



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

July 24, 2025

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PETITION NO. 1678 – The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling for the West Devon Junction to Devon Substation Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 2.17 miles of its existing 115-kilovolt (kV) 1483, 1545, 1580 and 1590 Lines right-of-way and approximately 0.17 miles of its existing 115-kV 1710 and 1730 Lines located on Eversource-owned property on each side of the Housatonic River Crossing between West Devon Junction in Stratford and Devon Substation in Milford, Connecticut, and related electric transmission line and substation improvements.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1678.

Wildlife

The Petitioner noted that the United States Fish & Wildlife Service's (USFWS) Information, Planning, and Consultation ("IPaC") indicated that the proposed endangered tricolored bat and the candidate species monarch butterfly may be found in proximity to the Project Area. The Petitioner also notes that because tricolored bat was not listed in the preliminary determination received from the Department of Energy and Environmental Protection (DEEP) Natural Diversity Data Base (NDDB) that no impacts to tricolored bats are anticipated. According to DEEP's NDDB website, the NDDB records include information that has been collected over the years by DEEP staff, scientists, and others, and the absence of any such records and locations outside of the mapped buffer areas are not necessarily free of listed species.¹ The Council recommends that the Petitioner consult with the USFWS and DEEP's Wildlife Division, prior to tree clearing or construction, regarding protective measures, such as time of year restrictions for tree removal, to minimize any potential impacts on tricolored bats and other tree-nesting bat species.

Wetlands and Vernal Pools

The Petitioner identified three watercourses (including the Housatonic River), six wetlands, and a vernal pool that are located within the project area. The Petitioner states that "the Project work would also temporarily impact approximately 107,635 square feet (2.47 acres) of wetlands associated with the use of temporary construction matting utilized for access roads, pull pads, and work pads and for access associated with necessary vegetation removal." The Council recommends that the Petitioner assess the proposed placement of structures, work

pads/pull pads, and access road to minimize the potential temporary and permanent impacts on wetland resources and the vernal pool envelope (VPE) to the greatest extent practicable. Although the Petitioner states that “prior to establishing new or improving existing access roads, work pads or pull pads, the limits of watercourses, wetlands, and vernal pools are marked in the field prior to construction”, the Council notes that “marked in the field” is not well defined and recommends that high visibility fencing/signage be installed around the wetlands and vernal pool to avoid any unintentional encroachment.

Ash Landfill

The Petitioner states that “the Project lines continue south in an easement spanning the Devon Power LLC’s capped coal ash landfill,” which is regulated by the Connecticut Department of Energy and Environmental Protection (DEEP) Remediation Division. The Petitioner also states that “soil and groundwater pre-characterization sampling will be conducted for select proposed structure foundation locations in proximity to the landfill. If structure foundation locations are found to be impacted, Eversource would prepare a project-specific Soil and Groundwater Management Plan.” If a Soil and Groundwater Management Plan is developed to address the proper management of impacted soil and water, the Council suggests that the Petitioner consult with DEEP’s Remediation Division regarding the appropriateness of the Soil and Groundwater Management Plan and the proposed work near the capped ash landfill.

Vegetation

The Petitioner states that “to minimize impacts, the tree clearing contractor would comply with relevant specifications for access, vegetation removal methods, listed species protection, and use of temporary matting in sensitive resource areas to the extent practicable.” Further, the Petitioner states that “the Project would comply with the vernal pool avoidance and minimization measures recommended for the Project, which are further detailed in Attachment F – Vernal Pool Report.” However, the provisions for vegetation clearing in Attachment F include minimizing the removal of low-growing vegetation surrounding vernal pools; leaving cut vegetation (slash) in place to provide cover and promote the development of coarse woody debris and detritus; and retaining woody shrub cover to the maximum extent practicable. These recommended measures might conflict with information in section “7.2 Tree Clearing and Vegetation Management Methods”, which includes the following provision – “woody debris, including logs and branches, will be removed from the ROW.” The Council recommends that the Petitioner clarify the provisions for tree clearing and vegetation management within the VPE and maintain native understory vegetation (e.g., shrubs and herbs) to the greatest extent practicable.

The Petitioner also states that “tree clearing and vegetation removal would be accomplished using mechanical methods or by hand” with no mention of using herbicides. However, the NDDDB Determination Letter dated June 2, 2025, notes that “mechanical and chemical treatments will be used” for “Vegetative Management.” The Council recommends that the use of herbicides and pesticides be minimized and that applications within 100 feet of wetland and vernal pool resources should be avoided. If the use of herbicides and/or pesticides is necessary, the Council recommends that its use be strictly controlled and applied by a state-licensed pesticide/herbicide applicator.

Spill Prevention

The Petitioner states that “all Project work in or near these water resource areas would be conducted in accordance with Eversource’s BMPs and with the Project specific Stormwater Pollution Control Plan (“SWPCP”) that Eversource would develop for the Project under the DEEP General Permit for the discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“General Permit”).” While the General Permit includes requirements for “Storage of Chemical and Petroleum Products” to be included in a permittee’s SWPCP, the Council recommends that the Petitioner develop and implement a Spill Prevention Plan that could include, but is not limited to: 1) requiring that refueling and/or servicing of vehicles and machinery be done on an impervious surface and at least 100 feet from wetlands, 2) properly

¹ DEEP, Requests for Natural Diversity Data Base Environmental Reviews; <https://portal.ct.gov/deep/nddb/requests-for-nddb-environmental-reviews>, and Connecticut Diversity Data Base Maps; <https://portal.ct.gov/deep/nddb/natural-diversity-data-base-maps>

storing fuel and other hazardous materials on the proposed site, and 3) providing a fuel spill kit(s) onsite for construction contractors and training the contractors on its proper use.

The Council suggests that the Petitioner 1) consider the possibility of installing the electric transmission line(s) beneath the Housatonic River, and 2) assess the potential impacts to 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,

A handwritten signature in black ink, appearing to read "Paul Aresta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Aresta
Executive Director