



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD License Application Form C

Check Application Type:

- ☒ **Structures, Dredging & Fill (SDF)**
☐ **Structures, Dredging & Fill & Tidal Wetlands (TW)**
☐ **Structures, Dredging & Fill & Section 401 Water Quality Certificate (WQC)**
☐ **Structures, Dredging & Fill; TW; Section 401 WQC**
☐ **Section 401 Water Quality Certificate (Tidal Waters, Federal Agency Activity only)**

All sections of the LWRD application, when applicable, must be posted to the DEEP LWRD FTP site as instructed on Part VII of the LWRD Transmittal Form. See LWRD Application Instructions for general guidance.

Application Number (as assigned in CPPU e-mail):

Applicant Name (same name used on Part III of the LWRD Transmittal Form): **Mark Sperry**

Part I: Pre-Submission Consultations

The application process requires preliminary coordination and input from other agencies/groups depending on the activity and the location. Consultations with other agencies must occur prior to application submission. Please allow 6-8 weeks for the necessary coordination. For this application, the applicant should start with these consultations, as applicable (See Part VI for further guidance).

Attachments:

- | | | | |
|----|-------------------|----|------------------------------|
| 20 | NDDB | 24 | Bureau of Aquaculture |
| 21 | Wildlife- osprey | 25 | Harbor Management Commission |
| 22 | Dredging Projects | 26 | Shellfish Commission |
| 23 | Fisheries | 27 | USACE |

Part II: Notifications

1. PUBLIC NOTICE OF APPLICATION – Attachment 1

One notice for any combination of these programs is acceptable. Please refer to the *Public Notice Requirements for Permit Applications* (DEEP-INST-005A). The public notice of application must be published prior to submitting an application, as required in CGS section 22a-6g. Refer to the LWRD Application Instructions for public notice language. A copy of the published notice of application and the completed Certification of Notice Form (DEEP-APP-005A) must be included as Attachment 1 to this application. Your application will not be processed if Attachment 1 is not included.

2. ADJACENT PARCEL OWNER NOTIFICATION – Attachment 3

(REQUIRED for Structures, Dredging and Fill & Tidal Wetland applications only)

The "Certification of Notice Form - Notice of Application" (Attachment 3) has to be mailed to any land owner of record for any property that is located five hundred (500) feet or less from the property line where the activity is proposed. See Part VI for further guidance.

3. MUNICIPAL NOTIFICATION OF TIDAL WETLAND APPLICATION – Attachment 4

(REQUIRED for Tidal Wetland applications only)

The applicant shall mail or e-mail a copy of the application to the chief administrative officer and the chairmen of the conservation and shellfish commissions. See Part VI for further guidance.

Part III: Site and Resource Information

1. SITE ADDRESS

Street: **21 Oswegatchie Rd.**

City/Town: **Waterford**

State: **CT**

Zip Code: **06385**

2. MUNICIPAL ZONING

Is the proposed work consistent with municipal zoning requirements?

☒ Yes ☐ No If no, explain:

3. WATERBODY/WATERCOURSES/WETLANDS

List names of all waters impacted by the proposed activity: **Niantic River**

4. INDIAN LANDS

Is the activity that is the subject of this application located on federally recognized Indian lands? ☐ Yes ☒ No

5. AQUIFER PROTECTION AREAS

Is the site located within a mapped Level A or Level B Aquifer Protection Area, as defined in CGS section 22a-354a through 22a-354bb?

☐ Yes ☒ No If yes, check one: ☐ Level A or ☐ Level B

If Level A, are any of the regulated activities, as defined in RCSA section 22a-354i-1(34), conducted on this site? ☐ Yes ☐ No

If yes, and your business is **not** already registered with the Aquifer Protection Program, contact the aquifer protection agent or DEEP to take appropriate action. For more information on the Aquifer Protection Area Program, contact the program at 860-424-3019 or visit the website at www.ct.gov/deep/aquiferprotection. See LWRD Application Instructions for further guidance.

6. CONSERVATION OR PRESERVATION RESTRICTIONS

Will the activity which is the subject of this application be located within a conservation or preservation restriction area? ☐ Yes ☒ No

If yes, provide proof of written notice of this application to the holder of such restriction, and/or or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction, as Attachment 8.

7. LICENSE HISTORY

Indicate the number and date of issuance of any previous state permits or certificates issued by DEEP or USACE which authorized work at the site, and the names to whom they were issued.

<i>License/Permit/COP Authorization Number and Name of Agency</i>	<i>Date Issued</i>	<i>Name of Permittee/ Certificate Holder</i>	<i>Brief Description of Work Authorized</i>
202015003-COP	2-2-20	Mark Spery	Stone wall retention
202015007-LISGP	2-2-20	Mark Spery	New GP 4/40 Dock Facility

Part III: Site and Resource Information (continued)

8. SOIL AND/OR GROUNDWATER REMEDIATION

Does the site work include soil and/or groundwater remediation? ☐ Yes ☒ No

If yes, please provide reference documentation including a) plan views of the site showing the area of contamination and b) a summary of remediation with chemical analysis, clean-up status, and remediation program identification, as Attachment 9.

9. ENFORCEMENT HISTORY

Is this application associated with a formal or informal enforcement action that is pending with DEEP?

☒ Yes ☐ No

If yes, please provide the enforcement action reference number and name of the DEEP staff contact:

Enforcement Action #: **LID-2001-008-V**

DEEP Division/Program: **OSLIP**

DEEP Staff Contact: **Kevin Zawoy**

If the property was the subject of any historical enforcement actions known to the applicant, explain:

The original wall started on the south side years ago is now at the upper intertidal zone and DEEP's jurisdiction the Notice of Non Compliance has been closed.

10. Regulatory Limit – See Reference Guide for Regulatory Jurisdiction for further explanation if necessary. Indicate the landward extent of the State's regulatory jurisdiction by checking one box:

☒ **Coastal Jurisdiction Line (CJL)**– for CJL information, refer to the Coastal Jurisdiction Fact Sheet and Chart.

☐ **Mean High Water (MHW)** – for projects located upstream of a tide gate, dam or weir (structure must be shown on project plans).

☐ **Tidal Wetland Boundary** – To be used if tidal wetlands are located landward of CJL or MHW. Include one foot above local extreme high water, if applicable.

11. Tidal Elevations

Provide site elevations for CJL, MHW, Mean Low Water (MLW) and the High Tide Line (HTL)* in NAVD88. For general elevation reference and conversion, please refer to USACE Tidal Flood Profiles; CO-OPS Map - NOAA Tides & Currents; or, Online VDatum: Vertical Datums Transformation

CJL = **2.0** MHW = **0.6** MLW = **-1.6** HTL = **1.8**

*The HTL is necessary for USACE jurisdiction and required as part of the USACE application.

Part III: Site and Resource Information (continued)

12. Coastal Resource Impact Table				
Check the applicable boxes below to identify coastal resources to be impacted by the proposed activity at the project site. Describe the impacts, as applicable. For definitions, refer to the <u>Connecticut Coastal Management Manual</u> .				
Resource Type	square feet			Describe Impacts
	Permanent impact	Temporary impact	Mitigation	
☒ Beaches/Dunes below HTL below CJL	100	200	NONE	The property is an eroding bluff terminating at a gravelly, sandy intertidal zone with a partial seawall. Work will be at low tide with beach restored.
☐ Tidal Wetlands	0	15F	Trans-plant	There is one tidal wetland baccharis plant at this site and it will be worked around and transplanted at the same elevation behind the extended wall.
☐ Nearshore waters	0	0	NONE	This site is along the Niantic River which is classified as Estuarine Embayment.
Resource Type	Describe Impacts (temporary and permanent)			
☐ Benthic Habitat	The site is of a sandy, gravelly bottom sediment with large and medium sized exposed rocks with no observed special habitat, tidal wetlands or SAV.			
☐ Intertidal Flats	There are no inter-tidal flats at this site. There will be no adverse impacts on intertidal flats which may exist nearby.			
☐ Submerged Aquatic Vegetation (SAV)	There has been no observed submerged aquatic vegetation growing in the vicinity of this site in 2020 or 2021. No impacts are foreseen regarding SAV which might exist elsewhere. This work is at the High Tide line and above. The beach is unvegetated.			
☒ Rocky Shorefront	There are numerous rocks in the bottom sediments mostly less than 1 CY in size. Many appear to have rolled down the bank. Rock removal or relocation not required.			
☒ Finfish	The Niantic River is flounder spawning ground and alewife migration area. No impact to finfish spawning or egg laying in this area. The project is located at the High Tide line.			
☒ Wildlife	The bluff is wooded, and hosts diversified vegetated areas that could be accessed by deer, rodents and birds. This is area densely populated and not significant wildlife habitat.			
☒ Shellfish Areas	The upper Niantic River is a shellfish concentration area but is closed to shell fishing. There are no piles proposed, and no shellfish impact. The work is at and just below the High Tide line and will not impact.			
☒ Coastal Hazard Area	The Niantic River at this site is exposed to elevated flood levels of 3 to 4 feet above normal. This project will not affect flood levels. FEMA flood criteria do not apply to this wall which will stand 2 feet above the sediment, compliant with FEMA "No Obstruction" criteria.			
☒ Bluffs/Escarpments	The site is a modified 40 foot high bluff with a partial seawall at the toe. Changes to the bluff are deliberate to stop accelerated erosion of the bluff which is nearing the foundation supports of the pre 1980 home. This work is essential.			
☐ Islands	This resource is not applicable to this site or the project.			
☒ Coastal Flooding	This project is consistent with FEMA standards and with the nature of adjacent shoreline properties. There will be no impact on or by coastal flooding characteristics of the river.			
☐ Water Circulation Patterns	The stone scour protection wall is at the toe of the bluff and will not impede or alter water flow and circulation which is shore parallel predominantly.			
☐ Drainage Patterns	The stone scour protection wall is at the toe of the bluff and will not impede or alter drainage patterns. The upland is replacing backfill at the toe of the bluff.			
☐ Visual Quality	The south stone scour wall exists and the smaller north section will look the same with no visual impact foreseen or discernable.			
☐ Water Quality	The proposed and existing structures will not adversely affect water quality. The wall will be built with natural stone masonry stone pieces with no adverse impact on water quality. This project will decrease turbidity and thus allow for improved water quality.			

Part IV: Project Information

Please note: Upon adoption of the Long Island Sound Blue Plan, the policies of the Blue Plan will be factors for consideration for projects in the Blue Plan Policy Area boundary. The Policy Area boundary can be found on the Blue Plan Map Viewer, while the policies are located in Chapter 4 of the Blue Plan document.

1. Describe, briefly, the existing structures within state regulatory jurisdiction, and their conditions and uses at the site of the proposed work. **Provide photographs showing resources and existing site conditions as Attachment 10.**

This site is a steep wooded bluff with a single-family residential dwelling. The upper portion of the lot is fully developed with the house and accessories fronting on Niantic River Road. The shoreline is one third natural eroding gravel, the southerly two thirds has stone wall which has been retained by previous authorizations. A dock has also been authorized but has not yet been built.

2. a. Describe the proposed regulated work and activities in a detailed narrative, including the number and dimensions of structures and the volume and area of fill or excavations. See LWRD Application Instructions for required information.

This proposed project is to construct 26+/-LF of scour protection stone wall approximately 30+/-CY over 150+/-SF at and waterward of the CT Coastal Jurisdiction line and High Tide line.

- b. Describe the construction activities involved for the project in detail, including methods, sequencing, equipment, and any alternative construction methods that might be employed. For coastal dredging projects, identify the type of equipment with bucket and barge capacity and, for upland disposal, provide containment facility details (See Reference for Coastal/Tidal Dredging).

The stone masonry work will all be done by hand, getting stone to the bottom of the stairway, digging out a narrow trench at and straddling the HTL and CJL, placing geotextile fabric in the bottom of the trench, then building up with a vertical face on the waterside. The fabric will then be wrapped up the back side of the wall to contain the, back fill which will then be placed.

- c. Describe any erosion and sedimentation or turbidity control installation and maintenance schedule and plans in detail. Such plans should be prepared in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, established pursuant to CGS section 22a- 328.

There are no erosion and sedimentation or turbidity control installations for this because the wall is built in small increments and the wall is in fact the erosion protection for the bluff. Work will be done at Low Tides so there will be no "in water" sediment disturbances and no turbidity.

- d. Anticipated date of project initiation: **Fall 2022**

Indicate the length of time needed to complete the project and identify any anticipated time restrictions: **It is anticipated this proposed project will take approximately 3-4 months to complete, weather and tides permitting. The applicant will "self-perform" the work.**

3. For **new** structures, activities or encroachments, discuss project alternatives which were considered and indicate why they were rejected. After all measures to eliminate or minimize adverse resource impacts have been incorporated in the proposed project, describe why any adverse impacts that remain should be deemed acceptable by the Land & Water Resources Division. For projects involving stormwater management, low-impact development practices should be incorporated to the greatest extent practicable. Explain any reasons for not using a low-impact development practice. See LWRD Application Instructions for further guidance.

There are no good options for this project. Driving sheets or wood sheathing is likely to accelerate bluff sloughing. Larger stone cannot be hand devliered to the wall site. Concrete could be pumped but would increase the cost 10 times over Mr. Sperry's costs and require the excavation of 50 – 60 CY to create room for the footing leaving the bluff perilously destabilized for the duration of the project. The rock wall is the easiest, most structurally suitable, least invasive and most cost effective wall that could be built and maintained at this site.

Part IV: Project Information (continued)

4. The proposed work is associated with which of the following uses? (Check all that apply)

- ☐ Marine commercial/industrial use including aquaculture
- ☐ Flood and erosion control
- ☐ Residential boating access
 - ☐ Shared residential boating access
- ☐ Public access
- ☐ Infrastructure improvement
- ☒ Other – explain: **Bluff erosion protection**

5. If the site is a marina or yacht club, provide the following: **Not applicable**

- a. Number of boat slips and moorings: (should be consistent with plans submitted as Attachment 14)
- b. Type of marine sanitation service provided at the facility.
- c. ☐ Check here to confirm that at least one plan view notes the location of upland support including adequate parking, a marina office, and restrooms.
- d. Check the applicable services provided:
 - ☐ boat repair/maintenance
 - ☐ gas/fuel hook-up
 - ☐ fishing amenities
 - ☐ winter storage
 - ☐ electric hook-up
 - ☐ boating and/or equipment sales

6. If local/municipal review has or will require a Coastal Site Plan Review for activities at this site, please explain the associated upland work. **No Coastal Site Plan Review is required.**

7. If a new or expanded flood and erosion control structure (e.g. seawall) is proposed, it would provide for the protection of:

- ☐ an infrastructural facility
- ☐ cemetery or burial grounds
- ☐ a water-dependent use
- ☒ a pre-1995 commercial or residential structure

Please make sure Item 3., above, documents that there are no feasible, less environmentally damaging alternatives and include Attachment 18, Engineering Report Cover Sheet. Also, the municipality must forward the related Coastal Site Plan Review to LWRD. See LWRD Application Instructions for further guidance.

8. Identify and evaluate any potential beneficial or adverse impacts to:

a. Navigation (include federal and local navigation channels and distance to nearby docks):

There will be no impact by this project to local navigation in the river or to or from adjacent dock facilities. This work is limited to the High Tide line area.

b. Public access to, and public use of, public trust lands and waters waterward of Mean High Water:

This project will not create any adverse impact to public Access. All work is located along the High Tide line, several feet upland from the Public Trust Lands and waters of the state. The work will be confined to private property. The public will be able to pass across the site when the tides are between MLW and MHW and there will be no impediment to use of the open waters beyond the wall.

Part V: Engineering Support Documentation and Certification

Certain types of projects require documentation of engineering design. If you answer yes to one of the questions below, you must submit a completed **Engineering Report Cover Sheet** (DEEP-LWRD-APP-001R) as Attachment 18 along with the relevant engineering report(s).

1. Does the proposed activity include engineered structures such as bridges, culverts, stormwater management systems, detention basins, and/or flood & erosion control structures?

☐ Yes ☒ No

2. Is the proposed activity located in a FEMA-designated Riverine or Coastal Floodplain?

☒ Yes ☐ No

If yes, provide documentation in the Engineering Report which demonstrates that the project is in compliance with FEMA's National Flood Insurance Program requirements and the local flood ordinance for the municipality.

NOTE – Only the following activities in the Coastal Floodplain require engineering: buildings, flood and erosion control structures; public access facilities; and, tide regulating structures. See Engineering Report Cover Sheet for further guidance.

3. Is the proposed activity located in a FEMA-designated Floodway ☐ Yes ☒ No

If yes, the Engineering Report must include a statement signed by a registered professional engineer that there is no-rise. This documentation must be supported by technical data that is derived from a standard step-backwater computer model utilizing source data from the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM). If a No-rise Certification form is available through the municipality, please include it in the Engineering Report. For further information on No-Rise Certification, see [No-Rise Certification for Floodways | FEMA.gov](#)

The *Engineering Report Cover Sheet* shall be signed and sealed by a Professional Engineer licensed in the State of Connecticut. Supporting documentation as identified in the checklist may consist of engineering studies and other documentation, as appropriate, in order to describe the hydrologic and hydraulic effects of the proposed actions.

Part VI: Supporting Documents

The following attachments correspond to Form C. **If the Attachment name is followed by "REQUIRED", the attachment must be submitted with every application.** When submitting any supporting documents, please label the documents as indicated in this part (e.g., Attachment 1, etc.) and be sure to include the same applicant name used on Page 1 of this application form. Please check the box next to the attachments listed to indicate that they have been submitted, and provide the applicable attachments following this form. NOTE: Attachment numbering is NOT consecutive as the attachments relate to multiple LWRD program applications.

Attachment ID	Attachment Description
☒ Attachment 1	Public Notice of Application REQUIRED A copy of the published notice of permit application, as described in the instructions, attached to a completed " <i>Certification of Notice Form- Notice of Application</i> " (DEEP-APP-005A)
☒ Attachment 3	Adjacent Parcel Notification REQUIRED (Structures, Dredging and Fill & Tidal Wetland applications only) Any land owner of record for any property that is located five hundred (500) feet or less from the property line where the activity is proposed has to be mailed the "Certification of Notice Form - Notice of Application" (Attachment 1). As Attachment 3, provide the names and mailing addresses for these individuals and a certified mail receipt to document that a copy of the Notice of Application was sent to each. If the proposed work is entirely waterward of Mean High Water, but within the apparent riparian/littoral area of a shoreline property, that property should be used to compile the list of the names and addresses of all land owners of record located within five hundred feet from the property lines. Include any known claimants of water rights adjacent to the project and owners or lessees of shellfish grounds or franchises within the work area.

Part VI: Supporting Documents (continued)

- ☒ **Attachment 4 Application Copy to Municipality**
(REQUIRED for Tidal Wetland applications only)
In accordance with CGS section 22a-32, the applicant shall mail or e-mail a copy of the application to the chief administrative officer and the chairmen of the conservation and shellfish commissions of the town or towns where the proposed work is located. Provide documentation such as a return receipt email or certified mail receipt to prove that such notification was completed. The applicant is also responsible for providing a copy of any substantive revisions made during the application review process.
- ☒ **Attachment 7 Executive Summary REQUIRED**
Summarize the information contained in the complete application which must include a description of the proposed regulated activities and a synopsis of the environmental and engineering analyses of the impact of such activities. Include a list of the titles of all plans, drawings, reports, studies, appendices, or other documentation which are attached as part of the application.
- ☐ **Attachment 8 Conservation or Preservation Restriction Information, if applicable.**
- ☐ **Attachment 9 Remediation Documentation, if applicable.**
- ☒ **Attachment 10 Photographs showing existing conditions of the site REQUIRED**
- ☒ **Attachment 14 Project Plans, use Project Plan Checklist for requirements REQUIRED**
- ☒ **Attachment 18 Engineering Report Cover Sheet (DEEP-LWRD-APP-001R)**
- ☒ **Attachment 20 Natural Diversity Data Base (NDDB)**
Completed NDDB Determination #: **202111189**
If the proposed activity is within an NDDB area, complete and submit a Request for NDDB State Listed Species Review Form (DEEP-APP-007) to the address specified on the form, **prior** to submitting this application. For NDDB maps and more information, visit the DEEP website at www.ct.gov/deep/nddbrequest or call the NDDB staff at 860-424-3011.
- Please note NDDB review generally takes 4 to 6 weeks and may require the applicant to produce additional documentation, such as ecological surveys, which must be completed prior to submitting this permit application. A copy of the NDDB Final Determination response letter that has not expired **must** be submitted as Attachment 20. Include a copy of any mitigation measures or management plan developed for this activity and approved by NDDB. Please DO NOT include a copy of the NDDB Review Request/Application. Be aware that you must renew your NDDB Determination if it expires before project work commences.
- ☐ **Attachment 21 DEEP Wildlife Division – Osprey Consultation**
If the proposed activity will occur within 300 feet of an osprey platform, please note that work will be prohibited between May 1st and July 31st unless a DEEP waiver is obtained. If this seasonal prohibition conflicts with the proposed work schedule, please contact the DEEP Wildlife Division's Wildlife Diversity Program staff at deep.wildlife@ct.gov or 860-424-3011 for technical assistance before submitting your application. If you are seeking a seasonal prohibition waiver, documentation of the waiver issued by Wildlife Diversity Program staff must be submitted as Attachment 21. For known nesting locations, reference the Osprey Map at:
<https://www.google.com/maps/d/viewer?mid=1GyxnB-UAGxmseleCH9Zi4UdH1ug&usp=sharing> or <https://www.ctaudubon.org/citizen-science>.

Part VI: Supporting Documents (continued)

- ☐ **Attachment 22 Dredging Consultation Form**
(**REQUIRED** for dredging activities only.)
If dredging is proposed, please refer to Reference for Coastal/Tidal Dredging and submit a completed Dredging Consultation Form.
- ☐ **Attachment 23 Fisheries Consultation Form**
If your project involves one or more of the following activities, check the applicable box(es) below and submit a completed Fisheries Consultation Form (DEEP-FISH-APP-007).
- ☐ new public/fishing access;
 - ☐ beach nourishment;
 - ☐ new docks and marinas on the Connecticut River;
 - ☐ coastal/tidal dredging projects;
 - ☐ culverts and bridges; and
 - ☐ activities within the Blue Plan Policy Area boundary.
- Note: Fisheries consultation is **not required** for docks and marinas on Long Island Sound and for disposal only of dredge sediment at one of the open water sites (generally NY dredge projects).
- ☐ **Attachment 24 Department of Agriculture/Bureau of Aquaculture Consultation**
If your project falls within one the categories below, check the box and submit a completed Department of Agriculture/Bureau of Aquaculture Consultation Form.
- ☐ any project in a municipality directly on Long Island Sound
 - ☐ any project on the Connecticut River in Old Saybrook or Lyme
 - ☐ any project on the Housatonic River in Stratford or Milford
 - ☐ any project on the Thames River in New London, Waterford, Montville, Ledyard or Groton
 - ☐ dredging projects only in Lyme, Essex, Orange, Derby/Ansonia, Norwich or Preston
- ☒ **Attachment 25 Harbor Management Consultation Form**
If your town has a Harbor Management Commission, submit a completed Harbor Management Commission Consultation Form.
- ☒ **Attachment 26 Shellfish Commission Consultation Form**
If your town has a Shellfish Commission, submit a completed Shellfish Commission Consultation Form.
- ☒ **Attachment 27 USACE Consultation Form**
This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill license (Connecticut General Statutes (CGS) Section 22a-361) and/or Tidal Wetlands license (CGS Section 22a-32).
- ☒ **Attachment 41 Applicant Compliance Information Form (DEEP-APP-002) REQUIRED.**
- ☐ **Attachment 42 Applicant Background Information Form (DEEP-APP-008) REQUIRED.**
- ☐ **Attachment 43 Other Information:** Any other applicable information the applicant deems relevant or is required by DEEP.

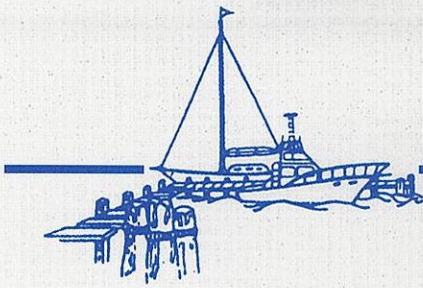
ATTACHMENT 1

PUBLIC NOTICE OF APPLICATION

ATTACHMENT 3

ADJACENT PARCEL MOTIFICATION

(Neighbors within 500 feet)



Docko, Inc. *Serving the waterfront community since 1987*

P.O. Box 421, Mystic, CT 06355 (860) 572-8939 Fax: (860) 572-7569, email: office@docko.com

November 3, 2021

Re: CT DEEP, Public Act
Notice of Application
Town of Waterford

To Whom It May Concern:

In accordance with the notice requirement for permit applicants for Department of Energy & Environmental Protection permits, including the Structures, Dredging, Fill and Tidal Wetlands permit programs and pursuant to Public Act 16-89, which requires certification and a copy of the published notice to be sent to the property owners (with mailing address) within 500 feet in which the related activity is proposed, we transmit herewith the required documents for the above referenced applicant.

If you have any questions regarding this notification requirement, please give our office a call.

Very truly yours,
DOCKO, INC.

Christina Lopes
Project Administrator

JM:cl
CC: CT DEEP LWRD
FILE: 19-07-3045 SPERY

PUBLISHER'S CERTIFICATE

State of Connecticut
County of New London,

Personally appeared before the undersigned, a Notary Public within and for said County and State, Matt Suraci, Legal Advertising Clerk, of The Day Publishing Company Classifieds dept, a newspaper published at New London, County of New London, state of Connecticut who being duly sworn, states on oath, that the Order of Notice in the case of

NOTICE OF PERMIT APPLICATION Mark
Sperry ("the applicant") he

A true copy of which is hereunto annexed, was
published in said newspaper in its issue(s) of

10/30/21

Cust: DOCKO, INC.

Ad #: d01015430



Subscribed and sworn to me

This Tuesday, November 2, 2021

Notary Public

My commission expires

5/31/24

NOTICE OF PERMIT APPLICATION

Mark Sperry ("the applicant") hereby gives notice that he is submitted to the Department of Environmental Protection an application under Conn. Section 22a-361 to conduct work waterward of the High Tide Line in tidal, coastal or navigable waters of the State. Specifically, the applicant proposes to construct 36+/- LF of scour protection stone wall approximately 30+/- CY over 150+/- sq and waterward of the CT Coastal Jurisdiction line and High Tide line. The applicant is located at 21 Oswegatchie Rd in Waterford, CT. The proposed activity will affect coastal resources in Niantic River. Interested persons may obtain copies of the application from Docko, Inc., P.O. Box 421, Mystic, CT 06355, (860) 572-8939. The application will be available for inspection at the Land and Water Resource Division, 79 Elm Street, Hartford, CT 06106 from 8:30 - 4:30 Monday through Friday. For further information please contact the Land and Water Resource Division at (860) 424-3934.



Certificate of Mailing — Firm

Name and Address of Sender

Docko, Inc.
14 Holmes Street
P.O. Box 421
Mystic, CT 06355

TOTAL NO.
of Pieces Listed by Sender

40

TOTAL NO.
of Pieces Received at Post Office™

40

Affix Stamp Here
Postmark with Date of Receipt.

U.S. POSTAGE PAID
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06355-21
NOV 04 2017
\$18.80
R2304P118848-21



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Postmaster, per (name of receiving employee)

Quinn Ship

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BAKER EDWARD J &
8 JOSAN DR
WATERFORD, CT 06385
- 035A 0056
CONCASCIA DAVID & KELLY
17 OSWEGATCHIE ROAD
WATERFORD, CT 06385
- 035B 0039
DACIMO VINCENT J &
31 OSWEGATCHIE RD
WATERFORD, CT 06385
- 035B 0044
EBERLE BARBARA H
23 OSWEGATCHIE RD
WATERFORD, CT 06385
- 035B 0036
GRIMSEY C FRED JR &
35 OSWEGATCHIE RD
WATERFORD, CT 06385
- 035A 0041
KOHL EDWARD M &
18 OSWEGATCHIE RD
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USPS® Tracking Number
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Parcel Airlift

Special Handling

Postage

Fee

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12.80

40 @ .53 = 21.20

40.00



Certificate of Mailing — Firm

Name and Address of Sender		TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.			
USPS® Tracking Number Firm-specific Identifier				Mystic CT 06355 NOV - 4 2021 USPS			
1.				Postage	Fee	Special Handling	Parcel Airlift
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4.							
5.							
6.							

Postmaster, per (name of receiving employee)

035A 0029
KOVACS MICHAEL J &
4 DUBREUIL DR
WATERFORD, CT 06385

035B 0008
LAPKOWSKI STEFAN &
32 OSWEGATCHIE RD
WATERFORD, CT 06385

035A 0046
MALONE GEORGE P
4A JOSAN DRIVE
WATERFORD, CT 06385

035B 0010
NEFF WILLIAM L & SANDRA J
7 JOSAN DR
WATERFORD, CT 06385

035B 0001
BROWN SHARON C
9 JOSAN DR
WATERFORD, CT 06385

035B 0007
CONNAUGHTY CHRISTOPHER
84 QUARRY DOCK RD
NIANTIC, CT 06357



Certificate of Mailing — Firm

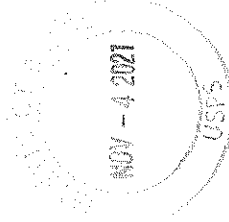
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USPS® Tracking Number Firm-specific Identifier		Postmaster, per (name of receiving employee)		Mystic CT 06355 NOV - 4 2021 USPS			
1.				Postage	Fee	Special Handling	Parcel Air/ift
2.							
3.							
4.							
5.							
6.							

See Reverse for Instructions



Certificate of Mailing — Firm

Name and Address of Sender		TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.			
USPS® Tracking Number Firm-specific Identifier		Postmaster, per (name of receiving employee)		Postage	Fee	Special Handling	Parcel Airlift
1.	035B 0043 MELONEY RUSSELL D EST & 4 JOSAN DR WATERFORD, CT 06385						
2.	035A 0043 PAULEKAS ANGELA ELAINE 50 GREENDALE DRIVE WATERFORD, CT 06078						
3.	035B 0040 CHURCH JANE & ARTHUR 29 OSWEGATCHIE RD WATERFORD, CT 06385						
4.	035A 0058 CONNELL MEREDITH S & 13 OSWEGATCHIE ROAD WATERFORD, CT 06385						
5.	035B 0005 DUMONT ROBERT P & DIANA 26 OSWEGATCHIE RD WATERFORD, CT 06385						
6.	035B 0038 GODDU KYM J & JOYCE M 33 OSWEGATCHIE ROAD WATERFORD, CT 06385						





Certificate of Mailing — Firm

Name and Address of Sender		TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.				
1. _____ USPS® Tracking Number Firm-specific Identifier				Postmaster, per (name of receiving employee)	Postage	Fee	Special Handling	Parcel Airlift
1. _____				JD				
2. _____								
3. _____								
4. _____								
5. _____								
6. _____								

035A 0036
JEAN PIERRE GUY & ANNE
9 DUBREUIL DR
WATERFORD, CT 06385

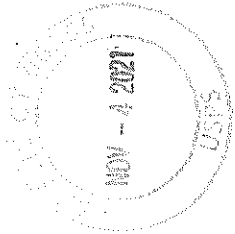
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LANDRY JANET B
180 CHESHAM DRIVE
MIDDLEBURY, CT 06762

035B 0042
MADDUX ELIZABETH C
25 OSWEGATCHIE ROAD
WATERFORD, CT 06385

035A 0030
MOORE CASEY
6 DUBREUIL DRIVE
WATERFORD, CT 06385

035A 0054
PEPIN WILLIAM B
19 OSWEGATCHIE RD
WATERFORD, CT 06385

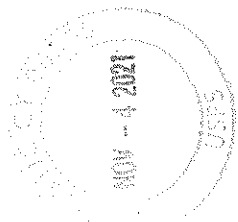
035A 0044
PETCHARK CHARLES A &
4 JOSAN DRIVE
WATERFORD, CT 06385





Certificate of Mailing — Firm

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USPS® Tracking Number Firm-specific Identifier		Postmaster, per (name of receiving employee)		Postage	Fee	Special Handling	Parcel Airlift
1.	035A 0057 RIESE RANHILD 15 OSWEGATCHIE ROAD WATERFORD, CT 06385						
2.	035B 0041 SHLUGER KENNETH L 27 OSWEGATCHIE RD WATERFORD, CT 06385						
3.	035A 0045 SPERY MARK S 21 OSWEGATCHIE RD WATERFORD CT 06385						
4.	035A 0042 PETCHARK KEVIN & JAMI L 20 OSWEGATCHIE RD WATERFORD, CT 06385						
5.	035A 0037 SABINO DOUGLAS & MARIA 7 DUBREUIL DRIVE WATERFORD, CT 06385						
6.	035B 0003 SOMERS ROBERT & MELISSA 5 JOSAN DRIVE WATERFORD, CT 06385						





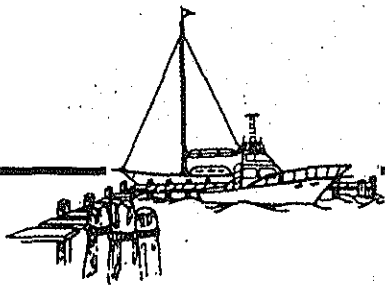
Certificate of Mailing — Firm

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USPS® Tracking Number Firm-specific Identifier		Postmaster, per (name of receiving employee)		Postage	Fee	Special Handling	Parcel Airlift
1. _____		035A 0047 REHNCY KULJIT S & STEVI 6 JOSAN DRIVE WATERFORD, CT 06385					
2. _____		035B 0004 SCHAEFFER WILLIAM M 3 JOSAN DR WATERFORD, CT 06385					
3. _____		035A 0028 SPERA KATHLEEN L/U 12 OSWEGATCHIE ROAD WATERFORD, CT 06385					
4. _____		Selectman's Club 15 Rope Ferry Rd. Waterford, CT 06385					
5. _____							
6. _____							



ATTACHMENT 4

APPLICATION COPY TO MUNICIPALITY



Docko, Inc. *Serving the waterfront community since 1987*

P.O. Box 421, Mystic, CT 06355 (860) 572-8939 Fax: (860) 572-7569, email: office@docko.com

November 3, 2021

Mr. Rob Brule
First Selectman
15 Rope Ferry Road
Waterford, CT 06385

Re: CT DEP, Public Act 98-140, Public Notice
Sperry Property, 21 Oswegatchie Rd. Waterford

Dear Mr. Brule:

In accordance with the notice requirement for permit applicants for Department of Energy & Environmental Protection permits, including the Structures and Dredging and Tidal Wetlands permit programs and pursuant to Public Act 98-140, which requires Certification and copy of the published notice to be sent to the municipal official in which the related activity is proposed, we transmit herewith the required documents for the above referenced applicant.

If you have any questions regarding this notification requirement, please give me a call.

Very truly yours,
DOCKO, INC.

Christina Lopes
Project Administrator

JM: cl
CC: CT DEEP LWRD
FILE: 19-07-3045 SPERY

PUBLISHER'S CERTIFICATE

State of Connecticut
County of New London,

Personally appeared before the undersigned, a Notary Public within and for said County and State, Matt Suraci, Legal Advertising Clerk, of The Day Publishing Company Classifieds dept, a newspaper published at New London, County of New London, state of Connecticut who being duly sworn, states on oath, that the Order of Notice in the case of

NOTICE OF PERMIT APPLICATION Mark
Sperry ("the applicant") he

A true copy of which is hereunto annexed, was
published in said newspaper in its issue(s) of

10/30/21

Cust: DOCKO, INC.

Ad #: d01015430



Subscribed and sworn to me

This Tuesday, November 2, 2021

Notary Public

My commission expires

5/31/24

NOTICE OF PERMIT APPLICATION
Mark Sperry ("the applicant") hereby gives notice that he is submitted to the Department of Environmental Protection an application under Conn. Section 22a-361 to conduct work waterward of the High Tide Line in tidal, coastal or navigable waters of the state. Specifically, the applicant proposes to construct 26 +/- LF of scour protection stone wall approximately 30 +/- CY over 150 +/- ac and waterward of the CT Coastal Jurisdiction line and High Tide line. The applicant is located at 21 Oswegatchie Rd in Waterford, CT. The proposed activity will affect coastal resources in Mianctic River. Interested persons may obtain copies of the application from Docko, Inc., P.O. Box 421, Mystic, CT 06355, (860) 572-8939. The application will be available for inspection at the Land and Water Resource Division, 79 Elm Street, Hartford, CT 06106 from 8:30 - 4:30 Monday through Friday. For further information please contact the Land and Water Resource Division at (860) 424-3034.

ATTACHMENT 7

Executive Summary

I. Table of Contents

Attachment 1: Public Notice of Application
Attachment 3: Adjacent Parcel Notification
Attachment 4: Application Copy to Municipality
Attachment 7: Executive Summary
Attachment 8: Conservation or Preservation Restriction, if applicable
Attachment 9: Remediation Documentation, if applicable
Attachment 10: Photographs of Existing Conditions of Site
Attachment 13: A2, T2 survey less than 5 years old
Attachment 14: Project Plans, Vicinity Map, Tax Assessor's Map
Attachment 18: Engineering Report Cover Sheet
Attachment 20: Natural Diversity Data Base (NDDDB)
Attachment 21: DEEP Wildlife Division – Osprey Consultation, if applicable
Attachment 22: Dredging Consultation Form, if applicable
Attachment 23: Fisheries Consultation Form
Attachment 24: Department of Agriculture/Bureau of Aquaculture Consultation
Attachment 25: Harbor Management Consultation Form
Attachment 26: Shellfish Commission Consultation Form
Attachment 41: Applicant Compliance Information Form
Attachment 42: Applicant Background Information Form
Attachment 43: Other Information

Project Description and Timeline

This proposed project is to retain 26+/-LF of scour protection stone wall approximately 15+/-CY over 100+/- waterward of the CT Coastal Jurisdiction line and High Tide line.

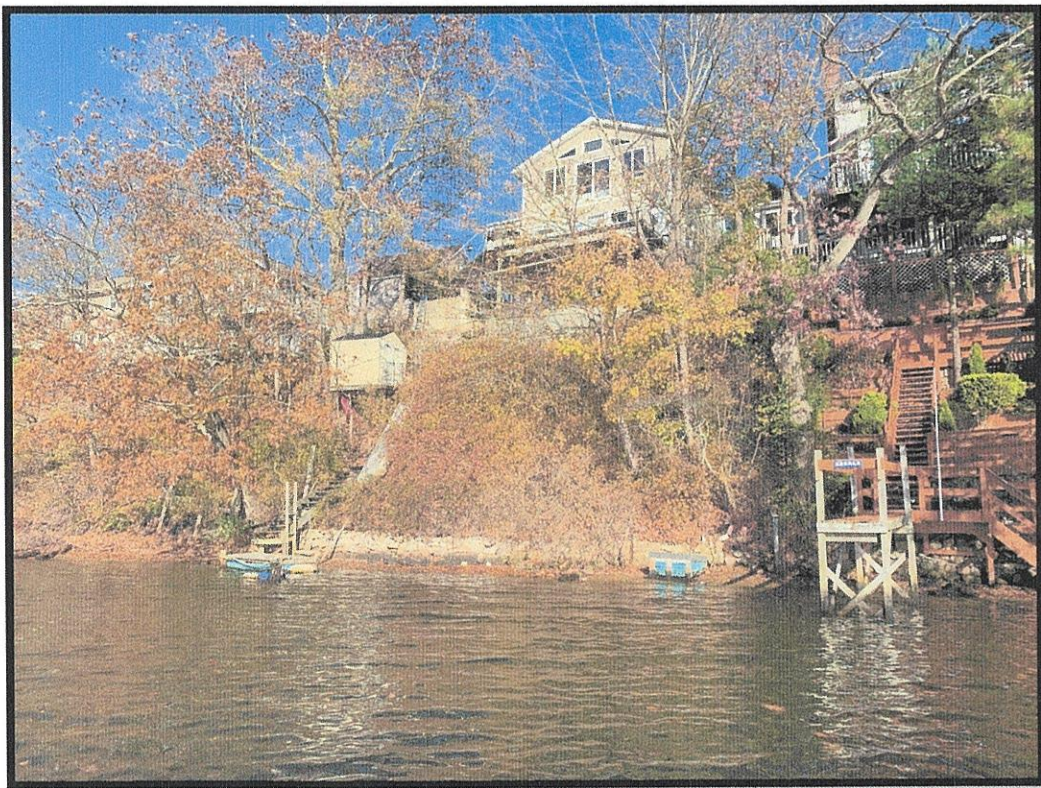
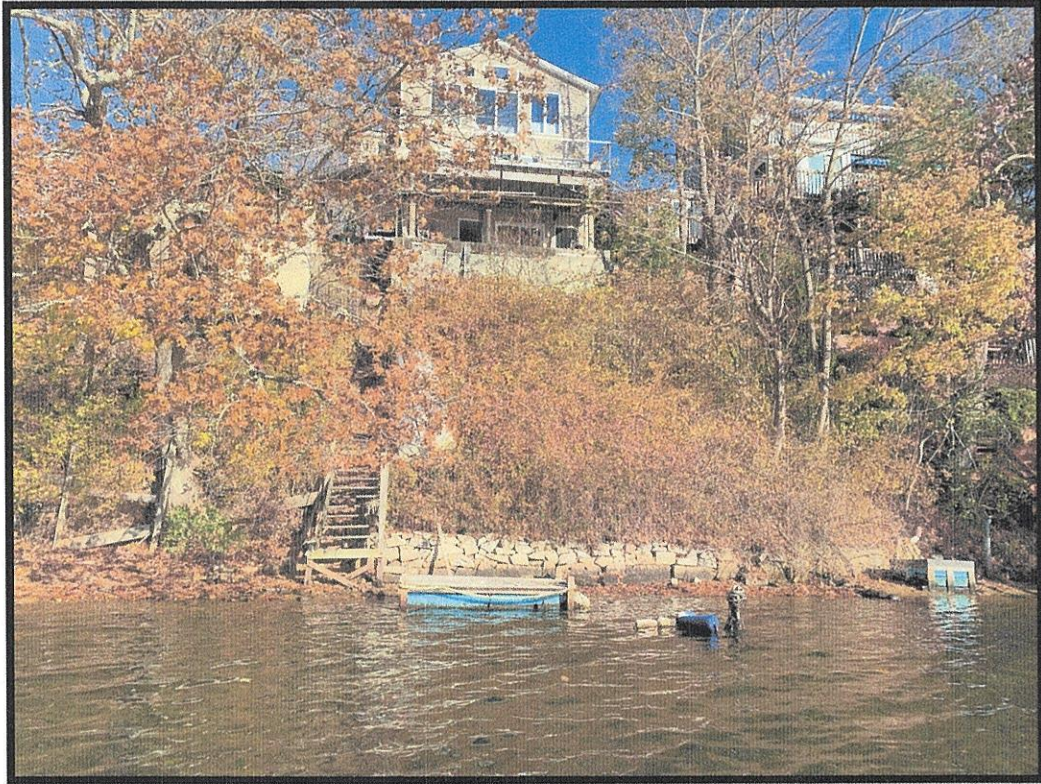
It is anticipated that the proposed work would be completed in the Summer of 2022 or shortly thereafter, tide and weather permitting and upon receipt of permits. No seasonal or time period restrictions are anticipated.

Preliminary Environmental Data Analysis

There are no known or foreseeable significant adverse environmental impacts that would have to be eliminated or minimized to make the project acceptable by the DEEP. The project is consistent with all current standards and policies and criteria for approval utilized by the CT DEEP LWRD under existing regulations for the Town of Waterford. The project is currently not a significant encroachment into navigable waters of the State and neither the structure nor the encroachment of the dock facility adversely impact navigation, public access to public trust lands and waters of the State of Connecticut or neighbor access/navigation. There are no known rare or unique plant or animal resources in the area that will be adversely impacted by this structure or the proposed boating usage at the site. The dock facility will be constructed of pile supported wood frame and timber elements which will not adversely affect water flow and circulation, long shore sediment transport or flooding characteristics of the Niantic River and no adverse effects on drainage, erosion and sedimentation from the upland are foreseen because of the small scope work and impact on those areas. No mitigative measures are considered necessary for this project to be acceptable by the DEEP.

ATTACHMENT 10

PHOTOGRAPHS OF EXISTING CONDITIONS OF SITE



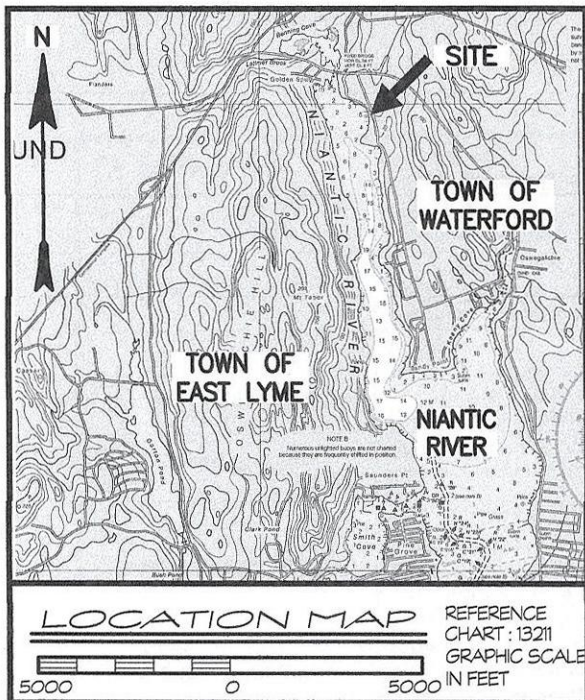
ATTACHMENT 13

A2, T2 SURVEY LESS THAN 5 YEARS OLD

ATTACHMENT 14

PROJECT PLANS

(Including Vicinity Map & Tax Assessor's Map)



NOTES:

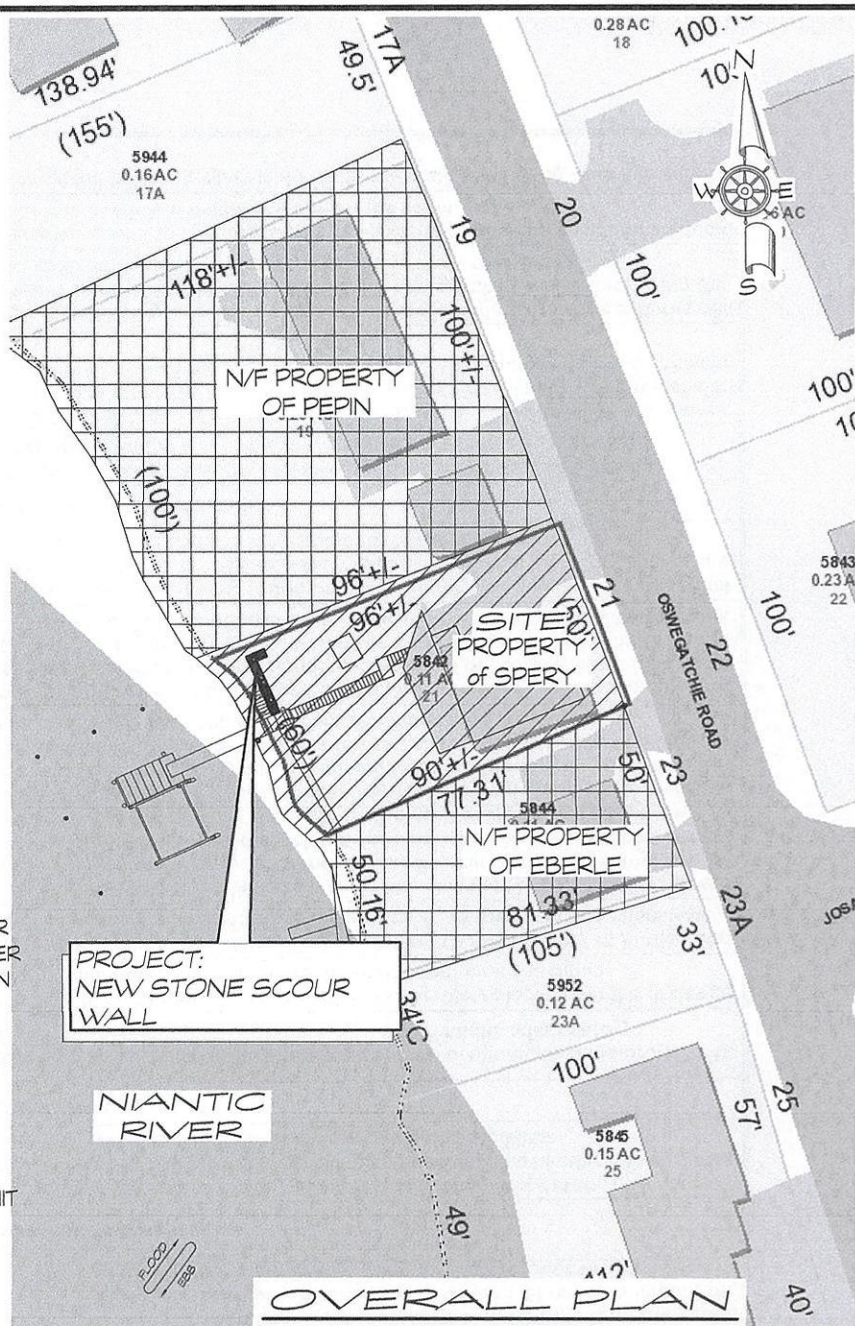
1. ELEVATION DATUM IS MEAN LOW WATER (MLW).
2. TIDE DATA IS TAKEN FROM 2021 NOAA TIDE TABLES
REFERENCE: NIAN TIC RIVER. CJL IS TAKEN FROM THE COASTAL JURISDICTIONAL LINE FACT SHEET: WATERFORD
3. PROJECT DESCRIPTION: CONSTRUCT 26±LF OF SCOUR PROTECTION STONE WALL APPROXIMATELY 30±CY OVER 150±SF WATERWARD OF THE CT COASTAL JURISDICTION LINE AND HIGH TIDE LINE.
4. PROJECT PURPOSE: THE SCOUR WALL WILL HELP TO STABILIZE AN ERODING COASTAL BLUFF AND A PRE 1980 HOME AND PRIVATE PROPERTY.
5. THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR ENVIRONMENTAL PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS AND REPRESENT THE OWNERS DESIGN. A TOWN BUILDING PERMIT MAY BE REQUIRED.

6. ADJOINING PROPERTY OWNERS:

NORTH:	SOUTH:
WILLIAM B PEPIN	BARBARA H EBERLE
19 OSWEGATCHIE ROAD	23 OSWEGATCHIE ROAD
WATERFORD, CT 06385	WATERFORD, CT 06385

7. SITE ADDRESS:

21 OSWEGATCHIE ROAD
WATERFORD, CT 06385



NOTE: THE SHORELINE SHOWN ON THIS DRAWING IS BASED ON TOWN GIS PLANIMETRIC INFORMATION AND MAY NOT REFLECT THE CURRENT TIDE LINE LOCATIONS OR FEATURES.

PROJECT: NEW STONE SCOUR WALL

LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: NIAN TIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERY

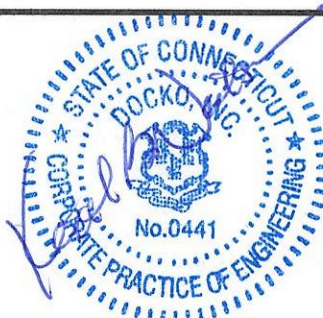
AGENT: SHEET 1 OF 4

DOCKO, INC.

Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939
EMAIL: permits@docko.com



DWG 19-07-3045



NOTES:
NO OSPREY POLES WERE OBSERVED WITHIN 500-FT OF THE SITE.
DOCK FACILITIES ON ADJACENT PROPERTIES ARE APPROXIMATE,
NOT SURVEYED.

19 Oswegatchie Road
N/F William B Pepin

APPROXIMATE
PROPERTY BOUNDARY
SITE
PROPERTY of
SPERY

MULTI-STORY
RESIDENCE

23 Oswegatchie Road
N/F Barbara H. Eberle

FLOAT
DEEP RESOURCES
ROCKY SHOREFRONTS
ESTUARINE EMBAYMENTS
MODIFIED BLUFFS AND ESCARPMENTS
COASTAL FLOOD HAZARD
SHELLFISH CONCENTRATION AREAS



EXTENDED
APPROXIMATE
PROPERTY LINE

APPROXIMATE
SHORELINE

Baccharis halimifolia
(HIGH TIDE BUSH)
TO BE REPLANTED

3.7 CJL/HTL

SHED

EXISTING
STEPS

STEPS

CONCRETE & STEEL
UPPER DECK

FOOTPRINT OF PREVIOUSLY
AUTHORIZED DOCK and
BOAT LIFT NOT YET
BUILT/INSTALLED DEEP
PERMIT# 202015007-LISGP

STONE SCOUR WALL TO BE
RETAINED DEEP PERMIT#
202015003-COP

NIANTIC
RIVER

SANDY BOTTOM

RETAIN STONE 2±CY NORTH OF
EXTENDED PROPERTY LINE DEEP
PERMIT# 202015003-COP

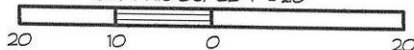
APPROXIMATE SHORELINE

EXTENDED
APPROXIMATE
PROPERTY LINE

DOCK

EXISTING CONDITIONS

GRAPHIC SCALE 1" = 20'



SURVEY by RESOURCE MANAGEMENT & MAPPING
ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)



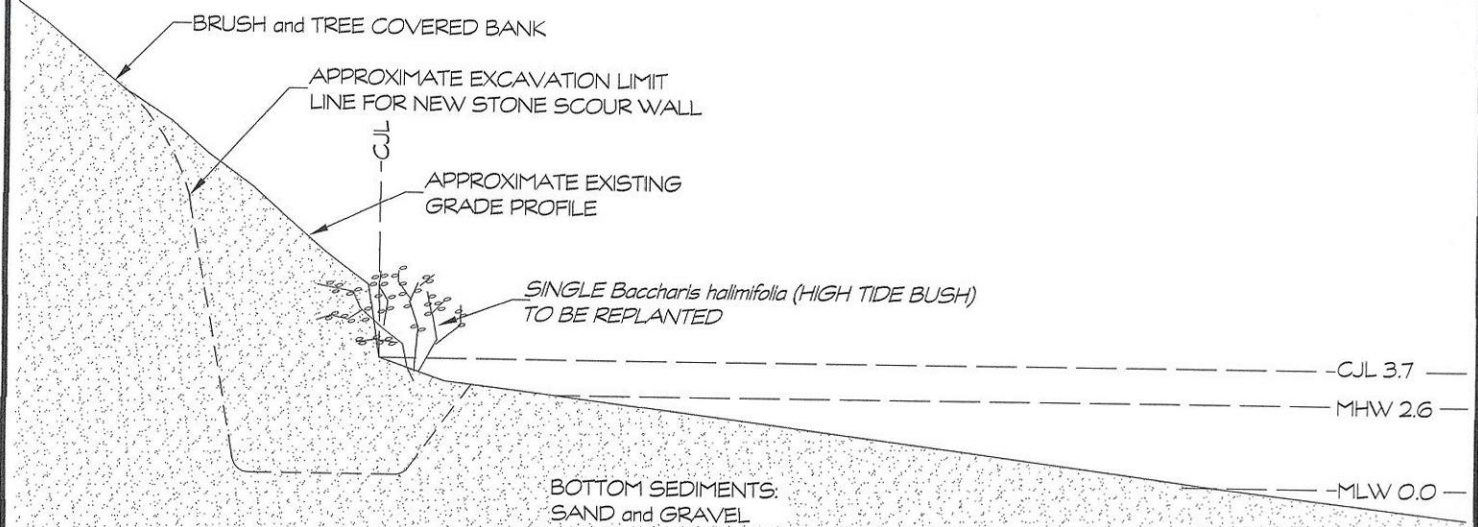
PROJECT: NEW STONE SCOUR WALL

LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: NIANTIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERY

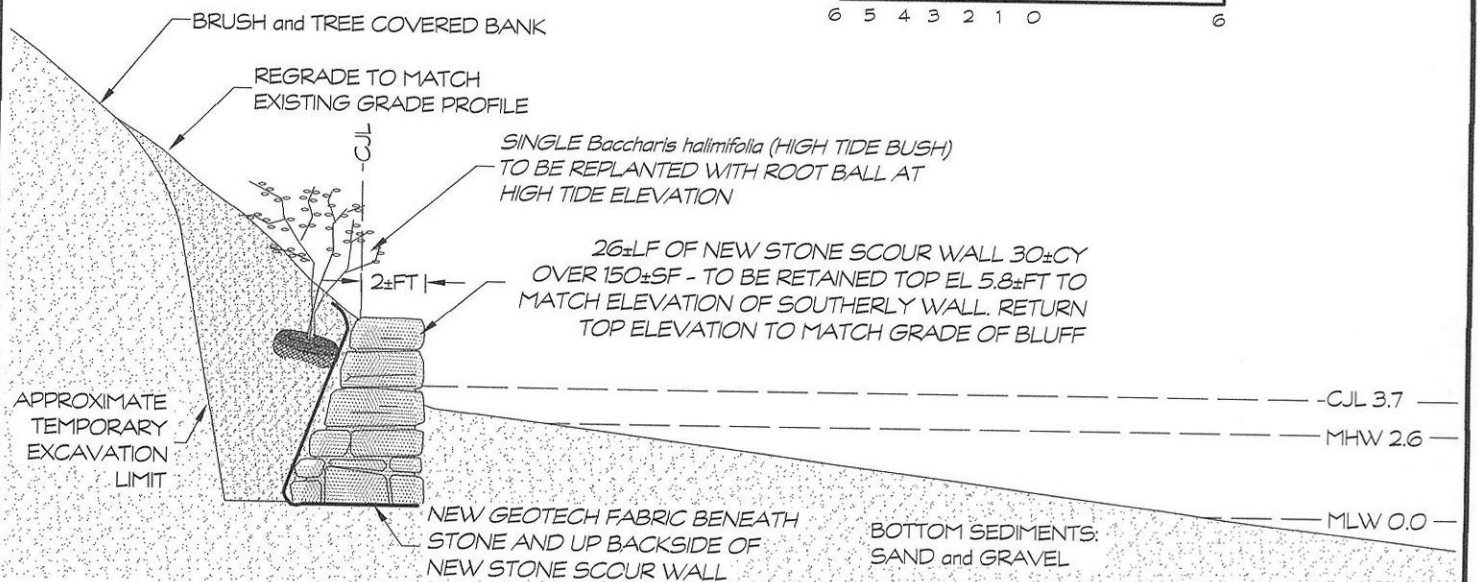
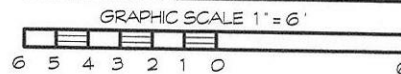
AGENT: SHEET 2 OF 4
DOCKO, INC.
Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939
EMAIL: office@docko.com



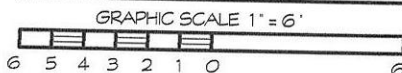
DWG 19-07-3045



TYPICAL EXISTING CROSS-SECTION



TYPICAL PROPOSED CROSS-SECTION



ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)

PROJECT: NEW STONE SCOUR WALL

LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: NIANATIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERY

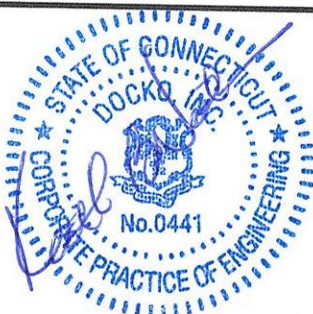
AGENT: SHEET 4 OF 4

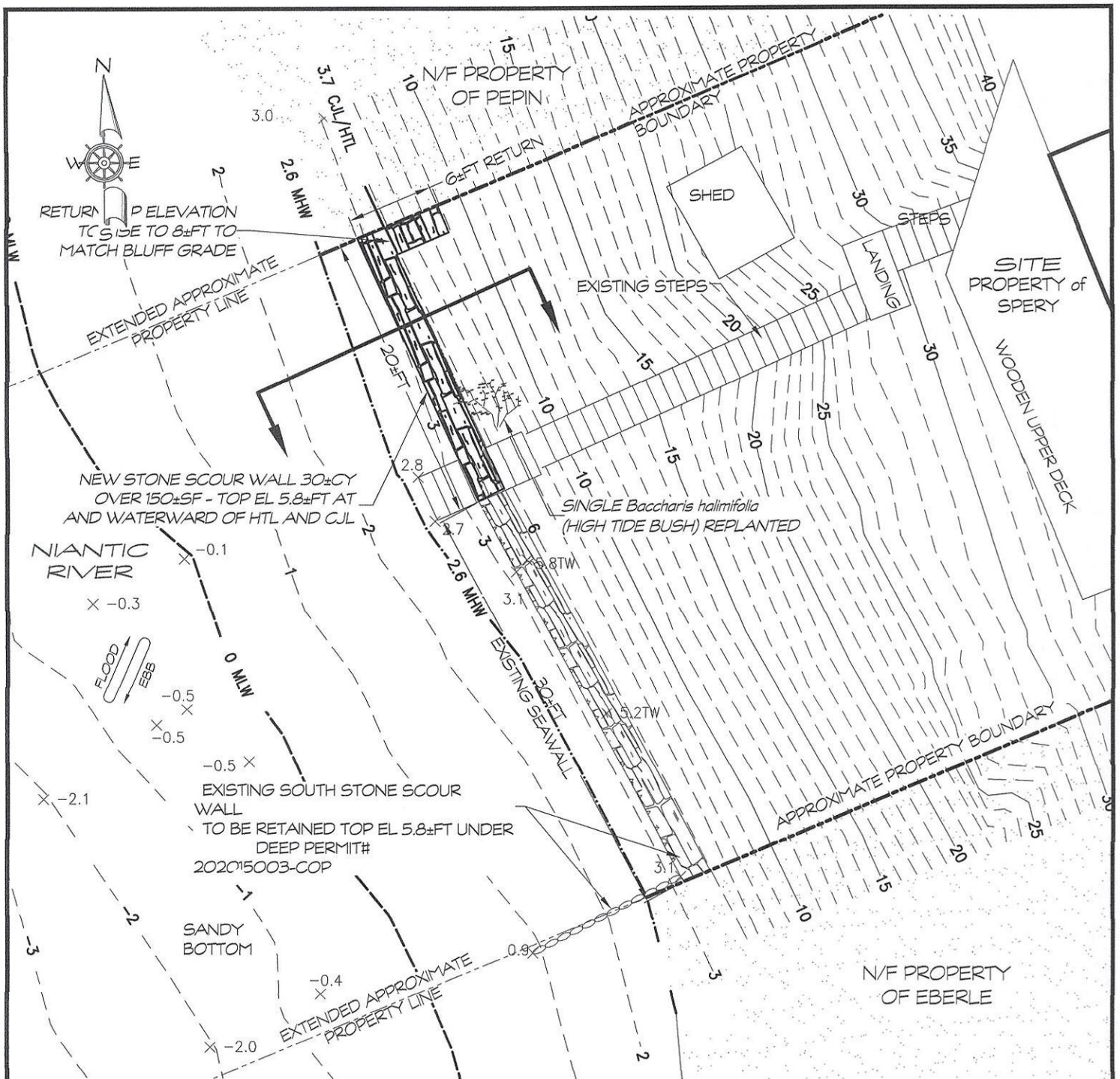
DOCKO, INC.

Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939
EMAIL: office@docko.com

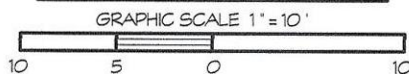


DWG 19-07-3045





PLAN VIEW



SURVEY by RESOURCE MANAGEMENT & MAPPING
ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)

PROJECT: NEW STONE SCOUR WALL

LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: NIANTIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERY

AGENT: SHEET 3 OF 4
DOCKO, INC.
Keith B. Nelson, PE
Mystic, CT 06355
860 572 8939
EMAIL: office@docko.com



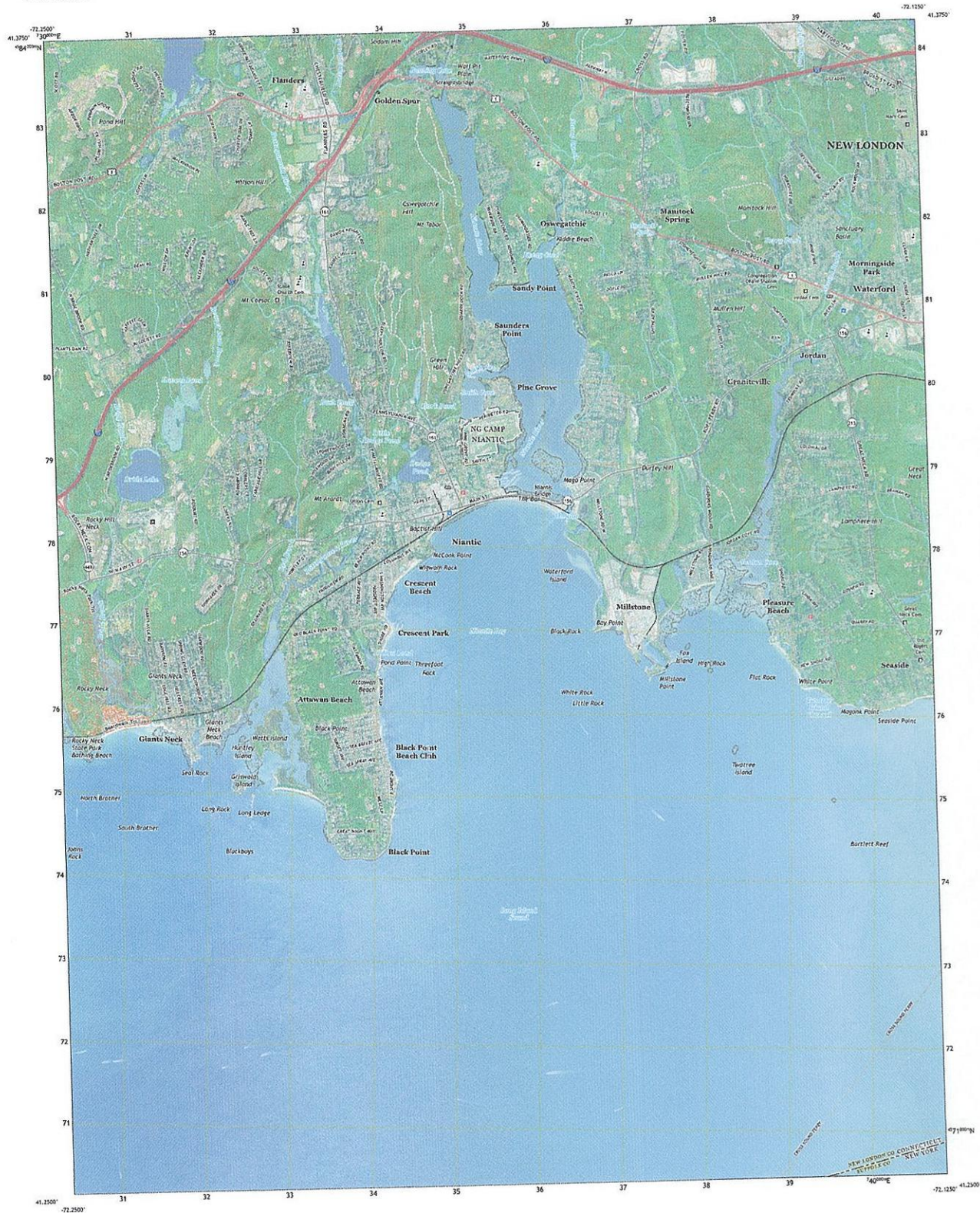
DWG 19-07-3045



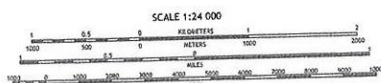
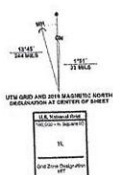
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



NIANTIC QUADRANGLE
CONNECTICUT - NEW YORK
7.5-MINUTE SERIES



Produced by the United States Geological Survey
Map published under authority of the Secretary of the Interior
This map is not a legal document. It is a representation of the best available information at the time of publication. It is not intended to be used for legal purposes. The user assumes all responsibility for the use of this map. Please do not use this map for any purpose other than that for which it was designed.



CONTOUR INTERVAL OF 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geographic Program US Topo Product Standard.

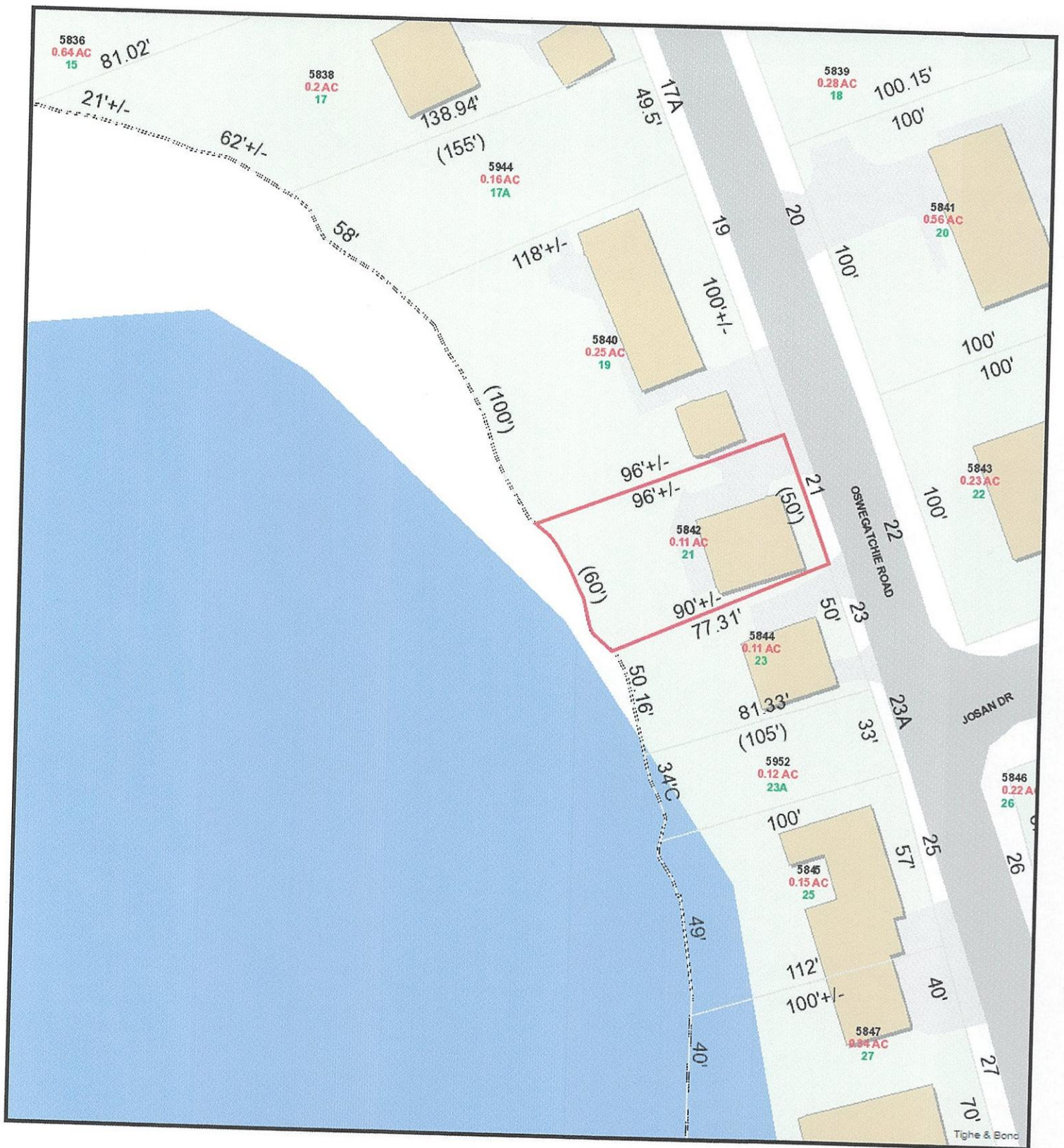


1	2	3
4	5	6
7	8	9

Legend for the inset map showing various locations in the Niantic area.

ROAD CLASSIFICATION
Expressway
Secondary Road
Local Road
US Route
State Route

NIANTIC, CT, NY
2021

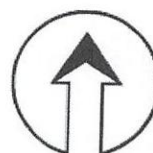


6/27/2019 9:59:57 AM

Scale: 1"=50'

Scale is approximate

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

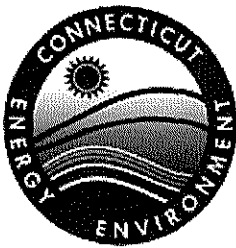




Imagery ©2019 Google, Map data ©2019 50 ft

ATTACHMENT 18

ENGINEERING REPORT COVER SHEET



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD License Application Engineering Report Cover Sheet

This Cover Sheet is a checklist of requirements that need to be completed and submitted with the engineering report. Please complete this checklist by identifying where each requirement listed is addressed in the engineering report (report title and page numbers). If an item is not applicable, place "NA" in the box. The engineer report must fully describe the design of the proposed facilities or other actions and the hydraulic and hydrologic effects thereof. This Cover Sheet is required to be signed and sealed by a professional engineer licensed in the State of Connecticut.

Stormwater Management

Engineering Report section title and page number	Requirement Description
Not a stormwater Management Project.	Description of the design storm frequency intensity, volume and duration
Not a stormwater Management Project.	Watershed maps, existing and proposed
Not a stormwater Management Project.	Computations for Tc
Not a stormwater Management Project.	Imperviousness calculations
Not a stormwater Management Project.	NRCS runoff curve numbers, volumetric runoff coefficients
Not a stormwater Management Project.	Computations used to determine peak runoff rates, and velocities for each watershed area (24-hour storm): • Stream Channel Protection: 1-year, 2-year frequency ("over-control" of 2-year storm) • Conveyance Protection: 10-year frequency • Peak Runoff Attenuation: 2-year, 10-year, 25 year, and 100-year frequency • Emergency Outlet Sizing: safely pass the 100-year frequency or larger storm
Not a stormwater Management Project.	Hydrograph routing calculations
Not a stormwater Management Project.	Description, schematics, and calculations for drainage and stormwater management systems
Not a stormwater Management Project.	Infiltration rates, geotechnical information, test pit data, perc test data, conductivity testing data
Not a stormwater Management Project.	Documentation of sources
Not a stormwater Management Project.	Electronic files in native format for any computer modelling generated for analysis.

Stormwater Management

Engineering Report section title and page number	Requirement Description
Not a stormwater Management Project.	Detention basin analysis including timing and duration of expected outflow, stream stability analysis and hydrograph summation
Not a stormwater Management Project.	Erosion & sedimentation calculations for any engineered measures
Not a stormwater Management Project.	Calculations for any engineered water quality treatment measures

Floodway/Floodplain Assessment

Engineering Report section title and page number	Requirement Description
Not a floodway/floodplain assessment project.	Description of existing and proposed conditions upstream and downstream of the proposed activity
Not a floodway/floodplain assessment project.	For any bridge or culvert placement or replacement with a drainage area of 100 acres or more, plan sheets showing the existing and proposed inundation area for the 2, 10, 25, 50, and 100 year discharges, carried to convergence
Not a floodway/floodplain assessment project.	Flood Contingency Plan
Not a floodway/floodplain assessment project.	A description and analysis of the floodplain modifications required to restore any flood conveyance and flood storage capacity
Not a floodway/floodplain assessment project.	Demonstration that backwater from the proposed activity will not impact an existing dam, dike, detention, or similar structure
Not a floodway/floodplain assessment project.	Backup data and complete hydraulic analysis for proposed modifications to the floodplain including location plan and plot for sections, profile sheet, summary sheet
Not a floodway/floodplain assessment project.	Description, schematics, and calculations for bridges and culverts

Structures within a Coastal Flood Hazard Area

Engineering Report section title and page number	Requirement Description
See attached engineering report.	Longshore sediment transport impact report
This is not a public access structure.	Wind, wave, load analysis for significant public access structures (Only for Flood Management Certification)
This is not a flood and erosion control structure.	Wind, wave, load analysis for flood and erosion control structures (e.g. seawalls, bulkheads, revetments, berms, jetties, etc.)
This is not a tide regulating/influencing structure.	Hydrologic / Hydraulic impact report for tide regulating / influencing structures (e.g. culverts, tidegates, flood berms / levees, etc.)

Introduction:

The Sperry property and new dock site project is in a flood prone the area, located on Oswegatchie Road in Waterford. Attached is a copy of the flood profile from the FEMA Flood Insurance Rate Map (FIRM) which shows the various statistical flood elevations for this area in the upper Niantic River. This work is the minimal effort which has a chance of effectively stabilizing to the toe of the bluff without jeopardizing the existing bluff toe profile.

Longshore sediment transport impact:

The longshore sediment transport system is shore normal in the vicinity of the site, which is recessed along the easterly edge of the Niantic River. The site has limited exposure to severe winds and currents but pounded relentlessly by motorboat wakes. The site is exposed to daily tidal fluctuations and any storm surges associated with tropical depressions and coastal storms. The conditions which generate significant adverse impact on sediment transport would be boat wakes and ice which are problems in their respective seasons, and which necessitate the project. In such exposures, boat induced waves travel east in this area directly at the shore and can create scouring impacts on the shoreline gravel break features. The waves breaking along the shore can agitate bottom settlements and draw them along shore creating scour pockets which destabilized the bluff. Storm induced flooding has the same effect, but those geological conditions have been addressed by the southerly scour wall as clearly documented in the site photographs. The north wall section will do the same.

Ice is another key factor in eroding the bluff. The proposed minimal wall construction being only a couple of feet high will stop ice gouging at the bluff toe

There is no flow rate or velocity data to characterize tidal flows and current characteristics at this site. Casual observation of tidal flows indicates velocities of less than one foot per second in most, if not all but breaking wave conditions. Tidal flows are shore parallel although the main tidal flow way down the middle of the river is 500 feet west of this site. Breaking wave forces are shore normal and tend to be erosive. The proposed completion of the wall will provide stability to the soils at the toe of the bluff and thus help to preserve the stability of the pre-1980 house. Work and access will be limited to above the MHW line for the most part and will be accomplished when tides are in the lower half of the tide cycle. There will be no "in water" work.

From an empirical standpoint, the tidal currents in this relatively broad part of the upper river are negligible and wind induced surface water movement is limited, on the order of 1/2 knot or less. A flow velocity of two knots or more is required to scour even fine sand and that velocity can only be observed in breaking, boat wake induced wake waves. It is fairly safe to conclude that stabilizing the bank of the river at the High Tide line is not going to raise tidal flow currents from 1/2 to 2 knots and therefore no erosion or scour inducements or impact to the sediment transport system in the vicinity of this site is expected. The wave induced sediment transport system will continue to be shore normal and tend to carry gravelly sand from the bluff out into the waters of the river. The impacts of this stone wall extension to the environment, habitat quality including the one tidal wetland plant, or public access concerns will be minimal. This is an appropriate design for the wall being minimal in height, consistent with FEMA "No Obstruction" criteria and provides a degree of continued protection for the pre-1980 home in accordance with provisions of the Coastal Management Act. It is the bare minimum amount of work that can be undertaken and have no adverse impact on the environment.

Professional Certification

For any engineering report submitted as part of the LWRD License application, the following certification must be signed and sealed by a professional engineer licensed to practice in Connecticut and submitted with the Engineering Report Cover Sheet.

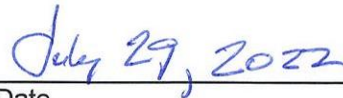
"I certify that in my professional judgement, each requirement listed in the Engineering Report Cover Sheet has been addressed in the engineering report submitted as part of the LWRD permit application and that the information is true, accurate and complete to the best of my knowledge and belief.

This certification is based on my review of the engineering report.

I understand that a false statement made in the submitted information may, pursuant to Section 22a-6 of the General Statutes, be punishable as a criminal offense under Section 53a-157b of the General Statutes, and may also be punishable under Section 22a-438 of the General Statutes."



Signature of Professional Engineer



Date

Keith B. Neilson, P.E.

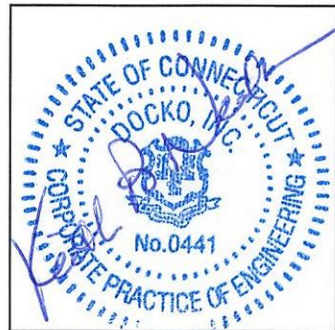
Name of Professional Engineer (print or type)



Corporate P.E. No. 441

P.E. Number (if applicable)

Affix P.E. Stamp Here
(if applicable)



ATTACHMENT 20

NATURAL DIVERSITY DATA BASE (NDDB)



79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

October 29, 2021

Keith Neilson PE
Docko Inc
PO Box 421
Mystic CT 06355
office@docko.com

Project: Shorefront Modifications, 21 Oswegatchie Rd, Waterford, CT
NDDB Determination No.: 202111189

Dear Mr. Neilson,

I have reviewed Natural Diversity Database (NDDB) maps and files regarding the area of work provided for the proposed construction and completion of a scour protection stone wall at 21 Oswegatchie Road in Waterford, Connecticut. I do not anticipate negative impacts to State-listed species (RCSA Sec. 26-306) resulting from your proposed activity at the site based upon the information contained within the NDDB. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits. This determination is good for two years. Please re-submit a new NDDB Request for Review if the scope of work changes or if work has not begun on this project by October 29, 2023.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey, cooperating units of DEEP, landowners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDB should not be substitutes for on-site surveys necessary for a thorough environmental impact assessment. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the database as it becomes available.

Please contact me if you have further questions at (860) 424-3378, or karen.zyko@ct.gov . Thank you for consulting the Natural Diversity Database.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Zyko".

Karen Zyko
Environmental Analyst



Connecticut Department of
Energy & Environmental Protection
Bureau of Natural Resources
Wildlife Division

CPPU USE ONLY

App #: _____

Doc #: _____

Check #: No fee required

Program: Natural Diversity Database
Endangered Species

Hardcopy _____ Electronic _____

Request for Natural Diversity Data Base (NDDDB) State Listed Species Review

Please complete this form in accordance with the instructions (DEEP-INST-007) to ensure proper handling of your request.

There are no fees associated with NDDDB Reviews.

Part I: Preliminary Screening & Request Type

Before submitting this request, you must review the most current Natural Diversity Data Base "State and Federal Listed Species and Significant Natural Communities Maps" found on the DEEP website. These maps are updated twice a year, usually in June and December.

Does your site, including all affected areas, fall in an NDDDB Area according to the map instructions:

☒ Yes ☐ No Enter the date of the map reviewed for pre-screening: June 2021

This form is being submitted for a :

☒ New NDDDB request

☐ Renewal/Extension of a NDDDB Request, **without** modifications and within **two years** of issued NDDDB determination (no attachments required)

[CPPU Use Only - NDDDB-Listed Species Determination # 1736]

☐ New **Safe Harbor Determination** (optional) must be associated with an application for a GP for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

☐ Renewal/Extension of an existing Safe Harbor Determination

☐ With modifications

☐ Without modifications (no attachments required)

[CPPU Use Only - NDDDB-Safe Harbor Determination # 1736]

Enter NDDDB Determination Number for Renewal/Extension:

Enter Safe Harbor Determination Number for Renewal/Extension:

Part II: Requester Information

If the requester is a corporation, limited liability company, limited partnership, limited liability partnership, or a statutory trust, it must be registered with the Secretary of State. If applicable, the name shall be stated **exactly as it is registered with the Secretary of State. Please note, for those entities registered with the Secretary of State, the registered name will be the name used by DEEP. This information can be accessed at the Secretary of the State's database CONCORD. (www.concord-sots.ct.gov/CONCORD/index.jsp)*

If the requester is an individual, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.).

If there are any changes or corrections to your company/facility or individual mailing or billing address or contact information, please complete and submit the Request to Change company/Individual Information to the address indicated on the form.

1. Requester*

Company Name: **Docko, Inc.**

Contact Name: **Keith B Neilson, P. E.**

Address: **P.O. Box 421**

City/Town: **Mystic**

State: **CT**

Zip Code: **06355**

Business Phone: **860-572-8939**

ext.

E-mail: **office@docko.com

**By providing this email address you are agreeing to receive official correspondence from the department, at this electronic address, concerning this request. Please remember to check your security settings to be sure you can receive emails from "ct.gov" addresses. Also, please notify the department if your e-mail address changes

a) Requester can best be described as:

☐ Individual ☐ Federal Agency ☐ State agency ☐ Municipality ☐ Tribal

☒ *business entity (* if a business entity complete i through iii):

i) Check type ☒ corporation ☐ limited liability company ☐ limited partnership

☐ limited liability partnership ☐ statutory trust ☐ Other:

ii) Provide Secretary of the State Business ID #: **0194033** This information can be accessed at the Secretary of the State's database (CONCORD). (www.concord-sots.ct.gov/CONCORD/index.jsp)

iii) ☐ Check here if your business is **NOT** registered with the Secretary of State's office.

b) Acting as (Affiliation), pick one:

☐ Property owner ☐ Consultant ☒ Engineer ☐ Facility owner ☐ Applicant

☐ Biologist ☐ Pesticide Applicator ☐ Other representative:

2. List Primary Contact to receive Natural Diversity Data Base correspondence and inquiries, if different from requester.

Company Name:

Contact Person:

Title:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.

**E-mail:

Part III: Site Information

This request can only be completed for one site. A separate request must be filed for each additional site.

1. SITE NAME AND LOCATION

Site Name or Project Name: **Shorefront Modifications**

Town(s): **Waterford**

Street Address or Location Description: **21 Oswegatchie Road**

Size in acres, or site dimensions: **0.11 Acres**

Latitude and longitude of the center of the site in decimal degrees (e.g., 41.23456 -71.68574):

Latitude: **41°21'58.1"N**

Longitude: **72°11'23.1"W**

Method of coordinate determination (check one):

☐ GPS ☐ Photo interpolation using CTECO map viewer ☒ Other (specify): **Google Earth**

2a. Describe the current land use and land cover of the site.

The site is zoned residential. This site is an eroding bluff with coniferous trees down to the intertidal zone. Saplings are common but not profuse.

b. Check all that apply and enter the size in acres or % of area in the space after each checked category.

☐ Industrial/Commercial _____	☒ Residential <u>50%</u>	☐ Forest _____
☐ Wetland _____	☒ Field/grassland <u>50%</u>	☐ Agricultural _____
☐ Water _____	☐ Utility Right-of-way _____	
☐ Transportation Right-of-way _____	☐ Other (specify): _____	

Part IV: Project Information

1. PROJECT TYPE:

Choose Project Type: Choose Type From Dropdown List , If other describe: **Seawall and Dock Construction**

2. Is the subject activity limited to the maintenance, repair, or improvement of an existing structure within the existing footprint? ☒ Yes ☐ No If yes, explain.

This proposed project is for completion of a stone seawall which was started several years ago. The work remaining is approximately 25 feet long and will be 2 feet wide and 3 feet high.

Part IV: Project Information (continued)

3. Give a detailed description of the activity which is the subject of this request and describe the methods and equipment that will be used. Include a description of steps that will be taken to minimize impacts to any known listed species.

This proposed project is to construct 26+/-LF of scour protection stone wall approximately 30+/-CY over 150+/-SF waterward of the CT Coastal Jurisdiction line and High Tide line.

All work and transport of material will be by hand.

4. If this is a renewal or extension of an existing Safe Harbor request *with* modifications, explain what about the project has changed.

This is not a Safe Harbor request or modification.

5. Provide a contact for questions about the project details if different from Part II primary contact.

Name:

Phone:

E-mail:

Part V: Request Requirements and Associated Application Types

Check *one* box from either Group 1, Group 2 or Group 3, indicating the appropriate category for this request.

Group 1. If you check one of these boxes, complete Parts I – VII of this form and submit the required attachments A and B.

- ☐ Preliminary screening was negative but an NDDB review is still requested
- ☐ Request regards a municipally regulated or unregulated activity (no state permit/certificate needed)
- ☐ Request regards a preliminary site assessment or project feasibility study
- ☐ Request relates to land acquisition or protection
- ☐ Request is associated with a *renewal* of an existing permit or authorization, with no modifications

Group 2. If you check one of these boxes, complete Parts I – VII of this form and submit required attachments A, B, and C.

- ☒ Request is associated with a *new* state or federal permit or authorization application or registration
- ☐ Request is associated with modification of an existing permit or other authorization
- ☐ Request is associated with a permit enforcement action
- ☐ Request regards site management or planning, requiring detailed species recommendations
- ☐ Request regards a state funded project, state agency activity, or CEPA request

☐ **Group 3.** If you are requesting a **Safe Harbor Determination**, complete Parts I-VII and submit required attachments A, B, and D. Safe Harbor determinations can only be requested if you are applying for a GP for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

If you are filing this request as part of a state or federal permit application(s) enter the application information below.

Permitting Agency and Application Name(s):

DEEP Structures and Dredging

Related State DEEP Permit Number(s), if applicable: **pending**

State DEEP Enforcement Action Number, if applicable: _____

State DEEP Permit Analyst(s)/Engineer(s), if known: **Mr. Micheal Grzywinski; Kevin Zawoy**

Is this request related to a previously submitted NDDB request? ☐ Yes ☒ No

If yes, provide the previous NDDB Determination Number(s), if known: _____

Part VI: Supporting Documents

Check each attachment submitted as verification that *all* applicable attachments have been supplied with this request form. Label each attachment as indicated in this part (e.g., Attachment A, etc.) and be sure to include the requester's name, site name and the date. **Please note that Attachments A and B are required for all new requests and Safe Harbor renewals/extensions with modifications.** Renewals/Extensions with no modifications do not need to submit any attachments. Attachments C and D are supplied at the end of this form.

☒ Attachment A:	Overview Map: an 8 1/2" X 11" print/copy of the relevant portion of a USGS Topographic Quadrangle Map clearly indicating the exact location of the site.
Attachment B:	Detailed Site Map: fine scaled map showing site boundary and area of work details on aerial imagery with relevant landmarks labeled. (Site and work boundaries in GIS [ESRI ArcView shapefile, in NAD83, State Plane, feet] format can be substituted for detailed maps, see instruction document)
☒ Attachment C:	Supplemental Information, Group 2 requirement (attached, DEEP-APP-007C) ☒ Section i: Supplemental Site Information and supporting documents ☐ Section ii: Supplemental Project Information and supporting documents
☐ Attachment D:	Safe Harbor Report Requirements, Group 3 (attached, DEEP-APP-007D)

Part VII: Requester Certification

The requester *and* the individual(s) responsible for actually preparing the request must sign this part. A request will be considered incomplete unless all required signatures are provided.

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."	
Signature of Requester (a typed name will substitute for a handwritten signature)	Date
Christina Lopes	Project Administrator
Name of Requester (print or type)	Title (if applicable)
Signature of Preparer (if different than above)	Date
Name of Preparer (print or type)	Title (if applicable)

Note: Please submit the completed Request Form and all Supporting Documents to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Or email request to: deep.nddbrequest@ct.gov

Attachment C: Supplemental Information, Group 2 requirement

Section i: Supplemental Site Information

1. Existing Conditions

Describe all natural and man-made features including wetlands, watercourses, fish and wildlife habitat, floodplains and any existing structures potentially affected by the subject activity. Such features should be depicted and labeled on the site plan that must be submitted. Photographs of current site conditions may be helpful to reviewers.

This site is located at the north end of the Niantic River which is an estuarine embayment subject to coastal flood hazards as well as heavy wave action due to boat activity. According to the DEEP Natural Diversity Data Base Map, there are state and federal listed species & significant natural communities present in the area, however, there are no tidal wetlands on the site and no submerged aquatic vegetation in the shallow near-shore water. There are no shellfish concentrations documented in the area of the wall and small dock facility.

☒ Site Photographs (optional) attached

☒ Site Plan/sketch of existing conditions attached

2. Biological Surveys

Has a biologist visited the site and conducted a biological survey to determine the presence of any endangered, threatened or special concern species ☐ Yes ☐ No

If yes, complete the following questions and submit any reports of biological surveys, documentation of the biologist's qualifications, and any NDDB survey forms.

Biologist(s) name: _____

Habitat and/or species targeted by survey: _____

Dates when surveys were conducted: _____

☐ Reports of biological surveys attached

☐ Documentation of biologist's qualifications attached

☐ NDDB Survey forms for any listed species observations attached

Section ii: Supplemental Project Information

1. Provide a schedule for all phases of the project including the year, the month and/or season that the proposed activity will be initiated and the duration of the activity.

It is anticipated that the project will take place as soon as all approvals are received, most likely beginning in the fall of 2021 or winter of 2022.

2. Describe and quantify the proposed changes to existing conditions and describe any on-site or off-site impacts. In addition, provide an annotated site plan detailing the areas of impact and proposed changes to existing conditions.

There are no anticipated significant adverse impacts associated with this project. The seawall will be constructed by hand, no machinery will be needed.

☐ Annotated Site Plan attached

Attachment D: Safe Harbor Report Requirements

Submit a report, as Attachment D, that synthesizes and analyzes the information listed below. Those providing synthesis and analysis need appropriate qualifications and experience. A request for a safe harbor determination shall include:

1. Habitat Description and Map(s), including GIS mapping overlays, of a scale appropriate for the site, identifying:

- wetlands, including wetland cover types;
- plant community types;
- topography;
- soils;
- bedrock geology;
- floodplains, if any;
- land use history; and
- water quality classifications/criteria.

2. Photographs - The report should include photographs of the site taken from the ground and also all reasonably available aerial or satellite photographs and an analysis of such photographs.

3. Inspection - A visual inspection(s) of the site should be conducted, preferably when the ground is visible, and described in the report. This inspection can be helpful in confirming or further evaluating the items noted above.

4. Biological Surveys - The report should include all biological surveys of the site where construction activity will take place that are reasonably available to a registrant. A registrant shall notify the Department's Wildlife Division of biological studies of the site where construction activity will take place that a registrant is aware of but are not reasonably available to the registrant.

5. Based on items #1 through 4 above, the report shall include a Natural Resources Inventory of the site of the construction activity. This inventory should also include a review of reasonably available scientific literature and any recommendations for minimizing adverse impacts from the proposed construction activity on listed species or their associated habitat.

6. In addition, to the extent the following is available at the time a safe harbor determination is requested, a request for a safe harbor determination shall include and assess:

- Information on Site Disturbance Estimates/Site Alteration information
- Vehicular Use
- Construction Activity Phasing Schedules, if any; and
- Alteration of Drainage Patterns

Natural Diversity Data Base Areas

WATERFORD, CT

December 2018

-  State and Federal Listed Species & Significant Natural Communities
-  Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Significant Natural Communities. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDDB) from a number of data sources. Exact locations of species have been buffered to produce the general locations. Exact locations of species and communities occur somewhere in the shaded areas, not necessarily in the center. A new mapping format is being employed that more accurately models important riparian and aquatic areas and eliminates the need for the upstream/downstream searches required in previous versions.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a shaded area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

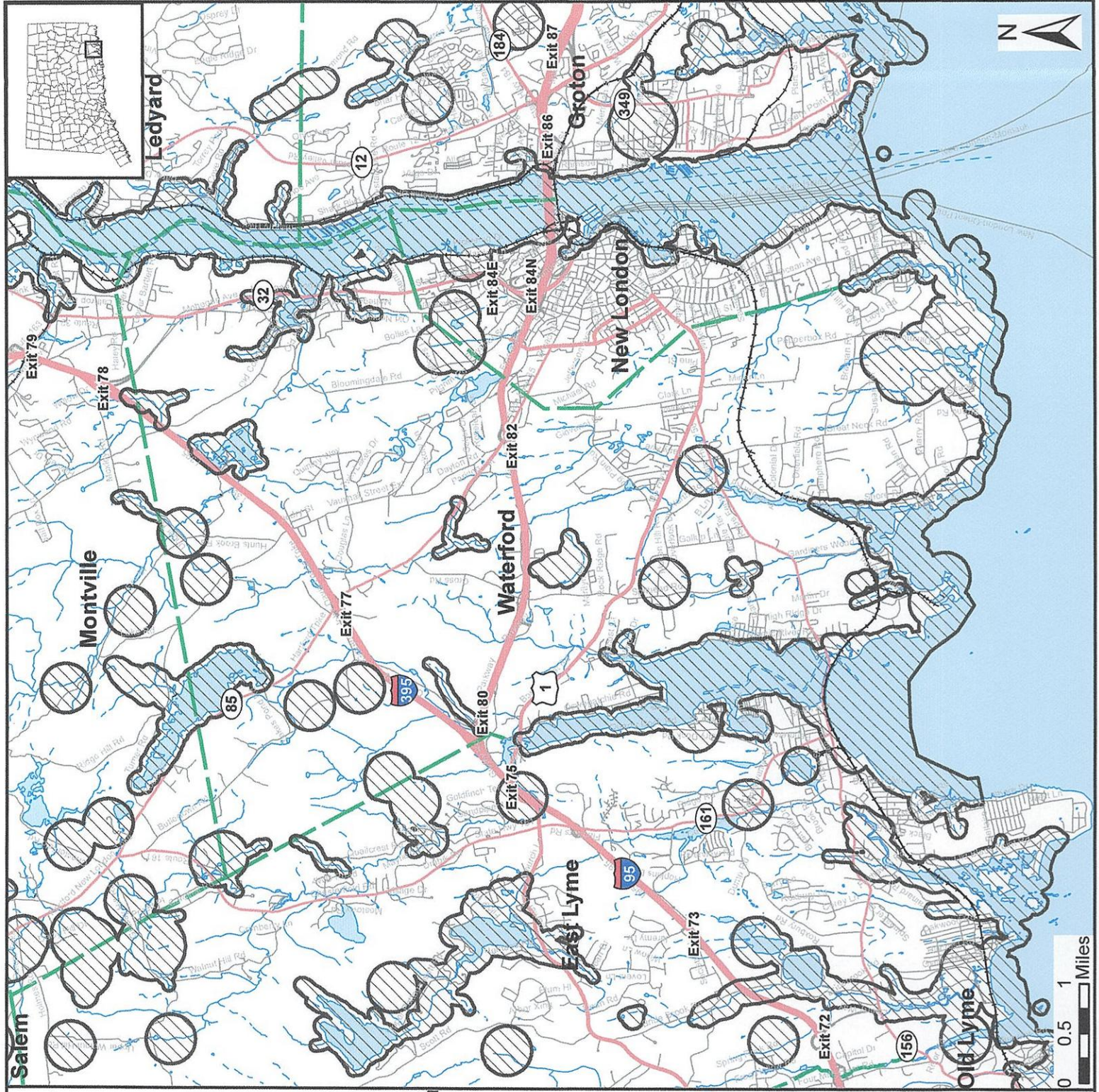
www.ct.gov/deep/nddbrequest

Use the CTECO Interactive Map Viewers at www.cteco.uconn.edu to more precisely search for and locate a site and to view aerial imagery with NDDB Areas.

QUESTIONS: Department of Energy and Environmental Protection (DEEP)
79 Elm St., Hartford CT 06106
Phone (860) 424-3011

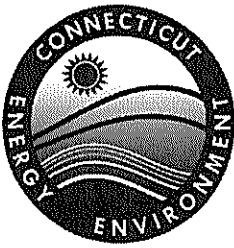


Connecticut Department of
Energy & Environmental Protection
Bureau of Natural Resources
Wildlife Division



ATTACHMENT 23

FISHERIES CONSULTATION FORM



Connecticut Department of
Energy & Environmental Protection
Bureau of Natural Resources
Fisheries Division

DEEP Fisheries Consultation Form

To the Applicant - Prior to the submission of your license application to the Connecticut Department of Energy & Environmental Protection (DEEP) Water Planning and Management Division (WPMD) or Land and Water Resources Division (LWRD), please complete Part I below and e-mail the following to deep.inland.fisheries@ct.gov:

1. this completed DEEP *Fisheries Consultation Form*;
2. a site location map,
3. a PDF version of the proposed project plans including a site survey of existing conditions (if available), and
4. photos of the site.

Fisheries Division staff will contact you if further details are needed. Once the Fisheries Division staff returns the completed form to you, please include the form, and any signed plans (if applicable) in your license application submittal to DEEP.

Part I: Applicant and Site Information (to be completed by APPLICANT)

1. Applicant/Registrant Information

Name: Mark Sperry

Mailing Address: 21 Oswegatchie Rd

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

Ext.: _____

Contact Person: Mark Sperry

Phone: 860-439-1999 Ext: _____

E-mail Address: afrih1234@aol.com

2. Engineer/Surveyor/Agent Information (list as applicable)

Name: Docko, Inc.

Mailing Address: PO Box 421

City/Town: Mystic

State: CT

Zip Code: 06355

Business Phone: 860-572-8939

Ext.: _____

Contact Person: Keith Neilson, P.E.

Phone: 860-572-8939 Ext: _____

E-mail Address: office@docko.com

Service Provided: preparation of application documents and plans

3. Site Location:

Name of Site: Sperry Property

Address of Site or Location Description: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Parcel Location/Tax Assessor's Reference: Map 102

Block _____

Lot 5842

Name of Stream or Waterbody: Niantic River

4. Activity: Check the box best describing your activity: (check all that apply):

- ☐ new public/fishing access;
- ☐ new docks and marinas on the Connecticut River;
- ☐ coastal/tidal dredging projects;
- ☐ activities in inland/non-tidal waterbodies and watercourses;
- ☐ withdrawal of water from a non-tidal/inland river, stream, pond or lake;
- ☐ withdrawal of water from a wetland, marsh, swamp, or bog hydrologically connected to a non-tidal/inland river, stream, pond or lake;
- ☐ withdrawal of groundwater from stratified drift deposits hydrologically connected to a non-tidal/inland river, stream, pond or lake.

Note: Fisheries consultation is **not required** for docks and marinas on Long Island Sound.

Part I: Applicant and Site Information (to be completed by APPLICANT) (continued)

5. **DEEP Pre-application Contact:** Indicate name of permit analyst or engineer, if applicable.
Mr. William Sigmund
6. **Project Description:** Provide or attach a brief, but thorough, description of the project including any measures to protect, enhance or restore fish populations:
This proposed project is for new stone scour wall. Please see attached plans for complete project description.

Part II: Fisheries Determination (To be completed by DEEP Fisheries Staff only)

To Fisheries Staff - This completed consultation form is required to be submitted as part of an application to DEEP. The application has not yet been submitted to DEEP. Please review the enclosed materials and determine whether the project will significantly impact any fisheries or fisheries habitat. You may provide comments or recommendations regarding the proposal. Send this completed form to the applicant and copy the DEEP analyst, if known, or the applicable WPMD/LWRD Supervisor. If the proposed work **WILL** significantly impact any fisheries and/or habitat or if you have any comments or concerns regarding the regulatory review for this project, contact the DEEP analyst, if known, or the applicable WPMD/LWRD Supervisor.

DEEP FISHERIES DIVISION DETERMINATION

Date Consultation Form received: 02/07/22

Please check applicable boxes and return the completed Consultation Form to the applicant:

- ☐ I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any fisheries and/or habitat;
- ☒ I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any fisheries and/or habitat **if the below Recommendations are followed**; and/or,
- ☐ I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any fisheries and/or habitat **if the design features shown on the attached plans are incorporated**. Fisheries staff to sign and date plans and return to the applicant with the completed Consultation Form.

COMMENTS/RECOMMENDATIONS (or check here if these are attached following this page: ☐):

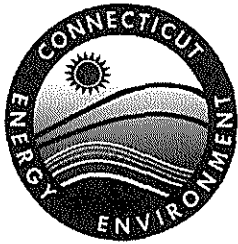
The site is predicted to be a high use area for spawning horseshoe crabs. To protect horseshoe crab spawning and egg development all work waterward of the CJL should be prohibited from May 10 to July 15, inclusive.

"By entering my name below, I agree that I am providing my legal signature, and am legally bound by the determination above."

Bruce H Williams	02/10/22
Signature of Fisheries Division Staff	Date
<i>Bruce H Williams</i>	E.P. Fisheries Biologist
Print Name of Fisheries Division Staff	Title

ATTACHMENT 24

DEPARTMENT OF AGRICULTURE/BUREAU OF AQUACULTURE CONSULTATION FORM



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD License Application Pre-Submission Consultation Form

State of CT, Department of Agriculture, Bureau of Aquaculture

A pre-submission consultation with Aquaculture is required for some of the LWRD license applications. Please refer to the application form for specific projects and locations which require consultation.

To the applicant- Prior to the submission of your license application to the Connecticut Department of Energy and Environmental Protection (DEEP) Land & Water Resources Division (LWRD), please complete Part I and submit this form to the Department of Agriculture, Bureau of Aquaculture ("DOA/BOA") by: hardcopy, P.O. Box 97, Milford, CT, 06460; facsimile, 203-783-9976; or e-mail, david.carey@ct.gov. Include a location map of your site and project plans. Once the DOA/BOA returns the completed form to you, please submit it along with your license application to DEEP.

Part I: To be completed by APPLICANT

1. Applicant/Registrant Information

Name: Mark Sperry

Mailing Address: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

Ext.: _____

Contact Person: Mark Sperry

Title: Owner

Business Phone: 860-439-1999

Ext.: _____

E-mail: afrish1234@aol.com

2. Engineer/Surveyor/Agent Information (list as applicable)

Name: Docko, Inc.

Title: Agent

Mailing Address: PO Box 421

City/Town: Mystic

State: CT

Zip Code: 06355

Business Phone: 860-572-8939

Ext.: _____

Contact Person: Keith Neilson, P.E.

Title: Engineer

Business Phone: 860-572-8939

Ext.: _____

E-mail: office@docko.com

Service Provided: Preparation of application documents and plans.

3. Site Location:

Name of Site : Sperry Property

Street Address: 21 Oswegatchie Rd

City/Town: Waterford

State: CT

Zip Code: 06385

Tax Assessor's Reference: Map 102

Block _____

Lot 5842

Name of Waterbody: Niantic River

4. ☒ Confirm location map and site plans are attached.

Date of plans: 10-21-21

Part I: To be completed by APPLICANT (continued)

5. Provide or attach a brief, but thorough description of the project. This proposed project is for a new stone scour wall, see attached plans for complete project description.

Part II: To be completed by DOA/BOA

This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill license (Connecticut General Statutes (CGS) Section 22a-361) and/or Tidal Wetlands license (CGS Section 22a-32) and some of the General Permits to DEEP LWRD. The application has not yet been submitted to DEEP. Please review the enclosed materials and determine whether the project will significantly impact shellfish beds. You may also provide comments or recommendations regarding the proposal. Should you have any questions regarding this process, please call DEEP LWRD at 860-424-3019. **Please return the completed form to the applicant.**

CGS Section 22a-361(b) requires that the Commissioner of DEEP shall hold a public hearing on license applications submitted pursuant to CGS section 22a-361 provided that a petition requesting such hearing signed by 25 or more persons is received and if the project will significantly impact any shellfish area, as determined by the DOA/BOA.

DOA/BOA DETERMINATION:

Project located on (check one): ☐ natural bed ☐ state bed ☐ local bed ☒ none
☐ other, please specify: Mark Sperry

If project is located upon a franchised or leased shellfish bed, please provide the owner or lessee's contact information below.

Waterford - Niantic River

Check one of the following:

- ☒ I have determined that the work described in Part I of this form and attachments **WILL NOT** significantly impact any shellfish area.
- ☐ I have determined that the work described in Part I of this form and attachments **WILL** significantly impact any shellfish area and that a public hearing must be held if the DEEP issues a public notice for the project as currently designed and a qualified petition is received.

COMMENTS/RECOMMENDATIONS (or check here if attached: ☐):

Sperry

David L. Carey
Signature of Commission Representative

2/7/2022
Date

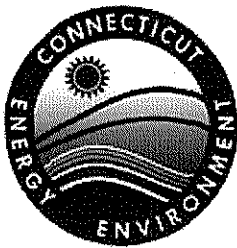
Print Name of Commission Representative

Title

Agnes M. Pater

ATTACHMENT 25

HARBOR MANAGEMENT CONSULTATION FORM



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD License Application Pre-Submission Consultation Form Harbor Management Commission

You need to complete and submit this form only if your town has a Harbor Management Commission.

To the applicant- Prior to the submission of your license application to the Connecticut Department of Energy and Environmental Protection (DEEP) Land & Water Resources Division (LWRD), please complete Part I, below, and submit this form to your local harbor management commission (contact the town for the appropriate contact person) with a location map of your site and project plans. Once the commission returns the completed form to you, please submit it along with your license application to DEEP.

Part I: *To be completed by APPLICANT*

1. Applicant/Registrant Information

Name: Mark Spery

Mailing Address: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

Ext.: _____

Contact Person: Mark Spery

Title: Owner

Business Phone: 860-439-1999

Ext.: _____

E-mail: office@docko.com

2. Engineer/Surveyor/Agent Information (list as applicable)

Name: Docko, Inc.

Title: Agent

Mailing Address: PO Box 421

City/Town: Mystic

State: CT

Zip Code: 06385

Business Phone: 860-572-8939

Ext.: _____

Contact Person: Keith Neilson, P.E.

Title: Engineer

Business Phone: 860-572-8939

Ext.: _____

E-mail: office@docko.com

Service Provided: preparation of application documents and plans.

3. Site Location:

Name of Site : Sperry Property

Street Address: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Tax Assessor's Reference: Map 102

Block _____

Lot 5842

Name of Waterbody: Niantic River

4. ☒ Confirm location map and site plans are attached.

Date of plans: 10-21-21

5. Provide or attach a brief, but thorough description of the project.

This proposed project is for shorefront modifications

Part II: To be completed by HARBOR MANAGEMENT COMMISSION

This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill license (Connecticut General Statutes (CGS) Section 22a-361) and/or Tidal Wetlands license (CGS Section 22a-32) to DEEP LWRD. The application has not yet been submitted to DEEP. Please review the enclosed materials and determine whether the project is consistent or inconsistent with your local Harbor Management Plan. You may also provide comments or recommendations regarding the proposal. The Harbor Management Commission may still provide written comments to the Commissioner during DEEP's public notice comment period. Should you have any questions regarding this process, please call LWRD at 860-424-3019. **Please return the completed form to the applicant within 60 days of receipt or consistency will be assumed.**

HARBOR MANAGEMENT COMMISSION DETERMINATION:

Check one of the following:

- ☒ The Commission has determined that the work as described in Part I of this form and attachments is **CONSISTENT** with the Harbor Management Plan.
- ☐ The Commission has determined that the work as described in Part I of this form and attachments is **INCONSISTENT** with the following section of the Harbor Management Plan: _____

COMMENTS/RECOMMENDATIONS (or check here if attached: ☐):

Sperry

Jane B. Adams
Signature of Commission Representative

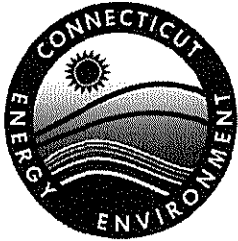
11-3-21
Date

JANE B. ADAMS
Print Name of Commission Representative

Chair, Harbor Mngmt Comm
Title

ATTACHMENT 26

SHELLFISH COMMISSION CONSULTATION FORM



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD License Application Pre-Submission Consultation Form Shellfish Commission

You need to complete and submit this form only if your town has a Shellfish Commission.

To the applicant - Prior to the submission of your license application to the Connecticut Department of Energy and Environmental Protection (DEEP) Land & Water Resources Division (LWRD), please complete Part I, below, and submit this form to your local shellfish commission (contact the town for the appropriate contact person) with a location map of your site and project plans. Once the commission returns the completed form to you, please submit it along with your license application to DEEP.

Part I: *To be completed by APPLICANT*

1. Applicant/Registrant Information

Name: Mark Sperry

Mailing Address: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

Ext.: _____

Contact Person: Mark Sperry

Title: Owner

Business Phone: 860-439-1999

Ext.: _____

E-mail: afrish1234@aol.com

2. Engineer/Surveyor/Agent Information (list as applicable)

Name: Docko, Inc.

Title: Agent

Mailing Address: PO Box 421

City/Town: Mystic

State: CT

Zip Code: 06355

Business Phone: 860-572-8939

Ext.: _____

Contact Person: Keith Neilson, P.E.

Title: Engineer

Business Phone: 860-572-8939

Ext.: _____

E-mail: office@docko.com

Service Provided: preparation of application documents and plans

3. Site Location:

Name of Site: Sperry Property

Street Address: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Tax Assessor's Reference: Map 102

Block _____

Lot 5842

Name of Waterbody: Niantic River

4. ☒ Confirm location map and site plans are attached.

Date of plans: 10-21-21

5. Provide or attach a brief, but thorough description of the project.

This proposed project is for shoreline modifications.

Part II: To be completed by SHELLFISH COMMISSION

This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill license (Connecticut General Statutes (CGS) Section 22a-361) and/or Tidal Wetlands license (CGS Section 22a-32) to DEEP LWRD. The application has not yet been submitted to DEEP. Please review the enclosed materials and determine whether the project will significantly impact shellfish beds. You may also provide comments or recommendations regarding the proposal. Should you have any questions regarding this process, please call DEEP LWRD at 860-424-3019. **Please return the completed form to the applicant within 60 days of receipt or no adverse impact will be assumed.**

SHELLFISH COMMISSION DETERMINATION:

Project located on (check one): ☒ natural bed ☐ state bed ☐ local bed ☐ none
☐ other, please specify: _____

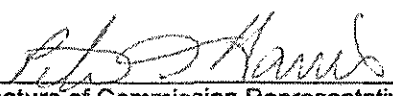
If project is located upon a franchised or leased shellfish bed, please provide the owner or lessee's contact information below.

Check one of the following:

- ☒ I have determined that the work described in Part I of this form and attachments **WILL NOT** adversely impact a shellfish area.
- ☐ I have determined that the work described in Part I of this form and attachments **WILL** adversely impact a shellfish area. A summary of the Shellfish Commission's project-specific concerns/comments is described below or attached.

COMMENTS/RECOMMENDATIONS (check the box if attached: ☐):

Sperry


Signature of Commission Representative

29 Nov 2021
Date

Peter D Harris
Print Name of Commission Representative

WELSCO Chair
Title

ATTACHMENT 27

U.S. ARMY CORPS OF ENGINEERS CONSULTATION FORM



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

LWRD License Application Pre-Submission Consultation Form

U.S. Army Corps of Engineers

To the applicant- Prior to the submission of your license application to the Connecticut Department of Energy and Environmental Protection (DEEP) Land & Water Resources Division (LWRD), please complete Part I and submit this form to the U.S. Army Corps of Engineers (USACE), Regulatory Division, Attn: Diane M. Ray, 696 Virginia Road, Concord, MA 01742, with a location map of your site and project plans. Once the USACE returns the completed form to you, please submit it along with your license application to DEEP.

Part I: *To be completed by APPLICANT*

1. Applicant/Registrant Information

Name: Mark Sperry

Mailing Address: 21 Oswegatchie Rd.

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

Ext.: _____

Contact Person: Mark Sperry

Title: Owner

Business Phone: 860-439-1999

Ext.: _____

E-mail: afrish1324@aol.com

2. Engineer/Surveyor/Agent Information (list as applicable)

Name: Docko, Inc.

Title: Agent

Mailing Address: PO Box 421

City/Town: Mystic

State: CT

Zip Code: 06355

Business Phone: 860-572-8939

Ext.: _____

Contact Person: Keith Neilson, P.E.

Title: Engineer

Business Phone: 860-572-8939

Ext.: _____

E-mail: office@docko.com

Service Provided: preparation of application documents and plans.

3. Site Location:

Name of Site : Sperry Property

Street Address: 21 Oswegatchie Rd

City/Town: Waterford

State: CT

Zip Code: 06385

Tax Assessor's Reference: Map 102

Block _____

Lot 5842

Name of Waterbody: Niantic River

4. ☒ Confirm location map and site plans are attached.

Date of plans: 10-21-21

5. Provide or attach a brief, but thorough description of the project.

This proposed project is for shorefront modifications.

Part II: To be completed by USACE

This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill license (Connecticut general Statutes (CGS) Section 22a-361) and/or Tidal Wetlands license (CGS Section 22a-32) to DEEP LWRD. The application has not yet been submitted to DEEP. Please review the enclosed materials with regard to the USACE review process pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act; and provide any comments or recommendations you may have with regard to this proposal. Please call LWRD at 860-424-3019 if you have any questions. **Please return the completed form to the applicant.**

COMMENTS/RECOMMENDATIONS:

- Appears to qualify for CTGP9.

EFH Conservation Recommendations:

1. Require an SAV survey for activities within mapped or known tidal SAV if a survey has not been conducted in 3 years in accordance with SAV Survey Guidance. Tidal SAV at the project site should be identified in the field prior to the start of work and equipment should not anchor or impact SAV.
2. No activity should produce sedimentation in tidal SAS, natural rocky habitats or areas containing shellfish. This may be achieved using setbacks of 100 feet from tidal SAV or 25 feet from tidal SAS or natural rocky habitats.
3. The TOY restrictions in App. B should be required for work that produces greater than minimal turbidity or sedimentation in diadromous streams or tidal waters.
4. Appropriate soil erosion, sediment and turbidity controls should be used and maintained in effective operating condition during construction. Work capable of producing turbidity or sedimentation should be done during periods of low-flow or no-flow, when the stream or tide is waterward of the work, or when controls are used to obtain dry work conditions. Work that produces greater than minimal turbidity or sedimentation should not be done during the TOY restriction(s) in App. B.
5. Controls in streams should be installed and removed during the same TOY work window when practicable. Controls (e.g., cofferdams) should not encroach: i) >25% of the stream width measured from OHW in non-tidal diadromous streams during the diadromous fish TOY restriction (App. B); or ii) >25% of the stream width measured from MHW in tidal streams during the diadromous fish TOY restriction (App B); or iii) >50% in tidal streams during the diadromous fish TOY work window (App. B).
6. Fill should be located outside of tidal SAS, natural rocky habitats, or areas containing shellfish, and should not impact adjacent SAS, natural rocky habitats, or areas containing shellfish.
7. Compensatory mitigation should be provided for impacts to SAS, intertidal areas, natural rocky habitats, and areas containing shellfish.

USACE Application number: NAE-2021-0316

Kevin R Kotelly

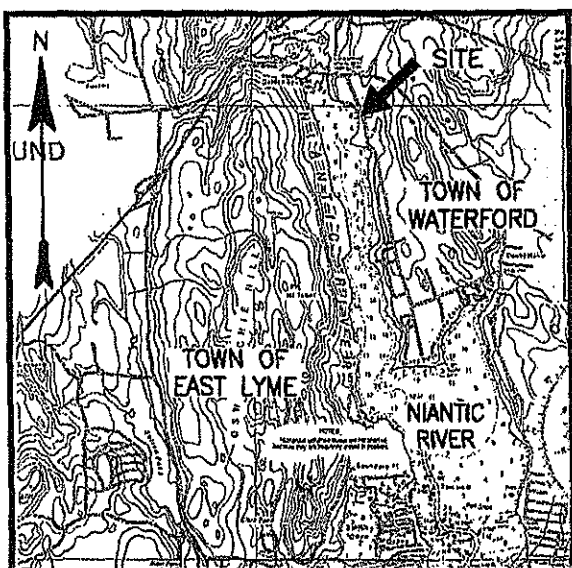
4 February 2022

Signature of Project Manager

Date

Kevin Kotelly

Printed Name of Project Manager

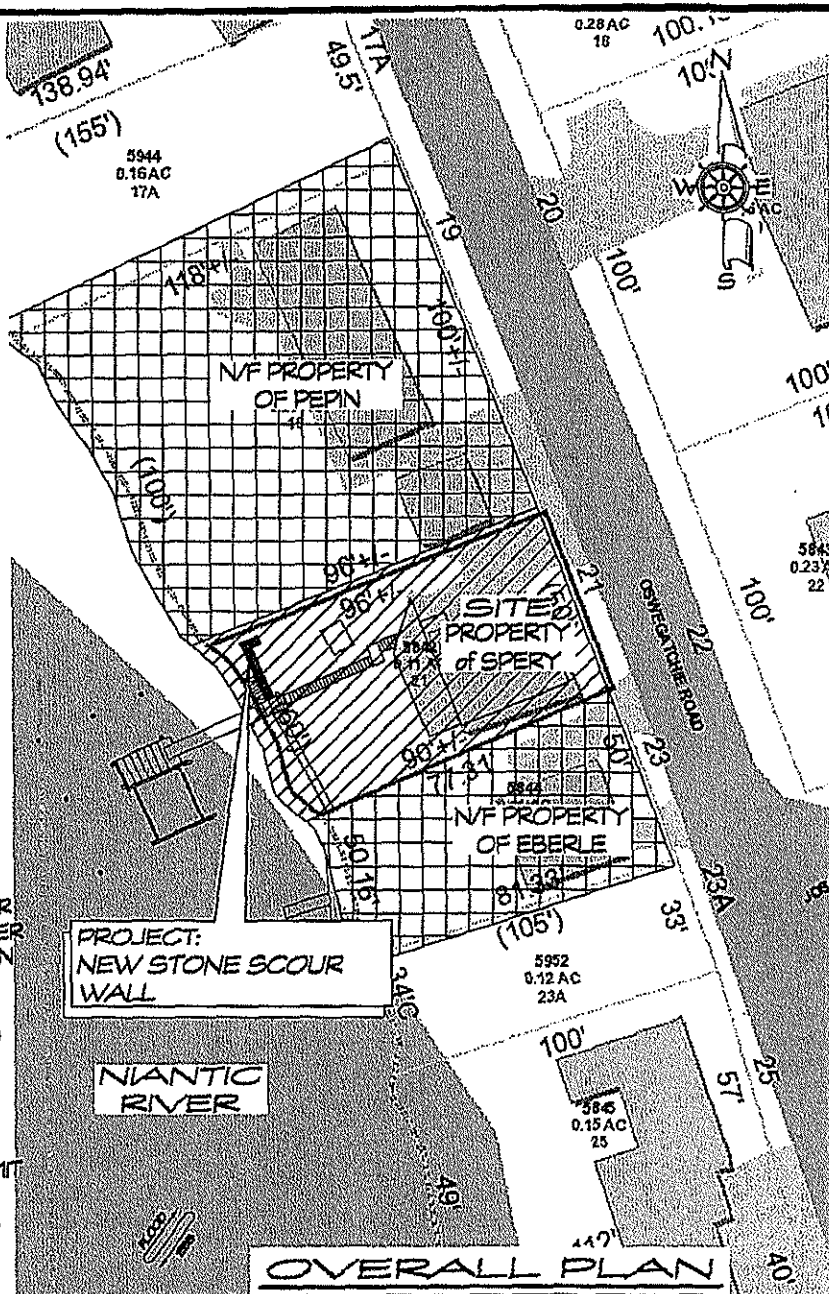


LOCATION MAP

REFERENCE
CHART: 13211
GRAPHIC SCALE
5000 0 5000 IN FEET

NOTES:

- ELEVATION DATUM IS MEAN LOW WATER (MLW).
- TIDE DATA IS TAKEN FROM 2021 NOAA TIDE TABLES
REFERENCE: NIAN TIC RIVER. C.U.L. IS TAKEN FROM THE
COASTAL JURISDICTIONAL LINE FACT SHEET:
WATERFORD
- PROJECT DESCRIPTION: CONSTRUCT 26± LF OF SCOUR
PROTECTION STONE WALL APPROXIMATELY 30± CY OVER
150± SF WATERWARD OF THE CT COASTAL JURISDICTION
LINE AND HIGH TIDE LINE.
- PROJECT PURPOSE: THE SCOUR WALL WILL HELP TO
STABILIZE AN ERODING COASTAL BLUFF AND A PRE
1980 HOME AND PRIVATE PROPERTY.
- THESE APPLICATION DRAWINGS REPRESENT A
COMPILATION OF SURVEYS FOR ENVIRONMENTAL PERMIT
PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT
DOCUMENTS AND REPRESENT THE OWNERS DESIGN. A
TOWN BUILDING PERMIT MAY BE REQUIRED.
- ADJOINING PROPERTY OWNERS:
NORTH: WILLIAM B PEPIN
19 OSWEGATCHIE ROAD
WATERFORD, CT 06385
SOUTH: BARBARA H EBERLE
23 OSWEGATCHIE ROAD
WATERFORD, CT 06385
- SITE ADDRESS:
21 OSWEGATCHIE ROAD
WATERFORD, CT 06385



OVERALL PLAN

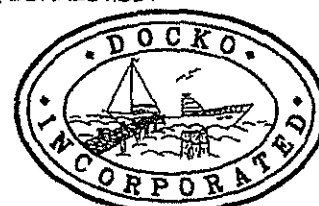
GRAPHIC SCALE 1" = 10'
50 25 0 50

NOTE THE SHORELINE SHOWN ON THIS DRAWING IS BASED ON TOWN
GIS PLANIMETRIC INFORMATION AND MAY NOT REFLECT THE CURRENT
TIDE LINE LOCATIONS OR FEATURES.

PROJECT: NEW STONE SCOUR WALL

LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: NIAN TIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERRY

AGENT: SHEET 1 OF 4
DOCKO, INC.
Keith B. Nelson, PE
Mystic, CT 06355
860 572 8939
EMAIL: permits@docko.com



DWG 19-07-3045

DRAFT
10-26-21

NOTES:

NO OSPREY POLES WERE OBSERVED WITHIN 500-FT OF THE SITE.
DOCK FACILITIES ON ADJACENT PROPERTIES ARE APPROXIMATE
NOT SURVEYED

19 Oswegatchie Road
N/F William B. Pepin

SITE
PROPERTY OF
SPERY

MULTI-STORY
RESIDENCE

23 Oswegatchie Road
N/F Barbara H. Eberle

FLOAT
DEEP RESOURCES
ROCKY SHOREFRONTS
ESTUARINE EMBAYMENTS
MODIFIED BLUFFS AND ESCARPMENTS
COASTAL FLOOD HAZARD
SHELLFISH CONCENTRATION AREAS

EXTENDED
APPROXIMATE
PROPERTY LINE

0 MLW
Baccharis halimifolia
(HIGH TIDE BUSH)
TO BE REPLANTED

3.7 C/JL/HTL

FOOTPRINT OF PREVIOUSLY
AUTHORIZED DOCK NOT
YET BUILT DEEP PERMIT#
202015007-LISGP

STONE SCOUR WALL TO BE
RETAINED DEEP PERMIT#
202015003-COP

NIANTIC
RIVER

SANDY BOTTOM

RETAIN STONE 24CY NORTH OF
EXTENDED PROPERTY LINE DEEP
PERMIT# 202015003-COP

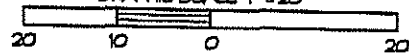
APPROXIMATE SHORELINE

EXTENDED
APPROXIMATE
PROPERTY LINE

DOCK

EXISTING CONDITIONS

GRAPHIC SCALE 1" = 20'

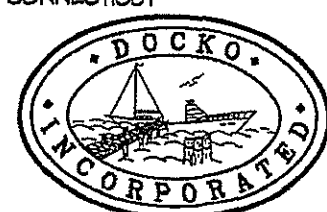


SURVEY by RESOURCE MANAGEMENT & MAPPING
ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)

PROJECT: NEW STONE SCOUR WALL

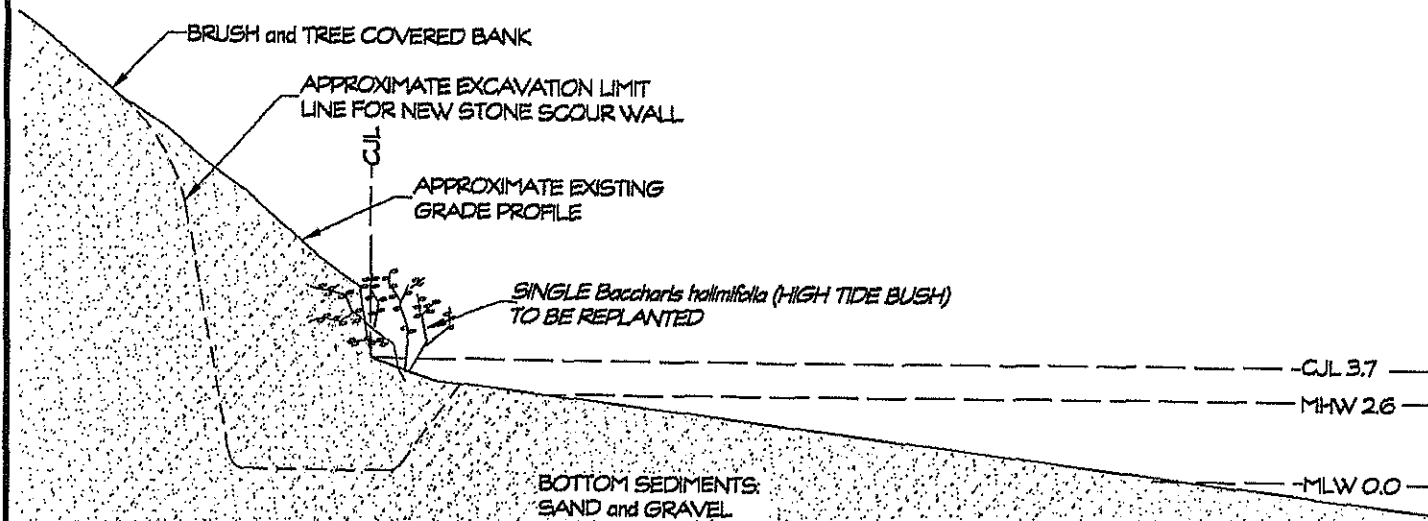
LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: NIANTIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERY

AGENT: SHEET 2 OF 4
DOCKO, INC.
Keith B. Nelson, PE
Mystic, CT 06355
860 572 8939
EMAIL: office@docko.com

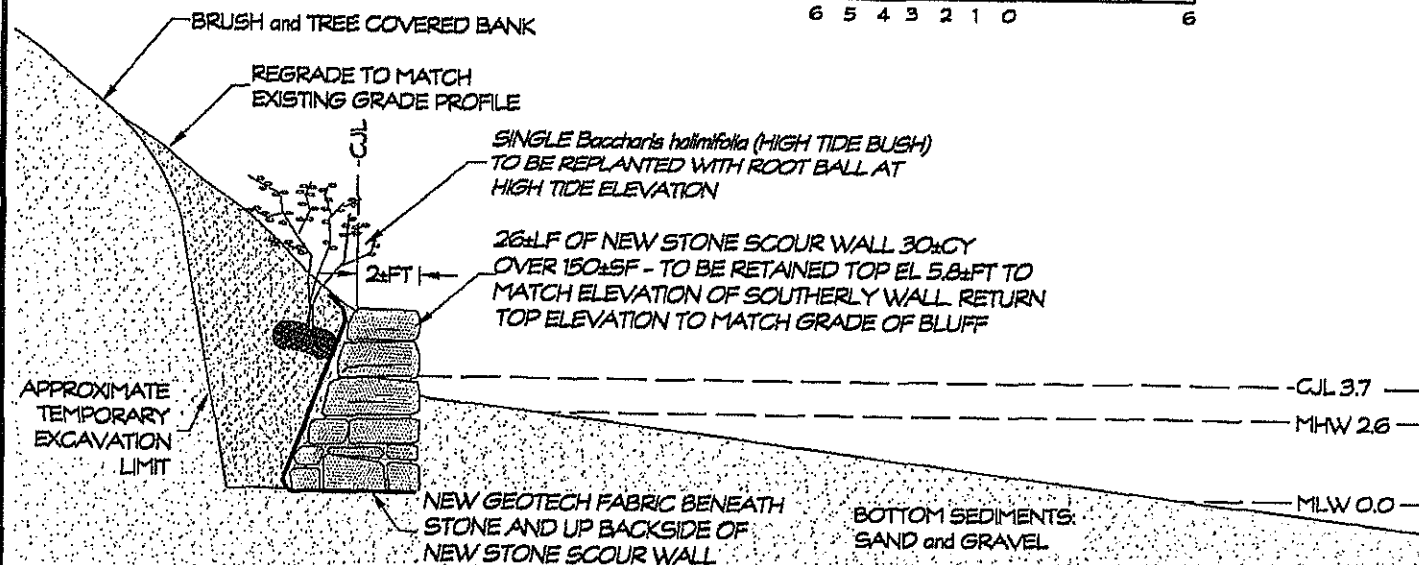
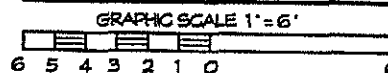


DWG 19-07-3045

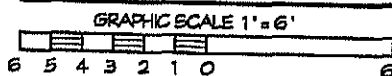
DRAFT
10-26-21



TYPICAL EXISTING CROSS-SECTION



TYPICAL PROPOSED CROSS-SECTION



ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)

PROJECT: NEW STONE SCOUR WALL

LOCATION: TOWN OF WATERFORD
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: NIAN TIC RIVER
DATE: OCTOBER 21, 2021
APPLICANT: MARK SPERY

AGENT: SHEET 4 OF 4
DOCKO, INC.
Keith B. Nelson, PE
Mystic, CT 06355
860 572 8939
EMAIL: office@docko.com



DWG 19-07-3045

DRAFT
10-26-21

Docko Office

From: Docko Office
Sent: Tuesday, February 8, 2022 5:19 PM
To: 'Kotelly, Kevin R CIV USARMY CENAE (USA)'
Subject: RE: Sperry NAE 2021-00316
Attachments: Sperry ACE response.PDF

Thanks Kevin, please see Keith's attached response to your pre application comments. Please let us know if you have any additional comments. Have a good rest of your night!

Christina Lopes
Project Administrator
Docko, Inc.
14 Holmes Street
PO Box 421
Mystic, CT 06355
(p) 860-572-8939
(e) office@docko.com

From: Kotelly, Kevin R CIV USARMY CENAE (USA) <Kevin.R.Kotelly@usace.army.mil>
Sent: Monday, February 7, 2022 12:57 PM
To: Martin, Leslie CIV USARMY USACE (USA) <Leslie.Martin@usace.army.mil>; Docko Office <Office@docko.com>
Subject: RE: Sperry NAE 2021-00316

Please see attached my email from Friday. Kevin

From: Martin, Leslie CIV USARMY USACE (USA) <Leslie.Martin@usace.army.mil>
Sent: Monday, February 7, 2022 12:48 PM
To: Docko Office <Office@docko.com>; Kotelly, Kevin R CIV USARMY CENAE (USA) <Kevin.R.Kotelly@usace.army.mil>
Subject: RE: Sperry NAE 2021-00316

Kevin is the PM on this file.

Leslie

From: Docko Office <Office@docko.com>
Sent: Monday, February 7, 2022 11:27 AM
To: Kotelly, Kevin R CIV USARMY CENAE (USA) <Kevin.R.Kotelly@usace.army.mil>; Martin, Leslie CIV USARMY USACE (USA) <Leslie.Martin@usace.army.mil>
Subject: [Non-DoD Source] FW: Sperry NAE 2021-00316

Hi Kevin and Leslie,

Can you please tell me who this project is assigned to or provide us with pre application comments? We issued this to your office in October and haven't heard anything back. This is the last piece of information we need in order to submit this application to DEEP. Please let us know if you have any questions or need additional information from us. Thanks!

Christina Lopes
Project Administrator

Docko, Inc.
14 Holmes Street
PO Box 421
Mystic, CT 06355
(p) 860-572-8939
(e) office@docko.com

From: Docko Office

Sent: Tuesday, October 26, 2021 12:07 PM

To: P. E Kevin R. Kotelly (kevin.r.kotelly@usace.army.mil) <kevin.r.kotelly@usace.army.mil>; Martin, Leslie CIV USARMY USACE (USA) <Leslie.Martin@usace.army.mil>

Subject: Sperry

Hi,

Please see the attached pre application consult for the Sperry project. Please let us know when this project has been assigned. Thanks! Have a good rest of your day!

Christina Lopes
Project Administrator
Docko, Inc.
14 Holmes Street
PO Box 421
Mystic, CT 06355
(p) 860-572-8939
(e) office@docko.com

Docko, Inc. *Serving the waterfront community since 1987*

P.O. Box 421, Mystic, CT 06355 (860) 572-8939 Fax: (860) 572-7569, email: office@docko.com

February 8, 2022

Mr. Kevin Kotelly
US Army Corps of Engineers
696 Virginia Road
Concord, Massachusetts 01742-2751

Re: Sperry, Pre-App Comments
NAE 2021-0316, Waterford

Dear Mr. Kotelly,

Thank you so much for your consultation form dated February 4th, 2022 regarding the application by the Sperry family to extend their stone bluff toe stabilization wall to their north property line.

In reviewing your consultation form, it appears that this application qualifies for Connecticut General Permit No. 9 as you have stated. We have read through the EFH Conservation Recommendations that you offer and feel that the following additional information is appropriate to this project:

1. We conducted an SAV survey for this property two years ago, and there was no submerged aquatic vegetation on the site or in the shallow subtidal waters immediately adjacent to the site.
2. None of the activities that are being proposed will produce sedimentation to any great extent. Work will be done at low tide when the sandy sediments at toe of the slope is completely exposed and fairly dry and stable. Once the first layer of rock has been set for the wall, the remaining work will produce no turbidity. A geotextile fabric will be placed behind the stone wall to assure that sandy gravel bluff soils and sediments from behind the rock do not erode into the Niantic River.

Since there is no SAV in the area, no mitigation will be necessary for this small retaining wall work scope. The one high tide bush specimen will be preserved in place or transplanted immediately adjacent to its current location.

3. It does not appear that time of year restrictions will be necessary for this work, since the work will be conducted at low tide conditions and not disturbing the water or the water period. There will also not be any machinery noise or impact shock waves because the work will be manual.
4. Again, we believe that soil erosion and sediment and turbidity controls will not be necessary to this project. The small retaining wall will help to protect the bluff from further erosion and the resulting turbidity which sloughing sediments create. This small wall project should create an improvement to water quality in the river.
5. Again, we believe that TOY restrictions will not be necessary, because of the highly controlled nature of the work being undertaken in small increments at low tide conditions which will prevent any sediment disturbance from yielding turbidity in the Niantic River.

6. A wall of relatively small stone will be located at the toe of the eroding bluff on gravel sediments with geotextile wrapping. This is not a rocky shoreline so much as a sandy beach. Our biological survey by a Licensed Wetland Scientist revealed no SAV existed at this site, and we therefore believe no SAV impact will be generated by this project.
7. We are not anticipating that there will be any adverse impact to SAV in the intertidal areas, or for the naturally sandy intertidal zone habitat. It is unlikely that shellfish issues are going to be a prominent concern when the work is being conducted at and above the high tide line.

We trust that this further explanation is helpful in your assessment of the project and we will forward a copy of this letter to the DEEP LWRD and believe that they will find this acceptable to continue processing the requested permit for this project.

Very Truly Yours,
Docko, Inc.



Keith B. Neilson, P.E.

KBN:cl

CC: Mr. Kevin Kotelly, USACE

Mr. Micheal Grzywinski, CT DEEP/LWRD

Mr. Mark Sperry, Owner

File: 19-07-3045 MARK SPERY

ATTACHMENT 42

APPLICANT BACKGROUND INFORMATION FORM

Applicant Background Information (continued)

☐ **Voluntary Association**

☐ Check box if additional sheets are necessary. If so, label and attach additional sheet(s) to this sheet with the required information.

1. List authorized persons of association or list all members of association.

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.:

E-mail:

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.:

E-mail:

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.:

E-mail:

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.:

E-mail:

☒ **Individual or Other Business Type**

☐ Check the box, if additional sheets are necessary. If so, label and attach additional sheet(s) to this sheet with the required information.

1. Name: **Mark Sperry**

Mailing Address: 21 Oswegatchie Road

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

ext.:

E-mail: office@docko.com

2. State other names by which the applicant is known, including business names.

Name:

ATTACHMENT 41

APPLICANT COMPLIANCE INFORMATION FORM



**Connecticut Department of
Energy & Environmental Protection**

Applicant Compliance Information

DEEP ONLY

App. No. _____
Co./Ind. No. _____

Applicant Name: Mark Spery

Mailing Address: 21 Oswegatchie Road

City/Town: Waterford

State: CT

Zip Code: 06385

Business Phone: 860-439-1999

ext.:

Fax:

Contact Person: Keith Neilson, P.E.

Phone: 860-572-8939 ext.

***E-mail: office@docko.com**

If you answer yes to any of the questions below, you must complete the Table of Enforcement Actions on the reverse side of this sheet as directed in the instructions for your permit application.

- A. During the five years immediately preceding submission of this application, has the applicant been convicted in any jurisdiction of a criminal violation of any environmental law?
- ☐ Yes ☒ No
- B. During the five years immediately preceding submission of this application, has a civil penalty been imposed upon the applicant in any state, including Connecticut, or federal judicial proceeding for any violation of an environmental law?
- ☐ Yes ☒ No
- C. During the five years immediately preceding submission of this application, has a civil penalty exceeding five thousand dollars been imposed on the applicant in any state, including Connecticut, or federal administrative proceeding for any violation of an environmental law?
- ☐ Yes ☒ No
- D. During the five years immediately preceding submission of this application, has any state, including Connecticut, or federal court issued any order or entered any judgement to the applicant concerning a violation of any environmental law?
- ☐ Yes ☒ No
- E. During the five years immediately preceding submission of this application, has any state, including Connecticut, or federal administrative agency issued any order to the applicant concerning a violation of any environmental law?
- ☐ Yes ☒ No

Table of Enforcement Actions

[illegible]

☐ Check the box if additional sheets are attached. Copies of this form may be duplicated for additional space.