

# ATTACHMENT M9

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## COASTAL ZONE CONSISTENCY DOCUMENTATION

# Coastal Zone Management Consistency Responses

USACE & CT DEEP Joint Permit Application  
CT State Pier Infrastructure Improvements New London,  
Connecticut

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In accordance with applicable federal, state and local regulatory policies, and as detailed in CT DEEP OLISP APP-100 application instructions, activities proposed within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CCMA).

As noted in application Section IV #3, the proposed State Pier Infrastructure Improvements Project (the Project or SPII Project) is located within the state's *Coastal Area* and *Coastal Boundary* resource areas (as defined in CGS SS 22a-93 and described in CGS SS 22a-94). Part III, Table 5 of the DEEP LWRD Application requires applicants to identify and describe project activities and impacts located within and affecting various coastal resources.

As noted on the CT DEEP website<sup>1</sup>,

*Connecticut's Coastal Management Program is administered by the Department of Energy and Environmental Protection (DEEP) and is approved by NOAA (National Oceanic and Atmospheric Administration) under the federal Coastal Zone Management Act. Under the statutory umbrella of the Connecticut Coastal Management Act (CCMA), enacted in 1980, the Program ensures balanced growth along the coast, restores coastal habitat, improves public access, protects water-dependent uses, public trust waters and submerged lands, promotes harbor management, and facilitates research.*

The following text enumerates the specific legislative CCMA goals and policies established in CGS 22a-92 and demonstrates the Project's corresponding consistency.

**22a-92(a) The following general goals and policies are established by this chapter:**

*(1) To ensure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;*

The Project **is compliant** with this subsection of 22a-92. The proposed Project area is a historically developed waterfront which currently functions as a working pier with supporting infrastructure. Currently developed areas of the Admiral Shear State Pier (aka the "State Pier"), the Central Vermont Railroad (CVRR) Pier and surrounding areas will be redeveloped. The existing working waterfront nature of the land and water resources at the site will result in minimized disruption to the natural environment by the Project and to the continuation of an existing water-dependent use. The Project will obtain applicable local state and federal permits to ensure that potential impacts to the natural environment, historic features and other resources in the public trust are effectively avoided, minimized and mitigated where required.

The parcels contributing to the Project site are either owned or controlled by the Connecticut Port Authority (CPA; a quasi-public agency) or the CPA has negotiated arrangements for such control. Attachments K and B include parcel ownership information. The CPA owns Parcels 95-G10-245-4 and 95-G10-245-3; the State of Connecticut (C/O ConnDOT) owns Parcels 95-H10-245-1 and 95-G09-244-12.3 and has granted rights to CPA; and, the CPA has obtained a lease agreement with the landowner of Parcel 95-G10-245-3A. The rights of private property owners will not be negatively affected by this Project.

Through this Project, it is the goal of CPA to create infrastructure in Connecticut that will serve as a

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<sup>1</sup> <https://www.ct.gov/deep/cwp/view.asp?q=323536>

long-term wind turbine generation (WTG) port facility serving the northeast coast of the United States while at the same time continuing to support other existing long-term breakbulk operations for steel, coil steel, lumber, copper billets, as well as other cargo. Accordingly and consistent with its mission, CPA proposes State Pier Infrastructure Improvements (SPII, or Project) at the State Pier Facility.

The SPII Project will result in port facilities capable of providing regional WTG offshore wind energy support and will provide sound economic benefits to the area and to the State of Connecticut. The proposed Project will result in an increased number of high-skill, high-paying jobs that will last for decades and will further position Connecticut to be a leader in the clean energy market.

Once built, this facility will be able to receive very large wind energy components such as turbines, blades and towers. The onshore portion of the facility would be large enough to facilitate the off-loading and preassembly of these components, which would then be loaded onto installation vessels that would transport the components to the offshore site for final installation. To accommodate the shipping and preassembly of the components, site improvements are needed both onshore and within the Thames River. The upgraded facility could provide enhanced capabilities for break-bulk operations when not in use for WTG Project support.

*(2) To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

The Project **is compliant** with this subsection of 22a-92, as demonstrated below:

With regards to the policies of Chapter 439 as they relate to coastal resources, the Project is working with the State of Connecticut in *“cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals...to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations.”* (C.G.S. § 22a-1).

Furthermore, to meet the specific needs of the proposed Project, the applicant is using *“all practicable means and measures in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Connecticut residents.”* (C.G.S. § 22a-1a). The proposed Project avoids and minimizes impacts to air, land and water while providing sound economic benefits to the area and the State of Connecticut.

With regards to the policies of Chapter 440 as they relate to coastal resources, it is *“the public policy of this state to preserve tidal wetlands and to prevent the despoliation and destruction thereof.”*(C.G.S. § 22a-28). Additionally, it is also the public policy of the state *“to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses...by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology...”* (C.G.S. § 22a-35). Inland Wetlands are not present at the Project site. As demonstrated herein, potential impacts to coastal resources, tidal wetlands and watercourses at or adjacent to the site where the Project is proposed have been avoided, minimized and/or mitigated to the extent feasible (see attachments M1, M7 and M8 for additional detail). Furthermore, CPA will continue to coordinate with the authorized regulatory agencies to ensure that the policies of this Chapter will be met.

With regards to the policies of Chapter 446i as they relate to coastal resources and specifically water resources as stated in C.G.S. § 22a-366, the proposed Project will not require the diversion of water as defined in C.G.S. § 22a-367(2). Also, as designated in C.G.S. § 22a-380, the proposed Project will not

alter, degrade or otherwise adversely affect water supply watersheds, surface water sources or groundwater sources as these are not located on or adjacent to the site.

With regards to the policies of Chapter 446k as they relate to coastal resources, existing or anticipated sources of pollution originating from the proposed Project will be managed in a manner consistent with C.G.S. § 22a-422 and associated wastewater laws and regulation. Specifically, wastewater will not be managed on site. Rather, wastewater connections, if any, would continue to be handled by the City of New London wastewater treatment system.

With regards to the policies of Chapter 447 as they relate to coastal resources, there are no designated natural area preserves on or adjacent to the proposed Project site.

With regards to the policies of Chapter 474 as they relate to coastal resources, the proposed Project will not affect the adequate supply of pure (drinking) water or land necessary to protect an adequate supply of pure water (C.G.S. § 25-37a). Specifically, the Project site is located in a historically industrial / commercial area with adjacent major transportation corridors and is not currently nor has not been identified as a future source of potable water supply.

With regards to the policies of Chapter 477 as they relate to coastal resources, the proposed Project is located in federally-designated flood zones. The project has been designed in accordance with applicable flood management policies. Further, it is not an area on or near shores or beaches that have been or are subject to construction of protective works designed to prevent loss of life, property and revenue to municipalities and the state from taxation. (C.G.S. § 25-69).

*(3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;*

The Project **is compliant** with this subsection of 22a-92, as the proposed Project is an enhancement of an existing water dependent use. Various public officials have expressed public support for this project<sup>2</sup>.

As detailed herein, this project has been designed to accommodate water dependent uses from the outset and has recently been redesigned to address and alleviate concerns raised by an adjacent landowner (Cross Sound Ferry [CSF]) regarding their ability to access tidal waters in the Project vicinity for commercial navigation purposes. The current project design will allow unimpeded and continued navigational access of the harbor by CSF, an operator on the America's Maritime Highway system (Marine Highway M-295)<sup>3</sup>.

*(4) To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits;*

The Project **is compliant** with this subsection of 22a-92. There are select natural resources at the Site that would be affected, though the SPII is proposed in a working waterfront area. Adverse

<sup>2</sup> <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2019/01-2019/Gov-Lamont-Announces-Partnership-With-the-City-of-New-London-Regarding-the-Future-of-the-State-Pier>. Accessed 03/28/2019; 10/29/2020.

<sup>3</sup> <https://www.maritime.dot.gov/sites/marad.dot.gov/files/docs/grants-finances/marine-highways/3061/marine-highway-route-descriptions-8-14-2019.pdf>. Accessed 02/23/2020.

environmental impacts will be appropriately avoided and minimized as detailed herein (Attachment M1). Compensatory mitigation will be pursued for unavoidable Project impacts, as described in this application (Attachment M8). The Project provides long term economic benefits to the region and to the State of Connecticut by increasing the number of high-skill, high-paying jobs that will last for decades.

*(5) To consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;*

The Project **is compliant** with this subsection of 22a-92. The proposed pier structure will minimize coastal flooding and erosion of the existing unconsolidated areas via the installation of solid-fill pier. Several existing buildings will be demolished and removed as part of the proposed Project and an existing steel warehouse structure will be retained. Design of administrative and other outbuilding installations for the site will incorporate Federal and State guidelines regarding sea level rise and coastal flooding impacts. Building and Critical Infrastructure floors, such as electrical transformers, substations, power racks and the like shall be designed to be above the Federal Emergency Management Agency (FEMA) base flood hazard elevations (+11' to +14' NAVD 88). The majority of the proposed Project will be leveled and graded to approximately +9' NAVD88. Accommodation for Safe Refuge of cargo-handling equipment will be provided.

The installation of elevated platforms for Critical Infrastructure Resiliency - such as elevated outlet racks for nacelles - has been incorporated into the Project design. As noted above, the turbine nacelles stored and staged on the site require access to electrical power sources. Resilient concrete platforms will be constructed on the uplands to ensure that the nacelles and the associated outlets are a minimum of 2 feet above the base flood elevation onsite thus allowing for future sea level elevation changes.

*(6) To encourage public access to the waters of Long Island Sound by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;*

The Project **is compliant** with this subsection of 22a-92. The Project parcels are under CPA control. The existing State Pier and CVRR Pier areas constitute a working waterfront area that does not currently support recreational facilities. Due to the existing and proposed continued commercial nature of the site, recreational facilities are not appropriate upon the Project parcels. The near-dock shoreline areas located south of State Pier Road accommodate most of the existing port's cargo intermodal activity. The proposed Project will result in port facilities capable of regional WTG offshore wind support and also provide enhanced handling capabilities for traditional breakbulk cargoes. The Project will provide sound economic benefits to the area and to the State of Connecticut.

State-owned recreational facilities including a boat-launch are located immediately north of the Project area. A living shoreline enhancement (with public-facing signage describing these improvements) is envisioned on this northern state-owned parcel (95-G09-244-12.3). Existing recreational uses – including continued operation of the boat launch - will be maintained and not adversely affected at this location.

No property rights will be adversely affected by the proposed action. As noted above, the parcels contributing to the Project site are either owned or controlled by the CPA. For the parcels currently owned or controlled by applicant, the CPA has obtained the applicable rights via lease agreement and/or outright ownership to these parcels through title instruments appropriately recorded in the land records.

Adverse environmental impacts will be appropriately avoided and minimized as detailed herein (see Attachment M1). Compensatory mitigation will be pursued for unavoidable Project impacts and are described in Attachments M1 and M8 of this application.

*(7) To conduct, sponsor and assist research in coastal matters to improve the database upon which coastal land and water use decisions are made;*

This subsection of 22a-92 **is not applicable** to this Project. The proposed Project is not a research-related Project. The NOAA tidal station capabilities currently located at the site will be preserved. The NOAA station will be removed from its current location and reinstalled at alternative location. The exact location has yet to be determined though the Project engineers are currently in communication with NOAA regarding this relocation.

*(8) To coordinate the activities of public agencies to ensure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan for conservation and development adopted pursuant to part I of chapter 297;*

The Project **is compliant** with this subsection of 22a-92. The proponents anticipate that the Project – which is proposed by the CPA, a quasi-governmental agency - will be funded by State, and private funds.

The estimated budgeted Project costs are \$157M. Partial Project funding sources include: \$25.5M in CT General Obligation Bond Funds allocated to the CPA; \$22.5M Deepwater Wind commitment to the state/New London-CPA, facilitated by DECD negotiations with BSW (now Northeast Offshore [NEO]). \$30M in additional CPA escrow funding. NEO is to provide \$70M in Base Case funding. Attainment of schedule delivery milestones will further affect funding streams

The Project is proposed in a manner consistent with the current Connecticut State Plan of Conservation and Development. As noted on the State of Connecticut Office of Policy and Management website<sup>4</sup>,

*“The Office of Policy and Management prepares a state plan of conservation and development (State C&D Plan, also known as the state POCD), every five years in accordance with Section 16a-27 of the Connecticut General Statutes.*

*The 2013-2018 State C&D Plan was adopted on June 5, 2013 and remains in effect until such time that the Connecticut General Assembly adopts a revised C&D Plan in*

<sup>4</sup> <https://portal.ct.gov/OPM/IGPP/Responsible-Growth/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>. Accessed 03/26/2019.  
<https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>. Revised Web Address Accessed 09/25/2019, 2/04/2020, 05/06/2020, 10/01/2020, 10/29/2020.



*accordance with Section 16a-30 of the Connecticut General Statutes. A Draft 2018-2023 State C&D Plan is under consideration by the General Assembly in the 2020 legislative session.”*

As the draft 2018-2023 State C&D Plan is still awaiting adoption, the proposed Project has been reviewed against the policies outlined in the 2013-2018 State C&D Plan, as described below. The 2013-2018 State C&D Plan establishes six growth management principals to which state-funded development shall adhere. Demonstration of the Project’s compliance with the applicable principals is presented in response to Item 22a-92(a)(2)d, below.

Potential adverse environmental impacts associated with the Project will be appropriately avoided, minimized and mitigated as detailed herein (see Application Attachments M1, M7 and M8).

*(9) To coordinate planning and regulatory activities of public agencies at all levels of government to ensure maximum protection of coastal resources while minimizing conflicts and disruption of economic development; and*

The Project **is compliant** with this subsection of 22a-92. The proposed Project is being coordinated at all levels of government, coastal resources are protected to the greatest extent practicable, and the Project will result in economic development rather than economic disruption.

*(10) To ensure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 22a-93 and to ensure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) May reasonably be sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental, health or safety standard; or (C) unreasonably restricts physical or visual access to coastal waters. This policy does not exempt any nonfederal facility in use from any applicable state or local regulatory or permit program nor does it exempt any federal facility or use from the federal consistency requirements of Section 307 of the federal Coastal Zone Management Act.*

The Project **is compliant** with this subsection of 22a-92.

Relative to the “Reasonable grounds for the restriction or exclusion of a facility or use in the national interest” noted in CGS 22a-92(a)(10), the proposed Project: (A) is unable to be reasonably situated outside of the coastal boundary due to its water-dependent nature; (B) has been designed to be in compliance with applicable federal and state environmental, health and safety standards and (C) does not unreasonably restrict physical or visual access to coastal waters. The public’s use of, and views from, the existing project site are currently limited, due to the existing commercial/industrial nature of the facility.

As further detailed below, select temporary and seasonal impacts to local vistas and viewpoints are anticipated; however, CPA anticipates that the upgraded State Pier Facility will be utilized in a manner consistent with the port’s established long-term marine port usage and consistent with the existing character of a working port facility. Please see the discussion relative to CGS Section 22a-93(15)(F), below, for additional detail.

As detailed herein, the Project has been designed to adequately protect the ten interest areas explicitly identified in CGS 22a-93(14). Additional detail on the Project's compliance with the facilities and resources in the national interest are presented below.

*“(A) Adequate protection of tidal wetlands and related estuarine resources;*

Adequate protection of tidal wetlands and related estuarine resources have been provided, despite the Project's unavoidable proposed placement of fill materials. Please see Attachments M1 and M7 for additional detail regarding the Project's impacts, alternatives and feasibility analysis and Attachments M1 and M8 for a description of the Project's anticipated impacts, avoidance and mitigation strategy.

*“(B) restoration and enhancement of Connecticut's shellfish industry;*

Shellfish concentration areas are mapped at and/or adjacent to the Project site; however, harvest of shellfish within the Project area is prohibited due to potential for public health risks. No state-managed, city or town-managed, recreational, or natural shellfish beds are mapped within the Project area. As noted in Attachment F, the Project has coordinated with the CT Department of Agriculture, Bureau of Aquaculture and adverse impacts are not anticipated. The project's compensatory mitigation plan calls for the installation of a living shoreline feature. Living shoreline creation and habitat enhancements near Winthrop Point may benefit shellfish such as blue mussel (*Mytilus edulis*), quahog (*Mercenaria mercenaria*) and/or oyster (*Crassostrea virginica*).

*“(C) restoration, preservation and enhancement of the state's recreational and commercial fisheries, including anadromous species;*

Attachment M1 provides information regarding recreational and commercial fisheries, including anadromous species, noted at and adjacent to the Project site. An Essential Fish Habitat (EFH) Assessment has been prepared (Attachment M5) to quantify, assess and address potential Project impacts to fisheries, including federally managed species (with other species also discussed). Select life stages of finfish species of interest, including winter flounder (*Pseudopleuronectes americanus*), sturgeon (*Acipenser* spp.), blueback herring (*Alosa aestivalis*) as well as others, may be affected as a result of work operations.

In response to CPA's coordination efforts under DEEP Natural Diversity Data Base (NDDB) consultations, the state's Supervising Fisheries Biologist (Mr. Steve Gephard) noted that the Project area in New London Harbor serves as both nursery habitat and migratory corridor for the anadromous American Shad (*Alosa sapidissima*), Alewife (*Alosa pseudoharengus*) and Blueback Herring, with these herring listed as a CT NDDB species of Special Concern. In addition, he noted that each of these species are the subject of an intensive restoration program in the Thames River Basin and that significant funds have been spent at upstream dams to allow them to reach critical spawning habitat. Mr. Gephard noted that the area around the State Pier Facility is also important habitat for Winter Flounder, another federal trust species that is in decline. The concept of mitigation as compensation for unavoidable loss of habitat was raised in this correspondence (Attachment C) and in subsequent discussions with DEEP Inland Fisheries personnel. Mitigation elements proposed by Mr. Gephard and others, as related to marine and anadromous fisheries habitat restoration has been incorporated into Attachment M8.

The construction, dredging, and sediment fill activities conducted in the project area are likely to result in minor, limited, and temporary impact to fish species, with the volume of pier fill itself contributing the most significant impact. As noted in Attachment M5, impacts to fisheries vary by life stage. The Connecticut Port Authority will comply with all specified permit conditions to avoid

generating excessive amounts of sediment during construction operations and causing uncompensated impacts to marine resources during sediment fill activities. Construction noise impacts will be minimized to the extent practicable as described in Attachment M5.

Avoidance and minimization measures would be implemented to reduce the Project's potential impacts on fisheries resources. The Project-specific construction strategies are discussed in Attachment M5. The Project's compensatory mitigation which would be employed to offset unavoidable impacts to fisheries resulting from temporary and permanent impacts (i.e. the placement of fill associated with the pier expansion) are discussed in Attachment M8. The potential funding for high priority fisheries resource enhancement projects including stream continuity projects (i.e. dam removal and/or fishway installation projects) within the Thames River watershed is discussed as a potential compensatory strategy in Attachment M8.

*(D) water pollution control measures and facilities consistent with the requirements of the federal Clean Water Act, as amended;*

Water pollution control measures including proposed stormwater facilities have been designed in accordance with applicable federal, state and local regulations. An authorization request under the *Connecticut General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities* (CT DEEP Application Number 201914361) has been filed under separate cover and the associated permit (GSN003536) was issued April 7, 2020. No sanitary or other water treatment systems are proposed as part of the Project. In accordance with the Clean Water Act Section 312 guidance, all vessels operating within the designated No-Discharge Zone (NDZ) are completely prohibited from discharging any sewage (treated or untreated) into the waters at and adjacent to the Project site.

*(E) air pollution control measures and facilities consistent with the requirements of the federal Clean Air Act, as amended;*

This item is not applicable. Construction and facility operations equipment will be operated in accordance with applicable federal, state and local guidance pertaining to idling and vehicle emissions.

*(F) continued operations of existing federally-funded dredged and maintained navigation channels and basins;*

As depicted on the National Oceanic and Atmospheric Administration (NOAA) Chart 13213 – New London Harbor and Vicinity – and as described on the United States Army Corps of Engineers (USACE) New London Harbor Navigation Project website<sup>5</sup>, the proposed Project would be located adjacent to and partially within components of the Federal Navigation Project (FNP). As described herein, the CPA is coordinating with the appropriate agencies (USACE, U.S. Congressional Offices) to ensure that the proposed Project is conducted in compliance with Section 408 and related requirements pertaining to federal navigational channels.

The New London Harbor FNP is comprised of the following elements in the SPII Project area:

- The 3.8-mile-long, 600 foot wide, Thames River Federal Channel (main ship channel), stretching from Long Island Sound to the State Pier at the northern end of the harbor. The

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<sup>5</sup> <https://www.nae.usace.army.mil/Missions/Civil-Works/Navigation/Connecticut/New-London-Harbor/> Accessed 26 March, 2019.

majority of this channel has an authorized depth of 40 feet; however, the main ship channel segment closest to (directly east of) the SPII is officially authorized to a depth of 36 feet<sup>6</sup>. The deepening of the channel to 40 feet (from its previous depth of 33 feet) was completed in 1976 by the Department of the Navy. Per the New London Harbor Navigation Project website, USACE is responsible for maintaining the channel 40 feet deep and 500 feet wide, if required for military and commercial vessel traffic.

- A 6,000-foot-long waterfront channel, 23 feet deep and a minimum of 400 feet wide. This channel stems from the main ship channel and provides access to the City of New London waterfront, including the Fort Trumbull, Shaw Cove, and the New London pier areas.
- Two branch channels, each 23 feet deep. The eastern branch channel, known as the Long Dock Branch Channel, which is located between the State Pier and the CVRR Pier (formerly "Long Dock"), is 100 feet wide and 1,000 feet long. The western branch channel, known as the Winthrop Cove Branch Channel, which is located between the CVRR Pier and New London shoreline is 250 feet wide and 1,500 feet long.
- A 23-foot maneuvering area is located west of the main ship channel and south of State Pier.

In addition to the above FNP features, a triangular 40-foot anchorage basin is depicted immediately east of State Pier on select USACE drawings (i.e. 2018 USACE New London Harbor Condition Survey and the USACE New London Civil works Map<sup>7</sup>), though this feature is not described on the above-noted USACE New London Harbor Navigation Project website. Based on correspondence with U.S. Navy and USACE<sup>8</sup> personnel, CPA understands that this area was created by the U.S. Navy, is not maintained by the USACE as an FNP component and that this 40-foot anchorage feature will be removed from the USACE project master plot (Survey) depicting the SPII vicinity.

Continued operations of the existing federally-funded dredged and maintained navigation channels and basins are anticipated, with the exception of the creation of the Project's "Central Wharf" area. Specifically, a section of the Long Dock Branch Channel will be eliminated by bulkhead installation and associated fill placement between the CVRR Pier and the Admiral Shear State Pier. Placement of fill is proposed along a majority of the branch channel's length and across its full 100-foot width. This work will require channel deauthorization, as detailed in Section III.6 of the enclosed CT DEEP Application materials.

No direct impacts to the Thames River Federal Channel (main ship channel) will occur under the Project, though Section 408 coordination will be required, due to dredging work encroachment near this FNP channel's buffer zone (three-times the authorized channel depth). Additional detail regarding this Section 408 coordination work is presented in Section III.6 of the enclosed CT DEEP Application materials.

*(G) energy facilities serving state-wide and interstate markets, including electric generating facilities and facilities for storage, receiving or processing petroleum products and other fuels;*

The Project is proposed in support of clean energy facilities serving state-wide and interstate markets, specifically the emerging offshore wind energy market. The proposed Project will result in

<sup>6</sup> [https://www.nae.usace.army.mil/Portals/74/docs/Navigation/CT/NLH/NLH\\_2015\\_CS\\_40.PDF](https://www.nae.usace.army.mil/Portals/74/docs/Navigation/CT/NLH/NLH_2015_CS_40.PDF). New London Harbor Condition Survey (03/2018). Accessed 02/12/2020.

<sup>7</sup> <https://www.nae.usace.army.mil/Portals/74/docs/Navigation/CT/NLH/NLHMap.pdf>. Accessed 04/19/2019.

<sup>8</sup> M. Habel (CENAE-PD-N) email correspondence with J. Salvatore (CPA) of 02/10/2020.

port facilities capable of regional WTG offshore wind support and also provide enhanced handling capabilities for traditional breakbulk cargoes. The Project will provide sound economic benefits to the area and to the State of Connecticut. The proposed Project will result in an increased number of high-skill, high-paying jobs that will last for decades and will further position Connecticut to be a leader in the clean energy market.

*(H) improvements to the existing interstate rail, highway and water-borne transportation system;*

The proposed project represents a significant improvement to the existing interstate water-borne transportation systems and will result in a state of the art pier facility upon Project completion.

In this Project, the majority of existing onsite rail infrastructure will be removed to accommodate the construction activities of the project. The CPA and Gateway Terminals are currently assessing options for reinstallation of reconfigured rail track to be installed at a later date in response to market demand.

Currently there is no regular cargo calling at the State Pier that requires rail service. Lumber, steel and salt shipments are moved by over-the-road tractor trailers. The current configuration of the rail tracks on the State Pier is not optimal to the handling of break-bulk cargo in the full buildout plan of the facility infrastructure improvements. These tracks were installed during the reconstruction of the State Pier in the late 1990s in order to replace the depressed tracks that served the State Pier Warehouse when cargo was offloaded from ships using cargo nets.

Genessee & Wyoming (G&W) Railroad operate one third of the freight rail lines in Connecticut and, through their associated entity the New England Central Railroad (NECR), control the rail service into the State Pier Facility in the Port of New London which includes facilities (public and private) on the entire Thames estuary, including the State Pier. There are three active rail lines in and next to the State Pier property. It is technically feasible to extend all three lines into the State Pier Facility after the Project is built, should there be a business demand. In recent years, the cargo business into the State Pier requiring rail service has been a "spot" business, meaning an ad-hoc request for rail service.

It is more reasonable to consider alternative rail track configurations and layouts for future import and export scenarios. Specifically, export products that may be exported from the New England region in general and to New London in particular, are:

- Breakwater stone
- Crushed gravel
- Heavy Lift components
- Lumber from Canada and the Northwestern US
- Steel products

These exports may also be handled by existing local private facilities in the Port of New London. These private facilities would need infrastructure improvements, dredging and capital funds to implement these kind of improvements to accommodate this service.

The Project does not "design out" the ability of reconfiguration of future rail infrastructure to serve import and export cargo service. In fact, rail standards have evolved and contemporary requirements will need to be incorporated, specifically meaning horizontal and vertical geometry of the rail tracks to meet the proposed elevated grade of the site. The newest 3-axle locomotives and

railcar configurations will also need to be considered, as well as modern 286k Gross Rail Load standard. The Amtrak rail bridge just to the north of the State Pier Facility poses vertical constraints to the height of rail car transit which also needs to be considered.

During the period when the facility is not actively engaged in support of offshore wind projects (wind project support anticipated to be approximately March through November of a given year [assuming suitable weather conditions prevail]), the facility will have capacity for traditional break-bulk cargoes. The anticipated initial tenants are expected to enter into a ten-year lease agreement at the facility, with an option to extend for an additional seven years. Upon completion of this project, the facility will be well suited for all manner of cargoes and will have two berths with heavy-lift capacity, key assets in the marine shipping industry within the North Atlantic region.

The Connecticut Port Authority and NECR/G&W have executed a 10-year lease agreement on the adjacent 5.5 acre parcel to the west of the facility warehouses. This lease will allow for storage of offshore wind components on the parcel (New London Parcel G10-245-3A). Terms of the agreement require that the CPA invest in rehabilitation of NECR's existing twin freight rail line which are located in the northern rail yard, beneath the Gold Star Bridge. The removal of track at the State Pier site will be compensated by these improvements to the NECR tracks and will be available for immediate use. This cultivates the development of a new rail/water application and mitigates the CT State Pier restrictions during its modification and subsequent off-shore wind assignment that there would be no public and only limited private cargo facilities.

*(I) provision of adequate state or federally-owned marine-related recreational facilities, including natural areas and wildlife sanctuaries; and*

No new state or federally-owned marine-related recreational facilities - including natural areas and wildlife sanctuaries - are proposed under the Project. However, the proposed Project has been designed to avoid potential impacts to the existing State-owned public boat launch located immediately north of the proposed State Pier Facility expansion area.

*(J) essential maintenance and improvement of existing water-dependent military, navigational, resource management and research facilities;"*

The Project represents a proposed improvement to a water-dependent marine navigational facility. The proposed Project will result in port facilities capable of regional WTG offshore wind support and also provide enhanced handling capabilities for traditional breakbulk cargoes. The Project will provide sound economic benefits to the area and to the State of Connecticut. Additional considerations regarding current water-dependent facility uses are described below.

*(b) In addition to the policies stated in subsection (a) of this section, the following policies are established for federal, state and municipal agencies in carrying out their responsibilities under this chapter:*

*(1) Policies concerning development, facilities and uses within the coastal boundary are:*

*(A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas;*

The Project is **compliant** with this subsection of 22a-92. The Project will be subject to applicable local and state regulatory review, and it provides a specific and requisite water dependent use: the continued and enhanced operation of a maritime port facility. The Project has the support of various public officials and its implementation has been prioritized by the State of Connecticut.

Traditional break-bulk cargoes currently moving through the State Pier Facility will remain a component of the annual shipments through the Facility. During the period when the facility is not actively engaged in support of offshore wind projects (wind project support anticipated to be approximately March through November of a given year [assuming suitable weather conditions prevail]), the Facility will have capacity for traditional break-bulk cargoes. As described herein, the anticipated occupants are expected to enter into a ten-year lease agreement at the facility, with an option to extend for an additional seven years. Upon completion of this agreement, the facility will be well suited for all manner of cargoes – boasting two heavy lift areas and deeper drafts which are key assets in the marine shipping industry.

Upon completion of the Project, the facility will continue to function as a limited-access cargo terminal area. Currently, there is no public access to the State Pier Facility complex. Due to maritime security (MARSEC) regulations, only authorized individuals may enter the property associated with the State Pier Facility. The Facility has historically been a secure terminal and will remain so upon Project completion.

In addition to the periodic break-bulk cargo ships that call upon the State Pier Facility, the facility currently hosts commercial fishermen and the Chester-Hadlyme ferry under agreement with the Connecticut Department of Transportation. The Project includes provisions at the Northwest Bulkhead to provide continued berthing/overwinter vessel storage to the Chester-Hadlyme Ferry through DOT.

Two fishing operations currently berth their vessels at the CVRR Pier. These fishermen had tenancy arrangements with the prior State Pier operator (Logistec). The current facility operator has noted that the fishing vessel leases at the CVRR Pier will expire in 2020 and has indicated that alternate berthing arrangements will be required at that time. The CPA, the Renaissance City Development Association (RCDA) and City of New London have agreed to have CPA's consultant, AECOM, conduct a study to review and inspect potentially suitable local dockage facilities, including those at the Fort Trumbull peninsula. The study will investigate and assess the condition of additional offsite facilities and make a recommendation as to which facility can best accommodate the fishing vessels. AECOM initiated this study in July 2020. The study will be conducted with the goal of exploring enhanced berthing locations for commercial fishermen in the Port of New London, including the fishermen relocating from the State Pier. Findings of this study will influence the potential outcomes, including infrastructure needs and/or relocation of the State Pier fishermen. Ultimately, the study and subsequent actions would be undertaken to avoid adverse impacts to local fishermen.

During periods of offshore wind operations, typically ten-day recurring intervals from March through November, break-bulk cargo will be diverted to the Gateway Terminal at the port of New Haven. The current salt importer tenant will relocate operations offsite. Arrangements have been made with DRVN Enterprises regarding the imported salt stockpile currently onsite at the State Pier Facility. Any remaining, unsold salt will be relocated offsite by DRVN enterprises by the end of December 2020. CPA will continue providing support and coordination with DRVN regarding relocation of this salt.

*(B) to locate and phase sewer and water lines so as to encourage concentrated development in areas which are suitable for development; and to disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and*

*tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used;*

The Project **is compliant** with this subsection of 22a-92. The Project represents the redevelopment of an existing working port area. No new sanitary sewer or water lines are proposed beyond those required to support the onsite facilities. In addition, no sanitary sewer or water line discharges to the above-noted resource areas would occur.

*(C) to promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities;*

The Project **is compliant** with this subsection of 22a-92. The proposed Project represents the redevelopment of an existing urban port facility in support of enhancing the existing water-dependent uses. The State Pier Facility has a long maritime history and, under current and proposed operations, will continue to be utilized by commercial vessels, including large ocean-going ships.

As noted above, two fishing operations currently berth their vessels at the CVRR Pier. These fishermen had tenancy arrangements with the prior State Pier operator (Logistec). The current facility operator has noted that the fishing vessel leases at the CVRR Pier will expire in 2020 and has indicated that alternate berthing arrangements will be required at that time.

The CPA, the RCDA and City of New London have agreed to have CPA's consultant, AECOM, conduct a study to review and inspect potentially suitable local dockage facilities, including those at the Fort Trumbull peninsula. The study will investigate and assess the condition of additional offsite facilities and make a recommendation as to which facility can best accommodate the fishing vessels. AECOM initiated this study in July 2020. The study will be conducted with the goal of exploring enhanced berthing locations for commercial fishermen in the Port of New London, including the fishermen relocating from the State Pier. Findings of this study will influence the potential outcomes, including infrastructure needs and/or relocation of the State Pier fishermen. Ultimately, the study and subsequent actions would be undertaken to avoid adverse impacts to local fishermen.

*(D) to require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;*

The Project **is compliant** with this subsection of 22a-92. Adverse impacts to aquatic resources have been minimized and avoided to the extent practicable, as described herein. Impacts on sedimentation patterns, water quality, and flooding and erosion are temporary in nature or have been avoided, minimized and mitigated to the greatest extent possible. A sediment analysis report is included as Attachment M2. The use of fill has been reduced to the maximum extent practicable and is needed to support the new pier expansion. Additional detail regarding alternatives considered is presented in Attachment M7. Impact avoidance and minimization is addressed in



Attachment M1. A compensatory mitigation plan is included in Attachment M8 to address unavoidable impacts.

The Project is proposed as the sole occupant on the southern portion of Winthrop Point, with only two other landowners (with direct riparian access) located on this southern portion of Winthrop Point - outside of the Project area. These other interests located on the southern portion of Winthrop Point with direct riparian access include lands attributable to the United States of America (Ferry St.: New London Parcel ID G10-108-1A) and those controlled by A&J Real Estate LLC (Winthrop Street: New London Parcel ID G10-237-3 and 35 Thomas Griffin Rd.: G10-237-5). Carwild Corporation, an international medical supply firm operates adjacent to the site at 3 State Pier Road. Conflicts with the riparian rights of adjacent landowners are not anticipated.

Several other commercial, industrial and infrastructure interests are located on the adjacent shorelines in the vicinity of the Project. However, the project is separated from these other adjacent parcels by the USACE-maintained FNP. The activities proposed in this application will not impact adjacent owners' abilities to exercise their littoral rights. The CPA is coordinating with abutting landowners and will also conduct public outreach (including newspaper notifications) as required under applicable laws and regulations.

Recreational and commercial vessels, including commercial fishing vessels and ferry services (i.e. the Cross Sound Ferry, Block Island Express and the New London-Fishers Island Ferry) operate in the waters adjacent to the proposed SPII Project. As noted herein, the Project has been redesigned to avoid and minimize potential structural and operational impacts to other adjacent maritime (water-dependent) users. Marine work and vessel navigation associated with construction and operation activities will be conducted in accordance with applicable marine standards including the U.S. Coast Guard Navigation Rules and Regulations, thus minimizing potential conflicts with the existing New London based fleet.

*(E) to disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical storage facilities which can reasonably be located inland and to require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills;*

This subsection of 22a-92 **is not applicable** to this Project. Though no significant fuel and chemical storage infrastructure is anticipated, any related storage facilities in support of the Project will comply with all State and Federal regulations.

*(F) to make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area;*

The Project **is compliant** with this subsection of 22a-92. The Project represents substantial upgrades and improvement to the existing marine transportation facilities (i.e. the existing State Pier Facility, including the Admiral Shear and CVRR Piers). The proposed Project will result in port facilities capable of regional WTG offshore wind support and also provide enhanced handling capabilities for traditional breakbulk cargoes. The Project will provide sound economic benefits to the area and to the State of Connecticut.

*(G) to encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land;*

The Project **is compliant** with this subsection of 22a-92. The Project does not include or directly affect recreational boating use.

*(H) to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the state-wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;*

This subsection of 22a-92 **is not applicable** to this Project. The Project does not include or affect such recreational boating uses.

*(I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry;*

In addition to the periodic break-bulk cargo ships that call upon the State Pier Facility, the facility currently hosts two commercial fishing operations, each with two vessels. As noted above, these fishermen had a tenancy arrangement with the prior Facility operator, which will expire in 2020. CPA, RCDA and the City of New London have agreed to have a study conducted to explore and evaluate enhanced berthing locations for commercial fishermen in the Port of New London, including the fishermen relocating from the State Pier Facility. Findings of this study will influence the potential outcomes for those currently tying up at the State Pier Facility, including infrastructure and/or relocation needs. Ultimately, the study and subsequent actions would be undertaken to avoid adverse impacts to local fishermen. As such, adverse impacts to fishing vessel operators are not anticipated. No recreational fleet is associated with the Pier.

The Project **is compliant** with this subsection of 22a-92. As a result of the above, the Project will not conflict with commercial fishing or recreational industries.

*(J) to require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer; and*

The Project **is compliant** with this subsection of 22a-92. As required under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended), the project is actively consulting with the Connecticut State Historic Preservation Office (SHPO) regarding potential historic and archaeological resources and adverse effects to any such resources. Consultations between the project team and the SHPO are ongoing. The CPA has prepared a Project Notification Form for submittal to the SHPO and a Phase IA archaeological survey has been undertaken to determine the

potential for the presence of contributing archaeological sites at the Pier Expansion area (SHPO correspondence is included as an appendix to Attachment M6).

Initial historical and archaeological research indicates that one of the SPII properties (the CVRR parcel) is listed on the National Register of Historic Places (NRHP). Built in 1876, the Central Vermont Railroad Pier originally served as an interchange point between ocean-going freighters and the rail network of the Central Vermont Railroad. It is believed to be the only 19th-century pier in Connecticut<sup>9</sup>.

Recent coordination and consultation efforts have revealed that a potential delisting of this property – due to recent activities at the pier that have potentially compromised its NRHP eligibility – would not be appropriate and would likely not be approved. Rather, as based on initial feedback from the SHPO, the CPA has redesigned select Project aspects to avoid a determination of adverse effect to historic resources (i.e. altering the SPII layout at the CVRR Pier western wall).

Additionally, archaeological surveys are being implemented to determine the presence of intact archaeological resources within the Project's Area of Potential Effect (APE). These surveys will include investigations pertaining to the existing State Pier Facility footprint, the existing shoreline at the site, the potential for other former historic residences onsite, features potentially associated with the onsite hillock; as well as the potential for other intact archaeological deposits or significant underwater cultural resource occurrences within the APE.

Consultations regarding historic preservation are ongoing with the SHPO and the CPA will continue to consult with applicable Tribal resource Historic Preservation Officers (THPOs) as appropriate. The Project will ensure that appropriate mitigation measures are implemented so that an acceptable outcome to demonstrate compliance with the Section 106 process is achieved (i.e. a letter of No Historic Properties Affected; an agreement on mitigation to avoid an adverse effect; and/or a Memorandum of Agreement (MOA) to resolve an adverse effect).

Information pertaining to the historical and cultural consultations performed to date is provided in Attachment M6.

*(K) to encourage the cooperative use of confined aquatic disposal cells for dredged material in appropriate circumstances.*

The Project **is compliant** with the intent of this subsection of 22a-92. While confined aquatic disposal (CAD) cells are beyond the scope of this Project and none are proposed herein; the cellular cofferdam / pier expansion area described herein will likely be constructed and function as a confined disposal facility (CDF) through receipt of dredged material from the SPII as well as potentially from adjacent Projects.

Based on initial Project discussions, CPA previously understood that CT DEEP might have required that the Electric Boat (EB) South Yard Facilities Master Plan Project proposed in Groton, CT send some quantity of their dredged sediments to the State Pier CDF and that the Project would be required to accept this dredge material as fill, under Public Trust benefit provisions. This understanding has changed and CPA no longer anticipates accepting dredge materials from EB. However, accepting desirable fill material from other marine projects located within the immediate region (i.e. potentially from Mohawk Northeast of Groton, CT or others) could be instrumental in

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<sup>9</sup> [https://en.wikipedia.org/wiki/Central\\_Vermont\\_Railroad\\_Pier](https://en.wikipedia.org/wiki/Central_Vermont_Railroad_Pier) Accessed 27 March, 2019.

constructing the State Pier CDF cost effectively and in working collaboratively to find an appropriate disposal location for other dredge materials.

As noted below, CPA anticipates that the bulk of the Project dredge materials would be beneficially reused onsite as fill placed between the piers. A subset of the coarser dredge materials (native sand and gravel) initially appear suitable for offshore disposal (additional regulatory coordination/testing would be required to confirm suitability criteria are met); however, this material would be beneficially reused as onsite structural fill within the Central Wharf area. As noted in DEEP Application Section III.2, select upland disposal of Project dredged materials may also be required.

(2) *Policies concerning coastal land and water resources within the coastal boundary are:*

(A) *To manage coastal bluffs and escarpments so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system;*

This subsection of 22a-92 **is not applicable** to this Project. The Project does not include or affect coastal bluffs and escarpments.

(B) *to manage rocky shorefronts so as to ensure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies;*

The Project **is compliant** with this subsection of 22a-92. As noted in DEEP Application Part III.4, this resource area is present at and adjacent to the Project site. Potential impacts to rocky shorefront areas have been avoided and minimized to extent practicable (see Application, Part III.10 and Attachment M1). As detailed in DEEP Application Part III.4, a small area (approximately 500 SF) of rocky shorefront may be subject to alteration under the current Project design in order to support the installation of Stormwater Outfall #3.

(C) *to preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to ensure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems;*

The Project **is compliant** with this subsection of 22a-92. As noted in OLISP Application Part III.4, this resource area is present at and adjacent to the Project site. The natural beach areas onsite are located outside of the Project's proposed pier expansion footprint are situated at the eastern portion of Winthrop Point. Potential impacts to natural beach systems flats have been avoided and minimized to extent practicable (see Application, Part III.10 and Attachment M1). As noted in Project's Compensatory Mitigation Plan (Attachment M8), portions of the onsite natural beach areas will be maintained as existing and additional portions will be subject to habitat enhancement efforts (see Attachment M8 for additional detail).

*(D) to manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to encourage the restoration and enhancement of degraded intertidal flats; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats;*

The Project **is compliant** with this subsection of 22a-92. As noted in OLISP Application Part III.4, this resource area is present at and adjacent to the Project site. Potential impacts to tidal/intertidal flats have been avoided and minimized to extent practicable (see Application, Part III.10 and Attachment M1). Unavoidable impacts to this resource, including those attributable to the filling of areas between the Admiral Shear State Pier and the CVRR Pier, will be mitigated as appropriate (see Attachment M8 for additional detail).

*(E) to preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; to encourage the rehabilitation and restoration of degraded tidal wetlands and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal;*

The Project **is compliant** with this subsection of 22a-92. No intertidal marsh systems are present within the proposed Project expansion footprint. As proposed in the Project's Mitigation Plan (Attachment M8), select lands to the northeast of the proposed pier expansion (i.e. those Winthrop Point areas immediately north and south of the existing railroad line) would be converted to tidal wetlands as part of proposed conceptual living shoreline creation. Additional detail on the proposed low marsh habitat creation with reefballs / shoreline protection, as well as other potential mitigation work, is included in Attachment M8.

*(F) to manage coastal hazard areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses;*

The Project **is compliant** with this subsection of 22a-92. The installation of structural measures (pier expansion measures and associated dockage structures) is needed to protect and enhance the water dependent uses described herein.

The Project's conceptual mitigation measures (see Attachment M8 for additional detail on the proposed living shoreline installation) include the promotion of nonstructural solutions which would mitigate flooding and erosion issues at the eastern and northern portions of Winthrop Point.

*(G) to promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to, commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses;*

The Project **is compliant** with this subsection of 22a-92. The Project includes the expansion of an existing developed shorefront area for continued water-dependent commercial/industrial use. As noted above, the CPA and City of New London are working to provide current water-dependent facility users with dockside access (onsite or offsite) during and after Project completion. CPA has provided the New London Port Authority, acting as the Local Harbor Management Commission, an opportunity to review and comment on the proposed activities, as outlined in this JPA.

*(H) to manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components;*

This subsection of 22a-92 **is not applicable** to this Project, as no islands are present onsite.

*(I) to regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources; and*

The Project **is compliant** with this subsection of 22a-92. As per CGS 22a-93 (7), “shorelands” are defined as “those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills and drumlins”. Only a small portion of the Project site (located to the north and west of parcel 95-G10-245-4) are located beyond the onsite coastal hazard area. These previously developed industrial areas immediately adjacent to State Pier Rd are not comprised of bedrock hills, till hills or drumlins and thus do not meet the above definition. As noted herein, potential Project impacts in onsite areas have been avoided, minimized and mitigated to extent practicable (see Attachment M1, M7 and M8 for additional detail).

*(J) to maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, cemetery or burial grounds, water-dependent uses, or commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.*

The Project **is compliant** with this subsection of 22a-92. The Project is a redevelopment of a 143-plus year-old transportation and cargo port. Work is proposed in a developed shorefront area with no virgin coastal landforms, cemeteries, burial grounds, commercial or residential structures, or substantial appurtenances.

*(c) In addition to the policies stated in subsections (a) and (b), the following policies are established for federal and state agencies in carrying out their responsibilities under this chapter:*

*(1) Policies concerning development, facilities and uses within the coastal boundary are:*

*(A) To minimize the risk of spillage of petroleum products and hazardous substances, to provide effective containment and cleanup facilities for accidental spills and to disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary;*

The Project **is compliant** with this subsection of 22a-92. No offshore oil receiving facilities are proposed. Onsite fueling operations will operate in accordance with applicable regulations. Effective containment and cleanup facilities will be available onsite for accidental spills during Project construction and operation.

*(B) to disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal;*

The Project **is compliant** with this subsection of 22a-92. Adverse impacts have been avoided or minimized to reach the least environmentally damaging practicable alternative. General information in support of this opinion is included in Attachments M1 (Natural Resources Evaluation), M7 (Alternatives Analysis) and M8 (Conceptual Mitigation). A detailed discussion is also included below.

Coastal Management Chapter 444 (22a-93[15]) defines “adverse impacts on coastal resources” as:

*(15) “Adverse impacts on coastal resources” include but are not limited to: (A) Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; (B) degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; (C) degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; (D) degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; (E) increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones; (F) degrading visual quality through significant alteration of the natural features of vistas and viewpoints; (G) degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat; and (H) degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function;*

The Project will be completed in accordance with all applicable permit conditions. It is CPA’s position that, in accordance with CT General Statutes Section 22a-92(c)(1)(B), the SPII will result in minimal adverse impacts on coastal resources and will not result in a reduction of water quality, degradation of existing circulation patterns of coastal waters, degradation of natural erosion patterns by altering littoral transport of sediment, degradation of natural or existing drainage patterns by altering groundwater flow and recharge and volume of runoff, increase the hazard of coastal flooding by significantly altering the shoreline configuration or bathymetry, degradation or destruction of essential wildlife, finfish or shellfish habitat or degradation of tidal wetlands, beaches and dunes, rocky shorefronts and bluffs and escarpments through significant alteration of their natural characteristics or function. CPA offers the following explanation by category:

- Water Quality

Currently, the State Pier Facility does not have a stormwater quality management system. As part of the overall Project design, the Project will install a new drainage system which will include Best Management Practices (BMPs) for stormwater quality management, including Vortech units or comparable, and will meet or exceed current state regulations, as per the CT Stormwater Manual. This will result in an overall improvement to the quality of runoff discharging to New London Harbor from the Project area as compared to current conditions.

Appropriate sedimentation and erosion controls and other BMPs will be employed, as noted on the Project Plans (Attachment I) and Construction Stormwater General Permit Project application materials. These measures have been designed with reference to the 2002 *CT Guidelines for Soil Erosion and Sediment Control*, as amended. These measures will include: a combination of silt curtains, filtration sacks, straw wattles and/or other appropriate containment measures at the upland work limits and around onsite temporary material stockpiles; operational BMPs – such as regular street sweeping, material tracking pads, vehicle inspections will be employed. Temporary water quality impacts during dredging activities may occur; however, these would be minimized through the use of turbidity monitoring program and the use of floating silt curtains and containment booms, a pump-and-treat water discharge system as outlined herein, as well as adherence to appropriate time of year restrictions. Potential adverse water quality impacts would be minimal overall.

- Degradation of existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours

The existing State Pier and CVRR Pier were largely constructed by placing significant volumes of fill material within New London Harbor. The in-water condition between the two piers is largely quiescent, with minimal flow through the area from adjacent coastal waters. The placement of additional fill between these existing fill deposits is not anticipated to result in a significant alteration of circulation/tidal patterns. Additionally, pre- and post-construction stormwater runoff volumes are expected to be similar, with no increase in freshwater input. With the exception of fill placement between the State and CVRR Piers, dredging of areas adjacent to the facility and preparing a subset of the dredged area to accommodate jack-up vessels, no other existing basin characteristics and/or channel contour alterations are proposed.

- Degradation of natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction

All in-water areas currently proposed to be modified by the Project are part of the existing State Pier Facility operations and have been used for marine commerce purposes for decades. Additionally, the upland/harbor interfaces proposed to be redeveloped are considered “Developed Shorefront” and consist of either steel sheet pile bulkhead, granite block walls, or riprap-armored slopes (beneath the pile-supported decks of the State Pier), and therefore are largely not subject to natural erosion patterns. These areas are proposed to be redeveloped proximal to existing locations. Even with the creation of new upland between the State and CVRR Piers, which would be placed in a man-made cove area that is relatively sheltered from the adjacent and prevailing New London Harbor shoreline circulation patterns, the Project’s proposed footprint is not expected to result in a significant alteration of littoral transport of sediment. Lastly, existing conditions at the site (steel and granite block bulkheads) would not be significant sources of sediment for the area nor are they significant areas of sediment deposition.



- Degradation of natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff

The Project site is currently developed and has no existing stormwater quality management system to treat runoff prior to surface discharge to New London Harbor. As designed, the Project will construct a stormwater system consistent with state regulations. No increases in volume of runoff or impacts to groundwater flow are anticipated. The majority of the Project's finished surface will be gravel and storm runoff will be less than that generated by current largely impervious surfaces.

- Increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones

Upland/harbor interfaces proposed to be redeveloped are classified "Developed Shorefront" and consist of either steel sheet pile bulkhead, pile supported pier, or granite block walls. These latter areas are proposed to be redeveloped proximal to existing locations. Therefore, pre- and post-construction shoreline configurations are expected to be similar. As noted above, the existing Admiral Shear State Pier and the CVRR Pier were constructed, in part, by placing fill material within New London Harbor. The placement of additional fill between these existing fill deposits is not anticipated to result in a significant alteration of circulation/tidal patterns and/or increase the hazard of coastal zone flooding given the overall expanse of the Thames River estuary adjacent to the Project. Further, much of the higher elevations on the site (above the coastal flood levels) will be reduced, reducing the potential for higher velocity flooding to be deflected onto adjacent properties. Flood studies and associated filings in being completed in compliance with FEMA guidance as part of the permitting process.

- Degradation of visual quality through significant alteration of the natural features of vistas and view points

In addition to land-based buildings and supporting bulkhead areas, the State Pier Facility currently includes two working piers, the CVRR Pier and the Admiral Shear State Pier itself. Construction of the CVRR was completed in 1876 with State Pier completed in 1914. Therefore, marine based commerce activity has been taking place at this location for over 140 years. Today, the facility continues its operations in a working harbor which supports significant existing industrial, transportation, commercial, military, and recreational uses. These uses include but are not limited to the State Pier Facility, Electric Boat, Cross Sound Ferry and other ferry services, Thames Towboat Company, U.S. Navy, U.S. Coast Guard and a commercial fishing fleet. The State Pier Facility is currently an active break bulk operation for structural and reinforcing steel, coil steel, salt, lumber, plywood, and copper billets, as well as other cargo. Once constructed, SPII will result in a significant upgrade in the facility's ability to accept and process many of the break bulk cargos that are currently processed, as well as cargo, equipment, and wind turbine components more typically associated with wind energy projects.

With respect to wind energy project support, it is anticipated that there will be lulls in WTG activity at the Site from late Fall to early Spring. During these times, the facility will likely see conventional break bulk cargo ship calls and, with the exception of the newly created upland area, the port and its associated operations will appear largely the same as it does currently.

During the period of time when the facility is actively engaged in support of offshore wind projects, which is anticipated to be approximately March through November of a given year (assuming suitable weather conditions prevail), wind turbine structure assembly would be ongoing. Delivery and installation vessels will be present periodically. Structure assembly and the presence of the installation and delivery vessels will be temporary and seasonal in nature and would only occur

during active construction. Representative renderings of Facility conditions anticipated during wind-support operations are included in Attachment M14.

As more fully described in Attachment M1, temporary and seasonal impacts to local vistas and viewpoints are anticipated; however, CPA does not expect significant year-round alterations to existing views. Temporary visual impacts associated with tower assembly would be seasonal and would vary in nature and duration. The upgraded State Pier Facility is anticipated to be utilized in such a way as to be consistent with the port's established long term usage and is consistent with the character of a working port facility.

- Degradation or destruction of essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat.

The approximately 7.4 acre area between the existing Admiral Shear State Pier and the CVRR Pier (which is proposed to be filled in order to create the expanded pier surface), as well as other areas of benthic alteration (i.e. areas to be dredged in association with the Project and/or backfilled with crushed gravel to support installation vessel spud cans [jack-up legs]) are located at the long-standing and currently active operations areas of the State Pier Facility.

In order to fully assess the in-water Project areas, aquatic surveys were completed in July 2019 for areas proposed to be impacted. AECOM submitted a proposed Benthic Survey and Field Sampling plan to the CT DEEP and USACE via electronic mail on June 19, 2019. The surveys were completed to identify existing natural resources in the proposed Project area, establish existing environmental baseline conditions, and support Project permitting efforts. AECOM's benthic field program includes surveys for eelgrass, benthic macrofauna and shellfish. These surveys were completed over the weeks of July 22, and July 29, 2019 and results are included in Attachment M1. One eelgrass bed was identified adjacent to the Project's impact areas. The Project has been designed to avoid direct impacts to this one discrete area of submerged aquatic vegetation (SAV) noted in the eastern portion of the Site. Avoidance measures include installation of protective turbidity curtains during construction, as well as installation of a oewall to ensure slope stability at the eelgrass bed. Additional detail regarding onsite eelgrass and shellfish resources is documented in Attachment M1B.

AECOM has drafted an Essential Fish Habitat Assessment for the Project (included as JPA Attachment M5), which concluded in part: *The impacts to fish, EFH, NOAA trust resources, and protected species associated with the Proposed Action... would be temporary in nature and would result from in-water construction and disturbance activities (i.e., dredge and fill activities). No substantial long-term fisheries impacts (e.g., altered migration routes, loss of rare species, or change in regional fisheries populations) are identified or anticipated for the Proposed Action.*

- Degradation of tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function

Upland/harbor interfaces proposed to be redeveloped are considered "Developed Shorefront" and consist of either steel sheet pile bulkhead, granite block walls or riprap-armored slopes beneath the pile-supported decks of the Admiral Shear State Pier. No tidal wetlands, beaches/dunes, rocky shorefronts, or bluffs/escarpments will be impacted by the proposed Project.

*(C) to initiate in cooperation with the federal government and the continuing legislative committee on state planning and development a long-range planning program for the continued maintenance and enhancement of federally maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials; to encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages and to discourage the dredging of new federally maintained navigation channels, basins and anchorages;*

The Project **is compliant** with this subsection of 22a-92. The CPA is cooperating with a variety of federal, state and local agencies regarding the Project. The proposed dredge footprints and side slopes are being designed to minimize the need for future dredging, to the extent practicable and to avoid encroachment into federally maintained FNPs. As noted herein, CPA had previously worked with DEEP and EB in the event that the Project was required to accept dredged materials from EB South Yard Facilities Master Plan Project proposed in Groton. Though EB dredge materials are no longer anticipated, accepting suitable dredged materials from the SPII Project itself, and/or potentially desirable fill material from other marine projects located within the immediate region would also be instrumental in constructing the State Pier CDF cost effectively and in working collaboratively to find an appropriate disposal location for other dredge materials. Initial investigations indicate that a portion of the Project dredged materials may be suitable, from a geotechnical perspective, to be disposed of offshore at a Long Island Sound disposal site (additional testing and agency coordination would be required); however, the Project is pursuing a more beneficial use for these materials - as proposed structural fill between the piers / at the new Central Wharf area. Dredged materials from the SPII berthing pockets - which are unsuitable from a geotechnical perspective or otherwise undesirable - may be sent to upland areas for disposal or reuse in accordance with receiving facility parameters. Offshore disposal is not anticipated.

The CPA is working collaboratively with the USACE and Congressman Courtney's office to coordinate Section 408 and FNP de-authorization activities required as a result of Project modifications (i.e. fill between the piers and dredging activities near the FNP). To the extent allowable and practicable, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages will be pursued. Creation of new federally maintained navigation channels, basins and anchorages is excluded from the project scope. CPA will continue to work with USACE and Congressman Courtney through this process.

*(D) to reduce the need for future dredging by requiring that new or expanded navigation channels, basins and anchorages take advantage of existing or authorized water depths, circulation and siltation patterns and the best available technologies for reducing controllable sedimentation;*

This subsection of 22a-92 **is not applicable** to this Project. No new or expanded navigation channels, basins and anchorages are proposed.

*(E) to disallow new dredging in tidal wetlands except where no feasible alternative exists and where adverse impacts to coastal resources are minimal;*

This subsection of 22a-92 **is not applicable** to this Project. Intertidal marsh systems are not present within the proposed pier expansion footprint. Adverse impacts have been avoided or minimized to reach the least environmentally damaging practicable alternative (see Attachments M1, M7 and M8) for additional detail.

As proposed in the Project’s Conceptual Mitigation Plan (Attachment M8), select lands immediately northeast of the proposed pier expansion (i.e. those Winthrop Point areas immediately north and south of the existing railroad line) would be converted to tidal wetlands as part of proposed conceptual living shoreline creation. Detail pertaining to additional mitigation measures and the proposed low marsh habitat creation with reefballs / shoreline protection, as well as other potential habitat enhancement measures, are included in Attachment M8.

*(F) to require that new or improved shoreline rail corridors be designed and constructed so as (i) to prevent tidal and circulation restrictions and, when practicable, to eliminate any such existing restrictions, (ii) to improve or have a negligible adverse effect on coastal access and recreation and (iii) to enhance or not unreasonably impair the visual quality of the shoreline;*

This subsection of 22a-92 **is not applicable** to this Project. The Project does not include new or improved shoreline rail corridor.

*(G) to require that coastal highways and highway improvements, including bridges, be designed and constructed so as to minimize adverse impacts on coastal resources; to require that coastal highway and highway improvements give full consideration to mass transportation alternatives and to require that coastal highways and highway improvements where possible enhance, but in no case decrease coastal access and recreational opportunities;*

This subsection of 22a-92 **is not applicable** to this Project. The Project does not include new coastal highways or highway improvements.

*(H) to disallow the construction of major new airports and to discourage the substantial expansion of existing airports within the coastal boundary; to require that any expansion or improvement of existing airports minimize adverse impacts on coastal resources, recreation or access;*

This subsection of 22a-92 **is not applicable** to this Project. The Project does not include new airports or airport improvements.

*(I) to manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations;*

The Project **is compliant** with this subsection of 22a-92. As noted in DEEP Application Part III Section 4, indigenous aquatic life (finfish and shellfish) and shellfish concentration areas are mapped at and/or adjacent to the Project site. Harvest of shellfish within the Project area is prohibited due to potential for public health risks. No state-managed, town-managed, recreational, or natural shellfish beds are mapped within the Project area.

Attachment M1 provides additional documentation regarding potential affects to the indigenous aquatic life noted at and adjacent to the Project site. Dredging may affect mobile aquatic species,

which will be temporarily displaced during active dredging operations, but are expected to return post dredging to the areas beyond the pier expansion footprint. Rapid recolonization of the temporarily altered benthic community is expected following dredge activities. Additionally, temporary impacts to water quality may occur as a result of dredging activities. Finfish species of interest, including winter flounder, sturgeon (*Acipenser spp.*) and the anadromous blueback herring, may be affected as a result of work operations. Potential impacts to these and other species are discussed in the Essential Fish Habitat Assessment included as Attachment M5. The Project's conceptual compensatory mitigation which would be employed to offset impacts to fisheries resulting from temporary and permanent impacts (i.e. the placement of fill associated with the pier expansion) are discussed in Attachment M8.

*(J) to make effective use of state-owned coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing state-owned facilities where feasible;*

The Project **is compliant** with this subsection of 22a-92. While the Project parcels are CPA-owned or under CPA control, the Admiral Shear State Pier and CVRR Pier areas constitute a working waterfront area that does not currently support recreational facilities. Due to the commercial nature of the site, recreational facilities are not appropriate upon the Project site. The near-dock shoreline areas located south of State Pier Road accommodate most of the existing port's cargo intermodal activity. The proposed Project will result in port facilities capable of regional WTG offshore wind support and also provide enhanced handling capabilities for traditional breakbulk cargoes. The Project will provide sound economic benefits to the area and to the State of Connecticut.

State-owned recreational facilities including a boat-launch are located immediately north of the pier expansion area. A conceptual living shoreline enhancement (with public-facing signage describing these improvements) is envisioned on this northern state-owned parcel (95-G09-244-12.3); however, existing recreational uses – including continued operation of the boat launch - will be maintained at this location.

*(K) to require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach; and*

This subsection of 22a-92 **is not applicable** to this Project. No public beach is located within the Project footprint.

No access to uplands from the shoreline is currently possible due to security prohibitions at the existing State Pier and CVRR properties. Similarly, under current conditions, the public is unable to directly access the waterline at the site due to existing MARSEC security concerns and associated fencing. Under the proposed SPII Project, these conditions will be maintained and direct access to or from the waterline will not be possible for the public due to site security concerns.

*(L) to promote the revitalization of inner city urban harbors and waterfronts by encouraging appropriate reuse of historically developed shorefronts, which may include minimized alteration of an existing shorefront in order to achieve a significant net public benefit, provided (i) such shorefront site is permanently devoted to a water dependent use or a*

*water dependent public use such as public access or recreation for the general public and the ownership of any filled lands remain with the state or an instrumentality thereof in order to secure public use and benefit in perpetuity, (ii) landward development of the site is constrained by highways, railroads or other significant infrastructure facilities, (iii) no other feasible, less environmentally damaging alternatives exist, (iv) the adverse impacts to coastal resources of any shorefront alteration are minimized and compensation in the form of resource restoration is provided to mitigate any remaining adverse impacts, and (v) such reuse is consistent with the appropriate municipal coastal program or municipal plan of development.*

The Project **is compliant** with this subsection of 22a-92. The proposed Project represents a revitalization of an inner city urban harbors and waterfronts and demonstrates the appropriate reuse of historically developed shorefronts for water-dependent usage that achieve a significant net public benefit. The proposed Project will result in an increased number of high-skill, high-paying jobs that will last for decades and will further position Connecticut to be a leader in the clean energy market.

As demonstrated herein, the Project meets the five provisions outlined above. Specifically, the Project is a water dependent use and no other feasible, less environmentally damaging alternatives exist (Attachment M7). The ownership of the filled lands would remain with the CPA – a quasi-governmental agency. The landward development at the site is largely constrained by existing highways and railroads. As noted in this application package, adverse impacts to coastal resources alteration have been minimized (Attachments M1 and M7) and compensated to mitigate any remaining adverse impacts (Attachment M8). CPA has been actively engaged in dialogue with New London city officials to address concerns and objectives of the City, and the support of city officials has previously been noted for this Project<sup>10</sup>. CPA is currently working to address questions raised by the City concerning the applicability of the City's State Pier Municipal Development Plan.

(2) *Policies concerning coastal land and other resources within the coastal boundary are:*

*(A) To manage estuarine embayments so as to ensure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational finfisheries*

The Project **is compliant** with this subsection of 22a-92. Adverse impacts to aquatic resources (see Attachment M1) and biological productivity have been minimized and avoided to the extent practicable, as described herein. No eelgrass flats are present at the Project impact areas. As noted in Attachment M1B, a discrete eelgrass patch has been identified onsite. The Project has been designed to avoid direct impacts to this resource area (turbidity curtains during construction; toewall installation to protect adjacent slope stability). Impacts on sedimentation patterns, water quality, flooding and erosion are temporary in nature or have been avoided, minimized and mitigated to the greatest extent possible. A sediment analysis report is included as Attachment M2. The use of fill has been reduced to the maximum extent practicable and is necessary to support the new pier expansion. Additional detail regarding alternatives considered and the associated impacts

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<sup>10</sup> <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2019/01-2019/Gov-Lamont-Announces-Partnership-With-the-City-of-New-London-Regarding-the-Future-of-the-State-Pier> Accessed 03/28/2019; 10/29/2020.

is presented in Attachments M1 and M7. A conceptual mitigation plan, which includes shellfish management benefits, is included in Attachment M8.

*(B) to maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures.*

This subsection of 22a-92 **is not applicable** to this Project. No placement or replacement of culverts, tide gates, or other similar drainage or flood control structures are anticipated as part of the proposed Project.

*(d) In addition to the policies in this section, the policies of the state plan of conservation and development adopted pursuant to part 1 of chapter 297 shall be applied to the area within the coastal boundary in accordance with the requirements of section 16a-31.*

The Project **is compliant** with this subsection of 22a-92, as the Project is proposed in a manner consistent with the growth management principles of the Connecticut State Plan of Conservation and Development. As noted on the State of Connecticut Office of Policy and Management website<sup>12</sup>,

*“The Office of Policy and Management, Intergovernmental Policy and Planning Division, Office of Responsible Growth, prepares a state plan of conservation and development (State C&D Plan, also known as the state POCD), every five years in accordance with Section 16a-27 of the Connecticut General Statutes. House Joint Resolution No. 74 (2019 session) would adopt the most recent revision of the State C&D Plan, titled Conservation and Development Policies: The Plan for Connecticut, 2018-2023. Until such time the 2018-2023 State C&D Plan is adopted, the 2013-2018 State C&D Plan and Priority Funding Areas remain in effect.”*

As the draft 2018-2023 State C&D Plan is still awaiting adoption (a public hearing on CT House Joint Resolution 74<sup>13</sup> was held in March 18, 2019 and the C&D Plan will be resubmitted to the legislature in the 2020 session), the proposed Project has been reviewed against the policies outlined in the 2013-2018 State C&D Plan, as described below. The 2013-2018 State C&D Plan establishes six growth management principals; all of which are met by the Project, as described below. The Project parcels each have an average of four Priority Funding Area (PFA / Balanced PFA) criteria in accordance with the POCD Locational Guide Map, and as further described below.

*(1) Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure;*

The Project includes redevelopment of existing water-dependent physical infrastructure located in the City of New London. Under the proposed plan, existing working waterfront features will be

<sup>12</sup> <https://portal.ct.gov/OPM/IGPP/Responsible-Growth/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>. Accessed 03/26/2019.  
<https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>. Accessed 09/25/19, 05/06/2020, and 10/29/2020.

<sup>13</sup> <https://www.cga.ct.gov/2019/TOB/h/pdf/2019HJ-00074-R00-HB.PDF> Accessed 28 March, 2019; 10/29/2020.

repurposed in support of the development of clean, regional offshore wind. The area is currently served by, and located immediately adjacent to, public transit and major transportation infrastructure (i.e. interstate highway, rail, marine shipping lanes). In addition, the area is served by municipal sewer, water and electric services.

The Project will provide sound economic benefits to the area and to the State of Connecticut. The proposed Project will result in an increased number of high-skill, high-paying jobs that will last for decades and will further position Connecticut to be a leader in the clean energy market. As such, the SPII project is consistent with this growth management principal.

*(2) Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs;*

This growth management strategy is not applicable to the SPII Project.

*(3) Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options;*

The area is currently served by, and located immediately adjacent to, major transportation corridors including highway (I-95), rail (Amtrak passenger and regional / freight lines), and federally maintained navigational channels instrumental to transportation. The area currently serves as a regional transportation node. An aerial view of the Port of New London (specifically the proposed SPII Project area) is included in the 2013-2018 POCD Growth Management Principal 3 section.

The Project is proposed in support of clean energy facilities serving state-wide and interstate markets, specifically the emerging offshore wind energy market. The proposed Project will result in port facilities capable of regional WTG offshore wind support and also provide enhanced handling capabilities for traditional breakbulk cargoes. The Project will provide sound economic benefits to the area and to the State of Connecticut. As such, the project is consistent with this growth management principal.

*(4) Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands;*

As demonstrated herein, adverse environmental cultural and historical impacts will be appropriately avoided, minimized and mitigated (see Application Attachments M6, M7 and M8). No traditional rural lands, preserved farmlands critical habitats, core forest areas and large inland wetland soil complexes are located at the Project site.

*(5) Protect and Ensure the Integrity of Environmental Assets Critical To Public Health and Safety; and*

As demonstrated herein, the Project will work to avoid, minimize and compensate for any unavoidable environmental effects (see Attachments M1, M7 and M8). This growth strategy principal calls for allowing redevelopment and rebuilding of coastal areas consistent with coastal area management principles and regulations and prevailing federal rules and requirements.

The Project is located in an area of hurricane surge inundation and in the 100-year floodplain. Flood studies and associated filings in being completed in compliance with FEMA guidance as part of the permitting process. No other environmental assets critical to public health and safety; such as Aquifer Protection Areas; Area of Contribution to Water Supply Well; Public Drinking Water Supply Watershed Areas; and Water Quality Improvement Areas are located at the site.



*(6) Promote Integrated Planning Across All Levels of Government to Address Issues on a State-Wide, Regional and Local Basis*

The CPA – a quasi-governmental agency - will obtain all required local, state and federal approvals prior to completing the proposed Project. Various public officials have expressed public support for this project<sup>14</sup>. As such, the Project is in compliance with this growth management strategy.

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<sup>14</sup> <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2019/01-2019/Gov-Lamont-Announces-Partnership-With-the-City-of-New-London-Regarding-the-Future-of-the-State-Pier>. Accessed 03/28/2019; 10/29/2020.

