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May 17, 2022

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

Re: Docket No. 508 - The United Illuminating Company Application for a Certificate of Environmental Compatibility and Public Need for the Milvon to West River Railroad Transmission Line 115-kV Rebuild Project

Dear Ms. Bachman:

Enclosed for filing with the Connecticut Siting Council ("Council") are The United Illuminating Company's responses to the City of Milford's May 9, 2022 interrogatories ("Set 2").

An original and fifteen (15) copies of this filing will be hand delivered to the Council.

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

Very truly yours,



Bruce L. McDermott

Enclosures

cc: Service List

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Interrogatory Milford 2-1

The United Illuminating Company

Witnesses: Correne Auer & David
George

Docket No. 508

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Q-MIL 2-1: With reference to that letter, dated December 22, 2021, from Jonathan Kinney, State Historic Preservation Office (SHPO), to David R. George, Heritage Consultants, specify with particularity all forms of mitigation of the adverse visual impacts to historic resources that were submitted, proposed, or discussed by and between UI and its employees and consultants and the State Historic Preservation Office. Please identify all parties who participated in the meeting between the “project proponent” and SHPO and the date of that meeting.

A-MIL 2-1: The parties who attended the meeting on December 14, 2021 were Marena Wisnieski, Environmental Review Coordinator of the State Historic Preservation Office, and David George of Heritage Consultants, LLC-UI’s cultural resources expert.

Mitigation options discussed during this meeting were the following; Charles Island Archaeological Survey, Ward-Heitman House (preservation-related tasks), CT Audubon Society (repairs/upgrades to the Milford Point Hotel), Fort Nathan Hale (preservation related efforts), and Congregational United Church of Christ, New Haven (preservation related efforts such as roof replacement).

Interrogatory Milford 2-2

The United Illuminating Company
Docket No. 508

Witness: Meena Sazanowicz
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Q-MIL 2-2: With reference to Interrogatory 1, did UI, its employees, or consultants submit or propose a mitigation strategy of rebuilding the catenary structures in lieu of the proposed monopoles where such monopoles would be visible from the adversely impacted historic resources? If so, specify with particularity how and when such mitigation was submitted or proposed.

A-MIL 2-2: No, the rebuild of the catenaries was not feasible or practical. See response to Milford Interrogatory 1-2 for further information.

Interrogatory Milford 2-3

The United Illuminating Company

Witnesses: Matthew Parkhurst & David
George

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Q-MIL 2-3: With respect to each route and/or configuration alternative identified in Section 9 of Volume 1, describe with particularity whether each alternative would mitigate adverse visual impacts to any of the five National Register listed resources identified in the December 22, 2021 letter from SHPO.

A-MIL 2-3: Despite considering various pole height configurations and number of structures, avoidance of adverse visual impacts to the five National Register listed resources identified in the December 22, 2021 letter from SHPO could not be achieved.

All four overhead alternatives would require the new infrastructure to be taller than the existing infrastructure. However, the proposed project (Alternative 1) would result in over half of the amount of infrastructure installed within Downtown Milford when compared with Alternatives 2 through 4. There is a tradeoff between the height and quantity.

In regard to the underground alternative, the visual impact would be less for the majority of the area where the line is underground, but would be significantly higher where the riser structures and transition station are in view.

Interrogatory Milford 2-4

The United Illuminating Company
Docket No. 508

Witness: Shawn Crosbie
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Q-MIL 2-4: Referencing UI Response to CSC Interrogatory 44, please provide a copy of the Federal Energy Regulatory Commission Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities.

A-MIL 2-4: See Attachment MIL 2-4-1.

Interrogatory Milford 2-5

The United Illuminating Company
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Witness: Matthew Parkhurst
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Q-MIL 2-5: Referencing the letter from SHPO dated December 22, 2021, which identifies the railway corridor itself as a historic resource eligible for listing on the National Register, identify with particularity all 19th and 20th century structures, electrical wires, and/or equipment that will be removed as a result of the Project.

A-MIL 2-5: No 19th century structures, electrical wires and/or equipment are being removed. The following 20th century items are planned to be removed:

- Bonnets and hardware that support the UI Shield Wires and 115kV Conductors
- UI Shield Wires and 115kV Conductors

Interrogatory Milford 2-6

The United Illuminating Company
Docket No. 508

Witness: David George
Page 1 of 1

Q-MIL 2-6: Identify all properties/districts in the City of Milford that are listed on the State Register of Historic Places (SRHP) and located within the vicinity of the CT DOT corridor.

A-MIL 2-6: Based on UI's research in collaboration with its cultural resource expert, the following properties were the only ones listed on the SRHP and located within the vicinity or within 0.15 miles of the CTDOT corridor in Milford.

Property Name	Property Address	Status/Notes
Residence	South Corner of Hill St. & Clark Street	Demolished
Residence	Corner of Hill & Clark St	Demolished
The Academy of Our Lady of Mercy – Luralton Hall	200 High Street	SHRP/NRHP
River Park Historic District	Between Boston Post Road and Milford Harbor (south of the CT DOT corridor)	SHRP/NRHP
US Post Office – Milford Main	6 West Street	SHRP/NRHP
St. Peter's Episcopal Church	61, 71, and 81 River Street	SHRP/NRHP
Taylor Memorial Library	5 Broad Street	SHRP/NRHP
Milford Train Station- East Side	Depot Station	Fair Condition
Milford Train Station- West Side	Depot Station	Fair Condition
Milford Residence	49 Clark Street	Good Condition

Interrogatory Milford 2-7

The United Illuminating Company
Docket No. 508

Witnesses: Matthew Parkhurst & David George
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Q-MIL 2-7: Referencing the information provided in response to Interrogatory 6, identify the nearest proposed monopole to each property/district located within 0.15 mile of the CT DOT corridor.

A-MIL 2-7: The following table lists the State Register of Historic Places-listed structures/districts within 0.15 mile of the CT DOT corridor and the nearest proposed monopole.

Property Name	Property Address	Status/Notes	UI Proposed Monopole
Residence	South Corner of Hill St. & Clark Street	Demolished	P900N/P901N
Residence	Corner of Hill & Clark St	Demolished	P900N/P901N
The Academy of Our Lady of Mercy – Lauralton Hall	200 High Street	SHRP/NRHP	P908N
River Park Historic District	Between Boston Post Road and Milford Harbor (south of the CT DOT corridor)	SHRP/ NRHP	P914N, P915N & P916N
US Post Office – Milford Main	6 West Street	SHRP/NRHP	P912N
St. Peter’s Episcopal Church	61, 71, and 81 River Street	SHRP/NRHP	P914N
Taylor Memorial Library	5 Broad Street	SHRP/NRHP	P912N
Milford Residence	49 Clark Street	Good Condition	P900N & P901N
Milford Train Station- East Side	Depot Station	Fair Condition	P912N
Milford Train Station- West Side	Depot Station	Fair Condition	P910N

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

(18 CFR 2.13, 4.41, 4.50, 4.71)

Before Commissioners: John N. Nassikas, Chairman;
Lawrence J. O'Connor, Jr., Carl E. Bagge,
John A. Carver, Jr., and Albert B. Brooke, Jr.

Protection and Enhancement of Natural,
Historic, and Scenic Values in the Design,
Location, Construction, and Operation of
Project Works. } Docket No. R-365

ORDER NO. 414

AMENDING PART 4, SECTIONS 4.41, 4.50 AND 4.71 OF
REGULATIONS UNDER THE FEDERAL POWER ACT AND ADDING
SECTION 2.13 TO PART 2 - GENERAL POLICY AND INTERPRETATIONS

(Issued November 27, 1970)

On July 29, 1969, the Commission issued a Notice of Proposed Rulemaking in this proceeding (34 FR 12,718, August 5, 1969), ^{1/} wherein it proposed to amend Part 4 of the Regulations under the Federal Power Act and to add Section 2.12 ^{2/} to Part 2 of its General Rules, relating to the implementation of procedures for the protection and enhancement of aesthetic and related values in the design, location, construction, and operation of project works.

Twenty-six responses have been received to the Commission's notice ^{3/} suggesting a number of modifications of the proposed Rules and Regulations. A number of these suggestions, as hereinafter discussed, will result in improvements in the terms of the rulemaking. Those not adopted were considered to be unnecessary or lacking in merit.

1/ On May 15, 1970, a notice amending the July 29, 1969 notice was issued (35 FR 7985, May 23, 1970).

2/ A new §2.12 was added to Part 2 by Order No. 404, issued May 15, 1970 (35 FR 7963, May 23, 1970). Accordingly, the new section to Part 2 added by this order will be designated § 2.13.

3/

1. Gulf Power Company	5. Public Service Electric and Gas Company
2. Pacific Gas and Electric Co.	6. Consumers Power Company
3. Consolidated Edison Company of New York, Inc.	7. Pennsylvania Power & Light Co.
4. Alabama Power Company	

(Footnote continued on next page)

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We are changing the format of Section 2.13, "Aesthetic Design and Construction", to consist of: (a) a general statement of Commission policy, (b) a policy statement providing for restrictions on the amendment of licenses for the purposes of protecting the aesthetics of the project area, and (c) a reference to the Commission's "Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." This change was prompted primarily by the consideration that it would be more appropriate that, rather than issue the findings of the Working Committee on Utilities of the President's Council on Recreation and Natural Beauty, the Commission issue and adopt its own guidelines adapted from these findings. The Commission guidelines, attached as Appendix A hereto, reflect our views after taking account of written comments plus those received at a conference held on August 10, 1970, between the staff and representatives of the commenting parties.

3/ Footnote continued from preceding page.

8. Public Utility District No. 1 of Chelan County
9. Utah Power & Light Company
10. Southern California Edison Co.
11. Edison Electric Institute
12. Georgia Power Company
13. National Wildlife Federation
14. Washington Water Power Co.
15. Sacramento Municipal Utility District
16. Los Angeles Department of Water and Power
17. Department of Water Resources - State of California
18. Idaho Fish and Game Department
19. Mr. H. B. Fyffe
20. Arkansas Power & Light Co.
21. Citizens Committee for the Hudson Valley
22. Virginia Electric and Power Co.
23. U.S. Department of Agriculture
24. Mrs. Ethel M. Hugg
25. Game Commission of the State of Oregon
26. Advisory Council on Historic Preservation

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One additional change has been made in Section 2.13. In response to numerous comments, the words "or minimize" have been added after the word "avoid" in the showing that is to be made prior to amendment of any outstanding license in recognition that some conflict with the aesthetics of the area in certain circumstances may not be avoided. We recognize that utilization of an area is not necessarily detrimental and may in some instances have beneficial effects on the area. The line now reads: "***unless a showing is made that the construction will be designed to avoid or minimize conflict***." Many comments objected to the use of the word "aesthetics" as being too broad and vague. After considering these comments we feel that the public interest is best served by replacing the word "aesthetics" with the words "natural, historic, and scenic."

In response to comments by the Advisory Council on Historic Preservation, the new Exhibit V will include the location by the latitude-longitude system of coordinates whenever National Historic places are affected by a project.

A number of comments dealt with the new Exhibit V to be required with license applications in Section 4.41. Many of these requested that the words "or minimize" be added after "prevent" in the line which reads "clearing of the reservoir area to prevent damage to the environment." We have therefore added these words recognizing that in some instances it is impossible to prevent damage to the environment. However, our requirement in this Exhibit V that the applicant show what is being done to preserve and enhance the project's scenic values contemplates that where some damage is unavoidable, the applicant will pursue a program of enhancement in order to mitigate the damage caused by the project.

It has been suggested that the requirement in the Exhibit V that the Applicant consult with "individuals having an interest" is too broad and vague and might put onerous responsibilities upon applicants. In recognition that consultation with all individuals who assert an interest may be excessively costly and delaying, we have revised the rule to require consultation with, or consideration of comments submitted by, Federal, State, and local agencies or organizations, and individuals having an interest. It has also been suggested that to include temporary facilities in the Exhibit V would be extremely difficult for they are not preplanned in detail. However, no change is warranted, for we feel that promoting preplanning in the interest of environmental protection is a worthwhile objective of the rulemaking.

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Exhibit V has also been modified by: (1) replacing the phrase in the first sentence, "including transmission lines", with "including compliance with the Commission's 'Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities'"; (2) requiring the Applicant to show the location of those rights-of-way which it intends to utilize and why the others are not to be utilized to encourage the use of existing rights-of-way for the project transmission lines; and (3) requiring the Applicant to state (a) the reason why any project works are located so near to any of the national historic places listed in the National Register of Historic Places, or any officially designated park, scenic, natural, or recreational area as to have a significant effect upon such place or area and (b) the efforts being taken to minimize that effect.

Exhibit V of Section 4.50 has been revised to clarify the use of the words "areas of public interest". The list of areas has been enlarged to include residential, and the reference to areas of public interest deleted. The exhibit also has been slightly modified to provide for the possibility that the project transmission lines would have no significant effect on the subject areas.

Concern was expressed that the amendment of Exhibits J and K of Section 4.71, requiring a detailed Exhibit K covering the entire transmission line application, is beyond the authority of the Commission. This point should be clarified. The amendment incorporated herein eliminates the provision that a detailed Exhibit K is necessary only for those parts of the transmission line which cross lands of the United States. Inasmuch as the amendment deletes this provision, a detailed Exhibit K would be required as provided for in Section 4.41. Section 4.41, Exhibit K requires a map covering the "entire project area." The modification enacted herein does not require a detailed Exhibit K for lands beyond the project area.

The Notice of Proposed Rulemaking herein proposed the amendment of Exhibit H of Section 4.82 to provide for the inclusion of transmission lines in applications for preliminary permits. There were several comments in response to this section asserting that

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the final locations of transmission lines are not known when application for a preliminary permit is made. Examination reveals this to be an accurate assertion. Thus, we are deleting the amendment to Exhibit H of Section 4.82.

There were additional suggestions that the rule should expressly limit its applicability to jurisdictional facilities. We do not feel that a jurisdictional limitation is necessary, inasmuch as the rule addresses itself only to jurisdictional facilities.

A request has been made that the rule should expressly provide for an opportunity for a hearing on any order issued under the rule. We feel that opportunity for a hearing is adequately provided by the Commission's present Regulations Under the Federal Power Act, particularly Sections 4.32 and 4.83.

One comment suggested that the rule should be delayed until pending environmental legislation is enacted and then the rule correlated with other agencies. The Commission is presently implementing the coordination of its environmental policies with federal legislation, and other interested agencies. To delay this rulemaking would not significantly further this correlation and would not be in the public interest.

The Commission finds:

(1) The revisions made herein to the amendments proposed in the Notice of Proposed Rulemaking do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from the original proposal; therefore no further notice or hearing prior to adoption is necessary.

(2) The adoption of: (1) "Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" annexed as Appendix A hereto and as referred to in the new Section 2.13 and in the revised Section 4.41; (2) the new Section 2.13, Part 2 - General Policy and Interpretations of the Commission's General Rules and; (3) the amendments to the Regulations under the Federal Power Act, hereinafter set forth, are necessary and appropriate for carrying out the provisions of the Federal Power Act.

The Commission acting pursuant to the provisions of the Federal Power Act as amended, particularly Sections 4(e), 6, 9, 10 and 309 thereof (41 Stat. 1065-1070; 49 Stat. 840-844, 858-859; 61 Stat. 501; 82 Stat. 617; 16 U.S.C. 797(e), 799, 802, 803, 825h) orders:

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(A) Part 2, Subchapter (A), Chapter I, Title 18, Code of Federal Regulations is amended by adding a new §2.13 to read as follows:

§ 2.13 Design and construction

(a) The Commission recognizes the importance of protecting and enhancing natural, historic, scenic, and recreational values at projects licensed or proposed to be licensed under the Federal Power Act.

(b) The Commission has adopted "Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights of Way and Transmission Facilities" as set forth in Order No. 414 issued November 27, 1970. The Commission will consider these guidelines inter alia, in the determination of whether applications for any licenses under the Federal Power Act are best adapted to a comprehensive plan for developing a waterway. The guidelines may be obtained from the Office of Public Information, Federal Power Commission, 441 G Street, N.W., Washington, D. C. 20426.

(c) In furtherance of these policies, the Commission will not (1) permit the amendment of any license for the purpose of construction of additional facilities or (2) authorize the disposition of any interest in project lands for construction of any type, unless a showing is made that the construction will be designed to avoid or minimize conflict with the natural, historic, and scenic values and resources of the project area, including compliance with the Commission's "Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities".

(B) Part 4, Subchapter (B), Chapter I, Title 18, Code of Federal Regulations is amended by adding Exhibit V to § 4.41 as follows:

§ 4.41 Required Exhibits

* * * * *

Exhibit V. A map, together with text, photographs or drawings as may be needed to describe the location of, and architectural design, landscaping, and other reasonable treatment to be given to project works, including compliance with the Commission's "Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities", in the interest of protecting and enhancing the natural, historic, and scenic values and resources

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of the project area. The exhibit shall include measures to be taken during construction and operation of the project works including temporary facilities such as roads, borrow and fill areas, and clearing of the reservoir area to prevent or minimize damage to the environment and to preserve and enhance the project's scenic values, together with estimated costs of such treatments, location, and design. Applicant shall prepare this exhibit on the basis of studies made after consultation with, or consideration of comments submitted by, Federal, State, and local agencies or organizations and individuals having an interest in the natural, historic, and scenic values of the project area, and shall set forth therein the nature and extent of this consultation or consideration. The exhibit shall include the location of existing rights-of-way belonging either to the applicant or others which could practically be used in routing the projects transmission lines. The applicant shall submit a statement indicating which of such rights-of-way it intends to use and explaining why the other rights-of-way shown are not to be used. Where any project works will or may be located sufficiently near to have a significant effect upon any of the national historic places listed in the National Register of Historic Places maintained by the Secretary of the Interior, or any park, scenic, natural, or recreational area officially designated by duly constituted public authorities, applicant shall state the reason for such location and efforts being taken to minimize the adverse effects of that location. Whenever such historic places are affected by the project, applicant shall locate the project by latitude and longitude. To the extent that these requirements have been fulfilled in other exhibits, a specific reference to the applicable parts of those exhibits will suffice.

(C) Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding Exhibit V to § 4.50 as follows:

§ 4.50 Contents

* * * * *

Exhibit V. A map showing the location of the project's transmission lines, in relation to residential, natural, historic, scenic, and recreational areas, and areas set aside for future recreational development. Appropriate details should be shown to allow for an adequate assessment of the effect, if any, of the lines on such areas. Whenever any of the national historic places listed in the National Register of Historic Places maintained by the Secretary of the Interior are affected by the project applicant shall locate the project by latitude and longitude. If the information desired herein can be shown with sufficient detail on Exhibit K or R this exhibit may be omitted.

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(D) Section 4.71 in Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the paragraph describing Exhibits J and K and by adding a new paragraph entitled Exhibit V as follows:

§ 4.71 Required Exhibits

* * * * *

Exhibits J and K. Maps conforming to the requirements of § § 4.40 to 4.42, inclusive, for applications for proposed major projects insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, Exhibit J shall show the connection to the nearest substations or main transmission lines through which the project line obtains and delivers its energy, and either the general map or a small key map shall show the relation of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. For short lines Exhibits J and K may be combined in one map.

* * * * *

Exhibit V. As prescribed by § § 4.40 to 4.42 inclusive for applications for proposed major projects insofar as said requirements are applicable to transmission lines.

(E) The amendment ordered herein shall be effective as to all applications filed on or after January 1, 1971.

(F) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

(S E A L)

Kenneth F. Plumb,
Acting Secretary.

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APPENDIX A

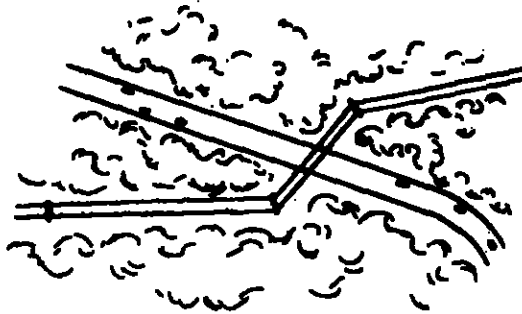
Guidelines for the Protection of Natural, Historic,
Scenic, and Recreational Values in the Design and
Location of Rights-of-Way and Transmission Facilities

It is intended that these guidelines provide an indication of the basic principles and elements of good practice which, if applied in a reasonable manner to planning and design of particular facilities, will provide the most acceptable answers from an environmental standpoint taking account also of such factors as safety, reliability of service, land use planning, economics and technical feasibility.

The Selection and Clearing of Rights-of-Way Routes

1. To the extent permitted by the property interest involved rights-of-way should be selected with the purpose of minimizing conflict between the rights-of-way and present and prospective uses of the land on which they are to be located. To this end, existing rights-of-way should be given priority as the locations for additions to existing transmission facilities, and the joint use of existing rights-of-way by different kinds of utility services should be considered.
2. Where practical, rights-of-way should avoid the national historic places listed in the National Register of Historic Places and natural landmarks listed in the National Register of Natural Landmarks maintained by the Secretary of the Interior, and parks, scenic, wildlife and recreational lands, officially designated by duly constituted public authorities. If rights-of-way must be routed through such historic places, parks, wildlife or scenic areas, they should be located in areas or placed in a manner so as to be least visible from areas of public view and so far as possible in a manner designed to preserve the character of the area.
3. Rights-of-way should avoid prime or scenic timbered areas, steep slopes and proximity to main highways where practical. In some situations scenic values would emphasize locating rights-of-way remote from highways while in others where scenic values are less important rights-of-way along highways in timbered areas would achieve desirable conservation of existing forest lands.
4. Where the transmission rights-of-way cross areas of land managed by Government agencies, State agencies or private organizations, these agencies should be contacted early in the planning of the transmission project to coordinate the line location with their land-use planning and with other existing or proposed rights-of-way.

5. In scenic and residential areas clearing of natural vegetation should be limited to that material which poses a hazard to the transmission line. Determination of a hazard in critical areas such as park & forest lands should be a joint endeavor of the utility company and the land manager in keeping with the National Electric Safety Code, state or other electric safety and reliability requirements.
6. Long tunnel views of transmission lines crossing highways in wooded areas, down canyons and valleys or up ridges and hills should be avoided. This can be accomplished by having the lines change alignment in making the crossing, or in other situations by concealment of terrain or by judicious use of screen planting.

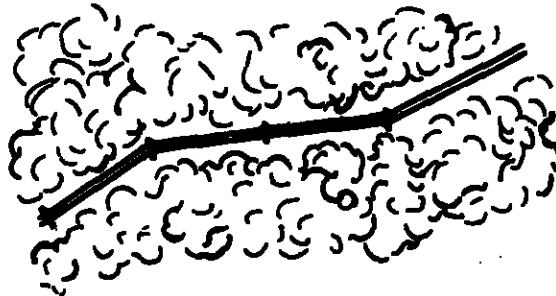


7. Rights-of-way clearings should be kept to the minimum width necessary to prevent interference of trees and other vegetation with the proposed transmission facilities. In scenic or urban areas trees which would interfere with the proposed transmission facilities and those which could cause damage if fallen should be selectively cut and removed.

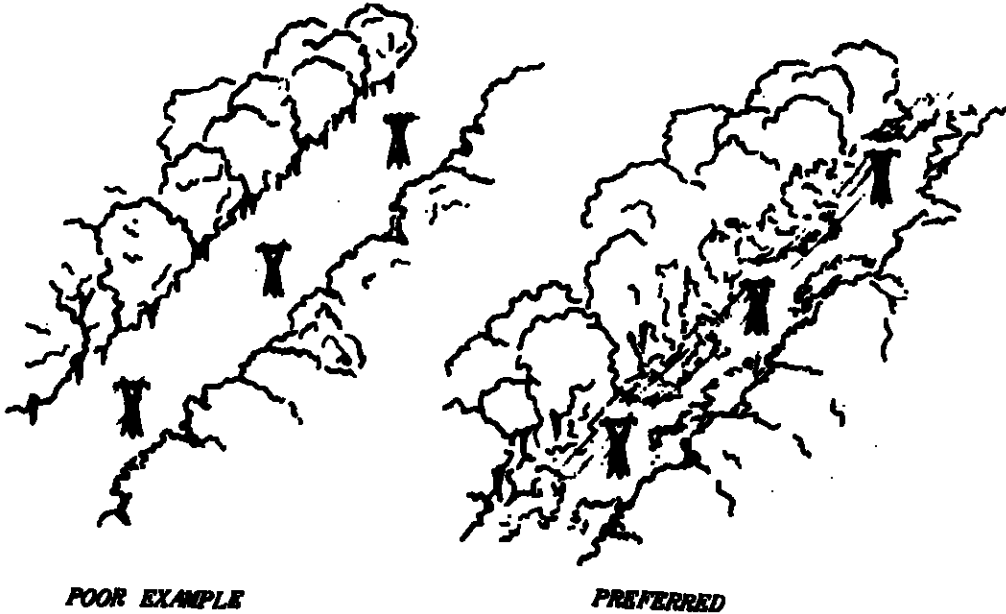


8. The time and method of clearing rights-of-way should take into account matters of soil stability, the protection of natural vegetation and the protection of adjacent resources.
9. The use of helicopters for the construction and maintenance on rights-of-way should be considered in mountainous and scenic areas where consistent with reliability of service. This would permit rights-of-way to be located in more remote areas and would reduce disturbance of the ground and the number of access roads.
10. Trees and other vegetation cleared from rights-of-way in areas of public view should be disposed of without undue delay. If trees and other vegetation are burned, local fire and air pollution regulations should be observed. Unsightly tree stumps which are adjacent to roads and other areas of public view should be cut close to the ground or removed.

11. Trees, shrubs, grass and top soil which are not cleared should be protected from damage during construction.
12. Rights-of-way should not be cleared to the mineral soil where possible. Where this does occur in scattered areas of the rights-of-way, the top soil should be replaced and stabilized without undue delay by the planting of appropriate species of grass, shrubs and other vegetation which are properly fertilized.
13. Soil which has been excavated during construction and not used should be evenly filled back onto the cleared area or removed from the site. The soil should be graded to comport with the terrain and the adjacent land, and the top soil should then be replaced and appropriate vegetation should be planted and fertilized.
14. Scars on the surface of the ground should be repaired with top soil and replanted with appropriate vegetation or otherwise conformed to local, natural conditions. Grading generally should not be done on slopes where the scars cannot be repaired without creating an erosion problem.
15. Terraces and other erosion control devices should be constructed where necessary to prevent soil erosion on slopes on which rights-of-way are located.
16. Where rights-of-way cross streams or other bodies of water, the banks should be stabilized to prevent erosion. Construction on rights-of-way should not damage shorelines, recreational areas or fish and wildlife habitats.
17. When necessary, cofferdam techniques to lay pipe or cable across streams should be used in order to permit full flow in one part of the stream while construction work is being performed in another part.
18. Care should be taken to avoid oil spills and other types of pollution while work is performed in streams.
19. In scenic areas visible to the public, rights-of-way strips through forest and timber areas should be deflected occasionally and should follow irregular patterns or be suitably screened to prevent the rights-of-way from appearing as tunnels cut through the timber.



20. At road crossings or other special locations of high visibility rights-of-way strips through forest and timber areas should be cleared with varying alignment to comport with the topography of the terrain. In such locations also where rights-of-way enter dense timber from a

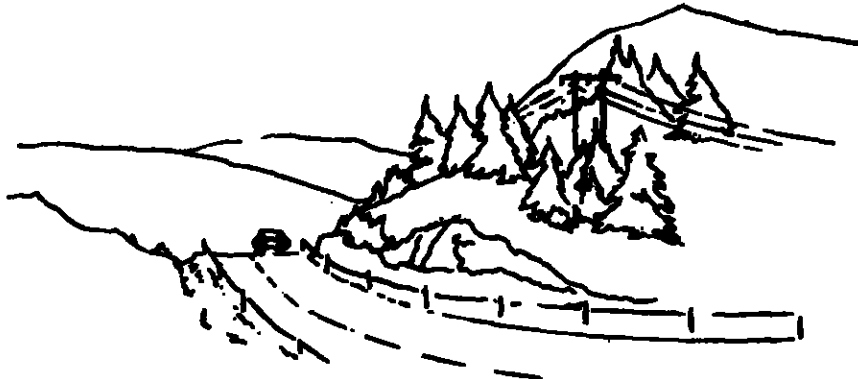


meadow or other clearing, trees should be feathered in at the entrance of the timber for a distance of 150-200 yards. Small trees and plants should be used for transition from natural ground cover to larger areas.

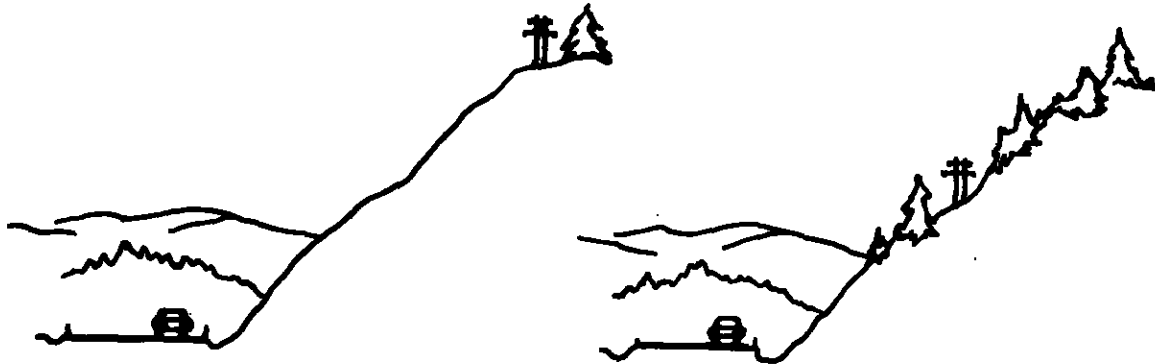
21. If underground transmission lines must be located near the crests of hills or other high points, trenching should be done with small equipment in order to minimize the width of the rights-of-way clearings.
22. Roads used during construction should be stabilized without undue delay by erosion control measures and the planting of appropriate grass and other vegetation. These roads should be designed for proper drainage, and water bars to control soil erosion should be installed.
23. Access roads should not be constructed on unstable slopes. Where feasible, service and access roads should be used jointly.

The Location of Transmission Towers and Overhead Lines

24. If an overhead line must be routed across uniquely scenic, recreational or historic areas or rivers, the feasibility of placing the lower voltage line underground should be considered. If the line must be placed overhead, it should be located on a right-of-way least visible from areas of public view.
25. Transmission facilities should be located with a background of topography and natural cover where possible. Vegetation and terrain should be used to screen these facilities from highways and other areas of public view.



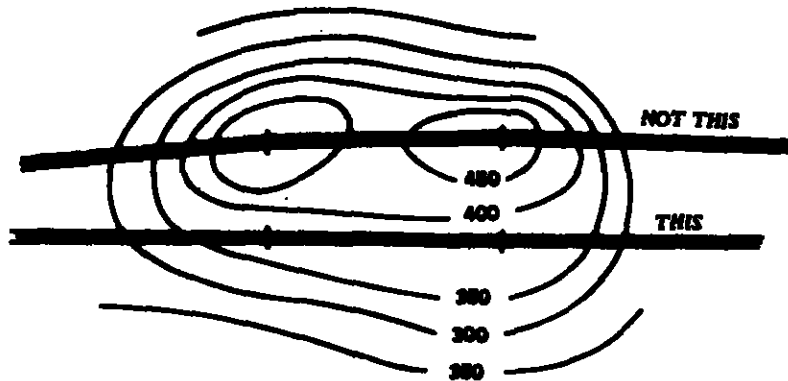
26. Where transmission facilities must be placed on slopes which parallel highways or other areas of public view, they should be located approximately two-thirds the distance up the slopes where feasible. With the slopes as background, the presence of the facilities would be less noticeable.



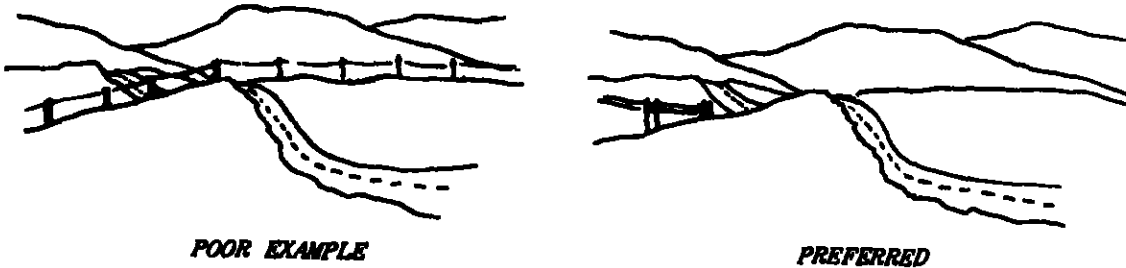
POOR EXAMPLE

PREFERRED

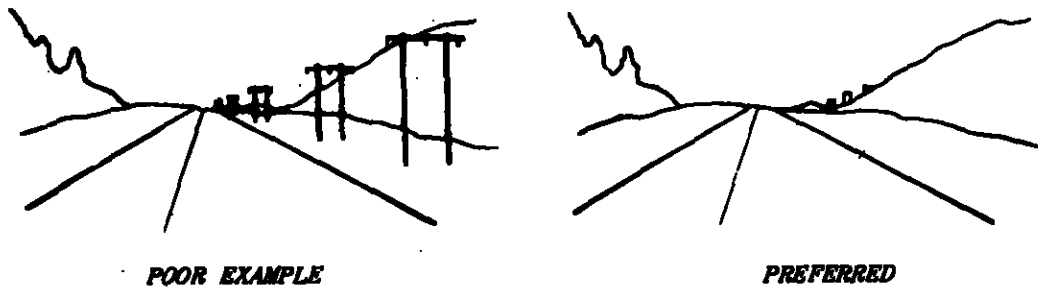
27. Transmission line rights-of-way should not cross hills and other high points at the crests and when possible should avoid placing a transmission tower at the crest of a ridge of hill. Towers should be spaced below the crest to carry the line over the ridge or hill, and the profile of the facilities should present a minimum silhouette against the sky.



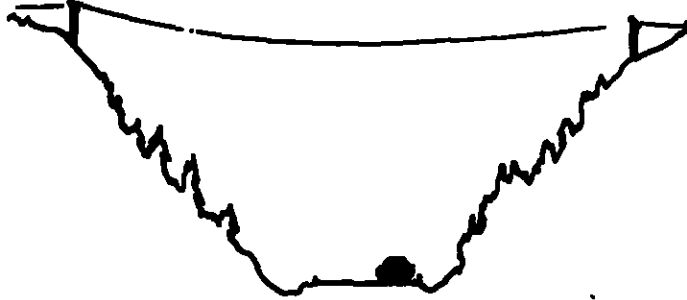
28. Transmission lines should not cross highways at the crest of a road.



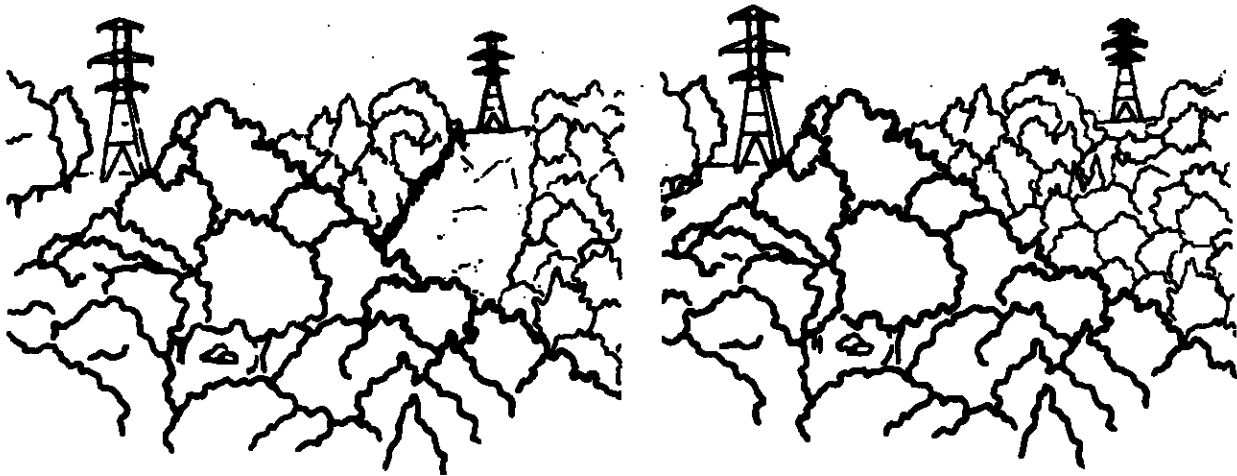
29. Long views of transmission lines parallel to highways should be avoided where possible. This may be accomplished by overhead lines being placed beyond ridges or timber areas.



30. Transmission lines should cross canyons up slope from roads which traverse the canyon basins if the terrain permits.



31. When crossing canyons in a forest, high, long-span towers should be used to keep the power lines above the trees and to eliminate the need to clear all vegetation from below the lines. Only as much vegetation as is necessary to string the line should be cut.

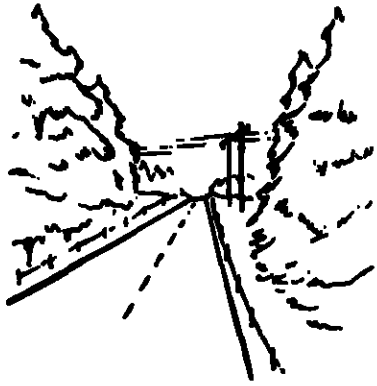


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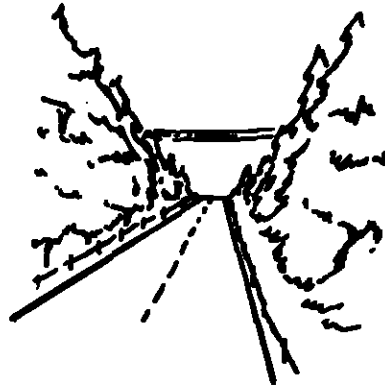
PREFERRED

32. Where ridges or timber areas are adjacent to highways or other areas of public view, overhead lines should be placed beyond the ridges or timber areas.

33. In forest or timber areas, high, long-span towers should be used to cross highways in order to retain much of the natural growth along the highways.



POOR EXAMPLE



PREFERRED

34. Native shrubs and trees should be left in place or planted at random, with the necessary allowance for safety, near the edges of rights-of-way adjacent to roads.



POOR EXAMPLE

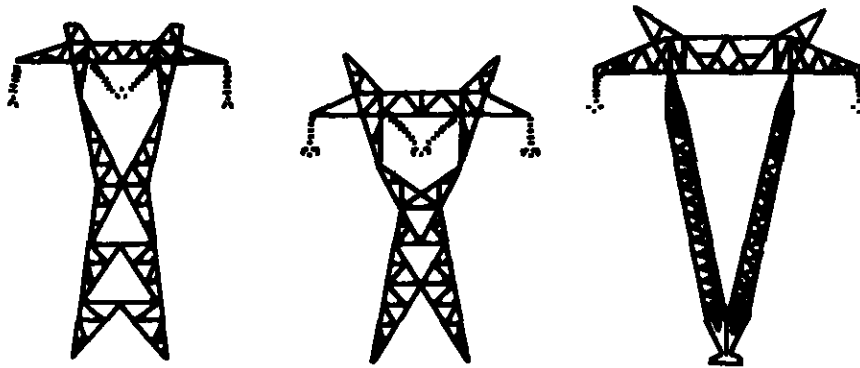


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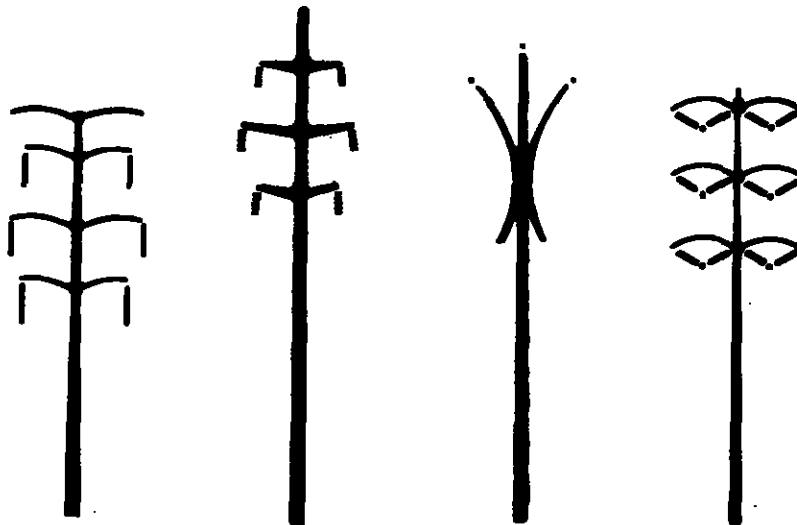
- 35. Transmission lines should not be located or cross at road intersections or interchanges where possible.
- 36. The Federal Highway Administration and the State Highway Department should be consulted with respect to any applicable guidelines or regulations that they might have to govern transmission lines which cross highways.

The Design of Transmission Towers

- 37. The size of transmission towers should be kept to the minimum feasible.

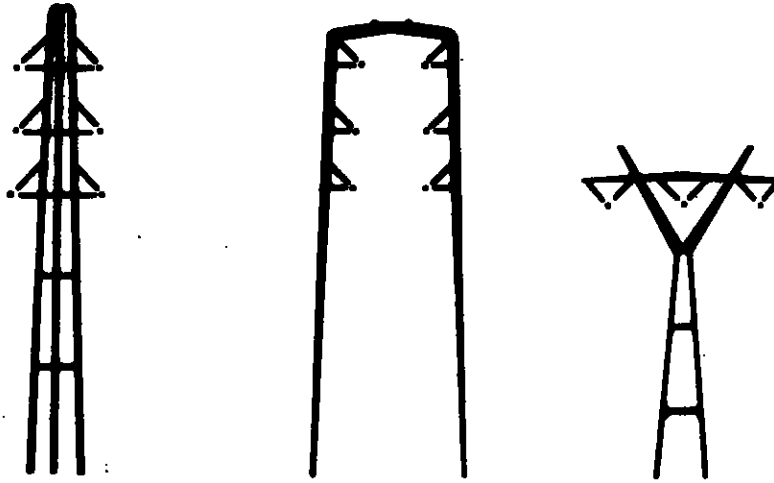


STANDARD TOWER DESIGNS

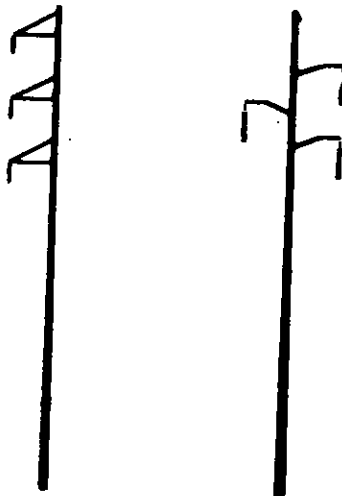


NEWER TOWER DESIGNS

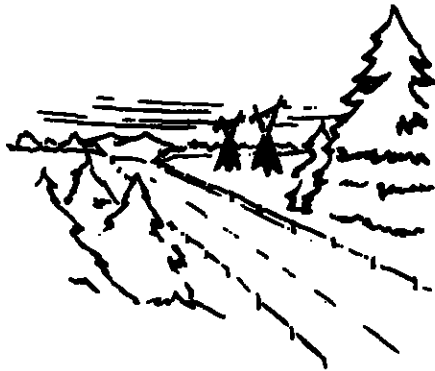
38. Simple, but functional, designs of towers and poles should be used. Illustrations of these kinds of structures can be found in the book **ELECTRIC TRANSMISSION STRUCTURES**, sponsored by the Electric Research Council.



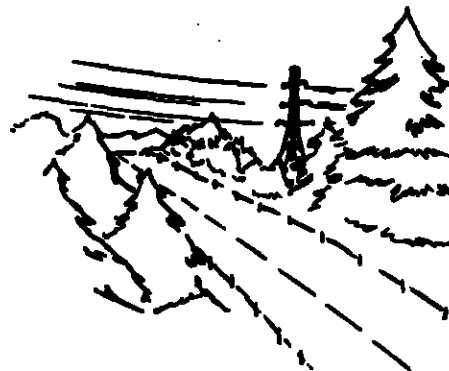
39. The use of poles designed without cross-arms for electric transmission lines of 138 kV and below and communications cables should be considered.



40. The materials used to construct transmission towers and the colors of the components of the towers should comport with the natural surroundings.
41. In addition to steel and aluminum transmission towers, the use of towers constructed of fiberglass, reinforced plastic, laminated wood, concrete, and other materials should be considered.
42. The use of treated single or double wood poles should be considered in forest or timber areas.
43. The use of weathered galvanized steel structures should be considered when transmission towers are to be silhouetted against the sky.
44. The design and color of the insulators should be compatible with the design of the tower.
45. Where two or more circuits are required at high crossings, the use of multiple circuit towers should be considered where it is consistent with adequate reliability.



POOR EXAMPLE



PREFERRED

The Maintenance of Transmission Line Rights-of-Way

46. Once a cover of vegetation has been established on a right-of-way, it should be properly maintained.
47. Chemicals, when used, should be carefully selected to have a minimum effect on desirable indigenous plant life. Selective application should be used wherever appropriate to preserve the natural environment. In scenic areas, the impact of temporary discoloration of foliage should be considered; and where this factor is critical, either mechanical means of vegetative control should be used, or the work should be scheduled in early spring or late fall. It is essential that chemicals be applied in a manner fully consistent with the protection of the entire environment, particularly of the health of humans and wildlife.

48. Access roads and service roads should be maintained with suitable natural cover, water bars, and the proper slope in order to prevent soil erosion.
49. Aerial and ground maintenance inspection activities of the transmission line facility should include observations of soil erosion problems, fallen timber and conditions of the vegetation which require attention. The use of aircraft to inspect and maintain transmission facilities should be encouraged.

Possible Secondary Uses of Rights-of-Way

50. One of the potential benefits of transmission line routes is that clearings at safe distances adjacent to transmission facilities may be used for secondary purposes. Consistent with general safety factors the following should be considered as possible secondary uses of rights-of-way to the extent permitted by the property interest involved:

Cultivation of Christmas trees, elderberry and huckleberry bushes, and other nursery stock

Parks

Golf courses

Equestrian or bicycle paths

Picnic areas

Game refuges

Hiking trail routes

General agriculture

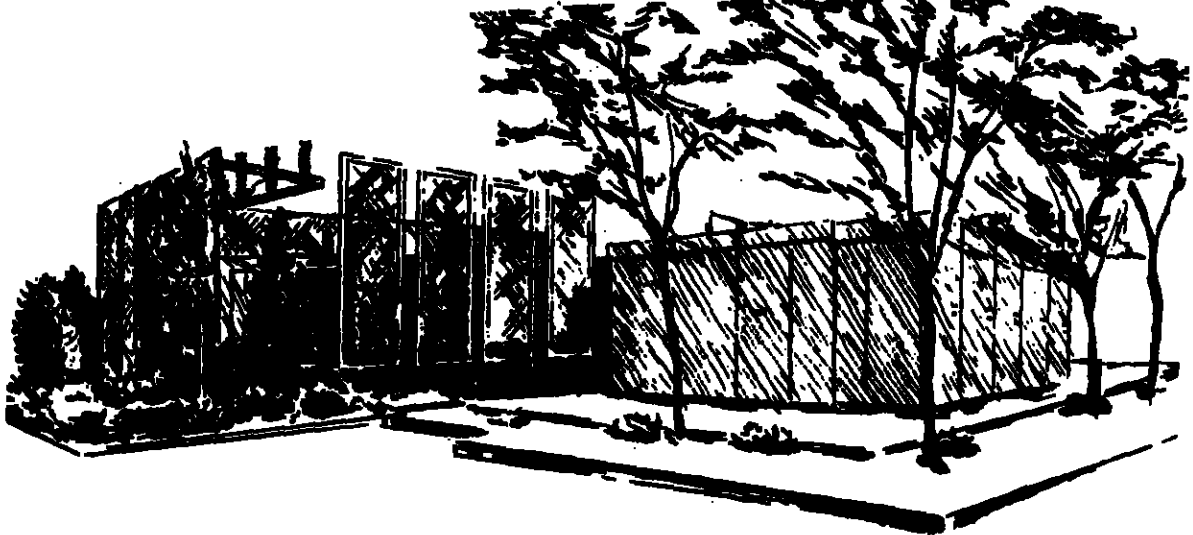
Winter sports

Orchards

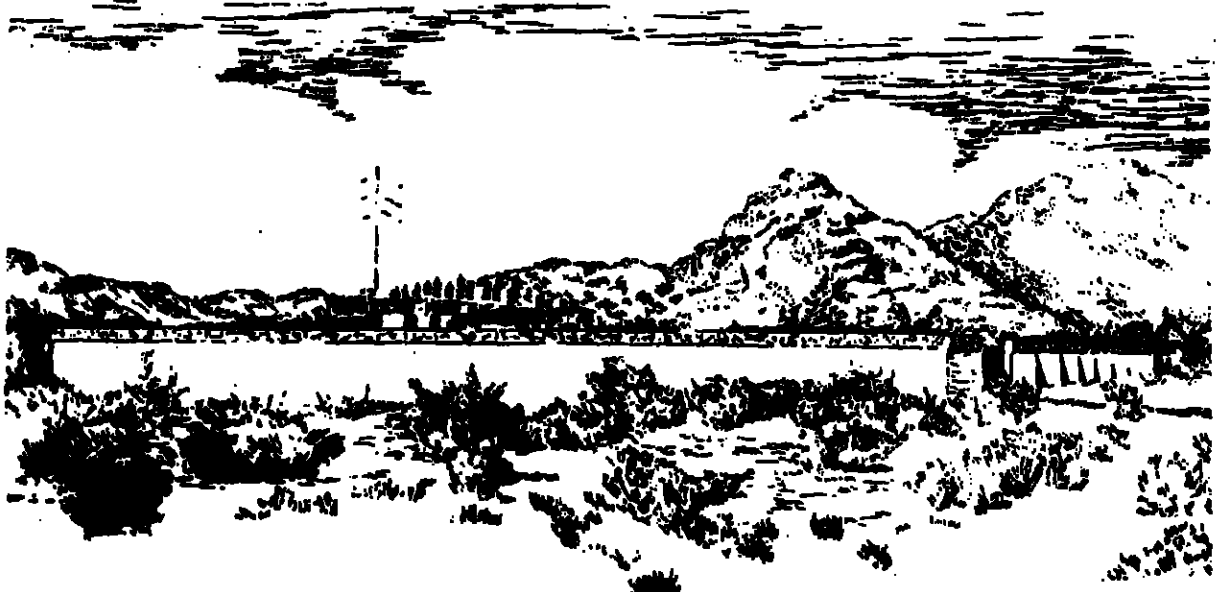
The Location of Appurtenant Aboveground Facilities

51. The proposed designs and locations of electric substations, and other aboveground facilities, including communication towers, should be made available to local agencies which have jurisdiction over these matters sufficiently in advance of construction deadlines to permit adequate review.
52. Unobtrusive sites should be selected where possible for the location of substations and like facilities.
53. Potential noise should be considered when the locations for turbines, substations and like facilities are being determined. Such facilities should be located in areas where sound will not be resonated.
54. The size of substations and like facilities should be kept to the minimum feasible.

55. The designs of the exteriors of substations and like facilities should comport with the surroundings and other buildings in the area all in keeping with local control and applicable local zoning ordinance. For example, if a substation is to be located in a residential area, its design should comport with the designs of nearby residences.
56. If substations are located in residential and/or scenic areas, the appurtenant transmission conductors and distribution conductors adjacent to the substations should be placed underground where economically and technically feasible.
57. Trees and other landscaping appropriate to the site should be placed around substations to present a pleasing view to the public.



58. Storage tanks in scenic areas should be placed below ground where feasible. If storage tanks must be placed above ground, they should be concealed in part by appropriate plantings of trees and shrubs.
59. The materials used to construct substations, storage tanks and like facilities and the colors of these materials should comport with the surroundings.



UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

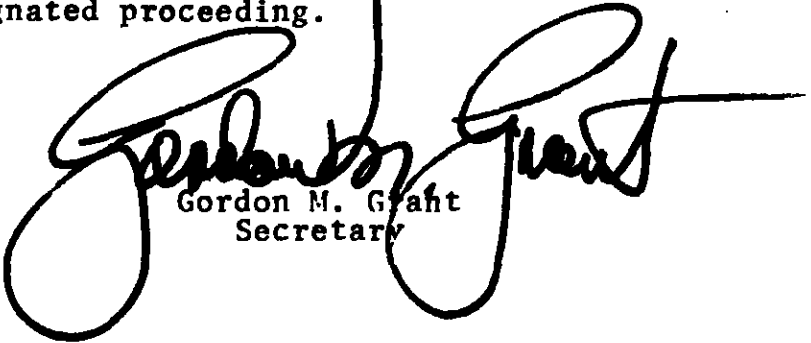
Protection and Enhancement of Natural,) Docket No. R-365
Historic and Scenic Values in the)
Design, Location, Construction and)
Operation of Project Works)

NOTICE OF EXTENSION OF TIME

(August 25, 1969)

Upon consideration of the request filed August 15, 1969, by Edison Electric Institute, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including November 15, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated proceeding.



Gordon M. Graht
Secretary

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

(18 CFR, 2.12, 4.41, 4.50, 4.71, 4.82)

Protection and Enhancement of Natural,
Historic and Scenic Values in the Design,
Location, Construction and Operation of
Project Works. } Docket No. R-365

NOTICE OF PROPOSED RULEMAKING

(July 29, 1969)

1. Notice is given pursuant to section 553 of the Administrative Procedure Act (5 USC 553) that the Commission is proposing to include a new section 2.12 of the Rules of Practice and Procedure and amend Part 4 of the regulations under the Federal Power Act relating to the implementation of procedures for the preservation of aesthetic and related values in the design, location, construction and operation of project works.

2. There has been an ever increasing concern in the preservation and enhancement of the nation's natural, historic and scenic values. The Court in Scenic Hudson Preservation Conf. v. F.P.C. 354 F2d 608 (CA2 1965), cert. den., sub nom. Consolidated Edison v. Scenic, 384 US 941, interpreted the Commission's power to condition a license pursuant to section 10(a) of the Federal Power Act [41 Stat. 1068, 16 USC 803] as encompassing "the conservation of natural resources, the maintenance of natural beauty and the preservation of historic sites." Following the passage of the National Historic Preservation Act of 1966 (80 Stat. 915) the Commission has included articles in permits and licenses designed to affect the policies of that Act. On May 2, 1969 by Executive Order No. 11472, President Nixon established the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality to assist in the preservation and enhancement of scenic, natural and recreational values.

The design, location, construction and operation of a project can affect aesthetic, recreational, and other beneficial public considerations in determining whether the project is best adapted to a comprehensive plan for improving or developing a waterway.

The form and appearance of project works can be improved if creatively designed and constructed. Rights-of-Way can be

Docket No. R- 365

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planned to utilize the features of the landscape in order to make transmission lines less conspicuous and minimize their effect on the Nation's natural environment. The Commission, by the proposed rulemaking, intends that future applications for licenses and certain applications for amendments to licenses contain exhibits showing the efforts taken toward the preservation and enhancement of aesthetics in the project plans.

3. The Commission proposes to amend Part 2, General Policy and Interpretations, by adding a new section 2.12 to include a policy statement with the provision that the Commission will neither authorize the disposition of any interest in project lands, nor agree to the amendment of any license, for the construction of any facilities without a showing that the facilities will be constructed to preserve aesthetics values.

4. The Commission proposes to amend section 4.41 to prescribe a new Exhibit V for inclusion in applications for license. This exhibit, the text of which is hereinafter set forth, provides for a showing by the applicant of its efforts to preserve and enhance aesthetic values in its plans for the project.

5. The Commission proposes to amend section 4.50 to prescribe a new Exhibit V for inclusion in applications for license for constructed projects. This exhibit, the text of which is hereinafter set forth, consists of a map showing the location of transmission facilities and other project works in relation to recreational areas.

6. The Commission proposes to amend section 4.71 Exhibits J and K by deleting the next to last sentence thereof which will then require the applicant to submit a detailed Exhibit K covering the entire transmission line.

7. The Commission proposes to amend section 4.71 to prescribe a new Exhibit V for inclusion in applications for license. This exhibit is to be the same as Exhibit V of section 4.41.

8. The Commission proposes to amend section 4.82 Exhibit H with reference to an application for a preliminary permit by changing the wording of lines 10 and 11 to include rather than exclude transmission lines.

9. Concurrently with the issuance of any rule the Commission intends to issue a report entitled "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." This report contains the guidelines developed by the Working Committee on Utilities of the President's Council on Recreation and Natural Beauty.

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10. These amendments to the Commission's General Policy and Interpretations and to the Regulations Under the Federal Power Act are proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 4(e), 6, 9, 10, and 309 thereof (41 Stat. 1065, 1067, 1068; 49 Stat. 858; 16 USC 797(e), 799, 802, 803, 825h). Accordingly, it is proposed to amend:

(1) Part 2, Subchapter (A), Chapter I, Title 18, Code of Federal Regulations by adding a new § 2.12 to read as follows:

§ 2.12 Aesthetic design and construction.

The Commission has issued a report entitled "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." It is contemplated that licensees will make maximum utilization of these guidelines in planning transmission facilities as to enhance those values or minimize the adverse effect upon them. Similar consideration should be given to the preservation and enhancement of these environmental values in the planning of other project works. In furtherance of this policy the Commission will not (1) permit the amendment of any license for the purpose of construction of additional facilities or (2) authorize the disposition of any interest in project lands for construction of any type, unless a showing is made that the construction will be designed to avoid conflict with the aesthetics of the area.

(2) Part 4, Subchapter (B), Chapter I, Title 18, of the Code of Federal Regulations by adding Exhibit V to § 4.41 as follows:

§ 4.41 Required Exhibits

* * * * *

Exhibit V. A map, together with text, photographs or drawings as may be needed to describe the location of, and architectural design, landscaping and other reasonable treatment to be given to project works, including transmission lines, in the interest of protecting and developing the natural, historic and scenic values and resources of the project area. The exhibit shall include measures to be taken during construction and operation of the project works including temporary facilities such as

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roads, borrow and fill areas, and clearing of the reservoir area to prevent damage to the environment and to preserve and enhance the project's scenic values, together with estimated costs of such treatments, location and design. Applicant shall prepare this exhibit on the basis of studies made after consultation with Federal, State and local agencies or organizations and individuals having an interest in the natural, historic and scenic values of the project area, and shall set forth herein the nature and extent of this consultation. To the extent that these requirements have been fulfilled in other Exhibits, a specific reference to the applicable parts of those exhibits will suffice.

(3) Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations by adding Exhibit V to § 4.50 as follows:

§ 4.50 Contents

* * * * *

Exhibit V. A map showing the location of the project's transmission lines, in relation to natural, historic, scenic and recreational areas, and areas set aside for future recreational development. Appropriate details should be shown to allow for an adequate assessment of the effect of the lines on the areas of public interest. If the information desired herein can be shown with sufficient detail on Exhibit K or R this exhibit may be omitted.

(4) Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations by adding Exhibit V to § 4.71 as follows:

§ 4.71 Required Exhibits

* * * * *

Exhibits J and K. Maps conforming to the requirements of §§ 4.40 to 4.42, inclusive, for applications for proposed major projects insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, Exhibit J shall show the connection to the nearest

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substations or main transmission lines through which the project line obtains and delivers its energy and either the general map or a small key map shall show the relation of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. For short lines exhibits J and K may be combined in one map.

* * * * *

Exhibit V. As prescribed by §§ 4.40 to 4.42 inclusive for applications for proposed major projects insofar as said requirements are applicable to transmission lines.

(6) Part 4, Subchapter B, Chapter I Title 18 of the Code of Federal Regulations by amending Exhibit H of § 4.82 to read as follows:

§ 4.82 Contents of application

* * * * *

Exhibit H. A general map showing the nature of the proposed project, its principal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, powerhouses, and transmission lines, and where necessary in order to determine the location of such structures on the ground, there shall be shown on the map their relative positions with respect to permanent monuments or objects that can be readily recognized from descriptions thereof noted on the map. (See specifications for drawings, § 4.42.)

10. Any interested person may submit to the Federal Power Commission, Washington, D. C. 20426, on or before September 15, 1969,

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data, views, and comments in writing concerning the amendments proposed herein. An original and fourteen (14) copies of any such submittals should be filed. The Commission will consider any such submittals before acting on the proposed amendments.

By direction of the Commission. Commissioner Carver not participating.

**Gordon M. Grant,
Secretary.**

01-2
5/4

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

(18 CFR, 2.12, 4.41, 4.50, 4.71, 4.82)

Protection and Enhancement of Natural,
Historic and Scenic Values in the Design,
Location, Construction and Operation of
Project Works.)

) Docket No. R-365

NOTICE AMENDING NOTICE OF PROPOSED
RULEMAKING ISSUED JULY 29, 1969
(May 15, 1970)

The notice issued in this proceeding on July 29, 1969, (Federal Register Document 69-9135, filed August 4, 1969 and published in the Federal Register on August 5, 1969 at 34 F.R. 12718) is amended by changing the number of the last paragraph on page number 5 (first full paragraph at 34 F.R. 12720) from 10 to 11, and by the addition of the following paragraph to follow the above changed paragraph:

12. The Commission's staff, on its own motion, or upon request of any person filing comments in this proceeding is authorized to call conferences to discuss the amendments proposed herein.

By direction of the Commission.

Gordon M. Grant,
Secretary.

FEDERAL POWER COMMISSION

NEWS RELEASE

WASHINGTON, D.C. 20426



IMMEDIATE RELEASE

JULY 29, 1969

No. 16229

Docket No. R-365

FPC PROPOSES NEW RULES TO IMPLEMENT

PROCEDURES FOR PRESERVING AESTHETIC VALUES

AT LICENSED HYDRO PROJECTS

The Federal Power Commission today proposed new regulations which would implement procedures for the preservation and enhancement of aesthetic values in the design, location, construction and operation of hydroelectric power projects which it licenses.

The Commission proposes to require that all applications for a new hydroelectric power project license include an Exhibit V showing the applicant's efforts to preserve and enhance aesthetic values in its plans for the project. Applications for licenses for constructed projects would include a map showing the location of transmission facilities in relation to public interest areas. The new exhibit would also be required for inclusion in certain applications for amendments and for licenses for already-constructed projects.

The order was by Chairman Lee C. White and Commissioners Lawrence J. O'Connor, Jr., Carl E. Bagge and Albert B. Brooke, Jr. Commissioner John A. Carver, Jr., did not participate.

The Commission said there has been an ever-increasing concern in the preservation and enhancement of the nation's natural, historic and scenic values. The FPC cited a recent court opinion interpreting the Commission's power to condition a license as encompassing "the conservation of natural resources, the maintenance of natural beauty and the preservation of historic sites."

On May 2, 1969, the Commission said, President Nixon established the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality
(Over)

No. 16229

-2-

to assist in the preservation and enhancement of scenic, natural and recreational values.

The Commission said that the design, location and treatment of lands during construction and operation of a project can affect aesthetic, recreational, and other beneficial public considerations in determining whether the project is best adapted to a comprehensive plan for improving or developing a waterway.

"The form and appearance of a project can be improved if creatively designed and constructed," the FPC said. "Rights-of-way can be planned to utilize the features of the landscape in order to make transmission lines less conspicuous and minimize their effect on the Nation's natural environment," the Commission declared.

The Commission also proposes to amend its General Policy and Interpretations to include a statement providing that it will neither authorize the disposition of any interest in project lands, nor agree to the amendment of any license, for construction of any facilities without a showing that the facilities will be constructed to preserve aesthetic values.

The Commission said that concurrently with issuance of any rule similar to the one proposed today, it intends to issue a report titled "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." The report contains the guidelines developed by the Working Committee on Utilities of the President's Council on Recreation and Natural Beauty.

Interested persons may submit comments or suggestions on the proposed rulemaking by September 15. The Commission said it would consider all such written comments before acting on the proposal.

(CORRECTED)

-FPC-

For further information
call 386-6102 (Area code 202)

DC-114

Document Content(s)

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