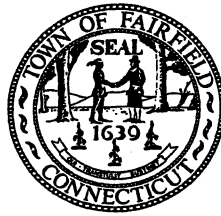


# **THE MANAGEMENT PLAN FOR SOUTHPORT HARBOR**



**FAIRFIELD HARBOR MANAGEMENT COMMISSION  
FAIRFIELD, CONNECTICUT**

**MARCH 1995**

**ADOPTED BY THE FAIRFIELD REPRESENTATIVE TOWN MEETING  
EFFECTIVE OCTOBER 9, 1995**

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**FAIRFIELD HARBOR MANAGEMENT COMMISSION  
FAIRFIELD, CONNECTICUT**

CONSULTANT TO THE HARBOR MANAGEMENT COMMISSION:

**GEOFFREY STEADMAN  
WESTPORT, CONNECTICUT**

MARCH 1995

ADOPTED BY THE FAIRFIELD REPRESENTATIVE TOWN MEETING  
EFFECTIVE OCTOBER 9, 1995

Preparation of this document was financed by the Town of Fairfield with assistance from the Office of Long Island Sound Programs of the Connecticut Department of Environmental Protection.



## FOREWORD

This Management Plan for Southport Harbor has been prepared by the Fairfield Harbor Management Commission and adopted by the Fairfield Representative Town Meeting (RTM) effective October 9, 1995. The Plan has been formulated by the Harbor Management Commission in accordance with the Connecticut Harbor Management Act of 1984 (Sections 22a-113k to 22a-113t of the Connecticut General Statutes) and Chapter 24 of the Fairfield Town Code which establishes the duties and responsibilities of the Commission. In accordance with Section 22a-113m of the General Statutes, the Plan has been reviewed by the U.S. Army Corps of Engineers and approved by the Connecticut Commissioner of Environmental Protection and Commissioner of Transportation.

The Plan contains Town goals, objectives, policies, and recommendations for balanced use of the Southport Harbor Management Area (HMA), for protection of natural resources in the HMA, and for safe and enjoyable use of the HMA.

Some of the policies and recommendations established by the Plan are detailed and specific; others are more general to allow for flexibility in Plan implementation and case-by-case decision-making by the Harbor Management Commission. This flexibility is important so the Plan can respond to changing circumstances over the years.

The Management Plan for Southport Harbor will provide an important mechanism to increase Town influence and control in the HMA, which includes marine waters that have been subject primarily to State and Federal authorities. After the Plan is adopted by the RTM, public and private actions affecting use and condition of the Harbor Management Area must be consistent with the Plan. The Harbor Management Commission will be responsible for ensuring this consistency through a "Consistency Review Process" established by the Plan.

The Plan will also increase coordination among the different Town commissions, boards and departments that carry out responsibilities affecting the HMA. It establishes a policy framework to ensure that these Town bodies incorporate an awareness and understanding of Southport Harbor management concerns into their deliberations, and that their actions are consistent with the harbor management goals, objectives, policies, and recommendations included in the Plan.

## ACKNOWLEDGMENTS

Many individuals contributed to the preparation of this Plan, including private citizens and public officials in Fairfield, and representatives of State and Federal agencies.

The Plan was prepared under the leadership of the Fairfield Harbor Management Commission:

Harris E. Russell (Chairman)

Andrew W. Bisset  
Patrick Boland

Stephen K. Galpin  
Ignatz Horvath  
Packer Wilbur (Alternate)

Gerald Malafronte  
Russell F. Mountford

The late Claude Johnson, who served the State of Connecticut and Town of Fairfield as Southport Harbormaster, Jack Sullivan, Superintendent of Parks and Marinas for the Town of Fairfield (now retired), Captain Joseph Sambrook of the Fairfield Police Department, and Patrick Carroll, current Harbormaster and former member of the Harbor Management Commission, served as advisors to the Commission and provided important assistance for preparation of the Plan. Mildred Mazzeo served as the Commission's Secretary.

The Office of Long Island Sound Programs of the Connecticut Department of Environmental Protection (DEP) provided valuable technical assistance as well as initial funding assistance for development of the Management Plan. Margaret Welch was the DEP's liaison officer to the Harbor Management Commission.

L.R. Johnston Associates of Westport, Connecticut was consultant to the Harbor Management Commission from August 1988 to November 1990, and prepared the first draft of the Plan at the direction of the Harbor Management Commission. During this period of time, Larry Johnston provided important advice and guidance to the Commission as he worked with the Commission to address the various conflicts and issues concerning use and management of Southport Harbor. Following Mr. Johnston's untimely passing in November of 1990, Geoffrey Steadman, also of Westport, Connecticut, served as consultant to the Harbor Management Commission. As directed by the Commission, Mr. Steadman prepared the several draft Management Plans, including the "Draft for Town Review," "Draft for Public Review," "Draft for Agency Review and Approval," "Revised Draft for Agency Review and Approval," and "Draft for Town Adoption."

During the course of work on the Management Plan, the Sasquanaug Association for Southport Improvement and the Pequot Yacht Club contributed funds used by the Harbor Management Commission for necessary studies of Harbor conditions. Special studies of dredging needs and the Federal Navigation Project were conducted by Ocean and Coastal Consultants, Inc. of Trumbull, Connecticut at the direction of the Harbor Management Commission.

The citizens of Fairfield who attended several public meetings and demonstrated their concern for the future use and protection of Southport Harbor must be given special thanks for their interest, input and support.

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## DEFINITIONS OF TERMS

**Abandoned Vessel:** Any vessel, as defined by State statute, not moored, anchored or made fast to the shore, and left unattended for a period greater than 24 hours, or left upon private property without consent from the waterfront property owner for a period greater than 24 hours.

**Aids to Navigation:** All markers on land or in the water placed for the purpose of enabling navigators in the Harbor Management Area to avoid navigation hazards and/or fix their position. Aids to navigation include Federal aids placed and maintained by the U.S. Coast Guard, and “private” aids placed and maintained by all other government and private interests under permit from the Coast Guard, Corps of Engineers, and Connecticut Department of Environmental Protection (DEP). Private aids include any buoys, signs and other markers identifying restricted speed areas.

**Anchorage:** A “nonchannel” water area that may be designated for the safe anchoring of vessels.

**Anchoring:** To secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors from a vessel.

**A-Zone:** That portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is likely to be inundated by the “100-year” flood and not subject to wave action.

**Bulkhead:** A vertical wall of wood, steel or concrete, built parallel to the shoreline and designed to deflect waves and control erosion.

**Carrying Capacity:** A term most generally used to refer to the level of use or extent of modification that environmental or man-made resources may bear before unacceptable resource deterioration or degradation occurs.

**Channel:** A water area specifically designated for unobstructed movement of vessels, shown on navigation charts and marked in-water by aids to navigation. The navigation channel in Southport Harbor is a Federal navigation channel authorized by Congress and maintained by the U.S. Army Corps of Engineers.

**Coastal Resources:** Resources including coastal waters, beaches, wetlands, intertidal flats, shellfish concentration areas, developed shorefront, and other resources as defined in the Connecticut Coastal Management Act and by Fairfield’s Municipal Coastal Program.

**Commercial Mooring:** A mooring as defined by the Corps of Engineers for which any type of fee is charged (excepting any fee charged by the Town for a mooring permit issued by the Harbormaster), and which must be authorized by a permit from the Corps of Engineers and the Connecticut Department of Environmental Protection. A mooring is considered “commercial” by the Corps of Engineers if there is a charge (either implicit or explicit, from user to owner) for the use of the mooring. Some examples of commercial moorings are rental moorings, service moorings, and moorings owned by yacht or boating clubs with membership fees.

**Commercial Vessel:** Any vessel, licensed or unlicensed, used or engaged for any type of commercial venture, including but not limited to the carrying of cargo and/or passengers for hire and commercial fishing.

**Connecticut Coastal Management Act:** The legislation contained within the State of Connecticut General Statutes, Sections 22a-90 through 22a-112, as may be amended from time to time, and which requires, in part, that municipalities review all major activities within their coastal boundaries for consistency with the policies established by the Act, and which also provides for the voluntary development of local Municipal Coastal Programs.

**Connecticut Harbor Management Act:** The legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t, as may be amended from time to time, and which authorizes municipalities to establish harbor management commissions and prepare harbor management plans.

**Corps of Engineers:** The U.S. Army Corps of Engineers which is the principal Federal agency with roles and responsibilities pertaining to Southport Harbor. These roles and responsibilities include authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain the Southport Harbor Federal Navigation Project.

**Cumulative Impacts:** The impacts on the environment that result from the incremental impact of an action when added to other past, present and reasonably foreseeable actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

**Department of Environmental Protection (DEP):** The principal State agency responsible for management of the State's natural resources. The DEP's Office of Long Island Sound Programs (OLISP) is responsible for ensuring that activities within the State's coastal area conform with the policies of the Connecticut Coastal Management Act and Harbor Management Act. The OLISP also reviews proposed development activities and issues or denies permits for the following activities: placement of structures below the high tide line; the placement of structures and filling in tidal wetlands; filling in coastal, tidal or navigable waters; dredging for navigation and disposal of dredged material; marine mining; and construction and maintenance of nonfederal channels.

**Dockominium:** A marina development and operation concept whereby the user of a boat slip or berth purchases fee simple title or a long-term lease (greater than one-year) for the use of that slip or berth.

**Dredging:** The excavation of sediments and other material from aquatic areas for the purpose of maintaining adequate depths in navigation channels and berthing areas as well as for other purposes.

**Emergency:** A condition of imminent or proximate danger to life or property that requires immediate action.

**Encroachment:** Any structure (including docks, piers, floats, pilings, moorings and other structures) and any other work (including dredging and filling) extending into any area below the high tide line or mean high water line without necessary Town, State and Federal approvals.

**Erosion:** The wearing away of the shoreline by the action of natural forces including wave action and tidal currents.

**Fairfield Harbor Management Commission:** The duly appointed body of the Town of Fairfield with responsibilities for preparing and implementing the Management Plan for Southport Harbor and with additional powers and duties authorized by the Connecticut Harbor Management Act.

**Fairfield Municipal Coastal Program:** The program/plan authorized by the Connecticut Coastal Management Act for guiding land use and protecting coastal resources in the Town's coastal area. The program is embodied in the Town's *Shore Area Plan*, and is carried out by the Fairfield Town Plan and Zoning Commission.

**Fairway:** A specific water area to be kept free of obstructions to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages, and berthing areas.

**Federal Navigation Project:** Authorized by Acts of Congress and maintained by the U.S. Army Corps of Engineers, Federal navigation projects may consist of designated channels and anchorages as well as dikes, breakwaters and jetties designed to maintain ease and safety of navigation. In the Southport Harbor Management Area, the existing Navigation project consists of a stone breakwater extending into Long Island Sound at the mouth of the Harbor, a dike along the eastern shore of the Inner Harbor, a channel with an authorized depth of nine feet and width of 100 to 400 feet, and an anchorage with authorized dimensions of six feet in depth, 300 feet in width, and 500 feet in length.

**Filling:** The act of adding or depositing material to replace an aquatic area with dry land or to change the bottom elevation of a water body.

**Floating Home:** Any structure constructed on a raft, barge or hull, moored or docked, and that is used primarily for single or multiple-family habitation or that is used for the domicile of any individual(s), and is therefore not water-dependent.

**Foreshore:** The part of the shore lying between the mean high water line and the mean low water line which is ordinarily traversed by the rising and falling tides and which is held in trust by the State of Connecticut for the public interest and use.

**Harbormaster:** The Southport Harbormaster appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes, and who shall serve as an ex-officio member of the Harbor Management Commission and have specific responsibilities for implementing the Management Plan for Southport Harbor.

**Hazard to Navigation:** Any obstruction, usually sunken, that presents a sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

**High Tide Line:** The line or mark left upon tide flats, beaches or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. Proposed work and structures seaward of the high tide line are subject to State regulatory authorities carried out by the Connecticut DEP. The high tide line is defined by a higher elevation than the mean high water line.

**Individual-Private Mooring:** A mooring belonging to an individual and authorized for use by a mooring permit issued by the Harbormaster.

**Intertidal Flats:** Coastal resources consisting of very gently sloping or flat areas located in the intertidal area and composed of muddy, silty and fine sandy sediments and generally devoid of vegetation.

**Live-Aboard Vessel:** Any berthed, anchored or moored vessel that is used as a temporary residence, secondary to the principal water-dependent recreational or commercial use of that vessel.

**Management Plan for Southport Harbor:** A plan for the balanced use of the Southport Harbor Management Area for recreational and other purposes and for the protection of environmental resources as prepared by the Harbor Management Commission, adopted by the Representative Town Meeting, and approved by the Connecticut commissioners of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes and Chapter 24 of the Fairfield Town Code.

**Marine Facility:** Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels and located within the Harbor Management Area.



**Marine Sanitation Device (MSD):** Any equipment installed on board a vessel to receive, retain, treat, or discharge sewage and/or to treat such sewage.

**Mean High Water Line:** The line along the shoreline representing the average height of the maximum elevation reached by each rising tide over a nineteen-year period immediately preceding the current year. Proposed work and structures seaward of the mean high water line are subject to Federal regulatory authorities carried out by the U.S. Army Corps of Engineers as well as State regulatory authorities. (State regulatory authorities also extend above the mean high water line to the high tide line which is defined by a higher elevation than the mean high water line.) All land and water areas seaward of the mean high water line are subject to the Public Trust Doctrine and held in trust by the State of Connecticut for public use. The mean high water line also marks the seaward boundary of the jurisdiction of the Fairfield Town Plan and Zoning Commission.

**Mean Low Water Line:** The line along the shoreline representing the average height of the minimum elevation reached by each falling tide over a nineteen-year period immediately preceding the current year.

**Moor:** To secure a vessel to the bottom of a waterbody by the use of mooring tackle.

**Mooring:** The place where, or the object to which, a vessel can be made fast by means of mooring tackle so designed that, when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

**Mooring Area:** An area designated by the Harbor Management Commission within which vessels may be moored provided a valid permit for such mooring is obtained from the Harbormaster.

**Mooring Tackle:** The hardware (e.g., chain, line, anchor, buoys, and other equipment) used to secure a vessel at a mooring location.

**Nonpoint Pollution:** Pollution that does not originate from a specific identifiable source (a sewage discharge pipe, for example). Types of nonpoint pollution include stormwater runoff from roads, parking lots and backyards, as well as atmospheric deposition. Precipitation can carry pollutants from the air to the ground and then gather more pollutants as the water runs off pavement and land to the nearest waterway.

**Obstruction to Navigation:** Anything that restricts, endangers or interferes with navigation.

**"100-year Flood":** A term commonly used to refer to a flood of the magnitude that has a one-percent chance of being equalled or exceeded in any given year. The "100-year" flood is the flood that is equalled or exceeded once in 100 years on the average, but the term should not be taken literally as there is no guarantee that the "100-year" flood will occur at all within the 100-year period or that it will not recur several times. The "100-year" flood is the standard most commonly used for floodplain management and regulatory purposes in the United States.

**Personal Watercraft:** Any Class A inboard vessel which has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing or kneeling.

**Public Access:** Physical and/or visual access to the Harbor Management Area that is available to all members of the general public and is therefore not limited to any particular groups or individuals.

**Public Trust Doctrine:** The doctrine based on the common law principle that certain lands and waters are so important to the public that private ownership or other impediments to public uses should not be permitted. Under the Public Trust Doctrine, the State of Connecticut holds title to the foreshore, open tidal waters, and submerged land under tidal waters seaward of the mean high water line as trustee for the public, and must administer the use of these lands in the public interest.

**Pump-out Facility:** A marine facility for pumping sewage from vessel holding tanks and then containing those wastes before proper disposal into a sewage disposal system.

**Riparian/Littoral Rights:** The rights of an owner of land contiguous to a navigable body of water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, the rights are said to be littoral rights. The terms “riparian” and “littoral” are commonly used interchangeably. Riparian rights may be defined as principally the right of access to the water, the right of accretions and relictions, and the right to other improvements. Littoral rights are usually concerned with the use and enjoyment of the shore.

**Section 10 and 404 Regulatory Programs:** The principal Federal regulatory programs, carried out by the U.S. Army Corps of Engineers, affecting work and structures below the mean high water line. The Corps, under Section 10 of the River and Harbor Act of 1899, regulates structures in, or affecting, navigable waters of the United States, as well as excavation or deposition of materials (e.g., dredging or filling) in navigable waters. Under Section 404 of the Federal Water Pollution Control Act Amendments (Clean Water Act of 1977), the Corps is also responsible for evaluating applications for Department of the Army permits for any activities that involve the placement of dredged or fill material into waters of the U.S., including adjacent wetlands.

**Shore Area Plan:** The plan adopted by the Fairfield Town Plan and Zoning Commission in 1983 in furtherance of Fairfield’s Municipal Coastal Program as authorized by the Connecticut Coastal Management Act. The *Shore Area Plan* focuses on coastal area land-use and protection of coastal resources.

**Slip:** Berthing space for a single vessel alongside a pier, finger float or walkway.

**Southport Harbor:** The lower, most tidally influenced section of the Mill River estuary, including an Inner Harbor extending southeast from the head of navigation at the Tide Mill Dam to the southern end of the Federal breakwater extending into Long Island Sound, and an Outer Harbor in Long Island Sound, and subject to the jurisdiction of the Harbor Management Commission.

**Southport Harbor Management Area:** All navigable waters and intertidal areas, including Southport Harbor and waters of Sasco Brook downstream of Route 1, defined in the Management Plan for Southport Harbor and Chapter 24 of the Town Code as subject to the jurisdiction of the Harbor Management Commission.

**Sub-Tidal Area:** The submerged land seaward of the mean low water line and not subject to the ebb and flow of the tide.

**Tidal Wetlands:** Wetlands subject to the ebb and flow of the tide and defined by State statute. Tidal wetlands are subject to the regulatory authorities of the DEP in accordance with Sections 22a-28 through 22a-35 (the Tidal Wetlands Act) and Sections 22a-359 through 22a-363f (the “Structures and Dredging” statute) of the Connecticut General Statutes.

**Transient Boaters:** Persons traveling to the Harbor Management Area by boat and staying for a temporary period of time.

**V-Zone:** The velocity zone, or the portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is subject to high velocity waters from wave action associated with the 100-year flood. Also called the coastal high hazard area, the V-Zone is usually determined by the area subject to wave heights of three feet or greater.

**Vessel:** As defined by State statute, every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

**Water-Dependent Uses:** Those uses and facilities as defined in the Connecticut Coastal Management Act that require direct access to or location in marine or tidal waters and which therefore cannot be located inland.

**Waters of the United States:** Currently defined by regulation to include all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.

## **CHAPTER 1:**

# **INTRODUCTION AND SUMMARY**

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This first chapter of the Management Plan describes some of the context and background for the Town of Fairfield's efforts to manage uses and activities in Southport Harbor — one of the most beautiful and historic harbors on the Connecticut shoreline. Included is a brief review of the Harbor's historic character and physical setting within the Town of Fairfield. Also included is a description of Harbor boundaries and the jurisdiction of the Fairfield Harbor Management Commission. The Town's efforts to prepare the Management Plan for Southport Harbor are reviewed, and a summary of some of the Plan's key components and of how the Plan will be implemented is presented. Chapter 1 concludes with a summary of some important benefits that the Town should realize through implementation of the Management Plan.

## THE TOWN OF FAIRFIELD

The Town of Fairfield, located in Fairfield County in southwestern Connecticut, covers approximately 32 square miles and had a population of 53,418 in 1990. The Town is bounded by the Town of Westport to the west, the City of Bridgeport and Town of Trumbull to the east, the towns of Easton and Weston to the north, and by Long Island Sound to the south. (See Figure 1-1.) New York City is about 50 miles to the west, and New Haven about 20 miles to the east. The Connecticut Turnpike (I-95), Post Road (U.S. Route 1), and Metro-North railroad pass through the southern part of Town in a generally east-west direction; the Merritt Parkway crosses the northern part of Town.

A good part of Fairfield's history, from the initial settlements in the 1600's to the present day, can be told with respect to the Town's location on Long Island Sound. Today, Fairfield's coastal area<sup>1</sup> adjoining the Sound contains residential and commercial development as well as recreational and municipal service facilities. The Town's 4.8-mile long shoreline is characterized by beaches, wetlands, watercourses, and other important natural features and resources that contribute importantly to the quality of life.

Four important tributaries to Long Island Sound flow through Fairfield. From west to east these are the Sasco Brook, Mill River, Pine Creek, and Ash Creek. Where the freshwater of these creek and river systems mixes with saltwater from the Sound, estuarine environments of particular ecological value and significance are created. Long Island Sound is itself an estuary, and was designated an "Estuary of National Significance" by amendments to the Federal Clean Water Act in 1987. The environmental quality of the Sound is greatly dependent on its tributaries and on the smaller estuaries and intertidal resources along its shores. The Sasco Brook, Mill River, Pine Creek, and Ash Creek estuaries, for example, function as living filters where pollutants are diluted and stabilized as tidewater and upland stormwater flow through marsh grass and over mudflats.

Sasco Brook forms part of Fairfield's boundary with the Town of Westport, and contains relatively undisturbed tidal wetlands in a mostly residential watershed. The Mill River flows through the center of Fairfield and is the Town's largest watercourse. The lower, most tidally influenced segment of the Mill River estuary is defined by Southport Harbor, a center of boating activity and one of the Town's most scenic and historic resources. The Pine Creek estuary occupies much of the central part of the coastal area, and is characterized by extensive wetlands and nearby municipal facilities such as the sewage treatment plant, "closed" landfill, and Town garage and storage sites. Ash Creek forms part of the Town's boundary with the City of Bridgeport, and flows through a highly urbanized watershed.

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<sup>1</sup> Fairfield's coastal area can be roughly described as the entire area south of the Post Road, plus the tidal sections of Sasco Brook, the Mill River and Ash Creek that extend north of I-95. The coastal area is described in the *Fairfield Master Plan* adopted by the Town Plan and Zoning Commission (TPZ) in 1979, the Town's *Shore Area Plan* adopted by the TPZ in 1983, the Fairfield Conservation Commission's draft "Multiple Use Management Plan for Coastal Open Space," January 1994, and in other reports and studies.

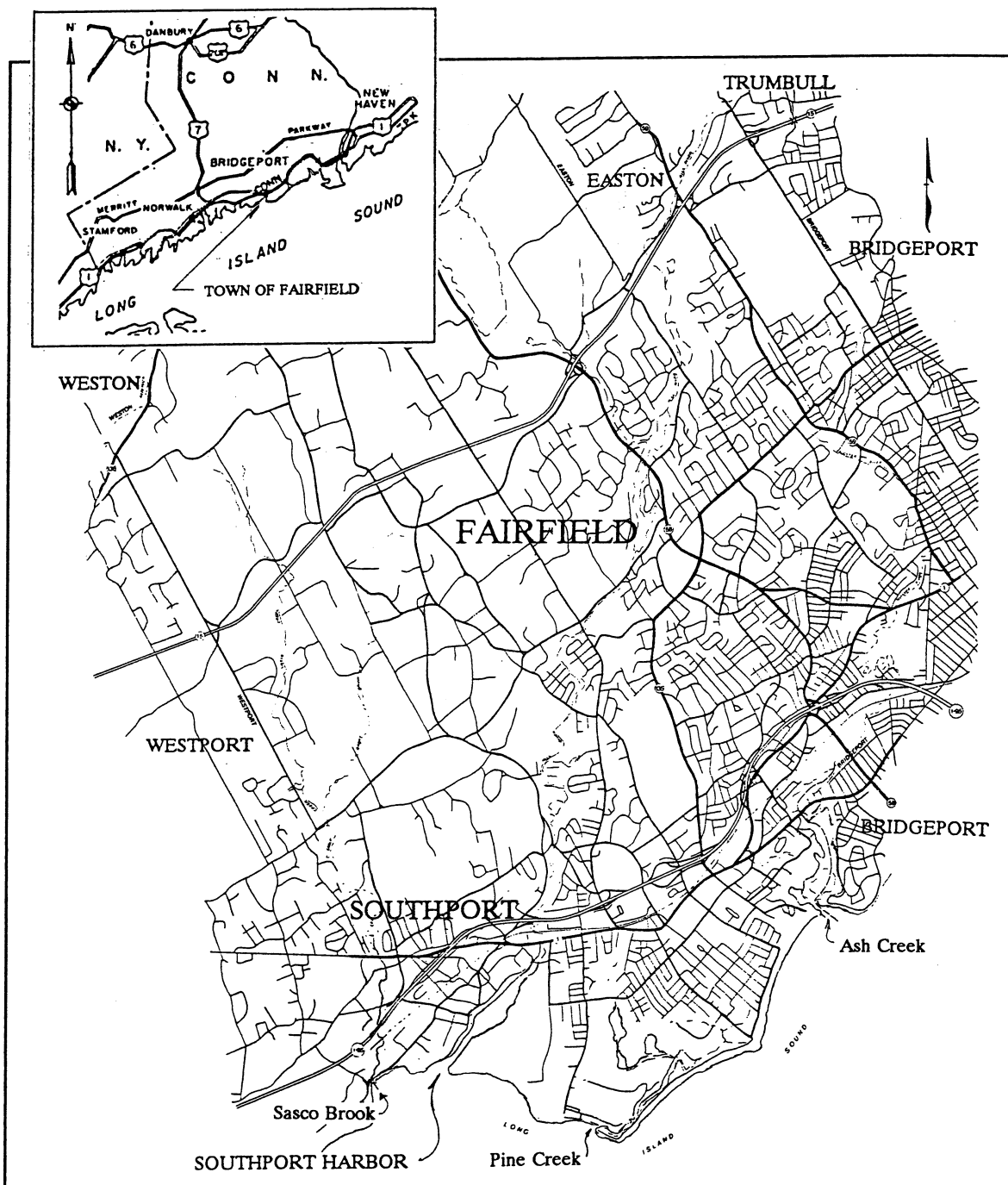


Figure 1-1: Fairfield, Connecticut.

The *Fairfield Master Plan* and *Shore Area Plan* provide important guidance for the growth of the community and protection of the Town's natural and cultural resources. The *Master Plan* encourages preservation and improvement of the various neighborhood districts that help give Fairfield its special character, including the historic Southport district in the southwest part of Town. The *Shore Area Plan* includes guidelines for protection of beaches, tidal wetlands, intertidal flats, shellfish resources, estuarine embayments and other natural resources in and near the Town's coastal river systems, including the Mill River/Southport Harbor system.

## SOUTHPORT HARBOR

In the 17th century, the area now known as Southport west of the Mill River was used for pasture and farming. It was not until about 1760 that Southport (or Mill River, at it was then called) began to grow into a waterfront village adjoining the natural harbor at the mouth of the River. (See "Walking Through History, The Seaports of Black Rock and Southport" by Charles Brilvitch.) Southport Harbor and the surrounding land areas today contain some of Connecticut's most valuable coastal resources. Historically, the Harbor played a prominent role in the development of Fairfield, and it continues to exert a major influence on the area's quality of life. The sheltered water of the Harbor, the vessels docked and moored in that water, historic buildings, adjacent open space, tidal wetlands, and other features combine to create a physical setting and visual image that are unique on the Connecticut coast. The Southport Harbor environment creates a strong and lasting impression on visitors and Town residents alike.

While Southport Harbor (see Figure 1-2) is now used primarily by pleasure craft, the waters of the Harbor once supported a bustling maritime trade. From about 1760 to 1900, the Harbor served as one of the region's major commercial maritime centers as "market boats" carried a variety of cargoes to nearby and distant ports. Among the Harbor's exports, onions were most prominent, but other produce from the region also came to Southport for shipment. Twelve wharves were eventually built along Southport's short strip of waterfront. At one time, four shipyards were in operation, constructing all types of vessels from small sloops to large ocean-going ships.

During the 1800's, the business of the port of Southport grew out of all proportion to the size of the community. By 1836, "more shipping was owned in Southport in proportion to its size than in any other port between New York and Boston." (See "Three Hundred Years on the Harbor" by the Sasqua Garden Club.) During this period, it was written that "views of Sasco Hill and the Sound were between stores and through masts and rigging punctuated with the cackling of poultry and permeated by the odor of onions." Roadways in the vicinity of the wharves were often blocked with produce carts. (See "The Southport (formerly Mill River) Harbor" by John H. Perry.)



**Figure 1-2:** *Southport Harbor with the Federal Breakwater and Country Club of Fairfield Beach in the Foreground.*

In the early days, the Harbor was served by two entrance channels — one as currently used; the other was to the east toward Sasco Hill. Vessels entered the Harbor through whichever channel the wind favored. In the 1820's, a Southport Harbor Federal Navigation Project was authorized to help keep the Harbor entrance open to navigation. When work on an inner dike (claimed to be the first built along Long Island Sound at Federal government expense) was started in about 1829 to keep mud and silt from choking the Inner Harbor, the eastern channel "silted up." This area was later completely filled and is now occupied by the Country Club of Fairfield. At the same time as the inner dike was built, a Federally authorized breakwater was constructed at the mouth of the Harbor to protect the shallow entrance channel. The Navigation Project was expanded in 1878 to provide a dredged channel from Long Island Sound to the Southport docks. Until the late 1880's, dredging of the Harbor channel was accomplished by local groups working at low tide and using teams of oxen to scrape the bottom.

The opening of the New Haven Railroad in 1848, along with a decrease in local agricultural productivity, eventually led to the end of maritime commerce in Southport Harbor. In 1903, a reported 25,000 tons of goods were shipped through the Harbor, but by 1915 the shipments amounted to only a few tons of shellfish and coal. By 1919, the level of commercial activity in the Harbor was reduced to a few lobster and shellfish boats. This is the level of commercial activity that remains today.



The departed market boats, however, were soon replaced by recreational vessels, and the previous energy of commercial activity was eventually matched by an interest in yachting. Establishment of the Pequot Yacht Club in 1920 served to establish and promote this interest. As a result, the Harbor retained its vitality and continued as a focal point of community activities. Today, the major uses of the Harbor are recreational boating uses. In recent years, the Harbor has also served as a base of operations for a few commercial and recreational lobstermen, and some commercial shellfishermen gather seed oysters in the spring and fall for subsequent transplanting and depuration in cleaner waters. Recreational fishermen regularly try their luck from accessible shore areas.

Since its initial authorization in the 1820's, the Southport Harbor Federal Navigation Project has been modified by various Acts of Congress to serve the needs of Harbor users. The existing Navigation Project consists of several components: the breakwater extending into Long Island Sound at the mouth of the Harbor; the dike along the eastern shoreline; a channel nine feet deep; and an anchorage six feet deep. The U.S. Army Corps of Engineers is responsible for maintenance dredging of the Harbor, which was last dredged in 1961.

The Tide Mill Dam, constructed in the early 1700's, marks the head of navigation and northern boundary of the Harbor. Most of the land adjoining the Harbor is privately owned. The golf course of the Country Club of Fairfield occupies much of the Harbor's eastern shoreline. On the west side, the Town Boat Yard and Perry Green provide opportunities for public access to the water. The Town Boat Yard is the smaller of two Town marinas (the 700-slip South Benson Marina near the mouth of Ash Creek is the other), and supports boating access for recreational boaters and commercial fishermen. The Boat Yard also affords views of the Harbor and Long Island Sound, and opportunity for fishing from the shore. Perry Green is a grassy waterfront area with views of the Harbor and opportunities for limited access to moored boats. The Green is enjoyed by Fairfield residents and visitors to the Southport Historic District. Adjoining the Green to the north is the Pequot Yacht Club, the Harbor's most noticeable water-dependent facility.

The Southport Historic District was established in 1966 to protect the historic and aesthetic character of the Southport waterfront and nearby areas. In 1971, the Southport Historic District was added to the National Register of Historic Places. Within the historic district, "the visual character is one of an old colonial waterfront village with tree-lined and narrow winding roads, slate-slab sidewalks, flower gardens, massive brick chimneys, small-paned windows, white or brick fences, weathered shakes, narrow clapboards, and even brick walls covered with ivy" (from the *Fairfield Master Plan*).

In addition to recreational, cultural and aesthetic values, Harbor resources also provide vital ecological functions. Tidal wetlands in the Harbor, for example, provide valuable fish and wildlife habitat and water quality functions. The largest wetland is on the east side of the Harbor, extending from north of the Country Club to the Tide Mill Dam. Intertidal flats, visible along the shoreline at low tide, also have important fish and wildlife and water quality values. Described in the Town's

Shellfish Management Plan, Southport Harbor contains valuable and productive shellfish habitat, and is designated as a "natural" shellfish ground for public use. However, the Harbor is also classified as a "prohibited" shellfish area by the State of Connecticut, meaning that shellfish can not be harvested for direct consumption, but may be harvested and transplanted to other, cleaner water for depuration. Two important tributaries to the Harbor are Horse Tavern Creek on the west side, and the lagoon of the Country Club of Fairfield on the east side. Much of the shoreline, including most of the Country Club's golf course, is within the "100-year" floodplain.

## **BACKGROUND OF THE MANAGEMENT PLAN**

Over the years, the Town of Fairfield and residents of Southport have undertaken a number of actions to preserve Harbor resources and maintain safe and beneficial use of the Harbor. These date back to the 1800's when local residents repaired the dike and breakwater, and used oxen to scrape and deepen the Harbor channel. The existing Federal Navigation Project for Southport Harbor was completed in the 1930's. In accordance with House Document 36 (74th Congress) and the Town's letter to the Secretary of war dated May 25, 1935, the Town was charged by the Federal government in 1935 with management of the Harbor. (See Appendix A, which includes a chronology of the Federal Navigation Project, and the description of the Federal Project in Chapter 2.) Thereafter, the Town entered into agreements partially delegating this responsibility. An imaginary line (known as the "Sullivan Line"; see Figure 2-14 in Chapter 2) was drawn across the Harbor about two-thirds of the way up the Federal Navigation Project. The Pequot Yacht Club was assigned partial management responsibility north of this line, and a concessionaire (Mr. Howard Burr, doing business as Ye Yacht Yard) was to manage certain activities south of this line and at the Town Boat Yard near the south end of Harbor Road. A group of moorings off Perry Green continued to be managed by the Town through its Park Commission. The Town's agreements with the Yacht Club and concessionaire have since been modified to place all water areas under the supervision of the Harbor Management Commission and Harbormaster.

In recent years, several important issues concerning use and management of Southport Harbor have arisen. Perhaps the most basic issues concern the capacity of the Harbor to accommodate boating and other water-dependent uses as well as the diverse interests of a number of concerned individuals, groups, and government bodies. The Harbor is relatively small, its natural resources are fragile, and increased use or poorly managed use raises the possibility of adverse impacts affecting not only the natural environment, but also public safety and the existing historic and aesthetic character of the Southport Historic District.

Access to the Harbor is an especially important concern. Consistent with the Public Trust Doctrine, individuals and organizations do not own underwater land or land subject to the ebb and flow of the tide in Southport Harbor. The State of Connecticut holds the foreshore, open tidal waters and submerged land seaward of the mean high water line in trust for the benefit of all residents of the State. As a result, the general public has important rights of navigation and access

below the mean high water line, and Southport Harbor should therefore be “open to all on an equal basis” in accordance with State and Federal laws and regulations. Public rights to use the Harbor, however, must be balanced with the riparian/littoral rights of shorefront property owners for access to the Harbor, and with other private property rights. There is need to balance reasonable opportunities for public access to the Harbor with the very limited availability of parking space. Harbor use and access must also be balanced with the need to protect a sensitive natural environment and the existing historic and aesthetic character of the areas adjoining the Harbor. As a result, opportunities for public access to the Harbor must be carefully planned and controlled so as to be consistent with the capacity of the Harbor to accommodate that access.

Other, more site-specific, issues have also affected use and management of the Harbor. For example, the unauthorized encroachment into the Federal Navigation Project of specific docks and berthing facilities constructed some years ago by the Pequot Yacht Club (PYC) was of concern to Town, State and Federal authorities. The U.S. Army Corps of Engineers and Connecticut Department of Environmental Protection (DEP) directed that these encroachments be corrected to achieve compliance with State and Federal laws and regulations. Representatives of the Corps of Engineers informed the Town that if the encroachments were not corrected, Federal funds would not be allocated for dredging of the Navigation Project in the future. (Described in following chapters of the Management Plan, the PYC removed the encroaching structures, to the satisfaction of the Corps of Engineers and DEP, in the course of work on the Harbor Management Plan.)

These and other concerns highlighted the importance of active involvement and long-range planning by the Town to help protect harbor resources and ensure the safe, equitable and efficient use of Southport Harbor. It became clear to Town officials and many residents that a Town plan would be necessary to protect the Harbor environment and guide the future use of limited and sensitive resources in a manner to address the interests of all concerned. In 1984, Fairfield’s First Selectman appointed a Town Harbor Management Advisory Committee to prepare rules and regulations for harbor administration, and to address issues raised by the Corps of Engineers with respect to public access and encroachments into the Navigation Project. An “Interim Plan” was prepared by the Committee in 1985 but not accepted by the Corps of Engineers and DEP.

Also in 1984, the Connecticut legislature enacted the State’s Harbor Management Act (P.A. 84-287; Sections 22a-113k through 22a-113t of the Connecticut General Statutes), which authorizes municipalities to establish Harbor Management Commissions and develop harbor management plans consistent with State law and guidelines. The intent of this Act was, in part, to increase the authority and control of local governments over matters pertaining to the use and condition of their harbors.<sup>2</sup>

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<sup>2</sup> See: *Connecticut Gen. Assembly House Proceedings 1984*, Vol. 27, Part 1, pages 305-306, 4200-4209; *Connecticut Gen. Assembly Senate Proceedings 1984*, Vol. 27, Part 1, pages 313, 1600-1602, 1611; and *Joint Standing Committee Hearings, Environment Part 1, 1984*, pages 16-21, 30-33, 41, 42-45, 49-52. See also Chapter Three.

Following passage of the Harbor Management Act, Fairfield decided to establish a Harbor Management Commission as authorized by the Act. The Fairfield Harbor Management Commission was officially established by Town ordinance (Chapter 24 of the Fairfield Code) in July of 1986. The Commission was empowered to prepare a Town management plan for Southport Harbor, consistent with authority provided by the State Act. In this regard, the Harbor Management Commission is no different from all other Town commissions — the Town Plan and Zoning Commission, Conservation Commission, Park Commission, and Historic District Commission, for example — all of which are authorized to function by State enabling legislation.

The area of jurisdiction of the Fairfield Harbor Management Commission — described in the Management Plan as the Southport Harbor Management Area (HMA) — is established in Chapter 24.3 of the Fairfield Code. As currently defined, the Commission's area of jurisdiction is limited to Southport Harbor and adjoining waters, and does not include all of the Town's marine jurisdiction. The Commission has three distinct sub-areas of jurisdiction, described below and shown on Figures 1-3 through 1-6, as defined by the Town ordinance:

- SOUTHPORT INNER HARBOR, which extends southwest from the head of navigation at the Tide Mill Dam (also called the Mill Pond Dam) to the southern end of the Federal breakwater extending into Long Island Sound. (The distance from the Tide Mill Dam to the end of the Federal breakwater is slightly more than one mile.)
- SOUTHPORT OUTER HARBOR, which includes “the area bounded on the north by Southport Beach, the entrance to the Inner Harbor, and Sasco Hill Beach [including, for the purpose of this definition, the Country Club of Fairfield beach]; on the east by a line running southeast from Kensie Point through Sunken Island, then running south to Bell “R-22”, then running northwest to the Westport boundary at the approximately five-foot deep waters of Long Island Sound, then running along the Westport boundary to Sasco Brook, and including the Southport Light and nine-foot buoyed channel.”
- THE SASCO BROOK AREA, which includes the “area east of the center-line of Sasco Brook from the bridge at the Boston Post Road (U.S. Route 1) to the waters of Long Island Sound.” (The lower reaches of Sasco Brook form part of the boundary between Fairfield and the Town of Westport.)

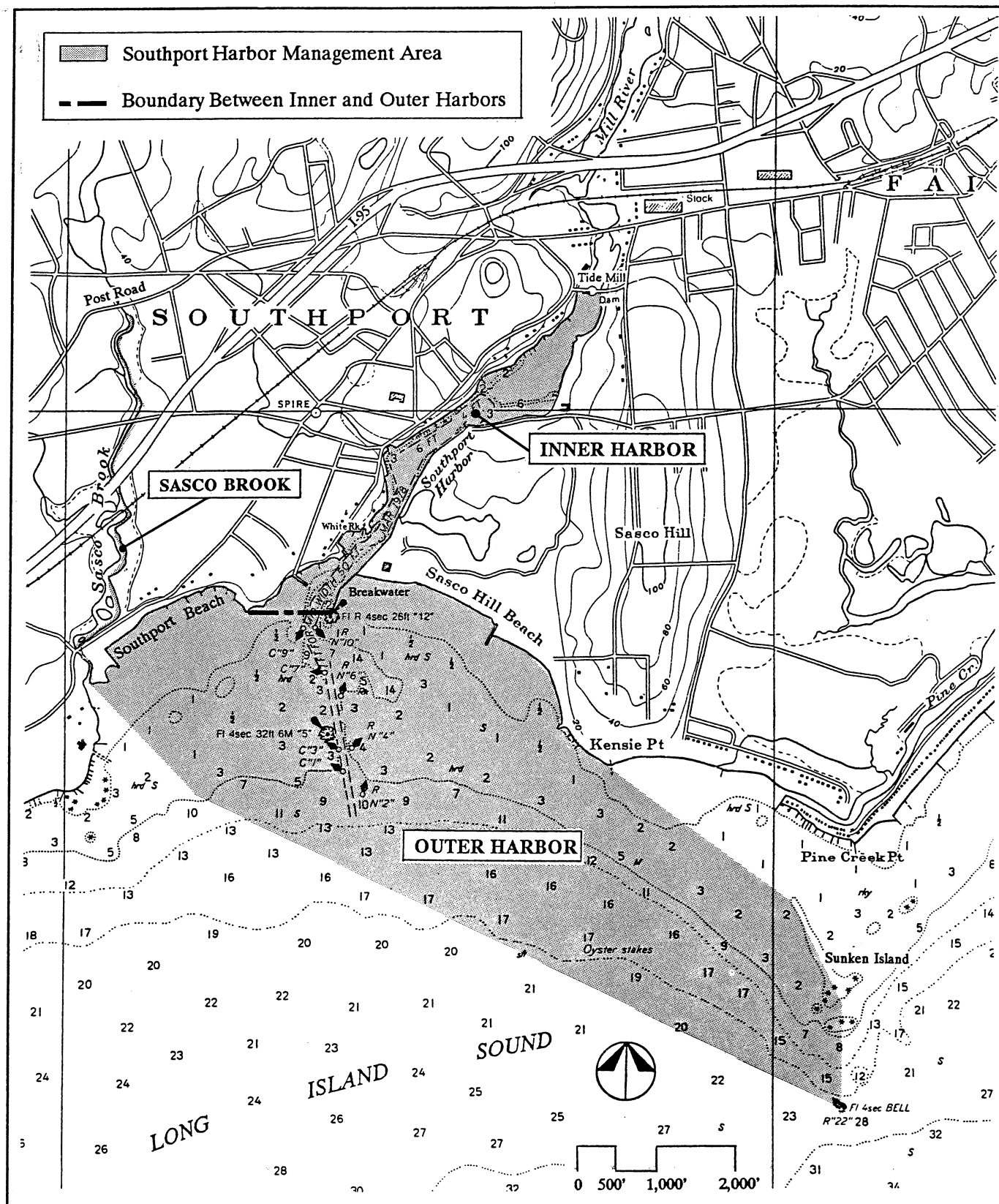
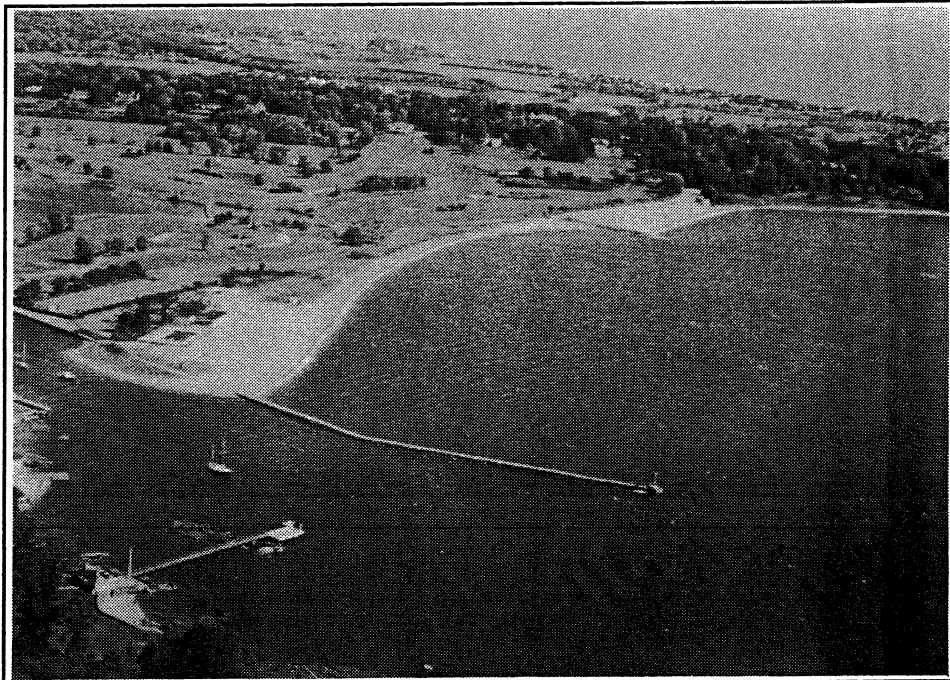


Figure 1-3: Harbor Management Area Boundaries.



**Figure 1-4:** *Southport Inner Harbor with Town Boat Yard in Left Foreground.*



**Figure 1-5:** *Outer Harbor Looking Toward Sasco Beach with the Breakwater in the Foreground and the Country Club of Fairfield Beach.*





**Figure 1-6:** *Sasco Brook, Southport Beach, and Western Part of the Outer Harbor.*

Immediately following its appointment in 1986, the Harbor Management Commission began to prepare a management plan to resolve the identified conflicts pertaining to the use and condition of the Southport Harbor Management Area, and to address the concerns of all the different groups with an interest in the area. The planning process was lengthy because some of the issues addressed are complicated, and because of the number of individuals, groups and government agencies with different interests concerning the HMA. The existence of these different individuals, groups and agencies contributed to the conflicts and to the difficulties in finding consensus solutions to the conflicts. In preparing the Plan, the Commission worked to serve the best interests of the larger community, not the interests of any one group. The Commission made every effort to hear from and consider the comments of all concerned parties, and throughout the planning process sought input from the general public, Town officials, and government agencies with relevant roles and responsibilities. In addition, the Commission gave all concerned citizens and officials the opportunity to express their views at the Commission's regularly scheduled monthly meetings.

To prepare the Management Plan, the Commission: 1) analyzed conditions in the Harbor Management Area; 2) assessed the laws, programs, and authorities pertaining to the HMA; 3) identified and evaluated problems and issues of concern; 4) prepared management goals, objectives and policies to guide use of the HMA; and 5) formulated specific recommendations to implement the goals, objectives and policies.

The Commission completed its first draft Plan in February of 1989, and held a public hearing in April of that year to hear comments on the draft Plan. All of the comments were considered by

the Commission and, where appropriate, incorporated into a second draft entitled "The Management Plan for Southport Harbor, Draft for Town Review" (February 1991). That draft was distributed to Town commissions and departments concerned with the Harbor Management Area, and separate meetings were then held with the Town's Park Commission, Shellfish Commission, and Conservation Commission, and with representatives of the U.S. Army Corps of Engineers and Connecticut Department of Environmental Protection, to discuss the draft Plan. Based on the ensuing discussions and comments, the Commission prepared a revised draft entitled "The Management Plan for Southport Harbor, Draft for Public Review" (December 1991). That draft was made available to the public, and a special meeting held on January 29, 1992 to hear public comments. Following that meeting, the Commission carefully reviewed all comments received, held a number of additional meetings with concerned parties and agencies, and conducted additional research and studies in response to the public comments. The Commission then prepared "The Management Plan for Southport Harbor, Draft for Agency Review and Approval," dated April 1993.

In May 1993, the Commission submitted the Draft for Agency Review and Approval, in accordance with Section 22a-113m of the Connecticut General Statutes, to the Connecticut commissioners of Environmental Protection and Transportation for review and approval, and to the U.S. Army Corps of Engineers for review, comments and recommendations. The Commission received a formal response from the State of Connecticut in a March 10, 1994 letter from the Assistant Commissioner of Environmental Protection to the Harbor Management Commission. In that letter it was stated that the Plan was not yet approvable because several issues related to allocation of public trust resources in the Harbor were not adequately addressed in the Plan. The Commission considered those issues, and described appropriate Plan modifications in a May 4, 1994 letter to the Assistant Commissioner. In June 1994, an agreement in principle between the Commission and the DEP was reached whereby it was understood that if all Plan modifications described by the Commission in its May 4 letter were clearly articulated in a revised Plan, the Plan would be approvable by the State of Connecticut. The Commission then prepared "The Management Plan for Southport Harbor, Revised Draft for Agency Review and Approval" (August 1994) and submitted this revised draft to the DEP for final review and approval in September 1994. The revised draft was modified by the Commission in December 1994 and resubmitted in January 1995 for State approval. The draft Plan was approved by the Connecticut Department of Environmental Protection and Department of Transportation in February 1995.

## **WHAT DOES THE PLAN INCLUDE?**

The Management Plan is organized in six chapters and includes several appendices. Chapter 1 presents introductory, background and summary information; Chapter 2 describes existing conditions in the Harbor Management Area, including environmental conditions and water and waterfront uses; Chapter 3 reviews the existing authorities and responsibilities for managing the HMA, as well as the different commissions, groups and agencies with Harbor-area interests; and Chapter 4 describes the harbor management issues and concerns that should be addressed by the Town. The actual Plan is



presented in Chapters 5 and 6. Chapter 5 presents goals, objectives and policies for guiding the use and protection of Harbor resources. Chapter 6 contains specific recommendations for managing the HMA and implementing the goals, objectives and policies. Chapter 6 also contains the Southport Harbor Water-Use Plan which illustrates a number of the Plan recommendations. The Appendices include the results of several special studies of Harbor conditions conducted in the course of work on the Management Plan. Also included as appendices are a draft Town Ordinance for implementing certain aspects of the Plan, the Harbor Management Commission's Rules and Procedures for Mooring and Anchoring Vessels, and a copy of the Connecticut Harbor Management Act.

The Plan establishes the following basic goals for management of the Southport Harbor Management Area:

1. TO STRENGTHEN THE ROLE OF THE TOWN OF FAIRFIELD IN THE PLANNING, MANAGEMENT AND REGULATION OF WATER USES AND ACTIVITIES IN THE SOUTHPORT HARBOR MANAGEMENT AREA.
2. TO MAINTAIN AND ENHANCE BOATING AND NAVIGATIONAL FACILITIES FOR THE BENEFIT OF ALL HARBOR USERS.
3. TO MAINTAIN AND ENHANCE HARBOR OPPORTUNITIES FOR OTHER TYPES OF WATER-BASED USES AND ACTIVITIES, IN ADDITION TO RECREATIONAL BOATING USES AND ACTIVITIES.
4. TO PROTECT AND, WHERE FEASIBLE, IMPROVE THE QUALITY OF THE NATURAL ENVIRONMENTAL RESOURCES IN THE HARBOR MANAGEMENT AREA.
5. TO ASSURE THAT USES AND ACTIVITIES IN THE HARBOR MANAGEMENT AREA DO NOT AFFECT THE QUALITY OF LIFE IN THE ADJACENT RESIDENTIAL AND OTHER SHOREFRONT AREAS.

These goals establish the basic purposes of the Plan; they are directed toward achieving balance between use of the Harbor Management Area for recreational and other purposes on the one hand, and protection of the area's natural and cultural resources and the existing character and quality of life associated with the HMA on the other. The broad goals and their accompanying objectives establish the framework for the Plan's management policies and more specific recommendations.

Among the many specific management recommendations presented in the Plan are recommendations whereby:

- A Federal Navigation Project, modified to achieve consistency with current and historical mooring and anchoring use and current navigational needs, will be maintained in Southport Harbor.

- The section of the existing Navigation Project from the “bend in the breakwater” to the six-foot anchorage will be redesignated to include a channel and an anchorage, thereby allowing continued mooring use in this area.
- Seasonal placement of an additional floating dock at the Pequot Yacht Club is recommended to supplement the existing Yacht Club service dock. The additional dock is necessary to afford safe and efficient use of the service dock by the Yacht Club and general public.
- The Federal Navigation Project will also be redesigned to provide opportunity for establishment of a mooring area for use by the Pequot Yacht Club. To balance the establishment of such a mooring area, the Yacht Club will provide certain boating services to the general public and otherwise assist the Harbor Management Commission with the ongoing management of Southport Harbor in the public interest.
- All Harbor mooring locations will be carefully planned and controlled by the Harbor Management Commission and Harbormaster. Limits will be placed on the number and size of boats to be moored in the Harbor so as not to exceed the capacity of the Harbor to safely accommodate boats in an environmentally sound manner. Specific guidelines are established to guide decisions concerning the number and size of boats to be moored in the Harbor at any one time.
- Appropriate mooring and anchoring space will be provided for commercial fishing vessels.
- All existing Harbor mooring locations allocated and used in accordance with past mooring allocation procedures will be recorded on a single list of mooring locations maintained by the Harbormaster. All those currently on existing waiting lists for mooring locations will be combined into a new single waiting list. This waiting list will then be opened to all applicants; there will be no discrimination based on Town of residence or any other factor.
- Regulations for use of the Town Boat Yard will be modified to allow any nonresident holder of a mooring permit to purchase a permit to park at the Boat Yard. Consistent with the capacity of the Boat Yard site, a limited number of nonresidents will also be allowed to purchase, on a daily basis, a permit for use of the boat launching ramp at the Boat Yard.
- The Harbor Management Commission and Park Commission will work cooperatively to address public concerns affecting use of the Town Boat Yard, and to ensure coordination and consistency between the provisions of the Management Plan and administration of the Boat Yard.

## PLAN IMPLEMENTATION

It must be emphasized that although the Harbor Management Commission and Harbor Management Plan are authorized by State enabling legislation, the Plan is not a State Plan. It was prepared by the Town, in accordance with some basic State guidelines, based on Town needs and conditions, and will give the DEP and Corps of Engineers no more authority than they already have in Town waters. The Harbor Management Plan should be viewed as an important opportunity to increase the Town's role in future decisions affecting Southport Harbor — decisions that previously have been made primarily by State and Federal agencies.

In accordance with State law, the Plan, and any amendments or modifications to the Plan that may be proposed in the future, must be submitted to the Corps of Engineers for review, comments and recommendations, and to the State commissioners of Environmental Protection and Transportation for review and approval. Before it can take effect, the Plan (and any approved amendments or modifications) must then be adopted by Fairfield's Representative Town Meeting (RTM) following a public hearing. The Plan itself is not an ordinance, but should be adopted by ordinance, in accordance with Section 22a-113m of the Connecticut General Statutes. The "ordinance" by which the Harbor Management Plan is adopted will be short and simple — more in the form of a resolution than a typically drafted ordinance. To implement certain provisions of the Plan, however, it will be necessary to adopt some revisions to the existing Chapter 24 of the Town Code concerning harbor management. Draft revisions to Chapter 24 are included as Appendix E of the Plan.

The Plan can not identify every issue or concern that is likely to affect the Southport Harbor Management Area in the future, nor can it provide a definitive answer to every problem. The Plan provides a Town policy and decision-making framework to guide the Town's future actions as well as the actions of State and Federal agencies. The Harbor Management Commission will work within that framework to manage the use and conservation of harbor resources and, where necessary, improve conditions in the Harbor Management Area.

The Plan will be carried out primarily through the actions of the Harbor Management Commission, other Town commissions and departments, the State-appointed Harbormaster, and relevant State and Federal agencies. Also, in accordance with the Plan, the Pequot Yacht Club will provide certain boating services to the general public and assist the Harbor Management Commission with respect to management of the Harbor in the public interest. Some of the implementation actions recommended in the Plan are summarized below.

- **The Harbor Management Commission.** The Harbor Management Commission will carry out necessary actions to ensure continued boating and navigation safety in the Southport Harbor Management Area. Among its responsibilities, the Commission will carry out a "Harbor Management Consistency Review" process, and review certain proposals potentially affecting the Harbor Management Area to determine their consistency with the Harbor Management Plan. Once the Plan is approved by the State of Connecticut and adopted by the Town, proposed

governmental and private activities affecting the HMA will be reviewed by the Commission for consistency with the goals, objectives, policies, and recommendations contained in the Plan. The Commission's review will be carried out within the existing time frames used by other Town, State and Federal agencies in their review of applications, and will therefore not add to the time required for processing development applications. The Commission will review applications to Fairfield commissions and departments, as well as to the State Department of Environmental Protection and U.S. Army Corps of Engineers for consistency with the Management Plan. The Commission will also serve in an advisory capacity on all Town-supported planning and development initiatives that affect the HMA.

The Commission will work cooperatively with the Fairfield Shellfish Commission and Conservation Commission to protect coastal resources in the Harbor Management Area, and with the Historic District Commission to protect the historic/scenic qualities of the Harbor. In addition, the Harbor Management Commission will work cooperatively with the Fairfield Park Commission to provide appropriate access to the HMA, and with the Shellfish Commission to facilitate the harvesting of shellfish from the HMA.

The Harbor Management Commission will be responsible for conducting an ongoing examination of the effectiveness of the Plan, and will update or modify the Plan as necessary to respond to changing conditions.

- **Other Town Commissions and Departments.** Town commissions and departments with authority to review and approve proposals for activities affecting the HMA will, as part of their review and approval procedures, also refer those proposals to the Harbor Management Commission for review and comment as part of the Harbor Management Consistency Review process. In addition, Town commissions and departments proposing actions themselves that would affect the HMA will do so consistent with the Plan and refer their proposals to the Harbor Management Commission for review and comment.

The Park Commission, Conservation Commission, Shellfish Commission, Historic District Commission, Police Department, and other Town commissions and departments with roles and responsibilities affecting the HMA will work cooperatively with the Harbor Management Commission to achieve the goals and objectives established in the Management Plan.

- **The Harbormaster.** The Southport Harbormaster is responsible for the general care and supervision of the waters defined by Southport Harbor. In accordance with Section 15-1 of the Connecticut General Statutes the Harbormaster must exercise his duties in a manner consistent with the approved and adopted Plan. The Harbormaster will work cooperatively with the Harbor Management Commission to implement the Harbor Management Plan, and will carry out his responsibilities, including his responsibilities for issuing mooring permits, in accordance with the Plan.

The Harbormaster will be responsible for issuing all mooring permits, approving all mooring locations, and collecting any mooring permit fees that may be specified by Town ordinance. The Harbormaster will also maintain complete and accurate records of all mooring permit applications, permit fees, mooring locations, and moored vessels. He will supervise the placement of mooring tackle to ensure that it is properly located in suitable areas, and he may inspect any mooring tackle to ensure conformance with safe mooring tackle guidelines that may be established by the Harbor Management Commission.

- **State and Federal Government Agencies.** Actions by State and Federal government agencies should also be consistent with the Harbor Management Plan. Following adoption of the Plan, the State DEP and Corps of Engineers will forward copies of the permit applications received by these agencies to the Harbor Management Commission. The Commission will comment regarding the consistency of those applications with the Plan. The DEP and Corps of Engineers will then have to incorporate the Commission's findings into their overall review and decision process, thus providing for a strengthened Town role in decisions that heretofore have been made, for the most part, outside of the Town.

The DEP and Corps of Engineers will support the recommended redesign of the Southport Harbor Federal Navigation Project to achieve consistency with current and historical mooring and anchoring use and current navigational needs. The Corps of Engineers will maintain the Navigation Project as necessary to maintain navigation safety and beneficial use of Southport Harbor.

- **Pequot Yacht Club.** As a significant water-dependent facility contributing importantly to the existing historic and aesthetic character of the Harbor, the Yacht Club will provide certain boating services and other assistance that will contribute to the ongoing management of the Harbor in the public interest. The Yacht Club will allow nonmember boaters to use its service dock, including use for the purchase of ice and fuel, and emergency docking for disabled vessels. In addition, for as long as the Yacht Club maintains a commercial mooring area outside of the redesigned Federal Navigation Project, the Yacht Club will provide a sewage pump-out facility for public use, provide launch service to transient boaters, assist with the required inspection and removal of mooring tackle, and provide for transient use of moorings, including use by the Town's Shellfish Commission.

Costs of implementing the Plan should be minimal. Many of the Plan's goals, objectives, policies, and recommendations will be applied and implemented through already existing programs and activities with no added cost to the Town. The Harbor Management Commission, for example, will apply the Plan's goals, objectives, policies, and recommendations to its review of Town proposals and State and Federal permit applications, and then formulate recommendations that must be considered by the other Town commissions and departments and by the DEP and Corps of Engineers when acting on these proposals and applications.

Some of the longer-term recommendations (for dredging outside of the Federal Navigation Project, improving Town Boat Yard facilities, water quality monitoring, and other special projects, for example) would require future expenditures of Town funds, but only if the Town chooses to implement those recommendations. The Plan does not commit the Town to future expenditures, but provides a basis for implementing the recommendations should funds be available in the future. Costs to private citizens will take the form of a modest annual fee (not to exceed the amount authorized by Section 22a-113s of the Connecticut General Statutes) for those receiving mooring permits. This fee will be charged by the Town to cover the costs of issuing a mooring permit to ensure the safe and equitable allocation of moorings within Southport Harbor. In accordance with Section 22a-113s, all fees collected will be deposited into a special Town account, and used exclusively for the maintenance and improvement of the Harbor Management Area, and for necessary expenses directly related to the function of the Harbor Management Commission and Harbormaster. The Harbor Management Commission will work with the Town's Board of Finance to ensure that a proper accounting of all funds generated by mooring fees and any other means is maintained, and that these funds are available for purposes of maintaining and improving the Harbor Management Area.

## **BENEFITS FROM THE PLAN**

The Management Plan for Southport Harbor will provide a solid basis for protection of the natural environment of the Harbor Management Area, and will increase and strengthen the Town's involvement in matters relating to the HMA. For example:

- 1. The Town will have a strengthened role in the planning, management and regulation of in-water and waterfront activities.** While Fairfield has had some limited State-delegated authority to respond to some of the problems and issues affecting the Harbor Management Area, without a harbor management plan it lacks authority to address a number of important water-related concerns. All tidal waters, submerged lands and intertidal areas are held in trust by the State of Connecticut for the benefit of the general public, and just about everything that takes place below the high tide line and mean high water line is subject to the control and jurisdiction of the State and Federal government.

Through its Harbor Management Commission and the Town Harbor Management Plan, however, Fairfield has the opportunity for an expanded role in the planning, management and regulation of water uses and activities. An important aim of the State legislation that authorized municipalities to establish harbor management commissions and prepare harbor management plans was to create this expanded role. The Plan will provide the basis for an increased Town role in the State and Federal decisions (pertaining to permits for docks, piers, moorings, and dredging, for example) that affect environmental resources and the boating and other activities that take place in the HMA. After the Plan is approved by the State of Connecticut and adopted by the Representative Town Meeting, actions proposed by Town, State, Federal, and private entities affecting the HMA will have to be consistent with the Plan. This consistency

requirement should be a powerful tool that the Town can use to ensure that State and Federal actions conform with Town needs and conditions. The Harbor Management Commission will evaluate this consistency. While the Plan does not give the Harbor Management Commission regulatory power to authorize or deny the proposals that it reviews, it does provide a special mechanism whereby the Commission's findings must be considered and incorporated into the relevant State and Federal permitting programs. The existence of the Plan should also help to expedite the State and Federal permitting processes. Until the Harbor Management Plan is adopted by the Town, there will continue to be no formal mechanism or overall context to define the Town's involvement in the State and Federal decisions that affect the Southport Harbor Management Area.

2. **There will be increased coordination among the different Town commissions and departments that now carry out harbor management-related responsibilities.** A number of Town commissions and departments, including the Harbor Management Commission, Park Commission, Conservation Commission, Shellfish Commission, Historic District Commission, Town Plan and Zoning Commission, and Police Department have authority or influence in the Harbor Management Area. Close coordination between these Town bodies is necessary to accomplish the best management of HMA resources. The Plan will provide a guiding framework (e.g., the Town's harbor management goals and policies) within which the existing and future activities of these commissions and departments can be carried out in a coordinated and effective manner. The Plan will help ensure that awareness and understanding of harbor management concerns are incorporated into the actions of Town commissions and departments without removing any of their existing authorities.
3. **The duties of the State-appointed Harbormaster will have to be carried out in accordance with the Plan.** The Southport Harbormaster is appointed by the Governor of Connecticut and is subject to the direction and control of the State Department of Transportation. With a Harbor Management Plan, the duties of the current Harbormaster and any future Harbormaster will have to be carried out in accordance with the Plan. Thus, the Plan will provide local direction and control with regard to the Harbormaster's activities, and ensure continuity between the actions of current and future harbormasters. In addition, State law requires that the harbormaster for any municipality with a State-approved harbor management plan be appointed by the Governor from a list of three candidates provided by that municipality's harbor management commission.

The following chapter of the Management Plan provides a more detailed description of existing conditions in and near Southport Harbor.

## **CHAPTER 2:**

# **EXISTING CONDITIONS IN AND NEAR SOUTHPORT HARBOR**

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This chapter describes the environmental and water-dependent conditions that affect use and management of the Southport Harbor Management Area (HMA). Included is a review of the area's environmental setting and a description of coastal resources. Also included is a review of Harbor-area uses and activities, including a description of the Federal Navigation Project, water access areas, and recreational boating facilities. The significant natural and cultural features that characterize Southport Harbor are seen to provide important opportunities as well as constraints for use of the Harbor.

The following description of Harbor conditions provides background information for the Harbor Management Plan. Some conditions in Southport Harbor, particularly conditions pertaining to Harbor uses and activities and the "institutional framework" (see Chapter 3) for harbor management, are subject to ongoing change. The "substance" of the Harbor Management Plan, however, which consists of the goals, objectives, policies, and management recommendations presented in Chapters 5 and 6, may or may not be affected by such changes. The Harbor Management Commission will monitor future changes in Harbor conditions to determine if modifications to the Plan are necessary.



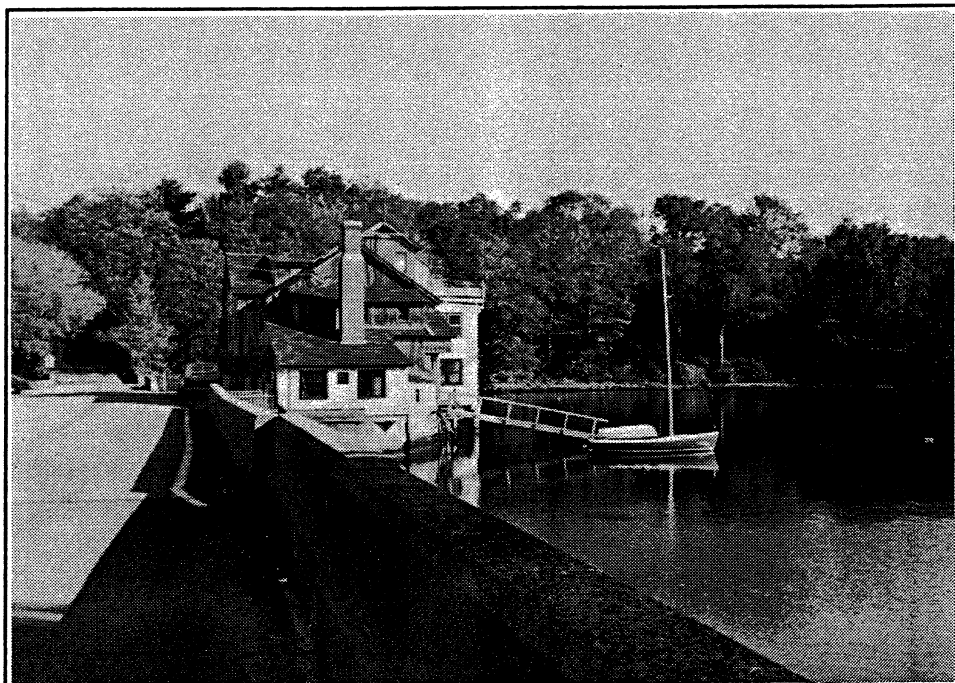
## ENVIRONMENTAL SETTING

The environmental setting of Southport Harbor (and adjoining waters, including Sasco Brook) can be described with reference to drainage basins, topography and landforms, and fathometric conditions. Various marine conditions, coastal resources, water quality conditions, and the finfish and shellfish found in the Harbor Management Area (HMA) also help define the Southport Harbor environment.

### DRAINAGE BASINS

Southport Harbor is within the Mill River drainage basin, which has a watershed area of approximately 32 square miles and empties into Long Island Sound through the Harbor. As a result of upstream reservoirs, only about eight square miles of the Mill River watershed drain directly to the Harbor. Other tributaries to Southport Harbor include Horse Tavern Creek which enters the Harbor from the west, and the lagoon at the Country Club of Fairfield on the eastern side of the Harbor. Surface runoff from surrounding areas also flows directly into the Harbor. The influx of salt water from Long Island Sound upstream in the Mill River is reduced by the Tide Mill Dam (also called Mill Pond Dam) and the tidal flood gates in the dam. (See Figure 2-1.)

Sasco Brook, which forms part of the boundary between Fairfield and the Town of Westport, drains a watershed of about 10 square miles. (Described in Chapter 1, the area in or contiguous to the waters of Sasco Brook, east of the centerline of the Brook and south of Route 1, is subject to the jurisdiction of the Harbor Management Commission, and therefore part of the HMA.)



**Figure 2-1:** *Tide Mill Dam and Harbor Road at the Head of Navigation of the Inner Harbor (looking east).*

## TOPOGRAPHY AND LANDFORMS

The most recent glacial advance and recession caused scouring and deposition of soil-forming material in the Southport area (as it did all along the Connecticut shoreline) and shaped the area's topography. This topography ranges from the flat coastal plain of most of the Inner Harbor to the moderately steep slopes of Sasco Hill (elevation 100 feet) to the east, and the higher elevations northwest of the Harbor. The shoreline of the Outer Harbor varies from sandy beach areas to modified bluffs, escarpments, and rocky shorefront. Some bedrock outcrops are also found along the Harbor shoreline. (See the *Shore Area Plan*.)

In general, soils in the area of Southport Harbor are composed of Mill River and Sasco Brook alluvial deposits in the low lying areas, and glacial till in the upland areas. The dominant soils are "Charlton-Hollis" on the western side of the Inner Harbor, with artificial fill and "Woodbridge" loams dominating the eastern side. These are fine sandy soils and their erosion may add to sedimentation in the Harbor and accelerate shoaling problems. This same sandy sediment may have served also as a natural source of sand replenishment for the beaches along the Outer Harbor shoreline.

## FATHOMETRIC CONDITIONS

Southport Harbor is naturally shallow and navigable at low tide only because of the dredging that has been carried out over the years. In the 1800's, local groups and individuals kept the Harbor navigable by dredging at low tide using teams of oxen to scrape the bottom. Today, the navigable portions of the Harbor include the Federal Navigation Project as well as areas outside of the Federal Project, including the Faile Channel and a shallow natural channel along the western shore of the Harbor from the north end of the Federal Navigation Project to the Tide Mill Dam. (See Figure 2-2.)

Natural sedimentation and shoaling, combined with human activities, have had a major influence on Southport Harbor throughout its known history. The rate of sediment deposition and shoaling in the Harbor is a function of complex interactions of longshore sediment transport in Long Island Sound and the flow of water and sediments from the Mill River into the Harbor.

The dominant direction of longshore sediment transport in this area of Long Island Sound is from east to west. Erosion of Fairfield's Penfield Peninsula to the east of Pine Creek Point and the mouth of the Harbor has long provided an abundant supply of sediment which has created offshore bars and filled the mouth of the Mill River estuary and Harbor channel with sediment.

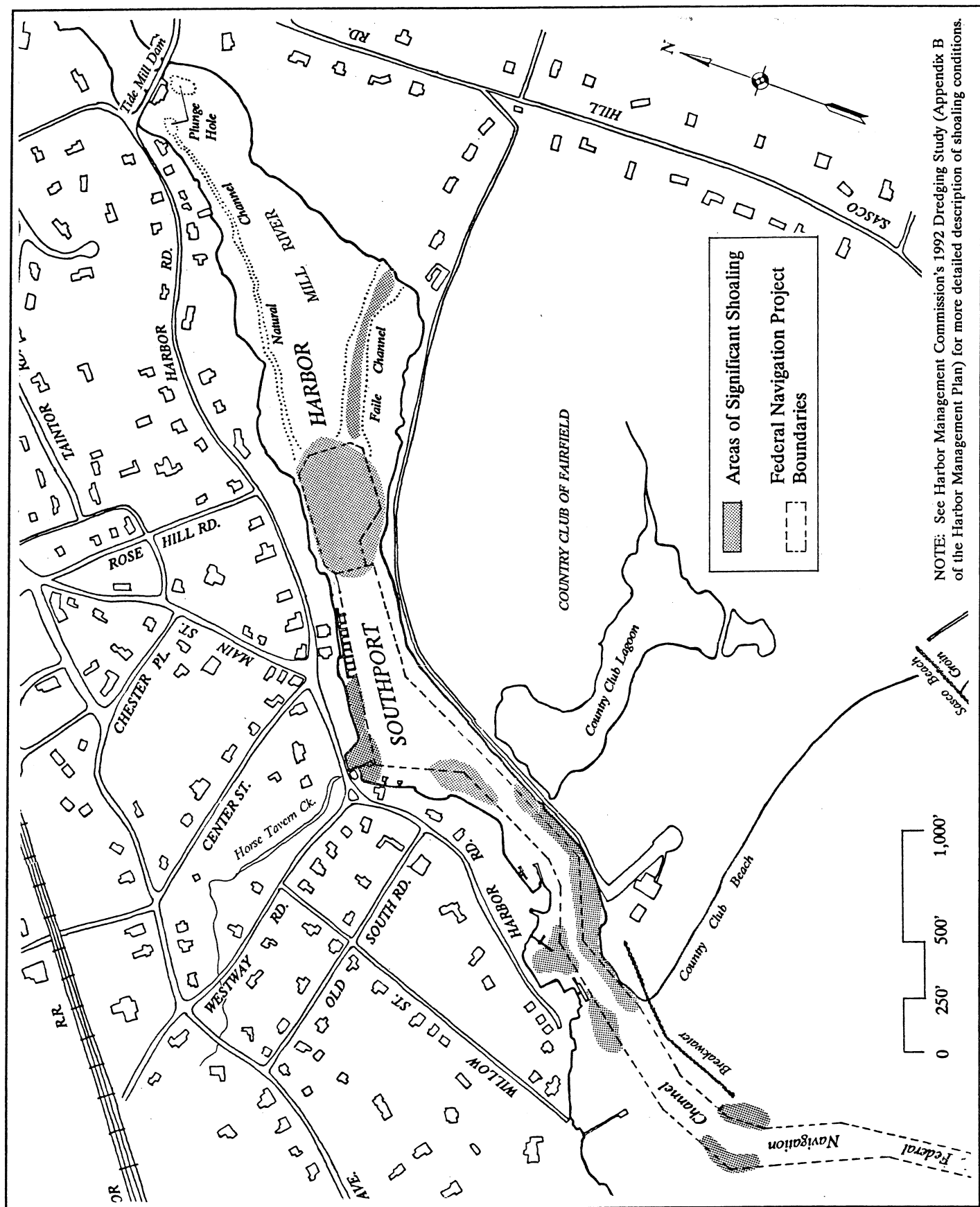


Figure 2-2: Areas of Shoaling.

Construction of the Tide Mill Dam in the early 1700's shortened the tidal reach of the Sound in the Mill River and may have contributed to an increase in shoaling by reducing the volume and velocity of tidal currents. As shoaling increased in the both the east and west channels that once entered the Harbor, the Town in 1826 requested Federal assistance to dredge the western channel and construct a protective breakwater at the entrance to the Harbor. Following construction by the Corps of Engineers of the breakwater and a dike along the east side of the western channel, the eastern channel (which entered the Harbor near the present-day location of Sasco Beach) filled in completely (see Figure 2-3). Subsequent diking and filling of wetlands (in the area now occupied by the Country Club of Fairfield) further changed tidal flushing and circulation patterns.

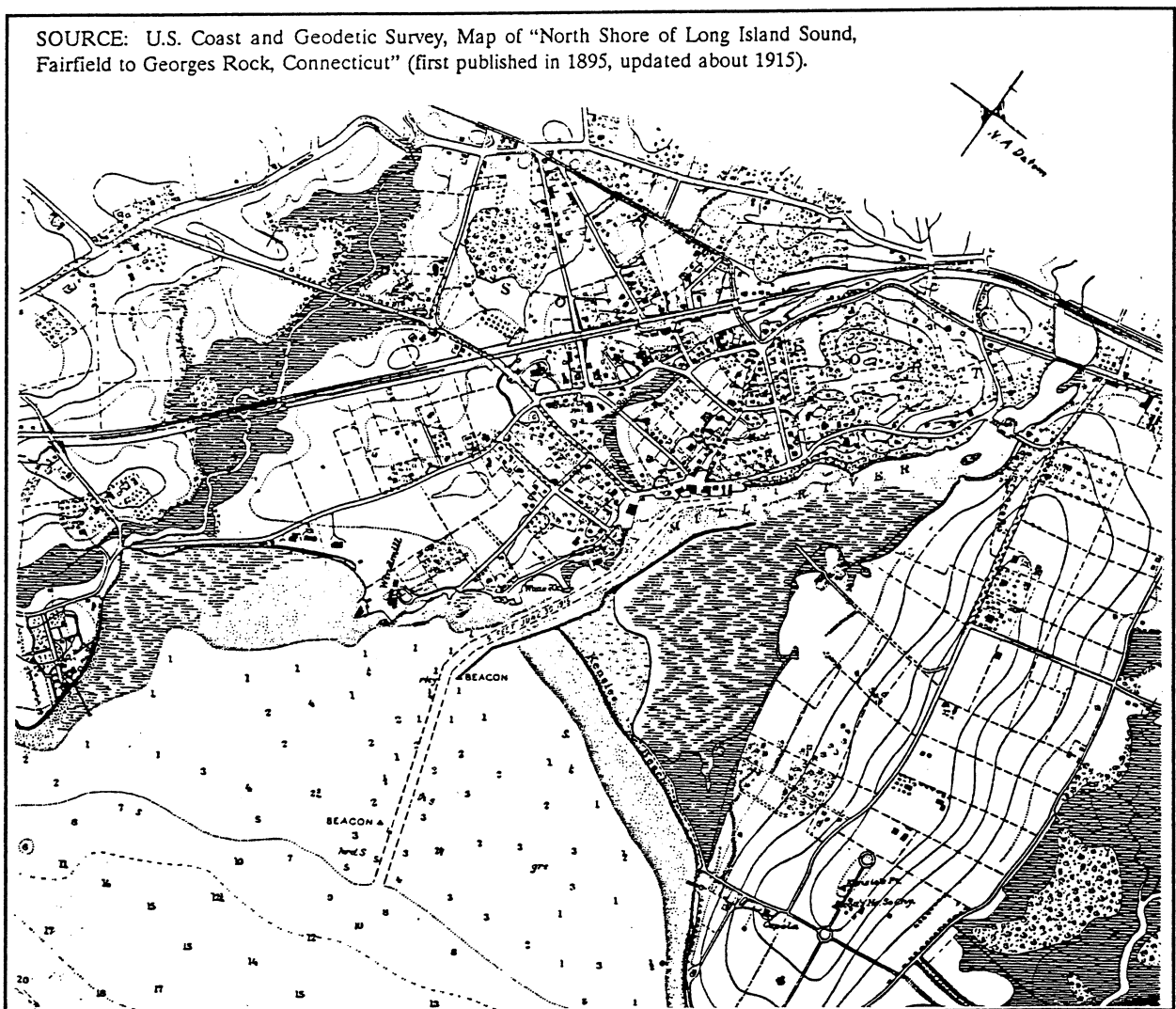


Figure 2-3: Southport Harbor circa 1915.

Today, longshore sediment transport is still a major factor influencing shoaling of the Harbor. Present rates and patterns of shoaling are affected by the Town-constructed groin at Sasco Beach (see Figure 2-2) and the Federal breakwater. The groin at Sasco Beach traps sand moving along the shoreline from the east, and limits the supply of sediment reaching the Country Club of Fairfield's beach.<sup>1</sup> The limited amount of sand that does reach the Country Club beach is trapped by the breakwater at the Harbor entrance. Much of this sediment has been transported by a combination of wind and wave action onto and over the breakwater. The northern end of the breakwater is now completely covered by sand, and sand has extended into the navigation channel west of the breakwater and opposite the Town Boat Yard, narrowing the channel and creating an increasingly significant obstruction to navigation at low tide. (See Chapter 4.)

Over the years, changes in surface runoff, the decreased flow of the Mill River, and filling of tidal wetlands have combined to reduce the outflow of water from the Inner Harbor to Long Island Sound. Because of this reduced outflow, much of the sedimentary material is not carried out of the Inner Harbor, and a net increase in the rate of sediment deposition has resulted. This sedimentation contributes to the many areas of shoaling noted on Figure 2-2 and described in the Harbor Management Commission's 1992 Dredging Study (see Appendix B).

A review of soundings taken by the U.S. Army Corps of Engineers in February of 1985 indicates that the depth of the Federal Navigation Project in the Inner Harbor ranged from 13 feet at mean low water (mlw) near Whyte's Rock at the Town Boat Yard to approximately 3-4 feet at mlw in parts of the Federal anchorage at the northern end of the Navigation Project. A fathometric study was undertaken as part of the Harbor Management Commission's 1992 Dredging Study, and the amount of sedimentation since 1961 (when the Navigation Project was last dredged) was estimated. The average amount of sediment accumulation from 1961 to 1992 was judged to be approximately 1,745 cubic yards per year. This amount is approximately equal to the average annual accumulation in the past seven years since the Corps' 1985 study. While this rate of accumulation is not dramatic, sedimentation in the Harbor is a steady, incessant process requiring ongoing attention. It should also be recognized that a hurricane or other severe storm could quickly change water depths in the Harbor.

Outside the Navigation Project, Inner Harbor depths are generally less than five feet, and tidal wetlands and intertidal flats are found along the shore. The shallow natural channel near the western shore of the Harbor north of the Navigation Project is navigable by smaller vessels at half tide. Two natural holes or "plunge pools," 10 to 15 feet deep and 100 to 200 feet in diameter, are located just below the Tide Mill Dam (a similar plunge hole is located in the Mill River basin north of the Dam). Shoaling has occurred in the "Faile" channel (which was privately dredged to provide access to a private dock on the east shore of the Harbor) in recent years, but this channel remains navigable by smaller vessels.

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<sup>1</sup> The entire beach along the Outer Harbor shoreline from the Federal breakwater to Kensie Point, including the Country Club beach and the Town-owned Sasco Beach, is sometimes referred to as Sasco Hill Beach. For the purpose of the Management Plan for Southport Harbor, the Country Club beach and Sasco Beach are described separately.

Sasco Brook is navigable only at half tide and higher tide by small outboard-powered boats, canoes and other small craft which must pass under the Pequot Avenue bridge at the mouth of the Brook, and may also pass under the railroad and I-95 bridges upstream.

## MARINE CONDITIONS

The tides occurring in the Southport Harbor area are semidiurnal, meaning that two high tides and two low tides occur each day. The mean annual tidal range for Southport Harbor is 6.9 feet. The mean spring tidal range is 7.6 feet.<sup>2</sup>

Average annual precipitation in the Southport Harbor area is 43.6 inches. Precipitation is distributed relatively evenly throughout the year, with the monthly mean varying by no more than 0.7 inches (between 3.26 and 3.96 inches per month).

Prevailing winds are southwesterly in the summer months, northwesterly in the winter months, and transitional in the spring and fall. Wind direction, duration, velocity, and fetch (the unobstructed distance over which the wind blows) have a direct influence on wave generation at Southport Harbor. Since the Harbor faces the open water of Long Island Sound to the south, the strong northwesterly winds in winter have little effect on wave action in the Harbor. The prevailing southwest winds in summer are normally weaker and, because the proximity of Long Island reduces the fetch over which waves can build, tend to produce relatively small waves. The most significant influence on wave action in Southport Harbor is caused by easterly and southeasterly winds associated with low pressure systems and tropical storms.

Within Long Island Sound, the maximum tidal velocities occur at the interface of the Sound with the Atlantic Ocean — the “Race” — where currents can reach five knots. Current velocities diminish to the west in the Sound, and the tidal currents at Southport are of relatively low velocity, about 1.5 knots at maximum.

## COASTAL RESOURCES

Described in the Connecticut Coastal Management Act (CCMA), coastal resources along the State’s shoreline include the coastal waters of the State, their natural resources, related marine and wildlife habitat, and adjacent developed and undeveloped shorelands. Specific coastal resources are defined in Section 22a-93(7) of the CCMA, and include estuarine embayments, tidal wetlands, intertidal flats, and other resources such as beaches, bluffs, escarpments, rocky shorefronts, developed shorefronts, and shorelands (see Figure 2-4). Such coastal resources found in and near Southport Harbor are noted on the following pages, and area also described in the *Shore Area Plan*.

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<sup>2</sup> Spring tides are not named for the season of the year, but occur at or near the time of the new and full moon (about every two weeks) when the combined gravitational effects of the earth, sun and moon cause the water level to rise higher and fall lower than usual.

SOURCE: Shore Area Plan, Fairfield, Connecticut,  
Adopted April 12, 1983; modified based on 2/14/92  
comments from the Conservation Department.

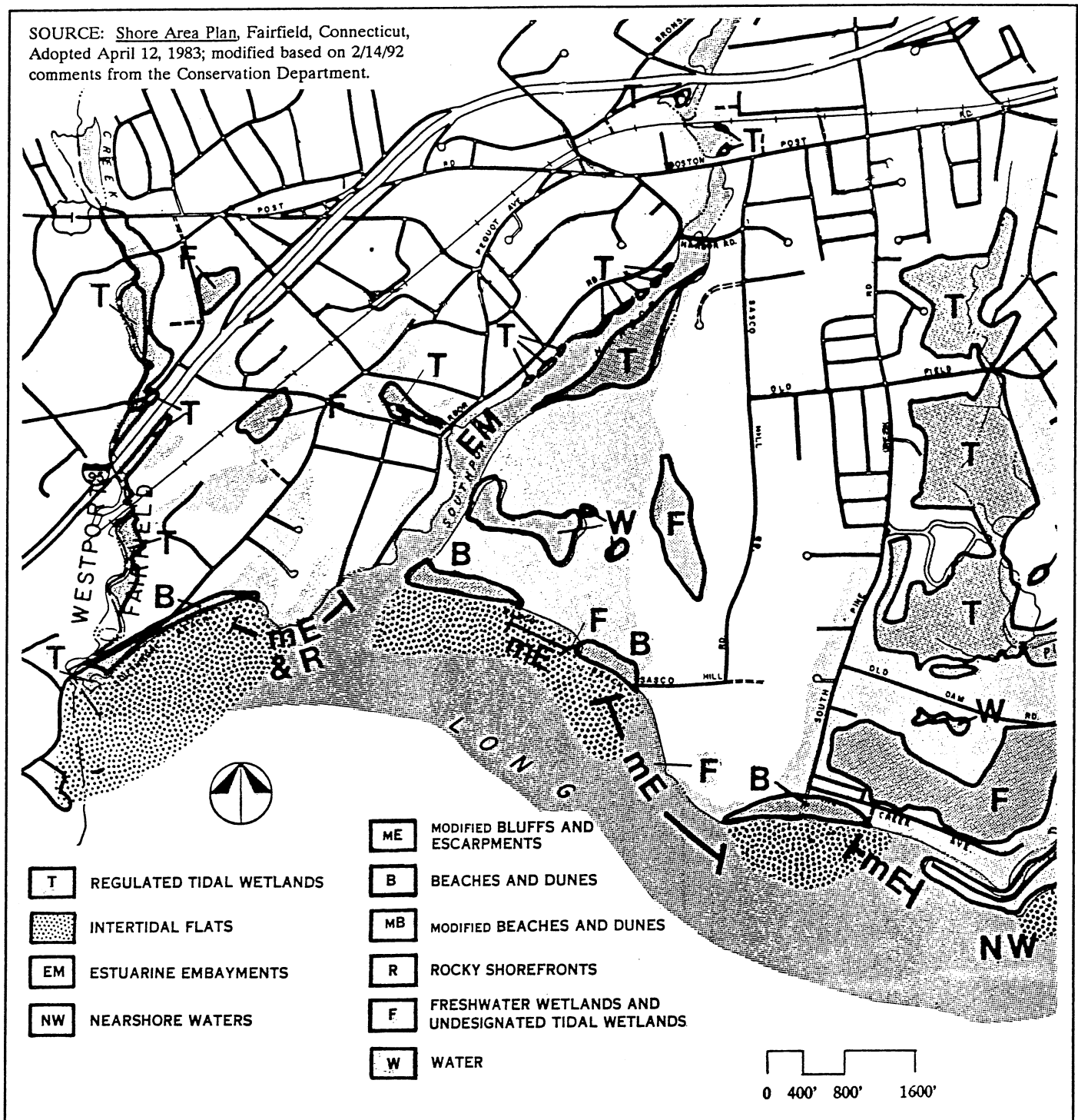


Figure 2-4: Coastal Resources.

### **Estuarine Embayments**

Defined in the CCMA, an estuarine embayment is a protected body of coastal water with an open connection to the sea, and within which salt water is measurably diluted by fresh water. Estuarine embayments provide significant habitat areas for shellfish, finfish and waterfowl, as well as opportunities for fishing, boating and other recreational uses. Estuarine embayments in the Southport Harbor area include the Inner Harbor/Mill River, Horse Tavern Creek, the lagoon at the Country Club of Fairfield, and Sasco Brook.

**Mill River:** The Mill River is Fairfield's largest watercourse and one of the Town's most significant natural features. The River flows over a winding eight-mile course through the center of Fairfield before reaching Long Island Sound. Before entering the Sound, it gives shape to Southport Harbor — one of the Town's most scenic and historic resources. (See the Fairfield Conservation Commission's draft "Multiple Use Management Plan for Coastal Open Space," January 1994.) Tidal exchange in the Mill River is reduced above the Tide Mill Dam and spillway at Harbor Road which marks the "head of navigation" and northern boundary of Southport Harbor, about one mile upstream from the Federal breakwater at the mouth of the Harbor. The Town Engineering Department has described the need for repair of Harbor Road and the Harbor Road bridge over the Mill River at the Tide Mill Dam. The privately owned Tide Mill Dam and tide gates are also reported by Town officials to be in need of repair. Due to leakage of the tide gates, tidal influence at flood tide extends a considerable distance upstream. Also, the highest storm tides appear to carry salt water upstream for a distance of about one mile from the Tide Mill Dam.

**Country Club Lagoon:** The lagoon at the Country Club of Fairfield is located on the east side of the Inner Harbor and encompasses about 10 acres of surface water area. Water levels in the lagoon are maintained by a tide gate that regulates the discharge of water to the Harbor. The tide gate, repaired by the Country Club in the 1980's, is designed for automatic operation, but is sometimes manually operated to maintain desired water levels in the lagoon.

**Horse Tavern Creek:** The Horse Tavern Creek embayment contains a small watercourse and tidal wetlands located on the west side of the Inner Harbor. Tide gates and a flood control dike at the mouth of the Creek have resulted in reduced tidal flushing of the embayment. In addition, water circulation is constricted by the small size of the culverts that connect the Creek with the Harbor. In 1992, the Fairfield Conservation Commission received approval for State funding of a Town project to reintroduce tidal flow in the embayment, thereby restoring degraded intertidal resources in the Creek. This project has yet to be implemented in 1994.

**Sasco Brook.** Sasco Brook originates in the northwest part of Fairfield and forms part of the boundary between Fairfield and the Town of Westport before it flows into Long Island Sound. Development within the watershed of the Brook is primarily residential, and modification of the banks of the Brook has been relatively minimal. Described by the Conservation Department, tidal exchange and circulation in the Sasco Brook embayment is impaired by the five bridges that cross the Brook at Pequot Avenue, the Conrail railroad tracks, Interstate 95, Westway Road, and King's Highway West. The tidal reach of Sasco Brook extends to the Mill Pond Dam at Bulkley's Pond just



north of the Boston Post Road (the northern boundary of the Harbor Management Commission's jurisdiction in Sasco Brook). Sediment and debris accumulate at all of the bridge openings and may restrict small craft navigation if not removed.

### **Tidal Wetlands**

Tidal wetlands along the Connecticut shoreline receive flushing from tidal waters and are defined by State statute. In Fairfield, tidal wetlands are found along the rivers and streams in the coastal area and in the Southport Harbor area. Many of the wetlands along the Fairfield shoreline, especially in the Pine Creek area to the east of Kensie Point, have been adversely affected by restrictions on tidal circulation caused by an extensive system of Town flood control dikes built in the 1950's and 60's.<sup>3</sup>

Tidal wetlands are important sources of habitat and nutrition for aquatic and benthic (bottom dwelling) organisms that live within the wetlands and in the adjacent Harbor waters. The wetlands also act to buffer flooding, and function to improve water quality by trapping sediment, reducing turbidity, keeping toxic materials out of the water column, oxidizing organic waste, and removing excessive nutrients that contribute to hypoxia (low dissolved oxygen). Vegetation in tidal wetlands stabilizes the shoreline and minimizes erosion. Tidal wetlands also support recreational uses by providing fish and wildlife habitat.

Several areas of tidal wetlands are located within the Inner Harbor. The largest of these (about 12.5 acres as shown on State tidal wetlands maps) is on the east side of the Harbor, extending from just north of the deteriorated pilings known as the golf club wharf to just south of the Tide Mill Dam. (See Figure 2-5.) Other wetland areas are found on the western shore of the Inner Harbor north of the Pequot Yacht Club. In addition, tidal wetlands are found near the Country Club, Horse Tavern Creek, and Sasco Brook, and extend also into Long Island Sound at Kensie Point, near the Country Club of Fairfield's beach, and at Southport Beach near Sasco Brook.

### **Intertidal Flats**

Intertidal flats are gently sloping or flat areas located between high and low tides, and are comprised of muddy, silty and fine sandy sediments. Although generally devoid of vegetation, intertidal flats are nutrient-rich resources that provide feeding and habitat areas for shellfish, shore birds and many other forms of life. Intertidal flats are also valuable areas for recreation, shellfishing, finfishing, and wildlife observation, and act as buffers against wave action caused by coastal storms.

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<sup>3</sup> In response to the historical loss of tidal wetlands in Fairfield, the Town's Conservation Commission in 1971 initiated a wetland restoration program to reintroduce tidal exchange in wetlands previously isolated from the tide by flood control dikes. This wetland restoration program is today the most successful program of its kind in Connecticut and serves as a national example for wetland restoration.



**Figure 2-5:** *Tidal Wetlands on the East Side of the Inner Harbor North of the Golf Club Wharf.*

Intertidal flats are found along much of the Harbor shoreline, including the eastern shore of the Inner Harbor from just north of the Country Club to the Tide Mill Dam. In the Outer Harbor, intertidal flats occur along the entire shoreline, and narrow only at Kensie Point to the east.

### **Coastal Flood Hazard Areas**

The “100-year” coastal flood hazard area for Southport Harbor has been mapped by the Federal Emergency Management Agency (FEMA) and is shown on Figure 2-6. The 100-year flood is the base flood for coastal management purposes, and is the flood that has a 1% chance of being equalled or exceeded in any given year. This term should not be taken literally, however, as there is no guarantee that the “100-year” flood will occur at all within the 100-year period, or that it will not recur several times. All of the shoreline in the Southport Harbor area is within the “100-year” flood boundary, including the Country Club of Fairfield’s land, the Town Boat Yard, and land on which some of the Harbor’s waterfront structures are located.

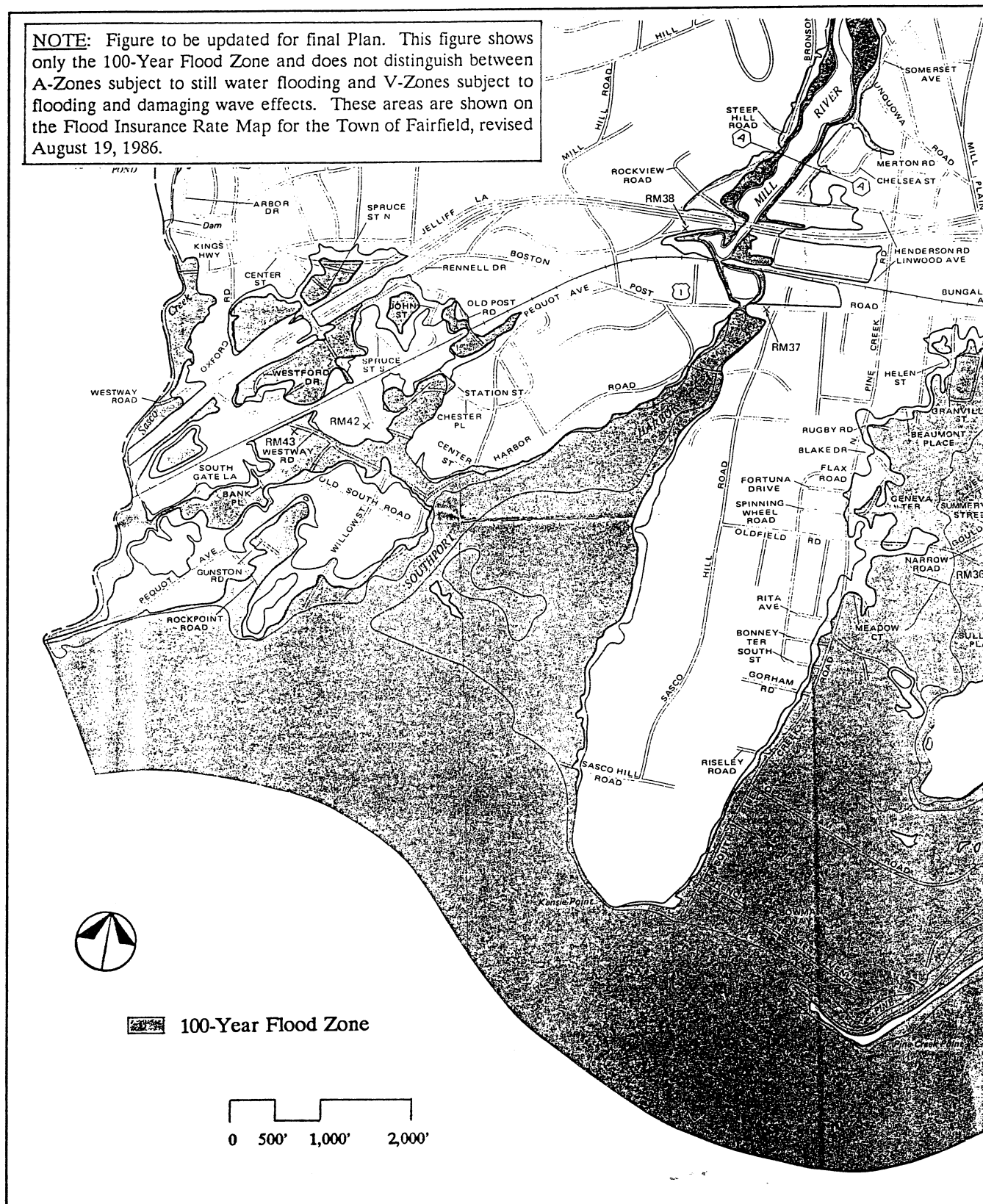


Figure 2-6: Coastal Flood Hazard Areas.

FEMA has determined the base flood elevation for flood insurance purposes along most of the Inner Harbor shoreline to be approximately 11 feet above NGVD<sup>4</sup> (National Geodetic Vertical Datum of 1929). This area is designated as an "A5" zone on the Flood Insurance Rate Map. (An A-Zone is an area potentially subject to "still water" flooding from the 100-year flood.) A small part of the Inner Harbor near the breakwater, and all of the Outer Harbor shoreline have been judged subject to additional flood hazard in the form of velocity waves with flood water elevations of 17 feet NGVD. These areas are designated as V-Zones (areas potentially subject to flooding and damaging wave effects from the 100-year flood) on the Flood Insurance Rate Map.

## **WATER QUALITY**

Water quality in the Southport Harbor Management Area is classified by the State of Connecticut in accordance with State water quality criteria. The Federal Clean Water Act requires State adoption of surface water quality standards, and Section 22a-426 of the Connecticut General Statutes requires the Commissioner of Environmental Protection to adopt standards of water quality for all of the State's waters. The purpose of these standards is to provide clear and objective statements for existing and projected water quality and for the general State program to improve Connecticut's water resources. Water quality classifications, based on the adopted water quality standards, establish designated uses for surface and ground waters and identify the criteria necessary to support those uses.

Existing water quality classifications in the Harbor Management Area were established by the Connecticut Department of Environmental Protection (DEP) in 1989. The Inner Harbor is classified as "SB." This classification means that potential pollution sources exist but the water is suitable for all types of recreational uses, including water contact activities such as swimming and fishing. Designated uses of Class SB waters are "marine fish, shellfish, and wildlife habitat, shellfish harvesting for transfer to a depuration plant or relay (transplant) to approved areas for purification prior to human consumption, recreation, industrial and other legitimate uses including navigation."

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<sup>4</sup> NGVD is a fixed reference adopted as the standard datum of elevations throughout the U.S. For land-based vertical measurements, NGVD is usually given a value of 0.0 and all other points are measured according to their distance above or below.

Potential point and nonpoint<sup>5</sup> sources of pollution that result in the SB classification (rather than the higher "SA" classification of the Outer Harbor and Sasco Brook) include storm sewer outfalls at various points, surface runoff, septic tank leaching fields, and possible oil, gas and wastewater discharges from boats. Pollution and the risk of pollution are important harbor management concerns (see Chapter 4) because water pollution can affect the enjoyment of boating and other water activities, the vitality of fish and wildlife, and the health of those who come in contact with the water. Described later in this chapter, shellfish beds in the Harbor have been closed in the past, and some beds remain closed for harvesting for direct consumption because of coliform (bacteria) contamination. (Shellfish may, however, be removed from the Inner Harbor for depuration in cleaner waters.)

At present, there are no permitted "point source" discharges of wastewater into the Harbor. Past discharges into the Mill River above the Tide Mill Dam, however, have resulted in contamination of the water and sediment of the Mill River from downstream of the Tide Mill Dam to upstream of I-95. For example, lead discharges into the Mill River from the Exide Storage Battery Company led to severe contamination of bottom sediments in the series of Mill River basins from the Tide Mill Dam to upstream of I-95. The company has since ceased its operations and, under supervision of the DEP, dredged to remove the contaminated sediment in the early 1980's. The testing that followed the clean-up operation, however, revealed that lead contamination remained. Testing for lead and other metals below the Tide Mill Dam also revealed the presence of lead in Harbor sediments in the upper part of the Harbor just downstream of the dam. As a result, it is anticipated by the Town's Conservation Department that the Exide Company will be required by the State of Connecticut to dredge additional sediment from the Mill River (including in the area between the Tide Mill Dam and the Faile channel) to remove lead contamination.

As part of the Harbor Management Commission's 1992 Dredging Study (see Appendix B), samples of Harbor sediment from three locations (the six-foot Federal anchorage; near Perry Green and the mouth of Horse Tavern Creek; and near the Federal breakwater at the mouth of the Harbor) were obtained and tested for various contaminants affecting dredged material disposal. Moderate to high levels of several metals were found in the samples taken from the anchorage and the location near Perry Green. The level of contaminants from the anchorage sediments appears to be such that open water disposal (at the Central Long Island Sound disposal site) of dredged material from this location could only take place if the material is covered or "capped" with "clean" dredged material obtained elsewhere. The level of contaminants in the sediment from near Perry Green is of greater concern. It appears that special handling of dredged material from this location may be necessary. Sediments from near the breakwater were found to be relatively clean and, as a result, no apparent difficulties with dredged material disposal are anticipated by the consultant who prepared the 1992 Dredging Study report. (See Appendix B.)

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<sup>5</sup> Point sources of pollution are easily identified and include discharges from storm drains that empty into the Harbor Management Area, including drains upstream on the Mill River and Sasco Brook. Unlike point sources of pollution, nonpoint pollution does not originate from a specific identifiable source, and because of its nonspecific nature is more difficult to regulate and control. Types of nonpoint pollution include stormwater running off roads, parking lots and backyards.

The Outer Harbor and Sasco Brook are classified "SA" by the DEP, indicating that these waters are suitable for all types of saltwater activities. (State-designated uses of Class SA waters are for "marine fish, shellfish and wildlife habitat, shellfish harvesting for direct human consumption, recreation, and all other legitimate uses including navigation.") These areas, however, were closed for shellfishing in 1990 because coliform levels were either too high or undetermined. Sasco Brook remains closed, and most of the Outer Harbor is now designated as a "conditionally approved shellfish growing area." Shellfish may, however, be removed from Sasco Brook for depuration in cleaner waters. (See the following description of shellfish resources.)

## **SHELLFISH AND FINFISH RESOURCES**

Shellfish grounds in the area of Southport Harbor include: a) "natural" grounds under Town jurisdiction; b) private grounds granted by the Town to private interests; c) natural grounds under State jurisdiction; d) franchise grounds granted by the State to private interests; and e) leased grounds that are leased by the State to private interests. In addition, there are several areas within the Town's shellfish jurisdiction that have been statutorily exempted from the "natural grounds" designation. (See the Shellfish Management Plan prepared by the Fairfield Shellfish Commission in 1987.) These grounds, if not previously deeded for private use, can be used for public or private purposes at the direction of the Fairfield Shellfish Commission. These shellfish grounds are shown on Figure 2-7.

In the Shellfish Management Plan it is reported that the Southport Harbor/Mill River area supports a diversity of shellfish types, including the following commercially important species:

- Eastern oyster (*crassostrea virginica*)
- Hard clam (*mercenaria mercenaria*)
- Soft clam (*mya arenaria*)
- Blue mussel (*mytilus edulis*)

Also, as described in the Shellfish Management Plan, the shallow tidal lagoon at the Country Club of Fairfield produces seed clams and oysters, and Sasco Creek (Brook) provides habitat supporting very high and well balanced soft clam populations in the lower reaches of the marsh system. Subtidal shellfish surveys are incomplete, but indicate good shellfish populations within the Inner Harbor and channel areas, and on ridges and slopes of offshore holes in the Outer Harbor. Described by the Conservation Department, the most productive shellfish areas in Southport Harbor are located north of the Federal Navigation Project. Surveys have also indicated populations of shellfish in the mudflats along the wall adjacent to the Country Club of Fairfield. The Shellfish Commission has not conducted a shellfish survey of the entire Inner Harbor area.

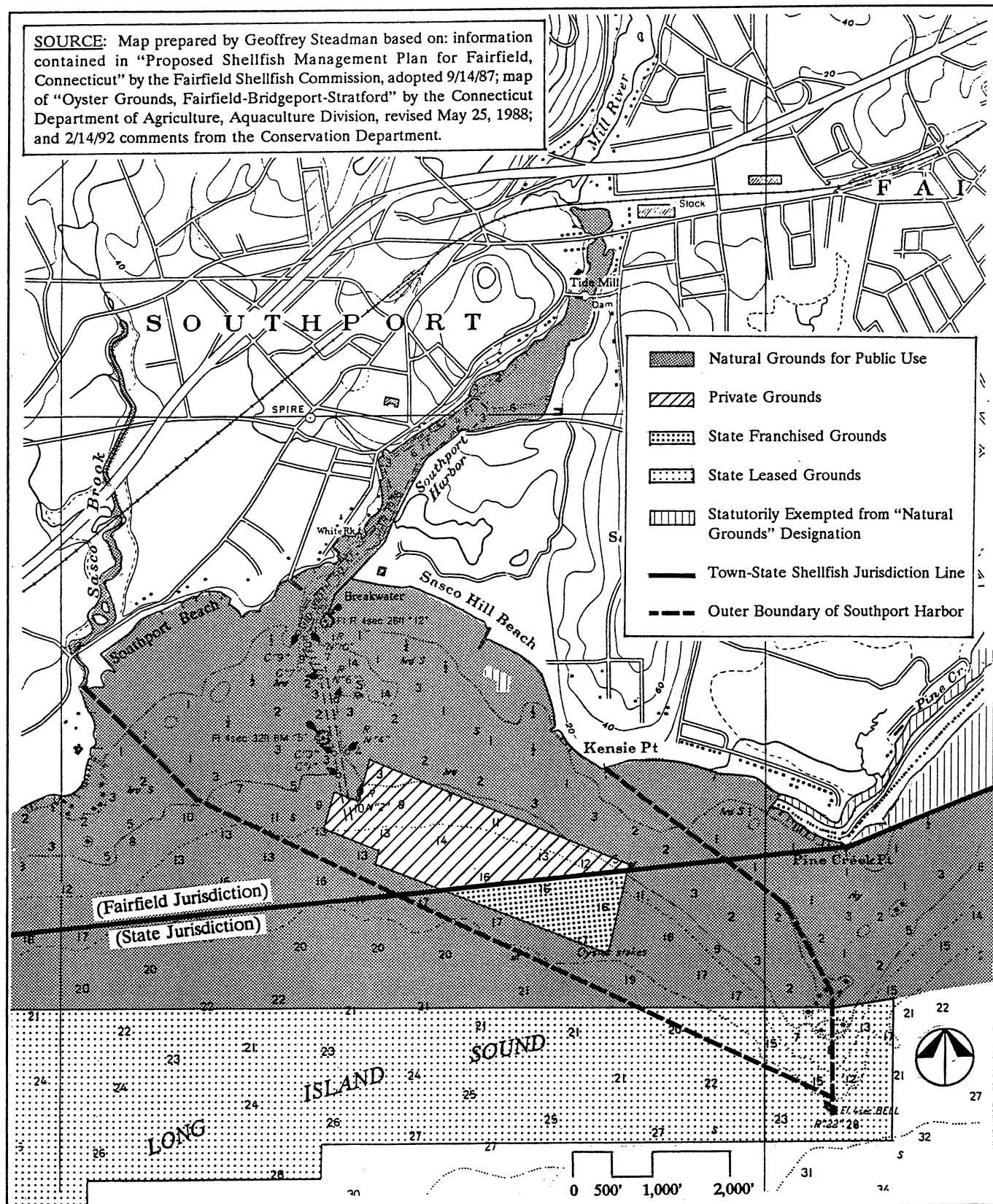


Figure 2-7: Shellfish Grounds In and Near Southport Harbor.



Historically, some Town waters and intertidal areas were periodically closed for shellfishing by the Connecticut Department of Health Services (DOHS) because of the presence of high concentrations of coliform bacteria. Following a 1971 survey by the Federal Food and Drug Administration that documented several potential sources of contamination in Fairfield waters, the DOHS closed all of the other shellfishing areas that had remained open in Fairfield. Although many of these areas were reopened in 1972, the inner portion of Southport Harbor remained seasonally closed due to the large number of boats in the Harbor. In June of 1975, the Inner Harbor was subject to "permanent closure" (i.e., discontinuation of the seasonal openings) due to high coliform counts. The permanent closure area included all tidal waters and flats north of an imaginary line across the Harbor from the Town Boat Yard on the west side to the northern end of the breakwater on the east side.

In 1989, as a result of changes in Federal criteria and procedures for determining areas to be open or closed for shellfishing, all coastal waters in Fairfield were closed for both recreational and commercial shellfishing. In December of 1990, offshore waters were reopened on a conditional basis. Based on the results of a water quality survey conducted by the Fairfield Shellfish Commission and Conservation Department, Fairfield waters are now classified by the State of Connecticut as "approved," "conditionally approved," "restricted," or "prohibited." All of Southport's Inner Harbor, along with Sasco Brook, are classified as "prohibited" shellfish growing areas. Most of the Outer Harbor is designated as either "conditionally approved" or "restricted."

Sufficient information and sample data are required to demonstrate that a conditional area is safe for shellfish harvesting. A Memorandum of Agreement (MOA) between the Connecticut Department of Agriculture's Aquaculture Division and the Town of Fairfield specifies conditions and responsibilities for monitoring water quality conditions and closing the conditional grounds in Southport Harbor as conditions require. The MOA was established on June 5, 1991 and specifies responsibilities for monitoring rainfall amounts. (Heavy rainfall elevates bacteria concentrations in the water as a result of increased stormwater runoff.) The MOA also specifies that the conditional areas are to be closed for shellfishing when rainfall exceeds one inch in 24 hours or two inches in a seven-day period.

Although recreational shellfish harvesting in the Inner Harbor is prohibited, commercial shellfishing continues, both for collection of seed oysters and harvesting of shellfish for depuration. This latter practice requires collection of the shellfish from the Inner Harbor and transplanting them in clean water where the impurities can be filtered out. A series of transplantings may take place before the shellfish are finally harvested and taken to market. Also, as already noted, the tidal lagoon at the Country Club of Fairfield supports a significant population of hard clams and oysters. The Shellfish Commission notes that seed clams and oysters are consistently produced here, but the Commission has also expressed concern that the shellfish in the lagoon die when the tide gates are closed. The Commission attributes this shellfish mortality, in the summer, to hypoxia, pollutants, and the presence of fresh water. In the winter, shellfish mortality is attributed to a lack of saltwater when the tidegate is closed, and the subsequent freezing of the shellfish in the mud of the lagoon.



Sasco Brook is also classified as a “prohibited” shellfish area by the State of Connecticut, and this classification means that shellfish can not, at the present time, be harvested from the Brook for direct consumption. Shellfish may, however, be removed from the Brook for depuration in cleaner waters, and the Shellfish Commission describes commercial seed oystering as an ongoing activity in the Brook.

Conditionally approved and restricted shellfishing growing areas subject to State jurisdiction in the Outer Harbor are open to shellfishing, and these waters are actively worked by commercial shellfishermen.

The Shellfish Commission has described the shellfish resources in Southport Harbor as currently underutilized but capable of sound use and management for the benefit of the public. Through its efforts, the Shellfish Commission actively promotes the enhancement of shellfish production and harvest for recreational and commercial purposes (see Chapter 3).

Other marine species with commercial, recreational and ecological importance in the Southport Harbor area include the American lobster (*homarus Americanus*) and the blue crab (*callinectes sapidus*). The following finfish are also found: mackerel, striped bass, bluefish, frost fish, sea robin, sea trout (weakfish), tautog (blackfish), blackback flounder, cunner, mummichug, silverside, scup, smelt, blueback herring, hickory shad, white perch, fluke, alewife, and menhaden.

The Fisheries Division of the DEP’s Bureau of Natural Resources notes that the Mill River supports a variety of anadromous finfish (fish that go upstream to spawn), including river herring. Anadromous fish are now able to pass over the Tide Mill Dam at high tide or during periods of high flows. If a proposal to modify or repair the dam is implemented in the future, the Fisheries Division can provide advice to the Town concerning opportunities for enhancing or maintaining upstream passage of anadromous fish. Sasco Brook also supports anadromous finfish which migrate upstream to the base of the Mill Pond Dam at Bulkley’s Pond, just north of the Post Road.

## HARBOR-AREA USES AND ACTIVITIES

Uses and activities in and near Southport Harbor can be described with respect to land-use and water access conditions, zoning, the Southport Historic District, the Federal Navigation Project, recreational boating facilities, and commercial fishing activities.

### LAND-USE AND WATER ACCESS

Land-use around the Inner Harbor is mostly residential. The exceptions on the western side of the Harbor are a small commercial area at the intersection of Main Street and Harbor Road, the Pequot Yacht Club, the Town Boat Yard, and the Perry Green open space/park. A large part of the eastern side of the Inner Harbor is comprised of the Country Club of Fairfield’s golf course, tennis courts, and beach facilities. The rest of the eastern side is in residential and open space/conservation use.

Southport Harbor is used for a variety of water-based activities including power and sail boating, fishing and shellfishing, swimming, rowing, windsurfing, and water skiing. Principal factors limiting the use of Southport Harbor for these activities are the limited number of public areas that provide direct access to the water, and the limited amount of parking space available not only at these points of access but also generally within all of the areas around Southport Harbor. The major points of access from land to Southport Harbor are described below, in Table 2-1, and on Figure 2-8.

The water-dependent areas and facilities around Southport Harbor are the Pequot Yacht Club, Perry Green, and Town Boat Yard. Southport Beach, Sasco Beach, and the Country Club of Fairfield beach are the only water-dependent areas in the Outer Harbor and Sasco Brook areas.

### **Access to the Inner Harbor**

Access to the waters of the Inner Harbor is available from the Town Boat Yard, Perry Green, and other locations. The Inner Harbor can also be reached from upstream on the Mill River by a canoe or other small vessel if that vessel can be portaged around or over the dam and other obstructions at Harbor Road. The Inner Harbor is of course also accessible by boat from Long Island Sound.

**Town Boat Yard:** The Town Boat Yard near the south end of Harbor Road is managed by the Fairfield Park Commission and for many years was operated by a concessionaire (Mr. Howard Burr, doing business as "Ye Yacht Yard"). In 1994, operation of the Boat Yard is being carried out at the direction of the Park Commission with no concessionaire agreement while the Town considers future arrangements for management and day-to-day operation of the Boat Yard. A valid Town parking permit is required for entrance. Only residents, nonresident taxpayers and nonresident Town employees have been eligible for a boatyard parking permit, and in the past there was no provision for nonresident daily or annual parking permits. Use of the launching ramp (see Figure 2-9) at the Town Boat Yard has also been limited to residents, nonresident taxpayers, and nonresident Town employees. Dockage and moorings are available to residents and nonresident taxpayers. Assignments of berthing space have been issued first to residents, then to nonresident taxpayers after the needs of resident applicants were met, and there has been a lengthy list of applicants waiting for berthing space. There has been no fee for mooring locations reached through the Town Boat Yard, and mooring tackle was rented from the concessionaire or furnished by the mooring permit holder. There is currently a 30-minute time limit for all boaters, including recreational boaters and commercial fishermen, tying up to the Town dock. (The time limit does not apply to emergency situations.) In addition, commercial fishermen are charged a fee to use the dock. (See the later section on Recreational Boating Facilities.)

**Table 2-1: Public\* and Quasi-Public\*\* Access to Southport Harbor.**

AREA	SIZE	FACILITIES AND RESTRICTIONS	
PUBLIC ACCESS*			
Town Boat Yard (Ye Yacht Yard)	0.8 Acres	Access to Harbor Moorings, Loading, Docking, Asphalt Launching Ramp	Boat Yard: Town parking permit required in summer. Previously no provision for non-resident permits. Launch ramp: Previously limited to use by residents, nonresident taxpayers and nonresident Town employees; launch permit fee. Dockage: permits available to residents and nonresident taxpayers (after resident needs are met).
Southport Beach	2.2 Acres	Municipal Beach	Beach parking permit required in summer and available to residents, nonresident taxpayers, and nonresident Town employees.
Sasco Beach	9.9 Acres	Municipal Beach	Beach parking permit required in summer and available to residents; nonresident taxpayers; nonresident Town employees.
Perry Green	0.9 Acres	Open Space/ Historic Area	Parking available for the general public; use subject to deed restrictions.
Southgate Lane	1.5 Acres	Open Space/ Wetland Conservation Area	Open space area separated from Southgate Lane by public access easement on private land. Limited space for public parking along Southgate Lane.
Foot of Willow Street	Minimal	No Facilities	No parking available.
QUASI-PUBLIC ACCESS**			
Pequot Yacht Club	1 Acre	Moorings, Docking, Fuel, Restrooms, Food, Ice, Water.	Parking and use restricted to members, guests and transient boaters.
The Country Club of Fairfield	140 Acres	Golf, Swimming, Tennis	Parking and use restricted to members and guests.

\* During the summer, a Town permit is required to park at the Town Boat Yard, Southport Beach, and Sasco Beach. As a result, these facilities are not available for use by the general public on a year-round basis.

\*\* These facilities provide important water access opportunities for members and guests as well as special programs that allow for limited public use.

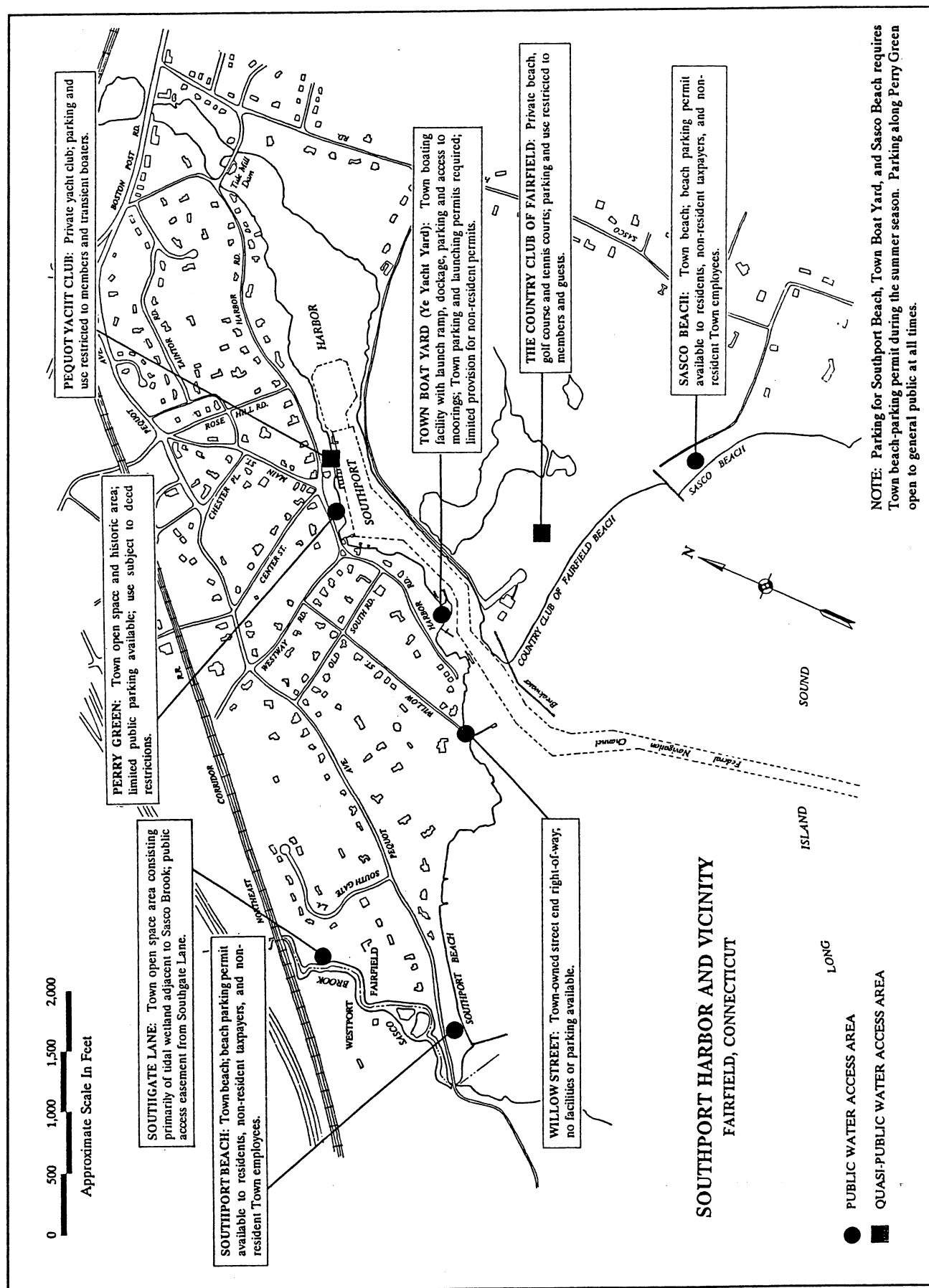




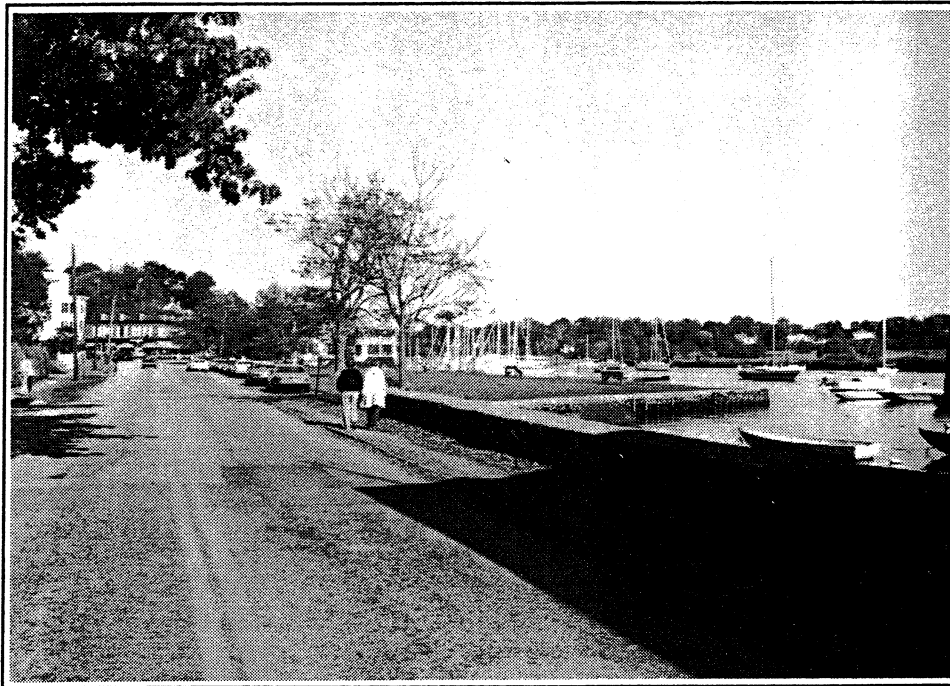
Figure 2-9: Town Launching Ramp and South Dock at the Town Boat Yard.

Perry Green: Perry Green (see Figure 2-10) is a Town-designated open space/historic area and Town Park. Public parking for approximately 12 vehicles is available immediately adjacent to the Green along Harbor Road. Use of Perry Green is subject to a number of restrictions (see Appendix C) specifically listed in the deed conveying the property to the Town. For example, no buildings, structures, or playground equipment may be placed on the Green, no docks or wharfs are permitted, and use of the area for launching, mooring and servicing is permitted with access limited to no more than 25 licensed boat owners, with first priority to Southport residents and second priority to other Town residents. The Park Commission is currently responsible for managing the Green. (See the later section on Recreational Boating Facilities.)

Foot of Willow Street: Willow Street terminates at the water's edge. While there are no parking or other facilities, access to the water by foot is possible.

Pequot Yacht Club: Water access at the Pequot Yacht Club is limited to members, guests and transient boaters, as well as nonmembers participating in the Yacht Club's various sailing programs. Moorings, rest rooms, fuel, ice, and water are available to members and transient boaters. Fuel, water and ice are available to all boaters. (See the later section on Recreational Boating Facilities.)

Country Club of Fairfield: Access to the Country Club of Fairfield's property, which lies along the eastern shore of Southport Harbor, is limited to members and guests only. There is currently no public boating access to the Harbor from this property. At the present time, only deteriorated pilings remain of a dock formerly used by the club, and the area of these pilings is sometimes referred to as the "golf club wharf."



**Figure 2-10:** *Harbor Road and Perry Green Looking North Toward the Pequot Yacht Club.*

**Shoreline Access:** The foreshore between the mean high water line and the mean low water line, as well as areas below mean low water, can be used by the public consistent with the Public Trust Doctrine. In accordance with this doctrine, all land and water seaward of the mean high water line is held by the State of Connecticut for the benefit of all residents of the State. (See Chapter 3.) Right of access along the foreshore, however, does not include any right to cross private property to reach the foreshore. Within the Inner Harbor, access along the foreshore is severely restricted due to the presence of wetlands and intertidal flats, as well as private seawalls and docks, along most of the shoreline.

#### **Access to the Outer Harbor**

Access to the waters of the Outer Harbor is available from Southport Beach, Sasco Beach, and the Country Club of Fairfield. The Outer Harbor is also accessible by boat from Long Island Sound, and can be reached from upstream on the Mill River by a canoe or other small vessel if that vessel can be portaged around or over the dam and other obstructions at Harbor Road.

**Southport Beach:** Southport Beach, a Town beach facility managed by the Park Commission, is just east of the mouth of Sasco Brook, and west of the entrance to the Inner Harbor. A valid Town beach-parking permit is required to park at the beach and along Pequot Avenue during the summer season from Memorial Day through Labor Day.

**Sasco Beach:** Sasco Beach, also a Town beach facility managed by the Park Commission, is east of the entrance to the Inner Harbor and the Country Club of Fairfield Beach. A valid Town beach-parking permit is required during the summer season for parking at Sasco Beach.

**Country Club of Fairfield:** Access to the Country Club of Fairfield property is limited to Club members and guests. From the Country Club, there is immediate access to the Country Club Beach located between Sasco Beach and the Federal breakwater at the entrance to the Inner Harbor. In addition, public access along the foreshore is possible, provided access to the foreshore is not gained through Country Club property. Access to the foreshore from Sasco Beach and along the public foreshore of the Country Club beach is often used by fishermen walking to the Federal breakwater.

**Shoreline Access:** Much of the foreshore of the Outer Harbor can be reached from the Town beaches.

### **Access to Sasco Brook**

Access to Sasco Brook by canoe, kayak or small outboard-powered craft is possible from Long Island Sound. Navigation access is restricted by shallow water depth, the low clearance of the several bridges that cross the Brook, and the sediment and debris that may accumulate at the bridge openings.

There is a small (1.5 acre) Town-owned open space area adjacent to the Brook near Southgate Lane. This Southgate Lane Open Space Area consists primarily of tidal wetlands along the Brook just downstream of the railroad tracks and is managed by the Town's Conservation Commission. The Town also holds a 15-foot wide public access easement across private land from Southgate Lane to the open space area. There is limited space for public parking along Southgate Lane near the access easement.

Upstream there are two other Town-owned open space areas, managed by the Conservation Commission, that provide opportunities for public access to the Brook. The Westway Road Open Space Area is a mostly wooded open space area of about 2.7 acres between Westway Road and Sasco Brook. The area was acquired for "greenbelt" purposes from the State Highway Department and currently is not managed for recreational use.

The other open space area adjoining Sasco Brook is the Sasco Creek Marsh Open Space Area which is a 2.4-acre upland parcel adjoining the Brook and King's Highway West about one mile upstream from the mouth of the Brook. The area was acquired by the Town in 1971. Wetlands were filled here prior to enactment of wetland protection statutes, and large rocks now define the edge of the Brook. The area has not been managed for recreational use, but there is opportunity for site improvements to provide visual and physical access to the Brook.

The Conservation Commission is considering plans for maintaining and, where feasible, enhancing opportunities for canoe and similar small craft access between Long Island Sound and the Sasco Brook open space areas. (See draft "Multiple Use Management Plan for Coastal Open Space," January 1994.)

## HARBOR-AREA ZONING

Nearly all of the land surrounding the Inner Harbor is zoned for residential use (see Figure 2-11), but there is a small commercial district at the intersection of Main Street and Harbor Road. Table 2-2 shows the requirements of the existing zoning designations.

In addition to zoning requirements, "coastal site plan review" by the Town Plan and Zoning Commission is required for construction or any change in a building, use or structure that falls within the Town's defined coastal boundary. Approval of a coastal site plan is subject to the requirements established in Sections 22a-105 through 22a-109 of the Connecticut Coastal Management Act and consistency with the Town's *Shore Area Plan* (see Chapter 3).

## HISTORIC DISTRICT

In 1966, the Southport Historic District was established to protect the historic and esthetic character of the Southport waterfront and nearby areas. (See "Final Report, Establishment of Historic Districts in Greenfield Hill and Southport" by the Fairfield Historic District Commission. This report includes a description of the historic places and sites in the Southport Historic District, and of the procedures and criteria followed to establish the district.) The boundaries of the historic district are shown on Figure 2-12, and include the Inner Harbor and its entire western shore from the southern end of Harbor Road to the Tide Mill Dam.

The Historic District was established in accordance with the provisions of Sections 7-147a through 7-147m of the Connecticut General Statutes. Under these provisions, any proposed project that calls for the demolition, erection, or external alteration of any building or structure within the designated boundary requires the review and approval of the Fairfield Historic District Commission. (See Chapter 3.)

In 1971, the Southport Historic District was added to the National Register of Historic Places. As defined by the National Register of Historic Places: "The historic district of Southport is located in the Town of Fairfield and includes the area generally bounded on the north by the southerly line of the New York, New Haven and Hartford R.R. Co., on the south by Mill River and the Southport Harbor to Long Island [Sound], on the west by Old South Road, including properties on both sides of Old South Road and on the east by Rose Hill Road, including properties on Church Street, and both sides of Rose Hill Road, and excluding the commercial and industrial property along Pequot Avenue within said area." As a result of the inclusion of the Southport Historic District in the National Register of Historic Places, certain Federal actions affecting the Harbor must be consistent with the requirements of the National Historic Preservation Act. (See Chapter 3.)



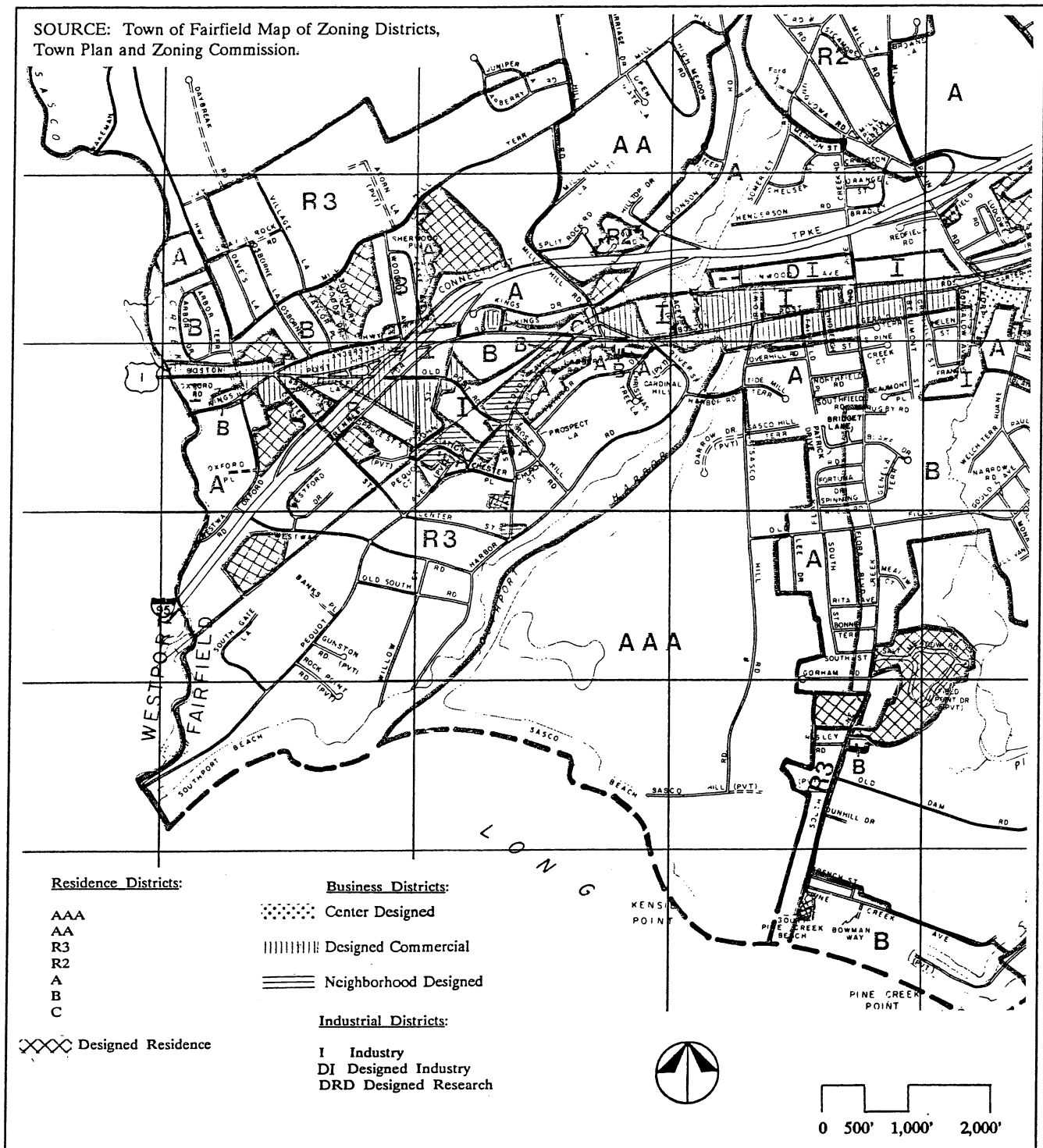


Figure 2-11: Harbor-Area Zoning.

**Table 2-2: Zoning Requirements in the Southport Harbor Area.**

MINIMUM REQUIREMENTS	ZONING DISTRICT				
	AAA	R-3	A	BUS. # 1	I
Lot Area (Square Feet)	87,120	20,000	9,375	N/R	10,000
Lot Width (Feet)	20	20	20	20	50
Street Setback (Feet)	60	40	30	10	25
Side Setback (Feet)	30	15	7	--	12
Rear Setback (Feet)	50	30	30	10	12
MAXIMUM PERMITTED					
Building Height (Stories)	3	3	3	--	--
Building Height (Feet)	40	40	40	60	60
Lot Coverage	10%	15%	20%	90%	50%
Building Area	20%	30%	40%	200%	100%

SOURCE: Fairfield Zoning Bylaws.

## FEDERAL NAVIGATION PROJECT

A Federal Navigation Project at Southport Harbor was first authorized to help keep the mouth of the Mill River open to navigation. The initial project consisted of a dike and jetty at the mouth of the Mill River, and was completed in 1838. (See Appendix A for a review of the history of Federal navigation improvements in the Harbor.) The Navigation Project was expanded in the early part of this century to provide for a channel six feet deep from the Outer Harbor into the Mill River, and to and along the wharves on the River. This expansion of the Navigation Project was substantially completed in 1914.

In the years that followed, areas of both the Inner and Outer harbors were dredged to provide increased anchorage space and a deeper channel, and to provide fill material for the area now occupied by the Country Club of Fairfield. This dredging was funded locally, most notably by the Pequot Yacht Club, rather than the Federal government.

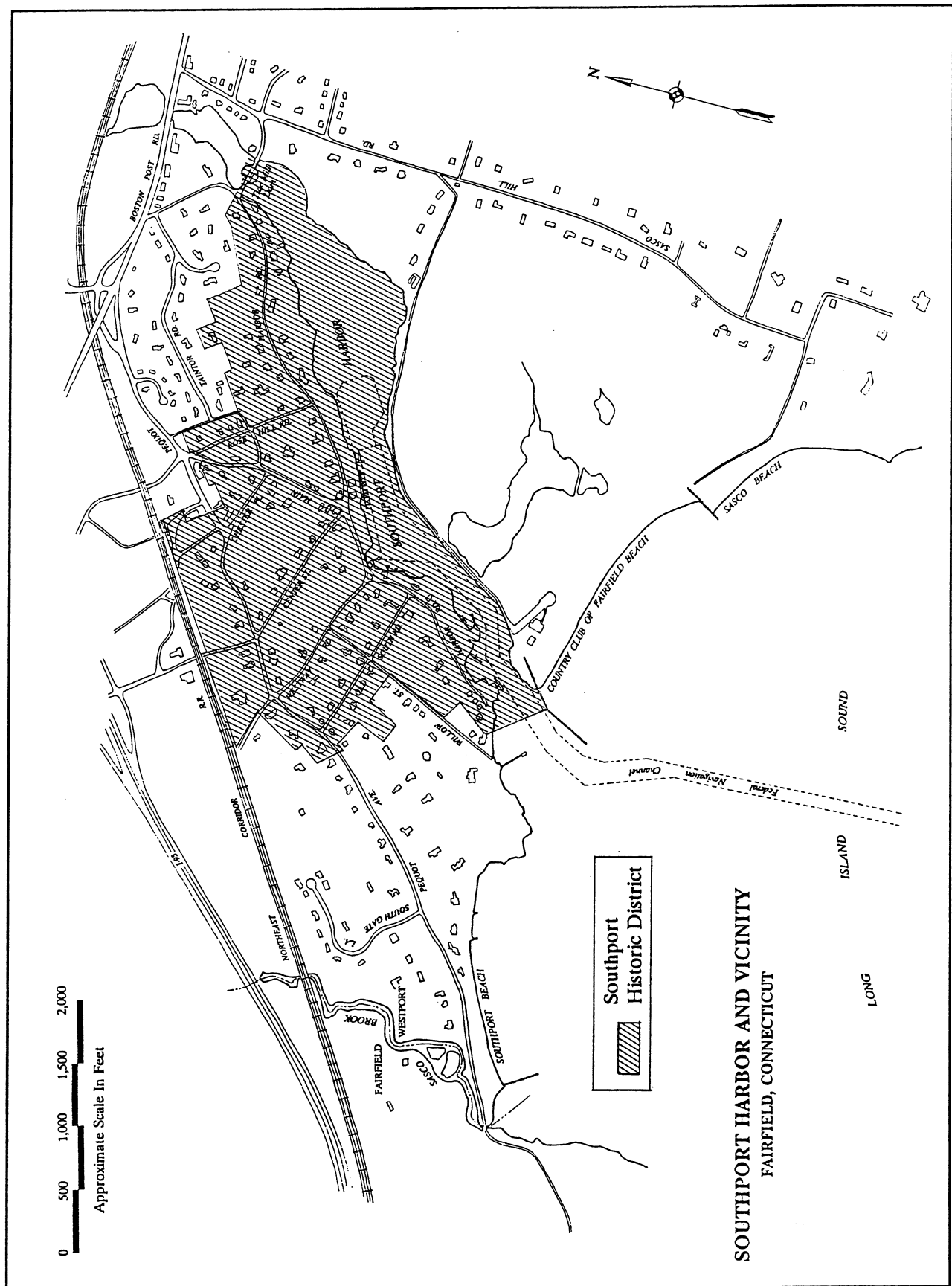


Figure 2-12: Southport Historic District.

In the 1920's, the Town requested that the Federal government further expand the Navigation Project. Subsequently, the Board of Engineers for Rivers and Harbors recommended to Congress in 1935 that the Federal Navigation Project for Southport Harbor be modified to provide for "a channel 9 feet deep at mean low water and 100 feet wide from Long Island Sound to the deep-water basin opposite East Main Street, and for an anchorage basin 6 feet deep, 300 feet wide, and 500 feet long north of the golf club wharf." (Only deteriorated pilings remain of the golf club wharf today.) The anchorage basin and present channel dimensions were approved in May 1935 by the Emergency Relief Appropriations Act of 1935 and by the Rivers and Harbor Act of August 30, 1935.<sup>6</sup> The purpose of the Project as modified in 1935 was to serve primarily pleasure craft.

Today, the Federal Navigation Project extends from Long Island Sound to a point just north of the area known as the golf club wharf — a distance of approximately 1.1 miles. The project has several components: a breakwater; a dike; a nine-foot deep channel; a nine-foot deep channel (see footnote 8); and a six-foot deep anchorage area. (See Figure 2-13.) As shown on Figure 2-13, a 100-foot wide Federal channel (shown on Corps of Engineers' survey maps as wider in some areas) extends from the entrance in Long Island Sound to a point opposite the bend in the breakwater.

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<sup>6</sup> When describing the present anchorage and channel dimensions of the Federal Navigation Project, it is informative to consider some of the background leading up to Congressional authorization of these dimensions. In response to the Town's request for Navigation Project expansion in the 1920's, a study of possible harbor improvements was requested by the U.S. House of Representatives in 1934. In the course of studying possible improvements to the Navigation Project leading to the 1935 Project modifications, the District Engineer of the U.S. Army Corps of Engineers recommended "an entrance channel 9 feet deep and 100 feet wide from Long Island Sound to the bend in the breakwater, thence as channel and anchorage 9 feet deep and 100 to 400 feet wide to the golf club wharf, and for an anchorage 6 feet deep, 300 feet wide and 500 feet long north of the latter wharf." (See Appendix A.)

In 1935, the Board of Engineers for Rivers and Harbors, for reasons that are not clear, made no reference to the area from the bend in the breakwater to the golf club wharf when it recommended to Congress that the Federal Project be modified to provide "a channel 9 feet deep at mean low water and 100 feet wide from Long Island Sound to the deep-water basin opposite East Main Street, and for an anchorage basin 6 feet deep, 300 feet wide, and 500 feet long north of the golf club wharf." This recommendation is incorporated into the 1935 River and Harbor Act. The deep-water basin referred to by the Board of Engineers had been created in the process of excavating material to fill nearby land (now of the Country Club of Fairfield) in about 1915, and is within the 100- to 400-foot wide area recommended for channel and anchorage designation by the District Engineer.

Because the area referred to by the District Engineer as channel and anchorage was not specifically mentioned in the final recommendation of the Board of Engineers nor in recent descriptions of the Navigation Project by the Corps of Engineers, there was some confusion as to the current status of this section of the Federal Navigation Project. Representatives of the Corps of Engineers, however, have informed the Harbor Management Commission that: 1) the Federal Navigation Project here should be considered as channel only; and 2) that this designation can be changed to channel and anchorage through Congressional action if Federal requirements for equal access are met.

Due to its historical use as a mooring area and its irregular width of up to 400 feet (much wider than needed for current channel purposes) it seems logical that the official status of the Federal Project between the bend in the breakwater and the golf club wharf be changed to include both channel and anchorage areas as noted in Chapter 4, and described in a specific recommendation in Chapter 6.

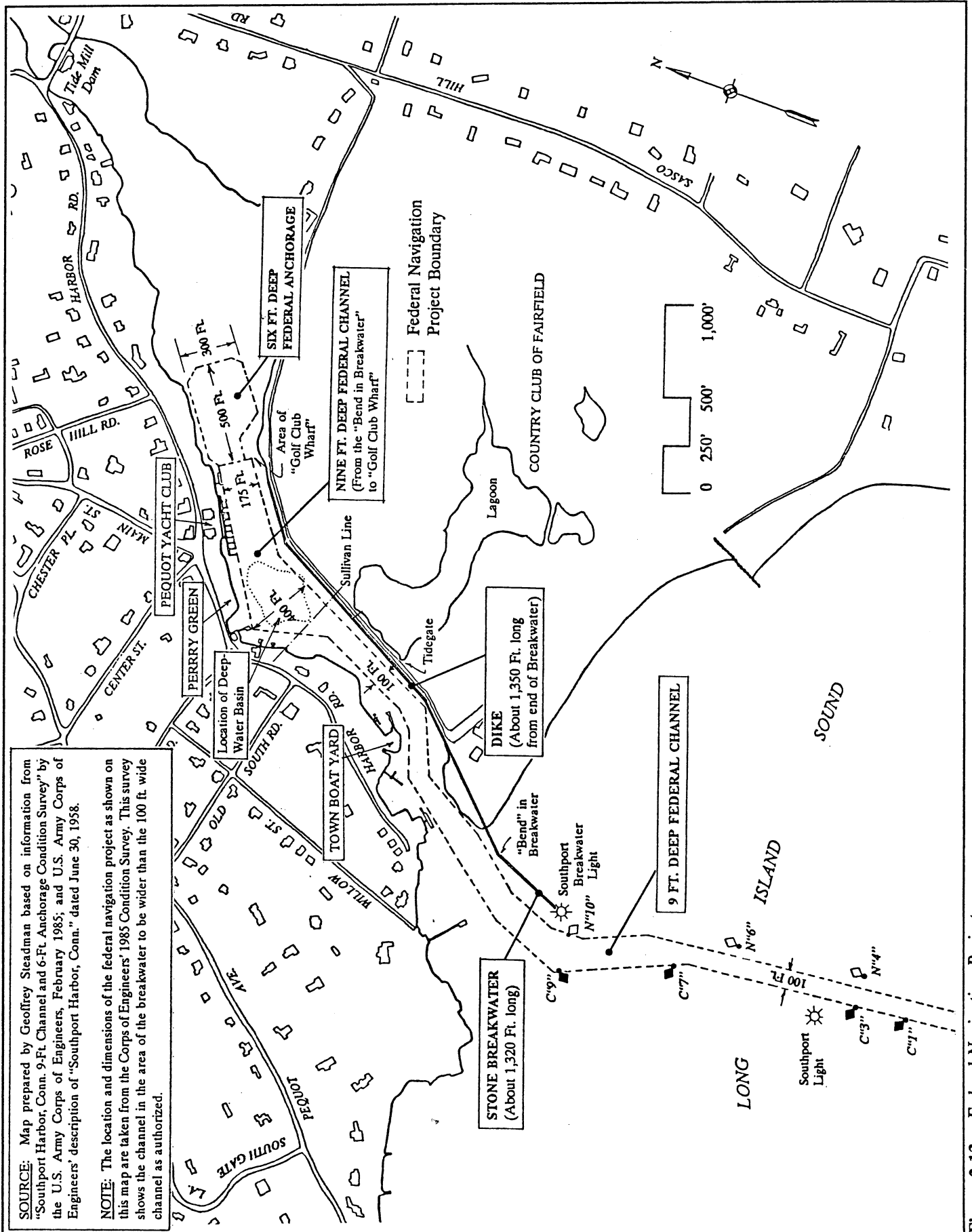


Figure 2-13: Federal Navigation Project.

From this point a Federal channel extends northward to the golf club wharf, varying in width from 100 to 400 feet. The Federal anchorage area is specified as extending from the golf club wharf to a point 500 feet north, being 300 feet wide and six feet in depth.

The section of the Federal Project near the Pequot Yacht Club and Perry Green, although considered a channel by the Corps of Engineers, has been used for mooring and anchoring since the 1920's. It includes the "deep-water basin opposite East Main Street" referred to in the 1935 Harbor improvement recommendations by the Board of Engineers for Rivers and Harbors, as well as the area initially recommended for channel and anchorage designation by the District Engineer. (See Footnote 8 and Appendix A.) Depths are generally seven to eight feet at mean low water (up to 11 feet in the old basin) as determined by the Harbor Management Commission's 1992 dredging study. As a result, the area historically has been reserved for the largest vessels moored in the Harbor.

The Southport Harbor Federal Navigation Project also includes a stone breakwater at the mouth of the Inner Harbor and a dike along the eastern shore. The breakwater extends from the eastern side of the mouth of the Harbor 1,320 feet to the southwest into Long Island Sound. The dike acts as an extension of the breakwater for approximately 1,350 feet along the eastern shore of the Inner Harbor, from the northerly end of the breakwater to the golf club wharf.

The channel and anchorage areas were last dredged by the Corps of Engineers in 1961. A fathometric survey was completed by the Corps in 1985, and a similar survey was conducted under the direction of the Harbor Management Commission in 1992 (see Appendix B).

It should be noted that the Corps of Engineers has established specific policies regarding the use and administration of Federal navigation projects. Since Federal navigation improvements are dredged and maintained with public funds, the Corps' policy is that such projects must be available to all on equal terms. Furthermore, in accordance with the Federal/Town agreement for authorizing and maintaining the Southport Harbor Federal Navigation Project, the Town is obligated to provide a free public landing, and to provide for equitable public use of the landing and of the anchorage areas within the Harbor.

## **RECREATIONAL BOATING FACILITIES**

Since the 1920's, recreational boating has been the predominant use of Southport Harbor. On any warm summer day numerous sail, power and fishing boats can be seen in the Inner and Outer harbors. (Sailboarding has not been permitted in the Inner Harbor.) Facilities for these boats are provided at the Pequot Yacht Club, the Town Boat Yard, Perry Green, and the private docks adjacent to a number of shorefront residences.

Over the years, the number of boats moored in the Harbor has varied from year-to-year depending on the demand for space, the size of vessels moored, the area with adequate depth to provide a safe mooring location, and the arrangement and allocation of mooring locations by those who have been responsible for mooring placement in the Harbor. A review of aerial photographs, for example, shows more boats moored near the Town Boat Yard, near the Federal breakwater, and along the eastern shore of the Inner Harbor in the 1950's and 1960's than at the present time.

Since the Harbor was last dredged in 1961, considerable mooring areas have been lost to shoaling, particularly along both sides of the Federal Navigation Project. Currently, there are an estimated 150 boats moored in the Harbor. It is estimated that about 100 other vessels are berthed at the docks of the Town Boat Yard, Pequot Yacht Club, and private landowners. More than half of these berthed vessels are dinghies (most of which are berthed at the Town Boat Yard) used to gain access to boats moored in the Harbor. An inventory of moorings and dock space in the Harbor was carried out by the Harbor Management Commission and Harbormaster in 1987 and the results are presented in Table 2-3 and on Figure 2-14. The inventory of mooring locations was updated in 1994, and the number of moorings and berthing spaces in the Harbor in 1994 is about the same as in 1987, excepting in the area of Perry Green where several mooring locations have been lost to sedimentation.

In furtherance of its responsibilities for managing the Harbor in accordance with House Document 36 (74th. Congress) and the Town's letter to the Secretary of War dated May 25, 1935, the Town of Fairfield in 1967 divided the Inner Harbor into an upper and lower harbor, with the division being known as the "Sullivan Line" (see Figure 2-14). The Town delegated partial responsibility for managing the upper portion of the Harbor to the Pequot Yacht Club. A group of moorings off Perry Green continued to be managed by the Town through its Park Commission and Department. The Town maintained control of the lower Harbor, but primary management responsibility was turned over to a concessionaire (Mr. Howard Burr doing business as "Ye Yacht Yard," and operating at the Town Boat Yard). Both agreements — with the Yacht Club and concessionaire — were modified in the course of work to prepare the Harbor Management Plan. All water areas are now under the supervision of the Harbor Management Commission and Harbormaster.

Table 2-3: Existing Mooring and Dock Space in Southport Harbor (1987).\*

INVENTORY OF WET BERTHS IN SOUTHPORT HARBOR AS OF MARCH 1987		
MOORINGS	DOCK SPACE	AREA
		AREA 1 - OUTER HARBOR NORTH TO BEND IN BREAKWATER
1		Sea Scouts (Maintained by PYC)
		AREA 2 - FROM BEND IN BREAKWATER NORTH TO SULLIVAN LINE
15		Along East (Country Club) side of Harbor
	1	Trefz dock (West shore of Harbor)
10		South from Town Boat Yard to Area 1, West shore
	58	Town Boat Yard - mostly dinghies at 2 docks
	2	2 docks privately owned (Buckley & Anderson) on West shore just North of Town Boat Yard
14		Along West shore North of Town Boat Yard to Sullivan line
		AREA 3 - PERRY GREEN ANCHORAGE
25		Combination of boats tied to wall and at separate mooring
		AREA 4 - NORTH OF SULLIVAN LINE TO AND INCLUDING 6 FOOT ANCHORAGE BASIN NORTH OF COUNTRY CLUB DOCK
2		Along West shore, South of Schacter dock
	3	Schacter, Huball and Estelle docks along West shore, South of Perry Green anchorage
5		Along Perry Green from Perry Green anchorage North to Whaler float
	6	Whaler float at Pequot Yacht Club
	24	PYC Marina, gas dock and junior dock
	3	Willard dock and mooring, Cochrane dock and Ireland dock and mooring
29		6 foot Federal Anchorage basin
2		Outside and East of Federal Anchorage basin
31		Along seawall on East side of Harbor from Country Club Dock to Sullivan line
19		In 9' channel & anchorage area between 6' anchorage and Sullivan line
		AREA 5 - NORTH OF 6 FOOT BASIN TO TIDE MILL DAM Note: Docks and moorings in this area were not inventoried because the area is largely tidal wetlands and navigable only when tidal flow permits.
		AREA 6 - FAILE CHANNEL Note: This channel was privately dredged to provide boating access to a private dock on the east side of the Harbor. There are no moorings in this area and the current status of dock use was not reviewed for this inventory.
153	97	TOTAL

\* The number of moorings and berthing spaces in Southport Harbor during the 1994 boating season is about the same as in 1987, except in the area of Perry Green where some mooring locations have been lost to sedimentation.



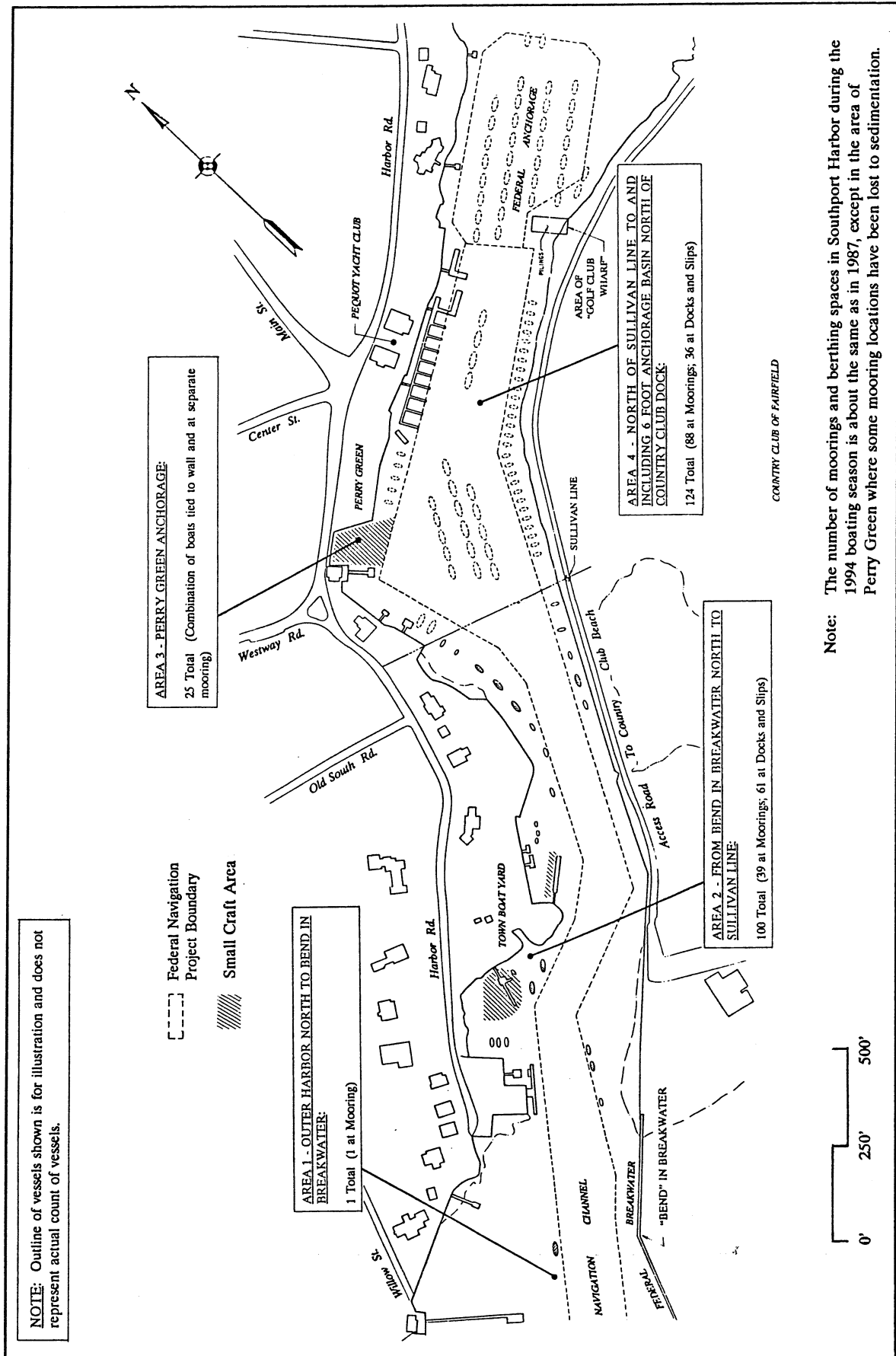
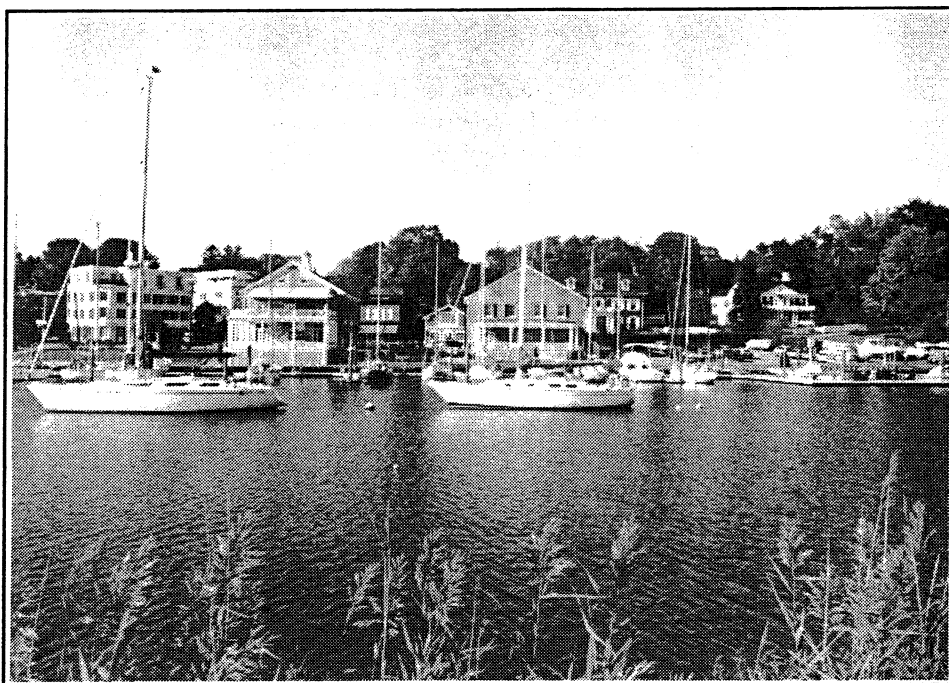


Figure 2-14: Approximate Location of Wet Berths in Southport Harbor in 1987.

**Pequot Yacht Club:** The Pequot Yacht Club, located on the west side of the upper Harbor just north of Perry Green, was established in 1920, and since that time has been recognized as a significant water-dependent facility providing important water access opportunities and contributing to the existing historic and scenic quality of the Harbor. Members of the Yacht Club are using 85 moorings (see Figure 2-15) during the 1994 boating season. Included are 21 moorings located in the channel portion of the Federal Navigation Project nearby the Yacht Club and Perry Green. This is the area, described above, of irregular width (up to 400 feet) and which has been used for mooring and anchoring since the 1920's.<sup>7</sup> All mooring tackle used in this area is individually owned. The owners have applied for and obtained 1994 State of Connecticut permits (individual-private permits) issued by the Harbormaster to use these mooring locations. In addition, the Yacht Club maintains, for its members, moorings located between the Navigation Project and the eastern shore of the Harbor, and moorings in the six-foot anchorage portion of the Project. In 1994, the club applied to the U.S., Army Corps of Engineers for the "commercial" permits needed to maintain these moorings.



**Figure 2-15:** *Sailboats Moored Near the Pequot Yacht Club (looking to the west toward the Yacht Club's upland facilities).*

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<sup>7</sup> This is also the area recommended for designation as a channel and anchorage by the Corps of Engineers' District Engineer in 1935 but omitted from the final Harbor improvement recommendation by the Board of Engineers for Rivers and Harbors. Due to its historical use as a mooring area and its irregular width, the Management Plan for Southport Harbor recommends that the status of the Federal Project here be changed to anchorage as noted in Chapter 4 and described in a specific recommendation in Chapter 6.

Mooring tackle maintained by the club or its members is generally pulled from the Harbor, inspected, and replaced on a regular basis. The club maintains a launch service to provide members and transients access to their moored vessels.

The Yacht Club's major sail training programs currently include junior sailing instruction for an eight-week period in the summer, frostbite racing in nine-foot dinghies all Winter, Ideal 18 and Thistle (daysailer) sailing and racing for adults all summer, and larger, cruising boat racing on summer weekends. These programs are not restricted to Yacht Club members. Half of the participants in the junior program (for some 60 children ages eight to 18), for example, are typically members' children, and half are nonmembers' children. The frostbite racing program is similarly constituted, and the total participation in all programs is limited by the availability of space and boats.

The Pequot Yacht Club also provides berthing slips for 20 boats (mostly sail boats), and maintains jib hoists for putting "dry-sailed" boats in and out of the water. In addition, the club maintains a service dock that provides for the dispensing of gas, diesel fuel, and ice, as well as launch service (using two launches), emergency docking for disabled vessels, and Harbor access for medical emergencies and rescue operations. The service dock also provides temporary space for vessel maintenance and repairs, "wash-down," and provisioning. (Future use of the Yacht Club service dock by the general public to obtain fuel and other services is described in a specific recommendation in Chapter 6 of the Management Plan for Southport Harbor.)

Perry Green: Perry Green adjoins the Yacht Club's property to the south, and provides limited access to boats moored in the Harbor. In 1993, 13 persons tied their boats to the bulkhead here, or gained access to Harbor mooring locations from dinghies tied to the bulkhead.<sup>8</sup> Historically, permits for tying boats to the Green have been issued by the Town's Park Department in accordance with the deed restrictions for use of the Green. (See Appendix C.)

Town Boat Yard: The Town of Fairfield owns the Town Boat Yard near the south end of Harbor Road. The Town Boat Yard is one of two Town marina facilities (the other is the South Benson Marina in Ash Creek), both of which are managed by the Fairfield Park Commission. Described earlier, Boat Yard operation in 1994 is being carried out at the direction of the Park Commission with no concessionaire agreement while the Town considers future arrangements for management and day-to-day operation of the Boat Yard. The Town Boat Yard provides: an 80-foot north dock (see Figure 2-16) for loading/unloading and tying up small boats, including dinghies used for access to Harbor mooring locations; a 60-foot south dock (see Figure 2-9) for loading/unloading and tying up small boats, including dinghies used for access to Harbor mooring locations; a 15-foot asphalt boat launching ramp (a permit is required for its use); and parking space for about 33 cars and six detached boat trailers. In the past, gasoline was sold to boaters at the Boat Yard, but this service was discontinued when some of the fuel dispensing equipment had to be replaced.

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<sup>8</sup> The 1987 inventory of moorings and dock space in the Harbor identified 25 vessels either tied to the Green or moored nearby and accessed through the Green. Sedimentation has since reduced the available space for vessels to be moored or tied near the Green.

As in the upper part of the Inner Harbor, all vessels in the lower Harbor are moored "fore and aft" with mushroom anchors. (Fore and aft mooring lines were first employed in the Harbor in 1927 to achieve a more efficient arrangement of boats than previously provided by free-swinging tackle.) Mooring tackle in the lower Harbor was placed and pulled by the concessionaire previously responsible for Boat Yard operation, and the tackle has been owned by either the individual vessel owners or the concessionaire. Mooring users purchase Town permits to maintain a dinghy at one of the two Boat Yard docks described above. Also, mooring permits must be obtained from the Fairfield Harbormaster who maintains a waiting list of applicants for mooring locations in the Harbor (see Chapter 4). A total of 39 mooring permits were issued by the Harbormaster in 1993 for mooring locations in the area previously known as the Fairfield section of the Harbor south of the Sullivan line. All of these permittees gained access to their mooring locations through the Town Boat Yard. As in the upper Harbor, no fee has been required for a mooring permit in the lower Harbor.

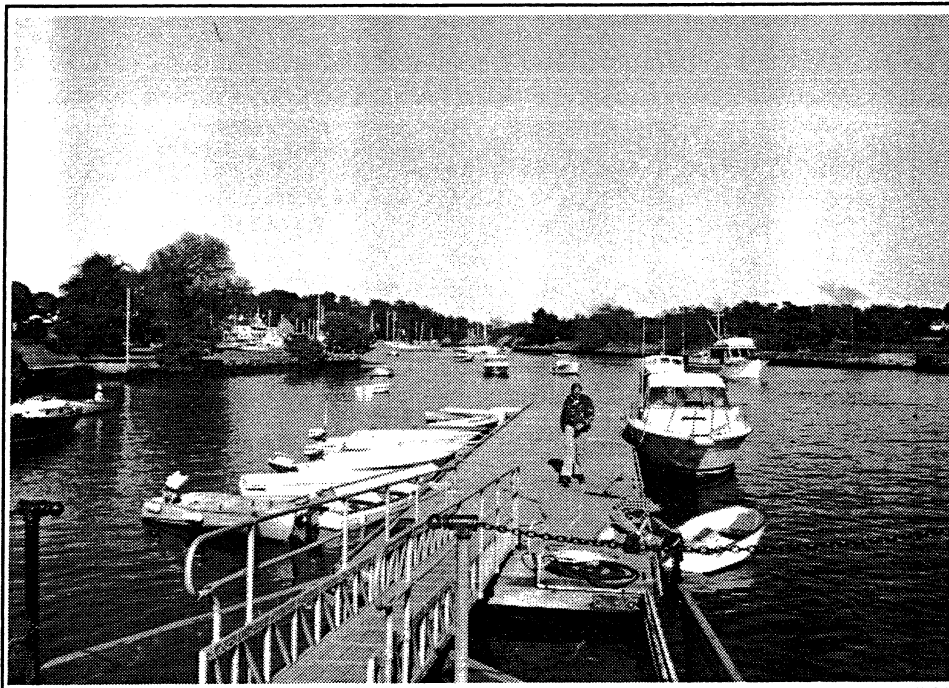


Figure 2-16: North Dock at the Town Boat Yard.

## COMMERCIAL FISHING ACTIVITIES

Southport Harbor has a long and vigorous history of commercial fishing, including lobstering and shellfishing. Due to shifts in the regional economy and changes in transportation, commercial fishing began to decline in Southport and other Connecticut harbors in the early 1900's. By 1920, the number of commercial fishermen operating out of Southport Harbor had dwindled to about the number of fishermen that use the Harbor today.

Discussions with Southport fishermen indicate that at the present time there are but two commercial and perhaps a half-dozen recreational lobstermen operating out of Southport Harbor, and one commercial shellfishing boat moored in the Harbor. The fishermen have been allowed to use the boatyard, dock and boat ramp at the Town Boat Yard for loading and unloading (see Figure 2-17). During the recreational boating season, commercial fishermen, as well as recreational boaters, are limited to 30 minutes at the dock. During the winter months, lobstermen continue to use the north dock and assist in keeping the dock free of ice. There are no facilities here for provision of fuel, ice or other supplies, nor are there any facilities for repair, storage or other services for commercial fishing. Electricity is now available on the north dock. In 1988, the Fairfield Park Commission initiated a use fee applicable for commercial fishermen only. This fee has since been criticized by the fishermen and others. (See Chapter 4.)

Described by the Conservation Department, approximately one dozen transient commercial seed oystermen work the Harbor on a seasonal basis (primarily in the fall and spring). The Shellfish Commission anticipates that this use will increase on a seasonal basis as the Town's Shellfish Management Plan is implemented. At the present time, both power and manual methods are used to hoist shellfish dredging equipment. State law prohibits the use of motorized equipment to raise shellfish dredging equipment on natural shellfish grounds as are found in the Inner Harbor. Power equipment can be used for shellfish dredging on the private and State-controlled grounds in the Outer Harbor, and on grounds that are statutorily exempted from the "natural grounds" designation within the Town's shellfish jurisdiction (see Figure 2-7).

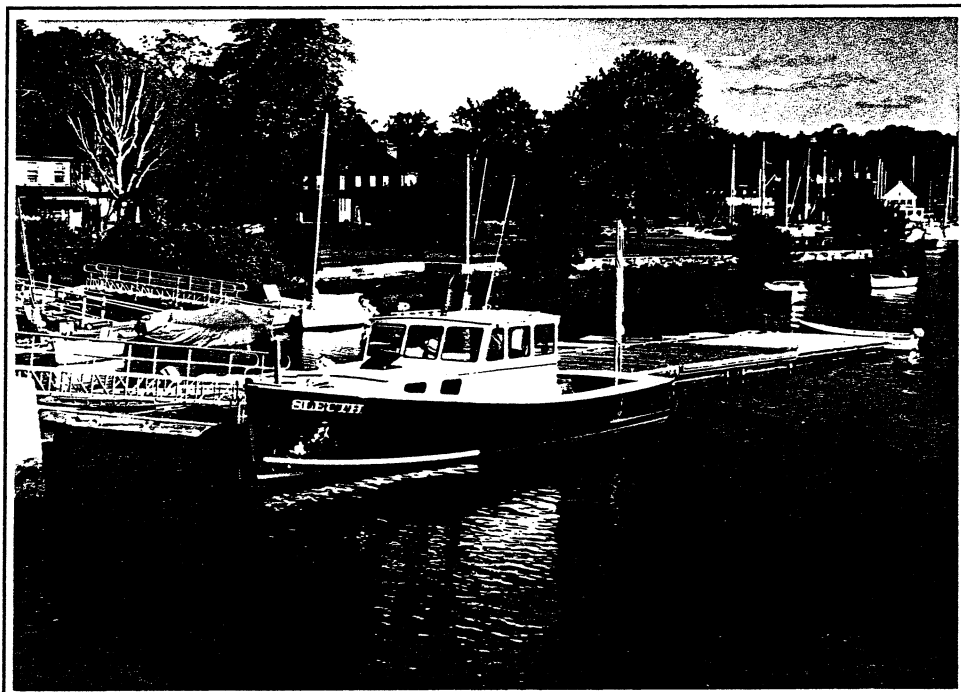


Figure 2-17: Lobster Boat at the Town Boat Yard's North Dock.

## **CHAPTER 3:**

# **EXISTING MANAGEMENT AUTHORITIES AND RESPONSIBILITIES**

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This chapter describes existing authorities and responsibilities pertaining to management of Southport Harbor. These are shared between Federal and State agencies and the Town of Fairfield. The Town's Harbor Management Commission will exercise the most direct responsibilities following adoption of the Harbor Management Plan. On the State and Federal levels, the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers carry out important harbor management-related responsibilities.

In several instances there are overlapping jurisdictions among the agencies involved. Current management objectives of the different government levels (and of agencies at the same level) have been divergent at times, and this divergence has created some uncertainties and potential conflicts that should be addressed and, to the extent possible, resolved through implementation of the Harbor Management Plan.

The general public, shorefront property owners, and several organizations also have important interests pertaining to management of Southport Harbor.

## **FEDERAL GOVERNMENT**

The principal Federal agency with roles and responsibilities affecting management of Southport Harbor is the U.S. Army Corps of Engineers. The Coast Guard and other Federal agencies also have roles and responsibilities. In addition, because the Southport Historic District (see Figure 2-12 in Chapter 2) is included in the National Register of Historic Places, certain Federal actions affecting the Harbor must be consistent with the requirements of the National Historic Preservation Act.

### **U.S. ARMY CORPS OF ENGINEERS**

The Town of Fairfield and the entire State of Connecticut are within the jurisdiction of the New England Division, U.S. Army Corps of Engineers (Corps). The Corps' Division office is located in Waltham, Massachusetts. The Corps of Engineers has a number of responsibilities pertaining to harbor management. In Fairfield, the most prominent of these responsibilities are related to: 1) the Corps' programs for regulating development in navigable waters and wetlands; and 2) the Corps' responsibilities for maintaining the Federal Navigation Project in Southport Harbor. Also, in accordance with the Connecticut Harbor Management Act of 1984, any harbor management plan proposed by a municipality must be submitted to the Corps of Engineers for review, comments, and recommendations before the plan can be approved and adopted.

In accordance with Section 106 of the National Historic Preservation Act, the Corps of Engineers must take into account the effects of its undertakings on properties included in or eligible for the National Register of Historic Places. Therefore, specific actions by the Corps of Engineers affecting Southport Harbor, including maintenance of the Federal Navigation Project and issuance of permits for work affecting navigable waters and wetlands, must be consistent with the requirements of the National Historic Preservation Act. (See the later section in this chapter on the role of the Advisory Council on Historic Preservation.)

### **Regulatory Authorities**

The Corp of Engineers' principal regulatory authorities pertinent to harbor management originate from Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. Under Section 10 of the River and Harbor Act, the Corps regulates structures in or affecting navigable waters, as well as excavation or deposition (e.g., dredging or filling) of materials in navigable waters.<sup>1</sup> Under Section 404 of the Federal Water Pollution Control Act Amendments (Clean Water Act of 1977), the Corps is also responsible for evaluating applications for Department

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<sup>1</sup> As defined by Federal regulations, "navigable waters" include waters subject to the ebb and flow of the tide and/or waters that are presently used, have been used, or may be used in the future to transport interstate commerce.

of the Army permits for any activities that involve placement of dredged or fill material<sup>2</sup> into waters of the United States<sup>3</sup>, including adjacent wetlands.

Types of Permits: The Corps may issue two types of permits — individual permits and general permits — for structures and work subject to the Section 10 and 404 regulatory programs. An individual permit is issued following evaluation of a specific proposal, and involves public notice of the proposed activity, review of comments, and, if necessary, a public hearing. In general, an individual permit must be received from the Corps for most activities that involve:

- Filling of wetlands and navigable waters
- Placement of structures in navigable waters
- Dredging and disposal of dredged material

A general permit, on the other hand, is an authorization issued for categories of activities that are judged to be substantially similar in nature and to cause only “minimal individual and cumulative adverse environmental impacts.” General permits include nationwide permits and regional permits. The Corps has issued 26 nationwide permits that apply to different types of activities. The New England Division (in cooperation with the Connecticut Department of Environmental Protection) has developed regional conditions to the nationwide permits that apply to Connecticut. These regional conditions include many of the restrictions required by the DEP’s Office of Long Island Sound Programs for conformance with the DEP’s permitting requirements (described later in this chapter). Activities that conform to the requirements for a nationwide or regional permit do not require a full application to the Corps of Engineers and public notice. The applicant, however, must receive a permit from the DEP, including a Water Quality Certification, before the Corps can authorize the activity under a general permit.

Docks, piers, pilings, bulkheads, and moorings are all structures in navigable waters that require a Corps of Engineers’ permit.

Regulation of Moorings: The Corps has authority for regulating moorings in waters of the United States, and has issued guidelines pertaining to two different types of moorings:

- *Individual-Private Moorings:* These are noncommercial moorings placed by a vessel owner for his/her private use. Installation of such moorings is authorized under a Corps of Engineers’ Nationwide Permit if they do not interfere with navigation. In Connecticut, local harbor masters appointed by the Governor have approval authority for individual-private moorings, and no application to the Corps of Engineers is required.

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<sup>2</sup> “Dredged material” is material excavated or dredged from waters of the United States, and “fill material” is any material used for the primary purpose of replacing an aquatic area with dry land, or for changing the bottom elevation of a water body.

<sup>3</sup> The term “waters of the United States” is defined by Federal regulation to include all navigable and interstate waters, their tributaries, and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.



- **Commercial Moorings:** A mooring is considered “commercial” by the Corps of Engineers if there is any charge (either implicit or explicit, from user to owner) for the use of the mooring. Some examples of commercial moorings are rental moorings, service moorings, and moorings owned by yacht or boating clubs with membership fees.

Applications for commercial moorings, docks, dredging and other regulated activities must be filed with the Corp of Engineer’s Division office. After reviewing the application documents, including appropriate plan drawings, the Corps will issue a public notice soliciting comments on the proposal. Public comments will be considered (the Corps often seeks comments from the local harbor master, for example, with regard to proposed work that may affect navigation) and the Corps will make a decision as to whether or not the proposed activity is in the public interest and if a permit should be issued or denied.

**Violation of Corps of Engineers’ Regulatory Programs:** During the 1980’s and early 1990’s, the New England Division of the Corps of Engineers has aggressively pursued violators of its regulatory programs. Although enforcement actions are still sought primarily in response to complaints, the Corps is now also active in pursuing enforcement to correct other violations it may identify.

Violations of Corps’ regulatory programs include unauthorized dredging and filling, construction of docks and piers without authorization or in violation of permit conditions, unauthorized structures (often referred to as “encroachments”) within the boundaries of Federal navigation projects, and rental (commercial) moorings without appropriate permits. Legal action may be brought against violators who may be required to remove unauthorized work (e.g., docks, piers, moorings, fill).

In addition, the Corps of Engineers authorizes work relative to a specific water use (e.g., private recreational use, commercial marina use, dockminium use). Any change in use from a previously authorized specific use requires reapplication to the Corps of Engineers and receipt of approval for the proposed change in use.

### **Navigation Project Responsibilities**

In addition to its regulatory authorities, the Corps of Engineers is also responsible for constructing and maintaining Federal navigation projects authorized by Acts of Congress. Federally authorized and maintained navigation projects may consist of designated channels and anchorages. In Fairfield, the Corps currently maintains the Federally authorized navigation project in Southport Harbor described in Chapter 2. (Some of the history of the Southport Harbor Navigation Project is summarized in Appendix A.)

In accordance with current Corps of Engineers’ policies and requirements, no piers, docks, moorings or other obstructions are permitted within a Federal navigation channel. Also, any public facilities, such as a public dock or launching ramp, that may have been required as part of the original authorization for a Federal navigation project must be available for use by the general public without discrimination according to Town of residence or other criteria. Reasonable fees may be

charged for use of public docks, ramps, moorings and other facilities, and a different fee may be charged for residents and nonresidents, as long as the difference is reasonable and can be justified on the basis of costs to the community.

The Corps has prepared some basic guidelines regarding placement of moorings, piers, piles, and other structures adjacent to a channel. (See "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division, U.S. Army Corps of Engineers," April 2, 1991.) Application of the guidelines depends on the specific situations involved.

In Connecticut, modifications of existing Federal navigation projects may be proposed by municipal harbor management commissions to accomplish local harbor management objectives. Such proposed modifications may or may not require Congressional authorization. If the proposed modification would not change the overall scope of the project (in other words, if the total area — including depths and water surface area — encompassed by the navigation project would stay the same) then the Corps of Engineers' Division Engineer may be able to authorize the modification, with concurrence from the Connecticut DEP. If the scope would be changed (e.g., a section removed from Federal designation without enlargement of the project by an equal amount elsewhere) then Congressional approval to amend the authorizing legislation would be required.

## **U.S. COAST GUARD**

Fairfield (and all of Long Island Sound) are within the First Coast Guard District South which is headquartered in Boston.<sup>4</sup> Coast Guard stations at New London and New Haven, under the direction of Group Long Island Sound in New Haven, have responsibility for carrying out different Coast Guard functions in the Fairfield area.

The harbor management-related responsibilities of the Coast Guard, most of which are relevant in the Southport Harbor area, include:

- 1) Placement and maintenance of aids to navigation
- 2) Designation of "special anchorage areas"
- 3) Search and rescue
- 4) Oil and hazardous materials spills
- 5) Enforcement of Federal boating laws and regulations
- 6) Administration pertaining to the construction, alteration, and operation of all bridges across navigable waters of the U.S.
- 7) Education for navigation and boating safety

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<sup>4</sup> Historically, Fairfield was within the Third Coast Guard District. On May 1, 1987, the Third District was absorbed by the First and Fifth Coast Guard Districts. The division occurs at Toms River, New Jersey, and Long Island Sound now falls within the First Coast Guard District. According to Coast Guard spokesmen, this organizational change affected only district level personnel, and had no effect on local offices providing services to Fairfield and other communities on Long Island Sound.

Aids to Navigation: The Coast Guard maintains Federal aids to navigation to mark the Federal channel in the Outer Harbor. These aids are maintained by the Coast Guard station at New Haven. The Coast Guard must also approve and issue a permit for the placement of all nonfederal (“private”) aids to navigation that may be placed to guide safe navigation in and near Southport Harbor.

Designation of Special Anchorage Areas: “Special anchorage areas” may be designated by the Coast Guard, usually upon application by a municipality. Within such areas, which are identified on navigation charts, vessels less than 65 feet in length are not required to display anchor lights. In all other designated and nondesignated anchorage areas, vessels at anchor are required to display lights when anchoring during the night. No special anchorage areas have been designated in Southport Harbor.

Search and Rescue: Any search and rescue efforts in the Southport Harbor and Fairfield area are usually the responsibility of the Eaton’s Neck station on Long Island.

Oil and Hazardous Materials Spills: The Captain of the Port, located in New Haven, is responsible for oil and chemical spills. Generally, the Coast Guard (working closely with the U.S. Environmental Protection Agency (EPA), the Connecticut DEP, and local officials) will take charge of any spill operations and monitor the cleanup (either directly or by supervising contractors). By law, all oil spills must be reported to the Coast Guard. The Captain of the Port has the authority to completely shut down any harbor in an emergency.

Enforcement of Federal Boating Laws and Regulations: Law enforcement for the many Coast Guard responsibilities is handled by the Law Enforcement Unit of the Group Long Island Sound. The Group Long Island Sound at Governor’s Island in New York would be responsible for law enforcement in the Fairfield area. The Coast Guard may stop and board vessels to determine compliance with navigation requirements, including the proper use and functioning of marine sanitation devices. Law enforcement responsibilities are shared with the Connecticut Department of Environmental Protection’s Law Enforcement Division and with the marine units of local police departments.

## **OTHER FEDERAL AGENCIES**

Other Federal agencies with less direct roles and responsibilities affecting Southport Harbor are the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Oceanic and Atmospheric Administration, the Food and Drug Administration, and the Advisory Council on Historic Preservation.

- **U.S. Fish and Wildlife Service.** The Fish and Wildlife Service (FWS) provides advice and comments to the Corps of Engineers regarding the potential impacts that proposed development

activities requiring a Corps' Section 10 or 404 permit would have on fish and wildlife resources. The FWS reviews and comments on the permit applications placed on public notice by the Corps.

The FWS is not a permitting agency. Its recommendations with regard to the potential impacts of development proposals subject to the Section 10 and 404 permitting programs, however, must be considered by the Corps of Engineers and given equal weight to other environmental and socioeconomic factors in evaluating the permit application.

- **National Marine Fisheries Service.** The National Marine Fisheries Service (NMFS) within the Department of Commerce has authority to comment to the Corps of Engineers on the potential impacts that proposed development activities requiring a Corps' Section 10 or 404 permit would have on marine fisheries resources. Like the FWS, the NMFS reviews and comments on the permit applications placed on public notice by the Corps.

Also like the FWS, the NMFS is not a permitting agency but its recommendations with regard to the potential impacts of development proposals must be considered by the Corps of Engineers, and given equal weight to all other factors in evaluating the permit application.

- **Environmental Protection Agency.** The Environmental Protection Agency (EPA) has several different responsibilities that directly or indirectly have some impact on harbor management, particularly with regard to water quality. For example, the EPA is responsible for establishing standards for discharge of municipal and industrial wastewater, providing grants for construction of municipal sewerage systems, and administering the National Pollutant Discharge Elimination System (NPDES). In Connecticut, responsibilities for administration and enforcement of the NPDES, in accordance with provisions of the Federal Clean Water Act, have been turned over to the State's Department of Environmental Protection.

In accordance with Section 312 of the Clean Water Act, if a state or municipality wishes to establish a no-discharge zone within which marine sanitation devices (MSDs) cannot be discharged directly to the water, the EPA must determine if there are adequate pump-out facilities available to permit this prohibition on direct discharges. Therefore, if a no-discharge zone is to be established in Southport Harbor in the future (Connecticut law provides the basis for establishing such a zone), approval from the EPA is necessary. Also under Section 312 of the Clean Water Act, the EPA is responsible for establishing Federal standards of performance for MSDs.

Under Section 404 of the Clean Water Act, the EPA has responsibility for reviewing and commenting on applications submitted to the Corps of Engineers for dredging and filling in navigable waters. Under Section 404(c), the EPA may veto a Corps permit for dredging or filling if it determines that development activity would have an unacceptable adverse effect on municipal water supplies, shellfish beds, fisheries areas, wildlife, or recreational areas.

- **Federal Emergency Management Agency.** The Federal Emergency Management Agency (FEMA) is responsible for conducting studies (flood insurance studies) and publishing maps (flood insurance rate maps) to determine flood vulnerability. The flood insurance rate maps are also

prepared for the purpose of providing flood insurance to communities (including Fairfield) participating in the National Flood Insurance Program (NFIP). FEMA also establishes minimum floodplain regulations that a community must adopt to participate in the NFIP so that flood insurance is made available to residents.

- **National Oceanic and Atmospheric Administration.** The National Oceanic and Atmospheric Administration (NOAA) also has some responsibilities that affect harbor management. Within NOAA, the Office of Ocean and Coastal Resources Management is responsible for administering the Federal Coastal Zone Management Program (Connecticut's Coastal Area Management Program is authorized and partially funded through this Federal program); the National Weather Service (NWS) is responsible for issuing weather forecasts and coastal storm warnings; and the National Ocean Service is responsible for conducting bathymetric surveys, preparing navigation charts, determining changes in sea level, and publishing tide tables.

- **Food and Drug Administration.** The Food and Drug Administration (FDA) within the Department of Commerce regulates the interstate movement and sale of shellfish. The FDA regulations are intended to ensure that all shellfish transported from one state to another are safe for human consumption. Hence, the FDA imposes standards for monitoring water quality in areas where shellfish are cultivated and harvested.

States with an interstate shellfish industry, such as Connecticut, belong to the Interstate Shellfish Sanitation Conference which establishes specific guidelines for water quality in shellfish areas. Shellfish harvested in states that do not conform with these guidelines will not be certified for interstate transport by the FDA. In 1989, the FDA announced that it would not issue FDA interstate shipping certificates to Connecticut commercial shellfishermen unless the State developed an acceptable plan to meet new Federal standards for monitoring shellfish grounds. (See later description of the responsibilities of the State's Department of Agriculture, Aquaculture Division.)

- **Advisory Council on Historic Preservation.** The Advisory Council on Historic Preservation may comment on certain Federal actions affecting Southport Harbor that could have a negative effect on historic properties in the Southport Historic District. Section 106 of the National Historic Preservation Act requires that a Federal agency head with jurisdiction over a Federal, Federally assisted, or Federally licensed undertaking take into account the effects of the agency's undertaking on properties included in or eligible for the National Register of Historic Places. Also, prior to approval of an undertaking, the Advisory Council on Historic Preservation must be afforded a reasonable opportunity to comment on the undertaking. Section 110(f) of the Act requires that Federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking and, prior to approval of such undertaking, afford the Council a reasonable opportunity to comment. Through the Section 106 review process, the Council seeks to accommodate historic preservation concerns with the needs of Federal undertakings. The review process is designed to identify potential conflicts between preservation concerns and Federal needs, and to help resolve such conflicts in the public interest.

## STATE OF CONNECTICUT

The Connecticut Harbor Management Act of 1984 is the principal State legislation affecting harbor management in Fairfield. The State of Connecticut has also established important laws and regulations relating to boating safety and the operation of vessels. There are a number of State agencies and officials with roles and responsibilities affecting the Southport Harbor Management Area. The most prominent agencies are the Department of Transportation and various units of the Department of Environmental Protection. Because the Southport Harbormaster is appointed by the Governor and his authorities are established by State statute, the Harbormaster is also included in this section on State agencies and officials.

### CONNECTICUT HARBOR MANAGEMENT ACT

In 1984 the Connecticut legislature enacted the State's Harbor Management Act (P.A. 84-287; Sections 22a-113k through 22a-113t of the Connecticut General Statutes), which authorizes municipalities to establish harbor management commissions and develop harbor management plans consistent with State law and guidelines. The intent of this Act was, in part, to increase the authority and control of local governments over matters pertaining to the use and condition of their harbors. In the words of the Senator who introduced the legislation: "What we're trying to do, and I think you know this, what we're trying to do is end bureaucracy, get down to the basic concept of planning and development of your harbor, and then put that down where it would be enforced, and overviewed by the local community, on an adopted plan that's gone through all these steps, and in that way, get the bureaucracy ... out of the business of doing this and putting it into the local community itself."<sup>5</sup>

The Harbor Management Act provides general guidelines concerning the content of a harbor management plan, and establishes requirements for approval of the plan by the State Commissioner of Environmental Protection and Commissioner of Transportation, and for adoption of the plan by the legislative body of the municipality preparing the plan.

Further, the Act empowers a local harbor management commission to review and make recommendations, consistent with the harbor management plan, on any proposal affecting the municipality's harbor management area and submitted to or proposed by other municipal commissions and departments. The Act also authorizes each community with an approved and adopted harbor management plan to establish a municipal fund to be used specifically for the maintenance and improvement of the local harbor management area.

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<sup>5</sup> See: *Connecticut Gen. Assembly House Proceedings 1984*, Vol. 27, Part 1, pages 305-306, 4200-4209; *Connecticut Gen. Assembly Senate Proceedings 1984*, Vol. 27, Part 1, pages 313, 1600-1602, 1611; and *Joint Standing Committee Hearings, Environment Part 1, 1984*, pages 16-21, 30-33, 41, 42-45, 49-52.

## **OFFICE OF THE GOVERNOR**

The Governor's direct involvement in harbor management is through his appointment of Harbormasters and Deputy Harbormasters in accordance with Section 15-1 of the Connecticut General Statutes. Local officials generally recommend individuals to the Governor for appointment as Harbormaster and Deputy Harbormaster. State law now requires that the harbormaster 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.

## **DEPARTMENT OF TRANSPORTATION, BUREAU OF AVIATION AND PORTS**

Within the Department of Transportation (DOT), the Bureau of Aviation and Ports exercises the principal harbor management-related authorities and responsibilities. The DOT, through its Bureau of Aviation and Ports, exercises jurisdiction over all of the harbors and navigable waterways of the State of Connecticut. Harbormasters and Deputy Harbormasters appointed by the Governor are subject to the direction and control of the Commissioner of Transportation and are responsible to the Commissioner for the safe and efficient operation of the harbors over which they have jurisdiction.

Whenever a new Harbormaster is appointed by the Governor, the Harbor Liaison Officer in the Bureau of Aviation and Ports usually meets with the Harbormaster to provide an overview of the harbormaster's responsibilities and jurisdiction, and to provide the Harbormaster with some basic information (such as copies of applicable legislation and a suggested application form for recording information on mooring permits). In the past, the DOT provided no formal training program for Harbormasters, but the Harbor Liaison Officer would meet periodically with the Harbormasters and provide information (including public notices of permit applications, condition surveys, notices to mariners, chart changes, and other information) by telephone and mail. The DOT also provides guidance on suggested mooring tackle specifications, but has not established any minimum requirements.

As specified in Section 22a-113m of the Connecticut General Statutes, any harbor management plan proposed by a municipality must be submitted to the DOT for approval (approval by the DEP is also required) before it can be adopted by a municipality. Section 22a-113m also requires the DOT to review and comment on the proposed plan within 60 days.

The Bureau of Aviation and Ports is responsible for carrying out a variety of regulations related to navigation and waterborne transportation. The Bureau also reviews and comments on permit applications submitted to the DEP's Office of Long Island Sound Programs for dredging, filling, and structures in waterways. The DOT may send a copy of the application to the local harbormaster requesting his or her comments. The harbormaster sends any comments to the DOT, which then forwards the harbormaster's comments along with any of its own to the DEP for consideration in issuing or denying a permit.

## **HARBORMASTER**

Appointed by the Governor, the Southport Harbormaster is responsible for the general care and supervision of the waters within the marine boundaries of Southport Harbor, subject to the direction and control of the Commissioner of Transportation. The Harbormaster is responsible to the Commissioner for the safe and efficient operation of the Harbor. Although Section 15-1 of the Connecticut General Statutes provides that the Commissioner of Transportation may delegate any of his powers and duties to the Harbormaster, no specific delegation of powers and duties has been made.

Deputy Harbormasters, also appointed by the Governor, have all of the powers and duties of the Harbormaster, subject to the control and direction of the Harbormaster. A Deputy Harbormaster has not been appointed for Southport Harbor.

Principal duties of Connecticut Harbormasters, as described in Sections 15-1 and 15-2 of the Connecticut General Statutes, are:

- To determine the anchoring/mooring location of all vessels so that they do not obstruct navigable waterways; and
- To remove, when necessary, vessels moored or anchored or other obstructions to the navigable waterways.

Section 15-1 also requires any State harbormaster to exercise his or her duties in a manner consistent with the harbor management plan for the harbor over which he or she has jurisdiction. Section 22a-113r of the Connecticut General Statutes requires that upon adoption of a harbor management plan, no mooring may be placed in the harbor subject to the plan without a permit from the harbormaster or deputy harbormaster for the municipality. Any such permit granted by the harbormaster or deputy harbormaster must be consistent with the harbor management plan and expire on the 31st day of December following its issuance. The harbormaster or deputy harbormaster must keep a record of the location of each mooring for which a permit has been issued, the name and address of the owner, and a description of the vessel to be moored.

The Southport Harbormaster is also empowered to enforce all of the boating laws of the State, within Southport Harbor. No police training is provided to Connecticut Harbormasters, however, and the DOT has advised all Harbormasters to report violations to the local police department or other law enforcement authorities rather than become directly involved in arrests or confrontations with violators.

The Harbormaster is provided minimum compensation by the State. Each of the Connecticut harbors where a harbormaster is appointed has been ranked by the DOT according to the level of activity in the harbor. Compensation of Harbormasters is based on the rank assigned to the particular harbor. Southport Harbor has been ranked as a category 5 (a "low" category) harbor.



As specified in the Town Ordinance creating the Fairfield Harbor Management Commission, the Harbormaster is a nonvoting, ex-officio member of the Commission. Current and former Harbormaster have actively participated in the Commission's activities, including preparation of the Management Plan for Southport Harbor.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Within the Department of Environmental Protection (DEP), harbor management-related responsibilities are carried out by the Office of Long Island Sound Programs, Inland Water Resources Management Division, Planning and Water Quality Standards Division, and Water Engineering and Enforcement Division. Also, the Waste Management Bureau, and the Bureau of Natural Resources' Fisheries Division and Law Enforcement Division have harbor management-related responsibilities.

### Office of Long Island Sound Programs

The Office of Long Island Sound Programs (OLISP) has important responsibilities for implementing the Connecticut Coastal Management Act (CCMA) of 1979 and the Connecticut Harbor Management Act of 1984. The OLISP was established in 1991 and is now responsible for programs previously carried out by the DEP's Coastal Resources Management Division which was replaced by the OLISP. Responsibilities of the OLISP include:

- *Technical Assistance, Review and Approval of Harbor Management Plans.* As required by the Connecticut Harbor Management Act, the DEP prepared a "Model Municipal Harbor Management Plan" which, along with the Harbor Management Act, sets forth requirements and guidelines for preparing a local harbor management plan.

The OLISP will review the Town's Management Plan for Southport Harbor to ensure that the plan conforms with: the requirements of the State Harbor Management Act; the Fairfield *Shore Area Plan*; and the Connecticut Coastal Management Act. The OLISP provides information and advice to the Fairfield Harbor Management Commission, and a OLISP staff member serves as a liaison between the OLISP and the Commission.

In accordance with the Harbor Management Act, the DEP (along with the DOT) must approve the Management Plan for Southport Harbor before it can be adopted by the Town.

- *Determining Consistency of Coastal Development Proposals with the Connecticut Coastal Management Act.* The OLISP is responsible for overseeing the implementation of the Connecticut Coastal Management Act and providing technical assistance to the Fairfield Town Plan and Zoning Commission (TPZ) during the TPZ's review of zoning amendments and development proposals within the designated coastal areas. This assistance is to help ensure that development conforms with the policies and standards of the CCMA.

- *Reviewing Coastal Area Development Proposals and Issuing or Denying Permits.* In accordance with State law, the OLISP also reviews proposed development activities and issues or denies permits for the following activities: placement of structures below the high tide line<sup>6</sup>; placement of structures and fill in tidal wetlands; filling in coastal, tidal or navigable waters; dredging for navigation and disposal of dredged material; construction and maintenance of nonfederal channels; and placement of commercial moorings, including moorings placed by private boating and yacht clubs.

Anyone proposing any of the above activities must submit an application to the OLISP. The OLISP sends copies of applications to relevant Federal, State and local agencies, and to adjacent property owners for review and comment. Generally, these agencies have 30 days following receipt of the application to submit comments to the OLISP. If, based on the comments received, the OLISP determines that the activity is consistent with all applicable laws and regulations and will have no significant adverse impacts, a permit for the proposed activity is issued. The minimum time required to process a permit is approximately 60 days from receipt of the application. There is no maximum time limit, and some applications may require a number of months to process, depending on the workload at a particular time, the complexity of the project, and the comments received. Also, an extension of the comment period may be granted if a reviewing agency requests additional time for review.

If, based on its own review of the proposed activity and comments received from reviewing agencies, the OLISP determines there may be significant adverse impacts associated with the proposed activity, a public hearing is scheduled.

The OLISP works closely with the Corps of Engineers when reviewing Federal permit applications that involve filling, dredging or structures in wetlands or coastal waters. In Connecticut there is no joint permitting process between State agencies and the Corps of Engineers, but State permit requirements largely parallel the Federal permit requirements.

The OLISP also processes applications for "certificates of permission." As authorized by 1990 legislative changes, applicants proposing specific minor activities defined in Public Act 90-111 (An Act Concerning Structures and Dredging) may now apply to the OLISP for a Certificate of Permission in lieu of a Structures and Dredging Permit. The certificate process includes a shorter review time prior to a departmental finding on the application than does the normal permit review process.

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<sup>6</sup> As defined by Section 22a-359(c) of the Connecticut General Statutes, "High tide line" means a line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. The mark may be determined by (1) a line of oil or scum along shore objects, (2) a more or less continuous deposit of fine shell or debris on the foreshore or berm, (3) physical markings or characteristics, vegetation lines, tidal gauge, or (4) by any other suitable means delineating the general height reached by a rising tide. The term includes spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Proposals for shoreline flood and erosion control structures including bulkheads, seawalls, groins and breakwaters defined in C.G.S. Section 22a-109(c) that are received by local zoning commissions must also be reviewed by the OLISP as required by Section 22a-109(d) of the Connecticut General Statutes.

Violations of the OLISP's regulatory programs include unauthorized dredging and filling as well as docks and piers built without the necessary permits, or in violation of permit requirements. The OLISP has aggressively pursued violators of its regulatory programs, and legal action may be brought against violators who may then be required to remove the unauthorized work. In addition, a penalty of up to \$1,000 a day may be assessed for each violation, in accordance with Section 22a-361(a) of the Connecticut General Statutes.

### **Inland Water Resources Management Division**

The Inland Water Resources Management Division (IWRMD), oversees implementation of the State inland wetlands and watercourses statutes. The IWRMD, along with the OLISP, provides technical assistance to communities for evaluation of flooding problems and preparation of floodplain regulations in coastal areas.

### **Division of Planning and Water Quality Standards, and Division of Engineering and Enforcement**

These two divisions within the Bureau of Water Management now carry out responsibilities formerly held by DEP's Water Compliance Unit, including three primary responsibilities relating to harbor management:

- Issuance of discharge permits under the National Pollution Discharge Elimination System (NPDES);
- Emergency response to oil and chemical spills; and
- Responsibilities relating to marine sanitation devices.

Under the NPDES program, discharge permits are issued for: pretreatment discharge by industry (for effluent that goes to a sewage treatment plant); direct discharge by industry; and discharge by sewage treatment plants.

Also, water quality surveys are undertaken to develop data for allocation of wasteloads and issuance of NPDES permits.

During an oil or chemical spill, division staff would work closely with other DEP units (i.e., OLISP and the Waste Management Bureau), Federal officials from the Coast Guard and Environmental Protection Agency, and with local officials.

**Waste Management Bureau**

Divisions of the Waste Management Bureau exercise several responsibilities relating to the use of hazardous materials and relevant to harbor management. The Oil and Chemical Spills Division works with other DEP divisions, the Coast Guard and other agencies when responding to oil spills. Within the Waste Management Bureau, permits are granted for underground storage of petroleum products, such as gasoline tanks at marinas. The Waste Management Bureau also assists in determining the suitability of, and requirements for, upland disposal of contaminated dredged materials.

In 1990, the State legislature passed an Act Regulating the Discharge of Sewage From Vessels (Public Act No. 90-173) that allows the Commissioner of Environmental Protection to establish no-discharge zones and require installation of pump-out facilities by certain docking facilities. The DEP is now developing regulations to carry out the provisions of this Act. Described earlier, designation of a Southport Harbor no-discharge zone will require approval from the U.S. Environmental Protection Agency, in accordance with Section 312 of the Federal Clean Water Act.

**Bureau of Natural Resources, Fisheries Division**

The Fisheries Division of DEP's Bureau of Natural Resources is responsible for management of fishery resources (exclusive of bivalve shellfish) living within the waters of the State. The Division administers reporting requirements that affect commercial fisheries in the vicinity of Southport Harbor. The Division's main office is located in Hartford and functions as the administrative and Federal aid office for the inland and marine fisheries programs. The Marine Fisheries Program located in Old Lyme supports marine fisheries research and management activities. The Old Lyme office also supports the marine conservation law enforcement program. It should be noted, however, that the Law Enforcement Division is separate from the Fisheries Division, although both are within the Bureau of Natural Resources.

The DEP requires submission of catch and effort statistics from all holders of marine fishing licenses, permits and registrations. Depending on the type of license, however, this requirement can be extensive or minimal. Resident commercial fishermen who land lobsters and finfish in Connecticut, purse seine vessel operators, commercial shad fishermen, and personal use lobster license holders are required to record information on catch and fishing effort on a daily basis, on forms provided for this purpose.

Commercial lobster and trawl fishing reports, and lobster landing reports are submitted monthly. Personal use lobster and purse seine reports are submitted at the end of the year, while shad reports are returned in July at the end of the shad fishing season. All other commercial license holders (finfish by gillnet and commercial angling, marine and inland bait, pound net, and blue crab licenses) submit monthly or annual summary totals of their activities.

Regulations governing the use of fixed (stationary) fishing gear do not permit buoyed lobster pots to be located in a navigable channel. Section 26-142a-3a of the Connecticut General Statutes specifies that no fixed commercial fishing gear shall be set at any time within any navigable channel as indicated by U.S. Coast Guard channel markers or within any fairway as designated by an approved harbor management plan. Also, no fixed fishing gear shall be set in any mooring area as designated in an approved harbor management plan.

#### **Bureau of Natural Resources, Law Enforcement Division**

The Law Enforcement Division of DEP's Bureau of Natural Resources has responsibility for enforcing State boating laws, fish and wildlife laws, and other State laws and regulations. Jurisdiction is often shared with local marine police, and there is coordination with other government units such as the Coast Guard and the Harbormaster. The Law Enforcement Division must also review any proposed local boating regulations before they can be adopted by a municipality, including any that may be included in a local ordinance addressing boating and navigation. Section 15-136(a) of the Connecticut General Statutes provides authority for any town to make, by ordinance, "local regulations respecting the operation of vessels on any body of water within its territorial limits." Throughout the State, such local regulations are being developed to implement harbor management plans in accordance with the efforts of harbor management commissions to increase local authority in matters pertaining to navigable waters. Before local regulations pertaining to the operation of vessels can take effect, however, they must be reviewed by the Commissioner of Environmental Protection to determine that they are not "arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent [with State law]."

#### **DEPARTMENT OF MOTOR VEHICLES**

The only harbor management-related responsibility of the Department of Motor Vehicles (DMV) is for boat registration as authorized by Sections 15-141 through 15-157 of the Connecticut General Statutes. Connecticut law requires that all boats with motors, regardless of size, and all sail boats 19½ feet in length and over, be registered and numbered before launching. Registration is valid until April 30 of the following year, and must be renewed each year. The DMV sends out renewal notices in March.

Vessels registered and numbered in any other state, and documented vessels exempt from the numbering requirement but using Connecticut waters for more than 60 days, must possess a certificate of registration and display registration decals.

Prior to 1982, each municipality could assess a local property tax on vessels registered in their community. Beginning in 1982, State legislation (P.A. 81-423) eliminated the local personal property tax on boats and increased the State registration fee. Now, boating registration fees are collected by the DMV and turned over to the DEP. The DEP then distributes a portion of the fees collected to the municipalities and these fees are deposited into the municipality's General Fund. Boat registration is generally recorded by the DMV according to the municipality in which the owner is resident.

## DEPARTMENT OF HEALTH SERVICES

Prior to July of 1989, the Department of Health Services (DHS) exercised several shellfish management responsibilities, including: evaluation and classification of waters for shellfishing; and licensing for commercial shellfishing. State law (P.A. 89-381) effective July 1, 1989 transferred these responsibilities to the State Department of Agriculture. The DHS continues to carry out laboratory testing of water samples and makes recommendations to the Department of Agriculture pertaining to shellfish management.

## DEPARTMENT OF AGRICULTURE, AQUACULTURE DIVISION

Under authority provided by P.A. 89-381, the Department of Agriculture now carries out responsibilities for monitoring and licensing of the shellfish industry in Connecticut. The transfer of these responsibilities from the Department of Health Services to the Department of Agriculture was part of a State plan to reorganize the State's shellfish monitoring program in response to threatened sanctions by the Federal Food and Drug Administration (see previous discussion of the roles and responsibilities of the FDA). The Department of Agriculture is now the lead agency with regard to shellfish management in the State. The Department's Aquaculture Division is responsible for:

- *Evaluation and classification of waters for shellfishing.* As required by State law, the quality of local water must be tested to determine if it is suitable for shellfish harvesting. Following evaluation of water quality, the Aquaculture Division: 1) classifies waters as "approved," "conditional," "restricted," or "prohibited"; 2) posts signs designating the appropriate classification; and 3) requires that local authorities patrol the closed areas. As of June 5, 1991, all of Southport's Inner Harbor, along with Sasco Brook, were classified as "prohibited" shellfish growing areas, and most of the Outer Harbor was classified as a conditionally approved area. The actual closing of conditionally approved shellfish areas is delegated to local health departments, but the Aquaculture Division retains authority to close shellfish areas in emergency situations. The Division has agreed to a Memorandum of Understanding with the Town of Fairfield specifying conditions and responsibilities for monitoring water quality conditions and closing the conditional grounds in Southport Harbor as conditions require. Also, the Aquaculture Division is working to develop State policies, consistent with FDA requirements, for the classification of shellfish grounds based on potential boating and marina impacts on water quality.
- *Licensing of shellfishing activities.* The Aquaculture Division now issues several types of permits: 1) "shell stock shipper permits" for commercial shellfishermen, permitting harvest and marketing of shellfish; 2) "transplant permits" for commercial shellfishing, permitting transplant of shellfish stock from polluted water to clean water; and 3) "seed oyster permits" allowing harvesting from polluted waters and sale of the stock to someone who will transplant and market the shellfish.

Another mission of the Aquaculture Division is to promote farming of the State's waters for aquaculture. The Division has jurisdiction over shellfish areas under State jurisdiction. Within these areas, the Aquaculture Division may lease State shellfish beds to commercial shellfishing operations.

The Aquaculture Division may issue two types of licenses to commercial shellfishermen: 1) a license to work on public shellfish beds; and 2) a license for any boat used to work on public shellfish beds.

The Aquaculture Division works in an advisory capacity to local shellfish commissions and the DEP (especially the DEP's Fisheries Division and the Office of Long Island Sound Programs). To identify potential impacts of the work on shellfish habitat and the shellfish industry, the Division reviews permit applications for marine dredging, filling, and structures submitted to the OLISP.

### **STATE HISTORIC PRESERVATION OFFICER**

The State Historic Preservation Officer, within the Office of the Connecticut Historical Commission, coordinates State participation in the implementation of the National Historic Preservation Act, and is a key participant in the "Section 106 process" whereby certain Federal actions must be reviewed for consistency with the Act. With respect to management of Southport Harbor, this participation would involve the Historic Preservation Officer's review of Federal undertakings with the potential to affect the Southport Historic District. The Historic Preservation Officer considers such undertakings to encompass either Federal construction activities (e.g., Corps of Engineers' dredging of the Federal navigation project) or Federal permitting activities (e.g., issuance of Corps permits for nonfederal dredging and dock construction).

The role of the Historic Preservation Officer is to consult with and assist the Federal agency having jurisdiction over such undertakings when identifying historic properties, assessing effects upon the properties, and considering alternatives to avoid or reduce those effects.

### **TOWN OF FAIRFIELD**

While the Fairfield Harbor Management Commission exercises the most direct responsibilities for managing the Southport Harbor Management Area, other Town commissions, boards and departments also have harbor management-related responsibilities.

### **FAIRFIELD HARBOR MANAGEMENT COMMISSION**

On July 28, 1986, the Fairfield Representative Town Meeting created a seven-member Fairfield Harbor Management Commission by adoption of a local ordinance (Town Code Book, Chapter 24). Two alternate members are appointed to serve in the absence of regular members, and the Harbormaster serves as an ex-officio member of the Commission. The Commission, which is

appointed by the Board of Selectmen, has jurisdiction over Southport Harbor and adjoining waters, and this area of jurisdiction (known as the Southport Harbor Management Area) is defined in the Ordinance. (See Chapter 1.)

As specified in the Town Code, the purpose of the Harbor Management Commission is to prepare a Harbor Management Plan to be approved by the Representative Town Meeting in accordance with Section 22a-113m through 22a-113o of the Connecticut General Statutes. The Code also specifies that the Commission should undertake the following activities:

- Recommend ordinances to implement the Harbor Management Plan and which may specify fines for violation of those ordinances.
- Prepare an operating budget using funds which may include but are not limited to local appropriations, mooring fees, violation fines, or a Harbor Management Fund established by town ordinance.
- Review for consistency with the Harbor Management Plan any application for a local, State or Federal permit for an activity taking place within the Commission's jurisdiction, and make recommendations to the regulating agencies.
- Conduct studies of the conditions and operations in and adjacent to Fairfield waters within its jurisdiction and present proposals for the Harbor's efficient operations.

Since its formation, the Harbor Management Commission has worked to address the various issues affecting the Southport Harbor Management Area, and to coordinate its activities with the activities of other Town commissions as well as State and Federal agencies concerned with the HMA. The Commission's basic goals have been the achievement of balanced use of the HMA, and protection of the existing environmental and esthetic conditions in and near the area.

## **OTHER TOWN COMMISSIONS AND AUTHORITIES**

The following Town commissions, departments, boards and authorities have roles and responsibilities that affect the Southport Harbor Management Area.

- **Town Plan and Zoning Commission.** The Town Plan and Zoning Commission (TPZ) has jurisdictional authority over all land use in the Town of Fairfield. In addition to its Town-wide responsibilities, the TPZ is responsible for developing the Town's Municipal Coastal Program (embodied in the Town's *Shore Area Plan*) as authorized by the Connecticut Coastal Management Act, and for conducting "coastal site plan reviews" for upland activities proposed within the



municipal coastal boundary<sup>7</sup>. The TPZ is also responsible for conducting coastal site plan reviews of proposed shoreline flood and erosion control structures in accordance with C.G.S. 22a-109(d).

- **Fairfield Shellfish Commission.** The Shellfish Commission (established in 1984) has jurisdiction, within the territorial waters of Fairfield, over the use and management of shellfish resources. The Commission is concerned with preserving and restoring water quality, shellfish habitat, and the estuarine ecosystem on which shellfish resources depend. The Commission is also concerned with maintenance and enhancement of public access to shellfish resources for commercial and recreational harvesting purposes, and has prepared a Town Shellfish Management Plan.

- **Fairfield Park Commission.** In the Southport Harbor area, the Park Commission has responsibility for managing the Town Boat Yard, Perry Green, Sasco Beach, and Southport Beach. It establishes rules and regulations for the use of these and other Town Park and Recreation areas, and sets fees for beach-parking permits, boat launching permits, and dinghy permits. The Commission has also maintained a waiting list for those who desire to tie-up their boats at Perry Green. The Superintendent of Parks and Marinas for the Town of Fairfield reports to the Park Commission, and served as an advisor to the Harbor Management Commission in the course of work to prepare the Management Plan for Southport Harbor.

- **Fairfield Conservation Commission.** The Conservation Commission is responsible for managing conservation and open space areas owned by the Town, including a 1.5 acre, mostly tidal wetland parcel on Sasco Brook, downstream of the railroad bridge and near Southgate Lane. A 15' wide public access easement from Southgate Lane provides limited pedestrian access to this open space area. The Commission also manages two other open space areas adjoining Sasco Brook and the Harbor Management Area. (See Chapter 2.)

The Conservation Commission serves in an advisory role on land-use activities affecting the natural resources of the Town. The Commission, through its Inland Wetlands Authority, previously exercised authority over nondesignated tidal wetlands (those areas not mapped by the State) above mean high water in the Mill River and Sasco Brook. Amendments to the State's Tidal Wetlands Act in 1991, however, clarify that responsibility for regulation of all tidal wetlands — both designated and nondesignated — now rests with the DEP.

Noted in Chapter 2, the Conservation Commission implements the Town's wetland restoration program, and is currently proceeding with plans to restore degraded intertidal resources adjoining Horse Tavern Creek. The Commission has prepared a draft "Multiple Use Management Plan for Coastal Open Space," dated January 1994, which contains goals, objectives, guidelines, and recommendations for environmental conservation and the use of Town-owned open space areas in and near the Fairfield coastal area. The draft Multiple Use Management Plan addresses

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<sup>7</sup> Fairfield's coastal boundary (which essentially encompasses all land within 1,000 feet of the high tide line) was designated in accordance with the provisions of the Connecticut Coastal Management Act. The precise location of the coastal boundary is described in the *Shore Area Plan*, and the area within this boundary is subject to the authorities of the Town's Municipal Coastal Program.

conservation concerns and ecological considerations in the Town's four estuaries, including the Mill River—Southport Harbor estuary and the Sasco Creek (Brook) estuary.

- **Fairfield Historic District Commission.** The Fairfield Historic District Commission exercises important responsibilities authorized by the Connecticut General Statutes regarding the establishment and protection of the Southport Historic District which includes much of the upland adjacent to the western shore of the Inner Harbor as well as the Inner Harbor itself. (See Figure 2-12.) The Commission investigated the establishment of an historic district in Southport and recommended establishment of such a district to the Representative Town Meeting in 1966. Following establishment of this Town Historic District, the Commission has carried out its responsibilities for reviewing any proposed project that calls for demolition, erection or external alteration of any building or structure within the designated Historic Area boundary. No building or structure can be erected or altered within the Southport Historic District until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Historic District Commission and approved by the Commission.

- **Fairfield Health Department.** The Health Department regulates wastewater discharges and sanitary wastes, and is responsible for water quality monitoring offshore of the Town's beaches, and for enforcement of State Health Codes in Town waters.

- **Fairfield Police Department.** The Police Department is responsible for enforcement of Town Codes as well as State boating laws within the Town's territorial waters. The Marine Police unit operates a 28-foot Bertram twin diesel equipped with radar and fire fighting apparatus, and an 18-foot Boston Whaler. Both vessels are berthed at the Town's South Benson Marina near the Fairfield/Bridgeport boundary at Ash Creek. Three officers are assigned to the marine patrol, with no more than two on duty at any one time. Emergency channel 16VHF is monitored. Normal patrol hours are 9 am to 5 pm on weekdays and 10 am to 6 pm on weekends during the boating season. The Marine Police vessels are usually placed in the water around mid-March and removed about mid-November. A Fairfield Police Captain serves as an advisor to the Harbor Management Commission and assisted the Commission with preparation of the Management Plan for Southport Harbor.

- **Flood and Erosion Control Board.** The Flood and Erosion Control Board plans for flood control structures, dredging, beach nourishment, and shore protection works.

- **Water Pollution Control Authority.** The Water Pollution Control Authority regulates sewers and required sewerage service.

## INDIVIDUALS AND PRIVATE ORGANIZATIONS

The general public, shorefront property owners, and several organizations have important rights and interests pertaining to use and management of the Southport Harbor Management Area.

### THE GENERAL PUBLIC

Consistent with the Public Trust Doctrine<sup>8</sup>, individuals and organizations do not own underwater land or land subject to the ebb and flow of the tide. The State of Connecticut owns the foreshore, open tidal waters and submerged land under tidal waters seaward of the mean high water line. These resources are held by the State in trust for the benefit of all residents of the State, and the general public has important rights of navigation and access to that portion of the shoreline below the mean high water line.

- *Public Rights of Navigation.* In general, navigational rights take precedence over other in-water rights. Boaters have the right of free navigation (generally interpreted to including fishing) subject to lawfully enacted restrictions. The right of navigation includes the right to anchor, but does not include the right to a mooring (a mooring is a structure subject to a permit from the Harbormaster and Corps of Engineers).
- *Public Right of Access to the Public Beach.* Section 22a-93 (6) of the Connecticut General Statutes defines “public beach” as “that portion of the shoreline held in public fee ownership by the State<sup>9</sup> or that portion of the shoreline below the mean high tide elevation that is held in public trust by the state.” Individuals have the right of passage along this public beach area (effectively the “wet sand area” or “foreshore” between mean high tide and mean low tide). However, a person may not unlawfully cross private property to gain access to the foreshore.

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<sup>8</sup> The Public Trust Doctrine is based on the common law principle that certain lands and waters are so important to the public that private ownership or other impediments to public uses should not be permitted.

<sup>9</sup> In Connecticut, the State owns the underwater land seaward of the mean high water line. The seaward boundary of this ownership was established in the Submerged Lands Act of 1953 (43 U.S.C. Section 1301-1343). This Act quit claimed lands under navigable waters to a distance of three miles or to approved State boundaries. Connecticut owns all underwater land from the mean high water line seaward to the congressionally approved State boundaries with New York and Rhode Island.

## SHOREFRONT PROPERTY OWNERS

Certain rights — referred to as riparian or littoral rights<sup>10</sup> — are inherent in the ownership of land bordering navigable waters.

- *The Right to Wharf Out.* The Connecticut courts have held that the owner of upland property adjacent to navigable water has “certain exclusive yet qualified rights and privileges” in the adjoining submerged land, including the exclusive right to build piers from the upland to reach deep water (often referred to as “wharfing out”), as long as the piers do not interfere with free navigation and are acceptable under other regulatory statutes, such as wetland protection laws. Also, the littoral owner can not exercise the right to build out from the shore in a manner that interferes with the littoral rights of abutting property owners.<sup>11</sup> Before a wharf or pier may be constructed in a navigable water of the United States, a permit from the Corps of Engineers must first be obtained, as well as a State permit from the DEP.
- *Right to a Mooring.* Littoral rights are generally not interpreted as giving shorefront property owners the exclusive right to a mooring in the water adjacent to his or her property. Anyone, not just the upland property owner, may moor a vessel in the adjacent water subject to the permitting requirements of the Corps of Engineers and Harbormaster. However, both the Corps and the DEP have indicated that the littoral/riparian land owner may receive preference over other applicants for an individual-private mooring space in the water adjacent to his or her property. The DEP has further indicated that generally it should be easier to obtain a permit to place a mooring than to construct a dock because there are typically fewer environmental impacts associated with mooring placement.

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<sup>10</sup> With regard to water rights law, water rights arise when property either abuts or contains water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, or is located on a lakeshore, the rights are said to be littoral rights. Despite these distinctions, the terms “riparian” and “littoral” are commonly used interchangeably. Riparian rights may be defined as principally the right of access to the water, the right of accretions and relictions, and the right to other improvements, including the right to wharf out to navigability. Littoral rights are usually concerned with the use and enjoyment of the shore.

<sup>11</sup> In addition, the Connecticut Supreme Court has stated that “the law guarantees to each riparian proprietor only such wharfage facilities as the condition of the harbor and the situation of his land with reference to it will afford. If he has less than others, it is his misfortune.” (*New Haven Steamboat Co. v. Sargent and Co.*, 50 Conn. 199, 208 (1882).

## PRIVATE ORGANIZATIONS AND GROUPS

Several private organizations have some jurisdiction or interest with regard to the management of Southport Harbor. These include:

- **The Sasquanaug Association for Southport Improvement**, a nonprofit civic organization founded in 1887, that serves, educates, and leads Southport citizens regarding preservation of the community's historic integrity and the well-being of its neighborhoods. Sasquanaug's membership is open to all. The organization has 32 Board Members and an active membership of several hundred families.

Sasquanaug has always had a vital, ongoing interest for preserving Southport Harbor as the historic focal point of the community. Also, in its efforts to preserve Southport's historic character and the integrity of the Southport Historic District, Sasquanaug exercises a number of public trust responsibilities, including oversight of Perry Green as specified in the "deed of gift" of this land.

In the course of work on the Management Plan for Southport Harbor, the Sasquanaug Association contributed funds used by the Harbor Management Commission to conduct the 1992 Southport Harbor Dredging Study.

- **The Southport Conservancy**, a land trust organization with activities indirectly related to the Harbor.

- **The Friends of Southport Harbor**, a nonprofit, nonpartisan organization established in 1988 to assist in the protection and management of Southport Harbor, and to inform and educate residents of the area. Open to all residents of Fairfield (and others upon application), the organization has considered specific issues related to harbor management.

- **The Mill River Wetland Committee**, an environmental education organization that operates the outdoor study component of Fairfield's River-Lab Program. The River-Lab Program is part of the science curriculum in grades three through six of the Fairfield public schools, the St. Pius X School, and the Fairfield Country Day School. The Program makes use of Southport Harbor, Sasco Brook, and Ash Creek (on the Fairfield/Bridgeport boundary) as outdoor classrooms for fifth grade study of estuarine resources and the inter-relationships between those resources and upstream and upland activities. Currently, the River-Lab Program's access to Southport Harbor is through the Country Club of Fairfield, by agreement with the Country Club.

Among other interests, the Mill River Wetland Committee expresses support for the protection of environmental resources in Southport Harbor, and use of the Harbor and its shoreline areas for educational purposes.

- **The Pequot Yacht Club**, one of the oldest sailing establishments on Long Island Sound. Founded in 1925, the Yacht Club provides important water access opportunities for its members and guests, as well as nonmembers who participate in the Club's various sail training programs.

Described in Chapter 2, the Yacht Club is a significant water-dependent facility that contributes importantly to the existing historic and esthetic character of Southport Harbor. The Yacht Club's land-based facilities are found in two historic warehouse buildings on the west side of the Harbor, just north of Perry Green. The Yacht Club's membership totals about 600; most members are from Fairfield, but there are also members from nearby Towns and states.

In the course of work on the Management Plan for Southport Harbor, the Pequot Yacht Club contributed funds used by the Harbor Management Commission to conduct the 1992 Southport Harbor Dredging Study and the 1993 Federal Project Survey. (See Appendix B and Appendix D.)

### **OWNERS OF RIGHTS TO SHELLFISH GROUNDS**

Several commercial shellfishermen work the shellfish grounds in Southport Harbor. Management of the Harbor is of interest to these fishermen because of the adverse impacts on shellfish that may be caused by pollution, the potential for discharge of marine sanitation devices in the Harbor, the shellfish harvesting difficulties caused by the presence of mooring tackle, and other concerns. State law (Section 26-157a(e) of the Connecticut General Statutes) requires that "No person shall set, tend or assist in setting or tending any lobster pot, trap or similar device for the catching of lobsters or set any mooring on any oyster bed without the permission of the owner or lessee of such bed." In Southport Harbor, private shellfish grounds have been designated in the Outer Harbor (see Figure 2-7).

## **CHAPTER 4:**

# **HARBOR MANAGEMENT ISSUES AND CONCERNS**

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This chapter identifies some important issues and concerns pertaining to use and management of the Southport Harbor Management Area. Some of the issues and concerns are associated with existing conditions in the Harbor Management Area; others with actions and responsibilities for actively managing the area. Some will require immediate attention; others may be of more significance in the future and can therefore be addressed over a longer period of time.

The issues and concerns have been grouped into the following categories:

- Water-Use and Navigation
- Harbor Access and Resource Protection
- Harbor Administration

The existence of these issues and concerns points to the need for an effective management plan and strengthened Town involvement to guide not only use of the Harbor but also protection of harbor resources into the future. The order in which the categories and the specific issues are presented is not meant to imply priority.

The harbor management goals, objectives, policies and recommendations presented in Chapters 5 and 6 have been formulated to respond to the issues and concerns described on the following pages.

## **WATER-USE AND NAVIGATION ISSUES**

### **● INEQUITABLE USE OF HARBOR WATERS AND PUBLIC FACILITIES**

As part of the agreement established by both the U.S. Army Corps of Engineers and the Town of Fairfield when the Federal Navigation Project was modified in 1935, the Corps agreed to provide continued maintenance (including maintenance dredging) of the Navigation Project, and the Town agreed to manage and regulate the Harbor to provide a public landing and access to the Project by all persons, without any discrimination based on Town of residence. Thereafter, the Town entered into agreements partially delegating its management responsibility. Described in the earlier chapters, an imaginary line known as the Sullivan line was drawn across the Harbor about two-thirds of the way up the Federal Navigation Project. The Pequot Yacht Club was assigned partial management responsibility north of this line, and a concessionaire was to partially manage uses south of this line and at the Town Boat Yard. The Town limited use of the Town Boat Yard to Town residents (with some use by nonresident taxpayers and nonresident Town employees), and assigned Harbor mooring locations only to Town residents. The Corps of Engineers and the Connecticut Department of Environmental Protection (DEP) informed the Town and the Pequot Yacht Club that these long-standing practices, including delegation of management responsibilities to the Yacht Club, were inconsistent with Federal and State requirements. Further, the Town was informed that these management practices must be discontinued if the Harbor is to be dredged by the Federal government in the future, and if a Town plan for management of Southport Harbor is to be approved by the State of Connecticut.

In the course of work to prepare the Harbor Management Plan, the Town modified its agreements with the Yacht Club and concessionaire to place all water areas under the supervision of the Harbor Management Commission and Harbormaster, and the Sullivan line is no longer considered relevant to management of the Harbor.

Efforts to limit use of the Harbor to Town residents would be inconsistent with the Public Trust Doctrine (see Chapter 3), whereby the waters of the Harbor Management Area (below the mean high water line) can not be privately owned or controlled, but rather are held in trust by the State of Connecticut for the use and enjoyment of the general public.

### **● ENCROACHMENTS INTO THE FEDERAL NAVIGATION PROJECT**

When work to prepare the Management Plan for Southport Harbor was initiated in 1986, certain structures constructed and maintained by the Pequot Yacht Club extended into the Federal Navigation Project. These included sections of the Yacht Club's service dock and marina "finger" floats. (See Appendix D.) These encroaching structures were determined to be in violation of Federal and State permit requirements and Federal policy for the use of Federal navigation projects. The U.S. Army Corps of Engineers and Connecticut Department of Environmental Protection (DEP) directed the Yacht Club to remove or otherwise correct the unauthorized "encroachments" to achieve compliance with State and Federal laws and regulations. Representatives of the Corps of



Engineers also informed the Town that if the encroachments were not corrected, Federal funds would not be allocated for dredging of the Navigation Project in the future.

In addition to the encroaching fuel dock and finger piers, Yacht Club moorings historically maintained in the Federal Navigation Project were also determined to be in violation of Federal policies and also described by the Corps of Engineers as encroachments into the Project. Corps' policy generally requires that no moorings (either "individual-private" or "commercial" moorings; see Chapter 3) may be located in a Federal channel, and that moorings can be located in a Federal anchorage only if they are available on an equitable basis to the general public. The Yacht Club had maintained moorings in the Federal Project since the 1920's, but these had been used only by Yacht Club members (and by transients when a mooring is available), and therefore were considered in violation of Corps of Engineers' policies.

Following identification of the encroaching docks, floats, and moorings by the Corps of Engineers and the Yacht Club, the Corps ordered the Yacht Club to remove or otherwise correct the encroachments. In the course of work on the Harbor Management Plan, the Corps indicated that the Town could consider alternative means for correcting the encroachments, with such means to be proposed and implemented within the context of the Plan. In response, the Town (through the Harbor Management Commission) considered several options for correcting the encroachments as well as options whereby the Yacht Club could provide suitable "compensation" to balance the public's loss (of a portion of the Federal Navigation Project) that occurred as a result of the violations. These options were then reviewed with the Corps of Engineers and the DEP.

In September of 1992, the Harbor Management Commission initiated an "existing conditions" survey of the Federal Navigation Project, and of the location of the Project relative to in-water and waterfront structures in the Harbor. This survey ("1993 Federal Project Survey;" see Appendix D) was designed and conducted in accordance with survey standards provided by the Corps of Engineers and was completed in 1993. The survey provided an accurate determination of the extent of existing encroachments into the Navigation Project.

In May of 1994 the Yacht Club reconfigured its service dock and marina floats to remove these structures, to the satisfaction of the Corps of Engineers and DEP, from the Federal Project. The Club then applied for the necessary Federal and State permits needed to maintain its marina and service dock facilities outside of the Project. In addition, the Yacht Club relinquished control of 21 mooring locations in the section of the Project near the Yacht Club and Perry Green. This is the area now considered a channel but which historically has been used for mooring and anchoring, and which is part of the area recommended for channel and anchorage designation by the Corps of Engineers District Engineer in 1935. (See the description of the Federal Navigation Project in Chapter 2, and the following discussion of channel and anchorage designations.) All mooring tackle in this section of the Federal Project is now individually owned and the owners have applied for and obtained 1994 State of Connecticut permits (individual-private permits) issued by the Harbormaster to use these 21 mooring locations.

- **CHANNEL AND ANCHORAGE DESIGNATIONS WITHIN THE FEDERAL PROJECT**

Described in Chapter 2, there has been some confusion as to the current “channel vs. anchorage” status of the section of the Federal Navigation Project from the bend in the breakwater to the area known as the golf club wharf (this part of the Project includes the 21 above-described moorings previously controlled by the Pequot Yacht Club.) In a study of possible harbor improvements requested by the U.S. House of Representatives in 1934, the District Engineer of the U.S. Army Corps of Engineers recommended “an entrance channel 9 feet deep and 100 feet wide from Long Island Sound to the bend in the breakwater, thence as channel and anchorage 9 feet deep and 100 to 400 feet wide to the golf club wharf, and for an anchorage 6 feet deep, 300 feet wide and 500 feet long north of the latter wharf.” In 1935, however, the Board of Engineers for Rivers and Harbors, for reasons that are not clear, made no reference to the area from the bend in the breakwater to the golf club wharf, and recommended to Congress that the Federal Navigation Project for Southport Harbor be modified to provide for “a channel 9 feet deep at mean low water and 100 feet wide from Long Island Sound to the deep-water basin opposite East Main Street, and for an anchorage basin 6 feet deep, 300 feet wide, and 500 feet long north of the golf club wharf.” (See Appendix A.)

The area referred to by the District Engineer as channel and anchorage is not specifically mentioned in the final recommendation of the Board of Engineers nor in recent descriptions of the Navigation Project by the Corps of Engineers. During the process of preparing the Harbor Management Plan, representatives of the Corps of Engineers informed the Harbor Management Commission that the Federal Navigation Project here should be considered as channel only, but that this designation can be changed to channel and anchorage through Congressional action if Federal requirements for equal access to the Navigation Project are met by the Town. Because of its history of use as a mooring area and its irregular width ranging from 100 to 400 feet (much wider than needed for current channel purposes), it would seem logical that the area be considered as channel and anchorage, and its official status changed accordingly.

The possibility of changing the designation of this part of the Federal Navigation Project from “channel” to “channel and anchorage” has important harbor management implications, including implications relative to the placement of moorings. In accordance with Corps of Engineers’ policies, moorings can be located in a Federal anchorage if they are available to the general public on an equitable basis. Placement of moorings in a Federal channel, however, is inconsistent with Corps’ policies.

- **LACK OF A SPECIFIC NAVIGATION FAIRWAY WITHIN THE NAVIGATION PROJECT FROM THE BEND IN THE BREAKWATER TO THE GOLF CLUB WHARF**

Although the portion of the Federal Navigation Project described above is now considered by the Corps of Engineers to be “channel” rather than “channel and anchorage,” it has been used as channel and anchorage for many years, dating back to the early days of the Navigation Project. Within this area no channel or fairway has been formally designated through and among the many moorings placed here over the years. The present arrangement of moorings provides for a split

fairway, with vessels entering the upper part of the Harbor on the Country Club side of the Federal Project and exiting on the opposite side (Yacht Club side) of the Project. Several options have been discussed for establishing a more formal navigation fairway to ensure safe and efficient use of this area for moorings and boating use. Options range from maintaining the present configuration to establishing a wider fairway on either side of the Project or establishing a split fairway in another configuration. Formalizing one of these options can be accomplished if the official designation of this part of the Navigation Project is changed to channel and anchorage as described previously. Representatives of the Corps of Engineers have informed the Harbor Management Commission that if the present designation is changed to channel and anchorage, the Town, acting through the Harbor Management Commission, could then designate the proper arrangement of navigation fairways relative to mooring placement in the new anchorage portion of the Project.

#### ● NEED FOR MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT

Maintenance dredging of the Federal Navigation Project was last carried out by the Corps of Engineers in 1961. Since that time, considerable shoaling has occurred in parts of the Harbor, and these shoal areas (noted on Figure 2-2, and described in Chapter 2 and Appendix B) now require maintenance dredging. The most critical area is at the mouth of the Inner Harbor near the breakwater, where windblown sand covers the breakwater and is deposited in and adjacent to the channel. In 1994, this sedimentation has considerably reduced the navigable width of this most narrow part of the Harbor, particularly at low water. The condition is worsening and, as a result, a potential hazard to navigation has developed. Shoaling is also of priority concern in the six-foot Federal anchorage.

The Harbor Management Commission's 1992 Dredging Study included a fathometric study to estimate the amount of sedimentation that has occurred since 1985, when the Corps of Engineers conducted a bottom survey of the Navigation Project. The study also estimated the probable costs of dredging both the Federal Navigation Project and nonfederal areas historically used for mooring in the Harbor. It was found that not all parts of the Federal Project would require dredging at the present time, but that dredging should be considered in several areas, particularly near the mouth of the Harbor and in the six-foot anchorage. It was estimated that the total costs of dredging the Federal channel and anchorage could exceed \$700,000. In addition, the presence of contaminated sediments found in the six-foot anchorage and near Perry Green could affect the method of dredging and add substantially to dredging costs. Additional sediment tests will likely be required.

The Corps of Engineers has indicated that the costs of dredging the Federal Project would be borne by the Corps of Engineers and that dredging of Southport Harbor could be coordinated with the dredging of other harbors in the region to help reduce costs. Also, dredging of the Federal Project could be coordinated with nonfederal dredging in the Harbor in a further effort to help reduce costs. Although not all of the Federal Project requires dredging at the present time, the Corps could still dredge those sections of the Harbor most in need. A number of factors, however, affect the feasibility of Federal dredging, including the availability of Federal funds, the existence of the encroachments and inequitable Harbor access conditions previously described, and the potential

environmental impacts of dredging and dredged material disposal, particularly given the presence of significant sediment contamination as indicated by the 1992 Dredging Study.

- **POSSIBLE ABANDONMENT OF THE FEDERAL NAVIGATION PROJECT**

In the course of work on the Harbor Management Plan, there was considerable discussion regarding whether or not the Town should seek to have the existing Federal Navigation Project “abandoned.” Those arguing in favor of abandonment described two potential benefits of doing so: 1) the previously described encroachments of the Pequot Yacht Club’s marina floats and service dock would no longer be an issue (noted above, the Yacht Club has since removed these encroaching structures from the Navigation Project); and 2) Corps’ policies with respect to maintenance and equitable public use of Federal navigation projects would no longer apply in Southport Harbor. However, the State DEP pointed out that equitable access to moorings in the Harbor would still be required in accordance with the Public Trust Doctrine, and would continue to be of concern to the DEP and Corps of Engineers. Further, Yacht Club moorings would still require commercial mooring permits from the Corps of Engineers and State of Connecticut, and the granting of these permits would be dependent, in part, on the provision of equitable access to the Harbor. Similarly, dredging of the Harbor if the Federal Navigation Project was abandoned would require State and Federal permits, and the issuance of dredging permits would also be dependent, in part, on the provision of equitable access to the Harbor.

Others have argued against abandonment of the Federal Navigation Project and would like to see the encroachments of the Pequot Yacht Club corrected and Southport Harbor become more accessible to the general public. If the Federal Project is abandoned, the Town and/or private interests would be responsible for all future maintenance dredging as well as maintenance of the Federally constructed breakwater and dike along the Harbor’s east shore. As previously described, it has been estimated that the costs of dredging the Federal Navigation Project at this time could exceed \$700,000, a cost that the Town’s First Selectman indicated that the Town can not afford at the present time. The presence of contaminants in Harbor sediments leads to further uncertainties and contributed to arguments against abandonment at this time, pending analysis of the extent of the pollution problem, and the degree to which the Federal and State governments may be able to provide the Town with assistance for mitigating the problem.

If the Project were to be abandoned, the costs associated with dredging the area formerly within the Project, including the costs of permit application, environmental testing, and engineering, would have to be borne entirely by the Town and/or local interests. Future placement and maintenance of aids to navigation, currently the responsibility of the Coast Guard, might also be uncertain. If abandoned, there would seem to be little or no chance that a Federal Navigation Project would ever be reauthorized in Southport Harbor. As a result, before any decision to abandon the Project could be made, there would have to be demonstration of a clear public benefit for doing so.

Also, DEP representatives informed the Town that the DEP would consider abandonment to be inconsistent with existing State policy established in the Connecticut Coastal Management Act.

Even if the Project is abandoned, the Corps of Engineers and State of Connecticut would retain regulatory authority in the Harbor, including authority for issuing permits for moorings, structures and dredging. Since the Project was authorized by the U.S. Congress and constructed by the Corps of Engineers, abandonment would require Congressional action.

For the purpose of harbor management, a distinction should be made between complete and partial abandonment of the Federal Navigation Project. Both the Corps of Engineers and DEP informed the Harbor Management Commission that abandonment of a portion of the Project would be acceptable to those agencies if such partial abandonment would have a demonstrated public benefit and purpose.

#### ● NEED FOR DREDGING OF AREAS OUTSIDE THE FEDERAL NAVIGATION PROJECT

In addition to the sedimentation and shoaling that have occurred in sections of the Federal Navigation Project, other areas of the Harbor, including areas historically used for mooring, have become shallow and are in need of dredging (see Figure 2-2 and Appendix B). Dredging of these areas outside of the Federal Project would provide for recovery of historically used mooring space lost to sedimentation, and provide for improved ease and safety of navigation, particularly at low water. The two areas in greatest need of dredging are: 1) the narrow area between the eastern boundary of the Federal Project and the wall at the Country Club of Fairfield, near the Federal breakwater and the mouth of the Harbor; and 2) the area near the Town Boat Yard. Dredging in these areas, however, while important for recreational boating needs, may have adverse impacts on shellfish, intertidal flats, wetlands, and other coastal resources. These impacts, and possible measures to mitigate these impacts, must be further evaluated in the course of applying for State and Federal permits to dredge the areas.

The most critical area is at the mouth of the Inner Harbor near the breakwater, where windblown sand covers the breakwater and is deposited in and adjacent to the Federal channel. In 1994, this sedimentation has considerably reduced the navigable width of this most narrow part of the Harbor, particularly at low water. The condition is worsening and, as a result, a potential hazard to navigation has developed.

Dredging outside of the Federal channel in this area would restore water area for navigation purposes, thereby improving the ease and safety of navigation in and out of the Harbor, and the sand removed could be used to renourish the Country Club beach and/or Sasco Beach to the east. (The Harbor Management Commission's 1992 Dredging Study found that sediment near the breakwater is relatively "clean" and, as a result, no apparent difficulties associated with dredged material disposal were anticipated by the consultant who prepared the 1992 Dredging Study report.) However, dredging of the intertidal zone and the area above the high water line here raises environmental impact concerns that could make it difficult to obtain State and Federal dredging permits, even though the area was formerly part of the navigation channel.

The 1992 Dredging Study estimated that the costs of dredging historically used mooring and navigation areas outside of the Federal Navigation Project in 1992 could approach \$300,000. Further, the study revealed the presence of moderate to high levels of specific contaminants near Perry Green that would affect the method and cost of dredging and dredged material disposal.

Representatives of the Corps of Engineers suggested that dredging of areas outside of the Federal Navigation Project in Southport Harbor should be coordinated with dredging of the Federal Project to help reduce the costs of dredging.

#### ● DETERMINING THE APPROPRIATE NUMBER AND PLACEMENT OF MOORINGS

In past years there have been three separately maintained lists of persons waiting to obtain a mooring location in Southport Harbor. These lists have been maintained by the Pequot Yacht Club, the Fairfield Park Commission (for those who obtain access to their moorings from Perry Green), and the Harbormaster. (See the later section in this chapter concerning administration of mooring permits.) Some persons on these lists have been waiting for a mooring location for a number of years, indicating a substantial unmet demand for mooring locations in the Harbor. Although Southport Harbor has a relatively limited surface water area, the area is sufficient to potentially accommodate more moorings than at present, but only if dredging were to be carried out to restore previously used mooring areas and a more efficient arrangement of moorings established.

Due to the shoaling described previously, fewer moorings are now located in certain sections of the Harbor than in previous years. It has been suggested that several areas of the Harbor be dredged to enable placement of additional boat moorings in an effort to accommodate the obvious demand for mooring locations. Environmental constraints, however, including potential adverse impacts on wetlands and shellfish habitat, would likely limit the areas that can be dredged. The Department of Environmental Protection and the Town's Conservation Commission and Shellfish Commission have expressed their concern over the potential impacts that dredging would have on environmental conditions in the Harbor. The DEP has emphasized that prior to any dredging, appropriate environmental evaluations must be conducted. Recognizing the potential environmental concerns associated with dredging intertidal areas, the Harbor Management Commission in its 1992 Dredging Study evaluated only subtidal areas outside of the Federal Navigation Project with regard to potential dredging quantities and cost (see Appendix B).

The limited space available for parking at the Town Boat Yard and in other parking areas near the Harbor is a further constraint on the number of moorings that can be placed in the Harbor. Southport residents have expressed concern over the placement of more moorings if such moorings would increase automobile traffic near the Harbor.

It has been suggested that dredging outside of the Federal Navigation Project should occur only in those areas previously used for mooring, in order to recover lost mooring space (assuming parking space is available to support additional moorings without adverse traffic impacts and impacts on waterfront residential areas). Before any decision to change the number and location of moorings in Southport Harbor is made, it is clear that a number of important concerns must be addressed.

- **AVAILABILITY OF FACILITIES FOR TRANSIENT BOATERS**

In the past, there have been no designated anchorage areas for transient boaters who may wish to visit Southport Harbor. Nor is there a public dock where visitors may leave a dinghy, or a public launch service. The agreement between the Town and Federal government for authorization and maintenance of the Federal Navigation Project specifies that the Town is to provide a free public landing and reasonable and equitable use of that landing by the general public.

The Pequot Yacht Club, however, has provided moorings for the use of transients on a short-term basis. These visitors to the Harbor have been permitted limited access to facilities and services (such as showers, ice and fuel) provided by the club. The club reports that it has always been able to accommodate transient boaters seeking temporary mooring space.

Representatives of the DEP, Corps of Engineers, and others participating in the process of preparing the Management Plan for Southport Harbor have urged the Town to provide appropriate space and facilities for transient boaters, including recreational boaters and commercial fishermen who may be working in the Southport Harbor area. Provision of transient mooring and anchoring space should be based on determinations of how much, if any, additional anchorage and/or mooring space is needed for transient boaters in the Harbor, as well as the appropriate locations for transient use and the means by which transient boaters may gain access to the shore.

Opportunity for anchoring in the Inner Harbor is limited because of the number of moored vessels, the relative narrowness of the Harbor, and the presence of the Federal channel. There is space, however, for smaller boats (20 feet in length or less) to anchor provided they are not left untended.

- **NEED FOR UNIFORM MOORING TACKLE SPECIFICATIONS AND INSPECTION REQUIREMENTS**

No uniform mooring tackle specifications have been established by the Town. The Pequot Yacht Club and the concessionaire operating at the Town Boat Yard have generally been responsible for ensuring that adequate mooring tackle is used, periodically removed, inspected, and replaced as necessary. Changes in this traditional approach for controlling moorings have already occurred and additional changes appear likely in the future to ensure the safety of persons and property. While the Pequot Yacht Club places and inspects mooring tackle for its members, extensive services for placement and inspection of mooring tackle are no longer provided at the Town Boat Yard. Since mooring permit holders may arrange to install their own tackle, there is no uniformity or control over installation and maintenance of that tackle. Uniform Town requirements are needed to ensure that adequate mooring tackle is used for all moorings in the Harbor, and that inspection and repair or replacement of tackle is performed at appropriate intervals as necessary to ensure mooring safety. Uniform mooring tackle specifications and inspection requirements would help to reduce the possibility of mooring tackle failure and the associated risks to other vessels and shorefront property.

- **BOATING SAFETY**

Relatively few boating safety issues affecting the Harbor have been identified in recent years. Among the issues that have been raised, however, is concern over the shoaling that has occurred in and adjacent to the navigation channel, particularly opposite the bend in the breakwater where windblown and waterborne sand has completely covered the northern part of the breakwater and continues to migrate into the channel west of the breakwater and opposite the Town Boat Yard. The channel has been narrowed and an increasingly significant obstruction to navigation has been created, particularly at low tide. The shallow area to the west of the channel near the mouth of the Inner Harbor has also been identified as a problem area and sailboats occasionally run aground at this point. Other shallow areas exist throughout the Inner Harbor. Additional safety issues concern vessels traveling at excessive rates of speed in the lower part of the Inner Harbor, and concern over the adequacy of the width of the unofficial fairway in the upper portion of the Harbor opposite the Pequot Yacht Club. Also of concern are potential difficulties of approach and departure from the Yacht Club service dock which, in May of 1994, was reconfigured closer to the shoreline and outside of the Federal Navigation Project in accordance with Federal guidelines.

- **ADEQUACY OF PUBLIC BOATING FACILITIES AND SERVICES**

The only Town-owned boating facilities in Southport Harbor are those found at the Town Boat Yard, and these are limited. In addition, because a Town parking permit has been required for entrance during the summer season, and only residents, nonresident taxpayers, and nonresident Town employees have been eligible for a boatyard parking permit, facilities here have, in the past, not been available for use by the general public. Some years ago, more extensive boating services were provided by the concessionaire, but the extent of these services, including boat repair and the provision of fuel, has gradually been reduced or eliminated. The Pequot Yacht Club has provided fuel to all boaters since fuel dispensing at the Town Boat Yard was eliminated. If additional facilities and services were to be provided at the Boat Yard, substantial costs would likely be incurred by the Town. Facilities and services that have been suggested include provision of a pump-out facility for marine sanitation devices (MSDs), and restoration of fuel service. (It has also been suggested that a pump-out facility be provided at the Pequot Yacht Club.) The existing underground fuel tank at the Town Boat Yard would have to be replaced if fuel is again to be provided at the Boat Yard. Replacement of the fuel tank, however, would be extremely expensive because of the cost of complying with current DEP regulations for underground fuel storage tanks. Although the Town's Conservation Department has performed a dye test on the septic system at the Boat Yard and detected no seepage, it has also been suggested that the Town extend a sewer line to the Boat Yard to replace the existing septic system. To date, however, the costs and benefits of extending a sewer line to the Boat Yard have not been evaluated in detail. As described previously, parking spaces available at the Boat Yard are limited (there is space for about 33 cars and six detached boat trailers). Also, the launching ramp is currently not useable at low tide.

Dinghies now used for access to mooring locations are tied up to the Town docks. In the course of preparing the Harbor Management Plan it was suggested that dinghy storage at the Boat Yard



could be accomplished in a more efficient manner, thereby facilitating access to mooring locations. It was also suggested that a few Town-owned dinghies be provided for the use of mooring permit holders.

Another issue with regard to public use of the Town Boat Yard concerns the provision of a public landing to serve visiting boaters. In accordance with the Federal/Town agreement for authorizing and maintaining the Federal Navigation Project, the Town should provide a free public landing and provide for equitable use of that landing. During the process of preparing the Harbor Management Plan, some boaters expressed concern that adequate public landing facilities were not being provided at the Boat Yard.

Of particular significance with regard to planning for future boating facilities and services at the Town Boat Yard is the need to ensure that any future improvements are consistent with the capacity of the Boat Yard site and surrounding land areas to accommodate those improvements (and associated uses) without significant adverse impacts on environmental quality and public safety.

- **THE POTENTIAL USE OF VESSELS AS ABODES**

The primary issue raised by the short or long-term use of vessels as sleeping quarters is related to water pollution that could be caused by the discharge of marine toilets. In addition, "houseboats" that do not function as seaworthy vessels are not "water-dependent" under State law, and can occupy limited mooring or berthing space that could be used by recreational or commercial vessels. As of the end of the 1993 boating season, there were no vessels in Southport Harbor used as temporary or permanent abodes, and therefore no existing problems of the sort often associated with live-aboard vessels. Since there are no current regulations governing this type of use in Southport Harbor, however, the potential for future problems does exist. The use of vessels as abodes could contribute to water quality problems in the Harbor, and therefore adversely affect efforts to maintain and improve environmental quality and recreational opportunities in the Harbor.

- **FACILITIES FOR COMMERCIAL FISHERMEN**

A small but viable commercial lobster fishing industry operated out of Southport Harbor for many years. Commercial shellfishermen also use the Harbor. In 1994, however, only two commercial lobstermen and perhaps a half-dozen recreational lobstermen use the Harbor as a base of operations. In recent years, conflicts have developed between recreational boaters and commercial lobstermen over use of the main Town dock at the Town Boat Yard. The principal conflict has been over the length of time that boats may be tied up to the dock, as lobstermen loading or unloading their boats may occupy the dock for considerable periods of time. The Town's Park Commission attempted to resolve the issue by: 1) establishing a maximum time limit of 30 minutes that any boat may be tied to the dock; 2) allowing lobstermen to use the dock during the winter; and 3) requiring that lobstermen pay a fee to use the dock. The fishermen have criticized this use fee as discriminatory because it applies only to them and not to recreational boaters. The

few lobstermen using the Harbor in recent years have argued that a more equitable and reasonable fee should be considered that would apply to both recreational and commercial users of the Town dock. Such a fee could then be applied to help offset the costs of dock maintenance.

There is need to establish a program to accommodate the needs of Southport's commercial fishermen, including commercial shellfishermen, without adversely affecting recreational boating. One suggestion is to provide a separate dock for the commercial fishermen. Several Harbor locations, including the Town Boat Yard, have been suggested for the development of such a dock. Commercial shellfishermen have also asked for space to moor or anchor during the boating and nonboating seasons. In addition, continuation of commercial shellfishing in the Harbor may be more easily accommodated and even enhanced if shellfishing and periodic removal/inspection of mooring tackle can be coordinated.

Commercial fishermen using Southport Harbor have urged the Harbor Management Commission to address their current needs and concerns, and in particular to address three priority issues with regard to commercial fishing. These issues concern "fees," "access," and "facilities." The fishermen have further requested that the Harbor Management Commission work closely with the Park Commission to assure a spirit of fairness and equity with regard to use of the Town Boat Yard.

- **USE OF THE OUTER HARBOR**

The Outer Harbor is currently used for a variety of purposes including transient anchoring, boardsailing, water skiing, regattas, swimming, fishing, clamming, and commercial harvesting of shellfish. It is possible that recreational use of the Outer Harbor could increase in the future. At the same time, the Town's Shellfish Commission is concerned with maintaining open, unpolluted shellfish beds in the Outer Harbor. There will likely be a need to examine future uses of the Outer Harbor for consistency with Town goals and objectives for managing the Harbor, including goals contained in the Town's Shellfish Management Plan, and to provide for balanced use of the Outer Harbor.

## **HARBOR ACCESS AND RESOURCE PROTECTION ISSUES**

- **LIMITED PARKING SPACE FOR HARBOR USERS**

The parking area available for those who wish to use and enjoy Southport Harbor is very limited. Available parking consists of: a relatively few public spaces alongside Harbor Road adjacent to Perry Green and the Pequot Yacht Club; the parking lot of the Pequot Yacht Club; and the parking lot of the Town Boat Yard. Only the Harbor Road spaces are available to the general public. The Pequot Yacht Club's parking lot is privately-owned, and parking at the Town Boat Yard lot requires a Town parking permit that has been available only to Town residents, nonresident taxpayers, and nonresident Town employees.

These limited parking areas must serve boaters with a mooring in the Harbor, those who use the launch ramp at the Town Boat Yard, fishermen, and the users of nearby businesses in the vicinity of Main Street and Harbor Road. In addition, the historic and picturesque quality of Southport Harbor draws many sightseers and other casual visitors who add to the traffic and parking problems, particularly during summer weekends. All of the existing parking areas are on or reached from Harbor Road. Southport residents have expressed concern over the existing volume of traffic in the area and the potential increases in traffic volume if boating use in the Harbor and water access through the Town Boat Yard are increased. In the course of work on the Harbor Management Plan, the Fairfield Police Department advised the Harbor Management Commission that it is not feasible at the present time to permit off-street parking in any areas near the Harbor where parking is currently prohibited.

While measures to address existing traffic and parking problems are outside the jurisdiction of the Harbor Management Commission, these problems must be taken into consideration in any decisions that would affect the current use of Southport Harbor. Care must be taken to ensure that future Harbor use, including access to moorings and use of the Town Boat Yard, is consistent not only with the natural capacity of the Harbor environment but with available parking space as well.

#### ● PUBLIC ACCESS TO SOUTHPORT HARBOR

Consistent with the Public Trust Doctrine, individuals and organizations do not own underwater land or land subject to the ebb and flow of the tide in Southport Harbor. The State of Connecticut holds the foreshore, open tidal waters and submerged land under tidal waters seaward of the mean high water line in trust for the benefit of all residents of the State. As a result, the general public has important rights of navigation and access below the mean high water line. These rights must, however, be balanced with the riparian/littoral rights of shorefront property owners for access to the Harbor, and with other private property rights.

The greatest part of the Harbor waterfront is held in private ownership by landowners who do not allow public access to the water from their properties. Because the waters of the Harbor are public waters, there is need to establish a clear Town policy regarding public use of the limited public waterfront areas, including use by Town residents and the general public. Suggestions have been made that existing Town-owned water access areas be further developed and that additional areas be considered for acquisition. Neighborhood residents, however, are concerned that additional public access to the Harbor will result in increased traffic and parking problems, and negatively impact the historic character of the Harbor.

Any discussion of public access to Southport Harbor must be based on the understanding that opportunities for such access from the land are limited by the relatively small amount of publicly owned land adjoining the Harbor and by the sensitivity of Harbor resources, including historic resources. The Harbor is small, its natural resources are fragile, and increased access by the general public raises the possibility of adverse impacts on not only the natural environment, but also public safety and the existing historic and esthetic quality of the Southport Historic District.

There is need to balance reasonable opportunities for public access to the Harbor, including access to moorings, with the availability of limited parking space for Harbor users and the need to protect a fragile natural environment and the existing historic and aesthetic character of the Harbor. As a result, opportunities for public access to the Harbor must be carefully planned and controlled to be consistent with the capacity of the Harbor to accommodate that access. Relative to other Connecticut harbors, general public access to mooring locations and for boat launching in Southport Harbor will remain limited in the future.

Access to the Harbor from the water, however, is a different matter, not subject to all of the same constraints that affect access from the land side. In accordance with the Public Trust Doctrine, any U.S. citizen should be able to use Southport Harbor as a public trust resource.

- **“WHARFING OUT” TO REACH HARBOR WATERS**

Waterfront land owners have the riparian/littoral right to “wharf out” to navigable water. This right, however, is subject to constraints imposed by existing State and Federal laws and regulations, and any docks, piers, or floats must not adversely affect natural resources, navigation, and rights of public access along the foreshore and below the mean high water line. In the past, the DEP and the Corps of Engineers have denied some applications by waterfront land owners to construct private docks in Southport Harbor on the grounds that such docks would have adverse impacts on natural resources and navigation safety. Other applications for docks have been approved. Additional applications are likely to occur in the future, and the design and review of these applications should be guided by a consistent set of criteria. As described above, the exercise of riparian/littoral rights by waterfront landowners must be balanced with the public’s right to use the waters of the Harbor. Existing and potential conflicts between public and private rights to use the Harbor should be addressed and, to the extent possible, avoided.

- **PROTECTION AND MANAGEMENT OF FISHERIES AND SHELLFISH RESOURCES**

The Town of Fairfield established a Shellfish Commission in 1984 “to enhance public opportunities for harvesting shellfish in Fairfield,” and the Shellfish Commission prepared the Fairfield Shellfish Management Plan (adopted in 1987) to guide its efforts. Of concern to the Shellfish Commission is the need to protect and enhance water quality, estuarine and salt marsh habitat, and access to the shellfish resources within Southport Harbor. Described in Chapter 2, the Shellfish Commission is working to achieve enhanced production and harvest of shellfish resources in the Harbor Management Area for recreational and commercial purposes. With regard to shellfishing access, the Shellfish Commission has several primary concerns that affect management of Southport Harbor. These include concerns with regard to: access along the intertidal zone for shellfishing purposes; access to the water surface and bottom for aquacultural purposes; access on the water to an anchorage or mooring; access to a dock or wharf for purposes of loading and unloading; and access to a vehicle parking space.

The Shellfish Commission has also expressed concerns over the accuracy of current methods of reporting shellfish harvests to the Town and State. Because of the different mandates of the Harbor Management Commission and Shellfish Commission, the goals, objectives and strategies of these two commissions may sometimes conflict. As a result, there is need for the two commissions to establish means of working cooperatively to improve conditions in Southport Harbor for the long-term benefit of all Harbor users, including recreational boaters and recreational and commercial shellfishermen.

- **PROTECTION OF INTERTIDAL RESOURCES: TIDAL WETLANDS AND INTERTIDAL FLATS**

Described in Chapter 2, these coastal resources provide important natural functions and values in the Southport Harbor ecosystem. The resources provide important habitat for finfish and shellfish and for a number of wildlife species. They also function to maintain water quality, stabilize the shoreline, and buffer flood and erosion effects. Efforts to protect intertidal resources can conflict with activities (such as dredging, placement of additional moorings, and construction of docks) to expand recreational boating uses and facilities. Appropriate means must be found to protect the intertidal resources and their natural values while reasonably accommodating the needs of recreational boaters. The Conservation Commission is especially concerned with the protection of intertidal resources in the Southport Harbor Management Area, including the Inner Harbor, Horse Tavern Creek, and Sasco Brook areas. In 1994, the Conservation Commission is proceeding with plans, approved for State funding, to improve tidal exchange between the Inner Harbor and Horse Tavern Creek, thereby enhancing the wetlands adjoining the Creek. There is need for the Harbor Management Commission and the Conservation Commission to establish means of working cooperatively to ensure that Harbor uses do not have unacceptable impacts on intertidal resources, and that the quality of existing resources is maintained and, where possible, enhanced.

- **WATER QUALITY**

Maintenance and improvement of water quality in Southport Harbor is of benefit for practically all Harbor uses and users. Poor water quality can adversely affect many water activities ranging from recreational boating to shellfishing, swimming, and simple passive enjoyment of the water. The Inner Harbor's "SB" water quality classification described in Chapter 2 means that potential sources of pollution exist and that water quality can be improved.

Also described in Chapter 2, lead contamination from past discharges of the Exide Storage Battery Company have contaminated Mill River sediments from below the Tide Mill Dam in the Upper Harbor to north of I-95. It is anticipated by the Conservation Department that the company will be required by the State to conduct remedial dredging to remove this contamination in the near future. In addition, high levels of chromium have been detected in the Upper Harbor and remediation requirements are currently being formulated. As part of the Harbor Management Commission's 1992 Dredging Study, Harbor sediments were sampled from three locations (in the six-foot Federal anchorage; a location near Perry Green; and near the mouth of the Harbor at the

Federal breakwater). These samples were collected and tested for the purpose of estimating the possible costs of dredging and dredged material disposal. Moderate to high levels of several metals were found at the anchorage and Perry Green sampling sites (see Appendix B). In addition to posing a risk to the overall environmental quality of the Harbor, the presence of these contaminants will affect the methods of Harbor dredging, and may add significantly to dredging costs. The level of contamination at the anchorage site is such that if the material is dredged and deposited at an open water disposal site in Long Island Sound, it would have to be "capped" by "clean" dredged material from elsewhere. The material sampled from near Perry Green, however, is contaminated to a greater extent. If dredged, this material may require special handling. The source or sources of this contamination are not known and additional samples will likely be necessary to better determine the extent of the problem. (Anticipated requirements for disposal of contaminated sediments dredged from the Harbor are based on the consultant's report included in Appendix B.)

Water quality concerns have given rise to a potential conflict between use of the Harbor for recreational boating and for shellfish harvesting. The Town Shellfish Commission is seeking to restore recreational shellfishing in the Harbor and continue commercial shellfish harvesting. The Federal Food and Drug Administration (FDA) has imposed stringent water quality standards and these standards are based on potential as well as actual water quality. In other words, even though boaters may not be contributing to water quality problems, the presence of many boats in a confined harbor creates the potential for boats to dispose of waste materials, and this potential alone may be sufficient to close the area for recreational shellfishing based on the FDA requirements. The Aquaculture Division of the Connecticut Department of Agriculture is currently working to develop State standards, consistent with FDA requirements, for the classification of shellfish grounds based on potential boating and marina impacts on water quality.

Following evaluation of water quality, the Aquaculture Division classifies waters in the State as "approved," "conditional," "restricted," or "prohibited" for shellfishing. As of June 5, 1991, all of Southport's Inner Harbor, along with Sasco Brook, were classified as "prohibited" shellfish growing areas, and most of the Outer Harbor is classified as a "conditionally approved" area. The actual closing of conditionally approved shellfish areas is delegated to local health departments, but the Aquaculture Division retains authority to close shellfish areas in emergency situations. The Division has agreed to a Memorandum of Understanding with the Town of Fairfield that specifies Town and State conditions and responsibilities for monitoring water quality conditions and closing the conditional grounds in Southport Harbor as conditions require.

There is currently no sewage pump-out facility in the Harbor to serve recreational and commercial boaters. It has been suggested that the establishment of such a facility be considered at the Pequot Yacht Club or Town Boat Yard. Although the cost of the pump-out facility itself is relatively modest, the cost of hooking the system up to the municipal sewer system could be significant. Several groups and individuals concerned with water quality in the Harbor have suggested that the Harbor Management Commission recommend the establishment of a sewage pump-out facility, and evaluate the costs and benefits of doing so.

## ● PROTECTION OF SCENIC AND HISTORIC QUALITY

One of Southport Harbor's greatest assets is its unique scenic appeal as one of the most beautiful and historic harbors in Connecticut. Described in Chapter 2, the entire Southport neighborhood, including the Harbor, has been designated as a Town Historic District, and it is also included on the National Register of Historic Places. The Fairfield Historic District Commission, the Sasquanaug Association for Southport Improvement, and neighborhood residents are concerned that any changes in use of Southport Harbor may adversely affect the nearby residential areas and the existing scenic and historic character of the area. Specific concerns have been expressed with regard to the potential for increased traffic congestion and adverse impacts on scenic quality that could be caused by an increase in the number of boats in the Harbor, by increased use of the Town Boat Yard, and by changes to existing Boat Yard facilities.

Described in Chapter 3, because the Southport Historic District is included in the National Register of Historic Places, certain Federal actions ("undertakings") affecting the Harbor must be consistent with the requirements of the National Historic Preservation Act. In accordance with Section 106 of the Act, the Corps of Engineers and other Federal agencies must take into account the effects of their actions on properties included in or eligible for the National Register of Historic Places. Therefore, specific actions by the Corps of Engineers affecting Southport Harbor, including maintenance of the Federal Navigation Project and issuance of permits for work affecting wetlands and navigable waters, must be reviewed for consistency with the requirements of the National Historic Preservation Act. In the course of preparing the Harbor Management Plan it was suggested by some individuals concerned with the Harbor that the actual work to prepare the Plan should be evaluated in accordance with the requirements of Section 106 of the National Historic Preservation Act. The State Historic Preservation Officer, DEP, and the Corps of Engineers considered this suggestion and determined that the process of Plan formulation was not subject to the Section 106 review process.

## ● CARRYING CAPACITY OF THE NATURAL AND HISTORIC ENVIRONMENT

"Carrying capacity" is a term that refers to the amount of use or development that a particular area or resource can accommodate before unacceptable impacts on public safety, the environment, or other conditions occur. In addition to concerns regarding the future capacity of Southport Harbor to safely support any increase in boating activities, there is also concern with regard to the carrying capacity of the Harbor Management Area's natural and historic environment. This is an issue that has arisen in a number of Connecticut harbors, and basically concerns the capacity of water and waterfront areas to support additional use and development without the occurrence of unacceptable impacts on environmental resources and quality. There are, for example, a number of potential environmental impacts associated with in-water uses and waterfront development. These impacts can be caused by: 1) the construction, maintenance, and operation of boating facilities such as docks, piers, and upland service facilities; 2) increased boating uses and activities made possible by the facilities, and which can generate noise, wake, pollution, and other impacts; 3) nonpoint sources of

pollution caused, for example, by increased runoff from developed areas; and 4) increased public use of sensitive waterfront areas and the roadways leading to these areas.

It is difficult to precisely determine the amount of future use that can occur in the Harbor Management Area before adverse environmental impacts become unacceptable. This does not mean, however, that the carrying capacity of the natural and historic environment should not be an important consideration in future decisions by the Harbor Management Commission.

With respect to the carrying capacity of the Harbor Management Area's natural and historic environment, of particular concern are the cumulative impacts of in-water and waterfront development on environmental resources and water quality. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. In other words, the seemingly insignificant impacts of minor dock construction, dredging operations, and discharges from individual storm drains and vessel holding tanks, could, over time, and when added together, have an important effect on environmental quality in the area. When reviewing proposals for uses and activities affecting the Harbor Management Area, it will be necessary for the Harbor Management Commission to consider potential cumulative impacts.

## **HARBOR ADMINISTRATION ISSUES**

### **• DEFINING THE TOWN'S MARINE BOUNDARIES AND THE JURISDICTION OF THE HARBOR MANAGEMENT COMMISSION**

Chapter 24.3 of the Town Code describes the Fairfield Harbor Management Commission's area of jurisdiction. This description makes use of a combination of landmarks, legal boundaries, and compass directions to describe the Commission's area of authority. The description has been interpreted by the Commission as shown on Figure 1-3, but could also be interpreted to cover a slightly different area. Although the Commission's area of jurisdiction in Sasco Brook is described as being east of the center-line of the Brook, comments received from the Conservation Department in the course of work on the Harbor Management Plan suggest that the Town's boundaries may, in fact, extend to the western bank of the Brook. A more precise definition of the jurisdiction of the Harbor Management Commission, consistent with established Town boundaries, and incorporating geographic coordinates could be helpful.

Although the jurisdiction of the Harbor Management Commission is currently limited to the Southport Harbor area, including the waters of Sasco Brook within the Town of Fairfield and downstream of Route 1, Section 22a-113k of the Connecticut General Statutes authorizes the Town to designate the navigable and tidal waters along its entire shoreline as subject to the jurisdiction of the Commission. To maximize their State-delegated authority, this is the approach taken by other Connecticut towns that have prepared or are preparing harbor management plans. In the future, there may be need and opportunity to expand the area of jurisdiction and representation of the Harbor Management Commission to encompass all of the Town's marine jurisdiction, thereby maximizing Fairfield's State-delegated authority over its marine waters. (See below.)



## ● FUTURE ROLE OF THE HARBOR MANAGEMENT COMMISSION

The initial role of the Harbor Management Commission as established by Town Ordinance is to develop a Harbor Management Plan. Following adoption of the Plan, the Commission will assume responsibilities, along with other commissions and agencies, for implementing and enforcing the Plan. The Commission will be responsible for actively managing the Harbor in accordance with the provisions of the Plan. In addition, the Commission will be responsible for adding to and modifying the Plan, as necessary, to respond to changing conditions in the Harbor. As a result, it is important that the role of the Harbor Management Commission for Plan implementation be clearly defined and coordinated with the roles and responsibilities of other Town Commissions as well as State and Federal agencies with an interest in the Harbor.

In the future, it may be advantageous for the Harbor Management Commission to assume additional responsibilities for management of the Harbor, if such responsibilities would improve Harbor conditions and result in more effective coordination with other Town commissions. In the course of preparing the Harbor Management Plan, for example, it has been suggested that the Town give consideration to transferring authority for managing the Town Boat Yard and Perry Green from the Park Commission to the Harbor Management Commission. Such transfer, it has been argued, would help to ensure coordination and consistency between the provisions of the Harbor Management Plan and administration of the Boat Yard (and Perry Green) through which access to the Harbor is provided.

At the same time, it may be appropriate to consider expanding the jurisdiction and representation of the Harbor Management Commission to include all navigable and tidal waters along the Fairfield shoreline, as authorized by Section 22a-113k of the Connecticut General Statutes. If the jurisdiction and representation of the Commission were expanded to include the Ash Creek and Pine Creek areas, the Commission would be able to exercise State-authorized powers and duties concerning navigable water that no other Town commission, including a newly established Marina Commission as proposed in 1993, would be able to apply.

When considering such expansion, however, attention must also be given to the need for coordination between management of the Town's waterways and management of the Town's upland areas and facilities (including the South Benson Marina and Town Boat Yard) that support water use and access. A single Town commission with responsibility for managing both the water and the water access areas would seem desirable and should be considered.

Future activities needed to protect Harbor resources and maintain existing uses will require expenditures of time and resources by the Harbor Management Commission. For example, such activities as overseeing the inspection of mooring tackle, assisting with water quality sampling, and coordinating dredging activities will require time and effort on the part of the Commission. The Harbor Management Commission must make sure that all activities are carried out in conformance with the approved Management Plan for Southport Harbor and associated Town ordinances, and with any supplemental procedures established by the Commission and other Town bodies.

- **COORDINATION BETWEEN TOWN COMMISSIONS AND DEPARTMENTS FOR HARBOR MANAGEMENT**

Several Town boards, commissions and departments (particularly the Park Commission, Plan and Zoning Commission, Conservation Commission, Shellfish Commission, Historic District Commission, and Police Department) have some type of responsibility or interest affecting the Southport Harbor Management Area. Implementation of the Management Plan will require that all Town Commissions and departments with harbor management-related responsibilities carry out their responsibilities in a manner consistent with the Plan. Effective management of the Harbor Management Area will require that all of these Town commissions and departments carry out their responsibilities in the most coordinated manner possible. Potential overlapping interests and conflicts must be identified and resolved. As noted above, coordination between the Harbor Management Commission and Park Commission is particularly important with regard to ensuring coordination and consistency between the provisions of the Harbor Management Plan and administration of the Town Boat Yard. Coordination between the Harbor Management Commission and Conservation Commission and Shellfish Commission is also important with regard to maintaining and enhancing environmental quality.

The Management Plan for Southport Harbor and the activities of the Harbor Management Commission are intended to provide public benefits in terms of increased protection of Harbor resources and efficient Town management of the Harbor Management Area. The Management Plan should not cause additional bureaucratic delays in current permitting requirements or add further restrictions on the use of waterfront land without providing identifiable public benefits.

- **STATE AND FEDERAL COORDINATION IN PLAN IMPLEMENTATION**

In addition to the Town boards, commissions and departments with harbor management responsibilities, several State and Federal agencies also have varying types of jurisdiction in Southport Harbor. Described in Chapter 3, the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers both have permitting authority over such activities as dredging, disposal of dredged material, dock and pier construction, and other activities below the high tide line and mean high water line.

Although the Harbor Management Commission and the Harbor Management Plan are authorized by State enabling legislation, the Plan must function as a Town plan, not a State plan, and must establish an important Town, State and Federal partnership for guiding the wise use and conservation of the Harbor Management Area into the future.

An important aim of the State legislation that authorized municipalities to establish harbor management commissions and prepare harbor management plans was to create an expanded local role in the planning, management and regulation of water uses and activities. The Plan should provide the basis for an increased Town role in the State and Federal decisions (pertaining to permits for docks, piers and dredging, for example) that affect environmental resources and the

boating and other activities that take place in the Southport Harbor Management Area. After the Plan is approved by the State of Connecticut and adopted by the Town, the various Town, State, Federal, and private actions affecting the Harbor Management Area will have to be consistent with the Plan. This consistency requirement should be a powerful tool that the Town can use to ensure that State and Federal actions conform with Town needs and conditions.

The Harbor Management Commission will evaluate this consistency. While the Plan can not give the Harbor Management Commission regulatory power to authorize or deny the proposals that it reviews, it can provide a special mechanism whereby the Commission's findings must be considered and incorporated into the relevant State and Federal permitting processes.

#### ● **ENFORCEMENT OF HARBOR MANAGEMENT PLAN PROVISIONS**

There are currently several different government agencies and officials (e.g., Police Department, Harbormaster, DEP, Corps of Engineers) with enforcement authority in Southport Harbor. Effective implementation and enforcement of the Management Plan will require coordination among all the agencies with current enforcement authority. Major responsibility for implementation and enforcement, however, should rest with the Town. While the Management Plan provides goals, objectives, policies, and recommendations to guide management of the Harbor, the Plan itself is not a regulation. Section 22a-113n of the Connecticut General Statutes, however, authorizes the Town to adopt regulations necessary to enforce certain provisions of the Management Plan. Provisions of the Plan that require specific enforcement authority should therefore be incorporated into a Town ordinance to be approved and adopted by the Representative Town Meeting in the same manner as the Plan.

#### ● **ROLE OF THE HARBORMASTER**

An important purpose of the Connecticut Harbor Management Act is to provide local direction and control with regard to harbormaster activities, and to ensure continuity between the actions of current and future harbormasters in each municipality. While the Southport Harbormaster is a State official appointed by the Governor, State statutes direct the Harbormaster to work in conjunction with the Harbor Management Commission and in a manner that is consistent with a Town's adopted harbor management plan. Once the Management Plan for Southport Harbor is adopted, the Harbormaster will be required to carry out his responsibilities in accordance with the Plan, and all moorings placed in the Harbor must be subject to a permit from the Harbormaster. Also, following adoption of the Plan, the present role of the Harbormaster may be expanded to include additional responsibilities. The Plan should clearly define the duties and responsibilities of the Harbormaster, taking into account the time and other resources that may be available to the Harbormaster. The Harbormaster receives only a token compensation from the State, and the Commission may need to consider whether additional compensation is required in view of the Harbormaster's increased responsibilities.

State law provides no authority for Harbor Management Commissions to overturn decisions of the Harbormaster or to act as an appeals board with regard to decisions of the Harbormaster. Nevertheless, persons aggrieved by a decision or action of the Harbormaster should be provided an opportunity to express their concerns to the Harbor Management Commission which in turn can report those concerns to the State Commissioner of Transportation who oversees the actions of the State's harbormasters. In addition, there are a number of ways in which the Harbor Management Commission should be able to assist the Harbormaster in the conduct of his duties without usurping any of his authority or responsibilities. Such assistance should serve to facilitate effective and efficient management of the Harbor in the future.

To increase local direction with regard to harbormaster activities, State law now requires that the harbormaster for any municipality with an approved and adopted harbor management plan be appointed by the Governor from a list of not less than three candidates provided by that municipality's harbor management commission.

#### ● ADMINISTRATION OF MOORING PERMITS

Described previously, the Corps of Engineers and the State DEP found past procedures for issuing mooring permits in Southport Harbor (e.g., maintenance of three separate waiting lists, limiting mooring permits to Town residents) to be inconsistent with Federal and State policies and requirements. The Corps and the DEP notified the Town that mooring space in the Harbor must be available to all persons on an equitable basis without discrimination. In other words, there must be a single mooring list instead of the three separate lists, the new list must be open to all persons, including nonresidents of the Town, and all permits must be issued by the Harbormaster. Nonresidents may, however, be charged a higher mooring fee than residents to reflect the Town's costs for developing and maintaining facilities and services. A new system of administering mooring permits must therefore be developed before Federal maintenance dredging can take place and a Town plan for managing the Harbor will be acceptable to the Corps of Engineers and approvable by the State of Connecticut.

Since the current Southport Harbormaster was appointed in 1992, he has worked closely with the Harbor Management Commission and has made good progress toward organizing a mooring allocation system that will be in conformance with State and Federal requirements. In this regard, the efforts of the Commission and Harbormaster to manage mooring locations in the Harbor must be carried out with consideration of the limited space available, the sensitivity of Harbor resources, and the lack of access facilities for the public.

Described earlier, mooring locations have been allocated for many years by the Harbormaster, Park Commission (for those who obtain access to their moorings from Perry Green) and Pequot Yacht Club. The new mooring allocation system must recognize the existing mooring holders and those already on the mooring waiting lists maintained by the Harbormaster, Park Commission and Yacht Club; to do otherwise would be unfair to those who, in good faith, have obtained permits and have applied to be on the existing waiting lists in accordance with longtime procedures believed to

be fair and proper when they were established. At the same time, the Harbor Management Commission has recognized the need to bring the old system into conformance with current State and Federal requirements, so that access to mooring locations is achieved in the most equitable manner, consistent with the limited mooring space available and the need to protect Harbor resources.

In 1994 the Harbormaster began to merge, into one common list of mooring locations, all current mooring holders, including those who have access to their moorings through the Town Boat Yard, Perry Green and Pequot Yacht Club. In the future, this list will be maintained by the Harbormaster, and the Harbor Management Commission will assist him as needed. All persons on the new list of Harbor mooring locations must then apply for annual mooring permits from the Harbormaster in accordance with requirements and procedures established in the Harbor Management Plan, the Town Code (which will be revised upon adoption of the Plan), and more specific rules and procedures for mooring and anchoring adopted by the Commission.

Also, a single list will be maintained for all those waiting for a mooring location in the Harbor. The list will be maintained by the Harbormaster, with assistance from the Harbor Management Commission as needed, and posted in a public place. All those on the current waiting lists maintained by the Harbormaster, Park Commission and Yacht Club will be included on the new, single waiting list. No person will be entered on the list more than once.

Some persons on the existing lists have been on those lists for a number of years and do not own boats at the present time. Once the Harbor Management Plan takes effect, those persons who do not have a boat when they are offered a mooring location will be dropped to the bottom of the list if, after a reasonable period of time, they do not obtain a boat. Others with boats too large or too small to fit an available mooring space will be bypassed on the list until a suitable space becomes available.

A number of moorings previously maintained by members of the Pequot Yacht Club are within the existing channel portion of the Federal Navigation Project near the Yacht Club and Perry Green. Described earlier and in Chapter 2, this area has historically been used as a mooring area and, because of its irregular width ranging from 100 to 400 feet, it seems logical that the area be considered as an anchorage, and its official status changed accordingly.

Previously, all of the mooring locations in this part of the Harbor were managed by the Yacht Club in accordance with the 1967 agreement between the Town and Pequot Yacht Club which created the "Sullivan line." Described earlier, this agreement is no longer relevant to management of the Harbor. All mooring locations in the Harbor, including locations previously controlled by the Yacht Club, must be controlled by the Harbormaster.

Current mooring users with properly registered vessels, including those who have access to their moorings through the Town Boat Yard, Perry Green and Pequot Yacht Club, are now being merged by the Harbormaster into one common list of mooring locations. This list will be maintained by the Harbormaster, with assistance from the Harbor Management Commission as needed. All persons

on the new list of Harbor mooring locations must then apply for annual mooring permits from the Harbormaster in accordance with requirements and procedures established in the Harbor Management Plan, the Town Code (which will be revised upon adoption of the Plan), and more specific rules and procedures adopted by the Harbor Management Commission.

For the 1994 boating season, all persons who wished to retain one of 21 mooring locations within the existing channel portion of the Federal Navigation Project near the Yacht Club and Perry Green applied to the Harbormaster for individual, noncommercial permits to do so. The Harbormaster reviewed the applications and issued a State of Connecticut permit to each applicant. All mooring tackle is owned by the individual permittee; no tackle is owned by the Yacht Club or Town.

Also in 1994, the Harbormaster is organizing a single list for all persons waiting for a mooring location in the Harbor. In the future, vacant mooring locations, including locations in the area within the existing channel portion of the Federal Navigation Project near the Yacht Club and Perry Green described above, will be assigned to persons on this public waiting list, subject to constraints imposed by vessel size and draft. The waiting list will be open to the general public, and nonresidents will have access to available mooring locations through the Town Boat Yard.

In the past two years the Harbormaster has been able to provide mooring locations for 11 persons on the mooring waiting list maintained by the Harbormaster. Additional mooring space was offered, but not accepted, near the mouth of the Harbor. The Harbor Management Commission believes that once the three lists are merged and the Harbormaster contacts everyone on the new list, it will be possible to eliminate a number of names. Also, when the new list is in place, a person refusing, after a reasonable period of time, a suitable mooring location because he or she does not own a boat or because of some other unacceptable reason will be dropped to the bottom of the list.

The time required to obtain a mooring location will also depend on the feasibility of dredging historically used mooring areas that have since become too shallow for mooring use. Determining this feasibility will require environmental evaluations that will take some time to complete.

Although only the Harbormaster has authority to issue mooring permits, the Harbormaster has requested assistance from the Harbor Management Commission with regard to certain of his responsibilities, including the administration of mooring permits and permit applications. Such assistance would serve to facilitate effective management of the Harbor and enable the Harbormaster to most efficiently carry out his duties with the limited resources available to him.

#### ● **FUNDING OF FUTURE HARBOR MANAGEMENT ACTIVITIES**

While many of the goals, objectives, policies and recommendations developed for managing the Harbor Management Area can be carried out through the existing review functions of Town commissions and State and Federal agencies, some future actions needed to protect Harbor resources and manage existing uses will require public and/or private expenditures. Mooring tackle inspection, water quality sampling, provision of a pump-out station, and dredging of areas outside

of the Federal Navigation Project are several examples of management activities that would require additional funds. There is currently no funding mechanism in place to cover the costs of such activities that may be necessary in the future. State statute (Section 22a-113s of the Connecticut General Statutes), however, authorizes the Commission to receive and expend funds for harbor management purposes. This statute also authorizes the Commission to charge a fee for mooring space or anchorage permits (up to \$100 per year for each permit), provided receipts are used exclusively for activities of the Harbor Management Commission or the Harbormaster, and for the improvement of Harbor conditions. Using this State-granted authority, the Commission may establish appropriate measures to generate funds to carry out necessary activities for managing and improving the Harbor. In addition, there should be continued opportunities to combine and apply Town funds, State and Federal grants, and private donations to accomplish Harbor improvement objectives in the future.

#### **● AMENDMENTS AND REVISIONS TO THE HARBOR MANAGEMENT PLAN AND ORDINANCE**

After the Management Plan is adopted it should not be allowed to remain static in the face of changing circumstances over the years. Section 22a-113m of the Connecticut General Statutes specifies that modifications to an approved Harbor Management Plan may be proposed at any time and shall be approved in the same manner as the Plan. State law also specifies that the Plan shall be reviewed annually by the Harbor Management Commission. The Management Plan for Southport Harbor should therefore include procedures for necessary review and modification to respond to changing Harbor conditions, including additional issues and concerns that are certain to arise in the future, and for the incorporation of additional and/or modified goals, objectives, policies, and recommendations as needed. If modifications are to be made, it should not be necessary to redo the entire Plan document. Instead, an annual supplement could be prepared to summarize the more significant changes that may have taken place in the preceding year. The supplement could also include any revisions or additions to the management goals, objectives, policies, and recommendations that may be appropriate.

It must be remembered that the Plan can not identify every issue or concern that is likely to affect the Harbor in the future, nor can it provide a definitive answer to every problem. The Plan can, however, establish a Town policy and decision-making framework to guide the Harbor Management Commission's future efforts as well as the actions of State and Federal agencies. As such, the Plan should be considered as a working document, and its framework and/or detail should be modified in the future, as implementation of the Plan proceeds, and it is necessary to respond to changing conditions and needs.

## **CHAPTER 5:**

# **GOALS, OBJECTIVES AND POLICIES FOR MANAGING SOUTHPORT HARBOR**

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The goals, objectives and policies for managing Southport Harbor are based on already-established State coastal management policies, applicable Federal policies, and relevant goals established by previous Town planning efforts, including the *Fairfield Master Plan*, *Shore Area Plan*, and *Shellfish Management Plan*. The goals, objectives and policies have been formulated by the Harbor Management Commission, and reflect public input from a special workshop held to discuss issues and goals, a public meeting to review a preliminary draft Management Plan, the January 29, 1992 meeting to hear public comments on the Commission's "Draft for Public Review," and numerous meetings of the Commission during which members of the public were encouraged to express their views. To formulate the goals, objectives and policies, the Harbor Management Commission also considered the specific comments of other Town commissions, the Connecticut Department of Environmental Protection, and the U.S. Army Corps of Engineers with respect to the Commission's draft Management Plan prepared for "Town Review," the subsequent "Public Review" draft, and the draft for "Agency Review and Approval."

The policies have been grouped into four major categories: 1) water-use and navigation policies; 2) water access policies; 3) resource protection policies; and 4) harbor administration policies. The policies will guide the Harbor Management Commission and other Town commissions, as well as State and Federal agencies, when making decisions affecting Southport Harbor.

Collectively, the goals, objectives and policies, along with the management recommendations and the water-use plan contained in Chapter 6, establish the Town of Fairfield's response to the issues and concerns described in Chapter 4. The goals and policies are numbered for reference purposes and not to denote priority.



## **GOALS AND OBJECTIVES FOR HARBOR MANAGEMENT**

***Goal 1: To strengthen the role of the Town of Fairfield in the planning, management, and regulation of water uses and activities in the Southport Harbor Management Area.***

**Objectives:**

- (a) To establish short and long-term policies, guidelines and strategies to be used by Town of Fairfield authorities (and followed by relevant State and Federal agencies) for guiding decisions affecting uses, activities and development in the Harbor.
- (b) To establish specific roles and responsibilities for efficient and coordinated management of uses and activities in the Harbor by Town authorities, in coordination with State and Federal jurisdictions.
- (c) To establish and enforce necessary Town regulations for the safe, orderly and efficient use of the Harbor.
- (d) To establish a Town Harbor Fund to be used specifically for necessary administration, maintenance and management of Southport Harbor.

***Goal 2: To maintain and enhance boating and navigational facilities for the benefit of all Harbor users.***

**Objectives:**

- (a) To maintain a Federal Navigation Project in Southport Harbor along with Corps of Engineers' responsibility for maintenance dredging and other authorized maintenance responsibilities.
- (b) To restore and maintain the Federal Navigation Project to adequate width and depth to help ensure safe navigation.
- (c) To restore, where feasible, historically used mooring space that has been lost to shoaling outside of the Federal navigation channel and anchorage.
- (d) To establish a program for monitoring future dredging needs and identifying appropriate methods and locations for dredging and disposal of dredged material.
- (e) To provide for the most efficient use and management of the limited water access facilities at the Town Boat Yard.
- (f) To maintain the existing facilities and operations of the Pequot Yacht Club, including its boat slips and sufficient mooring locations as necessary for maintaining Yacht Club viability.

- (g) To recognize that the number of mooring locations in the Harbor is limited by the availability of supporting shorefront facilities, including parking facilities, as well as by the extent of navigable water areas and the overall capacity of the Harbor to safely accommodate boating use in an environmentally sound manner.
- (h) To provide for safe and efficient arrangement, use and management of mooring locations in the Harbor.
- (i) To establish standardized procedures for allocating mooring locations that will allow all persons the opportunity to apply for a mooring location on an equitable basis.
- (j) To establish opportunities for transient mooring and/or anchoring in the Harbor in response to demonstrated need.
- (k) To provide reasonable access to public waters by Town residents and nonresidents alike, consistent with the capacity of the Harbor and surrounding land areas to accommodate this access without significant adverse impacts on environmental quality and public safety.
- (l) To provide reasonable access to public waters by commercial and recreational fishermen and other Harbor users, consistent with the capacity of the Harbor and surrounding land areas to accommodate this access without significant adverse impacts on environmental quality and public safety.

***Goal 3: To maintain and enhance Harbor opportunities for other types of water-based uses and activities, in addition to recreational boating uses and activities.***

**Objectives:**

- (a) To support the continued use and, where feasible, the enhancement, of Harbor shellfish resources for recreational and commercial purposes in a manner that does not unreasonably conflict with or restrict other Harbor uses.
- (b) To continue to provide opportunities and facilities for commercial fishing (including shellfishing and lobstering) operators in the Harbor, including mooring space and dock and parking access, and to improve those opportunities and facilities where feasible.
- (c) To continue to provide opportunities and facilities for recreational fishing, canoeing, and other water-based activities, and to improve those opportunities and facilities where feasible.
- (d) To support continued educational use of the Harbor and shoreline areas, and to expand this use where feasible.

**Goal 4:** *To protect and, where feasible, improve the quality of the natural environmental resources in the Harbor Management Area.*

Objectives:

- (a) To ensure no further degradation of water quality, and to improve water quality conditions in the Harbor to the extent feasible.
- (b) To protect, and restore or enhance where feasible, the Harbor's natural coastal resources, including tidal wetlands, intertidal flats, shellfish beds, fisheries, and other resources.
- (c) To avoid or minimize adverse impacts on environmental resources that may be caused by Harbor uses and related activities, including in-water and upland uses and activities.

**Goal 5:** *To assure that uses and activities in the Harbor Management Area do not adversely affect the quality of life in the adjacent residential and other shorefront areas.*

Objectives:

- (a) To maintain the existing historic character and associated aesthetic/scenic quality of the Harbor.
- (b) To avoid or minimize adverse impacts on nearby residential areas caused by in-water and water access activities, including associated traffic and parking.
- (c) To provide a public forum for the presentation of all concerns, including those of Southport residents, related to the use, quality and character of Harbor resources.

## **1.0 WATER-USE AND NAVIGATION POLICIES**

### **1.1 Correcting Unauthorized Encroachments**

- a. In accordance with State and Federal laws and regulations, all unauthorized structures (including docks, piers, floats, pilings, moorings, and other structures) and other work (including unauthorized fill) extending into the Federal Navigation Project or into any other areas below the high tide line should be considered as encroachments into navigable waters and eliminated or otherwise corrected.
- b. Existing Encroachments: All existing encroachments (those pre-existing the effective date of this Plan and identified either prior to or after the effective date of the Plan) will be evaluated individually by the Harbor Management Commission, and specific measures will be developed, in coordination with State and Federal authorities, to remove or otherwise correct these existing encroachments.
  - i. The existing encroachment of Pequot Yacht Club docks into the Federal Navigation Project should be corrected in accordance with recommendations set forth in Chapter 6 of this Plan.
  - ii. As described in Chapter 6, all mooring locations within the Harbor should be placed under the joint control of the Harbormaster and the Harbor Management Commission, and all persons shall have equal opportunity to apply for available mooring locations.
- c. Future Encroachments: Any future encroachments (those that may be constructed or occur after the effective date of this Plan) should be eliminated by the offending party without delay. Since the Harbor Management Plan establishes policies and guidelines for the permissible use of Harbor waters, the Harbor Management Commission will discourage the issuance of "after-the-fact" permits by Town, State and Federal permitting agencies that would bring future encroachments into compliance.

### **1.2 Designating and Marking Channels and Navigation Fairways**

- a. Where necessary, specific water areas to be kept free of obstructions should be designated as fairways by the Harbor Management Commission to ensure safe passage of recreational and commercial vessels to, from, and through both natural and dredged navigation channels and anchorages.
  - i. Designated channels and fairways should be of an appropriate width, consistent with the type of vessel use anticipated, to ensure ease and safety of navigation.

- b. "Private" (nonfederal) aids to navigation, supplemental to those placed by the U.S. Coast Guard, should be placed at the direction of the Harbormaster as necessary to mark the boundaries of designated channels and fairways.
  - i. No "private" aids to navigation should be placed without approval from the Harbor Management Commission, and appropriate permits from the U.S. Coast Guard and the Connecticut Department of Environmental Protection.
- c. The Harbor Management Commission in coordination with the Harbormaster and Police Department Marine Division should conduct a periodic review of the number, type, location, condition, and adequacy of aids to navigation within the Harbor, and transmit the results of this review to the U.S. Coast Guard.

### **1.3 Providing Setbacks From Channels, Fairways and Anchorages**

- a. All piers, docks, bulkheads, pilings, moorings and other structures to be located below the high tide line should be set back from the boundaries of designated channels, anchorages and fairways a sufficient distance to ensure that these structures, and any vessels permanently tied up or anchored at these structures, do not interfere with the safe and free passage of any vessel using the channels, anchorages and fairways.
  - i. Setback distances should be measured from the nearest boundary line of the nearest channel, anchorage or fairway to: 1 ) the nearest point of the particular structure; and 2) the nearest point to which a typical vessel permanently tied up or anchored at the structure might approach the boundary line.
  - ii. Appropriate setback distances for proposed structures and work below the mean high water line should be determined on a case-by-case basis by State and Federal permitting agencies acting in coordination with the Harbor Management Commission. Determination of appropriate setback distances should be based on a review of existing conditions, including, but not limited to, shoreline conditions, water uses, and the position of the Federal Navigation Project. In the absence of compelling reasons to the contrary, however, all new structures below the mean high water line should be set back no less than five (5) feet from the boundary line of the nearest channel, anchorage or fairway, and all vessels permanently tied up or anchored at such structures must be outside the boundary line of the nearest channel, anchorage or fairway.

### **1.4 Maintaining Boating Safety**

- a. For the purpose of ensuring public safety and for protecting property and sensitive environmental resources, the speed of all vessels in the Inner Harbor (from the southern point of the Federal breakwater to the head of navigation at the Tide Mill Dam) should be limited to 6 miles per hour or to a speed that will not cause a damaging wake, whichever is the lesser speed.

- b. The operation of all watercraft in the Harbor must be in accordance with all applicable boating laws and regulations and should not result in undue noise or other nuisance impacts.
  - i. Personal watercraft use should not occur within the Federal Navigation Project except as necessary to use the navigation project to reach activity areas.
- c. Waterskiing should not occur in the Inner Harbor or within the Federal channel in the Outer Harbor.
- d. Board sailing should be discouraged in the Inner Harbor to reduce potential conflicts with recreational and commercial vessels. Board sailing should not occur within the Federal channel in the Outer Harbor in a manner that provides an undue hazard or obstruction to navigation.
- e. Vessel-based fishing or instructional sailing should not occur within designated channels, fairways or anchorage areas in a manner that poses an undue hazard or obstruction to navigation.
- f. Anchoring of vessels should not cause adverse impacts, including public safety and nuisance impacts, on moored vessels, Harbor users, or waterfront properties.
  - i. Opportunities for anchoring in the Inner Harbor should be considered as limited due to the number of moored vessels, the relative narrowness of the waterway, and the presence of the Federal navigation channel.
  - ii. Anchoring space for smaller boats (20 feet in length or less) not left unattended should be provided in the Inner Harbor.
  - iii. The lack of anchoring space for larger boats in the Inner Harbor should not affect any vessel seeking shelter or assistance in an emergency. In an emergency, visiting boaters should be directed to use a transient mooring, temporarily tie up at the Pequot Yacht Club service dock or, depending on the size of the vessel, use an appropriate anchoring location.
  - iv. Anchoring should not occur in the Federal navigation channel except for vessel-based fishing and emergency or inspection purposes specifically authorized by the Harbor-master.

### **1.5 Planning and Management of Dredging**

- a. Dredging in the Harbor should be carefully planned and carried out in compliance with all applicable State and Federal regulations, and in a manner that provides for the continued viability of boating facilities, safe and efficient navigation, and minimal disruption of environmental resources.
- b. Priority areas for dredging should include the Federal Navigation Project, existing berthing and docking facilities, and historically used mooring areas.
- c. Future maintenance dredging of the Federal channel and anchorage areas in Southport Harbor should be carried out by the Corps of Engineers in the most timely manner necessary to ensure continued safe and efficient navigation for recreational vessels and commercial fishing (including shellfishing) vessels.
  - i. The Harbor Management Commission should work with the Corps of Engineers to:
    - 1) identify future maintenance dredging needs of the Federal channel and anchorage areas; and
    - 2) initiate environmental assessments and other requirements in time to allow dredging to occur before navigation is adversely affected.
- d. Dredging for development of new Harbor uses and facilities should be permitted only for establishment of water-dependent uses and facilities.
- e. Disposal of dredged material from all channels, mooring areas, docking facilities, and mooring areas should take place in a manner that minimizes potential environmental impacts.
  - i. The on-site, upland disposal of dredged material should be encouraged where feasible and where such disposal can occur in an environmentally sound manner.
  - ii. To the extent possible, the upland disposal of dredged material should be used for shore protection and beach nourishment purposes.

### **1.6 Removal of Derelict Vessels and Structures**

- a. In accordance with State and Federal laws and regulations, all derelict, abandoned, or deteriorated vessels and structures presenting a hazard or unreasonable inconvenience to persons, property or navigation should be removed from the Harbor or repaired where feasible.
  - i. All vessels not moored, anchored or made fast to the shore and unattended for a period greater than 24 hours, or left upon private property without consent from the property owner for a period greater than 24 hours, should be removed from the Harbor by the last owner of record or by the Harbormaster, at the expense of the last

owner of record, as provided for by the State of Connecticut's boating statutes and regulations.

- b. No building, structure or floating facility within the Harbor, nor any marine facility, either on land or below the high tide line should be allowed to deteriorate to the point that it may cause a hazard or unreasonable inconvenience to navigation or adversely affect natural coastal resources, including water quality.

### **1.7 Supporting Recreational Boating Facilities**

- a. The Town should encourage the continued operation of existing public and private boating facilities, including the facilities of the Town Boat Yard and the Pequot Yacht Club and at Perry Green. Any future development activities that may affect existing marina and/or boatyard facilities should not result in a reduction of currently available mooring space, boat slips, marine service facilities, and parking space for water access.
  - i. Town planning and zoning requirements should protect and promote water-dependent uses such as the public and private boating facilities.
- b. The design and review of future proposals to develop public and private boating facilities should take into consideration the potential cumulative impacts of this development on Harbor resources, and the "carrying capacity" of the Harbor to accommodate additional facilities without significant adverse impacts on navigation safety, natural coastal resources, and the historic nature of Southport Harbor and the surrounding community.

### **1.8 Planning and Permitting for Moorings**

- a. The users of all current and future moorings must receive a permit from the Harbormaster. All permitted moorings must be placed and maintained in accordance with procedures jointly established by the Harbormaster and the Harbor Management Commission.
  - i. No moorings shall be located within designated channels or fairways.
  - ii. Moorings located within designated anchorages should be placed in accordance with specific mooring plans (grids) designed to provide safe and efficient mooring of vessels.
  - iii. Existing moorings — located and maintained in conformance with traditional Town procedures — should be retained.
  - iv. Mooring areas previously used, but subsequently lost to shoaling, should be recovered through dredging, where such dredging can be carried out in a cost-effective manner that does not cause significant adverse environmental impacts.



- v. New individual-private and commercial moorings may be established outside of designated anchorage areas where consistent with the resource protection, navigation, and other Plan policies and recommendations.
- vi. A single list should be maintained for all applications for mooring locations in Southport Harbor.

### **1.9 Providing Equitable Public Use of Harbor Waters and Public Facilities**

- a. Existing water access facilities at the Town Boat Yard should be improved and properly managed and maintained to provide adequate dock space, moorings, parking space, and other facilities necessary for use and enjoyment of Southport Harbor.
  - i. Opportunities for public launching and landing should be provided and maintained.
  - ii. Use of the Town Boat Yard should be consistent with the capability of the Boat Yard site and surrounding areas to safely accommodate boating use and facilities in a manner that does not cause significant adverse impacts on environmental resources or on the character of the nearby residential areas.
- b. Opportunities for use of mooring and a public landing in Southport Harbor should be available for Fairfield residents and non-residents alike. Town regulations controlling the use of mooring locations and the public landing should provide equitable opportunities for use and access by residents and nonresidents, consistent with the capacity of Harbor resources to safely support public use and access in an environmentally sound manner. Nonresidents may be charged an additional and reasonable fee reflecting Town costs for establishing and maintaining the facilities and services provided.
- c. Opportunities for use of mooring locations and a public landing in Southport Harbor should be available for recreational boaters and commercial fishermen alike. Town regulations controlling the use of mooring locations and the public landing should provide equitable opportunities for use and access by recreational boaters and commercial fishermen, consistent with the capacity of Harbor resources to safely support commercial fishing use and access in an environmentally sound manner. Equitable fees for recreational boating and commercial fishing use may be charged to help offset Town costs for establishing and maintaining the facilities and services provided.
- d. The Town should provide opportunities for transient mooring and/or anchoring, consistent with Harbor capacity.

**1.10 Providing for Mooring Tackle and Specifications**

- a. Each individual who moors or docks a boat in Southport Harbor should be responsible for any damage to his or her own vessel or to any other vessel or property that may result from that individual's use of inadequate or inadequately maintained mooring tackle. The Town of Fairfield should not assume any liability for damages to boats or other property in Southport Harbor.
- b. To assist boaters in selecting and maintaining adequate mooring tackle, the Harbor Management Commission should establish minimum guidelines for all individual-private and commercial mooring tackle used in Southport Harbor, along with specific recommendations for periodic inspection of mooring tackle and procedures for securing vessels during floods and hurricanes or other major storms.

**1.11 Avoiding Harbor Congestion**

- a. The potential effects of boating facility development proposals on congestion in the Harbor should be an important consideration in the design and review of such proposals.
  - i. The design and review of future boating facility development proposals should take into consideration the capacity of the Harbor to accommodate increased water use while maintaining safe and efficient navigation.
  - ii. The desire to meet demands for additional recreational boating facilities should be balanced against the needs for avoiding congestion in the Harbor, ensuring safe and efficient navigation, supporting other recreational and commercial uses, and avoiding adverse impacts on waterfront land uses.
- b. To avoid conflicts between recreational boating and commercial shellfishing, and to ensure safe and balanced use of the Harbor by these uses, a recreational boating season extending from April 15 to October 15 should be recognized, and consideration may be given, as necessary, to allocating different Harbor locations for recreational boating and commercial shellfishing during the nonboating season.
  - i. Recognition of a recreational boating season should not cause recreational or commercial fishing in the Harbor to be restricted to a particular time of year.
  - ii. Mooring tackle should be removed from the Harbor during the nonboating season, as necessary, for inspection purposes and to facilitate shellfishing.

### **1.12 Limiting Use of Vessels as Abodes**

- a. No vessels berthed at Southport Harbor should be used as year-round or seasonal abodes. Occasional and temporary use of vessels for overnight accommodations by transients and others should be permitted as a secondary use to the principle recreational use of such vessels.

### **1.13 Providing for Commercial Fishing Activities**

- a. The Town should support and encourage the continued use of Southport Harbor by commercial fishermen, including commercial shellfishermen and lobstermen. Dock space and other necessary facilities for independent commercial fishermen should be provided, consistent with the need for such facilities and Harbor capacity to support such facilities. Any fees imposed on commercial fishermen for access to the Harbor should be fairly applied and commensurate with Town costs for dock maintenance and other expenditures.
- b. Existing and potential conflicts between recreational and commercial vessels and facilities should be reduced or eliminated to help achieve safe and balanced use of Harbor resources.

## **2.0 WATER ACCESS POLICIES**

### **2.1 Providing for Public Water Access**

- a. Public access to the Harbor and along the waterfront below the mean high water line should be provided where feasible and where such access: 1) does not conflict with the rights of waterfront property owners; and 2) is consistent with capabilities of Harbor resources to safely accommodate public access in an environmentally sound manner.
  - i. New or increased public access to the Harbor and along the waterfront should not adversely affect the quality of life in waterfront residential areas.
- b. The Town should ensure, through appropriate zoning and other special incentives, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only public access as a mitigating factor.
- c. Where feasible and consistent with traditional neighborhood uses and activities, physical and visual access to the water through Town-owned street ends and other water access right-of-ways should be enhanced. Any improvement of Town-owned water access right-of-ways for public access purposes should be consistent with existing neighborhood character and zoning designations, and with the capacity of Harbor resources.

- d. The Town should take advantage of any opportunities that may arise to acquire additional property that would provide public access to the Harbor and along the waterfront.
- e. Public access to the water across private property is illegal unless specific permission is granted by the private land owner.
- f. New floating docks should be designed for seasonal removal to facilitate shellfishing access along the Harbor shoreline below the mean high water line.

## **2.2 Guiding In-Water Development Activities**

- a. Construction of public and private docks and piers should not have a significant adverse impact on natural coastal resources, water access opportunities, visual quality, and traditional water uses.
  - i. Public and private docks and piers should be of minimal length. The appropriate extent to which docks and piers should extend seaward in order to reach “navigable water” should be determined on a case-by-case basis by State and Federal permitting agencies acting in coordination with the Harbor Management Commission. This determination should be based on consideration of the littoral rights of waterfront property owners, existing Harbor conditions such as distance from shore to navigable water, public access requirements and opportunities, the presence of coastal resources such as intertidal flats and shellfish beds, and other conditions.
  - ii. Alternatives to the construction of fixed (e.g., pile-supported) structures to reach navigable water should be considered, including floating docks and individual-private moorings.
- b. Repair of existing bulkheads and other shore protection structures on waterfront sites should be encouraged in coordination with waterfront redevelopment projects affecting those same sites.
- c. Filling below the high tide line to create additional land area for development should be discouraged.

## **2.3 Protecting Shorefront Neighborhoods**

- a. In-water and waterfront activities should not cause nuisance impacts that adversely impact waterfront residential areas.
- b. The planning and review of development proposals in, on or adjacent to Southport Harbor should take into consideration cumulative impacts on Harbor resources, navigation safety, and the quality of life in waterfront residential areas. Potential adverse impacts should be minimized or eliminated.

### **3.0 RESOURCE PROTECTION POLICIES**

#### **3.1 Capacity of Harbor Resources to Accommodate Uses and Development**

- a. The design and review of future proposals for Harbor use and development should take into consideration cumulative impacts on harbor resources, and the capacity of Harbor resources to support use and development without significant disruption of the natural environment occurring.
- b. New or expanded uses and development that are inconsistent with the capacity of the natural and man-made environment to support such uses and development should be avoided.
- c. Determinations of resource capacities for accommodating new development should be carried out through the review of individual development proposals by the Harbor Management Commission in coordination with other Town commissions and State and Federal permitting agencies. This review should address: 1) the capacity of environmental resources to support development; and 2) the public safety and navigation impacts associated with increased water use and activity.
- d. It should be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess the potential impacts of proposed in-water and waterfront development projects on Harbor resources.

#### **3.2 Protecting and Improving Water Quality**

- a. The Town should vigorously pursue all feasible measures to maintain and improve water quality in Southport Harbor, including implementation and enforcement of applicable Town, State and Federal laws and regulations.
  - i. Efforts to improve water quality should include reduction or elimination of nonpoint sources of pollution (including storm-water runoff and seepage from septic systems), improvement and repair of nearby sewerage facilities, reduction or elimination of pollution resulting from boating activities, and reduction or elimination of all other human activities that unnecessarily introduce sediment or debris into the Harbor.
  - ii. The Town should work closely with State and Federal agencies for eventual implementation of a Fairfield "no-discharge" zone as authorized by State and Federal law, and for inclusion of Southport Harbor in this zone.
  - iii. Vessel toilets and holding tanks for sanitary wastes should not be discharged in the Inner Harbor or over designated shellfish beds in the Outer Harbor. Existing State and Federal regulations controlling the disposal of wastes from vessels should be publicized for area boaters and strictly enforced.

- iv. The Town should pursue the establishment of a public sewage pump-out facility in the Harbor.
- b. The Town should develop and maintain a strong program of water quality monitoring in all Harbor waters.

### **3.3 Protection and Enhancement of Intertidal Resources**

- a. The ecological values of tidal wetlands, intertidal flats and other intertidal resources, including values related to fish and wildlife habitat, nutrient productivity, water quality functions and flood hazard buffer, should be recognized and protected.
- b. The Town should encourage the restoration and/or enhancement of degraded intertidal areas, including previously filled areas.

### **3.4 Protection and Management of Fisheries Resource Areas**

- a. Shellfish and finfish resources should be protected and enhanced to the extent feasible. Opportunities for recreational and commercial shellfishing and finfishing should be enhanced through appropriate management techniques and controls.
- b. Recreational and commercial fishing activities should be balanced with boating and other water-based recreational and commercial uses.

### **3.5 Protection of Cultural Resources**

- a. Cultural resources, including archaeological and historic architectural resources associated with the Southport Historic District, should be protected from any negative impacts that may be caused by Harbor uses and related activities, including in-water and upland uses and activities.
- b. All Harbor-related development activities requiring local, State, or Federal approval should be reviewed in accordance with applicable local, State and Federal laws and regulations for potential impacts on the Southport Historic District. Potential adverse impacts on the historic district should be minimized or avoided.

## **4.0 HARBOR ADMINISTRATION POLICIES**

### **4.1 Adopting a Town Ordinance for Harbor Management**

- a. The Town should adopt a Harbor Management Ordinance for implementing and enforcing the goals, objectives, policies and recommendations contained in the Harbor Management Plan.

#### **4.2 Reviewing Development Proposals Affecting the Harbor**

- a. As authorized by Section 22a-113p of the Connecticut General Statutes, a “Harbor Management Consistency Review” process should be established to ensure effective implementation of the Harbor Management Plan. This process should provide coordinated, efficient and comprehensive Town review of proposed projects affecting use and activities, on, in or adjacent to the waters of Southport Harbor.
  - i. The actions of the Harbor Management Commission should be coordinated with the actions of other Town commissions and departments with authorities related to the Harbor, and with the actions of State and Federal agencies.
  - ii. The Consistency Review Process should not add to the present time requirements for review of projects by Town commissions and departments.
- b. The Harbor Management Commission should serve in an advisory capacity on all Town-initiated development and use projects affecting Southport Harbor.
- c. It will be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess the potential impacts of proposed development projects on Harbor resources, and the consistency of such proposals with the Harbor Management Plan.

#### **4.3 Reviewing the Jurisdiction of the Harbor Management Commission**

- a. The Harbor Management Commission should work cooperatively with other Town commissions and departments to examine the feasibility of the Harbor Management Commission assuming certain Harbor-related responsibilities currently under the jurisdiction of other Town agencies.
  - i. The current jurisdiction and responsibilities of the Harbor Management Commission should be expanded where it is shown that such expansion would result in more efficient and effective management of Harbor resources.

#### **4.4 Establishing Duties of the Harbormaster and Dock Master**

- a. The Harbormaster should work cooperatively with the Harbor Management Commission (including any persons assigned to assist the Commission in carrying out its responsibilities) to enforce State and Town boating laws and ordinances in accordance with State statutes. The Harbormaster should also work cooperatively with and assist the Commission in implementing other provisions of this Management Plan and any Town Ordinance for implementing the Plan.

- b. The Harbor Management Commission may from time to time find it necessary to appoint or engage a “Dock Master,” “Harbor Manager,” or other person or organization to assist the Commission and the Harbormaster in implementing the Management Plan and Ordinance.

#### **4.5 Establishing Procedures for Mooring Permit Applications**

- a. The Harbormaster and Harbor Management Commission should jointly establish standardized procedures for: 1) mooring permit application and issuance; and 2) mooring permit record-keeping. These procedures should include an orderly waiting list and assignment procedure to be applied for all applicants for a mooring location. The public should be informed of the permit application and issuance procedures through appropriate notices and other means, and should have access to the list of mooring permit holders and those waiting for a mooring permit.

#### **4.6 Establishing and Managing Funds for Harbor Management**

- a. The Harbor Management Commission should establish a fee schedule for mooring permits and other activities within the scope of the Management Plan for Southport Harbor. Such fees should be commensurate with services provided by the Town and the Harbormaster, and all fees collected should be dedicated for the maintenance and improvement of the Harbor for the public, and for personnel and equipment directly related to the function of the Commission and the Harbor Master.
- b. The Harbor Management Commission should prepare an annual operating budget for harbor management. The budget should include Commission activities and the administrative and maintenance costs of implementing the Management Plan.
- c. A Town Harbor Management Fund or accounting procedure should be established to ensure that all monies collected from mooring permits or other fees established by the Harbor Management Commission are used specifically for harbor management purposes.

#### **4.7 Reviewing and Revising the Harbor Management Plan**

- a. To assure continued adherence to the Plan as well as to identify needed amendments or clarifications, the Harbor Management Commission should conduct an annual review of the Plan and of the status of Plan implementation.
- b. The same process required for State approval and Town adoption of the Harbor Management Plan — review by the Corps of Engineers, approval by the State Department of Environmental Protection and the Department of Transportation, and adoption by the Representative Town Meeting following a public hearing — should be required to amend or revise the adopted Management Plan.



**4.8 Coordinating the Harbor-related Actions of Town Commissions and Departments.**

- a. All Town actions affecting the Harbor should be undertaken in the most coordinated manner possible. The actions of the Harbor Management Commission and the actions of other Town commissions and departments with authorities related to the Harbor should be coordinated.
- b. Necessary procedures should be established to ensure coordination and consistency between the provisions of the Harbor Management Plan and the administration of Town-owned Harbor facilities and access points.

## **CHAPTER 6:**

# **MANAGEMENT RECOMMENDATIONS AND THE WATER-USE PLAN**

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This chapter contains specific recommendations for managing Southport Harbor. The recommendations address the issues and concerns described in Chapter 4, and should be carried out as soon as possible in furtherance of the goals, objectives and policies set forth in Chapter 5. The recommendations are grouped into seven categories:

- Water Use and Navigation (p. 6-1)
- Coastal Resource Protection (p. 6-23)
- Water Access (p. 6-24)
- Plan Implementation Measures (p. 6-28)
- Specific Actions of the Harbor Management Commission (p. 6-33)
- Responsibilities of the Harbormaster and Mooring Committee (p. 6-40)
- Harbor Management Funding (p. 6-43)

Some of these recommendations are illustrated in the Southport Harbor Water-Use Plan shown on Figures 6-1 and 6-1a.

Additional management actions may be recommended by the Harbor Management Commission from time to time as the Management Plan for Southport Harbor is amended. Other actions not specifically listed in this Chapter may also be carried out if they are in conformance with the goals, objectives, policies and recommendations established in the Plan. The Harbor Management Commission will report on the status of implementing the management recommendations when it conducts its annual review of the Management Plan.

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## RECOMMENDATIONS FOR WATER USE AND NAVIGATION

Management recommendations for water use and navigation include recommendations pertaining to the Federal Navigation Project, control of mooring locations and moored vessels, transient mooring use, public boating services, dredging, removal of deteriorated structures, and provision of a public landing.

### 1. A SOUTHPORT HARBOR FEDERAL NAVIGATION PROJECT SHOULD BE MAINTAINED.

A Federal Navigation Project, consisting of channel and anchorage segments, breakwater and dike, should be retained in Southport Harbor, along with Corps of Engineers' responsibility for maintenance dredging, maintenance of the breakwater and dike, and other Federal maintenance responsibilities. Some modifications of the existing Federal Navigation Project<sup>1</sup>, consistent with current and historical use of the Project, should be carried out as described in the following recommendations nos. 2 and 4.

### 2. A SECTION OF THE FEDERAL NAVIGATION PROJECT IN THE AREA NEAR PERRY GREEN AND THE PEQUOT YACHT CLUB SHOULD BE REDESIGNATED FROM "CHANNEL" TO "ANCHORAGE."

Described in Chapters 2 and 4, the section of the existing Federal Navigation Project near Perry Green and the Pequot Yacht Club, ranging in width from 100 feet to 400 feet, is considered a "channel" by the Corps of Engineers. Consistent with the original recommendation of the District Engineer of the U.S. Army Corps of Engineers in 1935 (see Chapters 2 and 4 and Appendix A), and consistent with current and historical mooring and anchoring use of this area and with current navigation needs, this section of the Navigation Project should be redesignated as an anchorage. The recommended boundaries of the anchorage are shown on Figures 6-1, 6-1a and 6-2, and Harbor Management Commission drawing no. 94005-12 (Drawing no. 94005-12 is not attached to the Management Plan; it can be reviewed by contacting the Harbor Management Commission). The Federal navigation "channel" should extend from Long Island Sound upstream past the "bend in the breakwater" to the point where the Navigation Project begins to widen. This point is approximately 300 feet north of the tide gate at the Country Club of Fairfield lagoon. From this point upstream to the existing six-foot anchorage, the Navigation Project should be redesignated and managed as a Federal "anchorage."

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<sup>1</sup> For the purpose of "The Management Plan for Southport Harbor" the "existing" Federal Navigation Project in Southport Harbor is the Navigation Project as authorized by Federal law prior to any modifications recommended in Chapter 6 of the Management Plan. The existing Navigation Project was initially authorized March 2, 1829; existing Project dimensions were authorized by the Federal River and Harbor Act of August 30, 1935.

The area recommended for redesignation as an anchorage has been used for mooring and anchoring since the 1920's. Due to its present and historical use and its irregular width of up to 400 feet (much wider than needed for current channel purposes), it is logical that this section of the Navigation Project be considered an anchorage and its official status changed accordingly.

Redesignation of the Federal Navigation Project in this manner should be carried out in coordination with the redesign of Navigation Project boundaries described in the following recommendation no. 4.

As suggested by representatives of the Corps of Engineers, the Harbor Management Commission should request (on behalf of the Town of Fairfield) passage of Federal legislation to accomplish the recommended redesignation, in conjunction with the redesign of Navigation Project boundaries described in the following recommendation no. 4. The Harbor Management Commission and Harbormaster should lay out appropriate fairways within the redesignated anchorage to ensure ease and safety of navigation to and around moored vessels. In the course of preparing the Harbor Management Plan, representatives of the Corps of Engineers informed the Harbor Management Commission that designation of such fairways should be a local responsibility, and descriptions of the fairways need not be included in the revised designation of the area as an anchorage. Following redesignation, the Harbor Management Commission should ensure that the redesignated anchorage is adequately marked by aids to navigation, identified on current navigation charts, and used in accordance with the provisions of the Harbor Management Plan.

Redesignation of this section of the Federal Navigation Project as an anchorage will enable continued mooring use in the newly designated Federal anchorage. While Corps of Engineers' requirements prohibit the placement of moorings in Federal navigation channels, moorings may be maintained in a Federal anchorage, provided they are managed in the public interest and all citizens desiring moorings are treated impartially. Described in Chapters 2 and 4, moorings in the area proposed for redesignation as an anchorage were historically controlled by the Pequot Yacht Club in accordance with past agreements with the Town of Fairfield. Those agreements are no longer in effect and all water areas are now under the supervision of the Harbor Management Commission and Harbormaster. All mooring tackle in the area proposed for redesignation as an anchorage is now privately owned. For the 1994 boating season, the owners applied for and obtained 1994 State of Connecticut permits (individual-private permits) from the Harbormaster to use these mooring locations. In the future, vacant mooring locations in this area will be assigned to persons on the public waiting list maintained by the Harbormaster, subject to constraints imposed by vessel size and draft. The waiting list is open to the general public, including nonresidents.

# NOTES:

1. Position of channel and anchorage boundaries shown relative to the shoreline is accurate for planning purposes but not for navigation, regulatory or engineering purposes.
2. Federal Navigation Project dimensions and shoreline features are from a) "Southport Harbor, Conn. 9-Ft. Channel and 6-Ft. Anchorage Condition Survey," February 1985 by the U.S. Army Corps of Engineers, and b) maps prepared for the Fairfield Harbor Management Commission by Ocean and Coastal Consultants, Inc. and included in the "Southport Harbor 1992 Dredging Study" and "Southport Harbor 1993 Federal Project Survey."
3. Final determination of individual mooring locations is subject to site-specific review of Harbor conditions by the Harbormaster and Harbor Management Commission.
4. Access and parking for mooring locations is provided at the Town Boat Yard, along Harbor Rd. at Perry Green, and Pequot Yacht Club. Access to moorings by the general public is available at the Town Boat Yard; access to moorings from Perry Green is reserved first for Southport residents and then Fairfield residents in accordance with deed conditions; access to moorings from the Pequot Yacht Club is restricted to Yacht Club members and guests.
5. Environmental impact review is required prior to any decision to permit dredging in areas recommended for dredging. Mooring locations in areas recommended for dredging outside of Federal Project will not exceed the number of mooring locations that historically existed in these areas and the capacity of available parking areas.
6. Detail of recommended realignment of existing Federal Navigation Project is shown on Figure 6-2.

**TOWN BOAT YARD:** Provide equitable opportunities for public access to Harbor, including access for recreational boating and commercial fishing, consistent with site constraints and character of surrounding area. Opportunities for boat launching, docking, dinghy storage, access to moorings, and views of Harbor. Provide limited launching permits for nonresidents, and parking for nonresident mooring permit holders. Develop long-range plan to guide use and management with coordination between Park Commission and Harbor Management Commission. Provide public landing in accordance with Federal-Town agreements for authorization of Federal Navigation Project.

**PERRY GREEN:** Maintain existing opportunities for "passive" public use, including walking, sitting and views of Harbor. Public parking along Harbor Rd. Access to moored boats by Southport and Fairfield residents in accordance with deed conditions.

**PEQUOT YACHT CLUB:** Maintain as private water-dependent use with berthing and docking facilities, and limited public participation in sail training programs. Club to contribute facilities and services for ongoing management of Southport Harbor in the public interest.

**YACHT CLUB SERVICE DOCK:** Repositioned outside of Federal Navigation Project. (See Figures 6-2 and 6-3.) Attach seasonal floating dock to allow safe use, including use by general public for fueling, emergency docking, provisioning, and sewage pump-out when available.

**"GOLF CLUB WHARF":** Deteriorated pilings may be removed to improve boating use, navigation safety, and access to Upper Harbor.

**FEDERAL ANCHORAGE:** Redesignate from "channel" to "anchorage," and maintain authorized depth of nine feet. (See Figure 6-2.) "Individual-private" mooring locations for larger (28 to 50-foot) and deeper draft boats. All mooring locations subject to permits from Harbormaster. Moorings available for transients and Shellfish Commission use. Internal "fairways" designed and kept free of obstructions by Harbor Management Commission and Harbormaster to ensure ease and safety of navigation. Continued Corps of Engineers' responsibility for maintenance dredging.

**PEQUOT YACHT CLUB "COMMERCIAL" MOORING AREA:** Mooring use by Pequot Yacht Club subject to: State and Federal permits; Yacht Club's provision of on-going public services for managing the Harbor; maintenance of navigation access to natural and Faile channels; and other conditions specified in Management Plan. Yacht Club responsible for all dredging costs to maintain six-foot depth. Consider upstream expansion of mooring area, pending environmental impact review and proper authorization.

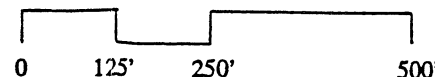
**TIDE GATE:** Operate to achieve necessary flood protection and coastal resource protection.

**BREAKWATER AREA:** Establish measures (e.g., snow-fencing, vegetation plantings) to reduce wind-blown and overwash sedimentation of Harbor channel. Pursue removal of accreted sand bar to restore historical channel width and improve navigation safety.

**FEDERAL NAVIGATION CHANNEL:** Authorized width and nine-foot depth to be maintained by Corps of Engineers. Dredge areas of significant shoaling to maintain navigation safety.

## NOTES (Continued):

7. Navigation fairways shown in the "redesignated" Federal Anchorage may be modified by the Harbor Management Commission and Harbormaster as necessary to ensure navigation safety and efficient use of the Anchorage.
8. To the extent possible, the deepest parts of the Harbor, including the redesignated Federal anchorage, should be reserved to the mooring of larger, deeper draft boats. Where possible, shallow draft boats should be accommodated in shallow areas, including shallow areas outside of the Federal Navigation Project.



\* Symbols for mooring location areas illustrate general areas for mooring of different size boats, not specific mooring locations. Vessel draft will also be considered when assigning mooring locations.

- FEDERAL NAVIGATION PROJECT BOUNDARY
- AREA RECOMMENDED FOR DREDGING OUTSIDE OF FEDERAL NAVIGATION PROJECT (Pending Environmental Impact Review)
- ▨ FEDERAL ANCHORAGE
- ▤ YACHT CLUB MOORING AREA
- MOORING LOCATION AREAS\*:
- AREA FOR BOATS 16 FT. IN LENGTH AND LESS
- △ AREA FOR 16-30 FT. BOATS
- AREA FOR 28-50 FT. BOATS

FIGURE 6-1a:  
**SOUTHPORT HARBOR  
WATER-USE PLAN AND  
MANAGEMENT RECOMMENDATIONS**



0 500 1,000 1,500 2,000  
Approximate Scale In Feet

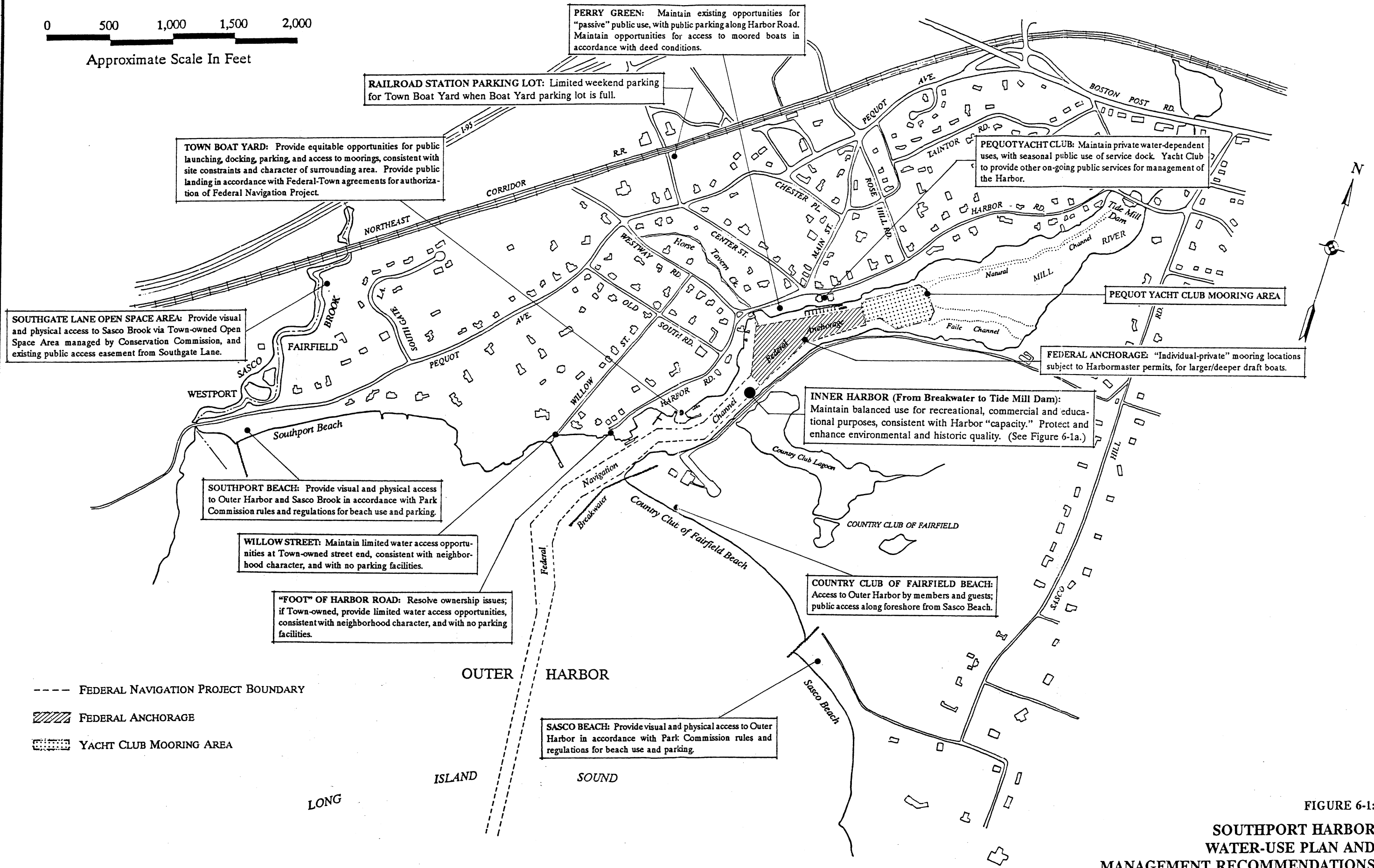


FIGURE 6-1:  
SOUTHPORT HARBOR  
WATER-USE PLAN AND  
MANAGEMENT RECOMMENDATIONS

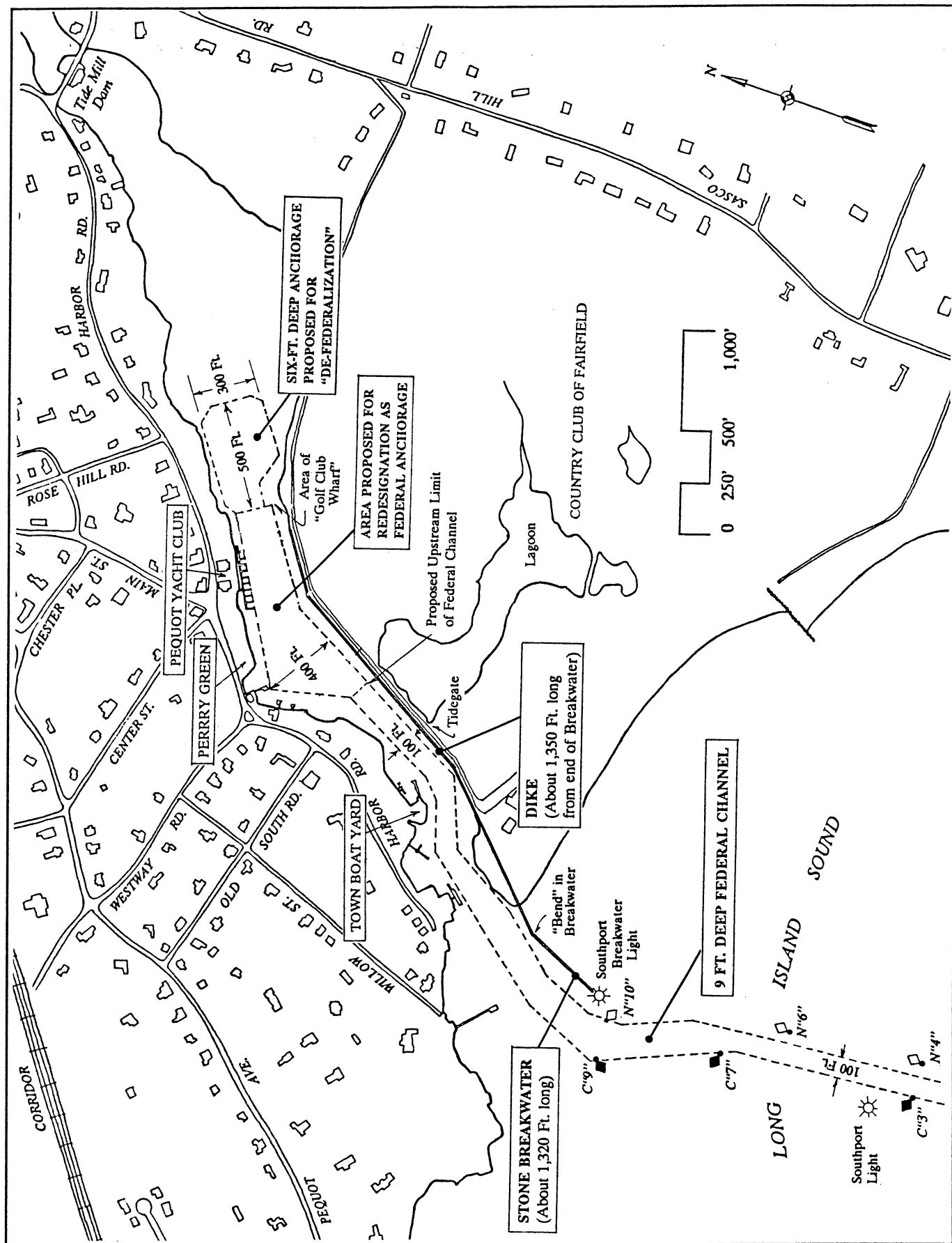


Figure 6-2: Recommended Redesign of the Federal Navigation Project.

3. **ALL NECESSARY MEANS SHOULD BE PURSUED TO ALLOW SEASONAL PLACEMENT OF AN ADDITIONAL FLOATING DOCK AT THE PEQUOT YACHT CLUB TO SUPPLEMENT THE EXISTING SERVICE DOCK. THIS ADDITIONAL DOCK IS NECESSARY TO AFFORD SAFE AND EFFICIENT USE OF THE SERVICE DOCK BY THE YACHT CLUB AND GENERAL PUBLIC. APPROPRIATE MEASURES SHOULD BE TAKEN TO ENSURE NO CONFLICT BETWEEN THIS FACILITY, ITS USE, AND THE FEDERAL NAVIGATION PROJECT.**

The service dock of the Pequot Yacht Club (see Figures 6-1a and 6-3) supports a number of important boating-related services not provided elsewhere in the Harbor. These services include the dispensing of gas and diesel fuel, as well as provision of launch service (using two launches), emergency docking for disabled vessels, and Harbor access for medical emergencies and rescue operations. The service dock also provides temporary space for vessel maintenance and repairs, "wash-down," and provisioning.

Described in Chapter 4, when work to prepare the Management Plan for Southport Harbor began in 1986, the service dock and outermost sections of the Yacht Club's marina floats extended into the Federal Navigation Project. These structures were identified and described as unauthorized encroachments into the Navigation Project.

Corps of Engineers' representatives indicated that the Town could consider alternative means to correct the encroachments, with such means to be proposed and implemented within the context of the Town's Harbor Management Plan. Accordingly, the Harbor Management Commission identified and evaluated a number of alternatives for correcting the encroachments, and reviewed the alternatives with the Corps of Engineers, Connecticut Department of Environmental Protection (DEP), representatives of the Pequot Yacht Club, concerned citizens, and Town commissions and departments between 1986 and 1993. (The considered alternatives are described in Section 6 of "The Management Plan for Southport Harbor, Draft for Agency Review and Approval," April 1993.)

In September 1992, the Commission initiated an "existing conditions" survey of the Federal Navigation Project, and of the Project's location relative to in-water and waterfront structures in the Harbor. This survey ("1993 Federal Project Survey;" see Appendix D) was designed and conducted in accordance with survey standards provided by the Corps of Engineers, and completed in January of 1993. The purpose of the survey was to provide the data necessary to: 1) accurately determine the extent to which the Yacht Club's service dock and marina floats, and any other structures, encroached into the Navigation Project; and 2) identify requirements and opportunities for "redesigning" the Project to achieve consistency with current and historical mooring and anchoring use and existing navigation needs.

In May 1994, the Yacht Club reconstructed its service dock and marina floats so that no part of these structures now extends into the existing Federal Navigation Project. This reconstruction was accomplished to the satisfaction of the Corps of Engineers. The service dock was "pulled back" toward the shoreline as far as possible without the need for dredging to enable continued use of the dock. The outer face of the service dock is now set back a distance of five feet from

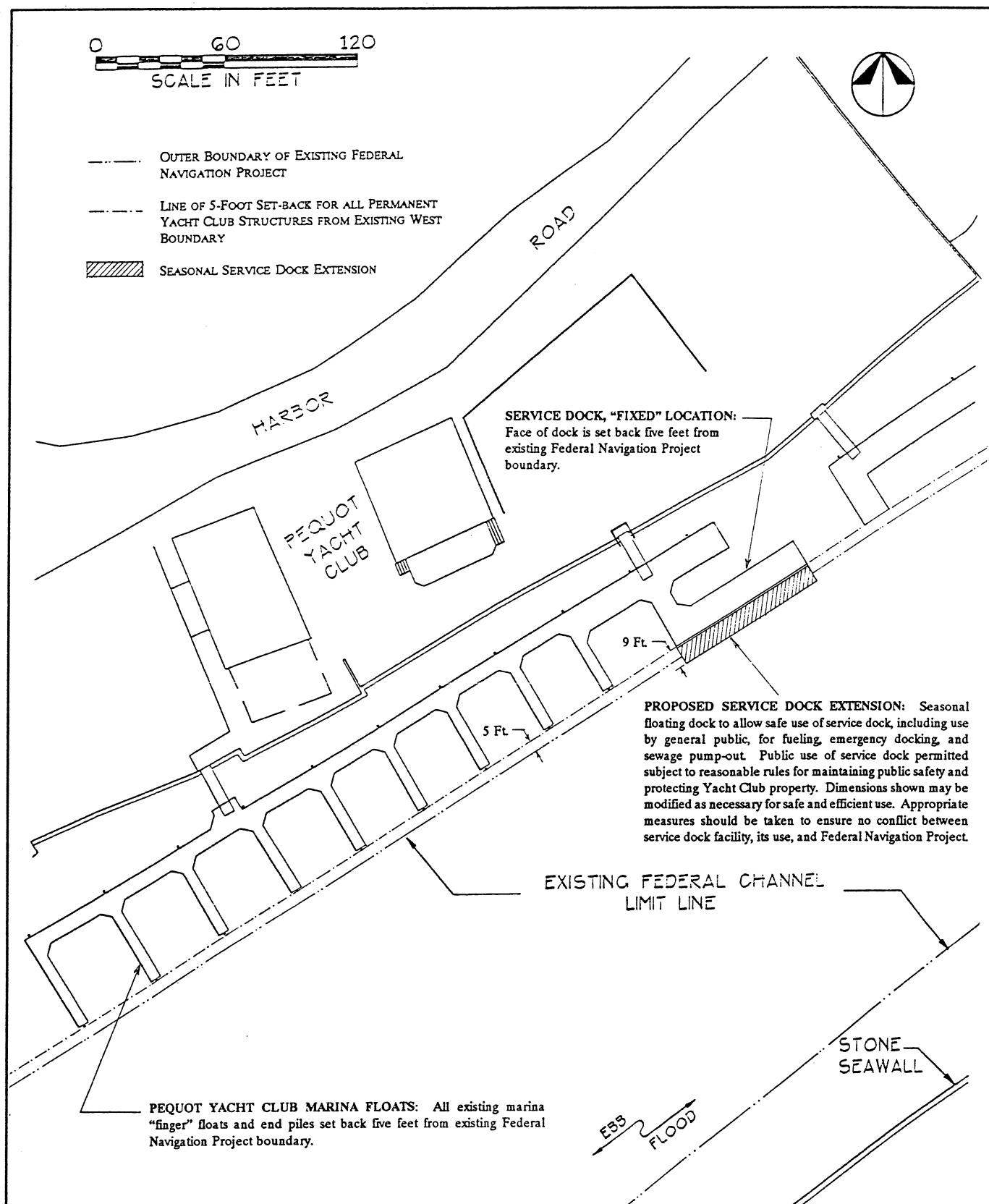


Figure 6-3: Pequot Yacht Club Marina Floats and Service Dock.

the west boundary line of the Federal Navigation Project. In July 1994, the Club applied for the Federal permits needed to maintain its marina and service dock facilities.

The Management Plan for Southport Harbor requires the Yacht Club to allow reasonable public use of the service dock, including use for fuel purchase, emergency docking, and sewage pump-out when available. (See the following recommendation no. 4 and recommendation no. 12 on page 6-19.) It is recognized, however, that by relocating the dock closer to shore and outside of the Navigation Project as described above, maneuverability and navigation safety for vessels using the dock will be affected.<sup>2</sup> The existing position of the dock also increases the potential for conflict between boats using the dock and vessels involved in Yacht Club sailing programs

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<sup>2</sup> In the course of evaluating possible alternatives for correcting encroachments in the Navigation Project, the Harbor Management Commission observed that the previous location of the dock, although extending into the Federal Navigation Project, made it reasonably safe and easy to maneuver and land a vessel at the dock from both an upstream and downstream approach. This ease of navigation was possible because the face of the dock protruded a distance beyond the ends of the adjacent marina floats and end piles. The Commission believed that pulling the service dock closer to shore and completely out of the Navigation Project would have an adverse effect on maneuverability and navigation safety for vessels using the dock, and would reduce the capability of the structure to serve as a public fuel dock and emergency docking facility. It was therefore judged that moving the dock closer to shore and completely out of the existing Navigation Project could result in a reduction of the level of boating services, including public services, provided by the service dock.

The Commission also considered the feasibility of the Yacht Club relocating the service dock to the north of its present position and out of the Federal Navigation Project. Moving the dock to the north would require relocation to the south of the Yacht Club's existing Junior sailing float and activities. As a result, there would be significantly greater potential for vessels using the service dock to conflict with the Junior sailing program boats, which have no power and are operated almost exclusively by young children.

Also of concern with regard to relocation of the service dock to the north is the presence of two fixed jib hoists on shore between the existing dock and the possible relocation site. The jib hoists are used throughout the boating season and are particularly active during weekends (when the service dock receives its greatest use). All of the "dry stall" boats stored on land are launched using the jib hoists. If the service dock is relocated to the north, potential conflicts between these launched sailboats and service dock traffic will be of concern, and some of the dry stall boats would have to be stored in a different location. Also, at least four existing moorings would have to be sacrificed to provide unimpeded access to the face of the service dock if it is relocated to the north of its present position.

In addition, relocation of the service dock to the north would disrupt the current functional relationship between the existing dock and the Yacht Club's upland parking areas. Property deed restrictions limit parking use of the upland area to the north of the existing service dock, and would therefore affect upland access to a relocated dock. Finally, existing gasoline and diesel fuel lines would have to be relocated if the service dock is moved north. For the above reasons, the Harbor Management Commission considered relocation of the service dock to the north of its present position to be infeasible.

It should be noted that if the Yacht Club's service dock is removed in its entirety, there would be no source of fuel in Southport Harbor. The feasibility of Town re-establishment of a fuel dock at the Town Boat Yard was found to be cost-prohibitive, in part because of the cost required for complying with current Department of Environmental Protection (DEP) regulations requiring the use of underground fuel storage tanks.

and launched from the Yacht Club's on-land storage area. As a result, a floating dock ("service dock extension") should be attached to the service dock during the boating season. (See Figure 6-3.) The floating dock should extend a sufficient distance into the Harbor so that vessels can safely and easily maneuver and land at the floating dock from both upstream and downstream directions. The purpose of the floating dock should be to allow for safe and efficient use of the service dock by the Pequot Yacht Club and general public, including use during those times when the Yacht Club's sailing programs are being conducted and at other times when the water area near the service dock is congested.

State and Federal permits for the service dock extension should be conditioned on the Yacht Club providing reasonable public use of the service dock, including use for the purchase of ice, gas and diesel fuel, emergency docking for disabled vessels, and sewage pump-out when available. (See the following recommendation no. 4 and recommendation no. 12 on Page 6-19). Public use of the service dock should be permitted by the Yacht Club on a seasonal basis, subject to reasonable rules for maintaining public safety and protecting Yacht Club property. Public use of the dock for specific services provided by the Pequot Yacht Club should be consistent with the capacity of the service dock and the Yacht Club's adjoining storage facilities, and subject to annual review by the Harbor Management Commission.

Appropriate measures should be taken to ensure that no conflict between the service dock facility (including service dock extension), its use, and the Federal Navigation Project occurs.

- 4. THE FEDERAL NAVIGATION PROJECT SHOULD BE REDESIGNED TO PROVIDE OPPORTUNITY FOR ESTABLISHMENT OF A DESIGNATED MOORING AREA FOR THE PEQUOT YACHT CLUB. TO "BALANCE" THE ESTABLISHMENT OF SUCH A MOORING AREA, THE YACHT CLUB SHOULD PROVIDE CERTAIN BOATING SERVICES TO THE GENERAL PUBLIC AND OTHERWISE ASSIST THE HARBOR MANAGEMENT COMMISSION WITH ONGOING MANAGEMENT OF SOUTHPORT HARBOR IN THE PUBLIC INTEREST.**

Described in Chapter 2, the Pequot Yacht Club is a significant water-dependent use that contributes importantly to the existing historic and esthetic character of Southport Harbor. The Yacht Club also provides important opportunities for access to the Harbor, including access by non-Yacht Club members participating in various Yacht Club sailing instruction programs. Continued operation of the Yacht Club should therefore be supported, consistent with on-going management of the Harbor in the overall public interest.

To ensure its continued viability, the Yacht Club requires a designated mooring area — managed by the Yacht Club and adjoining its waterfront facilities — for the use of its members. Such a mooring area would require "commercial" mooring permits granted by the U.S. Army Corps of Engineers and the Connecticut Department of Environmental Protection.

During the 1994 boating season, the Yacht Club maintained 64 moorings for the use of its members. Moorings currently controlled by the Yacht Club within the Federal Navigation

Project are in the six-foot anchorage, and are therefore in violation of Corps of Engineers' policies for the use of Federal navigation projects.<sup>3</sup> In accordance with these policies, no moorings (either "individual-private" or "commercial" moorings; see Chapter 3) may be placed in a Federal channel, and only "individual-private" moorings managed in the public interest may be placed in a Federal anchorage. No "commercial" moorings may be placed in a Federal anchorage.

Following redesignation of the Federal Navigation Project from "channel" to "anchorage" in the area near Perry Green and the Pequot Yacht Club (see recommendation no. 2 on page 6-1), continued mooring use will be permitted within this section of the Navigation Project as long as mooring locations are managed as "individual-private" locations available to the general public on an equitable basis. Described earlier (see previous recommendation no. 2) moorings in the area proposed for redesignation as an anchorage historically were controlled by the Pequot Yacht Club in accordance with past agreements with the Town of Fairfield. Those agreements are no longer in effect and all water areas are now under the supervision of the Harbor Management Commission and Harbormaster. In the future, vacant mooring locations in the area proposed for redesignation as an anchorage will be assigned to persons on the public waiting list maintained by the Harbormaster, subject to constraints imposed by vessel size and draft. The waiting list is open to the general public, including nonresidents. As a result, the area proposed for redesignation as an anchorage will no longer be used as a Yacht Club mooring area.

In accordance with Federal requirements for use of Federal navigation projects, if a designated Yacht Club mooring area is to be established, this area must be outside of the Federal Navigation Project. There are currently no locations outside of the existing Navigation Project, however, that are of sufficient size to be suitable for use as a Yacht Club mooring area without extensive dredging and the associated adverse impacts on sensitive natural resources that such dredging would cause.

Therefore, if a Yacht Club mooring area is to be established, a portion of the existing Federal Navigation Project would have to be "defederalized" through redesign of the Navigation Project. Such redesign will require Federal legislation. Representatives of the Corps of Engineers have informed the Harbor Management Commission that the Corps will support redesign of the existing Navigation Project to accommodate a Yacht Club mooring area if the remainder of the Navigation Project is "open to all on equal terms," and if reasonable and demonstrated needs of the public with regard to water access and transient boating facilities are met elsewhere in the Harbor.

Following review of the preceding considerations, along with data from the 1993 Federal Project Survey, the Harbor Management Commission formulated the following recommendation for helping to ensure the future viability of the Pequot Yacht Club and its existing sailing programs

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<sup>3</sup> Current and historical use of the six-foot anchorage has been in accordance with past agreements with the Town of Fairfield concerning management of the Harbor. Those agreements are no longer in effect.

(along with the historic and esthetic benefits associated with continued Yacht Club operation), while continuing to manage the Harbor in the overall public interest:

- ***The Federal Navigation Project should be redesigned to eliminate Federal responsibilities for the six-foot anchorage, thereby providing for continuation of a mooring area for the Pequot Yacht Club in this anchorage. To balance the continuation of such mooring use, the Yacht Club will provide certain boating services to the general public and otherwise assist the Harbor Management Commission with ongoing management of Southport Harbor in the public interest. Such services and assistance will be provided for as long as the Yacht Club shall make use of the mooring area. This recommendation should be implemented in accordance with the following guidelines contained in (a) through (h).***
  - a. The Harbor Management Commission, acting on behalf of the Town of Fairfield should request the passage of Federal legislation needed to redesign the Federal Navigation Project. Such redesign would eliminate any future Corps of Engineers responsibilities for maintenance of the “six-foot anchorage.” Legislation to redesign the Navigation Project in this manner should also accomplish: 1) redesignation of the Federal Navigation Project from “channel” to “anchorage” in the area near Perry Green and the Pequot Yacht Club as described in the previous recommendation no. 2; and 2) realignment of part of the west boundary of the Navigation Project as described in the preceding recommendation no. 3.
  - b. The Pequot Yacht Club should proceed with applications to the Corps of Engineers and the Connecticut Department of Environmental Protection for commercial mooring permits in the area currently described as the six-foot anchorage. The granting of these permits should be contingent on: 1) redesign of the Federal Navigation Project as described in (a) above; and 2) satisfaction of all State and Federal requirements for the issuance of commercial mooring permits. Commercial mooring permits should also include specific conditions whereby the Yacht Club will provide certain boating services to the general public and otherwise assist the Harbor Management Commission with ongoing management of Southport Harbor in the public interest. These conditions are described in (c) through (g) below.
  - c. The Pequot Yacht Club should be responsible for all costs required for maintenance dredging of the future commercial mooring area, for as long as the area is used as a mooring area by the Yacht Club.
  - d. State and Federal commercial mooring permits issued to the Yacht Club should not be issued for an indefinite period of time but will require periodic review and renewal in accordance with applicable laws and regulations. Any significant change in the Yacht Club’s current and principal waterfront land-use (e.g., from a membership yacht club to waterfront condominiums, or from club-owned boat slips to dockominiums) should invalidate the permits.



- e. The Yacht Club should enter into a written agreement with the Town of Fairfield to provide continuing boating services that contribute to the ongoing management of Southport Harbor in the public interest, as described in (f) below.
- f. Boating services provided by the Yacht Club and other assistance with ongoing management of Southport Harbor in the public interest should be reasonable in terms of the Yacht Club's financial obligation, consistent with the scale and capacity of the Yacht Club's facilities and operations, and provided to the satisfaction of the Harbor Management Commission. The services should be provided for as long as the Yacht Club makes use of the area historically known as the six-foot anchorage for commercial mooring purposes. Renewals of the Yacht Club's commercial mooring permits should be contingent on the provision of the following services.
  - i. *Provision of a sewage pump-out facility:* For the purpose of helping to maintain and improve water quality in the Harbor, the Yacht Club should provide a sewage pump-out facility with the cost of operation to be shared by the Town and the Yacht Club. The Yacht Club should pay for the installation costs, and the Town should assume responsibility for connection to the municipal sewerage system, sewerage system use fees, and maintenance costs. The pump-out facility should be available to the general public free of charge.
  - ii. *Launch service to transient and non-Yacht Club boaters:* The Yacht Club should also provide a launch service for transient boaters using the newly designated Federal anchorage near Perry Green and the Yacht Club (see the previous recommendation no. 2). During the boating season, launch service will be available to and from the newly designated anchorage.
  - iii. *Assistance with the required inspection and removal of mooring tackle:* The Yacht Club should assist the Harbormaster and Harbor Management Commission with the required inspection/repair/replacement of mooring tackle used in the Harbor, including removal of moorings as necessary to facilitate shellfish harvesting by commercial shellfishermen. This assistance should be provided to mooring permit holders who are not members of the Yacht Club, as well as to permit holders who are Yacht Club members. Assistance with the inspection and removal of mooring tackle should not include responsibility for repair and replacement costs unless the tackle is owned by the Yacht Club.
  - iv. *Provision of transient moorings, including moorings for use by the Town's Shellfish Commission:* The Yacht Club should provide a minimum of three moorings for the use of transient boaters at all times, preferably in the redesignated Federal anchorage in the area near Perry Green and the Yacht Club. The Yacht Club should make additional moorings available for transient boaters when one or more boaters using the Yacht Club for access to their mooring(s) will not be using their mooring(s) overnight or for an extended period time. Transient moorings should also be made available for use by the Town's Shellfish Commission as necessary.

The Yacht Club should be able to charge a reasonable fee for certain of these public services intended to balance Yacht Club use of the six-foot anchorage. A fee schedule should be published and such fees should be subject to annual review by the Harbor Management Commission to ensure fairness of application. Services provided by the Yacht Club may be modified from year to year depending on public need. In response to public need, other public services (in addition to those described above) agreed to by the Harbor Management Commission and Pequot Yacht Club may also be considered for provision on an ongoing basis.

- g. The arrangement of Yacht Club moorings in the six-foot anchorage will provide for ease of navigation at all times between the upstream extent of the redesignated Federal Anchorage (see the previous recommendation no. 2) and: a) the narrow, shallow and natural channel in the Upper Harbor leading to the Tide Mill Dam; and b) the Faile channel. At its own expense, with permission from the Harbor Management Commission and Country Club of Fairfield, and in accordance with any necessary State and Federal permit requirements, the Yacht Club may remove the abandoned pilings on the east side of the Harbor (see recommendation no. 14 on page 6-21) to facilitate ease of navigation to and from the Faile Channel, and to provide additional space for commercial mooring placement.
- h. In a manner consistent with State and Federal laws and regulations, the Yacht Club may pursue expansion of the Yacht Club's commercial mooring area into the area upstream of the existing six-foot anchorage. Expansion of the commercial mooring area, however, should be permitted only if such expansion is shown to be consistent — to the satisfaction of the Harbor Management Commission, Connecticut Department of Environmental Protection, and Corps of Engineers — with the goals, objectives, policies and recommendations of the Harbor Management Plan, and with State and Federal regulatory requirements. Any costs of permit application, testing, and initial and maintenance dredging during future use of an expanded commercial mooring area would be the responsibility of the Pequot Yacht Club.

## **5. THE TOWN OF FAIRFIELD SHOULD MANAGE USE OF THE FEDERAL NAVIGATION PROJECT.**

In accordance with the documents authorizing the Federal Navigation Project, and in accordance with authorities provided by Section 22a-113k through 22a-113t of the Connecticut General Statutes (the Connecticut Harbor Management Act), the Town of Fairfield will manage use of the entire Navigation Project and other areas of Southport Harbor that are subject to Town jurisdiction and authorities. The Fairfield Harbor Management Commission will be the Town body with specific responsibility for managing Southport Harbor in the public interest. The Commission, on behalf of the Town, will request passage of the Federal legislation needed to redesign the Federal Navigation Project in accordance with the previous recommendations nos. 2 and 4. Following redesign of the Navigation Project, the Commission will coordinate its

actions with the Corps of Engineers and Connecticut Department of Environmental Protection to help ensure safe, enjoyable and equitable use of the Navigation Project by all persons.

The Harbor Management Commission's Mooring Committee and the Harbormaster will ensure that no boats or mooring tackle extend into the channels and fairways serving Harbor anchorage areas. Mooring space will be available in accordance with mooring locations designated by the Harbormaster with assistance as necessary from the Harbor Management Commission's Mooring Committee. (See Recommendations for Responsibilities of the Harbormaster and Mooring Committee.) The channel and designated fairways within the Federal Navigation Project will provide for free and open navigation by all boaters to the upper part of the Harbor, including the narrow, shallow and natural channel of the Mill River between the upstream extent of the Federal Navigation Project and the Tide Mill Dam, and the Faile channel.

**6. LIMITS SHOULD BE PLACED ON THE NUMBER AND SIZE OF BOATS TO BE MOORED IN SOUTHPORT HARBOR.**

The total number of moorings in Southport Harbor must not exceed the capacity of the Harbor to accommodate boating use without undue impacts on public safety and environmental quality.

The precise number and location of moorings in the Harbor will be determined by the Harbor Management Commission and the Harbormaster based on existing Harbor conditions. The total number of mooring locations (estimated at 170 to 180, excluding mooring locations for waterfront residents, and including moorings subject to "commercial" permits from the Corps of Engineers and DEP) will be determined based on consideration of the following: 1) the available water space with adequate depth; 2) the need to maintain navigation ease and safety; 3) the length, width and draft of boats that need to be accommodated; 4) available parking spaces and points of access; 5) historical mooring use of the Harbor; 6) the presence of valuable and sensitive environmental resources; 7) the historic and esthetic character of residential areas near the Harbor; 8) opportunities for re-establishing historically-used mooring areas; and 9) any other conditions that may affect the capacity of the Harbor to safely accommodate moored boats in an environmentally sound manner.

The precise number of moorings to be located in the Harbor will be dependent in part on the feasibility of dredging historically-used mooring areas pending environmental impact review. Assuming that some historically-used mooring areas will be judged suitable for dredging and future mooring use, the total number of moorings (other than those maintained by waterfront residents) in the Harbor should not exceed the capacity of the three principal waterfront parking areas. An estimated 94 parking spaces are potentially available for mooring access in three

locations: the Town Boat Yard (33 spaces); along Harbor Road at Perry Green (about 13 spaces); and at the Pequot Yacht Club (48 spaces).<sup>3</sup>

The following guidelines will be applied by the Harbor Management Commission and the Harbormaster to determine the number and size of boats to be moored in the Harbor at any one time:

- a. The maximum number of mooring spaces in the Harbor (other than mooring spaces assigned to waterfront residents) should not exceed the capacity of the available parking areas to accommodate vehicles used by boaters with moorings or dock space in the Harbor. At the present time, it is estimated that the available parking areas can serve approximately 170 to 180 moored boats (or roughly 20 to 30 more than the approximately 150 moorings now placed in the Harbor). Of this potential total, the number of moorings that can be accommodated in historically-used mooring areas that are no longer useable because of shoaling will be determined by the Harbor Management Commission and Harbormaster at such time as the feasibility of dredging is determined.
- b. Only boats with a total hull length of no more than 50 feet will be permitted a permanent mooring in Southport Harbor during the recreational boating season of April 15 to October 15.
- c. Each riparian property owner will be limited to one dock and/or mooring immediately offshore of his or her property, provided that such dock or mooring does not interfere with navigation or cause a significant adverse impact on environmental resources.
- d. Approximately 66 moorings may be available to persons who will access their boat using parking space at the Town Boat Yard.<sup>4</sup>

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<sup>3</sup> Not all boats moored and docked in the Harbor are in use at one time and therefore the available parking areas can accommodate more boats than there are parking spaces. It is estimated that a maximum of 25% of the boats moored and docked in the Harbor are in use at any one time. Fairfield's Zoning Regulations do not specify a parking-space-per-boat requirement other than to require that sufficient parking spaces be provided for uses not described in the Zoning Regulations. Recent studies of boating use in southern New England recommend one parking space for every two boats (or a ratio of .5 parking spaces/recreational boat) as a reasonable standard. This recommendation is based in part on the assumption that a maximum of 25% of moored and berthed boats are in use at any one time. To determine the capacity of the three principal waterfront parking areas, the Harbor Management Commission took into consideration the recommended ratio of .5 parking spaces/boat, along with the Commission's own knowledge and experience with regard to the current and past use of these three parking areas.

<sup>4</sup> The Town Boat Yard in its present configuration can reasonably provide parking for approximately 33 vehicles and six boat trailers (these trailers are disconnected from their vehicles before they are parked).

- e. Twenty-five moorings may be available to persons who tie their boats to the wall at Perry Green.<sup>5</sup> In accordance with Perry Green deed restrictions (see Appendix C), to the extent permitted by law residents of Southport will have first priority for use of these mooring locations; second priority will be assigned to residents of other parts of the Town of Fairfield.
- f. Approximately 85 moorings may be available to persons who will access their boat using parking space at the Pequot Yacht Club.<sup>6</sup>

**7. APPROPRIATE MOORING AND ANCHORING SPACE SHOULD BE PROVIDED FOR COMMERCIAL FISHING VESSELS.**

Reasonable anchorage space should be provided throughout the year for the use of commercial fishing boats, including shellfishing boats, of a size that can safely operate in Southport Harbor without causing undue interference with recreational boating activities or significant impacts on Harbor resources. During the April 15 to October 15 recreational boating season, an anchorage area should be available for the use of commercial fishing boats near the mouth of the Harbor. During the nonboating season, anchorage may be permitted in the Inner Harbor with permission from the Harbormaster.

A reasonable number of mooring locations should be available for use by transient commercial fishing boats of a size that can safely operate in Southport Harbor without causing undue interference with recreational boating activities or significant impacts on Harbor resources. During the recreational boating season at least two mooring locations in the Inner Harbor will be available for the use of commercial shellfishing boats with permission of the Harbormaster. During the nonrecreational-boating season of October 16 to April 14, additional mooring locations will be available for the use of commercial shellfishermen with permission from the Harbormaster. These mooring locations may be used by Town and private shellfish seed boats, boats transplanting harvested shellfish, boats planting oyster cultch, and other boats engaged in shellfish harvesting or management activities in Southport Harbor.

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<sup>5</sup> Approximately 13 parallel parking spaces are available immediately adjacent to Perry Green along Harbor Road.

<sup>6</sup> Approximately 48 parking spaces are available at the PYC, not including parking that can be accommodated in the boat storage area and public parking on Harbor Road adjacent to the Yacht Club. In 1990, the PYC provided space for approximately 85 boats at moorings and 25 boats in slips and at floats. The current parking area is therefore judged to be adequate for supporting the 85 moored boats.

**8. THE LOCATION OF ALL MOORINGS SHOULD BE CAREFULLY PLANNED AND CONTROLLED BY THE HARBOR MANAGEMENT COMMISSION AND THE HARBORMASTER.**

The Harbor Management Commission and Harbormaster will work together to ensure that:

- a. No moorings will be permitted in the designated channel areas of the Federal Navigation Project or in any navigation fairways designated by the Harbor Management Commission.
- b. Mooring locations will continue to be available in areas that are currently used for mooring purposes.
- c. After the Federal Navigation Project and other areas of the Harbor outside of the Navigation Project have been dredged (pending environmental impact review and proper authorization), mooring locations may be re-established in areas that were historically used for mooring locations but are now too shallow.

In accordance with the above criteria, designated mooring areas in the Harbor are shown on Figure 6-1. The Harbor Management Commission's Mooring Committee and the Harbormaster will annually conduct a joint review of the existing available mooring space and assignments and make adjustments to the number and location of mooring locations in accordance with conditions at the time of their review. The actual number of boats that may be moored at these locations in any given year will vary depending on a number of factors, including: available depth at mean low water; suitability of bottom conditions for adequately holding a mooring anchor; size (length, width, and draft) of boats that need to be moored; and presence of valuable and sensitive coastal resources.

Following completion of any or all of the recommended dredging, the Mooring Committee and the Harbormaster will jointly review the actual mooring space available, and adjust the number and location of mooring locations accordingly. (See recommendations that follow for responsibilities of the Harbormaster and Mooring Committee.) The precise location and number of moorings will be determined based on the actual conditions at that time.

**9. ALL MOORINGS CURRENTLY LOCATED IN THE HARBOR IN CONFORMANCE WITH EXISTING MOORING ALLOCATION PROCEDURES WILL BE RECORDED ON A SINGLE LIST OF MOORING LOCATIONS.**

All existing holders of mooring permits previously granted by the Harbormaster and Park Commission, including those who hold permits for moorings maintained by the Pequot Yacht Club, will be merged into one common list of mooring locations to be maintained by the Harbormaster and Harbor Management Commission.

All persons on the new list of Harbor mooring locations must apply for mooring permits from the Harbormaster in accordance with mooring permit application requirements and procedures established in the Harbor Management Plan, Town Code, and the Harbor Management Commission's "Rules and Procedures for Mooring and Anchoring Vessels" (see Appendix F). All persons on the new list of mooring locations will receive first priority for mooring permits from the Harbormaster and must renew their application for a mooring permit each year in accordance with mooring permit application requirements and procedures established in the Harbor Management Plan, Town Code, and the Harbor Management Commission's "Rules and Procedures for Mooring and Anchoring Vessels."

**10. A SINGLE MOORING LIST SHOULD BE MAINTAINED FOR ALL THOSE WAITING FOR A MOORING LOCATION IN THE HARBOR.**

A single list will be maintained for all those waiting for a mooring permit/location in the Harbor. The list will be maintained by the Harbor Management Commission and the Harbormaster, and will be available for public inspection in the Town Hall. The list will be maintained according to the following guidelines, and the Harbor Management Commission's "Rules and Procedures for Mooring and Anchoring Vessels" (see Appendix F):

- a. All those on the current waiting lists maintained by: 1) the Harbormaster; 2) the Park Commission; and 3) the Pequot Yacht Club will be included on the new, single waiting list. The current waiting lists will be combined into a single list according to the chronological order in which names were added to the three pre-existing lists. No person will be entered on the list more than once.

At the present time, it is not possible to accurately determine the length of time it will take for all those persons on the new waiting list to receive a permit for a mooring location. Some persons on the existing lists have been on those lists for many years and currently do not own boats. Also, the amount of spaces available for mooring location will depend in part on the feasibility of dredging historically used mooring areas that have since become too shallow for mooring. Determining this feasibility will require environmental evaluations that will take some time to complete. In the past two years, however, the Harbormaster has been able to provide mooring locations for 11 persons on the mooring waiting list maintained by the Harbormaster. (See the section concerning the administration of mooring permits in Chapter 4.) Additional mooring space was offered, but not accepted, near the mouth of the Harbor. Once the three pre-existing lists are merged and the Harbormaster contacts everyone on the new lists, it will be possible to eliminate a number of names. Also, when the new list is in place, a person refusing, after a reasonable period of time, a suitable mooring location because he or she does not own a boat or because of some other invalid reason will be dropped to the bottom of the list.

- b. The mooring list will be open to all applicants who meet the minimum criteria established by the Harbor Management Commission. There will be no discrimination based on Town

of residence. Access to moorings from Perry Green, however, will be reserved first for residents of Southport and then for residents of Fairfield in accordance with the Perry Green deed restrictions (see Appendix C). Any person (and a "person" shall include corporations, societies and associations legally recognized in the State of Connecticut) may apply for a mooring permit by completing in full the application provided for that purpose, and submitting the completed application to the Harbormaster. The Harbor Management Commission may, as necessary to avoid possible abuses of the mooring allocation procedures established in the Harbor Management Plan, establish reasonable requirements to limit the issuance of mooring permits for vessels with joint ownership.

- c. As a condition for receiving a mooring permit, an applicant must have the vessel to be moored in Southport Harbor properly registered in the State of Connecticut.
- d. Every person on the waiting list must renew their application each year. The Harbormaster or the Harbor Management Commission will annually mail a renewal application form to each person on the waiting list. In order to remain on the waiting list, a person must submit the renewal application on or before a specified date. Anyone who does not submit a properly completed application form on or before the specified date will automatically be removed from the waiting list.
- e. The Commission may require a reasonable and non-refundable initial application fee, established by the Town of Fairfield, from all applicants placed on the mooring waiting list. This fee should be credited against the first year annual mooring permit fee (see recommendation no. 10(j) below) and should be collected and deposited in the same manner as the annual mooring permit fee. The initial application fee should be applied to help offset the administrative costs associated with processing mooring permit applications and with managing mooring use in Southport Harbor to provide for adequate access for recreational and commercial vessels, for the safety of persons and property, and for the optimum use of the Harbor.
- f. The Harbormaster will assign mooring locations based on the following criteria: boat size (length, beam and draft), maneuverability, and location and method by which the person intends to gain access to the mooring location.
  - i. To the extent possible, the deepest parts of the Harbor, including the redesignated Federal anchorage area near Perry Green and the Pequot Yacht Club (see recommendation no. 2 on page 6-1), should be used for the mooring of deeper draft boats.
  - ii. Where possible, shallow draft boats should be accommodated in shallow areas, including shallow areas outside of the Federal Navigation Project.
- g. Within the limits of size and type of vessels, available mooring locations shall be offered to the senior applicant on the mooring waiting list, subject to the requirements of guidelines established in the Harbor Management Plan and the Harbor Management Commission's



“Rules and Procedures for Mooring and Anchoring Vessels”. If an available mooring location is not suitable to accommodate the senior applicant’s vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his place on the waiting list in this case. The Harbormaster shall continue to attempt to provide a suitable mooring for the senior applicant. If the senior applicant refuses a mooring location that is suitable for his or her vessel in the opinion of the Harbormaster, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of available mooring areas, the list of applicants shall be maintained to include date of application and type and size of vessel.

- h. A person with a valid mooring permit may not leave the assigned mooring location vacant for more than one year without losing the permit. If the mooring location is to be vacant for a period of one month or longer during the boating season without notification of the Harbormaster and permission from the Harbormaster, the space may be temporarily assigned to the next person on the waiting list with a boat of suitable size.
- i. A mooring permit may not be transferred from one person to another, except that the Commission and Harbormaster may approve a mooring permit to be transferred between spouses if not doing so would create a hardship. Other exceptions (e.g., transfer from parent to child, when both had used the boat on the mooring) may be approved for transfer of the same boat with explicit approval by the Commission and Harbormaster.
- j. An annual fee established by the Town of Fairfield and not to exceed the maximum fee authorized by Sec. 22a-113s of the Connecticut General Statutes will be required from all persons issued a mooring permit. Nonresidents issued a mooring permit may be charged a higher fee (if reasonable and justifiable, and not to exceed the maximum fee authorized by State law) than residents to help cover the costs incurred by Town residents for services and facilities such as marine police services, Harbor Management Commission services, dock maintenance, and other services and facilities that may be provided.

#### **11. TRANSIENT MOORING LOCATIONS AND TACKLE SHOULD BE MADE AVAILABLE NEAR THE PEQUOT YACHT CLUB.**

A minimum of three transient mooring locations with mooring tackle in place will be available at all times near the Pequot Yacht Club. The PYC will provide launch service for the transient boaters using these mooring locations and allow the visiting boaters to land at the Yacht Club service dock for a limited time using their own dinghies. The PYC will make additional mooring locations with mooring tackle in place available for transient boaters as space may become available. (See recommendation no. 12 below.) The Harbor Management Commission and the Yacht Club may require each transient boater using a mooring to sign a release of liability. The Commission may impose reasonable limits on the duration and frequency of use of transient mooring locations by an individual vessel. Reasonable fees may be charged to transients for use of mooring tackle and related services.

## **12. THE PEQUOT YACHT CLUB SHOULD CONTINUE TO PROVIDE IMPORTANT SERVICES AND FACILITIES TO BOATERS USING SOUTHPORT HARBOR.**

In accordance with recommendations nos. 3 and 4 on pages 6-4 and 6-7, the Pequot Yacht Club should provide important services and facilities to boaters using Southport Harbor. The Yacht Club should provide for reasonable public use of its service dock, consistent with the capacity of the service dock and adjoining storage facilities, including use of the dock for the purchase of ice, gas and diesel fuel, and emergency docking for disabled vessels. In addition, as long as the Yacht Club makes use of the area historically known as the six-foot anchorage for mooring purposes, the Yacht Club will provide the following services to the satisfaction of the Harbor Management Commission:

- a. *Provision of a sewage pump-out facility:* For the purpose of helping to maintain and improve water quality in the Harbor, the Yacht Club should provide a sewage pump-out facility with the cost of operation to be shared by the Town and the Yacht Club. The Yacht Club should pay for the installation costs, and the Town should assume responsibility for connection to the municipal sewerage system, sewerage system use fees, and maintenance costs. The pump-out facility should be available to the general public free of charge.
- b. *Launch service to transient and non-Yacht Club boaters:* The Yacht Club should also provide a launch service for transient boaters using the newly designated Federal anchorage near Perry Green and the Pequot Yacht Club (see the previous recommendation no. 2), and users of all Harbor moorings permitted by the Harbormaster. During the boating season, launch service will be available to and from the newly designated anchorage.
- c. *Assistance with the required inspection and removal of mooring tackle:* The Yacht Club should assist the Harbormaster and Harbor Management Commission with the required inspection/repair/replacement of mooring tackle used in the Harbor, including removal of moorings as necessary to facilitate shellfish harvesting by commercial shellfishermen. This assistance should be provided to mooring permit holders who are not members of the Yacht Club, as well as to permit holders who are Yacht Club members. Assistance with the inspection and removal of mooring tackle should not include responsibility for repair and replacement costs.
- d. *Provision of transient moorings, including moorings for use by the Town's Shellfish Commission:* The Yacht Club should provide a minimum of three moorings for the use of transient boaters at all times, preferably in the redesignated Federal anchorage near Perry Green and the Pequot Yacht Club. The Yacht Club should make additional moorings available for transient boaters when one or more of its members will not be using their mooring(s) overnight or for an extended period time. In addition to the three moorings provided for the use of transient recreational boaters, transient moorings should also be made available for use by the Town's Shellfish Commission as necessary.

**13. DREDGING SHOULD BE CARRIED OUT TO IMPROVE NAVIGATION SAFETY AND, WHERE CONSISTENT WITH ENVIRONMENTAL PROTECTION POLICIES AND RECOMMENDATIONS, RESTORE HISTORICALLY-USED MOORING AREAS.**

Shoaling of navigation areas, including the Federal Navigation Project, is a matter of continuing concern. The Federal Project was last dredged in 1961, and sections of the channel have become shallow at several locations as described in Chapter 4 and Appendix B. In addition, areas outside the Federal Project that have historically supported boating activities have become shallow. Periodic maintenance dredging is necessary to maintain existing navigation requirements and boating uses in the Federal Navigation Project as well as in privately maintained navigation areas. The Harbor Management Commission also recognizes that dredging may have adverse impacts on sensitive coastal resources such as intertidal flats and shellfish beds, and may also affect water quality. As a result, all dredging in the Harbor should be carefully planned and controlled, and prior to any future dredging, an assessment of the potential environmental impacts of dredging and the disposal of dredged material must be conducted, in accordance with normal State and Federal requirements. Dredging of sub-tidal areas is preferred. The potential impacts of proposed dredging on shellfish resources should be assessed and appropriate efforts taken to mitigate any unavoidable impacts on shellfish resources that would occur.

The Harbor Management Commission has recommended only limited areas to be considered for dredging, as shown on Figure 6-1a. Other areas may be considered in the future, consistent with demonstrated need and if consistent with State and Federal permit requirements. These areas include portions of the Federal Navigation Project, and areas outside of the Project that historically supported boating activities. Described below, the most critical area for dredging is at the mouth of the Inner Harbor near the breakwater.

- a. The Corps of Engineers should dredge the redesigned Federal Navigation Project (see the previous recommendations nos. 2 and 4) at the earliest opportunity to restore the authorized depths (minimum of 9 feet at mean low water).
- b. Other areas of the Harbor that have historically been used for boating activities should be dredged to restore mooring space that has been lost over the years due to shoaling and sedimentation. These areas include:
  - i. The area west of the channel and between the Town Boat Yard and the Trefz dock which should be dredged to a depth of 6 feet at mlw or to ledge;
  - ii. The area on the west side of the channel and between the Town Boat Yard and Perry Green (approximately opposite Old South Road) which should be dredged to a depth of 6 feet at mlw or to ledge;
  - iii. The area east of the channel and between the "bend in the breakwater" and the tide gate at the Country Club of Fairfield lagoon, where depths currently range from 9 feet

mlw at the channel to 0 mlw at the breakwater. The need for dredging along the breakwater is particularly evident, as wind-blown and wave-driven sand have overtopped the breakwater, resulting in the loss of historically-used mooring space and restriction of the entrance to the Harbor. The channel should be dredged to a depth of nine feet at mlw, and areas outside of the channel should be dredged to depths of six feet at mlw. The most critical area for dredging in the Harbor, and therefore the area of highest priority, is at the mouth of the Inner Harbor near the breakwater, where windblown sand covers the breakwater and is deposited in and adjacent to the channel. Described in Chapter 4, this sedimentation in 1994 has considerably reduced the navigable width of this most narrow part of the Harbor, particularly at low water. The condition is worsening and, as a result, a potential hazard to navigation has developed.

In coordination with dredging of the area near the breakwater, appropriate measures should be established, in coordination with the Country Club of Fairfield, to reduce the amount of wind-blown sand entering the Harbor here. These measures should include placement of sand fencing and/or planting of stabilizing vegetation to catch wind-blown sand and help reduce the present rate of sedimentation and need for future maintenance dredging in this area.

iv. The mooring area reached from Perry Green.

In accordance with the Harbor Management Plan's dredging-related policies (see Chapter 5), any dredging in the above-described areas will be carefully planned and carried out in a manner that provides for safe and efficient navigation, and minimal disruption of environmental resources.

Others areas of sedimentation and shoaling shown on Figure 2-2 may be considered for dredging at a future time. The Harbor Management Commission and Shellfish Commission will work together to determine areas and methods for dredging that will benefit both recreational boating and shellfishing interests.

#### **14. ABANDONED AND DETERIORATED PILINGS SHOULD BE REMOVED.**

Several pilings that constitute the remains of a former dock are located on the east side of the Harbor between the existing six-foot Federal anchorage and the Country Club of Fairfield (see Figure 6-1a). This former dock, often referred to as the "golf club wharf," has not been used in many years and only the pilings remain. The Shellfish Commission has suggested that the Harbor Management Commission investigate the possible reuse of the pilings to support a wharf for commercial shellfishermen. The pilings, however, currently comprise a deteriorated structure that may cause a hazard or inconvenience to navigation. A representative of the Connecticut DEP has informed the Harbor Management Commission that a State permit will be required to either rehabilitate the pilings to provide a commercial fishing facility or build a new dock, and

that the existence of the pilings will not affect the issuance of such a permit (e.g., make it easier to obtain a permit). Also, it is anticipated that rehabilitation of the pilings to provide a commercial dock will be no less costly than building an entirely new structure. As a result, the pilings should be removed at the earliest possible opportunity, with permission from the Country Club of Fairfield, and the feasibility of dredging the area to provide additional mooring space should be considered. The Harbor Management Commission, however, supports the provision of necessary facilities for the Harbor's commercial fishermen, and will continue to work toward establishment of such facilities at an appropriate location in the Harbor. (See recommendation no. 6 on page 6-29.)

#### **15. A PUBLIC LANDING SHOULD BE MAINTAINED IN SOUTHPORT HARBOR.**

In accordance with the Public Trust Doctrine, any U.S. citizen should be able to use the waters of Southport Harbor. Although opportunities for public access to the Harbor from the adjoining uplands are limited (see the following Recommendations for Water Access), access to the Harbor from Long Island Sound is not subject to all of the same constraints that affect access from the land side. In the Federal-Town agreement for authorization of the existing Federal Navigation Project in 1935, the Town assured provision of "a free public landing and suitable facilities for service and supply of pleasure craft" and that "local regulation and control will provide for equitable public use of the landing and other facilities." (See House Document 36 (74th Congress) and the Town's letter to the Secretary of War dated May 25, 1935.)

To fulfill these Town assurances, the Town Boat Yard should be managed as a public landing. The Harbor Management Commission and Park Commission should work together to ensure suitable use of the Boat Yard as a public landing, consistent with the limited size of the Boat Yard site and other conditions affecting use of the Boat Yard (see the following recommendation no. 4 on page 6-26).

In addition, provisions for public use of the Pequot Yacht Club's service dock (see recommendation no. 3 on page 6-4 and recommendation no. 12 on page 6-19) will in effect make that dock a limited public landing as well.

## **RECOMMENDATIONS FOR COASTAL RESOURCE PROTECTION**

Recommendations for coastal resource protection focus on cooperative efforts on the part of the Town's Harbor Management Commission, Shellfish Commission, Conservation Commission, and Historic District Commission to protect the natural and cultural resources associated with Southport Harbor.

### **1. THE HARBOR MANAGEMENT COMMISSION SHOULD WORK COOPERATIVELY WITH THE FAIRFIELD SHELLFISH COMMISSION AND CONSERVATION COMMISSION TO PROTECT COASTAL RESOURCES IN SOUTHPORT HARBOR.**

The Harbor Management Commission will work cooperatively with the Shellfish Commission and Conservation Commission to:

- a. Review and coordinate all dredging plans, including plans for specific areas to be dredged and timing of dredging to minimize adverse impacts on shellfish, shellfish grounds and other natural resources, including wetlands and intertidal flats, in Southport Harbor.
- b. Establish arrangements whereby moorings in selected parts of the Harbor can be removed during the nonboating season (October 16 to April 14) on a rotating basis to allow for inspection/repair/replacement of mooring tackle and for harvesting shellfish (for transplanting to other areas) by commercial shellfishermen, as necessary.
  - i. Each year, the moorings in an area equal to approximately 1/3 of the total area of the Harbor used for mooring should be removed for inspection/repair/replacement and that part of the Harbor may be harvested by commercial shellfishermen.
  - ii. Since shellfish purification will not take place when water temperature is below 50°F, procedures for the annual removal of moorings should provide for three weeks of shellfish harvesting in the fall prior to November 15, and two weeks in the Spring after April 1.
- c. Pursue the eventual use of Southport Harbor, if feasible, for seasonal, recreational shellfishing for direct consumption. This will involve identifying methods and procedures that will:
  - i. Provide satisfactory assurance to the appropriate regulatory agencies (e.g., Federal Food and Drug Administration, Interstate Shellfish Sanitation Committee, Connecticut Department of Agriculture's Aquaculture Division, and Fairfield Shellfish Commission) that vessels moored or docked in Southport Harbor will not illegally contribute to pollution; and
  - ii. Not cause undue cost and inconvenience for boat owners.

- d. Ensure that moored boats do not contribute to pollution in the outer portions of the Harbor through illegal discharge of marine sanitation devices.
  - e. Ensure that the tide gate on the east shore of the Inner Harbor at the Country Club of Fairfield lagoon is operated in an appropriate manner to achieve necessary flood protection and coastal resource protection in accordance with applicable Town policies and requirements.
2. **THE HARBOR MANAGEMENT COMMISSION SHOULD WORK COOPERATIVELY WITH THE FAIRFIELD HISTORIC DISTRICT COMMISSION AND THE CONNECTICUT HISTORICAL COMMISSION TO PROTECT THE HISTORIC/SCENIC QUALITIES OF SOUTHPORT HARBOR.**

To ensure that future proposals for uses and facilities on, in or adjacent to the Harbor do not have adverse impacts on the Harbor's existing historic and scenic qualities, the Harbor Management Commission should coordinate its activities to the maximum extent possible with the Historic District Commission. As necessary, the Harbor Management Commission should also work cooperatively with the Connecticut Historical Commission and Historic Preservation Officer to ensure that specific Federal actions with the potential to affect the Southport Historic District are reviewed for consistency with the requirements of Section 106 of the National Historic Preservation Act.

## **RECOMMENDATIONS FOR WATER ACCESS**

Recommendations for water access focus on cooperative efforts on the part of the Harbor Management Commission, Park Commission, and Conservation Commission to provide appropriate opportunities for access to the inner and outer portions of Southport Harbor and to Sasco Brook.

1. **THE HARBOR MANAGEMENT COMMISSION SHOULD WORK COOPERATIVELY WITH THE FAIRFIELD PARK COMMISSION AND CONSERVATION COMMISSION TO PROVIDE OPPORTUNITIES FOR ACCESS TO SOUTHPORT HARBOR.**
- a. When considering opportunities for public access to the Harbor, attention should be given to the relatively small amount of publicly owned land adjoining the Harbor and the sensitivity of Harbor resources, including historic resources. The Harbor is small, its natural resources are fragile, and increased access by the general public raises the possibility of adverse impacts on not only the natural environment, but also public safety and the existing historic and esthetic quality of the Southport Historic District. Reasonable opportunities for public access should be balanced with the limited availability of public parking space and the need to protect a sensitive natural environment and the existing historic and esthetic character of areas adjoining the Harbor.

- b. The Harbor Management Commission will work cooperatively with the Park Commission to address any problems/issues concerning access to the Outer Harbor through Southport Beach and Sasco Beach, as well as access to the Inner Harbor through the Town Boat Yard.
- c. The Harbor Management Commission will work cooperatively with the Conservation Commission to address any problems/issues concerning access to the Southport Harbor Management Area (including Southport Harbor and Sasco Brook) through public land managed by the Conservation Commission, including any land that may be managed by the Conservation Commission in the future.

## **2. APPROPRIATE ACCESS TO SASCO BROOK SHOULD BE PROVIDED.**

- a. From Southgate Lane: The Town's existing public access easement from Southgate Lane to the Town-owned open space area adjoining Sasco Brook is managed by the Conservation Commission. The open space area is known as the Southgate Lane Open Space Area and is also managed by the Conservation Commission. Limited public parking is available along Southgate Lane. Pedestrian access to Sasco Brook should continue to be permitted on the public access easement. Future plans by the Conservation Commission to enhance opportunities for water access from the Southgate Lane Open Space Area and other Town-owned open space areas on Sasco Brook should be developed in consultation with the Harbor Management Commission.
- b. From Southport Beach: Access to Sasco Brook from Southport Beach should continue in accordance with Park Commission rules and regulations for use of the Beach.

## **3. APPROPRIATE ACCESS TO THE OUTER HARBOR SHOULD BE PROVIDED.**

- a. From Southport Beach: Access to the Outer Harbor from Southport Beach should continue in accordance with Park Commission rules and regulations for use of the Beach.
- b. From Sasco Beach: Access to the Outer Harbor from Sasco Beach should continue in accordance with Park Commission rules and regulations for use of the Beach.
- c. From the Country Club of Fairfield: No change in existing water access opportunities from the Country Club is needed. Present use will continue to provide access to the beach and waterfront for members and guests of the Country Club. In addition, public access along the foreshore exists, provided access to the foreshore is not gained through Country Club property. Access to the foreshore from Sasco Beach and along the foreshore of the Country Club beach is frequently used by fishermen to reach the Corps of Engineers' breakwater at the entrance to the Inner Harbor.



**4. APPROPRIATE ACCESS TO THE INNER HARBOR SHOULD BE PROVIDED FROM THE TOWN BOAT YARD.**

In the past, access to Southport Harbor from the Town Boat Yard has been limited to Town residents, nonresident taxpayers, and Town employees. Commercial fishing vessels may use the Town dock but must pay a fee that the fishermen have criticized as discriminatory. Town regulations for use of the Boat Yard should provide for equitable access to the Federal Navigation Project and public waters by residents and nonresidents and by recreational and commercial users. Such access should be in accordance with the Federal-Town agreements concerning authorization of the Federal Navigation Project and Corps of Engineers' policies.

- a. Any future improvements to the Town Boat Yard and facilities should be consistent with the capacity of the Town Boat Yard site and surrounding land areas to accommodate those improvements and associated uses without significant adverse impacts on environmental quality and public safety.
  - i. All proposed improvements to the Town Boat Yard should be developed in close coordination with the Fairfield Historic District Commission and neighborhood representatives, and should be reviewed in accordance with applicable Town, State and Federal laws and regulations for potential impact on the Southport Historic District.
- b. Due to the limited parking space available, all vehicle access to the Town Boat Yard and all parking at the Boat Yard should continue to be in accordance with permits issued by the Park Commission. All parking should be on a "first-come-first-served" basis with no parking spaces specifically reserved for Town residents, or for nonresidents who may receive mooring permits in the future.
  - i. Parking regulations should be strictly enforced and parking for use of the launching area and access to moorings should be carefully monitored to ensure that the parking capacity of the Boat Yard is not exceeded.
  - ii. If the Boat Yard lot is full, residents and nonresidents should be directed to park at the railroad station parking lots on weekends and holidays.
- c. The Park Commission should revise its existing regulations and fee schedule for use of the Town Boat Yard to allow nonresident use of the Boat Yard for parking and boat launching.
  - i. Nonresident holders of mooring permits should be able to purchase a permit to park at the Boat Yard. Appropriate fees for these nonresident parking permits should be set by the Park Commission.
  - ii. Nonresidents should also be able to purchase, on a daily basis, a permit for use of the boat launching ramp. This permit should only be valid for the day indicated on the permit. Because of a) the limited parking space available, b) the limited use potential

of the launching ramp, and c) concern that increased traffic to and from the Boat Yard could adversely impact nearby residential areas, the number of launching permits issued to nonresidents on any given day should be limited to an appropriate number that does not exceed the capacity of the Boat Yard site. These permits should be valid for one day only. If parking space is not available at the Town Boat Yard to accommodate any nonresident with a valid launching permit, that nonresident should be permitted to park, after launching his or her boat, at the railroad station parking areas within walking distance of the Town Boat Yard. Appropriate fees for nonresident launching permits should be set by the Park Commission.

- d. Regulations for use of the Town Boat Yard should provide for reasonable access to the Harbor by commercial fishermen, including lobstermen and shellfishermen, in coordination with recreational boating use and access.
  - i. Regulations and fee structures for use of the Town Boat Yard and access to the Harbor should be applied in an equitable manner and should not discriminate against any user group.
  - ii. Fees for use of the Town Boat Yard should be commensurate with Town costs for dock maintenance and other expenditures, and should be applied to help offset Town costs for establishing and maintaining the Harbor access facilities and Boat Yard facilities provided to the user.
- e. The Harbor Management Commission and Park Commission should work together to address public concerns affecting use of the Town Boat Yard, and to ensure coordination and consistency between the provisions of the Harbor Management Plan and administration of the Boat Yard.
  - i. The Harbor Management Commission should assist the Park Commission in the formulation of a Management Plan to guide use of Town Boat Yard, including use by recreational boaters and commercial fishermen, and use by residents and nonresidents. The Boat Yard Management Plan should address the following considerations and concerns:
    - Opportunities and constraints for future improvement of Boat Yard facilities.
    - Parking regulations, including regulations controlling parking by: residents and nonresidents; mooring permit holders; commercial fishermen; launching ramp users; and other users of the Boat Yard.
    - Use of the launching ramp, including parking for a limited number of boat trailers.
    - Use of the dinghy dock.

- Berthing and storage of dinghies for access to Harbor moorings, including arrangements for more efficient storage of dinghies (e.g., dinghy storage rack) to facilitate access to mooring locations, and provision of a few Town-owned dinghies to be used for mooring access.
  - The potential impacts of Boat Yard uses and facilities on surrounding areas.
  - An equitable fee structure for use of the Boat Yard and Town dock.
  - “Off-season” use of the Boat Yard by commercial fishermen and others.
  - Use of the Town Boat Yard as a public landing in accordance with Federal-Town agreements for authorization of the Federal Navigation Project. (See recommendation no. 15 on page 6-22.)
  - Administration and management of Boat Yard uses and facilities, including procedures for continuous coordination and cooperation among the Park Commission, Harbor Management Commission, other government bodies, and private groups and individuals concerned with use and management of the Boat Yard.
- f. Use of the Town Boat Yard for Harbor access and a public landing should be carefully monitored and all regulations pertaining to dock use, boat launching, parking, and other site uses strictly enforced.
- g. Regulations for public use of the Town Boat Yard should be reviewed annually, and modified as necessary to ensure continued public safety, protection of environmental and cultural resources on and near the Boat Yard site, and maintenance of the existing character of surrounding residential areas.
- h. A sign should be placed at the Town dock to direct transient boaters seeking pump-out service (when available), fuel or a transient mooring to the Pequot Yacht Club.

**5. APPROPRIATE ACCESS TO THE INNER HARBOR SHOULD BE MAINTAINED FROM OTHER WATERFRONT FACILITIES AND AREAS**

- a. From Perry Green: No changes in existing public access opportunities at Perry Green are recommended. Perry Green should continue to be open to the general public for pedestrian use and visual access to the Harbor. Opportunity for public parking should continue adjacent to the Green along Harbor Road. Also, mooring of dinghies to the bulkhead should continue in accordance with deed restrictions (see Appendix C).

- b. From the Pequot Yacht Club: The Pequot Yacht Club should be recognized as an important water-dependent use and should continue to provide water access opportunities for its members and guests, as well as members of the general public participating in its various sail training programs. The Yacht Club should also continue its present policy of providing services for transient boaters as well as the general boating public. In accordance with recommendation no. 4 on page 6-7 and recommendation no. 12 on page 6-19, the Yacht Club should provide certain services and facilities to all boaters using Southport Harbor, as well as launch service for transients. It is also recommended that the Yacht Club continue to seek ways for reducing vehicle traffic impacts on the nearby neighborhoods when special events are held at the Club.
  - c. From the End of Willow Street: No change in existing water access opportunities from the end of Willow Street is recommended, but permitted use of the area should be clarified. Primary use of this area should be for pedestrian access for fishing and shellfishing. This area should continue to be available for launching of car-top vessels such as canoes and small dinghies. However, since there is no parking or even a public turn-around for vehicles, and no opportunity to create either parking or turn-around, increased use of the area for car-top launching should not be encouraged.
  - d. From Harbor Road: Ownership of the small site on the south side of the Trefz dock near the end of Harbor Road is currently in litigation between the Town and a private landowner. If it is determined that the Town owns this parcel, the site should be treated in much the same way as the end of Willow Street. Primary use should be for pedestrian access for fishing and shellfishing.
  - e. From Other Areas: In addition to maintaining the existing points of public access to the water, the Town should investigate the potential for acquisition of the area known as the Trefz dock, and the areas between the Trefz dock and the Town Boat Yard. If these areas could be placed in public ownership, the public use and enjoyment of Southport Harbor could be significantly enhanced without having major adverse impacts on the surrounding residential community. The Town should pursue with the owners of these properties the possibility of a full or partial donation to the Town, a swap with some other Town-owned property, or outright purchase by the Town.
- 6. APPROPRIATE ACCESS TO SOUTHPORT HARBOR SHOULD BE PROVIDED FOR COMMERCIAL FISHERMEN, INCLUDING LOBSTERMEN AND SHELLFISHERMEN.**

Although the number of commercial fishermen operating out of Southport Harbor has declined significantly in recent years, some independent fishermen still use the Harbor. In the future, there may be increased commercial fishing interest, including interest by commercial shellfishermen, if goals of the Shellfish Commission are achieved.

In the course of preparing the Management Plan for Southport Harbor, consideration has been given to accommodating the needs of Southport's commercial fishermen, including commercial shellfishermen, without adversely affecting recreational boating and Harbor resources. The Management Plan establishes the policy to provide dock space and other necessary facilities for independent commercial fishermen, consistent with the need for such facilities and Harbor capacity to support the facilities. One suggestion has been to provide a separate dock for commercial fishermen. Several Harbor locations, including the Town Boat Yard, have been considered for development of such a dock. In addition, the Shellfish Commission suggested that the Harbor Management Commission investigate the possible reuse of the abandoned pilings in the area of the former "golf club wharf," and reconstruction of a dock for commercial fishing use in this area. Also suggested was a commercial work dock that could be moored at different Harbor locations.

A special committee should be appointed by the Harbor Management Commission to evaluate in more detail the needs of commercial fishermen in the Southport area and the feasibility of establishing a separate dock at the Town Boat Yard or other location. The committee should include representatives from the Harbor Management Commission, Harbor fishing interests, Shellfish Commission, and other interested commissions and groups as appropriate. Within a specified period of time, the committee should report its findings to the Harbor Management Commission, along with recommendations for providing needed commercial fishing facilities in the Harbor. The recommendations, if approved by the Harbor Management Commission, should be incorporated into the Management Plan as an amendment to the Plan.

## **RECOMMENDATIONS FOR PLAN IMPLEMENTATION MEASURES**

Once approved by the State of Connecticut and adopted by the Town of Fairfield, the Harbor Management Plan will provide guidance for the use and protection of Southport Harbor and that part of Sasco Brook within the jurisdiction of the Harbor Management Commission. The Plan itself, however, does not provide all of the legal authority needed to achieve full implementation of the goals, objectives, policies and recommendations that it includes. In this respect, the Management Plan is comparable to the *Fairfield Master Plan* and *Shore Area Plan*; it establishes a guiding framework for managing Southport Harbor. Other legal instruments are needed to ensure that all of the Plan's goals, objectives, policies, and recommendations are actually carried out. The principal mechanisms needed to achieve Plan implementation are: 1) a Town Harbor Management Ordinance; 2) administrative rules and procedures of the Harbor Management Commission; 3) the ordinances, regulations and procedures of other Town commissions, boards and departments that may affect the Harbor; and 4) the statutes, regulations and procedures of State and Federal agencies that may affect the Harbor.

**1. THE TOWN OF FAIRFIELD SHOULD ADOPT A REVISED ORDINANCE FOR HARBOR MANAGEMENT.**

A Town "Harbor Management Ordinance" is needed to establish specific regulations concerning the use of Southport Harbor, and to provide a clear legal basis for enforcing these regulations. The Ordinance should be based on, and in conformance with, the provisions of the Management Plan for Southport Harbor.

Adoption of the Harbor Management Ordinance will follow the same procedure as adoption of the Management Plan, including: submission of the draft ordinance to the Connecticut DEP and DOT for approval and to the Corps of Engineers for review and comment; presentation to the public at a public hearing; and submission of the proposed ordinance to the Representative Town Meeting for adoption.

A draft Harbor Management Ordinance has been prepared by the Harbor Management Commission and is included as Appendix E of the Draft Management Plan for Southport Harbor. Following adoption of the Management Plan, the Commission recommends that this proposed Ordinance, modified as necessary, be adopted by the Representative Town Meeting to replace the existing Chapter 24 ("Harbor Management Commission") of the Fairfield Code.

**2. THE HARBOR MANAGEMENT COMMISSION SHOULD ADOPT ADMINISTRATIVE RULES AND PROCEDURES TO GUIDE ITS ACTIVITIES.**

The Harbor Management Commission will need to adopt administrative rules and procedures to guide its various activities which include: conducting meetings; reviewing applications referred by Federal, State and Town agencies for consistency with the Management Plan; supervising the allocation of mooring space; periodically requiring the removal and inspection of mooring tackle in coordination with shellfish operations; issuing concessions for providing services and facilities in Southport Harbor; and other activities as become necessary from time to time. All administrative rules and procedures should conform to the adopted Management Plan and Harbor Management Ordinance.

Draft "Rules and Procedures for Mooring and Anchoring Vessels" have been prepared by the Harbor Management Commission and are included as Appendix F of the Draft Management Plan for Southport Harbor.

**3. THE ORDINANCES, REGULATIONS, PLANS AND PROCEDURES OF OTHER TOWN COMMISSIONS AND BOARDS SHOULD BE APPLIED, WHERE APPROPRIATE, TO MANAGEMENT OF SOUTHPORT HARBOR.**

Implementation of the Management Plan for Southport Harbor will require that other Town commissions, boards and departments, in addition to the Harbor Management Commission,

carry out their responsibilities in accordance with the provisions of the Plan. Those agencies with harbor management-related responsibilities (see Chapter 3) include: the Town Plan and Zoning Commission, Police Department, Park Commission, Conservation Commission, Shellfish Commission, and Historic District Commission. The provisions of the Harbor Management Plan conform to most of the existing regulations and procedures affecting Town commissions and departments. As a result, most of the Town responsibilities and authorities for Plan implementation will remain unchanged from the existing Town framework for harbor management as described in Chapter 3.

Nevertheless, some changes in the existing institutional framework for management of Southport Harbor are needed to bring current authorities into conformance with Plan provisions, and other changes may be needed in the future. Of primary importance are changes in the present rules and regulations established by the Fairfield Park Commission regarding use of the Town Boat Yard. These rules and regulations will need to be modified to: a) allow nonresidents who have been issued a mooring permit to also receive a parking permit and a dinghy permit; and b) allow a limited number of nonresidents the opportunity to purchase a launching permit on a daily basis. (See recommendation no. 4 on page 6-26.) Town commissions may need to establish specific procedures relative to the Harbor Management Commission's review of activities affecting the Harbor. (See recommendation no. 3 for establishing a Harbor Management Plan "Consistency Review" process on page 6-34.)

In some instances, the current goals and objectives of other Town boards and commissions may not fully match those established in the Management Plan. For example, the Shellfish Management Plan adopted by the Fairfield Shellfish Commission contains goals that, if implemented in the near future, could affect recreational boating activities in Southport Harbor. The Harbor Management Commission recognizes these potential conflicts and the Harbor Management Plan contains recommendations for cooperative action by the Harbor Management Commission and Shellfish Commission to seek long-term, balanced-use approaches to management of Southport Harbor. (See recommendation no. 1 on page 6-23.)

**4. THE APPROPRIATE STATUTES, REGULATIONS AND PROCEDURES OF STATE AND FEDERAL AGENCIES SHOULD BE APPLIED TO MANAGEMENT OF SOUTHPORT HARBOR, CONSISTENT WITH THE HARBOR MANAGEMENT PLAN.**

The Management Plan for Southport Harbor has been developed to be consistent with Federal and State statutes, regulations and policies. The Plan was prepared to meet: the requirements of Connecticut's 1984 Harbor Management Act (Sec. 22a-113k through Sec. 22a-113t of the Connecticut General Statutes); the conditions of Federal authorization of the Federal Navigation Project as modified in 1935; and the policies of the U.S. Army Corps of Engineers and Connecticut Department of Environmental Protection regarding the use of navigable waters.

The DEP and the State Department of Transportation (DOT) must review and approve the Harbor Management Plan before it is adopted by the Town of Fairfield. In accordance with

the Harbor Management Act, following adoption of the Plan, recommendations made pursuant to Section 22a-113a(b) of the Act are “binding on any official of the State, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission’s jurisdiction, unless such official shows cause why a different action should be taken.”

The Harbor Management Act also specifies (Section 22a-113r) that permits granted by the Harbormaster must be consistent with the Plan, and that the Harbormaster shall enforce any Ordinance adopted by the Town to implement the Plan. Section 15-1 of the State statutes regarding responsibilities of harbormasters states that harbormasters must exercise their duties in a manner consistent with a harbor management plan adopted in accordance with the Harbor Management Act. Accordingly, the Fairfield Harbormaster will work closely with the Harbor Management Commission and carry out his or her duties in a manner consistent with the Harbor Management Plan. (See Recommendations for Responsibilities of the Harbormaster and Mooring Committee on page 6-40.)

Representatives of the Corps of Engineers have stated that the Corps will accept (and, in fact, prefers) local management of the Federal Navigation Project in Southport Harbor through a State-approved harbor management plan that the Corps has reviewed and found to be consistent with Federal laws, policies and regulations. The Corps has also indicated that it will follow the recommendations of the Harbor Management Commission regarding the consistency of permit applications (submitted to the Corps) with the approved Management Plan.

Following adoption of the Management Plan, the DEP and the Corps of Engineers should ensure that the public notice copies of all permit applications received by those agencies are promptly forwarded to the Harbor Management Commission for the Commission’s comments regarding the consistency of those applications with the Plan. Other Federal and State agencies permitting or undertaking actions in or affecting Southport Harbor should also submit copies of the proposed action to the Harbor Management Commission for review and comment to ensure maximum Town input in their decisions.

## **RECOMMENDATIONS FOR SPECIFIC ACTIONS OF THE HARBOR MANAGEMENT COMMISSION**

Consistent with its powers, duties and responsibilities established by Town Ordinance and its authorities provided by the Connecticut General Statutes, the Harbor Management Commission should continue to carry out the Town’s most direct responsibilities with regard to management of Southport Harbor and the Commission’s area of jurisdiction in Sasco Brook. The Harbor Management Commission should plan for, manage, and regulate in-water and waterfront uses and activities in the public interest, and to the extent necessary and permissible under Town, State and Federal law.



Implementation of the Management Plan for Southport Harbor will require the Harbor Management Commission to exercise specific responsibilities including: active management of the Harbor; review of proposed uses and activities for consistency with the Plan; revision of the Plan as necessary; and review of certain decisions of the Commission's Mooring Committee and the Harbormaster. As previously recommended, the Commission should establish specific procedures for carrying out these and other future responsibilities.

**1. THE HARBOR MANAGEMENT COMMISSION SHOULD MANAGE SOUTHPORT HARBOR.**

The Harbor Management Commission will be responsible for managing Southport Harbor. The Commission's management responsibilities should include: assisting the Harbormaster as necessary with the assignment of mooring locations; managing the inspection of mooring tackle; providing for a public landing; providing other facilities and services, including mooring space for transient boaters; and initiating needed dredging. The Commission may decide to carry out these responsibilities using its own staff and resources, or it may decide that these responsibilities can be better met by having services and facilities performed by other individuals or organizations under the direction and supervision of the Commission. Possibilities for carrying out these responsibilities include establishing a cooperative arrangement with other Town entities such as the Park Commission and Public Works Department, or issuing a concession to one or more vendors to provide specified facilities and services. The Commission will need to develop specific procedures for ensuring that the Harbor is managed in accordance with the Harbor Management Plan.

**2. THE COMMISSION SHOULD INITIATE ACTIONS NEEDED FOR DREDGING OF THE HARBOR.**

As part of its responsibility for actively managing the Harbor, the Commission should act at the earliest possible opportunity to obtain needed dredging of the Federal Navigation Project by the Corps of Engineers. The Commission should also pursue funding and permits for dredging other areas of the Harbor as necessary, and as recommended in the Management Plan. The Commission should ensure that dredging activity is reviewed and coordinated with the Conservation Commission and Shellfish Commission to minimize potential adverse impacts on wetlands, shellfish and other coastal resources.

**3. THE COMMISSION SHOULD ESTABLISH AND CARRY OUT A "HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS."**

The Commission should establish and carry out a "Harbor Management Consistency Review Process," and review all proposals potentially affecting Southport Harbor and the Commission's Sasco Brook jurisdiction for consistency with the Harbor Management Plan.

To ensure that uses and activities proposed to occur in, on or adjacent to Southport Harbor and Sasco Brook are consistent with the Harbor Management Plan, specific procedures should be followed by the Commission in reviewing proposals referred to the Commission by: 1) Town boards, 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 Town agency, as well as to the DEP and the 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 Consistency Review Process should be established and carried out in a manner that does not add to the time period currently required for review of Harbor-area proposals. Furthermore, the Harbor Management Commission should coordinate its consistency review to the maximum extent possible with the review procedures and requirements of the other Town commissions and departments with responsibilities affecting Southport Harbor.

A. THE PLAN "CONSISTENCY REVIEW" PROCESS SHOULD INCLUDE REVIEW OF APPLICATIONS TO TOWN OF FAIRFIELD COMMISSIONS AND DEPARTMENTS.

As authorized by Sec. 22a-113p of the Connecticut General Statutes, proposals involving activities in, on or adjacent to the Harbor Management Area (including Southport Harbor and the Harbor Management Commission's Sasco Brook jurisdiction) as *submitted to or prepared by* the Plan and Zoning Commission, Zoning Board of Appeals, Water Pollution Control Authority, Flood and Erosion Control Board, Public Works Department, Park Commission, Conservation Commission, Shellfish Commission, and Historic District Commission will be referred by those entities to the Harbor Management Commission for review. Proposals to be submitted to the Commission for review should include:

- i. All proposals requiring a Coastal Site Plan Review (in accordance with the Connecticut Coastal Management Act and the Town's Municipal Coastal Program) and occurring on property in, on or adjacent to the Harbor Management Area.
- ii. All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling or other activities below the high tide line.
- iii. All proposed revisions or amendments to Town plans, rules and regulations affecting the Harbor Management Area.

In accordance with Section 22a-113p of the Connecticut General Statutes, each Town commission or department must refer all proposals subject to the Harbor Management Plan Consistency Review Process to the Harbor Management Commission at least thirty-five days prior to any Town hearing on the proposal. If no hearing is to be held, the Town commission or agency must notify the Harbor Management Commission at least thirty-five days prior to taking any final action on the proposal. The Harbor Management

Commission will work with the other Town commissions and departments to establish review periods of less than 35 days in those instances where a shorter review period will still provide adequate time for Plan Consistency Review.

The Harbor Management Commission should review referred proposals for consistency with the Harbor Management Plan and provide comments and recommendations to the approving agency within the thirty-five day period and prior to or during any public hearing on the proposal. 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 the State Harbor Management Act, be considered as approval of the proposal by the Harbor Management Commission.

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

The approving agency must consider the comments and recommendations of the Harbor Management Commission. If the Commission judges a proposal to be inconsistent with the Harbor Management Plan, a two-thirds vote of the approving agency will be required to approve the proposal. This "two-thirds" requirement, however, should not alter the authority of the approving agency 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 to adequately assess the potential impacts of proposed projects on Harbor resources and the consistency of such proposals with the Harbor Management Plan. The Commission may require an applicant to provide specific information addressing the conformance of the proposal with the 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 Commission members. 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 reviewed for consistency with the Management Plan. A recommendation may include suggested modifications or conditions to the proposal that would render an otherwise unacceptable proposal consistent with the Plan. All recommendations by the Commission, including suggested modifications and conditions, should be prepared with reference to the relevant portions of the Management Plan.

The Harbor Management Commission will coordinate its review procedures with each referring/approving commission or department. Each Town commission or department has specific legal requirements and administrative procedures with regard to: time available between official receipt of a proposal and the need to act on the proposal; frequency of meetings; and other factors affecting coordination with the Harbor Management Commission. Therefore, the Commission should develop review procedures that are specific to each referring/approving body. In addition, the Commission may require, when feasible, that a specified number of copies of proposals be provided to the Commission, either directly by the applicant or by the approving commission or department.

A specific public notice and hearing procedure should be established by the Harbor Management Commission to guide the Commission's Plan Consistency Review process.

**B. THE PLAN "CONSISTENCY REVIEW" PROCESS SHOULD INCLUDE THE REVIEW OF APPLICATIONS TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

All proposals involving filling, dredging or structures below the high tide line must be submitted by the project sponsor to the Connecticut Department of Environmental Protection's Office of Long Island Sound Programs for review and approval. (See Chapter 3.) In coordination with this State review and to help implement Sec. 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 will forward the public notice copies of such proposals to the Harbor Management Commission. The Commission should formally review and comment to the DEP (in a manner similar to that just described with respect to proposals submitted to or prepared by Town agencies) on the consistency of each proposal with the Management Plan for Southport Harbor.

**C. THE PLAN "CONSISTENCY REVIEW" PROCESS SHOULD INCLUDE REVIEW OF APPLICATIONS TO THE CORPS OF ENGINEERS.**

All proposals involving filling, dredging or structures below the mean high water line must be submitted by the project sponsor to the Corps of Engineers for review and approval with respect to Federal laws and regulations. (See Chapter 3.) In coordination with this Federal review, the Corps of Engineers should send the Commission copies of the public notice issued by the Corps for all proposals affecting the Harbor Management Area. The Commission should formally review and comment to the Corps of Engineers on each of these proposals in a manner similar to that described with respect to proposals submitted to or prepared by Town and State agencies.

**4. THE COMMISSION SHOULD CONDUCT AN ON-GOING EXAMINATION OF THE EFFECTIVENESS OF THE MANAGEMENT PLAN AND REVISE THE PLAN AS NECESSARY.**

The Management Plan for Southport Harbor should be considered a working document that may be modified in the future to respond to changing conditions and needs. In order that the Management Plan may respond to changing circumstances, provisions for amending the Plan are necessary. Throughout the course of the year, members of the Commission should observe conditions and activities in Southport Harbor and assess how well the Plan is functioning with respect to those conditions and activities. Any observed problems may be raised and discussed at regular Commission meetings. Town officials and the general public should be encouraged to attend Commission meetings and express any concerns regarding Plan provisions and effectiveness. An annual review of the Management Plan should also be conducted, preferably at the end of each boating season. If the Commission determines that amendment or updating of the Plan is necessary, a specific procedure to do so should be carried out.

**A. THE COMMISSION SHOULD CONDUCT AN ANNUAL REVIEW OF THE PLAN.**

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

- Plan goals and objectives;
- Plan policies;
- Plan recommendations, including recommendations pertaining to mooring arrangements and dredging needs.

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

The Connecticut DEP and DOT may also conduct an annual review of the Management Plan for Southport Harbor and report the results of their review to the Harbor Management Commission. Any suggestions or recommendations received from the DEP, DOT or the Corps of Engineers should be considered by the Commission.

**B. IF NECESSARY, THE COMMISSION SHOULD CARRY OUT SPECIFIC ACTIONS TO AMEND THE MANAGEMENT PLAN AND/OR HARBOR MANAGEMENT ORDINANCE.**

If the Harbor Management Commission determines that some aspect of the Plan needs to be changed, it will carry out the following steps:

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

- 2) Submit the proposed changes to the Corps of Engineers for comment and to the DEP and DOT for review and approval.
- 3) Hold a public meeting to hear comments on the proposed changes.
- 4) Make any changes to the Plan document resulting from the public hearing and adopt the changes.
- 5) Submit the changes to the Board of Selectmen and Representative Town Meeting for formal adoption by the Town.

A similar procedure will be followed for any changes needed to the Harbor Management Ordinance. Changes to the Plan or Ordinance should, if possible, be adopted and in effect prior to the start of the next boating season.

The Harbor Management Commission is not restricted to any specific time period for making changes to the Plan. While it is generally preferable to conduct the formal review and revisions within an established time period, if unusual circumstances arise that demand immediate modification of the Management Plan, the Commission may initiate the review and revision process at any time. If modifications are to be made, it should not be necessary to redo the entire Plan document. Instead, an annual supplement or addendum may be prepared to summarize the more significant changes in Harbor conditions that may have taken place in the preceding year. The supplement or addendum may also include any revisions or additions to the management goals, objectives, policies, and recommendations that may be appropriate.

**5. THE COMMISSION SHOULD REVIEW ACTIONS BY THE HARBORMASTER AND PERSONS OR ORGANIZATIONS ACTING UNDER AUTHORITY OF THE HARBOR MANAGEMENT COMMISSION AND HARBOR MANAGEMENT PLAN.**

Any person aggrieved by a decision or action of the Mooring Committee (see the following "Recommendations for Responsibilities of the Harbormaster and Mooring Committee"), the Harbormaster, or any individual or organization operating under authority of the Harbor Management Commission or Harbor Management Plan, may present their concerns to the Commission. At a regular or special meeting, the Commission will review the decision or action of concern and provide an opportunity for all involved parties to present information.

While there is no authority for harbor management commissions to overturn harbormaster decisions or to act as an appeals board with regard to those decisions, the Commission can and should be able to hear any local concerns with regard to the Harbormaster's functions. The Commission should attempt to resolve those concerns without usurping the Harbormaster's authority, and then, if necessary, bring those concerns to the attention of the DOT's Bureau of Aviation and Ports for corrective action.

## **RECOMMENDATIONS FOR RESPONSIBILITIES OF THE HARBORMASTER AND MOORING COMMITTEE**

A Mooring Committee of the Harbor Management Commission should assist the Harbormaster in decisions pertaining to the allocation of mooring locations so that the potential burden of decision-making and responding to public requests and concerns is not a burden that rests solely with the Harbormaster. The Harbormaster and the Harbor Management Commission's Mooring Committee should carry out specific responsibilities pertaining to the placement, administration, and control of moorings, consistent with the provisions of the Management Plan.

Described in Chapter 3, the Southport Harbormaster is appointed by the Governor of Connecticut and is responsible for the general care and supervision of Southport Harbor. The Harbormaster is subject to the direction and control of the State's Commissioner of Transportation. In addition, as authorized by Section 22a-113k of the State Harbor Management Act and Town Ordinance, the Harbormaster is a nonvoting, ex-officio member of the Harbor Management Commission. The Harbormaster must work closely with the Harbor Management Commission if local management of Southport Harbor is to be carried out in the most effective and efficient manner.

Implementation of the Harbor Management Plan will require the Harbormaster to exercise specific responsibilities. These responsibilities will focus on the administration, placement and inspection of moorings, and enforcement of boating laws and regulations. State statutes do not provide for transfer of the Harbormaster's authorities to others. The Harbormaster's position is a part-time position supported by limited resources, and as a result there will be continued need for the Harbor Management Commission to provide certain assistance to the Harbormaster in the conduct of his duties without taking over any of his powers and authorities. Accordingly, the Harbormaster may be assisted in his duties by a "Dock Master" or other individual or organization authorized by the Harbor Management Commission.

The Mooring Committee of the Harbor Management Commission will assist the Harbormaster as necessary with regard to: allocating mooring locations; maintaining records on moorings, moored vessels, owners/operators of moored vessels, and applications for moorings. The Harbormaster will have responsibility for: issuing mooring permits; placing moorings; inspecting moorings; revoking mooring permits; and removing moorings, if necessary. All activities of the Harbormaster with regard to the placement, inspection or removal of moorings must be consistent with the Harbor Management Plan.

**1. THE HARBORMASTER SHOULD ISSUE MOORING PERMITS AND THE MOORING COMMITTEE SHOULD ASSIST THE HARBORMASTER AS NECESSARY TO DETERMINE THE ALLOCATION OF MOORINGS AND THE ASSIGNMENT OF MOORING LOCATIONS.**

A mooring permit from the Harbormaster must be obtained for the use of every mooring placed in Southport Harbor, in accordance with the mooring allocation procedures and requirements described earlier in this chapter of the Management Plan, and "Rules and Procedures for Mooring and Anchoring Vessels" established by the Harbor Management Commission. Draft "Rules and Procedures for Mooring and Anchoring Vessels" in Southport Harbor have been prepared by the Harbor Management Commission and are included in Appendix F of the Management Plan for Southport Harbor.

The Mooring Committee and the Harbormaster will make use of a mooring permit application form that allows for the collection of information on the vessel and the vessel's owner/operator as requested by the Connecticut Department of Transportation, as well as any additional information considered necessary by the Harbormaster and Harbor Management Commission. If an application for a mooring permit is approved, the Harbormaster will send a copy of the approved permit to the applicant. One copy will be retained for the Harbormaster's records.

Any person receiving a permit for a mooring location will be required to pay an annual fee not to exceed \$100 as authorized by State statute. A reasonable and nonrefundable initial permit application fee may be required from all applicants placed on the mooring waiting list.

The Mooring Committee will assist the Harbormaster as necessary in determining the allocation and assignment of mooring locations for all individual-private moorings in Southport Harbor, including the Inner and Outer Harbor. Location preferences will be accommodated to the extent possible, but the Committee must also consider: 1) the capacity of the Harbor to accommodate moorings; 2) vessel size relative to the maximum number of moorings that can be accommodated at various locations; 3) the access point and parking location to be used by the applicant; 4) commercial mooring locations for which Corps of Engineers' and DEP permits may have to be obtained; and other factors as described in recommendation no. 6 on page 6-12. When assisting the Harbormaster with the allocation of mooring locations, the Mooring Committee will take into consideration requirements for navigation safety and potential environmental impacts, including potential impacts on shellfish resources.

Mooring permits will be issued by the Harbormaster to all applicants with a properly registered vessel to whom a mooring location has been assigned by the Harbormaster. The Harbormaster will not discriminate in assigning mooring locations on the basis of Town residence. Holders of a mooring space and valid mooring permit, however, will be given preference over new applicants for a mooring location. Mooring assignments and permits will be valid for a period of not more than one year.



**2. COMPLETE AND ACCURATE RECORDS OF ALL MOORINGS AND MOORED VESSELS SHOULD BE MAINTAINED.**

The Harbormaster, with assistance as necessary from the Mooring Committee, will maintain complete and accurate records of all moorings and moored vessels. This information should be maintained in such a manner that information can easily be obtained with regard to any individual mooring, vessel, or owner, and also with regard to all moorings within a particular area of the Harbor.

**3. THE HARBORMASTER SHOULD SUPERVISE THE PLACEMENT OF ALL MOORINGS.**

The Harbormaster will supervise the placement of all mooring tackle to ensure that it is properly located. When supervising mooring placement the Harbormaster may be assisted by a "Dock Master," concessionaire, or other personnel. If necessary, existing mooring tackle should be relocated prior to the start of the boating season to conform with any changes in the mooring allocation provisions.

**4. THE HARBORMASTER SHOULD INSPECT MOORING LOCATIONS AND MOORING TACKLE, AS NECESSARY.**

Initial placement of all mooring tackle must be inspected by the Harbormaster (or designee) to ensure conformance with minimum mooring tackle specifications developed by the Commission. In addition, all mooring tackle must be inspected by the Harbormaster (or designee) at least once every three years. Any mooring and tackle found to be inadequate must be replaced before the mooring can be used.

**5. THE HARBORMASTER SHOULD EXERCISE HIS AUTHORITY TO REVOKE MOORING PERMITS WHEN IT IS IN THE PUBLIC INTEREST TO DO SO.**

The Harbormaster has the authority to revoke a mooring permit if the permit holder fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit condition or provision of the Harbor Management Commission's "Rules and Procedures for Mooring and Anchoring Vessels," including provisions for:

- Maintaining a properly registered vessel;
- Maintaining adequate mooring tackle;
- Using the mooring location within the time period established by the Harbor Management Commission.

**6. THE HARBORMASTER AND MOORING COMMITTEE SHOULD HAVE THE AUTHORITY TO TEMPORARILY SUSPEND MOORING REQUIREMENTS AND TO IMPOSE EMERGENCY REQUIREMENTS IN THE INTEREST OF PUBLIC SAFETY.**

The requirements of the Harbor Management Plan and the "Rules and Procedures for Mooring and Anchoring Vessels" pertaining to a specific mooring location and/or vessel may be temporarily suspended by the Harbormaster and Mooring Committee if, in the judgement of the Harbormaster and Mooring Committee, such suspension is necessary to provide for the safety of persons or property. To most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made condition, the Harbormaster and Mooring Committee may impose additional requirements in the interest of public safety.

**7. THE HARBORMASTER SHOULD ENFORCE BOATING LAWS AND REGULATIONS IN SOUTHPORT HARBOR TO THE EXTENT PRACTICABLE.**

The Harbormaster is empowered by State law to enforce the boating rules and regulations of the State of Connecticut. The Harbormaster should also be authorized by the Town's Harbor Management Ordinance to enforce all applicable provisions of that Ordinance.

The Harbormaster should not engage in arrests or other enforcement activities that may represent a potential for personal injury. The Harbormaster should call upon the Marine Unit of the Fairfield Police Department or other law enforcement authority for assistance in all situations involving potential arrest or confrontation.

## **RECOMMENDATIONS FOR HARBOR MANAGEMENT FUNDING**

The previous recommendations have addressed various activities to be carried out by the Harbor Management Commission, Harbormaster and others. Many of these activities will be carried out within the framework of existing review and decision-making processes, and through the voluntary efforts of the Town's Harbor Management Commission and other commissions. Some necessary harbor management activities, however, will require additional expenditure of funds, and an ongoing source of funds should be established to support activities directly related to the management and improvement of Southport Harbor.

**1. A TOWN HARBOR MANAGEMENT ACCOUNT WITHIN THE TOWN OF FAIRFIELD'S GENERAL FUND SHOULD BE ESTABLISHED.**

Section 22a-113s of the Connecticut General Statutes authorizes the establishment of a special municipal fund to be used for the maintenance and improvement of Harbor resources and for personnel and equipment expenses directly related to the functions of the Harbor Management Commission and the Harbormaster.

The Commission will work with the Town's Board of Finance to establish a Harbor Management Account within the Town of Fairfield General Fund to receive and expend monies for harbor management purposes as determined by the Harbor Management Commission. Procedures should be developed for maintaining and using the fund.

**2. POTENTIAL SOURCES OF FUNDS FOR HARBOR MANAGEMENT SHOULD BE IDENTIFIED AND PURSUED BY THE HARBOR MANAGEMENT COMMISSION.**

Section 22a-113 of the Connecticut General Statutes also authorizes the Harbor Management Commission to propose a fee schedule (to be adopted by the Representative Town Meeting) for a mooring or anchorage permit or any other activity within the scope of the Harbor Management Plan. The maximum annual fee for a mooring or anchorage is currently limited by State statute to one hundred dollars.

Acting within this State authorization and the authorization from Section 24-4 B of the Town Code of Ordinances, the Commission should establish procedures to generate operating funds. Potential sources of funds include, but are not limited to:

- Annual fees for mooring locations;
- Permits for in-water activities and special events;
- Fees from concessionaires for providing specified facilities and services;
- Appropriations from the Town's General Fund;
- Fines for violations of rules and regulations;
- State and Federal government grants;
- Donations; and
- Investment and management of Harbor funds.

**3. THE COMMISSION SHOULD IDENTIFY ITEMS AND ACTIVITIES FOR WHICH FUNDS MAY BE EXPENDED FOR MANAGEMENT AND IMPROVEMENT OF SOUTHPORT HARBOR.**

Items for which the Commission may need to expend funds include but are not necessarily limited to:

- Office equipment and supplies;
- Secretarial services;
- Postage and mailings;
- Printing and distribution of the Harbor Management Plan and Ordinance;
- Printing and photocopying;
- Legal advertisements;
- Telephone expenses;
- Preparation of informational/educational materials regarding management of the Harbor;

- Conducting additional investigations and studies of Harbor needs;
- Administrative expenses of the Harbormaster;
- Compensation to the Harbormaster for additional duties required by the Harbor Management Plan;
- Conferences and other educational programs that Commission members may attend;
- Purchase and maintenance of aids to navigation; and
- Consultant fees.

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## **APPENDICES:**

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■ **APPENDIX A:**  
CHRONOLOGY OF FEDERAL NAVIGATION PROJECT  
IN SOUTHPORT HARBOR

■ **APPENDIX B:**  
SOUTHPORT HARBOR 1992 DREDGING STUDY

■ **APPENDIX C:**  
PERRY GREEN DEEDS

■ **APPENDIX D:**  
SOUTHPORT HARBOR 1993 FEDERAL PROJECT SURVEY

■ **APPENDIX E:**  
DRAFT HARBOR MANAGEMENT ORDINANCE

■ **APPENDIX F:**  
DRAFT RULES AND PROCEDURES  
FOR MOORING AND ANCHORING VESSELS

■ **APPENDIX G:**  
CONNECTICUT HARBOR MANAGEMENT ACT

**APPENDIX A:**  
**CHRONOLOGY OF FEDERAL NAVIGATION PROJECT**  
**IN SOUTHPORT HARBOR**

## INTRODUCTION

This summary of the history of the Federal Navigation Project in Southport Harbor is based primarily on review of the following documents provided by the New England Division of the U.S. Army Corps of Engineers and by the Corps of Engineers' Library in Washington, D.C.:

- 41st Congress, 3rd Session, Ex. Doc. No. 60, pt. 2, "Letter from the Secretary of War Transmitting Reports of the Chief Engineer Upon the Improvement of Certain Rivers and Harbors" (1871).
- Annual Report of the Chief of Engineers to the Sec. of War for the Year 1876, Part I.
- 54th Congress, 2nd Session, Document No. 112, "Letter from the Secretary of War Transmitting, with a Letter from the Chief of Engineers, Report of Survey of Southport Harbor, Connecticut" (1896).
- Report of the Chief of Engineers, U.S. Army, 1911, Part I.
- 74th Congress, 1st Session, Document No. 36, "Letter from the Chief of Engineers, United States Army Transmitting Report of the Board of Engineers for Rivers and Harbors on Review of Reports Heretofore Submitted on Southport Harbor, Connecticut, With Illustration" (1935).
- River and Harbor Act of August 30, 1935, Chapter 881.

Also of interest are: "An Economic and Engineering Survey of all Navigable Waters in the State for the Connecticut Port Survey Commission" by Parsons, Brinckerhoff, Hogan & McDonald (1946); descriptions of Southport Harbor, Connecticut provided by the New England Division, Corps of Engineers dated June 30, 1958 and September 30, 1980; and *Water Resources Development in Connecticut, 1981*, and *Water Resources Development in Connecticut, 1987* by the Corps of Engineers, New England Division.

## CHRONOLOGY OF FEDERAL NAVIGATION PROJECT

**1826:** A survey of Southport Harbor is made by U.S. Topographical Engineers under direction of Chief Engineer of U.S. Engineers. Based on this survey, the following works were recommended: 1) a stone breakwater "running southward from the sand-spit opposite Southport out into the sound from the high-water line to about the low-water line, a distance of about 1,420 ft."; and 2) an earthen dike 1,450 ft. long, extending northward from the sand spit along the edge of the low marsh ground.

The object of the breakwater was to "prevent the sand which is moved westward along the shore by the waves from falling into the channel of Mill River, and to increase the action of the current along the channel. The object of the dike was to compel the water, which at the flood tides flows eastward into the low ground north of the sand spit, to all pass around its north end, and thus increase the scouring action of the current on the main channel in front of the dike."

- 1829:** A Federal appropriation of \$6,097 is made to accomplish the recommended improvements. U.S. Engineers visit the Harbor to make arrangements for carrying on the work, and a report is prepared by the Engineers dated May 16, 1829. From this report it appears that the Engineers arranged for the work to be carried on under the agency of a committee of responsible residents of Southport.

The original 1826 recommendation for the "seawall" [it is assumed that the seawall refers to the recommended breakwater] was to make it 14 ft. wide on the bottom, 7 ft. high above common low water, and 8 ft. wide on top. The 1829 report recommends that it be made one foot higher, and the top be inclined so as to make it 7 1/2 ft. high on the outside, and 8 1/2 ft. on the inside, above "common low water."

Harbor improvements are carried out according to the 1829 recommendations except that the revetment on the river side was made of stone instead of sods.

- 1832:** Additional appropriation of \$4,490 for Harbor improvements is made.
- 1836:** Additional appropriation of \$1,500 is made.
- 1837:** Additional appropriation of \$1,000 is made. Harbor works (breakwater and dike) are completed under appropriations made in 1829, 1832, 1836, and 1837.
- 1838:** Report by U.S. Topographical Engineers describes condition of work in Southport Harbor and notes that the works described in the report were completed in the Spring of 1837 and the funds entirely expended. Works described in this report are: "breakwater of stone 440 yards (1320 ft.) long, 18 feet wide at bottom, 7 ft. wide at top, and from 8 to 12 ft. high... the dike commences at the point of the sand bluff, opposite the village, at which the breakwater terminates, and about 250 ft. north of it. It extends along the margin of some marsh islands (in the prolongation of the direction of the breakwater) 450 yards (1350 ft.) to the upper end of the village... The dredging of sand from the channel of the river was of small amount and was done principally with oxen and scrapers. Where mud occurred it was excavated by men with shovels."
- 1839:** Another report is prepared by the U.S. Engineers. This report refers to the 1838 report, and renews the recommendation for an appropriation for repairs.
- 1870:** A site visit and inspection are made by the U.S. Engineers, and the breakwater is judged to be in good condition with the exception of one breach in the breakwater wall and some capping stones found to have been thrown off. Repairs to the wall are found to have been made by local residents and the crews of visiting vessels. The Engineers reported the following: The breakwater was "about 2 ft. too low, and 4 ft. too low where it joins the beach, however, and the wash of sand has defeated the principal object of the breakwater. Dike found to be in tolerably fair condition with some of the earth filling between the revetments washed out. Also, dike should be higher. No estimate was made for dredging. The channel, at best, at mean low water, with the present extent of the breakwater, is not more than 2 ft. deep, and any deposit that forms in it is readily removed by the residents using a road scraper."



The River and Harbor Act of July 11, 1870 authorizes preparation of the first published report on the survey of Southport Harbor. (This report was made in 1871; see below.)

- 1871:** A report including recommendations for improvements of Southport Harbor is submitted to the House of Representatives from the Secretary of War. These recommendations, developed from the site visit in 1870, include making the breakwater 4 ft. higher at the point where it intersects the beach to 200 ft. out from the beach, and 2 ft. higher along the rest of its length. Repairs of the dike between the river and the "sunken ground" are also recommended. Additional recommendations for improvement include extending the breakwater to the 6 ft. depth about 250 ft. beyond the outer beacon, and dredging of the channel. This report contains excerpts from reports made in 1827, 1830 and 1839 which described work proposed and work done in connection with the breakwater and dike.
- 1875:** With the appropriation of \$5,000 made by Act approved March 3, 1875, a coping 2 ft. thick and 5 ft. wide was placed upon the whole length of the breakwater, except a short distance above the high water mark, where in its place a fence of yellow pine 2 1/2 ft. high and 135 ft. long was used. Rubble stone was used to raise the level of the wall. In connection with this improvement, the Chief of Engineers directed that a survey of the harbor be made and this survey included an estimate for dredging a channel 4 ft. and 5 ft. deep.
- 1876:** An additional appropriation is made for harbor improvements, and, together with the 1875 appropriation, is applied to raising, repairing, and strengthening the dike and pier, and in dredging a channel 60 ft. wide and 4 ft. deep across the bar.
- A report contained in the Annual Report for 1876 recommends a channel 4 feet deep and 50 feet wide leading to the upper wharves.
- 1878:** A project is adopted for "dredging a channel 100 ft. wide and 4 ft. deep at mean low water across the bar and up the stream to White Rock, 1,200 ft. from the outer end of the pier, and thence in a bifurcated channel to the nearest docks."
- 1882:** Appropriations for Harbor improvements as aggregated from the beginning in 1829 totaled \$31,587.43, and the project is reported as substantially completed, the deficiencies being the widths in the upper part, which were less than 100 feet.
- 1885:** It is reported that the channel showed no material change.
- 1896:** A survey of the channel is made and submitted to the House of Representatives. The Survey Report notes that a channel of the same width as the last project (1878), but extended a little farther upstream and to 6 feet deep at mean low water, will probably meet all present and reasonable demands.

In a report made in compliance with the River and Harbor Act of June 3, 1896, the Chief of Engineers recommends a channel 6 feet deep and 100 ft. wide to just above White Rock, thence 60 feet wide in two branches. The report also recommends repairs to the existing breakwater.

- 1902:** A project is adopted by Act of June 13, 1902 to: dredge a channel 6 feet deep (through the outer bar to the upper docks), 100 feet wide to the turn above White Rock, and thence in two branches, each 60 feet wide; and repair the breakwater and remove two points of ledge from the channel to a depth of 7 feet. The initial estimated first cost of this improvement is \$13,200.
- 1906:** The estimated cost of the work is increased to \$33,000 because of two additional ledge outcroppings found during the dredging.
- 1910:** A survey of the Harbor is made in November because in the period since the original project was adopted, conditions in the Harbor had considerably changed, and it was believed that the present project should be either substantially modified or abandoned. It is recommended that the project be modified to provide a channel 6 feet deep and 100 feet wide from the 6 foot curve in Long Island Sound to the second turn inside of the breakwater. A channel with the same depth and a width of 75 feet is then recommended to extend upstream as far as the docks, and then with a width of 60 feet along the dock front. It is also recommended that an anchorage basin 6 feet deep and 75 feet wide be dredged outside of the above-described channel, and that two pieces of ledge rock be removed to a depth of 7 feet.
- 1911:** As of June 30, 1911, a channel of project depth and 75 to 100 feet width had been dredged to the turn above White Rock, and thence with full depth and widths of 40 to 60 feet up the east branch and along the dock front for about 200 feet. Two pieces of ledge rock had been removed, and the breakwater repaired.

In the annual report for 1911, the Chief of Engineers recommends a modification of the project by decreasing the width of the 100-foot channel inside of the breakwater to 75 feet; eliminating the western branch channel; dredging the eastern branch 75 feet wide up to the wharves; dredging a basin 75 feet wide adjacent to the eastern branch; and removing ledge to a depth of 7 feet.

- 1912:** The project is modified by Act of July 25, 1912 to provide for a channel 6 feet deep, 100 feet wide to the second turn inside the breakwater, thence 75 feet wide upstream as far as the docks, and thence 75 feet wide outside of the channel. The project is also modified to provide for the removal of ledge rock to a depth of 7 feet.

The existing project provides for: a stone breakwater 1,320 feet long at the mouth of the Harbor; a dike 1,350 feet long on the easterly side of the Harbor in prolongation of the breakwater; a channel 6 feet deep at mean low water and 100 feet wide to the second turn inside of the breakwater, thence 75 feet wide upstream as far as the docks, and thence 60 feet wide along the dock front; an anchorage basin 6 feet deep and 75 feet wide outside of the channel; and the removal of ledge rock to a depth of 7 feet.

- 1914:** The existing project is 95% completed in 1914.

- 1915:** Under permits dated August 13, 1915, and subsequently, local interests remove about 1,000,000 cubic yards from the Harbor and from between the beacons. The material removed is used for land reclamation purposes. By this dredging the Harbor channel and basin are widened and deepened, and a basin of some 14 or 15 acres is dredged west and south of the end of the breakwater. The depths secured are from 7 or 8 feet on the rocky areas to over 20 feet in areas where material suitable for fill was found. Later, the local yacht club spends \$30,000 to widen the Harbor anchorages by smoothing up the edges, and widens and deepens the entrance channel to 9 feet at mean low water.

In March of 1915, the State Legislature passes a special law amending the 1914 Certificate of Incorporation of the Country Club of Fairfield. The legislature found that as far as the state is concerned, "and the town of Fairfield and the national government permit, such club may take and use for its purposes by dredging and otherwise, the shore and tidal and underwater lands fronting the Club premises on Long Island Sound, for not over 1700 feet southerly of the mean high water mark, or fronting such premises along the easterly side of Mill River, or lying within any premises leased by said town to said Club; but no wharf shall be extended more than 600 feet into the abutting water."

- 1917:** The Southport Harbor project is fully completed by private interests.
- 1925:** On September 25, 1925, the War Department sends notice that following the March 3, 1925 Act of Congress authorizing the construction, repair and preservation of certain public works on rivers and harbors, and as a result of a preliminary investigation undertaken in accordance with this Act, "the War Department is considering the advisability of recommending for abandonment the existing project for the federal improvement of Southport Harbor. The Federal project for the improvement of this harbor provided for a dike or jetty on the east side of the harbor and for a channel 6 feet deep at mean low water 100 feet wide to inside of the breakwater, 75 feet to the wharf front, with an anchorage basin adjacent to the channel south of the wharves. This work has been completed and a deeper and wider channel and anchorage have been dredged by private interests. In the meantime, the commerce for which the improvement was designed has practically disappeared. The reason for the Department's attitude is based on the fact that the commerce of the harbor is too limited in extent and too local in character to warrant the further expenditure of federal funds."
- 1926:** After further consideration and protests by a local businessmen's association, the yacht club and others, the War Department decides to continue Southport as an active project.
- 1934:** Since 1917, the only maintenance required has been minor repairs to the breakwater.

Beneficial improvements made by local interests since 1915 were found to include removal of about 1,000,000 cubic yards, at a cost of about \$200,000, from the Harbor channel and basin and adjacent areas, and from an area of about 15 acres, west and south of the breakwater. The material removed was used for land reclamation. Additional improvements included a later widening of the Harbor channel and dredging to widen and deepen to 9 feet the entrance channel at a cost of about \$30,000.

The Committee on Rivers and Harbors of the House of Representatives, by resolution adopted March 29, 1934, requests the Board of Engineers for Rivers and Harbors to review the reports on Southport Harbor, Conn., submitted in House Document No. 112, 54th Congress, second session, with a view to determining if further improvement of the project would be advisable at the present time.

On May 3, 1934, a duly authorized public hearing is held in Southport and attended by about 60 local boat owners, property owners, and representatives of the Town government and various businesses and associations. The desires of the local interests were presented by a representative committee appointed for that purpose. The further improvements desired by the local interests were: "an entrance channel 150 feet wide and 12 feet deep; an anchorage 12 feet deep south of the O.G. Jennings wharf protected by two breakwaters (the existing breakwater to be removed); a depth of 9 feet for anchorage within the harbor between the Jennings wharf and the golf club wharf and as wide as may be practicable; and a channel 100 feet wide and 6 feet deep from the latter wharf to the head of the harbor."

- 1935: The Board of Engineers for Rivers and Harbors, in the "Report of the Board of Engineers for Rivers and Harbors on Review of Reports Heretofore Submitted on Southport Harbor, Conn., with Illustration" submitted in House Document 36, 74th Congress, finds that further improvement of the harbor is advisable and "recommends modification of the existing project to provide for a channel 9 feet deep at mean low water and 100 feet wide from Long Island Sound to the deep water basin opposite East Main Street, and for an anchorage basin 6 feet deep, 300 feet wide and 500 feet long north of the golf club wharf... subject to the provisions that local interests contribute \$16,500 in cash, and give assurances satisfactory to the Secretary of War that a free public landing and suitable facilities for service and supply of pleasure craft will be made available, and that local regulation and control will provide for equitable public use of the landing and other facilities of the improved anchorage areas within the harbor."

The report of the Board of Engineers for Rivers and Harbors submitted in House Document No. 36, 74th Congress, also contained reports of the District Engineer (Providence, Rhode Island) and the Division Engineer (North Atlantic Division). The recommendations of the District Engineer and Division Engineer pertaining to further improvements in Southport Harbor were as follows:

1. The District Engineer found that the harbor was worthy of further improvement in the interests of pleasure boating and recommended that the project be modified to "provide for an entrance channel 9 feet deep and 100 feet wide from Long Island Sound to the bend in the breakwater; thence, as channel and anchorage 9 feet deep and 100 to 400 feet wide to the golf club wharf, and for an anchorage 6 feet deep, 300 feet wide and about 500 feet long north of the latter wharf... provided that the Town of Fairfield establish and maintain a free public landing suitably equipped with floats, shelters and conveniences for supplying water and fuel at reasonable prices and equal terms to all."

2. The Division Engineer recommended "modification of the existing project for Southport Harbor, Conn. to provide for its improvement by dredging an entrance channel 9 feet deep at mean low water and 100 feet wide to inside the breakwater, and for an anchorage basin

6 feet deep at mean low water, 300 feet wide and about 500 feet long, north of the golf club wharf... provided that local interests contribute 50% of the cost of dredging the 6 foot basin and give satisfactory assurances that a free public landing and suitable facilities for service and supply will be made available and that local regulation and control will provide for equitable public use of the landing and other facilities and of the improved anchorage areas within the harbor.” [Note that this recommendation contains no reference to the “channel and anchorage” between the bend in the breakwater and the golf club wharf as recommended by the District Engineer.]

Following the recommendation of the Board of Engineers for Rivers and Harbors, the navigation project for Southport Harbor is modified.

The anchorage basin and present channel dimensions were approved May 28, 1935 by the Emergency Relief Appropriations Act of 1935 and by the River and Harbor Act of August 30, 1935. The River and Harbor Act of August 30, 1935 adopted and authorized improvements in Southport Harbor in accordance with the plan recommended in Rivers and Harbors Committee Document Numbered 36, Seventy-fourth Congress. (This document contains the above-noted recommendations of the District Engineer, Division Engineer and Board of Engineers for Rivers and Harbors).

- 1936:** The existing project is completed.
- 1946:** In “An Economic and Engineering Survey of all the Navigable Waters in the State for the Connecticut Port Survey Commission” prepared by Parsons, Brinckerhoff, Hogan and MacDonald, Sept. 1946, the Southport Harbor project is described as follows: “The early project adopted 1829 and modified 1876 and 1881 was followed by the second project adopted 1902 and modified in 1912 and 1935. The existing project provides for a channel 100 feet wide and 9 feet deep from Long Island Sound to a point opposite east Main St. and then 9 feet deep for a variable width of 400 feet to 175 feet to the golf club wharf. It also provides for an anchorage north of the golf club wharf, 6 feet deep, 300 feet wide and 500 feet long to the north. The total length of the channel from the outer end in the Sound is slightly over a mile. A stone breakwater 1,320 feet long, and a dike 1,350 feet long are also provided.”
- 1958:** The Corps of Engineers’ description of the existing project (adopted 1829, modified 1935) is as follows: a channel 9 feet deep, 100 feet wide from Long Island Sound to opposite East Main St., thence 9 feet, 400 ft. to 175 ft. wide to the golf club wharf, with length about 1.1 miles; an anchorage 6 feet deep, 300 feet wide and 500 feet long, north of the golf club wharf; a stone breakwater about 1,320 feet long; a dike about 1,350 feet long.
- 1961:** The Corps of Engineers conducts maintenance dredging in the Federal Navigation Project in Southport Harbor.
- 1981:** In *Water Resources Development in Connecticut, 1981* by the Corps of Engineers, Southport Harbor is described as follows: “The original project, adopted in 1829 and modified by enactments through 1912, provided for an entrance channel 6 feet deep through the outer harbor to the wharves at Southport, on the west bank of the river about .4 mile upstream

of the outer harbor. It also included an anchorage 6 feet deep at the head of this channel, a 1,320 foot stone breakwater at the east side of the inner harbor entrance, and a 1,350 foot dike located immediately north along the east bank of the channel.

The existing project, adopted in 1935, provided for an entrance channel 9 feet deep to the golf club wharf on the east bank about .5 mile upstream of the outer harbor, an anchorage 6 feet deep at the upstream end of the channel. It also provided the maintenance of the breakwater and dike constructed under the original project. This work was completed in 1936."

- 1985:** The "Southport Harbor, Conn. 9-ft. Channel and 6-ft Anchorage Condition Survey" by the Corps of Engineers New England Division is dated February 1985. This survey shows the width of the entrance channel as 145 to 165 feet (wider than authorized) in the area of the breakwater.
- 1987:** In *Water Resources Development in Connecticut, 1987* by the Corps of Engineers, Southport Harbor is described as follows: "The project presently consists of: A 1.1 mile, nine-foot deep channel extending from Long Island Sound to golf club wharf. From Long Island Sound to East Main Street, the channel is 100 feet wide. From East Main Street to golf club wharf, the channel varies in width between 175-400 feet. A six-foot deep anchorage area north of golf club wharf, 300 feet wide and 500 feet long. A 1320-foot long stone breakwater on the east side of the harbor entrance. A 1350-foot long training dike along the east bank of the river."
- 1991:** Representatives of the Corps of Engineers state that the Federal Navigation Project from the "bend in the breakwater" to the six-foot anchorage should be considered "channel" and not "channel and anchorage." Changing the designation to channel and anchorage, however, to achieve consistency with current and historical Harbor uses and conditions, could be accomplished through application to the Corps of Engineers.
- 1992:** The Fairfield Harbor Management Commission conducts a study of dredging needs in and near Federal Navigation Project, and assesses sedimentation occurring since the 1985 Corps of Engineers' Condition Survey. Probable costs of dredging both the Federal Project and nonfederal areas historically used for mooring are estimated. It is found that not all parts of the Federal Project require dredging at the present time, but that dredging should be considered in several areas, particularly near the mouth of the Harbor and in the 6-foot anchorage. Sediment from three Harbor locations is analyzed, and the presence of contaminated sediments found in the 6-foot anchorage and near Perry Green could affect the method of dredging and add substantially to dredging costs.
- 1993:** The Harbor Management Commission completes a survey of the Federal Navigation Project boundaries and in-water and waterfront structures in the Harbor. The purpose of this survey is to provide survey data necessary to: 1) determine the extent of existing encroachments into the Project; 2) identify requirements and opportunities for "shifting" the Project to achieve consistency with current and historical mooring and anchoring use and current navigational needs; and 3) redesignate the Project from "channel" to "channel and anchorage" in the area between the "bend in the breakwater" and the 6-foot anchorage.

**APPENDIX B:**  
**SOUTHPORT HARBOR 1992 DREDGING STUDY**

SOUTHPORT HARBOR MANAGEMENT COMMISSION  
FAIRFIELD, CONNECTICUT

SOUTHPORT HARBOR DREDGING STUDY

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NOTE: Three large drawings at a scale of 1" = 200' accompany this report. They are:

Corps of Engineers 1985 Condition Survey	Drawing No. S1-568
Condition Survey [1992]	Drawing No. 9228-1-1
Proposed Dredging Areas [1992]	Drawing No. 9228-1-2

These drawings are not attached to this appendix. The drawings may be reviewed by contacting the Fairfield Harbor Management Commission.



**SOUTHPORT HARBOR MANAGEMENT COMMISSION****DREDGING STUDY**

JUNE 30, 1992

**1.0 PURPOSE**

The intent of this study is to identify those areas of Southport Harbor that have incurred siltation and that could be dredged to allow for additional vessel mooring locations and for safe navigation. Historically, Southport Harbor was relatively deep and allowed vessels to moor along side such structures as Perry Green and the stone seawall that borders the Country Club of Fairfield. There is, however, concern that the older shore stabilization structures will not allow dredging to occur along side and that the permitting process might preclude dredging above the low water line even if it is termed "maintenance dredging".

**2.0 METHODOLOGY****2.1 Fathometric Survey**

The last fathometric survey that was performed within Southport Harbor was undertaken by the Corps of Engineers in February, 1985. The survey grid at that time was approximately 50 feet by 15 feet. Attached to this report is a copy of the February 1985 survey, Drawing Number S1-568.

On May 1, 1992 a fathometric survey was performed within Southport Harbor. The survey grid was approximately 100 feet by 15 feet and the fathometric survey was supplemented on May 29 and June 9, 1992 with conventional land based survey methods in order to better define the near shore regions.

The location of the survey vessel was determined using a "Hydro I" range-azimuth positioning system. This is a laser based system and provides position accuracy of 0.6 meters (+/-). Vessel trackline guidance and computer data logging was obtained via an interface with a "Maretrack II" trackline control system. Water depths were recorded digitally in the on-board computer and continuously on a strip chart recorder using a "Interspace Model 488" survey grade depth sounder. Water surface elevations were monitored in order to get a correlation between the tide variation and the water depth.

The results of the 1992 fathometric survey is found on Ocean and Coastal Consultants, Inc. Drawing Number 9228-1-1, dated June 15, 1992. The contour elevations are referenced to mean low water and are based upon the same survey points that were used by the Corps of Engineers in 1985.

Four areas within Southport Harbor were identified by the Commission as potential areas where maintenance dredging could occur in order to increase the number of moorings available for rent. These areas are:

"Breakwater"	28,000 Square Feet
"Town Boat Yard"	25,000 Square Feet
"Harbor Road"	38,000 Square Feet
"Perry Green"	14,000 Square Feet

These locations are seen on Ocean and Coastal Consultants, Inc. Drawing Number 9228-1-2.

During the fathometric survey, the upland areas were visually inspected in order to identify those contiguous areas that might have an effect on dredging within the waterway. Representative photographs are attached to this report.

## **2.2 Dredge Spoil Testing**

A total of five (5) sediment samples were obtained at three key locations on or adjacent to the Federal Channel and Anchorage areas. Core samples were taken on June 9, 1992 and were analyzed by Milford Materials Testing Laboratory, Inc. of Milford, Connecticut which is an approved laboratory for chemical testing. It should be noted that procedures established by the EPA for bulk sediment testing require that initial "blank" samples be tested, followed by "reference" samples which have known levels of various compounds. Finally, the actual sample is tested. This procedure greatly reduces the possibility of laboratory error.

The sample locations have been indicated on OCC Drawing No. 9228-1-2. The sample locations were chosen through evaluation of areas which required dredging and areas where the possibility of sediment contamination was the greatest due to historical considerations. In addition, testing data from a previous project (1987) located in front of a private residence on Harbor road were used for comparison. Of the five samples obtained, two pairs, (B1+B2), and (C1+C2) were composited for complete testing in accordance with the requirements of the Army Corps of Engineers Table IA and IB. The remaining sample, (A1), was analyzed using Table IA only. Testing results for these analyses and the private residence testing results of 1987 have been attached in Appendix A.

## **3.0 FINDINGS**

### **3.1 Dredging Quantities**

The approximate amount of dredge spoils to be removed from Southport Harbor were calculated based on the 1985 survey and the 1992 survey. Because the 1985 fathometric survey was only concerned with the

federal channel and the federal anchorage, the four local dredging areas identified above were not analyzed based on the 1985 data. The dredging quantities are based on the following criteria:

Federal Channel	-9.0 Feet MLWD
Federal Anchorage	-6.0 Feet MLWD
Local Areas	-6.0 Feet MLWD

Where "MLWD" is defined as Mean Low Water Datum and is the base datum of the fathometric surveys. When a contract is made to dredge a harbor like Southport, the normal practice is to pay a contractor for up to one foot of over-dredging (O.D.). This will allow a contractor to be sure that he reaches the contract depth by digging slightly deeper while not paying the contractor for creating a "deep hole".

The estimated volume of material to be removed is found on the attached spread sheet entitled "Summary of Dredging Quantities" (Appendix E). One will note the following:

Total Volume of Federal Project 1985	43,211 C.Y.
Total Volume of Federal Project 1992	54,089 C.Y.
Total Volume of Local Project 1992	16,515 C.Y.
Average Increase of Federal Project	1,554 C.Y./Yr.

It is interesting to note that the last dredging of the Federal Project occurred in 1961. If one were to assume that project depth and the one foot allowance for over-dredging was obtained, the average accumulation from 1961 to 1992 (thirty one years) is approximately 1,745 cubic yards per year. This value is very similar to the past seven year average.

The volumes of material calculated for the "local" areas are based upon the assumption that dredging will start seaward of the mean low water elevation. This assumption will is based on the principal that one will not want to disturb the intertidal mudflats due to their valuable resource potential. However, the Southport Harbor Management Commission might want to remove the encroachment of the sand into the channel at the area of the breakwater. Historically, the Federal Channel was significantly wider and has been altered due to the impact of the sand migration.

### **3.2 Dredge Spoil Testing Results**

The samples obtained near Perry Green (B1, B2) had moderate or high levels of Chromium (Cr), Copper (Cu), Lead (Pb), Nickel (Ni), and Mercury (Hg). The location of these samples were chosen in order to identify concerns relating to the discharge of Horse Tavern Creek. Samples taken at the upstream limit of the Federal Anchorage area (C1, C2) also had moderate to high levels of Chromium, Lead, and Mercury. Although Sample A1, taken at the breakwater, contained low levels of all constituents, the sample adjacent to The Town Boat Yard, obtained in 1987, contained moderate levels of only Zinc. For reference, we have combined the testing results of Black Rock Harbor, which involved 37 samples taken in 1982, and have included a table of mean values for each of the constituents (see Appendix B). Black Rock was dredged by the US Army Corps in 1983 and disposed of in open waters.

There has been much discussion regarding possible contamination emanating from upstream Mill River and impacting the anchorage or channel sediments. However, it appears that the level of contamination adjacent to the Horse Tavern Creek is of greater concern. In particular, the high level of mercury at 2.8 parts per million, (ppm) and of lead at 344.0 ppm present in the samples at Perry Green

are considered high for a site that appears to be non-industrial. As a comparison, the mean values obtained in Black Rock were 0.73 ppm for mercury and 357.0 ppm for lead. Secondly, the total PAH's for Perry Green were 116.2 ppm and for the anchorage area, 59.9 ppm. The disposal site values ranged from 0.75 to 3.15 total PAH's. The numerous compounds which contribute to the high PAH content is reflective of a generally contaminated area and does not have the appearance of laboratory error.

### **3.3 Review of Test Results and Impact on Permits**

There are many factors which the regulatory agencies will consider when evaluating a dredging proposal, only one of which being the actual sediment testing results obtained. The presence of known chemical spills, single or multiple point discharges from storm sewers or tide gates, and site-specific historical data concerning spills within the immediate dredging area are just some of the factors which are considered when evaluating a dredging proposal. In addition, the availability of upland area to stockpile and dispose of material and the extent to which it is feasible to avoid open water disposal at either Central (CLIS) or Western (WLIS) Long Island Sound disposal sites is important. Finally, there is an abundant amount of "in-house" knowledge which the Corps of Engineers and State of Connecticut DEP has concerning specific areas of Long Island Sound which influence the decision-making process of dredging proposals. It should be pointed out that the sediment testing program which was developed for this study will serve only as a basic planning tool and that additional testing will almost certainly be required by the State of Connecticut or U.S. Army Corps of Engineers.

The Environmental Protection Agency (EPA) regulates the disposal of dredged material under the Marine Protection, Research and

Sanctuaries Act (MPRSA) and also the Clean Water Act (CWA). The State of Connecticut must also issue a Structures and Dredging Permit and a Water Quality Certification for private dredging projects. However, when evaluating federal dredging projects, the State of Connecticut must only issue a Water Quality Certificate.

Under the MPRSA, the US Army Corps of Engineers follows Section 103 - permits for dredged material dumping. MPRSA prohibits the ocean disposal of items such as oil, carcinogens, or metals and metal compounds such as mercury, (Hg), when found in such forms and amounts that would cause significant undesirable effects, including potential danger due to bio-accumulation in marine organisms. In order to classify the sediment samples obtained in Southport Harbor, we have relied upon the most recent information from the Corps of Engineers, dated June 1989, entitled "Sediment Classification By State" (see Appendix C).

This table categorized material by state into either low, moderate, or high levels for various metals and compounds. In general, it has been our experience with dredging projects that moderate levels of several different metals in representative sediment samples will limit disposal options to the CLIS site with a possible capping requirement. When examining the new testing results, it quickly becomes apparent that there are numerous metals in moderate or high levels of contamination within Southport Harbor.

It is more difficult to evaluate the organic constituents of dredged material (PAH's, TOC, Base Neutrals, Acid Extractables, etc.) There are no classification tables as such for identifying organic compounds. Most compounds are not found in sediments above the usual detection limit. Sometimes, a comparison between the total PAH's (petroleum aromatic hydrocarbons) for a given sediment sample is made with a reference sample taken from the proposed ocean disposal

site. For this project, we have obtained a list of reference samples from the New London, Western, and Central Long Island Sound disposal sites which indicates TOC (total organic carbon) and total PAH's (see Appendix C). This comparison indicates that the total PAH's at Perry Green and the upstream end of the anchorage area are approximately 20-40 times higher than the sediments at the disposal sites.

#### **4.0 DISPOSAL OPTIONS**

After reviewing the initial laboratory test results and comparing with other projects and classification tables, it is apparent that some areas may prove difficult to dredge and dispose of in open waters. It is likely that a formal application to dredge either the federal project or local areas (except the breakwater) will be followed by requests for extensive biological testing of sediments, usually bioassay and bio-accumulation testing. These tests determine the impact of dredging on various biological organisms and are extremely expensive.

If the material is found to be suitable for ocean disposal, it is likely that at least a portion, if not all of the sediments, would have to be covered or "capped" with cleaner spoils from another site or clean spoils from within Southport Harbor. This permitting constraint greatly limits the window of opportunity for dredging by forcing the dredging to occur simultaneously with another project. In addition, the amount of capping material required is usually 3 to 5 times the quantity of dredged material. However, it is our opinion that certain areas of this project may be found to be unsuitable for open water disposal entirely, and that upland alternatives may have to be used.



## 5.0 ESTIMATED COSTS

There are four categories of costs that will effect the total cost of a project such as the dredging of Southport Harbor. Three of the categories are "soft costs" and relate to the preparation of permits and contract documents. The final category is the actual cost of performing the dredging. The cost of physically dredging is impacted by the cost of mobilization, the size of equipment required and the disposal site. The disposal site is determined during the permitting process and is somewhat dependent upon the quality of the dredge spoils. There are other political considerations as to the dump site because one of the sites has been closed in the past and certain towns on Long Island are attempting to get it closed permanently.

The cost of the permit fees required by the State of Connecticut could be as high as six percent of the total project if the Town of Fairfield were to undertake the entire project. The fees are calculated based on a project area with thresholds that make a larger area a lower fee on a square foot basis. The thresholds for Southport Harbor are greater than 5,500 square feet, less than 5.0 acres and greater than 5.0 acres.

The dredge samples taken and tested for this report were performed in order to obtain an indication as to the relative cleanliness of the material. At the time of actually submitting a permit application for dredging, additional tests will be required by the State of Connecticut and the Corps of Engineers. The exact number of tests and the testing methodology to supplement the preliminary testing for this report, will be determined by the regulatory agencies at the time of permit application submittal. For this report, we have made assumptions as to the number of tests that will be preformed for the permit application. If a bio-assay/bio-accumu-

lation test is required, an additional cost of seventy-five thousand dollars should be added to the amounts contained within this report.

The costs associated with engineering services include the costs of preparing and submitting the permit applications and related sketches (plans and cross sections) as well as preparing plans and specifications (Contract Documents). This estimated cost could increase if significant opposition to the dredging project causes delays, additional testing, ecological surveys or public hearings.

Attached to this report (Appendix D) is a spread sheet entitled "Summary of Dredging Costs". This summary indicates the approximate costs related to the fees imposed by the State of Connecticut as well as sampling, engineering and actual dredging. As discussed above, there is a range of dredging costs due to the uncertainties of disposal sites, availability of equipment and size of project. The spread sheet also summarizes the permit fees based on "Federal" and "Local" project areas. If the Federal Project area is dredged by the Corps of Engineers, they will perform their own dredge spoil testing program and will prepare Contract Documents for bidding purposes.

There are several other costs that have not been calculated for this report. These costs include:

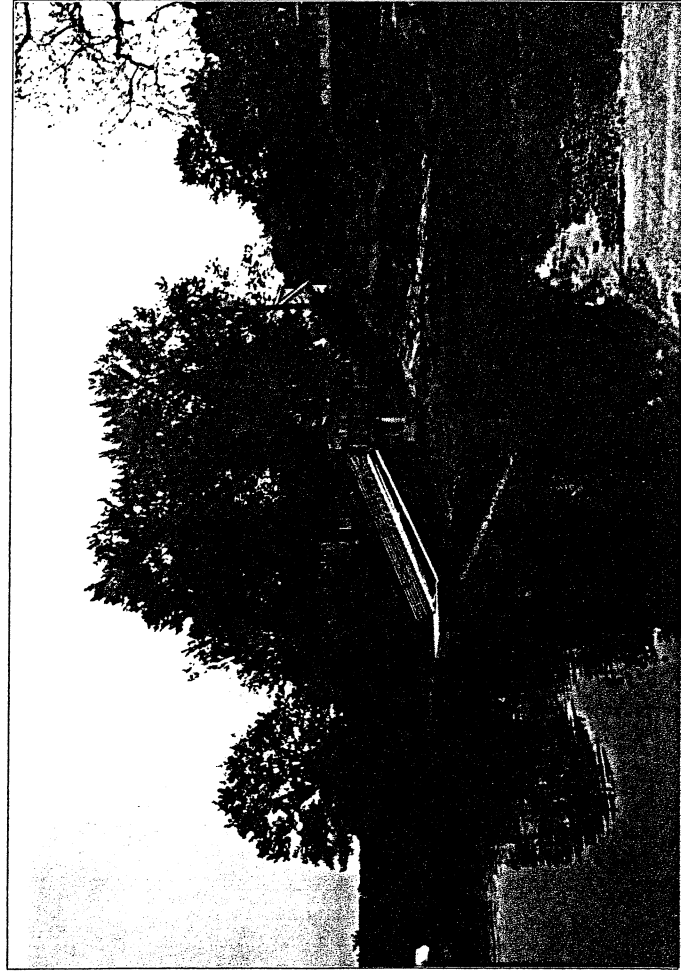
1. Removal and re-installation of all mooring hardware.
2. Analysis, design, permitting and construction of rehabilitating the seawall and bulkhead at Perry Green.
3. Analysis, design, permitting and construction of rehabilitating the seawall along the breakwater (Country Club of Fairfield) to allow dredging close to its foundation.
4. Analysis, design, permitting and construction of any low bulkheads to allow deeper dredging close to critical tidal marsh areas.



HARBOR ROAD (6-6-92)



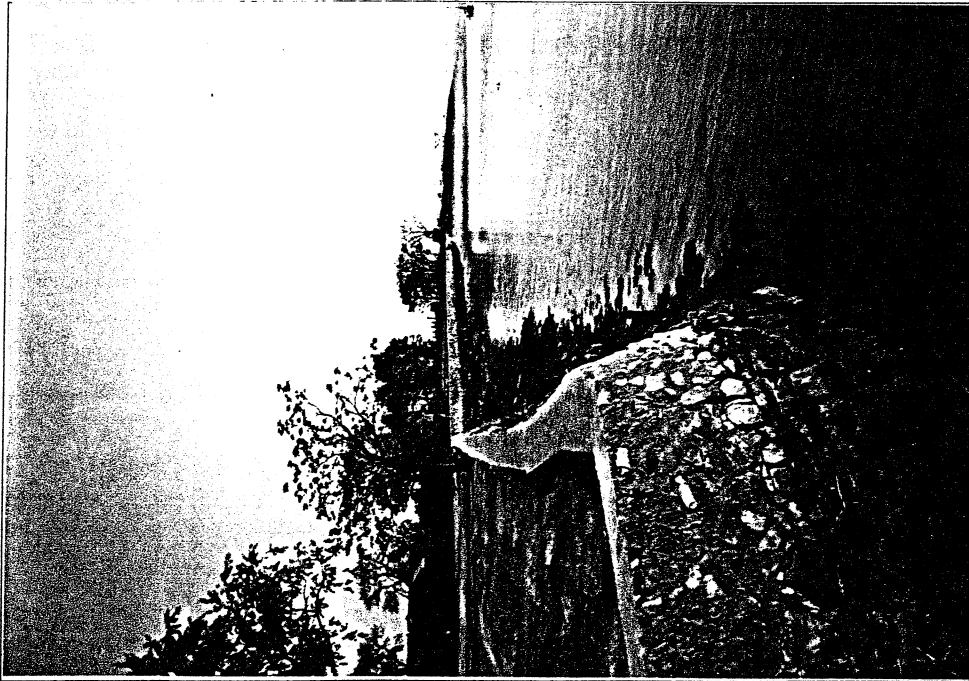
PERRY GREEN (5-29-92)



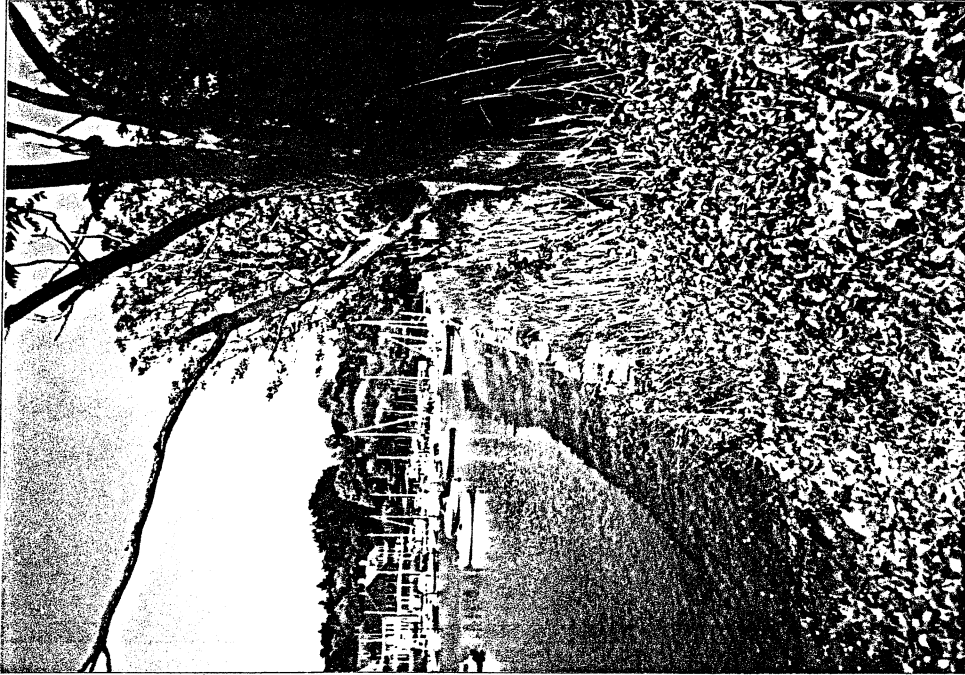
TOWN BOAT YARD (6-6-92)

SOUTHPORT HARBOR MANAGEMENT COMMISSION  
DREDGING STUDY

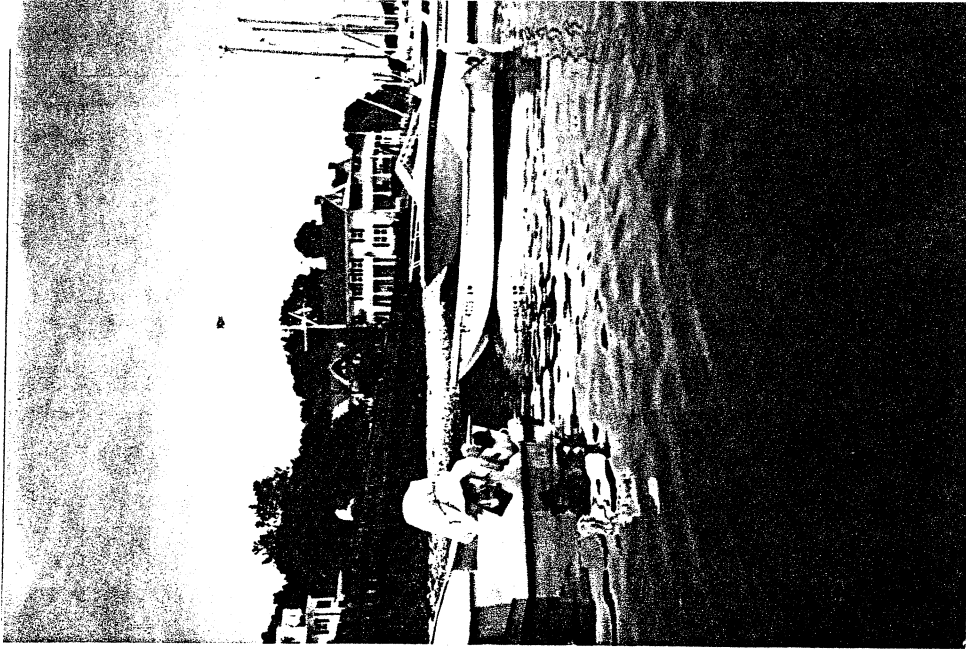
OCEAN AND COASTAL CONSULTANTS, INC.  
9228-1  
JUNE 30, 1992



BREAKWATER (5-29-92)



BREAKWATER (5-29-92)



PERRY GREEN (6-6-92)

SOUTHPORT HARBOR MANAGEMENT COMMISSION  
DREDGING STUDY

OCEAN AND COASTAL CONSULTANTS, INC.  
 9228-1  
 JUNE 30, 1992

**APPENDIX A**  
**DREDGE SPOIL TESTING RESULTS**

**SOUTHPORT HARBOR MANAGEMENT PLAN**  
FAIRFIELD, CONNECTICUT

**SUMMARY OF SEDIMENT TESTING RESULTS - METALS**  
JUNE 16, 1992

METAL	SYMBOL	CONCENTRATION BY AREA IN PARTS PER MILLION (PPM)					STATE OF CONNECTICUT CLASSIFICATION PARTS PER MILLION (PPM)		
		PERRY GREEN	ANCHORAGE END	BREAKWATER	PRIVATE RES. - 1987	BLACK ROCK HARBOR	LOW	MOD.	HIGH
ARSENIC	As	1.60	1.80	0.66	1.50	5.4	<10	10-20	>20
CADMIUM	Cd	0.80	1.00	0.10	0.53	16.0	<5	5-10	>10
CHROMIUM	Cr	152.0	170.0	3.6	26.0	792.0	<100	100-300	>300
COPPER	Cu	544.0	144.0	9.6	35.0	1670.0	<200	200-400	>400
LEAD	Pb	344.0	282.0	5.0	33.9	357.0	<100	100-200	>200
NICKEL	Ni	92.6	20.6	4.6	8.3	111.0	<50	50-100	>100
MERCURY	Hg	2.8	0.6	0.1	0.08	0.73	<0.5	0.5-1.5	>1.5
ZINC	Zn	172.0	170.0	14.8	242.0	715.0	<200	200-400	>400

711-02

# MILFORD MATERIALS TESTING LABORATORY, INC.

655 Plains Rd. • Milford, Connecticut 06460

(203) 877-3163

To: Ocean + coastal Consultants  
2225 Reservoir Ave.  
Trumbull, Ct. 06611

Aug. 11, 1987  
Test M 36001

Mail to P.O. Box 493  
Milford, Conn. 06460

Att; Mr. Richard J. Newhouse

From: Burt M. St. Clair

Re: Exam of bottom sediment

Composite Core Samples collected from Property of Michael Weatherly-Southport, Ct.  
Project No 711-02 7/29/87

Proposed Pier, Ramp + Float Rec'd 7/29/87

Tested in accordance with The Army Corps of Engineers Requirements

<u>Test</u>	<u>Result</u>	<u>Grain Size Analysis</u>	
Total Organic Carbon	1.59%	Sieve No.	%Retained
Water	57.64	4	26.0%
Petroleum Hydrocarbons	.010%	10	10.6
Mercury	.08 PPM	40	23.5
Lead	33.9 PPM	200	31.5
Zinc	242.0 PPM		
Arsenic	1.50 PPM		
Cadmium	.53 PPM		
Chromium	26.0 PPM		
Copper	35.0 PPM		
Nickel	8.3 PPM		
PCB's	NDL 1 PPB		

NDL= none detected less than

*Burt M St Clair*  
Burt M. St. Clair

# MILFORD MATERIALS TESTING LABORATORY, INC.

655 Plains Rd. • Milford, Connecticut 06460

(203) 877-3163

To: Ocean + Coastal Consultants  
2225 Reservoir Ave.  
Trumbull, CT. 06611

Att: Mr. John Chapman

From: Burt M. St. Clair

Re: Exam of 5 bottom sediment samples Dated 6/9/92

Marked: A1, B1 + B2, C1 + C2

Site: Southport Harbor Project No. 9228-1

June 22, 1992

Test M53966

M53967 M53968

Page 1 of 8

Mail to P.O. Box 493

Milford, Conn. 06460

The samples were tested in accordance with Requirements of The Army Corps of Engs. N.E. Division for dredged materials to be disposed of in open waters and also DEP Requirements.

Test M53966 Composite B1 + B2 Test for Table 1A + 1B

M53967 Composite C1 + C2 Test for Table 1A + 1B

M53968 Sample A1 Test for Table 1A

## Table 1A

### Metals Analysis of Dried Solids

<u>Test</u>		<u>Results</u>	
	M53966	M53967	M53968
Arsenic	1.60 ppm	1.80 ppm	.66 ppm
Cadmium	.80	1.00	.10
Chromium	152.	170.	3.6
Copper	544.	144.	9.6
Lead	344.	282.	5.0
Nickel	92.6	20.6	4.6
Mercury	2.8	.60	.10
Zinc	172.	170.	14.8

## Table 1B

Antimony	32.8 ppm	32.0 ppm	-----
Beryllium	NDL.01	NDL.01	-----
Selenium	NDL.01	NDL.01	-----
Silver	5.0	3.8	-----
Thallium	NDL.01	NDL.01	-----

NDL= none detected less than

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Table 1A- Organics Method 8080

Test	Result		
-----	-----	-----	-----
As Rec'd	M53966	M53967	M53968
PCB's	NDL 10 ppb	NDL 10 ppb	NDL 10 ppb
<u>Pesticides</u>			
Aldrin	NDL 20 ppb	NDL 20 ppb	NDL 20 ppb
Chlordane	"	"	"
PP-DDT,DDE,DDD	"	"	"
Dieldrin	"	"	"
Endosulfan I,II	"	"	"
Endosulfan Sulfate	"	"	"
Endrin	"	"	"
Endrin Aldehyde	"	"	"
Heptachlor	"	"	"
A-BHC	"	"	"
B-BHC	"	"	"
W-BHC	"	"	"
G-BHC	"	"	"
Methoxychlor	"	"	"
Toxaphene	"	"	"
Heptachlor Epoxide	"	"	"

## PAHS Method 8100

Our lowest detectability- Sediment Sample is 100 ppb.

Benzo (a) Anthracene	24,500 ppb	13,000 ppb	NDL 100 ppb
Benzo (a) Pyrene	28,000	16,100	"
Chrysene	15,000	6,500	"
Fluoranthene	19,000	8,800	"
Phenanthrene	7,700	3,500	"
Pyrene	22,000	12,000	"

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Table 1A

As Rec'd

	<u>M53966</u>	<u>M53967</u>	<u>M53968</u>
TOC	2.25%	1.35%	.04%
Water	49.42%	63.79%	12.75%

## Grain Size Analysis

Sieve No.	% Retained		
4	0	0	43.0
10	1.0	.8	19.6
40	21.7	11.5	35.8
200	48.4	59.0	1.5
Pass 200	28.8	28.6	.05

## DEP Requirements Composite

Oil + Grease	.074%	.031%	.007%
Vol Solids	2.83%	2.67%	.15%
Coarse Aggregate + Sand	70.0%	70.0%	99.5%
Clay + Silt	30.0%	30.0%	.5%

Table 1B

Cyanide	NDL .10 ppm	NDL .10 ppm	-----
Phenolics	NDL .20 ppm	NDL .20 ppm	-----

Table 1B

BASE NEUTRALS Chlorinated Hydrocarbons, Phthalates, Halogenated Ethers,  
Organicnitrogen Compounds

Results are in ppb

	<u>M53966</u>	<u>M53967</u>
1B. Acenaphthene	480	210
2B. Acenaphtylene	9,600	2,500
3B. Anthracene	3,200	1,050
4B. Benzidine	NDL 200	NDL 200
5B. Benzo(a)Anthracene	24,500	11,800
6B. Benzo(a)Pyrene	28,000	14,700
7B. 3,4-Benzofluoranthene	77,000	41,000
8B. Benzo(ghi)Perylene	6,300	2,500
9B. Benzo(k)Fluoranthene	14,000	6,500
10B. Bis(2-Chloroethoxy)Methane	NDL 200	NDL 200
11B. Bis(2-Chloroethyl)Ether	NDL 200	NDL 200
12B. Bis(2-Chloroisopropyl)Ether	NDL 200	NDL 200
13B. Bis(2-Ethyl-hexyl)Phthalate	NDL 200	NDL 200
14B. 4-Bromophenyl Phenyl Ether	NDL 200	NDL 200
15B. Butyl Benzyl Phthalate	NDL 200	NDL 200
16B. 2-Chloronaphthalene	NDL 200	NDL 200
17B. 4-Chlorophenyl Phenyl Ether	NDL 200	NDL 200
18B. Chrysene	15,000	5,800
19B. Dibenzo(a,h)Anthracene	NDL 200	NDL 200
20B. 1,2-Dichlorobenzene	NDL 200	NDL 200
21B. 1,3-Dichlorobenzene	NDL 200	NDL 200
22B. 1,4-Dichlorobenzene	NDL 200	NDL 200
23B. 3,3-Dichlorobenzidine	NDL 200	NDL 200

TABLE 1B

Page 2- BASE NEUTRALS Chlorinated Hydrocarbons, Phthates,  
Halogenated Ethers, Organonitrogen Compounds  
Results in ppb.

June 22, 1992

Page 5 of 8

	<u>M53966</u>	<u>M53967</u>
24B. Diethyl Phthalate	NDL 200	NDL 200
25B. Dimethyl Phthalate	NDL 200	NDL 200
26B. Di-N-Butyl Phthalate	NDL 200	NDL 200
27B. 2,4-Dinitrotoluene	NDL 200	NDL 200
28B. 2,6-Dinitrotoluene	NDL 200	NDL 200
29B. Di-N-Octyl Phthalate	NDL 200	NDL 200
30B. 1,2-Diphenylhydrazine	NDL 200	NDL 200
31B. Fluoranthene	19,000	10,500
32B. Fluorene	510	200
33B. Hexachlorobenzene	NDL 200	NDL 200
34B. Hexachlorobutadiene	NDL 200	NDL 200
35B. Hexachlorocyclopentadiene	NDL 200	NDL 200
36B. Hexachloroethane	NDL 200	NDL 200
37B. Indeno(1,2,2-cd)Pyrene	2,900	1,000
38B. Isophorone	NDL 200	NDL 200
39B. Naphthalene	2,400	950
40B. Nitrobenzene	NDL 200	NDL 200
41B. N-Nitrosodimethylamine	NDL 200	NDL 200
42B. N-Nitrosodi-N-Propylamine	NDL 200	NDL 200
43B. N-Nitrosodiphenylamine	NDL 200	NDL 200
44B. Phenanthrene	7,700	2,900
45B. Pyrene	22,000	13,500
46B. 1,2,4-Trichlorobenzene	NDL 200	NDL 200

Table 1BACID EXTRACTABLES

Results are in ppb.

	M53966	M53967
1A. 2-Chlorophenol	NDL 200	NDL 200
2A. 2,4-Dichlorophenol	"	"
3A. 2,4-Dimethylphenol	"	"
4A. 4,6-Dinitro-0-Cresol	"	"
5A. 2,4-Dinitrophenol	"	"
6A. 2-Nitrophenol	"	"
7A. 4-Nitrophenol	"	"
8A. P-Chloro-M-Cresol	"	"
9A. Pentachlorophenol	"	"
10A. Phenol	"	"
11A. 2,4,6-Trichlorophenol	"	"

Table 1B

VOLATILES

Results are in ppb.

	M53966	M53967
1V. Acrolein	NDL 25	NDL 25
2V. Acrylonitrile	NDL 25	NDL 25
3V. Benzene	NDL 25	NDL 25
4V. Bis(Chloromethyl)Ether	-----	-----
5V. Bromoform	NDL 25	NDL 25
6V. Carbon Tetrachloride	"	"
7V. Chlorobenzene	"	"
8V. Chlorodibromomethane	"	"
9V. Chloroethane	"	"
10V. 2-Chloroethylvinyl Ether	"	"
11V. Chloroform	"	"
12V. Dichlorobromomethane	"	"
13V. Dichlorodifluoromethane	-----	-----
14V. 1,1-Dichloroethane	NDL 25	NDL 25
15V. 1,2-Dichloroethane	NDL 25	NDL 25
16V. 1,1-Dichloroethylene	NDL 25	NDL 25
17V. 1,2-Dichloropropane	NDL 25	NDL 25
18V. 1,3-Dichloropropylene	NDL 25	NDL 25
19V. Ethylbenzene	NDL 25	NDL 25
20V. Methyl Bromide	NDL 25	NDL 25
21V. Methyl Chloride	NDL 25	NDL 25
22V. Methylene Chloride	NDL 25	NDL 25

June 22, 1992

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Table 1B

Page 2-Volatiles

Results are in ppb.

	M53966	M53967
23V. 1,1,2,2-Tetrachloroethane	NDL 25	NDL 25
24V. Tetrachlorethylene	"	"
25V. Toluene	"	"
26V. 1,2,-Trans-Dichloroethylene	"	"
27V. 1,1,1-Trichloroethane	"	"
28V. 1,1,2-Trichloroethane	"	"
29V. Trichloroethylene	"	"
30V. Trichlorofluoromethane	---	----
31V. Vinyl Chloride	NDL 25	NDL 25

**APPENDIX B**  
**BLACK ROCK HARBOR TEST RESULTS**



TABLE 2

NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
 RESULTS OF CHEMICAL ANALYSIS - FVP  
 BLACK ROCK HARBOR, CONNECTICUT  
 SAMPLE LOCATION NUMBER

<u>Substance</u>	<u>BR-1</u>	<u>BR-2</u>	<u>BR-3</u>	<u>BR-4</u>	<u>BR-5</u>	<u>BR-6</u>	<u>BR-7</u>
COD, ppm	51,000	45,000	86,000	50,000	56,000	59,000	100,000
TKN, ppm							
Oil & Grease, ppm	440	570	940	1,700	1,400	3,400	3,000
*PCB, Total, ppb	194	35	<10	<10	79	<10	56
DDT, Total, ppb	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05
C:N (Total carbon)	12.6	12.2	11.7	11.2	10.5	9.9	9.7
TOC, % of Total	15.0	15.0	14.0	14.0	16.0	13.0	13.0
C:N (Organic carbon)	1.9	1.9	1.7	1.7	1.6	1.9	1.3
↘ Hg, ppm	0.38	0.47	0.38	0.36	0.44	0.37	0.93
Pb, ppm	47	42	40	110	110	160	140
Zn, ppm	200	240	270	320	310	480	480
As, ppm	3.0	2.6	3.8	5.4	2.7	5.4	1.8
Mg, ppm	4,260	4,500	5,200	5,480	5,500	6,120	6,190
Cd, ppm	< 5	< 5	< 5	< 5	< 5	5	5
Cr, ppm	180	200	210	360	310	520	570
Cu, ppm	290	350	340	520	470	760	760
Ni, ppm	29	29	40	47	44	63	64
↘ Ag, ppm	< 4	< 4	< 4	< 4	< 4	5	6.5
V, ppm	< 100	< 100	< 100	< 100	< 100	< 100	< 100
Phosphorus, Total, ppm							
Ammonia Nitrogen (NH <sub>4</sub> -NH <sub>3</sub> )-N, ppm							

\* Consists of Aroclor 1254 only

TABLE 2 (Continued)

NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
 RESULTS OF CHEMICAL ANALYSIS - FVP  
 BLACK ROCK HARBOR, CONNECTICUT  
 SAMPLE LOCATION NUMBER

<u>Substance</u>	<u>BR-15</u>	<u>BR-16</u>	<u>BR-17</u>	<u>BR-18</u>	<u>BR-19</u>	<u>BR-20</u>	<u>BR-21</u>
COD, ppm	230,000	240,000	160,000	280,000	300,000	260,000	220,000
TKN, ppm							
Oil & Grease, ppm	44,000	21,000	10,000	31,000	23,000	21,000	12,000
*PCB, Total, ppb	950	880	780	3,110	4,370	4,190	1,490
DDT, Total, ppb	< 50	< 50	< 50	< 50	< 50	< 50	< 50
C:N (Total carbon)	12.7	12.2	13.4	12.9	13.1	12.5	14.1
TOC, % of Total	12.9	10.2	13.9	11.6	9.0	12.5	12.1
C:N (Organic carbon)	1.6	1.3	1.4	1.5	1.1	1.8	1.5
Hg, ppm	0.93	0.64	1.41	0.12	0.92	0.80	0.6
Pb, ppm	310	520	210	510	290	400	400
Zn, ppm	810	970	670	960	840	980	910
As, ppm	6.3	4.0	8.2	6.4	9.0	5.4	5.7
Mg, ppm	5,400	1,400	3,480	5,800	5,700	5,680	3,800
Cd, ppm	14	18	15	20	12	17	22
Cr, ppm	920	1,400	670	1,600	820	1,500	1,100
Cu, ppm	1,900	3,400	1,700	2,900	1,200	2,500	2,200
Ni, ppm	100	210	73	200	120	200	140
Ag, ppm	15.5	40.5	9	29.5	21.5	40	19.5
V, ppm	107	< 100	< 100	126	< 100	122	< 100
Phosphorus, Total, ppm	3,200				2,900		
Ammonia Nitrogen (NH <sub>4</sub> -NH <sub>3</sub> )-N, ppm							

\* Consists of Aroclor 1254 only

TABLE 2 (Continued)

NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
 RESULTS OF CHEMICAL ANALYSIS - FVP  
 BLACK ROCK HARBOR, CONNECTICUT  
 SAMPLE LOCATION NUMBER

<u>Substance</u>	<u>BR-22</u>	<u>BR-23</u>	<u>BR-24</u>	<u>BR-25</u>	<u>BR-26</u>	<u>BR-27</u>	<u>BR-28</u>
COD, ppm	230,000	260,000	250,000	250,000	140,000	200,000	210,000
TKN, ppm							
Oil & Grease, ppm	20,000	18,000	19,000	30,000	16,000	18,000	19,000
*PCB, Total, ppb	3,440	5,800	4,110	2,970	1,230	2,010	1,770
DDT, Total, ppb	50	50	50	50	50	50	50
C:N (Total carbon)	13.6	14.6	12.7	15.8	13.7	15.8	11.1
TOC, % of Total	12.1	10.3	10.5	10.5	11.1	11.1	14.0
C:N (Organic carbon)	1.5	1.8	1.3	1.7	1.5	1.8	1.5
Hg, ppm	1.26	0.84	1.41	1.31	1.12	1.01	0.95
Pb, ppm	540	450	530	410	310	2,200	440
Zn, ppm	980	870	920	860	750	1,100	940
As, ppm	6.5	7.2	6.8	6.2	3.0	4.3	4.2
Mg, ppm	4,200	4,190	5,510	4,480	3,400	4,220	5,990
Cd, ppm	25	22	18	26	58	33	16
Cr, ppm	1,800	1,100	1,400	960	600	1,100	1,100
Cu, ppm	3,200	2,600	2,400	2,400	1,400	2,700	1,800
Ni, ppm	210	130	180	100	90	100	180
Ag, ppm	33.5	21	27	16	15.5	21.5	27.5
V, ppm	103	<100	133	132	130	192	238
Phosphorus, Total, ppm			6,300				
Ammonia Nitrogen (NH <sub>4</sub> -NH <sub>3</sub> )-N, ppm							

\* Consists of Aroclor 1254 only

TABLE 2 (Continued)

NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
RESULTS OF CHEMICAL ANALYSIS - FVP  
BLACK ROCK HARBOR, CONNECTICUT  
SAMPLE LOCATION NUMBER

Substance	BR-29	BR-30	BR-31	BR-32	BR-33	★ BR-34	BR-35
COD, ppm	180,000	190,000	370,000	226,000	140,000	190,000	210,000
TKN, ppm							
Oil & Grease, ppm	16,000	13,000	15,000	39,000	26,000	16,000	18,000
*PCB, Total, ppb	880	< 50	120	9,170	< 50	< 50	2,310
DDT, Total, ppb	< 50	< 50	< 50	< 50	< 50	< 50	< 50
C:N (Total carbon)	17.3	14.7	15.5	15.9	20.6	29.3	27.1
TOC, % of Total	10.3	7.7	13.2	9.7	8.5	5.2	8.5
C:N (Organic carbon)	1.8	1.1	2.1	1.5	1.7	1.5	2.3
Hg, ppm	1.15	0.64	0.56	0.45	0.60	0.56	0.36
Pb, ppm	290	390	490	620	230	310	190
Zn, ppm	630	830	980	980	740	670	560
As, ppm	6.4	6.6	8.1	7.1	5.5	5.3	4.7
Mg, ppm	2,890	3,250	2,990	5,390	3,370	2,190	1,600
Cd, ppm	16	25	41	24	23	18	18
Cr, ppm	320	890	1,200	1,800	370	190	300
Cu, ppm	1,200	2,000	3,400	3,400	1,900	900	890
Ni, ppm	50	110	250	200	80	50	70
Ag, ppm	8	37	22.5	26	10	5.5	6.0
V, ppm	256	355	496	689	341	500	713
Phosphorus, Total, ppm	2,600						
Ammonia Nitrogen (NH <sub>4</sub> -NH <sub>3</sub> )-N, ppm							

\* Consists of Aroclor 1254 only

TABLE 2 (Continued)

NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
 RESULTS OF CHEMICAL ANALYSIS - FVP  
 BLACK ROCK HARBOR, CONNECTICUT  
 SAMPLE LOCATION NUMBER

Substance	BR-36	BR-37	MEAN (n=37)
COD, ppm	220,000	150,000	
TKN, ppm			
Oil & Grease, ppm	38,000	11,000	
*PCB, Total, ppb	<50	2,520	
DDT, Total, ppb	<50	<50	
C:N (Total carbon)	16.7	13.7	
→ TOC, % of Total	8.4		11.7
C:N (Organic carbon)	1.4		
→ Hg, ppm	0.68	0.41	0.73
Pb, ppm	620	230	357
Zn, ppm	880	690	715
As, ppm	4.8	2.1	5.4
Mg, ppm	3,630	3,480	4,432
Cd, ppm	16	10	16
Cr, ppm	800	750	792
Cu, ppm	1,300	1,300	1670
Ni, ppm	150	130	111
→ Ag, ppm	13	15	16.3
V, ppm	987	802	
Phosphorus, Total, ppm			
Ammonia Nitrogen (NH <sub>4</sub> -NH <sub>3</sub> )-N, ppm			

\* Consists of Aroclor 1254 only

**APPENDIX C**  
**SEDIMENT CLASSIFICATION BY STATE**  
**ANALYTICAL DATA REPORT REFERENCE SITE**  
**LONG ISLAND SOUND**

U.S. ARMY  
CORPS OF ENGINEERS

SEDIMENT CLASSIFICATION BY STATE

	Low (ppm)				Moderate (ppm)				High (ppm)			
	MA	ME	CT	NY	MA	ME	CT	NY	MA	ME	CT	NY
As	<10	<7	<10	<10	10-20	7-22	10-20	10-20	>20	>22	>20	>20
Hg	<0.5	<0.5	<0.5	<0.5	0.5-1.5	0.5-1.5	0.5-1.5	0.5-1.5	>1.5	>3.0	>1.5	>1.5
PCB	<0.5				0.5-1.0				>1.0	>2.9	>1.0	>1.0
DDT									>0.5	>0.2	>0.5	>0.5
Pb	<100	<83	<100	<100	100-200	83-285	100-200	100-200	>200	>285	>200	>200
Cd	<3	<3	<5	<3	3-7	3-15.5	5-10	3-7	>7	>15.5	>10	>7
Cr	<100	<112	<100	<100	100-300	112-513	100-300	100-300	>300	>513	>300	>300
V	<75		<75	<75	75-125	75-125	75-125	75-125	>125		>125	>125
Zn	<200	<135	<200	<200	200-400	135-436	200-400	200-400	>400	>436	>400	>400
Ni	<50	<36	<50		50-100	36-92	50-100		>100	>92	>100	
Cu	<200	<83	<200		200-400	83-342	200-400		>400	>342	>400	
% O+G	<0.5	<0.25	<0.2		0.5-1.0	0.25-1.26	0.2-0.75		>1.0	>1.26	>0.75	
% Vol Sol	<5.0	<4.5	<5.0		5-10	4.5-15.3	5-10		>10	>15.3	>10	
% Fines	<60	15-60	<60		60-90	60-90	60-90		>90	>90	>90	

June 1989

2/21/92

ANALYTICAL DATA REPORT  
DAMOS-LIS  
10/1/91

Reference Site Chemistry - Total PAHs ( $\mu\text{g/g}$ ) and TOC (%)

Reference Location	Means (n=3)	PAH/% TOC
New London (NE)	PAH 0.75 TOC 0.5	1.50
New London (W)	PAH 0.59 TOC 0.48	1.22
New London (ref)	PAH 0.42 TOC 0.39	1.08
WLIS (2000W)	PAH 1.97 TOC 1.40	1.41
WLIS (ref)	PAH 3.45 TOC 0.96	3.60
WLIS (2000S)*	PAH 1.89 TOC 0.63	3.0
CLIS (2500W)	PAH 3.15 TOC 1.05	3.0
CLIS (4500E)	PAH 2.22 TOC 0.83	2.68
CLIS (ref)	PAH 1.93 TOC 0.89	2.16

\* n = 2



**APPENDIX D**  
**SUMMARY OF DREDGING COSTS**

**SOUTHPORT HARBOR MANAGEMENT PLAN**  
FAIRFIELD, CONNECTICUT

**SUMMARY OF DREDGING COSTS**  
JUNE 30, 1992

DREDGING AREA	AREA 1992 S.F.	CTDEP - OLISP PERMIT FEES				SAMPLE TESTING	ENGIN. COST	DREDGING COST		TOTAL COST MIN.	TOTAL COST MAX.
		BASE <5,500 S.F.	INCR. >5,500 S.F.	BASE <5.0 ACRES	INCR. >5.0 ACRES			MIN.	MAX.		
FEDERAL CHANNEL	415,344	\$0	\$0	\$12,815	\$1,587	\$25,000	\$3,000	\$359,232	\$538,848	\$401,634	\$581,250
FEDERAL ANCHORAGE	121,409	\$2,200	\$5,795	\$0	\$0	\$6,500	\$3,000	\$73,480	\$110,220	\$90,975	\$127,715
BREAKWATER	28,025	\$2,200	\$1,126	\$0	\$0	\$5,000	\$2,500	\$37,624	\$56,436	\$48,450	\$67,262
TOWN BOAT YARD	25,243	\$2,200	\$987	\$0	\$0	\$5,000	\$3,000	\$36,552	\$54,828	\$47,739	\$66,015
HARBOR ROAD	37,660	\$2,200	\$1,608	\$0	\$0	\$10,000	\$4,500	\$38,760	\$58,140	\$57,068	\$76,448
PERRY GREEN	14,114	\$2,200	\$431	\$0	\$0	\$10,000	\$4,700	\$19,184	\$59,950	\$36,515	\$77,281
	641,795	\$11,000	\$9,948	\$12,815	\$1,587	\$61,500	\$20,700	\$564,832	\$878,422	\$682,382	\$995,972
						[SEE NOTE]	[SEE NOTE]				
<b>SUMMARY</b>											
FEDERAL:	536753	\$2,200	\$5,795	\$12,815	\$1,587	\$31,500	\$6,000	\$432,712	\$649,068	\$492,610	\$708,966
LOCAL:	105042	\$8,800	\$4,152	\$0	\$0	\$30,000	\$14,700	\$132,120	\$229,354	\$189,772	\$287,006
TOTAL:	641795	\$11,000	\$9,948	\$12,815	\$1,587	\$61,500	\$20,700	\$564,832	\$878,422	\$682,382	\$995,972
TOTAL CT-DEP PERMIT FEE --->		\$35,350		FEDERAL:	\$22,398	LOCAL:	\$12,952				

NOTE: PERMITTING AND CONTRACT DOCUMENTS  
PERMIT PREPARATION COSTS HIGHLY DEPENDENT UPON LOCAL OPPOSITION AND/OR SUPPORT  
DREDGE SPOIL TESTING DOES NOT INCLUDE BIO-ASSAY OR BIO-ACCUMULATION TESTS

**APPENDIX E**  
**SUMMARY OF DREDGING QUANTITIES**

**SOUTHPORT HARBOR MANAGEMENT PLAN**  
**FAIRFIELD, CONNECTICUT**

**SUMMARY OF DREDGING QUANTITIES**  
**JUNE 30, 1992**

DREDGING AREA	AREA 1985 S.F.	BASE 1985 C.Y.	1 FT. O.D. 1985 C.Y.	TOTAL 1985 C.Y.	AREA 1992 S.F.	BASE 1992 C.Y.	1 FT. O.D. 1992 C.Y.	TOTAL 1992 C.Y.	AVERAGE PER YEAR C.Y.
FEDERAL CHANNEL	373,213	21,641	13,823	35,464	415,344	29,521	15,383	44,904	1,349
FEDERAL ANCHORAGE	105,449	3,842	3,905	7,747	121,409	4,688	4,497	9,185	205
BREAKWATER	N/A	N/A	N/A	N/A	28,025	3,665	1,038	4,703	N/A
TOWN BOAT YARD	N/A	N/A	N/A	N/A	25,243	3,634	935	4,569	N/A
HARBOR ROAD	N/A	N/A	N/A	N/A	37,660	3,450	1,395	4,845	N/A
PERRY GREEN	N/A	N/A	N/A	N/A	14,114	1,875	523	2,398	N/A
TOTAL FEDERAL PROJ.	478,662	25,483	17,728	43,211	536,753	34,209	19,880	54,089	1,554
TOTAL LOCAL PROJ.	0	0	0	0	105,042	12,624	3,891	16,515	0
TOTAL HARBOR	478,662	25,483	17,728	43,211	641,795	46,833	23,771	70,604	1,554

**APPENDIX C:**  
**PERRY GREEN DEEDS**

VOL 372 PAGE 445

DEED OF GIFT

I, HOYT OGDEN PERRY (also known as Hoyt O. Perry) of Southport in the Town of Fairfield, Connecticut, do hereby GIVE, GRANT and CONVEY unto the TOWN OF FAIRFIELD, a municipal corporation of the State of Connecticut, and unto its successors forever, that certain parcel of land, with all the improvements thereon and appurtenances thereto, located in Southport in said Town of Fairfield and bounded as follows:

NORTHWESTERLY by Harbor Road, 276 feet more or less;

NORTHEASTERLY by other land of mine (formerly of Louisa H. Perry);

SOUTHEASTERLY by Southport Harbor; and

SOUTHWESTERLY, SOUTHEASTERLY again and SOUTHWESTERLY again by the cove at the mouth of Horse Tavern Creek;

which parcel of land is designated as Parcel No. 13 on Map No. 241 of the Fairfield Tax Assessor and is one of the two parcels of land which I offered to give to said Town of Fairfield for use as a public green (subject to certain restrictions) by my letter of November 9, 1957 addressed to Dimill L. Kinnie, First Selectman, as amended by my letter of December 16, 1957 similarly addressed, which offer was accepted by resolution adopted at the Representative Town Meeting of said Town of Fairfield held on December 16, 1957;

TO HAVE AND TO HOLD said parcel of land (hereinafter called the "Green"), with all the improvements thereon and appurtenances thereto, unto said Town of Fairfield and its successors forever, for use as a public green for the benefit and enjoyment of the people of Southport and others;

BUT SUBJECT, HOWEVER, to the following restrictions:

(1) No buildings or structures of any character or any benches; picnic tables, playground equipment

THE CONSIDERATION FOR THIS DEED IS LESS THAN \$100.

VOL 372 PG 446

or formal equipment for sports or games shall be erected or maintained on the Green.

(2) No "concessions" to operate on the Green shall be granted to vendors of any goods or merchandise or facilities of any character.

(3) No portion of the Green shall be used for vehicular parking, but this restriction shall not be deemed to prohibit the Town of Fairfield from taking a portion of the northwesterly side of the Green up to a width of ten feet southeasterly of the present travelled portion of Harbor Road (correspondingly decreasing the area of the Green) for the parking of vehicles parallel with and off the present travelled portion of Harbor Road, but subject to the condition that double parking on the southeasterly side of Harbor Road shall not be permitted.

(4) No portion of the Green shall be used as a boat yard or "marina" or for access to a "marina" or as a general launching, mooring or servicing area for boats or for access to boats; provided, however, that the southwesterly end of the Green, but not extending more than twenty feet northeasterly from the cove, may continue to be used for the launching, mooring and servicing of and for access to a limited number of small boats (not over twenty-five) in substantially the same manner as heretofore permitted by the owners of the area. Such limited usage by owners of small boats shall be subject to appropriate regulations to be established from time to time by the Park Commission or other proper authority of the Town of Fairfield, and such regulations shall include an appropriate system of licensing those boatowners permitted to enjoy such usage, either with or without payment of a license fee. Not over twenty-five of such licenses shall be issued and outstanding at any time. Persons not holding such licenses shall not be permitted to enjoy such usage. To the extent permitted by law, priority shall be given in the issuance of such licenses, first, to residents of Southport and, second, to residents of other parts of the Town of Fairfield, although, initially, paramount priority shall be given to boatowners residing anywhere within the Town of Fairfield who have enjoyed such usage continuously (during boating seasons) for many years.

(5) No dock or wharf shall be extended from the Green or from the Harbor Wall, and no ladders, stairways, or gangplanks shall be maintained as a means of access from the Green or Harbor Wall to the Harbor or to any boats or catwalks or other floats.

AND SUBJECT, ALSO, to the condition that, if any question shall hereafter arise with respect to the intent and meaning of any of the foregoing restrictions or the uses permitted or

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prohibited thereby, THE SASQUANAUG ASSOCIATION FOR VILLAGE IMPROVEMENT, INC., a non-profit corporation located in Southport, shall be recognized as the representative and spokesman of the people of Southport and special weight shall be given to the views or wishes of said Association in any such controversy, and said Association shall have authority to institute or be a party to any litigation to enforce or which otherwise involves the interpretation or construction of such restrictions.

IN WITNESS WHEREOF, I, HOYT OGDEN PERRY (also known as Hoyt O. Perry), have hereunto set my hand and seal on December 23, 1957.

Signed, sealed and delivered  
in the presence of:

Charlotte L. R. Perry

Georgas. Goodspeed

Hoyt Ogden Perry (L.S.)  
Hoyt Ogden Perry

STATE OF CONNECTICUT, )  
COUNTY OF FAIRFIELD, ) ss.: Town of Fairfield, December 23, 1957.

Personally appeared HOYT OGDEN PERRY (also known as Hoyt O. Perry), signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

Georgas. Goodspeed, Jr.  
Commissioner of Superior Court  
Fairfield County, Connecticut

Received for Record December 30, 1957 at 10:00 A.M.

Attest Evelyn Wilkes Asst. Town Clerk



VOL 373 PAGE 593

DEED OF GIFT

I, HOYT O. PERRY, of Southport in the Town of Fairfield, Connecticut, do hereby GIVE, GRANT and CONVEY unto the TOWN OF FAIRFIELD, a municipal corporation of the State of Connecticut, and unto its successors forever, that certain parcel of land, with all the improvements thereon and appurtenances thereto, located in Southport in said Town of Fairfield and bounded as follows:

NORTHWESTERLY by Harbor Road, 121 feet, more or less;

NORTHEASTERLY by other land of mine (separated from the land herein described by a wire mesh fence);

SOUTHEASTERLY by Southport Harbor; and

SOUTHWESTERLY by land of the Town of Fairfield;

which parcel of land is designated as Parcel No. 12 on Map No. 241 of the Fairfield Tax Assessor and is one of the two parcels of land which I offered to give to said Town of Fairfield for use as a public green (subject to certain restrictions) by my letter of November 9, 1957 addressed to Dimill L. Kinnie, First Selectman, as amended by my letter of December 16, 1957 similarly addressed, which offer was accepted by resolution adopted at the Representative Town Meeting of said Town of Fairfield held on December 16, 1957;

TO HAVE AND TO HOLD said parcel of land (hereinafter called the "Green"), with all the improvements thereon and appurtenances thereto, unto said Town of Fairfield and its successors forever, for use as a public green for the benefit and enjoyment of the people of Southport and others;

BUT SUBJECT, HOWEVER, to the following restrictions:

(1) No buildings or structures of any character or any benches, picnic tables, playground equipment or formal equipment for sports or games shall be

THE CONSIDERATION FOR THIS DEED IS LESS THAN \$100.

wa 373 no 594

erected or maintained on the Green.

(2) No "concessions" to operate on the Green shall be granted to vendors of any goods or merchandise or facilities of any character.

(3) No portion of the Green shall be used for vehicular parking, but this restriction shall not be deemed to prohibit the Town of Fairfield from taking a portion of the northwesterly side of the Green up to a width of ten feet southeasterly of the present travelled portion of Harbor Road (correspondingly decreasing the area of the Green) for the parking of vehicles parallel with and off the present travelled portion of Harbor Road, but subject to the condition that double parking on the southeasterly side of Harbor Road shall not be permitted.

(4) No portion of the Green shall be used as a boat yard or "marina" or for access to a "marina" or as a general launching, mooring or servicing area for boats or for access to boats.

(5) No dock or wharf shall be extended from the Green or from the Harbor Wall, and no ladders, stairways, or gangplanks shall be maintained as a means of access from the Green or Harbor Wall to the Harbor or to any boats or catwalks or other floats.

AND SUBJECT, ALSO, to the condition that, if any question shall hereafter arise with respect to the intent and meaning of any of the foregoing restrictions or the uses permitted or prohibited thereby, THE SASQUANAUG ASSOCIATION FOR VILLAGE IMPROVEMENT, INC., a non-profit corporation located in Southport, shall be recognized as the representative and spokesman of the people of Southport and special weight shall be given to the views or wishes of said Association in any such controversy, and said Association shall have authority to institute or be a party to any litigation to enforce or which otherwise involves the interpretation or construction of such restrictions.

IN WITNESS WHEREOF, I, HOYT O. PERRY, have hereunto set my hand and seal on January 30, 1958.

Signed, sealed and delivered  
in the presence of:

Charlotte L. Perry  
Charlotte L. Perry  
George S. Goodspeed, Jr  
George S. Goodspeed, Jr

Hoyt O. Perry (L.S.)  
Hoyt O. Perry

STATE OF CONNECTICUT  
COUNTY OF FAIRFIELD }

ss.: Town of Fairfield, January 30, 1958.

Personally appeared HOYT O. PERRY, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

George S. Goodspeed, Jr  
Commissioner of Superior Court  
Fairfield County, Connecticut

Received for Record February 5, 1958 at 1:55 P.M.

Attest h n d.

**APPENDIX D:**  
**SOUTHPORT HARBOR 1993 FEDERAL PROJECT SURVEY\***

- \* *NOTE: The purpose of the Southport Harbor 1993 Federal Project Survey was to provide data needed to: 1) accurately determine the extent to which the Pequot Yacht Club service dock and marina floats, and any other structures in Southport Harbor, encroached into the Federal Navigation Project; and 2) identify requirements and opportunities for "redesigning" the Navigation Project to achieve consistency with current and historical mooring and anchoring use and present navigation needs. In May 1994, the Yacht Club reconstructed its service dock and marina floats so that no part of these structures now extends into the existing Navigation Project. The information contained in this appendix, including proposals for redesigning the Navigation Project, should be considered as background information used by the Harbor Management Commission in formulating the Management Plan for Southport Harbor.*



January 19, 1993

Fairfield Harbor Management Commission  
c/o Russell Kost Agency  
P.O. Box 528  
Southport, CT 06490

Attention: Mr. Harrison Russell, Chairman

Reference: Federal Project Survey

Dear Mr. Russell:

In accordance with our contract, dated November 11, 1992, please find attached the following documents:

1. Three copies of the following drawings:

9250-1-1 GENERAL SITE PLAN  
9250-1-2 PROPOSED PROJECT PLAN  
9250-1-3 PROPOSED PROJECT PLAN

2. Three copies of Sketch No. SK-01 entitled "FEDERAL PROJECT AT PEQUOT YACHT CLUB"

As part of our work, we performed a limited shoreline survey of Southport Harbor. The base points of the survey were benchmarks obtained from the Corps of Engineers. The intent of the survey was to accurately show the location of the shoreline features. These features included, but were not limited to, seawalls, bulkheads, dock and ramps. One of the most important aspects of the survey was to locate the floating docks at the Pequot Yacht Club. To insure the accuracy of this data, we employed the services of The Huntington Company, land surveyors.

The field data collected was placed onto the fathometric survey drawing that we had prepared under a previous contract. The final drawing (No. 9250-1-1) yields the shoreline structures, floats, water depths and the location of the limits of the Federal Project (anchorage and channel).

OCC Drawing Number 9250-1-2 indicates a proposed re-alignment of the Federal Project. The re-alignment provides for the following:

Mr. Harrison Russell, Chairman  
January 19, 1993

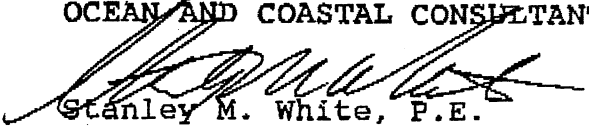
1. The Pequot Yacht Club Gas Dock would be move landward approximately eight feet. This dock relocation will remove some of the encroachment into the existing Federal Project while still allowing for safe navigation for those boaters, club and non-club members, using the Gas Dock.
2. The existing Federal Channel seaward of the Pequot Yacht Club would be relocated south. The area now not included in the Federal Project is approximately 14,970 square feet.
3. An area north of the breakwater and across the channel from the Ye Old Yacht Yard would be dredged and the designated a Federal Anchorage. This area is approximately 10,740 square feet and would serve the general public.
4. An area west of Ye Old Yacht Yard would be dredged a Federal Anchorage to accommodate deeper draft vessels. This area is approximately 4,230 square feet and would serve the general public.

OCC Drawing Number 9250-1-3 depicts a proposed re-designation of the Federal Project whereby the Federal Channel would terminate approximately five hundred feet north of Ye Old Yacht Yard. The remainder of the existing Federal Channel would be designated a Federal Anchorage. The existing Federal Anchorage would become abandoned and used for mooring of vessels in accordance with the Harbor Management Plan. We have also indicated a fairway that would be kept clear of moorings to allow for safe navigation to the Gas Dock and the upper harbor.

We hope that this information assists the Commission in the preparation of the Southport Harbor Management Plan. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

OCEAN AND COASTAL CONSULTANTS, INC.



Stanley M. White, P.E.  
President

ER011993-LTR

Attachments: As indicated  
9250



January 21, 1993

Fairfield Harbor Management Commission  
c/o Russell Kost Agency  
P.O. Box 528  
Southport, CT 06490

Attention: Harrison Russell, Chairman

Reference: Southport Harbor Federal Project  
Survey and Redesign

Dear Mr. Russell:

Subsequent to the January 19, 1993 meeting of the Harbor Commission, Ocean and Coastal Consultants, Inc. herein submits additional data and drawings which will serve to complete our contractual obligations for this project.

As requested during the aforementioned Commission meeting, we have briefly examined the new areas to be added to the Federal Project in the vicinity of the channel entrance, adjacent to the "dune" and breakwater. Specifically, for the larger area we have assumed a dredge depth of -9.0' MLW and have calculated approximately 1750 cubic yards of material to be removed. For the adjacent area on the opposite side of the channel we have assumed a dredge depth of -7.0' MLW and have calculated approximately 500 cubic yards of material to be removed.

We have also attached one reproducible of the following drawings:

9250-1-1 GENERAL SITE PLAN  
9250-1-2 PROPOSED PROJECT PLAN  
9250-1-3 PROPOSED PROJECT PLAN

If the Commission has any additional questions, please do not hesitate to contact the undersigned or Stanley White for assistance.

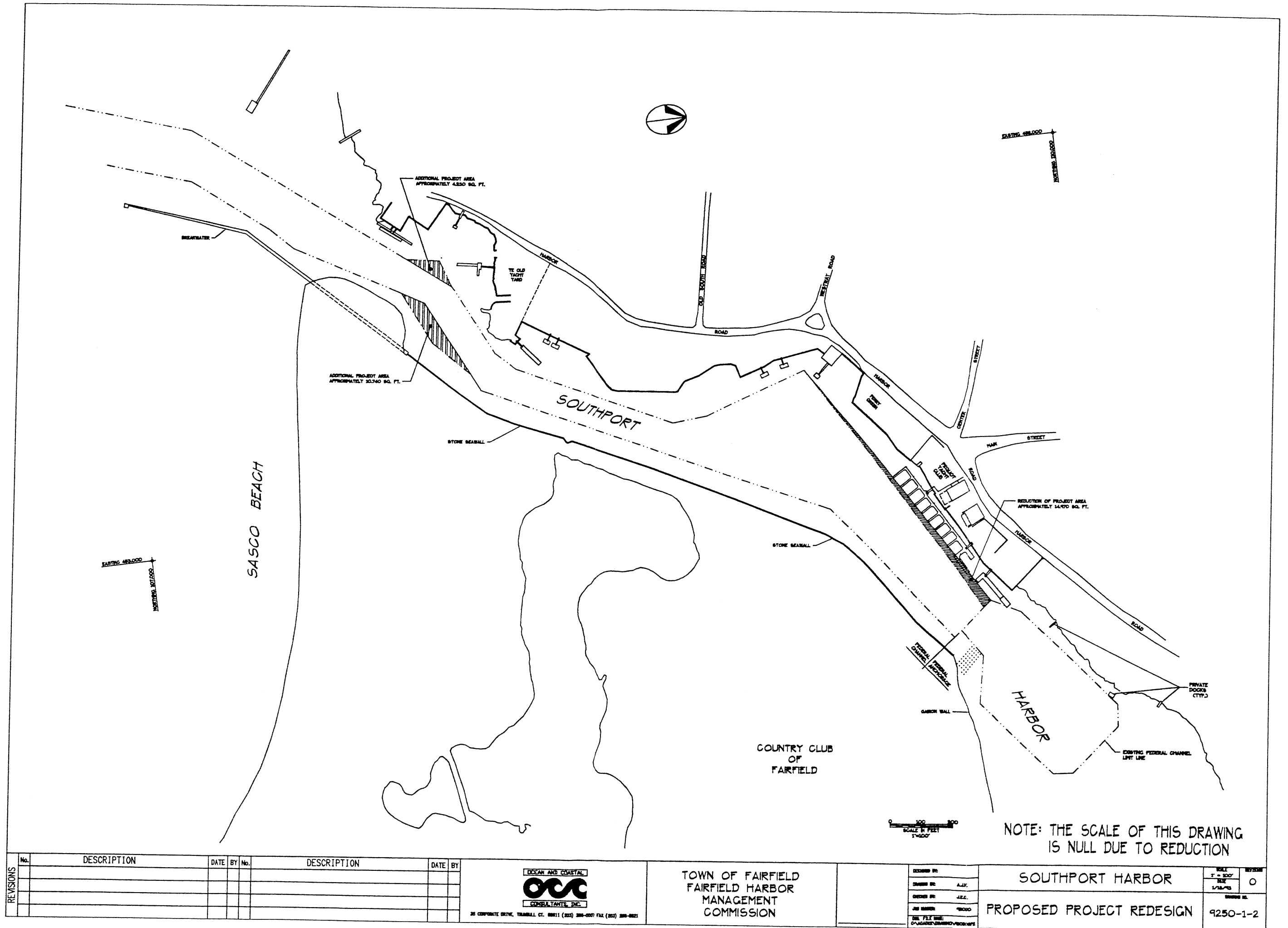
Very truly yours,

OCEAN AND COASTAL CONSULTANTS, INC.

  
John E. Chapman, P.E.  
Project Engineer

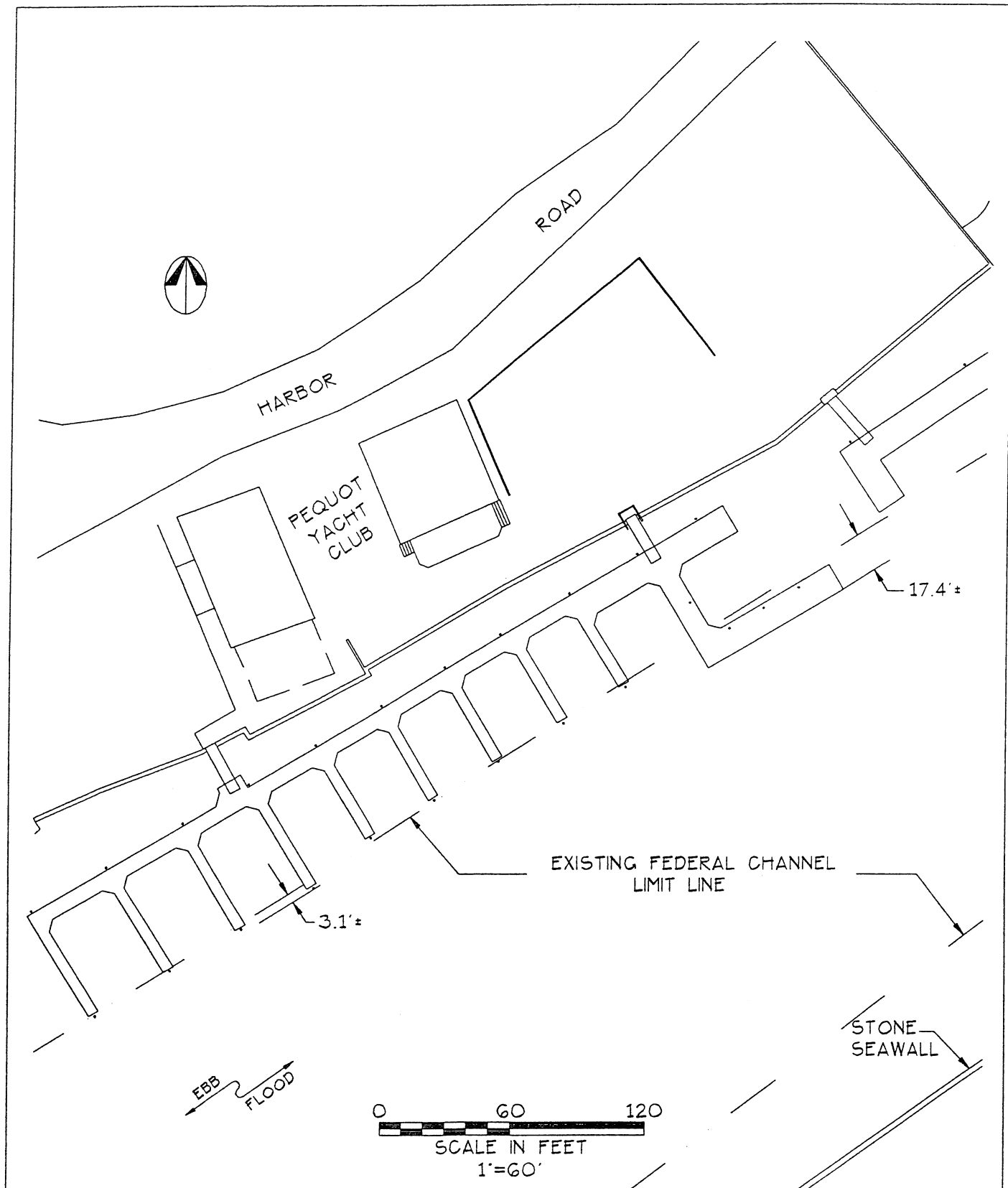
JEC/do  
9250DWG.LTR











	DESIGNED BY:	<b>FEDERAL PROJECT</b>  <b>AT PEQUOT YACHT CLUB</b>	SCALE 1"=60'	REVISION
	DRAWN BY: A.J.K.		DATE 1/18/92	
	CHECKED BY: J.E.C.		SKETCH NO.	
			SK-01	

**APPENDIX E:**  
**DRAFT HARBOR MANAGEMENT ORDINANCE**

THIS DRAFT ORDINANCE HAS BEEN PREPARED BY THE FAIRFIELD HARBOR MANAGEMENT COMMISSION IN ACCORDANCE WITH THE COMMISSION'S POWERS, DUTIES AND RESPONSIBILITIES ESTABLISHED IN THE EXISTING CHAPTER 24-4A OF THE FAIRFIELD CODE. FOLLOWING ADOPTION OF THE MANAGEMENT PLAN FOR SOUTHPORT HARBOR, THE COMMISSION RECOMMENDS THAT THIS PROPOSED ORDINANCE, MODIFIED AS NECESSARY, BE ADOPTED BY THE REPRESENTATIVE TOWN MEETING TO REPLACE THE EXISTING CHAPTER 24 ("HARBOR MANAGEMENT COMMISSION") OF THE FAIRFIELD CODE.

## Chapter 24

### HARBOR MANAGEMENT

24-1. Purposes .....	1
24-2. Definitions .....	1
24-3. General Provisions .....	3
24-4. Commission Created; Membership; Compensation .....	4
24-5. Term of Office; Removal; Officers .....	4
24-6. Jurisdiction; Fairfield Harbor Management Area .....	5
24-7. Powers and Duties .....	5
24-8. Harbor Management Account .....	6
24-9. Violations and Penalties .....	7
24-10. Use of the Harbor Management Area .....	7
24-11. Mooring and Anchoring Vessels .....	9
24-12. Marine Sanitation .....	9
24-13. Consultation and Coordination with Other Town Commissions and Departments .....	10

**24-1. Purposes.** [A new section proposed for addition to the Town Code.]

WHEREAS, The Town of Fairfield desires to manage Southport Harbor and its environs in the most effective manner and to plan for safe and beneficial use and enjoyment of the Harbor; and

WHEREAS, The Town desires to conserve and protect the natural environmental and historic resources of Southport Harbor and its environs for the benefit of current and future generations; and

WHEREAS, The Town believes that the most responsible way to ensure safe and beneficial use of the Harbor and the protection of Harbor resources is through implementation of a Town plan for management of Southport Harbor and establishment of Town regulations for use and protection of the Harbor;

THEREFORE, the Representative Town Meeting hereby enacts these regulations, as herein set forth, for the use and enjoyment of Southport Harbor and its environs which shall be known as Fairfield's Harbor Management Area.

**24-2. Definitions.** [A new section proposed for addition to the Town Code.]

Abode: The principal, non-water dependent use of a structure or vessel as a dwelling or home.

Anchoring: To secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors from a vessel.

Channel: A water area specifically reserved for unobstructed movement of vessels, designated as such in the Management Plan for Southport Harbor, and marked in-water by aids to navigation.

**Deputy Harbormaster:** The Deputy Harbormaster of Southport Harbor who may be appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes and who shall carry out his or her duties under the direction of the Harbormaster.

**Emergency:** A condition of imminent or proximate danger to life or property that requires immediate action.

**Federal Navigation Project:** Designated channel and anchorage areas in Southport Harbor as well as the Harbor breakwater and dike authorized by Acts of Congress, constructed by the Federal government, and maintained by the U.S. Army Corps of Engineers.

**Fairway:** Any designated and/or maintained water area reserved for unobstructed movement of vessels and designated as such in the Management Plan for Southport Harbor.

**Floating Home:** Any structure constructed on a raft, barge or hull, moored or docked and that is used primarily for single or multiple-family habitation or that is used for the domicile of any individual(s).

**Harbor Management Area:** All navigable waters and intertidal areas as defined in Sec. 24-6 of this Ordinance as subject to the regulations contained in this Ordinance and to the jurisdiction of the Harbor Management Commission.

**Harbor Management Commission:** The duly appointed body of the Town of Fairfield with responsibilities for implementing the Management Plan for Southport Harbor and with additional powers and duties authorized by Sections 22a-113k through 22a-113t of the Connecticut General Statutes.

**Harbor Management Consistency Review:** The process defined in Section 24-13 of this Ordinance whereby the Harbor Management Commission shall review the consistency of proposed actions with the Management Plan for Southport Harbor.

**Harbor Management Ordinance:** This Ordinance establishing regulations for the use of Fairfield's Harbor Management Area.

**Harbormaster:** The Southport Harbormaster appointed by the Governor of Connecticut in accordance with Sections 15-1 of the Connecticut General Statutes, and who shall advise the Harbor Management Commission with respect to matters concerning the waters under the jurisdiction of the Harbor Management Commission and have special responsibilities for implementing the Management Plan for Southport Harbor.

**Hazard to Navigation:** Any obstruction, usually sunken, that presents a sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

**Management Plan for Southport Harbor:** A plan for the balanced use of the Harbor Management Area for recreational and other purposes and for the protection of environmental resources as prepared by the Harbor Management Commission, adopted by the Representative Town Meeting, and approved by the Connecticut departments of Environmental Protection and Transportation in accordance with Sections 22a-113k through 22a-113t of the Connecticut General Statutes.

**Marine Facility:** Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels, and located within the Harbor Management Area.

**Mean High Water Line:** The line along the shoreline representing the average height of the maximum elevation reached by each rising tide over a nineteen-year period immediately preceding the current year.

**Moor:** To secure a vessel to the bottom of a waterbody by the use of mooring tackle.

**Mooring:** The place where, or the object to which, a vessel can be made fast by means of mooring tackle so designed that, when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

**Mooring Tackle:** The hardware (e.g., chain, line, anchor, buoys, and other equipment) used to secure a vessel at a mooring location.

**Obstruction to Navigation:** Anything that restricts, endangers or interferes with navigation.

**Person:** Those, including individuals, corporations, societies, associations and partnerships, using the facilities and areas within the Harbor Management Area and subject to the provisions of this Ordinance.

**Personal Watercraft:** Any Class A inboard vessel which has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing or kneeling.

**Shall and May:** "Shall" is mandatory; "May" is permissive.

**State:** The State of Connecticut.

**Transient:** A person traveling to the Harbor Management Area by boat and staying for a temporary period of time.

**Vessel:** As defined by State statute, every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

### **24-3. General Provisions. [A new section proposed for addition to the Town Code.]**

- A. This Ordinance shall be known and may be cited as the Harbor Management Ordinance.
- B. The provisions of this Ordinance and any rules and procedures adopted pursuant thereto shall be applicable, and shall govern, the use of the Fairfield Harbor Management Area as defined in this Ordinance.

- C. If any provision of this Ordinance is held invalid or inoperative, the remaining provisions shall continue in full force and effect.
- D. The Harbormaster and any police officer of the Town of Fairfield shall have full authority to enforce this Ordinance and cite any alleged violators of this Ordinance.
- E. Any person aggrieved by any decision of the Harbor Management Commission or its agent(s) made pursuant to the powers granted in this Ordinance may appeal such decisions in writing within fifteen (15) days to the Board of Selectmen. Such appeal shall specifically state the nature of the ruling and the reasons why the appellant is aggrieved thereby. The Board of Selectmen shall act on such appeal within thirty (30) days.
- F. Nothing herein contained shall bar or prevent the Harbormaster or any of his deputies from performing those duties which have been assigned to him in accordance with the General Statutes of the State.

**24-4. Commission created; membership; compensation.** [An existing section of the Town Code.]

- A. The Harbor Management Commission shall consist of seven (7) members who must be electors and residents of the Town of Fairfield. No more than four (4) of the members shall be members of the same political party. These members shall be appointed by the Board of Selectmen and subject to legislative ratification. Appointments will be made from a list of persons recommended, because of their interest in harbor activities, by existing local commissions, Town staff or local residents. In addition, there shall be appointed two (2) alternate members to serve in place of absent regular members, if necessary. The Harbormaster shall serve as an ex-officio member of the Commission, without vote.
- B. No member of the Harbor Management Commission shall receive compensation for service, but he may be reimbursed for any necessary expenses. The Harbormaster or Deputy Harbormaster may receive compensation for any prescribed duties.

**24-5. Term of office; removal; officers.** [Proposed modification of an existing section of the Town Code.]

- A. The term of all members shall run for four (4) years.
- B. Alternate members shall be appointed for two (2) years. If a member resigns or is removed for any reason before his or her term expires, a replacement shall be appointed within two (2) months of termination by the First Selectman, in accordance with Section 24-4, to complete that term.
- C. The Commission shall elect a Chairperson, Vice Chairperson and Secretary. The Commission may form subcommittees to address specific duties of the Commission.

**24-6. Jurisdiction; Fairfield Harbor Management Area.** [Proposed modification of an existing section of the Town Code.]

For the purpose of this Ordinance, and to define the jurisdiction of the Harbor Management Commission, the Fairfield Harbor Management Area is defined to include Southport Harbor and adjacent areas, including:

- A. Southport Inner Harbor, which includes the area below the mean high water line in the Mill River from the Tide Mill Dam (also called the Mill Pond Dam) at the head of navigation and extending southwest to the southern end of the breakwater at the entrance into Long Island Sound.
- B. Southport Outer Harbor, which includes the area bounded on the north by Southport Beach, the entrance to the Inner Harbor, and Sasco Hill Beach; on the east by a line running southeast from Kensie Point through Sunken Island, then running south to Bell "R-22," [add coordinates] then running northwest to the Westport boundary at the approximately 5-foot deep waters of Long Island Sound [add coordinates], then running along the Westport boundary to Sasco Brook [add coordinates], and including the Southport Light and 9-foot buoyed channel.
- C. The Sasco Brook area, which includes the area below the mean high water line in Sasco Brook from the bridge at U.S. Highway No. 1 south, and east of the Fairfield/Westport boundary line in said brook, to the waters of Long Island Sound.

**24-7. Powers and Duties.** [Proposed modification of an existing section of the Town Code.]

The Fairfield Harbor Management Commission shall have all of the powers and duties granted to municipal harbor management commissions by Sections 22a-113k through 22a-113t of the Connecticut General Statutes and by this Ordinance.

The Harbor Management Commission shall implement the Management Plan for Southport Harbor as adopted by the Representative Town Meeting and approved by the State of Connecticut in accordance with Section 22a-113m through 22a-113o of the Connecticut General Statutes. The Commission may hire staff and consultants to assist with any subsequent powers, duties and responsibilities pursuant to the Plan. The Commission shall provide for the annual review of the Plan and shall make any additions and/or modifications to the Plan that may be deemed appropriate subject to the process set forth in Section 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the Connecticut General Assembly. In addition, the Commission shall:

- A. Recommend ordinances for adoption by the Representative Town Meeting to implement the Management Plan for Southport Harbor, and which may specify fines for violation of those ordinances, in accordance with Section 22a-113m of the Connecticut General Statutes.
- B. Prepare an operating budget of the Commission using funds from sources which may include but are not limited to local appropriations, mooring fees, violation fines, or a special Harbor Management Account established by Town ordinance.



- C. Review for consistency with the Management Plan for Southport Harbor any public notice of an application for a local, State or Federal permit for any activity affecting the real property on, in or contiguous to the Commission's jurisdiction as described in Section 24-6 of this Chapter, and to respond in a timely fashion with recommendations to the regulating agencies.
- D. Conduct or cause to be conducted studies of the conditions and operations in and adjacent to the Harbor Management Area as defined in Section 24-6 of this Chapter, and present to the Board of Selectmen proposals for efficient operations in the Harbor Management Area.
- E. Adopt rules and procedures for implementing specific portions of the Management Plan for Southport Harbor and this Ordinance as it shall deem necessary, in the following manner:
  - (a) Prior to adopting any such rules and procedures, the Commission shall conduct a public hearing for the purpose of considering their adoption. Notice of the time and place of such public hearing, which notice shall include the title and summary of the rules and procedures proposed, shall be published in a local newspaper having substantial circulation in the Town of Fairfield at least five (5) days, but not more than fifteen (15) days, prior to the date of said hearing.
  - (b) Following said public hearing, the Commission shall act upon said rules and procedures and may make such changes or alterations in the form or content of the proposed rules and procedures as seen appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice.
  - (c) Such rules and procedures, if adopted by the Commission, shall become effective after publication once in a local newspaper having substantial circulation in the Town of Fairfield.
- F. To assist the Harbor Management Commission and the Harbormaster in their duties hereunder, the Harbor Management Commission, with the advice of the Harbormaster, may appoint a special agent(s) who will serve at the pleasure of the Harbor Management Commission.

**24-8. Harbor Management Account.** [A new section proposed for addition to the Town Code.]

A Harbor Management Account is hereby created within the Town of Fairfield General Fund to receive and expend monies for harbor management purposes as determined by the Harbor Management Commission. All revenues generated by (1) mooring permits and (2) fines levied under the provisions of this Ordinance shall be deposited into this account. Other funds generated or allocated specifically for harbor management purposes shall also be deposited in this account. Funds shall be disbursed for purposes directly associated with the management and improvement of the Harbor Management Area and implementation of the Management Plan for Southport Harbor. Monies from this account may be allocated to the Harbormaster and any agent(s) of the Harbor Management Commission for the purpose of implementing and enforcing the provisions of the Management Plan for Southport Harbor and/or this Ordinance. Monies from the Harbor Management Account may also be used to compensate any contractors hired to perform work as may be deemed necessary by the Harbor Management Commission.

**24-9. Violations and Penalties.** [A new section proposed for addition to the Town Code.]

- A. Any violation of this Ordinance shall be a municipal infraction as defined in Chapter \_\_ of the Town Code, and a fine not to exceed one hundred dollars (\$100.00) shall be imposed for each conviction hereunder. Each day in violation shall be considered a separate repeat offense and subject to separate citations. A fine not to exceed \$100.00 shall be imposed for each repeat offense. The provisions of this section are in addition to and do not supersede any penalties resulting from simultaneous violations of State or Federal laws.
- B. Fines levied under the provisions of this Ordinance shall be deposited into the Town of Fairfield Harbor Management Account as established by Section 24-8 of this Ordinance.
- C. Repeated violations of the provisions of this Ordinance relating to mooring permits in the Harbor Management Area as set forth in Section 24-11 of this Ordinance may, after due notice, result in revocation of the mooring permit.

**24-10. Use of the Harbor Management Area.** [A new section proposed for addition to the Town Code.]

- A. Liability: Persons using any public facility and water area within the Harbor Management Area shall assume all risk of personal injury and damage or loss to their property. The Town of Fairfield assumes no responsibility for losses due to accident, fire, theft, vandalism or acts of God.
- B. Maintenance of Marine Facilities: Each operator of a waterfront facility, each waterfront property owner, and any other user of the Harbor Management Area is responsible for maintaining his or her property and operation in a safe, clean and attractive condition.
- C. Reckless Operation of Vessels Prohibited: The operation of any vessel in any manner that unsafely interferes with the free and proper use of the Harbor Management Area or endangers the users of the Harbor Management Area or any property on, in, or contiguous to the Harbor Management Area is hereby prohibited.
- D. Vessel Speed:
  - (a) The operation of any vessel, including personal watercraft, within the Harbor Management Area in excess of established speed limits or, in the Inner Harbor, in a manner to create a wake, shall be in violation of this Ordinance.
  - (b) The speed of all vessels in the Southport Inner Harbor as defined in this Ordinance shall be limited to 6 miles per hour or to a speed that will not cause a damaging wake, whichever is the lesser speed.
  - (c) Any person operating a vessel within the Harbor Management Area at such a speed as to cause a wake shall be held responsible for any damage caused by that wake.

- E. Damage to Harbor Facilities or Other Property: It shall be unlawful to willfully or carelessly destroy, damage, disturb, deface or interfere with any public or privately owned facility or property in the Harbor Management Area.
- F. Obstruction of Facilities:
- (1) It shall be a violation of this Ordinance for any person willfully to prevent any other person from the lawful use of any assigned or public mooring, anchorage, pier, dock, boat launch, or other marine facility.
  - (2) No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of any channel, fairway or berthing space.
  - (3) Anchoring in the Federal Navigation Project except for vessel-based fishing (including shellfishing), or for emergency or inspection purposes with specific authorization from the Harbormaster, is prohibited.
- G. Waterskiing: Waterskiing is prohibited in the Inner Harbor and in the Federal Navigation Channel in the Outer Harbor.
- H. Personal Watercraft: Use of personal watercraft within the Federal Navigation Project except as necessary to reach personal watercraft activity areas is prohibited.
- I. Swimming and Underwater Diving: Swimming is prohibited in the Inner Harbor. Underwater diving is prohibited in the Inner Harbor except for emergency, maintenance or inspection purposes.
- J. Fishing: Fishing in the Harbor Management Area shall not impede navigation. Vessel-based fishing within designated channels, fairways, or anchorage areas in a manner that provides a hazard to navigation is prohibited.
- K. Board Sailing: Board sailing within the Federal Navigation Project in a manner that creates a hazard to navigation is prohibited.
- L. Use of Vessels as Abodes: Floating homes are prohibited from berthing or mooring in the Harbor Management Area. The use of any vessel in the Harbor Management Area as an abode or floating home is prohibited. Sleeping aboard transient vessels is permitted for a maximum period of three (3) days unless such period is extended by special permission of the Harbormaster.
- M. Identification of Vessels: All vessels (except transient vessels and tenders used to reach larger vessels) moored, or tied up to wharves, piers, or docks in the Harbor Management Area, shall maintain the following identification:
- (1) Federal or State registry number as reported to the Harbormaster;
  - (2) A boat name as reported to the Harbormaster; and
  - (3) The name and address or telephone number of the owner.

**24-11. Mooring and Anchoring Vessels.** [A new section proposed for addition to the Town Code.]

- A. In accordance with State law and in order to provide for adequate access for vessels, for the safety of persons and property, for the protection of natural and historic resources, and for the optimum use of the Harbor Management Area, the Fairfield Harbormaster must approve the location of all moorings in the Harbor Management Area.
- B. It shall be a violation for any person to place any mooring in the Harbor Management Area without a permit from the Harbormaster.
- C. Any person, association, corporation or group receiving a permit for a mooring location in the Harbor Management Area shall pay a fee of one hundred dollars (\$100.00) as authorized by Section 22a-113s of the Connecticut General Statutes.
- D. The mooring and anchoring of all vessels in the Harbor Management Area shall be in accordance with rules and procedures adopted by the Harbor Management Commission.
- E. In allocating mooring locations in accordance with rules and procedures adopted by the Harbor Management Commission, the Harbormaster shall not discriminate on the basis of Town of residence or any other factor. Any interested person, association, corporation or group may apply for mooring space in the Harbor Management Area by completing in full the application provided for that purpose and submitting the completed application to the Harbormaster. A single list of current mooring assignments and a single list of all those waiting for a mooring permit/location in the Harbor Management Area shall be maintained by the Harbor Management Commission and the Harbormaster.
- F. No provision contained in this Ordinance or in any rules and procedures adopted by the Harbor Management Commission shall limit the authority of the Southport Harbormaster to station and remove vessels as provided in Sections 15-8 and 15-9 of the Connecticut General Statutes.

**24-12: Marine Sanitation.** [A new section proposed for addition to the Town Code.]

- A. The provisions of Section 22a-250 of the Connecticut General Statutes shall be strictly enforced with respect to the discharge of refuse, and no person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the Harbor Management Area any litter or other materials, including but not limited to, any refuse or waste matter, sewage, petroleum products or by-products, paint, varnish, dead animals or debris of any kind.
- B. The owner, lessee, agent manager, or person in charge of any waterfront development or facility adjacent to the Harbor Management Area shall at all times maintain the premises under his charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials.

**24-13. Consultation and Coordination with Other Town Commissions and Departments.** [A new section proposed for addition to the Town Code.]

- A. A Town "Harbor Management Consistency Review" process shall be carried out by the Harbor Management Commission to ensure effective implementation of the Management Plan for Southport Harbor, and to provide coordinated, efficient and comprehensive review of proposed projects and activities affecting the Harbor Management Area.
- B. The Harbor Management Commission shall review, for consistency with the Management Plan for Southport Harbor, specific development and use proposals (see subsection C below) affecting the Harbor Management Area as submitted to, or proposed by, all other Town commissions and departments, including:
- Town Plan and Zoning Commission
  - Zoning Board of Appeals
  - Water Pollution Control Authority
  - Department of Public Works
  - Park Commission
  - Shellfish Commission
  - Conservation Commission
  - Historic District Commission
- C. The Harbor Management Commission shall review for consistency with Management Plan for Southport Harbor: 1) all development proposals subject to the Town's Coastal Site Plan Review process and affecting the real property on, in or contiguous to Harbor Management Area, with the exception of one- or two-family dwellings; 2) all proposed uses or activities occurring below the Mean High Water Line; and 3) all proposed revisions and amendments to Town plans, rules and regulations affecting real property on, in or contiguous to the Harbor Management Area.
- D. All Town commissions and departments proposing or reviewing proposals affecting the Harbor Management Area shall notify the Harbor Management Commission of any proposals subject to the Harbor Management Consistency Review process at least 35 days prior to the commencement of any hearings thereon or, where no hearing is held, at least 35 days prior to the taking of any final action on the proposal.
- E. The Harbor Management Commission shall determine the consistency of proposals with the Management Plan for Southport Harbor and make recommendations to the appropriate Town commission or department having authority to act on the proposal within 35 days of receipt of the proposal from the referring agency. If no comment regarding the consistency of the proposed project is made by the Commission within 35 days, the proposal shall be assumed to be consistent with the Harbor Management Plan. The Town agency authorized to act on the proposal shall consider the recommendations of the Harbor Management Commission. In accordance with Section 22a-113p of the Connecticut General Statutes, a 2/3 vote of all members of the agency having authority to act on the proposal shall be required to approve a proposal that has not received a favorable recommendation from the Harbor Management Commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal.

- F. Nothing contained within this Ordinance shall abridge the legal authority of any board, commission or agency of the Town of Fairfield to make, publish, adopt, repeal, change or amend its rules, regulations or bylaws in accordance with law.

**APPENDIX F:**

**DRAFT RULES AND PROCEDURES FOR MOORING AND ANCHORING VESSELS**



**Town of Fairfield**  
**FAIRFIELD, CONNECTICUT 06430**

Draft/October 20, 1992  
(Modified April 1993 and August 1994)

**RULES AND PROCEDURES  
FOR MOORING AND ANCHORING VESSELS**

1. Mooring Committee:

- (a) A Mooring Committee shall be appointed by the Chairman of the Harbor Management Commission, and shall consist of two members of the Harbor Management Commission plus the Harbormaster as an ex-officio member. The Mooring Committee shall assist the Harbormaster with matters pertaining to the mooring and anchoring of vessels in the Harbor Management Area.<sup>1</sup>

2. Mooring Permits Required:

- (a) In order to provide for adequate access for vessels, for the safety of persons and property, for the protection of natural and historic resources, and for the optimum use of the Harbor Management Area, the Mooring Committee shall assist the Harbormaster in approving the location of all moorings — including individual-private moorings and commercial moorings as defined by the U.S. Army Corps of Engineers — within the Harbor Management Area. The Harbormaster shall issue a permit for each approved mooring location or commercial mooring area.

3. Mooring Records:

- (a) The Harbormaster, with assistance from the Mooring Committee, shall keep a detailed record of each approved mooring and its location, as well as the owner's name, home and business address and telephone numbers, the date the mooring was placed, and the name, length, beam, registration number or documentation, and type of vessel to be attached thereto.

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<sup>1</sup> For the purpose of these Rules and Procedures, the Harbor Management Area is the area of jurisdiction of the Fairfield Harbor Management Commission, as established by Chapter 24 of the Fairfield Code and defined in the Management Plan for Southport Harbor. The Harbor Management Area includes Southport Harbor and adjacent areas, and consists of the Southport Inner and Outer harbor areas and Sasco Brook downstream of Route 1 within the Town of Fairfield.



- (b) The information shall be maintained in such a manner that information can easily be obtained with regard to any individual mooring, vessel or owner, and also with regard to all moorings within a particular Harbor location.

4. Assignment of Mooring Locations:

- (a) All assignments of mooring space shall be made by the Harbormaster, with assistance from the Mooring Committee.
- (b) The Harbormaster, with the assistance of the Harbor Management Commission, shall establish and post in the Town Hall an allocation procedure for mooring locations as well as a waiting list for mooring space and a list of current assignments of mooring space in the Harbor Management Area. A single list of current assignments and a single list of all those waiting for a mooring permit/location in the Harbor Management Area will be maintained. The mooring waiting list will be open on an equal basis to all applicants who meet the minimum criteria established in these rules and procedures.
- (c) In allocating mooring locations in accordance with Chapter 24-11 of the Fairfield Code and these rules and procedures, there shall be no discrimination on the basis of Town of residence.
- (d) In allocating mooring locations, first priority shall be given to those persons applying for the renewal of permits granted in the preceding year, second priority to relocation requests in order of application, and third priority to new applicants in order of application.
- (e) In allocating mooring locations, consideration shall be given to size, draft, and type and use of vessels, including use for commercial purposes.
- (f) Available mooring locations shall be offered to the senior applicant on the mooring waiting list, subject to the constraints described in these rules and procedures. If an available mooring location is not suitable to accommodate the senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his place on the waiting list in this case. Efforts shall continue to provide a suitable mooring location for the senior applicant. If the senior applicant refuses a mooring location which is suitable for his vessel, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective use of mooring areas, lists of applicants will be maintained to include date of application and type or size of vessel.
- (g) In the interest of ensuring safe, efficient, and equitable use of the Harbor Management Area, no one individual shall be allocated more than one mooring location, and no one household shall be allocated more than two mooring locations. Only one mooring space shall be allocated to any one vessel.
- (h) Mooring permits shall be issued by the Harbormaster only to those applicants owning a vessel properly registered in accordance with laws of the State of Connecticut.

5. Application for Mooring Space and Permit:

- (a) Any person, association, corporation or other group may apply for mooring space and a permit by completing in full the application provided for that purpose and submitting the completed application to the Harbormaster. In the case of a corporation, association, or other group, however organized, disclosure of the principals and evidence of corporate organization must be submitted.
- (b) The Harbor Management Commission may require a reasonable and non-refundable initial application fee, established by the Town of Fairfield, from all applicants placed on the mooring waiting list. This fee shall be credited against the first year annual mooring permit fee specified in Section 7 of these Rules and Procedures, and shall be collected and deposited in the same manner as the annual mooring permit fee.

6. Renewal of Mooring Permit:

- (a) All mooring permits shall be valid for a period not to exceed one year and may be renewed in accordance with these rules and procedures.
- (b) All mooring permits shall expire on December 31st, and should be renewed by January 31st of the following calendar year. A grace period lasting until the last calendar day of February is allowed. After this grace period, applications received for renewal of mooring permits shall be treated in the same manner as new applications.

7. Annual Mooring Permit Fee:

- (a) Any person, association, corporation or other group receiving a permit for a mooring location in the Harbor Management Area shall pay an annual fee (not to exceed one hundred dollars) as established by the Town of Fairfield as authorized by Sec. 22a-113s of the Connecticut General Statutes and Chapter 24-11 of the Fairfield Code.
- (b) When the harbormaster determines that a suitable mooring location exists for an applicant for a new or renewed mooring permit, the applicant will be notified and must pay the appropriate annual fee, payable to the Town of Fairfield, before the permit shall be issued. This fee shall be nonrefundable.
- (c) All fees collected pursuant to Chapter 24-8 of the Fairfield Code and these rules and procedures shall be deposited into the Fairfield Harbor Management Account within the Town of Fairfield General Fund, as authorized by Section 22a-113s of the Connecticut General Statutes, and used exclusively for purposes directly associated with management and improvement of the Harbor Management Area.

8. Transferral of Mooring Permits and Vessels:

- (a) Mooring permits shall be non-transferable. Whenever the holder of a mooring permit transfers the title or interest in or otherwise parts with possession of the vessel identified in

the mooring permit to another person by any arrangement whatsoever, the mooring permit shall expire. The new possessor, transferee or owner shall have no vested right to use the mooring space covered by the mooring permit. Whenever the holder of a mooring permit enters into a partnership agreement for the use of that permit, continuation of the permit is subject to review and approval by the Harbormaster.

- (b) The holder of a mooring permit may, upon written application to and approval by the Harbormaster, retain the mooring location assigned under the mooring permit for a replacement vessel provided that vessel is owned by the holder of the permit and is moved onto the mooring location within one year. If the replacement vessel is significantly smaller, larger, or of different draft or type, the Harbormaster shall have the right to relocate the vessel to another, more suitable mooring location.
- (c) As long as a corporation that possesses a valid mooring permit remains in existence, the mooring permit remains valid, regardless of whether or not any minority portion of the corporation's interest is conveyed through sale or transfer of stock. However, should the controlling interest in the corporation change through such a sale or transfer of stock, the corporation will immediately notify the Harbormaster and its mooring permit shall terminate.

9. Mooring Location and Placement:

- (a) When a mooring permit is issued, the Harbormaster shall assign a specific mooring location. No mooring tackle shall be placed or maintained in any part of the Harbor Management Area until the mooring location has been approved by the Harbormaster. No mooring permits shall be granted for areas in which mooring is prohibited by the Management Plan for Southport Harbor, and all permits granted shall be consistent with all provisions of the Management Plan.
- (b) Mooring locations shall under no circumstances be located within navigation channels or fairways or otherwise interfere with the safe and free use of navigation channels and fairways.
- (c) In accordance with Conn. Gen. Stat. Section 26-157a (e), no mooring tackle shall be placed on any oyster bed without the permission of the owner or lessee of such bed.
- (d) Mooring locations within designated areas identified in the Management Plan for Southport Harbor should be assigned in accordance with specific mooring plans designed to provide safe and efficient mooring of vessels.

10. Abandonment of Mooring Tackle:

- (a) Any mooring tackle not used for a period of one year at a permitted mooring location may be considered abandoned and subject to removal or relocation. Any mooring tackle not authorized by a current permit from the Harbormaster may be considered as abandoned and subject to removal at any time. No mooring tackle or location may be left unused for more than one calendar year.

- (b) Any mooring permit holder who owns mooring tackle and is abandoning his or her mooring location may offer to sell the tackle occupying such location to the next person assigned that location. If such tackle is not sold or rented, it shall be removed by such registered owner. Failure of the registered owner to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbormaster at the expense of such registered owner thereof. The moving of any tackle to an assigned location shall be at the applicant's expense, and tackle may not be moved from any registered mooring space without notifying the Harbormaster at least 24 hours prior to movement.

11. Secure Mooring and Anchoring of Vessels:

- (a) The owner of any vessel moored or anchored within the Harbor Management Area shall be responsible for causing such vessel to be tied, secured, or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall thereafter provide for periodic inspection of mooring tackle or anchoring equipment as the Harbormaster deems necessary.
- (b) All mooring tackle shall comply with minimum standards established by the Harbor Management Commission and adjusted, as necessary, by the Harbormaster.
- (c) The minimum standards for mooring tackle should be provided by the Harbormaster to each person, corporation, organization or group applying for a mooring permit.
- (d) Each person mooring a vessel in the Harbor Management Area shall be responsible for any damage to his or her own vessel or to any other vessel or property that may be caused by failure of the mooring tackle used to secure his or her own vessel.

12. Identification of Approved Mooring Locations:

- (a) The Harbormaster may, from time to time, establish and amend reasonable standards for the marking of mooring buoys or provide marking tags to be attached to all approved moorings in the Harbor Management Area. Notice of such standards will be provided in writing to all approved mooring permit holders.

13. Mooring Inspection:

- (a) No mooring tackle shall be placed in the Harbor Management Area without inspection and approval of the tackle by the Harbormaster. The Harbormaster must direct the placement of all mooring tackle.
- (b) The tackle of each mooring shall be raised or removed for inspection at least once every three (3) years. The cost of inspection shall be the sole expense of the owner. If, as the result of such inspection, it shall be determined that any chain, shackle, swivel or other piece of mooring tackle has become unsafe or otherwise inadequate, all such chain, shackle, swivel or other piece of mooring tackle shall be replaced accordingly. Failure to make such replacement shall be grounds for revocation of the mooring permit by the Harbormaster.

- (c) Each year, the moorings in an area equal to approximately 1/3 of the total area of Southport Harbor used for mooring should be removed for inspection/repair/replacement, and that part of the Harbor may be harvested by commercial fishermen. Since shellfish purification will not take place when water temperature is below 50 degrees F, procedures for the annual removal of moorings should provide for three weeks of shellfish harvesting in the fall prior to November 15, and two weeks in the Spring after April 1.

14. Revocation of Mooring Permit:

- (a) The Harbormaster shall have the authority to revoke a mooring permit if the permit holder fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit conditions or provisions of these Rules and Procedures, including:
  - i. failure to maintain a properly registered vessel;
  - ii. failure to maintain adequate mooring tackle;
  - iii. failure to use the mooring.

15. Vessels Making Fast:

- (a) No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored, except that a rowboat, dinghy or yacht tender regularly used by a larger vessel for transportation of persons or property to or from shore may be secured to such larger vessel or to the mooring regularly used by such larger vessel. If tied within a slip, such rowboat, dinghy, or tender shall not extend into the fairway beyond the larger vessel if such larger vessel is also occupying the slip, or otherwise beyond the slip itself.

16. Powers and Duties of the Harbormaster: In accordance with powers and duties of the Harbormaster pursuant to Sections 15-8 through 15-10 of the Connecticut General Statutes, and to the extent not inconsistent therewith, the Harbormaster shall exercise the following powers and duties:

- (a) *Correcting an Unsafe Anchoring, Berthing or Mooring:* If any vessel shall be found in the judgment of the Harbormaster to be anchored, berthed or moored in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons or property, the Harbormaster shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored, berthed or moored vessel or his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the vessel or the facility at which the vessel is anchored, berthed or moored. In an emergency situation and in the absence of any such responsible person, the Harbormaster shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for the costs incurred by the Harbormaster or his agents in effecting such correction.

- (b) *Unseaworthy Vessels*: No person shall secure or permit to be anchored, berthed, or moored in the Harbor Management Area a vessel of any kind whatsoever which the Harbormaster considers unseaworthy or in a badly deteriorated condition, or which is likely to sink or to damage docks, wharves, floats, and/or other vessels, or cause water pollution, or which may become a menace to navigation. Such vessels shall be removed from the water and/or be otherwise disposed of as directed by the Harbormaster.
- (c) *Obstruction of Channels, Fairways, and Berthing Space*: No person shall moor or anchor so as to interfere with the free and unobstructed use of channels, fairways, docks or berthing spaces within the Harbor Management Area or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space; or to float loose timber, debris, logs or piles in any channel, fairway or berthing space in such a manner as to impede navigation or cause damage. Any wrecked or sunken vessels within the Harbor Management Area shall be subject to removal by the Harbormaster.
- (d) *Removal of Moorings*:
  - (i) The Harbormaster may require any mooring or vessel to be removed to a new location whenever, in his judgement, the safety of any other vessel or optimum use of the mooring area so requires.
  - (ii) If directions given by the Harbormaster with respect to removing unauthorized moorings, changing the location of existing moorings for the purpose of ensuring safety and optimum use of the mooring area, or replacing mooring tackle determined to be inadequate are not taken by the owner, if known, within fourteen days after notification, or, if not known, after notice has been posted for that period on the vessel or mooring, the Harbormaster may cause such moorings to be removed or relocated. The expense of such mooring removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the mooring permit holder.
  - (iii) Nothing above shall prevent the Harbormaster or his designee from taking measures with or without notice if, in the judgement of the Harbormaster, such measures are necessary in order to provide for the safety of persons or property.
- (e) *Suspension of Requirements and Imposition of Emergency Requirements*:
  - (i) The requirements of these rules and procedures pertaining to a specific mooring area and/or vessel may be suspended by the Harbormaster if, in the judgement of the Harbormaster, such suspension is necessary to provide for the safety of persons or property or if the imposition of the requirements would result in an unreasonable hardship on the person or persons so affected.
  - (ii) In order to most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made conditions, the Harbormaster is empowered to suspend the requirements of these rules and procedures and/or impose additional requirements in the interest of public safety.

17. Review of Decisions:

- (a) Any party aggrieved by any decision pertaining to the application of these rules and procedures may request the Harbor Management Commission to review that decision with respect to the goals, objectives, policies, and recommendations established in the Management Plan for Southport Harbor.
- (b) While State law requires the State-appointed Southport Harbormaster to act in a manner consistent with the Management Plan for Southport Harbor, Town ordinances, rules and procedures can not alter the Harbormaster's duties and powers which include primary authority regarding mooring assignments. As a result, the Harbor Management Commission may not over-ride the Harbormaster's mooring assignments, as long as such assignments are consistent with the Management Plan for Southport Harbor.

**APPENDIX G:**  
**CONNECTICUT HARBOR MANAGEMENT ACT**



# THE CONNECTICUT HARBOR MANAGEMENT ACT

Effective October 1, 1984

Codified in Chapter 444a, Sections 22a-113k through 22a-113t of the Connecticut General Statutes

## CHAPTER 444a\*

### HARBOR MANAGEMENT COMMISSIONS

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

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

(b) Any two or more municipalities whose common boundaries lie within navigable waters as defined in subsection (b) of section 15-3a may by concurrent ordinances of their legislative bodies establish a harbor management commission. Such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a). Any municipality that is a member of the commission may, by vote of its legislative body, elect to withdraw from the commission.

(P.A. 84-247, S. 1.)

**Sec. 22a-113l. Powers.** Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-113t, inclusive. Any municipality may appropriate funds to such commission.

(P.A. 84-247, S. 2.)

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

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

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

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the commissioner of environmental protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the commissioner of environmental protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the Federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this subsection shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

(P.A. 84-247, S. 4.)

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

(P.A. 84-247, S. 5.)

**Sec. 22a-113p. Action on applications to municipal agencies referred to commission.** The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the

proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

(P.A. 84-247, S. 6.)

**Sec. 22a-113q. Request for general permit and delegation of enforcement authority.** Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

(P.A. 84-247, S. 7.)

**Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan.** Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

(P.A. 84-247, S. 8.)

See Secs. 15-1 and 15-7 re duties of harbor masters.

**Sec. 22a-113s. Permit fee.** The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be one hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

(P.A. 84-247, S. 9.)

**Sec. 22a-113t. Model harbor management.** Not more than six months after October 1, 1984, the commissioner of environmental protection in consultation with the commissioner of transportation shall prepare a model harbor management plan.

(P.A. 84-247, S. 10.)

