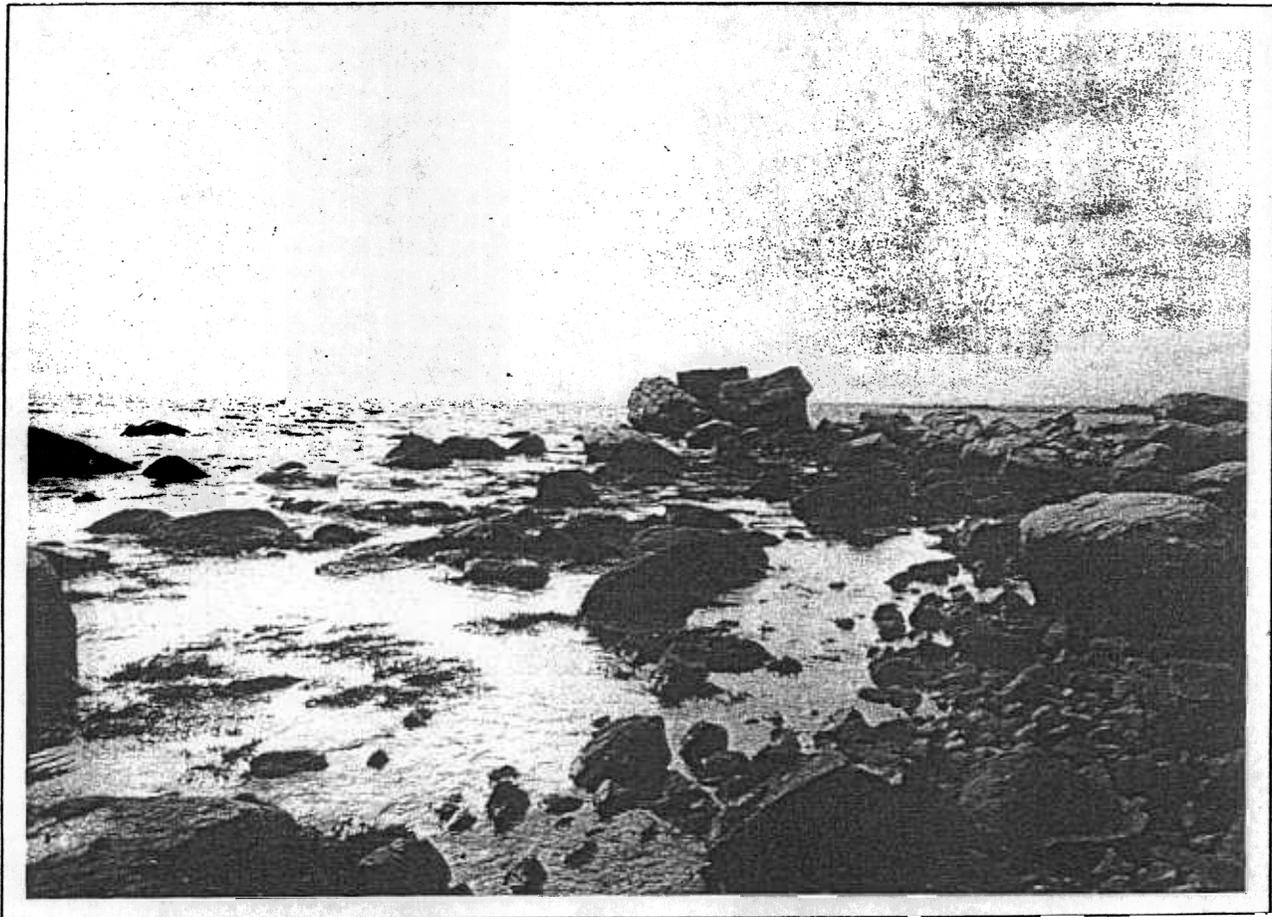


State Of Connecticut Coastal Management Program and Final Environmental Impact Statement

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management



SUMMARY

A. CONNECTICUT COASTAL MANAGEMENT PROGRAM

The Connecticut Coastal Management Act (CCMA) of 1978 (P.A. 78-152 as amended by P.A. 79-535) establishes a comprehensive coastal resource management program in Connecticut that is based on a combination of new and existing authorities. Under the provisions of the Act, responsibility for implementing Connecticut's program will be shared among agencies at both the state and municipal levels of government. The Department of Environmental Protection, which is the primary state permitting agency for both public and private coastal development activities, is designated as the lead agency to receive and administer CZM funds, to monitor, evaluate, and coordinate the overall implementation of the program, and to represent the state in all matters related to the federal consistency provisions of the Coastal Zone Management Act of 1972. In addition to creating the basic structure for Connecticut's program, the Coastal Management Act delineates a coastal management boundary, establishes specific coastal policies, standards, and procedures to direct the implementation of the program, and defines management responsibilities for agencies at both the state and local levels of government.

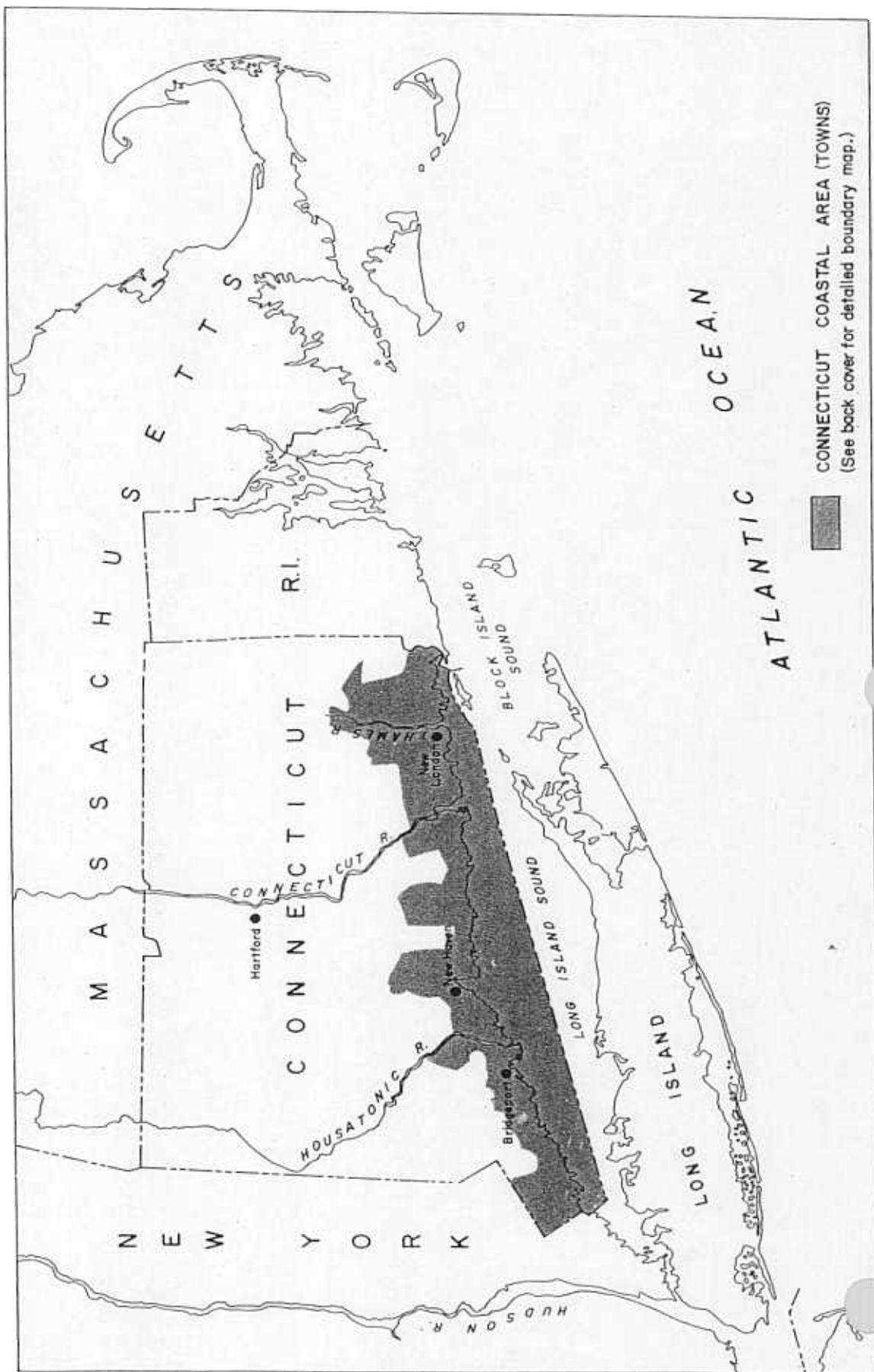
Under the CCMA authority, the Department of Environmental Protection (DEP) will directly administer, supervise, or certify for consistency all state and federal actions subject to the management program. In addition, DEP will oversee and assure compliance of local implementation of CCMA coastal site plan review requirements for all activities subject to local zoning. Both the state and local components of the management program are based on a resource zoning concept with all land and water areas within the coastal boundary defined by statute and depicted on 1:24000 scale resource maps. The policies and standards in the CCMA are organized around these statutorily defined coastal resources and major coastal development activities; they will be implemented by the existing state and local agencies with primary jurisdiction over the land and water uses subject to the management program.

Coastal Boundary

Connecticut has established a two-tiered management boundary. The primary nearshore tier is bounded on the seaward side by the limit of the state's jurisdiction in Long Island Sound. On the landward side, this tier is bounded by a continuous line delineated by a one-thousand foot linear setback measured from the mean high water mark in coastal waters, or a one-thousand foot linear setback measured from the inland boundary of state regulated tidal wetlands, or the continuous interior contour elevation of the one hundred year frequency coastal flood zone, whichever is farthest inland. This line is referred to in the CCMA as the "coastal boundary." Within this first tier, all major uses, activities and resources could have a direct and significant impact on coastal waters and thus will be managed by the Connecticut program using a combination of state and municipal authorities. The primary focus of the program is on this nearshore boundary since it encompasses all coastal resources, the coastal flood hazard zone, and the majority of uses and activities of direct and significant impact.

The secondary, inland tier, includes the area that is landward of the nearshore or coastal boundary and that is bounded by the inland boundary of the thirty-six coastal municipalities. Within this tier, only certain major uses or activities have been identified as potentially having a direct and significant impact on coastal waters. These major uses and activities will be managed by the state and federal governments under existing statutory authorities referenced in the CCMA.

FIGURE Long Island Sound and its Environs.



Connecticut has excluded from its total "coastal area" all lands which are under the sole jurisdiction of the federal government or which are held in trust by the federal government, its officers or agents.

B. CHANGES THE PROGRAM WILL MAKE

The Connecticut Coastal Management Program will make two major changes both of which directly affect the institutional environment as it pertains to the Connecticut coastal area. First, the program will change the criteria upon which public decisions are made regarding the use and management of Connecticut's coastal land and water resources. Second, in order to insure that these new criteria are applied, the program will modify the process and procedures by which these public decisions are made. Both of these changes are specifically enumerated in the Connecticut Coastal Management Act of 1978, as amended, and will be carried out under the authority established by this legislation. These changes to the institutional environment have been designed to achieve the following two major coastal management objectives: 1) better coordination of coastal regulatory, planning, and management authorities at all levels of government: local, state and federal, and 2) thorough consideration of coastal resource capacities and their limitations in all coastal regulatory planning and management programs.

The new standards and criteria for the use and management of Connecticut's coastal resources are embodied in a set of comprehensive coastal policies that are established in the Coastal Management Act. These detailed criteria provide specific guidance for 1) management of coastal land and water resources, 2) management of coastal uses, and 3) management of governmental programs that effect the coastal area.

In addition to making these major improvements to the overall management structure, the Connecticut Coastal Management Program will also make a number of significant but less sweeping improvements to the management system. These improvements include the following:

- 1) Identification of those geographic areas within the coastal boundary that are of particular concern to the state, and implementation of special management techniques for these areas.
- 2) Implementation of special planning procedures to work toward the resolution of specific problems in the following four areas:
 - shoreline erosion
 - shorefront access and protection
 - energy facilities
 - dredging and the disposal of dredged materials
- 3) Definition of uses and resources that are in the national interest and implementation of a specific statutory policy to evaluate such uses and resources.

- 4) Implementation of measures to improve public awareness of coastal issues and increase public participation in coastal decision making processes.
- 5) Implementation of measures to simplify coastal regulatory procedures and improve inter-governmental coordination in the management of coastal resources.
- 6) Implementation of a procedure to insure the consistency of federal actions with Connecticut's Coastal Management Program.
- 7) Implementation of special measures to improve the data base for Coastal Management and conduct special management studies as necessary.

C. WHAT THE PROGRAM WILL NOT DO

The Connecticut Coastal Management Program is not designed to provide immediate and complete solutions to all coastal problems and issues; rather, it is designed to provide the governmental framework and standards by which such solutions may be achieved. Specifically, the Program will not accomplish the following:

1. The Program will not substantially alter the existing governmental regulatory jurisdictions over coastal resources, activities or land uses. Agencies currently having responsibility for management of these resources and activities will continue to exercise their authorities in accordance with the policies, standards and evaluation procedures established by the Connecticut Coastal Management Act (CCMA).
2. The Program will not stop all development in or near coastal resources as defined by the CCMA. Rather, development activities will be evaluated on the basis of their impact on coastal resources with permits and the capability of the affected coastal resources to withstand development related impacts.
3. In general, the Program does not require the regulation of individual single family homes or minor activities incidental to their use unless they are located within 100 feet of tidal wetlands, beaches and dunes or bluffs and escarpments as defined by the CCMA. However, such uses are subject to regulation under the Program if local zoning commissions do not act to specifically exempt them by regulation.
4. The Program will not change the existing patterns of public and private shorefront ownership except that additional public recreational access will be provided through state acquisition of suitable properties when they are available.
5. The Program does not propose direct state administrative control over local zoning activities. However, local zoning activities subject to coastal site plan review requirements of the CCMA will be reviewed by the state for consistency with the policies, procedures and standards of the CCMA with judicial enforcement sought when necessary or warranted to insure compliance.

6. The Program is not specifically designed as a growth management program. Rather, it is a resource management program which includes specific, enforceable statutory policies and standards which will direct development away from fragile coastal resources.
7. The Program does not require that all shorefront uses and activities be water dependent as defined by the CCMA. It does, however, require that water dependent uses be given highest priority in both planning and regulatory decisions and, in cases of direct conflict between proposed uses of substantially similar impacts on coastal resources, preference be given to any water dependent use.

D. AREAS OF CONTROVERSY

There were three principle areas of public controversy surrounding the development of the Connecticut Coastal Management Program. These areas of controversy were 1) the basic management approach to be employed by the program, 2) the inland management boundary to be employed by the program, and 3) the starting date for implementation of the development review and control mechanisms established by the legislation.

Management Approach

The basic management approach to be employed by the coastal management program was one major area of controversy at the numerous public meetings, hearings, and workshops that were held throughout the development phase of the program. While there seemed to be widespread agreement on the need for better management of coastal resources and better coordination between state and municipal programs there was considerable public debate concerning the issue of how this improved management and coordination should be accomplished and by whom. Fear about loss of local initiative in the decision making process to the state and federal government was the concern most frequently raised about implementation of a coastal management program in Connecticut. There was general agreement that a strong and central role for municipalities in the management program was necessary 1) if the program was to adequately address and resolve coastal problems and 2) if the program was to gain acceptance in the state. There was some concern at the local level about state and federal intervention and national interest requirements in the federal Coastal Zone Management Act. A few people suggested that coastal management be implemented using only state funds, thus freeing the state from all possibility of federal intervention.

This major program controversy regarding the basic management approach to be employed in Connecticut has been resolved through full public dialogue on the development of the CCMA over a two year period (over twenty public hearings, one year of legislative study, and over 300 public meetings). The Connecticut Coastal Management Act of 1978 establishes a shared state-local management program with municipalities playing a central role in the management process. Local initiative in the overall management program is maintained with state intervention based on demonstrated inconsistency with statutory policies in the CCMA. This approach was endorsed by all but one of the coastal municipalities commenting on the final version of the CCMA amendments of 1979. Similarly, national interest

uses and resources and the policies pertaining to them were specifically stated in the CCMA to assure consistent, non arbitrary application. State, local and federal roles in the coastal management program were carefully designed to ensure that Connecticut's two major management issues, intergovernmental coordination, and consideration of the coastal resources, were addressed and are likely to be resolved by the management program.

Management Boundary

There was some concern expressed during public hearings, meetings, and workshops about the inland coastal management boundary. Many people felt that Connecticut should employ a two-tiered management boundary with intensive management of all resources and uses in the first tier and management of certain key uses or resources in the second-tier. Such an approach, it was argued, would give Connecticut an added measure of control over uses which might potentially have a minor or indirect impact on coastal resources. Other people felt that the proposed management boundary was too inclusive, as proposed, and should at most include only a 500 foot or 250 foot setback from mean high water or tidal wetlands.

The two-tiered management boundary, as defined and established in the Connecticut Coastal Management Act, is a reasonable boundary for Connecticut's coastal management program. The inland zone includes a sufficiently broad area to provide for effective management of all major uses that are likely to have a direct and significant impact on coastal waters, yet it is not too large for efficient program administration. This zone will be managed by state and federal authorities as described earlier.

The nearshore zone includes all of the specific coastal resources which are required to be included within a state's coastal zone under section 305(b)(1) of the CZMA. In addition, it reasonably incorporates all shorelands strongly affected by or affecting coastal waters based on scientific criteria such as the geographic extent of flood and erosion hazard areas, proximity of the land to coastal waters, and bio-physical factors such as microclimatic variation and salt-spray influence. This zone will be managed by municipal, state and federal agencies under a combination of local and state authorities as described earlier.

Program Implementation Date

The date for the initial implementation of Connecticut's coastal program proved to be a minor area of controversy during public hearings, meetings, and workshops on Connecticut's proposed management legislation and management program. Many people felt that Connecticut could not afford to postpone implementation of the CCMA until after the program has been through the lengthy federal review process and had received formal federal approval. They felt that a long delay in the implementation of the Act could lead to a "land-grab" or an acceleration of development proposals as developers rushed to begin construction of poorly planned projects prior to the implementation of the management program in order to avoid the new requirements of the Act.

The Program began implementation on January 1, 1980 and has operated with state funds since that date.

E. COASTAL ISSUES AND PROBLEMS

Connecticut has identified the following two fundamental coastal management related issues and problems: 1) lack of overall coordination among the existing array of management authorities (municipal, state, and federal) affecting the coastal area and 2) inadequate consideration of adverse impacts on natural resources in the process of reviewing and permitting coastal uses. The Connecticut coastal management program has been specifically tailored to correct these deficiencies.

Under the existing management structure in Connecticut, many agencies at all levels of government influence the conservation and development of the coastal area. Coastal towns, the state, and the federal government have all, over the years, become involved in coastal problems through a variety of activities such as planning and zoning, wetlands regulation, road construction, fish management, flood and erosion control, channel dredging and harbor development. The result is that scores of individual administrative and regulatory agencies make independent decisions affecting the coast: some addressing one specific coastal issue; others applying only to a limited geographic area.

Counting agencies at the state and federal level and relevant commissions and boards in each of Connecticut's thirty-six coastal municipalities, literally hundreds of independent decision making bodies are involved in some manner in the management of the coast. However, there is no notable coordination, uniform guidance or common long range direction among these agencies regarding coastal development and protection. Individual authorities that deal with one geographic area or one-specific issue are often not in a position to adequately address coastal problems that cross town lines or involve a large number of interrelated issues.

A major consequence of this lack of coordination among management authorities has been historical inattention among decision-makers to the fate of coastal resources and their capacity and limits in supporting development activity. For example, nearly 15,000 acres of Connecticut's original tidal wetlands have been destroyed by encroaching development, most of them during the 30 years immediately after World War II.

Connecticut now leases out only $\frac{1}{4}$ of the shellfish beds that it once did as a result of degraded water quality due to inadequately treated domestic and industrial effluent and other non-point water pollution sources. The closing of shellfish beds has meant the loss of a 3 to 6 million dollar industry annually. Many houses have been constructed in hazardous coastal flood and erosion prone areas, exposing

the buildings to the possibility of considerable damage in the event of severe storms and costing the state of Connecticut millions of dollars in bond funds spent for their protection.

The CAM Program has been designed to address these basic management deficiencies of inadequate coordination and inadequate consideration of coastal resources. Correction of these shortcomings should, in turn, greatly facilitate the solution of many specific problems and issues which have been perpetuated or caused by these major management problems.

PART I

CONNECTICUT'S COASTAL MANAGEMENT PROGRAM

A. Introduction

Long Island Sound has been frequently characterized and described as an "Urban Sea." The image raised by this description is appropriate for Connecticut's coastal area which has historically been the center of intense industrial, commercial and residential activity. While residential usage of the Connecticut shoreline in other than the vicinity of the ports of Stamford, Norwalk, Bridgeport, New Haven, New London and Norwich began as seasonal dwellings, changes in land use patterns following World War II and the corresponding residential and corporate exodus from the New York metropolitan area have changed the residential mix from seasonal to permanent. Vacant shorefront land and open space in Connecticut's heavily developed coastal area is at a premium. Recent studies of population growth and corresponding industrial, commercial and residential activity along Connecticut's coast completed under contract to the Coastal Area Management (CAM) Program indicate that this trend will continue for the foreseeable future.

Because of historical growth patterns along the coast, a significant number of traditional public safety and welfare oriented police power regulatory programs have been implemented at both the state and municipal level for coastal lands. For example, planning and zoning began in Connecticut in the early 1930's and the state's regulatory program for coastal structures was underway by 1940. Today all of Connecticut's coastal municipalities exercise full planning and zoning authorities with most communities retaining professional support staff. The notable exception is in the lower Connecticut River estuary which remains largely undeveloped. Municipalities in this region generally rely on the capabilities of the Connecticut River Estuary Regional Planning Agency which also provides staff support to the Connecticut River Gateway Commission, established as part of the lower Connecticut River Conservation Zone.

While land use regulatory programs at the state and municipal level, complimented by a variety of federal coastal regulatory programs, have provided complete regulatory coverage of development activities in the coastal area, it was not until passage of Connecticut's tidal wetlands act in 1969 and creation of the Department of Environmental Protection in 1971 that the management of coastal resources became part of the statutory mandate. Using the initiative established during the early 1970's by the Committee on Coastal Management headed by State Senator George Gunther and the U.S. Senator Abraham Ribicoff sponsored New England River Basins Commission's Long Island Sound Regional Study, the CAM Program of the Department of Environmental Protection has developed a comprehensive coastal management program for statewide implementation at both the state and municipal level of government.

The recommended program utilizes the significant array of existing state and municipal regulatory programs as its foundation and has two central purposes; first, to assure that adequate consideration of the impacts of development on coastal resources is given by both the state and coastal municipalities and, second, to increase the level of intergovernmental coordination through planning and regulatory programs affecting the coast by providing common, statewide policies to guide federal, state and municipal agencies. To achieve these purposes, Connecticut is not proposing additional regulatory programs nor are existing regulatory jurisdictions being significantly altered. Rather coastal management will be implemented through a coastal site plan review as part of municipal planning and zoning programs and through statewide coastal policies to guide federal, state and municipal planning and investment programs. Coastal municipalities are also encouraged to develop municipal coastal programs by revising existing town plans of development for their coastal areas. Existing state regulatory programs will be required to be consistent with the same coastal resource definitions, policies and impact criteria proposed for the municipal coastal site plan review, and coastal municipalities are given a formal role in state regulatory actions.

Because of the highly developed nature of Connecticut's coast and the resultant loss and degradation of critical coastal resources, the focus of the management program is first, the resources at the land-water interface significantly affecting or affected by natural coastal processes and second, adjacent land and water resources. This focus is critical if Connecticut is to protect, restore and enhance remaining coastal resources. For example, CAM surveys indicate that, except for urbanized port areas, over 50% of the remaining undeveloped shore-front property is classified as tidal wetland. In addition, much of the remainder is in flood or erosion hazard areas. To assure a concentrated effort in protecting those endangered resource areas, critical resources and the natural processes that they support have been identified as in the "national interest." Further, tidal wetlands and shellfish concentration areas have been nominated as "areas of particular concern" along with the activities that most significantly affect them, dredging and spoil disposal. To assist in better regulatory decisions at all levels of government, coastal resources and adverse impacts have been defined by statute in Connecticut's Coastal Management Act and a comprehensive set of coastal resource maps have been prepared for the entire coastal area. Funding through the federal Coastal Zone Management Act will be used to provide a continuing state overview through the Department of Environmental Protection's CAM Program and to provide needed technical and financial support to state and municipal coastal regulatory programs.

B. Description of Connecticut's Coastal Environment

Natural Environment

The coastal seaboard and waters of the Long Island Sound estuary and their resource systems form an integrated coastal ecosystem that is unique and fragile. Long Island Sound occupies a basin, 113 miles long and 21 miles wide, located between Long Island and the Connecticut-Westchester County, New York region. The Connecticut coast bordering the Sound is 98 miles long, but total shoreline frontage, including tidal rivers and embayments, is 583 miles.

Forty percent of Connecticut's population lives in the 36 coastal towns; however, seventy-five percent of that population, or nearly 910,000 residents, lives in the 17 southwestern towns (west of Guilford). This population pattern reflects the proximity of these towns to New York city and its markets. This pattern of development and the dense urban areas surrounding many harbors have significantly affected the quality of nearshore water and its ability to support both recreational interests and healthy marine resources. Although most of the Sound's offshore waters are of acceptable quality, the westernmost waters show deteriorated characteristics. These characteristics are a result of the cultural effluents and urban runoff from the western Long Island, Westchester County, and southwestern Connecticut urban environments. The most notable cause is the East River, which is joined to New York Harbor and runs through sections of New York city.

Connecticut's coastal seaboard, which is the coastal part of the New England Uplands, is a glaciated zone underlain by crystalline bedrock which slopes southward at 50 feet per mile. In contrast the Connecticut Lowland Valley at New Haven is comprised of shales, sandstones, and limited exposures of trap rock. Elevations vary from sea level to a maximum of 400-500 feet inland, but shoreline relief is maximal where the rocky uplands intersect with the coast. Low, rolling hills and occasional rocky lands interposed by level to undulatory sand and gravel plains characterize the coastal landscape.

Biophysical Zone V, depicted in Figure 2, embodies two ecoregions that are virtually coextensive to the seaboard. The moderating effect of seabreezes, penetrating 5-10 miles inland, produces a cooling trend in spring and summer and a warming one in fall and winter. The mean annual temperature is 51 degrees F, and precipitation averages 44-48 inches a year. The coast experiences one of the longest frost free seasons in the state, 180 days in duration. The maritime climate, and the recurrent pattern of landforms and glacial inceptisolic soils, create a vegetation zone called the coastal hardwoods zone.

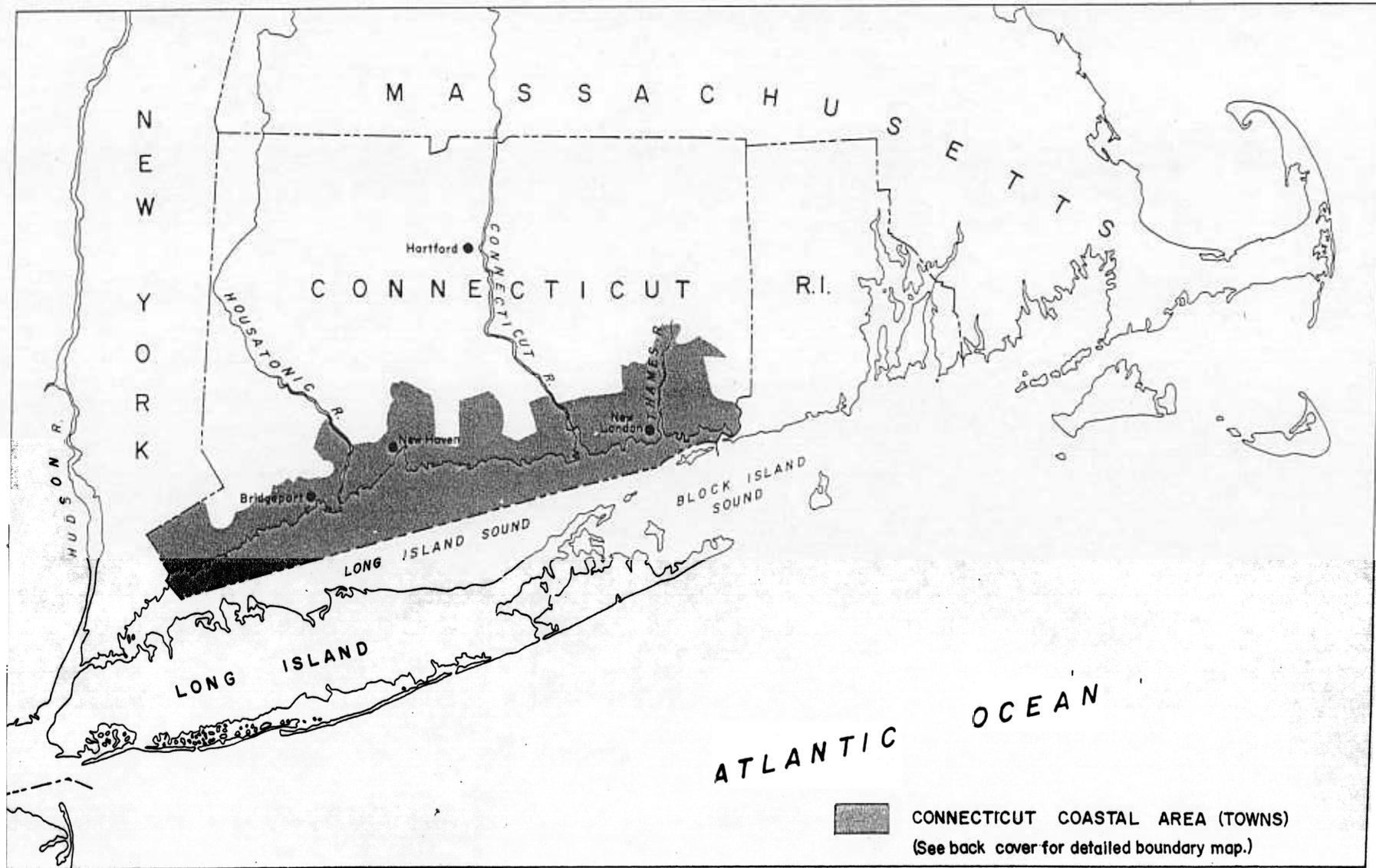


FIGURE 1. Long Island Sound and its Environs