

**Housatonic River Project - Shoreline Management Plan  
Public Forum, 21 Oct. 2005**

On October 21, 2005 Northeast Generation Services (NGS) hosted a Public Forum to provide an update and solicit input on the Shoreline Management Plan (SMP) being developed for the Project. Information regarding the SMP development process is available at the Project website ([www.essexpartnership.com/hrp.asp](http://www.essexpartnership.com/hrp.asp)).

The Public Forum began with a general presentation on the SMP, including the process for developing the Plan. Copies of the presentation and handout materials provided at the Public Forum are available at the Project website. Following the presentation, two concurrent discussion sessions were held, one focused on Candlewood Lake and one focused on Lake Lillinonah and Lake Zoar. No stakeholders showed up for the session scheduled for Falls Village and Bulls Bridge. Approximately 135 people attended the general meeting, while approximately 95 stakeholders attended the Candlewood Lake breakout group and approximately 30 attended the Lake Lillinonah/Zoar breakout group.

**RESULTS OF ISSUES PRIORITIZATION EXERCISE**

During the meeting, members of the public were asked to participate in an issues prioritization exercise for each of the three lakes and riverfront lands. Results of this exercise are shown in the tables below.

**Lake Lillinonah**

<b>Issue</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Total</b>
Protection of the environment.	8	1	1	10
Providing for safe public access and use.	0	4	0	4
Coordination of Federal, State, Local, and NGC policies and enforcement.	0	1	3	4
Protection and establishment of vegetated buffers to reduce non-point source pollution.	1	0	1	2
Development and application of consistent land use policies and standards	0	2	3	5
Education of shoreline users regarding re-vegetation, water quality, and licensing policies	0	1	0	1
<b>Total Responses</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>26</b>

**Lake Zoar**

<b>Issue</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Total</b>
Protection of the environment.	9	4	0	13
Providing for safe public access and use.	7	1	0	8
Coordination of Federal, State, Local, and NGC policies and enforcement.	2	0	6	8
Protection and establishment of vegetated buffers to reduce non-point source pollution.	1	3	1	5
Development and application of consistent land use policies and standards	2	1	1	4
Education of shoreline users regarding re-vegetation, water quality, and licensing policies	3	1	1	5
<b>Total Responses</b>	<b>24</b>	<b>10</b>	<b>9</b>	<b>43</b>

## Candlewood Lake

Issue	High	Medium	Low	Total
<b>Environmental Protection (EP)</b>				
Land classification & protection	1	4	1	6
Open space	31	8	0	39
Buffers	7	6	10	23
Stabilization & erosion	0	3	0	3
GIS	0	1	1	2
Water quality (“weeds, milfoil” written in)	10	5	7	22
<b>Total, EP</b>	<b>49</b>	<b>27</b>	<b>19</b>	<b>95</b>
<b>Land Use &amp; Shorelines</b>				
Consistent design & dock standards	6	3	4	13
Consistent land use standards	1	2	7	10
Jurisdictions/enforcement	0	1	4	5
Licensing procedures & fees	1	1	6	8
<b>Total, Land Use</b>	<b>8</b>	<b>7</b>	<b>21</b>	<b>36</b>
<b>Education &amp; Outreach (E&amp;O)</b>				
Promote existing programs	1	1	2	4
<b>Total, E&amp;O</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>
<b>Carrying capacity, navigation &amp; safety</b>				
Mgmt. of carrying capac. (“Too many boats” written in)	23	17	7	47
Increased rec. conflicts	3	7	7	17
Boating safety, enforcement	4	6	7	17
Markers	0	4	1	5
<b>Total, boating:</b>	<b>30</b>	<b>34</b>	<b>22</b>	<b>86</b>
<b>Total Responses</b>	<b>88</b>	<b>69</b>	<b>64</b>	<b>221</b>

## SUMMARY OF STAKEHOLDER COMMENTS & QUESTIONS

The following provides a summary of comments and questions received during the meeting as well as NGC’s response to these comments and questions, where appropriate. Responses are shown in italics. General comments are summarized first followed by comments received in each of the respective break-out discussions. Comments have been grouped according to key topic areas.

### General SMP Process

Many audience members expressed strong opinions regarding the need to extend the period of SMP development. Participants indicated that they felt the notification process for the SMP was inadequate with many lakefront property owners unaware that a SMP was being developed.

Participants specifically asked that NGS request additional time from the FERC to provide for more public input and review.

*NGC Response – NGC committed to pursuing a request for time extension from the FERC (a formal request was filed on 10-28-05). NGC also committed to conducting additional public outreach and notification, including additional public forums. Future public forums will be focused on specific geographical areas of the project with separate meetings for Falls Village/Bulls Bridge, Lake Lillinonah/Zoar, and Candlewood Lake.*

## **Lakes Lillinonah and Zoar Discussion**

### Water Quality Comments

- Water quality is the biggest issue on Lake Lillinonah.
- Wastewater Treatment Plants for Danbury and New Milford are a major contributor to the problem.
  - The Connecticut Department of Environmental Protection (DEP) allows exceptions to their regulations
  - DEP does not check plants for compliance.
  - Discharges affect Lake Zoar, the lower Housatonic River, and Long Island Sound as well as Lillinonah.

### Shoreline Management

- Lack of enforcement.
- Need consistency, including consistent lake levels.

*NGC Response – The SMP will address issues of enforcement and consistency.*

### Debris Management and Weed Control

- Reports of large debris (30” logs) floating in LZ
  - Creating a hazard
  - No one is stepping forward to address/manage the issue
- NGC’s Plan approved two weeks ago, includes employing a mechanized skimmer
  - Stakeholders suggested to ‘Wait & See’ if Plan & Skimmer are effective
- Drawdown for weed control.

### Boating Activity

- A number of boats are using the lakes at high speeds making excessive noise.
- Lack of enforcement of speed and noise limits.
- Wave action from boats is also a problem.

### SMP Notification and Schedule

- Need more time to prepare SMP, including time to distribute a draft SMP to stakeholders to review.
- Establish an email list for notification.

*NGC Response – NGC will pursue a request for time extension from the FERC (a formal request was filed on 10-28-05). NGC also will develop an email notification list that members of the public can sign up for on the Project website.*

#### Other

- Post the Recreation Management Plan (RMP) that was filed with FERC.
- Individual users should take responsibility; do more education.
- Lack of communication and notification regarding emergency drawdowns; boats damaged.
- Establish a database with emails to improve notification process.
- Use the press to aid notification process.

#### **Candlewood Lake Discussion**

##### Vegetated Buffers

- Storm drains should be addressed to reduce non-point source pollution into the lake, including management of road salt & sand run-off.
- Need watershed management to effectively preserve the lake. Responsibility should be shared among all property owners in the watershed. ;
- Can towns pass ordinances banning pesticide & fertilizer use? What will SMP say about docks & buffers?
- NGC should educate lakefront owners regarding buffers and stewardship.
- What will the buffer requirements be?
- What about retaining walls and patios?
- Who will pay for buffers? What are the dock license fees? What does the SMP propose?
- License requirements for buffer zones will serve as disincentive to buffer.
- Buffers could be set back from water's edge to preserve patios.
- Are scientists involved? Are buffers effective here, given our unique geology & climate?

*NGC Response – No plans or proposals have been developed to date regarding vegetated buffers. NGC will pursue protection and, where feasible, re-establishment of vegetated buffers in a manner that is practical and reasonable. NGC acknowledges that there are many existing uses of the shoreline, including established structures and will not require that these uses be removed or modified for the purpose of establishing vegetated buffers unless such uses represent a violation of current policies and procedures. NGC will work with stakeholders around the lake to implement a reasonable program over time that protects and where possible improves the habitat and the water quality of the lake.*

##### Open Space Conservation and Protection of Vaughn's Neck

- Open space is the most important issue, including protection of Vaughn's Neck and the islands within the lake. CL&P should be involved in the SMP.
- Need to preserve Vaughn's Neck; use Highlands Act funding; should not be logged
- Concern regarding the potential impact of Vaughn's Neck development.
- There is currently uncontrolled use of Vaughn's Neck: camping, cutting, burning—who can enforce?
- What is NGS's control of the Vaughn's Neck shoreline?

*NGC Response* –NGC owns shoreline lands around Vaughn’s Neck and the islands within the lake up to the 440’ elevation. Lands above the 440’ elevation are owned by CL&P or in the case of some islands by private landowners. Lands above the 440’ elevation are outside the FERC Project boundary and are thus not subject to FERC jurisdiction or the provisions of the SMP. NGC and CL&P are subsidiaries of Northeast Utilities (NU), but are separate companies operating under different governmental regulations (CL&P is a regulated utility, NGC is an unregulated power producer). NGC is committed to engaging CL&P in discussions regarding the SMP and to pursuing opportunities to conserve Vaughn’s Neck and other CL&P lands adjacent to the lake.

### Boating, Carrying Capacity, and User Conflicts

- Many boats on the lake are too big; wakes are a safety issue.
- Recreational conflicts are caused by boat size and noise; need more time to discuss. Use SMP process as forum to discuss this, & involve DEP.
- What about the 200 apartments under construction at Danbury Town Park? Will they all have boats on the lake?
- Day boaters stake out islands and coves: no bathroom facilities. When will these issues be discussed?
- The Connecticut Department of Environmental Protection which regulates boating activities is willing to discuss these issues but needs public input.
- The carrying capacity statistics in the Recreation Management Plan are suspect.
- Influx of trailer boats; no fees for use; institute cleaning fee as on Lake George and steeper ramp fees; poor control at state and town ramps.

*NGC Response* –NGC, working with stakeholders through the SMP process will examine potential measures to reduce on-water congestions and user conflicts through management of shoreline access, including boat ramps, docks/slips, and moorings. As appropriate, the SMP may recommend additional actions by DEP to further regulate on-water activity that is outside the scope of the SMP.

### Docks and other Shoreline Structures

- Need to “grandfather” shoreline uses such as docks.
- Will illegal activities be grandfathered?
- Unfair to limit docks and waterfront boats.
- Will we need to relicense docks now?
- Will everyone need a license?
- What is the purpose of licensing?
- How to find out about existing licenses?
- Need to use “45 degree rule” to limit docks, 1 dock per property.
- NGS regulations should be available to shoreline owners; there should be enforcement and a database.
- New Milford has proposed a Candlewood Lake Watershed Management District that would regulate docks, buffers, zoning.
- How to coordinate town zoning with SMP?

- Issue of indemnity insurance for lakefront owners; why insurance? Trouble obtaining required coverages. Need to reexamine insurance requirements.

### SMP Notification and Schedule

- What's the process for an extension from FERC? Will NGC pursue this?
- FERC should recognize the need for an extension based on lack of adequate stakeholder input to date.
- NGC should put ads in newspapers summarizing the plan; should put notice in utility bill.
- Summer residents should be involved in this discussion; meetings should be held in the summer.
- Establish an email list on The Essex Partnership website.
- Need metrics for stakeholder involvement in SMP; need a survey; need to notify all stakeholders.
- Need examples of SMPs from elsewhere.
- When can we view draft proposals and find out about the stakeholder workshops?

*NGC Response – NGC will pursue a request for time extension from the FERC (a formal request was filed on 10-28-05). NGC also will develop an email notification list that members of the public can sign up for on the Project website. NGC will also post example of other FERC SMPs on the Project website. Information regarding draft proposals and future meetings will be posted on the Project website.*

### Other

- Did FERC mandate this process?
- What are FERC's goals here?
- What is SMP "solving for?" What is the problem?
- Will the SMP be a "living document?"
- Will the CLA coordinate with the Watershed Management District and the SMP?
- Has New Fairfield been involved?
- Have the FERC/SMP requirements been in place for 40 years?
- What other plans have you filed with FERC?
- The Federal Corrections Institution (FCI) and other public entities along the shoreline should be brought into the discussion.
- Issue of illegal "marinas"
- What about Danbury's proposal to use Candlewood as drinking water?
- Commercial users should be allowed to continue, and towns should do better outreach.
- What's the implementation period?
- Should post requirements of the SMP: specific goals, metrics, etc.
- Need deep drawdown to kill milfoil.

*NGC Response –NGC has opted to pursue a much broader effort to engage stakeholders and the public in developing the SMP than is required by the new license, which mandates only that NGC consult with select listed parties. NGC is committed to continuing this broader approach, including efforts to conduct additional public outreach and notification. The FERC's requirements for the SMP, beyond consultation, are that it*

*be a comprehensive plan that balances project and non-project uses of shoreline lands with the Project. The SMP will be a living document with provisions for updates and revisions. All Towns around the lake have been contacted and invited to participate. Some Towns have opted to be represented by the CLA. There is no existing shoreline management plan for the Project. Use of Project lands has been managed since 1988 under policies and procedures established at that time. Other compliance plans filed with the FERC include: Recreation Management Plan; Critical Habitats Plan; Historical and Cultural Resource Properties Management Plan; Invasive Species Monitoring Plan; and Littoral Zone Monitoring Plan. The SMP will address commercial uses of project lands. The implementation period of the SMP will be the term of the license (40 years). NGC is working with the resource agencies and stakeholders to pursue a deep drawdown this year to control milfoil in the lake.*