Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

Land and Water Resources Division

Connecticut Beach Association's Guide to Coastal Activities and Permitting

Contact: DEEPLWRDPermitInfo@ct.gov

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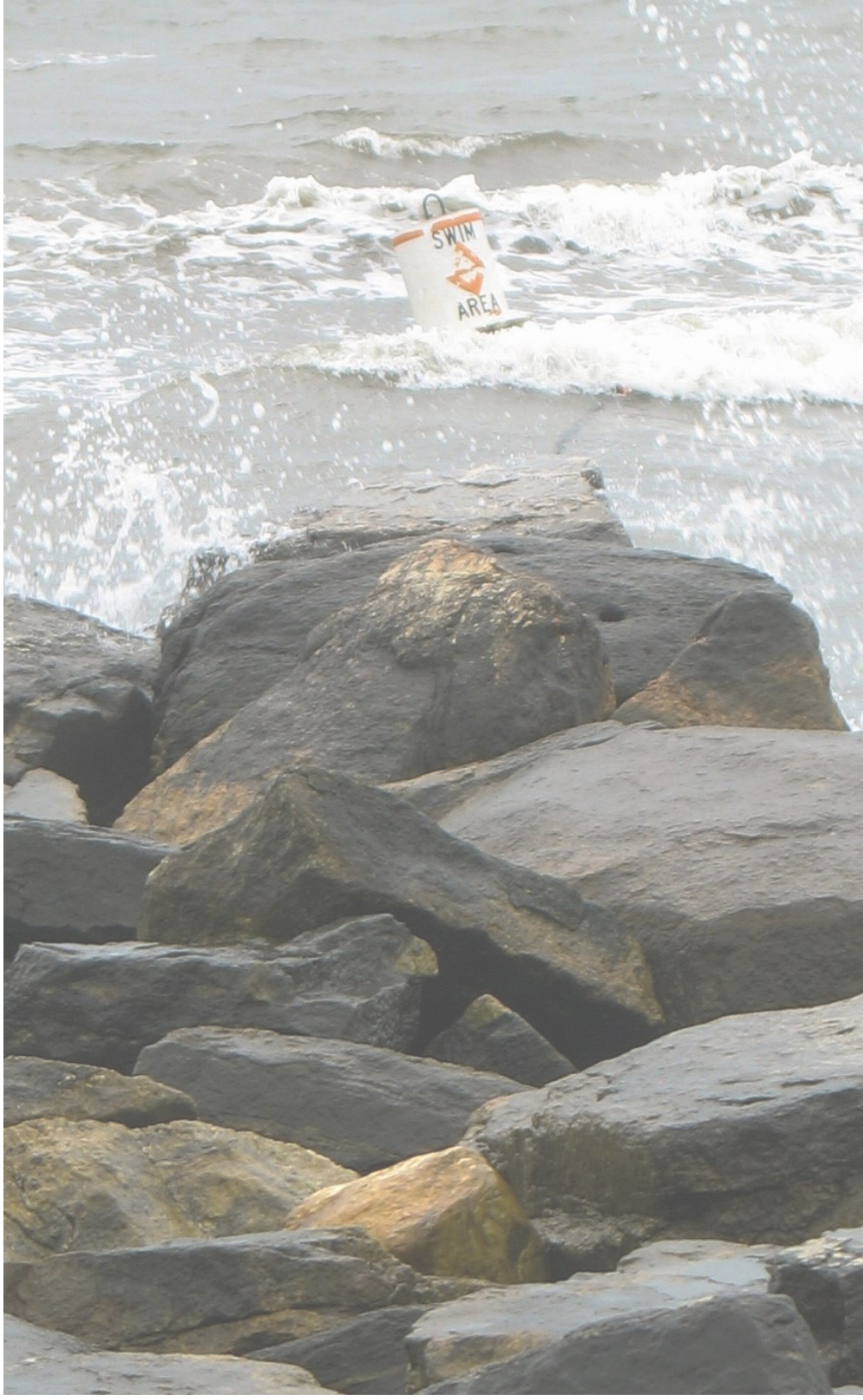

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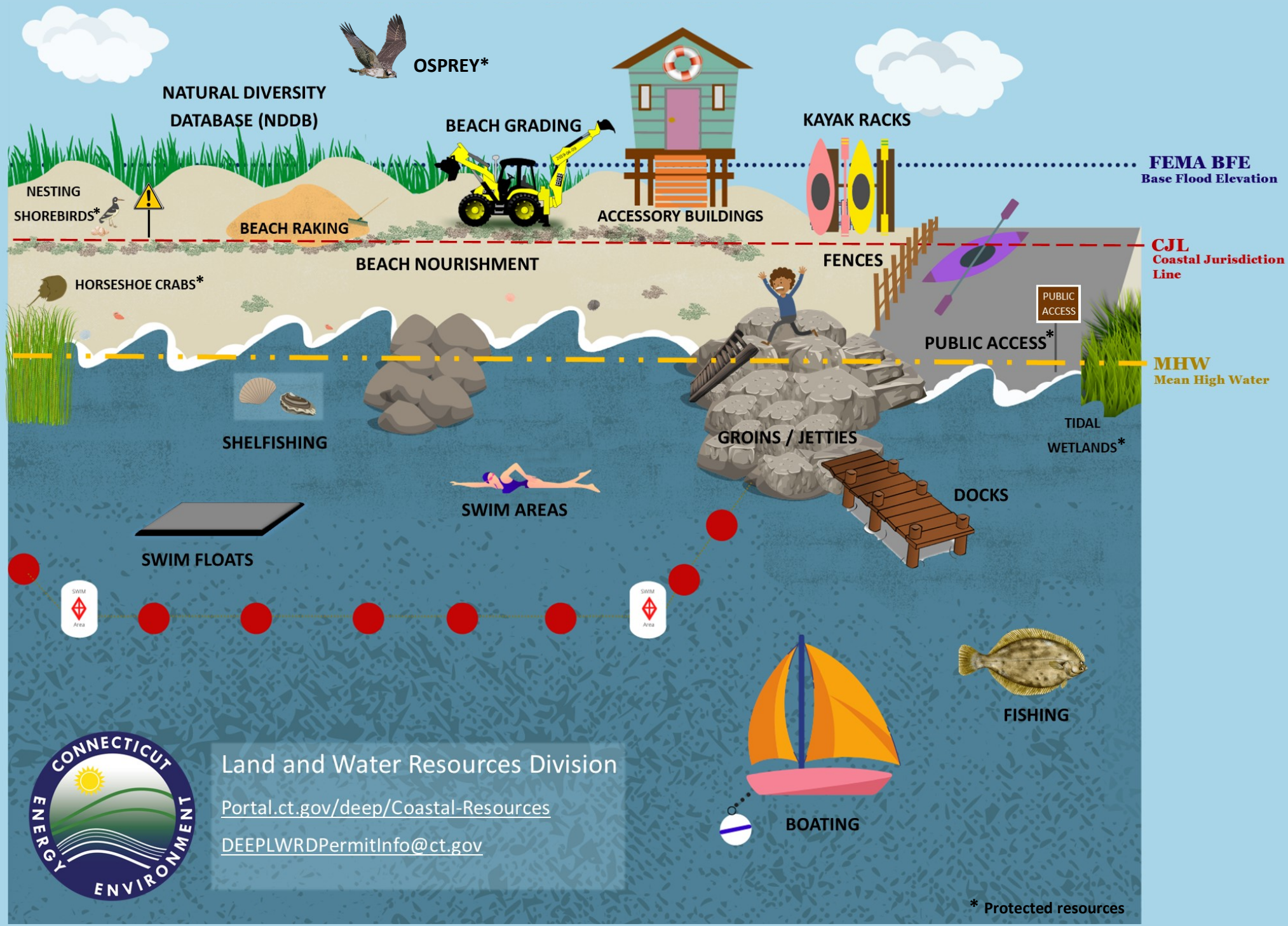
PROTECTED RESOURCES AND COMMON BEACH ACTIVITIES THAT REQUIRE APPROVAL



BEACH ASSOCIATION ACTIVITIES PERMIT FLOW CHART

PROPOSED ACTIVITY	EASIEST PERMIT OPTION	MORE PERMIT OPTIONS
Boating Saltwater Fishing Shellfishing Paddlecraft	DEEP Registration and Licensing Town Shellfish Commissions Paddlecraft does not require registration and licensing; "If found" stickers are encouraged.	N/A
Beach Raking Beach Grading Reconstruction of Authorized Structures Minor Seawall Repair	**General Permit for Coastal Maintenance** There is a seasonal restriction exemption request for beach raking/grading	**Certificate of Permission (COP)** **Structures, Dredging, & Fill Permit**
Moorings Swim Floats Swim Areas Osprey platform and pole	**General Permit for Minor Coastal Structures** Town Harbormaster Permit (moorings) DEEP Regulatory Marker Permit	**Structures, Dredging, & Fill Permit**
Beach Nourishment Docks/Boat Ramps Groins/Jetties	**Certificate of Permission (COP)** for substantial maintenance of existing structures and previously nourished beaches	**Structures, Dredging, & Fill Permit**
New Beach Nourishment New Docks/Boat Ramps New Groins/Jetties New Seawalls/Armoring	**Structures, Dredging, & Fill Permit** US Army Corps of Engineers Permit Town Planning & Zoning	N/A
Buildings (FEMA*) Utilities (FEMA*) Fences Public Access Bathrooms	Town Planning & Zoning, Floodplain Manager, Building Permits **(View your Town's website for details)** *Federal Emergency Management Agency	N/A
Storm Prep and Response	**General Permit for Coastal Storm Response**	N/A

CT DEEP Jurisdiction

What is the Coastal Jurisdiction Line (CJL)?

Pursuant to the Structures, Dredging, and Fill (SDF) statutes, DEEP's jurisdiction is called the Coastal Jurisdiction Line (CJL), which is a series of elevations computed for each regulated Town using the highest predicted tides found in Long Island Sound and the Connecticut, Housatonic and Thames Rivers, up to their respective heads of tide.

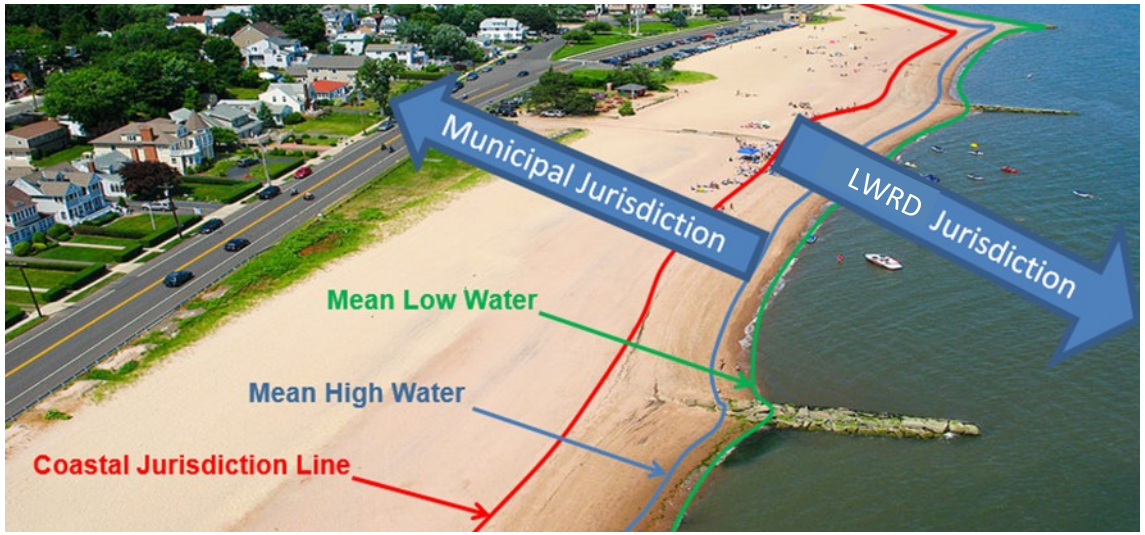
Please visit the Coastal Jurisdiction Line Fact Sheet for more information and to learn how the CJL is calculated.

If you are planning any development or activity below the CJL or within/adjacent to tidal wetlands, please review the regulatory information at Coastal Permits Fact Sheet and contact DEEP Land & Water Resources Division regulatory staff at (860) 424-3019.

The DEEP's Land and Water Resources Division (LWRD) regulates all activities conducted in tidal wetlands and in tidal, coastal, or navigable waters in Connecticut under the Structures, Dredging and Fill (SDF) statutes, Connecticut General Statutes (CGS) Sections **22a-359 - 22a-363h**, inclusive, and the Tidal Wetlands (TW) statutes, CGS Sections **22a-28 - 22a-35**, inclusive. The major objectives of the permit program are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with Connecticut's Coastal Management Act (CCMA), CGS Sections **22a-90 - 22a-112**, inclusive.

Pursuant to the SDF statutes, DEEP's jurisdiction is called the Coastal Jurisdiction Line (CJL). Towns have been assigned a CJL elevation that reflects the long-term elevation of the highest predicted tide based on scientific data and is fairly distributed along the shoreline and tidal rivers. Since the CJL is a DEEP established elevation, corresponding to the North American Vertical Datum of 1988 (NAVD88), the beach association can retain the services of a Connecticut licensed land surveyor and delineate where the CJL is located on the beach and shoreline.

To see what the CJL is for your town and property go to CJLPrintableElevationspdf.pdf



Beach Dunes

What is a beach dune?

Beach dunes are formed by the accumulation of sand, at the upper (landward) end of the beach that is driven by water, wind currents, and erosion. Not all beaches in Connecticut have dunes because of coastal development and geologic processes. Since Long Island forms a protective barrier to the Connecticut coast, Connecticut's dune systems are smaller and not as developed as the coastlines directly fronting the Atlantic Ocean.

Why are beach dunes important?

Dunes are important to both natural coastal features and manmade structures by reducing flooding and structural damage, and also by providing important ecological habitat. Dunes store sand and supply it to eroded beaches, as well as dissipate wave energy. They provide nesting and feeding areas for birds, including state protected piping plovers and least terns. By preserving or enhancing Connecticut's dunes systems, we protect birds, native plants, reptiles, and invertebrates that depend on these areas, as well as protect coastal property from flooding and damage.

Beach dune protection:



There are many ways to help protect and enhance beach dunes. The easiest protection method is to control pedestrian access by using specific paths in order to keep people and pets off fragile dunes and beach grass. Fencing can help prohibit travel in fragile areas and also can help sand accumulate in the dunes. While fencing may seem like a simple, cost effective solution, it is important to note that it may restrict bird or turtle habitat and can easily be destroyed in a storm. Fences should be installed landward of the CJL and may need to follow local ordinances. Replanting grass, especially after storm damage, is another way to maintain dunes.

Four Ways to Protect Dunes:

1. Stay off of and out of the dunes.
2. Plant beach grass. American beach grass has an extensive root system that helps stabilize the dune's sand, preventing erosion.
3. Create minimal paths and walk overs to prevent crushing multiple areas of dunes.
4. Strategically install fencing.

More Information:

- Connecticut Beaches and Dunes: A Hazard Guide for Coastal Property Owners
- Connecticut's Habitats
- Coastal Management Manual
- Beaches and Dunes, UConn



Photo credit: Paul J. Fusco / CT

Beach Grading

Definition:

DEEP defines "Beach Grading" as the redistribution and regrading of on-site beach sand between Mean Low Water and the Coastal Jurisdiction Line without the nourishment or addition of any off-site beach sand or other material.



Permitting:

Beach grading can be conducted as a non-reporting activity under DEEP's General Permit for Coastal Maintenance Activities (GP) General Permit for Coastal Maintenance (ct.gov), provided the following conditions and restrictions are followed:

1. Beach nourishment or addition of any off-site beach sand or other material is prohibited.
2. Beach grading waterward of the Mean Low Water mark is prohibited.
3. Beach grading in areas of tidal wetlands or intertidal flats is prohibited.

    a. A minimum of a 10-foot setback shall be established from any tidal wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work is completed.

4. The storing, staging and operation of beach grading equipment in-water at any time is prohibited.
5. Beach grading shall not impede access to any riparian or littoral property.
6. Beach grading shall not take place on any leased or managed shellfish bed.
7. All beach grading work is prohibited between April 1st and September 15th, inclusive, of any year to protect spawning horseshoe crabs and nesting and migrating shorebirds:

    a. An exemption to this seasonal restriction may be requested from DEEP's Land & Water Resources Division and will require the submittal of supporting biological surveys that document "no impact" to horseshoe crabs and shorebird life cycles and movement. An affirmative DEEP exemption approval in writing is required to meet this GP requirement.

8. Prior to conducting beach grading, the beach association/property owner shall provide copies of the GP to any employed contractor and shall make the GP available for inspection at the site whenever work is being performed at the site.

Please be aware that beach grading activities that do not meet the GP eligibility criteria will require the submission of an individual Structures, Dredging & Fill permit.

Beach Nourishment

Definition:

The artificial addition of sand, gravel, or other similar natural material to a beach or subtidal area adjacent to a beach to increase beach elevations and width at an eroded section.

Permitting:

Any first-time beach nourishment projects will require the submission of an individual Structures, Dredging & Fill (SDF) permit and require the following information:

- Historic shoreline beach location/erosion information (aerial photos, GIS information, previous surveys, etc.);
- New beach surveys, including plan view and profiles;
- Coastal resources identification (tidal wetlands, intertidal flats, rocky shorefront, etc.);
- Wave energy and erosion potential analysis for shoreline;
- A DEEP NDDB review for CT State Listed Species;
- Existing sand analysis for color, texture, grain size, etc.;
- Proposed volume of sand addition and new proposed beach profile; and
- Identified approved source of sand for the project.

Beach nourishment projects that have been previously authorized by DEEP or are included in a larger Living Shoreline approach can be approved under a Certificate of Permission, with pre-application coordination with Land & Water Resources Division staff.



© RACE Coastal Engineering

Information from Nourish the Beach | Connecticut Beaches and Dunes: A Hazard Guide for Coastal Property Owners (uconn.edu) and Beach Nourishment (U.S. National Park Service) (nps.gov)

Pros:

- A wider and higher beach can provide storm protection for coastal structures, create new wildlife habitat, and enhance the beach for recreation.
- Beach nourishment can be an effective, temporary response to coastal erosion, though it tends to be costly, and its effectiveness is generally short-lived (5 years or less), especially in areas with high erosion rates.

Cons:

- Dumping sand/sediment in large quantities in the intertidal area can suffocate benthic communities which are the food source for many species of seabirds and fishes.
- Often, beach nourishment projects demand a continuous re-supply of sediment due to the erosional nature of the involved beach.

Generally, there are two sources of material in Connecticut that have been used for beach nourishment:

1. "beneficial reuse" of dredged material, usually in conjunction with a dredging project of navigable waterways; and
2. upland sourcing of material, typically from a gravel pit, where trucks are used to transport material from an upland source to the beach.

Beach Raking

Definition:

The use of motorized equipment and any associated implements on a beach waterward of the Coastal Jurisdiction Line for the purpose of removing macroalgae (seaweed), stones, shells, or other natural or unnatural debris.



Permitting:

Beach raking can be conducted as a non-reporting activity under DEEP's General Permit for Coastal Maintenance (GP), provided the following conditions and restrictions are followed:

1. Beach raking waterward of the Mean Low Water mark is prohibited.
2. Beach grading in areas of tidal wetlands or intertidal flats is prohibited.

   A minimum of a 10-foot setback shall be established from any tidal wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work is completed.
3. The storing, staging, and operation of beach raking equipment in-water at any time is prohibited.
4. Beach raking that uses motorized equipment or employs implements which penetrate more than two inches is prohibited between May 10th and July 15th, inclusive, of any year in order to protect spawning horseshoe crabs:

   An exemption to this seasonal restriction may be requested from DEEP's Land & Water Resources Division and will require the submittal of supporting biological surveys that document "no impact" to horseshoe crabs and shorebird life cycles and movement. An affirmative DEEP exemption approval in writing is required to meet this GP requirement.
5. Prior to conducting beach raking, the beach association/property owner shall provide copies of the GP to any employed contractor and shall make the GP available for inspection at the site whenever work is being performed at the site.

Please note that surficial beach raking by hand may be conducted at any time.

Any material including seaweed, stones, shells, or other natural or unnatural debris removed during beach raking activities shall be disposed of above the coastal jurisdiction line and outside of any tidal wetlands.

Please be aware that beach raking activities that do not meet the GP eligibility criteria may require the submission of an individual Structures, Dredging & Fill permit.

Boating Access

Under the Structures, Dredging, & Fill (SDF) and Tidal Wetlands statutes, DEEP directly regulates all boating access structures in Connecticut's tidal, coastal, or navigable waters and tidal wetlands, including:

- ramps
- floating docks
- moorings
- stairs
- walkways
- launch ramps
- fixed piers

It is important for a beach association to survey its property, identify any existing boating access structures and search the association files for corresponding DEEP licenses. If you have questions on DEEP authorizations or the regulatory status for identified structures, please follow the contact instructions on Coastal Property Owner's Guide (ct.gov).



Depending on the location, moorings are also licensed by a State appointed Harbor Master.

To determine whether the waters off your beach are within your Town Harbormaster's jurisdiction, please use the contact information in the table at Connecticut Harbor Masters. If you are not regulated by the Town Harbormaster, then you would need to file a registration for a Non-Harbor Mooring general permit with DEEP (see Non-Commercial Harbor Master Mooring Permit Application and Minor Coastal Structures General Permit (DEEP-OLISP-GP-2015-01).

Permitting for New and Existing Structures

Existing unauthorized boating access structures can be retained under various DEEP license types, including a Certificate of Permission, an abbreviated process that can approve pre-1995 structures that have been maintained and serviceable to the present. Other DEEP license types include individual SDF permits, tidal wetlands individual permits, and general permits, both reporting and non-reporting.

Maintenance and Modifications

If the association plans to conduct any maintenance and/or modifications to existing boating access structures or plans to construct/install any new structures, please review the regulatory information at Coastal Permits Fact Sheet and contact DEEP Land & Water Resources Division regulatory staff at (860) 424-3019.

FEMA Regulated Beach Structures

If the beach association is considering constructing or rehabilitating accessory buildings such as a bathroom, concession stand, outdoor showers, ticket booth, harbormaster stations, fences, walls, boardwalks, etc., you will likely be working within a Federal Emergency Management Agency (FEMA) designated flood zone. FEMA flood zones in shoreline areas include the Coastal High Hazard Area (VE zone), Coastal AE/ Limit of Moderate Wave Action (LiMWA) zone and AE zone (1% annual-chance flood). For more information and definitions please visit Features of Flood Insurance Rate Maps in Coastal Areas | FEMA.gov.

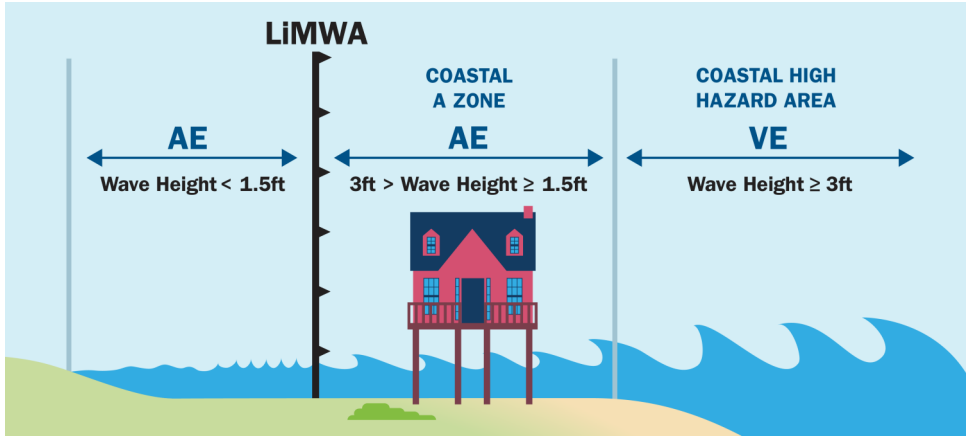


Illustration from FEMA: Features of Flood Insurance Rate Maps in Coastal Areas

It is strongly recommended that you contact the local zoning officer and building official and have all necessary reviews and permits before initiating construction.

Even though these structures must be located on or near beach areas in these coastal flood zones, FEMA does not consider them functionally dependent. Although certain structures could be deemed "water dependent" under the Connecticut Coastal Management Act, they are not necessarily considered functionally dependent by FEMA. Only docking and port facilities needed for the unloading of passengers or cargo and ship building are considered functionally dependent uses. This means that these structures must meet the National Flood Insurance Program (NFIP) construction requirements outlined in your municipal floodplain zoning regulations and the Connecticut State Building Code.

Planning for these accessory coastal structures is critical before construction. Bathrooms and concession stands may need to be re-located outside the VE zone or include ramps and switchbacks to meet elevation requirements. Ticket booths may need to be placed seasonally and removed at the end of the summer or before a large storm event. Structures on wheels may also be a consideration. Utilities such as outdoor showers or dock utilities need to be floodproofed. FEMA Technical Bulletin 5, *Free-of-Obstruction Requirements*, and the *Homebuilder's Guide to Coastal Construction* (FEMA P-499) contain more information on the requirements for accessory structures in the coastal zone.

For more information on Connecticut's NFIP program and FEMA floodplain management see: National Flood Insurance Program (ct.gov).

Groins and Jetties

The U.S. Army Corps of Engineers defines

Groins:

Shore perpendicular structures, used to maintain updrift beaches or to restrict longshore sediment transport.



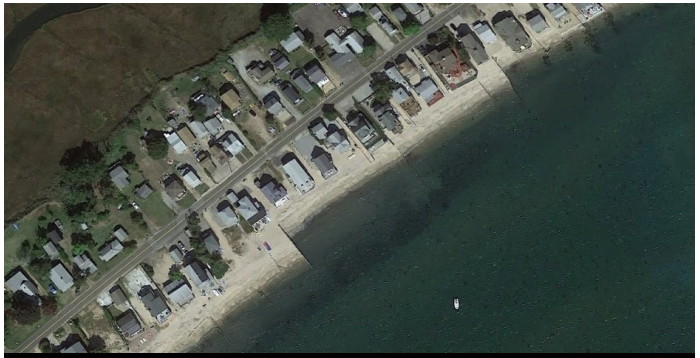
Jetties:

Shore perpendicular structures and are placed adjacent to tidal inlets and harbors to control inlet migration and minimize sediment deposition within the inlet.



By design, both structures are meant to capture sand transported by the longshore current, which depletes the sand supply to the beach area immediately down-drift of the structures. Groins and jetties can destabilize the coastal system and disrupt natural sediment regimes, which the CCMA defines as an adverse impact to Connecticut's coastal resources.

This adverse down-drift impact causes erosion and loss of beach sand depth and width. In response, down-drift property owners often seek authorization to install groins to counteract the increased erosion. This leads to a cascading effect of installations.



Aerial view of CT shoreline showing erosion and loss of sand from down-drift impact from groin installation.

That is why DEEP highly scrutinizes any applications to retain, repair and modify existing groins and jetties, and generally discourages the installation of new groins and jetties.

It is important for a beach association to survey its property, identify any existing groins or jetties, and search the association files for corresponding DEEP licenses.

Many DEEP licenses for groin repairs include conditions to minimize impacts, such as lowering/shortening of existing groins, monitoring sand movement and beach profiles, and beach nourishment of down-drift properties.

Any DEEP license will require the property owner to modify the structure to allow for reasonable public access over or through the groin or jetty. These modifications include lowering the height of the structure, installing stairs/ladder or an opening in the structure, or even removing the structure itself.

Since structures such as groins generally cause the trapping of material on one side and erosion of material on the other, applicants may be responsible for a long term beach nourishment plan.

Natural Diversity Data Base



Photo credit: Paul J. Fusco / CT DEEP Wildlife

NDDB conditions for horseshoe crabs and nesting shorebirds are common in many coastal permits.



Photo credit: Paul J. Fusco / CT DEEP Wildlife

DEEP's Natural Diversity Data Base (NDDB) program tracks and protects rare species and critical habitats in Connecticut. Through the project review process, they help minimize the impacts of regulated activities on state listed species.

Certain state and local permits require an NDDB consultation as part of the permit process. Regulated activities, such as work waterward of the Coastal Jurisdiction Line, require that an NDDB application is filed and that a determination is received prior to filing the associated permit application.



Photo credit: Paul J. Fusco / CT DEEP Wildlife

NDDB maps indicate known locations of state listed species and critical habitats and serve as a screening tool for filing. If a project location falls within an NDDB State Listed Species Area on the map, then the applicant must submit a Request for Natural Diversity Data Base (NDDB) State Listed Species Review Form and all required attachments for further review.

NDDB staff may provide recommendations for avoiding impacts to state listed species. In some cases, biological surveys must be performed by qualified individuals, in order to determine species presence and appropriate conservation measures.

For more information about the NDDB program and process, please visit
Endangered Species Review/Data Requests (portal.ct.gov)

Beach Nesting Birds

Protection of Piping Plovers and Least Terns:

Human disturbance at beach nesting areas may result in nest abandonment by state threatened piping plovers and least terns, or the loss of eggs and chicks. In response, each year DEEP delineates nesting sites with rope and fencing to dissuade people from disturbing the birds and nests.

These shorebirds need special protection throughout their April to August nesting season and especially during the increased beach activity over the long Memorial Day and Fourth-of-July weekends. By obeying the warning signs and staying away from fenced areas, beach visitors can avoid disturbing the nesting birds.

Both piping plovers and least terns use a shallow depression in sand for a nest. Their sand-colored eggs and young are so well camouflaged that they are easily stepped on. When intruders approach, young piping plovers are likely to stand motionless while the adult tries to attract attention by pretending to have a broken wing or flying around the intruder. If you witness this behavior, DEEP advises you to move away from the area at once.



All photos on page are courtesy of Paul J. Fusco / CT DEEP Wildlife

For more information:

Piping Plover (ct.gov)

Least Tern (ct.gov)

Share the Shore with Nesting Birds (ct.gov)

Common Shorebirds of Connecticut

Protect Shore-Nesting Birds | Audubon Connecticut

Protect the nest:

- Walk close to the water on the lower beach, this way birds can rest and nest on the upper beach. Follow any signs and guidance they provide, and respect all areas fenced or posted for protection of wildlife.
- Refrain from walking dogs, especially off leash, or allowing house cats to roam freely on beaches during the nesting season.
- Keep your distance while photographing or birdwatching so the birds feel safe to attend to their eggs and chicks.
- Remove trash and food scraps which attract animals that might eat piping plover eggs and chicks.
- Do not feed animals or wildlife on or near the beach.
- Do not attempt to “rescue” young birds that appear to be lost or too young. They should not be removed from the beach to be cared for at home. In most cases, when immature birds are found alone, the adults have been frightened away but remain nearby and will return to their young once the intruder leaves.







It is illegal to hold wildlife for rehabilitation without proper state or federal permits. Any violations affecting wildlife should be reported to the DEEP Emergency Dispatch Line at 860-424-3333.

Horseshoe Crabs

Horseshoe crabs are living fossils, surviving for hundreds of millions of years in the depths of the ocean through five mass extinction events. Not true crabs, horseshoe crabs are closely related to arachnids (e,g., spiders) sporting a hard carapace over their bodies and a tail-like feature called a telson, which is used as a rudder and to help flip themselves over if they end up on their backs.

Though they are a resilient species, their population numbers are either dwindling or being maintained at impoverished levels, which is concerning for the fish, reptiles, and birds that rely on horseshoe crab eggs and adult crabs alike for food.

How do horseshoe crabs effect my beach association?
Beach grading, nourishment, and mechanized raking all are prohibited during horseshoe crab spawning season, May — June, to protect the crabs and their nests.

All photos on page are courtesy of Paul J. Fusco / CT DEEP Wildlife



Horseshoe crab facts:



- Spawning Season: mid May — June
- Peak spawning: evening high tides during full and new moons on beaches that are primarily protected from surf within bays and coves.
- Females will dig nests approximately 8” deep.
- Young crabs molt their outer shell as they grow.
- The long tail like feature is called a telson and is used as a rudder.
- A common myth is that the telson is used as a spear. It is not dangerous and should not be viewed as a threat to humans.
- Their blueblood contains Limulus Amebocyte Lysate and is harvested for biomedical purposes. The horseshoe crabs used are returned to the sea, however up to 30% do not survive.

You can help protect the future of the horseshoe crabs by not disturbing them and their nests during spawning season, May through June. You may see groups of the crabs spawning in the waves, leaving thousands of fertilized eggs in the sand of the beach intertidal zone. It is critical to allow the eggs time to hatch and horseshoe crab larvae to travel out to offshore intertidal flats, where they can continue on their journey to adulthood.

For more information, please visit: Horseshoe Crabs: the Real Bluebloods, Maritime Aquarium: Meet the Animals, Sacred Heart University’s Project Limulus, and Natural History: The Amazing Horseshoe.

Osprey Platforms

Installation of an Osprey Platform and Perch Pole:

Installation of an osprey platform and/or perch pole is authorized under Section 3(a)(3) of the General Permit for Minor Coastal Structures (DEEP-OLISP-GP-2015-01) and has very specific eligibility criteria and approval notification requirements.

Osprey Platform: a single pole or group of poles each less than 20' long and less than 15" diameter, with a platform greater than 10' off the ground and having a surface area less than 25 square feet.

Perch Pole: a pole associated with an osprey platform that is less than 10' long and less than 15" diameter which is utilized for the purposes of providing a perch for osprey.

General Permit Requirements:

Osprey platforms and perch poles that are consistent with designs shown in the General Permit and are more than 300' from overhead power lines and any other osprey platforms, more than 600' from human disturbance sources, have a platform at least 10' from an area of open water, and a perch pole within 20' of the osprey platform, are eligible for the general permit without any additional approvals from DEEP. Please view the guidance document for more details and for information regarding non-conforming platforms and perch poles.



Photo credit: Paul J. Fusco / CT DEEP Wildlife

For more information:

Osprey (ct.gov)

OspreyPlatformPerchPole Guidancepdf.pdf (ct.gov)

About Ospreys | Audubon Connecticut

Osprey Nation Map & Data - Connecticut Audubon Society (ctaudubon.org)

Osprey Facts:

- Osprey are large hawks whose wings form a distinctive crook that can be distinguished in flight.
- They nest in coastal areas and large inland lakes and fly south for the winter, returning to Connecticut in late March. Nest sites are usually near or over water.
- Pairs typically return to the same nest sites each year and add new materials to the old nest.
- An average of 3 eggs are laid in April and the incubation period is one month.
- Adults are protective of the nest site and may exhibit aggressive behavior at the approach of a potential stranger.
- The osprey population was severely impacted by developmental pressures and eggshell thinning caused by DDT contamination.
- The number of active nests in the coastal zone between New York City and Boston dropped from an estimated 1,000 in the 1940s to 150 in 1969.
- Restrictions on the use of organochlorine pesticides and the banning of DDT in the 1970s have stimulated a steady recovery of osprey populations.
- DEEP Wildlife surveys active osprey nests during the summer and welcomes the help of volunteers.
- Modern day threats to osprey include: availability of food, secure nesting sites, and entanglement from items such as fishing line, 6-pack rings, balloons, kite string, and other trash.
- Platforms and poles installed in tidal wetlands require a permit; many options fall within the General Permit for Minor Coastal Structures.

Paddlecraft

What is paddlecraft?

A manually propelled vessel such as a canoe, kayak, raft, or standup paddleboard.

Permitting:

Paddlecrafts do not require a specific boating registration or license in Connecticut, however, any paddlecraft storage structures, such as racks, decks, hoists and/or floats that are installed waterward of DEEP's coastal jurisdiction line (CJL) require an individual Structures, Dredging & Fill license from the Land & Water Resources Division.

It is strongly recommended that paddlecraft storage areas are located above the CJL and avoid critical coastal resources, such as dunes and tidal wetlands.

Paddlecrafts are not to be used within designated swim areas.

"If Found" Stickers:

Each year dozens of empty kayaks and canoes are found adrift on Connecticut's waters – leaving emergency personnel in the dark as to who the owner is and whether a search and rescue operation is needed.



These stickers, provided at no cost by DEEP, offer important contact information to first responders to enable a quick response if needed. The use of the If-Found stickers can also be a useful tool to reunite owners with lost paddlecraft which are found adrift.

If Found stickers can be requested at: https://forms.office.com/g/sVgwAB2eMw.

DEEP's Top Five Safety Tips:

1. Wear your Life Jacket!
2. Paddle with a friend or group.
3. Beginning paddlers should paddle close to shore.
4. Dress properly for paddling.
5. Paddle in quiet/non-congested areas. Familiarize yourself with the waterbody you plan on enjoying to ensure you know about potential hazards (i.e., low head dam, rapids).

Safety Courses:

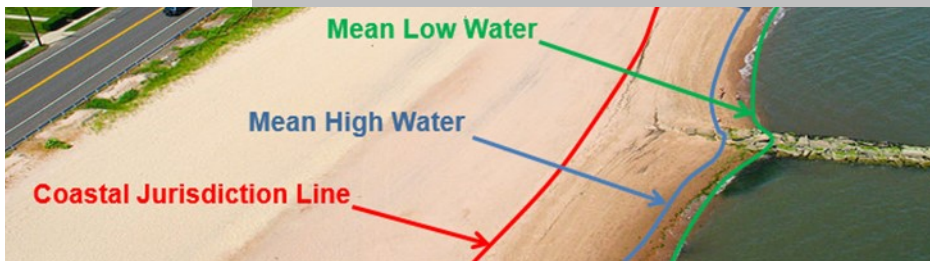
- **The Free Paddle Sports Safety Course**: sanctioned by the National Association of State Boating Law Administrators and recognized by the U.S. Coast Guard
- **American Canoe Association (ACA)**
- **Boat US Foundation (BoatUS)**,
- **ConnYak** or a local outdoor outfitter.



Public Trust/ Public Access

Under the common law public trust doctrine, the State of Connecticut holds the submerged lands and waters waterward of mean high water in trust for the public. ***The general public may freely use these lands and waters, whether they are beach, rocky shore, or open water, for traditional public trust uses such as fishing, shellfishing, boating, sunbathing, or simply walking along the beach.*** In Connecticut, a line of state Supreme Court cases dating back to the earliest days of the republic confirm that private property ownership ends at the mean high water line, and that the state holds title to the lands waterward of mean high water, subject to the private rights of littoral or riparian access.

Mean high water is the average of high tides over a defined period. Its elevation can be obtained from standard references, including the U.S. Army Corps of Engineers Tidal Flood Profile charts.



What is the public trust area?

The public trust area comprises submerged lands and waters waterward of the mean high water line in tidal, coastal, or navigable waters of the state of Connecticut. The public trust area extends from the water up to a prominent wrack line, debris line, or water mark.

In general, if an area is regularly wet by the tides, you are probably safe to assume that it is in the public trust.

The public trust area is also sometimes referred to as tidelands, and is defined as "public beach" by the Connecticut Coastal Management Act, C.G.S. 22a-93(6).

What rights does the public have within the public trust area?

Below the mean high water line and in navigable waters, the Public shall have the right to fish, boat, sail, hunt, sunbathe, take shellfish, gather seaweed, cut sedge, and pass and repass.

Where does private property end?

In almost every case, private property ends, and public trust property begins, at the mean high water line (often referred to as "high water mark" in court decisions).

What rights does the adjacent private landowner have within the public trust area?

The adjacent landowner has the exclusive riparian or littoral right of access to navigable water. **This does not mean that the owner can exclude others from the adjacent waters**, but that only the owner may get to the water from his or her upland, as by constructing a dock or other structures where appropriate and appropriately authorized.

In terms of access, navigable waters are equivalent to a public road, and a dock serves the same purpose as a private driveway. A littoral landowner may not exclude the public from lawful uses of the public trust area, just as an upland owner cannot exclude the public from driving or walking on the street in front of their house. Of course, nuisance behavior in the public trust, such as littering, intoxication, etc. would constitute a breach of the peace, just as if done by neighbors on adjacent upland property.

Signage and Fencing

My beach association wants to put up a "Private Beach" sign. Is this allowed?

Under the common law public trust doctrine, the State of Connecticut holds the submerged lands and waters waterward of the mean high water line in trust for the public. This means that private ownership ends at the mean high water line. Even at a private beach in Connecticut, the public has the right to fish, boat, sail, swim, sunbathe, walk along the beach, etc. so long as it is waterward of the mean high water line. For this reason, **LWRD does not encourage signage indicating beaches as private.**

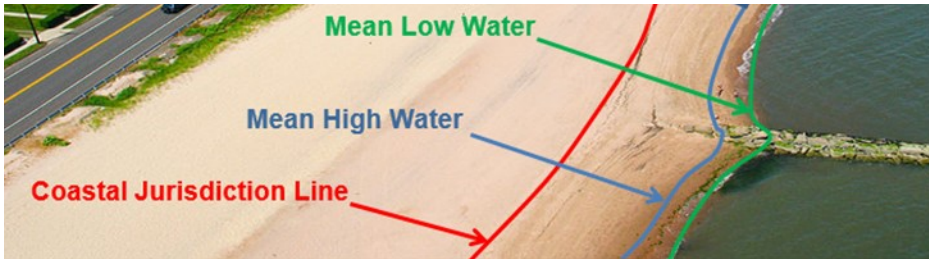
Exclusionary private beach association signs placed at or waterward of the mean high water line would be subject to DEEP authorization and are unlikely to be permitted. Other safety or informational signs may be permitted by DEEP.

My beach association wants to put up a fence. Is this allowed?

If a beach association wants to install fencing, a full permit is required for any portion of fencing that crosses waterward of the Coastal Jurisdiction Line. Please note that LWRD does not permit fencing that limits access to the public trust or impedes beach access. Contact your local Planning and Zoning Commission to learn more about your municipality's fencing requirements.

Private ownership ends at the mean high water line and the state holds title to the lands waterward of mean high water.

Any fencing or signage installed to deter the public from the public trust area is considered to be inconsistent with the public trust doctrine and the policies of the CT Coastal Management Act.



Mean high water is the average of high tides over a defined period. The area held in public trust is waterward of this line.



Fencing put in place to protect dunes and promote walkways is an acceptable use of fencing along beaches. Fencing should not be used as a method of deterring or blocking the public from fully enjoying the public trust.

Saltwater Fishing

With over 100 species of fish found in Long Island Sound, anglers can enjoy some of the very best striped bass, bluefish, summer flounder, scup, hickory shad, black sea bass, and tautog fishing along the entire coast. Connecticut offers anglers many fishing opportunities with excellent boat launches along the coast and great shore fishing locations at coastal state and city parks, and convenient party and charter boat fishing. The CT Coastal Access Guide can be used to locate public access fishing points.

DEEP Marine Fisheries Division:

deep.marine.fisheries@ct.gov

860-434-6043

Fishing License Information:

- required *for anyone 16 years of age or older*
- issued on a calendar year basis and expire on December 31st
- specific information is available at Saltwater Fishing Guide (ct.gov), Saltwater Fishing Resource Map (arcgis.com) and How to Catch Saltwater Fish (ct.gov).



Note: Avoid casting within Beach Association swim areas and avoid locating any fish cleaning stations near coastal waters and wetlands.

Blue Crab Fishing:



Open Season: May 1st— November 30th

License: none required

Minimum shell widths: (Spike Tip to Spike Tip)

- 5" hard shell crabs
- 3½" soft shell crabs



Legal methods for capture:

Scoop Net, Hand Line, Dip Net, Trot Line, Star Crab Traps (or similar device), Circular Topless Traps (not exceeding 26" in diameter) and Semi-Circular Cylindrical Traps (12" or less in diameter), but such devices must be attended at all times.

More information can be found on the Blue Crab Fishing PowerPoint or contact Marine Fisheries Division.

Shellfishing

Shellfishing regulations are set by each municipality in the state. Individual town Shellfish Commissions control recreational harvest and the rules vary from town to town. These regulations include species, size restrictions, harvest limits, closures, and fees. In Connecticut, shellfishing is allowed between sunrise and sunset, and recreational seasons are year-round, with a few exceptions. Most towns require an individual permit that must be carried at all times while shellfishing.

Check out Connecticut Sea Grant's 2020 Guidance for Recreational Shellfish Harvesting in Connecticut and visitconnecticut.com for more information on shellfishing.

Examples of shellfish in CT



mussels



clams



oysters



scallops

Note: Not all beaches are classified as open for shellfishing. Consuming shellfish from these areas could cause serious illness.



Swim Areas

To establish a swim area in Connecticut's coastal waters, a beach association must obtain a DEEP Regulatory Marker Permit pursuant to the Regulations of Connecticut State Agencies (RCSA) Section 15 -121-A5. This application can be found on the DEEP website.





Swim area specific guidance:

1. Written approval from the chief executive authority of the town/city where the regulatory marker will be placed must be obtained prior to submitting an application to DEEP for a regulatory marker.
2. Applications must include an "Improvement Location Survey" completed by a Connecticut licensed land surveyor. This specific survey depicts the horizontal location of the buoys in relation to the applicant's property boundaries and littoral or riparian areas.
3. Only regulatory markers that meet DEEP authorized design, size, and layout standards can be used, and will be clearly specified in the permit.
4. Depth is generally limited to no greater than five feet at low water, unless a swim float is in place (DEEP permit also required), in which case a water depth of ten feet is allowed. In the case of extensive shallow bottoms or steep drop offs near shore, the size of the swim area must be reasonable and not extend out any further than needed for swimming.
5. Vessels are prohibited inside the authorized swim areas per RCSA Section 15-121-B12(a). This includes the use of all paddlecraft such as stand-up paddleboards, kayak, and canoes.
6. Swim area must be at least five feet away from each property line and the float line must not cross littoral property boundaries.

   These boundaries are generally the extension of the shoreline property boundary or a line perpendicular from shore.

   A letter of permission from the affected adjacent property owner may waive this requirement.
7. Regulatory marker permits in tidal waters may require additional permits from the US Army Corps of Engineers and/or US Coast Guard, depending on the water body.





Swim Floats

Swim Float:

"Swim float" is defined in the General Permit for Minor Coastal Structures (DEEP-OLISP-GP-2015-01) as a single floating or inflatable structure unattached to land or to any other structure, secured by bottom anchor, seasonally installed and removed, and used solely for swimming.

Swim float specific guidance:

Placement, removal, and replacement of a swim float is authorized under the General Permit for Minor Coastal Structures. Registration is not required for swim floats, but must meet the specific conditions listed in Section 5 (f) of the general permit and must be removed from the water from November 15th through April 15th each year.

Swim Float General Permit Conditions:

1. Must not exceed 200 square feet.
2. There cannot be more than two swim floats installed at any site. They may not be rafted or connected to each other.
3. A swim float associated with a swim area designated under section 15-121 of the General Statutes must be located within the boundaries of that swim area.
4. Swim floats must have at least 6 inches of freeboard. If the float is inflatable, it can not have more than 3 feet of freeboard.
5. Swim floats must have a silver or international orange reflective band of at least 2 inches in width placed above the waterline around the sides of the upper perimeter of the float unless located within the boundaries of a swim area.
6. Swim floats must be secured by appropriate bottom anchors and tackle to avoid dragging or shifting position.
7. Swim floats are not to be secured by steel cables.
8. Swim floats must be used solely for swimming and associated water-based recreation. They may not be used to moor or dock a vessel used for navigation.
9. Swim floats shall not to be located on or over tidal wetlands or submerged aquatic vegetation.
10. Swim floats shall not be placed within a federally designated navigation channel or anchorage area and shall not create a hazard to or interfere with existing navigation uses in any waterway including channels, fairways, turning basins, or transient anchorages.



More information about swim floats can be found in the General Permit for Minor Coastal Structures.

Storm Preparation

Major storms can cause serious damage to beaches and associated structures. To protect the Beach Association's property prior to a severe storm, Storm Preparation Activities authorized under Section 3(a)(1) of the General Permit for Coastal Storm Response (DEEP-OLISP-GP-2015-03) can be undertaken without any DEEP pre-approval or declaration. These storm preparation activities must comply with the following conditions:

(1) Any temporary placement of sandbags may not occur in areas of tidal wetlands.

(2) Any temporary structures authorized under this general permit must be removed no later than thirty (30) days subsequent to installation.

(3) Any relocation or stockpiling of sand authorized under this general permit may only occur upon an issuance of a hurricane or tropical storm warning by the National Hurricane Center of the National Weather Service.

(4) Any person conducting relocation or stockpiling of sand authorized under this general permit must notify the Commissioner, in writing, no later than 24 hours prior to conducting such work.

(5) Any relocation or stockpiling of sand authorized under this general permit shall be limited to work upon the permittee's property on beach areas located landward of the mean high water line.

(6) Any relocation or stockpiling of sand authorized under this general permit shall not occur within tidal wetlands. No sand shall be removed from vegetated dune areas.

(7) Any relocation or stockpiling of sand shall be limited to the existing sand on-site. This authorization does not provide for the importation of sand from other locations.

(8) Any sand which has been relocated or stockpiled shall be returned to the borrow location and graded to the pre-construction conditions no later than 5 days subsequent to the storm event. In the event that the storm has washed away such sand, the permittee shall provide photographs to the Commissioner documenting the site conditions no later than 10 days subsequent to the storm event.

Eligible Storm Preparation Activities:

(A) temporary placement of bracing, scaffolding, hay bales, silt fencing, or sheeting;

(B) temporary placement of sandbags; and

(C) relocating and stockpiling beach sand for temporary dunes within areas above mean high water through the use of heavy equipment or hand-held tools.

For more information on the General Permit for Coastal Storm Response and Storm Response Activities visit the Storm Response Fact Sheet and Coastal Storm Response for more permit information.



Paul J. Fusco / CT DEEP Wildlife

Storm Response

Major storms can cause serious damage to beaches and associated structures. After a coastal storm or other event the commissioner of DEEP may declare the Storm Response Activities authorized under Section 3(a)(2) of the General Permit for Coastal Storm Response (DEEP-OLISP-GP-2015-03) be undertaken. The declaration will include the effective date, the expiration date, and the specific geographic areas covered. Only specific activities are eligible for coverage under this general permit which mainly involves shoreline stabilization.

For more information on the General Permit for Coastal Storm Response and Storm Response Activities visit the Storm Response Fact Sheet and Coastal Storm Response for more permit information.



Eligible Storm Response Activities:

(A) Placement of riprap **behind** existing, damaged seawalls for the purpose of shoreline stabilization;

*This general permit does not authorize the placement of any riprap waterward of the landward face of the existing seawall, portions that remain of the seawall, or the location where such seawall existed prior to the storm event, and the placement of any riprap that increases the height of the seawall which existed prior to the storm event.

(B) Construction of a **footing or kneewall** extending **no more than 18" waterward** of the face of a damaged seawall;

(C) **Oversheeting** extending **no more than 18" waterward** of the face of a damaged bulkhead;

(D) Repair and/or rebuilding to the **pre-existing conditions and dimensions** damaged shoreline flood and erosion control structures or living shoreline components that: (a) have been **previously authorized**; or (b) have been in place since **prior to January 1, 1995** and which serve to protect public infrastructure or an existing residence that has been in place **before January 1, 1995**;

(E) Repair and/or replacement to the **pre-existing conditions and dimensions** damaged pipes, culverts or tide control structures which: (a) have been previously authorized; or (b) have been in place since **prior to January 1, 1995**.

This general permit requires the submittal of a project report within fourteen (14) days of the completion of work.

Tidal Wetlands

The DEEP's Land and Water Resources Division regulates all activities conducted in tidal wetlands and in tidal, coastal, or navigable waters in Connecticut under the Structures, Dredging and Fill (SDF) statutes, Connecticut General Statutes (CGS) Sections **22a-359 - 22a-363h**, inclusive, and the Tidal Wetlands (TW) statutes, CGS Sections **22a-28 - 22a-35**, inclusive. The major objectives of these permit programs are to avoid or minimize navigational conflicts, encroachments into the state's public trust area, and adverse impacts on coastal resources and uses, consistent with Connecticut's Coastal Management Act (CCMA), CGS Sections **22a-90 - 22a-112**, inclusive.

DEEP directly regulates activities proposed within tidal wetlands, which are defined in CGS Chapter 440 Wetlands and Watercourses Section 22a-29. Tidal wetlands are strongly protected in Connecticut, visit DEEP's Tidal Wetlands page to learn more.

To accurately delineate the limits of tidal wetlands at your property, the beach association can retain the services of an environmental consultant familiar with coastal resources, tidal flows and tidal wetland plant species.

Examples of tidal wetlands plants in CT:



Saltmarsh grass
Spartina alterniflora



High-tide bush
Iva frutescens



Sea Lavender
Limonium carolinianum

What are tidal wetlands?

Tidal wetlands are areas which border on or lie beneath tidal waters. These areas may grow or be capable of growing some, but not necessarily all, of the species list in Chapter 440 - Wetlands and Watercourses (ct.gov)).



Photo credit: Paul Fusco

If you are planning any development or activity below the CJL or within tidal wetlands, please review the regulatory information at Coastal Permits Fact Sheet and contact DEEP Land & Water Resources Division regulatory staff at (860) 424-3019. Also, consult your town's zoning regulations for setbacks for work adjacent to tidal wetlands.

Beach Association's Guide to Coastal Activities and Permitting



Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

Created by the Land and Water Resources Division

Contact: DEEPLWRDPermitInfo@ct.gov

Special Thanks to:

DEEP Boating Division

DEEP Marine Fisheries Division

DEEP Wildlife Division