



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051  
Phone: (860) 827-2935 Fax: (860) 827-2950  
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VIA ELECTRONIC MAIL

April 4, 2023

John Thomas Pinto, Ph.D.  
Chair – Application Review Committee  
Norwalk Harbor Management Commission  
[pintoj@optonline.net](mailto:pintoj@optonline.net)

RE: **PETITION NO. 1560** - The Connecticut Light and Power Company d/b/a Eversource Energy (Eversource) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed Norwalk Bridge Transmission Relocation Project that consists of the relocation and rebuild of two existing overhead 115-kilovolt (kV) electric transmission lines from railroad catenaries and existing structures within the Connecticut Department of Transportation corridor to an underground configuration within roads and across the Norwalk River for approximately .66 miles between existing Structure No. 522WN north of Monroe Street and Structure No. 536WN north of Van Zant Street in Norwalk, Connecticut, and related electric transmission line improvements.

Dear John Pinto:

The Connecticut Siting Council (Council) is in receipt of the Norwalk Harbor Management Commission's additional correspondence and Request for a Public Hearing, dated April 3, 2023, for the above-referenced petition for a declaratory ruling associated with Eversource's Norwalk Bridge Transmission Relocation Project that was submitted to the Council on February 17, 2023, pursuant to Connecticut General Statutes §4-176 and §16-50k.<sup>1</sup>

Your additional correspondence will be entered in the public comment file related to this petition.

The Request for a Public Hearing will be placed on the next Council meeting agenda, a copy of which will be sent to you. You will be notified of the Council's determination immediately thereafter.

Please contact our office at 860-827-2935 if you have any questions.

Sincerely,

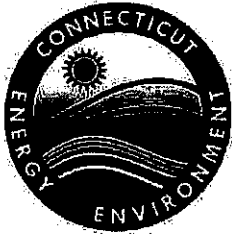
Melanie A. Bachman  
Executive Director

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<sup>1</sup> Item 3 of the Norwalk Harbor Management Commission's April 3, 2023 correspondence requests statutory justification for the petition for a declaratory ruling process. Please refer to cited provisions of the Uniform Administrative Procedure Act and the Public Utility Environmental Standards Act.

MB/MP/lm

c: with 5 attachments: Council Members  
Service List dated February 17, 2023



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 Street**  
City/Town: **Berlin** State: **CT** Zip Code: **06037**  
Business Phone: **860-514-5642** ext. Fax: **860-665-3009**  
Contact Person: **Ian Cole** Title: **Env. Licensing and Permitting**  
E-mail: **ian.cole@eversource.com**

**2. List engineer/surveyor/agent information.**

Name: **Power Engineers, Inc.**  
Mailing Address: **2041 South Cobalt Point Way**  
City/Town: **Meridian** State: **ID** Zip Code: **83642**  
Business Phone: **208-788-0395** ext. Fax:  
Contact Person: **Les Hinzman** Title: **Project Manager**  
Service Provided: **Engineer**

**3. Site Location:**

Street Address or Location Description: **Norwalk River, South of Washington Street (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: **11/30/2018**

**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: ):

*Please see attached letter regarding comments and recommendations from the Norwalk Harbor Management Commission*

*John Thomas Pinto, Ph.D.*  
Signature of Commission Representative

*May 6<sup>th</sup> 2019*  
Date

*John Thomas Pinto, Ph.D.*  
Print Name of Commission Representative

*Chairman, Application Rev. Comm.*  
Title



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

May 6, 2019

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 most recent pre-application plans submitted by Eversource Energy (Eversource) for work affecting Norwalk Harbor. Those plans, dated November 30, 2018, concern permanent relocation of a section of two existing 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 the Norwalk Visitor's Dock at the David S. Dunavan Boating Center on the western shoreline of Veteran's Memorial Park. Relocation of the transmission lines, described in your letter of November 30, 2019 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).

Eversource's proposed project is subject to regulatory programs administered by the Connecticut Department of Energy and Environmental Protection's Land and Water Resources Division (DEEP LWRD), U.S. Army Corps of Engineers (USACE), and Connecticut Siting Council.

Eversource has submitted pre-application plans to the NHMC in accordance with the coastal permitting process and requirements of the DEEP LWRD. Our review was conducted for the purpose of providing preliminary consideration of the submitted plans for consistency with the Norwalk Harbor Management Plan. 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 on, 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.

Previously, the NHMC reviewed Eversource pre-application plans dated November 2017 concerning relocation of the same section of the existing overhead electric transmission lines. Those earlier plans also involved crossing of Norwalk Harbor using horizontal directional drilling and would have relocated the transmission lines beneath the harbor and the harbor's federal navigation channel and "feathered" the transmission lines between the base of pilings supporting the Norwalk Visitor's Dock. The transmission lines then would have been placed in a trench to be excavated across the public boat ramp parking area adjacent to the Visitor's Dock. Eversource informed the NHMC that this proposed relocation route had been previously reviewed and approved by 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 review process.

During its meeting on March 28, 2018, the NHMC determined that it was not able to make a favorable recommendation regarding the proposed relocation route under Norwalk Harbor and through the Norwalk Visitor's Dock and David S. Dunavan Boating Center. That finding, transmitted in my April 9, 2018 letter to you, was essentially due to the potential for future conflicts with public use and city management of the dock, including loss of city control over future construction and dredging operations that might affect the protected utility corridor established once the transmission lines are placed under the dock.

Among other comments transmitted in my April 9, 2018 letter, the NHMC informed Eversource that the NHMC believes it is premature for Eversource to submit plans and applications to the DEEP LWRD and 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 LWRD pre-application plans submitted to the NHMC would not be valid and would have to be revised.

In a follow-up letter of August 13, 2018 to you from the NHMC and Norwalk Shellfish Commission, the two commissions reaffirmed their position that under no circumstances will they agree to a relocation plan for the electric transmission lines that encroaches upon or otherwise adversely impacts the public boating facilities at Veteran's Memorial Park. In addition, the two commissions reiterated their previous offers for additional meetings with Eversource planners to help facilitate preparation of an approvable relocation plan.

Subsequently, Eversource modified its pre-application plans by, among other things, shifting the proposed route slightly north (but still under the Visitor's Dock) to reduce the project's footprint in Veteran's Memorial Park, and drilling the relocated transmission lines deeper under the harbor so as to pass under the current locations of the dock pilings. The modified plans, dated November 30, 2018, were transmitted to the NHMC with your letter of the same date.

The NHMC then reviewed the modified pre-application plans with consideration of the relevant policies of the Harbor Management Plan, including, but not limited to, the policies 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.

In addition, the NHMC continued to discuss its concerns regarding the potential for future conflicts between the transmission lines and the public boating facilities, including conflicts that may affect future repair, replacement, and expansion of the docks and/or transmission lines, with representatives of the DEEP LWRD, USACE, Connecticut Port Authority (the source of substantial state funds used to completely reconstruct the Visitor's Dock in 2018), and Norwalk Shellfish Commission. DEEP LWRD representatives informed us that the coastal regulatory process requires a full examination of alternatives to the proposed project route and that any potential impacts to the public boating facilities—a state-approved water-dependent use pursuant to the Connecticut Coastal Management Act—must be clearly identified and properly mitigated. Additional discussions with Eversource representatives took place during the NHMC's public meeting on January 23, 2019. Subsequently, additional details regarding the proposed project were submitted to the NHMC as shown on plans dated February 1 and February 4, 2019.

During its meeting on April 24, 2019, the NHMC continued to discuss this matter and approved unanimously the following motion to be sent to Eversource, the DEEP LWRD, USACE, Connecticut Port Authority, and Connecticut Siting Council.

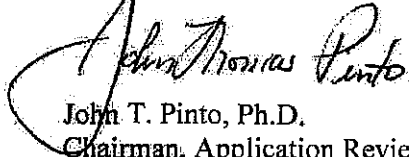
*The NHMC is not able to provide a favorable recommendation concerning the proposed project at this time and finds the proposal in its present form is inconsistent with the Norwalk Harbor Management Plan insofar as it involves directional drilling to relocate the transmission lines under the city's principal public boating facility, including the Norwalk Visitor's Dock at the David S. Dunavan Boating Center. In addition, the NHMC recommends that that an application to DEEP not proceed absent additional discussions with the NHMC concerning: 1) alternatives to the Applicant's proposed route under the public boating facilities; 2) clarification of all restrictions and/or limitations that would be imposed by the Applicant affecting future maintenance, repair, and expansion of the public boating facilities; and 3) a risk assessment by the Applicant of the proposed project as it would affect Norwalk Harbor and the boating facilities.*

It remains the position of the NHMC that it is premature for Eversource to submit plans and applications to the DEEP LWRD and the USACE prior to the Connecticut Siting Council process that will provide for a proper hearing of public comments and evaluation of alternatives.

In keeping with its 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, the NHMC welcomes the opportunity for additional discussion, with Eversource and others, of project alternatives to protect and maintain the City and state investment in the Norwalk Visitor's Dock and Veteran's Memorial Park.

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](mailto:pintoj@optonline.net).

Sincerely



John T. Pinto, Ph.D.  
Chairman, Application Review Committee  
Norwalk Harbor Management Commission

Enclosure

cc:

Mayor Harry W. Rilling  
Ms. Melanie A. Bachman, CT Siting Council  
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. Coral Siligato, USACE  
Mr. John Romano, Chair, NHMC  
Mr. Joe Salvatore, CT Port Authority  
Mr. Michael Wrinn, Norwalk Planning and Zoning Department





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

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### 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**

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**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 28<sup>th</sup> 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 Eversources' 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.

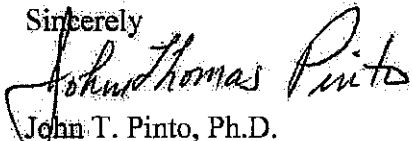
Comments:

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](mailto: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**



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

November 18, 2022

Mayor Harry W. Rilling  
Members of the Norwalk Common Council  
Norwalk City Hall  
125 East Avenue  
P.O. Box 5125  
Norwalk Connecticut 06856-5125

**Subject: Eversource Energy Proposed Norwalk Harbor Crossing**

Dear Mayor Rilling and Members of the Common Council:

During its meeting on November 16, 2022, the Norwalk Harbor Management Commission (NHMC) and representatives of the Norwalk Shellfish Commission (NSC) entertained a presentation by the Norwalk Department of Public Works (DPW) and Eversource Energy (Eversource) concerning the latest plans for Eversource to relocate a section of two 115-kV overhead electric transmission lines that currently follow the Metro North rail line.

The proposed Eversource project, part of the Connecticut Department of Transportation (CT DOT) project to replace the Norwalk River Railroad Bridge (Walk Bridge), involves converting a section of the overhead lines to an underground configuration with a portion of the proposed route to pass under Norwalk Harbor; beneath the Norwalk Visitor's Dock; and underground through the David S. Dunavan Boating Center and Veteran's Memorial Park.

It is our understanding that the DPW and Eversource are now requesting that the Common Council authorize Mayor Rilling to transmit letters to the appropriate regulatory agencies, including the Connecticut Siting Council, indicating no objection to Eversource's required applications for regulatory review of the proposed project.

The Common Council was presented with a similar proposal and request by Eversource during the Council's meeting on October 9, 2018 at which time the NHMC and NSC provided a detailed statement of comments and recommendations, a copy of which is attached for your convenience. At that time, the Council approved a motion authorizing Mayor Rilling to send a letter on behalf

of the City of Norwalk indicating no objection to Eversource submitting the required U.S. Army Corps of Engineers (USACE) Section 408 permit application to the USACE, subject to an affidavit prepared by the Law Department certifying the City's ability to replace pilings or perform dock work at the Visitor's Dock in the future.

During its meeting on November 16, following significant discussion with DPW and Eversource representatives, the NHMC agreed to inform the Common Council that the NHMC and representatives of the NSC have viewed a revised project plan presented by the DPW and Eversource and that the NHMC and NSC will conduct a formal review of that plan during the regulatory review processes of the Connecticut Siting Council, Connecticut Department of Energy and Environmental Protection (CT DEEP), and USACE. The findings and recommendations of the NHMC and NSC will be provided to the regulatory agencies, applicant, and interested parties.

In addition, on behalf of the NHMC and NSC, we wish to reiterate the following comments, provided previously to the Common Council, concerning the interests and responsibilities of both Commissions' regarding the proposed Eversource project.

Comments:

1. While cooperating fully with needs of the state agencies to advance the Walk Bridge Project (including the Eversource project), the primary focus of the NHMC and NSC has been, and will continue to be, to fulfill the each commission's statutory duties to protect the public interest in Norwalk Harbor, its coastal resources, and the public facilities that provide access to the harbor. The commissions will continue to conduct fair and transparent reviews of the project plans and provide recommendations to the appropriate agencies and officials during the coastal and utility regulatory processes.
2. The NHMC has a significant interest in the Visitor's Dock and Boating Center. That interest, affected by the Eversource proposal, is described in more detail in correspondence provided previously to Eversource, the Mayor, and the Common Council. To summarize, it was the HMC's initiative many years ago to establish the dock to encourage visitors to come to Norwalk by boat to enjoy the Maritime Aquarium and the SONO District. At the time, the HMC deferred to the Recreation and Parks Department to manage the docks with the understanding that the NHMC would advise the Department and the Common Council on management.

The Norwalk Harbor Management Plan prepared by the NHMC, approved by the State of Connecticut, and adopted by the Common Council, calls for the Boating Center and Visitor's Docks to be managed and operated as the city's focal point of public boating activities. The NHMC prepared the grant applications and conducted all background work needed for the city to receive more than \$1.25 million dollars since 2015 in state grants for improvements to the dock.

3. It is the responsibility of the NHMC, as authorized in the General Statutes, Norwalk Code of Ordinances, and Harbor Management Plan, to review all proposals affecting the real property on, in, or contiguous to Norwalk Harbor, including, but not limited to, applications



for USACE and CT DEEP coastal permits, and to determine the consistency of those proposals with the Harbor Management Plan. Pursuant to the General Statutes, a recommendation of the NHMC consistent with and supported by the Plan is to be binding on a state official making a regulatory decision affecting Norwalk Harbor unless that official shows cause why a different course of action should be taken.

4. It is the responsibility of the NSC, as authorized by the General Statutes and Norwalk Code of Ordinances, to protect and enhance Norwalk Harbor's exceptional shellfish resources, of singular importance in Long Island Sound, including shellfish populations and the habitat needed to grow and sustain those populations.

Thank you for considering our comments and for your continued support of the NHMC's and NSC's efforts to protect the public's rights and interests in Norwalk Harbor. We look forward to reviewing the proposed project at such time as the anticipated regulatory applications are provided. If you have any questions, or desire any additional information at this time, please contact us at the numbers and addresses below.

Sincerely,

*Dennis J. Santella*

Dennis J. Santella  
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*Steve Bartush*

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Chairman, Norwalk Shellfish Commission  
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Enclosure: ***Letter to Mayor H Rilling and Common Council October 9<sup>th</sup> 2018***

cc:

Melanie Bachman, CT Siting Council  
Ian Cole, Eversource Energy  
Mario Coppola, Corporation Counsel  
Micheal Grzywinski, CT DEEP LWRD  
Leslie Martin, U.S. Army Corps of Engineers  
John T. Pinto, Ph.D., Chair, HMC Application Review Committee  
Joe Schnierlein, Chair, Mayor's Water Quality Committee  
Robert Stowers, Director, Norwalk Recreation and Parks Department  
Jenifer Thalhauser, U.S. Army Corps of Engineers  
Vanessa Valadares, P.E., Chief of Operations and Public Works  
Amelia Williams, Planning and Zoning Department



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

October 9, 2018

Mayor Harry W. Rilling  
Members of the Norwalk Common Council  
Norwalk City Hall  
125 East Avenue  
P.O. Box 5125  
Norwalk Connecticut 06856-5125

**Subject: Eversource Energy Proposed Norwalk Harbor Crossing**

Dear Mayor Rilling and Members of the Common Council

Representatives of the Norwalk Harbor Management Commission (NHMC) and Norwalk Shellfish Commission (NSC) attended a Special Meeting of the Common Council's Public Works and Parks and Recreation committees (Special Meeting) on October 2, 2018 and, immediately thereafter, attended the regular meeting of the Public Works Committee. The purpose of those meetings, respectively, was to: 1) hear a presentation by the Norwalk Department of Public Works of the proposed project by Eversource Energy to relocate a section of two 115-kV overhead electric transmission lines currently following the Metro-North rail line by converting them to an underground configuration with a portion of the proposed route to pass under Norwalk Harbor and through the Norwalk Visitor's Dock, David S. Dunavan Boating Center, and Veteran's Memorial Park; and 2) authorize Mayor Rilling to transmit a letter to the U.S. Army Corps of Engineers (USACE) indicating no objection to Eversource's application to the USACE for authorization of the proposed route. The proposed Eversource project is part of the Connecticut Department of Transportation (CT DOT) project to replace the Norwalk River Railroad Bridge (Walk Bridge).

After significant discussion, including consideration of comments by members of the NHMC and NSC, the Public Works Committee tabled action on the proposed letter from Mayor Rilling to the USACE pending receipt of additional information. There was an indication from the Committee Chair that if the requested information could be provided prior to the October 9 meeting of the Common Council, the proposed letter could be acted on at that time.

**On behalf of the NHMC and NSC we hereby request that no action be taken by the Council on the proposed Eversource project until such time as an independent peer review by a recognized expert in underground electric utility construction is conducted and Eversource meets with the NHMC and Shellfish Commission to discuss alternative routes that will accomplish the necessary relocation without devaluing and limiting future development of the City's public boating facilities.**

In addition, we wish to point out that during the Special Meeting and subsequent committee meeting, a number of inaccurate statements were made along with statements requiring further clarification. On behalf of the NHMC and NSC, we offer the following comments and clarifications for consideration by the Parks and Recreation Committee and Public Works Committee.

1. While cooperating fully with needs of state agencies to advance the Walk Bridge and Eversource projects, the primary focus of the NHMC and NSC has been to fulfill the commissions' statutory duties to protect the public interest in Norwalk Harbor, its coastal resources, and the public facilities that provide access to the harbor. The commissions continue to conduct fair and honest reviews of the project plans, seek and acquire expert opinion to address issues outside the commissions' experience, and provide recommendations to the appropriate agencies and officials.
2. The NHMC has a significant interest in the Visitor's Dock and Boating Center. That interest, affected by the Eversource proposal, is described in more detail in correspondence provided previously to Eversource, the Mayor, and the Common Council. To summarize, it was the HMC's initiative many years ago to establish the dock to encourage visitors to come to Norwalk by boat to enjoy the Maritime Aquarium and the SONO District. At the time, the HMC deferred to the Recreation and Parks Department to manage the dock with the understanding that the NHMC would advise the Department and the Common Council on management.

The Norwalk Harbor Management Plan prepared by the NHMC, approved by the State of CT, and adopted by the Common Council, calls for the Boating Center and Visitor's Dock to be managed and operated as the city's focal point of public boating activities. Recently, the NHMC prepared the grant applications and conducted all background work needed for the city to receive more than \$1.25 million dollars since 2015 in state grants for improvements to the dock.

3. It is the responsibility of the NHMC, as authorized in the General Statutes, Norwalk Code of Ordinances, and Harbor Management Plan, to review all proposals affecting the real property on, in, or contiguous to Norwalk Harbor, including, but not limited to, applications for USACE and Connecticut Department of Energy and Environmental Protection (DEEP) coastal permits, and to determine the consistency of those proposals with the Harbor Management Plan. Pursuant to the General Statutes, a recommendation of the NHMC consistent with and supported by the Plan is binding on a state official making a regulatory decision affecting Norwalk Harbor unless that official shows cause why a different course of action should be taken.

4. It is the responsibility of the NSC, as authorized by the General Statutes and Norwalk Code of Ordinances, to protect and enhance Norwalk Harbor's exceptional shellfish resources, of singular importance in Long Island Sound, including shellfish populations and the habitat needed to grow and sustain those populations.
5. The Special Meeting was not well advertised and not known to the NHMC and NSC until the day before the meeting. This is troubling since the NHMC Application Review Committee Chairman inquired of the city's Walk Bridge Program Manager on September 27<sup>th</sup> 2018 whether there is any new information concerning the DOT or Eversource plans. The Program Manager was disingenuous with her response and transmitted a statement saying only that the city continues to work with Eversource and the DOT regarding relocation of the transmission lines. The NHMC and NSC find that this lack of forthrightness and coordination regarding the Special Meeting is unacceptable. The Special Meeting was indeed a critical component in the review process of the Walk Bridge and Eversource projects, intended to result in a decision to provide Eversource with a letter indicating that the city concurs with moving forward with a design unacceptable to the NHMC and NSC.
6. During the Special Meeting it was reported that the two Eversource 115-kV transmission lines provide all power to Southwest Connecticut. This is untrue. These transmission lines are part of a network of feeders that bring power to Southwest Connecticut. The NHMC understands that this array includes 345-kV underground transmission circuits, a link to Long Island that runs beneath Long Island Sound, a set of gas turbine generators in Greenwich and another in Stamford, as well as other 115-kV cables. Electric supply in Southwest Connecticut clearly is not solely dependent on the two 115-kV lines of interest here.
7. During the Special Meeting, it was reported that Eversource's current plan to relocate the transmission lines under the Visitor's Dock responds to concerns expressed by the NHMC. The current proposal does not address the NHMC's concerns. In an August 13, 2018 letter to Mr. Ian Cole, Eversource Senior Environmental Specialist, from NHMC Vice Chairman Romano and NSC Chairman Johnson, Eversource was informed that the NHMC and NSC will under no circumstances agree to a relocation plan that encroaches upon or otherwise adversely impacts the public boating facilities at Veteran's Memorial Park.
8. During the Special Meeting it was reported that the proposed Eversource route beneath the Visitor's Dock would not have a significant effect on future maintenance and improvements to the dock; that future dock improvements would proceed according to "call before you dig" protocols. This is untrue based on Eversource's own statements to city officials and agencies during a meeting on July 30, 2018. As clearly stated by Eversource representatives, the current relocation proposal will not prevent future construction on and around the boating facility but any ***"future work will be restricted and subject to Eversource's approval"*** [emphasis added]. Such an arrangement limiting city control over its own facility and essentially devaluing the city facility recently rebuilt at the substantial public cost of approximately four million dollars is not acceptable to the NHMC and NSC. It is inconceivable to us that the city would agree to such devaluation without at least demanding some form of mitigation or compensation, including compensation to assist with future boating facility enhancements.

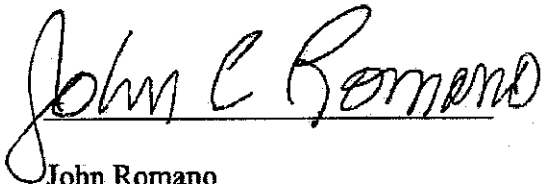
9. During the Special Meeting it was reported that RACE Coastal Engineering, the city's engineering consultant for the recent re-construction of the boat ramps and Visitor's Dock, had worked with Eversource on the proposed route and reviewed it, implying that the proposed route was deemed appropriate by the city's engineering consultant. RACE informed the NHMC that it had only determined that the proposed route should not interfere with the current operation of the Visitor's Dock; that RACE did *not evaluate* [emphasis added] the impact of the proposed route on future construction or maintenance of the dock; *did not evaluate* [emphasis added] the feasibility or desirability of other utility routes; and is not an expert in horizontal directional drilling.
10. During the Special Meeting it was reported that the proposed Eversource route is consistent with the Veteran's Park Master Plan "concept." The Veteran's Park Master Plan was prepared by the Parks and Recreation Department in 2012 as a guideline with significant input from the NHMC. As shown on drawings provided during the Special Meeting, the concept plan shows a significant grass area in the proposed location of the Eversource route through the park. That portion of the concept plan has since been superseded by the recent multi-million dollar re-construction of the boat ramps, parking lot, and Visitor's Dock.
11. During the above-noted meeting on July 30, 2018 at which time CT DOT and Eversource presented plans for the proposed route, CT DOT and Eversource representatives informed city officials and representatives of city agencies that they were planning to hold a public informational meeting on August 23, 2018 to describe and discuss the proposed transmission line route. No further information concerning this meeting was provided to the NHMC and NSC by Eversource, CT DOT, or the city's Walk Bridge Program Manager. The meeting was not held and no explanations were given for its cancellation.
12. During the CT DOT and Eversource meeting on July 30, 2018, Mayor Rilling stated that Eversource should participate in another meeting with the NHMC and NSC to discuss the proposed route. In the above-noted August 13, 2018 letter to Eversource, the NHMC and NSC reiterated its previous invitations to Eversource to participate in a meeting with the two commissions to develop a mutually agreeable route that will not diminish the value of the city's boating infrastructure. Eversource declined to participate in such a meeting and informed the NHMC and NSC that Eversource would provide its plans to the two commissions in the course of the coastal regulatory process.
13. It is the understanding of the NHMC and NSC, based on consultation with a recognized national expert in underground electric utility construction, that it is virtually unheard of to route underground transmission lines beneath a public facility such as the Boating Center. When asked about this during the CT DOT and Eversource meeting on July 30, 2018, an Eversource representative concurred by replying "we haven't seen this either."
14. The NHMC and NSC are concerned about the potential environmental impacts of the proposed Eversource project, and are not aware of any environmental evaluation of the proposed project to date. CT DOT's environmental documents for the Walk Bridge project do not address the potential environmental impacts of the Eversource proposal. Those documents indicate that the environmental impacts of the Eversource proposal will be evaluated separately by Eversource. During the CT DOT and Eversource meeting on July 30, 2018, an Eversource representative

stated that Eversource will apply for a CT Siting Council declaratory ruling of "no significant impact" with respect to the proposed project.

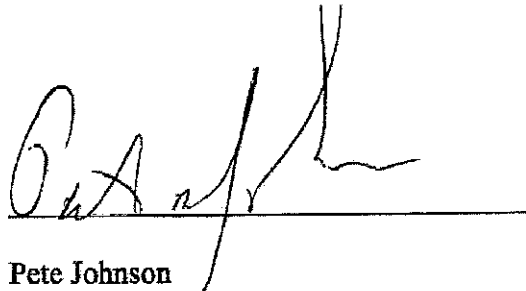
15. During the Special Meeting, Council committee members discussed obtaining a written commitment from Eversource that would protect the city's future ability to maintain, replace, or improve the public facilities in the vicinity of the relocated and buried transmission lines. The NHMC and NSC are concerned that such a commitment now would have little or no value or authority in the future should the company be sold or reorganized.

Thank you for considering our comments and for your continued support of the NHMC's and NSC's efforts to protect the public's rights and interests in Norwalk Harbor. We look forward to a meeting among Eversource's planners and our commissions so that we may reach agreement on a relocation plan that meets the utility's needs while safeguarding the public investment in the city's boating infrastructure. If you have any questions, or desire any additional information, please contact us at the numbers and addresses below.

Sincerely,



**John Romano**  
Vice Chairman, Norwalk HMC  
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**Pete Johnson**  
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Enclosures

cc:

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Debora Goldstein, Third Taxing District Commission  
Micheal Grzywinski, DEEP LWRD  
Ken Hughes, Norwalk Recreation and Parks Department  
Susan Lee, USACE  
Ed O'Donnell, USACE  
Joe Perella, Chair, NHMC  
John T. Pinto, Ph.D., Chair, HMC Application Review Committee  
Susan Prosi, Walk Bridge Program Manager  
Joe Salvatore, CT Port Authority  
Joe Schnierlein, Chair, Mayor's Water Quality Committee  
Robert Stein, CT Siting Council  
Frank Strauch, Norwalk Planning and Zoning



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

TRANSMITTED VIA EMAIL

April 3, 2023

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

**Subject: Petition No. 1560 by the Connecticut Light and Power Company d/b/a Eversource Energy (Eversource) for a declaratory ruling to relocate a section of two overhead transmission lines crossing Norwalk Harbor**

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

The Norwalk Harbor Management Commission (NHMC), in coordination with the Norwalk Shellfish Commission (NSC), has reviewed the plans submitted by Eversource to the CT Siting Council with the above-referenced petition for a declaratory ruling. The requested ruling would provide Siting Council authorization for Eversource's planned Norwalk Bridge Transmission Relocation Project (Proposed Project) to relocate and rebuild two existing 115-kV overhead electric transmission lines currently following the Metro North rail line over Norwalk Harbor.

This letter transmits comments and recommendations of the NHMC and NSC for consideration by the Siting Council when evaluating the submitted petition. Included in our letter is background information regarding the interests and concerns of the NHMC and NSC with regard to the Proposed Project.

The Proposed Project, part of the Connecticut Department of Transportation (CT DOT) project to replace the Norwalk River Railroad Bridge (Walk Bridge), involves converting a section of the overhead lines to an underground configuration. A significant portion of the proposed route passes under Norwalk Harbor and then underground beneath the David S. Dunavan Boating Center and Veteran's Memorial Park, including under the Norwalk Visitor's Dock and boat launching ramps. The Dunavan Boating Center is the principal facility for public boating access to Norwalk Harbor.

The NHMC has a special standing in the local, state, and federal regulatory processes affecting Norwalk Harbor, distinct from that of the general public. That special standing is pursuant to authorities set forth in the Connecticut General Statutes, Norwalk Code, and the duly approved and adopted *Norwalk Harbor Management Plan* (Harbor Management Plan). Accordingly, the NHMC is responsible for reviewing proposed projects affecting Norwalk Harbor, including projects requiring state approval, and responding with findings and recommendations to the appropriate regulatory agencies. When doing so, the NHMC

evaluates a proposal's consistency with the provisions established in the Harbor Management Plan. Since 2015, the NHMC, in coordination with the NSC, has actively reviewed project plans for the proposed Walk Bridge project, including plans for the Eversource Proposed Project. The two commissions have either jointly or separately provided detailed findings and recommendations (see below) to the CT DOT, Eversource, the CT Department of Energy and Environmental Protection (CT DEEP), U.S. Army Corps of Engineers, U.S. Coast Guard, and others.

The NSC also has a significant role in the coastal regulatory process. Pursuant to the General Statutes and Norwalk Code, the NSC is responsible for protecting shellfisheries and shellfish grounds in Norwalk Harbor, including natural beds designated by the Superior Court for public use. The NSC's programs, supported by the NHMC and Harbor Management Plan, focus on protection and enhancement of shellfish resources and shellfishing opportunities. Norwalk Harbor shellfish resources consist of shellfish populations as well as the habitat required for those populations to survive and flourish. Water quality is the principal determinant of the health of Norwalk's shellfish resources. The NSC and NHMC work cooperatively on a number of initiatives to protect and improve water quality and the harbor's exceptional shellfish resources for the benefit of future generations.

Eversource informed neither the NHMC nor NSC of its petition filing. Upon learning of the filing, both commissions were concerned about being able to provide comments and recommendations within the public comment period initially set by the CT Siting Council. However, with recognition that the period for receipt of public comments concerning Petition No. 1560 was extended by the CT Siting Council to April 3, 2023 at the request of the CT Council on Environmental Quality, the NHMC and NSC were able to convene a Joint Special Meeting on March 29, 2023 to consider the Proposed Project and formulate comments and recommendations to provide to the CT Siting Council.

Following significant discussion during the Joint Special Meeting, the NHMC and NSC agreed to:

1. Request that the CT Siting Council hold a Public Hearing on the Proposed Project to afford an opportunity for the general public and all affected parties, including nearby residents and business owners as well as the many users of the Norwalk Visitor's Dock, boat launching ramps, and Veteran's Park, to understand the Project and provide comments.
2. Recommend that any action by the CT Siting Council to approve the proposed transmission line relocation route beneath the Dunavan Boating Center and Veteran's Park include a binding condition that future actions by the City of Norwalk to maintain, repair, replace, or improve the affected public facilities will not be limited in any significant way by the new location of these transmission lines directly beneath the Visitor's Dock and boat launching ramps, and that should there be any added cost or delay associated with such city actions as a result of the relocated transmission lines, Eversource or its successors shall be required to compensate the city accordingly.
3. Insofar as the Proposed Project involves a significant relocation of electric transmission lines affecting public recreation facilities, request that the CT Siting Council explain for the public record why the Council has determined that the Proposed Project is approvable through the Declaratory Ruling process and does not require a Certificate of Environmental Compatibility and Public Need.



In addition, on behalf of the NHMC and NSC, we wish to reiterate the following comments, provided previously to the Norwalk Common Council, CT Siting Council, and Eversource, regarding our commissions' interests and highlighting some of the commissions' involvement to date regarding Eversource's Proposed Project.

### **Comments**

1. While cooperating fully with needs of state agencies to advance the Walk Bridge Project (including relocation of the Eversource transmission lines), the primary focus of the NHMC and NSC has been, and will continue to be, to fulfill the commissions' statutory duties to protect the public interest in Norwalk Harbor, its coastal resources, and the public facilities that provide access to the harbor. The commissions will continue to conduct fair and transparent reviews of project plans and provide recommendations to the appropriate agencies and officials during the coastal and utility regulatory processes.

2. The NHMC has a significant interest in the Visitor's Dock and Boating Center. That interest, affected by Eversource's Proposed Project, is described in more detail in correspondence provided previously to Eversource, Norwalk Mayor Rilling, and the Common Council. To summarize, it was the HMC's initiative many years ago to establish the Dock encouraging visitors to come to Norwalk by boat to enjoy the Maritime Aquarium and the SONO District. At the time, the HMC deferred to the Recreation and Parks Department to manage the Dock with the understanding that the NHMC would advise the Department and Common Council on management.

The Harbor Management Plan, prepared by the NHMC, approved by the State of Connecticut, and adopted by the Common Council, calls for the Boating Center and Visitor's Dock to be managed and operated as the city's focal point of public boating activities. (See no. 4 below.) The NHMC prepared the grant applications and conducted all background work needed for the city to receive more than \$1.25 million dollars since 2015 in state grants for improvements to the dock.

3. It is the responsibility of the NHMC, as authorized in the General Statutes, Norwalk Code of Ordinances, and Harbor Management Plan, to review all proposals affecting the real property on, in, or contiguous to Norwalk Harbor, including, but not limited to, applications for CT DEEP and USACE coastal permits, and to determine the consistency of those proposals with the Harbor Management Plan. Pursuant to the General Statutes, a recommendation of the NHMC consistent with and supported by the Plan is to be binding on a state official making a regulatory decision affecting Norwalk Harbor unless that official shows cause why a different course of action should be taken.

4. The Harbor Management Plan of course does not specify how Eversource's Proposed Project should be undertaken. The Plan does, however, establish policies and other guidelines applicable to the NHMC's review of project plans. Of particular relevance to review of the Proposed Project, in addition to the policies for protecting water quality and maintaining public safety, are the Plan provisions for maintaining and enhancing opportunities for public access to the harbor, including boating access, and the following policy concerning the David S. Dunavan Boating Center.

***David S. Dunavan Boating Center:*** *The David S. Dunavan Boating Center including the Norwalk Visitors' Dock and boat launching area should be managed and maintained as the City's focal point and central facility for public boating activities on the Norwalk waterfront, providing opportunities for safe and enjoyable public access to the Norwalk Harbor, a public landing for visiting boaters, and docking facilities available for special waterfront events. Water access facilities to be maintained for public use and enjoyment include the public boat launching ramps and floats, the Visitors' Dock for use by transient boaters, parking areas for cars and boat trailers, Boating Center facilities providing assistance and information to resident and visiting boaters, and the vessel waste pump-out facility.*

5. In addition to approval by the CT Siting Council, construction of Eversource's Proposed Project requires authorization through a coastal Permit issued by the CT DEEP. In accordance with the requirements of the state's coastal regulatory process, Eversource submitted pre-application plans for the Proposed Project for review by the NHMC and NSC in February 2018. Subsequently, following careful review of those plans, neither the HMC nor the NSC provided favorable comments. The NHMC's unfavorable comments and statement of concerns, transmitted in the attached April 9, 2018 letter to Eversource, were due in large part to the potential for future conflicts with public use and city management of the Visitor's Dock, including loss of city control over future construction and dredging operations that might affect the protected utility corridor established once the transmission lines are placed under the Dock. In addition, the NSC expressed disagreement with the conclusions presented by Eversource regarding potentially affected shellfish resources.
6. On October 2, 2018, NHMC and NSC representatives attended a Special Meeting of the Common Council's Public Works and Parks and Recreation committees to hear a presentation by the Norwalk Department of Public Works (DPW) concerning Eversource's Proposed Project plans for consideration by the Common Council. The NHMC and NSC again provided a detailed statement of comments and concerns regarding those plans and requested that no action be taken by the Council on the Proposed Project until such time as an independent peer review by a recognized expert in underground electric utility construction is conducted and Eversource meets with the NHMC and Shellfish Commission to discuss alternative routes that will accomplish the necessary relocation without devaluing and limiting future development of the City's public boating facilities. That statement of comments and concerns was provided to Mayor Rilling and members of the Common Council in the attached letter of October 9, 2018.
7. On November 30, 2018, Eversource provided revised plans for the Proposed Project to the NHMC and NSC for review. In the course of that review, the NHMC and NSC continued to discuss their concerns regarding the potential for future conflicts between the transmission lines and the public boating facilities, including conflicts that may affect future repair, replacement, and expansion of the docks and/or transmission lines, with representatives of the CT DEEP, USACE, and Connecticut Port Authority (the source of the substantial state funds used to completely reconstruct the Visitor's Dock in 2018). CT DEEP representatives informed the NHMC and NSC that the state coastal regulatory process requires a full examination of alternatives to the proposed project route and that any potential impacts to the public boating facilities—a state-approved water-dependent use pursuant to the Connecticut Coastal Management Act—must be clearly identified and properly mitigated. Additional discussions with Eversource representatives took place during the NHMC's public meeting on February 27, 2019.

During its meeting on April 24, 2019, the NHMC continued to discuss this matter and approved the following motion sent to Eversource, the CT DEEP, USACE, Connecticut Port Authority, and CT Siting Council in the attached letter of May 6, 2019.

*The NHMC is not able to provide a favorable recommendation concerning the proposed project at this time and finds the proposal in its present form is inconsistent with the Norwalk Harbor Management Plan insofar as it involves directional drilling to relocate the transmission lines under the city's principal public boating facility, including the Norwalk Visitor's Dock at the David S. Dunavan Boating Center. In addition, the NHMC recommends that that an application to DEEP not proceed absent additional discussions with the NHMC concerning: 1) alternatives to the Applicant's proposed route under the public boating facilities; 2) clarification of all restrictions and/or limitations that would be imposed by the Applicant affecting future maintenance, repair, and expansion of the public boating facilities; and 3) a risk assessment by the Applicant of the proposed project as it would affect Norwalk Harbor and the boating facilities.*

8. During its meeting on November 16, 2022, the NHMC and representatives of the NSC entertained a presentation by the Norwalk Department of Public Works (DPW) and Eversource concerning further revised plans for the Proposed Project. At that time, the NHMC agreed to inform Mayor Rilling and the Common Council that the NHMC and representatives of the NSC have viewed the revised Proposed Project plans presented by the DPW and Eversource and that the NHMC and NSC will: 1) conduct a formal review of that plan during the regulatory review processes of the CT Siting Council, DEEP, and the USACE; and 2) provide the findings and recommendations of the NHMC and NSC to the regulatory agencies, Eversource, and interested parties. (See the attached letter of November 18, 2022 to Mayor Rilling and members of the Common Council.)

Thank you for considering our comments and for your support of the NHMC's and NSC's efforts to protect the public's rights and interests in Norwalk Harbor. We look forward to providing additional comments to the CT Siting Council following the requested Public Hearing on Petition No. 1560. If you have any questions, or desire any additional information at this time, please contact us at the numbers and addresses below.

Sincerely,

*Alan Kibbe*

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*Steve Bartush*

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Enclosures

cc:

Hon. Harry Rilling, Mayor of Norwalk  
Ian Cole, Eversource Energy  
Mario Coppola, Corporation Counsel

Micheal Grzywinski, CT DEEP LWRD  
Susan Jacobson, CT DEEP LWRD  
Leslie Martin, U.S. Army Corps of Engineers  
John T. Pinto, Ph.D., Chair, HMC Application Review Committee  
Joe Schnierlein, Chair, Mayor's Water Quality Committee  
Robert Stowers, Director, Norwalk Recreation and Parks Department  
Jenifer Thalhauser, U.S. Army Corps of Engineers  
Vanessa Valadares, P.E., Chief of Operations and Public Works  
Amelia Williams, Planning and Zoning Department