

DOCKET NO. 154 - An application of  
 the Department of Public Safety,  
 Division of State Police for a  
 Certificate of Environmental  
 Compatibility and Public Need for  
 the construction, operation, and  
 maintenance of a telecommunications  
 facility located off Steep Road, on  
 property owned by the State of  
 Connecticut, approximately 7000 feet  
 northwest of the intersection of  
 Steep Road and Canaan Mountain Road,  
 in the Town of Canaan, Connecticut.

: Connecticut  
 : Siting  
 : Council  
 : February 11, 1993

#### OPINION

On June 4, 1992, the Connecticut Department of Public Safety, Division of State Police (CSP) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of a telecommunications tower, associated equipment, and access road (facility) at a site located approximately 7000 feet northwest of the intersection of Steep Road and Canaan Mountain Road, in the Town of Canaan, Connecticut.

The CSP has demonstrated a statewide need to upgrade its present communications capabilities. To this end the CSP has proposed a statewide network of digital microwave and 800 MHz two-way mobile radio sites. This facility has been proposed to provide a microwave link and 800 MHz coverage that would allow the CSP to better serve the Towns of Salsbury, North Canaan, Canaan, Norfolk, Colebrook, Hartland, Barkhamsted, New Hartford, Winchester, Torrington, Goshen, Cornwall, and Sharon (Troop B area).

In searching for this facility site, the CSP identified an area that not only would serve their telecommunication needs, but could be added to the State forest system. Along with the Connecticut Department of Environmental Protection (DEP), the CSP has purchased approximately 200 acres of land worthy of preservation and protection as part of the Housatonic State forest. We support this land acquisition for it will benefit all the citizens of Connecticut.

In addition, development of a CSP facility at the proposed site would avoid most visual effects. By virtue of its relatively low height and remote location, the proposed tower would be screened from most residences and major roadways.

Although the CSP has demonstrated that there is a strong public need for a facility to serve the Troop B area, a benefit to the State by the land acquisition, and little visual effect associated with the proposed tower, we believe that there are overwhelming negative effects concerning this facility that outweigh the need to develop this proposal.

First, we are concerned that the CSP does not have access to the site. The CSP submitted the application to the Council with only a draft access agreement that subsequently was withdrawn. Without this access, we have no assurance that access to the tower could be accomplished in an environmentally sound manner, or if access is at all possible.

Second, even if the CSP had secured the proposed access, the access road would have been over one mile long, with the last 1800 feet traversing a steep, forested area. At least 352 trees would have to be removed for the access road, with a cleared swath of up to 40 feet wide through the forest. The clearing would cause a shift in the current ecological balance of this forested area by altering the mix of forest edge and interior species that currently inhabit the area. This shift would threaten forest interior species, including forest interior neo-tropical migratory bird species which are already experiencing population declines due to loss of forest habitat throughout their range. Furthermore, the proposed site is within the highland ecosystem of Canaan Mountain and is now a part of a protected tract of undeveloped land large enough to support a unique and functional habitat for forest interior species. Although a shift in the species mix could possibly be mitigated by careful planning to retain as much canopy cover as possible by planting native shrubs and trees to offset those lost and by scheduling work after breeding and major migration periods, these mitigation measures would be difficult to employ and maintain.

In addition, the development of the access road and facility would produce stormwater runoff potentially containing road salt and sediments that could affect a pristine wetland and associated wetland species susceptible to desiccation and a decline in water quality.

Last, but by no means least, the Canaan Mountain massif is one of Connecticut's most important natural areas. The proposed site and its environs constitute a portion of that massif. Large portions of the Canaan Mountain ecosystem, including the area of the proposed site, are now protected from certain types of development through designations as a State forest, a Natural Area Preserve, and/or a Natural Area Inventory Site. These designations document that this large unbroken tract of forest is environmentally significant to Connecticut and that protection of this area is consistent with the Council's legislative purpose.

The proposed tower would be erected in a State forest immediately contiguous to the portion of Canaan Mountain that has been officially designated a Natural Area Preserve. As these names suggest, such areas are to be preserved in their natural state. Human development of any kind, including recreational hiking trails, has been viewed as incompatible. Although the proposed tower is not located directly within the Natural Area Preserve, the area around the tower has the same natural attributes as the preserve area and is separated from it only by a property line on the map.

Our State has no real pristine wilderness areas, but Canaan Mountain comes as close to being such a place as one can get in Connecticut. Connecticut residents who want to enjoy the unspoiled natural world can only look to such places as Canaan Mountain. Anyone enjoying the solitude and beauty of that preserve area might be shocked and dismayed to wander across the invisible property line and suddenly come upon the tower, equipment building, perimeter fencing, and access road. In many ways the damage the tower would inflict is as much psychological as physical.

Many portions of Canaan Mountain are an important portion of Connecticut's public trust in its lands and waters. Protection of this public trust is the responsibility of all State agencies. Rather than impair this public trust in the name of technological progress, the Council should in this case take care to preserve and enhance unique Natural Area Preserves and their environs. To do so, existing Natural Area Preserves should be protected as much as possible by buffer zones. If an incompatible use is permitted on the immediate border of a preserved area, the effect is to significantly reduce the area preserved.

Moreover, development on the border of a preserve might foreclose increasing the size of the preserve in the future. The Canaan Mountain massif is a large undeveloped area which is so situated on all sides that human intrusion is minimal and future development is difficult. The entire area is a prime candidate for inclusion in a much larger preserve area. To permit a tower or other development on its borders would impair its natural character so that future expansion of the protected area would be much harder to justify.

Although it might not look like it, the tower could be the nose of the proverbial camel and Canaan Mountain could be the tent. The placement of one tower on the mountain would attract applications for other towers or State facilities. Such future pressure would be more difficult to resist because the mountain's aesthetic integrity would already have been compromised and because costs of new State projects would be reduced due to State ownership and the prior development of an access road and utilities.

We are not only concerned with the environmental effects discussed above, but also with the lack of full consideration by the CSP for area-specific alternatives to their statewide communications plan. Although less desirable from a budgetary and management standpoint, the use of a private leased network located on existing towers or on towers in less prominent and less environmentally sensitive sites was not adequately addressed as an alternative before us. In fact, the CSP did not thoroughly investigate the use of private or municipal towers, as existing or with modified heights to meet service needs, nor did the CSP offer sufficient evidence as to why these options were unavailable or not feasible. Although the CSP expressed concern over the possible loss of some budgetary and management control, increased costs, and system outages attributable to periodic landline failures, for this small

portion of the CSP's statewide service area, these considerations must be balanced against the environmental effects associated with the proposed site. Because the CSP did not present these options to us for consideration, we are unable to make the necessary cost-benefit analysis.

Furthermore, the CSP assert a need to improve their 800 MHz two-way radio coverage from sites in the Troop B area already approved by the Council. Without knowing exact coverage deficiencies, we can not be sure that the site proposed is a technologically satisfactory site that would provide the necessary service while avoiding the unnecessary proliferation of towers to supplement coverage.

All State agencies are charged with protecting Connecticut's public trust in its lands and waters. No State agency can permit impairment of that trust unless there is no prudent and feasible alternative. On the basis of the record before us, we cannot conclude that there is no prudent and feasible alternative to this environmentally unsound intrusion on Canaan Mountain.

We do not question the need for the CSP to upgrade its telecommunications infrastructure. The applicant has participated in the proceeding with professionalism and good intentions, and they deserve substantial credit for their actions. But, it is the responsibility of an applicant to ensure that enough information is provided to justify the elimination of other technological or locational alternatives. Without this information and with the wealth of information documenting the environmental importance of the site, we cannot conclude that the environmental harm is outweighed by the need for this project. Accordingly, we deny this application.

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