

WATERFORD HARBOR MANAGEMENT COMMISSION

March 15, 2013

Ms. Eleanor Mariani, Boating Law Administrator
Department of Energy and Environmental Protection
333 Ferry Road, P. O. Box 280
Old Lyme, CT 06371-0280

RE: WATERFORD'S AMENDED HARBOR MANAGEMENT PLAN

Dear Ms. Mariani:

The Waterford Harbor Management Commission revised the Town of Waterford's Waterways Regulations Ordinance, in accordance with the Department of Environmental Protection's suggestions dated June 12, 2007. The revised Waterways Regulations were sent to the D.E.P. on August 17, 2009. On September 25, 2009, the D.E.P. acknowledged that the current version of the Regulations contained all of the changes suggested in June 2007 and that the D.E.P. would recommend approval of these ordinances if passed in their current form. The D.E.P. reminded the Harbor Management Commission that once the ordinances are adopted, they must be submitted to the D.E.P. for final approval pursuant to CGS Section 15-136.

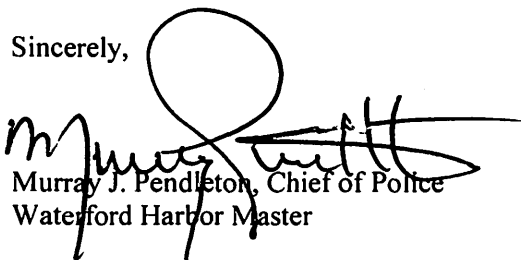
On May 7, 2012, the Waterford RTM approved the amended Waterways Regulations Ordinance and the amended Waterways Regulations were subsequently incorporated into the Waterford Harbor Management Plan. The amended Plan is now being transmitted to the Department of Energy and Environmental Protection (D.E.E.P.) for final approval prior to publication.

Please note that a "History" page (page 3) has been added to the Plan and the Preface (page 4) has been amended, neither of which affects the content of the Plan itself.

We anxiously await final D.E.E.P. approval of the amended Waterford Harbor Management Plan, after which we will proceed to make the Plan available to the public.

If you have any concerns or questions, please feel free to contact my office at (860) 442-9451 ext. 303.

Sincerely,



Murray J. Pendleton, Chief of Police
Waterford Harbor Master

cc: Waterford Harbor Management Commission
Daniel Steward, First Selectman

Murray J. Pendleton
Harbor Master
(860) 442-9451

Richard Miller
Deputy Harbor Master
(860) 447-3697

c/o Waterford Police Dept.
41 Avery Lane
Waterford, CT 06385

WATERFORD

HARBOR MANAGEMENT PLAN



Table of Contents

**THIS PLAN HAS BEEN REVISED TO INCLUDE THE AMENDED WATERWAYS REGULATIONS
THAT WERE ADOPTED BY THE RTM ON MAY 7, 2012**

	Page
History	3
Preface	4
Waterford Harbor Management Area	5
Coastal Area Setting	5
Jurisdiction	5
History	6
Land Use	6
Water Use	6
Authority	7
Harbor Management Issues and Goals: Town of Waterford	8
Policies and Recommendations: Town of Waterford	10
Water Use Plan	10
Harbor Administration	12
Ordinance for the Establishment of Rules and Regulations for the Management of the Town of Waterford Waterways	16
Preamble	16
2.82.100 Waterways Regulations	17
Article I General Provisions	17
Article II Harbor Regulations	18
Article III Regulations concerning Mooring, Anchoring, and Securing of Vessels	20
Article IV Definitions	23
APPENDICES	
Appendix A: Connecticut's Harbor Management Act	27
Appendix B: Minimum Mooring Tackle Specifications	32
Appendix C: Waterford Harbor Management Commission Enabling Ordinance	35
Appendix D: Water Use Plans	39
Appendix E: Thames River Restricted Zone	48

HISTORY

- 10/26/99 The Waterford Harbor Management Plan (the Plan) was originally published on October, 26, 1999, as a result of the efforts and dedication of the following Waterford Harbor Management Commission (HMC) members:
- G. Brian Vachris, Chairman; Richard Pendleton, Secretary; Robert Blinderman; Peter Brouwer; Brian Sullivan; David Lewis; Ward Alling; Michael Gorton, member and chairman from 1992 to 1994; John Hollis, member from 1992 to 1994 and secretary for 1994; Jerry Gorman, member from 1994 to 1996; Michael Kapp, member and chairman from 1994 to 1995; Bruce Kruszewski, member from 1996 to 1998; Peter Brouwer, member from 1992 to 1998; and Edwin Powell, member from 1992 to 1999. Note: Special thanks to David Kozak and Joan Hoelzel of the CT DEP for their time in reviewing, and their input into the writing of, this Plan.
- 03/31/00 The Connecticut Department of Environmental Protection (DEP) formally approved the Plan with its most recent amendments; these amendments were subsequently approved by the RTM on 04/03/00 and 06/05/00.
- 04/01/07 Waterford Harbor Master/Chief of Police Murray J. Pendleton discovered that the Waterways Regulations (Section 2.82.100 of the Waterford Code of Ordinances) had not been forwarded to the DEP after approval by the RTM in June of 2000.
- 04/12/07 The HMC voted to forward to the DEP for review and approval, in accordance with CGS Section 15-136, the Town of Waterford's Waterways Regulations as approved by the RTM on June 5, 2000. A letter and attachments were sent to the DEP on 04/16/07.
- 06/12/07 The DEP completed its review, provided comments, and suggested corrections to be incorporated into the Regulations. The HMC considered the DEP's recommendations and revised the Regulations accordingly.
- 08/17/09 The Revised Waterways Regulations were sent to the DEP.
- 09/25/09 The DEP acknowledged that the current version of the Regulations contained all of the changes requested by the DEP in June 2007 and that the DEP would recommend approval of these ordinances if passed in their current form. The DEP reminded the HMC that once the ordinances are adopted, they must be submitted to the DEP for final approval pursuant to CGS Section 15-136.
- 05/07/12 The RTM approved the amended waterways regulations ordinance.
- 03/15/12 The amended waterways regulations were incorporated into the Waterford Harbor Management Plan and the Plan was sent to the CT Department of Energy and Environmental Protection (DEEP) for final approval prior to publication.

PREFACE

The Waterford Harbor Management Plan (the Plan) was re-published on October 1, 2012, as a result of the efforts and dedication of the following Waterford Harbor Management Commission (HMC) members:

Robert Blinderman; Robert Dutton; James Hamsher; Eleanor Mariani; Philip Fine, member since 05/15/12; Carlton Saari; and Brian Sullivan, member until 03/01/10.

The Plan was prepared in accordance with the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and the Waterford Code of Ordinances which establishes the duties and responsibilities of the Waterford Harbor Management Commission (Commission).

The Plan provides for the important mechanisms by which to increase the Town's influence and control over its waterways. The Plan has been written to provide for stringent requirements, yet provides enough flexibility for certain case-by-case decisions by the Commission. The overall Plan allows for the attainment of goals as set forth by the Plan with a minimal amount of disruption to the overall use of the waterways.

The Plan, along with Town Ordinances, provides for more coordination among town, state and federal agencies responsible for the overseeing and care of the Town's waterways. The Plan also provides for more awareness by other Town agencies of the concerns of the overall harbor management area.

THE WATERFORD HARBOR MANAGEMENT AREA

Coastal Area Setting

The Town of Waterford is situated in the Southeastern part of Connecticut on the northern shore of Long Island Sound. The area has a rich history, much of which revolves around the waterfront and the Sound, which are some of the Town's most valuable natural resources. These resources vary from embayments, estuaries, beaches, rocky shorefronts, to wetlands, mudflats, and to river drainages, all of which provide for various uses of the water and shorelines in the Town.

Waterford is bordered on the north by the Town of Montville, on the east by Ledyard, Groton and New London, and on the west by the Town of East Lyme. The total area of the Town is approximately 34.4 square miles with a population currently near 18,850 which yields a density of about 550 people per square mile.

Jurisdiction

The jurisdiction of this Harbor Management Plan is:

The area of navigable waters below mean high water within the territorial limits of the Town of Waterford and bordered by the projection of the boundary line of neighboring municipalities delineated by but not limited to the following harbor areas;

- A. The easterly portion of the Niantic River and Bay as defined by the common boundaries between the Towns of Waterford and East Lyme extending south from the outlet of Oil Mill Brook including the area of Keeney Cove South of the Oswegatchie Road Bridge;
- B. North of a line extending from White Rock to Rapid Rock, easterly from the Waterford/East Lyme border to the Waterford/New London boundary, Cormorant Rock, including the area of Jordan Cove to the Jordan Mill Pond Dam and Alewife Cove to the Route 213 Bridge; and
- C. Thames River area north and west of a line extending from the boundaries between the City of New London and Waterford just south of Harrison's Landing running Northwest of the navigable channel to the Thames River to the boundary between the Towns of Montville and Waterford at Bartlett Point, including Smith Cove to the outlet of Hunts Brook.

This area is known as the Waterford Harbor Management Area. While this area is made up of varied aspects the two dominant features are the Niantic River and Bay and the Thames River, both of which serve many different activities.

The Niantic River varies in depth from 1 to 19 feet with a federally maintained navigational channel of 6 to 8 feet. The river reaches its maximum depth at the narrowest point at its northern reaches. It is shallowest and widest at its southern portion. The Thames River is dominated by a large zone restricted by the U. S. Navy (See Appendix E). A federally maintained channel has a project depth of 25 feet; however, the Waterford side of the river is characterized by depths of water that average 1 to 3 feet. The maintenance of the federal navigational channel in the Niantic River is the responsibility of the Army Corps of Engineers, however, the towns of Waterford and East Lyme have agreed to furnish upland dredge disposal sites if available and needed.

The remainder of the shorefront varies from mudflats, beaches, coves, and wetlands, to residences and other manmade structures. The area has many features and zones from commercial and residential to open spaces, with areas that are developed to areas that are maintained in their natural state.

History

The original commercial ventures in the Town of Waterford were the paper mills because of the easy access to timber and water energy sources. These ventures were operated in the Quaker Hill area in the vicinity of Hunts Brook. The area eventually supported many other water related activities such as fishing, shellfishing, whaling and shipbuilding. As was usually the case when a community developed, a grist mill was built at Jordan Cove.

The area also supported a rather large quarry industry near the water; the quarry at Millstone Point was one of the largest in the region. As times changed the quarry industry succumbed to progress and the Millstone Point quarry was replaced by one of the largest nuclear reactor facilities for the production of electrical power in the Northeast.

Land Use

The industrial and commercial uses of Waterford's shorefront are centered around the Niantic River and Bay area. The remainder of the waterfront area is mostly residential with some open spaces and some public areas for recreation. The Niantic River and Bay and the Thames River offer the greatest potential for development of further water dependent uses.

Because of the extensively developed nature of Waterford's waterfront, public access is limited. Acquisition of additional waterfront property for public use and the development of existing waterfront property for public use and enjoyment are desirable.

Historically, the development of the waterfront took place with little or no regard to coastal flooding and erosion. Structures such as seawalls and groins were typically employed to solve these problems. Because of the temporary and often detrimental effects of these structures, the Town of Waterford has pursued and is encouraging non-structural alternatives to flood and erosion problems consistent with the Connecticut Coastal Management Act.

Water Use

Waterford's waterfront areas contain a number of structures below mean high water including slips, public and private docks, groins and breakwaters.

The U. S. Army Corps of Engineers maintains the two federal navigation channels. Dredging has been performed as needed to maintain the channels. The disposal of the dredged material in the Thames River project is the responsibility of the United States. The disposal of the dredged material in the Niantic Harbor project is the joint responsibility of the Corps and the Towns of East Lyme and Waterford as determined by the Assurance accepted by the U. S. Army on behalf of the United States of America 29 April 1968.

There are moorings now located within the harbor areas. It appears that no one currently lives aboard any vessels within the Waterford Harbor Management Area, but this type of use is becoming commonplace elsewhere and it appears that such use could be anticipated in Waterford and will be monitored by the Harbor Management Commission.

Boating, swimming, water-skiing, jet skiing, fishing, shellfishing and lobstering are additional seasonal uses of the waters of Waterford. However, these uses occasionally conflict when they occur within the same general area.

Authority

Several federal, state and local agencies have authority over various activities in and adjacent to the waterfront areas. The agencies perform different, but often overlapping functions in the regulation of harbor activities. The key agencies with administrative control or interest in the Waterford waterfront areas include:

Federal Level

- U. S. Army Corps of Engineers
- U. S. Coast Guard
- U. S. Navy

State Level

- Department of Agriculture
 - Aquaculture Division

- Department of Energy and Environmental Protection
 - Bureau of Outdoor Recreation Boating Division/Law Enforcement
 - Bureau of Natural Resources Fisheries Division
 - Office of Long Island Sound Programs
 - Bureau of Water Management/Planning & Standards Division – Permit Enforcement & Remediation Division

- Department of Health Services

- Department of Transportation
 - Bureau of Waterways
 - Aviation & Port

Local Level

- Board of Selectmen
- Conservation Commission
- Economic Development Commission
- Fire Department
 - Flood and Erosion Control Board
 - Harbor Management Commission
 - Health Director/Health District
 - Parks and Recreation
- Planning and Zoning
- Police Department
- Representative Town Meeting
- Shellfish Commission
- Utility Commission (Water Pollution Control Authority)
 - Waterford-East Lyme Shellfish Commission
- Zoning Board of Appeals

Harbor Management Issues and Goals: Town of Waterford

1. Waterford's boating activity occurs along the Long Island Sound shoreline and in the numerous bays, coves and rivers. Boating, particularly vessels capable of navigating open water, emanates mostly from the Niantic River and Jordan Cove. Private Marinas and charter and commercial fishing operations line the eastern shore of the lower Niantic River around Mago point. A state launch area with parking for vehicles is located at Mago Point, and another one with parking for vehicles is located at Pleasure Beach on Jordan Cove. The development of a marina along Waterford's Thames River shoreline has been discussed and is in process. Limited small boating takes place in Alewife Cove. Many private residences along the east side of the Niantic River, on Jordan Cove, Smith Cove and other areas have their own docks and moorings.
 - a. Protected anchorage areas are extremely limited, especially for sea-going vessels. Permanent mooring areas are feasible only in the Niantic River, in Jordan Cove and on the Thames River, most of the rest of the shoreline being open and unprotected. Protected shellfish beds take up a great deal of space in the Niantic River. Other shoreline areas including Alewife Cove do not lend themselves to moorings. The intent of the Waterford Harbor Management Commission is to prevent unbridled proliferation of permanent moorings, especially commercial and multi-vessel moorings, that will cause congestion and adversely affect Waterford's water-dependent usage on the land side as well as the water side. The Commission recognizes waterfront residents' littoral and riparian rights and their traditional prerogative to anchor vessels on their own moorings in waters adjacent to their properties. Waterford to date has experienced very little in the way of problems associated with overuse.
 - b. It is the intent of the Commission to propose regulations regarding these limited existing boating facilities to encourage the most efficient utilization of the waterfront for the best benefit of the public, to maintain the status quo where appropriate, to help the Town prevent encroachment by non-boating interests, and to give highest priority and preference to water dependent uses in suitable waterfront locations. The Commission will regulate and distribution of mooring locations to ensure equitable, efficient and safe usage with special attention given to the protection of shellfish, fish and wildlife habitat and other environmental concerns. The Commission will investigate and pursue opportunities for the development of new areas and for improving existing areas for public access and use.
 - c. The Commission will encourage non-structural solutions to flood and erosion problems where feasible and where there are no environmentally satisfactory alternatives, to encourage minimally intrusive constructions along the shoreline.
 - d. The Commission will establish a Harbor Management Fund to be used in the administration and conduct of the Commission's business.
 - e. The Commission will strive to preserve the maritime character of the waterfront where possible and recommend against incursions of any type that tend to degrade the area's sensitive natural environment or destroy the pleasant ambiance of Waterford's shoreline that the Town presently enjoys.

2. Waterford's coves are subject to silting. Alewife Cove has recently been dredged, but it is again filling. Jordan cove and Smith Cove on the Thames River are experiencing similar problems. The Commission will monitor developing problems in this regard and advise the Flood and Erosion Control Board.
3. Federal channels are maintained in the Niantic and Thames Rivers. A major presence of the U. S. Navy and U. S. Coast Guard on the Thames River tends to reduce the Commission's responsibilities for that channel. The Niantic River channel, except for that portion located at the very mouth of the river, is a good distance from Waterford's shoreline. The Commission intends to monitor any structural encroachment – fish weirs, moorings, pilings, and so forth – and report such to the proper authorities, and work to discourage the dredging of new or expanded federal or local navigational channels, basins and anchorages unless critically necessary.
4. Many agencies, local state and federal, have responsibilities regarding the protection of wetlands, wildlife and fishing. In particular, Waterford has its own Shellfish Commission and participates in the Waterford-East Lyme Shellfish Commission which regulate the harvesting of oysters, clams and the internationally famous Niantic scallops. The Commission will provide what apropos information and advice it may have to support these agencies in the enforcement of their regulations.
5. Waterford has town owned beaches plus several other semi-private beaches, some of which are long standing and traditional swimming areas. In cases where these do not comply with the state buoying and other regulations, the commission will inform those responsible and aid them in compliance where possible.
6. The Commission sees a duty to enhance where possible water related recreational activities. However, in order to minimize potential conflict between competing activities, such as water-skiing, sailing, shellfishing, fishing, boating and swimming, the Commission will promulgate appropriate regulations to resolve conflicts between competing users in a manner which provides for the safe, orderly and efficient use of the water and waterfront by the public and provide the environment for a safe harbor and shore access for transient vessels.
7. The commercial and charter fishing businesses located in the Mago Point area of the Niantic River are significant and appropriate economic resources for the Town of Waterford. They are essentially self-regulating and self-enforcing with regard to state law and Town ordinances. They are well-run, long standing businesses, some of which date back to the early part of this century, and the Commission sees no need at present to change any regulation or to promulgate new ones regarding them.
8. The water quality of Waterford's shoreline, coves, bays and estuaries is subject to the ever present danger of pollution from accidental and purposeful discharges of waste, trash, debris and untreated sewerage. The Commission will advise the enactment of pertinent laws to prevent or minimize such pollution. The Commission will endeavor to define the waters of the Town of Waterford as a no-discharge zone and encourage the installation of pumpout facilities for vessels with toilets where possible.

The Commission will advise the Waterford Police Department to take action for the removal of derelict vessels which pose potential pollution or navigational hazards in accordance with section 15-9 of the General Statutes.

9. The Commission notes that some waterfront communities in Connecticut have experienced problems relating to so-called “liveaboards/houseboats” and recognizes Waterford’s susceptibility. Although nothing of the kind currently exists within its jurisdiction, the Commission will recommend ordinances regarding liveaboards or houseboats.
10. The Commission foresees the necessity of coordinating information and activities among the various agencies, commissions, departments and individuals with interests along the waterfront. Where it has expertise, the Commission will offer advice and assistance to departments such as police, fire, flood and erosion and the like. The Commission will also encourage adequate personnel to enforce pertinent regulations, and provide access to available resources (e.g. funds, information, and volunteer manpower) that support water development activities.
11. The Commission intends to work closely with the Long Island Sound Councils to carry out their long term goals and objectives for the improvement of the water quality of the Sound and the enhancement of uses for the Sound.

Policies and Recommendations: Town of Waterford

To implement the goals presented in the previous pages the following policies and recommendations are part of the Waterford Harbor Management Plan:

1. Waterford Water Use Plan

The Waterford Water Use Plan can be viewed in Appendix D and presents the Harbor Management Commission’s recommendations for conservation, development and use of Waterford’s waterways. In accordance with Section 22a-113n of the Harbor Management Act, all state and municipal regulatory decisions within the area of the Harbor Management Commission’s jurisdiction shall be consistent with this water use plan, unless contrary actions are supported by a “show cause” justification.

A. Preservation of Coastal Resources

The preservation and improvement of significant natural resources in Waterford is consistent with the Connecticut Coastal Management Act and the Waterford Municipal Coastal Program and is further supported by the Waterford Harbor Management Plan.

(1) Shellfish Resources

Significant shellfish concentration areas, as mapped by the Division of Aquaculture within the Department of Agriculture and refined through consultation with the Waterford Shellfish Commission, have been designated. The Harbor Management Commission should periodically consult with the Shellfish Commission and update the water use plans if changes become necessary. Shellfish plans are included with Appendix D.

Within designated shellfish resource areas, the following policies shall apply:

- (a) The cultivation, transplantation, harvest and general management of shellfish shall have priority over all other uses within designated shellfish resource areas. This should not, however, be construed to deny a riparian owner’s access to navigable waters as long as such access will not create a significant adverse impact to the shellfish habitat.

(b) New navigation channels, turning basins, fairways, berthing areas, mooring areas and anchorages shall not be dredged in designated shellfish concentration areas nor should any new structures such as docks, pilings, breakwaters, groins, or sea walls be placed in designated shellfish concentration areas unless it is demonstrated that the effected resource area has been permanently depleted or that no other feasible alternative exists and that any adverse impact to the shellfish resources are fully mitigated to the satisfaction of the Waterford and Waterford-East Lyme Shellfish Commissions.

(c) Moorings and anchoring are not prohibited in shellfish resource areas but the Harbor Master shall consult with the Waterford-East Lyme Shellfish Commission or the Waterford Shellfish Commission in the issuance of new mooring permits. Discharges are discouraged in shellfish areas.

(2) Tidal Wetlands, Intertidal Flats, Eel Grass and Other Submerged Aquatic Vegetation

Tidal wetlands and intertidal flats are to be construed as one of the Town of Waterford's greatest assets and the following policy shall apply:

(a) The priority use for tidal wetlands and intertidal flats is preservation, limited uses and structures may receive regulatory approval if the resource impacts are minimal, no feasible alternatives exist and the use is of utmost importance to the well being of the community.

(b) The ecological values of intertidal resources for habitat, breeding, nutrient productivity, storm water retention and pollution control are well established and as such the use of these areas should be discouraged except in extreme cases of importance. This habitat is a non-renewable resource and the eel grass is of utmost importance in the production, growth and survival of the Niantic Bay scallop larvae.

B. Structures

To ensure the orderly, safe, and efficient use of designated mooring areas, anchorages, fairways and other navigational areas, the following policies shall apply to new applications:

- (1) There shall be a fifteen (15) foot setback of all new structures from any designated channel, turning basin, fairway, mooring area, or anchorage in the Niantic River and Bay area and a fifty (50) foot setback from the Thames River federal channel. Existing structures which extend into the setback area may be subject to periodic removal, if required, for maintenance dredging.
- (2) No vessels at a dock permitted after the adoption of this plan shall extend into the limits of the channel, fairway, turning basin, mooring or anchorage setbacks, as delineated on the water use plan.
- (3) There shall be a ten (10) foot setback of new structures from property line extensions into navigable waters where practicable. This should not, however, be construed to deny a riparian owner's access to navigable waters. Setback requirements may be waived if some legitimate coastal and/or harbor management objective such as resource preservation is furthered.

C. Special Regulations

To resolve identified conflicts between harbor uses and to promote public safety, the following policies are incorporated into the water use plan:

- (1) To prohibit swimming in all designated channels and fairways as delineated on the water use plan and encourage the same to take place in designated swimming areas only.
- (2) To maintain unobstructed channels and fairways to promote safe passage of vessels.
- (3) To encourage water-skiing, swimming and boating in designated areas where safety permits.

D. Public Access

Consistent with the Connecticut Coastal Management Act and the Waterford Coastal Program, public access to Waterford waters should be preserved and improved together with all proposed waterfront use and development. Accordingly, the following policies shall apply:

- (1) No proposed structures or uses shall restrict existing public access.
- (2) Plans reviewed by the Harbor Management Commission in accordance with Section 22a-113p of the Harbor Management Act shall be examined for potential impacts to existing or needed public access. The provisions of additional public access in conjunction with proposed plans is encouraged and will be viewed favorably by the Harbor Management Commission.

2. Harbor Administration

In order to meet its stated objectives, it is recommended that the Commission function within an administrative framework regulated by municipal ordinances contained in Chapter 2.82 of the Town of Waterford Ordinances and enforced by the harbor master or his designee. The harbor management plan proposes the following administrative framework:

A. Review of Local Plans

In accordance with the provisions of Section 22a-113p of the Harbor Management Act and Section 2.82.010 of an Ordinance Creating a Harbor Management Commission, the following local boards and commissions must notify the Harbor Management Commission of any and all pending proposals for real property in, on, or contiguous to Waterford waterways under the jurisdiction of the Harbor Management Commission as set out in Section 2.82.060 of the Waterford Ordinance:

- (1) The Planning and Zoning Commission
- (2) The Zoning Board of Appeals
- (3) Shellfish Commission
- (4) Flood and Erosion Control Board
- (5) Utility Commission (Water Pollution Control Authority)
- (6) Building Board of Appeals

The Commission will establish a procedure to receive proper notification in conformance with Section 22a-113p of the Harbor Management Act and plans will be reviewed at regularly scheduled meetings of the Harbor Management Commission. All meetings shall be open to the public. The Commission shall determine the consistency of any such proposal with the harbor management plan. Upon receipt of a finding of inconsistency by the Commission, the primary reviewing agency (e.g., Planning and Zoning Commission) may approve a project, but a two-third majority vote is required to do so.

B. Establishment of a Harbor Management Fund

In accordance with Sections 22a-113s of the Connecticut General Statutes, the Town of Waterford shall establish, by ordinance, a harbor management fund to provide for the costs associated with administering the harbor management plan. The ordinance shall specify terms of the fund, sources of revenue, and permitted expenditures.

C. Harbor Master

The Commission shall nominate three names to the Governor for recommendation to the office of Harbor Master, who shall be appointed by the Governor, in accordance with section 15-1 of the General Statutes. The Commission shall nominate those with an appropriate marine background, which may include but is not limited to United States Naval, Coast Guard, or Merchant Marine experience, ten years of recreational boating experience in the local waters of the town, five years experience in commercial fishing or commercial recreational boating, or five years of work experience in any appropriate regulatory, scientific or engineering field related to marine waters. All nominees shall possess either a safe boating certificate issued by the Commissioner of Environmental Protection or a United States Coast Guard vessel operator license as required of boat operators by section 15-140e of the General Statutes.

In addition to existing powers and duties, the Waterford Harbor Master shall assume the following duties in accordance with Sections 22a-113k, 22a-113r, and 22a-113s of the Harbor Management Act:

- (1) Act as a non-voting, ex-officio member of the Harbor Management Commission.
- (2) Issue permits for all moorings.
- (3) Keep records of the location of all moorings, users and vessels within the designated mooring areas.
- (4) Prepare and make available a current waiting list for mooring permits, if demand is greater than the number of moorings available in any given year.
- (5) Collect mooring permit fees annually for deposit into the harbor management fund.
- (6) Enforce any ordinance or provisions of the harbor management plan.

D. Mooring Administration

In order to provide for the proper administration of the moorings in the town of Waterford, it is provided that:

- (1) All moorings are to be located according to approved and designated locations. The harbor master or his/her deputy shall have the right to inspect moorings before placement, and issue an annual permit after determining that a mooring has been properly located and qualified.

- (2) Mooring permits must be renewed annually. An annual fee shall be collected by the harbor master prior to the issuance of a mooring permit. The fee shall be posted in the office of the town clerk.
- (3) New applications for available mooring locations shall be allocated on a first-come, first-served basis, with due regard for the right of access of riparian owners. See paragraph (i). First preference shall be extended to those with existing moorings in approved and designated mooring areas. A minimum of ten percent (10%) of all mooring areas will be reserved for transient anchorage, subject to adjustments dictated by local demand. Every effort will be made by the harbor master to accommodate specific needs due to draft, beam, length, and available access from the shore. However, it should be noted that one-hundred percent (100%) of the designated mooring areas may not be available in any given year as a result of unusual shoaling. The harbor master may revise this allocation as necessary in such instances. A permit holder shall have priority rights to the same mooring each year if renewed by March 31st following the permit year.
- (4) In accordance with Section 22a-113r of the Connecticut General Statutes, the harbor master will keep records of users, vessels, and locations of each mooring. The harbor master shall keep a current waiting list available for public inspection, if necessary.
- (5) Private mooring permits are issued to an individual permittee for his/her personal use and may not be leased, sold, or transferred, except in limited circumstances.
- (6) Minimum mooring tackle is required to avoid mooring failure. Mooring buoys shall comply with all requirements of the United States Coast Guard, including those listed in Title 33 as § 62.35, § 66.10-45 in the code of Federal Regulations. Additional requirements are described in Appendix B.
- (7) Mooring permits shall be issued only for those designated mooring areas which will not adversely affect the coastal resources protected by this plan.
- (8) Issuance of mooring permits may be influenced by location of household and commercial fishing status.

E. Transient Anchorage Use

To ensure the equitable and efficient use of the transient anchorage areas (See Appendix D for areas), the following policies shall apply:

- (1) Vessels anchoring in the area adjacent to any boat launch ramp within the town shall not restrict access of ramp users or marina users to the channel.
- (2) The transient anchorage adjacent to any boat launch ramp within the town is designated for short term use only. Vessels may remain anchored in this area for a period not to exceed three consecutive days.
- (3) Vessels in all designated transient areas shall be anchored securely and properly. A transient anchorage area is located in the middle of the lower Niantic River.

- (4) Operators of transient vessels may go ashore during the three days, but may not leave the Waterford area without first notifying the Waterford harbor master.

F. Boating, Safety and Traffic

To ensure the safe and efficient movement of vessels in Waterford, it is recommended that a series of rules and regulations be enacted by ordinance to:

- (1) Limit vessel speed and wake to protect other vessels, persons and structures as well as the shoreline from erosive wave action.
- (2) To enforce regulations and provisions of the water use plan to ensure proper uses of the waters.
- (3) Provide the means for enforcement of all municipal, state and federal regulations and laws pertaining to any water vessel to prevent harm to persons, structures and other vessels.

G. Town Facilities

To ensure the safe and efficient use of town-owned water facilities, it is recommended that rules and regulations be enacted by ordinance to regulate the use of any town boat launch ramps, landing areas and transient anchorage areas.

H. The Use of Vessels as Abodes

The use of berthed, anchored, or moored vessels or structures as seasonal or permanent residences (as distinguished from short-term use of a vessel for sleeping quarters) or other non-water-dependent uses should be closely monitored. The non-water-dependent use of vessels or structures is not an appropriate use of public trust waters and may preclude recreational and commercial vessels from utilizing slips and other water areas.

Short-term use of a berthed, anchored or moored vessel for living quarters should be consistent with all town, state, and federal regulations that address vessel registration, navigation, anchoring, lighting, and other pertinent concerns, and with the availability of land-based support facilities and utilities, including sewage disposal facilities.

I. Mooring Application Priority for Shorefront Property Owners

The owner of shorefront property may apply to place a mooring for his/her private use within the closest mooring area in immediate proximity to his/her property. In the event of the existence of a mooring application waiting list, this application shall take precedence over other applications for permits within such mooring area. A limit of one private mooring per shorefront property will be permitted within established mooring areas. Applications for shorefront property moorings shall be reviewed with due regard for the suitability of the mooring area to accommodate the property owner's vessel.

Priority for issuing mooring permits shall be given only to those shorefront property owners utilizing the mooring as the preferred means of exercising a riparian or littoral right, thereby securing access to navigable waters. Property owners who already exercise a riparian or littoral right in some other fashion (i.e., private dock) are still eligible to apply for a mooring within a mooring area; however, those applications will be added to the existing waiting list in order of their receipt and will not be afforded the priority status outlined above.

Ordinance for the Establishment of Rules and Regulations for the Management of the Town of Waterford Waterways

Preamble

WHEREAS, the Town of Waterford has established a harbor management commission and prepared a harbor management plan pursuant to the requirements of Sections 22a-113k through 22a-113s of the Connecticut General Statutes and other related legislation, and

WHEREAS, the Town of Waterford desires to manage its waterways resources effectively and plan for the most desirable use of the waterways for conservation, recreation, and development, and

WHEREAS, the Town of Waterford supports the use of rules, regulations, and enforcement policies as the most effective and responsible means to ensure that the policies and recommendations of the harbor management plan are implemented,

THEREFORE, the Representative Town Meeting hereby enacts the rules, regulations, and enforcement policies for the management of the waterways of Waterford as hereinafter set forth. The effective date of this ordinance shall be October 1, 1999.

2.82.100 Waterways Regulations
(amended and adopted by the RTM on 05/07/12)

ARTICLE I
General Provisions

Section 1. Applicability

The provisions of the ordinance codified in this section and any rules and regulations adopted pursuant to this section shall be applicable, and shall govern the use of waters and facilities under the jurisdiction of the harbor management commission pursuant to the Town of Waterford harbor management plan. The harbor management commission may from time to time amend the rules and regulations of this section.

Section 2. Invalidity of Provisions

Should any provision or provisions of this section be held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been determined.

Section 3. Authorities

- a. The harbor master, or deputy, if appointed, shall have the authority to carry out harbor management directives and will act in coordination with the Waterford Police Marine Division, Connecticut Department of Energy and Environmental Protection, and other law enforcement agencies as necessary and appropriate to achieve effective enforcement of State and local boating laws and regulations on waters under the Town of Waterford's control. The harbor master's responsibility in this regard shall be carried out in a manner consistent with all applicable federal, state and local laws, statutes, regulations and ordinances including but not limited to Section 15-154 of the Connecticut General Statutes
- b. The harbor management commission shall review and may make recommendations regarding all applications for permits or approvals for all floats, structures, and other marine facilities within waters and land under its jurisdiction.
- c. With respect to subparagraph (a), please note that, according to a decision by the Attorney General's Office, only Police Officer Standardized Training (POST) certified harbor masters may enforce boating laws. Therefore, harbor masters have no law enforcement powers unless they are POST-certified police officers. Accordingly, unless the Waterford harbor master is POST-certified, the harbor master may not enforce boating laws.

Section 4. Violations

Any violation of this section shall be a municipal infraction and is punishable by a fine for each offense per Section 15-133 of the General Statutes. Fines levied under the provisions of this section shall be collected and deposited into the Waterford harbor management fund. Nothing in this subsection shall preclude the imposition of a greater penalty as provided for under federal statutes or the laws of the state of Connecticut.

Section 5. Harbor Management Fund

A harbor management fund is created to receive and expend money for harbor management purposes determined by the harbor management commission. All revenues generated by (a) mooring permits; (b) fines levied under the provisions of this section; and (c) the state boating registration fee returned to the town shall be deposited into this fund. Funds shall be disbursed for purposes directly associated with the management of harbors and implementation of the Waterford harbor management plan. Money from this fund may be allocated to the harbor master or his deputy, if appointed, for the purpose of enforcing the provisions of the Waterford harbor management plan and/or the Harbor Management Ordinance. The harbor management fund shall be established, budgeted, and administered in a manner consistent with the town charter.

Section 6. Water Use Plan Map

Proposed uses, structures, and activities within the harbor shall be consistent with the adopted water use plan maps. The water use plan maps may be amended by the harbor management commission in accordance with the procedure for harbor management plan modifications in the Connecticut Harbor Management Act. (See maps in Appendix D.)

ARTICLE II Harbor Regulations

Section 1. Liability

The Town of Waterford harbor management commission, commissioners, and harbor master shall not by adoption or administration of this section assume any risk of personal injury and damage or loss to property on account of accident, fire, theft, vandalism, storm or acts of God.

Section 2. Vessel Speed

Vessel speed shall be strictly enforced in accordance with the provisions of Section 15-16 of the Connecticut General Statutes on that portion of the Thames River within the Town of Waterford. On the Thames River, no vessel when operated within two hundred feet of a dock, pier or wharf shall move at a speed greater than six miles per hour or at a speed that causes more than a minimal wake, whichever speed is less. In Alewife Cove vessel speed shall be restricted to six miles per hour. Vessel speed in all Waterford waterways shall be strictly enforced by state or local police.

Section 3. Obstruction of Channels, Fairways, and Berthing Space

- a. No vessel shall be moored, anchored or berthed so as to interfere with the free and unobstructed use of channels, fairways or berthing spaces per Section 15-133 of the General Statutes.
- b. No fixed commercial fishing gear shall be permitted in channels or fairways in accordance with DEEP Regulation 26-142a-3a(d).

Section 4. Swimming Areas

- a. Swimming is allowed in designated swimming areas as established by DEEP permit as long as the area is maintained as required. Swimming is prohibited in all designated channels and fairways.

- b. Vessel operation in and around swim areas permitted by the DEEP is regulated by Section 15-121-B12 of the Regulations of Connecticut State Agencies.

Section 5. Water-skiing

Water-skiing is permitted in certain designated open water areas only, as delineated by the water use plan.

Section 6. Discharge of Refuse

The provisions of Connecticut General Statutes Section 22a-250, inclusive, shall be strictly enforced with respect to discharge of refuse.

Section 7. Sewage

The discharge of any sewage, whether treated or not, into the waters within an area designated by the EPA as a no discharge area is prohibited from all vessels.

Section 8. Lost and Found Property

The finder of lost property within the harbor shall deliver or report its identity and location to the Waterford police department.

Section 9. Launch Service Signal

A "T" flag or radio is recommended. No person shall use an audible signal to call a launch, except when fog obstructs vision to the shore.

Section 10. Signs: Erection/Maintenance

The harbor master may place and maintain, or cause to be placed and maintained, either on land or water, signs, notices, signals, buoys or control devices in accordance with DEEP regulations established by the Commissioner of Environmental Protection and in accordance with federal statutes and regulations to carry out the provisions of this section or to secure public safety and the orderly and efficient use of a harbor or marine facility.

Section 11. Abandoned Vessels

When a vessel has been abandoned in the harbor, the harbor master may take custody and control of such vessel in accordance with Connecticut General Statutes Sections 15-11a and 15-140c and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given.(See Connecticut General Statutes Sections 15-8a and 15-9.)

Section 12. Mooring or Berthing

A person having charge of any vessel shall not make it fast or secure it to any dock, jetty, breakwater, bulkhead, wharf, pier, or mooring without the owner's permission to do so except in an emergency, in which case such person shall immediately report the emergency to the 911 operator and thereafter act in accordance with instructions.

Section 13. Unseaworthy Vessels Prohibited in Waterways

A person shall not moor or berth or permit to be moored or berthed in the waters of the town under jurisdiction of the harbor management commission a vessel which is unseaworthy, in a badly deteriorated condition and which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency.

Section 14. Fees Incidental to Recovery, Movement and Storage

Charges may be imposed by the harbor master for recovery and/or movement of vessels whenever a vessel is moved, impounded or held as a result of violations of this section.

Section 15. Noise Abatement

No person shall operate, occupy or leave a vessel in such manner as to constitute an audible nuisance. This prohibition includes, but is not limited to, operating a motor boat without an adequate muffler as provided under Connecticut General Statutes Section 15-129, loud and/or offensive language or behavior, and playing radios, musical instruments or other noise producing devices so loudly as to constitute a nuisance. No person shall leave a vessel without securing all halyards and other noise-producing objects in such a manner as will effectively prevent the production of noise under all reasonable foreseeable conditions.

Section 16. Open Water Area

There shall be no moorings or anchorages in any area so designated. Furthermore, there shall be no structural encroachments that would limit the use of these areas. Some uses may be prohibited in certain areas.

Section 17. Liveaboards/Houseboats

The use of vessels in the Waterford harbor management area as permanent or long-term abodes is specifically prohibited. Sleeping aboard vessels is allowed as a secondary use to the vessel's principal commercial or recreational use. Temporary exceptions to this regulation for unusual circumstances may be allowed at the discretion of the harbor master.

ARTICLE III

Regulations Concerning Mooring, Anchoring, and Securing of Vessels

Section 1. Placement of Moorings

It shall be prohibited to place any mooring in the waters of Waterford under the jurisdiction of the harbor management commission without a permit from the harbor master. No vessel moored or anchored shall extend beyond the mooring area into any designated channels, fairways, turning basins, or transient anchorages. Unpermitted moorings may be removed by the harbor master subject to the following: owner thereof shall be notified if possible; if not possible, equipment shall be treated as lost items.

Section 2. Mooring Records

- a. The harbor master shall maintain a record of each mooring, its location, and owner's name, home address and business address, telephone number, date mooring was set, and name, length, draft registration or documentation number, and type of boat to be attached thereto.
- b. The harbor master shall maintain in a public place a waiting list for mooring locations and assignment of mooring space which shall be updated periodically.

Section 3. Allocation of Mooring Locations

- a. The Harbor Management Commission shall establish and post in a public place a mooring allocation procedure and priority list.

- b. As provided in Section 2 (B) above, available moorings shall be offered to the senior applicant on the mooring list, subject to the constraints contained in these rules and regulations. If the available mooring location is not suitable to accommodate the senior applicant's vessel or specific needs, it shall be offered to the next qualified applicant on the waiting list. The senior applicant shall retain his/her place on the waiting list in this case. The harbor master shall continue efforts to provide a suitable mooring location for the senior applicant. If the senior applicant refuses a mooring location which is suitable for his/her vessel in the opinion of the harbor master, that person shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring facilities, lists of applicants will be maintained according to the length and draft of the vessels. These lists will be available for public inspection during regular office hours at the office of the town clerk. There shall be no preference granted for residency and any area maintained by the Army Corps of Engineers will be available to all on an equal basis as well.
- c. Commercial moorings are to be allocated the same as any other mooring and the maximum size vessel that may be moored on any commercial mooring shall be specified on the permit for that particular mooring. As demand requires, up to seventy-five percent of the moorings in any commercial mooring area shall be made available to private individuals who do not have shorefront property or shorefront property adjacent to water that is suitable for mooring a vessel. The operators of any commercial moorings shall be required to provide proof of sufficient upland support facilities (e.g., parking facilities, sanitary facilities, shuttle/dingy service, etc.) needed to service the moorings. Any new commercial mooring areas require permits from the Connecticut Department of Environmental Protection and the Army Corps of Engineers.
- d. The shorefront property owners shall have the right, upon application to the harbor master, for a mooring permit for one mooring location for their own use within close proximity of their property. In the allocation of mooring locations, owners of existing moorings shall be deemed the senior applicant for the nearest designated mooring location, if the existing mooring owner is not the shorefront property owner.
- e. Mooring locations may be transferred upon proper application within immediate family members: parents, children, or siblings. No other transfers are permitted.

Section 4. Original Application for Mooring Permit

Any interested person, persons or corporation may apply for a mooring permit by completing in full the application provided for that purpose. In the case of a corporation, association, or other group, however organized, disclosure of the principals of the corporation and evidence of corporate organization may be required by producing current articles of incorporation and a letter of good standing or similar instrument registered with the state of Connecticut evidencing current registration.

Section 5. Mooring Permits, Duration and Renewal

Mooring permits are valid for a period not to exceed one year. All mooring permits shall expire on December 31st of the year designated, and should be renewed by January 31st of the following year. A grace period lasting until the last day of March is allowed, after which any applications received for renewal permit will be treated in the same manner as original applications.

Section 6. Mooring Application Fees

All applications for registration or renewal shall be accompanied by a fee in such amount as may from time to time be established by the Harbor Management Commission and approved by the Waterford Representative Town Meeting. All application and renewal fees shall be nonrefundable unless an application is denied or an applicant is placed on a waiting list. In the case of applications for newly created mooring space, the fee shall not be due until such time as the harbor master shall assign such a mooring space and the applicant shall accept the same. These fees shall be deposited in the Harbor Management Fund as established for the maintenance and improvement of the harbor pursuant to Connecticut General Statutes Section 22a-113s.

Section 7. Mooring Location

Permits granted for moorings shall be consistent with all provision of the adopted water use plan. Mooring within any grid area shall be required to conform in location to the grid established by the harbor management commission. Moorings in other areas may be assigned by the harbor master with due consideration to vessel size, draft, water conditions, and other relevant factors including coastal resource protection. No permit shall be granted for areas prohibited by this section.

Section 8. Vessel Berthing Space Registration

Owners of berthing space shall cooperate with the Harbor Management Commission to obtain an inventory of berthing space to insure safe harbor management.

Section 9. Transient Anchorage

Space for transient anchorage designated in areas on the water use plan is available on a first-come, first-served basis. These areas are reserved for the exclusive short-term use of commercial and recreational vessels. Accordingly, the following regulations apply to the use and users of designated transient anchorages:

- a. Vessels may remain at the transient anchorage areas for a period not to exceed three consecutive days except in cases of special circumstances and after notification and approval of the harbor master.
- b. Vessels shall be anchored securely and properly.
- c. Vessels may be left unattended up to twenty-four hours. The vessel's operator shall not leave the immediate area without first notifying the harbor master and providing a shipkeeper for the vessel.

Section 10. Secure Berthing, Mooring and Anchoring of Vessels

All vessels anchored, moored or berthed within the jurisdiction of the Harbor Management Commission shall be tied, moored, anchored, or otherwise secured

with proper care and equipment as required to prevent breakaway or damage to vessels or property. It shall be the responsibility of the owner of the vessel, and where applicable, marine facility operator, to ensure that the vessel is properly secured and to provide for periodic inspection, maintenance, and replacement of such equipment at reasonable intervals as determined by the harbor master. (See Connecticut General Statutes Section 15-8.)

Section 11. Mooring Specifications and Inspection

The Harbor Management Commission shall provide specifications for mooring tackle and procedures for periodic inspection of the tackle. The color and shape of mooring buoys shall comply with the requirements of section 15-121-A3 of the Regulations of Connecticut State Agencies.

Section 12. Storm Precautions

Owners may and should, without penalty, add reasonable scope, weights, or extra anchors in anticipation of storm conditions. Prompt return to usual mooring provisions shall be effected within seven days (7) after such storm.

Section 13. Commercial Moorings

Commercial moorings are limited to designated commercial mooring areas as delineated on the water use maps and charts and the permittee is required to be a waterfront landowner whose land borders the commercial mooring area. (See Appendix D.)

Section 14. Mooring of Vessels

No more than one vessel may be moored on any one mooring whether the mooring be private or commercial in nature.

ARTICLE IV

Definitions

"Anchoring" means to secure a vessel temporarily to the bottom of a water body by dropping an anchor or anchors or other ground tackle from a vessel.

"Berth" means berthing space for a single vessel alongside a pier, finger float, or other structure.

"Channel" means any water areas officially marked and maintained to permit unobstructed movements of vessels.

"Commercial mooring" means any mooring that is used for a vessel not owned by the person who is the permittee for that mooring when the permittee receives consideration for its use and the permittee is not an immediate family member of the user--parent, grandparent, child or sibling.

"Commercial vessel" means any vessel used or engaged for any type of commercial venture.

"Distress" means a state of disability or a present or obviously imminent danger which if unduly prolonged could endanger life or property.

"Emergency" means a state of imminent or proximate danger to life or property in which time is of the essence.

"Fairway" means any locally designated and/or maintained water areas reserved for unobstructed movement of vessels.

"Harbor" means a part of a body of water protected and deep enough to furnish anchorage.

"Harbor facility" means any area or structure providing private or public access to the water.

"Harbor Management Act" means the legislation contained in the State of Connecticut General Statutes, Section 22a-113k through 113t, and as may be amended.

"Harbor management commission" means the local municipal commission established under and carrying out the responsibilities authorized by the Connecticut Harbor Management Act.

"Harbor master" means an official appointed in accordance with the Connecticut General Statutes.

"Liveaboards/houseboats" means a vessel whose main purpose is to provide living quarters and is not a vessel whose main purpose is to navigate waterways.

"Marine facilities" means any and all facilities of a harbor either publicly or privately owned affecting the use and operations of vessels located within the area of jurisdiction.

"Moor" means to secure a vessel to a mooring.

"Mooring" means a place where vessels are secured at the bottom of a water body by mooring tackle for long term use.

"Mooring buoy" marks a mooring.

"Mooring tackle" means the hardware and cordage used to secure a vessel at a mooring.

"Open water" means an area reserved and designated on the water use plan where moorings and structures will be restricted to preserve the area for navigation, natural resources, and public recreational purposes.

"Public area" means all areas of any harbor except those areas under specific lease to private persons or firms, or owned privately.

"Shore" means that part of the land in immediate contact with a body of water, including the area between high and low water lines.

Shall and May. "Shall" is mandatory; "may" is permissive.

"State" means the state of Connecticut.

"Structure" means docks, piers, pilings, breakwaters, groins, and seawalls.

"Transient anchorage" means any area reserved and designated on the water use plan for the exclusive short term use of commercial and recreational vessels.

"Underway" means the condition of a vessel not at anchor, without moorings, and not made fast to the shore or ground.

"Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. (R.T.M. 6-5-00; R.T.M. 8-2-99)

WATERFORD HARBOR MANAGEMENT PLAN

APPENDICES

APPENDIX A

Connecticut's Harbor Management Act

CHAPTER 444a*

HARBOR MANAGEMENT COMMISSIONS

*See chapter 263 (Sec. 15-1 et seq.) re harbors and rivers.

Table of Contents

[Sec. 22a-113k. Harbor management commissions.](#)

[Sec. 22a-113l. Powers.](#)

[Sec. 22a-113m. Harbor management plan. Approval.](#)

[Sec. 22a-113n. Content of plan.](#)

[Sec. 22a-113o. Factors considered in preparation of plan.](#)

[Sec. 22a-113p. Action on applications to municipal agencies referred to commission.](#)

[Sec. 22a-113q. Request for general permit and delegation of enforcement authority.](#)

[Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan.](#)

[Sec. 22a-113s. Permit fee.](#)

[Sec. 22a-113t. Model harbor management.](#)

Sec. 22a-113k. Harbor management commissions. (a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance one or more harbor management commissions or may designate any existing board, commission, council, committee or other agency as a harbor management commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of any harbor management commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of a commission and shall set forth the number of members of a commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Notwithstanding the provisions of the general statutes or any special act, if an existing municipal waterfront authority, municipal shellfish commission or municipal port authority is designated as a harbor management commission, the municipality may by ordinance increase the membership of such authority, commission or agency and may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board.

(c) Any two or more municipalities whose common boundaries lie within navigable waters as defined in subsection (b) of section 15-3a may by concurrent ordinances of their legislative bodies establish one or more harbor management commissions. Each such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a). Any municipality that is a member of a commission may, by vote of its legislative body, elect to withdraw from a commission. (P.A. 84-247, S. 1; P.A. 88-336, S. 3, 5; P.A. 90-269, S. 5, 8.) History: P.A. 88-336 inserted new Subsec. (b) concerning membership of existing authorities designated as commissions and relettered former Subsec. (b) as Subsec. (c); P.A. 90-269 authorized a municipality to have one or more harbor management commissions. Statutory

scheme demonstrates state did not intend to fully occupy field of regulating conduct waterward of the mean high water mark because it expressly delegated responsibility of regulation to harbor management commissions it created. 93 CA 314.

Sec. 22a-113l. Powers. Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-113t, inclusive. Any municipality may appropriate funds to such commission. (P.A. 84-247, S. 2.) History: (Revisor's note: In 1993 an incorrect internal reference to Sec. "22a-113t" was changed editorially by the Revisors to Sec. "22a-113l").

Sec. 22a-113m. Harbor management plan. Approval. The commission, in consultation with the Commissioners of Environmental Protection and Transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-112, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the Commissioners of Environmental Protection and Transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the Commissioners of Environmental Protection and Transportation.

(P.A. 84-247, S. 3.)

Sec. 22a-113n. Content of plan. (a) The plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to, provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the Commissioner of Environmental Protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the Commissioner of Environmental Protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this section shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring

development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken. (P.A. 84-247, S. 4; P.A. 95-218, S. 9, 24.) History: P.A. 95-218 amended Subsec. (b) to replace a reference to "subsection" with a reference to "section". When city has established a harbor management commission which has enacted a harbor management plan, the terms of that plan are binding on commissioner when he issues a permit to construct docks. 93 CA 314.

Sec. 22a-113o. Factors considered in preparation of plan. In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as defined in section 22a-93. (P.A. 84-247, S. 5.)

Sec. 22a-113p. Action on applications to municipal agencies referred to commission. The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal. (P.A. 84-247, S. 6.)

Sec. 22a-113q. Request for general permit and delegation of enforcement authority. Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a. (P.A. 84-247, S. 7.)

Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan. Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or

deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan. (P.A. 84-247, S. 8.) See Secs. 15-1 and 15-7 re duties of harbor masters.

Sec. 22a-113s. Permit fee. The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be two hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master. (P.A. 84-247, S. 9; P.A. 94-108, S. 3.) History: P.A. 94-108 increased the maximum mooring fee from one hundred to two hundred dollars.

Sec. 22a-113t. Model harbor management. Not more than six months after October 1, 1984, the Commissioner of Environmental Protection in consultation with the Commissioner of Transportation shall prepare a model harbor management plan. (P.A. 84-247, S. 10.)

APPENDIX B

Minimum Mooring Tackle Specifications

Introduction

Utilization of proper tackle is necessary to secure vessels adequately at their moorings. Storms, wind, waves, tides, currents and wash must be considered when selecting appropriate mooring tackle. Each person mooring a vessel in the Waterford Harbor Management Area is responsible for any damage to their own vessel or to any other vessel or property that may be caused by their vessel. The Harbor Management Commission recommends minimum standards for tackle to secure vessels adequately in the Harbor Management Area, but these standards are advisory only, and the Town of Waterford assumes no liability for personal injury or property damage which may result from the utilization of any mooring tackle which meet or exceed these recommendations.

The Harbor Management Commission will periodically review and update the recommended minimum standards for mooring tackle. These recommended minimum standards will be provided to each person applying for a mooring permit. It must be remembered, however, that no standards can ensure adequate vessel security under all conditions, particularly severe coastal storm conditions with associated wind and wave hazards.

Minimum Recommended Standards for All Moorings

1. Mooring tackle should meet the following minimum standards:

Boat Length (Feet)	Mushroom Anchor (Pounds)	Bottom Chain (Inches)	Top Chain (Inches)	Nylon/Dacron Line (Inches)
Under 16	75	3/8	5/16	1/2
16-19	150	3/8	5/16	1/2
20-22	200	1/2	5/16	5/8
23-25	250	1/2	5/16	5/8
26-30	300	5/8	3/8	3/4
31-35	400	5/8	3/8	3/4
36-40	500	3/4	1/2	7/8
41-50	600	3/4	1/2	1
51-65	750	1	1/2	1-1/4

2. Only Mushroom anchors should be used on permanent moorings.
3. The maximum length of the pennant should be two and one-half (2-1/2) times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
4. All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
5. The total scope of the chain should be no less than two and one-half (2-1/2) times the depth of the water at high tide at the location of the mooring unless the Harbormaster approves a lesser length based on a finding that special physical conditions exist which make such length unnecessary. The bottom and top chains should each consist of approximately fifty percent (50%) of the scope.

6. All shackles, swivels and other hardware used in the mooring hook-up should be proportional in size to the chain used.
7. All shackles should be properly sized.
8. It is recommended that the pennant be spliced or shackled into the bitter end of the top chain below the permanent buoy so the strain is not carried by the buoy. A second pennant and anchor meeting the minimum specifications should be used in heavy weather.
9. The pick-up or permanent buoy should be of a type and size to be determined by the Harbor Management Commission and should be marked in accordance with standards provided by the Harbormaster.

APPENDIX C

Waterford Harbor Management Commission

Enabling Ordinance

Chapter 2.82

HARBOR MANAGEMENT COMMISSION

Sections:

2.82.010 Established.

2.82.020 Composition.

2.82.030 Membership term.

2.82.040 Vacancies, removals.

2.82.050 Officers, records, reports.

2.82.060 Jurisdiction.

2.82.070 Powers.

2.82.080 Harbor management commission powers, duties and responsibilities.

2.82.090 Referral of proposals submitted to other municipal agencies.

2.82.010 Established.

In order to protect Waterford's marine-historic resources and sensitive natural resource areas found along its harbor and in near-shore coastal waters; to provide greater public opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all harbor users; to allocate land and water resources in an economically and environmentally sound manner, there is established and created a harbor management commission pursuant to the Waterford Town Charter and Connecticut General Statutes 22a-113k. The harbor management commission is established for the purposes of developing, adopting and implementing a harbor management plan for the most equitable management of the competing uses in the harbor and adjacent coastal waters. (R.T.M. 12-2-91, Attachment D (part))

2.82.020 Composition.

The harbor management commission shall consist of seven regular members and two alternate members who must be electors and residents of the Town of Waterford. These members shall be appointed by the board of selectmen. If a regular member of said commission is absent, or if he is disqualified, the chairman of the commission shall designate an alternate to act for the absent or disqualified member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If an alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. The harbor master and a member of the board of selectmen shall serve as ex officio members of the harbor management commission without vote. (R.T.M. 4-1-96 (part); R.T.M. 12-2-91, Attachment D (part))

2.82.030 Membership term.

Initially, the board of selectmen shall appoint members as prescribed above as follows: two members for one year, two members to serve for two years and three members to serve for three years. Thereafter, the terms shall be three years. The board of selectmen shall appoint alternate members to the harbor management commission as follows: initially one alternate shall be appointed for one year and another for three years. Thereafter, the terms shall be three years. Members and alternates of the harbor management commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of official duties. (R.T.M. 4-1-96 (part); R.T.M. 12-2-91, Attachment D (part))

2.82.040 Vacancies, removals.

Any vacancy in the membership of the harbor management commission shall be filled for the unexpired term of such member by the board of selectmen not inconsistent with Section 2.82.020, Composition, and Section 2.82.030, Membership term, of this code. A harbor

management commission member or alternate can be removed by the board of selectmen for good cause upon the request of the harbor management commission. Failure to attend four consecutive meetings without good reason shall constitute good cause for removal. (R.T.M. 4-1-96 (part); R.T.M. 12-2-91, Attachment D (part))

2.82.050 Officers, records, reports.

The members of the harbor management commission shall elect a chairman and secretary annually from its members. The harbor management commission may form committees to address specific duties of the harbor management commission. It shall keep records of its meetings and activities and shall make an annual report to the board of finance in accordance with Section 2.24.020 of this code. (R.T.M. 12-2-91, Attachment D (part))

2.82.060 Jurisdiction.

The harbor management commission shall have jurisdiction within the area of navigable waters below mean high water within the territorial limits of the Town of Waterford and bordered by the projection of the boundary line of neighboring municipalities delineated by but not limited to the following harbor areas:

- A. The easterly portion of the Niantic River and Bay as defined by the common boundaries between the Town of Waterford and East Lyme extending south from the outlet of Oil Mill Brook including the area of Keeney Cove south of the Oswegatchie Road bridge.
- B. North of a line extending from White Rock to Rapid Rock, easterly from the Waterford/East Lyme border to the Waterford/New London boundary, Cormorant Rock, including the area of Jordan Cove to the Jordan Mill Pond Dam and Alewife Cove to the Connecticut Route 213 bridge.
- C. Thames River area north and west of a line extending from the boundaries between the City of New London and Waterford just south of Harrison's Landing running northwest of the navigable channel of the Thames River to the boundary between the Towns of Montville and Waterford at Bartlett Point, including Smith Cove to the outlet of Hunts Brook. (R.T.M. 12-2-91, Attachment D (part))

2.82.070 Powers.

Pursuant to Connecticut General Statutes 22a-113l, the harbor management commission is authorized to enter into contracts, employ consultants and other assistants, and receive and expend funds for equipment, supplies and staff to carry out the purposes of Section 2.82.010 and CGS 22a-113k to 22a-133t, inclusive. (R.T.M. 12-2-91, Attachment D (part))

2.82.080 Harbor management commission powers, duties and responsibilities.

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. The harbor management commission may hire staff and consultants for the preparation of a plan and to assist with any subsequent powers, duties and responsibilities pursuant to the plan. Upon adoption of the plan, the harbor management commission shall provide for the annual review of the harbor management plan 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. In addition, the harbor management commission may exercise any of the following powers, duties and responsibilities:

- A. To recommend ordinances for adoption by the representative town meeting which implement the harbor management plan and which may specify fines for violation of those ordinances, in accordance with Section 22a-113m of the Connecticut General Statutes;
- B. To assist the harbor master in the assignment of moorings, the management of mooring and anchorage areas, and the collection of mooring fees after a local mooring fee system is established by ordinance;
- C. To prepare an operating budget for the harbor management commission using funds from sources which may include, but are not limited to, local appropriations, mooring fees, violation fines, or a harbor management fund established by town ordinance;
- D. To assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area;
- E. To review and make recommendations on proposed land and water use activities contiguous to the waterfront and within the waters delineated in Section 2.82.060, Jurisdiction, of this chapter that are received for review by other municipal agencies in accordance with the procedure described in Section 2.82.090 of this chapter;
- F. To review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for an activity taking place within the harbor management commission's jurisdiction as described in Section 2.82.060, Jurisdiction, of this chapter, and to respond in a timely fashion with recommendations to the regulating agencies;
- G. To conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Town of Waterford waters and to present to the board of selectmen proposals for the harbor's efficient operation; and
- H. To request, when appropriate, a general permit from the United States Army Corps of Engineers and/or delegation of state enforcement authority pursuant to Section 22a-2a of the Connecticut General Statutes. (R.T.M. 12-2-91, Attachment D (part))

2.82.090 Referral of proposals submitted to other municipal agencies.

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, on any proposal affecting the real property on, in or contiguous to the harbor submitted to the planning and zoning commission, zoning board of appeals, flood and erosion control board, water pollution control authority and shellfish commission(s). The harbor management commission shall be notified in writing of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or, where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The respective municipal agency shall send a copy of the application/proposal to the harbor management commission upon request.

The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the harbor management commission. A two-thirds vote of all the members of the agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the harbor management commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, approve or modify and approve the proposal. Failure of the harbor management commission to submit a recommendation on or before the date of the hearing or action on such a proposal shall be deemed an approval. (R.T.M. 12-2-91, Attachment D (part))

APPENDIX D

Water Use Plans

Upper Niantic River

Waterford Town Boundary

Town boundary is generally considered to be the centerline of the Niantic River

- Open Water (Water Skiing Permitted)
- Open Water (Water Skiing NOT Permitted)
- Residential Docks, Beaches, Moorings. (Subject to approval)

This Map to be Used for Display Purposes Only



Lower Niantic River

Waterford Town Boundary

Town boundary is generally considered to be the centerline of the Niantic River

 Federal Navigation Channel
(Water Skiing NOT Permitted)

 Swimming Area

 Open Water
(Water Skiing Permitted)

 Open Water
(Water Skiing NOT Permitted)

 Residential Docks, Beaches, Moorings.
(Subject to approval)

 Commercial Docks, Moorings
(Subject to approval)

 Transient Anchorage

Niantic River Road

Rope Ferry Road

State Boat Launch

WATERFORD



This Map to be Used for Display Purposes Only

Millstone Point

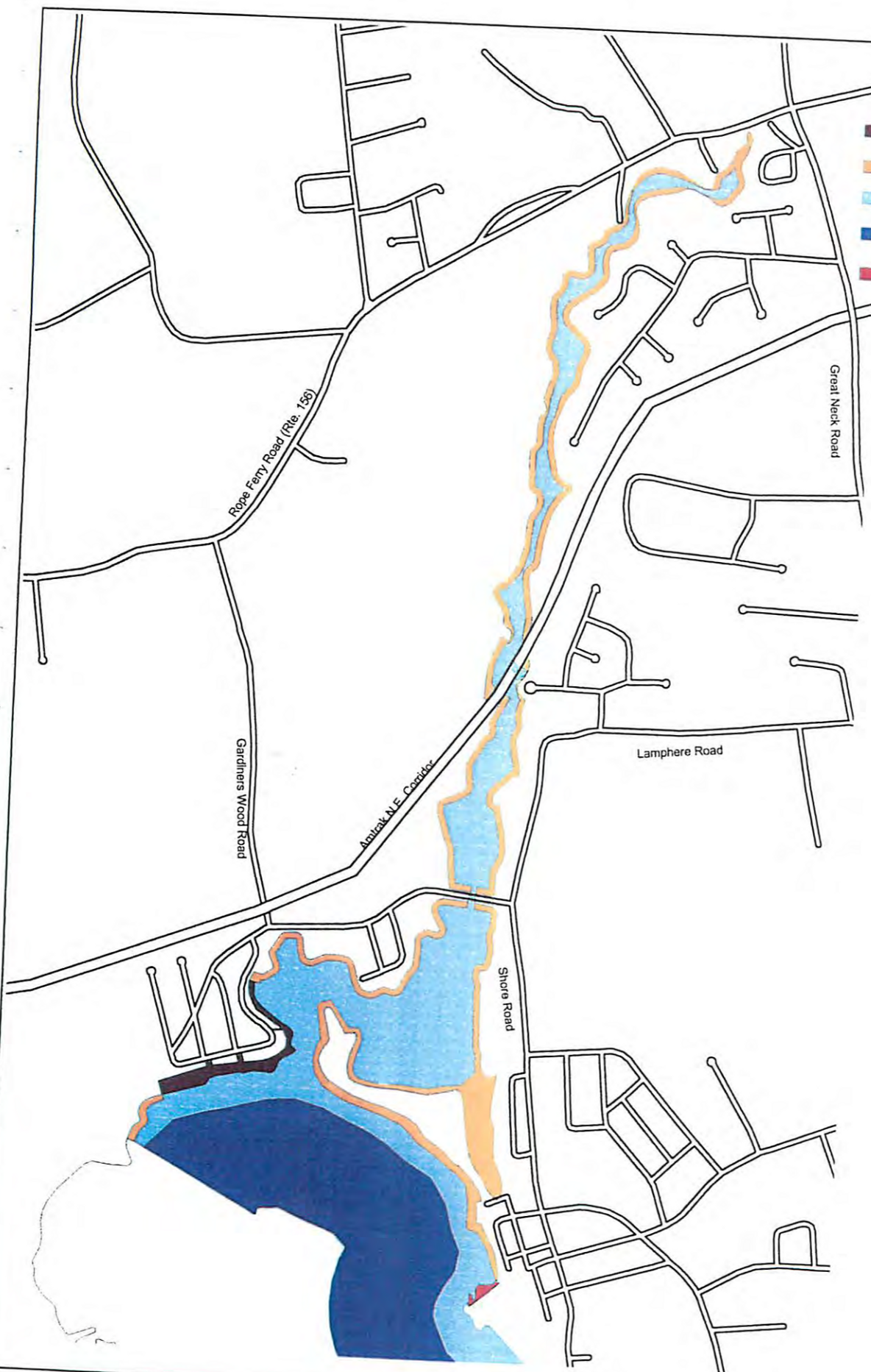
- Utility Docks, Beaches, Moorings
(Subject to approval)
- Residential Docks, Beaches, Moorings
(Subject to approval)



This Map to be Used for Display Purposes Only

Jordan Cove

- Private Community Docks, Beaches, Moorings (Subject to approval)
- Residential Docks, Beaches, Moorings (Subject to approval)
- Open Water (Water Skiing NOT Permitted)
- Open Water (Water Skiing Permitted)
- State Boat Launch



This Map to be Used for Display Purposes Only

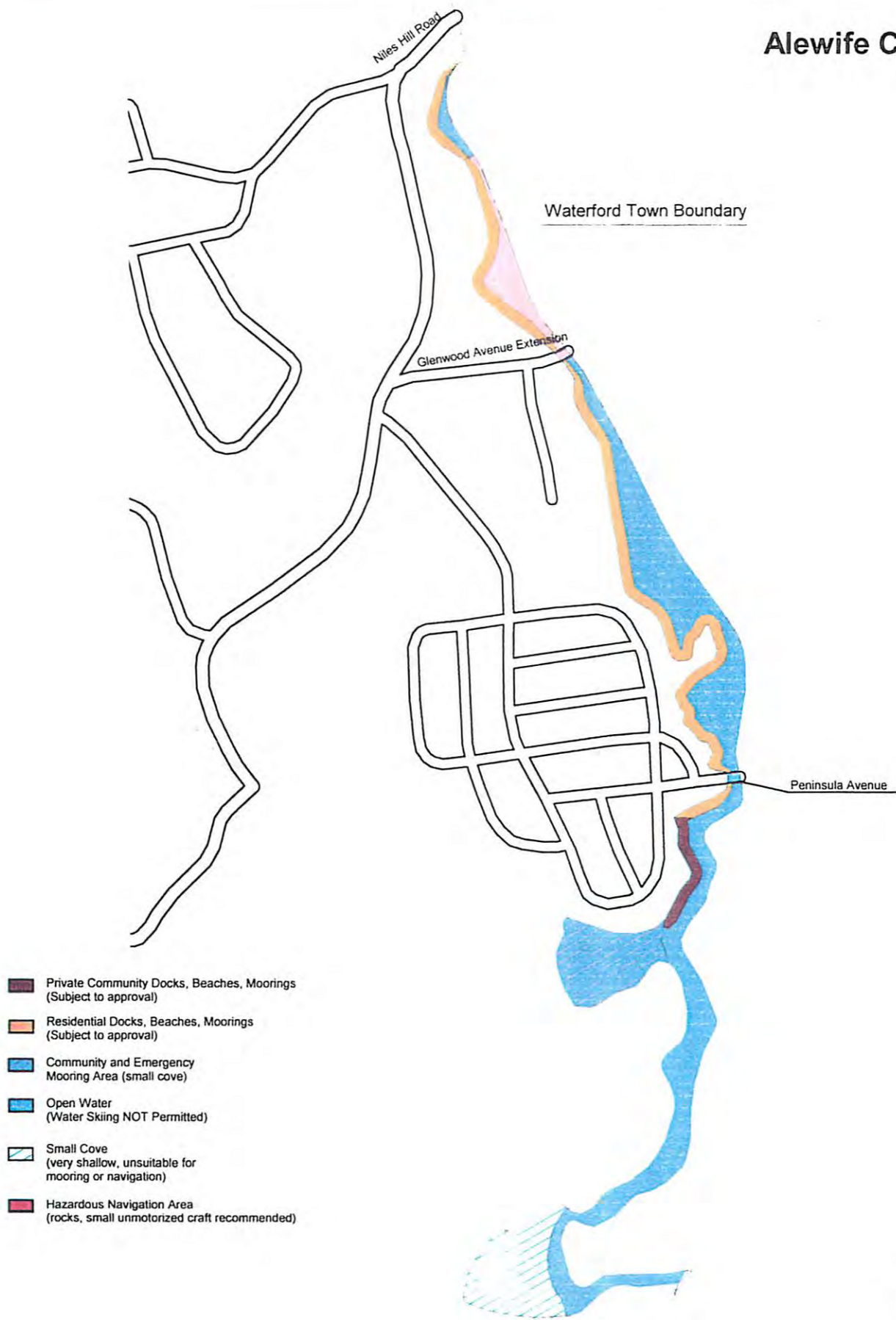


Long Island Sound Shorefront



This Map to be Used for Display Purposes Only

Alewwife Cove



This Map to be Used for Display Purposes Only



Upper Thames River



This Map to be Used for Display Purposes Only

Smith Cove

- Open Water
(Water Skiing Permitted)
- Open Water
(Water Skiing NOT Permitted)
- Federal Navigation Channel
(Water Skiing Not Permitted)
- U.S. Naval Restricted Zone
(Ref. 33CFR334.75)
- Commercial Docks, Moorings
(Subject to approval)
- Residential/Commercial
Docks, Beaches, Moorings
(Subject to approval)
- Residential Docks, Beaches,
Moorings
(Subject to approval)

Waterford Town Boundary
Town boundary is generally
considered to be the centerline
of the Federal Navigation Channel

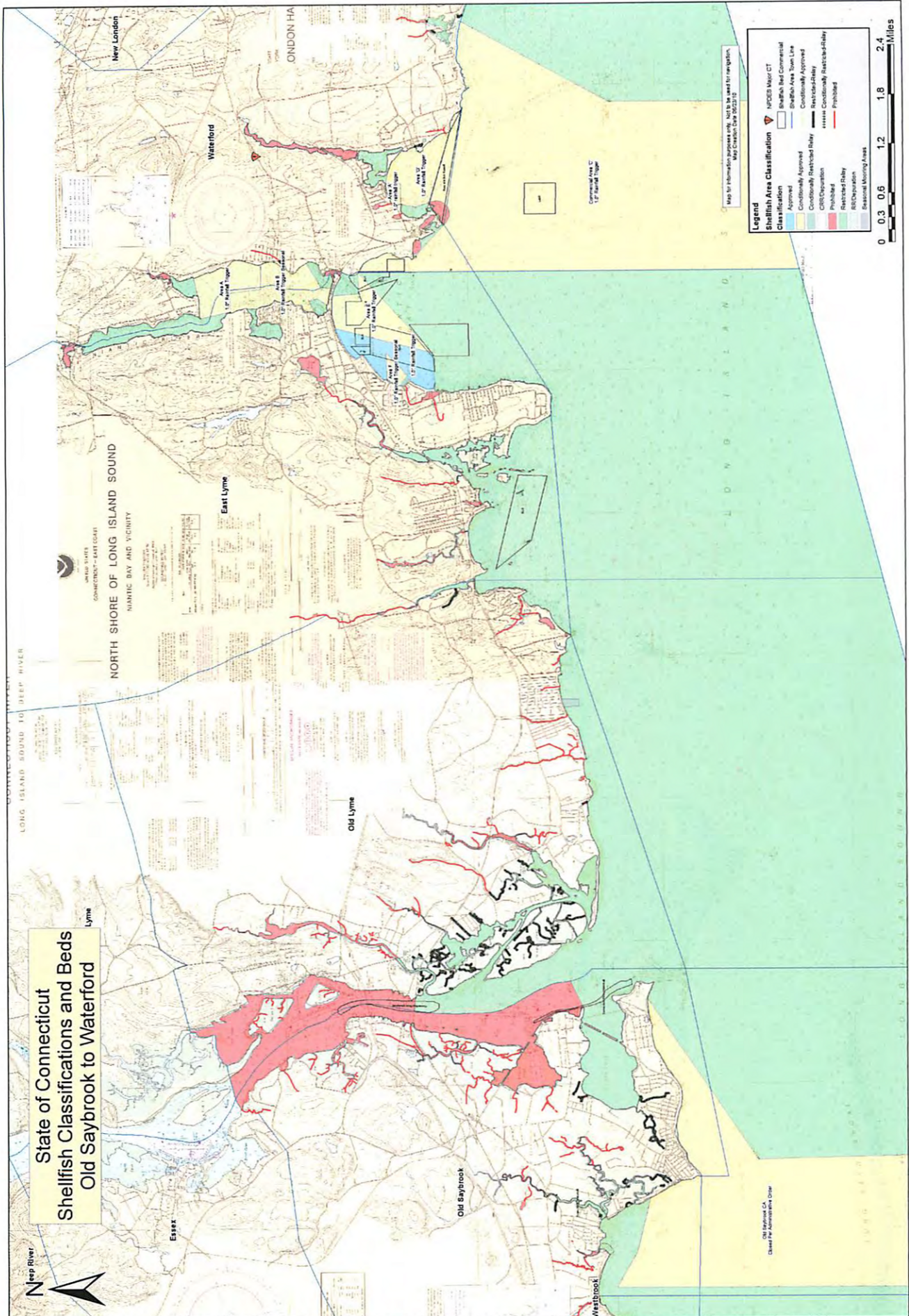
WATERFORD



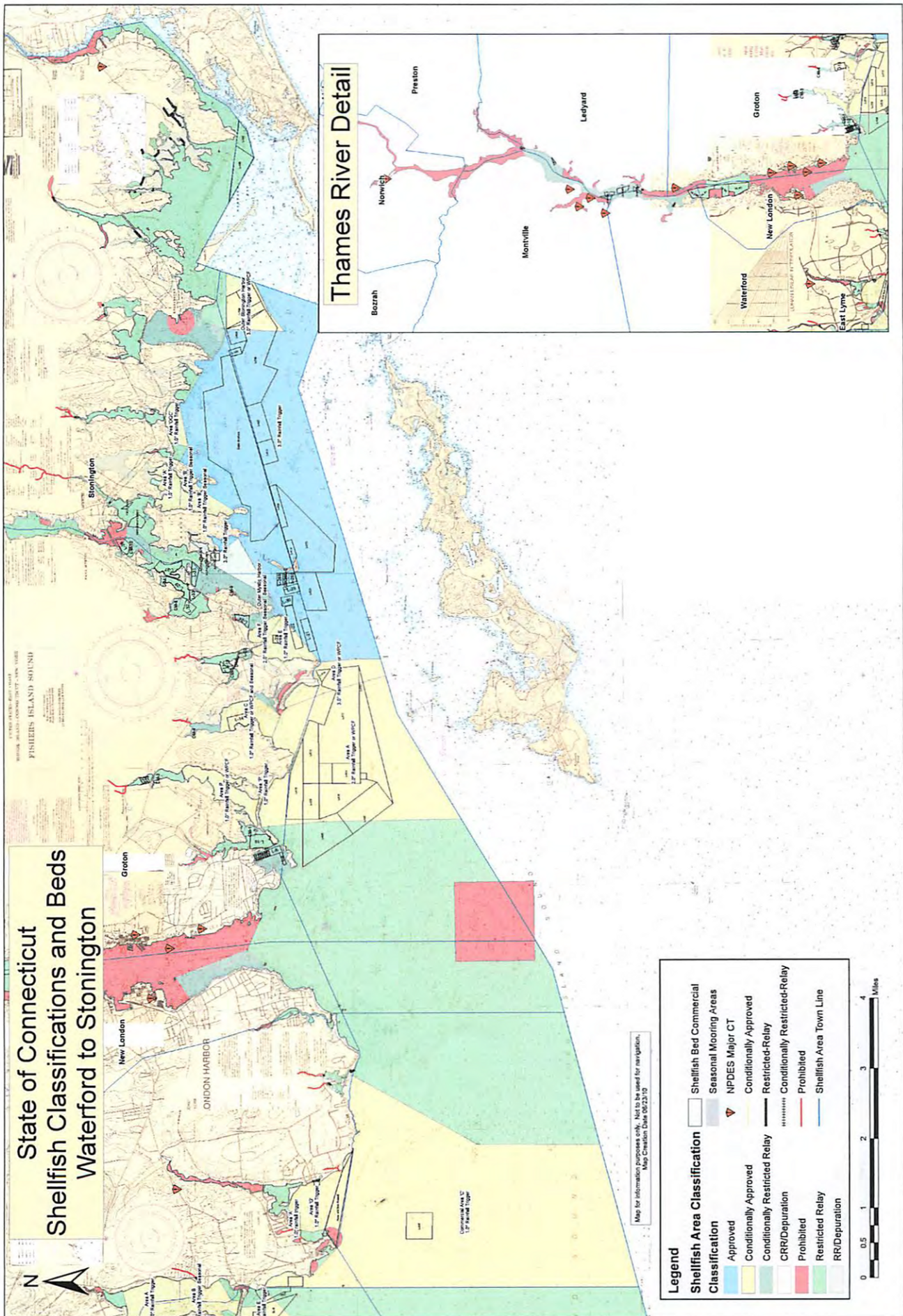
G I S



This Map to be Used for Display Purposes Only



Shellfish Area Classification information may be viewed electronically on the Aquaculture section of the CT Department of Agriculture web page located at www.ct.gov/doag



Shellfish Area Classification information may be viewed electronically on the Aquaculture section of the CT Department of Agriculture web page located at www.ct.gov/doag

APPENDIX E

Thames River Restricted Zone

From

Code of Federal Regulations

Title 33

Navigation and Navigable Waters

Chapter II

Corps of Engineers, Department of the Army

Part 334

Danger Zone and Restricted Area Regulations

Section 334.75

Thames River, Naval Submarine Base New London, Restricted Area

Restricted Zone Regulations for the Thames River

334.75 Thames River, Naval Submarine Base New London, restricted area.

(a) The area:

The open waters of the Thames River approximately 5 nautical miles upriver from its mouth along the boundary between Groton and Waterford, Connecticut, within an area bounded as follows:

From a point on the eastern shore at latitude 41°24'14.4" N, longitude 72°05'38.0"W, then northerly along the coast to latitude 41°24'20.0"N, longitude 72°05'37.9"W, then westerly across the river to a point on the western shore at latitude 41°24'20.0"N, longitude 72°05'55.5"W, then southerly along the coast to a point on the western shore at latitude 41°24'05.0"N, longitude 72°05'55.7"W, then easterly to the western edge of the dredged channel to a point located at latitude 41°24'04.1"N, longitude 72°05'51.2"W, then southerly along the western edge of the dredged channel to a point located at latitude 41°24'00.0"N, longitude 72°05'52.6"W, then southerly along the western edge of the dredged channel to a point located at latitude 41°23'57.1"N, longitude 72°05'52.5"W, then southerly to buoy "11" located at a point at latitude 41°23'45.6"N, longitude 72°05'53.7"W, then southerly to buoy "B" on the northeastern shore of Mamacoke Hill to a point at latitude 41°23'33.8"N, longitude 72°05'53.7"W, then southerly along the shore to buoy "A" at latitude 41°23'25.0"N, longitude 72°05'45.4"W, then southeasterly to buoy "9" at a point located at latitude 41°23'15.0"N, longitude 72°05'35.0"W, then easterly to a point on the eastern shore at latitude 41°23'15.0"N, longitude 72°05'17.9"W, then northerly along the shore to a point on the eastern shore at latitude 41°23'15.8"N, longitude 72°05'17.9"W, then along the following points:

41°23'15.8"N	72°05'22.0"W
41°23'25.9"N	72°05'29.9"W
41°23'33.8"N	72°05'34.7"W
41°23'37.0"N	72°05'38.0"W
41°23'41.0"N	72°05'40.3"W
41°23'47.2"N	72°05'42.3"W
41°23'53.8"N	72°05'43.7"W
41°23'59.8"N	72°05'43.0"W
41°24'12.4"N	72°05'43.2"W

Then to the point of beginning on the eastern shore.

(b) The regulations:

- (1) Vessels and other watercraft within the designated navigation channel may proceed through the restricted area at normal operating speed without stopping. Vessels and watercraft may also utilize the water within the restricted area located between the western edge of the designated channel and the western shore for fishing, anchoring and other recreational uses. However, all persons, vessels and watercraft, except U. S. Military personnel and vessels, must leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operation or security.
- (2) Commercial fishermen and shell fishermen may fish within the restricted area providing their vessels display registration numbers issued by the Naval Submarine Base, New London, Connecticut. The registration numbers may be obtained by contacting the Commanding Officer, Naval Submarine Base New London. All commercial fishermen and shell fishermen must also leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operations or security.
- (3) Vessels which are owned, operated or sponsored by local, state municipalities or academic institutions preparing for or participating in a water sport or water related recreational event sponsored by those local or state municipalities or academic institutions, or private or commercial vessels engaged in observing the conduct of the above event shall be exempt from the restrictions above, providing:
 - (i) The Commanding Officer, Naval Submarine Base New London, and the Coast Guard Captain of the Port are advised in writing at least 48 hours in advance of the event, or
 - (ii) The event was publicized in such a manner that the local public in general had a reasonable opportunity to learn of the event 48 hours in advance.
- (4) The regulations in this section shall be enforced by the Commander, U. S. Naval Submarine Base, New London, Connecticut, and such agencies as he/she may designate.

[53 FR 47802, Nov. 28, 1988, as amended at 54 FR 7033, Feb. 16, 1989; 62 FR 17552, Apr. 10, 1997]