



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

ATTACHMENT E: HARBOR MANAGEMENT COMMISSION DEEP PERMIT CONSULTATION FORM

You need to complete and submit this form only if your town has a Harbor Management Commission.

To the applicant- Prior to the submission of your permit application to the Connecticut Department of Energy and Environmental Protection- Office of Long Island Sound Programs (DEEP- OLISP), please complete Part I and submit this form to your local harbor management commission (contact the town for the appropriate contact person) with a location map of your site and project plans. Once the commission returns the completed form to you, please submit it along with your permit application to the DEEP.

Part I: *To be completed by APPLICANT*

1. List applicant information.

Name: **Eversource Energy**

Mailing Address: **107 Selden St**

City/Town: **Berlin**

Business Phone: **860-514-5642**

Contact Person: **Ian Cole**

E-mail: **ian.cole@eversource.com**

State: **CT**

Zip Code: **06037**

ext.

Fax: **860-665-3009**

Title: **Env. Licensing & Permitting**

2. List engineer/surveyor/agent information.

Name: **Commonwealth Associates, Inc.**

Mailing Address: **2700 W. Argyle Street**

City/Town: **Jackson**

Business Phone: **517-796-6187**

Contact Person: **Fernando Arze-Peredo**

Service Provided: **Engineering**

State: **MI**

Zip Code: **49202**

ext.

Fax:

Title: **Section Manager - Transmission**

3. Site Location:

Street Address or Location Description: **Norwalk River, south of Route 136 Bridge**

City/Town: **Norwalk**

State: **CT**

Zip Code: **06851**

Tax Assessor's Reference: Map **2, 3**

Block **84, 37**

Lot **19, 33, 1**

4. Are plans attached? ☒ Yes ☐ No If Yes, provide date of plans: **11/3/17**

5. Provide or attach a brief, but thorough description of the project: **attached**

Part II: To be completed by HARBOR MANAGEMENT COMMISSION

This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill permit (section 22a-361 of the Connecticut General Statutes (CGS)) and/or Tidal Wetlands permit (CGS section 22a-32) to the DEEP- OLISP. The application has not yet been submitted to the DEEP. Please review the enclosed materials and determine whether the project is consistent or inconsistent with your local Harbor Management Plan. You may also provide comments or recommendations regarding the proposal. The Harbor Management Commission may still provide written comments to the Commissioner during the Department's public notice comment period. Should you have any questions regarding this process, please call DEEP-OLISP at (860) 424-3034 to speak with the analyst assigned to the town in which the work is proposed. **Please return the completed form to the applicant.**

HARBOR MANAGEMENT COMMISSION DETERMINATION:

Check one of the following:

- ☐ The Commission has determined that the work as described in Part I of this form and attachments is **CONSISTENT** with the harbor management plan.
- ☒ The Commission has determined that the work as described in Part I of this form and attachments is **INCONSISTENT** with the following section of the harbor management plan:

COMMENTS/RECOMMENDATIONS (or check here if attached: ☒):

Dear Mr. Cole,
The NHMC has reviewed the proposal by Eversource regarding relocation of the two 115KV transmission lines from an overhead design to an underground configuration under the Norwalk Harbor. The attached letter discusses the comments & recommendations made by the Norwalk Harbor Commission at its March 28th Meeting

Signature of Commission Representative

John Thomas Pinto

Date

4/09/18



CITY OF NORWALK
Norwalk Harbor
Management Commission
125 East Avenue
Norwalk, CT 06851

April 9, 2018

Mr. Ian Cole
Eversource Energy
Environmental Licensing and Permitting
107 Selden Street
Berlin, Connecticut 06037

Subject: Pre-Application plans by Eversource Energy concerning proposed Norwalk Harbor crossing

Dear Mr. Cole:

The Norwalk Harbor Management Commission (NHMC) has reviewed the pre-application plans submitted by Eversource Energy (Eversource) for work affecting Norwalk Harbor. Those plans, dated November 2017, concern permanent relocation of a section of two 115-kV overhead electric transmission lines by converting those lines to an underground configuration. A portion of the proposed relocation route would pass under Norwalk Harbor and through Veteran's Memorial Park. This relocation project, described in your letter of February 20, 2018 to the NHMC and in previous materials submitted by Eversource to the NHMC, is necessary to accommodate the Connecticut Department of Transportation's proposed replacement of the Norwalk River railroad bridge (Walk Bridge).

More specifically, Eversource proposes to cross Norwalk Harbor using horizontal directional drilling that would relocate the transmission lines beneath the harbor and the harbor's federal navigation channel and "thread" them between the base of pilings supporting the Norwalk Visitor's Dock. The transmission lines then will be placed in a trench to be excavated across the public boat ramp parking area adjacent to the Visitor's Dock. This public dock on the western shore of Veteran's Memorial Park at the David S. Dunavan Boating Center is currently being completely rebuilt. This work will be finished prior to Eversource's proposed transmission line relocation.

Eversource has informed the NHMC that the proposed relocation route was previously reviewed and that several options were discussed at length with representatives of the City of Norwalk. Although this project would significantly affect property on, in, and contiguous to Norwalk Harbor, the NHMC was not involved in that previous review process as required by the Connecticut General Statutes and Norwalk Code.

Subsequently, in accordance with the coastal permitting requirements of the Connecticut Department of Energy and Environmental Protection's Land and Water Resources Division (DEEP LWRD), Eversource's pre-application plans for the proposed relocation route beneath the harbor were submitted to the NHMC for review. Our review was conducted for the purpose of preliminarily considering the consistency of the proposed plans with the Norwalk Harbor Management Plan. As stated above, it is the NHMC's responsibility, pursuant to the Connecticut General Statutes, Norwalk Code, and state-approved Harbor Management Plan, to review all proposals affecting the real property one, in or contiguous to Norwalk Harbor and provide recommendations to the appropriate state and federal regulatory agencies. The General Statutes require that a recommendation of the NHMC pursuant to and supported by the Harbor Management Plan is binding on a state official making a regulatory decision affecting Norwalk Harbor unless that official can show cause why a different course of action should be followed.

Please be advised that the NHMC has special standing and interests regarding development and review of plans and proposals concerning the Visitor's Dock and David S. Dunavan Boating Center. Among other things, the NHMC planned the establishment of the Visitor's Dock and formed the original Waterfront Advisory Committee to plan for use and management of the dock. Over the past four years, the NHMC has prepared grant applications resulting in the city's receipt of \$1.26 million of state funds applied for construction of improvements to the facility for the public, including maintenance dredging of the dock area and the on-going work to completely re-build the dock. The NHMC has reviewed numerous applications by the Recreation and Parks Department for state and federal coastal permits to enhance use and enjoyment of the Visitor's Dock, and the NHMC's recommendations for facility use are included in the Department's policy and operations plan for the dock.

In addition, any plans and proposals affecting the Visitor's Dock must recognize that the dock serves as a public landing which the city is required to provide as a condition of the Congressional authorization of the Norwalk Harbor Federal Navigation Project (FNP). The FNP includes the harbor's federal navigation channels and anchorage basins.

During its meeting on March 28, 2018, the NHMC discussed these matters and evaluated an independent peer-review of the Eversource proposal. That review, conducted at the request of the NHMC by Mitchell E. Mailman, a recognized national authority in underground electric utility construction, does not endorse Eversource's proposed underground route through the Visitor's Dock and Veteran's Memorial Park. This lack of endorsement, supported by the NHMC, is due in large part to the certainty of future conflicts with public use and city management of the dock, including loss of city control over future construction and dredging operations that would affect the protected utility right-of-way established once the transmission lines are placed under and adjacent to the dock.

In view of these considerations and concerns, the NHMC determined that it is not able to make a favorable recommendation at this time regarding the proposed relocation route under Norwalk Harbor and through the Norwalk Visitor's Dock and David S. Dunavan Boating Center. Further, the NHMC approved unanimously a motion to transmit the following comments to Eversource, DEEP, the U.S. Army Corps of Engineers (USACE), the Connecticut Siting Council (having the principal authority over the siting of electric transmission lines 69-kV or above), and Norwalk Mayor Harry W. Rilling.

Comments:

1. The NHMC is concerned that Eversource's proposed relocation route for the electric transmission lines under the Norwalk Visitor's Dock (including between the dock pilings) and through the David S. Dunavan Boating Center parking area creates the potential for future conflicts between the transmission lines and the public boating facilities, including conflicts that will affect future repair and replacement of the docks and/or transmission lines. As such, the proposed relocation route is judged by the NHMC to be inconsistent with the policies of the Norwalk Harbor Management Plan that call for the David S. Dunavan Boating Center to be managed as the city's focal point and central facility for public boating activities and, among other things, call for continued development and enhancement of the boating facilities, including the Visitor's Dock and launching ramps. The NHMC has discussed these matters with representatives of DEEP, the USACE, and Connecticut Port Authority (the source of substantial state funds now being used to reconstruct the Visitor's Dock), all of whom expressed similar concerns.
2. The NHMC does not support Eversource moving forward with coastal permit applications for the proposed relocation route at this time due to the NHMC's concerns about the proposed route through Veteran's Memorial Park and the potential for future conflicts with the Visitor's Dock, and our understanding that it is feasible, consistent with best professional practices, to develop an alternative route that would avoid this most actively used public facility.
3. The NHMC believes it is premature for Eversource to submit plans and applications to DEEP and the USACE prior to the Connecticut Siting Council process that will provide for a proper hearing of public comments and evaluation of alternatives. If the Siting Council does not approve Eversource's currently proposed route, the DEEP pre-application plans submitted to the NHMC would not be valid and would have to be revised.

The NHMC welcomes the opportunity for additional discussion, with Eversource and others, of project alternatives to protect and maintain the public interest and the city and state investment in the Norwalk Visitor's Dock and Veteran's Memorial Park. Such discussion would be in keeping with the NHMC's right to continue to review and comment on the Eversource proposal at such time as it may be modified, when additional information concerning the proposal may be available, and during the Siting Council review process.

If you have any questions or wish to discuss this matter further at this time, please contact me (203) 984-5339 or pintoj@optonline.net.

Sincerely



John T. Pinto, Ph.D.

Chairman, Application Review Committee
Norwalk Harbor Management Commission

cc:

Mayor Harry W. Rilling
Mr. Mario Coppola, Corporation Counsel
Mr. Michael Corsello, Norwalk Common Council
Mr. Micheal Grzywinski, DEEP LWRD
Mr. Ken Hughes, Norwalk Recreation and Parks Department
Mr. Pete Johnson, Chair, Norwalk Shellfish Commission
Ms. Susan Lee, USACE
Mr. Ed O'Donnell, USACE
Mr. Joe Perella, Chair, NHMC
Mr. Joe Salvatore, CT Port Authority
Mr. Robert Stein, CT Siting Council
Mr. Frank Strauch, Norwalk Planning and Zoning