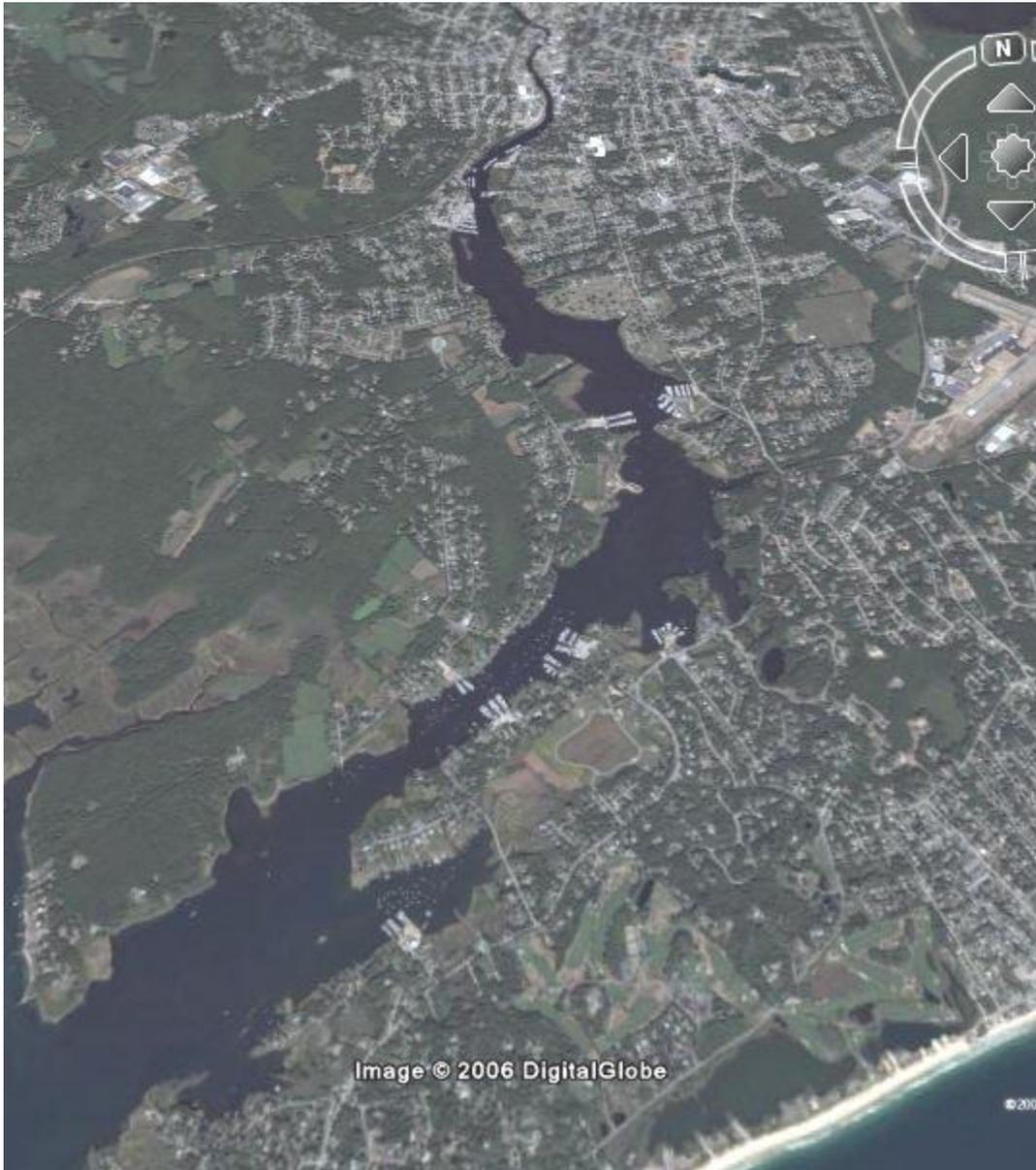

PAWCATUCK RIVER HARBOR MANAGEMENT



PLAN & ORDINANCE

10/14/2010 Draft

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BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON, IN LAWFUL TOWN MEETING DULY ASSEMBLED, THAT THE PAWCATUCK RIVER HARBOR MANAGEMENT PLAN & ORDINANCE BE ADOPTED AND ESTABLISHED BY THE TOWN.

PAWCATUCK RIVER HARBOR MANAGEMENT PLAN & ORDINANCE

INTRODUCTION

The Pawcatuck River provides a scenic border between the New England states of Connecticut and Rhode Island. This bi-state jurisdiction of a single river raises many challenges that demand creative and thoughtful solutions. This Harbor Management Plan & Ordinance examines these jurisdiction issues as well as other issues, makes proposals, and presents a regulatory ordinance based on the recommendations.

Pawcatuck River Harbor Management Commission Members

Scott Dilley, Chairman

Joyce Ballou

Steven R. Schaub

George Smith, Secretary

Bernard Chalecki (alternate)

Neil Orkney (alternate)

John O'Brien, Harbormaster, Ex Officio member

Charles Smith, Deputy Harbormaster

Updated Commission membership, as of 8/12/2010

Section 1: BACKGROUND INFORMATION (this information is based on websites and agency Information listed in APPENDIX A)

The Pawcatuck River and its estuary create a natural border between portions of southern Connecticut and Rhode Island. The glacially formed Pawcatuck River watershed spans an area of 317 square miles—260 square miles 82% in Rhode Island and 57 square miles 18% in Connecticut. It stretches approximately 23 miles north to south, 20 miles east to west, and discharges an average of 675 cubic feet per second of freshwater into the estuary at Pawcatuck, CT and Westerly, RI. The Usquepaug, Wood, and Ashaway rivers are the major tributaries of the Pawcatuck.

The freshwater drainage basin runs through rural uplands, woodlands, forests, and small towns that were once thriving mill villages. While scattered industries can be found along the river, large industrial complexes are somewhat isolated from its banks. In the estuary (the saltwater portion of the watershed), rural land use gives way to the urban center of Pawcatuck, CT and Westerly, RI. Industry is historically more common in this section of the watershed, due to the proximity of the ocean and availability of overland shipping to New York, Providence, and Boston.

Little Narragansett Bay, at the southern extent of the watershed, is shallow and provides protected waters for recreational boaters and a barrier beach at Napatree Point that is used extensively by summer beachgoers. Little Narragansett Bay also provides a high-quality ecological habitat for a variety of birds, fishes, invertebrates, marine plants, and occasional marine mammals, such as harbor seals.

1.1 History

The first known users of the Pawcatuck River were the Native American Indian tribes of Niantic, Pequot, and Narragansett, who hunted and fished throughout the extensive watershed. Although resident Indian tribes relied heavily on the natural resources of the watershed, their uses did not significantly alter the landscape characteristics of the watershed. European colonists soon exploited the protected waters of the estuary; and by 1680, shipbuilding was the most active occupation along the banks of the river, converting forest and marsh to commercial and residential uses. Shipbuilding proliferated into the 1800s when the Industrial Revolution shifted the attention of regional investors to industrial manufacturing. The river's naturally flowing waters provided a source of power for factories, and industrial development of the watershed began.

The first mills, along the Pawcatuck River were powered by water, ground grains for flour and meal with little harmful effect on the watershed. With the adoption of textile processing in nearby Providence, these gristmills were converted to wool and cotton processing, which produced wastewater that was discharged directly into the river. The largest textile processing factory, the White Rock Company, was founded in 1814 along the Pawcatuck River in the White Rock region of Westerly.

As textile mills flourished throughout the watershed, a series of dams were constructed along the Pawcatuck to harness waterpower for factories. With the growth of industry, river damming continued into the mid-1900s. Unfortunately, this practice ultimately led to the extinction of the Atlantic salmon population in the river by denying access to adult salmon returning upriver to spawn. As more factories appeared along the river and estuary, the growing demand for a work force drew more people into the region. As both the number of mills and people within the watershed increased, so did the extent and volume of industrial and municipal wastes discharged into the river, resulting in poor water quality. Increased pollution of the river continued into the 1950s, when the textile industry in New England abruptly collapsed and many of the region's factories closed. Many of the abandoned factories fell to ruin, but others were converted to new industrial uses.

Improvement of water quality conditions in the river and estuary began when the textile industry collapsed, reducing the volume of wastewater entering the river, and continued with the construction of

sewage treatment facilities in Westerly and Pawcatuck. However, planned control and abatement of pollutant discharges did not begin in earnest until passage of the Clean Water Act in 1972. With adoption of this Act, standards for wastewater discharge from industrial and municipal plants were instituted and water quality improved.

1.2 Current Water Quality

Water quality in the Pawcatuck River watershed has steadily improved over the past decade as more stringent pollutant discharge regulations were adopted. In addition, the development of new technology allows for better treatment of wastewater prior to its discharge. Although the signs of visible garbage, textile processing dyes, and floating sewage are no longer seen, the waters of the Pawcatuck River retain a tea-brown coloration. The coloration of the water is often mistaken for water pollution but is, instead, a natural product of the breakdown of leaves and organic material from the heavily wooded regions of the watershed.

Recent studies conducted by several teams of University of Rhode Island researchers, in cooperation with the R.I. Department of Environmental Management, have shown that the water in both the river and the estuary is generally of high quality, and provides healthy habitat for a wide variety of plants and animals.

Concentrations of metals, such as lead, copper, zinc, and nickel, have decreased over the past decade in waters entering the estuary from the Pawcatuck River. These metals generally were not found in concentrations considered to be harmful to aquatic life, according to U.S. Environmental Protection Agency standards.¹

Nutrients, such as nitrogen and phosphorus, are abundant in the river and estuary. Runoff from fertilized agricultural and residential areas, sewage treatment facilities, and septic systems add nutrients to rivers, streams, and groundwater throughout the watershed. One effect of excess nutrients is algae blooms and fish kills, but there is no evidence to suggest that the estuarine portion of the watershed has, or is, suffering similar symptoms. A heavy growth of "fouling" organisms on the blades of eelgrass in Little Narragansett Bay has been suggested to be the result of excess nitrogen in the estuary, but further study is required to determine if the level of nutrients in the river and estuary is affecting aquatic life.

Concentrations of bacteria measured in the river and estuary are high enough to prohibit use of shell fish resources in both the river and Little Narragansett Bay, which has been closed to shell fishing since 1948. But over the past few years, bacterial concentrations have improved to the point where shell fishing has been allowed in Rhode Island and/or Connecticut waters on a conditional basis since 1990. As bacterial sources are identified and controlled in the estuary, shell fish resources will become more consistently available to recreational users of both states in the future.

1.3 Present Use of River

While commercial and industrial activities along the river have declined over the past few decades, several marinas and residential uses have been developed. Two waste treatment facilities have been sited, one in each state, along the river. Underutilized industrial buildings are being considered for conversion to housing and retail space. The beauty of the river has created a demand for residential development along its shores.

The natural beauty of the river continues to attract the public for recreational uses. In total there are approximately 15 marinas on both sides of the river. In the 10 year period from 1979 to 1989, boat slips and

¹ Pathogen TMDL (Total Maximum Daily Load) analysis under initial development by RI DEM, assisted with field survey work by CTDEP in 2006, for a segment of the Pawcatuck River. Information is posted at <http://www.dem.ri.gov/programs/benviron/water/quality/surfwq/pdfs/irlist08d.pdf>.

moorings have increased by 60%.² Additionally, there are many private docks along the river securing one or more vessels. Increasing every year are the numbers of car-top boats utilizing the river: canoes, sea kayaks, single sculls, small sailing boats, rowing boats and other small craft. Most of these vessels are used during the quiet periods on the river and away from the federal channel to avoid potential conflicts with motorized vessels. There is also an increase in the use of personal watercraft (PWS) on the river.

The river has always been a fishery resource. Fishing for striped bass, bluefish and snapper blue from boats is popular. There is also much fishing from docks and shore. The river also is habitat for shellfish, however, individual harvesting of shellfish is prohibited due to contamination.

Improving the water quality of the river will be important to sustain its use as both an economic resource for food harvesting (i.e., fishing) as well as for recreational enjoyment. The river also serves as an economic asset, drawing people to it through the ongoing and possible future conversion of existing underutilized buildings into residential and commercial uses. Good stewardship, cooperation among stakeholders and reasonable controls will ensure the future health of this important asset.

The Connecticut Coastal Management Act administered by the Connecticut Department of Environmental Protection (CTDEP) Office of Long Island Sound Programs recommends that water-dependent uses be given preference and high priority within the coastal management boundary. Waterfront sites are a limited resource throughout the state and particularly on the Pawcatuck River.

1.4 The 1993 Pawcatuck River Study

In 1993, the National Oceanic and Atmospheric Administration funded a study entitled The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan in cooperation with the states of Connecticut and Rhode Island. The study group, consisting of diverse members from both states, spent four years studying issues relating to the river and gathering information from local, state and federal governments. The study identified specific tools available to preserve the usefulness and integrity of the river. Some of the recommendations include:

- More cooperation between the 2 states and between the bordering towns of Stonington (CT) and Westerly (RI);
- Improving water quality;
- Maintenance dredging;
- Need for mooring fields;
- Dock control;
- Vessel speed restrictions; and
- Public safety controls and enforcement.

None of these recommendations has had an opportunity to be implemented through other official plans, but an overlap with the concerns of a harbor management plan were found to be relevant and still applicable. This Harbor Management Plan recognizes the extensive research and study which the crafters of that document employed. This plan makes several references to the above-referenced study. For purposes of brevity, the document will be referred hereafter as the Interstate Management Plan.

1.5 Recreation Needs

The Pawcatuck River serves not only the recreational needs of town residents but also provides a recreational resource that is available for use by all residents and tourists. Public demand for fishing and boating access is on the increase based on figures from the Interstate Management Plan; for example, moorings and slips

² Source: July 1993, The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan

increased by 654 over a 10 year period.³ One can reasonably conclude that the need for public access points, boat slips and moorings will increase in the future.

There has been an observed increase in the numbers of car-top boats using the Pawcatuck River. Factors such as lower purchase cost, interest in physical exercise, and enjoying the estuarine environment are contributing to this increase in boat ownership. Additionally, local marinas are now renting canoes and kayaks to the general public for day use, and this opportunity introduces non-boat owners to the recreational potential of the river, and may be encouraging more people to purchase car-top boats of their own. While these small boat enthusiasts have no need for boat slips or moorings, they do require public access points to the river as well as upland support facilities such as passenger vehicle parking. Most of the waterfront land is privately owned. More public access points are needed along the Pawcatuck River for both car-top boaters and for owners of larger vessels to access moorings in the river, and for passive recreation such as hiking and picnics.

Most shorefront owners prefer to secure their vessels to their docks rather than place them on moorings; however, larger sailboats are often times moored off shore.

Section 2: HARBOR MANAGEMENT ANALYSIS AND RECOMMENDATIONS

2.1 Bi-State Pawcatuck River Commission

In 1989, The Connecticut General Assembly passed legislation creating a Bi-State Pawcatuck River Commission (CGS 25-160 to 25-164). The duties of the bi-state commission would be to promote the standardization of the rules and management programs undertaken by the towns along the river and to provide general review authorities for projects on the river in order to maintain, protect, and restore the river's resources. To be effective, the state of Rhode Island must pass similar legislation. As of this writing, this has not occurred.

The bi-state commission is needed to provide consistency in addressing the issues related to the river and its use. The Interstate Management Plan⁴ estimates over 1500 individual septic systems are located in the watershed, with most of them above the Route 1 Bridge and most with an average life of 15 years. These septic systems may someday cause water pollution problems downstream of Route 1. The Interstate Management Plan also notes that the in stream water quality monitoring programs of the states of Rhode Island and Connecticut are carried out in an independent and uncoordinated manner and are not coordinated with the U.S. Geological Survey (USGS) at the head of the estuary. The U. S. Environmental Protection Agency, in a February 1998 report, stresses the importance of taking a watershed approach as the most effective mechanism in achieving clean water. The Agency notes that: "The watershed approach is a land-based strategy that integrates water quality management activities within hydrologic defined basins or watersheds rather than politically defined boundaries".

The Interstate Management Plan also notes that because the river forms a border between two states, river problems such as needed dredging, uniform water quality classifications, uniform regulations, and cooperative enforcement are more difficult to address.

RECOMMENDATIONS:

- a) Identify Rhode Island residents interested in creating a Bi-State Commission and support efforts in Rhode Island to join Connecticut in establishing a Bi-State Pawcatuck River Commission;
- b) Request Connecticut legislators to work with Rhode Island legislators to pass complementary legislation to form a Bi-State Pawcatuck River Commission utilizing a watershed approach;
- c) A Bi-State Commission could utilize a consensus-building collaborative process to identify problems requiring immediate as well as long-term solutions; and

³ Source: July 1993, The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan

⁴ Source: July 1993, The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan

- d) Encourage town and state officials in both states to identify and inventory septic systems.

2.2 Water Quality

In an effort to achieve uniformity among the states, the Federal Clean Water Act established chemical and biological parameters for the measurement of water pollution. These parameters are utilized by states to establish water quality classifications. The 2004 WATER QUALITY REPORT TO CONGRESS, April 2006, by the CTDEP specifies that the 2004 monitoring of the waters of the Pawcatuck River Water Segment found one or more water uses were not supported. Furthermore, the report identifies possible sources of pollution and contaminants that were impacting the river's water quality. In the 2006 LIST OF CONNECTICUT WATERBODIES NOT MEETING WATER QUALITY STANDARDS, the upper segment of the river, defined as from Stanton-Weir Point to the Route 1 Bridge, had water uses that were not supported. Specifically, aquatic life support is impaired due to organic enrichment and low dissolved oxygen. Additionally, shell fishing is an impaired use due to the presence of "indicator bacteria". This document identifies the following potential sources as contributing to this impaired water quality: "marinas, municipal sewage sources, urban runoff/storm sewers, and waterfowl."

Shell fishing has been prohibited in the waters of the Pawcatuck River for years due to contaminants, particularly, bacterial. Possible sources of bacteria contaminants are listed as the Pawcatuck and Westerly water pollution control facilities (sewage treatment), storm water runoff, marinas, waterfowl, and other non point sources of pollution.

It is important to note that the Pawcatuck River Watershed is large (317 square miles) and geographically covers two states, with the largest portion lying in Rhode Island. It is estimated that over half of this area 65% is undeveloped. A major challenge, in future years, will be to minimize impacts of development on the watershed.

The CTDEP conducts and supports the monitoring of the Connecticut portions of the watershed and river estuary. The land of the watershed area accumulates contaminants. Rainfall and snowmelt flushes these contaminants into streams and water bodies and eventually into the river. This non-point source pollution is recognized as a major contributor to contaminants in our watershed. The CTDEP has issued Phase II Storm Water Permit (General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems [MS4]). This permitting process will bring improvements in the river's water quality as storm water systems are developed or existing systems upgraded. Particularly, such improvements may help reduce non-point source nitrogen and bacterial contamination of the river.

One pollutant of concern is nitrogen which allows excess algae growth which in turn leads to decreased water oxygen levels as the algae decays. Presently, the University of Connecticut at Avery Point is planning a study of eelgrass habitat and ecosystem metabolism in relation to nitrogen loading.

POLICY:

Prohibit the discharge or throwing of any refuse, waste matter, petroleum product, petroleum by-product, paint, varnish, or debris of any kind into the river. Refuse, includes but is not limited to, metal cans, plastic cans, plastic bottles, garbage, trash, and other types of metal, vegetation, lawn clippings and plastic material. CTDEP has designated Pawcatuck River and the entire Connecticut coastline of Long Island Sound as a "No Discharge Area".

RECOMMENDATIONS:

- a) Encourage Westerly, RI to establish a harbor management commission;
- b) Support research related to maintaining and improving water quality;
- c) Encourage occupants of vessels to use rest rooms on shore;
- d) Support outreach for education of the public regarding reduction of non-point source pollution into watershed. Support the efforts of the Town of Stonington to meet the goals of CTDEP's Phase II program;

- e) Encourage marinas along the Pawcatuck River to practice best management practices (BMPs) and to pledge to be a “Clean Marina” under the CTDEP’s “Clean Marina” program;
- f) Promote the CTDEP’s “Clean Boater” program to users of the river; and
- g) Target nitrogen and bacteria sources in non-point source management efforts.

2.3 Coastal Resources – Shellfish

The Connecticut Department of Agriculture, Aquaculture Division, and the Stonington Shellfish Commission manage shellfish beds. The goals of the Stonington Shellfish Commission are: a) Maintain and improve access to recreational shellfish resources; b) Manage commercial shellfishing interests to maintain and improve a traditional economic livelihood; c) Manage all shellfishing activities to provide benefit to the town of Stonington and its residents; and d) Strive for opening the river for harvesting of shellfish for direct consumption.

The Shellfish Commission reports that the upper river contains an excellent oyster habitat. Throughout the river, but predominately in southern areas, are hard clams. There are also, but to a lesser degree, blue mussels, bay scallops, and soft shell crabs. The taking of shellfish for direct human consumption has been prohibited since 1948.

POLICY:

Coordinate efforts with the Stonington Shellfish Commission to ensure mutually supportive policies.

RECOMMENDATIONS:

- a) Cooperate with Stonington Shellfish Commission to reach their goals; and
- b) Emphasize the need for improving water quality.

2.4 Public Access

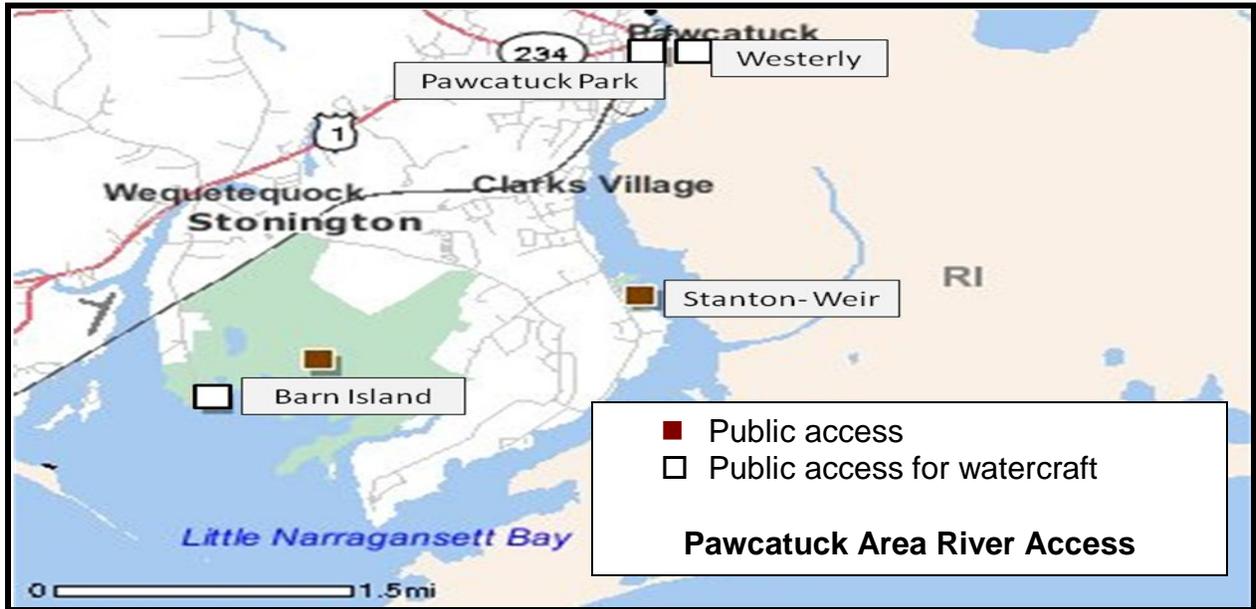
Historically, the river has been an important asset to the growth of Pawcatuck. The river has served many diverse needs of its community over the centuries: as a valuable breeding ground for shellfish, as an efficient transportation corridor for goods, as a recreational resource, and a vital economic force. Consequently, most of the access points to the river are privately controlled. Free public access to the Pawcatuck River for recreational use is limited. The river can serve the recreational needs of the public, but additional waterfront areas for passive recreation such as fishing, picnics, and hiking as well as launch areas for both large and small vessels is needed. Upland support such as vehicular parking for passenger vehicles and trailer vehicles is also needed. Most of the waterfront property is privately owned by individuals or homeowner associations sharing a private right-of-way.

Donahue Park (formerly known as Pawcatuck Park): A Town of Stonington public boat ramp for car-top vessels has been constructed at Donahue Park, which is located at the head of navigation (Corner Mechanic Street and West Broad Street, rear). The Park size is 0.79 acre and is marked for the parking of 40 cars but no boat trailers. The Park is an excellent origination point for low intensity watercraft users and fishing from shore. The users of this public access point are most likely to remain exclusively on the river for most of their journey.

The Stanton-Weir Property: Located along the shore of the Pawcatuck River is a parcel of land commonly known as “Stanton- Weir”, or “The Brink”. At present, this 26 acre parcel of land owned by the State of Connecticut, offers hiking trails and shoreline fishing.

Barn Island State Boat Launch Area: This boat ramp is located on Little Narragansett Bay. There is parking for vehicles and trailers. The mouth of the Pawcatuck River is about 1½ nautical miles away. Most of the users of this launch area on the river are headed for Long Island Sound. While the long-term preservation of this area for public access is ensured through state ownership, sites such as this along the river are limited.

Westerly Boat Launch Area: This boat ramp is located in Westerly RI.



In summary, free access to the river for the general public, on the Stonington side, is limited to both owners of large and small vessels. Efforts should be undertaken to identify and develop more public access points with sufficient upland support facilities such as parking.

RECOMMENDATIONS:

- a) Encourage the State of Connecticut to undertake improvement of publicly owned sites to enhance general public access to the water;
- b) Identify potential waterfront sites which can serve as public access points in the future and can accommodate upland support activities such as vehicular parking;
- c) Identify funding sources and lobby for state and local funds to purchase waterfront properties to increase public access;
- d) As the owners of underutilized industrial and commercial sites along the river apply to the Planning and Zoning Commission for adaptive reuses of their properties, request that a water-dependent use such as public access for passive recreation and/or small boat launching be incorporated into the site plan to gain new public access sites along the river;
- e) Encourage a variety of water-dependent uses along the river which contribute to the vitality of the river and increase public access and enjoyment of the river; and
- f) Encourage marinas to provide boat launch facilities to the general public.

2.5 Moorings

It is the intent of the PRHMC that moorings in the river be accessible to the general public on equal terms. In conformance with the policies of the Army Corp of Engineers (ACE), no arbitrary distinctions or requirements of any kind shall be made in allocating use of the river by the general public, including arbitrary fees. Information pertinent to harbor management shall be readily available to the public at all times.

The Greenhaven Marina is the only marina on the Connecticut side that has commercial moorings. It is located in the Greenhaven Shores section of the river.

Private moorings that are located in Federal Navigation Projects associated with any boating facility or may interfere with navigation need to be approved by the ACE.

For mooring tackle specifications refer to the ordinance section 5.10.

All mooring fields and commercial moorings require a permit from the ACE and CTDEP.

POLICY:

- a) Moorings should be permitted anywhere in the river subject to certain restrictions spelled out in the ordinance section of this plan;
- b) Moorings shall be available to the general public on equal terms;
- c) No arbitrary distinction or requirement of any kind shall be made in allocating moorings to the general public in conformance with the ACE “open-to-all on equal terms” policy;
- d) Information pertinent to harbor management, including but not limited to rules and regulations, lists of mooring holders, waiting list when needed and fee schedules, shall be readily available to the public at all times; and
- e) In no case shall any moorings be located in a Federal Navigation Channel or interfere with navigation.

RECOMMENDATIONS:

- a) Refer all applications received by the PRHMC for commercial moorings or mooring fields to the ACE and the CTDEP for approval and a permit;
- b) Permit moorings anywhere in the Connecticut waters of the Pawcatuck River for shore owners and for others that have access;
- c) Contact unpermitted mooring holders to remove their moorings, or apply for a permitted mooring which meets the requirements of this plan;
- d) The harbormaster/deputy harbormaster will have the authority to revoke and order the removal of a mooring for failure to comply with provisions of this plan including, but not limited to: failure to maintain a registered vessel as permitted for the mooring; failure to maintain adequate/safe mooring tackle; or failure to use the mooring; and
- e) Contact information for the harbormaster/deputy harbormaster and the PRHMC shall be made available at Town Hall to ensure that the public has access to information pertinent to harbor management.

2.6 Transient Anchorage

The Connecticut Harbor Management Act requires that a specific area be reserved for transient vessels. **(Refer to Section 4.3 Transient Anchorage)**

POLICY:

- a) Transients are encouraged to anchor within the designated anchorage area but may anchor elsewhere with the permission of the harbormaster/deputy harbormaster; and
- b) In no case shall any vessel anchor so as to cause an obstruction within the designated federal channel.

RECOMMENDATIONS:

- a) Make it convenient for transient vessels to anchor by establishing a transient anchorage and permitting anchoring elsewhere in the river; and
- b) Publicize fact that the river is a “No Discharge Zone” and only transient vessels with holding tanks will be permitted to anchor.
- c) Establish a Transient Anchorage area (N41.32511W71.85379 - N41.32438W71.85326 – N41.32337W71.85526 – N41.32424W71.85583).

2.7 Dredging

Maintenance of the federal channel is the responsibility of the ACE. Both the ACE and CTDEP regulate dredging in the river. The Interstate Management Plan has the following three comments on current dredging policy:

Comment on dredging in general: "Ongoing dredging operations to maintain channels and marina facilities potentially conflict with the estuary's role as a spawning, residence, and migratory fisheries".

Comment on dredging permits at the state level: Restrictions on timing, number, and conduct of dredging operations are necessary to prevent impacts to fishery resources. Additionally, the interstate coordination of dredging operations should be strengthened. The RI Coastal Resources Management Council (RI CRMC) and CTDEP should formalize these policies in a joint letter of agreement.

Comment on the maintenance of the federal channel: "There is currently no long-term plan for maintenance of the federal channel within the estuary. While the actual maintenance dredging operations are under the jurisdiction of the ACE, the federal programs governing such operations require a significant financial commitment and participation from local sponsors. Additionally, the ACE initiates such programs at the express request of local sponsors, or upon a demonstration of need; justification of the public need and benefits of the operation must be provided. The bi-state nature of the estuary acts to complicate these requirements".

Without the concerted activity of many groups, the outlook for maintenance dredging of the federal channel looks bleak. Because of limited funding, the present policy of the ACE is to defer maintenance dredging of federal channels that principally serve recreational vessels.

RECOMMENDATIONS:

- a) Stress the need for the formation of the Bi-State Pawcatuck River Commission to coordinate proposals for maintenance dredging for the river;
- b) Work with the town officials of Westerly, CTDEP and RI CRMC to formalize and publicize a dredging coordination agreement for the Pawcatuck River; and
- c) Develop a data collection procedure to record all relevant information pertaining to the need for maintenance dredging.

2.8 Docks

The Interstate Management Plan has the following remarks and recommendations on docks: "Private and commercial docks shall extend no further seaward than is necessary to gain reasonable access to navigable waters; projects requiring significant extensions into public waters to reach navigable waters shall be considered an indication of site unsuitability for structures and/or dock construction". The CTDEP and RI CRMC shall require the evaluation of less intrusive alternatives such as the combined use of shorter piers and moorings in the evaluation of such proposals.

Any person wishing to construct a dock must apply to the CTDEP and the ACE for authorization.

From navigational buoy N "6" there are very few places up river on the Connecticut side that have depths of 4 feet at Mean Low Water (MLW) mark outside the federal channel. In some areas, the distance between Mean High Water (MHW) mark and MLW mark may range up to 30 feet and in some areas of the river, the federal channel is relatively close to the shore.

POLICY:

- a) To the extent feasible, docks should be constructed such that consideration is given to small craft users who boat outside the federal channel;

- b) The Commission is supportive of efforts to create shared docks among waterfront property owners to lessen the proliferation of dock construction in the river;
- c) Permit shorefront property owners to moor vessels close to shore to avoid long docks;
- d) The CTDEP has final authority on dock construction approvals and permitting. The Pawcatuck River Harbor Management Commission may make recommendations in order to ensure safe navigation for all vessels; and
- e) A dock permit is required from the ACE.

2.9 Vessel Speeding Controls

It is necessary to review several observations made elsewhere in the findings part of this plan that are important factors in determining the best approach in making the river safe for all users. They are as follows:

- a) The navigable part of the river is about 4 miles long;
- b) An estimated 2200 vessels are berthed at approximately 15 marinas, 1 dockminium, and 1 yacht club. The majority of the vessels are powerboats over 25 feet in length. Over 60% of them are berthed in the upper part of the river;
- c) Rhode Island has built a two bay boat launch ramp near the head of navigation;
- d) Most of the boating traffic is involved in getting in and out of the river as quickly as possible;
- e) The federally maintained channel is officially 100 feet wide for about 3 miles up the river and is then reduced to a 50 foot width to the head of navigation. From the river mouth to about 1 mile upstream, the channel is in both Stonington and Westerly waters. For about the next mile upstream it is entirely in Stonington waters and upstream of this the channel is generally in both towns but there are areas when it is entirely in one town or the other;
- f) Most motorboat operators stay strictly in the channel because the depth of water outside the channel in many areas is only 1 to 1 1/2 feet; and
- g) Other vessel users on the river are canoeists, kayakers, and other low intensity watercraft users. The number of these low intensity vessels is increasing every year and their numbers should be encouraged.

POLICY:

To support Federal and State boat-operating laws and regulations. Both CT and RI have boating guides, which may be obtained for free at the office of the Stonington Town Clerk, contains a digest of the Connecticut boating laws and regulations. It also contains a digest of all the local boating ordinances of the towns.

RECOMMENDATIONS:

- a) Establish "Slow-No-Wake" Zones/Speed Limits";
- b) Publicize the Vessel Operating Ordinance (see section 6.1) by posting it at marinas and requesting that it be included in the local town ordinance section of the Connecticut Boater's Guide; and
- c) Work closely with Westerly, RI to establish a uniform vessel operations regulation for the entire river, lessening confusion of boaters and providing fair treatment of boaters along the river.

2.10 Enforcement

Boating is made safer and more pleasant for everyone when public safety enforcement occurs on a regular, fair and consistent basis.

The Stonington Department of Police Services and The Westerly Police Department are responsible for enforcement of local and state regulation on the Pawcatuck River.

No police training is provided to Connecticut harbormasters, and the CTDOT has advised harbormasters that have not been certified as law enforcement officers to report violations to the local police departments or other law enforcement authorities rather than become directly involved with citizen arrests of alleged violators. The harbormaster and deputy harbormaster work in coordination with local, state,

and federal law enforcement agencies to ensure proper enforcement of the state's boating laws and regulations, and for communication of those statutes and regulations, as necessary, to the public.

RECOMMENDATIONS:

- a) Identify "high use" periods on the river which would benefit most from a marine patrol presence.
- b) Identify and establish "Slow-No-Wake" zones where necessary;
- c) Strive to get consistent and economical enforcement on the river by working with the Stonington Department of Police Services and the board of Police Commissioners to have regular and consistent patrols of the river, especially during high use periods;
- d) Urge the Town of Stonington to appoint a town marine officer who will patrol the river during busy periods. When not in use, said vessel should be secured in such manner that all users of river are aware of it;
- e) Determine locations where harbormaster/deputy harbormaster and other emergency vehicles can access the river quickly when necessary;
- f) Encourage coordinated boating law enforcement with Westerly, R.I. enforcement authorities;
- g) Encourage coordinated radio/dispatch activities between Connecticut and Rhode Island so the two states can communicate and work in concert when patrolling the river; and
- h) Encourage the harbormaster/deputy harbormaster to regularly patrol the river in a visibly marked "HARBORMASTER" vessel.

Pawcatuck River Harbor Management Implementing Ordinance

Section 3: GENERAL PROVISIONS

3.1 Enforcement Authorities

The Stonington Police Department, town marine officers appointed in accordance with Section 15-154 and 15-154a of Connecticut General Statutes, enforcement officers of CTDEP have enforcement authority.

3.2 Duties of harbormaster/deputy harbormaster

The harbormaster and deputy harbormaster have a distinct and essential role for ensuring public safety and managing the Pawcatuck River in the public interest. Theirs is the job of maintaining an orderly haven where all vessels, including commercial fishing boats, workboats, recreational sail and power boats, personal water craft, and even small non-motorized craft such as canoes and kayaks, may coexist in safety and harmony.

The harbormaster and deputy harbormaster are appointed by the Governor in accordance with Chapter 263, Sec. 15-1 of the Connecticut General Statutes. This section provides for three-year terms of appointment that may be extended until a successor is appointed. Sec. 15-1 also specifies that the harbormaster is responsible for the general care and supervision of the navigable waters over which he/she has jurisdiction; that he/she is subject to the Commissioner of Transportation; and that he/she is responsible to the Commissioner of Transportation for the safe and efficient operation of such waterways in accordance with other provisions of the Connecticut General Statutes.

The harbormaster and deputy harbormaster work closely with a number of federal, state, and local agencies, including the ACE, Coast Guard, Department of Homeland Security, CTDEP, the PRHMC, and the Stonington and Westerly police and fire departments. The State agency with administrative authority over the harbormaster and deputy harbormaster is the CTDOT.

The powers and duties of the harbormaster and deputy harbormaster are established in the Connecticut General Statutes, Chapter 263, including Sections 15-1 through 15-9 and other sections. One important responsibility is keeping the navigation channel and established fairways clear of obstructions. The harbormaster and deputy harbormaster are also empowered to enforce the provisions of the Connecticut General Statutes concerning the removal of abandoned and derelict vessels, including Sec. 15-11a, 15-140c and Chapter 444a, Sec. 22a-113r.

The Corps is the primary agency for granting Federal approval of mooring locations and a General Permit required by the CTDEP has delegated to the harbormaster approval authority for the installation of individual (non-commercial) moorings. Section 15-8 of the Connecticut General Statutes gives the harbormaster authority to assign mooring locations and require all mooring users to apply for mooring permits.

The tidal waters, navigable waterways, submerged lands, and inter-tidal areas adjacent to Connecticut shores are held in trust for the general public by the State of Connecticut. The harbormaster's local knowledge is a valuable resource in assisting the various State and Federal regulatory agencies, including the ACE and CTDEP, in ensuring that these Public Trust waters are managed for the benefit of the general public. In this regard, the harbormaster is sent copies of notices of applications for state and federally regulated activities within his jurisdictional waters, including applications for docks, piers, dredging, and other work affecting navigable waters and applications for mooring fields (areas intended for multiple mooring locations). The harbormaster is asked by the regulatory agencies to evaluate what effect the proposed activity may have on navigation and to provide a written recommendation for approval, disapproval, or modification of the application.

Chapter 444a, Section 22a-113r of the Connecticut General Statutes states that upon adoption of a Harbor Management plan, no mooring may be placed in the river without a permit from the harbormaster/deputy harbormaster. The harbormaster/deputy harbormaster therefore retains sole authority for the placement of mooring tackle after the adoption of the plan, with the additional requirement that all mooring tackle must be placed in a manner consistent with the policies and provisions of the approved plan. In addition, the harbormaster/deputy harbormaster is charged by Section 22a-113s C.G.S. with collecting any fee established by the PRHMC for an annual mooring permit. That fee must be deposited into a special municipal fund that may only be used for maintenance and improvement of the river for the public, and expenses incurred by personnel and for equipment directly related to the function of the harbor management commission and the harbormaster or deputy harbormaster.

Section 15-1 of the Connecticut General Statutes requires the harbormaster/deputy harbormaster to exercise his or her duties in a manner consistent with any approved and adopted harbor management plan for the waters over which he or she has jurisdiction. Also, Sec. 22a-113k C.G.S. specifies that the harbormaster or deputy harbormaster for any municipality with a duly established harbor management commission shall be a nonvoting, ex-officio member of that commission. Further, for any town with an approved and adopted plan, under Sec. 15-1 C.G.S. the Governor must appoint the harbormaster and deputy harbormaster from a list of not less than 3 nominees provided by that town's harbor management commission.

The harbormaster and deputy harbormaster are state officials as defined under Sec. 4-141 of the Connecticut General Statutes and, as a consequence, are generally protected from liability and entitled to indemnification and representation for acts performed in the discharge of their duties, provided those acts are not wanton, reckless, or malicious. Duties of the harbormaster and deputy harbormaster:

- a) Enforce the Harbor Management Plan;
- b) Issue permits for moorings;
- c) Prepare and make available a current waiting list for mooring permits and moorings available in any given year;
- d) Keep records of the location of all moorings and vessels;
- e) Collected mooring fees will be reported for monthly deposit into the Harbor Management Fund. All fees must be paid by check or money order payable to: Town of Stonington PRHMC;
- f) Harbormaster or deputy harbormaster acts as a non-voting, ex-officio member of the Harbor Management Commission;
- g) Keep commission informed, on a monthly basis of the number of mooring applications received and the name, address, and telephone number of applicant(s), the number of mooring permits issued and name of permittee; money collected; update on waiting list information (Mooring Permit Application Log); written notification of guest use of permitted moorings; requests for extension of overnight usage of moorings, and actions taken regarding moorings: i.e. relocation, tackle inspection and/or replacement, violations, etc.; and
- h) Act promptly on all directives given by the PRHMC.

3.3 Violations

Any violation of this ordinance shall be a municipal infraction and is punishable by a fine up to \$85.00 as provided under Connecticut General Statute, Section 7-148. Each day of violation shall be considered a separate offense and subject to a separate citation. Nothing in this section shall preclude the imposition of a greater penalty as provided for in United States and Connecticut Laws, or for prosecution for violations of any other relevant federal, state or local law or regulation.

3.4 Pawcatuck River Harbor Management Fund

- a) In accordance with Sections 22a-113l of Connecticut General Statutes, a Pawcatuck River Harbor Management Fund is hereby established to receive and expend monies for administering the Pawcatuck River Harbor Management Plan;
- b) All fees generated will be deposited into said fund, in accordance with the provisions of Section 22a-113s of the Connecticut General Statutes. The Board of Selectmen will not authorize any expenditure from said fund without the prior recommendation of the Commission; and
- c) No member of the PRHMC or the harbormaster/deputy harbormaster shall receive compensation from said fund for services, but may be reimbursed for any necessary expenses.

3.5 Appeal Procedure

Any person who is aggrieved regarding any harbormaster's decision or action may appeal to the commission no later than 30 days following receipt of decision or knowledge of action by sending a typed or written grievance by certified mail to:

Pawcatuck River Harbor Management Commission
152 Elm Street
Stonington, CT 06378

- a) The grievance shall be listed on the regular meeting's agenda. A copy of the meeting's agenda shall be mailed to the aggrieved party and he/she can have a dialog with the commission members at that meeting as well as any subsequent meeting in which the grievance is listed on the agenda.
- b) The commission may also elect to hold a special meeting regarding the grievance and the same procedures listed above shall apply.
- c) In any case, the commission's decision shall be rendered within 65 days from receipt of appeal request.

Section 4: GENERAL USE REQUIREMENTS

4.1 Floating Homes

Floating homes are forbidden on the Pawcatuck River.

4.2 Derelict Vessels

Section 15-11a of the Connecticut General Statutes, which section sets forth the process and procedures associated with derelict vessels, shall be complied with when removing a derelict vessel.

4.3 Transient Anchorage

- a) The proposed transient anchorage area is a 400 foot by 200 foot rectangular area that is located near Navigational buoys C "1" and C "3" in the river (N41.32511W71.85379 - N41.32438W71.85326 – N41.32337W71.85526 – N41.32424W71.85583). The Transient Anchorage area is shown on the Transient Anchorage Area Chart (see below);



- b) With an advance request to the harbormaster/deputy harbormaster giving the reasons why such a location is needed, the harbormaster/deputy harbormaster, after evaluating all the pertinent conditions, may permit transient anchoring anywhere in the river;
- c) Vessels must be anchored securely so as to remain within the designated areas at all times and under all conditions. Vessels shall not encroach into the federal channel.
- d) Space in the transient anchorage area is available on a first-come, first-served basis. The Town of Stonington does not provide moorings for transient vessels;
- e) All occupants of a transient vessel must obey the sanitation requirement given in Section 6.3: Water Quality – No Discharge Zone, of this plan;
- f) Vessels in distress may temporarily anchor in transient area;
- g) Any vessel remaining in the transient anchorage for more than 14 days will be considered permanent and must apply for a mooring permit to the harbormaster.

Section 5: MOORINGS

5.1 All Moorings Shall Be Permitted

All private moorings within the jurisdiction of the PRHMC shall have a valid permit from the harbormaster/deputy harbormaster. Moorings that are located in Federal Navigation Projects associated with any boating facility or may interfere with navigation need to be approved by the ACE. All commercial moorings require a permit from the CTDEP and the ACE.

5.2 Mooring Permit Fees and Requirements

Mooring permit fees in Federal anchorages shall be used to offset the cost of necessary management and ancillary facilities and services based on actual costs incurred associated with water related, recreational activities. In accordance with guidelines set forth in CT State Statute Section 22a-113s, the following fee schedule will be applied:

An annual fee of \$25.00 will be charged for each permitted private mooring.

An annual fee of \$75.00 will be charged for each permitted commercial mooring installed.

- a) Any individual, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind shall be considered a valid applicant for a mooring provided the vessel to be attached to the mooring is registered in the entity's name and has a current CT registration number or equivalent as described in paragraph (e) below;
- b) All principals or shareholders constituting legal entities shall be disclosed and shall not be eligible to apply for a mooring as individuals or members of other legally recognized entities;
- c) Mooring Permit Application forms are available at the town clerk's office, from the harbormaster/deputy harbormaster, and on the internet at: http://www.ct.gov/dot/lib/dot/Documents/dpermits/ap_imsf.pdf;
- d) Applicant shall complete the application in full;
- e) For a documented vessel, applicant shall show proof of current certificate of documentation and current Connecticut Department of Motor Vehicles certificate of decal. For a vessel numbered in another state, applicant shall show proof of current registration in that state and a current Connecticut Department of Motor Vehicles certificate of decal;
- f) A completed Mooring Application must be mailed to the harbormaster, Pawcatuck River Harbor Management Commission, 152 Elm Street, Stonington, CT 06378;
- g) The annual mooring permit application fee is not refundable unless the application is rejected by the harbormaster/deputy harbormaster. All fees should be paid by check or money order made payable to the: Town of Stonington, PRHMC. Refer to Mooring Permit Fee Schedule above;
- h) Holders of existing mooring permits shall be allowed continued use of their mooring provided that the mooring was in place prior to enactment of this ordinance and the vessel designated for the mooring has a current registration;
- i) If a vessel is not placed on a permitted mooring, the permit will be revoked and the mooring shall be removed at the owner's expense or a letter of explanation as to why a vessel has not been placed on the mooring must be received by the harbormaster/deputy harbormaster;

5.3 Mooring Locations

Moorings may be placed in the river areas covered by this harbor management plan (from the Route 1 Bridge to the mouth of the river). The vessel owner must identify the proposed mooring site. The vessel owner is responsible to ensure that there is adequate mean low water depth to accommodate their vessel at the proposed site and to ensure that there are no submerged hazards. The harbormaster/deputy harbormaster shall consider the following factors before approving the mooring location:

- 1) Mooring may not be located in a Federal Navigation Channel;
- 2) Vessel swing on the proposed mooring must be at least 5 feet from the federal channel and 50 feet from the mean high water mark of the shoreline unless otherwise approved by the harbormaster;
- 3) Vessel dimensions must be suitable for site, type and swing of mooring tackle;
- 4) Shorefront owner's right to reach channel and other relevant factors affecting safe navigation and potential impact on coastal resources must be addressed;
- 5) There must be no adverse impact to coastal resources or habitat; and
- 6) There must be no encroachment into leased or deeded shellfish beds.

5.4 Mooring Placement

- a) After the harbormaster/deputy harbormaster determines that the applicant has submitted a completed mooring permit application which meets all requirements for a mooring, the harbormaster/deputy harbormaster shall mark the specific location of the mooring site with a float supplied by the applicant and printed with the applicant's last name and permit number. The applicant shall have the mooring placed at that precise location. Upon verification of proper location by the harbormaster/deputy harbormaster, the applicant shall receive a mooring permit;
- b) Only buoys of permitted moorings, official regulatory and navigational buoys and floats, and Commission approved buoys, floats and signs are permitted on the river. All other buoys and floats, not permitted, must be removed. If not removed by owner, the harbormaster/deputy harbormaster will remove them on orders from the Commission and all associated expenses will be incurred by the owner;
- c) The harbormaster/deputy harbormaster and PRHMC shall refer to "Guidelines for the placement of fixed and floating structures in navigable waters of the United States regulated by New England District, ACE"; and
- d) Buoys will be consistent in color and shape, and of proper size to be approved by the harbormaster/deputy harbormaster. (refer to section 18)

5.5 Mooring Records

The harbormaster/deputy harbormaster shall keep a record of each mooring and its location; the owner's name, home address, (business address if applicable), and telephone number(s); date mooring was set; means of access to vessel and name, length, draft, and type of vessel. A copy of the Connecticut registration of vessel or documented vessel with certificate of decal must be attached to the mooring permit.

5.6 Renewal of Mooring Permit and Requirements

- a) All mooring permits shall expire on the 31st day of December next following its issuance;
- b) Applicants are responsible for obtaining and submitting a completed mooring permit to the harbormaster/deputy harbormaster;
- c) A grace period lasting until the last calendar day of March is allowed, after which period applications received will be treated in the same manner as original applications;
- d) Mooring sites that have not been renewed will be made available to the public;
- e) Mooring renewal fee: All fees should be paid by check or money order made payable to the: Town of Stonington PRHMC, 152 Elm Street, Stonington, CT 06378;
- f) New mooring permittee's mooring tackle to be inspected within 6 years of original placement, all other mooring tackle to be inspected every 4 years. Inspections must be certified, dated and show name of person making inspection when applying for annual 4th year mooring permit; and
- g) As a prerequisite for mooring permit renewal, the permit applicant must certify that their mooring tackle meets or exceeds the PRHMC's minimum mooring tackle specifications and indicate the date when the mooring tackle and equipment was last inspected.

5.7 Mooring Permit Transfers

- a) The only allowed transfer of a mooring permit is within the owner's immediate family. Such transfer must be documented by filing a new application with the harbormaster/deputy harbormaster and such application will be marked "TRANSFER" until the next renewal application is filed;
- b) Whenever a permittee parts with possession of or transfers the title or interest in the vessel identified in the mooring permit to another person by any arrangement whatsoever, the permit shall expire, except as otherwise provided herein with respect to the original permittee. The new possessor, transferee or owner of said vessel shall have no right to use the mooring space covered by the mooring permit;
- c) The original permittee, on sale of his/her vessel, may retain the mooring space assigned under his/her mooring permit provided that another vessel owned by the permittee is moved to the mooring within 60 days (unless the period is extended by the harbormaster/deputy harbormaster because of special circumstances involved) and the permittee continues to pay the required fee. If the replacement vessel is significantly

smaller, larger, or of different draft or type, the harbormaster/deputy harbormaster shall have the right to relocate said vessel to another, more suitable mooring; and

- d) The harbormaster/deputy harbormaster shall be notified if a mooring permittee moves another vessel to a permitted mooring.

5.8 Private Moorings – Guest Use

- a) Moorings are intended for use by permittee of the mooring, however, guests of the permittee may use a mooring for not more than 14 days June 1 to October 31 (calendar year). Extension of this time limit may be granted at the discretion of the harbormaster/deputy harbormaster;
- b) Private moorings cannot be leased or rented out;
- c) The permittee is responsible to notify the harbormaster/deputy harbormaster in writing of any guest use providing the dates of use and the registration number of guest vessel. Notifications can be mailed to the Pawcatuck River Harbormaster, Town of Stonington PRHMC, 152 Elm Street, Stonington, CT 06378; and
- d) Failure to notify the harbormaster/deputy harbormaster, in writing, shall be subject to determination by the PRHMC that the permittee is using his/her mooring in violation of this plan resulting in a possible civil infraction up to \$85.00 per day of use.

5.9 Commercial Moorings

- a) Commercial Moorings may not be placed in the river without proper CTDEP and ACE permit(s);
- b) Once approved by the ACE an application for commercial mooring shall be accepted only from a marina facility located in the jurisdiction of the Commission. Commercial moorings will not be permitted to anyone else. The permitted commercial moorings will be in the name of the marina and shall be renewed annually; and
- c) A vessel secured to a commercial mooring, for a period greater than 60 days, must have a current Connecticut Department of Motor Vehicles registration or, if applicable, a current registration from another state and a current Connecticut Department of Motor Vehicles certificate of decal, or a current certificate of documentation and a current Connecticut Department of Motor Vehicles certificate of decal.

5.10 Mooring Tackle Specifications

Utilization of proper mooring tackle is necessary to secure vessels adequately at their moorings.

Unless changed by the harbormaster/deputy harbormaster, under the direction of the PRHMC, the following minimum mooring tackle specifications shall be followed when installing a mooring in the river:

BOAT LENGTH	MUSHROOM ANCHOR	PYRAMID ANCHOR	BOTTOM CHAIN	TOP CHAIN	PENNANT
Up to 13 feet	100#	70#	3/8 inch	3/8 inch	1/2 inch
13+ to 19 feet	150#	135#	1/2 inch	3/8 inch	1/2 inch
19+ to 25 feet	200#	400#	1/2 inch	1/2 inch	5/8 inch
25+ to 29 feet	300# (75# shaft wt)	500#	5/8 inch	1/2 inch	5/8 inch
29+ to 39 feet	500# (75# shaft wt)	700#	3/4 inch	5/8 inch	Two at 5/8 inch or 3/4 inch
39+ and over	700# to 1,000# (135# shaft wt)	2,000#	3/4 inch	5/8 in	1 inch

Minimum Mooring Anchor/Chain Size Requirements

Length of chain shall be at least 3 feet longer than the depth of Water at Mean High Water where the mooring is located.

Total length of chain and pennant – shall be equal to at least 3 times the depth of water at Mean High Water (MHW) where the mooring is located, but shall not be more than 4 times the depth of water at MHW without permission of the harbormaster/deputy harbormaster.

Mooring pennants (hawsers) shall be Y or doubled, three strand nylon or equivalent, shall be fitted with thimbles of appropriate size where they are attached to chain or metal fittings, shall be shackled directly to the chain, and shall be equipped with adequate chaffing gear where they pass through chocks or hawser holes.

Length of mooring pennants (hawsers) shall be 2 1/2 times the distance from the waterline to top of the stem, plus the distance to the deck cleat.

Shackles shall be at same size as the chain or larger.

Swivels, if used, shall be one size larger than the chain to which they are connected.

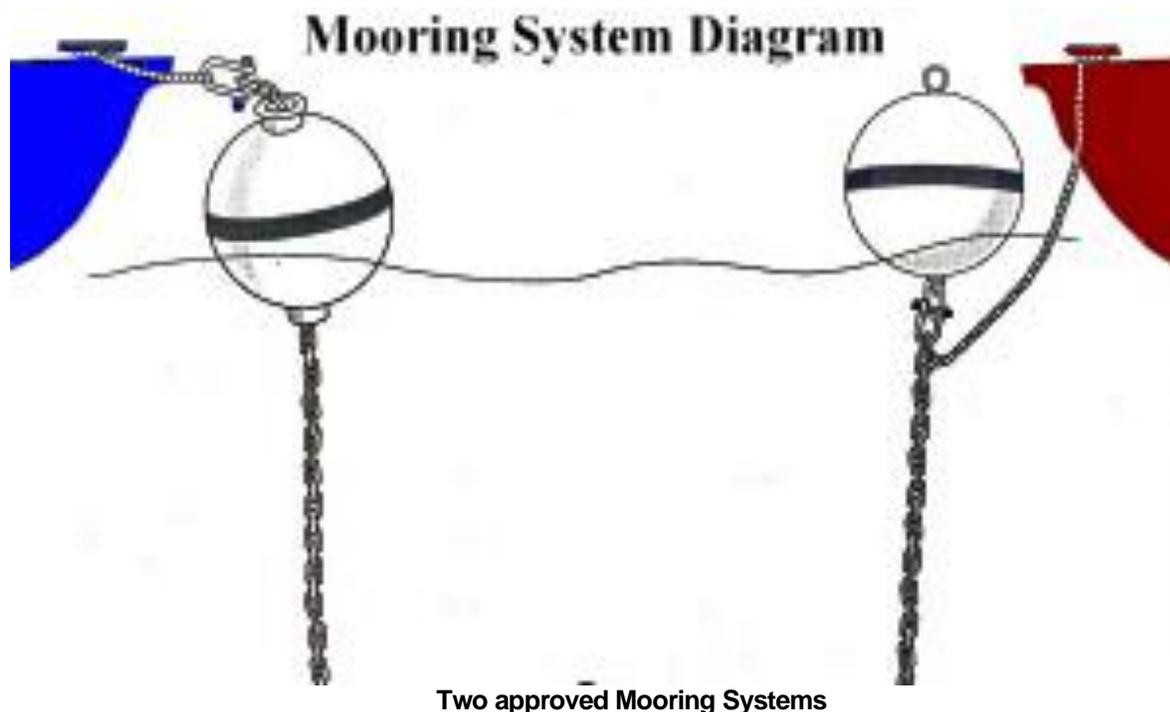
Shackles and swivels shall be safety wired or welded to prevent loosening.

Screw anchors shall be installed by a licensed installer certified by the anchor manufacturer and approved by the harbormaster.

Location of all permanent mooring anchors, including blocks, shall be assigned by the harbormaster, and exact latitude / longitude positions, using GPS or other approved system, must be obtained and recorded during the installation, and provided to the harbormaster.

All concrete mooring blocks located within environmentally sensitive resource areas shall be removed and replaced by an approved alternative anchor within 5 years from the date the areas are designated and approved by the harbormaster.

All mushroom and pyramid anchors shall be equipped with an appropriately sized shank weight to assist in the proper 'setting' of the mooring.



Mooring buoy will be molded, formed, or fabricated from rubber, plastic, or fiberglass only (steel buoys are not allowed) and must be capable of sufficient buoyancy to float at least 50% of the buoys mass at MHW. Minimum diameter is 12 inches wide. It shall be white in color with a 1 horizontal blue stripe halfway between the water and top of buoy.

Identification of moorings

The last name of the owner (permit) holder shall be 1 inch in height. The assigned mooring permit number will be permanently and legibly displayed on the mooring buoy or winter spar in block characters (letters and Arabic numerals) of at least 2 1/2 inches in height and must contrast in color with the background.

Winter spars shall –

- Be white in color with a blue band;

- Be upright at an angle of not less than 45 degrees at any period of tide and have a minimum of 18 inches exposed;

- Not be used between June 15th and October 1st; and

- Be identified with the owner's last name and assigned mooring permit number.

The Pawcatuck Harbor Management Commission reserves the right to change mooring tackle specifications and inspection requirements, as needed, to ensure that safe and adequate moorings are maintained.

Warning: Coastal storms and hurricanes must be considered when selecting and installing mooring tackle. No minimum standards can assure absolute protection for all vessels at all times and under all conditions. No representation of adequacy is made by this section or by the harbormaster's acceptance of proposed tackle.

5.11 Removal of Moorings

After the adoption of this plan by the Town of Stonington: If a mooring permittee does not have a valid permit or whenever the Harbor Management Commission has determined that a mooring needs to be removed or relocated because it violates this Harbor Management Plan, the harbormaster shall notify in writing (using certified or regular mail with delivery tracking) the permittee that the mooring must be removed/relocated within 30 days from the receipt of said notification. If it is not removed or relocated, the harbormaster may cause such mooring to be removed or relocated and the permittee shall be responsible for all associated costs.

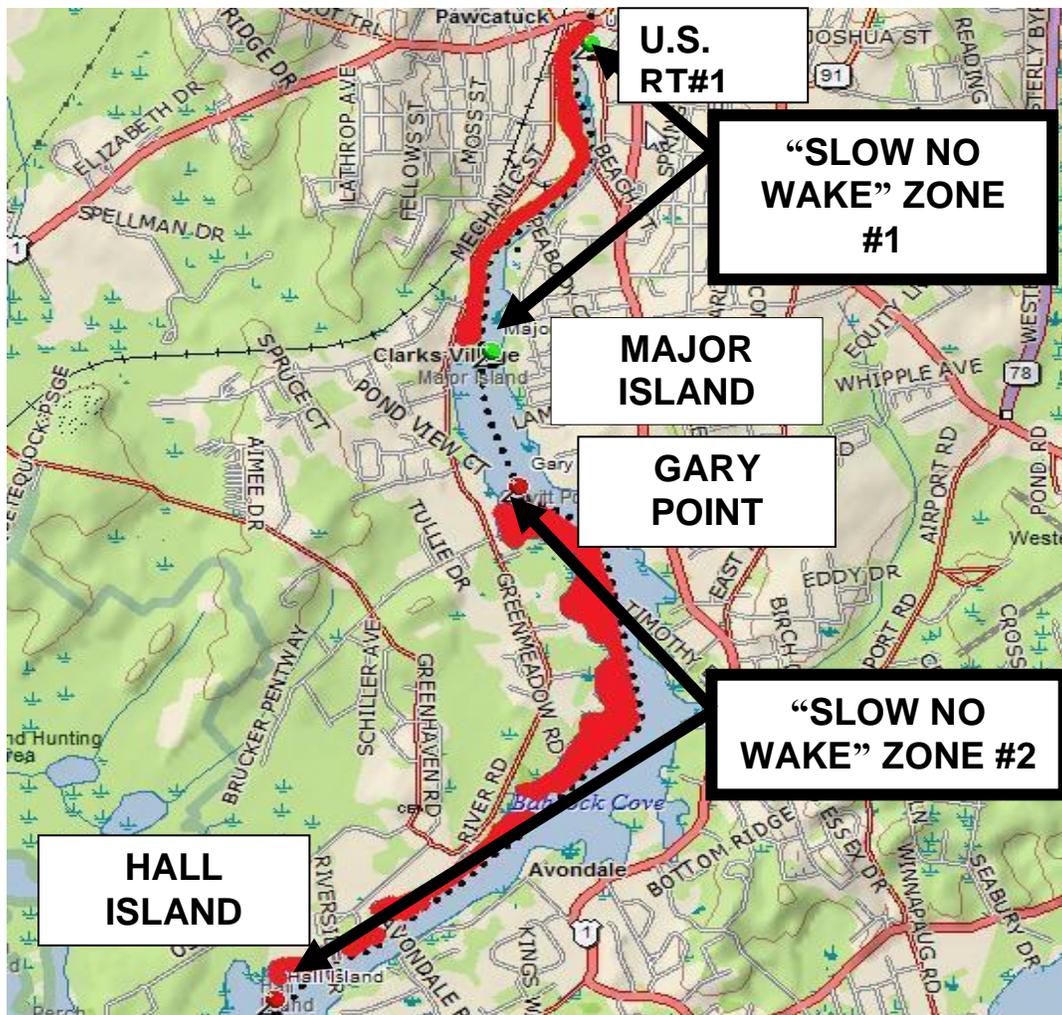
After the adoption of this plan by the Town of Stonington: In the case of a mooring placed, after said date, and not having been granted a permit by the harbormaster, the person or persons responsible or who caused such mooring to be placed in the river without a mooring permit by the harbormaster shall be responsible for any and all costs associated with the removal of said mooring. The harbormaster shall notify in writing (using certified and or regular mail with delivery tracking) that the mooring shall be removed within 30 days from the receipt of said notification. If it is not removed, the harbormaster shall cause such mooring to be removed and the permittee shall be responsible for all associated costs.

Section 6: Other Issues

6.1 Vessel Operating Ordinance

For that part of river in Commission's jurisdiction:

Speed Limits on certain sections of the river shall be designated **"SLOW-NO-WAKE" Zones**. A zone within which (or designated within which) a vessel shall not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hour (ground speed). A boat's wake must not be excessive nor create a hazard to other vessels;



PROPOSED "SLOW NO WAKE" ZONE'S

- The Pawcatuck River Harbor Management Commission reserves the right to designate other areas of the area under its jurisdiction "Slow-No-Wake" Zones in the future;
- The overall maximum speed limit for the Connecticut waters of the Pawcatuck River shall be 30 mph during daylight hours, 25 mph during night hours; and
- This does not supersede the Connecticut Boating Laws and Regulations, which also applies to the river. Please note chapter titled "Restricted Operating Distances and Speed Areas" in the Connecticut Boater's

Guide, published and distributed by the Connecticut Department of Environmental Protection, that annually provides guidelines for boat operators;

- d) Proposed "Slow-No-Wake" Zones require permits prior to any buoys or signs being placed;
- e) Enforcement of designated "Slow-No-Wake Zones" can only be enforced up to the RI-CT boundary; and
- f) It shall be a violation of this section to operate a vessel in excess of Slow-No-Wake in the following areas: Zone #1 between U.S. Route 1 and Major Island, and Zone #2 between Gary Point and Hall Island.

6.2 Permitted Floating Objects and Structures

Only floating objects approved by the U.S. Coast Guard, the CTDEP and the PRHMC are permitted on the river. All other floating objects and structures are not permitted and must be removed.

6.3 Water Quality – No Discharge Zone

Connecticut State Law has designated the area covered by the Pawcatuck Harbor Management Plan as a NO DISCHARGE ZONE. This means that no vessel may discharge any waste into the river waters. The discharge or throwing of any refuse, waste matter, petroleum product, petroleum by-product, paint, varnish, or debris of any kind into the river is prohibited. Refuse, includes but is not limited to, metal cans, plastic cans, plastic bottles, garbage, trash, and other types of metal, rubber and plastic material.

Treated and macerated human waste cannot be discharged. Several marinas have pump out facilities. The harbormaster will notify appropriate authorities of any suspect or known discharge within the waters of the PRHMC's jurisdiction.

Section 7: Miscellaneous Provisions

7.1 Modification of Harbor Management Plan

Any modifications to the Pawcatuck River Harbor Management Plan must be approved at a Stonington Town Meeting, including the requirement that they be adopted by the legislative bodies of the Town of Stonington.

7.2 Glossary of Terms

Abandoned Vessel: Any vessel 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 property owner for a period greater than 24 hours.

Active Recreational Use: Recreational uses generally requiring facilities and organization for participation and/or having a more significant impact on the natural environment than passive recreational uses.

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

Anchorage: A non-channel water area that is designated for the safe anchoring of vessels.

Anchoring: To secure a vessel temporarily to the bottom of a water-body by dropping an anchor or anchors from a vessel.

Army Corps of Engineers (ACE): The ACE is the principal Federal agency with roles and responsibilities pertaining to harbor management in Connecticut. These roles and responsibilities include authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain Federal navigation projects.

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

Buoy: A float; especially a floating object moored to the bottom of a water-body to mark a channel, mooring location, restricted speed area, or the location of something beneath the surface of the water such as a rock or shoal.

Channel: A water area specifically designated for unobstructed movement of vessels, shown on navigation charts, and marked in-water by aids to navigation. The Pawcatuck River navigation channel through the Pawcatuck River Harbor Management Area is a Federal navigation channel authorized by Congress and maintained by the ACE.

Combined Sewer Overflows (CSOs): Discharges from a sewerage system that carries both sanitary sewage and storm water runoff. Normally, combined sewers carry all wastewater to a treatment facility. During storm events, however, storm water volume may be so great as to cause overflows. When this happens, untreated mixtures of storm water and sanitary sewage may flow into receiving waters.

Commercial Mooring: A mooring as defined by the ACE for which any type of fee is charged, (excepting any fee charged by a municipality for a mooring permit issued by that municipality's harbormaster) and which must be authorized by a permit from the ACE, the CTDEP and the harbormaster.

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 Department of Environmental Protection (CTDEP): The principal State agency responsible for management of the State's natural resources. Among other responsibilities, the CTDEP's Office of Long Island Sound Programs (OLISP) has responsibilities for implementing the Connecticut Harbor Management Act and for approving structures and other work affecting the coastal and navigable waters of the State, including the Pawcatuck River.

Connecticut Department of Transportation (CTDOT): The principal State agency responsible for management of the State's Transportation resources. CTDOT works with the public, transportation partners, state and federal legislators, and other state and local agencies to provide a safe and efficient transportation system for the people traveling in Connecticut.

Connecticut Harbor Management Act: The legislation contained within the State of Connecticut General Statutes, Section 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.

Contaminant: A chemical or biological substance in a form that can be incorporated into, onto, or be ingested by and that harms aquatic organisms, consumers of aquatic organisms, or users of the aquatic environment. A contaminant that causes actual harm is sometimes referred to as a pollutant. (See Pollutant)

Cultural Resources: Natural and man-made resources related to open space, natural beauty, scientific study, outdoor education, archaeological and historic sites, and recreation.

Deputy Harbormaster: A deputy harbormaster for any Connecticut municipality with navigable waters within its limits who may be appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes, and who shall carry out his or her duties under the direction of the harbormaster.

Derelict Vessel: Any vessel, scow, lighter or similar floating structure or part thereof, whether or not moored, anchored or made fast to shore, that is broken or altered to such an extent that it will not keep afloat with ordinary care.

Discharge of Dredged Material: Any addition of dredged material into waters of the United States. Dredged material discharges include: open water discharges; discharges resulting from unconfined disposal operations (such as beach nourishment or other beneficial uses); discharges from confined disposal facilities which enter waters of the United States (such as effluent, surface runoff, or leachate); and overflow from dredge hoppers, scows, or other transport vessels.

Dissolved Oxygen (DO): The oxygen, vital to fish and other aquatic life, freely available in water. Traditionally, the level of dissolved oxygen has been accepted as the single most important indicator of a water body's ability to support beneficial aquatic life.

Dock: A structure that can be used as a landing or berthing space for a vessel or vessels; generally defined as a wharf or portion of a wharf extending along or out from the shoreline and generally connected to the upland. Docks may float upon the water as well as structures, fixed to the shoreline.

Dockominium: A marina development and operation concept whereby the user of a boat slip or berth purchases fee simple title to the use of that slip or berth.

Dolphin: A cluster of piles, bound firmly together and driven into the bottom of a harbor, to which boats may be secured.

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

Ecosystem: The interacting system consisting of a biologic community and its nonliving environment, each influencing the properties of the other and both necessary for the maintenance of life.

Effluent: Treated or untreated wastewater that flows out of a wastewater treatment plant, sewer, industrial outfall, marine sanitation device, or other source; generally refers to wastes discharged into surface waters.

Emergency: A state of imminent or proximate danger to life and property.

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

Estuary: A confined coastal water body with an open connection to the sea and a measurable quantity of salt in its waters. Estuaries are of particular ecological value and significance because they provide important natural values concerning, for example, fish and wildlife habitat, flood protection, and the maintenance of water quality. The Pawcatuck River estuary and other Connecticut estuaries contribute to the ecological health of Long Island Sound.

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 ACE, 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 Pawcatuck River Harbor Management Area, the Connecticut River Navigation Project consists of a channel with an authorized depth of 15 feet and width of 150 feet.

Float: Any structure, buoyant on the water surface, extending seaward, and affixed and secured in place to the shore; a bulkhead, or dock, whose purpose is to berth and secure vessels and provide a means of access to and from the shore. The term float includes a floating dock.

Floatable Debris: Trash floating in coastal waters or washed upon the shore and which may reduce beneficial use and enjoyment of a water-body, present a nuisance or hazard for boaters, and harm wildlife.

Floating Home: Any structure constructed on a raft, barge, or hull, moored or docked and that is used primarily for the domicile of any individual(s).

Flood/Flooding: A general and temporary condition of: 1) partial or complete inundation of normally dry land resulting from the overflow of inland and/or coastal waters; and 2) the unusual accumulation of waters from any source.

Floodplain: Low lands adjoining the channel of a river, stream, watercourse, or other body of water, which have been or may be inundated by flood water, and those other areas subject to flooding.

Foreshore: The part of the shore lying between the mean high water line and the low water mark 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.

Geographic Information System (GIS): A computerized data base of land use and other types of information referenced to a location; enables statistical analysis, comparison, and display of large quantities of data for planning purposes.

Groundwater: The supply of freshwater found beneath the earth's surface (usually in aquifers) which is often used for supplying wells and springs.

Habitat: The place where a human, animal, plant, or microorganism population lives, and the living and nonliving characteristics, condition, and surroundings of that place.

Harbormaster/deputy harbormaster: The Pawcatuck River harbormaster/deputy harbormaster appointed by the Governor of Connecticut in accordance with Section 15-1 of the Connecticut General Statutes and responsible, in accordance with other sections of the Connecticut General Statutes, for the general care and supervision of the navigable waters within the territorial limits of the municipality.

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 CTDEP.

Holding Tank: A permanently affixed tank designed to retain sewage on board a vessel.

Immediate Family: An “immediate family member” is defined as a close relative including: parent, child, grandparent, grandchild, spouse, those legally joined in a civil union, step-child, and by guardianship and/or adoption.

Individual-Private Mooring: A mooring belonging to an individual and authorized for use by a mooring permit issued by a municipality’s harbormaster/deputy harbormaster.

Knot: The unit of speed used in navigation equal to one nautical mile (6,076.115 feet or 1,852 meters) per hour.

Launching Ramp: A man-made or natural facility used for the launching and retrieval of boats; primarily providing facilities for boaters to launch boats and park their vehicles and trailers while engaging in boating activities.

Maintenance Dredging: The generally periodic and repetitive removal of recurring, naturally deposited bottom sediment from an existing navigation channel or berthing areas.

Marina Facility: A commercial enterprise situated on the waterfront within the jurisdiction of the Commission and having all the requisite federal, state, and town permits required for the purpose of charging a rental fee for the use of boat slips, moorings and related items.

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.

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

Mean High Water (MHW): A tidal datum. The arithmetic mean of the high water heights observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Proposed work and structures seaward of the mean high water line are subject to federal regulatory authorities carried out by the ACE as well as State regulatory authorities. All land and water areas waterward 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 landward boundary of the jurisdiction of the Pawcatuck River Harbor Management Commission.

Mean Low Water (MLW): A tidal datum. The arithmetic mean of the low water heights observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch).

Mean Lower Low Water (MLLW): A tidal datum. The arithmetic mean of the lower low water heights of a mixed tide observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Only the lower low water of each pair of low waters, or the only low water of a tidal day is included in the mean. Federal navigation projects now reference the Mean Lower Low Water.

Moor: To secure a vessel to the bottom of a water-body 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 such attachment 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: A designated water area within which vessels may moor.

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

Nautical Mile: A unit of nautical measurement accepted as 6,076.115 feet, approximately 1.15 times as long as the U.S. statute mile of 5,280 feet.

Navigable: Capable of being navigated or passed over by ships or vessels.

Navigate: To go from one place to another by water by sailing or managing a boat; to use a water-body as a highway for commercial, recreational, educational, or other purposes.

Navigation: The act, science, or business of traversing the sea or other navigable waters in vessels.

No Discharge Zone: An area designated by the U.S. Environmental Protection Agency (EPA) within which no sewage, untreated or treated, may be discharged from any vessel. An area particularly sensitive to contamination and that will benefit from a complete prohibition of all vessel sewage discharges may be designated by the EPA upon application by a state, contingent upon the certification by the state that adequate and reasonably available pump-out facilities exist for boaters to use.

Non-point Source (NPS) Pollution: Pollution that does not originate from a specific identifiable point source such as a sewage discharge pipe. Types of non-point pollution include storm-water runoff from roads, parking lots, and backyards, as well as wet and dry 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.

Outfall: A structure (e.g., pipe) extending into a body of water for the purpose of discharging wastewater, storm water runoff, or cooling water.

Passive Recreational Use: Recreational activities, such as hiking, walking, picnicking, canoeing, and fishing, generally not requiring facilities and organization for participation and/or having little significant impact on the natural environment.

Pathogen: Microorganisms that can cause disease in other organisms or in humans, animals, and plants. Pathogens may be bacteria, viruses, or parasites transported in sewage and runoff from agricultural and other areas.

Pawcatuck River Harbor Management Commission (PRHMC): A municipal commission that is established, pursuant to authority provided by the Connecticut Harbor Management Act, and charged with specific responsibilities for managing the navigable waters within the municipality's territorial limits, including responsibilities for preparing and implementing a municipal harbor management plan.

Pawcatuck River Harbor Management Plan (PRHMP): A municipal plan for the balanced use of navigable waters within a municipality's territorial limits for recreational, commercial, and other purposes and for the protection of environmental resources as prepared by the municipality's harbor management commission, adopted by the municipality's legislative body, and approved by the Connecticut Commissioners of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes.

Personal Water Craft (PWC): Any inboard powered vessel less than sixteen feet in length 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 on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

Pier: Generally, a structure, usually of open construction, extending out into the water from the shore to serve as a vessel landing place or recreational facility rather than to afford coastal protection; generally defined as a wharf or portion of a wharf extending from the shoreline with water on both sides.

Pile: A long, heavy timber or section of concrete or metal to be driven or jettied into the earth or seabed to serve as support or protection.

Point Source Pollution: Pollution passing through any discernable confined or discreet conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant: Generally, any substance introduced into the environment that adversely affects the health of plants and animals or the usefulness of a resource, and including toxic substances, nutrients, and pathogens which adversely affect water quality. (See Contaminant)

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of an aquatic ecosystem.

Private Mooring: Any mooring that is not a commercial mooring. Whenever the word “mooring” is used in this plan, without being modified by the word “commercial”, it means private mooring.

Property: Something tangible or intangible to which its owner holds legal title.

Public Access: Physical and/or visual access to marine or tidal waters that are available to all members of the general public and therefore not limited to any particular groups of 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 Station: A marine facility for pumping sewage from vessel holding tanks and then containing that waste before proper disposal into a sewage disposal system.

Ramp: A structure used to gain access from a bulkhead, fixed dock, or platform to float; also, a uniformly sloping surface used for launching small craft.

Recreation Boating Facilities: Facilities for the support of recreational boating activities, including marina and boatyard facilities providing docks, slips, moorings, and launching ramps as well as sales, repair, service, and storage facilities, and private docking facilities constructed by waterfront property owners.

Runoff: That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water and can carry pollutants from the air and land into the receiving body of water.

Sanitary Sewer: A system of pipes, usually underground, that carry only wastewater, not storm water.

Sediment: Particulate material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by the forces of air, water, gravity, or ice, including material deposited in a loose, unconsolidated form on the bottom of a water body. The term dredged material refers to material that has been dredged from a water body, while the term sediment refers to material in a water body prior to dredging.

Sedimentation: The process of transportation and deposition of particles onto the bottom of a body of water.

Sewage: The combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing, or laundry machine, or the water-carried waste from any other fixture, equipment, or machine, together with such groundwater infiltration and surface water as may be present.

Sewer: A system of pipes, usually underground, that carries wastewater and/or storm water runoff from the source to a treatment plant or receiving body of water. Sanitary sewers carry household, industrial, and commercial waste; storm sewers carry runoff from rain and melting snow; combined sewers are used for both purposes.

Shoal: A shallow place in a river or sea comprised of material that is not rock, that may endanger surface navigation. Also, to become shallow gradually; to cause to become shallow; to proceed from a greater to a lesser depth.

Slack Tide: The state of a tidal current when its velocity is near zero, especially the moment when a reversing current changes direction and its velocity is zero; sometimes considered the intermediate period between ebb and flood currents.

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

“Slow-No-Wake” Zone: A zone within which (or designated within which) a vessel shall not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hour (ground speed) over the water unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger or injury to persons, or will damage vessels or structures of any kind. (Reference; Section 15-121-A1(j) of the Regulations of the Connecticut State Agencies)

Steerage Speed: The minimum speed necessary to permit a vessel to be steered and under control while making forward progress.

Storm Sewer: A system of pipes, generally underground, carries only storm water runoff from building and land surfaces; as distinguished from a sanitary sewer.

Storm Water Runoff: The rainwater, melting snow, and associated material draining into storm drains and water bodies.

Tidal Wetlands: Wetlands subject to the ebb and flow of the tide, defined by State statute, and subject to the regulatory authorities of the Connecticut Department of Environmental Protection in accordance with Section 22a-359 through 22a-363f (the “Structures and Dredging” statute) of the Connecticut General Statutes.

Toxic Substances: Substances, both naturally occurring and derived from human sources that cause adverse biological effects or health risks when their concentrations exceed a certain level in the environment. Toxic substances include heavy metals and organic chemicals such as chlorine, polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs), and pesticides.

Transient Anchorage: Areas designated on the Pawcatuck River Harbor Management Plan for the exclusive short-term anchoring use of transient vessels. May also be used by vessels in distress.

Transient Boaters: Persons traveling by boat and staying for a temporary period of time.

Upland: Land lying above the ordinary high water mark.

Upland Disposal: Disposal of dredged material on upland sites where the material is contained in a manner such that it is isolated from the environment.

Vessel: Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. Specifically excluded by this definition are floating homes.

Wastewater: Water that carries treated or untreated wastes, including dissolved or suspended solids, from homes, businesses, and industries.

Water-Dependent Uses: Those uses and facilities 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.

Water Quality Standards: Standards established by the CTDEP for all of the State's waters to provide clear and objective statements for existing and projected water quality and the state's general program to improve Connecticut's water resources.

Water Resources Values: Natural values including those related to natural storage and conveyance of flood water, maintenance of water quality, and recharge of groundwater.

Watershed: A drainage area; the region or area contributing ultimately to the water supply of a particular water course or water body. The Pawcatuck River watershed, for example, is the area within which precipitation drains into the Pawcatuck River and ultimately into Long Island Sound.

7.3 Title

This ordinance shall be known as the Pawcatuck River Harbor Management Plan/Ordinance.

7.4 Applicability

COMMISSION JURISDICTION: The territorial limits of the waters which shall constitute the jurisdictional limits of the Commission, shall include the following:

All the waters in the Pawcatuck River bounded in the westerly direction by the mean high water mark, bounded in a generally easterly direction by the Connecticut-Rhode Island border, bounded in the northerly direction by the Pawcatuck River Bridge (U.S. Route 1), and bounded on the south by buoy "#23"(formerly #19) and a line from buoy "#23" to Pawcatuck Point.

7.5 Invalidity of Provisions

Should any provision or provisions of this Ordinance be held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been determined.

This Ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a circulation in the Town of Stonington.

APPENDIX A: Useful Websites and Agency Information

WEBSITES

Clean Marina Website

<http://dep.state.ct.us/olisp/cleanmarina/index.htm>

Clean Boater Website

http://dep.state.ct.us/olisp/cleanmarina/ct_clean_boater.htm

Connecticut Coastal Management Act (Manual)

<http://dep.state.ct.us/olisp/manual/manual.htm>

Connecticut Harbor Management Association

<http://www.ctharbormanafement.org/links.html>

Connecticut Department of Agriculture

<http://ct.gov/doag/site/default.asp>

Derelict Vessels

<http://www.cga.ct.gov/2006/ACT/PA/2006PA-00121-R00HB-05658-PA.htm>

Pawcatuck River History

<http://seagrant.gso.uri.edu/factsheets/fspawcatuck.html>

<http://www.answers.com/topic/pawcatuck-river>

<http://www.wpwa.org/volunteer.htm>

Rhode Island Studies of the Pawcatuck River

<http://water.usgs.gov/wid/html/ri.html>

1993 Pawcatuck River Study

<http://www.crmc.ri.gov/regulations/programs/yellowbook.pdf>

Connecticut Department of Environmental Protection

<http://www.ct.gov/dep/site/default.asp>

Connecticut Department of Transportation

<http://www.ct.gov/dot/site/default.asp>

Pawcatuck River Water Flow:

United States Environmental Protection Agency

http://waterdata.usgs.gov/nwis/uv/?site_no=01118500

<http://ct.water.usgs.gov/annual.data/WY1999/01118500.txt>

Pawcatuck-Wood (Watershed Profile)

United States Environmental Protection Agency

http://cfpub.epa.gov/surf/huc.cfm?huc_code=01090005

Environmental Facts – Air, Toxics, Waste

United States Environmental Protection Agency

http://oaspub.epa.gov/enviro/ef_home3.html?p_zipcode=06379&p_type=zip&x=8&y=6

United States Environmental Protection Agency

www.epa.gov/

FEDERAL/STATE/LOCAL AGENCIES
WITH JURISDICTION OVER HARBOR ACTIVITIES

Listed below are the agencies which regulate or in some way oversee harbor activities.

(Aquaculture)
Connecticut Department of Agriculture
Aquaculture Division
190 Rogers Avenue
P.O. Box 97
Milford, CT 06460

U.S. Coast Guard
Department of Homeland Security
Commander
Third Coast Guard District
Governor's Island
New York, NY 10004
(212)668-7193 aids to navigation

U. S. Coast Guard
Department of Homeland Security
Commander, Group/Marine Safety Office
Long Island Sound
120 Woodward Avenue
New Haven, CT 06512

U. S. Coast Guard Station New London
C/O Fort Trumbull
New London, CT 06320
(860)442-4471

U.S. Army Corps of Engineers
Attn: Regulatory Branch
696 Virginia Road
Concord, MA 01742
1-800-343-4789

Connecticut Transportation Maritime Manager
Bureau of Aviation and Ports
Connecticut Department of Transportation
2800 Berlin Turnpike
Newington, CT 06131-7546
(860)594-2550 tel
(860)594-2574 fax

Connecticut Department of Environmental Protection
Bureau of Outdoor Recreation
Boating Division
333 Ferry Road
P.O. Box 280
Old Lyme, CT 06371
(860)434-8638

Connecticut Department of Environmental Protection
Bureau of Natural Resources
Marine Fisheries Division
Marine District
333 Ferry Road
P.O. Box 719
Old Lyme, CT 06371
(860)434-6043

Connecticut Department of Environmental Protection
Bureau of Water Protection and Land Use
Office of Long Island Sound Programs (DEP-OLISP)
79 Elm Street
Harford, CT 06106
(860)424-3020

Connecticut Department of Environmental Protection
Bureau of Water Protection and Land Use
Water Planning and Standards
79 Elm Street
Harford, CT 06106
(860)566-7160

Stonington Town Police Department
173 South Broad Street
Pawcatuck, CT 06379
(860)599-4411

Westerly Police Department
60 Airport Road
Westerly, RI 02891
(401)596-2022

APPENDIX B: ORDINANCE – Harbor Commission

PAWCATUCK RIVER HARBOR MANAGEMENT COMMISSION

HARBOR MANAGEMENT COMMISSION- PAWCATUCK RIVER

ORDINANCE RE: PAWCATUCK RIVER HARBOR MANAGEMENT COMMISSION

WHEREAS, the Town of Stonington wishes to protect its marine resources and sensitive natural resource areas found along and in the Pawcatuck River Harbor; to provide greater public opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all Pawcatuck River Harbor users; to allocate land and water resources in an economically and environmentally sound manner; and

WHEREAS, the Town believes that the most equitable way of balancing competing uses in Pawcatuck River Harbor is to develop, adopt and implement a harbor management plan for the Connecticut side of the Pawcatuck River Harbor; and

WHEREAS, a harbor management commission could properly manage and plan for the Connecticut side of the Pawcatuck River Harbor;

THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED: that

Section I. COMMISSION COMPOSITION. There shall be and hereby is created a Pawcatuck River Harbor Management Commission to consist of five (5) members and two (2) alternate members, who are electors and residents in the Town of Stonington and who are appointed by majority vote of the Board of Selectmen in conformity with Section II of this ordinance.

No person otherwise qualified may be or may remain a member of the Pawcatuck River Harbor Management Commission if she or he is or becomes a member of any other Town of Stonington Commission established to regulate harbor management in accordance with section 22a-113k of the Connecticut General Statutes.

In addition the Harbor Master or deputy Harbor Master appointed under Title 15 of the Connecticut General Statutes whose jurisdiction is the Connecticut side of the Pawcatuck River, shall be nonvoting ex-officio members.

Section II. COMMISSION MEMBER TENURE. The term of all regular voting members shall run for four (4) years and until their successors shall be appointed, except at the first appointment to the Commission one (1) member appointed by the Board of Selectmen shall hold office for two (2) years, and two (2) members shall hold office for three (3) years, and two (2) members shall hold office for four (4) years and until their successors shall be appointed. Terms of not more than two (2) members shall terminate in any single year. The appointments shall be made within sixty (60) days following the date on which this ordinance shall become effective. Should any member not complete the term of office for which she or he has been appointed for any reason, the said Board of Selectmen shall appoint a qualified person to fill that member's unexpired term of office. A Commission member can be removed by the Board of Selectmen upon request of the Commission, for failure to attend four (4) consecutive meetings without good reason.

Alternate members shall be appointed for two (2) years except that the initial term of one (1) alternate shall be for one (1) year. Alternate members shall serve in place of absent regular members, if necessary.

The Commission shall elect a chairperson and secretary, the Commission can form subcommittees to address specific duties of the Commission.

Section III. COMMISSION MEMBER COMPENSATION AND EXPENSES. No member of the Commission shall receive compensation for services but may be reimbursed for any necessary expenses.

Section IV. COMMISSION JURISDICTION. The territorial limits of the waters which shall constitute the jurisdictional limits of the Commission, shall include the following:

all the waters in the Pawcatuck River bounded in the westerly direction by the mean high water mark, bounded in a generally easterly direction by the Connecticut-Rhode Island border, bounded in the northerly direction by the Pawcatuck River Bridge (U.S. Route 1), and bounded on the south by buoy "19" and a line from buoy "19" to Pawcatuck Point.

Section V. COMMISSION POWERS, DUTIES AND RESPONSIBILITIES. The purpose of the Pawcatuck River Harbor Management Commission shall be to prepare a harbor management plan for the Pawcatuck River in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes. Upon adoption of the plan, the Commission shall provide for the annual review of the harbor management plan and shall make any additions and/or modifications to the plan that may be deemed appropriate subject to the process set forth in Sections 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the General Assembly. In addition, the Commission may exercise any of the following powers, duties and responsibilities:

(a) to recommend ordinances for adoption by the Town of Stonington which implement the harbor management plan and which may specify fines for violation of these ordinances, in accordance with Section 22a-113m of the Connecticut General Statutes;

(b) to assist the Harbor Master or Deputy Harbor Master, whose jurisdiction is the Pawcatuck River, in the assignment of moorings, the management of moorings and anchorage areas and the collection of mooring fees after a local mooring fee system is established by ordinance;

(c) to prepare an operating budget for the Commission using funds from sources which may include, but are not limited to, local appropriations, mooring fees, violation fines, or a harbor management fund established by town ordinance;

(d) to assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area;

(e) to review and make recommendations on proposed land and water use activities contiguous to the waterfront and within the waters delineated in Section IV of this ordinance that are received for review by other municipal agencies, in accordance with the procedure described in Section VI of this ordinance;

(f) to review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for an activity taking place within the Commission's jurisdiction as described in Section IV of this ordinance, and to respond in a timely fashion with recommendations to the regulating agencies;

(g) to conduct or cause to be conducted, studies of the conditions and operations in land adjacent to the waters delineated in Section IV of this ordinance; and

(h) to request, when appropriate, a general permit from the United States Army Corps of Engineers

and/or delegation of the state enforcement authority pursuant to Section 22a-2a of the Connecticut General Statutes.

Section VI. REFERRAL OF PROPOSALS SUBMITTED TO OTHER MUNICIPAL AGENCIES.

Pursuant to Section 22a-113p of the Connecticut General Statutes, the Commission shall review and make recommendations, consistent with the adopted harbor management plan, on any proposal affecting the real property on, in, or contiguous to the waters delineated in Section IV of this ordinance submitted to any Town of Stonington agency, commission or authority, including but not limited to the Planning and Zoning Commission, the Zoning Board of Appeals, the Water Pollution Control Authority, and the Shellfish Commission. The Pawcatuck River Harbor Management Commission shall be notified in writing of any such proposal at least thirty-five (35) days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five (35) days prior to the taking of any final action on the proposal. The respective municipal agency shall send a copy of the application/proposal to the Commission on request.

The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the Commission. A two-thirds vote of all the members of the 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 on or before the date of the hearing or action on such a proposal shall be deemed an approval.

Section VII. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this ordinance are hereby declared to be severable.

Section VIII. FUNDING. Upon the passing of this resolution at Town Meeting, the Board of Selectmen be directed to request that the Board of Finance establish a line item of one hundred dollars (\$100.00) for the purpose of funding the Pawcatuck River Harbor Management Commission.

Section IX. EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Stonington.

Adopted August 21, 1989
Effective September 13, 1989