

ELECTRIC AND FUEL TRANSMISSION LINE FACILITY – MARINE VERSION

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This application guide is to assist applicants in filing for a Certificate of Environmental Compatibility and Public Need (Certificate) from the Connecticut Siting Council (Council) for the construction of an electric or fuel transmission line, as defined in General Statutes § 16-50i (a) (1) and (2).

Most “marine” transmission projects (or alternatives) are partly submarine, and, by necessity, also partly upland, since they begin and end onshore at an upland terminal (typically a junction, substation, or metering station, or the like). Hence this guideline covers the entire route between the nearest such terminals, for any transmission line project requiring excavation or fill below the Mean High Water (MHW) line and inside Connecticut’s Coastal Zone Management Area sufficient to potentially constitute a significant adverse environmental effect. “Marine resources” constitute all resources below the MHW line and all coastal resources as defined by the CT Coastal Management Act, General Statutes §§ 22A-90 through 22A-112 and associated regulations.

Applicants should consult General Statutes 16-50g through 16-50aa and Sections 16-50j-1 through 16-50z-4 of the Regulations of Connecticut State Agencies to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

I. Pre-Application Process (General Statutes § 16-50l (e))

At least 60 days prior to the filing of any application with the Council, the applicant shall consult with the municipality in which the facility may be located and with any adjoining municipality having a boundary not more than 2500 feet from such facility concerning the proposed and alternative sites of the facility. Such consultation with the municipality shall include, but not be limited to good faith efforts to meet with the chief elected official of the municipality. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within 60 days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than 15 days after submitting the application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.

II. Quantity, Form, and Filing Requirements (Regs., Conn. State Agencies § 16-50j-8-12)

A. Except as may be otherwise required, all applications and other filings from the applicant, parties, or intervenors to the Council must consist of an original and 20 copies, labeled with the docket number (if available), properly collated, and paginated, and bound.

- B. Applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 1/2 by 11 inches. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible. In accordance with the State Solid Waste Management Plan, all filings should be submitted on recyclable paper, primarily regular weight white office paper. Applicants should avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
- C. Every original shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person. All filings including applications shall be submitted to the office of the Council, Ten Franklin Square, New Britain, Connecticut 06051. Service of all motions, petitions, applications, documents or other matters requiring action by the Council, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless service has been waived.
- D. Any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the granting of the application or required by statute or regulation shall be attached or annexed to the application. The applicant may request administrative notice of and refer in the application to portions of other Council docket records and generic hearings or statements prepared by the Council as a result of generic hearings.
- E. Applicants may present material in a sequence and format most appropriate for the particular proposal. To allow timely Council review, include with the application a copy of this form with page references for each item required in Section VIII below.

III. Electronic Filing

For the convenience of the public and the Council, the Applicant should provide an electronic copy of any application.

IV. Application Filing Fees (Regs., Conn. State Agencies § 16-50v-la)

The filing fee for an application is determined by the following schedule:

<u>Estimated Construction Cost</u>	<u>Fee</u>
Up to \$5,000,000	0.05% or \$1,000.00, whichever is greater;
Above \$5,000,000	0.1% or \$25,000.00, whichever is less.

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee. Fees in excess of the Council's actual costs will be refunded to the applicant.

V. Proof of Service (General Statutes § 16-50l (b))

Each application shall be accompanied by proof of service of such application on:

- A. Each municipality in which any portion of such facility is to be located, both as primarily proposed and in the alternative locations listed in the application, and any adjoining municipality having a boundary not more than two thousand five hundred feet from such facility, which copy shall be served on the chief executive officer of each such municipality and shall include a notice of the date on or about which the application is to be filed.
- B. The zoning commissions, planning commissions, planning and zoning commissions, and the conservation and inland wetlands commissions of each such municipality identified in V.A above;
- C. The regional planning agencies that encompass the municipalities identified in V.A above;
- D. The State Attorney General;
- E. Each member of the Legislature in whose district the facility or any alternative facilities, as listed in the application, is proposed;
- F. Any federal agency which has jurisdiction, concurrent with the state or otherwise, over any matter that would be affected by the proposed facility; and
- G. The state Departments of Environmental Protection, Public Health, Public Utility Control, Economic and Community Development, and Transportation; the Council on Environmental Quality; and the Office of Policy and Management.

VI. Notice to Community and Local Organizations

The applicant is urged to use reasonable efforts to provide notice of the application on the following:

- A. Affected community and local groups including Chambers of Commerce, land trusts, environmental groups, local shellfish commissions, harbor commissions and harbor masters; Connecticut Seafood Council; trail organizations, historic preservation groups, advocacy groups for the protection and use of Long Island Sound, and river protection organizations within the watershed of any river affected by the proposed facility that have been identified by a municipality where the facility is proposed to be located or that have registered with the Council to be provided notice; and
- B. Any affected water company within the water supply watershed crossed by the proposed facility, and
- C. Department of Agriculture or successor agency .

VII. Public Notice (General Statutes § 16-501 (b))

Notice of the application shall be published at least twice prior to the filing of the application in one or more newspapers having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant,

the date of filing, and a summary of the application. The notice must be published in not less than ten point type.

VIII. Notice in Utility Bills (General Statutes § 16-501 (b))

For electric transmission facilities proposed by an electric distribution company within its franchise service territory, notice shall also be provided to each customer in the municipality where the facility is proposed on a separate enclosure with each customer's monthly bill for one or more months within a period of not more than 60 days immediately prior to filing the application with the Council. Such notice shall include the following:

A. A brief description of the project including:

1. Location relative to the affected municipality, and
2. Location relative to adjacent streets.

B. A brief technical description of the project including:

1. Proposed length;
2. Proposed voltage; and
3. Type and range of heights of support structures or underground configurations.

C. The reason for the project.

D. Address and a toll-free telephone number of the applicant by which additional information about the project can be obtained.

E. A statement in print no smaller than twenty-four point type size stating, "NOTICE OF PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC TRANSMISSION LINE."

IX. Contents of Application (General Statutes § 16-501 (a) (1))

An application for a Certificate for the construction of a transmission line facility should include or be accompanied by the following:

A. A brief description of the proposed facility, including location relative to affected municipalities and location relative to adjacent streets.

B. A statement of the purpose for which the application is being made.

C. A statement describing the statutory authority for such application.

D. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized.

E. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the

person so named, and such service shall be deemed to be service to the applicant.

- F. An Executive Summary providing an overview description of the proposal, and any transmission line facility and routing alternatives.
- G. Except for a proposed natural gas facility subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission (“FERC”) under the Natural Gas Act, 15 U.S.C. § 717 et seq., a statement and full explanation of: (i) the public need for the proposed facility and the basis of the need; or (ii) in the case of a facility subject to the provisions of General Statutes § 16-50p (c) (2), the public benefit for the proposed facility. Such statement and full explanation should include, if applicable:
 - 1. A description and documentation of the existing system and its limitations;
 - 2. Justification for the proposed in-service date;
 - 3. Identification of system alternatives with the advantages and disadvantages of each; and
 - 4. Identification of any prior listing of the facility in the forecast of loads and resources pursuant to General Statutes § 16-50r.

A statement and full explanation of jurisdiction for each application for a proposed natural gas facility subject to the exclusive jurisdiction of the FERC under the Natural Gas Act.

H. DESCRIPTION OF PROPOSED FACILITY

- 1. Route and area description, to include:
 - a. Location(s) of proposed facility (including a list of all municipal and state jurisdictions, federal properties and names of waterbodies crossed); and
 - b. Land and water use, zoning and general overall setting
 - i. Marine (aquatic and coastal resources)
 - ii. Upland (natural and cultural resources)
- 2. Facility characteristics, configurations and dimensions to include:
 - a. Projected service life, type, capacity, size, number of pipelines or cables, (including conductor configuration);
 - b. Existing and proposed right-of-way, configuration of facilities on right-of-way);

- c. Associated components including: substations, splice boxes, terminal points, permanent access roads; and
 - d. Estimated project costs.
3. Methods and sequence of proposed installation, modification and/or removal activity:
- a. Marine and shoreline installation methods
 - i. Methods to be employed (e.g. directional drilling, plowing, jetting, etc.)
 - ii. For each method: depth of burial, methods of cover, material to be traversed (e.g. mapping of general physical character of subsurface, and general physical and chemical characterization of sediments), and construction by-products (e.g. sediment, and drilling fluids).
 - b. Upland construction along the right-of-way including approximate structure locations or underground trench locations, foundation types, and other areas subject to disturbance or construction.
4. Operating characteristics: e.g. thermal, electric and magnetic fields (EMF), potential for other emissions and discharges into environment.
5. Maintenance, repair and removal considerations: e.g. projected service life, causes of potential damage, and their frequency, repair protocols and methodology.

I - ENVIRONMENTAL ANALYSIS OF PROPOSED FACILITY - MARINE:

For each item below, describe (1) the resources or uses that would be crossed or are adjacent to the proposed facility (2) how those resources may be impacted by the proposal (e.g. time of year, duration of any substantial adverse environmental effect, including sediment suspension and dispersion and (3) to the extent there is a potential for impact, what measures, if any, are proposed to mitigate or prevent impact(s).

1. NATURAL:

- a. Aquatic Resources (as defined in DEP-OLISP-INST-100, Part III, Item 10), and their habitat value for:
 - i. Finfish (spawning, juvenile or adult);
 - ii. Shellfish (including mussels);
 - iii. Benthic organisms; and
 - iv. other Wildlife

(consider change of habitat from one type to another; mortality of organisms, including eggs, larvae, juveniles, or adults, altering migration patterns, disruption of spawning, and whether effect is short-term or long-term; species of special concern)

- b. Water quality, circulation and drainage.

2. CULTURAL:

- a. Archaeological and historical resources with documentation of consultation with the State Historic Preservation Officer (confidential data to be provided to the Council in an appropriate manner);
- b. Navigation, recreation, and public access to public waters of the State;
- c. Commercial fishing & shellfishing (economic impacts); and
- d. Other water-dependent uses: existing uses, and limitations or enhancements in the future.

J – ENVIRONMENTAL ANALYSIS OF PROPOSED FACILITY – UPLAND

For each item below, describe (1) the resources or uses that would be crossed or are adjacent to the proposed facility, (2) how those resources may be impacted by the proposal (e.g. any substantial adverse environmental effect, including erosion and sedimentation), and (3) to the extent there is a potential for impact, what measures, if any, are proposed to mitigate or prevent potential impact(s).

1. Public health and safety;
2. Local, state, and federal land use plans;
3. Existing and future development;
4. Road crossings;
5. Wetlands, vernal pools, and watercourses within existing or expanded right-of-way, access roads and other disturbed areas; relationship of these features to adjacent uplands; their values and function assessment;
6. Surface and ground water quality along the right-of-way, and downstream and downslope areas including pollution transport and risks from insulating fluids;
7. Wildlife and vegetation, including rare and endangered species, and species of special concern, with documentation of consultation with the Department of Environmental Protection Natural Diversity Data Base (confidential data to be provided in an appropriate manner);
8. Open space and protected areas;
9. Water supply watersheds and public water wellfields;
10. Archaeological and historical resources with documentation of consultation with the State Historic

Preservation Officer (confidential data to be provided in an appropriate manner); and

11. Other environmental concerns identified by the applicant, the Council, or any public agency.

K - SELECTION OF PROPOSED FACILITY, AND DISCUSSION OF ALTERNATIVES

A description of alternatives to the proposed facility, alternative construction methods, and route(s) that were considered and rejected, including a justification for what is proposed. For each of the items below indicate the method or basis used for selecting what is proposed, and what viable alternatives, if any, might be considered for this application.

1. FACILITY

Alternate transmission facilities (e.g. voltages, number, size, conductors per cable, overhead structure configuration, pipeline sizing and pressure options, etc.).

2. CONSTRUCTION METHODS

Burial, installation and/or removal methods (e.g. directional drilling, plowing, jetting, conductor pulling, foundation types, depth of burial, and methods of cover).

3. ROUTE

A justification for adoption of the route(s), or site selected, including a comparison with alternative routes which are environmentally, technically, and economically practical. Provide a justification of overhead portions, if any.

L- PROJECT GRAPHICS

1. Facility

Show representative cross sections of existing/proposed overhead or underground/submarine transmission lines and associated rights-of-way at a scale no less than one inch = 30 feet.

2. Marine

- a. An overview map of the project area, or set of maps, showing the proposed route and any viable alternatives at a suitable scale but not less than 1:500,000 showing information available in the public domain.
- b. An area map, or set of maps at a suitable scale but not less than 1:50,000 in open water, 1:12,000 in estuarine areas and 1:4800 on shoreline.

3. Upland

- a. An area map, or set of maps or aerial photographs at a suitable scale but not less than 1:50,000 showing the right(s)-of-way and the proximity of the following:

1. Settled areas; schools and daycare centers; hospitals; and group homes;
 2. Forests and parks; recreational areas; scenic areas; historic areas; and areas of archaeological interest;
 3. Areas regulated under the Inland Wetlands and Watercourses Act and Coastal Zone Management Act, unless provided under Section J;
 4. Areas regulated under the Tidal Wetlands Act, unless provided under Section J;
 5. Public water supplies;
 6. Hunting or wildlife management areas;
 7. Existing transmission lines within one mile of the route;
 8. Depth to bedrock map (USGS Series), and;
 9. Vegetative communities.
- b. Proposed route map, or set of maps at a suitable scale at least 1:4800, except as otherwise required, showing existing conditions and certain proposed transmission line changes, expanding upon the narrative descriptions in Section H.
- i. Existing conditions:
 1. Identification of existing and proposed right-of-way boundaries;
 2. Locations of any existing transmission line structures and accessways;
 3. Contour mapping intervals dependent on available mapping;
 4. Inland and tidal wetlands boundaries, vernal pools, and intermittent and perennial watercourses, as determined in the field, unless existing mapping is adequate, with a 50 foot buffer shown for wetlands and a 100 foot buffer shown for vernal pools and watercourses.
 5. Coastal Management Zone boundaries;
 6. 100-year flood plain boundaries as identified by the Federal Emergency Management Agency;
 7. Areas susceptible to soil erosion;
 8. Locations of, and habitat, for protected and special concern species, including those represented by the DEP Natural Diversity Data Base (confidential data provided in an appropriate manner);

9. Fishery and shellfish habitat and, if applicable, cold water fisheries.

Subject to confidentiality agreements or security concerns, all maps shall identify the location(s) of source information.

ii. Changes to existing conditions for the proposed transmission line:

1. Additional right(s)-of-way width required, if any;
2. Anticipated transmission line structure location envelopes;
3. Anticipated areas of disturbance (temporary and permanent);
4. Where any anticipated area of disturbance overlaps a wetland or a wetland buffer boundary;
5. Anticipated area of disturbance for material staging and conductor pulling sites;
6. Anticipated access roads and opportunities for alternative access;
7. Substation connections; and
8. Other changes to sensitive areas requiring special attention.

M. Safety and reliability information, including:

1. Provisions for emergency operations and shutdowns; and,
2. Description of safety or protective systems for the proposed facility.

N. Justification that the location of the proposed transmission line would not pose an undue hazard to persons or property along the area traversed by the proposed transmission line including:

1. Measurements of existing EMF at the boundaries of adjacent schools, daycare facilities, playgrounds, and hospitals, with calculations of exposure levels during expected normal and peak normal line loading;
2. Calculations of expected EMF levels at the above listed locations that would occur during normal and peak normal operation of the proposed transmission line; and
3. A statement describing consistency with the Council's "Best Management Practices for Electric and Magnetic Fields", as amended.

O. A schedule of the proposed program for right-of-way or property acquisition, construction, rehabilitation, testing, and operation.

P. Identification of each federal, state, regional, district, and municipal agency with which proposed route reviews have been undertaken or will be

undertaken, a copy of each written agency position on such route, and a schedule for obtaining approvals not yet received.

- Q. Bulk filing of municipal zoning, planning, planning and zoning, conservation, and inland wetland regulations and by laws.
- R. Such information any department or agency of the state exercising environmental controls may, by regulation, require.
- S. Such information the applicant may consider relevant.
- X. Procedures
 - A. The Council will review and may reject the application within 30 days if it fails to comply with specific data or exhibit requirements or if the applicant fails to promptly correct deficiencies. (Regs., Conn. State Agencies §§ 16-501-4 through 16-501-5)
 - B. The Council and any party or intervenor to the proceeding may file exhibits and interrogatories requesting supplemental or explanatory materials. All filings will be subject to cross-examination and the Council's discretion for admission into the record. (General Statutes § 16-50o)
 - C. A public hearing must be held in the county within which the proposed facility is to be located, or in whichever county the Council deems appropriate for inter-county facilities, with at least one session held after 6:30 p.m. for the convenience of the public. The Council's record must remain open for 30 days after the close of the hearing. (General Statutes § 16-50m)
 - D. The Council must render a decision within 12 months of receipt of an application, extendible by 180 days upon consent of applicant. (General Statutes § 16-50p)
 - E. As a condition to any Certificate, the Council will require a Development and Management (D&M) Plan pursuant to RCSA §§ 16-50j-60 to 16-50j-63 which may include site specific environmental management plans, mitigation plans, restoration plans, invasive species management plans, and post-construction monitoring, as appropriate.