

CITY OF NORWALK'S HARBOR MANAGEMENT POLICIES*

This chapter contains the City of Norwalk's harbor management policies to guide decisions affecting Norwalk Harbor by the Harbor Management Commission and other City agencies. They must also be considered by State and Federal agencies making decisions affecting the Harbor. Unless otherwise stated, Norwalk Harbor is defined for the purpose of the policies as all of the waters of the Harbor as defined in Section 1-205 of the Norwalk Charter excepting the Five Mile River area and including the Norwalk Inner and Outer Harbors defined in Section 69-2 of the Norwalk Code.

The policies address the harbor management issues and planning considerations identified in the *Norwalk Harbor Management Plan* and serve to advance the City's harbor management goals and objectives established in Chapter Two of the Plan.

The policies are grouped into eight categories concerning: 1) navigation; 2) public health, safety, and welfare; 3) recreational boating; 4) commercial port operations; 5) waterfront land-use and development; 6) public access to the Harbor; 7) environmental quality; and 8) harbor administration and coordination. The policies are not tied to specific geographic sections of Norwalk Harbor but are intended to apply in general throughout the Harbor. More specific management guidelines and recommendations for individual "management units" within the Harbor are contained in chapters four and five of the *Norwalk Harbor Management Plan*.

The policies are numbered for reference purposes; not to denote priority. An index to the policies is included as figure 3-1.

* This chapter includes the 2009 amendments to the City of Norwalk's harbor management policies established in chapter three of the *Norwalk Harbor Management Plan* adopted by the Norwalk Common Council in 1990 and amended by the Council in 1993 and in the *Norwalk Harbor Management Plan 1997 Addendum* adopted by the Council in 1998. The 2009 additions to the previously adopted and amended policies are shown in **bold type**; the 2009 deletions are shown as "~~struck out.~~"

INDEX TO HARBOR MANAGEMENT POLICIES		<u>Page</u>
1.0. NAVIGATION POLICIES		3-4
1.1. Avoiding and Eliminating Unauthorized Encroachments in Norwalk Harbor		3-4
1.2. Designating Navigation Fairways		3-5
1.3. Determining “Set-Back” Distances from Channels, Anchorage Areas, Mooring Areas, and Fairways		3-6
1.4. Designating Special Anchorage Areas		3-7
1.5. Placing and Maintaining Aids to Navigation		3-7
1.6. Managing Commercial Fishing and Aquaculture Structures		3-8
1.7. Operating and Maintaining Bridges Over Navigable Water		3-9
1.8. Maintaining the Norwalk Harbor Federal Navigation Project		3-9
1.9. Managing Nonfederal Dredging and Dredged Material Disposal		3-10
1.10. Reducing Siltation		3-11
1.11. Encouraging Coordination to Address Harbor Icing Impacts		3-11
2.0. PUBLIC HEALTH, SAFETY, AND WELFARE POLICIES		3-12
2.1. Regulating Vessel Speed and Wake		3-12
2.2. Maintaining Emergency Planning and Response Capabilities		3-13
2.3. Recognizing the Carrying Capacity of Norwalk Harbor for Safe Boating and Other Water Uses		3-14
2.4. Avoiding Water Use Congestion and Conflicts		3-15
2.5. Mitigating Flood and Erosion Hazards		3-16
2.6. Removing Abandoned and Derelict Vessels and Structures		3-16
2.7. Establishing and Enforcing Boating Laws and Public Safety Regulations		3-18
3.0. RECREATIONAL BOATING POLICIES		3-18
3.1. Providing Boating Facilities		3-18
3.2. Managing Mooring Locations		3-19
3.3. Applying Mooring Tackle and Buoy Standards		3-21
3.4. Managing the Anchoring of Vessels		3-21
3.5. Providing Public Boating Facilities		3-22
3.6. Providing Transient Boating Facilities		3-22
3.7. Managing Live-Aboard Vessels		3-23
3.8. Maintaining Boating Safety and Education		3-23
4.0. COMMERCIAL PORT POLICIES		3-23
4.1. Supporting Maintenance Dredging		3-23
4.2. Avoiding Conflicts with Recreational Activities		3-23
4.3. Monitoring Bridge Opening Procedures and Practices		3-24
4.4. Providing Dock Space for Commercial Fishermen		3-24
4.5. Managing Boat Terminals and Supporting Excursion Vessels		3-24
4.6. Supporting Commercial Port Activities		3-25
4.7. Contingency Planning for Fuel and Hazardous Materials Spills		3-25

Figure 3-1: *Index to Harbor Management Policies.*

INDEX TO HARBOR MANAGEMENT POLICIES (Continued)

	<u>Page</u>
5.0. WATERFRONT LAND-USE AND DEVELOPMENT POLICIES	3-25
5.1. Planning and Review of Waterfront Development	3-25
5.2. Protecting Water-Dependent Uses and Activities	3-26
5.3. Constructing and Maintaining In-Water Structures	3-27
5.4. Filling and Stabilizing Waterfront Property	3-28
5.5. Protecting Neighborhood Character and Quality of Life	3-28
5.6. Protecting Littoral/Riparian Rights for Use of Navigable Water	3-29
 6.0. PUBLIC ACCESS POLICIES	 3-29
6.1. Providing Public Access to the Harbor and Along the Shoreline	3-29
6.2. Providing Pedestrian Access Between the Waterfront and City Commercial Centers	3-30
6.3. Providing Access to the Harbor from City Parks	3-30
6.4. Using City-Owned Street Ends for Access to the Harbor	3-31
6.5. Providing Access to Mooring Areas	3-31
6.6. Providing Access to the Norwalk Islands	3-32
6.7. Balancing Littoral and Public Rights for Harbor Use	3-32
6.8. Encouraging Special Waterfront Events and Activities	3-32
6.9. Encouraging Water-Based Tourism	3-32
 7.0. COASTAL RESOURCES POLICIES	 3-33
7.1. Recognizing the Carrying Capacity of Harbor Resources to Accommodate New Development and Other Activities	3-33
7.2. Managing Fisheries Resources, Including Shellfish Resources	3-34
7.3. Protecting and Restoring Intertidal Resources, Including Tidal Wetlands and Intertidal Flats	3-37
7.4. Managing and Protecting the Norwalk Islands	3-38
7.5. Maintaining and Improving Surface Water Quality	3-38
7.6. Protecting Archaeological Resources	3-41
 8.0. HARBOR ADMINISTRATION AND COORDINATION POLICIES	 3-41
8.1. Defining Norwalk Harbor Boundaries	3-41
8.2. Defining the Jurisdiction and Responsibilities of the Harbor Management Commission ..	3-43
8.3. Enforcing Harbor Management Provisions	3-43
8.4. Conducting Harbor Management Consistency Reviews	3-43
8.5. Facilitating the Regulatory Process	3-46
8.6. Managing Mooring Permits	3-47
8.7. Obtaining Funding for Harbor Management and Improvements	3-48
8.8. Developing and Maintaining Public Support and Awareness of Plan Provisions	3-49
8.9. Updating and Amending the Harbor Management Plan and Applicable Code Sections ...	3-49
8.10. Encouraging Coordination Among City Agencies for Harbor Management	3-50
8.11. Encouraging Coordination with State and Federal Authorities	3-50
8.12. Encouraging Coordination with Other Municipalities	3-51
8.13. Encouraging Coordination with Regional and Nongovernmental Organizations	3-51
8.14. Encouraging Coordination with the State of Connecticut Harbormaster	3-51
8.15. Encouraging Coordination for Special Events	3-52

Figure 3-1: *Index to Harbor Management Policies (Continued).*

1.0. NAVIGATION POLICIES

1.1. Avoiding and Eliminating Unauthorized Encroachments in Norwalk Harbor:

1.1.1. **No structures or any other work (including but not limited to docks, piers, floats, pilings, bulkheads, moorings, and dredging or filling of aquatic areas) shall be placed or take place below the high tide line (HTL) in Norwalk Harbor without necessary City, State, or Federal authorization. Any unauthorized structures or other work in Federal channels or anchorages or in any other areas below the HTL shall be considered unauthorized encroachments to be eliminated or otherwise corrected in accordance with City, State, and Federal laws and regulations.**

~~1.1.1. In accordance with State and Federal laws and regulations, all unauthorized structures or other work currently extending into Federally maintained channels and anchorages or into any other areas below the High Tide Line in Norwalk Harbor should be eliminated.~~

1.1.2. The Harbor Management Commission and other City agencies will support and cooperate with the Harbor Master, Connecticut Department of Environmental Protection (**DEP**), and U.S. Army Corps of Engineers (**USACE**) in the identification and elimination of **any** existing and future **unauthorized** encroachments in the Harbor.

1.1.3. Any **unauthorized** future encroachments **as defined in 1.1.1 above and determined to have occurred** (~~those occurring~~ after the effective date of **the Norwalk Harbor Management Plan (September 1, 1990)** ~~this Plan~~) should be **removed or otherwise corrected** eliminated by the offending party, ~~without delay.~~ City, State, and Federal **regulatory** ~~permitting~~ agencies should not issue “after-the-fact” **authorizations** ~~permits~~ that would bring **those** future violations into compliance, **unless there are compelling, clearly demonstrated reasons to do so.**

1.1.4. Any **unauthorized** ~~existing~~ encroachments **determined to pre-date the effective date of the Norwalk Harbor Management Plan (September 1, 1990)** (~~those currently existing and identified prior to, or after the effective date of this Plan~~) will be evaluated individually by the Harbor Management Commission and specific measures will be developed, in cooperation with State and Federal authorities **and with recognition of State and Federal policies (see 1.1.5), to remove or otherwise correct** eliminate these **unauthorized** ~~existing~~ encroachments. ~~Such Existing~~ encroachments may be eliminated through a combination of measures, including modification of current channel or anchorage dimensions where appropriate, ~~and/or~~ removal by offending parties, **and/or remediation of environmental damage.** An appropriate time period not to exceed three years may be established by the Harbor Management Commission on a case-by-case basis to allow for removal or correction of certain existing encroachments.

- 1.1.5. **When considering measures for correcting any unauthorized encroachment in the Harbor, it is recognized that the DEP, pursuant to State requirements, must consider if the encroachment was in place prior to June 24, 1939 (effective date of Connecticut's coastal regulatory program) or January 1, 1980 (effective date of Connecticut's Coastal Management Program). Substantial maintenance of encroachments in place prior to June 24, 1939 and continuously maintained and serviceable since that time, and minor alterations to encroachments in place prior to June 24, 1939, are eligible for State authorization through a DEP Office of Long Island Sound Programs (OLISP) Certificate of Permission (COP). Retention, substantial maintenance, and alteration of encroachments in place prior to January 1, 1980 may be eligible for authorization through a COP, as determined on a case-by-case basis.**
- 1.1.6. **Civil penalties assessed by the Connecticut Department of Environmental Protection for unauthorized work in Norwalk Harbor subject to regulatory programs administered by the Office of Long Island Sound Programs should be used to fund beneficial projects for environmental enhancement and other improvements for the public in the Harbor, to the maximum extent consistent with State laws and policies, including but not limited to the Connecticut Coastal Management Act (CCMA), statutory restrictions concerning civil penalties, and the DEP's enforcement and Supplemental Environmental Project policies. The application of civil penalties for such purposes should be determined on a case-by-case basis. (See 8.7.6.)**
- 1.2. Designating Navigation Fairways:
 - 1.2.1. Specific water areas to be kept free of obstructions ~~may should~~ be designated **as navigation fairways** by the Harbor Management Commission where necessary to ensure safe passage of recreational and commercial vessels to, from and through **Federal channels, anchorage areas, mooring areas, boating facilities, and other areas of vessel traffic in Norwalk Harbor.** ~~existing navigation channels and anchorages in the Inner and Outer Harbor areas as defined in this Plan.~~
 - 1.2.2. **Navigation** ~~regulatory~~ buoys ~~may should~~ be placed at the direction of the Harbor Master as necessary to mark the boundaries of designated **navigation** fairways. (See **Chapter Six Part III: Responsibilities and Recommendations for Plan Implementation.**)
 - 1.2.3. Designated **navigation** fairways should be of an appropriate width to ensure ease and safety of navigation. **When determining the appropriate width of any navigation fairway to be designated in Norwalk Harbor, the Harbor Management Commission should take into consideration existing Harbor**

conditions including but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave, and current conditions; location and extent of existing in-water structures; presence of coastal resources; statutory requirements concerning resource use and preservation; and the littoral rights of waterfront property owners.

1.3. Determining “Set-Back” Distances from Channels, Anchorage Areas, Mooring Areas, and Fairways:

- 1.3.1. All piers, docks, bulkheads, pilings, moorings, and other structures located below the high tide line should be set back from the boundaries of designated channels, anchorages **areas**, **mooring areas**, and fairways a sufficient distance to ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with the safe and free passage of any vessel using the channels, anchorages **areas**, **mooring areas**, and fairways in Norwalk Harbor.
- 1.3.2. Set-back distances should be measured from the nearest boundary line of the nearest channel, anchorage **area**, **mooring area**, or fairway to: ~~1) the nearest point of the particular structure; or and 2) any vessel typically docked or anchored at that structure.~~ **the nearest point to which a typical vessel docked or anchored at the structure might approach the boundary line.**
- 1.3.3. Appropriate setback distances for proposed structures and work below the high tide line should be determined on a case-by-case basis by the Harbor Management Commission based on a review of existing **Norwalk Harbor** conditions **including but not limited to: type of vessel use and amount of vessel traffic anticipated; traditional water uses; navigation rights and reasonable use expectations of the general public; normal wind, wave, and current conditions; location and extent of existing in-water structures; presence of coastal resources; statutory requirements concerning resource use and preservation; and the littoral rights of waterfront property owners.** When determining the distance that in-water structures should be set back from a designated channel, anchorage area, mooring area, or fairway, consideration should be given to design guidelines established by the U.S. Army Corps of Engineers (and adopted as guidelines by the Harbor Management Commission). (See “Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England District, U.S. Army Corps of Engineers,” July 1996.) In the absence of compelling reasons to the contrary, however, all in-water structures should be set back no less than 20 feet from the boundary line of the nearest channel, anchorage **area**, **mooring area**, or fairway, and **any** ~~all~~ vessels docked or anchored at such structures must be at least 10 feet removed from the

boundary line of the nearest channel, anchorage area, mooring area, or fairway.¹

1.4. Designating Special Anchorage Areas:

- 1.4.1. The Harbor Management Commission ~~may should~~ evaluate the feasibility of **obtaining “special anchorage area” designation for designating existing anchorages such as the Federal North and South anchorages and anchorage areas used by private boat clubs in the Outer Harbor. the Sprite Island and Norwalk Yacht Club anchorages and other Harbor areas as “special anchorage areas.”**² Based on ~~this~~ the evaluation, ~~in (1.4.1) above,~~ the Commission ~~may should~~ consider the advisability of petitioning the U.S. Coast Guard to designate appropriate existing Harbor anchorages as “special anchorage areas.”

1.5. Placing and Maintaining Aids to Navigation:

- 1.5.1. **Aids to navigation in Norwalk Harbor, including principally Federal aids maintained by the U.S. Coast Guard as well as “private” (nonfederal) aids, and including buoys, beacons, and signs, should be adequate for marking navigation channels, anchorage areas, and mooring areas, any navigation hazards and obstructions, restricted speed zones, and other areas and conditions affecting navigation safety.**
- 1.5.2. No “Private” aids to navigation ~~may should~~ be placed in Norwalk Harbor ~~with~~ ~~without~~ approval from the Harbor Management Commission and appropriate permits from the U.S. Coast Guard and the Connecticut Department of Environmental Protection.

~~Additional “private” aids to navigation may be placed at the direction of the Harbormaster with the approval of the Harbor Management Commission to~~

¹ **The Norwalk Harbor Management Plan recognizes that, for the purpose of maintaining federal navigation projects, the USACE’s guidelines describe the typical set-back distance from a navigation project as three times the authorized project depth. Since USACE maintenance dredging projects often specify side slopes of 3 (horizontal) to 1 (vertical), the typical set-back distance is intended to minimize the need for removal of in-water structures prior to dredging operations. The USACE’s guidelines also allow for appropriate set-back distances to be established on a case by case basis, giving consideration to traditional navigation patterns and the presence of existing, previously authorized structures which, in some instances, might result in a set-back distance of less than three times the authorized project depth. For the purpose of applying the Plan’s set-back policies, the Harbor Management Commission pursues set-back distances of three times the authorized depths of the Norwalk Harbor Federal Navigation Project. The Commission and USACE recognize, however, that due to the existence of previously authorized in-water structures nearby the navigation project, it is not always possible to achieve a set-back distance of three times the authorized project depths.**

~~mark future fairways designated in the Inner and Outer Harbor areas and to supplement, as necessary, current Coast Guard aids.~~

- 1.5.3. The Harbor Management Commission in coordination with the Harbor Master and the Norwalk Police Department Marine Division should conduct a periodic review of the number, type, location, condition, and adequacy of aids to navigation in Norwalk Harbor, and transmit the results of this review to the U.S. Coast Guard.

1.6. Managing Commercial Fishing and Aquaculture Structures:

- 1.6.1. Commercial fishing activities in Norwalk Harbor should be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the Harbor and with consideration of the capacity of the Harbor to safely accommodate Harbor uses (see **2.3.1 Coastal Resources Policies**). ~~{ADDED MARCH 10, 1998.}~~
- 1.6.2. In accordance with Department of Environmental Protection regulations (Conn. Reg. Sec. 26-142a-3a(d)), no fixed, commercial fishing gear shall be set at any time within any navigable channel indicated by U.S. Coast Guard channel markers nor within any fairway designated in the *Norwalk Harbor Management Plan*, nor shall any fixed fishing gear be set, during the period May 1 to October 15, within any mooring area designated in the *Norwalk Harbor Management Plan*. ~~{ADDED MARCH 10, 1998.}~~
- 1.6.3. It should be recognized that placement of unattended gill nets in congested or well-traveled locations in Norwalk Harbor may substantially interfere with orderly, safe, and efficient allocation and operation of the Harbor. No unattended gill net should be set at any time in any Harbor location where the placement of that net will create a hazard to navigation or otherwise substantially interfere with orderly, safe, and efficient allocation and operation of the Harbor. ~~{ADDED MARCH 10, 1998.}~~
- 1.6.4. **Any commercial fish harvesting structures in Norwalk Harbor requiring State and/or Federal authorization, including but not limited to structures supporting marine pound nets, should be carefully designed, constructed, and maintained to avoid or reduce any significant adverse impacts on navigation and coastal resources, including recreational fisheries, and on the public's right to uses of the Harbor consistent with the Public Trust Doctrine. (See 7.2.4.)**
- 1.6.5. **Any aquaculture activities in Norwalk Harbor, including activities regulated exclusively by the Connecticut Department of Agriculture/Bureau of Aquaculture (DA/BA) and utilizing structures such as**

racks, cages, or bags as well as buoys to mark the location of such activities, should be carefully designed, constructed, and maintained to avoid or reduce any significant adverse impacts on navigation and coastal resources. Any proposals for such activities should be reviewed for consistency with the *Norwalk Harbor Management Plan*. (See 7.2.8 and 8.4.)

1.7. Operating and Maintaining Bridges Over Navigable Water:

- 1.7.1. **All bridges crossing navigable water in Norwalk Harbor should be operated and maintained to avoid or reduce the potential for any significant adverse impacts on navigation, public safety, environmental quality, or any other beneficial uses and conditions in the Harbor.**
- 1.7.2. **Any plans for bridge construction, replacement, or maintenance should be designed, reviewed, and implemented in compliance with all applicable State and Federal regulations and in a manner to avoid or minimize adverse impacts on beneficial uses and conditions in Norwalk Harbor. (See 7.5.14.)**
- 1.7.3. Bridge operations (including **any** increases in the number of bridge openings) should be monitored closely and **may be** formally reviewed by the Harbor Management Commission once a year. ~~in October.~~ This review process should **consider** ~~determine~~ if: a) the bridges are operating in accordance with published U.S. Coast Guard regulations; b) the bridges are being maintained in a manner to assure their continued safe and reliable operation; c) fenders and height gauges are in place and are repaired or replaced as necessary; and d) there are any problems or complaints concerning bridge operations.
- 1.7.4. Deficiencies and suggestions for improved **bridge operation and maintenance** should be brought to the attention of the appropriate agency and elected officials.
- 1.7.5. Unnecessary bridge openings should be avoided. Bridge opening regulations should be posted at each **upriver** ~~upstream~~ marina and each marina should furnish copies to each slip holder. Boat operators should be required to abide by the rules requiring lowering of antennas and outriggers to permit passage under the bridges.

1.8. Maintaining the Norwalk Harbor Federal Navigation Project:

- 1.8.1. **A Federal Navigation Project consisting of Congressionally authorized (Federal) channels and anchorage areas should be maintained in Norwalk**

Harbor to serve recreational and commercial vessels, provide safe navigation, and ensure the continued viability of water-dependent facilities and the economic advantages of waterborne transportation. Federal channels and anchorage areas should be regularly maintained (dredged) by the U.S. Army Corps of Engineers to provide the navigable depths and dimensions needed to maintain navigation safety and the viability of water-dependent facilities.

- 1.8.2. Future maintenance dredging of the Federal channels and anchorage **areas** basins in Norwalk Harbor should be carried out by the **USACE** ~~U.S. Army Corps of Engineers~~ in the most timely manner necessary to ensure the continued viability of **water-dependent facilities, including** commercial port facilities, and safe and efficient navigation.
 - 1.8.3. The Harbor Management Commission should work with the **USACE** ~~Corps of Engineers~~ to establish specific procedures for determining future maintenance dredging needs of the Federal channels and anchorage **areas** ~~basins~~ and initiating **the Federal maintenance dredging process** ~~environmental assessments and other requirements~~ in time to **enable** ~~allow the most timely~~ dredging to occur **in the most a timely manner, as necessary. To the extent feasible, condition surveys of navigable depths in the Federal channels and anchorage areas should be conducted every five years or sooner if necessary.**
 - 1.8.4. **To the extent feasible, maintenance dredging of Federal channels and anchorage areas should be coordinated with any necessary nonfederal maintenance dredging to reduce the economic costs and potential adverse environmental impacts of dredging in Norwalk Harbor.**
- 1.9. Managing Nonfederal Dredging and Dredged Material Disposal:
- 1.9.1. **Any nonfederal dredging that may be required in Norwalk Harbor should be carefully planned and carried out in a timely manner that provides for the continued viability of water-dependent facilities, safe and efficient navigation, and avoidance of any significant, long-term adverse impacts on coastal resources.**
 - 1.9.2. Maintenance dredging of nonfederal channels, anchorages **areas, docking facilities, boating access facilities,** marinas, and other areas should be undertaken in compliance with all applicable State and Federal regulations, and in a manner that will **avoid or minimize any significant, long-term** adverse impacts on coastal resources.

- 1.9.3 **Pursuant to Section 22a-113q of the Connecticut General Statutes**, the Harbor Management Commission ~~may~~ **should** request a General Permit from the U.S. Army Corps of Engineers applicable to private maintenance dredging consistent with the *Norwalk Harbor Management Plan*. (See **8.5.3 Harbor Administration and Financing Policies** and **Chapter Six: Part III: Responsibilities and Recommendations for Plan Implementation**.)
 - 1.9.4. Dredging for development of new uses and facilities should be permitted only for establishment of water-dependent uses.
 - 1.9.5. Dredging for new and expanded uses and facilities should not result in significant adverse impacts on coastal resources.
 - 1.9.6. **Disposal of dredged material, including any necessary de-watering of dredged material, from all nonfederal dredging projects should take place in a manner to avoid or minimize potential adverse environmental impacts.** The on-site, upland disposal of dredged material from privately maintained channels and docking facilities should be encouraged where feasible and where such disposal can occur in an environmentally sound manner.
- 1.10. Reducing Siltation:
- 1.10.1. **All appropriate efforts to avoid or reduce siltation and the resulting need for dredging in Norwalk Harbor should be encouraged and supported. Those efforts should include regular maintenance of storm drainage catch basins, construction of additional catch basins as necessary, control of runoff from construction sites, avoidance of disposal of leaves, branches, or other debris in the Harbor, Norwalk River, and Norwalk River tributaries, and reduction or elimination of all other human activities that introduce sediment into the Harbor. Efforts to avoid or reduce runoff of sand and other materials into the Harbor from roadways and bridges throughout the Norwalk River watershed should be encouraged and supported. (See 7.5.3.)**
- 1.11. Encouraging Coordination to Address Harbor Icing Impacts:
- 1.11.1. City, State, and Federal agencies and officials, including the Harbor Management Commission, Department of Transportation, Harbor Master, and Coast Guard should coordinate and apply available resources to address potentially dangerous and damaging conditions caused by Harbor icing. ~~{ADDED MARCH 10, 1998.}~~

- 1.11.2. Ongoing communication should be encouraged and supported among City, State, and Federal agencies and officials, water-dependent facility operators, affected waterfront property owners, and other concerned parties for the purpose of increasing awareness of ice conditions as well as opportunities for avoiding or reducing potential damage to shoreline structures. ~~{ADDED MARCH 10, 1998.}~~
- 1.11.3. To the extent feasible, water-dependent facility operators should conduct their operations in a manner to avoid or reduce potential ice-**induced** damage to waterfront structures. (See **4.2.2. Commercial Port Policies.**) ~~{ADDED MARCH 10, 1998.}~~
- 1.11.4. **To the extent feasible, new water-dependent facilities should be located, designed, and constructed in a manner to avoid or reduce potential ice-induced damage to those facilities as may be caused by the normal operation of commercial vessels using Federal channels in Norwalk Harbor.**

2.0. PUBLIC HEALTH, SAFETY, AND WELFARE POLICIES

2.1. Regulating Vessel Speed and Wake:

- 2.1.1. **The operation of all vessels in Norwalk Harbor shall be in accordance with all applicable City, State, and Federal boating laws, regulations, and ordinances including, but not limited to, Sections 15-140k and 15-140m of the Connecticut General Statutes concerning reckless operation of a vessel, and Section 69-3 of the Norwalk Code concerning restricted speed zones in Norwalk Harbor. Strict enforcement of applicable laws, regulations, and ordinances should be encouraged and supported, along with the imposition of appropriate penalties on violators.**
- 2.1.2. **Any person operating a vessel in Norwalk Harbor at such a speed as to cause a wake shall be held responsible for any damage caused by that wake, in accordance with applicable sections of the Connecticut General Statutes and the State boating regulations.**
- 2.1.3. Restricted speed zones should be established by City Ordinance, as necessary, in accordance with Section 15-136 of the Connecticut General Statutes and upon recommendation by the Harbor Management Commission, **Harbor Master**, and Norwalk Police Department. For the purpose of protecting the safety of persons and property and for protection of environmentally sensitive resources from damage caused by the wakes of vessels, no person **shall** ~~will~~ operate any power-propelled vessel at a speed in excess of six (6) miles per

hour within any restricted speed zone. Vessels within a restricted speed zone must leave a minimal wake. ~~{ADDED MARCH 10, 1998.}~~

- 2.1.4. Other speed regulations as may be needed to protect the safety of persons and property and protect environmentally sensitive resources in Norwalk Harbor may be enacted by City Ordinance as authorized by **Section 15-136 of the Connecticut General Statutes** and recommended by the Harbor Management Commission, **Harbor Master**, and Norwalk Police Department. ~~{ADDED MARCH 10, 1998.}~~
 - 2.1.5. The Harbor Management Commission, Harbor Master, and Police Department should coordinate their actions and authorities to increase public awareness of City and State speed regulations in Norwalk Harbor and achieve effective enforcement of Harbor speed regulations. ~~{ADDED MARCH 10, 1998.}~~
 - 2.1.6. All personal watercraft, such as “jet-skis,” are subject to all applicable City, State, and Federal boating regulations.
- 2.2. Maintaining Emergency Planning and Response Capabilities:
- 2.2.1. **Necessary capabilities for effective response to emergency situations on, in, or contiguous to Norwalk Harbor by responsible City, State, and Federal authorities should be maintained and, to the extent feasible, enhanced.**
 - 2.2.2. **Emergency response activities should be coordinated to the maximum extent possible with neighboring municipalities and among responsible authorities, including the Harbor Master.**
 - 2.2.3. **Capital and operating budget requirements for necessary provision of emergency services and other assistance to boaters and other users of the Norwalk Harbor and waterfront by the Norwalk Police Department and Norwalk Fire Department should be supported.** ~~The Norwalk Police Department’s capital and operating budget requirements for expanding and enhancing, as necessary, the operations of its Marine Division should be supported.~~
 - 2.2.4. **The City of Norwalk’s Emergency Operations Plan should address the broad range of emergency situations and responses possible in Norwalk Harbor. Effective implementation of the Emergency Operations Plan should be encouraged and supported. The Harbor Management Commission should provide pertinent information concerning Harbor conditions to the appropriate City, State, and Federal authorities with responsibilities for Plan formulation and implementation, and should assist those agencies, as requested, with Plan implementation.**

- 2.2.5. All boating and yacht clubs and public and private marina facilities should develop and maintain emergency procedures for securing and protecting vessels and other property from the impacts of flooding and erosion.
- 2.2.6. **All appropriate measures to avoid, prepare for, and respond to fuel and chemical spill emergencies in Norwalk Harbor should be encouraged and supported. (See 4.7.)**
- 2.2.7. **Norwalk Harbor boating facilities dispensing fuel should develop and maintain appropriate fuel spill contingency plans and, to the extent feasible, coordinate response actions and the use of available fuel spill containment equipment.**
- 2.2.8. **Fuel and chemical spill preparedness and response activities should be coordinated to the maximum extent possible among responsible City, State, and Federal authorities and the operators of private facilities dispensing fuel.**
- 2.2.9. **Equipment necessary for the control of fuel and chemical spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to fuel spill emergencies.**
- 2.2.10. **All fueling of vessels berthed or stored on, in, or contiguous to Norwalk Harbor shall take place in accordance with all applicable laws and regulations to maintain public health, safety, and welfare and to avoid adverse impacts on environmental quality.**
- 2.2.11. **All waterfront facilities shall include appropriate provisions for fire prevention and preparedness as required by the Norwalk Fire Marshall, including adequate access for emergency vehicles and adequate on-site water supply for fire fighting purposes.**
- 2.3. Recognizing the Carrying Capacity of Norwalk Harbor for Safe Boating and Other Water Uses:
- 2.3.1. **It is recognized that the carrying capacity of the navigable waters of Norwalk Harbor to accommodate safe boating and other water uses is not unlimited and that such capacity is subject to change over time. The design and review of future Harbor-area development proposals, including proposals with water access facilities, should take into consideration the capacity capability of the navigable waters of Norwalk Harbor waters to accommodate increased water use while maintaining ease and safety of navigation safety and efficiency requirements, avoiding vessel congestion, and supporting existing beneficial recreational and commercial uses of the Harbor (See 3.1.5 and 7.1.)**

2.4. Avoiding Water Use Congestion and Conflicts:

- 2.4.1. The desire to meet demands for additional **water access recreational boating** facilities in Norwalk Harbor, **including recreational boating facilities**, should be balanced against the needs for ~~avoiding congestion in the Harbor~~, ensuring safe and efficient navigation, ~~and~~ supporting other **beneficial** recreational and commercial uses, **and avoiding: a) congestion in the Harbor; b) conflicts among different recreational activities, including power boating and nonmotorized water activities; and c) conflicts between recreational and commercial vessels.**
- 2.4.2. The potential effects of waterfront development proposals on future water uses, activities, and vessel congestion in Norwalk Harbor should be an important consideration in the design of ~~future~~ waterfront development proposals and the review of those proposals by the Harbor Management Commission, the Planning and Zoning commissions, and other City agencies.
- 2.4.3. Harbor-related events should be scheduled and coordinated in a manner to avoid or minimize Harbor congestion and potential conflicts among events and participants. The Harbor Management Commission **and Harbor Master** should be notified of all proposals for major in-water events such as boat shows, regattas, and races involving at least 25 vessels and/or participants and occurring in the Inner Harbor and Outer Harbor as defined in the *Norwalk Harbor Management Plan* (see **8.15. Administration and Financing Policies.**) In order to maintain a master schedule of Harbor activities, the Commission **and Harbor Master** should receive notice of the planned event from the event's sponsor at least 90 days prior to the event. [~~AMENDED MARCH 10, 1998.~~]
- 2.4.4. **Anchoring**, swimming, and underwater diving should not occur within designated channels and fairways **except for emergency or inspection purposes that do not pose a hazard or obstruction to navigation; anchoring in navigation channels is subject to any order by the Harbor Master to maintain safe and efficient operation of the Harbor.**
- 2.4.5. Water-skiing, board-sailing, and **personal watercraft use** ~~similar activities~~ should not occur within designated channels, fairways, ~~and anchorage areas,~~ **and mooring areas** except as necessary to cross **or make use of the same for navigational purposes** ~~a designated channel, anchorage or fairway~~ in a manner that does not pose a hazard or inconvenience to navigation.
- 2.4.6. All activities and events involving special purpose craft such as rowing shells, sail boards, kayaks, and other vessels should be planned and undertaken in a manner to reduce or avoid potential conflicts and negative impacts affecting general navigation and other Harbor activities. [~~ADDED MARCH 10, 1998.~~]

- 2.4.7. Vessel-based fishing should not occur within designated channels **and fairways** in a manner that poses a hazard or inconvenience to navigation.
- 2.4.8. Sailing classes and small craft training programs may operate within designated channels, anchorages **areas**, and fairways to conduct necessary training activities, but should ~~be coordinated in a manner that~~ does not pose a hazard or inconvenience to navigation.
- 2.4.9. Sea plane takeoffs and landings within the Harbor should not interfere with general navigation and with recreational boating and other activities, and should be conducted in accordance with State regulations. Through appropriate notices and postings, the boating public should be informed of potential takeoff and landing areas.
- 2.4.10. The negative effects of onshore lights on navigation should be reduced and/or eliminated. The installation of high intensity lighting units directed toward the water should be restricted to those uses required for the operation and/or security of water-dependent uses. In all cases, **lighting units** appropriate ~~baffles~~ should be installed **in accordance with best available technology** to restrict the illumination to the required area.
- 2.5. Mitigating Flood and Erosion Hazards:
- 2.5.1. All construction in designated flood **and erosion** hazard zones **contiguous adjacent** to Norwalk Harbor **shall must** conform to City and State floodplain regulations and construction standards.
- 2.5.2. Nonstructural alternatives to the use of seawalls, breakwaters, jetties, groins, and other structural measures for protecting existing development from flooding and erosion should be considered by the owners/operators of waterfront sites and facilities. Those proposing to use structural measures to protect existing development must show that those measures will not result in significant adverse impacts on natural resources and adjacent properties.
- 2.5.3. **Timely repair and maintenance of bulkheads and other shore protection structures as needed to protect existing development from flooding and erosion should be encouraged and supported. (See 7.3.6.)**
- 2.6. Removing Abandoned and Derelict Vessels and Structures:
- 2.6.1. No building, structure, or floating facility **on, in, or contiguous to Norwalk Harbor, including but not limited to any bulkhead, seawall,** ~~within the Harbor~~ or marine facility, ~~either on land or below the High Tide Line~~ shall be

allowed to deteriorate to the point that a hazard or **obstruction** ~~inconvenience~~ to navigation or **condition adversely affecting public safety** may result. All **in-water structures authorized by State and/or Federal permits in the Harbor shall be maintained in accordance with the maintenance conditions specified in those permits.** Any observed deterioration of a State- or Federally authorized in-water structure affecting or potentially affecting navigation safety and/or environmental quality in the Harbor should be brought to the attention of the appropriate State and/or Federal agency for appropriate enforcement action. (See 5.3.)

- 2.6.2. **In accordance with State of Connecticut boating statutes and regulations, including Sections 15-11a and 15-140c of the Connecticut General Statutes,** all vessels not moored, anchored, or made fast to the shore, and left unattended for a period of greater than 24 hours, or left upon private property without consent from the property owner for a period greater than 24 hours, shall be removed from the Harbor by the last owner of record or by the Harbor Master, at the expense of the last owner of record, ~~consistent with Connecticut boating statutes and regulations.~~
- 2.6.3. **All derelict, abandoned, or deteriorated vessels and structures presenting a hazard or obstruction to persons, property, marine resources, environmental quality, or navigation should be marked, as necessary, and removed from Norwalk Harbor in the most timely manner in accordance with applicable City, State, and Federal laws, regulations, and ordinances, including but not limited to:** a) Section 15-1 of the Connecticut General Statutes which gives the Harbor Master responsibility for the safe and efficient operation of the navigable waterways of the Harbor; b) Section 15-8 of the General Statutes which authorizes the Harbor Master to station all vessels riding at anchor in the navigable waterways subject to his jurisdiction; c) Section 15-9 of the General Statutes which authorizes the Harbor Master to remove vessels whose owners or masters willfully neglect or refuse to obey an order of the Harbor Master; d) Section 15-11a and Section 15-140 of the General Statutes concerning removal of derelict and abandoned vessels; e) Section 22a-363b of the General Statutes concerning activities eligible for authorization by an Office of Long Island Sound Programs Certificate of Permission; and f) Federal law requiring the owner of any vessel sunken in navigable waters to remove the vessel as soon as possible and to mark it in the meantime with a buoy or daymarker during day and a light at night.
- 2.6.4. **City, State, and Federal agencies and officials, including the Harbor Management Commission, Police Department, Public Works Department, Planning and Zoning Department, Harbor Master, Connecticut Departments of Transportation and Environmental Protection, U.S. Army Corps of Engineers, and U.S. Coast Guard, should coordinate their efforts and**

resources and work cooperatively to: a) mark, as necessary, any hazard or obstruction to navigation for the benefit of navigators; b) minimize the risk to environmental resources caused by any derelict, abandoned, or deteriorated vessel or structure; and c) achieve repair or removal of any derelict, abandoned, or deteriorated vessel or structure from the Harbor in the most timely manner.

2.7. Establishing and Enforcing Boating Laws and Public Safety Regulations:

- 2.7.1. All appropriate actions, including implementation and enforcement of applicable City, State, and Federal laws, regulations, and ordinances, should be undertaken to maintain and improve public safety on, in, or contiguous to Norwalk Harbor.
- 2.7.2. As authorized by Section 15-136 of the Connecticut General Statutes, adoption of City regulations respecting the operation of vessels in Norwalk Harbor may be considered for incorporation in Chapter 69 of the Norwalk Code as necessary to maintain and improve boating safety in the Harbor.
- 2.7.3. Capital and operating budget requirements for effective City enforcement of applicable laws and regulations by the Norwalk Police Department should be supported.
- 2.7.4. The Harbor Management Commission, Police Department, and Harbor Master should coordinate their actions and authorities to increase public awareness of City, State, and Federal laws, regulations, and ordinances affecting use of Norwalk Harbor and to achieve effective enforcement of those laws, regulations, and ordinances.

3.0. RECREATIONAL BOATING POLICIES

3.1. Providing Boating Facilities:

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

- 3.1.2. The City ~~should use the~~ authority and policies of the Connecticut Coastal Management Act **and the Norwalk Plan of Conservation and Development incorporating the Norwalk Coastal Area Management Plan should be used to encourage and support** in developing special zoning and other regulations and incentives for supporting and encouraging the continued operation of boat service facilities (including maintenance, repair, and storage facilities) and **to promote** for promoting the establishment of new boat service facilities in appropriate locations. (See Waterfront Land-Use and Development Policies.)
- 3.1.3. Municipal planning and zoning requirements should be amended **as necessary** to protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boatyard facilities. (See Waterfront Land-Use and Development Policies.)
- 3.1.4. The provision of additional commercial and private boat slips to meet current **and future** demands for recreational boating facilities should be encouraged where the construction of such slips will be consistent with **all other applicable harbor management goals, objectives, policies, and guidelines established in the Norwalk Harbor Management Plan.** ~~natural resources protection, navigation, and other Plan policies.~~ The provision of slips for small boats should be encouraged.
- 3.1.5. The design and review of future **boating facility development** proposals, **including proposals** to develop public and private boat slips, should take into consideration the potential cumulative impacts of this development on Harbor resources as well as the **capacity** ~~capability~~ of Harbor resources to accommodate additional **boating facilities** slips without significant adverse impacts on navigation requirements and public safety in the Harbor and on natural resource values. **When considering cumulative impacts of boating facility development, consideration should be given to the potential impacts of facility construction, use, and maintenance, including but not limited to noise, wake, and nonpoint source pollution impacts.** (See 2.3.1 and 7.1.) ~~Coastal Resources Policies.)~~
- 3.2. Managing Mooring Locations:
- 3.2.1. **The location and placement of all mooring tackle in Norwalk Harbor should be carefully planned and regulated in a manner that provides for efficient and equitable distribution of individual-private and appropriate commercial mooring locations, including mooring locations for transient boaters and members of private boating clubs. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.)**

- 3.2.2. In accordance with Section 22a-113r of the Connecticut General Statutes and rules and regulations adopted by the Harbor Management Commission, the users of all current and future moorings must receive a permit from the Harbor Master; all such moorings **shall** ~~must~~ be placed and maintained in accordance with procedures established by the Harbor Master and the Harbor Management Commission. (See **Harbor Administration and Coordination Financing Policies** and “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.) ~~[AMENDED MARCH 10, 1998.]~~
- 3.2.3. No moorings shall be located within designated channels, **including federal navigation channels**, or **navigation** fairways, **and all moored vessels shall comply with appropriate set-back requirements.** (See 1.3.)
- 3.2.4. Moorings located within designated anchorages should be placed in accordance with specific mooring plans (grids) designed to provide the safest and most efficient mooring of vessels and to maximize anchorage area capacity. (See **the harbor management guidelines and recommendations in chapters four and five of the Norwalk Harbor Management Plan. All moorings located within designated anchorages, including Federal anchorage areas, shall be removed as necessary to enable effective maintenance dredging of those anchorages.** ~~Part II: Water Use Plans and Management Guidelines.~~)
- ~~The retention of existing moorings located and maintained in conformance with all applicable City, State and Federal laws and regulations should be encouraged, subject to policy 2.2.3. above.~~
- 3.2.5. New commercial and individual-private moorings **locations** may be established outside of designated anchorage areas only where consistent with **all other applicable harbor management goals, objectives, policies, and guidelines established in the Norwalk Harbor Management Plan.** ~~coastal resources, navigation, and other Plan policies.~~
- 3.2.6. All **mooring locations** ~~existing and new moorings~~ should be served by suitable onshore access facilities.
- 3.2.7. To complement public boating facilities available in Norwalk Harbor, a suitable number of mooring locations with City-owned mooring tackle may be provided for use by the general public for emergency and recreational purposes, subject to control and management by the Harbor Master and Harbor Management Commission. ~~[ADDED MARCH 10, 1998.]~~
- 3.2.8. For the purpose of protecting the safety of persons and property and ensuring effective management of Norwalk Harbor during the winter months when ice conditions may affect Harbor use, no vessel **shall** ~~should~~ be stationed on a

Harbor mooring during the period January 1 to March 15 of each year. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.) ~~{ADDED MARCH 10, 1998.}~~

3.3. Applying Mooring Tackle and Buoy Standards:

3.3.1. To protect the safety of persons and property and protect environmentally sensitive resources in Norwalk Harbor, all individual-private and commercial mooring tackle used in the Harbor shall meet minimum tackle requirements established by the Harbor Management Commission. Such minimum requirements should be reviewed and revised, as necessary, from time to time. (See “Minimum Standards for Mooring Tackle” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.) ~~{ADDED MARCH 10, 1998.}~~

3.3.2. To protect the safety of persons and property and protect environmentally sensitive resources in Norwalk Harbor, all individual-private and commercial mooring tackle used in the Harbor shall be regularly inspected for soundness of condition and compliance with minimum tackle requirements established by the Harbor Management Commission. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.) ~~{ADDED MARCH 10, 1998.}~~

3.3.3. **To ensure uniformity and avoid confusion among boaters, all buoys designating areas where boats may be anchored or moored shall comply with Regulations of Connecticut State Agencies (RCSA) Section 15-121-A3.**

3.4. Managing the Anchoring of Vessels:

3.4.1. **Anchoring of vessels in Norwalk Harbor shall not cause an obstruction or hazard to navigation nor any significant adverse impacts on environmental quality or other public uses or purposes within the Harbor. All anchoring of vessels shall be subject to any order of the Harbor Master needed to maintain the safe and efficient operation of the Harbor.**

3.4.2. **Anchoring of vessels in Norwalk Harbor shall be subject to rules and regulations established by the Harbor Management Commission and Harbor Master, including rules and regulations concerning the duration of anchoring. (See “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.)**

3.5. Providing Public Boating Facilities:

- 3.5.1. Enhancement and expansion of existing public boating facilities and the establishment of new facilities should be encouraged to provide ~~added~~ dock space, boat slips, moorings, **boat launching areas**, and other facilities as well as enhanced public access opportunities to Norwalk Harbor by resident, nonresident, and transient boaters. **Facilities provided should be consistent with demonstrated need and with the capacity of Norwalk Harbor and upland areas to accommodate those facilities.**
- 3.5.2. All public boating facilities using Federally maintained **anchorage basins** ~~anchorage~~s should be available for use by Norwalk residents and nonresidents. ~~Nonresidents, however, may be charged an additional fee reflecting City costs for maintaining the facilities and services provided.~~ City regulations controlling the use of public boating facilities should ensure equal access opportunities for the use of those facilities **and consistency with Federal laws and policies concerning use of the Norwalk Harbor Federal Navigation Project.**
- 3.5.3. The City should encourage the establishment of mooring and anchorage areas for use by transient boaters.
- 3.5.4. The establishment and maintenance of small craft launching and landing areas at suitable Harbor locations should be encouraged and supported to serve small vessels such as canoes, dinghies, and kayaks that can be transported without trailers. ~~[ADDED MARCH 10, 1998.]~~
- 3.5.5. **Capabilities needed to maintain City-owned boating facilities in a clean, attractive, safe, and enjoyable condition, including budget, staff, and equipment capabilities, should be maintained and, to the extent feasible, enhanced.**

3.6. Providing Transient Boating Facilities:

- 3.6.1. Consistent with other **applicable harbor management goals, objectives, policies, and guidelines established in the *Norwalk Harbor Management Plan***, ~~Plan policies~~, new public facilities including **dock space**, boat slips, moorings, and public access facilities should be established **and maintained** to serve transient boaters. ~~The City should develop~~ **Transient boating facilities should be established and maintained** to support and complement **Harbor-area attractions such as the Maritime Aquarium, Center and the South Norwalk commercial district, and the Norwalk Heritage Park. Revitalization Program.**

- 3.6.2. To complement public boating facilities available in Norwalk Harbor, a suitable number of mooring locations with City-owned mooring tackle may be provided for use by transient boaters for emergency and recreational purposes, subject to control and management by the Harbor Master and Harbor Management Commission. ~~[ADDED MARCH 10, 1998.]~~

3.7. Managing Live-Aboard Vessels:

- 3.7.1. The use of vessels as permanent residences (as distinguished from short-term use of a vessel for sleeping as a secondary use to the vessel's primary commercial or recreational use) in Norwalk Harbor is inconsistent with effective use of available berthing space.
- 3.7.2. Any short- or long-term use of a vessel as living quarters should be consistent with all City, State, and Federal regulations and subject to review and **authorization** ~~permit~~ by the Norwalk Department of Health.

3.8. Maintaining Boating Safety and Education:

- 3.8.1. Local training and educational programs to promote boating safety such as the boating safety courses offered by the Norwalk **and Rowayton Sail and Power Squadrons, Coast Guard Auxiliary, and other organizations offering courses approved by the Commissioner of Environmental Protection** ~~and the Norwalk Small Craft Safety Training Program~~ should be **encouraged and supported**.

4.0. COMMERCIAL PORT POLICIES

4.1. Supporting Maintenance Dredging:

- 4.1.1. Future maintenance dredging of the Federal channels in Norwalk Harbor should be carried out by the U.S. Army Corps of Engineers in the most timely manner in order to maintain currently authorized channel depths necessary to ensure continued viability of commercial port facilities and recreational boating facilities, and safe and efficient navigation. (See **1.8. Navigation Policies**.)

4.2. Avoiding Conflicts with Recreational Activities:

- 4.2.1. Reducing or eliminating potential conflicts between recreational and commercial vessels and facilities should be an important consideration in the design and review of future public and private waterfront development proposals.

- 4.2.2. To the extent feasible, water-dependent facility operators should conduct their operations in a manner to avoid or reduce potential ice-**induced** damage to marina facilities and other waterfront structures **as may be caused by the operation of commercial vessels**. (See **1.11. Navigation Policies**.) ~~[ADDED MARCH 10, 1998.]~~
- 4.3. Monitoring Bridge Opening Procedures and Practices:
- 4.3.1. Current procedures and practices for opening the Stroffolino and Metro North Commuter Railroad bridges should be monitored closely in order to ensure that bridge openings occur in the most efficient manner, do not unreasonably interfere with vehicle traffic on Washington Street, and do not cause navigation-related problems. (See **1.7. Navigation Policies**.)
- 4.4. Providing Dock Space for Commercial Fishermen:
- 4.4.1. The City should encourage and promote commercial fishing activities and the provision of consolidated dock space and facilities for independent commercial fishermen **operating** in Norwalk Harbor.
- 4.5. Managing Boat Terminals and Supporting Excursion Vessels:
- 4.5.1. **Proposals for boat terminals on, in, or contiguous to Norwalk Harbor, including terminals for ferry boats and excursion boats and boat rental facilities, should be carefully designed and reviewed to avoid or minimize any significant adverse impacts on navigation and coastal resources and on upland areas near and adjoining the Harbor. Proposals for boat terminals of a size, type, or scale determined to have the potential for causing significant adverse impacts on surrounding areas should be subject to detailed review in accordance with the Special Permit requirement established in the Building Zone Regulations of the City of Norwalk.**
- 4.5.2. The operation of excursion boats **providing opportunities for beneficial to** ~~provide increased~~ public access to **Norwalk Harbor waters** and the publicly owned Norwalk Islands should be encouraged and promoted in coordination with **Harbor-area attractions such as the Maritime Aquarium, Sheffield Island Lighthouse Park, and Norwalk Heritage Park**. ~~City-supported development initiatives such as the Maritime Center and marina facilities in Veteran's Park and with the Saugatuck Valley Audubon Society.~~

4.6. Supporting Commercial Port Activities:

- 4.6.1. The City should use the authority and policies of the Connecticut Coastal Management Act **and the Norwalk Plan of Conservation and Development incorporating the Norwalk Coastal Area Management Plan** in developing special zoning and other regulations and incentives for supporting and encouraging the continued **and beneficial** operation of ~~existing~~ commercial port facilities **in Norwalk Harbor**.

4.7. Contingency Planning for Fuel and Hazardous Materials Spills:

- 4.7.1. In coordination with **City**, State, and Federal government agencies, ~~an~~ appropriate ~~oil~~ spill contingency plans should be maintained and periodically updated by the **facilities dispensing or receiving petroleum products in Norwalk Harbor** ~~companies affiliated with the petroleum industry in Norwalk Harbor~~ **and by other waterfront facilities dispensing or receiving hazardous materials that could potentially spill into the Harbor. (See 2.2.7.)**
- 4.7.2. Equipment necessary for the control of **fuel and hazardous materials** ~~oil~~ spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to ~~oil~~ spill emergencies. **(See 2.2.9.)**
- 4.7.3. **The Norwalk Harbor Master and Norwalk Fire Department should be provided with the most timely notification of any fuel or hazardous materials spills affecting Norwalk Harbor. Complete and comprehensive records of all fuel and hazardous materials spills in Norwalk Harbor should be maintained in a suitable location in the City of Norwalk and be available for review by duly authorized agencies and officials for harbor management planning purposes.**

5.0. WATERFRONT LAND-USE AND DEVELOPMENT
POLICIES

5.1. Planning and Review of Waterfront Development:

- 5.1.1. **All public and private waterfront development proposals affecting Norwalk Harbor should be carefully planned and reviewed for consistency with the *Norwalk Harbor Management Plan* and to mitigate any potentially significant adverse impacts on beneficial uses and conditions in the Harbor. (See 8.4.)**

- 5.1.2. **The potential impacts of waterfront development proposals on future water uses and activities should be an important consideration in the design of waterfront development proposals and in the review of those proposals for consistency with the *Norwalk Harbor Management Plan*.**
 - 5.1.3. **Opportunities for stimulating economic growth through beneficial water-dependent and water-enhanced development on, in, or contiguous to Norwalk Harbor should be encouraged and supported, where such development is consistent with all other applicable provisions of the *Norwalk Harbor Management Plan* and the Norwalk Plan of Conservation and Development.**
 - 5.1.4. The planning and implementation of all City-supported development initiatives affecting the **Norwalk Harbor** waterfront should be undertaken in the most coordinated manner possible, emphasizing consistent project objectives related to future **beneficial** commercial and recreational uses of the Harbor.
 - 5.1.5. The Harbor Management Commission ~~will~~ **may** serve in an advisory capacity on all City-supported development initiatives affecting the waterfront and adjacent land. (See **Harbor** Administration and **Coordination** ~~Financing~~ Policies.)
 - 5.1.6. **Redevelopment of any vacant or underutilized properties on or near the waterfront should be encouraged and supported where that development is consistent with applicable City, State, and Federal policies, plans, and regulations, and where that redevelopment is expected to result in significant and long-term beneficial impacts on the future character of the Harbor and waterfront.**
- 5.2. Protecting Water-Dependent Uses and Activities:
- 5.2.1. The City should continue to implement (through appropriate zoning and other regulations) the policies of the Norwalk Coastal Area Management Program to support and encourage the development and continued operation of truly water-dependent (as opposed to water-enhanced) land uses on waterfront sites.
 - 5.2.2. The City should **consider providing** ~~provide~~ appropriate incentives to waterfront property owners to maintain existing water-dependent facilities.
 - 5.2.3. Public access to the waterfront should be promoted wherever feasible, but the City should ensure, through appropriate zoning requirements and special incentives, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only limited public access **to the Harbor.** ~~as a mitigating factor.~~ (See Public Access Policies.)

- 5.2.4. The Harbor Management Commission will function in an advisory capacity to the Planning **Commission**, and Zoning Commission, and the Zoning Board of Appeals in the review of waterfront development proposals involving a water use and/or construction (with the exception of specified minor projects). (See **Harbor Administration and Coordination Financing Policies and Chapter Six: Part III: Responsibilities and Recommendations for Plan Implementation.**)

5.3. Constructing and Maintaining In-Water Structures:

- 5.3.1. All public and private floats, docks, piers, and other in-water structures should be set back from the boundaries of designated channels, anchorages and fairways a sufficient distance (see **1.3 Navigation Policies**) to ensure that these structures and any vessels docked at these structures do not interfere with safe and efficient navigation. ~~{AMENDED MARCH 10, 1998.}~~
- 5.3.2. Construction of private floats, docks, piers, and other in-water structures by groups of homeowners or neighborhood associations for group use should be encouraged as a preferred alternative to the construction of single structures for use by individual homeowners. ~~{AMENDED MARCH 10, 1998.}~~
- 5.3.3. Construction of public and private floats, docks, piers, and other in-water structures should not have a significant impact on natural resources, public access opportunities, visual quality, and traditional water uses. In all cases, alternatives to the construction of fixed structures to reach navigable water should be considered. Alternatives to be considered should include floating docks and individual-private moorings. ~~{AMENDED MARCH 10, 1998.}~~
- 5.3.4. Public and private floats, docks, piers, and other in-water structures should be of minimal length. The appropriate extent to which in-water structures should extend seaward in order to reach navigable water should be evaluated by the Harbor Management Commission taking into consideration the littoral rights of waterfront property owners, existing Harbor conditions such as distance from shore to navigable water, public access requirements, the presence of coastal resources such as intertidal flats, **tidal wetlands**, and shellfish beds, and other conditions. ~~{AMENDED MARCH 10, 1998.}~~
- 5.3.5. To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures, design guidelines established by the U.S. Army Corps of Engineers (and adopted as guidelines by the Norwalk Harbor Management Commission) for the placement of fixed and floating structures in navigable water should be considered by the Harbor Management Commission in its review of proposed in-water structures. In the absence of compelling reasons to the contrary, including the need to protect valuable coastal resources, new or extended in-water structures should be consistent with

the USACE's guidelines. (See **1.3.3** and "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England ~~District Division~~ U.S. Army Corps of Engineers," **July 1996**. ~~2 April 1991.~~) ~~[ADDED MARCH 10, 1998.]~~

- 5.3.6. **To reduce potential adverse impacts on navigation resulting from the construction of new or extended in-water structures and to ensure compliance with any conditions included in the State and/or Federal permits for those structures, the permittee should be required, as a permit condition, to provide an "as-built" survey or other documentation following completion of the permitted construction.**
 - 5.3.7. **No public or private float, dock, pier, or other in-water structure, should be allowed to deteriorate to the point that a hazard or inconvenience to navigation or condition adversely affecting public safety and/or environmental quality may result. All in-water structures authorized by State and/or Federal permits in the Harbor shall be maintained in accordance with the maintenance conditions specified in those permits. Any observed deterioration of a State- or Federally authorized in-water structure affecting or potentially affecting navigation and/or environmental quality in the Harbor, including any leakage of material into the Harbor from behind the structure, should be brought to the attention of the appropriate State and/or Federal agency for appropriate enforcement action. (See 2.6.1.)**
 - 5.3.8. **Permits for the placement of permanent structures below the high tide line should be granted only to those who possess the littoral/riparian right to place such structures.**
- 5.4. Filling and Stabilizing Waterfront Property:
- 5.4.1. Repair of existing bulkheads and other shore protection structures on individual sites should be encouraged in coordination with waterfront redevelopment projects affecting those same sites.
 - 5.4.2. Filling of **aquatic areas** ~~water bottoms~~ below the high tide line to create additional land area for development should be discouraged.
- 5.5. Protecting Neighborhood Character and Quality of Life:
- 5.5.1. Activities in Norwalk Harbor and use and development of the waterfront should be carefully planned, reviewed, and regulated to avoid adverse impacts on the quality of life in waterfront neighborhoods.

- 5.5.2. In-water and waterfront activities should not cause nuisance impacts that affect waterfront residential areas, **including but not limited to noise, litter, unshielded light, and wave impacts.**
- 5.5.3. The planning and review of new facility development and Harbor-area activities should take into consideration not only cumulative impacts on Harbor resources and the **capacity** ~~capability~~ of Harbor resources to accommodate increased development (see Coastal Resources Policies) but also **potential** impacts on the existing character and quality of life in shorefront residential neighborhoods. ~~These~~ Potential **adverse** impacts should be minimized or eliminated.
- 5.6. Protecting Littoral/Riparian Rights for Use of Navigable Water:
- 5.6.1. **The littoral/riparian rights of the owners of land contiguous to Norwalk Harbor, including the right of access to the water, the right of accretions and relictions, and the right to other improvements and useful purposes, should be protected where the exercise of those rights is carried out in a reasonable manner without substantial impairment of the public's interest in or use of the Public Trust area. (See Public Access Policies.)**
- 5.6.2. **Waterfront property owners should exercise their littoral/riparian rights in a manner that does not have a significantly adverse impact on coastal resources, scenic quality, navigation, and other public values associated with the land and water resources below the mean high water line.**

6.0. PUBLIC ACCESS POLICIES

- 6.1. Providing Public Access to the Harbor and Along the Shoreline:
- 6.1.1. **The City should encourage and support the provision of facilities and opportunities for public access to Norwalk Harbor, consistent with the capacity of the Harbor and waterfront to accommodate those facilities and opportunities. Public access should be considered as physical and/or visual access to the Harbor that will be available to all members of the general public and not limited to any particular groups or individuals.**
- 6.1.2. **Facilities and areas for public access to the Harbor should be provided in coordination with implementation of the Norwalk Plan of Conservation and Development and Municipal Coastal Program.** The City should require the provision of well-designed, meaningful and coordinated public access to the water by all waterfront development subject to the City's Coastal Site Plan Review authority, except one- and two-family dwellings and development for principal uses that are truly water-dependent within the meaning of the

Connecticut Coastal Management Act. (See **Harbor Administration and Coordination Financing Policies.**)

- 6.1.3. Where feasible, the City should use the authority and policies of the Connecticut Coastal Management Act **and Norwalk Plan of Conservation and Development to provide public access in appropriate locations along the entire shoreline of Norwalk Harbor, including along both banks of the Norwalk River upstream of the Stroffolino Bridge, and** to implement the Norwalk Bikeway and Linear Park Project. ~~along the east side of the Norwalk River. [AMENDED EFFECTIVE APRIL 1, 1993.]~~
- 6.1.4. **The City, acting in coordination with private nonprofit organizations when appropriate, should pursue the acquisition of waterfront land and easements (through purchase, donation, or other proper means) when such opportunity may arise and where such acquisition will provide opportunities for public access to Norwalk Harbor and enhance the overall beneficial value and usefulness of the City's open space system. (See 7.4.3.)**
- 6.2. Providing Pedestrian Access Between the Waterfront and City Commercial Centers:
- 6.2.1. **Well-designed and beneficial facilities for** Improved pedestrian access should be provided to link public boating facilities on the waterfront with the commercial areas of **the City. South Norwalk.** Pedestrian access facilities should be designed to enhance **Harbor-area attractions such as the Maritime Aquarium and Norwalk Heritage Park** ~~City-backed development initiatives such as the Maritime Center and South Norwalk Revitalization Program~~ and to promote increased transient boating activities.
- 6.3. Providing Access to the Harbor from City Parks:
- 6.3.1. Opportunities for ~~improving~~ public access to Norwalk Harbor ~~the water~~ through the City park system should be fully utilized **and, to the extent feasible, enhanced.** The City should promote and encourage increased water-related use and activities at public parks including visual and physical access opportunities, public boat slips and launching facilities, access to mooring areas, ~~new~~ transient boating facilities, small boat storage and launching areas, and fishing piers. These uses and activities should be consistent with all other applicable **provisions of the Norwalk Harbor Management Plan and with the capacity of the City-owned properties to accommodate enhanced or expanded use.** ~~Plan policies.~~

- 6.3.2. **Continued beneficial use, maintenance, and enhancement of the Norwalk** ~~The City should support the establishment of a State Heritage Park, including~~ **elements of the park** on the west side of the Norwalk River, ~~providing to~~ **provide physical and visual access to Norwalk Harbor should be encouraged and supported.** ~~[ADDED EFFECTIVE APRIL 1, 1993.]~~
- 6.3.3. A fair and equitable schedule of fees for the use of public boating facilities should be maintained, consistent with facility costs and goals for encouraging Harbor use by resident, nonresident, and transient boaters. **(See Recreational Boating Policies.)** ~~[ADDED MARCH 10, 1998.]~~
- 6.4. Using City-Owned Street Ends for Access to the Harbor:
- 6.4.1. ~~The Harbor Management Commission should identify and evaluate~~ Opportunities for improving physical and visual public access to **Norwalk Harbor** ~~the water~~ through City-owned street ends **should be identified and evaluated.** Where feasible, the City should improve street ends **for public use** in the near term and in all cases ensure the retention of **the water access opportunities provided by** these streets ~~and opportunities~~ for future enhancement and use.
- 6.4.2. Where feasible, neighborhood associations should be encouraged to develop street end facilities for neighborhood use and for the use of others.
- 6.4.3. Any improvement of City-owned street ends for public access purposes should be consistent with existing neighborhood character and zoning designations.
- 6.5. Providing Access to Mooring Areas:
- 6.5.1. The City ~~may should~~ encourage the establishment of a **privately operated** launch service to provide access to mooring areas from new or enhanced public boating facilities. **(See the harbor management guidelines and recommendations in chapters four and five of the *Norwalk Harbor Management Plan*. Part II: ~~Water Use Plans and Management Guidelines.~~)**
- 6.5.2. Where consistent with traditional neighborhood uses and activities **and all applicable regulations (including parking regulations) for use of City streets**, City-owned street ends ~~may should~~ be considered for use as limited access points to public mooring areas.
- 6.5.3. A central public docking area should be established for boaters coming ashore. This area should provide protected dinghy storage as well as safe and easy access for resident and transient boaters to the commercial area of South Norwalk. **(See Recreational Boating Policies.)**

6.6. Providing Access to the Norwalk Islands:

6.6.1. The City should **encourage and** promote ~~increased~~ public access to the publicly owned Norwalk Islands by those without access to private boats. This public access should be consistent with the **capacity capabilities** of island resources to accommodate public use **without the occurrence of any significant adverse impacts on natural resource functions and values.** (See Coastal Resources Policies.) The operation of ~~additional~~ excursion boats to provide **beneficial opportunities for increased** public access to the Norwalk Islands should be encouraged and promoted in coordination with **City-supported** ~~public-supported~~ development initiatives including the Norwalk Heritage Park. ~~such as the Maritime Center and Sheffield Island Lighthouse Park.~~

6.7. Balancing Littoral and Public Rights for Harbor Use:

6.7.1. Plans and proposals to improve existing public access facilities and to provide new public access opportunities should be consistent with the littoral/riparian rights of waterfront property owners. Conversely, the exercise of littoral/riparian rights by waterfront owners should not have a significant adverse effect on coastal resources, public access opportunities, visual quality, traditional water uses, and other public values associated with the land and water resources below the mean high water line. (See 5.6.)

6.8. Encouraging Special Waterfront Events and Activities:

6.8.1. **Special waterfront events, festivals, and other activities that attract City residents and visitors to Norwalk Harbor, provide public enjoyment, and stimulate public interest and community involvement in matters pertaining to the Harbor should be encouraged and supported.**

6.9. Encouraging Water-Based Tourism:

6.9.1. **Opportunities for expanding water-based tourism activities and the associated economic, recreational, and other benefits of those activities in Norwalk should be encouraged and supported.**

7.0. COASTAL RESOURCES POLICIES

- 7.1. Recognizing the Carrying Capacity of Harbor Resources to Accommodate New Development and Other Activities:
- 7.1.1. Harbor-area Development activities **affecting real property on, in, or contiguous to Norwalk Harbor and other uses of the Harbor** should be balanced with the need to protect natural coastal resources **and the ecological functions associated with the Harbor** and should not result in significant **adverse impacts on environmental quality**. ~~reductions in natural resource values.~~
 - 7.1.2. The design and review of ~~future Harbor-area~~ development proposals **on, in, or contiguous to Norwalk Harbor and proposals for other uses of the Harbor** should take into consideration cumulative impacts on Harbor resources and the **capacity** ~~capability~~ of coastal resources to support **the proposed development or other use** without significant disruption of the natural environment. The design and review of Harbor-area development proposals should also be guided by recognition that there are limits to the amount of growth and development that the Harbor's natural environment can **accommodate** ~~absorb~~ without important public values being lost as a result of environmental degradation. **It is recognized that cumulative impacts on environmental quality can result from individually minor but collectively significant actions taking place over a period of time. (See 2.3.1.)**
 - 7.1.3. **Determinations of the capacity of Norwalk Harbor's natural environment** ~~Indirect approaches for determining resource capabilities for accommodating new development and other Harbor uses~~ should be carried out through the case-by-case review of individual development proposals **by the Harbor Management Commission, acting in coordination with other City agencies and State and Federal regulatory agencies**. This review should address: 1) the **capacity** ~~ability~~ of coastal resources to support **waterfront development and other uses of the Harbor**; and 2) **any potential** ~~the~~ public safety and navigation impacts associated with increased water use and activity **(see 2.3)**.
 - 7.1.4. It will be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess the potential impacts of proposed development projects on Harbor resources. Any information required should be reasonable in scope and **commensurate** ~~should be in balance~~ with the size, **type, or scale** ~~scope~~ and potential positive and negative impacts of the proposal. **(See 8.4.)**

7.2. Managing Fisheries Resources, Including Shellfish Resources:

- 7.2.1. Opportunities for vessel- and shore-based recreational fishing in the Harbor should be maintained and, to the extent feasible, enhanced. ~~{ADDED MARCH 10, 1998.}~~
- 7.2.2. Recreational and commercial fishing activities should be encouraged and supported, in balance with other water-dependent recreational and commercial uses of the Harbor and with consideration of the sustainable capacity of fisheries resources in the Harbor **as determined by the appropriate resource management agencies of the State of Connecticut.** ~~{ADDED MARCH 10, 1998.}~~
- 7.2.3. Necessary actions to protect, maintain, and enhance fisheries habitat and resources in Norwalk Harbor for recreational and commercial use and public enjoyment, consistent with City, State, and Federal laws and regulations, should be encouraged and supported. ~~{ADDED MARCH 10, 1998.}~~
- 7.2.4. **Any fish harvesting structures in Norwalk Harbor requiring State and/or Federal authorization, including but not limited to structures supporting marine pound nets, should be designed, constructed, and maintained to avoid any adverse impacts on navigation and coastal resources, including recreational fisheries, and on the public's right to uses of the Harbor consistent with the Public Trust Doctrine. (See 1.6.4.)**
- 7.2.5. **For the purpose of these policies, Norwalk Harbor shellfish resources shall include: a) populations of shellfish species; and b) the natural areas (habitat) with characteristics for supporting one or more of those species. Shellfish habitat shall be recognized as including tidal waters, underwater lands, wetlands, and intertidal flats in Norwalk Harbor.**
- 7.2.6. **It is recognized that the natural features of Norwalk Harbor, including its estuarine environment, tidal wetlands, extensive areas of intertidal flats, and the presence of the Norwalk Islands which shelter much of the Harbor from waves generated in Long Island Sound, provide shellfish habitat of especially high resource value. Further, it is recognized that Norwalk Harbor's shellfish resources provide uncommonly high economic and recreational values in the State of Connecticut and that Norwalk Harbor supports a viable inter-State shellfishing industry generating significant local and State-wide economic benefits.**
- 7.2.7. **The State of Connecticut Coastal Management Program and City of Norwalk Municipal Coastal Program recognize that intertidal flats and tidal wetlands provide significant habitat for shellfish. The State of Connecticut has enacted legislative policies to manage intertidal flats to preserve their value as a nutrient source and reservoir and healthy shellfish habitat and to preserve tidal wetlands to maintain their vital**

natural functions. (See Sections 22a-92(b)(2)(D) and (E) of the Connecticut General Statutes.)

- 7.2.8. **It is recognized that shellfish habitat, including intertidal flats and tidal wetlands, is susceptible to adverse impacts, including acute and cumulative impacts, caused by the installation, presence, or use of water access structures (such as but not limited to docks, floats, and piers) and other in-water and intertidal structures and activities. Further, it is recognized that structures resting on intertidal areas can cause scouring and anoxic conditions that are acutely and cumulatively harmful to benthic resources, including shellfish resources.**
- 7.2.9. ~~To the extent possible, the Shellfish Commission should identify and map important Shellfish resource areas (as distinguished from exclusive of shellfish concentration areas mapped by the State of Connecticut) providing shellfish resources and/or available for public and private shellfishing use within Norwalk Harbor the Inner and Outer Harbor areas as defined in this Plan.~~ **consist of:**
- a) **the natural oyster, clam, and mussel beds designated as tracts 1 through 7 on the map entitled “Map of Natural Oyster, Clam, and Mussel Beds in the Town of Norwalk, Connecticut 1882” as confirmed by decree of the Superior Court for Fairfield County, dated December 12, 1882 and referenced in Section 45-26 of the Norwalk Code; and**
 - b) **shellfish beds known as town grounds and designated for private use pursuant to the General Statutes.**
- 7.2.10. **It is recognized that Norwalk’s inter-state shellfish industry depends on continued harvesting and transplanting of shellfish from the natural oyster, clam, and mussel beds designated in Norwalk Harbor. It is also recognized that Norwalk’s inter-state shellfish industry has submitted a written statement to the Harbor Management Commission and Department of Environmental Protection expressing its concern that: 1) docks and vessels resting on natural shellfish beds can unduly damage shellfish resources in Norwalk Harbor; and 2) in-water and intertidal structures and activities can unduly interfere with shellfish harvesting and cultivation on the natural shellfish beds in Norwalk Harbor.**
- 7.2.11. **Proposals affecting the real property on, in, or contiguous to Norwalk Harbor that would cause acute and/or cumulative adverse impacts on: a) shellfish resources; or b) opportunities for shellfish cultivation and/or harvesting should be avoided. Proposals that could affect shellfish resources or cultivation and/or harvesting opportunities should be carefully designed and evaluated to avoid adverse impacts on those resources and opportunities.**

~~Within important shellfish resource areas designated by the Shellfish Commission, the cultivation, transplantation, harvest, and general management of shellfish should have priority over all other uses.~~

~~New navigation channels, turning basins, fairways, and anchorage areas should not be dredged in important shellfish resource areas designated by the Shellfish Commission.~~

~~New structures such as docks and piers should not adversely affect important shellfish resource areas.~~

- 7.2.12. The Shellfish Commission should evaluate all proposed uses or activities occurring below the high tide line in Norwalk Harbor for potential impacts on shellfish resources **and opportunities for shellfish cultivation and/or harvesting.**
- 7.2.13. **To avoid acute and cumulative adverse impacts on shellfish resources, no proposal for a water access project should be approved that would allow any floating dock and/or vessel attached to that dock to rest on any shellfish resource area in Norwalk Harbor during normal tide cycles. Exceptions to this policy may only be considered if the applicant clearly demonstrates, to the satisfaction of the Department of Environmental Protection's Office of Long Island Sound Programs that: 1) no significant adverse impacts on shellfish resources will occur; and/or 2) there is an otherwise compelling reason why a different action should be taken. (See 5.3.)**
- 7.2.14. **No proposal for a water access project involving in-water and intertidal structures and activities should be approved that would cause, in the judgement of the DEP OLISP, any undue impediment to shellfish cultivation and/or harvesting opportunities. Exceptions to this policy may only be considered if the applicant clearly demonstrates, to the satisfaction of the DEP OLISP that: 1) no significant adverse impacts on shellfish resources will occur; and/or 2) there is an otherwise compelling reason why a different action should be taken. (See 5.3.)**
- 7.2.15. **Any aquaculture activities in Norwalk Harbor, including but not limited to activities regulated exclusively by the Connecticut Department of Agriculture/Bureau of Aquaculture and utilizing structures such as but not limited to docks, racks, cages, bags, and nets as well as buoys to mark the location of such activities, should be designed, constructed, and maintained to avoid any significant adverse impacts on navigation, coastal resources, and public safety in Norwalk Harbor. (See 1.6.5.) Applications for aquaculture activities submitted to the DA/BA or any other agency should be reviewed for consistency with the *Norwalk Harbor Management Plan*. (See 8.4.)**

- 7.3. Protecting and Restoring Intertidal Resources, Including Tidal Wetlands and Intertidal Flats:
- 7.3.1. The ecological values of intertidal resources, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and **floodwater storage and hazard** buffer should be protected.
- 7.3.2. Consistent with City, State, and Federal regulations, new boat basins, navigation channels, turning basins, fairways, and mooring/anchorage areas should not be dredged in viable and productive intertidal resource areas, **including significant shellfish resource areas that may be designated by the Shellfish Commission**, unless adverse impacts have been minimized to the greatest extent possible and any remaining impacts are considered acceptable.
- 7.3.3. Consistent with City, State, and Federal regulations, new structures such as docks and piers should not **have significant adverse impacts on** adversely affect viable and productive shellfish resource areas.
- 7.3.4. **Degraded intertidal resources on, in, or contiguous to Norwalk Harbor should be restored, to the extent feasible, where such restoration will enhance the quality of natural coastal resources through improvements to water quality, scenic quality, fish and wildlife habitat, and other natural values. Restoration of tidal wetland resources and associated ecological functions historically lost or degraded by placement of fill material or restriction of tidal flow in the Harbor should be encouraged and supported to the extent feasible.**
- 7.3.5. **Any project for restoring intertidal resources should be in accordance with a detailed plan based on best available scientific information, formulated with input from potentially affected parties, and including a careful review of environmental costs and benefits by City agencies with relevant authorities. The effects of any project for restoring intertidal resources should be carefully monitored and evaluated over time.**
- 7.3.6. **It should be recognized that maintenance, repair, and replacement of existing bulkheads and other shore protection structures to support water-dependent uses and other beneficial purposes in Norwalk Harbor can result in the incremental and cumulative encroachment of those structures into intertidal areas. All bulkhead maintenance, repair, and replacement projects should be designed and reviewed to avoid waterward extension to the extent feasible, thereby avoiding adverse impacts on coastal resources and navigation. (See 2.5.3.)**

- 7.3.7. **Existing docks, floats, and other water access structures associated with Harbor bulkheads to be maintained, repaired, or replaced should be rebuilt in kind and in place with no additional encroachment into the Harbor following bulkhead maintenance, repair, or replacement. The permittee shall be required, as a condition of any State and/or Federal permit needed for bulkhead maintenance, repair, or replacement, to provide an “as-built” survey or other documentation following project completion to show that no additional encroachment of the bulkhead and associated water access structures has occurred.**
- 7.4. Managing and Protecting the Norwalk Islands:
- 7.4.1. ~~The City should develop a management plan for the~~ **The publicly owned Norwalk Islands should be managed in accordance with City management policies** that will provide for the long-term use and protection of ~~the islands~~ **resources**, including protection of habitat for several regionally unique bird and plant species, and use of the publicly-owned islands for public recreation.
- 7.4.2. **Designated island camping sites and recreational areas should be properly managed and maintained in a manner to provide an enjoyable recreational experience and to avoid any significant adverse impacts on natural coastal resources resulting from use of those sites and areas. Day-use and overnight camping on City-owned islands should be in accordance with permits issued by the Norwalk Recreation and Parks Department.**
- 7.4.3. The City, **acting** in coordination with private nonprofit organizations **when appropriate**, should pursue the acquisition of **island land and easements (through purchase, donation, or other proper means)** ~~and protection of additional privately owned island property~~ when such opportunity may arise **and where such acquisition will provide opportunities for public access to Norwalk Harbor and enhance the overall beneficial value and usefulness of the City’s open space system. (See 6.1.4)**
- 7.5. Maintaining and Improving Surface Water Quality:
- 7.5.1. **The implementation of all feasible measures to maintain and improve surface water quality in Norwalk Harbor, including implementation and enforcement of applicable City, State, and Federal laws and regulations, should be encouraged and supported.**
- 7.5.2. **Efforts to improve water quality in Norwalk Harbor through reduction or elimination of point and nonpoint sources of pollution (including storm water runoff from roads, bridges, parking areas, and other surfaces as well as seepage from septic systems), should be encouraged and supported.**

- 7.5.3. **Efforts to improve water quality in Norwalk Harbor should include: improvement and repair of stormwater collection and treatment facilities as necessary in accordance with best available technology; reduction or elimination of pollution caused by boating activities; reduction of the amount of sand, debris, and other pollutants discharging into the Harbor from roads, bridges, and waterfront properties; and reduction or elimination of all other human activities that unnecessarily introduce sediment, debris, or pollutants into the Harbor. (See 1.10.1.)**
- 7.5.4. **The use of suitable best management practices (BMPs) to manage, reduce where feasible, or otherwise control stormwater runoff into Norwalk Harbor should be encouraged and supported, including but not limited to establishment and maintenance of: buffer zones of natural vegetation to naturally filter polluted runoff draining into the Norwalk River and Harbor; appropriate buffer/setback distances around tidal wetlands in and adjoining the Harbor; and other BMPs identified in the Connecticut Department of Environmental Protection’s Stormwater Manual.**
- 7.5.5. **All new development generating significant stormwater discharges directly or indirectly into Norwalk Harbor should be required to employ appropriate stormwater treatment systems and technology, including swirl-type grit chambers where necessary, to reduce the potential for nonpoint source pollution to enter the Harbor. All such systems and technology should be properly maintained and operated in accordance with regularly scheduled maintenance procedures and all accumulated residue should be properly disposed of.**
- 7.5.6. **All operators of equipment drawing water from Norwalk Harbor or from any watercourses draining into the Harbor should utilize appropriate devices to prevent the back-flow discharge of any material from that equipment into the Harbor or watercourse. In accordance with applicable laws and regulations for stormwater management, no water used for the purpose of rinsing or flushing the containers or piping of equipment should be discharged into the Harbor or into any watercourse draining into the Harbor.**
- 7.5.7. **The City should continue to maintain and upgrade its wastewater collection and treatment facilities, as necessary, in accordance with best available technology. ~~sewerage facilities, including complete separation of combined storm and sanitary sewers, improved operation and maintenance of the sewage treatment plant, and upgrading of the level of treatment provided at the sewage plant.~~ The Department of Public Works’ capital budget requirements necessary for continued effective operation and maintenance of the wastewater ~~continuing sewer separation and sewage treatment plant improvements~~ should be supported.**

- 7.5.8. ~~The City should maintain~~ **An effective, ongoing** strong program of water quality monitoring in Norwalk Harbor and upstream in the Norwalk River **by qualified governmental and nongovernmental organizations should be encouraged and supported to identify existing and potential sources of pollution and to establish and maintain a data base of information to support water quality improvement efforts by City agencies with water quality responsibilities and authorities.** ~~The City should~~ and vigorously pursue the designation **by the State of Connecticut** of the SB water quality classification for the Inner Harbor through the correction or elimination of both point and nonpoint sources of pollution, including stormwater runoff affecting the Harbor.
- 7.5.9. Vessel holding tanks for sanitary wastes should not be discharged into the waters of Norwalk Harbor. Existing **State and Federal** regulations controlling the disposal of wastes from vessels should be strictly enforced **by the appropriate regulatory agencies.**
- ~~More stringent controls on disposal of sanitary waste from vessels should be implemented, including the adoption of City regulations prohibiting boats from discharging sanitary wastes within the designated Inner Harbor or over designated shellfish beds.~~
- 7.5.10. **Vessel waste pump-out facilities with adequate capacity to serve the needs of all boaters in Norwalk Harbor should be maintained in the Harbor.** All new and expanded marina facilities providing additional boat slips should provide **convenient** onsite **vessel waste** sanitary pump-out facilities for marine waste, or demonstrate that **readily available and accessible vessel waste** sanitary pump-out capacity exists elsewhere in Norwalk Harbor to accommodate their needs.
- 7.5.11. Within one year of such time as the water quality in the Inner Harbor **may be** is upgraded to an SB classification, all existing marinas should provide **convenient** on-site **vessel waste** sanitary pump-out facilities or demonstrate that **readily available and accessible** pump-out capacity exists elsewhere in Norwalk Harbor to accommodate their needs.
- 7.5.12. In order to minimize use of marine sanitation devices in the Harbor, all new marina facilities should be required to provide restroom facilities for marina **patrons, users including visiting boaters.**
- 7.5.13. ~~The City should work closely with State and Federal agencies for eventual implementation of the Norwalk “no discharge” zone as authorized by State law: [ADDED EFFECTIVE APRIL 1, 1993.]~~

- 7.5.13. **Any work to maintain, repair, or construct bridges crossing navigable water in Norwalk Harbor should be closely monitored to reduce or avoid any significant adverse impacts on water quality resulting from maintenance, repair, or construction work. (See 1.7.2.)**
- 7.5.14. **Initiatives to improve water quality in Norwalk Harbor that are planned and implemented on a watershed-wide basis in coordination with other communities in the Norwalk River watershed and other coastal watersheds draining into the Harbor should be encouraged and supported. Implementation of the water quality initiatives contained in the Norwalk River Watershed Action Plan endorsed by the City of Norwalk should be encouraged and supported. (See 8.13.1.)**
- 7.5.15. **Any use of waterfront and other properties for disposal/storage of snow removed from streets, parking lots, and other areas should employ appropriate measures, including but not limited to containment barriers and appropriate setbacks from the high tide line, to ensure that no significant pollution, including sedimentation, may enter the Norwalk Harbor through runoff from melting snow.**
- 7.6. Protecting Archaeological Resources:
- 7.6.1. The Harbor Management Commission should work with the Connecticut State Archaeologist and other State and local organizations to identify **any significant** ~~important~~ archaeological resources in the Norwalk Harbor area.
- 7.6.2. Appropriate measures should be applied, in consultation with the State Archaeologist and other appropriate State and local organizations, to protect **any significant** ~~important~~ archaeological resources in the Norwalk Harbor area from negative impacts that **otherwise** might be caused by in-water or waterfront development activities.

8.0. HARBOR ADMINISTRATION AND COORDINATION POLICIES

8.1. Defining Norwalk Harbor Boundaries:

- 8.1.1. **The territorial limits of Norwalk Harbor for the purpose of the *Norwalk Harbor Management Plan* and to designate the area subject to the jurisdiction of the Norwalk Harbor Management Commission shall include all of the waters of the City as described in Section 1-205 of the Norwalk Charter, excepting the area of the Five Mile River. The current description of Norwalk Harbor boundaries as contained in Section 1-205 of the Norwalk Charter should be amended to **incorporate, where appropriate,** ~~reflect changes~~**

in the buoy numbering system. Where possible, geographic coordinates should be used as boundary reference points. **Norwalk Harbor should be described in Chapter 1-205 of the City Charter should be amended** as follows:

“The overall boundaries of Norwalk Harbor include the water area bounded on the east by the line separating the City of Norwalk from the Town of Westport; on the south by a line commencing at the intersection (this intersection being at Copps Rocks just east of Copps Island, approx. 41 03.6 N. Latitude, 73 23.0 W. Longitude) of said town line with a straight line running in a southwesterly direction to the former location of buoy 24B (approx. 41 02.4 N. Latitude, 73 25.5 W. Longitude) off Hiding Rocks, thence in a due westerly direction to Greens Ledge light (approx. 41 02.5 N. Latitude, 73 26.6 W. Longitude); on the west by a line running northerly from Greens Ledge light to the flashing light at the entrance of the Five Mile River (approx. 41 03.4 N. Latitude, 73 26.8 W. Longitude), thence northerly along the line separating the City of Norwalk from the Town of Darien; and on the north by the shoreline of the City of Norwalk.” ~~[AMENDED EFFECTIVE APRIL 1, 1993.]~~

8.1.2. The **Norwalk Harbor, as described in Section 1-205 of the Norwalk Charter, is divided into three major subareas as provided by Section 69-2 of the Norwalk Code** ~~current Inner and Outer Harbor boundaries as established in the Norwalk Code should be modified to facilitate~~ **implementation of the Norwalk Harbor Management Plan.** ~~harbor management. Section 69-1 of the Norwalk Code should be amended to establish~~ **The three major subareas within the overall Harbor boundaries are:**

- The Inner Harbor, **which consists** ~~should consist~~ of the waters from the head of navigation at Wall Street to the mouth of the Norwalk River estuary generally bounded by a line extending south from the Coast Guard **Auxiliary** station at Calf Pasture Point to the center of Round Beach thence southwesterly to Light 10 and thence northerly to Keyser Point at the **southwestern corner** edge of Manresa Island. The Inner Harbor as so defined includes **all areas, coves, and embayments, including** the East Norwalk Basin and the Charles Creek area, **from the mouth of the River to the head of navigation.**
- The Outer Harbor, **which consists** ~~should consist~~ of all other waters within the overall Harbor boundaries with the exception of the Five Mile River Harbor. The Outer Harbor so defined ~~will~~ includes the Norwalk Islands, the anchorage between Belle Island and Wilson Point, the anchorage east of Calf Pasture Point, and the “east” and “middle” passages.
- The Five Mile River Harbor, **which consists of** ~~should include~~ the area commencing at entrance buoys 3 and 4 at the mouth of the Five Mile River to the head of navigation.

8.2. Defining the Jurisdiction and Responsibilities of the Harbor Management Commission:

8.2.1. **The jurisdiction of the Norwalk Harbor Management Commission shall be as established in Chapter 69 of the Norwalk Code and shall include all of the waters of Norwalk Harbor as described in Section 1-205 of the Norwalk Charter, excepting the area of the Five Mile River which is subject to the jurisdiction of the Five Mile River Commission. The Harbor Management Commission shall exercise all of the powers and duties granted to municipal harbor management commissions through Section 22a-113k through 22a-113t of the Connecticut General Statutes and specified in Section 69-21 of the Norwalk Code, including responsibilities for preparing the *Norwalk Harbor Management Plan*.**

8.3. Enforcing Harbor Management Provisions:

8.3.1. Chapter 69 of the Norwalk Code should be reviewed and amended, as necessary, to help ensure continued boating and navigation safety in the Harbor and effective implementation and enforcement of the goals, policies, and management strategies contained in the *Norwalk Harbor Management Plan*.
[ADDED MARCH 10, 1998.]

8.3.2. Through implementation of the *Norwalk Harbor Management Plan*, the City of Norwalk and the **State of Connecticut Harbor Master for Norwalk Harbor** should **maintain an active and ongoing** ~~assume an increased~~ role in the management and regulation of Harbor-area activities in coordination with State and Federal agencies, **including, but not limited to,** ~~specifically~~ the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers.

8.3.3. The Harbor Management Commission, Harbor Master, and Norwalk Police Department should coordinate their actions and authorities to achieve effective enforcement of the boating safety and other regulations established in Chapter 69 of the Norwalk Code. [ADDED MARCH 10, 1998.]

8.4. Conducting Harbor Management Consistency Reviews:

8.4.1. A “Harbor Management Consistency Review Process” should be carried out to ensure effective implementation of the *Norwalk Harbor Management Plan* and to provide coordinated, efficient, and comprehensive local review of proposed projects affecting use and activities on, in, or **contiguous adjacent** ~~adjacent~~ to **Norwalk Harbor waters.** (See **Chapter Six Part III: Responsibilities and Recommendations for Plan Implementation Measures** and Section 69-21B of the Norwalk Code.) [AMENDED MARCH 10, 1998.]

- 8.4.2. **In accordance with Section 22a-113p of the Connecticut General Statutes and Section 69-21 of the Norwalk Code**, the Harbor Management Commission ~~may will~~ review, for consistency with the *Norwalk Harbor Management Plan*, specific development proposals (see 8.4.3 below) **affecting real property** on, in, or **contiguous** adjacent to the Harbor as submitted to, or proposed by; ~~the following City local agencies~~ **including, but not limited to, the following agencies** (see Waterfront Land-Use and Development Policies):
- Planning Commission
 - Zoning Commission
 - Zoning Board of Appeals
 - Shellfish Commission
 - Department of Health
 - Department of Public Works
 - Recreation; **and** Parks ~~and Building Maintenance~~ Department
 - Conservation Commission
 - Redevelopment Agency
- 8.4.3. The Harbor Management Commission ~~may will~~ review for consistency with the *Norwalk Harbor Management Plan*: 1) all development proposals subject to the municipal process of Coastal Site Plan Review and located on parcels **contiguous to or otherwise affecting** adjacent of the Harbor, ~~with the exception of one and two family dwellings~~; and 2) all proposed uses or activities occurring below the high tide line;² **and 3) all proposed revisions or amendments to City plans, regulations, or ordinances affecting real property on, in, or contiguous to the Harbor.**
- 8.4.4. The referring agencies listed in item 8.4.2 above will notify the Harbor Management Commission of any proposals subject to the Harbor Management Consistency Review Process at least 35 days prior to the commencement of any hearings thereon or, where no hearing is held, at least 35 days prior to the taking of any final action on the proposal.³

² The Harbor Management Commission recommends that the Shellfish Commission adopt requirements (~~if such requirements can be adopted~~ consistent with the Shellfish Commission's statutory authority) to ensure that all proposed uses or activities occurring below the High Tide Line are submitted to the Shellfish Commission and reviewed by that commission for potential impacts on shellfish resources.

³ ~~Following approval of the Harbor Management Plan, the Harbor Management Commission should work with other City commissions and departments to establish review periods of less than 35 days in those instances where a shorter review period will still provide adequate time for Commission review while expediting the review process.~~

- 8.4.5. **In accordance with the schedule established in Section 22a-113p of the Connecticut General Statutes and Section 69-21 of the Norwalk Code**, the Harbor Management Commission will determine the consistency of proposed projects with the Plan, and make recommendations to the appropriate City agency or commission within 35 days of receipt of the proposal from the referring agency (or sooner based on any shorter review periods established in coordination with other City commissions and departments). ~~following adoption of the Harbor Management Plan~~. If no comment regarding the consistency of the proposed project is made by the Commission within 35 days, the proposal will be assumed to be consistent with the *Norwalk Harbor Management Plan*. In accordance with Section 22a-113p of the Connecticut General Statutes and **Section 69-21 of the Norwalk Code**, a 2/3 vote of the referring City agency will be required to approve a proposed project that has not received a favorable recommendation from the Harbor Management Commission.
- 8.4.6. **Applications for the State and/or Federal approvals needed to conduct work affecting property on, in, or contiguous to Norwalk Harbor should be reviewed for consistency with the *Norwalk Harbor Management Plan*, including applications submitted to the Connecticut Department of Environmental Protection and/or U.S. Army Corps of Engineers and applications submitted to the Department of Agriculture/Bureau of Aquaculture for aquaculture activities in Norwalk Harbor. The Harbor Management Commission will review proposed projects for consistency with the Plan and transmit its findings and recommendations to the appropriate State and/or Federal agency in accordance with all applicable laws, regulations, ordinances, and other duly established requirements and prior to any final decision by those agencies. Pursuant to Section 22a-113n of the Connecticut General Statutes, a recommendation of the Harbor Management Plan with respect to a proposed project shall be binding on any official of the State when making regulatory decisions or undertaking or sponsoring development affecting the Harbor, unless such official shows cause why a different action should be taken.**
- 8.4.7. It will be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess the potential impacts of proposed development projects on Harbor resources and the consistency of such proposals with the *Norwalk Harbor Management Plan*. The information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposal. (See 8.4.9.)
- 8.4.8. **The Harbor Management Commission recommends that application plans for the following types of projects be prepared by a registered professional engineer licensed in the State of Connecticut: marinas and marine commercial facilities; erosion control structures; fill areas; dredged areas;**

and any proposed regulated work that will change tidal elevation locations or affect property boundaries.

- 8.4.9. It is the responsibility of all applicants for DEP OLISP permits and other DEP OLISP authorizations to comply with all duly established application requirements, including, but not limited to, any requirements for submitting project plans and other information to the Harbor Management Commission and otherwise properly conferring with the Commission prior to, and/or subsequent to, submitting an application to the DEP OLISP. Project plans and other information submitted by the applicant to the Commission must be deemed by the Commission to be sufficiently accurate, complete, and otherwise adequate for the purpose of the Commission's review of that information. (See 8.4.7.)
- 8.4.10. When reviewing a proposal or application for consistency with the *Norwalk Harbor Management Plan*, the Harbor Management Commission should consider if there is any enforcement action pending with City, State, or Federal agencies for violations of environmental or other laws at the site of the proposed work and/or associated with the work for which the authorization is being sought. The Commission may defer its review of a proposal or application involving a site associated with a pending enforcement action until such time as that action has been concluded. The Commission should provide recommendations to appropriate City, State, or Federal regulatory agencies concerning the elimination of any unauthorized encroachments in Norwalk Harbor. (See 1.1.)
- 8.4.11. The feasibility of the Harbor Management Commission assuming certain Harbor-related responsibilities currently held by other City agencies (for the purpose of assisting these other agencies) ~~may should~~ be evaluated.
- 8.5. Facilitating the Regulatory Process:
- 8.5.1. City, State, and Federal authorities should work cooperatively, to the extent feasible in accordance with applicable laws and regulations, to facilitate the existing regulatory processes concerning authorization of work affecting Norwalk Harbor.
- 8.5.2. ~~The feasibility of the City obtaining a The Harbor Management Commission should request~~ delegation of limited State enforcement authority from the Connecticut Department of Environmental Protection **applicable to implementation of the *Norwalk Harbor Management Plan*** pursuant to Section 22a-2a of the Connecticut General Statutes **may be evaluated**. **Acceptance by the City of such a delegation of enforcement authority should be considered only if enforcement would be improved, City and State enforcement**

responsibilities could be carried out in a complementary manner, and there would be no significant negative effects to the City, such as financial costs, liability, and administrative burden. (See Chapter Six: ~~Part III: Responsibilities and Recommendations for Plan Implementation.~~)

8.5.3. **In accordance with Section 22a-113q of the Connecticut General Statutes, ~~The Commission should evaluate the feasibility of the City~~ obtaining a General Permit from the U.S. Army Corps of Engineers applicable to specified types of proposed coastal structures and activities **in Norwalk Harbor may be evaluated. Such a General Permit should be accepted by the City only if it would result in a reduction of the time required to process permit applications, will not diminish necessary environmental protection safeguards, and will not pose an unacceptable administrative, financial, or liability burden on the City. (See 1.9.3 and Chapter Six: ~~Part III: Responsibilities and Recommendations for Plan Implementation.~~)****

8.5.4. The Connecticut Department of Environmental Protection and U.S. Army Corps of Engineers should be encouraged to establish a joint permitting procedure and/or to issue simultaneous notices of State and Federal permit applications, and to hold joint public hearings on permit applications.

8.6. Managing Mooring Permits:

8.6.1. **To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum beneficial use of Norwalk Harbor, and for protection of environmental quality, no boat mooring location in the Harbor shall be used without the approval of the State of Connecticut Harbor Master for Norwalk Harbor. The Harbor Master shall issue a permit for each approved mooring location or area.**

8.6.2. Standardized procedures for mooring permit application and issuance should be maintained by the Harbor Master and Harbor Management Commission to apply to both commercial moorings (including moorings maintained by private clubs) and individual-private moorings. The public should be informed of these procedures through appropriate **notices postings** and other means. Standardized mooring permit record keeping procedures to allow compilation of, and easy and complete access to, all pertinent information regarding mooring use and allocation in the Harbor should also be maintained. (See **Chapter Six: ~~Part III: Responsibilities and Recommendations for Plan Implementation~~** and “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Norwalk Common Council.)

~~[AMENDED MARCH 10, 1998.]~~

8.7. Obtaining Funds for Harbor Management and Improvements:

- 8.7.1. **Adequate funds should be obtained and allocated to properly manage and maintain Norwalk Harbor and public facilities on, in, or contiguous to the Harbor in the public interest. The City should actively pursue available governmental and private grants and other appropriate sources of funds to help defray the costs of Harbor management and improvement projects in the public interest.**
- 8.7.2. **In accordance with Section 22a-113s of the Connecticut General Statutes, the Harbor Management Commission should ~~propose~~ establish a fee schedule, for adoption by the Common Council, for mooring or anchorage permits and other activities within the scope of the *Norwalk Harbor Management Plan*. Such fees should be commensurate with services provided by the City and the Harbor Master, and all fees collected ~~shall~~ ~~should~~ be **used** ~~dedicated~~ for the maintenance and improvement of the Harbor for the public and for **expenses** ~~for~~ personnel and equipment directly related to the function of the Commission and the Harbor Master **or Deputy Harbor Master**.**
- 8.7.3. An annual operating budget for harbor management should be established to include activities of the Harbor Management Commission and the **necessary** ~~administrative and maintenance~~ costs of implementing the *Norwalk Harbor Management Plan*.
- 8.7.4. In accordance with Section 22a-113s of the Connecticut General Statutes, the Norwalk Harbor Management Fund **shall** ~~should~~ be maintained to receive all mooring permit fees and other funds allocated for Harbor management purposes. Monies from the Harbor Management Fund **shall** ~~should~~ be disbursed by the Harbor Management Commission only for purposes directly associated with management and improvement of the Harbor **for the public, including** ~~and~~ implementation of the *Norwalk Harbor Management Plan*, **and for expenses for personnel and equipment directly related to the function of the Commission and the Harbor Master or Deputy Harbor Master.**
[ADDED MARCH 10, 1998.]
- 8.7.5. The Harbor Management Commission **should evaluate the feasibility of obtaining additional harbor management funds available to the City of Norwalk through the State boating account established pursuant to Section 15-155 of the Connecticut General Statutes.** ~~should request local and State legislation to amend boating registration laws to provide an increased source of funds for harbor management.~~
- 8.7.6. **Fines for violations of City and State laws, regulations, and ordinances concerning use of Norwalk Harbor, including but not limited to rules and regulations adopted by the Harbor Management Commission and**

approved by the Common Council, should be deposited into the Norwalk Harbor Management Fund. To the extent consistent with State laws and policies, including but not limited to the Connecticut Coastal Management Act, statutory restrictions concerning civil penalties, and the Department of Environmental Protection's enforcement and Supplemental Environmental Project policies, civil penalties assessed by the DEP for violations of State regulatory programs in the Harbor may be deposited into the Harbor Management Fund and used to fund beneficial projects for environmental enhancement and other improvements for the public in the Harbor. (See 1.1.6.)

8.8. Developing and Maintaining Public Support and Awareness of Plan Provisions:

8.8.1. **The presentation and discussion of all relevant public concerns regarding Norwalk Harbor and the *Norwalk Harbor Management Plan* should be encouraged and considered by the Harbor Management Commission, including concerns expressed by City residents, waterfront property and business owners, public officials, boaters and other users of the Harbor, interested organizations, and the general public.**

8.8.2. The Harbor Management Commission should **encourage and support special programs and events to stimulate public interest and community involvement in matters pertaining to Norwalk Harbor and the *Norwalk Harbor Management Plan*.** ~~develop an appropriate public education program designed to promote awareness of Plan provisions and requirements.~~

~~The Commission should support the preparation of a "Harbor brochure" highlighting the major elements of the Plan and suitable for widespread public distribution. This brochure should be used to publicize and promote the Plan; provide the public with information on Harbor rules and regulations, and could also be distributed to visitors as a promotional brochure for the City.~~

8.9. Updating and Amending the Harbor Management Plan and Applicable Sections of the Norwalk Code:

8.9.1. **The *Norwalk Harbor Management Plan* and applicable sections of the Norwalk Code should be updated and amended as necessary to respond to changing circumstances and conditions affecting the Harbor.**

8.9.2. To assure continued adherence to the *Norwalk Harbor Management Plan* as well as to identify needed amendments or clarifications, the Harbor Management Commission **should** ~~will~~ conduct an annual review of the Plan and the status of Plan implementation.

- 8.9.3. **Pursuant to Section 22a-113m of the Connecticut General Statutes**, the same process required for State approval and ~~City local~~ adoption of the *Norwalk Harbor Management Plan*—review by the Corps of Engineers, approval by the **Connecticut Commissioners of Environmental Protection and Transportation** ~~State DEP and DOT~~, and adoption by the Norwalk Common Council following a public hearing—will be required to amend ~~or~~ ~~revise~~ the adopted Harbor Management Plan and to adopt **any new ordinances rules and regulations** for implementing the Plan.
- 8.10. Encouraging Coordination Among City Agencies for Harbor Management:
- 8.10.1. **All City agencies with authorities and responsibilities affecting Norwalk Harbor, including but not limited to the Harbor Management Commission, Planning Commission, Zoning Commission, Zoning Board of Appeals, Shellfish Commission, Department of Health, Department of Public Works, Recreation and Parks Department, Conservation Commission, Redevelopment Agency, Police Department, and Fire Department, should carry out their harbor management-related responsibilities in the most coordinated manner, consistent with the provisions of the *Norwalk Harbor Management Plan*.**
- 8.10.2. **Implementation of all City plans and programs affecting Norwalk Harbor, including the *Norwalk Harbor Management Plan* and the Norwalk Plan of Conservation and Development which includes the land use provisions of the City’s Municipal Coastal Program, should be carried out in the most coordinated manner possible, emphasizing consistent objectives related to future beneficial use of the Harbor and protection of environmental quality associated with the Harbor. The Harbor Management Plan and Plan of Conservation and Development should be complementary and consistent documents and should serve as the City’s principal guides for land and water use on, in, or contiguous to the Harbor.**
- 8.11. Encouraging Coordination with State and Federal Authorities:
- 8.11.1. **State and Federal agencies with authorities and responsibilities affecting Norwalk Harbor, including but not limited to the Department of Environmental Protection, Department of Transportation, the U.S. Army Corps of Engineers, and the U.S. Coast Guard, should carry out their responsibilities affecting Norwalk Harbor in the most coordinated manner, consistent with the provisions of the *Norwalk Harbor Management Plan*.**
- 8.11.2. **State and Federal governmental agencies with authorities and responsibilities affecting Norwalk Harbor should work cooperatively with the Harbor Management Commission and Harbor Master to ensure effective implementation of the *Norwalk Harbor Management Plan*.**

- 8.11.3. **Actions by State and Federal governmental agencies should, to the extent possible in accordance with State and Federal law, be consistent with the provisions of the *Norwalk Harbor Management Plan*.**

- 8.12. Encouraging Coordination with Other Municipalities:
 - 8.12.1. **To the extent necessary and practical to address issues of common concern, the City should coordinate harbor management initiatives with other municipalities with jurisdictions adjoining or otherwise affecting Norwalk Harbor, including the towns with jurisdictions in the Norwalk River watershed.**

- 8.13. Encouraging Coordination with Regional and Nongovernmental Organizations:
 - 8.13.1. **To the extent necessary and practical, the City should coordinate harbor management initiatives with governmental and nongovernmental organizations with regional authorities and responsibilities affecting Norwalk Harbor including the Southwestern Regional Planning Agency and Norwalk River Watershed Initiative.**

 - 8.13.2. **Private groups and nongovernmental organizations with an interest in Norwalk Harbor should be encouraged to contribute to achievement of the City's harbor management goals through volunteer assistance and other means.**

- 8.14. Encouraging Coordination with the State of Connecticut Harbor Master:
 - 8.14.1. **In accordance with Section 15-1 of the Connecticut General Statutes, the State of Connecticut Harbor Master for Norwalk Harbor shall exercise his or her duties in a manner consistent with the *Norwalk Harbor Management Plan* and work cooperatively with the Harbor Management Commission to achieve effective compliance with harbor management rules, regulations, and ordinances for Norwalk Harbor and implementation of the Harbor Management Plan. The Harbor Master's responsibility in this regard shall be carried out in a manner consistent with all applicable Federal, State, and local laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes.**

 - 8.14.2. **In accordance with Section 22a-113k of the Connecticut General Statutes, the Harbor Master shall be a nonvoting, ex-officio member of the Harbor Management Commission.**

- 8.14.3. **As authorized by Section 15-1 of the Connecticut General Statutes, the Harbor Master shall be responsible for the general care and supervision of the navigable waterways within the boundaries of Norwalk Harbor and shall exercise his or her duties in a manner consistent with the *Norwalk Harbor Management Plan*. The Harbor Master shall be responsible for the safe and efficient operation of the Harbor in accordance with the provisions of the Connecticut General Statutes.**
- 8.14.4. **The Harbor Master should work cooperatively with and assist the Harbor Management Commission with implementation of the *Norwalk Harbor Management Plan* and relevant City ordinances.**
- 8.14.5. **In accordance with Section 15-1 of the Connecticut General Statutes, the Harbor Master shall be appointed by the Governor of Connecticut from a list of at least three candidates provided by the Harbor Management Commission.**
- 8.14.6. **In accordance with Section 15-154 of the Connecticut General Statutes and other applicable laws, statutes, regulations, and ordinances, the Harbor Master should act in coordination with the Norwalk Police Department, Connecticut Department of Environmental Protection, and other law enforcement agencies as necessary and appropriate to achieve effective enforcement of State and local boating laws, regulations, and ordinances in Norwalk Harbor. The Harbor Master's responsibility in this regard shall be carried out in a manner consistent with all applicable Federal, State, and local laws, statutes, regulations, and ordinances including, but not limited to, Section 15-154 of the Connecticut General Statutes.**
- 8.15. Encouraging Coordination for Special Events:
- 8.15.1. **Special in-water and waterfront events that enhance the vitality of the Norwalk waterfront, attract visitors to the City, and provide important social and economic benefits should be encouraged and supported.**
- 8.15.2. **In-water and waterfront events should be planned and managed through the coordinated efforts of governmental agencies and private organizations to ensure a safe and beneficial experience by participants and spectators.**