



CANDLEWOOD LAKE AUTHORITY

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December 3, 2009

Mr. Robert Gates
Station Manager
FirstLight Hydro Generating Company
143 West Street Ext., Suite E
New Milford, CT 06776

Dear Bob:

Below are our comments on the draft minutes of the November 9, 2009 Lake Advisory Committee Meeting. Text in ***bold italics*** is taken from your draft minutes and is used to signify the paragraph that our particular comments are directed at.

In the past you have attached the formal comments to your submittal to FERC. I anticipate that you will do the same with these comments made on the recent draft minutes. Could you please let me know if this is not going to be the case?

"A discussion of the extent of capacity-related conflicts on Candlewood..."

Some clarification of the assumptions I made is necessary. The first assumption I made was that the maps FLPR provided were interpretations of aerial photography, so the points representing the in-use watercraft are subject to minor error as it pertains to exact location. However, given the long and narrow morphology of the lake and the high degree of accuracy in numerating in-use boats in a given area, I would argue that the interpretations and density analyses we provided are rather accurate.

I don't recall suggesting that the rafting vessels affect the 12 in-use vessels per acre threshold. My understanding is that rafting is considered a use as opposed to docked or moored, inactive vessels. Rafting implies boaters temporarily anchoring, engaging in social activities, and later moving on, therefore we count them as in-use vessels.

The threshold, itself, is based on a variety of factors, depending upon whose model you use. We referenced two models: a simplistic model from the FERC-approved Recreation Management Plan that divided surface water area by a density standard of 12 vessels per acre; and a more complex model (Mike Payton's model) that used vessel and lake characteristics to estimate a capacity. Both yielded similar carrying capacities of 452 and 448 in-use vessels, respectively, for entire lake. However, our density maps do not reflect a lake-wide density, but rather density in any given area of the lake on the date and time of specific flyovers.

In your RMP, it indicated that the licensee would plot the data (points/boats on the maps) on a grid to analyze watercraft density in high-use zones. We would like to submit our analyses and resulting maps in lieu of that described in the RMP since this is essentially what we did using the GIS density analysis tools. I am attaching our analyses/maps for your submittal to FERC with our comments since the 8 ½ X 11 inch copy of the large poster I presented did not translate well in your draft report. I've also included analyses of the union and intersection of areas of density of ≤12 acre per in-use vessel from the flyover dates when the lake-wide capacity (~450 in-use vessels) was reached or exceeded. The results from the intersection of those areas essentially depict the known rafting areas, with some minor exceptions, while the union of those areas shows all areas with high density (rafting or otherwise) from the four flyover dates.

Towards the end of that paragraph, you referenced our July 8, 2009 report *An Examination of Recreational Pressures on Candlewood Lake* which we submitted to FERC as part of the record on the Shoreline Management Plan. Thank you for referencing that report for we believe it should be part of the record of the Lake Advisory Committee's discussion of overcrowding and user conflict on Candlewood Lake. For the benefit of stakeholders and FERC, please provide the FERC Submittal Number (20090709-5044).

"The Connecticut Department of Environmental Protection (CTDEP) Boating Safety Division Representative, R. Payton, discussed the CTDEP's difficulty in picking a single value of 'X number of boats per acre'..."

We concur with Mr. Payton and always have. Modeling carrying capacity and determining in-use vessel density are not exact sciences. However, there is considerable literature that uses these concepts and the results from modeling exercises as points of discussion when examining impairment of recreational experience or public safety, as did the RMP. What is important here is not the establishment of an exact capacity number, but recognizing that on Candlewood Lake, boating activity can regularly reach levels that impair recreational experience and/or decrease public safety.

At the end of the same paragraph you relayed that *"CTDEP has discussed with the CLA defining a finite capacity number that would be unique to Candlewood Lake."* I believe you misinterpreted Mike. What Mike did say was that the capacity number for Candlewood Lake based on his model happened to be similar to capacity estimated by the model used in the RMP that used surface area divided by the density factor of 12 in-use vessels per acre (448 and 452 in-use vessels, respectively).

"CLA then noted that the approval and development of new docks through the exercise of deeded rights would increase the number of resident boats and could impact overcrowding into the future. As a possible solution, the group discussed a proposal that involves the CLA working with its representative municipalities to minimize the future development of lands outside the FERC Project Boundary..."

As I recall, you proposed the possible solution and there wasn't a great deal of discussion. The real discussion was focused on Vaughn's Neck after I reported that Connecticut Light & Power retained rights for docks on Candlewood in the deeds of the approximately 700 acres comprising Vaughn's Neck.

The point I was making was the following. A new subdivision in Danbury, Candlewood Pines, was approved by the Environmental Impact Commission in Danbury and included a lakefront community property where a docking structure that provided a slip for each home in the subdivision was planned. If that docking structure is approved by FirstLight and then FERC, then a precedent could be set providing the existing subdivisions with a deeded right for a dock along the lake (tax districts, associations, etc.) the same level of access a slip for each home

in the subdivision. This precedent would have a disastrous impact on the recreational use of the lake. I also mentioned that there is no information on how many lakefront properties exist with deeded rights for docks that have not yet been exercised.

As far as minimizing future development outside the FERC project boundary, the CLA continues to be committed to working with stakeholders in protecting lands that can be protected. However, I am reasonably sure that the municipalities and the CLA are not going to look to revoke anyone's legal rights.

In summary, we remain at a critical juncture as it pertains to boating overcrowding and the problem stands to get worse. With the exception of some improved understanding of the problem via the data FLPR collected during the 2008 flyover and our analysis of it, we are no closer to solution than when the LAC began meeting three years ago. In its present form the Shoreline Management Plan only glosses over the problem and provides limited measures to prevent the problem from becoming much worse. Like the RMP, the SMP lacks some of the necessary data required to fully understand the magnitude and potential of the problem, e.g., an understanding of the number of unexercised deeded rights for docks and the rationale for [subdividing] a deeded right when a parcel is subdivided.

Thank you for convening the Lake Advisory Committee and your time compiling and revising your report to FERC. If you have any questions regarding my comments, please do not hesitate to contact me.

Sincerely,

CANDLEWOOD LAKE AUTHORITY

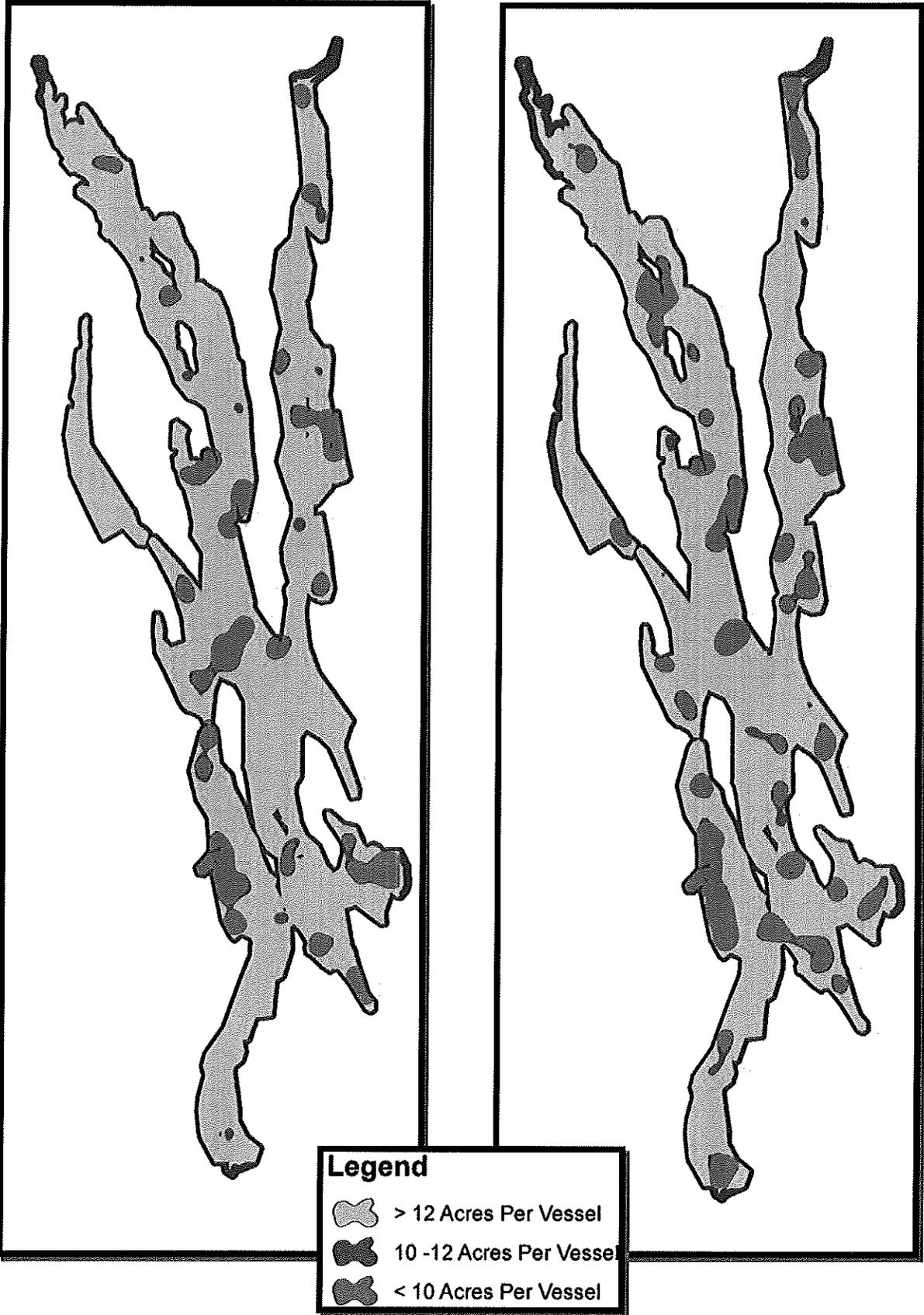


Laurence J. Marsicano
Executive Director

Attachments:

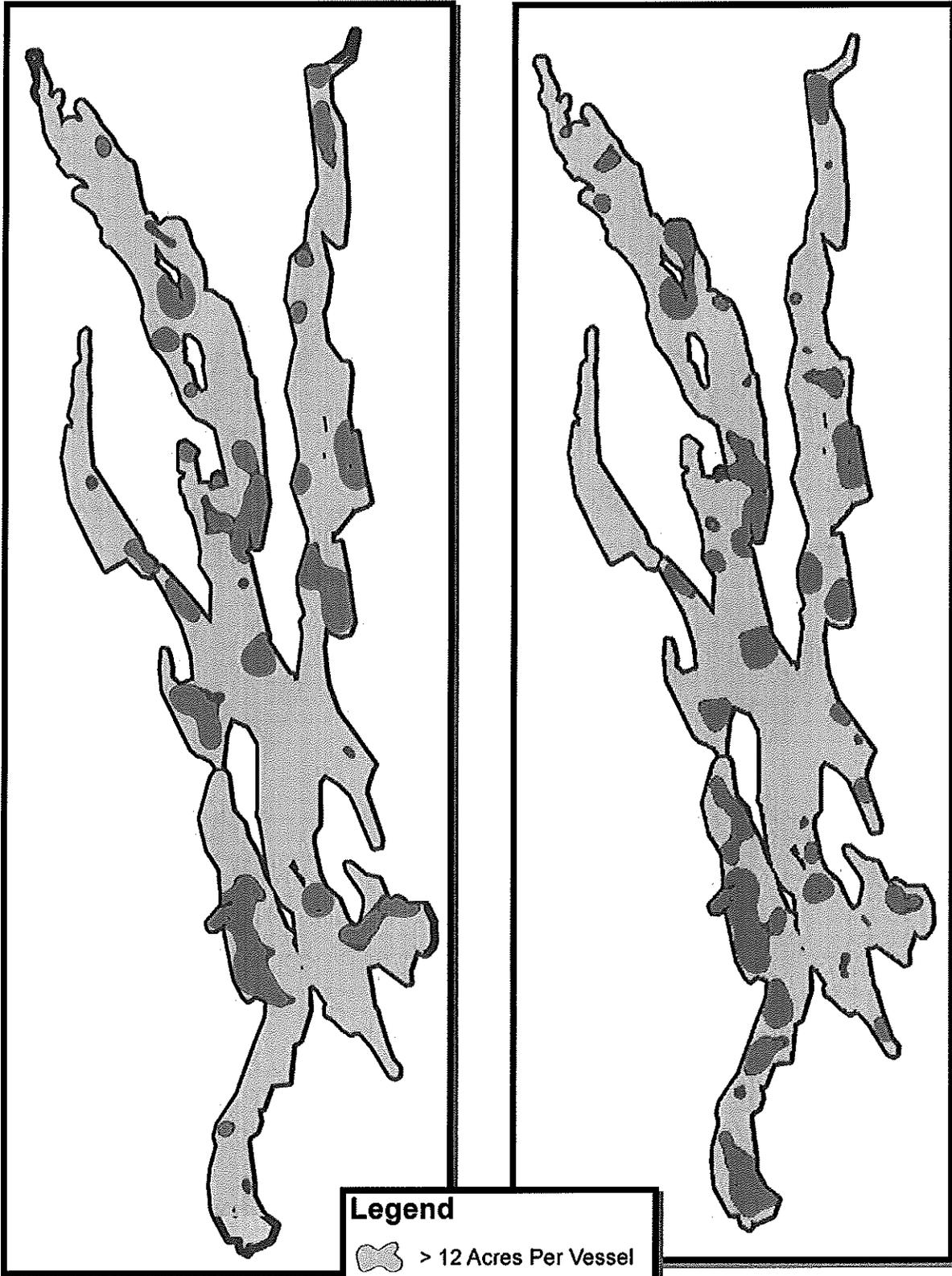
May 25, 2008

June 21, 2008



July 12, 2008

July 19, 2008

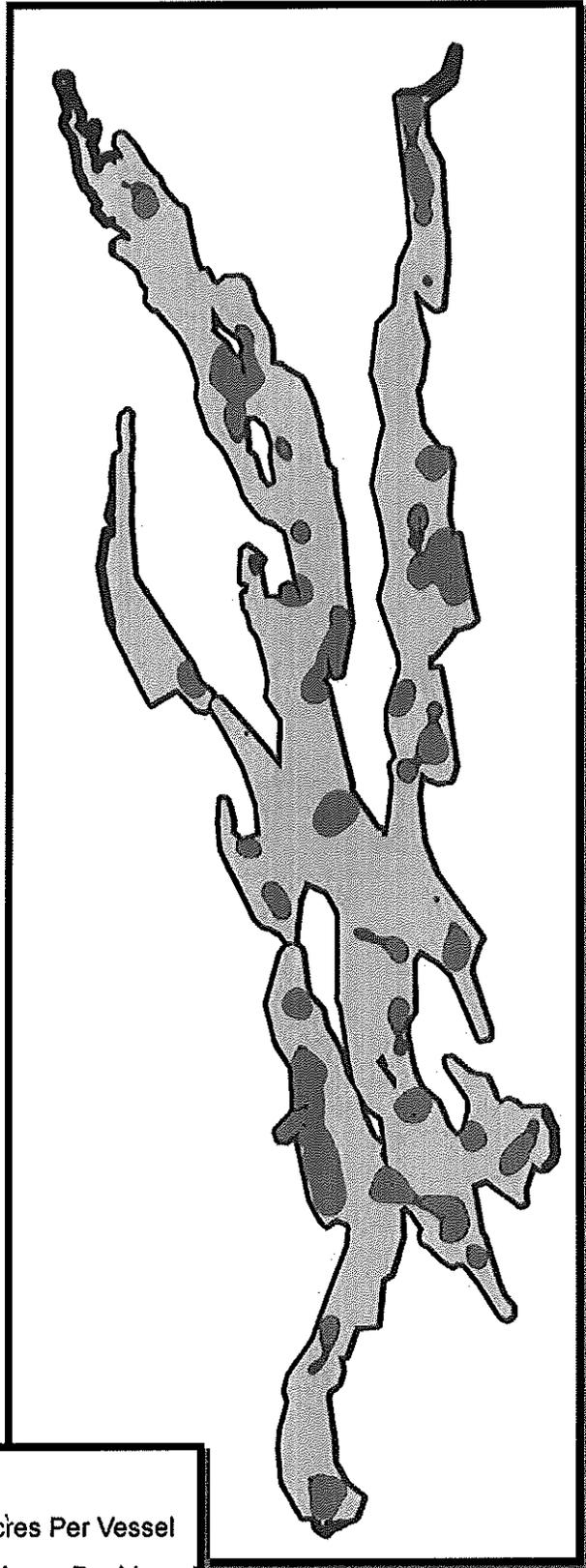
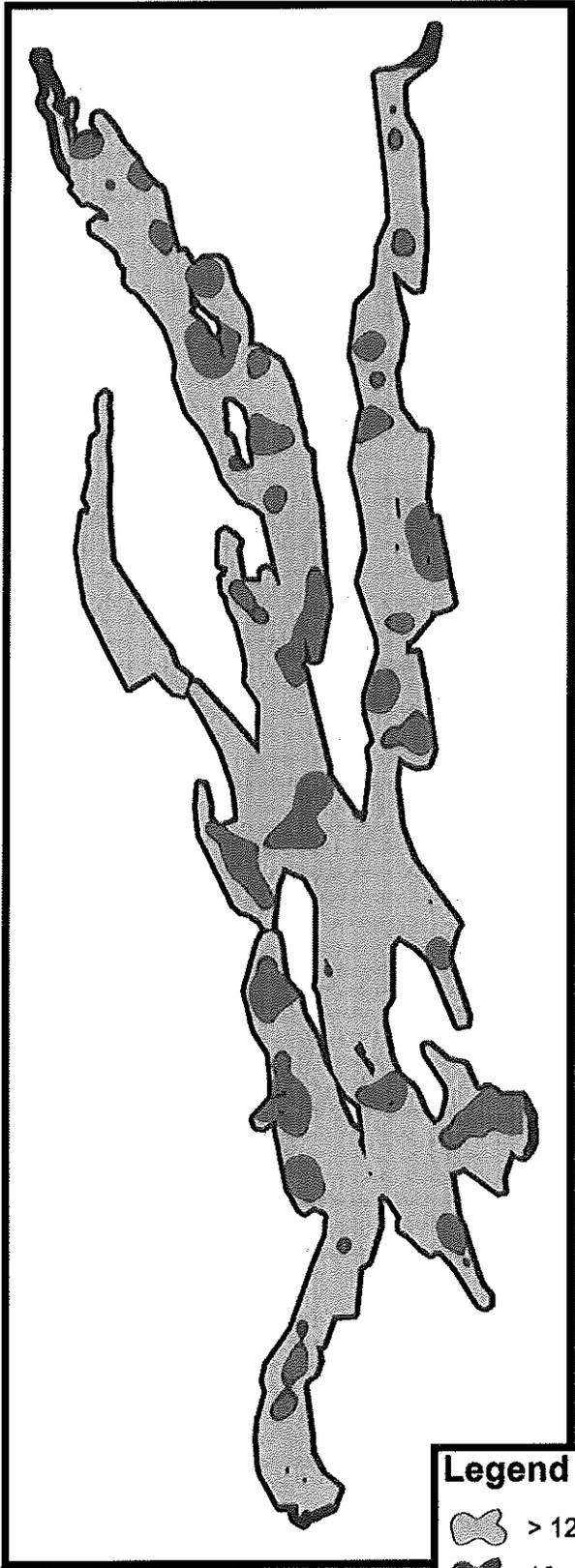


Legend

- > 12 Acres Per Vessel
- 10 -12 Acres Per Vessel
- < 10 Acres Per Vessel

August 9, 2008

August 31, 2008



Legend



> 12 Acres Per Vessel

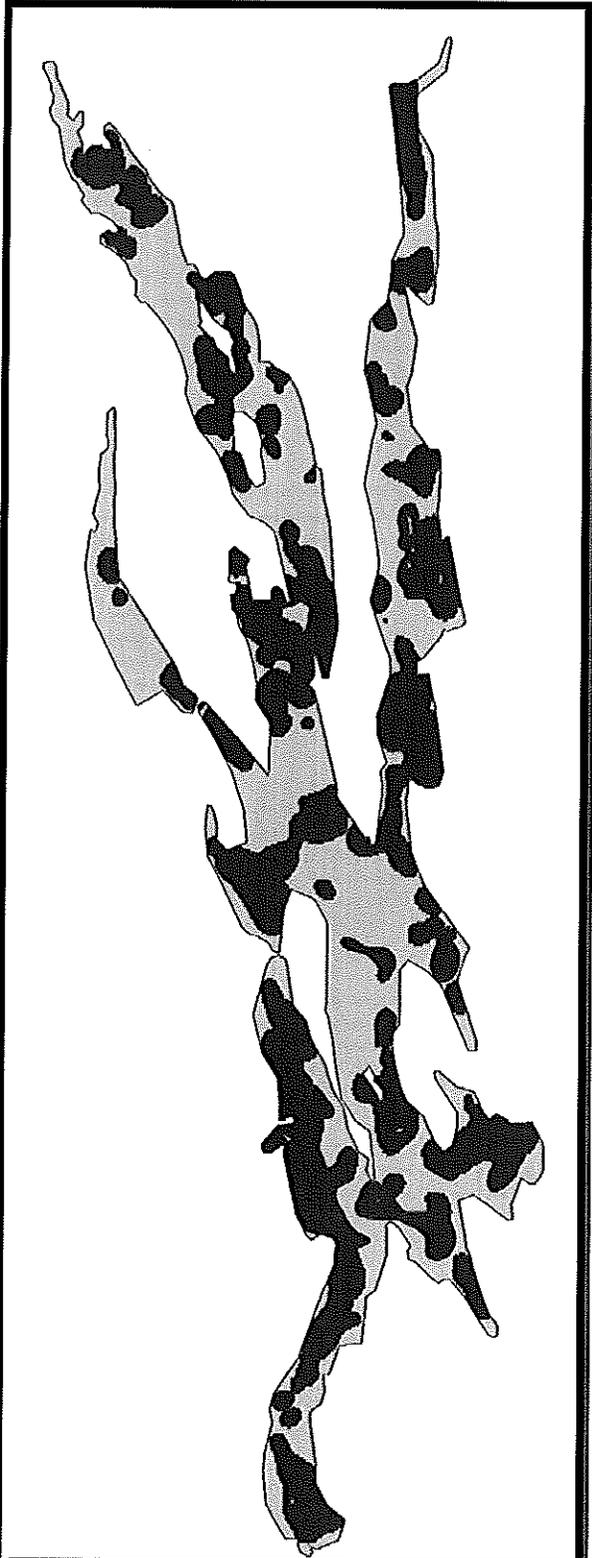


10-12 Acres Per Vessel



< 10 Acres Per Vessel

UNION

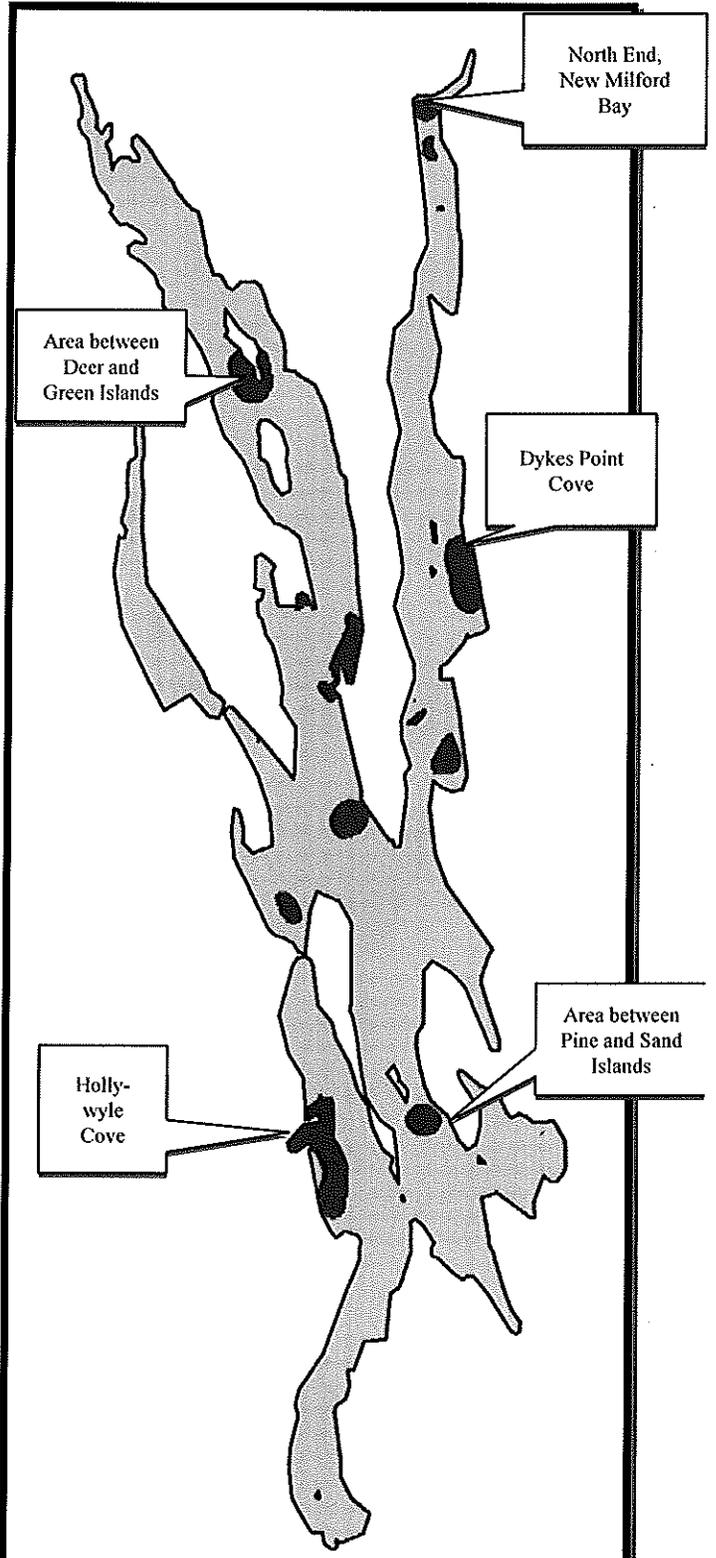


Legend



< 12 Acres Per Vessel

INTERSECTION



North End,
New Milford
Bay

Area between
Deer and
Green Islands

Dykes Point
Cove

Holly-
wyle
Cove

Area between
Pine and Sand
Islands

The union and intersection analyses maps are based on data collections from the June 21, July 12, July 19, and August 31, 2008 aerial flyovers.