

Appendix A – Housatonic River Project FERC No. 2576 Shoreline Management Plan Development

Introduction

On June 23, 2004, FERC issued a new License Order to Northeast generation Corporation for the continued operation of the Housatonic River Project FERC No. 2576. The Article 407 of the new license requires licensee to file for FERC's approval, by December 23rd, 2005, a comprehensive Shoreline Management Plan for managing reservoir shorelines and riverfront lands within the project boundary of Falls Village, Bulls Bridge, Rocky River, Shepaug and Stevenson developments. Text from the new license regarding Article 407 is copied below.

Article 407. Shoreline Management Plan. Within eighteen months of license issuance, the licensee shall file for Commission approval a comprehensive plan for managing reservoir shorelines and riverfront lands within the project boundary at each of the project developments.

The Shoreline Management Plan (SMP) shall provide for: (1) safe public access to shoreline and riverfront lands and waters for informal recreational and navigational use; (2) the conservation of important resource and environmental qualities surrounding the project's shorelines and riverfront lands; and (3) the development of shoreline and riverfront areas and facilities that are consistent with both project and non-project needs and demands.

The SMP shall at a minimum include descriptions of: (1) the purpose and scope of the plan; (2) how the plan was prepared including identification of the entities involved in its preparation; (3) the licensee's policies and guidelines on shoreline use including a shoreline-use classification system (if applicable), and associated permitting and property-conveyance procedures; and (4) any special management measures to be administered under the plan (such as a clean-marina initiative, adopt-a-shoreline program, parkland lease program, etc).

The SMP shall also describe how the plan will be implemented, including: (1) guiding prospective applicants for non-project uses of project lands in conforming their proposals to the plan's provisions; (2) reviewing pending proposals for use of project lands to determine their consistency with the plan's policies, classifications, prescriptions, and application requirements; and (3) monitoring existing shoreline activities to ensure their compliance with the plan.

Further, the SMP shall include:

- a) Identification of a vegetated buffer zone around reservoir shorelines and riverfront lands of up to 200 feet measured horizontally from the high water mark on lands that it owns within the project boundaries, consistent with the Commission's regulations at 18 C.F.R. § 4.51(h)(2).
- b) Identification on maps of disturbed NGS-owned lands with the potential for re-vegetation and provisions to re-vegetate these areas within the project boundaries.
- c) A public education component that could include brochures, seminars, or signs to encourage the planting and/or establishment (i.e., implementation of no-cut zones along the shoreline, shoreline stabilization, buffer-zone maintenance, habitat protection and enhancement) of native species in the buffer zone by private landowners for adjoining residential property owners.
- d) Identification of procedures to maintain access for recreational purposes for adjacent landowners.

- e) Provisions for identifying opportunities to provide conservation easements for greenway and trail development and improved public access within the project boundary including a description of a permitting system to allow management of such easements by a qualified entity.
- f) A provision to share existing digital mapping data upon request.
- g) An inventory of existing shoreline development facilities (such as boat docks, marinas, landings, and bulkheads/shoreline stabilization structures) located on project lands, the conditions of the facilities, and the entity that manages the facilities (details on ownership and condition of each private dock are not necessary).
- h) An inventory of aesthetic resources on project lands and lands adjacent to the project boundary and areas thought to have high aesthetic value, including vegetated shorelines and views of water.
- i) Measures to control erosion from trails and parking lots and shoreline areas, and restrictions on pedestrian traffic in areas with sensitive habitats.
- j) Identification of conservation restrictions or other similar protective measures on those NGS-owned lands within the project boundary that are not already dedicated to open space.
- k) A report on the feasibility of conserving those project lands that are deemed critical for protecting the scenic, recreational, and natural values of the project area, as well as lands that can be used for greenway and trail development, and, as appropriate, a plan and schedule for acquiring those easements.
- l) A discussion of local government zoning and other land use regulations affecting project resources and any coordination efforts between the licensee and local governments about land and aesthetic conservation goals.
- m) A schedule and process for periodically reviewing and updating the plan every six years.
- n) The identification of land that could be used as staging areas by local lake associations or authorities for patrol and water quality monitoring activities.

The Shoreline Management Plan shall be prepared in consultation with the U.S. Fish and Wildlife Service, National Park Service, Connecticut Department of Environmental Protection, Housatonic Environmental Action League, Housatonic Valley Council of Elected Officials, Housatonic Valley Association, Appalachian Trail Conference, Appalachian Mountain Club, Housatonic River Commission (representing the towns of Cornwall, Kent, New Milford, North Canaan, Salisbury, and Sharon), Adirondack Mountain Club, American Whitewater, Trout Unlimited, Lake Lillinonah Authority, Candlewood Lake Authority, and Lake Zoar Authority.

The licensee shall include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the consulted entities, and specific descriptions of how the entities comments and recommendations are accommodated by the plan. The licensee shall allow a minimum of 30 days for the entities to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reason's based on project-specific information.

The Commission reserves the right to require changes to the plan. The plan shall not be implemented until the licensee is notified by the Commission that the plan is approved. Upon approval of the plan, the licensee shall implement the plan, including any changes required by the Commission.