

SECTION 9

PERMITS, APPROVALS, AND CONSULTATIONS

9. PERMITS, APPROVALS, AND CONSULTATIONS

As part of the Project planning process, CL&P has coordinated extensively, over a multi-year period, with the public and representatives of the 11 towns that would be traversed by the new 345-kV transmission lines along the Proposed Route, as well as with representatives of the federal and state regulatory agencies from whom approvals for the Project would be required. CL&P also consulted with the Town of Windham, the only additional municipality that would be affected by the route variations (refer to Volume 1A, Section 15.5). CL&P will continue such consultations as the planning and review of the Project proceeds. This section identifies the permits and approvals that would be required for the construction and operation of the Connecticut portion of the Interstate Reliability Project¹, and summarizes the federal and state agency and municipal consultations that CL&P has conducted to date concerning the Project.

9.1 AGENCY PERMITS AND APPROVALS REQUIRED FOR THE PROJECT

In addition to a Certificate of Environmental Compatibility and Public Need from the Council, the Project would require various permits and approvals from other Connecticut and federal agencies. At the federal level, the entire three-state Interstate Reliability Project must comply with the Clean Water Act (CWA), Endangered Species Act, and National Historic Preservation Act. Furthermore, CL&P would need USACE approval for the expansion of the existing ROW across the USACE-owned properties in the Mansfield Hollow area.²

At the state level, along with compliance with the Council's requirements, CL&P would have to obtain Project-specific permits or approvals pertaining to water quality (pursuant to Section 401 of the CWA),

¹ The portions of the Interstate Reliability Project in Rhode Island and Massachusetts will require additional state-specific approvals, which are not identified herein.

² Configuration options for the development of the new 345-kV transmission line across the USACE-owned properties in the Mansfield Hollow area are described in Section 10. Two of these options, including the Proposed Route, would involve ROW expansion on federally-owned properties, while the third option would allow the development of the new 345-kV line within the existing 150-foot-wide ROW (no ROW expansion).

stormwater management, threatened and endangered species, and cultural resources. Additional state approvals may be required, depending on the final design of the Project.

Table 9-1 summarizes the federal and state permits and approvals expected to be required for the proposed Project. This summary is based on currently available data concerning the Project, and may be modified as the Project planning, design, and review process moves forward.

9.2 FEDERAL AND STATE AGENCY CONSULTATIONS

In conjunction with the overall Project planning, CL&P initiated consultations with the federal and state agencies likely to be involved in the review or approval of the Project. The purpose of these initial consultations was to provide the agencies with preliminary information regarding the proposed Project, and to solicit from the agencies baseline information concerning the Project area or potential Project-related issues.

Table 9-2 summarizes the federal and state agency consultations conducted to date. Volume 4 includes copies of correspondence to and from agencies regarding the Project. As Table 9-2 illustrates, certain agency consultations date to 2004, when CL&P first began to evaluate possible transmission line solutions involving northeastern Connecticut.

Most recently, between mid-June and the end of October 2011, CL&P conducted pre-application meetings regarding the Project with the USACE, the U.S. Environmental Protection Agency, and CT DEEP. CL&P expects to continue to coordinate closely with these and other regulatory agencies during the permit application submission and review phases of the Project.

Table 9-1: Potential Permits, Reviews, and Approvals Required for the Project

Agency	Certificate, Permit, Review, Approval or Confirmation	Activity Regulated
FEDERAL		
U.S. Army Corps of Engineers (USACE), New England District	Section 404 CWA Easement Expansion Approval	Discharge of dredge or fill material into waters of the U.S. (wetlands or watercourses) Real Estate Approval: easement expansion across Mansfield Hollow properties
U.S. Fish and Wildlife Service	Coordinates with USACE regarding endangered or threatened species (non-marine); provides input to USACE permit application review	Construction or operation activities that may affect federally-listed endangered or threatened species
U.S. Environmental Protection Agency	Provides input to USACE permit application review	Construction or operation activities that may affect water, air, or other resources
Advisory Council on Historic Preservation	Involved if cultural resource sites would be potentially affected by the Project	Section 106 National Historic Preservation Act compliance; input to USACE permit review, if applicable
CONNECTICUT		
Connecticut Siting Council	Certificate of Environmental Compatibility and Public Need Development & Management Plan approval prior to construction	General transmission line need, siting, construction, environmental compatibility, safety, and operation / maintenance and ROW management procedures
Department of Energy and Environmental Protection (CT DEEP)	401 Water Quality Certification	Conformance to Section 401 of the CWA; Section 401 approval from CTDEEP is required prior to USACE permit issuance
	General Permit	Stormwater management during construction
	Stream Channel Encroachment Line (SCEL) Permit: Span of Willimantic River	Construction activities riverward of SCEL (if applicable; currently, no new structures are proposed within the SCEL)
	Water Diversion Permit	Installation of permanent culverts across streams with a watershed of 100 acres or more
	Threatened, Endangered, and Special Concern Species	Approval of species-specific mitigation plans as part of Council's process, 401 Water Quality Certification approval
CT DEEP Public Utilities Regulatory Authority	Approval pursuant to C.G.S. Section 16-243	Method & Manner of Construction Approval to Energize Lines
State Historic Preservation Office (SHPO) ³	Approval of proposed Project consistency with the National Historic Preservation Act; comments during Council and USACE processes	Construction and operation activities that may affect archaeological or historic resources.
Connecticut Department of Transportation (ConnDOT)	Encroachment permit	Transmission line crossing of state highways

³ The SHPO is part of the Connecticut Commission on Culture and Tourism, Historic Preservation and Museum Division.

Table 9-2: List of Federal and State Agency Consultations to Date

AGENCY	DATE	AGENCY CONTACT
FEDERAL		
USACE, New England District	10/24/07 4/9/08 6/15/2011 6/20/2011 8/22/2011 9/16/2011	Susan Lee Michael Sheehan J. Johnson P. Bradstreet Michael Elliot Dave Keddell Paul Minkin Paul Sargent J. Redlinger
U.S. Environmental Protection Agency	9/16/2011	E. Reiner
U.S. Department of Interior - Fish & Wildlife Service	7/20/04 7/30/07 9/4/07 10/11/07 11/21/07 1/1/08 1/2/09 3/17/09 4/10/09 5/13/09 3/19/10	Michael J. Amaral Anthony P. Tur Thomas R. Chapman Eric R. Derleth
Federal Aviation Administration	Spring 2009	General
CONNECTICUT		
CT DEEP	3/26/08, 12/2010 6/17/2011 10/28/2011 12/5/2011 12/7/2011	Neal Hagstrom, S. Gephard M. Salter C. Clark S. Peterson
CT DEEP – Franklin Wildlife Management Area	8/2/04 2/25/08 4/15/08 6/16/09	Julie Victoria
CT DEEP - Natural/Diversity Database	7/20/04 10/6/04 10/11/07 3/17/08 3/17/09 6/2/09 6/8/09 3/8/10	Dawn M. McKay Nancy Murray Julie Victoria
SHPO	6/5/08	David A Poirier Daniel Forrest

9.3 MUNICIPAL, PUBLIC, AND OTHER CONSULTATIONS

CL&P has conducted extensive community outreach throughout the planning and municipal consultation phases of the Project. During this time, public officials of the 12 towns in which the Proposed Route and route variations would be located were informed and consulted. Additionally, key state and federal elected officials, non-governmental environmental groups, and other stakeholders were offered briefings and consulted regarding the proposed Project. This comprehensive public outreach process included conformance to the Council's requirements for a Municipal Consultation Filing (MCF). CL&P plans to continue this proactive outreach as the Project moves forward.

As a primary mechanism both for informing the public about the Project and for soliciting comments on the Project from local leadership and the public, CL&P conducted extensive municipal consultations, in accordance with the Council's MCF requirements. The MCF, which is a key component of the Council's application process, requires applicants intending to apply for a Council Certificate of Environmental Compatibility and Public Need to consult with potentially affected municipalities at least 60 days prior to the Application filing date. The pre-application consultation must include, but not be limited to, good faith efforts to meet with the chief elected official of each potentially affected municipality and to provide technical reports concerning the public need, site selection process, and environmental effects of the proposed facilities.

In August 2008, CL&P submitted an initial, five-volume MCF for the Project. This MCF was duly noticed and provided to all 12 of the towns in which the then-identified primary route under consideration and any potential route variations were planned for location. During the municipal consultation period, CL&P offered to meet with each of these towns to review the MCF in more detail, both to present an overview of the Project and the siting process and to review the methods available for each town to provide input to the Project's siting process. At these meetings, CL&P gained input from the municipal

officials regarding concerns or special considerations associated with the proposed route in their particular town.

In the fall of 2008, CL&P held four public “open house” meetings to discuss the Project with residents and to obtain comments. Members of the Project team were available at these open house sessions to provide information and to answer specific questions.

In July 2011, CL&P submitted a Supplemental MCF that augmented and updated the original August 2008 MCF. The 2011 Supplemental MCF, which also was provided to all of the towns along the Proposed Route and potential route variations, consisted of multiple volumes that provided details regarding the Project need, technical specifications and environmental characteristics of the Proposed Route, the alternatives considered (including the six route variations), and potential environmental effects. The Supplemental MCF also included aerial-photography-based maps that illustrate the locations of the Proposed Route and route variations in relation to land uses and environmental features.

In conjunction with the submission of the Supplemental MCF, CL&P again offered to meet with the chief elected officials of each of the 11 towns along the Proposed Route, as well as with officials from the Town of Windham (which would be traversed by two of the route variations). Briefings were also offered to key state and federal elected officials, non-governmental environmental groups, and other stakeholders to discuss the reaffirmed need for the Project and to provide an update of the Project planning efforts conducted after the 2008 MCF.

In addition, after the issuance of the Supplemental MCF, CL&P held two additional “open houses” – in the towns of Killingly (Danielson area) and Mansfield – to again provide the public with the opportunity to obtain information about and provide comments on the Project. These open houses were held on August 23, 2011 (Killingly / Danielson) and on December 8, 2011 (Mansfield).

The overall objective of the municipal consultation process was to obtain input regarding the proposed Project from representatives of each of the towns potentially affected by the proposed transmission facilities, as well as from the interested public. In accordance with the Council's requirements, within 15 days of filing the Application for the Project, CL&P will provide to the Council a summary of the consultations with the towns, including any comments or recommendations issued by the municipalities as well as copies of comments received from the public.

Table 9-3 summarizes the primary meetings CL&P has held to date with municipal officials, state and federal officials, and other key stakeholder groups. Table 9-4 lists the "open houses" that CL&P held in conjunction with both the 2008 MCF and the 2011 Supplemental MCF.

Table 9-3: Meetings Held To-Date with Municipal Officials, State and Federal Officials, and Other Key Stakeholder Groups

Stakeholder Group	Date of Meeting	Purpose of Meeting
Municipal Officials		
Town of Brooklyn	9/6/07 3/17/11 8/4/11	Project Introduction – First Selectman New Chief Executive Official Briefing Supplemental MCF Briefing – First Selectman
Town of Chaplin	9/26/07 9/16/08 4/21/11 7/21/11	Project Introduction – First Selectman MCF Briefing – First Selectman New Chief Executive Official Briefing Supplemental MCF Briefing – First Selectman
Town of Columbia	9/21/07 9/8/08 3/24/11 7/29/11	Project Introduction – First Selectman MCF Briefing – First Selectman New Chief Executive Official Briefing Supplemental MCF Briefing – First Selectman
Town of Coventry	9/25/07 8/22/08 8/4/11	Project Introduction – First Selectman MCF Briefing – Town Manager Supplemental MCF Briefing – Town Manager
Town of Hampton	9/6/07 10/21/08 3/24/11 8/4/11 11/7/11 12/5/11	Project Introduction – First Selectman MCF Briefing - Conservation Commission New Chief Executive Official Briefing Supplemental MCF Briefing – First Selectman Supplemental MCF Briefing – Board of Selectmen
Town of Killingly	8/28/07 10/21/08 7/27/11	Project Introduction – Town Manager MCF Briefing – Town Manager Supplemental MCF Briefing – Town Manager
Town of Lebanon	9/11/07 8/14/08 8/13/09 7/29/11	Project Introduction – First Selectman MCF Briefing – First Selectman Project Update – First Selectman Supplemental MCF Briefing – First Selectman
Town of Mansfield	10/2/07 10/1/08 11/10/08 7/15/11 8/22/11	Project Introduction – Town Manager MCF Briefing – Town Manager MCF Briefing – Town Council Supplemental MCF Briefing – Town Manager Supplemental MCF Briefing – Town Council
Town of Pomfret	9/25/07 8/1/11	Project Introduction – First Selectman Supplemental MCF Briefing - Board of Selectman
Town of Putnam	10/2/07 7/27/11	Project Introduction – Mayor Supplemental MCF Briefing - Mayor
Town of Thompson	8/28/07 7/27/11	Project Introduction – First Selectman Supplemental MCF Briefing – First Selectman
Town of Windham	9/26/07 9/16/08 5/24/11	Project Introduction – First Selectman MCF Briefing – Board of Selectmen New Chief Executive Official Briefing – Mayor & Town Manager
Windham Regional Council of Governments	1/21/09	Project Update

Stakeholder Group	Date of Meeting	Purpose of Meeting
State and Federal Officials		
Senate Democrats – Assistant Chief of Staff Gregg Haddad	10/20/08	MCF Briefing
State Senator Edith Prague (D-19)	10/20/08	MCF Briefing
State Representative Denise Merrill (D-54)	10/20/08	MCF Briefing
CT Attorney General George Jepsen and Assistant Attorney General Mike Wertheimer	6/28/11	Supplemental MCF Briefing
U.S. Representative Joseph Courtney	6/28/11	Supplemental MCF Briefing
State Senator Donald Williams (D-29)	6/30/11	Supplemental MCF Briefing
U.S. Senator Richard Blumenthal	7/8/11	Supplemental MCF Briefing
U.S. Senator Joseph Lieberman	7/14/11	Supplemental MCF Briefing
Connecticut DEEP Commissioner Daniel Esty and Staff	7/15/11	New official briefing
State Representative Susan Johnson (D-49)	7/18/11	Supplemental MCF Briefing
State Representative Mike Alberts (D-50)	7/18/11	Supplemental MCF Briefing
State Senator Edith Prague (D-19)	8/5/11	Supplemental MCF Briefing
State Representative Gregg Haddad ((D-54)	8/11/11	Supplemental MCF Briefing
State Representative Max Flexer (D-44)	8/11/11	Supplemental MCF Briefing
Environmental Groups		
Connecticut Forest & Parks Association	11/10/08	MCF Briefing
	8/11/11	Supplemental MCF Briefing
The Last Green Valley, Inc. (Representing the Quinebaug-Shetucket Heritage Corridor)	11/12/08	MCF Briefing
	10/6/11	Supplemental MCF Briefing
Friends of Mansfield Hollow	8/11/11	Supplemental MCF Briefing
Other Stakeholder Groups		
Mount Hope Montessori School, Mansfield	8/13/08	MCF Briefing – School Director
	1/23/09	Project Update – Board of Directors
Hawthorne Lane, Mansfield	11/3/09	Private landowner land swap - Potential ROW shift
	8/10/11	Private landowner land swap - Potential ROW shift

Table 9-4: Public Open Houses

CL&P Public “Open Houses”	Date of Open House	Location
For all interested residents and stakeholders	9/24/08	Brooklyn
	9/30/08	Willimantic
	10/22/08	Mansfield
	11/5/08	Danielson (Killingly)
	8/23/11	Danielson (Killingly)
	12/8/11	Mansfield

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