

CONNECTICUT SITING COUNCIL

IN RE:

THE UNITED ILLUMINATING COMPANY (UI)	:	
APPLICATION FOR A CERTIFICATE OF	:	
ENVIRONMENTAL COMPATIBILITY AND PUBLIC	:	DOCKET NO. 516
NEED FOR THE FAIRFIELD TO CONGRESS	:	
RAILROAD TRANSMISSION LINE 115-KV	:	
REBUILD PROJECT THAT CONSISTS OF THE	:	
RELOCATION AND REBUILD OF ITS EXISTING	:	
115-KILOVOLT (KV) ELECTRIC TRANSMISSION	:	
LINES FROM THE RAILROAD CATENARY	:	
STRUCTURES TO NEW STEEL MONOPOLE	:	
STRUCTURES AND RELATED MODIFICATIONS	:	
ALONG APPROXIMATELY 7.3 MILES OF THE	:	
CONNECTICUT DEPARTMENT OF	:	
TRANSPORTATION'S METRO-NORTH RAILROAD	:	
CORRIDOR BETWEEN STRUCTURE B648S	:	
LOCATED EAST OF SASCO CREEK IN FAIRFIELD	:	
AND UI'S CONGRESS STREET SUBSTATION IN	:	
BRIDGEPORT, AND THE REBUILD OF TWO	:	
EXISTING 115-KV TRANSMISSION LINES ALONG	:	
0.23 MILES OF EXISTING UI RIGHT-OF-WAY TO	:	
FACILITATE INTERCONNECTION OF THE	:	
REBUILT 115-KV ELECTRIC TRANSMISSION	:	
LINES AT UI'S EXISTING ASH CREEK, RESCO,	:	
PEQUONNOCK AND CONGRESS STREET	:	
SUBSTATIONS TRAVERSING THE	:	
MUNICIPALITIES OF BRIDGEPORT AND	:	
FAIRFIELD, CONNECTICUT	:	NOVEMBER 2, 2023

PRE-FILED TESTIMONY OF TIMOTHY J. BISHOP, MS, CEP

Q. Please state your name, business address and title.

A. Timothy J. Bishop, Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut 06824, Director of the Fairfield Conservation Department (the "Department").

Q. Are you testifying on behalf of and for the Town of Fairfield ("Town") in support of its intervention in this proceeding?

A. Yes.

Q. How long have you been the Director of the Department?

A. I have been the Director since August 2, 2021.

Q. What are your duties and responsibilities as the Director of the Department?

A. I am ultimately responsible for managing all of the staff, programs, functions and operations of the Department, including acting as and supervising Agent-related duties on behalf of the Inland Wetlands Agency (“Agency”) during the initial review and receipt of all inland wetlands permits. I also oversee and act on behalf of the Conservation Commission, the Agency, Land Acquisition Commission and the Shellfish Commission.

Q. What is the role of the Department within the municipal government of the Town of Fairfield?

A. The Department manages the Town’s almost 1,200-acres of open space, restored salt marshes, regulates activities on inland-wetland-regulated areas and 1,000-acres of shellfish grounds. Operating under the Department are the Conservation Commission, Inland Wetlands Agency, Land Acquisition Commission and the Shellfish Commission.

Q. What is your educational background?

A. I hold a B.S. in Environmental Conservation from the University of New Hampshire, a M.S. in Environmental Technology from New York Institute of Technology and Certificates in Wetlands Delineation and Soil Science from the Rutgers University and the University of New Hampshire, respectively. I am a Certified Environmental

Professional by the Academy of Board Certified Environmental Professionals and a Wetlands Professional IT by the Society of Wetlands Scientists. Additionally, I am an active member of the Connecticut Association of Wetland Scientists, Society of Wetland Scientists-New England Chapter. In the spirit of additional public service, I was elected in 2019 and currently serve as Vice Chairman of the Town of Ridgefield Inland Wetlands Board and an active member of the Connecticut Metropolitan Council of Government's Conservation Technical Advisory Committee. Furthermore, with an extensive background in environmental assessment and remediation spanning two decades, my career path and field experience in wetland science and delineations, as it relates to hydrology, soils and vegetation has maintained a parallel track dating back to 2005. Currently, in both my career as Fairfield's Conservation Director and Vice Chairman of the Ridgefield IWB, I estimate to review approximately 300-400 inland wetland permits per year at varying levels of analysis.

Q. Are you familiar with the application filed by United Illuminating Company ("UI") that is the subject of these proceedings?

A. Yes.

Q. How are you familiar with the application?

A. I have reviewed the application and the documents that are publicly available on the Siting Council's website. I have also spoken with UI representatives about the application.

Q. What is your understanding of the application?

A. I understand, from my review of the application and the public docket for these proceedings, that UI is proposing to rebuild its existing single-circuit 115-kilovolt

overhead transmission line that are currently situated on UI-owned infrastructure on top of railroad catenary structures that span the Metro-North Railroad (“MNR”) tracks in the Town of Fairfield (“Town”) and the City of Bridgeport (“City”), which UI refers to as the Fairfield to Congress Railroad Transmission Line 115-kv Rebuild Project (the “Project”). I further understand that UI proposes to remove the existing infrastructure that are located on Connecticut Department of Transportation (“CTDOT”) owned railroad catenary structures and rebuild the transmission line on new double or single circuit self-supporting steel monopoles. I also understand that the Project includes the rebuild of lines along UI’s right-of-way that extends from the CTDOT corridor to UI’s Ash Creek Substation and will connect the rebuilt lines to UI’s Ask Creek, Resco, Pequonnock and Congress Street substations. I further understand that UI has attempted to align the placement of these new poles within the CTDOT corridor and/or its own right-of-way, but because of site-specific constraints, UI claims that it cannot install and operate the rebuilt line entirely within that space. Consequently, as part of the application, UI is proposing to place monopoles on private property via the acquisition of new permanent easements for public use on certain properties adjacent to the Property.

Q. Does the Department have any concerns regarding the application?

A. Yes. The Department is concerned that the application will have temporary and permanent adverse impacts on inland wetlands and their buffers and locations subject to conservation easements and more specifically related to the proposed monopole locations P708S, P713WS, P714ES, P714ES-1, P713WS-1, P655S, P699s and P700s. These locations are near either inland wetlands or land subject to conservation easements (as well within 100 year- flood zones) and the

construction of the monopoles at these locations will result in-ground disturbances to wetland soils and/or trimming or removal of vegetation, as well as activities inconsistent with the conservation easements. These locations are normally subject to regulation by the Department. Applicable regulation and existing conservation easements prohibit such disturbances for the important purpose of protecting wetland habitat and their buffers.

The Department is concerned that the foregoing disturbances have not be adequately addressed by UI in its application. For example, the Project calls for the installation of drilled pier foundations that are expected to average 14-40 feet in depth but may be as deep as 90 feet. Heavey equipment and machinery will be needed to drill and install these foundations. This work will be immediately adjacent to inland wetlands and watercourses and areas subject to conservation easements. This work will cause significant in-ground disturbance and will likely have an impact on surrounding soil and ground water. The application, however, does not provide any site-specific details or analysis with respect to soil management, erosion control, ground water management, or stormwater management. In the application, UI only generally states that it will make plans for erosion and sedimentation control measures during the construction of the Project to avoid or minimize the potential for surface water runoff, erosion and sedimentation outside the work area. Without such details, it is impossible to determine the level of risk of groundwater runoff and displacement of soil into nearby inland wetland and watercourses.

Q. Have you personally reviewed the conservation easements that you just referenced?

A. Yes and I am providing herewith as Exhibit A true and accurate copies of these conservation easements that I obtained from the Town of Fairfield Land Records.

Q. Does that conclude your testimony?

A. Yes.

Exhibit A

CONSERVATION EASEMENT

This Conservation Easement is made on this 2nd day of Aug, 2002 by Fairfield Project, LLC with a mailing address of One Stamford Place, Stamford, CT 06902-6800.

Fairfield Project, LLC is the owner of certain property located at 2082 Kings Highway East within the Town of Fairfield, said Property being designated on Assessor's Map 130 as Parcel 459.

Fairfield Project, LLC does hereby give and grant a perpetual Conservation Easement to the Town of Fairfield precluding Fairfield Project, LLC, its successors and assigns from excavating, filling, grading, mowing, garden, landscaping, removing vegetation from or constructing buildings or other improvements on the land described and explicitly referenced below without the approval of the Fairfield Conservation Commission and the Town Plan & Zoning Commission; provided, however, that this shall not preclude Fairfield Project, LLC, its successors and assigns from pruning of dead or diseased vegetation, removing dead or diseased vegetation or picking fruit, berries or mushrooms.

011367

The land subject to this Easement consists of that area designated as "Conservation Easement" on a map entitled "Easement Map prepared for Fairfield Project, LLC, 2082 Kings Highway East, Fairfield, Connecticut" dated June 24, 2004, revised July 12, 2004 and prepared by The Huntington Company, LLC. Said map is on file and duly recorded on the office of the Fairfield Town Clerk as Map No. , said Conservation Easement being more particularly bounded and described by metes and bounds as attached hereto as Exhibit A and generally consisting of approximately 11,678 sq. ft. on the northeasterly portion of the Property.

The intent of this Conservation Easement is to maintain the easement area in perpetuity, in its natural, undisturbed and undeveloped condition unless otherwise approved by the Conservation Commission for wildlife, natural resource enhancement purposes and other purposes.

**Description of Conservation Easement
to be Granted to The Town of Fairfield**

All that certain triangular parcel of land designated as "Conservation Easement" as shown on a map entitled "Easement Map Prepared for Fairfield Project, LLC, #2082 Kings Highway East, Fairfield, Connecticut" dated June 24, 2004 and revised July 12, 2004, made by The Huntington Company, LLC, Engineers & Surveyors, Fairfield, CT. Said Easement being bounded and described as follows:

Beginning at a point where the boundary separating land now or formerly of George & Florence P., Nichols from land of the Releasor herein intersects the Southeasterly Right-of-Way line of the Metro-North Commuter Railroad

- Thence S33° 25' 39" W, 151.80' in part along land now or formerly of George and Florence P. Nichols and in part along land now or formerly of Catherine Pallman;
- Thence S32° 41' 53" W, 57.77' along land now or formerly of Michael Becker and Stella Buono;
- Thence N67° 25' 47" W, 113.95' along land of the Releasor and
- Thence N59° 07' 30", E, 256.38' along the Southeasterly Right-of-Way line of the Metro-North Commuter Railroad to the point of Beginning.

Said easement contains 11,678± square feet.

RECEIVED FOR RECORD

AUG - 6 2004

AT 8:56 A.M.

ATTEST: *Margaret A. [Signature]*
TOWN CLERK

CONSERVATION AND DRAINAGE EASEMENT

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME:
GREETING:

011368

KNOW YE THAT Fairfield Project, LLC of the Town of Fairfield, County of Fairfield and State of Connecticut does hereby give and grant a perpetual conservation easement to the Town of Fairfield precluding the grantors, their successors and assigns, from excavating, filling, mowing, grading, removing vegetation from, gardening, landscaping or constructing buildings, or other improvements on the land described below without the approval of the Fairfield Conservation Commission and the Town Plan and Zoning Commission; provided, however, that this shall not preclude the grantor, its successors and assigns, from pruning, removing dead or diseased vegetation or picking fruit, berries or mushrooms, the land subject to this easement consists of the hachured area designated "Conservation and Drainage Easement" as shown on a certain map entitled "Easement Map Prepared for Fairfield Project, LLC, 2082 Kings Highway East, Fairfield, CT" dated June 24, 2004 and revised July 12, 2004, prepared by The Huntington Company, LLC and to be filed for record in the office of the Town clerk of the Town of Fairfield. The area covered by said easement(s) is more particularly described in Exhibit A attached hereto.

This easement shall further convey to the Town of Fairfield the right to enter upon the premises consisting of the hachured area for the purpose of inspecting, maintaining or cleaning those watercourses or drainageways or to ascertain whether such facilities are properly maintained by the undersigned, its successors and assigns so that said facilities do not become a nuisance condition. In this connection a nuisance condition shall include: stagnant water with concomitant algae growth, insect breeding and odors, and debris. The easement area shall be accessible from a public right-of-way.

In the event that the undersigned, its successors or assigns fails to properly maintain said drainage facilities so that a nuisance condition develops, the Town of Fairfield shall have the further right, without assuming the obligation to exercise said right, to enter upon said premises and to properly maintain said facilities so as to remedy said nuisance

**Description of "Conservation Drainage Easement"
to be granted to the Town of Fairfield**

All that certain parcel of land designated as "Conservation Drainage Easement" as shown on a map entitled "Easement Map Prepared for Fairfield Project, LLC, #2082 Kings Highway East, Fairfield, Connecticut" dated June 24, 2004 and revised July 12, 2004, made by The Huntington Company, LLC, Engineers & Surveyors, Fairfield, CT. Said Easement being bounded and described as follows:

Beginning at a point, in the Northeasterly street line of High Court, which point is located N69° 27' 48" W and 118.38' from the intersection of the Northeasterly street line of High Court and the Northwesterly street line of Kings Highway East. Thence from said point of Beginning, N69° 27' 48" W, 76.98' along said Northeasterly street line of High Court.

Thence , N20° 32' 12" E, 22.5';
S69° 27' 48" E, 76.98" and
S20° 32' 12" W, 22.5' to the point of Beginning. Said last 3 distances being along land of the Releasor. Said easement contains 1,430+/- square feet.

RECEIVED FOR RECORD

AUG - 6 2004

AT 8:57 A.M

ATTEST: *Therese A. Smith*
TOWN CLERK