

RESPONSIBILITIES AND RECOMMENDATIONS FOR PLAN IMPLEMENTATION*

This chapter sets forth responsibilities and recommendations for implementing the City of Norwalk's harbor management goals, objectives, policies, and guidelines established in chapters two, three, four, and five of the *Norwalk Harbor Management Plan*. Implementation of the Harbor Management Plan is part of an on-going, evolving process; the Plan is implemented through the coordinated actions of all City, State, and Federal agencies with programs and authorities that affect Norwalk Harbor.**

Implementation responsibilities and recommendations are presented in this chapter with respect to: 1) the Mayor; 2) the Common Council; 3) the Harbor Management Commission; 4) other City commissions and departments; 5) the State of Connecticut Harbor Master for Norwalk Harbor; 6) State and Federal government agencies; and 7) private groups and individuals.

The order in which the responsibilities and recommendations are presented does not imply priority. The responsibilities and recommendations are summarized as figure 6-1.

Nothing contained in this chapter shall be construed to modify or amend the Charter or Code of the City of Norwalk or any State or Federal legislation.

* This chapter includes the 2009 amendments to the responsibilities and recommendations for implementing the *Norwalk Harbor Management Plan* as contained in chapter six of the Plan. (See *Norwalk Harbor Management Plan 1997 Plan Addendum* adopted by the Common Council in 1998.) The 2009 additions to the previously adopted and amended responsibilities and recommendations are shown in **bold type**; the 2009 deletions are shown as “~~struck-out~~.”

** Norwalk Harbor is defined in § 69-2 of the City Code to consist of an Inner Harbor, Outer Harbor, and the Five Mile River. The Norwalk Harbor Management Commission has jurisdiction over all of Norwalk Harbor except the Five Mile River which is under the jurisdiction of the Five Mile River Commission. For the purpose of the *Norwalk Harbor Management Plan* and this chapter, “Norwalk Harbor” refers to the area of jurisdiction of the Harbor Management Commission, and does not include the Five Mile River.

RESPONSIBILITIES OF THE MAYOR:

1. **Appointment of the members of the Harbor Management Commission.**
2. **Leadership and coordination for advancing the City's interests pertaining to the Harbor and waterfront.**
3. **Encouragement and support of special projects for harbor management.**

RESPONSIBILITIES OF THE COMMON COUNCIL:

1. Adoption of amendments to the *Norwalk Harbor Management Plan*, as needed, to respond to changing conditions and circumstances.
2. Adoption of amendments to the Norwalk Code, as needed, to implement certain provisions of the *Norwalk Harbor Management Plan*.
3. Approval of rules and regulations adopted by the Harbor Management Commission.
4. Confirmation of the Mayor's appointments to the Harbor Management Commission.
5. Approval of capital budget requests affecting the Harbor.
6. Oversight of City-owned waterfront properties and facilities.

RESPONSIBILITIES OF THE HARBOR MANAGEMENT COMMISSION:

1. Planning and management of uses and activities **on, in, or contiguous** to Norwalk Harbor to the maximum extent permissible under City, State, and Federal law.
 - a. **Evaluate** ~~Evaluation of~~ General Permit feasibility.
 - b. **Provide** ongoing **coordination** ~~communication~~ with City, State, and Federal agencies concerning management of Norwalk Harbor.
2. Actions to ensure continued boating and navigation safety in Norwalk Harbor.
 - a. Recommend changes to Chapter 69 of the Norwalk Code, **as necessary**, to implement provisions of the *Norwalk Harbor Management Plan*, **and submit the recommendations to the Common Council for consideration and adoption.**
 - b. Support and cooperate with State and Federal agencies to identify and eliminate any unauthorized encroachments in the Harbor.
 - c. Review aids to navigation in and near the Harbor.
 - d. Designate navigation fairways, as needed.
 - e. Evaluate the appropriate extent to which docks and piers should extend seaward to reach navigable water.
 - f. **Provide** support for dredging of the Federal Navigation Project, as needed.

Figure 6-1: Summary of Responsibilities and Recommendations for Plan Implementation.

- g. Review condition and operation of Harbor bridges.
 - h. Evaluate feasibility of special anchorage designations.
 - i. Review restricted speed **zones; areas**; recommend changes, as needed.
 3. Adoption and amendment of rules and regulations for Harbor management.
 - a. Update adopted "Rules and Regulations for Mooring and Anchoring Vessels" and "Minimum Standards for Mooring Tackle," as needed.
 4. Implementation of "Harbor Management Consistency Review Process" to review all proposals potentially affecting the Harbor and determine the consistency of those proposals with the *Norwalk Harbor Management Plan*.
 - a. Review and determine consistency of proposals to and by City of Norwalk **agencies. ~~commissions and departments~~**.
 - b. Review and determine consistency of proposals to and by State agencies.
 - c. Review and determine consistency of proposals to and by Federal agencies.
 5. On-going examination of the effectiveness of the *Norwalk Harbor Management Plan* and conditions in Norwalk Harbor; preparation of proposed amendments to the Plan and Norwalk Code as necessary.
 - a. Annual Plan review.
 - b. Specific actions to amend the Harbor Management Plan and/or City ordinances for implementing the Plan, as needed.
 - c. Preparation of annual "Harbor Management Plan Addendum," as needed.
 6. Review of actions by the **State of Connecticut Harbor Master for Norwalk Harbor**.
 7. Advisory participation in all City-supported planning and development initiatives affecting the Harbor.
 8. Support and promotion of activities to increase "Harbor awareness" and educate the public concerning management and conservation of Harbor resources.
 9. Administration and allocation of funds for Harbor management.
 - a. Identify and pursue potential sources of Harbor management funds.
 - b. Review fee schedule for mooring permits, as needed.
 - c. Preparation and review of annual operating budget.
 10. Maintenance of a data base of information and materials pertaining to the Harbor.
 11. Pursuit of grants for Harbor improvement and management.
 12. Ongoing study of Harbor conditions to provide useful information for decision-making and other management purposes.

Figure 6-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

13. Employment of ~~staff and~~ consultants and other assistants, as needed, to assist with implementation of the *Norwalk Harbor Management Plan*.
14. Encouragement of the presentation and discussion of all public concerns, including those of City residents, business owners, and boaters, related to the Harbor and *Norwalk Harbor Management Plan*.
15. Leadership role on the City's Water Quality Committee.
16. Advisory role for planning and managing operation of the Norwalk Visitor's Dock.
17. Maintenance of master schedule of Harbor activities.
18. Identification and evaluation of potential alternative sites for small craft launching.
19. Provision of recommendations to the Governor for appointment of the **State of Connecticut Harbor Master and Deputy Harbor Master for Norwalk Harbor**.

RESPONSIBILITIES OF OTHER CITY COMMISSIONS AND DEPARTMENTS:

1. Referral of applications affecting the Harbor to the Harbor Management Commission for review and determination of consistency with the *Norwalk Harbor Management Plan*.
2. Design of City proposals affecting the Harbor for consistency with the Harbor Management Plan; referral of City proposals to the Harbor Management Commission for review and determination of consistency with the Plan.
3. **Implementation of agency** ~~Conduction of~~ responsibilities in a manner consistent with the Harbor Management Plan and in a manner that contributes to implementation of the Plan.
 - Planning and Zoning Department: Provision of staff support for Harbor Management Commission as necessary and feasible, **including coordination to implement the Harbor Management Consistency Review Process**.
 - Planning Commission: Amendment, as necessary, and implementation of *Norwalk Plan of Conservation and Development* ~~Master Plan of Land Use~~ affecting the Harbor and waterfront properties.
 - Zoning Commission: Amendment, as necessary, and enforcement of Building Zone Regulations affecting waterfront properties; Coastal Site Plan Review of most development activities within the coastal boundary.
 - Redevelopment Agency: Preparation and implementation of redevelopment plans affecting the Harbor.
 - Shellfish Commission: Management and protection of Harbor shellfish resources; ~~beds~~; participation on Water Quality Committee.

Figure 6-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

- Department of Health: Testing of water quality and closing of shellfish beds and beach swimming areas if necessary; participation on Water Quality Committee.
- Police Department: Enforcement of City and State boating laws and regulations, and coordination of emergency response activities with the Fire Department, Harbor Master, DEP, Coast Guard, and adjoining municipalities; submittal of monthly report of Marine Division activities.
- Fire Department: Coordination of emergency response activities with the Police Department, Harbor Master, DEP, Coast Guard, and adjoining municipalities; compilation of oil and fuel spill records in coordination with Harbor Master.
- Department of Public Works: Management and operation of City **wastewater collection and treatment sewerage** system including **Wastewater Sewage Treatment Plant**; **management of stormwater infrastructure**; participation on Water Quality Committee.
- Recreation and Parks Recreation, Parks, and Building Management Department: Management of waterfront parks, beaches and other recreational facilities, including Veteran's Park Marina, City boat launching ramps, and Norwalk Visitor's Dock.

RESPONSIBILITIES OF THE STATE OF CONNECTICUT HARBOR MASTER
FOR NORWALK HARBOR:

1. **Implementation** ~~Conduction~~ of all duties in a manner consistent with the Harbor Management Plan.
2. Cooperation and coordination with Harbor Management Commission and **provision of assistance** to the Commission, as needed, with implementation of the *Norwalk Harbor Management Plan*.
3. Implementation of specific requirements for administration, placement, and inspection of all Harbor moorings.
 - a. Issuance of all mooring permits; allocation of all mooring locations; and collection of all mooring ~~permit~~ fees.
 - b. Maintenance of complete and accurate records of all mooring applications, **mooring permit** fees, **mooring locations**, ~~moorings~~, and moored vessels.
 - c. Placement of mooring tackle to ensure proper location in suitable areas.
 - d. Inspection of mooring tackle at appropriate intervals to ensure compliance with minimum mooring tackle requirements.
 - e. Revocation of mooring permits for failure to comply with permit provisions.
 - f. **Collection of all fines for violation of mooring rules and regulations.**
4. Assistance to the Norwalk Police Department, DEP **Division of Environmental Conservation** ~~Police Law Enforcement Division~~, and Coast Guard, as necessary, with regard to **achieving compliance with enforcement** of City, State, and Federal laws and regulations affecting the Harbor.

Figure 6-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

5. **Implementation Enforcement** and interpretation of Connecticut boating statutes and regulations, including statutes and regulations concerning removal of abandoned and derelict vessels.
6. **Operation and maintenance of Harbor Master vessel.**
76. Provision of information concerning boating rules and regulations, the *Norwalk Harbor Management Plan*, and other Harbor-related topics to the general public.
87. Ongoing communication with City, State, and Federal agencies concerning management of Norwalk Harbor.
98. Supervision of the Deputy Harbor Master.
10. **Operation and maintenance of Harbor Master communications system.**
11. **Review and comment on proposals for dredging, filling, or placement of structures in Norwalk Harbor.**
12. **Maintenance of records concerning oil and hazardous materials spills affecting Norwalk Harbor.**
13. **Assistance to the Harbor Management Commission for preparation of the Commission's annual operating budget.**

RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES:

1. Review and approval of amendments to the *Norwalk Harbor Management Plan* and City ordinances to implement the Plan.
2. Referral of applications for activities affecting Norwalk Harbor to the Harbor Management Commission for review and determination of consistency with the *Norwalk Harbor Management Plan*; incorporation of the Commission's consistency findings into review and decision-making processes.
3. Coordination and cooperation with the Harbor Management Commission for implementation of the *Norwalk Harbor Management Plan*.

RESPONSIBILITIES OF PRIVATE INDIVIDUALS AND ORGANIZATIONS:

1. Design of proposals affecting the Harbor for consistency with the *Norwalk Harbor Management Plan*.
2. Demonstration of interest and support for Harbor management.
3. Voluntary assistance for Harbor management and improvement.
4. Notification of Harbor special events and major in-water activities.

Figure 6-1: Summary of Responsibilities and Recommendations for Plan Implementation (Continued).

RESPONSIBILITIES OF THE MAYOR

As Norwalk's Chief Executive Officer acting in coordination with the Common Council, the Mayor provides leadership and support for implementing the *Norwalk Harbor Management Plan* and for otherwise advancing the City's goals for use and conservation of Harbor and waterfront resources. The Mayor encourages an active, on-going City role for managing the Harbor in accordance with Chapter 69 of the Norwalk Code and the legislative intent of the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113s of the Connecticut General Statutes).

The Mayor contributes to implementation of the Harbor Management Plan through:

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

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

As specified in §69-20 of the Norwalk Code, all members of the nine-member Harbor Management Commission are appointed by the Mayor with the confirmation of the Common Council.

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

The Mayor provides leadership and coordination for achievement of the City's goals pertaining to the Harbor and waterfront as established in the *Norwalk Harbor Management Plan* and Norwalk Plan of Conservation and Development. The Mayor works to ensure that all City agencies, including the Harbor Management Commission, actively pursue achievement of those City goals in the most coordinated and efficient manner, in accordance with each agency's mission.

3. **Encouragement and support of special projects for harbor management.**

The Mayor encourages, supports, and otherwise provides leadership for implementation of special projects and other initiatives for harbor management and waterfront use and development as may be recommended in the *Norwalk Harbor Management Plan* and Norwalk Plan of Conservation and Development. The Mayor may also propose and support other projects to achieve the City's goals for use and conservation of the

Norwalk Harbor and waterfront. The Mayor's support for harbor management and waterfront improvement initiatives may be expressed through requests for funds included in the annual budget request submitted by the Mayor to the Common Council and through exercise of other mayoral responsibilities.

RESPONSIBILITIES OF THE COMMON COUNCIL

The *Norwalk Harbor Management Plan* was adopted by the Norwalk Common Council, effective September 1, 1990. Adoption of the Plan by the Council was in accordance with Section 22a-113m of the Connecticut General Statutes and Chapter 69, Article III, of the Norwalk Code. As the legislative body for the City of Norwalk, the Council **provides leadership and support for the City's harbor management initiatives and** has the following important responsibilities concerning **Plan** implementation: ~~of the Harbor Management Plan:~~

1. ADOPTION OF AMENDMENTS TO THE *NORWALK HARBOR MANAGEMENT PLAN*, AS NEEDED, TO RESPOND TO CHANGING CONDITIONS AND CIRCUMSTANCES.
 2. ADOPTION OF AMENDMENTS TO THE NORWALK CODE, AS NEEDED, TO IMPLEMENT CERTAIN PROVISIONS OF THE HARBOR MANAGEMENT PLAN.
 3. APPROVAL OF RULES AND REGULATIONS ADOPTED BY THE HARBOR MANAGEMENT COMMISSION.
 4. CONFIRMATION OF THE MAYOR'S APPOINTMENTS TO THE HARBOR MANAGEMENT COMMISSION.
 5. APPROVAL OF CAPITAL BUDGET REQUESTS AFFECTING THE HARBOR.
 6. OVERSIGHT OF CITY-OWNED WATERFRONT PROPERTIES AND FACILITIES.
1. Adoption of amendments to the *Norwalk Harbor Management Plan*, as needed, to respond to changing conditions and circumstances.

Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure, the *Norwalk Harbor Management Plan* was reviewed by the U.S. Army Corps of Engineers (USACE), approved by the Connecticut commissioners of environmental protection and transportation, and then adopted by the Common Council effective September 1, 1990. Section 22a-113m of the General Statutes also specifies that amendments to an adopted harbor management plan must be approved and adopted in the same manner as the plan. **Amendments to the Harbor Management Plan have been adopted by the Council effective April 1, 1993, March 1, 1998, and [ADD EFFECTIVE DATE OF CURRENT AMENDMENTS].**

The Harbor Management Commission is responsible for preparing proposed amendments to the Harbor Management Plan **as necessary** and must provide those proposed amendments

to the ~~USACE, Corps of Engineers,~~ State of Connecticut, and Council.¹ (See the following section on “Responsibilities of the Harbor Management Commission.”) After any proposed amendments are approved by the State of Connecticut, they may be adopted by the Council. No Plan amendments may take effect until they are adopted by the Council; the Council must hold a public hearing prior to adopting any proposed amendments. Adoption of any amendments to the Harbor Management Plan must be noted in Chapter 69, Article III, of the Norwalk Code.²

2. Adoption of amendments to the Norwalk Code, as needed, to implement certain provisions of the *Norwalk Harbor Management Plan*.

Chapter 69 (“Norwalk Harbor”), Article I, of the Norwalk Code establishes general regulations for the use of Norwalk Harbor, including regulations for restricted speed zones. Chapter 69, Article III, establishes the powers and duties of the Harbor Management Commission. From time to time it may be necessary to amend the Norwalk Code to implement certain provisions of the *Norwalk Harbor Management Plan*. In accordance with Sections 22a-113m and **22a-113n** of the Connecticut General Statutes, any **proposed** amendments to the Norwalk Code for the purpose of implementing provisions of the Harbor Management Plan must be approved by the State of Connecticut and adopted by the Common Council in the same manner as the Plan and any Plan amendments were approved and adopted.

The Harbor Management Commission may prepare **recommendations for** proposed amendments to the Norwalk Code needed to implement provisions of the Harbor Management Plan. (See the following section on “Responsibilities of the Harbor Management Commission.”) **In accordance with Section 22a-113m of the General Statutes,** the Commission must ~~then~~ provide the **recommended** ~~proposed~~ amendments to the Corps of Engineers for review, to the State of Connecticut for approval, and to the Council

¹ In accordance with the procedure used for approval and adoption of the *Norwalk Harbor Management Plan*, proposed Plan amendments should be sent to the Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Environmental Protection (DEP). The OLISP will distribute copies of the proposed amendments to other DEP divisions, to the Connecticut Department of Transportation’s Bureau of Aviation and Ports, and to the U.S. Army Corps of Engineers. The OLISP will coordinate review and approval of the proposed Plan amendments by these agencies.

² Section 22a-113m of the Connecticut General Statutes specifies that a municipal harbor management plan “... may be adopted by ordinance by the legislative body of each municipality...” With respect to this **statute, statutory language,** “adopted by ordinance” should not be confused with “adopted as an ordinance.” Proposed amendments to the *Norwalk Harbor Management Plan* need not be published and adopted as an ordinance. The “ordinance” by which the Common Council may adopt Plan amendments should be similar to the “ordinance” by which the Council adopted the Plan— short and simple, more in the form of a resolution than an ordinance, but referenced in Chapter 69, Article III, of the Norwalk Code. Implementation of some aspects of the Plan and amendments to the Plan, however, will require adoption of amendments to ordinances contained in the Norwalk Code, as described later in this **chapter section of the Harbor Management Plan.**

for adoption.³ Any proposed amendments approved by the State of Connecticut must be adopted by the Council before they can take effect. The Council must hold a public hearing prior to adoption of any proposed Code amendments.⁴

3. Approval of rules and regulations adopted by the Harbor Management Commission.

In accordance with §69-22 of the Norwalk Code, rules and regulations adopted by the Harbor Management Commission must be approved by the Council before they become effective. Any future amendments to already-approved rules and regulations, including the Commission's "Rules and Regulations for Mooring and Anchoring Vessels" and "**Minimum Standards for Mooring Tackle**," also must be approved by the Council.

4. Confirmation of the Mayor's appointments to the Harbor Management Commission.

The procedure for appointment of the nine-member Harbor Management Commission is specified in §69-20 of the Norwalk Code. Members of the Commission are appointed by the Mayor with the confirmation of the Council. ~~All members of the Commission serve four-year terms commencing on January 1.~~

5. Approval of capital budget requests affecting the Harbor.

The Council is responsible for approval of the capital budget requests of City agencies and departments. Such requests may affect the Harbor in a number of ways. Some examples of Harbor-related capital budget requests **include** ~~would be~~ requests by the Department of Public Works for improvement of the City's **wastewater sewage** treatment system and requests by the **Recreation and Parks** ~~Recreation, Parks, and Building Management~~

³ In accordance with the procedure used for approval and adoption of the *Norwalk Harbor Management Plan*, proposed amendments to the Norwalk Code needed to implement certain provisions of the Harbor Management Plan should be sent to the Office of Long Island Sound Programs of the Connecticut Department of Environmental Protection. The OLISP will distribute copies of the proposed amendments to other DEP divisions, to the Connecticut Department of Transportation's Bureau of Aviation and Ports, and to the Corps of Engineers. The OLISP will coordinate review and approval of the proposed Code amendments by these agencies.

⁴ Any revisions to the Norwalk Code pertaining to the operation of vessels must also be submitted to the DEP's **Boating Law Enforcement** Division for review and approval as required by Section 15-136 of the Connecticut General Statutes. Section 15-136 requires that any local ordinance "...respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Environmental Protection for review and approval. This review is carried out by the DEP's **Boating Law Enforcement** Division. The DEP has 60 days to disapprove any part of the ordinance that it finds to be "...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If the DEP does not disapprove all or part of the proposed ordinance within 60 days, the ordinance will take effect **upon its publication and posting as required by Section 15-138 of the Connecticut General Statutes.**

Department for improvement of the **Veteran's Park Marina** and of the City boat launching ramps, **Norwalk Visitor's Dock, and other facilities at the David S. Dunavan Boating Center.** ~~and Veteran's Park Marina.~~

6. Oversight of City-owned waterfront properties and facilities.

Although the City's **Recreation and Parks** ~~Recreation, Parks, and Building Management~~ Department is responsible for day-to-day management of the City's parks, beaches, and other recreational facilities, the Council has oversight and final authority with respect to use and management of all City-owned properties and facilities. The major properties and facilities in and adjoining the Harbor ~~and~~ subject to this oversight are: a) Veteran's Park, including the public boat launching area, **Norwalk Visitor's Dock, and** parking area for cars and boat trailers **at the David S. Dunavan Boating Center, Veteran's Park City Marina,** and waterfront walkway; b) Calf Pasture Park—Shady Beach, **including and** the public beaches and swimming areas, public fishing pier, launching area for small boats, and sailing and board-sailing facilities here; and c) the City-owned Norwalk Islands (Grassy, Shea, the Plains, and Little Ram islands) and the City-maintained beach on the west shore of Chimon Island.

RESPONSIBILITIES OF THE HARBOR MANAGEMENT COMMISSION

In accordance with its powers, duties and responsibilities authorized by the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) and Chapter 69 of the Norwalk Code, the Harbor Management Commission is responsible for:

1. PLANNING AND MANAGEMENT OF USES AND ACTIVITIES **ON, IN, OR CONTIGUOUS TO NORWALK HARBOR TO THE MAXIMUM EXTENT PERMISSIBLE UNDER CITY, STATE, AND FEDERAL LAW.**
2. ACTIONS TO ENSURE CONTINUED BOATING AND NAVIGATION SAFETY IN NORWALK HARBOR.
3. ADOPTION AND AMENDMENT OF RULES AND REGULATIONS FOR HARBOR MANAGEMENT.
4. IMPLEMENTATION OF "HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS" TO REVIEW ALL PROPOSALS POTENTIALLY AFFECTING THE HARBOR AND TO DETERMINE THE CONSISTENCY OF THOSE PROPOSALS WITH THE *NORWALK HARBOR MANAGEMENT PLAN*.
5. ON-GOING EXAMINATION OF THE EFFECTIVENESS OF THE *NORWALK HARBOR MANAGEMENT PLAN* AND OF CONDITIONS IN NORWALK HARBOR; PREPARATION OF PROPOSED AMENDMENTS TO THE PLAN AND NORWALK CODE, AS NECESSARY.
6. REVIEW OF ACTIONS BY THE **STATE OF CONNECTICUT HARBOR MASTER FOR NORWALK HARBOR.**
7. ADVISORY PARTICIPATION IN ALL CITY-SUPPORTED PLANNING AND DEVELOPMENT INITIATIVES AFFECTING THE HARBOR.
8. SUPPORT AND PROMOTION OF ACTIVITIES TO INCREASE "HARBOR AWARENESS" AND EDUCATE THE PUBLIC CONCERNING ~~HARBOR~~ **MANAGEMENT AND CONSERVATION OF HARBOR RESOURCES.**

9. ADMINISTRATION AND ALLOCATION OF FUNDS FOR HARBOR MANAGEMENT.
 10. MAINTENANCE OF A DATA BASE OF INFORMATION AND MATERIALS PERTAINING TO THE HARBOR.
 11. PURSUIT OF GRANTS FOR HARBOR IMPROVEMENT AND MANAGEMENT.
 12. ONGOING STUDY OF HARBOR CONDITIONS TO PROVIDE USEFUL INFORMATION FOR DECISION-MAKING AND OTHER MANAGEMENT PURPOSES.
 13. EMPLOYMENT OF ~~STAFF AND~~ CONSULTANTS AND OTHER ASSISTANTS, AS NEEDED, TO ASSIST WITH IMPLEMENTATION OF THE *NORWALK HARBOR MANAGEMENT PLAN*.
 14. ENCOURAGEMENT OF THE PRESENTATION AND DISCUSSION OF ALL PUBLIC CONCERNS, INCLUDING CONCERNS OF CITY RESIDENTS, BUSINESS OWNERS, AND BOATERS, RELATED TO THE HARBOR AND *NORWALK HARBOR MANAGEMENT PLAN*.
 15. LEADERSHIP ROLE ON THE CITY'S WATER QUALITY COMMITTEE.
 16. ADVISORY ROLE FOR PLANNING AND MANAGING OPERATION OF THE NORWALK VISITOR'S DOCK.
 17. MAINTENANCE OF A MASTER SCHEDULE OF HARBOR ACTIVITIES.
 18. IDENTIFICATION AND EVALUATION OF POTENTIAL SITES FOR SMALL CRAFT LAUNCHING.
 19. PROVISION OF RECOMMENDATIONS TO THE GOVERNOR FOR APPOINTMENT OF **THE STATE OF CONNECTICUT HARBOR MASTER AND DEPUTY HARBOR MASTER FOR NORWALK HARBOR**.
1. Planning and management of uses and activities on, in, or contiguous to Norwalk Harbor to the maximum extent permissible under City, State, and Federal law.

Consistent with its powers, duties, and responsibilities as a Harbor Management Commission authorized by the Connecticut General Statutes and established by ordinance in Chapter 69, Article III, of the Norwalk Code, the Harbor Management Commission should carry out the City's most direct responsibilities for managing Norwalk Harbor, including responsibilities for implementing the *Norwalk Harbor Management Plan*. **Through implementation of the Harbor Management Plan and according to the legislative intent of** ~~In accordance with~~ the Connecticut Harbor Management Act, the Commission should work to **continue to** expand the City's role, relative to State and Federal authorities, for the planning, management, and regulation of actions affecting the Harbor.

The Commission should make use of committees as necessary to carry out its powers and duties in the most efficient manner, including committees to address preparation and review of budget and financial matters; to review of proposals for consistency with the Harbor Management Plan; and **to conduct** other Commission responsibilities and programs.

- a. Evaluation of General Permit feasibility.

In accordance with Section 22a-113q of the Connecticut General Statutes, the Commission may request a special General Permit from the U.S. Army Corps of Engineers that would apply to certain proposed structures and actions within the Harbor.

to: a) enable the ~~USACE Corps of Engineers~~ to delegate some responsibility for the review of relatively minor actions that have the potential for little or no adverse environmental impact; and b) expedite the Federal permitting process for certain uses and activities judged to be consistent with the *Norwalk Harbor Management Plan*.

Representatives of the ~~USACE Corps of Engineers~~ have indicated that the Corps may consider issuing a General Permit that would give prior approval to certain activities in Norwalk Harbor that meet a set of pre-established conditions. Activities that potentially could be included in the General Permit are: 1) private maintenance dredging; 2) construction of docks and piers; and 3) reconfiguration of boat slips in an existing marina. Under the General Permit, proposals for these types of activities would not be subject to the ~~USACE's Corps of Engineers'~~ detailed project review procedure but instead would be reviewed for consistency with the terms of the General Permit and the provisions of the Harbor Management Plan.

The Commission ~~may should~~ evaluate the feasibility of applying this type of General Permit to Norwalk Harbor. The General Permit should only be applied if it is determined that it will facilitate review and approval of the specified structures and actions, and not place an unreasonable burden on the Commission.

If this type of General Permit is issued in the future, specific procedures will be required to guide the Commission's review of the applicable actions. For proposals covered by the General Permit, an applicant would be required to submit an application directly to the Commission as well as to the ~~USACE. Corps of Engineers.~~

- b. **Provide ongoing coordination communication with City, State, and Federal agencies concerning management of Norwalk Harbor.**

As authorized by §69-21 of the Norwalk Code, the **Harbor Management** Commission may “assist in the coordination of all public and private agencies, commissions and other organizations which provide service or other facilities using or otherwise based upon the waters of Norwalk Harbor.” The Commission should maintain regular communication and liaison, as needed, with the various City agencies and departments with authorities and responsibilities concerning Norwalk Harbor, including the Planning Commission, Zoning Commission, Redevelopment Agency, Shellfish Commission, Department of Health, Police Department, Fire Department, Department of Public Works, and **Recreation and Parks** ~~Recreation, Parks, and Building Management~~ Department. (See the later section on “Responsibilities of Other City Commissions and Departments.”) In addition, the Commission should maintain regular communication and liaison, **as necessary**, with: various divisions and units of the Connecticut Department of Environmental Protection (DEP); Bureau of Aviation and Ports of the Connecticut Department of Transportation (DOT); U.S. Army Corps of Engineers; U.S. Coast Guard; and other relevant State and Federal agencies, ~~as necessary~~. The purpose of this communication and liaison should be to address matters affecting implementation of the *Norwalk Harbor Management Plan* and, in general, to maintain a safe and

beneficial Harbor environment **and otherwise help to achieve the City's harbor management goals.**

2. Actions to ensure continued boating and navigation safety in Norwalk Harbor.

Acting in coordination with the **State of Connecticut** ~~Norwalk Harbor Master~~ **for Norwalk Harbor**, Norwalk Police Department, U.S. Army Corps of Engineers, Connecticut Department of Environmental Protection, and other involved agencies, the Harbor Management Commission should support and promote boating and navigation safety in Norwalk Harbor. To help ensure continued boating and navigation safety, the Commission should:

- a. Recommend changes to Chapter 69 of the Norwalk Code, as necessary, to implement provisions of the *Norwalk Harbor Management Plan*, and submit the recommendations to the Common Council for consideration and adoption.

Section 15-136 of the Connecticut General Statutes enables the City to adopt local regulations respecting the operation of vessels in the Harbor.⁵ In addition, Section 22a-113n of the General Statutes enables the City to adopt ordinances to implement provisions of the *Norwalk Harbor Management Plan*. Using this authority, the Harbor Management Commission ~~may should~~ review City ordinances pertaining to Norwalk Harbor and recommend—for adoption by the Common Council—any necessary changes to implement the Harbor Management Plan. Any recommended changes should be based on, and be in conformance with, the provisions of the Plan. In accordance with Section 22a-113m of the General Statutes, the Commission's recommendations for modifying Chapter 69 or other sections of the Norwalk Code to implement provisions of the Harbor Management Plan should be submitted to the ~~USACE Corps of Engineers~~ for review, to the State of Connecticut for approval, and to the Common Council for adoption.⁶

⁵ Any revisions to the Norwalk Code pertaining to the operation of vessels must also be submitted to the DEP's Boating Division for review and approval as required by Section 15-136 of the Connecticut General Statutes. Section 15-136 requires that any local ordinance "...respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Environmental Protection for review and approval. This review is carried out by the DEP's Boating Division. The DEP has 60 days to disapprove any part of the ordinance that it finds to be "...arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If the DEP does not disapprove all or part of the proposed ordinance within 60 days, the ordinance will take effect upon its publication and posting as required by Section 15-138 of the Connecticut General Statutes.

⁶ In accordance with the procedure used for approval and adoption of the Harbor Management Plan, proposed amendments to the Norwalk Code needed to implement certain provisions of the Harbor Management Plan should be sent to the Office of Long Island Sound Programs of the Connecticut Department of Environmental Protection. The OLISP will distribute copies of the proposed amendments to other DEP divisions, to the Connecticut Department of Transportation's Bureau of Aviation and Ports, and to the Corps of Engineers. The OLISP will coordinate review and approval of the proposed Code amendments by these agencies.

- b. Support and cooperate with State and Federal agencies to identify and eliminate any unauthorized encroachments in the Harbor.

In accordance with the *Norwalk Harbor Management Plan*, all unauthorized structures (including docks, piers, bulkheads, pilings, and moorings) and other work (including unauthorized **dredging or fill**) extending into the Federal Navigation Project (channels and anchorages) or into any other areas seaward of the **high tide mean high water** line should be eliminated or otherwise corrected. Also, any existing unauthorized encroachments (those pre-dating the effective date of the Harbor Management Plan (**September 1, 1990**) and identified either prior to, or after the effective date of the Plan) should be evaluated individually by the accountable State and/or Federal regulatory agency, with appropriate input from the Harbor Management Commission. Specific measures should be developed to remove or otherwise correct these existing violations.

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

- c. Review aids to navigation in and near the Harbor.

The Harbor Management Commission should **periodically** ~~regularly~~ assess the adequacy of Federal aids to navigation in and near the Harbor and transmit the results of this assessment to the **appropriate office of the** U.S. Coast Guard. ~~Aids to Navigation Office in Boston.~~ With assistance from the Harbor Master and Police Department Marine Division, the Commission **may** ~~should~~ conduct an annual review of the number, type, location, and condition of Federal and nonfederal aids to navigation in the Harbor.

The Commission should review the proposed placement of all “**private**” (nonfederal) aids to navigation in the Harbor. The Commission may recommend, purchase, and **direct the placement (following receipt of necessary State and Federal permits) of** ~~place~~ additional nonfederal aids to navigation, as needed, to mark restricted speed **zones** ~~areas~~ and otherwise maintain and improve ease and safety of navigation in the Harbor.

- d. Designate navigation fairways, as needed.

Navigation fairways to be kept free of obstructions may be designated by the Harbor Management Commission, where necessary, to ensure safe passage of recreational and commercial vessels to, from, through, and alongside the **Norwalk Harbor** Federal Navigation Project and boating activity areas (including docking and launching areas) in the Harbor. The Commission should review proposed actions affecting the Harbor (see “Implementation of ‘Harbor Management Consistency Review Process’...” on page 6-18) to ensure that any designated navigation fairways are kept free of obstructions.

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

In accordance with the *Norwalk Harbor Management Plan*, evaluation of proposed in-water structures should be carried out taking into consideration the littoral rights of waterfront property owners, the Public Trust Doctrine, existing conditions such as distance from shore to navigable water, location of the **Norwalk Harbor** Federal Navigation Project, relevant State and Federal resource protection laws including the Connecticut Coastal Management, Tidal Wetlands, and Structures and Dredging acts, and other relevant conditions. The Harbor Management Commission's recommendations concerning the appropriate distance that docks and piers should extend from shore to reach navigable water should be a major consideration in the decisions of State and Federal permitting agencies. (See the later section on "Responsibilities of State and Federal Agencies with Harbor Management Authorities.")

The Commission should review proposed actions affecting the Harbor to help ensure that all in-water structures are set back ~~at least 20 feet~~ from the nearest channel, anchorage, or fairway boundary, in accordance with the policies and guidelines established in the Harbor Management Plan. The **Plan's 20-foot set-back policy** distance should be considered a design guideline. Exceptions to this guideline may be recommended by the Commission when there are compelling reasons to do so, and when potential adverse impacts of the proposed in-water structures are avoided or minimized. **For the purpose of applying the Plan's set-back policies, the Commission will pursue set-back distances of three times the authorized depths of the Norwalk Harbor Federal Navigation Project. The Commission and the U.S. Army Corps of Engineers recognize, however, that due to the existence of previously authorized in-water structures nearby the navigation project, it is not always possible to provide a set-back distance of three times the authorized project depths.**

- f. Provide support for dredging of the Federal Navigation Project, as needed.

The Harbor Management Commission should serve as **the City's principal** ~~an~~ advocate for maintenance dredging of the **Norwalk Harbor** Federal Navigation Project ~~when needed~~, and should work cooperatively with the **U.S. Army Corps of Engineers** and Connecticut Department of Environmental Protection to ensure that maintenance dredging is carried out in ~~the~~ a timely manner **needed to maintain ease and safety of navigation and the continued viability of water-dependent uses.** The Commission should **encourage and** support initiation and completion of environmental assessments and other predredging requirements so that any needed maintenance dredging may be carried out without **undue** delay, **and should develop and maintain information to support the need for and benefits of maintenance dredging, including but not limited to, information on water-dependent uses, the economic impacts of those uses, the importance of the Harbor to the community, and management of the Harbor in accordance with the USACE' "open to all on equal terms" policies.**

g. Review condition and operation of Harbor bridges.

The condition and operation of the Stroffolino and Metro-North bridges should be reviewed by the Harbor Management Commission on a regular basis. Review should be based on observations; on communication with the agencies responsible for bridge operation, repair, and maintenance; and on review of bridge operating procedures and records. Review of bridge condition and operation should be conducted to determine if:

- the bridges are operating in accordance with published Coast Guard regulations;
- the bridges are being maintained and operated in a manner to ensure their continued safe and reliable operation;
- the bridges are being maintained and operated in a manner to avoid any significant adverse impacts on the Harbor, including impacts on navigation and water quality;
- the bridges are being operated in a manner that does not unreasonably interfere with vehicle traffic on Washington Street/**Route 136**;
- fenders and height gauges are in place and are repaired or replaced as necessary; and
- there are any problems or complaints concerning bridge operations.

Also, the Commission should review procedures and practices for bridge opening to help 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 problems. Any recommendations for improved bridge operation and maintenance should be brought to the attention of the appropriate State and Federal agencies and City officials.

h. Evaluate feasibility of special anchorage designations.

The Harbor Management Commission ~~may should~~ evaluate the need for, and feasibility of, obtaining “special anchorage” designation for existing Harbor anchorages such as the **Federal** North and South anchorages, and Sprite Island Yacht Club, Norwalk Yacht Club, and Rowayton Yacht Club mooring areas. Based on this evaluation, the Commission may request that the Coast Guard designate appropriate Harbor anchorages as “special anchorage areas” within which moored or anchored vessels less than 65 feet in length will not be required to display anchorage lights.

i. Review restricted speed **zones areas**; recommend changes, as needed.

Restricted speed **zones areas** in Norwalk Harbor are established by **the Common Council in** §69-3 of the Norwalk Code upon recommendation of the Norwalk Police Department and Harbor Management Commission. Within these designated **zones areas** no person may operate any power-propelled vessel at a speed in excess of six miles per hour and shall leave a minimal wake. In coordination with the Police Department’s Marine Division and **State of Connecticut Harbor Master for Norwalk Harbor**, and with consideration of public comments, the Commission should regularly review restricted speed **zones areas** and the marking of such **zones areas** in the Harbor. The

Commission may propose modification of existing restricted speed **zones areas** and/or designation of additional **zones areas** as needed to ensure public safety.

3. Adoption and amendment of rules and regulations for Harbor management.

The Harbor Management Commission is authorized by §69-22 of the Norwalk Code to adopt and amend rules and regulations. The procedure for adopting such rules and regulations, including requirements for a public hearing and approval by the Common Council, are specified in §69-22. The Commission should adopt and amend rules and regulations as needed to guide its various activities for implementing the *Norwalk Harbor Management Plan*. All adopted rules and regulations should conform to the adopted Harbor Management Plan and requirements of the Norwalk Code.

a. Update adopted “Rules and Regulations for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle,” as needed.

To provide for adequate access for recreational and commercial vessels, for the safety of persons and property, and for the optimum use of Norwalk Harbor, the Harbor Management Commission has adopted, and the Common Council has approved, “Rules and Regulations for Mooring and Anchoring Vessels” and “Minimum Standards for Mooring Tackle.” The Commission should regularly review these rules and regulations in coordination with the **State of Connecticut Harbor Master for Norwalk Harbor**, and prepare any modifications or additions that may be appropriate.

4. Implementation of “Harbor Management Consistency Review Process” to review all proposals potentially affecting the Harbor and to determine the consistency of those proposals with the *Norwalk Harbor Management Plan*.

In accordance with authority provided by Section 22a-113p of the Connecticut General Statutes and §69-21 of the Norwalk Code, the Harbor Management Commission should review proposals affecting real property on, in, or contiguous to the Harbor for consistency with the *Norwalk Harbor Management Plan*. The Commission is authorized by §69-21 of the Norwalk Code to receive and review all proposals for dredging, filling, and constructing or altering any structure on, in, or contiguous to the Harbor, and to cooperate with Federal and State permitting authorities to ensure the consistency of those proposals with the Harbor Management Plan.

The Commission should apply specific procedures when reviewing proposals referred to it by: 1) City **agencies commissions and departments**; 2) the Connecticut Department of Environmental Protection; and 3) the U.S. Army Corps of Engineers. Whenever possible, the Commission should attempt to conduct a single review of any proposal that is submitted to a City agency as well as to the DEP and **USACE. Corps of Engineers**. However, since an applicant is not required to submit these applications simultaneously, it may not always

be possible for the Commission to perform a single review. The Commission may use a “consistency review” committee to review proposals subject to the consistency review process and to prepare recommendations for consideration by the full Commission. The Commission should make a determination of consistency and transmit that determination to the appropriate City, State, or Federal agency.

a. Review and determine consistency of proposals to and by City of Norwalk agencies, commissions and departments.

In accordance with authority provided by Section 22a-113p CGS and §69-21 of the Norwalk Code, proposals **affecting real property involving** activities on, in, or contiguous to Norwalk Harbor *submitted to or prepared by* the Planning Commission, Zoning Commission, Zoning Board of Appeals, Redevelopment Agency, Shellfish Commission, Department of Public Works, **Recreation and Parks Recreation, Parks, and Building Management** Department, and any other City agency will be referred by these City agencies to the Harbor Management Commission for review and determination of consistency with the *Norwalk Harbor Management Plan*. (See the later section on “Responsibilities of Other City Commissions and Departments.”) **The following proposals are subject to be submitted to the Commission for review and consistency determination by the Harbor Management Commission: include:**

- i. All development proposals subject to the municipal process of Coastal Site Plan Review (in accordance with the Connecticut Coastal Management Act) and located on parcels adjacent to the Harbor, ~~with the exception of one and two family dwellings.~~
- ii. All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling **of aquatic areas**, or other activities seaward of the ~~mean high tide water~~ line.
- iii. All proposed revisions or amendments to City plans, rules, or regulations affecting real property on, in, or contiguous to the Harbor.

In accordance with authority provided by Section 22a-113p CGS and as specified in §69-21 of the Norwalk Code, each City **agency commission or department** must refer all proposals subject to the Harbor Management Consistency Review Process to the Harbor Management Commission at least thirty-five days prior to any City hearing on the proposal. If no hearing is to be held, the **approving City commission or agency** must notify the Harbor Management Commission at least thirty-five days prior to any final action taken by the approving City agency.

The Harbor Management Commission should review referred proposals for consistency with the Harbor Management Plan and determine if the proposal is consistent with the Plan. The Commission should provide its consistency finding to the approving City agency within the thirty-five day period, **either and** prior to or during the public hearing

on the proposed action. If a public hearing is not held, the Commission should provide its comments prior to final action by the approving agency. Failure of the Commission to provide a recommendation to the approving agency will, in accordance with Section 22a-113p of the General Statutes, be considered as approval of the proposal.

When reviewing a proposal for consistency with the Harbor Management Plan, the Harbor Management Commission should consider whether the proposal is consistent with the Plan's goals, objectives, policies, guidelines, and recommendations.

The approving agency must consider the comments and recommendations of the Harbor Management Commission. As required by Section 22a-113p of the General Statutes and §69-21 of the Norwalk Code, if the Commission finds that a proposal is inconsistent with the Harbor Management Plan, then the proposal can not be approved unless the ~~approving~~ City **agency with authority to approve the application** ~~body~~ acts to override the Commission's finding by a two-thirds vote (instead of a simple majority). ~~of the approving agency.~~ This "two-thirds" requirement does not alter the authority of the agency having primary jurisdiction over the proposal to deny, modify, or condition a proposal that has received an unfavorable recommendation from the Harbor Management Commission.

It should be the responsibility of project applicants to provide the Harbor Management Commission with the information necessary **for the Commission** to adequately assess the potential impacts of proposed projects on the Harbor and the consistency of such proposals with the Harbor Management Plan. The Commission may request that an applicant provide specific information addressing the consistency of the proposal with the Harbor Management Plan.

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

Whenever possible, the Commission should, along with its recommendation for approval or disapproval, prepare written comments on any proposal it reviews for consistency with the Harbor Management Plan. A recommendation may include suggested conditions or modifications that would make an otherwise unacceptable proposal consistent with the Plan. All Recommendations by the Commission, including suggested modifications and conditions, ~~may should~~ be prepared with reference to the relevant ~~sections chapters and pages~~ of the Harbor Management Plan.

In addition, just as the activities of private individuals should be consistent with the Harbor Management Plan, so should activities of the City. Therefore, each City **agency** ~~commission and department~~ should work cooperatively with the Harbor Management Commission when developing any plans for City-sponsored projects or other initiatives

that may affect the Harbor. Plans for City-sponsored initiatives should be submitted to the Commission for review as part of the Harbor Management Consistency Review process.

- b. Review and determine consistency of proposals to and by State agencies.

All proposals for filling of aquatic areas, dredging, or placement of structures seaward of the mean high tide line are subject to State regulatory programs administered by the Connecticut Department of Environmental Protection and can not be implemented without authorization from the DEP. ~~must be permitted by the DEP before they can be implemented.~~ Applications for these proposals must be submitted by the project sponsor to the DEP's Office of Long Island Sound Programs (OLISP) for review and approval. In addition, other proposals subject to authorization from other divisions and bureaus of the DEP may also affect the real property on, in, or contiguous to Norwalk Harbor. To help ensure that decisions of State officials affecting Norwalk Harbor are consistent with the *Norwalk Harbor Management Plan* as required by Section 22a-113n(b) of the Connecticut General Statutes, ~~implement Section 22a-113n of the Connecticut General Statutes which requires that the regulatory or development-related decisions of State officials be consistent with the Harbor Management Plan, the DEP should forward the public notice copies of applications for filling, dredging, or placement of in-water structures in Norwalk Harbor to the Harbor Management Commission. The~~ the Commission should formally review all these proposals subject to DEP authorization that may reasonably be expected to have a significant effect on the Harbor. Following that review, the Commission may provide appropriate recommendations to ~~and comment to~~ the DEP regarding ~~on~~ the consistency of each proposal with the Harbor Management Plan. The Commission's review should be conducted in a manner similar to that described above with respect to proposals submitted to or prepared by City agencies, **except that the Commission's review of proposals submitted to or prepared by State agencies is not conducted in accordance with Section 22a-113p of the Connecticut General Statutes which specifically concerns the Commission's actions on applications to municipal agencies. In addition, the Commission's review should be conducted in accordance with the applicable regulatory procedures, requirements, and schedules of the responsible agency of the DEP, including but not limited to, the responsible agency's requirements for soliciting and receiving public comments. The Commission's review will not obligate the responsible agency to depart from its established procedures, requirements, and schedules in order to accommodate the Commission's review.**

With regard to proposals requiring authorization from the DEP OLISP, the Commission's review should be conducted in accordance with the applicable coastal permitting process and requirements of the DEP OLISP, including, but not limited to, pre-application requirements whereby the applicant must properly confer with the Commission prior to submitting a permit application to the DEP OLISP, and requirements concerning preparation of the applicant's site surveys and proposed

plan drawings by licensed professionals. The Commission may establish reasonable pre-application requirements concerning the information that must be provided to the Commission by the applicant in order for the Commission to properly review the applicant's proposed plans. Such requirements of the Commission should be properly published and provided to each applicant.

The Commission recommends that applicants for DEP OLISP permits to fill aquatic areas, dredge, or place structures in Norwalk Harbor provide their permit applications to the Commission at the same time as those applications are formally submitted to the DEP OLISP following the Commission's required pre-application review.

Also, any proposal prepared by a State agency and affecting Norwalk Harbor should be designed for consistency with the Harbor Management Plan, and reviewed by the Commission for consistency with the Plan.

- c. Review and determine consistency of proposals to and by Federal agencies.

All proposals for filling of aquatic areas, dredging, or placement of structures seaward of the mean high water line are subject to Federal regulatory programs administered by the U.S. Army Corps of Engineers and can not be implemented without authorization from the USACE. ~~must be permitted by the Corps of Engineers before they can be implemented.~~ Applications for these proposals must be submitted by the project sponsor to the USACE Corps for review and approval with respect to Federal laws and regulations. In coordination with this Federal review, the Corps of Engineers should forward the public notice copies of all applications for filling of aquatic areas, dredging, or placement of in-water structures in Norwalk Harbor to the Harbor Management Commission. The Commission should formally review these proposals and comment to the USACE Corps on the consistency of each proposal with the *Norwalk Harbor Management Plan*. The Commission's review should be conducted in a manner similar to that described above with respect to proposals submitted to or prepared by City and State agencies, **except that the Commission's review of proposals submitted to or prepared by Federal agencies is not conducted in accordance with: i) Section 22a-113p of the Connecticut General Statutes which specifically concerns the Commission's actions on applications to municipal agencies; and ii) Section 22a-113n(b) of the General Statutes which concerns recommendations pursuant to the *Norwalk Harbor Management Plan* that are transmitted to any official of the State.**

The Commission recommends that applicants for USACE permits to fill aquatic areas, dredge, or place structures in Norwalk Harbor provide their permit applications to the Harbor Management Commission at the same time as those applications are submitted to the USACE.

Also, any proposal prepared by a **Federal State** agency and affecting Norwalk Harbor should be designed for consistency with the Harbor Management Plan, and reviewed by the Commission for consistency with the Plan.

5. Ongoing examination of the effectiveness of the *Norwalk Harbor Management Plan* and of conditions in Norwalk Harbor; preparation of proposed amendments to the Plan and Norwalk Code as necessary.

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

- a. Annual Plan review.

Each year, preferably at the close of the boating season, the Harbor Management Commission may hold a formal review meeting to determine if any changes to the *Norwalk Harbor Management Plan* are required. This review should include examination of:

- Plan goals and objectives (Chapter Two);
- Plan policies (Chapter Three);
- **Management guidelines and** water-use plans ~~and management guidelines~~ (Chapters Four and Five);
- Responsibilities and recommendations for Plan implementation (Chapter Six).

The Commission should consider any physical or institutional changes affecting the Harbor that have taken place during the **preceding previous** year, including new development, development proposals, physical changes caused by forces of nature, improvement or degradation of environmental quality, and any new plans or policies established by City, State, or Federal agencies.

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

If the Harbor Management Commission determines that some aspect of the *Norwalk Harbor Management Plan* should be amended, it should carry out the following steps:

- 1) Prepare recommended changes to the Plan, including any changes in text, maps, or other Plan aspects.

- 2)3) **Obtain public comments** ~~Hold a public hearing~~ on the proposed changes.
- 3)2) Submit the proposed changes to the Corps of Engineers for review and to the DEP and DOT for review and approval.⁷
- 4) Make any changes to the Plan document following review of public comments and comments from the Corps **of Engineers**, DEP, and DOT.
- 5) Adopt the changes.
- 6) Submit the changes to the Common Council for formal adoption by the City.

A similar procedure should be followed for any changes ~~needed~~ to Chapter 69 of the Norwalk Code **that may be needed to implement certain provisions of the Harbor Management Plan**. Changes to the Plan or Code should, if at all possible, be adopted and in effect prior to the start of the next boating season.

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

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

Instead of rewriting and reprinting the *Norwalk Harbor Management Plan* each year to incorporate the results of the annual Plan review, the Commission may prepare an annual Plan Addendum to summarize the significant changes that may have taken place, and to include any amendments to the Plan’s goals, objectives, policies, guidelines, and recommendations. As its resources may allow, the Commission should periodically publish a revised Plan document to incorporate updated descriptions of all Harbor conditions that have changed since the Plan was adopted **and/or last amended**, as well as any Plan amendments that may be adopted in the future.

6. Review of actions by the **State of Connecticut Harbor Master for Norwalk Harbor**.

Any person aggrieved by a decision or action of the **State of Connecticut Norwalk Harbor Master for Norwalk Harbor** may present his or her concerns to the Harbor Management

⁷ In accordance with the procedure used for approval and adoption of the *Norwalk Harbor Management Plan*, proposed Plan amendments should be sent to the Office of Long Island Sound Programs of the Connecticut Department of Environmental Protection. The OLISP will distribute copies of the proposed amendments to other DEP divisions, to the Connecticut Department of Transportation’s Bureau of Aviation and Ports, and to the Corps of Engineers. The OLISP will coordinate review and approval of the proposed amendments by these agencies.

Commission. At a regular or special meeting, the Commission should review the decision or action of concern and provide an opportunity for all involved parties to present relevant information.

While there is no authority provided in the Connecticut General Statutes for harbor management commissions to overturn harbor master decisions or to act as appeals boards with regard to those decisions, the Commission can and should ~~be able to~~ hear any local concerns with regard to the Harbor Master's actions. The Commission should attempt to resolve those concerns without usurping the Harbor Master's authority and then, if necessary, bring those concerns to the attention of the Connecticut Department of Transportation's Bureau of Aviation and Ports for **any corrective action that may be necessary**.

7. Advisory participation in all City-supported planning and development initiatives affecting the Harbor.

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

8. Support and promotion of activities to increase "Harbor awareness" and educate the public concerning management and conservation of Harbor resources.

Effective ~~Wise~~ management of Norwalk Harbor and protection of Harbor resources require **ongoing** ~~continued~~ public support and involvement. In addition to providing a continuing forum for expression of public concerns at its regularly scheduled and special meetings, the Harbor Management Commission should support and promote special programs and events to stimulate public interest and community involvement in matters pertaining to the Harbor. For example, the Commission may organize volunteer clean-up and other efforts to help maintain and improve the Harbor environment when necessary.

The Commission should take an active role to inform and educate boaters and other Harbor users about the *Norwalk Harbor Management Plan*. The Commission also should be a source of information to persons planning activities that would affect the Harbor and who are not familiar with requirements of State and Federal permitting programs and provisions of the Harbor Management Plan.

The Commission should promote programs that will educate the public with regard to proper use and protection of Harbor resources in accordance with the Harbor Management Plan. Each year the Commission may hold a “State of the Harbor” meeting to provide information to the public concerning the Harbor Management Plan and Harbor conditions, and to hear public comments concerning the Plan and Harbor.

The Commission may prepare informational materials for public distribution. These materials may be used to highlight the major elements of the Harbor Management Plan, provide information on Harbor rules and regulations, promote Harbor attractions for visiting boaters, and provide information on other Harbor-related topics.

9. Administration and allocation of funds for Harbor management.

Section 22a-113s of the Connecticut General Statutes authorizes establishment of the Norwalk Harbor Management **Account Fund** to be used specifically for Harbor maintenance and improvement purposes. This statute also authorizes the Harbor Management Commission to propose a fee schedule for any activity within the scope of the *Norwalk Harbor Management Plan*. **Collected Such** fees must be deposited into the Harbor Management **Account Fund** and used for maintenance and improvement of the Harbor for the public, and for necessary expenses for personnel and equipment directly related to functions of the Commission and **the State of Connecticut Harbor Master or Deputy Harbor Master for Norwalk Harbor**.

The Commission is authorized by §69-21 of the Norwalk Code to expend funds on behalf of the City, including funds allocated from the Harbor Management **Account Fund**. Funds should be disbursed only for purposes directly associated with management and improvement of the Harbor and implementation of the Harbor Management Plan. Monies from the Harbor Management **Account Fund** may be allocated to the **State of Connecticut Norwalk Harbor Master for Norwalk Harbor** the purpose of implementing the Harbor Management Plan.

The Commission should regularly audit the Harbor Management **Account Fund** and report to the Common Council on the status, use, and allocation of all monies from the **Account as necessary. Fund**.

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

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

- Mooring permit fees;
- Appropriations from the City’s General Fund;
- Fines for violations of City rules and regulations pertaining to the Harbor;
- Donations;

- State and Federal government grants **and grants from private sources**;
- Boat registration fees from the State of Connecticut; and
- Visitor's Dock fees.

b. Review fee schedule for mooring permits, as necessary.

Mooring permit fees should be commensurate with services provided by the City and Harbor Master **and may not exceed the maximum annual fee established in Section 22a-113s of the Connecticut General Statutes**. In accordance with Section 22a-113s of the General Statutes, all fees collected must be dedicated for maintenance and improvement of the Harbor for the public, and for personnel and equipment directly related to the function of the Harbor Management Commission and Harbor Master **or Deputy Harbor Master**. Any changes to the established mooring permit fee schedule should be adopted by the Commission and approved by the Common Council following a public hearing.

c. Preparation and review of annual operating budget.

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

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

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

10. Maintenance of a data base of information and materials pertaining to the Harbor.

The Harbor Management Commission should organize and maintain a data base of information pertaining to the Harbor. The data base, maintained in the City Hall, should serve as a source of information on existing and historic conditions in the Harbor and should be used by the Commission when making decisions pertaining to the Harbor. The data base should contain information on all docks, piers, moorings, and other structures seaward of the mean high tide water line, as well as all City, State, and Federal permit applications reviewed by the Commission for consistency with the *Norwalk Harbor Management Plan*. The data base should also include reports, documents, studies, and photographs pertaining to the Harbor, and a compilation of all applicable City, State, and Federal laws, regulations, and policies affecting the Harbor. The Commission may establish a committee for the purpose of organizing and maintaining the data base.

11. Pursuit of grants for Harbor improvement and management.

~~The financial costs of implementing many of the goals, objectives, policies, guidelines, and recommendations established in the *Norwalk Harbor Management Plan* should be minimal. These provisions are carried out primarily through the Harbor Management Commission's Harbor Management Consistency Review Process whereby proposed activities affecting the Harbor will be reviewed for consistency with the Plan. This review is to be carried out with little or no added financial cost to the City. Some of the longer term guidelines and recommendations presented in the Plan, however, will require expenditures of funds if they are to be realized, but only if the City chooses to implement those guidelines and recommendations. While City funds are limited, State and Federal government grants continue to be available for Harbor improvement and management purposes. For example, grants available bi-annually through the DEP's Long Island Sound License Plate Program and Coves and Embayments Program can be used for Harbor management purposes.~~

The **Harbor Management Commission, with assistance from other City agencies as necessary**, should actively pursue governmental and private grants to help fund Harbor improvement projects. The *Norwalk Harbor Management Plan* provides the basis for a number of projects eligible for State and Federal **grants, including grants available through the Connecticut Department of Environmental Protection's Office of Long Island Sound Programs.** ~~funds.~~ Water quality sampling, implementation of public access projects, and public outreach programs to increase public awareness of Harbor **resources and management concerns and support for implementation of the Harbor Management Plan** are examples of potentially eligible projects.

12. Ongoing study of Harbor conditions to provide useful information for decision-making and other management purposes.

It is important to recognize that The *Norwalk Harbor Management Plan* establishes a ~~an~~ ~~important~~ planning and management framework to be built ~~upon~~ ~~on~~ in the future. The Plan should ~~is be considered~~ as part of an on-going process that ~~will should~~ continue to evolve as the City takes necessary actions to ensure ~~effective~~ ~~wise~~ management of the Harbor and conservation of the Harbor's natural resources and environmental quality. The Harbor Management Commission is authorized by §69-21 of the Norwalk Code to conduct studies of conditions and operations in the Harbor and to present to the Common Council proposals for the Harbor's efficient operation.

Conditions in the Harbor, particularly conditions pertaining to uses and activities and the "institutional framework" for Harbor management (see Chapter One), are continually changing. Some of the changes that will occur will affect the goals, objectives, policies, guidelines, and recommendations established in the Harbor Management Plan; ~~others will not~~. As a result, it will be necessary for the Harbor Management Commission to continue to monitor conditions in the Harbor for the purpose of identifying any changes that may influence future management decisions and programs. The Commission should also encourage and support scientific studies and other investigations, **including investigations by students**, that provide useful information for Harbor management.

The Commission's continuing investigations should be designed to increase understanding of natural forces and human actions affecting the Harbor, and to increase understanding of Harbor management-related issues and concerns. These investigations will help to provide a solid basis for future management decisions, and for any modifications of the Plan's goals, objectives, policies, guidelines, and recommendations that may be necessary **in the future**.

13. Employment of ~~staff and~~ consultants **and other assistants**, as needed, to assist with implementation of the *Norwalk Harbor Management Plan*.

In accordance with §69-20 of the Norwalk Code, the Planning and Zoning (P&Z) Department provides staff support to the Harbor Management Commission as necessary. (See the following section on "Responsibilities of Other City Commissions and Departments.") Due to time and budget constraints, the P&Z Department ~~may~~ ~~is~~ not always be able to provide **the desired level of this** support. Also, implementation of aspects of the Harbor Management Plan may require the Commission to apply expertise and services that the P&Z Department or other City departments may not be able to provide. **Section 22a-113l of the Connecticut General Statutes empowers the Harbor Management Commission to enter into contracts, retain consultants and other assistants, and receive and expend funds for harbor management purposes.** The Commission may therefore hire ~~staff and~~ ~~consultants and other assistants~~ to assist with its powers, duties, and responsibilities pursuant to Plan implementation. When hiring ~~staff and~~ ~~consultants and other~~

assistants, the Commission may allocate funds from the City's Harbor Management **Account. Fund.**

14. Encouragement of the presentation and discussion of all public concerns, including those of City residents, business owners, and boaters, related to the Harbor and *Norwalk Harbor Management Plan*.

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

15. Leadership role on the City's Water Quality Committee.

The Harbor Management Commission should provide a leadership role on the Norwalk Water Quality Committee formed by the Mayor in the fall of 1990 to analyze pollution problems and recommend measures to protect and improve the quality of water in Norwalk Harbor. The Water Quality Committee should identify sources of pollution and **otherwise serve to** increase public awareness of water quality concerns. Recommendations formulated by the Committee should be implemented by the Mayor's Office, Common Council, Harbor Management Commission, Health Department, Department of Public Works, and other City offices with authorities and responsibilities to protect water quality.

~~The Commission, acting through the Water Quality Committee, should work closely with State and Federal agencies for eventual implementation of the Norwalk Harbor “no discharge” zone as authorized by Federal and State law.⁷ Within this zone, the discharge of all sewage from vessels, whether treated or not, would be prohibited.~~

⁷ ~~Establishment of a Norwalk Harbor no discharge zone requires that the State of Connecticut submit an application for such a zone to the U.S. Environmental Protection Agency (EPA) for approval. Approval by the EPA will be contingent upon certification by the State that adequate and reasonably available vessel waste pump-out facilities exist for boaters to use.~~

16. Advisory role for planning and managing operation of the Norwalk Visitor's Dock.

The Harbor Management Commission should assist the **Recreation and Parks Recreation, Parks, and Building Management** Department with management of the Norwalk Visitor's Dock in coordination with the **State of Connecticut Harbor Master for Norwalk Harbor**. The Commission should review the condition and use of the Visitor's Dock, keep records concerning use of the dock, identify any problems affecting management of the dock, and prepare proposals for management and improvement of this facility as needed. Proposals for management and improvement, including any changes to rules and fees for use of the dock, should be presented to the Common Council for approval.

17. Maintenance of master schedule of Harbor activities.

To ensure that major in-water special events (such as boat shows and regattas in the Inner Harbor) and any activity expected to significantly affect navigation channels or anchorages do not create undue congestion or conflicts, the Harbor Management Commission should maintain a master schedule of Harbor activities. All sponsors of major in-water events should notify the Commission in advance of their proposed activity. (See the following section on "Responsibilities of Private Individuals and Organizations.") This notification should include the following information:

- General nature of event;
- Specific activities to occur;
- Date(s) event will take place;
- Location of event;
- Number of vessels to actively participate;
- Estimated number of observer vessels;
- **Any** disruption of normal Harbor activities resulting from the event;
- Safety measures to be taken by sponsor;
- Potential adverse environmental impacts associated with the event and measures to mitigate the impacts; and
- Compliance with applicable City, State, and Federal requirements for in-water activities.

The Commission ~~may~~ **should** provide a form designed to **record** ~~provide~~ the above information. This form should be completed by the sponsors of major in-water events and returned to the Commission at the earliest opportunity prior to the event. The Commission will use the provided information to maintain a master schedule of Harbor activities.

18. Identification and evaluation of potential sites for small craft launching.

The Commission should identify and evaluate any existing and future opportunities to provide a new public boat launching site (or sites) for small vessels such as canoes and kayaks that can be transported without trailers. When evaluating the feasibility of establishing small boat launching sites, particular attention should be given to providing such sites along the Outer Harbor shoreline.

19. Provision of recommendations to the Governor for appointment of the State of Connecticut Harbor Master and Deputy Harbor Master for Norwalk Harbor.

The Norwalk Harbor Master and Deputy Harbor Master are appointed by the Governor for three-year terms. (See Chapter One and the later section on “Responsibilities of the Harbor Master.”) Section 15-1 of the Connecticut General Statutes requires that the appointment of a harbor master and deputy harbor master for the harbor of any municipality with an adopted harbor management plan shall be made by the Governor from a list of not less than three nominees submitted by the municipality’s harbor management commission. Accordingly, prior to expiration of the terms of service of the Norwalk Harbor Master and Deputy Harbor Master, the Harbor Management Commission should provide the Governor with recommendations for appointments to these positions, ~~and include a list of not less than three candidates.~~

RESPONSIBILITIES OF OTHER CITY COMMISSIONS
AND DEPARTMENTS

In addition to the Harbor Management Commission, a number of other City **agencies** ~~commissions and departments~~ have responsibilities affecting Norwalk Harbor. These other City **agencies** ~~bodies~~ (see Chapter One) include the Planning Commission, Zoning Commission, Redevelopment Agency, Shellfish Commission, Department of Health, Police Department, Fire Department, Department of Public Works, and the **Recreation and Parks** ~~Recreation, Parks, and Building Management~~ Department.

The *Norwalk Harbor Management Plan* does not alter the regulations and authorities of these City **agencies**. ~~commissions and departments~~. The Plan requires, however, that all City **agencies** ~~commissions and departments~~ with Harbor management-related responsibilities carry out those responsibilities in a manner consistent with the goals, objectives, policies, guidelines, and recommendations established in the Plan. The Harbor Management Consistency Review Process will help to ensure this consistency. (See the previous section on “Responsibilities of the Harbor Management Commission.”) City **agencies** ~~commissions and departments~~ other than the Harbor Management Commission have the following basic responsibilities for implementation of the Harbor Management Plan:

1. REFERRAL OF APPLICATIONS FOR ACTIVITIES AFFECTING THE HARBOR TO THE HARBOR MANAGEMENT COMMISSION FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE *NORWALK HARBOR MANAGEMENT PLAN*.
2. DESIGN OF CITY PROPOSALS AFFECTING THE HARBOR FOR CONSISTENCY WITH THE *NORWALK HARBOR MANAGEMENT PLAN*; REFERRAL OF CITY PROPOSALS TO THE HARBOR MANAGEMENT COMMISSION FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE PLAN.
3. ~~IMPLEMENTATION OF AGENCY CONDUCTION OF~~ **IMPLEMENTATION OF AGENCY** CONDUCTION OF RESPONSIBILITIES IN A MANNER CONSISTENT WITH THE *NORWALK HARBOR MANAGEMENT PLAN* AND IN A MANNER THAT CONTRIBUTES TO PLAN IMPLEMENTATION.

1. Referral of applications for activities affecting the Harbor to the Harbor Management Commission for review and determination of consistency with the *Norwalk Harbor Management Plan*.

In accordance with Section 22a-113p of the Connecticut General Statutes, ~~and~~ §69-21 of the Norwalk Code, **and the City's Harbor Management Consistency Review Process**, each City commission or department with authority to approve a proposed action affecting real property on, in, or contiguous to the Harbor should refer the application for that proposed action to the Harbor Management Commission for review. (See the previous section on "Responsibilities of the Harbor Management Commission.") The application should be provided to the Commission at least thirty-five days prior to any public hearing held on the proposal or, if a hearing will not be held, prior to any final action taken by the approving City agency.

The Harbor Management Commission should review the proposal for consistency with the *Norwalk Harbor Management Plan* and determine if the proposal is consistent with the Plan. As required by Section 22a-113p of the General Statutes and §69-21 of the Norwalk Code, if the Commission finds that the proposal is inconsistent with the Plan, then the proposal can not be approved unless the approving City **agency with authority to approve the application** ~~body~~ acts to over-ride the Commission's finding by a two-thirds vote of all members (**instead of a simple majority**). This "two-thirds" requirement does not alter the authority of the agency having primary jurisdiction over the proposal to deny, modify, or condition a proposal that has received an unfavorable recommendation from the **Harbor Management Commission**.

Each City **agency** ~~commission and department~~ affected by the Harbor Management Consistency Review Process should work with the Harbor Management Commission to establish appropriate procedures for providing applications to the Commission and to otherwise maintain coordination with the Commission.

The Harbor Management Consistency Review Process ensures that activities that would affect the Harbor are reviewed for consistency with the Harbor Management Plan. The Consistency Review Process is carried out within the framework of the City's existing review processes and does not add additional review time or "red tape" to existing review processes. For example, the Consistency Review Process requires that a City commission or department with authority to approve a proposed action affecting the Harbor provide that proposal to the Harbor Management Commission at least thirty-five days before the approving **agency** ~~commission or department~~ must act on the proposal. Within that 35-day period, the Harbor Management Commission must evaluate the consistency of the proposal with the Harbor Management Plan and make a recommendation to the approving **agency**. ~~commission or department~~. If no comment on the consistency of the proposed project is made by the Harbor Management Commission prior to the decision deadline, the proposal will be deemed consistent with the Harbor Management Plan.

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

Just as **proposals from the private sector submitted to the City for approval** ~~the activities of private individuals~~ should be consistent with the Harbor Management Plan, so should activities of the City. Therefore, each City **agency** ~~commission and department~~ should work cooperatively with the Harbor Management Commission when developing any plans for City-sponsored projects or other initiatives that may affect the Harbor. City-sponsored initiatives affecting **real property on, in, or contiguous to** the Harbor should be submitted to the Harbor Management Commission for review as part of the Harbor Management Consistency Review Process. **The purpose of this review should be to ensure that City-prepared proposals are consistent with the Harbor Management Plan and contribute to achievement of the City's harbor management goals; the review should also serve to enhance communication and coordination among the involved City agencies.**

3. Implementation of agency ~~Conduction~~ of responsibilities in a manner consistent with the *Norwalk Harbor Management Plan* and in a manner that contributes to Plan implementation.

The following City **agencies** ~~commissions and departments~~ should carry out their following responsibilities affecting the Harbor in a manner consistent with the *Norwalk Harbor Management Plan* and in a manner that contributes to Plan implementation:

- Planning and Zoning Department: Provision of staff support for the Harbor Management Commission, to the extent necessary and feasible, **including coordination to implement the Harbor Management Consistency Review Process.** (The Planning and Zoning Director serves as an ex-officio, nonvoting member of the Harbor Management Commission in accordance with §69-20 of the Norwalk Code.)
- Planning Commission: Amendment, **as necessary**, and implementation of the **Norwalk Plan of Conservation and Development** ~~City's Master Plan of Land Use~~ as that Plan affects the Harbor and waterfront properties.
- Zoning Commission: Amendment, **as necessary**, and enforcement of the City's Building Zone Regulations as those regulations affect waterfront properties; Coastal Site Plan Review of most development activities within the City's coastal area.
- Redevelopment Agency: Preparation and implementation of redevelopment plans affecting the Harbor.
- Shellfish Commission: Management and protection of Harbor shellfish **resources**; ~~beds~~; participation on the Norwalk Water Quality Committee.

- Department of Health: Testing of water quality and closing of shellfish beds and beach swimming areas if necessary; participation on the Water Quality Committee.
- Police Department: Enforcement of City and State boating laws and regulations, and coordination of emergency response activities with the Fire Department, **State of Connecticut Harbor Master for Norwalk Harbor**, Connecticut Department of Environmental Protection, U.S. Coast Guard, and ~~adjoining~~ **municipalities with jurisdictions adjoining the Harbor**; provision of monthly report of Marine Division activities to the Harbor Management Commission; **police patrols and law enforcement at waterfront locations; assistance with coordination and monitoring at special water and waterfront events.**
- Fire Department: Coordination of emergency response activities, including response to oil and fuel spills, with Police Department, Harbor Master, DEP, U.S. Coast Guard, and ~~adjoining~~ **municipalities with jurisdictions adjoining the Harbor; compilation of records concerning oils and fuel spills affecting the Harbor in coordination with the Harbor Master.**
- Department of Public Works: Management and operation of **the City's wastewater collection and treatment sewerage** system including **the Wastewater Sewage Treatment Plant; management of stormwater infrastructure**; participation on the Water Quality Committee; **compilation of available information concerning the location of underwater utilities in the Harbor.**
- Recreation and Parks ~~Recreation, Parks, and Building Management~~ Department: Management of waterfront parks, beaches, and other recreational facilities, including Veteran's Park Marina; **and the City boat launching ramps; and Norwalk Visitor's Dock at the David S. Dunavan Boating Center.** (The Director of Recreation and Parks serves as an ex-officio, nonvoting member of the Harbor Management Commission in accordance with § 69-20 of the Norwalk Code.)

RESPONSIBILITIES OF THE STATE OF CONNECTICUT HARBOR MASTER FOR NORWALK HARBOR

The **State of Connecticut Norwalk Harbor Master for Norwalk Harbor** is appointed by the Governor of Connecticut for a three-year term and is responsible for the general care and supervision of Norwalk Harbor and its navigable waterways.⁸ The Harbor Master is subject to the direction and control of the State Commissioner of Transportation acting through the Bureau of Aviation and Ports of the Department of Transportation (DOT). (See Chapter One.) Principal

⁸ Section 15-1 of the Connecticut General statutes requires that the Harbor Master for any municipality with a State-approved and locally adopted harbor management plan be appointed by the Governor from a list of candidates provided by the municipality's harbor management commission. (See the previous section on "Responsibilities of the Harbor Management Commission.")

duties of the Harbor Master are included in Sections 15-1 through ~~15-9~~ **15-12** **and other sections** of the Connecticut General Statutes. The Harbor Master has the following responsibilities concerning implementation of the *Norwalk Harbor Management Plan*:

1. ~~IMPLEMENTATION CONDUCTION~~ OF ALL DUTIES IN A MANNER CONSISTENT WITH THE *NORWALK HARBOR MANAGEMENT PLAN*.
 2. COOPERATION AND COORDINATION WITH THE HARBOR MANAGEMENT COMMISSION AND **PROVISION OF ASSISTANCE TO THE COMMISSION**, AS NEEDED, WITH IMPLEMENTATION OF THE *NORWALK HARBOR MANAGEMENT PLAN*.
 3. IMPLEMENTATION OF SPECIFIC REQUIREMENTS FOR ADMINISTRATION, PLACEMENT, AND INSPECTION OF ALL HARBOR MOORINGS.
 4. ASSISTANCE TO THE NORWALK POLICE DEPARTMENT, ~~DEP LAW ENFORCEMENT~~ **DIVISION OF STATE ENVIRONMENTAL CONSERVATION POLICE**, AND COAST GUARD, AS NECESSARY, WITH REGARD TO **ACHIEVING COMPLIANCE WITH ENFORCEMENT OF** CITY, STATE, AND FEDERAL LAWS AND REGULATIONS AFFECTING THE HARBOR.
 5. ~~IMPLEMENTATION ENFORCEMENT~~ AND INTERPRETATION OF THE CONNECTICUT BOATING STATUTES AND REGULATIONS, INCLUDING STATUTES AND REGULATIONS CONCERNING REMOVAL OF ABANDONED AND DERELICT VESSELS.
 6. **OPERATION AND MAINTENANCE OF HARBOR MASTER VESSEL.**
 - 7.6- PROVISION OF INFORMATION CONCERNING BOATING RULES AND REGULATIONS, THE *NORWALK HARBOR MANAGEMENT PLAN*, AND OTHER HARBOR-RELATED TOPICS TO THE GENERAL PUBLIC.
 - 8.7- ONGOING COMMUNICATION WITH CITY, STATE, AND FEDERAL AGENCIES CONCERNING MANAGEMENT OF NORWALK HARBOR.
 - 9.8- SUPERVISION OF THE DEPUTY HARBOR MASTER.
 10. **OPERATION AND MAINTENANCE OF HARBOR MASTER COMMUNICATIONS SYSTEM.**
 11. **REVIEW AND COMMENT ON PROPOSALS FOR DREDGING, FILLING, OR PLACEMENT OF STRUCTURES IN NORWALK HARBOR.**
 12. **MAINTENANCE OF RECORDS CONCERNING OIL AND HAZARDOUS MATERIALS SPILLS AFFECTING NORWALK HARBOR.**
 13. **ASSISTANCE TO THE HARBOR MANAGEMENT COMMISSION FOR PREPARATION OF THE COMMISSION'S ANNUAL OPERATING BUDGET.**
1. **Implementation** ~~Conduction~~ of all duties in a manner consistent with the *Norwalk Harbor Management Plan*.

Section 15-1 of the Connecticut General Statutes requires that “The harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any harbor management plan adopted pursuant to section 22a-113m for a harbor over which they have jurisdiction.” Actions of the Norwalk Harbor Master pursuant to his or her responsibilities established in **applicable sections** ~~Sections 15-1 through 15-12~~ of the Connecticut General Statutes must

therefore be consistent with the goals, objectives, policies, guidelines, and recommendations contained in the *Norwalk Harbor Management Plan* and any future Plan amendments.

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

As authorized by Section 22a-113k of the Connecticut General Statutes and established by §69-20 of the Norwalk Code, the Harbor Master is a nonvoting, ex-officio member of the Harbor Management Commission. When exercising responsibilities for mooring administration and conducting other **statutory State-authorized duties for the safe and efficient operation of Norwalk Harbor**, the Harbor Master ~~shall~~ **shall** work cooperatively with the Commission and otherwise assist the Commission with implementation of the Harbor Management Plan. The Harbor Master ~~will~~ **will** attend the Commission's monthly meetings, ~~and~~ provide a monthly report of his **or her** activities to the Commission, **and discuss issues, occurrences, and events pertinent to the goals, aims, and concerns of the Commission as necessary. In addition, the Harbor Master will attend the Commission's annual "State of the Harbor" public meeting to report on his or her activities and address questions raised by the public. The Harbor Master will also attend meetings of the Commission's committees and provide assistance to those committees as necessary to address matters affecting the safe and efficient operation of the Harbor.**

3. Implementation of specific requirements for administration, placement, and inspection of all Harbor moorings.

The Harbor Master is responsible for administration, placement, and inspection of all Harbor moorings in accordance with Section 15-8, **Section 22a-113r**, and other applicable sections of the Connecticut General Statutes. Further, the Harbor Master must carry out his or her mooring-related responsibilities in accordance with the "Rules and Regulations for Mooring and Anchoring Vessels" adopted by the Harbor Management Commission and approved by the Common Council. Mooring-related responsibilities include:

- a. Issuance of all mooring permits; allocation of all mooring locations; and collection of all mooring permit fees.

In accordance with **Section 22a-113r of the Connecticut General Statutes** and the Harbor Management Commission's "Rules and Regulations for Mooring and Anchoring Vessels," the Harbor Master must approve the locations of all moorings within Norwalk Harbor. The Harbor Master shall issue a permit for each approved mooring location or area.

When a permit is issued for a mooring, the Harbor Master shall assign a specific location for that mooring. No mooring shall be placed or maintained in any part of Norwalk Harbor until the location of that mooring has been approved by the Harbor Master.

Pursuant to Section 22a-113s of the General Statutes and the mooring fee schedule adopted by the Harbor Management Commission and approved by the Common Council, the Harbor Master will collect ~~the an~~ appropriate fee, **duly** established by the Harbor Management Commission and approved by the Common Council, from any person, association, corporation, or other group receiving a new or renewed permit for a mooring location in Norwalk Harbor. The Harbor Master will **prepare transmittal forms and** deposit the collected **mooring permit and application** fees into the Norwalk Harbor Management ~~Account Fund~~, **established by the City pursuant to Section 22a-113s of the General Statutes and maintained by the City Comptroller's Office. The Harbor Master shall** ~~and~~ provide a regular accounting of collected fees to the Commission, **including a report to the chairman of the Commission's Finance Committee regarding deposit amounts and details of deposit information.** (See below.)

- b. Maintenance of complete and accurate records of all mooring applications, **mooring permit fees, mooring locations, moorings,** and moored vessels.

The Harbor Master shall maintain complete and accurate records of all mooring applications, collected permit **and application** fees, **mooring locations, moorings,** and moored vessels. This information ~~will should~~ be maintained in such a manner that information can easily be obtained with regard to: a) any individual mooring, vessel, or owner; and b) all moorings within the entire Harbor or within a particular Harbor location. As feasible, a computerized data base of mooring records should be maintained. ~~The Harbor Management Commission (through its own staff or the Planning and Zoning Department staff) should provide assistance to the Harbormaster in this regard.~~ An up-to-date copy of mooring records shall be maintained in the City Hall and be accessible for public inspection during normal office hours.

- c. Placement of mooring tackle to ensure proper location in suitable areas.

The Harbor Master shall supervise the placement of all mooring tackle to ensure its proper location in suitable areas. Supervision of mooring **tackle** placement may be delegated by the Harbor Master to the Deputy Harbor Master, other City official appointed by the Harbor Management Commission, and/or a qualified commercial service. ~~If necessary, existing moorings should be relocated at the start of each boating season to conform with any mooring allocation provisions contained in the Harbor Management Plan.~~

- d. Inspection of mooring tackle at appropriate intervals to ensure compliance with minimum mooring tackle requirements.

The Harbor Master shall be responsible for ensuring that mooring tackle used in the Harbor is inspected at appropriate intervals according to **the provisions of procedures outlined** in the "Rules and Regulations for Mooring and Anchoring Vessels" adopted by the Harbor Management Commission and approved by the Common Council. Each mooring permit holder shall be responsible for periodically having his or her mooring

tackle inspected to ensure that it meets or exceeds the “Minimum Standards for Mooring Tackle” adopted by the Harbor Management Commission and approved by the Common Council. This inspection may be performed by the Harbor Master, Deputy Harbor Master, or a qualified commercial service. Any mooring tackle found to be inadequate (e.g., with excessive wear or not meeting minimum standards) must be replaced by the mooring permit holder before the mooring **tackle** location can be used.

The Harbor Master shall prepare a list of individuals and businesses certified by the Harbor Master as qualified to conduct required inspections of mooring tackle. The Harbor Master will provide that list to all mooring permit holders. The Harbor Master will ensure that all such certified individuals and businesses are knowledgeable of all pertinent rules, regulations, and standards concerning mooring tackle inspection in the Harbor.

Each mooring permit holder must submit **documentation** ~~appropriate evidence~~ to the Harbor Master, **to the satisfaction of the Harbor Master**, that **the required mooring tackle** ~~an~~ inspection has been performed and that the tackle meets or exceeds the minimum standards. The Harbor Master shall maintain complete and accurate records regarding mooring tackle inspection, including date of inspection and name of inspector.

e. Revocation of mooring permits for failure to comply with permit provisions:

The Harbor Master shall revoke a mooring permit under certain conditions as specified in the “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Common Council.

f. Collection of all fines for violation of mooring rules and regulations:

Pursuant to Section 15-8 of the Connecticut General Statutes, §69-22D of the Norwalk Code, and the provisions of the “Rules and Regulations for Mooring and Anchoring Vessels” adopted by the Harbor Management Commission and approved by the Common Council, the Harbor Master shall assess and collect all fines for violations of those rules and regulations. The Harbor Master shall prepare transmittal forms and deposit all collected fines into the Norwalk Harbor Management Account established by the City pursuant to Sec. 22a-113s of the General Statutes and maintained by the City Comptroller’s Office. The Harbor Master shall provide a regular accounting of collected fines to the Commission, including a report to the chairman of the Commission’s Finance Committee regarding deposit amounts and details of deposit information.

4. Assistance to the Norwalk Police Department, Connecticut Department of Environmental Protection **Division of State Environmental Conservation Police, Law Enforcement Division**, and Coast Guard, as necessary, with regard to **achieving compliance with enforcement** of City, State, and Federal laws and regulations affecting the Harbor.

The Harbor Master ~~will should~~ provide appropriate assistance to City, State, and Federal law enforcement agencies, as needed, to maintain boating and navigation safety 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.** Although the Harbor Master is empowered by State law to enforce the boating rules and regulations of the State of Connecticut, there is no requirement that the Harbor Master be trained as a law enforcement officer. As a result, the Harbor Master should not engage in arrests or other law enforcement actions that may present a risk of personal injury. The Harbor Master ~~may should~~ call upon the Marine Division of the Norwalk Police Department or State or Federal law enforcement authority for assistance in all situations involving potential arrest or confrontation. The Harbor Master should advise the Police Department, DEP, Corps of Engineers, and/or U.S. Coast Guard, as necessary, of any problems affecting enforcement of City, State, and/or Federal laws and regulations affecting the Harbor.

5. Implementation Enforcement and interpretation of the Connecticut boating statutes and regulations, including statutes and regulations concerning removal of abandoned and derelict vessels.

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, the Harbor Master ~~will should~~ be responsible for implementation of the State of Connecticut boating statutes and regulations as they relate to use of Norwalk Harbor, and for communication of these statutes and regulations, as necessary, to the public. Further, as necessary for maintaining a safe and functional Harbor environment, the Harbor Master ~~will should~~ be responsible for any interpretation of the statutes and regulations as they apply to Norwalk Harbor. **These responsibilities will** ~~This interpretation should~~ be carried out in collaboration with the Harbor Management Commission, Norwalk Police Department, Connecticut Department of Transportation, **Connecticut DEP**, and other involved agencies and departments.

In accordance with Section 15-140c of the Connecticut General Statutes, any vessel "not moored, anchored or made fast to the shore and unattended for a period greater than 24 hours, or left [upon private property] without the consent of said property owner for a period greater than twenty-four hours" shall be presumed abandoned. Acting in coordination with the Harbor Management Commission, Police Department, and other appropriate agencies or departments **and in accordance with all applicable laws, statutes, regulations, and ordinances,** the Harbor Master ~~shall implement is authorized to enforce~~ the provisions of this statute **and any other applicable statutes** in Norwalk Harbor. In accordance with Section 15-140c of the General Statutes **and any other applicable laws, statutes, regulations, and ordinances,** all expenses necessarily incurred in the removal of an abandoned vessel shall be a lien upon that vessel. In the event of an emergency or hazardous situation caused by an abandoned vessel, the Harbor Master may request that the Commission

allocate funds from the Norwalk Harbor Management ~~Account Fund~~ for the immediate removal of the abandoned vessel.

6. Operation and maintenance of Harbor Master vessel.

The Harbor Master will operate and maintain a vessel dedicated for the purpose of conducting the Harbor Master's statutory duties. That vessel will be available for responding to boating and navigation issues and emergencies in the Harbor on an as-needed basis. The normal period of operation of the Harbor Master vessel will be from April through December during which time the Harbor Master will conduct routine inspections of Norwalk Harbor. The purpose of those inspections will be to help assure safe and efficient operation of the Harbor and compliance with applicable State laws and regulations and City ordinances.

76. Provision of information concerning boating rules and regulations, the *Norwalk Harbor Management Plan*, and other Harbor-related topics to the general public.

The Harbor Master ~~will should~~ assist the Harbor Management Commission with provision of information to the general public concerning applicable boating laws and regulations, conditions in Norwalk Harbor, the provisions of the *Norwalk Harbor Management Plan*, "Rules and Regulations for Mooring and Anchoring Vessels," "Minimum Standards for Mooring Tackle," and other information intended to maintain boating and navigation safety in the Harbor and increase public awareness and support for safe and efficient operation of the Harbor.

87. Ongoing communication with City, State, and Federal agencies concerning management of Norwalk Harbor.

In addition to communication and coordination with the Harbor Management Commission, Norwalk Police Department, and other relevant City agencies and departments, the Harbor Master ~~will shall~~ maintain regular communication and liaison, as necessary, with various divisions and units of the Connecticut Department of Environmental Protection, the Department of Transportation's Bureau of Aviation and Ports, U.S. Army Corps of Engineers, U.S. Coast Guard, and other relevant State and Federal agencies. The purpose of this communication and liaison should be to address matters affecting the safe and efficient operation of Norwalk Harbor.

98. Supervision of the Deputy Harbor Master.

In accordance with Section 15-1 of the Connecticut General Statutes, the Governor may appoint a Deputy Harbor Master for Norwalk Harbor with authority to exercise all of the

powers and duties of the Harbor Master. The Deputy Harbor Master should assist the Harbor Master and serve at the direction of the Harbor Master. **Pursuant to Section 15-3 of the General Statutes, the Harbor Master will should supervise the actions of any the Deputy Harbor Master who may be appointed for Norwalk Harbor. The Harbor Master and may, in the interest of maintaining safe and efficient operation of the Harbor, and effective Harbor management, assign specific responsibilities to the Deputy Harbor Master.**

10. Operation and maintenance of Harbor Master communications system.

The Harbor Master will operate and maintain a dedicated Harbor Master communications system for Norwalk Harbor that will be operational 24 hours/day, 365 days/year. This communications system will include telephone and cell phone lines; message, pager, and facsimile service; and E-mail communication capabilities. The Harbor Master's voice mail/answering machine will provide phone numbers for reporting Harbor emergencies as well as information to enable the caller to immediately contact the Harbor Master in the event of an emergency or other urgent matter. The communications system will be operated and maintained for the purpose of receiving reports of emergencies, including any oil and hazardous materials spills affecting the Harbor; receiving and answering questions regarding use of the Harbor; and providing pertinent information to Harbor users as necessary. In this regard, the communications system will serve to facilitate the exchange of information concerning the timing of commercial barge deliveries to Norwalk Harbor terminals during periods of Harbor icing. The Harbor Master will keep a monthly record of the number of calls to the Harbor Master's office.

11. Review and comment on proposals for dredging, filling, or placement of structures in Norwalk Harbor.

The Harbor Master will review all applications for dredging, filling, or placement of in-water structures in Norwalk Harbor as submitted to State and Federal agencies. The Harbor Master's review will address the effect of the proposed activity on the safe and efficient operation of the Harbor. The Harbor Master will provide comments on those applications to the Connecticut Department of Environmental Protection, U.S. Army Corps of Engineers, and other regulatory agencies as appropriate. The Harbor Master's review of applications affecting the Harbor will be carried out in coordination with the Harbor Management Commission's "Harbor Management Consistency Review Process."

12. Maintenance of records concerning oil and hazardous materials spills affecting Norwalk Harbor.

In collaboration with the Norwalk Fire Department, the Harbor Master will maintain records of all oil and hazardous materials spills affecting Norwalk Harbor. Such records will be maintained in a suitable form to enable their beneficial use by duly authorized agencies and officials for harbor management planning purposes.

13. Assistance to the Harbor Management Commission for preparation of the Commission's annual operating budget.

The Harbor Master will provide data on expenses for personnel and equipment directly related to the function of the Harbor Master and Deputy Harbor Master and other information to the Harbor Management Commission for the purpose of assisting the Commission with preparation of the Commission's annual operating budget.

**RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES
WITH HARBOR MANAGEMENT AUTHORITIES**

The principal State and Federal agencies with authorities pertaining to Norwalk Harbor are various units of the Connecticut Department of Environmental Protection, the Connecticut Department of Transportation, and U.S. Army Corps of Engineers. (See Chapter One.) To the extent permitted by law, these and other State and Federal agencies should carry out their responsibilities in accordance with the provisions of the *Norwalk Harbor Management Plan*, and generally cooperate with the Harbor Management Commission with regard to Plan implementation. The basic State and Federal responsibilities for Plan implementation include:

1. REVIEW AND APPROVAL OF AMENDMENTS TO THE *NORWALK HARBOR MANAGEMENT PLAN* AND CITY ORDINANCES TO IMPLEMENT THE PLAN.
2. REFERRAL OF APPLICATIONS AND PROPOSALS AFFECTING NORWALK HARBOR TO THE HARBOR MANAGEMENT COMMISSION FOR REVIEW AND DETERMINATION OF CONSISTENCY WITH THE *NORWALK HARBOR MANAGEMENT PLAN*; INCORPORATION OF THE COMMISSION'S CONSISTENCY FINDINGS INTO REVIEW AND DECISION-MAKING PROCESSES.
3. COORDINATION AND COOPERATION WITH THE HARBOR MANAGEMENT COMMISSION FOR IMPLEMENTATION OF THE *NORWALK HARBOR MANAGEMENT PLAN*.

1. Review and approval of amendments to the *Norwalk Harbor Management Plan* and City ordinances to implement the Plan.

Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure, the City must submit any proposed amendments to the *Norwalk Harbor Management Plan* (and

proposed amendments to the Norwalk Code for the purpose of implementing the Harbor Management Plan) to the Corps of Engineers for review, comments, and recommendations. Proposed amendments also must be submitted for approval to the Connecticut commissioners of environmental protection and transportation who must act on the proposed amendments within 60 days. Upon approval by the State commissioners, the proposed amendments may be adopted by the Norwalk Common Council. (See the previous section on “Responsibilities of the Common Council.”)

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

2. Referral of applications and proposals affecting Norwalk Harbor to the Harbor Management Commission for review and determination of consistency with the *Norwalk Harbor Management Plan*; incorporation of the Commission’s consistency findings into review and decision-making processes.

All proposals for filling of aquatic areas, dredging, or placement of structures in Norwalk Harbor are subject to State and Federal regulatory programs administered by the Connecticut Department of Environmental Protection and U.S. Army Corps of Engineers, respectively, and can not be implemented without the required authorization. ~~Filling, dredging, or placement of structures in Norwalk Harbor must be permitted by the DEP and Corps of Engineers.~~ **To help enure that State and Federal decisions affecting Norwalk Harbor are consistent with the *Norwalk Harbor Management Plan*,** ~~When conducting their separate State and Federal permitting programs,~~ the DEP and Corps of Engineers should send the public notice copies of **all** applications for filling of **aquatic areas**, dredging, or in-water structures in the Harbor to the Harbor Management Commission. The Commission will review these proposals, determine their consistency with the Harbor Management Plan, and comment to the DEP and Corps of Engineers on the consistency of each proposal with the Plan. (See the previous section on “Responsibilities of the Harbor Management Commission.”) In their review and decision-making processes, the DEP and Corps of Engineers should, to the maximum extent permissible in accordance with State and Federal law, give primary consideration to the Commission’s consistency findings.

Regarding any permit application submitted to the DEP and/or Corps of Engineers, those agencies should provide the Commission with sufficient information to enable the Commission to make an informed decision on the consistency of the application with the Harbor Management Plan. Copies of original permit application materials should be provided to the Commission upon the Commission's request. The Commission should be provided with a copy of any permit issued by the DEP or Corps of Engineers for filling of **aquatic areas**, dredging, or placement of structures in Norwalk Harbor.

In addition to proposals affecting the Harbor and submitted to State and Federal agencies for approval, proposals prepared by State and Federal agencies and affecting real property on, in, or contiguous to the Harbor should also be designed for consistency with the Harbor Management Plan and should be provided to the Harbor Management Commission for review and comment.

3. Coordination and cooperation with the Harbor Management Commission for implementation of the *Norwalk Harbor Management Plan*.

State and Federal agencies should recognize the *Norwalk Harbor Management Plan* as the City's principal guide (in coordination with the *Norwalk Plan of Conservation and Development*) for safe and beneficial use of Norwalk Harbor and protection of environmental quality in the Harbor. The Department of Environmental Protection, Corps of Engineers, and other State and Federal agencies should apply their planning as well as regulatory programs in a manner to assist the Harbor Management Commission with implementation of the Harbor Management Plan. To the extent possible these agencies should provide information and technical assistance to the Commission for the purpose of addressing matters affecting the safe and functional operation of the Harbor, protection of environmental quality in the Harbor, and other public purposes **consistent with the Harbor Management Plan.** **In addition, State and Federal grant programs should be used to help implement special projects to achieve the City's harbor management goals.**

RESPONSIBILITIES OF PRIVATE INDIVIDUALS AND ORGANIZATIONS

Private individuals and organizations also should contribute to implementation of the *Norwalk Harbor Management Plan*. Everyone must adhere to City, State, and Federal laws and regulations pertaining to use of Norwalk Harbor. In addition, there are a number of voluntary (nonregulatory) initiatives for managing and enhancing Harbor resources that can be carried out by City residents, waterfront property owners, the operators of water-dependent facilities, and others. Concerned citizens and organizations should contribute to management of Norwalk Harbor and implementation of the Harbor Management Plan through the following actions:

1. DESIGN OF PROPOSALS AFFECTING THE HARBOR FOR CONSISTENCY WITH THE *NORWALK HARBOR MANAGEMENT PLAN*.

2. DEMONSTRATION OF INTEREST AND SUPPORT FOR HARBOR MANAGEMENT.
 3. VOLUNTARY ASSISTANCE FOR HARBOR MANAGEMENT AND IMPROVEMENT.
 4. NOTIFICATION OF HARBOR SPECIAL EVENTS AND MAJOR IN-WATER ACTIVITIES.
1. Design of proposals affecting the Harbor for consistency with the *Norwalk Harbor Management Plan*.

The design of projects that would affect the Harbor should be consistent with the goals, objectives, policies, guidelines, and recommendations established in the *Norwalk Harbor Management Plan*. Project proponents should discuss their conceptual plans with the Harbor Management Commission prior to preparing final plans and permit applications. This sort of “preapplication” consultation should be used to help reduce development costs by avoiding the expenditure of funds on projects not likely to be consistent with the Harbor Management Plan. Preapplication consultation should also, to the extent feasible, address opportunities for Harbor-area projects to provide public benefits.

In the course of the Harbor Management Consistency Review process, project proponents should present their completed proposals to the Commission and may appear before the Commission to address any questions concerning the proposed project. (See the previous section on “Responsibilities of the Harbor Management Commission.”) It should be the responsibility of project applicants to provide the Commission with the information necessary to adequately assess the potential impacts of proposed projects on the Harbor and the consistency of such proposals with the Harbor Management Plan. **It is recommended that applicants requesting permits from the Connecticut Department of Environmental Protection and/or U.S. Army Corps of Engineers to fill aquatic areas, dredge, or place structures in Norwalk Harbor provide their permit applications to the Harbor Management Commission at the same time as those applications are submitted to the DEP and/or USACE.**

2. Demonstration of interest and support for Harbor management.

The contribution that simple “good citizenship” can make to effective management of Norwalk Harbor should not be overlooked or underestimated. The general public, waterfront property owners, and the operators of water-dependent facilities can make important contributions for guiding beneficial use of the Harbor, maintaining public safety, and protecting environmental quality. Norwalk residents and others with concerns related to the quality and character of Harbor resources and to the provisions and effectiveness of the *Norwalk Harbor Management Plan* should attend meetings of the Harbor Management Commission, especially the annual “State of the Harbor” meeting, to express their concerns **and comments**. The public should also participate in various special events and efforts organized to increase environmental awareness and improve the quality of Harbor resources. (See below.) Observed violations of boating laws, evidence of pollution, and other actions

adversely impacting the Harbor should be reported to the Commission, Harbor Master, Police Department, or other appropriate authority **at any time**.

In addition, the public, **including waterfront property owners**, should recognize that seemingly minor actions can, when added over time to other similar actions, have **significantly** adverse cumulative impacts on the Harbor and those who use the Harbor. All citizens, **no matter how environmentally conscious, should become more aware of the impacts their actions may have on environmental quality, navigation, and other Harbor conditions.** At the same time, all citizens can contribute to efforts to enhance environmental quality and improve other conditions in the Harbor. For example, all citizens can contribute to reducing nonpoint source (NPS) pollution just by increasing their awareness and understanding of how everyday activities can contribute to NPS pollution in Norwalk Harbor and the Norwalk River watershed. ~~should refrain from actions that would have negative impacts on environmental quality, navigation, and other Harbor conditions.~~

Perhaps of most importance for the long-term **beneficial** use and management of the Harbor, private citizens **and civic-minded organizations** should recognize the Harbor as a “public trust” resource that belongs to everyone and is a vital resource for the entire City. **Expression of this recognition should serve as a constant reminder to** ~~As such, it is the responsibility of public officials of their responsibility~~ to manage the Harbor for the use and benefit of future generations. At the same time, the public must also recognize that waterfront property owners have important rights **concerning access to** ~~related to use of~~ the Harbor. As a result, the public’s important rights of access and navigation seaward of the mean high water line must be balanced with the riparian/littoral rights of waterfront property owners.

3. Voluntary assistance for Harbor management and improvement.

There are a number of voluntary initiatives for managing and enhancing the Norwalk Harbor and waterfront that may be carried out by City residents, waterfront property owners, and private organizations. Waterfront property owners have an important responsibility to contribute to the maintenance of clean, safe, and functional conditions in Norwalk Harbor. Sites and structures in and adjoining the Harbor should be maintained in a manner that enhances opportunities for beneficial waterfront use and development. Voluntary, community-based efforts such as may be organized by the Harbor Management Commission to clean-up and otherwise improve the Harbor’s environmental quality should be encouraged and supported.

City residents and others who use the Harbor and waterfront may volunteer to participate in special events and other efforts that may be organized from time to time by the Harbor Management Commission and others to increase environmental awareness and maintain and improve the quality of the Harbor environment. Special events may be organized to clean up public waterfront spaces and other waterfront

locations and to assist with environmental enhancement projects. Volunteer participation will be essential to the success of such events.

The operators of water-dependent facilities are particularly knowledgeable of Harbor conditions. Information on these conditions should be passed on to the Commission. Also, the operators of Harbor marinas interact with the boating public on a daily basis. As a result, they can provide information to resident as well as visiting boaters. Marina operators should assist the Commission, when necessary, by providing information to marina patrons, including information to increase boater awareness of the provisions of the *Norwalk Harbor Management Plan*, information concerning restricted speed **zones**, ~~areas~~, and other information pertaining to beneficial use of the Harbor. In addition, when it is necessary for the City to obtain information concerning the needs and opinions of resident and transient boaters, the marina operators can help to distribute and collect questionnaires to obtain this information.

4. Notification of Harbor special events and major in-water activities.

To ensure that major in-water special events (such as boat shows and regattas in the Inner Harbor) and any activity expected to significantly affect navigation do not create undue congestion or conflicts, all sponsors of such events should notify the Harbor Management Commission in advance of their proposed activity. (See the previous section on responsibilities of the Harbor Management Commission.) This notification should include the following information:

- General nature of event;
- Specific activities to occur;
- Date(s) event will take place;
- Location of event;
- Number of vessels to actively participate;
- Estimated number of observer vessels;
- **Any** disruption of normal Harbor activities resulting from the event;
- Safety measures to be taken by sponsor;
- Potential adverse environmental impacts associated with the event and measures to mitigate the impacts; and
- Compliance with applicable City, State, and Federal requirements for in-water activities.

This information, **which may be** recorded on a form provided by the Harbor Management Commission, should be completed by the sponsors of major in-water events and returned to the Commission at the earliest opportunity prior to the event. The Commission will use the provided information to maintain a master **schedule calendar** of Harbor events.