

CITY OF STAMFORD HARBOR MANAGEMENT PLAN



**CITY OF STAMFORD
HARBOR MANAGEMENT COMMISSION**
Stamford, Connecticut

March 2009

Cover Photo: Stamford Inner Harbor - West and East Branches

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**CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION**

March 23, 2009

CITY OF STAMFORD HARBOR MANAGEMENT PLAN

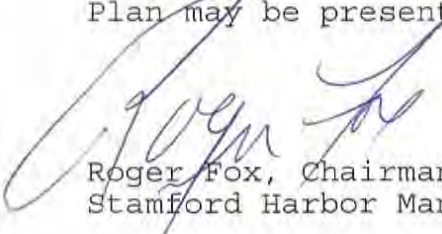
This document contains the *City of Stamford Harbor Management Plan* prepared by the Stamford Harbor Management Commission.

Pursuant to Stamford Ordinance No. 1021 and Section 22a-113m of the Connecticut General Statutes, the Plan was approved by the State of Connecticut in June 2008 and adopted by the Stamford Board of Representatives effective March 20, 2009.

The Plan's goals, objectives, and policies are directed toward achieving balance among a number of equally important purposes, including: protection and enhancement of environmental resources and the quality of life associated with the city's location on Long Island Sound; provision of opportunities for water-dependent activities and public access to the Stamford Harbor Management Area (SHMA); achievement of sustainable development and economic benefits linked with the SHMA; and protection of the health, safety, and welfare of everyone who uses the SHMA and waterfront.

When applying the Plan's provisions, the Harbor Management Commission will always recognize that efforts to advance recreational, commercial, and community development opportunities enhanced by the SHMA should be carried out in coordination with efforts to protect and enhance the environmental quality, natural resources, and ecological functions associated with the SHMA.

The Plan will be reviewed on a regular basis by the Harbor Management Commission to monitor the status of its implementation, and updated as necessary to respond to changing conditions affecting the SHMA. Any proposed amendments must be provided for public review and comment and must be approved by the State of Connecticut and adopted by the Board of Representatives before they may take effect. Public comments regarding the SHMA and the Plan may be presented to the Commission at any time.


Roger Fox, Chairman
Stamford Harbor Management Commission

CITY OF STAMFORD HARBOR MANAGEMENT PLAN



Prepared By:

STAMFORD HARBOR MANAGEMENT COMMISSION
City of Stamford, Connecticut

Consultant to the Harbor Management Commission:

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Westport, Connecticut

March 2009

Adopted by the Stamford Board of Representatives
Effective March 20, 2009

FOREWORD

This document contains the *City of Stamford Harbor Management Plan* adopted by the Stamford Board of Representatives effective March 20, 2009. The Plan was prepared by the Stamford Harbor Management Commission in accordance with authority provided by the Connecticut Harbor Management Act of 1984 (Sections 22a-113k to 22a-113t of the Connecticut General Statutes) and Stamford Ordinance 1021 which establishes the jurisdiction, powers, duties, and responsibilities of the Commission. Pursuant to Section 22a-113m of the General Statutes, the Plan has been duly approved by the Connecticut Commissioners of Environmental Protection and Transportation and reviewed by the U.S. Army Corps of Engineers.

The Plan contains goals, objectives, policies, guidelines, and recommendations for balanced and beneficial use of the Stamford Harbor Management Area (SHMA); for protection of environmental quality in the SHMA; and for safe and enjoyable use of the SHMA. The SHMA includes Stamford Harbor and all of the other navigable waters and intertidal areas of the city below the mean high water line, including the several smaller harbors of Westcott Cove, Cove Island Harbor, and Dolphin Cove. The SHMA also includes the tidally influenced reach of the Rippowam (Mill) River upstream to the Mill River dam as well as Stamford's jurisdiction on Holly Pond and the Noroton River upstream to Route 1.

A principal purpose of the Plan is to strengthen city influence and control in the SHMA which, prior to the Plan, was subject primarily to state and federal authorities. Upon adoption of the Plan by the Stamford Board of Representatives, public and private actions affecting the SHMA are to be consistent with the Plan. The Commission is responsible for ensuring this consistency through a harbor management consistency review process established by the Plan.

The Plan also increases coordination among the different city boards, commissions, and departments that carry out responsibilities affecting the SHMA. It establishes a policy framework to ensure that these city 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 Plan are consistent with and complement the provisions of the Stamford Master Plan. Together, these two city plans will provide a guiding framework for city planning and development initiatives focused on the SHMA and waterfront and help to clarify and formally establish the city's long-range vision for beneficial use and conservation of Stamford's harbors and waterfront resources.

Implementation of the Plan will be an ongoing process that will continue to develop in response to changing conditions and circumstances. The Plan provides a policy and decision-making framework to guide the city's actions, including case-by-case decision-making by the Commission, as well as the actions of state and federal agencies. The framework is flexible and will require modification over time as conditions and circumstances change. To ensure that it responds to changing conditions, the Plan will be amended as needed.

ACKNOWLEDGMENTS

Many persons have assisted with preparation of the Plan, including city officials and Stamford residents, as well as representatives of city, state, and federal agencies, and the owners/operators of water-dependent facilities. The Plan was prepared by the Stamford Harbor Management Commission: **Roger Fox**, Chairman; **James Bartley**; **John Condlin**; **Edward J. Esposito**; **Art Ruffles** (Alternate); **Robert J. Strada**; **Griffith H. Trow**; and **Captain Bernie Weiss**.

Stamford Director of Operations Tim Curtin prior to his retirement; current Director of Operations Benjamin Barnes; and Chief of Police Brent B. Larrabee served as ex-officio members of the Commission during preparation of the Plan. Their designated representatives, Frank M. Fedeli from the Office of Operations and Sergeant Peter Wolff, commanding officer of the Police Department's Marine Unit, assisted the Commission throughout the planning process and contributed essential information, assistance, and advice during the course of the work. The officers of the Marine Unit provided vital assistance to the Commission and its consultant throughout the entire planning process, including assistance for on-water reconnaissance of conditions and issues in the SHMA. Ward Brennan, State of Connecticut harbor master for Stamford and ex-officio member of the Commission, also provided assistance throughout the planning process.

Representatives of the Stamford Land Use Bureau, including director Robin Stein, Principal Planner Norman Cole, Environmental Protection Board Executive Director David Emerson, Transportation Planner Thomas Bruccoleri, GIS Specialist Cindy Barber, and Planner Erin McKenna provided vital information for the planning process. From Stamford's Office of Marine Operations, Marine Supervisor Doug Hamilton also provided important assistance. In addition, a number of state and federal agencies, including various units of the Connecticut departments of environmental protection (DEP) and transportation, the Connecticut Bureau of Aquaculture, the U.S. Army Corps of Engineers, and the U.S. Coast Guard provided assistance. From the DEP's Office of Long Island Sound Programs, Kristal Kallenberg-Dorismond served as the agency's liaison with the Commission and provided important advice and direction. Representatives of the water-dependent businesses in the SHMA also provided valuable information.

Geoffrey Steadman of Westport, Connecticut served as consultant to the Commission for preparation of the Plan and worked at the direction of the Commission to prepare all final and interim Plan documents. Photographs in the Plan are by Mr. Steadman from October 16, 2006. Roberge Associates Coastal Engineers, LLC of Stratford, Connecticut assisted Mr. Steadman in the planning process. From Roberge Associates, John Roberge and Devin Santa assisted with the assessment of existing conditions in the SHMA and Beth Santa and Matt Rakowski prepared maps for inclusion in the Plan and for public presentation. John Atkin of Norwalk, Connecticut, formerly Vice President of the Regional Plan Association, provided research, writing, and other assistance for presenting background information in the Plan document.

Special thanks are extended to the citizens of Stamford who participated in the Commission's meetings held throughout the planning process and otherwise demonstrated their support for the city's efforts to plan for the beneficial use and conservation of Stamford's harbor and waterfront resources.

CONTENTS

	<u>Page</u>
Foreword	ii
Acknowledgments	iii
Contents	iv
List of Maps and Figures	vi
CHAPTER 1: INTRODUCTION AND PLAN OVERVIEW	
Introduction	1-2
The Stamford Harbor Management Commission and Harbor Management Plan	1-2
Implementing the Harbor Management Plan	1-5
Benefits of the Harbor Management Plan	1-6
Costs of Plan Implementation	1-8
An Ongoing Process in the Public Interest	1-9
PART I: BACKGROUND INFORMATION FOR THE STAMFORD HARBOR MANAGEMENT PLAN	
CHAPTER 2: THE STAMFORD HARBOR MANAGEMENT AREA	
Coastal Area Setting	2-2
Historical Considerations	2-4
The Stamford Harbor Management Area	2-7
Conditions Affecting Navigation	2-9
Coastal Resources	2-11
Water and Waterfront Uses and Activities	2-13
Planning and Development Initiatives	2-14
Stamford Inner Harbor	2-15
West Branch	2-17
East Branch	2-23
Stamford Outer Harbor	2-28
Dolphin Cove	2-31
Westcott Cove	2-33
Cove Island Harbor and Holly Pond	2-37
Other Stamford Waters in the SHMA	3-40
CHAPTER 3: THE INSTITUTIONAL FRAMEWORK FOR HARBOR MANAGEMENT	
City of Stamford	3-2
Mayor	3-2
Board of Representatives	3-2
Harbor Management Commission	3-3
Land-Use Boards	3-3
Other City Agencies	3-5

CONTENTS (Continued)

	<u>Page</u>
Neighboring Towns	3-5
Regional Agencies	3-6
State of Connecticut	3-6
Department of Environmental Protection	3-7
Department of Transportation	3-9
Harbor Master	3-10
Department of Agriculture	3-11
Department of Motor Vehicles	3-11
Federal Government	3-12
U.S. Army Corps of Engineers	3-12
U.S. Coast Guard	3-15
U.S. Environmental Protection Agency	3-16
Other Federal Agencies	3-17
The General Public	3-17
Waterfront Property Owners	3-19
Private Organizations	3-20
CHAPTER 4: HARBOR MANAGEMENT ISSUES AND PLANNING CONSIDERATIONS	
Public Health, Safety, and Welfare Issues and Considerations	4-2
Water-Use and Navigation Issues and Considerations	4-6
Environmental Quality Issues and Considerations	4-11
Recreational Boating Issues and Considerations	4-14
Waterfront Land-Use and Development Issues and Considerations	4-17
Public Access Issues and Considerations	4-22
Harbor Administration and Coordination Issues and Considerations	4-24
PART II: HARBOR MANAGEMENT GOALS, OBJECTIVES, POLICIES, AND RECOMMENDATIONS	
CHAPTER 5: THE CITY OF STAMFORD'S HARBOR MANAGEMENT GOALS AND OBJECTIVES	
Goal 1: Public Interest, Support, and Participation	5-2
Goal 2: Active and Coordinated Management of the SHMA by the City of Stamford	5-3
Goal 3: Viable Water-Dependent Facilities and Uses	5-4
Goal 4: Beneficial Recreational Uses	5-5
Goal 5: Vital Port Facilities	5-6
Goal 6: Natural Resource Conservation and Enhancement	5-6
Goal 7: Sustainable Economic Growth and Development	5-7

CONTENTS (Continued)

	<u>Page</u>
Goal 8: Public Health, Safety, and Welfare	5-8
Goal 9: Public Access to the SHMA	5-9
Goal 10: Effective Planning and Regulation of Waterfront Land-Use	5-11
Goal 11: Cultural Enrichment	5-12
 CHAPTER 6: HARBOR MANAGEMENT POLICIES	
Harbor Administration and Coordination Policies	6-4
Public Health, Safety, and Welfare Policies	6-11
Navigation and Water-Use Policies	6-17
Environmental Quality Policies	6-24
Recreational Boating Policies	6-30
Commercial Port Policies	6-34
Waterfront Development, Access, and Land Use Policies	6-37
Public Access Policies	6-40
 CHAPTER 7: GUIDELINES AND RECOMMENDATIONS FOR HARBOR MANAGEMENT SUB-AREAS	
Stamford Inner Harbor West Branch	7-2
Stamford Inner Harbor East Branch	7-9
Stamford Outer Harbor	7-15
Dolphin Cove	7-21
Westcott Cove	7-26
Cove Island Harbor and Holly Pond	7-33
Other Stamford Waters in the SHMA	7-41
 PART III: PLAN IMPLEMENTATION	
CHAPTER 8: AUTHORITIES AND RESPONSIBILITIES FOR PLAN IMPLEMENTATION	
Authorities of the Mayor	8-6
Authorities of the Board of Representatives	8-7
Responsibilities of the Harbor Management Commission	8-10
Responsibilities of Other City Agencies	8-26
Responsibilities of the State of Connecticut Harbor Master for Stamford	8-29
Responsibilities of State and Federal Agencies with Harbor Management Authorities	8-35
Responsibilities of Private Individuals and Organizations	8-37

CONTENTS (Continued)

	<u>Page</u>
PART IV: APPENDICES	
Appendix A: Glossary of Terms	A-1
Appendix B: Selected References	B-1
Appendix C: The Connecticut Harbor Management Act	C-1
Appendix D: Guidelines for the Placement of Fixed and Floating Structures in Waters of the U.S. Regulated by the New England District, U.S. Army Corps of Engineers	D-1

LIST OF MAPS AND FIGURES

	<u>Page</u>
Map 2-1: Existing Conditions and Water-Dependent Uses in the SHMA	following 2-14
Map 2-2: Existing Conditions and Water-Dependent Uses in the SHMA	following 2-14
Figure 2-1: Stamford Harbor looking northwest over Shippan	2-2
Figure 2-2: The City of Stamford in western Long Island Sound	2-3
Figure 2-3: The City of Stamford in southwest Connecticut	2-4
Figure 2-4: Stamford Harbor Management Area	2-8
Figure 2-5: The view west over the SHMA; Cove Island Harbor and Holly Pond in foreground; Westcott Cove, Shippan, and Stamford outer harbor at top of photo	2-9
Figure 2-6: Stamford Harbor federal navigation project	2-10
Figure 2-7: Recreational boating facilities on the east branch near Stamford hurricane protection barrier; Kosciuszko Park in foreground; Pitney Bowes World Headquarters at lower left	2-14
Figure 2-8: The inner harbor looking south over the South End; east branch to left and west branch to right	2-15
Figure 2-9: The inner harbor looking north toward downtown Stamford; west branch to left and east branch to right; the South End and Kosciuszko Park in center	2-16
Figure 2-10: Looking south over the west branch; I-95, railroad, and Pulaski Street bridges in foreground	2-17
Figure 2-11: The boatyard peninsula at the mouth of the west branch	2-18
Figure 2-12: Southfield Park on the west branch; Avalon Bay development at left with tidal wetland between marina and shore	2-19
Figure 2-13: Stamford Landing development on the west branch; HELCO site on opposite side of waterway	2-20
Figure 2-14: Looking upstream on the west branch toward the head of navigation at the Pulaski Street bridge	2-21

LIST OF MAPS AND FIGURES (Continued)

		<u>Page</u>
Figure 2-15:	The east branch looking southwest with the wastewater treatment plant and other municipal facilities on the east branch waterfront in the foreground	2-23
Figure 2-16:	The east branch looking south; Harbour Square and Stamford Harbor Park development at lower right; former American Cyanamid property in foreground	2-24
Figure 2-17:	Entrance to the east branch near the Stamford hurricane barrier; Harbor Plaza at lower right	2-25
Figure 2-18:	Port facilities at the upper end of the east branch	2-26
Figure 2-19:	Looking east over the east branch and Czescik Park toward Cummings Park	2-27
Figure 2-20:	West breakwater and Stamford lighthouse in the outer harbor; Peck Point at top of photo	2-28
Figure 2-21:	Looking west over the outer harbor and Stamford Yacht Club mooring field; yacht club is at lower right	2-29
Figure 2-22:	Peck Point with the entrance to the Dolphin Cove lagoon at left	2-31
Figure 2-23:	Dolphin Cove lagoon looking east over the Soundview Farms office park	2-32
Figure 2-24:	The view to the southwest over Westcott Cove and Shippan; Stamford Harbor at top of photo; Cummings park and lagoon at right-center	2-33
Figure 2-25:	Westcott Cove federal channel	2-34
Figure 2-26:	Cummings Park and lagoon; West Beach to left and Cummings Beach and fishing pier to right	2-35
Figure 2-27:	Water-dependent facilities in the Cummings Park lagoon include, clockwise from top: Seaview marina; Halloween Yacht Club; and Cummings marina	2-36
Figure 2-28:	Looking over Cove Island Harbor toward Cove Island Park and Holly Pond; Caritas Island in right foreground	2-37
Figure 2-29:	Cove Island Park and Holly Pond looking north	2-38
Figure 2-30:	Cove Island marina	2-39
Figure 2-31:	Looking east over Shippan Point and the outer waters of the SHMA	2-41
Map 7-1:	Harbor Management Sub-Areas	following 7-2
Map 7-2:	Inner Harbor Guidelines and Recommendations	following 7-2
Map 7-3:	Outer Harbor Guidelines and Recommendations	following 7-16
Map 7-4:	Dolphin Cove Guidelines and Recommendations	following 7-22
Map 7-5:	Westcott Cove Guidelines and Recommendations	following 7-26
Map 7-6:	Cove Island Harbor and Holly Pond Guidelines and Recommendations	following 7-34
Figure 7-1:	West branch of Stamford inner harbor; boatyard peninsula at right	7-2
Figure 7-2:	Rippowam River in the SHMA upstream of Pulaski Street Bridge	7-8
Figure 7-3:	Stamford inner harbor east branch; Kosciuszko Park in center	7-10
Figure 7-4:	East branch of Stamford inner harbor; Czescik Park and municipal marina in foreground; wastewater treatment plant to right	7-14
Figure 7-5:	Stamford outer harbor; Shippan Point at lower right; east breakwater at lower left	7-16
Figure 7-6:	Dolphin Cove area; Tomac Cove in foreground; Peck Pt. to right	7-22

LIST OF MAPS AND FIGURES
(Continued)

	<u>Page</u>
Figure 7-7: Westcott Cove looking east	7-27
Figure 7-8: Cummings Park, West Beach, and Cummings Park lagoon	7-31
Figure 7-9: Cove Island Harbor, Cove Island Park, and Holly Pond	7-34
Figure 7-10: Cove Island Park and the Cove Island marina	7-38
Figure 7-11: Stamford breakwaters and Shippan Point looking east	7-41

Introduction and Plan Overview

The Stamford Harbor Management Commission (Commission) was established by city ordinance in August 2004 and given all of the municipal authority provided by the state legislation known as the Connecticut Harbor Management Act, including the authority to prepare a municipal harbor management plan for the City of Stamford. The intent of the Harbor Management Act is, in large part, to increase the authority and control of local governments pertaining to the use and conditions of their harbors.

The *City of Stamford Harbor Management Plan* (Plan) will be used by the city to achieve a number of important purposes. It will be implemented to strengthen the city's role, in coordination with state and federal authorities, for managing in-water and waterfront activities affecting Stamford's harbors and navigable waters. The Plan will also be used to clarify and formally establish, in coordination with the Stamford Master Plan, the city's long-range vision for beneficial use and conservation of Stamford's water and waterfront resources.

This first chapter of the Plan provides an overview of the purpose of the Plan, the role of the Commission in preparing and implementing the Plan, and how the Plan will be used to guide the beneficial use and conservation of Stamford's harbors and navigable waters.



INTRODUCTION

Stamford is one of the oldest and most historic communities on Long Island Sound. From the first settlement in 1641 to the present day, much of the history of Stamford must be told with respect to the city's location on Long Island Sound and the Rippowam (Mill) River that flows into the Sound through the city's center.

Although local shipbuilding and maritime trading industries disappeared long ago, the city's current port activities are the most active in western Long Island Sound, and Stamford, as the transportation hub of southwest Connecticut, is again pursuing the opportunities for waterborne passenger transportation that were such a significant part of the city's maritime history.

Stamford is also one of the most important centers of recreational boating in western Long Island Sound with a number of public and private marinas and other opportunities for boating access to the Sound.

Numerous points of public access to Stamford's several distinct harbors and Long Island Sound are found along the Stamford shoreline; these include substantial waterfront parks such as Cummings Park, Cove Island Park, Kosciuszko Park, and Southfield Park as well as the city marinas at Czescik, Cummings, and Cove Island parks.

Stamford's harbors also provide the city's most important natural resources, including tidal wetlands, intertidal flats, beaches, shellfish beds, fish and wildlife, and other resources. The environmental quality associated with the city's harbors is an important determinant of Stamford's overall quality of life.

In addition, areas of Stamford's urban waterfront offer significant opportunities for redevelopment with associated benefits to the local and regional economies. Currently, redevelopment is being planned for several prominent waterfront properties and may be expected to have a significant effect on the character of the waterfront for years to come.

Moving forward in the 21st century, Stamford's harbors, including the main Stamford Harbor and the smaller harbors of Westcott Cove, Cove Island Harbor, and Dolphin Cove, will continue to provide important economic, environmental, recreational, and other benefits for city residents and the general public. There will be a continuing need for long-range planning and active involvement by the Commission—working in coordination with the Mayor, Board of Representatives, and other agencies—to ensure the most beneficial future use of Stamford's harbors as well as conservation of their vital natural resources and ecological values.

THE STAMFORD HARBOR MANAGEMENT COMMISSION AND HARBOR MANAGEMENT PLAN

The need for a strengthened city role for managing Stamford's harbors and navigable waters was recognized by the Board of Representatives in 2004 when it adopted Ordinance No. 1021 of the Stamford Code of Ordinances to establish the seven-member Commission. The Commission was thereby authorized by ordinance to carry out all of the powers and duties granted to municipal

harbor management commissions through the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes). The intent of that Act is, in large part, to increase the authority and control of local governments pertaining to the use and conditions of their harbors. (The Connecticut Harbor Management Act is included in Appendix C of the Plan.)

The powers and duties of the Commission include preparing the Plan to guide the most desirable use of Stamford's navigable waters and intertidal areas for recreational, commercial, and other purposes. Ordinance No. 1021 also defines the jurisdiction of the Commission which is herein referred to as the Stamford Harbor Management Area (SHMA).¹

Following its appointment, the Commission began to prepare the Plan for the most desirable use of the SHMA for recreational, commercial and other purposes.

To prepare the Plan, the Commission: 1) analyzed conditions in the SHMA; 2) assessed the laws, programs and authorities pertaining to the SHMA; 3) identified and evaluated problems and issues to be addressed in the Plan; 4) prepared management goals, objectives, and policies to guide use of the SHMA; 5) prepared guidelines and recommendations for harbor management "sub-areas" within the larger SHMA; and 6) formulated recommendations and identified opportunities for implementing the Plan.

Throughout the planning process, which began with a public meeting on February 23, 2005, the Commission sought and obtained input from the general public, the operators of water-dependent facilities, city officials, and local, state, and federal governmental agencies with relevant roles and responsibilities. In addition, the Commission encouraged all concerned citizens and officials to express their views at the Commission's regularly scheduled monthly meetings.

The Plan is organized in four parts.

- **Part I: Background Information for the Harbor Management Plan.** Part I contains background information pertinent to development of the Plan, including descriptions of the SHMA and the uses, activities and environmental conditions found in the SHMA. Part I also summarizes existing governmental and private authorities and responsibilities affecting the SHMA and reviews the issues addressed in the Plan.

¹ As set forth in Ordinance No. 1021, the Stamford Harbor Management Commission has jurisdiction within and over all navigable waters and inter-tidal areas below the mean high water line of the shoreline of Stamford and within the territorial limits of the City of Stamford and bounded by the projection of the boundary lines of the neighboring municipalities of Greenwich, Connecticut to the west and Darien, Connecticut to the east. For the purpose of the *Stamford Harbor Management Plan*, this area of jurisdiction is known as the Stamford Harbor Management Area and is bounded on the south by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in Long Island Sound where that straight line is within the projection of the boundary lines of the neighboring towns.

- **Part II: Harbor Management Goals, Objectives, Policies, and Guidelines.** Part II includes the city's basic goals, objectives, and policies to guide use of the SHMA and conservation of resources in the SHMA. Also included in Part II are more specific guidelines and recommendations for harbor management "sub-areas" within the larger SHMA.
- **Part III: Plan Implementation.** Part III sets forth authorities and responsibilities for implementing the Plan.
- **Part IV: Appendices.** The appendices include: a) a glossary of relevant terms; b) selected references pertaining to the SHMA; c) a copy of the Connecticut Harbor Management Act; and d) guidelines of the U.S. Army Corps of Engineers (USACE) for placement of fixed and floating structures in navigable water.

The Plan is based on recognition that the SHMA provides opportunities for beneficial use and development, subject to limitations posed by the value and sensitivity of the SHMA's natural resources. The Plan's goals and objectives are directed toward achieving balance between the development of harbor-related recreational, commercial, and community development opportunities on the one hand, and protection of natural coastal resources and the existing character and quality of life in the city on the other. The goals and objectives also establish the basis for the Plan's management policies and area-specific guidelines and recommendations.

The management policies apply throughout all areas of the SHMA to guide administration and implementation of the Plan. The policies address concerns related to: harbor administration and coordination; public health, safety and welfare; navigation and water-use; environmental resources; recreational boating; commercial port facilities; waterfront land-use and development; and public access to the SHMA.

The Plan's area-specific guidelines and recommendations add detail to the policies, and have been formulated for each of seven identified harbor management "sub-areas" within the SHMA. These include Stamford Inner Harbor West Branch; Stamford Inner Harbor East Branch; Stamford Outer Harbor; Dolphin Cove; Westcott Cove; Cove Island Harbor and Holy Pond; and all other Stamford waters in the SHMA.

The Plan complements the Stamford Master Plan and the city's Coastal Area Management Program as well as the city's waterfront zoning regulations by focusing on issues most pertinent to the safe, orderly, and beneficial use of the waters of the SHMA and protection of the SHMA's natural coastal resources. Together, the Plan and the Master Plan will function as the principal guides for use and conservation of Stamford's harbors and waterfront resources.

IMPLEMENTING THE HARBOR MANAGEMENT PLAN

The procedure for approval and adoption of a municipal harbor management plan is specified in Section 22a-113m of the Connecticut General Statutes. In accordance with this procedure, the Plan must be reviewed by the USACE, approved by the Connecticut commissioners of environmental protection and transportation, and adopted by the Stamford Board of Representatives before it may take effect.²

The approved and adopted Plan provides a policy and decision-making framework to guide the city's actions, including case-by-case decision-making by the Commission, as well as the actions of state and federal agencies. The Commission will act within that framework to manage the use and conservation of the city's harbor resources and, where necessary, improve conditions in the SHMA.

Plan implementation is achieved primarily through the actions of the Commission, other city agencies, the State of Connecticut harbor master for Stamford, and relevant state and federal agencies, including but not limited to the Connecticut Department of Environmental Protection (DEP) and USACE.

- **Harbor Management Commission.** Among its responsibilities established in the Stamford Code and the Plan, the Commission will conduct a Harbor Management Consistency Review process to review proposals affecting the SHMA to determine their consistency with the Plan. Proposed governmental and private activities affecting the SHMA will be reviewed by the Commission for consistency with the goals, objectives, policies, and other provisions established in the Plan. The Commission's review will be carried out within the existing time frames used by other city, state, and federal agencies in their review of applications and therefore will not add to the time required for processing development applications. The Commission will review applications to city agencies as well as to the DEP's Office of Long Island Sound Programs (OLISP) and to the USACE for consistency with the Plan. The Commission will also serve in an advisory capacity on all city-supported planning and development initiatives that affect the SHMA.

The Commission is 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. Any Plan modifications that may be proposed by the Commission in the future will be approved and adopted in the same manner as the Plan.

- **Other City Agencies.** Pursuant to the General Statutes and Stamford Code, city commissions and departments with authority to review and approve proposals for activities affecting the SHMA will, as part of their review and approval procedures, refer those proposals to the Commission for review and comment as part of the Harbor Management Consistency Review

² Pursuant to Section 22a-113m of the General Statutes, the Plan was duly reviewed by the USACE; approved by the Commissioners of Environmental Protection and Transportation in June 2008; and then adopted by the Stamford Board of Representatives effective March 20, 2009.

Process. In addition, city agencies proposing actions themselves that would affect the SHMA will do so in a manner consistent with the Plan and refer their proposals to the Commission for review and comment.

The Zoning Board, Planning Board, Environmental Protection Board, Zoning Board of Appeals, Historic District Commission, Urban Redevelopment Commission, Office of Economic Development, Water Pollution Control Authority, Park and Recreation Commission, Shellfish Commission, and other city commissions and departments with roles and responsibilities affecting the SHMA will work cooperatively with the Commission to achieve the goals and objectives established in the Plan.

- **State of Connecticut Harbor Master for Stamford.** The Stamford 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 city. 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 Plan. The harbor master will work cooperatively with the Commission to implement the Plan, and will carry out his or her responsibilities in accordance with the Plan.
- **State and Federal Governmental Agencies.** Actions by state and federal government agencies should also be consistent with the Plan. The Commission will review applications submitted to the DEP OLISP and USACE for work affecting the SHMA to determine the consistency of those applications with the Plan. The DEP OLISP and USACE will then incorporate the Commission's findings into their overall review and decision processes.

BENEFITS OF THE HARBOR MANAGEMENT PLAN

The Plan will be used by the city to achieve a number of important purposes and benefits, including:

- **The city's role, in coordination with 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 city will not be able to exercise the full range of municipal authority to address a number of important concerns affecting the SHMA. 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 DEP and USACE, respectively.

Through the Commission and the Plan, Stamford will assume an integral role in the planning, management, and regulation of in-water and waterfront activities. Establishment of such municipal involvement is an important aim of the Connecticut Harbor Management Act which

authorizes municipalities to create harbor management commissions and prepare harbor management plans. The Plan establishes a basic city 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 SHMA. City, state, federal, and private actions affecting the SHMA are to be consistent with the Plan. This consistency requirement is a significant tool that the city will use to ensure that state and federal actions conform with Stamford's needs and conditions.

Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the SHMA, unless such official shows cause why a different action should be taken.

- **The Plan will help to clarify and formally establish, in coordination with the Stamford Master Plan, the city's long-range vision for beneficial use and conservation of Stamford's harbors and navigable waters.**

The Plan, in coordination with the Stamford Master Plan, establishes the city's basic goals and strategies for beneficial use and conservation of Stamford's harbors and navigable waters and provides a guiding framework for city planning and development initiatives focused on the SHMA and waterfront. Together, the Master Plan and the Plan will serve as the city's principal guides for land and water use on, in, and contiguous to the SHMA.

- **Coordination among the different city commissions and departments and among the different city, state, and federal agencies that now carry out responsibilities affecting Stamford's harbors and navigable waters will be increased.**

The Plan will serve to increase coordination among the different city commissions and departments that carry out harbor management-related responsibilities. Described in Chapter 3 of the Plan, a number of city commissions and departments in addition to the Commission have authority or influence in the city's harbor and waterfront areas. Close coordination between these city agencies is necessary to accomplish the best management of the SHMA and the city's waterfront. The Plan provides a guiding framework (e.g., the city'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 city commissions and departments without removing any of their existing authorities.

- **The Plan will facilitate increased involvement by the Stamford Harbor Master for achieving city goals for beneficial use and conservation of Stamford's harbors and navigable waters.**

The Stamford harbor master is appointed by the Governor of Connecticut and is subject to the direction and control of the State Department of Transportation (DOT). With the Plan,

the duties of the current harbor master and any future harbor master must be carried out in accordance with the Plan. Thus, the Plan provides local direction and control with regard to the harbor master's activities, and ensures continuity between the actions of current and future harbor masters. Also, the Plan ensures that future harbor masters must be appointed by the Governor from a list of candidates provided by the Commission.

- **A continuing local forum will be established to give all citizens, officials, and businesses an opportunity to address issues concerning Stamford's harbors and navigable waters.**

The Commission, through its regularly scheduled and special meetings, will provide a continuing forum for the expression of all public concerns related to the use and conservation of the SHMA. All citizens, officials, and businesses will have an opportunity to express their interests and bring their issues to the attention of the Commission.

- **The Plan will provide a formal basis for capital projects and other initiatives for beneficial use and conservation of Stamford's harbors and navigable waters.**

The Plan may establish a priority list of capital projects and other special initiatives to achieve the city's goals and objectives for managing its harbors and navigable waters. That list will reflect careful review of city needs and conditions and help to demonstrate the city's commitment to actively manage the use and conservation of its harbors and navigable waters. As a result, opportunities for the city to receive governmental and private grants for waterfront improvement and harbor management purposes will be enhanced.

COSTS OF PLAN IMPLEMENTATION

The Plan commits the city to no significant implementation costs. The Plan's goals, objectives, policies, and other provisions will be applied and implemented through already-existing programs and activities without significant added cost to the city. The Commission, for example, will apply the Plan's provisions to the Commission's review of proposals that affect the SHMA and require city and/or state and federal approvals. The Commission will then formulate recommendations that must be considered by the approving agencies. This review by the Commission will be conducted in the course of already existing city, state, and federal review processes and will not add to the length of those processes. Some of the longer-term recommendations that may be included in the Plan (for improving city waterfront facilities and carrying out special projects, for example) will require future expenditures of city funds, but only if the city chooses to implement those recommendations. The Plan does not commit the city to future expenditures, but provide a basis for implementing beneficial projects as funds, including funds available from state and federal grant programs, may become available.

AN ONGOING PROCESS IN THE PUBLIC INTEREST

Management of the SHMA through implementation of the Plan is an ongoing process that will continue to develop in response to changing conditions and circumstances. As the Commission works to implement the Plan, it will be recognized that the Plan does not identify every issue that is likely to affect the SHMA in the future, nor does it provide a definitive answer to every possible problem. The Plan provides a policy and decision-making framework to guide the city's actions, including case-by-case decision-making by the Commission, as well as the actions of state and federal agencies. The framework is flexible and will require modification over time as conditions change and responses to sometimes complicated harbor management issues continue to evolve.

As Stamford'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.

NOTE:

Laws and regulations affecting the Stamford Harbor Management Area, 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 of the Plan, containing background information for the Plan, follows.

PART I:

**BACKGROUND INFORMATION FOR
THE STAMFORD HARBOR
MANAGEMENT PLAN**

- **CHAPTER TWO: THE STAMFORD HARBOR MANAGEMENT AREA**
- **CHAPTER THREE: THE INSTITUTIONAL FRAMEWORK**
- **CHAPTER FOUR: HARBOR MANAGEMENT ISSUES
AND PLANNING CONSIDERATIONS**



*CITY OF STAMFORD
HARBOR MANAGEMENT PLAN
March 2009*

The Stamford Harbor Management Area

This chapter describes the Stamford Harbor Management Area (SHMA) which encompasses the navigable waters and intertidal areas of the city subject to the jurisdiction of the Stamford Harbor Management Commission and the provisions of the *City of Stamford Harbor Management Plan* (Plan). The general boundaries of the SHMA are set forth in Stamford Ordinance No. 1021 and defined in more detail in the Plan.

Included in this chapter are descriptions of: 1) Stamford's coastal area setting on Long Island Sound and the Rippowam (Mill) River; 2) some of the historical use and development of the city's shoreline and navigable waters; 3) the boundaries of the SHMA and some general conditions of interest in the SHMA; and 4) conditions in each of several harbor management sub-areas identified within the SHMA. These sub-areas include the west branch of Stamford's inner harbor; the east branch; the outer harbor; Dolphin Cove; Westcott Cove; Cove Island Harbor; and other Stamford waters in the SHMA.

The information presented emphasizes how Stamford's character and quality of life have always been intrinsically tied to the water and shoreline resources of Long Island Sound and the Rippowam River flowing into the Sound. In 2008, the coastal area is generally recognized as the city's most important natural resource, providing a variety of environmental, economic, and cultural benefits to the city and its citizens.

The boundaries of the SHMA and its prominent features and waterfront uses are shown on maps and photos included in this chapter.



COASTAL AREA SETTING

The City of Stamford in southwestern Connecticut's Fairfield County is a principal center of business and commerce in the state. The city is on the north shore of Long Island Sound, bounded on the west by the Town of Greenwich, on the north by the Town of Pound Ridge in New York State, on the east by the towns of New Canaan and Darien, and on the south by the Sound.

Stamford is well known as the third largest center of Fortune 500 corporate headquarters in the nation. Its downtown is served by the major transportation arteries of Interstate 95, the Metro-North Commuter Railroad, and Stamford Harbor. The city is about 36 miles or a 45-minute train ride east of midtown Manhattan, and 42 miles west of New Haven, Connecticut. Stamford's population of 117,083 in 2000 makes it the third most populous municipality on the Connecticut shore of Long Island Sound, behind Bridgeport and New Haven.



Figure 2-1: Stamford Harbor looking northwest over Shippan.

Stamford is part of the coastal area of the State of Connecticut as defined by the Connecticut Legislature in the Connecticut Coastal Management Act (Sections 22a-90 through 22a-112 of the Connecticut General Statutes.) Much of the city's historical growth and development as well as its quality of life is tied to Long Island Sound and the Rippowam River that flows into the Sound.¹ As Stamford continues to grow and thoughtfully plan for its future, it is useful to consider some of its history, particularly as that history is related to the city's coastal area setting on Long Island Sound—an estuary of national significance as designated by the U.S. Congress.

¹ The Rippowam River is often called the Mill River, especially that reach of the river downstream of Broad Street on which a number of mills historically operated, dating back to the 1600's.

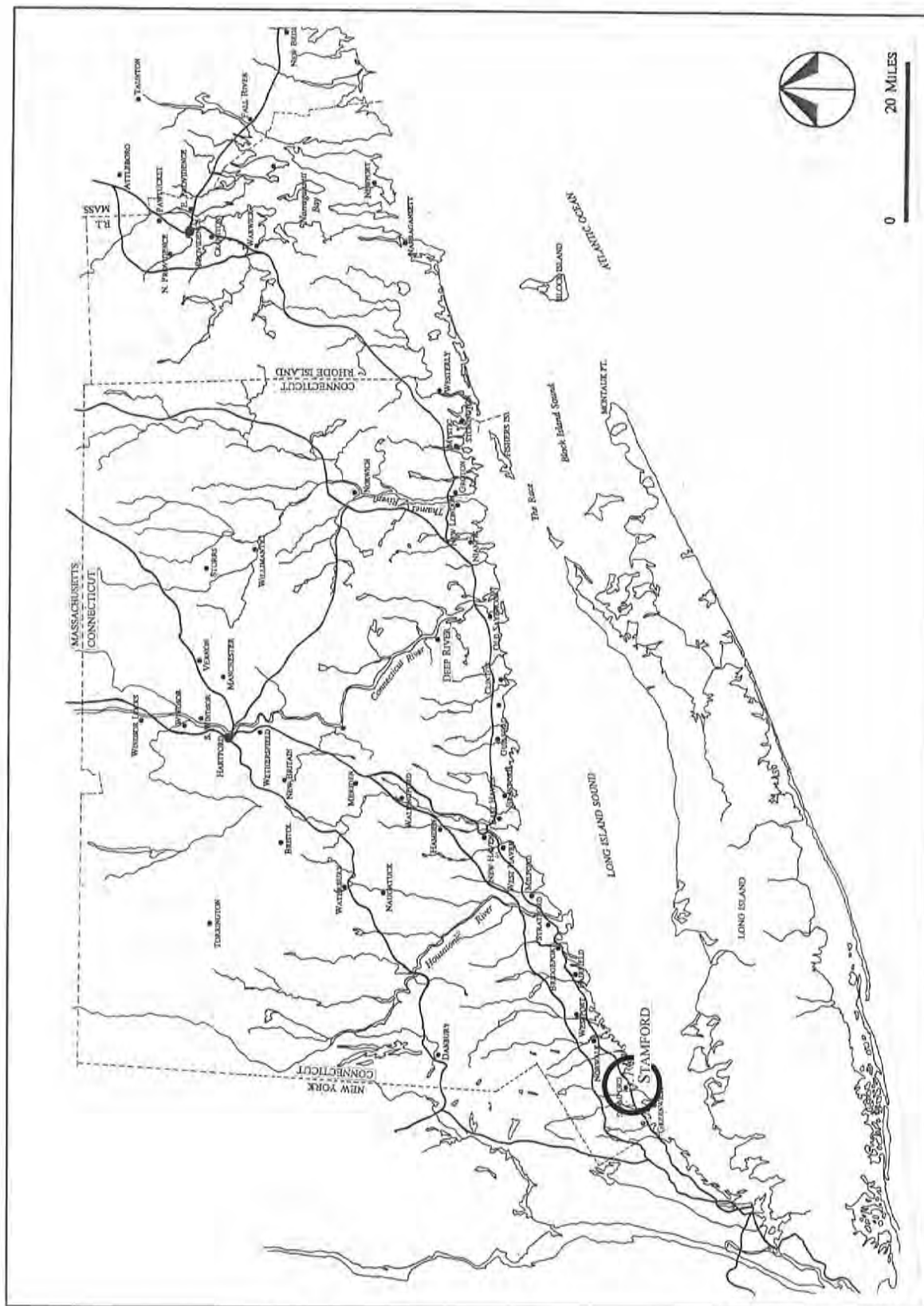


Figure 2-2: The City of Stamford in western Long Island Sound.

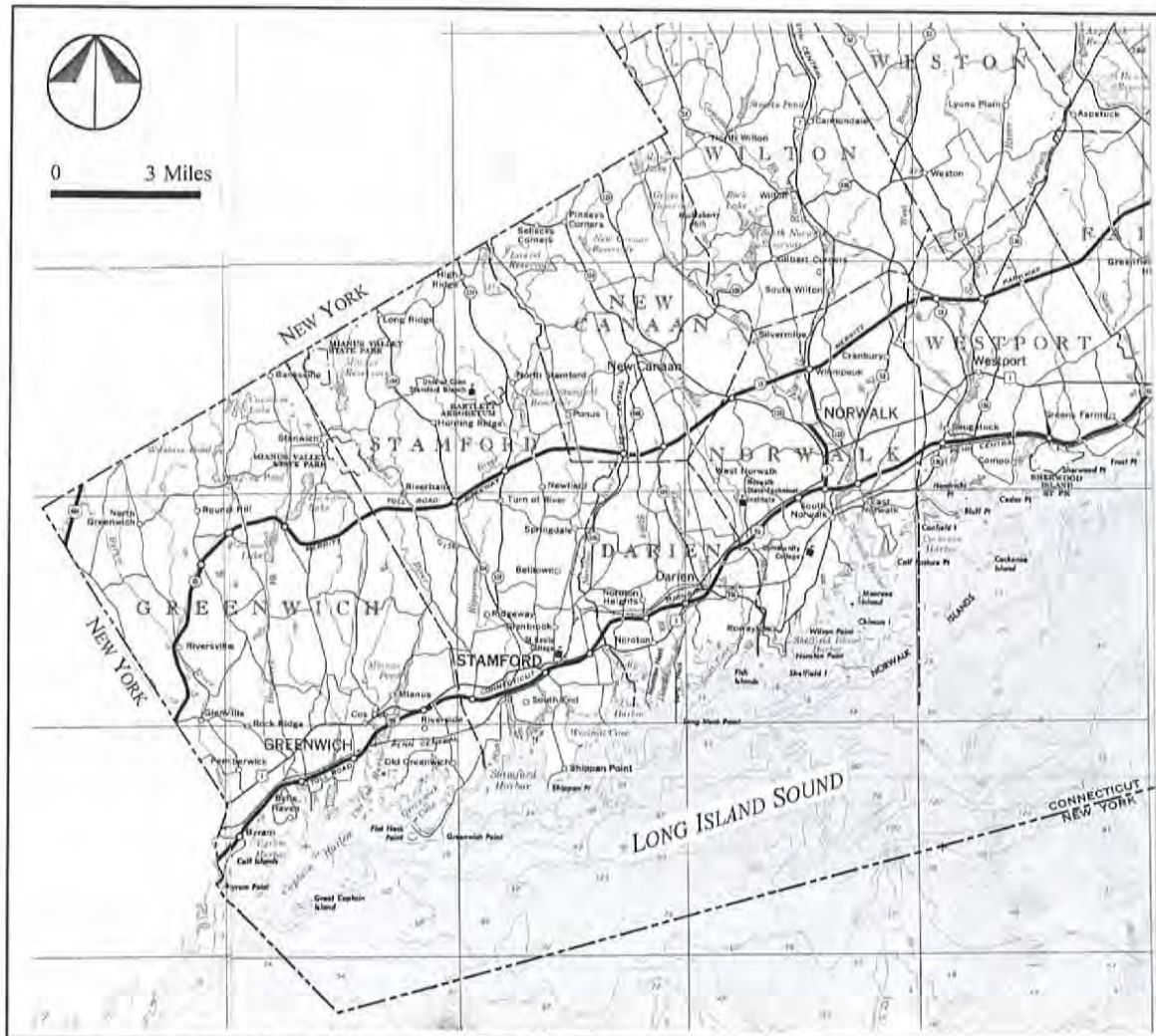


Figure 2-3: The City of Stamford in southwest Connecticut.

HISTORICAL CONSIDERATIONS²

Stamford's roots as a community go back to the early 1600's when two Indian chiefs, Ponus and Wascussue, sold a tract of land along what is now the Rippowam River to Puritan settlers from the New Haven colony. As with Connecticut's other early communities, the site of Stamford's first settlement in 1641 was chosen because the coastal and estuarine environment provided abundant oysters, finfish, and other seafood; the salt marshes provided cordgrass and salt hay to sustain livestock; the upland forests provided firewood and game; and the river flowing into Long Island Sound provided plentiful fresh water.

² Much of the information on Stamford's early history in this section is from *Stamford: An Illustrated History*, by Estelle F. Feinstein, Joyce S. Pendery, and Robert Lockwood Mills, American Historical Press, 2002.

In the 1650's the boundaries of the small settlement expanded east to the Five Mile River, west to the Mianus River, and north into what is now New York State, encompassing a total of 128 square miles. Today, Stamford's land area is about 38 square miles.

By the close of the 1600's, gristmills, sawmills, and fulling mills (for the production of woolens) proliferated along the Rippowam River. Also around that time, trade traffic began to shift from cumbersome overland routes on poor roads to waterborne routes via Long Island Sound to New York City. As maritime trade to the West Indies started to flourish, grain, lumber, horses, and salt beef and pork were carried on outgoing vessels which returned carrying cargoes of sugar, molasses, salt, and rum.

Moving forward to the American Revolution, Stamford's shoreline was still vital for maritime trade in Long Island Sound but the Sound was also the means for British raids on western Connecticut towns. Stamford's "whaleboat fleet" became prominent in counter attacks on British ships and points on Long Island. With the final treaty ending the Revolution in 1783 and Connecticut's ratification of the U.S. Constitution in 1788, calm was restored to Connecticut's shoreline and the City of Stamford continued its growth and evolution into a transportation hub of southwest Connecticut.

In the early 1800's regular travelers from New York to Boston on the Boston Post Road dreaded the rocky and hilly section through Stamford. The railroad was still over 40 years away and attention focused on enhancement of Stamford Harbor. Stamford was designated an official port of entry by the federal government and in 1833 excavation began on a ship canal that would extend the harbor's navigable waterway along the east side of Canal Street to the center of the city. Today, the remaining section of that canal is known as the east branch of Stamford Harbor. By the mid-1840's, Stamford-based brigs and barks were sailing to and from the Caribbean and many other local vessels were active in the coastal trade.

Recognizing the importance of Stamford Harbor to maritime commerce, the federal government in the latter part of the 19th century authorized the first federal navigation improvements to be constructed in the harbor. The Stamford lighthouse was built in 1881 to mark the entrance to the harbor and a federal navigation project including a dredged channel from Long Island Sound to the city's wharves was authorized by Congress and completed by the USACE in 1886. The navigation project has been modified and expanded several times since then. (See the following sections on the inner and outer harbors.)

Passenger traffic in the harbor also flourished during the 19th century. The Stamford Steamboat Company operated three weekly 10-hour trips between Stamford and New York City and eventually many competing companies were established. Even after railroad service connecting Stamford to New York began in 1848, the steamboats continued to operate for decades.

The industrial revolution hit Stamford in the second half of the 19th century and in 1868 the Yale Lock Company (later the Yale and Towne Manufacturing Company) moved from Massachusetts to its South End location near the east branch because of Stamford's rail, canal, and harbor facilities and pool of craftsmen. By 1892 Yale and Towne was a nationally renowned company employing 1,000 of Stamford's 16,000 residents and Stamford was known as the Lock City.

As rail service to and from New York and Stamford continued to expand and improve in the early part of the 20th century, the city's popularity as a suburb grew. As a result, the number of affluent residents commuting from Stamford to New York to work also grew.

Also in the early 20th century, Stamford residents began to look at Long Island Sound and the city's shoreline as a recreational resource and place to live. The Stamford Yacht Club had been established in 1890 and the Chamber of Commerce promoted the city as a place to sail, visit the beach, and enjoy outdoor recreation on the Sound. Regular trolley service was extended to Shippan Point; Long Island Sound sailing excursions were a regular activity for those who could afford them; and the city's beaches were popular attractions for residents and visitors.

Also at this time, public awareness of the importance of long-range planning to guide the growth of the city and protection of the city's resources began to grow. In 1926 a town plan commission was formed and the well-known planner Herbert S. Swan was hired. The resulting work, called a "Plan of a Metropolitan Suburb," attracted much attention at the time as a modern approach to looking at some of the city's problems. The plan, among other recommendations, advised the city to acquire land for additional park and recreation areas along the Stamford shoreline and the Rippowam and Mianus rivers; adoption of uniform zoning regulations were also urged. The Long Island Sound shoreline and rivers were seen as Stamford's most valuable natural assets. Although the plan was well-received, its adoption was put off because of the depression.

In 1929 Stamford had an industrial work force of 10,000 men and women, working in 118 different industrial establishments. When the depression hit, many of those jobs were lost and Stamford's robust industrial economy slowed. Yale and Towne began its downsizing and it would take several decades for such companies as Pitney Bowes and Schick to lead Stamford out of the depression and change the city's image and reputation from that of the Lock City to the Research City.

By 1940, the Merritt Parkway had opened up a viable east-west option to the Boston Post Road. Stamford's population was at 61,000 and it was evident that a proper master plan for the city was needed. The city's first adopted master plan was in the form of a city-wide map of desired land-uses adopted in 1953. The first city zoning regulations had preceded the master plan in 1951.

The 1950's also saw the construction of I-95, further enhancing the transportation links between Stamford and New York and New England as well as the city's strategic location as a center for business and commerce. Planning for redevelopment of Stamford's central business district began with formation of the Urban Redevelopment Commission in 1953 and reached fruition in the 1970's and '80's. Redevelopment of the downtown continued the evolution of the city's economy from its agricultural and manufacturing beginnings to its present status as a national center of corporate headquarters.

Throughout all the changes that have occurred and continue to impact the city, there is one major and constant influence that has affected Stamford's growth and development since the first settlement in 1641. That influence is associated with the city's coastal location on Long Island Sound and the Rippowam River, a location that has provided Stamford and its citizens with vital economic, environmental, and cultural opportunities and benefits throughout the city's history.

In 1980, the Connecticut Coastal Management Act established the state's policies for both conservation of natural coastal resources and beneficial use of those resources. Shortly thereafter, Stamford established its municipal coastal management program to set and advance the city's own policies, consistent with the state's, to address Stamford's coastal management issues. These efforts were especially meaningful because in the 1980's Stamford's waterfront had become subject to intense pressures for redevelopment with residential and commercial office projects that threatened to replace, and in a number of instances did replace, traditional water-dependent uses of the waterfront. The Planning and Zoning boards adopted appropriate modifications to the city's planning policies and zoning regulations to protect water-dependent uses and achieve other goals for the waterfront. These planning and zoning initiatives recognized the economic development opportunities associated with use of Stamford's coastal area as well as the need to ensure that coastal resources and beneficial water-dependent uses are properly sustained.

At the start of the 21st century, the attention given by city officials and planners to Stamford's shoreline and harbor areas continues to reflect the city's foresighted efforts to shape its future as well as the ongoing pressures and interest for the redevelopment of properties on and near the waterfront. Stamford's latest Master Plan, adopted in 2002, emphasizes the value of the city's coastal neighborhoods and resources; new zoning amendments were adopted in 2004 to achieve consistency with the newly adopted Master Plan. Also in 2004 the city established its Harbor Management Commission for the purpose of planning for the most desirable use of Stamford Harbor and the city's other coastal and navigable waters and to prepare the city's Harbor Management Plan.

THE STAMFORD HARBOR MANAGEMENT AREA

The navigable waters and intertidal areas of Stamford subject to the jurisdiction of the Harbor Management Commission and Harbor Management Plan are designated as the Stamford Harbor Management Area. The SHMA includes Stamford Harbor and all of the other navigable waters and intertidal areas of the city below the mean high water line within Stamford's territorial limits, bounded by the projection into Long Island Sound of the boundary lines of the neighboring municipalities of Greenwich to the west and Darien to the east. On the south, the SHMA is bounded by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in the Sound where that straight line is within the projection of the boundary lines of the neighboring municipalities. The SHMA includes the lower, tidally influenced reaches of the Rippowam River upstream to the Mill River Dam as well as Stamford's jurisdiction on Holly Pond and the Noroton River upstream to Route 1.

The irregular shoreline of the SHMA covers about 14 miles and supports a diversity of uses, including residential, commercial, industrial, recreational, and open space uses. The SHMA also includes several distinct and well known coves and harbors, including the main Stamford Harbor and the smaller harbors of Dolphin Cove, Westcott Cove, and Cove Island Harbor. These areas have been identified as harbor management sub-areas are described in more detail later in this chapter. Overall, conditions in the SHMA pertinent to the Plan can be discussed with respect to: conditions affecting navigation; coastal resources; water and waterfront uses and activities; and planning and development initiatives.



Figure 2-5: The view west over the SHMA; Cove Island Harbor and Holly Pond in foreground; Westcott Cove, Shippan, and Stamford outer harbor at top of photo.

Conditions Affecting Navigation

A federal navigation project authorized by the U.S. Congress and maintained by the USACE has served Stamford Harbor since the late 19th century. The navigation project includes the entrance channel that connects Long Island Sound with the inner harbor; the channels in the east and west branches of the inner harbor; anchorage basins in the outer harbor and west branch; and two breakwaters that shelter the harbor from the effects of waves generated in the Sound. (See the following sections on the inner and outer harbor sub-areas.) In addition, a federally authorized channel serves recreational boating facilities in Westcott Cove. Other, nonfederal navigation channels maintained by the city and private interests also provide access to boating facilities in the SHMA.

The federal channels in Stamford Harbor generally have not been subject to very rapid shoaling and maintenance dredging has been required at relatively wide intervals. Maintenance dredging was most recently carried out by the USACE in 1979. Maintenance dredging to maintain private docking facilities and access channels has been conducted more frequently. Dredged material from the SHMA has typically been placed in open water disposal sites in Long Island Sound.

Aids to navigation in the SHMA include “federal aids” maintained by the U.S. Coast Guard, and “private aids” maintained by the city and the operators of commercial marine facilities. The Coast Guard has established various lights and a lateral system of buoyage to mark the entrance channel and the approaches to the east and west branches.

Mean tidal range in the SHMA is 8.2 feet according to the USACE.

Coastal Resources

A variety of coastal land and water resources are found in and adjacent to the SHMA, including but not limited to tidal waters and embayments, intertidal flats, tidal wetlands, beaches, floodplains, and living marine resources such as finfish and shellfish. Upland resources adjacent to the SHMA include developed shorelands and urban waterfront areas. The coastal resources are important determinants of Stamford's quality of life; they provide important natural values and ecological functions related, for example to fish and wildlife habitat, water quality, and scenic quality; and they are valuable for many different uses including boating and other recreational activities, water-dependent commerce and industry, commercial fishing, and water-enhanced residential and commercial development. The location and extent of coastal resources were identified by the city in the course of developing Stamford's coastal management program; resource maps are available for review in the city's Land Use Bureau.

Parts of the Stamford shoreline, and particularly the South End, have historically been subject to severe tidal flooding (most notably during hurricanes in the 1930's, '40's, and '50's). Shoreline flooding and erosion are also caused by more frequent spring and winter storms, and as a result portions of the waterfront fall within coastal flood hazard areas as identified on Flood Insurance Rate Maps. The Stamford hurricane protection barrier, authorized by Congress and completed by the USACE in 1969 to protect the South End and areas along the Wescott Cove shoreline, is a prominent shoreline feature.

The quality of surface water in the SHMA has a profound impact on the overall quality of life as well as shoreline 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 SHMA and Long Island Sound, including improvements of municipal wastewater collection and treatment systems along the Sound (such as the significant improvements to Stamford's the wastewater treatment plant over the past decade) and establishment of water quality monitoring and educational efforts. 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, water pollution in the SHMA would diminish the quality of life and should be of concern to everyone.

Water quality in the SHMA is classified by the DEP in accordance with state water quality criteria. The classifications establish designated uses for surface waters and identify the criteria necessary to support those uses. The classifications applied in the SHMA range from "SA" to "SC/SB." (See the following sections on the harbor management sub-areas.)

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 (transplant) 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.

Class “SC/SB” is a relatively poor classification signifying that due to point or nonpoint sources of pollution, certain water quality criteria or one or more designated uses assigned to class “SB” waters are not met. The existing classification is “SC”; the goal is to reduce sources of pollution as necessary to achieve class “SB” criteria and attainment of class “SB” designated uses.

Significant shellfish beds are found throughout the SHMA. These include private beds (often called “town grounds”) worked by commercial shellfishing companies that own the exclusive rights to raise shellfish within these private beds, as well as public beds managed by the Stamford Shellfish Commission and available for recreational use. In the outer parts of the SHMA shellfish beds within the jurisdiction of the Connecticut Department of Agriculture’s Bureau of Aquaculture (DA/BA) and commercial use of these beds is according to franchise rights (granted by the State prior to 1915) or lease arrangement with the state.

The waters and intertidal areas of the SHMA have been classified for shellfishing purposes by the DA/BA. These classifications, to protect the public health, are called shellfish growing area classifications and are distinct from the water quality classifications established by the DEP. Shellfish growing area classifications currently applied in the are: “Approved,” “Conditionally Approved,” “Restricted-Relay,” and “Prohibited.”

The intertidal resources in the SHMA, including wetlands and intertidal flats subject to alternating periods of tidal inundation and exposure, are of particular ecological significance. Although much of the tidal wetland area formerly around Stamford Harbor has been lost to development over the last two centuries, efforts to restore some of these areas continues because of the wealth of ecologically important functions provided by the wetlands. As areas of high nutrient value and biological productivity, the wetlands provide detrital products which become the food of organisms living in Long Island Sound, including crabs, worms, snails, finfish and shellfish. Wetlands also provide habitat, nesting, feeding, and refuge areas for shorebirds and serve as the nursery ground for larval and juvenile forms of many of the Sound’s marine organisms.

Intertidal flats are gently sloping or flat areas usually devoid of vegetation and composed of muddy, silty and fine sandy sediments. They are found along the shoreline throughout the SHMA and provide natural values similar to the values provided by wetlands. Intertidal flats serve as sources and reservoirs of nutrients for a variety of marine organisms. Microflora and algae, along with decaying marsh plants, can contribute to a vast reservoir of fragmented organic matter or detritus in the intertidal area. Shellfish are among the conspicuous benefactors of the productive intertidal flats in the SHMA. In addition, intertidal flats enhance shellfish habitat by acting as a sink for toxic material and other pollutants.

Water and Waterfront Uses and Activities

The shoreline of the SHMA is used for a variety of industrial, commercial, residential, and recreational purposes. Waterfront land uses include those genuinely dependent on their waterfront locations and those enhanced by their locations. The water-dependent uses include industrial facilities (port facilities) and facilities supporting recreational boating and other water-based recreational pursuits. Virtually all of the city's waterfront commercial and industrial development is found along the inner harbor which also supports residential and recreational uses and municipal facilities, including the city's wastewater treatment plant. Commercial office buildings have been constructed on several waterfront sites. Outside of the inner harbor, residential neighborhoods along with the city's two largest waterfront parks—Cummings and Cove Island parks—dominate the shoreline. (The location of water-dependent uses on the SHMA shoreline is shown on maps 2-1 and 2-2.)

In terms of the amount of materials shipped to and from its port facilities, the City of Stamford is the fourth largest commercial harbor in Connecticut, behind the three deep-water ports of Bridgeport, New Haven, and New London. The port facilities depend on the movement of tugs, scows, and barges through the SHMA to deliver construction materials and petroleum products and ship out scrap metal. There are currently six port facilities on the Stamford waterfront, all in the inner harbor.

Stamford is also one of the most important centers of recreational boating in western Long Island Sound with a number of facilities serving the boating public located on the waterfront and in the SHMA. These facilities include docks, boat slips, moorings, and launching ramps as well as boat sales, repair, service, and storage facilities. Boating facilities include those owned and operated by the City of Stamford for public use, including the marinas at Czescik, Cummings, and Cove Island parks. Privately owned facilities include the city's one remaining commercial boatyard—Brewer Yacht Haven West—which is one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. Other marina facilities have been developed in recent years as ancillary components of waterfront residential and commercial developments that otherwise are not water-dependent. There are currently nine such ancillary marinas in the SHMA. In addition, three private clubs provide recreational boating services, facilities, and activities for members and guests.

Recreational vessels moored in the outer harbor and to a lesser extent in Westcott Cove and Cove Island Harbor add to the vitality of water-dependent uses of the SHMA. The largest concentration of moorings is managed and maintained by the Stamford Yacht Club in the outer harbor; moorings are also placed and used individually in accordance with permission from the Stamford harbor master.

In addition to recreational boating-related activities, other recreational uses are also based on access to the SHMA. These include swimming, land-based fishing, and more passive recreational activities such as walking along the shoreline, picnicking, and enjoying views of the SHMA from a variety of points of public access to the SHMA. Visual and/or physical access to the SHMA is available from a number of locations, including the city's substantial waterfront parks such as

Cummings, Cove Island, and Kosciuszko parks; through public access walkways and other amenities provided as elements of waterfront development projects; and from public streets and right-of-ways that lead to or follow the shoreline.



Figure 2-7: Recreational boating facilities on the east branch near Stamford hurricane protection barrier; Kosciuszko Park in foreground; Pitney Bowes World Headquarters at lower left.

Planning and Development Initiatives

In 2008, Stamford's waterfront remains subject to forces for change in the form of various planning and development initiatives likely to have a major effect on waterfront character as well as uses of the water. Major redevelopment projects are being planned for several prominent waterfront properties on and near the inner harbor and such redevelopment is expected to have a significant effect on the character of the waterfront for years to come.

In addition, there are some significant and ongoing city planning and development efforts, including efforts to: restore and enhance the environmental quality of the Rippowam River and other coastal resources; enhance opportunities for public access, including boating access, to and along the SHMA through city parks and other locations; and plan for establishment of passenger ferry service that would connect Stamford with New York City and other places via Long Island Sound. The common themes in all of these ongoing city projects are not new; they can be seen throughout the city's history; and they involve connecting the city with Long Island Sound while protecting the city's most valuable natural assets for the benefit of future generations.

STAMFORD INNER HARBOR

The inner harbor includes two harbor management sub-areas—the west branch and east branch. These sub-areas are principally defined by the navigable waterways on either side of Stamford's South End, the most intensively developed portion of the city's coastal area. The highest concentration of water-dependent uses in the SHMA, including all of the city's port facilities and many of Stamford's recreational boating facilities, is found in the inner harbor. For the purpose of the Plan, the boundary between Stamford's inner and outer harbors is the area where the Stamford Harbor federal navigation project splits into its west branch and east branch channels.

The inner harbor is close by Stamford's central business district, the fastest growing and most intensively developed central business district in the region. The inner harbor is also at the confluence of three major modes of transportation as provided by I-95, the Metro-North and Amtrak railroad lines, and Stamford Harbor.

Port facilities in the inner harbor provide the bulk of the concrete and asphalt products used in southwest Connecticut and include a major fuel oil distribution terminal. The inner harbor also contains a number of recreational boating marinas and one of the largest boatyards serving pleasure craft in the northeast United States. As a result of this substantial mix of water-dependent activities, the inner harbor channels are used by a large number of recreational vessels of different types and sizes as well as by the tugs, scows, and barges navigating to and from the port facilities.



Figure 2-8: The inner harbor looking south over the South End; east branch to left and west branch to right.

STAMFORD HARBOR MANAGEMENT PLAN
STAMFORD HARBOR MANAGEMENT COMMISSION
JULY 2008

MAP 2-1:
EXISTING CONDITIONS AND
WATER-DEPENDENT USES IN THE
STAMFORD HARBOR MANAGEMENT AREA



LEGEND

- Recreational Boating Facilities
- ▲ Public Waterfront Park
- Port Facilities

GRAPHIC SCALE







Figure 2-9: The inner harbor looking north toward downtown Stamford; west branch to left and east branch to right; the South End and Kosciuszko Park in center.

The inner harbor waterfront has experienced some significant changes over the past several decades, including residential and office development on properties that formerly supported traditional boat service facilities and other water-dependent uses. In 2008, land on and near the inner harbor continues to provide the most significant opportunities for redevelopment affecting the SHMA. The planned redevelopment of several large properties in the South End, including the former HELCO (Hartford Electric Company), Pitney Bowes manufacturing, and Yale and Towne sites now owned by the Antares development group, may be expected to have a profound and lasting impact on the character of not only the South End but also the entire inner harbor and Stamford waterfront. Historically, the Pitney Bowes and Yale and Towne sites were the two largest areas of industrial land use in the South End.

In addition to private development initiatives affecting the inner harbor, there are also some significant and ongoing city planning and development efforts, including efforts to: restore and enhance the environmental quality of the Rippowam River through removal of the city-owned dam known as the Mill River Dam; implement “greenbelt” plans to provide increased public access to and along the Rippowam River; and plan for establishment of passenger ferry service that would connect Stamford with New York City and other places via Long Island Sound.

Among the prominent physical features of the inner harbor are the Stamford hurricane protection barrier completed by the USACE in 1969 to protect the interior of the South End and developed land east of the east branch from coastal flooding. The barrier consists of almost 12,000 feet of flood protection works running parallel to the west branch from south of the Pulaski Street bridge to north of the boatyard peninsula, and then extending eastward across Kosciuszko Park and across the east branch where a navigation/flood control gate is located. The barrier is operated and maintained by the city, with the exception of the navigation/flood control gate which is operated and maintained by the USACE. Municipal facilities and city parks are also significant features of the inner harbor.

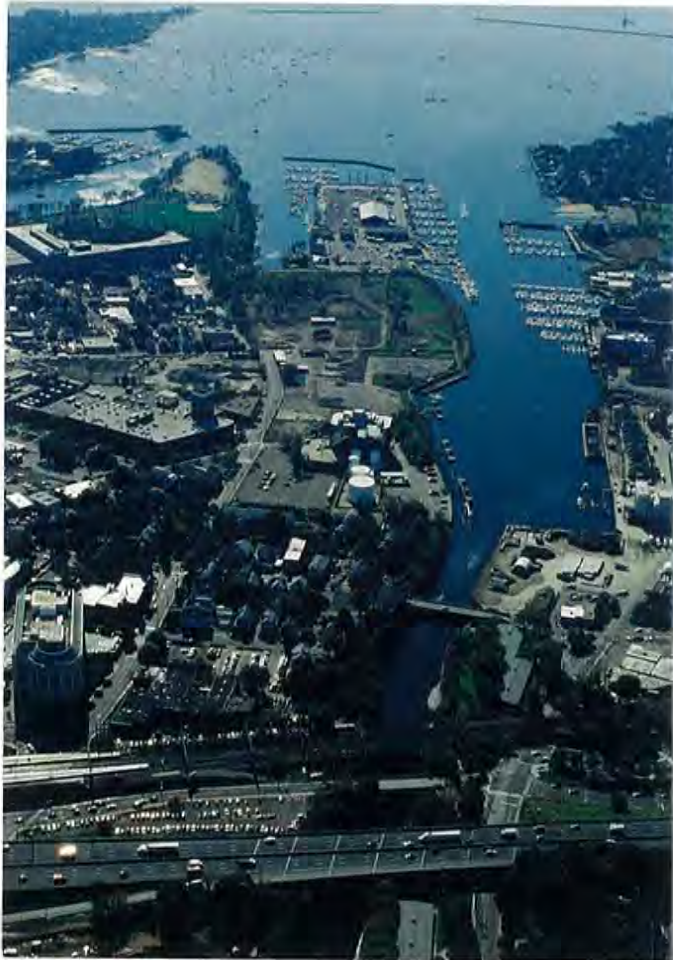


Figure 2-10: Looking south over the west branch; I-95, railroad, and Pulaski Street bridges in foreground.

The overall character of the inner harbor is that of a highly developed urban waterfront. As a result, natural coastal resources are not prominent and much of the shoreline has been artificially filled and held in place by bulkheads and other shore protection structures. Water quality is classified by the DEP as “SC/SB” and the inner harbor is designated by the DA/BA as a “closed” shellfishing area.

All of the inner harbor is included in the Stamford Harbor restricted speed zone which limits the speed of all vessels to six miles per hour with no wake.

West Branch

This west branch sub-area is defined by the lower, tidally influenced reaches of the Rippowam River and includes the navigable waterway generally known as the west branch of Stamford Harbor. While the Pulaski Street Bridge is considered the head of navigation on the west branch, the sub-area also includes the tidally influenced reach of the river upstream of the bridge to the Mill River Dam just north of Main Street. The dam marks the inland boundary of the SHMA on the Rippowam River.

The west branch is wider than the east branch and exposed to greater tidal flow. From shore to shore, the distance across the west branch ranges from about 400 to 700 feet. Within that distance are the west branch channel and anchorage basin of the Stamford Harbor federal

navigation project. The west branch federal channel has an authorized width of 125 feet and depth of 15 feet at mean lower low water. The west branch anchorage basin also has an authorized depth of 15 feet and is 380 feet wide at its widest dimension. The west branch channel is marked by federal aids to navigation maintained by the U.S. Coast Guard.

The total distance over the length of the sub-area, from the dam downstream to the south end of the west branch federal channel south of Kosciuszko Park, is about $1\frac{3}{4}$ miles, including the approximately $\frac{3}{5}$ -mile stretch of the river upstream of the Pulaski Street bridge. Between the Pulaski Street bridge and the Mill River dam, there are six other bridges which, from south to north, carry the railroad, South State Street, I-95, Richmond Hill Avenue, Tresser Boulevard, and Main Street over the river.



Figure 2-11: The boatyard peninsula at the mouth of the west branch.

All of the water-dependent uses in this sub-area are downstream of the Pulaski Street bridge, where the navigable waterway is characterized by its developed shoreline and concentration of water-dependent uses, including port facilities and recreational boating facilities, all of which are served by the federal navigation channel and anchorage basin. Among the significant features of the west branch are the Stamford hurricane protection barrier which takes the form of a concrete wall along the east shoreline; the boatyard peninsula just west of Kosciuszko Park; and the shallow embayment between the boatyard peninsula and the west side of the park. (Kosciuszko Park is described in the following section on the east branch.)



Figure 2-12: Southfield Park on the west branch; Avalon Bay development at left with tidal wetland between marina and shore.

Historically, the west branch was a center for shipbuilding and the distribution of coal throughout the city, as well as a terminus for steamship service to New York. Today, the two west branch port facilities are both near the head of navigation. On the west side, on Davenport Street, are O&G Industries' concrete and asphalt plants that receive shipments of sand and gravel in barges ranging from 130 to 265 feet long. O&G Industries allows commercial fishermen to use docking facilities along its property and has proposed expanding the water-dependent use of the property to enable demolition debris to be shipped from the site for reprocessing. O&G Industries also owns and operates two port facilities on the east branch of the inner harbor.

On the east side of the west branch is the Sprague Energy terminal that receives fuel oil by barge. Most of these shipments arrive during the winter months in barges that carry 20,000 barrels of oil (840,000 gallons) that is pumped into storage tanks on the property and then distributed throughout the region by tanker trucks. A typical oil barge serving this facility is 280 feet long and loaded to a draft of 12 feet.

Recreational boating facilities in the west branch include commercial boatyard facilities and boat slips. The most prominent facility is the Brewer Yacht Haven West boatyard located on the boatyard peninsula with 11,000 linear feet of docking, 280 boat slips, and a timber wave-protection structure just south of the peninsula at the entrance to the west branch. In addition to the boatyard services, there are a number of companies providing marine-related commercial services on the property. The boatyard has extensive frontage on and direct access to the federal navigation channel. The site was created by landfill for use by boating industries and has since

been used continuously for such purposes. It was occupied for many years by the Luders Marine Construction Company and in more recent years by one of the largest boatyard and marina facilities on Long Island Sound. A 1983 study prepared for the Stamford Planning Board found, based on cumulative consideration of the number of berthing slips provided, winter storage capacity, and the annual number of boat services and repairs carried out, that the facility at that time was perhaps the largest privately operated boatyard/marina for the service of pleasure craft on the entire east coast.



Figure 2-13: Stamford Landing development on the west branch; HELCO site on opposite side of waterway.

The facilities currently provided on the boatyard site, including facilities for the service, repair, and storage of vessels of all sizes, distinguish the existing businesses on this property from all other water-dependent businesses in Stamford. In fact, the current water-dependent business on the site is now the only boatyard operation in Stamford. The other boatyards that once existed in the city have long since been replaced by office development or waterfront condominiums that provide only marina facilities for the berthing of boats. Many of those boats rely on the service, repair, and storage facilities provided at the boatyard site.

Much of Stamford's reputation as a boating center in western Long Island Sound is due primarily to the marine services historically and currently provided on the boatyard site which over the past 25 years has been the subject of several proposed plans for redevelopment. The site, currently owned by the Antares group, is south of the hurricane protection barrier.

The headquarters of the Stamford Police Department's Marine Unit is located on the boatyard site and so too is Coast Guard Auxiliary Flotilla 74. In addition, the schooner *SoundWaters* operated by the educational organization SoundWaters based in Cove Island Park provides educational trips in Long Island Sound from the boatyard site.

The private Ponus Yacht Club is just north of the boatyard, between the boatyard and hurricane protection barrier. On the shoreline to the north of the yacht club, behind the hurricane protection barrier, is the property often called the HELCO or Admirals Wharf site (after a former development proposal for the site) and slated for redevelopment in 2007.

Waterfront land on the west side of the west branch is considered part of the Waterside neighborhood of Stamford. In the 1980's, four separate water-dependent petroleum storage facilities operated on the west side of the west branch, all of which have been replaced by mixed-use and residential developments that provide boat slips and public amenities for access to the water but are otherwise not water-dependent. South of the O&G property, recreational boating facilities are associated with the mixed-use waterfront development known as Stamford Landing that includes waterfront restaurants popular with visiting boaters, and with the Avalon Bay residential development. These boating facilities provide marina slips but no boat services except for a vessel-waste pump-out station at the Stamford Landing marina.



Figure 2-14: Looking upstream on the west branch toward the head of navigation at the Pulaski Street bridge.

A waterfront walkway for the public is part of the Stamford Landing project. At the Avalon Bay development, an elevated public walkway and fishing pier separate the private marina facility from the city's Southfield Park, the only waterfront park serving the neighborhoods to the west of the west branch. The park is about 12 acres and has baseball, basketball, and tennis facilities along with a small sandy beach. Swimming is not permitted, however, due to the existing water quality. Through an agreement with the city, the nonprofit Stamford Sailing Foundation plans to rebuild the park's former marina facility and provide a community sailing center at the park.

The only other public park on the west branch is the less than $\frac{1}{2}$ -acre Water Street park just downstream of the Pulaski Street bridge on the east side of the waterway. This park provides only limited opportunity for views of the upper reaches of the west branch.

Consistent with the 2002 Stamford Master Plan land-use categories, the west branch waterfront zoning districts are predominantly CW-D (Coastal Water-Dependent) which covers the ports facilities; DW-D (Designated Waterfront Development) which covers the HELCO site, boatyard peninsula, and Avalon Bay area; and P (Public Purposes) which covers the Southfield and Water Street parks.

Current planning and development initiatives affecting the sub-area include city-supported initiatives and private redevelopment planning. A major city-supported initiative is the planned removal of the Mill River Dam by the USACE. The purpose of this project is to restore and enhance the natural environment of the river in conjunction with the city's Mill River "greenbelt" project to provide public access opportunities along both banks of the river. Another initiative involves investigation of potential sites for establishment of a passenger ferry terminal to connect Stamford with New York City and other areas.

Private redevelopment efforts are focused on major properties on and near the west branch in the South End, including planned redevelopment of the HELCO and Pitney Bowes manufacturing sites by the Antares group. In association with this ongoing redevelopment planning, the property owner and boatyard operator are considering plans for reconfiguration and expansion of the boatyard.

Natural coastal resources in the west branch have been affected by the extent and intensity of waterfront development. Water quality conditions, however, are generally better than in the east branch due to the less constricted nature of the waterway and the effect of the Rippowam River. The diversity and population of marine species generally increases in the lower reaches of the waterway, toward Long Island Sound. The only significant tidal wetland is landward of the Avalon Bay marina; a significant intertidal flat exists in the embayment between the boatyard peninsula and Kosciuszko Park.

East Branch

This sub-area encompasses the navigable waterway known as the east branch of Stamford Harbor excavated from tidal wetlands in the first half of the 19th century to provide shipping access to downtown Stamford. Included in the sub-area is the east branch channel of the Stamford Harbor federal navigation project. Jefferson Street marks the northern boundary of the east branch and the head of navigation on the channel. Unlike the west branch, the east branch is essentially a "dead-end" waterway through which there is no natural tributary flow to Long Island Sound.

The east branch is generally more constricted than the west branch, especially in its upper, industrialized section where it is not much more than 100 feet wide. South of the hurricane protection barrier, the width of the waterway increases to about 600 feet. Within the east branch, the federal channel has an authorized width ranging from 85 feet (at the northern end) to 150 feet; the channel's authorized depth is 12 feet at mean lower low water. The total distance over the length of the east branch, from Jefferson Street downstream to the south end of the east branch federal channel south of Kosciuszko Park, is about 1½ miles.

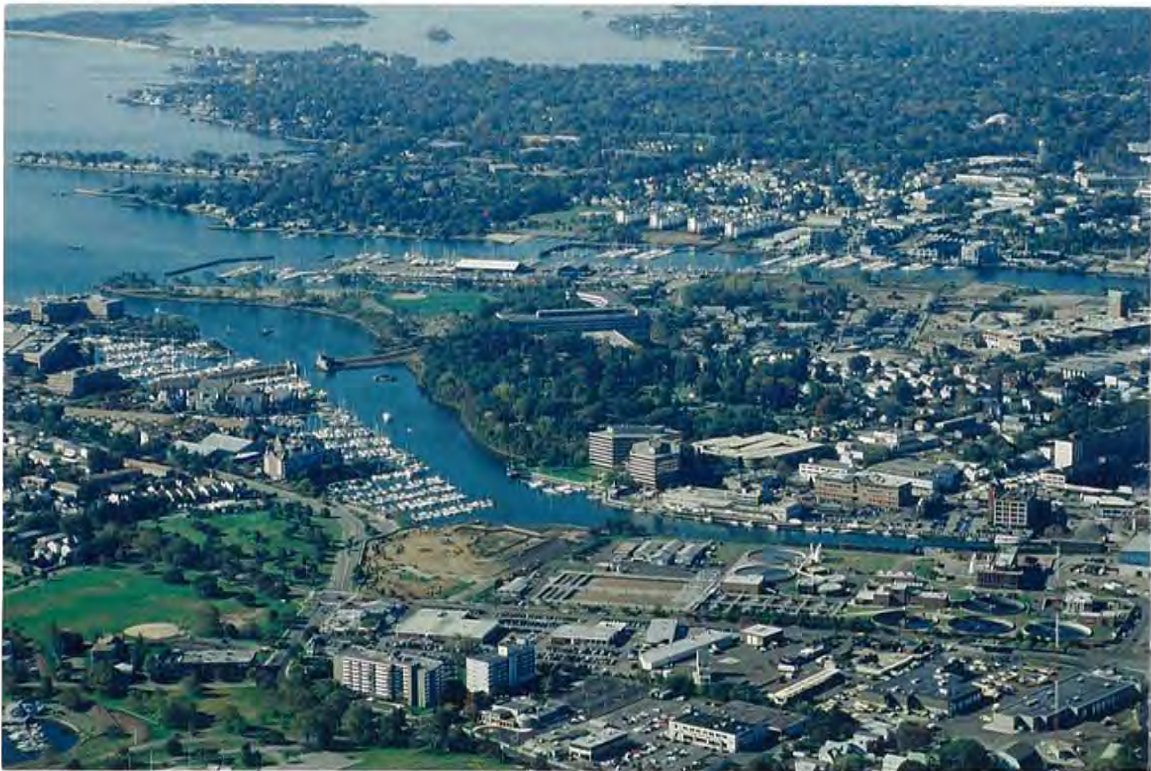


Figure 2-15: The east branch looking southwest with the wastewater treatment plant and other municipal facilities on the east branch waterfront in the foreground.

The east branch, similar to the west branch, is characterized by its developed shoreline and concentration of water-dependent uses, including port facilities along the upper reaches of the waterway and recreational boating facilities in the lower sections, all served by the federal

navigation channel. Among the significant features of the east branch are the Stamford hurricane protection barrier and its navigation/flood control gate across the channel; the wastewater treatment plant and other municipal facilities; the undeveloped shoreline of the Woodland Cemetery; Kosciuszko Park; and the massive office development known as Harbor Plaza at the entrance to the east branch.



Figure 2-16: The east branch looking south; Harbour Square and Stamford Harbor Park development at lower right; former American Cyanamid property in foreground.

Port facilities include O&G Industries' masonry supply yard on the east side which receives barge shipments of stone and gravel. South of that facility, also on the east shoreline, are the city's waste transfer station, former incinerator site, and wastewater treatment plant which discharges its treated wastewater into the east branch.

Port facilities on the upper, west side of the waterway are, from north to south: Rubino Brothers' scrap metal facility which shreds scrap metal and then ships it from the harbor by barge; the Stamford Iron and Metal facility which also ships metal products by barge; and O&G Industries' primary Stamford Harbor asphalt plant which receives barge shipments of sand. All of these waterfront facilities are separated from the interior of the South End by Canal Street.

The east branch channel was last dredged by the USACE in 1979 at which time 78,000 cubic yards of material were removed to restore the channel's authorized dimensions. Since that time the USACE has conducted no dredging projects in the east branch or elsewhere in the Stamford harbor federal navigation project.

Recreational boating facilities in the east branch are south of the industrial waterfront and include, on the west side, the docking and berthing facilities at Harbour Square and Stamford Harbor Park. These waterfront developments are part of mixed-use projects that replaced industrial uses of the waterfront and now provide boat slips and public walkways for views of the water, but are otherwise not water-dependent. A vessel-waste pump-out station and gas dock are provided at Harbour Square.

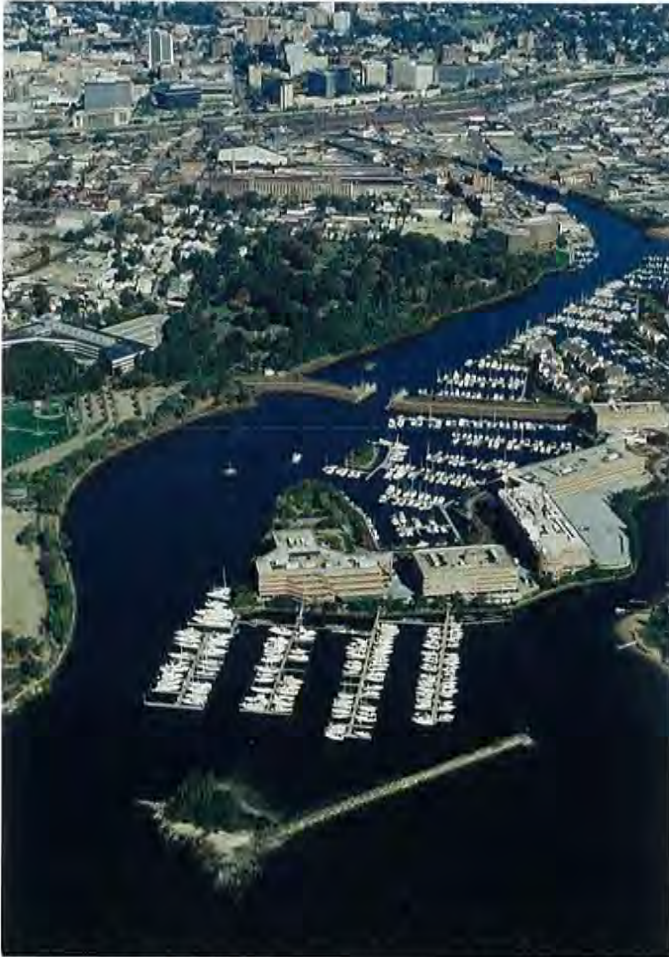


Figure 2-17: Entrance to the east branch near the Stamford hurricane barrier; Harbor Plaza at lower right.

Recreational boating facilities on the east side, downstream of the wastewater treatment plant, include the public marina at Czescik Park, one of the three city-operated marinas providing boating access to the SHMA. (The other city marinas are at Cummings Park and Cove Island Park.) Built in the mid-1980's, the marina is the city's most recently constructed boating facility; it has 220 boat slips off Harbor Drive and provides a vessel-waste pump-out station. Czescik Park's 8.6-acre open space connects with Cummings Park across Shippan Avenue, thereby providing a continuous band of city parkland between the east branch and Westcott Cove. (See the section below on the Westcott Cove sub-area.)

South of the Czescik Park marina, between the park and hurricane protection barrier, are the marinas associated with the Harbor House, Schooner Cove, and Palmer Landing waterfront condominiums. The hurricane protection barrier crosses the channel with a navigation/flood control gate operated by the USACE. The gate has a 90-foot horizontal clearance for navigation, remains open in fair weather, and is closed prior to

anticipated coastal flood events. The barrier is illuminated at night and a rotating red beacon is shown from the west tower when the gate is closed. North of the hurricane barrier, the east branch channel is not marked by federal aids to navigation.

South of the hurricane barrier are the massive office buildings of the Harbor Plaza development approved for construction prior to the Connecticut Coastal Management Act. This development replaced boat service and repair facilities but provides marina facilities now operated as Brewer

Yacht Haven East on the north and south sides of the development. The marina piers facing south are protected by a rock breakwater structure attached to Jack Island.

On the west shore of the east branch, opposite the recreational marinas, the shoreline is undeveloped and includes the shoreline of the 32-acre Woodland Cemetery and the 20-acre Kosciuszko Park. The cemetery has about 1,600 linear feet of shoreline on the east branch; the revetment-stabilized shoreline of Kosciuszko Park is about $\frac{3}{4}$ -mile long in total, including the park's east and west shorelines that converge to form the southern tip of the South End. A range light on that tip and one just offshore are maintained by the U.S. Coast Guard to guide vessels in the federal entrance channel (see below) approaching the inner harbor. Kosciuszko Park is the major public recreation facility in the South End; it was created from landfill, recently "capped" in accordance with state landfill closure requirements and provides facilities for active recreation such as soccer and baseball along with a lighted walkway on the perimeter providing the only panoramic views of the outer harbor from the South End.

Consistent with the 2002 Stamford Master Plan land-use categories, the west side of the east branch, north of the cemetery, is zoned CW-D, the cemetery is zoned M-G (General Industrial), and Kosciuszko Park is zoned P. On the east side, the area north of Czescik Park, including the port facility and municipal facilities, is zoned M-G, the park is P, the waterfront residential areas are CW-D, and the Harbor Plaza area is M-L.



Figure 2-18: Port facilities at the upper end of the east branch.

Current planning and development initiatives affecting the sub-area include the city's efforts to continue to upgrade the wastewater treatment plant and the municipal facilities around the plant, enhance Czescik Park, and provide a public access walkway along the shoreline on the city-owned section of the former American Cyanamid property. Private redevelopment efforts are focused on major properties near the east branch in the South End, most notably the planned redevelopment of the 21-acre Yale and Towne property between Pacific and Canal streets. This property, also owned by the Antares group, is the former site of the historic Yale and Towne lock factory.

The east branch has a long history of industrial and commercial development, particularly along the upper reaches of the navigation channel. As a result, natural coastal features have long since been eliminated and water quality has historically suffered due to the restricted tidal flushing and turbidity caused by barge traffic. The lower sections of the east branch are less constricted and the diversity and population of marine life typical of the Long Island Sound shoreline increases. There are no significant tidal wetlands in the east branch but several intertidal flats exist as biological resources, including near the shoreline of the Woodland Cemetery.



Figure 2-19: Looking east over the east branch and Czescik Park toward Cummings Park.

STAMFORD OUTER HARBOR

The outer harbor is bisected by the north-south oriented federal navigation channel (known as the entrance channel) that connects Long Island Sound with the inner harbor. The entrance channel is a little over one mile long from its southern end in the Sound to the point where it splits into the west and east branch federal channels. The open waters of the outer harbor are framed by Peck Point (and an imaginary line extending south from the point) on the west, and by the western shoreline of the Shippan peninsula on the east. The southern boundary of the outer harbor, for the purpose of the plan, is at the south end of the entrance channel in the Sound, about 700 feet south of the federal breakwaters. The distance across the outer harbor, between Peck Point and the Shippan shoreline, is a little less than one mile.



Figure 2-20: West breakwater and Stamford lighthouse in the outer harbor. Peck Point at top of photo.

The entrance channel, along with the outer harbor anchorage basin on the channel's west side and two rock breakwaters, are part of the Stamford Harbor federal navigation project. The entrance channel is marked by federal aids to navigation maintained by the U.S. Coast Guard and has an authorized width of 200 feet over its entire length; an authorized depth of 18 feet at mean lower low water from its beginning in the Sound to the northern edge of the outer harbor anchorage basin; and then an authorized depth of 15 feet to the junction of the west and east branch channels. The anchorage basin is 600 feet wide adjoining the west side of the channel inside the west breakwater; it has an authorized depth of 18 feet and covers about 19 acres.

The breakwaters provide the outer harbor with a measure of protection from waves generated in the Sound; the west breakwater is about 2,900 feet long and the east breakwater about 1,200 feet long. The breakwaters' ends nearest the channel are both lighted by federal aids to navigation to mark the entrance to the outer harbor.

Just south of the west breakwater is the Stamford lighthouse built in 1881 which also marks the entrance to the outer harbor and is the harbor's oldest man-made feature. The lighthouse is now privately owned and its flashing light maintained as a private aid to navigation.

The federal anchorage is used by the barge-towing companies serving Stamford port facilities to stage barge deliveries in the inner harbor. Barges are temporarily tied to a commercial mooring commonly called the "nurse mooring" while the towing companies await appropriate tide and other conditions needed to make their deliveries or pick up empty barges. The mooring tackle is placed and used in accordance with commercial mooring permits issued by the USACE and DEP with the Stamford harbor master as the permittee. The mooring tackle is owned by the Buchanan barge-towing company which is responsible for the tackle's regular inspection to ensure its soundness. Cooperative agreements among the towing companies serving the harbor's port facilities allow for shared use of the mooring.



Figure 2-21: Looking west over the outer harbor and Stamford Yacht Club mooring field; yacht club is at lower right.

Another prominent feature of the outer harbor is the designated mooring field maintained by the Stamford Yacht Club for its members. The mooring field, east of the entrance channel, is used and maintained in accordance with permits issued by the USACE and DEP to the club that allow for up to 157 mooring locations. The yacht club has been located on the west shoreline of Shippan since 1890 and is that shoreline's lone water-dependent facility except for some individual docks and piers constructed by waterfront homeowners. Additional moorings for recreational vessels have been placed in the outer harbor on the west side of the entrance channel.

Water activities in the outer harbor, in addition to recreational and commercial vessels transiting the entrance channel, commercial vessels using the federal anchorage, and the mooring of recreational vessels, include vessel-based fishing, water-skiing, and commercial shellfishing. The Stamford Harbor restricted speed zone which limits vessel speed to six miles per hour with no wake begins 250 feet inside the breakwaters, follows the federal channel boundaries north to buoy "6," and then expands to the west and east to include all of the open waters between Peck Point and the Shippan shoreline. Boundaries of the restricted speed zone are marked by speed buoys set by the city.

Consistent with the 2002 Stamford Master Plan land-use categories, the Peck Point and Davenport Point shorelines on the west side of the outer harbor and the Shippan shoreline on the east are zoned for residential uses. These shorelines support quiet, stable residential areas comprised entirely of single-family homes. There is no general public access to the outer harbor from these shorelines.

The outer harbor supports a diverse number of finfish, shellfish and other invertebrates, and coastal birds. Documents prepared for Stamford's municipal coastal program identified at least 36 species of fish in the outer harbor and shellfish have long been harvested commercially from a number of private shellfish grounds inside the breakwaters. Water quality in the outer harbor is classified by the DEP as "SB" north of a line from Davenport Point to the tip of Shippan Point and "SB/SA" south of that line. The outer harbor is designated by the DA/BA as a "restricted/relay" shellfishing area which allows commercial harvesting for relay and subsequent depuration in other waters.

Shippan Point has been identified as a unique and scenic coastal landform, a resource attribute that, and due to the pattern of residential development along the shoreline, is experienced primarily by waterfront residents and by boaters in the SHMA. The western shoreline of Shippan consists of small, sandy beach areas with numerous stone groins built to trap sand and with many seawalls intended to stabilize the shore. On the west side of the outer harbor, much of the Peck Point and Davenport Point shorelines are composed of artificial fill held in place by seawalls and bulkheads.

No significant areas of tidal wetlands are identified along the shorelines of the outer harbor. Marine plant life in the intertidal zones is seen to reflect an ecologically healthy rocky and sandy environment.

DOLPHIN COVE

The Dolphin Cove sub-area is the smallest and most western of the harbor management sub-areas. The area is bounded on the west by the town boundary between Stamford and Greenwich and on the east by Peck Point. The town boundary enters Long Island Sound through the center of the small embayment known as Tomac Cove and then follows a north-south line toward the center of the Sound.

Recreational boating and swimming from private beaches are the primary water uses, and water-dependent facilities include numerous private docks and piers associated with waterfront homes. There are no commercial or industrial water uses.

A prominent feature is the Dolphin Cove Lagoon which is an excavated tidal basin created in conjunction with development of the Dolphin Cove residential area which was started in 1970. The residential area adjoins the eastern side of the lagoon. Many of the waterfront homes have private docks. The retention, routine maintenance, and substantial maintenance of in-water structures in the lagoon is authorized by a general permit issued to the Dolphin Cove Corporation by the DEP.

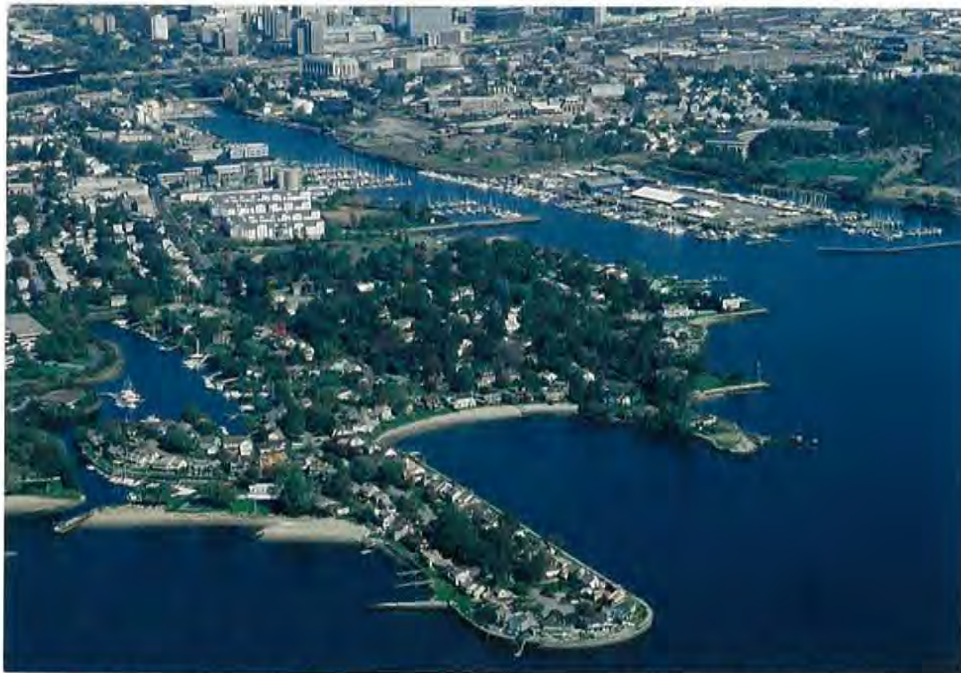


Figure 2-22: Peck Point with the entrance to the Dolphin Cove lagoon at left.

Waterfront land-use consists of single-family homes in the Dolphin Cove and Peck Point areas on the east side of the lagoon and the Soundview Farms corporate office park on the west side. Consistent with the 2002 Stamford Master Plan land-use categories, much of the area around the lagoon is zoned for residential uses except for the office park which is zoned IP-D (Designed

Industrial Park). There are no public recreational facilities on the shoreline. Private facilities include the Dolphin Cove Association beach and a private beach area south of the office park on the west side of the lagoon. A small, unimproved public access area providing opportunity for limited access to the west side of the lagoon for land-based fishing and water views is provided on the office park property.

The privately maintained navigation channel known as the Dolphin Cove channel provides a narrow entrance from Long Island Sound into the lagoon. Just inside the entrance are the Dolphin Cove Yacht Club's docking facilities. The channel was dredged in the early 1970's as authorized by a permit issued to the Dolphin Cove Corporation by the State of Connecticut but has not been maintained since. Maintenance responsibility rests with the Dolphin Cove Club Corporation. The jetty at the mouth of the entrance to the lagoon is also privately owned and maintained by the corporation. A notable consideration is that since the lagoon was excavated from privately owned upland areas, the land now underwater in the lagoon is recognized by the DEP as privately owned by the corporation.

Coastal resources include small sandy beaches and a small tidal wetland in Tomac Cove. Seawalls and bulkheads have been constructed along much of the shoreline. Water quality is classified as SB/SA and the area is classified by the DA/BA as a "restricted/relay" area for shellfishing.



Figure 2-23: Dolphin Cove lagoon looking east over the Soundview Farms office park.

WESTCOTT COVE

Westcott Cove is immediately east of the Shippan peninsula. The cove is a well-defined body of water bounded on the west by the north half of Shippan's eastern shore and on the east by Wallack's Point and Caritas (Greenway) Island. The distance across the cove from the Shippan shoreline to the island is slightly less than one mile. At the head of the cove are the sandy beaches of Cummings Park. Also included in the Westcott Cove sub-area is the excavated marine basin, known as the Cummings Park lagoon, in the midst of the park. The shoreline is dominated by residential and park and recreation uses that are in sharp contrast to the urban and commercial waterfront areas of Stamford Harbor.



Figure 2-24: The view to the southwest over Westcott Cove and Shippan; Stamford Harbor at top of photo; Cummings Park and lagoon at right-center.

The Westcott Cove federal navigation channel constructed by the USACE in 1963 provides boating access through the cove to the lagoon. The channel, which runs for almost one mile from Long Island Sound into the lagoon, has an authorized width of 100 feet and depth of eight feet at mean lower low water. The channel is marked by federal aids to navigation as well as buoys placed by the city's Office of Marine Operations. Although the channel is federally authorized, it is used almost exclusively for recreational boating. As a result, maintenance dredging of the channel is not a priority of the USACE and such dredging has been considered a local responsibility. The city has previously dredged in the lagoon to maintain access to the Cummings marina and in 2007 the Halloween Yacht Club is planning its own maintenance dredging project.

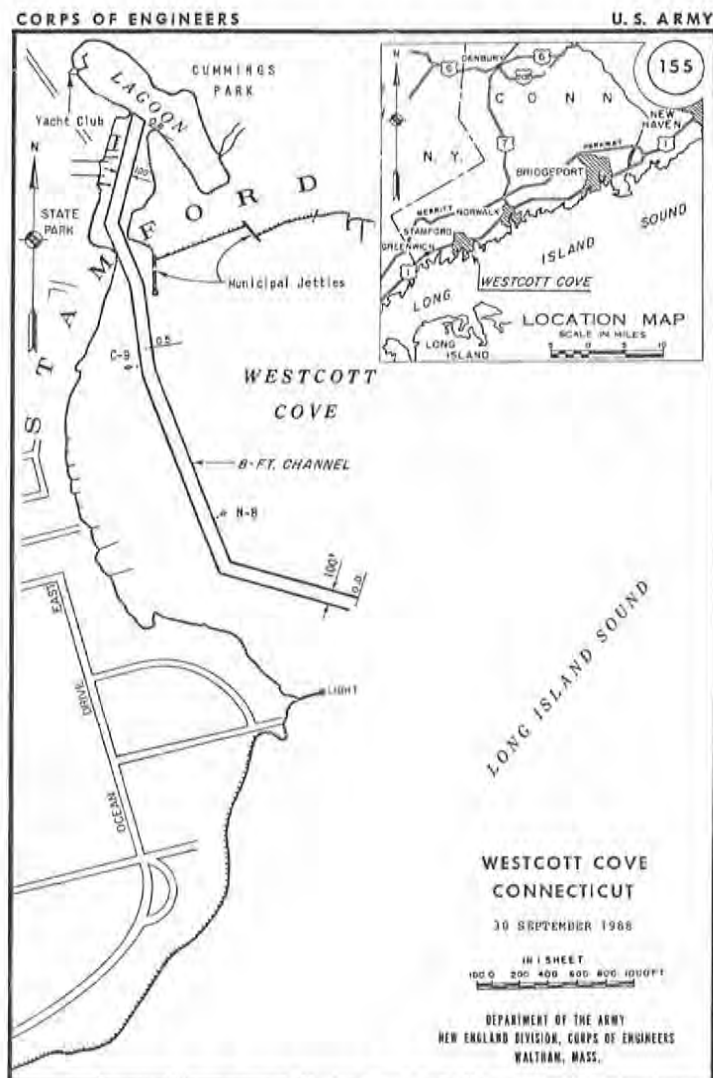


Figure 2-25: Westcott Cove federal channel.

and panoramic views of Westcott Cove and Long Island Sound as well as access to the recreational shellfishing area in the cove. The park's open space connects with Czescik Park across Shippan Avenue, thereby providing a continuous band of city park land between Westcott Cove and the east branch of Stamford Harbor. (See the earlier section on the East Branch sub-area.)

East of the entrance to the lagoon, the public beach known as Cummings Beach is about 1,200 feet long. It was widened to 125 feet by the USACE in 1960 as a beach erosion control project. At that time the USACE also extended the rock groin near the center of the beach to help keep the sand in place and improved the rock jetty at the western end of the beach. The jetty also holds the sand in place and is intended to block sand from drifting into the navigation channel at the entrance to the lagoon. The public fishing pier is immediately east of the jetty. Pursuant to the city's boating ordinance, no vessels are permitted to operate in the vicinity of the pier in

In addition to boats using the channel to enter and leave the lagoon, water activities in the cove include some mooring of recreational vessels, vessel- and land-based fishing, swimming, water-skiing, and recreational and commercial shellfishing. The cove also hosts special events such as the city's annual Fourth of July fireworks display launched from a barge anchored in the cove and enjoyed from Cummings Park by many Stamford residents and visitors. The Westcott Cove restricted speed zone established by city ordinance limits vessel speed in the channel to six miles per hour with no wake beginning at buoy no. "10" when proceeding toward the lagoon. The south boundary of the restricted speed zone is marked by speed buoys set by the city.

Cummings Park is the largest of Stamford's waterfront parks and is a resource enjoyed by citizens from throughout the city. In addition to its ballfields and open space, the park provides significant opportunities for public access to the SHMA through its sandy beaches, the city's only public fishing pier, a boat launching ramp, and the Cummings marina. The park also provides scenic

an area marked by buoys set by the Office of Marine Operations which also marks the boundaries of the swimming areas at Cummings Beach and West Beach.

West Beach at Cummings Park is west of the navigation channel and about 1,000 feet long. Next to the beach, inside the entrance to the lagoon, is one of the two city-operated boat launching ramps providing access to the SHMA. (The other launching area is at Cove Island Park.) This two-lane ramp is often used for launching personal watercraft. A seasonal or daily permit is required to launch all motorized vessels.



Figure 2-26: Cummings Park and lagoon; West Beach to left and Cummings Beach and fishing pier to right.

Cummings marina is one of three city marinas providing boating access to the SHMA (the others are at Czescik Park and Cove Island Park) and is the smallest of the three, providing 148 boat slips in the lagoon and a vessel-waste pump-out station for public use. It is also the oldest of the city marinas; its reconfiguration to support enhanced recreational use is being planned by the city in 2008, along with other facility improvements, including new docks, bulkheads, and pilings.

Other water-dependent uses in the lagoon include the marina of the Halloween Yacht Club, whose on-land facilities are located on city-owned land in accordance with a lease agreement with the city, and the privately operated marina which is associated with the Seaview office and residential development on the west side of the lagoon. Opportunities for access to Westcott Cove are also available from locations on the Shippan shoreline; these locations include the private Woodway Beach Club and the public easement to the beach in the area known as St. David's Bluff.



Figure 2-27: Water-dependent facilities in the Cummings Park lagoon include, clockwise from top: Seaview marina; Halloween Yacht Club; and Cummings marina.

Waterfront land east of Cummings Park is considered part of the Cove-East Side neighborhood. Consistent with the 2002 Stamford Master Plan land-use categories, the Shippan shoreline and the Cove-East Side neighborhood are zoned for residential uses. These shorelines support quiet, stable residential areas comprised mainly of single-family homes. Cummings Park is zoned for public purposes; the area of Seaview development on the west side of the lagoon is zoned for multiple-family residential use.

Sandy beaches are the most prominent coastal resources along the shoreline, including the beaches at Cummings Park and the smaller, private beaches adjoining the residential shoreline on Shippan and in the Cove-East Side area east of the park. Along the residential shorelines a number of stone groins have been built to trap sand and seawalls have been constructed to stabilize the shore. Intertidal flats are also found along the residential shorelines, but the only significant tidal wetland is just west of Wallack's Point, in the small embayment near Kenilworth Drive. Vincent and Caritas islands add to the diversity of the shoreline.

Water quality in the cove and lagoon is classified by the DEP as "SB/SA." The cove supports a diversity of finfish and includes the Westcott Cove recreational shellfishing area managed by the Stamford Shellfish Commission. Shellfish growing area classifications established by the DA/BA are "closed" (in the lagoon), "restricted/relay" (in the western part of cove), and "conditional" (in the eastern part of cove where the recreational shellfishing area is found.) Permits from the Shellfish Commission are required to harvest shellfish from the recreational area and permittees can park at Cummings Park for access to the area. Some commercial harvesting of shellfish from private shellfish beds also occurs in the cove.

COVE ISLAND HARBOR AND HOLLY POND

The Cove Island Harbor and Holly Pond sub-area is the most eastern of the harbor management sub-areas. It includes the navigable waters of Cove Island Harbor (also called Cove Harbor) which is bounded on the west by Wallack's Point and Caritas Island and on the east by Stamford's boundary with the Town of Darien. That town boundary enters Long Island Sound through the center of the Holly Pond outlet and then follows a north-south line toward the center of the Sound. The sub-area also includes Stamford's jurisdiction in Holly Pond upstream to the Route 1 bridge over the Noroton River. The Stamford/Darien boundary in the pond generally follows the center of the pond to the Cove Island dams at the pond's outlet.



Figure 2-28: Looking over Cove Island Harbor toward Cove Island Park and Holly Pond; Caritas Island in right foreground.

A prominent feature of the sub-area is the 45-acre city-owned island that forms a major part of the 84-acre Cove Island Park. The island is connected to the mainland and to the western half of the park by a causeway and pedestrian bridge. The city's Cove marina is located in the tidal waterway between the island and mainland. That waterway extends from Cove Island Harbor to Holly Pond but is not navigable past the marina. A navigable channel known as the Cove Island channel and marked with buoys placed by the Office of Marine Operations provides access to and from the marina and harbor. The Cove Island channel restricted speed zone established by city ordinance limits vessel speed in the channel to six miles per hour with no wake. The south boundary of the restricted speed zone is marked by speed buoys set by the city.



Figure 2-29: Cove Island Park and Holly Pond looking north.

Cove Island Park rivals Cummings Park as the largest of Stamford's waterfront parks and is a resource enjoyed by citizens from throughout the city. Access to the park is from both Weed Avenue and Cove Road. Along with its open space, perimeter walkway, and picnic areas, the park provides significant opportunities for public access to the SHMA through its sandy beaches, a boat launching ramp, and the Cove marina. Sail-boarding, kayaking, and canoeing are popular activities and the park provides storage racks for sail-boards. The park also provides scenic and panoramic views of Cove Island Harbor and Long Island Sound as well as access to the recreational shellfishing area in the cove. In addition, the SoundWaters organization conducts environmental education programs at its Coastal Education Center in the park.

The park's main beach is about 1,200 feet long on Long Island Sound and was widened to 125 feet by the USACE in 1958 as a beach erosion control project. At that time the USACE also built the 400-foot rock jetty at the eastern end of the beach to help keep the sand in place. Buoys set by the Office of Marine Operations mark the boundaries of the swimming area.

Cove marina is the largest of the three city marinas providing boating access to the SHMA (the others are at Czescik Park and Cummings Park) and provides slips for 260 boats in the waterway between Cove Island and the mainland. Near the south end of the marina is one of the two city-operated boat launching ramps providing access to the SHMA. (The other launching area is at Cummings Park.) This one-lane ramp is often used for launching hand-paddled craft such as

canoes and kayaks. A launching permit is not required for nonmotorized vessels but a permit is required for parking to use the ramp.

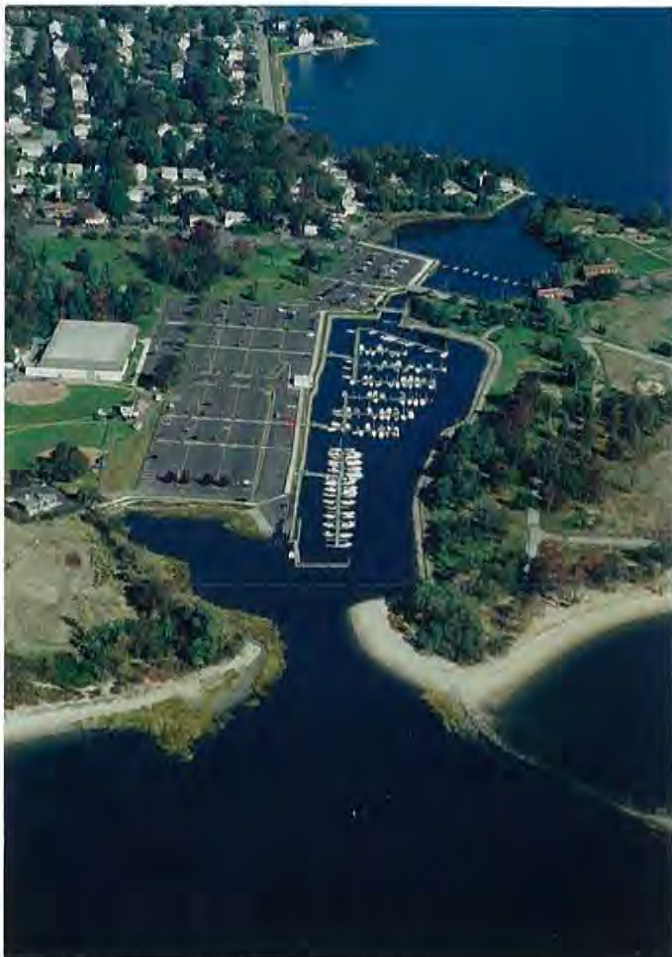


Figure 2-30: Cove Island marina.

These shorelines support quiet, stable residential areas comprised mainly of single-family homes. Cove Island Park is zoned for public purposes.

Sandy beaches are the most prominent coastal resources along the shoreline, including the beaches at Cove Island Park and the smaller, private beaches adjoining the residential areas west of the park. The park's shoreline also includes some areas of rocky shorefront and modified bluff and escarpment. A few small areas of tidal wetlands are found along the shoreline of the park along with some intertidal flats. Holly Pond is considered an estuarine embayment. The Noroton River flows into the pond from the north and two small dams separate the pond from Cove Island Harbor and Long Island Sound. A significant amount of tidal exchange occurs in the pond and the pond provides valuable habitat for various fish and wildlife species.

Water activities in Cove Island Harbor are similar to those in Westcott Cove. The harbor is used extensively for recreational boating, vessel-based fishing, water-skiing, and recreational shellfishing. Boating activities including small boat sailing and water-skiing also take place on Holly Pond.

Weed Avenue closely follows the western edge of Holly Pond from Main Street (Route 1) toward Cove Island Park and is the longest stretch of coastal roadway in Stamford providing a continuous water view. The Holly Pond shoreline adjacent to Weed Avenue is a stable man-made bank of rip-rap, fill, and bulkheads. Two small public open spaces are located on the water side of Weed Avenue; both provide a place to sit and enjoy views of the pond.

The waterfront land adjoining the harbor and Holly Pond is part of the Cove-East Side neighborhood. Consistent with the 2002 Stamford Master Plan land-use categories, the shoreline, excepting Cove Island Park, is zoned for residential uses.

Another significant wildlife habitat is west of the Cove Island channel on the site of a former city leaf disposal and composting area. This site, reclaimed by the city for management as a natural area and bird sanctuary, is known as the Cove Island wildlife sanctuary.

Water quality in Cove Island Harbor is classified by the DEP as “SB.” Holly Pond and the marina basin and channel between Cove Island and the mainland is classified as “SC/SB.” The harbor supports a diversity of finfish and includes the Cove Island Harbor recreational shellfishing area managed by the Stamford Shellfish Commission. Shellfish growing area classifications established by the DA/BA are “closed” (in the marina area and Holly Pond), and “conditional” (in the harbor where the recreational shellfishing area is found.) Permits from the Shellfish Commission are required to harvest shellfish from the recreational area and permittees can park at Cove Island Park for access to the area.

OTHER STAMFORD WATERS IN THE SHMA

This sub-area encompasses all other navigable waters within the SHMA outside of the above-described harbors of Stamford. These other waters—outside of the outer harbor, Dolphin Cove, Westcott Cove, and Cove Island Harbor—are bounded on the south by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in Long Island Sound where that straight line is within the projection of the boundary lines between Stamford and the neighboring towns of Greenwich and Darien. Included in this sub-area is the southeast-facing shoreline of Shippan which is not included in either the outer harbor or Westcott Cove.

The outer waters of the SHMA support a variety of recreational boating activities emanating from Stamford and other ports in Long Island Sound. The outer waters are also used by commercial vessels traveling to and from Stamford’s port facilities. In addition, a number of commercial shellfish grounds leased from the State of Connecticut and harvested in this part of the SHMA outside the jurisdiction of the Stamford Shellfish Commission.

Water quality in the outer waters is classified by the DEP as “SB/SA” in the area generally west of Shippan Point and “SA” in the area generally east of the point.



Figure 2-31: Looking east over Shippan Point and the outer waters of the SHMA.

The Institutional Framework for Harbor Management

This chapter describes the institutional framework for harbor management in Stamford. A number of agencies at the local, state, and federal levels have authorities and responsibilities pertaining to harbor management and the Stamford Harbor Management Area (SHMA). The Mayor, Board of Representatives, Harbor Management Commission (Commission), and city land-use and development agencies, for example, have important city authorities and responsibilities.

On the state and federal levels, the Connecticut Department of Environmental Protection (DEP), Connecticut Department of Transportation (DOT), U.S. Army Corps of Engineers (USACE), and U.S. Coast Guard are four agencies with significant harbor management-related authorities. The Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) is the principal state legislation affecting harbor management in Stamford. Numerous other city, state, and federal laws, regulations, and ordinances are also applicable, including Stamford Ordinance No. 1021 establishing the Commission. A copy of the Harbor Management Act is included as Appendix C of the *City of Stamford Harbor Management Plan* (Plan).

In addition, the general public and waterfront property owners have important water-related rights to use the SHMA, and there are a several regional and private organizations with harbor management interests. It is also recognized that actions originating in or involving Greenwich, Darien, and the other municipalities with jurisdictions in the watersheds draining into the SHMA can affect the SHMA.



CITY OF STAMFORD

In addition to the Mayor, Board of Representatives, and Harbor Management Commission, a number of city boards and agencies have authorities directly or indirectly affecting the SHMA, including the Planning Board, Zoning Board, Zoning Board of Appeals, Park Commission, Shellfish Commission, Urban Redevelopment Commission, Historic District Commission, Office of Operations, Environmental Protection Board, Office of Economic Development, Water Pollution Control Authority, Police Department, Fire Department, and Office of Marine Operations.

The Stamford Charter and Code of Ordinances establish the powers, duties, and regulations that guide the functions and operation of city government. In addition to the Harbor Management Plan, city regulations and plans affecting the SHMA and waterfront include most notably the city's Zoning Ordinance, which establishes important provisions affecting waterfront land, and the Stamford Master Plan. The Master Plan, most recently updated in 2002, includes the city's major policies for land use and future development including policies concerning the beneficial use and conservation of the city's coastal resources. Also of interest are the city's ordinances concerning boating and water recreation. Chapter 184 of the Code of Ordinances establishes, among other requirements, the limits of the restricted speed zones for vessels operating in the SHMA; and Chapter 175 delineates public swimming areas.

Mayor

The Mayor is the city's Chief Executive Officer with powers and duties specified in the City Charter. The Mayor is directly responsible for the administration of all city departments, agencies, and offices and submits their operating and capital budget requests to the Board of Representatives. The Mayor also provides leadership and direction for the city's coastal and harbor management initiatives and helps to set and advance the city's vision for use and conservation of its land and water resources.

It is the authority of the Mayor to appoint the seven-member Harbor Management Commission (see below), subject to approval by the Board of Representatives.

Board of Representatives

The 40-member Board of Representatives is the city's legislative body with powers and duties specified in the City Charter. The Board has several responsibilities that may directly affect the city's harbor management initiatives. The Board, for example, has the power, authority, and duty to make such ordinances and to adopt such resolutions as are deemed necessary for the conduct of the city's business. The Board also acts as an Appeals Board on decisions of the planning and zoning boards and has final approval authority on the city's operating and capital projects budgets. The Board works through various subcommittees including committees on planning, zoning, and parks and recreation. The Board adopted Ordinance No. 1021 establishing the Harbor Management Commission and may adopt other ordinances affecting the SHMA and waterfront as necessary. Appointments by the Mayor to the Commission are subject to approval by the Board. In accordance with Section 22a-113m of the Connecticut General Statutes, the

Harbor Management Plan and any future amendments to the Plan and to any city ordinance(s) needed to implement and enforce the Plan must be adopted by the Board to take effect.

Harbor Management Commission

The need for active city involvement and authority in matters pertaining to Stamford's marine jurisdiction in Long Island Sound was recognized by the Board of Representatives in 2004 when it adopted Ordinance No. 1021 of the Stamford Code of Ordinances to establish the Commission. The Commission was thereby authorized by ordinance to carry out all of the powers and duties granted to municipal harbor management commissions through the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113s of the Connecticut General Statutes).

The powers and duties of the Commission include preparing the Stamford Harbor Management Plan to guide the most desirable use of Stamford's navigable waters and intertidal areas for recreational, commercial, and other purposes. Ordinance No. 1021 also establishes the jurisdiction of the Commission which is defined more precisely in the Plan as the SHMA. The Ordinance specifies that the Commission shall consist of seven members and two alternate members all of whom are to be appointed by the Mayor with the approval of the Board of Representatives. In addition, the harbor master, Director of Operations of the City of Stamford, and Police Chief of the City of Stamford are non-voting, ex-officio members of the Commission.

Among the Commission's other powers and duties specifically set forth in Ordinance No. 1021 is the authority to: 1) review and make recommendations, consistent with the Plan, on any proposal affecting the real property on, in, or contiguous to the area within the Commission's jurisdiction that is received by any other city agency; 2) regulate mooring and anchoring areas; 3) establish regulations relating to the use and maintenance of the SHMA; and 4) propose fee schedules for approval by the Board of Representatives for any activity within the scope of the Plan.

Land-Use Boards

When considering the city's harbor management authorities, it is recognized that 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, Stamford's planning and zoning authority ends at that line. For harbor management purposes, state legislation (the Connecticut Harbor Management Act) enables municipalities to extend their local jurisdictions waterward of the mean high water line, over the 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 Stamford's navigable waters, the authorities and decisions of Stamford's land-use boards have special significance with respect to management of the SHMA. As a result, coordination and consistency is particularly important among the Stamford Master Plan, Zoning Regulations, and Harbor Management Plan and among the boards, commissions, and agencies charged with implementing those plans.

Four independent boards, with technical and administrative support provided by the city's Land Use Bureau, have the principal responsibilities for planning and regulating land use in Stamford. These are the Planning Board, Zoning Board, Zoning Board of Appeals, and Environmental Protection Board.

The Planning Board's principal responsibility is to plan for and coordinate the development of the city in accordance with the Master Plan, defined in the City Charter as the general land use plan for the physical development of the city. The Board prepares, adopts, and amends the Master Plan which establishes and applies the land use categories of the city, including categories developed specifically to apply to waterfront properties. The Master Plan, most recently updated in 2002, includes the city's major policies for land use and future development including policies concerning the beneficial use and conservation of the city's coastal resources. The Planning Board is also responsible for regulating the subdivision of land in the city.

The Zoning Board is responsible for implementing the city's zoning regulations, including preparing and adopting any amendments to the zoning map and/or text. While much of the city's shoreline adjoining the SHMA is zoned for residential use and public park purposes, specific zoning districts to implement the city's coastal management policies have been applied to the inner harbor waterfront. These include: the Designed Waterfront Development District intended to provide for and encourage the most appropriate use and development of waterfront property, giving highest priority and preference to water-dependent uses on sites that are physically suited for such uses; and the Coastal Water-Dependent District intended to set aside and protect areas that have been or may be developed predominantly for water-dependent industrial and commercial uses which are dependent upon water-borne transpiration or otherwise require waterfront access.

The primary function of the Zoning Board of Appeals is to consider variances of the zoning regulations where a strict enforcement of the regulations would cause an exceptional difficulty or unusual hardship to the owners of the affected property.

The Environmental Protection Board (EPB) is responsible for administering the programs of an Inland Wetlands and Watercourses Agency and Flood and Erosion Control Board and performing the functions of a Conservation Commission. The EPB also has responsibilities for regulating development within designated flood hazard areas in cooperation with the Zoning Board; overseeing the control of erosion and sedimentation from construction activities in cooperation with the Zoning Board; and regulating activities within conservation easement areas. The EPB is also an advisor to other city agencies and citizens on environmental and conservation matters.

The Planning Board, Zoning Board, and Zoning Board of Appeals are responsible for various reviews and hearings under the requirements of the Connecticut General Statutes concerning municipal planning and zoning. In addition, these boards have significant responsibilities for overseeing Stamford's Municipal Coastal Program (MCP) in accordance with the provisions of the Connecticut Coastal Management Act. The Act 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 Act. This is the mandatory process of Coastal Site Plan Review (CSPR) that must be carried out by all of Connecticut's coastal municipalities.

The Coastal Management Act also provides for the voluntary development, by each coastal municipality, of a MCP. The purpose of the MCP is to implement the policies and provisions of the Act through local land-use plans and regulations. If a municipality chooses to develop a MCP, it must revise its plan of conservation and development (in Stamford, this plan is called the Master Plan) as well as its zoning and other land-use regulations affecting the area within the coastal boundary. This procedure has been followed by the planning and zoning boards to establish Stamford's MCP.

Other City Agencies

Other city agencies with roles and interests affecting the SHMA include: the **Shellfish Commission** which is responsible for managing, protecting, and regulating all shellfish beds in Stamford waters, other than those under state jurisdiction or privately designated, leased, or owned, including the recreational shellfishing areas in Westcott Cove and Cove Island Harbor; the **Police Department** whose Marine Unit is responsible for law enforcement in the SHMA and also provides a variety of boating-related services ranging from emergency response to resolution of conflicts between recreational and commercial uses of the SHMA, and assists the Harbor Management Commission, Coast Guard, DEP, and other agencies with the development and implementation of harbor management initiatives; the **Fire Department** which has emergency response functions as well as responsibilities regarding fire prevention and preparedness on the water and in and around waterfront facilities; the **Water Pollution Control Authority** which oversees operation of the city's wastewater treatment facility; the **Office of Operations** which is responsible for the public works and other municipal functions of the city, including management of the city's stormwater and wastewater infrastructure, and whose division of Cashiering and Permitting collects all fees for rental of boat slips in the city marinas as well as fees for use of the city boat launching ramps; the **Parks and Recreation Commission** which is responsible for policies, plans, and regulations for use of the city's parks and recreation areas; the **Parks Department's Office of Marine Operations** which is responsible for managing the city's public marinas and placing the city's regulatory, special purpose, and navigational markers, including markers to delineate restricted speed zones and swimming areas; and the **Health Department** which monitors water quality and the condition of the recreational shellfishing areas.

NEIGHBORING TOWNS

When discussing current roles and authorities for harbor management in Stamford, it is appropriate to recognize that actions originating in or involving the towns with jurisdictions adjoining the SHMA and with jurisdictions in the watersheds draining into the SHMA can affect Stamford's waters in a variety of ways.

There are a number of harbor management issues of common interest to Stamford and the neighboring towns. These include issues of water quality, boating safety, emergency response, law enforcement, and public access to Long Island Sound and along the shoreline. As a result, and because many environmental and other harbor management issues do not respect municipal boundaries, there is a need for ongoing coordination of harbor management initiatives with the neighboring towns of Greenwich and Darien.

REGIONAL AGENCIES

The principal regional agency with responsibilities and activities that may affect the SHMA is the Southwestern Regional Planning Agency (SWRPA), the official regional planning agency for the eight municipalities, including Stamford, in lower Fairfield County. SWRPA focuses on issues of transportation, housing, environment, and open space and provides a forum for local governments to foster communication in addressing issues of inter-town interest. SWRPA's main functions include preparing and maintaining a regional plan of development; reviewing and commenting on proposed zoning changes that might affect other municipalities; undertaking a federally mandated transportation planning process for the region; and providing technical assistance concerning land use and transportation planning to its member municipalities.

STATE OF CONNECTICUT

A number of state laws, regulations, and programs affect the SHMA. The principal legislation of interest includes the Connecticut Harbor Management Act of 1984 (P.A. 84-287; Sections 22a-113k through 22a-113t of the Connecticut General Statutes) which enables municipalities to establish harbor management commissions and develop harbor management plans. (A copy of the Act is included as Appendix C of the Plan.) The intent of the Harbor Management Act is, in important part, to increase the authority and control of local governments over matters pertaining to the use and condition of their harbors. In 2007, 19 Connecticut municipalities are implementing state-approved and locally adopted harbor management plans and a number of other towns are working to prepare plans.

In accordance with Section 22a-113m of the General Statutes, any harbor management plan proposed by a municipality must be submitted to the DEP and DOT for approval by the commissioners of environmental protection and transportation, respectively, before the plan is adopted by the legislative body of the municipality.

Also of interest is the Connecticut Coastal Management Act (CCMA) of 1979 (Sections 22a-90 through 22a-112 of the General Statutes) which establishes significant 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 Stamford's program which is implemented through the city's Master Plan and zoning regulations. (See the above section on city agencies.)

There are numerous other state laws and regulations affecting the SHMA, including laws and regulations controlling the operation and speed of all vessels. Those laws and regulations are subject to change and/or renumbering. Persons affected by or otherwise interested in such laws and regulations, including the Regulations of Connecticut State Agencies concerning vessel speed and operation, should consult current statutes and regulations and may contact the appropriate agency for information on the status of current law.

The most prominent state agencies with roles and responsibilities affecting the SHMA are various units of the DEP and DOT. In addition, the harbor master, the Connecticut Department of Agriculture/Bureau of Aquaculture, and the Department of Motor Vehicles also have relevant authorities.

Department of Environmental Protection

Within the DEP, the Office of Long Island Sound Programs (OLISP) in the Bureau of Water Protection and Land Reuse has responsibilities affecting the SHMA, and so do other DEP bureaus.

● **Office of Long Island Sound Programs:** The OLISP has responsibilities regarding:

■ Determining the consistency of coastal development proposals with the Connecticut Coastal Management Act. The OLISP has responsibilities for ensuring that activities within the state's coastal area conform with the policies of the Coastal Management Act, including policies for protecting coastal resources. In this regard, the OLISP may provide comments to the Stamford Planning and Zoning boards and Zoning Board of Appeals during their reviews of proposed activities in the Stamford coastal area and may comment on those proposals prior to any final decisions by the boards.

■ Providing technical assistance for harbor management and for reviewing and approving municipal harbor management plans. The OLISP provides information and guidance to municipal harbor management commissions preparing and implementing harbor management plans. Proposed harbor management plans and plan amendments submitted by municipalities to the DEP for approval in accordance with Section 22a-113m of the General Statutes are reviewed by the OLISP for conformance with the Connecticut Harbor Management Act and other state laws and regulations. The OLISP also coordinates review by the DOT and USACE of proposed plans and plan amendments. In accordance with Section 22a-113m of the 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.

■ Reviewing coastal area development proposals and issuing or denying permits. 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 these activities must submit an application to the OLISP. The OLISP must also approve federal maintenance dredging projects proposed by the USACE.

Proposed work involving filling, dredging, or structures in wetlands or coastal and navigable waters in Connecticut are also subject to federal regulatory programs administered by the

USACE. The OLISP attempts to coordinate its review of permit applications requiring USACE permits to the greatest degree possible with the USACE.

The OLISP also processes applications for Certificates of Permission (COPs). Applicants proposing specific minor activities may apply to the OLISP for a COP in lieu of a Structures and Dredging Permit. The review period for issuing a COP 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, including small docks constructed by waterfront property owners known as “4/40 docks.” These are defined as structures comprised of a fixed pier, ramp, and float which are accessory to a residential property, do not extend further waterward than the distance to a depth of -4 feet at mean low water or a distance of 40 feet from mean high water, whichever is shortest, and which are used to achieve access for noncommercial boating purposes.

- Providing 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 state’s Long Island Sound License Plate Program that may provide 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. The OLISP also administers the DEP’s Coves and Embayments Program that supports wetland restoration and other environmental enhancement programs. The OLISP administers the federal Clean Vessel Act grant program in Connecticut. This program provides federally funded matching grants (to municipalities and private entities) for qualifying projects that provide boat sewage disposal facilities, including pump-out facilities that pump sewage from a marine sanitation device and then contain that waste before properly disposing of it into a sewage disposal system.
- Administration of the State’s Coastal Nonpoint Source (NPS) Pollution Program. Federal law requires that all states with federally approved coastal zone management programs develop Coastal Nonpoint Source (NPS) Pollution Programs to protect their coastal waters from such pollution. Connecticut’s NPS program is administered by the OLISP and based on a combination of regulatory, planning, and management authorities implemented by a number of agencies. The OLISP’s role is to ensure that implementation of those authorities occurs in the most coordinated and effective manner needed to avoid or reduce NPS pollution.
- **Bureau of Outdoor Recreation:** Within the Bureau of Outdoor Recreation, the Boating Division offers boating safety instruction and certifies boaters on completion of basic boating and personal watercraft operation courses. The Boating Division must also review any local boating regulations before they can be adopted by a municipality. The Boating Division is responsible for implementing the state’s permitting programs for special marine events and for placement of all regulatory, special purpose, and navigational markers, including markers to delineate restricted speed zones and swimming areas. In addition, the Boating Division

provides funding and technical assistance for the development of boating access facilities and, pursuant to Section 15-136 of the General Statutes, is responsible for reviewing local ordinances regarding the operation of vessels.

Also within the Bureau of Outdoor Recreation, the Environmental Conservation Police Division has responsibility for enforcing state boating laws, fish and wildlife laws, and other state laws and regulations. The division cooperates with local police departments, the State Police, and the Coast Guard, as necessary, in law enforcement and search and rescue efforts. The division also enforces the state laws and regulations concerning recreational and commercial fishing.

- **Other DEP Agencies:** Other DEP agencies also have roles and responsibilities affecting the SHMA. These agencies and some of their relevant activities include: the **Planning and Standards Division** in the Bureau of Water Protection and Land Reuse which adopts water quality standards and classifications for Connecticut waters (including the surface-waters of the SHMA), monitors and assesses the state's water quality, regulates municipal discharges, and assists municipalities in upgrading municipal sewerage facilities; the **Bureau of Natural Resources** which manages inland and marine fish populations for commercial and recreational fishing and is involved with restoration, management, regulation, and research concerning several important fish species and populations in Long Island Sound; and the **Bureau of Materials Management and Compliance Assistance** which enforces the state's water pollution control laws, regulates stormwater discharges from industrial and commercial activities, conducts pollution prevention, monitoring, and enforcement inspections, and provides emergency response for oil and chemical spill incidents and releases of hazardous materials and petroleum products.

Department of Transportation

Within the DOT, 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 SHMA and Stamford waterfront. The DOT also provides administrative support for the Connecticut Maritime Commission, established by the General Assembly to function as the primary body in the state for the development and recommendation of maritime policy to the Governor and General Assembly.

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.

The DOT has certain responsibilities affecting the harbors, navigable waterways, and harbor masters of the State. Harbor masters and deputy harbor masters appointed by the Governor are subject to the direction and control of the Commissioner of Transportation. In addition, the DOT's Bureau of Aviation and Ports is responsible for establishing a variety of navigation-related regulations and provides information and other assistance to the state's harbor masters.

The DOT's responsibilities concerning highway and bridge planning, design, and maintenance are also of interest for waterfront and harbor management planning, particularly as those responsibilities affect I-95 and other state roads over and near the SHMA.

Harbor Master

The Stamford harbor master, along with all other State of Connecticut harbor masters, is a state officer appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes for a three-year term.¹ The harbor master has a number of state-established authorities affecting the SHMA, including authority for control of all vessels moored or anchored in the SHMA, removal of derelict and abandoned vessels and structures, and other actions conducted in the interest of maintaining safe navigation.

Under Section 15-1 of the General Statutes, harbor masters are responsible for the general care and supervision of the harbors and navigable waterways over which they have jurisdiction; they are subject to the direction and control of the Commissioner of Transportation; and are responsible to the commissioner for the safe and efficient operation of such harbors and waterways. Among their powers and duties, harbor masters are empowered to enforce the provisions of the General Statutes concerning removal of abandoned and derelict vessels, including Section 15-11a and Section 15-140c.

Under Section 15-154 of the General Statutes, harbor masters are also empowered to enforce State boating laws within their jurisdiction, except that harbor masters who are not certified law enforcement officers may not enforce the "boating under the influence" laws. No police training is provided to Connecticut harbor masters, however, and the DOT advises 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 some monetary compensation by the state for the performance of their duties.

Section 15-1 of the 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 shall be appointed by the Governor from a list of not less than three candidates provided by the municipality's harbor management commission. Section 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.

With respect to Chapter 53 of the Connecticut General Statutes (Claims Against the State), harbor masters are considered state officers and employees and, as a consequence, are protected from liability and entitled to indemnification and representation for acts not wanton, reckless, or malicious performed in the discharge of their duties.

¹ With reference to the state's Code of Ethics, the Governor's office advises harbor masters that they are "public officials of the Executive Branch."

Sec. 15-9 of the General Statutes authorizes the Mayor of Stamford (as the City's Chief Executive Officer) to appoint a Hearing Officer to hear any grievance that may be filed against the Stamford harbor master with respect to removal of a vessel.

Department of Agriculture

In accordance with Section 26-192a of the Connecticut General Statutes, the Department of Agriculture (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.

The Department of Agriculture's Bureau of Aquaculture (DA/BA) administers several programs to help implement these responsibilities. Through those programs, the DA/BA has an important role in the management of shellfish resources in the SHMA, particularly with respect to evaluating and classifying waters of the SHMA for shellfishing, licensing any shellfishing activities, and generally working in coordination with other agencies, including the Stamford Shellfish Commission, 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 application of these classifications in the SHMA is described in Chapter 2 of the Plan.

The DA/BA works in an advisory capacity to local shellfish commissions and the DEP. 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

Every vessel used upon the waters of the State of Connecticut is required, in accordance with Section 15-142 of the Connecticut General Statutes, to be numbered by the state or display a valid Connecticut registration decal. Vessels not required to be numbered by the state are specified in Section 15-143 of the General Statutes and include any vessel less than 19½ 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.

In accordance with Section 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 DEP and DMV for boating safety and vessel registration expenses, respectively. The amount distributed to municipalities, including Stamford, in lieu of property taxes (which 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; that amount has not been updated since 1978.

FEDERAL GOVERNMENT

The principal federal agencies with responsibilities and authorities pertaining to the SHMA are the USACE and U.S. Coast Guard. Other federal agencies also have relevant responsibilities.

U.S. Army Corps of Engineers

The SHMA is within the jurisdiction of the New England District of the USACE which has a number of responsibilities relating to harbor management. In Stamford, the most prominent of these responsibilities are related to: 1) programs for regulating development in navigable water and wetlands; 2) responsibilities for maintaining the Stamford Harbor federal navigation project; and 3) responsibilities for flood protection, shore protection, and environmental enhancement. In addition, the Connecticut Harbor Management Act requires that any harbor management plan proposed by a municipality must be submitted to the USACE for review, comments, and recommendations before the plan can be approved and adopted.

Also, the USACE in 2007 is working with the U.S. Environmental Protection Agency (EPA) to prepare a Dredged Material Management Plan for Long Island Sound. That plan will consider the use of open water dredged material disposal sites in the Sound and opportunities for beneficial use of dredged material as alternatives to open water disposal.

Regulatory Authorities

The principal regulatory authorities of the USACE 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 USACE 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 USACE 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 USACE 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 USACE 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 USACE is now implementing a Programmatic General Permit (PGP), developed jointly with the DEP, 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 USACE 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 USACE.

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

To reduce potential adverse impacts on navigation, the USACE 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 U.S., 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. The guidelines are included as Appendix D of the Harbor Management Plan.

Violations of USACE 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. No application for a USACE permit will be processed unless the applicant’s entire existing facility is properly permitted by the USACE and in strict compliance with all previously issued permits.

Navigation Project Responsibilities

In addition to its regulatory authorities, the USACE 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 USACE maintains navigation projects in a reported 28 Connecticut waterways, including the SHMA. 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 USACE has a policy that navigation projects must be “open to all on equal terms.”² This policy is to ensure that all citizens have an equal opportunity to benefit from the project.

Described in Chapter 2, the Congressionally authorized Stamford Harbor federal navigation project includes designated channels and anchorage basins serving water-dependent uses in Stamford Harbor; it also includes the two stone breakwaters at the entrance to the outer harbor. The USACE is responsible for periodic maintenance dredging of the navigation channels and anchorage basins, as needed, and the last dredging project was conducted in 1979 in the east branch. The navigation channel in Westcott Cove is also a federally designated channel although its maintenance is not considered a priority for the USACE because of the channel’s predominantly recreational use. The USACE Section 10 regulatory program prohibits placement of piers, docks, moorings, or other obstructions within the federal channels.

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 USACE has directed municipalities that modification of federal navigation projects authorized by federal legislation must be accomplished through new federal legislation.

Flood Protection, Shore Protection, and Environmental Enhancement Responsibilities

The USACE is also responsible for Congressionally authorized projects for flood damage protection, shore protection, and environmental enhancement. The Stamford hurricane protection barrier was constructed by the USACE and the operation and maintenance of the navigation and flood control gates remains the responsibility of the USACE. In addition, existing recreational beaches at Cummings and Cove Island parks were constructed by the USACE as beach erosion control projects. The USACE is currently planning for removal of the Mill River Dam as a project to enhance the environmental quality of the Rippowam River while providing opportunities for public access along the river.

² The “open to all on equal terms” policy of the USACE states that:

Federal navigation projects must be managed in the general public interest and must be accessible and available to all on equal terms. Any number of approaches may be used to assure that all citizens desiring mooring or other access to the projects are treated impartially; it is not the Federal Government’s intention to prescribe specific procedures. A management system shall be considered acceptable provided that it:

- *Makes no arbitrary distinction or requirement of any kind of allocating use of the project and ancillary facilities and services to the public except as may be consistent with the purpose for which the project was constructed.*
- *Does not impose arbitrary fees or arbitrary variations in fees among users. The cost of providing necessary management and ancillary facilities and services may be offset through equitable user fees based on actual costs incurred.*

Information pertinent to harbor management, including but not limited to rules and regulations, lists of mooring holders, waiting lists, and fees schedules, shall be readily available to the public at all times.

U.S. Coast Guard

The SHMA (and all of Long Island Sound) is within the jurisdiction of the First Coast Guard District South which is headquartered in Boston. Coast Guard Group Long Island Sound headquartered in New Haven has responsibility for carrying out the different Coast Guard functions in the Sound including the SHMA.

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

- **Placement and maintenance of aids to navigation:** The Coast Guard maintains federal aids to navigation that mark Stamford's federal channels. These aids are maintained by the Aids to Navigation Team based in New Haven. 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 SHMA.
- **Search and rescue:** Search and rescue efforts are carried out as necessary in coordination with local and state emergency services agencies.
- **Responding to oil and hazardous materials spills:** Command and control responsibilities for responding to oil and hazardous materials spills in Long Island Sound are exercised by the Captain of the Port based in New Haven. Generally, the Coast Guard, working closely with the EPA, the DEP's Bureau of Materials Management and Compliance Assistance, and local emergency officials, will take charge of any spill operations and monitor the cleanup. 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.
- **Homeland Security:** In accordance with the Federal Maritime Transportation Security Act the Coast Guard has important responsibilities for port security, including responsibilities for risk assessment, boarding of certain vessels, and assisting port facilities with security planning.
- **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 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 addition, the Coast Guard is responsible for enforcement of federal laws concerning oil transfer operations between vessels and marine oil transfer facilities.
- **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. 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 DEP's Boating Division also regulates special in-water events.

- **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. 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. Environmental Protection Agency

The EPA has several responsibilities that directly or indirectly affect the SHMA. 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 DEP.

Under Section 312 of the Clean Water Act, the EPA in 2007 has designated a portion of Long Island Sound, including the SHMA, as a no-discharge zone within which no sewage, treated or untreated, may be discharged from any vessel.

Under Section 404 of the Clean Water Act, the EPA has responsibility for reviewing and commenting on applications submitted to the USACE for dredging and filling in navigable waters. Section 404(c) enables the EPA to veto a USACE 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 NPS pollution. In cooperation with the 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 is also responsible for designating any dredged material disposal sites that may be used in Long Island Sound. The purpose of the designation process is 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). Pursuant to conditions included in the EPA's designation of existing dredged material disposal sites in the Sound, the EPA in 2007 is working with the USACE to prepare a Dredged Material Management Plan for the Sound. That plan will consider the use of open water dredged material disposal sites and opportunities for beneficial use of dredged material as alternatives to open water disposal.

Other Federal Agencies

Other Federal agencies also have roles and responsibilities affecting the SHMA. The **U.S. Fish and Wildlife Service** and the **National Marine Fisheries Service**, for example, provide advice and comments to the USACE regarding the potential impacts that proposed activities requiring a USACE permit may have on fish and wildlife resources. The **Federal Emergency Management Agency** is responsible for conducting studies and publishing maps to determine flood vulnerability and for providing flood insurance in communities such as Stamford that participate in the National Flood Insurance Program. Within the Department of Commerce, the **Food and Drug Administration** regulates the interstate movement and sale of shellfish through the provisions of the National Shellfish Sanitation Program. Also within the Department of Commerce, the **National Oceanic and Atmospheric Administration's National Ocean Service** prepares navigation charts, conducts bathymetric surveys, and determines changes in sea level. In addition, the federal Coastal Zone Management Program which authorizes and funds Connecticut's Coastal Area Management Program is administered within NOAA.

THE GENERAL PUBLIC

The waters of the SHMA 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.³ 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 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

³ 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 DEP, Coastal Resources Management Division.

(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 SHMA, 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 Stamford Harbor federal navigation project, 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 SHMA, 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, including the taking of clams and oysters. This right is established in the earliest Connecticut court cases.

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. In Stamford, the general public has opportunity for access to the SHMA through the substantial city-owned park lands and other public water access areas and right-of-ways described in Chapter 2.

WATERFRONT PROPERTY OWNERS

Certain rights — referred to as riparian or littoral rights⁴ — 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 above, both the USACE and DEP 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.

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.

⁴ 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 SHMA.

In Stamford, the owners of waterfront properties supporting port and commercial marine facilities have littoral rights of access to the SHMA. The wharf and pier structures at these facilities were constructed in accordance with those rights. The city, as the owner of waterfront property also has important littoral rights of access to the SHMA.

PRIVATE ORGANIZATIONS

Several private groups and organizations also have significant interests concerning use of the SHMA and protection of the environmental quality associated with the SHMA. These include neighborhood associations concerned with the quality of life in the Waterside, South End, Shippan, and Cove-East Side neighborhoods. In addition, organizations such as the **Stamford Chamber of Commerce** and the **Business Council of Fairfield County** working to advance the civic and economic vitality of the city and region recognize the importance of Long Island Sound and Stamford's coastal area to the city's quality of life. They also recognize the opportunities for economic growth and development associated with the city's coastal area setting.

Educational organizations such as **SoundWaters** have important interests concerning the beneficial use and conservation of the SHMA. SoundWaters' educational programs focused on the natural environment of Long Island Sound are conducted at the organization's coastal education center in Cove Island Park; on board its three-master schooner *SoundWaters*; and at other locations throughout the region. The nonprofit **Stamford Sailing Foundation** established to provide community sail-training programs is another organization with a vital interest in the SHMA. So too is the Coast Guard Auxiliary, a volunteer organization that assists the U.S. Coast Guard with search and rescue efforts and with education and boating safety in the Stamford area. **Coast Guard Auxiliary Flotilla 74** is based on the boatyard peninsula in the east branch.

Harbor Management Issues and Planning Considerations

This chapter describes issues and planning considerations affecting the Stamford Harbor Management Area (SHMA). These were identified and reviewed by the Harbor Management Commission (Commission) in the course of preparing the *City of Stamford Harbor Management Plan* (Plan), and include issues and considerations expressed by citizens and agencies participating in the planning process.

Some of the issues require prompt attention; others may be of more significance in the future or require longer-term approaches to their resolution; many are inter-related. All are addressed through the city's harbor management goals, objectives, policies, and other provisions established in chapters 5 through 7 of the Plan. It is recognized by the Commission that the Plan cannot identify every issue that is likely to affect the SHMA in the future. Management of the SHMA through implementation of the Plan is an ongoing process that will continue to evolve as conditions and circumstances change. The Plan will be amended as necessary to respond to new issues as they may arise and as the city's response to sometimes complicated issues continues to evolve.

For discussion purposes, the harbor management-related issues and planning considerations are grouped into seven categories related to: 1) public health, safety, and welfare; 2) water-use and navigation; 3) environmental resources and quality (including water quality); 4) recreational boating; 5) waterfront land-use and development; 6) public access; and 7) harbor administration and coordination. The order in which the categories are presented does not imply priority.



PUBLIC HEALTH, SAFETY, AND WELFARE ISSUES AND CONSIDERATIONS

1. Carrying capacity of the SHMA
2. Vessel speed and wake
3. Emergency planning and response
4. Water-use congestion and conflicts
5. Flood and erosion hazards
6. Risk of fuel and hazardous material spills
7. Obstructions or hazards to navigation
8. Abandoned or derelict vessels and structures
9. Fire prevention and preparedness
10. Homeland Security
11. Noise and nuisance impacts
12. Public safety laws and regulations

1. Carrying capacity of the SHMA for safe boating and other water uses. “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 SHMA may be discussed with respect to the capacity of the Stamford Harbor federal navigation project and other surface water areas in the SHMA to accommodate recreational and commercial vessels and water-dependent uses without the occurrence of adverse impacts on navigation and public safety.

In theory, it may be possible to determine the carrying capacity of a specific waterway for navigation (in terms of how many boats can safely operate in the waterway, for example). In practice, however, the Commission recognizes that it is generally not possible except on the most site-specific basis to precisely determine the amount of future vessel traffic 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 by the Commission and other city agencies concerning waterfront development and use of the SHMA, including decisions affecting the development of new or expanded water-dependent uses.

Carrying capacity concerns regarding potential environmental impacts in the SHMA are described in the following section on Environmental Quality.

2. Vessel speed and wake. Speeding boats and excessive wakes in the SHMA, especially near the shoreline and close by other vessels, can 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. Chapter 184 of the Stamford Code of Ordinances establishes, among other requirements, restricted speed zones for vessels operating in the SHMA. State boating laws and regulations also establish requirements for vessel speed and operation. A basic harbor management concern involves how to effectively achieve compliance with the existing regulations controlling vessel speed and wake in the SHMA through enforcement of those

regulations by the Stamford Police Department and other authorized agencies and through increased public awareness.

3. Emergency planning and response. A broad range of emergency situations are possible in the SHMA and on the city's waterfront, including but not limited to situations involving vessels in distress, fuel spill emergencies, fires, and coastal flooding. As a result, there is a continuing need to maintain effective and coordinated capabilities, on the part of city, state, and federal authorities and the private sector, to prepare for and respond to such emergencies. To maintain those capabilities, city agencies such as the Stamford Police Department's Marine Unit and Stamford Fire Department require adequate capital and operating budget resources and suitable facilities for access to the SHMA, including but not limited to boat berthing, docking, and launching facilities.

4. Water-use conflicts and congestion. Within the SHMA there is potential for conflicts among the many different types and sizes of vessels using the navigation channels, anchorage basins, other water areas, and water-dependent facilities. Potential conflicts between commercial and recreational vessels using the Stamford Harbor federal navigation project, including tugs, barges, and other vessels carrying materials to and from Stamford port facilities, require attention. Also requiring attention are potential conflicts among different recreational activities in other parts of the SHMA, including power- and sail-boating and hand-powered vessel operation.

5. Flood and erosion hazards. Flooding and shoreline erosion are natural, ongoing processes that will continue to affect water and waterfront use and development in Stamford. There is need for continued attention to these processes and to appropriate measures to mitigate their impacts. When planning for shore protection it should be recognized that while structural shore protection measures such as seawalls and revetments are needed in some locations to protect existing development, those measures can also have adverse impacts and therefore must be carefully planned and constructed. Permits from the U.S. Army Corps of Engineers (USACE) and Connecticut Department of Environmental Protection (DEP) are required to construct such measures.

Considerable sections of the SHMA fall within coastal and riverine flood hazard areas. In those areas, proposals for waterfront use and development must be designed for compliance with the city's floodplain regulations and consideration must be given to emergency preparedness planning, including evacuation planning for severe flood events.

6. Risk of fuel and hazardous materials spills. Shipments of petroleum products account for a significant amount of the waterborne commerce in the SHMA. Due to the potential for accidental spills from vessels transporting petroleum products, there is a continuing need for specific procedures and requirements for guarding against and responding to fuel spill emergencies in the SHMA in accordance with the federal laws concerning marine cargo transfer. In addition, there is the potential for accidental spills from recreational and commercial vessels using the SHMA and for fuel and other hazardous materials that may be spilled on land to enter the SHMA through storm drains and direct discharges. It is recognized that a coordinated effort on the part of city, state, and federal agencies acting in concert with the private sector is needed

to maintain effective preparedness and provide effective response to any fuel and hazardous materials spills that may occur in and near the SHMA.

7. Obstructions or hazards to navigation. Undue obstructions or hazards to navigation in the SHMA would adversely affect the beneficial use of the SHMA. The Commission is aware of the potential for channel shoaling and other possible obstructions or hazards, including abandoned or derelict vessels (see below) and debris that may enter the SHMA from waterfront properties, including industrial sites. There is also the potential for floating debris emanating from upstream in the Rippowam (Mill) River to cause public safety concerns and interfere with boating activities. As a result, there is need for continued and ongoing awareness of water and waterfront conditions; there is also need for effective procedures for prompt removal or marking of any obstructions or hazards to navigation that may arise, and for initiation of future maintenance dredging of the federal navigation channels in the most timely manner as needed.

8. Abandoned or derelict vessels and structures. If problems regarding abandoned or derelict vessels and structures in the SHMA arise they must be addressed quickly 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 scenic quality of the SHMA and leak fuel and oil that will damage water quality. The Stamford harbor master is empowered by state law to remove abandoned vessels but the cost of such removal can be substantial. Coordination among city agencies and the harbor master will likely be needed to help ensure effective removal of any abandoned or derelict vessels that may be found in the SHMA.

9. Fire prevention and preparedness. Fire prevention and preparedness are significant harbor management concerns due to the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials associated with marinas and other water-dependent uses in the SHMA. Providing fire protection for existing and future development near and adjoining the SHMA involves making sure there is adequate access for fire-fighting equipment as well as adequate water supply available on or near the site for fire-fighting purposes. Also, the waterfront development plans of all applicants seeking zoning/building approval are required to include specific measures for fire protection.

10. Homeland Security. The security of Stamford port facilities and other development on and near the waterfront is a concern for all agencies and officials concerned with management of the SHMA. Current terrorist threats to the Nation's sovereignty, economy, environment, and safety have a distinct maritime dimension. Over 95% of U.S. trade is through the Nation's seaports; threats in Stamford and elsewhere can pose as legitimate trading vessels and other vessels. The Coast Guard has an essential role in defining and implementing a national maritime security strategy that must maintain a balance between port security and free commerce. This strategy is now being applied to Long Island Sound and to Connecticut's ports and marine infrastructure by the Coast Guard. In accordance with the Federal Maritime Transportation Security Act, the Coast Guard has important responsibilities for risk assessment and assisting port facilities with security planning.

11. Noise and nuisance impacts. The character and image of the SHMA is shaped by not only natural coastal resources and water-dependent recreational and commercial activities but also by the residential neighborhoods that occupy much of the shoreline. When planning and managing water and waterfront use and development, including enhanced use of the city parks providing water access opportunities, consideration must be given to avoiding excessive noise and other nuisance impacts that would adversely affect the quality of life in residential areas and the enjoyment of persons using the parks and other water access facilities.

Noise is generally considered to be unpleasant sound that may disrupt normal activities and/or diminish the quality of the environment. It is recognized that the adverse impacts of noise may be especially heightened or amplified in waterfront locations due to the lack of sufficient environmental buffers such as trees and buildings. Laws and regulations established to address noise impacts include Section 15-129 of the General Statutes which establishes requirements concerning motor boat noise levels.

12. Public safety laws and regulations. A number of the above-noted public safety concerns in and near the SHMA point to the need for effective regulations to help maintain safe and enjoyable use of the SHMA, including regulations for boating safety. The Commission recognizes that no regulations can be effective without adequate and effective enforcement. Principal laws and regulations controlling navigation by commercial and recreational vessels in the SHMA include: the state boating laws and regulations that may be enforced by the Stamford Police Department's Marine Unit and authorized state agencies; the city's ordinances concerning boating and water recreation; and the federal laws and regulations over which the U.S. Coast Guard has enforcement authority. The most effective enforcement would be based on a coordinated approach by city, state, and federal agencies and officials.

As water and waterfront conditions change in the future, it may become appropriate to consider the need for new or modified regulations to protect public safety in the SHMA. Those new or modified regulations may be adopted pursuant to: Section 15-136 of the Connecticut General Statutes which enables the city to adopt local regulations regarding the operation of vessels in the SHMA; and Section 22a-113n of the General Statutes which enables the city to adopt ordinances to implement provisions of the Plan.

WATER-USE AND NAVIGATION ISSUES AND CONSIDERATIONS

1. The federal navigation project
2. Nonfederal dredging
3. Aids to navigation and markers
4. Navigation fairways
5. "Set-back" distances
6. Harbor icing
7. Passenger vessels
8. Boating safety and education
9. Unauthorized encroachments
10. Educational and scientific uses
11. Public rights in navigable waters
12. Water access structures
13. Energy generation and transmission facilities
14. Commercial moorings

1. Maintaining the Stamford Harbor federal navigation project. The Stamford Harbor federal navigation project consists of designated channels and anchorage basins and the two breakwaters at the entrance to Stamford Harbor. Recreational and commercial vessels (including vessels carrying materials to and from Stamford port facilities) and other commercial and recreational vessels use the channels and anchorage basins and require adequate channel depths and widths to navigate safely. Maintaining adequate channel dimensions from Long Island Sound to the Stamford inner harbor is necessary to ensure continuation of the existing economic advantages of waterborne transportation and the competitive advantages of the port facilities. As a result, it should be anticipated that maintenance dredging of the federal navigation project's channels and anchorage basins will be needed at some point in the future.

The New England District of the USACE is responsible for maintenance of the federal navigation project, including maintenance dredging. It is recognized that the current process to achieve maintenance dredging of federal navigation projects consists of a series of complex steps and decisions involving a number of agencies as well as the U.S. Congress and generally taking years to complete.

Maintenance dredging in the federal navigation project was last conducted by the USACE in 1979. Any future dredging will be carried out according to need and the availability of funds to conduct the work. Prior to any future dredging, an assessment of potential environmental impacts, including the impacts of dredged material disposal, must be conducted by the USACE. Necessary approvals from the State of Connecticut must then be obtained.

In accordance with its responsibility for maintaining the federal navigation project, the USACE is also responsible for ensuring that use of the authorized channels and anchorage basins is consistent with the USACE's "open to all on equal terms" policy and that no docks, floats piers, or other structures encroach into the channels.

In the future, it would be possible for the city to give consideration to modifying the existing authorized dimensions of the federal navigation project if necessary to serve the needs of project users. Modification of federal navigation projects in Connecticut (including 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 USACE has directed municipalities that modification of navigation projects authorized by federal legislation must be accomplished through new federal legislation. A procedure involving the municipality, USACE, DEP, and U.S. Senators and Representatives has been established to achieve such legislation as necessary.

2. Nonfederal dredging. Maintenance dredging in the SHMA outside of the federal channels and anchorage basins, at the port terminals and other water-dependent facilities, is also necessary from time to time to maintain the continued viability of those facilities in the SHMA. All nonfederal dredging, including any dredging needed to maintain navigation access to the city's public marinas, must be carried out in accordance with approvals (e.g., permits) issued by the USACE and DEP. 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 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.

3. Aids to navigation and markers. Aids to navigation mark Stamford's federal channels in the SHMA, including federal aids to navigation maintained by the Coast Guard and other, nonfederal aids, often called "private aids," placed and maintained by the Stamford Parks Department's Office of Marine Operations. Nonfederal aids may also be placed by the Connecticut DEP (which places state aids to navigation) and by waterfront facility operators.

State and federal permits are required for placement of all private aids to navigation. Any repositioning of the existing federal aids to navigation would require permission from the Coast Guard and USACE. The location and adequacy of aids to navigation in the SHMA may be reviewed by the Commission from time to time and the results of that review transmitted to the Coast Guard. It may also be appropriate from time to time for the Commission to request maintenance of existing aids to navigation or placement of additional aids to navigation as needed to help maintain boating safety in the SHMA.

4. Navigation fairways. Section 22a-113n of the Connecticut General Statutes enables municipalities 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 (including public water-access facilities) and federal navigation channels. In the future, the Commission may find it appropriate to consider designation of navigation fairways in the SHMA and may do so in the Plan.

5. **“Set-back” distances from channels, anchorages, and fairways.** In addition to designating navigation fairways, a municipality may establish guidelines concerning the appropriate distance that floats, docks, piers, and other structures should be set back from the boundaries of designated navigation channels, fairways, and anchorage basins. The closer these structures are located to a channel, fairway, or anchorage basin, the greater their potential for interfering with the safe passage of vessels using those areas, and the greater the possible restriction of public use of the navigable water outside of the channel, fairway, or anchorage.

The USACE has established guidelines for the distance that structures should be set back from channel and anchorage 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 included in Appendix D of the Plan.) The DEP Boating Division also provides guidance concerning the distance that structures should be set back from channel and anchorage boundaries. In the future, when reviewing development proposals that may affect the SHMA, it may be necessary for the Commission to consider and recommend appropriate distances that in-water structures such as docks, floats, and piers should be set-back from channel, fairway, and anchorage boundaries.

6. **Harbor icing impacts.** Ice conditions in the SHMA can affect commercial vessel traffic in the winter months, including the waterborne delivery of fuel oil to distribution facilities on the west branch of Stamford Harbor. Another potential issue is that commercial vessels navigating the federal channels in the inner harbor can cause breaking ice to be thrust against the shoreline, damaging marina facilities and other waterfront structures. The Coast Guard’s ice-breaking capabilities are limited; in recent years only one Coast Guard ice breaker has operated on Long Island Sound. As a result, means for avoiding or reducing ice-caused damage to waterfront property, including the facilitation of ongoing communication among potentially affected parties, will require continued attention.

7. **Passenger vessels.** In addition to the commercial vessels serving Stamford port facilities and other commercial and recreational boats using the SHMA, passenger vessels also use the navigation channels in the SHMA. These include excursion boats and vessels used for research and educational purposes. Passenger vessels provide important opportunities for public access to the SHMA and Long Island Sound and add to the vitality of the SHMA and waterfront. Passenger vessels also provide an opportunity for increased tourism linkages between Stamford and other Long Island Sound towns and for waterborne transportation of passengers to and from Stamford. Ongoing city planning initiatives pursuing establishment of passenger ferry service that would connect Stamford with New York City and other locations reflect awareness of these opportunities. As a result, attention will need to be given to the variety of requirements for safe and efficient passenger boat operation, including navigation requirements, as well as necessary waterfront docking facilities and upland support facilities. In addition, it is recognized that continued attention must be given to the avoidance of conflicts between passenger vessels and other vessels in the SHMA.

8. Boating safety and education. The continuing need for educating the operators of recreational vessels in the SHMA is a basic harbor management concern as not all boat operators will demonstrate adequate boat handling skills nor full awareness of boating regulations and responsibilities. Section 15-140e of the Connecticut General Statutes establishes requirements whereby vessel operators must obtain safe boating certificates or be properly licensed by the U.S. Coast Guard, and Section 15-140j of the General Statutes establishes requirements whereby personal watercraft operators must obtain Connecticut certificates of personal watercraft operation. Due to the extent of water activity in the SHMA, including recreational and commercial vessels, it is especially important that all operators of recreational vessels be fully aware of the laws and regulations for safe vessel operation and conduct their operations accordingly. Similarly, commercial vessel operators must be aware of the potential conflicts between their vessels and recreational boats in the SHMA and of the laws, statutes, regulations, and ordinances that apply to the operation of their vessels in the SHMA.

9. Unauthorized encroachments into navigable water. Unauthorized encroachments into navigable water may be defined as structures or other work placed or undertaken without necessary local, state, or federal approvals. In the SHMA, the Commission would be concerned with two basic types of encroachments. The first type would include any structures (piles, floats, piers, for example) and other work extending into the federal channels and anchorage basins. Federal policies prohibit any obstructions in a federal channel. Moorings may be placed in a federal anchorage basin but only if those moorings are managed according to the USACE's "open to all on equal terms" policy.

The second type of encroachment of potential concern would be any structure (e.g., dock, float, seawall) or other work (e.g., dredging or 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 USACE and DEP have the principal responsibility for elimination or correction of any unauthorized encroachments that may be identified in the SHMA, it is recognized that the Commission can have an important advisory role with respect to the resolution of any encroachment issues that may arise in the future.

10. Educational and scientific uses. Public and private educational programs utilizing the SHMA provide opportunities for the study of Long Island Sound and the marine environment as well as opportunities for learning the skills for boating and other marine activities. Such programs are beneficial uses of the SHMA; they can provide not only educational and recreational benefits but also information useful for planning and management decisions. Educational and scientific uses of the SHMA will continue to require thoughtful planning and management to help ensure that they will continue to be conducted in a safe and enjoyable manner and in coordination with other beneficial recreational and commercial uses.

11. Public rights in navigable waters. In accordance with the Public Trust Doctrine—the body of law pertaining to waters subject to the ebb and flow of the tide—the general public has significant rights to use the waters of the SHMA for navigation, recreation, and other purposes. (See chapter 3.) The use of public waters for navigation is the central and essential public right. Recognition of the Public Trust Doctrine and of the need to protect the public’s rights under the doctrine is fundamental to decisions by the Commission and other agencies affecting the use and conservation of the SHMA. Decisions affecting the SHMA must also recognize the significant littoral rights of waterfront property owners for access to the SHMA. (See chapter 3.) The Commission recognizes that conflicts may sometimes arise between littoral and public rights in the SHMA and that it will be necessary to address those conflicts as they do arise. A principal conflict between littoral and public rights in navigable water often arises over the construction of docks and piers by waterfront property owners. (See the later section on Waterfront Land-Use and Development.)

12. Water access structures. Proposals by water-dependent facility operators, individual land-owners, and governmental agencies to construct or extend docks and piers to reach navigable water in the SHMA and/or increase docking capacity may raise complex planning issues regarding: 1) the potential environmental impacts of those structures (including impacts on wetlands and intertidal flats as well as aesthetic impacts); 2) the possible effect of those 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 or extended; and 4) the extent to which the city can and should control or limit such structures. The Commission will have to address these concerns when reviewing proposals for the extension of docks and piers into the SHMA.

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 more significant.

13. Energy generation and transmission facilities. Recent plans and proposals for energy generation and transmission facilities on Long Island Sound, including but not limited to floating and submerged platforms, pipelines, and other structures, have increased awareness of the potential impacts these facilities can have on navigation, coastal resources, and other conditions. Any such plans and proposals that may affect the SHMA will require careful review to identify and avoid any potential adverse impacts of the proposed facilities, including direct impacts on conditions in the SHMA and secondary impacts on upland areas, including upland areas adjoining the SHMA.

14. Commercial moorings. Section 22a-113n of the Connecticut General Statutes enables municipalities to designate mooring and anchoring areas, including mooring and anchoring areas for commercial as well as recreational vessels. (See the following section on Recreational Boating.) With regard to commercial moorings in the SHMA, the federal anchorage in the outer harbor is used by the barge-towing companies serving Stamford port facilities to stage barge deliveries and barges are temporarily tied to a privately owned commercial mooring known as the “nurse mooring.” The Commission recognizes the need for the city to carefully administer available commercial as well as recreational mooring locations to ensure that the space available

is used safely and that mooring locations are managed in a fair and equitable manner. In accordance with its authorities provided by the General Statutes, use of the nurse mooring and other commercial mooring locations is subject to mooring and anchoring regulations adopted by the Commission. Such regulations must be followed by the harbor master when issuing permits for the use of commercial mooring locations in the SHMA. In addition, Section 15-121-A3 of the Regulations of Connecticut State Agencies establishes standards for mooring buoys, including standards for the color and shape of buoys. The Commission may also recommend, pursuant to Section 22a-113s of the General Statutes, an annual commercial mooring permit fee to be adopted by the Board of Representatives. (See the later section on Harbor Administration and Coordination.) That fee may then be used only for the maintenance and improvement of the SHMA for the public and for necessary expenses related to the function of the Commission and harbor master.

ENVIRONMENTAL QUALITY ISSUES AND CONSIDERATIONS

1. Balance between goals for use and conservation
2. Environmental carrying capacity
3. Cumulative impacts
4. Surface water quality
5. Intertidal resources
6. Fish and wildlife resources
7. Waterfront scenic quality
8. Cultural resources

1. Balance between goals for use and conservation of the SHMA. A fundamental harbor management issue recognized by the Commission concerns the need to achieve and maintain balance between goals for conservation of environmental quality and goals for achieving beneficial water and waterfront use and development. The natural environment of the SHMA and Long Island Sound provides vital ecological functions and the opportunity for water and waterfront uses that provide important economic and cultural benefits. Natural resources and environmental quality, however, may be damaged by those same uses. As a result, understanding and applying the concept of environmental carrying capacity (see no. 2 below) becomes particularly significant when making decisions affecting the SHMA.

2. Environmental carrying capacity. In addition to the previously described considerations regarding the capacity of the SHMA to safely support navigation and boating activities, there are also significant considerations regarding the capacity of the SHMA's natural environment to accommodate water and waterfront uses without the occurrence of adverse impacts on environmental quality. The Commission recognizes that the environmental carrying capacity of the SHMA 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 construc-

tion, maintenance, and operation of water-dependent facilities; 2) navigation uses and activities that can generate noise, wake, pollution, and other impacts; and 3) nonpoint sources of pollution caused, for example, by increased stormwater runoff into the SHMA from developed areas.

The concept of environmental carrying capacity, however, is difficult to apply and the level of public understanding concerning the concept can be improved. It is difficult, for example, to precisely determine the amount of future use and development that can occur in and adjoining the SHMA before adverse environmental impacts become unacceptable. This does not mean, however, that the SHMA's environmental carrying capacity should not be an important consideration in future decisions by the Commission and other agencies concerning waterfront development and use of the SHMA.

Carrying capacity concerns regarding the capacity of the SHMA to safely accommodate boating and other water uses are described in the previous section on Public Health, Safety, and Welfare.

3. Cumulative impacts. When considering the carrying capacity of the SHMA for waterfront development and any new water-dependent uses, it is recognized that 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 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 SHMA. As a result, it will be necessary for the Commission to consider potential cumulative impacts when reviewing proposals for uses and activities affecting the SHMA.

4. Surface water quality. In recent years there have been a number of accomplishments with regard to understanding and improving water quality conditions in Connecticut harbors and Long Island Sound, including establishment of monitoring and educational programs and improved municipal wastewater treatment. 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; any significant pollution in the SHMA would diminish the city's quality of life.

Sources of pollution in the SHMA may be categorized as "point" and "nonpoint" sources. Potential "point" sources are easily identified and include discharges from storm drains that empty into the SHMA as well as treated wastewater from the city's wastewater treatment plant. In addition, there is the risk of fuel spills from recreational and commercial vessels in the SHMA.

Other potential point sources of pollution include discharges of treated and untreated sewage from vessel holding tanks, even though the discharge of both treated and untreated sewage from such tanks is illegal in the western Long Island Sound no-discharge zone (which includes the SHMA) designated by the U.S. Environmental Protection Agency. The extent to which these discharges may contribute to water quality problems is not known, but there is concern whenever a large number of boats are docked or moored in close proximity and in confined waterways.

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 open spaces. As precipitation runs off pavement and land to the nearest catch basin or waterway draining to the SHMA, it gathers oil, bacteria, sediment, and other substances that eventually enter the water. 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 bridges that cross the Mill River in and upstream of the SHMA.

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 in the SHMA and Long Island Sound.

The Commission recognizes that if the available resources for pollution abatement are to be applied effectively, it will be necessary to continue to advance the city's understanding of pollution sources, particularly nonpoint sources, and possible abatement measures and to increase public awareness of those sources and measures.

5. Intertidal resources, including tidal wetlands and intertidal flats. Intertidal resources in the SHMA include tidal wetlands and intertidal flats. The ecological functions and beneficial values of these resources, 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 well recognized, along with their recreational, scientific, educational, and scenic values.

Although wetland protection is a national as well as a city and state priority, unless the wetlands and intertidal flats in and near the SHMA 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 SHMA must take into consideration potential impacts on those resources as well as requirements for protecting their natural values.

In addition, there may be opportunities for restoring the ecological values of certain intertidal areas in the SHMA that were degraded by previous land-use practices.

6. Fish and wildlife resources. The SHMA contains significant fish and wildlife habitat and resources with much recreational, commercial, and ecological value. Aside from the tidal wetlands and intertidal flat areas, the waters and underwater lands of the SHMA are important finfish and shellfish areas.

Given the extent and significance of the fish and wildlife resources in and near the SHMA, decisions affecting use and development of the SHMA and waterfront should take into consideration potential impacts on those resources as well as requirements for protecting them. The possible loss of fish and wildlife resources as a result of cumulative development impacts,

water pollution, human disturbances, overfishing, and other conditions is a recognized harbor management concern.

Shellfish resource areas in the SHMA include sub-tidal bottom areas as well as intertidal flats. These areas contribute to the diversity of benthic life in the SHMA and provide a source of food for shorebirds, lobsters and other marine life. Management of Stamford's shellfish resources is necessary to maintain and enhance their existing commercial and environmental benefits as well as possible future recreational shellfishing opportunities.

Proposals in other Connecticut harbors for large-scale shellfish aquaculture projects involving floating structures have raised issues concerning the potential impacts of such structures on navigation and environmental quality. Such concerns are of state-wide interest and may be relevant in the SHMA in the future.

7. Waterfront scenic quality. The scenic quality associated with the SHMA and waterfront is among the most important of city resources. Scenic views of the water are available from a number of coastal roads and locations including the city's waterfront parks. Maintaining Stamford's quality of life and the city's waterfront character depends in part on maintaining not only opportunities for scenic views of the water, but also the scenic quality of the shoreline when viewed from the water. Waterfront scenic quality 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. In addition to the ecological values associated with the SHMA, there are important cultural values (including historic, educational, and scientific values) associated with the SHMA and waterfront. Also, the city has a substantial maritime heritage as much of Stamford's historical use and development can be described with reference to Stamford Harbor and the Mill River. As the city manages 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 of the importance of preserving those values.

RECREATIONAL BOATING ISSUES AND CONSIDERATIONS

1. Boating support facilities and services
2. Mooring and anchoring locations
3. Mooring tackle requirements
4. Public boating facilities
5. Facilities for visiting boaters
6. Live-aboard vessels
7. Boating safety and education
8. Personal watercraft operation
9. Hand-powered boating uses
10. Vessel waste pump-out facilities

1. Boating-support facilities and services. Recreational boating activities contribute to the vitality and attractiveness of the SHMA and provide important economic benefits of local and regional significance. Those activities require waterfront facilities and services, including, but not limited to, marina and boatyard facilities and services for berthing, repair, maintenance, and storage. City and state coastal management policies recognize the importance of the water-dependent facilities needed to support recreational boating and support their continued operation. Nevertheless, there are economic, regulatory, and other conditions that could affect the continued viability and operation of these water-dependent facilities in the future. (See the later section on Waterfront Land-Use and Development.) A significant harbor management consideration involves the effect of waterfront development proposals and city land-use decisions on the operation and viability of existing boating support facilities and services in the SHMA.

2. Mooring and anchoring locations. Section 22a-113n of the Connecticut General Statutes enables municipalities to designate mooring and anchoring areas. In the SHMA, mooring locations for the general public and waterfront property owners have been established in several locations and the Stamford Yacht Club maintains a large mooring field for its members in accordance with state and federal permits.

Anchoring of vessels may take place in the SHMA in accordance with the public's rights for the use of navigable waters (see chapter 3), as long as anchoring occurs in a manner and locations so as not to interfere with navigation or cause other unacceptable adverse impacts, including impacts on coastal resources, moored vessels, and other beneficial uses of the SHMA.

The Commission recognizes the need for the city to carefully administer available mooring and anchoring locations to ensure that the space available is used safely and that mooring locations are managed in a fair and equitable manner. The Commission can formally designate specific mooring and anchoring areas in the SHMA and establish regulations for their use. Those regulations may take into consideration available water depths, the presence of sensitive coastal resources, the availability of suitable on-land access areas to serve mooring locations, and other factors that may affect the number of mooring locations that may reasonably be placed in the SHMA. Such regulations must be followed by the harbor master when issuing permits for the use of mooring locations in the SHMA. The Commission may also recommend, pursuant to Section 22a-113s of the General Statutes, an annual mooring permit fee to be adopted by the Board of Representatives. (See the later section on Harbor Administration and Coordination.) That fee may then be used only for the maintenance and improvement of the SHMA for the public and for necessary expenses related to the function of the Commission and harbor master.

3. Mooring tackle specifications and inspections. In accordance with its authorities and responsibilities for managing mooring locations in the SHMA, the Commission may establish uniform specifications concerning the mooring tackle that must be used as well as requirements for regular inspection of that tackle. The purpose of those specifications and inspection requirements would be to reduce the possibility of mooring tackle failure and the associated risks to other vessels, shorefront property, and environmentally sensitive resources. In addition, Section 15-121-A3 of the Regulations of Connecticut State Agencies establishes standards for mooring buoys, including standards for the color and shape of buoys.

4. Public boating facilities. Boating facilities owned and operated by the city for public use include the marinas at Czesick, Cummings, and Cove Island parks. (See chapter 2.) The continued operation, maintenance, and enhancement of these facilities which provide significant opportunities for public use and enjoyment of the SHMA is a basic harbor management consideration. Ongoing planning by the Parks and Recreation Commission and Parks Department to enhance the city's marina facilities include plans for new docks, bulkheads and pilings. Facility managers also recognize the need for periodic maintenance dredging to provide continued safe and easy access between the marinas and Long Island Sound. In addition to their marina facilities, Cummings Park and Cove Island Park also provide boat launching ramps. The lack of boat launching facilities in other locations in the SHMA including Stamford Harbor has been a topic of discussion among city planners and others interested in enhancing public use of the SHMA. Several waterfront sites have been identified by the Commission for potential boat launching use and require further investigation to determine their feasibility for such use. The lack of public docking facilities, often referred to as "town docks," for use by visiting boaters has been another topic of interest (see below).

5. Facilities for visiting boaters. The Commission recognizes that facilities in the SHMA for the use of visiting recreational boaters have been limited. There is, for example, no public docking facility to accommodate visiting boaters. Those who may choose to visit Stamford by boat can provide benefits to the local economy and add to the vitality of the SHMA. The ability of the city to attract such visitors will depend on the availability of docking and other boating-support facilities and services, the environmental quality of the SHMA, and the existence of attractions that will serve as destinations for visiting boaters. The Commission recognizes the need to continue to pursue opportunities for providing appropriate facilities for visiting boaters.

6. 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. While issues of this sort may not be of immediate concern in the SHMA, the Commission recognizes the need to address such problems should they arise in the future.

7. Personal watercraft operation. Personal watercraft operation is a beneficial use of the SHMA unless it should occur in conflict with other water uses and in violation of boating laws and public safety requirements. Officials of the DEP 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 statutes and regulations, including vessel speed statutes and regulations, that apply to the operation of all other vessels. In addition, the State of Connecticut has established statutes and regulations specific to the operation of personal watercraft. As a result, it is recognized that issues concerning personal watercraft use in the SHMA can be addressed through enforcement of existing regulations and through the increased education of watercraft operators.

8. Hand-powered boating activities. Hand-powered vessel operation including canoeing, kayaking, and rowing can contribute significantly to the vitality of the SHMA and waterfront. These activities can be supported and encouraged through a variety of city policies, plans, and

programs and through provision and enhancement of public facilities enabling safe and enjoyable access to the SHMA for such activities. Conflicts between these activities and other water uses that may arise from time to time would need to be addressed in order to maintain safe and beneficial use of the SHMA.

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 city and state programs to improve the water quality of Long Island Sound and its tributaries, including the SHMA. Described in the earlier section on Environmental Quality, the potential for discharges of sewage from vessel holding tanks is a potential water quality concern in all Connecticut waterways. Although it is difficult to determine the extent to which these discharges may take place and contribute to water pollution, there is concern whenever a large number of boats are docked or moored in or otherwise use a confined waterway. In the SHMA, vessel waste pump-out facilities are provided at several locations, including the Cummings Park marina; continued and increased use of these facilities will serve to advance the city's goals for improving surface water quality in the SHMA.

WATERFRONT LAND-USE AND DEVELOPMENT ISSUES AND CONSIDERATIONS

1. Land-use authorities
2. Economic impacts
3. Water-dependent uses
4. Waterfront zoning
5. Waterfront redevelopment
6. Port facilities
7. Passenger boat terminals
8. Maintenance of waterfront areas and facilities
9. Shoreline stabilization
10. Shorefront neighborhoods
11. Littoral rights

1. Land-use authorities. Waterfront land-use and development have a significant influence on the use and condition of the SHMA. The water-dependent facilities on the city's shoreline, for example, provide the opportunities for use of the SHMA for waterborne commerce and the boating and other water activities that provide significant economic and cultural benefits in the city. Waterfront land-use and development conditions can also cause adverse impacts in the SHMA, including impacts on natural coastal resources. Conversely, the use and condition of the navigable waters in the SHMA can affect shoreline conditions.

It is recognized there are a number of city planning and development interests, opportunities, authorities, and issues that overlap along the Mean High Water (MHW) line which marks the waterward jurisdiction of Stamford's land-use planning and zoning authority. As a result, city

planners recognize the need to utilize the Harbor Management Plan and Stamford Master Plan as complementary documents which together establish the city's formal policies for land and water use and conservation. It is also recognized that ongoing coordination among the Commission and the city's land-use boards is needed to achieve effective implementation of the two plans as those two plans address overlapping issues along the waterfront. (See the following section on Harbor Administration and Coordination.)

2. Economic impacts. Economic considerations are inherent in many of the harbor management issues identified by the Commission. 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.

The economic impacts of Stamford port facilities with respect to the local and regional economies are recognized as commensurate with the city's status as a significant Connecticut port. Water-dependent uses supporting recreational boating also provide significant economic impacts. In addition, visitors to the city's waterfront parks, patrons of marinas and waterfront restaurants, and others who visit Stamford for the beneficial use and enjoyment of the SHMA and waterfront also 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 complete measures of the economic value of Stamford's water and waterfront resources. The natural resources and environmental quality of the SHMA have important economic values that are more difficult to quantify than economic impacts. For example, tourism potential, opportunities for water and waterfront recreation, and opportunities for water-enhanced development depend in large part on the natural quality of the city's marine environment. In addition, the natural resources of the SHMA provide ecological functions related, for example, to fish and wildlife habitat and water quality. These ecological functions also have an economic value.

It is recognized that some significant environmental issues will need to be addressed as the city continues to pursue the water-related opportunities for economic development and waterfront revitalization presented by the SHMA and waterfront. When pursuing those opportunities, the importance of achieving and maintaining a balance between goals for waterfront use and development and goals for conservation of environmental quality must be recognized. While the natural environment of the SHMA and waterfront 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. (See the previous section on Environmental Quality.)

3. Water-dependent uses. The city and the State of Connecticut have established policies to promote and protect water-dependent uses on the Stamford waterfront. The Connecticut Coastal Management Act, 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.” These state policies are reflected and supported in Stamford’s Municipal Coastal Program.

Through the city’s coastal site plan review process, the Stamford planning and zoning boards have the principal responsibility for determining the water-dependency of proposed development projects. Considerations of water-dependency, however, will also be relevant to the Commission’s review of future proposals affecting the SHMA to determine the consistency of those proposals with the Plan.

Although the Coastal Management Act 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 Act defines water-dependent uses to include not only facilities such as marinas, boat yards, commercial fishing facilities, and industrial uses requiring direct access to marine waters, but also “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 economic and regulatory conditions may limit possibilities for development of truly water-dependent uses as the principal uses of waterfront sites. (“Truly water-dependent uses” are not defined by the Act, but are often described as port facilities, 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 DEP’s Office of Long Island Sound Programs, responsible for interpretations and administration of the Coastal Management Act, 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. Those officials have said the public access provisions must be substantial and meaningful enough for the proposal to be considered water-dependent. Also, some Office of Long Island Sound Programs 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. Those 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 city agencies evaluating the water-dependency of future waterfront development projects affecting the SHMA are: 1) how to retain and encourage truly water-dependent uses such as the recreational boating and commercial port facilities 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.

4. Waterfront zoning. Stamford’s waterfront zoning regulations are applied to help preserve, enhance, and encourage water-dependent uses on the waterfront and otherwise implement the city’s coastal management policies. The Designed Waterfront Development District and the

Coastal Water-Dependent District applied on the inner harbor waterfront, for example, are intended to provide for and encourage the most appropriate use and development of waterfront property with priority to water-dependent uses and to protect water-dependent commercial and industrial uses.

Future redevelopment proposals affecting existing water-dependent uses on the waterfront will be reviewed for consistency with the applicable zoning districts. Also, proposals for waterfront zoning changes may be submitted to the Zoning Board. 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. The Commission will be required to review and comment on any future redevelopment proposals affecting property adjoining the SHMA, as well as any proposals for waterfront zoning amendments.

5. Waterfront redevelopment. In 2008, major redevelopment projects are being planned for several prominent waterfront properties on and near the inner harbor. These include, but are not limited to, the properties known as the HELCO, Pitney Bowes manufacturing, and Yale and Town sites. Comprehensive redevelopment of these sites may be expected to have significant long-term impacts on the future character of the inner harbor and waterfront. In addition to having positive economic and other impacts, redevelopment of these and other sites on and near the waterfront 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). Development proposals for these and other sites therefore require careful planning and review to help ensure that positive benefits are realized, and that any potential adverse impacts are avoided or minimized. While the principal policies for guiding waterfront development are established in the Stamford Master Plan, the provisions of the Harbor Management Plan will also be applicable to the review of waterfront redevelopment plans.

6. Port facilities. Maintenance of the city's port facilities is a fundamental harbor management consideration recognized by the Commission. In terms of the amount of materials shipped to and from its port facilities, the city is the fourth largest commercial harbor in Connecticut, behind the three deep-water ports of Bridgeport, New Haven, and New London. The port facilities depend on the movement of tugs, scows, and barges through the SHMA to deliver construction materials and petroleum products and ship out scrap metal; they also have waterfront land requirements to be recognized and considered in decisions affecting the city's waterfront. In addition, along with the need to reduce or eliminate potential conflicts between commercial and recreational vessels in the SHMA, the need to address potential land-use conflicts between port facilities and other waterfront land-uses is recognized by the Commission.

7. Passenger boat terminals. Establishment and maintenance of passenger vessel operations in the SHMA, including ferry service that would connect Stamford with New York City and other locations, have significant land-use implications. In addition to navigation requirements and water-use issues that must be addressed in order to provide safe and beneficial passenger vessel operations, attention must be given to the upland facilities needed to support those operations and to a variety of traffic, parking, and infrastructure requirements. While passenger vessels provide

important opportunities for transportation benefits and public access to the SHMA and Long Island Sound, it is recognized that boat terminals of substantial size and scale also have the potential for significant impacts on waterfront areas. As a result, proposals for boat terminals will require careful planning and review to ensure that upland and well as in-water issues and requirements are adequately addressed.

8. Maintenance of waterfront areas and facilities. The environmental quality associated with the SHMA can be adversely affected by deterioration and lack of maintenance of waterfront sites and facilities, including bulkheads and other shore protection structures. There is need for ongoing, effective maintenance of public waterfront areas, including the city's expansive system of waterfront parks, to continue to provide a clean, attractive waterfront and enjoyable public spaces. Maintenance of privately owned waterfront facilities and areas is also important for maintaining the environmental quality, including scenic quality, of the SHMA.

9. Shoreline stabilization. Erosion of the SHMA shoreline is a natural, ongoing process that will continue to affect shoreline use and development in Stamford. Shore protection measures are needed in certain locations to protect existing development along the shoreline, but those measures can also have some adverse impacts and therefore need to be carefully planned and constructed. Shore protection structures such as seawalls and bulkheads also require regular maintenance or else their deterioration may adversely affect the environment. In natural shoreline areas, structural measures for shore protection may cause adverse impacts on environmental quality and accelerated erosion of the shoreline nearby. Also, to build or repair shore protection structures it is necessary to obtain authorization from the DEP and USACE; new structural measures for erosion control, however, are generally discouraged except under certain conditions where it is necessary to protect existing inhabited structures, roads, utilities, or water-dependent facilities.

10. Shorefront neighborhoods. Outside of the inner harbor, residential neighborhoods occupy much of the Stamford shoreline. These neighborhoods, along with the city's natural coastal resources and water-dependent recreational and commercial activities, help shape the character and image of the SHMA. When planning and managing water and waterfront use and development, including enhanced use of city parks providing water access opportunities, the Commission recognizes that consideration must be given to avoiding any potential impacts of that use and development on the existing character and quality of life in shorefront residential neighborhoods.

11. Littoral rights. Waterfront property owners have littoral rights for access to the navigable waters of the SHMA. The Commission recognizes that these rights, inherent in the ownership of lands bordering tidal and navigable waters, are fundamental considerations when planning for use and conservation of the SHMA. While it is sometimes argued that littoral rights currently give the property owner the right to "wharf-out," it is the policy of the DEP, as the state agency responsible for regulating water access structures such as docks and piers, that littoral rights provide for "reasonable" access to navigable water and that "reasonable" access does not necessarily mean vessel access during all stages of the tide cycle nor access ideally suited for a boat of a particular size.

The Commission recognizes that littoral rights must sometimes be balanced against the public's rights to use the Public Trust waters of the SHMA. (See chapter 3 and the previous section on Water-Use and Navigation.) Conflicts may sometimes arise between littoral and public rights in the SHMA and it will be necessary to address those conflicts as they do arise. A principal conflict between littoral and public rights in navigable water often arises over the construction of docks and piers by waterfront property owners. Also of potential concern are possible conflicts between adjacent landowners over the lateral limits of their littoral rights. A shorefront owners has the littoral right for access to navigable water, for example, but the extension of any dock or pier can not infringe on the adjacent owner's riparian area.

PUBLIC ACCESS ISSUES AND CONSIDERATIONS

1. Public access to the SHMA
2. Public access from city parks
3. Access through waterfront development
4. Balancing public and private rights
5. Special waterfront events
6. Water-based tourism

1. Public access to the SHMA. Public access to the SHMA is a fundamental harbor management consideration. The city's waterfront character and quality of life, along with the vitality of its navigable waters, depend, in large part, on continued provision of safe and enjoyable opportunities for public access to the SHMA and shoreline. That access should be considered in terms of both physical and visual access, including access for boating, fishing, and swimming, as well as use of appropriate areas of the shoreline for walking, biking, and enjoyment of water views.

Areas providing public access to the SHMA include the city's substantial waterfront parks as well as public walkways, piers, and other amenities included in waterfront development projects. (See chapter 2.) The Commission will be required to make a number of decisions and recommendations regarding the provision of opportunities for public access to the SHMA and may serve in advisory capacities to other city agencies with responsibilities for the establishment, maintenance, and enhancement of public water access areas. When making decisions concerning public access to the SHMA, it will be necessary to recognize that access is needed for both the boating and nonboating public. Also, it is recognized that when planning for desirable uses of the SHMA, including public access to and along the water, conflicts with other land-uses, including commercial and industrial uses, must be avoided.

2. Public access from city parks. The city's waterfront parks are the focal points of public activity and access on the SHMA shoreline, providing opportunities for boat berthing and launching as well as opportunities for the nonboating public to enjoy fishing, swimming, water views, picnicking, waterfront special events, and other activities. Managed by the city's Parks

and Recreation Commission and Parks Department, the waterfront parks will require continued management attention to ensure that the existing areas and facilities are effectively maintained for beneficial public use and enjoyment and that plans for enhancement of water access facilities are achieved.

Continued attention will need to be given to balancing the needs of a number of different interests for use of the parks, including those who desire access to the water for boating and other active recreation and those who wish to enjoy passive recreation pursuits.

The lack of public boat launching facilities providing access to the inner and outer harbors has been a concern of the Commission. Several waterfront sites have been identified for potential boat launching use and require further investigation to determine their feasibility for such use. (See the previous section on Recreational Boating.)

3. Public access through waterfront redevelopment. As previously described, the Connecticut Coastal Management Act policy favoring water-dependent use of coastal sites will affect the city's review of future development proposals for many sites along the waterfront, particularly along the inner harbor. The Act defines water-dependent uses to include not only facilities such as marinas, boat yards, and industrial uses requiring direct access to tidal waters, but also uses that provide increased public access to those waters.

Through application of the Act's water-dependent use policies (see the previous section on Waterfront Land-Use and Development) the city has the opportunity to obtain substantial public access provisions from private developers. A number of significant questions pertinent to the review of future waterfront development proposals and the provision of public access in the SHMA, however, must be addressed. These questions include: How much access to be required? How to ensure that it is safe and well-designed? How to link and coordinate the amenities provided at different sites into a useful and meaningful waterfront experience?

In the absence of pre-established answers to these and other questions, city agencies responsible for reviewing waterfront development proposals for consistency with coastal management policies will seek to answer the key questions on a case-by-case basis. The Commission recognizes it will have a significant role in such decisions through its project review responsibilities. (See the following section on Harbor Administration and Coordination.)

4. Balancing public and private rights. Public access to the SHMA from the water is not subject to all of the same constraints that affect public access from the land. Consistent with the Public Trust Doctrine, the open waters and submerged lands subject to the ebb and flow of the tide in the SHMA are held in trust by the State of Connecticut for the benefit of the general public. Described in chapter 3, the general public has important rights of navigation and access waterward of the MHW line. 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. Public rights waterward of the MHW line must be balanced with the 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 sections on Water-Use and Navigation and Waterfront Land-Use and Development.)

5. Special waterfront events. The Commission recognizes that special waterfront events including, but not limited to, boating-related events and exhibits, fireworks displays, and waterfront concerts can add to the vitality to the Stamford waterfront and SHMA and provide important recreational, economic, and other benefits to the community. Those events, however, require substantial planning, management attention, and coordination among governmental agencies and volunteers to help ensure continued safe and enjoyable public experiences and attendant benefits. Opportunities for additional special events to attract people to the waterfront and SHMA can be pursued.

6. Water-based tourism. The economic, recreational, and other benefits of tourism to the city and southwestern Connecticut region are well recognized. Enhancement of opportunities for water-based tourism may be considered an important element of the city's tourism strategy. Such opportunities may be achieved through public water-access facilities provided at waterfront parks and through public amenities associated with waterfront redevelopment. Achievement of such opportunities will require substantial planning, commitment, and investment.

HARBOR ADMINISTRATION AND COORDINATION ISSUES AND CONSIDERATIONS

1. City authority for harbor management
2. Harbor management funding
3. Public support and awareness
4. Regulatory complexities
5. Harbor management consistency review
6. Changing conditions and circumstances
7. City regulations for harbor management
8. Coordination among city agencies
9. Coordination with the Stamford Master Plan
10. Coordination with state and federal agencies
11. Coordination with other municipalities
12. Coordination with the harbor master
13. Coordination with private groups

1. City authority for harbor management. Prior to the Commission and Plan, the city was not utilizing the full range of municipal authority available to address a number of important issues affecting the SHMA. Most all of the activities that take place waterward of the MHW line in the SHMA have been, and continue to be, subject to the jurisdiction of the state and federal government, acting primarily through the DEP and USACE, respectively. City agencies were able to provide comments with respect to state and federal decisions that affect waterfront development, environmental resources, and the water-dependent activities that take place in the

SHMA. Prior the Plan, however, there was no city authority for the planning, management, and regulation of in-water and waterfront activities subject to state and federal jurisdiction. An important aim of the Connecticut Harbor Management Act is to create that authority for municipalities with duly approved and adopted harbor management plans.

2. Harbor management funding. Questions concerning the costs that may be associated with implementing the Plan and how funds may be obtained to pay for harbor improvement projects have been addressed by the Commission in the course of preparing the Plan. Many of the city's goals, policies, and other provisions for harbor management included in the Plan can be carried out through the existing functions of the Commission and other city agencies in the course of the harbor management consistency review process (see no. 5 below), without significant added expense. Some initiatives for harbor improvement and management, however, will require additional public and/or private expenditures. The Plan does not commit the city to future expenditures, but instead provides a basis for implementing specific projects should funds become available in the future.

The Plan also provides for a dedicated funding mechanism to cover the costs of waterfront and harbor improvement projects for the public. Section 22a-113s of the Connecticut General Statutes authorizes the Commission to receive and expend funds specifically for harbor management purposes. This statute also authorizes the city to charge a fee for mooring permits and other activities within the scope of the Plan, provided those fees are used exclusively for harbor improvements in the public interest. In addition, there are other potential sources of funds for harbor management, including capital budget allocations and state, federal, and private grants.

3. Public support and awareness. The Commission recognizes that achievement of the city's harbor management goals and implementation of the Plan requires public support and awareness. In this regard, it will be necessary to provide continuing opportunities for the public, including waterfront property owners, water-dependent facility operators, and other interested citizens, to express their concerns, questions, and ideas regarding the waterfront, SHMA, and Plan.

4. Regulatory complexities. The process of applying for and obtaining state and federal authorizations for work affecting the SHMA (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.

Implementation of the Plan will not add to the cost, length, and complexity of existing governmental programs affecting use of the SHMA; in some instances the Plan should serve to expedite the regulatory process with respect to proposed projects found to be consistent with the Plan, including municipal projects. Also, the Commission can be a source of information for local permit applicants on the requirements of existing state and federal regulatory programs affecting work in the SHMA.

5. Harbor management consistency review. City, state, federal, and private actions affecting the SHMA are to be consistent with the Plan. This consistency requirement is an important tool the city can use to ensure that state and federal actions conform with the city's needs and goals. The Commission will be responsible for evaluating the consistency of city, state, federal, and private actions with the Plan and providing recommendations to the appropriate agencies. Pursuant to Section 22a-113n of the Connecticut General Statutes, a recommendation of the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the SHMA, unless such official shows cause why a different action should be taken.

It will be necessary to conduct harbor management consistency evaluations according to a specific procedure to ensure that the evaluation achieves coordination among all agencies concerned with the SHMA, including the city's land-use boards. In this regard, the Commission will conduct its evaluation only with respect to determining potential impacts on the SHMA and consistency with the Plan, and not to judge matters that are the primary responsibility of other city agencies. The Commission will work with the other agencies to establish procedures to ensure that the harbor management consistency review process is conducted in an expeditious manner, within the time frames of the city's already-existing review processes, and in a manner that best achieves the goals of coordinated management of the city's waterfront and SHMA resources.

6. Changing conditions and circumstances. Environmental and other conditions affecting the SHMA 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 SHMA. Waterfront- and SHMA-related issues and concerns will also change. The Plan will not anticipate every issue or concern that is likely to affect the SHMA in the future. As a result, the Plan is 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 SHMA and of the effectiveness of the Plan; for hearing public comments; and preparing amendments to the Plan and/or City ordinances for implementing the Plan.

7. City regulations for harbor management. Section 22a-113m of the Connecticut General Statutes enables the city to establish local regulations for implementing the Plan, including regulations for the use of waterfront facilities and the operation of the Commission. In addition, Section 15-136 of the General Statutes enables the city 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]." The Commission recognizes that as implementation of the Plan proceeds, additional consideration may be given to the need for new or modified local regulations for boating safety.

8. Coordination among city agencies. There are a number of city agencies with responsibilities affecting the SHMA (see chapter 3) as well as several city plans, ongoing planning initiatives, and regulations affecting the waterfront and SHMA. Accomplishment of city goals for beneficial use of the waterfront and SHMA will require that all of the city agencies with relevant

responsibilities carry out those responsibilities in the most coordinated and committed manner. In this regard, it will be necessary to incorporate awareness and understanding of the city's waterfront and harbor management goals into the actions of all involved agencies.

9. Coordination between the Master Plan. The Stamford Master Plan contains a number of provisions for use and conservation of the city's waterfront and marine resources. A number of issues addressed in the Master Plan are also of harbor management interest and are addressed in the Harbor Management Plan. As a result, the Harbor Management Plan has been prepared to complement and be consistent with the Master Plan. Although the Harbor Management Plan focuses on the water resources of the SHMA, the Commission recognizes that 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 SHMA. In other words, there is an important overlap of the city's harbor management and land-use authorities on the Stamford waterfront. To achieve the best management of the waterfront and SHMA, the two plans—the Harbor Management Plan and Master Plan—and their implementation need to be coordinated, along with the actions of the Commission and the city's land-use boards.

10. Coordination with state and federal authorities. In addition to the city agencies with waterfront- and harbor management-related responsibilities, several state and federal agencies also have significant authorities affecting the SHMA, most notably the Connecticut departments of environmental protection and transportation, USACE, and U.S. Coast Guard. Accomplishment of city goals for beneficial use of the SHMA and waterfront will require coordination among city, state, and federal agencies and interests. State and federal decisions must be consistent with city goals and there must be consideration of city 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. Accordingly, the Plan will provide the basis for an increased city role in the state and federal decisions that affect environmental resources and the navigation and other activities that take place in the SHMA. Noted above, pursuant to Section 22a-113n of the Connecticut General Statutes, a recommendation of the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the SHMA, unless such official shows cause why a different action should be taken.

In addition, coordination among city, state, and federal interests will be needed to address a number of issues of common interest, including, for example, issues concerning water quality, redevelopment of waterfront properties, boating safety, enhancement of public-water access opportunities, and maintenance dredging of both the federal navigation project and private facilities in the SHMA.

11. Coordination with other municipalities. The need for ongoing coordination between Stamford and the municipalities with jurisdictions adjoining the SHMA, including Greenwich and Darien, is also recognized by the Commission. Actions originating in or involving the adjoining municipalities can affect the SHMA just as actions originating from Stamford's jurisdiction can affect the other towns.

There are a number of harbor management issues of common interest to Stamford and the neighboring towns. These include issues of water quality, waterfront transportation improvements, boating safety, emergency response, law enforcement, and public access to Long Island Sound and along the shoreline. As a result, and because many environmental and other harbor management issues do not respect municipal boundaries, there is a need for ongoing coordination of harbor management initiatives with the neighboring towns and the towns with jurisdictions in the watersheds that drain into the SHMA.

12. Coordination with the harbor master. The Stamford harbor master is responsible for the general care and supervision of the navigable waters within the jurisdiction of the city; 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. Without the Plan there would be no formal requirement for the harbor master to work closely with or coordinate his activities with city agencies. The Plan establishes that requirement which will apply to the actions of all future harbor masters as well.

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 Stamford harbor master is a state official appointed by the Governor, state statutes direct the harbor master to work in conjunction with the Commission and in a manner consistent with the Plan. In addition, to increase local direction with regard to harbor master activities, Section 15-1 of the Connecticut General Statutes specifies that the harbor master for any municipality with an approved and adopted harbor management plan must be appointed by the Governor from a list of not less than three candidates provided by that municipality's harbor management commission.

13. Coordination with private groups and organizations. There are a number of private groups and nongovernmental organizations including neighborhood associations, environmental groups, and educational organizations concerned with the SHMA and waterfront. The Commission recognizes that those groups, along with waterfront property owners, can have an important role in future efforts to achieve the city's harbor management goals. It will be necessary to provide continuing opportunities for the expression of public comments concerning the SHMA, waterfront, and Plan. In addition, opportunities for private citizens and nongovernmental organizations to contribute to achievement of the city's harbor management goals, through volunteer assistance and other means, will need to be considered and defined.

PART II:

**HARBOR MANAGEMENT GOALS,
OBJECTIVES, POLICIES, AND
GUIDELINES**

- **CHAPTER FIVE: HARBOR MANAGEMENT GOALS AND OBJECTIVES**
- **CHAPTER SIX: HARBOR MANAGEMENT POLICIES**
- **CHAPTER SEVEN: GUIDELINES AND RECOMMENDATIONS FOR
HARBOR MANAGEMENT SUB-AREAS**



*CITY OF STAMFORD
HARBOR MANAGEMENT PLAN
March 2009*

The City of Stamford's Harbor Management Goals and Objectives

This chapter sets forth Stamford's goals and objectives for advancing and guiding the beneficial use and conservation of the land and water resources in the Stamford Harbor Management Area (SHMA).

The goals and objectives are directed toward achieving balance among a number of equally important purposes, including: protection and enhancement of environmental resources and the quality of life associated with the city's location on Long Island Sound; provision of opportunities for water-dependent recreational activities and public access to the SHMA; achievement of sustainable development and economic benefits linked with the SHMA; and maintenance of the health, safety, and welfare of those who use the SHMA and waterfront.

The eleven goals and accompanying objectives are the city's basic guidelines for harbor management; they establish a guiding framework for management decisions by the Harbor Management Commission (Commission) and other city agencies with programs or authorities that directly or indirectly affect the SHMA.

The goals and objectives also provide a foundation for the city's more detailed harbor management policies and area-specific recommendations included in chapters 6 and 7, respectively, of the *City of Stamford Harbor Management Plan* (Plan).

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



SUMMARY OF STAMFORD'S HARBOR MANAGEMENT GOALS:

- GOAL 1: PUBLIC INTEREST, SUPPORT, AND PARTICIPATION
- GOAL 2: ACTIVE AND COORDINATED MANAGEMENT OF THE SHMA
BY THE CITY OF STAMFORD
- GOAL 3: VIABLE WATER-DEPENDENT FACILITIES AND USES
- GOAL 4: BENEFICIAL RECREATIONAL USES
- GOAL 5: VITAL PORT FACILITIES
- GOAL 6: NATURAL RESOURCE CONSERVATION AND ENHANCEMENT
- GOAL 7: SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT
- GOAL 8: PUBLIC HEALTH, SAFETY, AND WELFARE
- GOAL 9: PUBLIC ACCESS TO THE SHMA
- GOAL 10: EFFECTIVE PLANNING AND REGULATION OF WATERFRONT LAND-USE
- GOAL 11: CULTURAL ENRICHMENT

Figure 5-1: Summary of Stamford's Harbor Management Goals

GOAL 1: PUBLIC INTEREST, SUPPORT, AND PARTICIPATION.

Develop and maintain public awareness of the important economic, environmental, cultural, and other resources and values provided by the SHMA, and of the importance of those resources and values to the quality of life in the City of Stamford; establish and maintain a base of public support for achieving the city's goals for beneficial use and development of the SHMA and conservation and enhancement of environmental resources.

OBJECTIVES:

- (a) Provide a continuing forum for the expression of all public concerns related to use and conservation of the SHMA and implementation of the Plan.
- (b) Obtain public input for development of all city plans, programs, and regulations affecting the SHMA.

GOAL 2: ACTIVE AND COORDINATED MANAGEMENT OF THE SHMA BY THE CITY OF STAMFORD.

Actively manage use and conservation of the SHMA in the public interest, for the benefit of all city residents and the general public. Establish and maintain, in accordance with the intent of the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes), Stamford Ordinance No. 1021, and other applicable sections of the Stamford Code of Ordinances, a principal role for the City of Stamford in the planning, management, and regulation of activities affecting the SHMA.

OBJECTIVES:

- (a) Prepare and implement the Plan in accordance with authority provided by the Connecticut Harbor Management Act and applicable sections of the Stamford Code of Ordinances.
- (b) Support the efforts of the Commission to implement the Plan and to carry out other purposes, powers, duties, and responsibilities in the public interest as authorized by the Connecticut Harbor Management Act and applicable sections of the Stamford Code of Ordinances.
- (c) Promote the adoption and/or amendment of city ordinances, rules, and regulations, as needed, for implementing the Plan and regulating use and development of the SHMA in the public interest; achieve effective compliance with all city ordinances, rules, and regulations affecting the SHMA.
- (d) In accordance with authority provided by Section 22a-113s of the General Statutes and applicable sections of the Stamford Code of Ordinances, obtain and allocate funds dedicated for management and improvement of the SHMA in a manner consistent with the Plan and for the benefit of the public.
- (e) Encourage an active and effective role by the State of Connecticut harbor master for Stamford in the implementation of the Plan, subject to guidance from the Commission.
- (f) Promote consistency and coordination among all city plans and programs affecting the SHMA, including but not limited to the Plan, Stamford Master Plan, and any municipal redevelopment plans prepared for waterfront properties contiguous to the SHMA.
- (g) Achieve and maintain coordination with other municipalities to address issues of common interest affecting the SHMA and Long Island Sound, including municipalities with jurisdictions adjoining the SHMA and in the watersheds draining into the SHMA.

- (h) Achieve and maintain coordination among regional, state, and federal programs and responsibilities affecting the SHMA.
- (i) Review all public and private proposals affecting real property on, in, or contiguous to the SHMA to assure the consistency of those proposals with the Plan.

GOAL 3: VIABLE WATER-DEPENDENT FACILITIES AND USES.

Support and maintain a diversity of water-dependent facilities and uses that individually and collectively enhance the quality of the SHMA, the local and regional economy, and the quality of life in the City of Stamford; give high priority and preference to water-dependent uses in shorefront areas.

OBJECTIVES:

- (a) Encourage and support the continued operation and, where feasible, enhancement of recreational boating-related facilities and uses, including facilities for the maintenance, repair, storage, and berthing of vessels, and facilities and uses owned and managed by the city. (See Goal 4 below.)
- (b) Encourage and support the continued operation and, where feasible, enhancement of commercial fishing-related facilities and uses.
- (c) Encourage and support the maintenance and enhancement of the water-dependent facilities and uses associated with waterborne commerce. (See Goal 5 below.)
- (d) Encourage and support the continued operation and, where feasible, enhancement of waterfront parks, beach areas, and other facilities that provide opportunities for public access to the SHMA.
- (e) Encourage and support the expansion of water-dependent uses defined in Section 22a-93 of the General Statutes, including but not limited to boating and other water access facilities, where consistent with public needs, applicable land-use policies, and the Plan.
- (f) Encourage and support passenger boat operations in the SHMA, consistent with other water-dependent uses, for the purpose of: providing significant opportunities for beneficial public use and enjoyment of the SHMA; attracting visitors to the city and region; and providing efficient waterborne transportation linkages between Stamford and other centers of population.

- (g) Maintain a federal navigation project in the SHMA along with responsibility of the U.S. Army Corps of Engineers for maintenance dredging and other authorized maintenance responsibilities. Maintain the federal navigation channels and anchorage basins to adequate widths and depths for recreational and commercial vessels using the SHMA and to help ensure safe navigation in the SHMA. Support the continued and timely maintenance of the federal navigation project, consistent with the current and future needs of water-dependent uses and facilities.
- (h) Support the continued and timely maintenance of private navigation facilities as necessary to promote the viability of water-dependent uses and activities.
- (i) Ensure that opportunities for boat mooring, anchoring, and navigation in the SHMA are available to all on a fair and equitable basis, consistent with the Public Trust Doctrine and federal requirements for use of the Stamford Harbor federal navigation project.

GOAL 4: BENEFICIAL RECREATIONAL USES.

Maintain and enhance opportunities for recreational use of the SHMA, consistent with its capacity to support those uses without the occurrence of significant adverse impacts on environmental quality or on the public health, safety, welfare, and enjoyment.

OBJECTIVES:

- (a) Maintain and enhance opportunities for recreational boating and boating-related uses of the SHMA, including boating for recreational fishing and water-skiing, consistent with all applicable laws and regulations concerning the operation of vessels in the SHMA.
- (b) Maintain a variety of public and commercial boating services and facilities, including boat berthing, docking, and launching facilities for resident and visiting boaters, making Stamford a center of recreational boating activity on Long Island Sound and a regional destination point for visiting boaters.
- (c) Maintain and enhance opportunities for nonboating recreational use of the SHMA and the public lands contiguous to the SHMA, including opportunities for swimming, shellfishing, land-based fishing, walking, bicycling, picnicking, nature observation, enjoyment of water views, special public events, and other beneficial activities.
- (d) Carefully plan and regulate the location and placement of all recreational boat moorings in the SHMA to provide for efficient and equitable distribution of mooring locations for safe and beneficial use by resident and visiting boaters.

GOAL 5: VITAL PORT FACILITIES.

Encourage and support the maintenance and enhancement of Stamford port facilities providing vital economic, transportation, and environmental benefits of local, regional, and state-wide significance.

OBJECTIVES:

- (a) Achieve and maintain safe and efficient waterborne transportation of commodities and passengers in the SHMA to and from Stamford port facilities.
- (b) Manage vessel traffic in the SHMA to avoid or reduce potential conflicts between recreational and commercial vessels. (See Goal 8.)
- (c) Support the continued and timely maintenance of the federal navigation project as necessary to maintain and enhance Stamford port facilities; encourage and support any future modifications of the existing federal navigation project as may be deemed necessary and feasible in order to maintain and enhance the viability and competitive advantages of the city's port facilities.
- (d) Encourage and support efforts to most effectively secure and protect port facilities and areas in accordance with city, state, and federal requirements for homeland security.
- (e) Carefully plan and regulate the location and placement of all mooring tackle used by commercial vessels in the SHMA to provide for safe, equitable, and beneficial use by water-dependent facilities, including port facilities.

GOAL 6: NATURAL RESOURCE CONSERVATION AND ENHANCEMENT.

Conserve and enhance the environmental quality, natural resources, and ecological functions associated with the SHMA and the larger estuarine and watershed systems of which the SHMA is part.

OBJECTIVES:

- (a) Recognize that the water and other natural coastal resources found in the SHMA are part of the larger estuarine and watershed system of Long Island Sound and that actions within that ecological system can have significant impacts on other parts of the system, or on the system as a whole.
- (b) Properly manage and protect natural coastal resources such as, but not limited to, tidal wetlands, intertidal flats, fisheries resources (including shellfish resources), and beaches.

- (c) Protect and enhance ecological functions in the SHMA, including functions related to fish and wildlife habitat, nutrient productivity, water quality, and floodwater storage and buffer. Encourage and support the enhancement and/or restoration of degraded natural resources on, in, or contiguous to the SHMA.
- (d) Achieve and maintain the highest reasonably attainable quality of surface water in the SHMA through substantial reduction of nonpoint source pollution and enhanced municipal wastewater treatment in accordance with best available technology and the highest standards of operation and maintenance.
- (e) Plan and manage use and development of the SHMA in a manner consistent with its environmental capacity to support that use and development without significant adverse impacts on environmental resources.
- (f) Preserve and enhance the scenic quality, including scenic views, associated with the natural environment of the SHMA.
- (g) Balance efforts to protect and enhance environmental quality with efforts to provide recreational opportunities, sustainable development, and other public benefits.
- (h) Preserve and enhance the city's maritime heritage.
- (i) Identify and study cultural resources in and near the SHMA, including sites and structures representative of the settlement and history of Stamford; protect significant cultural resources in and adjoining the SHMA from the potential negative impacts of use and development.

GOAL 7: SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT.

Recognize and pursue opportunities for economic growth and community development associated with the SHMA; achieve sustainable and substantial economic growth and community development linked to the SHMA and facilitated by beneficial and coordinated use and development of waterfront areas.

OBJECTIVES:

- (a) Support beneficial use and development of commercial waterfront areas, consistent with city goals and objectives for encouraging water-dependent uses and conserving and enhancing the environmental quality associated with the SHMA and waterfront.

- (b) Achieve and maintain consistency and coordination between harbor management initiatives and city redevelopment plans and programs affecting the SHMA.
- (c) Achieve beneficial use and redevelopment of coastal area properties affecting the SHMA in accordance with comprehensive redevelopment plans following the highest site planning and architectural design standards to enhance the visual quality associated with the SHMA and Stamford waterfront.
- (d) Encourage and support an active role by the city in guiding beneficial redevelopment of properties affecting the SHMA through application of all appropriate means and authority.
- (e) Encourage and support water-based tourism activities and the associated economic, recreational, and other benefits of those activities in Stamford.

GOAL 8: PUBLIC HEALTH, SAFETY, AND WELFARE.

Plan for, manage, and regulate use and development of the SHMA and waterfront to assure their most orderly and efficient use and provide for the continued health, safety, and welfare of those who use and enjoy the SHMA and waterfront.

OBJECTIVES:

- (a) Maintain navigation safety in the SHMA for all types and sizes of vessels operating within the SHMA, including recreational vessels, passenger vessels, small nonmotorized vessels such as canoes, kayaks, and rowing shells, commercial vessels, educational vessels, and all other vessels operating within the SHMA.
- (b) Ensure that aids to navigation in the SHMA are adequate for the purpose of marking navigation channels and anchorage areas, any navigation hazards and obstructions, restricted speed areas, and other conditions affecting ease and safety of navigation.
- (c) Encourage and support effective enforcement of applicable city, state, and federal laws and regulations to maintain and, as necessary, improve boating and navigation safety in the SHMA.
- (d) Avoid or reduce potential conflicts among vessels operating in the SHMA, including conflicts between commercial and recreational vessels and conflicts between motorized and nonmotorized vessels.

- (e) Reduce or avoid the potential impacts of flooding and erosion on, in, or contiguous to the SHMA.
- (f) Plan and manage use and development of the SHMA in a manner consistent with its capacity to support that use and development without significant adverse impacts on public health, safety, and welfare.
- (g) Encourage and support effective local programs for boating education.
- (h) Provide facilities and services to support effective response to emergencies on, in, or contiguous to the SHMA, including water access facilities to accommodate emergency response vessels.
- (i) Promote public safety at waterfront park areas and other locations providing opportunities for public access to the SHMA and waterfront.
- (j) Achieve timely removal of any derelict, abandoned, or deteriorated vessels and structures from the SHMA.
- (k) Prohibit unauthorized encroachments into designated navigation channels, anchorage areas, fairways, and all other locations within the SHMA.
- (l) Identify and evaluate any contamination associated with past uses of properties affecting the SHMA and targeted for redevelopment; encourage and support appropriate remedial actions as necessary to implement redevelopment plans and protect public health, safety, and welfare.
- (m) Encourage and support all appropriate measures to avoid, prepare for, and respond to any emergencies involving the spillage of fuel or other materials in the SHMA.
- (n) Encourage and support effective coordination among city, state, and federal agencies to effectively secure and protect port facilities and otherwise implement federal requirements for homeland security.

GOAL 9: PUBLIC ACCESS TO THE SHMA.

Provide long-term opportunities for safe and enjoyable public use of and access to the SHMA for active and passive recreational uses, while balancing the public's rights to use the SHMA with the littoral rights of waterfront property owners for reasonable access to navigable water.

OBJECTIVES:

- (a) Recognize and protect the rights of the general public to use the tidal and navigable waters of the SHMA for navigation, recreation, and other beneficial purposes in accordance with the Public Trust Doctrine.
- (b) Promote a safe, attractive, and interconnected system of public waterfront areas and facilities linked with commercial centers of the city and enjoyed by persons of all ages, interests, and abilities, including waterfront areas and trails providing opportunities for walking, jogging, picnicking, land-based fishing in the SHMA, bicycling, boating, and quiet enjoyment of scenic views, as well as water trails for canoeists and kayakers in appropriate locations.
- (c) Promote the creation and maintenance of public boating facilities for the use of city residents and the general public, including boat docking and launching facilities consistent with demonstrated need and the capacity of the SHMA and shoreline to support those facilities.
- (d) Plan and manage water access areas and facilities to avoid conflicts with water-dependent uses associated with port facilities and with requirements for securing and protecting port facilities in accordance with homeland security requirements.
- (e) Maintain and, where feasible, improve existing public access areas, including city-owned parks and water access rights-of-way.
- (f) Provide new water access areas, as needed, in appropriate locations to increase opportunities for public use and enjoyment of the SHMA.
- (g) Balance public rights to use navigable waters and the public trust area with the littoral rights of waterfront property owners for reasonable access to navigable water.
- (h) Encourage and support the organization and staging of special water and waterfront events, programs, and activities on waterfront sites to provide recreational and educational opportunities for the general public, attract visitors to the city and region, and make Stamford a popular destination for visitors throughout the year.
- (i) Protect the public's right of free navigation and use of the land and water resources below the mean high water line, in accordance with the Public Trust Doctrine and in a manner that does not unreasonably interfere with the littoral rights of waterfront property owners.
- (j) Protect the littoral rights of the owners of land contiguous to the SHMA, to the extent those rights are exercised in a manner that does not unreasonably interfere with the

public's right of free navigation or with the public interest in protecting the natural environment and scenic quality associated with the SHMA.

- (k) Encourage and support the provision in appropriate locations of ample, safe, and well-maintained facilities for visiting boaters.
- (l) Establish and maintain appropriate sections of the Stamford waterfront as focal points of community activities throughout the year.

GOAL 10: EFFECTIVE PLANNING AND REGULATION OF WATERFRONT LAND-USE.

Plan for and regulate waterfront land-use in the most effective manner consistent with city goals for economic growth and development, with the capacity of the natural and man-made environment to support waterfront land-use, and in coordination with planning and regulation for beneficial use of the SHMA.

OBJECTIVES:

- (a) Recognize that waterfront land-use and development may have a significant influence on the use and condition of the SHMA, and that planning and regulation of waterfront land-use should be undertaken in coordination with planning and regulation for use of the SHMA's navigable waters.
- (b) Effectively apply city land-use policies and zoning regulations to guide the beneficial use and development of properties affecting the SHMA, recognizing the importance of the city's natural coastal resources and existing water-dependent land uses.
- (c) Ensure that waterfront redevelopment to advance city goals for economic growth follows the highest site planning and architectural design standards to protect and enhance the scenic quality associated with the SHMA and waterfront.
- (d) Ensure coordination between the actions of the Commission and the actions of other city agencies, including but not limited to the Board of Representatives, Planning Board, Zoning Board, and Environmental Protection Board with respect to planning and regulating land use on the Stamford waterfront; support implementation of the coastal area management policies of the Stamford Master Plan.
- (e) Avoid or reduce potential land-use and other conflicts between waterfront facilities, including public and private facilities and facilities associated with water-dependent uses.

- (f) Give high priority and preference to the development of water-dependent uses on land adjoining the SHMA.
- (g) Recognize that the SHMA has a limited capacity (carrying capacity) to support use and development, and that this capacity is subject to change over time; avoid new or expanded uses and development on the waterfront that exceed the carrying capacity of the natural and man-made environment to support such uses and development in a safe and environmentally and economically sound manner.
- (h) Evaluate the potential impacts on coastal resources and public water access opportunities associated with proposals for waterfront use and development; avoid or otherwise mitigate any significant adverse impacts.
- (i) Recognize that public water access areas and facilities are not consistent with safety and security requirements within waterfront industrial areas supporting Stamford port facilities.
- (j) Ensure that all work and structures within the SHMA are properly authorized by the appropriate city, state, and/or federal authorities.
- (k) Ensure that all bridges crossing navigable water in or near the SHMA are designed, operated, and maintained 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 SHMA.

GOAL 11: CULTURAL ENRICHMENT.

Preserve and promote the City of Stamford's existing character and maritime heritage associated with Long Island Sound and the tidal watercourses draining into the SHMA, including the Rippowam River.

OBJECTIVES:

- (a) Promote the preservation of resources with cultural significance on, in, or contiguous to the SHMA, including historic, scientific, and archaeological significance.
- (b) Ensure that growth and development enhanced by proximity to the SHMA are consistent with city and neighborhood character and the carrying capacity of the SHMA to accommodate that growth.
- (c) Encourage and support educational and scientific use of the SHMA through marine-related field studies by primary and secondary schools, universities, conservation and natural history groups, and others.

The City of Stamford's Harbor Management Policies

The City of Stamford's harbor management policies have been established to guide decisions and actions affecting the Stamford Harbor Management Area (SHMA) by the Harbor Management Commission (Commission) and other city agencies. The policies also must be considered by state and federal agencies making decisions affecting the SHMA.

The policies address the harbor management issues and planning considerations identified in the course of preparing the *City of Stamford Harbor Management Plan* (Plan) and serve to advance the city's harbor management goals and objectives set forth in Chapter 5 of the Plan.

The policies are grouped into eight categories concerning: 1) harbor administration and coordination; 2) public health, safety, and welfare; 3) navigation and water-use; 4) environmental resources; 5) recreational boating; 6) commercial port facilities; 7) waterfront land-use and development; and 8) public access to navigable water. The policies are not tied to specific geographic sections of the SHMA but are intended to apply in general throughout the SHMA. More specific management guidelines and recommendations for individual management areas within the overall boundaries of the SHMA are included in the following Chapter 7 of the Plan.

The policies are numbered for reference purposes, not to denote priority. An index to the policies is included as Figure 6-1.



INDEX TO HARBOR MANAGEMENT POLICIES		<u>Page</u>
1.0	HARBOR ADMINISTRATION AND COORDINATION POLICIES	6-4
1.1	Definition of the SHMA	6-4
1.2	Jurisdiction and Responsibilities of the Commission	6-4
1.3	Enforcement of Plan Provisions	6-4
1.4	Harbor Management Consistency Review	6-5
1.5	Facilitating the Regulatory Process	6-7
1.6	Administration of Mooring Permits	6-7
1.7	Funding for Harbor Management and Improvements	6-7
1.8	Developing and Maintaining Public Support and Awareness of Plan Provisions	6-8
1.9	Updating and Amending the Plan and Applicable Code Sections	6-9
1.10	Coordination Among City Agencies for Harbor Management	6-9
1.11	Coordination with State and Federal Authorities	6-10
1.12	Coordination with Other Municipalities	6-10
1.13	Coordination with Regional and Nongovernmental Organizations	6-10
1.14	Coordination with the State of Connecticut Harbor Master	6-10
1.15	Coordination for Special Events	6-11
2.0	PUBLIC HEALTH, SAFETY, AND WELFARE POLICIES	6-11
2.1	Establishment of Boating Laws and Public Safety Regulations	6-11
2.2	Regulating Vessel Speed and Wake	6-12
2.3	Emergency Planning and Response Capabilities	6-13
2.4	Recognizing the Carrying Capacity of the SHMA for Safe Boating and Other Water Uses	6-14
2.5	Avoiding Water Use Conflicts and Congestion	6-14
2.6	Mitigating Flood and Erosion Hazards	6-15
2.7	Removal of Abandoned and Derelict Vessels and Structures	6-16
2.8	Avoidance and Removal of Floating Debris	6-17
3.0	NAVIGATION AND WATER-USE POLICIES	6-17
3.1	Maintaining the Stamford Harbor Federal Navigation Project	6-17
3.2	Nonfederal Dredging and Dredged Material Disposal	6-18
3.3	Reduction of Siltation	6-18
3.4	Placement and Maintenance of Aids to Navigation	6-19
3.5	Designation of Navigation Fairways	6-19
3.6	Designation of "Set-Back" Distances from Channels, Anchorages, Mooring Areas, and Fairways	6-20
3.7	Coordination to Address Harbor Icing Impacts	6-20
3.8	Avoiding and Eliminating Unauthorized Encroachments into Navigable Water	6-21
3.9	Commercial Fishing and Aquaculture Structures	6-22
3.10	Bridge and Dam Operations and Maintenance	6-23
3.11	Boating Safety and Education	6-23
3.12	Energy Generation and Transmission Facilities	6-23
4.0	ENVIRONMENTAL RESOURCES POLICIES	6-24
4.1	Balancing Environmental Conservation Goals with Goals for Water and Waterfront Use and Development	6-24

Figure 6-1: Index to the City of Stamford's Harbor Management Policies.

**INDEX TO HARBOR MANAGEMENT POLICIES
(Continued)**

	<u>Page</u>
4.2 Recognizing the Carrying Capacity of Coastal Resources to Accommodate New Development and Other Activities	6-24
4.3 Maintaining and Improving Surface Water Quality	6-25
4.4 Protecting & Restoring Intertidal Resources Including Tidal Wetlands & Intertidal Flats .	6-27
4.5 Use and Protection of Fisheries Resources, Including Shellfish Resources	6-28
4.6 Protection of Waterfront Scenic Quality	6-29
4.7 Preserving Cultural Resources and Maritime Heritage	6-30
5.0 RECREATIONAL BOATING POLICIES	6-30
5.1 Provision of Boating Facilities	6-30
5.2 Managing Mooring Locations	6-31
5.3 Mooring Tackle and Buoy Specifications and Inspections	6-32
5.4 Anchoring Locations	6-32
5.5 Provision of Public Boating Facilities	6-33
5.6 Transient Boating Facilities	6-33
5.7 Live-Aboard Vessels	6-33
5.8 Personal Watercraft Use	6-34
5.9 Hand-Powered Boating Uses	6-34
6.0 COMMERCIAL PORT POLICIES	6-34
6.1 Support for Port Activities	6-34
6.2 Avoiding Conflicts with Recreational Activities	6-34
6.3 Contingency Planning for Materials Spills	6-35
6.4 Maintenance Dredging	6-35
6.5 Dock Space for Commercial Fishermen	6-35
6.6 Boat Terminals	6-35
6.7 Managing Mooring Locations	6-36
6.8 Mooring Tackle Specifications and Inspections	6-36
7.0 WATERFRONT LAND-USE AND DEVELOPMENT POLICIES	6-37
7.1 Planning and Review of Waterfront Development Proposals	6-37
7.2 Protecting Water-Dependent Uses and Activities	6-38
7.3 Construction and Maintenance of In-Water Structures	6-38
7.4 Filling and Stabilization of Waterfront Property	6-40
7.5 Protecting Neighborhood Character and Quality of Life	6-40
7.6 Littoral/Riparian Rights for Use of Navigable Water	6-40
8.0 PUBLIC ACCESS POLICIES	6-40
8.1 Providing Public Access to the SHMA and Along the Shoreline	6-40
8.2 Pedestrian Access Between the Waterfront and City Commercial Centers	6-41
8.3 Access to the SHMA from City Parks and Right-of-Ways	6-41
8.4 Balancing Littoral and Public Rights for Use of the SHMA	6-42
8.5 Special Waterfront Events and Activities	6-42
8.6 Encouragement of Water-Based Tourism	6-42

Figure 6-1: Index to the City of Stamford's Harbor Management Policies (Continued).

1.0 HARBOR ADMINISTRATION AND COORDINATION POLICIES

1.1 Definition of the SHMA:

- 1.1.1 The territorial limits of the SHMA shall include all of the navigable waters and intertidal areas of the city below the mean high water line within the territorial limits of the city, bounded by the projection of the boundary lines of the neighboring municipalities of Greenwich, Connecticut to the west and Darien, Connecticut to the east, as described in Stamford Ordinance No. 1021. On the south, the SHMA shall be bounded by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in Long Island Sound to the points at which that line intersects with the projections of the boundary lines of the neighboring municipalities.
- 1.1.2 The SHMA, as described in Stamford Ordinance No. 1021, is divided into sub-areas to facilitate implementation of the Plan. Sub-areas within the overall boundaries of the SHMA are:
- Stamford Inner Harbor West Branch;
 - Stamford Inner Harbor East Branch;
 - Stamford Outer Harbor;
 - Dolphin Cove;
 - Westcott Cove;
 - Cove Island Harbor and Holly Pond; and
 - Other waters in the SHMA

1.2 Jurisdiction and Responsibilities of the Commission:

- 1.2.1 The jurisdiction of the Commission shall be as established in Stamford Ordinance No. 1021 and shall include all of the waters of the SHMA. The Commission shall exercise all of the powers and duties granted to municipal harbor management commissions through Sections 22a-113k through 22a-113t of the Connecticut General Statutes and specified in Ordinance No. 1021, including responsibilities for preparing the Plan and modifications thereto.

1.3 Enforcement of Plan Provisions:

- 1.3.1 Stamford Ordinance No. 1021 and other applicable sections of the Stamford Code of Ordinances should be reviewed as necessary to help ensure continued boating and navigation safety in the SHMA and effective implementation and enforcement of the goals, policies, and other management provisions contained in the Plan.
- 1.3.2 Through implementation of the Plan, the City of Stamford and the State of Connecticut harbor master for Stamford Harbor (harbor master) should maintain an active and ongoing role in the management and regulation of activities affecting

the SHMA in coordination with state and federal agencies, including, but not limited to, the Connecticut Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (USACE).

- 1.3.3 The Commission, harbor master, and Stamford Police Department should coordinate their actions and authorities to achieve effective enforcement of the boating safety and other provisions established in applicable sections of the Plan, the Stamford Code of Ordinances, and in state laws and regulations.

1.4 **Harbor Management Consistency Review:**

- 1.4.1 A harbor management consistency review process should be conducted to ensure effective implementation of the Plan and to provide coordinated, efficient, and comprehensive local review of proposed projects affecting the real property on, in, or contiguous to the SHMA.
- 1.4.2 In accordance with Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, the Commission may review, for consistency with the Plan, specific development proposals affecting real property on, in, or contiguous to the SHMA as submitted to, or proposed by city agencies including, but not limited to, the following agencies (see Waterfront Land-Use and Development Policies):
- Zoning Board
 - Planning Board
 - Environmental Protection Board
 - Zoning Board of Appeals
 - Historic District Commission
 - Urban Redevelopment Commission
 - Office of Economic Development
 - Water Pollution Control Authority
 - Shellfish Commission
 - Any other agency with land-use authority
- 1.4.3 The Commission may review for consistency with the Plan: 1) all development proposals subject to the municipal process of coastal site plan review and located on parcels contiguous to or otherwise affecting the SHMA; 2) all proposed uses or activities occurring below the high tide line; and 3) all proposed revisions or amendments to city plans, regulations, or ordinances affecting real property on, in, or contiguous to the SHMA.
- 1.4.4 Pursuant to Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, the referring agencies including those listed in item 1.4.2 above will notify the Commission of any proposals subject to the harbor management consistency review process at least 35 days prior to the commencement of

any hearings thereon or, where no hearing is held, at least 35 days prior to the taking of any final action on the proposal.

- 1.4.5 In accordance with the schedule established in Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, the Commission will determine the consistency of proposed projects with the Plan, and make recommendations to the appropriate city agency or commission within 35 days of receipt of the proposal from the referring agency. If no comment regarding the consistency of the proposed project is made by the Commission, the proposal may be presumed to be consistent with the Plan. In accordance with Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, a 2/3 vote of the referring city agency will be required to approve a proposed project that has not received a favorable recommendation from the Commission.
- 1.4.6 Proposals affecting the real property on, in, or contiguous to the SHMA and requiring state and/or federal approvals should be reviewed for consistency with the Plan, including: applications submitted to the DEP and/or USACE for individual and general permits; applications submitted to the DEP for certificates of permission; and applications submitted to the Connecticut Department of Agriculture/Bureau of Aquaculture (DA/BA) for aquaculture activities. The Commission will review proposed projects for consistency with the Plan and transmit its findings and recommendations to the appropriate state and/or federal agency prior to any final decision by those agencies. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the Commission pursuant to the Plan and with respect to a proposed project shall be binding on any official of the state when making regulatory decisions or undertaking or sponsoring development affecting the SHMA, unless such official shows cause why a different action should be taken.
- 1.4.7 It will be the responsibility of project applicants to provide the information necessary for the Commission to adequately assess the potential impacts of proposed development projects on the SHMA and the consistency of such proposals with the Plan. The information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposal.
- 1.4.8 Application plans for the following types of projects affecting the SHMA should be prepared by a registered professional engineer or land surveyor: marinas and marine commercial facilities; erosion control structures; fill areas; dredged areas; and any proposed regulated work that will change tidal elevation locations or affect property boundaries.
- 1.4.9 When reviewing a proposal or application for consistency with the Plan, the Commission should consider if there is any enforcement action pending with city, state, or federal agencies for violations of environmental or other laws at the site

of the proposed work and/or associated with the work for which the authorization is being sought. The Commission may defer its review of a proposal or application involving a site associated with a pending enforcement action until such time as that action has been concluded. The Commission may provide recommendations to appropriate city, state, or federal regulatory agencies concerning the elimination of any unauthorized encroachments in the SHMA.

1.5 Facilitating the Regulatory Process:

- 1.5.1 City, state, and federal authorities should work cooperatively, to the extent feasible in accordance with applicable laws and regulations, to facilitate the existing regulatory processes concerning authorization of work affecting the SHMA.

1.6 Administration of Mooring Permits:

- 1.6.1 To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum beneficial use of the SHMA, and for protection of environmental quality, no boat mooring location in the SHMA shall be used without the approval of the harbor master and without any other approvals that may be required from state and federal agencies. The harbor master shall issue a permit for each approved mooring location or area approved by the harbor master.
- 1.6.2 Standard procedures for mooring permit application and issuance should be maintained by the harbor master and Commission with regard to both commercial moorings (including moorings maintained by private clubs and moorings utilized by port facilities and requiring approvals from the DEP and USACE as well as from the harbor master) and individual-private moorings subject only to approval by the harbor master. The public should be informed of these procedures through appropriate notices and other means. Standard 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 SHMA should be maintained. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)

1.7 Funding for Harbor Management and Improvements:

- 1.7.1 Adequate funds should be obtained and allocated to properly manage and maintain the SHMA and public facilities on, in, or contiguous to the SHMA in the public interest. The city should actively pursue available governmental and private grants and other appropriate sources of funds to help defray the costs of harbor management and improvement initiatives conducted in the public interest.

- 1.7.2 In accordance with Section 22a-113s of the Connecticut General Statutes and Stamford Ordinance No. 1021, the Commission should propose a fee schedule, for adoption by the Board of Representatives, for mooring or anchorage permits and other activities within the scope of the Plan. Such fees should be commensurate with services provided by the city and the harbor master, and all fees collected shall be used for the maintenance and improvement of the SHMA for the public and for expenses for materials, personnel, and equipment directly related to the function of the Commission and the harbor master or deputy harbor master.
 - 1.7.3 An annual operating budget for harbor management should be established by the city to include activities of the Commission and the necessary costs of implementing the Plan.
 - 1.7.4 In accordance with Section 22a-113s of the Connecticut General Statutes and Stamford Ordinance No. 1021, the Stamford harbor management fund shall be established and maintained to receive all mooring permit fees and other funds allocated for the city's harbor management purposes. Monies from the harbor management fund shall be disbursed by the Commission only for purposes directly associated with management and improvement of the SHMA for the public, including implementation of the Plan, and for expenses for materials, personnel, and equipment directly related to the function of the Commission and the harbor master or deputy harbor master.
 - 1.7.5 The Commission may evaluate the feasibility of obtaining additional harbor management funds available to the city through the state boating account established pursuant to Section 15-155 of the Connecticut General Statutes.
 - 1.7.6 Any fines for violations of city and state laws, regulations, and ordinances concerning use of the SHMA, including but not limited to rules and regulations adopted by the Commission, should be deposited into the harbor management fund. To the extent consistent with state laws and policies, including but not limited to the Connecticut Coastal Management Act, statutory restrictions concerning civil penalties, and the DEP's enforcement and supplemental environmental project policies, civil penalties assessed by the DEP for violations of state regulatory programs in the SHMA should be deposited into the harbor management fund and used to fund beneficial projects for environmental enhancement and other improvements for the public in the SHMA.
- 1.8 **Developing and Maintaining Public Support and Awareness of Plan Provisions:**
- 1.8.1 The presentation and discussion of all relevant public concerns regarding the SHMA and the Plan should be encouraged and considered by the Commission, including concerns expressed by city residents, waterfront property and business

owners, public officials, boaters and other users of the SHMA, interested organizations, and the general public.

- 1.8.2 The Commission should encourage and support special programs and events to stimulate public interest and community involvement in matters pertaining to the SHMA and the Plan.

1.9 **Updating and Amending the Plan and Applicable Sections of the Stamford Code:**

- 1.9.1 The Plan and applicable sections of the Stamford Code of Ordinances should be updated and amended as necessary to respond to changing circumstances and conditions affecting the SHMA.
- 1.9.2 To assure continued adherence to the Plan as well as to identify needed amendments or clarifications, the Commission should conduct an annual review of the Plan and the status of Plan implementation.
- 1.9.3 Pursuant to Section 22a-113m of the Connecticut General Statutes, the same process required for state approval and city adoption of the Plan—review by the USACE, approval by the Connecticut commissioners of environmental protection and transportation and adoption by the Stamford Board of Representatives following a public hearing—is required to amend the adopted Plan.

1.10 **Coordination Among City Agencies for Harbor Management:**

- 1.10.1 All city agencies with authorities and responsibilities affecting the SHMA, including but not limited to the Commission, Planning Board, Zoning Board, Zoning Board of Appeals, Shellfish Commission, Office of Operations, Environmental Protection Board, Urban Redevelopment Commission, Historic District Commission, Office of Economic Development, Water Pollution Control Authority, Stamford Police Department, and Stamford Fire Department, should carry out their harbor management-related responsibilities in the most coordinated manner, consistent with the provisions of the Plan.
- 1.10.2 Implementation of all city plans and programs affecting the SHMA, including the Plan and the Stamford Master Plan which includes the land use provisions of the city's Municipal Coastal Program, should be carried out in the most coordinated manner possible, emphasizing consistent objectives related to future beneficial use of the SHMA and protection of environmental quality associated with the SHMA. The Plan and Master Plan should be implemented as complementary and consistent documents and should serve as the city's principal guides for land and water use on, in, or contiguous to the SHMA.

1.11 Coordination with State and Federal Authorities:

- 1.11.1 State and federal agencies with authorities and responsibilities affecting the SHMA, including but not limited to the DEP, Department of Transportation (DOT), and USACE, should carry out their responsibilities affecting the SHMA in the most coordinated manner, consistent with the provisions of the Plan.
- 1.11.2 State and federal governmental agencies with authorities and responsibilities affecting the SHMA should work cooperatively with the Commission and harbor master to ensure effective implementation of the Plan.
- 1.11.3 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 Plan. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the Plan shall be binding on any official of the state when making regulatory decisions or undertaking or sponsoring development affecting the SHMA, unless such official shows cause why a different action should be taken.

1.12 Coordination with Other Municipalities:

- 1.12.1 To the extent necessary and practical to address issues of common interest, the city should coordinate harbor management initiatives with other municipalities with jurisdictions adjoining or otherwise affecting the SHMA, including but not limited to the towns of Darien and Greenwich.

1.13 Coordination with Regional and Nongovernmental Organizations:

- 1.13.1 To the extent necessary and practical, the city should coordinate harbor management initiatives with governmental agencies and nongovernmental organizations with regional authorities and responsibilities affecting the SHMA, including agencies and organizations with regional planning authority and responsibilities.
- 1.13.2 Private groups and nongovernmental organizations with an interest in the SHMA should be encouraged to contribute to achievement of the city's harbor management goals through volunteer assistance and other means.

1.14 Coordination with the State of Connecticut Harbor Master:

- 1.14.1 In accordance with Section 15-1 of the Connecticut General Statutes, the harbor master shall exercise his or her duties in a manner consistent with the Plan and work cooperatively with the Commission and Stamford Police Department to achieve effective enforcement of state and city boating laws and regulations in the SHMA and implementation of the Plan. The harbor master's responsibility in this regard shall be carried out in a manner consistent with all applicable federal, state, and city laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes.

- 1.14.2 In accordance with Section 22a-113k of the Connecticut General Statutes, the harbor master shall be a nonvoting, ex-officio member of the Commission.
- 1.14.3 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 SHMA and shall exercise his or her duties in a manner consistent with the Plan. The harbor master shall be responsible for the safe and efficient operation of the SHMA in accordance with the provisions of the Connecticut General Statutes.
- 1.14.4 The harbor master should work cooperatively with and assist the Commission with the implementation of the Plan and applicable city ordinances.
- 1.14.5 In accordance with Section 15-1 of the Connecticut General Statutes, the harbor master shall be appointed by the Governor of the State of Connecticut from a list of at least three candidates provided by the Commission.

1.15 Coordination for Special Events:

- 1.15.1 Special in-water and waterfront events that enhance the vitality of the SHMA and waterfront, attract visitors to the city, and provide significant social and economic benefits should be encouraged and supported.
- 1.15.2 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.

2.0 PUBLIC HEALTH, SAFETY, AND WELFARE POLICIES

2.1 Establishment and Enforcement of Boating Laws and Public Safety Regulations:

- 2.1.1 All appropriate actions, including implementation and enforcement of applicable city, state, and federal laws, regulations, and ordinances, should be undertaken to maintain and improve public safety on, in, or contiguous to the SHMA.
- 2.1.2 As authorized by Section 15-136 of the Connecticut General Statutes, city regulations regarding the operation of vessels in the SHMA may be adopted for inclusion in the Stamford Code of Ordinances as necessary to maintain and improve boating safety in the SHMA.

- 2.1.3 Capital and operating budget requirements for effective city enforcement of applicable laws and regulations by the Stamford Police Department should be supported.
- 2.1.4 The Commission, Stamford Police Department, and harbor master should coordinate their actions and authorities to increase public awareness of city, state, and federal laws, regulations, and ordinances affecting use of the SHMA and to achieve effective enforcement of those laws, regulations, and ordinances.

2.2 **Regulating Vessel Speed and Wake:**

- 2.2.1 The operation of all vessels in the SHMA shall be in accordance with all applicable city, state, and federal boating laws, regulations, and ordinances including, but not limited to, Sections 15-140k and 15-140m of the Connecticut General Statutes concerning reckless operation of a vessel, and Chapter 184 of the Stamford Code of Ordinances concerning restricted speed zones. Effective enforcement of applicable laws, regulations, and ordinances should be encouraged and supported, along with the imposition of appropriate penalties on violators.
- 2.2.2 Any person operating a vessel in the SHMA at such a speed as to cause a wake shall be held responsible for any damage caused by that wake, in accordance with applicable sections of the Connecticut General Statutes and the state boating regulations.
- 2.2.3 Restricted speed zones within the SHMA may be established by city ordinance, as necessary, in accordance with Section 15-136 of the Connecticut General Statutes and upon recommendation by the Commission, Stamford Police Department, and the harbor master. For the purpose of protecting the safety of persons and property and for protection of environmentally sensitive resources from damage caused by the wakes of vessels, no person shall operate any power-propelled vessel in violation of the speed and wake requirements of any duly established restricted speed zone in the SHMA.
- 2.2.4 Other speed regulations as may be needed to protect the safety of persons and property and protect environmentally sensitive resources in the SHMA may be enacted by city ordinance as authorized by Section 15-136 of the Connecticut General Statutes and recommended by the Commission, Stamford Police Department, and the harbor master.
- 2.2.5 The Commission, Stamford Police Department, and the harbor master should coordinate their actions and authorities to increase public awareness of city and state vessel speed regulations in the SHMA and achieve effective enforcement of SHMA speed regulations.
- 2.2.6 It is recognized that all personal watercraft, such as “jet-skis,” are subject to all applicable city, state, and federal boating laws, regulations, and ordinances.

2.3 **Emergency Planning and Response Capabilities:**

- 2.3.1 Necessary capabilities and facilities for effective response to emergency situations on, in, or contiguous to the SHMA by responsible city, state, and federal authorities should be maintained and, to the extent feasible, enhanced, including, but not limited to, capabilities and facilities needed to implement federal requirements for homeland security..
- 2.3.2 Provision of a central waterfront facility to support effective management of the SHMA, including effective response to emergency situations on, in, or contiguous to the SHMA, by all appropriate agencies should be encouraged and supported.
- 2.3.3 Emergency response activities should be coordinated to the maximum extent feasible with neighboring municipalities and among appropriate authorities.
- 2.3.4 Capital and operating budget requirements for necessary provision of emergency services and other assistance to boaters and other users of the SHMA and waterfront by the Stamford Police Department and Stamford Fire Department should be supported.
- 2.3.5 The city's emergency operations plan should address the broad range of emergency situations and responses possible in the SHMA. Effective implementation of the emergency operations plan should be encouraged and supported. The Commission may provide pertinent information concerning conditions in the SHMA to the appropriate city, state, and federal authorities with responsibilities for formulation and implementation of the emergency operations plan, and may assist those agencies, as requested, with such implementation.
- 2.3.6 All boating and yacht clubs and public and private marina facilities should develop and maintain emergency procedures for securing and protecting vessels and other property from the impacts of storms, flooding, and erosion.
- 2.3.7 All appropriate measures to effectively avoid, prepare for, and respond to emergencies involving the spillage of fuel or other materials in the SHMA should be encouraged and supported.
- 2.3.8 Boating facilities in the SHMA dispensing fuel should develop and maintain appropriate fuel spill contingency plans and, to the extent feasible, provide for coordinated response actions and the use of available fuel spill containment equipment.
- 2.3.9 Fuel and material spill preparedness and response activities in the SHMA should be coordinated to the maximum extent possible among responsible city, state, and federal authorities and the operators of private facilities dispensing or otherwise handling fuel and materials.

- 2.3.10 Equipment necessary for the control of fuel and material spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to such emergencies in the SHMA.
- 2.3.11 All fueling of vessels berthed or stored on, in, or contiguous to the SHMA shall take place in accordance with all applicable laws, regulations, and ordinances to maintain public health, safety, and welfare and to avoid adverse impacts on environmental quality.
- 2.3.12 All waterfront facilities shall include appropriate provisions for fire prevention and preparedness as required by the Stamford Fire Marshall, including adequate access for emergency vehicles and adequate on-site water supply for fire-fighting purposes.

2.4 **Recognizing the Carrying Capacity of the SHMA for Safe Boating and Other Water Uses:**

- 2.4.1 It is recognized that the carrying capacity of the navigable waters of the SHMA to accommodate safe boating and other water uses is not unlimited and that such capacity is subject to change over time. The design and review of development proposals affecting the SHMA, including proposals with water access facilities, should take into consideration the capacity of the navigable waters of the SHMA to accommodate increased water use while maintaining ease and safety of navigation, avoiding vessel congestion, and supporting existing beneficial recreational, commercial, and other uses of the SHMA.
- 2.4.2 New or expanded uses and facilities determined to exceed the capacity of the SHMA to support such uses and facilities in a safe and environmentally sound manner should be avoided. (See Environmental Resources Policies.)
- 2.4.3 It should be the responsibility of project applicants to provide the information necessary for the Commission to assess the capability of the SHMA to accommodate new and expanded uses and facilities in a safe and environmentally sound manner. The information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposed project.

2.5 **Avoiding Water Use Conflicts and Congestion:**

- 2.5.1 Recreational, commercial, and other beneficial uses of the SHMA should be effectively planned, managed, and regulated as necessary to avoid vessel congestion in the SHMA and conflicts among vessels operating in the SHMA, including any conflicts between recreational and commercial vessels and between motorized and nonmotorized vessels.

- 2.5.2 The potential effects of waterfront development proposals on future water uses, activities, and vessel congestion in the SHMA should be an important consideration in the design of waterfront development proposals and in the review of those proposals by the Commission, the planning and zoning boards, and other city agencies.
- 2.5.3 Water and waterfront events affecting the SHMA should be scheduled and coordinated in a manner to avoid or minimize vessel congestion and potential conflicts among events and participants. The Commission and harbor master should be notified of all proposals for significant in-water events such as boat shows, regattas, and races involving at least 25 vessels and/or participants and occurring in the SHMA. In order to maintain a master schedule of activities affecting the SHMA, the Commission and harbor master should receive notice of the planned event from the event's sponsor at least 90 days prior to the event.
- 2.5.4 Anchoring, swimming, and underwater diving should not occur within designated channels and fairways except for emergency or inspection purposes that do not pose a hazard or obstruction to navigation; any anchoring in navigation channels is subject to any order by the harbor master to maintain safe and efficient operation of the SHMA.
- 2.5.5 Water-skiing, board-sailing, and personal watercraft use should not occur within designated channels, fairways, anchorages, and mooring areas except as necessary to cross or make use of the same for navigational purposes in a manner that does not pose a hazard or inconvenience to navigation.
- 2.5.6 All activities and events involving special purpose craft such as rowing shells, sail boards, kayaks, and other vessels should be planned and undertaken in a manner to reduce or avoid potential conflicts and negative impacts affecting general navigation and other activities in the SHMA.

2.6 **Mitigating Flood and Erosion Hazards:**

- 2.6.1 All construction in designated flood and erosion hazard zones contiguous to the SHMA shall conform to city and state floodplain regulations and construction standards.
- 2.6.2 Nonstructural alternatives to the use of seawalls, breakwaters, jetties, groins, and other structural measures for protecting existing development from flooding and erosion should be considered by the owners/operators of waterfront sites and facilities to the extent feasible. Those proposing to use structural measures to protect existing development should demonstrate that those measures will not result in significant adverse impacts on coastal resources and/or properties adjacent to the site of the proposed work.

- 2.6.3 Timely repair and maintenance of bulkheads and other shore protection structures as needed to protect existing development from flooding and erosion should be encouraged and supported.
- 2.6.4 To the extent feasible, long-range planning for waterfront and coastal area land-use should recognize and address the potential flood and erosion impacts caused by rise in sea level.
- 2.6.5 The application of effective and appropriate measures to reduce the risks to life and property associated with coastal flooding should be encouraged and supported, including but not limited to the preparation of flood preparedness and evacuation plans.

2.7 **Removal of Abandoned and Derelict Vessels and Structures:**

- 2.7.1 No building, structure, or floating facility on, in, or contiguous to the SHMA, including but not limited to any bulkhead, seawall, or marine facility, should be allowed to deteriorate to the point that a hazard or obstruction to navigation or condition adversely affecting public safety may result. All in-water structures authorized by state and/or federal permits or certificates in the SHMA should be maintained in accordance with the maintenance conditions specified in those authorizations. Any observed deterioration of a state- or federally authorized in-water structure affecting or potentially affecting navigation safety and/or environmental quality in the SHMA should be brought to the attention of the appropriate state and/or federal agency for appropriate remedial action.
- 2.7.2 In accordance with State of Connecticut boating statutes and regulations, including Sections 15-11a and 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, should be removed from the SHMA by the last owner of record or by the harbor master, at the expense of the last owner of record.
- 2.7.3 All derelict, abandoned, or deteriorated vessels and structures presenting a hazard or obstruction to persons, property, marine resources, environmental quality, or navigation should be marked, as necessary, and removed from the SHMA in the most timely manner in accordance with applicable city, state, and federal laws, regulations, and ordinances, including but not limited to: a) Section 15-1 of the Connecticut General Statutes which gives the harbor master responsibility for the safe and efficient operation of the navigable waterways of the SHMA; b) Section 15-8 of the General Statutes which authorizes the harbor master to station all vessels riding at anchor in the navigable waterways subject to his jurisdiction; c) Section 15-9 of the General Statutes which authorizes the harbor master to remove vessels whose owners willfully neglect or refuse to obey an order of the harbor

master; d) Sections 15-11a and 15-140c of the General Statutes concerning removal of derelict and abandoned vessels; e) Section 22a-363b of the General Statutes concerning activities eligible for authorization by a DEP Office of Long Island Sound Programs (OLISP) certificate of permission; and f) 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 a light at night.

- 2.7.4 City, state, and federal agencies and officials, including the Commission, Stamford Police Department, Office of Operations, harbor master, Connecticut departments of transportation and environmental protection, USACE, 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) achieve repair or removal of any derelict, abandoned, or deteriorated vessel or structure from the SHMA in the most timely manner.

2.8 **Avoidance and Removal of Floating Debris:**

- 2.8.1. The implementation of all feasible measures to avoid and remove floating debris that may cause a hazard or obstruction to navigation or otherwise adversely affect public safety in the SHMA should be encouraged and supported, including timely measures to avoid and remove large debris that may be carried downstream and into the SHMA by the Rippowam (Mill) and Noroton rivers.

3.0 NAVIGATION AND WATER-USE POLICIES

3.1 **Maintaining the Stamford Harbor Federal Navigation Project:**

- 3.1.1 A federal navigation project consisting of congressionally authorized federal channels, federal anchorages, and federal breakwaters should be maintained in the SHMA to serve recreational and commercial vessels, provide safe navigation, and ensure the continued viability of water-dependent facilities and the economic advantages of waterborne transportation. The federal channels and anchorages should be maintained (dredged) by the USACE as needed to provide the navigable depths and dimensions required to maintain navigation safety and the viability of water-dependent facilities in the SHMA.
- 3.1.2 Future maintenance dredging of the federal channels and anchorages in the SHMA should be carried out by the USACE in the most timely manner necessary to ensure the continued viability of water-dependent facilities, including commercial port facilities, and safe and efficient navigation.

- 3.1.3 The Commission should work with the USACE to establish specific procedures for: a) determining future maintenance dredging needs of the federal channels and anchorages; and b) initiating the federal maintenance dredging process to enable dredging to occur in the most timely manner, as necessary. The USACE is encouraged to conduct condition surveys of navigable depths in the federal channels and anchorages at least every five years or sooner if necessary.
- 3.1.4 To the extent feasible, maintenance dredging of the federal channels and anchorages should be coordinated with any necessary nonfederal maintenance dredging to reduce the economic costs and potential adverse environmental impacts of dredging in the SHMA.
- 3.1.5 Use of the federal navigation project should be managed in accordance with the USACE's "open to all on equal terms" policy.

3.2 **Nonfederal Dredging and Dredged Material Disposal:**

- 3.2.1 Any nonfederal dredging that may be required in the SHMA should be carefully planned and conducted in a timely manner that provides for the continued viability of water-dependent facilities, safe and efficient navigation, and avoidance of any significant, long-term adverse impacts on coastal resources.
- 3.2.2 Maintenance dredging of nonfederal channels, anchorages, docking facilities, boating access facilities, marinas, and other areas should be undertaken in compliance with all applicable state and federal regulations, and in a manner that will avoid or minimize any significant, long-term adverse impacts on coastal resources.
- 3.2.3 Dredging for new and expanded water-dependent uses and facilities should not result in significant adverse impacts on coastal resources.
- 3.2.4 Disposal of dredged material, including any necessary de-watering of dredged material, from all nonfederal dredging projects should take place in a manner to avoid or minimize any potential adverse impacts on coastal resources.

3.3 **Reduction of Siltation:**

- 3.3.1 All appropriate efforts to avoid or reduce siltation and the resulting need for dredging in the SHMA should be encouraged and supported. Those efforts should include regular maintenance of storm drainage catch basins; construction of additional catch basins as necessary; effective street cleaning; control of runoff from construction sites; avoidance of the disposal of leaves, branches, and other debris in the SHMA and its tributaries, including the Rippowam (Mill) and Noroton rivers; and reduction or elimination of all other human activities that

introduce sediment into the SHMA. Efforts to avoid or reduce runoff of sand and other materials into the SHMA from roads and bridges throughout the watersheds draining to the SHMA should be encouraged and supported.

3.4 **Placement and Maintenance of Aids to Navigation:**

- 3.4.1 Aids to navigation in the SHMA, including principally federal aids maintained by the U.S. Coast Guard as well as private (nonfederal) aids, and including buoys, beacons, and signs, should be adequate for marking navigation channels, anchorages, mooring areas, any navigation hazards and obstructions, restricted speed zones, and other areas and conditions affecting navigation safety.
- 3.4.2 Private aids to navigation may be placed in the SHMA as needed with approval from the Commission and appropriate permits from the U.S. Coast Guard and the DEP.
- 3.4.3 The Commission in coordination with the Stamford Police Department and harbor master may conduct a periodic review of the number, type, location, condition, and adequacy of aids to navigation in the SHMA, and transmit the results of this review to the U.S. Coast Guard as necessary.

3.5 **Designation of Navigation Fairways:**

- 3.5.1 Specific water areas to be kept free of obstructions may be designated as navigation fairways by the Commission where necessary to ensure safe passage of recreational and commercial vessels to, from, and through the federal channels and anchorages, mooring areas, boating facilities, and other areas of vessel traffic in the SHMA.
- 3.5.2 Regulatory buoys may be placed at the direction of the harbor master as necessary to mark the boundaries of designated navigation fairways.
- 3.5.3 Designated navigation fairways should be of an appropriate width to ensure ease and safety of navigation. When determining the appropriate width of any navigation fairway to be designated in the SHMA, the Commission should take into consideration existing SHMA conditions including but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave, and current conditions; location and extent of existing in-water structures; presence of coastal resources; statutory requirements concerning resource use and preservation; and the littoral rights of waterfront property owners.

3.6 **Designation of Set-Back Distances from Channels, Anchorages, Mooring Areas, and Fairways:**

- 3.6.1 All piers, docks, bulkheads, pilings, moorings, and other structures located below the high tide line should be set back from the boundaries of designated channels, anchorages, mooring areas, and fairways a safe and sufficient distance 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 SHMA.
- 3.6.2 Set-back distances should be measured from the nearest boundary line of the nearest channel, anchorages, mooring area, or fairway to the nearest point of the particular structure or any vessel typically docked or anchored at that structure.
- 3.6.3 Appropriate setback distances for proposed structures and work below the high tide line should be determined on a case-by-case basis by the Commission based on a review of existing SHMA conditions including but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave, and current conditions; location and extent of existing in-water structures; presence of coastal resources; statutory requirements concerning resource use and preservation; and the littoral rights of waterfront property owners. When determining the distance that in-water structures should be set back from a designated channel, anchorage, mooring area, or fairway, consideration should be given to design guidelines established by the USACE (and adopted as guidelines by the Commission). (See “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.) Consideration may also be given to guidance provided by the DEP Boating Division and other appropriate agencies.

3.7 **Coordination to Address Harbor Icing Impacts:**

- 3.7.1 City, state, and federal agencies and officials, including the Commission, DOT, harbor master, and U.S. Coast Guard should coordinate and apply available resources to address potentially dangerous and damaging conditions caused by ice conditions in the SHMA.
- 3.7.2 Ongoing communication should be encouraged and supported among city, 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 in the SHMA as well as opportunities for avoiding or reducing potential ice-induced damage to shoreline structures.

- 3.7.3 To the extent feasible, water-dependent facility operators should conduct their operations in a manner to avoid or reduce potential ice-induced damage to shoreline structures.
- 3.7.4 To the extent feasible, new or expanded water-dependent facilities should be located, designed, and constructed in a manner to avoid or reduce potential ice-induced damage to those facilities as may be caused by the normal operation of commercial vessels using federal channels in the SHMA.

3.8 **Avoiding and Eliminating Unauthorized Encroachments in the SHMA:**

- 3.8.1 No structures or any other work (including but not limited to docks, piers, floats, pilings, bulkheads, moorings, and dredging or filling of aquatic areas) shall be placed or take place below the high tide line in the SHMA without necessary city, state, or federal authorization. Any unauthorized structures or other work in federal channels or anchorages or in any other areas below the high tide line shall be considered unauthorized encroachments to be eliminated or otherwise corrected in accordance with city, state, and federal laws, regulations, and ordinances.
- 3.8.2 The Commission and other city agencies will support and cooperate with the harbor master, DEP, and USACE in the identification and elimination of any existing and future unauthorized encroachments in the SHMA.
- 3.8.3 Any unauthorized encroachments as defined in 3.8.1 above and determined to have occurred after the effective date of the Plan should be removed or otherwise corrected by the offending party. City, state, and federal regulatory agencies should not issue after-the-fact authorizations that would bring those violations into compliance, unless there are compelling, clearly demonstrated reasons to do so.
- 3.8.4 Any unauthorized encroachments as defined in 3.8.1 above and determined to pre-date the effective date of the Plan will be evaluated individually by the Commission and specific measures will be developed, in cooperation with state and federal authorities, to remove or otherwise correct these unauthorized encroachments. Such encroachments may be eliminated through a combination of measures, including modification of current channel or anchorage dimensions where appropriate, removal of the encroachments by the appropriate parties, and/or remediation of any environmental damage.
- 3.8.5 When considering measures for correcting any unauthorized encroachment in the SHMA, it is recognized that the DEP, pursuant to state requirements, must consider if the encroachment was in place prior to June 24, 1939 (the effective date of Connecticut's coastal regulatory program) or January 1, 1980 (the effective date of Connecticut's coastal management program). Substantial maintenance of encroachments in place prior to June 24, 1939 and continuously maintained and serviceable since that time, and minor alterations to encroachments in place prior

to June 24, 1939, are eligible for state authorization through an OLISP certificate of permission. Retention, substantial maintenance, and alteration of encroachments in place prior to January 1, 1980 may be eligible for authorization through a certificate of permission, as determined on a case-by-case basis.

- 3.8.6 Civil penalties assessed by the DEP for unauthorized work in the SHMA subject to regulatory programs administered by the OLISP should be used to fund beneficial projects for environmental enhancement and other improvements in the SHMA, to the maximum extent consistent with state laws and policies, including but not limited to the Connecticut Coastal Management Act, statutory restrictions concerning civil penalties, and the DEP's enforcement and supplemental environmental project policies. The application of civil penalties for such purposes should be determined on a case-by-case basis.

3.9 **Commercial Fishing and Aquaculture Structures:**

- 3.9.1 Commercial fishing activities in the SHMA should be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the SHMA and with consideration of the capacity of the SHMA to safely accommodate beneficial uses of the SHMA.
- 3.9.2 The use of fixed commercial fishing gear in the SHMA shall be in accordance with all applicable regulatory requirements, including Connecticut Department of Environmental Protection Regulation 26-142a-3a(d).¹
- 3.9.3 Use of gill nets in the SHMA is regulated by the DEP in accordance with applicable sections of the General Statutes and DEP regulations. When regulating or otherwise managing gill nets in the SHMA, it should be recognized that placement of unattended gill nets in congested or well-traveled locations in the SHMA may substantially interfere with orderly, safe, and efficient allocation and operation of the SHMA. No unattended gill net should be set at any time in any

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.

location in the SHMA where the placement of that net will create a hazard to navigation or otherwise substantially interfere with orderly, safe, and efficient allocation and operation of the SHMA.

- 3.9.4 Any commercial fish harvesting structures in the SHMA requiring state and/or federal authorization, including but not limited to structures supporting marine pound nets, should be carefully designed, constructed, and maintained to avoid or reduce any significant adverse impacts on navigation and coastal resources, including recreational fisheries, and on the public's right to uses of the SHMA consistent with the Public Trust Doctrine.
- 3.9.5 Any aquaculture activities in the SHMA, including activities regulated exclusively by the DA/BA and utilizing structures such as racks, cages, or bags as well as buoys to mark the location of such activities, should be carefully designed, constructed, and maintained to avoid or reduce any significant adverse impacts on navigation and coastal resources. Any proposals for such activities should be reviewed for consistency with the Plan.

3.10 **Bridge and Dam Operations and Maintenance:**

- 3.10.1 All bridges and dams crossing navigable water in the SHMA or crossing watercourses draining into the SHMA should be maintained and/or operated 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 SHMA.
- 3.10.2 Any plans for bridge or dam construction, replacement, alteration, maintenance, or removal should be designed, reviewed, and implemented in compliance with all applicable city, state, and federal laws, regulations, and ordinances and in a manner to avoid or minimize adverse impacts on beneficial uses and conditions in the SHMA.

3.11 **Boating Safety and Education:**

- 3.11.1. Local training and educational programs to promote boating safety such as the boating safety courses offered by the Coast Guard Auxiliary, Stamford Power and Sail Squadron, and other organizations offering courses approved by the Commissioner of Environmental Protection should be encouraged and supported.

3.12 **Energy Generation and Transmission Facilities:**

- 3.12.1. Any proposals for energy generation and transmission that would affect the real property on, in or contiguous to the SHMA, including but not limited to floating and submerged platforms, pipelines, and other structures, should be carefully

reviewed to identify any potential adverse impacts of such proposals on navigation, coastal resources (including, but not limited to, shellfish resources), and other conditions in the SHMA. Any adverse impacts that may be identified should be avoided or otherwise mitigated.

4.0 ENVIRONMENTAL RESOURCES POLICIES

4.1 Balancing Environmental Conservation Goals with Goals for Water and Waterfront Use and Development:

4.1.1 Efforts to stimulate economic growth and development enhanced by the SHMA and waterfront should be carried out in coordination with efforts to protect and enhance the environmental quality, natural resources, and ecological functions associated with the SHMA.

4.2 Recognizing the Carrying Capacity of Coastal Resources to Accommodate New Development and Other Activities:

4.2.1 Development affecting real property on, in, or contiguous to the SHMA and other uses of the SHMA should be balanced with the need to protect natural coastal resources and the ecological functions associated with the SHMA and should not result in significant adverse impacts on environmental quality.

4.2.2 The design and review of proposals affecting real property on, in, or contiguous to the SHMA should take into consideration cumulative impacts on SHMA resources and the capacity of coastal resources to support the proposed development or use without significant disruption of the natural environment. The design and review of proposals affecting the SHMA should also be guided by recognition that there are limits to the amount of growth and development that the SHMA's natural environment can accommodate without important public values being lost as a result of environmental degradation. It is recognized that cumulative impacts on environmental quality can result from individually minor but collectively significant actions taking place over a period of time.

4.2.3 New or expanded uses and facilities determined to exceed the capacity of the SHMA to support such uses and facilities in a safe and environmentally sound manner should be avoided. (See Public Health, Safety, and Welfare Policies.)

4.2.4 Determinations of the capacity of the SHMA's natural environment for accommodating new use and development should be carried out through the case-by-case review of individual proposals by the Commission, acting in coordination with other city agencies and state and federal regulatory agencies. This review should address: 1) the capacity of coastal resources to support waterfront development and

other uses of the SHMA; and 2) any potential public safety and navigation impacts associated with increased water use and activity.

- 4.2.5 It should be the responsibility of project applicants to provide the information necessary for the Commission to adequately assess the potential impacts of proposed development projects on coastal resources. Any information required should be reasonable in scope and commensurate with the size, type, or scale and potential positive and negative impacts of the proposal.

4.3 **Maintaining and Improving Surface Water Quality:**

- 4.3.1 The implementation of all feasible measures to maintain and improve surface water quality in the SHMA, including implementation and enforcement of applicable city, state, and federal laws, regulations, and ordinances should be encouraged and supported.
- 4.3.2 Efforts to improve water quality in the SHMA through reduction or elimination of point and nonpoint sources of pollution (including stormwater runoff from roads, bridges, parking areas, and other surfaces as well as seepage from septic systems), should be encouraged and supported.
- 4.3.3 Efforts to improve water quality in the SHMA should include: maintenance, repair, and improvement of stormwater collection and treatment facilities as necessary in accordance with best available technology; reduction or elimination of pollution caused by boating activities; reduction of the amount of sand, debris, and other pollutants discharging into the SHMA from roads, bridges, and waterfront properties, including large debris that may be carried downstream and into the SHMA by the Rippowam (Mill) and Noroton rivers; and reduction or elimination of all other human activities that unnecessarily introduce sediment, debris, or pollutants into the SHMA.
- 4.3.4 The use of suitable best management practices to manage, reduce where feasible, or otherwise control stormwater runoff into the SHMA should be encouraged and supported, including establishment and maintenance of: buffer zones of natural vegetation to naturally filter polluted runoff draining into the Rippowam (Mill) and Noroton rivers and the SHMA; and appropriate buffer/setback distances around tidal wetlands in and adjoining the SHMA.
- 4.3.5 All new development generating significant stormwater discharges directly or indirectly into the SHMA should be required to employ appropriate stormwater treatment systems and technology, including filters and swirl-type grit chambers where necessary, to reduce the potential for nonpoint source pollution to enter the SHMA. All such systems and technology should be properly maintained and

- operated in accordance with regularly scheduled maintenance procedures and all accumulated residue should be properly disposed of.
- 4.3.6 The city should continue to maintain and upgrade its wastewater collection and treatment facilities, as necessary, in accordance with best available technology. Capital budget requirements necessary for continued effective operation and maintenance of the city's wastewater treatment plant should be supported.
 - 4.3.7 An effective, ongoing program of water quality monitoring in the SHMA and upstream in the Rippowam (Mill) and Noroton rivers and other watercourses draining into the SHMA by qualified governmental agencies and nongovernmental organizations should be encouraged and supported. That program should be conducted to identify existing and potential sources of pollution and to establish and maintain a database of information to support water quality improvement efforts by city agencies with water quality responsibilities and authorities. The city should vigorously pursue the upgrading of existing state-established water quality classifications in the SHMA through the correction or elimination of both point and nonpoint sources of pollution, including stormwater runoff, affecting the SHMA.
 - 4.3.8 Vessel holding tanks for sanitary waste should not be discharged into the SHMA. Existing state and federal regulations controlling the disposal of waste from vessels should be effectively enforced by the appropriate regulatory agencies.
 - 4.3.9 Vessel waste pump-out facilities with adequate capacity to serve the needs of all boaters in the SHMA should be maintained in the SHMA. All new and expanded marina facilities providing additional boat slips should provide convenient onsite vessel waste pump-out facilities or demonstrate that readily available and accessible vessel waste pump-out capacity exists elsewhere in the SHMA to accommodate their needs.
 - 4.3.10 In order to minimize use of vessel waste pump-out facilities in the SHMA, all new marina facilities should be required to provide restroom facilities for marina patrons, including visiting boaters.
 - 4.3.11 Any work to maintain, repair, alter, construct, or remove bridges and dams crossing navigable water in the SHMA or crossing watercourses draining into the SHMA should be closely monitored to reduce or avoid any significant adverse impacts on water quality resulting from that work.
 - 4.3.12 Initiatives to improve water quality in the SHMA that are planned and implemented on a watershed-wide basis in coordination with other communities in the Rippowam (Mill) River and Noroton River watersheds and other watersheds affecting the SHMA should be encouraged and supported.

- 4.3.13 Any use of waterfront and other properties for disposal/storage of snow removed from streets, parking lots, and other areas should include appropriate measures, including but not limited to containment barriers and appropriate setbacks from the high tide line, to ensure that no significant pollution, including sedimentation, may enter the SHMA through runoff from melting snow.

4.4 **Protecting and Restoring Intertidal Resources, Including Tidal Wetlands and Intertidal Flats:**

- 4.4.1 The ecological values of intertidal resources, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and floodwater storage and buffer should be protected.
- 4.4.2 The implementation of all feasible measures to maintain and, where feasible, enhance intertidal resources in the SHMA, including implementation and enforcement of applicable city, state, and federal laws, regulations, and ordinances should be encouraged and supported.
- 4.4.3 Consistent with city, state, and federal regulations, new boat basins, navigation channels, turning basins, fairways, and mooring/anchorage areas should not be dredged in viable and productive intertidal resource areas, including any significant shellfish resource areas that may be designated by the Stamford Shellfish Commission, unless adverse impacts have been avoided or otherwise mitigated to the greatest extent possible.
- 4.4.4 Consistent with city, state, and federal laws, regulations, and ordinances, new structures such as docks and piers should not have significant adverse impacts on viable and productive shellfish resource areas.
- 4.4.5 Degraded intertidal resources on, in, or contiguous to the SHMA should be restored, to the extent feasible, where such restoration will enhance the quality of natural coastal resources through improvements to water quality, scenic quality, fish and wildlife habitat, and other natural values. Restoration of any tidal wetland resources and associated ecological functions historically lost or degraded by placement of fill material or restriction of tidal flow in the SHMA should be encouraged and supported to the extent feasible.
- 4.4.6 Any project for restoring intertidal resources should be implemented in accordance with a detailed plan based on best available scientific information, formulated with input from potentially affected parties, and including a careful review of environmental costs and benefits by city agencies with relevant authorities. The effects of any project for restoring intertidal resources should be carefully monitored and evaluated over time.

- 4.4.7 It should be recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures to support water-dependent uses and other beneficial purposes in the SHMA can result in the incremental and cumulative encroachment of those structures into intertidal areas. All bulkhead maintenance, repair, and replacement projects should be designed and reviewed to avoid waterward extension to the extent feasible, thereby avoiding adverse impacts on coastal resources and navigation.
- 4.4.8 Existing docks, floats, and other water access structures associated with bulkheads to be maintained, repaired, or replaced in the SHMA should be rebuilt in kind and in place with no additional encroachment into the SHMA following bulkhead maintenance, repair, or replacement. The permittee should be required, as a condition of any state and/or federal permit needed for bulkhead maintenance, repair, or replacement, to provide an “as-built” survey or other documentation following project completion to show that no additional encroachment of the bulkhead and associated water access structures has occurred.

4.5 **Use and Protection of Fisheries Resources, Including Shellfish Resources:**

- 4.5.1 Opportunities for vessel- and shore-based recreational fishing in the SHMA should be maintained and, to the extent feasible, enhanced.
- 4.5.2 Recreational and commercial fishing activities should be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the SHMA and with consideration of the sustainable capacity of fisheries resources in the SHMA as determined by the appropriate resource management agencies of the State of Connecticut.
- 4.5.3 Necessary actions to protect, maintain, and enhance fisheries habitat and resources in the SHMA for recreational and commercial use and public enjoyment, consistent with city, state, and federal laws, regulations, and ordinances should be encouraged and supported.
- 4.5.4 Any fish harvesting structures in the SHMA requiring state and/or federal authorization, including but not limited to structures supporting marine pound nets, should be designed, constructed, and maintained to avoid or reduce any adverse impacts on navigation and coastal resources, including recreational fisheries, and on the public’s right to uses of the SHMA consistent with the Public Trust Doctrine.
- 4.5.5 For the purpose of these policies, shellfish resources in the SHMA shall include:
 - a) populations of shellfish species; and
 - b) the natural areas (habitat) with characteristics for supporting one or more of those species. Shellfish habitat shall

be recognized as including tidal waters, underwater lands, wetlands, and intertidal flats in the SHMA.

- 4.5.6 It is recognized that shellfish habitat, including intertidal flats and tidal wetlands, is susceptible to adverse impacts, including acute and cumulative impacts, caused by the installation, presence, or use of water access structures (such as but not limited to docks, floats, and piers) and other in-water and intertidal structures and activities. Further, it is recognized that structures resting on intertidal areas can cause scouring and anoxic conditions that are acutely and cumulatively harmful to benthic resources, including shellfish resources.
- 4.5.7 Proposals affecting the real property on, in, or contiguous to the SHMA that would cause acute and/or cumulative adverse impacts on: a) shellfish resources; or b) opportunities for shellfish cultivation/harvesting should be avoided. Proposals that could affect shellfish resources or cultivation and/or harvesting opportunities should be carefully designed and evaluated to avoid adverse impacts on those resources and opportunities.
- 4.5.8 Any aquaculture activities in the SHMA, including but not limited to activities regulated exclusively by the DA/BA and utilizing structures such as but not limited to docks, racks, cages, bags, and nets as well as buoys to mark the location of such activities, should be designed, constructed, and maintained to avoid any significant adverse impacts on navigation, coastal resources, and public safety in the SHMA. Applications for aquaculture activities submitted to the DA/BA or any other agency should be reviewed for consistency with the Plan.

4.6 **Protection of Waterfront Scenic Quality:**

- 4.6.1 Design and review of development proposals affecting the SHMA should take into consideration cumulative impacts on scenic quality and the capacity of the natural and built environment to support the proposed development without the occurrence of significantly adverse impacts on scenic quality.
- 4.6.2 All appropriate laws, regulations, and ordinances should be applied to discourage illegal dumping of trash and other debris in and near the SHMA. Violators should be vigorously pursued and prosecuted to the fullest extent of the law.
- 4.6.3 To the extent feasible, commercial and industrial sites adjoining and nearby the SHMA should be maintained with suitable buffers to screen any site uses and facilities that may detract from waterfront scenic quality.
- 4.6.4 Proposals for development on and near the waterfront should be designed and reviewed to avoid development that would interfere with existing public views of the SHMA.

- 4.6.5 City-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 city-owned waterfront properties should be supported.
- 4.6.6 No bulkhead or other shore protection structure on, in, or contiguous to the SHMA 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 significantly adverse impacts on natural resources or ecological functions.

4.7 **Preserving Cultural Resources and Maritime Heritage:**

- 4.7.1 Important cultural resources in and near the SHMA, including historic buildings and any archaeologically significant resources, should be protected from any significantly adverse impacts that may be caused by in-water or waterfront development.
- 4.7.2 Cultural resources in and near the SHMA should be maintained, where appropriate, for public use and enjoyment in coordination with redevelopment plans and proposals.
- 4.7.3 Beneficial projects and programs that serve to increase public awareness of the city's cultural history and heritage tied to Stamford Harbor and Long Island Sound should be encouraged and supported.

5.0 RECREATIONAL BOATING POLICIES

5.1 **Provision of Boating Facilities:**

- 5.1.1 The city should encourage the continued operation of private boating and yacht clubs and commercial marinas and boatyard facilities and the establishment of new boating facilities, as needed, in appropriate locations. Any future development that may affect existing marina and/or boatyard facilities should not result in a significant reduction of currently available boat slips and boat service facilities.
- 5.1.2 The authority and policies of the Connecticut Coastal Management Act and the Stamford Master Plan incorporating the city's coastal area management policies should be used to encourage and support the continued operation of water-dependent boat service facilities (including maintenance, repair, and storage facilities) and to promote the establishment of new boat service facilities in appropriate locations. (See Waterfront Land-Use and Development Policies.)

- 5.1.3 City planning and zoning requirements should be applied as necessary to protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boatyard facilities. (See Waterfront Land-Use and Development Policies.)
- 5.1.4 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 applicable harbor management provisions established in the Plan.
- 5.1.5 The design and review of future boating facility development proposals, including proposals to develop public and private boat slips, should take into consideration the potential cumulative impacts of this development on the coastal resources of the SHMA as well as the capacity of those resources to accommodate additional boating facilities without significant adverse impacts on navigation and public safety and on natural resource values.

5.2 **Managing Mooring Locations:**

- 5.2.1 The location and placement of all mooring tackle used by recreational vessels in the SHMA 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 mooring locations for transient boaters and members of private boating clubs. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 5.2.2 In accordance with Section 22a-113r of the Connecticut General Statutes and rules and regulations adopted by the Commission, the users of all mooring locations in the SHMA must receive a permit from the harbor master as well as any necessary state and federal authorizations; all mooring tackle shall be placed and maintained in accordance with procedures established by the harbor master and the Commission. (See Harbor Administration and Coordination Policies and “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 5.2.3 No moorings shall be located within designated channels or navigation fairways.
- 5.2.4 Moorings located within any mooring areas designated in the Plan should be placed in accordance with specific mooring plans designed to provide the safest and most efficient mooring of vessels and the most desirable use of available mooring area capacity.
- 5.2.5 Individual-private and commercial mooring locations may be established outside of designated mooring areas where such locations are consistent with all other applicable harbor management provisions established in the Plan.

- 5.2.6 All mooring locations should be served by suitable onshore access facilities.
- 5.2.7 To complement public boating facilities available in the SHMA, a suitable number of mooring locations with city-owned mooring tackle may be provided for use by the general public for emergency and recreational purposes, subject to control and management by the harbor master and Commission.
- 5.2.8 For the purpose of protecting the safety of persons and property and ensuring effective management of the SHMA during months when ice conditions may affect use of the SHMA, no vessel should be stationed on a mooring in the SHMA during a specified period during the winter season of each year. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)

5.3 **Mooring Tackle and Buoy Specifications and Inspections:**

- 5.3.1 To protect the safety of persons and property and protect environmentally sensitive resources in the SHMA, all “individual-private” and “commercial” mooring tackle used by recreational vessels in the SHMA shall meet minimum tackle requirements established by the Commission. Such minimum requirements should be reviewed and revised, as necessary, from time to time. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 5.3.2 To protect the safety of persons and property and protect environmentally sensitive resources in the SHMA, all individual-private and commercial mooring tackle used by recreational vessels in the SHMA shall be regularly inspected for soundness of condition and compliance with minimum tackle requirements established by the Commission. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 5.3.3 To ensure uniformity and avoid confusion among boaters, all buoys designating areas where boats may be anchored or moored shall comply with standards established in Regulations of Connecticut State Agencies Section 15-121-A3.

5.4 **Anchoring Locations:**

- 5.4.1 Anchoring of vessels in the SHMA should not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the SHMA. The anchoring of all vessels shall be subject to any order of the harbor master needed to maintain the safe and efficient operation of the SHMA.
- 5.4.2 Anchoring of vessels in the SHMA shall be subject to rules and regulations established by the Commission and harbor master, including rules and regulations concerning the duration of anchoring. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)

5.5 **Provision of Public Boating Facilities:**

- 5.5.1 Enhancement and expansion of existing public boating facilities and the establishment of new facilities should be encouraged to provide dock space, boat slips, boat launching areas, a public landing (Town Dock), and other facilities as well as enhanced public access opportunities to the SHMA by resident, nonresident, and transient boaters. Facilities provided should be consistent with demonstrated need and with the capacity of the SHMA and upland areas to accommodate those facilities.
- 5.5.2 The establishment and maintenance of small craft launching and landing areas available for public use at suitable locations on the Stamford waterfront should be encouraged and supported to serve small vessels such as canoes, dinghies, and kayaks that can be transported without trailers.
- 5.5.3 Capabilities needed to maintain city-owned boating facilities in a clean, attractive, safe, and enjoyable condition, including budget, staff, and equipment capabilities, should be maintained and, to the extent feasible, enhanced.

5.6 **Transient Boating Facilities:**

- 5.6.1 Consistent with other applicable harbor management provisions established in the Plan, public facilities including dock space, boat slips, a public landing (Town Dock), moorings, and public access facilities should be established and maintained to serve transient boaters.

5.7 **Live-Aboard Vessels:**

- 5.7.1 Any use of berthed, anchored, or moored vessels as short-term, seasonal, or permanent residences in the SHMA should be monitored and, where necessary, effectively regulated to maintain public health, safety, and welfare.
- 5.7.2 The use of berthed, anchored, or moored vessels as permanent residences (as distinguished from short-term use of a vessel for sleeping as a secondary use to the vessel's primary commercial or recreational water-dependent use) in the SHMA should be consistent with all applicable city, state, and federal laws, regulations, and ordinances. Such use should be prohibited in those instances where necessary waterfront services, including services for sewage disposal, potable water, and vehicle parking, are not available.

5.8 **Personal Watercraft Use:**

- 5.8.1 The operation of all personal watercraft (including “jet skis” and similar craft) in the SHMA shall be in accordance with all applicable boating laws, regulations, and ordinances, including those concerning speed and noise levels.

5.9 **Hand-Powered Boating Uses:**

- 5.9.1 Hand-powered boating activities such as rowing, canoeing, and kayaking are encouraged and supported in the SHMA, in balance with other recreational and commercial uses of the SHMA, and when conducted in a safe and environmentally sound manner.
- 5.9.2 Launching and landing areas to support access to the SHMA 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.
- 5.9.3 Organized events involving hand-powered vessels, planned and conducted in a manner that provides for the protection of public health, safety, and welfare and that avoids or minimizes the risk of conflict with other vessels using the SHMA, are encouraged and supported.

6.0. COMMERCIAL PORT POLICIES

6.1 **Support for Port Activities:**

- 6.1.1 The city should use the authority and policies of the Connecticut Coastal Management Act and the Stamford Master Plan including the city’s coastal management policies in applying appropriate zoning and other land use regulations and policies for supporting and encouraging the continued and beneficial operation of commercial port facilities in the SHMA.

6.2 **Avoiding Conflicts with Recreational Activities:**

- 6.2.1 Port operations in the SHMA should be effectively planned, managed, and regulated as necessary to avoid vessel congestion in the SHMA and any undue conflicts between commercial and recreational vessels.
- 6.2.2 Reducing or eliminating potential conflicts between recreational and commercial vessels and facilities should be a significant consideration in the design and review of future public and private waterfront development proposals.

- 6.2.3 To the extent feasible, water-dependent facility operators should conduct their operations in a manner to avoid or reduce potential ice-induced damage to marina facilities and other waterfront structures as may be caused by the operation of commercial vessels.

6.3 **Contingency Planning for Materials Spills:**

- 6.3.1 In coordination with city, state, and federal government agencies, appropriate spill contingency plans should be maintained and periodically updated by the facilities dispensing or receiving petroleum products and other commodities in the SHMA and by other waterfront facilities dispensing or receiving materials that could potentially spill into the SHMA.
- 6.3.2 Equipment necessary for the control of fuel and other spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to those emergencies.
- 6.3.3 The Stamford Fire Department and the harbor master should be provided with the most timely notification of any fuel and other spills affecting the SHMA. Complete and comprehensive records of all fuel and hazardous materials spills in the SHMA should be maintained in a suitable location in the city and be available for review by duly authorized agencies and officials for harbor management planning purposes.

6.4 **Maintenance Dredging:**

- 6.4.1 Future maintenance dredging of the federal channels and anchorages in the SHMA should be carried out by the USACE in the most timely manner needed to maintain currently authorized channel and anchorage depths necessary to ensure continued viability of commercial port facilities and recreational boating facilities, and safe and efficient navigation.

6.5 **Dock Space for Commercial Fishermen:**

- 6.5.1 The city should encourage and promote commercial fishing activities and, to the extent feasible, the provision of consolidated dock space and facilities for commercial fishermen operating in the SHMA.

6.6 **Boat Terminals:**

- 6.6.1 Establishment of boat terminals on, in, or contiguous to the SHMA, including terminals for ferry boats and excursion boats, should be encouraged and supported

where such terminals will: a) enhance the regional transportation infrastructure by providing efficient waterborne transportation of passengers to and from Stamford; and/or b) provide beneficial opportunities for public access to the SHMA and Long Island Sound.

- 6.6.2 All proposals for boat terminals on, in, or contiguous to the SHMA should be carefully designed and reviewed to avoid or minimize any significant adverse impacts on navigation and coastal resources and on upland areas near and adjoining the SHMA.

6.7 **Managing Mooring Locations:**

- 6.7.1 The location and placement of all mooring tackle used by commercial vessels in the SHMA should be carefully planned and regulated in a manner that provides for safe, efficient, and equitable distribution of mooring opportunities as necessary for port facility operations. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 6.7.2 In accordance with Section 22a-113r of the Connecticut General Statutes and rules and regulations adopted by the Commission, the users of all commercial mooring locations in the SHMA must receive a permit from the harbor master as well as appropriate state and federal authorizations; all mooring tackle shall be placed and maintained in accordance with procedures established by the harbor master and the Commission. (See Harbor Administration and Coordination Policies and “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 6.7.3 No moorings for commercial use shall be located within designated channels or navigation fairways.

6.8 **Mooring Tackle Specifications and Inspections:**

- 6.8.1 To protect the safety of persons and property and protect environmentally sensitive resources in the SHMA, all mooring tackle used by commercial vessels in the SHMA shall meet minimum tackle requirements that may be established by the Commission in consultation with the U.S. Coast Guard. Such minimum requirements should be reviewed and revised, as necessary, from time to time. (See Harbor Administration and Coordination Policies and “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)
- 6.8.2 To protect the safety of persons and property and protect environmentally sensitive resources in the SHMA, all mooring tackle used by commercial vessels in the SHMA shall be regularly inspected for soundness of condition and compliance with minimum tackle requirements that may be established by the Commission in

consultation with the U.S. Coast Guard. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.)

7.0 WATERFRONT LAND-USE AND DEVELOPMENT POLICIES

7.1 Planning and Review of Waterfront Development Proposals:

- 7.1.1 All public and private waterfront development proposals affecting the SHMA should be carefully planned and reviewed for consistency with the Plan and to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the SHMA.
- 7.1.2 The potential impacts of waterfront development proposals on future water-dependent uses and activities should be an important consideration in the design of waterfront development proposals and when reviewing those proposals for consistency with the Plan.
- 7.1.3 Opportunities for stimulating economic growth through beneficial water-dependent and water-enhanced development on, in, or contiguous to the SHMA should be encouraged and supported, where such development is consistent with all other applicable provisions of the Plan and the Stamford Master Plan.
- 7.1.4 The planning and implementation of all city-supported development initiatives affecting the SHMA waterfront should be undertaken in the most coordinated manner possible, emphasizing consistent project objectives related to future commercial, recreational, and other beneficial uses of the SHMA.
- 7.1.5 The Commission should serve in an advisory capacity in the development of all city-supported development initiatives affecting the SHMA waterfront. Pursuant to Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, all city-supported development initiatives affecting the waterfront should be reviewed by the Commission for consistency with the Plan. (See Harbor Administration and Coordination Policies.)
- 7.1.6 Redevelopment of any vacant or underutilized properties on or near the waterfront should be encouraged and supported where that development is consistent with applicable city, 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 SHMA and waterfront.
- 7.1.7 When reviewing proposals for waterfront development, the City of Stamford should apply the authority and policies of the Connecticut Coastal Management Act and Stamford Master Plan to encourage the provision of public amenities where feasible, including facilities for public access to the SHMA.

7.2 **Protecting Water-Dependent Uses and Activities:**

- 7.2.1 The city should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the Stamford Master Plan to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.
- 7.2.2 Public access to the SHMA should be promoted wherever feasible, but the city should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only limited public access to the SHMA. (See Public Access Policies.)
- 7.2.3 Pursuant to Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, all proposals for waterfront development submitted to the Zoning Board, Planning Board, Environmental Protection Board, Zoning Board of Appeals, Historic District Commission, Urban Redevelopment Commission, Office of Economic Development, Water Pollution Control Authority, and other city agencies should be reviewed by the Commission for consistency with the Plan. (See Harbor Administration and Coordination Policies.)

7.3 **Construction and Maintenance of In-Water Structures:**

- 7.3.1 All public and private floats, docks, piers, and other in-water structures should be set back from the boundaries of designated channels, anchorages and fairways a sufficient distance to ensure that those structures and any vessels docked at those structures do not interfere with safe and unobstructed navigation.
- 7.3.2 In the absence of compelling reasons to the contrary, 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.
- 7.3.3 Construction of public and private floats, docks, piers, and other in-water structures should not have a significant impact on natural resources, public access opportunities, visual quality, and traditional water uses. In appropriate cases, especially with regard to littoral/riparian residential properties, alternatives to the construction of fixed structures to provide boating access to the SHMA should be considered. Alternatives to be considered should include floating docks and individual-private moorings.
- 7.3.4 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 provide access to the public trust waters (navigable waters) of the SHMA should be evaluated by the appropriate regulatory agencies, taking into consideration the littoral rights of waterfront property owners, existing conditions

in the SHMA such as distance from shore to navigable water, public access requirements, the presence of coastal resources such as intertidal flats, tidal wetlands, and shellfish beds, and other conditions, and the recommendations of the Commission.

- 7.3.5 To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures, design guidelines established by the USACE (and adopted as guidelines by the Commission) for the placement of fixed and floating structures in navigable water should be considered by the appropriate regulatory agencies in their review of proposed in-water structures, and by the Commission when formulating recommendations to those agencies. In the absence of compelling reasons to the contrary, including, but not limited to, the need to protect valuable coastal resources, new or extended in-water structures should be consistent with the USACE guidelines. (See “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.)
- 7.3.6 To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures and to ensure compliance with any conditions included in the state and/or federal permits for those structures, the permittee should be required, as a permit condition, to provide an “as-built” survey or other documentation following completion of the permitted construction.
- 7.3.7 No public or private float, dock, pier, or other in-water structure, should be allowed to deteriorate to the point that a hazard or inconvenience to navigation or condition adversely affecting public safety and/or environmental quality may result. All in-water structures authorized by state and/or federal permits in the SHMA should be maintained in accordance with the maintenance conditions specified in those permits. Any observed deterioration of a state- or federally authorized in-water structure affecting or potentially affecting navigation and/or environmental quality in the SHMA, including any leakage of material into the SHMA from behind the structure, should be brought to the attention of the appropriate state and/or federal agency for appropriate enforcement action.
- 7.3.8 Permits for the placement of permanent structures below the High Tide Line generally should be granted only to those who possess the littoral/riparian right to place such structures, except in those instances where it is determined by the appropriate regulatory agencies that such structures are necessary to support a beneficial water-dependent use without unreasonable interference with the littoral/riparian rights of the affected property owner.

7.4 **Filling and Stabilization of Waterfront Property:**

- 7.4.1 Repair of existing bulkheads and other shore protection structures on individual sites should be encouraged in coordination with waterfront redevelopment projects affecting those same sites.
- 7.4.2 Filling of viable and productive aquatic areas below the high tide line to create additional land area for development should be discouraged.

7.5 **Protecting Neighborhood Character and Quality of Life:**

- 7.5.1 Activities in the SHMA and use and development of the SHMA waterfront should be carefully planned, reviewed, and regulated to avoid adverse impacts on the quality of life in waterfront neighborhoods.
- 7.5.2 In-water and waterfront activities should not cause nuisance impacts that affect waterfront residential areas, including but not limited to noise, litter, unshielded light, and wave impacts.
- 7.5.3 The planning and review of development and activities affecting the SHMA should take into consideration not only cumulative impacts on SHMA resources and the capacity of those resources to accommodate increased development (see Environmental Resources Policies) but also potential impacts on the existing character and quality of life in shorefront residential neighborhoods. Potential adverse impacts should be minimized or eliminated.

7.6 **Littoral/Riparian Rights for Use of Navigable Water:**

- 7.6.1 The littoral/riparian rights of the owners of land contiguous to the SHMA, including the right of access to navigable water and the right to other improvements and useful purposes, are recognized and protected. Such rights should be exercised in a reasonable manner without substantial impairment of the public's rights and interests in the use and conservation of the public trust area. (See Public Access Policies.)

8.0. PUBLIC ACCESS POLICIES

8.1 **Providing Public Access to the SHMA and Along the Shoreline:**

- 8.1.1 The city should encourage and support the provision of facilities and opportunities for public access to the SHMA, consistent with the capacity of the SHMA and waterfront to accommodate those facilities and opportunities. Public access should be considered as physical and/or visual access to the SHMA that will be available

to all members of the general public and not limited to any particular groups or individuals.

- 8.1.2 Facilities and areas for public access to the SHMA should be provided in coordination with implementation of the Stamford Master Plan and the city's waterfront zoning regulations. The city should require the provision of well-designed, meaningful, and coordinated public access to the water by all waterfront development subject to the city's coastal site plan review authority, except one- and two-family dwellings and development for principal uses that are otherwise water-dependent as defined in the Connecticut Coastal Management Act. (See Harbor Administration and Coordination Policies.)
- 8.1.3 The city should pursue the acquisition of waterfront land and easements (through purchase, donation, or other proper means) when such opportunity may arise and where such acquisition will provide opportunities for public access to the SHMA and enhance the overall beneficial value and usefulness of the city's open space system.

8.2 **Pedestrian Access Between the Waterfront and City Commercial Centers:**

- 8.2.1 Well-designed and beneficial facilities for pedestrian access should be provided to link public boating and water access facilities on the waterfront with commercial areas of the city.

8.3 **Access to the SHMA from City Parks and Right-of-Ways:**

- 8.3.1 Opportunities for public access to the SHMA through the city park system should be fully utilized and, to the extent feasible, enhanced. The City of Stamford should promote and encourage increased water-related use and activities at public parks including visual and physical access opportunities, public boat slips and launching facilities, public landings and other facilities for visiting recreational boaters (Town Docks), small boat storage and launching areas, and fishing piers. These uses and activities should be consistent with all other applicable provisions of the Plan and with the capacity of the city-owned properties to accommodate enhanced or expanded use in a safe and environmentally sound manner.
- 8.3.2 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 SHMA by resident, nonresident, and transient boaters. (See Recreational Boating Policies.)
- 8.3.3 Opportunities for improving physical and visual public access to the SHMA through city-owned street ends and other public rights-of-way should be identified and evaluated. Where feasible, the city should improve street ends for public use

in the near term and in all cases ensure the retention of the water access opportunities provided by these streets for future enhancement and use.

- 8.3.4 Any improvement of city-owned street ends and other public rights-of-way for public access purposes should be consistent with existing neighborhood character and zoning designations.

8.4 **Balancing Public and Private Rights for Use of the SHMA:**

- 8.4.1 Plans and proposals to improve existing public access 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 owners should not have a significant adverse effect on coastal resources, public access opportunities, visual quality, traditional water uses, and other public values associated with the land and water resources below the mean high water line.

8.5 **Special Waterfront Events and Activities:**

- 8.5.1 Special waterfront events, festivals, and other activities that attract city residents and visitors to the SHMA, provide public enjoyment, and stimulate public interest and community involvement in matters pertaining to the SHMA should be encouraged and supported.

8.6 **Encouragement of Water-Based Tourism:**

- 8.6.1 Opportunities for expanding water-based tourism activities and the associated economic, recreational, and other benefits of those activities to the city and southwestern Connecticut should be encouraged and supported.

Guidelines and Recommendations for Harbor Management Sub-Areas

The *City of Stamford Harbor Management Plan* (Plan) establishes harbor management guidelines and recommendations for each of seven “sub-areas” within the overall boundaries of the Stamford Harbor Management Area (SHMA). The sub-areas, outlined on Map 7-1, are:

- 1) Stamford Inner Harbor West Branch;
- 2) Stamford Inner Harbor East Branch;
- 3) Stamford Outer Harbor;
- 4) Dolphin Cove;
- 5) Westcott Cove;
- 6) Cove Island Harbor, including Holly Pond; and
- 7) Other Stamford waters in the SHMA.

The guidelines and recommendations are intended to add more specificity to the goals, objectives, and policies set forth in the preceding chapters 5 and 6 of the Plan. Included are guidelines and recommendations with respect to: navigation facilities; boat mooring and anchoring locations; public safety; waterfront development; public access; coastal resources and water quality; and other pertinent considerations. Some of the guidelines and recommendations are depicted geographically for each sub-area on harbor management maps 7-2 through 7-6.

The order in which the guidelines and recommendations are presented does not imply priority.



STAMFORD INNER HARBOR WEST BRANCH



Figure 7-1: West Branch of Stamford Inner Harbor; boatyard peninsula at right.

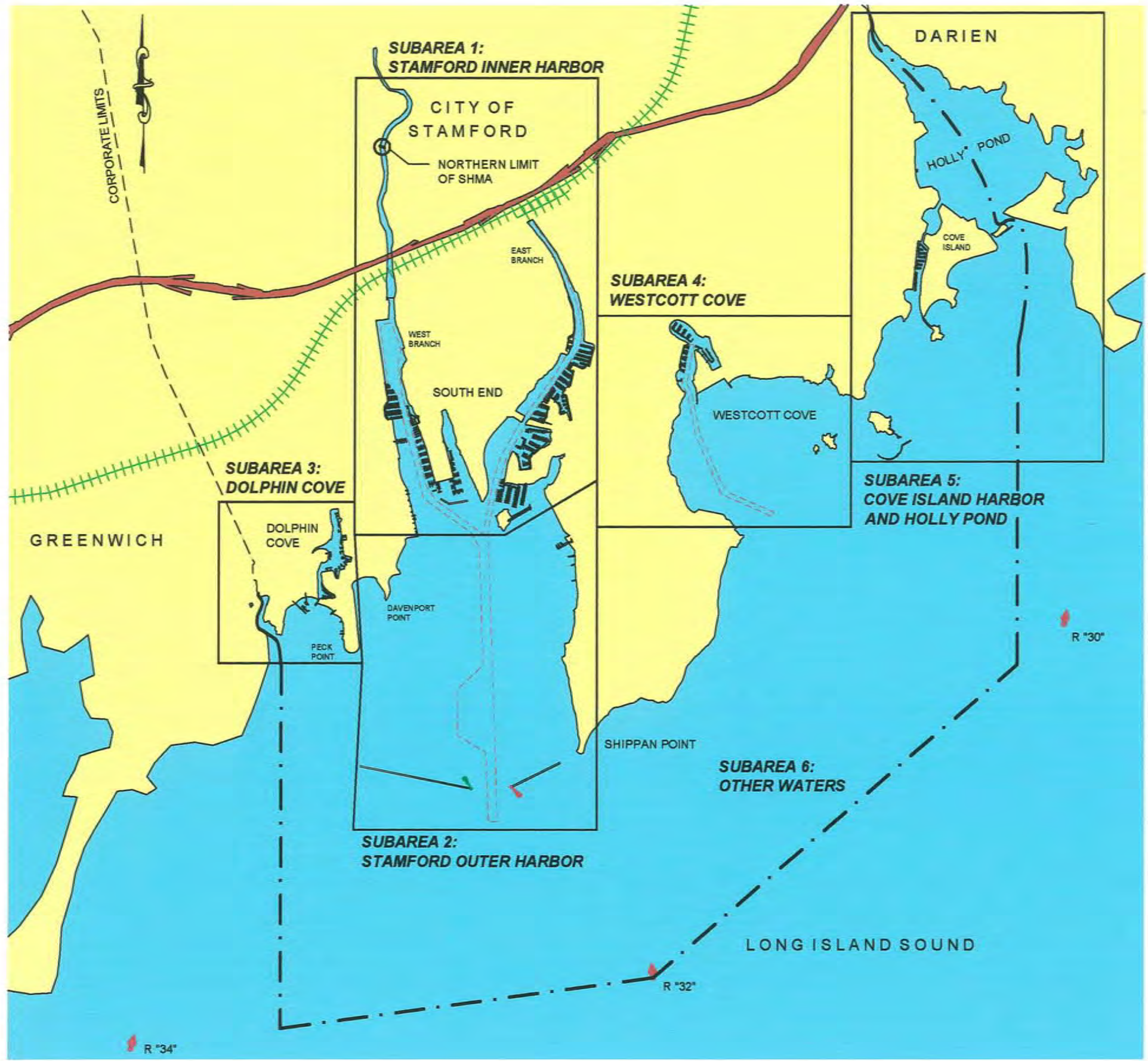
This sub-area includes the navigable waterway traditionally known as the west branch of Stamford Harbor at the mouth of the Rippowam (Mill) River, extending upstream to the Pulaski Street Bridge. Also included is the tidally influenced reach of the river upstream of the Pulaski Street Bridge to the Mill River Dam just north of Main Street. Several bridges including the I-95 and railroad bridges cross this reach of the river.

The west branch supports a mix of recreational, commercial, and industrial water-dependent uses and is served by the Stamford Harbor federal navigation project. Prominent features include port terminals and recreational boating facilities, including commercial boatyard and marina facilities and boat slips associated with waterfront restaurants, residential development, and a private yacht club. The Stamford hurricane barrier is a significant feature along the east side of the west branch, along with Kosciuszko Park and the Yacht Haven West boatyard peninsula. Southfield Park and a public fishing pier are on the west side of the west branch. (See Chapter 2.)

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations. (See Map 7-2.)

1. NAVIGATION PROJECT GUIDELINES AND RECOMMENDATIONS:

- 1(a) Federal Project Maintenance: The west branch of the federal navigation project consisting of the federal channel, turning basin, and anchorage basin should be maintained according to Congressionally authorized dimensions and locations, including the authorized depth of 15 feet at mean lower low water. Maintenance dredging of the federal navigation project should be carried out by the U.S. Army Corps of Engineers (USACE) in the most timely manner needed to provide safe



LEGEND

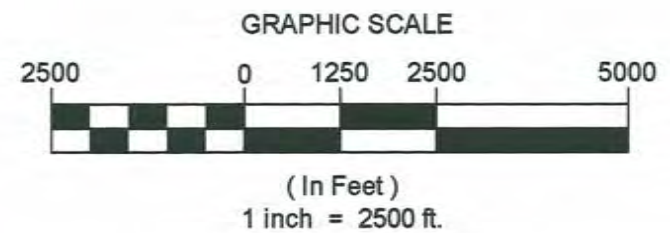
- FEDERAL NAVIGATION PROJECT
- RAIL ROAD
- NAVIGATION AIDS
- OUTER BOUNDARY OF STAMFORD HARBOR MANAGEMENT AREA
- INTERSTATE I-95

NOTES:

1. TOWN BOUNDARIES SOURCE FROM USGS TOPOGRAPHIC MAPS: STAMFORD AND SOUTH NORWALK QUADRANGLE AND FROM THE CT-DEP GIS SHAPE FILE "TOWNS FOR CLIPPING" FOUND AT WWW.DEP.STATE.CT.US.

STAMFORD HARBOR MANAGEMENT PLAN
STAMFORD HARBOR MANAGEMENT COMMISSION
JULY 2008

MAP 7-1:
HARBOR MANAGEMENT SUB-AREAS





Rippowam River
 Avoid undue sedimentation and pollution from upstream sources affecting W. Branch. Encourage and support pedestrian access ("greenway") to and along river and waterfront from suitable routes and properties.

Mill River Dam
 Upstream extent of SHMA. Avoid discharge of sediment downstream into W. Branch.

Rippowam River Bridges
 (South to North: Pulaski St., Railroad, S. State St., I-95, Richmond Hill Ave., Tresser Blvd., Main St.)
 Avoid, reduce, mitigate amount of pollutants entering SHMA from bridge crossings.

Stamford Port Facilities
 Encourage and support continued beneficial operation for waterborne shipments of materials and commodities.

West Branch Federal Navigation Project
 Maintain as needed for safe and efficient navigation by recreational and commercial vessels. Maintain appropriate "set-backs" between in-water structures and FNP. Avoid conflicts between recreational and commercial vessels. Avoid introduction of debris from developed and underdeveloped waterfront sites.

Southfield Park
 Utilize to full potential as waterfront park providing opportunities for active and passive recreational use. Pursue enhancement of water access facilities for boating and fishing and pedestrian facilities to link park with other public areas.

Kosciuszko Park
 Utilize to full potential as waterfront park providing opportunities for active and passive recreational use, including visual and physical access to SHMA and special waterfront events. Pursue enhancement of water access facilities and pedestrian facilities to link park with other public areas.

DOWNTOWN STAMFORD

SOUTH END

SHIPPAN

Stamford Port Facilities
 Encourage and support continued beneficial operation for waterborne shipments of materials and commodities.

Waste Transfer Station
 Operate and maintain to avoid introduction of debris into E. Branch. Pursue opportunities for enhanced use through use of waterborne transportation.

Waste Water Treatment Plant
 Maintain, operate, and upgrade as necessary in accordance with best available technology.

Czescik Park & Marina
 Manage and maintain as focal point and central facility for boating access in the Inner Harbor. Utilize to full potential as waterfront park in accordance with comprehensive plan. Pursue opportunities for improving boating access, including access by trailered boats.

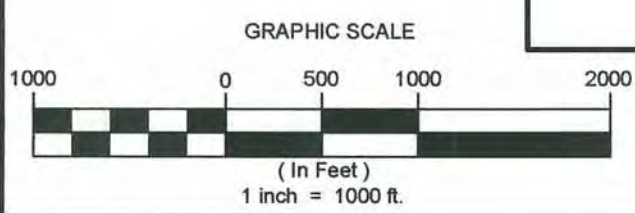
East Branch Federal Navigation Project
 Maintain as needed for safe and efficient navigation by recreational and commercial vessels. Maintain appropriate "set-backs" between in-water structures and FNP. Avoid conflicts between recreational and commercial vessels. Avoid introduction of debris from developed and underdeveloped areas.

Stamford Hurricane Barrier
 Encourage and support coordination with USACE for effective operation, maintenance, and inspection.

STAMFORD HARBOR MANAGEMENT PLAN
STAMFORD HARBOR MANAGEMENT COMMISSION
JULY 2008

MAP 7-2:
INNER HARBOR
GUIDELINES AND RECOMMENDATIONS

LEGEND
 ----- FEDERAL CHANNEL



- NOTES:**
- 2005 aerial photograph provided by the City of Stamford GIS Department.
 - Federal Navigation Project location provided by the USACE.

navigation and the continued viability of water-dependent uses, including Stamford port facilities.

- 1(b) Open-to-All on Equal Terms: Use of the west branch of the federal navigation project will be in accordance with all applicable provisions concerning use of federal navigation projects, including the USACE's open-to-all on equal terms policy.
- 1(c) Navigation Fairways: Navigation fairways may be designated by the Commission as necessary to ensure safe and unrestricted passage of vessels to and from the federal navigation project and water-dependent facilities.
- 1(d) Set-Backs from Federal Navigation Project Boundaries: All public and private floats, docks, piers, and other in-water structures should be appropriately set back from the boundaries of the federal navigation project. Set-back distances should be sufficient to ensure that in-water structures and any vessels attached to those structures do not interfere with safe and unrestricted passage of any vessel using the federal navigation project. Appropriate set-back distances will be determined by the Commission in accordance with the set-back policies established in the Plan.
- 1(e) Aids to Navigation: Federal aids to navigation maintained by the U.S. Coast Guard, along with any duly approved buoys, beacons, signs, and other markers that may be maintained by the City of Stamford, marine facility operators, and others, should be adequate for marking the federal navigation project waters, the Stamford Harbor restricted speed zone, and any other conditions affecting ease and safety of navigation in the west branch.
- 1(f) Avoiding Sedimentation from Upstream Sources: All appropriate efforts to avoid or reduce sedimentation and the resulting need for dredging in the west branch are encouraged and supported, including measures to avoid, reduce, or eliminate activities and conditions that introduce excessive sediment into the Rippowam River or increase the discharge of sediment from the river downstream into the west branch.
- 1(g) Nonfederal Dredging: Nonfederal dredging as needed to provide for safe and efficient navigation, public access to the SHMA, and the viability of water-dependent facilities, including port facilities and recreational boating facilities, is encouraged and supported. Nonfederal dredging conducted in coordination with federal maintenance dredging is encouraged and supported as needed to achieve the most efficient and effective use of available resources for maintenance dredging.

2. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 2(a) Restricted Speed Zone: The "slow-no wake" requirements of the Stamford Harbor restricted speed zone established by the Stamford Code of Ordinances shall apply to the operation of all vessels in the west branch.

- 2(b) Harbor Icing: City, state, and federal agencies and officials, including the Commission, Connecticut Department of Transportation (DOT), harbor master, and U.S. Coast Guard, along with water-dependent facility operators, should coordinate and apply available resources to address any potentially dangerous and damaging conditions caused by ice conditions in the west branch and the operation of commercial vessels during periods of icing. The U.S. Coast Guard should be encouraged to conduct ice-breaking operations as necessary to maintain navigation safety for waterborne commerce.
- 2(c) Avoiding Conflicts Between Commercial and Recreational Vessels: Recreational and commercial water-dependent uses of the West Branch should be effectively planned, managed, and regulated as necessary to avoid any undue conflicts between commercial and recreational vessels, including vessels operating in the federal navigation project waters. Commercial vessels loading or unloading at port facilities in the west branch should not unduly obstruct the passage of vessels in the federal navigation project waters.
- 2(d) Mitigating Wave Impacts: Appropriate measures, including placement and maintenance of wave attenuation structures, may be considered to provide suitable protection for docked vessels during storm conditions. Any proposed structural measures for mitigating the adverse impacts of waves and storm surge should be carefully planned to minimize any potential adverse impacts on navigation and coastal resources, including impacts on fisheries resources and the movement of marine sediments.
- 2(e) Maintenance of In-Water Structures: Docks, floats, bulkheads, and other in-water structures, including structures associated with port facilities and other water-dependent uses, should be maintained in a manner that contributes to continued safe and beneficial use of the west branch and in a manner that: a) contributes to continued safe and beneficial use of the west branch; and b) does not detract from the utility of the affected properties for water-dependent uses. All in-water structures shall be maintained in accordance with any conditions specified in state and/or federal authorizations for those structures.
- 2(f) Emergency Services Facilities and Equipment: Suitable on-land and in-water facilities should be established and maintained to support effective access to the west branch and SHMA for emergency response and law enforcement purposes by the Stamford Police Department, Stamford Fire Department, and other duly authorized law enforcement and emergency service agencies.

Appropriate equipment should be maintained suitably near the west branch 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 areas adjoining the west branch.

3. WATERFRONT DEVELOPMENT GUIDELINES AND RECOMMENDATIONS:

- 3(a) Water-Dependent Uses: The continued beneficial operation and enhancement of existing water-dependent uses, including Stamford port facilities and recreational boating facilities, in the west branch is encouraged and supported, consistent with all other applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and the Connecticut Coastal Management Act.

The authority and provisions of the Plan, Master Plan, Zoning Regulations, and Connecticut Coastal Management Act should be applied to encourage and support the continued operation and enhancement of existing water-dependent uses; to encourage and support the development of appropriate new water-dependent uses; and to review any plans and proposals for new uses. With respect to waterfront properties adjoining the west branch, future development projects that may affect established water-dependent uses should not result in significant reduction of available recreational boating services, including, but not limited to, boat maintenance, repair, berthing, and storage facilities of local and/or regional significance.

- 3(b) Stamford Port Facilities: The continued beneficial operation of Stamford port facilities, including facilities utilizing the west branch for waterborne shipment of materials and commodities, is encouraged and supported, consistent with all other applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and Connecticut Coastal Management Act.
- 3(c) Public Boating Facilities: The provision and maintenance of safe and enjoyable waterfront facilities to attract and serve visiting and resident recreational boaters, including waterfront commercial facilities, dock space, and boat slips on suitable waterfront properties, is encouraged and supported. Opportunities for establishing a public landing (Town Dock) to serve visiting and resident boaters on an appropriate waterfront site in the west branch should be evaluated and to the extent feasible pursued.
- 3(d) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent uses in the west branch. Well-designed shore protection projects to enhance water-dependent uses are encouraged and supported, consistent with all applicable city, state, and federal requirements. It is recognized that the maintenance, repair, and replacement of existing bulkheads to support water-dependent uses in the west branch can result in the incremental and cumulative encroachment of those structures into the navigable waterway. As a result, all proposals for bulkhead maintenance, repair, and replacement in the west branch should be designed and reviewed to avoid waterward extension beyond the extent necessary, thereby avoiding adverse impacts on navigation.

- 3(e) Commercial Fishing Facilities: The provision of docking space for commercial fishermen, as well as service, access, and related storage facilities for commercial fishing operations in suitable waterfront locations is encouraged and supported.
- 3(f) Avoidance of In-Water Debris: All appropriate measures to avoid the introduction of debris into the west branch from developed and undeveloped waterfront sites and areas are encouraged and supported.

4. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 4(a) Kosciuszko Park: Kosciuszko Park should be utilized to its full potential as a waterfront park providing opportunities for active and passive recreational use, including visual and physical access to the SHMA and special events that increase public use and enjoyment of the Stamford waterfront. The level of city resources allocated for park maintenance should be commensurate with the park's status as a focal point and central facility for visual access to Stamford Harbor.

Enhancement of the water-related orientation of the park is encouraged and supported, in accordance with a comprehensive park management plan. Development, enhancement, and maintenance of well-designed and attractive pedestrian facilities to link the park with other public waterfront areas, downtown Stamford, and other commercial areas of the city are encouraged and supported.

Opportunities for improving access to the SHMA from the park, including access for boating, fishing, and other beneficial purposes, should be evaluated and to the extent feasible pursued. Structures and facilities to support beneficial use and enjoyment of the SHMA, consistent with all other applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and regulations adopted by the Stamford Board of Representatives may be considered.

Park lights should be designed and operated to avoid negative impacts on navigation. Lighting units should be installed in accordance with best available technology to restrict illumination to the desired area.

- 4(b) Southfield Park: Southfield Park should be utilized to its full potential as a waterfront park providing opportunities for active and passive recreational use, including visual and physical access to the west branch and SHMA by residents of the Waterside neighborhood and others. Enhancement of the water-related orientation of the park and linkage between the park and other public waterfront areas are encouraged and supported. Opportunities for improving access to the west branch and SHMA from the park, including access for boating and fishing, should be evaluated and, to the extent feasible, pursued.

- 4(c) Pedestrian Access: Well-designed and beneficial facilities for pedestrian access to and along the west branch should be provided to link existing and any future public water-access facilities with other public waterfront areas, Downtown Stamford, and other commercial areas of the city. Pedestrian access to and along the west branch should be planned and implemented to avoid any conflicts between recreational use of the waterfront and industrial water-dependent uses, including Stamford port facilities.
- 4(d) Boat Launching Access: The establishment and maintenance of a public boat launching facility for trailered and hand-carried vessels at a suitable waterfront location to enable safe and enjoyable access to the west branch for recreational boating and emergency services purposes is encouraged and supported, consistent with the capacities of waterfront and SHMA resources to accommodate such a facility.
- 4(e) Mill River Greenway: Implementation of a well-designed public walkway/bikeway to provide safe and enjoyable opportunities for public access to and along the waterfront from suitable routes and properties is encouraged and supported, consistent with all other applicable provisions of the Plan.
- 4(f) Public Access through Private Waterfront Development Projects: To the extent feasible, the city should require the provision of well-designed facilities and opportunities for public access to the west branch and SHMA through waterfront development projects subject to the city's Coastal Site Plan Review authority.

5. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 5(a) Water Quality: Upgrading of existing surface water quality in the west branch should be pursued through reduction or elimination of nonpoint sources of pollution and other appropriate actions as necessary to upgrade the State of Connecticut water quality designation of the west branch from "SC/SB" to "SB." An effective, ongoing program of water quality monitoring in the west branch and upstream in the Rippowam River by qualified governmental and/or nongovernmental organizations is encouraged and supported to identify existing and potential sources of pollution and to establish and maintain a data base of information to support water quality improvement efforts.
- 5(b) Stormwater Management: The use of suitable structural and/or nonstructural best management practices and appropriate stormwater treatment systems and technology should be applied to manage, reduce, or otherwise control stormwater runoff into the west branch, including runoff from water-dependent facilities and runoff into the Rippowam River.
- 5(c) Marine Sanitation: A vessel-waste pump-out facility or facilities with adequate capacity to serve the needs of boaters in the west branch should be maintained in the west branch. Adequate restroom facilities for marina users and transient boaters should be provided by the owners/operators of marina facilities in the west branch.

5(d) Management of Highway and Railroad Pollutants: All feasible efforts by the State of Connecticut, Metro North Railroad Company, and City of Stamford to reduce the amount of pollutants discharged into the west branch from the Pulaski Street, railroad, I-95, and other bridges crossing the Rippowam River are encouraged and supported. Any work to maintain or repair the bridges crossing the SHMA should be carefully planned, conducted, and monitored to reduce or avoid any potentially adverse impacts on water quality resulting from bridge work.

5(e) Avoidance/Removal of In-Water Debris: All appropriate measures to avoid and remove in-water debris from the west branch affecting scenic quality, environmental quality, and/or navigation, including debris emanating from sources upstream in the Rippowam River, are encouraged and supported.

5(f) Intertidal Resources: Any future plans for enhancement or expansion of water-dependent uses in the west branch should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on viable intertidal resources in the west branch, including tidal wetlands and intertidal flats.

5(g) Rippowam River and Watershed: Beneficial efforts to improve water quality in the west branch and SHMA that are planned and implemented, to the extent practical, on a watershed-wide basis are encouraged and supported. Restoration of Rippowam River riparian habitat and aquatic resources in and affecting the SHMA is encouraged and supported, in accordance with all other applicable provisions of the Plan.

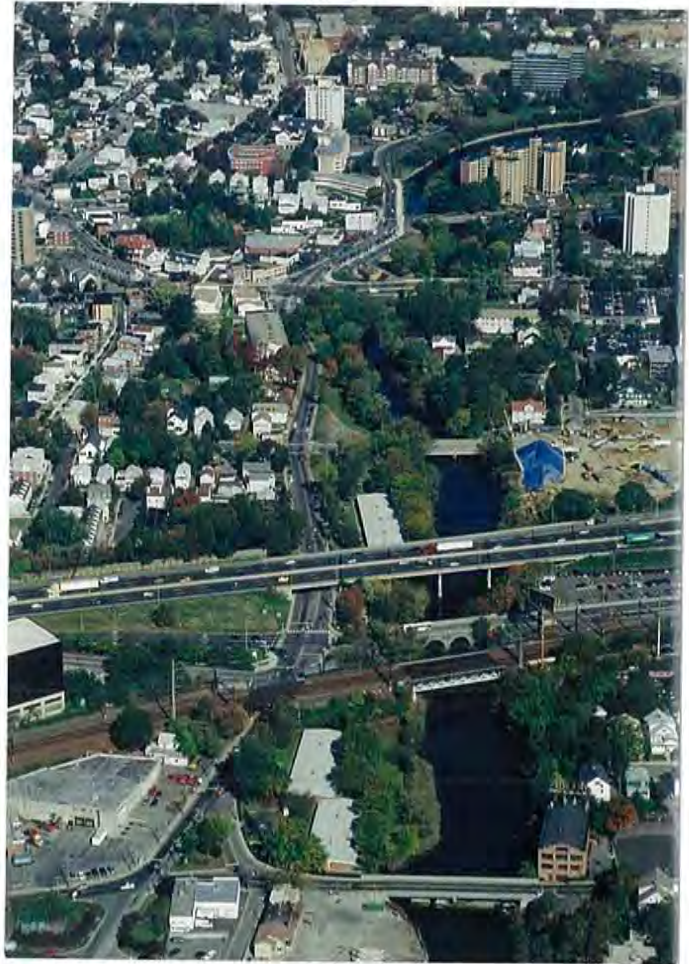


Figure 7-2: Rippowam River in the SHMA upstream of Pulaski Street bridge (in foreground).

STAMFORD INNER HARBOR EAST BRANCH

This sub-area includes the navigable waterway traditionally known as the east branch of Stamford Harbor dredged in the early part of the 19th century for the purpose of providing waterborne transportation access to the center of Stamford. The upper portion of the east branch is heavily industrialized on both banks, with water-dependent industrial facilities on the west bank and municipal facilities, including the Stamford waste transfer station and wastewater treatment plant, on the east bank. The lower portion of the east branch supports recreational boating facilities, including private and commercial marina facilities and boat slips associated with waterfront restaurants, residential development, and office buildings. The city's Czescik Park and municipal marina is on the east bank. The Stamford hurricane protection barrier and floodgate in the east branch channel is another significant feature; so too is the waterfront Woodland Cemetery and the east side of Kosciuszko Park on the west bank. The water-dependent uses in the east branch are served by the Stamford Harbor federal navigation project. (See Chapter 2.)

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations. (See Map 7-2.)

1. NAVIGATION PROJECT GUIDELINES AND RECOMMENDATIONS:

- 1(a) Federal Project Maintenance: The east branch federal navigation channel should be maintained according to Congressionally authorized dimensions and locations, including the authorized depth of 12 feet at mean lower low water. Maintenance dredging of the channel should be carried out by the USACE in the most timely manner needed to provide safe navigation and the continued viability of water-dependent uses, including Stamford port facilities.
- 1(b) "Open-to-All on Equal Terms": Use of the east branch federal channel will be in accordance with all applicable provisions concerning use of federal navigation projects, including the USACE's "open-to-all on equal terms" policy.
- 1(c) Navigation Fairways: Navigation fairways may be designated by the Commission as necessary to ensure safe and unrestricted passage of vessels to and from the east branch federal channel and water-dependent facilities.
- 1(d) "Set-Backs" from Channel Boundaries: All public and private floats, docks, piers, and other in-water structures should be appropriately set back from the boundaries of the east branch federal channel. Set-back distances should be sufficient to ensure that in-water structures and any vessels attached to those structures do not interfere with safe and unrestricted passage of any vessel using the channel. Appropriate set-back distances will be determined by the Commission in accordance with the set-back policies established in the Plan.



Figure 7-3: Stamford Inner Harbor East Branch; Kosciuszko Park in center.

- 1(e) Aids to Navigation: Federal aids to navigation maintained by the U.S. Coast Guard, along with any duly approved buoys, beacons, signs, and other markers maintained by the City of Stamford, and marine facility operators, and others should be adequate for marking the east branch federal navigation channel, the Stamford Harbor restricted speed zone, and any other conditions affecting ease and safety of navigation in the east branch.
- 1(f) Avoiding Sedimentation: All appropriate efforts to avoid or reduce sedimentation and the resulting need for dredging in the east branch should be encouraged and supported, including avoidance, reduction, or elimination of all activities and conditions that introduce sediment into the east branch.
- 1(g) Nonfederal Dredging: Nonfederal dredging as needed to provide for safe and efficient navigation, public access to the SHMA, and the viability of water-dependent facilities, including port facilities and recreational boating facilities, is encouraged and supported. Nonfederal dredging conducted in coordination with federal maintenance dredging is encouraged and supported as needed to achieve the most efficient and effective use of available resources for maintenance dredging.

2. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 2(a) Restricted Speed Zone: The “slow-no wake” requirements of the Stamford Harbor restricted speed zone established by the Stamford Code of Ordinances shall apply to the operation of all vessels in the east branch.
- 2(b) Harbor Icing: City, state, and federal agencies and officials, including the Commission, DOT, harbor master, and U.S. Coast Guard, along with water-dependent facility operators, should coordinate and apply available resources to address any potentially dangerous and damaging conditions caused by harbor icing and the operation of commercial vessels during periods of icing in the east branch.
- 2(c) Avoiding Conflicts Between Commercial and Recreational Vessels: Recreational and commercial water-dependent uses of the east branch should be effectively planned, managed, and regulated as necessary to avoid any undue conflicts between commercial and recreational vessels, including vessels operating in the east branch federal channel. Commercial vessels loading or unloading at port facilities in the east branch should not unduly obstruct the passage of vessels in the channel.
- 2(d) Mitigating Wave Impacts: Appropriate measures, including placement and maintenance of wave attenuation structures, may be considered to provide suitable protection for docked vessels during storm conditions. Any proposed structural measures for mitigating the adverse impacts of waves and storm surge should be carefully planned to minimize any potential adverse impacts on navigation and coastal resources, including impacts on fisheries resources and the movement of marine sediments.
- 2(e) Maintenance of In-Water Structures: Docks, floats, bulkheads, and other in-water structures, including structures associated with port facilities and other water-dependent uses, should be maintained in a manner that contributes to continued safe and beneficial use of the east branch and in a manner that: a) contributes to continued safe and beneficial use of the east branch; and b) does not detract from the utility of the affected properties for water-dependent uses. All in-water structures shall be maintained in accordance with any conditions specified in state and/or federal authorizations for those structures.
- 2(f) Emergency Services Facilities and Equipment: Suitable on-land and in-water facilities should be established and maintained to support effective access to the east branch and SHMA for emergency response and law enforcement purposes by the Stamford Police Department, Stamford Fire Department, and other duly authorized law enforcement and emergency service agencies.

Appropriate equipment should be maintained suitably near the east branch 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 areas adjoining the east branch.

- 2(g) Operation of Hurricane Barrier: Continued effective operation, maintenance, and inspection by the USACE of the Stamford hurricane barrier in accordance with duly established and published procedures is encouraged and supported. Coordination between the USACE and the city as necessary for effective operation, maintenance, and inspection of the hurricane barrier is encouraged and supported.

3. WATERFRONT DEVELOPMENT GUIDELINES AND RECOMMENDATIONS:

- 3(a) Water-Dependent Uses: The continued beneficial operation and enhancement of existing water-dependent uses, including Stamford port facilities and recreational boating facilities, in the east branch is encouraged and supported, consistent with all other applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and the Connecticut Coastal Management Act.

The authority and provisions of the Plan, Master Plan, Zoning Regulations, and Connecticut Coastal Management Act should be applied to encourage and support the continued operation and enhancement of existing water-dependent uses; to encourage and support the development of appropriate new water-dependent uses; and to review any plans and proposals for new uses. With respect to waterfront properties adjoining the east branch, future development projects that may affect established water-dependent uses should not result in significant reduction of available recreational boating services, including, but not limited to, boat maintenance, repair, berthing, and storage facilities of local and/or regional significance.

- 3(b) Stamford Port Facilities: The continued beneficial operation of Stamford port facilities, including facilities utilizing the east branch for waterborne shipment of materials and commodities, is encouraged and supported, consistent with all other applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and Connecticut Coastal Management Act.
- 3(c) Public Boating Facilities: The provision and maintenance of safe and enjoyable waterfront facilities to attract and serve visiting and resident recreational boaters, including waterfront commercial facilities, dock space, and boat slips on suitable waterfront properties, is encouraged and supported. Opportunities for establishing a public landing (Town Dock) to serve visiting and resident boaters on an appropriate waterfront site in the east branch should be evaluated and to the extent feasible pursued.
- 3(d) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent uses in the east branch. Well-designed shore protection projects to enhance water-dependent uses are encouraged and supported, consistent with all applicable city, state, and federal requirements. It is recognized that the

maintenance, repair, and replacement of existing bulkheads to support water-dependent uses in the east branch can result in the incremental and cumulative encroachment of those structures into the navigable waterway. As a result, all proposals for bulkhead maintenance, repair, and replacement in the east branch should be designed and reviewed to avoid waterward extension beyond the extent necessary, thereby avoiding adverse impacts on navigation.

- 3(e) Avoidance of In-Water Debris: All appropriate measures to avoid the introduction of debris into the east branch from developed and undeveloped waterfront sites and areas are encouraged and supported.
- 3(f) Waste Transfer Station: The waste transfer station should be operated and maintained in a manner to avoid the introduction of any debris into the east branch affecting scenic quality, environmental quality, and/or navigation. Opportunities for enhancing use and operation of the transfer station through use of waterborne transportation should be evaluated and to the extent feasible pursued.

4. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 4(a) Czescik Park and Marina: Czescik Park and marina should be managed and maintained as a focal point and central facility for public boating activities in the inner harbor. The park should be utilized to its full potential as a waterfront park providing opportunities for safe and enjoyable boating access to the SHMA. Enhancement of the park's water-dependent facilities is encouraged and supported, in accordance with a comprehensive park and marina management plan. Opportunities for improving boating access to the SHMA from the park and marina, including access by trailered boats, should be evaluated and, to the extent feasible, pursued.
- 4(b) Pedestrian Access: Well-designed and beneficial facilities for pedestrian access should be provided to link existing and any future public water-access facilities on the east branch with other public waterfront areas, downtown Stamford, and other commercial areas of the city.
- 4(c) Boat Launching Access: The establishment and maintenance of a public boat launching facility at a suitable waterfront location to enable safe and enjoyable access to the east branch for recreational boating and emergency services purposes is encouraged and supported, consistent with the capacities of waterfront and SHMA resources to accommodate such a facility.
- 4(d) Public Access through Private Waterfront Development Projects: To the extent feasible, the city should require the provision of well-designed facilities and opportunities for public access to the east branch and SHMA through waterfront development projects subject to the city's Coastal Site Plan Review authority.



Figure 7-4: East Branch of Stamford Inner Harbor; Czescik Park and municipal marina in foreground; wastewater treatment plant to right.

5. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 5(a) Water Quality: Special attention should be given to maintaining and improving water quality in the enclosed and constricted east branch waterway. Upgrading of existing surface water quality in the east branch should be pursued through reduction or elimination of nonpoint sources of pollution and other appropriate actions as necessary to upgrade the State of Connecticut water quality designation of the east branch from “SC/SB” to “SB.” An effective, ongoing program of water quality monitoring in the east branch by qualified governmental and/or nongovernmental organizations is encouraged and supported to identify existing and potential sources of pollution and to establish and maintain a data base of information to support water quality improvement efforts.
- 5(b) Wastewater Treatment Plant: The city should continue to maintain, operate, and as necessary upgrade the wastewater treatment plant in accordance with best available technology. Special attention should be given to ensuring that the plant is operated and maintained according to its design standards.
- 5(c) Stormwater Management: The use of suitable structural and/or nonstructural best management practices and appropriate stormwater treatment systems and technology should be applied to manage, reduce, or otherwise control stormwater runoff into the east branch, including runoff from water-dependent facilities.

- 5(d) Marine Sanitation: A vessel-waste pump-out facility or facilities with adequate capacity to serve the needs of boaters in the east branch should be maintained in the east branch. Adequate restroom facilities for marina users and transient boaters should be provided by the owners/operators of marina facilities in the east branch.
- 5(e) Management of Highway and Railroad Pollutants: All feasible efforts by the State of Connecticut, Metro North Railroad Company, and City of Stamford to reduce the amount of pollutants discharged into the east branch from nearby highways and the railroad are encouraged and supported.
- 5(f) Avoidance/Removal of In-Water Debris: All appropriate measures to avoid and remove in-water debris from the east branch, including debris emanating from waterfront properties and affecting scenic quality, environmental quality, and/or navigation in the east branch, are encouraged and supported.
- 5(g) Intertidal Resources: Any future plans for enhancement or expansion of water-dependent uses in the east branch should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on viable intertidal resources in the east branch, including tidal wetlands and intertidal flats.

STAMFORD OUTER HARBOR

The outer harbor sub-area is bounded on the west by the shoreline of Peck and Davenport Points and on the east by the Shippan shoreline. The north-south oriented federal navigation channel passes through the center of the outer harbor, providing navigation access to and from Long Island Sound and the east and west branches of the Inner Harbor. A federal anchorage basin with a “nurse” mooring used as a staging area by commercial tugs and barges adjoins the channel. The outer harbor is protected by two federal breakwaters that mark its southern boundary. The designated mooring field of the Stamford Yacht Club is east of the federal channel; moorings are also found to the west of the channel.

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations. (See Map 7-3.)

1. NAVIGATION PROJECT GUIDELINES AND RECOMMENDATIONS:

- 1(a) Federal Project Maintenance: The outer harbor federal navigation project consisting of the Stamford Harbor federal channel and anchorage basin and east and west breakwaters should be maintained according to congressionally authorized dimensions and locations, including authorized channel depths of 15 and 18 feet and authorized anchorage depth of 18 feet. Maintenance dredging of the channel and anchorage should be carried out by the USACE in the most timely manner needed to provide safe navigation and the continued viability of water-dependent uses. The east and west breakwaters should be maintained according to their congressionally authorized specifications by the USACE.



Figure 7-5: Stamford Outer Harbor; Shippan Point at lower right; east breakwater at lower left.

- 1(b) Federal Anchorage: Use of the federal anchorage basin should be effectively planned, managed, and regulated to ensure continued beneficial, safe, and equitable use of the anchorage basin by commercial vessels operating in the SHMA.
- 1(c) Open-to-All on Equal Terms: Use of the outer harbor federal channel and anchorage basin will be in accordance with all applicable provisions concerning use of federal navigation projects, including the USACE’s open-to-all on equal terms policy.
- 1(d) Navigation Fairways: Navigation fairways may be designated by the Commission as necessary to ensure safe and unrestricted passage of vessels to and from the outer harbor federal navigation channel, federal anchorage basin, designated boat mooring areas in the outer harbor, and water-dependent facilities.
- 1(e) “Set-Backs” from Channel and Anchorage Boundaries: All public and private in-water structures, including but not limited to boat mooring locations outside of the federal anchorage, should be appropriately set back from the boundaries of the outer harbor federal navigation channel and anchorage basin. Set-back distances should be sufficient to ensure that in-water structures and any vessels attached to those structures do not interfere with safe and unrestricted passage of any vessel using the channel and anchorage basin. Appropriate set-back distances will be determined by the Commission in accordance with the set-back policies established in the Plan.



Stamford Harbor Federal Channel
 Maintain as needed for safe and efficient navigation by recreational and commercial vessels.

Stamford Yacht Club Mooring Area:
 Mooring locations maintained in accordance with authorizations from USACE, CT-DEP and Harbor Master.

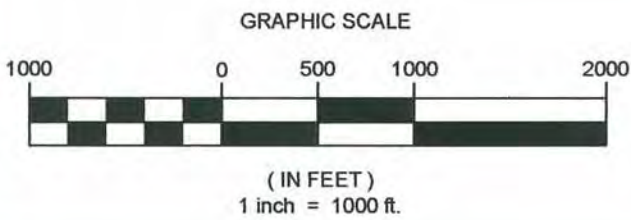
Stamford Harbor Federal Anchorage
 Manage to ensure beneficial, safe, and equitable use by commercial vessels. All mooring locations require authorization from USACE, DEP, and Harbor Master. Placement and use of mooring locations in accordance with permit terms and conditions.

Outer Harbor Navigable Waters
 All boat moorings planned and controlled to ensure navigation safety, equitable use of public waters, and protection of coastal resources. Vessel speed in accordance with "slow-no-wake" requirements of Stamford Harbor restricted speed zone and state regulations.

Federal Breakwaters
 Maintain as needed according to congressionally authorized dimensions. Vessel speed in vicinity of breakwaters in accordance with all City and State regulations.

STAMFORD HARBOR MANAGEMENT PLAN
STAMFORD HARBOR MANAGEMENT COMMISSION
 JULY 2008
 MAP 7-3:
OUTER HARBOR
GUIDELINES AND RECOMMENDATIONS

LEGEND
 ----- FEDERAL CHANNEL



- NOTES:**
1. 2005 Aerial photograph provided by the City of Stamford GIS Department.
 2. Federal Navigation Project location provided by the USACE.
 3. Stamford Yacht Club mooring field perimeter from CT-DEP permit # 2001-02116-KZ.

- 1(f) Aids to Navigation: Federal aids to navigation maintained by the U.S. Coast Guard, along with any duly approved buoys, beacons, signs, and other markers maintained by the city, marine facility operators, and others should be adequate for marking the outer harbor federal navigation project, the Stamford Harbor restricted speed zone, and any other conditions affecting ease and safety of navigation in the outer harbor.
- 1(g) Nonfederal Dredging: Nonfederal dredging as needed to provide for safe and efficient navigation, public access to the SHMA, and the viability of water-dependent facilities, including recreational boating facilities, is encouraged and supported. Nonfederal dredging conducted in coordination with federal maintenance dredging is encouraged and supported as needed to achieve the most efficient and effective use of available resources for maintenance dredging.

2. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 2(a) Vessel Speed and Operation: Vessel speed and operation shall be in accordance with all applicable city and state boating safety regulations. Effective enforcement of city- and state-established vessel speed restrictions, including the “slow-no wake” requirements of the Stamford Harbor restricted speed zone established by the Stamford Code of Ordinances, is encouraged and supported.
- 2(b) Avoiding Conflicts Between Commercial and Recreational Vessels: Recreational and commercial uses of the outer harbor federal channel and anchorage basin should be effectively planned, managed, and regulated as necessary to avoid any conflicts between commercial and recreational vessels, including vessels operating in the outer harbor federal navigation channel and anchorage basin.

3. MOORING AND ANCHORING GUIDELINES AND RECOMMENDATIONS:

- 3(a) Moorings Plans: The location of all boat moorings in the outer harbor, including moorings for recreational and commercial use, should be carefully planned and controlled to ensure: a) continued navigation safety; b) orderly and efficient distribution of moorings to optimize the use of available mooring space; c) equitable use of public waters by the general public, shorefront residents, the Stamford Yacht Club, and others; and d) protection of coastal resources.
- 3(b) Moorings Administration and Allocation: Administration and allocation of all individual-private and commercial moorings will be in accordance with all applicable provisions of the Plan, the Stamford Code of Ordinances, the Connecticut General Statutes, and any regulations concerning the mooring and anchoring of vessels adopted by the Commission.

- 3(c) Mooring Tackle and Buoy Standards: All mooring buoys and ground tackle shall conform to any regulations concerning mooring tackle adopted by the Commission. All buoys designating areas where boats may be anchored or moored shall comply with standards established in Regulations of Connecticut State Agencies Section 15-121-A3.
- 3(d) Mooring “Set-Backs”: No moorings shall be located within the federal navigation channel and any navigation fairways designated in the Plan. All moorings should be set back from the channel and fairways a distance sufficient to ensure navigation safety.
- 3(e) Separation Between Moored Vessels: Adequate separation should be maintained between all moored vessels to help ensure public safety and reduce the risk of property damage caused by normal and abnormal marine conditions.
- 3(f) Yacht Club Moorings: Moorings maintained by the Stamford Yacht Club shall be in accordance with mooring field authorizations issued by the USACE and Connecticut Department of Environmental Protection (DEP). Permits from the Stamford harbor master shall also be obtained for the state- and federally authorized mooring area. Mooring permits issued by the harbor master for moorings in that area shall be issued in coordination with mooring field authorizations from the USACE and DEP.
- 3(g) Balancing Individual-Private and Commercial Moorings: An appropriate balance should be maintained between use of the outer harbor for “commercial” moorings, including state- and federally authorized moorings maintained by the Stamford Yacht Club, and use of the outer harbor for individual-private moorings used by waterfront property owners and others with access to the outer harbor. No expansion of existing commercial mooring areas should be approved unless any concerns that may be raised with regard to potential impacts on coastal resources, navigation safety, use of the outer harbor by the general public, and use of the outer harbor for individual-private moorings, are adequately addressed.
- 3(h) Placement of Moorings on Shellfish Grounds: In accordance with Sec. 26-157a(e) of the Connecticut General Statutes, no mooring or other structure may be placed on any private shellfish ground without the approval of the owner/lessee of that ground. Such approval should be based on reasonable and specific criteria applied by the owner/lessee.
- 3(i) Nurse Moorings: Placement and use of any commercial mooring locations in the outer harbor, including any duly approved mooring locations in the federal anchorage, shall require authorization from the USACE, DEP, and harbor master. All such placement and use shall be in accordance with the terms and conditions as may be specified in the authorizations for use of those locations.
- 3(j) Anchoring: Anchoring of vessels in the outer harbor shall not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the SHMA.

4. WATERFRONT FACILITIES GUIDELINES AND RECOMMENDATIONS:

- 4(a) Water-Dependent Uses: The continued beneficial operation and enhancement of water-dependent facilities, including the boating facilities maintained by private waterfront clubs, should be encouraged and supported, consistent with all other provisions of the Plan, the Stamford Master Plan, the Stamford Zoning Regulations, and the Connecticut Coastal Management Act. The authority and provisions of the Plan, Master Plan, Zoning Regulations, and Connecticut Coastal Management Act should be applied to encourage and support the continued operation and maintenance of such water-dependent facilities and to review any plans and proposals for new facilities.

No expansion of existing boating facilities, including channels and berthing areas, should be approved unless it is shown that such expansion will not have significant adverse impacts on natural coastal resources, navigation, boating safety, water-dependent uses, and public rights to use public trust waters. Any expansion of existing boating facilities should be consistent with the capability of natural coastal resources to support such expansion in a safe and environmentally sound manner.

- 4(b) In-Water Structures: The littoral rights of waterfront property owners for reasonable access to navigable water should be protected. Consistent with those rights, new or extended floats, docks, piers, and other in-water structures, should not cause significant adverse impacts on natural resources, public access opportunities, visual quality, and traditional water uses. Alternatives to the construction of fixed structures to reach navigable water should be considered, including floating docks and individual-private moorings. The appropriate extent to which in-water structures should extend seaward to reach navigable water will be evaluated by the Commission taking into consideration the littoral rights of waterfront property owners, existing 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. The construction of new or extended floats, docks, and piers should not infringe on the littoral rights of adjoining property owners or interfere with navigation.
- 4(c) Neighborhood Protection: The existing character and quality of life associated with waterfront residential areas, including but not limited to the residential areas along Shippan Point and Davenport Point, should be protected.
- 4(d) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent uses on the outer harbor shoreline. Well-designed shore protection projects to enhance water-dependent uses are encouraged and supported, consistent with all applicable city, state, and federal requirements.

Necessary measures to reduce the risks to life and property associated with coastal flooding and erosion on waterfront properties should be carefully planned and should not result in significant adverse impacts on natural coastal resources and other properties. Maintenance, repair, and replacement of existing structural measures including, but not limited to, seawalls and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion is encouraged and supported where necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures and where all reasonable mitigation measures and techniques have been provided to minimize environmental impacts.

5. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 5(a) Navigation Access: The right of the general public to use and have access to the outer harbor in accordance with the Public Trust Doctrine is protected. Public access to public waters is encouraged, consistent with the littoral rights of shorefront property owners for reasonable access to navigable water.

6. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 6(a) Water Quality: Water quality in the outer harbor 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 feasible, future upgrading of the existing water quality designation are encouraged and supported.
- 6(b) Intertidal Resources: Any future plans for enhancement or expansion of water-dependent uses in the outer harbor should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on intertidal resources in the outer harbor, including viable tidal wetlands and intertidal flats.
- 6(c) Shellfish Resources: Shellfish resources, including shellfish habitat and populations, associated with natural and private shellfish grounds in the outer harbor should be protected and, to the extent possible, enhanced.
- 6(d) Beach and Shoreline Resources: Natural coastal resources associated with the outer harbor shoreline, including but not limited to beach, bluff, and dune resources, should be managed and protected to ensure their ecological and recreational values. Planning for flood and erosion control measures should take into consideration that beach erosion is a natural and ongoing process and that structural measures to stabilize shoreline properties should be carefully planned and constructed to avoid adverse impacts on ecological functions and other shoreline properties.

7. COMMERCIAL SHELLFISHING GUIDELINES AND RECOMMENDATIONS:

- 7(a) Commercial Shellfishing: Continued commercial shellfishing in conjunction with other water-dependent uses, including recreational and commercial uses, and in a manner that does not unreasonably conflict with existing land and water uses is encouraged and supported.

DOLPHIN COVE

The Dolphin Cove sub-area is located on the western edge of the SHMA, in the area between Peck Point and Stamford's boundary with the Town of Greenwich. The prominent feature of this area is the excavated basin known as the Dolphin Cove lagoon bounded by residential development with private docks and several office buildings. Boating access to and from Long Island Sound is via a privately maintained channel. Another significant feature is Tomac Cove, a small body of water through which the Stamford/Greenwich boundary runs. (See Chapter 2.)

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations. (See Map 7-4.)

1. NAVIGATION PROJECT GUIDELINES AND RECOMMENDATIONS:

- 1(a) Dolphin Cove Navigation Channel: A privately maintained navigation channel to be kept free of any obstructions is recognized in the Dolphin Cove lagoon. The channel is defined by the boundaries of the dredged channel approximately 60 feet wide and 156 feet long to a depth of eight feet and mean low water as authorized by State of Connecticut permit No. 2966 issued to the Dolphin Cove Corporation.

Dredging of the Dolphin Cove channel by the channel permittee in accordance with all state and federal requirements is encouraged and supported to provide for continued navigation safety and the viability of water-dependent uses in the Dolphin Cove lagoon.

- 1(b) Sand and Jetty Management: An effective plan to manage the sand on Dolphin Cove Beach to reduce and avoid the alongshore movement of sand into the Dolphin Cove channel and the resulting need for maintenance dredging of the channel is encouraged and supported.
- 1(c) Set-Backs from Channel Boundaries: All floats, docks, piers, and other in-water structures should be appropriately set back from the boundaries of the Dolphin Cove channel. Set-back distances should be sufficient to ensure that in-water structures and any vessels attached to those structures do not interfere with safe and unrestricted passage of any vessel using the channel. Appropriate set-back distances will be determined by the Commission in accordance with the set-back policies established in the Plan.



Figure 7-6: Dolphin Cove area; Tomac Cove in foreground; Peck Pt. to right.

- 1(d) Aids to Navigation: Duly approved aids to navigation, including any buoys, beacons, signs, and other markers maintained by the city, Dolphin Cove Club Corporation, and others should be adequate for marking the Dolphin Cove channel, restricted speed areas, and any other conditions affecting ease and safety of navigation in the Dolphin Cove area.

2. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 2(a) Vessel Speed and Operation: Vessel speed and operation shall be in accordance with all applicable city and state boating safety regulations. Effective enforcement of city- and state-established vessel speed restrictions, including the “slow-no wake” requirements of the Stamford Harbor restricted speed zone established by the Stamford Code of Ordinances, is encouraged and supported.
- 2(b) Avoiding Vessel Conflicts: Navigational uses of the Dolphin Cove channel and lagoon should be effectively planned, managed, and regulated as necessary to avoid any conflicts between recreational vessels.
- 2(c) Maintenance of In-Water Structures: Docks, floats, bulkheads, and other in-water structures, including structures associated with water-dependent facilities in the Dolphin Cove lagoon, should be maintained in a manner that: a) contributes to continued safe and beneficial use of the Dolphin Cove area; and b) does not detract from the utility of the affected properties for water-dependent uses. All in-water



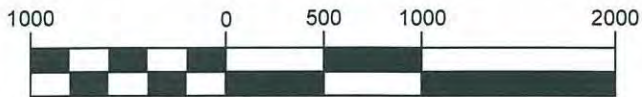
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STAMFORD HARBOR MANAGEMENT COMMISSION
JULY 2008

MAP 7-4:
DOLPHIN COVE
GUIDELINES AND RECOMMENDATIONS

LEGEND

--- Town Boundary

GRAPHIC SCALE



(In Feet)
 1 inch = 1000 ft.

NOTES:

1. 2005 Aerial Photograph provided by the City of Stamford GIS Department.
2. Town boundary from USGS topographic maps: Stamford and South Norwalk quadrangle from the CT-DEP GIS shape file "Towns for Clipping" found at WWW.DEP.STATE.CT.US.



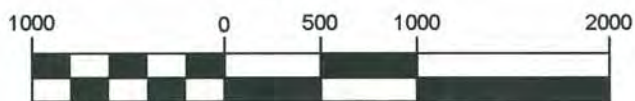
STAMFORD HARBOR MANAGEMENT PLAN
STAMFORD HARBOR MANAGEMENT COMMISSION
 JULY 2008

MAP 7-5:
WESTCOTT COVE
GUIDELINES AND RECOMMENDATIONS

LEGEND

----- FEDERAL CHANNEL

GRAPHIC SCALE



(In Feet)
1 inch = 1000 ft.

NOTES:

1. 2005 aerial photograph provided by the City of Stamford GIS Department.
2. Federal Navigation Project location provided by the USACE.
3. Town boundary from USGS topographic maps: Stamford and South Norwalk quadrangle from the CT-DEP GIS shape file "Towns for Clipping: found at WWW.DEP.STATE.CT.US.

structures shall be maintained in accordance with any maintenance conditions specified in state and/or federal authorizations for those structures, including Dolphin Cove General Permit No. GP-LIS-95-001 issued to the Dolphin Cove Club Corporation by the DEP.

3. MOORING AND ANCHORING GUIDELINES AND RECOMMENDATIONS:

- 3(a) Mooring Plans: The location of any and all boat moorings in Dolphin Cove should be carefully planned and controlled to ensure: a) navigation safety; b) orderly and efficient distribution of moorings to optimize the use of available mooring space; c) equitable use of public waters by the general public and shorefront residents; and d) protection of coastal resources.
- 3(b) Mooring Administration and Allocation: Administration and allocation of all mooring locations will be in accordance with all applicable provisions of the Plan, the Stamford Code of Ordinances, the Connecticut General Statutes, and any regulations concerning mooring and anchoring vessels adopted by the Commission, with the exception of any moorings that may be placed in Dolphin Cove which shall be administered by the Dolphin Cove Club Corporation.
- 3(c) Mooring Tackle and Buoy Standards: All mooring buoys and ground tackle shall conform to any regulations concerning mooring tackle adopted by the Commission. All buoys designating areas where boats may be anchored or moored shall comply with standards established in Regulations of Connecticut State Agencies Section 15-121-A3.
- 3(d) Separation Between Moored Vessels: Adequate separation should be maintained between all moored vessels to help ensure public safety and reduce the risk of property damage caused by normal and abnormal marine conditions.
- 3(e) Anchoring: Anchoring of vessels in the Dolphin Cove area shall not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the SHMA.

4. WATERFRONT DEVELOPMENT GUIDELINES AND RECOMMENDATIONS:

- 4(a) Water-Dependent Uses: The continued beneficial operation and enhancement of water-dependent facilities in the Dolphin Cove area is encouraged and supported, consistent with all other provisions of the Plan, the Stamford Master Plan, the Stamford Zoning Regulations, and the Connecticut Coastal Management Act. The authority and provisions of the Plan, Master Plan, Zoning Regulations, and Connecticut Coastal Management Act should be applied to encourage and support the continued operation and maintenance of such water-dependent facilities and to review any plans and proposals for new facilities.

Any expansion of existing boating facilities should be consistent with the capability of natural coastal resources to support such expansion in a safe and environmentally sound manner.

- 4(b) In-Water Structures: The littoral rights of waterfront property owners for reasonable access to navigable water should be protected. Consistent with those rights, new or extended floats, docks, piers, and other in-water structures, should not cause significant adverse impacts on natural resources, public access opportunities, visual quality, and traditional water uses. Alternatives to the construction of fixed structures to reach navigable water should be considered, including floating docks and individual-private moorings. The appropriate extent to which in-water structures should extend seaward to reach navigable water will be evaluated by the Commission taking into consideration the littoral rights of waterfront property owners, existing 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 pertinent conditions. The construction of new or extended floats, docks, and piers should not infringe on the littoral rights of adjoining property owners or interfere with navigation.

It is recognized that the retention, routine maintenance, and substantial maintenance of in-water structures in the Dolphin Cove lagoon is authorized by Dolphin Cove General Permit No. GP-LIS-95-001 issued to the Dolphin Cove Club Corporation by the DEP.

- 4(c) Neighborhood Protection: The existing character and quality of life associated with waterfront residential areas, including the residential areas along the Dolphin Cove lagoon, Peck Point, and Tomac Cove, should be protected.
- 4(d) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent uses in the Dolphin Cove area. Well-designed shore protection projects to enhance water-dependent uses are encouraged and supported, consistent with all applicable city, state, and federal requirements.

Necessary measures to reduce the risks to life and property associated with coastal flooding and erosion on waterfront properties should be carefully planned and should not result in significant adverse impacts on natural coastal resources and other properties. Maintenance, repair, and replacement of existing structural measures including, but not limited to, seawalls and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion are encouraged and supported where necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures and where all reasonable mitigation measures and techniques have been provided to minimize environmental impacts.

It is recognized that maintenance, repair, and replacement of shore protection structures in the Dolphin Cove lagoon is authorized by Dolphin Cove General Permit No. GP-LIS-95-001 issued to the Dolphin Cove Club Corporation by the DEP.

5. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 5(a) Navigation Access: The right of the general public to use and have access to navigable waters in the Dolphin Cove area is protected, consistent with the Public Trust Doctrine. Public use of and access to navigable waters is encouraged, consistent with the littoral rights of shorefront property owners for reasonable access to navigable water and any rights associated with private ownership of underwater lands created by excavation of upland areas, including underwater lands in the Dolphin Cove lagoon.
- 5(b) Pedestrian Access: Any duly designated public access area providing opportunities for physical and visual access to navigable water, including navigable water in the Dolphin Cove lagoon and Tomac Cove, should be available for public use that is consistent with neighborhood character, parking and space limitations, and all applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and Connecticut Coastal Management Act.

6. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 6(a) Water Quality: Special attention should be given to maintaining and improving water quality in the enclosed and restricted Dolphin Cove lagoon. Upgrading of existing surface water quality in the Dolphin Cove area should be pursued through reduction or elimination of nonpoint sources of pollution and other appropriate actions as necessary to upgrade the State of Connecticut water quality designations from "SB/SA" to "SA."
- 6(b) Stormwater Management: The use of suitable structural and/or nonstructural best management practices and appropriate stormwater treatment systems and technology should be applied to manage, reduce, or otherwise control stormwater runoff into the Dolphin Cove lagoon and Tomac Cove.
- 6(c) Intertidal Resources: Any future plans for water and waterfront use and development should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on viable intertidal resources, including tidal wetlands and intertidal flats.
- 6(d) Beach and Shoreline Resources: Natural coastal resources associated with the shoreline, including but not limited to beach, bluff, and dune resources, should be managed and protected to ensure their ecological and recreational values. Planning

for flood and erosion control measures should take into consideration that beach erosion is a natural and ongoing process and that structural measures to stabilize the shoreline should be carefully planned and constructed to avoid adverse impacts on ecological functions and other properties.

WESTCOTT COVE

The Westcott Cove sub-area is to the east of Shippan Point. Its prominent features include Cummings Park and West Beach, one of the city's principal public boating and beach recreation areas. The excavated boat basin known as the Cummings Park lagoon is served by a Federally designated navigation channel which provides access to and from the lagoon and Long Island Sound through the Cove. Recreational boating facilities in the lagoon include the Cummings Park municipal marina, a yacht club, and a private marina. Other significant features include the waterfront residential neighborhoods on the east side of Shippan Point and the Cove-East Side neighborhoods east of Cummings Park. Westcott Cove contains the city's recreational shell-fishing beds as well as a number of boat mooring locations. (See Chapter 2.)

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations. (See Map 7-5.)

1. NAVIGATION PROJECT GUIDELINES AND RECOMMENDATIONS:

- 1(a) Federal Project Maintenance: The Westcott Cove Federal channel should be maintained according to its Congressionally authorized dimensions and location, including its authorized depth of 8 feet at mean low water and width of 100 feet. Maintenance dredging of the channel should be carried out in the most timely manner needed to provide safe navigation and the continued viability of the water-dependent uses in the Cummings Park lagoon, including public and private recreational boating facilities.

Dredging of the Federal channel by a nonfederal agency or organization in accordance with all applicable city, state, and federal requirements is encouraged and supported to provide the most timely channel maintenance in response to demonstrated need. Coordination of Federal channel maintenance and dredging of the Cummings Park marina is encouraged and supported as needed to achieve the most effective and efficient use of available resources for maintenance dredging.

- 1(b) Sand and Jetty Management: Preparation and implementation of an effective plan to a) manage the sand on Cummings Park Beach and West Beach and b) maintain the jetty at Cummings Park beach is encouraged and supported for the purpose of reducing and avoiding the alongshore movement of sand into the Federal channel and the resulting need for maintenance dredging of the channel.

- 1(c) “Open-to-All on Equal Terms”: Use of the Westcott Cove Federal channel will be in accordance with all applicable provisions concerning use of Federal navigation projects, including the USACE’s “open-to-all on equal terms” policy.



Figure 7-7: Westcott Cove looking east.

- 1(d) Navigation Fairways: Navigation fairways may be designated by the Commission as necessary to ensure safe and unrestricted passage of vessels to and from the Westcott Cove Federal channel and water-dependent facilities in the Cummings Park lagoon.
- 1(e) “Set-Backs” from Channel Boundaries: All public and private floats, docks, piers, and other in-water structures should be appropriately set back from the boundaries of the Westcott Cove Federal channel. Set-back distances should be sufficient to ensure that in-water structures and any vessels attached to those structures do not interfere with safe and unrestricted passage of any vessel using the channel. Appropriate set-back distances will be determined by the Commission in accordance with the set-back policies established in the Plan.
- 1(f) Aids to Navigation: Duly approved aids to navigation, including any buoys, beacons, signs, and other markers maintained by the U.S. Coast Guard, City of Stamford, marine facility operators, and others should be adequate for marking the Westcott Cove Federal channel, restricted speed areas, and any other conditions affecting ease and safety of navigation in Westcott Cove and the Cummings Park lagoon.

- 1(g) Nonfederal Dredging: Nonfederal dredging as needed to provide for safe and efficient navigation, public access to the SHMA, and the viability of water-dependent facilities in the Cummings Park lagoon, is encouraged and supported. Coordination of nonfederal dredging of the Cummings Park marina with maintenance of the Federal channel is encouraged and supported as needed to achieve the most efficient and effective use of available resources for maintenance dredging.

2. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 2(a) Vessel Speed and Operation: Vessel speed and operation shall be in accordance with all applicable city and state boating safety regulations. Effective enforcement of city- and state-established vessel speed restrictions, including the “slow-no wake” requirements of the Westcott Cove restricted speed zone established by the Stamford Cove of Ordinances, is encouraged and supported.
- 2(b) Avoiding Vessel Conflicts: Navigational uses of Westcott Cove, the Westcott Cove Federal channel, and Cummings Park lagoon should be effectively planned, managed, and regulated as necessary to avoid any conflicts between recreational and other vessels, including vessels participating in special water events.
- 2(c) Maintenance of In-Water Structures: Docks, floats, bulkheads, and other in-water structures, including structures associated with water-dependent facilities in the Cummings Park lagoon, should be maintained in a manner that: a) contributes to continued safe and beneficial use of Westcott Cove and the Cummings Park lagoon; and b) does not detract from the utility of the affected properties for water-dependent uses. All in-water structures shall be maintained in accordance with any maintenance conditions specified in State and/or Federal authorizations for those structures.
- 2(d) Emergency Services Facilities and Equipment: Suitable on-land and in-water facilities should be established and maintained to support effective access to Westcott Cove and the SHMA from Cummings Park for emergency response and law enforcement purposes by the Stamford Police Department, Fire Department, and other duly authorized law enforcement and emergency service agencies.

3. MOORING AND ANCHORING GUIDELINES AND RECOMMENDATIONS:

- 3(a) Mooring Plans: The location of any and all boat moorings in Westcott Cove should be carefully planned and controlled to ensure: a) navigation safety; b) orderly and efficient distribution of moorings to optimize the use of available mooring space; c) equitable use of public waters by the general public and shorefront residents; and d) protection of coastal resources.

- 3(b) Mooring Administration and Allocation: Administration and allocation of all mooring locations will be in accordance with all applicable provisions of the Plan, the Stamford Code of Ordinances, the Connecticut General Statutes, and any regulations concerning the mooring and anchoring of vessels adopted by the Commission.
- 3(c) Mooring Tackle and Buoy Standards: All mooring buoys and ground tackle shall conform to any regulations concerning mooring tackle adopted by the Commission. All buoys designating areas where boats may be anchored or moored shall comply with standards established in Regulations of Connecticut State Agencies Section 15-121-A3.
- 3(d) Mooring “Set-Backs”: No moorings shall be located within the Westcott Cove Federal channel and any navigation fairways designated in the Plan. All moorings should be set back from the channel and fairways a distance sufficient to ensure navigation safety.
- 3(e) Separation Between Moored Vessels: Adequate separation should be maintained between all moored vessels to help ensure public safety and reduce the risk of property damage caused by normal and abnormal marine conditions.
- 3(f) Placement of Moorings on Shellfish Grounds: In accordance with Sec. 26-157a(e) of the Connecticut General Statutes, no mooring or other structure should be placed on any private shellfish ground without the approval of the owner/lessee of that ground. Such approval should be based on reasonable and specific criteria.
- 3(g) Anchoring: Anchoring of vessels in Westcott Cove, including anchoring during special events, shall not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the SHMA. It is recognized that adequate space is not available for anchoring in the Cummings Park lagoon. The lack of anchoring space should not preclude vessels of suitable size seeking shelter or assistance in an emergency at the Cummings Park marina or other water-dependent facility in the lagoon.
- 3(h) Mooring for Special Events: Mooring of vessels supporting or otherwise participating in duly approved special events in Westcott Cove, including but not limited to public fireworks displays, may be permitted following appropriate reviews and approvals by city, state, and federal agencies.

4. WATERFRONT DEVELOPMENT GUIDELINES AND RECOMMENDATIONS:

- 4(a) Water-Dependent Uses: The continued beneficial operation of water-dependent facilities, including recreational boating facilities in the Cummings Park lagoon, is encouraged and supported, consistent with all other provisions of the Plan, the Stamford Master Plan, the Stamford Zoning Regulations, and the Connecticut Coastal Management Act. The authority and provisions of the Plan, Master Plan, Zoning Regulations, and CCMA should be applied to encourage and support the continued

operation and maintenance of such water-dependent facilities and to review any plans and proposals for new facilities.

Any expansion of existing boating facilities should be consistent with the capability of natural coastal resources to support such expansion in a safe and environmentally sound manner.

- 4(b) In-Water Structures: The littoral rights of waterfront property owners for reasonable access to navigable water should be protected. Consistent with those rights, new or extended floats, docks, piers, and other in-water structures, should not cause significant adverse impacts on natural resources, public access opportunities, visual quality, and traditional water uses. Alternatives to the construction of fixed structures to reach navigable water should be considered, including floating docks and individual-private moorings. The appropriate extent to which in-water structures should extend seaward to reach navigable water will be evaluated by the Commission taking into consideration the littoral rights of waterfront property owners, existing 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 pertinent conditions. The construction of new or extended floats, docks, and piers should not infringe on the littoral rights of adjoining property owners or interfere with navigation.
- 4(c) Neighborhood Protection: The existing character and quality of life associated with waterfront residential areas, including the residential areas along Shippan Point and in the Cove-East Side neighborhood, should be protected.
- 4(d) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that the maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent uses in the Cummings Park lagoon, including the Cummings Park marina and privately owned waterfront facilities. Well-designed shore protection projects to enhance water-dependent use of the Cummings Park lagoon are encouraged and enhanced, in accordance with a comprehensive park and marina management plan and consistent with all applicable city, state, and federal requirements. All proposals for maintenance, repair, and replacement of shore protection structures should be carefully designed and constructed to avoid waterward extension into the navigable waterway to the extent feasible.

Necessary measures to reduce the risks to life and property associated with coastal flooding and erosion in waterfront residential areas should be carefully planned and should not result in significant adverse impacts on natural coastal resources and nearby properties. Maintenance, repair, and replacement of existing structural measures including, but not limited to, seawalls and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion are encouraged and supported where necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where all reasonable mitigation measures and techniques have been provided to minimize environmental impacts.

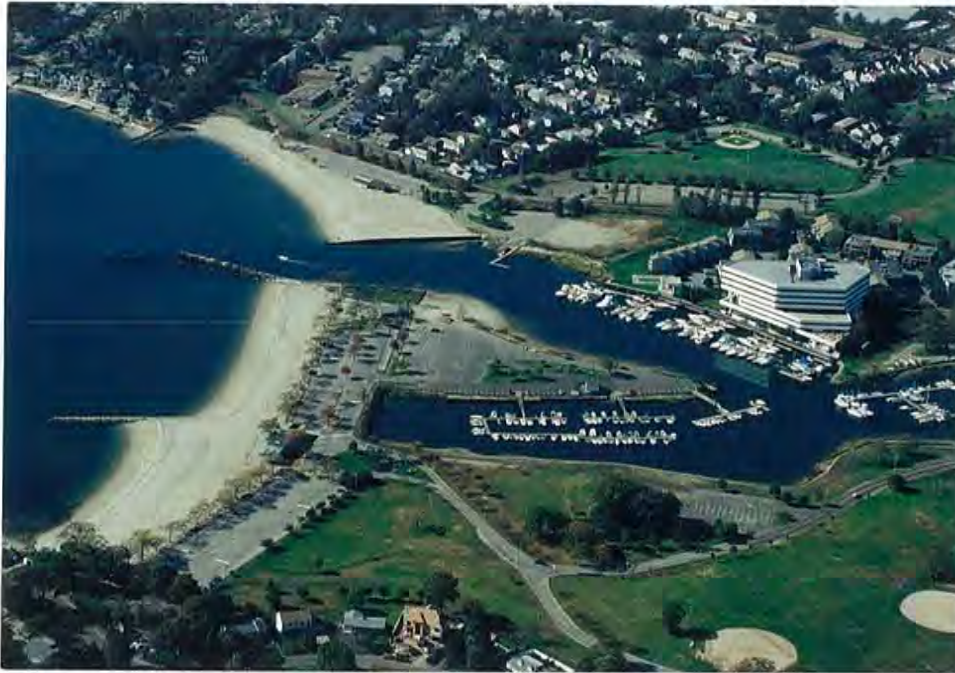


Figure 7-8: Cummings Park, West Beach, and Cummings Park Lagoon.

5. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 5(a) Cummings Park: Cummings Park including West Beach should be managed and maintained as a focal point and central facility for public water access activities on the Stamford shoreline. The park should be utilized to its full potential as a waterfront park providing opportunities for safe and enjoyable access to the SHMA, including access for swimming, fishing, shellfishing, and boating, as well as opportunities for special in-water and waterfront events.

Water access facilities to be maintained for public use and enjoyment include swimming beaches, waterfront picnic areas, pedestrian facilities for enjoying views of Westcott Cove and Long Island Sound, boat launching facilities, a public fishing pier, a public marina with facilities for accommodating visiting boaters, and other amenities. Enhancement of the park's water-dependent facilities is encouraged and supported, in accordance with a comprehensive park and marina management plan.

The level of facility maintenance and city resources allocated for that maintenance should be commensurate with the status of Cummings Park as one of the city's principal public boating and beach recreation areas.

- 5(b) Pedestrian Access: Well-designed and beneficial facilities for pedestrian access should be provided to connect all activities within the park and to link existing and any future public water-access facilities in the park with other parks and areas of the city.

- 5(c) Boat Launching Access: Continued use and enhancement of the West Beach boat launching area to enable safe and enjoyable access to Westcott Cove and the SHMA for recreational boating and emergency services purposes is encouraged and supported, including access by motorized and sail- and hand-powered vessels.
- 5(d) Cummings Park Marina: Cummings Park marina should be managed and maintained as a focal point and central facility for public boating activities on the Stamford shoreline. The marina should be utilized to its full potential as a public boating facility providing opportunities for safe and enjoyable boating access to the SHMA. Enhancement of marina facilities is encouraged and supported, in accordance with a comprehensive park and marina management plan. Opportunities for improving boating access to Westcott Cove and the SHMA from the marina, including opportunities for establishing a public landing (“Town Dock”) to serve visiting and resident boaters, should be evaluated and to the extent feasible pursued.

6. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 6(a) Water Quality: Special attention should be given to maintaining and improving water quality in the enclosed and constricted Cummings Park lagoon. Upgrading of existing surface water quality in Westcott Cove and the Cummings Park lagoon should be pursued through reduction or elimination of nonpoint sources of pollution and other appropriate actions as necessary to upgrade the State of Connecticut water quality designations from “SB/SA” to “SA.”

The city should maintain a regular program of water quality monitoring in the vicinity of the beach recreation areas and in the Cummings Park lagoon to identify any existing and potential sources of pollution and to establish and maintain a data base of information to support water quality improvement efforts.

- 6(b) Stormwater Management: The use of suitable structural and/or nonstructural best management practices (BMPs) and appropriate stormwater treatment systems and technology should be applied to manage, reduce, or otherwise control stormwater runoff into Westcott Cove and the Cummings Park lagoon, including runoff from public parking areas.
- 6(c) Marine Sanitation: A vessel-waste pump-out facility or facilities with adequate capacity to serve the needs of boaters in Westcott Cove and the Cummings Park lagoon should be maintained in the lagoon. Adequate restroom facilities for marina users and visiting boaters should be provided at the water-dependent facilities in the Cummings Park lagoon.
- 6(d) Intertidal Resources: Any future plans for waterfront development on, in, or contiguous to Westcott Cove and the Cummings Park lagoon should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on viable intertidal resources, including tidal wetlands and intertidal flats.

- 6(e) Shellfish Resources: Shellfish resources, including shellfish habitat and populations associated with the natural and recreational shellfish grounds in Westcott Cove and the private shellfish grounds in the Cove should be protected and, to the extent feasible, enhanced. Appropriate efforts by the Stamford Shellfish Commission and other authorized agencies to enhance shellfish resources for recreational use are encouraged and supported.
- 6(f) Beach and Shoreline Resources: Natural coastal resources associated with the Westcott Cove shoreline, including but not limited to beach, bluff, and dune resources, should be managed and protected to ensure their ecological and recreational values. Planning for flood and erosion control measures should take into consideration that beach erosion is a natural and ongoing process and that structural measures to stabilize the shoreline should be carefully planned and constructed to avoid adverse impacts on ecological functions and other properties.

7. SHELLFISHING GUIDELINES AND RECOMMENDATIONS:

- 7(a) Recreational Shellfishing: Continued access to the nearshore waters of Westcott Cove from Cummings Park and other appropriate locations for duly permitted recreational shellfishing, in conjunction with other beneficial recreational uses and in a manner that does not unreasonably conflict with those other uses, is encouraged and supported.
- 7(a) Commercial Shellfishing: Continued commercial shellfishing, duly permitted and in coordination with other water-dependent uses, including recreational and commercial uses is encouraged and supported.

COVE ISLAND HARBOR AND HOLLY POND

The Cove Island Harbor and Holly Pond sub-area is located on the eastern edge of the SHMA, east of the area known as Wallack's Point and bounded on the east by Stamford's boundary with the Town of Darien. The most prominent features of this area include Cove Island Park, one of Stamford's principal waterfront park and recreation areas, and Holly Pond, a major impoundment separated from Long Island Sound by two small dams. The municipal boundary between Stamford and Darien runs through the pond. A narrow, city-maintained navigation channel provides access to the Cove Island marina which is located between Cove Island and the mainland shoreline. Tidal exchange between Holly Pond and Cove Island Harbor occurs through the marina basin. (See Chapter 2.)

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations. (See Map 7-6.)



Figure 7-9: Cove Island Harbor, Cove Island Park, and Holly Pond.

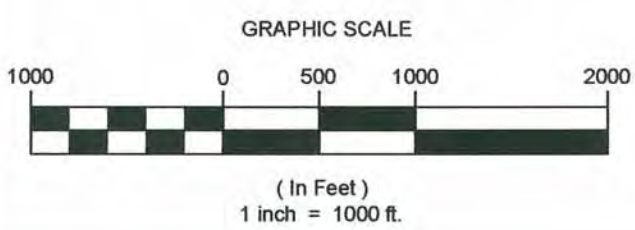
1. NAVIGATION PROJECT GUIDELINES AND RECOMMENDATIONS:

- 1(a) Cove Island Navigation Channel: The Cove Island navigation channel should be maintained to an appropriate width and depth suitable for supporting navigation by vessels using the Cove Island marina and boat launching ramp. Maintenance dredging of the channel should be carried out in the most timely manner needed to provide safe navigation and the continued viability of water-dependent uses at the Cove Island marina. In response to demonstrated need, restoration by the city of the traditional dimensions of the channel is encouraged and supported in accordance with all city, state, and federal requirements for maintenance dredging.
- 1(b) Sand Management: Preparation and implementation of an effective plan to manage the sand on the beaches at the mouth of the Cove Island channel is encouraged and supported for the purpose of reducing and avoiding the alongshore movement of sand into the channel and the resulting need for maintenance dredging of the channel.
- 1(c) Navigation Fairways: Navigation fairways may be designated by the Commission as necessary to ensure safe and unrestricted passage of vessels to and from the Cove Island channel and water-dependent facilities provided by the Cove Island marina.
- 1(d) “Set-Backs” from Channel Boundaries: All public and private floats, docks, piers, and other in-water structures should be appropriately set back from the boundaries of the Cove Island channel. Set-back distances should be sufficient to ensure that in-water structures and any vessels attached to those structures do not interfere with safe and unrestricted passage of any vessel using the channel. Appropriate set-back



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STAMFORD HARBOR MANAGEMENT COMMISSION
JULY 2008

MAP 7-6:
COVE ISLAND HARBOR AND HOLLY POND
GUIDELINES AND RECOMMENDATIONS



- NOTES:**
1. 2005 aerial photograph provided by the City of Stamford GIS Department.
 2. Town boundary from USGS topographic maps: Stamford and South Norwalk quadrangle from the CT-DEP GIS shape file "Towns for Clipping: found at WWW.DEP.STATE.CT.US.

distances will be determined by the Commission in accordance with the set-back policies established in the Plan.

- 1(e) Aids to Navigation: Duly approved aids to navigation, including any buoys, beacons, signs, and other markers maintained by the U.S. Coast Guard, City of Stamford, marine facility operators, and others should be adequate for marking the Cove Island channel, restricted speed areas, and any other conditions affecting ease and safety of navigation in Cove Island Harbor and Holly Pond.

2. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 2(a) Vessel Speed and Operation: Vessel speed and wake shall be in accordance with all applicable city and state boating safety regulations. Effective enforcement of city- and state-established vessel speed restrictions, including the “slow-no wake” requirements of the Cove Island Harbor restricted speed zone established by the Stamford Code of Ordinances, is encouraged and supported.
- 2(b) Avoiding Vessel Conflicts: Navigational uses of Cove Island Harbor and Holly Pond should be effectively planned, managed, and regulated as necessary to avoid any conflicts between vessels, including any conflicts among motorized and wind- and hand-powered vessels.
- 2(c) Maintenance of In-Water Structures: Docks, floats, bulkheads, and other in-water structures, including structures associated with water-dependent facilities provided at Cove Island Park, should be maintained in a manner that: a) contributes to continued safe and beneficial use of the park and marina; and b) does not detract from the utility of the affected properties for water-dependent uses. All in-water structures shall be maintained in accordance with any maintenance conditions specified in State and/or Federal authorizations for those structures.
- 2(d) Emergency Services Facilities and Equipment: Suitable on-land and in-water facilities should be established and maintained to support effective access to Cove Island Harbor and the SHMA from Cove Island Park for emergency response and law enforcement purposes by the Stamford Police Department, Fire Department, and other duly authorized law enforcement and emergency service agencies.

3. MOORING AND ANCHORING GUIDELINES AND RECOMMENDATIONS:

- 3(a) Mooring Plans: The location of any and all boat moorings in Cove Island Harbor should be carefully planned and controlled to ensure: a) navigation safety; b) orderly and efficient distribution of moorings to optimize the use of available mooring space; c) equitable use of public waters by the general public and shorefront residents; and d) protection of coastal resources.

- 3(b) Mooring Administration and Allocation: Administration and allocation of all mooring locations will be in accordance with all applicable provisions of the Plan, the Stamford Code of Ordinances, the Connecticut General Statutes, and any regulations concerning the mooring and anchoring of vessels adopted by the Commission.
- 3(c) Mooring Tackle and Buoy Standards: All mooring buoys and ground tackle shall conform to any regulations for mooring tackle adopted by the Commission. All buoys designating areas where boats may be anchored or moored shall comply with standards established in Regulations of Connecticut State Agencies Section 15-121-A3.
- 3(d) Separation Between Moored Vessels: Adequate separation should be maintained between all moored vessels to help ensure public safety and reduce the risk of property damage caused by normal and abnormal marine conditions.
- 3(e) Placement of Moorings on Shellfish Grounds: In accordance with Sec. 26-157a(e) of the Connecticut General Statutes, no mooring or other structure should be placed on any private shellfish ground without the approval of the owner/lessee of that ground. Such approval should be based on reasonable and specific criteria, consistently applied.
- 3(f) Anchoring: Anchoring of vessels in Cove Island Harbor should not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the SHMA. The lack of anchoring space in the Cove Island marina should not affect vessels of suitable size seeking shelter or assistance at the marina in an emergency.

4. WATERFRONT DEVELOPMENT GUIDELINES AND RECOMMENDATIONS:

- 4(a) Water-Dependent Uses: The continued beneficial operation of water-dependent facilities, including boating facilities at Cove Island Park, is encouraged and supported, consistent with all other provisions of the Plan, the Stamford Master Plan, the Stamford Zoning Regulations, and the Connecticut Coastal Management Act. The authority and provisions of the Plan, Master Plan, Zoning Regulations, and CCMA should be applied to encourage and support the continued operation and maintenance of such water-dependent facilities and to review any plans and proposals for new facilities.

Any expansion of existing boating facilities should be consistent with the capability of natural coastal resources to support such expansion in a safe and environmentally sound manner.

- 4(b) In-Water Structures: The littoral rights of waterfront property owners for reasonable access to navigable water should be protected. Consistent with these rights, new or extended floats, docks, piers, and other in-water structures, should not cause significant adverse impacts on natural resources, public access opportunities, visual quality, and traditional water uses. Alternatives to the construction of fixed structures

to reach navigable water should be considered, including floating docks and individual-private moorings. The appropriate extent to which in-water structures should extend seaward to reach navigable water will be evaluated by the Commission taking into consideration the littoral rights of waterfront property owners, existing 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. The construction of new or extended floats, docks, and piers should not infringe on the littoral rights of adjoining property owners or interfere with navigation.

- 4(c) Neighborhood Protection: The existing character and quality of life associated with waterfront residential areas, including the Cove-East Side neighborhoods, should be protected.
- 4(d) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that the maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent uses and existing waterfront development, including development in Cove Island Park. Well-designed shore protection projects to enhance water-dependent use of the park are encouraged and supported, in accordance with a comprehensive park and marina management plan and consistent with all applicable city, state, and federal requirements. All proposals for maintenance, repair, and replacement of shore protection structures associated with the Cove Island marina should be carefully designed and reviewed to avoid waterward extension beyond the extent necessary, thereby avoiding adverse impacts on navigation.

Necessary measures to reduce the risks to life and property associated with coastal flooding and erosion on waterfront properties should be carefully planned and should not result in significant adverse impacts on natural coastal resources and other properties. Maintenance, repair, and replacement of existing structural measures including, but not limited to, seawalls and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion is encouraged and supported where necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures and where all reasonable mitigation measures and techniques have been provided to minimize environmental impacts.

5. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 5(a) Cove Island Park: Cove Island Park should be managed and maintained as a focal point and central facility for public water access activities on the Stamford shoreline. The park should be utilized to its full potential as a waterfront park providing opportunities for safe and enjoyable access to the SHMA, including access for swimming, fishing, shellfishing, and boating, as well as opportunities for special water and waterfront events.



Figure 7-10: Cove Island Park and the Cove Island marina.

Water access facilities to be maintained for public use and enjoyment include swimming beaches, waterfront picnic areas, pedestrian facilities for enjoying views of Cove Island Harbor and Long Island Sound, a boat launching area, public fishing areas, a public marina with facilities for accommodating visiting boaters, and other amenities. Enhancement of the park's water-dependent facilities is encouraged and supported, in accordance with a comprehensive park and marina management plan. Opportunities for improving public access to Cove Island Harbor and the SHMA from the park should be evaluated and to the extent feasible pursued.

The level of facility maintenance and city resources allocated for facility maintenance should be commensurate with the status of Cove Island Park as one of the city's principal public boating and beach recreation areas.

- 5(b) Pedestrian Access: Well-designed and beneficial facilities for pedestrian access should be provided to connect all activities within the park and to link existing and any future public water-access facilities in the park with other parks and areas of the city.
- 5(c) Boat Launching Access: Continued use and enhancement of the Cove Island marina boat launching area to enable safe and enjoyable access to Cove Island Harbor and the SHMA for recreational boating and emergency services purposes is encouraged and supported, including access by motorized and sail- and hand-powered vessels.

- 5(d) Cove Island Marina: Cove Island Marina should be managed and maintained as a focal point and central facility for public boating activities on the Stamford shoreline. The marina should be utilized to its full potential as a public boating facility providing opportunities for safe and enjoyable boating access to the SHMA. Enhancement of marina facilities is encouraged and supported, in accordance with a comprehensive park and marina management plan. Opportunities for improving boating access to Cove Island Harbor and the SHMA from the marina, including opportunities for establishing a public landing (“Town Dock”) to serve visiting and resident boaters, should be evaluated and to the extent feasible pursued.
- 5(e) Cove Island Wildlife Sanctuary: The former brush disposal area should be managed as a natural area providing wildlife habitat and opportunities for wildlife observation and public views of Cove Island Harbor and Long Island Sound, consistent with the natural capacity of the area to support such passive recreational use in a safe and environmentally sound manner.

6. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 6(a) Water Quality: Special attention should be given to maintaining and improving water quality in the area of the Cove Island Marina and to maintaining appropriate tidal circulation between Cove Island Harbor and Holly Pond through the area known as the “gut.” Upgrading of existing surface water quality in the Cove Island Marina basin and Holy Pond should be pursued through reduction or elimination of nonpoint sources of pollution and other appropriate actions as necessary to upgrade the State of Connecticut water quality designations from “SC/SB” to “SB.” Water quality in Cove Island Harbor 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 feasible, future upgrading of the existing water quality designation are encouraged and supported.

The city should maintain a regular program of water quality monitoring in the vicinity of the beach recreation areas and in the Cove Island marina area to identify any existing and potential sources of pollution and to establish and maintain a data base of information to support water quality improvement efforts. An effective, ongoing program of water quality monitoring in Holly Pond and upstream in the Noroton River by qualified governmental and nongovernmental organizations is encouraged and supported.

- 6(b) Stormwater Management: The use of suitable structural and/or nonstructural best management practices (BMPs) and appropriate stormwater treatment systems and technology should be applied to manage, reduce, or otherwise control stormwater runoff into Holly Pond, the Cove Marina basin, and Cove Island Harbor, including runoff from public parking areas.

- 6(c) Management of Highway Pollutants: All feasible efforts by the State of Connecticut and City of Stamford to reduce the amount of pollutants discharged into Holly Pond from nearby roads and highways are encouraged and supported.
- 6(d) Marine Sanitation: A vessel-waste pump-out facility or facilities with adequate capacity to serve the needs of boaters in the Cove Island Marina should be provided at the marina. Adequate restroom facilities for marina users and visiting boaters should be provided at the marina.
- 6(e) Intertidal Resources: Any future plans for waterfront development on, in, or contiguous to Cove Island Harbor and Holly Pond should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on viable intertidal resources, including tidal wetlands and intertidal flats.
- 6(f) Shellfish Resources: Shellfish resources, including shellfish habitat and populations associated with the natural and recreational shellfish grounds in Cove Island Harbor as well as private shellfish grounds, should be protected and, to the extent feasible, enhanced. Appropriate efforts by the Stamford Shellfish Commission and other authorized agencies to enhance shellfish resources for recreational use are encouraged and supported.
- 6(g) Beach and Shoreline Resources: Natural coastal resources associated with the Cove Island harbor shoreline, including but not limited to beach, bluff, and dune resources, should be managed and protected to ensure their ecological and recreational values. Planning for flood and erosion control measures should take into consideration that beach erosion is a natural and ongoing process and that structural measures to stabilize the shoreline should be carefully planned and constructed to avoid adverse impacts on ecological functions and other properties.
- 6(h) Noroton River and Watershed: Beneficial efforts to improve water quality in Holly Pond and Cove Island Harbor that are planned and implemented, to the extent practical, on a watershed-wide basis in the Noroton River watershed are encouraged and supported. Restoration of Noroton River riparian habitat and aquatic resources affecting the SHMA is encouraged and supported, in accordance with all other applicable provisions of the Plan.

7. SHELLFISHING GUIDELINES AND RECOMMENDATIONS:

- 7(a) Recreational Shellfishing: Public access to the nearshore waters of Cove Island Harbor from Cove Island Park and other appropriate locations for duly permitted recreational shellfishing, in conjunction with other beneficial recreational uses and in a manner that does not unreasonably conflict with those other uses, is encouraged and supported.

- 7(a) Commercial Shellfishing: Continued commercial shellfishing, duly permitted and in coordination with other water-dependent uses, including recreational and commercial uses, and in a manner that does not unreasonably conflict with existing land and water uses is encouraged and supported.

8. MANAGEMENT COORDINATION GUIDELINES AND RECOMMENDATIONS:

- 8(a) Coordination with the Town of Darien: To the extent possible, the city should coordinate planning, management, and enforcement actions with the Town of Darien to address any common concerns that may affect Holly Pond and the Noroton River, including concerns for protection of coastal resources and water quality, regulation of boating activities, and inspection and maintenance of the Holy Pond dam.

OTHER STAMFORD WATERS IN THE SHMA

This sub-area is designated to cover all other navigable waters within the SHMA outside of the four distinct harbors of Stamford (Stamford Harbor, Dolphin Cove, Westcott Cove, and Cove Island Harbor). These other waters, not included in the previously described sub-areas, are bounded on the south by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in Long Island Sound where that straight line is within the projection of the boundary lines of the neighboring towns of Greenwich on the west and Darien on the east. (See Chapter 2.)

Future decisions affecting this sub-area should be consistent with the following harbor management guidelines and recommendations.



Figure 7-11: Stamford breakwaters and Shippan Point looking east.

1. PUBLIC SAFETY GUIDELINES AND RECOMMENDATIONS:

- 1(a) Vessel Speed and Operation: Vessel speed and wake shall be in accordance with all applicable city and state boating safety regulations, including regulations controlling the speed and operation of recreational and commercial vessels. Effective enforcement of city- and state-established vessel speed regulations is encouraged and supported.
- 1(b) Avoiding Vessel Conflicts: Recreational and commercial uses of the city's offshore waters should be effectively planned, managed, and regulated as necessary to avoid any conflicts between and among commercial and recreational vessels.

2. MOORING AND ANCHORING GUIDELINES AND RECOMMENDATIONS:

- 2(a) Moorings Plans: The location of any and all boat moorings in the city's offshore waters, including moorings for recreational and commercial use, should be carefully planned and controlled to ensure: a) navigation safety; b) orderly and efficient distribution of moorings to optimize the use of available mooring space; c) equitable use of public waters; and d) protection of coastal resources.
- 2(b) Moorings Administration and Allocation: Administration and allocation of all individual-private and "commercial" mooring locations will be in accordance with all applicable provisions of the Plan, the Stamford Code of Ordinances, the Connecticut General Statutes, and any regulations concerning mooring and anchoring of vessels adopted by the Commission.
- 2(c) Moorings Tackle and Buoy Standards: All mooring buoys and ground tackle shall conform to any regulations concerning mooring tackle adopted by the Commission. All buoys designating areas where boats may be anchored or moored shall comply with standards established in Regulations of Connecticut State Agencies Section 15-121-A3.
- 2(d) Separation Between Moored Vessels: Adequate separation should be maintained between all moored vessels to help ensure public safety and reduce the risk of property damage caused by normal and abnormal marine conditions.
- 2(e) Placement of Moorings on Shellfish Grounds: In accordance with Sec. 26-157a(e) of the Connecticut General Statutes, no mooring or other structure may be placed on any private shellfish ground without the approval of the owner/lessee of that ground. Such approval should be based on reasonable and specific criteria applied by the owner/lessee.
- 2(f) "Nurse" Moorings: Placement and use of any commercial mooring locations in the city's offshore waters shall require authorization from the USACE, DEP, and harbor master. Any proposal for placement of a commercial "nurse" mooring shall be carefully planned and reviewed to avoid, reduce, or otherwise mitigate any significant adverse impacts on coastal resources, water quality, navigation, and other pertinent marine conditions. No commercial "nurse" mooring should be authorized unless it

is clearly demonstrated by the applicant that no significant adverse impacts on pertinent marine conditions should be expected. Placement and use of any authorized mooring shall be in accordance with the terms and conditions as may be specified in the authorization for that mooring.

- 2(g) Anchoring: Anchoring of vessels in Stamford's offshore waters shall not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the SHMA.

3. WATERFRONT DEVELOPMENT GUIDELINES AND RECOMMENDATIONS:

- 3(a) In-Water Structures: The littoral rights of waterfront property owners for reasonable access to navigable water should be protected. Consistent with those rights, new or extended floats, docks, piers, and other in-water structures, should not cause significant adverse impacts on natural resources, public access opportunities, visual quality, and traditional water uses. Alternatives to the construction of fixed structures to reach navigable water should be considered, including floating docks and individual-private moorings. The appropriate extent to which in-water structures should extend seaward to reach navigable water will be evaluated by the Commission taking into consideration the littoral rights of waterfront property owners, existing 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. The construction of new or extended floats, docks, and piers should not infringe on the littoral rights of adjoining property owners or interfere with navigation.
- 3(b) Neighborhood Protection: The existing character and quality of life associated with waterfront residential areas, including the residential areas along Shippan Point, should be protected.
- 3(c) Maintenance, Repair, and Replacement of Shore Protection Structures: It is recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures is necessary from time to time to support continued beneficial water-dependent shoreline uses. Well-designed shore protection projects to enhance water-dependent uses are encouraged and supported, consistent with all applicable city, state, and federal requirements.

Necessary measures to reduce the risks to life and property associated with coastal flooding and erosion on waterfront properties should be carefully planned and should not result in significant adverse impacts on natural coastal resources and other properties. Maintenance, repair, and replacement of existing structural measures including, but not limited to, seawalls and riprap to stabilize the shoreline and/or protect existing development from flooding and erosion is encouraged and supported where necessary and unavoidable for the protection of infrastructural facilities, water-

dependent uses, or existing inhabited structures and where all reasonable mitigation measures and techniques have been provided to minimize environmental impacts.

4. PUBLIC ACCESS GUIDELINES AND RECOMMENDATIONS:

- 4(a) Navigation Access: The right of the general public to use and have access to the waters of Long Island Sound in accordance with the Public Trust Doctrine is protected. Public access to public trust waters is encouraged, consistent with the littoral rights of shorefront property owners for reasonable access to navigable water.

5. COASTAL RESOURCES AND WATER QUALITY GUIDELINES AND RECOMMENDATIONS:

- 5(a) Water Quality: Upgrading of existing surface water quality in Stamford's offshore waters should be pursued through reduction or elimination of nonpoint sources of pollution and other appropriate actions as necessary to upgrade the State of Connecticut water quality designation from "SB/SA" to "SA." Elsewhere in offshore waters, water quality should be maintained in accordance with the State of Connecticut "SA" water quality designation.
- 5(b) Intertidal Resources: Any future plans for enhancement or expansion of water-dependent uses in Stamford's offshore waters should be carefully planned to avoid, reduce, or otherwise mitigate any significant adverse impacts on intertidal resources, including viable tidal wetlands and intertidal flats.
- 5(c) Shellfish Resources: Shellfish resources, including shellfish habitat and populations, associated with natural and private shellfish grounds should be protected and, to the extent feasible, enhanced.
- 5(d) Beach and Shoreline Resources: Natural coastal resources associated with the Shippan Point shoreline, including but not limited to beach, bluff, and dune resources, should be managed and protected to ensure their ecological and recreational values. Planning for flood and erosion control measures should take into consideration that beach erosion is a natural and ongoing process and that structural measures to stabilize shoreline properties should be carefully planned and constructed to avoid adverse impacts on ecological functions and other shoreline properties.

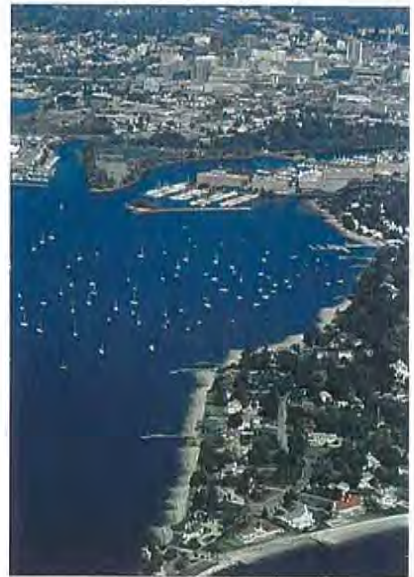
6. COMMERCIAL SHELLFISHING GUIDELINES AND RECOMMENDATIONS:

- 7(a) Commercial Shellfishing: Continued commercial shellfishing in conjunction with other water-dependent uses, including recreational and commercial uses, and in a manner that does not unreasonably conflict with existing land and water uses is encouraged and supported.

PART III:

PLAN IMPLEMENTATION

■ **CHAPTER EIGHT: AUTHORITIES AND RESPONSIBILITIES FOR
IMPLEMENTING THE HARBOR MANAGEMENT PLAN**



CITY OF STAMFORD
HARBOR MANAGEMENT PLAN
March 2009

Authorities and Responsibilities for Implementing the Stamford Harbor Management Plan

This chapter sets forth authorities and responsibilities for implementing the City of Stamford's harbor management goals, objectives, policies, guidelines, and recommendations established in the preceding chapters of the *City of Stamford Harbor Management Plan* (Plan).

Implementation of the Plan is pursued through an on-going, evolving process involving the coordinated actions of all city, state, and federal agencies with programs and authorities that affect the Stamford Harbor Management Area (SHMA).

Implementation authorities and responsibilities are herein organized with respect to: 1) the Mayor; 2) the Board of Representatives; 3) the Harbor Management Commission (Commission); 4) other city agencies; 5) the State of Connecticut harbor master for Stamford Harbor; 6) state and federal governmental agencies; and 7) private groups and individuals.

The order in which the authorities and responsibilities are presented does not imply priority. The authorities and responsibilities are summarized as Figure 8-1.



AUTHORITIES OF THE MAYOR:

1. Appointment of the members of the Commission.
2. Leadership and coordination for advancing the city's interests pertaining to the SHMA and waterfront.
3. Encouragement and support of harbor management projects and initiatives.

AUTHORITIES OF THE BOARD OF REPRESENTATIVES:

1. Adoption of the Plan and any future amendments to the Plan as needed to respond to changing conditions and circumstances.
2. Adoption of amendments to the Stamford Code, as needed, to implement certain provisions of the Plan.
3. Adoption of harbor management fee schedules.
4. Approval of the Mayor's appointments to the Commission.
5. Approval of capital budget requests affecting the SHMA.
6. Oversight of city-owned waterfront properties and facilities.

RESPONSIBILITIES OF THE HARBOR MANAGEMENT COMMISSION:

1. Planning and management of uses and activities affecting the SHMA to the maximum extent permissible under city, state, and federal law.
2. Ongoing coordination with city, state, and federal agencies concerning the SHMA.
3. Actions to ensure continued boating and navigation safety in the SHMA.
 - a. Recommend changes to the Stamford Code, as necessary, to implement provisions of the Plan, and submit the recommendations to the Board of Representatives for consideration and adoption.
 - b. Support and cooperate with state and federal agencies to identify and eliminate any unauthorized encroachments in the SHMA.
 - c. Review aids to navigation in and near the SHMA.
 - d. Designate navigation fairways, as needed.
 - e. Evaluate the appropriate extent to which docks and piers should extend seaward to reach navigable water.
 - f. Support for dredging of the federal navigation project, as needed.
 - g. Consider restricted speed zones as needed.

Figure 8-1: Summary of Authorities and Responsibilities for Plan Implementation.

4. Adoption and amendment of rules and regulations for harbor management.
 - a. Adopt “Rules and Regulations for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle,” as needed.
5. Implementation of Harbor Management Consistency Review Process to review all proposals potentially affecting the SHMA and determine the consistency of those proposals with the Plan.
 - a. Review of proposals to and by City of Stamford agencies.
 - b. Review of proposals to and by state agencies.
 - c. Review of proposals to and by federal agencies.
6. On-going examination of the effectiveness of the Plan and conditions in the SHMA; preparation of proposed amendments to the Plan and Stamford Code as necessary.
 - a. Annual Plan review.
 - b. Specific actions to amend the Plan and/or City ordinances for implementing the Plan, as needed.
 - c. Preparation of annual Harbor Management Plan Addendum, as needed.
7. Review of actions by the harbor master.
8. Advisory participation in the development of all city-supported planning and development initiatives affecting the SHMA.
9. Support and promotion of activities to increase public awareness concerning Stamford’s harbor management program.
10. Administration and allocation of funds for harbor management.
 - a. Identify and pursue potential sources of harbor management funds.
 - b. Propose fee schedules.
 - c. Prepare and review of annual operating budget.
11. Maintenance of a database of information and materials pertaining to the SHMA.
12. Pursuit of grants for harbor improvement and management.
13. Ongoing study of the SHMA to provide useful information for decision-making and other management purposes.
14. Identification and evaluation of potential sites for boating access to the SHMA.
15. Employment of consultants and other assistants, as needed, to assist with implementation of the Plan.
16. Encouragement of the presentation and discussion of all public concerns, including those of City residents, business owners, and boaters, related to the SHMA and Plan.

Figure 8-1: Summary of Authorities and Responsibilities for Plan Implementation (continued).

17. Maintenance of master schedule of activities in the SHMA.
18. Provision of recommendations to the Governor for appointment of the State of Connecticut harbor master and deputy harbor master for Stamford.

RESPONSIBILITIES OF OTHER CITY AGENCIES:

1. Referral of applications affecting the SHMA to the Commission for review and determination of consistency with the Plan.
2. Design of City proposals affecting the SHMA for consistency with the Plan; referral of city proposals to the Commission for review and determination of consistency with the Plan.
3. Implementation of agency responsibilities in a manner consistent with the Plan and in a manner that advances the Plan.
 - Operations Department: Provision of staff support for the Commission as necessary and feasible, including coordination to implement the Harbor Management Consistency Review Process.
 - Planning Board: Amendment, as necessary, and implementation of the Stamford Master Plan affecting the SHMA and waterfront properties.
 - Zoning Board: Amendment, as necessary, and enforcement of the Stamford Zoning Regulations affecting waterfront properties; Coastal Site Plan Review of most development activities within the coastal boundary.
 - Urban Redevelopment Commission: Preparation and implementation of redevelopment plans affecting the SHMA.
 - Shellfish Commission: Management and protection of shellfish resources.
 - Police Department: Enforcement of city and state boating laws and regulations, and coordination of emergency response activities with the Fire Department, harbor master, DEP, Coast Guard, and adjoining municipalities.
 - Fire Department: Coordination of emergency response activities with the Police Department, Harbor Master, DEP, Coast Guard, and adjoining municipalities.
 - Park Commission and Department: Management of waterfront parks, beaches, and other recreational facilities, including city boating facilities.
 - Land Use Bureau: Coordination of waterfront planning and zoning initiatives with the Commission and Plan.
 - Environmental Protection Board: Implementation of inland wetlands and floodplain regulations; advice on conservation, open space, and environmental protection matters.

Figure 8-1: Summary of Authorities and Responsibilities for Plan Implementation (continued).

RESPONSIBILITIES OF THE STATE OF CONNECTICUT HARBOR MASTER
FOR STAMFORD:

1. Conducting all duties in a manner consistent with the Plan.
2. Cooperation and coordination with the Commission and provision of assistance to the Commission, as needed, with implementation of the Plan.
3. Implementation of specific requirements for administration, placement, and inspection of all moorings in the SHMA.
 - a. Issuance of all mooring permits; allocation of all mooring locations; and collection of all mooring fees.
 - b. Maintenance of complete and accurate records of all mooring applications, mooring fees, mooring locations, and moored vessels.
 - c. Placement of mooring tackle to ensure proper location in suitable areas.
 - d. Inspection of mooring tackle at appropriate intervals to ensure compliance with minimum mooring tackle requirements.
 - e. Revocation of mooring permits for failure to comply with permit provisions.
 - f. Notification of fines for violation of mooring rules and regulations.
4. Assistance to the Stamford Police Department, DEP, and Coast Guard, as necessary, with regard to enforcement of city, state, and federal laws and regulations affecting the SHMA.
5. Application and interpretation of Connecticut boating statutes and regulations, as appropriate, including statutes and regulations concerning removal of abandoned and derelict vessels.
6. Operation of harbor master vessel as available.
7. Provision of information concerning boating rules and regulations, the Plan, and other harbor-related topics to the general public.
8. Ongoing communication with city, state, and federal agencies concerning Stamford's harbor management program.
9. Supervision of deputy harbor master.
10. Operation and maintenance of harbor master communications system.
11. Review and comment on proposals for dredging, filling, or placement of structures in the SHMA.
12. Assistance to the Commission for preparation of the Commission's annual operating budget.

Figure 8-1: Summary of Authorities and Responsibilities for Plan Implementation (continued).

<p>RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES:</p> <ol style="list-style-type: none"> 1. Review and approval of the Plan and any future Plan amendments. 2. Referral of applications for activities affecting the SHMA to the Commission for review and determination of consistency with the Plan; incorporation of Commission's consistency findings into review and decision-making processes. 3. Coordination and cooperation with the Commission for implementation of the Plan. <p>RESPONSIBILITIES OF PRIVATE INDIVIDUALS AND ORGANIZATIONS:</p> <ol style="list-style-type: none"> 1. Design of proposals affecting the SHMA for consistency with the Plan. 2. Demonstration of interest and support for Stamford's harbor management program. 3. Voluntary assistance for harbor management and improvement. 4. Notification of special events and major in-water activities.

Figure 8-1: Summary of Authorities and Responsibilities for Plan Implementation (continued).

AUTHORITIES OF THE MAYOR

As Stamford's Chief Executive Officer acting in coordination with the Board of Representatives, the Mayor provides leadership and support for implementing city plans, including the Plan, and for otherwise advancing the city's goals for beneficial use and conservation of the SHMA and waterfront. The Mayor can encourage an active, on-going city role for managing the SHMA and waterfront in accordance with Stamford Ordinance No. 1021 and the legislative intent of the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113s of the Connecticut General Statutes). In addition, the Mayor develops the city's annual budget request for approval by the Board of Representatives and coordinates the pursuit of other sources of funds that can be used to advance the city's harbor management goals.

The Mayor contributes to implementation of the Plan through:

1. APPOINTMENT OF THE MEMBERS OF THE COMMISSION.
2. LEADERSHIP AND COORDINATION FOR ADVANCING THE CITY'S INTERESTS PERTAINING TO THE SHMA AND WATERFRONT.
3. ENCOURAGEMENT AND SUPPORT OF HARBOR MANAGEMENT PROJECTS AND INITIATIVES.

1. Appointment of the members of the Commission.

As specified in Stamford Ordinance No. 1021, all members of the seven-member Commission are appointed by the Mayor with the approval of the Board of Representatives.

2. **Leadership and coordination for advancing the city's interests pertaining to the SHMA and waterfront.**

The Mayor provides leadership and coordination for achievement of the city's goals for land and water use, including goals established in the Plan and Stamford Master Plan. The Mayor provides leadership to ensure that all city agencies, including the Commission, actively pursue achievement of those city goals in the most coordinated and efficient manner, in accordance with each agency's mission.

3. **Encouragement and support of harbor management projects and initiatives.**

The Mayor can encourage, support, and otherwise provide leadership for implementing special projects and other initiatives for harbor management and waterfront use and development as may be recommended in the Plan and Stamford Master Plan. The Mayor may also propose and support other projects to achieve the city's goals for beneficial use and conservation of the SHMA and waterfront. The Mayor's support for harbor management and waterfront improvement initiatives may be expressed through requests for funds included in the city's annual operating and capital budget request submitted by the Mayor to the Board of Representatives; through coordination of the city's pursuit of other sources of funds, including state and federal grants, that can be applied to advance the city's harbor management goals; and through exercise of other mayoral responsibilities.

AUTHORITIES OF THE BOARD OF REPRESENTATIVES

As the legislative body of the City of Stamford, the Board of Representatives provides leadership and support for the city's land- and water-use planning initiatives, including harbor management initiatives, and can exercise the following responsibilities concerning adoption and implementation of the Plan:

1. ADOPTION OF THE PLAN AND FUTURE AMENDMENTS TO THE PLAN AS NEEDED TO RESPOND TO CHANGING CONDITIONS AND CIRCUMSTANCES.
2. ADOPTION OF AMENDMENTS TO THE STAMFORD CODE OF ORDINANCES, AS NEEDED, TO IMPLEMENT CERTAIN PROVISIONS OF THE PLAN.
3. ADOPTION OF HARBOR MANAGEMENT FEE SCHEDULES.
4. APPROVAL OF THE MAYOR'S APPOINTMENTS TO THE COMMISSION.
5. APPROVAL OF OPERATING AND CAPITAL BUDGET REQUESTS AFFECTING THE SHMA.
6. OVERSIGHT OF CITY-OWNED WATERFRONT PROPERTIES AND FACILITIES.

1. **Adoption of the Plan and any future amendments to the Plan as needed to respond to changing conditions and circumstances.**

Responsibility for adoption of the Plan rests with the Board of Representatives which may adopt the plan to guide and advance, in coordination with the Stamford Master Plan and Municipal Coastal Program: a) the beneficial use and development of the SHMA and waterfront; and b) the conservation of environmental quality in the SHMA. Section 22a-113m of the Connecticut General Statutes sets forth the procedure for approval and adoption of municipal harbor management plans.¹ In accordance with this procedure, the Plan prepared by the Commission must be reviewed by the USACE, approved by the Connecticut commissioners of environmental protection and transportation, and adopted by the Board of Representatives before it may take effect. The Board of Representatives must hold a public hearing prior to any action to adopt the Plan.²

The Commission is responsible for preparing proposed amendments to the Plan as necessary and must provide those proposed amendments to the USACE, State of Connecticut, and Board of Representatives. (See the following section on “Responsibilities of the Harbor Management Commission.”) After any proposed amendments have been approved by the State of Connecticut, they may be adopted by the board following the same procedure used to adopt the Plan. No Plan amendments may take effect until they are adopted by the board.

2. **Adoption of amendments to the Stamford Code of Ordinances, as needed, to implement certain provisions of the Plan.**

Stamford Ordinance No. 1021 establishes the powers and duties of the Commission. The Stamford Code of Ordinances may also establish regulations for use of the SHMA, including regulations for restricted speed zones. From time to time it may be necessary to amend the

¹ Section 22a-113m of the Connecticut General Statutes specifies that a municipal harbor management plan “... may be adopted by ordinance by the legislative body of each municipality...” With respect to this statute, “adopted by ordinance” is to be distinguished from “adopted as an ordinance.” The *City of Stamford Harbor Management Plan* and any future Plan amendments are not published and adopted as an ordinance. The “ordinance” by which the Board of Representatives may adopt the Plan and future Plan amendments should be in the form of a resolution following a public hearing. Stamford Ordinance No. 1021 may then be amended to include reference to the effective date of the adopted Plan and any future Plan amendments. Implementation of some aspects of the Plan and amendments to the Plan, however, may require adoption of amendments to other ordinances contained in the Stamford Code.

² Pursuant to Section 22a-113m of the General Statutes, the Plan was duly reviewed by the USACE; approved by the Commissioners of Environmental Protection and Transportation in June 2008; and then adopted by the Stamford Board of Representatives effective March 20, 2009. In accordance with the procedure set forth in this section of the General Statutes, any future Plan amendments prepared by the Harbor Management Commission should be provided by the Commission to the Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Environmental Protection (DEP). The OLISP distributes copies of the Plan to other DEP divisions, to the Connecticut Department of Transportation’s Bureau of Aviation and Ports, and to the USACE. The OLISP coordinates review and approval of the Plan by those agencies.

Code of Ordinances to implement certain provisions of the Plan. In accordance with Sections 22a-113m and 22a-113n of the Connecticut General Statutes, any proposed amendments to the Stamford Code for the purpose of implementing provisions of the Plan must be approved by the State of Connecticut and adopted by the Board of Representatives in the same manner as the Plan and any Plan amendments may be approved and adopted.

The Commission may prepare recommendations for proposed amendments to the Stamford Code of Ordinances needed to implement provisions of the Plan. (See the following section on “Responsibilities of the Harbor Management Commission.”) In accordance with Section 22a-113m of the General Statutes, the Commission must provide the recommended amendments to the USACE for review, to the State of Connecticut for approval, and to the Board of Representatives for adoption. The Board of Representatives must hold a public hearing prior to adoption of any proposed code amendments.³

3. **Adoption of harbor management fee schedules.**

In accordance with Section 22a-113s of the General Statutes and Sec. 8 of Stamford Ordinance No. 1021, the Commission has the authority to propose a fee schedule for a mooring or anchorage or any other activity within the scope of the Plan. To take effect, any such fee schedule must be adopted by vote of the Board of Representatives. Pursuant to the General Statutes and Ordinance No. 1021, all fees collected must be dedicated for maintenance and improvement of the SHMA for the public, and for personnel and equipment directly related to the function of the Commission and harbor master or deputy harbor master. (See the following section on “Responsibilities of the Harbor Management Commission.”)

4. **Approval of the Mayor’s appointments to the Commission.**

The procedure for appointment of the seven-member Commission is specified in Stamford Ordinance No. 1021. Members of the Commission are appointed by the Mayor with the approval of the Board of Representatives.

³ Any revisions to the Stamford Code of Ordinances pertaining to the operation of vessels must also be submitted to the 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 upon publication and posting as required by Section 15-138 of the General Statutes.

5. **Approval of the city's annual budget and other sources of funds affecting the SHMA.**

The Board of Representatives is responsible for approval of the operating and capital budget requests of city agencies and departments as submitted by the Mayor and for acceptance of other sources of funds, including state and federal grants, that can be applied for harbor management purposes. The annual budget may affect the SHMA in a number of ways. Some examples of harbor management-related budget requests include requests by the Stamford police and fire departments for necessary provision of emergency and other services to users of the SHMA and waterfront; requests by the Office of Operations and Water Pollution Control Authority for improvement of the city's stormwater and wastewater collection and treatment systems; and requests by the Park Commission for improvement of city boating and water access facilities.

6. **Oversight of city-owned waterfront properties and facilities.**

Although the city's Parks Department is responsible for day-to-day management of the city's parks, beaches, and other recreational facilities, the Board of Representatives has oversight and final authority with respect to use and management of all city-owned properties and facilities, including the city marinas and beach recreation areas providing access to the SHMA. As a result, the board has a significant role in the development and implementation of any future plans for enhancement of the city's waterfront parks and water access areas.

RESPONSIBILITIES OF THE 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 Stamford Ordinance No. 1021, the Commission is responsible for:

1. PLANNING AND MANAGEMENT OF USES AND ACTIVITIES AFFECTING THE SHMA TO THE MAXIMUM EXTENT PERMISSIBLE UNDER CITY, STATE, AND FEDERAL LAW.
2. ONGOING COORDINATION WITH CITY, STATE, AND FEDERAL AGENCIES CONCERNING MANAGEMENT OF THE SHMA.
3. ACTIONS TO ENSURE CONTINUED BOATING AND NAVIGATION SAFETY IN THE SHMA.
4. ADOPTION AND AMENDMENT OF RULES AND REGULATIONS FOR MANAGING THE SHMA.
5. IMPLEMENTATION OF A "HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS" TO REVIEW ALL PROPOSALS POTENTIALLY AFFECTING THE SHMA AND TO DETERMINE THE CONSISTENCY OF THOSE PROPOSALS WITH THE PLAN.
6. ON-GOING EXAMINATION OF THE EFFECTIVENESS OF THE PLAN AND OF CONDITIONS IN THE SHMA; PREPARATION OF PROPOSED AMENDMENTS TO THE PLAN AND STAMFORD CODE, AS NECESSARY.
7. REVIEW OF ACTIONS BY THE STATE OF CONNECTICUT HARBOR MASTER FOR STAMFORD.

(Continued)

8. ADVISORY PARTICIPATION IN THE DEVELOPMENT OF ALL CITY-SUPPORTED PLANNING AND DEVELOPMENT INITIATIVES AFFECTING THE SHMA.
 9. SUPPORT AND PROMOTION OF ACTIVITIES TO INCREASE PUBLIC AWARENESS CONCERNING STAMFORD'S HARBOR MANAGEMENT PROGRAM.
 10. ADMINISTRATION AND ALLOCATION OF FUNDS FOR HARBOR MANAGEMENT.
 11. MAINTENANCE OF A DATA BASE OF INFORMATION AND MATERIALS PERTAINING TO THE SHMA.
 12. PURSUIT OF GRANTS FOR IMPROVEMENT AND MANAGEMENT OF THE SHMA.
 13. ONGOING STUDY OF SHMA CONDITIONS TO PROVIDE USEFUL INFORMATION FOR DECISION-MAKING AND OTHER MANAGEMENT PURPOSES.
 14. IDENTIFICATION AND EVALUATION OF POTENTIAL SITES FOR BOATING ACCESS TO THE SHMA.
 15. EMPLOYMENT OF STAFF AND CONSULTANTS, AS NEEDED, TO ASSIST WITH IMPLEMENTATION OF THE PLAN.
 16. ENCOURAGEMENT OF THE PRESENTATION AND DISCUSSION OF ALL PUBLIC CONCERNS, INCLUDING CONCERNS OF CITY RESIDENTS, BUSINESS OWNERS, AND BOATERS, RELATED TO THE SHMA AND PLAN.
 17. MAINTENANCE OF A MASTER SCHEDULE OF ACTIVITIES IN THE SHMA.
 18. PROVISION OF RECOMMENDATIONS TO THE GOVERNOR FOR APPOINTMENT OF THE HARBOR MASTER AND DEPUTY HARBOR MASTER FOR STAMFORD.
1. **Planning and management of uses and activities affecting the SHMA to the maximum extent permissible under city, state, and federal law.**

Consistent with its powers, duties, and responsibilities as a harbor management commission authorized by the Connecticut General Statutes and established by ordinance in Stamford Ordinance No. 1021, the Commission should carry out the city's most direct responsibilities for managing the SHMA, including responsibilities for implementing the Plan. Through implementation of the Plan and according to the legislative intent of the Connecticut Harbor Management Act, the Commission should continue to expand the city's role, relative to state and federal authorities, for the planning, management, and regulation of actions affecting the SHMA.

The Commission may utilize committees as necessary to carry out its powers and duties in the most efficient manner, including committees to address preparation and review of budget and financial matters; review proposals for consistency with the Plan; and conduct other Commission responsibilities and programs.

2. **Ongoing coordination with city, state, and federal agencies concerning management of the SHMA.**

The Commission should maintain regular communication and liaison, as needed, with the various city agencies and departments with authorities and responsibilities concerning the SHMA, including the Planning Board, Zoning Board, Land Use Bureau, Office of Operations, Water Pollution Control Authority, Historic District Commission, Urban Redevelopment Commission, Environmental Protection Board, Office of Economic Development, Shellfish Commission, Stamford Police Department, Stamford Fire Department, Parks Commission, and any other agency with relevant authorities or programs. In addition, the Commission should maintain regular communication and liaison, as necessary, with: various divisions and units of the Connecticut Department of Environmental Protection (DEP); Bureau of Aviation and Ports of the Connecticut Department of Transportation (DOT); U.S. Army Corps of Engineers (USACE); U.S. Coast Guard; and other relevant state and federal agencies. The purpose of this communication and liaison should be to address matters affecting implementation of the Plan and to otherwise advance the city's goals for beneficial use and conservation of the SHMA.

3. **Actions to ensure continued boating and navigation safety in the SHMA.**

Acting in coordination with the State of Connecticut harbor master for Stamford, Stamford Police Department, USACE, DEP, and other involved agencies, the Commission should support and promote boating and navigation safety in the SHMA. To help ensure continued boating and navigation safety, the Commission may:

- a. Recommend changes to the Stamford Code of Ordinances, as necessary, to implement provisions of the Plan, and submit the recommendations to the Board of Representatives for consideration and adoption.

Section 15-136 of the Connecticut General Statutes enables the city to adopt local regulations respecting the operation of vessels in the SHMA. In addition, Section 22a-113n of the General Statutes enables the city to adopt ordinances to implement provisions of the Plan. Using this authority, the Commission may review city ordinances pertaining to the SHMA and recommend—for adoption by the Board of Representatives—any necessary changes to implement the Plan. Any recommended changes should be based on, and be in conformance with, the provisions of the Plan. In accordance with Section 22a-113m of the General Statutes, the Commission's recommendations for modifying appropriate sections of the Stamford Code of Ordinances to implement provisions of the Plan should be submitted to the USACE for review, to the State of Connecticut for approval, and to the Board of Representatives for adoption.

- b. Support and cooperate with state and federal agencies to identify and eliminate any unauthorized encroachments in the SHMA.

In accordance with the Plan, all unauthorized structures (including docks, piers, bulkheads, pilings, and moorings) and other work (including unauthorized dredging or fill) extending into the Stamford Harbor federal navigation project or into any other areas seaward of the high tide line should be eliminated or otherwise corrected. Any existing unauthorized encroachments (those pre-dating the effective date of the Plan and identified either prior to, or after the effective date of the Plan) should be evaluated individually by the appropriate 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 unauthorized encroachments constructed or occurring after the effective date of the Plan are eliminated or otherwise corrected by the offending party without delay. The Commission should discourage the issuance of “after-the-fact” permits that would bring such violations into compliance, unless there are compelling, clearly demonstrated reasons to do so.

- c. Review aids to navigation in and near the SHMA.

The Commission should periodically assess the adequacy of federal aids to navigation in and near the SHMA and transmit the results of this assessment to the appropriate office of the U.S. Coast Guard. With assistance from the Police Department and harbor master, the Commission may conduct an annual review of the number, type, location, and condition of federal and nonfederal aids to navigation in the SHMA.

The Commission should review the proposed placement of all nonfederal aids to navigation in the SHMA. The Commission may recommend, purchase, and direct the placement (following receipt of necessary state and federal permits) of additional nonfederal aids to navigation, as needed, to mark restricted speed zones and otherwise maintain and improve ease and safety of navigation in the SHMA.

- d. Designate navigation fairways, as needed.

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, through, and alongside the Stamford Harbor federal navigation project and other boating activity areas (including docking, launching, and mooring areas) in the SHMA.

- e. Evaluate the appropriate extent to which docks and piers should extend seaward to reach navigable water.

In accordance with the Plan, evaluation of proposed in-water structures should be carried out taking into consideration the littoral/riparian rights of waterfront property owners, the Public Trust Doctrine, existing conditions such as distance from shore to navigable water, location of the Stamford Harbor federal navigation project, relevant state and federal resource protection laws including the Connecticut Coastal Management Act, Tidal Wetlands Act, and Structures and Dredging Act, and other relevant conditions. The Commission's recommendations concerning the appropriate distance that docks and piers should extend from shore to reach navigable water should be a principal consideration in the decisions of state and federal permitting agencies.

The Commission should review proposed actions affecting the SHMA to help ensure that all in-water structures are set back a safe and sufficient distance from the nearest channel, anchorage, or fairway boundary, in accordance with the policies and guidelines established in the Plan.

- f. Support for dredging of the federal navigation project, as needed.

The Commission should serve as the city's principal advocate for maintenance dredging of the Stamford Harbor federal navigation project and should work cooperatively with the USACE and DEP to ensure that maintenance dredging is carried out in the most timely manner needed to maintain ease and safety of navigation and the continued viability of water-dependent uses. The Commission should encourage and support initiation and completion of environmental assessments and other pre-dredging requirements so that any needed maintenance dredging may be carried out without undue delay.

- g. Recommend restricted speed zones as needed.

Restricted speed zones controlling the speed and wake of all power-propelled vessels in the SHMA are established in the Stamford Code of Ordinances. In coordination with the Stamford Police Department and State of Connecticut harbor master for Stamford, and with consideration of public comments, the Commission may review the status of existing restricted speed zones and the marking of such zones in the SHMA, and may propose designation of new zones and/or modification of existing zones as may be needed to maintain public safety.

4. **Adoption and amendment of regulations for harbor management.**

Pursuant to its authority set forth in Sec. 7 of Stamford Ordinance No. 1021, the Commission should adopt and amend regulations as needed to guide its various activities for implementing

the Plan. All adopted regulations should conform to the adopted Plan and requirements of the Stamford Code.

- a. Adopt “Regulations for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle,” as needed.

To provide for adequate access for recreational and commercial vessels, for the safety of persons and property, and for the optimum use of the SHMA, the Harbor Management Commission may adopt “Regulations for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle.” The Commission should regularly review these regulations in coordination with the State of Connecticut harbor master for Stamford, and prepare any modifications or additions that may be appropriate.

5. **Implementation of Harbor Management Consistency Review Process to review all proposals potentially affecting the SHMA and to determine the consistency of those proposals with the Plan.**

In accordance with authority provided by Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, the Commission should review proposals affecting real property on, in, or contiguous to the SHMA for consistency with the Plan. The Commission is authorized to receive and review all proposals for dredging, filling, and constructing or altering any structure on, in, or contiguous to the SHMA, and to cooperate with federal and state authorities to ensure the consistency of those proposals with the Plan.

The Commission should apply specific procedures when reviewing proposals referred to it by: a) city agencies; b) the DEP; and c) the USACE. The Commission may use an application review committee to review proposals subject to the consistency review process and prepare recommendations for consideration by the full Commission. The Commission should make a determination of consistency and transmit that determination to the appropriate city, state, or federal agency.

The Commission will review a proposal for consistency with the Plan in accordance with a standard procedure that may involve: 1) pre-application consultation with the proponent for informational and advisory purposes only prior to preparation and submittal of a formal application by the proponent to the appropriate authorizing agency; 2) review of initial applications with the applicant and provision of preliminary findings and recommendations while reserving the Commission’s right to amend or modify those findings and recommendations prior to any final decision by the authorizing agency; and 3) final review and comment by the Commission at such time as the authorizing agency may issue a public notice seeking comments on the application or prior to any final decision by the authorizing agency on the application.

a. Review of proposals to and by City of Stamford agencies.

In accordance with authority provided by Section 22a-113p of the General Statutes and Stamford Ordinance No. 1021, proposals affecting real property on, in, or contiguous to the SHMA *submitted to or prepared by* the Zoning Board, Planning Board, Environmental Protection Board, Zoning Board of Appeals, Historic District Commission, Urban Redevelopment Commission, Office of Economic Development, Water Pollution Control Authority, and any other city agency with zoning, planning, or land use authority will be referred by these city agencies to the Commission for review and determination of consistency with the Plan. The following proposals are subject to review and consistency determination by the Commission:

- i. All development proposals subject to the municipal process of coastal site plan review set forth by the Connecticut Coastal Management Act and located on parcels adjacent to the SHMA or otherwise affecting the SHMA, with the exception of those proposed activities specifically exempt from the coastal site plan review process in accordance with the Stamford Zoning Regulations.
- ii. All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling of aquatic areas, or other activities seaward of the high tide line.
- iii. All proposed revisions or amendments to city plans, rules, or regulations affecting real property on, in, or contiguous to the SHMA.

In accordance with authority provided by Section 22a-113p of the General Statutes and Stamford Ordinance No. 1021, each city agency must refer all proposals subject to the harbor management consistency review process to the Commission at least thirty-five days prior to any city hearing on the proposal. If no hearing is to be held, the approving city agency must notify the Commission at least thirty-five days prior to any final action taken by the approving city agency.

The Commission should review referred proposals for consistency with the Plan and determine if the proposal is consistent with the Plan. The Commission should provide its consistency finding to the approving city 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 Section 22a-113p of the General Statutes, be considered as approval of the proposal.

When reviewing a proposal for consistency with the plan, the Commission should consider whether the proposal is consistent with the Plan's goals, objectives, policies, guidelines, and recommendations.

The approving agency must consider the comments and recommendations of the Commission. As required by Section 22a-113p of the General Statutes and Stamford Ordinance No. 1021, if the Commission finds that a proposal is inconsistent with the Plan, then that proposal cannot be approved unless the city agency with approval authority 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 Commission.

It should be the responsibility of project applicants to provide the Commission with the information necessary for the Commission to adequately assess the potential impacts of proposed projects on the SHMA and the consistency of such proposals with the Plan. The Commission may request that an applicant provide specific information addressing the consistency of the proposal with the Plan.

All applicants whose proposals are reviewed by the 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 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 Plan. A recommendation may include suggested conditions or modifications that would make an otherwise unacceptable proposal consistent with the Plan. Recommendations by the Commission, including suggested modifications and conditions, may be prepared with reference to the relevant sections of the Plan.

In addition, just as the activities of private individuals should be consistent with the Plan, so should activities of the city. Therefore, each city agency should work cooperatively with the Commission when developing any plans for city-sponsored projects or other initiatives that may affect the SHMA. Plans for city-sponsored initiatives should be submitted to the Commission for review as part of the harbor management consistency review process.

b. Review of proposals to and by State agencies.

All proposals for filling of aquatic areas, dredging, or placement of structures seaward of the high tide line are subject to State regulatory programs administered by the DEP and can not be implemented without authorization from the DEP. Applications for these proposals must be submitted by the project sponsor to the DEP's Office of Long Island Sound Programs (OLISP) for review and approval. To help implement Section 22a-113n of the Connecticut General Statutes which requires that the regulatory or development-related decisions of State officials be consistent with the Plan, the DEP should, upon the request of the Commission, forward copies of all applications for filling of aquatic areas, dredging, or placement of in-water structures in the SHMA to the

Commission. The Commission should review these proposals and comment to the DEP on the consistency of each proposal with the 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 city agencies.

Also, any proposal prepared by a State agency and affecting the SHMA should be designed for consistency with the Plan, and reviewed by the Commission for consistency with the Plan.

It is recommended that applicants for DEP permits to fill aquatic areas, dredge, or place structures in the SHMA provide their applications to the Commission at the same time as those applications are submitted to the DEP.

c. Review of proposals to and by federal agencies.

All proposals for filling of aquatic areas, dredging, or placement of structures seaward of the mean high water line are subject to federal regulatory programs administered by the USACE and cannot be implemented without authorization from the USACE. Applications for these proposals must be submitted by the project sponsor to the USACE for review and approval with respect to federal laws and regulations. In coordination with this federal review, the USACE should forward the public notice copies of all applications for filling of aquatic areas, dredging, or placement of in-water structures in the SHMA to the Commission. The Commission should review these proposals and comment to the USACE on the consistency of each proposal with the 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 city and state agencies.

Also, any proposal prepared by a federal agency and affecting the SHMA should be designed for consistency with the Plan, and reviewed by the Commission for consistency with the Plan.

It is recommended that applicants for USACE permits to fill aquatic areas, dredge, or place structures in the SHMA provide their permit applications to the Commission at the same time as those applications are submitted to the USACE.

6. Ongoing examination of the effectiveness of the Plan and conditions in the SHMA; preparation of proposed amendments to the Plan and Stamford Code as necessary.

The Plan should be amended, as needed, to respond to changing conditions and circumstances affecting the SHMA. Throughout the course of the year, members of the Commission should observe conditions and activities in the SHMA and assess how well the Plan is functioning with respect to those conditions and activities. Any identified issues may be discussed at the Commission's regularly scheduled monthly meetings. City officials and the

general public should be encouraged to attend Commission meetings and express any comments regarding the Plan and its effectiveness. The Commission is responsible for:

a. Annual Plan review.

Each year, preferably at the close of the boating season, the Commission may hold a meeting to review the Plan and consider if any changes are appropriate. This review should include examination of:

- Plan goals and objectives;
- Plan policies;
- Management guidelines and recommendations;
- Responsibilities for Plan implementation.

The Commission should consider any physical or institutional changes affecting the SHMA that have taken place during the preceding year, including new development, development proposals, physical changes caused by forces of nature, improvement or degradation of environmental quality, and any new plans or policies established by city, state, or federal agencies.

b. Specific actions to amend the Plan and/or city ordinances for implementing the Plan, as needed.

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 changes in text, maps, or other Plan aspects.
- 2) Obtain public comments on the proposed changes.
- 3) Submit the proposed changes to the USACE for review and to the DEP and DOT for review and approval.⁴
- 4) Make any changes to the Plan document following review of public comments and comments from the USACE, DEP, and DOT.
- 5) Adopt the changes.
- 6) Submit the changes to the Board of Representatives for adoption by the city.

⁴ In accordance with the procedure for approval and adoption of the Plan, proposed Plan amendments should be sent to the DEP OLISP. The DEP OLISP will distribute copies of the proposed amendments to other DEP divisions, to the DOT's Bureau of Aviation and Ports, and to the USACE. The DEP OLISP will coordinate review and approval of the proposed amendments by these agencies.

A similar procedure should be followed for any changes to applicable sections of the Stamford Code of Ordinances that may be needed to implement certain provisions of the Plan.

The Commission should not be restricted to any specific time period for making changes to the Plan. If unusual circumstances arise that require modification of the Plan, the Commission may initiate the review and amendment process at any time.

c. Preparation of "Harbor Management Plan Addendum," as needed.

Instead of rewriting and reprinting the Plan each time the Plan may be amended, the Commission may prepare a Plan addendum to summarize the significant changes that may have taken place, and to include any amendments to the Plan's provisions. As its resources may allow, the Commission should periodically publish a revised Plan document to incorporate updated descriptions of all relevant conditions that have changed since the Plan was adopted and/or last amended, as well as any Plan amendments that may have been adopted.

7. Review of actions by the harbor master.

Any person aggrieved by a decision or action of the State of Connecticut harbor master for Stamford may present his or her concerns to the 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 the Connecticut General Statutes provide no authority for harbor management commissions to overturn harbor master decisions or to act as appeals boards with regard to those decisions, the Commission can and should hear any local concerns that may be expressed with regard to actions by the harbor master. The Commission should attempt to resolve those concerns without usurping the harbor master's authority and then, if necessary, bring those concerns to the attention of the Connecticut Department of Transportation's Bureau of Aviation and Ports for any corrective action that may be necessary.

8. Advisory participation in all city-supported planning and development initiatives affecting the SHMA.

The Commission should provide comments to any city commission, department, or agency initiating a planning or development action with a potential impact on the SHMA. The Commission should provide information on how the proposed project can best be planned and implemented for consistency with the Plan and how the project can have the most positive impact on the SHMA. The Commission's advisory comments should 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 maintain cooperation and

coordination among all city commissions and departments with authorities that directly and indirectly affect the SHMA.

9. **Support and promotion of activities to increase public awareness concerning the Plan.**

Effective management of the SHMA and protection of the SHMA's environmental quality requires ongoing public support and involvement. In addition to providing a continuing forum for expression of public comments at its regularly scheduled and special meetings, the Commission may support and promote special programs and events to stimulate public interest and community involvement in matters pertaining to the SHMA.

The Commission should take an active role to inform and educate boaters and other users of the SHMA about the Plan. The Commission should also be a source of information to persons planning activities that would affect the SHMA and who are not familiar with requirements of state and federal permitting programs and provisions of the Plan.

The Commission should encourage and support programs that will educate the public with regard to proper use and protection of the SHMA's resources in accordance with the Plan. Each year the Commission may hold a "State of the Harbor" meeting to provide information to the public concerning the Plan and SHMA and to hear public comments concerning the Plan and SHMA.

The Commission may prepare informational materials for public distribution. Those materials may be used to highlight the major elements of the Plan, provide information on SHMA regulations, promote local attractions for visiting boaters, and provide information on other SHMA-related topics.

10. **Administration and allocation of funds for harbor management.**

Section 22a-113s of the Connecticut General Statutes authorizes establishment of a special Stamford Harbor Management Account to be used specifically for maintenance and improvement of the SHMA. This statute also authorizes the Commission to propose a fee schedule for any activity within the scope of the Plan. Collected fees must be deposited into the Harbor Management Account and used for maintenance and improvement of the SHMA for the public and for necessary expenses for personnel and equipment directly related to the functions of the Commission and the State of Connecticut harbor master or deputy harbor master for Stamford.

The Commission should regularly review the status of the Harbor Management Account and report to the Board of Representatives on the use and allocation of all monies from the account as necessary.

a. Identify and pursue potential sources of harbor management funds.

The Commission should evaluate potential sources of funds to be used for harbor improvement and management purposes and establish procedures to generate operating funds. Potential sources of funds to be considered include but are not limited to:

- Mooring permit fees applied to recreational and commercial vessels;
- Appropriations from the city's general fund;
- Fines for violations of city regulations and ordinances pertaining to the SHMA;
- Donations;
- State and federal government grants and grants from private sources; and
- Boat registration fees collected by the State of Connecticut.

b. Propose fee schedules for mooring permits and other activities within the scope of the Plan.

The Commission is responsible for proposing a fee schedule for a mooring or anchorage or any other activity within the scope of the plan. The proposed fee schedule must be submitted by the Commission to the Board of Representatives which may adopt such schedule. Fees should be commensurate with services provided by the city and harbor master and fees for moorings and anchorages may not exceed the maximum annual fee established in Section 22a-113s of the Connecticut General Statutes. In accordance with Section 22a-113s of the General Statutes, all fees collected must be dedicated for maintenance and improvement of the SHMA for the public, and for personnel and equipment directly related to the function of the Commission and the harbor master or deputy harbor master.

c. Preparation and review of annual operating budget.

The Commission should prepare 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 limited to:

- Office equipment and supplies;
- Secretarial services;
- Postage;
- Printing and photocopying;
- Legal advertisements;
- Telephone expenses;
- Preparation of informational/educational materials regarding the city's harbor management program;
- Additional investigations and studies of harbor management needs;
- Compensation to the harbor master or deputy harbor master for duties to assist the Commission;
- Conferences and other educational programs attended by Commission members;
- Purchase and maintenance of aids to navigation;

- Printing and distribution of the Plan;
- Emergency removal of unsafe or abandoned structures, including moorings and vessels;
- Harbor improvement projects consistent with the Plan; and
- Fees for consultants and other assistants retained to assist with implementation of the Plan.

The Commission should regularly review the status of its operating budget throughout the year.

11. **Maintenance of a database of information and materials pertaining to the SHMA.**

The Commission should organize and maintain a database of information pertaining to the SHMA. The data base, maintained in the Government Center, should serve as a source of information on existing and historic conditions in the SHMA and should be used by the Commission when making decisions pertaining to the SHMA. The database should contain information on all docks, piers, moorings, and other structures seaward of the high tide line, as well as all city, state, and federal permit applications reviewed by the Commission for consistency with the Plan. The database should also include reports, documents, studies, and photographs pertaining to the SHMA, and a compilation of all applicable city, state, and federal laws, regulations, ordinances, and policies affecting the SHMA. The Commission may establish a committee for the purpose of organizing and maintaining the data base.

12. **Pursuit of grants for harbor improvement and management.**

The Commission, in coordination with other city departments as necessary, may pursue governmental and private grants to help fund Harbor improvement projects. The Plan provides the basis for a number of projects eligible for state and federal grants, including grants available through the DEP's OLISP and Boating Division. Projects to improve public access to the SHMA, enhance environmental resources, and increase public awareness of the natural values of the SHMA are examples of potentially eligible projects.

13. **Ongoing study of the SHMA to provide useful information for decision-making and other management purposes.**

Conditions in the SHMA, particularly conditions pertaining to uses and activities in the SHMA and the institutional framework for managing the SHMA, are constantly changing. Some of the changes that will occur will affect the goals, objectives, policies, guidelines, and recommendations established in the Plan. As a result, it will be necessary for the Commission to continue to monitor conditions in the SHMA 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 educational institutions and students, which provide useful information for advancing the city's harbor management goals.

The Commission's continuing investigations should be designed to increase understanding of natural forces and human actions affecting the SHMA and to increase understanding of harbor management-related issues and concerns. These investigations should be applied to help provide a solid basis for future management decisions and for any modifications of the Plan that may be necessary in the future.

14. **Identification and evaluation of potential sites for public boating access to the SHMA.**

In coordination with other city agencies, the Commission may conduct a detailed evaluation of waterfront sites potentially suitable for development of public boating access facilities, including but not limited to dock space, boat slips, boat launching areas, and a public landing (Town Dock). The Commission may assist in the development of plans and cost estimates for development of those facilities, pursue available sources of development funds, apply for necessary state and federal permits, and assist with planning for site development to meet recreational boating and emergency access needs.

15. **Employment of consultants and other assistants, as needed, to assist with implementation of the Plan.**

Due to time and budget constraints, the city departments with expertise to assist the Commission may not always be able to provide the desired level of support. Also, implementation of aspects of the Plan may require the Commission to apply expertise and services that other city agencies may not be able to provide. Section 22a-113l of the Connecticut General Statutes empowers the Commission to enter into contracts, retain consultants and other assistants, and receive and expend funds for harbor management purposes. The Commission may therefore hire consultants and other assistants as necessary to assist with its powers, duties, and responsibilities pursuant to Plan implementation. When hiring consultants and other assistants, the Commission may allocate funds from the city's harbor management account.

16. **Encouragement of the presentation and discussion of all public concerns, including those of city residents, business owners, and boaters, related to the SHMA and the Plan.**

The Commission should provide those persons who and organizations which have harbor management-related questions, concerns, or suggestions with an opportunity to express their views. Providing a continuing forum for the expression of public concerns during its regularly scheduled and special meetings should help the Commission identify changing conditions and circumstances affecting the SHMA. This forum is also needed to help develop and maintain public awareness of SHMA resources and to maintain a base of public

support for the city's harbor management initiatives. Each year the Commission may hold a special public meeting — a “State of the Harbor” meeting — to hear the concerns, questions, and thoughts of city residents, waterfront property owners, water-dependent facility operators, and others concerning the SHMA and the Plan.

17. **Maintenance of master schedule of activities in the SHMA.**

To ensure that major in-water special events and any activity expected to significantly affect navigation facilities do not create undue congestion or conflicts, the Commission should maintain a master schedule of activities in the SHMA. All sponsors of major in-water events should notify the Commission in advance of their proposed activity. This notification should include the following information:

- General nature of event;
- Specific activities to occur;
- Date(s) event will take place;
- Location of event;
- Number of vessels to actively participate;
- Estimated number of observer vessels;
- Any potential disruption of normal in-water activities resulting from the event;
- Safety measures to be taken by sponsor;
- Potential adverse environmental impacts that may be associated with the event and measures to mitigate the impacts; and
- Compliance with applicable city, state, and federal requirements for in-water activities.

The Commission may provide a form designed to record the above information. This form should be completed by the sponsors of significant 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 activities affecting the SHMA.

18. **Provision of recommendations to the Governor for appointment of the State of Connecticut harbor master and deputy harbor master for Stamford.**

The Stamford harbor master and deputy harbor master are appointed by the Governor for three-year terms. Section 15-1 of the Connecticut General Statutes requires that the appointment of a harbor master and deputy harbor master for the harbor of 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 the municipality's harbor management commission. Accordingly, prior to expiration of the terms of service of the Stamford harbor master and deputy harbor master, the Commission should provide the Governor with recommendations for appointments to these positions.

RESPONSIBILITIES OF OTHER CITY AGENCIES

In addition to the Commission, a number of other city agencies have responsibilities affecting the SHMA. These include the Planning Board, Zoning Board, Zoning Board of Appeals, Shellfish Commission, Office of Operations, Environmental Protection Board, Urban Redevelopment Commission, Historic District Commission, Office of Economic Development, Water Pollution Control Authority, Police Department, and Fire Department.

The Plan does not alter the authorities of these other city agencies. The Plan requires, however, that all city agencies with Harbor management-related responsibilities carry out those responsibilities, to the extent feasible, in a manner consistent with the goals, objectives, policies, guidelines, and recommendations established in the Plan. The harbor management consistency review process will help to ensure this consistency. (See the previous section on “Responsibilities of the Commission.”) City agencies other than the Commission have the following basic responsibilities for implementing the Plan.

1. REFERRAL OF APPLICATIONS FOR ACTIVITIES AFFECTING THE SHMA TO THE COMMISSION FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE PLAN.
2. DESIGN OF CITY PROPOSALS AFFECTING THE SHMA FOR CONSISTENCY WITH THE PLAN; REFERRAL OF CITY PROPOSALS TO THE COMMISSION FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE PLAN.
3. IMPLEMENTATION OF AGENCY RESPONSIBILITIES IN A MANNER CONSISTENT WITH THE PLAN AND IN A MANNER THAT ADVANCES THE PLAN.

1. Referral of applications for activities affecting the SHMA to the Commission for review and determination of consistency with the Plan.

In accordance with Section 22a-113p of the Connecticut General Statutes, Stamford Ordinance No. 1021, and the city’s harbor management consistency review process, each city commission or department with authority to approve a proposed action affecting real property on, in, or contiguous to the SHMA should refer the application for that proposed action to the Commission for review. (See the previous section on “Responsibilities of the Commission.”) 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 city agency.

The Commission will review the application for consistency with the Plan and determine if the proposal is consistent with the Plan. As required by Section 22a-113p of the Connecticut General Statutes and Stamford Ordinance No. 1021, if the Commission finds that the application is inconsistent with the Plan, the proposal can not be approved unless the city agency with authority to approve the proposal acts to over-ride the Commission’s finding by a two-thirds vote of all members (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 Commission.

Each city agency affected by the harbor management consistency review process should work with the Commission to establish appropriate procedures for providing applications to the Commission and to otherwise maintain coordination with the Commission.

The harbor management consistency review process ensures that activities that would affect the SHMA are reviewed for consistency with the Plan. The consistency review process is carried out within the framework of the city's existing review processes so as to not add additional time to those existing processes. Section 22a-113p of the General Statutes and Stamford Ordinance No. 1021 require that a city commission or department with authority to approve a proposed action affecting the SHMA provide that proposal to the Commission at least thirty-five days before the approving agency must act on the proposal. Within that 35-day period, the Commission will evaluate the consistency of the proposal with the Plan and make a recommendation to the approving agency. If no comment on the consistency of the proposed project is made by the Commission prior to the decision deadline, the proposal will be deemed consistent with the Plan.

2. **Design of city proposals affecting the SHMA for consistency with the Plan; referral of city proposals to the Commission for review and determination of consistency with the Plan.**

Just as proposals from the private sector affecting the SHMA and submitted to city agencies for approval should be consistent with the Plan, so should proposals prepared by the city. Therefore, each city agency should work cooperatively with the Commission when developing any plans for city-sponsored projects or other initiatives that may affect the SHMA. City-sponsored initiatives affecting real property on, in, or contiguous to the SHMA should be submitted to the Commission for review as part of the harbor management consistency review process. The purpose of this review is to ensure that city-prepared proposals are consistent with the Plan and contribute to achievement of the city's harbor management goals; the review should also serve to enhance communication and coordination among the involved city agencies.

3. **Implementation of agency responsibilities in a manner consistent with the Plan and in a manner that advances the Plan.**

City agencies that should carry out their responsibilities affecting the SHMA in a manner consistent with the Plan and in a manner that contributes to Plan implementation include, but are not limited to, the agencies listed below with some of their relevant responsibilities.

- **Operations Department:** Provision of staff support for the Commission to the extent necessary and feasible, including coordination to implement the harbor management

consistency review process. Design and management of the city's stormwater collection and treatment system. (The Director of Operations serves as an ex-officio, nonvoting member of the Commission in accordance with Sec. 1 of Stamford Ordinance No. 1021.)

- Planning Board: Amendment, as necessary, and implementation of the Stamford Master Plan as that plan affects the SHMA and waterfront properties.
- Zoning Board: Amendment, as necessary, and enforcement of the city's zoning regulations as those regulations affect waterfront properties; coastal site plan review of most development activities within the city's coastal area.
- Urban Redevelopment Commission: Preparation and implementation of redevelopment plans affecting the SHMA.
- Shellfish Commission: Management and protection of shellfish resources in the SHMA.
- Police Department: Enforcement of city and state boating laws, regulations, and ordinances and coordination of emergency response activities with the Fire Department, State of Connecticut harbor master for Stamford, DEP, U.S. Coast Guard, and municipalities with jurisdictions adjoining the SHMA; provision of monthly report of Marine Division activities to the Commission; police patrols and law enforcement at waterfront locations; assistance with coordination and monitoring at special water and waterfront events. (The Chief of Police serves as an ex-officio, nonvoting member of the Commission in accordance with Sec. 1 of Stamford Ordinance No. 1021.)
- Fire Department: Coordination of emergency response activities, including response to oil and fuel spills, with Police Department, harbor master, DEP, U.S. Coast Guard, and municipalities with jurisdictions adjoining the SHMA; compilation of records concerning oils and fuel spills affecting the SHMA.
- Park Commission and Department: Management of waterfront parks, beaches, and other recreational facilities, including the city's public marina facilities.
- Land Use Bureau: Coordination of waterfront planning and zoning matters with the Commission and the Plan as well as coordination of implementation of the harbor management consistency review process as that process involves city land-use agencies.
- Environmental Protection Board: Implementation of the city's inland wetlands and floodplain management regulations; advice to city agencies on conservation, open space, and environmental protection matters.

RESPONSIBILITIES OF THE STATE OF CONNECTICUT HARBOR MASTER FOR STAMFORD

The State of Connecticut harbor master for Stamford is appointed by the Governor of Connecticut for a three-year term and is responsible for the general care and supervision of the SHMA and its navigable waterways.⁵ The harbor master is subject to the direction and control of the State Commissioner of Transportation acting through the Bureau of Aviation and Ports of the DOT. (See Chapter 2.) Principal duties of the harbor master are included in Sections 15-1 through 15-9 and other sections of the Connecticut General Statutes. The harbor master has the following responsibilities concerning implementation of the Plan.

1. CONDUCTING ALL DUTIES IN A MANNER CONSISTENT WITH THE PLAN.
2. COOPERATION AND COORDINATION WITH THE COMMISSION AND PROVISION OF ASSISTANCE TO THE COMMISSION, AS NEEDED, WITH IMPLEMENTATION OF THE PLAN.
3. IMPLEMENTATION OF SPECIFIC REQUIREMENTS FOR ADMINISTRATION, PLACEMENT, AND INSPECTION OF ALL MOORINGS IN THE SHMA.
4. ASSISTANCE TO THE STAMFORD POLICE DEPARTMENT, DEP LAW ENFORCEMENT DIVISION, AND COAST GUARD, AS NECESSARY, WITH REGARD TO ENFORCEMENT OF CITY, STATE, AND FEDERAL LAWS AND REGULATIONS AFFECTING THE SHMA.
5. APPLICATION AND INTERPRETATION OF THE CONNECTICUT BOATING STATUTES AND REGULATIONS, INCLUDING STATUTES AND REGULATIONS CONCERNING REMOVAL OF ABANDONED AND DERELICT VESSELS.
6. OPERATION OF HARBOR MASTER VESSEL.
7. PROVISION OF INFORMATION CONCERNING BOATING RULES AND REGULATIONS, THE PLAN, AND OTHER HARBOR-RELATED TOPICS TO THE GENERAL PUBLIC.
8. ONGOING COMMUNICATION WITH CITY, STATE, AND FEDERAL AGENCIES CONCERNING THE SHMA.
9. SUPERVISION OF THE DEPUTY HARBOR MASTER.
10. OPERATION AND MAINTENANCE OF HARBOR MASTER COMMUNICATIONS SYSTEM.
11. REVIEW AND COMMENT ON PROPOSALS FOR DREDGING, FILLING, OR PLACEMENT OF STRUCTURES IN THE SHMA.
12. ASSISTANCE TO THE COMMISSION FOR PREPARATION OF THE COMMISSION'S ANNUAL OPERATING BUDGET.

⁵ 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 the previous section on "Responsibilities of the Harbor Management Commission.")

1. **Conducting all duties in a manner consistent with the Plan.**

Section 15-1 of the Connecticut General Statutes requires that “The harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any plan adopted pursuant to section 22a-113m for a harbor over which they have jurisdiction.” Actions of the Stamford harbor master pursuant to his or her responsibilities established in applicable sections of the Connecticut General Statutes therefore must be consistent with the goals, objectives, policies, guidelines, and recommendations contained in the Plan and any future Plan amendments.

2. **Cooperation and coordination with the Commission and assistance to the Commission, as needed, with implementation of the Plan.**

As authorized by Section 22a-113k of the Connecticut General Statutes and established by Stamford Ordinance 1021, the harbor master is a nonvoting, ex-officio member of the Commission. When exercising responsibilities for mooring administration and conducting other statutory duties for the safe and efficient operation of the SHMA, the harbor master shall work cooperatively with the Commission and otherwise assist the Commission with implementation of the Plan. The harbor master will attend the Commission’s monthly meetings, provide a monthly report of his or her activities to the Commission, and discuss issues, occurrences, and events pertinent to the goals, aims, and concerns of the Commission as necessary. In addition, the harbor master will attend special public meetings that may be held by the Commission to report on his or her activities and address questions raised by the public. The harbor master will also attend meetings of the Commission’s committees and provide assistance to those committees as necessary to address matters affecting the safe and efficient operation of the SHMA.

3. **Implementation of specific requirements for administration, placement, and inspection of all moorings in the SHMA.**

The harbor master is responsible for administration, placement, and inspection of all moorings in the SHMA in accordance with Section 15-8, Section 22a-113r, 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 the “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission. Mooring-related responsibilities include:

- a. **Issuance of all mooring permits; allocation of all mooring locations; and collection of all mooring fees.**

In accordance with Section 22a-113r of the General Statutes and the Commission’s “Rules and Regulations for Mooring and Anchoring Vessels,” the harbor master must

approve the locations of all moorings within the SHMA. 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 SHMA until the location of that mooring has been approved by the harbor master.

Pursuant to Section 22a-113s of the General Statutes and the Stamford mooring fee schedule, the harbor master will collect the appropriate fee, duly proposed by the Commission and adopted by the Board of Representatives, from any person, association, corporation, or other group receiving a new or renewed permit for a mooring location in the SHMA. The harbor master will prepare transmittal forms and deposit the collected mooring permit and application fees into the Stamford harbor management account established by the city pursuant to Section 22a-113s of the General Statutes. The harbor master shall provide a regular accounting of collected fees to the Commission, including a report to the chairman of the Commission's Finance Committee regarding deposit amounts and details of deposit information.

- b. Maintenance of complete and accurate records of all mooring applications, mooring fees, mooring locations, and moored vessels.

The harbor master shall maintain complete and accurate records of all mooring applications, collected permit and application fees, mooring locations, and moored vessels. This information will 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 entire SHMA or within a particular SHMA location. As feasible, a computerized database of mooring records should be maintained. An up-to-date copy of mooring records will be maintained in the Stamford Government Center 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 will supervise the placement of all mooring tackle to ensure its proper location in suitable areas. Supervision of mooring tackle placement may be delegated by the harbor master to the deputy harbor master, other city official appointed by the Commission, and/or a qualified commercial service.

- d. Inspection of mooring tackle at appropriate intervals to ensure compliance with minimum mooring tackle requirements.

The harbor master is responsible for ensuring that mooring tackle used in the SHMA is inspected at appropriate intervals according to the provisions of the "Rules and Regulations for Mooring and Anchoring Vessels" adopted by the Commission. Each mooring permit holder is responsible for periodically having his or her mooring tackle inspected to ensure that it meets or exceeds the "Minimum Standards for Mooring

Tackle” adopted by the Commission. This inspection may be performed by the harbor master, deputy harbor 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 tackle location can be used.

The harbor master may prepare a list of individuals and businesses certified by the harbor master as qualified to conduct required inspections of mooring tackle. The harbor master may provide that list to all mooring permit holders. The harbor master will ensure that all such certified individuals and businesses are knowledgeable of all pertinent rules, regulations, and standards concerning mooring tackle inspection in the SHMA.

Each mooring permit holder must submit documentation to the harbor master, to the satisfaction of the harbor master, that the required mooring tackle 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 will revoke a mooring permit under certain conditions as specified in the “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission.

f. Notification of fines for violation of mooring rules and regulations:

Pursuant to Section 15-8 of the General Statutes and the provisions of the “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Commission, the harbor master will impose appropriate fines for violations of those rules and regulations, to be collected according to duly established procedures set forth in the Connecticut General Statutes and Stamford Code of Ordinances. The harbor master will provide a regular accounting of imposed and collected fines to the Commission.

4. **Assistance to the Stamford Police Department, DEP Division of State Environmental Conservation Police, and Coast Guard, as necessary, with regard to enforcement of city, state, and federal laws and regulations affecting the SHMA.**

The harbor master will provide appropriate assistance to city, state, and federal law enforcement agencies, as needed, to maintain boating and navigation safety in the SHMA. The harbor master’s responsibility in this regard shall be carried out in a manner consistent with all applicable federal, state, and city laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes. The harbor master may call upon the Stamford Police Department or state or federal law enforcement

authority for assistance in all situations potential arrest or confrontation. The harbor master should advise the Police Department, DEP, USACE, and/or U.S. Coast Guard, as necessary, of any problems concerning enforcement of city, state, and/or federal laws and regulations affecting the SHMA.

5. **Application and interpretation of the Connecticut boating statutes and regulations, as appropriate, including statutes and regulations concerning removal of abandoned and derelict vessels.**

Consistent with all applicable federal, state, and city laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes, the harbor master has responsibilities for implementing certain State of Connecticut boating statutes and regulations as they relate to use of the SHMA, and for communication of these statutes and regulations, as necessary, to the public. Further, as necessary for maintaining safe and functional waterways in the SHMA, the harbor master will assist in interpreting the statutes and regulations as they apply to the SHMA. These responsibilities will be carried out in collaboration with the Commission, Stamford Police Department, DOT, DEP, and other involved agencies and departments.

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 Commission, Police Department, and other appropriate agencies or departments, the harbor master is authorized to enforce the provisions of this statute in the SHMA. In accordance with Section 15-140c of the General Statutes, all expenses necessarily incurred in the removal of an abandoned vessel shall be a lien upon such vessel.

6. **Operation of harbor master vessel as available.**

The harbor master (and deputy harbor master at the direction of the harbor master) may operate a vessel for the purpose of conducting the harbor master’s statutory duties. Such vessel will be appropriately marked and readily identifiable when operated for that purpose. As available, the harbor master vessel will be operated for the purpose of responding to boating and navigation issues in the SHMA. The normal period of operation of the harbor master vessel should be from May through October during which time the harbor master may conduct routine inspections of the SHMA. The purpose of those inspections will be to help assure safe and efficient operation of the SHMA and compliance with applicable State laws and regulations and city ordinances. When operating the harbor master vessel, the harbor master and deputy harbor master will wear an appropriate uniform that readily identifies them as officers of the State of Connecticut performing the duties of the harbor master and deputy harbor master.

7. **Provision of information concerning boating rules and regulations, the Plan, and other harbor-related topics to the general public.**

The harbor master will assist the Commission with provision of information to the general public concerning applicable boating laws and regulations, conditions in the SHMA, the provisions of the Plan, “Rules and Regulations for Mooring and Anchoring Vessels,” “Minimum Standards for Mooring Tackle,” and other information intended to maintain boating and navigation safety in the SHMA and increase public awareness and support for safe and efficient operation of the SHMA.

8. **Ongoing communication with city, state, and federal agencies concerning the SHMA.**

In addition to communication and coordination with the Commission, Stamford Police Department, and other relevant city agencies and departments, the harbor master will maintain regular communication and liaison, as necessary, with various divisions and units of the DEP, the DOT’s Bureau of Aviation and Ports, USACE, U.S. Coast Guard, and other relevant state and federal agencies. The purpose of this communication and liaison should be to address matters affecting the safe and efficient operation of the SHMA.

9. **Supervision of the Deputy Harbor Master.**

In accordance with Section 15-1 of the Connecticut General Statutes, the Governor may appoint a deputy harbor master for Stamford with authority to exercise all of the powers and duties of the harbor master. The deputy harbor master should assist the harbor master and serve at the direction of the harbor master. Pursuant to Section 15-3 of the General Statutes, the harbor master will supervise the actions of any deputy harbor master who may be appointed for Stamford. The harbor master may, in the interest of maintaining safe and efficient operation of the SHMA, assign specific responsibilities to the deputy harbor master.

10. **Operation and maintenance of Harbor Master communications system.**

The harbor master will operate and maintain a harbor master communications system for the SHMA. This communications system will include telephone and cell phone lines; voice mail; facsimile service; and E-mail communication capabilities. The harbor master’s voice mail will provide phone numbers for reporting emergencies as well as information to enable the caller to immediately contact the harbor master in the event of an emergency or other urgent matter. The communications system will be operated and maintained for the purpose of receiving reports of emergencies, including any oil and hazardous materials spills affecting the SHMA; receiving and answering questions regarding use of the SHMA; and providing pertinent information to SHMA users as necessary. The harbor master will keep a monthly record of calls to the harbor master’s office.

11. **Review and comment on proposals for dredging, filling, or placement of structures in the SHMA.**

The harbor master will review all applications for dredging, filling, or placement of in-water structures in the SHMA as submitted to state and federal agencies. The harbor master's review will address the effect of the proposed activity on the safe and efficient operation of the SHMA. The harbor master will provide comments on those applications to the DEP, USACE, and other regulatory agencies as appropriate. The harbor master's review of applications affecting the SHMA will be carried out in coordination with the Commission's harbor management consistency review process.

12. **Assistance to the Commission for preparation of the Commission's annual operating budget.**

The harbor master will provide data on expenses for personnel and equipment directly related to the function of the harbor master and deputy harbor master and other information to the Commission for the purpose of assisting it with preparation of the Commission's annual operating budget.

RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES WITH HARBOR MANAGEMENT AUTHORITIES

The principal state and federal agencies with authorities pertaining to the SHMA are various units of the DEP, the DOT, and USACE. 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 plan, and generally cooperate with the Commission with regard to Plan implementation. The basic state and federal responsibilities for Plan implementation include:

1. REVIEW AND APPROVAL OF THE PLAN AND ANY FUTURE AMENDMENTS TO THE PLAN.
2. REFERRAL OF APPLICATIONS AND PROPOSALS AFFECTING THE SHMA TO THE COMMISSION FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE PLAN; INCORPORATION OF THE COMMISSION'S CONSISTENCY FINDINGS INTO REVIEW AND DECISION-MAKING PROCESSES.
3. COORDINATION AND COOPERATION WITH THE COMMISSION FOR IMPLEMENTATION OF THE PLAN.

1. **Review and approval of the Plan and any future amendments to the Plan.**

Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal Plans. In accordance with this procedure, the Commission must submit the proposed Plan (and future amendments to the Plan) to the USACE for review, comments, and recommendations. The proposed Plan and any future amendments also must be submitted for approval to the Connecticut commissioners of environmental protection and transportation who must act on the proposed Plan and amendments within 60 days. Upon

approval by the State commissioners, the proposed Plan and amendments may be adopted by the Stamford Board of Representatives. (See the previous section on “Responsibilities of the Board of Representatives.”)

Any revisions to the Stamford Code adopted by the Board of Representatives and pertaining to the operation of vessels must be submitted to the DEP’s Boating Division for review and approval as required by Section 15-136 of the General Statutes. Section 15-136 of the General Statutes 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 sixty 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 sixty days, the ordinance will take effect upon publication and posting as required by Section 15-138 of the Connecticut General Statutes.

2. **Referral of applications and proposals affecting the SHMA to the Commission for review and determination of consistency with the Plan; incorporation of the Commission’s consistency findings into review and decision-making processes.**

All proposals for filling of aquatic areas, dredging, or placement of structures in the SHMA are subject to state and federal regulatory programs administered by the DEP and USACE, respectively, and can not be implemented without the required authorization. To help ensure that state and federal decisions affecting the SHMA are consistent with the Plan, the applicant should provide the Commission with copies of any application for filling of aquatic areas, dredging, or in-water structures in the SHMA. The Commission will review these proposals, determine their consistency with the Plan, and comment to the DEP and USACE on the consistency of each proposal with the Plan. (See the previous section on “Responsibilities of the Commission.”)

In their review and decision-making processes, the DEP and USACE should consider the Commission’s consistency findings to the maximum extent permissible in accordance with state and federal law. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the Commission pursuant to the Plan and with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the SHMA, unless such official shows cause why a different action should be taken.

Regarding any application for a regulated activity submitted to the DEP and/or USACE, those agencies should provide the Commission with sufficient information to enable the Commission to make an informed decision on the consistency of the application with the Plan. The Commission should be provided with a copy of any authorization issued by the DEP or USACE for filling of aquatic areas, dredging, or placement of structures in the SHMA.

In addition to proposals affecting the SHMA 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 SHMA should also be designed for consistency with the Plan and should be provided to the Commission for review and comment.

3. **Coordination and cooperation with the Commission for implementation of the Plan.**

State and federal agencies should recognize the Plan as the city's principal guide (in coordination with the Stamford Master Plan) for safe and beneficial use of the SHMA and protection of environmental quality in the SHMA. The DEP, USACE, and other state and federal agencies should apply their planning as well as regulatory programs in a manner to assist the Commission with implementation of the Plan. To the extent possible these agencies should provide information and technical assistance to the Commission for the purpose of addressing matters affecting the safe and functional operation of the SHMA, protection of environmental quality in the SHMA, and other public purposes consistent with the Plan. In addition, state and federal grant programs should be used to help implement special projects to achieve the city's harbor management goals.

RESPONSIBILITIES OF PRIVATE INDIVIDUALS AND ORGANIZATIONS

Private individuals and organizations may also contribute to implementation of the Plan. Everyone must adhere to city, state, and federal laws and regulations pertaining to use of the SHMA. In addition, there are a number of voluntary (nonregulatory) initiatives for managing and enhancing SHMA resources that can be carried out by city residents, waterfront property owners, the operators of water-dependent facilities, and others. Concerned citizens and organizations should contribute to implementation of the Plan through the following actions:

1. DESIGN OF PROPOSALS AFFECTING THE SHMA FOR CONSISTENCY WITH THE PLAN.
2. DEMONSTRATION OF INTEREST AND SUPPORT FOR THE PLAN.
3. VOLUNTARY ASSISTANCE FOR HARBOR MANAGEMENT AND IMPROVEMENT.
4. NOTIFICATION OF SPECIAL EVENTS AND MAJOR IN-WATER ACTIVITIES.

1. **Design of proposals affecting the SHMA for consistency with the Plan.**

The design of projects that would affect the SHMA should be consistent with the goals, objectives, policies, guidelines, and recommendations established in the Plan. Project proponents should discuss their conceptual plans with the Commission prior to preparing final plans and permit applications. This sort of preapplication consultation may help to reduce project costs by avoiding the expenditure of funds on projects not likely to be

consistent with the Plan. Preapplication consultation should also, to the extent feasible, address opportunities for projects affecting the SHMA to provide public benefits.

In the course of the harbor management consistency review process, project proponents should present their completed proposals to the Commission and may appear before the Commission to address any questions concerning the proposed project. (See the previous section on “Responsibilities of the 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 SHMA and the consistency of such proposals with the Plan. It is recommended that applicants requesting permits from the DEP and/or USACE to fill aquatic areas, dredge, or place structures in the SHMA provide their permit applications to the Commission at the same time as those applications are submitted to the DEP and/or USACE.

2. **Demonstration of interest and support for achieving the Plan’s goals.**

The contribution that good citizenship can make to advance the Plan’s goals should not be overlooked or underestimated. The general public, waterfront property owners, and the operators of water-dependent facilities can make important contributions for guiding beneficial use of the SHMA, maintaining public safety, and protecting environmental quality. Stamford residents and others with concerns related to the quality and character of SHMA resources and to the provisions and effectiveness of the Plan should attend meetings of the Commission to express their concerns and comments. The public should also participate in various special events and efforts organized to increase environmental awareness and improve the quality of SHMA resources. (See below.) Observed violations of boating laws, evidence of pollution, and other actions adversely impacting the SHMA should be reported to the Commission, harbor master, Police Department, or other appropriate authority at any time.

In addition, the public, including waterfront property owners, should recognize that seemingly minor actions can, when added over time to other similar actions, have significantly adverse cumulative impacts on the SHMA and those who use the SHMA. All citizens, no matter how environmentally conscious, should become more aware of the impacts their actions may have on environmental quality, navigation, and other SHMA conditions. At the same time, all citizens can contribute to efforts to enhance environmental quality and improve other conditions in the SHMA. For example, all citizens can contribute to reducing nonpoint source pollution by increasing their awareness and understanding of how everyday activities can contribute to such pollution in the SHMA and its watershed.

Of most importance for the long-term beneficial use and management of the SHMA, private citizens and civic-minded organizations should recognize the SHMA as a public trust resource that belongs to everyone and is a vital resource for the entire city. Expression of this recognition should serve as a constant reminder to public officials of their responsibility to manage the SHMA for the use and benefit of future generations. At the same time, the public must also recognize that waterfront property owners have important rights concerning

access to the SHMA. As a result, the public's important rights of access and navigation seaward of the mean high water line must be balanced with the riparian/littoral rights of waterfront property owners.

3. **Voluntary assistance for harbor management and improvement.**

There are a number of voluntary initiatives for managing and enhancing the SHMA and waterfront that may be carried out by city residents, waterfront property owners, and private organizations. Waterfront property owners have an important responsibility to contribute to the maintenance of clean, safe, and functional conditions in the SHMA. Sites and structures in and adjoining the SHMA should be maintained in a manner that enhances opportunities for beneficial waterfront use and development. Voluntary, community-based efforts such as may be organized by the Commission to clean-up and otherwise improve the SHMA's environmental quality should be encouraged and supported.

City residents and others who use the SHMA and waterfront may volunteer to participate in special events and other efforts that may be organized from time to time by the Commission and others to increase environmental awareness and maintain and improve the quality of the SHMA. 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 in the SHMA. Information on these conditions should be passed on to the Commission. Also, the operators of marinas 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 Plan, information concerning restricted speed zones, and other information pertaining to beneficial use of the SHMA. In addition, when it is necessary for the city 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 Commission in advance of their proposed activity. (See the previous section on responsibilities of the Commission.) This notification should include the following information:

- General nature of event;
- Specific activities to occur;

- Date(s) event will take place;
- Location of event;
- Number of vessels to actively participate;
- Estimated number of observer vessels;
- Any potential disruption of normal SHMA activities resulting from the event;
- Safety measures to be taken by sponsor;
- Potential adverse environmental impacts associated with the event and measures to mitigate the impacts; and
- Compliance with applicable city, state, and federal requirements for in-water activities.

This information, which may be 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 schedule of SHMA events.

PART IV:

APPENDICES

■ **APPENDIX A:**
GLOSSARY OF TERMS

■ **APPENDIX B:**
SELECTED REFERENCES

■ **APPENDIX C:**
CONNECTICUT HARBOR MANAGEMENT ACT

■ **APPENDIX D:**
CORPS OF ENGINEERS' GUIDELINES FOR PLACEMENT
OF FIXED AND FLOATING STRUCTURES



CITY OF STAMFORD
HARBOR MANAGEMENT PLAN
March 2009

APPENDIX A: 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 in and near the Stamford Harbor Management Area 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 governmental 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 zones.

Anchorage: A specific water area 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.

A-Zone: That portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is likely to be inundated by the one-percent (“100-year”) flood and is not subject to wave action.

Bathymetry: The measurement of depths of water, including depths in Long Island Sound and its tributaries in the SHMA; also information derived from such measurements.

Beach: The zone of unconsolidated material, including a foreshore and backshore, that extends landward from the low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). The seaward limit of a beach is the mean low water line.

Beach Nourishment: Natural or artificial placement of suitable material, usually sand, on or near a beach for the purpose of expanding an existing beach or replenishing an eroding beach.

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.

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

Breakwater: A structure protecting a shore area, harbor, anchorage, or basin from waves.

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 most 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.

Channel: A water area specifically designated for unobstructed movement of vessels, shown on navigation charts, and marked in-water by aids to navigation. Navigation channels in the SHMA include federal navigation channels authorized by Congress and maintained by the USACE and privately maintained channels.

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 Area: Stamford's coastal area adjoining Long Island Sound and defined according to criteria established in the Connecticut Coastal Management Act. The inland boundary of the coastal area is known as the coastal boundary and essentially encompasses all land within 1,000 feet of the high tide line or the inland edge of tidal wetlands. The coastal area is subject to the special review and regulatory authorities of the city's Municipal Coastal Program.

Coastal Area Management Program: The Coastal Area Management Program (Municipal Coastal Program) of the City of Stamford which focuses on coastal area land-use and protection of coastal resources. The Coastal Area Management Program, authorized by the Connecticut Coastal Management Act, is incorporated in the Stamford Master Plan and implemented in part through the Stamford Zoning Regulations.

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 Stamford Coastal Area Management 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 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 U.S. Army 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 USACE, DEP, 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 all major activities within their coastal boundaries for consistency with the policies established by the Act, and also provides for the voluntary development of local Municipal Coastal Programs.

Connecticut Department of Agriculture/Bureau of Aquaculture (DA/BA): The principal state agency responsible for shellfish and aquaculture in Connecticut in accordance with powers and duties set forth in Section 26-192a of the Connecticut General Statutes.

Connecticut 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.

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.

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.

Depuration: The action of removing impurities or other contaminants from shellfish such as when shellfish contaminated with coliform bacteria cleanse themselves when transplanted in clean waters.

Deputy Harbor Master: A deputy harbor master 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.

Dockminium: 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 tidal 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 estuary at the mouth of the Rippowam River 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 USACE, 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. In Stamford Harbor, the navigation project consists of: an entrance channel; the east and west branch channels; two anchorage basins; and two rock breakwaters.

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.

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.

General Permit: A type of permit issued by the USACE 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 Long Island Sound, often including public easements, open space land, and public access walkways. A greenbelt typically provides a natural, protective buffer area between the upland and the aquatic area, conserves valuable natural resources, and may provide opportunities for passive recreational use.

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 State of Connecticut harbor master for Stamford 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 of Stamford, and who shall advise the Harbor Management Commission with respect to matters concerning the waters under the jurisdiction of the Commission and have special responsibilities for implementing the Harbor Management Plan.

Harbor Management Commission (Commission): The duly appointed body of the City of Stamford with responsibilities for preparing and implementing the Stamford Harbor Management Plan as set forth in the Connecticut Harbor Management Act and Stamford Ordinance 1021.

Harbor Management Plan (Plan): A plan for the balanced use of the SHMA for recreational, commercial, and other purposes and for the protection of environmental resources as prepared by the Commission, adopted by the Stamford Board of Representatives, and approved by the Connecticut departments of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes and Stamford Ordinance 1021.

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 carried out by the DEP.

Hydraulic Dredging: One of the two primary dredging techniques (distinguished from mechanical dredging) utilizing suction dredging of sediments.

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

Individual Permit: A type of permit issued by the USACE 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 USACE 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 the 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.

Jetty: Generally, a structure on an open coast extending into a body of water; designed to prevent shoaling of a channel by littoral materials and to direct and confine stream or tidal flow; defined in the State Navigation Law as a structure located within the shorelines of a body of water for the purpose of controlling currents usually to prevent filling in of a channel. Jetties are built at the mouths of rivers or tidal inlets to help deepen and stabilize a channel.

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.

Littoral Rights: (See Riparian/Littoral Rights.)

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, and located in or adjoining the SHMA.

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).¹⁷ Proposed work and structures seaward of the mean high water line are subject to federal regulatory authorities carried out by the USACE 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 Stamford planning and zoning boards.

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.

Minimum Standards for Mooring Tackle: Minimum standards to be met by the owners of all mooring tackle placed in the SHMA; prepared and adopted by the Commission and approved by the Board of Representatives in accordance with Stamford Ordinance 1021 and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of the provisions of the Plan.

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: An area designated by the Commission within which vessels may moor provided a valid permit for such mooring is obtained from the harbor master.

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 to guide coastal area development balanced with coastal resource protection. The Stamford Coastal Area Management Program represents Stamford's Municipal Coastal Program.

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' power over navigation stemming from the Commerce clause of the 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 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 storm-water 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.

"Nurse" Mooring: A commercial mooring placed and maintained in accordance with appropriate permits from the USACE, DEP, and harbor master and used by barge-towing companies serving Stamford port facilities to stage barge deliveries to those facilities.

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 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 jetted 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.)

Private Shellfish Grounds: Shellfish grounds, including city-designated grounds and state franchise or leased grounds, which individuals or companies have exclusive rights to work and harvest.

Public Access: Physical and/or visual access to the SHMA that is available to all members of the general public and is 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 Facility: 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 experiencing the effects of natural hazards such as flooding and erosion or technological hazards such as fuel and materials spills.

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

Riprap: A protective layer or facing of stone, usually well-graded and randomly placed to prevent erosion, scour, or sloughing of the shoreline; also the stone so used.

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 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. Littoral rights are usually concerned with the use and enjoyment of the shore.

Rules and Regulations for Mooring and Anchoring Vessels: Rules and regulations governing the administration, placement, and use of all moorings placed in the SHMA; prepared and adopted by the Commission and approved by the Board of Representatives in accordance with Stamford Ordinance 1021 and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of the provisions of the Plan.

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

Sand: Material, larger than silt, consisting of particles with a grain size between 1/16 mm and 2 mm.

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

Seawall: A wall built parallel to the shore, designed to halt shoreline erosion by absorbing the impact of waves.

Section 10 and 404 Regulatory Programs: The principal federal regulatory programs, carried out by the U.S. Army 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.

Shellfish: An invertebrate having a rigid outer covering, such as a shell or exoskeleton; includes oysters, scallops, hard clams, soft clams, razor clams, crabs, shrimp, all kinds of mussels, skimmer or surf clams, periwinkles, and conch.

Shellfish Beds: See shellfish grounds.

Shellfish Concentration Areas: Areas defined in the Connecticut Coastal Management Act for the purpose of that Act as actual, potential, or historic areas in coastal waters in which one or more species of shellfish aggregate. As such, shellfish concentration areas are among a number of coastal resources of the state as defined in the Act.

Shellfish Growing Area Classifications: Classifications for the taking of shellfish established by the DA/BA under Section 26-192e of the Connecticut General Statutes. These classifications are applied to coastal waters, shores, and tidal flats and are based on examinations and surveys, including tests of water quality to determine if coastal waters are suitable for shellfishing. The basic classifications are “Approved,” “Conditionally Approved,” “Restricted,” “Conditionally Restricted,” and “Prohibited.”

Shellfish Grounds: An area where shellfish grow naturally or with cultivation. The terms “shellfish grounds” and “shellfish beds” are often used interchangeably and there is no distinction in law between the terms “grounds” and “beds.”

Shellfish Jurisdiction Line: The jurisdictional line in Long Island Sound established by the Connecticut Public Act of 1881 to distinguish—for shellfish management purposes—between those areas under the jurisdiction of the state and those under the jurisdiction of municipalities. The line runs from headland to headland; south of the line, all shellfish grounds are under the exclusive jurisdiction of the state; north of the line, shellfish grounds are subject to the jurisdiction of municipal shellfish commissions.

Shellfish Relay: The removal of shellfish populations from specific areas and the transplantation (relay) of those populations for depuration in other areas.

Silt: Material of intermediate size between clay and sand material, and consisting of particles with a grain size between 1/16 mm and 1/128 mm.

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.

Spring Tide: A tide that occurs at or near the time of new or full moon and which rises highest and falls lowest from the mean sea level (compare with Neap Tide).

Stamford Harbor Management Area (SHMA): The navigable waters and intertidal areas of Stamford subject to the jurisdiction of the Commission and Plan. The SHMA includes Stamford Harbor and all of the other navigable waters and intertidal areas of the city below the mean high water line within Stamford's territorial limits, bounded by the projection into Long Island Sound of the boundary lines of the neighboring municipalities of Greenwich to the west and Darien to the east. On the south, the SHMA is bounded by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in the Sound where that straight line is within the projection of the boundary lines of the neighboring municipalities. The SHMA includes the lower, tidally influenced reaches of the Rippowam River upstream to the Mill River Dam as well as Stamford's jurisdiction on Holly Pond and the Noroton River upstream to Route 1.

Stamford Master Plan: The city's master plan of land use adopted by the Stamford Planning Board and most recently amended in 2002 which includes the goals and policies to guide the future growth and development of Stamford and conservation of the city's environmental quality and natural resources.

State Shellfish Grounds: All shellfish grounds lying south of the city/state jurisdictional line and under the exclusive jurisdiction of the state for shellfish management purposes.

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

Storm Surge: A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a hurricane also includes that rise in water level due to atmospheric pressure reduction and wind stress.

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.

Submerged Lands: Lands covered by water at any stage of the tide, as distinguished from tidelands which are attached to the mainland or an island and are covered and uncovered by the tide.

Sub-tidal Area: The coastal waters and submerged land seaward of the mean low water line.

Tidal Cycle: Elapsed time between successive high and low waters.

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-359 through 22a-363f (the "Structures and Dredging" statute) of the Connecticut General Statutes.

Tide: Periodic rise and fall of the ocean surface and connecting bodies of water resulting from the gravitational attraction of the moon and sun acting upon the rotating earth.

Tide Lands: Land between the lines of the ordinary high and low tides, covered and uncovered successively by the ebb and flood thereof; land covered and uncovered by the ordinary tides.

“Town” Shellfish Grounds: All shellfish grounds lying north of the city/state jurisdictional line and subject to municipal jurisdiction for shellfish management purposes.

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 the SHMA 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 the federal navigation project or into any other areas below the high tide line without necessary city, state, and/or federal approvals.

Underwater Lands: Land seaward of the last known location (prior to the placement of any fill) of the mean high water line and administered in the public interest in accordance with the Public Trust Doctrine.

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

U.S. Army Corps of Engineers (USACE): The U.S. Army Corps of Engineers which is the principal federal agency with roles and responsibilities pertaining to harbor management at Stamford. These roles and responsibilities include authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain the Stamford Harbor federal navigation project.

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 Certification: A state certification, pursuant to Section 401 of the Clean Water Act, that a proposed action, including an action to discharge dredged material, will comply with the applicable provisions of the Clean Water Act and relevant state laws.

Water Quality Standards: Standards established by the DEP 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: Currently defined by regulation to include all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.

Watershed: A region or area contributing ultimately to the water supply of a particular water course or water body. The Rippowam and Noroton river watersheds, for example, is the area within which precipitation drains into the rivers and ultimately into the SHMA.

Wharf: A structure built on the shore of a harbor, channel, or canal so that vessels may be secured alongside to receive and discharge cargo or passengers.

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APPENDIX C:

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-133t" was corrected editorially to Sec. "22a-113t" 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 section 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; P.A. 95-218, S. 9, 24.)

History: P.A. 95-218 amended Subsec. (b) to replace a reference to "subsection" with a reference to "section".

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 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.

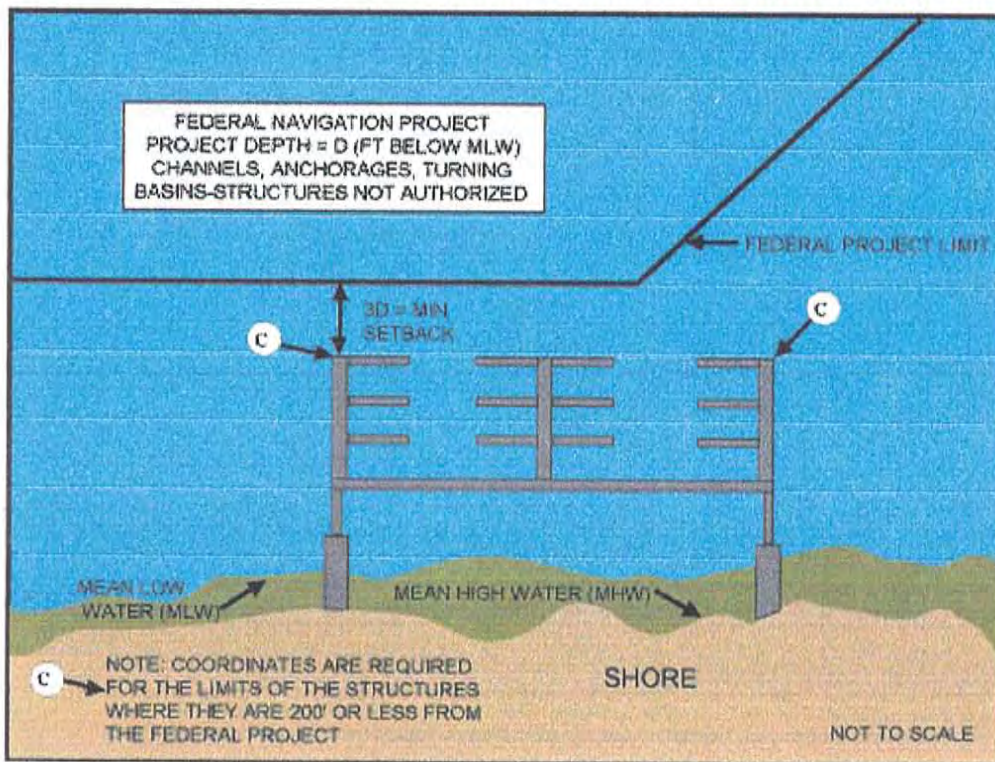
These mooring fields should be in reasonably close proximity to the applicant's property and preferably encompassed by his reasonable riparian lines and far enough offshore to keep noise disturbance to other shore owners in reasonable limits and not restrict reasonable future development by these owners. 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)



New England District
Regulatory Program

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



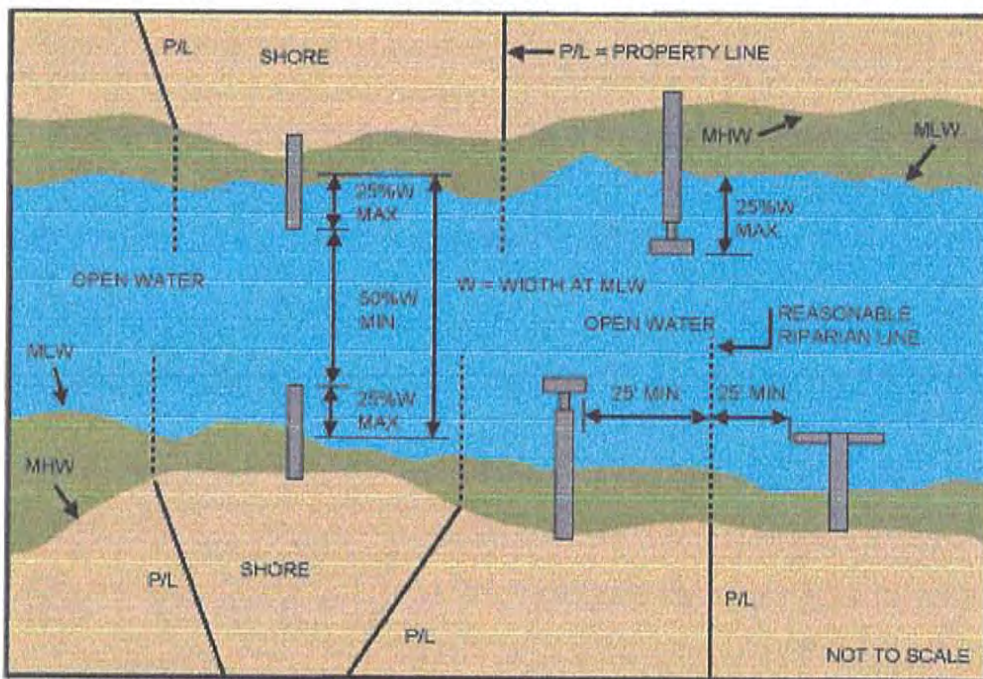
SKETCH NO. 1: ILLUSTRATION OF GUIDELINES FOR STRUCTURES NEAR FEDERAL NAVIGATION PROJECTS



New England District
Regulatory Program

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



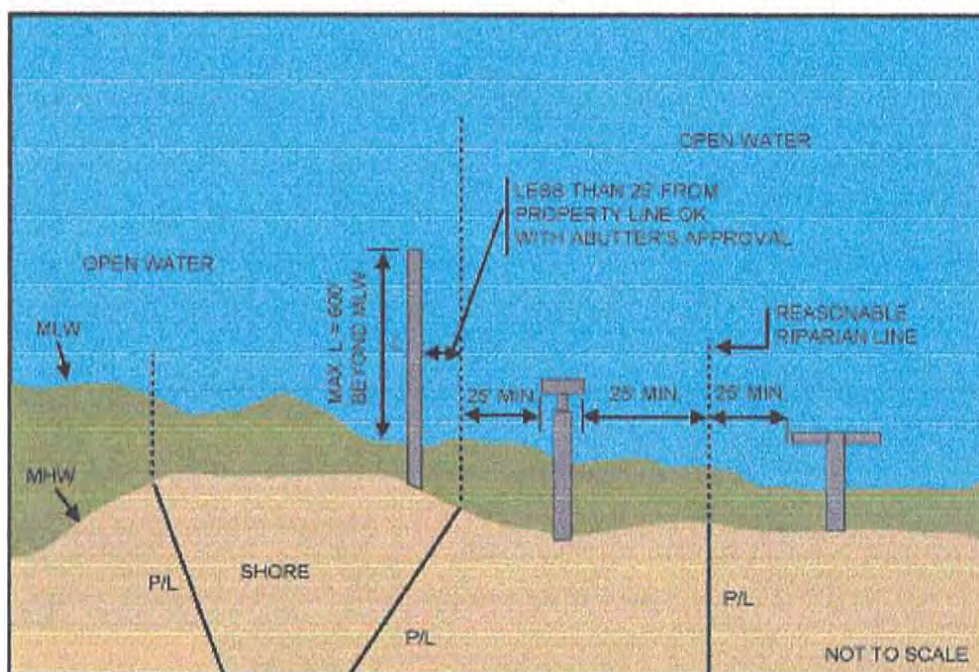
SKETCH NO. 2: GUIDANCE ON LENGTH OF STRUCTURES IN LINEAR WATERWAYS



New England District
Regulatory Program

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



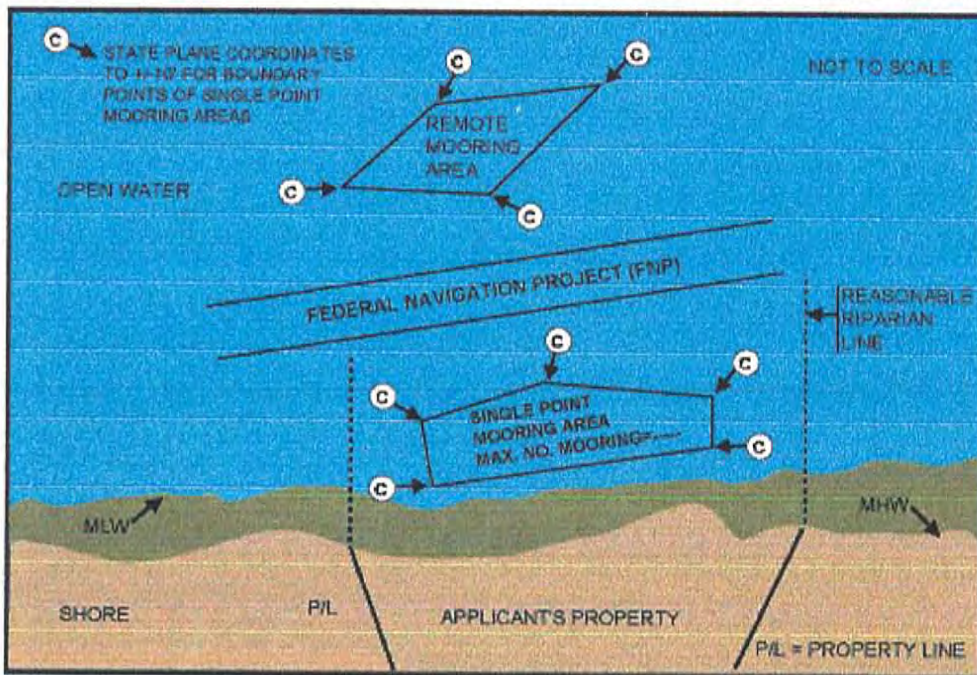
SKETCH NO. 3: GUIDANCE ON SPACING STRUCTURES RELATIVE TO ADJACENT PROPERTIES AND MAXIMUM LENGTH BEYOND MEAN LOW WATER (MLW)



New England District
Regulatory Program

Guidelines

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SKETCH NO. 4: ILLUSTRATION OF GUIDELINES FOR SINGLE POINT MOORING FIELDS

APPENDIX A: 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 in and near the Stamford Harbor Management Area 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 governmental 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 zones.

Anchorage: A specific water area 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.

A-Zone: That portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is likely to be inundated by the one-percent (“100-year”) flood and is not subject to wave action.

Bathymetry: The measurement of depths of water, including depths in Long Island Sound and its tributaries in the SHMA; also information derived from such measurements.

Beach: The zone of unconsolidated material, including a foreshore and backshore, that extends landward from the low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). The seaward limit of a beach is the mean low water line.

Beach Nourishment: Natural or artificial placement of suitable material, usually sand, on or near a beach for the purpose of expanding an existing beach or replenishing an eroding beach.

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.

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

Breakwater: A structure protecting a shore area, harbor, anchorage, or basin from waves.

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 most 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.

Channel: A water area specifically designated for unobstructed movement of vessels, shown on navigation charts, and marked in-water by aids to navigation. Navigation channels in the SHMA include federal navigation channels authorized by Congress and maintained by the USACE and privately maintained channels.

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 Area: Stamford's coastal area adjoining Long Island Sound and defined according to criteria established in the Connecticut Coastal Management Act. The inland boundary of the coastal area is known as the coastal boundary and essentially encompasses all land within 1,000 feet of the high tide line or the inland edge of tidal wetlands. The coastal area is subject to the special review and regulatory authorities of the city's Municipal Coastal Program.

Coastal Area Management Program: The Coastal Area Management Program (Municipal Coastal Program) of the City of Stamford which focuses on coastal area land-use and protection of coastal resources. The Coastal Area Management Program, authorized by the Connecticut Coastal Management Act, is incorporated in the Stamford Master Plan and implemented in part through the Stamford Zoning Regulations.

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 Stamford Coastal Area Management 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 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 U.S. Army 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 USACE, DEP, 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 all major activities within their coastal boundaries for consistency with the policies established by the Act, and also provides for the voluntary development of local Municipal Coastal Programs.

Connecticut Department of Agriculture/Bureau of Aquaculture (DA/BA): The principal state agency responsible for shellfish and aquaculture in Connecticut in accordance with powers and duties set forth in Section 26-192a of the Connecticut General Statutes.

Connecticut 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.

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.

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.

Depuration: The action of removing impurities or other contaminants from shellfish such as when shellfish contaminated with coliform bacteria cleanse themselves when transplanted in clean waters.

Deputy Harbor Master: A deputy harbor master 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 tidal 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 estuary at the mouth of the Rippowam River 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 USACE, 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. In Stamford Harbor, the navigation project consists of: an entrance channel; the east and west branch channels; two anchorage basins; and two rock breakwaters.

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.

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.

General Permit: A type of permit issued by the USACE 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 Long Island Sound, often including public easements, open space land, and public access walkways. A greenbelt typically provides a natural, protective buffer area between the upland and the aquatic area, conserves valuable natural resources, and may provide opportunities for passive recreational use.

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 State of Connecticut harbor master for Stamford 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 of Stamford, and who shall advise the Harbor Management Commission with respect to matters concerning the waters under the jurisdiction of the Commission and have special responsibilities for implementing the Harbor Management Plan.

Harbor Management Commission (Commission): The duly appointed body of the City of Stamford with responsibilities for preparing and implementing the Stamford Harbor Management Plan as set forth in the Connecticut Harbor Management Act and Stamford Ordinance 1021.

Harbor Management Plan (Plan): A plan for the balanced use of the SHMA for recreational, commercial, and other purposes and for the protection of environmental resources as prepared by the Commission, adopted by the Stamford Board of Representatives, and approved by the Connecticut departments of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes and Stamford Ordinance 1021.

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 carried out by the DEP.

Hydraulic Dredging: One of the two primary dredging techniques (distinguished from mechanical dredging) utilizing suction dredging of sediments.

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

Individual Permit: A type of permit issued by the USACE 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 USACE 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 the 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.

Jetty: Generally, a structure on an open coast extending into a body of water; designed to prevent shoaling of a channel by littoral materials and to direct and confine stream or tidal flow; defined in the State Navigation Law as a structure located within the shorelines of a body of water for the purpose of controlling currents usually to prevent filling in of a channel. Jetties are built at the mouths of rivers or tidal inlets to help deepen and stabilize a channel.

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.

Littoral Rights: (See Riparian/Littoral Rights.)

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, and located in or adjoining the SHMA.

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 USACE 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 Stamford planning and zoning boards.

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.

Minimum Standards for Mooring Tackle: Minimum standards to be met by the owners of all mooring tackle placed in the SHMA; prepared and adopted by the Commission and approved by the Board of Representatives in accordance with Stamford Ordinance 1021 and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of the provisions of the Plan.

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: An area designated by the Commission within which vessels may moor provided a valid permit for such mooring is obtained from the harbor master.

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 to guide coastal area development balanced with coastal resource protection. The Stamford Coastal Area Management Program represents Stamford's Municipal Coastal Program.

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' power over navigation stemming from the Commerce clause of the 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 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 storm-water 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.

"Nurse" Mooring: A commercial mooring placed and maintained in accordance with appropriate permits from the USACE, DEP, and harbor master and used by barge-towing companies serving Stamford port facilities to stage barge deliveries to those facilities.

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 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 jetted 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.)

Private Shellfish Grounds: Shellfish grounds, including city-designated grounds and state franchise or leased grounds, which individuals or companies have exclusive rights to work and harvest.

Public Access: Physical and/or visual access to the SHMA that is available to all members of the general public and is 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 Facility: 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 experiencing the effects of natural hazards such as flooding and erosion or technological hazards such as fuel and materials spills.

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

Riprap: A protective layer or facing of stone, usually well-graded and randomly placed to prevent erosion, scour, or sloughing of the shoreline; also the stone so used.

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 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. Littoral rights are usually concerned with the use and enjoyment of the shore.

Rules and Regulations for Mooring and Anchoring Vessels: Rules and regulations governing the administration, placement, and use of all moorings placed in the SHMA; prepared and adopted by the Commission and approved by the Board of Representatives in accordance with Stamford Ordinance 1021 and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of the provisions of the Plan.

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

Sand: Material, larger than silt, consisting of particles with a grain size between 1/16 mm and 2 mm.

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

Seawall: A wall built parallel to the shore, designed to halt shoreline erosion by absorbing the impact of waves.

Section 10 and 404 Regulatory Programs: The principal federal regulatory programs, carried out by the U.S. Army 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.

Shellfish: An invertebrate having a rigid outer covering, such as a shell or exoskeleton; includes oysters, scallops, hard clams, soft clams, razor clams, crabs, shrimp, all kinds of mussels, skimmer or surf clams, periwinkles, and conch.

Shellfish Beds: See shellfish grounds.

Shellfish Concentration Areas: Areas defined in the Connecticut Coastal Management Act for the purpose of that Act as actual, potential, or historic areas in coastal waters in which one or more species of shellfish aggregate. As such, shellfish concentration areas are among a number of coastal resources of the state as defined in the Act.

Shellfish Growing Area Classifications: Classifications for the taking of shellfish established by the DA/BA under Section 26-192e of the Connecticut General Statutes. These classifications are applied to coastal waters, shores, and tidal flats and are based on examinations and surveys, including tests of water quality to determine if coastal waters are suitable for shellfishing. The basic classifications are “Approved,” “Conditionally Approved,” “Restricted,” “Conditionally Restricted,” and “Prohibited.”

Shellfish Grounds: An area where shellfish grow naturally or with cultivation. The terms “shellfish grounds” and “shellfish beds” are often used interchangeably and there is no distinction in law between the terms “grounds” and “beds.”

Shellfish Jurisdiction Line: The jurisdictional line in Long Island Sound established by the Connecticut Public Act of 1881 to distinguish—for shellfish management purposes—between those areas under the jurisdiction of the state and those under the jurisdiction of municipalities. The line runs from headland to headland; south of the line, all shellfish grounds are under the exclusive jurisdiction of the state; north of the line, shellfish grounds are subject to the jurisdiction of municipal shellfish commissions.

Shellfish Relay: The removal of shellfish populations from specific areas and the transplantation (relay) of those populations for depuration in other areas.

Silt: Material of intermediate size between clay and sand material, and consisting of particles with a grain size between 1/16 mm and 1/128 mm.

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.

Spring Tide: A tide that occurs at or near the time of new or full moon and which rises highest and falls lowest from the mean sea level (compare with Neap Tide).

Stamford Harbor Management Area (SHMA): The navigable waters and intertidal areas of Stamford subject to the jurisdiction of the Commission and Plan. The SHMA includes Stamford Harbor and all of the other navigable waters and intertidal areas of the city below the mean high water line within Stamford's territorial limits, bounded by the projection into Long Island Sound of the boundary lines of the neighboring municipalities of Greenwich to the west and Darien to the east. On the south, the SHMA is bounded by a straight line running from buoy 34 to buoy 32 and thence to buoy 30 in the Sound where that straight line is within the projection of the boundary lines of the neighboring municipalities. The SHMA includes the lower, tidally influenced reaches of the Rippowam River upstream to the Mill River Dam as well as Stamford's jurisdiction on Holly Pond and the Noroton River upstream to Route 1.

Stamford Master Plan: The city's master plan of land use adopted by the Stamford Planning Board and most recently amended in 2002 which includes the goals and policies to guide the future growth and development of Stamford and conservation of the city's environmental quality and natural resources.

State Shellfish Grounds: All shellfish grounds lying south of the city/state jurisdictional line and under the exclusive jurisdiction of the state for shellfish management purposes.

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

Storm Surge: A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a hurricane also includes that rise in water level due to atmospheric pressure reduction and wind stress.

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.

Submerged Lands: Lands covered by water at any stage of the tide, as distinguished from tidelands which are attached to the mainland or an island and are covered and uncovered by the tide.

Sub-tidal Area: The coastal waters and submerged land seaward of the mean low water line.

Tidal Cycle: Elapsed time between successive high and low waters.

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-359 through 22a-363f (the "Structures and Dredging" statute) of the Connecticut General Statutes.

Tide: Periodic rise and fall of the ocean surface and connecting bodies of water resulting from the gravitational attraction of the moon and sun acting upon the rotating earth.

Tide Lands: Land between the lines of the ordinary high and low tides, covered and uncovered successively by the ebb and flood thereof; land covered and uncovered by the ordinary tides.

“Town” Shellfish Grounds: All shellfish grounds lying north of the city/state jurisdictional line and subject to municipal jurisdiction for shellfish management purposes.

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 the SHMA 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 the federal navigation project or into any other areas below the high tide line without necessary city, state, and/or federal approvals.

Underwater Lands: Land seaward of the last known location (prior to the placement of any fill) of the mean high water line and administered in the public interest in accordance with the Public Trust Doctrine.

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

U.S. Army Corps of Engineers (USACE): The U.S. Army Corps of Engineers which is the principal federal agency with roles and responsibilities pertaining to harbor management at Stamford. These roles and responsibilities include authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain the Stamford Harbor federal navigation project.

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 Certification: A state certification, pursuant to Section 401 of the Clean Water Act, that a proposed action, including an action to discharge dredged material, will comply with the applicable provisions of the Clean Water Act and relevant state laws.

Water Quality Standards: Standards established by the DEP 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: Currently defined by regulation to include all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.

Watershed: A region or area contributing ultimately to the water supply of a particular water course or water body. The Rippowam and Noroton river watersheds, for example, is the area within which precipitation drains into the rivers and ultimately into the SHMA.

Wharf: A structure built on the shore of a harbor, channel, or canal so that vessels may be secured alongside to receive and discharge cargo or passengers.

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APPENDIX C: 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-133t" was corrected editorially to Sec. "22a-113t" 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 section 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; P.A. 95-218, S. 9, 24.)

History: P.A. 95-218 amended Subsec. (b) to replace a reference to "subsection" with a reference to "section".

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 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.

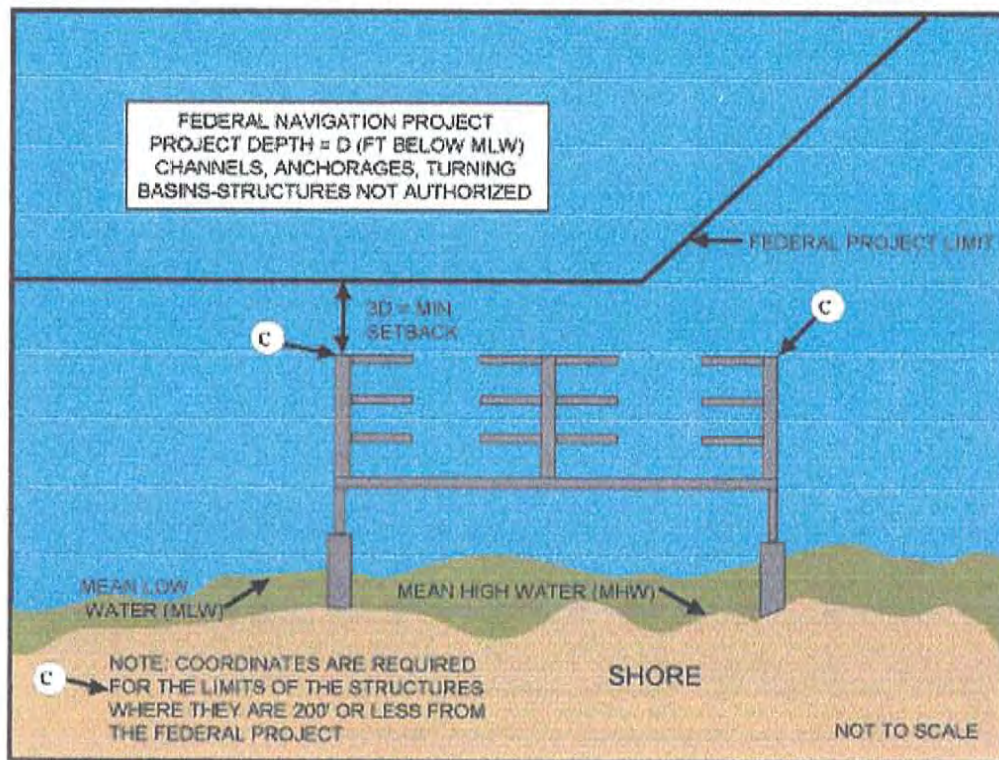
These mooring fields should be in reasonably close proximity to the applicant's property and preferably encompassed by his reasonable riparian lines and far enough offshore to keep noise disturbance to other shore owners in reasonable limits and not restrict reasonable future development by these owners. 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)



New England District
Regulatory Program

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



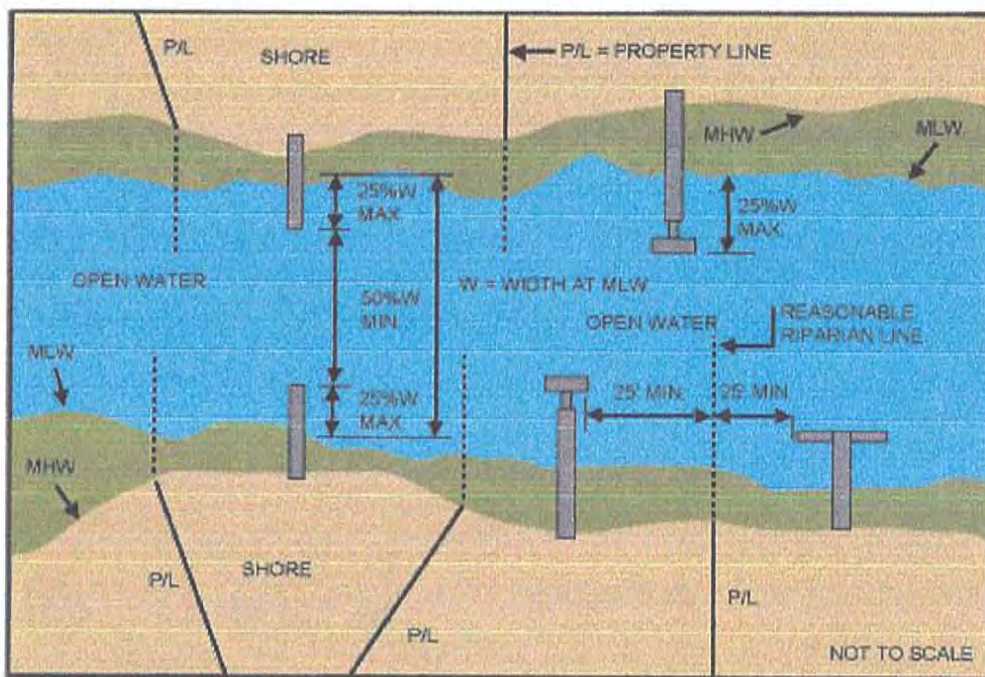
SKETCH NO. 1: ILLUSTRATION OF GUIDELINES FOR STRUCTURES NEAR FEDERAL NAVIGATION PROJECTS



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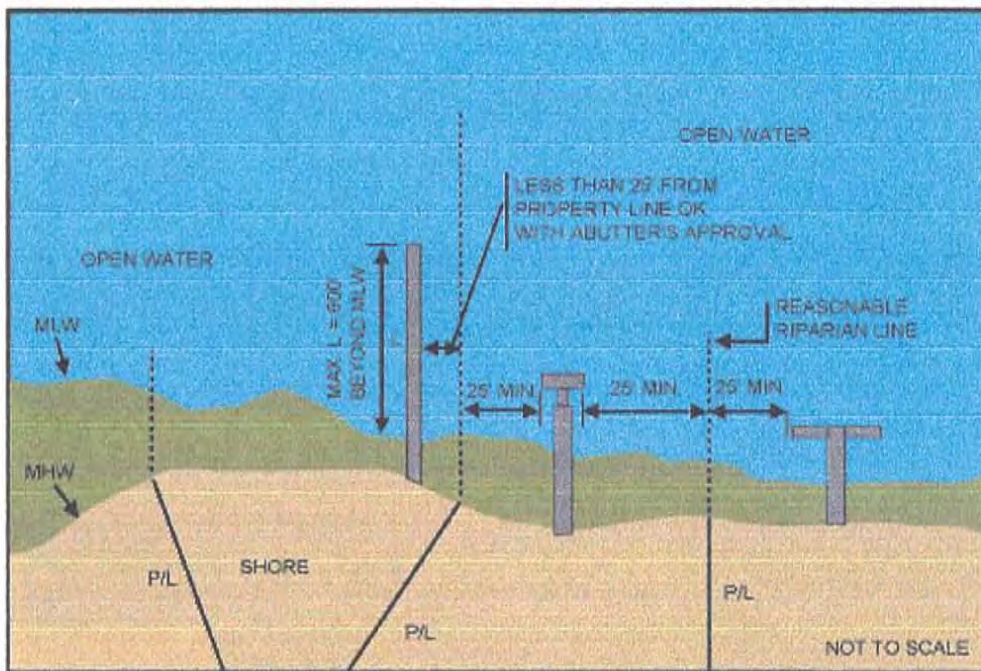


SKETCH NO. 2: GUIDANCE ON LENGTH OF STRUCTURES IN LINEAR WATERWAYS



Guidelines

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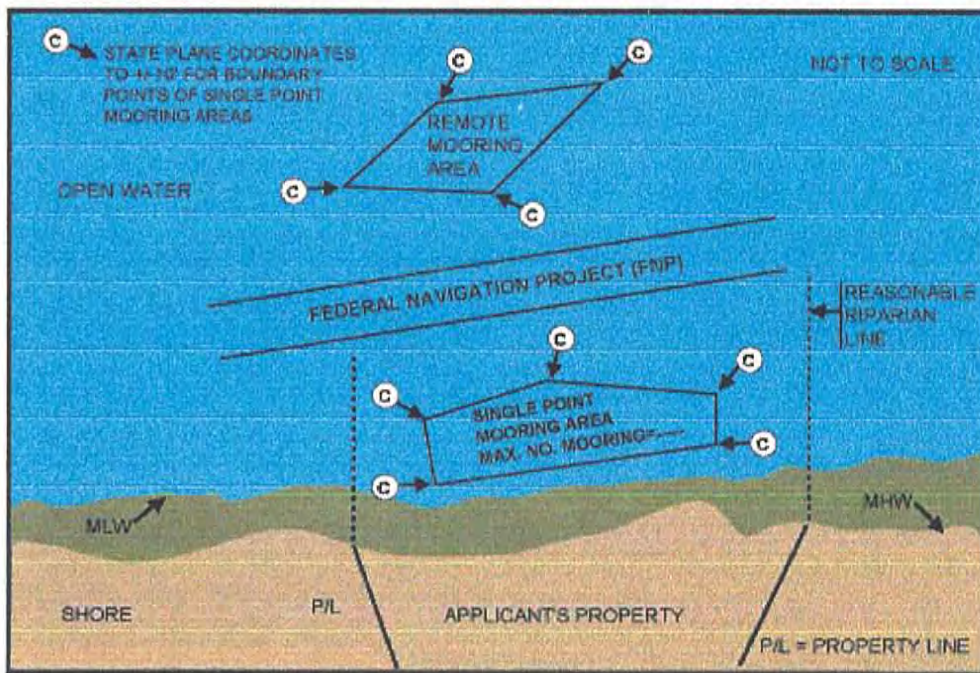
SKETCH NO. 3: GUIDANCE ON SPACING STRUCTURES RELATIVE TO ADJACENT PROPERTIES AND MAXIMUM LENGTH BEYOND MEAN LOW WATER (MLW)



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SKETCH NO. 4: ILLUSTRATION OF GUIDELINES FOR SINGLE POINT MOORING FIELDS