



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

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PETITION NO. 1656 – 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 South Naugatuck Substation to Beacon Falls Junction Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 4 miles of its existing electric transmission line right-of-way shared by its existing 115-kilovolt (kV) 1142, 1319, 1580, and 1808 Lines between South Naugatuck Substation and Beacon Falls Substation traversing the municipalities of Naugatuck, Beacon Falls, and Oxford, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1656.

1. Best Management Practices

The Petitioner notes that certain project activities, including, but not limited to, vegetation removal work, protection and/or stabilization of existing stormwater management features, project work in or near water resources areas, restoration of wetland areas, control of invasive species, erosion and sedimentation control measures, discharge of groundwater, 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). The Council recommends that the referenced BMPs; the preliminary Natural Diversity Database (NDDB) determination received by the Petitioner in September 2023; the final NDDB determination letter, when received; the State Historic Preservation Office (SHPO) final determination letter regarding the "professional intensive survey of Locus 19411-1"; 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 25 watercourses, 41 wetlands, and two vernal pools that are located within the project area. The Council recommends that the Petitioner assess the proposed placement of structures, work pads/pull pads, and access road to minimize the potential temporary and permanent impacts on streams, wetland resources and vernal pools to the greatest extent practicable including, but not limited to:

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- the “vehicle turning area and staging area” near proposed structures 19388 and 19387, which would impact wetland 52 (W52) and stream 24 (S24) (Sheet 2 of 10);
- the access road that would traverse wetland 45 (W45) (Sheet 3 of 10);
- the work pad for proposed structure 19379, which would impact wetland 41 (W41) and stream 22 (S22) (Sheet 3 of 10); and
- the pull pad between proposed structures 19366 and 19367, which would impact wetland 29 (W29) (sheet 6 of 10).

The Petitioner notes that one potential vernal pool (PVP1) was identified within wetland 33 (W33) and one classic vernal pool (VP2) was identified within wetland 23 (W23). The Council supports the Petitioner’s proposed Avoidance and Minimization Measures identified in Section 5 of the Petitioner’s Vernal Pool Report dated December 2024. The Council also supports the Petitioner’s notations on the project plans that call for the installation of “Orange Construction Fence To Protect Surrounding Habitat” in many locations within the existing right of way. Although the Petitioner states that “the limits of watercourses, wetlands and vernal pools are marked in the field prior to construction”, the Council notes that “marked in the field” is not well defined and recommends that similar (high visibility) fencing/signage be installed around the wetlands and vernal pools and noted on the construction plans to avoid any unintentional encroachment.

3. Vegetation

The Petitioner states that the proposed project would result in “approximately 3.91 acres of in-ROW tree clearing and permanent loss of forest”, “approximately 0.3 acres of off-ROW tree clearing”, and additional tree clearing to accommodate the road widening within the Naugatuck State Forest. The Petitioner also states that “in sensitive resource areas, Eversource would require the contractor to use low-impact methods to remove brush vegetation to protect wetlands, watercourses and in areas of state-listed species habitats”. The Council supports the use of “low impact” methods for vegetation management proximate to sensitive resource areas, including wetlands, vernal pool envelopes, and habitat for state-listed species, as appropriate. The Council recommends that the areas to be designated for “low impact” methods be depicted on the project plans and that the environmental inspector ensure that the contractor(s) conforms to using such low impact methods in the designated areas.

4. Wildlife

The Petitioner notes that the United States Fish & Wildlife Service’s (USFWS) Information, Planning, and Consultation (“IPaC”) report indicated that one proposed endangered species, the tricolored bat; and one candidate species, the monarch butterfly may be found in proximity to the project area. The Petitioner also notes that because tricolored bat was not listed in the preliminary determination received from CT DEEP, that no impacts to tricolored bats are anticipated. According to DEEP’s NDDB website, the NDDB records include information that has been collected over the years by DEEP staff, scientists, and others, and the absence of any such records and locations outside of the mapped buffer areas are not necessarily free of listed species.¹ The Council recommends that the Petitioner consult with the USFWS and DEEP’s Wildlife Division, prior to tree clearing or construction, regarding protective measures, such as time of year restrictions for tree removal (especially within the Naugatuck State Forest) to minimize any potential impacts on tricolored bats and other tree-nesting bat species.

5. Spill Prevention

The Petitioner states that “all Project work in or near these water resource areas would be conducted in accordance with Eversource’s BMPs and the Project specific ‘Stormwater Pollution Control Plan’ (“SWPCP”)”. The Council supports efforts to protect water resources and recommends that the Petitioner develop and implement a Spill Prevention Plan that could include, but is not limited to: 1) requiring that refueling and/or servicing of vehicles and machinery be done on an impervious surface and at least 100 feet from wetlands, 2) properly storing fuel and other hazardous materials on the proposed site, and 3)

¹ DEEP, Requests for Natural Diversity Data Base Environmental Reviews; [Requests for NDDB Environmental Reviews](#)

providing a fuel spill kit(s) onsite for construction contractors and training the contractors on its proper use.

6. Inspections and Education

The Petitioner states that “a qualified individual will oversee implementation of listed species protection measures and train contractors on identification of listed species and their management”. The Council supports the presence of an environmental inspector who would be available onsite during construction and recommends that the Petitioner expand the environmental inspector’s duties to include, but not be limited to ensuring that the contractor(s) 1) use low impact vegetation management methods in the designated areas; 2) employ measures for a) the protection of vernal pools and vernal pool envelopes, and b) prevention of stormwater pollution and spills/releases; and 3) that invasive species control methods are implemented to minimize the spread and establishment of invasive species.

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

c Lindsay Suhr, Director, DEEP Office of Land Acquisition and Management (Lindsay.Suhr@ct.gov)