



CANDLEWOOD LAKE AUTHORITY

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Candlewood Lake Authority Comments on Proposed Shoreline Management Plan 6-year Update for FERC P-2576

The Candlewood Lake Authority would first like to thank FirstLight for submitting the proposed changes to the shoreline management plan (SMP) for review and comment by the critical stakeholders. The SMP is a critical document that has the most tangible impact on those homeowners and local property owners around both Candlewood Lake and the rest of the Housatonic River Project. On balance, we feel that the proposed changes to the SMP represent a general improvement in clarity and specificity and appreciate the effort FirstLight has made in making the document more approachable. We also want to acknowledge the continued effort by FirstLight to improve their permitting and communication process and appreciate the improvements that they've made over the past 6 years.

The 6-year update of the SMP gives us the opportunity to adjust the document to reflect what has been learned over the past 6-year period. Specifically, we want to take this opportunity to point out the specific “pain points” that are confusing, unclear, or overly ambiguous as places to improve the document for stakeholders, neighbors, and FirstLight. Please see the comments below for our recommendations to continue to improve the document moving forward:

1. While FirstLight has indeed made significant progress over the past 6 years to clarify their permitting process and creating a more user-friendly online portal – confusion and headaches still persist for many when applying for permits to conduct work around the lake.
 - a. As an example, the FAQs and Checklists document¹ meant to condense the process for homeowners is a 27-page document – only 1 page shorter than the SMP itself (not including Appendices). Realistically, homeowners need either a simpler process or a simpler explanation of the process to encourage compliance.
 - i. We recommend that a simple flowchart be contained within the SMP itself illustrating, with photos of the website, where homeowners need to go to:
 - 1) Submit Permit Applications, 2) Check the status of permit applications,

¹ “Shoreline and Land Use Permit Application Frequently Asked Questions & Checklists” 1/28/2022, FirstLight (https://firstlightportal.myadept.com/pdf/Shoreline_and_Land_Use_Applications_FAQs_and_Checklists_rev.01.28.22.pdf)

and 3) Ask questions about permit applications. This can be contained in the appendixes so that the photos can be updated should the website change.

- b. The best way to contact the Land Management Department is through the “Contact Us” page on their website – which is nested far enough into the website to require 4 clicks to reach. It is also confused by the media inquiry “Contact Us” page being on the homepage and much easier to reach.
 - i. We would like to recommend that the “Contact Us” page for the land management department be added to the homepage of the website and be clarified to ensure people know that it is the “Contact Us” page for “questions on permit applications and status.”
 - c. There remains significant confusion for homeowners about specifically *what* activities do and do not need a permit, as well as the status of permit applications after submittal to FirstLight.
 - i. We recommend that contained within the SMP is a communication requirement that FirstLight must acknowledge permit applications within 30 days of their submittal as well as a similar communication requirement for answering questions within 30 days.
 - 1. Often the most vocal concerns from the public come from folks who, after submitting an application, feel as if they haven’t heard from FirstLight regarding a final decision for their permit application. A 90-day requirement for FirstLight to either approve, deny, or schedule further fact-finding with homeowners seems both reasonable for the licensee and sufficient for homeowners, and should be included in the SMP.
 - ii. We understand that homeowners can and do check on the status of their applications on the web portal that FirstLight has built, but many homeowners lack the understanding on how to reach this status page. Contained within the SMP or a simplified FAQ document should be a flowchart with screenshots of the website that tells homeowners how to reach this page.
 - iii. We commit to partnering with FirstLight on new and novel ways to educate homeowners on how to access and use the web portal.
2. We appreciate the need for FirstLight, as a private entity, to recoup costs associated with administering the permitting process. We have had 6 years of time with the new fee system, and while it is improved in some ways, there are very few updates to the fee

process (apart from some amount changes and clarification of specific activities associated with specific fees) contained within these proposed changes to the SMP.

- a. Under the current system, there is a system of 3 separate nested fees for any given activity. This represents a point of significant confusion for homeowners, as they can receive news of surprising second, or even third level fees (i.e. Application submittal fee, Activity Review Fee, Use Review Fee).
 - b. We recommend that, in general, applicants should have a good idea of the fees associated with an application at the time of application. For that reason, we recommend that Use Review Fees be eliminated and Activity Review Fees instead be tiered to account for differences in administrative time for FirstLight.
 - i. For example, both Limited and Significant Activity Review Fees have 3 tiers: No Fee, Minimal Fee, and Standard Fee. This would mean that homeowners would only have to understand two fees: one for the submittal of their application, and one for the review of their application, while still giving FirstLight flexibility in fee attribution for more complicated applications.
 - ii. Similar to Appendix C in the SMP now, the most common activities homeowners apply for should be contained within a table illustrating where those uses exist on the tiered Activity Review Fees.
3. The Derelict Docks section on p. 16 of the SMP remains unchanged from the version written 6-years ago. In that time, it has become apparent to us, as well as homeowners around Candlewood Lake, that the responsibility for removing derelict docks is unclear and ultimately results in derelict docks remaining in the lake unmanaged for significant periods of time – proving to be a potentially dangerous navigational hazard.
- a. We recommend that the SMP clarify the responsibility of the licensee to remove debris, including derelict docks, that are reported to them within a timely manner.
 - b. Currently the language as written is *“FirstLight or its agents, the respective police, boating authority or any others may endeavor to secure, remove and/or dispose of any derelict docks that break loose and could cause a hazard to boating navigation.”*
 - i. We recommend that this be updated to “It is FirstLight’s commitment to remove and/or dispose of derelict docks within 7 days of their reporting to the land use department. FirstLight may partner with police, boating authority, or any others to transport derelict docks to a safe location where they can be removed and disposed of.”
 - ii. We as the CLA commit to partnering with FirstLight to assist with the removal of derelict docks in a timely manner – but lack the resources necessary to conduct the program ourselves. The current ambiguous language points to us as a “boating authority” involved with the process,

but in practice often leaves us in the difficult position of being obligated to manage this process on behalf of FirstLight with no commitment from the licensee to cover the cost of disposal, and no specific workflow on how to effectively dispose of derelict docks.

4. Currently the proposed SMP changes the review process to every ten years with the next review occurring in 2035.
 - a. We request that the SMP retain it's 6-year review process to allow FirstLight and stakeholders to recommend continued improvements to the document. These periods provide stakeholders with the best opportunity to recommend updates on behalf of the community, and 10 years is a very long time between review periods.
 - b. In addition, we also request that the public hearing requirement remain in the SMP, as this is the primary opportunity for the public to express their concerns with the SMP – which is the document that tangibly affects homeowners the most.

Thank you to FirstLight and the Federal Energy Regulatory Commission for the review of these comments. Should there be further questions or clarifications necessary, the Candlewood Lake Authority can be easily reached at (860) 354-6928 or science@candlewoodlakeauthority.org