



National Trust *for*  
Historic Preservation®

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**Re: United Illuminating Co. (“UI”) Application for Certificate of Environmental Compatibility and Public Need for Fairfield to Congress Railroad Transmission Line, Docket No. 516**

Dear Members of the Connecticut Siting Council,

On behalf of the National Trust for Historic Preservation,<sup>1</sup> we submit this comment letter for the Council’s consideration as it deliberates on the application submitted by United Illuminating Co. in Docket No. 516. The National Trust has reviewed and supports the post-hearing briefs submitted by Christopher Russo on behalf of the Grouped LLC Intervenors, including the National Trust, and by Mario Coppola on behalf of the Sasco Creek Neighbors Environmental Trust Incorporated (SCNET) Intervenors, and this comment letter is intended to emphasize and endorse many of the specific arguments included in those post-hearing briefs.

**The Phase 1A Cultural Resource Assessments submitted by the Applicant are Grossly Inadequate.**

The expert testimony of Wes Haynes and David Parker outline in detail the many ways in which the cultural resource assessment work submitted by the Applicant severely understates both the number of historic properties within one half-mile of the proposed transmission line, and also understates the magnitude of the adverse effects. For example,

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<sup>1</sup> The National Trust for Historic Preservation in the United States is a private nonprofit organization chartered by Congress in 1949 to “facilitate public participation” in the preservation of our nation’s heritage, and to further the historic preservation policy of the United States. *See* 54 U.S.C. § 312102(a). With more than one million members and supporters around the country, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. As an Intervenor in this proceeding, the National Trust has observed many of the hearings before the Council and reviewed many of the documents submitted by the Applicant and other parties.

Mr. Parker's testimony identifies 174 historic properties just within the Southport Historic District alone that were completely omitted from the Applicant's cultural resource assessments.

**The proposed transmission line would adversely affect and unreasonably impair an enormous number of historic properties.**

As reiterated by a number of parties, there are a total of 972 historic properties within one-half mile of the proposed transmission line. These historic properties include a large number of historic districts, and many historic properties that are located in environmental justice communities. For example, the historic Mary and Eliza Freeman Houses are part of a larger early settlement area of free people of color, the Little Liberia district in Bridgeport.

In addition, the project would come within 500 feet of two National Historic Landmarks – the Barnum Institute in Bridgeport and the Birdcraft Museum in Fairfield. The line will also pass within 2000 feet of another National Historic Landmark, the David Sturges Cottage in Fairfield. National Historic Landmarks are nationally significant historic properties that “possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling and association.” 36 C.F.R. § 65.4(a). The National Historic Preservation Act requires that harm to these historic properties must be minimized to the maximum extent possible. 54 U.S.C. § 306107.

The Connecticut State Historic Preservation Office (SHPO) has repeatedly confirmed that the proposed transmission line would adversely affect the historic properties.

**The application fails to comply with the requirements of the Connecticut Environmental Policy Act (CEPA).**

The Intervenors have identified almost 1,000 historic properties within one half mile of the proposed transmission line that are listed on the National Register of Historic Places, or the State Register of Historic Places, or are locally designated as historic. Because these historic properties would be adversely affected and substantially impaired, the Connecticut Environmental Policy Act (CEPA) requires that this unreasonable impact must be avoided unless there is no feasible and prudent alternative. Conn. Gen. Stat. §§ 22a-17, 22a-19(a)(1).

**The Applicant has failed to give adequate consideration to feasible and prudent alternatives that would avoid and minimize harm to historic properties.**

One of the most frequently cited alternatives that would avoid and minimize harm to historic properties would be to place the proposed transmission line underground. The Applicant has dismissed this alternative as too costly, but has failed to provide credible, objective evidence to support that argument.

**The adverse visual impacts of the project are a “direct” adverse effect, not an “indirect” effect.**

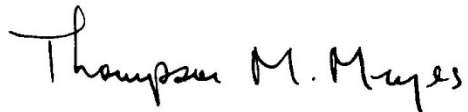
During the hearing before the Council, the Applicant and its witnesses repeatedly attempted to downplay the magnitude of the adverse impacts of the proposed transmission line on historic properties by characterizing its substantial visual impacts as “indirect.” This characterization is inconsistent with established precedent and policy. In *National Parks Conservation Ass’n v. Semonite*, 916 F.3d 1075 (D.C. Cir. 2019), the U.S. Court of Appeals explicitly confirmed that adverse visual impacts on historic properties are “direct,” not “indirect,” when caused by the project itself, as would be the case here. By contrast, “indirect” impacts are those caused by a reasonably foreseeable subsequent action by a third party. In fact, the project at issue in the *Semonite* case was a new transmission line across the James River, and the adverse visual impact at issue was to a historic property two miles away. Here, there are hundreds of historic properties within just a half-mile of the proposed transmission line that would be *directly* adversely affected and caused by the project itself.

**The adverse effects to historic properties are exacerbated by the Applicant’s proposal to expand the capacity of the transmission infrastructure, which is unjustified by any need.**

As many of the witnesses have confirmed in their testimony, the scope and magnitude of the proposed project is based on the Applicant’s desire to expand the capacity of the transmission infrastructure. That capacity expansion substantially exacerbates the adverse effects of the project by requiring taller monopoles and far more extensive easements over private property. However, the Applicant has utterly failed to demonstrate a public need for this capacity expansion. Accordingly, the Council should deny the application.

Thank you for considering the comments of the National Trust for Historic Preservation.

Sincerely,

A handwritten signature in black ink that reads "Thompson M. Mayes". The signature is written in a cursive, flowing style.

Thompson M. Mayes  
Chief Legal Officer and General Counsel

CC: Jane Montanaro, Executive Director, Preservation Connecticut  
Jonathan Kinney, Connecticut State Historic Preservation Office  
David Scott Parker, FAIA  
Elizabeth S. Merritt, Esq.  
Christopher Russo, Esq.  
Mario Coppola, Esq.