

Town of Fairfield Harbor Management Commission

Sullivan Independence Hall
725 Old Post Road
Fairfield, Connecticut 06824



VIA EMAIL

November 16, 2023

Executive Director Melanie A. Bachman, Esq.
Members of the Connecticut Siting Council
Connecticut Siting Council
Ten Franklin Square
New Britain, Connecticut 06051

Subject: Siting Council Docket No. 516 concerning an application by the United Illuminating Company (UI) for a Certificate of Environmental Compatibility and Public Need for the proposed Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project.

Dear Executive Director Bachman and Members of the CT Siting Council:

The Fairfield Harbor Management Commission (FHMC) has considered the plans and other materials submitted by UI to the Connecticut Siting Council with the above-referenced application. UI seeks Siting Council approval to relocate and rebuild the existing 115-kilovolt (kV) electric transmission lines now attached to the railroad catenary structures along the entire length of the 7.3-mile Metro-North Railroad corridor through the Town of Fairfield (the Town). The Railroad corridor and catenary structures are owned by the Connecticut Department of Transportation. The proposed relocation work would extend into the City of Bridgeport and connect with UI transmission facilities there. As proposed, the existing transmission lines would be relocated to and rebuilt on new steel monopoles constructed along the south side of the rail line to heights generally ranging from 95 to 145 feet above the ground.

This letter informs the Siting Council of the FHMC's significant interest concerning the proposed project. That interest is with respect to potential project impacts on the Southport Harbor Management Area and the coastal area neighborhoods and properties adjoining and nearby the Harbor Management Area.

The Southport Harbor Management Area, defined in the Town Code and Town's duly approved and adopted Management Plan for Southport Harbor (Harbor Management Plan), includes the tidal reach of Sasco Brook within the jurisdiction of the Town; the Southport Inner Harbor formed by the lower reaches of the Mill River; and the Southport Outer Harbor encompassing certain nearshore waters of Long Island Sound within the territorial limits of the Town generally west of Kenzie's Point.

The FHMC has a special standing in the local, state, and federal regulatory processes affecting the Southport Harbor Management Area. That special standing is pursuant to authorities set forth in the Connecticut General Statutes, Fairfield Town Code, and the Harbor Management Plan. Accordingly, the FHMC is responsible for reviewing proposed projects affecting [emphasis added] the Harbor Management Area, including projects requiring state approval, and responding with findings and recommendations to the appropriate regulatory agencies. When doing so, the FHMC evaluates a proposal's consistency with the environmental protection, public safety, and beneficial use goals, objectives, policies, and provisions established in the Harbor Management Plan. In accordance with established harbor management practice, state regulatory decisions, including decisions by the Connecticut Department of Energy and Environmental Protection (DEEP), must be consistent with the FHMC's findings and recommendations made pursuant to the Harbor Management Plan unless the state agency shows cause why a different action should be taken.

During the coastal regulatory and construction phase of the UI project, the FHMC will be paying particular attention to any potential adverse impacts on: 1) environmental quality, including water quality, in Sasco Brook and the Mill River; and 2) cultural resources, including the nationally significant cultural and esthetic resources encompassed by the Southport Historic District. Following action by the Siting Council, UI's applications for any needed coastal and land-use permits require referral to and review by the FHMC. We will review those applications most carefully and provide our findings and recommendations to DEEP and other regulatory agencies in a timely manner and with proper reference to the applicable provisions of the Harbor Management Plan.

In addition, the FHMC has a special interest in any future UI construction activities on or near the former Exide property at 2190 Post Road adjoining the Mill River and south side of the Metro-North Railroad corridor. (Two photos are attached.) This former factory site was the subject of decades-long environmental remediation efforts, including upland remediation and the removal of almost 30,000 cubic yards of lead-contaminated sediment from the Mill River. Along with other Town agencies and groups, the FHMC had a major role in guiding the formulation and implementation of remedial action plans for this work, often described as the "largest environmental remediation project in Fairfield's history." The FHMC recommends the Siting Council be especially cautious when considering any proposed work by UI that would disturb the ground on or near this property.

In conclusion, and on behalf of the FHMC, I urge the Siting Council to continue its review of the UI proposal until such time as all public comments regarding the proposal, including comments from the Town and all other parties and intervenors, are heard, thoroughly examined, and properly addressed. In this regard, we believe the schedule- and other time-related interests of UI should be of secondary consideration.

Thank you for your consideration of our initial comments and recommendations. Should you have any questions or require any additional information at this time, please contact me at (203) 254-0463 or hmc@fairfieldct.org.

Sincerely,



Kim Taylor
Chair

Enclosure

cc: (via email)

James Baldwin, Town Attorney

Tim Bishop, Conservation Director

Jon Dilley, Mill River Wetland Committee

Mary Hogue, FairPLAN

Susan Jacobson, CT DEEP

Thomas B. Noonan, Chair, Town Plan and Zoning Commission

John Short, Chair, Fairfield Shellfish Commission

Brian Thompson, CT DEEP

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Aerial Views of the Former Exide Property at 2190 Post Road Adjoining the Mill River and Metro North Rail Line



View during in-water remediation operations (8.13.2015)



Post-remediation view (8.24.2017)