the River via a dredged channel just north of the railroad line, provides 210 boat slips, 140 dry rack storage spaces, and 38 winter storage spaces.

In the Saybrook Point area are the Saybrook Point Inn and Marina and Harbor One Marina, as well as the Dock and Dine Restaurant. (See figures 1-27 and 1-28.) The Saybrook Point Inn and Marina facility is a mixed use development providing hotel and conference facilities and a full-service restaurant as well as recreational boating facilities. The marina provides 120 boat slips and a vessel waste pump-out facility. The Harbor One Marina provides 86 boat slips and dock space for the ferry taking workers to and from the Federal research facility at Plum Island. The Dock and Dine Restaurant provides short-term dock space for visiting boaters. In addition, the *Aunt Polly* excursion vessel operated by the Deep River Navigation Company has provided regularly scheduled cruises on the Connecticut River and Long Island Sound from the Dock and Dine Restaurant dock in recent years.

Public Boating Facilities

In addition to the commercial marine facilities there are a number of public boating facilities providing important opportunities for public access to the Connecticut River and for beneficial use and enjoyment of the Harbor Management Area. These include the Baldwin Bridge State Boat Launch and fishing pier (see Figure 1-23) and the several Town-owned facilities. The Town facilities include the Ferry Dock on the Connecticut River that provides boat slips for commercial fishermen and others (see figures 1-25 and 1-29) and the several Town facilities at North Cove (see figures 1-10 and 1-30). In addition, the North Cove Federal anchorage areas provide one of the most desirable mooring locations in Connecticut.

The Baldwin Bridge State Boat Launch and fishing pier is managed by the Connecticut Department of Environmental Protection’s Bureau of Outdoor Recreation. This is a major public recreation facility that provides important opportunities for launching trailered boats as well as opportunities for access to the Connecticut River by “car-top vessels.” A launching area 60 feet wide is capable of handling four simultaneous launchings. Also provided is a public fishing pier that is accessible to persons with disabilities. Parking space is provided for 15 cars and 90 vehicles with trailers attached.

All of the Town-owned waterfront facilities providing access to the Harbor Management Area are managed by the Old Saybrook Harbor Management Commission in accordance with regulations established by Town Ordinance (see Appendix C of the Harbor Management Plan) and policies and procedures adopted by the Commission. The Town Dock known as the Ferry Dock at the foot of Ferry Road on the Connecticut River is managed in accordance with Town Ordinance No. 19 and is intended primarily for use by local commercial fishermen. The majority of the 24 boat slips are occupied by small commercial fishing boats (less than 30 feet in length); the remainder of the slips are occupied by recreational vessels.

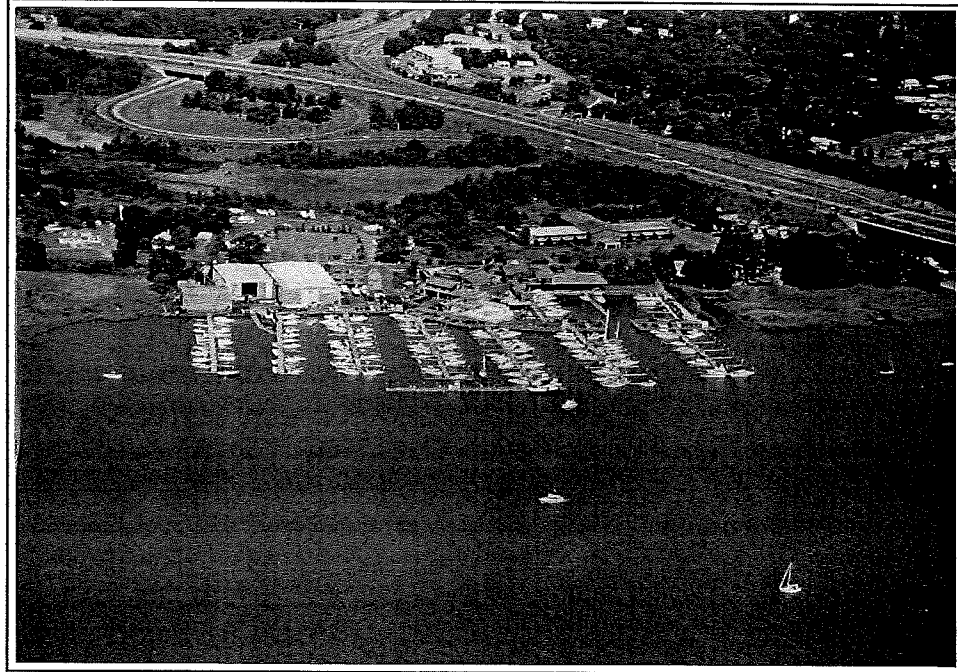


Figure 1-24: Between the Bridges North Marina on the Connecticut River; I-95 in background.



Figure 1-25: Ferry Point marine facilities including, from left to right, channel to Ragged Rock Marina, Between the Bridges South Marina, Ferry Dock (Town facility marked by ●), and Between the Bridges North Marina; railroad embankment and bridge to left.

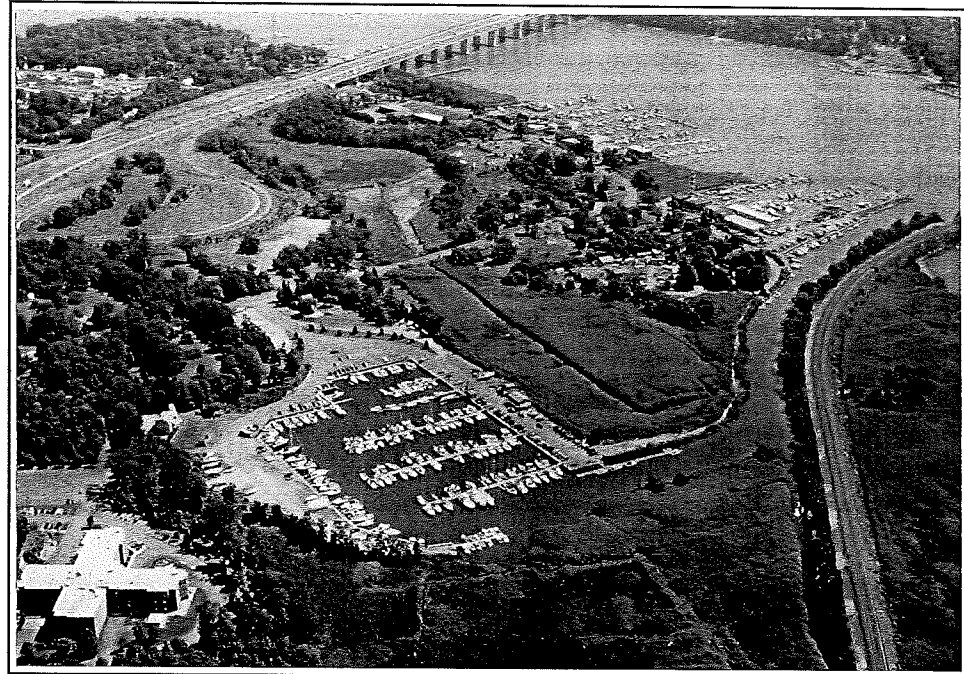


Figure 1-26: Ragged Rock Marina basin and channel; railroad embankment at lower right; I-95 and Baldwin Bridge at upper left.



Figure 1-27: Looking over Saybrook Point to North Cove; Saybrook Point marine facilities in foreground, including, from left to right: Harbor One Marina, Saybrook Point Inn and Marina, Town waterfront park (marked by ●), and Dock and Dine restaurant and dock (marked by ●).

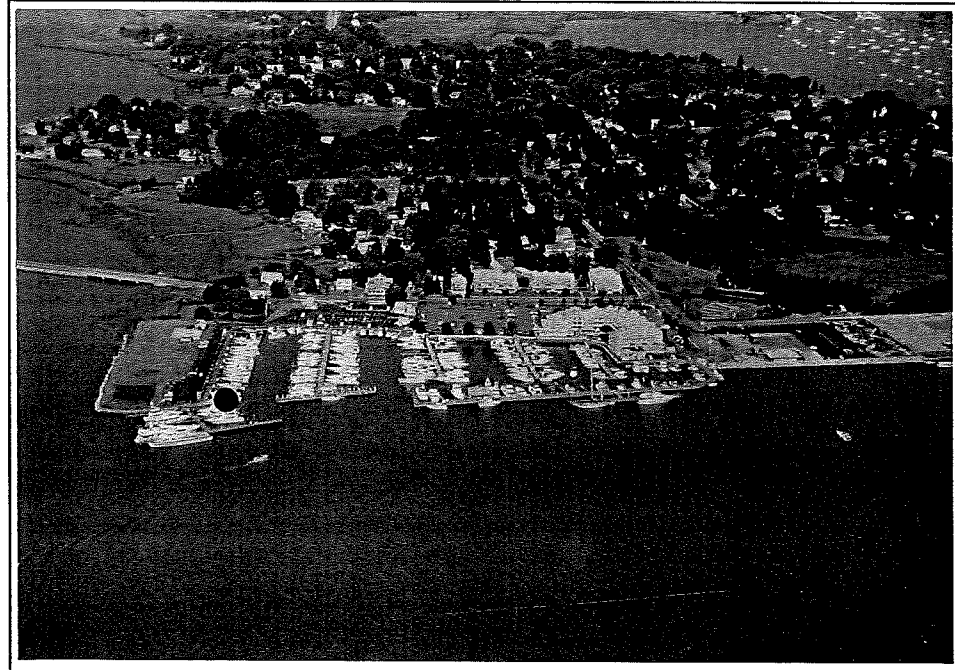


Figure 1-28: Saybrook Point marine facilities: Harbor One Marina to left (marked by ●) and Saybrook Point Inn and Marina facility in center of photo.

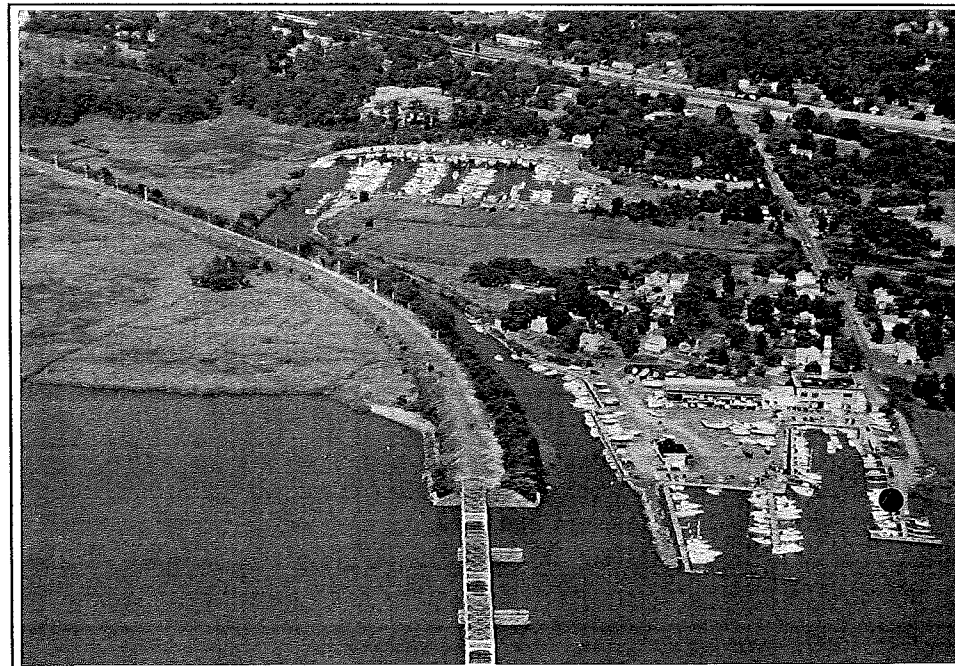


Figure 1-29: Railroad embankment, channel from Connecticut River to Ragged Rock Marina, Between the Bridges South Marina, and Ferry Dock (Town facility marked by ●).

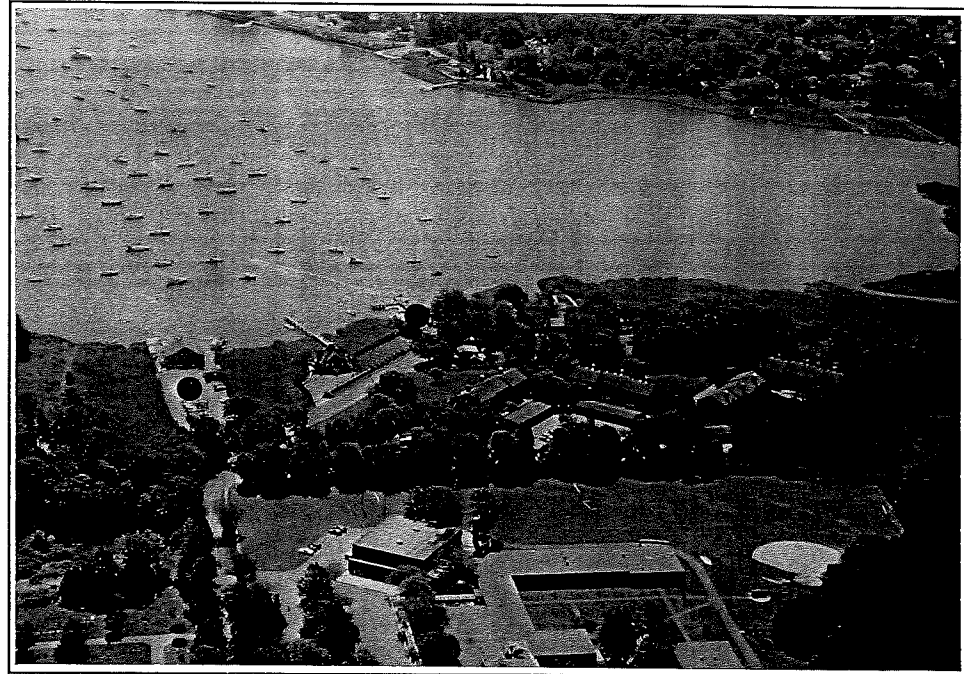


Figure 1-30: North Cove anchorage; North Cove Yacht Club and Town dock (marked by ●) on shoreline to left and in center of photo, respectively.

At North Cove there are three Town waterfront facilities that provide opportunities for public use and enjoyment of the Cove. These are the North Cove Dock at Sheffield Street and the North Cove ramp and landing which are all managed in accordance with Town Ordinance No. 19. The North Cove Dock serves as a public landing for transient boaters visiting Old Saybrook as well as a point of dinghy access to North Cove mooring locations. Dinghies used by mooring permit holders are stored in racks at the dock; transient boaters may tie their dinghies to the concrete bulkhead. Copies of the Town policies and procedures for use of North Cove are available at the dock.

The North Cove Ramp may be used by small trailered boats but its use is restricted to half-tide and higher water by the shallow depths. The ramp also accommodates the launching of car-top vessels such as canoes and kayaks; it is well-used by duck hunters during duck hunting season. There is no dock structure at the North Cove Landing but small outboards and dinghies may be pulled ashore and beached; some boaters tie their small craft to mooring poles placed in the water.

Elsewhere on the Old Saybrook waterfront, several unimproved Town-owned street ends are sometimes used to launch car-top vessels at high tide. These include street ends at South Cove, the Oyster River, and Long Island Sound. (See the following section on Waterfront Land Use and Development Conditions.)

Described in the earlier section on Conditions Affecting Navigation, the U.S. Army Corps of Engineers is responsible for maintaining two Federal anchorage basins in North Cove that are connected with the Connecticut River channel via a Federal anchorage channel. The two anchorages are contiguous and cover an area of about 19 acres; the authorized depth of the east anchorage is 11 feet; and the authorized depth of the west anchorage is six feet. Together, these two anchorages provide one of the most desirable mooring areas in Connecticut. Mooring locations in the Federal anchorages are managed by the Harbor Management Commission and Old Saybrook Harbor Master in accordance with specific policies and procedures established by the Commission (see Chapter Six); those policies and procedures are consistent with the Corps of Engineers' "open to all on equal terms" policy—in other words, all mooring permit holders and applicants are treated equally, without any discrimination based on town of residence. The Corps' policy also calls for no arbitrary variation in fees for mooring permits and associated parking between town residents and nonresidents.

In accordance with the Commission's policies and procedures, a permit issued by the Harbor Master is required for the use of any mooring location in the Cove (excluding use by transient boaters) and the Harbor Master is responsible for assigning all mooring locations. All moored vessels must be greater than 18 feet in length; no vessel in excess of 45 feet is allowed to moor in the Cove. Yellow ribbons are attached to moorings that are expected to be vacant for an extended period. Those moorings may be used by transient boaters free of charge. In addition, the Commission maintains one Town guest mooring for the use of transient boaters. Overnight parking for the owners of moored vessels and for members of their families and their guests is permitted in the parking areas of the Old Saybrook Junior High School nearby. Town parking permits are not required for parking in those areas.

The Commission and Harbor Master maintain detailed records concerning all mooring permit holders and moored vessels, and all persons on the mooring waiting list. In 2003 there are over 200 permitted mooring locations, including the Town guest mooring location, in North Cove. Most of these moorings (150 in 2003) are located in the Federal anchorages. Present demand for mooring locations in the Cove far exceeds the available space. As a result, there are over 170 persons currently on the Commission's waiting list for mooring space. Noted in Chapter Three, an important harbor management issue concerns the continued siltation in the Cove which is restricting use of the Federal anchorages. The anchorages were last dredged by the Corps of Engineers in 1991/92. In 1999 the Harbor Management Commission requested that the Corps conduct maintenance dredging of the North Cove anchorages and entrance channel, and subsequently worked with the Corps to develop the information needed to document the need for dredging, to describe existing conditions in the Cove, and to determine the potential environmental impacts of the maintenance dredging project. In 2003 the Corps received the necessary approvals from the Connecticut Department of Environmental Protection to conduct the project; the work is now contingent on the availability of Federal funding.

In addition to the North Cove mooring area, there are three other, smaller mooring areas managed by the Harbor Master. These are: 1) the Ferry Point mooring area north of Ferry Point and the navigation fairway serving the Ferry Point Marine Commercial District; 2) the Connecticut River mooring area adjoining the north side of Saybrook Point in the area bounded by the Connecticut

River channel and North Cove entrance channel; and 3) the South Cove mooring area along the north shoreline of the Fenwick peninsula east of the Route 154 causeway and within the harbor management jurisdiction of the Borough of Fenwick. The three areas accommodate relatively few vessels compared to the North Cove mooring area; their general locations are shown on Figure 1-21.

While demand for mooring use of the three smaller mooring areas has fluctuated from year to year, the maximum number of mooring permits issued by the Harbor Master in any one year for the Ferry Point area is about 25; for the Connecticut River and South Cove areas, the maximum number of permits in any one year is about 10. Although the South Cove mooring area is within the harbor management jurisdiction asserted by the Borough of Fenwick, mooring locations here have been subject to the permitting authority of the Old Saybrook Harbor Master in the absence of any duly appointed Harbor Master for the Borough of Fenwick.

Anchoring of vessels may take place throughout the Harbor Management Area in accordance with the public's rights for use of navigable water (see Chapter Three), as long as anchoring occurs in a manner and in locations so as not to interfere with navigation or cause other unacceptable adverse impacts, including impacts on coastal resources, moored vessels, and other users of the HMA. Space for anchoring of transient vessels is severely limited in North Cove due to the number of moored vessels and shallow water depths outside of the mooring areas. As a result, visiting boaters are directed to use the designated transient moorings described above. Vessels may anchor in the Ferry Point, Connecticut River, and South Cove mooring areas but there are no nearby public waterfront facilities to enable boaters to come ashore from anchored vessels in these areas.

Private Facilities

There are also several private boating facilities that provide access to the Old Saybrook Harbor Management Area. These include the North Cove Yacht Club (see Figure 1-30) and several facilities operated by neighborhood associations at Old Saybrook.

The North Cove Yacht Club provides opportunities for access to the HMA by Club members and guests. The Club maintains a small docking facility and members hold individual permits for mooring their boats in North Cove. In addition, the Club operates a launch service which in 1998 served 131 visiting vessels operated by persons who registered as guests at the Club. The launch service relieves the Town Dock of the pressures of accommodating all of the boating visitors to the Cove, most of whom patronize stores and restaurants along Main Street in downtown Old Saybrook. The Club plans to conduct maintenance dredging in the area of its docking facility in coordination with Corps of Engineers dredging of the Federal anchorages.

The most prominent neighborhood association facilities are the Indiantown Marina (see Figure 1-31) and the Great Hammock Beach Association Boating Facility. The Indiantown Harbor area is located at the mouth of Mud Creek on Long Island Sound where a dredged channel, marina basin, and rock jetties are privately maintained by the Indiantown Association — a “municipal corporation” which enjoys the status of a political subdivision of the Town of Old Saybrook.

The Great Hammock Beach Association boating facility has provided space for 16 small boats to tie up near the Oyster and Back Rivers. Stone piers owned and maintained by the Fenwood and Knollwood associations and the Borough of Fenwick in Long Island Sound are intended primarily for swimming and fishing use, and not for the support of boating activities.



Figure 1-31: Indiantown Harbor area at the mouth of Mud Creek.

WATERFRONT LAND USE AND DEVELOPMENT CONDITIONS

The boundaries of municipal jurisdictions authorized by State statute for planning and zoning purposes and for harbor management purposes intersect at the mean high water line. In accordance with the State legislation enabling the functions of municipal planning and zoning commissions, Old Saybrook's planning and zoning authority ends at the mean high water mark. The Connecticut Harbor Management Act—the State legislation authorizing the functions of municipal harbor management commissions—enables the extension of local jurisdiction for harbor management purposes waterward of the mean high water mark on navigable waters within the Town limits. (See Chapter Two.)

Although the Old Saybrook Harbor Management Plan must focus on the water resources of the Harbor Management Area, upland conditions, including the type and extent of waterfront land use and development, will continue to exert a major influence on the future use and condition of the HMA and are therefore considered in the Plan. At the same time, the use and condition of the HMA have an important effect on waterfront land use and development and should be addressed in the Town's Plan of Conservation and Development (see below). In other words, there is an important overlap of the interests of the Harbor Management Commission and the Planning and Zoning commissions on the waterfront.

The prominent waterfront features of Old Saybrook's Connecticut River shoreline, from Deitch Pond Creek at the Old Saybrook/Essex boundary to Lynde Point at the west jetty of the Saybrook Outer Bar Channel, and including the shorelines of North and South coves, include:

- the waterfront residential area with private docking facilities along the shoreline north of Ferry Point (see Figure 1-32);
- Ferry Point and the commercial marine facilities around the Point;
- the I-95 approach to the Baldwin Bridge;
- the Baldwin Bridge State Boat Launch and fishing pier;
- the Amtrak railroad line approach to the Connecticut River Railroad Bridge;
- the commercial marine facilities and Town Ferry Dock facility between the bridges, and the dredged channel to the commercial marina basin just north of the railroad line;
- Ragged Rock Creek and the extensive tidal wetlands adjoining the Creek;
- the remnant of the causeway that once carried the Connecticut Valley Railroad line across the mouth of North Cove to Saybrook Point and Fenwick;
- the North Cove shoreline including waterfront residential properties, Town water access facilities, a private yacht club, and the site of the former Town landfill (see below);
- Saybrook Point including commercial marine facilities, Fort Saybrook Monument Park, and the Town-owned property that includes the site of the former Sand Bar Restaurant (see below);
- the Connecticut Route 154 causeway across the mouth of South Cove and the pile remnants of the first bridge across the Cove east of the causeway;
- the residential properties and tidal wetlands along the shoreline of South Cove; and
- Lynde Point on the eastern edge of the Fenwick peninsula, including the Saybrook Lighthouse (Lynde Point light), west jetty, and Saybrook breakwater light (see Figure 1-33).

The prominent waterfront features of Old Saybrook's Long Island Sound shoreline from Cold Spring Brook at the Old Saybrook/Westbrook boundary to Lynde Point at the west jetty of the Saybrook Outer Bar Channel is characterized by shorefront residential communities, private boating facilities, Town and private beach areas, and several important tributary and tidal wetland areas.

Prominent features of the nearshore Long Island Sound portion of the HMA include:

- the Chalker Beach area and the mix of seasonal and year-round dwellings in this shorefront residential area on the barrier beach between Cold Spring Brook and Chapman Point;
- the Indiantown/Saybrook Manor area extending from Mud Creek to the Oyster River and including shorefront residential areas, community beaches owned by the Indiantown Association, Saybrook Manor Association, and Saybrook Manor Cove Association, and the Indiantown Harbor Area maintained by the Indiantown Association at the mouth of Mud Creek;

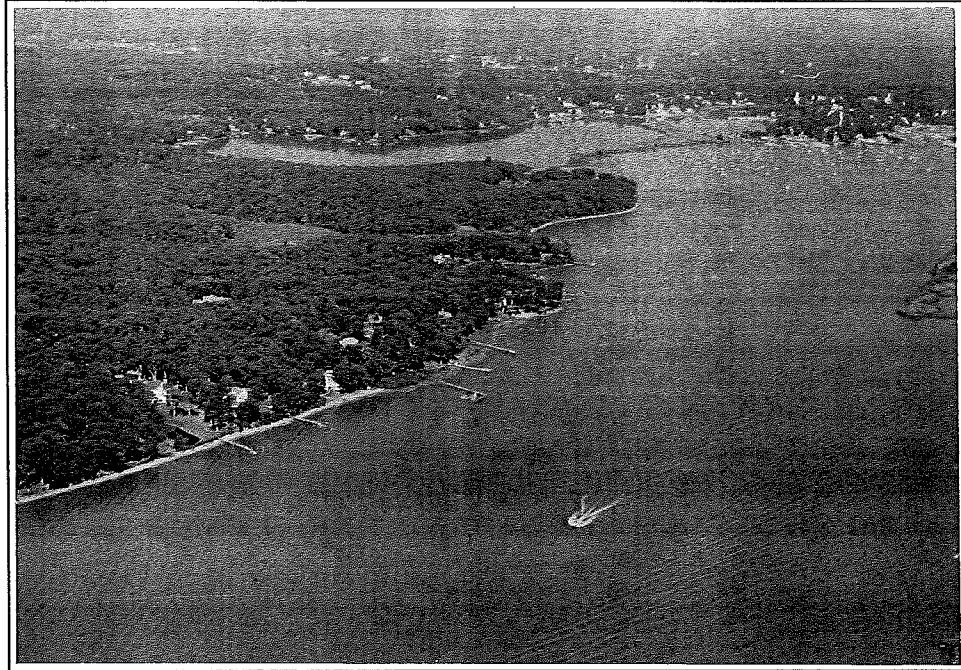


Figure 1-32: North shoreline of Old Saybrook on the Connecticut River looking upstream toward Essex (at upper right).

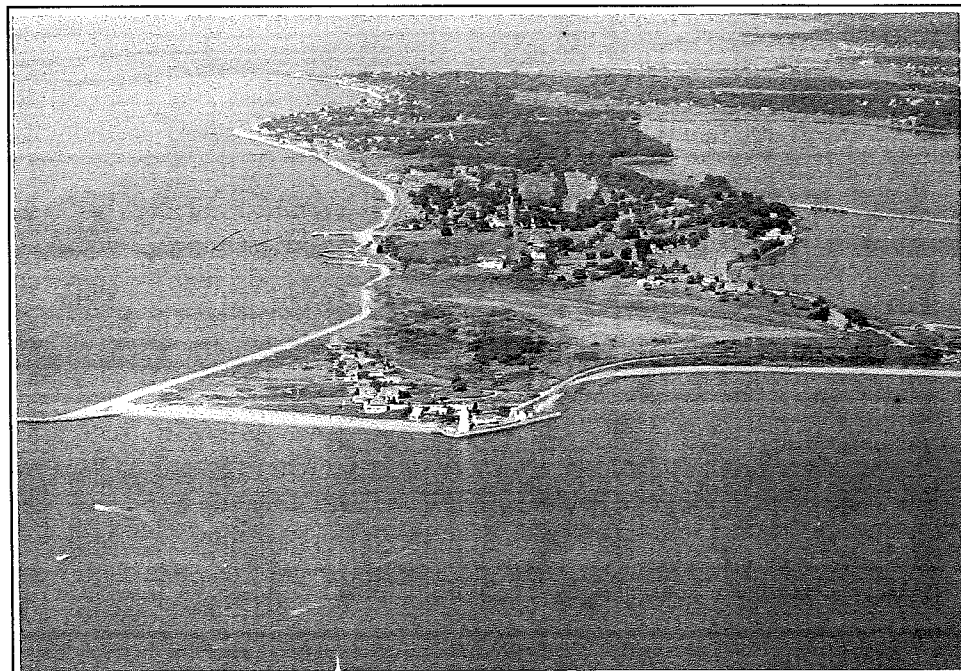


Figure 1-33: Lynde Point and Borough of Fenwick looking west; South Cove to right, Connecticut River in foreground.

- the Oyster and Back rivers and the extensive tidal wetlands associated with those rivers;
- the Great Hammock Beach area (another barrier beach area) which includes waterfront cottages and the Town-owned Harvey's Beach which is open to Town residents and, for a daily admission fee, to the general public, as well as the Great Hammock Beach Association boating facility near the Oyster and Back rivers;
- the Plum Bank Beach area, a third barrier beach area, which includes waterfront cottages, the Old Saybrook Town Beach which is the Town's principal public beach area (a resident beach pass is required for admission), and Connecticut Route 154;
- Plum Bank Creek and the tidal wetlands associated with the Creek behind the Plum Bank barrier beach;
- The predominantly residential shorefront from Cornfield Point to Guardhouse Point, including beachfront owned by the Cornfield Point, Knollwood, and Fenwood associations, and stone piers owned and maintained by the Knollwood and Fenwood associations; and
- the Long Island Sound shoreline of the Borough of Fenwick, a political subdivision of the Town (see Chapter Two), including the stone pier owned and maintained by the Borough.

Old Saybrook's Long Island Sound shoreline is also characterized by many groins — barrier-type structures that have been built generally perpendicular to the shoreline in an effort to maintain sandy beach areas by trapping the alongshore movement of sand. Also, a number of seawall structures have been built in an effort to halt shoreline erosion.

A number of Town streets end at the shoreline of the Connecticut River, North and South coves, and Long Island Sound. These Town-owned street ends provide important opportunities for visual and/or physical access to the HMA. Some, such as Ferry Road, Sheffield Street, and North Cove Road, are clearly marked and lead to Town boating facilities; others are not clearly marked and public use is restricted by obstructions and/or unauthorized encroachments into the publicly owned area. A report on Town-owned street ends was submitted to the Town in 1998 (see "Road Endings Report" by Angus McDonald/Gary Sharpe and Associates, February 1998). That report describes 26 Town-owned street ends, including: street ends with no apparent encroachment or obstruction to their use; street ends with possible encroachments or encroachments of a minor nature that do not affect access to the water; and street ends with apparent encroachments and/or obstructions that affect their use.

As indicated above, several neighborhood associations have been formed to represent residents of Old Saybrook's waterfront areas. (These associations are distinguished from the Borough of Fenwick which has special legislative authority granted by the State legislature; see Chapter Two.) The neighborhood associations express their interests and concerns with respect to plans and proposals that may affect the Town's marine resources; they also express concerns with respect to the impacts such plans and proposals may have on their neighborhoods. Waterfront neighborhood associations include the Otter Cove Association on the Connecticut River; the Summerwood, Chalker Beach, Indiantown, Saybrook Manor, Great Hammock Beach, Plum Bank Beach, Knollwood, Cornfield, and Fenwood associations on Long Island Sound; and the Oyster River Condominium Association on the Oyster River. These associations have special interests

with respect to the use and conservation of their water and waterfront areas that must be considered in the formulation of waterfront plans and proposals; some have established substantial facilities to facilitate use of and access to the HMA.

A more detailed description of waterfront land use and development conditions at Old Saybrook is included in the Town's Plan of Conservation and Development (see *Plan of Development for the Town of Old Saybrook*, June 1990) adopted by the Old Saybrook Planning Commission, and in the Town's Municipal Coastal Program document adopted by the Planning Commission as an element of the Plan of Conservation and Development. In 2003 the Planning Commission has prepared an update of the Plan (*2000 Plan of Conservation and Development*) for public hearing and adoption by the Commission. (See Chapter Two.) In accordance with the Connecticut General Statutes, land use plans prepared by a municipality's planning commission must now be called plans of conservation and development (emphasis added) and must include the planning commission's recommendations for land to be used for conservation purposes.

Along with the Plan of Conservation and Development, the Old Saybrook Zoning Regulations also include important provisions affecting waterfront land use and development and the Town's harbor management efforts. The Marine Commercial (MC) and Saybrook Point zoning districts, for example, have particular significance with regard to future use and development of the waterfront and HMA.

The MC District is intended to provide for and encourage appropriate waterfront land uses with an emphasis on waterfront access and water-dependent uses defined in the Connecticut Coastal Management Act. The MC District is applied to waterfront properties in the Ferry Point area and two areas adjoining North Cove. (Uses permitted "as-of-right" and as special exceptions in the MC District are noted in Chapter Two of the Harbor Management Plan.)

The Saybrook Point District is intended to encourage integrated and harmonious development for "Town park, open space and historic site preservation, for water-dependent uses and for water related uses which enable community enjoyment of the assets of the Point and for uses which are consistent with preservation of adjacent residential neighborhoods." (See Chapter Two.)

Outside of the areas covered by the MC and Saybrook Point districts, the Old Saybrook waterfront is covered by several different residential zoning districts.

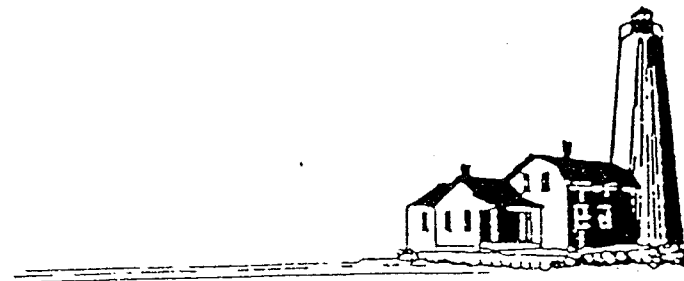
At the conclusion of this section on Waterfront Land Use and Development Conditions, it is important to make note of two underutilized waterfront sites that provide opportunities for waterfront improvement and access projects. The principal site, which has been the focus of much public attention in recent years, is the Town-owned property that includes the site of the former Sand Bar restaurant on Saybrook Point. Special studies of this property have been undertaken by the Town and a "vision" for the site was prepared by the Saybrook Point ad hoc Committee. The Town's Plan of Conservation and Development recognizes the unique opportunities for public use, enjoyment, and access to the Connecticut River provided at Saybrook Point. Decisions concerning future use and development of this unique area will have important long-term impacts on the Town's waterfront and HMA.

Another underutilized property of interest is the former Town landfill adjoining North Cove. The Town's Municipal Coastal Program document suggests this site be considered for providing opportunities for waterfront access.

CHAPTER TWO: CURRENT ROLES AND AUTHORITIES FOR HARBOR MANAGEMENT AT OLD SAYBROOK

WHEREAS the Town of Old Saybrook wishes to protect its marine-historic resources and sensitive natural resource areas found along its harbors and in near-shore coastal waters; to provide greater public opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all harbor and near shore coastal water users; to allocate land and water resources in an economically and environmentally sound manner, and WHEREAS the Town believes that the most equitable way of balancing competing uses in the harbor and adjacent coastal waters is to develop, adopt and implement a Harbor Management Plan, and WHEREAS a Harbor Management Commission can properly manage and plan for the harbors and near-shore coastal waters, THEREFORE the Town Meeting of the town of Old Saybrook hereby enacts a Harbor Management Commission pursuant to Section 22a-113k of the General Statutes.

Town Ordinance No. 77



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

CURRENT ROLES AND AUTHORITIES
FOR HARBOR MANAGEMENT AT OLD SAYBROOK

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NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in this chapter should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

CURRENT ROLES AND AUTHORITIES FOR HARBOR MANAGEMENT AT OLD SAYBROOK

This chapter describes the existing “institutional framework” for harbor management at Old Saybrook. A number of commissions, departments, and agencies at the local, State, and Federal levels have authorities and responsibilities pertaining to harbor management and the Old Saybrook Harbor Management Area (HMA). The Town Meeting, Board of Selectmen, and Harbor Management Commission, for example, have important Town authorities and responsibilities. On the State and Federal levels, the Connecticut Department of Transportation (DOT), Connecticut Department of Environmental Protection (DEP), U.S. Army Corps of Engineers (Corps), and U.S. Coast Guard are four agencies with important harbor management-related authorities. All of these governmental entities will have continuing roles that affect the HMA; an understanding of their current authorities and responsibilities is therefore necessary when considering opportunities for the most effective management of Old Saybrook’s waterfront and harbor resources in the future. In addition, the general public and waterfront property owners have important water-related rights to use the HMA, and there are a number of private organizations with harbor management interests.

The Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) is the principal State legislation affecting harbor management at Old Saybrook. (See page 2-15; a copy of the Harbor Management Act is included as Appendix B of the Harbor Management Plan.) Locally, Town Ordinance No. 77 (see Appendix C) establishes the Harbor Management Commission and gives the Commission all of the State-delegated authorities provided to municipal harbor management commissions, including authority to prepare a Harbor Management Plan for adoption by the Town Meeting and approval by the State of Connecticut.

The information presented in this chapter is based on discussions with representatives of different commissions, departments, and agencies concerned with the HMA, on review of relevant reports and studies, and on information provided by harbor management commissions in other Connecticut municipalities. Sources of information are listed in Appendix A.

TOWN OF OLD SAYBROOK

In addition to the Town Meeting, Board of Selectmen, and Harbor Management Commission, other Town commissions and departments, including the Planning Commission, Zoning Commission, Parks and Recreation Commission, Public Works Department, Water Pollution Control Authority, Police Department, Fire Department, Conservation Commission, North Cove Historical District Commission, Shellfish Commission, and other agencies and officials have responsibilities affecting the Old Saybrook Harbor Management Area. In addition, the Borough of Fenwick is a political subdivision of the Town of Old Saybrook with specific authorities and jurisdiction adjoining the HMA.

The boundaries of municipal jurisdictions authorized by State statutes for planning and zoning purposes and for harbor management purposes intersect at the mean high water line. In accordance with the State legislation enabling the functions of municipal planning and zoning commissions, Old Saybrook's planning and zoning authority ends at the mean high water line. For harbor management purposes, the Connecticut Harbor Management Act enables municipalities to extend their local jurisdictions waterward of the mean high water line, on navigable waters within the limits of the municipality. Since use and development of land above the mean high water line can have an important impact on the Old Saybrook HMA, the authorities and decisions of the Town's Planning and Zoning commissions have particular significance with respect to harbor management at Old Saybrook. As a result, coordination and consistency among the plans, regulations, and programs of the Planning and Zoning commissions and Harbor Management Commission, including coordination among the Town's Plan of Conservation and Development, Zoning Regulations, and Harbor Management Plan, is particularly important.

TOWN MEETING

Old Saybrook is governed by the Town Meeting system of government. The Town Meeting consists of the electors of the Town and meets annually on the fourth Monday of November; special meetings are called by the Board of Selectman. The Town Meeting, as the legislative body of the Town of Old Saybrook, has important oversight responsibilities that affect harbor management. For example, the Town Meeting enacts all Town ordinances, including Ordinance No. 77 which established the Old Saybrook Harbor Management Commission in 1997 and directs the Commission to prepare a Town Harbor Management Plan in accordance with the Connecticut Harbor Management Act. The Town Meeting has also enacted other ordinances affecting the Town's waterfront and Harbor Management Area, including Ordinance No. 19 (see Appendix C) which regulates use of the Town's waterfront facilities.

In accordance with Section 22a-113m of the Connecticut General Statutes which specifies the procedure for State approval and local adoption of municipal harbor management plans, the Town Meeting is responsible for adoption of the Old Saybrook Harbor Management Plan and any subsequent amendments to the Plan. Sec. 22a-113m states that a harbor management plan "may be adopted by ordinance by the legislative body of each municipality..." "Adopted *by* ordinance," however, should not be confused with "adopted *as* an ordinance." The Old Saybrook Harbor Management Plan need not be published and adopted *as* an ordinance. Consistent with the approach taken by other Connecticut towns to adopt harbor management plans, the "ordinance" by which the Town Meeting may adopt the Old Saybrook Harbor Management Plan can be short and simple—more in the form of a resolution than an ordinance. Implementation of certain aspects of the Plan, however, may require some amendments to existing Town ordinances.

BOARD OF SELECTMEN

The three-member Old Saybrook Board of Selectmen, elected at the regular biennial Town election in November of each odd-numbered year, also has responsibilities affecting harbor management and provides leadership and direction for waterfront improvement and harbor management. The First Selectman is the Town's Chief Executive Officer, responsible for administration of all offices of Town government, administration of Town financial and legal matters, and coordination of Selectmen's meetings and Town Meetings. The Selectmen may participate in special projects concerning the Town's waterfront and Harbor Management Area. Examples include the work of the Saybrook Point ad hoc Committee charged with developing a vision for the Town's Saybrook Point property and presenting a final report and recommendations to the Board of Selectmen, and a study of Town-owned street ends adjoining the HMA.

HARBOR MANAGEMENT COMMISSION

The need for active Town involvement and authority in matters pertaining to Old Saybrook's marine jurisdiction on the Connecticut River and Long Island Sound has long been recognized by the Town's electors, first through establishment of the Old Saybrook Advisory Waterfront Commission (later called the Waterfront Commission) by Town Ordinance No. 18 in 1961, and then through establishment of the Harbor Management Commission by Town Ordinance No. 77 in 1997. (Copies of Ordinances nos. 18 and 77 are included in Appendix C of the Harbor Management Plan.)

The Harbor Management Commission was established by the Town Meeting with authority provided by the Connecticut Harbor Management Act. In this regard, the Harbor Management Commission is no different from other Town commissions such as the Planning Commission, Zoning Commission, and Conservation Commission that are also authorized to function by State enabling legislation.

Town Ordinance No. 77 establishes the jurisdiction, powers, duties, and responsibilities of the Harbor Management Commission and specifies that the Commission shall be comprised of five members elected at the Town election in accordance with the procedure set forth in the Town Charter. In addition, the Old Saybrook Harbor Master is to serve as an ex-officio member of the Commission without vote.

As authorized by the Connecticut Harbor Management Act, the jurisdiction of the Commission is defined as the "waters within the territorial boundaries of the Town of Old Saybrook below mean high water, with the exception of the waters within the jurisdiction of the Fenwick Harbor Management Commission." This area of jurisdiction is more precisely defined for purposes of the Harbor Management Plan as the Old Saybrook Harbor Management Area. (See Chapter One.)

Section 4 of Ordinance No. 77 specifies that the purpose of the Harbor Management Commission is to prepare a Harbor Management Plan in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes. Section 4 also specifies other Commission responsibilities, including responsibilities to:

- *recommend ordinances for adoption by the Town Meeting to implement the Harbor Management Plan;*
- *assist the Harbor Master in the assignment of moorings, the management of mooring and anchorage areas, and the collection of mooring fees;*
- *prepare an operating budget using funds from sources which may include, but are not limited to, local appropriations, mooring fees, violation fines, or a harbor management fund established by Town ordinance;*
- *assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area;*
- *review and make recommendations, consistent with the Harbor Management Plan, on any proposal affecting real property on, in, or contiguous to the area within the Commission's jurisdiction submitted to the other municipal agencies, specifically the Planning Commission, Zoning Commission, Zoning Board of Appeals, Water Pollution Control Authority, Inland Wetlands Commission, Conservation Commission, Parks and Recreation Commission, North Cove Historical District Commission, and Shellfish Commission;*
- *review for consistency with the Harbor Management Plan any public notice of an application for a local, State or Federal permit for an activity taking place within the Commission's jurisdiction, and respond in a timely fashion with recommendations to the regulating agencies; and*
- *conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Old Saybrook waters and to present to the Board of Selectmen proposals for the harbor's efficient operation.*

In addition, Town Ordinance No. 77 terminates the Old Saybrook Waterfront Commission and transfers all of the duties and responsibilities previously conferred upon the Waterfront Commission by Town Ordinances nos. 18, 19, and 20 to the Harbor Management Commission. (Town Ordinances nos. 18, 19, and 20 are included in Appendix C of the Harbor Management Plan.) In assuming the duties and responsibilities of the Waterfront Commission, the Harbor Management Commission shall:

concern itself with all matters relating to the acquisition, improvement, expansion, and management of waterfront areas belonging to, or leased by, the Town of Old Saybrook, including the construction, erection, improvement, alteration, expansion, extension, acquisition, operation, management, regulation, and supervision of wharves, piers,

bulkheads, breakwaters, jetties, docks, slips, basins, docking facilities, beach areas, harbor development, and waterfront installations. It shall, independently and/or in conjunction with other governmental agencies, investigate all such matters and shall, from time to time, report to Town Meetings the results of its investigations and shall make recommendations to such Town Meetings for the adoption of suitable ordinances and regulations for such waterfront areas and for the appropriation of funds, subject to Board of Finance consideration, for the acquisition, expansion, improvement, and management of the same.

In addition, the Commission is authorized and empowered to:

- *adopt rules and regulations as it deems necessary and advisable for the proper control, use, management, and maintenance of all Town of Old Saybrook owned and controlled waterfront facilities under [its jurisdiction]; and*
- *establish, charge, and collect fees for the use of those Town of Old Saybrook owned and controlled waterfront facilities and mooring areas within [its jurisdiction and control].*

Since its formation, the Harbor Management Commission has worked to address the various issues affecting management of the Old Saybrook HMA, and to coordinate its activities with the activities of the other Town commissions as well as State and Federal agencies concerned with harbor management. The Commission's basic goals have been to achieve safe and balanced use of the HMA, beneficial use and enjoyment of Town waterfront facilities, and protection of the environmental quality associated with the Town's waterfront and HMA. Among its ongoing activities in 2003, the Commission is serving as the Town's advocate for maintenance dredging of the Federal Navigation Project, including the North Cove entrance channel and anchorage basins. In this role, the Commission requested that the Corps of Engineers conduct maintenance dredging of the North Cove channel and anchorage basins; provided information to the Corps for the planning and analysis needed to support Federal maintenance dredging of the Cove; and has generally served to coordinate the involvement of the Corps, Connecticut Department of Environmental Protection, and the Town's U.S. Congressional delegation to advance the maintenance dredging project.

The Commission works closely with the Old Saybrook Harbor Master (see page 2-17) in the course of carrying out its responsibilities, including responsibilities for overseeing the allocation and use of mooring locations in North Cove and the use and condition of Town waterfront facilities, including the Town dock, ramp, and landing at North Cove, and the Ferry Dock on the Connecticut River. The Commission has adopted policies and procedures for use of the North Cove mooring area and Town Dock at Sheffield Street. (See Chapter Six.) Those policies and procedures address mooring permit requirements, use of vacant moorings by transient boaters, and use of the Town Dock. The Town Dock Master, hired by the Commission and supervised by the Commission and Harbor Master, is responsible for the physical placement and removal of moorings in the North Cove Federal anchorage area. The Dock Master also sets and replaces private aids to navigation and assists the Commission and Harbor Master with other projects to maintain beneficial use and enjoyment of Town waterfront facilities.

PLANNING COMMISSION

The Old Saybrook Planning Commission carries out the powers and duties conferred on municipal planning commissions by State statute. The responsibilities of the Commission include preparing, amending, and updating the Town's Plan of Conservation and Development (see *Plan of Development for the Town of Old Saybrook*, June 1990 and *2000 Plan of Conservation and Development*), authorizing development in accordance with the Town's Subdivision Regulations, and reviewing all proposals for capital improvements by municipal agencies for conformity with the Plan of Conservation and Development.

The Old Saybrook Plan of Conservation and Development was last updated in 1990. In 2003 the Planning Commission has prepared an update to the Plan (*2000 Plan of Conservation and Development*) for public hearing and adoption by the Commission. (In accordance with the Connecticut General Statutes, land use plans prepared by a municipality's planning commission must now be called plans of conservation and development [emphasis added] and shall include the planning commission's recommendations for land to be used for conservation purposes.) In coordination with the Conservation Commission, the Planning Commission undertook a Town-wide survey in 1998 to obtain input from residents on open space, land use, and quality of life topics pertinent to the Town's efforts to update the Plan of Conservation and Development.

The Old Saybrook Planning Commission also has important responsibilities for overseeing Old Saybrook's Municipal Coastal Program (MCP) in accordance with the provisions of the Connecticut Coastal Management Act (CCMA) of 1979 (see page 2-15). The CCMA requires that municipalities undertake reviews of all major activities or projects proposed within the coastal area for consistency with the coastal policies established by the CCMA. This is the mandatory process of Coastal Site Plan Review (CSPR) that must be carried out by all Connecticut coastal municipalities.

The CCMA also provides for the voluntary development, by each coastal municipality, of a Municipal Coastal Program. The purpose of the MCP is to implement the policies and provisions of the CCMA through local land use plans and regulations. If a municipality chooses to develop a MCP, it must revise its plan of conservation and development as well as its zoning and other land use regulations affecting the area within the coastal boundary. For example, a municipal planning commission may revise the local plan of conservation and development by modifying policies and recommendations for coastal land use; zoning regulations must then be amended to conform to and help achieve the revised planning provisions. This procedure was followed by the Old Saybrook Planning and Zoning commissions working in coordination to establish Old Saybrook's MCP.

The Planning Commission prepared the Town's Municipal Coastal Program document and adopted that document as an element of the Plan of Development in 1983. (This was prior to the statutory requirement that municipal land use plans be called plans of conservation and development.) The MCP document contains goals, policies, and proposals for use and conservation of the Town's coastal resources, as well as recommendations for changes to the Town's Zoning Regulations. A number of the provisions in the MCP are relevant to the Town's harbor management efforts, including the following goals concerning public access to the water, recreational boating, waterfront use and development, and environmental quality:

GOALS FROM THE MUNICIPAL COASTAL PROGRAM:

- *to continue and increase opportunity for people to use and enjoy the amenities and resources of the shorefront in a variety of ways and in a manner that conserves and replenishes coastal resources;*
- *to increase opportunity for recreational boating based in or visiting Old Saybrook, and to provide for the increase in a manner that recognizes a diversity of types of craft and facilities to be used;*
- *to continue the use and development of existing limited developed shorefront area for marine-related uses, including recreational boating, recreational and commercial fishing, and other uses which enable people to have contact with the resources of the shoreline;*
- *to maintain all existing viable tidal wetlands and freshwater wetlands for their natural function and social benefits, providing for modification of tidal wetlands only to implement other established coastal goals and policies; and*
- *to assure proper provision of sewage disposal and maintenance of water quality within the coastal boundary and in a manner that meets established standards and supports other coastal goals and policies.*

Following amendment of the Plan of Development to incorporate the MCP document, Old Saybrook's zoning regulations were amended by the Zoning Commission (see below) to help implement the coastal management provisions included in the MCP document.

The Town's Land Use Department and Zoning Enforcement Officer provide necessary administrative support for the Planning Commission, Zoning Commission, and Zoning Board of Appeals.

ZONING COMMISSION

The Old Saybrook Zoning Commission carries out the powers and duties conferred on municipal zoning commissions by State statute. The Commission is responsible for implementing the Town's Zoning Regulations, including preparing and adopting any amendments to the zoning map and/or zoning text. In coordination with the Planning Commission, the Zoning Commission has important responsibilities for implementing the Old Saybrook Municipal Coastal Program.

In addition to reviewing development proposals for conformance with the Zoning Regulations, the Zoning Commission also conducts a Coastal Site Plan Review for most all development proposals within the Town's defined coastal area. Each proposed activity subject to the CSMR process must be reviewed to ensure that it is consistent with the policies of the Connecticut Coastal Management Act and the Town's coastal management provisions incorporated in the Plan of Conservation and Development by the Municipal Coastal Program document described above.

Following amendment of the Plan of Development to incorporate the MCP document, the Zoning Commission amended the Zoning Regulations to help implement the coastal management provisions included in the MCP document. The Zoning Regulations include important provisions affecting waterfront land and the Town's harbor management efforts. The Marine Commercial (MC) and Saybrook Point zoning districts, for example, have particular significance with regard to future use and development of the waterfront and Harbor Management Area.

The MC District is intended to provide for and encourage appropriate waterfront land uses with an emphasis on waterfront access and water-dependent uses defined in the Connecticut Coastal Management Act. The MC District is applied to waterfront properties in the Ferry Point area and two areas adjoining North Cove. Uses permitted "as-of-right" in the MC District include:

- *a single, detached dwelling for one family (not more than one such dwelling per lot);*
- *schools, parks, playgrounds, and open space lands of the Town;*
- *a dock, wharf, slip basin, or similar landing facility for pleasure boats;*
- *a fish market primarily handling local catches;*
- *establishments for the sale, repair, and/or servicing of boats, including the dispensing of fuel and lubricants at retail, but expressly excluding bulk storage of fuel;*
- *a sail loft or ship chandlery, including the retail sale of marine equipment, engines, and provisions for boats; and*
- *storage of boats when accessory and subordinate to a permitted landing facility for pleasure boats or establishments for the sale, repair, and/or servicing of boats.*

Uses that may be permitted as special exception uses by the Zoning Commission in the MC District are also specified. Those uses, which include nonwater-dependent uses such as retail stores and service establishments, restaurants, and business and professional offices, may only be approved in accordance with special procedures, standards, and conditions established in the Zoning Regulations. Also, any specified "as-of-right" use that exceeds 5,000 square feet of gross floor area is also considered a special exception use. Multiple-family residential development is not permitted in the MC District, either "as-of-right" or by special exception.

The Saybrook Point District is intended to encourage integrated and harmonious development for "Town park, open space and historic site preservation, for water-dependent uses and for water related uses which enable community enjoyment of the assets of the Point and for uses which are consistent with preservation of adjacent residential neighborhoods." The Saybrook Point District is divided into three sub-districts; for each sub-district there are specific uses that may be permitted as-of-right, by special exception approval, and by special exception and site plan approval. Residential and professional office developments are not permitted in the two Saybrook Point sub-districts located directly on the waterfront.

Outside of the areas covered by the MC and Saybrook Point districts, the Old Saybrook waterfront is covered by several different residential zoning districts.

The Zoning Regulations also contain important regulations for the control of development in the “100-year” floodplain as identified on the Town’s Flood Insurance Rate Map. In addition, the Connecticut River Gateway Conservation Zone (Conservation Zone) shown on the Town’s Zoning Map covers a significant portion of the Old Saybrook waterfront. The Zoning Regulations include minimum standards for the use of property consistent with the purposes of the Conservation Zone. Certain decisions by the Zoning Commission and Zoning Board of Appeals affecting property within the Conservation Zone are subject to review and approval by the Connecticut River Gateway Commission. (See page 2-14.)

The Town of Old Saybrook does not have zoning authority in the Borough of Fenwick, a political subdivision of the Town. (See page 2-12.) Land use and development in the Borough are regulated by Fenwick’s own zoning ordinance.

The Town’s Land Use Department and Zoning Enforcement Officer provide necessary administrative support for the Planning Commission, Zoning Commission, and Zoning Board of Appeals.

PARKS AND RECREATION COMMISSION

Land and facilities managed by the Parks and Recreation Commission provide important opportunities for public access to the Harbor Management Area. The Commission is responsible for the operation, staffing, development, and maintenance of Town-owned parks, beaches and recreational facilities, including Fort Saybrook Monument Park and Saybrook Point Park on Saybrook Point and the Town Beach and Harvey’s Beach on Long Island Sound. Decisions of the Commission and day to day operations are carried out by the Parks and Recreation Department administered by a full-time director. Maintenance, repair, and other projects requiring the use of heavy equipment are conducted with assistance from the Town’s Public Works Department.

PUBLIC WORKS DEPARTMENT

The Public Works Department is responsible for maintenance of Town roads and right-of-ways, and also the maintenance of street signs, Town-owned sidewalks, and maintenance and replacement of Town trees. The Department assists with any Town project that requires use of heavy equipment, including projects to maintain and improve Town-owned waterfront facilities, in coordination with the Parks and Recreation Department and Harbor Management Commission.

WATER POLLUTION CONTROL AUTHORITY

The Town’s Water Pollution Control Authority (WPCA) established in 1995 has important responsibilities for addressing water quality issues, particularly issues concerning septic system problems in several of Old Saybrook’s densely developed shorefront areas. The WPCA conducts an ongoing evaluation of pollution problems and oversees the Town’s on-site septic system management program whereby on-site septic systems are pumped out, inspected, and repaired as necessary in accordance with a Town Ordinance. The Town Sanitarian is responsible for

enforcing that Ordinance; a full-time WPCA Inspector assists with program implementation. In addition, the WPCA evaluates the results of an ongoing program for groundwater monitoring that is being carried out in several identified areas of concern to identify the degree of contamination and potential environmental impacts associated with on-site septic system use.

A major responsibility of the WPCA is preparation and implementation of a Town-wide Wastewater Management Plan. The plan's basic goals will be to protect the public health and the quality of the Town's groundwater and surface water resources. Based on an ongoing engineering study by the Town, the WPCA and Connecticut Department of Environmental Protection have reached an agreement that several developed areas adjoining the Harbor Management Area, including the Chalker Beach, Indiantown, Great Hammock Beach, Plum Bank Beach, and Cornfield Point areas, should be evaluated for development of off-site "structural" measures for wastewater disposal and treatment. Such evaluations will be carried out in the course of the WPCA's work to prepare the Wastewater Management Plan.

POLICE DEPARTMENT

The Old Saybrook Police Department has important responsibilities for law enforcement and boating safety in the Harbor Management Area. Like other municipal police departments in Connecticut, the Old Saybrook Police Department has State-delegated authority to enforce the State boating laws and regulations that apply in the Connecticut River and nearshore Long Island Sound at Old Saybrook, including the laws and regulations establishing the three steerage speed areas in the Connecticut River (see Chapter One). The Police Department's Marine Patrol Unit conducts regular patrols of the HMA on weekends during the boating season, and is on call at all other times. Enforcement of the State boating laws and regulations is sometimes carried out in coordination with the Connecticut Department of Environmental Protection's Law Enforcement Division (see page 2-25) and the State Police which supervises marine patrol activities in the towns of Old Lyme and Essex. The Marine Patrol Unit also helps to enforce the State's boat registration laws and may conduct boating safety inspections for compliance with State requirements for boating safety (e.g., concerning personal flotation devices, fire extinguishers, lights). The Police Department considers education of the boating public to be one of its highest priorities.

Old Saybrook's Marine Patrol Unit also provides assistance to boaters in distress and responds to emergency situations, including search and rescue situations, in coordination with the Old Saybrook Fire Department, State Police, DEP, Coast Guard, and emergency services from neighboring towns. The Police Department's underwater Dive Team is trained to provide emergency response in the HMA. The Dive Team works, as necessary, in coordination with other law enforcement and emergency services agencies.

Police Department responsibilities affecting the waterfront and HMA also include law enforcement responsibilities at public areas along the waterfront and the patrol of those areas to maintain public safety.

FIRE DEPARTMENT

Old Saybrook's volunteer Fire Department has important responsibilities for fire protection and emergency response and management on the waterfront and in the Harbor Management Area. The Fire Department operates and maintains two vessels for emergency response in the HMA, including an outboard-powered boat equipped with fire-fighting and other emergency services equipment, and an inflatable vessel. The Department's Marine Unit responds to boating and other emergencies in the HMA in coordination with the fire departments of neighboring towns, the Old Saybrook Police Department, State Police, Connecticut Department of Environmental Protection, and U.S. Coast Guard, as necessary. During the 1990's the Fire Department responded to a number of in-water and waterfront emergencies, including two major fires on the Amtrak-owned railroad bridge across the Connecticut River that caused extensive damage and delayed rail traffic.

In addition to its emergency response functions, the Fire Department has important responsibilities regarding fire prevention and preparedness in and adjoining the HMA. These responsibilities are particularly significant because of the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials associated with boats and marinas. The Town's Fire Marshall reviews the development plans of all applicants seeking zoning/building approval (including waterfront development plans) and specifies necessary measures for fire protection in accordance with the Connecticut Fire Safety Code.

CONSERVATION COMMISSION

The Conservation Commission is authorized to carry out all of the powers and duties conferred upon municipal conservation commissions by State statute. Those powers and duties include promoting the development, conservation, supervision, and regulation of natural resources, including water resources, within the Town. In coordination with the Planning Commission, the Conservation Commission undertook a Town-wide survey in 1998 to obtain input from residents on open space, land use, and quality of life topics pertinent to the Town's efforts to update the Plan of Development. By far, the majority of respondents felt the Town needs more open space; most respondents felt that open space should be used to protect natural resources. Many residents indicated that improvement of the Town's Saybrook Point property should be an important Town priority. In response to the question "What do you like best about Old Saybrook?" most respondents answered that they like the Town's small town character. Many also expressed their appreciation of the Connecticut River and Long Island Sound, the Town's beaches, and the scenic beauty of the coastline.

The Conservation Commission participated in the special study of the Saybrook Point ad hoc Committee to develop a proposed vision for the Town's Saybrook Point property, and has participated throughout the process to update the Old Saybrook Plan of Conservation and Development. (See page 2-6.)

SHELLFISH COMMISSION

The Shellfish Commission is responsible for managing the Town's shellfish resources in accordance with the powers and duties granted to municipal shellfish commissions by Section 26-257a of the Connecticut General Statutes. While commercial and recreational shellfishing have been precluded or severely limited in recent years due to water pollution concerns, the Town's shellfish resource areas provide important public opportunities for recreational and commercial use in the future. A Town goal, established in the Municipal Coastal Program, is to revive recreational and commercial shellfishing by reducing water pollution and properly managing the shellfish areas. As a result, the authorities and programs of the Shellfish Commission may be of much interest in the Harbor Management Area in the future.

OTHER TOWN AGENCIES AND OFFICIALS

Other Town agencies and officials also have responsibilities that affect and may affect the Harbor Management Area. These include the **Finance Board** with important responsibilities affecting the allocation of Town funds that may be used for waterfront improvement and harbor management purposes. In addition, the **Economic Development Commission** works to create an atmosphere favorable to commerce and industry and provided funds used by the Saybrook Point ad hoc Committee to develop a proposed vision for the Town's Saybrook Point property. The **North Cove Historical District Commission**, responsible for promoting educational, cultural, economic, and general welfare through preservation and protection of buildings and places of historical interest in the North Cove Historical District, will review and comment on proposed actions affecting North Cove and the North Cove waterfront. The **Health Director** and **Sanitarian**, with responsibilities for enforcing the State of Connecticut Health Codes and Town ordinances concerning public health, are concerned with water quality and environmental health issues. The Sanitarian, for example, supervises the day-to-day operation of the Town's on-site septic system management program and is responsible for enforcing the Town Ordinance establishing that program. The **Inland Wetlands Commission** carries out specific provisions of the State's wetland protection statutes and administers regulations to protect Old Saybrook's inland wetlands and watercourses. While responsibility for regulation of all tidal wetlands rests with the Connecticut Department of Environmental Protection, the Inland Wetlands Commission has important responsibilities for the conservation of wetland resources and environmental quality near, adjoining, and affecting the HMA. The **Zoning Board of Appeals** hears requests for varying the application of the Town's Zoning Regulations and must conduct a Coastal Site Plan Review for all such requests affecting land in the Town's coastal area, including waterfront properties.

BOROUGH OF FENWICK

The Borough of Fenwick, encompassing the Fenwick peninsula at the mouth of the Connecticut River, is a political subdivision of the Town of Old Saybrook. The Borough was created by an Act of the Connecticut Legislature and has the power to levy taxes and enact ordinances, including its own zoning ordinance. The Borough is governed by a Board of Warden and Burgesses. Considered a municipality for purposes of the Connecticut Coastal Management Act and Harbor Management Act (see the following section on the State of Connecticut), the Borough

has authority to establish its own Municipal Coastal Program, establish a Harbor Management Commission, and prepare a Harbor Management Plan.

The Borough has adopted an ordinance which establishes a Fenwick Harbor Management Commission and charges that commission with preparing a Harbor Management Plan for the Borough. The ordinance asserts that the Borough's harbor management jurisdiction consists of all waters within the territorial boundaries of the Borough below the mean high water line and bounded by "a line running northerly and perpendicular to the shore from the northwest corner of the Borough to the centerline of South Cove, thence easterly along the centerline of South Cove to the west side of the Connecticut River channel, thence southerly along the channel to the south end of the breakwaters, thence westerly maintaining the same distance from the shore to a point of intersection with a line perpendicular to the shore from the southwest corner of the Borough, and thence to the southwest corner of the Borough." (See Chapter One.)

In 2003 the Fenwick Harbor Management Commission has prepared a draft Borough of Fenwick Harbor Management Plan and has submitted that plan to the Connecticut Commissioners of Environmental Protection and Transportation for approval pursuant to Section 22a-113m of the Connecticut General Statutes.

NEIGHBORING TOWNS

When discussing current roles and authorities for harbor management at Old Saybrook, it is important to recognize that actions originating in or involving other Connecticut River and Long Island Sound communities, especially the towns with jurisdictions adjoining the Old Saybrook Harbor Management Area, can affect the HMA in a variety of ways. In the Connecticut River, Old Saybrook's municipal jurisdiction extends to the center line of the River; that line also marks the western boundary of the jurisdiction of the Town of Old Lyme. Upstream of the HMA, the towns of Essex and Lyme share jurisdiction on the River; on the west, Old Saybrook is bounded by the Town of Westbrook.

Old Lyme and Essex have harbor management commissions established by local ordinance with authority provided by the Connecticut Harbor Management Act. Old Lyme and Essex have prepared and are implementing harbor management plans that have been adopted locally and approved by the State of Connecticut in accordance with the Harbor Management Act; Westbrook has been working to prepare a plan. The Old Lyme Harbor Management Plan includes specific provisions that apply in that town's Connecticut River jurisdiction opposite the Old Saybrook HMA. Law enforcement agencies (supervised by the State Police) and fire departments from the neighboring towns assist Old Saybrook's emergency services as necessary in responding to emergencies and enforcing boating laws in and near the HMA.

There are a number of harbor management issues of common interest to Old Saybrook and the neighboring towns. These include issues concerning water quality, boating safety, emergency response, law enforcement, the coordination and management of special events, dredging of the Connecticut River navigation channel, and implementation of the American Heritage Rivers Initiative for the Connecticut River. As a result, and because many environmental and other harbor management issues do not respect municipal boundaries, there is an important need for ongoing coordination of harbor management initiatives with the neighboring towns.

REGIONAL ORGANIZATIONS

Two regional agencies with responsibilities and activities that may affect the Old Saybrook Harbor Management Area are the Connecticut River Estuary Regional Planning Agency and the Connecticut River Gateway Commission.

CONNECTICUT RIVER ESTUARY REGIONAL PLANNING AGENCY

The Connecticut River Estuary Regional Planning Agency (CRERPA) serves the nine towns of Old Saybrook, Chester, Clinton, Deep River, Essex, Killingworth, Lyme, Old Lyme, and Westbrook. It is CRERPA's responsibility, as established by State statute, to prepare, adopt, and assist in the implementation of a regional plan of development for its service area. CRERPA also reviews and advises on proposed actions (including zoning and subdivision proposals) of regional significance, and provides technical assistance, including assistance for long-range planning, preparation of land use regulations, and review of development proposals, to Old Saybrook and the other towns.

The agency recognizes the tourism and recreational values of the Connecticut River and the River's importance to the regional economy and is interested in a number of issues with regard to the River. For example, CRERPA obtained a grant from the Connecticut Department of Environmental Protection's Long Island Sound License Plate Fund to create the brochure that illustrates and describes the Connecticut River Estuary Canoe/Kayak Trail which begins at Old Lyme. In addition, CRERPA assisted in the successful effort to obtain designation of the Connecticut River as an American Heritage River. In 2003 CRERPA is conducting a study of issues concerning the impacts of docks and other water access structures in the Connecticut River.

CRERPA's primary responsibilities are transportation-related; the agency is responsible for coordinating transportation planning within the region, and has important programmatic authorities concerning allocation of funds through the Federal Transportation Equity Act for the 21st Century (TEA-21).

A representative of CRERPA serves on the Connecticut River Gateway Commission and CRERPA provides staff support for this Commission. (See below.)

CONNECTICUT RIVER GATEWAY COMMISSION

The Connecticut River Gateway Commission was established in accordance with Section 25-102e of the Connecticut General Statutes and is charged with specific responsibilities for implementing the purposes of the Lower Connecticut River Conservation Zone, including the legislative goals to preserve the unique scenic, ecological, scientific, and historic values associated with the Connecticut River and "to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations." The Gateway Commission includes representatives from Old Saybrook and other participating lower Connecticut River towns as well as representatives from the Connecticut River Estuary Regional Planning Agency and the Mid-State Regional Planning Agency.

The Lower Connecticut River Conservation Zone (see page 2-9) covers a significant portion of the Old Saybrook waterfront, including the Ferry Point shoreline, Ragged Rock Creek wetlands, Saybrook Point, North and South coves, and the Fenwick peninsula. The zoning regulations of Old Saybrook and the other participating towns include minimum standards for the usage of property consistent with the purposes of the Conservation Zone. Among its responsibilities, the Gateway Commission may revise those minimum standards; such revisions must then be incorporated into local zoning and other land use regulations. In addition, no adoption, amendment, or repeal of a local zoning, subdivision, or planning regulation with respect to property within the conservation zone may become effective without the approval of the Gateway Commission. The Gateway Commission also must review any application submitted to a local zoning board of appeals to determine if the action requested in the application is adverse to the protection and development of the conservation zone.

STATE OF CONNECTICUT

A number of State laws, regulations, and programs affect harbor management at Old Saybrook. The principal legislation of interest includes the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) which provided the authority used by the Old Saybrook Town Meeting to establish the Old Saybrook Harbor Management Commission. Also of interest is the Connecticut Coastal Management Act (CCMA) of 1979 (Sections 22a-90 through 22a-112 of the Connecticut General Statutes) which establishes important policies for the use and conservation of coastal resources, establishes the mandatory process of Coastal Site Plan Review, and authorizes the preparation of Municipal Coastal Programs such as the Old Saybrook MCP which includes the Town's MCP document incorporated in the Town's Plan of Conservation and Development. (See the above sections on the Old Saybrook Planning and Zoning commissions.)

There are also important laws and regulations concerning boating safety and the operation of vessels on the Connecticut River. Regulation of Connecticut State Agencies Section 15-121-B15, for example, establishes the steerage speed areas at Old Saybrook. (See Chapter One.) Sec. 15-170 of the Connecticut General Statutes provides for the designation of no-discharge zones in specified Connecticut waterbodies, including the Connecticut River from the mouth of the River upstream to the Bissell Bridge between Windsor and East Windsor, Connecticut. (No-discharge zones must be designated by the U.S. Environmental Protection Agency; see page 2-35.) Other relevant laws and regulations are noted in the following descriptions of State agencies and officials with roles and responsibilities pertaining to harbor management at Old Saybrook. The most prominent agencies are various units of the Department of Environmental Protection and the Department of Transportation.

CONNECTICUT HARBOR MANAGEMENT ACT

In 1984, the State Legislature enacted the Connecticut Harbor Management Act (P.A. 84-287; Sections 22a-113k through 22a-113t of the Connecticut General Statutes). This Act enables municipalities to establish harbor management commissions (or designate any existing board,

commission, or agency as a harbor management commission) and develop harbor management plans consistent with State law and guidelines. (A copy of the Act is included as Appendix B of the Harbor Management Plan.) The intent of the Harbor Management Act is, in part, to increase the authority and control of local governments over matters pertaining to the use and condition of their harbors. In the words of the Senator who introduced the legislation: "What we're trying to do... is end bureaucracy, get down to the basic concept of planning and development of your harbor, and then put that down where it would be enforced, and overviewed by the local community, on an adopted plan that's gone through all these steps, and in that way, get the bureaucracy ... out of the business of doing this and putting it into the local community itself."¹

The Act provides general guidelines concerning the content of a harbor management plan and establishes requirements for: 1) approval of the plan by the State Commissioner of Environmental Protection and the Commissioner of Transportation; 2) review of the plan by the U.S. Army Corps of Engineers; and 3) adoption of the plan by the legislative body of the municipality preparing the plan.

Further, the Act empowers a local harbor management commission to review and make recommendations, consistent with the harbor management plan, on proposals affecting the municipality's harbor management area submitted to or proposed by other municipal commissions and departments. The Act also authorizes each community with an approved and adopted harbor management plan to establish a municipal fund to be used specifically for the maintenance and improvement of the local harbor management area.

In 2003, 14 Connecticut municipalities, exclusive of Old Saybrook, are implementing State-approved and locally adopted harbor management plans and at least eight other municipalities are in various stages of preparing a harbor management plan. Municipal harbor management commissions implementing or preparing harbor management plans formed the Connecticut Harbor Management Association in 1996. The purpose of this Association is to facilitate the sharing of information and to address issues of common interest to its member commissions. (See the later section on Private Organizations.)

DEPARTMENT OF TRANSPORTATION

Within the Department of Transportation, the Bureau of Aviation and Ports, the Bureau of Policy and Planning, and the Bureau of Engineering and Highway Operations all have responsibilities affecting the Old Saybrook waterfront and Harbor Management Area. Noted above, in accordance with Section 22a-113m of the Connecticut General Statutes, any harbor management plan proposed by a municipality must be submitted to the DOT for approval by the Commissioner of Transportation (approval by the Commissioner of Environmental Protection is also required) before it can be adopted by the municipality.

¹ See: *Connecticut Gen. Assembly House Proceedings 1984*, Vol. 27, Part 1, pages 305-306, 4200-4209; *Connecticut Gen. Assembly Senate Proceedings 1984*, Vol. 27, Part 1, pages 313, 1600-1602, 1611; and *Joint Standing Committee Hearings, Environment Part 1, 1984*, pages 16-21, 30-33, 41, 42-45, 49-52.

The DOT has jurisdiction over the harbors, navigable waterways, and harbor masters of the State. Harbor masters and deputy harbor masters are appointed by the Governor and subject to the direction and control of the Commissioner of Transportation; they are responsible to the Commissioner for the safe and efficient operation of the harbors over which they have jurisdiction. (See the following section on the Harbor Master.)

The DOT's Bureau of Aviation and Ports is responsible for establishing a variety of navigation-related regulations. The Bureau also reviews and comments on applications submitted to the Connecticut Department of Environmental Protection's Office of Long Island Sound Programs for dredging, filling, and structures in waterways. In addition, the DOT's Harbor Liaison Officer in the Bureau of Aviation and Ports provides information to the State's harbor masters. The Bureau convenes meetings of the State's harbor masters, as necessary, to review responsibilities and issues of common interest.

The DOT's responsibilities concerning highway and bridge planning, design, and maintenance are also of interest for waterfront and harbor management planning at Old Saybrook, particularly as those responsibilities affect I-95 and the Baldwin Bridge over the Connecticut River and the Route 154 causeway across South Cove.

Described in Chapter Three, bridge maintenance can affect Connecticut River water quality and as a result the DOT and the DEP have cooperatively established procedures for the containment of pollutants associated with painting and maintenance of DOT bridges. Containment measures are designed to capture dust, sand particles, and lead paint scales that may become airborne during sandblasting or other procedures involved in the preparation and painting of structural steel bridge structures. Each bridge is evaluated on a case-by-case basis and factors such as structure type, local topography, and overall environmental setting within 500 feet of the structure are considered to determine the appropriate level of containment to protect adjacent resources from pollution. Enhanced containment systems are utilized in locations where such containment is needed to protect environmental resources, such as locations directly over or adjacent to wetlands or watercourses.

Proposed repairs not considered routine maintenance and which could cause environmental harm cannot be performed on bridges over tidal, coastal, or navigable waters without prior receipt of permits from the DEP. Through this permitting process, all applicants, including the DOT, are required to minimize adverse impacts to the environment that could result from proposed activities.

HARBOR MASTER

The Old Saybrook Harbor Master is appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes. This section provides for three-year terms of appointment for the State's harbor masters. These terms may be extended until a successor is appointed.

Principal duties of the State's harbor masters are described in Sections 15-1 through 15-9 of the Connecticut General Statutes. Sec. 15-1 states that harbor masters are responsible for the general care and supervision of the harbors and navigable waterways over which they have jurisdiction; that they are subject to the direction and control of the Commissioner of Transportation; and that they are responsible to the Commissioner for the safe and efficient operation of such harbors and waterways in accordance with provisions of the Connecticut General Statutes. Among his powers and duties, the Old Saybrook Harbor Master is empowered to enforce the provisions of the General Statutes concerning removal of abandoned and derelict vessels, including Sec. 15-11a and Sec. 15-140c.

Sec. 15-9 of the General Statutes authorizes the First Selectman of Old Saybrook (acting as the Town's Chief Executive Officer) to appoint a Hearing Officer to hear any grievance that may be filed against the Old Saybrook Harbor Master with respect to removal of a vessel.

In accordance with Sec. 15-154 of the Connecticut General Statutes, harbor masters are also empowered to enforce all State boating laws within their jurisdictions (excepting that harbor masters who are not certified law enforcement officers may not enforce the "boating under the influence" laws), and have authority to make arrests. No police training is provided to Connecticut harbor masters, however, and the DOT has advised harbor masters who have not been certified as law enforcement officers to report violations of law to the local police department or other law enforcement authorities rather than become directly involved with arrests or confrontations with violators. Harbor masters are provided only minimum compensation by the State for the performance of their duties.

Sec. 15-1 of the Connecticut General Statutes requires any harbor master to exercise his or her duties in a manner consistent with any harbor management plan for a harbor over which he or she has jurisdiction. This section also requires that the harbor master for any municipality with a State-approved and locally adopted harbor management plan be appointed by the Governor from a list of not less than three candidates provided by the municipality's harbor management commission. Sec. 22a-113k of the General Statutes specifies that the harbor master or deputy harbor master for any municipality with a duly established harbor management commission shall be a nonvoting, ex-officio member of that commission.

The Old Saybrook Harbor Master works closely with the Harbor Management Commission and Town-appointed Dockmaster to administer moorings in the North Cove Federal anchorage basins. The Harbor Master also assisted the Commission with preparation of the Harbor Management Plan and with the undertaking of a number of other projects to maintain the safe and efficient operation of the Harbor Management Area in accordance with the Connecticut General Statutes.

Harbor masters are State officers and employees as defined by the Connecticut General Statutes and, as a consequence, are generally considered to be protected from liability and entitled to indemnification and representation for acts performed in the discharge of their duties, provided those acts are not wanton, reckless, or malicious.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Within the Department of Environmental Protection, important responsibilities affecting waterfront and harbor management at Old Saybrook are carried out by the Office of Long Island Sound Programs (OLISP) and all DEP bureaus. Some of the principal responsibilities are noted below.

Office of Long Island Sound Programs

The Office of Long Island Sound Programs has important responsibilities for implementing the Connecticut Coastal Management Act of 1979 and the Connecticut Harbor Management Act of 1984. In addition, the OLISP reviews coastal area development proposals and regulates structures and other work affecting the coastal and navigable waters of the State, including the Connecticut River, in accordance with other applicable State statutes. The OLISP also administers several State grant programs that can be used to fund harbor management and improvement projects.

- **Determination of the consistency of coastal development proposals with the Connecticut Coastal Management Act:** The OLISP (in addition to Old Saybrook Planning and Zoning commissions) is responsible for ensuring that activities within Old Saybrook's designated coastal area conform with the policies of the CCMA, including policies for protecting coastal resources and policies for giving highest priority and preference to water-dependent uses and facilities in shorefront areas. The OLISP may provide technical assistance to the Planning and Zoning commissions during their review of development proposals in the coastal area and may comment on coastal applications before Town commissions; those comments may address the conformance of applications with the CCMA, but the decision to approve or deny the particular application rests with the Town. The CCMA authorizes the development of local plans and regulations known as Municipal Coastal Programs to achieve local implementation of the CCMA's policies. Old Saybrook's Municipal Coastal Program document adopted by the Planning Commission is incorporated in the *Plan of Development for the Town of Old Saybrook, Connecticut* dated June 1990. (See the earlier section on the Town of Old Saybrook.)
- **Technical assistance for harbor management; review and approval of harbor management plans:** The OLISP provides information and guidance to municipal harbor management commissions preparing and implementing harbor management plans and provides a liaison to each commission for the purpose of facilitating the exchange of that information and guidance.

Proposed harbor management plans and plan amendments submitted by municipalities to the DEP for approval in accordance with Section 22a-113m of the Connecticut General Statutes are reviewed by the OLISP for conformance with the Harbor Management Act and other State laws and regulations. The OLISP also coordinates review of proposed plans and plan amendments by the DOT and Corps and Engineers. In accordance with Sec. 22a-113m of the Connecticut General Statutes, the Commissioner of Environmental Protection (along with the Commissioner of Transportation) must approve any harbor management plan or plan amendment before it may be adopted locally. The Commissioner, when acting on a proposed

harbor management plan submitted by a municipality, has relied on the recommendations of the OLISP.

- **Review of coastal area development proposals and issuance or denial of permits:** The OLISP's responsibilities for reviewing applications for coastal area development and issuing or denying permits for that development have an important effect on conditions in the Old Saybrook Harbor Management Area. The OLISP issues or denies permits for the following activities: placement of structures such as docks, piers, pilings, bulkheads, and commercial moorings below the high tide line; placement of structures in tidal wetlands; filling in tidal wetlands; filling in coastal, tidal, or navigable waters; dredging for navigation and disposal of dredged material; and construction and maintenance of nonfederal channels.

Anyone proposing any of the above activities must submit an application to the OLISP which, if it finds the application to be tentatively approvable, sends a public notice of that application to relevant Federal, State, and local agencies and to adjacent property owners for review and comment. Those agencies, property owners, and others have 30 days following receipt of the application to submit comments to the OLISP. If, based on the comments received, the OLISP determines that the activity is consistent with all applicable laws and regulations and will have no significant adverse impacts, a permit for the proposed activity is issued. The minimum time required to process a permit application is generally 60 days from receipt of the application. There is no maximum time limit, and some applications may require a number of months to process, depending on the workload at a particular time, the complexity of the project, and the comments received. Also, an extension of the comment period may be granted if a reviewing agency requests additional time for review.

If, based on its review of the proposed activity and comments received from the reviewing agencies and other parties, the OLISP determines there may be significant adverse impacts associated with the proposed activity, a public hearing is scheduled.

Proposed work involving filling, dredging, or structures in wetlands or coastal and navigable waters in Connecticut is also subject to Federal regulatory programs administered by the Corps of Engineers (see the later section on the U.S. Army Corps of Engineers). The OLISP attempts to coordinate its review of permit applications requiring Corps permits to the greatest degree possible with the Corps.

The OLISP also processes applications for Certificates of Permission. Applicants proposing specific minor activities defined in Public Act 90-111 (An Act Concerning Structures and Dredging) may apply to the OLISP for a Certificate of Permission in lieu of a Structures and Dredging Permit. The review period for issuing a Certificate of Permission is shorter than the review period for an individual permit application.

In addition, the OLISP may issue general permits which authorize activities with only minimal environmental impacts. Any person conducting an activity for which the OLISP has issued a general permit is not required to obtain an individual permit or Certificate of Permission. Routine maintenance and repair of existing in-water structures, for example, may

be approved through a general permit. The OLISP utilizes three basic types of general permits. These apply to: 1) those specific minor activities for which no registration with the DEP is required for authorization of the activity; 2) those specific activities for which registration with the DEP is required before the activity is authorized; and 3) those activities for which registration and approval from the DEP are required before the activity is authorized. There are fees associated with most of the general permits administered by the OLISP.

In 1997 the OLISP issued nine new general permits within the above categories. These general permits provide for authorization of a number of minor activities waterward of the high tide line in the waters of the State. The general permits address such actions as the construction of small docks constructed by residential property owners, moorings authorized by a harbor master, osprey nesting platforms, buoys or other markers related to navigation or water-based recreation and already approved by the DEP's Boating Division, and sewage pump-out equipment on previously authorized docks. An important purpose of the general permits is to expedite the approval process for activities that have the potential for little or no adverse impacts.

Proposals received by local zoning commissions for shoreline flood and erosion control structures, including bulkheads, seawalls, and breakwaters defined in Section 22a-109(c) of the Connecticut General Statutes, must also be reviewed by the OLISP as required by Sec. 22a-109(d) of the General Statutes.

Violations of the OLISP's regulatory programs include unauthorized dredging and filling as well as docks and piers built without the necessary permits or in violation of permit requirements. The OLISP may bring legal action against violators of its regulatory programs who may be required to remove the unauthorized work. Also, in accordance with Sec. 22a-361(a) of the Connecticut General Statutes, a penalty of up to \$1,000 a day may be assessed for each violation.

- **Provision of funding assistance that can be used for harbor management purposes:** The OLISP administers several State grant programs that are available for funding harbor management and improvement projects. For example, the OLISP administers the DEP's Coves and Embayments Program that supports wetland restoration and other environmental enhancement programs. In addition, the OLISP administers the State's Long Island Sound License Plate Program that provides funds for a number of harbor management-related projects, including projects to facilitate public access to coastal waters, advance scientific research, and increase public awareness and education of harbor management needs.

The OLISP also administers the Federal Clean Vessel Act grant program in Connecticut. This program provides federally funded matching grants for qualifying projects that provide boat sewage disposal facilities, including pump-out facilities that pump sewage from a marine sanitation device (MSD) and then contain that waste before properly disposing of it into a sewage disposal system. The purpose of the program is to increase the availability of proper waste handling facilities for boaters, thereby helping to improve water quality and enhance

shellfish resources by reducing the discharge of poorly treated or untreated sanitary wastes into Long Island Sound and its harbors and tributaries.

In 2003 the OLISP is administering a number of grants to coastal towns provided through the DEP's New Directions in Coastal Planning Grant Program for coastal and harbor management planning initiatives.

Bureau of Water Management

The DEP's Bureau of Water Management administers programs to protect and restore the State's surface and ground waters. The Bureau's programs are intended to protect public water supplies, human health and safety, and fish and aquatic life, and to preserve and enhance water-based recreation, restore the State's rivers, and promote pollution prevention. Within the Bureau, the Planning and Standards Division, the Permitting, Enforcement, and Remediation Division, and the Inland Water Resources Division have responsibilities of interest with respect to harbor management at Old Saybrook.

The Planning and Standards Division manages State grants and loans for municipal pollution control and river restoration purposes and oversees municipal construction activities for pollution control. Through the River Restoration Grant Program, the DEP can award grants for the physical improvement and restoration of rivers degraded by modification, development, or the effects of pollution. In 1997 the Planning and Standards Division received a number of applications from municipalities for river restoration grants and requested funding from the State Bond Commission to provide approximately \$1 million in restoration grants. While the River Restoration Grant Program is potentially an annual program, whether or not the Division accepts applications for additional projects in the future will depend on how much funding and how many projects are authorized this year.

The Planning and Standards Division also administers the State's Aquifer Protection Area Program established by Section 22a-354 of the Connecticut General Statutes. The purpose of the program is to identify critical water supply aquifer areas and to protect them from pollution by managing land uses. Aquifer protection issues were not addressed in the course of preparing the Old Saybrook Harbor Management Plan because the Town's aquifer protection district as defined in the Old Saybrook Zoning Regulations does not cover any part of the waterfront.

Other responsibilities of the Planning and Standards Division that are of interest at Old Saybrook include: development of site-specific water quality goals for the State's surface waters and ground waters and classification of waters in accordance with Connecticut water quality criteria; monitoring and assessment of the quality of the State's water resources; development of plans for the protection and restoration of the State's rivers, lakes, ground water, and related resources; development of requirements for marine sanitation devices; provision of assistance to municipalities and other organizations for the development of watershed management studies and plans; a role in the enforcement of court orders to remediate pollution from failed or inadequate septic systems; and review and approval of the methodology and implementation of all pollution abatement related to municipal wastewater treatment and disposal on a community-wide basis.

The State-established surface water quality classifications in the Old Saybrook Harbor Management Area are reported in Chapter One.

The Permitting, Enforcement, and Remediation Division regulates wastewater discharges from industries and public and private sewage treatment systems. The Division issues discharge permits under the National Pollution Discharge Elimination System (NPDES) for: pretreatment discharge by industry (for effluent that goes to a sewage treatment plant); direct discharge by industry; and discharge by sewage treatment plants. There are no municipal sewage treatment plant discharges into the Connecticut River or Long Island Sound at Old Saybrook. The Division also administers projects to reduce pollution from urban runoff and from construction and industrial sites.

In response to an oil or chemical spill, the Planning and Standards Division and the Permitting, Enforcement, and Remediation Division will work closely with other DEP units (such as the OLISP and Waste Management Bureau's Oil and Chemical Spill Response Division), Federal officials from the Coast Guard and Environmental Protection Agency, and local officials.

The Inland Water Resources Division has important responsibilities concerning streambank protection and floodplain management. The Division, along with the OLISP, provides communities with technical assistance for evaluating flooding problems and preparing floodplain regulations. The Division plans and implements regional flood and erosion control projects and regional flood warning systems. In coordination with the National Weather Service, the Division operates the State's flood ALERT system which monitors flood conditions on the State's rivers, including the Connecticut River. The Division provides warnings to affected communities concerning predicted flood heights and the timing of flood events. The Division also oversees municipal implementation of the requirements of the National Flood Insurance Program and provides technical assistance to municipalities for the review of floodplain development proposals. In addition, in accordance with Section 25-68(b) of the Connecticut General Statutes, any proposal for development in the floodplain that would make use of State funds requires approval from the Inland Water Resources Division. The Division must review the proposal to ensure that it is consistent with floodplain management guidelines.

The Inland Water Resources Division is also responsible for implementing the State's stream channel encroachment line program which affects the Connecticut River. In accordance with Sec. 22a-342 of the Connecticut General Statutes, any development or other work waterward of a stream channel encroachment line requires a permit from the Division. (A structures or dredging permit from the OLISP may also be required). The Division will review the proposed work to see that flood storage potential is not lost and that environmental impacts are minimized. Along with the OLISP, the Inland Water Resources Division must review any proposed work for which a Corp of Engineers' Section 404 permit for dredging or filling is required to ensure that water quality impacts are acceptable.

Bureau of Natural Resources

The DEP's Bureau of Natural Resources is responsible for protecting and managing the State's fish, forest, and wildlife resources for the public's use and enjoyment. Within the Bureau, the Fisheries Division and Wildlife Division have responsibilities of interest with respect to harbor management at Old Saybrook.

The Fisheries Division, for example, manages inland and marine fish populations for commercial and recreational fishing, protects and conserves aquatic habitats through environmental review of proposed projects, restores and enhances aquatic habitats, and conducts educational and awareness programs to promote appreciation and understanding of aquatic resources and habitats. The Division is involved with restoration, management, regulation, and research concerning several important fish species and populations in the Connecticut River. For example, Division programs are directed toward enhancing existing populations of American shad and restoring Atlantic salmon in accordance with the goals of the Connecticut River Atlantic Salmon Commission of which the State of Connecticut is a member (see the later section on the U.S. Fish and Wildlife Service). The Division is also working to restore anadromous herring populations and is conducting research concerning the endangered shortnose sturgeon. In addition, the Fisheries Division is responsible for implementing the State's regulations concerning recreational and commercial fishing.

The Wildlife Division manages wildlife populations, including threatened and endangered species, enhances wildlife habitats on State-owned lands (such as the wetlands surrounding Ragged Rock Creek at Old Saybrook), manages public hunting opportunities, and offers education and awareness programs to promote appreciation and understanding of wildlife and habitats and to ensure safe, ethical hunting practices.

Bureau of Outdoor Recreation

The DEP's Bureau of Outdoor Recreation manages State-owned recreation lands to meet the outdoor recreation needs of the public; administers and enforces applicable State laws and regulations; and acquires open space for conservation and recreational purposes. Within the Bureau, the State Parks Division, Boating Division, Conservation Law Enforcement Division, and Land Acquisition and Management Division have responsibilities of interest with respect to harbor management at Old Saybrook.

The State Parks Division manages Connecticut's State parks, State-owned boat launching areas, and recreational trails and promotes tourism in the State. At Old Saybrook, the Division is responsible for managing the Baldwin Bridge State Boat Launch and fishing pier on the Connecticut River at Old Saybrook.

The Boating Division offers boating safety instruction and certifies boaters on completion of basic boating and personal watercraft operation courses. Also, the Division must review any local boating regulations before they can be adopted by a municipality, including any that may be included in a local ordinance addressing boating and navigation. Section 15-136(a) of the

Connecticut General Statutes provides authority for any town to make, by ordinance, "local regulations respecting the operation of vessels on any body of water within its territorial limits." Throughout the State, such local regulations have been developed by municipalities to implement harbor management plans. Before local regulations pertaining to the operation of vessels can take effect, however, they must be reviewed by the Commissioner of Environmental Protection to determine that they are not "arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent [with State law]."

The Boating Division also has responsibilities for authorizing the placement of markers (fixed or floating objects) used to aid or regulate waterway traffic. In addition, as of October 1, 1998, the Boating Division regulates special marine events on the Connecticut River. The sponsors of all such events are required to obtain prior permission from the Boating Division in accordance with recent revision of Sec. 15-140b of the General Statutes. (A permit from the U.S. Coast Guard is also required).

In addition, the Boating Division reviews and proposes amendments, as necessary, to the State boating regulations, including regulations affecting the operation of vessels on the Connecticut River and in the Old Saybrook Harbor Management Area.

The Conservation Law Enforcement Division has responsibility for enforcing State boating laws, fish and wildlife laws, and other State laws and regulations. The Law Enforcement Division, with facilities across the Connecticut River from Old Saybrook at Old Lyme, conducts regular patrols of the River. The main focus of these patrols is on boating safety, including enforcement of State boating laws concerning speed and reckless operation. The Division checks boat operators for proper safety equipment and valid registration documents and investigates any boating accidents that may occur in the River. The Law Enforcement Division cooperates with local police departments (including the Old Saybrook Police Department's Marine Patrol), the State Police, and the Coast Guard, as necessary, in law enforcement and search and rescue efforts. The Law Enforcement Division also enforces the State rules and regulations concerning recreational and commercial fishing. The Division checks fishing licenses and the size and species of the catches of both vessel-based and on-shore fishermen.

Among other responsibilities, the Land Acquisition and Management Division administers the State's municipal grant-in-aid program for open space land acquisition or development with funds provided through the Connecticut Outdoor Recreation Fund. A municipality may apply to the Commissioner of Environmental Protection for such a grant-in-aid.

In addition, the Land Acquisition and Management Division administers the provisions of Sec. 7-131i of the General Statutes. This section specifies that land acquired or developed by a municipality for recreational or conservation purposes with State funding assistance may not be converted to any other use without the approval of the Commissioner of Environmental Protection.

Bureau of Waste Management

The DEP's Bureau of Waste Management works to minimize adverse effects from the treatment, storage, disposal, and transportation of solid and hazardous substances and pesticides; promotes compliance with applicable laws and regulations; offers education and technical assistance to the public, business, and industry and to professionals concerned with waste management; and promotes pollution prevention and compliance assurance. Within the Bureau, the Waste Engineering and Enforcement Division, the Oil and Chemical Spill Response Division, and the Pesticide, PCB, Underground Tank, and Terminal Division have responsibilities of interest with respect to harbor management at Old Saybrook.

The Waste Engineering and Enforcement Division conducts pollution prevention, monitoring, and enforcement inspections; processes permit applications for solid waste facilities including landfills; approves plans for operations of solid waste facilities, landfill closures, and remediation of improper waste management practices; inspects solid waste facilities; and approves facility closures. (Noted in Chapter One, the former Town landfill adjoining North Cove is considered an underutilized property providing an opportunity for future public access to the waterfront.) In addition, the Division works with the OLISP to determine the suitability of, and requirements for, upland disposal of contaminated dredged material.

The Oil and Chemical Spill Response Division receives spill incident reports, provides 24-hour Statewide emergency response for spill incidents and releases of hazardous materials and petroleum products; provides containment equipment, a mobile analytical laboratory, and a mobile operations center for spill response; licenses spill cleanup contractors; and provides spill incident preparedness training and technical assistance. The Division works with other DEP divisions, the Coast Guard, local emergency services, and other agencies when responding to oil spills.

The Pesticide, PCB, Underground Tank, and Terminal Division is responsible for issuing permits for underground storage of petroleum products, such as gasoline tanks at marinas, and regulates and inspects above- and below-ground nonresidential petroleum tanks, including tanks at marine facilities dispensing fuel to boaters.

DEPARTMENT OF AGRICULTURE

While commercial and recreational shellfishing in the Harbor Management Area have been precluded or severely limited in recent years due to water pollution concerns, the Town's shellfish resource areas provide important public opportunities for recreational and commercial use in the future. A Town goal, established in Old Saybrook's Municipal Coastal Program document, is to revive recreational and commercial shellfishing by reducing water pollution and properly managing the shellfish areas. As a result, the authorities and programs of the Department of Agriculture (DA) may be of much interest in the Harbor Management Area in the future.

In accordance with Section 26-192a of the Connecticut General Statutes, the DA is the lead State agency responsible for shellfish and aquaculture in Connecticut. Sec. 26-192a directs the DA to: 1) coordinate the activities of other State agencies with regard to shellfish; 2) act as a liaison on

shellfish matters between the State and municipalities; 3) take steps necessary to ensure compliance with Federal standards for shellfish sanitation and compliance with the National Shellfish Sanitation Program (see below); and 4) encourage depuration. In addition, the DA may enter into agreements with municipalities, in conjunction with the State's Department of Health Services, to utilize available municipal resources for monitoring and testing. The DA also regulates leased and franchised shellfish grounds under State jurisdiction.

To help implement these responsibilities, the Department of Agriculture's Bureau of Aquaculture (DA/BA) administers the following programs²:

- **Shellfish Sanitation Program**, to assure safe shellfishing areas for commercial and recreational harvesting, protect the public health, and maintain certification and compliance with the National Shellfish Sanitation Program (NSSP) of the U.S. Food and Drug Administration (FDA). (See the later section on the Federal Government.) The DA/BA performs sanitary surveys along the Connecticut coast and monitors shellfish growing areas by collecting and testing seawater and shellfish meat samples to determine levels of the fecal bacteria and toxins responsible for paralytic shellfish poisoning. In addition, the DA/BA posts signs in areas closed to shellfishing, performs hydrographic dye dilution studies, performs environmental investigations, prepares memos of understanding for operation of conditional shellfishing areas, reviews applications for shellfish harvesting operations, and initiates emergency closures of shellfish grounds.
- **Laboratory**, to support the needs of the DA/BA Shellfish Sanitation Program and thereby maintain the State's certification under the FDA's NSSP. The laboratory conducts testing and analyses to evaluate environmental quality and aquatic animal health, including tests and analyses of bacteria levels in seawater and shellfish. The laboratory also functions as a research facility for other institutions on a collaborative basis.
- **Shellfish Habitat Management and Restoration**, to: 1) provide a mechanism for shellfish aquaculturalists to use underwater lands in Long Island Sound for the purpose of planting, cultivating, and harvesting shellfish; and 2) provide for the cultivation and propagation of shellfish through management and restoration of State-owned natural clam and oyster beds. Among its responsibilities in this regard, the DA/BA administers the perpetual franchise grounds, leases shellfish grounds in areas subject to State jurisdiction, provides survey and engineering services, maintains maps and records, collects fees and taxes, and mediates boundary disputes. The DA/BA also issues natural bed licenses, plants cultch, maintains spawn stock, monitors predators and diseases, and assesses the impacts on shellfish resources caused by extreme man-made and natural events. The DA/BA maintains maps of all natural, franchise, and leased grounds under State jurisdiction, and updates those maps as needed.

² Information in this section on the Department of Agriculture is from the report "Connecticut Shellfishing Program," July 1997, by the State of Connecticut Department of Agriculture, Bureau of Aquaculture, Milford, Connecticut.

- **Aquaculture Development and Coordination**, to plan and coordinate aquaculture development, through development and oversight of legislation and regulations, review of proposed work in marine waters potentially affecting shellfish resources and requiring State and Federal permits, providing liaison between the shellfish industry and regulatory agencies, promoting and marketing the State's shellfish industry, and other activities.

Through these programs, the DA/BA has an important role in the management of shellfish resources at Old Saybrook, particularly with respect to evaluating and classifying Town waters for shellfishing, licensing any shellfishing activities, and generally working in coordination with the Town's Shellfish Commission and other agencies to protect and enhance shellfish resources.

To ensure compliance with the National Shellfish Sanitation Program, the DA/BA must test the quality of local waters to determine if those waters are suitable for shellfish harvesting. Following evaluation of water quality, the DA/BA, in accordance with Section 26-192e of the Connecticut General Statutes, classifies coastal waters, shores, and tidal flats for the taking of shellfish. The basic classifications are "approved," "conditionally approved," "restricted," "conditionally restricted," and "prohibited."

The DA/BA works in an advisory capacity to local shellfish commissions and the Department of Environmental Protection, especially the DEP's Fisheries Division and the Office of Long Island Sound Programs. To identify potential impacts of proposed work in marine and tidal waters on shellfish habitat and the shellfish industry, the DA/BA reviews permit applications for marine dredging, filling, and structures submitted to the OLISP. In addition, in accordance with Sec. 26-257a(c) of the General Statutes, any shellfish management plan prepared by a municipality must be submitted to the Commissioner of Agriculture for review and comment.

DEPARTMENT OF MOTOR VEHICLES

In accordance with Section 15-142 of the Connecticut General Statutes, no vessel may be used upon the waters of the State of Connecticut unless: 1) the owner holds a valid certificate of number awarded by the State, by the United States, or by another state; 2) the owner holds a valid marine document issued by the U.S. Coast Guard; or 3) the vessel is of a class that is specifically not required to be numbered under the General Statutes. Vessels not required to be numbered by the State are specified in Sec. 15-143 of the General Statutes and include any vessel less than 19¹/₂ feet in length which is not a motorboat and any vessel propelled solely by oar or paddle. To obtain a vessel registration number or decal, the vessel owner must apply to the Commissioner of Motor Vehicles and file evidence of ownership. Upon receipt of a properly completed application and a numbering fee, the Commissioner will assign a registration number or registration decal. In the period July 1, 1994 to June 30, 1995, the State collected about \$4.3 million from vessel numbering and registration fees. This figure apparently has not varied much in recent years since State-wide vessel registration numbers have remained fairly constant at approximately 100,000 vessels.

In accordance with Sec. 15-155 of the General Statutes, the first one million dollars in fees received for the numbering and registration of vessels and any balance left over after payments to Connecticut municipalities in lieu of property taxes is deposited in the State's "boating account." This account is used by the Department of Environmental Protection and Department of Motor Vehicles for boating safety and vessel registration expenses, respectively. The amount distributed to municipalities in lieu of property taxes (which the municipalities may not assess on boats) is determined according to the total property taxes that were paid on vessels in each municipality as of October 1, 1978. Based on this formula, the Town of Old Saybrook receives \$35,026.96 annually.

MIDDLESEX COUNTY SOIL AND WATER CONSERVATION DISTRICT

The Middlesex County Soil and Water Conservation District is a nonprofit organization established by State law to plan, coordinate, advise, and provide assistance on natural resource conservation issues. The mission of the District is to promote the sound use and management of the natural resources of Middlesex County through technical assistance and education. A primary objective is the protection and improvement of water quality in the Connecticut River and its tributaries.

The District is the local sponsor of the Connecticut River Watch Program (see Chapter One). In addition, the District provides technical assistance to the County's municipalities, including assistance for sedimentation and erosion controls and information contributing to reduction of nonpoint source pollution.

FEDERAL GOVERNMENT

Federal agencies with important responsibilities and authorities pertaining to harbor management at Old Saybrook include the U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and U.S. Environmental Protection Agency. Several other Federal agencies also have some relevant responsibilities and authorities. In addition, the Federal American Heritage Rivers Initiative and Silvio O. Conte National Fish and Wildlife Refuge are of special interest with respect to harbor management at Old Saybrook (see Chapter One). Also, there are several sources of Federal funds potentially available to the Town for waterfront improvement projects.

U.S. ARMY CORPS OF ENGINEERS

The Old Saybrook Harbor Management Area is within the jurisdiction of the New England District of the U.S. Army Corps of Engineers (Corps). The New England District, formerly New England Division, is part of the Corps' North Atlantic Division. The District office is located in Concord, Massachusetts. The Corps has a number of responsibilities relating to harbor management. At Old Saybrook, the most prominent of these responsibilities are related to: 1) programs for regulating development in navigable water and wetlands; and 2) responsibilities for maintaining the Federal Navigation Project in the Connecticut River and North Cove. In

addition, the Connecticut Harbor Management Act requires that any harbor management plan proposed by a municipality must be submitted to the Corps for review, comments, and recommendations before the plan can be approved and adopted.

Also, the New England District has been working with the New York District of the Corps of Engineers and Regions I and II of the U.S. Environmental Protection Agency to prepare an Environmental Impact Statement (EIS) that will consider the potential designation of one or more dredged material disposal sites in Long Island Sound. The EIS and disposal site designation processes are being carried out to ensure that dredged material disposal in the Sound will be in compliance with the requirements of the Federal Marine Protection, Research and Sanctuaries Act (also known as the Ocean Dumping Act). The EIS will provide an evaluation of the existing historically used sites, including the Cornfield Shoals site off Old Saybrook, as well as additional alternatives for the disposal of dredged material. A Draft EIS covering dredged material disposal in the central and western sections of Long Island Sound is scheduled for completion in 2003.

Corps of Engineers' Regulatory Authorities

The Corps' principal regulatory authorities pertinent to harbor management originate from Section 10 of the Federal Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Under Section 10, the Corps regulates structures in or affecting navigable water, as well as excavation or deposition (dredging or filling) of materials in navigable waters. Under Section 404, the Corps is responsible for evaluating applications for Department of the Army permits for any activities that involve placement of dredged or fill material into waters of the United States, including adjacent wetlands.

The Corps may issue two types of permits — individual permits and general permits — for structures and work subject to the Section 10 and 404 regulatory programs.

An individual permit is issued following evaluation of a specific proposal and involves public notice of the proposed activity, review of comments and, if necessary, a public hearing. In general, an individual permit must be obtained from the Corps for most activities that involve:

- Filling in wetlands and navigable water;
- Placement of structures in navigable water; and
- Dredging and disposal of dredged material.

A general permit is an authorization issued for categories of activities that are judged to be substantially similar in nature and to cause only "minimal individual and cumulative adverse environmental impacts." The Corps' New England District is now implementing a Programmatic General Permit (PGP), developed jointly with the Connecticut Department of Environmental Protection in 1996, that applies within the State of Connecticut. An important purpose of the PGP is to expedite the permit process for activities that have the potential for little or no adverse impacts. The PGP eliminates the need for an individual Corps permit for: a) work or structures of minimal impact in or affecting navigable water; and b) minimal impact discharges of dredged or fill material into waters of the U.S. A State permit is still needed and projects with more than minimal impacts on the aquatic environment continue to be subject to individual permit review and require an individual permit from the Corps.

Docks, piers, pilings, bulkheads, floats, aids to navigation, and moorings are all structures in navigable water that require either an individual or general Corps permit.

Marina operators may apply to the Corps for permits to establish reconfiguration perimeters around their in-water facilities and structures. If approved, a reconfiguration perimeter would enable repositioning of marina docks within the established perimeter without the need to obtain additional permits from the Corps.

To reduce potential adverse impacts on navigation, the Corps has established guidelines for the placement of fixed and floating structures subject to its permitting authorities. These "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England District, U.S. Army Corps of Engineers" (dated July 1996) do not have the force of regulation, but when used to design projects in navigable waters of the United States, impacts to navigation are generally not expected. Included are guidelines concerning the distance that docks and other structures may extend from the shore toward Federal navigation projects (channels and anchorages; see below). The Corps' guidelines are included in Appendix D of the Harbor Management Plan.

Violations of Corps' regulatory programs include unauthorized dredging and filling, construction of docks and piers without authorization or in violation of permit conditions, unauthorized structures (often referred to as encroachments) within the boundaries of Federal navigation projects, and commercial boat moorings without necessary permits. The Corps' New England District (formerly Division) has aggressively pursued violators of its regulatory programs and brought legal action against violators who may be required to remove unauthorized work (e.g., unpermitted docks, piers, moorings, fill). No application for a Corps' permit will be processed unless the applicant's entire existing facility is properly permitted by the Corps and in strict compliance with all previously issued permits.

Navigation Project Responsibilities

In addition to its regulatory authorities, the Corps of Engineers is also responsible for constructing and maintaining Federal navigation projects, most of which are authorized by Acts of Congress. Federally authorized and maintained navigation projects may consist of designated channels and anchorages. The Corps maintains navigation projects in a reported 28 Connecticut waterways, including the Connecticut River. Many of these projects were first authorized in the 1800's and early 1900's to serve waterborne commerce. Authorizing documents establish project dimensions, including depths, widths, and lengths. Since construction, operation, and maintenance of Federal navigation projects are funded by Federal tax dollars, the Corps has a policy that navigation projects must be "open to all on equal terms." This policy is to ensure that all citizens have an equal opportunity to benefit from the project.

Described in Chapter One, the Congressionally authorized Federal Navigation Project in the Connecticut River includes the designated channel extending from the mouth of the River at Long Island Sound upstream for approximately 52 miles to Hartford, as well as the entrance channel and two anchorage basins in North Cove, and the two riprap jetties at the mouth of the River. The Corps is responsible for periodic maintenance dredging of the navigation channels and

anchorage basins, as needed. The Corps' Section 10 regulatory program prohibits placement of piers, docks, moorings, or other obstructions within the Federal channel or any Federal anchorages in and adjoining the Connecticut River.

The North Cove entrance channel and anchorage basins were last maintained by the Corps in 1991/92. In 1999, at the request of the Harbor Management Commission, the Corps initiated the planning and analysis needed to conduct maintenance dredging of the channel and anchorage basins. In 2003 the Corps received the necessary approvals from the Connecticut Department of Environmental Protection to conduct the planned maintenance dredging project; the work is contingent on the availability of Federal funding.

It should also be noted that modification of existing Federal navigation projects in Connecticut (including deauthorization and shifting of project boundaries) has been pursued by some municipal harbor management commissions. The purpose of those modifications has been to accomplish local harbor management objectives in response to existing navigation needs. The Corps has directed municipalities that modification of Federal navigation projects authorized by Federal legislation must be accomplished through new Federal legislation; a procedure involving the municipality, Corps, DEP, and U.S. Senators and Representatives has been established to achieve such legislation as necessary.

Other Corps Authorities

In addition to its regulatory and navigation-related authorities, the Corps exercises many other Federal authorities relevant to management of Connecticut River water resources at Old Saybrook. For example, the Corps is authorized by Section 206 of the Flood Control Act of 1960, as amended, to provide information, technical planning assistance, and guidance upon request to both Federal and nonfederal entities concerning identification of the magnitude and extent of flood hazard and to help plan for the wise use of floodplains. The Corps also has continuing authority for conducting snagging and clearing projects in the Connecticut River for flood control purposes and to maintain safe navigation. In addition, the Corps has authority provided by Section 14 of the Flood Control Act of 1946 to undertake emergency measures to prevent erosion damages to endangered highways, public works, and nonprofit public facilities.

U.S. COAST GUARD

The Old Saybrook Harbor Management Area (and all of Long Island Sound and the Connecticut River upstream to Hartford) is within the jurisdiction of the First Coast Guard District South which is headquartered in Boston. Coast Guard stations at New London and New Haven, under the direction of Group Long Island Sound in New Haven, have responsibility for carrying out different Coast Guard functions in the Connecticut River and Long Island Sound at Old Saybrook.

The harbor management-related responsibilities of the Coast Guard in the Old Saybrook area include:

- **Placement and maintenance of aids to navigation:** The Coast Guard maintains the Federal aids to navigation that mark the Federal channel in the Connecticut River (see Chapter One). These aids are maintained by the Aids to Navigation Team based at the Coast Guard's New Haven station. The Coast Guard must also approve and issue a permit for the placement of all nonfederal ("private") aids to navigation that may be placed to guide safe navigation in and near the Old Saybrook HMA.
- **Search and rescue:** Coast Guard search and rescue efforts in the Connecticut River are primarily the responsibility of the New London station and are carried out in coordination with local police and fire departments as necessary.
- **Responding to oil and hazardous materials spills:** The New London station would be first on the scene for the Coast Guard in the event of any significant oil or hazardous material spill in the Old Saybrook area. Command and control responsibilities would be exercised by the Captain of the Port based in New Haven. Generally, the Coast Guard, working closely with the U.S. Environmental Protection Agency (EPA), the Connecticut DEP's Oil and Chemical Spill Response Division, and local emergency officials, will take charge of any spill operations and monitor the cleanup (either directly or by supervising contractors). By law, all oil spills must be reported to the Coast Guard. The Captain of the Port has the authority to completely shut down any harbor or waterway in an emergency.
- **Enforcement of Federal boating laws and regulations:** Law enforcement for the many Coast Guard responsibilities is handled by the Law Enforcement Unit of the Group Long Island Sound. The New London Station is responsible for law enforcement in the Old Saybrook area. The Coast Guard may stop and board vessels to determine compliance with boating safety requirements, and the proper use and functioning of marine sanitation devices (MSDs). Under Section 312 of the Federal Clean Water Act, the Coast Guard is responsible for promulgating regulations governing the design, construction, installation, and operation of any MSD. In the Old Saybrook area, law enforcement responsibilities are shared with the DEP's Law Enforcement Division and the Old Saybrook Police Department. In addition, the Coast Guard is responsible for enforcement of Federal laws concerning oil transfer operations between vessels and marine oil transfer facilities.
- **Administration pertaining to the construction, alteration, and operation of bridges across navigable waters of the United States:** The First Coast Guard District's Bridge Administration Section oversees a program covering all bridges across navigable waters of the United States within the first Coast Guard District (including the railroad and Baldwin bridges at Old Saybrook). This section is responsible for issuing permits for bridge construction and alteration, establishing drawbridge operating regulations, and monitoring bridge construction activities. Other responsibilities include approving bridge navigational lighting and fender systems.
- **Ice-breaking:** Coast Guard Group Long Island Sound is responsible for ice-breaking operations in the Long Island Sound area, including the Connecticut River, to maintain safe navigation for commercial vessels such as oil barges and fishing boats. In recent years, the

Coast Guard cutter *Bollard*, a 65-foot steel-hulled vessel with a maximum draft of 6 $\frac{1}{2}$ feet, has been the only vessel available for ice-breaking duties in the Sound. In 1996, because of safety and other concerns, the Coast Guard determined that it would no longer conduct ice-breaking operations in a number of Long Island Sound harbors and waterways. Ice-breaking operations continue, however, in the Connecticut River from Long Island Sound to Hartford.

- **Control of water-based events:** The Coast Guard has responsibility for the control of water-based events and the issuance of "Marine Events" permits. The Coast Guard oversees water-based events to help ensure public safety and continued general navigation on the River. Events requiring Coast Guard permits include events with more than 50 participating vessels or more than 200 spectator vessels as well as vessels traveling at speeds greater than 30 miles per hour. In accordance with Section 15-140b of the Connecticut General Statutes, the Connecticut DEP's Boating Division also regulates special events on the Connecticut River.
- **Other Coast Guard responsibilities:** In accordance with the Federal Oil Pollution Act of 1990, the Coast Guard is responsible for approving emergency plans prepared by the owner or operator of an oil storage facility receiving waterborne shipments of oil (e.g., Connecticut River terminals upstream of Old Saybrook). In addition, the Coast Guard carries out and supports a number of educational and other programs for boating safety through its Public Affairs office.

U.S. FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service (FWS), part of the Department of the Interior, is the principal Federal agency responsible for conserving, protecting, and enhancing the Nation's fish and wildlife populations and their habitats for the continuing benefit of the general public. The FWS provides advice and comments to the Corps of Engineers regarding the potential impacts that proposed development activities requiring a Corps' permit may have on fish and wildlife resources. The FWS reviews and comments on the Section 10 and 404 permit applications placed on public notice by the Corps, including applications for dredging and dredged material disposal in Long Island Sound. While the FWS is not a regulatory agency, its recommendations with regard to the potential impacts of development proposals subject to the Corps' permit programs must be considered by the Corps and given equal weight to other environmental and socioeconomic factors when the Corps evaluates the permit application.

The FWS also operates the National Wildlife Refuge System, including the Silvio O. Conte National Fish and Wildlife Refuge (see Chapter One) which encompasses the entire Connecticut River watershed. In accordance with the 1991 Silvio O. Conte National Fish and Wildlife Refuge Act authorizing establishment of the refuge, the FWS conducted an extensive study of the Connecticut River watershed. With the aid of substantial public input, the FWS developed an action plan for protecting the watershed's ecosystem and implementing other purposes of the refuge. The basis of this plan is a watershed-wide cooperative management and education effort managed by the FWS. The FWS is encouraging voluntary efforts for ecosystem conservation, developing educational partnerships, providing technical assistance, and using its Challenge Cost Share grants and Partners for Wildlife Program to fund and assist landowners, state and local

agencies, and private organizations in protecting land and managing and restoring habitats and wildlife populations.

The Challenge Cost Share Program provides matching funds for projects supporting natural resource education, management, restoration, and protection on FWS lands, other public lands, and on private lands. The Partners for Wildlife Program is a voluntary habitat restoration program undertaken by the FWS in cooperation with other governmental agencies, public and private organizations, and private landowners to improve and protect fish and wildlife habitat on private lands while leaving the land in private ownership.

The FWS is an active participant in several ongoing efforts to enhance Connecticut River fisheries. Since 1967, for example, the FWS, along with the states of Connecticut, Massachusetts, Vermont, and New Hampshire and the National Marine Fisheries Service, has been a member of the Connecticut River Atlantic Salmon Commission. This Commission is charged with enhancing existing populations of American shad and restoring the Atlantic salmon to the Connecticut River watershed. These efforts predate establishment of the Silvio O. Conte National Fish and Wildlife Refuge and now serve to advance the purposes of the refuge.

NATIONAL MARINE FISHERIES SERVICE

The National Marine Fisheries Service (NMFS) within the Department of Commerce has authority to comment to the Corps of Engineers on the potential impacts that proposed development activities requiring a Corps' Section 10 or 404 permit would have on marine fisheries resources. Like the Fish and Wildlife Service, the NMFS reviews and comments on the permit applications placed on public notice by the Corps, including applications for dredging and dredged material disposal in Long Island Sound.

Also like the FWS, the NMFS is not a permitting agency but its recommendations with regard to the potential impacts of development proposals must be considered by the Corps of Engineers and given equal weight to all other factors when evaluating the permit application.

U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency (EPA) has several different responsibilities that directly or indirectly affect the Old Saybrook Harbor Management Area. These responsibilities are directed primarily toward protection and improvement of water quality. For example, the EPA is responsible for: establishing standards for discharge of municipal and industrial wastewater; providing grants for construction of municipal sewerage systems; and administering the National Pollutant Discharge Elimination System (NPDES). In Connecticut, responsibilities for administration and enforcement of the NPDES, in accordance with the provisions of the Federal Clean Water Act, have been turned over to the Connecticut Department of Environmental Protection.

Under Section 312 of the Clean Water Act, the EPA has authority for designating no-discharge zones within which no sewage, treated or untreated, may be discharged from any vessel. The EPA has prepared guidance materials for states and municipalities seeking no-discharge designation and may grant no-discharge status to those areas that are particularly sensitive to contamination and will benefit from a complete prohibition of all vessel sewage discharges. Applications for no-discharge status in Connecticut waterways must be submitted to the EPA Regional Administrator in Boston by either the Governor or State Commissioner of Environmental Protection. To receive approval for no-discharge status, the State must demonstrate that "adequate and reasonably available" vessel waste pump-out facilities are in place and operational. Establishment of a comprehensive boater education program and an effective enforcement program are other important factors. Section 15-170 of the Connecticut General Statutes provides for the designation of no-discharge zones in specified Connecticut waterbodies, including the Connecticut River from the mouth of the River upstream to the Bissell Bridge between Windsor and East Windsor.

Under Section 404 of the Clean Water Act, the EPA has responsibility for reviewing and commenting on applications submitted to the Corps of Engineers for dredging and filling in navigable waters. Section 404(c) enables the EPA to veto a Corps permit for dredging or filling if it determines that the development activity would have an unacceptable adverse effect on municipal water supplies, fisheries areas, wildlife, recreational areas, or other resources.

The EPA also provides technical and funding support for cooperative watershed management projects aimed at the reduction of nonpoint sources of pollution. In cooperation with the Connecticut DEP, the EPA has provided funds authorized through Section 319 of the Clean Water Act to support such watershed management projects throughout Connecticut.

The EPA has been working with the New England and New York districts of the Corps of Engineers to prepare an Environmental Impact Statement that will consider the potential designation of one or more dredged material disposal sites in Long Island Sound. The EIS and disposal site designation processes are being carried out to ensure that dredged material disposal in the Sound will be in compliance with the requirements of the Federal Marine Protection, Research and Sanctuaries Act (also known as the Ocean Dumping Act). The EIS will provide an evaluation of the existing historically used sites, including the Cornfield Shoals site off Old Saybrook, as well as additional alternatives for the disposal of dredged material. A Draft EIS covering dredged material disposal in the central and western sections of Long Island Sound is scheduled for completion in 2003.

OTHER FEDERAL AGENCIES

Other Federal agencies have less direct roles and responsibilities affecting harbor management at Old Saybrook. These include the **Federal Emergency Management Agency (FEMA)** responsible for conducting studies and publishing maps to determine flood vulnerability (see Old Saybrook's "Flood Insurance Rate Map") and for providing flood insurance in communities such as Old Saybrook that participate in the National Flood Insurance Program. The **Food and Drug Administration** within the Department of Commerce regulates the interstate movement and sale

of shellfish through the provisions of the National Shellfish Sanitation Program. Those provisions, including standards for monitoring water quality in areas where shellfish are cultivated and harvested, are intended to ensure that all shellfish transported from one state to another are safe for human consumption. Within the **National Oceanic and Atmospheric Administration (NOAA)**: the National Weather Service assists the DEP's Inland Water Resources Division in the operation of the State's flood ALERT system and issues flood warnings and weather forecasts; and the National Ocean Service prepares navigation charts, conducts bathymetric surveys, and determines changes in sea level. Also, the Federal Coastal Zone Management Program which authorizes and funds Connecticut's Coastal Area Management Program is administered within NOAA. The **U.S. Natural Resources Conservation Service** (formerly the Soil Conservation Service) within the U.S. Department of Agriculture provides funding and technical support for the Middlesex County Soil and Water Conservation District. The **U.S. Geological Survey (USGS)**, an agency of the Department of the Interior, cooperates with local, State, and Federal agencies in Connecticut on many activities contributing to natural resource management. A well-known USGS responsibility, for example, is the preparation of topographic and other types of maps. In addition, the USGS maintains an extensive network of surface water and ground water monitoring stations of vital importance for floodplain and water quality management purposes. The USGS water quality network in Connecticut, operated in coordination with the Connecticut DEP, provides data used to determine trends in water quality and demonstrate the effects of management practices on water quality.

THE GENERAL PUBLIC

The Connecticut River and Long Island Sound are public waters; the general public has important rights to use these waters for navigation, recreation, and other purposes in accordance with the Public Trust Doctrine—the body of law pertaining to waters subject to the ebb and flood of the tide as well as navigable freshwaters.⁴ Under the Public Trust Doctrine, the title to tidewaters, navigable freshwaters, submerged lands beneath those waters, and the plant and animal life inhabiting those waters is held by the State of Connecticut in trust for the benefit of the general public.

The concept of the Public Trust Doctrine is based in English common law and on the principle, dating back to Roman civil law, that certain lands and resources are so important to the public that private ownership or other impediments to public use should not be permitted. English common law established a distinction between public and private waters and that distinction was applied in the 13 colonies. Essentially, tidal water courses connected with the sea were deemed so important for transportation and commerce that their ownership, including ownership of the underlying soil, was retained by the King. After the American Revolution, the 13 original states, including Connecticut, succeeded to the “rights of sovereign prerogative,” including the right

⁴ Information in this section on public waters and the Public Trust Doctrine is from *Connecticut Water Law: Judicial Allocation of Water Resources* (1967) by Robert I. Reis, published by the University of Connecticut, and from *Putting the Public Trust Doctrine to Work* (November 1990) by David C. Slade, published by the Connecticut Department of Environmental Protection, Coastal Resources Management Division.

of title to tidewaters and submerged lands. Since that time, state and Federal courts, including the U.S. Supreme Court, have consistently held that the states hold that title in trust for the public's benefit. In Connecticut, there are a number of State Supreme Court decisions confirming the Public Trust in navigable waters and defining the Public Trust area as the area waterward of the mean high water line. Private ownership of upland areas adjoining the Public Trust area (including ownership by a municipality or any governmental agency) may not extend past the mean high water line.

In addition to the State's interest in Connecticut's navigable waterways, including the Connecticut River, there is an important Federal interest that is also based on considerations of navigability. The State and Federal interests differ in that the State's interest is based on an inherent State right of sovereignty and on responsiveness to the State's immediate economic and social needs, while the Federal interest is based on the Commerce clause of the U.S. Constitution and the need to satisfy interstate rather than intrastate needs.

The Federal test to determine navigable waters is essentially the same as the customary usage/navigable in fact test established by the Connecticut courts. The water course must be physically capable of supporting boats and other floatable objects, and the floatable objects themselves or the products they carry must be involved in some useful commerce. Only those waterways that may be used in or affect commerce with other states or countries, however, are designated as navigable waters in accordance with the Federal interest. The Federal interest in the use and maintenance of these waters, including the Connecticut River Federal navigation channel maintained by the Corps of Engineers, is in the nature of a navigation servitude rather than an ownership interest. The Federal navigation servitude ensures the continued public right of navigation for the purpose of interstate and international commerce. As a result, in accordance with the Federal Government's Constitutional power to regulate commerce, no further Federal real estate interest is required to establish and maintain navigation projects in navigable waters.

The rights of the general public for use of navigable waters, including the waters of the Old Saybrook Harbor Management Area, are generally classified under three major headings: 1) transportation and navigation; 2) recreational activities; and 3) commercial and consumer use of "sea products" (e.g., fishing).

As indicated above, the use of public waters for navigation is the central and essential public right and generally takes precedence over other rights. The public has the right to pass and repass on navigable waters without interference or obstruction. Where an obstruction does occur, it constitutes a public nuisance. The right of free navigation is subject to lawfully enacted restrictions (concerning the operation of vessels in the interest of public safety, for example) and includes the right to anchor.

To the extent that members of the public can gain access to navigable waters without trespassing on the adjoining uplands of riparian owners (see below) they may use navigable waters for recreational purposes, including boating, swimming, and related activities.

Foremost among the rights associated with commercial and consumer use of sea products in public waters is the right of fishing. This right is established in the earliest Connecticut court cases and was made explicit with respect to the Connecticut River. Other related rights include the taking of clams and oysters and the gathering of seaweed.

When discussing public rights for use of tidal and navigable waters, questions concerning the public's right of access to these waters are particularly important. Where title to the land adjoining navigable waters is in private ownership, the property owner may deny access across his or her land to the Public Trust area. Described below, the right of access to public waters is one of the most significant rights associated with the ownership of lands bordering navigable water; possession of this right distinguishes the waterfront property owner from members of the general public. At Old Saybrook, the general public has opportunity for access to the HMA across Town-owned land, including Town-owned street ends, and the Baldwin Bridge State Boat Launch.

WATERFRONT PROPERTY OWNERS

Certain rights — referred to as riparian or littoral rights⁵ — are inherent in the ownership of lands bordering navigable water. One of the most important of these rights is the right of access to navigable water. The littoral right of access to a navigable water course is totally distinct from the right of the general public to use that water course.

The Connecticut courts have held that the owner of upland property adjacent to navigable water has “certain exclusive yet qualified rights and privileges” in the adjoining submerged land and navigable waters, including the exclusive right to build docks and piers from the upland to reach deep water (often referred to as “wharfing out”). These structures, however, must not “obstruct the paramount right of navigation” and must be acceptable under applicable regulatory statutes, including the statutes that protect wetlands and other natural resources. In other words, the exercise of the littoral right must not interfere with the rights of the State and the general public and with the Federal interest in navigation. To the extent that State and Federal activity and regulation is necessary to secure the benefits of public waters for the general public, the individual littoral right is subservient and inferior. Described in earlier sections of this chapter, both the U.S. Army Corps of Engineers and the Connecticut Department of Environmental Protection regulate the construction of docks and piers and other activities waterward of the high tide line in tidal and navigable waters. The State and Federal regulatory programs help to ensure that the exercise of littoral rights is consistent with the public's interest in those waters.

⁵ With regard to water rights law, water rights arise when property either abuts or contains water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, or is located on a lakeshore, the rights are said to be littoral rights. Despite these distinctions, the terms “riparian” and “littoral” are commonly used interchangeably. The term littoral rights is herein used to describe the rights of the owners of property adjoining the Old Saybrook Harbor Management Area.

A waterfront property owner can not exclude the general public from lawful uses of the Public Trust area adjoining the owner's property. Also, all littoral rights must be exercised with due regard for the rights of other littoral owners; the waterfront property owner can not wharf out from the shore, for example, in a manner that encroaches on the littoral area of an abutting waterfront property owner. In addition, the Connecticut courts have held that the littoral right to wharf out is severable from the upland and freely alienable; this means that littoral rights can be transferred by the waterfront property owner to a party that does not own the adjacent upland.

At Old Saybrook, the owners of waterfront properties supporting commercial marine facilities and private boating access facilities have important littoral rights of access to the HMA. The wharf and pier structures at these facilities were constructed in accordance with those rights. The Town of Old Saybrook, as the owner of waterfront property also has important littoral rights of access to the HMA.

PRIVATE ORGANIZATIONS

A number of private organizations carry out activities in and affecting the Old Saybrook Harbor Management Area and have interests concerning the use and conservation of the Town's waterfront and harbor resources. In addition, there are many groups concerned with the Connecticut River and its watershed. Some of the prominent organizations include:

- **Amtrak:** Actions by the National Railroad Passenger Corporation (Amtrak) concerning operation and maintenance of its railroad bridge across the Connecticut River may affect the HMA. The bridge must be raised to allow sailboats and large powerboats to pass. Amtrak's Northeast High-Speed Rail Improvement Project has resulted in increased train traffic and more numerous bridge closings. In response to concerns expressed by Connecticut River boaters and marina operators about the effect of additional train traffic and bridge closings on recreational boating activities and marina viability, Amtrak agreed to limit train traffic to 36 trains each day between New York and Boston and to implement specific measures to facilitate the passage of boat traffic. (See Chapter One.)
- **Connecticut Harbor Management Association:** The Connecticut Harbor Management Association (CHMA) is a State-wide, nonprofit organization of municipal harbor management commissions established in 1996. Important purposes of the organization are to assist the member commissions (commissions established under Section 22a-113k of the Connecticut General Statutes) with the resolution of issues of common interest and to facilitate the exchange of information and ideas among the Association's members. The CHMA also assists Connecticut harbor masters with the exchange of information and research on topics concerning harbor master powers and duties.
- **Connecticut River Watch Program:** The Connecticut River Watch Program (CRWP) is a volunteer water quality monitoring, protection, and improvement program for the Connecticut River and its tributaries sponsored by the national River Watch Network and local and regional sponsors. In the lower Connecticut River area (downstream of Cromwell and

Portland and including the Old Saybrook HMA), the CRWP is sponsored by the Middlesex County Soil and Water Conservation District. Currently, 40 sites on the Connecticut River and its tributaries are being monitored for a number of physical, chemical, and biological parameters that serve as indicators of water quality. Volunteers collect and analyze water and benthic (river bottom) samples, and perform habitat assessments and shoreline surveys. A team of technical advisors including representatives of the Connecticut departments of Environmental Protection and Public Health, U.S. Geological Survey, local universities, a local environmental laboratory, municipal land use commissions, and the River Watch Network help to interpret the water quality data and provide direction for the program. The basic goal of the CRWP is to involve citizens in monitoring, restoring, and maintaining the physical, chemical, and biological integrity of the Connecticut River system by identifying and addressing water quality problems that affect the health and human use of the River's ecosystem.

- **Connecticut River Watershed Council, Inc.:** The Connecticut River Watershed Council (CRWC) is one of the most prominent of the many environmental organizations concerned with the Connecticut River. The CRWC is a nonprofit, membership-supported organization established in 1952 to serve as an advocate for the conservation, restoration, and protection of the River. The CRWC is dedicated to improving and protecting the water quality of the River and its tributaries through public education, advocacy, research, and planning. The CRWC coordinated the successful efforts of numerous groups and agencies to obtain designation of the Connecticut River as an American Heritage River under the Federal American Heritage Rivers Initiative. The CRWC has helped to coordinate implementation of the Connecticut River Action Plan for implementation through the American Heritage Rivers Initiative. The CRWC also oversees the work of the Connecticut River Steward who serves as an advocate for watershed management and River conservation. In addition, CRWC programs help to implement goals of the Silvio O. Conte National Fish and Wildlife Refuge which encompasses the entire watershed.
- **Excursion Boat Companies:** Excursion vessels provide regularly scheduled and chartered boat trips in the Connecticut River and Long Island Sound. Opportunities have been described for future tour boat linkages between Hartford, Middletown, and the lower Connecticut valley towns. Excursion boats have operated from facilities at Hartford, Middletown, and Deep River (where patrons have an opportunity to transfer to the Essex Steam Train attraction), as well as Old Saybrook. An excursion vessel operating from the Dock and Dine Restaurant at Saybrook Point, for example, has provided regularly scheduled cruises in recent years. Excursion trips on the Connecticut River afford an opportunity for passengers to observe and consider important aspects of the River. Excursion boat companies therefore have vital interests concerning the use of the River and maintenance of the River's environmental quality.
- **The Nature Conservancy:** The Nature Conservancy (TNC) is a nonprofit organization dedicated to preserving the plants, animals, and natural communities that represent the diversity of life on earth. In 1993 TNC designated the "tidelands of the Connecticut River"—roughly the lower half of the River from about the northern boundary of Cromwell

to Long Island Sound—as one of the “40 Last Great Places” in the hemisphere. TNC is working to protect the valuable wetlands and rare and declining animal and plant species in the tidelands through intensive stewardship and education efforts, scientific research, and encouragement of volunteer assistance. Key conservation areas identified by TNC near the Old Saybrook HMA include the brackish marsh system of Ragged Rock Creek, the South Cove area, and the Turtle Creek area, as well as the Great and Upper islands areas and Griswold Point area across the Connecticut River in Old Lyme. In addition, TNC owns wetland acreage adjoining Ragged Rock Creek and Turtle Creek.

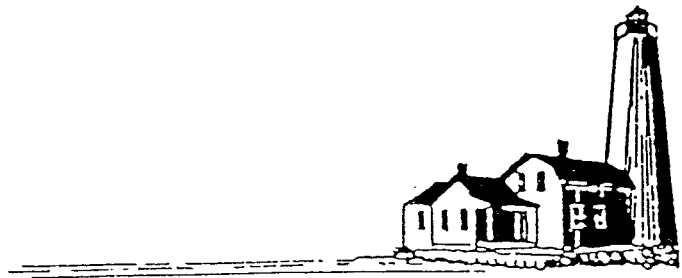
- **Neighborhood Associations:** Several neighborhood associations represent residents of Old Saybrook’s waterfront areas. (These associations are distinguished from the Borough of Fenwick which has special legislative authority granted by the State legislature; see page 2-12.) The neighborhood associations express their interests and concerns with respect to plans and proposals that may affect the Town’s marine resources; they also express concerns with respect to the impacts such plans and proposals may have on their neighborhoods. Waterfront neighborhood associations include the Otter Cove Association on the Connecticut River; the Summerwood, Chalker Beach, Indiantown, Saybrook Manor, Great Hammock Beach, Plum Bank Beach, Knollwood, Cornfield, and Fenwood associations on Long Island Sound; and the Oyster River Condominium Association on the Oyster River. These associations have special interests with respect to the use and conservation of their water and waterfront areas that must be considered in the formulation of waterfront plans and proposals; some (see Chapter One) have established substantial facilities to support use of and access to the Harbor Management Area. The neighborhood associations can have an important role in future efforts to achieve the Town’s harbor management goals and require a continuing forum to allow for the expression of their comments concerning the waterfront, HMA, and Harbor Management Plan.
- **Other Organizations:** Other private organizations also have roles and interests with respect to the Old Saybrook HMA. These include, but are not limited to: the Connecticut River Pilot’s Association, which provides navigation pilots to guide commercial barges on the Connecticut River to and from the mouth of the River at Old Saybrook and upstream waterfront terminals, and is concerned with such harbor management issues as maintenance of the Connecticut River navigation channel; the Connecticut River Valley and Shoreline Visitors Council, which provides information to tourists and other visitors to the region and helps to promote Connecticut River activities and special events as well as opportunities for viewing the River from excursion boats and trains; the Old Saybrook Chamber of Commerce which strives to promote tourism and enhance the economic vitality and quality of life in the Old Saybrook area and which recognizes the tourism development opportunities presented by the Connecticut River; and the Rockfall Foundation, a charitable, nonprofit organization interested in a number of Connecticut River topics, including topics concerning access to the River, economic development, recreation, tourism, and natural resource protection.

CHAPTER THREE:

HARBOR MANAGEMENT ISSUES AND CONSIDERATIONS

Boating is a major activity in Old Saybrook, with participation by year-round and summer residents and by visitors from other parts of the State. Activities range from the small boat at tie-ups on a tidal creek to large boats at marinas. It should be assumed that recreational boating interest will increase and additional facilities (tie-ups, moorings, slips, sales, repair, service) will occur. At issue is the creation of facilities in a manner consistent with wise use and conservation of coastal resources.

Old Saybrook Municipal Coastal Program



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

HARBOR MANAGEMENT ISSUES AND CONSIDERATIONS

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NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in this chapter should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

HARBOR MANAGEMENT ISSUES AND CONSIDERATIONS

This chapter describes harbor management issues and considerations of interest at Old Saybrook. Included are issues and considerations identified by the Harbor Management Commission in the course of preparing the Harbor Management Plan and carrying out the Commission's other duties authorized by Town Ordinance 77 and the Connecticut General Statutes. Also included are issues and considerations regarding the Town's marine resources and waterfront areas described by the Old Saybrook Planning Commission in the Town's Plan of Conservation and Development and Municipal Coastal Program document.

Some of the issues and considerations represent immediate problems and require prompt attention; others may be of more significance in the future or require long-term approaches to their resolution. All are addressed through the Town goals, policies, and other provisions established in chapters Four through Seven of the Old Saybrook Harbor Management Plan.

The issues and considerations affecting the Old Saybrook Harbor Management Area (HMA) can be grouped into five categories related to: 1) public health, safety, and welfare; 2) environmental quality and resources; 3) the "institutional framework" for harbor management; 4) water use and navigation; and 5) waterfront development, access, and land use.

The categories are intended to encourage and organize discussion. It should be emphasized that there are strong inter-relationships among the categories, as well as among the issues and considerations within each category. Public safety considerations, for example, are of interest with respect to water use and navigation; management coordination is needed for enforcement of boating laws and to implement harbor and waterfront improvement projects; waterfront development can influence water uses and opportunities for public access to the HMA; and environmental quality can be adversely affected by water and waterfront use and development.

Economic considerations are inherent in most all of the waterfront and harbor management issues of interest at Old Saybrook. Economic considerations may be discussed in terms of: 1) the economic impacts of water and waterfront uses; and 2) the economic values of water and waterfront resources.

Economic impacts are measured as revenues or expenditures; in other words, the amount of money that changes hands. Marina revenues and expenditures by excursion boat patrons are examples of economic impacts. Although there is a lack of information concerning the amount of economic impacts and benefits associated with water and waterfront activities at Old Saybrook, expenditures by waterfront visitors, marina patrons, and transient boaters who visit North Cove generate substantial economic activity in the Town and clearly have a positive impact on the local economy.

Economic impacts of water and waterfront uses, however, measured solely in terms of the amount of money that changes hands, are not true measures of the economic value of Old Saybrook's water and waterfront resources. The natural resources and environmental quality of the

Connecticut River and Long Island Sound have important economic values that are much more difficult to quantify than economic impacts. For example, tourism potential, opportunities for water and waterfront recreation, opportunities for water-enhanced development, and the value of waterfront properties all depend in large part on the natural quality of the Connecticut River and Long Island Sound. In addition, the natural resources of the Connecticut River, North and South coves, Long Island Sound, the Oyster River, and the several other tributaries to the Sound and Connecticut River at Old Saybrook provide ecological functions related to flood control, fish and wildlife habitat, and water quality functions. These ecological functions also have an economic value that some economists refer to as “natural capital” or “ecosystem services.”

One of the most important harbor management issues at Old Saybrook and elsewhere along the Connecticut shoreline concerns the need to achieve balance between goals for environmental conservation and goals for water and waterfront use and development. While the natural environment of Old Saybrook’s waterfront and Harbor Management Area provides vital ecological functions and the opportunity for water and waterfront uses with important economic and social benefits, the natural environment may be damaged by those same uses.

The order in which the categories and the specific issues and considerations are presented below is not meant to imply priority.

PUBLIC HEALTH, SAFETY, AND WELFARE ISSUES AND CONSIDERATIONS

1. Vessel speed and wake
2. Emergency response capabilities
3. Carrying capacity of the Harbor Management Area
4. Water use congestion and conflicts
5. Flooding and shoreline erosion
6. Preparedness for fuel spill emergencies
7. Obstructions or hazards to navigation
8. Abandoned or derelict vessels and structures
9. Fire prevention and preparedness
10. Enforcement of boating laws and public safety regulations

1. Vessel speed and wake. Speeding boats and excessive wakes in the Harbor Management Area, especially near the shoreline and close by other vessels, may affect public safety and the enjoyment of boating and other water activities. Excessive wakes can damage docked and moored vessels and also contribute to shoreline erosion.

Vessel speed on the Connecticut River at Old Saybrook is controlled by State boating laws and regulations, including Regulation of Connecticut State Agencies (RCSA) Section 15-121-B15 which establishes the steerage speed areas between the Saybrook breakwaters, in the Saybrook

Point area, and between Calves Island and the railroad bridge.¹ (See chapters one and two). Within the HMA, concerns regarding vessel speed and wake are greatest in these three areas as well as in and near the North Cove mooring area.

Notwithstanding the best efforts of the Old Saybrook Police Department and the Law Enforcement Division of the Connecticut Department of Environmental Protection (DEP) to enforce the State-established speed restrictions, speeding violations occur from time to time. There will continue to be an ongoing need to enforce the existing regulations and increase public awareness of those regulations. In addition, as water and waterfront conditions change in the future, it may become appropriate to consider the need for new or modified regulations in coordination with other Connecticut River towns.

2. Emergency response capabilities. A broad range of emergency situations are possible in the Harbor Management Area. As a result, there is a continuing need to maintain effective capabilities to assist boaters in distress and to respond to other emergencies. Described in Chapter Two, the Old Saybrook Police and Fire departments have the principal responsibilities for emergency response in the HMA, in coordination with other agencies including the police and fire departments of other lower Connecticut River towns, and the Coast Guard, Connecticut DEP, and State Police, as necessary.

3. Carrying capacity of the Harbor Management Area for safe boating use. “Carrying capacity” is a term that refers to the amount of use or development that a particular area or resource can accommodate before unacceptable impacts on public safety, beneficial use, environmental quality, or other conditions occur. The carrying capacity of the Harbor Management Area may be discussed with respect to the capacity of the Connecticut River channel and of surface water areas on the Connecticut River, North Cove, and elsewhere in the HMA to accommodate boating and other water uses without the occurrence of adverse impacts on navigation and public safety. Issues concerning the capacities of waterways to safely accommodate boating and other water activities, including special in-water events, are being addressed in a number of Connecticut towns implementing harbor management plans.

In theory, it may be possible to determine the carrying capacity of a specific waterway for boating activities (in terms of how many boats can safely operate in the waterway, for example). In practice, it is not possible except on the most site-specific basis to precisely determine the amount of future boating use that can occur before adverse impacts become unacceptable. This does not mean, however, that carrying capacity should not be an important consideration in future decisions concerning waterfront development and use of the HMA, including decisions to provide additional water access facilities. In the Connecticut municipalities implementing harbor management plans, awareness of carrying capacity considerations has generally been increased, including awareness on the part of the local officials responsible for decisions affecting water and waterfront use and development.

¹ Boating laws and regulations affecting the Old Saybrook HMA are subject to change and/or renumbering. Persons affected by or otherwise interested in those laws and regulations should consult the Connecticut General Statutes and Regulations of Connecticut State Agencies for current laws and regulations.

Carrying capacity concerns regarding potential environmental impacts in the HMA are described in the following section on Environmental Quality and Resources (see page 3-6).

4. Water use congestion and conflicts. Within the Harbor Management Area there is potential for congestion and conflicts among different types and sizes of vessels using the Connecticut River channel and other water areas. Potential conflicts between recreational and commercial vessels are of concern and so are potential conflicts among different recreational activities, including power boating and nonmotorized water activities. As in other Connecticut harbors, the potential for water use congestion and conflicts at Old Saybrook are of concern primarily during holiday weekends. The Connecticut River is described as a “high traffic” area for boating activities and local boaters sometimes refer to the “Sunday night rush hour” on the River channel. If boating conditions in the HMA should become congested on a more regular basis, that congestion would be an indication that the carrying capacity of the HMA is being approached or exceeded.

5. Flooding and shoreline erosion. Flooding and shoreline erosion are natural, ongoing processes that will continue to affect water and waterfront use and development at Old Saybrook. There is need for continued attention to these processes and to appropriate measures to mitigate their impacts. Described in Chapter One, considerable waterfront sections fall within coastal and riverine flood hazard areas identified on the Town’s Flood Insurance Rate Map (FIRM). Waterfront property falls within both A-Zone designations (areas potentially subject to “still water” flooding from a 100-year flood event) and V-Zone designations (areas potentially subject to flooding and damaging wave heights from the 100-year flood). The “100-year” flood is a term commonly used to refer to a flood of the magnitude that has a one-percent chance of being equalled or exceeded in any given year. While the 100-year flood is the flood that is equalled or exceeded once in 100 years on the average, the term should not be taken literally as there is no guarantee that the 100-year flood will occur at all within the 100-year period or that it will not recur several times.

Noted in Chapter Two, flood conditions on the Connecticut River are monitored by the Connecticut Department of Environmental Protection and warnings are provided to Old Saybrook and other affected communities. The Town has designated flood evacuation routes from shoreline areas subject to coastal flooding.

The Town’s Flood Plain Management Ordinance provides for the control of development within flood hazard areas and establishes special restrictions for land uses within the designated floodplain. While recreational uses are generally compatible with floodplain management requirements, future proposals for development of additional waterfront recreation areas must be prepared with consideration of flood risk and in compliance with floodplain regulations. In addition, while structural shore protection measures are needed in some locations to protect existing development, those measures can also have adverse impacts and therefore need to be carefully planned and constructed. (See no. 10 on page 3-31.)

6. Preparedness for fuel spill emergencies. Shipments of petroleum products account for most of the waterborne commerce on the Connecticut River. Vessels carrying petroleum products regularly travel through the Harbor Management Area, delivering fuel oil to upriver terminals. Because of the potential for accidental spills from vessels transporting petroleum products upstream, there is a continuing need for specific procedures and requirements for guarding against and responding to fuel spill emergencies. In addition, there is the potential for accidental fuel spills from recreational vessels using the HMA. The Town, acting on its own, does not have the resources to effectively respond to a major fuel spill; effective response to fuel spill emergencies in and near the HMA will require a coordinated effort on the part of Federal, State, and Town agencies.

7. Obstructions or hazards to navigation. While no undue obstructions or hazards to navigation in the Harbor Management Area are currently identified, there is potential for channel shoaling and other obstructions to affect vessel traffic in the HMA. Ongoing shoaling at North Cove, for example, has reduced the number of available mooring locations and limits the size of boats that may use the Cove. In addition, floating debris from upstream on the Connecticut River, particularly during periods of high flow, can cause public safety concerns and interfere with boating activities. There is need for continued and ongoing awareness by local officials of water and waterfront conditions; there is also need for procedures for prompt removal or marking of any obstructions or hazards to navigation that may arise, and for initiation of maintenance dredging of the Federal Navigation Project at Old Saybrook in the most timely manner. (See no. 1 on page 3-18.)

8. Abandoned or derelict vessels and structures. No problems regarding abandoned or derelict vessels and structures in the Harbor Management Area are currently identified, but such problems have been of concern in the past. In the future, if such problems arise in, adjoining, or near the HMA, they must be quickly addressed because of the potential hazard or inconvenience to navigation that may be caused by floating debris or other obstructions. Abandoned or derelict vessels or structures can also detract from the overall scenic quality of the HMA and leak fuel and oil that will damage water quality. The Old Saybrook Harbor Master is empowered by State law to remove abandoned vessels and may request assistance from the Police Department to do so. Coordination among Town agencies and the Harbor Master may be needed to help ensure efficient removal of any abandoned or derelict vessels that may be found in the future. The Harbor Master currently has no budget for removal of abandoned vessels.

9. Fire prevention and preparedness. Fire prevention and preparedness are important harbor management concerns particularly because of the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials associated with boats and marinas.

Also, it is the responsibility of the Fire Marshall to review the development plans of all applicants seeking zoning/building approval and to specify necessary measures for fire protection. Providing fire protection for existing and future development near and adjoining the HMA involves making

sure there is adequate access for fire trucks and other emergency vehicles, as well as adequate water supply available on or near the site for fire-fighting purposes.

10. Enforcement of boating laws and public safety regulations. The above-described public safety concerns in and near the Harbor Management Area point to the need for effective public safety regulations, including regulations for boating safety. No regulations, however, can be effective without adequate enforcement. The principal laws and regulations controlling boating use in the HMA are the State boating laws and regulations; Federal boating laws and regulations over which the U.S. Coast Guard has enforcement authority also affect boating activities. The Connecticut Department of Environmental Protection's Law Enforcement Division with headquarters nearby on the Connecticut River at Old Lyme and the Old Saybrook Police Department both have authority and responsibility for enforcement of the State regulations. In addition to enforcement of State laws concerning vessel speed, enforcement of laws concerning the operation of a vessel while intoxicated is also of interest in the HMA, as it is in other Connecticut River locations near waterfront restaurants or public boat launching areas. Continued vigilance is necessary to avoid this potential problem.

ENVIRONMENTAL QUALITY ISSUES AND CONSIDERATIONS

1. Potential conflicts between environmental conservation goals and goals for water and waterfront use and development
2. Carrying capacity of the natural environment
3. Cumulative impacts on environmental resources
4. Water quality
5. Wetland resources
6. Fish and wildlife resources
7. Waterfront scenic quality and water views
8. Cultural resources and maritime heritage

1. Potential conflicts between environmental conservation goals and goals for water and waterfront use and development. One of the most basic harbor management issues at Old Saybrook and in other municipalities throughout Connecticut concerns the need to achieve and maintain balance between goals for conserving environmental quality and goals for achieving beneficial water and waterfront use and development. The natural environment of the Connecticut River, North and South coves, Long Island Sound, the Oyster River, and the several other tributaries to the Sound and Connecticut River at Old Saybrook provides vital ecological functions and the opportunity for water and waterfront uses that provide important economic and social benefits. Natural resources and environmental quality, however, may be damaged by those same uses. As a result, the importance of understanding and applying the concept of environmental carrying capacity (see no. 2 below) becomes particularly significant when making decisions affecting the Harbor Management Area.

2. Carrying capacity of the natural environment. In addition to the above-described considerations regarding the capacity of the Harbor Management Area to safely support boating activities and navigation, there are also important considerations regarding the capacity of the HMA's natural environment to accommodate water and waterfront uses without the occurrence of adverse impacts on environmental quality. The environmental carrying capacity of the HMA is not unlimited and there are a number of potential environmental impacts associated with in-water uses and waterfront development. Those impacts can be caused by: 1) the construction, maintenance, and operation of boating and waterfront access facilities; 2) boating uses and activities that can generate noise, wake, pollution, and other impacts; and 3) nonpoint sources of pollution caused, for example, by increased runoff into the HMA from developed areas.

There is a general lack of public understanding concerning environmental carrying capacity. It is difficult, for example, to precisely determine the amount of future use and development that can occur in and adjoining the HMA before adverse environmental impacts become unacceptable. This does not mean, however, that the HMA's environmental carrying capacity should not be an important consideration in future decisions by the Harbor Management Commission and other agencies concerned with water and waterfront use and development. As noted above, awareness of carrying capacity considerations has generally been increased in the Connecticut municipalities implementing harbor management plans, including awareness on the part of the local officials responsible for decisions affecting water and waterfront use and development.

3. Cumulative impacts on environmental resources. When considering the carrying capacity of the waterfront and Harbor Management Area for waterfront development, boating, and other water uses, consideration must be given to the cumulative impacts that can result from individually minor but collectively significant actions that take place over a period of time. In other words, the seemingly insignificant impacts of minor dock construction, dredging operations, and discharges from individual storm drains and vessel holding tanks, could, over time, and when added together, have an important effect on environmental quality in the HMA. As a result, it will be necessary for the Harbor Management Commission and other concerned agencies to consider potential cumulative impacts when reviewing proposals for uses and activities affecting the HMA.

4. Water quality. In recent years there have been a number of accomplishments with regard to understanding and improving water quality conditions in the Connecticut River and Long Island Sound, including establishment of monitoring and educational programs such as the Connecticut River Watch Program. Nevertheless, pollution and the risk of pollution still exist and are important harbor management concerns. Bacteria and other pollutants can affect the enjoyment of boating activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Simply stated, water pollution should be of concern for everyone; if there is pollution in the Harbor Management Area, Old Saybrook's quality of life will be diminished.

Sources of pollution in the HMA are categorized as “point” and “nonpoint” sources. Potential “point” sources are easily identified and include discharges from storm drains that empty into the HMA. (Point sources of pollution also include discharges of treated wastewater from industrial facilities and municipal sewage treatment plants. There are no such discharges at Old Saybrook.) In addition, there is always the threat of fuel spills from recreational and commercial vessels in the HMA.

Other potential point sources of pollution include discharges of treated and untreated sewage from vessel holding tanks, even though the discharge of untreated sewage from vessel holding tanks is illegal under State and Federal law. The extent to which these discharges contribute to water quality problems is not known, but there is concern whenever a large number of boats are docked or moored in or otherwise use confined waterways (North Cove, for example).

Unlike point sources of pollutants, nonpoint source (NPS) pollution does not originate from a specific identifiable source and because of its nonspecific nature is more difficult to regulate and control. Types of NPS pollution include stormwater runoff from roads, parking lots, and backyards. As precipitation runs off pavement and land to the nearest catch basin or waterway draining to the HMA, it gathers oil, bacteria, sediment, and other substances that eventually enter the water. Poorly functioning septic systems that leak bacteria and excessive nutrients into ground water and the Town’s coastal watershed are another nonpoint source of pollution. Other types of NPS pollutants include floating debris and other trash improperly discarded and floating on the water. In addition, contaminants such as lead paint chips and metal shavings can be associated with bridge repair and maintenance operations on the Baldwin Bridge and railroad bridge across the Connecticut River.

With regard to all existing and potential sources of point and nonpoint pollution, there is concern that seemingly minor sources may, when added together over time, have a significant cumulative impact on water quality. Noted above, the seemingly insignificant discharges of individual storm drains or vessel holding tanks in the Old Saybrook HMA may, when added together, have an important effect on water quality in the HMA and Long Island Sound.

The approaches needed to address water pollution problems are generally less obvious than they were 10 or 15 years ago. Also, with less State and Federal funds available, the financial resources for pollution abatement are much more limited. If the available resources are to be applied effectively, it is necessary to continue to advance the Town’s understanding of pollution sources, particularly nonpoint sources, and possible abatement measures.

Water quality issues at Old Saybrook have been the focus of much attention for a number of years. The Town currently relies entirely on on-site septic systems for wastewater treatment and disposal. Water quality concerns, particularly issues concerning septic system problems in several densely developed shorefront areas, are described in the Town’s Plan of Conservation and Development and Municipal Coastal Program document. In response to those issues, the Town has pursued a “sewer avoidance” program through which new development must be in accordance with the capability of the soil to accommodate individual on-site septic systems; development densities are carefully controlled; proper septic system design and installation are

strongly enforced; and existing systems are properly maintained. Described in the Plan of Conservation and Development, by choosing to follow a sewer avoidance program the Town has avoided the construction and operation costs of a centralized municipal sewerage system. There is concern that such a system will encourage new development at densities that are inconsistent with the existing and historic character of the Town.

The Town's Water Pollution Control Authority (WPCA) oversees an on-site septic system management program, described as one of the most comprehensive in the State, whereby on-site septic systems are pumped out, inspected, and repaired as necessary. In addition, a ground water monitoring program in several identified areas of concern is being carried out to identify the degree of contamination and potential environmental impacts associated with on-site septic system use. Several developed areas adjoining the HMA, including the Chalker Beach, Indiantown, Great Hammock Beach, Plum Bank Beach, and Cornfield Point areas, have been identified as areas for which off-site "structural" measures for wastewater disposal and treatment should be evaluated. Such evaluations will be carried out in the course of the WPCA's work to prepare a Town-wide wastewater management plan. The plan's basic goals will be to protect the public health and the quality of the Town's ground water and surface water resources, including tidal wetlands.

It is important to emphasize that actions that take place far from Old Saybrook's jurisdiction can contribute to pollution in the HMA. This is so because the drainage area of the Connecticut River encompasses over 11,000 square miles. However, just as the actions of all communities and individuals within the Connecticut River watershed can affect the quality of water in the River, so too can the actions of all those communities and individuals contribute to maintaining and improving water quality.

5. Wetland resources. The lower Connecticut River from Cromwell to Long Island Sound, including a major part of the Old Saybrook Harbor Management Area, is recognized as containing "Wetlands of International Importance" and is designated one of the "40 Last Great Places" in the Hemisphere. (See Chapter One.) Within this vast ecological system, individual wetland units and shallow-water riverine habitats are all linked by the tidal waters of the Connecticut River. Along the Connecticut River at Old Saybrook, the tidal wetlands adjoining Ragged Rock Creek and North and South coves are considered particularly valuable. In addition, extensive tidal wetlands are associated with the Oyster and Back rivers and Plum Bank Creek—important tributaries to Long Island Sound

The ecological functions and beneficial values of wetlands, once poorly understood or not appreciated, have been the subject of much attention and study in recent years. As a result, their biological productivity and values related to fish and wildlife habitat, water quality, and floodwater storage are generally well recognized, along with their recreational, scientific, educational, and scenic values.

Although wetland protection is now a national as well as a State and local priority, unless the wetlands in and near the HMA are actively managed and protected, they may gradually diminish in quality and extent as nearby uses and development place greater stress on them. As a result, decisions concerning use and development of the waterfront and HMA must take into consideration requirements for conserving wetlands resources and protecting their natural values, including fish and wildlife habitat values. Any future proposals for dredging, for example, will require careful review and be subject to specific requirements to reduce adverse environmental impacts.

The possible loss of fish and wildlife habitat as a result of cumulative development impacts, water pollution, human disturbances, and other conditions is an important concern. If the water and wetland resources of the HMA are degraded for fish and wildlife habitat, the overall environmental quality of the HMA and its waterfront areas will be affected.

6. Fish and wildlife resources. The Harbor Management Area and its tidal wetlands provide important fish and wildlife habitat and resources with much recreational, commercial, and ecological value. The wetlands of the lower Connecticut River provide critical habitats for a variety of rare plants and animals. In addition, the wild rice marshes in the lower Connecticut River are biologically important as resting and feeding areas for migratory waterfowl and shorebirds. Biological productivity in the tidal wetlands of the Connecticut River estuary and Long Island Sound is especially high. Aside from the marshes themselves, the waters, tidal flats, and underwater lands of the Connecticut River, nearshore Long Island Sound, and the Sound's several tributaries at Old Saybrook are important finfish and shellfish areas.

Shellfish resource areas at Old Saybrook include sub-tidal bottom areas as well as intertidal flats. The Town's Municipal Coastal Program document reports that excessive concentrations of oysters have been found on shoals in the Oyster River and Back River and that hardshell clams are found in a number of locations. Commercial and recreational shellfishing historically took place at Old Saybrook, but such activities have been precluded or severely limited in recent years due to water pollution concerns. The shellfish resource areas, however, contribute to the diversity of benthic life in the HMA and provide a source of food for shorebirds, lobsters and other marine life. In addition, these resource areas provide important public opportunities for recreational and commercial use in the future. A Town goal, established in the Municipal Coastal Program document, is to revive recreational and commercial shellfishing by reducing water pollution and properly managing the shellfish areas.

Given the extent and significance of the fish and wildlife resources in and near the HMA, use and development of the Old Saybrook waterfront and HMA must take into consideration requirements for protecting those resources. The possible loss of fish and wildlife resources as a result of cumulative development impacts, water pollution, human disturbances, overfishing, and other conditions is an important concern. If the water and wetland resources of the HMA are degraded for fish and wildlife habitat, the overall environmental quality of Old Saybrook's water and waterfront areas will be affected.

7. Waterfront scenic quality and water views. The scenic quality associated with the Connecticut River and Long Island Sound is among the most important of Town resources. Scenic views over tidal marshes and creeks, Long Island Sound, Lynde Point and the Saybrook Lighthouse, North and South Coves, and the Connecticut River are available from a number of coastal roads and locations. Maintaining Old Saybrook's quality of life and Town character depends in part on maintaining not only opportunities for scenic views of the water, but also waterfront scenic quality which can be affected by waterfront use and development as well as the deterioration or lack of maintenance of properties on and near the waterfront.

8. Cultural resources and maritime heritage. In addition to the ecological values associated with the Connecticut River, North and South coves, Long Island Sound, the Oyster River, and the several other tributaries to the Sound and Connecticut River at Old Saybrook, there are important cultural values (including historic, educational, and scientific values) associated with the Town's waterfront and Harbor Management Area. Also, the Town has a substantial maritime heritage; much of Old Saybrook's historical use and development can be described with reference to the Connecticut River. (See Chapter One.) As the Town continues to manage its waterfront and harbor resources for beneficial use and enjoyment, there will be a need for continued recognition of water and waterfront cultural values and the importance of preserving those values.

“INSTITUTIONAL FRAMEWORK” ISSUES AND CONSIDERATIONS

1. Town authority for harbor management
2. Funding for harbor management and waterfront improvements
3. Public support and awareness
4. Cost, length, and complexity of regulatory programs affecting work in navigable water
5. Harbor management consistency review
6. Changing conditions affecting the Harbor Management Area
7. Town regulations for harbor management
8. Coordination among Town commissions and departments for harbor management
9. Coordination between harbor improvement and management goals and the Plan of Conservation and Development
10. Coordination with State and Federal authorities
11. Coordination with the Borough of Fenwick
12. Coordination with other Connecticut River towns
13. Role of the Harbor Master
14. Role of private citizens and nongovernmental organizations

1. Town authority for harbor management. Without a harbor management plan, the Town's authority to address a number of important concerns in the Harbor Management Area is limited. All tidal waters, submerged lands, and intertidal areas are held in trust by the State of Connecticut for the benefit of the general public. Most all of the activities that take place below the mean

high water line in the Connecticut River, North and South coves, Long Island Sound, the Oyster River, and the several other tributaries to the Sound and Connecticut River at Old Saybrook are subject to the control and jurisdiction of the State and Federal government, acting primarily through the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Town agencies, including the Harbor Management Commission, have been able to provide comments with respect to State and Federal decisions that affect waterfront development, environmental resources, and the boating and other activities that take place in the HMA. Without a harbor management plan, however, there is no formal basis for an expanded Town role in the planning, management, and regulation of in-water and waterfront activities. Described in Chapter Two, an important aim of the Connecticut Harbor Management Act is to create that expanded role, but only for municipalities with duly approved and adopted harbor management plans.

2. Funding for harbor management and waterfront improvements. During the course of work on the Old Saybrook Harbor Management Plan, some questions arose concerning the costs that may be associated with implementing a harbor management plan and how funds may be obtained to pay for harbor improvement projects. Regarding the costs of plan implementation, many of the Town goals, policies, and other provisions for harbor management included in the Harbor Management Plan can be carried out through the existing functions of Town commissions and State and Federal agencies and the harbor management consistency review process (see no. 5 below), with no added expense. Some needed actions for harbor improvement and management, however, will require additional public and/or private expenditures. The Harbor Management Plan will not commit the Town to future expenditures, but provide a basis for implementing specific projects should funds be available in the future.

Prior to the Harbor Management Plan, there was no dedicated funding mechanism to cover the costs of waterfront and harbor improvement projects. Section 22a-113s of the Connecticut General Statutes, however, authorizes a municipality's harbor management commission to receive and expend funds specifically for harbor management purposes. This statute also authorizes a municipality to charge a fee for mooring permits and other activities within the scope of a harbor management plan, provided those fees are used exclusively for harbor improvements in the public interest. In accordance with policies of the U.S. Army Corps of Engineers, mooring permit fees in Federal anchorages shall be used to offset the cost of necessary management and ancillary facilities and services based on actual costs incurred associated with water-related recreational activities. In addition, there are other potential sources of funds for harbor management, including capital budget allocations and State, Federal, and private grants (see Chapter Two). Sources of funds are limited, however, and their pursuit will require demonstration of public need and benefit; commitment and dedication will be needed to pursue available grants in competition with other municipalities.

3. Public support and awareness. Successful implementation of Town goals for harbor management will depend on public support of those goals as well as public awareness of harbor management concerns and the importance of the waterfront and Harbor Management Area to the

quality of life in Old Saybrook. Also, public input is essential for development and implementation of the Harbor Management Plan. In this regard, it will be necessary to provide a continuing opportunity for the public, including waterfront property owners, boating facility operators, and other interested citizens, to express their concerns, questions, and ideas regarding the waterfront, HMA, and Harbor Management Plan.

4. Cost, length, and complexity of regulatory programs affecting work in navigable water.

The process of applying for and obtaining permits for work affecting navigable water (including permits for dredging, docks, and bulkheads) may be lengthy and often frustrating for the applicant, whether or not that applicant is a municipality or a private waterfront property owner. The number of agencies involved, each with different roles and authorities, can be confusing for some proponents of waterfront development projects. The need for multiple approvals, including State and Federal approvals, can make the review process seem cumbersome and confusing at times, and confusion and lack of awareness by project proponents can sometimes lead to violations of regulatory requirements.

Representatives of other Connecticut towns contacted during preparation of the Old Saybrook Harbor Management Plan report that implementation of harbor management plans in their communities has not added to the cost, length, and complexity of existing governmental programs affecting the use of navigable water; in some instances the existence of a local harbor management plan has served to expedite the regulatory process with respect to municipal projects. Also, the Harbor Management Commission can be a source of information for local permit applicants on the requirements of existing State and Federal regulatory programs affecting work in navigable water.

5. Harbor management consistency review. Described in Chapter Two, an important aim of the State legislation authorizing municipalities to establish harbor management commissions and prepare harbor management plans was to create an expanded local role in the planning, management, and regulation of water uses and activities. Following approval and adoption of the Old Saybrook Harbor Management Plan, all Town, State, Federal, and private actions affecting the Harbor Management Area must be consistent with the Plan. This consistency requirement is will be a new opportunity for the Town—an important tool that the Town can use to ensure that State and Federal actions conform with Town needs and goals. The Harbor Management Commission will be responsible for evaluating the consistency of Town, State, Federal, and private actions with the Plan.

It is necessary to conduct the harbor management consistency evaluation according to a specific procedure to ensure that none of the authorities of other Town commissions or departments is usurped and that the evaluation achieves coordination among all agencies, commissions, and officials concerned with the HMA, including the Town's land use commissions. In this regard, the Harbor Management Commission must conduct its evaluation only with respect to determining potential impacts on the HMA and consistency with the Harbor Management Plan, and not to judge matters that are the primary responsibility of other Town commissions and departments.

The Harbor Management Commission will have to work with the other commissions and departments to establish procedures to ensure that the Harbor Management Consistency Review process is conducted in an expeditious manner, within the time frames of the Town's already-existing review processes, and in a manner that best achieves the goals of coordinated management of the Town's waterfront and harbor resources.

6. Changing conditions affecting the Harbor Management Area. Environmental and other conditions affecting the Harbor Management Area are subject to ongoing changes as are applicable laws and regulations and the programs of the governmental agencies and nongovernmental organizations with an interest in the waterfront and HMA. Waterfront- and HMA-related issues and concerns will also change. The Old Saybrook Harbor Management Plan will not be able to anticipate every issue or concern that is likely to affect the HMA in the future. As a result, the Plan will need to be a working document that can be modified in response to changing conditions and needs. There must be a procedure for on-going examination of conditions affecting the waterfront and HMA and of the effectiveness of the Plan; for hearing public comments; and preparing amendments to the Plan and/or Town ordinances for implementing the Plan.

7. Town regulations for harbor management purposes. Section 22a-113m of the Connecticut General Statutes enables a municipality to establish local regulations for implementing a harbor management plan, including regulations for the use of waterfront facilities and the operation of the local harbor management commission. In addition, Sec. 15-136 of the General Statutes enables any municipality to establish, by ordinance, "local regulations respecting the operation of vessels on any body of water within its territorial limits." Before local regulations pertaining to the operation of vessels can take effect, they must be reviewed by the Commissioner of Environmental Protection to determine that they are not "arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent [with State law]."

Other Connecticut towns preparing harbor management plans have identified the need for local regulations pertaining to boating safety and have established appropriate regulations for that purpose. To ensure uniformity, any consideration of local regulations affecting the operation of vessels on the Connecticut River must be undertaken in coordination with the other towns that share jurisdiction on the River.

8. Coordination among Town commissions and departments for harbor management. There are a number of Town commissions and departments, in addition to the Harbor Management Commission, with responsibilities affecting the Harbor Management Area. These include the Planning Commission, Zoning Commission, Parks and Recreation Department, Public Works Department, Police Department, Fire Department, Conservation Commission, North Cove Historical District Commission, and Shellfish Commission. (See Chapter Two.) There are also several Town plans, ongoing planning initiatives, and regulations affecting the waterfront and HMA. Accomplishment of Town goals for beneficial use of the waterfront and HMA will

require that all of the Town commissions and departments with relevant responsibilities carry out those responsibilities in the most coordinated and committed manner. In this regard, it is necessary to incorporate awareness and understanding of the Town's waterfront and harbor management goals into the actions of all commissions and departments.

9. Coordination between harbor improvement and management goals and the Plan of Conservation and Development. The Town's Plan of Conservation and Development (including the Old Saybrook Municipal Coastal Program document) prepared by the Planning Commission contains a number of provisions for use and conservation of the Town's waterfront and marine resources. Many of the issues addressed in the Plan of Conservation and Development are also of interest to the Harbor Management Commission and may be addressed in the Old Saybrook Harbor Management Plan. The Harbor Management Plan must therefore complement and be consistent with the Plan of Conservation and Development. Although the Harbor Management Plan focuses on the water resources of the Harbor Management Area, upland conditions, including the type and extent of waterfront development and land use, will continue to exert a major influence on the future use and condition of the HMA and therefore are considered in the Harbor Management Plan. The principal policies for guiding waterfront development are established in a municipality's Plan of Conservation and Development, but Connecticut municipalities have used harbor management plans to recognize the economic and other benefits of water-dependent development, and to promote that development.

In other words, there is an important overlap of the interests of the Harbor Management Commission and Planning Commission on the waterfront at Old Saybrook. To achieve the best management of the Town's waterfront and HMA, the two plans—the Harbor Management Plan and Plan of Conservation and Development—and their implementation need to be coordinated, along with the actions of the Harbor Management Commission and the Planning and Zoning commissions.

10. Coordination with State and Federal authorities. In addition to the Town commissions and departments with waterfront- and harbor management-related responsibilities, several State and Federal agencies also have significant authorities affecting the Old Saybrook waterfront and Harbor Management Area, most notably the Connecticut departments of Environmental Protection and Transportation, U.S. Army Corps of Engineers, and U.S. Coast Guard. (See Chapter Two.) Accomplishment of Town goals for beneficial use of the waterfront and HMA will require coordination among Town, State, and Federal agencies and interests. State and Federal decisions must be consistent with Town goals and there must be consideration of Town input in Federal and State decisions affecting waterfront and water activities, including decisions regarding the issuance of State and Federal permits for work in navigable water. A mechanism is needed to facilitate that coordination. In this regard, an important aim of the State legislation authorizing municipalities to establish harbor management commissions and prepare harbor management plans was to create an expanded local role—relative to State and Federal roles—in the planning, management, and regulation of water uses and activities. Accordingly, the Old Saybrook Harbor Management Plan can provide the basis for an increased Town role in the State and Federal

decisions that affect environmental resources and the boating and other activities that take place in the HMA. In addition, coordination among Town, State, and Federal interests will be needed to address a number of issues of common interest, including, for example, issues concerning water quality, boating safety, and dredging of the Federal Navigation Project at Old Saybrook.

11. Coordination with the Borough of Fenwick. The Borough of Fenwick is a political subdivision of the Town of Old Saybrook, created by an Act of the Connecticut Legislature. The Borough has authority for preparing its own municipal coastal program and for harbor management within its jurisdiction in South Cove, the Connecticut River, and nearshore Long Island Sound. (See chapters one and two.) The Borough has, by ordinance, established the Fenwick Harbor Management Commission with the power and duty to prepare the Borough's Harbor Management Plan. Accordingly, there is need for ongoing coordination between the Old Saybrook Harbor Management Commission and Harbor Management Plan and the Fenwick Harbor Management Commission and any Harbor Management Plan that may be adopted by the Borough.

12. Coordination with other Connecticut River municipalities. There is need for ongoing coordination with other Connecticut River municipalities, including the towns of Old Lyme, Lyme, Essex, and Westbrook, with jurisdictions adjoining the Harbor Management Area. Actions originating in or involving the adjoining municipalities can affect the HMA just as actions originating from Old Saybrook's jurisdiction can affect the other towns. For example, water pollution that may be caused by stormwater and wastewater discharges and by runoff from the adjoining and upstream Connecticut River municipalities can affect the Old Saybrook HMA.

Because pollutants and other environmental concerns do not respect municipal boundaries, future protection and enhancement of environmental quality in the HMA will depend, in part, on coordinated efforts involving the Town of Old Saybrook and the other Connecticut River towns. In addition, boating facilities along the Essex and Old Lyme shorelines support a considerable number of moored and docked vessels that transit the Old Saybrook HMA, thereby affecting the use and condition of the HMA.

A number of programs and potential initiatives for enhancement of the HMA also require intermunicipal coordination, including coordination for special water and waterfront events, emergency services, and development of water-based recreational opportunities. There is also need for coordination among Connecticut River municipalities to implement the goals of the Connecticut River American Heritage Rivers Initiative and to pursue and apply the resources and opportunities expected to be available through that initiative. In addition, coordination is needed if Connecticut River no-discharge designation as provided by State law should be pursued in the future, and to consider any new Connecticut River boating safety regulations that may be appropriate in the future.

13. Role of the Harbor Master. Described in Chapter Two, the Old Saybrook Harbor Master is responsible for the general care and supervision of the navigable waters within the jurisdiction of the Town of Old Saybrook, is appointed by the Governor, derives his authority from the Connecticut General Statutes, and is subject to the direction and control of the State's Commissioner of Transportation. While the Harbor Master has worked closely with the Harbor Management Commission, without a Town Harbor Management Plan there is no formal requirement for the Harbor Master to work closely with or coordinate his activities with the Commission or other Town agencies. The Old Saybrook Harbor Management Plan can establish that requirement which will apply to the actions of all future Harbor Masters.

An important purpose of the Connecticut Harbor Management Act is to provide local direction and control with regard to harbor master activities and to ensure continuity between the actions of current and future harbor masters in each municipality. While the Old Saybrook Harbor Master is a State official appointed by the Governor, State statutes direct the Harbor Master to work in conjunction with the local harbor management commission and in a manner consistent with a local harbor management plan. In addition, to increase local direction with regard to harbor master activities, State law requires that the harbor master for any municipality with an approved and adopted harbor management plan be appointed by the Governor from a list of not less than three candidates provided by that municipality's harbor management commission.

14. Role of private citizens and nongovernmental organizations. There are a number of private groups and nongovernmental organizations including neighborhood associations, environmental groups, and other organizations concerned with the waterfront and Harbor Management Area. (See Chapter Two.) Those groups, along with waterfront property owners, can have an important role in future efforts to achieve the Town's harbor management goals. A continuing forum is needed to allow for the expression of public comments concerning the waterfront, HMA, and Harbor Management Plan. In addition, opportunities for private citizens and nongovernmental organizations to contribute to achievement of the Town's waterfront improvement and harbor management goals, through volunteer assistance and other means, can be considered and defined.

WATER USE AND NAVIGATION ISSUES AND CONSIDERATIONS

1. Maintenance of Federal Navigation Project
2. Nonfederal dredging and dredged material disposal
3. Aids to navigation
4. Fairways and "set-back" distances
5. Excursion boats
6. Boating education
7. Mooring and anchoring
8. Transient boating facilities
9. Vessel waste pump-out facilities
10. Live-aboard vessels
11. Personal watercraft operation
12. Nonmotorized boating uses
13. Bridges over navigable water
14. Riparian and public rights for use of navigable water
15. Unauthorized encroachments into navigable water
16. Dockominium development
17. Extension of docks and piers to navigable water

1. Maintenance of the Federal Navigation Project. Described in Chapter One, the Federal Navigation Project at Old Saybrook consists of the designated Connecticut River channel, an entrance channel and two anchorage basins in North Cove, and two stone jetties at the mouth of the River. Vessels carrying petroleum products and other materials to upriver terminals on the Connecticut River use the Federal navigation channel at Old Saybrook and require certain channel depths and widths to safely navigate. Maintaining adequate channel dimensions from Long Island Sound to Hartford is necessary to ensure continuation of the existing economic advantages of waterborne transportation. Although no significant shoaling problems are identified in the Connecticut River channel at Old Saybrook at this time, timely maintenance dredging of the Connecticut River bar channels at Old Saybrook is necessary to maintain waterborne commerce. Also, timely maintenance dredging of the North Cove anchorages and entrance channel is needed to ensure continued recreational boating use of North Cove. Significant shoaling has occurred at North Cove, affecting mooring use of the Federal anchorages in 2003.

The New England District of the U.S. Army Corps of Engineers is responsible for maintenance of the Federal Navigation Project at Old Saybrook and has conducted dredging operations in the "bar channels" where natural depths are not sufficient to support waterborne transportation (see Chapter One) and North Cove. Any future maintenance dredging will be carried out according to the need for such dredging as determined by the Corps and according to the availability of Federal funds. Prior to any future dredging, an assessment of the potential environmental impacts of dredging operations, including the disposal of dredged material, must be conducted by the Corps. Necessary State and Federal approvals must then be obtained. A significant consideration affecting future Federal maintenance dredging will be the availability of suitable dredged material disposal areas. In 1999 the Harbor Management Commission requested that the Corps conduct maintenance dredging of the North Cove anchorages and entrance channel, and subsequently

worked with the Corps to develop the information needed to document the need for dredging, to describe existing conditions in the Cove, and to determine the potential environmental impacts of the maintenance dredging project. In 2003 the Corps received the necessary approvals from the Connecticut Department of Environmental Protection to conduct the project; the work is now contingent on the availability of Federal funding.

In accordance with its responsibility for maintaining the Connecticut River channel, the Corps is also responsible for ensuring that no docks, piers, or other structures encroach into the authorized channel. (See no. 15 on page 3-24.)

2. Nonfederal dredging and dredged material disposal. Maintenance dredging outside of the Federal channels and North Cove anchorage basins, especially at commercial marina facilities, is also necessary from time to time to maintain the continued viability of recreational boating facilities at Old Saybrook. All nonfederal dredging must be carried out in accordance with permits issued by the Corps of Engineers and Connecticut Department of Environmental Protection to minimize adverse environmental impacts. As with Federal dredging, a significant consideration affecting nonfederal dredging projects concerns the availability of suitable sites for dredged material disposal. While the potential environmental impacts from maintenance dredging of existing waterfront facilities and channels are generally anticipated to be minor, dredging associated with the development of new boating facilities could have more significant impacts on water quality and aquatic resources. As a result, it is more difficult to obtain State and Federal permits for new dredging projects than it is to obtain permits for maintenance dredging. In the future, it may be desirable to coordinate nonfederal dredging projects with Federal dredging to reduce the nonfederal dredging expense. Past Federal dredging in North Cove, for example, has been coordinated with private dredging.

3. Aids to navigation. Aids to navigation mark the Connecticut River Federal channel, North Cove entrance channel, and other boating activity areas in the Harbor Management Area. These aids can help boaters avoid shallow water areas and other potential hazards in the HMA and serve to identify restricted speed areas. Aids to navigation generally include Federal aids maintained by the Coast Guard and other aids to navigation that may be placed by the Connecticut Department of Environmental Protection, the Town, or waterfront facility operators. Three privately maintained aids to navigation in Long Island Sound at Old Saybrook have been upgraded by the Harbor Management Commission. These aids mark rocks west of Cornfield Point, including Halftide Rock.

Any repositioning of the existing Federal aids to navigation or placement of additional aids to navigation would require permission from the Coast Guard and Corps of Engineers. State and Federal permits are required for placement of all nonfederal aids to navigation. Municipalities implementing harbor management plans typically conduct regular reviews of the location and adequacy of aids to navigation within their jurisdictions, usually with assistance from the local police department's marine division. A municipality may transmit the results of that review to

the Coast Guard and request maintenance of existing aids to navigation or placement of additional aids to navigation as needed to help maintain safe navigation.

4. Fairways and “set-back” distances. Section 22a-113n of the Connecticut General Statutes enables municipalities preparing harbor management plans to designate navigation fairways that must be kept free of any obstructions to facilitate ease and safety of navigation. Fairway designations, for example, may be applied to water areas frequently used by recreational and commercial vessels traveling between waterfront facilities and the Connecticut River navigation channel. In the future, it may be appropriate to consider designation of navigation fairways in the Harbor Management Area.

In addition to the designation of navigation fairways, a municipality preparing a harbor management plan may establish guidelines concerning the appropriate distance that piles, floats, piers, and other structures should be set back from the boundaries of Federal navigation projects. The closer these structures are located to a channel or anchorage, the greater their potential for interfering with the safe passage of vessels using the channel or anchorage, and the greater the possible restriction of public recreational use of the navigable water outside of the Federal project.

The Corps of Engineers has established guidelines for the distance that structures should be set back from channel lines. (See “Guidelines for the Placement of Fixed and Floating Structures in Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers,” July 1996.) These guidelines are incorporated in the Harbor Management Plan (see Appendix D). In the future, when reviewing development proposals that may affect the HMA, it may be necessary for the Harbor Management Commission to consider and recommend appropriate distances that in-water structures such as docks and piers should be set-back from the Federal channel and North Cove anchorage basins.

5. Excursion boats. In addition to the recreational boats using the Harbor Management Area and the commercial vessels carrying fuel oil and other materials to upriver terminals, excursion boats also use the Connecticut River navigation channel at Old Saybrook. An excursion vessel operating from the Dock and Dine Restaurant at Saybrook Point has provided regularly scheduled cruises. (See Chapter One.)

Excursion vessels provide important opportunities for public access to the River and Long Island Sound and add to the vitality of the Town’s waterfront and HMA. Excursion vessels also provide an opportunity for increased tourism linkages between Old Saybrook and upriver towns, including Middletown and Hartford, that may be pursued in the future. As a result, there is need to give attention to the requirements for excursion boat operation, including navigation requirements, as well as necessary waterfront docking facilities. Also, Connecticut River excursion boat operators have expressed concerns about the potential for conflicts between excursion vessels and personal watercraft and small powerboats.

6. Boating education. The continuing need to educate the operators of recreational vessels in the Harbor Management Area is a basic concern at Old Saybrook, as it is in all Connecticut waterways, because not all boat operators demonstrate adequate boat handling skills nor awareness of boating regulations and responsibilities. Section 15-140e of the Connecticut General Statutes requires that “no resident of the state, person owning property in the state or person owning a vessel in the state shall operate on the waters of the state a vessel which is required to be registered or numbered pursuant to [the General Statutes] unless such person has a valid vessel operator license by the U.S. Coast Guard or has obtained a safe boating certificate issued by the Commissioner of Environmental Protection.” Because of the vitality of water activity in the HMA, including recreational power boating activities mixed with nonmotorized water uses, excursion vessels, and commercial barges, it is especially important that all vessel operators be fully aware of the laws and regulations for safe vessel operation and conduct their operations accordingly. Operators of vessels in the HMA need to be aware of a number of regulations and conditions, including the vessel speed restrictions.

7. Mooring and anchoring. Section 22a-113n of the Connecticut General Statutes enables municipalities preparing harbor management plans to designate mooring and anchoring areas. At Old Saybrook, the principal mooring area is within North Cove, including the Federal North Cove anchorage basins. Described in Chapter One, North Cove is generally considered one of the most desirable mooring areas in Connecticut. Mooring locations are managed by the Harbor Management Commission and Harbor Master in accordance with specific policies and procedures established by the Commission; those policies and procedures are consistent with the U.S. Army Corps of Engineers’ “open to all on equal terms” policy (see Chapter Two).

Present demand for mooring locations in the Cove far exceeds the available space; there are over 170 persons currently on the Commission’s waiting list for mooring space. Described above, significant shoaling has occurred at North Cove, restricting mooring use of the Federal anchorages in 2003. As a result, the Harbor Management Commission has requested that the Corps of Engineers conduct maintenance dredging of the Cove’s anchorages and entrance channel.

There will be a continuing need for the Harbor Management Commission to carefully administer available mooring locations at North Cove to ensure optimum use of the limited space and to ensure that mooring locations are managed in a fair and equitable manner. In addition, consideration may be given to designating smaller mooring areas elsewhere in the HMA.

8. Transient boating facilities. Facilities at Old Saybrook for the use of transient boaters are provided at several waterfront locations. In addition to the transient facilities provided at several commercial marinas, visiting boaters can also use vacant moorings in North Cove and may use the Town dock at North Cove to come ashore. (See Chapter One.) Transient use of vacant moorings and the Town dock is in accordance with specific policies and procedures established by the Harbor Management Commission.

Those who choose to visit Old Saybrook by boat can provide benefits to the local economy and add to the vitality of the Harbor Management Area. As a result, continued attention should be given to transient boating needs. The ability of the Town to attract transient boaters will depend on the availability of docking and other boating-support facilities and services, the attractiveness of the HMA in terms of environmental and scenic quality, and the existence of attractions that will serve as destinations for visiting boaters.

9. Vessel waste pump-out facilities. Vessel waste pump-out facilities pump sewage from a boat's holding tank and then contain that waste before properly disposing of it into a sewage disposal system. These facilities are important components of State and local programs to improve the water quality of Long Island Sound and its tributaries, including the Connecticut River. Described in the earlier section on Environmental Quality and Resources (see page 3-8), the potential for discharges of sewage from vessel holding tanks is a potential water quality concern on the Connecticut River. Although it is difficult to determine the extent to which these discharges may be taking place and contributing to water pollution, there is concern whenever a large number of boats are docked or moored in or otherwise use a confined waterway. At Old Saybrook, vessel waste pump-out facilities are provided at several commercial marinas. (See Chapter One.) A pump-out station is also provided at the Department of Environmental Protection's marine facility at the mouth of the Connecticut River at Old Lyme.

Designation of a Connecticut River No Discharge Area in accordance with Section 312 of the Federal Clean Water Act will require certification that the number of vessel waste pump-out stations on the River is sufficient to support that designation. A representative of the Connecticut DEP's Office of Long Island Sound Programs reports that a municipality preparing a harbor management plan must address local needs for vessel waste disposal. Funds are currently available from the DEP to cover up to 75% of the cost of equipment purchase, installation, and maintenance of a vessel waste pump-out station. (See Chapter Two.)

10. Live-aboard vessels. The principal issue raised by the short- or long-term use of vessels as living quarters concerns the water pollution that may be caused by uncontrolled waste discharges, including illegal discharges of marine sanitation devices. There is also the potential for adverse impacts on waterfront scenic quality (as may be caused by a houseboat anchored in the Connecticut River, for example). While issues of this sort may not be of immediate concern in the Harbor Management Area, such problems could arise in the future.

11. Personal watercraft operation. Issues concerning personal watercraft operation are of interest at Old Saybrook, especially because of the opportunity for launching personal watercraft from the Baldwin Bridge State Boat Launching Ramp. Some waterfront communities in Connecticut and other states have become concerned with increasing personal watercraft use in conflict with other water uses and in violation of boating laws and public safety requirements. Noted above, excursion boat operators have expressed concerns about potential conflicts between excursion vessels and personal watercraft on the Connecticut River.

Officials of the Connecticut Department of Environmental Protection have stated that Connecticut municipalities have no authority to establish regulations specifically intended to control the operation of personal watercraft. The operation of personal watercraft in the State is subject to the same boating safety regulations, including vessel speed regulations, that apply to the operation of all other vessels. As a result, it appears that any issues concerning personal watercraft use at Old Saybrook are most appropriately addressed through enforcement of existing regulations and through the increased education of watercraft operators.

12. Nonmotorized boating uses. Nonmotorized boating activities such as canoeing, kayaking, and rowing contribute importantly to the vitality of water uses in the Harbor Management Area; these activities can be supported and encouraged through a variety of Town policies, plans, and programs. Conflicts between nonmotorized boating activities and other water uses may arise from time to time and there is an ongoing need to address and avoid those conflicts in order to maintain safe and beneficial use of the HMA.

13. Bridges over navigable water. The Baldwin Bridge and Amtrak Railroad Bridge over the Connecticut River and the Route 154 causeway across South Cove are of interest with respect to potential impacts on the Harbor Management Area. Described in Chapter One, the fixed span of the Baldwin Bridge provides substantial horizontal and vertical clearance and does not affect navigation. The railroad bridge, however, must be raised to allow sailboats and large powerboats to pass. Amtrak's Northeast High-Speed Rail Improvement Project has resulted in increased train traffic and more numerous bridge closings. In response to concerns expressed by Connecticut River boaters and marina operators about the effect of additional train traffic and bridge closings on recreational boating activities and marina viability, Amtrak agreed to limit train traffic to 36 trains each day between New York and Boston. Also, the bridge will remain in an open position from April 15 to the end of October, except when a train is approaching, and will be opened immediately after a train passes. During the rest of the year, the bridge will normally be closed but will be opened for boating traffic upon demand. In addition, Amtrak agreed to implement specific measures to improve the efficiency of bridge openings to accommodate boating traffic.

There is an ongoing need to ensure that the condition or use of the bridges does not have adverse effects on navigation through the HMA and that future bridge repairs or painting do not cause paint chips and other pollutants to enter the water.

14. Littoral/riparian rights and the public right for use of navigable water. Waterfront property owners have important littoral/riparian rights for access to the navigable waters of the Connecticut River and Long Island Sound. Those rights, however, must be balanced against the public right to use navigable, public trust waters which are held by the State in trust for the general public. (See no. 5 on page 3-28 and Chapter Two.) A principal conflict between littoral/riparian and public rights in navigable water often arises over the construction of docks and piers by waterfront property owners (see no. 17 on page 3-25).

Also of potential concern are possible conflicts between adjacent waterfront landowners over the lateral limits of their littoral/riparian rights. A shorefront owner has the littoral/riparian right for access to navigable water, for example, but the extension of any dock or pier can not infringe on the adjacent owner's littoral/riparian area.

15. Unauthorized encroachments into navigable water. Unauthorized encroachments into navigable water are commonly defined as structures or other work placed or undertaken without necessary local, State, or Federal approvals. With respect to the Harbor Management Area, two basic types of encroachments are of potential concern. The first type would include any structures (piles, floats, piers, for example) and other work extending into the Federal Navigation Project, including the Connecticut River channel and North Cove anchorage basins and entrance channel. Federal policies prohibit any obstructions in a Federal channel. Moorings may be placed in a Federal anchorage but only if those moorings are managed according to the Corps of Engineers' "open to all on equal terms" policy.

The second type of encroachment of potential concern would be any structure or other work (such as dredging and filling) waterward of the high tide line that is placed or carried out without necessary permits or in a manner not consistent with permit conditions. In some instances, encroachments of this type may result from a lack of awareness of applicable regulations and permit requirements.

While the Corps of Engineers and Connecticut Department of Environmental Protection have the principal responsibility for elimination or correction of any unauthorized encroachments that may be identified in the HMA, the Town can have an important advisory role with respect to the resolution of any encroachment issues that may arise in the future.

16. Dockominium development. The conversion of existing boat slips to "dockominiums" or development of new boat slips as dockominiums is of interest in other waterfront communities and could be of interest at Old Saybrook in the future. The Harbor Management Commission would be required to review and comment on any future proposal for dockominium development.

The dockominium is a marina operation and development concept whereby the user of a berthing space purchases fee simple title for the use of that space. There has been one dockominium development at Old Saybrook—at the Between the Bridges North Marina. Some argue that dockominiums reduce public access to the water and that the concept conflicts with the Public Trust Doctrine by which lands below the mean high water line are held in trust by the State of Connecticut for the use and benefit of the general public.

Also, the concern has been expressed that dockominiums typically provide space for primarily large boats and may contribute to the exclusion of smaller boats and moderate income boaters. The Corps of Engineers is concerned that the conversion of commercial marinas to dockominiums represents a change in the originally permitted use of a waterfront site and may require a new permit from the Corps. The Connecticut Department of Environmental Protection requires a

written request for authorization to transfer ownership. An argument in favor of dockminiums is that they provide a profitable waterfront use; without them, waterfront land may be converted to some other, nonwater-dependent use.

17. Extension of docks and piers to navigable water. Future proposals by marina operators, individual landowners, and governmental agencies to construct docks and piers to reach navigable water and increase docking capacity may raise some complex planning issues, including issues concerning: 1) the potential environmental impacts of these structures (including impacts on wetlands as well as aesthetic impacts); 2) the possible effect of these structures on small boat navigation and other public uses of Public Trust waters; 3) the appropriate size and length to which these docks and piers should be constructed; and 4) the extent to which the Town can and should control or limit these structures. The Harbor Management Commission will have to address these concerns when reviewing future proposals for the extension of docks and piers into the Harbor Management Area.

The Connecticut Department of Environmental Protection received 26 new applications for residential docks and issued 19 permits for such docks in the HMA during the five-year period from April 1, 1996 to March 31, 2001. As with dredging, filling, and the use of shore protection structures, the environmental impacts of individual docks and piers may be relatively minor but the cumulative impacts may be much more significant. In addition, because of the existence of the Connecticut River navigation channel and the Federal channel and anchorage basins at North Cove, future boating facility proposals may raise concerns over the appropriate distance that piles, floats, piers, and other structures should be set back from channel and anchorage boundaries.

In 2003 the Connecticut River Estuary Regional Planning Agency is studying the potential impacts of dock and pier construction in the Connecticut River. In addition, the Old Saybrook Conservation Commission has expressed an interest in conducting a study to consider the potential biological and esthetic impacts of maximum dock access to the Town's coastal waters. Information developed through these study efforts may be considered by the HMC when making future decisions concerning proposals for docks and piers in the HMA.

When considering the potential impacts of docks and piers in the HMA, it should be recognized there are different views concerning the appropriate way to address those impacts—either through reliance on specific dimensional standards; through case-by-case decision-making based on individual review of the potential environmental and other impacts associated with dock and pier construction; or through a combination of these two approaches. Data needed to precisely determine the amount of future dock and pier development that can occur in the HMA before adverse environmental and other impacts may become unacceptable currently does not exist. Without that data, it would be inappropriate to include specific dimensional standards for dock and pier construction in the Harbor Management Plan since those standards would not be defensible at this time.

Instead, the Plan can address the issues associated with proposed dock and pier construction through specific policies to be applied by the Harbor Management Commission in its careful review of individual proposals for docks and piers in the HMA. Those policies, for example, can ensure that the concept of resource carrying capacity will be considered, along with consideration of cumulative impacts. The policies can also establish a number of factors to be considered in the case by case review of proposals for docks and piers.

At some future time when additional information may become available, the HMC may consider dimensional and other standards and more detailed provisions concerning dock and pier construction in the HMA; the Harbor Management Plan could be amended accordingly.

WATERFRONT DEVELOPMENT, ACCESS, AND LAND USE ISSUES AND CONSIDERATIONS

1. Viability of water-dependent businesses
2. Water-dependent development projects
3. Waterfront zoning regulations
4. Potential impacts of waterfront development projects on the Harbor Management Area
5. Public access to the Harbor Management Area
6. Public access through Town-owned street ends
7. Maintenance of waterfront areas and facilities
8. Special waterfront events and activities
9. Underutilized waterfront properties
10. Shore protection measures
11. Water-based tourism

1. Viability of Water-Dependent Businesses. Recreational boating activities contribute to the vitality and attractiveness of the Harbor Management Area and are important to the local economy. The commercial marinas and other boating facilities at Old Saybrook provide important services and opportunities for use and enjoyment of the HMA. State coastal management policies (see no. 2 below) and the Old Saybrook Plan of Conservation and Development recognize the importance of these water-dependent facilities and support their continued operation and maintenance. Nevertheless, a number of conditions specific to the operation of water-dependent businesses influence the viability of those businesses. Those conditions, which generally affect marine commercial uses along the entire Connecticut shoreline, include: restrictive government regulations controlling waterfront use and development and work in navigable water (such as dredging); the expense of maintaining docks, bulkheads, and other waterfront infrastructure; rising land values that may result in increased property taxes; and less than year-round operating seasons. Maintenance and improvement of infrastructure and dredging of navigation channels and marina facilities are among the most important and often-described needs of water-dependent businesses.

Economic and regulatory factors are generally seen as the basic constraints to development of new boating facilities and expansion of existing facilities along the Connecticut shoreline. Restrictive environmental regulations (affecting the operators' ability to obtain permits for dredging and in-water structures, for example) are commonly described by industry representatives as major reasons for the lack of new development activity. Current regulatory requirements are more stringent than the requirements that were in place when many existing water-dependent facilities were developed. Also, locations most suitable for development of boating facilities have generally been developed. The need to protect wetlands and intertidal flats and other environmental and physical constraints now limit the possibilities for development of new sites for water-dependent facilities and expansion of existing facilities.

When formulating Town goals and policies for inclusion in the Old Saybrook Harbor Management Plan, the effect of those provisions on the operation and viability of water-dependent businesses must be considered. Along with the Plan of Conservation and Development and Municipal Coastal Program document, the Harbor Management Plan can provide support for the continued operation of the commercial boating facilities at Old Saybrook; waterfront zoning regulations (see no. 3 below) can also provide support.

2. Water-dependent development projects. The State of Connecticut and Town of Old Saybrook (through the Old Saybrook Plan of Conservation and Development and Municipal Coastal Program) have established policies to promote and protect water-dependent uses such as marinas and boatyards on the Old Saybrook waterfront. The Connecticut Coastal Management Act (CCMA), for example, establishes the legislative policy "To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters." Another basic policy is "To manage uses in the coastal boundary through existing municipal planning, zoning, and other local regulatory authorities and through existing state... authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas."

Old Saybrook's Marine Commercial and Saybrook Point zoning districts (see no. 3 below) are intended to provide for and encourage water-dependent uses. Through the Town's coastal site plan review process (see Chapter Two), the Old Saybrook Zoning Commission has the ultimate responsibility for determining the water-dependency of proposed development projects. Determinations of water-dependency, however, are also relevant to the Harbor Management Commission's review of future proposals affecting the Harbor Management Area.

Described in Chapter One, current water-dependent uses at Old Saybrook include the commercial marinas and boatyards along the Connecticut River in the Saybrook Point and Ferry Point areas. Any future redevelopment proposals in these areas are almost certain to include water-related components, and must be evaluated by the Town to determine if they are, in fact, water-dependent and therefore consistent with State and Town policies.

Although the CCMA establishes a specific policy favoring water-dependent use of coastal sites, this policy over the years has been the subject of some controversy and different interpretations. This is because the CCMA defines water-dependent uses to include facilities such as marinas, boat yards, commercial fishing facilities, and industrial uses requiring direct access to marine waters, but also defines water-dependent uses to include “uses which provide general public access to marine and tidal waters.” In other words, principal uses such as offices and condominiums that are not truly water-dependent have been interpreted by some to be water-dependent under the Act’s definition if public water access is provided. When considering issues of water-dependency, it also should be recognized that current economic and regulatory conditions in Connecticut may limit the possibilities for development of truly water-dependent uses as the principal uses of waterfront sites. (“Truly water-dependent uses” are not defined by the CCMA, but are often described as marinas, boatyards, fishing facilities, and other water-dependent uses that are distinguished from uses that are water-dependent by virtue of providing public access.)

Officials of the Connecticut Department of Environmental Protection’s Office of Long Island Sound Programs have stated that proposals for nonwater-dependent uses (such as waterfront condominiums and offices) should not automatically be considered water-dependent simply because opportunities and facilities for public access are provided. In other words, those officials seem to say the public access provisions must be substantial and meaningful enough for the proposal to be considered water-dependent. Also, some OLISP officials have stated that public access does not make a nonwater-dependent use water-dependent, but rather adds a water-dependent component that may render a project approvable. OLISP officials have acknowledged the constraints imposed by land values and other economic considerations on opportunities for development of truly water-dependent uses.

Two significant issues that may be of concern to Town officials evaluating the water-dependency of future waterfront development projects in the Saybrook Point and Ferry Point areas are: 1) how to retain and encourage truly water-dependent uses such as recreational boating uses that require direct access to the water; and 2) how to ensure that well-designed and meaningful provisions for public access are incorporated into development that is otherwise not water-dependent.

3. Waterfront zoning regulations. Waterfront zoning regulations can be applied by a municipality to help preserve, enhance, and encourage water-dependent uses. Described in Chapter Two, Old Saybrook’s Marine Commercial zoning district is intended to provide for and encourage appropriate waterfront land uses with an emphasis on waterfront access and water-dependent uses as defined by the State of Connecticut. The Saybrook Point district also is intended to encourage water-dependent development as well as coordinated development that provides for continued community enjoyment of this unique location on the Connecticut River.

Any future redevelopment proposals affecting existing water-dependent uses in the Ferry Point and Saybrook Point areas will be reviewed for consistency with the Marine Commercial and Saybrook Point zoning districts, respectively. Proposals for waterfront zoning changes may also be submitted to the Zoning Commission in the future. When reviewing any future proposals for

redevelopment or zoning changes, it will be necessary to give consideration to the effect of those proposals on existing water-dependent uses and on opportunities for future water-dependent development activities. In addition, the Zoning Commission may consider amending existing waterfront zoning districts, as necessary, to help achieve the Town's goals for beneficial waterfront use and development. The Harbor Management Commission will be required to review and comment on any future redevelopment proposals affecting property adjoining the Harbor Management Area, as well as any proposals for waterfront zoning amendments.

4. Potential impacts of waterfront development projects on the Harbor Management Area.

In addition to having positive impacts on the community in terms of economic revitalization and improved appearance, use and development of waterfront sites also raises the possibility of adverse impacts, including potential environmental and other impacts (on water quality, boating safety, and public use of water resources, for example). Proposals for expansion of existing waterfront uses or development of new facilities on the waterfront should therefore be carefully planned and reviewed to help ensure that positive benefits are realized, and that any potential adverse impacts are avoided or minimized. (See the earlier section on "Institutional Framework" Issues and Considerations.)

5. Public access to Harbor Management Area. Issues concerning public access to navigable water are basic harbor management issues throughout Connecticut. Harbor management plans prepared by Connecticut municipalities typically contain policies and plans for public access to navigable water and thereby establish a basis for obtaining funds (including State and Federal grants) as well as State and Federal permits for developing water access facilities. At Old Saybrook, the quality of life and Town character depend, in large part, on continued provision of enjoyable opportunities for public access to the waterfront and Harbor Management Area. That access may be discussed in terms of physical and visual access, including access to the waters of the Connecticut River, North and South Coves, Oyster River, and Long Island Sound for boating and fishing, and use of Town-owned land, roads, and other areas for walking, biking, and enjoyment of water views. The principal public facilities providing access to the HMA are the Baldwin Bridge State boat launch and fishing pier on the Connecticut River; the Town Dock, launching area, and landing at North Cove; the Town's Ferry Dock facility on the Connecticut River; and the Town-owned beaches on Long Island Sound. (See Chapter One.)

The boat launching areas at Old Saybrook provide important opportunities for public access to the Connecticut River and Long Island Sound. In addition to the established facilities, there are a number of informal launching areas at Town-owned street ends and other locations. Continued active management and improvement, where feasible, is necessary to ensure the continued beneficial public use and enjoyment of these facilities. Also, there may be opportunities for improving the existing informal launching locations and for providing additional locations to accommodate car-top vessels, consistent with the character of the surrounding areas and the availability of space for parking.

The Harbor Management Commission will find it necessary to make a number of future decisions with regard to maintaining and enhancing the opportunities for water access through Town-owned areas. When considering opportunities for public access to the waterfront and HMA, it will be important to consider opportunities for both the boating and nonboating public, and the use of Town-owned street ends (see no. 6 below).

Consistent with the Public Trust Doctrine, the open waters and submerged lands subject to the ebb and flood of the tide in the HMA are held in trust by the State of Connecticut for the benefit of the general public. Described in Chapter Two, the general public has important rights of navigation and access waterward of the mean high water line. Those rights, however, must be balanced with the littoral/riparian rights and other property rights of waterfront property owners. The public, for example, does not have the right to cross privately owned land to reach the Public Trust area. (See the earlier section on Water Use and Navigation Issues and Considerations.)

6. Public access through Town-owned street ends. A number of Town streets end at the shoreline of the Connecticut River, North and South coves, and Long Island Sound. (See Chapter One.) These Town-owned street ends provide important opportunities for visual and/or physical access to the Harbor Management Area. Some, such as Ferry Road, Sheffield Street, and North Cove Road, are clearly marked and lead to Town boating facilities; others are not clearly marked and public use is restricted by obstructions and/or unauthorized encroachments into the publicly owned area. Opportunities for use of Town-owned street ends for public access are also affected by space limitations (including lack of parking space), lack of facilities to accommodate water access, and proximity to shoreline neighborhoods. Future plans to make use of Town-owned street ends for public use and enjoyment must be consistent with space limitations and neighborhood character.

7. Maintenance of waterfront areas and facilities. The environmental quality associated with the Town's waterfront and Harbor Management Area can be adversely affected by deterioration and lack of maintenance of waterfront areas and facilities, including areas and facilities providing opportunities for public access to the HMA. There is need for ongoing, effective maintenance of publicly owned as well as privately owned waterfront areas to provide a clean, attractive waterfront and enjoyable public spaces.

8. Special waterfront events and activities. Special waterfront events can add vitality to the waterfront and Harbor Management Area and provide important recreational, economic, and other benefits to the Town. Those events, however, including fireworks displays and waterfront concerts, require substantial planning, management attention, and coordination among governmental agencies and volunteers to help ensure continued safe and enjoyable public experiences and attendant benefits. Careful attention is needed for planning and management of additional waterfront events to ensure that those events contribute to achievement of Town goals for waterfront use and development, and to avoid any potential adverse impacts that may be associated with those events.

9. Underutilized waterfront properties. There are several underutilized sites on and near the waterfront that provide opportunities for waterfront improvement and access projects. The principal site, which has been the focus of much public attention in recent years, is the Town-owned property that includes the site of the former Sand Bar restaurant on Saybrook Point. Special studies of this property have been undertaken by the Town and a "vision" for the site was prepared by the Saybrook Point ad hoc Committee. The Town's Plan of Conservation and Development recognizes the unique opportunities for public use, enjoyment, and access to the Connecticut River provided at Saybrook Point. Decisions concerning future use and development of this unique area will have important long-term impacts on the Town's waterfront and Harbor Management Area. Another underutilized property of interest is the former Town landfill adjoining North Cove. The Town's Municipal Coastal Program document suggests this site be considered for providing opportunities for waterfront access. The Old Saybrook Conservation Commission describes important wildlife habitat resources associated with this property and suggests that future public use of the property be carefully planned to avoid significant adverse impacts on this habitat.

The Harbor Management Commission will be required to review and comment on any future proposals for use and development of these properties and can play an important advisory role in the development of those proposals. Reuse of both properties could increase opportunities for beneficial use and enjoyment of the Old Saybrook waterfront and HMA.

10. Shore protection measures. Shoreline erosion is a natural, ongoing process that will continue to affect water and waterfront use and development at Old Saybrook, especially along the Town's Long Island Sound shoreline. (See no. 5 on page 3-4.) Shore protection measures are needed to protect the shoreline; those measures, however, can also have some adverse impacts and therefore need to be carefully planned and constructed. Disrepair of existing shore protection structures (bulkheads, for example) may contribute to underutilization of waterfront sites and decline of opportunities for waterfront access. In more natural shoreline areas structural measures for shore protection may cause adverse impacts on environmental quality and accelerated erosion of the shoreline nearby. To establish shore protection structures it is necessary to obtain permits from the Connecticut Department of Environmental Protection and the Corps of Engineers (see Chapter Two); in recent years, however, the DEP has discouraged use of structural measures for erosion control.

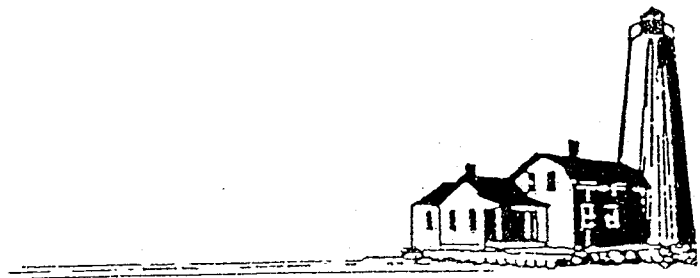
11. Water-based tourism. The economic, recreational, and other benefits of water-based tourism to the Connecticut Valley region and Town of Old Saybrook are well recognized. Waterfront development, access, and land use decisions can contribute to maintaining and enhancing tourism opportunities. The Town's location on the Connecticut River provides an opportunity for the development of tour boat linkages between the Town and locations upriver; development of those linkages will require provision of appropriate upland support facilities.

Part II of the Harbor Management Plan, containing the provisions of the Plan, follows.

PART II:

THE HARBOR MANAGEMENT PLAN

- **CHAPTER FOUR: OLD SAYBROOK'S GOALS AND OBJECTIVES
FOR HARBOR MANAGEMENT**
- **CHAPTER FIVE: HARBOR MANAGEMENT POLICIES**
- **CHAPTER SIX: GUIDELINES AND RECOMMENDATIONS
FOR HARBOR PLANNING DISTRICTS**
- **CHAPTER SEVEN: RESPONSIBILITIES AND RECOMMENDATIONS
FOR PLAN IMPLEMENTATION**



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

CHAPTER FOUR: OLD SAYBROOK'S GOALS AND OBJECTIVES FOR HARBOR MANAGEMENT

Old Saybrook is a shore town, having a shoreline running approximately 16.3 miles along Long Island Sound, the Connecticut River and its coves. People are attracted to the shore in all seasons and have contact with the shore in many ways. Contact with the shore may consist of scenic views and vistas, enjoying the special climate and offshore breezes, recognizing the different smell of salt air (and salt marshes), watching the power of a coastal storm, finfishing and taking of shellfish and swimming, and other recreational activities... Unlike many other cities and towns bordering the Sound and the Connecticut River, contact with the shore is a central feature of living in Old Saybrook.

Plan of Development for the Town of Old Saybrook, June 1990



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

OLD SAYBROOK'S GOALS AND OBJECTIVES
FOR HARBOR MANAGEMENT

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OLD SAYBROOK'S GOALS AND OBJECTIVES FOR HARBOR MANAGEMENT

This chapter contains the Town of Old Saybrook's basic goals and objectives for use of the Old Saybrook Harbor Management Area (HMA) and for conservation of the HMA's vital natural and cultural resources. These goals and objectives are directed toward achieving balance between a number of equally important public purposes, including: protection and enhancement of environmental quality and the Town's unique quality of life associated with its location on the Connecticut River and Long Island Sound; provision of opportunities for water-dependent recreational activities and public access to the HMA; continuation of water-dependent businesses and associated economic benefits to the Town and region; and maintenance of the health, safety, and welfare of those who use the Town's HMA and shoreline.

The 12 broad goals and accompanying objectives should be thought of as basic and general guidelines for harbor management at Old Saybrook; their achievement should be supported by all citizens and Town officials. The goals and objectives establish a guiding framework for future management decisions by the Harbor Management Commission and other Town commissions and departments with programs or authorities that directly or indirectly affect the Old Saybrook's HMA and shoreline.

In some instances, conflicts may arise among different management goals and objectives. Increased recreational use of the HMA, for example, may have an adverse impact on environmental quality. Conversely, efforts to preserve and enhance natural coastal resources may affect opportunities for recreational use and water-dependent development of the shoreline.

The goals and objectives establish a foundation for the more detailed harbor management policies in Chapter Five of the Harbor Management Plan, for the guidelines and recommendations for harbor planning districts in Chapter Six, and for the implementation responsibilities and recommendations in Chapter Seven.

The goals and objectives are numbered for reference purposes, not to denote priority.

GOAL 1: RECOGNITION OF HARBOR MANAGEMENT AREA RESOURCES AND VALUES

Achieve widespread public recognition of the important recreational, economic, environmental, cultural, and other resources and values associated with the Old Saybrook Harbor Management Area, and of the importance of those resources and values to the overall quality of life in the Town.

GOAL 2: ACTIVE AND COORDINATED MANAGEMENT OF THE HARBOR MANAGEMENT AREA AND SHORELINE BY THE TOWN OF OLD SAYBROOK

Actively manage use of the Old Saybrook Harbor Management Area and shoreline in the public interest, for the benefit of all Town residents and the general public. Establish and maintain, in accordance with the intent of the Connecticut Harbor Management Act, a principal role for the Town of Old Saybrook in the planning, management, and regulation of activities on, in, or contiguous to the HMA.

OBJECTIVES:

- 2.1 Implement the Old Saybrook Harbor Management Plan in accordance with authority provided by the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and Ordinance No. 77 of the Old Saybrook Town Code.
- 2.2 Support the efforts of the Old Saybrook Harbor Management Commission to implement the Harbor Management Plan and carry out other purposes, powers, duties, and responsibilities in the public interest as authorized by the Connecticut Harbor Management Act and Ordinance No. 77 of the Old Saybrook Town Code.
- 2.3 Adopt and/or amend Town ordinances, as needed, for implementing the Harbor Management Plan and regulating use and development of the HMA and shoreline in the public interest; effectively enforce all Town ordinances affecting the HMA and shoreline.
- 2.4 Obtain and allocate funds specifically for improvement and management of the Old Saybrook HMA and shoreline, consistent with the Harbor Management Plan.
- 2.5 Support an active role by the Old Saybrook Harbor Master for the management and regulation of HMA uses, consistent with the Harbor Management Plan and subject to guidance from the Harbor Management Commission.
- 2.6 Achieve and maintain consistency and coordination among the plans and programs of all Town commissions and departments affecting the HMA and shoreline, including the Harbor Management Plan, Old Saybrook Plan of Conservation and Development, and Old Saybrook Municipal Coastal Program.
- 2.7 Achieve and maintain coordination with other municipalities, including municipalities with jurisdictions adjoining the HMA, to address issues of common concern affecting the HMA, Connecticut River, and Long Island Sound.
- 2.8 Achieve and maintain coordination for harbor management purposes with regional, State, and Federal authorities with programs and responsibilities affecting the HMA.

GOAL 3: ECONOMIC BENEFITS

Recognize and pursue opportunities for economic growth and development associated with the Old Saybrook Harbor Management Area, consistent with the Town's existing character and quality of life.

OBJECTIVES:

- 3.1 Support beneficial use and development of commercial shoreline areas, consistent with Town goals and objectives for encouraging water-dependent uses and conserving and enhancing the environmental quality associated with the HMA and shoreline.
- 3.2 Pursue opportunities for expanding water-based tourism activities and the associated economic, recreational, and other benefits of those activities at Old Saybrook.

GOAL 4: RECREATIONAL USE

Maintain and enhance opportunities for beneficial recreational use of the Old Saybrook Harbor Management Area and shoreline, consistent with the capacity of the HMA and shoreline to support that use without significant adverse impacts on environmental quality and the public's health, safety, welfare, and enjoyment.

OBJECTIVES:

- 4.1 Maintain and enhance opportunities for recreational boating and boating-related uses of the HMA.
- 4.2 Establish and maintain opportunities for nonboating recreational use of the HMA and shoreline, including opportunities for walking, bicycling, picnicking, nature observation, land-based fishing, enjoyment of water views, special public events on waterfront sites, and other beneficial activities.

GOAL 5: NATURAL RESOURCE CONSERVATION AND ENHANCEMENT

Conserve and enhance the environmental quality, natural resources, and ecological functions associated with the Old Saybrook Harbor Management Area and the larger Connecticut River and Long Island Sound watersheds of which the HMA is part.

OBJECTIVES:

- 5.1 Recognize that the water and other natural resources found in the HMA are part of the Connecticut River and Long Island Sound watershed systems and that actions within these systems can have important impacts on other parts of the systems, or on the systems as a whole.

- 5.2 Plan and manage use and development of the HMA and shoreline in a manner consistent with the capacity of the HMA and shoreline to support this use and development in an environmentally sound manner.
- 5.3 Avoid new or expanded uses of the HMA and shoreline that exceed the natural capacity of the HMA and shoreline to support those uses in an environmentally sound manner.
- 5.4 Properly manage, protect, and where feasible, restore natural coastal resources on, in, or contiguous to the HMA, including wetlands, intertidal flats, fisheries resources, beaches, floodplains, and other resources; protect and enhance the ecological functions associated with those resources, including functions related to fish and wildlife habitat, water quality, and floodwater storage and buffer.
- 5.5 Achieve and maintain the highest reasonably attainable quality of surface water and groundwater in the HMA.
- 5.6 Avoid or minimize adverse impacts on coastal resources that may be caused by use and development of the HMA and shoreline; direct future uses and development of the HMA and shoreline away from fragile and sensitive coastal resources.
- 5.7 Support the preservation and enhancement of the scenic quality associated with the HMA and shoreline.
- 5.8 Balance efforts to protect and enhance environmental quality with efforts to provide recreational opportunities, economic growth consistent with Town character, and other public benefits.

GOAL 6: PLANNING AND REGULATION OF WATERFRONT LAND USE

Plan for and regulate waterfront land use and development in a manner consistent with the capacity of the natural and man-made environment to support that use and development, and in coordination with planning and regulation for use of the Old Saybrook Harbor Management Area.

OBJECTIVES:

- 6.1 Recognize that waterfront land use and development have a significant influence on the use and condition of the HMA, and that planning and regulation of waterfront land use should be undertaken in coordination with planning and regulation for use of the HMA.

- 6.2 Apply special Town land use policies and zoning regulations to guide the use and development of the HMA shoreline, recognizing the importance of the Town's coastal resources and existing water-dependent land uses.
- 6.3 Give high priority and preference to the development of water-dependent uses on land adjoining the HMA. (See Goal 7.)
- 6.4 Recognize that the HMA shoreline has a limited capacity (carrying capacity) to support use and development, and that this capacity is subject to change over time.
- 6.5 Carefully evaluate the potential impacts on coastal resources and public water access opportunities associated with proposals for waterfront use and development.
- 6.6 Avoid new or expanded uses and development on the HMA shoreline that exceed the carrying capacity of the natural and man-made environment to support such uses and development.
- 6.7 Ensure coordination between the actions of the Harbor Management Commission and the actions of the Old Saybrook planning and zoning commissions for land use planning and regulation on the HMA shoreline; support implementation of the Old Saybrook Municipal Coastal Program.
- 6.8 Ensure that all work and structures waterward of the high tide line are properly authorized.

GOAL 7: WATER-DEPENDENT USES AND FACILITIES

Support and maintain a diversity of water-dependent uses and facilities that individually and collectively enhance the quality of the Old Saybrook Harbor Management Area, the local and regional economy, and the overall quality of life in the Town.

OBJECTIVES:

- 7.1 Support the continued operation and enhancement of boating-support facilities, including marina, boatyard, and boat launching facilities.
- 7.2 Support the continued operation and enhancement of nonboating water-dependent facilities and areas, including waterfront park and beach areas and other facilities that provide opportunities for public access to the HMA.
- 7.3 Support the expansion of boating and other water access facilities where consistent with public needs, resource conservation and enhancement objectives, and other provisions of the Harbor Management Plan.

- 7.4 Support the continued and timely maintenance of navigation structures and facilities, including channels and anchorages with adequate depth and area to serve the needs of recreational and commercial vessels using the HMA.

GOAL 8: PUBLIC HEALTH, SAFETY, AND WELFARE

Manage and regulate use and development of the Old Saybrook Harbor Management Area and shoreline to assure orderly and efficient use and to provide for the continued health, safety, and welfare of HMA users and shore area residents.

OBJECTIVES:

- 8.1 Encourage and support effective enforcement of applicable Town, State, and Federal laws and regulations to maintain and improve boating safety in the HMA.
- 8.2 Maintain navigation safety in the HMA for visiting and resident recreational boaters, fishermen, tour boats, the operators of small nonmotorized vessels such as canoes and kayaks, and commercial vessels, including tugs and barges.
- 8.3 Avoid or reduce potential conflicts between vessels operating in the HMA, including conflicts between motorized and nonmotorized vessels, and conflicts between recreational and commercial vessels.
- 8.4 Provide facilities and services to support effective response to emergencies on, in, or contiguous to the HMA, including water access facilities to accommodate emergency vessels.
- 8.5 Maintain public safety at waterfront park and beach areas, water access right of ways, and other locations providing opportunities for access to the HMA.
- 8.6 Reduce or avoid the potential impacts of flooding and erosion on, in, or contiguous to the HMA.
- 8.7 Support the continued and timely maintenance of navigation structures and facilities needed to maintain ease and safety of navigation to and through the HMA.
- 8.8 Plan and manage use of the HMA and shoreline in a manner consistent with the capacity of the HMA and shoreline to support that use without unacceptable impacts on public health, safety, and welfare.

- 8.9 Ensure the timely removal of any derelict, abandoned, or deteriorated vessels and structures from the HMA.

GOAL 9: PUBLIC ACCESS

Provide long-term opportunities for public access to the Old Saybrook Harbor Management Area for active and passive recreational uses.

OBJECTIVES:

- 9.1 Maintain and where feasible improve existing water access areas, including publicly owned properties and water access right-of-ways, for beneficial public use.
- 9.2 Provide new water access areas in appropriate locations to increase opportunities for public use and enjoyment of the HMA.
- 9.3 Encourage and support the organization and staging of special waterfront events to provide recreational opportunities for the general public and attract visitors to the Town and HMA.
- 9.4 Protect the public's right of free navigation and use of the land and water resources seaward of the mean high water line, consistent with the Public Trust Doctrine and the riparian/littoral rights of waterfront property owners.
- 9.5 Ensure that opportunities for boat mooring and other HMA uses are available to the general public on a fair and equitable basis.

GOAL 10: PUBLIC SUPPORT, EDUCATION, AND PARTICIPATION

Develop and maintain public awareness of Harbor Management Area resources and management concerns, and establish a base of public support for implementing the Old Saybrook Harbor Management Plan.

OBJECTIVES:

- 10.1 Provide a continuing forum for the expression and discussion of all public concerns related to the use and conservation of HMA resources and implementation of the Harbor Management Plan.
- 10.2 Encourage special programs and events to increase awareness of HMA resources and support for management efforts; encourage public participation in such programs and events.

- 10.3 Encourage educational and scientific use of the HMA.
- 10.4 Provide public information materials and services to those who use the HMA and shoreline and to others concerned with use and protection of HMA resources.

GOAL 11: PRESERVATION OF TOWN CHARACTER

Preserve the Town's existing character and maritime heritage associated with the Connecticut River and Long Island Sound; preserve the beneficial quality of life in shoreline residential areas.

OBJECTIVES:

- 11.1 Preserve resources with cultural significance on, in, or contiguous to the Harbor Management Area, including historic, scientific, and archaeological significance.
- 11.2 Ensure that economic growth and development enhanced by proximity to the HMA are consistent with Town and neighborhood character and the carrying capacity of the HMA and shoreline to accommodate that growth.
- 11.3 Ensure that current and future uses and development on, in, or contiguous to the HMA do not adversely affect the character of shore area neighborhoods.
- 11.4 Provide a public forum for the presentation and discussion of all concerns, including the concerns of shore area residents, related to the quality and character of the Town's HMA and shoreline.

GOAL 12: RESPONSE TO CHANGING CONDITIONS

Monitor conditions on, in, or contiguous to the Harbor Management Area and consider any amendments/revisions to the Harbor Management Plan and supporting Town ordinances that may be needed to respond to changing conditions and circumstances.

OBJECTIVES:

- 12.1 Conduct an annual review of HMA and shoreline conditions and of the status of implementing the provisions of the Harbor Management Plan.
- 12.2 Amend/revise the Harbor Management Plan as necessary in accordance with a specific procedure including requirements for the hearing of public comments and concerns.

CHAPTER FIVE:

HARBOR MANAGEMENT POLICIES

In preparing the plan, the [harbor management] commission shall consider the following factors: (1) recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters... that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion...; (7) commercial and industrial uses that are water dependent... (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments, and intertidal flats...

Section 22a-113o of the Connecticut General Statutes



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

HARBOR MANAGEMENT POLICIES

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NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in this chapter should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

HARBOR MANAGEMENT POLICIES

This chapter contains Town policies to help guide decisions and actions affecting the Old Saybrook Harbor Management Area (HMA) by the Harbor Management Commission and other Town, State, and Federal agencies. The policies are established to address the issues and concerns described in Chapter Three and to advance the harbor management goals and objectives contained in Chapter Four of the Harbor Management Plan. The harbor management policies are consistent with provisions affecting the HMA and included in the Old Saybrook Plan of Conservation and Development and Municipal Coastal Program document; they are also consistent with applicable State and Federal policies.

The Town of Old Saybrook's harbor management policies are grouped into five main categories: 1) public health, safety, and welfare; 2) environmental quality; 3) harbor administration and coordination; 4) water use and navigation; and 5) waterfront development, access, and land use. These policies are not tied to specific sections of the Harbor Management Area but are intended to apply in general throughout the HMA. More specific management guidelines and recommendations for planning districts within the HMA are presented in Chapter Six.

The policies are numbered for reference purposes; not to denote priority. An index to the policies is included as Figure 5-1.

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1.0. PUBLIC HEALTH, SAFETY, AND WELFARE POLICIES

1.1. Regulating Vessel Speed and Wake: The speed and wake of vessels operating in the Harbor Management Area should be regulated to ensure public safety and to protect public and personal property and sensitive natural resources.

1.1.1. The operation of all vessels in the HMA shall be in accordance with all applicable Town, State, and Federal boating laws and regulations, including regulations established by the State of Connecticut pursuant to Section 15-121 of the Connecticut General Statutes. Strict enforcement of applicable laws and regulations should be encouraged and supported, along with the imposition of appropriate penalties on violators.

1.1.2. Any person operating a vessel in the HMA at such a speed as to cause a wake shall be held responsible for any damage caused by this wake, in accordance with applicable sections of the Connecticut General Statutes.

- 1.1.3. New or modified ordinances to control vessel speed in the HMA should be considered as necessary.
- 1.2. **Maintaining Emergency Response Capabilities:** Necessary capabilities for emergency response and rescue in the Harbor Management Area should be maintained and, to the extent feasible, enhanced.
 - 1.2.1. Development and maintenance of necessary waterfront facilities to maintain and enhance emergency response and rescue capabilities should be supported.
 - 1.2.2. Emergency response and rescue activities should be coordinated to the maximum extent possible with neighboring municipalities and among responsible Town, State, and Federal authorities.
 - 1.2.3. Future land use and water use decisions affecting the HMA should take into consideration requirements for access by emergency vehicles and the potential effects of waterfront use and development proposals on emergency response and rescue capabilities.
 - 1.2.4. The Town's Emergency Operations Plan should address the broad range of emergency situations and responses possible in the HMA.
 - 1.2.5. Capital and operating budget requirements for necessary provision of emergency and other assistance to boaters and other users of the HMA by the Old Saybrook Police Department and volunteer Fire Department should be supported.
 - 1.3. **Recognizing the Carrying Capacity of the Harbor Management Area for Safe Boating and Other Water Uses:** Design and review of waterfront development proposals, including proposals with water access facilities, should take into consideration the capacity of the Harbor Management Area (including the capacity of surface waters in the HMA) to accommodate increased boating use and activities while maintaining ease and safety of navigation, avoiding vessel congestion, and supporting existing beneficial recreational and commercial uses of the HMA.
 - 1.4. **Avoiding Water Use Congestion and Conflicts:** Opportunities for increasing water use in the Harbor Management Area should be balanced against the need for avoiding: a) congestion in the HMA; b) conflicts among different recreational activities, including power boating and nonmotorized water activities; and c) conflicts between recreational and commercial vessels.

- 1.4.1. Water-related special events should be scheduled and coordinated in a manner to avoid or minimize congestion in the HMA and potential conflicts among events and participants. The Harbor Management Commission should be notified of all proposals for special in-water and waterfront events affecting the HMA.
 - 1.4.2. Anchoring should not occur in designated navigation channels except for emergency or inspection purposes that do not pose a hazard or obstruction to navigation; anchoring in navigation channels is subject to approval by the Harbor Master.
- 1.5. Mitigating Flood and Erosion Hazards:** All construction in designated flood and erosion hazard zones contiguous to the Harbor Management Area shall conform to applicable floodplain regulations and construction standards, including regulations and standards contained in the Town's Floodplain Management Ordinance.
- 1.5.1. Timely repair and maintenance of bulkheads and other shore protection structures should be encouraged and supported.
 - 1.5.2. Structural measures including, but not limited to, bulkheads and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion should be carefully planned and constructed so that the application of these measures will not result in significantly adverse impacts on coastal resources, ecological functions, and other properties.
 - 1.5.3. The use of nonstructural measures to avoid dangerous, uneconomic, or otherwise unwise use of flood and erosion hazard areas should be encouraged and used wherever feasible except in those instances where structural measures are necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts. (See Sec. 22a-92(b)(2)(J) of the Connecticut General Statutes.) "Inhabited structures" are considered by the Connecticut Department of Environmental Protection (DEP) through interpretation of the relevant statutes to be those residences built prior to January 1, 1980, the effective date of the Connecticut Coastal Management Act.
 - 1.5.4. To the extent possible, a coordinated, area-wide approach to the repair or development of structural shore protection measures should be encouraged.
- 1.6. Maintaining Preparedness for Fuel Spill Emergencies:** All appropriate measures to avoid, prepare for, and respond to potential fuel spill emergencies in the Harbor Management Area should be encouraged and supported.

- 1.6.1. Boating facilities dispensing fuel in the HMA should develop and maintain appropriate fuel spill contingency plans and, to the extent feasible, coordinate response actions and the use of available fuel spill containment equipment.
 - 1.6.2. Fuel spill preparedness and response activities should be coordinated to the maximum extent possible with neighboring municipalities and among responsible Town, State, and Federal authorities and the operators of private facilities dispensing fuel in the HMA.
 - 1.6.3. Equipment necessary for the control of fuel spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to fuel spill emergencies.
 - 1.6.4. All fueling of vessels berthed or stored in the HMA shall take place in accordance with all applicable laws and regulations to maintain public health, safety, and welfare and to avoid adverse impacts on environmental quality.
- 1.7. Removal or Identification of Obstructions to Navigation:** Any obstruction or hazard to navigation in the Harbor Management Area should be removed or marked by suitable aids to navigation in the most timely manner. Markers to identify obstructions or hazards to navigation should be placed in accordance with necessary State and Federal authorizations.
- 1.8. Removal of Abandoned and Derelict Vessels and Structures:** In accordance with applicable laws and regulations, all derelict, abandoned, or deteriorated vessels and structures presenting a hazard or obstruction to persons, property, or navigation should be removed from the Harbor Management Area or repaired, where feasible, in the most timely manner.
- 1.8.1. In accordance with State of Connecticut boating statutes and regulations, including Section 15-140c of the Connecticut General Statutes, all vessels not moored, anchored, or made fast to the shore, and left unattended for a period of greater than 24 hours, or left upon private property without consent from the property owner for a period greater than 24 hours, shall be removed from the HMA by the last owner of record or by the Old Saybrook Harbor Master, at the expense of the last owner of record.
 - 1.8.2. All derelict, abandoned, or deteriorated vessels and structures presenting a hazard or obstruction to persons, property, marine resources, or navigation should be marked, as necessary, and removed from the HMA in the most timely manner in accordance with Town, State, and Federal laws and regulations, including: a) Section 15-1 of the Connecticut General Statutes which gives the Old Saybrook Harbor Master responsibility for the safe and efficient operation of the navigable

waterways within the jurisdiction of the Town of Old Saybrook; b) Sections 15-11a and 15-140c of the Connecticut General Statutes concerning removal of derelict and abandoned vessels; and c) Federal law requiring the owner of any vessel sunken in navigable waters to remove the vessel as soon as possible and to mark it in the meantime with a buoy or daymarker during day and with a light at night.

- 1.8.3. Town, State, and Federal agencies and officials, including the Harbor Management Commission, Police Department, Public Works Department, Old Saybrook Harbor Master, Connecticut departments of Transportation and Environmental Protection, U.S. Army Corps of Engineers, and U.S. Coast Guard, should coordinate their efforts and resources and work cooperatively to: a) mark, as necessary, any hazard or obstruction to navigation for the benefit of navigators; b) minimize the risk to environmental resources caused by any derelict, abandoned, or deteriorated vessel or structure; and c) remove any derelict, abandoned, or deteriorated vessel or structure from the HMA in the most timely manner.

1.9. Fire Prevention and Preparedness: All existing and future waterfront facilities shall include appropriate provisions for fire prevention and preparedness as required by the Fire Marshall, including adequate access for emergency vehicles and adequate on-site water supply for fire fighting purposes. Fire prevention and preparedness standards and guidelines contained in the Connecticut Fire Safety Code shall be incorporated in the design and construction of all waterfront facilities.

- 1.9.1. The Old Saybrook Fire Department's capital and operating budget requirements for maintaining and enhancing, as necessary, its capabilities for marine fire fighting should be supported.

1.10. Maintaining Public Safety at Waterfront Parks: When considering any future expansion or enhancement of public waterfront park and water access facilities, consideration should be given to maintaining the safety of park and facility users.

1.11. Establishment and Enforcement of Boating Laws and Public Safety Regulations: All appropriate actions, including implementation and enforcement of applicable Town, State, and Federal laws, regulations, and ordinances, should be undertaken to maintain and improve public safety in the Harbor Management Area and on the HMA shoreline.

- 1.11.1. As authorized by Section 15-136 of the Connecticut General Statutes, adoption of Town ordinances respecting the operation of vessels in the HMA should be considered for incorporation in the Town Code of Ordinances as necessary to maintain and improve boating safety in the HMA.

- 1.11.2. Capital and operating budget requirements for effective Town enforcement of applicable laws, regulations, and ordinances by the Old Saybrook Police Department should be supported.
- 1.11.3. The Harbor Management Commission, Police Department, and Old Saybrook Harbor Master should coordinate their actions and authorities to increase public awareness of Town, State, and Federal laws, regulations, and ordinances affecting use of the HMA and shoreline and to achieve effective enforcement of those laws, regulations, and ordinances.
- 1.11.4. Recreational activities in designated channels, anchorages, mooring areas, and navigation fairways should be regulated to maintain safe and beneficial recreational use.

2.0. ENVIRONMENTAL QUALITY POLICIES

- 2.1. **Balancing Environmental Conservation Goals with Goals for Use and Development of the Harbor Management Area and Shoreline:** Efforts to stimulate beneficial economic growth and development consistent with Town character should be carried out in coordination with efforts to protect and enhance the environmental quality, natural resources, and ecological functions associated with the Harbor Management Area and shoreline and the larger watershed systems of which the HMA and shoreline are part.
- 2.2. **Recognizing the Carrying Capacity of the Natural Environment:** Design and review of development proposals on, in, or contiguous to the Harbor Management Area should take into consideration the capacity of the natural environment to support the proposed development without the occurrence of significant adverse impacts on natural resource functions and values.
 - 2.2.1. Design and review of development proposals affecting the HMA should be guided by recognition that there are limits to the amount of growth and development that the HMA's natural environment can absorb without degradation of ecological functions and values.
 - 2.2.2. New or expanded uses and development judged to exceed the capacity of the natural and man-made environment to support such uses and development should be avoided.
 - 2.2.3. Determinations of the capacity of the HMA's natural environment to accommodate new development should be carried out through the review of individual development proposals by the Harbor Management Commission, in coordination with other Town commissions and departments and State and Federal permitting agencies. (See Harbor Administration and Coordination Policies.)

- 2.3. Consideration of Cumulative Impacts on Environmental Resources:** Decisions affecting use and development of the Harbor Management Area and shoreline should consider the cumulative impacts on environmental resources and quality that may result from the incremental impacts of a single action added to other past, present, and reasonably foreseeable actions. It should be recognized that cumulative impacts on environmental quality can result from individually minor but collectively significant actions taking place over a period of time.
- 2.4. Maintaining and Improving Surface Water Quality:** The implementation of all feasible measures to maintain and improve surface water quality in the Harbor Management Area, including implementation and enforcement of applicable Town, State, and Federal laws and regulations, should be encouraged and supported.
- 2.4.1. Efforts to improve water quality in the HMA should include reduction or elimination of nonpoint sources of pollution (including stormwater runoff), improvement and repair of wastewater collection and treatment facilities in accordance with best available technology, reduction or elimination of pollution caused by boating activities, and reduction or elimination of all other human activities that unnecessarily introduce sediment, debris, or pollutants into the HMA.
- 2.4.2. Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint pollution emanating from commercial areas adjoining and near the HMA.
- 2.4.3. An ongoing program of water quality monitoring in the HMA and upstream in the watersheds of the Connecticut River, Oyster River, and other watercourses entering the HMA should be encouraged and supported.
- 2.4.4. Vessel waste pump-out facilities with adequate capacity to serve the needs of boaters in the HMA should be maintained in the HMA; all new and expanded marina facilities providing boat slips in the HMA should provide onsite vessel waste pump-out facilities or demonstrate that available vessel waste pump-out capacity exists elsewhere in the HMA to accommodate their needs.
- 2.4.5. Adequate restroom facilities for marina patrons should be provided by the owners/operators of marina facilities in the HMA.
- 2.4.6. Marine sanitation devices should not be discharged into the HMA. Existing State and Federal regulations controlling the disposal of waste from vessels should be publicized for area boaters and strictly enforced.

- 2.4.7. Any future work to maintain, repair, or construct bridges crossing navigable water in the HMA should be closely monitored to reduce or avoid any potentially adverse impacts on water quality resulting from maintenance, repair, or construction work.
 - 2.4.8. Upgrading of existing State-established surface water quality classifications should be achieved through reduction or elimination of nonpoint sources of pollution (including stormwater runoff), improvement of wastewater collection and treatment facilities as necessary, and other appropriate actions.
 - 2.4.9. Efforts to improve water quality in the HMA should be planned and implemented, to the extent practical, on a watershed-wide basis, in coordination with other communities in the watersheds of watercourses entering the HMA. (See Harbor Administration and Coordination Policies.)
- 2.5. Conservation of Intertidal Resources—Tidal Wetlands and Intertidal Flats:** The ecological values of intertidal resources in the Harbor Management Area, including tidal wetlands and intertidal flats, should be recognized and protected, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and floodwater storage and buffer.
- 2.5.1. Development proposals affecting the HMA should be designed and reviewed to avoid any significant adverse impacts on intertidal resources and values.
- 2.6. Use and Conservation of Shellfish Resource Areas:** The use, enhancement, and conservation of shellfish resources in the Harbor Management Area should be actively managed in the public interest, for the benefit of all Town residents and the general public. The Town of Old Saybrook should exercise a principal role for: a) planning, management, and regulation of recreational and commercial shellfishing activities; and b) sustaining the Town's shellfish resources.
- 2.6.1. New structures such as docks, pilings, breakwaters, groins, and seawalls should not be placed in designated shellfish resource areas unless the impact on shellfish resources is minimal and no feasible alternatives exist.
- 2.7. Maintaining Waterfront Scenic Quality and Water Views:** Scenic quality associated with the Harbor Management Area should be preserved and, to the extent feasible, enhanced.
- 2.7.1. Design and review of development proposals affecting the HMA should take into consideration cumulative impacts on scenic quality and the capacity of the natural and built environment to support the proposed development without significant adverse impacts on scenic quality.

- 2.7.2. Minimum standards for maintenance and use of commercial properties adjoining the HMA should be enforced in coordination with public and private efforts to beautify the waterfront.
 - 2.7.3. All suitable laws and regulations should be applied to discourage illegal dumping of trash and other debris in and near the HMA. Prosecution of violators to the fullest extent of the law should be encouraged and supported.
 - 2.7.4. To the extent feasible, commercial sites adjoining and nearby the HMA should be maintained with suitable buffers to screen any commercial activities and facilities that may detract from waterfront scenic quality.
 - 2.7.5. Proposals for development adjoining and nearby the HMA should be designed and reviewed to avoid interference with existing public views of the HMA.
 - 2.7.6. Town-owned waterfront properties should be maintained in the most timely and effective manner needed to provide for continued public use and enjoyment of public spaces. Capital and operating budget requirements for timely and effective maintenance of Town-owned waterfront properties should be supported.
 - 2.7.7. No bulkhead or other shore protection structure on, in, or contiguous to the HMA should be allowed to deteriorate to the extent that it causes a significantly adverse impact on environmental quality. Any deteriorated bulkhead or other shore protection structure should be repaired or replaced where such deterioration is causing significant adverse impacts on natural resources or ecological functions.
- 2.8. Environmental Restoration:** Enhancement and/or restoration of degraded natural resources and values on, in, or contiguous to the Harbor Management Area should be encouraged and supported, including restoration to improve water quality, scenic quality, and fish and wildlife habitat.
- Consideration should be given to restoring tidal wetlands for the purpose of providing public health, safety, and welfare benefits, improving water quality, and enhancing the overall quality of natural resources in the HMA. Where practical, restoration of previously filled tidal wetlands and tidal wetlands previously isolated from tidal flow should be encouraged and supported. Restoration of anadromous fish runs in the HMA should also be encouraged and supported to the extent feasible.
- 2.9. Preserving Cultural Resources and Maritime Heritage:** Important historic and cultural resources, including any archaeological resources, in and near the Harbor Management Area should be protected from any significant adverse impacts that may be caused by in-water or waterfront development activities.

3.0. HARBOR ADMINISTRATION AND COORDINATION POLICIES

- 3.1. Harbor Management Area Boundaries:** The Town of Old Saybrook's harbor management jurisdiction is known as the Old Saybrook Harbor Management Area and shall be defined as the waters within the territorial boundaries of the Town below the mean high water line (excepting the waters within the jurisdiction of the Borough of Fenwick Harbor Management Commission) and bounded offshore in Long Island Sound by an imaginary line extending due south for 1,000 feet from the Old Saybrook/Westbrook boundary at the mouth of Cold Spring Brook, then in a generally southeasterly direction to the center of Halftide Rock, then in a generally east-southeasterly direction to a point 1,000 feet due south of Cornfield Point, and then in a generally easterly direction following a straight line through a point 1,000 feet due south of the Saybrook Breakwater Light to the Old Saybrook/Old Lyme boundary in Long Island Sound. In the Connecticut River, the HMA extends from the Old Saybrook shoreline to the center line of the River downstream of the Old Saybrook/Essex town boundary to Long Island Sound, and includes the waters of North and South coves. The HMA also includes the intertidal portions of all tributaries to the Connecticut River and Long Island Sound at Old Saybrook, including by not limited to Ragged Rock Creek and the Oyster and Back rivers.
- 3.2. Harbor Management Commission Responsibilities:** The Harbor Management Commission shall exercise all of the powers and duties granted to municipal harbor management commissions by Sections 22a-113k through 22a-113s of the Connecticut General Statutes and specified in Town Ordinance No. 77 of the Town of Old Saybrook, including responsibilities for preparing and implementing the Old Saybrook Harbor Management Plan. In addition, the Harbor Management Commission shall exercise all of the powers and duties previously conferred upon the Old Saybrook Waterfront Commission by Town Ordinances nos. 18, 19, and 20.
- 3.3. Funding for Harbor Management and Waterfront Improvements:** Adequate funds should be obtained and allocated to properly manage and maintain the Harbor Management Area and public facilities on, in, or contiguous to the HMA in the public interest.
- 3.3.1. An annual operating budget for harbor management purposes should be established to include activities of the Harbor Management Commission and any necessary costs for implementing the Harbor Management Plan.
- 3.3.2. The Town should actively pursue available governmental and private grants to help fund waterfront improvement and harbor management projects in the public interest.

- 3.5.1. In accordance with Section 22a-113q of the Connecticut General Statutes, the feasibility of the Town obtaining a General Permit from the U.S. Army Corps of Engineers, applicable to approval of specified types of proposed structures and activities in the HMA, may be evaluated. Such a General Permit should be accepted by the Town only if it would result in a reduction of the time required to process permit applications, will not diminish necessary environmental protection safeguards, and will not pose an unacceptable administrative, financial or liability burden on the Town.
 - 3.5.2. In accordance with Section 22a-113q of the Connecticut General Statutes, the feasibility of the Town obtaining a delegation of limited State enforcement authority from the Connecticut Department of Environmental Protection applicable to implementation of the Harbor Management Plan may be evaluated. Acceptance of such a delegation of authority from the DEP by the Town should be considered only if enforcement would be improved, Town and State enforcement responsibilities could be carried out in a complementary manner, and there would be no significant negative impacts for the Town, such as financial costs, liability, and administrative burden.
- 3.6. Harbor Management Consistency Review.** Proposals affecting the Harbor Management Area should be reviewed for consistency with the Harbor Management Plan. A “Harbor Management Consistency Review” process should be established and carried out by the Harbor Management Commission to ensure effective implementation of the Plan and coordinated, efficient, and comprehensive local review of proposed projects affecting real property on, in, or contiguous to the HMA.
- 3.6.1. The Harbor Management Commission should review, for consistency with the Harbor Management Plan, development proposals submitted to, or proposed by, Town of Old Saybrook commissions and departments. Proposals to be referred by Town commissions and departments to the Harbor Management Commission for review should include:
 - All development proposals subject to the municipal process of Coastal Site Plan Review (in accordance with the Connecticut Coastal Management Act) and located on parcels contiguous to the HMA.
 - All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers, bulkheads), dredging, filling, or other activities below the mean high water line.
 - All proposed revisions or amendments to Town plans, rules, or regulations affecting real property on, in, or contiguous to the HMA.

- 3.6.2. It should be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess the potential impacts of proposed development projects on HMA resources and the consistency of such proposals with the Harbor Management Plan. The information required should be reasonable in scope and in balance with the scale of the proposal and the potential positive and negative impacts of the proposal.
 - 3.6.3. The Harbor Management Consistency Review process should include the review of permit applications submitted to the Connecticut Department of Environmental Protection and affecting property on, in, or contiguous to the HMA.
 - 3.6.4. The Harbor Management Consistency Review process should include the review of permit applications submitted to the U.S. Army Corps of Engineers and affecting property on, in, or contiguous to the HMA.
 - 3.6.5. The Harbor Management Commission should determine the consistency of proposed projects with the Harbor Management Plan and make its determination known to the appropriate Town, State, or Federal authority in accordance with the schedule established by Section 22a-113p of the Connecticut General Statutes. If no comment regarding the consistency of the proposed project is made by the Commission within the established time period, the proposal shall be assumed to be consistent with the Plan.
 - 3.6.6. In accordance with Section 22a-113p of the Connecticut General Statutes, a 2/3 vote of the referring Town commission or department shall be required to approve a proposed project that has not received a favorable recommendation from the Harbor Management Commission, provided that the Commission's recommendation does not alter the authority of the agency having primary jurisdiction over the proposal to deny, modify, or condition the proposal.
- 3.7. Updating and Amending the Harbor Management Plan and Town Ordinances Affecting the Harbor Management Area:** The Harbor Management Plan and related Town ordinances should be updated and amended as necessary to respond to changing circumstances and conditions affecting the Harbor Management Area and shoreline.
- 3.7.1. The same process required for State approval and Town adoption of the Harbor Management Plan (review by the Corps of Engineers, approval by the State commissioners of Environmental Protection and Transportation, and adoption by the Old Saybrook Town Meeting) should be carried out to amend or revise the adopted Plan and related Town ordinances.
 - 3.7.2. An annual review of conditions in the HMA and of the status and effectiveness of implementation of the Harbor Management Plan should be conducted to assure continued adherence to the provisions of the Plan and to identify any needed amendments or clarifications.

- 3.8. Coordination among Town Commissions and Departments for Harbor Management:** All Town commissions and departments with authorities and responsibilities affecting the Harbor Management Area, including the Harbor Management Commission, Planning Commission, Zoning Commission, Zoning Board of Appeals, Parks and Recreation Commission, Public Works Department, Water Pollution Control Authority, Police Department, Fire Department, Conservation Commission, and Shellfish Commission should carry out their harbor management-related responsibilities in the most coordinated manner, consistent with the provisions of the Harbor Management Plan.
- 3.8.1. Implementation of all Town plans and programs affecting the HMA, including the Harbor Management Plan, Plan of Conservation and Development, and Municipal Coastal Program, should be carried out in the most coordinated manner possible, emphasizing consistent objectives related to future recreational and commercial use of the HMA and protection of environmental quality in and adjoining the HMA.
- 3.9. Coordination Between the Harbor Management Plan and the Plan of Conservation and Development:** The Harbor Management Plan should complement and be consistent with the Old Saybrook Plan of Conservation and Development incorporating the Town's Municipal Coastal Program. Together, the Harbor Management Plan and Plan of Conservation and Development should serve as the Town's principal guides for land and water use on, in, and contiguous to the HMA.
- 3.10. Coordination with State and Federal Authorities:** State and Federal agencies with authorities and responsibilities affecting the Harbor Management Area, including the Department of Transportation, the Department of Environmental Protection's Office of Long Island Sound Programs, other DEP divisions and bureaus, the U.S. Army Corps of Engineers, and the U.S. Coast Guard, should carry out their responsibilities affecting the HMA in the most coordinated manner, consistent with the provisions of the Harbor Management Plan.
- 3.10.1. State and Federal governmental agencies with responsibilities affecting the HMA should work cooperatively with the Harbor Management Commission to ensure implementation of the Harbor Management Plan.
- 3.10.2. Actions by State and Federal governmental agencies should, to the extent possible in accordance with State and Federal law, be consistent with the provisions of the Harbor Management Plan and applicable Town ordinances.
- 3.11. Coordination with Other Municipalities:** To the extent necessary and practical to address issues of common concern, the Town should coordinate harbor management initiatives with neighboring municipalities with jurisdictions adjoining or otherwise affecting the Harbor Management Area.

- 3.11.1. Harbor management initiatives should be coordinated with the municipalities of Old Lyme, Essex, and Westbrook, and with upstream Connecticut River municipalities for the purpose of enforcing boating laws and regulations, responding to fuel spills and other emergency situations, effectively monitoring water quality conditions, developing pollution abatement measures for application on a watershed-wide basis, achieving linkages for recreational purposes, implementing the Connecticut River Action Plan of the American Heritage Rivers Initiative, and achieving other public purposes related to the beneficial use and condition of the HMA and shoreline.
- 3.12. **Coordination with Regional Organizations:** To the extent necessary and practical, the Town should coordinate waterfront and harbor management initiatives with governmental and nongovernmental organizations that have regional authorities and responsibilities affecting the Harbor Management Area and/or Connecticut River watershed, including the Connecticut River Estuary Regional Planning Commission.
- 3.13. **Coordination with the Borough of Fenwick:** The Town recognizes the municipal authority of the Borough of Fenwick under Section 22a-113k of the Connecticut General Statutes to establish a harbor management commission and prepare a harbor management plan for the area below the mean high water line within the Borough's jurisdiction. The Town should coordinate harbor management initiatives with the Borough to the extent necessary and practical to address issues of common concern and to provide for beneficial use and management of the Town's waterfront and harbor resources in the public interest. Town harbor management initiatives should be coordinated with any harbor management commission and harbor management plan duly established by the Borough for managing use and conservation of the Borough's duly established harbor management jurisdiction in South Cove, the Connecticut River, and nearshore Long Island Sound.
- 3.14. **Coordination with the Harbor Master:** In accordance with Section 15-1 of the Connecticut General Statutes, the Old Saybrook Harbor Master shall exercise his or her duties in a manner consistent with the Harbor Management Plan and work cooperatively with the Harbor Management Commission to achieve effective enforcement of State and Town boating laws and regulations in the Harbor Management Area and implementation of the Harbor Management Plan.
 - 3.14.1. In accordance with Section 22a-113k of the Connecticut General Statutes, the Old Saybrook Harbor Master shall be a nonvoting, ex-officio member of the Harbor Management Commission.
 - 3.14.2. As authorized by Section 15-1 of the Connecticut General Statutes, the Harbor Master shall be responsible for the general care and supervision of the navigable waterways within the boundaries of the Town of Old Saybrook and

shall exercise his or her duties in a manner consistent with the Harbor Management Plan. The Harbor Master shall be responsible for the safe and efficient operation of the HMA in accordance with the provisions of the Connecticut General Statutes.

- 3.14.3. The Harbor Master should work cooperatively with and assist the Harbor Management Commission with implementation of certain provisions of the Harbor Management Plan and relevant Town ordinances.
 - 3.14.4. The Harbor Management Commission may appoint a “Dockmaster” or other person to assist the Harbor Master and Commission with implementation of the Harbor Management Plan and relevant Town ordinances.
 - 3.14.5. In accordance with State law, the Old Saybrook Harbor Master shall be appointed by the Governor from a list of three candidates provided by the Harbor Management Commission.
 - 3.14.6. The Harbor Master should enforce State boating laws and regulations to the extent legally authorized and qualified to do so. The Harbor Master should call upon the Old Saybrook Police Department, Department of Environmental Protection, or other law enforcement authority as necessary for assistance in situations involving potential arrest or confrontation.
- 3.15. Administration of Mooring Permits:** To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum use of the Harbor Management Area, and for protection of environmental quality, the Old Saybrook Harbor Master must approve all boat mooring locations in the HMA. The Harbor Master shall issue a permit for each approved mooring location or area.
- 3.15.1. Application for and issuance of all permits for mooring locations in the HMA should be in accordance with standard procedures established by the Harbor Management Commission and State and Federal laws and regulations. These procedures should include provision for an orderly waiting list and assignment procedure to be applied for all new applicants. The public should be informed of the procedures through appropriate notices and other means.
 - 3.15.2. Standardized mooring permit record-keeping procedures to allow compilation of, and easy and complete access to, all pertinent information regarding mooring use and allocation in the HMA should be maintained.
 - 3.15.3. The Harbor Master should maintain in the Old Saybrook Town Hall a waiting list for mooring space in the HMA, as necessary, and a list of current assignments of mooring spaces; both lists should be updated annually.

- 3.15.4. Any person, association, corporation, or other group may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application to the Harbor Master at any time.
 - 3.15.5. In allocating mooring locations in accordance with rules and procedures established by the Harbor Management Commission, the Harbor Master shall not discriminate among applicants on the basis of Town residence or any other arbitrary consideration.
- 3.16. Encouraging Participation of Private Groups and Nongovernmental Organizations:** Private groups and nongovernmental organizations concerned with the Harbor Management Area and shoreline should be encouraged to contribute to achievement of the Town's harbor management goals through volunteer assistance and other means.
- 3.17. Coordination for Special Events:** Special in-water and waterfront events that enhance the vitality of the Town's waterfront, attract visitors to the Town, and provide important social and economic benefits should be encouraged and supported.
- 3.17.1. In-water and waterfront events should be planned and managed through the coordinated efforts of governmental agencies and private organizations to ensure a safe and beneficial experience by participants and spectators.

4.0. WATER USE AND NAVIGATION POLICIES

- 4.1. Maintenance of Connecticut River (Including North Cove) Navigation Project:** A Federal navigation project consisting of dredged channels and anchorages (North Cove anchorages) and the Saybrook jetties should be maintained in the Connecticut River at Old Saybrook to serve recreational and commercial vessels, provide safe navigation, provide an important "harbor of refuge" (in North Cove), and ensure continuation of the economic advantages of waterborne transportation.
- 4.1.1. Federal channel and anchorage areas should be maintained by the U.S. Army Corps of Engineers with adequate depth and area to maintain navigation safety and the viability of water-dependent facilities at Old Saybrook and other Connecticut River locations.
 - 4.1.2. Any future maintenance dredging of Federal channel and anchorage areas should be carried out in the most timely manner necessary to ensure the continued viability of water-dependent facilities and safe and efficient navigation.

- 4.1.3. To the extent feasible, maintenance dredging of Federal channel and anchorage areas should be coordinated with any necessary nonfederal maintenance dredging to reduce the economic costs and potential environmental impacts of dredging.
 - 4.1.4. Dredging and disposal of dredged material from all Federal channel and anchorage areas should take place in a manner to minimize potential environmental impacts.
- 4.2. Nonfederal Dredging and Dredged Material Disposal:** Any nonfederal dredging that may be required in the Harbor Management Area should be carefully planned and carried out in a manner that provides for the continued viability of water-dependent facilities, safe and efficient navigation, and minimal disruption of natural systems and values.
- 4.2.1. Priority areas for nonfederal dredging should include existing boating access facilities, including nonfederal channels, anchorages, and marinas.
 - 4.2.2. Any future maintenance dredging of areas outside of the Federal channel and anchorage areas should be carried out by private interests in the most timely manner necessary to ensure the continued viability of water-dependent facilities and safe and efficient navigation.
 - 4.2.3. Maintenance dredging of all nonfederal channels, docking facilities, and boating access facilities shall be undertaken in compliance with all applicable State and Federal regulations and in a manner to minimize adverse impacts on environmental quality.
 - 4.2.4. Dredging and disposal of dredged material from all nonfederal channels, anchorages, water access areas, docking facilities, and berthing areas should take place in a manner to minimize potential environmental impacts.
- 4.3. Reduction of Siltation:** All appropriate efforts to reduce siltation and the resulting need for dredging in the Harbor Management Area should be encouraged and supported. These efforts should include regular cleaning of storm drainage catch basins, construction of additional catch basins as necessary, control of runoff from construction sites, prohibitions on the disposal of leaves, branches or other debris in the HMA, and reducing or eliminating all other human activities that introduce sediment into the HMA.
- 4.4. Placement and Maintenance of Aids to Navigation:** Aids to navigation in the Harbor Management Area, including buoys, beacons, and signs, should be adequate for marking navigation channels and anchorages, navigation hazards and obstructions, restricted speed areas, and other conditions affecting ease and safety of navigation.

- 4.4.1. No “private” (nonfederal) aids to navigation should be placed without approval from the Harbor Management Commission and necessary permits from the U.S. Coast Guard, U.S. Army Corps of Engineers, and Connecticut Department of Environmental Protection.
 - 4.4.2. Approved “private” aids to navigation, supplemental to those placed by the Coast Guard, may be placed to mark fairways and other navigation areas, as well as any navigation hazards and obstructions, and restricted speed areas.
- 4.5. Designation of Navigation Fairways:** Where necessary, specific water areas to be kept free of obstructions should be designated as navigation fairways to ensure safe passage of recreational and commercial vessels to, from, through, and alongside Federal channel and anchorage areas, berthing areas, launching areas, and other areas of boating activity in the Harbor Management Area.
- 4.5.1. Designated fairways should be of an appropriate width, consistent with the type of vessel use anticipated, to ensure ease and safety of navigation.
- 4.6. Designation of “Set-back” Distances from Channels, Anchorages, Mooring Areas, and Fairways:** All piers, docks, bulkheads, pilings, moorings, and other structures located below the mean high water line should be set back a sufficient distance from the boundaries of designated channels, other channels normally used for navigation, anchorages, mooring areas, and fairways to ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with the safe and free passage of any vessel using the channels, anchorages, mooring areas, and fairways in the HMA.
- 4.6.1. Setback distances should be measured from the nearest boundary line of the designated channel, other channel normally used for navigation, anchorage, mooring area, or fairway to: 1) the nearest point of the particular structure; or 2) the nearest point to which a typical vessel docked or anchored at the structure would approach the boundary line. The setback distance should be measured as the shorter of these two distances.
 - 4.6.2. When determining appropriate set-back distances, consideration should be given to the navigation rights and reasonable use expectations of the general public and to the riparian/littoral rights of waterfront property owners.
 - 4.6.3. The appropriate distance that in-water structures should be set back from the nearest boundary line of a channel, anchorage, or fairway should be determined on a case-by-case basis by the Harbor Management Commission based on review of existing conditions.
 - a. Among the potential impacts of in-water structures that should be evaluated when determining the appropriate distances that in-water structures should be

set back from the nearest boundary of a designated channel, other channel normally used for navigation, anchorage, mooring area, or fairway are potential impacts on valuable coastal resources, ease and safety of navigation, and opportunities for public use of navigable water outside of the channel, anchorage, mooring area, or fairway.

- b. When determining the appropriate distance that in-water structures should be set back from a designated channel, other channel normally used for navigation, anchorage, mooring area, or fairway, consideration should be given to existing conditions including, but not limited to: 1) shoreline conditions; 2) the width of the affected water body in the particular location; 3) the position of the channel, anchorage, mooring area, or fairway relative to the shoreline; 4) dredging requirements; 5) traditional navigation uses and patterns; 6) the configuration and capacity of the proposed structures; and 7) the presence of any adjacent, authorized structures.
- c. Setback distances should be established to maintain a reasonable area of public water to sustain, in the public interest, activities not specifically related to simply transiting the HMA in safety.
- d. When determining the distance that in-water structures should be set back from the nearest boundary of a channel, anchorage, mooring area, or fairway, consideration should be given to design guidelines established by the U.S. Army Corps of Engineers. (See Appendix D of the Harbor Management Plan.)
- e. In the absence of compelling reasons to the contrary, all in-water structures should be set back no less than 15 feet from the boundary line of the nearest channel, anchorage, mooring area, or fairway, and no vessel docked or anchored at such structures may extend into the nearest channel, anchorage, mooring area, or fairway.

4.7. Boating Facilities: The continued operation of commercial marinas and private boating/yacht clubs in the Harbor Management Area and the establishment of new boat service facilities in appropriate locations should be encouraged and supported. The authority and policies of the Connecticut Coastal Management Act and the Old Saybrook Plan of Conservation and Development incorporating the Old Saybrook Municipal Coastal Program document should be used to support and encourage the continued operation of commercial boat service facilities (including maintenance, repair, and storage facilities) and to promote the establishment of new boat service facilities in appropriate locations.

- 4.7.1. Any future redevelopment activities that may affect existing marina and/or boatyard facilities should not result in any significant reduction of currently available boat slips and boat service facilities.

- 4.7.2. Town planning and zoning requirements should protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boatyard facilities. (See Waterfront Development, Access, and Land Use Policies.)
 - 4.7.3. The provision of additional commercial and private boat slips to meet current and future demands for recreational boating facilities should be encouraged where the construction of such slips will be consistent with all other harbor management goals, objectives, policies, and guidelines.
 - 4.7.4. The design and review of future boating facility development proposals should take into consideration the capacity of water areas to accommodate increased water use while maintaining ease and safety of navigation, avoiding vessel congestion, and supporting other recreational and commercial uses in the HMA.
 - 4.7.5. The design and review of future boating facility development proposals should take into consideration: 1) the potential cumulative impacts of this type of development on coastal resources; and 2) the capacity of coastal resources to accommodate additional boating facilities without significant adverse impacts on navigation requirements and coastal resources. (See Environmental Quality Policies.)
- 4.8. Dockominiums:** Any proposal for dockominium development in the Harbor Management Area should be carefully evaluated, and approved only when there are compelling reasons to do so, and when potential adverse impacts of the proposal are avoided, minimized, or otherwise deemed acceptable.
- 4.8.1. Among the potential adverse impacts of dockominium development that should be evaluated are potential impacts on: 1) opportunities for public access to the HMA; 2) the public's right, in accordance with the Public Trust Doctrine, to use the land and water resources seaward of the mean high water line; 3) small-boat berthing facilities and opportunities for moderate income boaters to use the HMA; and 4) the originally permitted use of the proposed development site.
 - 4.8.2. Any dockominium development, either as the principal use of a waterfront site or as a secondary use to another, nonwater-dependent site use, should be encouraged to provide suitable water access facilities for the general public.
- 4.9. Mooring Locations:** The location and placement of all mooring tackle in the Harbor Management Area should be carefully planned and regulated in a manner that provides for efficient and equitable distribution of individual-private and appropriate commercial mooring locations, including transient mooring locations and mooring locations for the members of private yacht clubs.

- 4.9.1. To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum use of the HMA, and for protection of environmental quality, it is the responsibility of the Old Saybrook Harbor Master to approve mooring locations in the HMA. The Harbor Master shall issue a permit for each approved mooring location or area. The issuance of mooring permits and placement of all mooring tackle shall be in accordance with procedures established by the Harbor Management Commission (see Harbor Administration and Coordination Policies), and in accordance with applicable State and Federal laws and regulations.
- 4.9.2. Determination of the number and location of mooring locations in the HMA should be based on consideration of:
 - 1) water depths and bottom conditions;
 - 2) the availability of suitable on-land access areas to serve the moorings;
 - 3) the need to maintain appropriate set-backs from navigation channels, anchorages, mooring areas, and fairways; and
 - 4) the need to achieve the most efficient use of limited mooring space without adversely affecting navigation safety or environmental resources.
- 4.9.3. The owners/users of all appropriate commercial mooring locations, including any mooring locations maintained by private boating and yacht clubs for use by members, guests, and transient boaters, should receive appropriate mooring permits from the U.S. Army Corps of Engineers and Connecticut Department of Environmental Protection in accordance with Federal and State regulations. Commercial mooring locations should be limited to specific areas designated in commercial mooring permits and in the Harbor Management Plan.
- 4.9.4. Permits for the use of individual-private moorings shall only be issued to the owner of the vessel to be moored.
- 4.9.5. All mooring locations should be served by suitable public or private (including private commercial) onshore access facilities. Receipt of a mooring permit should not eliminate the need to obtain any necessary Town permit for use of any Town facility that may be used for access to a mooring location.
- 4.9.6. To protect the safety of persons and property and protect environmentally sensitive resources in the HMA, all individual-private and commercial mooring tackle used in the HMA should meet minimum tackle requirements established by the Harbor Management Commission. Such minimum requirements should be reviewed and revised, as necessary, from time to time.
- 4.9.7. To protect the safety of persons and property and to protect environmentally sensitive resources in the HMA, all individual-private and commercial mooring tackle used in the HMA shall be regularly inspected for soundness of condition

and compliance with minimum requirements for mooring tackle established by the Harbor Management Commission.

- 4.9.8. Each person mooring a vessel in the Harbor Management Area is responsible for any damage to his or her own vessel (or to any other vessel or property) that may be caused by failure of the mooring tackle used to secure his or her own vessel.
- 4.9.9. Mooring tackle located within designated anchorages and mooring areas should be placed in accordance with specific mooring plans designed to provide the safest and most efficient mooring of vessels and to maximize anchorage and mooring area capacity.
- 4.9.10. No mooring tackle shall be placed within designated channels, channels normally used for navigation, and navigation fairways.
- 4.10. Anchoring Locations:** Anchoring of vessels may take place throughout the Harbor Management Area in accordance with the public's rights for use of navigable water. Anchoring of vessels in the HMA should not cause an obstruction or hazard to navigation nor any significantly adverse impacts on environmental quality or other public uses or purposes within the HMA, including adverse impacts on coastal resources, moored vessels, and other users of the HMA.
 - 4.10.1. Anchoring should not occur in navigation channels except for emergency or inspection purposes that do not pose a hazard or obstruction to navigation; anchoring in navigation channels is subject to approval by the Harbor Master.
- 4.11. Coordination to Address River Ice Conditions:** Ongoing communication should be encouraged and supported among Town, State, and Federal agencies and officials, water-dependent facility operators, affected waterfront property owners, and other concerned parties for the purpose of increasing awareness of ice conditions as well as opportunities for avoiding or reducing potential damage to shoreline structures.
- 4.12. Support and Encouragement of Excursion Boat Operations:** The operation of excursion vessels providing opportunities for beneficial public access to the Harbor Management Area from facilities at Old Saybrook should be encouraged and supported.
- 4.13. Support and Encouragement of Boating Education:** Local training and educational programs to increase boating skills and awareness of navigation conditions, laws, and responsibilities in the Harbor Management Area should be encouraged and supported in cooperation with the Department of Environmental Protection's Boating Division.

- 4.14. Provision of Public Boating Facilities:** The Town should provide and maintain public boating facilities for the use of Town residents and others, including docking and launching facilities and upland support facilities for recreational and commercial vessels. Facilities provided should be consistent with demonstrated need and with the capacities of the Harbor Management Area and shoreline to accommodate those facilities.
- 4.14.1. Public boating facilities on, in, or contiguous to the HMA should be actively maintained and managed on an ongoing basis to ensure safe, equitable, and beneficial use by Town residents and others.
 - 4.14.2. The establishment and maintenance of small craft launching and landing areas at suitable waterfront locations should be encouraged and supported to serve small vessels, including canoes and kayaks, that can be transported without trailers.
 - 4.14.3. A fair and equitable schedule of fees for the use of public boating facilities should be maintained, consistent with facility costs and goals for encouraging use of the HMA by resident, nonresident, and transient boaters.
- 4.15. Transient Boating Facilities:** Suitable facilities for transient boaters, including dockage and related facilities and shore access facilities, should be provided in the Harbor Management Area.
- 4.15.1. Suitable dock space should be provided for transient boaters requiring emergency docking for medical reasons.
- 4.16. Provision of Vessel Waste Pump-out Facilities:** Provision and maintenance of a vessel waste pump-out facility or facilities with adequate capacity to serve the needs of recreational and commercial vessels in the Harbor Management Area should be encouraged, in accordance with applicable sections of the Connecticut General Statutes.
- 4.17. Regulating Live-Aboard Vessels:** Any use of berthed, anchored, or moored vessels as short-term, seasonal, or permanent residences in the Harbor Management Area should be monitored and regulated in the public interest. Use of berthed, anchored, or moored vessels as sleeping quarters in the HMA may be allowed as a secondary use to the vessel's principal commercial or recreational use where shoreside services for sewage disposal, potable water, and parking are available.
- 4.18. Personal Watercraft Use:** The operation of all personal watercraft in the Harbor Management Area shall be in accordance with all applicable boating laws and regulations, including noise levels established in Section 15-129 of the Connecticut General Statutes.

- 4.19. Rowing and Other Nonmotorized Boating Uses:** Small craft, nonmotorized boating activities such as rowing, canoeing, and kayaking should be encouraged and supported in the Harbor Management Area.
- 4.19.1. Launching and landing areas to support access to the HMA by small vessels such as canoes, kayaks, and rowing sculls, including access by vessels that can be transported without trailers, should be established and maintained.
 - 4.19.2. Organized nonmotorized boating uses planned and conducted in a manner that provides for the protection of public health, safety, and welfare and avoids or minimizes the risk of conflict with other vessels using the HMA should be supported and encouraged.
- 4.20. Operation and Maintenance of Bridges over Navigable Water:** All bridges crossing navigable water in the Harbor Management Area should be designed and maintained to avoid or reduce the potential for significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions in the HMA.
- 4.20.1. Any plans for bridge construction, replacement, or maintenance should be designed, reviewed, and implemented in compliance with all applicable State and Federal regulations and in a manner to avoid or minimize adverse impacts on beneficial uses and conditions in the HMA.
- 4.21. Balancing Littoral/Riparian and Public Rights for Use of Navigable Water:** The littoral/riparian rights of the owners of land contiguous to the Harbor Management Area, including the right of access to the water, the right of accretions and relictions, and the right to other improvements and useful purposes, should be protected where the exercise of these rights is carried out in a reasonable manner without substantial impairment of the public's interest in or use of the Public Trust area.
- 4.21.1. Waterfront property owners should exercise their littoral/riparian rights in a manner that does not have a significantly adverse impact on coastal resources, scenic quality, navigation, and other public values associated with the land and water resources below the mean high water line.
 - 4.21.2. Permits for the placement of permanent structures below the mean high water line should only be granted to: a) those who possess the littoral/riparian rights to place such structures; or b) those who have received the permission of the affected littoral/riparian owner to do so.
 - 4.22.3. Construction of docks, piers, and other in-water structures should not infringe on the littoral/riparian rights of adjoining property owners. In the absence of compelling reasons to the contrary, all in-water structures should be set back no

less than 10 feet from the lateral extension of the nearest littoral/riparian boundary line in navigable water. This provision, however, should not be construed to affect the construction of an in-water structure jointly used by adjoining property owners.

- 4.22. Avoiding and Eliminating Unauthorized Encroachments into Navigable Water:** No structures (including docks, piers, floats, pilings, bulkheads, and moorings) shall be placed, nor any other work (such as dredging or filling) undertaken below the high tide line without necessary Town, State, or Federal authorization. Any unauthorized structures and other work extending into Federal channel or anchorage areas or into any other areas below the high tide line in the Harbor Management Area should be considered unauthorized encroachments and eliminated or otherwise corrected.
- 4.22.1. When considering the correction of unauthorized encroachments, a distinction may be made between existing encroachments predating the effective date of the Harbor Management Plan (and identified either prior to or after the effective date of the Plan) and future encroachments that may be constructed or occur after the effective date of the Plan.
- 4.22.2. Any existing unauthorized encroachments that may be identified in the HMA should be evaluated individually, and specific measures developed to remove or otherwise correct these existing violations.
- 4.22.3. Any future unauthorized encroachments that may be identified in the HMA should be eliminated by the offending party without delay. Accountable Town, State, and Federal regulatory agencies should take appropriate legal actions necessary to correct such violations. Issuance of “after-the-fact” permits that would bring future unauthorized encroachments into compliance should generally not be considered unless there are compelling, clearly demonstrated reasons to do so.
- 4.23. Use and Conservation of Fisheries Resources:** Recreational and commercial fishing activities should be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the Harbor Management Area and with consideration of the sustainable capacity of fisheries resources in the HMA.
- 4.23.1. Opportunities for vessel- and shore-based recreational fishing in the HMA should be maintained and, to the extent feasible, enhanced.
- 4.23.2. Necessary actions to protect, maintain, and enhance fisheries habitat and resources in the HMA for recreational and commercial use and public enjoyment, consistent with Town, State, and Federal laws and regulations, should be encouraged and supported.

- 4.23.3. The use of fixed commercial fishing gear in the HMA shall be in accordance with Connecticut Department of Environmental Protection Regulation 26-142a-3a(d).¹

5.0. WATERFRONT DEVELOPMENT, ACCESS, AND LAND USE POLICIES

- 5.1. Encouragement of Water-Dependent and Water-Enhanced Economic Development:** Opportunities for stimulating economic growth through beneficial water-dependent and water-enhanced development of the Harbor Management Area shoreline should be encouraged and supported, where such development is consistent with Town character and all other applicable provisions of the Old Saybrook Harbor Management Plan and Plan of Conservation and Development.

5.1.1 Implementation of the provisions of the Old Saybrook Plan of Conservation and Development (incorporating the Old Saybrook Municipal Coastal Program document) affecting use and development of the HMA shoreline should be encouraged and supported.

5.1.2. Waterfront uses and facilities that require direct access to or location in the HMA, including uses and facilities that provide public access to the HMA, should be encouraged and supported through implementation of the Plan of Conservation and Development and waterfront zoning requirements.

5.1.3. Waterfront uses and facilities that do not require direct access to or location in the HMA but contribute to the efficient functioning of a water-dependent use and/or increase the public's enjoyment of the HMA and shoreline should be encouraged and supported through implementation of the Plan of Conservation and Development and waterfront zoning requirements.

¹ In accordance with Regulation 26-142a-3a(d), "No fixed commercial fishing gear shall be set at any time within any navigable channel as indicated by United States Coast Guard channel markers or within any fairway as designated by an approved harbor management plan adopted under Chapter 444a of the General Statutes. No fixed fishing gear shall be set in any mooring area as designated by an approved harbor management plan adopted under Chapter 444a of the General Statutes during the period May 1 through October 15. For the purposes of this section, fairway is defined as a harbor channel which is not marked by United States Coast Guard channel markers but is designated as a navigation channel in an approved harbor management plan; mooring area is defined as an area in which vessels are commonly moored with permanent mooring tackle, and fixed commercial fishing gear means the following: gill nets anchored or tied in a fixed position; trap nets; fyke nets; pound nets; and the buoys of fish pots, eel pots, or lobster pots including those set by holders of the personal use lobster license." Persons affected by or otherwise interested in regulations concerning fisheries may contact the DEP's Marine Fisheries Division in Old Lyme, Connecticut for additional information.

- 5.2. Planning and Review of Waterfront Development:** All public and private waterfront development proposals affecting the Harbor Management Area should be carefully planned and reviewed to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the HMA.
- 5.2.1. Public and private waterfront development proposals affecting the HMA should be reviewed for consistency with the Harbor Management Plan. (See Harbor Administration and Coordination Policies.)
 - 5.2.2. All Town-supported planning and development initiatives affecting the HMA should be undertaken in the most coordinated manner possible, and should have consistent project objectives related to future use of the HMA and protection of environmental quality and resources.
 - 5.2.3. The potential impacts of waterfront development proposals on future water uses and activities should be an important consideration in the design of waterfront development proposals and in the review of those proposals for consistency with the Harbor Management Plan.
 - 5.2.4. The development and continued operation of truly water-dependent (as opposed to water-enhanced) land uses on waterfront sites should be encouraged.
 - 5.2.5. Public access to the HMA should be encouraged wherever feasible, but the Town should ensure that existing water-dependent uses are not replaced by nonwater-dependent uses that provide only limited public access to the HMA.
- 5.3. Planning and Review of Water Access Structures:** All public and private floats, docks, piers, and other in-water structures to provide access to the Harbor Management Area shall conform with all applicable Town, State, and Federal laws and regulations, including the Zoning Regulations of the Town of Old Saybrook. All proposals for water access structures should be carefully planned and reviewed to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the HMA.
- 5.3.1. All public and private floats, docks, piers, and other in-water structures should be set back from the boundaries of designated channels, channels normally used for navigation, anchorages, and fairways a sufficient distance (see Water Use and Navigation Policies) to ensure that these structures and any vessels docked at these structures do not interfere with safe and efficient navigation.
 - 5.3.2. Construction of private floats, docks, piers, and other in-water structures by groups of homeowners or neighborhood associations for group use should be encouraged as a preferred alternative to the construction of single structures for use by individual homeowners.

- 5.3.3. Construction of public and private floats, docks, piers, and other in-water structures should not have a significant adverse impact on natural resources, public access opportunities, visual quality, and traditional water uses. In all cases, alternatives to the construction of fixed structures to reach navigable water should be considered. Alternatives to be considered should include floating docks and individual-private moorings.
 - 5.3.4. Public and private floats, docks, piers, and other in-water structures should be of minimal length. The appropriate extent to which in-water structures should extend seaward in order to reach navigable water should be evaluated by the Harbor Management Commission taking into consideration the littoral rights of waterfront property owners, existing HMA conditions such as distance from shore to navigable water, public access requirements, the presence of coastal resources such as tidal wetlands, intertidal flats, and shellfish beds, and other conditions.
 - 5.3.5. To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures, design guidelines established by the U.S. Army Corps of Engineers for the placement of fixed and floating structures in navigable water should be considered by the Harbor Management Commission in its review of proposed in-water structures. In the absence of compelling reasons to the contrary, including the need to protect valuable coastal resources, new or extended in-water structures should be consistent with the Corps of Engineers' guidelines. (See "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers," July 1996.)
 - 5.3.6. All floats, docks, piers, and other in-water structures should be subject to inspection to ensure conformance with, and continuing adherence to, any terms and conditions associated with the approval of these structures.
 - 5.3.7. Use of all floats, docks, piers, and other in-water structures used for boating access to the HMA shall be in accordance with all applicable provisions of the Zoning Regulations of the Town of Old Saybrook. Effective enforcement of Town Zoning Regulations should be encouraged and supported to ensure that unauthorized commercial use of in-water structures, including structures in residential zoning districts, does not occur.
- 5.4. Stabilization of Waterfront Properties:** Shore protection measures should be carefully planned and constructed to protect waterfront areas and facilities from shoreline erosion, to support beneficial waterfront use and development, and to minimize adverse impacts on natural resources, ecological functions, and adjacent properties. (See Public Health, Safety, and Welfare Policies.)

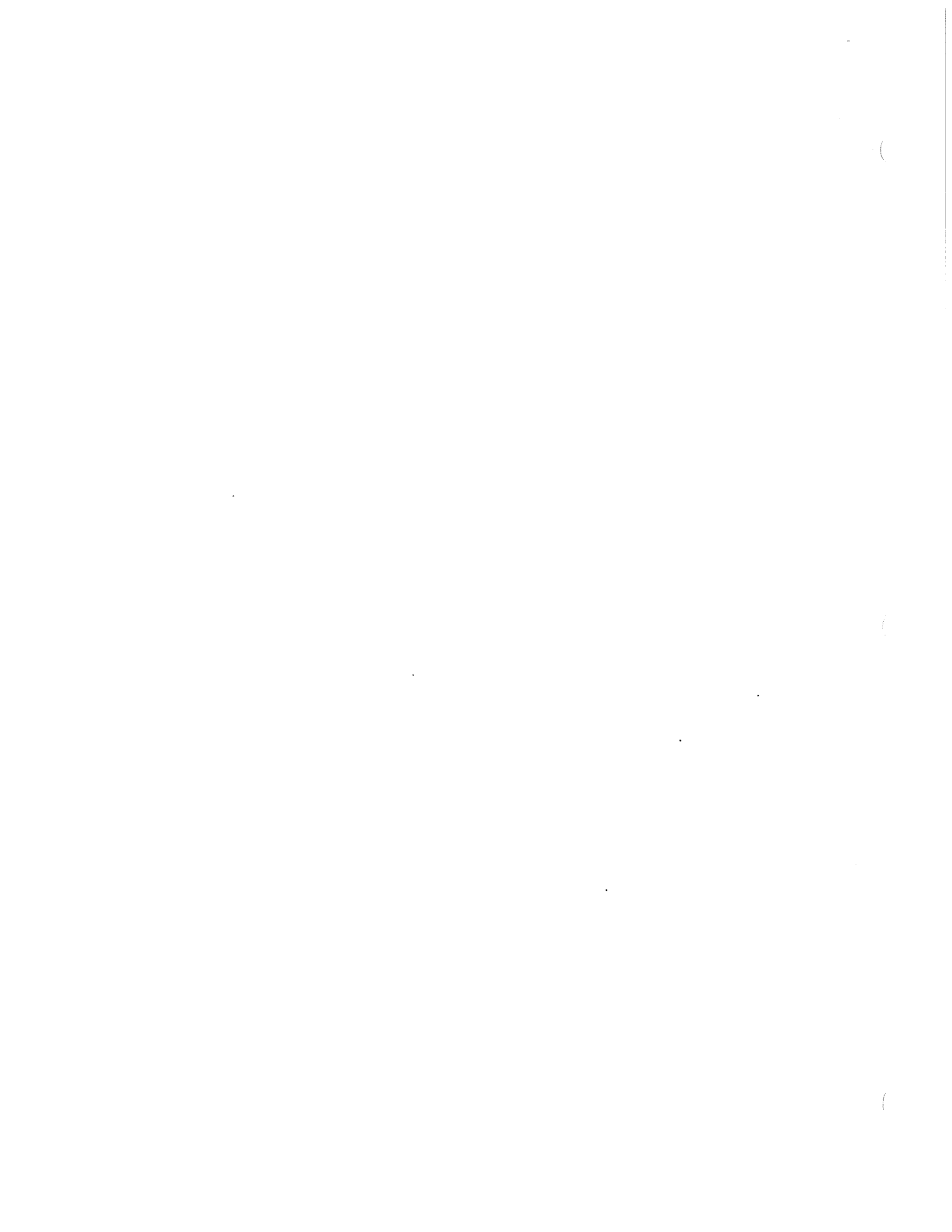
- 5.4.1. Bulkheads and other shore protection structures should be maintained in a timely manner, and repaired as necessary.
 - 5.4.2. Repair of existing bulkheads and other shore protection structures should be encouraged in coordination with waterfront redevelopment projects affecting the properties protected by these structures.
 - 5.4.3. Filling and/or excavation of viable and productive intertidal areas and submerged land seaward of the mean high water line for the purpose of creating additional land area for development should be strongly discouraged.
 - 5.4.4. In accordance with Section 22a-92(b)(2)(F) and Sec. 22a-92(b)(2)(J) of the Connecticut General Statutes, those proposing to use structural measures (including but not limited to bulkheads, seawalls, groins, and riprap) to stabilize the shoreline and/or protect existing development from flooding and erosion should show that these measures will not result in significant adverse impacts on natural resources and adjacent properties.
- 5.5. Preserving the Beneficial Quality of Life in Shore Area Neighborhoods:** Waterfront use and development and activities in the Harbor Management Area should be carefully planned, reviewed, and regulated to avoid adverse impacts on the beneficial quality of life in shore area neighborhoods.
- 5.5.1. In-water and waterfront activities should not cause nuisance impacts including, but not limited to, noise, litter and wave impacts, that affect shoreline residential areas. Existing State boating regulations limiting powerboat noise levels should be strictly enforced.
 - 5.5.2. The planning and review of proposals for waterfront development and HMA activities should take into consideration potential impacts on the existing character and quality of life in shore area residential areas; potential adverse impacts on those areas should be minimized or eliminated.
- 5.6. Provision of Public Access to the Harbor Management Area:** The Town should encourage and support the provision of facilities and opportunities for public access to the Harbor Management Area, consistent with the capacities of the HMA and shoreline to accommodate those facilities and opportunities. Public access should be considered as physical and/or visual access to the HMA that will be available to all members of the general public and not limited to any particular groups or individuals.
- 5.6.1. Facilities and areas for public access to the HMA should be provided in coordination with implementation of the Old Saybrook Plan of Conservation and Development and Municipal Coastal Program.

- 5.6.2. Provision of public access to the HMA through existing Town-owned lands, water access right-of-ways, and other publicly owned areas should be encouraged and supported. The Town should pursue any suitable opportunities that may arise in the future to provide for increased water access, including opportunities for public acquisition of waterfront land.
 - 5.6.3. To the extent possible, the Town should require the provision of well-designed, meaningful, and coordinated public access to the HMA by all new waterfront development subject to the Town's Coastal Site Plan Review authority, except one-and two-family dwellings and development for principal uses that are truly water-dependent within the meaning of the Connecticut Coastal Management Act.
 - 5.6.4. When considering opportunities for public access to the HMA, concerns pertaining to security, maintenance, public safety, visual quality, and the rights of shore area property owners should be adequately addressed.
 - 5.6.5. Use of public access areas and facilities should be carefully monitored and all regulations pertaining to the use of those areas and facilities strictly enforced.
 - 5.6.6. Plans and proposals to improve existing public access areas and facilities and to provide new public access opportunities should be consistent with the littoral/riparian rights of waterfront property owners. Conversely, the exercise of littoral/riparian rights by waterfront property owners should not have a significant adverse effect on public access opportunities, coastal resources, visual quality, traditional water uses, and other public values associated with the land and water resources below the mean high water line.
- 5.7. Use of Public Water Access Right-Of-Ways:** Opportunities for improving physical and visual public access to the Harbor Management Area through Town-owned street ends and other water access right-of-ways should be evaluated. Where feasible, Town-owned street ends and other water access right-of-ways should be improved for public use in the near term; in all cases the water access opportunities associated with Town-owned water access right-of-ways should be retained for future enhancement and public use.
- 5.7.1. Any improvement of water access right-of-ways for public purposes should be consistent with the character of adjoining neighborhoods and with applicable zoning designations.
- 5.8. Use of Town Beaches and Other Town-Owned Waterfront Properties:** Opportunities for improving public access to the Harbor Management Area through the Town's public beaches and other Town-owned waterfront properties should be fully utilized. To the extent possible, the Town should promote and encourage enhanced water-dependent use and activities (including opportunities for visual and physical access to the water) at the

Town beaches and other waterfront properties. These uses and activities should be consistent with all applicable Harbor Management Plan provisions and with the carrying capacity of the Town-owned properties to accommodate enhanced or expanded use.

- 5.9. Maintaining Waterfront Areas and Facilities:** Public and private waterfront areas and facilities should be maintained in a timely, effective manner to provide a clean, attractive waterfront and safe and enjoyable public spaces contiguous to the Harbor Management Area.
- 5.9.1. Necessary capabilities, including budget, staff, and equipment capabilities, needed to maintain Town-owned waterfront properties and facilities should be maintained and, to the extent feasible, enhanced.
- 5.9.2. Municipal infrastructure affecting the HMA, including storm drainage facilities and shore protection structures, should be inspected and monitored on a regular basis and maintained and improved, where necessary.
- 5.9.3. No building, pier, dock, bulkhead, seawall, or other waterfront structure on, in, or contiguous to the HMA should be allowed to deteriorate to the extent that it poses a hazard or obstruction to navigation or causes a significantly adverse impact on environmental quality.
- 5.9.4. Any deteriorated building, pier, dock, bulkhead, seawall, or other waterfront structure should be repaired or replaced where such deterioration is contributing to under-utilization of the waterfront, causing significantly adverse impacts on environmental quality, or creating a public health or safety hazard.
- 5.10. Providing Parking Space for Waterfront Access:** Suitable parking facilities should be provided and maintained to facilitate public access to the Harbor Management Area, consistent with the capacities of waterfront properties and resources to accommodate those facilities and consistent with the character of surrounding land uses.
- 5.10.1. All parking facilities should be designed to incorporate public safety requirements, including unobstructed visibility of parking areas and access for emergency vessels.
- 5.11. Encouraging Special Waterfront Events and Activities:** Special waterfront events, festivals, and other activities that attract Town residents and visitors to the Harbor Management Area, provide public enjoyment, and stimulate public interest and community involvement in matters pertaining to the HMA should be encouraged and supported.

- 5.12. Redevelopment of Underutilized Properties:** Redevelopment of any vacant or underutilized properties on or near the shoreline should be encouraged and supported where that development is consistent with applicable Town, State, and Federal policies, plans, and regulations, and where that redevelopment is expected to result in significant and long-term beneficial impacts on the future character of the Harbor Management Area and shoreline.
- 5.13. Acquisition and Management of Waterfront Open Space:** Town acquisition (through purchase or donation) of land and easements adjoining the Harbor Management Area for open space purposes, including flood protection, conservation, wetland protection, recreation, education, public access to the HMA, and other open space purposes, should be encouraged and supported.
- 5.13.1. Use of Town-owned open space properties should be in accordance with management plans prepared by the Town to guide beneficial public use of these properties in concert with protection of environmental resources.
- 5.14. Establishment of a Water Trail System:** Establishment of an interconnected system of water trails for canoeists and kayakers near the Old Saybrook shoreline should be encouraged and supported to increase waterfront vitality, link waterfront public spaces, provide educational benefits, and increase public use and enjoyment of the Harbor Management Area and shoreline.
- 5.14.1. The water trail system should be developed in coordination with the towns of Old Lyme, Essex, and other Connecticut River estuary towns and include canoe and kayak access areas at suitable locations.
- 5.15. Encouragement of Water-Based Tourism:** Opportunities for expanding water-based tourism activities and the associated economic, recreational, and other benefits of those activities at Old Saybrook should be encouraged and supported.
- 5.15.1. Opportunities for developing tour boat linkages between Old Saybrook and upstream Connecticut Valley towns should be encouraged and supported.

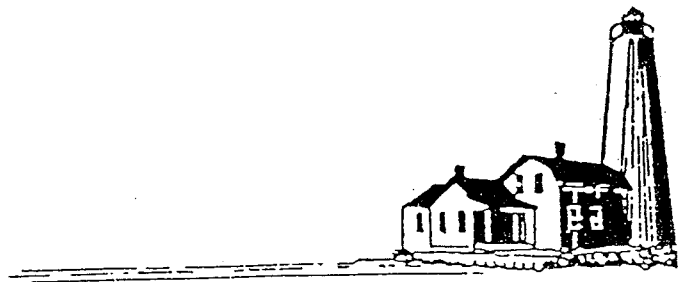


CHAPTER SIX:

GUIDELINES AND RECOMMENDATIONS FOR HARBOR PLANNING DISTRICTS

“Water-dependent uses” means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters.

Section 22a-93(16) of the Connecticut General Statutes



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

GUIDELINES AND RECOMMENDATIONS
FOR HARBOR PLANNING DISTRICTS

FERRY POINT - BRIDGE DISTRICT 6-1
NORTH AND SOUTH COVES - SAYBROOK POINT DISTRICT 6-7
OYSTER RIVER - BEACH DISTRICT 6-17

NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in this chapter, including Regulations of Connecticut State Agencies (RCSA) Sec. 15-121-B15 concerning vessel speed on the Connecticut River and RCSA Sec. 15-121-B14 concerning restricted speed near shore, should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

GUIDELINES AND RECOMMENDATIONS FOR HARBOR PLANNING DISTRICTS

Within the overall boundaries of the Old Saybrook Harbor Management Area (HMA), three harbor planning districts have been identified by the Harbor Management Commission based on natural features, current and potential water and waterfront uses, and harbor management issues and concerns. The three districts are the Ferry Point - Bridge District, the North and South Coves - Saybrook Point District (both of these districts are on and adjoining the Connecticut River), and the Oyster River - Beach District which is on and adjoining nearshore Long Island Sound. Water and waterfront conditions in each district are described in Chapter One of the Old Saybrook Harbor Management Plan.

This chapter contains guidelines and recommendations for water and waterfront use for each of the planning districts. The guidelines and recommendations add more specificity to the goals and objectives presented in Chapter Four of the Old Saybrook Harbor Management Plan and the harbor management policies in Chapter Five. The location of the planning districts in the HMA is shown on Figure 1-4 in Chapter One; areas of interest in and adjoining the districts are shown on Figures 6-1, 6-2, 6-3, and 6-5. The guidelines and recommendations are numbered for reference purposes, not to denote priority.

FERRY POINT - BRIDGE DISTRICT

The Ferry Point - Bridge District includes the Connecticut River within the jurisdiction of the Town of Old Saybrook from the Old Saybrook/Essex town line on the north to and including the Connecticut River Railroad Bridge (known locally as the Old Lyme Drawbridge) on the south. Prominent features of the waterfront along the Harbor Management Area in this planning district include: the tidal wetlands adjoining Hydes Point Creek; Ferry Point and the commercial marine facilities around the Point in the area known as the Ferry Point Marine Commercial District; the Baldwin Bridge carrying I-95 over the Connecticut River; the State-operated Baldwin Bridge boat launching area and fishing pier; the Old Lyme Drawbridge; and the commercial marine facilities between the Baldwin Bridge and railroad line in the area known as the Two Bridges Marine Commercial District.

Future decisions affecting this portion of the HMA and adjoining waterfront should be consistent with the goals and objectives in Chapter Four of the Harbor Management Plan, the harbor management policies in Chapter Five, and the following guidelines and recommendations. (See Figure 6-1.)

1.0 Public Safety

- 1.1 In accordance with Regulations of Connecticut State Agencies (RCSA) Section 15-121-B15, no person shall operate a motorboat on the Connecticut River at greater than steerage speed within the area bounded northerly by Connecticut River red nun no. 20 and bounded southerly by the Old Lyme Drawbridge.

- 1.2 Outside of the steerage speed area, vessel speed and wake shall be in accordance with all applicable State of Connecticut boating safety regulations, including: a) RCSA Sec. 15-121-B14 which states, in part, that “no person shall operate a motorboat at a speed in excess of six miles per hour within one hundred feet of shore, or of a dock, pier, float, or anchored or moored vessel”; and b) RCSA Sec. 15-121-B15(b) which requires that “when passing a marina, yacht club area in which boats are docked, at anchor, being launched or retrieved or a congested area, a motorboat shall be operated with minimum wake and at a speed not to exceed six miles per hour unless a greater speed is necessary to maintain steerage, in which case the motorboat may be operated at steerage speed.”
- 1.3 The placement and maintenance of appropriate buoys, signs, and markers to increase boater awareness of the steerage speed area and other restricted speed areas and to help promote effective enforcement of marine speed limits should be encouraged and supported. (See no. 4.3 below.)
- 1.4 Appropriate equipment should be maintained in or suitably near the Ferry Point and Two Bridges marine commercial districts to help ensure prompt and effective response to any fuel spills, fires, and other water and waterfront emergencies that may occur in the marine commercial districts and nearby in the Connecticut River.

2.0 Environmental Quality

- 2.1 Water quality in the Connecticut River should be maintained in accordance with the State of Connecticut “SB” water quality designation; all feasible measures to improve water quality and to achieve, if practical, future upgrading of the existing water quality designation should be encouraged and supported.
- 2.2 All feasible measures to reduce and avoid the introduction of nonpoint source pollutants into the Connecticut River and its tributaries at Old Saybrook, including Hydes Point Creek, should be encouraged and supported.
- 2.3 Efforts to improve water quality in the Connecticut River should be planned and implemented, to the extent practical, on a watershed-wide basis in coordination with other communities in the Connecticut River watershed.
- 2.4 All marine facilities should employ buffers and other suitable “best management practices” to control stormwater runoff from waterfront properties. (See nos. 5.6 and 6.5 below.) Special attention should be given to maintaining and improving water quality in the excavated marina basins at Ferry Point and at the terminus of the boat channel just north of the railroad embankment.
- 2.5 Vessel waste pump-out facilities with adequate capacity to meet the needs of resident and transient boaters should be provided in the Ferry Point and Two Bridges marine commercial districts. Each commercial marine facility should provide adequate restroom facilities for the patrons of that facility. (See no. 5.4 below.)

Figure 6-1:
FERRY POINT - BRIDGE DISTRICT
 (Old Saybrook/Essex Town Line to RR Bridge)

Base map is from "Connecticut River — Long Island Sound to Deep River" Navigation Chart (Chart 12375), U.S. Department of Commerce, NOAA, NOS, May 6, 1995. Soundings in feet at mean lower low water.

NOTE: This map is for planning and illustrative purposes and is not to be used for navigation purposes.

OLD SAYBROOK HARBOR MANAGEMENT AREA

OLD SAYBROOK HARBOR MANAGEMENT COMMISSION
 Old Saybrook, Connecticut

Consultant to the Harbor Management Commission:
 GEOFFREY STEADMAN
 Westport, CT

2003

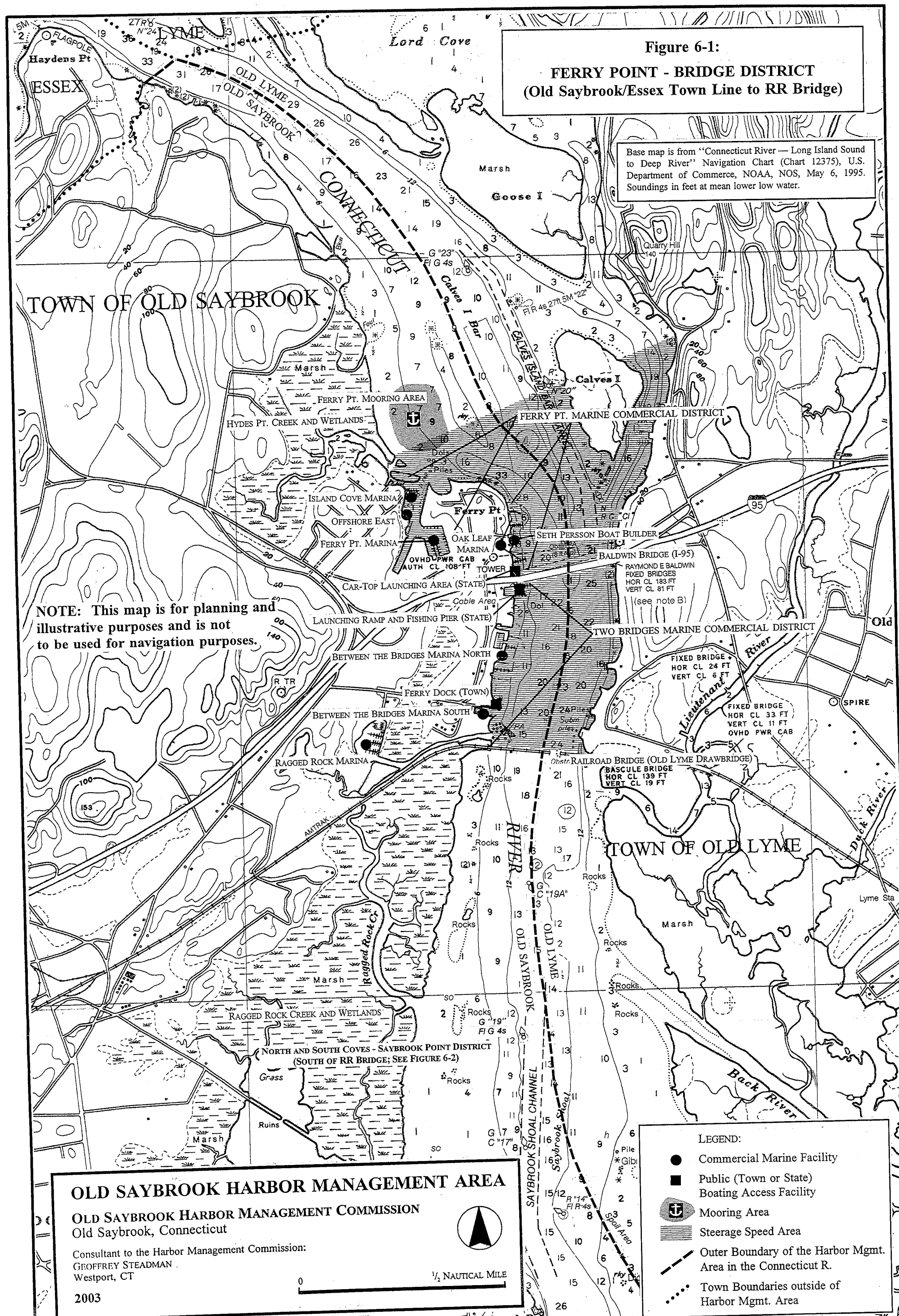


1/2 NAUTICAL MILE



LEGEND:

- Commercial Marine Facility
- Public (Town or State) Boating Access Facility
- Ⓜ Mooring Area
- ▨ Steerage Speed Area
- Outer Boundary of the Harbor Mgmt. Area in the Connecticut R.
- ⋯ Town Boundaries outside of Harbor Mgmt. Area



- 2.6 Additional consideration may be given to the feasibility and water quality benefits of implementing the Connecticut River “no discharge” zone as authorized by State law. Any efforts to evaluate the feasibility and benefits of “no discharge” designation should be undertaken through the coordinated efforts of Town, State, and Federal agencies.
- 2.7 Any work to maintain, repair, or replace the Baldwin Bridge and Old Lyme Drawbridge should be planned and carried out in a manner to reduce or avoid any potentially adverse impacts on environmental quality, including water quality, resulting from that work. (See no. 7.2 below.)
- 2.8 Efforts by the State of Connecticut and Town of Old Saybrook to reduce the amount of sand, trash, road debris, and other substances discharging into the Connecticut River from I-95, the Baldwin Bridge, and Town roads should be encouraged and supported.
- 2.9 The ecological values of all tidal wetlands, including wetlands adjoining Hydes Point Creek and the excavated boat channel just north of the railroad embankment, should be recognized and protected, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and floodwater storage.

3.0 Harbor Management Coordination

- 3.1 To the extent practical, harbor management initiatives by the Town of Old Saybrook should be planned and implemented in coordination with the municipalities of Old Lyme and Essex and with other Connecticut River municipalities for the purpose of enforcing boating laws and regulations, responding to fuel spills and other emergency situations, monitoring water quality conditions, developing pollution abatement measures for application on a watershed-wide basis; implementing the Connecticut River Action Plan of the American Heritage Rivers Initiative, and achieving other public purposes related to the beneficial use of the Connecticut River.
- 3.2 There should be coordination and communication between the Harbor Management Commission, waterfront neighborhood associations, and the owners of private properties adjoining the Harbor Management Area to develop and maintain support for harbor management initiatives.
- 3.3 To the extent possible in accordance with local, State, and Federal laws and regulations, Town, State, and Federal agencies should coordinate their efforts to achieve timely decisions concerning the permits needed to enhance and maintain the viability of marine facilities, including permits for dredging and in-water structures.

4.0 Water Use and Navigation

- 4.1 The Connecticut River Federal navigation channel upstream of the Old Lyme Drawbridge should be maintained (dredged) at its authorized depth of 15 feet and width of 150 feet to meet the navigation requirements of recreational and commercial vessels. Any

necessary maintenance dredging of the channel or removal of any channel obstructions should be carried out in the most timely manner possible by the U.S. Army Corps of Engineers.

- 4.2 Nonfederal maintenance dredging needed to enhance and maintain the viability of water-dependent uses in the Ferry Point and Two Bridges marine commercial districts is encouraged and supported. Nonfederal maintenance dredging should be conducted in the most timely manner possible, in compliance with all applicable State and Federal regulations, and in a manner to minimize adverse impacts on coastal resources and environmental quality.
- 4.3 Aids to navigation, including any buoys, beacons, signs, and other markers maintained by the U.S. Coast Guard, State of Connecticut, Town of Old Saybrook, Amtrak, and marine facility operators, should be adequate for marking the Connecticut River Federal navigation channel, navigation fairways serving marine facilities in the Ferry Point and Two Bridges marine commercial districts, any hazards or obstructions to navigation, navigation openings through the Connecticut River bridges, restricted speed areas, and other conditions affecting ease and safety of navigation. (See no. 1.3 above.)
- 4.4 Navigation fairways in the areas of the Ferry Point and Two Bridges marine commercial districts should be kept free of obstructions at all times to ensure safe navigation between marine facilities and areas of boating activity in the Connecticut River. Navigation fairways will be of an appropriate width, consistent with the type of vessels using the fairways, to ensure ease and safety of navigation.
- 4.5 All public and private floats, docks, piers, and other in-water structures should be set back from the Connecticut River Federal navigation channel, from navigation fairways in the areas of the Ferry Point and Two Bridges marine commercial districts, and from the Ferry Point mooring area a sufficient distance to ensure that these structures and any vessels tied or docked at these structures do not interfere with safe and efficient navigation and appropriate use of the Public Trust waters outside of the Federal channel. Appropriate "set-back" distances will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.
- 4.6 The Ferry Point mooring area will be managed by the Harbor Management Commission and Harbor Master for beneficial use by mooring permit holders and transient boaters. Use of the mooring area will be consistent with the capacity of the mooring area to accommodate the mooring and anchoring of vessels without undue impacts on public safety and environmental quality. The precise number and location of vessels that may be moored or anchored in the area will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.

5.0 Marine Facilities

- 5.1 The continued beneficial operation of the commercial marine facilities in the Ferry Point and Two Bridges marine commercial districts should be encouraged and supported, consistent with all other provisions of the Old Saybrook Harbor Management Plan.
- 5.2 The authority and policies of the Connecticut Coastal Management Act, the Old Saybrook Plan of Conservation and Development incorporating the Old Saybrook Municipal Coastal Program document, and the Old Saybrook Zoning Regulations should be used to support and encourage the continued operation and enhancement of commercial marine facilities, including marina and boat service facilities, in the Ferry Point and Two Bridges marine commercial districts.
- 5.3 Any future development activities that may affect commercial marine facilities in the Ferry Point and Two Bridges marine commercial districts should not result in any significant reduction of currently available boat slips and boat service facilities.
- 5.4 Any new or expanded commercial marine facility should be encouraged to provide a vessel waste pump-out facility or demonstrate that available pump-out capacity exists elsewhere in the Ferry Point and Two Bridges marine commercial districts to accommodate the needs of the new or expanded facility. Each commercial marine facility should provide adequate restroom facilities for facility patrons. (See no. 2.5 above.)
- 5.5 The docks, floats, bulkheads, and other structures and facilities associated with commercial marine facilities in the Ferry Point and Two Bridges marine commercial districts should be managed and maintained in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 5.6 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from marine facilities in the Ferry Point and Two Bridges marine commercial districts. See nos. 2.4 above and 6.5 below.)

6.0 Public Water Access Areas and Facilities

- 6.1 The provision and enhancement of facilities and opportunities for public access to the Connecticut River and Long Island Sound will be encouraged and supported, consistent with the capacities of the Harbor Management Area and shoreline to accommodate those facilities and opportunities, and consistent with all other provisions of the Old Saybrook Harbor Management Plan and applicable Town ordinances.
- 6.2 The Town Dock known as the Ferry Dock will be managed by the Harbor Management Commission as a Town water access facility providing public access to the Connecticut River and Long Island Sound in accordance with Town ordinances and any rules and

procedures adopted by the Commission. (See Ordinance No. 19 in Appendix C of the Old Saybrook Harbor Management Plan.) Annual permits for use of available boat slips will be assigned by the Commission in a fair and equitable manner. Boat slips are intended primarily for use by local commercial fishing boats less than 30 feet in length. Parking, storage of fishing gear, fishing from the dock, and all other uses of the dock will be in accordance with Town ordinances and the Commission's rules and procedures.

- 6.3 The Baldwin Bridge State Boat Launch and fishing pier should be maintained by the State of Connecticut as a major public recreation facility providing public access to the Connecticut River, including access for launching trailered boats and "car-top" vessels. The entire site should be utilized to its full potential as a public recreation area in a manner that does not result in significantly adverse impacts on natural coastal resources adjacent to and nearby the facility, and in a manner that is consistent with all other provisions of the Old Saybrook Harbor Management Plan.
- 6.4 The docks, floats, bulkheads, and other structures and facilities associated with public water access areas and facilities should be managed and maintained in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 6.5 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from public water access areas and facilities. (See nos. 2.4 and 5.6 above.)

7.0 Bridges Over Navigable Water

- 7.1 The Baldwin Bridge and Old Lyme Drawbridge should be maintained by the State of Connecticut and National Railroad Passenger Corporation (Amtrak), respectively, in the most effective and timely manner necessary to ensure continued ease and safety of navigation under and through those bridges.
- 7.2 Any work to maintain, repair, or replace either the Baldwin Bridge or Old Lyme Drawbridge should be undertaken in a manner to avoid or reduce the potential for any significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions in the Harbor Management Area. (See no. 7.2 above.)
- 7.3 In accordance with State and Federal regulations, appropriate signals, signage, and equipment should be maintained and kept operational on the Baldwin Bridge and Old Lyme Drawbridge to facilitate the ease and safety of navigation, including height gauges maintained in a clearly visible condition on both sides of each bridge, fenders repaired or replaced as necessary on both sides of the Railroad Bridge opening, and electronic clocks displaying the amount of time before the next Railroad Bridge opening.

- 7.4 The Old Lyme Drawbridge should be operated in accordance with published Coast Guard regulations and the conditions of State and Federal permits required for operation, including the condition that the bridge will remain open during the period May 15 to October 15 unless there is a train approaching and will reopen immediately after a train passes. Compliance with all applicable regulations and conditions should be strictly monitored and enforced to ensure that bridge operations are in accordance with permit conditions and do not unreasonably interfere with Connecticut River navigation.

NORTH AND SOUTH COVES - SAYBROOK POINT DISTRICT

The North and South Coves - Saybrook Point District includes the Connecticut River within the jurisdiction of the Town of Old Saybrook from the Old Lyme Drawbridge downstream to the mouth of the River at Long Island Sound. Prominent features of the waterfront along the Harbor Management Area in this planning district include: Ragged Rock Creek and the extensive tidal wetlands adjoining the Creek; North Cove, including the North Cove mooring field, Town-owned water access areas, and private boating facilities in the area known as the North Cove Marine Commercial District; Saybrook Point and the commercial marine facilities and Town-owned waterfront land in the area known as the Saybrook Point District; South Cove and the Route 154 causeway across the Cove; and Lynde Point. Also, the planning district includes the Saybrook Shoal and Saybrook Outer Bar bar channels—part of the Connecticut River Federal navigation channel—as well as the Federal channel and two contiguous anchorage basins in North Cove, and two stone jetties at the mouth of the River in Long Island Sound.

Future decisions affecting this portion of the HMA and adjoining waterfront should be consistent with the goals and objectives in Chapter Four of the Old Saybrook Harbor Management Plan, the harbor management policies in Chapter Five, and the following guidelines and recommendations. (See Figure 6-2.)

1.0 Public Safety

- 1.1 In accordance with Regulations of Connecticut State Agencies Section 15-121-B15, no person shall operate a motorboat on the Connecticut River at greater than steerage speed within: a) the area between the Saybrook breakwaters bounded northerly by the Saybrook inner light and bounded southerly by the Saybrook outer light; and b) the area bounded northerly by the navigation aid Connecticut River light no. 14 and bounded southerly by the southernmost point of Old Saybrook Point.
- 1.2 Extension of existing Connecticut River steerage speed areas to encompass the area bounded northerly by the southernmost point of Old Saybrook Point and bounded southerly by the Saybrook inner light should be encouraged and supported.
- 1.3 In all areas outside of the steerage speed areas, including in the North and South coves, vessel speed and wake shall be in accordance with all applicable State of Connecticut boating safety regulations, including: a) RCSA Sec. 15-121-B14 which states, in part,

that “no person shall operate a motorboat at a speed in excess of six miles per hour within one hundred feet of shore, or of a dock, pier, float, or anchored or moored vessel”; and b) RCSA Sec. 15-121-B15(b) which requires that “when passing a marina, yacht club area in which boats are docked, at anchor, being launched or retrieved, or a congested area, a motorboat shall be operated with minimum wake and at a speed not to exceed six miles per hour unless a greater speed is necessary to maintain steerage, in which case the motorboat may be operated at steerage speed.”

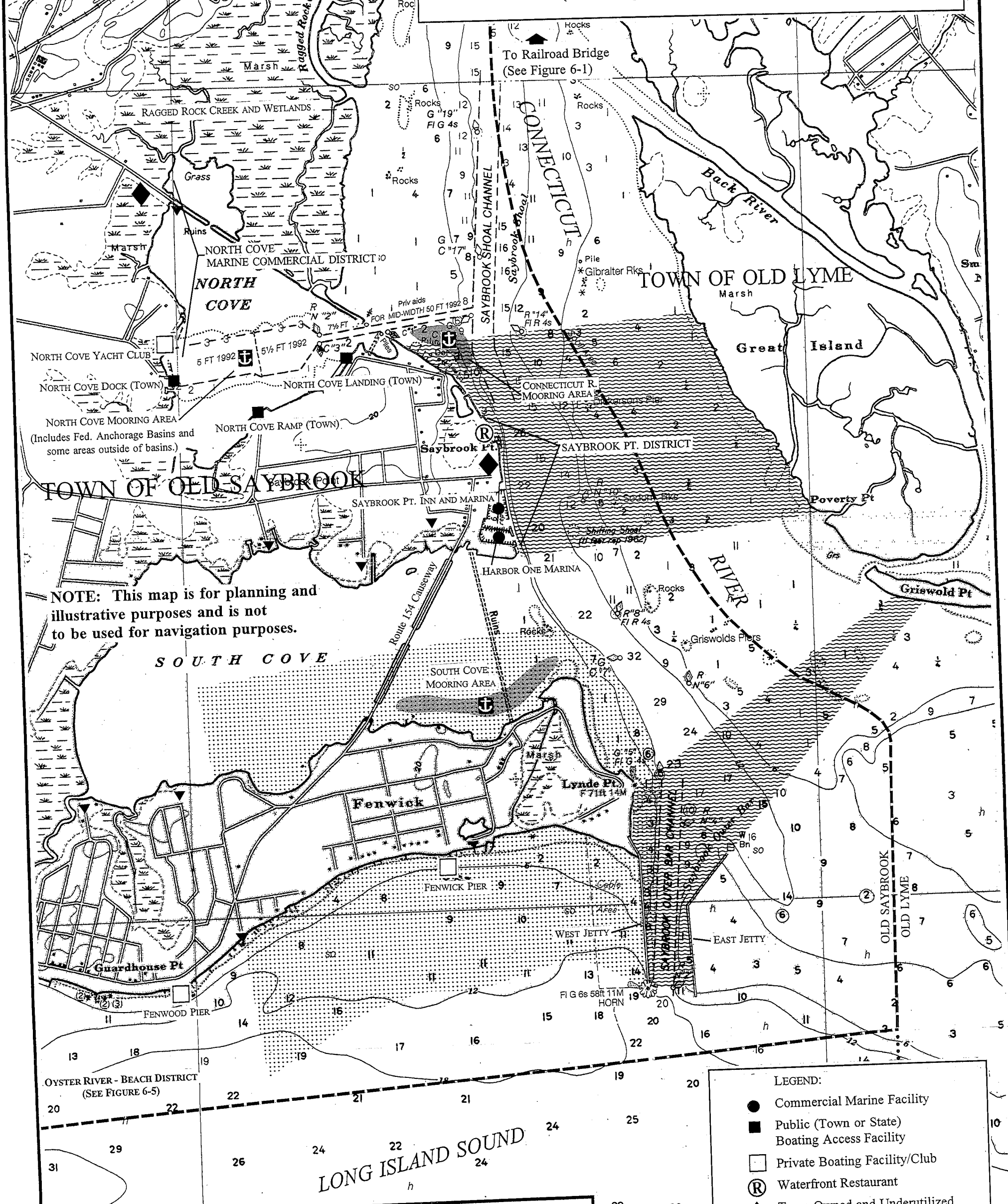
- 1.4 The placement and maintenance of appropriate buoys, signs, and markers to increase boater awareness of the steerage speed areas and other restricted speed areas and to help promote effective enforcement of marine speed limits should be encouraged and supported. (See no. 4.5 below.)
- 1.5 Appropriate equipment should be maintained in or near the Saybrook Point District to help ensure prompt and effective response to any fuel spills, fires, and other water and waterfront emergencies that may occur nearby in the Connecticut River and Long Island Sound.

2.0 Environmental Quality

- 2.1 Water quality in the Connecticut River, North and South Coves, and Ragged Rock Creek should be maintained in accordance with the State of Connecticut “SB” water quality designation; all feasible measures to improve water quality and, if practical, to achieve upgrading of the existing water quality designation should be pursued.
- 2.2 All feasible measures to reduce and avoid the introduction of nonpoint source pollutants into the Connecticut River and its tributaries at Old Saybrook, including Ragged Rock Creek, should be encouraged and supported.
- 2.3 Efforts to improve water quality in the Connecticut River should be planned and implemented, to the extent practical, on a watershed-wide basis in coordination with other communities in the Connecticut River watershed.
- 2.4 All marine facilities should employ buffers and other suitable “best management practices” to control stormwater runoff from waterfront properties. (See nos. 5.6 and 6.9 below.) Special consideration should be given to maintaining and improving water quality in the North and South coves, including avoiding or reducing any pollution that may be caused by boating activities in the coves.
- 2.5 Vessel waste pump-out facilities with adequate capacity to meet the needs of resident and transient boaters should be provided in the Saybrook Point District. Each commercial and private marine facility should provide adequate restroom facilities for the patrons of that facility. (See no. 5.4 below.)

Base map is from "Connecticut River - Long Island Sound to Deep River" Navigation Chart (Chart 12375), U.S. Department of Commerce, NOAA, NOS, May 6, 1995. Soundings in feet at mean lower low water.

Figure 6-2:
NORTH AND SOUTH COVES - SAYBROOK POINT DISTRICT
 (RR Bridge to Long Island Sound)



NOTE: This map is for planning and illustrative purposes and is not to be used for navigation purposes.

OLD SAYBROOK HARBOR MANAGEMENT AREA
OLD SAYBROOK HARBOR MANAGEMENT COMMISSION
 Old Saybrook, Connecticut
 Consultant to the Harbor Management Commission:
 GEOFFREY STEADMAN
 Westport, CT
 2003



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- LEGEND:**
- Commercial Marine Facility
 - Public (Town or State) Boating Access Facility
 - Private Boating Facility/Club
 - Ⓜ Waterfront Restaurant
 - ◆ Town-Owned and Underutilized Waterfront Land
 - Ⓜ Mooring Area
 - ⋯ Steerage Speed Area
 - Outer Boundary of the Harbor Mgmt. Area in the Connecticut R. and Long Island Sound
 - ⋯ Harbor Mgmt. Jurisdiction Claimed By Borough of Fenwick

- 2.6 Additional consideration may be given to the feasibility and water quality benefits of implementing the Connecticut River "no discharge" zone as authorized by State law. Any efforts to evaluate the feasibility of "no discharge" designation should be undertaken through the coordinated efforts of Town, State, and Federal agencies.
- 2.7 Any work to maintain, repair, or replace the Route 154 causeway across South Cove should be planned and carried out in a manner to reduce or avoid any significant adverse impacts on environmental quality, including water quality, resulting from that work. (See no. 7.2 below.)
- 2.8 Efforts by the State of Connecticut and Town of Old Saybrook to reduce the amount of sand, trash, road debris, and other substances discharging into the Connecticut River and North and South coves from I-95 and Town roads should be encouraged and supported.
- 2.9 The ecological values of tidal wetlands, including the Ragged Rock Creek tidal wetlands and the tidal wetlands adjoining North and South coves, should be recognized and protected, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and floodwater storage.
- 2.10 All appropriate efforts should be undertaken to improve water circulation and to reduce siltation and the adverse impacts of that siltation on environmental quality in the North and South coves. These efforts should include regular cleaning of storm drainage catch basins and culverts, construction of additional catch basins as necessary, control of runoff from construction sites, prohibitions on the disposal of leaves, branches, or other debris in the Harbor Management Area, and reducing or eliminating all other human activities that introduce sediment into the North and South coves.

3.0 Harbor Management Coordination

- 3.1 To the extent practical, harbor management initiatives by the Town of Old Saybrook should be planned and implemented in coordination with the Town of Old Lyme and other Connecticut River municipalities for the purpose of enforcing boating laws and regulations, responding to fuel spills and other emergency situations, monitoring water quality conditions, developing pollution abatement measures for application on a watershed-wide basis, implementing the Connecticut River Action Plan of the American Heritage Rivers Initiative, and achieving other public purposes related to the beneficial use of the Connecticut River.
- 3.2 There should be coordination and communication between the Harbor Management Commission, waterfront neighborhood associations, other private groups, and the owners of private properties adjoining the Harbor Management Area to develop and maintain support for harbor management initiatives.

- 3.3 Harbor management initiatives by the Town of Old Saybrook should be planned and implemented, as necessary, in coordination with the Borough of Fenwick to effectively address harbor management issues of concern to both the Town and Borough, including issues concerning South Cove, the Connecticut River, and Long Island Sound nearby and adjoining the Borough's jurisdiction.
- 3.4 To the extent possible in accordance with local, State, and Federal laws and regulations, Town, State, and Federal agencies should coordinate their efforts to achieve timely decisions concerning the permits needed to enhance and maintain the viability of marine facilities (including permits for dredging and in-water structures).

4.0 Water Use and Navigation

- 4.1 The Connecticut River Federal navigation channel from the mouth of the River at Long Island Sound upstream to the Old Lyme Drawbridge, including the Saybrook Shoal and Saybrook Outer Bar bar channels, should be maintained (dredged) at its authorized depth of 15 feet and width of 300 feet to meet the navigation requirements of recreational and commercial vessels. Any necessary maintenance dredging of the channel or removal of any channel obstructions should be carried out in the most timely manner possible by the U.S. Army Corps of Engineers.
- 4.2 The North Cove Federal entrance channel from the Connecticut River channel to the North Cove Federal anchorage basins should be maintained (dredged) at its authorized depth of 11 feet and width of 100 feet to meet the navigation requirements of vessels using the boating facilities at North Cove, including vessels seeking a "harbor of refuge." The Federal west and east anchorage basins in North Cove should be maintained (dredged) at their authorized dimensions, including depths of six feet and 11 feet, respectively, to provide for continued beneficial use by mooring permit holders and transient boaters, including boaters seeking a "harbor of refuge." Any necessary maintenance dredging of the channel and anchorage basins or removal of any channel obstructions should be carried out in the most timely manner possible by the U.S. Army Corps of Engineers.
- 4.3 The Federal east and west jetties at the mouth of the Connecticut River in Long Island Sound should be maintained according to their authorized dimensions and specifications. Any necessary maintenance of the Saybrook jetties should be carried out in the most timely manner possible by the U.S. Army Corps of Engineers.
- 4.4 Nonfederal maintenance dredging needed to enhance and maintain the viability of water-dependent uses in North Cove and the Saybrook Point District is encouraged and supported. Nonfederal maintenance dredging should be conducted in the most timely manner possible, in compliance with all applicable State and Federal regulations, and in a manner to minimize adverse impacts on coastal resources and environmental quality.

- 4.5 Aids to navigation, including any buoys, beacons, signs, and other markers maintained by the U.S. Coast Guard, State of Connecticut, Town of Old Saybrook, and marine facility operators, should be adequate for marking the Connecticut River Federal navigation channel, North Cove Federal entrance channel and anchorage basins, Saybrook jetties, navigation fairways serving marine facilities in North Cove and the Saybrook Point District, the Route 154 causeway, any hazards or obstructions to navigation, restricted speed areas, and other conditions affecting ease and safety of navigation. (See no. 1.4 above.)
- 4.6 Navigation fairways in North Cove, including in the North Cove Federal anchorage basins, and in the area of the Saybrook Point District should be kept free of obstructions at all times to ensure safe navigation in the Cove and between marine facilities and areas of boating activity in the Connecticut River. Navigation fairways will be of an appropriate width, consistent with the type of vessels using the fairways, to ensure ease and safety of navigation. (The North Cove navigation fairway and North Cove mooring areas are shown on Figure 6-3.)
- 4.7 All public and private floats, docks, piers, and other in-water structures should be set back from the Connecticut River Federal navigation channel (including designated channels and other channels normally used for navigation), the North Cove Federal entrance channel and anchorage basins, navigation fairways in North Cove and in the area of the Saybrook Point District, and the Connecticut River and South Cove mooring areas a sufficient distance to ensure that these structures and any vessels tied or docked at these structures do not interfere with safe and efficient navigation and appropriate use of the Public Trust waters outside of the Federal channels and anchorage basins. Appropriate "set-back" distances will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.
- 4.8 The North Cove mooring area, including the Federal anchorage basins, will be managed by the Harbor Management Commission and Harbor Master for beneficial use by mooring permit holders and transient boaters, including boaters seeking a "harbor of refuge." Use of the mooring area will be consistent with the capacity of the mooring area to accommodate the mooring and anchoring of vessels without undue impacts on public safety and environmental quality. The precise number and location of vessels that may be moored or anchored in the area will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan and the Commission's "North Cove Policies and Procedures." All mooring locations in the Federal anchorage basins will be managed in the public interest in accordance with Corps of Engineers' policies concerning use of Federal anchorages. (The North Cove navigation fairway and North Cove mooring areas are shown on Figure 6-3; "North Cove Permanent Policies and Procedures" are listed on Figure 6-4.)

NORTH COVE PERMANENT POLICIES AND PROCEDURES

1. The Harbor Management Commission (HMC) shall maintain a waiting list for permanent moorings in the North Cove anchorage. *This list shall be open to all on equal terms.*
2. The Harbormaster shall approve mooring permits and assign mooring locations in the Cove.
3. No individual, group, or yacht club shall be given any priority of consideration in the assignment of moorings within the Federal anchorage basins.
4. All vessels moored in North Cove shall be registered, identified, marked, equipped, and maintained as required by law and safe practice.
5. Moorings shall be set and removed according to schedules set by the HMC. Vessel owners shall be properly notified of those schedules.
6. Mooring rights are not transferrable except to a surviving spouse with approval from the HMC.
7. All vacant moorings are available to visiting yachtsmen on a temporary, overnight basis, at no charge.
8. The control or perceived control of vacant moorings by any individual, group, or yacht club shall not be permitted.
9. Per the General Statutes of Connecticut, no rubbish, waste material, or refuse material of any kind or description shall be discharged into the waters of the Cove.
10. Any violation of these and other duly adopted policies and procedures of the Town of Old Saybrook for boating use of North Cove may result in cancellation of the violator's mooring contract, transient privileges, or removal from the mooring list or mooring waiting list.
11. The Town of Old Saybrook, any of its agencies, and the Harbormaster assume no responsibility for the safety of any vessel in North Cove and shall not be liable for fire, theft, or damage to such vessel, its equipment, or any property in or on said vessel, however arising.
12. The HMC shall adopt rules and regulations as it deems necessary and advisable for the proper control, management, and maintenance of North Cove in accordance with these permanent policies and procedures.

Figure 6-4: North Cove Permanent Policies and Procedures.

- 4.9 Transient boating use of North Cove, including use of vacant moorings and Town-owned waterfront facilities (see nos. 6.2 and 6.4 below), is encouraged and supported. All transient boating use will be in accordance with Town ordinances and rules and procedures adopted by the Harbor Management Commission. (See Ordinance No. 19 in Appendix C of the Old Saybrook Harbor Management Plan and Figure 6-4 "North Cove Permanent Policies and Procedures.") The Commission will continue to monitor the availability and use of moorings for transient boaters and may consider changes to its rules and procedures, as necessary, to ensure continued beneficial use by transient boaters.
- 4.10 Establishment of any launch service serving mooring permit holders and transient vessels in North Cove is subject to approval by the Harbor Management Commission. Launch service operation will be in accordance with Town ordinances, rules and procedures adopted by the Commission, and applicable State and Federal regulations.
- 4.11 The Connecticut River mooring area near the North Cove entrance channel will be managed by the Harbor Management Commission and Harbor Master for beneficial use by mooring permit holders and transient boaters. Use of the mooring area will be consistent with the capacity of the mooring area to accommodate the mooring and anchoring of vessels without undue impacts on public safety and environmental quality. The precise number and location of vessels that may be moored or anchored in the area will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.
- 4.12 In the absence of a duly appointed State of Connecticut Harbor Master for the Borough of Fenwick, the Old Saybrook Harbor Master will continue to manage the South Cove mooring area for the benefit of mooring permit holders and transient boaters. Use of the mooring area will be consistent with the capacity of the mooring area to accommodate the mooring and anchoring of vessels without undue impacts on public safety and environmental quality. In the absence of a duly approved and adopted Harbor Management Plan for the Borough of Fenwick, the precise number and location of vessels that may be moored or anchored in the area will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.

5.0 Marine Facilities

- 5.1 The continued beneficial operation of private and commercial marine facilities in the North Cove Marine Commercial District and Saybrook Point District should be encouraged and supported, consistent with all other provisions of the Old Saybrook Harbor Management Plan.
- 5.2 The authority and policies of the Connecticut Coastal Management Act, the Old Saybrook Plan of Conservation and Development incorporating the Old Saybrook Municipal Coastal Program, and the Old Saybrook Zoning Regulations should be used to support and encourage the continued operation and enhancement of marine facilities, including private

- and commercial marina and boat service facilities, in the North Cove Marine Commercial District and Saybrook Point District.
- 5.3 Any future development activities that may affect marine facilities in the North Cove Marine Commercial District and Saybrook Point District should not result in any significant reduction of currently available boat slips and boat service facilities.
- 5.4 Any new or expanded private or commercial marine facility should be encouraged to provide a vessel waste pump-out facility or demonstrate that available pump-out capacity exists nearby to accommodate the needs of the new or expanded facility. Each marine facility should provide adequate restroom facilities for the patrons of that facility. (See no. 2.5 above.)
- 5.5 The docks, floats, bulkheads, and other structures and facilities associated with marine facilities in the North Cove Marine Commercial District and Saybrook Point District should be managed and maintained in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 5.6 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from marine facilities in the North Cove Marine Commercial District and Saybrook Point District. (See no. 2.4 above and no. 6.9 below.)

6.0 Public Water Access Areas and Facilities

- 6.1 The provision and enhancement of facilities and opportunities for public access to North Cove, South Cove, and the Connecticut River will be encouraged and supported, consistent with the capacities of the Harbor Management Area and shoreline to accommodate those facilities and opportunities, and consistent with all other provisions of the Old Saybrook Harbor Management Plan, applicable Town ordinances, and rules and procedures adopted by the Harbor Management Commission.
- 6.2 The Town waterfront facility at Sheffield Street known as the North Cove Dock will be managed by the Harbor Management Commission as a water access facility and Town landing providing public access to North Cove and opportunities for visiting boaters to come ashore. Management of the North Cove Dock will be in accordance with applicable Town ordinances and with rules and procedures adopted by the Commission. (See Ordinance No. 19 in Appendix C of the Old Saybrook Harbor Management Plan and "North Cove Permanent Policies and Procedures" on Figure 6-4.) Parking, docking, storage of dinghies by mooring permit holders, tie-ups of dinghies by transient boaters, and all other uses of the dock will be in accordance with applicable ordinances and the Commission's rules and procedures.

and commercial marina and boat service facilities, in the North Cove Marine Commercial District and Saybrook Point District.

- 5.3 Any future development activities that may affect marine facilities in the North Cove Marine Commercial District and Saybrook Point District should not result in any significant reduction of currently available boat slips and boat service facilities.
- 5.4 Any new or expanded private or commercial marine facility should be encouraged to provide a vessel waste pump-out facility or demonstrate that available pump-out capacity exists nearby to accommodate the needs of the new or expanded facility. Each marine facility should provide adequate restroom facilities for the patrons of that facility. (See no. 2.5 above.)
- 5.5 The docks, floats, bulkheads, and other structures and facilities associated with marine facilities in the North Cove Marine Commercial District and Saybrook Point District should be managed and maintained in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 5.6 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from marine facilities in the North Cove Marine Commercial District and Saybrook Point District. (See no. 2.4 above and no. 6.9 below.)

6.0 Public Water Access Areas and Facilities

- 6.1 The provision and enhancement of facilities and opportunities for public access to North Cove, South Cove, and the Connecticut River will be encouraged and supported, consistent with the capacities of the Harbor Management Area and shoreline to accommodate those facilities and opportunities, and consistent with all other provisions of the Old Saybrook Harbor Management Plan, applicable Town ordinances, and rules and procedures adopted by the Harbor Management Commission.
- 6.2 The Town waterfront facility at Sheffield Street known as the North Cove Dock will be managed by the Harbor Management Commission as a water access facility and Town landing providing public access to North Cove and opportunities for visiting boaters to come ashore. Management of the North Cove Dock will be in accordance with applicable Town ordinances and with rules and procedures adopted by the Commission. (See Ordinance No. 19 in Appendix C of the Old Saybrook Harbor Management Plan and "North Cove Permanent Policies and Procedures" on Figure 6-4.) Parking, docking, storage of dinghies by mooring permit holders, tie-ups of dinghies by transient boaters, and all other uses of the dock will be in accordance with applicable ordinances and the Commission's rules and procedures.

- 6.3 The Town waterfront facility known as the North Cove Ramp will be managed by the Harbor Management Commission as a water access facility providing public access to North Cove by trailered small craft and “car-top” vessels such as canoes and kayaks. Management of the North Cove Ramp will be in accordance with Town ordinances and with rules and procedures adopted by the Harbor Management Commission. (See Ordinance No. 19 in Appendix C of the Old Saybrook Harbor Management Plan.) Parking and all uses of the ramp will be in accordance with Ordinance No. 19 and the Commission’s rules and procedures.
- 6.4 The Town waterfront facility known as the North Cove Landing will be managed by the Harbor Management Commission as a Town landing providing opportunities for resident and visiting boaters to come ashore. Management of the North Cove Landing will be in accordance with Town ordinances and with rules and procedures adopted by the Harbor Management Commission. (See Ordinance No. 19 in Appendix C of the Old Saybrook Harbor Management Plan.) Parking and all uses of the landing will be in accordance with applicable ordinances and the Commission’s rules and procedures.
- 6.5 All Town-owned water access right-of-ways providing opportunities for physical and visual access to the Harbor Management Area, including public street-ends adjoining the North and South coves, should be reserved for public use that is consistent with neighborhood character, space limitations, and all applicable provisions of the Old Saybrook Harbor Management Plan, Zoning Regulations, and Town ordinances. There should be no unauthorized encroachments in Town-owned areas and no obstructions affecting appropriate public access to the HMA through public street-ends and other Town-owned water access right-of-ways.
- 6.6 Town-owned land adjoining North Cove on and near the site of the former Town landfill, including remaining portions of the former railroad causeway, should be used to provide beneficial public access to North Cove and the Connecticut River. Consideration should be given to using these areas to provide appropriate opportunities for access to North Cove and the Connecticut River for viewing, launching and landing of canoes and kayaks that are transported without trailers, and other beneficial water access facilities and activities. Public facilities should be planned, developed, managed, and maintained in a manner consistent with neighborhood character, space limitations, the capacity of coastal resources to accommodate public facilities, and all applicable provisions of the Old Saybrook Harbor Management Plan, Zoning Regulations, and other Town plans and ordinances.
- 6.7 Town-owned land (and other properties providing public access to the Connecticut River) at Saybrook Point should be utilized to its fullest potential as a major focal point for public activities on the Connecticut River waterfront at Old Saybrook. Continued development and enhancement of public facilities on Saybrook Point should be encouraged and supported. Public facilities for access to the Connecticut River for viewing, walking, fishing, and other beneficial activities should be planned, developed, managed, and maintained in accordance with a comprehensive development plan for the

Saybrook Point District and in conjunction with water-dependent and water-enhanced commercial uses in the District. Opportunities for increasing beneficial public use of Town-owned land (and other properties providing access to the Connecticut River) at Saybrook Point should be evaluated and pursued, including provision of facilities for resident and transient boaters, encouragement of special waterfront events, and use of the area for educational programs, including programs to increase awareness of the region's Connecticut River heritage. Opportunities for enhancement of public facilities should be pursued in concert with regular maintenance of public facilities and areas, including the boardwalk, benches, bulkhead, railings, and parking areas, to provide a clean, safe, and attractive public space.

- 6.8 The docks, floats, bulkheads, and other structures and facilities associated with public water access areas and facilities should be managed and maintained in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 6.9 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from public water access areas and facilities. (See nos. 2.4 and 5.6 above.)

7.0 Bridges Over Navigable Water

- 7.1 The Route 154 causeway should be maintained by the State of Connecticut in the most effective and timely manner necessary to ensure continued vehicular safety and beneficial public use of the bike path and walkway.
- 7.2 Any work to maintain, repair, or replace the Route 154 causeway should be undertaken in a manner to avoid or reduce the potential for any significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions in the Harbor Management Area.

OYSTER RIVER - BEACH DISTRICT

The Oyster River - Beach District includes nearshore Long Island Sound within the Old Saybrook Harbor Management Area from Cold Spring Brook on the west to the western boundary of the Borough of Fenwick on the east. Prominent features of the waterfront adjoining the HMA in this district include: the Chalker Beach barrier beach; Indiantown Harbor at the mouth of Mud Creek; the Oyster and Back rivers and the extensive tidal wetlands associated with those rivers; the Great Hammock Beach and Plum Bank Beach barrier beaches; Plum Bank Creek and the tidal wetlands associated with the Creek; Cornfield Point; and the Long Island Sound shoreline east of Cornfield Point.

Future decisions affecting this portion of the HMA and adjoining waterfront should be consistent with the goals and objectives in Chapter Four of the Old Saybrook Harbor Management Plan, the harbor management policies in Chapter Five, and the following guidelines and recommendations. (See Figure 6-5.)

1.0 Public Safety

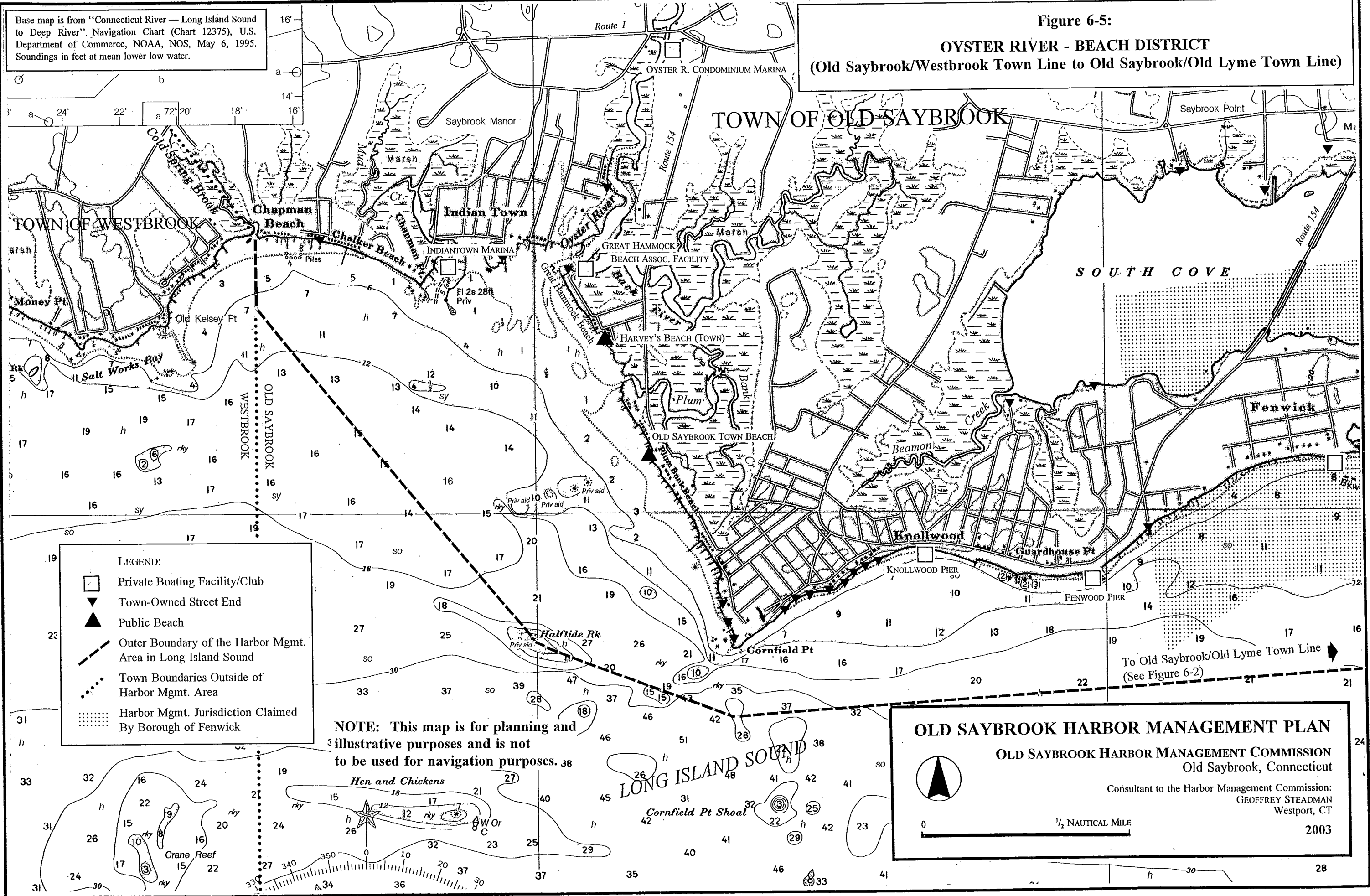
- 1.1 Vessel speed and wake shall be in accordance with all applicable State of Connecticut boating safety regulations, including: a) Regulations of Connecticut State Agencies Section 15-121-B14 which states, in part, that “no person shall operate a motorboat at a speed in excess of six miles per hour within one hundred feet of shore, or of a dock, pier, float, or anchored or moored vessel”; and b) RCSA Sec. 15-121-B15(b) which requires that “when passing a marina, yacht club area in which boats are docked, at anchor, being launched or retrieved, or a congested area, a motorboat shall be operated with minimum wake and at a speed not to exceed six miles per hour unless a greater speed is necessary to maintain steerage, in which case the motorboat may be operated at steerage speed.”
- 1.2 The placement and maintenance of appropriate buoys, signs, and markers to increase boater awareness of restricted speed areas and to help promote effective enforcement of marine speed limits should be encouraged and supported. (See no. 4.3 below.)
- 1.3 The application of appropriate measures to reduce the risks to life and property associated with coastal flooding and erosion should be encouraged and supported, consistent with all applicable floodplain regulations and construction standards, including regulations and standards contained in the Town’s Floodplain Management Ordinance. Structural measures to stabilize the shoreline and/or protect existing development from flooding and erosion should be carefully planned and constructed so that the application of these measures will not result in significantly adverse impacts on coastal resources, ecological functions, and other properties. (See no. 2.10 below.)

2.0 Environmental Quality

- 2.1 Water quality in nearshore Long Island Sound, Cold Spring Brook, Mud Creek, the Oyster and Back rivers, and Plum Bank Creek should be maintained in accordance with the highest State of Connecticut water quality standards. All feasible measures to improve water quality and achieve “SA” State water quality designations in nearshore Long Island Sound, Cold Spring Brook, Mud Creek, the Oyster and Back rivers, and Plum Bank Creek should be pursued.
- 2.2 All feasible measures to reduce and avoid the introduction of nonpoint source pollutants into Long Island Sound and its tributaries at Old Saybrook, including Cold Spring Brook, Mud Creek, the Oyster and Back rivers, and Plum Bank Creek, should be encouraged and supported.

Base map is from "Connecticut River — Long Island Sound to Deep River" Navigation Chart (Chart 12375), U.S. Department of Commerce, NOAA, NOS, May 6, 1995. Soundings in feet at mean lower low water.

Figure 6-5:
OYSTER RIVER - BEACH DISTRICT
(Old Saybrook/Westbrook Town Line to Old Saybrook/Old Lyme Town Line)



LEGEND:

- Private Boating Facility/Club
- Town-Owned Street End
- Public Beach
- Outer Boundary of the Harbor Mgmt. Area in Long Island Sound
- Town Boundaries Outside of Harbor Mgmt. Area
- Harbor Mgmt. Jurisdiction Claimed By Borough of Fenwick

NOTE: This map is for planning and illustrative purposes and is not to be used for navigation purposes.

OLD SAYBROOK HARBOR MANAGEMENT PLAN

OLD SAYBROOK HARBOR MANAGEMENT COMMISSION
Old Saybrook, Connecticut

Consultant to the Harbor Management Commission:
GEOFFREY STEADMAN
Westport, CT

2003

0 1/2 NAUTICAL MILE

- 2.3 Efforts to improve water quality in Cold Spring Brook, Mud Creek, the Oyster and Back Rivers, and Plum Bank Creek should be planned and implemented on a watershed-wide basis.
- 2.4 All marine facilities and Town-owned water access facilities should employ buffers and other suitable “best management practices” to control stormwater runoff from waterfront properties. (See nos. 5.5 and 6.6 below.)
- 2.5 The establishment and maintenance of a natural buffer or “greenbelt” along both banks of Cold Spring Brook, Mud Creek, the Oyster and Back Rivers, and Plum Bank Creek should be encouraged and supported to protect sensitive natural resources and maintain and enhance water quality. To the extent feasible, the greenbelt should encompass the watercourse, adjoining wetlands, “100-year” floodplain, and the adjacent upland edge that helps to define the stream corridor.
- 2.6 Any work to maintain, repair, or replace the Route 154 bridges across the Back River and Plum Bank Creek and the Route 1 bridges across the Oyster River and Cold Spring Brook should be planned and carried out in a manner to reduce or avoid any significant adverse impacts on environmental quality, including water quality, resulting from that work. (See no. 7.2 below.)
- 2.7 Efforts by the State of Connecticut and Town of Old Saybrook to reduce the amount of sand, trash, road debris, and other substances discharging into the Harbor Management Area from Route 154, Route 1, and Town roads should be encouraged and supported.
- 2.8 The ecological values of tidal wetlands, including the tidal wetlands adjoining Cold Spring Brook, Mud Creek, the Oyster and Back rivers, and Plum Bank Creek, should be recognized and protected, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and floodwater storage.
- 2.9 The ecological values associated with the Chalker Beach, Great Hammock Beach, and Plum Bank Beach barrier beaches, including values related to fish and wildlife habitat, flood hazard buffer, and the protective effect of the beaches on the tidal wetlands landward of the barriers, should be recognized and preserved, along with the recreational, cultural, and scenic values provided by the beaches.
- 2.10 Necessary measures to reduce the risks to life and property associated with coastal flooding and erosion should be carefully planned and should not result in significant adverse impacts on natural coastal resources and nearby properties. Planning for flood and erosion control measures should take into consideration that beach erosion is an ongoing natural process and that the shoreline in this part of the Harbor Management Area is subject to continuing change. Structural measures including, but not limited to, seawalls and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion should be carefully planned and constructed so that the application of these measures will not result in significantly adverse impacts on coastal resources, ecological functions, and other properties. The use of nonstructural erosion control and

shore protection measures such as appropriate land-use controls, relocation of imperiled structures, planting of stabilizing vegetation, and beach nourishment should be encouraged and used whenever feasible except in those instances where structural measures are necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts. (See Section 22a-92(b)(2)(J) of the Connecticut General Statutes.) "Inhabited structures" are considered by the Connecticut Department of Environmental Protection through interpretation of the relevant statutes to be those residences built prior to January 1, 1980, the effective date of the Connecticut Coastal Management Act.) (See no. 1.3 above.)

3.0 Harbor Management Coordination

- 3.1 To the extent practical, harbor management initiatives by the Town of Old Saybrook should be planned and implemented in coordination with the Town of Westbrook for the purpose of enforcing boating laws and regulations, responding to emergency situations, monitoring water quality conditions, developing water quality improvement initiatives for Cold Spring Brook, and achieving other public purposes related to the beneficial use of Long Island Sound.
- 3.2 There should be coordination and communication among the Harbor Management Commission, waterfront neighborhood associations, and the owners of private properties adjoining the Harbor Management Area to develop and maintain support for harbor management initiatives.
- 3.3 To the extent possible in accordance with local, State, and Federal laws and regulations, Town, State, and Federal agencies should coordinate their efforts to achieve timely decisions concerning the permits needed to enhance and maintain the viability of marine facilities, including permits for dredging and in-water structures.

4.0 Water Use and Navigation

- 4.1 Small craft navigation, including navigation by small outboard-powered vessels and hand-powered craft such as canoes and kayaks, is encouraged and supported on the natural channels of the tidal watercourses in this part of the Harbor Management Area, to the extent such navigation is consistent with the natural capacity of those watercourses to support small craft navigation without unacceptable adverse impacts on environmental quality and public safety and enjoyment.
- 4.2 Nonfederal maintenance dredging needed to enhance and maintain the viability of water-dependent uses in the Indiantown Harbor area is encouraged. Nonfederal maintenance dredging should be conducted in the most timely manner possible, in compliance with all applicable State and Federal regulations, and in a manner to minimize adverse impacts on coastal resources and environmental quality.

- 4.3 Aids to navigation, including any buoys, beacons, signs, and other markers maintained by the U.S. Coast Guard, State of Connecticut, Town of Old Saybrook, and marine facility operators, should be adequate for marking marine facilities, navigation fairways serving marine facilities in the Indiantown Harbor and Oyster River areas, any hazards or obstructions to navigation, restricted speed areas, and other conditions affecting ease and safety of navigation. (See no. 1.2 above.)
- 4.4 Navigation fairways in the Indiantown Harbor area and navigable portions of the tidal watercourses in this part of the Harbor Management Area, including the Oyster and Back rivers and Plum Bank Creek, should be kept free of obstructions at all times to ensure safe navigation. Navigation fairways will be of an appropriate width, consistent with vessel use and natural channel boundaries, to ensure ease and safety of navigation.
- 4.5 All public and private floats, docks, piers, and other in-water structures should be set back from navigation fairways a sufficient distance to ensure that these structures and any vessels tied or docked at these structures do not interfere with safe and efficient navigation and appropriate use of the navigable waterways. Appropriate "set-back" distances will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.
- 4.6 Any mooring area(s) designated in Long Island Sound will be managed by the Harbor Management Commission and Harbor Master for beneficial use by mooring permit holders and transient boaters. Use of the mooring area(s) will be consistent with the capacity of the mooring area(s) to accommodate the mooring and anchoring of vessels without undue impacts on public safety and environmental quality. The precise number and location of vessels that may be moored or anchored in the area(s) will be determined in accordance with the Water Use and Navigation Policies established in Chapter Five of the Old Saybrook Harbor Management Plan.

5.0 Marine Facilities

- 5.1 The continued beneficial operation of all duly authorized private marine facilities in the Oyster River, including facilities maintained by private beach associations, should be encouraged and supported, consistent with all other provisions of the Old Saybrook Harbor Management Plan, the Old Saybrook Plan of Conservation and Development incorporating the Old Saybrook Municipal Coastal Program document, and the Old Saybrook Zoning Regulations.
- 5.2 The continued beneficial operation of duly authorized private marine facilities in the Indiantown Harbor area should be encouraged and supported, consistent with all other provisions of the Old Saybrook Harbor Management Plan, the Old Saybrook Plan of Conservation and Development incorporating the Old Saybrook Municipal Coastal Program document, and the Old Saybrook Zoning Regulations.

- 5.3 The authority and policies of the Connecticut Coastal Management Act, the Old Saybrook Plan of Conservation and Development incorporating the Old Saybrook Municipal Coastal Program document, and the Old Saybrook Zoning Regulations should be used to support and encourage the continued operation and enhancement of private marine facilities in the Indiantown Harbor and Oyster River areas.
- 5.4 The docks, floats, bulkheads, and other structures and facilities associated with marine facilities in the Indiantown Harbor and Oyster River areas should be managed and maintained in accordance with all applicable Town, State, and Federal authorizations, in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 5.5 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from marine facilities in the Indiantown Harbor and Oyster River areas. (See nos. 2.4 above and 6.6 below.)

6.0 Public Water Access Areas and Facilities

- 6.1 The provision of facilities and opportunities for public access to Long Island Sound and the tidal watercourses in this part of the Harbor Management Area, including the Oyster and Back rivers and Plum Bank Creek, will be encouraged and supported, consistent with the capacities of the Harbor Management Area and shoreline to accommodate those facilities and opportunities, and consistent with all other provisions of the Old Saybrook Harbor Management Plan, applicable Town ordinances, and rules and procedures adopted by the Harbor Management Commission.
- 6.2 The Town waterfront facility known as the Old Saybrook Town Beach should be managed as a public beach recreation area providing opportunities for swimming, passive recreational activities, visual access to Long Island Sound, and other beneficial activities. Management of the Town Beach should be in accordance with all applicable Town ordinances and with rules and regulations adopted by the Parks and Recreation Commission.
- 6.3 The Town waterfront facility known as Harvey's Beach should be managed as a public beach recreation area providing opportunities for swimming, passive recreational activities, visual access to Long Island Sound, and other beneficial activities. Management of the Town Beach should be in accordance with all applicable Town ordinances and with rules and regulations adopted by the Parks and Recreation Commission.
- 6.4 All Town-owned water access right-of-ways providing opportunities for physical and visual access to the Harbor Management Area, including public street-ends adjoining Long Island Sound and the Oyster River, should be reserved for public use that is consistent with neighborhood character, space limitations, and all applicable provisions of the Old

Saybrook Harbor Management Plan, Zoning Regulations, and Town ordinances. There should be no unauthorized encroachments in Town-owned areas and no obstructions affecting appropriate public access to the HMA through public street-ends and other Town-owned water access right-of-ways.

- 6.5 The docks, floats, bulkheads, and other structures and facilities associated with public water access areas and facilities should be managed and maintained in a manner that contributes to continued safe and beneficial use of the Harbor Management Area, and in a manner that does not detract from the beneficial character and quality of life associated with the HMA.
- 6.6 Buffers and other suitable best management practices to control stormwater runoff should be utilized to reduce the potential for nonpoint source pollution emanating from public water access areas and facilities. (See nos. 2.4 and 5.5 above.)

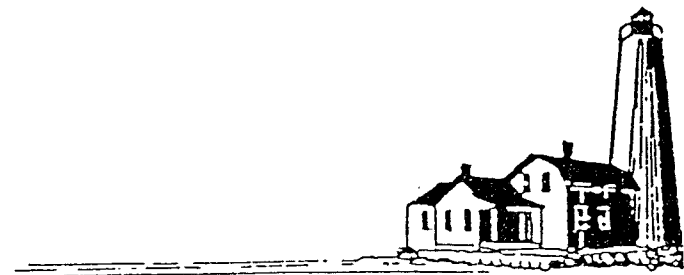
7.0 Bridges Over Navigable Water

- 7.1 The Route 154 bridges over Plum Bank Creek and the Back River and the Route 1 bridges over the Oyster River and Cold Spring Brook should be maintained by the State of Connecticut in the most effective and timely manner necessary to ensure continued vehicular safety and beneficial public use.
- 7.2 Any work to maintain, repair, or replace the Route 154 and Route 1 bridges should be undertaken in a manner to avoid or reduce the potential for any significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions in the Harbor Management Area. (See no. 2.6 above.)

CHAPTER SEVEN: RESPONSIBILITIES AND RECOMMENDATIONS FOR PLAN IMPLEMENTATION

Pursuant to Section 22a-13p of the Connecticut General Statutes, the [Harbor Management] Commission shall review and make recommendations, consistent with the adopted Harbor Management Plan, on any proposal affecting the real property on, in, or contiguous to the area within the jurisdiction of the Commission submitted to the Planning Commission, the Zoning Commission, the Zoning Board of Appeals, the Water Pollution Control Agency, the Inland Wetlands Commission, the Conservation Commission, the Parks and Recreation Commission, the North Cove Historical District Commission, and the Shellfish Commission. The Harbor Management Commission shall be notified in writing of any such proposal at least thirty-five (35) days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five (35) days prior to the taking of any final action on the proposal. The respective municipal agency shall send a copy of the application/proposal to the Commission.

Town Ordinance No. 77



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

RESPONSIBILITIES AND RECOMMENDATIONS
FOR PLAN IMPLEMENTATION

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NOTE:

Laws and regulations affecting the Old Saybrook HMA, including laws and regulations enforced by agencies of the State of Connecticut, are subject to change and/or renumbering. Persons affected by or otherwise interested in laws and regulations noted in this chapter should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

RESPONSIBILITIES AND RECOMMENDATIONS FOR PLAN IMPLEMENTATION

This chapter describes responsibilities and recommendations for implementing the Town of Old Saybrook's harbor management goals, objectives, policies, guidelines, and recommendations contained in chapters four, five, and six of the Harbor Management Plan. Some of those Plan provisions can be realized in the near future; others will require a longer period of time to achieve. Also, conditions on, in, and contiguous to the Old Saybrook Harbor Management Area (HMA) will continue to change over time, as will public understanding of those conditions. As a result, the provisions of the Harbor Management Plan will likely require updating or amendment in the future. It is therefore important that the Town's harbor management efforts be considered part of an on-going, evolving process; those efforts should be incorporated into the coordinated actions of all Town, State, and Federal agencies with programs and authorities that affect the HMA.

The responsibilities and recommendations in this chapter are presented with respect to: 1) the Old Saybrook Town Meeting; 2) the Town's Board of Selectmen; 3) the Old Saybrook Harbor Management Commission; 4) other Town commissions and departments; 5) the State of Connecticut Harbor Master for Old Saybrook; 6) State and Federal government agencies; and 7) the general public, waterfront property owners, and private organizations. The order in which the responsibilities and recommendations are presented does not imply priority. The responsibilities and recommendations are summarized as Figure 7-1.

<p style="text-align: center;">OLD SAYBROOK TOWN MEETING:</p> <ol style="list-style-type: none">1. Adoption of the Harbor Management Plan and any future Plan amendments needed to respond to changing conditions and circumstances.2. Amendment of Town ordinances, as necessary, to achieve Town goals for waterfront improvement and harbor management.3. Encouragement and support of special projects to achieve the Town's waterfront improvement and harbor management goals. <p style="text-align: center;">OLD SAYBROOK BOARD OF SELECTMEN:</p> <ol style="list-style-type: none">1. Support of the Harbor Management Plan and any future Plan amendments needed to respond to changing conditions and circumstances; referral of the Plan and any future Plan amendments to the Town Meeting for adoption.2. Support for amendment of Town ordinances, as necessary, to achieve Town goals for waterfront improvement and harbor management; referral of proposed amendments to the Town Meeting for adoption.3. Coordination for implementing the Harbor Management Plan.
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Figure 7-1: Summary of Responsibilities and Recommendations for Plan Implementation.

4. Encouragement and support of special projects for waterfront improvement and harbor management.
5. Establishment of a Harbor Management Account (within the Town's General Fund) to be used exclusively for harbor management purposes.

OLD SAYBROOK HARBOR MANAGEMENT COMMISSION:

1. Planning and management of uses and activities on, in, and contiguous to the Harbor Management Area as authorized by Town, State, and Federal law.
2. Ongoing coordination with Town, State, and Federal agencies for waterfront improvement and harbor management.
3. Actions to ensure continued boating and navigation safety in the Harbor Management Area.
4. Adoption and amendment of rules and procedures for harbor management.
5. Adoption and amendment of Commission Bylaws.
6. Implementation of a "Harbor Management Review Process" to review all proposals potentially affecting the Harbor Management Area and to determine the consistency of those proposals with the Harbor Management Plan.
7. On-going examination of the effectiveness of the Harbor Management Plan and conditions on the waterfront and in the Harbor Management Area; preparation of proposed amendments to the Plan and/or Town ordinances for implementing the Plan, as necessary.
8. Review of actions by the Old Saybrook Harbor Master.
9. Provision of recommendations to the Governor for appointment of the Harbor Master.
10. Advisory participation in all Town-supported planning and development initiatives affecting the waterfront and Harbor Management Area.
11. Support and promotion of activities to increase "waterfront and harbor awareness" and to educate the public concerning waterfront improvement and harbor management initiatives.
12. Administration and application of funds for waterfront improvement and harbor management purposes.
13. Coordination of harbor management initiatives with other communities, including communities with jurisdictions adjoining the Harbor Management Area.
14. Maintenance of a file of information and materials pertaining to the waterfront and Harbor Management Area.
15. Pursuit of grants for waterfront improvement and harbor management purposes.

Figure 7-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

16. Ongoing study of waterfront and Harbor Management Area conditions to provide useful information for decision-making and other management purposes.
17. Retaining and supervising consultants and assistants, as needed, to assist with implementation of the Harbor Management Plan.
18. Encouragement of the presentation and discussion of public concerns related to the waterfront, Harbor Management Area, and Harbor Management Plan.
19. Active role for waterfront beautification.
20. Advisory role for managing the operation of the Town's Saybrook Point property.
21. Identification and evaluation of potential sites for small craft launching.
22. Maintenance of a master schedule of activities in the Harbor Management Area.

OTHER TOWN OF OLD SAYBROOK AGENCIES:

1. Referral of applications for activities affecting the Harbor Management Area to the Harbor Management Commission for review and determination of consistency with the Harbor Management Plan.
2. Design of Town proposals affecting the waterfront and Harbor Management Area for consistency with the Harbor Management Plan.
3. Conducting agency responsibilities in a manner consistent with the Harbor Management Plan and in a manner that contributes to Plan implementation.

STATE OF CONNECTICUT HARBOR MASTER FOR OLD SAYBROOK:

1. Conducting all duties in a manner consistent with the Harbor Management Plan.
2. Serving as an ex-officio member of the Harbor Management Commission and generally assisting the Commission with implementation of the Harbor Management Plan.
3. Implementation of specific requirements for administration, placement, and inspection of all mooring tackle placed in the Harbor Management Area.
4. Enforcement of boating laws and regulations in the Harbor Management Area in coordination with Town, State, and Federal law enforcement agencies.
5. Provision of information concerning boating laws and regulations, the Harbor Management Plan, and other waterfront and harbor management-related topics to the general public.
6. Ongoing communication with Town, State, and Federal agencies for waterfront improvement and harbor management purposes.
7. Supervision of consultants and assistants hired by the Harbor Management Commission.

Figure 7-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

STATE AND FEDERAL AGENCIES WITH HARBOR MANAGEMENT AUTHORITY:

1. Review and approval of the Old Saybrook Harbor Management Plan and any future Plan amendments needed to respond to changing conditions and circumstances.
2. Referral of applications and proposals affecting the Harbor Management Area to the Harbor Management Commission for review and determination of consistency with the Harbor Management Plan; consideration of the Commission's consistency findings in State and Federal review and decision-making processes.
3. Coordination and cooperation with the Harbor Management Commission for implementation of the Harbor Management Plan.

**GENERAL PUBLIC, WATERFRONT PROPERTY OWNERS,
AND PRIVATE ORGANIZATIONS:**

1. Design of proposals affecting the waterfront and Harbor Management Area to be consistent with the Harbor Management Plan.
2. Expression of waterfront- and harbor management-related interests or concerns to the Harbor Management Commission.
3. Voluntary assistance to help achieve waterfront improvement and harbor management goals.
4. Notification of special events and major in-water activities.
5. Increased awareness of waterfront and Harbor Management Area resources, potential impacts on those resources, and the Town's waterfront improvement and harbor management goals.

Figure 7-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

OLD SAYBROOK TOWN MEETING

As the legislative body of the Town of Old Saybrook, the Town Meeting is responsible for adopting the Town's Harbor Management Plan and any future Plan amendments. In addition, the Town Meeting is responsible for enacting and amending all Town ordinances, including Town Ordinance No. 77 which established the Old Saybrook Harbor Management Commission and directs the Commission to prepare a Town Harbor Management Plan, and all other ordinances that may affect the Harbor Management Area.

The Town Meeting should contribute to implementation of the Harbor Management Plan through:

1. **Adoption of the Harbor Management Plan and any future Plan amendments needed to respond to changing conditions and circumstances.**

Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure, the Old Saybrook Harbor Management Plan and any future amendments to the Plan must

be reviewed by the U.S. Army Corps of Engineers, approved by the Connecticut commissioners of Environmental Protection and Transportation, and then adopted by the Town Meeting before becoming effective. (See no. 1 on page 7-33 in the later section on State and Federal Agencies with Harbor Management Authority.)

So that the Town of Old Saybrook may plan and manage use of the Harbor Management Area to the maximum extent permissible under Town, State, and Federal law, the Town Meeting should adopt the Harbor Management Plan to serve as the Town's principal guide (in coordination with the Old Saybrook Plan of Conservation and Development incorporating the Town's Municipal Coastal Program document) for beneficial use of the HMA and protection of environmental quality in the HMA. Any appropriate Plan amendments that may be prepared by the Harbor Management Commission in the future should be adopted by the Town Meeting following the same procedure used to adopt the Plan. (See no. 1 on page 7-6 in the following section on the Old Saybrook Board of Selectmen.) Adoption of the Plan and any future Plan amendments by the Town Meeting should be noted in Town Ordinance No. 77.¹

2. Amendment of Town ordinances, as necessary, to achieve Town goals for waterfront improvement and harbor management.

The Town Meeting should amend Town ordinances, as necessary, to achieve Town goals for waterfront improvement and harbor management as established in the Harbor Management Plan. In this regard, the Town Meeting should consider proposed ordinance amendments that may be suggested by the Harbor Management Commission and Board of Selectmen for implementing certain provisions of the Plan.² Ordinance amendments may include, for example, Town regulations concerning public safety on the waterfront and in

¹ The procedure for Town Meeting adoption of the Plan and Plan amendments is specified in Section 22a-113m of the Connecticut General Statutes which states that a municipality's harbor management plan and any modification to the Plan "... may be adopted by ordinance by the legislative body of each municipality..." "Adopted by ordinance," however, should not be confused with "adopted as an ordinance." [Emphasis added.] The Old Saybrook Harbor Management Plan and future Plan amendments need not be published and adopted as an ordinance. The "ordinance" by which the Town Meeting should adopt the Plan and any future Plan amendments should be short and simple — more in the form of a resolution than an ordinance, but referenced in Town Ordinance No. 77. Implementation of some aspects of the Plan, however, may require the Town Meeting to consider Town ordinance amendments.

² Any amendments to Town ordinances that pertain to the operation of vessels must be submitted to the Connecticut Department of Environmental Protection's Boating Division for review and approval as required by Section 15-136 of the Connecticut General Statutes. Section 15-136 requires that any local ordinance "...respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Environmental Protection for review and approval. This review is carried out by the DEP's Boating Division. The DEP has 60 days to disapprove any part of the ordinance that it finds to be "...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If the DEP does not disapprove all or part of the proposed ordinance within 60 days, the ordinance will take effect on the first day of April following its adoption.

the Harbor Management Area, establishment of a Harbor Management Account in the Town's General Fund, and more detailed provisions (than already included in Town Ordinance No. 77) for a Town Harbor Management Review Process whereby Town commissions and departments with authority to approve proposals affecting the HMA must refer those proposals to the Harbor Management Commission for review and comments. Authority for this review process is specified in Section 22a-113p of the Connecticut General Statutes. (See no. 6 on page 7-13 in the following section on the Harbor Management Commission.)

3. Encouragement and support of special projects to achieve the Town's waterfront improvement and harbor management goals.

The Town Meeting, through its decisions affecting the capital and operating budgets of Town agencies and funding of special projects, may encourage and support implementation of the proposed projects and other initiatives for waterfront improvement and harbor management recommended in the Harbor Management Plan and the Town's Plan of Conservation and Development. Examples include projects described in Chapter Six of the Harbor Management Plan for enhanced use of Town-owned properties providing opportunities for visual and physical access to the Harbor Management Area; projects for restoration and enhancement of natural coastal resources; and other projects in the public interest.

OLD SAYBROOK BOARD OF SELECTMEN

The Board of Selectmen should provide leadership and support for implementing the Harbor Management Plan. The First Selectman, as the Town's Chief Executive Officer, should encourage an active, ongoing Town role for managing the waterfront and Harbor Management Area in accordance with Town Ordinance No. 77 and the legislative intent of the Connecticut Harbor Management Act. The Board's powers and duties, including its responsibilities to bring certain actions before the Town Meeting, should be carried out in a manner that contributes to Plan implementation.

The Board of Selectmen should contribute to implementation of the Harbor Management Plan through:

1. Support of the Harbor Management Plan and any future Plan amendments needed to respond to changing conditions and circumstances; referral of the Plan and any future Plan amendments to the Town Meeting for adoption.

Described in the preceding section on the Town Meeting (see no. 1 on page 7-4), Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure, the Old Saybrook Harbor Management Plan and any future amendments to the Plan must be

reviewed by the U.S. Army Corps of Engineers, approved by the Connecticut commissioners of environmental protection and transportation, and then adopted by the Town Meeting before becoming effective. (See no. 1 on page 7-33 in the later section on State and Federal Agencies with Harbor Management Authority.) Following State approval of the Plan and any future Plan amendments, the Board of Selectmen should accept and support the Plan as the Town's principal guide (in coordination with the Old Saybrook Plan of Conservation and Development and Municipal Coastal Program) for beneficial use of the Harbor Management Area and protection of environmental quality in the HMA. The Board should then provide the Plan and any future Plan amendments to the Town Meeting for adoption.

2. Support for amendment of Town ordinances, as necessary, to achieve Town goals for waterfront improvement and harbor management; referral of proposed amendments to the Town Meeting for adoption.

The Board of Selectmen should support the amendment of Town ordinances, as necessary, to achieve the Town's goals for waterfront improvement and harbor management as established in the Harbor Management Plan. In this regard, the Board should consider proposed ordinance amendments that may be suggested by the Harbor Management Commission for implementing certain provisions of the Plan. Ordinance amendments may include, for example, Town regulations concerning public safety on the waterfront and in the Harbor Management Area, establishment of a Harbor Management Account in the Town's General Fund, and more detailed provisions (than are already included in Town Ordinance No. 77) for a Town Harbor Management Review Process. (See no. 2 on page 7-5 in the preceding section on the Town Meeting, and no. 6 on page 7-13 in the following section on the Harbor Management Commission.)

Proposed amendments to Town ordinances suggested by the Harbor Management Commission and supported by the Board of Selectmen should be provided by the Board to the Town Meeting for adoption. (See no. 2 on page 7-5 in the preceding section on the Town Meeting.)

3. Coordination for implementing the Harbor Management Plan.

The Board of Selectmen should provide leadership for achievement of the Town's goals for waterfront improvement and harbor management as established in the Harbor Management Plan (and the Town's Plan of Conservation and Development and Municipal Coastal Program). The Board should work to ensure that all Town commissions and departments, including the Harbor Management Commission, actively pursue implementation of the Harbor Management Plan in the most coordinated and efficient manner, in accordance with the established mandates of each commission and department.

4. Encouragement and support of special projects for waterfront improvement and harbor management.

The Board of Selectmen should encourage and support implementation of the special projects and other initiatives for waterfront improvement and harbor management as recommended in the Harbor Management Plan and Plan of Conservation and Development. Examples include projects described in Chapter Six of the Harbor Management Plan for enhanced use of Town-owned properties providing opportunities for visual and physical access to the Harbor Management Area, projects for restoration and enhancement of natural coastal resources, and other projects in the public interest. The Board also may propose and support other projects to achieve the Town's waterfront improvement and harbor management goals. The Board's support for waterfront improvement and harbor management initiatives may be expressed through requests for funds included in the annual budget request and in special funding requests submitted to the Town Meeting, and through exercise of other Board responsibilities.

5. Establishment of a Harbor Management Account (within the Town's General Fund) to be used exclusively for harbor management purposes.

Section 22a-113s of the Connecticut General Statutes enables a municipality with an adopted harbor management plan to establish a special fund to be used specifically for harbor management purposes. That section also enables the Town to establish fees for any activity within the scope of the Harbor Management Plan and specifies that such fees be deposited into the special fund. In accordance with its responsibilities for the finances of the Town, the Board of Selectmen in coordination with the Board of Finance should approve the establishment of a special Town account (within the Town's General Fund) to be used for waterfront improvement and harbor management purposes. Those purposes should be recommended by the Harbor Management Commission subject to necessary approvals from the Board of Selectmen and Board of Finance. (See no. 12 on page 7-19 in the following section on the Harbor Management Commission.)

OLD SAYBROOK HARBOR MANAGEMENT COMMISSION

In accordance with its powers, duties, and responsibilities authorized by the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and Town Ordinance No. 77, the Harbor Management Commission should carry out all of the powers and duties granted to municipal harbor management commissions through the Harbor Management Act, as well as other powers and duties granted to the Commission by Town ordinances.

The Harbor Management Commission is responsible for:

1. Planning and management of uses and activities on, in, and contiguous to the Harbor Management Area as authorized by Town, State, and Federal law.

The Harbor Management Commission's powers, duties, and responsibilities are authorized by the Connecticut General Statutes and established by ordinance in Town Ordinance No. 77. Consistent with its powers and duties, the Commission should carry out the Town's most direct responsibilities for managing the Old Saybrook Harbor Management Area, including responsibilities for implementing the Harbor Management Plan. These responsibilities should be carried out in addition to and in coordination with the Commission's other powers and duties also established in Town ordinances, including the powers and duties of the Old Saybrook Waterfront Commission.

The Commission may make use of committees as necessary to carry out its powers, duties, and responsibilities in the most efficient manner, including committees to address budget and financial matters, review proposals affecting the HMA for consistency with the Harbor Management Plan, and address other Commission functions.

Through implementation of the Harbor Management Plan and according to the legislative intent of the Connecticut Harbor Management Act, the Commission should work to continue to expand the Town's role, relative to State and Federal authorities, for planning, managing, and regulating actions affecting the Old Saybrook HMA.

2. Ongoing coordination with Town, State, and Federal agencies for waterfront improvement and harbor management.

The Harbor Management Commission should assist in the coordination of all public and private agencies and organizations with authorities or interests concerning the Harbor Management Area, including the agencies and organizations noted in Chapter Two of the Harbor Management Plan. The Commission should maintain regular communication and liaison with the various Town agencies with relevant authorities or interests, including the Planning and Zoning commissions, Parks and Recreation Commission, Public Works Department, Water Pollution Control Authority, Police Department, Fire Department, Conservation Commission, other Town agencies and officials, and the Borough of Fenwick. (See the section on Other Town of Old Saybrook Agencies beginning on page 7-26.)

In addition, the Harbor Management Commission should maintain regular communication and liaison with various divisions and units of the Connecticut Department of Environmental Protection (DEP) and Department of Transportation (DOT), U.S. Army Corps of Engineers, U.S. Coast Guard, and other relevant State and Federal agencies, as necessary. (See the section on State and Federal Agencies with Harbor Management Authority beginning on page 7-33.)

The purpose of this communication and liaison should be to address matters affecting implementation of the Harbor Management Plan and, in general, to help achieve the Town's waterfront improvement and harbor management goals.

3. Actions to ensure continued boating and navigation safety in the Harbor Management Area.

Acting in coordination with the Old Saybrook Harbor Master, Old Saybrook Police Department, Corps of Engineers, Department of Environmental Protection, U.S. Coast Guard, and other involved agencies as necessary, the Harbor Management Commission should support and promote boating and navigation safety in the Harbor Management Area. To help ensure continued boating and navigation safety, the Commission should:

- a. Prepare recommendations for Town ordinances pertaining to boating safety, waterfront use, and harbor management, as needed, and submit the recommendations to the Board of Selectmen for consideration and referral to the Town Meeting.

Section 15-136 of the Connecticut General Statutes enables the Town to adopt local regulations respecting the operation of vessels within the Harbor Management Area. In addition, Sec. 22a-113n of the General Statutes enables the Town to adopt ordinances to implement the Harbor Management Plan. Using this authority, the Commission may recommend Town ordinance changes to address boating, navigation, waterfront use, and other concerns as needed, and provide those recommendations to the Board of Selectmen for consideration and referral to the Town Meeting for adoption. (See the preceding sections on the Old Saybrook Town Meeting and Board of Selectmen.) Before any Town ordinance pertaining to the operation of vessels can take effect, that ordinance must, in accordance with Sec. 15-136 of the General Statutes, be reviewed by the Commissioner of Environmental Protection to determine it is not "arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent [with State law]."

- b. Review the adequacy of aids to navigation in and near the Harbor Management Area.

The Commission may regularly assess the adequacy of Federal aids to navigation in the Harbor Management Area and transmit the results of that assessment to the Coast Guard. With assistance from the Harbor Master and Police Department's Marine Patrol Unit, the Commission may oversee an annual review of the number, type, location, and condition of Federal aids to navigation in and near the HMA. The Commission may provide the results of its review to the Coast Guard Aids to Navigation Office in Boston and request maintenance of existing aids and placement of any additional Federal channel markers that may be necessary.

In addition, the Commission should review the proposed placement of all "private" (nonfederal) aids to navigation in the HMA. As necessary, the Commission may consider, recommend, and direct the placement (following receipt of necessary State and

Federal permits) of private aids to navigation to maintain and improve navigation ease and safety.

- c. Designate navigation fairways as needed and ensure that designated fairways are kept free of obstructions.

Navigation fairways to be kept free of obstructions may be designated by the Commission, where necessary, to ensure safe passage of recreational and commercial vessels to, from, and alongside the Federal Navigation Project and boating activity areas (including docking and launching areas) in the Harbor Management Area. Any designated fairways should be shown on a map of the HMA included in the Harbor Management Plan. The Commission should review proposed actions affecting the HMA to ensure that any designated navigation fairways are kept free of obstructions. (See no. 6 on page 7-13.)

- d. Evaluate the appropriate extent to which docks and piers should extend from shore to reach navigable water.

In accordance with the Town's harbor management policies established in Chapter Five of the Harbor Management Plan, review of proposed in-water structures (e.g., docks and piers) should be carried out taking into consideration the riparian/littoral rights of waterfront property owners, the Public Trust Doctrine, existing conditions such as distance from shore to navigable water, location of the Federal Navigation Project, relevant State and Federal resource protection laws including the Connecticut Coastal Management Act, the Tidal Wetlands Act, and the Structures and Dredging Act, and other relevant conditions. The Commission's recommendations concerning the appropriate distance that docks and piers should extend from the shore to reach navigable water should be a major consideration in the decisions of State and Federal permitting agencies. (See the section on State and Federal Agencies with Harbor Management Authority beginning on page 7-33.)

The Commission should review proposed actions affecting the Harbor Management Area to help ensure that all in-water structures in the HMA are set back at least 15 feet from the nearest channel, anchorage, or fairway boundary, in accordance with the policies and guidelines established in the Harbor Management Plan. The 15-foot setback distance should be considered a design guideline. Exceptions to this guideline may be recommended by the Commission when there are compelling reasons to do so, and when potential adverse impacts of the proposed in-water structures are avoided or minimized.

- e. Support for dredging of the Federal Navigation Project, as needed.

The Commission should serve as an advocate for maintenance dredging of the Federal Navigation Project (including the North Cove anchorages and entrance channel and Connecticut River channel) and work cooperatively with the Corps of Engineers and Connecticut DEP to ensure that maintenance dredging is carried out when needed. The

Commission should support initiation and completion of environmental assessments and other predredging requirements to allow maintenance dredging to occur in the most timely manner.

f. Review the condition and operation of bridges crossing the Harbor Management Area.

The condition and operation of the Baldwin and railroad bridges across the Connecticut River should be reviewed by the Commission on a regular basis, based on observations and on communication with the agencies responsible for bridge repair and maintenance. This review should be conducted to help avoid any adverse impacts on the Harbor Management Area, including impacts on navigation and water quality, caused by use, maintenance, and repair of the bridges. Any apparent deficiencies and suggestions for improved bridge use and maintenance should be brought to the attention of the appropriate State and Federal agencies and Town officials.

g. Support and cooperate with State and Federal agencies to identify and eliminate any unauthorized encroachments in the Harbor Management Area.

In accordance with the Harbor Management Plan, all unauthorized structures (including unauthorized docks, piers, bulkheads, pilings, and moorings) and other work (including unauthorized fill) extending into the Federal Navigation Project or into any other areas waterward of the mean high water line should be eliminated or otherwise corrected. Any existing unauthorized encroachments (those pre-dating the effective date of the Harbor Management Plan and identified either prior to, or after the effective date of the Plan) should be evaluated individually by the accountable State and/or Federal regulatory agency, with appropriate input from the Commission. Specific measures should be developed to remove or otherwise correct these existing violations.

The Commission should work in coordination with the appropriate State and Federal authorities to ensure that future unauthorized encroachments constructed or occurring after the effective date of the Harbor Management Plan are eliminated by the offending party without delay. The Commission should discourage the issuance of "after-the-fact" permits that would bring future unauthorized encroachments into compliance, unless there are compelling, clearly demonstrated reasons to do so.

4. Adoption and amendment of rules and procedures for harbor management.

The Harbor Management Commission is authorized by Town Ordinance No. 20 to adopt rules and regulations for the proper control, management, and maintenance of all Town waterfront facilities under the Commission's jurisdiction. The Commission should also adopt and amend rules and procedures as needed to guide its various activities for implementing the Harbor Management Plan. All adopted rules, regulations, and procedures should conform to the adopted Harbor Management Plan and requirements of Town ordinances.

- a. Prepare and update, as necessary, “Rules and Procedures for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle.”

To provide for adequate access for recreational and commercial vessels, for the safety of persons and property, and for the optimum use of the Harbor Management Area and the Federal Navigation Project, the Commission should adopt and, as necessary, amend “Rules and Procedures for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle.” The Commission should regularly review these rules and procedures in coordination with the Harbor Master, and prepare any modifications or additions that may be appropriate.

5. Adoption and amendment of Commission Bylaws.

The Harbor Management Commission should adopt and amend, as necessary, administrative rules and procedures (bylaws) to guide its various activities, including review of applications referred to the Commission by Town, State, and Federal agencies and other Commission activities for implementing the Harbor Management Plan. The bylaws should address the duties and election of the Commission’s officers, the functioning of standing committees, the conduct of meetings and hearings of the Commission, and the functioning of the Commission when exercising its harbor management powers and duties and when exercising its duties and responsibilities as transferred to the Commission, by ordinance, from the former Old Saybrook Waterfront Commission.

6. Implementation of a “Harbor Management Review Process” to review all proposals potentially affecting the Harbor Management Area and to determine the consistency of those proposals with the Harbor Management Plan.

With authority provided by Section 22a-113p of the Connecticut General Statutes and Town Ordinance No. 77, the Harbor Management Commission should review proposals affecting real property on, in, or contiguous to the Harbor Management Area and determine the consistency of those proposals with the Harbor Management Plan. The Commission should develop and apply specific procedures when reviewing proposals referred to the Commission by: 1) Town agencies; 2) the Connecticut Department of Environmental Protection; and 3) the U.S. Army Corps of Engineers.

The Commission may establish an Application Review Committee to review proposals subject to the Harbor Management Review Process and prepare recommendations for consideration by the full Commission. The Commission may then recommend that the reviewed proposal be approved, denied, or approved with conditions; that recommendation must be considered by the approving agency. The Review Process should be carried out within the framework of the existing Town, State, and Federal approval processes so as not to add additional review time to these already-established processes.

- a. The Harbor Management Review Process should include review of proposals submitted to Town of Old Saybrook agencies for approval as well as proposals prepared by Town commissions and departments.

In accordance with authority provided by Section 22a-113p of the Connecticut General Statutes, the Harbor Management Commission may review and make recommendations, consistent with the Harbor Management Plan, on any proposal affecting real property on, in, or contiguous to the Harbor Management Area that is received by the Planning Commission, Zoning Commission, Zoning Board of Appeals, Parks and Recreation Commission, Public Works Department, Water Pollution Control Authority, Conservation Commission, and other Town agencies.

The following proposals submitted to or prepared by the above-noted Town agencies will be referred by those agencies to the Harbor Management Commission for review and determination of consistency with the Harbor Management Plan:

- i. All development proposals subject to the municipal process of Coastal Site Plan Review (in accordance with the Connecticut Coastal Management Act) and located on real property on, in, or contiguous to the HMA.
- ii. All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling, or other activities waterward of the mean high water line.
- iii. All proposed revisions or amendments to Town plans, rules, or regulations affecting real property on, in or contiguous to the HMA.

In accordance with Sec. 22a-113p of the General Statutes, each Town agency must refer all proposals subject to the Harbor Management Review Process to the Harbor Management Commission at least thirty-five days prior to any Town hearing on the proposal. If no hearing is to be held, the approving Town agency must notify the Commission at least thirty-five days prior to any final action taken by the approving Town agency.

The Harbor Management Commission should review referred proposals for consistency with the Harbor Management Plan and determine if the proposal is consistent with the Plan. The Commission should provide its consistency finding to the approving Town agency within the thirty-five day period, either prior to or during the public hearing on the proposed action. If a public hearing is not held, the Commission should provide its comments prior to final action by the approving agency. Failure of the Commission to provide a recommendation to the approving agency will, in accordance with Sec. 22a-113p of the General Statutes, be considered as approval of the proposal.

When reviewing a proposal for consistency with the Harbor Management Plan, the Harbor Management Commission should consider whether the proposal is consistent with the Plan's goals, objectives, policies, plans, proposals, and recommendations.

The approving agency must consider the comments and recommendations of the Harbor Management Commission. As required by Sec. 22a-113p of the General Statutes, if the Commission finds that a proposal is inconsistent with the Harbor Management Plan, the proposal can not be approved unless the approving Town agency acts to over-ride the Harbor Management Commission's finding by a two-thirds vote (instead of a simple majority). This "two-thirds" requirement does not alter the authority of the Town agency having primary jurisdiction over the proposal to deny, modify, or condition a proposal that has received an unfavorable recommendation from the Harbor Management Commission.

It should be the responsibility of project applicants to provide the Harbor Management Commission with the information necessary to adequately assess the potential impacts of proposed projects on the HMA and the consistency of such proposals with the Harbor Management Plan. The Commission may request that an applicant provide specific information addressing the consistency of the proposal with the Harbor Management Plan.

All applicants whose proposals are reviewed by the Harbor Management Commission should be provided an opportunity to describe the proposal to the Commission and answer any questions posed by the Commission. Members of the public should be afforded an appropriate opportunity to speak in favor of, or in opposition to, a proposal as it relates to the Harbor Management Plan.

Whenever possible, the Commission should, along with its recommendation for approval or disapproval, prepare written comments on any proposal it reviews for consistency with the Harbor Management Plan. A recommendation may include suggested conditions or modifications that would make an otherwise unacceptable proposal consistent with the Plan. All recommendations by the Commission, including suggested proposal modifications and conditions, should be prepared with reference to the relevant chapters and pages of the Harbor Management Plan.

In addition, just as the activities of private individuals should be consistent with the Harbor Management Plan, so should activities of the Town. Therefore, all Town commissions and departments should work cooperatively with the Harbor Management Commission when developing any plans for Town-sponsored projects or other initiatives that may affect the HMA. Plans for Town-sponsored initiatives should be submitted to the Commission for review as part of the Harbor Management Review Process.

- b. The Review Process should include the review of applications to the State Department of Environmental Protection.

All proposals involving filling, dredging, or placement of structures waterward of the high tide line in the Harbor Management Area must be submitted by the project proponent to the DEP's Office of Long Island Sound Programs for review and approval. To help ensure that State decisions affecting the HMA are consistent with the Harbor Management Plan, the DEP should forward the public notices of applications for filling, dredging, or placement of in-water structures in the HMA to the Harbor Management Commission. The Commission should then formally review those applications and comment to the DEP on the consistency of each application with the Harbor Management Plan. The Commission's review should be conducted in a manner similar to that previously described with respect to proposals submitted to or prepared by Town agencies.

Also, proposals prepared by State agencies and affecting the HMA should be designed for consistency with the Harbor Management Plan, and reviewed by the Harbor Management Commission for consistency with the Plan.

- c. The Review Process should include review of applications to the Corps of Engineers.

Proposals involving filling, dredging, or placement of structures waterward of the mean high water line in the Harbor Management Area must be submitted by the proponent to the Corps of Engineers for review and approval with respect to Federal laws and regulations. In coordination with this Federal review, the Corps should forward the public notices of applications for filling, dredging, or placement of in-water structures in the HMA to the Harbor Management Commission. The Commission should then formally review those applications and comment to the Corps on the consistency of each application with the Harbor Management Plan. The Commission's review should be conducted in a manner similar to that described above with respect to proposals submitted to or prepared by Town and State agencies.

Also, proposals prepared by Federal agencies and affecting the HMA should be designed for consistency with the Harbor Management Plan, and reviewed by the Harbor Management Commission for consistency with the Plan.

7. **On-going examination of the effectiveness of the Harbor Management Plan and conditions on the waterfront and in the Harbor Management Area; preparation of proposed amendments to the Plan and/or Town ordinances for implementing the Plan, as necessary.**

The Harbor Management Plan should be amended, as needed, to respond to changing circumstances. Throughout the course of the year, members of the Harbor Management Commission should observe conditions and activities in the Harbor Management Area and

consider how well the Plan is functioning with respect to those conditions and activities. Any observed problems should be discussed at the Commission's regularly scheduled monthly meetings. Town officials and representatives and the general public should be encouraged to attend Commission meetings and to express any comments or observations they may have regarding the Plan and its effectiveness.

a. Annual Plan review.

Each year the Commission may hold a formal review meeting to determine if any changes to the Plan are required. The Commission may consider any physical or institutional changes affecting the waterfront and HMA that have taken place during the previous year, including development proposals, new development, physical changes caused by forces of nature, improvement or degradation of environmental quality, and any new plans or requirements established by Town, State, or Federal agencies.

b. Specific actions to amend the Plan and/or Town ordinances for implementing the Plan.

If the Commission determines that some aspect of the Plan should be amended, it should carry out the following steps:

- 1) Prepare recommended changes to the Plan, including any text and map changes.
- 2) Obtain public comments on the proposed changes.
- 3) Submit the proposed changes to the Corps of Engineers for review and to the Connecticut departments of Environmental Protection and Transportation for review and approval.³
- 4) Make any changes to the Plan document following review of public comments and comments from the Corps, DEP, and DOT.
- 5) Adopt the changes.
- 6) Submit the changes to the Board of Selectmen for submission to the Town Meeting for adoption following a public hearing.

Changes to Town ordinances that may be needed to implement aspects of the Plan should be undertaken in accordance with Town procedures and the procedure specified

³ In accordance with the procedure for State approval and Town adoption of the Harbor Management Plan, proposed Plan amendments should be sent to the Office of Long Island Sound Programs (OLISP) of the Connecticut DEP. The OLISP will distribute copies of the proposed amendments to other DEP divisions, to the Connecticut DOT's Bureau of Aviation and Ports, and to the Corps of Engineers. The OLISP will coordinate review and approval of the proposed amendments by these agencies.

in Section 15-136 of the Connecticut General Statutes concerning adoption of local ordinances pertaining to the operation of vessels.

The Commission need not be restricted to any specific time period for making changes to the Plan. If unusual circumstances arise that demand immediate modification of the Plan, the Commission may initiate the review and revision process at any time.

c. Preparation of an annual "Harbor Management Plan Addendum" as needed.

Instead of rewriting and reprinting the entire Harbor Management Plan each year to incorporate the results of the annual Plan review, the Commission may prepare a Plan Addendum to summarize the more significant changes that have taken place and to present any proposed amendments to the Plan's goals, objectives, policies, and other provisions. As its resources may allow, the Commission should periodically publish a revised Plan document to incorporate updated descriptions of all waterfront and HMA conditions that have changed since the Plan was adopted, as well as any Plan amendments that may be adopted in the future.

8. Review of actions by the Old Saybrook Harbor Master.

Any person aggrieved by a decision or action of the State of Connecticut Harbor Master for Old Saybrook may present his or her concerns to the Harbor Management Commission. At a regular or special meeting, the Commission may review the decision or action of concern and provide an opportunity for all involved parties to present relevant information.

While there is no authority provided in the Connecticut General Statutes for a municipal agency to overturn harbor master decisions or to act as an appeals board with regard to those decisions, the Harbor Management Commission can hear any local concerns with regard to the Harbor Master's actions. The Commission may attempt to resolve those concerns without usurping the Harbor Master's authority and then, if necessary, bring those concerns to the attention of the Department of Transportation's Bureau of Aviation and Ports for any corrective action that may be necessary.

9. Provision of recommendations to the Governor for appointment of the Harbor Master.

The Old Saybrook Harbor Master is appointed by the Governor for a three-year term and until a successor is appointed. Section 15-1 of the Connecticut General Statutes requires that the appointment of the harbor master and deputy harbor master for any municipality with an adopted harbor management plan shall be made by the Governor from a list of not less than three nominees submitted by that municipality's harbor management commission. Accordingly, the Harbor Management Commission should provide the Governor with recommendations for appointment of the Old Saybrook Harbor Master as necessary.

10. Advisory participation in all Town-supported planning and development initiatives affecting the waterfront and Harbor Management Area.

In accordance with the Harbor Management Review Process (see no. 6 on page 7-13), the Harbor Management Commission should serve in an advisory capacity to any Town agency initiating a planning or development action with a potential impact on the waterfront and/or Harbor Management Area. The Commission should provide information on how the proposed project can best be planned and implemented to achieve consistency with the Harbor Management Plan. The Commission's advisory comments can help to avoid (before the proposal is finalized) any potential concerns or conflicts. Another important purpose of the Commission's involvement should be to help establish and maintain a spirit of cooperation and coordination among all Town agencies with authorities that directly and indirectly affect the waterfront and HMA.

11. Support and promotion of activities to increase "waterfront and harbor awareness" and to educate the public concerning waterfront improvement and harbor management initiatives.

Effective management of the Town's waterfront and Harbor Management Area and achievement of the Town's waterfront improvement and harbor management goals require ongoing public support and involvement. In addition to providing a continuing forum for the expression of public concerns, the Harbor Management Commission should support and promote special programs and events that will stimulate public interest and community involvement in matters pertaining to the waterfront and HMA. For example, the Commission can help to organize volunteer efforts to help maintain and clean up, when necessary, areas adjoining and visible from the waterfront and HMA. In addition, the Commission can support use of Town waterfront properties for special educational programs and events that increase awareness of the natural history of the Connecticut River and the Town's maritime heritage, or that provide for other beneficial public activities on the waterfront.

The Commission, through press releases, public information materials, and other means, can take an active role to inform and educate boaters and others about the provisions of the Harbor Management Plan and conditions in the HMA. The Commission also can be a source of information to citizens and organizations planning activities that would affect the HMA and not familiar with the requirements of State and Federal permitting programs and the provisions of the Harbor Management Plan.

The Commission should promote programs that will educate the public with regard to proper use and protection of waterfront and HMA resources in accordance with the Harbor Management Plan. Each year the Commission may hold a "State of the Harbor" meeting to provide information to the public and hear public comments concerning the Plan, HMA, and waterfront. (See no. 18 on page 7-24.)

Informational materials prepared by the Commission for public distribution may be used to highlight the major elements of the Harbor Management Plan, provide information on waterfront and HMA rules and regulations, promote waterfront facilities for visiting boaters, and provide information on other waterfront- and harbor management-related topics.

12. Administration and application of funds for waterfront improvement and harbor management purposes.

The Harbor Management Commission should work with the Board of Selectmen and Board of Finance to administer and apply funds for waterfront improvement and harbor management purposes, consistent with the Commission's authorized powers and duties and with the Harbor Management Plan.

a. Establishment of Harbor Management Account.

With authority provided by Section 22a-113s of the Connecticut General Statutes, a special account should be maintained within the Town's General Fund to receive and expend monies for waterfront improvement and harbor management purposes determined by the Harbor Management Commission. (See no. 5 on page 7-8 in the preceding section on the Old Saybrook Board of Selectmen.)

Sec. 22a-113s of the General Statutes gives the Commission authority to propose a fee schedule for any activity within the scope of the Harbor Management Plan. Collected fees must be deposited into the Harbor Management Account and used for maintenance and improvement of the Harbor Management Area for the public and for necessary expenses for personnel and equipment directly related to the functions of the Commission and Harbor Master. The Commission should regularly report to the Board of Selectmen on the status, use, and application of all monies from the Harbor Management Account.

b. Identify and pursue potential sources of funds for waterfront improvement and harbor management purposes.

The Commission should evaluate potential funding sources and pursue funds for operating expenses and special projects. Potential sources of funds to be considered may include but are not limited to:

- Mooring permit fees;
- Fees from any concessionaires and lessees who may provide specified waterfront facilities and services in accordance with agreements with the Town;
- Appropriations from the Town's General Fund;
- Fines for violations of Town rules and regulations pertaining to the waterfront and HMA;
- Donations;

- Grants obtained from State and Federal government and private sources;
 - Boat registration fees received by the Town from the State of Connecticut; and
 - Fees for use of Town-owned waterfront properties and facilities.
- c. Adopt and review fee schedule for mooring permits, mooring services, and use of Town-owned waterfront facilities, as necessary.

Mooring permit fees shall not exceed the maximum annual fee as established in Section 22a-113s of the Connecticut General Statutes. In accordance with Sec. 22a-113s, all fees collected for mooring permits and services shall be dedicated for maintenance and improvement of the Harbor Management Area for the public, and for personnel and equipment directly related to the function of the Harbor Management Commission and Harbor Master or Deputy Harbor Master. The Commission shall adopt a fee schedule for mooring permit holders that shall specify the amount of the fee that is for the mooring permit as well as any other fee amounts for mooring-related services such as necessary mooring tackle hauling, inspection, and replacement. The fee schedule shall be adopted by the Commission following public review and comments. Any amendments to the established mooring permit fee schedule also shall be adopted by the Commission following public review and comments.

Town Ordinance No. 20 gives the Commission authority to establish and collect fees for the use of Town-owned waterfront facilities, including boat docking facilities, under the jurisdiction of the Commission. The Commission should review its fee schedule from time to time and adjust that schedule as necessary. Any changes to the established fee schedule should be adopted by the Commission following a public hearing.

- d. Preparation and review of annual operating budget.

The Commission should prepare, for presentation to the Board of Finance and Board of Selectmen, an annual operating budget including an estimate of revenues and expenses. Items for which the Commission may need to expend funds include, but are not necessarily limited to:

- Postage;
- Printing and photocopying;
- Legal advertisements;
- Secretarial services;
- Telephone expenses;
- Preparation of informational/educational materials regarding the waterfront and Harbor Management Area;
- Investigations and studies of waterfront and HMA conditions;
- Compensation for expenses for personnel and equipment directly related to the function of the Commission and the Harbor Master or Deputy Harbor Master;

- Conferences and other educational programs that Commission members may attend;
- Purchase and maintenance of private aids to navigation;
- Printing and distribution of the Harbor Management Plan;
- Emergency removal of unsafe or abandoned structures and vessels;
- Fees for staff and consultants retained to assist with implementation of the Harbor Management Plan;
- Special waterfront improvement and harbor management projects consistent with the Plan.
- Maintenance of Town-owned docks and waterfront facilities managed by the Commission;
- Portable toilets for public use at Town-owned docks and waterfront facilities managed by the Commission; and
- Compensation to the Dock Master for expenses in assisting the Commission and Harbor Master manage use and operation of the North Cove mooring area.

13. Coordination of harbor management initiatives with other communities, including communities with jurisdictions adjoining the Harbor Management Area.

The Harbor Management Commission should coordinate its planning and management activities, to the extent practical, with other communities in the Connecticut River watershed and adjoining the Harbor Management Area on Long Island Sound, including the communities of Essex, Old Lyme, and Westbrook. The purpose of this coordination should be to address issues of common concern, including issues concerning water quality, boating safety, special water and waterfront events, and dredging of the Connecticut River navigation channel.

The Commission may consider establishing specific liaison procedures, including regular exchange of meeting agendas and minutes, with the communities adjoining the HMA. In addition, the Commission may organize special meetings and cooperative study initiatives with the adjoining municipalities, as necessary, to discuss issues of common concern affecting the Connecticut River and Long Island Sound. The Commission should also seek and consider comments from the adjoining municipalities in the course of preparing any future amendments to the Harbor Management Plan.

14. Maintenance of a file of information and materials pertaining to the waterfront and Harbor Management Area.

The Harbor Management Commission should oversee a Town file containing information and materials pertaining to the waterfront and Harbor Management Area. The file should

be maintained in the Town Hall or other designated Town facility. The file should serve as a source of information on existing and historic conditions on the waterfront and in the HMA and can be used by the Commission when making decisions pertaining to the HMA and when developing programs to increase waterfront and harbor management awareness. Included in the file should be information on docks, piers, and other structures waterward of the ordinary high water line, as well as all applications for Town, State, and Federal permits reviewed by the Commission. The file should also include reports, documents, studies, and photographs pertaining to the waterfront and HMA, and a compilation of all applicable Town, State, and Federal laws, regulations, and policies pertaining to management of the HMA.

15. Pursuit of grants for waterfront improvement and harbor management purposes.

The Harbor Management Commission, with assistance from other Town agencies, should pursue governmental and private grants to help fund waterfront improvement and harbor management projects. The Harbor Management Plan provides the basis for a number of projects potentially eligible for State and Federal grants, including grants available through the Connecticut Department of Environmental Protection's Long Island Sound License Plate Program, Coves and Embayments Program, and River Restoration Program, and through Federal programs, including programs identified through the American Heritage Rivers Initiative. Water quality improvement projects, projects to enhance public access to the Harbor Management Area, waterfront beautification projects, and education and outreach programs to increase public awareness of harbor management concerns and support for the Harbor Management Plan are examples of potentially eligible projects.

16. Ongoing study of waterfront and Harbor Management Area conditions to provide useful information for decision-making and other management purposes.

The Harbor Management Plan establishes a Town planning and management framework to be built upon in the future. To be effective, the Plan should be considered part of an ongoing process that will continue to evolve in the future as the Town pursues various projects and initiatives to enhance beneficial use of the waterfront and Harbor Management Area.

Conditions in the HMA, particularly conditions pertaining to uses and activities and the "institutional framework" for harbor management described in Chapter Two of the Harbor Management Plan, are continually changing. Some of the changes that will occur will affect the goals, objectives, policies, and other provisions of the Plan. As a result, it will be necessary for the Harbor Management Commission to continue to monitor conditions on the waterfront and in the HMA for the purpose of identifying any changes that may influence future management decisions and programs. The Commission should also encourage and support scientific studies and other investigations, including investigations by local students, that will provide useful information for waterfront improvement and harbor management purposes.

The Commission will continue to investigate issues concerning the construction of docks and piers to reach navigable water, including issues concerning: 1) the potential environmental impacts of proposed structures; 2) the possible effect of proposed structures on small boat navigation and other public uses of Public Trust waters; 3) the appropriate size and length to which docks and piers should be constructed; and 4) the extent to which the Town can and should control or limit these structures. At such time as additional information may become available, the Commission may consider dimensional and other standards and more detailed provisions concerning dock and pier construction for inclusion in the Harbor Management Plan.

The Commission's continuing investigations may be designed to increase understanding of natural forces and human actions affecting the HMA and to increase understanding of harbor management-related issues and concerns. These investigations should help to provide a solid basis for management decisions and for any modifications of the Plan's goals, objectives, policies, and other provisions that may be necessary in the future.

17. Retaining and supervising consultants and assistants, as needed, to assist with implementation of the Harbor Management Plan.

Section 22a-1131 of the Connecticut General Statutes empowers the Harbor Management Commission to enter into contracts, retain consultants and other assistants, and receive and expend funds for harbor management purposes. The Old Saybrook Dock Master is retained by the Commission under this authority. Implementation of aspects of the Harbor Management Plan may require the Commission to apply expertise and services that other Town departments may not be able to provide. The Commission may therefore hire consultants and assistants to assist with its powers, duties, and responsibilities pursuant to Plan implementation. When hiring consultants and assistants, including the Old Saybrook Dock Master, the Commission may allocate funds from the Town's Harbor Management Fund. The Commission, in coordination with the Harbor Master, should supervise the work of the Dock Master.

18. Encouragement of the presentation and discussion of public concerns related to the waterfront, Harbor Management Area, and Harbor Management Plan.

The Harbor Management Commission should provide opportunities for citizens to express their waterfront- and harbor management-related questions, concerns, or suggestions. Providing a continuing forum for the expression of public concerns should help the Commission identify changing conditions and circumstances affecting the waterfront and Harbor Management Area. This forum is also needed to help develop public awareness of waterfront improvement and harbor management goals and to maintain a base of public support for management programs and special projects. Each year the Commission may hold a special public meeting — a "State of the Harbor" meeting — to hear the concerns, questions, and thoughts of Town residents, waterfront property owners, water-dependent

facility operators, and others concerning the waterfront, HMA, and Harbor Management Plan. (See no. 11 on page 7-19.)

19. Active role for waterfront beautification.

The scenic quality associated with the Connecticut River and Long Island Sound is among the most important of Town resources. Maintaining the Town's beneficial quality of life will depend in part on maintaining and enhancing waterfront scenic quality which can be affected by in-water and waterfront activities. The Harbor Management Commission should maintain a leadership role for Town efforts to beautify the waterfront. The Commission should coordinate its efforts with other Town commissions and civic organizations concerned with waterfront scenic quality. The Commission may assist with the organization of voluntary cleanup efforts as well as community service projects and other initiatives to beautify the waterfront and increase civic pride and responsibility.

20. Advisory role for managing the operation of the Town's Saybrook Point property.

The Harbor Management Plan includes policies and recommendations for beneficial public use of the Town's Saybrook Point property—a major opportunity area for public access, both visual and physical, to the Harbor Management Area. To help ensure consistency between the provisions of the Plan and future use, development, and management of the property, the Harbor Management Commission should maintain an advisory role for managing the property. The Commission should provide comments and suggestions, as necessary, to the Town agency responsible for managing and maintaining the property. Those comments may address the use, maintenance, and repair of the bulkhead, walkway, parking areas, and other facilities at the property, as well as recommendations for new facilities. The Commission should identify any problems or conflicts affecting use of the property and opportunities for public access to the HMA, and prepare appropriate recommendations to avoid or minimize those problems or conflicts.

21. Identification and evaluation of potential sites for small craft launching.

The Commission should identify and evaluate any existing and future opportunities to provide a new public boat launching site (or sites) for small vessels such as canoes and kayaks that can be transported without trailers.

22. Maintenance of a master schedule of activities in the Harbor Management Area.

To ensure that major in-water special events and any activity expected to significantly affect navigation channels or anchorages do not create undue congestion or conflicts, the Harbor Management Commission should maintain a master schedule of Harbor activities. All sponsors of major in-water events should notify the Commission in advance of their

proposed activity. (See the following section on responsibilities of Private Individuals and Organizations.)

The Commission may provide a form designed to provide the above information. This form should be completed by the sponsors of major in-water events and returned to the Commission at the earliest opportunity prior to the event. The Commission will use the provided information to maintain a master schedule of Harbor activities.

OTHER TOWN OF OLD SAYBROOK AGENCIES

In addition to the Harbor Management Commission, a number of other Town agencies have waterfront- and harbor management-related responsibilities as described in Chapter Two of the Harbor Management Plan. These include the Planning Commission, Zoning Commission, Parks and Recreation Commission, Public Works Department, Water Pollution Control Authority, Police Department, Fire Department, Conservation Commission, and other Town agencies.

The Harbor Management Plan does not alter the authorities of these Town agencies. The Plan requires, however, that all Town agencies with waterfront- and harbor management-related responsibilities carry out those responsibilities in a manner consistent with the goals, objectives, policies, and other provisions established in the Plan. The Harbor Management Review Process will help to ensure this consistency. (See no. 6 on page 7-13 in the preceding section on the Harbor Management Commission.)

Town agencies other than the Harbor Management Commission have the following basic responsibilities for implementing the Old Saybrook Harbor Management Plan:

1. Referral of applications for activities affecting the Harbor Management Area to the Harbor Management Commission for review and determination of consistency with the Harbor Management Plan.

Each Town agency with authority to approve a proposed action affecting real property on, in, or contiguous to the Harbor Management Area should refer the application for that action to the Harbor Management Commission for review and recommendations consistent with the Harbor Management Plan. In accordance with the Town's Harbor Management Review Process, the application should be provided to the Commission at least thirty-five days prior to any public hearing held on the proposal or, if a hearing will not be held, prior to any final action taken by the approving Town agency. (See no. 6 on page 7-13 in the preceding section on the Harbor Management Commission.)

As required by Section 22a-113p of the Connecticut General Statutes, if the Harbor Management Commission finds that an application is inconsistent with the Harbor Management Plan, then the application can not be approved unless the Town agency with authority for approving the application acts to over-ride the Commission's finding by a two-thirds vote (instead of a simple majority). This "two-thirds" requirement does not alter the

authority of the agency having primary jurisdiction over the proposal to deny, modify, or condition a proposal that has received an unfavorable recommendation from the Harbor Management Commission.

Each Town agency affected by the Harbor Management Review Process should work with the Harbor Management Commission to establish appropriate procedures for providing applications to the Commission and to otherwise maintain coordination with the Commission.

The Harbor Management Review Process should be carried out to ensure that activities that will affect the HMA are reviewed for consistency with the Harbor Management Plan. The process should be carried out within the framework of the Town's existing review processes and not add additional review time to existing review processes.

2. Design of Town proposals affecting the waterfront and Harbor Management Area for consistency with the Harbor Management Plan.

Just as proposals from the private sector submitted to the Town for approval should be consistent with the Harbor Management Plan, so should proposals prepared by the Town. Each Town agency should consult with the Harbor Management Commission when developing plans for Town-sponsored projects or other initiatives that may affect the waterfront and/or Harbor Management Area. Plans for Town-sponsored initiatives affecting the HMA should be submitted to the Harbor Management Commission for review as part of the Harbor Management Review Process. (See no. 1 above and no. 6 on page 7-13 in the preceding section on the Harbor Management Commission.) The purpose of this review should be to ensure that Town-prepared proposals are consistent with the Harbor Management Plan and contribute to achievement of the Town's waterfront improvement and harbor management goals; the review should also serve to enhance communication and coordination among the involved Town agencies.

3. Conducting agency responsibilities in a manner consistent with the Harbor Management Plan and in a manner that contributes to Plan implementation.

The following Town agencies should carry out their following responsibilities affecting the waterfront and Harbor Management Area in a manner consistent with the Harbor Management Plan and in a manner that contributes to Plan implementation:

- Planning Commission: Implementation and amendment, as necessary, of the Town's Plan of Conservation and Development (including the Old Saybrook Municipal Coastal Program document) as that plan affects the waterfront and HMA.

- Zoning Commission: Enforcement and amendment, as necessary, of the Town's Zoning Regulations as those regulations affect the waterfront; Coastal Site Plan review of most development activities within the Town's coastal area.
- Parks and Recreation Commission: Maintenance of waterfront parks, beaches, and recreational facilities, including Saybrook Point Park and the Town Beach and Harvey's Beach on Long Island Sound.
- Public Works Department: Maintenance and improvement of Town-owned waterfront facilities in coordination with the Parks and Recreation Commission and Harbor Management Commission.
- Water Pollution Control Authority: Evaluation of pollution problems and administration of the Town's on-site septic system management program; groundwater monitoring; and preparation and implementation of the Town-wide Wastewater Management Plan.
- Police Department: Enforcement of State boating laws and regulations, and coordination of emergency response activities with the Fire Department, Harbor Master, Connecticut Department of Environmental Protection, Coast Guard, and municipalities adjoining the HMA; provision of reports on Marine Patrol Unit activities; police patrols and law enforcement at waterfront locations; assistance with coordination and monitoring of special water and waterfront events.
- Fire Department: Coordination of emergency response activities, including response to oil and fuel spills, with the Police Department, Harbor Master, Connecticut DEP, Coast Guard, and municipalities adjoining the HMA.
- Conservation Commission: Preparation of management plans for waterfront open space and support for conservation of coastal resources and environmental quality associated with the Harbor Management Area.

STATE OF CONNECTICUT HARBOR MASTER FOR OLD SAYBROOK

The Old Saybrook Harbor Master is appointed by the Governor of Connecticut⁴ and has the responsibilities described in the Connecticut General Statutes and the Harbor Management Plan for the general care and supervision of the navigable waterways within the jurisdiction of the Town of Old Saybrook. These responsibilities are subject to the direction and control of the State's Commissioner of Transportation acting through the Bureau of Aviation and Ports of the

⁴ Section 15-1 of the Connecticut General statutes requires that the harbor master for any municipality with a State-approved and locally adopted harbor management plan be appointed by the Governor from a list of candidates provided by the municipality's harbor management commission. (See No. 9 on page 7-18 in the preceding section on the Harbor Management Commission.)

Connecticut Department of Transportation. In addition, as required by Sections 15-1 and 22a-13k of the Connecticut General Statutes, respectively, the Harbor Master must conduct his or her duties in a manner consistent with the Old Saybrook Harbor Management Plan and must serve as an ex-officio member of the Town's Harbor Management Commission.

The Harbor Master should work cooperatively with the Harbor Management Commission and perform an active role for waterfront and harbor management through:

1. Conducting all duties in a manner consistent with the Harbor Management Plan.

The Harbor Master's principal authorities are established in Sections 15-1 through 15-10 of the Connecticut General Statutes. Sec. 15-1 requires that "... harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any harbor management plan adopted... for a harbor over which they have jurisdiction." Actions by the Old Saybrook Harbor Master pursuant to his or her State-authorized responsibilities therefore must be consistent with the goals, objectives, policies, and other provisions contained in the Old Saybrook Harbor Management Plan. This requirement provides opportunity for the Harbor Master to work closely with the Harbor Management Commission and perform an active role for accomplishing the Town's waterfront improvement and harbor management goals.

2. Serving as an ex-officio member of the Harbor Management Commission and generally assisting the Commission with implementation of the Harbor Management Plan.

As required by Section 22a-113k of the Connecticut General Statutes, the Harbor Master must serve as a nonvoting, ex-officio member of the Harbor Management Commission. The Harbor Master and Commission should work together to identify the Harbor Master's specific responsibilities for performing an ongoing, active harbor management role, including assistance to the Commission as needed, for implementing the Harbor Management Plan. The Harbor Master, for example, should provide information to the Commission with respect to conditions in the Harbor Management Area and work on specific projects at the direction of the Commission to achieve waterfront improvement and harbor management goals. The Harbor Master should attend the Commission's monthly meetings and provide a monthly report of his or her activities to the Commission.

3. Implementation of specific requirements for administration, placement, and inspection of all mooring tackle placed in the Harbor Management Area.

The Harbor Master is responsible for administration, placement, and inspection of all boat moorings in the Harbor Management Area in accordance with Section 15-8 and other applicable sections of the Connecticut General Statutes. Further, the Harbor Master must carry out his or her mooring-related responsibilities in accordance with "Rules and

Procedures for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission. Mooring-related responsibilities include:

- a. Issuance of all mooring permits; allocation of all mooring locations; and collection of all mooring permit fees.

In accordance with the Harbor Management Commission’s “Rules and Procedures for Mooring and Anchoring Vessels,” the Harbor Master must approve the location of all moorings within the Harbor Management Area. The Harbor Master shall issue a permit for each approved mooring location or area.

When a permit is issued for a mooring, the Harbor Master shall assign a specific location for that mooring. No mooring shall be placed or maintained in any part of the HMA until the location of that mooring has been approved by the Harbor Master.

The Harbor Master will collect an appropriate fee, established by the Harbor Management Commission, from any person, association, corporation, or other group receiving a new or renewed permit for a mooring location in the HMA. The Harbor Master will deposit the collected fee into the Old Saybrook Harbor Management Account, and provide a regular accounting of collected fees to the Commission.

- b. Maintenance of complete and accurate records of all mooring applications, permit fees, moorings, and moored vessels.

The Harbor Master shall maintain complete and accurate records of all mooring applications, collected permit fees, moorings, and moored vessels. This information should be maintained in such a manner that information can easily be obtained with regard to: a) any individual mooring, vessel, or owner; and b) all moorings within the Harbor Management Area. As feasible, a computerized data base of mooring records should be maintained. The Harbor Management Commission should provide assistance to the Harbor Master in this regard. An up-to-date copy of mooring records shall be maintained in the Town Hall or other designated Town facility and be accessible for public inspection during normal office hours.

- c. Placement of mooring tackle to ensure proper location in suitable areas.

The Harbor Master shall supervise the placement of all mooring tackle to ensure its proper location in suitable areas. Supervision of mooring placement may be delegated by the Harbor Master to the Town Dock Master, other Town official appointed by the Harbor Management Commission, and/or a qualified commercial service. If necessary, existing moorings should be relocated at the start of each boating season to conform with any mooring allocation provisions contained in the Harbor Management Plan.

d. Inspection of mooring tackle at appropriate intervals to ensure compliance with minimum mooring tackle requirements.

The Harbor Master shall be responsible for ensuring that mooring tackle used in the Harbor Management Area is inspected at appropriate intervals according to procedures outlined in the "Rules and Procedures for Mooring and Anchoring Vessels" adopted by the Harbor Management Commission. Each mooring permit holder shall be responsible for periodically having his or her mooring tackle inspected to ensure that it meets or exceeds "Minimum Standards for Mooring Tackle" adopted by the Harbor Management Commission. This inspection may be performed by the Harbor Master, Town Dock Master, or a qualified commercial service. Any mooring tackle found to be inadequate (e.g., with excessive wear or not meeting minimum standards) must be replaced by the mooring permit holder before the mooring location can be used.

Each mooring permit holder must submit appropriate evidence to the Harbor Master that an inspection has been performed and that the tackle meets or exceeds the minimum standards. The Harbor Master shall maintain complete and accurate records regarding mooring tackle inspection, including date of inspection and name of inspector.

e. Revocation of mooring permits for failure to comply with permit provisions.

The Harbor Master shall revoke a mooring permit under certain conditions as specified in the "Rules and Procedures for Mooring and Anchoring Vessels" adopted by the Harbor Management Commission.

4. Enforcement of boating laws and regulations in the Harbor Management Area in coordination with Town, State, and Federal law enforcement agencies.

Section 15-154 of the Connecticut General Statutes provides any harbor master or deputy harbor master with authority to enforce the State of Connecticut's boating statutes. In accordance with this authority, the Old Saybrook Harbor Master should work in coordination with Town, State, and Federal law enforcement agencies to ensure proper enforcement of the State's boating laws and regulations as they relate to use of the Old Saybrook Harbor Management Area, and for communication of those statutes and regulations, as necessary, to the public. Further, as necessary for maintaining a safe and functional HMA environment, the Harbor Master should be responsible for any interpretation of the statutes and regulations as they apply to the HMA. This interpretation should be carried out in collaboration with the Harbor Management Commission, Old Saybrook Police Department, Connecticut Department of Environmental Protection, Connecticut Department of Transportation, and other involved agencies and departments. This interpretation should also be carried out, as necessary, in collaboration with the duly appointed harbor masters of municipalities with jurisdictions adjoining the HMA, including any duly appointed harbor master for the Borough of Fenwick.

The Harbor Master should provide information and other appropriate assistance to Town, State, and Federal law enforcement agencies, as needed, to help maintain boating and navigation safety in the HMA. For example, the Harbor Master should advise the Old Saybrook Police Department, the Connecticut DEP's Law Enforcement Division, Corps of Engineers, and Coast Guard of any problems concerning enforcement of Town, State, and/or Federal laws and regulations in the HMA.

The Harbor Master should enforce State boating laws and regulations to the extent legally authorized and qualified to do so. The Harbor Master should call upon the Old Saybrook Police Department, Connecticut DEP, or other law enforcement authority as necessary for assistance in situations involving potential arrest or confrontation.

a. Enforcement and interpretation of the Connecticut boating statutes and regulations concerning removal of abandoned and derelict vessels.

In accordance with Section 15-140c of the Connecticut General Statutes, any vessel "not moored, anchored or made fast to the shore and unattended for a period greater than 24 hours, or left [upon private property] without the consent of said property owner for a period greater than twenty-four hours" shall be presumed abandoned. Acting in coordination with the Harbor Management Commission, Old Saybrook Police Department, and other appropriate agencies or departments, the Harbor Master should enforce the provisions of this statute in the Harbor Management Area. In accordance with Sec. 15-140c of the General Statutes, all expenses necessarily incurred in the removal of an abandoned vessel shall be a lien upon that vessel.

If, in the Harbor Master's judgement, an abandoned or derelict vessel causing a hazard or obstruction to persons, property, aquatic resources, or navigation has no resale value, that vessel should be removed in accordance with authority provided by Sec. 15-11a of the General Statutes. In the event of an emergency or hazardous situation caused by an abandoned vessel, the Harbor Master may request that the Harbor Management Commission allocate funds from the Town's Harbor Management Account for the immediate removal of the abandoned vessel.

5. Provision of information concerning boating laws and regulations, the Harbor Management Plan, and other waterfront and harbor management-related topics to the general public.

The Harbor Master should assist the Harbor Management Commission with provision of information to the general public, including persons who directly contact the Harbor Master to ask questions or request information. Information provided by the Harbor Master may concern applicable boating laws and regulations, conditions in the Harbor Management Area, provisions of the Harbor Management Plan, and other information intended to maintain boating safety and environmental quality and increase public awareness and support for the Town's waterfront improvement and harbor management efforts.

6. Ongoing communication with Town, State, and Federal agencies for waterfront improvement and harbor management purposes.

In addition to communication and coordination with the Harbor Management Commission, Old Saybrook Police Department, and other relevant Town agencies, the Harbor Master should establish and maintain regular communication, as necessary, with various divisions and units of the Connecticut DEP, the Department of Transportation's Bureau of Aviation and Ports, Corps of Engineers, U.S. Coast Guard, and other State and Federal agencies with harbor management responsibilities. The purpose of this liaison, which can be conducted at the direction of the Harbor Management Commission, should be to address matters affecting the safe and functional use of the Harbor Management Area and to otherwise advance the Town's waterfront improvement and harbor management goals.

The Harbor Master should also establish and maintain regular communication, as necessary, with the duly appointed harbor masters of municipalities with jurisdictions adjoining the HMA, including any duly appointed harbor master for the Borough of Fenwick.

7. Supervision of consultants and assistants hired by the Harbor Management Commission.

The Harbor Master should assist the Harbor Management Commission in supervising the work of any consultants and assistants hired by the Commission to assist with implementation of the Harbor Management Plan. The Harbor Master should supervise the work of the Town-appointed Dock Master hired to assist with the administration of moorings in the North Cove Federal anchorages.

STATE AND FEDERAL AGENCIES WITH HARBOR MANAGEMENT AUTHORITY

The Connecticut Department of Environmental Protection, Connecticut Department of Transportation, U.S. Army Corps of Engineers, and U.S. Coast Guard are the principal State and Federal agencies with harbor management authorities as described in Chapter Two of the Harbor Management Plan. To the extent permitted by law, these and other State and Federal agencies should carry out their responsibilities in accordance with the provisions of the Old Saybrook Harbor Management Plan, and generally cooperate with the Harbor Management Commission for Plan implementation.

The basic State and Federal responsibilities for Plan implementation include:

1. Review and approval of the Old Saybrook Harbor Management Plan and any future Plan amendments needed to respond to changing conditions and circumstances.

Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure,

the Old Saybrook Harbor Management Plan, and any future amendments to the Plan, must be reviewed by the U.S. Army Corps of Engineers, approved by the Connecticut Commissioners of Environmental Protection and Transportation, and then adopted by the Town Meeting before becoming effective. (See no. 1 on page 7-4 in the previous section on the Old Saybrook Town Meeting.)

So that the Town of Old Saybrook may plan and manage use of the waterfront and Harbor Management Area in accordance with the legislative intent of the Connecticut Harbor Management Act, the Connecticut commissioners of environmental protection and transportation should approve the Old Saybrook Harbor Management Plan to serve as the Town's principal guide (in coordination with the Old Saybrook Plan of Conservation and Development) for beneficial use of the waterfront and HMA and protection of environmental quality in the HMA. Any appropriate Plan amendments that may be prepared by the Harbor Management Commission in the future should also be reviewed and approved by the commissioners according to the same procedure used to approve the Plan.⁵

In addition, any revisions to Town ordinances pertaining to the operation of vessels and adopted by the Town Meeting to implement provisions of the Harbor Management Plan must be submitted to the DEP's Boating Division for review and approval as required by Section 15-136 of the Connecticut General Statutes.⁶

In the future, State and Federal agencies may provide the Harbor Management Commission with information and suggestions for Plan amendments that may be needed to address new and changing circumstances in the HMA.

2. Referral of applications and proposals affecting the Harbor Management Area to the Harbor Management Commission for review and determination of consistency with the Harbor Management Plan; consideration of the Commission's consistency findings in State and Federal review and decision-making processes.

⁵ The procedure for State and Federal review and approval of the Harbor Management Plan and Plan amendments is specified in Section 22a-113m of the Connecticut General Statutes which states that: "A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments, and recommendations. Such plan shall be submitted to the commissioners of environmental protection and transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan... A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan."

⁶ Section 15-136 requires that any local ordinance "...respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Environmental Protection for review and approval. This review is carried out by the DEP's Boating Division. The DEP has 60 days to disapprove any part of the ordinance that it finds to be "...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If the DEP does not disapprove all or part of the proposed ordinance within 60 days, the ordinance will take effect on the first day of April following its adoption.

The placement of all structures (including docks, piers, pilings, bulkheads, and aids to navigation) in the Harbor Management Area as well as any dredging and filling of aquatic areas must be authorized by the Connecticut Department of Environmental Protection and the Corps of Engineers. When conducting their separate State and Federal regulatory programs, the DEP and Corps should send the public notices of applications for in-water structures, dredging, or filling in the HMA to the Harbor Management Commission. The Commission will review those applications, determine their consistency with the Harbor Management Plan, and comment to the DEP and Corps of Engineers on the consistency of each proposal with the Plan. (See no. 6 on page 7-13 in the previous section on the Harbor Management Commission.) In their review and decision-making processes, the DEP and Corps of Engineers should, to the maximum extent permissible in accordance with State and Federal law, give primary consideration to the Commission's consistency findings and recommendations.

Regarding any permit application submitted to the DEP and/or Corps, those agencies should provide the Harbor Management Commission with sufficient information to enable the Commission to make an informed decision on the consistency of the application with the Plan. Copies of original permit application materials should be provided to the Commission upon the Commission's request. The Commission should be provided with a copy of any permit issued by the DEP or Corps for filling, dredging, or placement of structures in the HMA.

In addition to proposals affecting the HMA and submitted to State and Federal agencies for approval, proposals prepared by State and Federal agencies and affecting real property on, in, or contiguous to the HMA should also be designed for consistency with the Harbor Management Plan and should be provided to the Harbor Management Commission for review and comment.

3. Coordination and cooperation with the Harbor Management Commission for implementation of the Harbor Management Plan.

State and Federal agencies should recognize the Harbor Management Plan as the Town's principal guide (in coordination with the Town's Plan of Conservation and Development) for safe and beneficial use of the Old Saybrook Harbor Management Area and protection of environmental quality in the HMA. The Connecticut Department of Environmental Protection, the Corps of Engineers, and other State and Federal agencies should apply their planning as well as regulatory programs in a manner to assist the Harbor Management Commission with Plan implementation. The agencies should provide information and technical assistance to the Commission for the purpose of achieving the Plan's goals and other provisions. In addition, State and Federal grant programs should be used to help implement special projects to achieve the Town's waterfront improvement and harbor management goals.

THE GENERAL PUBLIC, WATERFRONT PROPERTY OWNERS, AND PRIVATE ORGANIZATIONS

Private citizens and organizations also should contribute to implementation of the Harbor Management Plan. Everyone must adhere to Town, State, and Federal laws and regulations pertaining to use of the Harbor Management Area. In addition, there are a number of voluntary (nonregulatory) waterfront improvement and harbor management initiatives that can be carried out by Town residents, waterfront property owners, the operators of water-dependent facilities, civic-minded organizations, and others.

Concerned citizens and organizations should contribute to waterfront improvement and harbor management efforts and to implementation of the Harbor Management Plan through:

1. Design of proposals affecting the waterfront and Harbor Management Area to be consistent with the Harbor Management Plan.

The design of projects that would affect the waterfront and Harbor Management Area should be consistent with the goals, objectives, policies, and other provisions of the Harbor Management Plan. Project proponents should discuss their conceptual plans with the Harbor Management Commission prior to preparing final plans and permit applications. This sort of "preapplication" consultation should be used to help reduce development costs by avoiding the expenditure of funds on projects not likely to be consistent with the Harbor Management Plan. Preapplication consultation should also, to the extent feasible, address opportunities for waterfront development projects to incorporate public amenities.

In the course of the Harbor Management Review Process, project proponents should present their completed proposals to the Harbor Management Commission and may appear before the Commission to address any questions concerning the proposed project. (See no. 6 on page 7-13 in the previous section on the Harbor Management Commission.) It should be the responsibility of project applicants to provide the Commission with the information necessary to adequately assess the potential impacts of proposed projects on the HMA and the consistency of such proposals with the Harbor Management Plan.

2. Expression of waterfront- and harbor management-related interests or concerns to the Harbor Management Commission.

Interested and concerned citizens should attend the regularly scheduled and special meetings of the Harbor Management Commission, including an annual State of the Harbor meeting, to increase their awareness of waterfront and harbor management considerations. At those meetings, citizens should express any interests or concerns related to the waterfront, Harbor Management Area, and Harbor Management Plan. Observed violations of boating laws, evidence of pollution, and other actions adversely impacting the waterfront and HMA may be reported to the Commission, Harbor Master, Police Department, or other appropriate authority at any time.

3. Voluntary assistance to help achieve waterfront improvement and harbor management goals.

There are a number of voluntary initiatives for managing and enhancing the waterfront and Harbor Management Area that may be carried out by Town residents, waterfront property owners, and private organizations. Waterfront property owners, for example, have an important responsibility to contribute to the maintenance of clean, safe, and attractive conditions on the waterfront and in the HMA. Sites and structures near and adjoining the HMA should be maintained in a manner that enhances opportunities for beneficial waterfront and HMA use and preserves waterfront scenic quality. Voluntary, community-based efforts such as may be organized by the Harbor Management Commission to improve the environmental quality of the waterfront and HMA should be encouraged and supported by waterfront property owners.

Town residents and others who use the waterfront and HMA may volunteer to participate in special events and other efforts that may be organized from time to time by the Harbor Management Commission and others to increase environmental awareness and maintain and improve the quality of the Town's waterfront and HMA. Special events may be organized to clean up public waterfront spaces and other waterfront locations and to assist with environmental enhancement projects. Volunteer participation will be essential to the success of such events.

The operators of water-dependent facilities are particularly knowledgeable of conditions on, in, and contiguous to the HMA. Information on these conditions should be passed on to the Commission. Also, the operators of marina facilities interact with the boating public on a daily basis. As a result, they can provide information to resident as well as visiting boaters. Marina operators should assist the Commission, when necessary, by providing information to marina patrons, including information to increase boater awareness of the provisions of the Harbor Management Plan, information concerning restricted speed areas, and other information pertaining to beneficial use of the HMA. In addition, when it is necessary for the Town to obtain information concerning the needs and opinions of resident and transient boaters, the marina operators can help to distribute and collect questionnaires to obtain this information.

4. Notification of special events and major in-water activities.

To ensure that major in-water special events and any activity expected to significantly affect navigation do not create undue congestion or conflicts, all sponsors of such events should notify the Harbor Management Commission in advance of their proposed activity. (See the previous section on responsibilities of the Harbor Management Commission.) This information, recorded on a form provided by the Commission, should be completed by the sponsors of major in-water events and returned to the Commission at the earliest opportunity prior to the event. The Commission will use the provided information to maintain a master calendar of Harbor events.

5. Increased awareness of waterfront and Harbor Management Area resources, potential impacts on those resources, and the Town's waterfront improvement and harbor management goals.

Increased public awareness may be developed through attendance and participation at meetings of the Harbor Management Commission and other Town agencies; voluntary participation in projects aimed at maintaining and enhancing the environmental quality of the waterfront and Harbor Management Area; reading reports, studies, and articles pertaining to waterfront improvement and harbor management topics; and in other ways.

Of much significance for the long-term beneficial use and management of the waterfront and HMA, private citizens and civic-minded organizations should recognize the Connecticut River, Long Island Sound, North and South coves, the Oyster River and other navigable waters at Old Saybrook as Public Trust resources that belong to everyone and as such are vital resources for the entire Town. Expression of this recognition should serve as a constant reminder to public officials of their responsibility to manage the waterfront and HMA for the use and benefit of future generations.

In addition, the public, including waterfront property owners, should recognize that seemingly minor actions can, when added over time to similar actions, have significantly adverse cumulative impacts on the waterfront and HMA. All citizens, no matter how environmentally conscious, should become more aware of the impacts their actions may have on environmental quality, navigation, and other waterfront and HMA conditions. At the same time, all citizens can contribute to efforts to enhance environmental quality and improve other conditions on the Old Saybrook waterfront and in the HMA. For example, all citizens can contribute to reducing nonpoint source (NPS) pollution just by increasing their awareness and understanding of how everyday activities can contribute to NPS pollution in the Connecticut River and Long Island Sound watersheds.

APPENDICES

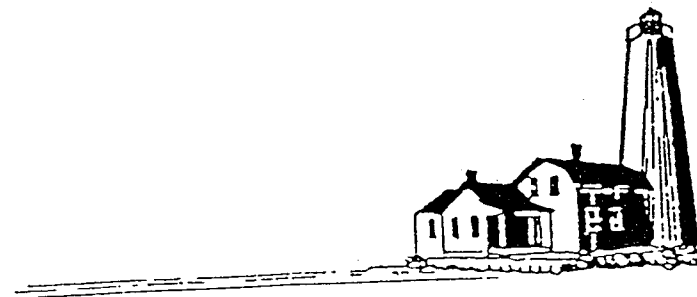
■ **APPENDIX A:**
SELECTED REFERENCES

■ **APPENDIX B:**
THE CONNECTICUT HARBOR MANAGEMENT ACT

■ **APPENDIX C:**
TOWN ORDINANCES FOR WATERFRONT AND HARBOR MANAGEMENT

- Ordinance No. 18 Relating to Advisory Waterfront Commission
- Ordinance No. 19 Regulating the Use of the Town of Old Saybrook Waterfront Facilities
 - Ordinance No. 19A Regulating the Use of Sheffield Street Dock Complex
 - Ordinance No. 20 Regulating the Use of Old Saybrook Waterfront Facilities
 - Ordinance No. 77 Creating a Harbor Management Commission

■ **APPENDIX D:**
GUIDELINES FOR THE PLACEMENT OF FIXED AND FLOATING STRUCTURES IN WATERS
OF THE UNITED STATES REGULATED BY THE NEW ENGLAND DISTRICT,
U.S. ARMY CORPS OF ENGINEERS



TOWN OF OLD SAYBROOK
HARBOR MANAGEMENT PLAN

June 2003

APPENDIX A:

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Town of Old Saybrook Town Meeting. *Ordinance No. 19* (Regulating the Use of the Town of Old Saybrook Waterfront Facilities).

Town of Old Saybrook Town Meeting. *Ordinance No. 19A* (Regulating the Use of Sheffield Street Dock Complex).

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Quadrangle. 1958, Photorevised 1970.

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Quadrangle. 1958, Photorevised 1970.

APPENDIX B:

THE CONNECTICUT HARBOR MANAGEMENT ACT

Effective October 1, 1984;
Codified in Chapter 444a, Sections 22a-113k through 22a-113t of the Connecticut General Statutes.

CHAPTER 444a*

HARBOR MANAGEMENT COMMISSIONS

*See chapter 263 (Sec. 15-1 et seq.) re harbors and rivers.

Sec. 22a-113k. Harbor management commissions. (a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance one or more harbor management commissions or may designate any existing board, commission, council, committee or other agency as a harbor management commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of any harbor management commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of a commission and shall set forth the number of members of a commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Notwithstanding the provisions of the general statutes or any special act, if an existing municipal waterfront authority, municipal shellfish commission or municipal port authority is designated as a harbor management commission, the municipality may by ordinance increase the membership of such authority, commission or agency and may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board.

(c) Any two or more municipalities whose common boundaries lie within navigable waters as defined in subsection (b) of section 15-3a may by concurrent ordinances of their legislative bodies establish one or more harbor management commissions. Each such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a). Any municipality that is a member of a commission may, by vote of its legislative body, elect to withdraw from a commission.

(P.A. 84-247, S. 1; P.A. 88-336, S. 3, 5; P.A. 90-269, S. 5, 8.)

History: P.A. 88-336 inserted new Subsec. (b) concerning membership of existing authorities designated as commissions and relettered former Subsec. (b) as Subsec. (c); P.A. 90-269 authorized a municipality to have one or more harbor management commissions.

Sec. 22a-113l. Powers. Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-113t, inclusive. Any municipality may appropriate funds to such commission.

(P.A. 84-247, S. 2.)

History: An incorrect internal reference to Sec. "22a-133l" was corrected editorially to Sec. "22a-113l" in 1993.

Sec. 22a-113m. Harbor management plan. Approval. The commission, in consultation with the commissioners of environmental protection and transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-112, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the commissioners of environmental protection and transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the commissioners of environmental protection and transportation.

(P.A. 84-247, S. 3.)

Sec. 22a-113n. Content of plan. (a) The plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to, provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the commissioner of environmental protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the commissioner of environmental protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this subsection shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

(P.A. 84-247, S. 4.)

Sec. 22a-113o. Factors considered in preparation of plan. In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as defined in section 22a-93.

(P.A. 84-247, S. 5.)

Sec. 22a-113p. Action on applications to municipal agencies referred to commission. The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

(P.A. 84-247, S. 6.)

Sec. 22a-113q. Request for general permit and delegation of enforcement authority. Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

(P.A. 84-247, S. 7.)

Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan. Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

(P.A. 84-247, S. 8.)

See Secs. 15-1 and 15-7 re duties of harbor masters.

Sec. 22a-113s. Permit fee. The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be two hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

(P.A. 84-247, S. 9; P.A. 94-108, S. 3.)

History: P.A. 94-108 increased the maximum mooring fee from one hundred to two hundred dollars.

Sec. 22a-113t. Model harbor management. Not more than six months after October 1, 1984, the commissioner of environmental protection in consultation with the commissioner of transportation shall prepare a model harbor management plan.

(P.A. 84-247, S. 10.)

APPENDIX C:

**TOWN ORDINANCES FOR WATERFRONT
AND HARBOR MANAGEMENT**

ORDINANCE #18 * **

RELATING TO ADVISORY WATERFRONT COMMISSION
(Name changed to WATERFRONT COMMISSION at
Town Meeting of July 29, 1976)

RESOLVED that the following Ordinance creating an ADVISORY
WATERFRONT COMMISSION be, and the same is, hereby adopted:

Section 1. An ADVISORY WATERFRONT COMMISSION is hereby established consisting of five (5) members who shall be resident taxpayers of the Town of Old Saybrook, not more than three (3) of whom shall, at any time, be of the same political party. Said members shall be selected by the Town Meeting adopting this Ordinance, and shall serve from the date hereof to the Annual Meeting of October, 1963, unless sooner discharged by action of any Town Meeting called for that purpose. In addition to the five (5) members so to be selected, the Health Officer and the Harbor Master of the Town of Old Saybrook shall be ex officio members of said Commission, and said ex officio members shall have all of the rights and powers hereinafter granted to the other members of said Commission except for the right to vote with respect to any matters properly to be brought before said Commission. Said Commission shall elect from its members a Chairman and a Secretary who shall perform the usual duties appertaining to such officers. The Commission shall keep (records in) the office of the Town Clerk in Old Saybrook and be available for public inspection the same as are all public records of the Town. The members of said Commission shall serve without compensation, but shall be reimbursed, by action of the Board of Selectmen, for all reasonable expenses by them incurred in the performance of their duties.

Section 2. The ADVISORY WATERFRONT COMMISSION shall concern itself with all matters relating to the acquisition, improvement, expansion and management of waterfront areas belonging to, or leased by, the Town of Old Saybrook, including the construction, erection, improvement, alteration, expansion, extension, acquisition, operation, management, regulation and supervision of wharves, piers, bulkheads, breakwaters, jetties, docks, slips, basins, docking facilities, beach areas, harbor development, and waterfront installations. It shall, independently and/or in conjunction with other governmental agencies investigate all such matters and shall, from time to time, report to Town Meetings the results of its investigations and shall make recommendations to such Town Meetings for the adoption of suitable ordinances and regulations for such waterfront areas and for the appropriation of funds, subject to Board of Finance consideration, for the acquisition, expansion, improvement and management of the same.

Section 3. Any vacancies occurring on said Commission shall be filled by appointment by the Board of Selectmen.

Section 4. This Ordinance shall become effective upon its adoption by the Town Meeting.

ORDINANCE # 18 - Page 2

Section 5. The members of the Advisory Waterfront Commission shall serve for terms of two (2) years each. In order to provide for staggered terms, the Annual Meeting of 1971 shall elect three (3) members for a term of two (2) years and (2) members for a term of one (1) year. Thereafter, the Annual Town Meeting shall on all odd numbered years elect three members for a two (2) year term, and on all even numbered years shall elect two members for a term of two (2) years.**

* Adopted March 23, 1961

** Adopted by act of Special Town Meeting 12/4/70

ORDINANCE #19

REGULATING THE USE OF THE TOWN OF OLD SAYBROOK WATERFRONT FACILITIES

(Also see amendment)

The following rules and regulations shall govern the use of the waterfront facilities of the Town of Old Saybrook, and the use of the parking areas at the waterfront facilities:

1. There shall be no parking from 12 midnight to 5:00 A.M., at the designated parking areas in the immediate vicinity of all town-owned waterfront facilities. In addition, all daytime parking in said areas shall be by permit only, and shall be limited to those vehicles displaying a current parking sticker, which shall be issued by the Advisory Waterfront Commission. Parking stickers will be limited to residents and taxpayers of the Town of Old Saybrook, and to persons having a mooring at the North Cove mooring area, for the current boating season. Persons having moorings for the current boating season at North Cove, will be limited to parking at the North Cove areas only.
2. Overnight parking for owners of vessels moored in the North Cove mooring area, members of their families and guests, shall be permitted only at the parking areas of the Old Saybrook Junior High School. Parking stickers will not be required for parking in this area.

ORDINANCE # 19 -Page 2

3. Parking the areas designated "load zone", shall be limited to 15 minutes for the purposes of loading and unloading gear and supplies, and the picking up and discharging of passengers.

4. All items including boats, oars, lobster pots, lines, etc., left within the areas owned by the Town of Old Saybrook and used as waterfront facilities, except those areas designated for such use, may be removed at the direction of the Advisory Waterfront Commission, and the owner thereof may reclaim the same only upon payment of the expense involved in the removal and storage of said items.

5. All fishermen must withdraw lines when vessels are approaching town docks, or underway from town docks, and shall not interfere with normal vessel operation.

6. The Advisory Waterfront Commission is hereby authorized to place such signs as it deems sufficient and necessary to warn users of the Old Saybrook waterfront facilities of the regulations contained herein.

7. Any person who violates any section of this ordinance shall be subject to a fine not to exceed \$25.00.

Per Connecticut Statutes 7-157, this ordinance becomes effective 15 days after publication

Charles L. Doherty, Jr.
Town Clerk

Dated at Old Saybrook, June 25, 1973 - Legal ad published June 27, 1973.

Effective date July 12, 1973.

FERRY ROAD WATERFRONT REGULATIONS - ORDINANCE # 19 -Page 3

The following rules and regulations shall govern the use of the Ferry Road waterfront facilities of the Town of Old Saybrook and the use of the parking areas at those facilities:

1. All parking shall be by permit only and shall be limited to residents, to taxpayers, or to persons to whom boat slips have been assigned for the current season.
2. All parking must be in the designated parking areas only.
3. Access to the dock and to slips must be kept unobstructed at all times.
4. Vehicles in violation of parking regulations are subject to towing and storage at the owners' expense.
5. Fishing, lobstering, and boating gear and other equipment of whatever kind must be stored in the area designated for the purpose. Any equipment left on docks will be subject to removal without notice, and the owner thereof may reclaim the same only upon payment of the expense involved in the removal and storage of said items.
6. The face of the main dock shall be kept clear. Except for loading and unloading not to exceed one hour, this space is not available for dockage. It shall be available to transient craft or for safety during a storm. In such cases the time limit shall be 24 hours for transient craft, or the duration of the storm for those seeking safety. Vessels in violation are subject to removal and to storage at the owners' expense.
7. No modifications are to be made to any part of the dock, pilings, stonework, concrete, or blacktop. No pipes, bars, metal posts, or other devices are to be driven or in any way attached to any part of any construction on Town property.
8. Fishermen and crabbers must withdraw lines when vessels are approaching and shall not interfere in any way with the operation of any vessel, nor with loading and unloading.
9. Fish are not to be cleaned or gutted on the dock or on other Town property.
10. All refuse must be placed in the refuse containers provided.
11. Any person who violates any of the above regulations shall be subject to arrest and to a fine not to exceed \$25.00.

SHEFFIELD STREET WATERFRONT REGULATIONS ORDINANCE # 19 - Page 4

The following rules and regulations shall govern the use of the Sheffield Street waterfront facilities of the Town of Old Saybrook and the use of parking areas at those facilities:

1. All parking shall be by permit only and shall be limited to those vehicles displaying a current parking sticker, which shall be issued by the Waterfront Commission. Parking stickers will be restricted to residents and taxpayers and to persons having a mooring at the North Cove mooring area for the current season.
2. From 12 midnight to 5 A.M. there shall be no parking at the Sheffield Street waterfront facilities in the street or on town-owned waterfront property.
3. Overnight parking for owners of vessels moored in the North Cove mooring area and for members of their families and guests shall be permitted at the parking areas of the Old Saybrook Junior High School. Parking permits are not required for parking in this area.
4. Stopping in the loading zone shall be limited to 15 minutes for the purpose of loading and unloading gear and supplies, and the picking up and discharging of passengers.
5. Cars in violation of parking regulations are subject to towing at the owner's expense.
6. No alcoholic beverages are to be opened or consumed on the dock complex or on adjacent Town property, including parking areas.
7. Swimming from the dock and from adjacent Town property is prohibited at all times.
8. No boats are to be left unattended at the dock.
9. No boats are to remain at the dock for more than 20 minutes.
10. Dinghies and prams must be stored in racks at the owners' risk, not left on the ground, on floats, or on the dock.
11. No boats are to be left on Town property from November 1 to May 1.
12. Fishing and crabbing are prohibited at all times on the dock complex and on adjacent Town property.
13. No fish are to be cleaned or gutted on the dock or on other Town property.

ORDINANCE #19 - Page 5

14. No one shall interfere in any way with the operation of a vessel approaching or departing the dock, and no one shall permit himself or his property to be an obstruction to such approaches or departures.
15. Access to the launching ramps must be kept clear and unobstructed at all times.
16. Activities associated with commercial fishing are not permitted on the dock complex or on this Town owned waterfront property. The transporting of catch, equipment and bait through the area is prohibited.

ORDINANCE #19A

ORDINANCE REGULATING THE USE OF SHEFFIELD STREET DOCK COMPLEX,
TOWN OF OLD SAYBROOK

RESOLVED: That the following language be incorporated into the ordinances of the Town of Old Saybrook, to be codified as Ordinance 19A:

NOTWITHSTANDING ANY ORDINANCE OR RULE AND REGULATION TO THE CONTRARY, FISHING AND CRABBING BY OLD SAYBROOK RESIDENTS SHALL BE PERMITTED AT ALL TIMES ON THE SHEFFIELD STREET DOCK COMPLEX AND ON ADJACENT TOWN PROPERTY. FISH MAY BE CLEANED AND GUTTED IN DESIGNATED AREAS ADJACENT TO THE DOCK. ACTIVITIES ASSOCIATED WITH COMMERCIAL FISHING ARE NOT PERMITTED ON THE DOCK COMPLEX OR ON THE ADJACENT TOWN-OWNED WATERFRONT PROPERTY. ANY PROHIBITION THAT MAY FORMERLY HAVE EXISTED AGAINST TRANSPORTING OF CATCH, EQUIPMENT, AND BAIT ON THE DOCK COMPLEX OR THROUGH THE ADJACENT TOWN-OWNED WATERFRONT PROPERTY IS RESCINDED.

This Ordinance adopted at a Special Town Meeting March 16, 1992

This Ordinance published in the Middletown Press on March 21, 1992 and becomes effective April 5, 1992 (15 days after publication Sec. 7-157).

ORDINANCE #20

ORDINANCE REGULATING THE USE OF TOWN OF OLD SAYBROOK WATERFRONT FACILITIES

1. The Waterfront Commission is hereby authorized and empowered to adopt rules and regulations as it deems necessary and advisable for the proper control, use management and maintenance of all Town of Old Saybrook owned and controlled waterfront facilities under the jurisdiction of said Waterfront Commission. Parking in the vicinity of all said waterfront facilities shall be subject to regulations established by the Waterfront Commission. The Waterfront Commission is hereby authorized to place such signs as it deems sufficient and necessary to warn users of the Old Saybrook facilities of the rules and regulations which may be established under the provisions of this ordinance.

2. The Waterfront Commission is hereby authorized to establish, charge and collect fees for the use of those Town of Old Saybrook owned and controlled waterfront facilities and mooring areas within the jurisdiction and control of said Waterfront Commission.

3. Any person or persons violating any of the rules or regulations established under Paragraph 1 of this ordinance shall be subject to arrest and to a fine not to exceed \$25.00.

Repealing Sec. #1 thru #7 by act of Town Meeting, November 24, 1975.

ORDINANCE #77

ORDINANCE CREATING A HARBOR MANAGEMENT COMMISSION

WHEREAS, the Town of Old Saybrook wishes to protect its marine-historic resources and sensitive natural resource areas found along its harbors and in near shore coastal waters; to provide greater public opportunities for water-based recreational activities, to maintain and enhance navigational facilities for the benefit of all harbor and near shore coastal water users; to allocate land and water resources in an economically and environmentally sound manner, and

WHEREAS, the Town believes that the most equitable way of balancing competing uses in the harbor and adjacent coastal waters is to develop, adopt and implement a Harbor Management Plan, and

WHEREAS, a Harbor Management Commission can properly manage and plan for the harbors, and near-shore coastal waters,

THEREFORE, the Town Meeting of the Town of Old Saybrook hereby establishes a Harbor Management Commission pursuant to Section 22a-113k of the General Statutes.

Section 1: Commission Composition

The Harbor Management Commission shall consist of five (5) members who must be electors and residents of the Town of Old Saybrook. No more than three (3) of the members shall be the members of the same political party. The Harbor Master shall serve as an ex-officio member of the Commission, without vote.

No regular member of the Harbor Management Commission shall receive compensation for service, but may be reimbursed for any necessary expenses. The Harbor Master, and/or Deputy Harbor Master, may receive compensation for any prescribed duties.

Section 2: Commission Member Tenure

Commencing on the effective date of this ordinance, all present members of the Town of Old Saybrook Waterfront Commission are hereby designated as members of the new Old Saybrook Harbor Management Commission. The Commission members' terms of office on the new Harbor Management Commission shall be the same as would have been the case if the Old Saybrook Waterfront Commission had continued in existence. Thereafter, the terms of office and method of election of members of the new Harbor Management Commission shall be in accordance with the procedure set forth in Chapter 12, Section 11 of the Charter of the Town of Old Saybrook.

Section 3: Jurisdiction of the Harbor Management Commission

The area of the Town of Old Saybrook within the jurisdiction of its Harbor Management Commission shall be the waters within the territorial boundaries of the Town of Old Saybrook below mean high water, with the exception of the waters within the jurisdiction of the Fenwick Harbor Management Commission. Said Commission is directed, in preparing a

Harbor Management Plan in accordance with the duties and responsibilities under the provisions of Section 22a-113m of the General Statutes of the State of Connecticut, to consult and take into consideration any Harbor Management Plan or policies developed by any political subdivision of the Town of Old Saybrook with respect to those waters of the Town of Old Saybrook within or adjacent to the geographical boundaries of said political subdivision. Any such political subdivision of the Town of Old Saybrook, pursuant to the rights granted to it under this paragraph, shall, upon its request, have the right to a hearing before the Old Saybrook Harbor Management Commission, at which time it may present relevant testimony, materials, and exhibits in support of its plan or policies with regard to management of the waters of the jurisdiction. The rights granted to the political subdivision of the Town of Old Saybrook in this paragraph shall be in addition to and not in lieu of any other rights that they may have under the General Statutes with regard to participation in the preparation and adoption of a Harbor Management Plan for the waters of the Town of Old Saybrook.

Section 4: Harbor Management Commission, Powers, Duties and Responsibilities

The purpose of the Harbor Management Commission shall be to prepare a Harbor Management Plan for the harbor in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes. The Commission may hire staff and consultants for the preparation of a Plan and to assist with any subsequent powers, duties, and responsibilities pursuant to the Plan. Upon adoption of the Plan, the Commission shall provide for the annual review of the Harbor Management Plan and shall make any additions that may be deemed appropriate subject to the process set forth in Sections 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the General Assembly. In addition, the Commission may exercise any of the following powers, duties, and responsibilities:

- (a) to recommend ordinances for adoption by the Town Meeting which implement the Harbor Management Plan and which may specify fines for violation of those ordinances, in accordance with Sections 22a-113m of the Connecticut General Statutes;
- (b) to assist the Harbor Master in the assignment of moorings, the management of mooring and anchorage areas, and the collection of mooring fees;
- (c) to prepare an operating budget for the Commission using funds from sources which may include, but are not limited to, local appropriations, mooring fees, violation fines or a harbor management fund established by Town ordinances;
- (d) to assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area;
- (e) to review and make recommendations on proposed land and water use activities contiguous to the waterfront and within the waters delineated in Section 3 of this ordinance that are received by other municipal agencies in accordance with the procedure described in Section 5 of this ordinance;

(f) to review for consistency with the Harbor Management Plan any public notice of and application for a local, state or federal permit for an activity taking place within the Commission's jurisdiction as described in Section 3 of this ordinance, and to respond in timely fashion with the recommendations to the regulating agencies;

(g) to conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Old Saybrook waters and to present to the Board of Selectmen proposals for the harbor's efficient operation; and

(h) to request, when appropriate, a general permit from the United States Army Corps of Engineers and/or delegation of state enforcement authority pursuant to Section 22a-2a of the Connecticut General Statutes.

(i) to assume and perform the duties and responsibilities conferred upon it under the provisions of Section 7 of this ordinance.

Section 5: Referral of Proposals Submitted to Other Municipal Agencies

Pursuant to Section 22a-113p of the Connecticut General Statutes, the Commission shall review and make recommendations, consistent with the adopted Harbor Management Plan, or any proposal affecting the real property on, in, or contiguous to the area within the jurisdiction of the Commission submitted to the Planning Commission, the Zoning Commission, the Zoning Board of Appeals, the Water Pollution Control Agency, the Inland Wetlands Commission, the Conservation Commission, the Parks and Recreation Commission, the North Cove Historical District Commission, and the Shellfish Commission. The Harbor Management Commission shall be notified in writing of any such proposal at least thirty-five (35) days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five (35) days prior to the taking of any final action on the proposal. The respective municipal agency shall send a copy of the application/proposal to the Commission.

The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the Commission. A two-thirds (2/3) vote of all the members of the agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the Commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having the proposal. Failure of the Commission to submit recommendations on or before the date of the hearing or action on such a proposal shall be deemed an approval.

Section 6: Severability

If any provision of this ordinance or applications thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this ordinance are hereby declared to be severable.

Section 7: Termination of Old Saybrook Waterfront Commission

In accordance with the provisions of Chapter 12, Section 12 of the Charter of the Town of Old Saybrook, by enacting of this ordinance, the

Waterfront Commission of the Town of Old Saybrook shall terminate. The date of termination shall be the effective date of this ordinance. All duties and responsibilities of the Old Saybrook Waterfront Commission, especially those conferred to it under the provisions of Ordinance #18, Ordinance #19, and Ordinance #20 of the Town of Old Saybrook shall be hereby transferred and assigned to the new Old Saybrook Harbor Management Commission effective on the date of termination of the Old Saybrook Waterfront Commission. Also, all financial responsibilities and Town of Old Saybrook budget appropriations shall be transferred and assigned from the Old Saybrook Waterfront Commission to the new Old Saybrook Harbor Management Commission on said effective date.

Section 8: Effective Date

This ordinance shall be effective fifteen (15) days after publication.

Enacted by Special Town Meeting March 4, 1997.

Advertised in Middletown Press March 8, 1997.

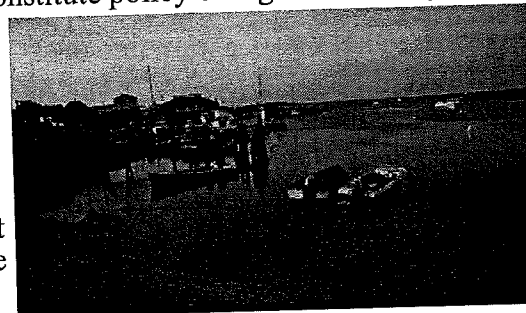
This Ordinance becomes effective march 23, 1997.

APPENDIX D:

**GUIDELINES FOR THE PLACEMENT OF FIXED AND
FLOATING STRUCTURES IN NAVIGABLE WATERS OF THE
UNITED STATES REGULATED BY THE NEW ENGLAND
DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

(July 1996, discard previous editions)

1. These guidelines have been developed due to the intense pressures of development in our coastal waters and on the adjacent land which have led to increasing conflict between users of these resources. They attempt to provide common sense guidance in allocating space for structures in navigable waters, recognizing reasonable use expectations of the general public and waterfront landowners. These guidelines do not constitute policy or regulation. They do, however, provide guidance for project design which typically will not generate adverse public comment or result in permit denial.
2. There is no statutory or regulatory prohibition against the Corps issuing regulatory permits authorizing structures or other work in Federal Navigation Project (FNP). However, the Corps permit regulations require district and division commanders to consider the extent to which that proposed work may be in conflict with the uses (and their respective navigational requirements) at issue when the FNP was authorized as well as with subsequent maintenance dredging activities. In general, the Corps discourages and has not permitted structures in FNPs, except as noted in paragraph 6 below. FNPs are typically channels, turning basins and anchorages.
3. In those cases where a project is proposed within two hundred feet (200') of a FNP the applicant shall determine and show the state plane coordinates for the extreme lateral limits of his project, the point on structures furthest beyond mean high water (MHW), and the point of closest approach of any structure to the FNP. (See sketch no. 1.)
4. Similarly, structures which may cause an intrusion into FNPs will typically not be permitted. FNPs are channels and anchorages created at public expense. Examples of intrusions are permanently moored vessels, fish harvesting devices, etc.
5. To preclude intrusions into FNPs, appropriate setbacks for structures from the project limits may be established on a case by case basis. The setbacks can be determined using appropriate criteria such as:
 - A. Project maintenance requirements. The typical setback shall be a horizontal distance three (3) times the authorized project depth since Corps projects often specify, for dredging purposes, side slopes of 3H: 1V. This will, over the long term, minimize the need, expense, and inconvenience of forcing people to remove structures to dredge. (See sketch no. 1).



- B. Traditional navigation patterns where because of type and size of vessel, channel conditions, fishing or recreational activities, etc. closer approach of structures to a FNP is not in the public interest.
 - C. The configuration and capacity of structures proposed adjacent to FNPs to facilitate intrusion into it. An example would be a pier capable of mooring vessels longer than itself which would extend into the FNP. Such structures would require a greater setback than noted above.
 - D. The presence of adjacent, authorized structures where it would be reasonable for new facilities to conform to their length to provide safe access to the new structure. In some instances this might authorize a smaller setback than noted above.
6. An exception to the guideline regarding FNPs, structures may be favorably considered where the applicant is a state or local government who would place such structures in a Federal Anchorage to provide greater or more effective use to the public, with the condition that such facilities would be available on an equal access basis to all citizens of the U.S.
7. In a linear waterway, i.e., river, canal, narrow estuary, etc., a reasonable area of public water should be maintained in the public interest to sustain activities not specifically related to simply transiting the area in safety. Such activities are cruising, fishing, sail boarding, swimming, water skiing, etc. which require open, unobstructed water and should not be eliminated for private interest.

In such areas, no structure should extend more than 25% of the waterway width at mean low water. This will maintain 50% of the width as open water, an even split, between public and private interest. (See sketch no. 2.)

8. A maximum intrusion into a waterway in areas where there is not a physical width constriction is also desirable to preclude excessive loss of public water usage. In general, new structures should conform in length to adjacent structures and customary usage of the surrounding area. In areas where existing structures and usage do not seem applicable, a reasonable maximum authorized distance beyond mean low water of 600 feet (the traditional cable length) will be used. This may be modified if necessary for site specific conditions or public benefit. (See sketch no. 3.)
9. Numerous conflicts between neighboring waterfront property owners have arisen during our permit review process concerning the spacing of projects relative to riparian lines (demarcations of rights in the water associated with owning waterfront property). These conflicts are generally concerned with access to piers and floats for mooring vessels. We typically require a minimum setback from the reasonable riparian boundary of 25 feet. This is based on the fact that a median sized recreational vessel length is in the range of 32 feet. A minimum turning distance for such a vessel is 1.5 times its own length or 48 feet which we have rounded to 50 feet. Each adjacent facility provides half the required turning distance, which is an equitable distribution of the resource. (See sketch no.3)

If abutting property owners reach a mutual agreement regarding structures which has a lesser setback, that setback may be authorized, if the applicant agrees to record any ensuing Corps permit which will have that agreement as a condition and the abutter's letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

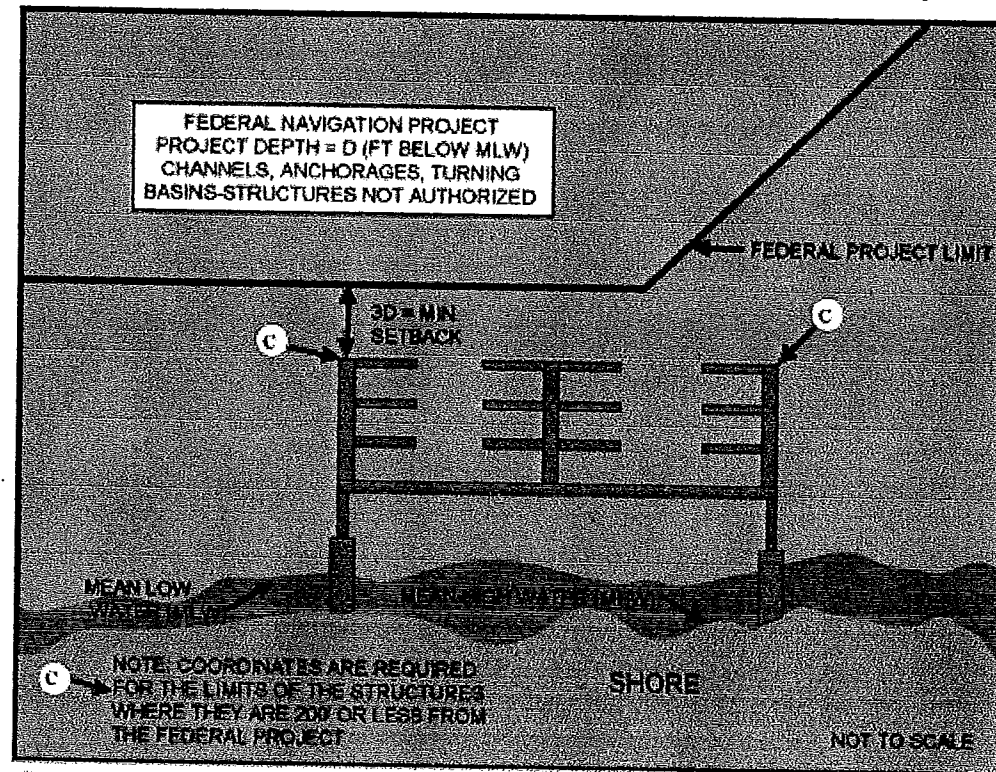
10. Fields of individual single point moorings shall be defined by a polygonal area whose angle points are defined by coordinates, to within 10 feet, in the applicable state plane coordinate system and by a maximum number of moorings authorized within it. A rule of thumb for the area needed by a vessel on a single point mooring is a circle with a radius equal to vessel length plus five times the depth of water at high tide. This can be reduced but the minimum should be length plus three times water depth.

These mooring fields should be in reasonably close proximity to the applicant's property and preferably encompassed by his reasonable riparian lines and far enough offshore to keep noise disturbance to other shore owners in reasonable limits and not restrict reasonable future development by these owners. If mooring areas remote from the applicant's property are proposed, a clear description of why this is necessary and what are the potential positive and negative impacts to the public's use of the water may occur. See sketch no. 4)



Guidelines

For the placement of fixed and floating structures in navigable waters of the United States regulated by New England District, U.S. Army Corps of Engineers

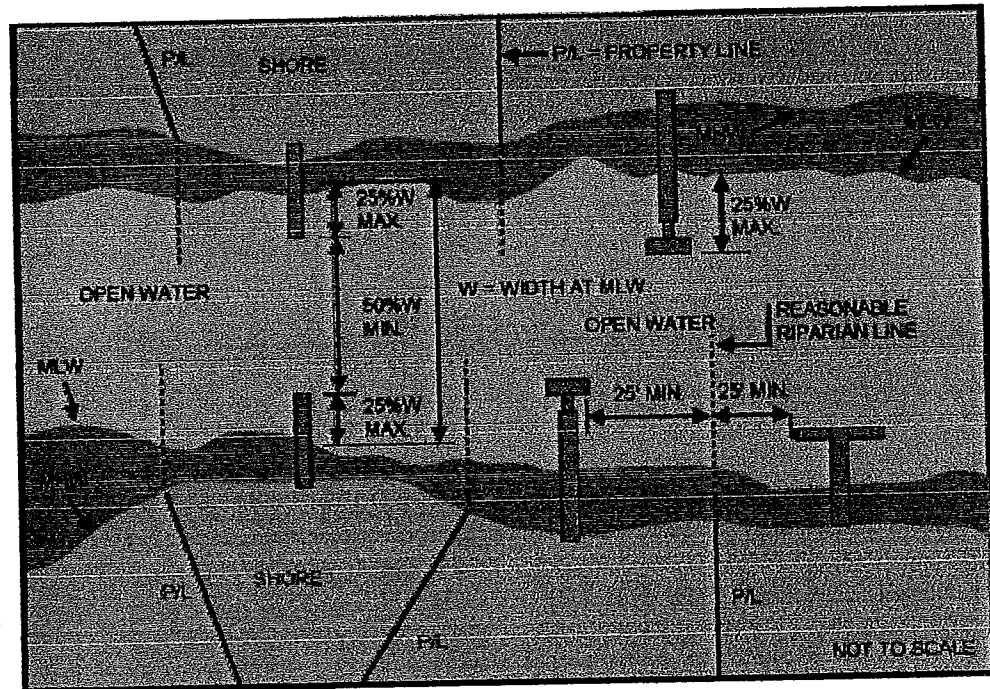


SKETCH NO. 1: ILLUSTRATION OF GUIDELINES FOR STRUCTURES NEAR FEDERAL NAVIGATION PROJECTS



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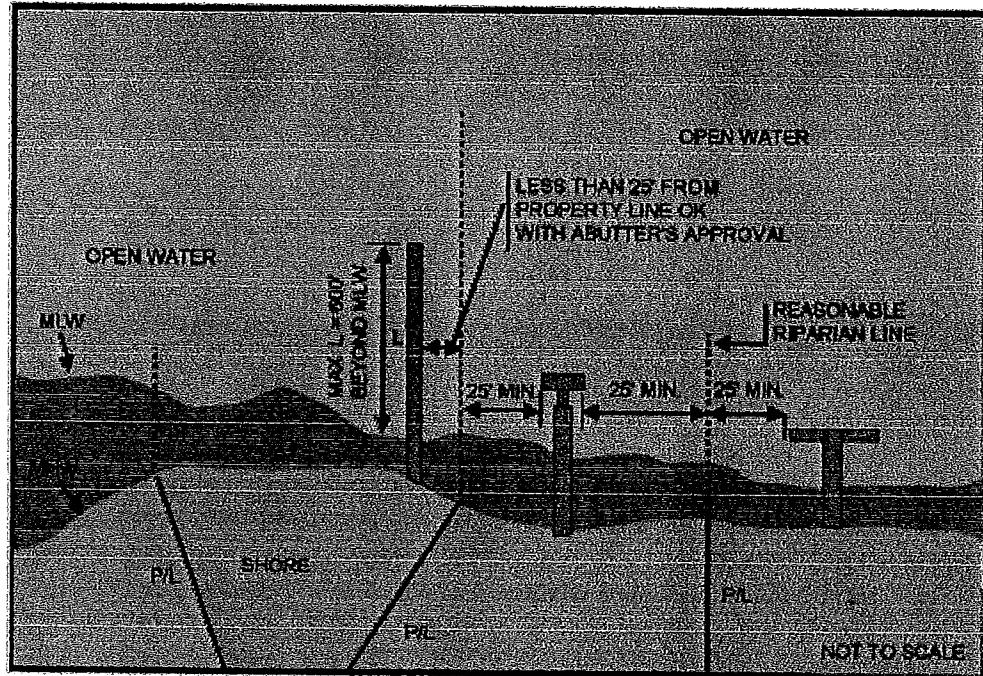


SKETCH NO. 2: GUIDANCE ON LENGTH OF STRUCTURES IN LINEAR WATERWAYS



Guidelines

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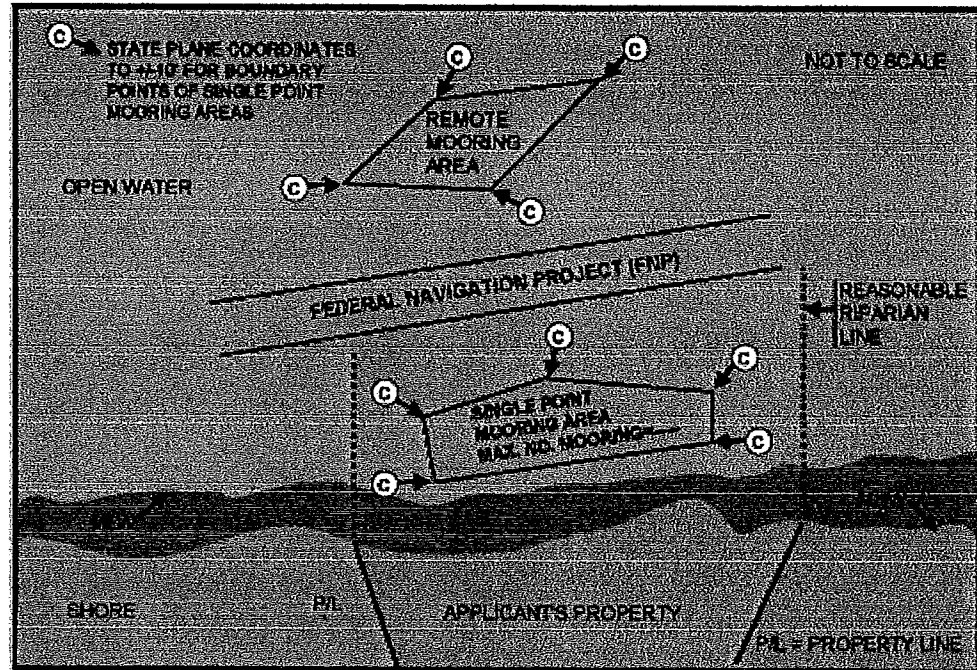


SKETCH NO. 3: GUIDANCE ON SPACING STRUCTURES RELATIVE TO ADJACENT PROPERTIES AND MAXIMUM LENGTH BEYOND MEAN LOW WATER (MLW)



Guidelines

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SKETCH NO. 4: ILLUSTRATION OF GUIDELINES FOR SINGLE POINT MOORING FIELDS