

West Haven Harbor Management Plan

Draft for Approval and Adoption



Harbor Management Commission
West Haven, Connecticut

April 2018

**CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
Draft for Plan Approval and Adoption**



Prepared By:
WEST HAVEN HARBOR MANAGEMENT COMMISSION
City of West Haven, Connecticut

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April 2018

FOREWORD

This document contains the *City of West Haven Harbor Management Plan, Draft for Plan Approval and Adoption*, (the Plan) April 2018. The Plan has been prepared by the West Haven Harbor Management Commission (HMC) in accordance with municipal authority provided by the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and by the West Haven Harbor Commission Ordinance (Chapter 20 of the West Haven Code of Ordinances).

In accordance with Sec. 22a-113m of the General Statutes, the Plan must be reviewed by the U.S. Army Corps of Engineers (USACE), approved by the Connecticut Commissioner of Energy and Environmental Protection and the Connecticut Port Authority, and adopted by ordinance by the West Haven City Council before it takes effect.

Included in the Plan are City goals, strategies, policies, and recommendations for beneficial use and conservation of the West Haven Harbor Management Area (HMA) which includes all of the navigable waters and intertidal areas within the City's municipal jurisdiction on the West River, New Haven Harbor, nearshore Long Island Sound, Old Field Creek, and the Cove and Oyster rivers.

A principal purpose of the Plan is to strengthen and maintain the City's authority for managing use and conservation of the HMA. That purpose is achieved through City planning, regulatory, and other initiatives undertaken in coordination with state and federal agencies, notably the Connecticut Department of Energy and Environmental Protection (DEEP) and USACE.

Public and private activities affecting the HMA must be consistent with the Plan. The HMC is responsible for determining this consistency through a Harbor Management Consistency Review Process established in the Plan.

The Plan strengthens and maintains coordination among the different City agencies with responsibilities affecting the HMA. It helps ensure that these agencies incorporate an awareness and understanding of harbor management concerns into their decisions, and that their actions are consistent with the City goals, strategies, policies, and recommendations established in the Plan.

The provisions of the Plan are consistent with and complement the provisions of the 2017 *West Haven Plan of Conservation and Development* (POCD). Together, these two City plans will serve as the principal guides for land- and water-use on, in, and contiguous to the HMA.

Implementation of the Plan is an ongoing process that will continue to evolve in response to changing conditions and circumstances. The Plan establishes a policy and decision-making framework to guide the City's actions, including case-by-case decision-making by the HMC, as well as the actions of other agencies. The framework is flexible and requires modification over time as conditions and circumstances change. To ensure that it responds to changing conditions, the Plan contains provisions for future amendment as needed.

ACKNOWLEDGMENTS

Many individuals contributed to preparation of the Plan, including City officials and residents and representatives of City, state, and federal agencies.

The Plan was prepared under the leadership of the West Haven Harbor Management Commission—the principal agency responsible for Plan implementation:

Eugene Pacapelli (Chairman)	
Dennis Flynn	Michael Pimer
Thomas McKeon	Dan Potter
Harbor Master Robert Pimer (Ex-Officio)	

The Plan could not have been prepared without the support of Mayor Nancy R. Rossi, former Mayor Edward M. O'Brien, and the members of the West Haven City Council who continue to demonstrate their strong commitment to stewardship of West Haven's coastal resources and navigable waters.

Former HMC member Stephen Mitchell also contributed significantly to preparation of the Plan. Among the City agency representatives who provided vital information, assistance, and guidance during the process of preparing the Plan are: Planning and Development Director Fred A. Messoro, Assistant Commissioner of Public Works Mark Paine; Assistant City Planner David Killeen; and City Engineer Abdul Quadir. Former Assistant City Planner Rob Librandi also contributed significantly, as did former Planning and Development Director Joseph Riccio and former Corporation Counsel Vincent Amendola.

In addition, a number of state and federal agencies, including various units of the Connecticut DEEP, the Connecticut Port Authority, the Connecticut Bureau of Aquaculture, and the USACE, provided substantial assistance.

The Land and Water Resources Division of DEEP provided technical assistance and support for development of the Plan through the efforts of Karen Michaels and David Blatt.

Geoffrey Steadman of Westport, CT served as consultant to the HMC for preparation of the Plan and worked at the direction of the HMC to prepare all Plan documents. Unless otherwise noted, photographs in the Plan are by Mr. Steadman, including aerial photos from June 3, 2015. Associates of Mr. Steadman who contributed to the Plan include Keith Placko who provided computer-aided mapping assistance, and Thomas Hart who assisted with development of the Harbor Management Survey.

Deserving of special thanks and recognition are the citizens of West Haven who attended the HMC's public meetings held during the planning process, participated in the Harbor Management Survey, and otherwise demonstrated their support for the City's efforts to plan for the beneficial use and conservation of the City's water and waterfront resources for the benefit of future generations.

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LIST OF ACRONYMS AND ABBREVIATIONS

BMP: Best Management Practice
CCMA: Connecticut Coastal Management Act
CJL: Coastal Jurisdiction Line
CPA: Connecticut Port Authority
DA/BA: Connecticut Dept. of Agriculture's Bureau of Aquaculture
DEEP: Connecticut Department of Energy and Environmental Protection
EPA: U.S. Environmental Protection Agency
HMA: West Haven Harbor Management Area
HMC: West Haven Harbor Management Commission
I-95: Interstate Route 95
MHW: Mean High Water
MLLW: Mean Lower Low Water
LWRD: Land and Water Resources Division
NPS: Nonpoint Source of Pollution
Plan: West Haven Harbor Management Plan
POCD: West Haven Plan of Conservation and Development
City Code: West Haven Municipal Code of Ordinances
TMDL: Total Maximum Daily Load
USACE: U.S. Army Corps of Engineers
WQS: Connecticut Water Quality Standards

Introduction and Plan Overview

West Haven is strategically located on the western shore of New Haven Harbor in south central Connecticut. From its pristine four mile shore one can see the contour of Long Island, a natural barrier, twenty miles to the south. Three Native American tribes, keepers of the oyster beds, summered in the area for hundreds of years. The abundance of wildlife in the densely forested region, fresh water from three tributaries and salt water fish and shellfish made it a natural habitat. Ship builders, seafarers, international traders, whalers, and privateers - their owners, captains and masters who resided here - brought great wealth to the community, and an era of gracious homes and elegant living was the norm during the second century of our history.

West Haven Historical Society



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

Introduction and Plan Overview

This first chapter of the *City of West Haven Harbor Management Plan* (the Plan) provides an introduction to the City of West Haven and the West Haven Harbor Management Area (HMA). The HMA defines the City's area of municipal harbor management jurisdiction over its coastal waters on the West River, New Haven Harbor, Long Island Sound, and the tidal portions of Old Field Creek and the Cove and Oyster rivers.

Chapter One also provides an overview of the purpose and contents of the Plan; the role of the West Haven Harbor Management Commission (HMC) in preparing and implementing the Plan; and how the Plan will be used to guide the beneficial use and conservation of the HMA.

Introduction to the City of West Haven and the West Haven Harbor Management Area

The City of West Haven is a coastal community on the north shore of Long Island Sound, set alongside New Haven Harbor and the West River in New Haven County. (See Map 1-1.) Slightly west of center on the Connecticut shoreline, West Haven is bounded on the north and east by the City of New Haven, on the south by Long Island Sound; and on the west by the City of Milford and Town of Orange. West Haven's total land area is about 11 square miles. In 2013, the population of Connecticut's "youngest city" was estimated at 55,046.¹

West Haven is part of the coastal area of the State of Connecticut as defined by the Connecticut Legislature in the Connecticut Coastal Management Act (Sections 22a-90 through 22a-112 of the Connecticut General Statutes.) Much of West Haven's history, from the area's first settlement in 1648 as part of the New Haven Colony to the present day, can be told with respect to the City's location on Long Island Sound, New Haven Harbor, and the West River.

In addition to its land area, West Haven's municipal jurisdiction encompasses a broad geographic area of coastal and navigable waters, including the western half of New Haven Harbor, nearshore Long Island Sound, and tidal portions of the West River, Cove River, Oyster River, and Old Field Creek. For the purpose of the Harbor Management Plan, this area of jurisdiction, defined in the City Code and in the Plan, is known as the West Haven Harbor Management Area. (See Map 1-2 and the more detailed description of the HMA in Chapter Two of the Plan.)

¹ See "Connecticut Population Estimates as of July 1, 2013," by the Connecticut Department of Public Health.



Map 1-1: The City of West Haven on Long Island Sound

West Haven's HMA and shoreline provide exceptional opportunities for public use and enjoyment, including opportunities for boating, fishing, beach activities, nature study, and the simple enjoyment of water views. The City's Long Island Sound shoreline is reserved almost exclusively for public recreational uses. The extent and quality of West Haven's municipally owned beaches and 1.7-mile beachfront boardwalk are unsurpassed on the entire Connecticut shore.

West Haven's HMA and shoreline also provide the City's most important natural resources, including tidal wetlands, intertidal flats, beaches, shellfish beds, and many diverse species of fish and wildlife. Freshwater and saltwater mix in the estuarine environments of the West, Cove, and Oyster rivers and Old Field Creek, providing ecological resources of special significance. Sandy Point, a barrier beach extending into New Haven Harbor, is a bird sanctuary of state-wide significance, providing vital habitat for numerous species of water birds, including the federally-endangered piping plover. The environmental quality associated with the City's HMA and shoreline is an unmistakably important determinant of West Haven's overall quality of life.

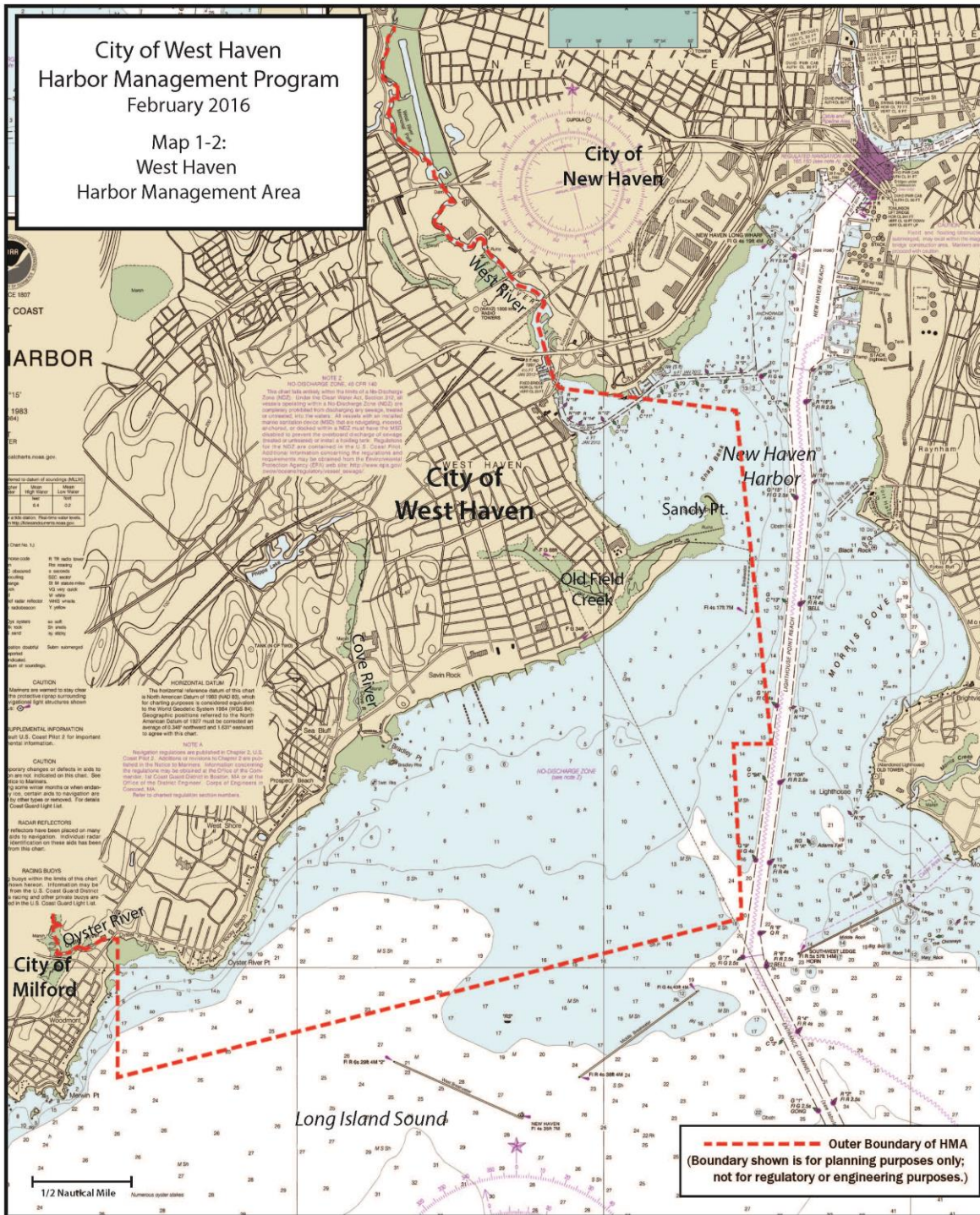




Photo 1-1: The West River flows into New Haven Harbor and the West Haven Harbor Management Area.

Areas of West Haven’s shoreline, most notably the West River Crossing Redevelopment Area, also offer significant opportunities for urban redevelopment with associated benefits to the local and regional economies, along with opportunities for additional public amenities for access to the HMA and shoreline.

Moving forward in the 21st century, West Haven’s HMA and shoreline will continue to provide important economic, environmental, recreational, and cultural benefits for City residents and the general public. There will be a continuing need for long-range planning and active involvement by the Harbor Management Commission—working in coordination with the Mayor, City Council, and other agencies—to ensure the most beneficial future use of the HMA and shoreline as well as conservation of the City’s vital coastal resources and ecological values.

The West Haven Harbor Management Commission and Harbor Management Plan

The need for a strengthened City role for managing West Haven’s coastal waters and shoreline was recognized by the City Council in 2004 when it adopted Chapter 20 of the West Haven Code of Ordinances to establish the five-member Harbor Management Commission. The HMC was thereby authorized by ordinance to carry out all of the powers and duties granted to municipal harbor management commissions through the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes). The intent of that Act is, in large part, to increase the authority and control of local governments pertaining to the use and

conditions of their harbors. (The Connecticut Harbor Management Act is included in Appendix C of the West Haven Harbor Management Plan; additional discussion is provided in Chapter Three.)

The powers and duties of the West Haven HMC include preparing the Harbor Management Plan to guide the most desirable use of West Haven's navigable waters and intertidal areas for recreational, commercial, and other purposes. Chapter 20 also defines the jurisdiction of the HMC which is herein referred to as the West Haven Harbor Management Area.

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

Throughout the planning process, the HMC sought and obtained input from the general public, City officials, and local, state, and federal governmental agencies with relevant roles and responsibilities. The HMC prepared and conducted an online West Haven Waterfront and Harbor Management Survey (see below) to gauge public opinion and identify issues of most interest to City residents and the general public. In addition, the HMC encouraged all interested citizens and officials to express their views at the HMC's regularly scheduled monthly meetings.

The West Haven Harbor Management Plan is organized in four parts.

- **Part I: Background Information for the Harbor Management Plan.** Part I contains background information pertinent to development of the Plan, including descriptions of the HMA and the uses, activities and environmental conditions found in the HMA. Part I also summarizes existing governmental and private authorities and responsibilities affecting the HMA and outlines the issues addressed in the Plan.
- **Part II: Harbor Management Goals, Strategies, Policies, and Guidelines.** Part II includes the City's basic goals, strategies, and policies to guide beneficial use of the HMA and conservation and enhancement of coastal resources in the HMA. Also included in Part II are more specific guidelines and recommendations for harbor management "sub-areas" within the larger HMA.
- **Part III: Plan Implementation.** Part III sets forth authorities and responsibilities for implementing the Plan.
- **Part IV: Appendices.** The appendices include: a) a glossary of relevant terms; b) selected references pertaining to the HMA; c) the Connecticut Harbor Management Act; c) Chapter 20 of the West Haven Code of Ordinances establishing the HMC; and d) guidelines of the U.S. Army Corps of Engineers (USACE) for placement of fixed and floating structures in navigable water.



Photo 1-2: West Haven shoreline on New Haven Harbor

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

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

Area-specific guidelines and recommendations in the Plan add detail to the policies and have been formulated for each of seven identified harbor management "sub-areas" within the HMA. These are the West River, West Harbor, Long Island Sound Shoreline East, and Long Island Sound Shoreline West harbor management sub-areas.

The Plan complements the West Haven Plan of Conservation and Development (POCD) and the City's waterfront zoning regulations by focusing on issues most pertinent to the safe, orderly, and beneficial use of the waters of the HMA and protection and enhancement of the HMA's natural coastal resources. Together, the Plan and POCD will function as the principal guides for use and conservation of West Haven's coastal waters and waterfront resources.

Waterfront and Harbor Management Survey

During the harbor management planning process, the Harbor Management Commission sought and obtained input from City residents and other interested parties during public meetings and through an online West Haven Waterfront and Harbor Management Survey. The survey was designed to help identify issues of most interest to City residents and the general public, and to gauge the interests and opinions of both City residents and visitors concerning West Haven's waterfront and coastal waters. Its basic purpose was to obtain input to aid in developing a Harbor Management Plan that best reflects the needs and interests of the City of West Haven.

Many of the 575 survey respondents added personal comments and recommendations, all of which were reviewed by the HMC. The full summary of the survey results and respondent's comments are included in Appendix E of the Plan.

To summarize, ninety percent of the survey respondents were West Haven residents and most live within walking distance of the shore.

While a majority (65%) of survey respondents are not boaters, over 80% believed that boating is an important use of West Haven's coastal waters. Support was expressed for a new or expanded boat launching facility as well as more access for paddle craft.

Ninety six percent of respondents said that access to the water, shoreline, and beaches is an important part of West Haven's quality of life. The most popular ways to enjoy the shoreline as expressed by over 77% of respondents are through active use of waterfront parks, piers, and walkways; enjoyment of open space and water views; and beach use. The most popular waterfront destinations were identified as the City's beaches and Savin Rock. Bradley Point was identified as the most popular beach.

Over 90% of respondents expressed concern with coastal flooding and its impacts on the shore. While most respondents feel safe when visiting waterfront facilities, some did express personal safety concerns when visiting city beaches at times.

Many respondents expressed opinions concerning waterfront development. Most (60%) expressed support for waterfront development in areas that were formerly industrial and commercial sites, and for development that retains as much open space for the public as possible. About 20% preferred new development be kept away from the waterfront and about 18% felt that new development should take place without restriction, including in waterfront open space areas. Ninety percent of respondents felt it is important or very important that public amenities be incorporated in new development projects.

Although 45% of respondents had the impression that water quality in the City's coastal waters is not good, an overwhelming percentage (97%) said that the ecological values of West Haven's waterfront and coastal waters are important to them.

Survey results support the Plan's premise that most West Haven residents recognize the coastal area as the City's most important natural resource, providing a variety of environmental, economic, and community benefits for all.

Implementing the Harbor Management Plan

Sec. 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of a municipal harbor management plan. In accordance with this procedure, the Plan is reviewed by the U.S. Army Corps of Engineers, approved by the Connecticut Commissioner of Energy and Environmental Protection and the Connecticut Port Authority, and adopted by the West Haven City Council before it may take effect.

The approved and adopted Plan provides a policy and decision-making framework to guide the City's actions, including case-by-case decisions by the Harbor Management Commission, as well as the actions of state and federal agencies. The HMC acts within that framework to manage use and conservation of the City's coastal waters and, where necessary, improve conditions in the HMA.

Plan implementation is achieved primarily through the actions of the HMC, other City agencies, the State of Connecticut Harbor Master for West Haven, and relevant state and federal agencies, including but not limited to the Connecticut Department of Energy and Environmental Protection (DEEP) and USACE.

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

The HMC is responsible for reviewing the effectiveness of the Plan and will update or modify the Plan as necessary to respond to changing conditions. Any Plan modifications that may be proposed by the HMC in the future will be approved and adopted in the same manner as the Plan.

- **Other City Agencies.** Pursuant to the General Statutes and West Haven Code, City commissions and departments reviewing proposals for activities affecting the HMA will, as part of their review and approval procedures, refer those proposals to the HMC for review and comment as part of the Harbor Management Consistency Review Process. In addition, City agencies proposing actions themselves that would affect the HMA will do so in a manner consistent with the Plan and refer their proposals to the HMC for review and comment.

The Economic Development Commission, Planning and Zoning Commission, Zoning Board of Appeals, Open Space Conservation Commission, Inland Wetlands Agency, Flood and Erosion Control Board, Pollution Control Commission, Parks and Recreation Department, Department of Public Works, Health Department, Police Department, Fire Department, and any other City agencies with roles and responsibilities affecting the HMA are to work cooperatively with the HMC to help achieve the goals and objectives established in the Plan.

- **State of Connecticut Harbor Master for West Haven.** The West Haven Harbor Master is appointed by the Governor of Connecticut and is responsible for the general care and supervision of the navigable waterways within the jurisdiction of the City. The Harbor Master will serve as an ex-officio member of the HMC and work cooperatively with the HMC to implement the Plan. In accordance with Sec. 15-1 of the Connecticut General Statutes, the Harbor Master must exercise his or her duties in a manner consistent with the duly approved and adopted Plan.



Photo 1-3: Sandy Point on the West Haven shoreline

- **State and Federal Governmental Agencies.** Actions by state and federal agencies with authorities pertaining to the HMA are to be consistent with the Plan to the maximum extent practicable and required by law. DEEP and the USACE, in addition to their responsibilities for review and approval of any amendments to the Plan, should consider the HMC's recommendations with respect to applications for state and federal permits affecting the HMA. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed activity affecting the HMA shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the GHA, unless such official shows cause why a different action should be taken.
- **Individuals and Organizations.** Individuals and organizations also are involved with Plan implementation through their adherence to City, state, and federal laws and regulations pertaining to use of the HMA, and through voluntary initiatives for managing and enhancing the HMA.

Benefits of the Harbor Management Plan

The Harbor Management Plan will be used by the City to achieve a number of significant purposes and benefits, including:

- *The City's role, in coordination with state and federal authorities, for planning and regulation of in-water and waterfront activities is strengthened.*

Without the Harbor Management Commission and Harbor Management Plan, the City is not able to exercise the full range of municipal authority available to address issues affecting the Harbor Management Area and shoreline. All tidal waters, submerged lands, and intertidal areas are held in trust by the State of Connecticut for the benefit of the general public; most all development activities that take place waterward of the high tide line are subject to the control and jurisdiction of the State of Connecticut and Federal Government, acting primarily through DEEP and the USACE, respectively. (See Chapter Three for more precise definitions of state and federal jurisdictions.)

Through the HMC and the Plan, West Haven assumes an integral role in the planning and regulation of in-water and waterfront activities. Establishment of such municipal involvement is a significant aim of the Connecticut Harbor Management Act authorizing municipalities to create harbor management commissions and prepare harbor management plans. The Plan establishes a fundamental City role in the state and federal decisions (pertaining to permits for docks, piers, bulkheads, and dredging, for example) that affect waterfront development, coastal resources, and the boating and other activities that take place in the HMA. City, state, federal, and private actions affecting the HMA are to be consistent with the Plan. This consistency requirement is a significant tool that the City will use to ensure that state and federal actions conform with West Haven's needs and conditions to the maximum extent practicable.

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

- *The Plan helps clarify and formally establish, in coordination with the West Haven Plan of Conservation and Development, the City's long-range vision for beneficial use and conservation of West Haven's coastal and navigable waters and shoreline.*

The Plan, in coordination with the West Haven POCD, establishes the City's basic goals and strategies for beneficial use and conservation of West Haven's navigable waters and shoreline and provides a guiding framework for City planning and development initiatives focused on the HMA and shoreline. Together, the POCD and the Plan will serve as the City's principal guides for land and water use on, in, and contiguous to the HMA.

- *Coordination is increased among the different City commissions and departments and among the different City, state, and federal agencies that now carry out responsibilities affecting West Haven's coastal and navigable waters.*

The Plan serves to increase coordination among the different City agencies that carry out harbor management-related responsibilities. Described in Chapter 3 of the Plan, a number of City agencies in addition to the HMC have relevant authorities or influence. Close coordination among these City agencies is necessary to accomplish the most effective management of the HMA and shoreline. The Plan provides a guiding framework (e.g., the City's harbor management goals, strategies, and policies) within which the existing and future activities of these agencies can be carried out in a coordinated and effective manner. The Plan will help ensure that awareness and understanding of harbor management concerns are incorporated into the actions of City agencies without removing any of their existing authorities.

- *The Plan facilitates increased involvement by the West Haven Harbor Master for achieving City goals for beneficial use and conservation of West Haven's coastal and navigable waters.*

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

- *A continuing local forum is established to give all citizens, officials, and businesses an opportunity to address issues concerning West Haven's coastal waters and shoreline.*

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

- *The Plan provides a formal basis for capital projects and other initiatives for beneficial use and conservation of West Haven's harbors and navigable waters.*

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



Photo 1-4: West Haven beaches on Long Island Sound

Costs of Plan Implementation

The Harbor Management Plan's goals, strategies, policies, and other provisions will be applied and implemented through already-existing programs and activities without significant added cost to the City. The Harbor Management Commission, for example, applies the Plan's provisions to the HMC's review of proposals that affect the Harbor Management Area and require City and/or state and federal approvals. The HMC then formulates recommendations that must be considered by the approving agencies. This review by the HMC will be conducted in the course of already existing City, state, and federal review processes and will not add to the length of those processes. Some of the longer-term recommendations included in the Plan (for improving City waterfront facilities and carrying out special projects for marsh restoration and improvement of wastewater treatment facilities, for example) will require future expenditures of City funds, but only if the City

chooses to implement those recommendations. The Plan does not commit the City to future expenditures but provides a basis for implementing beneficial projects as funds, including funds available from state, federal, and private grant programs, may become available.

An Ongoing Process

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

As West Haven's harbor management efforts continue in the years ahead, additional management provisions may be formulated to respond to changing circumstances. To accommodate this additional work, and to ensure that the Plan responds to changing conditions, the Plan will be amended as needed.

NOTE:

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

Part I of the Plan, containing background information for the Plan, follows.

PART ONE:

BACKGROUND INFORMATION FOR THE HARBOR MANAGEMENT PLAN

- **CHAPTER 2: THE WEST HAVEN HARBOR MANAGEMENT AREA**
- **CHAPTER 3: THE INSTITUTIONAL FRAMEWORK FOR
HARBOR MANAGEMENT**
- **CHAPTER 4: HARBOR MANAGEMENT ISSUES
AND PLANNING CONSIDERATIONS**



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

The West Haven Harbor Management Area

Long Island Sound is Connecticut's largest and most important natural resource. More than 8 million people live in the Long Island Sound watershed and the activities that take place on and along the Sound – boating, fishing, tourism, and swimming – contribute an estimated \$5.5 billion per year to the regional economy. The Sound provides feeding, breeding, and nesting areas for a diversity of plant and animal life. One of the region's largest estuaries with an area of 1,320 square miles, the Sound is home to more than 120 species of finfish and countless varieties of birds and other animals. Between New York and Connecticut, the Sound's coastline stretches more than 600 miles.

Connecticut Department of Energy and Environmental Protection



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

West Haven Harbor Management Area

This chapter describes the West Haven Harbor Management Area (HMA) encompassing the navigable waters and intertidal areas subject to the City's municipal harbor management jurisdiction.

Sec. 20-3 of the West Haven Harbor Commission Ordinance establishes the jurisdiction of the Harbor Management Commission (HMC) and Harbor Management Plan (Plan) as the waters within the territorial boundaries of the City of West Haven and below (waterward of) the Mean High Water line. For the purpose of the Plan, this jurisdictional area is called the West Haven Harbor HMA and is defined in the Plan to include: a significant portion of the western half of New Haven Harbor west of the main ship channel; West Haven's jurisdiction on the tidal portion of the West River; the subtidal and intertidal portions of Old Field Creek and the Cove River; West Haven's jurisdiction on the tidal portion of the Oyster River; and the nearshore waters of Long Island Sound within West Haven's territorial limits, bounded by the projection into the Sound of the boundary lines of the neighboring municipalities of New Haven to the east and Milford to the west. On the south, the HMA is bounded by a straight line running from Morgan Point in New Haven on the east to Merwin Point in Milford on the west. (See Map 1-2 in Chapter 1.) This southern boundary is established to provide a more manageable area for municipal harbor management purposes than would be provided by including the full extension of West Haven's territorial limits southward to the Connecticut/New York boundary in the center of Long Island Sound.¹

The irregular shoreline of the HMA, including the HMA shoreline on the West River, New Haven Harbor, and Long Island Sound covers about eight miles (not including the intertidal shorelines of Old Field Creek, the Cove River, and the Oyster River) and supports a diversity of uses, including residential, commercial, recreational, and open space uses. A number of ecologically vital coastal resources, including beaches, tidal wetlands, intertidal flats, and shellfish grounds, along with many species of fish and wildlife, are found in the HMA.

Included in this chapter is a description of historical uses and development of West Haven's shoreline and navigable waters, and a review of some conditions of interest in the HMA, including some historical conditions, conditions affecting navigation, and planning and development considerations. Also included are descriptions of coastal resources and water and waterfront uses, including resources and uses in five harbor management sub-areas designated for the purpose of the Plan. These are: 1) West River Harbor Management Sub-Area; 2) West River Crossing Harbor Management Sub-Area; 3) West Harbor Harbor Management Sub-Area; 4) Long Island Sound Shoreline East Harbor Management Sub-Area; and 5) Long Island Sound Shoreline West Harbor Management Sub-Area.

¹ For harbor management purposes in Connecticut, the Connecticut Department of Energy and Environmental Protection (DEEP) does not recognize municipal harbor management authority as extending to the center of Long Island Sound.

The descriptions and information presented in this chapter emphasize how West Haven's character and quality of life always have been, and remain, intrinsically tied to the water and shoreline resources of the West River, New Haven Harbor, and Long Island Sound. West Haven's coastal area is generally recognized by public officials and residents as the City's most important natural resource, providing vital environmental, economic, and cultural benefits for West Haven and its citizens.

Prominent features of the HMA are shown on maps and photos included in this chapter.

Historical Considerations²

A major part of West Haven's history may be told with reference to the City's coastal location on Long Island Sound and the West River. As with much of Connecticut's coast, the shoreline now part of West Haven was rich in natural resources and visited by Native Americans for hundreds of years prior to European settlements. Abundant oysters, finfish, and other seafood were found in the coastal and estuarine environment; upland forests provided firewood and game; and the tributaries flowing into Long Island Sound were a source of plentiful fresh water. Native American tribes are described in historical accounts as the "keepers" of the oyster beds. Along the shoreline, tall mounds of discarded shells, known as middens, were noted by Dutch explorers well before the first European settlements.

West Haven's roots as a community began with settlement of the New Haven colony on New Haven Harbor in 1638. At that time, the settlers purchased land from Native Americans extending westward from the Quinnipiac River in New Haven, across the West River, to the area now known as Allington Hill and the Cove River in present-day West Haven. A footbridge built across the West River in 1639 and a cart bridge two years later provided access to the land called West Farms on the west side of the river. The land was divided into lots, and farmers, fishermen, oystermen, and herders built simple huts. In 1648, the first families settled here permanently. Crops were easily grown on the fertile soil, and the nearby salt marshes provided cordgrass and salt hay to feed livestock. Additional acreage was obtained and by 1680 the New Haven colony had extended farther west of the West River to the Oyster River, now the boundary between West Haven and Milford.

As the settlement of West Farms grew, roads were laid out, including Pent Road (now First Avenue along the shore of New Haven Harbor) and Savin Avenue (also known as Pent Road) and Cove River Road (now Platt Avenue) running inland from Long Island Sound.

It was not long before the residents of West Farms petitioned the Colonial Assembly for a measure of political independence from New Haven. The Assembly then created the Parish of West Haven (still within the New Haven colony) in 1715, including the area now within the present-day bounds of West Haven.

2 Much information on West Haven's early history in this section is from *A Brief History of West Haven* by Harriet C. North, City Historian and Bennett W. Dorman, 1986. An interesting discussion of Savin Rock Park is found at ConnecticutHistory.org.

Described in *A Brief History of West Haven*, the colonial period in West Haven was a period of relative calm and prosperity. Churches and their congregations were significant with respect to the buildings constructed and community social life provided. West Haven's shoreline was vital for maritime trade in Long Island Sound. During the American Revolution, the Sound also provided access for British raids on western Connecticut towns. British troops landed at Savin Rock in West Haven on July 5, 1779 and marched on to burn New Haven. A notable historic event involved the Reverend Noah Williston who fell and broke his leg while fleeing the oncoming British troops. British officer William Campbell saved Williston and directed the British surgeon to set his broken leg. Adjutant Campbell lost his life in the vicinity of Allingtown Hill where a monument to his memory now stands. Campbell Avenue is now the main thoroughfare connecting Downtown West Haven with the shore. With the final treaty ending the Revolution in 1783 and Connecticut's ratification of the U.S. Constitution in 1788, calm was restored to the West Haven shoreline and to all of Connecticut's coast.

Following the Revolution, ship builders, seafarers, international traders, whalers, and privateers brought great wealth to the community, and the second century of West Haven's history is sometimes described as an era of gracious homes and elegant living.

Also following the Revolution, residents of West Haven began to petition the Connecticut General Assembly to grant a charter to form a new town, separate from New Haven. This request was eventually granted in 1822 when West Haven joined with the more rural area known as North Milford and a charter was granted by the General Assembly for formation of the new Town of Orange.

During the Civil War, several shoreline encampments were established in West Haven and New Haven, including Camp Oyster Point and the five-gun Oyster Point Battery in West Haven. Also during the Civil War period, West Haven business and industry expanded with opening of the Gessner shipyard in 1861 on Water Street at the foot of Main Street on New Haven Harbor. Three- and four-masted schooners were built here and, according to historical accounts, by 1880 this was the most important business in town. Eventually, the supply of local timber was depleted and with the advent of the steam engine, sailing ships declined and local shipbuilding turned to pleasure craft. In 1927, the Yale Flying Boat Service took over the site, and was succeeded in 1931 by the West Haven Shipyard which operated for many years.

After the Civil War, Colonel George Kelsey, a war veteran, bought a controlling interest in the horse-drawn trolley system that ran to Savin Rock, named for the savin tree (red cedar), on Long Island Sound. He also built a 1,500-foot pier off Beach Street in 1870 and started a ferry service to New Haven. That same year, the Seaview Hotel was built, along with a bandstand, fountain, and observatory at Savin Rock. This was the start of Savin Rock Park which would become coastal Connecticut's premier amusement and entertainment destination.

Daily ferry service between Savin Rock and Lighthouse Point on the east shore of New Haven Harbor started in 1901. Two new piers were built, five vessels were operated, and the service continued for 33 years. Expansion of Savin Rock Park, sometimes called Connecticut's Coney Island, had a major effect on West Haven. Visitors and local residents alike enjoyed the summer

hospitality of the new amusement park and shoreline homes and inns. Described in *A Brief History of West Haven*, “the golden era of ‘The Rock’ began with the opening of ‘White City’ just after the turn of the century, a decade after the new magic of electricity brought light and power to the community. As an entertainment center, Savin Rock, with its myriad rides, theaters, restaurants and hotels, seemed a glittering land of happy make believe. Despite numerous fires and storm damage from the Sound, ‘The Rock’ always seemed to bounce back and become revitalized.”

The hurricane of 1938 destroyed most of Savin Rock south of Beach Street, including the famous 85-foot-tall Thunderbolt roller coaster extending 500 feet into Long Island Sound. The park survived, however, and another roller coaster was built and operated until 1956.

Another significant part of West Haven’s heritage and waterfront involves sporting events. In 1910, an annual cross-harbor swimming race was established starting at Savin Rock and finishing at Lighthouse Point in New Haven. The pier at Lighthouse Point collapsed in 1934 and many spectators spilled into the water, but the race continued until the beginning of World War II. Also, baseball games were played at Savin Rock in a ballpark bounded by Beach, Summer, Palace, and Grove Streets. When Savin Rock Park developed, the ballpark was first moved to the future site of White City and then to other nearby locations. On a Sunday afternoon, family members could roam “The Rock” and enjoy a game at the ballpark.



*Photo 2-1: Raffielli's Restaurant on Beach Street at Savin Rock;
Thunderbolt Roller Coaster in the background
(From the collection of West Haven photographer Dan Shine)*

Within the Town of Orange, the West Haven area continued to grow and prosper in the first part of the 20th century, growing faster than the rural northern portion of the town and developing different infrastructure needs. As a result, the separate Town of West Haven was established in 1921 by action of the Connecticut Legislature. In 1930, West Haven's population was just fewer than 26,000, and police and fire services were expanded to serve the needs of the growing population. A more substantial system of public and private schools also was developed. West Haven's population grew steadily until 1950, when a post war population boom occurred and 20,000 new residents moved into the town in two decades. This period of rapid population growth was accompanied by significant changes in transportation and manufacturing, leading to incorporation of West Haven as a city in 1961. From that time on, West Haven has been called Connecticut's youngest city.

Several other notable events helped shaped West Haven in the second half of the 20th century. In 1958, Interstate 95 was opened through West Haven, providing a high-speed, limited access alternative to the congested Route 1 corridor between New York and Boston. In 1960, the University of New Haven moved to the Allintown section of West Haven and would expand into a prominent university with a substantial student population.

Another significant event was the demise of Savin Rock Park by the late 1960s, providing an opportunity for substantial redevelopment of the City's Long Island Sound shoreline and dramatically changing the character of West Haven's coastal area. Initially, plans for intensive development, including many apartment buildings, were proposed. Not everyone was supportive, however, and in 1974 a city-wide referendum called for a halt to most construction in the redevelopment area and preservation of the remaining shoreline as public open space. The opening of Bradley Point Park adjacent to Savin Rock in 1983 was a major event in the establishment of West Haven's now exceptional shoreline of public spaces on Long Island Sound.



Photo 2-2: Bradley Point Park

Throughout all the changes that have occurred and continue to impact the City, one major and constant influence has affected West Haven's growth and development since the first settlers crossed the West River in 1639. That influence is associated with the City's coastal location on Long Island Sound, New Haven Harbor, and the West River, a location that has provided West Haven and its citizens with vital economic, environmental, and cultural opportunities and benefits throughout the City's history. In addition, as described by the West Haven Historical Society, due in part to its location and resources, "West Haven has always had its own unique economy, noted persons, industries, social structure, government leaders, and political impact," despite being identified as part of other communities (New Haven and Orange) for a significant part of its history.

Coastal Resources

West Haven's character and quality of life are enhanced by the natural coastal resources in and adjoining the Harbor Management Area, including the western portion of the large embayment that forms New Haven Harbor. These resources provide vital ecological functions related to fish and wildlife habitat (including shellfish habitat and nesting habitat for rare and threatened shorebirds, for example), water quality, flood and erosion control, and scenic quality.

In addition to their natural values, the coastal resources provide opportunities for beneficial use and have significant economic, recreational, and cultural values and benefits. They enhance the value of properties on and near the shore, for example, and provide opportunities for the variety of boating and other water-dependent activities that provide significant recreational and economic benefits to the City and its citizens.

A variety of coastal resources is found in and adjacent to the HMA, including, but not limited to, the area's tidal waters, intertidal flats, tidal wetlands, beaches, dunes, floodplains, and living marine resources such as finfish and shellfish. The several tributaries and watersheds that drain into the HMA through the City also have significant natural values and ecological functions. In addition to the major watershed of the West River, the smaller watersheds associated with Old Field Creek and the Cove and Oyster rivers also affect the HMA and Long Island Sound.

There is a fundamental relationship among these tributaries, watersheds, the HMA, and Long Island Sound. Storm water runoff from the watersheds eventually enters the HMA and Sound, affecting the quality of surface waters. Environmental quality of the HMA and Sound may be affected by contaminants emanating from upland building and construction projects and storm water runoff from roads and highways. The environmental quality of the Sound depends significantly on the environmental quality of its many tributaries and watersheds, including the watersheds draining into the HMA.

The location and extent of coastal resources were identified by the City in the course of developing West Haven's Municipal Coastal Program and are described in the 2004 and 2017 West Haven Plans of Conservation and Development (POCD).



Photo 2-3: West River wetlands

Significant parts of the West Haven shoreline historically have been subject to severe tidal flooding, most notably during hurricanes in the 1930's, '40's, and '50's and more recently by Hurricane Irene and "Superstorm" Sandy in 2011 and 2012, respectively. Shoreline flooding and erosion are also caused by more frequent spring and winter storms, and as a result significant portions of the waterfront fall within Special Flood Hazard Areas as delineated on Flood Insurance Rate Maps, including, but not limited to areas east of Front Avenue along the West River, east of First Avenue and Water Street along the west shore of New Haven Harbor, around Old Field Creek, waterward of Beach Street, Captain Thomas Boulevard, and Ocean Avenue along the Long Island Sound shoreline, and around the Cove and Oyster rivers. For additional information concerning flood risk and vulnerability in West Haven's coastal area, see "City of West Haven Coastal Resilience Plan," March 2017.

The quality of surface water in the HMA has a profound impact on the overall quality of life as well as shoreline land-use and just about every water-use. In recent years there have been a number of accomplishments with regard to understanding and improving water quality conditions in the HMA and Long Island Sound, including improvements of municipal wastewater collection and treatment systems along the Sound (such as the improvements to West Haven's wastewater treatment plant) and establishment of water quality monitoring and educational efforts. Nevertheless, pollution and the risk of pollution still exist. Bacteria and other pollutants can affect the enjoyment of boating activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Simply stated, water pollution in the HMA would diminish the quality of life and should be of concern to everyone.

Pursuant to the Connecticut Water Pollution Control Act, all state waters are classified by DEEP in accordance with state water quality standards. The classifications establish designated uses for surface waters and identify the criteria necessary to support those uses. The classifications applied to coastal and marine surface waters are “SA” and “SB.”

Class “SA” is the highest classification applied to the state’s coastal and marine surface waters. Designated uses of class “SA” waters are “marine fish, shellfish and wildlife habitat, shellfish harvesting for direct human consumption, recreation, and all other legitimate uses including navigation.” Designated uses of class “SB” waters are “marine fish, shellfish and wildlife habitat, shellfish harvesting for transfer to a depuration plant or relay (transplant) to approved areas for purification prior to human consumption, recreation, industrial and other legitimate uses including navigation.”

Much of the HMA is classified by the State of Connecticut as “SB.” Areas with the higher “SA” classification are Old Field Creek, the Cove and Oyster rivers, and the West River upstream of the Boston Post Road. At times, bacterial contamination, excessive nutrients, and other pollutants are found in the HMA in amounts that do not support, based on state-established standards, the designated uses of class “SA” and “SB” waters. As a result, DEEP has determined that some areas of the HMA, including in the West River and New Haven Harbor, do not meet the assigned state water quality goals. Those areas and the cause of their impairment are included on the state’s list of impaired water bodies. (See 2014 “State of Connecticut Integrated Water Quality Report, Final,” October 2014, by DEEP.)

Water quality has a significant effect on the quality of shellfish resources in the HMA which consist of not only shellfish populations but also the habitat required for those populations to reproduce, survive, and flourish. Significant shellfish beds with populations of hard- and soft-shell clams, razor clams, mussels, oysters, and slipper shells are found throughout the HMA. Pursuant to state laws originally enacted in the 1800s, three basic types of shellfish grounds have been designated in and near the HMA for shellfishing and shellfish management purposes (See map 2-8.): 1) private grounds (often called “Town grounds”) designated many years ago by the local oyster ground committee and worked by commercial shellfishing companies that own the exclusive rights to raise shellfish on these grounds; 2) “natural” shellfish grounds as defined by decrees of the Superior Court of New Haven County to be left open to the general public; and 3) state grounds within the jurisdiction of the Connecticut Department of Agriculture’s Bureau of Aquaculture where commercial shellfishing is in accordance with franchise rights (granted by the state prior to 1915) or lease arrangement with the state. The state grounds adjoin the HMA to the south.

Waters and intertidal areas of the HMA have been classified for shellfishing purposes by the Bureau. These classifications to protect the public health are called shellfish growing area classifications and are distinct from the water quality classifications established by DEEP. Due to water quality concerns, no shellfish beds in the HMA are currently open for recreational use. The principal shellfish growing area classifications currently applied in the HMA, including in the West River, New Haven Harbor section, and nearshore Long Island Sound along the City’s beaches, is “Prohibited.” Areas farther offshore in the HMA are classified “Restricted-Relay.”

Intertidal resources in the HMA, including wetlands and intertidal flats subject to alternating periods of tidal inundation and exposure, are of particular ecological significance. Although some of the tidal wetland areas formerly along the shoreline have been lost to development or degraded over time, efforts to restore some of these areas continue because of the ecologically important functions provided by the wetlands. As areas of high nutrient value and biological productivity, the wetlands provide detrital products which become the food of organisms living in Long Island Sound, including crabs, worms, snails, finfish and shellfish. In the HMA, substantial tidal wetlands are found along the West, Cove and Oyster rivers and Old Field Creek. These areas provide habitat, nesting, feeding, and refuge areas for shorebirds and serve as the nursery ground for larval and juvenile forms of many of the Sound's marine organisms. Through its marsh restoration program, the City has successfully restored tidal wetlands and their associated ecological values in the Old Field Creek and the Cove River estuaries.

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



Photo 2-4: Old Field Creek wetlands

Perhaps the most well-known of West Haven's coastal resources are the City's beaches along Long Island Sound. The beaches provide recreational opportunities, wildlife habitat values, and buffer the shoreline against the impacts of coastal storms and high water in Long Island Sound. Described in the 2004 and 2017 POCDs, the City's 3.7-mile Long Island Sound shoreline, from Sandy Point on the east to the Oyster River on the west, is a major open space corridor providing an interconnected system of parks and recreational areas. In fact, the City's Long Island Sound shoreline is reserved almost exclusively for public recreational uses, and the extent and quality of West Haven's municipally owned beaches and 1.7-mile beachfront boardwalk are unsurpassed on the entire Connecticut shore. Sandy Point, a barrier beach extending into New Haven Harbor, is a vital part of this publicly accessible shoreline. The beach and dune system here includes a carefully managed bird sanctuary of state-wide significance providing vital habitat for numerous species of water birds, including the federally endangered piping plover.



Photo 2-5: Beach view near Bradley Point



Photo 2-6: Sandy Point Bird Sanctuary

Conditions Affecting Navigation

Navigation in the West Haven Harbor Management Area (see Map 1-1 in Chapter 1) is affected by weather,³ tide, and many other natural and man-made conditions, including the natural water depths in New Haven Harbor and nearshore Long Island Sound and the navigation improvements provided by the New Haven Harbor Federal Navigation Project (FNP).

Regarding the relevant meteorological conditions, average wind speed in the HMA is subject to significant seasonal variation. Generally, the windier part of the year is from October through April when the wind is predominantly from the north and northwest with average speeds greater than seven miles per hour. The calmer part of the year is described as April to October when winds are generally from the south and southeast. Occasional two- to three-day winter storms from the northeast (“Nor’easters”) can produce severe marine conditions with high winds, cold rain, and steep seas. These are the major storm influences on Long Island Sound and the HMA.

Average atmospheric and water temperatures also are subject to significant seasonal variation. Average air temperature for the year is 53.6° F. The warmest month, on average, is July, and the coldest month on average is January. The period with the warmest water temperatures is about

³ Weather statistics included in this section illustrate typical weather in New Haven, Connecticut and are considered representative of conditions in the West Haven HMA. They are based on a statistical analysis of historical hourly weather reports and model reconstructions from January 1, 1980 to December 31, 2016 available on the website weatherspark.com, and on information from the “Draft Programmatic Environmental Impact Statement Long Island Sound Dredged Material Management Plan Connecticut, New York and Rhode Island,” August 2015.

3.5 months, from the end of June to mid-October, with an average temperature above 65° F; the period with the coldest water temperatures also covers about 3.5 months, from January to mid-April, with an average temperature below 44° F.

Precipitation over the course of the year averages 47.9 inches. The month with the most precipitation on average is May with 4.5 inches; the month with the least precipitation on average is February with an average of 3.1 inches.

Described in the December 2015 “Final Dredged Material Management Plan and Final Programmatic Environmental Impact Statement Long Island Sound Connecticut, New York and Rhode Island,” (Final DMMP and PEIS) climate change in the Long Island Sound region is expected to affect the meteorology and circulation of Long Island Sound through sea level rise, changes to wind stress fields, longer periods of water column stratification, increased frequency and intensity of coastal storms, and temperature increases.

Water level and meteorological data, including tidal elevation, air and water temperature, and wind speed data representative of conditions in the HMA, are collected at an onshore water level station—part of the National Water Level Observation Network—maintained by the National Oceanic and Atmospheric Administration (NOAA) at New Haven Harbor. (This data is published on the NOAA website at tidesandcurrents.noaa.gov; see station 8465705.) The mean tidal range at this station is 6.14 feet.

Although a large part of West Haven’s historical growth and development was maritime-related, the shallow natural depths (typically one to three feet at mean low water) and extensive intertidal flats in the western half of the inner portion of New Haven Harbor (north of Sandy Point) limited the growth of port facilities on the West Haven shore. Instead, the Port of New Haven developed on the eastern side of the harbor as the largest (highest volume) commercial shipping port on Long Island Sound and the busiest port between Boston and New York City.

First authorized by the U.S. Congress in 1852 and subsequently improved numerous times pursuant to Congressional Acts, the New Haven FNP (see Map 2-9 at the end of this chapter), serves not only the Port of New Haven but also provides access to and otherwise affects the West Haven HMA. Responsibility for maintenance of the FNP, including dredging of its channels and anchorage basins as needed, rests with the U.S. Army Corps of Engineers (USACE). Elements of the FNP affecting the HMA include the main ship channel, the West River channel, the Sandy Point dike and breakwater, and the three harbor of refuge breakwaters that shelter the harbor entrance. The details and history of these segments is described in the December 2015 “Long Island Sound Final Report Dredged Material Management Plan.” All FNP depths are relative to Mean Lower Low Water.

The 5.4-mile long New Haven harbor ship channel provides access to the Port of New Haven from Long Island Sound and then, via the West River channel, to the West Haven waterfront along Water Street and on the West River. The first dredging of the ship channel was authorized by the federal River and Harbor Act of 1872 to provide a 12-foot deep and 200-foot wide channel to the New Haven wharves. In 2018, the channel is authorized at 35 feet deep and 400 to 500 feet wide

from Long Island Sound to the head of New Haven Harbor, immediately south of the U.S. Route 1 and I-95 highway bridges. The ship channel, located entirely within the harbor management jurisdiction of the City of New Haven, closely follows the east boundary of the West Haven HMA for a significant part of the channel's length. In 20017, the USACE is studying the feasibility of widening the ship channel and deepening it to 40 feet.

The West River section of the FNP was first authorized by the Federal River and Harbor Act of 1905 as a nine-foot deep by 100-foot wide channel extending from the west limit of a 16-foot New Haven anchorage adjoining the ship channel westward to City Point in New Haven and along the City Point wharves. The channel then swings away from the New Haven shoreline into the HMA, extending to and along West Haven's Water Street waterfront at the foot of Main Street, the location of West Haven's historical ship-building businesses and now the site of the currently planned Haven South Redevelopment Project described below. As originally authorized, the channel extended upstream in the West River to the railroad bridge. Dredging to provide this channel was completed in 1906. Subsequent River and Harbor Acts in the early 1900s widened and deepened the West River channel. A Congressional Act in 1955 declared the West River "non-navigable" (for certain U.S. Coast Guard and USACE regulatory purposes) upstream of a point about 70 feet south of the location where I-95 and the I-95 Bridge over the West River would be opened a few years later. This Act also abandoned (deauthorized) the federal navigation channel upstream of that point. The existing West River federal channel is authorized at 12 feet deep and 100 to 150 feet wide from the 16-foot New Haven anchorage to the Kimberly Avenue Bridge over the West River. A significant part of the channel is within the West Haven HMA. The channel was last dredged in 1988-1989.

Located entirely within the West Haven HMA, the jetty structure extending into the HMA toward the ship channel from Sandy Point is known as a "training dike" due to its intended purpose of increasing currents flushing along the channel, thereby reducing channel shoaling rates. A federal River and Harbor Act of 1882 authorized a stone and timber crib dike extending waterward 2,160 feet from Sandy Point, with a 3,200-foot long stone structure parallel to the channel.

Also part of the FNP, the three breakwaters known as harbor of refuge breakwaters shelter the entrance to New Haven Harbor. The east breakwater, located on the east side of the ship channel, is 3,450 feet long; the middle and west breakwaters, located on the west side of the channel, are 4,450 and 4,200 feet long, respectively. The middle and west breakwaters are within the territorial jurisdiction of the City of West Haven, but are just south of the West Haven HMA as currently delineated.

Inside (north) of the middle and west breakwaters and west of the ship channel, the nearshore waters of Long Island Sound and much of the New Haven Outer Harbor extending north to Sandy Point make up a significant part of the West Haven HMA. Significant natural water depths (greater than six feet) in this part of the HMA enable vessels to easily traverse this area. Shallow depths immediately offshore of West Haven's Long Island Sound shoreline and the city's beaches preclude the development of boating facilities for vessels other than hand-paddled craft along this portion of the HMA shoreline.

Since construction and maintenance of federal navigation projects are funded by federal tax dollars, the USACE has a policy that all navigation projects must be “open to all on equal terms.” This policy is to ensure that all citizens have an equal opportunity to benefit from the projects and requires, among other things, that no structures, including docks and boat moorings, may encroach into a federal channel.

Aids to navigation in and near the HMA include “federal aids” maintained by the U.S. Coast Guard which has established various lights and a lateral system of buoyage to mark the main ship channel, West River channel, Sandy Point dike, and the harbor of refuge breakwaters.

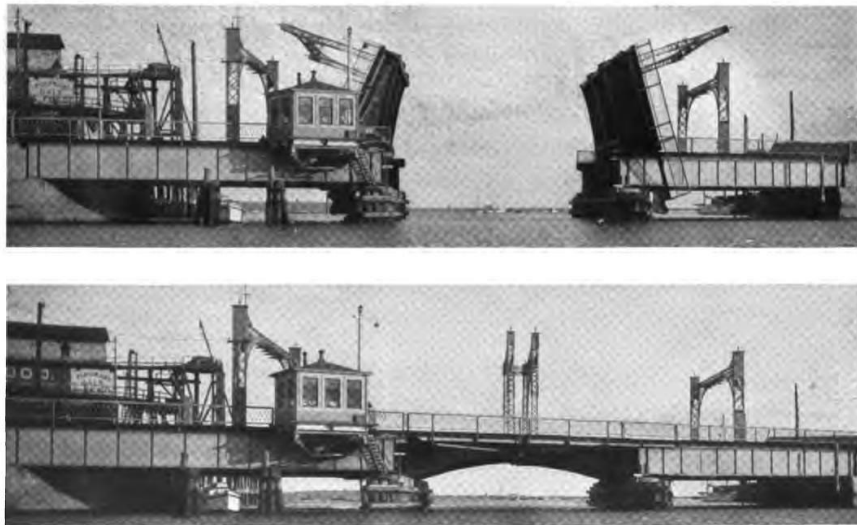
Several bridges span waterways in the HMA. The two largest, the I-95 and Kimberly Avenue bridges, are owned by the State of Connecticut and maintained by the Connecticut Department of Transportation (CT DOT). Both are fixed bridges with vertical clearances that do not impede navigation on the West River. The current Kimberly Avenue Bridge was built in 1969, replacing a double bascule bridge opened for vessels and constructed in 1907.

The I-95 West River Bridge is one of the longest and most heavily traveled bridges in Connecticut. In 2018, CT DOT continues work to replace the entire bridge and construct other improvements in this section of the I-95 corridor. This work is expected to be completed by the end of 2018.

Other bridges carry local roads across the old Field Creek, Cove River, and Oyster River estuaries in the HMC, including, respectively, Beach Street, Captain Thomas Boulevard, and Ocean Avenue which cross these waterways just before they enter Long Island Sound.



Photo 2-7: Kimberly Ave. Bridge looking upstream on the West River



Completed 1907
CITY OF NEW HAVEN
CASSIUS W. KELLY, City Engineer

Highway and Electric Railway
SCHERZER ROLLING LIFT BRIDGE
Across West River at
Kimberly Avenue, New Haven, Connecticut
In the open and closed positions

Designed by
THE SCHERZER
ROLLING LIFT BRIDGE CO.
Chicago
Movable span, 51 feet

*Photo 2-8: 1907 Kimberly Ave. Lift Bridge
(Public domain photo from Bridgehunter.com)*

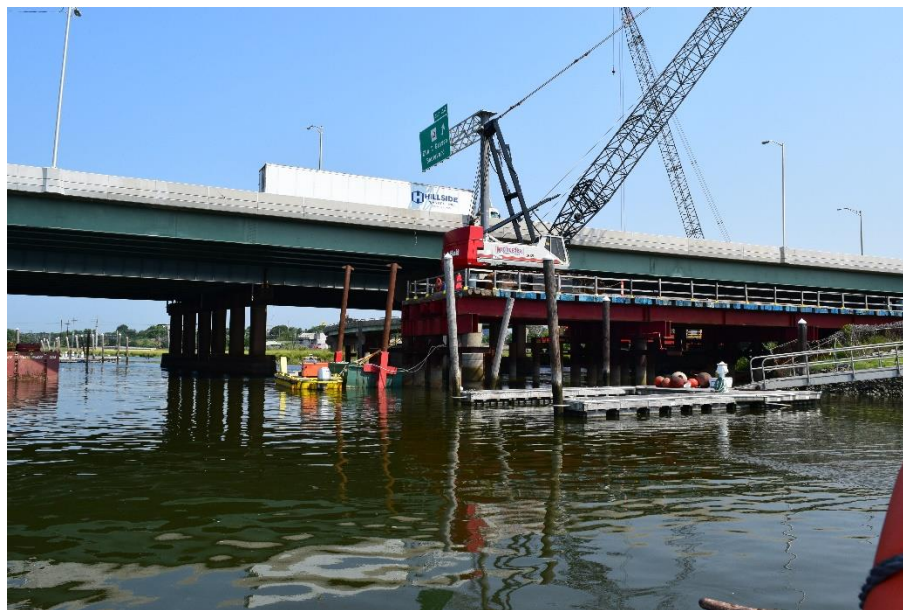


Photo 2-9: I-95 West River Bridge during reconstruction

Planning and Development Considerations

Significant planning and development considerations affecting the West Haven Harbor Management Area and Harbor Management Plan may be discussed with respect to the Connecticut Coastal Management Act (CCMA), the West Haven Plan of Conservation and Development (POCD), the City's Coastal Resilience Plan, the City's waterfront zoning regulations and districts, and the Haven South Municipal Development Plan (MDP). These documents are available for review on the City's website at www.cityofwesthaven.com.

In 1980, the CCMA established the state's policies for both conservation of natural coastal resources and beneficial use of those resources. Shortly thereafter, in 1982, West Haven established its Municipal Coastal Program (MCP) to set and advance the city's own policies, consistent with the state's, to address West Haven's coastal management issues. This effort was especially significant following the above-described loss of Savin Rock as an amusement park and coastal attraction; the resulting pressures for waterfront redevelopment; and the growing public interest in protecting open space and coastal resources along West Haven's Long Island Sound shoreline. West Haven's focus on coastal issues and opportunities was then reflected in a number of City planning programs including programs addressing water quality, open space, public access, wetland protection and restoration, flooding and flood management, and habitat protection. The 2004 POCD described the City's coastal resources and the issues, opportunities, and constraints associated with their beneficial use and conservation, and established goals and objectives for that use and conservation. The 2004 POCD also emphasized the importance of enhancing and maintaining City-owned beaches and waterfront areas as an invaluable environmental and recreational resource. West Haven's zoning regulations were amended to achieve these POCD goals.

The 2017 POCD further strengthens the City's land use policies for beneficial use and conservation of coastal resources and focuses on opportunities in the area described as "The Beachfront and the Beach." Included are new goals and strategies for sustainable development, public recreational use, and environmental conservation in the beachfront area along Ocean Avenue, Captain Thomas Boulevard, Beach Street, and First Avenue. The 2017 POCD supports coordinated implementation of the POCD, Harbor Management Plan, and West Haven's Coastal Resilience Plan to achieve the City's coastal management goals and policies established in those plans. The Coastal Resilience Plan assesses coastal flood and vulnerability, and recommends City strategies to accelerate recovery and reduce the amount of resources, including public expenditures, needed to completely restore municipal services, public infrastructure, and community functions damaged by natural hazards, including but not limited to, flooding, erosion, and wind hazards caused by hurricanes, coastal storms, rising sea level, and other weather and climate-related events and phenomena.

West Haven's land use goals and policies are implemented in large part through the City's zoning regulations which set forth the requirements for Coastal Site Plan Review whereby specific development plans proposed within the City's coastal boundary are reviewed by the Planning and Zoning Commission for consistency with the MCP and CCMA. The zoning regulations also establish special districts within the coastal area including the WD (Waterfront Design), SRR (Shoreline Residential Retail), SCR (Shoreline Commercial Retail), and OS (Open Space) districts. In addition, specific planned development zones, including the Haven South Redevelopment Area, are the subject

of special planning and zoning requirements. The 2015 Haven South MDP envisions regionally significant redevelopment with significant waterfront access amenities for the general public. (See the following section on the West River Crossing Harbor Management Sub-Area.)

In summary, the attention given by City officials and planners to West Haven's shoreline and harbor areas in 2018 continues to reflect the City's foresighted efforts to shape its future while recognizing not only coastal area economic development opportunities and the value of the City's coastal neighborhoods, but also the need to ensure that coastal resources and opportunities for public enjoyment of those resources are properly sustained.

An overview of existing water and waterfront conditions in each of five Harbor Management Sub-Areas within the larger West Haven HMA s provided in the following sections.

West River Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on the West River from the Metro-North Railroad Bridge upstream to Derby Avenue, a distance of about 2.4 miles along the winding watercourse. Jurisdiction in the river is shared with the City of New Haven as the municipal boundary between the two cities follows the river's centerline. (See Map 2-3.)

Prominent features of the sub-area and the adjoining West Haven shoreline include four bridges crossing tidal waters at, from north to south; Derby Avenue, Route 1, Spring Street, and the Metro-North Railroad; undeveloped floodplain and elevated forested land in the area from Marginal Drive to Derby Avenue; a car-top boat launching area owned by the City of New Haven adjoining Route 1; former landfill areas; and a significant tidal wetland upstream of Spring Street known as the Spring Street Wetland. Prominent features on the east side of the river, in New Haven's jurisdiction, include West River Memorial Park and the excavated, open water area known as the Reflecting Pool, and urban commercial and industrial areas along Ella T. Grasso Boulevard.

Navigable depths in the river range from only about one to four feet at mean low water. As a result, boating use is limited to small craft, including canoes and kayaks, and usually takes place at mid-tide or higher water.

Described in the West River Watershed Management Plan, the West River watershed encompasses approximately 35 square-miles of land located primarily in the municipalities of New Haven, West Haven, Bethany, Hamden, Prospect, and Woodbridge, Connecticut. The southern portion of the watershed is highly urban, while the northern portion of the watershed is much more rural with significant areas of forest and protected water supply land.



Photo 2-10: West River between New Haven (to left) and West Haven.

West River Crossing Harbor Management Sub-Area

This harbor management sub-area includes the City’s jurisdiction on the West River and the west shore of New Haven Harbor from the Metro-North Railroad Bridge downstream to and including the Haven South Redevelopment Area, a distance of a little less than one mile along the shoreline. (See Map 2-4.) Jurisdiction in the river and harbor is shared with the City of New Haven as the municipal boundary follows the river’s centerline and West Haven’s harbor management jurisdiction extends into the western half of New Haven Harbor.

Prominent features of the sub-area and the adjoining West Haven shoreline include the City of West Haven’s municipal compost facility; two major state-owned bridges crossing tidal waters—the Connecticut Turnpike (I-95) and Kimberly Avenue bridges; the recreational boating facilities of the City Point Yacht Club (located on both sides of the river between the two bridges); the approximately 24-acre Haven South Redevelopment Area; and the West River-New Haven Harbor federal navigation channel which passes near the shoreline of the redevelopment area. The federal navigation channel is shown on Map 2-9. The upstream limit of the West River federal navigation channel is just downstream of the I-95 Bridge. Noted in the earlier discussion of navigation conditions, federal legislation in 1955 declared the West River upstream of this point to be “non-navigable” for the purpose of certain U.S. Coast Guard and Corps of Engineers regulatory programs. This legislation also abandoned (deauthorized) the previously authorized portion of the federal navigation channel upstream of that point. Approximately 135,000 vehicles cross the West River on the I-95 bridge each day. Ongoing bridge and highway reconstruction and improvements by the CT DOT are expected to be completed in 2018.

In 2018, the compost site and the DEEP-owned strip of land just south of the I-95 right-of-way have been identified by the Harbor Management Commission as potential sites for establishing a new public boat launch.

Much of New Haven Harbor within this portion of the West Haven HMA is designated as a natural shellfish ground.



Photo 2-11: West River Crossing area including the I-95 and Kimberly Avenue bridges, the City Point Yacht Club facilities between the bridges, and the West Haven compost site upstream of the I-95 Bridge.

The 24 +/- acres that comprise the Haven South Redevelopment Area are among the earliest developed areas in West Haven. The waterfront and adjacent property are located at the City's most traveled gateway. The Haven South Municipal Development Plan has been prepared to address issues of economic diversity, appropriate land uses, and associated public and private improvements. The site provides a major opportunity to accommodate regionally significant redevelopment with a substantial water-dependent component, including facilities for visual access to the HMA for enjoyment of scenic views and physical access for fishing and boating-related activities.



Photo 2-12: Haven South Redevelopment Area

West Harbor Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on New Haven Harbor, including the West Haven shoreline extending from the Haven South Redevelopment Area to and including Sandy Point and Old Field Creek. (See Map 2-5.)

Prominent features of the sub-area and shoreline include waterfront residential areas; the West Haven Yacht Club; the City's April Street Boat Launch; the West Haven Water Pollution Control Plant; the Sandy Point coastal barrier, bird sanctuary, and federal jetty; and the Old Field Creek tidal watercourse and wetland restoration area. New Haven Harbor within this portion of the West Haven HMA includes a designated natural shellfish ground as well as private grounds.

North of the April St. boat ramp and Water Pollution Control Plant (not shown on this photo), the West Harbor shoreline includes the West Haven Yacht Club and shorefront residential areas along 1st Ave. south of the Haven South Redevelopment Area.

The April Street Boat Launch is West Haven's only municipal boat launch, providing access to the HMA for trailered and car-top recreational vessels and emergency services vessels. In 2018, the facility is considered inadequate for local and regional demand as it is not useable at all stages of the tide and parking for boat trailers is limited. As a result, the Harbor Management Commission is evaluating opportunities for establishing a new boat launching facility useable at most or all stages of the tide and with sufficient parking



Photo 2-13: West Harbor shoreline including West Haven Yacht Club



Photo 2-14: April Street Boat Launch

Sandy Point, a barrier spit extending into New Haven Harbor a distance of about 1,000 yards, is one of the most ecologically significant sites on the Connecticut coast. The West Haven shore, on the migratory route for some of the most endangered bird species, is one of the state's foremost locations to observe rare shorebirds. The Sandy Point Beach and Bird Sanctuary, a site featured on the Connecticut Coastal Birding Trail, has been designated an "important bird area" by Audubon Connecticut. Described by Audubon Connecticut, Sandy Point is one of the most significant nesting locations for the federally threatened Piping Plover, and also supports one of the most important Least Tern and mainland Common Tern colonies in the state. Sandy Point was the first successful nesting area in Connecticut for Black Skimmers. The area receives significant usage by migrating shorebirds, which roost on the sand spit and sandbars at high tide and forage on the tidal flats at lower tides.



Photo 2-15: Sandy Point

Old Field Creek, one of the several small estuaries in the West Haven coastal area supporting tidal wetlands with much ecological value, flows through culverts and self-regulating tidegates (SRTs) under Beach Street before entering New Haven Harbor at Sandy Point.

The SRTs at Beach Street are maintained by the Department of Public Works to regulate tidal exchange between Long Island Sound and Old Field Creek. The SRTs' adjustable float system allows for sufficient tidal flushing to maintain a healthy wetland ecosystem while preventing tidal flooding. This is accomplished by adjusting the float system so the gates automatically close at a predetermined tidal elevation before the highest, or flood-causing part of the tide range passes through the gates.



Photo 2-16: Old Field Creek



Photo 2-17: Self-regulating tidegates at Beach Street

Long Island Sound Shoreline East Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on nearshore Long Island Sound, including the West Haven shoreline extending from Sandy Point on the east to and including the Cove River and estuary on the west, a distance of about 1.7 miles. (See Map 2-6.)

The shoreline is reserved almost exclusively for public recreational uses. Prominent features of the sub-area and shoreline include the City's 1.7-mile Beachfront Walkway along the entire length of the shoreline, connecting Sandy Point on the east with Bradley Point Park on the west. Six municipal beaches interspersed with four substantial City-owned piers (East Avenue, Washington Avenue, Altschuler Plaza, and Oak Street piers) provide opportunities for public fishing and scenic views. From east to west, the beaches are known as the Morse, Morse Avenue—Washington Avenue, Altschuler, Oak Street B, Oak Street A, and Bradley Point beaches. The municipal beaches here, together with the beaches in the Long Island Sound Shoreline West Sub-Area, are part of the longest stretch of public beaches on the Connecticut shoreline.

The shoreline is also characterized by nearby commercial development and multi-family residential areas; the Savin Rock Park and Conference Center on the former site of the historic Savin Rock Amusement Park; Bradley Point Park including the Veterans Walk of Honor at the western end of the Beachfront Walkway; and the Cove River tidal watercourse and wetland restoration area.

Freshwater and saltwater mix in the estuarine environment of the Cove River, providing tidal wetlands and other coastal resources of significant ecological value. The City's marsh restoration program has restored formerly degraded tidal wetlands in the estuary. Wooden tidegates at Captain Thomas Blvd. control the flow of tidewater through culverts under Captain Thomas Blvd into the Cove River estuary. The wooden gates have deteriorated to the extent that a significant amount of tidewater, sufficient for maintaining ecologically healthy tidal wetlands in the estuary, is able to pass through the culverts. In 2018, the Harbor Management Commission recognizes that repair and replacement of the tidegates must provide for continued tidal exchange between the estuary and Long Island Sound, consistent with the City's marsh restoration program.

Nearshore Long Island Sound within this portion of the West Haven HMA includes a designated natural shellfish ground as well as private grounds.



Photo 2-18: View east over Altschuler Beach and Beach Street toward Morse Beach, Morse Park, and Sandy Point.

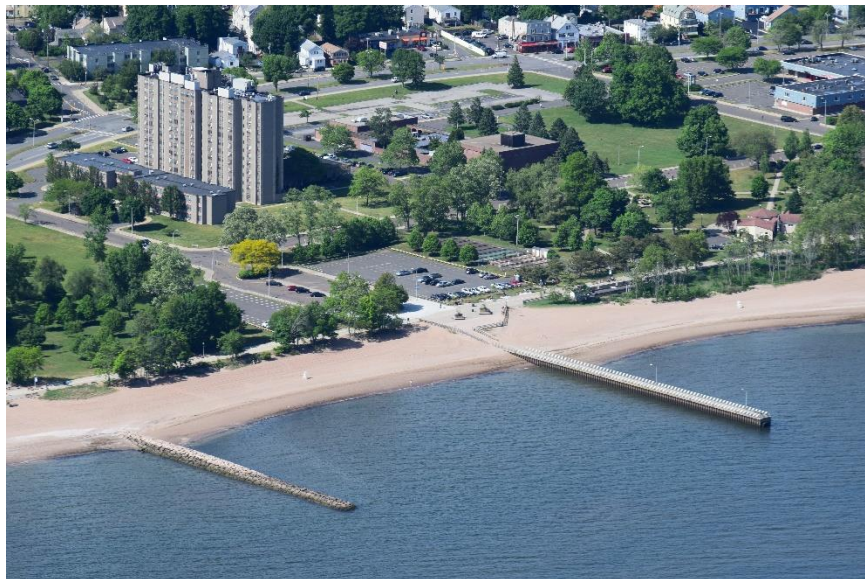


Photo 2-19: Oak Street Pier at Oak Street Beach.



Photo 2-20: Bradley Point Park at the mouth of the Cove River and Bradley Point.



*Photo 2-21: Wooden tidegates at Captain Thomas Blvd.
at the mouth of the Cove River.*

Long Island Sound Shoreline West Harbor Management Sub-Area

This harbor management sub-area includes the City's harbor management jurisdiction on near-shore Long Island Sound, including the West Haven shoreline extending from the Cove River on the east to and including West Haven's municipal jurisdiction on the Oyster River on the west, a distance of about two miles. (See Map 2-7.) The City's harbor management jurisdiction on the Oyster River extends a distance of about 1.3 miles upstream along the watercourse as it winds through ecologically valuable tidal wetlands. Jurisdiction in the river is shared with the City of Milford as the municipal boundary follows the river's centerline.

About half of the shoreline along Long Island Sound is reserved almost exclusively for public recreational uses; the remainder includes long-established shorefront residential development in the Oyster River Point area. Prominent features of the sub-area and shoreline include six municipal beaches known, from east to west, as the Sea Bluff, Prospect, Dawson Avenue, and Lake Street beaches east of Oyster River Point, and the Oyster River Beach at the mouth of the river.

The municipal beaches here, together with the beaches in the Long Island Sound Shoreline East Sub-Area, are part of the longest stretch of public beaches on the Connecticut shoreline. In 2014, the U.S. Army Corps of Engineers undertook a \$3.79 million federal beach re-nourishment and post-Storm Sandy shore protection (beach nourishment) project roughly centered on Prospect Beach, but extending for 4,500 feet from Ivy Street on the northeast to Tyler Avenue on the southwest. According to the USACE, approximately 99,000 cubic yards of sand were trucked to the beach and graded to create an appropriate beach slope. Prospect Beach is one of more than 20 USACE shore and bank protection projects in Connecticut. The original project was completed by the USACE in 1957 and involved widening of the beach and construction of eight groins in an attempt to hold the sand in place. A second project was completed in 1994 to place additional sand to protect Ocean Avenue from waves and high water.

Other prominent features include the Oyster River tidal watercourse and wetlands and Oyster River Point. The Oyster River Point seawall, a shoreline flood and erosion control structure around the Point, protects infrastructure and homes from flooding and erosion. A number of street end right-of-ways provide access to the shoreline here.

Nearshore Long Island Sound within this portion of the West Haven HMA includes a designated natural shellfish ground as well as private grounds.



Photo 2-22: Sea Bluff Beach and Prospect Beach west of the Cove River.



Photo 2-23: View east over the Oyster River estuary toward Oyster River Point



Photo 2-24: The Oyster River flows under Ocean Avenue to Long Island Sound in the West haven HMA.

Institutional Framework for Harbor Management

The Harbor Management Commission shall consist of five members who must be electors and residents of the City of West Haven at a time during their tenure. The Mayor shall appoint members of the West Haven Harbor Management Commission. The purpose of the Harbor Management Commission shall be to prepare a Harbor Management Plan for the harbor in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes.

Chapter 20 of the West Haven
Code of Ordinances



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

The Institutional Framework For Harbor Management

This chapter describes the institutional framework for harbor management in the City of West Haven. As all of the agencies noted likely will have continuing roles affecting the West Haven Harbor Management Area (HMA), an understanding of their current authorities and responsibilities is necessary when considering opportunities for the most effective management of the HMA in the future. Responsibilities of these agencies for implementing the *City of West Haven's Harbor Management Plan* (the Plan) are set forth in Chapter Eight.

Many agencies and officials at the City, state, and federal governmental levels have authorities and responsibilities pertaining to the HMA and implementation of the Plan, including, but not limited to, the City Council, Mayor, Harbor Management Commission (HMC), Harbor Master, Connecticut Department of Energy and Environmental Protection (DEEP), Connecticut Port Authority (CPA), and U.S. Army Corps of Engineers (USACE).

The general public and waterfront property owners have important water-related rights to use the HMA, and there are several regional and private organizations with interests concerning the HMA. Also significant for harbor management purposes are actions affecting the HMA that originate in or involve the cities of New Haven and Milford and other towns with jurisdictions in the watersheds draining into the HMA.

In addition to the City's Harbor Commission Ordinance, numerous City, state, and federal laws, regulations, and ordinances affect use and conservation of the HMA.

City of West Haven

A number of City agencies have authorities affecting use and conservation of the West Haven Harbor Management Area. In addition to the Mayor, City Council, and Harbor Management Commission, agencies with harbor management-related responsibilities include the Office of Economic Development Commission, Planning and Zoning Commission, Zoning Board of Appeals, Open Space Conservation Commission, Inland Wetlands Agency, Flood and Erosion Control Board, Pollution Control Commission, Parks and Recreation Commission and Department, Department of Public Works, Health Department, Police Department, and Fire Department.

City ordinances, regulations, and programs have been established to manage use of the City's coastal waters (the HMA) and City facilities providing access to those waters. The City Charter and Municipal Code establish the powers, duties, and regulations that guide the functions and operation of City government. The Charter and Code include, in addition to their sections establishing the authorities of City agencies, sections that specifically apply to the HMA. Chapter 20 ("Harbor Commission") of the Code, for example, defines the jurisdiction of the HMC to include the area below the Mean High Water (MHW) line within the City's territorial boundaries, bounded by Milford on the west and New Haven on the east. The City's Flood Management Program is codified in Chapter 111 of the City Code, and Chapter 170 establishes regulations concerning use of all City parks and recreation areas providing access to the HMA.

CITY AGENCIES WITH HARBOR MANAGEMENT
ROLES AND RESPONSIBILITIES

Mayor
City Council
Harbor Management Commission
Economic Development Commission,
Planning and Zoning Commission
Zoning Board of Appeals
Open Space Conservation Commission
Inland Wetlands Agency
Flood and Erosion Control Board
Pollution Control Commission
Parks and Recreation Department
Department of Public Works
Health Department
Police Department
Fire Department

Mayor

Chapter III of the City Charter establishes the office of Mayor as the executive branch of City government and specifies the Mayor's powers and duties. The Mayor is directly responsible for administration of all City departments and agencies and all officers in charge of persons or boards appointed by him, and supervises and directs the same. In addition, the Mayor is charged with seeing that all laws and ordinances governing the City are faithfully executed; appoints members of the City's boards and commissions (including the Harbor Management Commission); appoints or hires department personnel; and submits a proposed City operating and capital budget to the City Council.

The Mayor also provides leadership and direction for the City's coastal and harbor management initiatives and helps to set and advance the City's vision for use and conservation of its land and water resources.

City Council

As the legislative body of the City, the 13-member City Council exercises authorities that directly and indirectly affect use and conservation of the West Haven Harbor Management Area. All City ordinances are established by the City Council, often acting upon the recommendations of various commissions and departments. The City Council also has final approval authority on the City's operating and capital projects budgets, including the Harbor Management Commission's budget, and establishes the compensation for all City positions.

The City Council adopted the City's Harbor Commission Ordinance establishing the HMC and may adopt other ordinances affecting the HMA and waterfront as necessary. In accordance with Sec. 22a-113m of the Connecticut General Statutes, the Harbor Management Plan and any future amendments to the Plan and to any City ordinance(s) needed to implement and enforce the Plan must be adopted by the City Council to take effect.

Harbor Management Commission

On June 14, 2004, the City Council adopted the City Ordinance creating the West Haven Harbor Management Commission, an independent City commission with five members appointed by the Mayor with a limitation that no more than three may be members of the same political party. The Harbor Master shall serve as an ex-officio member of the HMC, without vote. This action was taken with authority provided by the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes).

As specified in Chapter 20 of the City Code, the HMC has the power, duty, and responsibility to prepare, maintain, and implement the City's Harbor Management Plan. Among its other duties, the HMC reviews and makes recommendations on proposed land- and water-use activities contiguous to the waterfront and within the Harbor Management Area that are received by other municipal agencies; assists the Harbor Master in the assignment of boat moorings, the management of mooring and anchorage areas, and the collection of mooring fees; assists in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the HMA; and reviews for consistency with the Harbor Management Plan any public notice of and application for a local, state or federal permit for an activity taking place within the HMA.

Economic Development Commission

The Economic Development Commission was created by the City Council pursuant to the authority of Sec. 7-136 of the Connecticut General Statutes for the purpose of promoting and developing the business and industrial resources of the City of West Haven. Chapter 18 of the City Code specifies the rights, powers and duties of the Commission to: 1) make recommendations, as it deems appropriate, to the City Planning and Zoning Commission with respect to possible amendments to the City's Plan of Conservation and Development or to the zoning regulations as they effect industrial and commercial development; 2) confer with similar commissions of abutting municipalities in order to make recommendations with respect to the development of adequate roads, utility services, and industrial sewage disposal in a manner consistent with that of other

municipalities; and 3) foster and promote orderly commercial and industrial development. The Commission's role in promoting water-dependent uses and addressing any industrial and commercial discharges in the Harbor Management Area has a direct influence on the HMA and waterfront.

Department and Commission of Parks and Recreation

The Department of Parks and Recreation supervises, maintains, regulates, and otherwise manages the recreational facilities of the City, including the City's fifteen beach access points and paths and boat launching areas including the City launch ramp and a number of "car-top" boat launching sites. The Department provides seasonal life guard supervision at seven beaches in the Harbor Management Area.

The Parks and Recreation Commission (Board) is established in the City Charter and recommends to the Council the adoption of all ordinances relative to the use of parks, beaches, playing fields, playgrounds, nature centers, and shoreline walkways, and the preservation of order, safety, and decency therein, and to promulgate rules and regulations for the use thereof. The enforcement of any such rules and regulations shall be under the jurisdiction of the Department of Police. Chapter 170 (Parks and Recreation Area) of the City Code sets forth ordinances pertaining to the use of all City parks and recreation places, including the City's shoreline parks and beaches.

Planning and Zoning Commission

The Planning and Zoning (P&Z) Commission, comprised of five members and three alternates, advises the City Council and the Economic Development Commission on planning and land-use matters; maintains the City's zoning regulations; and hears applications for special-use permits. In addition, the P&Z Commission conducts site plan reviews, including reviews of development plans within the coastal management district, and plans for soil erosion and sediment control.

The P&Z Commission is responsible for preparing and adopting the City's *Plan of Conservation and Development* (POCD) which establishes the City's land-use goals and policies; adopting, amending, and enforcing the City's Building Zone Regulations; and regulating and reviewing municipal improvement projects. The Commission also is responsible for conducting coastal site plan reviews of proposed activities within the coastal area of the City. The purpose of the coastal site plan reviews is to determine the consistency of the proposal with the coastal management policies established in the Connecticut Coastal Management Act (CCMA). (See the following section on the State of Connecticut.)

In 2017, the P&Z Commission prepared and adopted a comprehensive update of the 2004 POCD. The POCD emphasizes the City's waterfront and coastal waters as significant assets to be protected. The POCD describes issues affecting the coastal waters, including issues concerning water quality and waterfront development and provides support for water dependent uses, especially in the West River corridor.

Goals and policies of the POCD are implemented through the City's Zoning Ordinance including the coastal management area and special districts establishing coastal issues including WD (Waterfront Design), SRR (Shoreline Residential Retail), and SCR (Shoreline Commercial Retail).

In accordance with the CCMA, the City has established the boundaries of its coastal land area in the form of a Coastal Overlay Zone included in the Building Zone Regulations. As required by the CCMA, the City undertakes “coastal site plan reviews” of all major projects or activities proposed within the coastal boundary to determine the consistency of those projects and activities with the CCMA’s coastal management policies. The City’s requirements for coastal site plan review are also established in the Zoning Ordinance.

The P&Z Commission is also the administering agency for the City’s Flood Management Program codified in Chapter 111 of the City Code. As such, the Commission is responsible for adopting and, through its staff, administering the City’s flood hazard area regulations, including the procedure for obtaining a permit to carry on regulated activities in a flood hazard area.

Zoning Board of Appeals

To the extent that the powers and duties of the Zoning Board of Appeals may affect the use of properties adjoining or near the West Haven Harbor Management Area, those powers and duties may influence conditions in the HMA. The Board hears and decides appeals for variances from the Zoning Ordinance and appeals of actions of the Zoning Enforcement Officer. The Board must conduct a Coastal Site Plan Review for all such requests affecting land in the Town’s coastal area.

Conservation and Open Space Land Commission

The five-member Conservation and Open Space Land Commission advises City agencies and officials on matters pertaining to open-space and conservation issues affecting the City’s quality of life. As part of its charge is to prepare the City for future land acquisition opportunities, the Commission is responsible for developing a strategy to fund future open space acquisitions. The 2004 Plan of Conservation and Development suggests focusing Commission resources on the protection, conservation, and managed use of open space lands in select areas of the City including the Old Field Creek and Cove River areas. Such efforts would be directly related to protection of these watersheds and water quality in the West Haven Harbor Management Area.

Inland Wetland Agency

The Inland Wetland Agency is responsible for preparing and implementing the City’s regulations to protect the City’s inland wetlands and watercourses in accordance with authority provided by the Connecticut General Statutes and Chapter 22 of the City Code.

Pursuant to the City’s Inland Wetlands and Watercourses Regulations, the Agency reviews applications for development within 100 feet of inland wetlands and other activities that would affect those wetlands and watercourses, and may grant, deny, or place conditions on permits for a regulated activity. The Agency oversees compliance with permit conditions and pursues enforcement actions against unauthorized activities.

The Agency has a significant influence on land-use in the watersheds draining into the West Haven Harbor Management Area. Through its regulatory decisions affecting inland wetlands and watercourses in those watersheds, the Agency can influence the maintenance and improvement of water quality in the HMA.

Department of Health

The Department of Health, responsible for enforcing the state Health Codes and City ordinances concerning public health, has several water quality-related programs that directly affect the West Haven Harbor Management Area. Among its public health responsibilities, the Department monitors City beach waters after rainfall events to determine if there are elevated bacteria levels that necessitate beach closures. Any closures are then posted on the Department's website. Written beach closure policies reviewed on an annual basis have been established by the Department for all City beach facilities. In addition, the Department has addressed the West Nile virus problem by contracting to have a mosquito reduction program administered throughout the City.

Department of Public Works

The Department of Public Works (DPW) has a number of operational responsibilities affecting the West Haven Harbor Management Area. The DPW is responsible for operating the City's Water Pollution Control Plant, 13 pumping stations, and sanitary collection sewers. In addition, the DPW is responsible for maintaining and improving the City's storm water drainage system (60 miles of sewer lines and 1,500 catch basins) and streets (repair/paving and winter plowing/sanding) and sidewalks (curbing projects). The DPW also provides outreach and informational programs to reduce storm water runoff pollution and manages the City's compost site adjoining the West River.

Police Department

The Police Department has significant harbor management responsibilities for law enforcement and boating safety in the West Haven Harbor Management Area. Like other municipal police departments in Connecticut, the Department has state-delegated authority to enforce state boating laws and regulations that apply in the HMA and Long Island Sound. Department responsibilities affecting the HMA and waterfront also include law enforcement responsibilities at public areas along the waterfront and patrol of those areas to maintain public safety. In addition to its law enforcement authorities, the Department responds to emergency situations, including medical emergencies and search and rescue situations, in coordination with other emergency services agencies.

Fire Department

The Fire Department is responsible for fire protection and emergency response and management on the waterfront and in the Harbor Management Area, including response to any hazardous materials spills in the HMA. Fire prevention and preparedness responsibilities in and adjoining the HMA are particularly significant due to the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials associated with boats, marinas, and other waterfront uses. The

City Fire Marshall reviews the development plans of all applicants seeking zoning/building approval (including waterfront development plans) and specifies necessary measures for fire protection in accordance with the Connecticut Fire Safety Code.

Flood and Erosion Control Board

The Flood and Erosion Control Board plans, acquires, constructs, maintains, supervises, and manages flood and erosion control systems and may enter into agreements with state and federal agencies to accomplish its purposes. As defined in the Connecticut General Statutes, a “flood or erosion control system” includes any dike, berm, dam, piping, groin, jetty, sea wall, embankment, revetment, tide-gate, water storage area, ditch, drain or other structure or facility useful in preventing or ameliorating damage from floods or erosion, whether caused by fresh or salt water, and shall include any easements, rights-of-way and riparian rights which may be required in furtherance of any such system. In addition, the Flood and Erosion Control Board acts as the appeals board for floodplain regulatory decisions made to implement the City’s Flood Management Program.

Pollution Control Commission

The Pollution Control Commission, created by ordinance (Chapter 39 of the City Code), has responsibilities for adopting and amending all City rules and regulations pertaining to the pollution of water and air, and advising and assisting the City’s Director of Pollution Control. The Director’s duties affecting the West Haven Harbor Management Area include: investigation of all complaints concerning pollution of water and air; development, implementation and supervision of a comprehensive program for the testing of all bodies of water within or adjacent to the City of West Haven; development, implementation and supervision of a program to evaluate all septic tank systems presently in use in West Haven and the development of a comprehensive program of periodic inspection of these systems; compilation of an inventory of water use and wastewater disposal by West Haven industry; and publication and dissemination of information on methods of pollution control and the enlistment of the cooperation of civic, technical, scientific, educational and other interested organizations.

Neighboring Towns

Actions originating in or involving the towns with jurisdictions adjoining the West Haven Harbor Management Area and with jurisdictions in the watersheds draining into the HMA can affect West Haven’s coastal waters in a variety of ways.

A number of harbor management issues are of common interest to West Haven and the neighboring towns. These include issues of water quality, boating safety, emergency response, law enforcement, and public access to Long Island Sound and along the shoreline. Coordination of municipal harbor management authorities with the City of New Haven is of particular significance as the larger portion of New Haven Harbor falls within the HMA.

In addition, as many environmental and other harbor management issues do not respect municipal boundaries, there is a need for ongoing coordination of harbor management initiatives with not only New Haven, but also the City of Milford whose harbor management jurisdiction borders the

HMA to the west, and with the upstream communities of Bethany, Woodbridge, and Hamden with jurisdictions in the West River watershed.

Regional Agencies

In 2018, the principal regional agency with responsibilities and activities that may affect the West Haven Harbor Management Area is the South Central Regional Planning Agency (SCRCOG), the regional planning agency for the fifteen municipalities, including West Haven, in lower New Haven County. SCRCOG's main functions include preparing and maintaining a regional plan of development; reviewing and commenting on proposed zoning changes that may affect other municipalities; undertaking the federally mandated transportation planning process for the region; and providing technical assistance concerning land-use and transportation planning to its member municipalities. Among its environmental initiatives, SCRCOG prepared a Regional Plan of Conservation and Development last updated in 2009. In addition, SCROG is now working on a coastal community resilience plan that will address opportunities to reduce risk from large-scale storm events and increase the viability and resiliency of natural ecosystems. Participating municipalities will integrate green infrastructure principles, prioritize projects, and contribute to a Regional Coastal Resiliency Plan.

State of Connecticut

A number of state laws, regulations, and programs affect the West Haven Harbor Management Area. The principal legislation of interest includes the Connecticut Harbor Management Act of 1984 and other state laws affecting use and conservation of coastal land and water resources in the HMA including the Connecticut Coastal Management Act (CCMA), Tidal Wetlands Act, and the Structures and Dredging Act.

The Connecticut Harbor Management Act of 1984 (P.A. 84-287; Sections 22a-113k through 22a-113t of the Connecticut General Statutes) enables municipalities to establish harbor management commissions and develop harbor management plans. The intent of the Harbor Management Act is, in important part, to increase the authority and control of local governments over matters pertaining to the use and condition of their harbors.

In accordance with Section 22a-113m of the General Statutes, any harbor management plan or plan amendments proposed by a municipality must be approved by the Connecticut Commissioner of Energy and Environmental Protection and Connecticut Port Authority before the plan or any amendments to that plan may be adopted by the legislative body of the municipality.

The Connecticut Coastal Management Act (CCMA) of 1979 (Sections 22a-90 through 22a-112 of the General Statutes) establishes policies for the use and conservation of coastal resources. This Act also establishes the mandatory municipal process of coastal site plan review and authorizes preparation of municipal coastal management policies and requirements such as implemented through the *West Haven Plan of Conservation and Development* and Zoning Regulations.

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

The most prominent state agencies with harbor management-related roles and responsibilities in the HMA are the Department of Energy and Environmental Protection, the Connecticut Port Authority (CPA), and the Department of Agriculture's Bureau of Aquaculture (DA/BA). Also, the West Haven Harbor Master, appointed by the Governor, is a state official with authorities established by state statutes. Other state agencies of interest include the Department of Motor Vehicles which administers Connecticut's boat registration law requiring all boats with motors, regardless of size, and all boats of at least 19 1/2 feet in length powered by sail alone to be registered and numbered; the Department of Economic and Community Development which is a source of funds for remediation of formerly polluted ("brownfields") sites; the Department of Transportation whose principal authorities affecting the HMA concern maintenance of the I-95 West River and Kimberly Avenue bridges; and the Connecticut State Police which enforces state boating laws and regulations and may respond to emergencies in Long Island Sound.

Department of Energy and Environmental Protection Land and Water Resources Division

The Department of Energy and Environmental Protection's Land and Water Resources Division (LWRD)¹; has significant responsibilities for implementing the Connecticut Coastal Management Act of 1979 and the Connecticut Harbor Management Act of 1984. The LWRD provides municipalities with technical assistance for harbor management and reviews proposed municipal harbor management plans and harbor management plan amendments to determine their consistency with state statutes.

Pursuant to the Tidal Wetlands Act and Structures and Dredging Act, the LWRD also regulates proposed development activities in the state's coastal waters and implements several regulatory programs concerning the following activities: placement of structures waterward of the Coastal Jurisdiction Line²; placement of structures in tidal wetlands; filling in tidal wetlands; filling in coastal, tidal, or navigable waters; dredging for navigation and disposal of dredged material; construction and maintenance of nonfederal channels; and placement of commercial moorings. The

¹ Reorganization of DEEP in 2016 created the Land and Water Resources Division and eliminated DEEP's Office of Long Island Sound Programs. The LWRD assumed the coastal planning and regulatory responsibilities held previously by the Office of Long Island Sound Programs.

² The LWRD's regulatory jurisdiction for proposed work in coastal waters is defined by the "Coastal Jurisdiction Line" (CJL) defined in accordance with standards set forth by DEEP and determined for the state's tidal waterbodies, including the waterbodies in the HMA. Prior to October 1, 2012, the DEEP's regulatory jurisdiction was marked by the high tide line.

LWRD works closely with the U.S. Army Corps of Engineers in processing applications involving filling, dredging, or structures in coastal waters and wetlands. Tidal wetlands are defined in state statutes and mapped according to the presence of specific vegetation.

No person can conduct any regulated work in coastal waters and tidal wetlands without authorization from the LWRD. Such authorization may require a Permit or, for certain activities typically involving maintenance of previously permitted structures, dredging, or fill, a Certificate of Permission (COP) may be required. In addition, pursuant to Sec. 22a-361(d) of the General Statutes, DEEP has issued a General Permit for Minor Coastal Structures which authorizes certain defined structures such as small docks, moorings, navigational markers, and vessel-waste pump-out facilities anticipated to have only minor impacts on coastal structures provided the requirements of the General Permit are satisfied.³ In that case, an applicant submits a registration form instead of a Permit or COP application to the LWRD.

Other Divisions of DEEP

Other divisions of DEEP also have authorities and responsibilities that affect the West Haven Harbor Management Area.

Boating Division: The Boating Division offers boating safety instruction and certifies boaters on completion of basic boating and personal watercraft operation courses. In addition, it is responsible for implementing the state's permitting programs for special marine events and for placement of all regulatory, special purpose, and navigational markers, including markers to delineate restricted speed zones and swimming areas. Pursuant to Sec. 15-136 of the Connecticut General Statutes, the Boating Division is responsible for reviewing local ordinances regarding the operation of vessels to ensure that those ordinances are not arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with state policy.

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

Planning and Standards Division: The Planning and Standards Division adopts water quality standards and classifications for Connecticut waters (including the surface-waters of the HMA), monitors and assesses the state's water quality, regulates municipal discharges, and assists municipalities in upgrading municipal sewerage facilities.

³ See "General Permit for Minor Coastal Structures," DEEP-OLISP-GP-2015-01, Issuance Date: October 26, 2015, Expiration Date: October 26, 2035.

Bureau of Natural Resources: The Bureau of Natural Resources manages inland and marine fish populations for commercial and recreational fishing and is involved with restoration, management, regulation, and research concerning fish species and populations in Long Island Sound and the HMA. Anyone age 16 or older, fishing (taking or attempting to take fish or bait species) from shore or from a boat in the marine district of this state or landing marine fish or bait species in Connecticut taken from offshore waters is required to have a Marine Waters Fishing License (also known as a Saltwater Fishing License). This annual sport fishing license is issued on a calendar year basis and may be purchased from DEEP's web site, some DEEP offices, and participating town clerks and retail vendors.

Bureau of Materials Management and Compliance Assistance: This bureau enforces the state's water pollution control laws; regulates storm water discharges from industrial and commercial activities; conducts pollution prevention, monitoring, and enforcement inspections; and provides emergency response for oil and chemical spill incidents and releases of hazardous materials and petroleum products.

Remediation Division: Within the Bureau of Water Protection and Land Reuse, the Remediation Division oversees the investigation and remediation of environmental contamination that can impact the quality of land, groundwater, surface water, and air, and ensures that cleanup of contaminated sites meets Connecticut's Remediation Standard Regulations to protect human health and the environment.

Connecticut Port Authority

Effective July 1, 2015, the Connecticut General Assembly enacted a law establishing a quasi-public agency known as the Connecticut Port Authority. The law transferred, effective July 1, 2016, the maritime-related authorities and responsibilities formerly held by the Commissioner of Transportation and Department of Transportation to the CPA.

Among its responsibilities, the Authority is to: coordinate the development of Connecticut's ports and harbors; pursue federal and state funds for dredging and other infrastructure improvements to increase cargo movement through the ports and maintain navigability of all ports and harbors; work with the Department of Economic and Community Development and other state, local and private entities to maximize the economic potential of the ports and harbors; support and enhance the overall development of the state's maritime commerce and industries; coordinate the state's maritime policy activities; and serve as the Governor's principal maritime policy.

In addition, any harbor management plan or harbor management plan amendments proposed by a municipality must be submitted for approval to the CPA (approval by the Commissioner of Energy and Environmental Protection is also required) before they can be adopted by the municipality.

The CPA also assumed the previously held responsibility of the Connecticut Department of Transportation to act as the state's proponent or coordinator for dredging projects, including federal maintenance dredging projects undertaken by the USACE to maintain maritime commerce and the viability of water-dependent facilities and activities. In this regard, the CPA is responsible for

administration of grant in aid programs through which state-bonded funds may be provided to support federal maintenance dredging projects.

Bureau of Aquaculture

The Department of Agriculture's Bureau of Aquaculture has an important role for managing shellfish resources in the West Haven Harbor Management Area, particularly with respect to evaluating and classifying the waters of the HMA for shellfishing, licensing shellfishing, and generally working in coordination with the City and other agencies to protect and enhance shellfish resources.

To ensure compliance with the National Shellfish Sanitation Program of the U.S. Food and Drug Administration, the DA/BA tests water quality in the HMA to determine if the water is suitable for shellfish harvesting. Following evaluation of water quality, the DA/BA classifies coastal waters, shores, and tidal flats for the taking of shellfish. The basic classifications are "Approved," "Conditionally Approved," "Restricted," "Conditionally Restricted," and "Prohibited."

The DA/BA works in an advisory capacity to local shellfish commissions (as of 2018, the City of West Haven has not established a municipal shellfish commission) and DEEP. To identify potential impacts of proposed work in the state's marine and tidal waters on shellfish habitat and the shellfish industry, the DA/BA reviews permit applications submitted to the LWRD for dredging, filling, and placement of in-water structures, and may comment on those applications. Also, any shellfish management plan prepared by a municipality's shellfish commission must be submitted by that commission to the Commissioner of Agriculture for review and comment. In addition, the DA/BA has authority for granting or denying permits for aquaculture activities, including activities involving placement of racks, cages, or bags, as well as buoys marking such structures which must be placed in leased or designated shellfish areas.

State of Connecticut Harbor Master

The West Haven Harbor Master is a state officer appointed by the Governor of Connecticut for a three-year term responsible for the general care and supervision of the City's harbor and navigable waterways and subject to the direction and control of the Commissioner of Energy and Environmental Protection. The Harbor Master has a number of state-established authorities affecting the West Haven Harbor Management Area, including authority for control of vessels moored or anchored in the HMA for the purpose of maintaining safe and efficient navigation; removal of derelict and abandoned vessels and structures; and other actions conducted in the interest of maintaining navigation safety.

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

Sec. 15- 154 of the General Statutes empowers harbor masters to enforce state boating laws within their jurisdiction, except that harbor masters who are not certified law enforcement officers may not enforce the ‘boating under the influence’ laws. However, the DEEP Boating Division informs Connecticut harbor masters that the Connecticut Attorney General has determined that harbor masters may not exercise police functions unless they are properly certified as law enforcement officers. Since no police training is provided to Connecticut harbor masters, the policy of the State of Connecticut, first promulgated by the Connecticut Department of Transportation and now DEEP, advises harbor masters who have not been certified as law enforcement officers to report violations of law to the local police department or other law enforcement authorities rather than become directly involved with arrests or confrontations with violators.

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

Federal Agencies

Principal federal agencies with responsibilities and authorities pertaining to the West Haven Harbor Management Area include the U.S. Army Corps of Engineers and U.S. Coast Guard. Several other federal agencies, including the U.S. Environmental Protection Agency (EPA) also have roles and responsibilities.

U.S. Army, Corps of Engineers

The West Haven Harbor Management Area is within the jurisdiction of the New England District USACE which is responsible for: 1) maintaining the New Haven Harbor federal navigation project including the main New Haven shipping channel and anchorages, the West River channel, and the three harbor breakwaters; and 2) implementing the federal regulatory program which has jurisdiction over the discharge of dredged or fill material into waters of the United States beyond the High Tide Line and within wetlands as well as structures or work in tidal waters beyond the Mean High Water line. (Noted earlier, the jurisdictional line for the state regulatory programs conducted by the Connecticut Department of Energy and Environmental Protection is the Coastal Jurisdiction Line.)

In addition to its regulatory authorities, the USACE is responsible for constructing and maintaining federal navigation projects, most of which are authorized by Acts of Congress. Federally authorized and maintained navigation projects may consist of designated channels and anchorages. The USACE maintains navigation projects in a reported 28 Connecticut waterways, including the New Haven Harbor navigation project which includes the West River navigation channel. Many of these projects were first authorized in the 1800s and early 1900s to serve waterborne commerce. Authorizing documents establish project dimensions, including depths, widths, and lengths.

The USACE Section 10 regulatory program prohibits placement of piers, docks, moorings, or other obstructions within the federal channels.

Since construction, operation, and maintenance of federal navigation projects may be funded by federal tax dollars, the USACE has a policy that navigation projects must be “open to all on equal terms” to ensure that all citizens have equal opportunity to benefit from the project.⁴

Modification of existing federal navigation projects in Connecticut (including deauthorization and shifting of project boundaries) has been pursued by some municipal harbor management commissions. The purpose of these modifications has been to accomplish local harbor management objectives in response to existing navigation needs. The USACE has directed municipalities that modification of federal navigation projects authorized by federal legislation must be accomplished through new federal legislation and with approval by the local sponsor and State of Connecticut.

Regarding activities subject to the USACE’s regulatory programs, the USACE may issue two types of permits: Individual Permits and General Permits. General Permits are issued in accordance with USACE regulations at 33 CFR 325.5(c)(1) and authorize activity-specific categories of work that are similar in nature and cause no more than minimal individual and cumulative adverse environmental impacts. A state permit from DEEP is still required. USACE Individual Permits are required for activities with potentially significant impacts and authorize work that is not eligible for authorization under the General Permits.

Docks, piers, pilings, bulkheads, and boat moorings are all structures in navigable water that require authorization from the USACE. While the USACE has regulatory authority over “individual- private” moorings placed for private use, Connecticut harbor masters have approval authority for these moorings which typically are authorized by the USACE’s Connecticut General Permits provided the moorings meet the General Permit criteria.

⁴ The “open to all on equal terms” policy of the USACE states that:

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

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

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

The USACE is also responsible for Congressionally authorized projects for flood damage protection, shore protection, and environmental enhancement. In addition, the Connecticut Harbor Management Act requires that any harbor management plan proposed by a municipality must be submitted to the USACE for review, comments, and recommendations before the plan may be approved and adopted.

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

In 2016, the New England and New York districts of the USACE are working with the Environmental Protection Agency to prepare a Dredged Material Management Plan for Long Island Sound. That plan considers the use of open water dredged material disposal sites in the Sound and opportunities for beneficial use of dredged material as alternatives to open water disposal.

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

U.S. Coast Guard

The West Haven Harbor Management Area and all of Long Island Sound are within the jurisdiction of the First Coast Guard District South headquartered in Boston. Coast Guard Sector Long Island Sound headquartered in New Haven is responsible for carrying out the different Coast Guard functions in the Sound. Harbor management-related responsibilities of the Coast Guard in the HMA and Long Island Sound include:

- **Placement and maintenance of aids to navigation:** The Coast Guard maintains federal aids to navigation that mark the federal channels in New Haven Harbor. These aids are maintained by the Aids to Navigation Team based in New Haven. The Coast Guard must also approve and issue a permit for the placement of all nonfederal (“private”) aids to navigation that may be placed to guide safe navigation in and near the HMA.
- **Search and rescue:** Search and rescue efforts are carried out as necessary in coordination with local and state emergency services agencies.
- **Responding to oil and hazardous materials spills:** Command and control responsibilities for responding to oil and hazardous materials spills in Long Island Sound are exercised by the Captain of the Port based in New Haven. Generally, the Coast Guard, working closely with the U.S. Environmental Protection Agency, the Connecticut Department of Energy and Environmental Protection, and local emergency officials, will take charge of any spill operations

and monitor the cleanup. By law, all oil spills must be reported to the Coast Guard. The Captain of the Port has the authority to completely shut down any harbor or waterway in an emergency.

- **Homeland Security:** In accordance with the Federal Maritime Transportation Security Act the Coast Guard has important responsibilities for port security, including responsibilities for risk assessment, boarding of certain vessels, and assisting port facilities with security planning.
- **Enforcement of federal boating laws and regulations:** Law enforcement for the many Coast Guard responsibilities is handled by the Law Enforcement Unit of the Group Long Island Sound. The Coast Guard may stop and board vessels to determine compliance with boating safety requirements and the proper use and functioning of marine sanitation devices (MSDs). Under Section 312 of the Federal Clean Water Act, the Coast Guard is responsible for promulgating regulations governing the design, construction, installation, and operation of any MSD. In addition, the Coast Guard is responsible for enforcement of federal laws concerning oil transfer operations between vessels and marine oil transfer facilities.
- **Control of water-based events:** The Coast Guard has responsibility for the control of water-based events and the issuance of “Marine Events” permits. The Coast Guard oversees water-based events to help ensure public safety and continued general navigation. Events requiring Coast Guard permits include events with more than 50 participating vessels or more than 200 spectator vessels as well as vessels traveling at speeds greater than 30 miles per hour. In accordance with Section 15-140b of the Connecticut General Statutes, the DEEP’s Boating Division also regulates special in-water events.
- **Other Coast Guard responsibilities:** In accordance with the Federal Oil Pollution Act of 1990, the Coast Guard is responsible for approving emergency plans prepared by the owner or operator of an oil storage facility receiving waterborne shipments of oil. In addition, the Coast Guard carries out and supports a number of educational and other programs for boating safety through its Public Affairs office.

U.S. Environmental Protection Agency

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

Following action taken by the EPA and State of Connecticut in 2007 under Section 312 of the Clean Water Act, all of Connecticut's coastal waters, including the HMA, are now part of a state-designated no discharge area, making it illegal for boaters to discharge sewage from their vessels anywhere in the state's portion of Long Island Sound or its tributaries.

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

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

The EPA is also responsible for designating any dredged material disposal sites that may be used in Long Island Sound. The purpose of the designation process is to ensure that dredged material disposal in the Sound will be in compliance with the requirements of the Federal Marine Protection, Research and Sanctuaries Act (also known as the Ocean Dumping Act). Pursuant to conditions included in the EPA's designation of existing dredged material disposal sites in the Sound, including the Central Long Island Sound Site nearby and east of New Haven Harbor, the EPA worked with the USACE to complete in February 2016 a Dredged Material Management Plan for the Sound. That plan addresses use of open water dredged material disposal sites and opportunities for beneficial use of dredged material as alternatives to open water disposal.

Other Federal Agencies

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

The General Public

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

In Connecticut, a number of state Supreme Court decisions confirm the Public Trust in navigable waters and define the Public Trust area as the area waterward of the Mean High Water line. Private ownership of upland areas adjoining the Public Trust area, including ownership by a municipality or any governmental agency, may not extend past the MHW line.

The rights of the general public for use of navigable waters, including the waters of the HMA, are generally classified under three major headings: 1) transportation and navigation; 2) recreational activities; and 3) commercial and consumer use of “sea products” (fishing, including shellfishing).

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

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

Where title to the land adjoining navigable waters is in private ownership, the property owner may deny access across his or her land to the Public Trust area. (See the following section on Waterfront Property Owners.)

Waterfront Property Owners

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

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

The Connecticut courts have held that the owner of upland property adjacent to navigable water has “certain exclusive yet qualified rights and privileges” in the adjoining submerged land and navigable waters, including the exclusive right to build docks and piers from the upland to reach deep water (often referred to as “wharfing out”). These structures, however, must not “obstruct the paramount right of navigation” and must be acceptable under applicable regulatory statutes, including the statutes that protect wetlands and other natural resources. In other words, the exercise of the littoral right must not interfere with the rights of the state and the general public and with the federal interest in navigation. To the extent that state and federal activity and regulation is necessary to secure the benefits of public waters for the general public, the individual littoral right is generally described as subservient and inferior.

Described above, both the U.S. Army Corps of Engineers and Connecticut Department of Energy and Environmental Protection regulate the construction of docks and piers and other activities waterward of the Mean High Water line and Coastal Jurisdiction Line, respectively, in tidal and navigable waters. The state and federal regulatory programs help to ensure that the exercise of littoral rights is consistent with the public’s interest in those waters.

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

In the West Haven Harbor Management Area, the owners of waterfront properties may exercise their littoral rights of access to the HMA to build docks, floats, and piers. The City, as the owner of waterfront property, also has important littoral rights of access to the HMA.

Private Groups and Organizations

In 2018, several private groups and nongovernmental organizations also have significant interests concerning use of the West Haven Harbor Management Area and protection of the HMA’s environmental quality. These include neighborhood associations concerned with the quality of life in the City’s coastal area neighborhoods and a number of educational and environmental organizations.

Environmental and educational organizations with programs and interests affecting the West Haven Harbor Management Area include: **West River Watershed Coalition** whose mission is to connect the West River to its adjacent parks, towns and neighborhoods, add recreational opportunities, and improve the watershed’s ecological, physical and economic health; **Savin Rock Museum and Learning Center and Savin Rock Conference Center** which occupies a prominent position by virtue of its waterfront location and its programs and facilities attracting many visitors to the HMA; **Menunkatuck Audubon Society**, a local Chapter of National Audubon Society serving West Haven and the surrounding communities, and which emphasizes the significance of

bird habitat and birding in the HMA; the **University of New Haven** whose Hospitality and Tourism Department assisted with development of West Haven's "Wonderfully Welcoming West Haven, Connecticut's Friendliest City!" tourism marketing plan; the **New Haven Riverkeeper** organization working to remove trash and debris from the Quinnipiac, Mill, and West Rivers and the Long Island Sound shoreline and which tests water quality tests and conducts land use and wildlife inventories; **Schooner Inc.** whose educational programs for children and volunteer opportunities have focused on educating New Haven youth about the importance and beauty of Long Island Sound and its watershed; and the **Quinnipiac River Watershed Association** which pursues its mission to restore Quinnipiac River and its watershed draining into New Haven Harbor for the health and enjoyment of the citizens and communities along the river, and to educate students, families, individuals, businesses and governments to be informed stewards of the river.

In addition, **Yale University's Center For Coastal and Watershed Systems**, in its pursuit of its educational mission, fosters collaboration on watershed research, education, habitat preservation, and ecological restoration and pursues collaborative programs involving coastal communities and the scientific community; and the **Yale Peabody Museum of Natural History** offers numerous public educational programs to communities in the New Haven region.

Harbor Management Issues and Planning Considerations

The coastal management area of West Haven is primarily drained by the Oyster River, Cove River, West River, and to a lesser extent Old Field Creek. Of the three major rivers, the West River has the largest drainage basin that includes sections of five municipalities. These rivers directly influence the water quality of the City's coastal waters.

City of West Haven
2004 Plan of Conservation and Development



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

Harbor Management Issues and Planning Considerations

This chapter provides an overview of harbor management-related issues and planning considerations in the West Haven Harbor Management Area (HMA). Included are problems and issues of immediate and ongoing interest as well as those that may be more significant in the future. Also included are issues highlighted by the respondents to the HMC's Harbor Management Survey. A summary of the survey is included as Appendix E of the *West Haven Harbor Management Plan* (the Plan).

Several issues of priority interest are identified, including the need to 1) increase the resilience of the Water Pollution Control Plant by raising the elevation of 1st Avenue and Beach Road and replacing and relocating the undersized outfall pipe; 2) repair or replace the Cove River tidegates to maintain an appropriate tidal prism for continued wetland restoration; 3) effectively manage and conserve sand resources on the City's exceptional system of public beaches; 4) pursue construction of a new public boat launching facility useable at most or all stages of the tide and with sufficient parking for boat trailers; 5) encourage inclusion of water-dependent facilities and uses, including facilities for visual and physical access to the HMA, in redevelopment plans for the Haven South Redevelopment Area; and 6) construct a new pedestrian bridge to provide access from Sea Bluff Beach to Bradley Point Park across the mouth of the Cove River.

The identified issues and planning considerations are all addressed through the City's harbor management goals, strategies, policies, and other provisions established in chapters 5 through 8 of the Plan.

Existing and potential harbor management issues have been grouped into seven categories related to: 1) Public Health, Safety, and Welfare; 2) Water-Use and Navigation; 3) Environmental Quality; 4) Recreational Boating; 5) Waterfront Land-Use and Development; 6) Water and Waterfront Access; and 7) Harbor Administration.

While the issues are categorized for presentation and discussion purposes, many of the issues affecting the HMA do not exist as separate or isolated concerns — in many instances there are strong interrelationships between the problems that have been identified. The order in which the categories and issues are presented does not imply priority.

Public Health, Safety and Welfare

- 1. Recognizing the capacity of the West Haven Harbor Management Area for safe boating and other water uses:** The capacity of the HMA may be considered with respect to the capacity of the West River federal navigation channel and other surface water areas in the HMA to accommodate recreational and commercial vessels and water-dependent uses without adverse impacts on navigation and public safety. This capacity is not unlimited and difficult to predetermine. If the capacity is exceeded, however, public safety and enjoyment of the HMA would be adversely affected.
- 2. Maintaining boating safety; managing vessel speed and wake:** Speeding vessels (including personal watercraft) and excessive wakes in the HMA, especially near the shoreline and other vessels, can affect public safety and enjoyment of boating and other water activities; damage property, including, for example, private docks and moored vessels; and erode coastal resources along the shoreline.
- 3. Avoiding water-use conflicts and congestion:** Potential for conflicts exists among different types and sizes of vessels (including motorized and sail- and human-powered vessels) using the HMA, including vessels using the West River navigation channel and the City's April Street boat launch. Increased conflicts would be a sign that the HMA's capacity for safe boating and other water uses is being approached or exceeded. Only a small number (5%) of respondents to the HMC's Harbor Management Survey indicated they think boating use in the HMA is now overly congested.
- 4. Maintaining emergency planning, preparedness, and response capabilities:** Emergency situations may occur in the HMA and on the shoreline; they include, but are not limited to, situations involving vessels in distress, fuel spill emergencies, fires, and coastal flooding.
- 5. Avoiding and responding as necessary to any fuel and hazardous materials spills:** Accidental spills of fuel and other materials from recreational and commercial vessels using the HMA and from any water-dependent facilities handling and/or dispensing fuel would adversely affect the HMA. In addition, fuel and other hazardous materials that may be spilled on land may enter the HMA through storm drains and direct discharges, including drains on I-95, Kimberly Ave., and other state and local roads, including roads crossing Old Field Creek and the West, Cove, and Oyster rivers.
- 6. Avoiding and removing any obstructions and hazards to navigation:** Undue obstructions or hazards to navigation in the HMA would adversely affect the beneficial use of the HMA, and include possible shoaling of the federal navigation channel, abandoned or derelict vessels (see below), and debris that may enter the HMA from waterfront properties and from upstream sources in the West River.

7. Avoiding and removing any abandoned and derelict vessels and structures: Abandoned or derelict vessels or structures, including floating docks, can create an obstruction or hazard to navigation, detract from the scenic quality of the HMA, and cause environmental damages. Requirements for removal of abandoned and derelict vessels are specified in the General Statutes and require coordination among different agencies and officials, including the Harbor Master.

8. Increasing resilience to flood and erosion hazards: Flooding and erosion of the West Haven shoreline are natural, ongoing processes that will continue to affect water and waterfront use and development. Effective planning, preparedness, response, and recovery initiatives are needed to reduce or otherwise mitigate adverse impacts of coastal hazards on City residents, public facilities and infrastructure, businesses, private property, and coastal resources. Considerable portions of the West Haven waterfront fall within coastal flood hazard areas identified on Flood Insurance Rate Maps. A majority of respondents to the HMC's Harbor Management Survey indicated they are very concerned about the City's exposure to coastal hazards and the resiliency of the shoreline.

Priority Issue:
Resilience of Water Pollution Control Plant

A priority issue in 2018 concerns the need to improve the resilience of the Water Pollution Control Plant which is not accessible via City roads (1st Avenue and Beach Road) during significant flood events, and which has an undersized discharge pipe increasingly being exposed by shoreline erosion as it crosses Sandy Point and then discharges into the HMA.

9. Contributing to Homeland Security: The security of infrastructure on and near the West Haven shoreline, including the I-95 West River Bridge, Metro North rail line, and nearby port facilities in New Haven Harbor, is a significant waterfront consideration.

10. Avoiding nuisance impacts in waterfront areas: Excessive noise, lighting, and other nuisance impacts associated with water and waterfront activities can adversely affect other water uses, the quality of life in shorefront residential areas, and the enjoyment of persons who use City parks, beaches, and other water access facilities. For a large majority of respondents to the HMC's Harbor Management Survey, water-based noise currently is not an issue.

11. Public safety laws, regulations, and ordinances. A number of the above-noted public safety concerns in and near the HMA highlight the need for appropriate ordinances and regulations to help maintain safe and efficient use of the HMA, including ordinances and regulations for boating safety; the City is authorized by the General Statutes to enact ordinances, consistent with state law, affecting the operation of vessels in the HMA.¹



Photo 4-1: Water Pollution Control Plant on 1st Ave. near Sandy Point, adjoining April St. boat ramp.

12. Maintaining public safety at City beaches and other waterfront facilities. Maintaining a safe and enjoyable environment for residents and visitors using West Haven's beaches and other waterfront facilities is another significant consideration. Although a majority of respondents to the HMC's Harbor Management Survey indicated they feel safe when going to and using the beaches and shoreline, 30% indicated they do not feel safe at times.

¹ Any revisions to the West Haven Code of Ordinances pertaining to the operation of vessels also must be submitted to the Department of Energy and Environmental Protection's Boating Division for review and approval as required by Sec. 15-136 of the Connecticut General Statutes. Sec. 15-136 requires that any local ordinance "...respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Energy and Environmental Protection for review and approval. This review is carried out by DEEP's Boating Division. DEEP has 60 days to disapprove any part of the ordinance that it finds to be "...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If DEEP does not disapprove all or part of the proposed ordinance within 60 days, the ordinance will take effect upon publication and posting as required by Sec. 15-138 of the General Statutes.

Water-Use and Navigation

- 1. Maintaining the West River federal navigation channel:** Adequate depth in the federal channel is needed to ensure continued viability of existing water-dependent uses and to support new water-dependent uses in the West River and along the City's West Harbor shoreline. The U.S. Army Corps of Engineers (USACE) is responsible for channel maintenance (dredging) which is dependent on demonstrated need and the availability of dredging funds. Future maintenance of the West River channel may be coordinated with maintenance of the New Haven Harbor navigation project.
- 2. Managing nonfederal dredging:** Maintenance dredging in the HMA outside of the federal channel, at commercial water-dependent facilities, private water-access locations, and the City's public water-access facilities (including the April Street boat launch and any new boat launching facilities that may be developed), also will be necessary from time to time to maintain the continued viability of water-dependent uses and public access to the HMA and Long Island Sound. Dredging projects for environmental enhancement purposes may also be proposed to increase water circulation for wetland restoration purposes in the HMA's several estuaries.
- 3. Maintaining aids to navigation and markers:** Appropriate federal and nonfederal aids to navigation are necessary for marking the West River channel and other boating activity areas and conditions, thereby helping to maintain boating safety. State and federal permits are required for placement of all private aids to navigation. Any repositioning of federal aids to navigation would require permission from the U.S. Coast Guard.
- 4. Designating navigation fairways:** Navigation fairways free of obstructions may be needed to ensure safe passage of vessels to, from, through, and alongside navigation channels, anchorage areas, berthing areas, and boat launching areas.
- 5. Determining appropriate "set-back" distances from channels, anchorages areas, and fairways:** Floats, docks, piers, and other structures located too close to the federal channel and any designated anchorage areas and fairways can interfere with vessels using these areas. This matter requires particular attention along the Haven South Redevelopment Area which is close to the federal channel and in the area between Kimberly Avenue and I-95 in the West River.
- 6. Accommodating passenger vessels:** Requirements for navigation, waterfront docking, and upland support facilities require attention and oversight to maintain safe and efficient operation of any passenger vessels that may operate in the HMA, including any passenger vessels that may be accommodated at the Haven South Redevelopment Area.
- 7. Maintaining boating safety and promoting boating education:** Continued boating education is a basic harbor management issue as not all boat operators will demonstrate adequate boat handling skills, nor full awareness of boating regulations, responsibilities, and local conditions.

8. Avoiding and removing any unauthorized encroachments into navigable water: Docks, pilings, bulkheads, or other work, including dredging, that would be placed or undertaken in the HMA without necessary City, state, or federal approvals would be illegal and can damage the environment and interfere with navigation.

9. Encouraging educational and scientific activities: Educational and scientific uses of the HMA, including uses contributing to the City's wetland restoration and water quality monitoring efforts, are beneficial uses that require thoughtful planning and management to help ensure that they will be conducted in a safe and enjoyable manner and in coordination with other beneficial recreational and commercial uses.

10. Protecting public rights in navigable waters: Recognition of the Public Trust Doctrine and the need to protect the public's rights in navigable water, including rights of navigation and fishing, under the doctrine is fundamental to decisions by the Harbor Management Commission and other City, state, and federal agencies concerning use and conservation of the HMA.

11. Managing water access structures (docks, floats, and piers): Proposals by water-dependent facility operators, waterfront property owners, and the City to construct docks, floats and piers may raise planning, environmental, and water-access issues, including issues concerning the appropriate size and length of such structures so as not to adversely affect coastal resources or interfere with public navigation and traditional shoreline views. When considering the potential impacts of docks and piers, the difficulties in pre-determining the appropriate size and scale of such structures in the absence of a specific proposal is recognized by the HMC. Also recognized is the general difficulty in establishing objective criteria for evaluating the visual impacts of in-water structures. As a result, visual impacts have rarely been determining factors in DEEP's coastal regulatory decisions absent specific harbor management plan criteria or standards.

12. Responding to energy generation and transmission proposals: Proposals and projects for energy generation and transmission facilities nearby in New Haven Harbor and elsewhere in Long Island Sound, including but not limited to floating and submerged platforms, pipelines, and cables, have increased public awareness of the potential impacts of these facilities on navigation and coastal resources. Any such plans and proposals that may affect the HMA will require careful review.

13. Avoiding adverse impacts from bridge use and maintenance: The numerous bridges crossing the HMA, ranging in size from the I-95 West River Bridge to the much smaller Beach Street Bridge over Old Field Creek, affect the HMA in several significant ways, including through storm water runoff and obstructions to tidal flow. Any future proposals for bridge maintenance or replacement require careful review and approval by City, state, and federal agencies to mitigate potential adverse impacts on the HMA, including impacts on environmental quality caused by storm water runoff.

14. Individual moorings. Any individual boat moorings in the HMA used to secure a vessel are subject to City, state, and federal regulatory requirements, including requirements implemented by the Harbor Master, and require careful administration to ensure that the space available is used

safely and that mooring locations are managed in a fair and equitable manner. (See Recreational Boating Issues and Considerations.)

15. Commercial moorings: Commercial boat moorings defined in state and federal regulations, including moorings used by private clubs and marine commercial facilities, are subject to different regulatory requirements than individual moorings but also require careful administration pursuant to City, state, and federal requirements, to ensure that the space available is used safely and that mooring locations are managed in a fair and equitable manner.

16. Supporting recreational and commercial shellfishing: Commercial fishing, including shellfishing, is a traditional and beneficial use of the HMA encouraged and supported by state laws and programs. Commercial fishing activities may sometimes conflict with recreational boating activities and facilities, including placement of moorings. In addition, viable commercial fishing businesses require waterfront facilities to support their operations.

Coastal Resources and Environmental Quality

1. Balancing goals for use and conservation of the Harbor Management Area: A fundamental harbor management issue concerns the need to achieve and maintain an appropriate balance between goals for sustainable conservation of environmental quality in the HMA and goals for achieving beneficial water and waterfront use and development. More than 95% of respondents to the HMC's Harbor Management Survey indicated that the ecological values of the waterfront and coastal waters are important to them; of that number, the majority believe that ecological values are among the most important contributors to the quality of life in the City.

2. Recognizing the environmental capacity of the HMA: The capacity of the HMA's natural environment to accommodate water and waterfront uses without adverse impacts on environmental quality, including water quality, is a significant harbor management consideration. The environmental capacity of the HMA is not unlimited and there are a number of potential environmental impacts associated with in-water activities and waterfront development. Those impacts can be caused by: 1) the construction, maintenance, and operation of water-dependent facilities; 2) navigation uses and activities that can generate noise, wake, pollution, and other impacts; and 3) nonpoint sources of pollution caused, for example, by increased storm water runoff into the HMA from developed areas and bridges crossing the HMA.

3. Reducing cumulative impacts on coastal resources: Cumulative impacts can result from individually minor but collectively significant actions that take place over a period of time, and can adversely affect coastal resources and environmental quality in the HMA. In other words, the seemingly insignificant impacts of individual dock construction, dredging operations, and discharges from individual storm drains, could, over time, and when added together, have an important effect on environmental quality in the HMA.

4. Protecting and improving surface water quality by reducing run-off pollution and improving municipal waste water treatment: Bacteria and other water pollutants can affect the enjoyment of boating activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Any significant pollution in the HMA, including runoff pollution generated in the West, Cove watershed and the smaller watersheds of Old Field Creek and the Cove and Oyster rivers, would diminish West Haven's quality of life. Watershed-based planning initiatives, including implementation of the West River Watershed Management Plan, can serve to protect and improve surface water quality in the HMA. While a majority of respondents to the HMC's Harbor Management Survey indicated they think water quality in the HMA is good, a significant number (45%) think water quality is poor, and a large majority think water quality is not always good enough to go swimming.

5. Protecting and enhancing intertidal resources, including tidal wetlands and intertidal flats: Wetlands and intertidal flats in and near the HMA can be diminished gradually in quality and extent as nearby uses and development place greater stress on them. The most extensive and valuable intertidal resources in the HMA are found in the West, Cove, and Oyster river estuaries and Old Field Creek estuary. The City's wetland restoration program has provided significant ecological benefits and there are opportunities for continued wetland restoration.

**Priority Issue:
Cove River Wetland Restoration**

A priority issue in 2018 concerns the need to repair or replace the deteriorating wooden tide-gates at Captain Thomas Blvd. regulating tidal exchange between the Cove River estuary and Long Island Sound. An adequate tidal prism is needed to maintain and continue to restore tidal wetlands and their ecological values in the estuary without increasing tidal flooding of residential properties adjoining the wetlands.

6. Protecting and enhancing fish and wildlife resources: Adverse impacts on fish and wildlife resources, including important bird habitat and shellfish resources, as a result of cumulative development impacts, water pollution, human disturbances, overfishing, and other conditions is a well-recognized harbor management concern. The Sandy Point Bird Sanctuary is one of the most important habitats for nesting shorebirds on the Connecticut coast. Historically, shellfish resources in the HMA have been especially valuable and important for the City's economy and quality of life. Any deterioration of these resources would be a significant harbor management concern.



Photo 4-2: Cove River estuary; existing tidegates at Captain Thomas Blvd.; former pedestrian bridge and previous tidegate location at mouth of Cove River.

7. Protecting and enhancing coastal land resources, including beaches and developed shorefront resources: The City's developed beaches along Long Island Sound and the natural Sandy Point barrier beach provide recreational and ecological values of state-wide significance but are subject to ongoing erosion and other impacts caused by natural forces and human use. A large majority of the respondents to the HMC's Harbor Management Survey indicated they are concerned about the cleanliness of the beaches.

**Priority Issue:
Sand Conservation and Management**

A priority issue in 2018 concerns the need to most effectively manage and conserve sand resources on the City's exceptional system of public beaches on Long Island Sound. Those resources are constantly being eroded, transported, and redeposited by natural littoral processes, necessitating costly beach nourishment from time to time and resulting in sand accumulations in the intertidal and nearshore areas.



Photo 4-3: Sea Bluff Beach and accumulated sand in the intertidal zone west of Bradley Point Park.

- 8. Protecting and enhancing waterfront scenic quality:** Waterfront scenic quality, among the most important of City resources, including views of Long Island Sound and New Haven Harbor, can be affected by the extent and character of waterfront use and development as well as any deterioration of waterfront structures.
- 9. Protecting cultural resources—historic, educational, and scientific resources:** As the City manages its waterfront and harbor resources for public use and enjoyment, there will be a need for continued recognition of water and waterfront cultural values and the significance of those values to the City's traditional character and quality of life on New Haven Harbor and Long Island Sound.
- 10. Climate change impacts:** Long-term climate change impacts, including impacts that may be caused by rising sea level, may adversely affect coastal resources, including tidal wetlands, beaches, and developed shorelines. Such impacts require consideration in planning, design, and cost determinations for infrastructure such as, but not limited to, roads, water and sewer systems, and electric utilities.

Recreational Boating Issues and Considerations

- 1. Maintaining and expanding boating-support facilities and services:** Boating activities require waterfront facilities and services, including, but not limited to, facilities and services for berthing, repair, maintenance, and storage. The viability of these water-dependent facilities, including opportunities for establishment of new facilities, is affected by economic, regulatory, and other conditions. For over 80% of the respondents to the HMC's Harbor Management Survey, including nonboaters, boating is viewed as an important activity in the HMA.

2. Managing mooring and anchoring locations: Mooring locations in the HMA require effective oversight to ensure that available space is used safely; that mooring locations are managed in a fair and equitable manner; and that coastal resources are not adversely affected. Effective oversight through a City permitting program requires ongoing coordination between the HMC and Harbor Master. (See Harbor Administration Issues and Considerations.)

3. Providing facilities for visiting boaters: Visiting boaters can add to the vitality of the HMA and require docking and other boating support facilities and services.

4. Public boating facilities: Continued operation, maintenance, and enhancement of the City's boating facilities, principally the April Street boat launch, is a basic harbor management consideration. Long-range planning is required to maintain existing facilities and provide new facilities as may be necessary. While a majority of respondents to the HMC's Harbor Management Survey expressed no opinion regarding the April Street boat launch, a significant number of respondents (34%) indicated they do not think the facility is big enough or in good enough condition to meet demand and 40% believe a new facility is needed. This is a significant response when considering that the majority of survey respondents do not own boats.

5. Managing any live-aboard vessels: A principal issue raised by the short- or long-term use of vessels as living quarters concerns the water pollution that may be caused by illegal waste discharges.

Priority Issue:
Lack of Adequate Boat Launching Capacity

In 2018, the City's public boat launch at April Street is considered inadequate for local and regional demand. The facility is not useable at all stages of the tide and parking for boat trailers is limited. As a result, a priority issue concerns the need for a new boat launching facility useable at most or all stages of the tide and with sufficient parking.

6. Managing human-powered boating activities: Conflicts between these activities—including canoeing, kayaking, and rowing—and other water uses may arise from time to time, and require attention as necessary to maintain safe and beneficial use of the HMA. About 50% of respondents to the HMC's Harbor Management Survey indicated they believe there is a need for more paddle sport access to the HMA.

7. Personal watercraft operation: Issues concerning personal watercraft use, including any conflicts with other water and waterfront uses in the HMA, can be addressed through effective enforcement of boating regulations and through education of watercraft operators.

Waterfront Land-Use and Development

1. **Achieving coordination between land-use planning and development initiatives and harbor management:** Waterfront land-use and development have a significant influence on the use and condition of the HMA and affect the quality of life in West Haven. Conversely, use and condition of the HMA's navigable waters influence shoreline conditions. This requires that the Harbor Management Plan and West Haven Plan of Conservation and Development (POCD) be implemented as consistent and complementary documents.
2. **Achieving economic benefits related to use and conservation of the HMA:** Economic considerations are inherent in many harbor management issues and may be discussed in terms of the economic impacts (benefits) of water and waterfront uses; the costs of maintaining and enhancing public waterfront facilities; and other considerations. Opportunities for redevelopment of underutilized waterfront sites, most prominently the Haven South Redevelopment Area, provide opportunities for economic growth as well as public access to the HMA.
3. **Maintaining and encouraging water-dependent and water-enhanced uses:** Economic and regulatory conditions may influence the viability of water-dependent uses as the principal uses of waterfront sites, but opportunities for public access and other water-dependent facilities may be pursued as part of waterfront redevelopment plans.
4. **Applying effective waterfront zoning requirements:** The application of waterfront zoning requirements for protecting traditional neighborhood character and protecting and promoting water-dependent and water-enhanced uses is a significant influence on the use and condition of the HMA.
5. **Guiding waterfront redevelopment:** Redevelopment plans, including most prominently plans for redevelopment of the Haven South Redevelopment Area, will have significant long-term impacts on the character of the waterfront and require careful planning and review. Respondents to the HMC's Harbor Management Survey expressed different opinions regarding waterfront development. While a majority of respondents favored development of the waterfront, most favored keeping as much open space and access for the public as possible, and a significant number favored development only in areas that were former industrial and commercial sites.

Priority Issue:
Redevelopment of Haven South Redevelopment Area
to Include Water-Dependent Uses

In 2018, a priority harbor management issue concerns the need to guide redevelopment of the Haven South Redevelopment Area on the HMA shoreline to include a significant water-dependent component, including facilities for visual access to the HMA for enjoyment of scenic views and physical access for fishing and boating-related activities of regional significance that may be enjoyed by all.

6. Maintaining waterfront areas and facilities: The environmental quality associated with the HMA can be adversely affected by deterioration and lack of maintenance of waterfront sites and facilities, including bulkheads and other shore protection structures.

7. Providing appropriate shoreline stabilization/erosion control measures: Flooding and erosion of the HMA shoreline are natural, ongoing processes that will continue to affect shoreline use and development in West Haven. Shore protection measures such as bulkheads and seawalls, while needed in certain locations to protect existing development, can also cause adverse impacts. As a result, the Connecticut Coastal Management Act identifies “living shoreline techniques utilizing a variety of structural and organic materials, such as tidal wetland plants, submerged aquatic vegetation, coir fiber logs, sand fill and stone to maintain or restore coastal resources and habitat” as a “feasible, less environmentally damaging alternative” to structural shore protection solutions. (See Sec. 22a-92(e) of the General Statutes.

8. Protecting coastal area neighborhoods: Water and waterfront use and development must be planned and managed with consideration of its effect on the traditional character and beneficial quality of life in shorefront residential neighborhoods.



Photo 4-4: Haven South Redevelopment Area

9. Passenger boat operations: Any future proposals for passenger vessel operations and boat terminals will require careful planning and review to ensure that upland and well as in-water issues and requirements are adequately addressed.

10. Littoral rights for access to the HMA: Recognition of the significant littoral rights of waterfront property owners for access to navigable water and of the need to balance that right with public rights of navigation in the HMA is a fundamental harbor management consideration.

Water and Waterfront Access

1. **Providing safe and enjoyable public access to the Harbor Management Area:** West Haven's shoreline character and quality of life, along with the vitality of its navigable waters, depend, in large part, on continued provision of safe and enjoyable opportunities for both physical and visual access to the HMA and shoreline, including access by both City residents and non-residents, and access from developed waterfront parks and beaches, boating access facilities, natural areas such as the Sandy Point barrier beach, and street-end right-of-ways. Almost all respondents to the HMC's Harbor Management Survey expressed their belief that access to the water, beaches, and shoreline is an important part of the quality of life in West Haven. A majority of survey respondents also indicated they believe that additional public amenities along the waterfront are needed.
2. **Providing access to the HMA from City properties, including public parks, beaches, and right-of-ways:** The City's waterfront parks, beaches, and other water access areas require continued management attention to ensure that they are effectively maintained for beneficial public use and enjoyment, and that plans for establishment of new areas and facilities and enhancement of existing areas and facilities are achieved.

Priority Issue:
**Reconstruction of Pedestrian Bridge across Cove River
 to Bradley Point Park**

In 2018, a priority issue concerns the need to restore a pedestrian bridge in the former tide-gate area at the mouth of the Cove River to enable safe and enjoyable public access to Bradley Point Park from Sea Bluff Beach and the Charlotte Bacon Playground.

3. **Providing public access through privately owned properties:** Through application of the Connecticut Coastal Management Act's water-dependent use policies, the City has the opportunity to obtain public access amenities from the developers of waterfront properties. More than 90% of respondents to the HMC's Harbor Management Survey believe it is important that public uses be incorporated in new development projects.
4. **Protecting public rights for use of public trust waters:** The rights of the general public for navigation and access waterward of the Mean High Water line must be protected, and balanced with the littoral rights and other property rights of waterfront property owners.
5. **Balancing public and private rights.** The rights of the general public for navigation and access waterward of the Mean High Water line must be balanced with the littoral rights and other property rights of waterfront property owners.

6. Managing and encouraging special events on the waterfront and in the HMA: Special waterfront events including, but not limited to, boating-related events, fireworks displays, and waterfront concerts, require substantial planning, management attention, and coordination to help ensure continued safe and enjoyable public experiences and attendant benefits.

7. Encouraging and supporting water-based tourism: Water-based tourism benefits in West Haven, including economic benefits to local businesses in the downtown and beach areas, may be achieved through continued promotion of water access facilities, including the City's waterfront parks, beaches, Beachfront Walk, and natural areas. Achievement of such opportunities will require continued planning, commitment, and investment.

Harbor Administration

1. Strengthening City authority and programs for harbor management: : A key harbor management consideration involves continued application of West Haven's harbor management authority under the General Statutes and City Code to maintain the most effective City role for guiding safe and beneficial use and conservation of the HMA.

2. Providing adequate funds for harbor management: Key considerations affecting implementation of the Harbor Management Plan include the costs that may be associated with Plan implementation; how funds for Plan implementation, including funds for capital and operating expenses, are obtained and allocated; and how any appropriate fees for use of City facilities may be applied most equitably.

3. Achieving and maintaining public awareness of harbor management issues and opportunities and support for the Harbor Management Plan: Ongoing public interest and support is needed to advance the City's harbor management goals and otherwise implement the Harbor Management Plan.

4. Facilitating the coastal permitting process: The process of applying for and obtaining state and federal authorizations for work affecting the HMA (including permits and certificates for dredging, docks, and bulkheads) is typically complex and lengthy and may be frustrating for the applicant.

5. Reviewing proposals affecting the Harbor Management Area for consistency with the Harbor Management Plan: For the Harbor Management Plan to be effective, a procedure must be maintained whereby all governmental and private actions affecting the HMA are planned and implemented in a manner consistent with the Plan. That procedure must involve effective and coordinated local review of all significant proposals affecting the real property on, in, or contiguous to the HMA.

6. Responding effectively to changing conditions and circumstances affecting the HMA: Environmental and other conditions affecting the HMA are subject to ongoing changes, as are laws and regulations and the programs of the agencies and organizations with an interest in the HMA.

7. **Applying City ordinances and regulations for harbor management:** Pursuant to the General Statutes and City Code, West Haven has significant authority to establish ordinances and regulations affecting use and conservation of the HMA. (The City's authority for establishing ordinances respecting the operation of vessels is set forth in Sec. 15-136 of the General Statutes. See footnote 1 on page 4-5.)
8. **Achieving and maintaining harbor management coordination among City agencies:** Continued advancement of West Haven's harbor management goals requires that all City agencies with relevant responsibilities carry out those responsibilities in the most coordinated and committed manner.
9. **Implementing the Harbor Management Plan in coordination with the West Haven Plan of Conservation and Development:** Land-use and environmental conditions addressed in the POCD can exert a significant influence on the HMA. Continued coordination between the City's land-use and harbor management authorities is necessary to achieve the most desirable management of the waterfront and HMA.
10. **Achieving and maintaining coordination with state and federal agencies:** Continued advancement of West Haven's harbor management goals will require ongoing coordination among City, state, and federal agencies and authorities, including DEEP and the U.S. Army Corps of Engineers, and including proper consideration of the City's recommendations in decisions for issuing state and federal permits for work in the HMA.
11. **Achieving and maintaining coordination with other municipalities:** Actions originating in or involving other municipalities, including New Haven and Milford with jurisdictions adjoining the HMA, and towns with jurisdictions in the West River watershed, can affect the HMA.
12. **Applying the authorities of the State of Connecticut Harbor Master most effectively:** While the West Haven Harbor Master is a state official appointed by the Governor, the General Statutes require that the Harbor Master serve as an ex-officio member of the HMC without vote, and direct the Harbor Master to exercise his or her duties in a manner consistent with the Harbor Management Plan.
13. **Encouraging harbor management participation by private groups:** Private groups and nongovernmental organizations including neighborhood associations, environmental groups, and educational organizations, can have a significant role for implementing the Harbor Management Plan.

PART TWO:

THE HARBOR MANAGEMENT PLAN

- **CHAPTER 5: GOALS AND STRATEGIES FOR HARBOR
AND WATERFRONT MANAGEMENT**
- **CHAPTER 6: WEST HAVEN’S HARBOR MANAGEMENT POLICIES**
- **CHAPTER 7: HARBOR MANAGEMENT AREA PLANS
AND RECOMMENDATIONS**
- **CHAPTER 8: RESPONSIBILITIES AND RECOMMENDATIONS
FOR PLAN IMPLEMENTATION**



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

Goals and Strategies For Harbor and Waterfront Management

The [harbor management] plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development, and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan.

from Sec. 22a-113n of the Connecticut General Statutes



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

Goals and Strategies for Harbor and Waterfront Management

The City of West Haven Harbor Management Plan (the Plan) establishes 12 broad goals for harbor and waterfront management with accompanying strategies for implementation. These City goals, numbered in this chapter for reference purposes and not to denote priority, establish West Haven's Harbor and Waterfront Vision (the Vision) for safe and beneficial use and conservation of the West Haven Harbor Management Area (HMA). The purpose of the goals is to provide a guiding framework for decisions and initiatives by the Harbor Management Commission (HMC) and other City agencies with authorities and responsibilities affecting the West Haven HMA. At the same time, those decisions and initiatives of the City agencies serve to advance the Vision.

The goals and strategies of the Vision are directed toward achieving balance among a number of equally important public purposes, including: 1) protection and enhancement of environmental resources and the quality of life associated with the City's location on Long Island Sound, New Haven Harbor, and the West River; 2) provision of opportunities for appropriate water-dependent and water-enhanced recreational activities and access to the HMA; 3) achievement of sustainable economic benefits associated with use of the HMA and waterfront; and 4) maintenance of the health, safety, and welfare of everyone who uses the HMA and waterfront.

Implementation of the Vision is based in large part on the concept of perpetual stewardship whereby agencies, organizations, governmental officials, and City residents with an interest or authority pertaining to the HMA recognize their responsibilities for care of the HMA in the public interest. That care—or stewardship—is for the purpose of ensuring that the natural, cultural, and economic values of the HMA are sustained for the future.

The HMC recognizes that achievement of the Vision and the individual goals herein established must be pursued as an ongoing process that does not end with the success of any one initiative. That process will continue to evolve over time as conditions change in the HMA and understanding of natural conditions affecting the HMA increases.

More detailed harbor management policies based on the Vision are set forth in Chapter Six; plans and guidelines for specific areas within the overall HMA are in Chapter Seven; and the organization, responsibilities, and procedures for Plan implementation are in Chapter Eight.

Figure 5-1:

HARBOR AND WATERFRONT MANAGEMENT GOALS

- GOAL 1: ACTIVE MANAGEMENT OF THE HMA BY THE CITY OF WEST HAVEN
- GOAL 2: PUBLIC HEALTH, SAFETY, AND WELFARE
- GOAL 3: SUSTAINABLE ECONOMIC BENEFITS
- GOAL 4: ENVIRONMENTAL SUSTAINABILITY, CONSERVATION, AND ENHANCEMENT
- GOAL 5: COASTAL RESILIENCY
- GOAL 6: VIABLE WATER-DEPENDENT AND –ENHANCED USES AND FACILITIES
- GOAL 7: RECREATIONAL USES
- GOAL 8: PUBLIC ACCESS TO THE HMA
- GOAL 9: EFFECTIVE PLANNING AND REGULATION OF WATERFRONT LAND-USE
- GOAL 10: PROTECTION OF COMMUNITY CHARACTER
- GOAL 11: PUBLIC INTEREST, SUPPORT, AND PARTICIPATION
- GOAL 12: EFFECTIVE RESPONSE TO CHANGING CONDITIONS

GOAL 1: ACTIVE MANAGEMENT OF THE WEST HAVEN HARBOR MANAGEMENT AREA AND WATERFRONT BY THE CITY OF WEST HAVEN.

Actively manage use and conservation of the West Haven Harbor Management Area in the public interest, for the benefit of all City residents and the general public. Strengthen and maintain—according to the intent of the Connecticut Harbor Management Act, City of West Haven Harbor Management Plan, and West Haven Harbor Commission Ordinance—a principal role for the City of West Haven in the planning, management, and regulation of activities affecting the HMA.

IMPLEMENTATION STRATEGIES:

- 1.1 Implement the Harbor Management Plan in accordance with authority provided by the Connecticut General Statutes and West Haven ordinances to guide safe and beneficial use and conservation of the HMA and waterfront.

- 1.2 Adopt and/or amend appropriate West Haven ordinances, rules, and regulations, as needed, for implementing the Plan; effectively enforce all City ordinances, rules, and regulations affecting the HMA and waterfront. (The City's authority for establishing ordinances respecting the operation of vessels is set forth in Sec. 15-136 of the General Statutes. See footnote 1 on page 4-5.)
- 1.3 Obtain and allocate sufficient funds for management and improvement of the HMA and waterfront for the benefit of the public; allocate such funds in a manner consistent with the Plan, Connecticut General Statutes, and West Haven ordinances, and according to the highest standards of fiscal responsibility.
- 1.4 Maintain an active and effective role for the State of Connecticut Harbor Master for West Haven for Plan implementation and for guiding safe and efficient use of the HMA, consistent with the Harbor Master's authority set forth in the Connecticut General Statutes and subject to guidance from the HMC.
- 1.5 Achieve and maintain consistency and coordination among all West Haven plans and programs affecting the HMA and waterfront, including, but not limited to, the Harbor Management Plan and the Plan of Conservation and Development (POCD).
- 1.6 Achieve and maintain coordination with other municipalities, including but not limited to the cities of New Haven and Milford, for the purpose of addressing issues of common interest affecting the HMA, New Haven Harbor, Long Island Sound, and the watersheds that drain into the HMA and Sound.
- 1.7 Achieve and maintain coordination among regional, state, and federal agencies, programs, and responsibilities affecting the HMA and waterfront.
- 1.8 Review all public and private proposals affecting the real property on, in, or contiguous to the HMA to assure the consistency of those proposals with the Plan, and to otherwise avoid any potentially significant adverse impacts on the HMA.

GOAL 2: PUBLIC HEALTH, SAFETY, AND WELFARE.

Manage use and development of the West Haven Harbor Management Area and waterfront to assure the most orderly and efficient use and to provide for the continued health, safety, and welfare of those who use and enjoy the HMA and waterfront.

IMPLEMENTATION STRATEGIES:

- 2.1 Support effective enforcement of applicable City, state, and federal laws, regulations, and ordinances to maintain and, as necessary, improve public safety, including boating safety, in the HMA and on the waterfront.
- 2.2 Maintain navigation safety in the HMA for all types and sizes of vessels, including recreational vessels, passenger vessels, small non-motorized vessels such as canoes, kayaks, and rowing shells, commercial vessels, vessels used for educational purposes, and all other vessels operating within the HMA.
- 2.3 Ensure that aids to navigation in the HMA are appropriate for the purpose of marking navigation channels and anchorage areas, any prominent navigation hazards and obstructions, restricted speed areas, and other conditions affecting safe and efficient navigation.
- 2.4 Avoid or reduce potential conflicts among vessels operating in the HMA, including conflicts between commercial and recreational vessels and conflicts between motorized and non-motorized vessels.
- 2.5 Reduce or avoid the potential impacts of natural hazards on, in, or contiguous to the HMA, including, but not limited to, the impacts of flooding and erosion. (See Goal 5.)
- 2.6 Plan and manage use and development of the HMA in a manner consistent with the capacity of the HMA to support that use and development without significant adverse impacts on the public's health, safety, and welfare.
- 2.7 Support effective local programs for boating education conducted by duly authorized agencies and organizations.
- 2.8 Provide facilities and services to support effective response to emergencies on, in, or contiguous to the HMA, including water access facilities to accommodate emergency service vessels.
- 2.9 Promote and maintain public safety at all public waterfront areas and facilities, including West Haven beaches and other locations providing opportunities for public access to the HMA and waterfront.
- 2.10 Achieve timely removal of any derelict, abandoned, or deteriorated vessels and structures from the HMA.

- 2.11 Prohibit unauthorized encroachments in the HMA, including unauthorized structures such as floats, docks, and piers, that would extend into or otherwise interfere with the use of designated navigation channels, anchorage areas, and fairways, and prohibit any other work undertaken without necessary City, state, and federal approvals.
- 2.12 Support all appropriate measures to avoid, prepare for, and respond to any emergencies involving the spillage of fuel or other hazardous materials in the HMA.
- 2.13 Support effective coordination among City, state, and federal agencies to secure and protect waterfront facilities and infrastructure and otherwise implement federal requirements for homeland security.

GOAL 3: SUSTAINABLE ECONOMIC BENEFITS.

Recognize and pursue opportunities for economic benefits associated with the West Haven Harbor Management Area and waterfront, facilitated by beneficial and coordinated use, development, and enhancement of suitable waterfront properties.

IMPLEMENTATION STRATEGIES:

- 3.1 Support beneficial use and appropriate development of waterfront commercial areas, consistent with West Haven's goals and objectives for encouraging water-dependent and water-enhanced uses and for conserving and enhancing the environmental quality associated with the HMA and waterfront.
- 3.2 Achieve and maintain consistency and coordination among the Harbor Management Plan, Plan of Conservation and Development, and any other West Haven land-use plans and programs affecting the HMA.
- 3.3 Encourage and support water-based tourism initiatives and the associated economic, recreational, and other benefits of those activities.

GOAL 4: ENVIRONMENTAL SUSTAINABILITY, CONSERVATION AND ENHANCEMENT.

Protect, enhance, and sustain the environmental quality, natural resources, and ecological functions associated with the West Haven Harbor Management Area and the larger estuarine and watershed systems of which the HMA is part.

IMPLEMENTATION STRATEGIES:

- 4.1 Recognize that the water and other coastal resources found in the HMA are part of the larger estuarine and watershed system of Long Island Sound; that actions within the HMA can affect the larger system; and that the environmental quality of the Sound depends on the environmental quality, including water quality, of its many tributaries and watersheds., including the West River, Old Field Creek, Cove River, and Oyster River flowing into the HMA.
- 4.2 Properly manage, protect, and enhance coastal resources such as, but not limited to, beaches, tidal wetlands, intertidal flats, fisheries resources (including shellfish resources), and aesthetic coastal resources.
- 4.3 Protect and enhance ecological functions in the HMA, including functions related to fish and wildlife habitat, nutrient productivity, water quality, and flood mitigation. Encourage and support, to the extent feasible, the enhancement and/or restoration of any degraded coastal resources on, in, or contiguous to the HMA.
- 4.4 Continue restoration of degraded tidal wetlands, including filled wetlands and wetlands previously isolated from tidal flow by roads and other barriers, where such restoration will provide public health, safety, and welfare benefits and enhance the overall quality of natural resources and ecological functions in the coastal area.
- 4.5 Achieve and sustain the highest reasonably attainable quality of surface water in the HMA through substantial reduction of nonpoint source pollution and enhanced municipal wastewater treatment in accordance with best available technology and the highest standards of operation and maintenance; work with other agencies to establish and implement appropriate monitoring programs to provide accurate measurements of water quality conditions in the HMA.
- 4.6 Plan and manage use and development of the HMA and waterfront in a manner consistent with the environmental capacity of the HMA and waterfront to support that use and development in an environmentally sound and sustainable manner; avoid or minimize adverse impacts on coastal resources that may be caused by use and development of the HMA and waterfront.
- 4.7 Preserve and enhance the visual quality, including scenic views, associated with the natural environment of the HMA and waterfront.
- 4.8 Balance efforts to protect and enhance environmental quality with efforts to provide beneficial recreational opportunities, sustainable economic benefits consistent with the traditional character of the City of West Haven, and other public benefits.

- 4.9 Promote the concept of perpetual stewardship whereby agencies, organizations, governmental officials, and West Haven residents with an interest or authority pertaining to the HMA will recognize responsibilities for care of the HMA in the public interest, for the purpose of ensuring that the environmental, economic, and community values of the HMA are sustained for the future.

GOAL 5: COASTAL RESILIENCY.

Reduce the vulnerability of the West Haven Harbor Management Area and waterfront to natural hazards, including but not limited to, flooding, erosion, and wind hazards caused by hurricanes, coastal storms, rising sea level, and other weather and climate-related events and phenomena; accelerate recovery and reduce the amount of resources, including public expenditures, needed to completely restore municipal services, public infrastructure, and community functions damaged by natural hazards.

IMPLEMENTATION STRATEGIES:

- 5.1 Reduce adverse impacts of coastal hazards on West Haven residents, public facilities, businesses, private property, and coastal resources through effective planning, preparedness, response, and recovery initiatives, including initiatives established in the Harbor Management Plan, West Haven Plan of Conservation and Development, and duly established coastal resilience and hazard mitigation plans.
- 5.2 Maintain an effective City program of corrective and preventative measures for reducing flood damage, consistent with the goals and requirements of the National Flood Insurance Program and the West Haven Flood Management Program, including pre-disaster mitigation measures.
- 5.3 Facilitate post-hazard event recovery and reconstruction in a manner to reduce future vulnerability to coastal hazards. Conduct post-event assessments, including assessments of damage and emergency response actions, and adjust emergency response and recovery plans accordingly.

GOAL 6: VIABLE WATER-DEPENDENT AND -ENHANCED USES AND FACILITIES.

Support and maintain a diversity of water-dependent and water-enhanced uses and facilities that individually and collectively enhance the West Haven Harbor Management Area and waterfront, the local and regional economy, and the quality of life in the City.

IMPLEMENTATION STRATEGIES:

- 6.1 Support the continued operation and, where feasible, enhancement of public and commercial recreational boating-related uses and facilities, including marina and boat-launching facilities. (See Goal 7 below.)
- 6.2 Support the continued operation and, where feasible, enhancement of nonboating water-dependent facilities and areas, including waterfront park, beach, and open space areas, along with other facilities that provide opportunities for beneficial access to the HMA.
- 6.3 Support the continued operation and, where feasible, enhancement of commercial and recreational fishing, including shellfishing, activities in the HMA.
- 6.4 Support waterfront uses and facilities that provide public access to the HMA in appropriate locations and therefore are water-dependent as defined in the Connecticut General Statutes.
- 6.5 Support passenger boat operations in the HMA, in balance with other water-dependent uses, to provide significant opportunities for beneficial public use and enjoyment of the HMA and Long Island Sound.
- 6.6 Maintain the New Haven Harbor federal navigation project in the HMA, including the West River channel, along with responsibility of the U.S. Army Corps of Engineers for maintenance dredging of the project's channels and anchorage basins and maintenance of the project's breakwaters. Maintain the federal navigation channels and anchorage basins to adequate widths and depths to safely accommodate the recreational and commercial vessels using the HMA. Support the continued and timely maintenance of the federal navigation project, consistent with the current and anticipated future needs of water-dependent uses and facilities.
- 6.7 Support the continued and timely maintenance of non-federal navigation facilities, including public and private facilities, as necessary to ensure the continued viability and beneficial operation of water-dependent uses and activities.
- 6.8 Ensure that opportunities for boat mooring, anchoring, and navigation in the HMA are available to all on a fair and equitable basis, consistent with the Public Trust Doctrine and federal requirements for use of the New Haven federal navigation project.

GOAL 7: RECREATIONAL USES.

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

IMPLEMENTATION STRATEGIES:

- 7.1 Maintain and enhance opportunities for recreational boating and boating-related uses of the HMA, including, but not limited to, boating for recreational fishing, consistent with all applicable laws, regulations, and ordinances concerning the operation of vessels in the HMA.
- 7.2 Encourage a variety of public and private boating services and facilities of the highest quality, including boat launching, berthing, and docking facilities for City residents and visiting boaters, as necessary to establish the West Haven waterfront as a center of boating activities and a regional destination for visiting boaters.
- 7.3 Maintain and enhance opportunities for non-boating recreational use of the HMA and the public lands contiguous to the HMA, including opportunities for swimming, shellfishing, land-based fishing, walking, bicycling, picnicking, nature observation, enjoyment of water views, special public events, and other beneficial activities.
- 7.4 Carefully plan and regulate the location and placement of all boat moorings in the HMA to provide for efficient and equitable distribution of available mooring locations, and safe and beneficial use of those locations by resident and visiting boaters.
- 7.5 Maintain and enhance appropriate opportunities for boating access from waterfront residential properties, consistent with all other applicable City policies, including, but not limited to, policies to protect environmental quality and maintain public safety.

GOAL 8: PUBLIC ACCESS TO THE HARBOR MANAGEMENT AREA.

Provide safe and enjoyable opportunities in appropriate locations for public use of, and access to, the West Haven Harbor Management Area for active and passive recreational uses, consistent with the capacity of coastal resources to accommodate public access in an environmentally sound manner.

IMPLEMENTATION STRATEGIES:

- 8.1 Recognize and protect the rights of the general public to use the tidal and navigable waters of the HMA for navigation, recreation, and other beneficial purposes in accordance with the Public Trust Doctrine.
- 8.2 Promote a safe, attractive, and, where feasible, interconnected system of public waterfront areas and facilities linked with commercial centers of West Haven and enjoyed by persons of all ages, interests, and abilities, including waterfront areas providing opportunities for walking, jogging, picnicking, land-based fishing, bicycling, boating, and quiet enjoyment of scenic views, as well as water trails for canoeists and kayakers in appropriate locations.
- 8.3 Maintain and, where feasible, enhance public boating facilities for use by West Haven residents and the general public, including boat launching, docking, and mooring facilities, consistent with demonstrated need and the capacity of the HMA and waterfront to support those facilities in a safe and environmentally sound manner.
- 8.4 Maintain and, where feasible, enhance waterfront parks, beaches, and other West Haven water-access areas and facilities consistent with demonstrated need and the capacity of the HMA and waterfront to support those areas and facilities in a safe and environmentally sound manner.
- 8.5 Encourage and support the organization and staging of special water and waterfront events, programs, and activities in appropriate waterfront locations to provide recreational and educational opportunities.
- 8.6 Protect the public's right of free navigation and use of the land and water resources below the mean high water line, in accordance with the Public Trust Doctrine and in a manner that does not unreasonably interfere with the littoral rights of waterfront property owners.
- 8.7 Protect the littoral rights of the owners of land contiguous to the HMA, to the extent those rights are exercised in a manner that does not unreasonably interfere with the public's right of free navigation or with the public interest in protecting the natural environment and scenic quality associated with the HMA.
- 8.8 Encourage and support the provision in appropriate locations of safe and well-maintained facilities for visiting boaters.

GOAL 9: EFFECTIVE PLANNING AND REGULATION OF WATERFRONT LAND-USE.

Plan for and regulate waterfront land-use in the most effective manner consistent with West Haven's goals for economic growth and development and the capacity of the natural and man-made environment to support waterfront land-use, and in coordination with implementation of the Harbor Management Plan.

IMPLEMENTATION STRATEGIES:

- 9.1 Recognize that waterfront land-use and development may have a significant influence on the use and condition of the West Haven Harbor Management Area, and that planning and regulation of waterfront land-use should be undertaken in coordination with planning and regulation for beneficial use of the HMA's navigable waters and coastal resources.
- 9.2 Effectively apply West Haven's land-use plans, policies, and regulations, including, but not limited to, the Plan of Conservation and Development and Zoning Ordinance, to guide the beneficial use and development of properties affecting the HMA, recognizing the significance and value of West Haven's coastal resources and existing water-dependent land uses.
- 9.3 Ensure that development in waterfront commercial areas to advance West Haven's goals for economic growth follows the highest site planning and architectural design standards to protect and enhance the scenic quality associated with the HMA and waterfront.
- 9.4 Ensure coordination between the actions of the Harbor Management Commission and the actions of other City agencies and officials, including but not limited to the Mayor, City Council, Economic Development Commission, Planning and Zoning Commission, Open Space Conservation Commission, Inland Wetland Agency, Flood and Erosion Board, Pollution Control Commission, Parks and Recreation Commission, Department of Public Works, Health Department, Police Department, and Fire Department; support implementation of the coastal area management policies of the West Haven Plan of Conservation and Development.
- 9.5 Avoid potential land-use conflicts between waterfront areas and facilities, including conflicts between residential areas and nonresidential areas; between public and private facilities; and between facilities associated with water-dependent uses.
- 9.6 Give high priority and preference to the development of water-dependent uses in waterfront commercial areas.

- 9.7 Recognize that the HMA has a limited capacity (carrying capacity) to support use and development, and that this capacity is subject to change over time; avoid new or expanded waterfront uses and development that would exceed the carrying capacity of the natural and man-made environment to support such uses and development in a safe and environmentally and economically sound manner.
- 9.8 Evaluate the potential impacts on coastal resources and public water-access opportunities associated with proposals for waterfront use and development; avoid any significant adverse impacts on the ecological integrity of coastal resources and water access opportunities.
- 9.9 Ensure that all work and structures within the HMA, including docks, floats, piers, and pilings to provide water access, are properly authorized by the appropriate City, state, and/or federal authorities.
- 9.10 Ensure that all bridges crossing navigable water in or near the HMA are designed and maintained to avoid or reduce the potential for any significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions in the HMA.

GOAL 10: PROTECTION OF COMMUNITY CHARACTER.

Preserve and promote West Haven's natural and traditional character and heritage associated with Long Island Sound, New Haven Harbor, and the tidal watercourses draining into the West Haven Harbor Management Area, including the West River, Old Field Creek, Cove River, and Oyster River; protect and enhance the existing quality of life and traditional character of coastal area neighborhoods.

IMPLEMENTATION STRATEGIES:

- 10.1 Ensure that development affecting the real property on, in, or contiguous to the HMA is consistent with City and neighborhood character and the carrying capacity of the HMA to accommodate that development.
- 10.2 Preserve resources with cultural significance, including historic, scientific, environmental, and archaeological significance, on, in, or contiguous to the HMA.

GOAL 11: PUBLIC INTEREST, SUPPORT, AND PARTICIPATION.

Achieve and maintain widespread public awareness and appreciation of the significant recreational, environmental, economic, and cultural resources and values provided by the West Haven Harbor Management Area, and of the importance of those resources and values to West Haven's traditional character and quality of life. Establish and maintain a base of public support for implementing the Harbor Management Plan and conserving and enhancing the coastal resources and environmental quality associated with the HMA.

IMPLEMENTATION STRATEGIES:

- 11.1 Provide, through public meetings and other appropriate means, continuing opportunities for expression of public interests concerning the use and conservation of the HMA and implementation of the Plan.
- 11.2 Obtain public input for any amendments to the Plan and for preparing and amending all other West Haven plans, programs, and regulations affecting the HMA.
- 11.3 Support educational and scientific use of the HMA through marine-related studies by primary and secondary schools, universities, conservation and natural history groups, and others.
- 11.4 Maintain the highest integrity and transparency of all harbor management-related financial operations and budgets.

GOAL 12: EFFECTIVE RESPONSE TO CHANGING CONDITIONS.

Adapt to changing conditions and circumstances affecting implementation of the Harbor Management Plan while maintaining and enhancing West Haven's capabilities to effectively guide the use and conservation of the West Haven Harbor Management Area in the public interest.

IMPLEMENTATION STRATEGIES:

- 12.1 Regularly review conditions in and adjoining the HMA and the status of implementing the Harbor Management Plan.
- 12.2 Amend the Plan and any City ordinances and regulations for guiding the beneficial use and conservation of the HMA, as necessary, with public input and in accordance with the procedures set forth in the Connecticut General Statutes and the West Haven Code of Ordinances, including the West Haven Harbor Commission Ordinance; recognize that the City's authority for establishing ordinances respecting the operation of vessels is set forth in Sec. 15-136 of the General Statutes.

West Haven's Harbor Management Policies

To insure that the development, preservation, or use of the land and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation, or use without significantly disrupting either the natural environment or sound economic growth.

from Sec. 22a-92 of the Connecticut General Statutes



CITY OF WEST HAVEN
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West Haven's Harbor Management Policies

This chapter presents the City of West Haven's harbor management policies for guiding the beneficial use and conservation of the West Haven Harbor Management (HMA). These provisions of the *City of West Haven Harbor Management Plan* (the Plan) complement, and are consistent with, the City's conservation and development provisions set forth in the *West Haven Plan of Conservation and Development* (POCD).

The policies address the harbor management issues and planning considerations identified in Chapter Four of the Plan and serve to advance the City's harbor and waterfront management goals and strategies established in Chapter Five.

Along with the harbor management goals and strategies, the harbor management policies establish a guiding framework for decisions by the West Haven Harbor Management Commission (HMC) and other City agencies with programs or authorities that directly or indirectly affect the HMA. In addition, the policies must be considered by state agencies making decisions concerning the HMA.

The policies are grouped into seven categories concerning:

- 1) Public Health, Safety, and Welfare Policies
- 2) Navigation and Water-Use Policies
- 3) Coastal Resources and Water Quality Policies
- 4) Recreational Boating Policies
- 5) Waterfront Land-Use and Development Policies
- 6) Water and Waterfront Access Policies
- 7) Harbor Administration Policies

The policies are not tied to specific geographic sections of the HMA but are intended to apply in general throughout the HMA. More specific management plans and recommendations for individual harbor management "sub-areas" within the HMA are contained in Chapters Six. The policies are numbered for reference purposes, not to denote priority. An index to the policies is included as Figure 6-1.

Figure 6-1:
INDEX TO HARBOR MANAGEMENT POLICIES

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1.0 PUBLIC HEALTH, SAFETY, AND WELFARE POLICIES

1.1 Public Safety Laws, Regulations, and Ordinances:

- 1.1.1 City, state, and federal laws, regulations, and ordinances should be applied and effectively enforced to maintain and, as necessary, improve public safety on, in, or contiguous to the West Haven Harbor Management Area, including any City ordinances concerning the operation of vessels that may be adopted as necessary in accordance with authority provided by the Connecticut General Statutes.
- 1.1.2 Capital and operating budget requirements for effective City enforcement of public safety laws, ordinances, and regulations, including boating-related ordinances and regulations, by the West Haven Police Department should be supported.

1.2 Vessel Speed and Wake:

- 1.2.1 Use of the HMA by all vessels shall be in accordance with all applicable City, state, and federal boating-related laws, regulations, and ordinances including, but not limited to, the applicable sections of the Connecticut General Statutes concerning reckless operation of a vessel and any City ordinances concerning restricted speed zones in the HMA.
- 1.2.2 Ordinances concerning restricted speed zones within the HMA may be established and amended by City ordinance, as necessary, in accordance with the Connecticut General Statutes and upon recommendations by the HMC, acting in consultation with the Harbor Master.

1.3 Emergency Planning and Response:

- 1.3.1 Necessary capabilities and facilities for effective response to emergency situations on, in, or contiguous to the HMA by responsible City, state, and federal agencies should be maintained and, to the extent necessary and feasible, enhanced, including, but not limited to, capabilities and facilities needed to implement homeland security requirements.
- 1.3.2 Capital and operating budget requirements for necessary and effective provision of emergency services and other assistance to boaters and other users of the HMA and waterfront by the West Haven Police Department and West Haven Fire Department should be supported.
- 1.3.3 The City's emergency operations plan should address the full range of natural and man-made emergency situations and responses possible in the HMA. Effective implementation of the emergency operations plan is supported.

- 1.3.4 All water-dependent facilities should develop and maintain emergency procedures for effectively securing and protecting vessels and other property from the impacts of storms, flooding, and erosion.
 - 1.3.5 Appropriate measures to avoid, prepare for, and respond to emergencies involving the spillage of fuel or other materials in the HMA are supported.
 - 1.3.6 Any boating facilities dispensing fuel in the HMA should develop and maintain appropriate fuel spill contingency plans.
 - 1.3.7 Fuel and material spill preparedness and response activities should be coordinated to the maximum extent feasible among responsible City, state, and federal agencies and the operators of any private facilities dispensing or otherwise handling fuel and materials.
 - 1.3.8 All fueling of vessels berthed or stored on, in, or contiguous to the HMA should take place in accordance with all applicable laws, regulations, and ordinances to maintain public health, safety, and welfare and to avoid adverse impacts on coastal resources and environmental quality.
 - 1.3.9 All waterfront facilities shall include appropriate provisions for fire prevention and preparedness as required by the West Haven Fire Marshall, including adequate access for emergency vehicles and adequate on-site water supply for fire-fighting purposes.
- 1.4 **Capacity of the HMA for Safe Boating and Other Water and Waterfront Uses:**
- 1.4.1 It is recognized that the capacity of the navigable waters and waterfront of the HMA to accommodate boating and other water and waterfront uses in a safe and environmentally sound manner is limited.
 - 1.4.2 Design and review of proposals affecting the HMA and waterfront, including, but not limited to, development proposals with water access facilities, should take into consideration the capacity of the navigable waters of the HMA to accommodate increased water use while maintaining ease and safety of navigation, avoiding vessel congestion, protecting coastal resources, and supporting existing beneficial recreational, commercial, and other uses of the HMA.
 - 1.4.3 New or expanded water and waterfront uses and facilities determined to exceed the capacity of the HMA and waterfront to support such uses and facilities in a safe and environmentally sound manner should be avoided. (See Coastal Resources and Water Quality Policies.)
 - 1.4.4 It should be the responsibility of applicants proposing projects that would affect the HMA to provide the information necessary for the HMC and other appropriate

agencies of the City, including, but not limited to, the Planning and Zoning Commission, to assess the capacity of the HMA and waterfront to accommodate the proposed projects in a safe and environmentally sound manner. The information required should be reasonable in scope and commensurate with the size, type, scale, and potential positive and negative impacts of the proposal.

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

- 1.5.1 Recreational, commercial, and other uses of the HMA should be planned and regulated as necessary to avoid vessel congestion and conflicts among vessels operating in the HMA, including but not limited to any conflicts between recreational and commercial vessels and between motorized and non-motorized vessels.
- 1.5.2 Potential effects of waterfront development proposals on future water uses, activities, and vessel congestion in the HMA should be considered in the design of waterfront development proposals and in the review of those proposals by the HMC, the Planning and Zoning Commission, and other City agencies.
- 1.5.3 Water and waterfront events affecting the HMA should be scheduled and coordinated in a manner to avoid or minimize vessel congestion and potential conflicts among events and participants.
- 1.5.4 All activities and events involving special purpose craft such as rowing shells, sail boards, kayaks, and other vessels should be planned and undertaken in a manner to reduce or avoid potential conflicts and negative impacts affecting general navigation and other activities in the HMA.

1.6 **Coastal Resiliency:**

- 1.6.1 All construction in designated flood and erosion hazard zones shall conform to City, state, and federal floodplain regulations and construction standards, including standards established by the National Flood Insurance Program.
- 1.6.2 Nonstructural measures¹ to avoid unwise use of flood and erosion hazard areas and modify susceptibility to coastal hazards without “fortifying” the shoreline with traditional structural measures such as seawalls, bulkheads, and riprap are encouraged in appropriate locations. The natural protective features of coastal resources, including beaches, dunes, and wetlands are recognized; those features should be utilized, to the extent practical and feasible, to provide effective shore protection. To

¹ Nonstructural flood protection measures generally include planning, regulatory, and other measures, including, but not limited to, beach nourishment and flood-proofing of existing structures, intended to discourage or avoid dangerous, uneconomical, or unwise use of floodplains and erosion-prone areas, as distinguished from more traditional structural methods such as revetments, dams, and seawalls used to control flooding.

the extent feasible, restoration of degraded coastal resources, including but not limited to tidal wetlands, is encouraged and supported in accordance with detailed plans to provide enhanced shore protection. (See Coastal Resources and Water Quality Policies.)

- 1.6.3 Applicants proposing to use structural measures to protect existing development should demonstrate that those measures will not result in significant adverse impacts on coastal resources and/or properties adjacent to the site of the proposed work.
- 1.6.4 Structures and other measures to modify flooding and erosion, including flood walls and shore protection structures such as seawalls, bulkheads, and riprap to stabilize the shoreline, should be provided in those instances where: a) no other reasonable alternative exists to protect infrastructural facilities, water-dependent uses, or existing inhabited structures from flooding and erosion; and b) the structures employed will not result in significant adverse impacts on coastal resources, ecological functions, and properties adjacent to or nearby the structures.
- 1.6.5 Timely repair and maintenance of bulkheads and other shore protection structures as needed to protect existing development from flooding and erosion and/or maintain the viability of water-dependent uses is encouraged and supported.
- 1.6.6 Effective and appropriate measures to reduce the risks to life and property associated with coastal flooding are supported, including but not limited to preparation of City plans for flood preparedness and response.
- 1.6.7 Pre-hazard mitigation measures to reduce adverse impacts of coastal hazards on residents, public facilities, businesses, private property, and coastal resources are supported, including, but not limited to: continued analysis of hazard risks; identification of vulnerable and at-risk areas and facilities, including critical infrastructure; application of effective land-use policies, standards, and regulations implemented through the West Haven Plan of Conservation and Development; public construction and investment decisions; and programs to increase public awareness and education concerning coastal hazards.
- 1.6.8 Effective plans and programs for emergency operations and response, including procedures for issuing forecasts and warnings to the public and otherwise providing public information should be prepared, tested, and updated as needed. Facilities, equipment, and training needed for effective emergency response are supported, along with coordination among all agencies with emergency responsibilities.
- 1.6.9 Pre-event mitigation, post-event recovery and reconstruction, and post-event mitigation measures in a manner to reduce future vulnerability to coastal hazards should be facilitated. Post-event assessments, including assessments of damage and emergency response actions, are encouraged and supported; emergency preparedness

plans should be adjusted accordingly; and financial and technical assistance to aid recovery and reconstruction should be facilitated.

- 1.6.10 An effective City program of corrective and preventive measures for reducing flood damage, consistent with the goals and requirements of the National Flood Insurance Program (NFIP) should be maintained. All construction in designated flood and erosion hazard zones, including Special Flood Hazard Areas and Coastal High Hazard Areas, shall conform to applicable floodplain regulations and construction standards. The City's good standing in the NFIP should be maintained; variances to the City's floodplain management regulations that would result in any diminution of that good standing should be avoided.
- 1.6.11 Long-term climate change impacts, including impacts that may be caused by rising sea level, should be considered in planning, design, and cost determinations for infrastructure such as, but not limited to, municipal and private roads, water and sewer systems, and electric utilities.

1.7 **Removal of Abandoned and Derelict Vessels and Structures**²:

- 1.7.1 No building, structure, or floating facility on, in, or contiguous to the HMA, including but not limited to any bulkhead, seawall, or marine facility, should be allowed to deteriorate to the point that a hazard or obstruction to navigation or condition adversely affecting public safety may result. All in-water and waterfront structures authorized by state and/or federal permits or certificates in the HMA shall be maintained in accordance with the maintenance conditions specified in those authorizations. Any observed deterioration of a state- or federally authorized in-water or waterfront structure affecting or potentially affecting navigation safety and/or environmental quality should be brought to the attention of the appropriate state and/or federal agency for appropriate remedial action.
- 1.7.2 In accordance with State of Connecticut boating statutes and regulations, all abandoned vessels as defined in the General Statutes shall be removed from the HMA according to the procedures initiated by the Police Department, Harbor Master, or other party of standing and specified in pertinent sections of the General Statutes, including Sec.15-140c as amended by Public Act 14-57 effective January 1, 2015, and including the requirements for filing a Notice of Abandoned Vessel with DEEP. Nothing herein shall prevent immediate action, consistent with the General Statutes, to remove an abandoned vessel that presents a hazard to navigation.

² The General Statutes distinguish between abandoned and derelict vessels. An abandoned vessel is defined in Sec. 15-140c of the General Statutes; a derelict vessel is defined in Sec. 15-3a of the General Statutes.

- 1.7.3 In accordance with State of Connecticut boating statutes and regulations, all derelict vessels as defined in the General Statutes shall be removed from the HMA according to the procedures initiated by the Harbor Master or other duly authorized representative of the City and specified in pertinent sections of the General Statutes, including Sec.15-11a and any amendments.
- 1.7.4 All derelict, abandoned, or deteriorated vessels and structures presenting a hazard or obstruction to persons, property, marine resources, environmental quality, or navigation should be marked, as necessary, and removed from the HMA in the most timely manner in accordance with applicable City, state, and federal laws, regulations, and ordinances, including but not limited to, federal law requiring the owner of any vessel sunken in navigable waters to remove the vessel as soon as possible and to mark it in the meantime with a buoy or daymarker during day and a light at night, and sections of the Connecticut General Statutes that: a) concern removal of derelict and abandoned vessels; b) concern activities eligible for authorization by a Connecticut Department of Energy and Environmental Protection (DEEP) Land and Water Resources Division (LWRD) Certificate of Permission; c) give the Harbor Master responsibility for the safe and efficient operation of the navigable waterways of the HMA; d) authorize the Harbor Master to station all vessels riding at anchor in the navigable waterways subject to his jurisdiction; and e) authorize the Harbor Master to cause the removal of vessels whose owners willfully neglect or refuse to obey an order of the Harbor Master;
- 1.7.5 City, state, and federal agencies and officials with applicable authority should coordinate their efforts and resources and work cooperatively to: a) mark, as necessary, any hazard or obstruction to navigation for the benefit of navigators; b) minimize the risk to environmental resources caused by any derelict, abandoned, or deteriorated vessel or structure; and c) achieve repair or removal of any derelict, abandoned, or deteriorated vessel or structure from the HMA in the most timely manner.

1.8 **Avoiding and Removing Floating Debris:**

- 1.8.1. Feasible measures to avoid and remove floating debris that may cause a hazard or obstruction to navigation or otherwise adversely affect public safety or environmental quality in the HMA are encouraged and supported, including timely measures to avoid and remove large debris that may be carried downstream and into the HMA by water courses draining into the HMA.

2.0 NAVIGATION AND WATER-USE POLICIES

2.1 **Federal Navigation Project:**

- 2.1.1 The existing federal navigation project in the West Haven Harbor Management Area, including the congressionally authorized West River channel, should be retained to serve recreational and commercial vessels, provide safe navigation, and ensure the continued viability of water-dependent facilities. Maintenance dredging

should be conducted as needed to provide the navigable depths and dimensions required to maintain safe and efficient navigation and public access to the HMA and Long Island Sound.

- 2.1.2 To the extent feasible, maintenance dredging of the federal navigation channel should be coordinated with any necessary nonfederal maintenance dredging for the purpose of reducing the economic costs and potential adverse environmental impacts of dredging in the HMA.
- 2.1.3 Use of the federal navigation channel should be managed in accordance with the USACE's "open to all on equal terms" policy.
- 2.1.4 Modification of the existing dimensions and/or positions of the federal navigation channel may be considered, as necessary, to meet requirements for navigation and public safety and to facilitate beneficial use and development of the HMA and waterfront consistent with the Harbor Management Plan, provided such modification is accomplished through federal legislation requested by the City with input from all affected parties, including any affected waterfront property owners.
- 2.1.5 Any proposed modification of the federal navigation project is subject to approval by the HMC and should be demonstrated to serve the overall public interest for beneficial use and development of the HMA and waterfront.

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

- 2.2.1 Any nonfederal dredging required in the HMA should be carefully planned and conducted in a manner to provide for continued viability of water-dependent facilities, safe and efficient navigation, and avoidance of any significant, long-term adverse impacts on coastal resources.
- 2.2.2 Maintenance dredging of nonfederal channels, anchorages, docking facilities, boating access facilities, marinas, and other areas should be undertaken in compliance with all applicable state and federal laws and regulations, and in a manner to avoid or minimize any significant, long-term adverse impacts on coastal resources.
- 2.2.3 Disposal of dredged material, including any necessary de-watering of dredged material, should take place in a manner to avoid or minimize any potentially adverse impacts on coastal resources and the quality of life in the coastal area of the City.

2.3 **Reducing Siltation:**

- 2.3.1 Efforts to avoid or reduce siltation and the resulting need for dredging in the HMA are encouraged and supported, including: regular maintenance of storm drainage catch basins; construction of additional catch basins as necessary; effective street cleaning; control of runoff from construction sites; avoidance of the disposal of

leaves, branches, and other debris in the HMA and its tributaries; and reduction or elimination of all other activities that introduce sediment into the HMA.

2.4 **Aids to Navigation:**

- 2.4.1 Aids to navigation in the HMA, including federal aids maintained by the U.S. Coast Guard as well as any nonfederal (private) aids, and including buoys, beacons, and signs, should be placed and maintained in compliance with state and federal regulations and be appropriate for effectively marking navigation channels, anchorages, mooring areas, any navigation hazards and obstructions, restricted speed zones, and other areas and conditions affecting navigation safety.
- 2.4.2 Private aids to navigation may be placed in the HMA as needed with appropriate City, state, and federal approvals.

2.5 **Navigation Fairways:**

- 2.5.1 Where necessary, specific water areas to be kept free of obstructions may be designated as navigation fairways by the HMC, acting in consultation with the Harbor Master, to ensure safe passage of recreational and commercial vessels to, from, and through the federal channels and anchorages, mooring areas, boating facilities, and other areas of vessel traffic in the HMA.
- 2.5.2 Regulatory buoys may be placed to mark the boundaries of designated navigation fairways with appropriate City, state, and federal approvals.
- 2.5.3 Designated navigation fairways should be of an appropriate width to ensure ease and safety of navigation. When determining the appropriate width of any navigation fairway to be designated in the HMA, the HMC should take into consideration existing HMA conditions, including, but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave, and current conditions; location and extent of existing in-water structures; presence of coastal resources; statutory requirements concerning resource use and preservation; and the littoral rights of waterfront property owners.

2.6 **Set-Back Distances from Channels, Anchorages, Mooring Areas, and Fairways:**

- 2.6.1 All piers, docks, bulkheads, pilings, moorings, and other structures located waterward of the Coastal Jurisdiction Line (CJL)³ in the HMA should be set back from

³ The CJL line, marking the elevation of the highest predicted tide, defines the regulatory jurisdiction of the Connecticut Department of Energy and Environmental Protection. Proposed work and structures waterward of the CJL are subject to DEEP's coastal regulatory authorities, including authorities regulating structures, dredging, and fill.

the boundaries of the federal navigation channel and any designated anchorages, mooring areas, and fairways a safe and sufficient distance to ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with the safe and unimpeded passage of any vessel using the channel and any anchorages, mooring areas, and fairways.

- 2.6.2 Appropriate set-back distances for proposed structures and work waterward of the CJL should be determined on a case-by-case basis by the HMC based on a review of existing conditions. When determining the distance that in-water structures should be set back from a designated channel, anchorage, mooring area, or fairway, consideration should be given to guidance provided by the USACE, DEEP, and other appropriate agencies. (See “Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England District, U.S. Army Corps of Engineers,” July 1996.)

2.7 **Correcting Unauthorized Encroachments:**

- 2.7.1 No structures or any other work (including, but not limited to, docks, piers, floats, pilings, bulkheads, moorings, and dredging or filling of aquatic areas) shall be placed or undertaken waterward of the CJL in the HMA without necessary City, state, and federal authorization. Any unauthorized structures or other work in federal navigation projects or in any other areas waterward of the CJL should be considered unauthorized encroachments to be eliminated or otherwise corrected in accordance with City, state, and federal laws, regulations, and ordinances.
- 2.7.2 Any unauthorized encroachments as defined in 2.7.1 above and determined to have occurred after the effective date of the Harbor Management Plan should be removed or otherwise corrected by the responsible party. City, state, and federal regulatory agencies should not issue after-the-fact authorizations that would bring such violations into compliance, unless there are compelling, clearly demonstrated reasons to do so.
- 2.7.3 Any unauthorized encroachments as defined in 2.7.1 above and determined to pre-date the effective date of the Harbor Management Plan should be evaluated individually by the HMC and specific measures should be developed, in cooperation with the appropriate state and federal agencies, to remove or otherwise correct these unauthorized encroachments.
- 2.7.4 When considering measures for correcting any unauthorized encroachment in the HMA, it is recognized that DEEP, pursuant to state requirements, must consider if the encroachment was in place prior to June 24, 1939 (the effective date of Connecticut’s coastal regulatory program) or January 1, 1980 (the effective date of Connecticut’s coastal management program). Substantial maintenance of encroachments in place prior to June 24, 1939 and continuously maintained and serviceable since that time, and minor alterations to encroachments in place prior to

June 24, 1939, are eligible for state authorization through a DEEP Land and Water Resources Division Certificate of Permission. Retention, substantial maintenance, and alteration of encroachments in place prior to January 1, 1980 may be eligible for authorization through a Certificate of Permission, as determined on a case-by-case basis.

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

2.8 **Commercial Fishing and Aquaculture Structures:**

- 2.8.1 Commercial fishing in the HMA is supported, in balance with other water-dependent recreational and commercial uses and with consideration of the capacity of the HMA to safely accommodate commercial fishing.
- 2.8.2 Use of any fixed commercial fishing gear in the HMA shall be in accordance with all applicable City, state, and federal laws, regulations, and ordinances.
- 2.8.3 When regulating or otherwise managing gill nets in the HMA, it is recognized that placement of unattended gill nets in congested or well-traveled locations may substantially interfere with orderly, safe, and efficient allocation and operation of the HMA. No unattended gill net should be set at any time in any location where the placement of that net will create a hazard to navigation or otherwise substantially interfere with orderly, safe, and efficient allocation and operation of the HMA.
- 2.8.4 Any commercial fish harvesting structures requiring state and/or federal authorization should be carefully designed, constructed, and maintained to avoid or reduce any significant adverse impacts on navigation and coastal resources, including recreational fisheries, and on the public's right to use the HMA consistent with the Public Trust Doctrine.
- 2.8.5 Any aquaculture activities in the HMA, including activities regulated exclusively by the Connecticut Department of Agriculture's Bureau of Aquaculture (DA/BA) and utilizing structures such as racks, cages, or bags as well as buoys to mark the location of such activities, should be carefully designed, constructed, and maintained to avoid or reduce any significant adverse impacts on navigation and coastal resources. Any proposals for such activities should be reviewed for consistency with the Harbor Management Plan.

- 2.8.6 Commercial shellfishing in the HMA shall be in accordance with all City, state, and federal laws, regulations, and ordinances concerning the use of: a) any private shellfishing grounds designated by the City for exclusive private use; 2) “natural shellfish grounds” delineated by the Superior Court of New Haven County to be left open to the general public; and 3) state grounds where commercial shellfishing is in accordance with state-granted franchise rights or lease arrangements with the state.

2.9 **Bridges and Dams:**

- 2.9.1 All bridges and dams crossing or otherwise affecting navigable water in the HMA should be maintained and/or operated in a manner to avoid or reduce the potential for any significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions.
- 2.9.2 Any plans for bridge or dam construction, replacement, alteration, maintenance, or removal shall be designed, reviewed, and implemented in compliance with all applicable City, state, and federal laws, regulations, and ordinances and in a manner to avoid or minimize adverse impacts on coastal resources and water quality and on beneficial uses and conditions in the HMA.

2.10 **Boating Safety and Education:**

- 2.10.1. Local training and educational programs to promote boating safety offered by organizations providing courses approved by the Connecticut Commissioner of Energy and Environmental Protection are encouraged and supported.

2.11 **Energy Generation and Transmission:**

- 2.11.1. Any proposals for energy generation and transmission that would affect the real property on, in or contiguous to the HMA, including but not limited to floating and submerged platforms, pipelines, and other structures, should be carefully reviewed to identify any potential adverse impacts that such proposals might have on navigation, coastal resources (including, but not limited to, shellfish resources), and other conditions. Any adverse impacts that may be identified should be avoided or otherwise mitigated.

3.0 COASTAL RESOURCES AND WATER QUALITY POLICIES

3.1 **Balancing Environmental Conservation Goals with Goals for Beneficial Use of the**

HMA:

- 3.1.1 Efforts to achieve sustainable economic benefits enhanced by the West Haven Harbor Management Area and waterfront should be pursued in coordination with efforts to protect, enhance, and sustain environmental quality, natural resources, and ecological functions. It is recognized that, due to the sensitivity of some coastal resources, a balance accommodating both recreational and commercial use and environmental conservation cannot be achieved in all areas and at all times.
- 3.1.2 Use and development affecting real property on, in, or contiguous to the HMA should be balanced with protection of natural coastal resources and the ecological functions associated with the HMA, and should not result in significant adverse impacts on environmental quality, including water quality.

3.2 **Capacity of Coastal Resources:**

- 3.2.1 It is recognized that the capacity of the navigable waters and coastal resources of the HMA to accommodate boating and other water and waterfront uses in an environmentally sound manner is limited, and that some areas may be more vulnerable to the adverse impacts of water-use and shorefront development than others.
- 3.2.2 Design and review of proposals affecting real property on, in, or contiguous to the HMA should take into consideration cumulative impacts on coastal resources and water quality and the capacity of coastal resources to support the proposed use or development without significant adverse environmental impact. The design and review of proposals affecting the HMA should also be guided by recognition that there are limits to the amount of growth and development that the natural environment can accommodate in a sustainable and environmentally sound manner. It should be recognized that cumulative impacts on environmental quality can result from individually minor but collectively significant actions taking place over a period of time.
- 3.2.3 New or expanded uses and facilities determined to exceed the capacity of the HMA to support such uses and facilities in a safe and environmentally sound manner should be avoided. (See Public Health, Safety, and Welfare Policies.)
- 3.2.4 Determinations of the capacity of the HMA's natural environment for accommodating new use and development should be carried out through case-by-case review of individual proposals by the HMC, acting in coordination with other City agencies and state and federal regulatory agencies, including, but not limited to, the Planning and Zoning Commission, DEEP, and the USACE. This review should address: 1) the capacity of coastal resources to support waterfront development and

other uses of the HMA in an environmentally sound manner; and 2) any potential public safety and navigation impacts associated with increased water use and activity.

- 3.2.5 It is the responsibility of applicants proposing projects that would affect the HMA to provide the information necessary for the HMC to assess the potential impacts of proposed projects on coastal resources. Any information required should be reasonable in scope and commensurate with the size, type, scale, and potential positive and negative impacts of the proposal.

3.3 **Surface Water Quality:**

- 3.3.1 All feasible measures to protect and improve surface water quality in the HMA and achieve consistency with the Connecticut Water Quality Standards (CT WQS), including implementation of Total Maximum Daily Load (TMDL) analyses and other management plans, and implementation and enforcement of applicable City, state, and federal laws, regulations, and ordinances are encouraged and supported, along with coordination among all agencies with water quality authorities and responsibilities.
- 3.3.2 Efforts to improve water quality in the HMA through reduction or elimination of point and nonpoint (runoff) sources of pollution, including storm water runoff from roads, bridges, parking areas, and other surfaces as well as seepage from septic systems, are encouraged and supported.
- 3.3.3 Efforts to improve water quality in the HMA should include: maintenance, repair, and improvement of storm water collection and treatment facilities as necessary in accordance with best available technology; reduction or elimination of pollution that may be caused by boating activities; reduction of the amount of sand, debris, and other pollutants discharging into the HMA from roads, bridges, and waterfront properties, including debris that may be carried downstream and into the HMA by the tributaries of the HMA; reduction of chemical fertilizers and pesticides used for lawn maintenance; reduction of the amount of pollution generated by potential sources of bacterial contamination, including wildlife and domestic animals and seepage from any poorly functioning septic systems; and reduction or elimination of all other activities that unnecessarily introduce sediment, debris, or pollutants into the HMA.
- 3.3.4 The use of suitable best management practices (BMPs) to manage, reduce where feasible, or otherwise control storm water runoff into the HMA are encouraged and supported, including, but not limited to, establishment and maintenance of: buffer zones of vegetation to naturally filter polluted runoff draining into the HMA; appropriate buffer/setback distances around tidal wetlands in the HMA; low impact development strategies; public outreach and education initiatives; and other BMPs

for site planning, source control, and storm water treatment identified in the Connecticut Department of Energy and Environmental Protection's Stormwater Quality Manual.

- 3.3.5 All new development generating significant storm water discharges directly or indirectly into the HMA should employ appropriate storm water treatment systems and technology, including filters and swirl-type grit chambers where necessary, to reduce the potential for nonpoint source pollution to enter the HMA. All such systems and technology should be properly maintained and operated in accordance with regularly scheduled maintenance procedures and all accumulated residue should be properly disposed of.
- 3.3.6 Feasible opportunities to improve water circulation and tidal exchange between Long Island Sound and the four HMA estuaries (West River, Old Field Creek, Cove River, and Oyster River) for the purpose of improving water quality, reducing sedimentation, and restoring and/or enhancing coastal resources in the estuaries, including tidal wetlands, should be investigated. Any proposal for improving water circulation and tidal exchange should be based on best available scientific information and sound engineering practice and prepared in consultation with the City, state, and federal agencies with relevant authorities and interests. Any project for improving water circulation and tidal exchange in the HMA should be pursued only if it is determined that the project will provide significant environmental benefits, be implemented at a reasonable cost relative to anticipated benefits, and not cause any significant adverse impacts on coastal resources.
- 3.3.7 City wastewater collection and treatment facilities should be properly maintained and upgraded, as necessary, in accordance with best available technology. Capital budget requirements necessary for continued effective operation and maintenance of wastewater collection and treatment facilities should be supported.
- 3.3.8 An effective, ongoing program of water quality monitoring and assessment in the HMA and upstream in the HMA's tributaries by qualified governmental agencies and/or nongovernmental organizations is encouraged and supported. Water quality monitoring and assessment should evaluate consistency with the CT WQS, identify existing and potential sources of pollution, and establish and maintain a database of information to support water quality improvement initiatives. Consistency with the CT WQS and achievement of the highest, reasonably attainable water quality classifications in the HMA should be pursued through correction or elimination of both point and nonpoint sources of pollution, including storm water runoff.
- 3.3.9 Pursuant to state and federal laws and regulations, vessel holding tanks for sanitary waste shall not be discharged into the HMA. Existing state and federal regulations controlling the disposal of waste from vessels should be effectively enforced.

- 3.3.10 Vessel waste pump-out facilities with adequate capacity to serve the needs of boaters in the HMA should be maintained in the HMA.
 - 3.3.11 Any work to maintain, repair, alter, construct, or remove bridges and dams crossing navigable water in the HMA or crossing watercourses draining into the HMA should incorporate Best management practices for storm water management and be conducted in a manner to reduce or avoid any significant adverse impacts on water quality resulting from that work.
 - 3.3.12 To the extent practical, the City should coordinate water quality monitoring and the formulation of pollution abatement measures with the cities of New Haven and Milford. Initiatives to improve water quality in the HMA that are planned and implemented on a watershed-wide basis are encouraged and supported.
 - 3.3.13 Any use of properties on the waterfront and elsewhere for disposal/storage of snow removed from streets, parking lots, and other areas should include appropriate measures, including, but not limited to, containment barriers and appropriate setbacks from the Coastal Jurisdiction Line, to ensure that no significant pollution, including sedimentation, enters the HMA through runoff from melting snow.
 - 3.3.14 When pursuing initiatives to protect and improve water quality in the HMA, including initiatives planned and implemented on a watershed-wide basis, the importance of maintaining and enhancing the water quality functions of freshwater wetlands is recognized, and coordination with the Inland Wetland Agency is encouraged and supported.
- 3.4 **Intertidal Resources, Including Tidal Wetlands and Intertidal Flats:**
- 3.4.1 The ecological values of intertidal resources, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and flood protection, should be protected.
 - 3.4.2 Feasible measures to maintain and, where feasible, enhance intertidal resources in the HMA, including implementation and enforcement of applicable City, state, and federal laws, regulations, and ordinances, are supported.
 - 3.4.3 Consistent with City, state, and federal laws, regulations, and ordinances, new structures such as docks and piers should not have significant adverse impacts on viable and productive shellfish resource areas.
 - 3.4.4 Restoration of degraded intertidal resources is encouraged and supported, to the extent feasible, and where such restoration will enhance the quality of natural coastal resources through improvements to water quality, scenic quality, fish and wildlife habitat, and other natural values. When considering opportunities for re-

storing tidal wetlands, consideration may be given to replacement of existing culverts and tidegates, including replacement of conventional tidegates with self-regulating tidegates that will provide a sufficient amount of tidal flow to support ecologically viable tidal wetlands while providing necessary flood protection.

- 3.4.5 Any project for restoring intertidal resources should be implemented in accordance with a detailed plan based on best available scientific information, formulated with input from potentially affected parties, including the owners of adjoining and nearby properties, and following a careful review of environmental costs and benefits. Any project for restoring intertidal resources should be carefully monitored and evaluated over time.
- 3.4.6 The tidal prism necessary for effective wetland restoration in the four HMA estuaries should be maintained and, where necessary and feasible, restored.⁴
- 3.4.7 The effects of wetland restoration on properties adjoining and nearby the restoration areas should be considered; any potentially significant adverse impacts caused by increased tidal elevations and other conditions on adjoining and nearby properties should be mitigated by: a) avoiding the impact altogether; b) minimizing the impact by limiting the degree of tidal restoration; or c) compensating for the impact by replacing affected resources, reassessing property values, or other appropriate measures.
- 3.4.8 Restored wetlands should be managed to: 1) maintain tidal flood protection; 2) reduce mosquito, fire, and other hazards; 3) protect ecological functions related to water quality maintenance, fish and wildlife habitat, and other natural values; and 4) provide recreational, educational, scientific, and other public purposes.
- 3.4.9 It is recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures can result in the incremental and cumulative encroachment of those structures into intertidal areas. All bulkhead maintenance, repair, and replacement projects should be designed and constructed to avoid waterward extension to the extent feasible, thereby avoiding adverse impacts on coastal resources and navigation.
- 3.4.10 Existing docks, floats, and other water access structures associated with bulkheads to be maintained, repaired, or replaced should be rebuilt in kind and in place with no additional encroachment into the HMA following bulkhead maintenance, repair, or replacement. The permittee should be required, as a condition of any state and/or federal permit needed for bulkhead maintenance, repair, or replacement, to provide

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The tidal prism is the amount of water entering an estuary during an incoming tide; in other words, the difference between the amount of water in the estuary at high tide and the volume of water at low tide.

an “as-built” survey or other documentation following project completion to show that no additional encroachment of the bulkhead and associated water access structures has occurred.

3.5 **Fisheries Resources, Including Shellfish Resources:**

- 3.5.1 Opportunities for vessel- and shore-based recreational fishing in the HMA should be maintained and, to the extent feasible, enhanced.
- 3.5.2 Recreational and commercial fishing activities should be supported, in balance with other water-dependent recreational and commercial uses of the HMA and with consideration of the sustainable capacity of fisheries resources in the HMA as determined by the appropriate resource management agencies of the State of Connecticut.
- 3.5.3 Necessary initiatives to protect, maintain, and enhance fisheries resources in the HMA for recreational and commercial use and public enjoyment, consistent with City, state, and federal laws, regulations, and ordinances, should be supported.
- 3.5.4 Any fish harvesting structures in the HMA requiring state and/or federal authorization, including but not limited to structures supporting marine pound nets, should be designed, constructed, and maintained to avoid or reduce any adverse impacts on navigation and coastal resources, including recreational fisheries, and on the public’s right to use the HMA consistent with the Public Trust Doctrine.
- 3.5.5 For the purpose of these policies, shellfish resources in the HMA include: a) populations of shellfish species; and b) the natural areas (habitat) with characteristics for supporting one or more of those species. Shellfish habitat is recognized as including tidal waters, underwater lands, wetlands, and intertidal flats.
- 3.5.6 It is recognized that shellfish habitat, including intertidal flats and tidal wetlands, is susceptible to adverse impacts, including acute and cumulative impacts, caused by the installation, presence, or use of water access structures (such as but not limited to docks, floats, and piers) and other in-water and intertidal structures and activities. Further, it is recognized that structures resting on intertidal areas can cause scouring and anoxic conditions that are acutely and cumulatively harmful to benthic resources, including shellfish resources.
- 3.5.7 Proposals affecting the real property on, in, or contiguous to the HMA that would cause acute and/or cumulative adverse impacts on shellfish resources or opportunities for beneficial cultivation/harvesting of shellfish should be avoided.
- 3.5.8 Any aquaculture activities in the HMA, including but not limited to activities regulated exclusively by the DA/BA and utilizing structures such as but not limited to docks, racks, cages, bags, and nets as well as buoys to mark the location of such

activities, should be designed, constructed, and maintained to avoid any significant adverse impacts on navigation, coastal resources, and public safety in the HMA. Applications for aquaculture activities submitted to the DA/BA or any other agency should be reviewed for consistency with the Harbor Management Plan.

3.6 **Waterfront Scenic Quality:**

- 3.6.1 Design and review of development proposals affecting the HMA should take into consideration cumulative impacts on scenic quality and the capacity of the natural and built environment to support the proposed development without the occurrence of significantly adverse impacts on scenic quality.
- 3.6.2 All applicable laws, regulations, and ordinances should be applied to discourage illegal dumping of trash and other debris in and near the HMA.
- 3.6.3 Proposals for development on and near the waterfront should be designed and reviewed to avoid development that would significantly interfere with existing public views of the HMA.
- 3.6.4 City-owned waterfront properties should be maintained in the most timely and effective manner necessary to provide for continued public use and enjoyment. Capital and operating budget requirements for timely and effective maintenance of City-owned waterfront properties should be supported.

3.7 **Historic Resources and Maritime Heritage:**

- 3.7.1 Important historic resources in and near the HMA, including any historic buildings and any archaeologically significant resources, should be protected from any significant adverse impacts that may be caused by in-water or waterfront development, and maintained, where appropriate, for public use and enjoyment.
- 3.7.2 Beneficial projects and programs to increase public awareness of the City's history and heritage tied to the HMA and Long Island Sound are encouraged and supported.

4.0 RECREATIONAL BOATING POLICIES

4.1 **Boating Facilities:**

- 4.1.1 The City should encourage the continued operation of private boating and yacht clubs and commercial marinas and boatyard facilities and the establishment of new boating facilities, as needed, in appropriate locations. Any future development that may affect existing marina and/or boatyard facilities should not result in a significant reduction of currently available boating facilities and services.

- 4.1.2 The authority and policies of the Connecticut Coastal Management Act and the West Haven Plan of Conservation and Development incorporating the City's coastal area management policies should be applied to encourage and support the continued operation of water-dependent boat service facilities (including boat maintenance, repair, and storage facilities) and to promote the establishment of new boat service facilities in appropriate locations. (See Waterfront Land-Use and Development Policies.)
 - 4.1.3 City planning and zoning requirements should be applied as necessary to protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boatyard facilities. (See Waterfront Land-Use and Development Policies.)
 - 4.1.4 The design and review of future boating facility development proposals, including proposals to develop public and private boat berthing and docking facilities, should take into consideration the potential cumulative impacts of that development on coastal resources as well as the capacity of those resources to accommodate additional boating facilities without significant adverse impacts on safe and efficient navigation and environmental quality.
- 4.2 **Mooring Locations:**
- 4.2.1 The location and placement of any mooring tackle in the HMA should be carefully planned and regulated in a manner that provides for efficient and equitable distribution of mooring locations.
 - 4.2.2 In accordance with applicable City and state laws, regulations, and ordinances, the users of all mooring locations in the HMA must receive a permit from the Harbor Master as well as any necessary state and federal authorizations; all mooring tackle should be placed and maintained in accordance with rules established by the Harbor Management Commission. (See Waterways Administration Policies.)
 - 4.2.3 All mooring tackle should be set back from the boundaries of designated channels and navigation fairways a safe and sufficient distance to ensure that any vessel attached to that tackle does not at any time encroach into the channel or fairway or otherwise interfere with the safe and unimpeded passage of any vessel using the channel or fairway.
 - 4.2.4 Mooring tackle within any mooring areas designated by the HMC should be placed in accordance with mooring plans designed to provide the safest and most efficient mooring of vessels and the most desirable use of available mooring locations.

- 4.2.5 To complement public boating facilities available in the HMA, a suitable number of mooring locations with City-owned mooring tackle may be provided for use by the general public for emergency and recreational purposes, subject to control and management by the HMC acting in consultation with the Harbor Master.

4.3 **Mooring Tackle:**

- 4.3.1 To protect the safety of persons and property and protect environmentally sensitive resources in the HMA, all mooring tackle should meet minimum standards established by the HMC acting in consultation with the Harbor Master.
- 4.3.2 To protect the safety of persons and property and protect environmentally sensitive resources in the HMA, all mooring tackle should be regularly inspected for soundness of condition and compliance with the established minimum tackle standards.
- 4.3.3 All mooring buoys must comply with DEEP Regulations of Connecticut State Agencies concerning dimensions, layout, and color.

4.4 **Anchoring Locations:**

- 4.4.1 Anchoring of vessels in the HMA should not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes. The anchoring of all vessels should be subject to any order of the Harbor Master needed to maintain safe and efficient operation of the HMA.
- 4.4.2 Anchoring of vessels in the HMA should be subject to rules established by the HMC acting in consultation with the Harbor Master, including rules concerning the duration of anchoring.

4.5 **Public Boating Facilities:**

- 4.5.1 Enhancement and expansion of existing public boating facilities and establishment of new facilities are encouraged to provide dock space, boat slips, boat launching areas, and other facilities as well as appropriate opportunities for beneficial access to the HMA by resident and visiting boaters. Facilities provided should be consistent with demonstrated need and with the capacity of the HMA and upland areas to accommodate those facilities.
- 4.5.2 The establishment and maintenance of small craft launching and landing areas available for public use at suitable locations on the HMA waterfront is encouraged and supported for the purpose of accommodating small vessels such as canoes, dinghies, and kayaks that can be transported without trailers.
- 4.5.3 Capabilities needed to maintain City-owned boating facilities in a clean, attractive, safe, and enjoyable condition, including budget, staff, and equipment capabilities, should be maintained and, to the extent feasible, enhanced.

4.6 **Facilities for Visiting Boaters:**

- 4.6.1 Consistent with other applicable harbor management provisions, public facilities including dockage, boat slips, and moorings may be established and maintained to serve visiting (transient) boaters.

4.7 **Live-Aboard Vessels:**

- 4.7.1 To maintain public health, safety, and welfare and protect coastal resources, the use of berthed, anchored, or moored vessels as short-term or seasonal residences in the HMA should be properly restricted and regulated in accordance with all applicable City, state, and federal laws, regulations, and ordinances.

4.8 **Personal Watercraft:**

- 4.8.1 The operation of all personal watercraft in the HMA shall be in accordance with all applicable boating laws, regulations, and ordinances, including requirements concerning speed and noise levels.

4.9 **Human-Powered Boating:**

- 4.9.1 Human-powered boating activities such as rowing, canoeing, and kayaking conducted in a safe and environmentally sound manner are encouraged and supported in the HMA, in balance with other beneficial recreational and commercial uses.
- 4.9.2 Launching and landing areas to support access to the HMA by small vessels such as canoes, kayaks, and rowing sculls, including access by vessels that can be transported without trailers, should be established and properly maintained.
- 4.9.3 Organized events involving human-powered vessels, planned and conducted in a manner that provides for the protection of public safety and that avoids or minimizes the risk of conflict with other vessels using the HMA, should be supported.

5.0 WATERFRONT LAND-USE AND DEVELOPMENT POLICIES

5.1 **Waterfront Development Proposals:**

- 5.1.1 All public and private waterfront development proposals affecting the West Haven Harbor Management Area should be carefully planned and reviewed for consistency with the Harbor Management Plan and to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the HMA.
- 5.1.2 The potential impacts of waterfront development proposals on future water-dependent uses and activities should be an important consideration in the design of waterfront development proposals and when reviewing those proposals for consistency with the Harbor Management Plan.

- 5.1.3 Opportunities for stimulating economic growth through water-dependent and water-enhanced development on, in, or contiguous to the HMA are encouraged and supported, where such development is consistent with all other applicable provisions of the Harbor Management Plan, the Plan of Conservation and Development, City redevelopment plans, and City zoning regulations.
 - 5.1.4 The planning and implementation of all City-supported development initiatives affecting the HMA waterfront should be undertaken in the most coordinated manner possible, emphasizing consistent project objectives related to future beneficial uses of the HMA.
 - 5.1.5 The Harbor Management Commission should serve in an advisory capacity in the development of all City-supported development initiatives affecting the HMA waterfront. All City-supported development initiatives affecting the waterfront should be reviewed by the HMC for consistency with the Harbor Management Plan. (See Harbor Administration Policies.)
 - 5.1.6 Redevelopment of any vacant or underutilized properties on or near the HMA waterfront is encouraged and supported where that development is consistent with applicable City, state, and federal requirements and expected to result in significant and long-term beneficial impacts on the future character of the HMA and waterfront.
 - 5.1.7 When reviewing proposals for waterfront development, the City should apply the authority and policies of the Harbor Management Plan, POCD, and Connecticut Coastal Management Act to encourage the provision of public amenities where feasible, including facilities for beneficial access to the HMA.
- 5.2 **Water-Dependent Uses and Activities:**
- 5.2.1 The City should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the POCD to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.
 - 5.2.2 Access to the HMA should be promoted wherever feasible, but the City should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only limited pedestrian and visual access to the HMA.
 - 5.2.3 All proposals for waterfront development submitted to the Planning and Zoning Commission, Planning and Zoning Board of Appeals, Conservation Commission, Inland Wetlands and Watercourses Agency, Shellfish Commission, and other City agencies should be reviewed by the HMC for consistency with the Harbor Management Plan. (See Harbor Administration Policies.)

5.3 **In-Water Structures:**

- 5.3.1 All public and private floats, docks, piers, and other structures for access to the HMA should be set back from the boundaries of designated channels, anchorages, and fairways a sufficient distance to ensure that those structures and any vessels docked at those structures do not interfere with safe and efficient navigation.
- 5.3.2 In the absence of compelling reasons to the contrary, the construction of private floats, docks, piers, and other water-access structures by groups of homeowners or neighborhood associations for group use may be encouraged as a preferred alternative to the construction of single structures for use by individual owners.
- 5.3.3 Construction of public and private floats, docks, piers, and other water-access structures should not have a significant adverse impact on coastal resources, including impacts on visual/scenic attributes of the HMA which may be degraded through significant alteration of the natural features of vistas and viewpoints; opportunities for beneficial access to the HMA; traditional water uses; and the traditional character of shorefront areas.
- 5.3.4 When reviewing proposals for water-access structures, including floats, docks, and piers, the HMC should consider the intended use of the structures, including, but not limited to, use for private residential purposes, public water-access purposes, and marine commercial purposes. The appropriate extent to which water-access structures should extend waterward in order to provide reasonable access to the navigable waters of the HMA and maintain the viability and beneficial use of commercial water-dependent uses and public access facilities should be evaluated on a case by case basis by the HMC and appropriate state and federal regulatory agencies, including the Department of Energy and Environmental Protection and U.S. Army Corps of Engineers. That evaluation should take into consideration the littoral rights of waterfront property owners; existing conditions in the HMA such as distance from shore to navigable water; the presence of coastal resources such as intertidal flats, tidal wetlands, shellfish resources, and visual/scenic attributes of the HMA; potential changes in tidal water flow patterns that could occur and impact the health and existence of coastal resources; traditional character and historic use of affected neighborhoods, including traditional views of the HMA from public properties and rights of way nearby the site of the proposed structure and traditional views of the shoreline from the HMA; existing structures in the vicinity of the proposed structure; distance from the proposed structure to any designated navigation channels and anchorage areas; and other pertinent conditions.
- 5.3.5. Subject to the constraints identified in 5.3.3 and 5.3.4, water-access structures for private residential use should be of the minimal length needed to provide reasonable access to navigable water. Structures of a size and mass that would require lighting are discouraged where such lights would conflict with the traditional character of shorefront areas. In the absence of compelling reasons to the contrary, new water-

access structures for private residential use should not extend farther waterward than any existing, nearby structures.

- 5.3.6 To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures and to ensure compliance with any conditions included in the state and/or federal permits for those structures, the permittee should be required, as a permit condition, to provide an “as-built” survey or other documentation following completion of the permitted construction.
- 5.3.7 No public or private float, dock, pier, seawall, bulkhead, or other in-water structure, should be allowed to deteriorate to the point that a hazard or inconvenience to navigation or condition adversely affecting public safety and/or environmental quality may result. All in-water structures authorized by state and/or federal permits in the HMA shall be maintained in accordance with the maintenance conditions specified in those permits. Any observed deterioration of a state- or federally authorized in-water structure affecting or potentially affecting navigation and/or environmental quality, including any leakage of material into the HMA from behind the structure, should be brought to the attention of the appropriate state and/or federal agency for appropriate corrective action.
- 5.3.8 Permits for the placement of permanent structures waterward of the Coastal Jurisdiction Line should be granted only to those who possess the littoral right to place such structures.
- 5.3.9 To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures, design guidelines established by the USACE for placement of fixed and floating structures in navigable water should be considered by the HMC in its review of proposed in-water structures. In the absence of compelling reasons to the contrary, including the need to protect valuable coastal resources, new or extended in-water structures should be consistent with the USACE’s guidelines. (See “Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England District U.S. Army Corps of Engineers,” July 1996.)
- 5.3.10 In the HMC’s case-by-case review of individual proposals for docks, piers, and other water-access structures, it is the applicant’s responsibility to provide sufficient information concerning the potential impacts of the proposed structure on navigation, coastal resources, and the natural and traditional visual quality of the HMA shoreline.
- 5.3.11 At such time as additional information and new methods for dock management in the HMA and Connecticut coastal area may become available, the HMC may consider formulating more detailed standards concerning water-access structures in the HMA, including, but not limited to, dimensional standards and criteria for avoiding

or otherwise mitigating adverse visual impacts, and for inclusion of those standards and criteria in the Plan.

- 5.3.12 All swim floats must comply with DEEP requirements concerning size, color, and markings.

5.4 **Filling and Stabilizing Waterfront Property:**

- 5.4.1 Repair of existing bulkheads and other shore protection structures should be encouraged in coordination with any redevelopment projects that may affect the properties on which those structures are located.
- 5.4.2 Filling of viable and productive aquatic areas waterward of the Coastal Jurisdiction Line to create additional land area for development should be discouraged.

5.5 **Neighborhood Character and Quality of Life:**

- 5.5.1 Activities in the HMA and use and development of the HMA waterfront should be carefully planned, reviewed, and regulated to avoid adverse impacts on the character and quality of life in the City's coastal area neighborhoods.
- 5.5.2 In-water and waterfront activities should not cause nuisance impacts that affect waterfront residential areas, including, but not limited to, noise, litter, unshielded light, and wave impacts.
- 5.5.3 The planning and review of proposed development and other activities affecting the HMA should take into consideration not only cumulative impacts on coastal resources and the capacity of those resources to accommodate increased development (see Coastal Resources and Water Quality Policies) but also potential impacts on the existing character and quality of life in the City's coastal area neighborhoods. Potential adverse impacts should be minimized or avoided.

5.6 **Littoral Rights:**

- 5.6.1 The littoral rights of the owners of land contiguous to the HMA, including the right of access to navigable water and the right to other improvements and useful purposes, should be protected. Such rights must be exercised in a reasonable manner according to the state laws that protect the public's rights and interests. (See Water and Waterfront Access Policies.)

5.7 **Boat Terminals:**

- 5.7.1 Operation and maintenance of any boat terminals on, in, or contiguous to the HMA, including terminals for ferry boats and excursion boats, may be supported where such terminals will provide beneficial opportunities for public access to the HMA and Long Island Sound.

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

6.0 WATER AND WATERFRONT ACCESS POLICIES

6.1 Access to the HMA and Along the Shoreline:

- 6.1.1 Facilities and opportunities for appropriate and beneficial public access to the West Haven Harbor Management Area, consistent with the capacity of the HMA and waterfront to accommodate those facilities and opportunities and with the existing character of coastal area neighborhoods are supported. Public access should be considered as physical and/or visual access to the HMA that will be available to all members of the general public, including both residents and non-residents of the City, and not limited to any particular groups or individuals.
- 6.1.2 Facilities and areas for public access to the HMA should be provided in a manner consistent with the Plan of Conservation and Development and the City's waterfront zoning regulations. The City should require the provision of well-designed, meaningful, and coordinated public access to the HMA by all waterfront development subject to the City's coastal site plan review authority, except single-family residential development and development for principal site uses that are otherwise water-dependent as defined in the Connecticut Coastal Management Act. (See Harbor Administration Policies.)
- 6.1.3 The City should pursue the acquisition of land and easements (through purchase, donation, or other appropriate means) when such opportunity may arise and where such acquisition will provide opportunities for beneficial access to the HMA and enhance the overall value and usefulness of the City's open space system.

6.2 Pedestrian Access between the Waterfront and City Commercial Centers:

- 6.2.1 Well-designed facilities for pedestrian access should be provided to link public water access facilities on the HMA waterfront with commercial areas of the City.

6.3 Access to the HMA from City Parks and Right-of-Ways:

- 6.3.1 Opportunities for public access to the HMA through the City park system should be fully utilized and, to the extent feasible, enhanced. The City should encourage water-dependent uses and activities at public parks and other City-owned properties, including visual and physical access opportunities; boating-related facilities for resident and visiting recreational boaters; storage and launching of hand-paddled vessels; and other appropriate activities. These uses and activities should be consistent with all other applicable provisions of the Harbor Management Plan and

with the capacity of the City-owned properties to accommodate enhanced or expanded use in a safe and environmentally sound manner.

- 6.3.2 A fair and equitable schedule of fees for the use of public boating facilities should be maintained, consistent with facility costs and City goals and policies for encouraging use of the HMA by resident and visiting boaters. (See Recreational Boating Policies.)
- 6.3.3 Opportunities for improving physical and visual access to the HMA through City-owned street ends and other public rights-of-way should be identified and evaluated. Where feasible, the City should improve public rights-of-way for public use in the near term and in all cases ensure the retention of the water access rights-of-way for future enhancement and use.
- 6.3.4 Any improvement of City-owned street ends and other public rights-of-way for water access purposes should be consistent with existing neighborhood character and City zoning regulations.

6.4 **Public and Private Rights for Use of the HMA:**

- 6.4.1 Plans and proposals to improve existing City-owned water access facilities and to provide new access opportunities should be consistent with the littoral rights of waterfront property owners. Conversely, the exercise of littoral rights by waterfront owners should not have a significant adverse effect on public water-access opportunities, coastal resources, visual quality, traditional water uses, and other public values associated with the land and water resources waterward of the Mean High Water line.

6.5 **Special Events and Activities:**

- 6.5.1 Special waterfront events and other activities that attract City residents and visitors to the HMA, provide public enjoyment, and stimulate public interest and community involvement in matters pertaining to the HMA are encouraged and supported.

6.6 **Water-Based Tourism:**

- 6.6.1 Safe and environmentally sound opportunities for expanding water-based tourism activities and the associated economic, recreational, and other benefits of those activities to the City are encouraged and supported.

7.0 HARBOR ADMINISTRATION POLICIES

7.1 The West Haven Harbor Management Area:

- 7.1.1 The territorial limits of the West Haven Harbor Management Area shall include all of the navigable waters and intertidal areas of the City waterward of the mean high water line within the territorial limits of the City, bounded by the boundary of the City of New Haven in the West River and New Haven Harbor to the east and the boundary of the City of Milford in the Oyster River on the west. On the south, the HMA shall be bounded by a straight line that runs, within the projection of the boundary lines of the neighboring municipalities, generally from Morgan Point in New Haven to Merwin Point in Milford.
- 7.1.2 Any uncertainties regarding municipal boundaries in navigable waters and the territorial limits of the HMA should be resolved, as necessary and to the extent feasible, through cooperative agreements with the neighboring municipalities.

7.2 City Jurisdiction and Authorities for Harbor Management:

- 7.2.1 The jurisdiction of the City for harbor management shall be as established in Chapter 20 of the City Code and shall include all of the waters of the HMA. The Harbor Management Commission should exercise all of the powers and duties granted through the General Statutes and City Code to manage the beneficial use and conservation of the HMA, including, but not limited to, responsibilities for preparing and implementing the Harbor Management Plan.

7.3 Regulatory Enforcement:

- 7.3.1 Chapter 20 of the City Code, other applicable sections of the Code, and any regulations established by the HMC pursuant to the City Code and Connecticut General Statutes, should be reviewed and updated as necessary to help ensure continued boating and navigation safety in the HMA and effective implementation of the Harbor Management Plan. Any revisions to City ordinances pertaining to the operation of vessels also must be submitted to DEEP's Boating Division for review and approval as required by Sec. 15-136 of the General Statutes.
- 7.3.2 Through implementation of the Harbor Management Plan, the City should maintain an active and ongoing role in the management and regulation of activities affecting the HMA in coordination with state and federal agencies and officials, including, but not limited to, the Department of Energy and Environmental Protection, Harbor Master, and U.S. Army Corps of Engineers.
- 7.3.3 The HMC, West Haven Police Department, and Harbor Master should coordinate their actions and authorities to achieve effective enforcement of the ordinances, regulations and other provisions pertaining to the operation of vessels and established in applicable sections of the City Code and state laws and regulations.

7.4 **Proposals Affecting the HMA:**

- 7.4.1 A municipal Harbor Management Consistency Review Process should be conducted to ensure effective implementation of the Harbor Management Plan and to provide coordinated, efficient, and comprehensive local review of proposed projects affecting the real property on, in, or contiguous to the HMA.
- 7.4.2 The HMC may review, for consistency with the Plan, specific development proposals affecting real property on, in, or contiguous to the HMA as submitted to, or proposed by City agencies including, but not limited to, the following agencies (see Waterfront Land-Use and Development Policies):
- Planning and Zoning Commission
 - Zoning Board of Appeals
 - Department of Parks and Recreation
 - Economic Development Commission
 - Open Space Conservation Commission
 - Inland Wetlands and Watercourses Agency
 - Department of Public Works
 - Flood and Erosion Control Board
 - Pollution Control Commission
 - Any other City agency with land-use authority
- 7.4.3 The HMC may review for consistency with the Harbor Management Plan and transmit comments and recommendations to the appropriate City agencies concerning: 1) all development proposals subject to the municipal process of coastal site plan review and located on parcels contiguous to or otherwise affecting the HMA; 2) all proposed uses or activities occurring waterward of the Coastal Jurisdiction Line; and 3) all proposed revisions or amendments to City plans, regulations, or ordinances affecting real property on, in, or contiguous to the HMA.
- 7.4.4 As required by Sec. 22a-113p of the Connecticut General Statutes, the referring agencies listed in 7.4.2 above will notify the HMC of any proposals subject to the Harbor Management Consistency Review Process at least 35 days prior to the commencement of any hearings thereon or, where no hearing is held, at least 35 days prior to the taking of any final action on the proposal.
- 7.4.5 In accordance with the schedule established in Sec. 22a-113p of the Connecticut General Statutes and Chapter 20 of the City Code, the HMC may determine the consistency of proposed projects with the Harbor Management Plan and make recommendations to the appropriate City agency or commission within 35 days of receipt of the proposal from the referring agency. If no comment regarding the consistency of the proposed project is made by the HMC within 35 days, the proposal will be assumed to be consistent with the Plan. In accordance with Sec. 22a-113p of the Connecticut General Statutes and Chapter 20 of the City Code, a 2/3 vote of

the referring City agency will be required to approve a proposed project that has not received a favorable recommendation from the HMC.

- 7.4.6 Applications for the state and/or federal approvals needed to conduct work affecting property on, in, or contiguous to the HMA should be reviewed for consistency with the Harbor Management Plan, including applications submitted to DEEP and the USACE and applications submitted to the Connecticut Department of Agriculture/Bureau of Aquaculture for aquaculture activities in the HMA. The HMC may review proposed projects for consistency with the Plan, obtain input from other City agencies with relevant expertise, and transmit its findings and recommendations to the appropriate state and/or federal agency in accordance with all applicable laws, regulations, ordinances, and other duly established requirements and prior to any final decision by those agencies. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the HMA, unless such official shows cause why a different action should be taken.
- 7.4.7 It is the responsibility of project applicants to provide the information necessary for the HMC to adequately assess the potential impacts of proposed development projects on the HMA and the consistency of such proposals with the Plan. The information required should be reasonable in scope and should be in balance with the size, scale, and potential positive and negative impacts of the proposal.
- 7.4.8 Application plans for the following types of projects affecting the HMA should be prepared by a registered professional engineer or land surveyor: marinas and marine commercial facilities; erosion control structures; fill areas; dredged areas; and any proposed regulated work that will change tidal elevation locations or affect property boundaries.
- 7.4.9 It is the responsibility of all applicants for DEEP LWRD permits and other DEEP LWRD authorizations to comply with all duly established application requirements, including, but not limited to, any requirements for submitting project plans and other information to the HMC and otherwise properly conferring with the HMC prior to, and/or subsequent to, submitting an application to DEEP. Project plans and other information submitted by the applicant to the HMC must be deemed by the HMC to be sufficiently accurate, complete, and otherwise adequate for the purpose of the HMC's review of that information.
- 7.4.10 When reviewing a proposal or application for consistency with the Plan, the HMC should consider if there is any enforcement action pending with City, state, or federal agencies for violations of environmental or other laws at the site of the proposed work and/or associated with the work for which the authorization is being sought. The HMC may defer its review of a proposal or application involving a

site associated with a pending enforcement action until such time as that action has been concluded. The HMC may provide recommendations to appropriate City, state, or federal regulatory agencies concerning the elimination of any unauthorized encroachments in the HMA.

7.5 **Mooring Permits:**

- 7.5.1 To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum beneficial use of the HMA, and for protection of environmental quality, no boat mooring location in the HMA may be used without the approval of the Harbor Master and without any other approvals that may be required from state and federal agencies. The Harbor Master shall issue a permit for each approved mooring location or area approved by the Harbor Master.
- 7.5.2 Standard procedures for mooring permit application and issuance should be maintained by the HMC and Harbor Master with regard to both individual-private moorings subject only to approval by the Harbor Master and commercial moorings (including moorings maintained by private clubs and requiring approvals from DEEP and the USACE as well as from the Harbor Master).

7.6 **Funds for Harbor Management:**

- 7.6.1 Adequate funds should be obtained and allocated to properly manage and maintain the HMA and public facilities on, in, or contiguous to the HMA in the public interest. The City should pursue available governmental and private grants and other appropriate sources of funds to help defray the costs of harbor management and improvement initiatives conducted in the public interest.
- 7.6.2 In accordance with authorities provided by the Connecticut General Statutes, a fee schedule may be established for mooring or anchorage permits and other activities within the scope of the Harbor Management Plan. Such fees should be commensurate with services provided by the City and the Harbor Master, and all fees collected shall be used for the maintenance and improvement of the HMA for the public and for expenses for materials, personnel, and equipment directly related to the function of the HMC and the Harbor Master or Deputy Harbor Master.
- 7.6.3 An annual operating budget and long-range capital budget for harbor management should be established by the City to include expenses of the HMC and Harbor Master and the necessary costs of implementing the Harbor Management Plan.
- 7.6.4 In accordance with Sec. 22a-113s of the Connecticut General Statutes, a dedicated, non-lapsing City Harbor Management Fund should be maintained to receive all mooring permit fees and other funds allocated for the City's harbor management purposes. Monies from the Harbor Management Fund should be disbursed by the HMC only for purposes directly associated with management and improvement of

the HMA for the public, including implementation of the Plan, and for expenses for materials, personnel, and equipment directly related to the function of the HMC and the Harbor Master or deputy Harbor Master.

- 7.6.5 Any fines for violations of City regulations and ordinances concerning use of the HMA should be deposited into the Harbor Management Fund. To the extent consistent with state laws and policies, including but not limited to the Connecticut Coastal Management Act, statutory restrictions concerning civil penalties, and DEEP's enforcement and supplemental environmental project policies, civil penalties assessed by DEEP for violations of state regulatory programs in the HMA should be deposited into the Harbor Management Fund and used to fund beneficial projects for environmental enhancement and other improvements for the public in the HMA.

7.7 **Public Support and Interest:**

- 7.7.1 The presentation and discussion of all relevant public concerns regarding the HMA and Harbor Management Plan should be encouraged, including concerns expressed by City residents, waterfront property and business owners, public officials, boaters and other users of the HMA, interested organizations, and the general public.
- 7.7.2 Programs and events intended to stimulate public interest and community involvement in matters pertaining to the HMA and Harbor Management Plan may be encouraged.

7.8 **Updating the Harbor Management Plan and City Code:**

- 7.8.1 The Harbor Management Plan and applicable sections of the City Code should be updated and amended as necessary to respond to changing circumstances and conditions affecting the HMA.
- 7.8.2 To assure continued adherence to the Harbor Management Plan as well as to identify needed amendments or clarifications, the HMC may conduct an annual review of the Plan and the status of Plan implementation.
- 7.8.3 The same process required for state approval and City adoption of the Plan (review by the USACE, approval by the Connecticut DEEP and Connecticut Port Authority, and adoption by action of the City Council following a public hearing) will be required to amend the adopted Plan.

7.9 **Coordination among City Agencies:**

- 7.9.1 All City agencies with authorities and responsibilities affecting the HMA, including, but not limited to, the HMC, Economic Development Commission, Department of Parks and Recreation, Planning and Zoning Commission, Zoning Board of

Appeals, Open Space Conservation Commission, Inland Wetlands and Watercourses Agency, Flood and Erosion Control Board, Department of Health, Department of Public Works, Pollution Control Commission, Police Department, Fire Department, and Flood and Erosion Control Board, should carry out their harbor management-related responsibilities in the most coordinated manner, consistent with the Harbor Management Plan.

- 7.9.2 Implementation of all City plans and programs affecting the HMA, including the Harbor Management Plan and the POCD, should proceed in the most coordinated manner possible, emphasizing consistent objectives related to future beneficial use of the HMA and protection of environmental quality, including water quality, associated with the HMA. The Harbor Management Plan and POCD should be implemented as complementary and consistent documents and should serve as the City's principal guides for land and water use on, in, or contiguous to the HMA.

7.10 **Coordination with State and Federal Agencies:**

- 7.10.1 The HMC encourages State and federal agencies with authorities and responsibilities affecting the HMA, including but not limited to DEEP and the USACE to carry out their responsibilities affecting the HMA in the most coordinated manner, consistent with the Harbor Management Plan.
- 7.10.2 The HMC, Harbor Master, and state and federal governmental agencies with authorities and responsibilities affecting the HMA should work cooperatively to ensure effective implementation of the Harbor Management Plan.
- 7.10.3 Actions by state and federal governmental agencies should, to the extent possible in accordance with state and federal law, be consistent with the Harbor Management Plan.

7.11 **Coordination with Other Municipalities:**

- 7.11.1 To the extent necessary and practical to address issues of common interest, the City should coordinate harbor management initiatives with other municipalities with jurisdictions adjoining or otherwise affecting the HMA, including but not limited to the cities of New Haven and Milford.

7.12 **Coordination with Regional and Nongovernmental Organizations:**

- 7.12.1 To the extent necessary and practical, the City should coordinate harbor management initiatives with governmental agencies and nongovernmental organizations with regional authorities and responsibilities affecting the HMA, including agencies and organizations with regional planning authority and responsibilities.

- 7.12.2 Interested private groups and nongovernmental organizations are encouraged to contribute to implementation of the Harbor Management Plan through volunteer assistance and other means.

7.13 **Coordination with the State of Connecticut Harbor Master:**

- 7.13.1 The Harbor Master shall exercise his or her duties in a manner consistent with the Harbor Management Plan and work cooperatively with the HMC and other agencies and officials to advance the Plan's goals for safe and efficient operation of the HMA. The Harbor Master's responsibility in this regard shall be carried out in a manner consistent with all applicable federal, state, and City laws, statutes, regulations, and ordinances.
- 7.13.2 The Harbor Master shall serve as an ex-officio member of the HMC in a non-voting advisory capacity.
- 7.13.3 As authorized by Sec. 15-1 of the Connecticut General Statutes, the Harbor Master shall be responsible for the general care and supervision of the navigable waterways within the boundaries of the HMA and should exercise his or her duties in a manner consistent with the Harbor Management Plan. The Harbor Master shall be responsible for safe and efficient operation of the HMA in accordance with the provisions of the Connecticut General Statutes.

7.14 **Coordination for Special Events:**

- 7.14.1 Special in-water and waterfront events that enhance the vitality of the HMA and waterfront, attract visitors to the City, and provide significant social and economic benefits should be encouraged and supported.
- 7.14.2 In-water and waterfront events should be planned and managed through the coordinated efforts of governmental agencies and private organizations to ensure a safe and beneficial experience by participants and spectators.

Harbor Management Area Plans and Recommendations

The purpose of the Harbor Management Commission shall be to prepare a Harbor Management Plan for the harbor in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes. Upon adoption of the Plan, the Commission shall provide for the annual review of the Harbor Management Plan and shall make any additions that may be deemed appropriate subject to the process set forth in Sections 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the General Assembly.

Sec. 20-4 of the Code of the
City of West Haven



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

Harbor Management Area Plans and Recommendations

This chapter presents water-use plans and harbor management guidelines for the following harbor management sub-areas within the West Haven Harbor Management Area (HMA) as shown on Map 7-1.

- WEST RIVER HARBOR MANAGEMENT SUB-AREA -
- WEST RIVER CROSSING HARBOR MANAGEMENT SUB-AREA -
- WEST HARBOR HARBOR MANAGEMENT SUB-AREA -
- LONG ISLAND SOUND SHORELINE EAST HARBOR MANAGEMENT SUB-AREA -
- LONG ISLAND SOUND SHORELINE WEST HARBOR MANAGEMENT SUB-AREA -

The water-use plans and harbor management guidelines represent the application, within each harbor management sub-area, of the City's harbor management goals, strategies, and policies set forth in chapters five and six of the *West Haven Harbor Management Plan* (the Plan). Along with the Plan's other provisions, the water-use plans and guidelines provide a guiding framework for decisions and initiatives by the West Haven Harbor Management Commission (HMC) and other agencies with programs or authorities that affect the HMA.

West River Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on the West River from the Metro-North Railroad Bridge upstream to Derby Avenue, a distance of about 2.4 miles along the winding watercourse. Jurisdiction in the river is shared with the City of New Haven; the municipal boundary follows the river's centerline.

Prominent features of the sub-area and the adjoining West Haven shoreline include four bridges crossing tidal waters; undeveloped floodplain and elevated forested land in the area from Marginal Drive to Derby Avenue; a car-top boat launching area owned by the City of New Haven adjoining Route 1; former landfill areas; and a tidal wetland upstream of Spring Street. Prominent features on the east side of the river, in New Haven's jurisdiction, included West River Memorial Park and the excavated, open water area known as the Reflecting Pool, and urban commercial and industrial areas along Ella T. Grasso Boulevard. (See chapter two of the Plan.)

Navigable depths in the river range from only about one to four feet at mean low water. As a result, boating use is limited to small craft, including canoes, kayaks, and usually takes place at mid-tide or higher water.

Future decisions pertaining to the West River Harbor Management Sub-Area should be consistent with the harbor management goals and policies set forth in chapters five and six of the Plan. The following harbor management recommendations apply specifically to the sub-area. (See map 7-2.)



Photo 7-1: West River Looking Upstream; Compost Site to Left.

1. WEST RIVER BRIDGES: Apply Best Management Practices (BMPs) to avoid, reduce, and mitigate pollution entering the West River from the Derby Avenue, Post Road, and Spring Street bridge decks and structures, including pollution caused by storm water runoff and bridge maintenance, repair, and replacement actions.
2. SPRING STREET WETLAND: Preserve and enhance, to the extent feasible, tidal wetland resources and ecological functions, including fish and wildlife habitat and storm water filtration functions.
3. MARGINAL DRIVE PEDESTRIAN WALKWAY: Consider extending pedestrian walkway from Marginal Drive to Derby Avenue providing safe and enjoyable public access to the river for walking, nature study, and fishing.
4. ROUTE 1 CAR-TOP BOAT LAUNCH: Encourage and support continued maintenance by the City of New Haven of opportunities and appropriate facilities for access to the river and New Haven “reflecting pool” for hand-paddled vessels.
5. WEST RIVER TIDEGATES: Maintain sufficient flow of water through tidegates as necessary for maintaining and enhancing tidal wetland ecosystems and fish passage upstream of Route 1.
6. FORMER LANDFILL AREAS: Continue to monitor, evaluate, and mitigate, as necessary, any effects of landfill pollutants on environmental quality, including water quality, in the Harbor Management Area.

7. WEST RIVER WATERSHED: Coordinate planning, management, and regulatory actions with New Haven and other communities with jurisdictions in the watershed to advance the goals and recommendations of the West River Watershed-Based Plan and address common concerns that may affect the river, HMA, and watershed, including improvement of water quality, conservation of coastal resources, and mitigation of flood hazards.

8. WEST RIVER WATER QUALITY: Reduce the amount of bacteria and other pollutants entering the river from storm-water runoff (including runoff from industrial and commercial sites), combined sewer overflows, and other sources as necessary to remove water quality impairments and meet state water quality standards; achieve Total Maximum Daily Load goals for reducing bacteria.

West River Crossing Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on the West River and the west shore of New Haven Harbor from the Metro-North Railroad Bridge downstream to and including the Haven South Redevelopment Area, a distance of a little less than one mile along the shoreline. Jurisdiction in the river and harbor is shared with the City of New Haven as the municipal boundary follows the river's centerline and West Haven's harbor management jurisdiction extends into New Haven Harbor.

Prominent features of the sub-area and the adjoining West Haven shoreline include the City of West Haven's municipal compost facility; two major state-owned bridges crossing tidal waters—the Connecticut Turnpike (I-95) and Kimberly Avenue bridges; the recreational boating facilities of the City Point Yacht Club; the approximately 24-acre Haven South Redevelopment Area; and the West River-New Haven Harbor federal navigation channel which passes near the shoreline of the redevelopment area. Much of New Haven Harbor within this portion of the West Haven HMA is designated as a natural shellfish ground. (See chapter two of the Plan.)

Future decisions pertaining to the West River Crossing Harbor Management Sub-Area should be consistent with the harbor management goals and policies set forth in chapters five and six of the Plan. The following harbor management recommendations apply specifically to the sub-area. (See map 7-3.)

1. HAVEN SOUTH REDEVELOPMENT AREA: Encourage and support redevelopment according to a comprehensive plan consistent with the Haven South Municipal Development Plan, Plan of Conservation and Development (POCD), and Harbor Management Plan, and planned to complement, and be linked with, Downtown development and revitalization. (See Figure 7-1.)

2. HARBOR PROMENADE: Manage and maintain a linear waterfront park at the Haven South Redevelopment Area as year-round focal point and central facility for public access to HMA; utilize to full potential as waterfront park providing opportunities for safe and enjoyable public access, including visual access for enjoyment of scenic views, physical access for fishing, boating, and boating-related activities, and enjoyment of special water and waterfront events. (See Figure 7-1.)

Figure 7-1:
Haven South Redevelopment Area
Harbor Management Recommendations

1.0 Sustainable Economic Growth and Development

1.1 The entire approximately 24-acre Haven South Redevelopment Area should be developed according to a comprehensive plan, consistent with the Haven South Municipal Development Plan, the West Haven Plan of Conservation and Development, and West Haven Harbor Management Plan, to provide sustainable economic and cultural benefits of local and regional significance. Redevelopment should be in harmony with conservation and enhancement of the natural environment associated with the West Haven Harbor Management Area, and planned to complement, and be linked with, Downtown development and revitalization.

1.2 Redevelopment should encompass a beneficial mix of commercial, recreational, and other appropriate land uses with a substantial water-dependent component, including public waterfront uses, facilities, and spaces creating a public destination of local and regional significance.

1.3 Architectural and landscape design elements should maximize the beneficial impact of the Redevelopment Area on waterfront scenic quality.

2.0 Water-Dependent Uses

2.1 A well-maintained, safe, attractive, and interconnected system of public waterfront areas and facilities should be provided and enjoyed by persons of all ages, interests, and abilities. Waterfront areas and facilities will be designed according to the requirements of the Americans with Disabilities Act.

2.2 A linear park (Harbor Promenade) should be managed and maintained as a year-round focal point and central facility for public access to the HMA. The Harbor Promenade should be utilized to its full potential as a waterfront park providing opportunities for safe and enjoyable public access to the HMA, including visual access for enjoyment of scenic views and access for appropriate boating and boating-related activities, as well as opportunities for enjoyment of special water and waterfront events.

Figure 7-1 (Continued):
Haven South Redevelopment Area
Harbor Management Recommendations

2.3 Water access facilities to be maintained for public use and enjoyment should include public access-ways in the form of landscaped walks, esplanades, boardwalks, observation areas, and piers of suitable design to encourage active use by the public. Sufficient parking space and well-designed pedestrian access from First Avenue, Elm Street, and Main Street to the water should be provided. Continued enhancement of the Harbor Promenade's water-dependent facilities is encouraged in accordance with a comprehensive public access plan. A community amphitheater or other appropriate facility to accommodate outdoor events is encouraged. Opportunities for continued expansion of water access opportunities should be pursued to the extent feasible, including, but not limited to, opportunities for providing boat slips and docking facilities enhanced by proximity to the federal West River navigation channel, including docking facilities for excursion vessels and other craft to encourage water access to the Redevelopment Area via the HMA and linkages with other Long Island Sound locations.. Establishment of in-water structures to support public access to the HMA for fishing and hand-paddled navigation is encouraged, including construction of a public fishing pier designed in accordance with standards published by the Connecticut DEEP.

2.4 The level of facility maintenance and resources allocated for the Harbor Promenade should be commensurate with the status of the linear park as a focal point and central facility for public water access on the City's shoreline.

2.5 All approved public access areas and facilities should be dedicated as such in the deed to the property. Reasonable time of day restrictions may be established regarding use of such public access areas and facilities where justified for reasons of security or public safety.

3.0 Coastal Resiliency

3.1 All development should be planned and implemented in a manner to reduce the vulnerability of the Redevelopment Area and shoreline to natural hazards, including but not limited to, flooding, erosion, and wind hazards caused by hurricanes, coastal storms, rising sea level, and other weather and climate-related events and phenomena. All construction shall conform to FEMA guidelines for coastal construction and City and state floodplain regulations and construction standards.

Figure 7-1 (Continued):
Haven South Redevelopment Area
Harbor Management Recommendations

3.2 “Living shoreline” approaches which integrate living components, such as plantings, with structural techniques, such as bulkheads and riprap, should be employed, where feasible, to: stabilize the shoreline; reduce storm damage; provide ecosystem services (such as habitat for fish and other aquatic species); and maintain connections between land and water ecosystems to enhance resilience.

3.3 All shore protection measures should be repaired, replaced, and maintained as necessary to avoid shoreline erosion and floating debris; facilitate redevelopment; and enable the most beneficial public use of the waterfront.

4.0 Water Quality

4.1 The use of suitable best management practices (BMPs) to manage, reduce where feasible, or otherwise control storm water runoff into the HMA from the Redevelopment Area is encouraged and supported, including but not limited to establishment and maintenance of: buffer zones of natural vegetation to naturally filter polluted runoff draining into the HMA; cost-effective and sustainable Low Impact Development (LID) strategies, including rain gardens, vegetated swales, permeable pavements, and vegetated riparian buffer areas; and other BMPs for site planning, source control, and storm water treatment identified in the Connecticut Department of Energy and Environmental Protection’s Storm-water Manual.

4.2 Development should be required to employ appropriate storm water treatment systems and technology, including swirl-type grit chambers where necessary, to reduce the potential for nonpoint source pollution to enter the HMA. All such systems and technology should be properly maintained and operated in accordance with regularly scheduled maintenance procedures and all accumulated residue should be properly disposed of.



Photo 7-2: West River Crossing and Haven South Redevelopment Area

3. WATER-DEPENDENT USES: Pursue opportunities for expansion of water access opportunities, including opportunities for boat slips and docking facilities enhanced by proximity to the federal navigation channel and serving visiting and resident boaters; encourage facilities to support public access to the HMA for fishing and hand-paddled navigation.
4. COMPOST FACILITY/POTENTIAL BOAT LAUNCH SITE: Pursue relocation of all or a portion of compost facility and the design and implementation of a public boat launch for trailered vessels, including emergency services vessels; restore and/or enhance tidal wetlands to mitigate any unavoidable adverse impacts on coastal resources associated with boat launch development.
5. WEST RIVER BRIDGES: Encourage the Connecticut Department of Transportation (DOT) to employ appropriate BMPs to avoid, reduce, and mitigate pollutants entering river from the Metro North railroad, I-95, and Kimberly Avenue bridge decks and structures, including pollution caused by storm water runoff and bridge maintenance, repair, and replacement actions.
6. CITY POINT YACHT CLUB: Support continued operation and enhancement of recreational boating facilities, including facilities for resident and visiting boaters.
7. WEST RIVER FEDERAL CHANNEL: Maintain authorized depth and width as needed for safe and efficient navigation; maintain appropriate set-backs between in-water structures and channel; manage in accordance with USACE “open-to-all-on-equal-terms” policy. Modification of the existing dimensions and/or positions of the channel may be considered, as necessary, to meet requirements for navigation and public safety and to facilitate beneficial use and development of the HMA and waterfront consistent with the Plan, provided such modification is accomplished through

federal legislation requested by the City with input from all affected parties, including any affected waterfront property owners.

8. COAST GUARD AUXILIARY BUILDING: Continue boating-related use in accordance with lease agreement with City.

9. NEW HAVEN HARBOR: Manage safe and equitable use of any boat mooring locations, protect and enhance shellfish resources.

West Harbor Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on New Haven Harbor, including the West Haven shoreline extending from the Haven South Redevelopment Area to and including Old Field Creek.

Prominent features of the sub-area and shoreline include waterfront residential areas; the West Haven Yacht Club; the City's April Street Boat Launch; the West Haven Water Pollution Control Plant; the Sandy Point coastal barrier, bird sanctuary, and jetty; and the Old Field Creek tidal watercourse and wetland restoration area. New Haven Harbor within this portion of the West Haven HMA includes a designated natural shellfish ground as well as private grounds. (See chapter two of the Plan.)

Future decisions pertaining to the West Harbor Harbor Management Sub-Area should be consistent with the harbor management goals and policies set forth in chapters five and six of the Plan. The following harbor management recommendations apply specifically to the sub-area. (See map 7-4.)

1. WEST HAVEN YACHT CLUB: Encourage and support continued operation and enhancement of recreational boating facilities, including facilities for resident and visiting boaters.

2. APRIL ST. BOAT LAUNCH: Improve and modify as necessary to accommodate hand-paddled and car-top vessels; maintain opportunities for trailered boat launching pending establishment of new boat launching facility on the West River.

3. WATER POLLUTION CONTROL PLANT: Maintain, operate, and upgrade as necessary in accordance with best available technology; increase resilience to storm events; replace undersized outfall pipe; bury new outfall pipe at sufficient depth in HMA to avoid interference with natural littoral processes.

4. 1ST AVE./BEACH RD. RESILIENCY PROJECT: Raise road elevations in accordance with comprehensive plan as necessary to maintain vehicle access to WPCP during storm events.

5. SANDY POINT BIRD SANCTUARY: Preserve and enhance barrier beach habitat, including significant bird habitat; maintain public access for nature observation and scenic views consistent with habitat conservation goals; increase tidal exchange to enhance habitat value in sheltered embayment in conjunction with replacement and burial of WPCP outfall pipe.
6. OLD FIELD CREEK AND WETLAND RESTORATION AREA: Preserve and enhance tidal wetland resources and ecological functions, including fish and wildlife habitat and storm water detention and filtration functions; continue to monitor wetland restoration.



Photo 7-3: Sandy Point and Old Field Creek in West New Haven Harbor

7. OLD FIELD CK. TIDEGATES: Maintain self-regulating tidegates to provide sufficient tidal prism for wetland conservation and restoration while avoiding tidal flooding of upstream properties.
8. EAST BROWN ST. RIGHT-OF-WAY: Maintain unobstructed pedestrian and visual access to HMA, consistent with neighborhood character.
9. NEW HAVEN HARBOR: Manage safe and equitable use of any boat mooring locations, protect and enhance shellfish resources.

Long Island Sound Shoreline East Harbor Management Sub-Area

This harbor management sub-area includes the City's jurisdiction on nearshore Long Island Sound, including the West Haven shoreline extending from Sandy Point on the east to the Cove River on the West, a distance of about 1.7 miles.

The shoreline is reserved almost exclusively for public recreational uses. Prominent features of the sub-area and shoreline include the City's Beachfront Boardwalk along the entire length of the shoreline; six municipal beaches interspersed with four substantial City-owned piers providing opportunities for public fishing and scenic views; nearby commercial development and multi-family residential areas; the Savin Rock Park and Conference Center on the former site of the historic Savin Rock Amusement Park; Bradley Point Park including the Veterans Walk of Honor; and the Cove River tidal watercourse and wetland restoration area. Nearshore Long Island Sound within this portion of the West Haven HMA includes a designated natural shellfish ground as well as private grounds. (See chapter two of the Plan.)

Future decisions pertaining to the Long Island Sound Shoreline East Harbor Management Sub-Area should be consistent with the harbor management goals and policies set forth in chapters five and six of the Plan. The following harbor management recommendations apply specifically to the sub-area. (See map 7-5.)



Photo 7-4: West Haven Beaches and Cove River

1. BEACHFRONT BOARDWALK: Manage and promote as a coastal recreational and tourism facility of local, regional, and state-wide significance providing safe and enjoyable pedestrian access along the HMA shoreline from the Sandy Pt. Bird Sanctuary to Bradley Pt. Park; provide appropriate amenities to enhance public use and enjoyment, including interpretive signage with information on the natural and cultural history of the West Haven coastal area.
2. CITY BEACHES: Manage and promote as coastal recreational and tourism resources of local, regional, and state-wide significance providing safe and enjoyable public access to the HMA; manage and conserve sand resources in accordance with sand management plans based on best available scientific information and natural littoral processes; provide appropriate public amenities.
3. CITY PIERS: Manage and maintain as in-water structures providing public access to the HMA for fishing and enjoyment of scenic views; maintain storm drainage infrastructure and monitor storm water discharges to help protect water quality in Long Island Sound.
4. ALTSCHULER PLAZA AREA: Encourage additional commercial facilities and services, consistent with the POCD, to support and enhance visual and physical access to the Beachfront Boardwalk and HMA.
5. COVE RIVER AND WETLAND RESTORATION AREA: Preserve and enhance tidal wetland resources and ecological functions, including fish and wildlife habitat and storm water detention and filtration functions; continue to restore previously degraded intertidal resources in accordance with a comprehensive plan based on best available scientific information; monitor restoration status.
6. COVE RIVER TIDEGATES: Provide a sufficient tidal prism for continued wetland restoration while avoiding tidal flooding of upstream properties; consider replacement of existing wooden tidegates with self-regulating tidegates in accordance with wetland restoration plan based on best available scientific information.
7. COVE RIVER WATERSHED: Pursue BMPs applied on a watershed basis to avoid water pollution and improve water quality, including measures to reduce urban runoff, seepage from septic systems, disposal of litter and other wastes, and other measures to reduce point and nonpoint sources of pollution.
8. WATERFRONT PARKS AND OPEN SPACES: Manage and maintain Bradley Point Park and Savin Rock Park as focal points for safe and enjoyable public access to the HMA for persons of all ages and abilities.
9. BRADLEY PT. PARK BRIDGE: Provide pedestrian bridge across Cove River in former tide-gate area to provide access from Caption Thomas Blvd. to park.
10. NEARSHORE LONG ISLAND SOUND: Manage safe and equitable use of any boat mooring locations, protect and enhance shellfish resources.

Long Island Sound Shoreline West Harbor Management Sub-Area

This harbor management sub-area includes the City's harbor management jurisdiction on near-shore Long Island Sound, including the West Haven shoreline extending from the Cove River on the east to and including West Haven's municipal jurisdiction on the Oyster River on the west, a distance of about two miles. The City's harbor management jurisdiction on the Oyster River extends a distance of about 1.3 miles upstream along the winding watercourse. Jurisdiction in the river is shared with the City of Milford; the municipal boundary follows the river's centerline.

About half of the shoreline along Long Island Sound is reserved almost exclusively for public recreational uses; the remainder includes long-established shorefront residential development in the Oyster River Point area. Prominent features of the sub-area and shoreline include five municipal beaches; the Oyster River Point seawall; and the Oyster River tidal watercourse and wetlands. Nearshore Long Island Sound within this portion of the West Haven HMA includes a designated natural shellfish ground as well as private grounds. (See chapter two of the Plan.)

Future decisions pertaining to the Long Island Sound Shoreline West Harbor Management Sub-Area should be consistent with the harbor management goals and policies set forth in chapters five and six of the Plan. The following harbor management recommendations apply specifically to the sub-area. (See map 7-6.)

1. CITY BEACHES: Manage and promote as coastal recreational and tourism resources of local, regional, and state-wide significance providing safe and enjoyable public access to the HMA; manage and conserve sand resources in accordance with sand management plans based on best available scientific information and understanding of natural littoral processes; provide appropriate public amenities to enhance public use and enjoyment.
2. OYSTER RIVER AND WETLANDS: Preserve and enhance tidal wetland resources and ecological functions, including fish and wildlife habitat and storm water detention and filtration functions; monitor ecological conditions.
3. OCEAN AVE. CULVERTS: Maintain culverts to provide sufficient tidal prism for continued wetland viability while avoiding tidal flooding of upstream properties.
4. OYSTER RIVER WATERSHED: Pursue BMPs applied on a watershed basis in coordination with the City of Milford to avoid water pollution and improve water quality, including measures to reduce urban runoff, seepage from septic systems, disposal of litter and other wastes, and other measures to reduce point and nonpoint sources of pollution.



Photo 7-5: Oyster River and Oyster River Point.

5. OYSTER RIVER WATER QUALITY: Reduce the amount of bacteria and other pollutants entering the river from storm water runoff, combined sewer overflows, and other sources as necessary to remove water quality impairments and meet state water quality standards; achieve Total Maximum Daily Load goals for reducing bacteria.
6. OYSTER RIVER POINT SHORE PROTECTION PROJECT: Maintain shoreline flood and erosion control structure as necessary and unavoidable for protecting infrastructural facilities and residential structures.
7. OYSTER RIVER POINT STREET END RIGHT-OF-WAYS: Maintain unobstructed pedestrian and visual access to HMA from Hashawena St., Annawon Ave., Trumbull St., Templeton St., Baldwin St., Holcombe St., Morris St., and Roberts St., consistent with neighborhood character.
8. NEARSHORE LONG ISLAND SOUND: Manage safe and equitable use of any boat mooring locations, protect and enhance shellfish resources.

Responsibilities and Recommendations for Plan Implementation

Pursuant to Section 22a-113p of the Connecticut General Statutes, the [Harbor Management] Commission shall review and make recommendations, consistent with the adopted Harbor Management Plan, for any proposal affecting the real property on or in or contiguous to the area within the jurisdiction of the Commission submitted to the Planning Commission, the Zoning Board of Appeals, the Water Pollution Control Authority, the Inland Wetlands Commission, the Conservation Commission or the Parks and Recreation Commission.

Sec. 20-5 of the Code of the
City of West Haven



CITY OF WEST HAVEN
HARBOR MANAGEMENT PLAN
APRIL 2018

Responsibilities and Recommendations for Plan Implementation

This chapter sets forth responsibilities and recommendations for implementing the City of West Haven's harbor management goals, strategies, policies, and guidelines established in chapters four, five, and six of the *City of West Haven Harbor Management Plan* (the Plan). Plan implementation will be pursued through an on-going, evolving process involving the coordinated actions of all City, state, and federal agencies with programs and authorities that affect the West Haven Harbor Management Area (HMA).

Implementation authorities and responsibilities are organized in this chapter with respect to: 1) the Mayor; 2) the City Council; 3) the Harbor Management Commission (HMC); 4) other City agencies; 5) the State of Connecticut Harbor Master for West Haven; 6) state and federal governmental agencies; and 7) private groups and individuals.

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

AUTHORITIES OF THE MAYOR

As West Haven's Chief Executive Officer acting in coordination with the City Council, the Mayor may provide leadership and support for implementing City plans, including the Harbor Management Plan, and for otherwise advancing the City's goals for beneficial use and conservation of the Harbor Management Area and waterfront. The Mayor can encourage an active, on-going City role for managing the HMA and waterfront in accordance with Chapter 20 of the City Code (Harbor Commission Ordinance) and the legislative intent of the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113s of the Connecticut General Statutes). In addition, the Mayor develops the City's annual budget request for approval by the City Council and coordinates the pursuit of other sources of funds that can be used to advance the City's harbor management goals.

The Mayor may contribute to implementation of the Plan through:

1. APPOINTMENT OF THE MEMBERS OF THE HARBOR MANAGEMENT COMMISSION.
2. LEADERSHIP AND COORDINATION FOR ADVANCING THE CITY'S INTERESTS PERTAINING TO THE HMA AND WATERFRONT.
3. ENCOURAGEMENT AND SUPPORT OF HARBOR MANAGEMENT PROJECTS AND INITIATIVES.

1. Appointment of the members of the Harbor Management Commission.

As specified in Chapter 20 of the City Code, all members of the five-member Harbor Management Commission are appointed by the Mayor.

2. Leadership and coordination for advancing the City's interests pertaining to the HMA and waterfront.

The Mayor may provide significant leadership and coordination for achievement of the City's goals for land and water use, including goals established in the Plan and West Haven Plan of Conservation and Development (POCD). The Mayor may provide leadership to ensure that all City agencies, including the HMC, actively pursue achievement of those City goals in the most coordinated and efficient manner, in accordance with each agency's mission.

3. Encouragement and support of harbor management projects and initiatives.

The Mayor can encourage, support, and otherwise provide leadership for implementing special projects and other initiatives for harbor management and waterfront use and development as may be recommended in the Plan and POCD. The Mayor may also propose and support other projects to achieve the City's goals for beneficial use and conservation of the HMA and waterfront. The Mayor's support for harbor management and waterfront improvement initiatives may be expressed through requests for funds included in the City's annual operating and capital budget request submitted by the Mayor to the City Council; through coordination of the City's pursuit of other sources of funds, including state and federal grants, that can be applied to advance the City's harbor management goals; and through exercise of other mayoral responsibilities.

AUTHORITIES OF THE CITY COUNCIL

As the legislative body of the City of West Haven, the City Council may provide leadership and support for the City's land- and water-use planning initiatives, including harbor management initiatives, and can exercise the following responsibilities concerning adoption and implementation of the Harbor Management Plan:

1. ADOPTION OF THE PLAN AND FUTURE AMENDMENTS TO THE PLAN AS NEEDED TO RESPOND TO CHANGING CONDITIONS AND CIRCUMSTANCES.
2. ADOPTION OF AMENDMENTS TO THE WEST HAVEN CODE OF ORDINANCES, AS NEEDED, TO IMPLEMENT CERTAIN PROVISIONS OF THE PLAN.
3. ADOPTION OF HARBOR MANAGEMENT FEE SCHEDULES.
4. APPROVAL OF OPERATING AND CAPITAL BUDGET REQUESTS AFFECTING THE HMA.
5. OVERSIGHT OF CITY-OWNED WATERFRONT PROPERTIES AND FACILITIES.

1. Adoption of the Plan and any future amendments to the Plan as needed to respond to changing conditions and circumstances.

Responsibility for adoption of the Plan rests with the City Council which may adopt the Plan to guide and advance, in coordination with the West Haven Plan of Conservation and Development Plan and Municipal Coastal Program: a) the beneficial use and development of the HMA and waterfront; and b) the conservation of environmental quality in the HMA. Sec.

22a-113m of the Connecticut General Statutes sets forth the procedure for approval and adoption of municipal harbor management plans.¹ In accordance with this procedure, the Plan prepared by the Harbor Management Commission must be reviewed by the USACE, approved by the Connecticut Commissioner of Energy and Environmental Protection, and adopted by the City Council before it may take effect. The City Council must hold a public hearing prior to any action to adopt the Plan.²

The HMC is responsible for preparing proposed amendments to the Plan as necessary and must provide those proposed amendments to the USACE, State of Connecticut, and Board of Representatives. (See the following section on “Responsibilities of the Harbor Management Commission.”) After any proposed amendments have been approved by the State of Connecticut, they may be adopted by the City Council following the same procedure used to adopt the Plan. No Plan amendments may take effect until they are adopted by the City Council.

2. Adoption of amendments to the West Haven Code of Ordinances, as needed, to implement certain provisions of the Plan.

Chapter 20 of the West Haven Code of Ordinances (City Code) establishes the powers and duties of the Harbor Management Commission. The City Code also may establish ordinances for use of the HMA, including ordinances delineating restricted speed zones. From time to time it may be necessary to amend the City Code to implement certain provisions of the Plan. In accordance with Sections 22a-113m and 22a-113n of the Connecticut General Statutes, any proposed amendments to the Code for the purpose of implementing provisions of the Plan must be approved by the State of Connecticut and adopted by the City Council in the same manner as the Plan and any Plan amendments may be approved and adopted.

The HMC may prepare recommendations for proposed amendments to the Code of Ordinances needed to implement provisions of the Plan. (See the following section on “Responsibilities of the Harbor Management Commission.”) In accordance with Section 22a-113m of

¹ Section 22a-113m of the Connecticut General Statutes specifies that a municipal harbor management plan “... may be adopted by ordinance by the legislative body of each municipality...” With respect to this statute, “adopted by ordinance” is to be distinguished from “adopted as an ordinance.” The *City of West Haven Harbor Management Plan* and any future Plan amendments are not published and adopted as an ordinance. The “ordinance” by which the City Council may adopt the Plan and future Plan amendments should be in the form of a resolution following a public hearing. Chapter 20 of the West Haven Code of Ordinances may then be amended to include reference to the effective date of the adopted Plan and any future Plan amendments. Implementation of some aspects of the Plan and amendments to the Plan, however, may require adoption of amendments to other ordinances contained in the West Haven Code.

² In accordance with the procedure specified in Section 22a-113m of the General Statutes, any future Plan amendments prepared by the Harbor Management Commission should be provided by the HMC to the Land and Water Resources Division (LWRD) of the Connecticut Department of Energy and Environmental Protection (DEEP). The LWRD distributes copies of the Plan to other DEEP divisions and to the USACE. The LWRD coordinates review and approval of the Plan by those agencies.

the General Statutes, the HMC must provide the recommended amendments to the USACE for review, to the State of Connecticut for approval, and to the City Council for adoption. The City Council must hold a public hearing prior to adoption of any proposed code amendments.³

3. Adoption of harbor management fee schedules.

In accordance with Section 22a-113s of the General Statutes, the Harbor Management Commission has the authority to propose a fee schedule for a mooring or anchorage or any other activity within the scope of the Plan. To take effect, any such fee schedule must be adopted by vote of the City Council. Pursuant to the General Statutes, all fees collected must be dedicated for maintenance and improvement of the HMA for the public, and for personnel and equipment directly related to the function of the HMC and harbor master or any deputy harbor master. (See the following section on “Responsibilities of the Harbor Management Commission.”)

4. Approval of the City’s annual budget and other sources of funds affecting the HMA.

The City Council is responsible for approval of the operating and capital budget requests of City agencies and departments as submitted by the Mayor and for acceptance of other sources of funds, including state and federal grants that can be applied for harbor management purposes. The annual budget may affect the HMA in a number of ways. Some examples of harbor management-related budget requests may include requests by the West Haven police and fire departments for necessary provision of emergency and other services to users of the HMA and waterfront; requests by the Department of Public Works for improvement of the City’s storm water and wastewater collection and treatment systems; and requests by the Department of Parks and Recreation for improvement of City boating and water access facilities.

³ Any revisions to the West Haven Code of Ordinances pertaining to the operation of vessels must also be submitted to the Department of Energy and Environmental Protection’s Boating Division for review and approval as required by Section 15-136 of the Connecticut General Statutes. Section 15-136 requires that any local ordinance “...respecting the operation of vessels on any body of water within its territorial limits” be submitted to the Commissioner of Energy and Environmental Protection for review and approval. This review is carried out by DEEP’s Boating Division. DEEP has 60 days to disapprove any part of the ordinance that it finds to be “...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with...” established State policy regarding administration of boating safety. If DEEP does not disapprove all or part of the proposed ordinance within 60 days, the ordinance will take effect upon publication and posting as required by Section 15-138 of the General Statutes.

5. **Oversight of City-owned waterfront properties and facilities.**

Although the City's Department and Commission (Board) of Parks and Recreation is responsible for day-to-day management of the City's parks, beaches, and other recreational facilities, the City Council has oversight and final authority with respect to use and management of all City-owned properties and facilities, including the City beach recreation areas and other facilities providing access to the HMA. As a result, the board has a significant role in the development and implementation of any future plans for enhancement of the City's waterfront parks and water access areas.

RESPONSIBILITIES OF THE HARBOR MANAGEMENT COMMISSION

In accordance with its powers, duties, and responsibilities authorized by the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and Chapter 20 of the City Code, the Harbor Management Commission is responsible for:

1. PLANNING AND MANAGEMENT OF USES AND ACTIVITIES AFFECTING THE HMA TO THE MAXIMUM EXTENT PERMISSIBLE UNDER CITY, STATE, AND FEDERAL LAW.
2. ONGOING COORDINATION WITH CITY, STATE, AND FEDERAL AGENCIES CONCERNING MANAGEMENT OF THE HMA.
3. ACTIONS TO ENSURE CONTINUED BOATING AND NAVIGATION SAFETY IN THE HMA.
4. ADOPTION AND AMENDMENT OF RULES AND PROCEDURES FOR MANAGING THE HMA.
5. IMPLEMENTATION OF A "HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS" TO REVIEW ALL PROPOSALS POTENTIALLY AFFECTING THE HMA AND TO DETERMINE THE CONSISTENCY OF THOSE PROPOSALS WITH THE PLAN.
6. ON-GOING EXAMINATION OF THE EFFECTIVENESS OF THE PLAN AND OF CONDITIONS IN THE HMA; PREPARATION OF PROPOSED AMENDMENTS TO THE PLAN AND WEST HAVEN CODE, AS NECESSARY.
7. REVIEW OF ACTIONS BY THE STATE OF CONNECTICUT HARBOR MASTER FOR WEST HAVEN.
8. ADVISORY PARTICIPATION IN THE DEVELOPMENT OF ALL CITY-SUPPORTED PLANNING AND DEVELOPMENT INITIATIVES AFFECTING THE HMA.
9. SUPPORT AND PROMOTION OF ACTIVITIES TO INCREASE PUBLIC AWARENESS CONCERNING WEST HAVEN'S HARBOR MANAGEMENT PROGRAM.
10. ADMINISTRATION AND ALLOCATION OF FUNDS FOR HARBOR MANAGEMENT.
11. MAINTENANCE OF APPROPRIATE MATERIALS AND RECORDS PERTAINING TO THE HMA.
12. PURSUIT OF GRANTS FOR IMPROVEMENT AND MANAGEMENT OF THE HMA.
13. ONGOING STUDY OF HMA CONDITIONS TO PROVIDE USEFUL INFORMATION FOR DECISION-MAKING AND OTHER MANAGEMENT PURPOSES.
14. IDENTIFICATION AND EVALUATION OF POTENTIAL SITES FOR BOATING ACCESS TO THE HMA.

15. EMPLOYMENT OF STAFF AND CONSULTANTS, AS NEEDED, TO ASSIST WITH IMPLEMENTATION OF THE PLAN.
16. ENCOURAGEMENT OF THE PRESENTATION AND DISCUSSION OF ALL PUBLIC CONCERNS, INCLUDING CONCERNS OF CITY RESIDENTS, BUSINESS OWNERS, AND BOATERS, RELATED TO THE HMA AND PLAN.
17. MAINTENANCE OF A MASTER SCHEDULE OF ACTIVITIES IN THE HMA.
18. PROVISION OF RECOMMENDATIONS TO THE GOVERNOR FOR APPOINTMENT OF THE HARBOR MASTER AND DEPUTY HARBOR MASTER FOR WEST HAVEN.

1. Planning and management of uses and activities affecting the HMA to the maximum extent permissible under City, state, and federal law.

Consistent with its powers, duties, and responsibilities as a Harbor Management Commission authorized by the Connecticut General Statutes and established by ordinance in Chapter 20 of the West Haven Code, the HMC should carry out the City's most direct responsibilities for managing the HMA, including responsibilities for implementing the Plan. Through implementation of the Plan and according to the legislative intent of the Connecticut Harbor Management Act, the HMC should continue to expand the City's role, relative to state and federal authorities, for the planning, management, and regulation of actions affecting the HMA.

The HMC may utilize committees as necessary to carry out its powers and duties in the most efficient manner, including committees to address preparation and review of budget and financial matters; review proposals for consistency with the Plan; and conduct other HMC responsibilities and programs.

2. Ongoing coordination with City, state, and federal agencies concerning management of the HMA.

The HMC should maintain regular communication and liaison, as needed, with the various City agencies and departments with authorities and responsibilities concerning the HMA, including the Economic Development Commission, Department and Board of Parks and Recreation; Planning and Zoning Commission; Conservation and Open Space Land Commission; Inland Wetland Agency; Department of Health; Department of Public Works; Police Department; Fire Department; Flood and Erosion Control Board; Pollution Control Commission; and any other agency with relevant authorities or programs. In addition, the HMC should maintain regular communication and liaison, as necessary, with: various divisions and units of the Connecticut Department of Energy and Environmental Protection (DEEP); Connecticut Department of Transportation (CT DOT); Connecticut Port Authority, U.S. Army Corps of Engineers (USACE); U.S. Coast Guard; and other relevant state and federal agencies. The purpose of this communication and liaison should be to address matters affecting implementation of the Plan and to otherwise advance the City's goals for beneficial use and conservation of the HMA.

3. **Actions to ensure continued boating and navigation safety in the HMA.**

Acting in coordination with the State of Connecticut Harbor Master for West Haven, West Haven Police Department, USACE, DEEP, and other involved agencies, the HMC will support and promote boating and navigation safety in the HMA. To help ensure continued boating and navigation safety, the HMC may:

- a. Recommend changes to the West Haven Code of Ordinances, as necessary, to implement provisions of the Plan, and submit the recommendations to the City Council for consideration and adoption.

Sec. 15-136 of the Connecticut General Statutes enables the City to adopt local ordinances respecting the operation of vessels in the HMA. In addition, Sec. 22a-113n of the General Statutes enables the City to adopt ordinances to implement provisions of the Plan. Using this authority, the HMC may review City ordinances pertaining to the HMA and recommend—for adoption by the City Council—any necessary changes to implement the Plan. Any recommended changes should be based on, and be in conformance with, the provisions of the Plan. In accordance with Sec. 22a-113m of the General Statutes, the HMC's recommendations for modifying appropriate sections of the City Code to implement provisions of the Plan should be submitted to the USACE for review, to the State of Connecticut for approval, and to the City Council for adoption. Any revisions to City ordinances pertaining to the operation of vessels must be submitted to DEEP's Boating Division for review and approval as required by Sec. 15-136 of the General Statutes.

- b. Support and cooperate with state and federal agencies to identify and eliminate any unauthorized encroachments in the HMA.

In accordance with the Plan, all unauthorized structures (including docks, piers, bulkheads, pilings, and moorings) and other work (including unauthorized dredging or fill) extending into the West River federal navigation project or into any other areas seaward of the Connecticut Coastal Jurisdiction Line should be eliminated or otherwise corrected. Any existing unauthorized encroachments (those pre-dating the effective date of the Plan and identified either prior to, or after the effective date of the Plan) should be evaluated individually by the appropriate state and/or federal regulatory agency, with appropriate input from the HMC. Specific measures should be developed to remove or otherwise correct these existing violations.

The HMC should work in coordination with the appropriate state and federal authorities to ensure that unauthorized encroachments constructed or occurring after the effective date of the Plan are eliminated or otherwise corrected by the offending party without delay. The HMC should discourage the issuance of “after-the-fact” permits that would bring such violations into compliance, unless there are compelling, clearly demonstrated reasons to do so.

c. Review aids to navigation in and near the HMA.

The HMC may periodically assess the adequacy of federal aids to navigation in and near the HMA and transmit the results of this assessment to the appropriate office of the U.S. Coast Guard. With assistance from the harbor master, the HMC may conduct an annual review of the number, type, location, and condition of federal and nonfederal aids to navigation in the HMA.

The HMC may review the proposed placement of all nonfederal aids to navigation in the HMA. The HMC may recommend, purchase, and direct the placement (following receipt of necessary state and federal permits) of additional nonfederal aids to navigation, as needed, to mark restricted speed zones and otherwise maintain and improve ease and safety of navigation in the HMA.

d. Designate navigation fairways, as needed.

Navigation fairways to be kept free of obstructions may be designated by the HMC, where necessary, to ensure safe passage of recreational and commercial vessels to, from, through, and alongside the West River federal navigation channel and any other boating activity areas (including docking, launching, and mooring areas) in the HMA.

e. Evaluate the appropriate extent to which docks and piers should extend seaward to reach navigable water depths.

In accordance with the Plan, evaluation of proposed in-water structures should be carried out taking into consideration the littoral/riparian rights of waterfront property owners, the Public Trust Doctrine, existing conditions such as distance from shore to navigable water depths, location of the West River federal navigation channel, relevant state and federal resource protection laws including the Connecticut Coastal Management Act, Tidal Wetlands Act, and Structures and Dredging Act, and other relevant conditions. The HMC's recommendations concerning the appropriate distance that docks and piers should extend from shore to reach navigable water depths should be a principal consideration in the decisions of state and federal permitting agencies.

The HMC should review proposed actions affecting the HMA to help ensure that all in-water structures are set back a safe and sufficient distance from the nearest channel, anchorage, or fairway boundary, in accordance with the policies and guidelines established in the Plan.

The HMC should continue to evaluate the extent to which docks and piers should extend seaward to reach navigable water depths (see no. 14 below). That evaluation should be for the purpose of developing more specific recommendations for consideration by state and federal agencies during the coastal regulatory process. At such time as additional information and new methods for managing docks and other water access structures in the HMA and Connecticut coastal area may become available, the HMC may consider

formulating more detailed standards concerning water-access structures in the HMA, including, but not limited to, dimensional standards and criteria for avoiding or otherwise mitigating adverse visual impacts, and for inclusion of those standards and criteria in the Plan.

f. Support for dredging of the federal navigation channel, as needed.

The HMC should serve as the City's principal advocate for maintenance dredging of the West River federal navigation channel as needed, and should work cooperatively with the USACE, DEEP, CT Port Authority, and other agencies to ensure that maintenance dredging is carried out in the most timely manner needed to maintain ease and safety of navigation and the continued viability of water-dependent uses. The HMC should encourage and support initiation and completion of environmental assessments and other pre-dredging requirements so that any needed maintenance dredging may be carried out without undue delay.

g. Recommend restricted speed zones as needed.

Restricted speed zones controlling the speed and wake of all power-propelled vessels in the HMA may be established in the West Haven Code of Ordinances. In coordination with the West Haven Police Department and State of Connecticut harbor master for West Haven, and with consideration of public comments, the HMC may review the status of boating activity in the vicinity of the shoreline and may propose designation of restricted speed zones as may be needed to maintain public safety. The HMC's recommendations for restricted speed zones will be provided to the City Council for adoption subject to the requirements of Sec. 15-136 and Sec. 15-140 of the General Statutes, including submittal to DEEP's Boating Division for review and approval.

4. Adoption and amendment of rules and procedures for harbor management.

Pursuant to its authority set forth in the General Statutes and West Haven Code, the HMC may adopt rules and procedures as needed to guide its various activities for implementing the Plan. All adopted rules and procedures should conform to the adopted Plan and requirements of the West Haven Code and follow the hearing of public comments.

5. Implementation of Harbor Management Consistency Review Process to review all proposals potentially affecting the HMA for consistency with the Plan (See Figure 8-1).

In accordance with authority provided by Sec. 22a-113p of the Connecticut General Statutes and Chapter 20 of the West Haven Code, the HMC may review proposals affecting the real property on, in, or contiguous to the HMA for consistency with the Plan.

FIGURE 8-1:**HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS**

- A Harbor Management Consistency Review Process is established to help ensure effective implementation of *City of West Haven Harbor Management Plan* (the Plan) and to provide coordinated, efficient, and comprehensive local review of proposed projects affecting the West Haven Harbor Management (HMA).
- The Harbor Management Commission (HMC) may review, for consistency with the Plan, all proposals submitted to, or proposed by, City of West Haven agencies affecting the real property on, in, or contiguous to the HMA, as well as applications submitted to the Connecticut Department of Energy and Environmental Protection and U.S. Army Corps of Engineers, including, but not limited to:

All proposals requiring a Coastal Site Plan Review (i.e., submitted to the Planning and Zoning HMC or Zoning Board of Appeals in accordance with the Connecticut Coastal Management Act) and affecting property on, in, or contiguous to the HMA.

All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling, or other activities below (waterward of) the Coastal Jurisdiction Line.

All proposed revisions or amendments to City plans, rules, and regulations affecting the HMA and lands adjacent to the HMA, including, but not limited to, proposed revisions and amendments to the Zoning Regulations and Plan of Conservation and Development, regulations for use of City water-access facilities, and regulations affecting wetlands and flood and erosion control.
- It is the responsibility of project applicants to provide the information necessary for the HMC to adequately assess: a) the potential impacts of the proposal on the HMA; and b) the consistency of such proposals with the Plan. Information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposal.
- The HMC may determine the consistency of proposals with the Plan and make that finding known to the appropriate City, state, or federal authority within an established period of time. If no comment regarding the consistency of the proposed project is made by the HMC within the established time period, the proposal will be assumed to be consistent with the Plan.
- In accordance with Sec. 22a-113p of the Connecticut General Statutes, a 2/3 vote of the referring City agency is required to approve a proposed project that has not received a favorable recommendation from the HMC, provided that the HMC's recommendation does not alter the authority of the agency having primary jurisdiction over the proposal.
- Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the HMA, unless such official shows cause why a different action should be taken.

Proposals subject to the Harbor Management Review Process include proposals submitted to or prepared by other City agencies, and proposals submitted to or prepared by state and federal agencies, including the Connecticut Department of Energy and Environmental and U.S. Army Corps of Engineers, for work affecting the HMA.

As necessary, the HMC may utilize an Application Review Committee of the HMC to review proposals subject to the Harbor Management Review Process and prepare recommendations for consideration by the HMC. The HMC may make a determination of a proposal's consistency with the Harbor Management Plan and transmit comments and recommendations concerning the proposal to the appropriate City, state, or federal agency.

The HMC will review proposals for consistency with the Plan in accordance with an established procedure that may involve: 1) pre-application consultation with the proponent for informational and advisory purposes only, prior to the proponent's preparation and submittal of formal plans and applications to the appropriate permitting agencies; 2) review of initial plans and applications with the applicant and provision of the HMC's preliminary findings and recommendations to the appropriate agencies while preserving the HMC's right to amend or modify those findings and recommendations prior to any final decision by the authorizing agencies; and 3) final review and recommendations by the HMC at such time as the authorizing agency may issue a public notice seeking comments on the application or prior to any final decision by the authorizing agency on the application.

With regard to any determination by the HMC regarding a proposal affecting the HMA, the HMC should articulate a rational connection between that determination and the provisions of the Plan. The HMC should prepare written comments on any proposal it reviews for consistency with the Plan. Recommendations of the HMC pursuant to the Plan should be well-grounded in the Plan's goals and policies and prepared and presented with reference to the relevant provisions of the Plan.

A. Review of Proposals to and by City of West Haven Agencies.

In accordance with authority provided by Sec. 22a-113p of the Connecticut General Statutes and Chapter 20 of the West Haven Code, proposals affecting the real property on, in, or contiguous to the HMA submitted to or prepared by the Planning and Zoning Commission, Zoning Board of Appeals, Water Pollution Control Authority, Inland Wetland Agency, Conservation Commission, Parks and Recreation Commission, and any other City agency with zoning, planning, or land use authority will be referred by these agencies to the HMC for review. Proposals subject to review include, but are not limited to:

- i. All proposals subject to the municipal process of Coastal Site Plan Review in accordance with the Connecticut Coastal Management Act and affecting property on, in, or contiguous to the HMA, including private proposals for residential and commercial development and City proposals.
- ii. All activities involving placement of temporary or permanent structures

(e.g., docks, floats, piers) dredging, filling of aquatic areas, or other activities waterward of the Coastal Jurisdiction Line.

- iii. All proposed revisions and amendments to City plans, rules, regulations, and ordinances affecting the HMA and lands contiguous to the HMA, including, but not limited to, proposed revisions and amendments to the Zoning Regulations and Plan of Conservation and Development, regulations for use of City beaches and boating facilities, and regulations governing tidal wetlands and flood and erosion control.

As required by Sec. 22a-113p of the Connecticut General Statutes, each City agency must refer all proposals subject to the Harbor Management Review Process to the HMC at least thirty-five days prior to any City hearing on the proposal. If no hearing is to be held, the City agency must notify the HMC at least thirty-five days prior to taking any final action on the proposal.

The HMC will review referred proposals for consistency with the Harbor Management Plan and provide comments and recommendations to the approving agency within the thirty-five day period and prior to or during any public hearing on the proposal. If a public hearing is not held, the HMC will provide comments prior to final action by the approving agency.

When reviewing a proposal for consistency with the Plan, the HMC will consider whether the proposal is consistent with the Plan's goals, policies, guidelines, and recommendations.

The approving agency must consider the comments and recommendations of the HMC. Pursuant to Sec. 22a-113p of the Connecticut General Statutes, a two-thirds vote of all the members of the City agency having authority to act on the proposal shall be required to approve a proposal that has not received a favorable recommendation from the HMC. Failure of the HMC to provide a recommendation to the approving agency will be considered as an approval of the proposal.

It should be the responsibility of all project applicants, including private and governmental applicants, to provide the HMC with the information necessary to adequately assess the potential impacts of the applicant's proposal on the HMA and the consistency of such proposal with the Plan. The HMC may require an applicant to provide specific information addressing the consistency of the proposal with the Plan. Any information required should be reasonable in scope and in balance with the size, scope, and potential impacts of the proposal.

With regard to any proposal reviewed for consistency with the Plan, the HMC may provide recommendations for approval or denial along with written comments. Recommendations may include suggested modifications or conditions of approval that would render an otherwise unacceptable proposal consistent with the Plan.

Recommendations by the HMC, including suggested modifications and conditions, should be prepared with reference to relevant sections of the Plan.

All applicants whose proposals are reviewed by the HMC should be provided an opportunity to describe the proposal to the HMC and answer any questions posed by the HMC. Members of the public, including residents of potentially affected neighborhoods, should be afforded an appropriate opportunity to speak in favor of or in opposition to a proposal as it relates to the Plan.

In addition, just as the activities of private individuals and organizations should be consistent with the Plan, so should proposals prepared by City agencies. Each City agency should work cooperatively with the HMC when developing any plans for City-sponsored projects or other initiatives that may affect the real property on, in, or contiguous to the HMA. Plans for City-sponsored initiatives that may affect the HMA will be submitted to the HMC for review as part of the Harbor Management Consistency Review Process.

The HMC may develop review procedures that are specific to each referring/approving agency. In addition, the HMC may require that a specified number of copies of proposals be provided to the HMC, either directly by the applicant or by the approving agency.

The HMC may establish administrative rules and procedures to guide the Harbor Management Consistency Review Process. (See no. 4 above.)

B. Review of Proposals to and by State of Connecticut Agencies.

Various bureaus and divisions of the DEEP are responsible for implementing state regulatory programs that regulate activities affecting the real property on, in, or contiguous to the HMA. Most prominently, all proposals involving filling of aquatic areas, dredging, placement of structures such as docks, floats, piers, and bulkheads, and other actions waterward of the Coastal Jurisdiction Line in the HMA are subject to regulatory programs administered by the DEEP's Land and Water Resources Division.

Coastal permitting requirements established by the LWRD require applicants to consult with and notify the HMC during the permitting process. Applicants for LWRD permits are required to review their proposed plans and descriptions of their proposals with the HMC prior to submitting a formal application to the LWRD; applicants for LWRD Certificates of Permission are required to submit their applications to the HMC at the same time those applications are submitted to the LWRD; and General Permit registrants are required to notify the HMC of their General Permit registrations. The HMC will review all of these proposals affecting the HMA in a manner similar to that described above with respect to City agencies; consider the proposals' consistency with the Plan; and provide appropriate comments and recommendations to the DEEP. Pursuant to Sec. 22a-113n of

the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the HMA, unless such official shows cause why a different action should be taken.

When reviewing any proposal for a regulated activity submitted to the DEEP, the HMC should ensure that sufficient information is provided to enable the HMC to make an informed decision on the consistency of the proposal with the Plan.

Also, any proposal prepared by a state agency that would affect the HMA should be designed with consideration of the Plan and reviewed by the HMC for consistency with the Plan.

The HMC will establish a formal process to guide its review of proposals to and by State of Connecticut agencies.

Applicants for LWRD structures, dredging, and fill permits and tidal wetlands permits should provide their applications to the HMC at the same time as they submit those applications to the LWRD. The HMC should be provided with a copy of any authorization issued by DEEP for filling aquatic areas, dredging, or placement of structures in the HMA.

C. Review of Applications to the Corps of Engineers

All proposals involving filling, dredging, or structures waterward of the Mean High Water line are subject to federal regulatory programs administered by the USACE. This federal review is conducted in coordination with the LWRD's coastal permitting process described above, and in accordance with the USACE's Programmatic General Permit for the State of Connecticut. As a result of this coordination, the HMC typically does not need to conduct a separate review of a proposal subject to the USACE's coastal regulatory programs, since that same proposal will be subject to the LWRD's review. Instead, the HMC's comments and recommendations to the LWRD regarding a specific proposal affecting the HMA should be provided to the USACE for consideration in the federal review process.

6. **Ongoing examination of the effectiveness of the Plan and conditions in the HMA; preparation of proposed amendments to the Plan and West Haven Code as necessary.**

The Plan should be amended, as needed, to respond to changing conditions and circumstances affecting the HMA. Throughout the course of the year, members of the HMC should observe conditions and activities in the HMA and assess how well the Plan is functioning with respect to those conditions and activities. Any identified issues may be discussed at the HMC's regularly scheduled monthly meetings. City officials and the general public should be encouraged to attend HMC meetings and express any comments regarding the Plan and its effectiveness. The HMC is responsible for:

a. Annual Plan review.

Each year, preferably at the close of the boating season, the HMC may hold a meeting to review the Plan and consider if any changes are appropriate. This review should include examination of:

- Plan goals and objectives;
- Plan policies;
- Management guidelines and recommendations;
- Responsibilities for Plan implementation.

The HMC should consider any physical or institutional changes affecting the HMA that have taken place during the preceding year, including new development, development proposals, physical changes caused by forces of nature, improvement or degradation of environmental quality, and any new plans or policies established by City, state, or federal agencies.

b. Specific actions to amend the Plan and/or City ordinances for implementing the Plan, as needed.

If the HMC determines that some aspect of the Plan should be amended, it should carry out the following steps:

- 1) Prepare recommended changes to the Plan, including any changes in text, maps, or other Plan aspects.
- 2) Obtain public comments on the proposed changes.
- 3) Submit the proposed changes to the USACE for review and to DEEP and the Connecticut Port Authority for review and approval.⁴
- 4) Make any changes to the Plan document following review of public comments and comments from the USACE and DEEP.
- 5) Adopt the changes.
- 6) Submit the changes to the City Council for adoption by the City.

A similar procedure should be followed for any changes to applicable sections of the West Haven Code of Ordinances that may be needed to implement certain provisions of the Plan.

⁴ In accordance with the procedure for approval and adoption of the Plan, proposed Plan amendments should be sent to the DEEP LWRD. The DEEP LWRD will distribute copies of the proposed amendments to the Connecticut Port Authority, other DEEP divisions, and to the USACE. The DEEP LWRD will coordinate review and approval of the proposed amendments by these agencies.

The HMC should not be restricted to any specific time period for making changes to the Plan. If unusual circumstances arise that require modification of the Plan, the HMC may initiate the review and amendment process at any time.

c. Preparation of “Harbor Management Plan Addendum,” as needed.

Instead of rewriting and reprinting the Plan each time the Plan may be amended, the HMC may prepare a Plan addendum to summarize the significant changes that may have taken place, and to include any amendments to the Plan’s provisions. As its resources may allow, the HMC may periodically publish a revised Plan document to incorporate updated descriptions of all relevant conditions that have changed since the Plan was adopted and/or last amended, as well as any Plan amendments that may have been adopted.

7. **Review of actions by the harbor master.**

Any person aggrieved by a decision or action of the State of Connecticut harbor master for West Haven may present his or her concerns to the HMC. At a regular or special meeting, the HMC may review the decision or action of concern and provide an opportunity for all involved parties to present relevant information.

While the Connecticut General Statutes provide no authority for Harbor Management Commissions to overturn harbor master decisions or to act as appeals boards with regard to those decisions, the HMC can and should hear any local concerns that may be expressed with regard to actions by the harbor master. The HMC should attempt to resolve those concerns without usurping the harbor master’s authority and then, if necessary, bring those concerns to the attention of the appropriate state agency for any corrective action that may be necessary.

8. **Advisory participation in all City-supported planning and development initiatives affecting the HMA.**

The HMC should provide comments to any City department or agency initiating a planning or development action with a potential impact on the HMA. The HMC should provide information on how the proposed project can best be planned and implemented for consistency with the Plan and how the project can have the most positive impact on the HMA. The HMC’s advisory comments should help to avoid, before the proposal is finalized, any potential concerns or conflicts. Another important purpose of the HMC’s involvement should be to help maintain cooperation and coordination among all City departments with authorities that directly and indirectly affect the HMA.

9. **Support and promotion of activities to increase public awareness concerning the Plan.**

Effective management of the HMA and protection of the HMA’s environmental quality requires ongoing public support and involvement. In addition to providing a continuing forum for expression of public comments at its regularly scheduled and special meetings, the HMC

may support and promote special programs and events to stimulate public interest and community involvement in matters pertaining to the HMA.

The HMC may take an active role to inform and educate boaters and other users of the HMA about the Plan. The HMC may also be a source of information to persons planning activities that would affect the HMA and who are not familiar with requirements of state and federal permitting programs and provisions of the Plan.

The HMC should encourage and support programs that will educate the public with regard to proper use and protection of the HMA's resources in accordance with the Plan. Each year the HMC may hold a "State of the Waterfront" meeting to provide information to the public concerning the Plan and HMA and to hear public comments concerning the Plan and HMA.

The HMC may prepare informational materials for public distribution. Those materials may be used to highlight the major elements of the Plan, provide information on HMA regulations, promote local waterfront attractions for visitors, and provide information on other HMA-related topics.

10. Administration and allocation of funds for harbor management.

Section 22a-113s of the Connecticut General Statutes authorizes establishment of a special West Haven Harbor Management Account to be used specifically for maintenance and improvement of the HMA. This statute also authorizes the HMC to propose a fee schedule for any activity within the scope of the Plan. Any collected fees must be deposited into the Harbor Management Account and used for maintenance and improvement of the HMA for the public and for necessary expenses for personnel and equipment directly related to the functions of the HMC and the State of Connecticut harbor master or deputy harbor master for West Haven.

The HMC should regularly review the status of the Harbor Management Account and report to the Board of Representatives on the use and allocation of all monies from the account as necessary.

a. Identify and pursue potential sources of harbor management funds.

The HMC should evaluate potential sources of funds to be used for harbor improvement and management purposes and establish procedures to generate operating funds. Potential sources of funds to be considered include but are not limited to:

- Fees for mooring permits and other activities within the scope of the Plan;
- Appropriations from the City's general fund;
- Fines for violations of City regulations and ordinances pertaining to the HMA;
- Donations; and
- State and federal government grants and grants from private sources.

- b. Propose fee schedules for mooring permits and other activities within the scope of the Plan.

The HMC is responsible for proposing a fee schedule for a mooring or anchorage or any other activity within the scope of the plan. The proposed fee schedule must be submitted by the HMC to the City Council which may adopt such schedule. Fees should be commensurate with services provided by the City and harbor master and fees for moorings and anchorages may not exceed the maximum annual fee established in Section 22a-113s of the Connecticut General Statutes. In accordance with Section 22a-113s of the General Statutes, all fees collected must be dedicated for maintenance and improvement of the HMA for the public, and for personnel and equipment directly related to the function of the HMC and the harbor master or deputy harbor master.

- c. Preparation and review of annual operating budget.

The HMC should prepare an annual operating budget including an estimate of revenues and expenses. Items for which the HMC may need to expend funds include but are not limited to:

- Office equipment and supplies;
- Secretarial services;
- Postage;
- Printing and photocopying;
- Legal advertisements;
- Telephone expenses;
- Preparation of informational/educational materials;
- Additional investigations and studies of harbor management needs;
- Compensation to the harbor master or deputy harbor master for duties to assist the HMC;
- Conferences and other educational programs attended by HMC members;
- Purchase and maintenance of aids to navigation;
- Printing and distribution of the Plan;
- Emergency removal of unsafe or abandoned structures, including moorings and vessels;
- Harbor improvement projects consistent with the Plan; and
- Fees for consultants and other assistants retained to assist with implementation of the Plan.

The HMC should regularly review the status of its operating budget throughout the year.

11. Maintenance of appropriate information and records pertaining to the HMA.

In accordance with applicable City standards, the HMC should maintain appropriate records of its decisions, including decisions concerning the collection and allocation of harbor management funds, and, in coordination with the City Clerk, organize and maintain other information pertaining to the HMA. The information, maintained in the City Hall, should serve as a source of information on existing and historic conditions in the HMA and may be used by the HMC when making decisions pertaining to the HMA.

12. Pursuit of grants for harbor improvement and management.

The HMC, in coordination with other City departments as necessary, may pursue governmental and private grants to help fund Harbor improvement projects. The Plan provides the basis for a number of projects eligible for state and federal grants, including grants available through DEEP, Department of Economic and Community Development, and Connecticut Port Authority. Projects to improve public access to the HMA, enhance coastal resources, and increase public awareness of the natural values of the HMA are examples of potentially eligible projects.

13. Ongoing study of the HMA to provide useful information for decision-making, necessary Plan modifications, and other management purposes.

Conditions in the HMA, particularly conditions pertaining to uses and activities in the HMA and the institutional framework for managing the HMA, are constantly changing. Some of the changes that will occur will affect the goals, objectives, policies, guidelines, and recommendations established in the Plan. As a result, it will be necessary for the HMC to continue to monitor conditions in the HMA for the purpose of identifying any changes that may influence future management decisions and programs. The HMC should also encourage and support scientific studies and other investigations, including investigations by educational institutions and students, which provide useful information for advancing the City's harbor management goals.

The HMC's continuing investigations should be designed to increase understanding of natural forces and human actions affecting the HMA and to increase understanding of harbor management-related issues and concerns. These continuing investigations should be applied to help provide a solid basis for future management decisions and for any modifications of the Plan that may be necessary in the future.

Attention should be given to assembling information pertinent to managing docks and other water access structures in the HMA, including information on environmental conditions and practical methods for managing those structures. The purpose of this attention should be to continue to strengthen the HMC's ability to effectively manage water-access structures in coordination with other City, state and federal agencies. At such time as additional information and new methods may be available, the HMC may consider formulating more detailed

standards concerning water-access structures in the HMA, including, but not limited to, dimensional standards and objective criteria for avoiding or otherwise mitigating adverse visual impacts, and for inclusion of those standards and criteria in the Plan.

14. Identification and evaluation of potential sites for public boating access to the HMA.

In coordination with other City agencies, the HMC may conduct a detailed evaluation of waterfront sites potentially suitable for development of public boating access facilities, including but not limited to boat launching areas and a public landing. The HMC may assist in the development of plans and cost estimates for development of those facilities, pursue available sources of development funds, apply for necessary state and federal permits, and assist with planning for site development to meet recreational boating and emergency access needs.

15. Employment of consultants and other assistants, as needed, to assist with implementation of the Plan.

Due to time and budget constraints, the City departments with expertise to assist the HMC may not always be able to provide the desired level of support. Also, implementation of aspects of the Plan may require the HMC to apply expertise and services that other City agencies may not be able to provide. Section 22a-113l of the Connecticut General Statutes empowers the HMC to enter into contracts, retain consultants and other assistants, and receive and expend funds for harbor management purposes. The HMC may therefore hire consultants and other assistants as necessary to assist with its powers, duties, and responsibilities pursuant to Plan implementation. When hiring consultants and other assistants, the HMC may allocate funds from the City's harbor management account.

16. Encouragement of the presentation and discussion of all public concerns, including those of City residents, business owners, and boaters, related to the HMA and the Plan.

The HMC should provide those persons and organizations who have harbor management-related questions, concerns, or suggestions with an opportunity to express their views. Providing a continuing forum for the expression of public concerns during its regularly scheduled and special meetings should help the HMC identify changing conditions and circumstances affecting the HMA. This forum is also needed to help develop and maintain public awareness of HMA resources and to maintain a base of public support for the City's harbor management initiatives. Each year the HMC may hold a special public meeting — a “State of the Waterfront” meeting — to hear the concerns, questions, and thoughts of City residents, waterfront property owners, water-dependent facility operators, and others concerning the HMA and the Plan.

17. Maintenance of master schedule of activities in the HMA.

To ensure that major in-water special events and any activity expected to significantly affect the HMA and waterfront do not create undue congestion or conflicts, the HMC may maintain a master schedule of activities in the HMA. All sponsors of major in-water events should notify the HMC in advance of their proposed activity.

The HMC may provide a form designed to record the above information. This form should be completed by the sponsors of significant in-water events and returned to the HMC at the earliest opportunity prior to the event.

18. Provision of recommendations to the Governor for appointment of the State of Connecticut harbor master and any deputy harbor master for West Haven.

The West Haven harbor master is appointed by the Governor for a three-year term. Section 15-1 of the Connecticut General Statutes requires that the appointment of a harbor master and deputy harbor master for the harbor of any municipality with an adopted harbor management plan shall be made by the Governor from a list of not less than three nominees submitted by the municipality's Harbor Management Commission. Accordingly, prior to expiration of the term of service of the West Haven harbor master, the HMC should provide the Governor with recommendations for appointments to these positions. The HMC may also recommend the appointment of a deputy harbor master is necessary to assist the harbor master.

RESPONSIBILITIES OF OTHER CITY AGENCIES

In addition to the HMC, a number of other City agencies have responsibilities affecting the HMA. These include the Economic Development Commission, Department and Board of Parks and Recreation, Planning and Zoning Commission, Zoning Board of Appeals, Water Pollution Control Authority, Inland Wetland Agency, Conservation and Open Space Land Commission, Department of Health, Department of Public Works, Police and Fire departments, Flood and Erosion Control Board, and Pollution Control Commission.

The Plan does not alter the authorities of these other City agencies. The Plan requires, however, that all City agencies with harbor management-related responsibilities carry out those responsibilities, to the extent feasible, in a manner consistent with the goals, objectives, policies, guidelines, and recommendations established in the Plan. The harbor management consistency review process will help to ensure this consistency. (See the previous section on "Responsibilities of the Harbor Management Commission.") City agencies other than the HMC have the following basic responsibilities for implementing the Plan.

1. REFERRAL OF APPLICATIONS FOR ACTIVITIES AFFECTING THE HMA TO THE HMC FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE PLAN.
2. DESIGN OF CITY PROPOSALS AFFECTING THE HMA FOR CONSISTENCY WITH THE PLAN; REFERRAL OF CITY PROPOSALS TO THE HMC FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE PLAN.

3. IMPLEMENTATION OF AGENCY RESPONSIBILITIES IN A MANNER CONSISTENT WITH THE PLAN AND IN A MANNER THAT ADVANCES THE PLAN.

1. **Referral of applications for activities affecting the HMA to the HMC for review and determination of consistency with the Plan.**

In accordance with Section 22a-113p of the Connecticut General Statutes and Chapter 20 of the West Haven Code, each City agency or department with authority to approve a proposed action affecting real property on, in, or contiguous to the HMA should refer the application for that proposed action to the HMC for review. (See the previous section on “Responsibilities of the Harbor Management Commission.”) The application should be provided to the HMC at least thirty-five days prior to any public hearing held on the proposal or, if a hearing will not be held, prior to any final action taken by the approving City agency.

The HMC will review the application for consistency with the Plan and determine if the proposal is consistent with the Plan. As required by Section 22a-113p of the Connecticut General Statutes and Chapter 20 of the West Haven Code, if the HMC finds that the application is inconsistent with the Plan, the proposal cannot be approved unless the City agency with authority to approve the proposal acts to over-ride the HMC’s finding by a two-thirds vote of all members (instead of a simple majority). This “two-thirds” requirement does not alter the authority of the agency having primary jurisdiction over the proposal to deny, modify, or condition a proposal that has received an unfavorable recommendation from the HMC.

Each City agency affected by the harbor management consistency review process should work with the HMC to establish appropriate procedures for providing applications to the HMC and to otherwise maintain coordination with the HMC.

The harbor management consistency review process ensures that activities that would affect the HMA are reviewed for consistency with the Plan. The consistency review process is carried out within the framework of the City’s existing review processes so as to not add additional time to those existing processes. Section 22a-113p of the General Statutes and Chapter 20 of the West Haven Code require that a City agency with authority to approve a proposed action affecting the HMA provide that proposal to the HMC at least thirty-five days before the approving agency must act on the proposal. Within that 35-day period, the HMC will evaluate the consistency of the proposal with the Plan and make a recommendation to the approving agency. If no comment on the consistency of the proposed project is made by the HMC prior to the decision deadline, the proposal will be deemed consistent with the Plan.

2. **Design of City proposals affecting the HMA for consistency with the Plan; referral of City proposals to the Harbor Management Commission for review and determination of consistency with the Plan.**

Just as proposals from the private sector affecting the HMA and submitted to City agencies for approval should be consistent with the Plan, so should proposals prepared by the City. Therefore, each City agency should work cooperatively with the HMC when developing any

plans for City-sponsored projects or other initiatives that may affect the HMA. City-sponsored initiatives affecting real property on, in, or contiguous to the HMA should be submitted to the HMC for review as part of the harbor management consistency review process. The purpose of this review is to ensure that City-prepared proposals are consistent with the Plan and contribute to achievement of the City's harbor management goals; the review should also serve to enhance communication and coordination among the involved City agencies.

3. **Implementation of agency responsibilities in a manner consistent with the Plan and in a manner that advances the Plan.**

City agencies that should carry out their responsibilities affecting the HMA in a manner consistent with the Plan and in a manner that contributes to Plan implementation include, but are not limited to, the agencies listed below with some of their relevant responsibilities.

- **Department of Parks and Recreation:** Planning, operation, maintenance, and management of waterfront parks, beaches, and other recreational facilities, including the City's boating access facilities.
- **Planning and Zoning Commission:** Implementation of City land-use authorities affecting the HMA, including: preparation and adoption of the West Haven Plan of Conservation and Development; adoption, amendment, and enforcement of the West Haven Zoning Regulations; review and regulation of municipal improvement projects; implementation of coastal site plan review requirements.
- **Economic Development Commission:** Promotion and development of economic development opportunities presented by the City's waterfront and HMA.
- **Conservation Commission:** Implementation of City conservation authorities affecting the HMA, including: provision of recommendations to appropriate agencies concerning water and waterfront development proposals; planning for use of open space areas; and promotion of watershed planning initiatives to protect water quality in the HMA.
- **Inland Wetlands and Watercourses Agency:** Implementation of City wetland protection authorities affecting the HMA, including regulatory authorities affecting development in the watersheds draining into the HMA.
- **Police Department:** Enforcement of City and state boating laws, regulations, and ordinances; coordination of emergency response activities with the Fire Department, Connecticut Department of Energy and Environmental Protection, U.S. Coast Guard, and municipalities with jurisdictions adjoining the HMA
- **Fire Department:** Coordination of emergency response activities, including response to oil and fuel spills, with the Police Department, Harbor Master, DEEP, U.S. Coast Guard, and municipalities with jurisdictions adjoining the HMA.

- **Department of Public Works:** Construction, operation, maintenance, and repair of all storm water and wastewater infrastructure of the City, including collection and treatment facilities.
- **Health Department:** Testing of water quality and closing of beach swimming areas as necessary to protect public health.

RESPONSIBILITIES OF THE STATE OF CONNECTICUT HARBOR MASTER FOR WEST HAVEN

The State of Connecticut harbor master for West Haven is appointed by the Governor of Connecticut for a three-year term and is responsible for the general care and supervision of the West Haven Harbor Management Area. Principal authorities of the Harbor Master are included in Sections 15-1 through 15-9 and other sections of the Connecticut General Statutes. The Harbor Master may be assigned the following responsibilities for implementing the *City of West Haven Harbor Management Plan*.

1. CONDUCTING ALL DUTIES IN A MANNER CONSISTENT WITH THE PLAN.
2. COOPERATION AND COORDINATION WITH THE HMC AND PROVISION OF ASSISTANCE TO THE HMC, AS NEEDED, WITH IMPLEMENTATION OF THE PLAN.
3. IMPLEMENTATION OF SPECIFIC REQUIREMENTS FOR ADMINISTRATION, PLACEMENT, AND INSPECTION OF ALL MOORINGS IN THE HMA.
4. ASSISTANCE TO THE WEST HAVEN POLICE DEPARTMENT, DEEP LAW ENFORCEMENT DIVISION, AND COAST GUARD, AS NECESSARY, WITH REGARD TO ENFORCEMENT OF CITY, STATE, AND FEDERAL LAWS AND REGULATIONS AFFECTING THE HMA.
5. APPLICATION AND INTERPRETATION OF THE CONNECTICUT BOATING STATUTES AND REGULATIONS, INCLUDING STATUTES AND REGULATIONS CONCERNING REMOVAL OF ABANDONED AND DERELICT VESSELS.
6. PROVISION OF INFORMATION CONCERNING BOATING RULES AND REGULATIONS, THE PLAN, AND OTHER HARBOR-RELATED TOPICS TO THE GENERAL PUBLIC.
7. ONGOING COMMUNICATION WITH CITY, STATE, AND FEDERAL AGENCIES CONCERNING THE HMA.
8. OPERATION AND MAINTENANCE OF HARBOR MASTER COMMUNICATIONS SYSTEM.
9. REVIEW AND COMMENT ON PROPOSALS FOR DREDGING, FILLING, OR PLACEMENT OF STRUCTURES IN THE HMA.
10. ASSISTANCE TO THE HMC FOR PREPARATION OF THE HMC'S ANNUAL OPERATING BUDGET.

1. Conducting all duties in a manner consistent with the Plan.

Section 15-1 of the Connecticut General Statutes requires that “The harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any plan adopted pursuant to section 22a-113m for a harbor over which they have jurisdiction.” Actions of the West Haven harbor master pursuant to his or her responsibilities established in applicable sections of the Connecticut General Statutes therefore must be consistent with the goals, objectives, policies, guidelines, and recommendations contained in the Plan and any future Plan amendments.

2. Cooperation and coordination with the Harbor Management Commission and assistance to the HMC, as needed, with implementation of the Plan.

As authorized by Section 22a-113k of the Connecticut General Statutes, the harbor master is a nonvoting, ex-officio member of the HMC. When exercising responsibilities for administration of any mooring locations and conducting other statutory duties for the safe and efficient operation of the HMA, the harbor master should work cooperatively with the HMC and otherwise assist the HMC with implementation of the Plan. The harbor master should attend the HMC’s monthly meetings, provide reports of his or her activities to the HMC, and discuss issues, occurrences, and events pertinent to the goals, aims, and concerns of the HMC as necessary. In addition, the harbor master should attend special public meetings that may be held by the HMC to report on his or her activities and address questions raised by the public.

3. Implementation of specific requirements for administration, placement, and inspection of all moorings in the HMA.

Regarding any boat mooring locations that may be established in the HMA, the harbor master is responsible for: issuing mooring permits and assigning mooring locations, maintaining records on mooring locations, mooring tackle, moored vessels and owners/operators of moored vessels; oversight of mooring tackle placement and inspection; revoking mooring permits as may be necessary; and removing mooring tackle, if necessary. All mooring-related activities of the harbor master must be consistent with the Plan, relevant sections of the General Statutes, and relevant chapters of the City Code, and be in accordance with any rules and procedures adopted by the HMC for mooring vessels.

4. Advisory assistance to the West Haven Police Department, DEEP Division of State Environmental Conservation Police, and Coast Guard, as necessary, with regard to enforcement of City, state, and federal laws and regulations affecting the HMA.

The harbor master should provide appropriate assistance to City, state, and federal law enforcement agencies, as needed, to maintain boating and navigation safety in the HMA. The harbor master’s responsibility in this regard shall be carried out in a manner consistent with all applicable federal, state, and City laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes. The harbor master may call upon the West Haven Police Department or state or federal law enforcement authority for

assistance in all situations potential arrest or confrontation. The harbor master should advise the Police Department, DEEP, USACE, and/or U.S. Coast Guard, as necessary, of any problems concerning enforcement of City, state, and/or federal laws and regulations affecting the HMA.⁵

5. **Application and interpretation of the Connecticut boating statutes and regulations, as appropriate, including statutes and regulations concerning removal of abandoned and derelict vessels.**

Consistent with all applicable federal, state, and City laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes, the harbor master has responsibilities for implementing certain State of Connecticut boating statutes and regulations as they relate to use of the HMA, and for communication of these statutes and regulations, as necessary, to the public. Further, as necessary for maintaining safe and functional waterways in the HMA, the harbor master may assist in interpreting the statutes and regulations as they apply to the HMA. These responsibilities will be carried out in collaboration with the HMC, West Haven Police Department, DEEP, and other involved agencies and departments.

In accordance with Section 15-140c of the Connecticut General Statutes, any vessel “not moored, anchored or made fast to the shore and unattended for a period greater than 24 hours, or left [upon private property] without the consent of said property owner for a period greater than twenty-four hours” shall be presumed abandoned. Acting in coordination with the HMC, Police Department, and other appropriate agencies or departments, the harbor master is authorized to enforce the provisions of this statute in the HMA.

6. **Provision of information concerning boating rules and regulations, the Plan, and other harbor-related topics to the general public.**

The harbor master may assist the HMC with provision of information to the general public concerning applicable boating laws and regulations, conditions in the HMA, the provisions of the Plan, and other information intended to maintain boating and navigation safety in the HMA and increase public awareness and support for safe and efficient operation of the HMA.

⁵ Under the current Sec. 15-154 of the General Statutes, harbor masters are empowered to enforce state boating laws within their jurisdiction, except that harbor masters who are not certified law enforcement officers may not enforce the “boating under the influence” laws. The DEEP Boating Division informs Connecticut harbor masters that the Connecticut Attorney General has determined that harbor masters may not exercise police functions unless they are properly certified as law enforcement officers. Since no police training is provided to Connecticut harbor masters, the policy of the State of Connecticut, first promulgated by the Connecticut Department of Transportation and now DEEP, advises harbor masters who have not been certified as law enforcement officers to report violations of law to the local police department or other law enforcement authorities rather than become directly involved with arrests or confrontations with violators.

7. **Ongoing communication with City, state, and federal agencies concerning the HMA.**

In addition to communication and coordination with the HMC, West Haven Police Department, and other relevant City agencies and departments, the harbor master should maintain regular communication and liaison, as necessary, with various divisions and units of DEEP, USACE, U.S. Coast Guard, and other relevant state and federal agencies. The purpose of this communication and liaison should be to address matters affecting the safe and efficient operation of the HMA.

8. **Operation and maintenance of an appropriate communications system.**

The harbor master should operate and maintain a communications system for the HMA. This communications system will include telephone and cell phone lines; voice mail; and E-mail communication capabilities. The harbor master's voice mail should provide phone numbers for reporting emergencies as well as information to enable the caller to immediately contact the harbor master in the event of an emergency or other urgent matter. The communications system will be operated and maintained for the purpose of receiving reports of emergencies, including any oil and hazardous materials spills affecting the HMA; receiving and answering questions regarding use of the HMA; and providing pertinent information to HMA users as necessary.

9. **Review and comment on proposals for dredging, filling, or placement of structures in the HMA.**

The harbor master may review all applications for dredging, filling, or placement of in-water structures in the HMA as submitted to state and federal agencies. The harbor master's review may address the effect of the proposed activity on the safe and efficient operation of the HMA. The harbor master may provide comments on those applications to DEEP, the USACE, and other regulatory agencies as appropriate. The harbor master's review of applications affecting the HMA will be carried out in coordination with the HMC's harbor management consistency review process.

10. **Assistance to the HMC for preparation of the HMC's annual operating budget.**

The harbor master may provide data on expenses for personnel and equipment directly related to the function of the harbor master and other information to the HMC for the purpose of assisting it with preparation of the HMC's annual operating budget.

RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES WITH HARBOR MANAGEMENT AUTHORITIES

To the extent permitted by law, state and federal agencies with authorities pertaining to the West Haven Harbor Management Area should carry out their responsibilities in accordance with the provisions of the Harbor Management Plan, and generally cooperate with the Harbor Management Commission to advance the Plan. State and federal agencies may apply their authorities in the following manner to help advance the Plan.

1. REVIEW AND APPROVAL OF THE PLAN AND ANY FUTURE AMENDMENTS TO THE PLAN.
2. INCLUSION OF THE HARBOR MANAGEMENT COMMISSION'S COMMENTS AND RECOMMENDATIONS INTO THE COASTAL PERMITTING PROCESS.
3. COORDINATION AND COOPERATION WITH THE HMC FOR IMPLEMENTATION OF THE PLAN.

1. Review and approval of the Plan and any future amendments to the Plan.

Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal Plans. In accordance with this procedure, the HMC must submit the proposed Plan (and future amendments to the Plan) to the USACE for review, comments, and recommendations. The proposed Plan and any future amendments also must be submitted for approval to the Connecticut Commissioner of Energy and Environmental Protection who must act on the proposed Plan and amendments within 60 days. Upon approval by the State Commissioners, the proposed Plan and amendments may be adopted by the West Haven Board of Representatives. (See the previous section on "Responsibilities of the Board of Representatives.")

Any revisions to the West Haven Code adopted by the Board of Representatives and pertaining to the operation of vessels must be submitted to the DEP's Boating Division for review and approval as required by Section 15-136 of the General Statutes. Section 15-136 of the General Statutes requires that any local ordinance "...respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Environmental Protection for review and approval. This review is carried out by DEEP's Boating Division. DEEP has sixty days to disapprove any part of the ordinance that it finds to be "...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If DEEP does not disapprove all or part of the proposed ordinance within sixty days, the ordinance will take effect upon publication and posting as required by Section 15-138 of the Connecticut General Statutes.

2. **Inclusion of the Harbor Management Commission's comments and recommendations into the coastal permitting process.**

Proposals for filling of aquatic areas, dredging, placement of structures, and other work in or otherwise affecting the HMA are subject to state and federal regulatory programs administered by the Department of Energy and Environmental Protection and U.S. Army Corps of Engineers, respectively, and cannot be implemented without the required authorization. Coastal permitting requirements established by DEEP require applicants to consult with and notify the HMC during the permitting process. The HMC will review proposals affecting the HMA, consider their consistency with the Plan, and provide appropriate comments and recommendations to DEEP and the USACE.

In their review and decision-making processes, DEEP and the USACE should consider the HMC's findings and recommendations to the maximum extent permissible in accordance with state and federal law. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the HMA, unless such official shows cause why a different action should be taken.

The HMC should be provided with a copy of any authorization issued by DEEP or the USACE for filling aquatic areas, dredging, or placement of structures in the HMA.

3. **Coordination and cooperation with the Harbor Management Commission for implementation of the Plan.**

State and federal agencies should recognize the Plan as the City's principal guide (in coordination with the West Haven Plan of Conservation and Development) for safe and beneficial use of the HMA and protection of coastal resources and environmental quality in the HMA. DEEP, the USACE, and other state and federal agencies should apply their planning as well as regulatory programs in a manner to assist the HMC with implementation of the Plan. To the extent possible these agencies should provide information and technical assistance to the HMC for the purpose of addressing matters affecting the safe and functional operation of the HMA, protection of coastal resources and environmental quality in the HMA, and other public purposes consistent with the Plan. In addition, state and federal grant programs should be used to help implement special projects to achieve the City's harbor management goals.

RESPONSIBILITIES OF PRIVATE INDIVIDUALS AND ORGANIZATIONS

Private individuals and organizations may also contribute to implementation of the Harbor Management Plan. Everyone must adhere to City, state, and federal laws and regulations pertaining to use of the West Haven Harbor Management Area. In addition, there are a number of voluntary (non-regulatory) initiatives for managing and enhancing HMA resources that can be carried out by City residents, waterfront property owners, the operators of water-dependent facilities, and others. Concerned citizens and organizations should contribute to implementation of the Plan through the following actions:

1. DESIGN OF PROPOSALS AFFECTING THE HMA FOR CONSISTENCY WITH THE PLAN.
2. DEMONSTRATION OF INTEREST AND SUPPORT FOR THE PLAN.
3. VOLUNTARY ASSISTANCE FOR HARBOR MANAGEMENT AND IMPROVEMENT.
4. NOTIFICATION OF SPECIAL EVENTS AND MAJOR IN-WATER ACTIVITIES.

1. Design of proposals affecting the HMA for consistency with the Plan.

The design of projects that would affect the HMA should be consistent with the goals, objectives, policies, guidelines, and recommendations established in the Plan. Project proponents may discuss their conceptual plans with the Harbor Management Commission prior to preparing final plans and permit applications. This sort of pre-application consultation may help to reduce project costs by avoiding the expenditure of funds on projects not likely to be consistent with the Plan. Pre-application consultation should also, to the extent feasible, address opportunities for projects affecting the HMA to provide public benefits.

In the course of the harbor management consistency review process, project proponents may present their completed proposals to the HMC and may appear before the HMC to address any questions concerning the proposed project. (See the previous section on “Responsibilities of the Harbor Management Commission.”) It should be the responsibility of project applicants to provide the HMC with the information necessary to adequately assess the potential impacts of proposed projects on the HMA and the consistency of such proposals with the Plan.

2. Demonstration of interest and support for achieving the Plan’s goals.

The general public, waterfront property owners, and operators of water-dependent facilities can make important contributions for guiding beneficial use of the Harbor Management Area, maintaining public safety, and protecting environmental quality. West Haven residents and others with concerns related to the quality and character of the HMA and to the effectiveness of the Plan may attend meetings of the Harbor Management Commission to express their concerns and comments. The public may also participate in various special events and efforts organized to increase environmental awareness and improve the quality of coastal resources in the HMA. Observed violations of boating laws, evidence of pollution, and other actions

adversely impacting the HMA may be reported to the HMC, Harbor Master, Police Department, or other appropriate authority at any time.

In addition, the public, including waterfront property owners, should recognize that seemingly minor actions can, when added over time to other similar actions, have significantly adverse cumulative impacts on the HMA and those who use the HMA. All citizens may increase their awareness of the impacts that their actions may have on environmental quality, navigation, and other conditions in the HMA. At the same time, all citizens can contribute to efforts to enhance environmental quality and improve other conditions in the HMA. For example, all citizens may contribute to reducing nonpoint source pollution by increasing their awareness and understanding of how everyday activities can contribute to such pollution in the HMA and its watersheds.

Of most importance for the long-term beneficial use and management of the HMA, private citizens and organizations may recognize the HMA as a public trust resource that belongs to everyone and is a vital resource for the entire City. Expression of this recognition should serve as a constant reminder to public officials of their responsibility to manage the HMA for the use and benefit of all citizens, now and in the future. At the same time, public officials and agencies must also recognize that waterfront property owners have significant rights concerning access to the HMA. As a result, the public's rights of access and navigation seaward of the mean high water line must be balanced with the riparian/littoral rights of waterfront property owners.

3. Voluntary assistance for harbor management and improvement.

There are a number of voluntary initiatives for managing and enhancing the HMA and waterfront that may be carried out by City residents, waterfront property owners, and private organizations. Waterfront property owners have a responsibility to contribute to the maintenance of clean, safe, and functional conditions in the HMA. Sites and structures in and adjoining the HMA should be maintained in a manner that enhances opportunities for beneficial waterfront use and development. Voluntary, community-based efforts such as may be organized by the Harbor Management Commission to clean-up and otherwise improve the HMA's environmental quality should be encouraged and supported.

City residents and others who use the HMA and waterfront may volunteer to participate in special events and other efforts that may be organized from time to time by the HMC and others to increase environmental awareness and maintain and improve the quality of the HMA. Special events may be organized to clean up public waterfront spaces and other waterfront locations and to assist with environmental enhancement projects. Volunteer participation can contribute to the success of such events.

The operators of water-dependent facilities are knowledgeable of conditions in the HMA, and may pass information on those conditions on to the HMC. Also, the operators of waterfront facilities interact with the public on a daily basis. As a result, they can provide information

to residents as well as visitors concerning the Harbor Management Plan and regulations, and other information pertaining to beneficial use of the HMA

4. Notification of special events and major in-water activities.

To ensure that major in-water special events and any activity expected to significantly affect navigation do not create undue congestion or conflicts, all sponsors of such events should notify the HMC in advance of their proposed activity. The HMC will use the information provided to maintain a master schedule of HMA events. (See the previous section concerning the Harbor Management Commission.)