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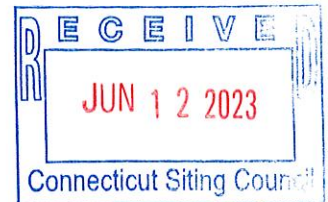
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June 9, 2023

Via Email and Certified Mail

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



Re: Motion for Party Status – Mr. and Mrs. Peter Rubsam
Petition No. 1567; 1637/1720 Lines Rebuild Project

ORIGINAL

Dear Director Bachman,

On behalf of Mrs. Jeannie and Mr. Peter Rubsam, enclosed please find the Motion for Party Status or alternatively, Petition to Intervene dated June 9, 2023. Petition No. 1567 was filed by The Connecticut Light and Power Company d/b/a Eversource Energy for the proposed 1637/1720 Lines Rebuild Project (the "Project"). The proposed Project consists of the replacement of lattice tower structures and other components in the Town of Wilton, adjacent to the Rubsam residence.

An original and twenty (20) copies of the of the Petition will be mailed to the Council.

Please contact me should you have any questions regarding this filing.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to be "Daniel Conant", written over a horizontal line.

Daniel Conant

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

The Connecticut Light and Power Company :	Petition No. 1567
d/b/a Eversource Energy petition for a :	
declaratory ruling, pursuant to Connecticut :	
General Statutes §4-176 and §16-50k, for the :	
proposed 1637/1720 Lines Rebuild Project :	
consisting of the replacement and :	
reconductoring of electric transmission line :	
structures along its existing 4.0 mile electric :	
transmission line right-of-way shared by its :	
existing 115-kilovolt (kV) Nos. 1637 and 1720 :	
Lines between Grist Mill Road in Norwalk, :	
Norwalk Junction in Wilton, and Weston :	
Substation in Weston, Connecticut traversing :	
the municipalities of Norwalk, Wilton, and :	
Weston, and related electric transmission line :	
and substation improvements :	June 9, 2023

**MOTION FOR PARTY STATUS, OR ALTERNATIVELY, VERIFIED
PETITION TO INTERVENE BY MR. AND MRS. PETER RUBSAM**

Mrs. Jeannie Rubsam and Mr. Peter Rubsam (collectively, the “Rubsams”) hereby submit this Motion for Party Status pursuant to General Statutes sections 4-177a(a) and 16-50n(a), or alternatively, a Petition to Intervene pursuant to General Statutes sections 22a-19 (“CEQA”), 4-177a, and 16-50n(b), and section 16-50j-14 of the Regulations of Connecticut State Agencies (“RCSA”), to become an intervening party in the above-captioned matter (the “Petition”). The Connecticut Light and Power Company d/b/a/ Eversource Energy (“Eversource”) filed the Petition on April 12, 2023, seeking a Declaratory Ruling, pursuant to General Statutes §§ 4-176 and 16-50k, that no Certificate of Environmental Compatibility and Public Need (“Certificate”) is required for the proposed modifications to the 1637 and 1720 Lines. The 1637 and 1720 lines consist of 115-kilovolt transmission lines located within existing transmission rights-of-way and on Eversource property in the City of Norwalk and the Towns of Wilton and Weston, Connecticut.

In support of its Motion for Party Status, or alternatively, Petition to Intervene, the Rubsams submit as follows:

I. FACTUAL BACKGROUND

1. The Rubsams own and reside at 60 Clover Drive, in Wilton, Connecticut (the “Property”). The Property consists of a single-family residence, grassy lawn, wetlands, a tributary to Copts Brook, and a segment of Copts Brook that runs along the southern portion of the property. The majority of the Property lies within FEMA’s 100-year Floodplain.

2. Copts Brook flows from east to west and comes to pass through a culvert beneath Clover Drive on the southwestern portion of the Property.

3. The Property is adjacent to the Eversource 1637 Line Right-of-Way (the “ROW”). The ROW is on the southern side of Copts Brook and its wetlands. The ROW and the Property are separated by Copts Brook and the wetlands surrounding Copts Brook.

4. In approximately late spring/early summer of 2021, Eversource performed work in the ROW. To perform the work, Eversource and/or its agents laid down wooden mats in the ROW, including the wetlands adjacent to Copts Brook. By laying down the wooden mats in the ROW, which is dominated by *Phragmites australis*, also known as common reed, which is an invasive species, Eversource and/or its agents disturbed the ROW and its vegetation, which serves as a substantial seed source that is adjacent to Copts Brook and its wetlands.

5. Following the completion of the work and removal of the wooden mats, the Rubsams observed an explosion of growth of invasive plants in the ROW, Copts Brook, and the wetlands adjacent to Copts Brook. The invasive plant presence on the Rubsams’ property and in Copts Brook has never been of this magnitude, and the Rubsams’ annual efforts to prevent the proliferation of invasive flora on their property can no longer keep the invasive plant population in check.

6. Of particular concern to the Rubsams is the location of the invasive growth in Copts Brook, which is in the western-most portion of the Brook, and just prior to the culvert beneath Clover Drive (“Culvert”). This area is important because the proliferation of vegetation impedes the flow of water and may lead to an increase in sedimentation just prior to the Culvert. During

periods of significant rain, the Culvert serves as a choke point for water flowing through Copts Brook, and any further impediment to the natural flow of water due to invasive vegetation, and similarly, the accumulation of sediment as a result of vegetative growth, increases the risk of flooding the Property.

7. In June 2022, the Rubsams contacted Stephen A. Burger. Mr. Burger represents Eversource as a Public Involvement Specialist with Burns & McDonnell. After several discussions, Mr. Burger coordinated the preparation of a Habitat Evaluation of the Property by BSC Group (the "Habitat Evaluation") (attached hereto as Exhibit A). We note the following points in the Habitat Evaluation (emphasis added):

- i. "The wetland is dominated by forested and scrub-shrub habitat on the subject parcel and a scrub-shrub habitat within **the adjacent ROW which is dominated by common reed.**" (p. 2)
- ii. "**During large rain events, it is possible that Copts Brook will over top its banks inundating the surrounding areas**, especially given that the areas adjacent to the stream are mapped floodplain." (p.3)
- iii. "**Vegetation within the ROW is mainly common reed** with no trees present (see Table 3). Due to the vegetation management within the ROW, there is a distinct boundary between the two habitats and species present." (p. 5)
- iv. "Within the Rubsam's property, the stream itself was mainly clear of vegetation . . . **The extreme western section of the stream** (about 50 feet of the stream), **where it is closest to the culvert and daylights into the ROW, did contain vegetation within the stream including common reed** The banks of the stream in this area were more thickly vegetated with silky dogwood, sweet pepperbush, spicebush, and common reed. **This area was dominated by about 10% of common reed**" (p. 6)
- v. "**The vegetation within the ROW near Structure 943 is dominated by a monoculture of common reed.** Common reed is also present to the west within the ROW, on the opposite side of Clover Drive." (p. 6)
- vi. "[A]bout **50 linear feet of the stream contained vegetation within the channel itself. This vegetation is mainly native with about 10% of common reed**

present and corresponded to where the stream daylight into the ROW and was closest to the culvert under Clover Drive.” (p. 8)

- vii. “The presence of common reed (an invasive species) and thicker layer of vegetation [where the stream daylight into the ROW] **may be the result of having more daylight** and mucky/wetter soils versus inundation during non-drought conditions.” (p. 8)
- viii. “In addition, the adjacent ROW is dominated by common reed. This dominance of common reed is consistent with the pre-construction conditions of this wetlands system **Therefore, it is most likely that the constant seed source from the adjacent wetlands** (both upstream and downstream) as well as the drought conditions (preventing flow of water to wash out the establishment of common reed) **likely have resulted in an increase in common reed as well as the rapid growth of native vegetation within and along the stream banks on the Rubsam’s property.**” (p. 8)
- ix. “Without regular maintenance, vegetation will continue to grow when there is appropriate light, water, and nutrients.” (p. 9)
- x. “Photo 5: **View of Copts Brook within the Rubsam’s property and the ROW where vegetation starts to fill in and occupy the streambed.**” (Attachment C, p. 3)
- xi. “Photo 6: Another view of the stream near the Clover Drive culvert within the ROW in southwestern corner of Rubsam property. **Note: Common reed (*Phragmites australis*) and other native vegetation present within the streambed and along the stream bank.**” (Attachment C, p.3)

8. Following the issuance of the Habitat Evaluation, the parties continued to discuss potential remedies to the proliferation of the invasive common reed within the wetlands on the Property.

9. Discussion between the parties subsided after Mr. Burger informed the Rubsams that Eversource had concerns from a liability perspective regarding potential remedies.

10. Counsel for the Rubsams wrote to counsel for Eversource regarding the above. On April 7, 2023, Attorney Jeffrey Cochran, Principal Counsel for Eversource, acknowledged receipt of the letter. No further correspondence has been exchanged since then.

II. EVERSOURCE HAS FAILED TO MANAGE INVASIVE VEGETATION IN THE ROW AND HAS NOT FOLLOWED THEIR BEST MANAGEMENT PRACTICES

11. As evidenced by the Habitat Evaluation, Eversource's vegetation management plan fails to protect Copts Brook and its wetlands from the invasive species that have overtaken the ROW. Further, the existing vegetation management plan, which appears to consist of the occasional clearcutting of all vegetation in the ROW, allows for invasives to rapidly repopulate and dominate the ROW.

12. Eversource's Best Management Practices Manual ("BMP Manual"), relevant excerpts attached hereto as Exhibit B, acknowledges that "the start of many [invasive plant species] infestations is often tied to a disturbance, and once established, the invasive species spread into undisturbed landscapes. They out-compete native species, disrupting ecological processes, and cause a loss of economic value or output." (Exhibit B, p. 3-27). The work that Eversource has proposed in connection with this Petition will allow the invasive species to continue to, and to re-infest the ROW, adjacent wetlands, and Copts Brook.

13. Photographs illustrating the Common Reed's dominance of the ROW adjacent to the Property have been attached as Exhibit C. The photographs were taken by Attorney Conant on June 9, 2023. The photographs illustrate Eversource's total failure to prevent the proliferation of invasive species in the ROW.

14. As noted in the excerpts of the Habitat Evaluation above, Eversource's failure to prevent the proliferation of invasive species in the ROW has also allowed for the invasive species to spread into Copts Brook and its wetlands.

15. This evidence demonstrates that Eversource has failed to follow its BMP Manual, specifically sections 4.1.5, titled "Post Construction," (p. 4-2), and 5.1.3, titled "Wetland/Watercourses," (pp. 5-2, 5-3).

16. In its Petition, Eversource states that it "identified invasive species within both upland and wetland work areas" and that it "will follow the practices of the BMP Manual" (Petition, p. 21). Other than this generic statement, however, the Petition fails to specify any remedial, protective, or mitigative measures that Eversource plans to take to restore, protect, and

preserve Copts Brook, the wetlands surrounding Copts Brook, and the ROW from the existing and future infestation of invasive vegetation.

III. REQUESTED RELIEF

17. The Rubsams respectfully request that the Siting Council deny Eversource's Petition for Declaratory Ruling that no Certificate of Environmental Compatibility and Public need is required. At present, the Petition is insufficient for the following reasons: (1) the petition lacks a detailed construction plan that adequately protects and mitigates any adverse effects to the numerous sensitive environmental and ecological features in and around the proposed work, including the Norwalk River, Copts Brook, several vernal pools, and the wetlands surrounding the aforementioned; and (2) Eversource's lone reference in the Petition to implement and adhere to its BMP Manual is unsatisfactory given its existing failure to implement and follow its BMPs.

18. In the alternative, the Rubsams respectfully request that the Siting Council require Eversource to develop, implement, and maintain a detailed Invasive Species Management Plan ("Plan") for the segments of the 1637 and 1720 Lines that are adjacent to the wetlands and watercourses identified in Exhibit E of the Petition. In order to ensure that the Plan is successful, the Rubsams request that the Plan contain the following, at a minimum:

- a. Existing invasive species, as listed on The Connecticut Invasive Species Working Group (CIPWG) Invasive Plant List (https://cipwg.uconn.edu/invasive_plant_list), shall be inventoried by a Professional Wetlands Scientist ("PWS") in the 1637/1720 Lines, Eversource's ROWs, and adjacent wetlands and watercourses (the "Inventory").
- b. The Inventory shall include the identification, location, and quantity of invasive species in the areas described in subparagraph a.
- c. The PWS shall provide a summary of findings and recommendations for management in accord with the CIPWG removal guidelines for the time of year, life cycle, and quantity (<https://cipwg.uconn.edu/wp-content/uploads/sites/244/2018/10/Invasive-Plant-Management-Calendar.pdf>). The summary shall be shared with the Siting Council and adjacent landowners.
- d. Eversource shall coordinate the recommended management protocols as identified by the PWS and implement the protocols with a Professional Landscaper and/or Professional Certified Licensed Herbicide Applicator.

e. A PWS shall make five (5) visits annually, in either early spring or late fall, and shall update and share the revised Inventory accordingly.

f. The planting of a native vegetative buffer within the 1637/1720 Lines that are adjacent to wetlands and watercourses. Such a buffer shall be designed by a PWS and/or a Professional Landscaper and approved by the Siting Council. The maintenance of the buffer shall be an ongoing requirement of the Plan.

f. The Inventorying and removal in the summer or fall of 2023 of invasive species in Copts Brook and its wetlands that are adjacent to the Rubsams' Property.

IV. MOTION FOR PARTY STATUS, OR ALTERNATIVELY, PETITION TO INTERVENE

19. The Rubsams' Motion for Party Status should be granted because the Rubsams are a Party pursuant to RCSA § 16-50j-2a(22) and General Statutes § 16-50n(a)(2).

20. The Rubsams are a party pursuant to RCSA § 16-50j-2a(22) and General Statutes § 16-50n(a)(2) as they are abutters to the proposed work in the ROW in the Petition and were served notice pursuant to General Statutes § 16-50l(b).

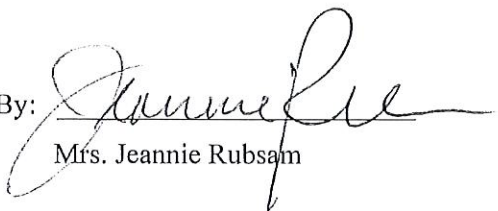
21. Alternatively, the Rubsams are also permitted to intervene pursuant to General Statutes §§ 4-177a and 22a-19 because the Rubsams' Petition to Intervene states facts demonstrating that the Rubsams' legal rights, duties, or privileges will or may be reasonably expected to be affected, or significantly affected, by the proceedings concerning the Petition and the proposed work by Eversource in the Petition is reasonably likely to have the effect of impairing or destroying public trust in the water and other natural resources of the state.

22. For the foregoing reasons, the Rubsams respectfully request that they be granted Party or Intervenor status and that copies of all correspondence and communications associated with the Petition be sent to the following individuals:

Mr. and Mrs. Peter Rubsam
60 Clover Drive
Wilton, CT 06897
prubsam@yahoo.com

Daniel Conant
Gregory & Adams, P.C.
190 Old Ridgefield Road
Wilton, CT 06897
dconant@gregoryandadams.com

INTERVENOR

By: 
Mrs. Jeannie Rubsam

By: 
Mr. Peter Rubsam

VERIFICATION

Jeannie R
We, ~~Peter R~~ being duly sworn, depose and say that we have read the foregoing Petition to Intervene and that the allegations contained in said Petition are true to the best of my knowledge.

Jeannie R
Jeannie Rubsam

P. R.
Peter Rubsam

Subscribed and sworn to me before this *9th* day of June 2023.
D.C.

[Signature]
Commissioner of the Court
~~Notary Public~~
My Commission Expires:

CERTIFICATION

The undersigned hereby certifies that a copy hereof was mailed in a properly addressed and stamped envelope to the following persons at the following addresses on June 9, 2023:

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

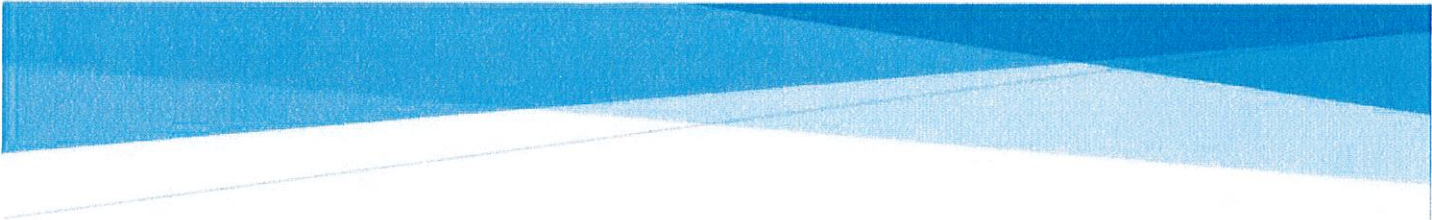
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Daniel Conant
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Exhibit A



HABITAT EVALUATION RUBSAM PROPERTY 1637 LINE

Wilton, CT

Prepared by:
BSC Group



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ATTACHMENT B	WETLANDS EXTENTS MAP
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Introduction

Mr. and Mrs. Rubsam of 60 Clover Drive in Wilton, Connecticut (LL #201-500) have a property that abuts the Eversource 1637 Line Right-of-Way (ROW). The Rubsam's emailed Eversource on June 14, 2022 with concerns of excessive vegetative growth within the stream (Copts Brook) that runs through their property. The Rubsam's maintain that common reed (*Phragmites australis*) has overtaken portions of Copts Brook within their property and that the increase may be due to the recent Eversource project conducted in the adjacent ROW. In response, Eversource requested that BSC Group (BSC) review the conditions of the stream, conduct a biological investigation of the stream and adjacent wetland, and review the previous work conducted by Eversource in the transmission line ROW. Understanding the physical and biological features of the landowner's property and the adjacent wetland allows for the ecology of the system to be assessed. BSC performed a vegetation survey and hydrologic assessment of the site on August 25, 2022 to evaluate the current conditions. The data and results of the assessment are provided below.

Background

The subject parcel contains a house, maintained lawn, Copts Brook, a tributary to Copts Brook, and a Riverine forested/scrub-shrub wetland. Eversource's maintained ROW crosses the parcel to the south and Clover Drive borders the parcel to the west. The forested wetland is located in and along the southern section of the parcel and extends into and throughout the ROW where it is maintained as scrub/shrub and emergent wetland. Copts Brook is a perennial stream that flows through the parcel and the ROW from east to west (Figure 1.1). The stream flows through a culvert under Clover Drive in the southwestern corner of the parcel. A second stream, a tributary to Copts Brook, runs onto the property from the north via a culvert and flows a short distance south to where it enters Copts Brook. The majority of the property is located within the 100-year Floodplain.

The wetland is dominated by forested and scrub-shrub habitat on the subject parcel and a scrub-shrub habitat within the adjacent ROW which is dominated by common reed. The wetland appears to border Copts Brook along its length through the Rubsam's property as well as within the ROW and adjacent parcels. In total, the wetland is approximately 53 acres in size and is intersected by Westport Road to the east and Clover Drive to the west.

Copts Brook is an approximately 2-mile-long tributary to the Norwalk River with its headwaters originating from an approximately half-acre pond north of Westport Road. The brook is heavily culverted through densely developed residential surrounding areas. Its longest stretch of free flow appears to be in the portion running through the wetland within the ROW which is approximately 1/6 of the entire length of the stream (Figure 1.2).

A review of the Natural Resource Conservation Service (NRCS) soils survey indicates the wetland on the parcel contains Timakwa and Natchaug Series soils which are very poorly drained and formed in woody and herbaceous organic materials.

Methodology

A survey of the stream located on the Rubsam's property as well as the adjacent wetland within the property and the ROW was conducted by Jonathan Kuziel, a BSC ecologist, on August 25, 2022. Prior to the survey, information on hydrology and soils, as well as photographs of site conditions taken prior to and during Eversource's 1637 Line project conducted in 2021 were reviewed. Historic hydrologic data from a United States Geological Survey (USGS) water gauge located within the Norwalk River in South

Wilton, CT and precipitation data from a NRCS rain gauge in New Canaan (approximately 3 miles away) were also analyzed to understand hydrologic conditions of the area. NRCS web soil survey for the area was also reviewed which provided the soil series within the wetland and the subject parcel.

The site investigation was conducted by slow meander-based visual surveys. Site conditions, including hydrology, vegetation, and soils, were recorded. Culverts conveying Copts Brook on-site and beneath public roads were assessed and GPS-located. Representative photographs of the brook and wetland conditions throughout the area were also obtained.

Mrs. Rubsam was present during the site investigation to identify portions of the Copts Brook that run through her property and areas of concern. Copts Brook and the associated tributary were GPS-located to sub-meter accuracy using an Arrow GNSS GPS. The data collected was then added to an existing map included as **Figure 1.1** to this report.

Results

The results of the investigation are provided below.

Hydrology

Copts Brook flows along the south-central section of the Rubsam's parcel, from the eastern neighbor's yard to the southwest corner. Another small channel enters Copts Brook on the parcel to the north. The tributary enters the property via a culvert under the maintained lawn along the property boundary to the north. At the time of the investigation, the stream was dry with no flow, although it had rained on August 22nd and August 23rd (two and three days prior to the investigation). No pooling of water was observed within the channel.

The majority of the Rubsam's property is located within the 100-year floodplain associated with Copts Brook. According to the Federal Emergency Management Agency (FEMA) flood mapping, the floodplain boundary ends just south of the Rubsam's residence. According to the floodplain mapping, the Copts Brook floodplain is fairly expansive to the east but within the Rubsam's property, it narrows, centered on the brook, most likely due to surrounding development and topography.

Wetlands border both the north and south sides of the brook. The wetland areas have flat to low topographical relief and form a concave or bowl shape depression that drains the surrounding areas. When a precipitation event large enough to produce runoff occurs, site observations suggest that the sloping topography collects the surface water from the surrounding areas and runoff flows from the site in a westerly direction toward the Norwalk River. This wetland is highly influenced by the fluvial processes of the Copts Brook and as such is considered a seasonally flooded wetland. During large rain events, it is possible that Copts Brook will over top its banks inundating the surrounding areas, especially given that the areas adjacent to the stream are mapped floodplain.

As part of the hydrologic investigation, the nearest water level and precipitation gauges were reviewed. A USGS water level gauge located on the Norwalk River (Figure 1) and precipitation data using the USDA rain gauge in New Canaan (Figure 2)¹ were reviewed to compare differences between 2021 and 2022. Summer months including May through September were the focus of the review. Table 1 shows that, on average, water levels in 2022 were lower than 2021 and, at the end of August, a decrease of ½ a foot in

¹ Rain gauge located at Weeburn Dr, New Canaan, CTUSDA/NRCS, <https://agacis.rcc-acis.org/?fips=09001>

water levels can be seen in 2022 compared to 2021. The average water level of the Norwalk River in August 2022 was 0.92' while in August 2021 it was 1.24'. The difference in water level between 2021 and 2022 increases even further in the month of September as a 50-year storm event occurred at the beginning of September 2021. No large storm events have occurred in 2022 as of the end of August 2022.

Additionally, review of the precipitation data shows that, on average between the months of May and September, precipitation was lower in 2022 than 2021. The total precipitation for 2022 was 9.88" while the total precipitation in 2021 was 26.49". There is a deficient of -16.61" in 2022 from the past year. Breaking it down further into separate months you could see that May, July, August, and September of 2021 had significantly more rain. It is worth noting that the greatest precipitation differences came in July with 8.05" less rain occurring in 2022.

BSC also reviewed online data for drought conditions in Connecticut. According to the US Drought Monitor, since May 2022, Connecticut has been Abnormally Dry, in a Moderate Drought, to a Severe Drought. During the time of the site investigation, Connecticut was experiencing a severe drought.²

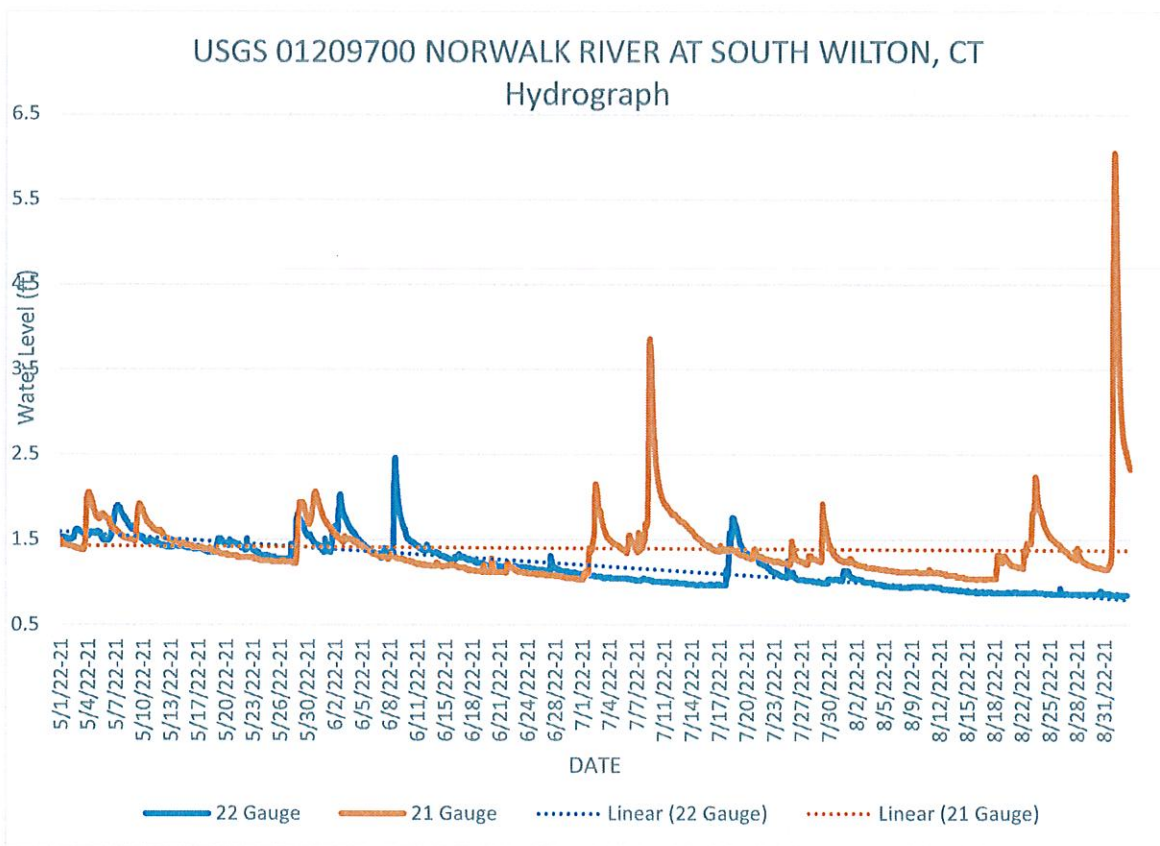


Figure 1. Water levels recorded from the Norwalk River in Wilton, CT from May through September in 2021 and 2022.

² <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?CT>

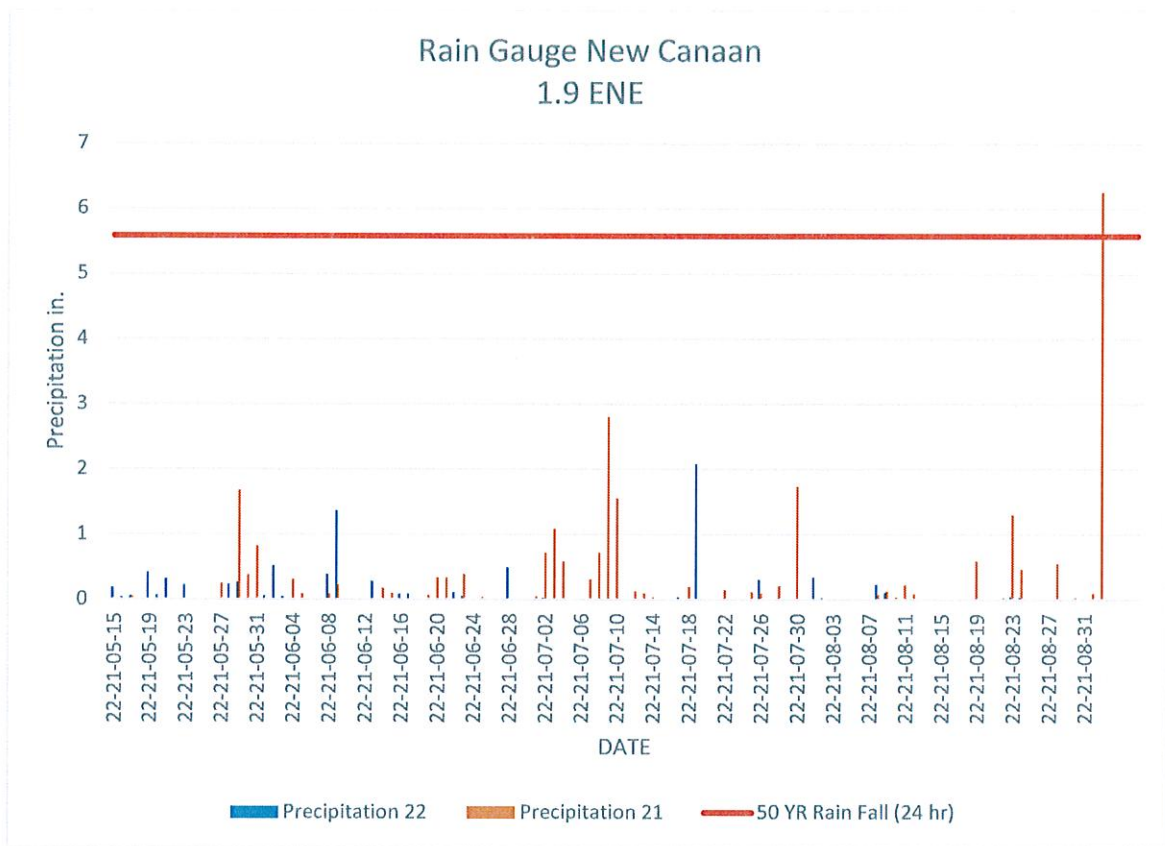


Figure 2. Precipitation levels collected from a rain gauge in New Canaan, CT (3 miles away) from May to September 2021 and 2022.

Additionally, during the investigation, the culverts located upstream and downstream of the Rubsam’s property were inspected for potential obstructions. The culverts located on site (the southwest corner and northeast sections of the property) are concrete pipes. The culvert to the southwest conveys streamflow under Clover Drive and the culvert to the northeast conveys streamflow under the lawn at the property boundary. A third culvert is present to the east and runs under Westport Road. All three culverts were clear but very dry at the time of the investigation. No evidence of blockage was observed at the time of the investigation.

Vegetation

During the investigation, the vegetative community along the stream as well as within the wetland system on the Rubsam’s property and the adjacent ROW were reviewed and inventoried. Dominant plant species were recorded. The wetland on the parcel can be classified as forested/scrub-shrub while the portion within the ROW is entirely characterized as scrub/shrub. Dominant vegetation within the wetland on the parcel includes those species listed in Table 1 below while vegetation within the ROW is mainly common reed with no trees present (see Table 3). Due to the vegetation management within the ROW, there is a distinct boundary between the two habitats and species present. Dominant vegetation along the bank

of Copts Brook on the parcel includes silky dogwood (*Swida amomum*), spicebush (*Lindera benzoin*), sweet pepperbush (*Clethra alnifolia*), and highbush blueberry (*Vaccinium corymosum*).

Within the Rubsam's property, the stream itself was mainly clear of vegetation and contained organic mucky soils aligning with the Timakwa and Natchaug soils mapped by NRCS. The extreme western section of the stream (about 50 feet of the stream), where it is closest to the culvert and daylights into the ROW, did contain vegetation within the stream including common reed, silky dogwood, false nettle, and sensitive fern. The banks of the stream in this area were more thickly vegetated with silky dogwood, sweet pepperbush, spicebush, and common reed. This area was dominated by about 10% of common reed and the remaining vegetation was native scrubby, woody vegetation.

The vegetation within the ROW near Structure 943 is dominated by a monoculture of common reed. Common reed is also present to the west within the ROW, on the opposite side of Clover Drive.

The tables below outline the dominant plant species observed within the wetland on the Rubsam's property (Table 1), stream banks of Copts Brook on the Rubsam's property (Table 2), and ROW (Table 3).

Table 1. Dominant Species within the wetland on the Rubsam's Property

Stratum	Species	Percent Cover	Wetland Indicator	Native
Tree/Canopy				
Red Maple	<i>Acer rubrum</i>	60	FAC	Yes
Yellow Birch	<i>Betula alleghaniensis</i>	20	FAC	Yes
Black Tupelo	<i>Nyssa sylvatica</i>	10	FAC	Yes
Swamp White Oak	<i>Quercus bicolor</i>	5	FACW	Yes
Total		95		
Shrub				
Sweet Pepperbush	<i>Clethra alnifolia</i>	15	FAC	Yes
Spicebush	<i>Lindera benzoin</i>	10	FACW	Yes
Green Ash	<i>Fraxinus pennsylvanica</i>	5	FACW	Yes
Silky Dogwood	<i>Swida amomum</i>	5	FACW	Yes
Burning Bush	<i>Euonymus alatus</i>	5	N/A	Yes
Winterberry	<i>Ilex verticillata</i>	5	FACW	Yes
Total		45		
Herbaceous				
Royal Fern	<i>Osmunda regalis</i>	30	OBL	Yes
Purpleleaf Willow-herb	<i>Epilobium coloratum</i>	10	OBL	Yes
Sensitive Fern	<i>Onoclea sensibilis</i>	10	FACW	Yes
Tussock Sedge	<i>Carex stricta</i>	5	OBL	Yes
Common reed	<i>Phragmites australis</i>	5	FACW	No
Skunk Cabbage	<i>Symplocarpus foetidus</i>	3	OBL	Yes
Total		63		

Table 2. Dominant Species along the Bank of Copts Brook on the Rubsam's Property

Stratum	Species	Percent Cover	Wetland Indicator	Native
Tree/Canopy				
Swamp White Oak	<i>Quercus bicolor</i>	15	FACW	Yes
Black Cherry	<i>Prunus serotina</i>	15	FACU	Yes
Red Maple	<i>Acer rubrum</i>	15	FAC	Yes
Total		45		
Shrub				
Spicebush	<i>Lindera benzoin</i>	10	FACW	Yes
Highbush Blueberry	<i>Vaccinium corymosum</i>	10	FACW	Yes
Sweet Pepperbush	<i>Clethra alnifolia</i>	10	FAC	Yes
Silky Dogwood	<i>Swida amomum</i>	5	FACW	Yes
Total		25		
Herbaceous				
Common Reed	<i>Phragmites australis</i>	10	N/A	No
Sensitive Fern	<i>Onoclea sensibilis</i>	5	FACW	
False Nettle	<i>Boehmeria cylindrica</i>	5	OBL	Yes
Jumpseed	<i>Persicaria virginiana</i>	8	FAC	Yes
Total		23		
Vine				
Climbing hempweed	<i>Mikania scandens</i>	5	OBL	Yes
Multiflora Rose	<i>Rosa multiflora</i>	5	N/A	No
Total		10		

Table 3. Dominant Species within the Wetland in the ROW near Structure 943

Stratum	Species	Percent Cover	Wetland Indicator	Native
Tree/Canopy				
N/A				
Shrub				
Barberry	<i>Berberis vulgaris</i>	5	FACU	Yes
Multiflora Rose	<i>Rosa multiflora</i>	5	FACU	No
Arrowwood	<i>Viburnum dentatum</i>	5	FAC	Yes
Total		15		
Herbaceous				
Common Reed	<i>Phragmites australis</i>	70	FACW	No

	<i>Dichanthelium spp.</i>	5		Yes
Sweet Joe-Pye-Weed	<i>Eutrochium purpureum</i>	5	FAC	Yes
Flat-Top Goldenrod	<i>Euthamia graminifolia</i>	5	FAC	Yes
Total		95		
Vines				
Grape vine	<i>Vitis spp.</i>	30		Yes
Poison Ivy	<i>Toxicodendron radicans</i>	20	FAC	Yes
Total		50		

Conclusion

The Rubsam's expressed concern that the placement of timber matting during the 2021 project may have resulted in excessive vegetative growth, including an increase in the invasive common reed in Copts Brook within their property. However, the portion of Copts Brook on the Rubsam's property was observed to be mainly clear of vegetation and about 50 linear feet of the stream contained vegetation within the channel itself. This vegetation is mainly native with about 10% of common reed present and corresponded to where the stream daylights into the ROW and was closest to the culvert under Clover Drive. This small stretch of the stream also contained less canopy cover and likely has water that pools near the culvert as was evidenced by water marks and dark stained leaves. The presence of common reed (an invasive species) and thicker layer of vegetation in this area may be the result of having more daylight and mucky/wetter soils versus inundation during non-drought conditions. The fact that there is no common reed within other portions of the stream on the property may be due to the lack of sunlight. Therefore, the more open canopy and available sunlight likely allows for the thicker growth of vegetation near the culvert at Clover Drive.

In addition, the adjacent ROW is dominated by common reed. This dominance of common reed is consistent with the pre-construction conditions of this wetland system (as demonstrated in the pre-construction (April 2020) and during construction photos [May 2021])) that also show the thick cover of this plant species. Therefore, it is most likely that the constant seed source from the adjacent wetland (both upstream and downstream) as well as the drought conditions (preventing flow of water to wash out the establishment of common reed) likely have resulted in an increase in common reed as well as the rapid growth of native vegetation within and along the stream banks on the Rubsam's property. Standing pooled water near the culvert, sunlight, and mucky, rich organics within the stream bed allow for the perfect habitat for vegetative growth.

The project conducted in 2021 was temporary and did include the use of timber matting placed on top of the wetland vegetation within the ROW. Construction matting is considered a Best Management Practice (BMP) that is used to support heavy equipment and protect the wetland substrate by dispersing the weight of construction vehicles. Before and after construction is complete and the matting is cleaned and is removed, vegetation quickly returns to pre-construction conditions. In addition, Eversource, their contractors, and the BSC monitors ensured vegetative material was removed from matting, vehicles, and equipment when moving from the site and any new matting, vehicles and equipment were clear of vegetation prior to entering the site. This is consistent with Eversource's BMP Manual (Best Management

Practices Manual for Massachusetts and Connecticut April 2022) which is followed by all Eversource employees and contractors.

As stated above, Connecticut is currently experiencing a severe drought compared to conditions in 2021. Extreme weather events are becoming more common with increasing intensities, durations, and frequency that can be a driving force behind a shifting ecosystem. Events of this magnitude will favor species that can adapt the quickest and therefore dominate the landscape. Evidence in this report has shown that the severe drought conditions in western Connecticut could be a key factor in the landscape and ecology of Copts Brook.

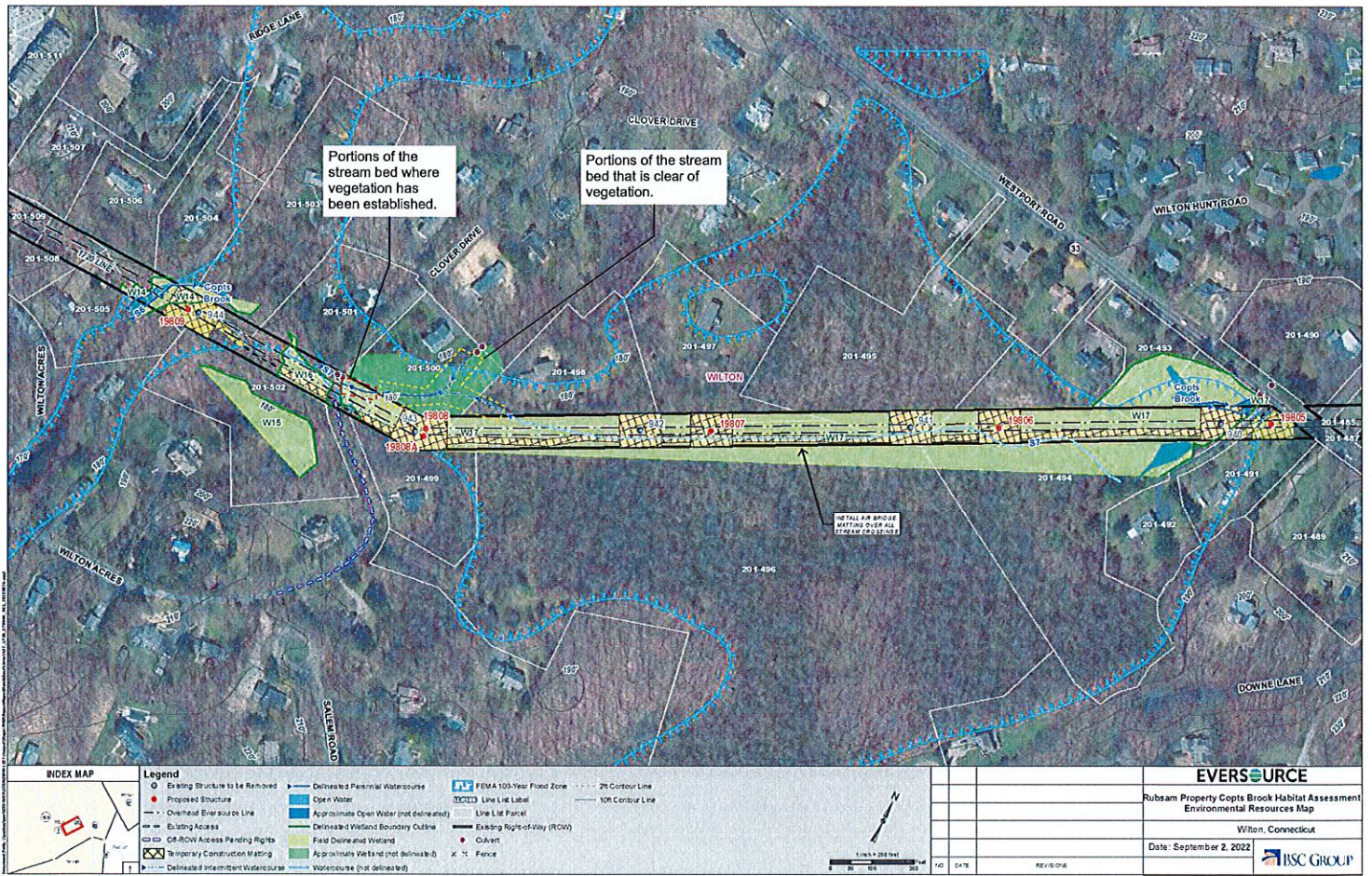
In addition, review of the adjacent parcel to the west shows similar increased vegetation growth. Without regular maintenance, vegetation will continue to grow when there is appropriate light, water, and nutrients. Therefore, it is unlikely the area of excess vegetative growth can be attributed to the Eversource Project.

The Rubsam's also expressed concern that the excessive vegetative growth could result in flooding on their property and street. The property is located in a constricted flood zone compared to other portions of Copts Brook floodplain. As a result, flooding on the property can be expected during large storm events (as stated by the Rubsam's in their June email to Eversource). However, the wetlands that surround the stream are depressional and should contain water that may overtop the banks of Copts Brook or the small tributary present on the property. The adjacent culverts are clear of vegetation and should move water down stream, as designed. Therefore, it is unlikely the observed vegetative growth will exacerbate flooding or result in flooding to the Rubsam's residence or onto Clover Drive.

Attachment A

Rubsam Property Copts Brook Habitat Assessment
Wilton, Connecticut

ENVIRONMENTAL RESOURCES MAP

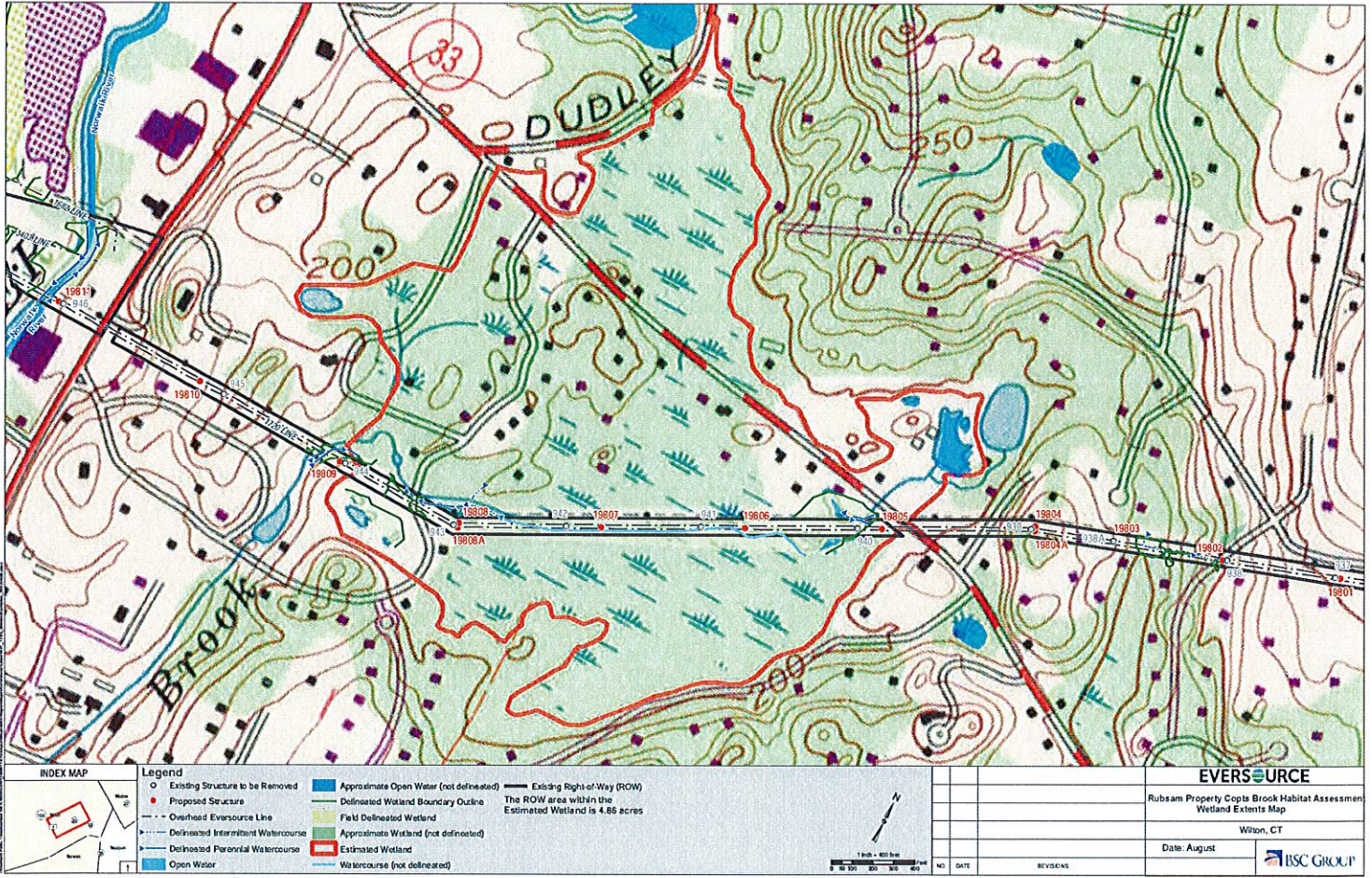


THIS MAPPING PRODUCT HAS BEEN CREATED TO COMPLY WITH SUBMITTAL REQUIREMENTS TO OBTAIN CERTAIN REGULATORY APPROVALS AND, AS SUCH, THERE IS NO RELIANCE ON THE INFORMATION CONTAINED HEREIN FOR ANY OTHER PURPOSE.

Attachment B

Rubsam Property Copts Brook Habitat Assessment
Wilton, Connecticut

WETLANDS EXTENTS MAP



THIS MAPPING PRODUCT HAS BEEN CREATED TO COMPLY WITH SUBMITTAL REQUIREMENTS TO OBTAIN CERTAIN REGULATORY APPROVALS AND, AS SUCH, THERE IS NO RELIANCE ON THE INFORMATION CONTAINED HEREIN FOR ANY OTHER PURPOSE.

Attachment C

Rubsam Property Copts Brook Habitat Assessment
Wilton, Connecticut

PHOTO PAGE



Photo 1: View of the tributary to Copts Brook on the Rubsam's property, located along the northern property boundary. Note: Dry conditions with no vegetation growing in streambed and thick canopy cover. (Facing South)



Photo 2: View of the cement pipe culvert of the tributary to Copts Brook clear of debris. (Facing south).



Photo 3: View of Copts Brook where the tributary enters the stream on the Rubsam's property. Note: Clear streambed and overhanging vegetation from the bank. (Facing west)



Photo 4: Another view of showing Copts Brook where the tributary enters the stream. Note: Clear streambed and overhanging vegetation from the bank. (Facing east)



Photo 5: View of Copts Brook within the Rubsam's property and the ROW where vegetation starts to fill in and occupy the streambed. Note: stream remains dry with no pooling water. (Facing west)



Photo 6: Another view of the stream near the Clover Drive culvert within the ROW in southwestern corner of Rubsam property. Note: Common reed (*Phragmites australis*) and other native vegetation present within the streambed and along the stream bank.



Photo 7 : View of the northwestern bank of the stream near the Clover Drive culvert within the ROW. Note: Minimal invasive common reed is present.



Photo 8 : View of the culverts under Clover Drive showing unobstructed path for water to flow through.



Photo 9 : View of Copts Brook on the western side of Clover Drive showing a clear streambed and vegetated banks (Just outside of wetland area).



Photo 10: View of the ROW to the west of Clover Drive. Structure 944 is in the background.



Photo 11: View of the ROW with common reed dominating the vegetation community. Note: Structure 943 is present in the background. (Facing east)



Photo 12 : View of the ROW on the opposite side (west) of Clover Drive on August 25, 2022. Note: Structure 944 is present in the background. (Facing west)



Photo 13: View of the ROW pre-construction in April 2020. The Rubsam's property is to the left and Structure 943 is in the background.



Photo 14: View of the ROW on the western side (opposite) of Clover Drive pre-construction in April 2020.

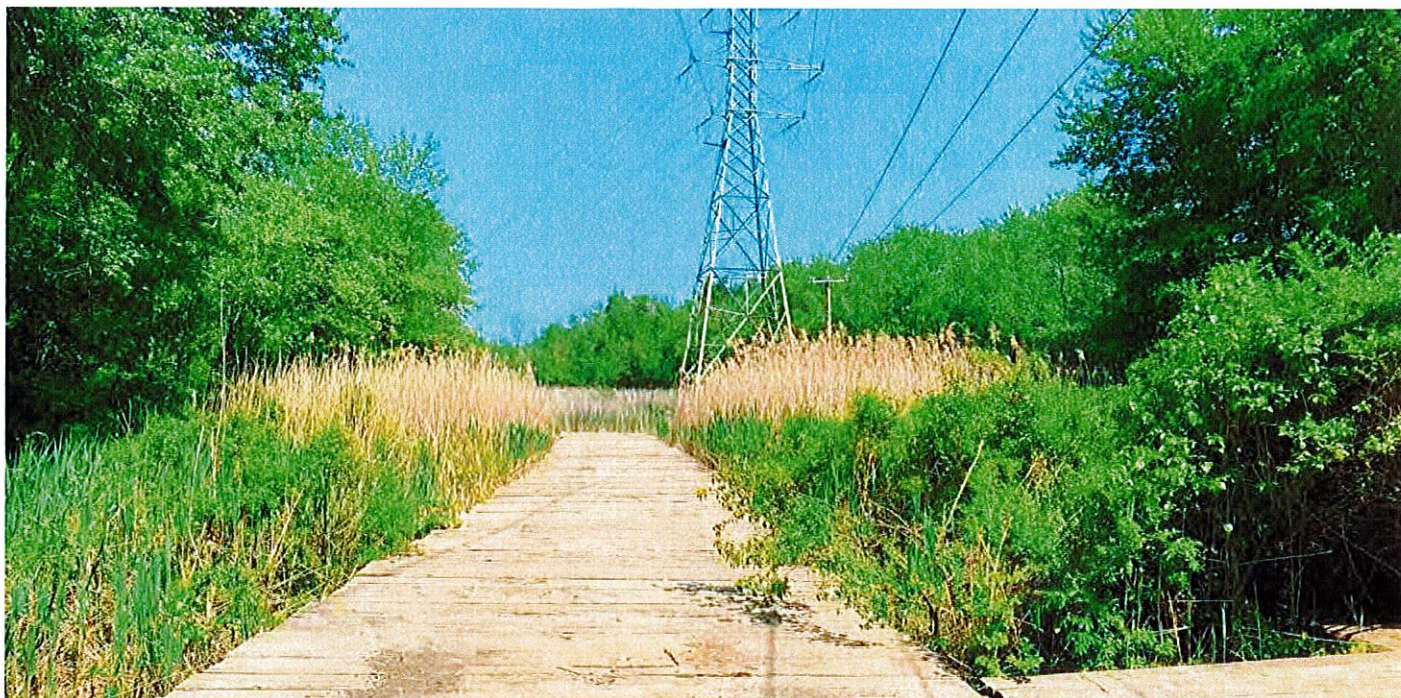


Photo 15: View of the ROW during construction in May 2021. The Rubsam's property is to the left and Structure 943 is in the background.

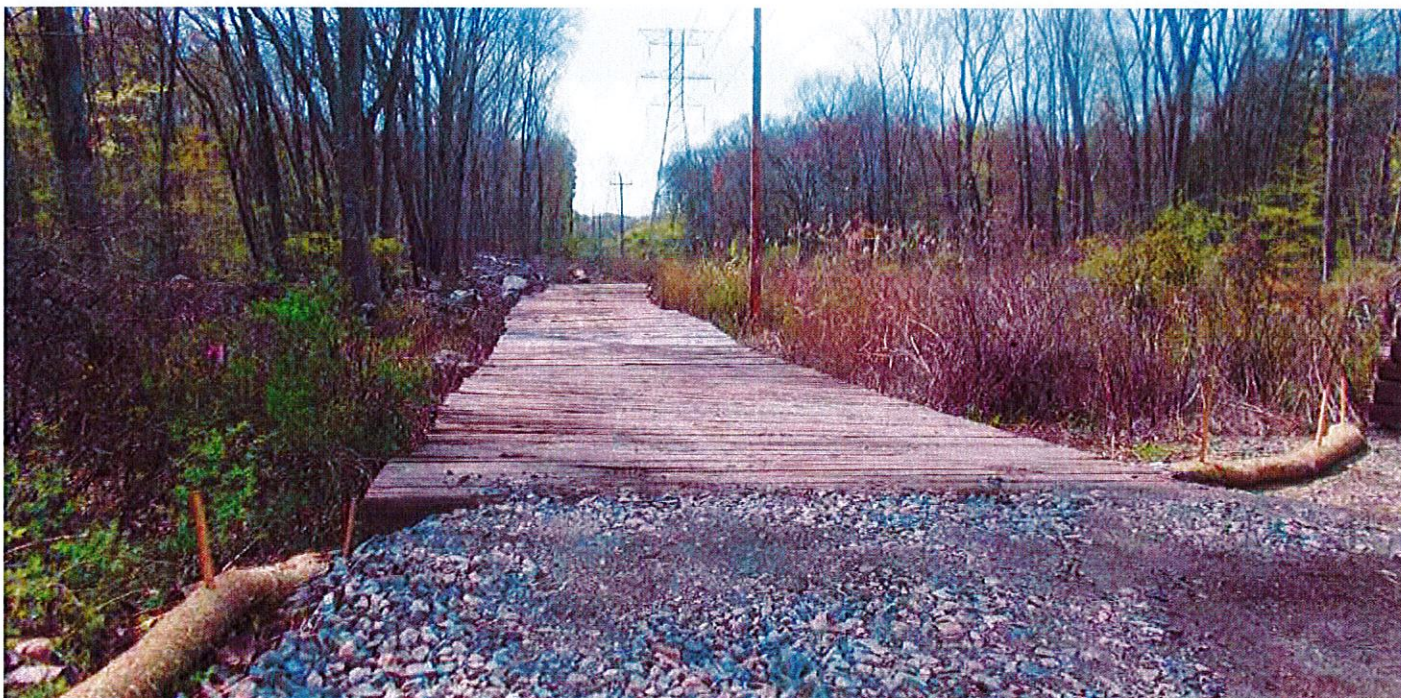


Photo 16: View of the ROW on the western side (opposite) of Clover Drive during construction in 2021. Structure 944 is present in the background.



Photo 17: View of the ROW post-construction in August 2021. The Rubsam's property is to the left and Structure 943 is in the background.



Photo 18: View of the ROW on the western side (opposite) of Clover Drive post-construction in August 2021.

Exhibit B



CONSTRUCTION & MAINTENANCE ENVIRONMENTAL REQUIREMENTS

Best Management Practices Manual for Massachusetts and Connecticut



APRIL 2022

Prepared for:
Eversource Energy Environmental Licensing and Permitting Group

EVERSOURCE

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SECTION 4

Section 4

Inspection and Maintenance

A pre-construction meeting will be held to discuss how often and who is responsible for monitoring erosion and sediment controls to document their condition and recommend maintenance or other corrective actions, as necessary. All BMPs will be inspected at least once per week during active construction and until disturbed areas have stabilized following post-construction site restoration. Construction sites will be inspected after major storm events (rainfall events greater than 0.25 inches (MA) or 0.50 inches (CT)), or as directed by Eversource Environmental Licensing and Permitting.

4.1 During Construction

Construction sites, construction access roads, and the associated erosion and sediment controls should be inspected by the person(s) designated at the pre-construction meeting, as required by permit conditions. Any damage observed must be repaired in a timely manner, at least within 48 hours of observation. Repairs may include re-grading and/or top dressing the surface with additional aggregate to eliminate ruts as well as those repairs required by each erosion and sediment measure used.

All inspections will be documented in a written report submitted to Eversource Environmental Licensing and Permitting and saved to the project folder. Copies will be distributed to the relevant contractors if/as directed by Eversource Environmental Licensing and Permitting.

4.1.1 Maintenance of Erosion and Sedimentation Controls

Spare erosion and sedimentation control materials such as straw wattles, straw bales and silt fencing should be kept on site or be readily available so they may be replaced if they become non-functional due to deterioration or damaged during a storm, extreme water or wind, or other unexpected events.

4.1.2 Rapid Wetland Response Restoration

In the event of unintended discharges of sediment into wetlands, Eversource Environmental Licensing and Permitting will direct the contractor(s) to quickly control, contain and remove sediment using non- or marginally invasive methods. Responding quickly to unintended discharges minimizes the difficulty and cost of restoration if the sediment is left in place for an extended period of time. Eversource Environmental Licensing and Permitting will direct sediment removal activities at the time of discharge and will notify the appropriate regulators of the discharge and the recommended corrective actions.

4.1.3 Vehicle Storage and Refueling

All storage and refueling of vehicles and other equipment must occur outside of and as far away as practical from sensitive environmental areas such as wetlands, unless specifically authorized by Eversource Environmental Licensing and Permitting and an alternate protocol is developed and approved internally.

The recommended minimum distance from wetlands for storage of fuel and refueling is 100 feet. Additionally, equipment should be checked regularly for evidence of leaks. Construction material storage should also be located at least 100 feet from wetlands.

Storage of larger, less mobile equipment such as drill rigs or large cranes, may be permitting within wetlands subject to prior approval from Eversource Environmental Licensing and Permitting. Secondary containment shall be in place at each piece of equipment during non-working hours.

Refueling of larger, less mobile equipment such as drill rigs or large cranes, may be allowed within wetlands only with prior approval from Eversource Environmental Licensing and Permitting and if specified precautions and protocols are followed. A proper location for refueling should be identified and designated before site work begins. At a minimum, if refueling must be conducted in wetlands, the contractor shall provide adequate secondary containment during refueling operations and shall maintain a spill kit on-site at all times.

4.1.4 Spills

Spill kits consist of emergency cleanup and spill containment materials that can be used in the event of a fuel or other chemical spill. Spill kits must be kept on site and accessible at all times in case of an emergency spill. Such kits should generally contain multiple absorbent socks and/or pillows and wipes and temporary disposal bags. Follow the applicable Eversource Contractor Work Rules.

4.1.5 Post-Construction

Post-construction inspections of restored areas will be conducted at regular intervals throughout the growing season, as required by any applicable permits, and/or after major storm events. Sites should be inspected for success or failure of revegetation, invasive species colonization, and erosion and sedimentation. In the event additional measures are required to achieve site restoration and stabilization, corrective actions shall be identified and implemented.

All information collected during inspections, regular maintenance, and repair procedures should be documented in project folders. In addition, photographic or diagrammatic logs may be kept to record certain events and for documentation of project progress and any noteworthy observations.

The construction work is not complete until all areas are restored.

SECTION 5

Section 5

Rehabilitation and Restoration

5.1 Restoration

All areas disturbed by construction, repair, and maintenance activities shall be substantially restored to pre-construction conditions. Please refer to Appendix A for photos and typical details for loaming, seeding, and mulching. Prompt restoration minimizes the extent and duration of soil exposure and protects disturbed areas from erosion due to stormwater runoff, ice, wind and gravity. Stabilization should be conducted as soon as practicable. Where appropriate, it is preferable to allow sensitive environmental areas, such as wetlands and rare species habitat to revegetate naturally.

Consult Eversource Environmental Licensing and Permitting for project-specific restoration requirements.

5.1.1 Seed Mixes

Several different seed mixes are available for upland and wetland restoration. State-specific comprehensive summaries of seed mixes for both temporary and permanent seeding of disturbed sites can be found within the following documents:

- Massachusetts: Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, page 157: <https://www.mass.gov/doc/complete-erosion-and-sedimentation-control-guidelines-a-guide-for-planners-designers-and/download>
- Connecticut: 2002 Connecticut Guidelines for Soil and Erosion Sediment Control, page 5-3-8: <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>

Upland Seed Mix: If significant grading or upland alteration has occurred, annual rye grass seed shall be placed for temporary stabilization following manufacturer's recommendations after re-grading activities.

Wetland Seed Mix: If significant grading or wetland alteration has occurred, a wetland seed mix shall be placed following manufacturer's recommendations after re-grading activities.

5.1.2 Upland

The following restoration techniques apply to restoration projects in upland areas.

- Soil excavated during construction and not used as backfill must be evenly spread across disturbed areas to restore grades. Topsoil shall be stripped and separated to the extent practicable for re-use. Permanent soil protection shall be provided for all areas disturbed by construction activities. All areas will be seeded either by hydroseeding or broadcast seeding. Interim stabilization measures are required if areas cannot be seeded due to the time of year. Interim measures may include the application of mulch.
- Topsoil removed during construction activities will be replaced, seeded, and mulched.
- All areas that are broadcast seeded shall be treated with a layer of mulch, such as

straw, up to one (1) inch thick to enhance moisture retention, dissipate disturbance from precipitation, and detract birds foraging on broadcast seed.

- Rehabilitation of access routes and other areas must be performed as soon as practicable after construction is completed, including reestablishment of water bars or other BMPs to control erosion of the access road, and the removal and restoration of temporary wetland or waterway crossings.
 - Temporary breaks in construction activities may warrant seeding and mulching of disturbed areas as interim erosion control measures. Consult with Eversource Environmental Licensing and Permitting to determine project-specific requirements.
- Erosion control measures shall remain in place until soils are adequately stabilized, as confirmed by Eversource Environmental Licensing and Permitting. Once soils are stable, erosion controls – especially silt fence, which presents an obstacle to movement of small animals, shall be removed and properly disposed off-site. Stakes should be removed from straw bales and spread as mulch to remove barriers to wildlife movement.
- The use of hay and/or hay products is strictly prohibited to prevent the spread of invasive plant species seed stock.
- If a grading operation at a site is suspended for a period of more than twenty-nine (29) consecutive days, the disturbed area shall be stabilized by seeding, mulching, and/or other appropriate means within the first seven (7) days of the suspension of grading.
- Within seven (7) days after a final grade is established in any grading operation, the disturbed area shall be stabilized by seeding, loaming, and/or other appropriate means.

5.1.3 Wetland/Watercourses

Re-grading of Ruts: Upon removal of construction mats, or other BMPs, the wetland/watercourse should be inspected for rutting or disturbance from eroded upland soils. Any rutting should be re-graded to pre-existing contours and upland soils removed from wetland areas while taking care not to compact soils.

The following restoration techniques apply to restoration projects in wetlands:

Maintenance, Repair, and Emergency Projects (When No Permit is Required)

- Remove mats by “backing” out of the site and removing mats one at a time. Re-grade soils to pre-existing contours while taking care not to compact soils.
- Soils excavated from wetland areas shall be segregated and stockpiled separately (i.e., topsoil/muck apart from mineral subsoil) in a dry/upland area at least 100 feet from wetland boundaries unless other provisions have been made to facilitate restoration activities.
- Excavated wetland soils that have been stockpiled during underground utility installations within wetlands shall be replaced in the same order (i.e., mineral subsoil beneath organic topsoil/muck) to the extent practicable and restored to pre-disturbance grades.
 - Grading activities should include the elimination of ruts within the

area to be restored.

- If replacement of soil associated with temporary wetland or watercourse crossings for access roads is necessary, disturbed areas must be restored to pre-disturbance grades, either seeded and mulched, or allowed to revegetate from the natural seed bank.
- Disturbed wetland areas shall generally be allowed to revegetate from the natural seed bank. Measures to discourage the establishment or spread of plant species identified as non-native, invasive species by federal or state agencies shall be utilized. Consult with Eversource Environmental Licensing and Permitting to evaluate means and methods of wetland vegetate re-establishment.
- Any restoration plantings or seed mixes used in restoration shall consist of species native to the project area and, if feasible, from local nursery stock.
- Any stream banks and beds damaged shall be restored through use of 100 percent natural fiber geotextile erosion control blankets and/or coir logs. The use of erosion control products containing plastic and/or nylon is strictly prohibited.
- All seeded areas shall be treated with a layer of mulch (i.e., straw; the use of hay and/or hay products is strictly prohibited) up to one (1) inch thick to enhance moisture retention, dissipate disturbance from precipitation, and detract songbirds foraging on broadcast seed.

5.2 Private Property

5.2.1 Improved Areas

If access is over an off-ROW property, then it is the responsibility of a construction representative to determine if legal access rights are available to cross the property.

Access to and along the ROW over private property must be improved to the extent necessary to ensure suitable passage for construction equipment, provide erosion control, and maintain proper drainage. Upon completion of construction activities, altered yards, lawns, agricultural areas, and other improved areas must be restored to a condition equal to or better than before their use for the construction project.

5.2.2 Overall Work Site

Construction personnel should remove all work-related trailers, buildings, rubbish, waste soil, temporary structures, and unused materials upon satisfactory completion of work. All areas should be left clean, without any litter or equipment (e.g., wire, pole butts, anchors, insulators, cross-arms, cardboard, coffee cups, water bottles) and stabilized to match pre-construction conditions to the maximum extent practicable. Debris and spent equipment should be returned to the operating facility or contractor staging area for disposal or recycling as appropriate.

5.2.3 Material Storage/Staging and Parking Areas

Upon completion of all work, all material storage yards, staging areas, and parking areas shall be completely cleared of all waste and debris. Unless otherwise directed or unless other arrangements have been made with an off-ROW or off-property owner, material storage yards and staging areas shall be returned to the condition that existed prior to the installation of the material storage yard or staging area. Regardless of arrangements

made with a landowner, all areas shall be restored to their pre-construction condition or better. Any temporary structures erected by the contractor, including fences, shall be removed by the contractor and the area restored as near as possible to its original condition, including seeding and mulching as needed.

5.3 Work in Agricultural Lands

Transmission lines often cross agricultural lands. In some instances, this may affect ongoing agricultural activities in and around the ROWs. If a construction or maintenance project occurs within agricultural lands, Eversource will work closely with landowners, licensees and stakeholders to minimize agricultural impacts. Whenever practical, Eversource will make reasonable efforts to coordinate the schedule of construction-related activities around the growing and harvest seasons to minimize the impacts on agricultural operations. When this is not practical, Eversource will pursue reasonable measures to mitigate any impacts.

Eversource recognizes that disturbed soils, or soils compacted by heavy construction equipment, may affect the soil's ability to support certain agricultural activities. Eversource will take reasonable steps to avoid or minimize soil compaction and will restore soils that are compacted by construction equipment. Typical measures to avoid or minimize soil compaction include the use of construction mats for access to, and work pads at, structures within the project scope.

Eversource will also work with affected landowners to determine the appropriate method for restoring the soils and is open to discussing and implementing the landowners' alternative restoration suggestions. After the transmission improvement is complete, Eversource will remove all construction-related equipment and debris from the ROW.

Exhibit C



Southeastern View of ROW (Clover Drive side, above Culvert)



Eastward View of Copts Brook (prior to Culvert)



Eastward View of ROW



Eastward View of ROW (Wilton Acres side)



Westward View of ROW (Wilton Acres side)