

Policy to Draw Down State-Owned Impoundments
Connecticut Department of Energy and Environmental Protection
Revised July 2023

Overview

This Policy updates and replaces the 1998 Policy for Requests to Draw Down State Owned Impoundments.

The Connecticut Department of Energy and Environmental Protection (DEEP) may, on a reimbursement basis, provide drawdown services for state-owned impoundments when requested by a municipality.

Drawdowns are conducted only to the extent permissible pursuant to the Connecticut Water Diversion Policy Act and to the extent that DEEP staff are available. Drawdowns are conducted between November 1 and March 1, or a date determined by DEEP based on refill rates for the watershed, usage, and environmental considerations. This timeframe allows for the public use of state-owned lakes through October and is intended to provide sufficient time to restore lakes to normal surface water elevation by early April.

Note:

1. No drawdown will be approved if DEEP determines that the drawdown:
 - a. Interferes with or has an impact on:
 - i. Other planned drawdowns for maintenance purposes in the same river system;
 - ii. DEEP's conservation and recreational activities such as fish stocking, fisheries management, and boating;
 - iii. DEEP's management of natural resources.
 - b. Could cause flooding or would exceed the hydraulic capacity of any downstream restriction.
 - c. Involves lowering the surface elevation of the impoundment below the elevation necessary for, or beyond the time necessary for, the purposes of the drawdown, again as determined by DEEP.
2. DEEP staff will set the drawdown rate to avoid erosion in the impoundment and downstream of the dam's structure. Water will be continually released following DEEP's Stream Flow Regulations to support aquatic life.

Application Procedures

From March 1 through July 31, submit the request to the Commissioner's Office, using the link to the Microsoft Office Form (below). The applicant must be the chief elected official of a municipality or representative from the town. Incomplete applications may result in delays.

Step 1. Use the following online fillable form to submit the request.

<https://forms.office.com/g/Puup8jFXEp>

Step 2. Submitting the request form does not automatically notify DEEP. Please confirm that you submitted the online form by emailing a note to:

DEEP.StateLakeDrawdownRequest@ct.gov

The form will require the following information about the drawdown request:

Contact Information

1. Name of the municipality making the request. This municipality will be used for billing purposes.
2. Name of the Chief Elected Official (or best contact within the town) of the municipality where the impoundment is located.
3. The address, email, and phone number of the Chief Elected Official or best town contact.
4. Additional contact person if needed, including email.

Lake Notification Information

5. Name of the impoundment to be drawn down.
6. Requested depth of the drawdown, in inches or feet, relative to historical drawdowns for the site.
7. Justification for the requested depth - may include number of homes obtaining local permit approvals for shoreline maintenance and repairs, specific aquatic vegetation controls, and avoidance of ice damage.
8. The starting year and depth of the last drawdown.
9. To assist DEEP with long-term planning, information about the previous drawdown, such as the number of properties that received permits from the town for repairs and observations of density of aquatic invasive plants. This type of information will assist DEEP in determining the timing, costs, and frequency of drawdowns.
10. Confirmation that the requesting party will assume the reimbursement costs for implementing the drawdown.
11. Pre-Notification: Confirmation that the requesting party will notify shoreline owners and downstream property owners of the application to DEEP for the requested drawdown.
12. The method(s) that will be used for notification (website, direct mail, newspaper, etc.).
13. Post-Notification: Confirmation that the requesting party will follow up with timely notification to shoreline owners and downstream owners of the outcome of the request.
14. Confirmation that the municipality will inform any water company that may be affected by the drawdown at least 7 days before the drawdown begins. Notification of water

companies is required by statute for drawdowns under the state's Non-Consumptive Water Diversion permit process.

15. Confirmation that any previous drawdown invoices have been paid.

16. Confirmation that it is understood that circumstances beyond DEEP's control may prevent or limit the success of the drawdown.

Environmental Review

DEEP will review drawdown requests to ensure that the timing and depth of the drawdown will not interfere with other planned drawdowns for maintenance purposes in the same river system or with DEEP's conservation and recreational activities, which include fish stocking, fisheries management, boat fishing, and boating activities.

DEEP staff will be consulted, and based on staff comments, the request may be modified, or additional information may be requested of the applicant.

Approved Purposes: DEEP may approve drawdowns for the following purposes, under exemptions from the Connecticut Water Diversion Policy Act, Regulations of Connecticut State Agencies, section 22a-377(b)-1(16):

1. Aquatic weed control,
2. Water quality control, and
3. Inspection or maintenance of a dam, gatehouse, discharge structure, reservoir, shoreline, or dock.

Please also refer to the additional environmental review considerations identified at the beginning of this policy.

Administrative Process

1. *DEEP Review:* The Commissioner's Office shall coordinate DEEP's review and prepare a recommendation to the Commissioner.

(a) The Commissioner's Office will inform DEEP staff of pending drawdown requests and will solicit comments, as needed, from the State Parks Division, Fisheries Division, Land and Water Resources Division, Water Planning and Management Division, State Dams, Wildlife Division, Boating Division, and Engineering and Field Support Services.

(b) To ensure timely responses, the Commissioner's Office will establish comment deadlines.

(c) The Commissioner's Office may request additional information from the applicant, if needed.

(d) Drawdown approvals may be modified based on staff comments. Alternatively, any recommendation for denial shall include the reasons for denial. The final decision on a request will be e-mailed to the requesting party.

2. *Complete Application:* Requests will be approved based on:

- (a) a complete application;
 - (b) no outstanding invoices;
 - (c) acknowledgements of the notification requirements; and
 - (d) consistency with the known history of the drawdown at that impoundment.
- Specific supporting information and studies may be requested if there is any deviation in the request that is inconsistent with the known history.
3. *Drawdown Approval Letter:* Upon granting a drawdown request, DEEP will issue a Drawdown Approval letter to the applicant via email, which will contain the start and end dates and a contact person for the drawdown.
 4. *Discontinuation:* The Commissioner may discontinue a drawdown at any time for reasons of public safety or natural resource protection. The party who requested the drawdown shall be informed of this decision.
 5. *Water Level Reduction Goals:* DEEP will endeavor to achieve and maintain the requested water level reduction throughout the drawdown period. Circumstances beyond the control of DEEP, such as weather conditions, may prevent or limit the success of a drawdown. Similar circumstances may hamper refilling efforts. These risks should be recognized and accepted when requests are submitted.
 6. *Staffing:* Drawdowns are conducted by available and willing staff from the State Parks & Public Outreach Division in addition to their normal work duties.
 - (a) Park staff may be required to be available during major weather events to control the water level during the drawdown period.
 - (b) Staff availability is subject to change, and hourly rates may vary during a drawdown.
 - (c) Invoices will reflect the hours spent attempting and maintaining the drawdown at the rate of the staff conducting the drawdown.

Municipal Responsibilities

1. *Property encroachments:* When a drawdown is conducted for the purpose of property maintenance, the municipality shall ensure necessary town permitting is obtained and that there is no encroachment on state property including the littoral zone, lake bottom, and flowage rights. Under no circumstances will private or municipal property be extended into the lake by increasing the footprint of a retaining wall, additional structures, or by any other means during a drawdown.
2. *Buffers:* A drawdown may be an appropriate time for homeowners to establish vegetated riparian buffers to replace impervious surfaces and improve environmental benefits while ensuring shoreline stabilization. More information about buffers can be obtained through [A Guide to Healthy Lakes Using Shoreline Landscaping](#), [The Science Behind Vegetated Buffers](#), or through [A Guide to Creating Vegetated Buffers for Lakefront Properties](#). Homeowners should discuss the need for permitting with their local town regulators.
3. *Vegetation management:* Municipalities and lake associations should consider internal coordination for vegetation management to better manage costs of drawdowns and herbicide treatments and the necessity of conducting both activities within the same year.
4. *Funding:* Public Act 19-190 provides a dedicated funding source for the eradication of aquatic invasive species and cyanobacteria blooms, among other purposes. Funds are

provided through a competitive grant process. Email questions to DEEP.AISGrants@ct.gov. More information can be found on the [Grants for the Control of Aquatic Invasive Species](#) webpage.

Disclaimer: *The policies within are in no way binding on DEEP's discretionary authority. This document is meant to summarize how DEEP typically exercises its discretion in 2023. The policies do not constitute rulemaking by the Agency, and they may not be relied upon to create a right or a benefit, substantive or procedural, enforceable at law or in equity, by any person. In order to fulfill its statutorily mandated duties, DEEP may take any action that deviates from the policies or procedures contained in this document.*