

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : **APPLICATION NO. 200103011**

THOMAS & JANET BAGG : **APRIL 8, 2003**

PROPOSED FINAL DECISION

The parties have submitted an *Agreed Draft Decision* (Attachment 1) dated *March 31, 2003* for my consideration in this matter. Upon my review of the findings of fact and conclusions contained in this *Agreed Draft Decision*, I adopt it as my *Proposed Final Decision* with two minor modifications outlined below and recommend that the Commissioner issue the attached draft permit (Attachment A).

Modifications to Agreed Draft Decision

1. Page 2, item 2., line 12, delete “to a 6’ wide by 16’ long floating dock and two associated anchor piles.” and replace with “to a 6’8” wide by 15’ long floating dock with float stops and four anchor piles. (DEP-14)”.
2. Page 6, item e., line 3, delete “mange” and replace with “manage”.

April 8, 2003
Date

/s/ Elaine R. Tata
Elaine R. Tata, Hearing Officer

ATTACHMENT 1

AGREED DRAFT DECISION

**THOMAS AND JANET BAGG
COASTAL PERMIT APPLICATION #200103011-MG**

**INSTALLATION OF A PIER, RAMP, FLOATING DOCK AND BOAT CRADLE
TOWN OF OLD LYME**

March 31, 2003

-
1. **Introduction:** In September of 2001, Mr. and Mrs. Thomas Bagg submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the high tide line, in an area of tidal wetlands, for the installation of a fixed pile and timber pier, ramp and floating dock with associated tie-off piles in Lord Cove, in the Town of Old Lyme. This application seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of the Connecticut General Statutes (General Statutes) sections 22a-359 through 363f, in accordance with the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 of the General Statutes, and Tidal Wetlands Act and regulations, sections through 22a-28 through 22a-35 of the General Statutes and sections 22a-30-1 through 22a-30-17 of the Regulations of Connecticut State Agencies.
 2. **Parties:** The parties to the proceeding are: the Applicants, Thomas and Janet Bagg, and staff from the Office of Long Island Sound Programs (OLISP) of the Department of Environmental Protection (DEP)(Staff).

The parties have agreed to the admission of all the exhibits listed on the attached exhibit list comprising applicant's exhibits APP 1-4, APP Drawings and APP Photographs and staff exhibits DEP-1 through DEP-23.

FINDINGS OF FACT

Background:

1. **Site Location and Character:** The site is located at 11-1 Binney Road on Lord Cove in Old Lyme, CT. Lord Cove is an estuarine embayment that is subject to an average 4.0' tidal cycle. Tidal wetland vegetation is seen along the entire frontage of the site. In addition, an intertidal mudflat spans the site and is visible at low water. A variety of shorebirds can be observed feeding on this mudflat when it is exposed.

2. Application History: The initial application was received on September 21, 2001 requesting authorization to install a 4' wide by 42' long fixed pile and timber pier, a 4' wide by 20' long ramp to a 6' wide by 16' long floating dock and two associated anchor pilings. (DEP-1). After their initial review of the application, staff determined that the proposed work appeared to be generally consistent with applicable state policies, standards and criteria although some modifications were required. A letter dated January 15, 2002 was sent to the Applicants requesting additional information. The Applicants supplied the required information in a number of subsequent submittals between March 2001 and June 2001. (DEP-7-11). In early July 2002, OLISP recommended tentative approval of the application and on July 11, 2002, the Notice of Tentative Determination on the application was published in The Day newspaper. (DEP-14) for the installation of a 4' wide by 42' long fixed pile and timber pier, a 4' wide by 20' long ramp to a 6' wide by 16' long floating dock and two associated anchor pilings. Because the project is in an area of tidal wetland vegetation, regulated by the Tidal Wetlands Act section 22a-32 required a 40-day comment period on the application and also required that a public hearing be held upon request by 25 individuals. The public comment period closed on August 20, 2002. Two comment letters were received by OLISP in response to the public notice. The first letter, received on August 9, 2002, was submitted by the Town of Old Lyme Conservation Commission (DEP-18) and included a request for public hearing. The second letter, received on August 12, 2002, was submitted by Kathleen Pastel and included a petition with 25 signatures requesting that a public hearing be held on the application. (DEP-21).

In accordance with statutory requirements, upon receipt of Ms. Pastel's petition a public hearing was scheduled on the application. On November 16, 2002, a Notice of Public Hearing was published in The Day newspaper. The hearing was held in DEP's Marine Headquarters office in Old Lyme on December 3, 2002. While several issues and concerns with the application were discussed at the Public Hearing, no opposition was expressed to the proposal. The majority of individuals who offered comment during the public hearing expressed concern that the floating dock, as designed, would not prevent the vessel from resting on the substrate during periods of low tide.

Staff recommended that special conditions be imposed in the final permit (DEP-23) to address this resource concern. Subsequent to the close of the public hearing, in a letter dated January 29, 2003, the Applicant proposed a revision to the dock design to address concerns raised at the public hearing to include a boat cradle adjacent to the float. This cradle will ensure that the boat is elevated off the substrate during periods of low water. (DEP-22).

3. Project Description: The Applicants, in their initial application, sought authorization to install a 4' wide by 42' long fixed pile and timber pier, a 4' wide by 20' long ramp to a 6' wide by 16' long floating dock and two associated anchor pilings. The project proposal has been revised to include float stops on each

corner of the float and a boat cradle structure parallel to the float to elevate the boat above the substrate during low water periods. (DEP-22).

4. Purpose and Use of Proposed Dock: The purpose of the proposed work is to construct a pier, ramp and floating dock for the Applicants' private, recreational boating use.
5. Compliance and Enforcement History: There are no previous permits or certificates issued by the DEP, OLISP that authorized work waterward of the high tide line at this site. The site has not been the subject of a DEP enforcement action for unauthorized activities waterward of the high tide line.
6. Tidal Wetlands and Submerged Aquatic Vegetation (SAV): On November 15, 2001, staff conducted a site visit to verify the location of tidal wetland vegetation within the project location. The inspection revealed that tidal wetlands exist along the entire frontage of the property as shown on the submitted plans. The tidal wetland vegetation in this area at the height of the growing season is approximately 4' in height and extends waterward from the existing high tide line approximately 15'. The proposed ramp and floating dock will not impact the tidal wetland vegetation on-site. A field survey was conducted by Richard Snarski and the following plants were noted and are depicted on the plans: Switch Grass (*Panicum virgatum*), Smooth Cordgrass (*Spartina alterniflora*), Slough Grass (*Spartina pectinata*), Eastern Lilaepsis (*Lilaeopsis chinensis*), Groundsel Tree (*Baccharis halimifolia*), False Indigo (*Amorpha fruticosa*), Water Hemp (*Amaranthus cannabinus*), Three Square Rush (*Scirpus pungens*) and Horned Pondweed (*Zannichellia palustris*). The proposed structure has been sufficiently elevated to minimize shading of this vegetation. The ramp and float portions of the dock structure will be installed waterward of the extent of the tidal wetland vegetation on site and therefore is not expected to impact this resource. In addition, the ramp and float will be removed seasonally reducing impacts to the bottom substrate. (DEP-23).
7. Shellfish: There are no known shellfish concentration areas in the vicinity of the project site.
8. Connecticut Endangered, Threatened and Special Concern Species: A review of all Endangered, Threatened, and Special Concern species was conducted for the project site by staff of DEP's Environmental & Geographic Information Center (EGIC). A September 25, 2001 letter from Dawn McKay (EGIC) to Gary Sharpe, the applicant's representative indicated that Federal and State Endangered Bald Eagles (*Haliaeetus leucocephalus*), shortnose sturgeon (*Acipercer brevirostrum*), State Threatened Atlantic Sturgeon (*Acipencer oxyrhynchus*) and Diamond-back Terrapin (*Malaclemys terrapin*) are present in the vicinity of the project site. (DEP-3). In an October 11, 2001 letter to Gary Sharpe, Julie Victoria, DEP Wildlife Division recommended that work only take place from mid-March to mid-December to avoid disruptions to diamond-back terrapins and over-wintering

bald eagles. Staff recommend that a special condition be included in the permit imposing this seasonal restriction. (DEP-4). Ken Metzler, DEP Environmental & Geographic Information Center (EGIC) submitted a letter dated December 28, 2001 to Office staff indicating that Eastern lilaeopsis (*Lilaeopsis chinensis*) is located within the immediate vicinity of the proposed structure, but that the proposed structure will not adversely impact this plant. (DEP-5).

9. Intertidal Mudflats: The location of mean low water (MLW) on the project site is approximately 34' from the base of the existing embankment. Tidal wetland vegetation extends out from the existing seawall approximately 15'. The area waterward of the tidal wetland vegetation is intertidal mudflat. This is the area where the ramp and float will be installed. In order to minimize contact and disturbance of the intertidal flat, the underside of the float will be equipped with four float stops (one at each corner) which will also be attached to the proposed anchor piles. In addition, the permit will include a condition requiring that the Permittees remove the ramp and float no later than November 15th of any calendar year and not reinstall the ramp and float before April 15th of any calendar year. In addition, the Permittees will be required to store the ramp and float at an upland location, landward of the high tide line and outside of tidal wetlands.
10. Finfish: The proposed project was discussed with Mark Johnson, DEP Inland Fisheries Division to determine potential impacts to fisheries and fisheries habitat. His review concluded that the installation of the proposed fixed pier, ramp and float will not adversely impact fisheries resources and habitat in Lord Cove.
11. Navigation Impacts: The Connecticut River Federal Navigation Channel is located in the main stem of the river, outside of Lord Cove. This project site is located in an area of the cove that is generally navigable by only shallower draft boats during periods of high tide. At low tide, the mudflat extends out approximately 110' from shore, reducing the navigable waterway to 700 feet and making navigation in this area of the cove virtually impossible. The length of the proposed dock structure does not restrict navigation beyond the natural restriction that already exists in the cove. It is not anticipated that the proposed structure will present navigational conflicts.
12. Public Trust: OLISP has found that along the Connecticut coast reasonable access for a riparian property owner can generally be achieved by a fixed pier extending to mean low water with a ramp and 100 square foot float. The proposed structure conforms to this finding and therefore, does not represent an unreasonable encroachment into public trust waters in Lord Cove.

Environmental Impacts:

Environmental impacts associated with the proposed pier, ramp and floating dock have been minimized to the greatest extent practicable. The proposed pier, ramp and floating dock conform to OLISP policy of a fixed pier to mean low water with a ramp and 100 square foot float and provides the Applicants with reasonable access to public trust waters while minimizing overall encroachment and impacts to coastal resources. The Applicants understand that use of this dock to launch and berth vessels may not be possible at all tidal cycles due to shallow depths in Lord Cove. The installation of the ramp and float are not anticipated to adversely impact any State listed endangered, threatened or special concern species, intertidal flats, tidal wetlands or finfish resources.

Alternatives: Several project alternatives were considered by the applicants:

1. Shorter Fixed Dock: A shorter fixed dock was not considered. If the dock were shorter than proposed, the float would rest in shallower water and would rest on the substrate for longer periods of time increasing the potential for benthic impacts.
2. Longer Fixed Pier: A longer fixed pier structure to reach deeper water depths was not considered feasible as it would be inconsistent with the policies and standards of this Office to minimize encroachment into public trust waters. In addition, a longer structure might cause navigation conflicts in the cove.
3. No Dock: This alternative was considered and rejected because it would not provide the applicants with a means to exercise their riparian right of access to the waters of the cove because of the steep topography of the existing shoreline and to use the structure for recreational boating.
4. Boat Cradle: This modification to the original proposal was proposed by the Applicants in response to the comments received during the public hearing. The boat cradle will elevate the applicants' vessel during periods of low tide thereby minimizing potential adverse environmental impacts to the intertidal flat.

After balancing all of the relevant concerns, a dock structure consisting of a pier, ramp, float and boat cradle as proposed by the Applicants will afford the Applicants with reasonable access to public trust waters for boating while minimizing both overall encroachment and impacts to coastal resources. This proposal represents the least intrusive and most environmentally sensitive of those alternatives considered.

CONCLUSIONS

1. Environmental Impact of the Proposed Action: The proposed project would provide the Applicants with reasonable access to public trust waters for recreational boating. The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following policies regarding coastal resources, tidal wetlands, and coastal management:
 - a. section 22a-92(a)(1) of the General Statutes, which requires that the development; preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
 - b. section 22a-92(b)(1)(D) of the General Statutes which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;
 - c. section 22a-92(b)(1)(H) to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redeveloped areas, (iii) are located to assure optimal distribution of state owned facilities to the state wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;
 - d. section 22a-92(b)(2)(D) of the General Statutes, which requires the management of intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation;
 - e. section 22a-92(c)(2)(A) of the General Statutes, which policies concerning coastal land and other resources within the coastal boundary (in part) are: (A) to manage estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass

flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational fisheries;

- f. section 26-310(a) of the General Statutes, which requires that each state agency, in consultation with the commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of the endangered or threatened species or result in the destruction or adverse modification of habitat designation as essential to such species, unless such agency has been granted an exemption.
2. Consistent with All Applicable Standards: The proposal is consistent with applicable standards, goals and policies of section 22a-359 of the General Statutes which requires the Department to make permit decisions with due regard for indigenous aquatic life, fish and wildlife, the use and development of adjoining uplands, and the recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.
 3. Alternatives to the Proposed Action: There is no feasible or prudent alternative which would provide the applicant reasonable riparian access which would have less impact on the adjacent coastal resources.

AGREEMENT

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in Exhibit DEP-23, Draft Permit, attached hereto.

By: _____

Thomas and Janet Bagg
Applicants

By: _____

Charles H. Evans, Director
Office of Long Island Sound Programs
Department of Environmental Protection

ATTACHMENT A

DRAFT PERMIT

Permit No.: 200103011-MG
Town: Old Lyme
Work Area: Lord Cove off property located at 11-1 Binney Road
Permittees: Thomas & Janet Bagg

Pursuant to sections 22a-28 through 22a-35 and 22a-359 through 22a-363f of the Connecticut General Statutes (“General Statutes”), and in accordance with section 22a-98 of the General Statutes and the Connecticut Water Quality Standards dated April 1997, a permit is hereby granted by the Commissioner of Environmental Protection (Commissioner) to construct an elevated fixed pier, ramp and floating dock and boat lift for private recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in Lord Cove off property identified as the “work area” above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEES AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittees are hereby authorized to conduct the following work as described in application #200103011-MG, including six sheets of plans submitted by the Permittees to the Commissioner and attached hereto, dated September 7, 2001, sheets 4 and 5 of 5 revised April 1, 2003 and sheet 5A of 5 dated April 1, 2003:

construct an elevated 4' wide by 42' long fixed pile and timber pier with batter piles to a 4' wide by 20' long ramp with railings to a 6'8" wide by 15' long floating dock with float stops and battered anchor piles and battered tie-off piles on the north side of the float and a boat cradle with battered piles on the southern side of the float as shown on sheets 3 through 5A of 5.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEES ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
3. All work associated with the driving of piles shall be conducted from a water-based barge during periods of high tide and the Permittees shall not allow the barge to rest on the bottom at any time.
4. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittees at an upland site approved for the disposal of such waste material.
5. The Permittees shall install and continuously maintain the float stops authorized herein.
6. The Permittees shall install and continuously maintain the boat cradle authorized herein.
7. The Permittees shall not drive piles authorized herein between December 15th and March 15th, inclusive, of any year in order to protect wintering bald eagles in the area unless otherwise authorized in writing by the Commissioner.
8. The Permittees shall remove the ramp and float authorized herein no later than November 15th of any calendar year and shall not install such ramp and float before April 15th of any calendar year. The Permittees shall store such structures at an upland location landward of the high tide line and outside of any wetlands.
9. Not later than two weeks prior to the commencement of any work authorized herein, the Permittees shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
10. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittees shall submit to the Commissioner “as-built” plans of the work area showing all contours, bathymetries, tidal datums and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within three years from date of issuance of this permit ("work completion date").
2. The Permittees may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in his sole discretion.
3. Any work authorized herein, other than maintenance authorized herein, conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittees to enforcement action, including penalties, as provided by law.
4. In conducting the work authorized herein, the Permittees shall not deviate from the attached plans, as may be modified by this permit. The Permittees shall not make de minimis changes from said plans without prior written approval of the Commissioner.
5. The Permittees shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable laws including, but not limited to, sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the General Statutes.
6. Prior to the commencement of any work authorized herein, the Permittees shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittees shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
7. In undertaking the work authorized hereunder, the Permittees shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit "pollution" means "pollution" as that term is defined by section 22a-423 of the General Statutes
8. Upon completion of any work authorized herein, the Permittees shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittees shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittees' obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittees shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
15. In granting this permit, the Commissioner has relied on representations of the Permittees, including information and data provided in support of the Permittees' application. Neither the Permittees' representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.

16. In the event that the Permittees become aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittees shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittees shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittees shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittees shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
17. In evaluating the application for this permit, the Commissioner has relied on information and data provided by the Permittees and on the Permittees' representations concerning site conditions, design specifications and the purpose of the work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and the Permittees may be subject to enforcement action.
18. The Permittees may not conduct any work waterward of the high tide line or in tidal wetlands at this work area other than work authorized herein, unless otherwise authorized by the Commissioner pursuant to section 22a-359 et. seq. and/or section 22a-32 et. seq. of the Connecticut General Statutes.
19. The issuance of this permit does not relieve the Permittees of their obligations to obtain any other approvals required by applicable federal, State and local law.
20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittees and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights

and to any federal, State or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2003.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Arthur J. Rocque, Jr.
Commissioner

**Permit Application No. 200103011-MG, Old Lyme
Thomas & Janet Bagg**

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEES: Thomas & Janet Bagg
69 Neck Road
Old Lyme, CT 06371

PERMIT NO: 200103011-MG, Old Lyme

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____ (signature) _____ (date)

P A R T Y L I S T

In the matter of Thomas and Janet Bagg, Application No. 200103011

PARTY

Thomas & Janet Bagg

REPRESENTED BY

Gregory Sharp, Esq.
Murtha, Cullina, LLP
CityPlace 1
185 Asylum Street
Hartford, CT 06103

Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106

Micheal Grzywinski
