



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### VIA ELECTRONIC MAIL

July 16, 2024

Deborah Denfeld  
Team Lead – Transmission Siting  
Eversource Energy  
P.O. Box 270  
Hartford, CT 06141  
[deborah.denfeld@eversource.com](mailto:deborah.denfeld@eversource.com)

RE: **PETITION NO. 1613** - 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 East Haddam Junction to Hunts Brook Junction Reliability Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 16.1 miles of its existing electric transmission line right-of-way shared by its existing 345-kilovolt (kV) 348 and 364 Lines between East Haddam Junction in East Haddam and Hunts Brook Junction in Montville, traversing the municipalities of East Haddam, Lyme, East Lyme, and Montville, Connecticut, and related electric transmission line and substation improvements. **Compliance with Condition Nos. 2 and 7.**

Dear Deborah Denfeld:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated July 16, 2024 regarding compliance with Condition Nos. 2 and 7 of the Declaratory Ruling issued by the Council on June 21, 2024 for the above-referenced facility. The correspondence includes information that a Department of Energy and Environmental Protection (DEEP) Stormwater Permit is not required and a copy of the DEEP Natural Diversity Database Determination, dated June 17, 2024, and notice of commencement of construction, in accordance with Condition Nos. 2 and 7, respectively.

Therefore, the Council acknowledges that Condition Nos. 2 and 7 have been satisfied. This acknowledgment applies only to the conditions satisfied by the July 16, 2024 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

MAB/MP/dll

c: Service List, dated February 9, 2024

Kathleen M. Shanley, Manager-Transmission Siting, Eversource Energy  
([kathleen.shanley@eversource.com](mailto:kathleen.shanley@eversource.com))



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P.O. Box 270  
Hartford, CT 06141-0270

**Deborah Denfeld** Team  
Lead – Transmission Siting  
Tel: 860-728-4654

July 16, 2024

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

**Re: PETITION NO. 1613** – The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed East Haddam Junction to Huntsbrook Junction Reliability Project in the municipalities of East Haddam, Lyme, East Lyme and Montville. **Compliance with Conditions 2 and 7.**

Dear Attorney Bachman:

On June 20, 2024, The Siting Council considered and ruled that the above-mentioned Project would not have a substantial adverse 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.

- Pursuant to Condition 2, submittal of a copy of the Final DEEP NDDB Determination, dated June 17, 2024, is attached. The DEEP Stormwater Permit was not required because there was less than one acre of disturbance; however, water discharges will be managed in accordance with Eversource BMPs.
- Pursuant to Condition 7, this letter also serves as Eversource's advance notice to the Council to commence construction.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

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

Deborah Denfeld  
Team Lead – Transmission Siting  
[deborah.denfeld@eversource.com](mailto:deborah.denfeld@eversource.com)

Attachment – NDDB Determination



June 17, 2024

Robert Deptula  
Eversource Energy Service Company  
107 Seldon Street  
Berlin, CT 06307  
Robert.deptula@eversource.com  
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**Project:** Eversource Energy Service Company, LLC 348 364 Transmission Line OPGW Reliability Project in East Haddam, Lyme, East Lyme and Montville, Connecticut  
**Portal Filing No.:** 103076  
**NDDB Final Determination No.:** 202307973  
**Expiration Date:** June 17, 2026

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, LLC 348 364 Transmission Line OPGW Reliability Project in Montville, Connecticut. According to our information the following state listed species, invertebrate host plants and critical habitats occur in the locations:

#### Plants

- Lily-leaved twayblade (*Liparis liliifolia*) – Endangered
- Virginia snakeroot (*Endodeca serpentaria*)-Special Concern
- Dillenius' tick-trefoil (*Desmodium glabellum*) – Special Concern
- Needlegrass (*Aristida longespica* var. *geniculata*) – Special Concern
- Hyssop skullcap (*Scutellaria integrifolia*) -Special Concern
- Virginia snakeroot (*Endodeca serpentaria*) – Special Concern
- Purple milkweed (*Asclepias purpurascens*) – Special Concern
- Small-flowered crowfoot (*Ranunculus micranthus*) - Proposed for Special Concern

#### Animals

- Northern long-eared bat (*Myotis septentrionalis*) – Federal and State Endangered
- Frosted elfin (*Callophrys irus*) host plants – State Threatened
- Spotted turtle (*Clemmys guttata*)-Special Concern
- Eastern box turtle (*Terrapene c. carolina*)
- Eastern ribbon snake (*Thamnophis sauritus*)-Special Concern
- Smooth green snake (*Opheodrys vernalis*) – Special Concern
- Cerulean warbler (*Setophaga cerulea*) – Special Concern
- Brown thrasher (*Toxostoma rufum*) – Special Concern
- Frosted elfin (*Callophrys irus*) – State Endangered
- Mustached clubtail (*Gomphus adelphus*) – State Threatened
- Eastern pearshell (*Margaritifera margaritifera*) – Special Concern

#### Critical Habitat

- Sand barren – Sandplain Grassland
- Medium Fen
- Subacidic Rocky Summit/Outcrop – Cedar Woodland and Grassy Glade/Bald
- Acidic Rocky Summit/Outcrop -Grassy Glade/Bald

### **Protection Measures for State Listed Plants, Frosted Elfin Host Plants and Critical Habitats**

I do not anticipate adverse impacts to the State Listed Plant species, which are well outside the project area, if the *Baptisia* plants (host plants for Frosted elfin), which are close to the service road, are flagged and demarcated with construction fencing. Any staging areas must be restored with a native seed mixture and an invasive plant control plan implemented if invasive species are observed after work has been completed. It is especially important to control invasive mug wort in this sensitive area.

### **Protection Measures for State Listed Animal Species**

#### **Protection Measures for Cerulean warbler**

Cerulean warblers are neotropical migrants and are found in mature hardwood forests with well-spaced, large diameter trees and open understory, such as wet bottomlands and dry slopes. They are insectivores, foraging in and around deciduous trees. Breeding habitat is thought to include canopy gaps and internal forest edges (trails and narrow roads, rights-of-way, small harvest edges). This species is in decline due to habitat loss, and will benefit from maintaining large blocks of unfragmented, structurally diverse forest. In actively managed forests, small scale harvests (10-25 acres) can mimic natural disturbances and enhance habitat for this species. Shelterwood cuts, group selection cuts (uneven-aged) or modified uneven-aged regeneration are the preferred harvest types. Large white oaks, hickories and sugar maples should be retained and the residual basal area should be no less than 40 square feet per acre (40-90 square feet per acre is optimal).

**I do not anticipate adverse impacts to this species if there are no trees to be removed as part of this project.** If there are trees that are needed to be removed, do not begin to cut, clear, or remove trees between May 1-July 30.

#### **Protection Measures for Whip-poor-will**

Whippoorwill are known to nest in this area of the transmission line. Whip-poor-wills favor forest habitat with an open understory, often adjacent to areas of shrubby, herbaceous habitat. These ground-nesting birds are found in Connecticut during the breeding season (late May through July) and spend the winter in South America. Ultimately, the expansion of early successional habitat in this corridor will benefit the species.

In order to protect whippoorwill from negative impacts, work should not be conducted from May through July (encompassing the range of breeding season). If this cannot be accommodated, then you must hire an ornithologist (bird expert) to help determine if these birds are nesting in the area. If these birds are present and thought to be nesting, then all work should be stopped and further consultation with NDDB should be initiated.

#### **Protection Measures for State Listed Turtles (Box turtle, Wood turtle, Spotted turtle)**

A qualified herpetologist must be hired to assist in site planning with a focus on restoring important riparian and supporting upland habitat. The regional report states that even modest levels of disturbance within Wood Turtle streams and adjacent landscapes (up to 300m) may pose a threat to turtles due to collection, direct mortality and habitat degradation.

**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 (wood turtles may be active in waterways even during the winter months).
- When felling trees adjacent to brooks and streams please cut them to fall away from the waterway and do not drag trees across the waterway or remove stumps from banks.
- No heavy machinery or vehicles may be parked in any turtle habitat.
- All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species and instructed to notify the appropriate authorities to relocate any observed turtle.

**Protection for Turtles During Active Period (April 1st through October 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.
- 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.
- 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.
- 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.

**Protection Measures for Eastern Ribbon Snake**

These conservation measures should be applied in wetlands throughout the area of work. Eastern ribbon snakes inhabit areas with shallow water, grassy or shrubby areas bordering streams and wooded swamps. They also prefer sunny areas with low dense vegetation near shallow water areas. They are dormant between Oct 15<sup>th</sup> - April 1<sup>st</sup>.

- Implemented a contractor awareness program to ensure that contractors working in the area have been instructed on the proper response in the event that an eastern ribbon snake is observed in the work area.
- If any snakes are observed, construction personnel will safely relocate them to an area immediately outside of the work area in proper habitat.
- Any silt fence must be removed after clearing is complete and soils are stabilized.
- Any confirmed eastern ribbon snake sightings will be reported to the NDDB (deep.nddbrequest@ct.gov). Please include pictures of the snake's head from the side angle for proper identification (if possible).
- Do not permanently convert natural vegetation within wetlands or within 100ft buffer of wetlands to concrete work pads, instead use temporary work pads to allow vegetation to recover.

### **Protection Measures for Smooth green snake**

The smooth green snake favors meadows and grassy fields often along forest edges where their coloration can camouflage them. This species is dormant from 1st of November to 15th of April. It has been negatively impacted by the loss of suitable habitat.

### **Protection for Smooth Green Snake**

If you work when these snakes may be more active (April 1 through October 15th) then implement the following best management practices:

- A contractor awareness program should be implemented to ensure that contractors working in the area have been instructed on the proper response in the event that an smooth green snake is observed in the work area.
- If any snakes are observed, construction personnel must safely relocate them to an area immediately outside of the work area.
- Any silt fence utilized will must be removed after clearing is complete and soils are stabilized.
- Any confirmed smooth green snake sightings must be reported to the NDDB using available forms at the NDDB webpage.
- Work conducted in grassy fields during the early morning and evening hours should occur with special care not to harm basking or foraging individuals.
- no heavy machinery or vehicles be parked in any habitat.
- Standard protocols for protection of wetlands should be followed and maintained during the course of the project.
- Additionally, all silt fencing should be removed after soils are stable so that reptile and amphibian movement between uplands and wetlands is not restricted.

### **Federal and State Listed Bat Protection**

*Myotis septentrionalis* (Northern Long-eared bat) – Federal and State Endangered

The Northern long-eared bat is one of the species most impacted by White Nose Syndrome. Populations in Connecticut have declined by over 90%, and it has been Federally listed as Endangered. During the summer northern long-eared bats roost singly or in maternal colonies underneath bark, in cavities or in crevices of both live trees and snags (dead trees). Males and non-reproductive females may also roost in cooler places, like caves and mines. Northern long-eared bats seem to be flexible in selecting roosts, choosing roost trees based on suitability to retain bark or provide cavities or crevices. This bat has also been found rarely roosting in structures, like barns and sheds. Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. The presence of northern long-eared bat (*Myotis septentrionalis*), a federally endangered and state endangered species, may require consultation with the US Fish and Wildlife Service Ecological Field Office in order to be in compliance with the Federal

Endangered Species Act if the proposed project requires federal permits or uses federal funds. For more information on federal requirements visit:

<http://www.fws.gov/midwest/endangered/mammals/nleb/>

- Do not remove trees between April 15<sup>th</sup> - October 31<sup>st</sup> to avoid impacts to breeding individuals and individuals staging for hibernation.

#### **Protection Eastern Pearshell and Mustached clubtail**

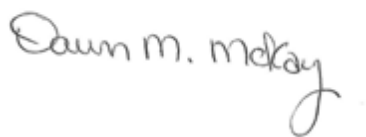
- Adhere strictly to water quality standards at your project site.
- Pay special attention and address specific monitoring targets for sediment, water temperature, copper, and ammonia (TAN).
- Limit vegetation removal as much as possible from within the 100ft buffer of waterways.
- Turf grass and impervious surface should be minimized in the surrounding watershed.

This determination is good for two years. Please re-submit an NDDDB Request for Review if the scope of work changes or if work has not begun on this project by June 17, 2026.

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](mailto:deep.nddbrequest@ct.gov). **Please reference the filing number 103076 on all correspondence regarding this request.** 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