



# CANDLEWOOD LAKE AUTHORITY

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**To:** Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
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Washington, DC 20426

## **Candlewood Lake Authority Comments in Response to FirstLight CT Housatonic LLC's Submitted Application for Approval of Non-Project Use of Project Lands – Expansion of Existing Community Marina**

**Project Number: 2576-187**

The Candlewood Lake Authority has had the opportunity to review the recently submitted “Application for Approval of Non-Project Use of Project Lands – Expansion of Existing Community Marina” submitted by FirstLight CT Housatonic LLC (FirstLight) on November 25<sup>th</sup>, 2019. We have reviewed the Federal Energy Regulatory Commission’s (FERC) subsequent request for additional information submitted on December 12<sup>th</sup>, 2019. Having completed this review, we would like to submit this short letter both supporting the questions asked by FERC in their additional information request, as well as bringing all the parties’ attention to a few other questions and concerns we have as this process continues.

- I. We would like to directly echo FERC’s first item requiring additional information. We too were surprised to read the statement “the Commission approved the proposed updated SMP with modifications in August 2019, including removing of the limitation on community dock expansions based on its approval of the Boat Overcrowding Plan.”<sup>1</sup>
  - a. We did not address boat overcrowding directly in the process of commenting on and preparing the SMP *because* of the existence of the Boat Overcrowding plan which, as stated by FERC, “superseded”

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<sup>1</sup> Housatonic River Project No. 2576 application for Approval of Non-Project Use of Project Lands – Expansion of Existing Community Marina, FirstLight, November 25, 2019. P. 3

the boat overcrowding and land conservation program sections of the SMP.<sup>2</sup>

- b. This statement comes right after FirstLight states in the application that the Boat Overcrowding Plan “Included... a prohibition on future increases in capacity at marinas and community docks that do not interfere with private property rights” (p. 2).
- c. We would like to reaffirm that these regulations still exist in spite of the fact that the “boat overcrowding” section was not included in the approved 2019 SMP and appreciate FERC’s request for clarification of this issue.
  - i. We know that the Overcrowding Plan was created to prevent unfettered expansion of large docks all around the lake; we are concerned about the precedent an increase of this magnitude would set for the many other communities and marinas around the lake.

II. We would also like to draw attention to, and potentially revisit, another claim made in the application.

- a. As justification for an increase in the community dock size, FirstLight includes results from their 2014 flyover, saying: “...on the peak day of July 6, 2014, a total of 570 boats were on the water... 239 of these were underway and another 331 were not. In general, the 331 boats not underway were not docked boats, but rather were boats clumped together in stationary parties and not boats underway. 239 boats underway is well below Candlewood Lake’s carrying capacity of 452 boats underway” (p. 2-3).
- b. While we appreciate that the Lake’s carrying capacity is defined in the Overcrowding Plan as “...arriving at 448 to 452 boats underway on the water”<sup>3</sup>, we feel that completely ignoring stationary boats in assessments of carrying capacity is a mistake. It only takes a second for a stationary boat to become a boat underway.
  - i. We also appreciate that there is not a true consensus on how carrying capacity calculations should generally be made<sup>3</sup> – but stationary and rafting boats clearly affect the ability of other boats to navigate the water, and while they may reduce user conflict when compared to if they were underway, they

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<sup>2</sup> Order Modifying and Approving Shoreline Management Plan Pursuant to Article 407, US Federal Energy Regulatory Commission, August 12, 2019. P. 3.

<sup>3</sup> Candlewood Lake Overcrowding Plan Housatonic River Project No. 2576-150, FirstLight Hydro Generating Company, March 27, 2014. P. 3

certainly can increase user conflict when compared to that boat not being on the water in the first place.

- ii. We would like to point out that stationary boats were counted as contributing to the total in the overcrowding plan based upon the 2008 aerial flight data. As seen on page 8 of the plan, in every date there is no distinction made between stationary and boats underway, meaning that the lake regularly exceeded the carrying capacity based on the 2008 survey (the mean total being 473 vessels, which is described as “exceeding” the carrying capacity of 450 vessels.<sup>4</sup>
  - c. Based on the above, we would like to suggest two things in regard to this overcrowding analysis:
    - i. The current state of overcrowding on Candlewood Lake should be based upon the analysis of modern flyover data scheduled to be collected during the summer of 2020, rather than outdated data from 2014.
    - ii. We would like to convene the “Lake Advisory Committee” as described in the Overcrowding Plan as meeting annually<sup>5</sup> to discuss how carrying capacity is calculated, overcrowding is assessed, and how stationary and rafting boats contribute to those calculations.
- III. The provided maps, while giving detail about the size, shape, and orientation of the docks, do not give a full picture of the cove that the docks are being placed in.
- a. We would suggest that updated maps and figures be included in the application, specifically for the tennis court location, that illustrate: the opposite side of the cove (and the distance between that and the proposed docks), the “sandbar” or navigational hazard located in roughly the middle of the cove, and the proposed and accepted change that DEEP suggested – the one dock “finger” being reduced in length from 5 to 3 sections.
  - b. These updated maps would help answer some of our questions about how the proposed docks would impact navigation in the cove.

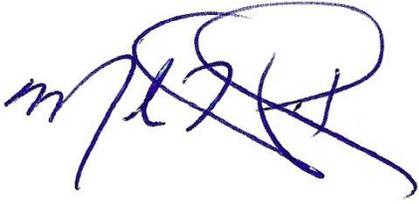
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<sup>4</sup> Candlewood Lake Overcrowding Plan Housatonic River Project No. 2576-150, FirstLight Hydro Generating Company, March 27. 2014. P. 8

<sup>5</sup> Candlewood Lake Overcrowding Plan Housatonic River Project No. 2576-150, FirstLight Hydro Generating Company, March 27. 2014. P. 40

*Respectfully submitted,*

CANDLEWOOD LAKE AUTHORITY

A handwritten signature in blue ink, appearing to read 'M. Howarth', with a large, stylized flourish above the name.

Mark Howarth  
Executive Director  
/JNS