



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

August 2, 2022

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DOCKET NO. 3B – The United Illuminating Company Amended Certificate of Environmental Compatibility and Public Need for replacement of a portion of the existing Derby – Shelton 115-kV electric transmission line facility.

Dear Ms. Bachman:

The Council on Environmental Quality (“Council”) offers the following comments regarding Docket 3B.

1. Wildlife

The Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) indicated that two state-listed species (both birds) are known to inhabit the general Project area: the sedge wren (*Cistothorus platensis*) and bald eagle (*Haliaeetus leucocephalus*). In addition, a review of the United States Fish and Wildlife Service Information for Planning and Consulting (IPaC) tool indicates that the northern long-eared bat (“NLEB”) a federally-listed threatened species, might also be present along the proposed project. The Council recommends that if approved, the proposed mitigation measures identified by the NDDDB in their January 18, 2022 letter, including but not limited to restrictions on work near the T-Junction between May 1-August 31 and time-of-year restrictions on tree clearing, be conditions of approval. 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.

2. Osbornedale State Park

The Applicant states that the existing utility right-of-way (ROW) extends for approximately 1,465 feet across the northeastern-most, undeveloped portion of Osbornedale State Park (Park) in Derby. Subject to the granting of a permanent easement by DEEP, the Applicant plans to expand the existing 50-foot ROW by 60 feet through the Park. The Council is concerned about the proposed removal of the “upland forest” habitat and the loss of use or alteration of the Park resulting from the expansion of the ROW. The Council recommends that the Applicant assess the possibility of installing the proposed transmission lines underground within the existing ROW, through the Park, as environmental conditions allow. If an underground installation is not feasible or if DEEP approves an expansion of the permanent easement through the Park for an above-ground installation, the Council recommends that the Applicant review the proposed vegetation management policy to minimize the number of trees that would need to be removed, while safely operating the electric transmission lines. Further, the Council recommends that the Applicant compensate

the state for the loss of use of any portion of the Park by adding land to the Park equaling or exceeding the area impacted, and/or compensate for the loss of use through an environmental project in the host community.

3. Invasive Species Control Plan

The proposed project has the potential to introduce invasive species and/or create conditions that would allow invasive species to spread. The Applicant states that invasive species control methods “will be provided in the Project D&M Plan”. The Council notes that the review of critical environmental impact mitigation details during the administrative hearing process, by the public, parties and/or intervenors, benefits the Siting Council and better informs the public about potential adverse impacts to the environment. Consequently, the Council recommends that the Applicant provide specific details regarding the proposed methods to control the introduction and spread of invasive species throughout the proposed project area, including but not limited to measures to control the spread of invasive species during the transport and use of construction equipment and vehicles.

4. Groundwater and Aquifer Protection Areas (APA)

The utility ROW traverses approximately 0.75 mile across a Level A APA, which is associated with a Regional Water Authority Wellhead Protection Area around a groundwater well located off State Route 34 in Derby (north of the ROW). Again, the Applicant states that they “anticipate that the Project D&M Plan will include a spill prevention and control plan to which all construction contractors must adhere”. The Council recommends that the spill prevention and control plan be provided during the administrative hearing process to allow for public review. The Council also recommends that the Applicant conform to the requirements of any local aquifer protection ordinance(s) and undertake special measures within and proximate to the identified Level A APA to protect groundwater resources, including but not limited to: 1) restricting the servicing of construction vehicles and equipment within the APA, 2) refueling of construction vehicles and machinery outside of the APA or on an impervious surface with secondary containment, 3) restricting the storage of fuel and other hazardous materials within the APA and requiring secondary containment in all other areas, 4) ensuring that the use of any herbicides within the APA is strictly controlled and applied by a state licensed pesticide/herbicide applicator, and 5) providing a fuel spill remediation kit(s) onsite for construction contractors and training the contractors on its proper use.

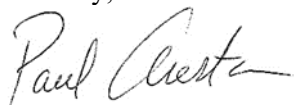
5. Agricultural Soils

The Council notes that the proposed project has the potential to impact agricultural soils. 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.

The Council’s comments above address only certain elements of the materials provided by the Applicant at this time. 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