

COUNCIL ON ENVIRONMENTAL QUALITY



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VIA ELECTRONIC MAIL

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Melanie Bachman, Executive Director
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Re: Petition No. 1720 – 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 Southington to Berlin to Black Rock Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 10.7 miles of its existing electric transmission line right-of-way shared by its 115-kilovolt (kV) 1820, 1830, 1670 and 1771 Lines and 345-kV 329 Line between Southington Substation, Reservoir Road Junction, Berlin Substation and Black Rock Substation traversing the municipalities of Southington, Berlin, and New Britain, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman:

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1720:

Wildlife

The Petitioner notes that the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) provided a Determination letter dated October 4, 2025, that indicated the potential presence of six state-listed species of special concern in the vicinity of the Project Area, including eastern box turtle, spotted turtle, and four plant species. The Petitioner stated that “project-specific protection measures for Spotted and Eastern Box turtles generally include minimizing overall soil disturbance and compaction, training work crews to identify turtle species and their preferred habitats, performing sweeps of the work area immediately prior to using mechanized equipment in those areas and, if encountered, carefully moving any turtles encountered in the work area to an adjacent area outside of the work zone,” which are all consistent with NDDDB’s recommendations. The Council supports these project specific protection measures, but it is unclear if the Petitioner intends to implement some of NDDDB’s other recommended protection measures including, but not limited to, 1) temporarily bridging or crossing wetlands only when frozen solid to prevent substrate compression and direct mortality of turtles that are overwintering in the wetland; 2.) restricting the use of motorized vehicles in wetlands; 3.) maintaining microhabitat characteristics, such as removal of woodchips and leaving snags or other shelter where appropriate; and 4.) keeping a minimum 100-foot buffer from wetlands and vernal pools for new landings and skid roads. The Council suggests that the Petitioner provide additional information regarding the proposed implementation of NDDDB’s recommended protection measures for the species identified in NDDDB’s Determination letter, especially the turtle species.

The Petitioner noted that the United States Fish & Wildlife Service's (USFWS) Information, Planning, and Consultation (IPaC) service indicated that Northern long-eared bat (NLEB), a species listed as endangered, may potentially occur in proximity to the Project Area. Although the IPaC reports provided a "not likely to adversely affect (NLAA) determination for both NLEB and the Tricolored bat", the Council suggests that the Petitioner consult with DEEP's Wildlife Division regarding protective measures, such as time of year restrictions for the approximate two acres of tree clearing, to minimize any potential impacts on NLEB.

Inspections

The Petitioner states that "a qualified individual will oversee implementation of listed species protection measures and conduct contractor training as required by NDDb" and that such "qualified individual" will have a demonstrated proficiency as a wildlife biologist with applicable field experience for training and guiding the Contractor during the work." Since the NDDb Determination letter (#202400396) dated October 4, 2025, indicates that two turtle species and four plant species have been documented in the vicinity of the proposed work, the Council recommends that the "qualified individual" have specific training and experience as a herpetologist and/or plant botanist.

Vegetation

The Petitioner notes that the Project work will result in less than two acres of tree clearing. The Petitioner also states that "Eversource would require the contractor to use low-impact methods to remove brush vegetation to protect wetlands, watercourses, and areas of state-listed-species habitats" and "use hand clearing methods for vegetation removal work within sensitive wetland and vernal pool areas." Further, the Petitioner notes that woody debris and branches will be removed from the right-of-way (ROW). However, the Recommended Best Management Practices identified in the Petitioner's Vernal Pool Survey and Report (Report) for Segments 1 and 3 and the Recommended Protection Measures identified in the Report for Segment 2 state that the removal of low-growing vegetation surrounding vernal pools should be minimized and any cut vegetation (slash) should be left in place to provide cover and promote the development of coarse woody debris and detritus. The Council recommends that the areas to be designated for "low impact methods", and more specifically areas with special provisions for the protection of reptiles and amphibians/vernal pool obligate species, be depicted on the project plans and that the environmental inspector ensure that the contractor(s) conforms to using low-impact methods and protective practices in the designated areas.

Watercourses, Wetlands and Vernal Pools

The Petitioner identified six watercourses, 21 wetlands, and two vernal pools in Segments 1 and 3, and 36 wetlands, six watercourses, and two vernal pools in Segment 2. In addition, the proposed project traverses the Wassel Reservoir, Mattabassett River, Shultz Pond, Mason Pond, Merwins Pond, Berlin Sportsmens Association Ponds, and other unnamed ponds along the project area. The Petitioner states that "a total of seven temporary watercourse crossings would be required during construction for work pads and access roads" and that "each of these crossings would be spanned using temporary construction mats" and/or temporary bridges. However, it is unclear how some of the water features would be traversed including, but not limited to, Merwins Pond (Sheet 16 of 22), which appears to have construction mats or possibly temporary bridges placed in open water. The Council suggests that the Petitioner provide additional information regarding the proposed method(s) and work activities that would be employed to traverse existing water features within the project area, and any potential impacts to water quality.

The Petitioner states that the Project would result in "approximately 9.5 acres of temporary effects to wetlands due to the placement of construction mats for access roads and work pads/pull pads" and approximately 0.08 acres of permanent wetland impacts associated with having a total of 22 structures in wetlands, including seven new structures. The Petitioner also notes 0.91 acres of secondary impacts to wetland areas associated with tree clearing. The Council recommends that the Petitioner assess the proposed placement of structures, work pads/pull pads, and access roads to minimize the potential temporary and permanent impacts on wetland resources to the greatest extent practicable.

The Petitioner notes that two vernal pools were verified by survey as being in or within 100 feet of the ROW within Segment 1, and two vernal pools were identified in Segment 2. The Petitioner also notes that the gravel work pads for Structures 664 and Structure 4145 are partially within the vernal pool envelope (VPE) within wetland 14 and that no other project construction (proposed structures, work pad/pull pad areas, and/or access roads) would be located within vernal pools or VPEs. However, there is an existing access road that traverses the VPE for vernal

pool 18 and there are two existing work pads on either side of vernal pool 25. While the Petitioner proposes certain protective measures for vernal pool 14 and would install “exclusion fencing around known populations of previously identified state listed plants”, it is unclear if such exclusion fencing (e.g., orange construction fencing) would apply to the vernal pools and VPEs. The Council recommends that high visibility fencing/signage be installed around the vernal pools to avoid any unintentional encroachment. The Council also recommends that the Petitioner implement best development practices¹ for “Site Clearing, Grading, and Construction Activities” in addition to the proposed protective measures identified in Section 6.4.3 and the Vernal Pool Survey and Reports for Segments 1 and 2.

Agriculture

The Petitioner notes that ground cover within the ROW includes scrub shrub, forbs and grasses, forested edges, a recreational field, lawn, landscape plantings, and agriculture, including an apple orchard (Rogers Orchards). The Council also notes that some areas in the ROW are underlain by prime farmland soils or statewide important farmland soils. The Council recommends that the Petitioner 1) provide appropriate notice of the proposed work to farm owners/operators, 2) confirm that the proposed construction activities would not adversely impact present or future farm operations, and 3) employ best practices during construction, such as minimizing grading, trenching, and compaction of agricultural soils.

Drinking Water and Spill Prevention

The Petitioner notes that the Segment 1 ROW traverses an aquifer protection area (APA) for the Southington Water Department, a public water supply watershed (Shuttle Meadow Reservoir Watershed), and the Wassel Reservoir. The Council also notes that portions of the ROW traverse areas with GAA and GA groundwater classifications, which are defined as “existing or potential public supply of water suitable for drinking without treatment” and “existing private and potential public or private supplies of water suitable for drinking without treatment,” respectively. The Petitioner also states that “equipment refueling limitations within the APAs would be employed” and its contractors would employ “best management practices for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease, and other lubricants, to protect water quality within the Project Area.” The Council supports the Petitioner’s efforts to protect surface and groundwater resources and suggests that the Petitioner provide additional details regarding the “equipment refueling limitations within the APAs”, including whether such refueling of construction vehicles and machinery would be done on an impervious surface with secondary containment. The Council also suggests that the Petitioner 1) restrict the storage of fuel and other hazardous materials near wetlands, water resources, within the identified APAs and water supply watershed(s), and the designated 100-year flood zones and floodway; 2) review and incorporate the protective measures identified in the Department of Public Health’s “General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area” guidance document²; and 3) notify the Connecticut Department of Public Health, Drinking Water Section, the Southington Water Department, and the City of New Britain Water Department of the proposed project’s schedule and activities within the APAs and public water supply watershed(s).

The Petitioner notes that in 2021 and 2025, vegetation management activities within the ROW included “an herbicide application to control incompatible vegetation.” The Council recommends that the use of herbicides within the APAs and water supply watersheds should be minimized and that applications within 100 feet of wetland and vernal pool resources should be avoided. If the use of herbicides is necessary, the Council recommends that its use be strictly controlled and applied by a state-licensed pesticide/herbicide applicator.

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 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;
<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/VernalPools/BestDevelopmentPractices20Oct2014.pdf>.

² Connecticut Department of Public Health; https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/drinking_water/pdf/BMPFactSheetpdf.pdf