



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL

October 20, 2023

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

RE: **PETITION NO. 1582** - The Connecticut Light and Power Company d/b/a Eversource Energy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed Pootatuck to West Devon Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 3.3 miles of its existing electric transmission line right-of-way shared by its existing 115-kilovolt (kV) 1580, 1241, 1483 and 1545 Lines between The United Illuminating Company's (UI) Pootatuck Substation in Shelton, UI's Trap Falls Substation in Shelton and Eversource's West Devon Junction in Stratford, traversing the municipalities of Shelton and Stratford, Connecticut, and related electric transmission line and substation improvements. **Compliance with Condition Nos. 3 and 9.**

Dear Deborah Denfeld:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated October 13, 2023 regarding compliance with Condition Nos. 3 and 9 of the Declaratory Ruling issued by the Council on October 13, 2023 for the above-referenced project. The correspondence includes the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database Determination and a Notice of Commencement of Construction *for work in areas that are not subject to a DEEP-issued Stormwater Permit*, in accordance with Condition Nos. 3 and 9, respectively.

Therefore, the Council acknowledges that Condition Nos. 3 and 9 have been satisfied *for work in areas that are not subject to a DEEP-issued Stormwater Permit*. The submission of a copy of a DEEP-issued Stormwater Permit *for work in areas that are subject to a DEEP-issued Stormwater Permit* remains outstanding under Declaratory Ruling Condition No. 2. This acknowledgment applies only to the conditions satisfied by the October 13, 2023 correspondence *for work in areas that are not subject to a DEEP-issued Stormwater Permit*.

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

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MB/MP

c: Service List dated July 3, 2023
Kathleen Shanley, Eversource Energy (Kathleen.shanley@eversource.com)

October 13, 2023

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

Re: Petition No. 1582 – The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed Pootatuck to West Devon Rebuild Project consisting of the replacement of electric transmission line structures along its existing 3.3-mile electric transmission right-of-way shared by its existing 115-kilovolt (kV) Nos. 1580, 1241, 1483, and 1545 Lines between The United Illuminating Company’s (UI) Pootatuck Substation in Shelton, UI’s Trap Falls Substation in Shelton; and Eversource’s West Devon Junction in Stratford, and related electric transmission line improvements.

Dear Attorney Bachman:

On October 13, 2023, the Siting Council considered and ruled that the above referenced Project (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.

The Connecticut Light and Power Company doing business as Eversource Energy hereby provides a response to two Conditions:

- Pursuant to Condition 3, submittal of a copy of the DEEP NDDB determination letter, dated August 31, 2023 is included as Attachment A.
- Pursuant to Condition 9, this submittal provides notice for start of site preparation work which is not subject to the DEEP Stormwater Permit, to commence on October 30, 2023.

Before commencing construction in the remaining portions of the Project subject to the DEEP Stormwater Permit, Eversource will submit to the Council a copy of the applicable Stormwater Permit(s), pursuant to Condition 2.

Eversource will be providing one original and two hard copies of this submittal in the mail for the Council's records.

Sincerely,

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

Deborah Denfeld
Team Lead – Transmission Siting

Attachment:

A - DEEP NDDDB Determination Letter

Attachment A

DEEP NDDB Determination Letter

Pootatuck Substation to West Devon Junction Rebuild Project



August 31, 2023

Robert Deptula
Eversource Energy Service Company
107 Seldon Street
Berlin, CT 06037-1616
robert.deptula@eversource.com

Project: Eversource Energy Service Company, Transmission Line Removal and Replacement of Existing Structures on Transmission Lines 1241, 1483, 1580, 1545 as Part of the Pootatuck to West Devon Juncture Rebuild Project from Shelton to Stratford, Connecticut

NDDB Determination No.: 202210365

Expiration Date: August 31, 2025

Dear Robert Deptula,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed Eversource Energy Service Company, Transmission Line Removal and Replacement of Existing Structures on Transmission Lines 1241, 1483, 1580, 1545 as Part of the Pootatuck to West Devon Juncture Rebuild Project from Shelton to Stratford, Connecticut. According to our information there are State Endangered *Ranunculus ambigens* (Water-plantain spearwort) and *Saururus cernuus* (Lizard's tail) along with State Special Concern *Clemmys gutatta* (Spotted turtle) and *Terrapene c. carolina* (Eastern box turtle) within the project areas.

Protection for State Listed Plants

According to our records there are known extant populations of two State Endangered plant species that occur within the vicinity of these project sites. The species are:

Ranunculus ambigens (Water-plantain spearwort)

State Status: Endangered

Habitat: Typically on muddy or mucky substrates that are seasonally inundated and then exposed by draw-down in later season, mostly but not always in open and semi-open habitats. Floodplain sloughs, creeks, brooks, ditches, open to (rarely) closed-canopy swamps, wet meadows, pot-hole ponds, shallow pools, lake shallows, swamps on traprock ridges.

Blooms Jun, Jul, Aug, Sep.

Saururus cernuus (Lizard's tail)

State Status: Endangered

Habitat: Shallow water of rivers, ponds, swamps, vernal pools, and marshes.

Blooms late Jul – early Aug.

The NDDB is in receipt of the Stantec rare plant survey report entitled “State-listed Plant Survey Report: Eversource Energy 1580/1545/1483/1241 Transmission Line Rebuild Project, Pootatuck to West Devon Junction Substation”, dated July 31, 2023. The report and the survey findings are acceptable to NDDB, and we accept that State-Endangered *Saururus cernuus* is found in and near the Eversource ROW and State-Endangered *Ranunculus ambigens* evidently is not found in the project areas. We anticipate that there will be no significant impacts to the *Saururus cernuus* occurrence caused by this project, because

Eversource has eliminated the installation of timber matting in the wetland in which the *Saururus cernuus* occurs, according to the Stantec report. In order to assure that matting or equipment in this wetland, Eversource shall implement the following protection measure.

1. The boundaries of the wetland area in which *Saururus cernuus* is found shall be flagged or otherwise marked in the field by the project botanist, and the project botanist or site environmental monitor familiar with the flagged area shall meet in the field with contractors responsible for installing timber matting, and make sure they understand that no matting is to be installed within those flagged wetland boundaries. Also, no equipment shall enter these flagged wetland areas.

Protection for State Special Concern Turtles

Best management practices to protect these turtles should be implemented throughout the entire work area. For all upland work, crushed stone should be avoided as much as possible and temporary mats should be used instead. I also recommend that no wood chips be placed along this right-of-way. Instead, these wood chips should be removed and used elsewhere (off site).

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 the forested edges along the ROW (a preferred habitat for box turtles to hibernate in).
- Overall, minimizing ground disturbance along the forest edges will minimize the potential for box turtle mortality during the winter months.
- Avoid and limit any equipment use within 100 feet of streams and brooks
- 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):

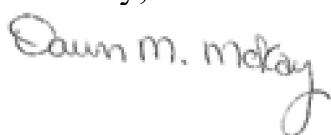
- Hiring a qualified herpetologist to be on site to ensure these protection guidelines remain in effect and prevent turtles from being run over when moving heavy equipment. This is especially important in the month of June when turtles are selecting nesting sites. All construction personnel working within 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 streams and brooks.
- 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)

Natural Diversity Database 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, cooperating units of DEEP, landowners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDDB should not be substitutes for onsite surveys necessary for a thorough environmental impact assessment. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits.

Please contact me if you have further questions at deep.nddbrequest@ct.gov
Thank you for consulting the Natural Diversity Data Base.

Sincerely,



Dawn M McKay
Environmental Analyst 3