



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

December 1, 2023

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

RE: **PETITION NO. 1573** - The Connecticut Light and Power Company d/b/a Eversource Energy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the Brookfield Junction to Bates Rock Substation Upgrade Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 6.7 miles of its existing electric transmission line right-of-way shared by its existing 115-kilovolt (kV) Nos. 1887, 1268, and 1485 Lines between Brookfield Junction in Brookfield and Shepaug Substation in Newtown, and along approximately 0.5 mile of its existing electric transmission line right-of-way shared by its existing 115-kV Nos. 1622 and 1485 Lines between Shepaug Substation and Bates Rock Substation in Southbury, Connecticut traversing the municipalities of Brookfield, Newtown and Southbury, and related electric transmission line and substation improvements. **Compliance with Condition Nos. 3 and 4.**

Dear Deborah Denfeld:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated November 29, 2023 regarding compliance with Condition Nos. 3 and 4 of the Declaratory Ruling issued by the Council on August 4, 2023 for the above referenced facility. The correspondence includes a copy of the Department of Energy and Environmental Protection (DEEP) Stormwater Permit *for work in in areas that are not subject to a DEEP Natural Diversity Data Base (NDDB) determination* in partial compliance with Condition No. 3 and a copy of the DEEP NDDB Final Determination letter, in accordance with Condition No. 4.

Therefore, the Council acknowledges that Condition No. 3 has been partially satisfied for work in areas that are not subject to a DEEP NDDB determination. A DEEP-issued Stormwater permit *for work in areas that are subject to a DEEP NDDB determination remains outstanding*. The Council also acknowledges that Condition No. 4 has been satisfied. This acknowledgment applies only to the conditions partially satisfied and satisfied by the November 29, 2023 correspondence.

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

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

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

MAB/RDM/dll

Deborah Denfeld

Team Lead – Transmission Siting
Tel: (860) 728-4654

November 29, 2023

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

Re: **PETITION NO. 1573** – The Connecticut Light and Power Company d/b/a Eversource Energy (“Eversource”) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed Brookfield Junction to Bates Rock Substation Upgrade Project (“Project”) consisting of the replacement and reconductoring of electric transmission lines structures along approximately 6.7 miles of its existing electric transmission line right-of-way share by its existing 115-kilovolt (kV) Nos. 1887, 1268 and 1485 Lines between Brookfield Junction in Brookfield and Shepaug substation in Newtown, and along approximately 0.5 mile of its existing electric transmission line right-of-way shared by its existing 115-kV Nos. 1622 and 1485 Lines between Shepaug Substation and Bates Rock Substation in Southbury, Connecticut traversing the municipalities of Brookfield, Newtown and Southbury, and related electric transmission line and substation improvements.

Dear Attorney Bachman:

On August 4, 2023, the Connecticut Siting Council (“Council”) considered and ruled that the above referenced Project would not have a substantial adverse environmental effect and, pursuant to Connecticut General Statutes §16-50k, would not require a Certificate of Environmental Compatibility and Public Need with certain Conditions to be met for the Project.

Eversource hereby provides a response to two Conditions:

- Pursuant to Condition 4, submittal of a copy of the Department of Energy and Environmental Protection (“DEEP”) Natural Diversity Database (“NDDB”) determination letter, dated November 24, 2023, is included as Attachment A.
- Pursuant to Condition 3, submittal of a copy of DEEP Stormwater Permit (No. GSN003998), dated November 19, 2023, referencing Application No. 202307023 is included as Attachment B. This Permit applies to non-NDDB areas where work is subject to the Stormwater Permit. It is anticipated that DEEP will be issuing a second Stormwater Permit for this Project for those work areas within NDDB areas subject to a Stormwater Permit. Therefore, before commencing construction in the remaining portions of the Project within NDDB areas subject to the DEEP Stormwater Permit, Eversource will submit a copy of the other DEEP Stormwater Permit for the Project, also subject to Condition 3.

Eversource will be hand delivering this afternoon one original and two hard copies of this submittal for the Council’s records.

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

Sincerely,

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

Deborah Denfeld
Team Lead
Transmission Siting

Attachments:

- A – DEEP NDDB Determination Letter
- B – DEEP Stormwater Permit (for non-NDDB Areas)

ATTACHMENT A

November 24, 2023

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

Project: Eversource Energy Company, LLC , Transmission Lines 1887/1268/1485 Structure Replacement of 59 Structures and OPWG Project in Brookfield, Newtown and Southbury, Connecticut
NDDDB Final Determination No.: 202211472
Expiration Date: November 24, 2025

Dear Robert Deptula,

I have reviewed NDDDB maps and files regarding the proposed Eversource Energy Company, LLC, 1887/1268/1485 Line Structure Replacement and OPWG Project in Brookfield, Newtown and Southbury, Connecticut.

According to our information there are many plants and animals in the area where work will occur.

1. Structures 4637, 4637A, 4636, 4634, 4633, 4638, 4639, 3640

State Listed Species

- *Carex trichocarpa* (Hairy-fruited sedge) - State Special Concern
- *Asclepias purpurascens* (Purple Milkweed) – State Special Concern
- *Cardamine douglassii* (Purple cress) – State Special Concern
- *Platanthera flava* var. *herbiola* (Pale green orchid) – State Special Concern
- *Desmodium glabellum* (Dillenius' tick-trefoil) – State Special Concern
- *Coccinella novemnotata* (Nine-spotted lady beetle) – State Special Concern
- *Terrapene carolina carolina* (Eastern box turtle) – State Special Concern

2. Shepaug 13A Substation, Structures 5275A, 4610A

State Listed Species

- *Desmodium glabellum* (Dillenius' tick-trefoil) - State Special Concern
- *Haliaeetus leucocephalus* (Bald eagle) – State Threatened
- *Coccinella novemnotata* (Nine-spotted lady beetle) – State Special Concern
- *Terrapene carolina carolina* (Eastern box turtle) – State Special Concern

3. Structures 5312-5314/10139-10141

State Listed Species

- *Carex oligocarpa* (Eastern few-fruited sedge) – State Special Concern
- *Oxalis violacea* (Violet wood-sorrel) – State Special Concern
- *Coccinella novemnotata* (*Nine-spotted lady beetle*) – *State Special Concern*
- *Terrapene carolina carolina* (Eastern box turtle) – State Special Concern
- Subacidic rocky summit/outcrop

Protection for State Listed Plants and Lady Beetle Species

We received State-listed Plant Habitat Assessment Report and State-listed Species Protection Plan: Eversource Energy 1887 / 1268 / 1485 Line Structure Replacement and OPGW Project Brookfield, Newtown, and Southbury, Connecticut prepared by Stantec Consulting Services Inc. and dated November 3, 2023. In the report, it indicates that suitable habitat was found for State Special Concern *Cardamine douglassii* (Purple cress) and *Coccinella novemnotata* (*Nine-spotted lady beetle*).

Our NDDB Program botanist, William Moorhead, has accepted the report's findings and recommendations for the State Special Concern Purple Cress and *Coccinella novemnotata* (*Nine-spotted lady beetle*). The following protection measures will be implemented in appropriate habitat to prevent adverse impacts to these two species:

“Impacts to potentially suitable purple cress wetland seepage habitat near structures 4637, 4638, and 4639 will be minimized during construction. Construction of the Project is anticipated to commence in winter 2023–2024. Temporary construction mats will be placed in wetland areas with potential habitat for purple cress and will be removed prior to April 1 (i.e., the start of the anticipated growing season for purple cress). If additional work is necessary at these structure locations and construction mats cannot be removed by April 1, then Eversource proposes to conduct a survey during the optimal time of year to identify the species at these structure locations. The results of the survey will be provided to NDDB. Should the survey identify purple cress adjacent to the matted locations, it is anticipated the plant could naturally colonize the former matted areas over time. However, Eversource would propose to collect seeds from nearby plants and develop a planting plan for suitable habitat areas within the former matted areas once removed. No additional impacts to state-listed plants are anticipated. Following construction of the Project, Eversource will conduct seasonally appropriate surveys for the plant species identified in the NDDB Preliminary Assessment letter proximal to the constructed work areas within mapped NDDB areas. A report of the results will be provided to NDDB”.

The proposed protection measures for nine-spotted lady beetle are designed to minimize permanent conversion of the ROW habitat and include the following measures:

- *Temporary construction mats will be utilized in all areas of proposed wetland*
- *disturbances, and the matting will be removed promptly following the completion of construction.*

- *Temporary matting will be utilized in upland work areas at structures 4634 to 4639, and the matting will be removed promptly following the completion of construction.*
- *Work pad dimensions will be minimized to the extent necessary to safely conduct the proposed work.*
- *Following construction, the permanent gravel work pad footprint will be restored using stockpiled topsoil that will be segregated during the initial work area preparations and/or processed stone. Restored work pad areas will be seeded using a native seed mix appropriate for the existing site conditions.*

Bald eagle:

State Threatened Bald eagle are known at the Shepaug Substation. Potential project impacts are associated with tree clearing in proximity to water resources. They are also easily disturbed during the winter while loafing and while nesting. All Contractors, subcontractors, and their employees must be informed that bald eagles are protected from disturbance by state and federal laws and that certain construction activities may constitute disturbance when bald eagles are present within or near the project site. Activities that may disturb nesting eagles include, but are not limited to:

clearing of trees, loud noises or even leaving exposed trash or hazardous materials within the 600-foot area around their nesting site.

Recommended Protection Measures:

The following protection measures should be adhered to in order to minimize potential impacts to this species:

February 1st through August 1st (bald eagle breeding season)

- Any machinery or equipment should maintain, at a minimum, a 600' protection zone around any nest site.
- If a bald eagle is found to be nesting on or with 600' of an active area, work should be halted immediately until after the breeding season.
- If bald eagles are observed nesting these observations should be reported to the Natural Diversity Data Base (nddbrequestdeep@ct.gov).

December 31st through March 1st (wintering bald eagles)

- Any machinery or equipment should maintain, at a minimum, a 600' protection zone around areas of high eagle use, particularly winter roosting sites.

State Listed Turtles

There are extant know populations of state special concern and *Terrapene c. carolina* (box turtle) that occur within the project area and best management practices will need to be implemented.

Terrapene carolina carolina (eastern box turtle)

Eastern box turtles inhabit old fields and deciduous forests, which can include power lines and logged woodlands. They are often found near small streams and ponds. The adults are completely terrestrial but the young may be semiaquatic and hibernate on land by digging down in the soil from October to April. They have an extremely small home range and can usually be found in the same area year after year.

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

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

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

- Hiring a qualified herpetologist to be on site to ensure these protection guidelines remain in effect and prevent turtles from being run over when moving heavy equipment. This is especially important in the month of June when turtles are selecting nesting sites. All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species and instructed to relocate turtles found inside work areas or notify the appropriate authorities to relocate individuals. The Contractor and consulting herpetologist must search the work area each morning prior to any work being done. If a turtle is discovered later in the day after the initial search work should stop until the turtle can be relocated by the qualified herpetologist or educated construction worker. Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and any exclusionary fencing should be inspected to identify and remove access point. The goal is to keep turtles from being unintentionally killed during this project.
- Exclusionary practices will be required to prevent any turtle access into construction areas. These measures will need to be installed at the limits of disturbance.
- Exclusionary fencing must be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through. Do not use plastic or netted silt-fence.
- All staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.

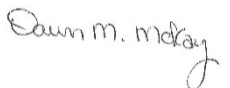
- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable to allow for reptile and amphibian passage to resume.
- No heavy machinery or vehicles may be parked in any turtle habitat.
- Special precautions must be taken to avoid degradation of wetland habitats including any wet meadows and seasonal pools.
- When felling trees adjacent to brooks and streams please cut them to fall away from the waterway and do not drag trees across the waterway or remove stumps from banks.
- Avoid and limit any equipment use within 100 feet of wetlands.
- If mowing during the active season is required, vegetation will be mowed to no lower than 7". Flail type mowers will not be used for mowing in the active season.
- Any confirmed sightings of box, wood or spotted turtles should be reported and documented with the NDDDB (nddbrequestdep@ct.gov) on the appropriate special animal form found at (http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav_GID=1641)

This letter is valid for two years. Please submit a new NDDDB review application if the scope of this project changes or if project activities are not started before November 24, 2025.

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

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

Sincerely,



Dawn M. McKay
Environmental Analyst 3/Biologist

ATTACHMENT B



Bureau of Materials Management and Compliance Assurance

Notice of Permit Authorization

November, 19 2023

Jeffrey Bolton
EVERSOURCE ENERGY SERVICE COMPANY
107 SELDEN ST
BERLIN, CT 06037-1616

Subject: General Permit Registration for the Discharge of Stormwater and Dewatering
Wastewaters from Construction Activities
Application NO.: 202307023

Jeffrey Bolton:

The Department of Energy and Environmental Protection, Water Permitting and Enforcement Division of the Bureau of Materials Management and Compliance Assurance, has completed the review of the Eversource ROW (located at 33 Parmalee Hill Rd, Newtown) registration for the **General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, effective 12/31/2020, modified 11/25/2022 (general permit)** . The project is compliant with the requirements of the general permit and the discharge(s) associated with this project is (are) authorized to commence as of the date of this letter. Permit No. GSN003998 has been assigned to authorize the stormwater discharge(s) from this project.

Questions can be emailed to deep.stormwater@ct.gov.