



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

August 25, 2022

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PETITION NO. 1535 – The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) petition for a declaratory ruling for the proposed Ledyard Junction to Mystic Substation Upgrade Project consisting of the replacement and reconductoring of approximately 12.8 miles of its existing No. 1280 115-kilovolt (kV) electric transmission line within existing Eversource electric transmission right-of-way between Eversource’s Ledyard Junction in Ledyard and Mystic Substation in Stonington, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1535.

1. Best Management Practices

The Petitioner notes that certain work activities, including the proposed tree removal and vegetative management work, right of way (ROW) restoration, preservation of archaeological resources, management of excess soils, and dewatering would conform to Eversource’s 2022 Best Management Practices Manual for Massachusetts and Connecticut (“BMPs”). The Petitioner also states that project-specific plans, such as the Stormwater Pollution Control Plan and the Spill Prevention and Control Plan, would be prepared prior to the commencement of construction. The Council recommends that the Petitioner provide the referenced BMPs and project-specific plans to the Siting Council so that the Siting Council and members of the public can assess the appropriateness of the BMPs and project-specific plans for the proposed project. It is also the Council’s recommendation that any external environmental quality standards referenced by petitioners/applicants be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

2. Wildlife

The Petitioner notes that the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database’s (NDDB) provided a determination letter in April of 2022 that identified one state-listed species within the project area. However, neither the NDDB determination letter nor the protection/mitigation measures are included in the Petition materials because the Petitioner claims that the exclusion of such information will protect the state-listed species. Since the determination letter and/or NDDB mapping do not divulge the specific location of the state-listed species, the Council recommends that the NDDB’s determination letter and the species-specific protection/mitigation measures be part of the Petition filing so that the Siting Council and members of the public can assess the information.

The Petitioner also notes that a review of the United States Fish and Wildlife Service Information for Planning and Consultation (IPaC) tool indicated that the small whorled pogonia, a small, perennial orchid, might be present within portions of the project area. Although the NDDDB did not have a record of small whorled pogonia occurring in the project area, the Council recommends that the Petitioner survey the portion of the project area, identified by the IPaC tool, that might contain or provide suitable habitat for the small whorled pogonia. If found, the Council further recommends that the Petitioner contact the NDDDB for guidance on measures to eliminate or minimize any potential adverse impacts on this state-listed endangered and federally threatened species.

3. Soils

The Petitioner notes that the excavated soils that are generated during construction activities would be used as ‘backfill’ or disposed in accordance with applicable regulations. However, there is no mention of the process that the Petitioner would undertake to determine if the soils are suitable to be “utilized as backfill” or whether the soils are contaminated and need to be disposed consistent with applicable regulations. The Council recommends that the Petitioner provide a plan for the testing of the excavated soils to determine its suitability as backfill. In addition, the Council notes that the proposed project has the potential to impact agricultural soils. Consequently, the Council recommends that best practices be employed during construction, such as minimizing grading, trenching, and compaction, to protect farmland soils which are a critical part of successful agriculture.

4. Wetlands

The Petitioner notes that 55 wetlands were identified in or proximate to the project area. The installation of the replacement structures and the construction/use of access roads will result in minor permanent impacts and approximately 4.4 acres of temporary impacts to wetlands. The Council recommends that the Petitioner minimize the impacts to wetlands, watercourses, and vernal pool envelopes (VPEs), within and near the project area, to the greatest extent possible. In addition, the Council recommends that the stumps of any woody vegetation removed within the existing wetlands or in steeply sloping areas remain undisturbed to minimize the potential adverse impact to wetland soils and to reduce the likelihood of soil erosion.

5. Vernal Pools

The Petitioner notes that 17 vernal pools were identified within the project area. Further, the Petitioner noted that the proposed work within the VPEs would include structure installation, tree clearing/vegetation management, access road development and work pad/pull pad installation. Such activities within the VPE have the potential to adversely impact the vernal pool indicator species. Consequently, the Council recommends that the Recommended Protection Measures identified in Attachment E – Vernal Pool Survey be conditions of approval. In addition, the Council recommends that the Petitioner utilize a herpetologist or wildlife biologist to provide education/training for construction personnel to minimize adverse impacts within the identified VPEs.

6. Water Resources

The Petitioner notes that a total of 19 waterbodies were delineated within the project area and that the project ROW is proximate to and/or passes through four public water supply watershed areas and one public water supply reservoir. The Council recommends that the Petitioner develop and implement a plan to protect surface and groundwater resources. Such plan should include, but not be limited to: 1) restricting the servicing and/or refueling of construction vehicles and equipment within an appropriate distance of water resources and/or the public water supply watershed, or limiting such activities to an impervious surface with secondary containment, 2) restricting the storage of fuel and other hazardous materials within the public water supply watershed area and requiring secondary containment in all other areas, 3) ensuring that the use of any herbicides is strictly controlled and applied by a state-licensed pesticide/herbicide applicator, and 4) providing a fuel spill remediation kit(s) onsite for construction contractors and training the contractors on its proper use.

7. Invasive Species

The proposed work, especially in and around the temporary work pads and temporary access roads, has the potential to introduce or expand the habitat for invasive plants. The Council recommends that the Petitioner develop and implement an invasive species control/eradication plan for the areas impacted by the proposed activities, which should include measures to control the spread of invasive species during the transport and use of construction equipment and vehicles, with follow-up after construction is completed.

8. Inspections

The Petitioner states that “temporary E&S control measures would be maintained and inspected for the duration of the Project to ensure their integrity and effectiveness and for compliance with the General Permit. SWPCP inspections would be performed in accordance with the General Permit requirements.” The Council supports the presence of an environmental inspector who would be available onsite during the construction; however, the information on the inspector’s duties and timing for inspections is not specified. The Council recommends that the Petitioner provide details regarding the inspector’s duties, including but not limited to: protecting any state-listed species and/or federally threatened species within the project area; ensuring erosion and sedimentation controls are installed and functioning properly; ensuring that project-specific plans, such as the Spill Prevention and Control Plan are followed; and ensuring that the invasive species control plan is implemented to minimize the transport and establishment of invasive species. The Council also recommends that an environmental inspector inspect the project area at least once per week during construction and within 24 hours following significant precipitation events ($\geq 1/2$ inch)¹.

The Council’s comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta
Executive Director

¹ [2002 Connecticut Guidelines for Soil Erosion and Sediment Control](#), Maintenance, 5.4.4.