



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

November 14, 2023

Deborah Denfeld
Team Lead – Transmission Siting
Eversource Energy
P.O. Box 270
Hartford, CT 06141
deborah.denfeld@eversource.com

RE: **PETITION NO. 1565** – The Connecticut Light and Power Company d/b/a Eversource Energy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed East of Hurd State Park to East Haddam Junction Line Rebuild Project consisting of the replacement of electric transmission line structures along its existing 6.2-mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) No. 1772 and 345-kV Nos. 362, 376 and 364 Lines between Structure Nos. 12053 and 19099 east of Hurd State Park in East Hampton, Haddam Neck Switching Station in Haddam, and East Haddam Junction in East Haddam, Connecticut traversing the municipalities of East Hampton, Haddam and East Haddam, and related electric transmission line and substation improvements. **Compliance with Condition No. 4.**

Dear Deborah Denfeld:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated November 9, 2023 regarding compliance with Condition No. 4 of the Declaratory Ruling issued by the Council on July 21, 2023 for the above-referenced project. The correspondence includes a copy of the Department of Energy and Environmental Protection Natural Diversity Data Base Final Determination letter, in accordance with Condition No. 4.

Therefore, the Council acknowledges that Condition No. 4 has been satisfied. This acknowledgment applies only to the condition satisfied by the November 9, 2023 correspondence.

Please be advised that deviations from the standards established by the Council in the Declaratory Ruling are enforceable under the provisions of Connecticut General Statutes §16-50u.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MB/RDM/dll

c: Kathleen Shanley, Eversource Energy (Kathleen.shanley@eversource.com)



56 Prospect Street
P.O. Box 270
Hartford, CT 06103

Deborah Denfeld

Team Lead– Transmission Siting

Tel: (860) 728-4654

November 9, 2023

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

Re: **PETITION NO. 1565** – The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed East of Hurd State Park to East Haddam Junction Line Rebuild Project consisting of the replacement of electric transmission line structures along its existing 6.2-mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) No. 1772 and 345-kV Nos. 362, 376 and 364 Lines between Structure Nos. 12053 and 19099 east of Hurd State Park in East Hampton, Haddam Neck Switching Station in Haddam, and East Haddam Junction in East Haddam

Response to Condition No. 4 of the Connecticut Siting Council's July 20, 2023 Ruling

Dear Attorney Bachman:

In accordance with Condition No. 4 of the Connecticut Siting Council's ("Council's") approval of the above-referenced Petition, the Connecticut Light and Power Company doing business as Eversource Energy ("Eversource") submits the enclosed Connecticut Department of Energy and Environmental Protection ("CT DEEP") Natural Diversity Data Base ("NDDB") Final Determination No. 202302936, dated November 3, 2023. Eversource will coordinate with CT DEEP NDDB to meet the requirements identified in the Determination.

Should you have any questions, please do not hesitate to contact me via telephone at (860) 728-4654 or e-mail at deborah.denfeld@eversource.com

Sincerely,

A handwritten signature in cursive script that reads "Deborah Denfeld".

Deborah Denfeld
Team Lead – Transmission Siting

Attachment: CT DEEP NDDB Determination No. 202302936



November 3, 2023

Robert Deptula
Eversource Energy Service Company
107 Selden Street
Berlin, CT 06037
robert.deptula@eversource.com

Project: Eversource Energy Company, LLC, Replacement (Rebuild) of 58 Structures on the 1772-, 362-, 376- and 364-Lines Corridor East of Hurd State Park to East Haddam Junction in East Haddam, Haddam, and East Hampton, Connecticut

Portal Filing No.: 97126

NDDB Final Determination: 202302936

Expiration Date: November 3, 2025

Dear Robert Deptula,

I have reviewed NDDB maps and files regarding the Eversource Energy Company, LLC, Replacement (Rebuild) of 58 Structures on the 1772-, 362-, 376- and 364-Lines Corridor East of Hurd State Park to East Haddam Junction in East Haddam, Haddam, and East Hampton, Connecticut.

State Listed Plant Protection

According to our information there are many state-listed plant species known from this project right of way. They include:

Castilleja coccinea (Indian paintbrush) – State Endangered
Scutellaria integrifolia (Hyssop skullcap) - State Endangered
Senna hebecarpa (Wild senna) - State Threatened
Asclepias purpurascens (Purple milkweed) – State Special Concern
Platanthera flava var. *herbiola* (Pale Green orchid) – State Special Concern

In order to protect state listed plants from adverse impacts of this project:

Field surveys of the site should be performed by a qualified biologist when these target species are identifiable. A report summarizing the results of such surveys should include:

1. Survey date(s) and duration
2. Site descriptions and photographs
3. List of component species within the survey area (including scientific binomials)
4. Data regarding population numbers and/or area occupied by State-listed species
5. Detailed maps of the area surveyed including the survey route and locations of State-listed species
6. Habitat descriptions of the area surveyed.
7. Survey results and all observed state listed plant species must reported to the NDDB Program using an NDDB form at: <https://portal.ct.gov/DEEP/Endangered-Species/Contributing-Data>
8. The extent of all the populations of all state listed species must be flagged with visible flagging. A qualified botanist must oversee all project activities and be present during all work. The qualified botanist may and should consult with the biologist assigned in the NDDB Program to this project.
9. The qualified botanist must provide the NDDB Program (deep.nddbrequest@ct.gov) with a plant protection plan before any work can be started. The protection plan should include maps, photos and a timeline of work to prevent impacts to state listed plant species.

The conservation/protection plan should include the following elements:

- a. Anticipated impacts to these state-listed species from this project.

- b. Any planned mitigation or management practices that will be employed to protect or avoid impacts to state listed species.
- c. Habitat descriptions of the area surveyed.
- d. A Statement, CV or Resume of the qualified biologist's qualifications to work with these species.

The botanical site survey report, including, if warranted, a conservation/protection plan, should be sent to our CT DEEP-NDDDB Program (deep.nddbrequest@ct.gov) for further review by our program biologists. NDDDB biologists will evaluate your submission and if it is acceptable, will issue you a NDDDB determination letter that you can use when applying for DEEP permits, certificates, etc.

If you do not intend to do site surveys to determine the presence or absence of state-listed plants, then you should presume species are present and let us know how you will protect the state-listed species from being impacted by this project. You may submit these best management practices or protection plans for further review by our program biologists. Please be sure these protection plans are developed by an expert botanist or plant community ecologist familiar with Connecticut plants and Critical Habitats and their ecology.

Please note that insufficient surveys and mitigation/protection plans may not be accepted.

In the NDDDB application form it indicates that Eversource is aware of state listed plant populations within the project footprint in East Haddam and have indicated in the NDDDB application that plant surveys would be conducted in 2023 or 2024 and provided to the NDDDB Program before any work would commence. Please forward the 2023 or 2024 botanical surveys to deep.nddbrequest@ct.gov. No work may begin on this project until the NDDDB has concurred with the botanical survey results and all protection plans for the plan species has been accepted.

State Listed Animal Protection

According to our information there are State Threatened *Haliaeetus leucocephalus* (Bald eagle), state special concern *Terrapene carolina carolina* (eastern box turtle), *Clemmys guttata* (Spotted turtle), *Heterodon platirhinos* (hognose snake), *Caprimulgus vociferous* (whip-poor-will) within your project work areas. Best management practices to protect turtles, and whip-poor-will should be implemented throughout the entire work area.

Eastern box turtle (*Terrapene carolina Carolina*) – State Special Concern

In Connecticut, these turtles are found in well-drained forest bottomlands and a matrix of open deciduous forests, early successional habitat, fields, gravel pits, and or powerlines. Turtles are dormant between November 1 and April 1 and hibernate in only a few inches from the surface in forested habitat.

The greatest threat to this species is habitat loss, fragmentation, and degradation due to development. This species is very sensitive to adult mortality because of late maturity (10 years old) and long-life span (50-100years). Vehicular traffic, heavy equipment used for farming, and ATV use in natural areas are implicated specifically in adult mortality through collisions. Illegal collection by the pet trade and unknowing public for home pets exacerbates mortality rates and removes important individuals from the population. Predation rates are also unnaturally high because of increased predator populations (e.g. skunks, foxes, raccoons, and crows) that surround developed areas.

Spotted turtle (*Clemmys guttata*) – State Special Concern

Individuals of this species are associated with wetlands and vernal pools. Over the course of a season and lifetime, individuals will travel large distances (up to 1km) over upland forest and fields between multiple wetlands. They overwinter burrowed into the mud in wetlands between Nov 1- March 15. They do not begin to reproduce until 7-10 years old and adults can live at least 30 years. This species is threatened most by any activities that reduce adult survivorship including road kills, commercial and casual collection, increased predation in areas around commercial and residential development, mortality and injury from agricultural equipment or other mechanical equipment.

Protection for Turtles (Eastern box and Spotted) during Inactive Period (October 1st through March 30th):

Swamp mats have the potential to entrap wildlife (especially turtles) that may fall into the crevices and gaps, where they may be exposed to predation or dangerous temperatures on a sunny day. Take precautions to block or stop wildlife from trying to cross the mat. Especially in areas where sensitive turtles may occur, inspect swamp mats at the beginning and end of workday to ensure turtles have not become trapped. Additionally clean mats between use locations to avoid invasive species transfer. Land disturbance activities need to consider local habitat features and

apply fencing and/or time of year restrictions as appropriate. We recommend you consult with a herpetologist familiar with preferred habitats to assist you with proper techniques to ensure the best protection strategies are employed for your site and the scope of your project.

- Keeping heavy equipment in the open ROW to the greatest extent possible and hand-felling trees to the greatest extent possible will minimize the potential for heavy machinery to crush hibernating turtles located in the forested edges along the ROW (a preferred habitat for box turtles to hibernate in).
- Overall, minimizing ground disturbance along the forest edges will minimize the potential for box turtle mortality during the winter months.
- Avoid and limit any equipment use within 100 feet of streams and brooks (wood turtles may be active in waterways even during the winter months).
- When felling trees adjacent to brooks and streams please cut them to fall away from the waterway and do not drag trees across the waterway or remove stumps from banks.
- No heavy machinery or vehicles may be parked in any turtle habitat.
- All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species and instructed to notify the appropriate authorities to relocate any observed turtle.
- Any confirmed sightings of box, wood or spotted turtles should be reported and documented with the NDDb (nddbrequestdep@ct.gov) on the appropriate special animal form found at (http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav_GID=1641)

Protection for Turtles during Active Period (April 1st through September 30th):

- Hiring a qualified herpetologist to be on site to ensure these protection guidelines remain in effect and prevent turtles from being run over when moving heavy equipment. This is especially important in the month of June when turtles are selecting nesting sites. All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species and instructed to relocate turtles found inside work areas or notify the appropriate authorities to relocate individuals. The Contractor and consulting herpetologist must search the work area each morning prior to any work being done. If a turtle is discovered later in the day after the initial search work should stop until the turtle can be relocated by the qualified herpetologist or educated construction worker. Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and any exclusionary fencing should be inspected to identify and remove access point. The goal is to keep turtles from being unintentionally killed during this project.
- Exclusionary practices will be required to prevent any turtle access into construction areas. These measures will need to be installed at the limits of disturbance.
- Exclusionary fencing must be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through. Do not use plastic or netted silt-fence.
- All staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.
- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable to allow for reptile and amphibian passage to resume.
- No heavy machinery or vehicles may be parked in any turtle habitat.

- Special precautions must be taken to avoid degradation of wetland habitats including any wet meadows and seasonal pools.
- Avoid and limit any equipment use within 50 feet of streams and brooks. If trees must be removed cut them to fall away from the waterway and do not drag trees across the waterway or remove stumps from banks.
- Any confirmed sightings of box, wood or spotted turtles should be reported and documented with the NDDDB (nddbrequestdep@ct.gov) on the appropriate special animal form found at (http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav_GID=1641)

Hognose snake (*Heterodon platirhinos*) – State Special Concern

In Connecticut, these snakes are found in well-drained forest bottomlands and a matrix of open deciduous forests and early successional habitat, including powerlines. Within the early successional habitat, they preferentially use habitat that consists of sandy soils with medium to high vegetation cover and coarse woody debris. They tend to avoid dense forest, wetlands and developed areas. Paved roads may present a barrier to dispersal and connectivity within populations.

Snakes are dormant between November 1 and April 1. They will overwinter in a variety of habitats, preferably at the edges of forest and within open habitats if available. They have been observed to overwinter under areas of tree roots, rodent burrows, rock crevices, or excavate their own dens in sandy soils.

Many of these harmless snakes are killed by people who are convinced that they are venomous and dangerous. When confronted, the hognose snake will suck in air, spread the skin around its head and neck like a cobra, hiss, and lunge as if to strike. Take the time to learn about, understand, and respect this reptile, and share your knowledge with others. Being able to identify and educate others about the eastern hog-nosed snake can help conserve this species. The more people that are aware of the physical and behavioral identification of this unique snake, the more individuals that can be spared from unnecessary killing. If you encounter a hog-nosed snake, observe it from a distance and allow it to go on its way. All snakes will retreat from humans if given a chance.

Recommended Protection Strategies for Hognose snake:

For work conducted during the active season (April 1- Oct 31):

- Construction workers should be apprised of the species description and possible presence and that any snakes encountered site should not be killed.
- The immediate work area should be scanned for reptiles before starting work using mechanical equipment.
- Any reptiles found should be moved out of the way. These animals are protected by law and should never be taken off site.
- Work conducted during early morning and evening hours should occur with special care not to harm basking individuals.
- No vehicles or heavy machinery should be parked overnight in any sandy areas especially within early successional habitat or along forest edges.
- Areas where excavated or stockpiled materials are stored will be first cleared of animals and enclosed in exclusionary fencing.
- Exclusionary fencing should be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through.
- Silt fences should be removed as soon as the project is completed.

Whip-poor-will (*Caprimulgus vociferous*) – State Special Concern

The whip-poor-will is a bird that nests in forest habitat with an open understory, often adjacent to areas of shrubby or herbaceous habitat. They are ground-nesting birds that breed between April 20th and July 30th. They consume aerial invertebrates, especially Lepidoptera and Coleoptera. Whip-poor-will will benefit from protection of unfragmented forested blocks, which serve as insulation to development-subsidized predators, invasive plants, and forest disturbance. This species is found at all of the work sites listed above and the following avoidance measures should be applied at all of the locations.

Recommended Protection Strategies for Whip-poor-will

Do not cut, clear, remove trees or shrubs, or disturb ground or forest floor between May 1st and July 30th. Please note that time-of-year restrictions is a subset of that provided for tree roosting bats. Incorporating the bat timing recommendations will also be protective of this species.

Bald Eagle – State Threatened

It is illegal pursuant to section 26-93 of the Connecticut General Statutes to disturb Bald eagles. This law prohibits disturbing the birds while they are roosting, feeding, or nesting. The wildlife division recommends a 660' setback with no public access from a bald eagle nest or critical roosting site. The critical time for nesting eagles is February 1- August 1. The critical time period for winter roosts is December 31- March 1. To determine if nest or roost in your area is active this year contact the DEEP Wildlife Biologist coordinating eagle monitoring (Brian.hess@ct.gov)

Recommended Protection Strategies for Bald Eagle

If not adding to an existing site, site new locations as far from active nests as possible. Where bald eagles are likely to nest in human-made structures and such use could impede operation or maintenance of the structures (i.e. you would have no access for maintenance during breeding season), equip the structures with either

1. Devices engineered to discourage bald eagles from building nests, or
 2. Nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
- Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible and not in conflict with another recommendation, bury utility lines in this area.
 - Avoid creating collision hazards for Birds and Bats. Glass collisions including residential windows indiscriminately kill 1 billion birds a year. Develop or renovate your building façade and site design strategy to make the building and site structures visible barriers to birds. Bat collisions are less well understood, but smooth vertical surfaces affect bats' abilities to avoid collisions.
 - Limit interior and exterior night lighting. Lighting, temporary or permanent should not be directed towards suitable bat habitats. Security lighting should always be downshielded to keep light within the boundaries of the site.
 - Take steps necessary to assure that construction is designed, built, and operated in accordance with the standards and requirements of the LEED Green Building Rating System Pilot Credit #55. The USGBC releases revised versions of the LEED Building Rating System on a regular basis, and you should refer to the most current version when beginning a new building or construction project or renovation.

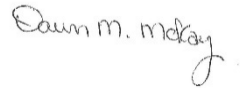
Visit American Bird Conservancy website for more guidance: <https://abcbirds.org/program/glass-collisions/Apply>
best practices as outlined in USFWS Guidelines for Communications Towers:
www.fws.gov/midwest/endangered/section7/telecomguidance.html

This determination is good for two years. Please re-submit an NDDDB Request for Review if the scope of work changes or if work has not begun on this project by November 3, 2025.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as enhance existing data. Such new information is incorporated into the Data Base as it becomes available.

Please contact me if you have further questions at deep.nddbrequest@ct.gov Thank you for consulting the Natural Diversity Data Base. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Sincerely,

A handwritten signature in cursive script that reads "Dawn M. McKay".

Dawn M. McKay
Environmental Analyst 3