



From the Wilton Land Trust – Eversource paving the right-of-way through land trust property

From Wagner et al. 2019. Biological Conservation

Advocating for Your Local Right of Way – Some Basics

Kim Stoner

CT Agricultural Experiment Station



One day, out of the blue, you get a letter... Dear Neighbor,

As part of our everyday effort to deliver reliable energy to our customers and communities, we're planning work in your area to replace electric transmission structures. Maintaining the infrastructure that supports the electric lines is one of the ways Eversource ensures the safe, secure transmission of electricity throughout the region.

You're receiving this letter and a copy of the Sub-Petition because the proposed work would be taking place within the right of way on or near your property in

A SubPetition is a document with detailed information about the proposed upgrades. **Eversource is submitting SubPetition No. 1293-SWEWES-01 this week to the Connecticut Siting Council (CSC) for its review and approval.**

Huh?

SubPetition No. 1293-SWEWES-01?

Connecticut Siting Council?

“Dear Neighbor” letter continued..

- **About This Electric System Improvement: What You Can Expect**
- First, we want you to know that this work will not interrupt electric service to your property.
- As part of this project, **we are proposing to replace, and slightly increase the height of the existing wood structures. The new, weathering steel structures** will increase in height by 9 feet or less, depending on the location.
- We are proposing to do the work within the existing rights of way on or near your property. The new structures will provide continued reliability of the transmission system.

“Dear Neighbor” letter continued..

Connecticut Siting Council Process and Timing

With this letter, Eversource is providing notice to you of its proposed work activity, as described in the enclosed Sub-Petition. **If you have any comments or concerns about the project, please send them to the CSC at the following address within 30 days of the date of this letter:** Melanie Bachman, Executive Director; Connecticut Siting Council; Ten Franklin Square; New Britain, CT 06051. You may also email them to the siting.council@ct.gov. If you choose to send comments to the CSC, please reference Sub-Petition No. 1293SWEWES-01 in your correspondence.

Our Commitment to You

We are committed to be a good neighbor and doing our work with respect for you and your property.

Connecticut Siting Council

- “The Council is responsible for balancing the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state. The Council generally has jurisdiction over the siting of electric transmission lines and electric substations with a design capacity of 69-kilovolts or more, electric generating and storage facilities, telecommunications facilities and hazardous waste facilities.”
- www.ct.gov/csc
- What you will find at this website:
 - Public Participation Guidelines - [Citizens Guide to Siting Council Procedures \(energy-transmission\)](#) – copy in your handout packet
 - Petitions – including Petition 1293 for transmission line changes – Copy in your handout packet
 - Examples of Sub-Petitions – Look under Decisions – and then By Town and then look for Sub-Petition No. 1293 and you may find multiple Sub-Petitions for your town
- What I have not found at this website: Any Sub-Petitions No. 1293 under “Pending Matters.” The website says: “Please note, the Connecticut Siting Council is not required to maintain an online data base of Pending Matters.....For complete Pending Matter information, please contact the Council’s staff or feel free to view the hard copy....in the Council’s office.”

Why a Sub-Petition?

Because a petition has already been approved from Eversource to the CT Siting Council

Petition 1293, approved March 30, 2017

- “No Certificate of Environmental Compliance and Public Need is required for all transmission facility asset condition maintenance improvements to comply with the updated National Electric Safety Code clearance requirements.”
- This covers increasing the height of the transmission lines and replacing wooden poles with damage from woodpeckers, rot, splitting, etc.

Requirements for Eversource in Petition No. 1293 (see full copy in handout packet).

A few points:

- Minimize vegetation removal with ROW to the extent practicable and restore temporarily disturbed areas in accordance with Eversource's Sept. 2016 Best Management Practices Manual for Massachusetts and Connecticut (Table of Contents in packet – this is a 214 page document!)
- No removal of mature trees.
- Locate replacement structures out of wetland areas, except where foundations are already in wetland areas.
- No permanent wetland impacts are expected.
- Employ erosion and sediment controls in accordance with the 2002 CT Guidelines for Soil Erosion and Sediment Control and Eversource BMPs
- Use existing access, where possible, retain work pads in upland areas unless the property owner requests removal, and remove matting from wetland areas after construction; and
- Restore disturbed/exposed areas upon completion of construction with topsoil, landscaping, or seed

“The statewide transmission line maintenance activities will not have substantial adverse environmental effects... Visual impacts would be limited to slight differences in the appearance and height of the replacement transmission line structures...”

What Eversource has to put in the Sub-Petition (see full copy of Petition 1293). A few points:

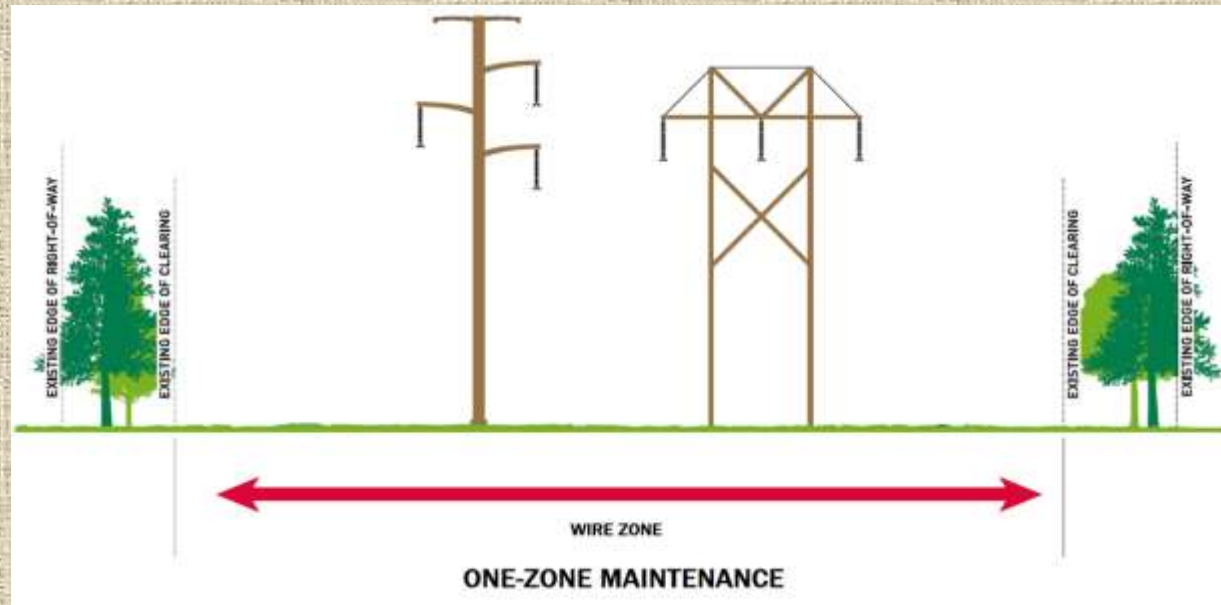
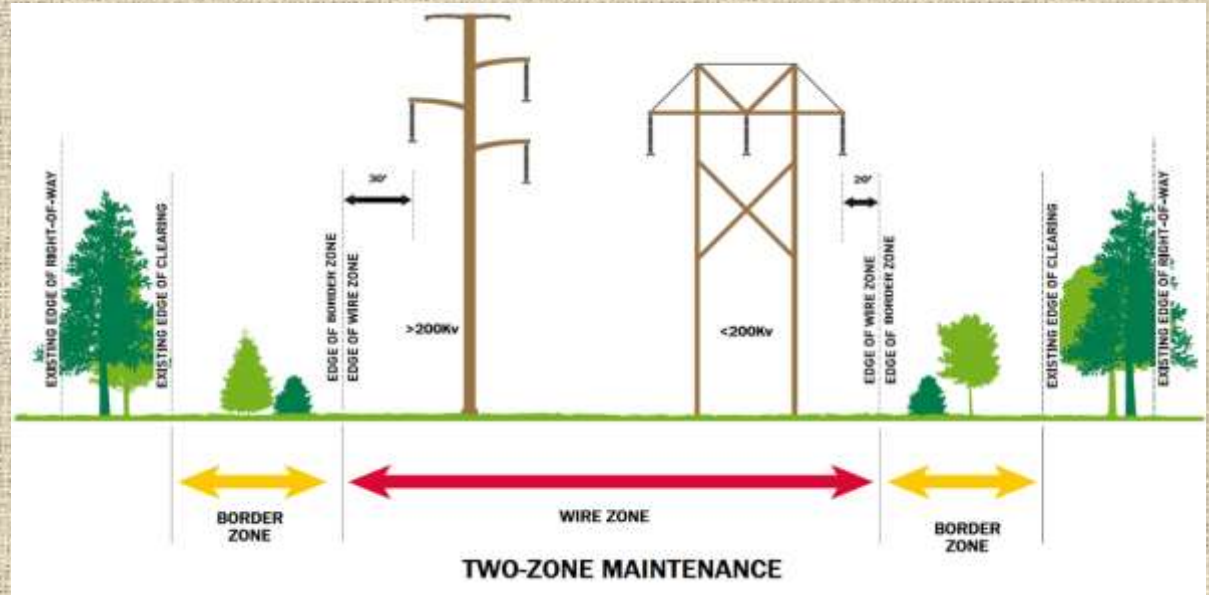
- Exact location and reason for the site-specific activity
- Description of activity with site drawings and plans depicting current field conditions and access routes
- An impact statement relating to potential environmental effects on:
 - Wetlands and watercourses
 - Flood zones
 - DEEP Natural Diversity Database areas
 - Vegetation management; and
- A mitigation plan for any environmental impacts, including best management practices, erosion and sediment controls, re-vegetation and site stabilization
- Notice to town and abutting property owners with a copy of the sub-petition, telling them about 30 days notice.

Changes in maintenance as well as construction

From Eversource
Specification for Rights-of-
Way Vegetation Management
Section III
Technical Requirements 2019

What determines whether a site has two-zone or one-zone maintenance? Eversource says:

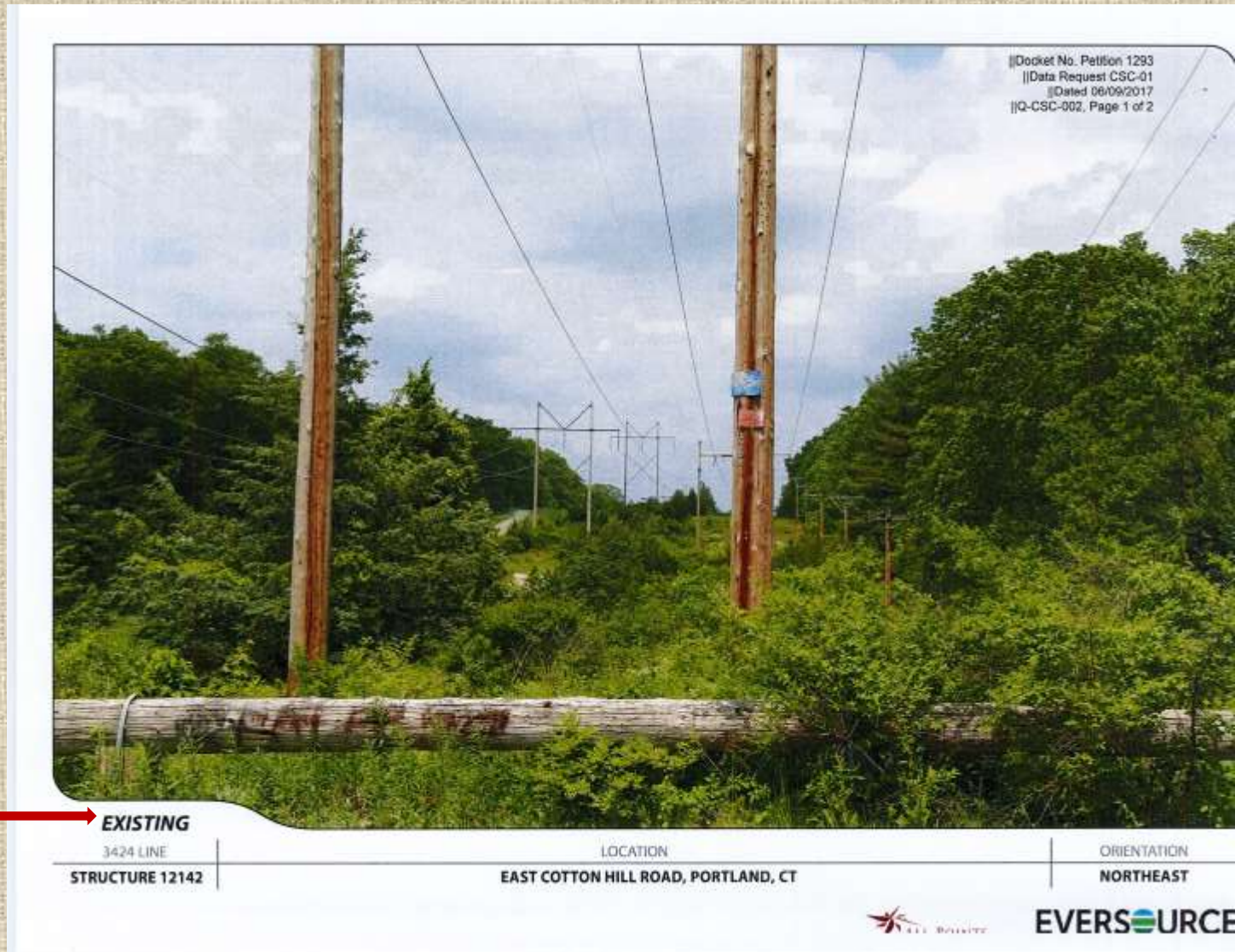
“The method designated is based on the transmission facilities, number of facilities (lines) within ROW, width of maintained cleared limit or easement, topography and plant community. Each ROW shall be designated as one or two-zone maintenance by Eversource in Section II Appendices for that ROW.”




What to do? Some suggestions:

- Make sure you know what you have, that it is documented in the Natural Diversity Database, the DEEP maps of wetlands, and other official sources, and you have that information yourself. This takes time, so do your homework ahead of time.
- Prepare yourself with information about options that can protect your habitat – see the CT Botanical Society Recommendations, and also see Eversource's own Best Management Practices. There are options, such as timber mats instead of gravel, that may cause less damage and be more readily removed.
- If you get a “Dear Neighbor” letter – study the Sub-petition and work together with your neighbors and town to raise concerns with the CSC within the 30 day comment period.
- Advocate for your ROW, get any agreements in writing, and get a lawyer if necessary.
- Arrange to be present when the work is done, so you can make sure that the work is done as promised.
- After the work is over, get good advice about the options available to you for mitigation and restoration.

Before picture – from Eversource for petition



After picture – from Eversource for petition




||Docket No. Petition 1293
||Data Request CSC-01
||Dated 06/09/2017
||Q-CSC-002, Page 2 of 2

REPLACEMENT
3424 LINE
STRUCTURE 12142

LOCATION
EAST COTTON HILL ROAD, PORTLAND, CT

ORIENTATION
NORTHEAST

 **EVERSOURCE**

The photograph shows a utility line with a log in the foreground and a utility pole with a blue tag. The background is a dense forest. The image is part of a document with a white border and a white background. The text is in black and red. The Eversource logo is in the bottom right corner.