

- All **illegal and unauthorized activity** that was performed on our property by Eversource are **ALSO activities THAT ARE SUPPOSED TO BE REGULATED BY THE CONNECTICUT SITING COUNCIL.**
- All **illegal and unauthorized activities** that were done to our property are also **VIOLATIONS OF SITING COUNCIL REGULATIONS.**
- We seek compensation to *“reimburse them for all reasonable costs they have and will continue to incur, including, but not limited to, surveys, site investigations, and legal fees”.*
- **We were required to incur these costs to document the damage to our property because Attorney Bachman failed to perform her duties as Siting Council Executive Director and hold Eversource accountable for violating the law. In 2021 Attorney Bachman was provided with overwhelming evidence of the illegal work performed by Eversource and no action. We were forced to spend our own money to determine the extent of the damage to our property at the hands of Eversource because Attorney Bachman refused to provide oversight of Eversource and see that Eversource followed the law.**
- **Attorney Bachman has the nerve to characterize our complaints as being about money when we had to spend our money because Attorney Bachman was derelict in her duties.**
- **WE OWNED THE PROPERTY in 2021** when Eversource did the major damage to our property at and near site 7785.
- **The right to request that Eversource restore property to its original condition that was damaged while performing illegal work is a right of the present owner and any succeeding owner especially when it can be proven that the previous owner was not aware of the illegal work that was performed or the damages.**

- In our complaint, we also requested that Eversource disclose certain documents to us and notify regulatory agencies of the illegal work and damage that they have done to our property.
- **The point being made here is that the documents we have requested are the documents that would normally be in a petition if Eversource had filed a petition and if Eversource was doing exempt work, which they were not, the Siting Council's April 2013 - Modification of Existing Energy Facility memo REQUIRES Eversource to provide to the Council the documents we are requesting.**

**We are requesting documents that the Council should have in their possession if they had required Eversource to follow the law.**

**To this day we are still investigating, at our own expense, and finding additional damage and illegal work performed by Eversource that is buried under tons of imported stone or hidden from view by the invasive species mug wort that Eversource introduced to our property and allowed to proliferate.**

**Below is a full listing of what action we requested from Eversource in our April 19, 2023, complaint which is part of the official record of petition 1566.**

1. disclose in full its illegal and unpermitted activities in the easement and adjacent to it to the Public Utilities Regulatory Authority, the Connecticut Siting Council, the Connecticut Department of Energy and Environmental Protection, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Town of Lebanon Inland Wetlands Commission, and all other federal, state, and local regulatory authorities with jurisdiction over the activities of Eversource within the easement and adjacent to it;
2. disclose to the property owners all construction activities undertaken by Eversource on the property and provide them with copies of all

documents in the possession of Eversource or its contractors relating to the work including, but not limited to, all pre and post construction site surveys, engineering and work plans, quantities of fill deposited on the property, pre and post elevations of poles replaced, and copies of all pre and post inspection reports performed on the property.

3. provide the property owners a topo map of the entire easement with elevation contours at a minimum of 2-foot intervals of the post construction elevations so that the full extent of ground disturbance and elevation changes can be determined.

4. apply to all appropriate federal, state, and local authorities for whatever approvals were necessary to undertake the restoration and remediation of the damage done by the illegal and unauthorized activities in the easement and adjacent to it;

5. restore the property to its condition prior to Eversource's illegal and unauthorized activity; and

6. compensate the owners with money damages and reimburse them for all reasonable costs they have and will continue to incur, including, but not limited to, surveys, site investigations, and legal fees.

21) On page 4 of 27 Attorney Bachman discusses Sub-petition 1293-LFB-01 and makes no reference to any work being done on our property in 2021.

- Eversource claims the work was done under Sub-petition 1293-LFB-01 but Attorney Bachman makes no mention of this in her memo to the Council.
- In the Eversource response to petitions to dismiss on pdf page 39 under Tab 4 Eversource states; ***“2021, Sub-Petition No. 1293-LFB-01: For this 2021 ACR Project, the two structures that were replaced on the Claimants' property were structures #7785 and #7785A on Lines 1490 and 1080, respectively.”***
- Attorney Bachman failed to notify the Council that the major issues and the most environmental damage done to our

property was done in 2021, near site 7785 when we owned the property.

- For her to have disclosed this information to the Council would have **destroyed her caustic and incendiary false opening statement** that the theme of the work we complained about was performed in 2019 and consists of Council approved work when we did not own the property.

22) On page 5 and 6 of 27 Attorney Bachman states that in our request for CEPA Intervenor Status and that our references to previous in ROW work performed by Eversource is **irrelevant to petition 1566.**

- This is a **FALSE** statement.
- **All references to previous work that have been made by us are about ILLEGAL WORK performed by Eversource. Petition 1566 PROPOSES UTILIZING this ILLEGAL infrastructure work that Eversource has ILLEGALLY installed without Council review or approval and without notification to the property owner.**

**The following is a listing of illegal infrastructure and illegal activities performed on our property by Eversource between 2018 and 2021 by year and site location. This is not an all-inclusive list.**

#### **Illegal work and activities at Site 7785**

Eversource has maintained that work at this site was performed under petition Sub-Petition No. 1293-LFB-01 **despite the petition not detailing any work to be performed at this site and failing to list us as a party notified of proposed work in that petition.**

- In 2018 Eversource **illegally** built a new road, **where NO road previously existed** between sites 7786 and 7784 without Council approval.

- In 2018 Eversource **illegally changed the Council approved access route** from site 7786 to site 7784 when they built the illegal road without Council approval.
- In 2018 Eversource **illegally excavated out the hillside** when installing the illegal road without Council approval.
- In 2018 when installing the illegal road, Eversource **illegally removed the topsoil from this agricultural land** and mounded it up on the side of the road without Council approval.
- In 2018 when the work was completed on the illegal road Eversource **failed to stabilize the road** and allowed ongoing erosion to occur for the last 5 years without Council approval.
- In 2018 Eversource **failed to notify the property owner, town or Council which is a violation of the law**, of Council regulations and without Council approval.
- In 2021, Eversource **altered the illegal 2018 access road** without Council approval.
- In 2021 Eversource **rerouted the 2018 route of the 2018 illegal road** without Council approval.
- In 2021 when Eversource altered the road, Eversource **failed to stabilize the road alterations** allowed ongoing erosion to occur for the last 2 years without Council approval.
- In 2021 Eversource **illegally replaced 4 poles with 6 poles** without Council approval.
- In 2021 Eversource **relocated the illegally replaced 6 transmission line poles** to the westerly side of the ROW without Council approval.
- In 2021 while relocating the 6 illegal poles Eversource **installed guide wires outside the ROW boundaries** without Council approval.
- In 2021 Eversource **installed additional guide wires** on the 6 illegal poles they installed without Council approval.
- In 2021 Eversource **changed the guide wire design and method of ground installation** without Council approval.
- In 2021 Eversource **illegally changed the transmission line support design** without Council approval.

- In 2021 Eversource **changed the way the illegal transmission line support poles are stabilized and installed in the ground** without Council approval.
- In 2021 Eversource **excavated out the hillside of our property** while performing the illegal pole replacements without Council approval.
- In 2021 Eversource while performing the illegal excavation **pushed boulders from the hillside onto our property** outside the ROW without Council approval.
- In 2021 Eversource while performing the **illegal excavation left boulders in the ROW** to act as a barrier to prevent vehicles from careening over a steep embankment that Eversource illegally created in 2021 without Council approval.
- In 2021 Eversource while excavating the hillside, Eversource **illegally created a dangerously steep incline area** without Council approval.
- In 2021 while creating the dangerously steep incline Eversource **created an area that cannot be stabilized with vegetation** due to the steep incline in violation of Eversource Best Environmental Best Management Practices without Council approval.
- In 2021 Eversource **failed to stabilize the dangerously steep incline** and caused ongoing erosion issues for the last 2 years without Council approval.
- In 2021 Eversource **illegally altered the land drainage patterns** at site 7785 by diverting water during their illegal work onto highly erodible soil in an environmentally sensitive area without Council approval.
- In 2021 Eversource **illegally caused erosion of our property** by clear cutting of brush and other soil stabilizing vegetation in an environmentally sensitive area without Council approval.
- In 2021 Eversource **illegally buried three property demarcation stone walls** without Council approval.
- In 2021 Eversource **illegally failed to restore the stone walls to their pre-construction condition** without Council approval.
- In 2021 Eversource **illegally clearcut trees beyond the ROW** without Council approval.

- In 2021 Eversource **illegally built a massive, terraced escarpment** on a steep hill by importing approximately 800 tons of crushed rock and stone without Council approval.
- In 2021 Eversource **refused to remove this massive terraced escarpment that changed the land contours** without Council approval.
- In 2021 while performing the illegal work of building the terraced escarpment, Eversource **illegally filled stone that exceeded the ROW boundaries** without Council approval.
- In 2021 Eversource **refused to remove the illegally filled stone outside the ROW** without Council approval.
- In 2021 Eversource **illegally built this massive terraced escarpment without any engineering design** and without Council approval.
- In 2021 when building this illegal massive terraced escarpment without any engineering design **Eversource illegally created extensive ongoing erosion issues for the last 2 years** without Council approval.
- In 2021 when Eversource completed the illegal infrastructure work at site 7785, Eversource **failed to stabilize the area in violation of Council regulations** and without Council approval.
- In 2021 when requested to stabilize the ongoing erosion, Eversource **refused to stabilize the erosion in violation of regulations** and without Council approval.
- In 2021 Eversource **illegally introduced invasive species to our property** at this location in violation of regulations and without Council approval.
- In 2021 Eversource **illegally failed to monitor and control the invasive species allowing them to spread throughout the ROW** in violation of regulations and without Council approval.
- In 2021 Eversource performed all this **illegal work without notifying the Council or the property owner** in violation of Council regulations and without Council approval.
- In 2021 Eversource's **illegally failed to notify the property owner and violated the property owners rights to review the work**

**before it was performed** in violation of Council regulations and without Council approval.

- In 2021 Eversource **did not perform a historic / cultural review prior to commencing the illegal work** at this site in violation of Council requirements.
- In 2023 Eversource submitted to the Council a **false certification that they had performed a historic and cultural review at this location in violation of Council regulations and public trust. See Interrogatories sent to Eversource from Spaulding / Yeisley July 6, 2023 question 26 and Exhibit 23, SHPO e mail – SHPO letter dated 1/15/21 does not apply to site 7785.**

### **Illegal work and activities at Site 7786**

Eversource has maintained that work at this site was performed under Sub-petition 1293- LFBNM-01 **despite the petition not detailing work to be performed at this site.** No notification of the proposed work at site 7786 was provided to the property owner.

- In 2018 Eversource **built an illegal pad at site 7785** without Council approval.
- For site 7785 Eversource **falsely claimed a historic / cultural review was done prior to commencing the illegal work. We assume the same has occurred for site 7786.**
- In 2018 Eversource **illegally replace 3 transmission line poles** at this site without Council approval.
- In 2018 Eversource **illegally relocated the poles** at this site without Council approval.
- In 2018 while building the illegal pad, Eversource **illegally exceeded the ROW** with this illegal pad without Council approval.
- In 2018 Eversource **illegally cut trees beyond the ROW** in violation of Council regulations and without Council approval
- In 2018 Eversource **illegally cut trees inside the ROW** in violation of Council regulations and without Council approval.
- In 2018 when Eversource cut the illegal trees, Eversource **illegally pushed these cut trees beyond the ROW** without Council approval.



- In 2018 when Eversource illegally cut the trees **they illegally left the tree debris in the ROW** in violation of Council regulations and without Council approval.
- In 2018 when building the illegal pad, Eversource **illegally filled an area at the top of a steep escarpment** without Council approval.
- In 2018 when building the illegal pad Eversource **illegally increased the slope of the steep escarpment** in violation of Council regulations and without Council approval.
- In 2018 Eversource **illegally failed to stabilize this fill area and increase in slope area** in violation of Council regulations and without Council approval.
- In 2018 Eversource **illegally diverted water onto the top of an escarpment** in an environmentally sensitive area containing highly erodible soil in violation of Council regulations and without Council approval.
- In 2018 Eversource **illegally altered the drainage patterns** at site 7786 by installing the illegal pad without Council approval.
- In 2018 Eversource illegally **stripped the topsoil from this site on agricultural land** without Council approval.
- In 2018 Eversource **illegally failed to restore this agricultural land** to its pre-construction condition without Council approval.
- In 2018 Eversource **illegally mounded the topsoil altering the drainage patterns of the property** without Council approval.
- In 2018 Eversource **illegally caused erosion of our property** at this site by clear cutting of brush and other soil stabilizing vegetation in an environmentally sensitive area without Council approval.
- In 2018 Eversource **illegally failed to remediate and stabilize their illegal work** in violation of Council regulations and without Council approval.
- In 2018 Eversource **illegally introduced invasive species to our property** at this location in violation of Council regulations and without Council approval.
- In 2018 Eversource **illegally failed to monitor and control the invasive species allowing them to spread to other areas of the ROW** in violation of Council regulations and without Council approval.

- In 2018 **Eversource performed this illegal work without notifying the Council or the property owner** in violation of Council regulations.
- In 2018 **Eversource failed to notify the property owner and violated the property owners right to review the work before the work was performed** in violation of Council regulations.
- In 2018 Eversource **illegally left large wooden crate timbers and construction debris at the site** in violation of Council regulations and without Council approval.

### **Illegal work and activities at Site 7784**

- In 2018 Eversource **illegally built a new road where no road previously existed** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally failed to follow Eversource Environmental Best Management Practices by building a road and failing to utilize existing legal access** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally failed to notify the property owner of their intent to build the road** in violation of Council regulations and without Council approval.
- In 2018 **Eversource illegally circumvented the property owners right to object by failing to notify the owner of the illegal road** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally diverted water from the illegal new road onto highly erodible soil** in violation of petition conditions and without Council approval
- In 2018 Eversource **illegally piled topsoil up beside the new road** in violation of petition conditions and without Council approval.
- In 2018 when Eversource illegally mounded the topsoil **they illegally changed the drainage patterns of the land** in violation of petition conditions and without Council approval

- In 2018 **Eversource illegally stripped the topsoil where the illegal road is located on this agricultural land** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally changed the Council approved access route** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally changed the type of access** approved by the Council to this site in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally buried two property line demarcation stone walls** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally failed to reestablish the two stone walls** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally changed the drainage patterns of the pad area** when performing the work in violation of the petition conditions and without Council approval.
- In 2018 Eversource **illegally changed the topography of the land and failed to return it to pre-construction condition** in violation of the petition conditions and without Council approval.
- In 2018 Eversource **illegally left a deep hole in the ground near the poles after completing the work** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally did not restore the property to pre-construction conditions** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally did not remove the gravel pad on this agricultural land** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally failed to implement effective erosion protection after construction** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally failed to remove the siltation fencing installed during construction** in violation of the petition conditions and without Council approval.

- In 2018 Eversource **illegally left a creosote pole at the site after construction was completed** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally detached a gate and removed a gate locking post** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally failed to reestablish the gate and locking post** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally clear cut mature trees inside and outside the ROW** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally failed to return the site to pre construction conditions** in violation of the petition conditions and without Council approval.
- In 2018 Eversource **illegally failed to maintain erosion protection after the illegal work resulting in ongoing erosion issues** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally introduced invasive species to the site in the fill material** used in violation of petition condition and without Council approval.
- In 2018 Eversource **illegally failed to monitor for invasive species and allowed the invasive species to spread throughout the site** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally stripped the topsoil from the pad area on this agricultural property** in violation of permit conditions and without Council approval.
- In 2018 Eversource **illegally piled up this topsoil from the pad area changing the topography and drainage of the area** in violation of permit condition and without Council approval.
- In 2018 Eversource **illegally excavated the pad area** in violation of permit conditions and without Council approval.
- In 2021 Eversource **illegally performed close cut mowing on highly erodible soil in an environmentally sensitive area causing erosion and loss of soil stability** in violation of Council regulations and without Council approval.

- In 2021 after the close cut mowing Eversource **illegally failed to remediate the mowed area and restore this agricultural land to its pre construction condition.**
- In 2021 Eversource **illegally removed mature trees, brush and performed close cut mowing inside and outside of the ROW in an environmentally sensitive area without notification to the property owner** in violation of Council regulations and without Council approval.
- In 2021 Eversource **illegally left the debris from the close cut mowing, tree and brush removal in the ROW and outside the ROW** in violation of Council regulations and without Council approval.

### **Illegal work and activities at Site 7787**

- In 2018 Eversource **illegally destroyed wetland vegetation with ground mats and failed to remediate the area** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally compacted wetland soil creating a water retention area** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally mounded topsoil on the side of the road on this agricultural land in building the access road in violation of petition conditions** and without Council approval.
- In 2018 Eversource **illegally altered the drainage patterns of the property with the mounded soil creating a wetland / pond / intermittent vernal pool** in violation of the petition conditions and without Council approval.
- In 2018 Eversource **illegally failed to restore this agricultural land to its pre-construction condition** in violation of petition conditions and without Council approval.
- In 2018 Eversource **illegally introduced invasive species to the site in the fill material** used in violation of petition condition and without Council approval.
- In 2018 Eversource **illegally failed to monitor for invasive species and allowed the invasive species to spread throughout the site** in violation of petition conditions and without Council approval.

- In 2021 Eversource **illegally performed close cut mowing on highly erodible soil in an environmentally sensitive area causing erosion and loss of soil stability** in violation of Council regulations without Council approval.
- In 2021 after the close-cut mowing Eversource **illegally failed to remediate the mowed area and restore this agricultural land to its pre-construction** condition.
- In 2021 Eversource **illegally removed mature trees, brush and performed close cut mowing inside and outside of the ROW in an environmentally sensitive area without notification to the property owner** in violation of Council regulations and without Council approval.

**Our investigation into additional damage and illegal work is ongoing.**

Cory Spaulding and Leslie Yeisley

July 21, 2023

**IN THE MATTER OF THE EVERSOURCE EASEMENT ON THE  
PROPERTY OF CORY R. SPAULDING AND LESLIE A. YEISLEY,  
716 BEAUMONT HIGHWAY, LEBANON, CT 06249**

**APRIL 19, 2023**

**Summary:**

Eversource has undertaken improvements within its 1800-foot-long easement that have grossly exceeded the rights granted by that easement and has encroached on areas in which it has no rights outside of the easement.

The illegal work that has been done in the easement and the land adjacent to it includes, but is not limited to, the:

1. unauthorized construction of a road and pads,
2. destruction of regulated inland wetlands,
3. unpermitted creation of a pond,
4. deposition of large amounts of rock and fill material,
5. destruction of an historic stone wall,
6. wholesale removal of indigenous plants,
7. introduction of invasive plant species to the area,
8. grading, excavation, and removal of trees in areas outside of the easement,
9. deposition of tree and construction debris throughout the easement and adjoining land,
10. alteration of the property's natural drainage patterns through extensive changes to the topography,
11. construction of an unpermitted multi-tiered terraced escarpment by excavating fill material from a steep hillside,
12. blocking access and use of the lower section of the easement through the creation of a terraced escarpment, and
13. clear cutting of the easement with mechanical equipment destroying the natural condition of the property and creating ongoing erosion issues.
14. destruction of agricultural land.

This by no means all of it...investigations into additional damages done to the property by Eversource is ongoing.

The actions of Eversource constitute a burdening of the easement, trespass, inverse condemnation, violations of the Connecticut Environmental Protection Act, potential violation of the federal Clean Water Act, violation of Connecticut's statutory public trust, and violation of Connecticut public utilities law in that the activity conducted in the easement and adjacent to it was not authorized as required by state regulatory authorities.

Much of the damage done to the property was completely unnecessary and the result of intentional acts by Eversource and its contractors. Eversource was fully aware of the available existing access to the easement via a route known as “The Old Mill Road”. Eversource chose to not utilize this alternate access and instead chose a path causing extensive and unnecessary environmental damage.

Cory R. Spaulding and Leslie A. Yeisley seek to have Eversource:

1. disclose in full its illegal and unpermitted activities in the easement and adjacent to it to the Public Utilities Regulatory Authority, the Connecticut Siting Council, the Connecticut Department of Energy and Environmental Protection, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Town of Lebanon Inland Wetlands Commission, and all other federal, state, and local regulatory authorities with jurisdiction over the activities of Eversource within the easement and adjacent to it;
2. disclose to the property owners all construction activities undertaken by Eversource on the property and provide them with copies of all documents in the possession of Eversource or its contractors relating to the work including, but not limited to, all pre and post construction site surveys, engineering and work plans, quantities of fill deposited on the property, pre and post elevations of poles replaced, and copies of all pre and post inspection reports performed on the property.
3. provide the property owners a topo map of the entire easement with elevation contours at a minimum of 2-foot intervals of the post construction elevations so that the full extent of ground disturbance and elevation changes can be determined.
4. apply to all appropriate federal, state, and local authorities for whatever approvals were necessary to undertake the restoration and remediation of the damage done by the illegal and unauthorized activities in the easement and adjacent to it;
5. restore the property to its condition prior to Eversource’s illegal and unauthorized activity; and
6. compensate the owners with money damages and reimburse them for all reasonable costs they have and will continue to incur, including, but not limited to, surveys, site investigations, and legal fees.

### **The Property:**

Cory R. Spaulding and Leslie A. Yeisley are the owners of the 64.44-acre property in which the Eversource easement is located. Exhibit 1 is the property card. They reside in a single-family detached home on the and abutting parcel of 10.49 acres with a street address of 716 Beaumont Highway. Exhibit 2 is the property card.

The Eversource easement was granted to The Connecticut Light & Power Company on March 7, 1934, by a predecessor in title to the current owners. Exhibit 3 is the deed of easement. Exhibit 4, entitled “REAL ESTATE SURVEY PLAN RECORD MAP RIGHT OF WAY SURVEY MONTVILLE-WAWECUS JUNCTION-CARD SS” dated 7/21/21, is a map of the easement.



The easement is 125 feet wide and gives Eversource the right to maintain electric lines for the transmission of electric currents and **“the right at any and all times and from time to time to erect, inspect, operate, use, control, and permanently maintain the said electric lines upon, over and across”** the burdened estate.

The **“electric lines may consist of poles, towers, other supporting structures (which may be substituted one for the other at any time), circuits, cables, wires, cross arms, guy wires, anchors, guy stubs and other fixtures and appurtenances, any or all of which constituent parts of said electric lines may be erected, relocated, replaced, repaired or changed in number, size or type from time to time.”**

With this easement. Eversource also has **“the right to trim, cut, take down and remove at any and all times such trees, parts of trees, limbs, branches, underbrush and structures within or projecting into the above described right of way as in the judgment of the grantee may interfere with or endanger any of said electric lines or other operation, whenever they are erected.”**

The easement is elegant in its simplicity, much different than the overly complicated documentation of today. The easement describes with clarity exactly what Eversource can do and, where it is silent, Eversource has no rights. The easement clearly defines the bounds of the right of way and does not prescribe, or grant to, Eversource any rights to perform activities outside of the described easement.

Eversource did not acquire the right to:

1. construct a road in the easement,
2. bring in 800 tons of crushed rock and other fill material,
3. undertake regulated activities on the property without a permit.,
4. destroy resources protected by Connecticut’s Environmental Protection Act, including the statutory public trust and the inland wetland laws,
5. cut and fill in undertaken the grading that was unnecessary in erecting, relocating, replacing, and repairing its electric lines,
6. infest the area with invasive plant species,
7. change the entire topography and drainage of the easement, and
8. violate numerous potential federal, state, and local violations of law for which Cory R. Spaulding and Leslie A. Yeisley may potentially be held liable.

### **What Eversource Did:**

Eversource, not directly, but apparently through one or more of its private contractors, undertook substantial work along the easement and the land adjacent to it. Ostensibly, the work was in part in furtherance of the Connecticut Siting Council’s approval of Eversource’s 2017 sub-petition application for ROW maintenance activities, submitted as required under Petition 1293.

While performing the activities authorized under this Siting Council permit, Eversource undertook significant unauthorized work and construction activities in the easement and land

adjacent to it without benefit of a Siting Council permit. In comingling the permitted activity with the even greater unpermitted and unauthorized work, the project ballooned in scope far beyond what the Siting Council was told would be done pursuant to permit 1293 without disclosure to, or authorization of, the Siting Council, constituting essentially an intentional misrepresentation to the agency. The non-permitted work includes, but is not limited to, close cut mowing via mechanical equipment throughout the entire easement, tree removal within and outside the easement, significant expansion of work in areas of pole replacement authorized under permit 1293, and all construction activities performed between site 7786 and 7784, including the significant work performed at site 7785.

### **Unauthorized Activities:**

#### **1. Importation of fill material and land excavation sites 7786 to sites 7784.**

Based on the best estimates that are available, it is believed that approximately 800 tons of crushed rock and other fill material were trucked in and deposited into the easement area near and adjacent to site 7785 on the Spaulding/Yeisley property. Those estimates are based on a comparison of the easement area today with documentation of its prior condition. Exhibit 5, entitled "Existing Ground Profile", dated 4/15/22 drawing 3 of 3 (22-037\_PROFILE\_5-11-22) and Exhibit 6, entitled "Existing Conditions Plan", drawing 1 of 3, dated 4/15/22 (22-037\_TOPO\_5-11-22), document the data and technique used to derive the estimate. Using the estimated differences in elevation in the area over which that filling is occurred, it is possible to derive an approximate figure of the volume of material that was imported and deposited along the easement in this area of construction.

The 100ft x 140ft pad area at site 7785 was apparently constructed with on-site fill material dug out of the hillside along with additional imported fill material. The pad was supposedly required to support a crane for the pole replacement. According to information and belief, a crane was not used for site 7785 because it could not traverse the steep grade to the site. If a crane was not used for 7785, it likely was also not used at site 7784, where another large pad was constructed. Extensive land changes and roads were installed on the pretense of being required to support a large crane for pole replacement when in fact no large crane was ever utilized or needed.

The 100ft x 140ft pad at site 7785 created a manmade terraced escarpment on the steep hillside where none previously existed. This, and other identified issues, are detailed in photographs below labeled "filled area site 7785" and Exhibit 7, a plan entitled "Existing Conditions Plan", drawing 1 of 3 dated 4/15/22 (22-037\_Sheet\_1\_SCAN\_5-11-22) which shows the extent of the disturbed soils at site 7785.

It is believed that the material was brought into site 7785 because it was a cheap and easy way to set new poles and the required guy wires, rather than drilling into solid rock ledge, which would have had minimal environmental impact and complied with the terms of the easement. In short, material was brought in, mounded up, the new poles and guy wires were stuck into the fill material rather than drilling into bedrock as was done when the poles were originally installed. Exhibit 8, entitled "Existing Clearing Limits", drawing 2 of 3 dated 4/15/22 (22-

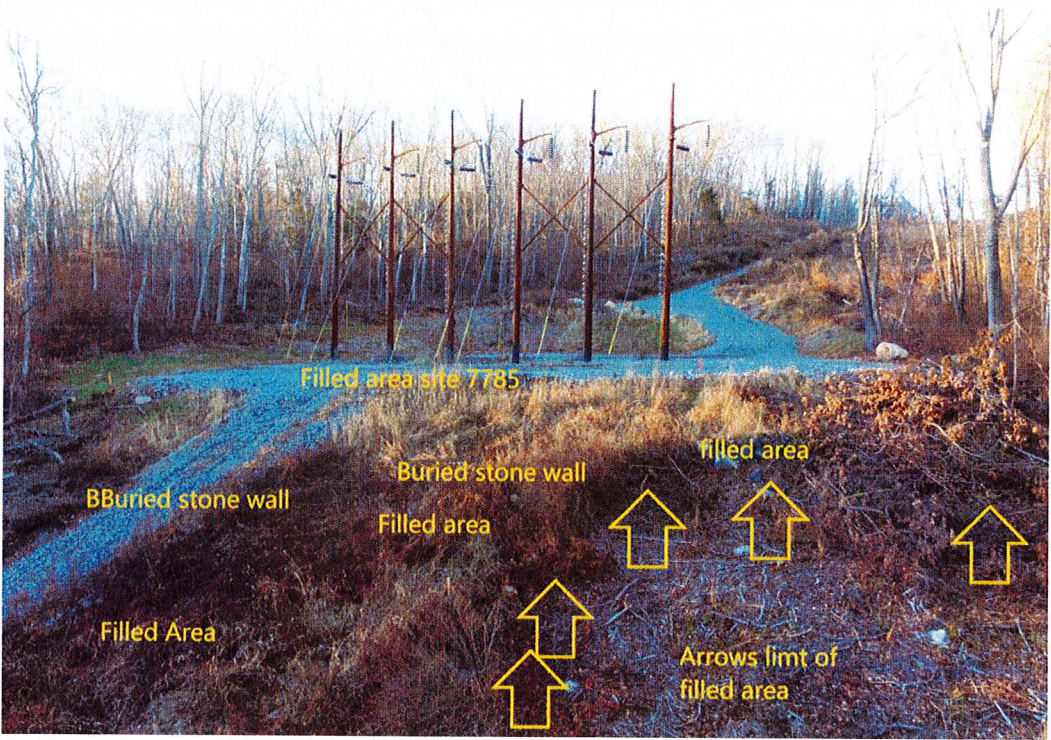
037\_Exist\_Cond\_5-11-22), is a survey of one section of the easement. It shows the area of fill in just one of the sets of pole replacements.

Expediency won out over the environment and, equally troubling was that it was done without Siting Council approval, which presumably would never have been granted.

**2. Building an unpermitted road.**

Eversource, or its contractors, in constructing a road from site 7786 to site 7784 apparently decided that it would not follow the plan as the state approved in Petition 1293 which required very limited access on a temporary basis solely for the activity of replacing the poles and required the use of timber mats to cross over areas where the soil was soft and environmentally sensitive. Eversource has identified this area as a high erosion area on their own maps yet for reasons that are inexplicable, except one might suspect it was a matter of expediency, the contractors decided to build themselves a road where no road previously existed on land that they knew was a high erosion area.

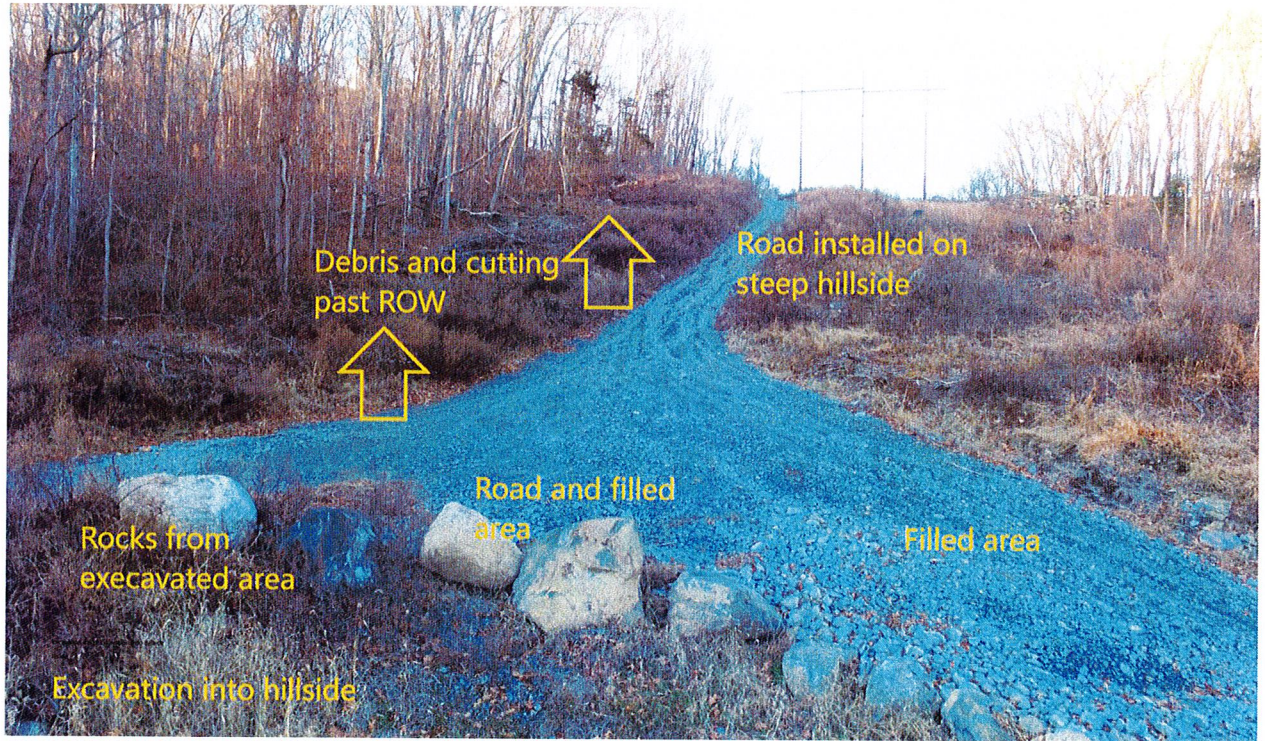
In reference to the road and pad built at site 7785, to date, no site engineering has been disclosed to show exactly how this grading and filling was performed or that it conforms to any level of acceptable construction or engineering practices. Since no permits were obtained for this work, no review as to its legal and engineering suitability or stability was ever performed.



The photo above is a view looking north at site 7785 showing the filled area, the manmade terraced escarpment and depicting the large area that was filled and graded for the unpermitted pole replacement at this location. This is a post pole replacement photo.



This is a photo of site 7785 prior to Eversource construction activities.



This is an image of the hillside and road from 7785 to 7786 which shows extensive erosion, suggesting poor design or construction, or both, creating a serious environmental problem:



And more erosion.



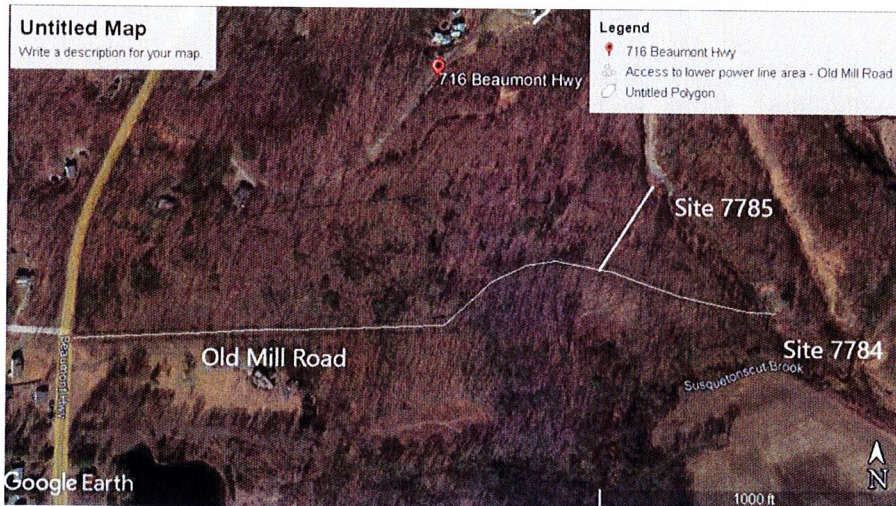
And more erosion.



This image is from 2017 before the work began and depicts what existed between sites 7786 and 7785 pre-construction. Site 7786 is at the bottom of the photo and site 7785 is at the top of the photo. Notice there is no existing road where Eversource illegally constructed one. Where the line turns to the left, there is an existing road on the right that provides alternate access that Eversource chose not to use or to acquire rights to use. It is “The Old Mill Road”.

For sites 7784 and 7785, there was clearly a feasible and prudent alternative to building a road through this environmentally sensitive area. “The Old Mill Road” runs directly to both sites.





The Old Mill Road has served Eversource in the past and present for access to its power lines and continues to be the only access to the lower section of the easement that does not damage and destroy the steep slopes and other environmentally sensitive areas along this section of the easement.

The Old Mill Road access point is undeniably suitable. During a recent meeting with Eversource contractors on April 14, 2023, Mr. Giovanni Agliotti of Supreme Construction, acknowledged to those present that The Old Mill Road provided for satisfactory for access to the lower area of the power lines and easement.

Eversource’s tree cutting contractors recently used The Old Mill Road for access to the southern easement area because they could not utilize the Eversource built road due to a gas line and wetland breaks in the road at the northern end of the easement.

At site 7784, Eversource, during pole replacement, performed extensive excavation, mounded up soil, changed the contours of the land, and blocked preconstruction drainage patterns. Along The Old Mill Road that abuts site 7784, Eversource pushed one historic stone wall on the north side of the road onto the top of a second historic stone wall on the south side of the road and then buried both with imported stone fill material.

In summary, for sites 7784 and 7785 there was clearly a feasible and prudent alternative to building a road through environmentally sensitive areas. The Old Mill Road goes directly to each site, is suitable access, and has been previously used by Eversource contractors. Eversource had no legal right to build the road and destroy the hillside in constructing it. Eversource built the road in direct violation of the permits granted by the Siting Council.

### **3. Destruction of wetlands and environmentally sensitive areas sites 7787 to site 7786.**

In the northern part of the easement where wetlands have been identified, the Siting Council authorized the use of mats to cross the wetlands. Eversource did use mats in this area but did not

properly install and maintain them. The mats failed to protect the wetlands as they were intended to by spreading the weight of the vehicles over a larger area. Instead of protecting the wetlands, the mats destroyed the wetlands vegetation and compacted the soil.

When the mats were removed, the newly compressed, depressed area of land immediately filled with water creating a mud hole that appears to be a decoy vernal pool that will likely result in the decline of amphibians. See 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:

“If amphibians deposit their eggs in these artificial wetlands, they rarely survive due to the sediment and pollutant loads, as well as fluctuations in water quality, quantity, and temperature.” At 22.

“Created wetlands that do not have the appropriate habitat often attract breeding amphibians. Eggs laid in these “decoy” pools often do not survive. Such pools serve to trap breeding amphibians and might result in local population declines.” At 25.

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

The Siting Council permit authorized the work at sites 7786 and 7784, but Eversource went far beyond what was permitted, including unilaterally deciding to build an unauthorized road and bring in large amounts of fill to replace the poles and add new poles at site 7785.

The wetlands that were crossed were destroyed in part because what Eversource did greatly exceeded what it described in its permit application and it undertook significant, unpermitted work along with it. The mat wetland crossing method and the installation performed may have been sufficient for the light duty crossing work described in the Siting Council permit application, however, it was clearly not sufficient to handle the long-term heavy crossing work which included repeatedly being traversed by heavy truck traffic hauling vast amounts of unpermitted and unnecessary fill material to sites 7785 and 7784.

The extent of the disturbance, far beyond what was required to replace poles, is evident in this comparative view of the easement in 2016 before the work and in photos that depict the area during and after construction. See below photos.



Photo of site 7786 prior to construction.

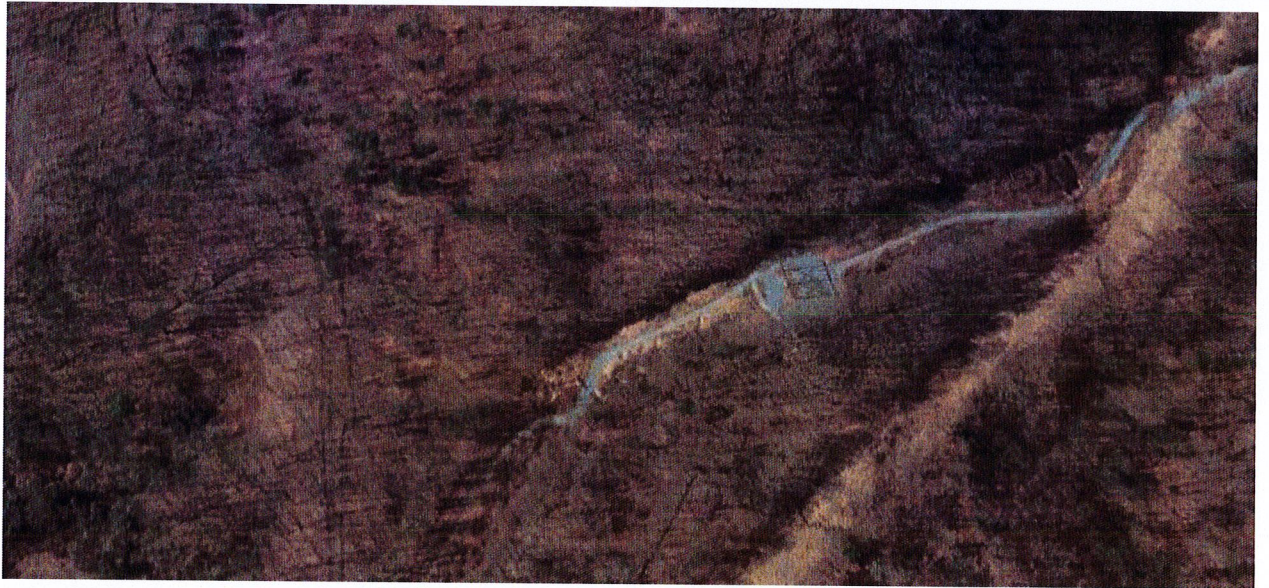


Photo of site 7786 after construction.



Between 7786 and 7787 is one of the wetlands damaged and the decoy vernal pool created.

In its Siting Council permit application Eversource claimed that a road existed between sites 7787 and 7786 and as such had the right to improve that existing road as necessary to replace poles at site 7786. The claim is totally unsupported. The before construction photos above show there was no existing road. That there was no existing road is further evidenced by the extensive removal of topsoil by Eversource in constructing this “new” road.

In performing this illegal road building activity, Eversource mounded up vast amounts of topsoil on the westerly side of the road and creating an earthen berm in and adjacent to the identified wetlands and in the upland wetland review area. The Eversource-built berm runs from the gas pipeline crossing to site 7786, approximately 590 feet.

If a road previously existed, why would Eversource find it necessary to excavate vast amounts of topsoil from an existing road?

This mounded topsoil demonstrates that no road previously existed. The 590-foot-long berm now impounds water and has evolved into an Eversource-created pond/wetland/decoy vernal pool area. See photo below. The natural drainage from the steep hillside to the west over this land has now been altered.

Inland wetlands, no matter how new in origin, are protected. The creation of this impounded water area by Eversource cannot be removed without a permit and now severely restricts the use of the property by the owners. Eversource created a new wetland where none previously existed and now subjects the property owner to local inland wetland review of a far greater amount of property than was subject to review prior to the Eversource work.



Photo of Eversource-created pond/wetland/vernal pool area



And to compound the problem, as shown above, the water now being detained by the berm is flowing across the illegally-built road. Also note the mug wort invasive species introduced to the area by Eversource that has taken over both sides of the road.

The construction of the new road and pad at site 7786 included a deep excavation and importation of massive amounts of fill material. This new road and pad are located at the very top of a steep hillside escarpment. Eversource pitched both to drain onto the top of the escarpment. In constructing the pad at site 7786, Eversource mounded up additional topsoil on the western end of the pad and sloped that topsoil to also drain down the escarpment. These grade changes made by Eversource now direct vast amounts of water directly onto the top of the escarpment. To say the least, this Eversource-created water diversion is contrary to best management practices and engineering principles for protecting escarpments and preventing escarpment erosion. Simply put, one should not divert water onto the top of a long steep hill.

As explained previously, this escarpment which encompasses all of site 7785 is now subject to extensive erosion and remains unabated today despite Eversource having been informed numerous times in writing and during its onsite inspections about the need for immediate remediation. The improper, unauthorized work at site 7786 has caused extensive, ongoing, and increasing environmental damage with washouts, erosion, and sedimentation of the escarpment.