

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GENERAL PERMIT FOR HARBOR MOORINGS

**ISSUANCE DATE: JANUARY 4, 2008
EXPIRATION DATE: JANUARY 4, 2018**



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LONG ISLAND SOUND PROGRAMS
860-424-3034**

General Permit for Harbor Moorings

Issuance Date: January 4, 2008

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General Permit for Harbor Moorings

Section 1. Authority

This general permit is issued under the authority of section 22a-361(d) of the General Statutes.

Section 2. Definitions

As used in this general permit:

“Authorized activity” means any activity authorized under this general permit.

“Coastal resources” means coastal resources as defined in section 22a-93(7) of the General Statutes.

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Day” means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

“Department” means the department of environmental protection.

“Harbormaster” means a harbormaster or deputy harbormaster appointed pursuant to section 15-1 of the General Statutes.

“High tide line” means high tide line as defined by section 22a-359(c) of the General Statutes.

“Individual permit” means a permit, certificate or certificate of permission issued to a named permittee under section 22a-361, 22a-363b, or 22a-32 of the General Statutes.

“Mooring” means a structure which is employed to moor, dock or otherwise secure a vessel used for waterborne travel, and which consists of either (1) a mooring buoy secured by bottom anchor; (2) a system of mooring lines secured to no more than two piles or stakes; or (3) a single floating dock unattached to land and not associated with any other docking structure, which is no more than 100 square feet in area, secured by bottom anchor or by no more than two pilings or stakes, and seasonally installed and removed.

“Permittee” means a person who is authorized by this general permit.

“*Person*” means person as defined by section 22a-2(c) of the General Statutes.

“*Site*” means geographically contiguous land or water on which a mooring authorized under this general permit is placed, repositioned, or replaced or is proposed to be placed, repositioned, or replaced. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“*Tidal wetlands*” means wetlands as defined in section 22a-29(2) of the General Statutes.

Section 3. Authorization Under This General Permit

(a) Eligible Activities

Each of the following activities is authorized by this general permit, provided the requirements of subsection (b) of this section are satisfied:

Placement, removal and replacement of a noncommercial mooring waterward of the high tide line in the tidal, coastal or navigable waters of the state, if such mooring has been approved by a harbor master in accordance with section 15-8 of the General Statutes and, where applicable, is consistent with a harbor management plan approved pursuant to section 22a-113m of the General Statutes.

(b) Requirements for Authorization

This general permit authorizes the activities listed in subsection (a) of this section provided:

(1) Construction and Use Requirements

- (A) Such mooring is not rented and no other charge is made by the permittee for its use, and it is not used for any commercial purpose; provided that a municipality may charge a fee for a mooring permit pursuant to section 22a-113s of the General Statutes, or as otherwise provided by law.**
- (B) Such mooring is not already authorized by a valid individual permit.**
- (C) Such mooring is not located within a federally-designated navigation channel or anchorage area, and does not create a hazard to or interfere with existing navigation uses in any waterway, including channels, fairways, turn basins and transient anchorages.**
- (D) Such mooring is not located on or over tidal wetlands or submerged aquatic vegetation.**
- (E) No subject mooring, and no vessel secured thereto, shall interfere with the access to any riparian or littoral property.**

- (F) A subject mooring shall be easily identified by boaters and shall be maintained on tackle and anchors sufficient to prevent such mooring from changing position.
- (G) No boat, barge or any other structure or vessel which is neither used for nor capable of safe navigation shall be moored or docked at a mooring authorized hereunder, except as required for otherwise authorized construction activities or display, or for emergency purposes.
- (H) No vessel secured to a mooring authorized hereunder shall be used as an abode, office, workshop or for any other use which is not water-dependent as defined by section 22a-93(16) of the General Statutes.
- (I) This general permit shall not be deemed applicable to any mooring with respect to which a harbor master's authorization under section 15-8 of the General Statutes has expired or been revoked.
- (J) In accordance with section 26-157a(e) of the General Statutes, a permittee shall not install a harbor mooring upon any clam or oyster bed without the permission of the owner or lessee of such bed.

(2) Other Environmental Criteria

- (A) Such activity is consistent with all-applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes.
- (B) In placing, replacing, removing or using a mooring authorized hereunder, the permittee shall minimize interference with natural sedimentation and erosion processes, minimize impacts on shellfishing, shall comply with section 26-157a(e) of the General Statutes, and shall not adversely impact fish, shellfish, wildlife, or coastal resources or habitats.
- (C) Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species.
- (D) Such activity shall not create an obstruction or hindrance riverward of Stream Channel Encroachment Lines that will have an adverse effect on the flood heights, flood carrying and water capacity of the waterways and floodplains.
- (E) Such activity shall be consistent with all applicable flood management standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(c) *Geographic Area*

This general permit applies throughout the tidal, coastal or navigable waters of the State of Connecticut.

(d) *Effective Date and Expiration Date of this General Permit*

This general permit is effective on the date it is issued by the commissioner and expires ten (10) years from such date of issuance.

(e) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the general permit becomes effective or on the date the activity is initiated, whichever is later.

(f) *Revocation of an Individual Permit*

If an activity meets the requirements of authorization of this general permit and such activity is presently authorized by an individual permit, the existing individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such activity by this general permit.

(g) *Issuance of an Individual Permit*

If the commissioner issues an individual permit authorizing an activity authorized by this general permit, this general permit shall cease to authorize that activity beginning on the date such individual permit is issued.

Section 4. General Conditions

(a) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with Section 4(c) of this general permit.

(b) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with Section 4(c) of this general permit.

(c) *Certification of Documents*

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

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

(d) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner.

(e) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(f) *Correction of Inaccuracies*

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 4(c) of this general permit.

(g) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(h) Other Rights

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 5. Commissioner's Powers

(a) Abatement of Violations

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) General Permit Revocation, Suspension, or Modification

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) Filing of an Individual Permit Application

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: January 4, 2008

GINA McCARTHY.

Commissioner

This is a true and accurate copy of the general permit executed on January 4, 2008 by the Commissioner of the Department of Environmental Protection.