

APPLICATION OF THE CONNECTICUT LIGHT :
AND POWER COMPANY DATED JUNE 17, 1977 :
FOR AN AMENDMENT TO A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND PUBLIC :
NEED FOR A SECOND 115 KV TRANSMISSION :
LINE BETWEEN SHEPAUG SUBSTATION AND :
BATES ROCK SUBSTATION, ALL IN SOUTHBURY :

POWER FACILITY
EVALUATION COUNCIL

DOCKET NO. 8A

AUGUST 17, 1977

D E C I S I O N A N D O R D E R

The application of the Connecticut Light and Power Company for an amendment to the Certificate of Environmental Compatibility and Public issued by the Power Facility Evaluation Council, in its Docket No. 8, for the construction of a second 115 kV transmission line between Shepaug Substation and Bates Rock Substation, both in Southbury, is hereby granted. Said approval is authorized pursuant to the provisions of Section 16-50k(c) of the General Statutes of the State of Connecticut, revised to 1977, and is made for the following reasons.

- (1) Said certificate was issued pursuant to a Decision and Order of the Power Facility Evaluation Council, dated November 10, 1976, which required in part that the facility be constructed along a route proposed by the applicant and modified by the Council.
- (2) Pursuant to the provisions of Section 16-501(c) of the General Statutes of the State of Connecticut, revised to 1977, the Connecticut Light and Power Company, on June 17, 1977 filed an application for an amendment to said Certificate of Environmental Compatibility and Public Need, accompanied by the proof of service required by Section 16-501(b) of said statutes.
- (3) The application for an amended certificate contains a proposed modification in construction along the route of the transmission line as certified.
- (4) Construction of the facility along the proposed modified route will not result, in the opinion of the Power Facility Evaluation Council, in any material increase in any environmental impact or cause a substantial change in the location of all or a portion of the facility.
- (5) The approval is for items one through four as listed on pages one, two and three of the amended application.
- (6) A public hearing concerning PFEC Docket No. 8 was held in Southbury in May, 1976, which enabled interested persons to express their concerns, present testimony and question parties to the hearing.
- (7) The changes requested in PFEC Docket No. 8A were sufficiently discussed during the hearing on PFEC Docket No. 8.

(8) In accordance with request number five on page three of the mended application, the Council will replace the Right-of-Way Development and Management Plan requirements originally required

in the Power Facility Evaluation Council Docket No. 8 Decision and Order as follows:

I. Requirement for a Right-of-Way Development and Management Plan (D&M Plan)

A. Purpose. The Power Facility Evaluation Council requires the preparation of a Right-of-Way D&M Plan for the Second 115 kV Transmission line between Shepaug Substation and Bates Rock Substation certificated by the Council on November 10, 1976 and amended June 17, 1977. In the opinion of the Council the preparation of such a plan would help significantly in balancing the need for adequate and reliable utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the State.

B. Procedure for Preparation. The D&M Plan shall be prepared in consultation with the Staff of the Council.

C. Timing of Plan. The D&M Plan shall be submitted to the Council in one or more sections, and the Council shall approve, modify or disapprove each section within 45 days after receipt of it. Except as otherwise authorized by the Council, no clearing for or construction of the line shall begin prior to approval by the Council.

II. Elements of a D&M Plan.

A. Key Map. The D&M Plan shall include a key map for the entire line that is a reproduction at scale of 1"=2,000' of the most recent USGS topographic maps for its route.

B. Plan Drawings. The D&M Plan shall consist of maps at a scale of 1"=200' or larger (called "plan drawings") and supporting documents, which shall contain the following information:

1. The edges of the proposed right-of-way and of any existing right-of-way contiguous to or crossing it, and the portions of those rights-of-way owned by the company in fee.
2. Public roads and public lands crossing or adjoining the right-of-way.
3. The approximate location along the right-of-way of each 50 foot contour line shown on the key map.

4. The probable location, type and height of each new transmission structure, position of guys, generalized description of foundations, and the location of any utility or other structures to remain on the right-of-way or to be removed.
5. The probable points of access to the right-of-way, and the route and likely nature of access ways along the right-of-way including alternatives or options to the probable points of access ways along the right-of-way.
6. The edges of existing and proposed clearing areas, the type of proposed clearing along each part of the right-of-way, and the location of any significant amounts of the following trees or shrubs or combination of the following trees or shrubs:

Flowering dogwood	Grape	Shadbush
Honeysuckle	Hazelnut	Barberry
Eastern red cedar	Azalea	Gray dogwood
Blueberry	Juniper spp.	Alder, speckled, smooth
Greenbrier	Silky dogwood	Mountain laurel
Sumac	Rose	Viburnum
Hawthorne	Crabapple	
7. Plans, if any, to salvage marketable timber in accordance with Section III B of the D&M requirement.
8. Sensitive areas and conditions within and adjoining the right-of-way, including but not necessarily limited to:
 - a. Watercourses, any areas regulated under the Inland or Tidal Wetland Acts, and any locations where construction may create drainage problems.
 - b. Areas of high erosion potential.
 - c. Any known critical habitats or sites identified as having rare or endangered plant or animal species listed by Federal and State Governmental Agencies.
9. Procedures that will be taken to protect the areas and conditions identified in No. 8 above, including but not necessarily limited to:
 - a. Construction techniques at watercourses to be crossed by construction vehicles.
 - b. Sedimentation and erosion control and rehabilitation procedures for areas of high erosion potential.
 - c. Precautions at sites identified as having endangered species.
10. Plans for the method of application and type of herbicide to be used, if any, at the time of initial clearing for the proposed line.

11. The location of public recreation areas or activities known to exist or being proposed in or adjacent to the right-of-way, together with copies of any agreements between the company and public agencies authorizing public recreation use of the right-of-way to the extent of the company's property rights thereto.

III. Supplemental Requirements

- A. Other and Subsequent Information. The following shall be submitted to the Council when it becomes available.
 1. Location and size of staging areas.
 2. Names of supervisory personnel assigned to the project.
- B. Salvage of Wood Products. The company shall make a reasonable effort to salvage marketable timber that may result from its clearing work where (a) the company has the requisite legal rights to such timber; (b) the cost of salvaging it does not exceed its salvage value; and (c) such salvage operations do not have significant adverse environmental effects.
- C. Notices of Beginning, Changes and Completion.
 1. The company shall provide the Council, in writing, with a minimum of two weeks advance notice of the beginning (a) of clearing and access work in each successive portion of the route, and then (b) of line construction in that same portion.
 2. The company shall provide the Council with advance notice whenever a significant modification of the approved D&M Plan is necessary such as:
 - (a). the location of a stream crossing;
 - (b). location of an access way or a structure in a regulated wetland area;
 - (c). the construction of a section of access road which would run between structure locations and thereby "close a gap" longitudinally along the right-of-way;

The Council's staff shall promptly review the changes and shall approve, modify, or disapprove the changes.
3. The company shall provide the Council with a monthly construction progress report indicating changes and deviations from the approved D&M Plan.

D. Final Report. The company shall provide the Council with a final report for the entire line after completion of all construction, rehabilitation and right-of-way acquisition proceedings. This final report will identify (a) all agreements with abutters or other property owners regarding special maintenance precautions; (b) significant modifications of the D&M Plan that were required because of the property rights of underlying and adjoining owners or for other reasons; (c) the location of non-transmission materials which have been left in place in the form of culverts, erosion control structures along watercourses and steep slopes, and corduroy roads in regulated wetlands; and (d) the location of areas where special planting and reseeding have been done. In addition, the final report shall include the actual construction cost of the line including but not limited to the following cost: (a) clearing and access; (b) line construction; and (c) rehabilitation.

Accordingly, pursuant to Section 16-50m(b) of the General Statutes of Connecticut, revised to 1977, this decision and order is issued without convening a public hearing on this application.

It is hereby ordered that an amended Certificate of Environmental Compatibility and Public Need be issued to the Connecticut Light and Power Company pursuant to the provisions of Section 16-50k if the General Statutes of Connecticut, revised to 1977. Said certificate shall authorize the construction of the subject facility along the route previously certified in Docket No. 8 of the Power Facility Evaluation Council, except as herein modified to incorporate the alteration contained in the June 17, 1977, application. All other terms, conditions and modifications of the decision and order dated November 10, 1976, shall remain in full force and effect.

We hereby direct, pursuant to Section 16-50p(c) of the General Statutes of Connecticut, revised to 1977, that a copy of this decision and order be served on each party and other person as hereinafter named and published in Voices, The Newtown Bee and Waterbury Republican American.

The parties to this proceeding, and other persons who are to receive a copy of this decision and order are:

Mr. Donald C. Switzer
Executive Vice President
Northeast Utilities Service Company
P.O. Box 270
Hartford, Connecticut 06101

Walter F. Torrance, Jr., Esquire
Carmody & Torrance
P. O. Box 1110
Waterbury, Connecticut 06702

The undersigned members of the Power Facility Evaluation Council who have signed this decision and order hereby certify that they have heard this case or read the record thereof.

Dated at Hartford, Connecticut, this 17th day of August, 1977.

Mary Anne Guitán
Mary Anne Guitán, Chairman

Jonathan T. Clapp
Stanley J. Pac, Commissioner
Department of Environmental Protection
Designee: Jonathan T. Clapp

Albert J. Kleban
Albert J. Kleban, Commissioner
Public Utilities Control Authority
Designee: John T. Cox
Owen L. Clark

Fred J. Doocy
Mortimer A. Gelston
Mortimer A. Gelston

James G. Horsfall (absent)

Gloria Dibble Pond
Gloria Dibble Pond

Colin C. Tait (absent)

STATE OF CONNECTICUT)
 : SS. August 17, 1977
COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the decision and order issued by the Power Facility Evaluation Council, State of Connecticut.

ATTEST:

C. Thomas Foley
C. Thomas Foley, Executive Director
Power Facility Evaluation Council