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FERC0033t March 27, 2019

Kimberly D. Bose Secretary Federal Energy Regulatory Commission 888 First Street, NE Washington, DC 20426

Housatonic River Project - P-2576-139
Submission of the 2019 Revised Shoreline Management Plan

## Dear Secretary Bose:

According to the Federal Energy Regulatory Commission (FERC) Order issued March 27, 2013 (142 FERC¶62,256) modifying and approving the Shoreline Management Plan (SMP) pursuant to License Article 407 for the Housatonic River Project (Project, FERC Project No. 2576, 107 FERC¶61,305), FirstLight Hydro Generating Company, LLC (FirstLight), the Licensee for the Housatonic River Project (Project), is required to review and update the SMP every six years. FirstLight hereby submits this 2019 revised SMP for the Housatonic River Project (FERC Project No. 2576-139) for FERC review and approval. This is the first revised SMP submission since FERC approval of the SMP, March 27, 2013.

This SMP conforms to the guidance provided by the FERC (2012)<sup>1</sup>. FirstLight consulted with numerous state, federal and local agencies, and other stakeholders who expressed interest in being a party to this public process. FirstLight identified and contacted a broader group of stakeholders and agencies than were consulted for the previous SMP, and initiated discussions with stakeholders in December of 2018. FirstLight distributed a draft amended SMP to stakeholders and posted it on its company website on December 17, 2018 for public review. FirstLight then reconvened the SMP Lake and River Advisory Committees on February 19, 2019, and subsequently held a required public hearing on February 27, 2019. Associated meeting notes were prepared and FirstLight responded to both public and stakeholder comments in the consultation record, and incorporated several changes into this SMP as a result. Key changes incorporated in this SMP include:

<sup>&</sup>lt;sup>1</sup> FERC. 2012. Guidance for shoreline management planning at hydropower projects, Office of Energy Projects. Federal Energy Regulatory Commission. Washington, DC. (https://www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbook.pdf).

- FirstLight agreed to reduce the proposed SMP revision time from 10 years to 6 years.
- FirstLight agreed to fix the Administrative Fee Schedule for the next 6 years.
- FirstLight modified the text of the SMP to reflect many consultation requests.
- FirstLight increased the riparian vegetated buffer requirement from 5-50% to 20-50% and reduced the required installation time from five to three years or less.
- FirstLight clarified that it has the sole discretion to release company data.
- FirstLight agreed to hold annual meetings of the SMP Lake & River Advisory Committee for two years after the approval of this SMP.
- FirstLight proposed a simplified annual reporting requirement to reflect significant activities and inform stakeholders of progress on implementing this SMP and the installation of riparian vegetated buffers at those sites.

FirstLight calls the Commission's attention to one notable change in this SMP. Specifically, one-time fees are proposed to cover its costs incurred by FirstLight to administer the permitting process. During the first six years of implementation since approval of the SMP, FirstLight has assumed significant additional obligations. Details on the additional costs incurred and the efforts made to implement them are stated in the introduction of this SMP. Since 2004, FirstLight has spent several million dollars to implement the SMP's policies, plans, and programs. From 2009 until 2013, FirstLight operated its permitting program as if the SMP had already been approved by the FERC in order to begin implementation while awaiting Commission approval. Additionally, many FERC licensed Projects with shoreline management plans charge fees in accordance with FERC guidance.

FirstLight appreciates the time dedicated by each individual and entity that, through the consultation process, took the opportunity to aid in the creation of this SMP. FirstLight is confident the Commission will recognize that this SMP achieves a delicate balance among the interests of many diverse stakeholders and fulfills the goals of License Article 407.

FirstLight requests that the Commission approve the attached SMP without material changes so that FirstLight and the stakeholders can begin a new era of protecting and enhancing the scenic, recreational and environmental values of the shoreline of the Housatonic River Project.

Should you have any questions, please call me at (860) 350-3617.

Very truly yours,

FirstLight Power Resources Services, LLC

As agent for FirstLight Hydro Generating Company

John Howard

Director of CT Hydro Operations



# **Shoreline Management Plan**

**Final to FERC 3/27/19** 



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## SHORELINE MANAGEMENT PLAN HOUSATONIC RIVER PROJECT NO. 2576-139

#### I. HISTORY OF THE PROJECT & SHORELINE MANAGEMENT PLAN

On June 23, 2004, the Federal Energy Regulatory Commission ("FERC") issued FirstLight Hydro Generating Company ("FirstLight" or "Licensee") a new license with specific requirements defined as Articles for the Housatonic River Project No. 2576-139 (the "Project") for a 40-year term (the "License"). The Project consists of the following four conventional hydroelectric developments on the Housatonic River, as well as the first pumped storage hydroelectric development in the United States: Bulls Bridge (1904), Falls Village Station (1909), Stevenson Dam (1919), Rocky River Pumped Hydro Station (1927), and Shepaug Station (1955). Article 413 of the License requires the Licensee to regulate the non-project uses and occupancies ("Uses") of lands and waters within Project boundaries, and Article 407 of the License requires the Licensee to develop and submit for FERC approval a Shoreline Management Plan ("SMP") that constitutes a comprehensive plan for managing reservoir shorelines and riverfront lands within the Project boundary.

The FERC approved the SMP in 2013; however, such approval included several additional new requirements ordered by the FERC. These new requirements included: the development, filing, approval and implementation of a "Boat Overcrowding Plan", the development, filing, approval and implementation of a "Land Conservation Plan", the development, filing, approval and implementation of the "Shoreline Management Manual", and the filing of annual reports related to the seawall, vegetated buffers and vessel pump out progress report.

FirstLight was also required to perform a comprehensive GPS inventory on over 200 miles of Project shoreline and prepared and submitted to the FERC a "Non-Conforming Structure Inventory Reports" for each of the five developments in the Project. FirstLight has also completed the installation of four out of the five shoreline demonstration vegetated buffers on FirstLight owned lands. None of the activities noted above were contemplated at the time the 2013 SMP was negotiated and submitted to the FERC for approval. All of these additional programs and activities have been implemented and operated by FirstLight at no cost to Property Owners.

This 2019 SMP is a result of the required FERC order issued in 2013 approving the SMP to undergo a six year review and update. The goal of this SMP review is to clarify the procedures, guidelines, and standards for management of lands within the Project Boundary to ensure protection of existing and future natural resources, and aesthetic and environmental values at the Project. The intent of the proposed updates to the Shoreline Land Designation mapping and definitions, as well as the addition of Shoreline Permit Guidelines, is to clearly define acceptable current and future shoreline and land uses at the Project. Additionally the proposed updates seek to provide standards for those uses and to simplify and define the procedures and processes for FirstLight's authorization of such uses and associated activities. The 2019 SMP is also a result of FirstLight's requested stakeholder and public comments received and incorporated into this SMP.

#### II. INTRODUCTION AND GOALS OF THE SHORELINE MANAGEMENT PLAN

FirstLight has an ongoing responsibility to permit, supervise and control shoreline and land uses to ensure that authorized uses are consistent with Project purposes such as protecting and enhancing the project scenic, recreational and environmental values.

FirstLight's 2019 SMP provides a comprehensive plan to manage the multiple resources and uses of the Project's shoreline in a manner that is consistent with the License requirements, property rights and addresses the needs of the public.

Terms not otherwise defined herein are set forth in the Glossary of Terms in Appendix B

FirstLight's 2019 SMP balances the interests among Property Owners, public recreational users, natural and historical resources, and the continued operation of the project.

#### III. OBJECTIVES OF THE SHORELINE MANAGEMENT PLAN

#### Protect and Enhance Public Access and Recreational Opportunities:

FirstLight has located the public access points on the Shoreline Land Designation Maps for potential future enhancements.

## Preserve and Enhance Natural Resource Values (Wildlife, Water Quality, Riparian Habitat):

FirstLight has identified the Project purposes and allowable shoreline and land uses that will be authorized. Going forward this will be based upon the shoreline land designations, and the standards and guidelines herein, to ensure the protection and preservation of existing natural resources and to promote the improvement of environmental values into the future.

#### Preserve Existing Aesthetic Resources (Balance Natural and Developed Vistas):

In order to balance future development pressure with existing resources, FirstLight has defined the existing conservation lands and areas of undeveloped residential type lands at the Project and limited the allowable shoreline land uses to ensure the protection of existing vistas and the preservation of naturalized areas.

#### Clarify Shoreline Permit Program and Process:

FirstLight has developed and updated shoreline permitting guidelines herein, which, taken in conjunction with the shoreline land designations, will determine allowable uses. These guidelines provide standards and procedures for the authorization of existing historical uses, encroachments and structures at the Project. These guidelines also define the allowable shoreline and land uses and associated activities that will be authorized at the Project going forward.

## **Preserve Historic and Cultural Resources:**

New England has a rich history and important cultural resources. Therefore, the shoreline and land uses authorized into the future will minimize excavation of naturalized areas.

#### IV. TERM

The effective date of the first SMP was March 27, 2013, which is the date on which it was approved by the FERC. It shall remain effective until the acceptance and approval by the FERC of the current revision. This SMP contains the revisions and updates to the first SMP and is being submitted by FirstLight for review and approval by the FERC. FirstLight will file a report six years after the date of the FERC approval of this SMP that describes the consultation process, any recommended modifications to the SMP and a plan and schedule for addressing any modifications.

Prior to submitting to FERC any future update to the SMP, FirstLight shall consult with local stakeholders, including but not limited to non-governmental, federal, state and municipal entities. This shall also include lake authorities acting on behalf of their respective municipalities, state and federal agencies. Such consultation is intended by the parties to be an exchange of ideas, written comments, and proposals. The goal of the consultation process is to achieve consensus amongst the parties to the extent possible and will include at least one noticed public hearing prior to any SMP update being submitted to the FERC for review and approval.

#### V. REVIEW AND FERC APPROVAL

- a) The 2019 SMP is submitted by FirstLight to the FERC for review and approval to the extent of its jurisdiction. The FERC's approval of this 2019 SMP will allow FirstLight to continue to update the Exhibits, Guidelines and Appendices referenced herein. Updates will be noticed on the FERC docket and made available to the public on FirstLight's website.
- b) After the initial 6 year review of the 2019 SMP, FirstLight will review and update the SMP and perform stakeholder consultation on the SMP and associated supporting Guidelines, Exhibits and Appendices every six years going forward until the expiration of the License.
- c) FirstLight reserves the rights to revise the Shoreline Designation Maps, Shoreline Management Plan Definitions, Shoreline Permit Guidelines, Shoreline Management Manual and Enforcement Guidelines, Shoreline Management Plan History without stakeholder review or input. This will allow for a Shoreline Management Plan which can be modified around the changing socioeconomic, public, private, Project, natural and historical resources interests that are balanced by the Licensee over time.
- d) Following approval of the SMP, FirstLight will modify the Shoreline Management Manual and the Land Conservation Plan to be consistent with the updates and revisions to the SMP.
- e) Shoreline Designation Mapping may be updated by FirstLight to reflect the identification of new Project resources that require further protection or as part of field confirmation of corrections needed without stakeholder review or input.
- f) Definitions will only be updated to reflect new terms and facts that materialize as part of implementing the SMP over time without stakeholder review or input.

#### VI. STAKEHOLDER CONSULTATION AND SUPPORT

As described above, the 2019 SMP is the product of a collaborative effort among the relevant municipalities, federal and state agencies, the public and other interested parties. FirstLight looks forward to continued formal written consultations and in person regular communications with all the Stakeholders under all facets of the FERC License. This SMP defines the stakeholders and their responsibilities in Appendix G.

#### VII. MUNICIPAL AND STATE JURISDICTION

This section of the SMP provides a discussion of local government and other land use regulations that may affect Project resources and the processes employed by FirstLight to coordinate its efforts with local, state and federal agencies. This section provides a discussion of the responsibilities of entities that provide for the protection of public safety, public health and natural and historical resources within the Project Boundary.

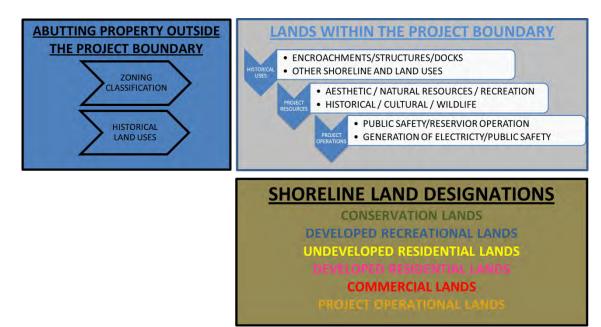
- a) FirstLight does not have, as part of its authority under the Federal Power Act, jurisdiction over public health and water quality. Therefore, the State of Connecticut Department of Public Health ("CTDPH"), local health departments, State of Connecticut Department of Energy and Environmental Protection ("CTDEEP") and any other jurisdictional bodies are primarily responsible for public health and water quality, consistent with their regulatory authority on and in both Project lands and Project waters.
- b) FirstLight does not have, as part of its authority under the Federal Power Act, jurisdiction over public safety, such as police, fire or emergency response powers. Municipal, State and Federal entities have various levels of jurisdiction over boating and other police powers within the Project Boundary.
- c) FirstLight maintains a Public Safety Plan to ensure that FirstLight's Project Operations do not endanger the public. The Plan defines areas which are not open to the public for dam safety and other operational purposes.
- d) The State of Connecticut has created Municipal Powers under 22a-36 through 22a-45 of the General Statutes of Connecticut to regulate certain activities with the potential to impact areas within and adjacent to inland wetlands and watercourses in Connecticut. In addition, FirstLight has the obligation to ensure that the activities and structures that it authorizes do not adversely impact Project or other resource values.
- e) FirstLight works cooperatively with local wetlands and watercourse commissions and may require applicants who FirstLight determines are proposing a potential significant activity to seek local wetland and watercourse permits. FirstLight reserves its authority to approve or deny all applications to occupy Project lands.

- f) FirstLight regularly works with the State of Connecticut, Office of the State Building Inspector and Local Building Inspectors to ensure all structures are constructed and maintained in a safe condition. These governmental entities ensure that, consistent with the State Building Code, the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures is done so in a manner that ensures public safety. FirstLight may request inspection, condemnation and other services from these entities as part of its compliance with the terms of this SMP.
- g) Applicants who apply to FirstLight are responsible for securing all the necessary government approvals and permits required prior to the issuance of a FirstLight authorization for an activity or use within the Project Boundary.
- h) In a case decided after FirstLight's submission of the 2013 SMP, the Connecticut Supreme Court ruled that all municipal zoning laws are federally pre-empted by the Federal Power Act. Therefore, municipal zoning authorities do not have the jurisdiction to issue permits, variances, enforce their regulations or undertake any actions within the Project Boundary. However, FirstLight generally refers to the municipal zoning use category for property adjacent to the Project to determine what type of uses it will permit within the Project Boundary.

#### VIII. SHORELINE LAND DESIGNATIONS

The Shoreline Land Designations represent the existing land use conditions both inside and outside the Project Boundary and identify the potential for future shoreline and land uses that could occur within the Project Boundary. The updates to the Shoreline and Land Designations were based on review of the current use of lands outside the Project boundary and the review of the historical use, project resources, and project operation requirements of lands within the Project Boundary.

## **SHORELINE LAND DESIGNATION PROCESS**



FirstLight has updated the Shoreline Land Designation Table and the Shoreline Land Designation Maps, which are shown in the Table below and in Appendix A respectively. Any future updates to the maps will be posted on FirstLight's website. By referencing the Shoreline Designation Maps, Property Owners can first identify their adjoining Shoreline Land Designation. The Table can then be referenced for information on the Project resources that are to be protected and preserved by the SMP, and identify potentially allowable future shoreline and land uses based upon the Shoreline Land Designations and their property rights. This methodology allows Property Owners and FirstLight to more clearly define natural and environmental resources to be protected and what uses and activities are potentially permissible within the Project Boundary. All potentially permissible Uses and associated activities must obtain authorization from FirstLight through FirstLight's shoreline permit and authorization program and are subject to the authorization processes, standards, and guidelines herein.

TABLE 1 - SHORELINE LAND DESIGNATION CHART			
DESIGNATION	DESCRIPTION	ALLOWABLE USES	
Conservation Lands	Currently undeveloped lands within the Project Boundary that will be managed for environmental protection and conservation, in order to protect important natural and cultural resource values such as fish and wildlife habitat, open space, and/or aesthetic resources. These lands are subject to a 200' Vegetated Riparian Buffer Zone. These lands are candidates for voluntary conservation restrictions consistent with the "Feasibility Report, Plan and Schedule for Conservation Easements and Restrictions".	Soil Stabilization Techniques  Trail and Greenway Development  Wildlife and Habitat enhancements  Educational Signage  Invasive Species Management  Improved Public Access Points  Other Resource Protection and Preservation Uses at the discretion of FirstLight	
Developed Recreational Lands	Lands within the Project Boundary currently providing access to the recreational public, including Municipal, State and Project recreational facilities. These lands can be allowed future shoreline and land uses that benefit the public and protect existing resources values. These lands are subject to a 50' Vegetated Riparian Buffer Zone. These lands are candidates for voluntary conservation restrictions consistent with the "Feasibility Report, Plan and Schedule for Conservation Easements and Restrictions".	Enhanced Public Access Uses  Boat Landings, Boat Ramps & Beaches to serve the Public  Public Park & Recreational Facilities  Trail and Greenway Development  Wildlife and Habitat Enhancements  Soil Stabilization Techniques  Other Publicly Available uses at the discretion of FirstLight	

TABLE 1 - SHORELINE LAND DESIGNATION CHART Cont.			
DESIGNATION	DESCRIPTION	ALLOWABLE USES	
	Lands within the Project Boundary that are	Limited Vegetation Clearing	
	privately owned undeveloped land, or	Paths to Project Waters	
	undeveloped shoreline lands owned by FirstLight managed for environmental	Tatilis to Froject Waters	
	protection and conservation. Currently	Community Docks	
Undeveloped	undeveloped lands not owned by FirstLight	Private Residential Docks	
<u>-</u>	may be converted to residential or other		
Residential	uses. Applicants may apply for uses	Shoreline Armament	
Lands	consistent with the applicant's property	Other Shoreline and Land Uses that are	
	rights and future shoreline and land use development may be restricted to protect	Determined by FirstLight to be Limited Activity	
	and preserve existing natural resources.	Uses	
	These lands are subject to a 200' Vegetated		
	Riparian Buffer Zone within the Project		
	Boundary. These lands are candidates for		
	voluntary conservation restrictions		
consistent with the "Feasibility Report, Plan and Schedule for Conservation Easements			
	and Restrictions".		
	Lands within the Project Boundary	Limited Vegetation Clearing and the	
	characterized by historical residential and	Installation of Vegetated Riparian Buffers	
	community development. Many of these	Datha Chara Wallawaya ayaa Basiant laada ta	
	lands have existing non-conforming	Paths, Steps, Walkways over Project Lands to Project Waters	
	structures and/or encroachments. These	-	
Developed	lands have the potential for applicants to apply for future shoreline and land uses.	Community and Residential Docks	
Residential	These lands are subject to a 50' Vegetated	Seawalls, Rip Rap and other Shoreline	
Lands	Riparian Buffer Zone within the Project	Armament	
	Boundary. Applicants may apply for uses	Retaining Walls, Level Sitting Areas, Temporary	
	consistent with the applicant's property	Structures	
	rights and future shoreline and land uses as defined within the SMP. Future shoreline	Evicting Habitable Engraphments and ather	
	and land use development may be restricted	Existing Habitable Encroachments and other Structures	
	to protect and preserve existing natural		
resources. These lands are candidates for		Boat Landings, Boat Ramps and Boat Racks	
	voluntary conservation restrictions	Other Shoreline and Land Uses that are	
	consistent with the "Feasibility Report, Plan and Schedule for Conservation Easements	Determined by FirstLight to be Limited Activity	
	and Restrictions".	Uses and/or Significant Activity Uses	

	TABLE 1 - SHORELINE LAND DESIGN	ATION CHART Cont.	
DESIGNATION	DESCRIPTION	ALLOWABLE USES	
Commercial Lands	Lands and waters within the Project Boundary historically characterized by existing and newly proposed commercial private marinas, waterfront restaurants, event facilities, and marine service providers. These lands shall be managed to allow for continued commercial use, which provides the public to access to recreational and sporting opportunities and allows Abutters to have service providers maintain their uses in good working order. These uses are managed under a separate authorization process outside the SMP, consistent with the requirements of License Article 413.	Private Commercial Facilities:  Existing and historical Marinas, Restaurants, Marine Service Providers and other Private Existing Commercial Facilities are Managed by FirstLight through current contracts and agreements  Newly Proposed Commercial Facilities are managed by FirstLight with review and approval by the FERC under License Article 413 and are not included in the SMP.	
Project Operational Lands	Lands within the Project Boundary dedicated to Project operations including generation facilities, dams, switchyards, transmission lines and other activities. These lands will be managed by FirstLight for the installation and maintenance of generation, transmission and distribution facilities to provide electricity for the public.	Private uses to support the operation of the Project Facilities including utilities, transmission, communication facilities.  Other uses at the discretion of FirstLight.	

#### IX. AUTHORIZATION OF SHORELINE AND LAND USES

Property Owners must have authorization from FirstLight for their non-project uses and occupancies ("Uses"). These include, but are not limited to, shoreline and land uses such as docks, seawalls, retaining walls or paths within the Project Boundary. Any proposed activity to repair an existing use, modify an existing use, or construct or install a new use also requires authorization from FirstLight. Uses and associated activities may be authorized at FirstLight's discretion subject to the procedures, standards, and guidelines defined herein.

#### **Uses That Can Not Be Authorized**

Uses may only be authorized if such Uses do not:

- Present a threat to safety or health
- Interfere with Project operations
- Impede navigation
- Unduly interfere with the ability of others to properly exercise their Property Rights
- Are required to be removed by FERC

### **Previously Authorized Uses and Structures**

Many shoreline and land uses have been previously authorized by FirstLight through the issuance of a lease, license, permit or other legal agreement between the Property Owner and FirstLight or its predecessor. Such uses, as defined within such agreements, may remain or activities may occur within the Project Boundary as long as such agreement is in effect and all terms and conditions of the agreement are being met. In all cases FirstLight reserves the right to exercise its legal rights and revoke or terminate any such agreement and require that Project lands be restored to the satisfaction of FirstLight.

#### **Unpermitted Existing Uses and Proposed Uses and Activities**

For any unpermitted existing use or any proposed shoreline and land use and associated activity to repair, replace, install, or construct a new use, a Property Owner must submit an application and the required application materials to FirstLight for review and potential authorization. FirstLight's determination of allowable shoreline and land uses and associated activities shall be based upon the type of Shoreline Land Designation classification within the Project Boundary and at the discretion of FirstLight. FirstLight has established a shoreline permit and authorization program to manage residential type Uses and associated activities within the Project. The procedures, standards, and guidelines for Uses on residential type lands are defined herein and provide Property Owners guidance on the acceptable Uses that can be applied for. The lands within the Project Boundary designated as commercial, public recreational lands, project operational and conservation lands are dealt with through a separate permitting process at the discretion of FirstLight and may be subject to separate FERC requirements.

## **SHORELINE AND LAND USE AUTHORIZATION PROCESS**

The process outlined below details FirstLight's steps in evaluating an application for a Use and any activities associated with such Use. Property Owners can use a similar process prior to starting their application to determine what Uses may potentially be acceptable, the standards and guidelines for those uses, and application requirements and processes that may apply.

•Identify the Shoreline Land Designation for the area of review on the Shoreline Designation Maps

 •Review the description and list of allowable uses on the Shoreline Land Designation Chart

 •Determine the Shoreline and Land Use Category of the Use(s) and associated activity (ies)
 •Refer to SMP Sections X and Appendix C SHORELINE PERMIT GUIDELINES

 •Evaluate if the Use(s) meet the Shoreline and Land Use Standards and Guidelines, SMP XI
 •Confirm that all application requirements, processes have been met and all fees have been paid.

## Determination by FirstLight

Uses and Activities may only occur if authorized by FirstLight

#### X. SHORELINE AND LAND USE CATEGORIES

Shoreline and land uses are generally categorized as existing uses ("Existing Uses") or as future or proposed Uses and associated activities which are categorized as either Limited Activity Uses or Significant Activity Uses. Other uses may only be authorized with FERC approval.

#### A. EXISTING USES AND STRUCTURES

Existing Uses are shoreline and land uses, structures and encroachments that have historically existed and can be authorized under the existing use and structure standards and guidelines or through an application review and authorization process. The size, location, and configuration of existing uses cannot be modified without additional authorization from FirstLight. Existing Uses within the Project Boundary, owned and maintained by Property Owners, that have historically existed and have been inventoried by FirstLight may be allowed to remain as outlined below.

#### **Registration of Existing Uses**

FirstLight may authorize acceptable uses through a registration or permitting process below:

<u>Registered Existing Uses</u>: Existing Uses that have been registered through the issuance of a Certificate of Permission by FirstLight or that are still eligible for such registration may remain within the Project Boundary as long as such uses meet all terms and conditions of the Certificate of Permission.

<u>Unregistered Existing Uses</u>: Existing Uses that have not been registered through the issuance of a Certificate of Permission in a timely manner or that have not been otherwise authorized by FirstLight through the issuance of a permit may only remain within the Project Boundary if an application is submitted for review and approval by FirstLight according to the Shoreline Management Plan and the Shoreline Permit Guidelines.

## **Registration and Permitting of Existing Structures and Encroachments**

FirstLight may authorize existing inventoried habitable structures and or encroachments within the Project Boundary subject the requirements for Existing Uses and the FERC approved Non-Conforming Inventory Structure Reports for the Project.

## **Existing Septic Systems**

If a septic system is located on FirstLight's property within the Project Boundary, it may be allowed to remain if it is not discharging effluent into Project waters and if the owner of the septic system has a valid permit from the Health Department. Existing septic systems that have failed may be allowed by FirstLight to remain only if they are repaired or replaced, and permitted by the Health Department, and if an independent registered professional engineer provides documentation that it is not practicable to relocate the septic system outside the Project Boundary. No new septic systems, repairs or replacement of septic systems that would support a greater number of bedrooms than the existing system may be installed within the Project Boundary. Connecticut Public Health Code Regulation Sec. 19-13-B103d(d) requires that a septic system shall be located on the same lot as the building served. FirstLight will not grant property easements to allow septic systems within the Project Boundary. Furthermore, many Property Owner's deeds expressly prohibit the discharge of sewage onto FirstLight lands and or Project waters.

#### **B. LIMITED ACTIVITY USES**

Repairs, modifications to an existing use, and new uses and associated activities that have minimal impact on Project lands, waters and resources may be authorized as a Limited Activity Use by FirstLight. Such uses may include, but are not limited to, shoreline stabilization, docks, pathways and walks, level sitting areas, and retaining walls. The Shoreline and Land Use Guidelines herein and the Shoreline and Land Use Table in Appendix C provide additional information on Uses that may be considered within a Limited Use Activity Application. Such uses shall meet the following criteria:

#### **Docks**

For residential type docks proposals for repairs, changes to an existing dock, or proposals for a new dock may be authorized by FirstLight under an application for a Limited Activity Use. Proposals for community docks may be subject to additional requirements.

#### **Shoreline Uses**

Shoreline stabilization and other shoreline uses that pose only minimal impact to the shoreline may be authorized by FirstLight under a Limited Activity Use Application.

#### **Upslope Uses**

Uses resulting in land disturbance may be considered a Limited Activity Use if only minimal alterations of Project lands are proposed. If significant land disturbance, including but not limited to extensive vegetation removal, terracing, or other substantial site grading and earth moving are required then these uses are subject to the requirements for Significant Activity Uses.

Significant Activity Use requirements will apply for uses that substantially increase the area of impervious surface on Project lands. These uses may not be considered a Limited Activity Use.

#### Other Uses

Uses such as flagpoles, campfire pits, irrigation pumps and other similar uses may be authorized at FirstLight's discretion as Limited Activity Uses. Many of these uses have unique characteristics and additional requirements as determined by FirstLight may also apply. FirstLight may determine that certain such uses must be considered a Significant Activity Use, and therefore will be subject to all the Significant Activity Use requirements.

#### C. SIGNIFICANT ACTIVTY USES

Certain proposed Shoreline and Land Uses and associated activities that cannot be categorized as Limited Activity Uses may be considered by FirstLight in its discretion as a Significant Use Activity. Proposals for such Uses and associated activities may include the construction, installation, or modification of uses such as retaining walls and terracing, motorized or vehicular access paths, the installation and construction of pervious patios, decks, gazebos, and temporary shade or storage structures. Many of these uses are consistent with the type of shoreline and land uses that have historically existed in Developed Residential type lands. The Shoreline Land Use Standards and Guidelines herein and the Shoreline Use Table in Appendix C provide additional guidance on Uses that require a Significant Use Activity Application. Application requests for these Uses are considered at FirstLight's sole discretion, FirstLight reserves the right to decline to accept or review, any submitted application. If an application is accepted for review, Significant Use Activities shall only be authorized by FirstLight at its discretion if the applicant establishes that the standards and requirements herein have been met.

#### **Non-Conforming Uses and Structures:**

Under the Shoreline Management Plan, as approved in 2013, the size, location, and configuration of many existing uses and structures such as patios, decks, gazebos, sheds, and other such uses could not be authorized as modified or new uses and activities by FirstLight. These guidelines establish the standards under which FirstLight may consider the approval and modification to such Uses. Therefore, pervious patios, decks, temporary shade structures, and temporary storage structures may be subject to the additional requirements as set forth herein.

#### **Environmental Benefit Requirement:**

Significant Activities and uses shall only be authorized by FirstLight if the applicant establishes that their proposal reduces soil erosion, takes measures to protect water quality, creates wildlife habitat, and otherwise provides an environmental benefit.

## **Significant Activity Use Application Submittal Standards:**

Application submittals for uses and activities that are considered under these Significant Activity Use Standards and Guidelines will be required to include an agreed upon property boundary survey, comprehensive site plans, project schedules, and details as may be required by FirstLight, including plans prepared by a Licensed Professional. The application plans and documentation submitted shall demonstrate the environmental benefits of the proposed site modifications.

## **Authorization and Reporting:**

Approved Significant Activity Uses shall be subject to annual reporting requirements as set forth in Section XVII. REPORTS.

## D. USES AND ACTIVITIES THAT REQUIRE FERC APPROVAL

FirstLight at its discretion may seek authorization from the FERC as part of License Article 413 to address specific issues that arise at the Project over time. There are several activities that require the FERC's approval and they are detailed in Appendix D.

#### XI. SHORELINE AND LAND USE STANDARDS AND GUIDELINES

The following Shoreline and Land Use Standards and Guidelines provide guidance, information, and detail relevant to the requirements for specific Shoreline and Land Uses which may be allowable based on the Shoreline Land Designation and which may be authorized by FirstLight subject to the requirements herein and the Shoreline Permit Guidelines hereto. To provide further guidance to applicants, FirstLight may as part of its educational materials develop additional guidance information on authorization processes and procedures, relevant design and construction guidelines, and application requirements.

#### A. DOCKS

All docks on Project waters require authorization from FirstLight. Residential and Community docks that are eligible for a Certificate of Permission may be authorized by FirstLight through registration and subsequent issuance of a Certificate of Permission. All other Residential and Community docks may be authorized subject to the standards and guidelines herein.

#### **Dock Use**

Residential Dock Use: All residential docks and boat slips may only be used for private, non-commercial use and may be classified as boat docks, swim docks, fishing docks, or other similar dock types. Registered vessels shall only be secured at a dock designated as a boat dock. Boat lifts may be installed in association with any authorized boat dock. Personal watercraft may be secured at a separate ramp, lift or dock. Not more than a total of two (2) registered vessels and or two (2) registered personal watercrafts shall be secured. Non-registered boats such as canoes, rowboats, sailboats and kayaks can be secured at the dock or on shore.

<u>Community Dock Use</u>: All community docks and boat slips may only be used for the private, non-commercial use of the community members and their invited guests. Community docks shall only be offered for rental to property owners within the community. Only property owners who are members of the community can secure vessels overnight.

#### **Existing Docks**

Existing Docks may remain subject to the requirements herein.

Docks that replace existing dock structures must have FirstLight approval. Docks shall adhere to the standards and guidelines herein and may be subject to additional requirements set forth by FirstLight.

Docks that have been previously permitted by FirstLight may be replaced in the same size, configuration, and location following FirstLight's authorization of such replacement.

With any proposed change in the size, configuration, or location of the dock, all the requirements for new or modified docks shall apply.

#### **New or Modified Docks**

SHORELINE MANAGEMENT PLAN

All new and modified replacement dock structures and shall be implemented in compliance with the standards and guidelines herein.

<u>Location</u>: Docks shall be located as not to interfere with navigation or the rights of others.

<u>Securing</u>: Docks shall have no permanent structural contact with the submerged land, and placement shall not require excavation of submerged land. FirstLight may require the removal of Existing Docks with permanent structural contact with submerged lands when a dock is being replaced or modified or with a new or modified use.

<u>Bulkheads</u>: Docks shall be securely anchored to a concrete bulkhead or other masonry structure, approved fixed dock, or natural feature with detachable hardware.

<u>Materials</u>: Dock surface materials for new and replacement docks, floats, catwalks and stairs should be constructed of materials that are naturally rot resistant, such as cedar, pressure treated lumber, metal, or synthetic composite materials.

<u>Flotation</u>: Dock flotation materials used in new and replacement docks must be completely enclosed to prevent the materials from being chewed by animals, from breaking apart or from floating away. The enclosure material used must be impact resistant, puncture-proof, and non-corrosive.

<u>Structures and Utilities</u>: Docks and stairs shall not have permanent roofs, second stories or electrical utilities.

<u>Residential Docks</u>: The location and configuration of docks is specific to the intended use at each site location and is subject the following guidelines. Additional design, construction, and installation requirements may apply as required by FirstLight.

- A minimum of fifteen (15) foot setback from either side lot line projection into the waterway shall be required, unless a narrower setback is specifically authorized or required by FirstLight.
- Docks shall not exceed four hundred (400) square feet of contiguous floating platform. The maximum allowable total dock area, including but not limited to the area of floating platform(s), that is authorized to a Property Owner is site specific and FirstLight may at its discretion require that the total dock area be minimized or reduced.
- The maximum allowable length of the dock as measured from the shoreline is site specific. Docks should not extend farther than forty (40) feet into Project waters unless a longer length is specially authorized by FirstLight. Under no circumstances may the dock extend out into a bay or narrow part of the lake greater than one third the width of the opening of the bay or narrow, nor shall it impose any type of navigational hazard in the judgment of Connecticut Department of Energy and Environmental Protection ("CTDEEP").

<u>Community Docks</u>: Community docks are subject to the following guidelines. Additional design, construction, and installation requirements may apply as required by FirstLight.

- Replacement of the size, location and number of slips of all community docks are limited to the existing dock system configuration. Modifications to the size, location, and configuration shall require additional authorization from FirstLight. Additional FERC authorization as set forth in License Article 413 may also be required.
- Under no circumstances may the dock(s) extend out into a bay or narrow part of the lake greater than one third the width of the opening of the bay or narrow, nor shall it impose any type of navigational hazard in the judgment of CTDEEP.
- Community docks shall be designed so as to secure registered vessels and or registered personal watercrafts. One empty slip may remain open for temporary docking of invited guests.

#### **B. DERELICT DOCKS**

All entities shall be responsible for maintaining their docks in a safe working condition. If a dock is to be removed or replaced, the old dock must be disposed of properly outside the Project Boundary. 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.

FirstLight will charge the owner of a derelict dock an enforcement fee plus the cost of recovering and disposing of the dock. The owner of the derelict dock may be subject to loss of their shoreline and land use authorization and enforcement fees.

### C. VESSEL MOORINGS AND NAVIGATIONAL OR REGULATORY BUOYS

Except as previously authorized by FirstLight, vessel moorings are prohibited within the Project Boundary.

FirstLight shall have the discretion to approve new vessel moorings to accommodate individuals and communities with Deeded dock Rights where, at FirstLight's determination, site conditions are not conducive to dock installation.

Unauthorized vessel moorings and other buoys shall not be used as marker buoys to demarcate swimming areas or prevent boats from traveling near the shoreline. If found, these moorings or buoys are subject to removal by FirstLight or the respective authorities without prior notice.

Prior to authorization by FirstLight, all new moorings must be approved by the CTDEEP in accordance with applicable regulations.

The placement of boating navigational and regulatory markers or buoys on Project waters requires a permit from the State of Connecticut Boating Division.

#### D. SHORELINE USES

Shoreline Uses are uses and structures located at or immediately near the water's edge. Such uses include seawalls and other methods of shoreline stabilization and armament. Uses that provide access to Project waters such as steps and ramps to the water, boat ramps, or boat landing-beaches are also considered shoreline uses.

#### **Shoreline Stabilization:**

FirstLight's authorization of uses for shoreline stabilization and armament is site specific. Allowable methods of shoreline stabilization may include new and replacement seawalls or alternative shoreline stabilization techniques such as, but not limited to uses such as rip rap revetments, stacked boulder walls or bioengineering. In addition to these techniques, jetties and breakwaters may be used to aid in the stabilization and protection of Project shorelines. Shoreline stabilization uses are subject to the requirements, standards, and guidelines herein and may be authorized as either a Limited Activity Use or Significant Activity Use. Additional guidance is provided within the Shoreline Permit Guidelines and the Shoreline and Land Use Table, Appendix C, and the Shoreline Management Manual.

- a. FirstLight shall communicate more environmentally benign alternatives to solid concrete armament or seawalls through its guidelines and education materials. FirstLight's "Shoreline Management Manual" provides information on alternative techniques for shoreline stabilization. Prior to submitting an application for shoreline stabilization, Property Owners shall schedule a site inspection with FirstLight's representative.
- b. The appropriate use of seawalls or alternative shoreline stabilization techniques is site specific and factors such as slope, wave action, and impact of ice must be considered.
- c. Intermediate techniques to extend the life of an existing seawall such as buttressing and placement of rip rap or stone at the base of the wall may be considered. Natural Stone from the adjacent lake bed may be utilized.
- d. Steps in evaluating Project shorelines are outlined in the Shoreline Management Manual.
- e. At FirstLight's discretion, design cross sections, design details, as-built drawing, or inspections signed by a CT Licensed Engineer may be required.
- f. Design details for alternative shoreline stabilization are available in the Shoreline Management Manual.
- g. To stabilize eroded shoreline areas and to tie into the existing grades at the shoreline, alternative shoreline stabilization techniques may extend beyond the existing shoreline into Project waters.
- h. Jetties and breakwaters shall be located and designed so as not to interfere with the rights of others or to impact navigation.

- i. Existing seawalls may remain subject to the requirements for Existing Uses herein.
- j. Seawalls shall only be located at the existing or historical shoreline.
- k. Seawall repairs such as minimal resetting or restacking of stone, repointing, and the limited placement of stone from the adjacent lake bed at the base of an existing seawall may be authorized as a Limited Activity Use. More extensive repairs shall be considered a Significant Activity Use and applicable requirements will apply.
- Proposals for the replacement of a seawall or the construction of a new seawall are subject to all the standards, guidelines, and requirements of Significant Activity Use application.
- m. Seawalls shall be constructed in such a manner that they dissipate and or absorb wave action energy and prevent any subsequent soil erosion of the existing shoreline.
- n. Seawalls shall be constructed for the purpose of minimizing direct run-off and promoting infiltration of stormwater before it enters into Project waters.
- o. Environmentally benign alternatives to seawalls shall be considered. A site specific evaluation and justification by a CT Licensed Engineer for the repair, replacement, or construction of a new seawall may be required at FirstLight's discretion. Consideration shall be given to such factors as the slope of shoreline, areas of shoreline erosion, wave action, prevailing winds, ice impacts, and other factors. FirstLight may waive such requirements if the Property Owner has submitted sufficient information to establish that they have express deeded rights to the construction of seawalls or other shoreline armament to FirstLight. If such requirements are not practicable or feasible, violate applicable law, or if immediate action is required to stabilize the shoreline. FirstLight reserves the right to waive, as necessary, any of these shoreline stabilization requirements detailed. Such cases shall be documented by FirstLight and reported according to XVII. REPORTS.

## Steps/Ramps to Water, Boat Landing Beaches, and Trailered Boat Ramps:

- a. Steps and ramps to Project waters may extend beyond the existing shoreline to allow for reasonable and safe access.
- b. Steps and Ramps shall be designed to minimize shoreline erosion and scouring.
- c. Where site conditions allow, environmentally benign alternative to concrete or asphalt paving shall be considered.
- d. FirstLight, at its sole discretion, may require that ramps be designed by a CT Licensed Engineer.
- e. Existing boat landings or beach areas may be reclaimed and beach sands may be added at the discretion of FirstLight.
- f. FirstLight, at its sole discretion, may consider the authorization of Trailered Boat Ramps. Trailered Boat ramps may be authorized by FirstLight as a Significant Activity Use subject to the following:.
  - Trailered boat ramps are for private, non-commercial use of Property Owners or Communities only.
  - Trailered boat ramps shall be designed to allow for the safe launching of vessels. Ramps shall extend below the minimum elevation of the impoundment.
  - Where site conditions allow, boat ramps shall be surfaced with stone, shoreline erosion control matting, or pervious paving systems in place of concrete or asphalt paving.
  - Rip Rap shall be placed at the toe and edges of the ramp to prevent scouring.
  - FirstLight, at its discretion, may require that trailered boat ramps be designed by a CT Licensed Engineer.

#### **E. UPSLOPE USES**

Upslope uses are Uses on Project lands that are located between the normal operating range of Project waters and the Project boundary. These Uses typically include paths and walkways, level seating areas, retaining walls, and other similar activities.

- a. Land disturbance may only be considered a Limited Activity Use if it results in only minimal alterations of Project lands. If significant land disturbance, including but not limited to extensive vegetation removal, terracing, or other substantial site grading and earth moving are required then these Uses shall be subject to the standards and guidelines for Significant Activity.
- b. Grading and terracing to stabilize soils, restore Project lands, and provide reasonable access and or to improve public access to Project lands and waters may be considered. For Significant Activity Uses, such proposals shall include detailed site grading and erosion control plans and details as well as cut and fill calculation for disturbed lands within the Project Boundary.
- c. Where land areas are encumbered by FirstLight's Flowage Rights, authorized Upslope Uses shall not materially interfere with FirstLight's rights to inundate Project Lands with water and ice within the Project boundary.
- d. Upslope Uses shall be designed and constructed to minimize direct run-off and promote infiltration of stormwater before it enters into Project waters.
- e. Retaining walls and edging categorized as a Limited Activity Use shall be minimal in height and only be constructed as necessary for site stabilization or minimal modifications in existing grade required for the installation of other upslope uses.
- p. Retaining walls greater than fifteen (15) inches in height and multiple levels of retaining walls that terrace project lands shall be categorized as a Significant Activity Use and shall be subject to all requirements for a Significant Activity Use. At FirstLight's discretion, design cross sections, design details, as-built drawing, or inspections signed by a CT Licensed Engineer may be required.
- f. Steps, paths and walkways categorized as Limited Activity Use shall only be for pedestrian use. The width of such paths shall be limited. Such steps, paths, and walkways may have a surface of mulch or crushed stone, or a hardened surface such as stone, masonry, brick, concrete, or pavers. FirstLight encourages the use of environmentally benign materials and pervious surfaces.
- g. Additional application requirements will apply for uses that substantially increase the area of impervious surface on Project lands. These uses may not be considered a Limited Activity Use and shall only be authorized subject to the standards and guidelines for Significant Activity Uses
- h. Access paths for motorized vehicles such paths may be of a sufficient width to allow for vehicular access and shall be categorized as a Significant Activity Use and are subject to

- all applicable Significant Activity use requirements.
- i. Level seating areas are categorized as a Limited Activity Use if they are limited in area and their installation will result in minimal disturbance of Project lands. Such Level seating areas shall be less than one hundred and twenty (120) square feet and shall only be surfaced with sand, pea gravel, mulch, lawn or other similar material as authorized by FirstLight. Level seating areas authorized as a Limited Activity Use shall not be surfaced or be resurfaced with concrete, masonry, stone, brick, or impervious pavers.
- j. Level seating areas greater than one hundred and twenty (120) square feet or which will potentially result in significant land disturbance shall be categorized as a Significant Activity Use and shall be subject to all applicable Significant Activity use requirements.
- k. FirstLight may at its discretion require that proposed plans and details for any upslope use be prepared by a Qualified Person. Such required plans and drawings may include but are not limited to; site grading and erosion control plans, design and construction details, cross sectional details, cut and fill calculations and structural designs by a CT Licensed Engineer.

#### F. OTHER USES

Many typical shoreline and land uses have unique characteristics and may be authorized at FirstLight's discretion subject to the standards and guidelines below.

## Other Use Which May be Categorized as Limited Activity Uses:

Uses such as flagpoles, campfire pits, irrigation pumps and other similar uses, which may be categorized as a Limited Use Activity, may be authorized by FirstLight. Additional requirements as applicable may also apply.

<u>Campfire Pits</u>: Campfire pits and campfires must comply with all applicable State and local requirements. FirstLight does not permit the construction of chimney stacks.

<u>Electrical and Utility</u>: All electrical and utility installations on FirstLight's lands shall comply with all applicable codes and shall be inspected or installed by a Qualified Person or a CT Licensed Electrician. Such uses are only allowed at FirstLight's discretion and may be subject to additional requirements and permit or authorization condition as determined by FirstLight.

<u>Irrigation Pumps and Intakes</u>: Water pumps and water intakes may only be used for irrigation and may be authorized by FirstLight. FirstLight does not authorize the installation or maintenance of submersible irrigation pumps. Such pumps are subject to removal.

<u>Boat Racks</u>: Boat Racks shall be used for the sole purpose of storage of non-registered boats and related accessories such as paddles, sails, and life vests.

<u>Fences</u>: Fences less than six feet high may be permitted at the discretion of FirstLight provided they do not interfere with public access to FirstLight lands within the Project boundary, or extend into Project waters.

<u>Similar uses</u>: Other similar uses such as flagpoles, handrails and guardrails may also be considered at the discretion of FirstLight.

## Other Use Which May be Categorized as Significant Activity Uses:

Other uses such patios storage structures, shade structures and decks may, at FirstLight's discretion, be authorized subject to all the requirements of Significant Activity Uses and the following standards and guidelines:

Replacement Patios: FirstLight encourages the resurfacing or replacement of impervious patio or terrace areas with pervious surfaces. At FirstLight's discretion, if an existing patio or terrace area is replaced and such plans incorporate the use of pervious surfaces, the size, location, and configuration may be modified. FirstLight may also require the replacement or reduction in size of impervious patios as part of any Significant Activity Use application.

<u>New or Modified Patio Areas</u>: New or modified patio and terrace areas shall only be constructed of FirstLight approved pervious materials. New patio areas shall have a total area of no greater than one hundred and fifty (150) square feet.

<u>Shade and Storage Structures</u>: Temporary, one story detached accessory structures, which are not intended for habitable use, may be authorized by FirstLight. Such structures may include gazebos, pergolas, tool and storage sheds, playhouses and similar uses. The roof area of shade structures shall not exceed one hundred and fifty (150) square feet and the floor area of storage sheds or playhouses shall not exceed one hundred (100) square feet.

<u>Decks and Landings</u>: Decks not exceeding one hundred and twenty (120) square feet in area that are not more than thirty (30) inches above grade at any point and are not attached to a dwelling may be authorized.

<u>Recreation Equipment</u>: The temporary installation of swings or other playground equipment may be authorized if the area occupied does not exceed one hundred (100) square feet. All equipment must be installed and maintained to meet all manufacturers' specifications and applicable law.

#### G. STORMWATER USES AND STORMWATER MANAGEMENT

New stormwater discharges are not allowed within the Project boundary unless they employ current State of Connecticut Stormwater Quality Manual's best management practices. FirstLight currently encourages the incorporation of Low Impact Development (LID) techniques to promote infiltration and reduce direct run-off to Project waters.

Existing pipes and other conveyances that occupy Project lands or waters within the Project boundary must be authorized to remain.

FirstLight may, at its discretion, convey easements, rights of way or enter into agreements for use of Project lands for storm drains or other conveyances consistent with the requirements of Article 413 of the License.

To provide further guidance to applicants on best management practices for stormwater, FirstLight may, as part of its educational materials, develop additional guidance information and requirements relevant to stormwater management, LID designs and other construction guidelines for retrofitting existing as well as installing new conveyances.

#### H. VEGETATED RIPARIAN BUFFERS

The preservation or re-establishment of Vegetated Riparian Buffers is required. Existing buffer areas cannot be altered without prior authorization from FirstLight. In cases where there is not an existing compliant buffer area, the enhancement of the buffer area shall be required as a condition of the approval of other shoreline and land uses. The buffer zone depth is determined by the shoreline land use designation.

Vegetated Buffer requirements and guidelines are as set forth herein and as defined within FirstLight's Shoreline Management Manual (SMM), A Homeowner's Guide to Shoreline Stabilization and Vegetated Buffers.

<u>Vegetated Riparian Buffer Zones</u>: Vegetated Riparian Buffer Zones are established by FirstLight on all its shorelines within the Project Boundary in two intervals of either fifty (50) feet or two hundred (200) feet based upon the Shoreline Land Designations and associated maps. These zones are intended to provide for the establishment of native vegetated cover plants, over time, to the extent reasonable and practicable. These Zones may or may not currently support native vegetated cover.

<u>Vegetated Riparian Buffer Zone Depths</u>: The Vegetated Buffer Zone is measured horizontally from the high water mark which is the maximum normal operating level of the reservoir. The depth of the Zone will vary depending on the Shoreline Land Designation. The Zone depth for Developed Recreational Lands and Developed Residential lands owned by FirstLight is fifty (50) feet or the Project Boundary whichever is less. For Conservation Lands and Undeveloped Residential Lands owned by FirstLight, the depth of the buffer zone is two hundred (200) feet or the Project boundary, whichever is less. Existing Commercial Lands and Project Operational Lands are not subject to the Vegetated Riparian Buffer Zones and are reviewed and authorized on an individual basis.

<u>Vegetated Riparian Buffer Area</u>: A Vegetated Riparian Buffer Area is an area within the Vegetated Riparian Buffer Zone of naturally established vegetation or an area reestablished with vegetation by either natural succession (i.e. stop mowing grass) or the planting of trees, shrubs, herbaceous plants or ground covers.

<u>Vegetated Buffer Compliance</u>: The vegetated buffer compliance goal is to achieve an area equivalent to fifty (50) percent of the Vegetated Riparian Buffer Zone, within the Project Boundary, to be preserved or re-established as a Vegetated Riparian Buffer Area. Site specific variances, as defined within the Shoreline Management Manual, may be applied at FirstLight's discretion. Generally, a compliant Vegetated Riparian Buffer Area shall occupy between twenty (20) and fifty (50) percent of the Vegetated Riparian Buffer Zone within the Project Boundary. If the existing, established vegetated buffer exceeds the minimum requirement, FirstLight, at its discretion, may require that an area greater than fifty (50) percent be preserved. FirstLight may waive or alter the vegetated buffer requirement, if the preservation or installation of such buffers is not reasonably practicable, feasible, or violates applicable law. If FirstLight determines that a waiver is necessary or that a variance may be granted, such buffer will be considered compliant.

Vegetated Buffers as a Required Use: Based on a vegetated buffer assessment, Property Owners may be required to preserve, install or re-establish a vegetated riparian buffer when an application request is made to modify the size, location or configuration of an existing use or an application request is made to install a new authorized use. For an application request for Limited Activity Uses, the Property Owner generally will have up to three years to fully complete the implementation of an approved enhanced buffer planting. FirstLight may require that vegetated buffer installations to be installed sooner to resolve a violation or in other cases where stabilization of the shoreline or upslope lands is required. For application requests that include a request for Significant Activity Uses, the installation of vegetated buffer plantings will be required as part of the implementation of the Significant Activity. The installation of the required enhanced vegetate buffer shall generally occur within one year. An extension in time of may be granted at FirstLight's discretion for either Limited Activity Uses or Significant Activity Uses. Such extension shall only be granted if the Property Owner provides justification for the extension and a detailed construction and planting schedule.

#### I. SHORELINE VEGETATION REMOVAL

FirstLight maintains all its lands in a natural state, including fallen trees, and a naturalized shoreline to ensure the protection and enhancement of natural resources, aesthetic values and recreational access for the public.

Removal of trees, shrubs and other vegetation located within the Project Boundary is prohibited without prior written authorization by FirstLight.

FirstLight reserves the right to prohibit the mowing of Project lands where a Property Owner has failed to comply with any FirstLight requirement.

In the event existing vegetation within the Project Boundary is removed without prior authorization from FirstLight, individuals, groups or entities that have trespassed, authorized or performed such removal shall be required to restore and mitigate the removal as required by FirstLight. In addition, FirstLight may take other enforcement actions including but not limited to civil and or criminal trespass penalties and enforcement fees.

FirstLight may allow limited removal of vegetation for the construction and installation of docks, seawalls, retaining walls or other authorized uses, provided that FirstLight determines that such removal is environmentally acceptable. FirstLight may require, as a condition of removals, that a vegetation landscape planting plan be submitted to FirstLight for prior review and authorization.

## XII. VEGETATED RIPARIAN BUFFER EDUCATION PROGRAM

FirstLight has established a Vegetated Riparian Buffer Education Program, which, in addition to Shoreline Education Workshops, includes FirstLight's "Shoreline Management Manual – A Homeowners Guide to Shoreline Stabilization and Vegetated Buffer Zones" which is published on its website along with other educational materials. The Shoreline Management Manual may be updated by FirstLight to enhance its content and address new issues within the Project Boundary without FERC approval. Any future updates will be noticed on the FERC docket and published on the company website, with revision dates noted.

Where shoreline lands within the Project Boundary are defined as Developed Residential Lands, and Vegetated Riparian Buffers have been previously cleared and or existing habitable or other structures such as, decks, sheds, seawalls, upslope retaining walls, paths, walkways, stairs and patios have been constructed, FirstLight shall recommend and encourage Property Owners to voluntarily re-establish a vegetated riparian buffers and or manage stormwater on Project lands around such structures.

#### XIII. FIRSTLIGHT APPLICATION SUBMITTAL AND REVIEW FEES

All Property Owners, municipalities, State of Connecticut or other entities seeking review of an application for an authorized use of Project lands and waters shall pay an administrative fee to cover the cost associated with such review. The schedules and rates for application and administrative fees are listed in APPENDIX F-6 Year Fixed Administrative Application Fee Schedule.

FirstLight also reserves the right to recover from abutting Property Owners, entities with Deeded Rights, municipalities or entities with non-commercial residential use and occupancy of lands and waters within the Project Boundary, any costs, including legal costs, associated with:

- a) The conveyance of property rights by FirstLight within the Project Boundary or the resolution of a Project Boundary dispute including Property Survey and Title Research Costs and any other costs incurred;
- b) Obtaining FERC authorization for a residential use that FirstLight does not have authority to permit under License Article 413;
- c) Taxes, fees or other costs levied upon FirstLight by municipalities or other third parties for shoreline and land uses within the Project Boundary and any other similar costs that were not reasonably anticipated or foreseen by FirstLight at the time the 2019 SMP was filed.
- d) The Fee Policy described herein will apply for the remaining term of the License. FirstLight reserves at its sole discretion the right to review and update the Fee Policy in the event additional obligations and costs are imposed on it related to the implementation of Articles 407 and 413 beyond those specified in the 2019 SMP.
- e) If a proposed shoreline and land use is only for the exercise of a deeded right or easement, recorded and within the chain of title of the Property Owner, an application fee will not be assessed for the review of the application associated with the use or occupancy authorized by and within the scope of the deeded right or easement.
- f) FirstLight reserves any and all legal rights it may now or in the future have to impose additional fees not specified herein. FirstLight's submission of this SMP is not an admission that it does not have legal authority to impose additional fees for use and occupancy of Project lands and waters.

In the event that an application to the FERC is required for approval of a Property Owners activity, FirstLight requires the payment of \$10,000 to cover its costs associated with such application.

#### XIV. ENFORCEMENT

FirstLight is responsible for ensuring compliance with the 2019 SMP, as well as enforcing other FERC and property rights requirements that apply to the use and occupancy of lands and waters within the Project Boundary. FirstLight reserves the right to impose enforcement fees and exercise its legal rights against any person or entity for any unauthorized use or occupancy of lands or waters within the Project Boundary. The failure to register and or obtain an authorization for an existing or new use or any violation of any license, agreement, permit, deed, SMP, Project license or Federal Power Act requirement may result in enforcement by FirstLight. Such enforcement may also include the recovery of FirstLight's legal and other associated costs related to such enforcement and other policies as shown in the Enforcement Guideline Appendix E.

#### XV. EDUCATION

FirstLight shall publish materials regarding the 2019 SMP, the Shoreline Permit Guidelines, Shoreline Land Designation Mapping and other materials on the company website. FirstLight will also work with municipal and state agencies, and their designees and others to develop appropriate educational materials which it will make available at public access points and/or on the internet.

FirstLight shall periodically sponsor workshops for the public, realtors, surveyors, municipal land use staff, contractors and professionals. The purpose of these workshops is to educate and inform attendees regarding the Shoreline Management Plan's goals and objectives, its Shoreline Permit Guidelines and the authorization processes.

#### XVI. DIGITAL AND HARD COPY DATA POLICY

FirstLight developed and maintains a digital and hard file system for tracking shoreline activities and authorizations.

FirstLight does not have any obligation to release any permit, license, lease, agreement or any other company information to the public.

Any data that FirstLight has determined is accessible to the public may be posted on the FirstLight's website.

FirstLight will review individual written requests for specific information associated with specific projects and determine at its sole discretion if and how the data will be provided.

#### XVII. REPORTING

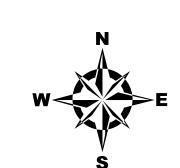
FirstLight will provide annual reports for 30 day written consultation with stakeholders on the significant activities that have been completed and inspected in the previous calendar year. These reports will contain a photo and description of the activities completed.

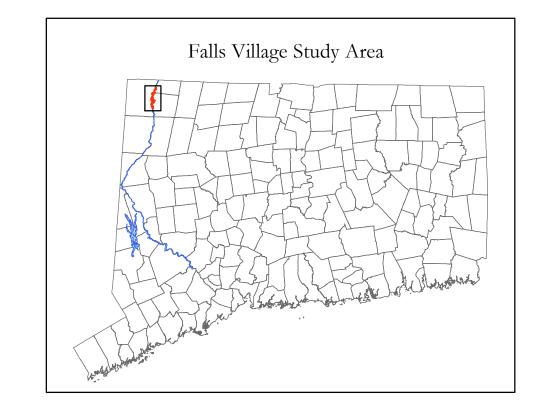
## **APPENDIX A**

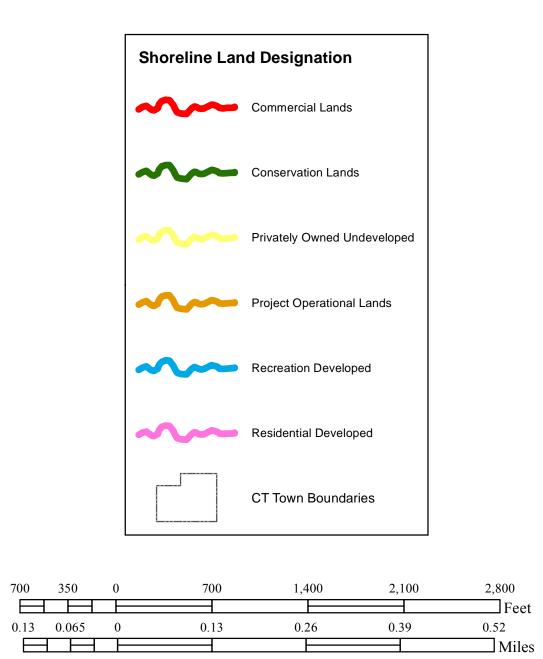
## **SHORELINE LAND DESIGNATION MAPS**

Appendix A Page 1





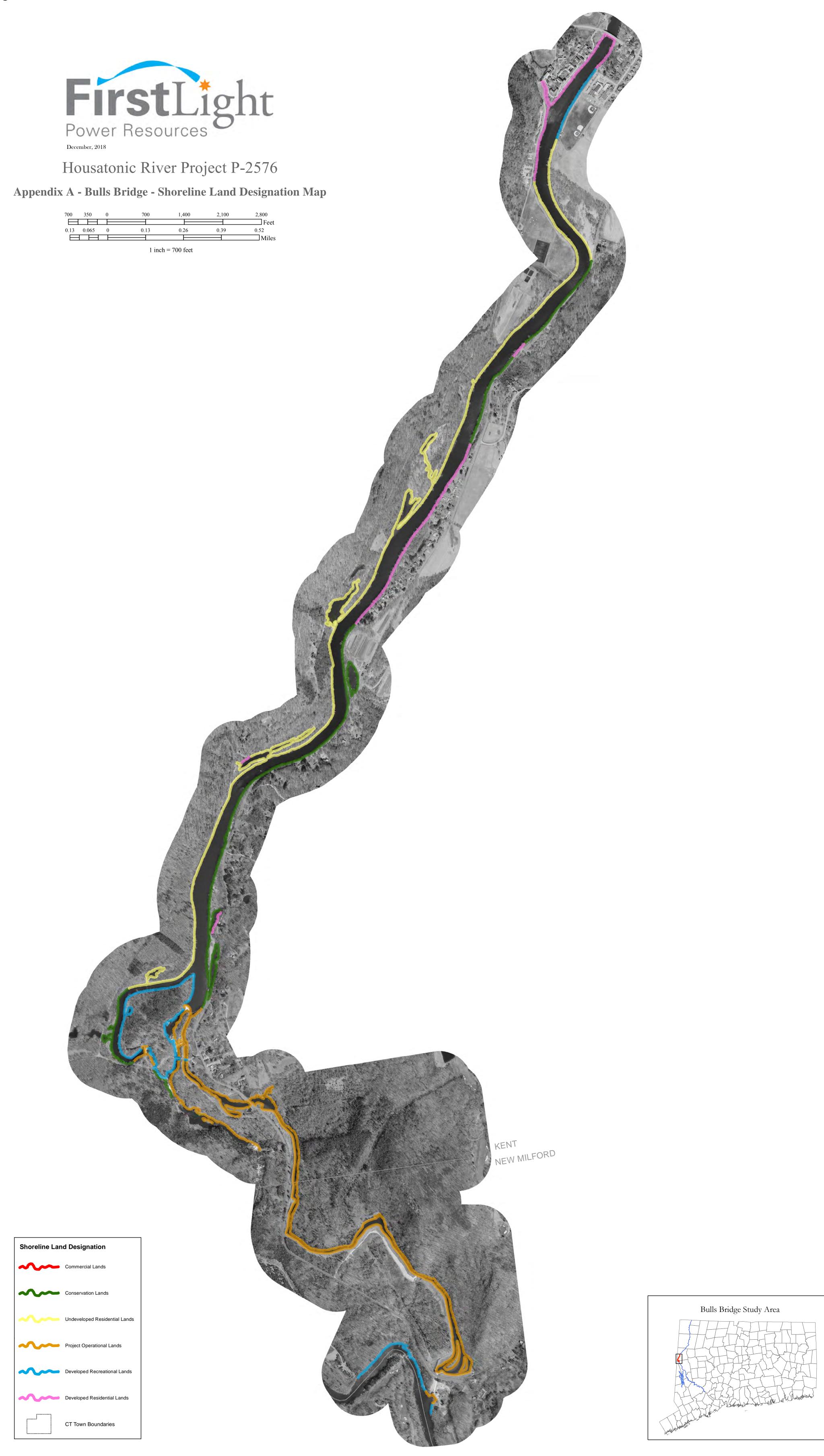




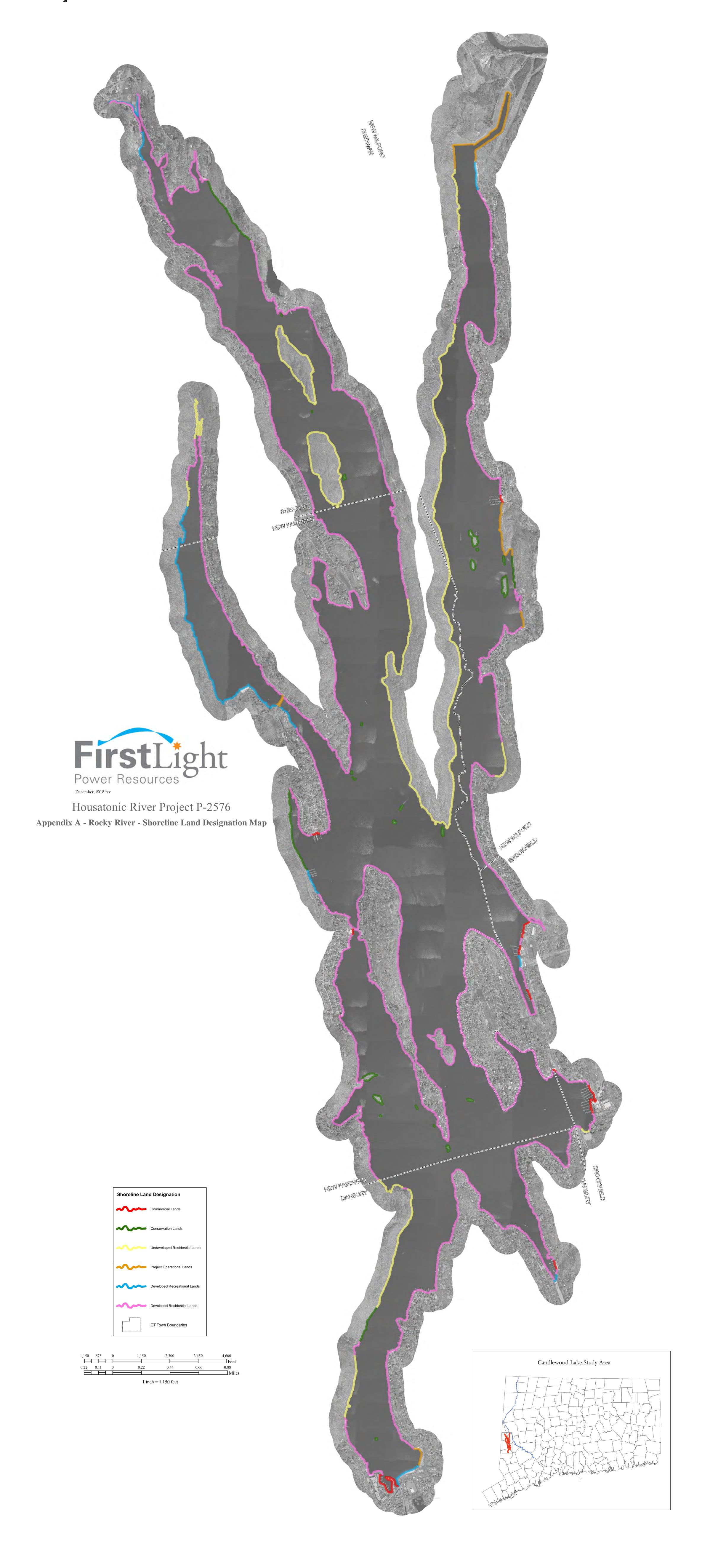
1 inch = 700 feet

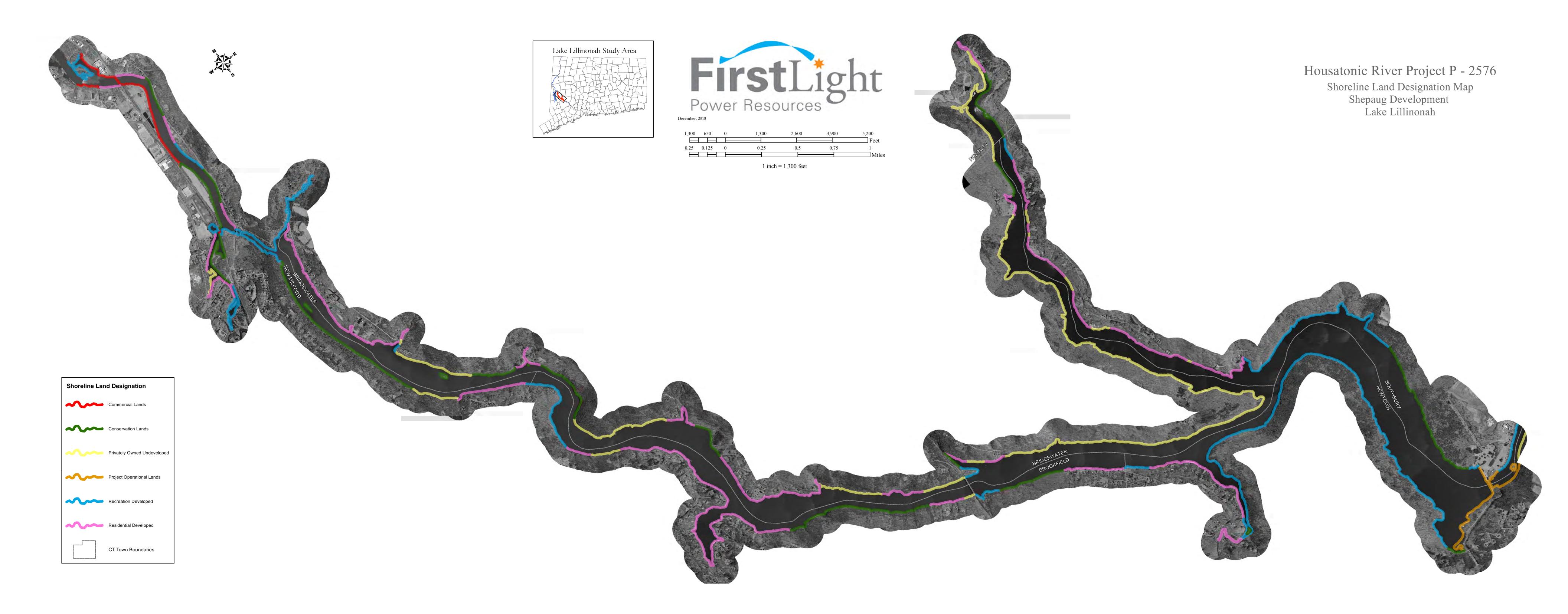
December, 2018

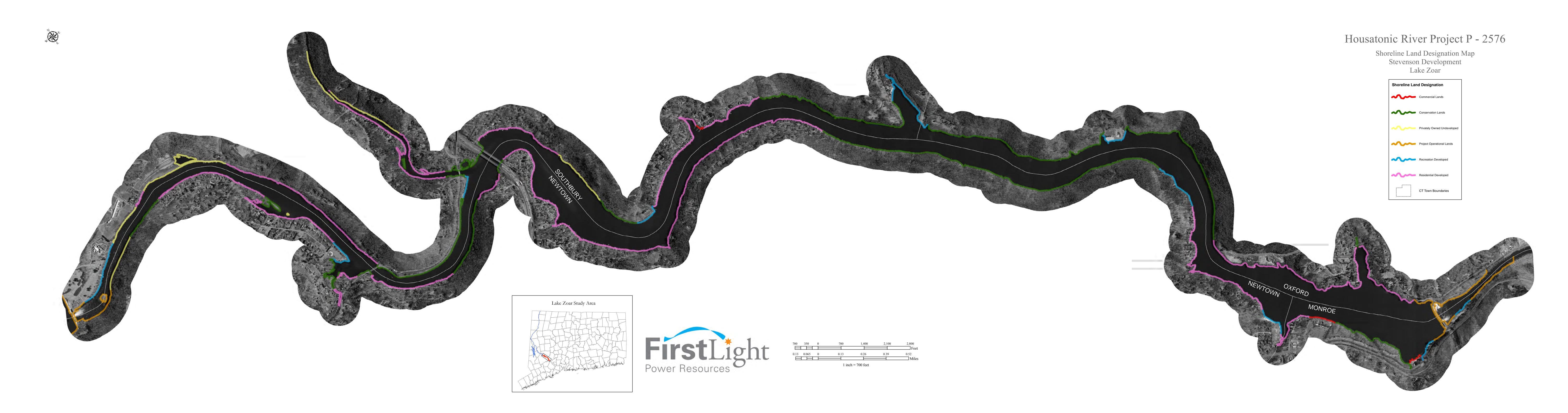












## APPENDIX B SHORELINE MANAGEMENT PLAN DEFINITIONS

#### **GLOSSARY OF TERMS**

- a) "Licensee" is the entity who owns and operates the Project in compliance with the terms as set forth in the Housatonic River Project.
- b) "Project" is the hydro electric generators, dams, infrastructure, reservoirs, lands and waters under the control and maintenance of the Licensee (FirstLight) as needed to use the waters of the people of the United States of America to generate electricity.
- c) "Non-Project Use" is a specific use and/or occupancy being requested by a Property Owner within the Project Boundary on Project lands and/or waters that does not relate to the production of hydroelectric power or other Project purposes.
- d) "Project Boundary" is a jurisdictional line approved by the FERC to enclose the lands, waters and structures necessary for the operation of a hydroelectric project. The current Housatonic River Project Boundary is delineated on the most recently FERC approved Exhibit G Drawings as shown on FirstLight's website. Exhibit G drawings detail all areas within the Project Boundary and the boundaries for the five (5) developments' reservoirs that comprise the Housatonic River Project.
- e) "Property Owner" is an individual, group or entity which owns land either adjacent to or within FirstLight's federal Project Boundary or a land owner who possesses an easement or other legal right or interest to lands and waters within the Project.
- f) "Deeded Right" is a private property right specifically conveyed or retained in the past which established and which is maintained in a property's chain of title as a recorded instrument regarding the right and/or restriction to utilize Project lands and/or waters within the Project Boundary.

Some Examples of Deeded Rights at the Project Include:

- Right to maintain Docks of Simple Construction
- Rights to pass and repass to Project waters
- Rights to place Seawalls or Rip Rap substantially along the shoreline
- Rights to flowage with water, ice and material
- Restrictions on the discharge of sewage to lands and waters
- Restrictions on impacting navigation on project waters
- Restrictions on use in common with others
- g) "Flowage Rights" are the rights to inundate, store and permanently flow uninterrupted water, ice and material to an elevation on land within the Project Boundary and beyond. These property rights also limit the ability of the Property Owner to restrict and/or alter the land in a fashion that materially interferes with the flowage right.
- h) "Shoreline and Land Uses" are the activities and non-project uses and occupancies which either have historically existed within the Project Boundary and/or are being requested by Property Owners to be allowed through an authorization of an activity into the future within the Project Boundary.
- i) "Vegetated Riparian Buffer Zone" is a set distance of 50' for Developed Residential Lands and Developed Recreational Lands as defined on the Shoreline Designation Maps or 200' for Conservation Lands and Undeveloped Residential Lands from the water's edge upslope within the Project Boundary intended to provide for the establishment of native vegetated cover plants over time to the extent reasonable and practicable. The area may or may not currently support native vegetated cover.
- j) A Vegetated Riparian Buffer Area is an area within the Vegetated Riparian Buffer Zone of naturally established vegetation or an area re-established with vegetation by either natural succession (i.e. stop mowing grass) or the planting of trees, shrubs, herbaceous plants or ground covers.

## APPENDIX B SHORELINE MANAGEMENT PLAN DEFINITIONS

- k) "Authorized Use" is an activity that has been determined by FirstLight to meet the minimum standards guidelines and requirements that are allowable through the issuance and execution of a written agreement with FirstLight.
- I) "Activity" is the action of performing a task to install, remove, construct or repair an authorized use.
- m) "Shoreline Land Designation" is a classification of the area within the Project Boundary that defines the types of shoreline and land uses that are allowable.
- n) "Limited Activity Use" is an authorized use or group of shoreline and land uses which have been determined by FirstLight to have a minimal potential to impact Project and other resources.
- o) "Significant Activity Use" is an authorized use or group of shoreline and land uses which have been determined by FirstLight to have a potential to materially impact Project and other resources.
- p) "Qualified Person" is a person who has a certificate, professional training, experience or knowledge to solve, inspect or resolve specific subject matter.

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I.	INTRODUCTION	1
II.	SHORELINE AND LAND USE TABLE	2
III.	APPLICATION PROCESSES	5

#### I. INTRODUCTION

As set forth in the Shoreline Management Plan ("SMP"), FirstLight has established a permit and authorization program to manage the shoreline and land use occupancies ("Uses") of lands within the Housatonic River Project FERC P-2576 (the "Project") through a shoreline permit program. These Shoreline Permit Guidelines ("Guidelines") are intended to provide supplementary information to the SMP on FirstLight's permit procedures, standards and guidelines. Property Owners should first refer to the SMP when using these Guidelines. The Guidelines may be amended by FirstLight without stakeholder consultation or FERC approval. Any updates or revisions will be noticed on the FERC docket.

### II. SHORELINE AND LAND USE TABLE

FirstLight requires that all Shoreline and Land Uses and associated activities within FirstLight's Project Boundary, whether existing or proposed, be authorized by FirstLight. The Shoreline Land Designation Maps, Shoreline Land Designation Chart provide guidance on potentially acceptable uses and associated activities Within the SMP, Uses are generally categorized as existing or future Uses that are either Limited Activity Uses or Significant Activity Uses. The following table(s) describe and define Uses and their associated activity(ies) that may be applied for as either Limited Activity Uses or Significant Activity Uses. Not all Uses are shown in the table and Property Owners should refer to the SMP and contact the FirstLight Land Management Department for additional Information.

SHORELINE AND LAND USES ACTIVITY AUTHORIZATIO	SH	ORELINE AND LAND USE AND ACTIVITIES T REPAIRS AND NEW OR MODIFIED USES	ABLE	
SHORELINE USES  DOCK NEW OR MODIFIED  BOAT LIFT AND PERSONAL WATER CRAFT LIFT- RAMPS  SEAWALL NEW  SEAWALL REPAIR-L  Less than 15' total length of repairs such as repointing and resetting of stone.  SEAWALL REPAIR-S  Greater than 15' total length of repairs such as repointing and resetting of stone.  SEAWALL REPAIR-S  Extensive Repairs or Removal and Replacement of an Existing Seawall.  RIP-RAP REVETMENT - L  Placement of Rip Rap for the stabilization of eroded shoreline areas of less than 10' in length.  RIP-RAP REVETMENT - S  Placement of Rip Rap for the stabilization of eroded shoreline areas of less than 10' in length.  STACKED BOULDER - L  Minor re-stacking of existing stone and boulders at shoreline.  BIO-ENGINEERING - L  Implementation of bio-engineering shoreline  X	SHORELINE AND LAND USE	ACTIVITY AUTHORIZATION		
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shoreline.  BIO-ENGINEERING - L Implementation of bio-engineering shoreline X	STACKED BOULDER - S			X
BIO-ENGINEERING - L Implementation of bio-engineering shoreline X		1 -		
stabilization techniques at less than 15' total	BIO-ENGINEERING - L		X	
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length.	5.6 5.16.1.555.1.6	-		.,
BIO-ENGINEERING - S Implementation of bio-engineering shoreline X	BIO-ENGINEERING - S			X
stabilization techniques at greater than 15'				
JETTY BREAKWATER OR - L Minor re-stacking of existing stone or X	IETTV DDEAVMATED OD I		V	
JETTY BREAKWATER OR - L Minor re-stacking of existing stone or X boulders to establish or re-establish jetties or	JEITT BREAKWATER OR - L		^	
breakwaters, for wave attenuation.		1		
JETTY BREAKWATER OR - S Placement of new materials to establish or X	IFTTY BREAKWATER OR - S			X
re-establish jetties or breakwaters for wave	JETTI DILLARAMATER OR - 3			
attenuation.		1		
STEPS TO WATER - L Steps at no greater than 6' in width. X	STEPS TO WATER - I		X	
Maximum Length and Rise determined at	5.2.0.0 mm.			
FirstLight's Discretion.		<u> </u>		
STEPS TO WATER - S Steps greater than 6' in width. X	STEPS TO WATER - S			Х

SF	IORELINE AND LAND USE AND ACTIVITIES TA REPAIRS AND NEW OR MODIFIED USES	ABLE	
SHORELINE AND LAND USE			
DOCKS AND	Description	LIMITED	SIGNIFICANT
SHORELINE USES	·		
RAMPS TO WATER	Ramps less than 10' in width that are used		Х
	for the purpose of launching or securing		
	kayaks, sailboats, or other small or non-		
	motorized water craft.		
RECLAMATION OF	Racking and removal of natural and man-	Х	
EXISTING BOAT LANDING	made material or debris. Hand removal of		
BEACH	surface rocks or stone to facilitate water		
	access		
NEW BOAT LANDING	Placement of new materials or grading to		Х
BEACH	establish new boat landing or beach.		
TRAILER BOAT RAMP	Boat Ramps for the purpose of launching of		Х
	boats, vessels, or other watercraft.		
S	HORELINE AND LAND USE AND ACTIVITIES T	ABLE	-
	REPAIRS AND NEW OR MODIFIED USES		
SHORELINE AND LAND USE		ACTIVITY A	UTHORIZATION
UPSLOPE AND OTHER	Description	LIMITED	SIGNIFICANT
USES			
STEPS/PATHS/	Steps, Paths, or Walkways that are no greater	Х	
WALKWAYS - L	than 4' in width that are used for pedestrian		
	purposes only.		
STEPS/PATHS/	Step, Paths, Walkways greater than 4' in		Х
WALKWAYS - S	width and less than 7' in width that may be		
	for pedestrian use or small motorized		
	vehicular use.		
RETAINING WALL - L	Low retaining walls, free standing walls, or	Х	
	edging less than 15" in height.		
RETAINING WALL - S	Retaining walls and free standing walls that		Х
	are greater than 15" in height and less than		
	4' in height or multiple walls of any height		
	constructed as part of terracing of the land.		
ENGINEERED RETAINING	Retaining Walls greater than 4' in height.		Х
WALL			
LEVEL SEATING AREA - L	Level seating areas surfaced with sand, pea	Х	
	gravel, mulch, lawn or other similar material		
	less than 120 square feet in area.		
LEVEL SEATING AREA - S	Level seating areas surfaced with sand, pea		Х
	gravel, mulch, lawn or other similar material		
	as authorized by FirstLight greater than 120		
	square feet in area.		
MINOR PATIO REPAIR	Minor resetting or replacement of existing	Χ	
	pavers or stone.		

SF	HORELINE AND LAND USE AND ACTIVITIES T REPAIRS AND NEW OR MODIFIED USES	ABLE		
SHORELINE AND LAND USE	S	<b>ACTIVITY AUTHORIZATION</b>		
UPSLOPE AND OTHER USES Description		LIMITED	SIGNIFICANT	
REPLACEMENT PATIO	Resetting or leveling of existing pavers or stone or replacement of pavers or stone with new material.		Х	
NEW PATIO AND TERRACES	New areas surfaced with pavers or stone of no greater than one hundred and fifty (150) sq. feet.		Х	
CAMP FIRE PIT		Х		
KAYAK BOAT RACK	Boat Racks used for the purpose of storing kayaks, canoes, or other small unregister watercraft.	Х		
FLAG POLE		Х		
IRRIGATION INTAKES AND PUMPS	Water pumps and water intakes are used for the purpose of irrigation	Х		
FENCES	Fences not over 6 feet high that do not interfere with public access to FirstLight lands within the Project boundary, or extend into Project waters at the discretion of FirstLight.	Х		
SHADE STRUCTURE	Temporary gazeboes, pergolas and other similar type shade structures no greater than 150 sq. feet.		Х	
STORAGE STRUCTURE	Temporary sheds or other storage structures with size limits as defined in the SMP		Х	
DECK	New or Modified Decks and Landings as defined in the SMP		Х	
RECREATION EQUIPMENT	Swings or other pay ground equipment that occupies an area of less than 100 sq. feet.		Х	
LAND DISTURBANCE- MINIMAL	Minimal alterations to Project Lands associated with a Limited Activity Use.	Х		
LAND DISTURBANCE- SIGNIFICANT	Extensive vegetation removal, terracing, or other substantial site grading and earth moving.		X	
VEGETATED BUFFER ENHANCEMENT	Installation of trees, shrubs, herbaceous plants and ground covers.	Х		
VEGETATION REMOVAL - L	Minimal alterations to the Vegetated Buffer Area associated with a Limited Activity Use.	Х		
VEGETATION REMOVAL - S	Minimal alterations to the Vegetated Buffer Area associated with a Significant Activity Use.		Х	
MULTIPLE LIMITED ACTIVITY USES	Applications with greater than three land based Limited Activity Uses will be considered a Significant Activity Use.		X	

### **APPLICATION PROCESSES**

FirstLight requires that all Shoreline and Land Uses and associated activities within FirstLight's Project Boundary, whether existing or proposed, be authorized by FirstLight. All application requests shall be subject to review, payment of a fee and must receive written authorization by FirstLight. It is the applicant's responsibility to provide sufficient information for FirstLight to make its authorization determination. This application process and the application information required will vary depending upon the type of application requested. The information in the following tables below provides guidance on the types of applications, activities and contracts FirstLight issues for specific requests.

#### **APPLICATION TYPE TABLES**

CERTICATE OF PERMI	SSION			
ТҮРЕ	WHO MAY APPLY	PURPOSE	TRANSFERS	ALLOWS ROUTINE MAINTENACE
CERTIFICATE OF	Property Owners who	Temporary certificate issued	No	No
PERMISSION	have received a  "HOUSATONIC RIVER PROJECT P-2576 NOTICE OF REQUIREMENT TO REGISTER YOUR EXISTING SHORELINE AND LAND USES"	to meet the registration requirements under the SMP as approved on March 27, 2013. Property owners of pre-existing uses and/or structures were required to register their uses following approval of the Shoreline Management Plan *		

<sup>\*</sup> The requirement for Property Owners to register their Pre-Existing Uses and Dock within the Project Boundary (SMP March 27, 2013, Exhibit A, Section VIII.) is ongoing for Property Owners at the Falls Village, Bulls Bridge, Shepaug Impoundments and pending for Property Owners at the Stevenson Impoundment. The registration process for the Rocky River Impoundment has expired and all Property Owners who do not have a Certificate of Permission or an Existing Use Permit must complete a Shoreline and Land Use Application and submit all the required application material for an Existing Use Permit.

<b>EXISTING USE PERMITS</b>				
ТҮРЕ	WHO MAY	PURPOSE	TRANSFERS	ALLOWS ROUTINE MAINTENANCE
	APPLY			WANTE OF THE PARTY
<b>EXISTING USE PERMIT</b>	Property	Authorizes Existing	Yes*	Yes**
	Owners	Shoreline and Land Uses		
<b>EXISTING USE PERMIT</b>	Property	Authorizes Existing	Yes*	Yes**
TRANSFER	Owners	Shoreline and Land Uses		

<sup>\*</sup> A Shoreline and Land Use Application is required prior to the transfer of licenses and or permits for a current licensee or permittee. New owners must accept all liabilities and responsibilities under the license and or permit.

<sup>\*\*</sup> Maintenance activities are limited to routine maintenance of existing shoreline and land uses. Generally, routine maintenance shall only include simple, small-scale activities, associated with periodic and customary upkeep of the improvements to prevent deterioration against normal wear and tear or for their continued operation in their original condition. Routine maintenance shall not include activities such as those requiring machinery or specialized tools, or capital improvements.

ТҮРЕ	PURPOSE	TRANSFERS	ALLOWS ROUTINE MAINTENACE	ALLOWS REPAIRS AND NEW OR MODIFIED USES	
LIMITED ACTIVITY*	Authorizes Limited Activity Uses	No	Yes	Yes	
Proposed shoreline and	land uses may ir	nclude docks, sho	oreline stabilization, and	paths or walkways that	
FirstLight at its sole disc	retion has deteri	mined have a mi	nimal impact on Project	lands, waters and resources.	
SIGNIFICANT ACTIVITY*	Authorizes Significant Activity	No	Yes	Yes	
Proposed shoreline and land uses may include retaining walls and terracing, motorized or vehicular access					
paths, the installation and construction of pervious patios, decks, gazebos, and temporary shade or storage					
structures that FirstLight at its sole discretion has determined have a potential significant impact on Project					
lands, waters and resources.					
* These Authorization agreements may allow for the installation of new, modification to existing and					
maintenance beyond a routine nature. Once the work authorized under an Activity Number is completed and					
maintenance beyond a	routine nature. (	Once the work a	uthorized under an Activ	ity Number is completed and	

## APPENDIX D USES AND ACTIVITIES THAT REQUIRE FERC APPROVAL

### **USES AND ACTIVITIES THAT REQUIRE FERC APPROVAL**

FirstLight at its discretion may seek authorization from the FERC (Commission) as part of License Article 413 described below to address specific issues that arise at the Project over time. There are several activities that require the FERC's approval and they are detailed below:

## (EXCERPT FROM - P-2576 - STANDARD LAND USE ARTICLE 413)

#### PROCESS FOR CONVEYING SIMPLE EASEMENTS:

- (a) The licensee may convey easements or right-of-way across, or leases of, project lands for:
  - (1) replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and federal approvals have been obtained;
  - (2) storm drains and water mains;
  - (3) sewers that do not discharge into project waters;
  - (4) minor access roads;
  - (5) telephone, gas, and electric utility distribution lines;
  - (6) non-project overhead electric transmission lines that do not require erection of support structures within the Project Boundary;
  - (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69 kV or less); and
  - (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir.

No later than January 31 of each year, the licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (a) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

## APPENDIX D USES AND ACTIVITIES THAT REQUIRE FERC APPROVAL

### (EXCERPT FROM - P-2576 - STANDARD LAND USE ARTICLE 413)

#### PROCESS FOR CONVEYING FEE TITLE AND COMPLEX EASEMENTS

- (b) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for:
  - (1) construction of new bridges or roads for which all necessary state and federal approvals have been obtained;
  - (2) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained;
  - (3) other pipelines that cross project lands or waters but do not discharge into project waters;
  - (4) non-project overhead electric transmission lines that require erection of support structures within the Project Boundary, for which all necessary federal and state approvals have been obtained.
  - (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina;
  - (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and
  - (7) other uses, if; (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (b)(7) in any calendar year.

At least 60 days before conveying any interest in project lands under this paragraph (b), the licensee must submit a letter to the Director, Office of Energy Projects, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted and any federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date requires the licensee to file an application for prior approval, the licensee may convey the intended interest at the end of that period.

## APPENDIX D USES AND ACTIVITIES THAT REQUIRE FERC APPROVAL

## (EXCERPT FROM - P-2576 - STANDARD LAND USE ARTICLE 413)

### FIRSTLIGHT APPLICATION REVIEW AND CONSULTATION REQUIREMENTS

- (c) The following additional conditions apply to any intended conveyance under paragraph (a) or (b) of this Section VII:
  - (1) Before conveying the interest, the licensee shall consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.
  - (2) Before conveying the interest, the licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.
  - (3) The instrument of conveyance must include the following covenants running with the land: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project, and (iii) the grantee shall not unduly restrict public access to project waters.
  - (4) The Commission reserves the right to require the licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.
  - (5) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be change to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposal to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.
  - (6) The authority granted to the licensee under this article shall not apply to any part of the public lands and reservations of the United States included within the Project Boundary.

## APPENDIX E ENFORCEMENT GUIDELINES

FirstLight is responsible for enforcement of the SMP and FERC requirements that apply to the use and occupancy of Project lands and waters within the Project Boundary. FirstLight reserves the right to impose enforcement fees and exercise its legal rights on any person or entity for any unauthorized use or occupancy of lands or waters within the Project Boundary, including failure to register and or obtain authorization for an existing or new use, and violation of any law, regulation, agreement, SMP, Project license or Federal Power Act (FPA) requirement.

Such enforcement rights shall also include the recovery of FirstLight legal costs related to enforcement.

#### FIRSTLIGHT ENFORCEMENT ACTIONS

- As described in Article 413, FirstLight shall take any lawful action necessary to correct the violation including but not limited to:
  - Trespass actions (where FirstLight owns the relevant land), overburdening of easement actions (where abutters have exceeded their deeded rights to utilize Project lands), actions for material interference with FirstLight flowage rights (where FirstLight has a deeded right to inundate lands with water and ice).
  - Issuing Notices of Violation regarding unauthorized use or occupancy of Project lands and waters and to seek corrective action.
  - o Exercise of federal right of eminent domain under Sec. 21 of the FPA.
  - o Removal of structures and uses by FirstLight. In addition to the enforcement fees below, FirstLight reserves the right to recover the cost of removal and restoration of Project lands.
  - Suspension and/or cancellation of any authorized use and or occupancy, including revocation of any agreement.
  - Bar Property Owners from receiving any future authorization to use Project lands and waters for a period of time to be determined by FirstLight.
  - Recovery of enforcement related legal costs.
  - Posting of lands within the Project Boundary.
  - o To the extent practicable, FirstLight shall notify the relevant governmental authority regarding violations that fall within the governmental authority's jurisdiction. Governmental authorities shall have permission to conduct inspections of authorized and unauthorized structures and uses on Project lands and waters.

#### **ENFORCEMENT FEE SCHEDULE**

- Unauthorized use and or occupancy of lands or waters within the Project Boundary: An administrative charge of up to \$5,000.00 per violation for an initial violation and up to \$1,000.00 per violation per month for continuing violations.
- Failure to register and or seek authorization for an existing or new use, violation of any agreement, SMP, Project license or FPA requirement or any other law or regulation may result in a charge of up to \$5,000.00 per violation for an initial violation and up to \$1,000.00 per violation per month for continuing violations.
- Unauthorized commercial use of lands or waters within the Project Boundary, including, but not limited to, operating a business whether for profit or not-for-profit, renting or selling docks, or working as a contractor for a third-party, may result in an administrative charge of up to \$25,000.00 and up to \$5,000.00 per violation per month for ongoing violations.
- Abandoned Vessels and/or Vehicles, Derelict Docks may result in an administrative fee of \$2,000.00.
- These fee schedules are for administrative enforcement only, and, in addition to any monetary damages or attorneys' fees that FirstLight seeks or is awarded by a Court or Tribunal, and any administrative application fees that FirstLight may charge.

# APPENDIX F ADMINISTRATIVE FEE SCHEDULE

## **6 YEAR FIXED ADMINISTRATIVE FEE SCHEDULE**

## **FEE EXCEPTIONS AND WAIVERS**

Request and Applications Not Subject to Application Submittal Fee		
Registration of Historical Uses	Free	
(Certificate of Permission)		
Maintenance Activity (As defined in Existing Use Permit) Submittal for Start Work Authorization	Free	
Requests for an Extension in Time for an Authorized Activity	Free	
Immediate Action Tree, Dock, Mooring, or Debris Removal	Free	

Uses for which the Onetime Administrative Fee for Activity Authorization Review Shall be Waived			
Dock with Deeded Right	Free		
Seawall or Protective Construction with Deeded Rights	Free		
Other Uses for which there are Deeded Rights	Free		

Uses for which Onetime Administrative Fee(s) for Limited (L) and Significant (S) Activity Use Review are not assessed				
Limited Activity Repairs	No Additional Fee			
Limited Activity Landscape Enhancement	No Additional Fee			
Limited Activity Vegetation Removal	No Additional Fee			
Erosion Control and/or Wave Attenuation	No Additional Fee			
Alternative Shoreline Stabilization Techniques	No Additional Fee			
Seawall Repair	No Additional Fee			
Camp Fire Pit	No Additional Fee			
Kayak-Boat Rack	No Additional Fee			
Flag Pole	No Additional Fee			
Wildlife And Habitat Enhancements	No Additional Fee			

# APPENDIX F ADMINISTRATIVE FEE SCHEDULE

## **6 YEAR FIXED ADMINISTRATIVE FEE SCHEDULE**

## **ADMINISTRATIVE FEE TYPES AND CALCULATION**

	Administrative Fee Types & Calculation
1	Application Submittal Fee
	(Required for all Applications)
2	Onetime Administrative Fee for Permit Review or Activity
	Authorization Review
	(Select One)
3	Additional Onetime Administrative Fee(s) for Limited (L) and
	Significant (S) Use Review
	(Select All that Apply)
	Fee Amount 1 + Fee Amount 2 + Fee Amount 3
Total	Less any Exemptions or Waivers
Fee	Equals the Total Fee that will be applied.
	(Onetime Administrative Fee Review And Processing Of Applications
	Requiring FERC Approval may also apply)
4	(Onetime Administrative Fee Review And Processing Of Applications
	Requiring FERC Approval may also apply)

## 1 – APPLICATION SUBMITTAL FEE

Application Submittal Fee			
This fee applies to all submitted applications			
Application Submittal Fee	\$150.00		

## 2 – PERMIT AND ACTIVITY REVIEW FEE

Onetime Administrative Fee for Permit or Activity Authorization Review This fee is applied in addition to the Application Submittal Fee		
Residential Existing Use Permit	No Additional Fee	
Community Existing Use Permit	No Additional Fee	
Pre-Purchase Inspection Fee	\$250.00	
Limited Activity Use	\$300.00	
Significant Activity Use \$1,500.00		

# APPENDIX F ADMINISTRATIVE FEE SCHEDULE

## 3 – ADDITIONAL ONETIME ADMINISTRATIVE FEE(S)

Additional Onetime Administrative Fee(s) for Limited (L) and Significant (S) Use Review These fees apply in addition to the Application Submittal Fee and Activity Authorization Review Fee			
Type of Use* Fee			
DOCK NEW	\$250.00		
DOCK MODIFICATION	\$250.00		
BOAT LIFT AND PERSONAL WATER CRAFT LIFT-RAMPS	\$250.00		
SEAWALL NEW	\$250.00		
SEAWALL REPLACEMENT	\$250.00		
STACKED BOULDER – S	\$250.00		
STEPS TO WATER – S	\$250.00		
RAMPS TO WATER	\$250.00		
NEW BOAT LANDING BEACH	\$250.00		
TRAILER BOAT RAMP	\$250.00		
STEPS/PATHS/WALKWAYS – L/S	\$250.00		
RETAINING WALL – L/S	\$250.00		
ENGINEERED RETAINING WALL	\$250.00		
LEVEL SEATING AREA –L/ S	\$250.00		
REPLACEMENT PATIO	\$250.00		
NEW PATIO AND TERRACES	\$500.00		
SHADE STRUCTURE	\$500.00		
STORAGE STRUCTURE	\$500.00		
DECK	\$500.00		
LAND DISTURBANCE-SIGNIFICANT	\$500.00		

<sup>\*</sup> See – Appendix C - Shoreline and Land Use And Activities Tables – For More Details (L/S)

## 4 - ADMINISTRATIVE FEE FOR APPLICATIONS REQUIRING FERC APPROVAL

Onetime Administrative Fee Review And Processing Of Applications Requiring FERC Approval This fee is applied in addition to the fees as defined in the tables above.			
FERC Application Fee* \$10,000			
*Uses that require additional FERC approval as defined in Article 413			

## APPENDIX G STAKEHOLDERS AND THEIR RESPONSIBILITIES

### **Purpose**

The SMP Lake Advisory Committee (LAC) and SMP River Advisory Committee (RAC) stakeholders meetings shall serve as forums for discussions of ongoing activities associated with the SMP. These stakeholders shall meet annually for the first two years after the approval of the SMP and once as part of the next six year review and update of the SMP.

### **Annual Meetings:**

### Process

Each time the Stakeholders meet, FirstLight will approve the members, create an agenda, schedule, and host the Stakeholder meetings. No later than thirty days prior to the meeting, FirstLight shall distribute an agenda to the Stakeholders. FirstLight will entertain suggestions of additional issues to be addressed if received fifteen days prior to the date of the meeting.

### Reporting

FirstLight will take meeting notes and submit the agenda, meeting notes and attendees sign in sheet to the FERC. No written consultations will occur and FirstLight will determine if any discussion items from the meeting are actionable as part of implementing the SMP.

## **Six Year Review and Update Meeting:**

#### Process

FirstLight will invite and approve the SMP LAC & RAC members. FirstLight will create an agenda, publish a copy of the proposed updates to the SMP on a website and schedule a stakeholder meeting no less than 30 days after posting the SMP. No later than thirty days prior to the meeting, FirstLight shall distribute the agenda to the approved Stakeholders. FirstLight will entertain suggestions of additional issues to be addressed if received fifteen days prior to the date of the meeting. Stakeholders will be asked to provide written comments to FirstLight in a consultation table concerning the SMP draft within thirty days after the meeting. If no written comments are received within 30 days from stakeholders, then it will be assumed that the updated SMP is supported as prepared. None of the Stakeholders shall have the authority to alter the SMP.

## Final Determination and Submission

FirstLight will, at its sole discretion, make any final decision regarding the SMP and its revision, subject to any necessary FERC approvals. Each Stakeholder will, upon request, declare its representative to FirstLight and provide their respective contact information. The responsibilities of the Stakeholders are to provide specific input on the six year review and update of the SMP. None of the Stakeholders shall have the authority to alter the SMP.

## APPENDIX G STAKEHOLDERS AND THEIR RESPONSIBILITIES

#### **SMP LAC & RAC Members**

Below are lists of the Agencies and Stakeholder Groups to be invited to participate as part of the Shoreline Management Plan's required consultation.

### The SMP Lake Stakeholder Group will include the following:

- U.S. Fish and Wildlife Service; (One Representative)
- National Park Service; (One Representative)
- State Historic Preservation Officer (One Representative)
- Connecticut Department of Energy and Environmental Protection; (Division Representatives)
- Municipal Representatives (One Per Town) Appointed by the Chief Elected Official
- Lake Lillinonah Authority; (One Representative)
- Candlewood Lake Authority; (One Representative)
- Lake Zoar Authority; (One Representative)
- CT BASS (One Representative)
- Commercial Marina Owner (One Representative)
- Lakefront Property Owner Representatives (One Representative)
- FirstLight Power Resources
- Others may be invited at the discretion of FirstLight

## The SMP River Stakeholder Group members will include the following:

- U.S. Fish and Wildlife Service; (One Representative)
- National Park Service; (One Representative)
- State Historic Preservation Officer (One Representative)
- Connecticut Department of Energy and Environmental Protection; (Division Representatives)
- Housatonic Environmental Action League; (One Representative)
- Western Connecticut Council of Governments (HVCEO) (One Representative)
- Housatonic Valley Association; (One Representative)
- Appalachian Trail Conference; (One Representative)
- Appalachian Mountain Club; (One Representative)
- Housatonic River Commission (One Representative)
- Adirondack Mountain Club; (One Representative)
- American Whitewater; (One Representative)
- Trout Unlimited; (One Representative)
- FirstLight Power Resources
- Others may be invited at the discretion of FirstLight

RESOLUTION DATE	DESCRIPTION/REQUIREMENT	RESOLUTION	
6/23/2004	Order Issuing New License	FirstLight Received FERC Order approving Application for new Housatonic River Project License P-2576	
6/23/2004	Article 407 of the New License required the creation and submission of a Shoreline Management Plan with specific requirement below:	FirstLight began drafting a SMP in 2005	
	SMP Require	ed Provision:	
9/20/2006	(1) safe public access to shoreline and riverfront lands and waters for informal recreational and navigational use;	1-FirstLight confirmed that all its lands and waters are open to the public and created a Recreation Management Plan which was approved by the FERC on 9/20/2006.	
12/04/2014	(2) the conservation of important resource and environmental qualities surrounding the project's shorelines and riverfront lands;	2-FirstLight prepared and submitted a "Article 407 Feasibility Report, Plan and Schedule for Conservation Easements and Restrictions" 3/26/2014	
6/30/2009	(3) the development of shoreline and riverfront areas and facilities that are consistent with both project and non-project needs and demands.	3-FirstLight prepared and submitted the SMP and established a formal permitting program.	
SMP Descriptions:			
3/27/2019	(1) the purpose and scope of the plan;	4-FirstLight prepared an introduction in this SMP that clarifies the purpose and scope of the Plan.	
3/27/2019	(2) how the plan was prepared including identification of the entities involved in its preparation;	5-FirstLight developed and consulted with all concerned parties as part of the Lake and River Advisory Committees, written consultation and a public hearing (See SMP Stakeholder Consultation Record-filed 3/27/2019).	
3/27/2019	(3) the licensee's policies and guidelines on shoreline use including a shoreline- use classification system (if applicable), and associated permitting and property- conveyance procedures;	6-FirstLight developed Shoreline Land Designation Maps a formal permitting program and conveyances are managed consistent with Article 413 guidelines. (See Appendices A,B & C)	
6/30/2019	(4) any special management measures to be administered under the plan (such as a clean-marina initiative, adopt-a-shoreline program, parkland lease program, etc).	7-FirstLight implemented a derelict dock, mooring removal and required compliance with CTDEEP's clean marina program in 2009.	

SMP Implementation:			
D.M. Implementation.			
06/30/2009	(1) guiding prospective applicants for non-project uses of project lands in conforming their proposals to the plan's provisions;	8-FirstLight provided and continues to maintain permit application materials and general information on its website. FirstLight continues to review requested applications based upon the approved SMP's requirements and this SMP provides additional updated Shoreline Permit Guidelines as Appendix C herein.	
6/30/2009	(2) reviewing pending proposals for use of project lands to determine their consistency with the plan's policies, classifications, prescriptions, and application requirements;	9- See 8 Above	
9/18/1981	(3) monitoring existing shoreline activities to ensure their compliance with the plan.	10-FirstLight regularly performs site walks prior to the issuance of any permits and monitors on going activities from the land and water. FirstLight has been monitoring its lands and issuing permits since 1981.	
SMP Other Provisions:			
11/17/2014	a) Identification of a vegetated buffer zone around reservoir shorelines and riverfront lands of up to 200 feet measured horizontally from the high water mark on lands that it owns within the project boundaries, consistent with the Commission's regulations.	11-FirstLight prepared and submitted a Vegetated Buffer Plan and Shoreline Management Manual on March 27, 2014. FERC issued an Order approving the Vegetated Buffer Plan on 11/17/2014. This SMP proposes to update the Shoreline Management Manual after the approval of this 6 year update. This SMP eliminates the requirements to install a vegetated buffer within five years of an adjacent parcels change in ownership. The trigger that will require a vegetated buffer to be installed will be a condition of a request for a limited or significant activity on project lands and waters.	
2019 completed	b) Identification on maps of disturbed NGS-owned lands with the potential for re-vegetation and provisions to re-vegetate these areas within the project boundaries.	12-FirstLight included in its Vegetated Buffer Plan and consultation a schedule for targeted revegetation of project lands at each of the five impoundments. Four of the five have been completed and the final site is being installed now and will be completed in 2019.	
Annually	c) A public education component that could include brochures, seminars, or signs to encourage the planting and/or establishment (i.e., implementation of no-cut zones along the shoreline, shoreline stabilization, buffer-zone maintenance, habitat protection and enhancement) of native species in the	13-FirstLight established and maintains an educational program as part of the SMP, this SMP proposes to continue and enhance that program through workshops, publishing information on the company website and other methods.	

	buffer zone by private landowners for adjoining residential property owners.	
6/30/2009	d) Identification of procedures to maintain access for recreational purposes for adjacent landowners.	14-FirstLight has implemented a permitting program that balances maintaining access for adjacent landowners with the public.
3/26/2014	e) Provisions for identifying opportunities to provide conservation easements for greenway and trail development and improved public access within the project boundary including a description of a permitting system to allow management of such easements by a qualified entity.	15-See note 2 above.
5/5/2017	f) A provision to share existing digital mapping data upon request.	16-FirstLight initially provided for a GIS Data Policy in Section XXIV of the 2009 SMP. Subsequently, FirstLight determined that the release of all GIS data collected by the Company was inconsistent with internal policies. FirstLight submitted a summary report on 1/4/2017 to the FERC clarifying this situation. FERC provided clarification on this requirement in a letter dated 5/15/2017. This SMP reflects FERC's clarification and contains a resolution to this requirement in section XVI Digital and Hardcopy Data Policy as described in the correspondences above.
11/27/2008	g) An inventory of existing shoreline development facilities (such as boat docks, marinas, landings, and bulkheads/shoreline stabilization structures) located on project lands, the conditions of the facilities, and the entity that manages the facilities (details on ownership and condition of each private dock are not necessary).	17-FirstLight completed an initial photographic inventory of all shoreline uses and subsequently performed a physical shoreline inventory which resulted in submission of Non-Conforming Structure Inventory Reports for each impoundment. All five impoundments reports have been submitted and subsequently approved by the FERC as of 11/27/2018.
12/04/2014	h) An inventory of aesthetic resources on project lands and lands adjacent to the project boundary and areas thought to have high aesthetic value, including vegetated shorelines and views of water.	18-See note 2 above.
9/20/2006	i) Measures to control erosion from trails and parking lots and shoreline areas, and restrictions on pedestrian traffic in areas with sensitive habitats.	19-See Note 1 & 12
12/04/2014	j) Identification of conservation restrictions or other similar protective measures on those NGS-owned lands within the project boundary that are not already dedicated to open space.	20-See note 2 & 6
12/04/2014	k) A report on the feasibility of conserving those project lands that are deemed critical for protecting the scenic,	21-See note 2 & 6

	recreational, and natural values of the project area, as well as lands that can be used for greenway and trail development, and, as appropriate, a plan and schedule for acquiring those easements.	
6/30/2009	l) A discussion of local government zoning and other land use regulations affecting project resources and any coordination efforts between the licensee and local governments about land and aesthetic conservation goals.	22-FirstLight developed as part of the 2009 SMP in Exhibit A an Agreement with Municipalities to address this requirement. This SMP has eliminated that agreement and rather defines and clarifies Municipal and State Jurisdictions in section VII.
6/30/2009	m) A schedule and process for periodically reviewing and updating the plan every six years.	23-The 2009 SMP resolved this requirement in section III. Term, this SMP section IV. Term retains the review and updating of the plan at six years, Appendix G describes the stakeholder process going forward.
6/30/2009	n) The identification of land that could be used as staging areas by local lake associations or authorities for patrol and water quality monitoring activities.	24-FirstLight provided consultation opportunities as part of the minutes of the Lake and River Advisory Committee initial meetings to determine a suitable location. No entities ever identified a suitable location upon request, however, any entity can apply for a permit for such a use under the SMP.