



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

### VIA ELECTRONIC MAIL

February 29, 2024

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PETITION NO. 1613 - The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed East Haddam Junction to Hunts Brook Junction Reliability Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 16.1 miles of its existing electric transmission line right-of-way (ROW) shared by its existing 345-kilovolt (kV) 348 and 364 Lines between East Haddam Junction in East Haddam and Hunts Brook Junction in Montville, traversing the municipalities of East Haddam, Lyme, East Lyme, and Montville, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1613.

### 1. Best Management Practices

The Petitioner notes that certain project activities, including, but not limited to, right of way restoration, project work near water resources areas, identification of invasive species, erosion and sedimentation control measures, etc. would be done in accordance with the Petitioner's April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut (BMPs) and/or the Petitioner's "New England Cottontail BMPs". The Council recommends that the referenced BMPs; the Natural Diversity Database (NDDB) determination, when received; and any external environmental quality plans and/or standards referenced by the Petitioner, be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

### 2. Wetlands and Vernal Pools

The Petitioner identified ten wetlands and nine vernal pools proximate to the structure replacements and access roads associated with the proposed project. Although the existing access road traverses small "upland areas" bounded by: a) vernal pool 1 (VP 1) and wetland 3 (W3); b) vernal pool 4 (VP 4) and wetland 16 (W16); and c) vernal pool 6 (VP6) and wetland 19 (W19), which should afford access within the ROW without impacting the vernal pool resources, the Council recommends that the boundary of vernal pools, vernal pool envelopes (VPEs), and wetlands be delineated and marked in the field to avoid any potential encroachment. The Council supports the Petitioner's proposed protection measures identified in the Vernal Pool Assessment, and recommends that the Petitioner employ additional protection measures and Best Development Practices<sup>1</sup>, including, but not limited to, avoiding

the creation of ruts and other artificial depressions that hold water, which can serve as decoy pools; using silt fencing to exclude amphibians from active construction areas; and minimizing disturbed areas and protecting down-gradient buffer areas, to the extent practicable.

### **3. Vegetation**

The Petitioner states that “in resource sensitive areas, Eversource would require the contractor to use low-impact methods to remove brush vegetation to protect wetlands, vernal pools, watercourses and state-listed species and their habitats.” The Council supports the Petitioner’s proposed use of “low impact” methods for vegetation management proximate to resource sensitive areas, including wetlands, VPEs, and habitat for state-listed species. The Council recommends that the areas to be designated for “low impact” methods be depicted on the project plans and that an environmental inspector ensure that the contractor(s) conforms to using such low impact methods in the designated areas.

### **4. Erosion and Sedimentation (E&S) Controls**

The Petitioner notes that there is the potential for tracking dirt onto local paved roads and that any such tracking will be promptly swept and removed. The Council recommends that the Petitioner also install anti-tracking stone in appropriate areas to minimize the tracking of soils onto local roads to minimize fugitive dust. The Petitioner also states that “erosion & sedimentation (“E&S”) controls would be installed as necessary before the commencement of any improvements to or development of work areas and/or access roads in or proximate to a wetland resource and that “project construction would conform to best management practices for E&S control, including those provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (“Connecticut Guidelines”) and Eversource’s BMPs.” The Council supports efforts to minimize the impact of erosion and sedimentation and recommends that the Petitioner consider utilizing updated methods and techniques for minimizing erosion and sedimentation based on the best currently available technology and strategies, as identified in the revised Connecticut Guidelines for Soil Erosion and Sediment Control, which has an effective date of March 30, 2024, as appropriate. The Council also notes that plastic netting used in a variety of E&S control products has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. The Council recommends that the Petitioner a) remove the E&S controls after the proposed work area is stabilized, b) avoid/minimize the use of E&S control measures that are made of plastic, and c) use E&S control products that avoid/minimize the potential for wildlife entanglement.

### **5. Wildlife**

The U.S. Fish & Wildlife Service’s (USFWS) Information, Planning, and Consultation (“IPaC”) service provides information regarding federal-listed species that may be present within the Project area. The IPaC indicated that one federally listed endangered species, the Northern Long-eared Bat (NLEB), and one candidate species, the monarch butterfly, may potentially be found in proximity to the project area. In addition, the Department of Energy and Environmental Protection (DEEP) Northern Long -eared bat<sup>2</sup> map, dated July 24, 2023, indicates that the towns of Salem and Montville have had “summer occurrence” for NLEB. The Council recommends that the Petitioner consult with DEEP and/or utilize the NLEB Rangewide Determination Key, available in IPaC, to confirm that the proposed project would have no adverse impact on NLEB.

### **6. Inspections and Education**

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.” The Council supports the presence of an environmental inspector who would be available onsite during construction and recommends that inspections be conducted a minimum of weekly and within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inch. The Council also recommends that the Petitioner expand the inspector’s duties to include, but not be limited to, ensuring that the contractor(s) adhere to the protective

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<sup>1</sup> Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York.

<sup>2</sup> DEEP, Connecticut Northern Long-eared bat Observations by Town; <https://portal.ct.gov/-/media/DEEP/NDDB/NoLongEaredBat-Map.pdf>

measures for the state-listed species identified by the Natural Diversity Database (NDDDB); ensuring that low impact vegetation management methods are employed in the designated areas; ensuring that the contractors adhere to the mitigation measures for the protection of vernal pools and VPEs; and ensuring that invasive species control methods are implemented to minimize the spread and establishment of invasive species. The Council also recommends that prior to work onsite and initial deployment/mobilization of equipment and materials, the contractor(s) should attend a pre-construction meeting with an environmental inspector to learn about the locations of, and mitigation measures for, protection of wetland and water resources, state-listed species, invasive species control, stormwater management, and low-impact vegetation management to better protect environmental resources within and proximate to the proposed work areas.

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,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive, flowing style.

Paul Aresta  
Executive Director