



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

April 27, 2023

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PETITION NO. 1565 – The Connecticut Light and Power Company d/b/a Eversource Energy (Petitioner) petition for a declaratory ruling for the proposed East of Hurd State Park to East Haddam Junction Line Rebuild Project consisting of the replacement of electric transmission line structures along its existing 6.2-mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) No. 1772 and 345-kV Nos. 362, 376 and 364 Lines between Structure Nos. 12053 and 19099 east of Hurd State Park in East Hampton, Haddam Neck Switching Station in Haddam, and East Haddam Junction in East Haddam, Connecticut traversing the municipalities of East Hampton, Haddam and East Haddam, and related electric transmission line and substation improvements.

Dear Attorney Bachman:

The Council on Environmental Quality (“Council”) offers the following comments regarding Petition 1565.

1. Best Management Practices

The Petitioner states that certain project activities, including but not limited to project work in or near wetlands, watercourses, ponds, vernal pools, and flood zones; right-of-way (ROW) restoration; bridge installation (Succor Brook Bridge); procedures for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease, and other lubricants; erosion and sedimentation control; invasive species control; disposal of construction debris, and some other construction related activities would be done in accordance with the Petitioner’s April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut (“BMPs”). The Council recommends that the referenced BMPs and any external environmental quality plans and/or standards, referenced by the Petitioner, be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

2. Wildlife

The Petitioner states that “certain Federal or State-listed species may be present in the general Project vicinity” and that the Petitioner submitted a review request to the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database’s (NDDB) on April 3, 2023. Further, the Petitioner states that “no details are included in this Petition regarding species/habitat types, names or locations” of state -listed species.” The Council recommends that the information regarding state-listed species within and/or proximate to the proposed site, including any potential mitigation measures be submitted to the Siting Council so that the Siting Council and members of the public have access to the information. The Petitioner also notes that “the Project area crosses the Salmon River” and that the “river has been identified by the Department of the Army Regional General Permits for the State of

Connecticut as a critical habitat for spawning, migrating, and foraging for the endangered Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and an overwintering, migrating, and foraging area for the endangered shortnose sturgeon". Consequently, the Council recommends that the Petitioner consult with the DEEP Fisheries Division to confirm that the proposed project would not adversely impact the identified endangered species.

3. Vegetation

The Petitioner states that "in limited areas, as applicable, Eversource would require the Project civil contractor to use low impact methods to remove brush vegetation to protect wetlands, vernal pools, watercourses, state-listed species and their habitats, and cultural resources" versus using mechanical methods. The Council supports the Petitioner's proposed use of "low impact" methods for vegetation management in or proximate to critical environmental resources. The Council recommends that the areas to be designated for "low impact methods" be depicted on the project plans and that the environmental inspector ensure that the contractor(s) conforms to using such methods in the designated areas.

4. Soils

The Petitioner states that "excavated soils from the Project that cannot be used as backfill would be regraded into adjacent uplands on the ROW". The Petitioner also states that the project ROW extends across a Federal Emergency Management Agency (FEMA)-designated 100-year flood zone and floodway associated with Salmon River in Haddam and East Haddam (refer to Attachment A – Map Sheet 8) and the Succor Brook (S-12) in East Haddam. The Council recommends that no excavated soils be spread within the flood zones. The Petitioner also states that "excavated soil that cannot be reused on the property from which it was excavated would be transported from the Project area and properly managed off-site in accordance with Eversource BMPs and applicable regulations." The Council recommends that the Petitioner provide a management plan for the excavated soils, including but not limited to 1) provisions for testing to determine its suitability to be used as backfill, and 2) procedures for the treatment of contaminated soils.

5. Erosion and Sedimentation Controls

The Petitioner infers that erosion and sedimentation controls would be installed after the staging/laydown area is prepared and after vegetation management is performed (see list in section 7.1). The Council notes the importance of installing and maintaining erosion and sedimentation controls throughout the proposed project and recommends that appropriate erosion and sedimentation controls be installed in advance of any construction related activities where there would be ground disturbance. Further, the Council notes that plastic netting used in a variety of erosion control products has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. The Council recommends that the Petitioner use erosion control products that avoid/minimize the potential for wildlife entanglement.

6. Wetlands, Watercourses and Vernal Pools

The Petitioner states that a total of 21 wetlands, 14 watercourses, and potentially five vernal pools were identified within or proximate to the project area. The Petitioner also notes that proposed project activities would impact the vernal pool envelope (VPE) near line structure 5417. The Council recommends that the Petitioner minimize impacts to wetlands and the VPE, within and near the project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices¹, in addition to the proposed protective measures identified in Attachment F, within the VPE and critical terrestrial habitat along the proposed project area.

7. Invasive Species

The proposed work, especially in and around the temporary work pads and temporary access roads, has the potential to introduce or expand the habitat for invasive species. The Petitioner states that invasive species have been identified within both upland and wetland work areas along the proposed project and that they would undertake measures outlined in Section 3.10 of the BMP Manual and those identified in the Petition

¹ Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society.

materials, section 5.6 to control the potential spread of invasive species. The Council supports the measures to control the establishment and spread of invasive species and recommends that the environmental inspector ensure that the contractor(s) conform to the requirements of the invasive species control plan.

8. Inspections and Education

The Petitioner states that they would “assign a qualified environmental inspector to monitor construction activities; monitoring would be performed at least weekly and within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inches.” The Council supports the presence of an environmental inspector who would be available onsite during the construction; however, the Petitioner’s use of the phrase “monitor construction activities” is vague and information on the environmental inspector’s duties is not clearly specified. The Council recommends that the Petitioner provide details regarding the inspector’s duties, including but not limited to protecting endangered and/or state-listed species or wildlife within the project area; protecting wetlands, water resources, and vernal pools; ensuring erosion and sedimentation controls are installed and functioning properly; ensuring the appropriate use of low impact methods for vegetation management; and ensuring that the invasive species control plan is implemented to minimize the transport and establishment of invasive species.

The Council also recommends that prior to work onsite and initial deployment/mobilization of equipment and materials, the contractor(s) should attend a pre-construction meeting with the environmental inspector to learn about the locations of, and mitigation measures for, wetland and water resources, critical habitat and wildlife protection measures, “low impact” vegetation management, and invasive species control to better protect environmental resources within and proximate to the proposed project area.

9. Disposal of Materials

The Petitioner states that “waste materials, such as wood and steel from the removed structures, shield wire, associated hardware, and any other construction debris, would be reclaimed/recycled through Eversource’s Investment Recovery System or managed and disposed of in accordance with Eversource’s BMPs and applicable regulations”. The Council is concerned about the disposal of wood support structures, which historically were treated with chemicals, including pentachlorophenol - a highly toxic substance. It would be unfortunate if chemically treated wood poles were offered to farms and sawmills for re-use without sufficient disclosure of the hazards of working with such materials. The Council recommends that the Siting Council should require documentation of the actual method of disposal for the removed wood support structures and any other potentially hazardous materials to ensure the health and safety of the public and the environment.

The Council’s comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta
Executive Director