

November 4, 2020

Ms. Melanie Bachman
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. Petition 1429 - 1768 Line from East Granby to Suffield

Dear Ms. Bachman:

This letter provides the response to requests for the information listed below.

Response to CSC-01 Interrogatories dated 10/22/2020

CSC-001, 002, 003, 004, 005

Very truly yours,

Kathleen Shanley
Manager
Transmission Siting
As Agent for CL&P
dba EversourceEnergy

cc: Service List

CL&P dba Eversource Energy
Docket No. Petition 1429

Data Request CSC-01
Dated: 10/22/2020
Q-CSC-001
Page 1 of 1

Witness: No Witness
Request from: Connecticut Siting Council

Question:

Referring to Petition p. 10, has there been any response from the State Historic Preservation Office (“SHPO”) and/or the Tribal Historic Preservation Offices regarding the Phase 1B survey? If so, were any recommendations incorporated into the Project design?

Response:

Yes, on October 27, 2020, the State Historic Preservation Office (“SHPO”) responded to Eversource's report on the Phase 1B archaeological survey and proposed protection strategy (“Phase 1B Report”), which was submitted to SHPO on July 3, 2020. SHPO concurred with Eversource's strategy for protecting the one cultural resource location by placing fill material on geotextile fabric beneath temporary construction matting, all of which will be removed following construction to restore the location to pre-construction conditions. Eversource also provided the Phase 1B Report to the Tribal Historic Preservation Office (“THPO”) of the Mohegan Tribe of Native Americans of Connecticut and the THPO of the Mashantucket Pequot Tribal Nation on July 3, 2020. Under 36 CFR Part 800 – Protection of Historic Properties § 800.3 (c) (4), the Project is required to give each agency 30 days to respond. At this time, Eversource has not received a response from either agency and therefore concludes that there are no issues with the Phase 1B Report or the proposed protection measures that need to be further addressed.

CL&P dba Eversource Energy
Docket No. Petition 1429

Data Request CSC-01
Dated: 10/22/2020
Q-CSC-002
Page 1 of 1

Witness: No Witness
Request from: Connecticut Siting Council

Question:

Referring to Petition pp. 15-16, what is the status of the Natural Diversity Database review?

Response:

Eversource submitted a Natural Diversity Database (“NDDB”) State-listed Species Review request to the CT DEEP in June of 2020 and received a response in July 2020 which identified five state-listed species known to occur within or near the Project area. In the response letter, NDDB requested that Eversource perform a field survey to determine the presence or absence of one species within the Project area. A field survey of potential habitat areas was conducted in August of 2020 and determined that this species was not present. Eversource will implement the species-specific protection measures for the four other species described in the NDDB response letter.

CL&P dba Eversource Energy
Docket No. Petition 1429

Data Request CSC-01
Dated: 10/22/2020
Q-CSC-003
Page 1 of 1

Witness: No Witness
Request from: Connecticut Siting Council

Question:

Referring to Petition p. 16, what is the status of the Northern Long-eared Bat consultation filing to the U.S. Fish and Wildlife Service?

Response:

The United States Fish & Wildlife Service ("U.S.F.W.") responded to Eversource's consultation filing on August 31, 2020 (see attached). **In its response, U.S.F.W. determined** that the project activities described in **Eversource's** filing are consistent with the U.S.F.W.'s Programmatic Biological Opinion, dated January 5, 2016, regarding the protection of Northern long-eared bats. Eversource has not received any further notices from U.S.F.W. regarding the determination. No further action is required for the project.



United States Department of the Interior



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<http://www.fws.gov/newengland>

In Reply Refer To:

August 31, 2020

Consultation Code: 05E1NE00-2020-TA-3834

Event Code: 05E1NE00-2020-E-11823

Project Name: Eversource 1768 Line Rebuild Project

Subject: Verification letter for the 'Eversource 1768 Line Rebuild Project' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Matthew Davison:

The U.S. Fish and Wildlife Service (Service) received on August 31, 2020 your effects determination for the 'Eversource 1768 Line Rebuild Project' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Small Whorled Pogonia, *Isotria medeoloides* (Threatened)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Eversource 1768 Line Rebuild Project

2. Description

The following description was provided for the project 'Eversource 1768 Line Rebuild Project':

The project includes the replacement of structures and conductor over approximately seven miles within an existing, maintained transmission line right-of-way.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.99417743743426N72.73769326761689W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

7. Will the action involve Tree Removal?

Yes

8. Will the action only remove hazardous trees for the protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0.5

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?
0

Witness: No Witness
Request from: Connecticut Siting Council

Question:

Referring to Petition p. 23, is property owner outreach performed prior to the installation of gravel work pads? If so, are work pad mitigation/design options discussed with the property owner at that point? If not, what post-construction mitigation options are available to the property owner after a gravel pad is installed?

Response:

As part of the project process, Eversource routinely attempts to contact all owners of property abutting the proposed project well in advance of commencing any construction activities. Project outreach activities include mailing letters and/or post cards, leaving door hangers, timely response to any inquiries, and meeting on-site as needed. (Currently, all outreach activities follow COVID-19 health and safety guidelines.) When property owners express concerns about work pads and/or design options, Eversource will work with the individual property owners to discuss mitigation options on a case-by-case basis. Potential mitigation options are partly dictated by field conditions such as the requirements for access for construction, operation and maintenance of the transmission facilities; topography; soil conditions; drainage features, and location of the pad, among others.

Witness: No Witness
Request from: Connecticut Siting Council

Question:

Referring to the Project Maps, please provide the following information:

- a. Map Sheet 4 – can a temporary construction work pad be used at Structure #3197, adjacent to the residence at LLN 152? If not, can the proposed gravel work pad be covered with soil and seeded upon completion of work?
- b. Map Sheet 4- can the existing access road between Structure #17057 and Structure #17056 be used to access the work pad for Structure #3197 instead of using a new access drive, as proposed?
- c. Map Sheet 5 – can the gravel pull pad at Structure #3201 be covered with soil and seeded upon completion of work, similar to the pull pad at Structure #3234?
- d. Map Sheet 5 – how will stormwater runoff from the proposed gravel work pad at Structure #3202 be managed so that it does not impact the abutting property at LLN 178?
- e. Map Sheet 8 – how will access to the residence at LLN 251 be maintained during construction for Structure #3219 as it appears the work pad covers the driveway?
- f. Map Sheet 9 – is a retaining wall required in the northwest corner of the work pad at Structure #3225? If so, how will the wall be anchored/stabilized?
- g. Map Sheet 13 – several work pads appear to be located on active farmland. Were temporary mats considered in these areas?

Response:

Please see responses below:

- a. Yes, a temporary gravel work pad can be used at Structure # 3197, adjacent to the residence at LLN 152. A gravel pad is required in lieu of temporary construction matting due to the existing terrain and to provide a sufficient work area to safely perform the required structure replacement and re-conductoring work. Eversource met with the property owner to discuss mitigation measures for the work pad and he is amenable to the use of a temporary gravel work pad during construction. After construction is complete, the work area will be restored to pre-construction conditions.
- b. No, the existing access road between Structure #17057 and Structure #17056 cannot be used to access the work pad for Structure #3197 instead of using a new access road as proposed, due to the following requirements. The work pad for Structure #3197 will be built in two tiers to allow for the safe replacement of the structure. In order to access the lower tier of the work pad (along the western edge of the right-of-way), the proposed access shown on the northern side of the work pad would be required.

c. Yes, upon completion of work, the gravel pull pad at Structure #3201 can be covered with soil and seeded. However, Eversource consulted with the property owner and he is amenable to leaving the proposed gravel in place after construction. In the event the property owner expresses concerns with the gravel upon the completion of construction, Eversource representatives would discuss potential options for seeding a portion of the gravel area.

d. To manage storm water runoff from the proposed gravel work pad at Structure #3202 to reduce potential impacts to the abutting property at LLN 178, Eversource proposes to install erosion control measures according to Eversource's 2016 "Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts and Connecticut". Permanent erosion control measures added at and around the proposed gravel work pad and access road associated with Structure #3202 would consist of a rip-rap swale along the access road and through the work pad that would discharge into a series of plunge pools, one to be placed near the top of the proposed pad and one to be placed at the foot of the proposed pad.

e. Access to the property at LLN 252, which is owned by the Suffield Sportsman Association (the "Club"), would be maintained by using steel plates or other similar protective measures across the driveway to allow construction access to Structure #3219 and the continuing use of the driveway by Club members. Eversource representatives met with Club members to discuss the proposed construction plan and they are amenable to the proposal.

f. Yes, a temporary timber mat retaining wall is required in the northwest corner of the work pad at Structure # 3225. The wall will be stabilized by keying the wall into the ground. The temporary timber mats will be removed upon completion of construction.

g. Yes, the use of temporary mats were considered in the areas shown on Map Sheet 13. Based upon site reconnaissance, the areas in the vicinity of the existing structures are not currently used for active farming. Eversource representatives met with the owner of the property (LLN 317) to discuss the work pads and he agreed to the use of gravel work pads.