

# Jean Vissering Landscape Architecture

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April 9, 2010

To: Marcia Spencer Famous, LURC

Re: Response to BPL review and comment re DP4860 Kibby Expansion Wind Project  
(February 26, 2010)

## **Response to Agency Review Comments from the Bureau of Parks and Lands**

The following are responses to written comments submitted by the Bureau of Parks and Lands in its February 26, 2010 memorandum to Marcia Spencer Famous regarding potential scenic impacts from the development proposed under DP 4860.

In its memorandum, BPL states, “To be clear, BPL does not oppose the Kibby Expansion,” but nevertheless enumerates 11 categories of concern regarding the scenic impacts analysis submitted in connection with the application. Responses to BPL’s comments in each of those categories follow in the order and under the headings presented by BPL.

### **BPL #1: Overall Scenic Comments.**

BPL states that “the entirety of the scenic character evaluation is difficult to read” because the materials submitted with the pending application do not “clearly define the existing scenic impact of existing turbines [from the initial Kibby wind power project (the “Kibby Project”)], the imminent scenic impact of permitted but not built turbines [from the Kibby Project], the proposed scenic impact from the pending application...and the likely scenic impact from planned turbines under pending expedited zoning changes.” BPL Comments at 2.

With respect to existing and contemplated scenic impacts from the Kibby Project, BPL is correct in noting that the pending application (the “Kibby Expansion Project”) does not restate in its entirety the scenic impacts analysis submitted in connection with the application for the Kibby Project (ZP 709). Although BPL admits it “did not follow LURC’s analysis of the scenic impact of [the Kibby Project],” those impacts were addressed fully in the rezoning and permitting process for that project and the Commission determined that the proposed development would not have an undue adverse impact on scenic resources. See LURC Permit (ZP 709), pg. 60 (Conclusion 5). As such, it is not necessary to review those impacts in connection with the Kibby Expansion Project, except with respect to a cumulative impacts analysis, which is addressed below.

With respect to the anticipated scenic impact from the Kibby Expansion Project, an Aesthetic Impact Assessment Report (the “AIA Report”) was submitted as part of the application (attachment A.1 to Exhibit A.1), which includes a discussion of the contemplated impacts as well as numerous visual simulations depicting those impacts. This report was prepared in accordance with the requirements of 35-A M.R.S.A. § 3451 and employs the principles and approaches of all standard visual impact assessment methodologies. Specific concerns raised by BPL concerning the AIA Report are discussed in greater detail below.

BPL also expresses a concern over the cumulative impacts of the Kibby Expansion Project taking into account the Kibby Project, as well as unidentified, hypothetical future development planned by other landowners or developers. Cumulative impacts are the impacts that result from the combination of a particular project together with the effects of other past, present and reasonably foreseeable future projects (see, for example, Maine Department of Environmental Protection Cumulative Impact Assessment Form, DEPLW00630-A2004; and U.S. Environmental Protection Agency, Office of Federal Activities (2252A) EPA 315-R-99-002/May 1999). The DEP guidance provides a further definition of what constitutes a “reasonably foreseeable future project,” as follows:

*The activity will proceed or there is a high probability that the activity will proceed, i.e., valid permits have been granted for projects in the vicinity of the proposed project; projects are constructed or under construction, or applications for permits to construct projects in the vicinity of the proposed project are currently under consideration.*

I am not aware of any reasonably foreseeable future wind projects in the area that should or could possibly be considered here other than the proposed Kibby Expansion Project. Cumulative impacts of the Kibby Project, which has been permitted and is partially constructed, and the Kibby Expansion Project, which is proposed, are addressed in response to BPL #9 below.

In addition to the concerns over cumulative impacts, BPL raises a concern over the perceived absence of an expert analysis of visual impacts. As noted above, that analysis, complete with visual simulations of the turbines, is included in the application at attachment A.1 to Exhibit A.1.

### **BPL #2: Kibby Stream Impacts.**

Although BPL states that it “has no vested interest in Kibby Stream,” BPL nevertheless expresses concern over the perceived lack of detail in the application’s discussion of the potential scenic impacts to Kibby Stream. BPL Comments at 2-3.

Kibby Stream is not addressed in great detail in the application due to the lack of significant visibility indicated on the viewshed map and in aerial photographs. The stream is small and heavily wooded with the exception of the area near Gold Brook Road,

and along wetlands east of the Kibby Range, both noted in the AIA. Gold Brook Road is a private logging road owned by private landowners, and is not a public resource. Although the road is used by the public for various recreational activities, given the presence of heavy and frequent logging in this area, the location where Kibby Stream passes under the road is not currently a scenic area nor is there an expectation of high scenic quality. Logging equipment is frequently stored in the open areas near the stream crossing. Away from the road, where the scenic resource may be greater, the stream banks are heavily wooded with limited or no visibility of the Kibby Expansion Project. These are the areas likely to be appreciated by anglers, and the numerous mitigation measures suggested by BPL as a means to “salvage the aesthetic angling experience” would not be necessary. As noted, views of the project are also possible from limited sections of Kibby Stream located about 7-8 miles away through wetlands east of Kibby Range and Kibby Mountain. These two mountains would appear in the foreground of any views from this location.

BPL also takes objection to the use of subjective terms such as “may” and “most likely” in discussing the possible visibility or lack thereof of the project from Kibby Stream. As a point of clarification, the use of these words in the AIA was an attempt to be conservative, rather than vague or misleading. Because every inch of the stream was not inventoried for potential views, and because it might be possible that small openings could occur in the tree canopy through which one could catch a glimpse of a portion of the project, it would not have been accurate to definitively state that “no” views of the project would be possible from the entire stream. The viewshed analysis map, which depicts potential views of turbines within an 8-mile radius, is included as Appendix 1 to the AIA. It was prepared using ArcInfo Workstation/ArcGIS 9.3 and identifies potential views of the Kibby Expansion Project, including from those portions of Kibby Stream located within 8 miles of the project.

BPL also warns against “a deeply troubling precedent” of “suggest[ing] that once a scenic [sic] is compromised at all, further compromise is not adverse.” BPL Comments at 2. Nothing in the application materials is intended to make this suggestion. However, the presence of roads and other existing development is part of the surrounding context which must be analyzed as part of understanding the existing scenic resource and the likely impacts from a proposed project as required by 35-A M.R.S.A. Section 3452(3) (listing evaluation criteria). The aesthetic experience of an area bounded by a highway differs from the aesthetic experience of a similar area with little or no evidence of man-made intrusion. Accordingly, the impacts from locating additional development in an area already characterized by existing development are different from those in an area utterly devoid of existing development.

BPL also raises a concern of cumulative impacts on Kibby Stream. There are two limited areas from which any views of both wind projects would be possible. The first and most proximate (about 3 miles from the Expansion Project/1 mile from the Kibby Project) is where Kibby Stream crosses Gold Brook Road. As noted above, this area has been cleared largely for logging activities and logging equipment is often stored within view of the area. Thus the existing condition at the road crossing is of low-moderate scenic

quality. From wooded portions of the stream away from the noise and visual intrusion of the road, views of either project would be unlikely. The second area on Kibby Stream where project views might be possible is along a series of wetlands 7-8 miles from the Expansion project. Kibby Range and Kibby Mountain are in the foreground at 3 miles away and where openings occur in these wetlands, Kibby Project turbines are likely to be visible, along with about 4 turbines along the northern end of the Expansion Project at 7-8 miles away. Views to the east, southeast and south would remain undeveloped and would contain some of the more scenic views.

### **BPL #3: Scenic Impacts from a Scenic Road Turnout.**

In its third category of concern, BPL asserts that the application “minimizes the existence of a state scenic byway, and the relationship of the byway to other scenic viewpoints.” BPL Comments at 3. In particular, BPL notes the interplay between the Route 27 scenic byway and the adjacent Arnold Trail, as well as the relationship between the scenic overlooks along Route 27 (which are resources of statewide significance for purposes of the required impacts analysis) and the travel corridor, itself (which is not a resource of statewide significance for which an impacts analysis is required). BPL also objects to the “dissection of the byway being of statewide significance, but the Arnold Trail being of national significance.” Id.

The AIA Report for the Kibby Expansion Project is subject to the requirements of 35-A M.R.S.A. § 3452, and to the extent that various scenic resources are “bisected,” it was simply to track the statutory requirements and ensure a more complete understanding of visual impacts to those specific resources identified by the Legislature as requiring consideration. Similarly, as BPL acknowledges, the statute requires evaluation of visual impacts to scenic turnouts on the state’s scenic highways, and *not* visual impacts to the highway itself. Nevertheless, in addition to an analysis of the scenic impacts to the overlooks, the application also includes information about visibility along Route 27 generally. It was not my intent to minimize the existence of the Scenic Byway or its relationship to other scenic viewpoints. As noted in the application visual impacts to the Route 27 Scenic Byway, itself would be extremely limited. In fact, the project would not be visible from *any* of the numerous locations along Route 27 overlooking Chain of Ponds or Arnold Pond. As BPL notes, driving along Route 27 is probably the way the large majority of the public will experience the Arnold Trail. The scenic overlook by Natanis Pond would remain completely unchanged by the Project. The State recently constructed a fence along the edge of this pullout, and as noted, the State plans to place information concerning the Arnold Trail in this pull off in the future just as the Sarampus Falls scenic rest stop provides information on the history of logging in the area. There is also information provided about Benedict Arnold at a rest stop near Flagstaff Lake in Eustis. As BPL notes, the Route 27 scenic byway provides important views toward the historic Arnold Trail and none of these views would be impacted by the project in any way.

The only place from Route 27 from which there would be a very brief glimpse of 3-6 turbines would be at Upper Farm, where there is no scenic pull-out. From here the

massive southern peak of Sisk, which is not proposed for development, would dominate the view, and the only turbines visible would be behind that peak and appear to be at a lower elevation. Due to the minimal impacts of the project from Route 27, I do not believe the project would compromise any of the goals of the scenic byway program.<sup>1</sup>

In discussing the impacts to the scenic viewpoint at the turnout, BPL correctly notes that the application includes in its analysis the existing visual and audible effects of Route 27. BPL contends that “the views from Chain of Ponds should have enhanced significance because of the goal of tourism and experience from a marketed and designated scenic byway.” BPL Comments at 3. I would certainly agree that the highway is a benefit to tourism, which enhances opportunities to enjoy the surrounding landscape. However, when characterizing an experience of canoeing or kayaking along Chain of Ponds, the nearby proximity of a major State highway, which is both visible and audible, necessarily provides a different experience than canoeing or kayaking on a remote pond accessible only by trail or back road that is not impacted by nearby sounds of traffic. In addressing visual impacts, the existing context is important to define so that the degree of contrast within that context can be assessed. Again, 35-A M.R.S.A. § 3452(3)(B) and (C) specifically require consideration of the existing character of the surrounding area and the expectations of the typical viewer. But, because the views from the Natanis Pond scenic overlook would remain unchanged since any wind turbines would be screened by foreground ridges behind the viewer, I do not believe that the potential for tourism or for experiencing the beauty of these ponds and their historical context would be compromised by the Kibby Expansion Project. Moreover, with the exception of at most .1 mile at Upper Farm from which a few turbines could be viewed, there would be no views of the Kibby Expansion Project from the remaining 16.6 miles of Route 27 in the study area. The tops of four Kibby Wind Project turbines will be visible from the Sarampus Falls Rest Area.

#### **BPL #4: Scenic Impact from the Arnold Trail.**

BPL questions the impact analysis relative to the Arnold Trail, and alleges that the application minimizes the historic significance of the Trail, arguing that the Arnold Trail should not be “dissected” from “the companion scenic byway.” BPL Comments at 3-4.

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<sup>1</sup> Online links to both the State and Federal Scenic Byway programs provide the following descriptions of the Route 27 Scenic Byway corridor: *National Scenic Byway Program Website* (<http://www.byways.org/explore/byways/11514/>): *Continuing north from Stratton, follow the byway as it traces part of the historic path that Benedict Arnold and 1,100 American troops took in 1775 in an attempt to overthrow the British in Quebec City. Military buffs love looking for artifacts in this area. From there, you'll travel through the Boundary Mountains, winding alongside the Dead River and the Chain of Ponds on your way to Coburn Gore, the byway's northern gateway at the Canadian border. The ancient rock formations in this region are over 400 million years old, and they will provide you with a final taste of outstanding scenery and natural studies.*

**The Maine Scenic Byway Site** (<http://www.exploremaine.org/byways/route27.html>): *This route is well-traveled by winter sports enthusiasts who flock to the region for skiing and snowmobiling. Beginning in Kingfield, the byway winds along the Carrabassett River, revealing views of Mount Abraham and the Bigelow Range, including Sugarloaf USA, along the way. North of Stratton, the route passes Flagstaff Lake and through Cathedral Pines, the largest stand of old-growth forest in the state. Route 27 then continues northward through the Chain of Ponds and climbs up the Boundary Mountains to Coburn Gore and the Canadian border.*

In asserting that the application minimizes the historic significance of the Trail, BPL takes issue with statements in the application that there are “no associated structures” in the study area. BPL states that the lack of associated structures is “irrelevant or misplaced” because “the historic significance of the trail . . . is the vast wilderness military march with no structures, no food, no footwear, but rich and robust literary and historic record.”

BPL is correct that the application notes the lack of historic structures associated with the Arnold Trail in the study area. However, that statement in the AIA was not intended to “minimize” the historic significance of the trail, itself, but instead was merely a factual statement repeated from the historical impacts analysis – which includes as a required component an inventory of associated structures.

In conducting visual assessments for both the Kibby Project and the Kibby Expansion Project, I have become very familiar with the history of the Arnold Trail, and the AIA Report addresses potential impacts to the Trail in greater detail than suggested by BPL. Among the publications contributing to my research was the excellent brochure *Arnold's Wilderness March* published by the Arnold Expedition Historical Society with funding assistance from TransCanada. Notwithstanding the Arnold Trail's intriguing history, the purpose of a visual impacts assessment is not to provide a history of the trail but to examine the extent to which its historical significance and the experience of users interested in the historical context may be compromised by proposed changes in the surrounding landscape.

In examining aesthetic impacts to historic resources, one must determine the extent to which the surrounding landscape is documented as a critical part of the historic context. History is a story of many layers, and landscapes all along the Arnold Trail have evolved and changed, sometimes dramatically, over time. For example, Route 27 (which runs parallel with and in some places adjacent to the Arnold Trail), the scenic turnout and its associated parking areas and facilities, the commercial campground and associated development, and the camps and residences along Chain of Ponds did not exist at the time Arnold made his journey. Each of these developments has altered the “vast wilderness” BPL notes the Arnold company would have encountered on its northward march. Yet, the story of Natanis's lodge, of treasonous acts by Arnold's rear company, of near starvation and abandonment of the bateaux can be told compellingly along with the existence of these structures and development features. The historic records emphasize the extreme difficulty of the long journey and in the area south of Chain of Ponds, the Arnold company encountered a hurricane forcing many of them onto the shore. For those who want to retrace the route in more pleasant weather the more prominent foreground features, Mount Pisgah, Sisk, Bag Pond, and Indian Stream Mountains; cliffs and ledges; islands; and the undulating shoreline would remain untouched, while the more distant and limited views of wind turbines several miles away would recede well behind these foreground features. There is no evidence that I could find in the historical documentation of the Arnold Trail that identifies the northern Sisk ridgeline as a critical part of the Arnold Trail. To the contrary, the historical documentation I reviewed provides no specific information about Chain of Ponds or

Arnold Pond. In addition, unlike the traffic noise typically heard along Route 27, the turbines will not be audible from anywhere along the Arnold Trail.

BPL states that the “discussion of the Arnold Trail . . . makes no reference to the companion scenic byway and the cross-facility interpretive potential and reality.” As noted above, however, the application does address possible impacts to the viewshed from Route 27 even though that analysis is not required under existing regulations and State law. Additionally, I find it difficult to reconcile BPL’s contention that “international historic and literary and military significance dramatically escalates viewer expectations and experience and potential for enhancement” and concern over preserving the “vast wilderness” of Arnold’s time on the one hand, with its insistence that a major state highway, parking area, and related facilities immediately adjacent to the Arnold Trail enhance views and cannot be separated from the Trail, itself, on the other. Furthermore, I have found no evidence to suggest that wind turbines located 3-8 miles away and behind more prominent foreground peaks would compromise the historical experience.

With respect to the separate treatment of the Arnold Trail and Chain of Ponds in the AIA Report, such treatment was in no way meant to suggest that the Arnold Trail and Chain of Ponds are not integrally associated. They are addressed separately only because of the requirements of the evaluation process. Visual impacts assessments and historic/cultural impacts assessments are conducted separately and the features associated with those assessments must be addressed individually.

BPL requests that LURC “demand a rigorous analysis of the role of the Arnold Trail related to project impacts.” As BPL notes, the Arnold Trail is inextricably related to Chain of Ponds, and, as discussed below, the application includes a thorough assessment of the aesthetic impacts from Chain of Ponds (including empirical data, narrative descriptions, and visual simulations).

#### **BPL #5: Scenic Impact from Chain of Ponds:**

As with earlier objections, BPL again objects to narrative statements such as “may be visible” in the AIA Report, and asks for more detailed analysis, including “[w]hat percentage of the viewshed is compromised and to what level.” BPL Comments at 4. In response, I direct BPL to pages A.1.1, and pg. 7 of the AIA Report, where it states that the project would be visible from approximately 31% of Chain of Ponds. I also note that, in addition to the statements to which BPL objects as being “not adequately detailed,” the AIA Report also includes significant written text, photographs and visual simulations that greatly detail how the project would impact the scenic resources in the surrounding area.

It may be worth commenting here on Appendix A: Basic Visual Impact Form found in Guidance for Assessing Impacts to Existing Scenic And Aesthetic Uses under the Natural Resources Protection Act (Doc num DEPLW0541-A2003). One of the reasons for developing the new evaluative guidelines under 35-A M.R.S.A. § 3451 was to address unique aspects of wind turbines as the older aesthetic paradigms that were set up for

development that is typical of past land use patterns: e.g. new building construction, parking lots, mining operations, highway projects. By their nature, wind energy projects cannot be screened and because they are a relatively new technology, their color, form, line and texture are different from nearly all existing built landscape elements in their surroundings (except where an existing wind project has been sited nearby). These inherent differences do not, on their own, make wind turbines visually incompatible with all landscapes. Rather, they require us to think somewhat differently about how we assess their aesthetic impacts.

Numerical assessments purport to be “objective” but at best can only provide a general guide for determining if red flags may exist. The much more important visual considerations are those that are described in the AIA for the Kibby Expansion Project. We know that these wind turbines will contrast in form, line, color and texture, and that their scale is large, but how they will be seen from important scenic, recreational and historic settings is the greater consideration. As noted in the AIA, the wind turbines are certainly distinct, but they are not the only human-made objects in the surrounding landscape. Nor do they dominate views since the foreground peaks of Pisgah and Sisk are the dominant elements in the view. Moreover, these foreground mountains actually reduce the apparent scale of the turbines since they will appear both beyond and smaller in height (elevation) than these foreground peaks. The numbers one might insert in Appendix A cannot articulate in any meaningful way, the visual impacts of the project or how the varied and sequential landscape will be experienced by users. These are complex landscapes that deserve to be understood, not as numbers but through articulated reasoning and illustrations such as simulated photographs.

Aesthetic impact assessment – a subject on which BPL admits it has limited expertise – is a rational and systematic process, but it will never be an objective process in the sense that numerical associations will adequately convey degree of impact. For example, although 31% of Chain of Ponds is in the viewshed of the proposed project, the AIA Report conservatively indicates visibility even when only a tip of a single blade is visible. While the AIA Report notes that there will be visibility of the project from 31% of Chain of Ponds, the narrative discussion and visual simulations illustrate how the two foreground peaks of Pisgah and Sisk, the major focal points on the ponds, dominate the view; that within the vast majority of the ponds there is no visibility or only portions of a few of the turbines are visible, and that the turbines appear lower in elevation/height than the foreground mountains.

The evaluative criteria are clear in stating that “*a highly visible feature in the landscape is not a solely sufficient basis for determination that an expedited wind energy Project has an unreasonable adverse impact.*” 35-A M.R.S.A. § 3452 (3). For that reason, BPL’s insistence that a “rigorous review of mitigating strategies” must be undertaken if there is any visual impact whatsoever, is misplaced. The statute and associated regulations protect against an unreasonable adverse impact, but do not require a total absence of impact.

BPL also objects to the observation that mobile seasonal campers compromise views. The reason for making this point was not to denigrate camping or campers but to illustrate the visual context of the setting, which, as noted above, is integral to a visual impacts assessment. This is a cultural landscape that includes built structures, roads, and other facilities as part of the existing context. It is not a wild landscape with little evidence of man. Campers come in a wide range of colors, but lighter colors such as white tend to be noticeable, especially against a dark backdrop. The white turbines though seen in the distance and often against the sky will be similarly noticeable.

#### **BP #6: Scenic Impact from Arnold Pond.**

In its brief discussion of concerns over the scenic impact from Arnold Pond, BPL suggests that “the entirety of the wilderness scenic experience on this wilderness military trail is [being] thrown under the bus for modern industrial development.” BPL Comments at 6. I disagree with this suggestion, and note that the analysis of the impacts to Arnold Pond was more limited than for Chain of Ponds because of the greater distance from Arnold Pond to the turbines. While Chain of Ponds is within 3-5 miles of the nearest turbines, Arnold Pond sits 7-8 miles away. In addition, Arnold Pond is characterized as a Management Class 4 (developed) Lake, and Mount Pisgah stands between Arnold Pond and much of the ridgeline of Sisk, thereby further limiting the potential scenic impact of the Kibby Expansion Project on views from Arnold Pond.

However I have conducted more detailed analysis of Arnold Pond and note an error in the estimate of project visibility from Arnold Pond<sup>2</sup>. While the application states that only the southern turbines would be visible from Arnold Pond, it is possible that portions of up to nine of the northernmost turbines would be visible to the north of Mount Pisgah (although still at a distance of between 7 and 8 miles away), while the more southerly turbines will probably be blocked by Mt. Pisgah. I will be preparing a new simulation illustrating the views from Arnold Pond for a better understanding of how the turbines might appear. Mount Pisgah is, however, the dominant landform from this vantage point and any turbines would appear not only considerably further away but also well below the height (elevation) of Mt. Pisgah.

#### **BPL #7: Scenic Viewpoints from Maine Reserve Lands.**

BPL is correct in noting that visual impacts to Maine Reserve Lands were addressed in the AIA Report even though there are no identified scenic resources of state or national significance within these lands, and even though there was no regulatory requirement to address those impacts. Additionally, although the Department of Conservation, through BPL, has adopted a rule (effective April 4, 2010) designating scenic viewpoints of state or national significance on public reserved lands, it has not proposed designation of any such areas on the Maine Reserve Lands in the viewshed of the Kibby Expansion Project.

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<sup>2</sup> Due to the distance of Arnold Pond from the proposed Project our initial field work was limited to portions of Arnold Pond accessible on foot from Route 27. The description in the AIA reflects views from this area though it exaggerated visibility of the southern turbines which would not be visible. Since that time we have walked on ice to the more southerly portions of Arnold Pond.

Even so, BPL asks that the application clarify the impacts to views from three campsites located in the Upper Farm area off Route 27. I did not locate these campsites in the AIA Report, but instead noted that *if* the sites are close to Route 27, there may be minimal project visibility. I did not find any obvious campsite at this location on field visits. I did visit campsites located on or near the northeastern shore of Long Pond, Bag Pond and a campsite on the northwest shore of Lower Pond from which there would be no visibility of the Project.

BPL also states that “the applicant notes the poor condition of the campsites” and suggests that the applicant should improve and relocate these campsites as mitigation for potential impacts. While the application does state that the three campsites at the Upper Farm area are “in need of upgrading,” that statement was merely a recitation of the same observation made in BPL’s Flagstaff Region Management Plan.

In any event, because of the very minimal potential visibility of the Kibby Expansion Project from the Upper Farm area, and because of the close proximity of Route 27 to this area, the project is not expected to have an unreasonable adverse effect on the scenic values and existing uses related to scenic character of these campsites. BPL’s suggestion regarding mitigation for these camps and visual impacts generally is discussed below.

#### **BPL #8: General BPL Comments on Scenic Mitigation.**

BPL objects that “[t]he applicant makes no attempt whatsoever to mitigate admitted scenic impacts.” BPL Comments at 5. BPL implies in its comments that any visibility of a project necessarily requires some offsetting mitigation. This is not supported by the regulatory requirements or by accepted principles of visual assessment analysis. As noted above, the statute very clearly states that visibility, alone, is not sufficient basis to determine that a project has an unreasonable adverse impact. Likewise, both LURC and DEP regulations distinguish between absolute impacts and unreasonable impacts – the latter being prohibited and the former being an obvious component of any development proposal.

With respect to mitigation of impacts, site selection is the most important mitigating factor in all projects, and I believe that the project site for the pending application works well for the reasons described in the AIA Report. Because there is no unreasonable or undue adverse impact, no additional mitigation for scenic impacts is necessary.

#### **BPL #9: General BPL Comments on Cumulative Impacts.**

BPL repeats its concerns with respect to cumulative impacts, and raises policy-level issues that are not relevant to the pending application. BPL also states that cumulative impacts were not considered at all in the application. Because a scenic impacts analysis necessarily considers the existing context within which the proposed development will be viewed, that analysis includes the presence of the turbines permitted under the Kibby Project. The Commission will consider these turbines as part of the existing conditions

when determining whether the additional turbines from the pending application will constitute an unreasonable adverse impact to the existing viewshed.

Factors to consider when evaluating cumulative impacts include the number of turbines seen within the views; the overall area or arc of views they occupy; the ability to experience scenic views not impacted by turbines; and, the sequential experience of adding additional aesthetic impacts to resources within a region. Consideration of these factors demonstrates that the combined impact of the Kibby and Expansion projects do not result in undue visual impacts.

Since the issue of the combined visual impacts has been raised we have conducted additional studies of the extent to which the Kibby turbines would be visible on Chain of Ponds and Arnold Pond and how the two projects might be seen in combination. We will be submitting additional simulations in the near future to illustrate views of Kibby and Expansion turbines from a few key viewpoints around the ponds.

The most significant combined impact would be in a small portion of the southwest bay of Bag Pond from which 10 Expansion turbines would be visible (see simulation for VP#6 in the application), as well as up to 6 Kibby turbines (a total of up to 16 turbines). Both would occur within very narrow angles of view looking north and east. Far fewer turbines would be visible along most of Bag Pond.

The highest number of Kibby turbines would be seen from the small southeast corner of Lower Pond where one can look up the western ridge of Kibby Range and up to 13 turbines along that side would be potentially visible (though most are likely to be tops or blades only). As one moves north along Lower Pond this number will decrease substantially with only 1-3 visible in portions of the northern end. No Expansion turbines would be visible from Lower Pond. The steep ledged flanks of Sisk and Bag Pond Mountain tend to dominate Lower Pond with Indian Stream Mountain and Mount Pisgah just beyond.

From Long Pond the Expansion turbines are visible primarily along the south shore at the east end of the Pond (15 turbines). This number decreases significantly at the northern end of Long Pond where 1-4 can be seen at the northwestern end and none within the narrows or the northern shore. If any Kibby turbines can be seen on Long Pond, it would be 1-3 from an extremely limited area at the southern end.

Visibility of turbines from Natanis will be minimal. The tops of 4 Expansion turbines will be visible from a small area at the southeast end. It is possible that that the tips of blades of 1-2 Kibby turbines may be visible from limited areas.

Overlap would also occur along portions of Arnold Pond but at a distance of 7-8 miles to the Expansion turbines and 10.7 miles to Kibby turbines. At both Arnold and the Chain of Ponds only a few turbines are likely to be visible from most areas. Most importantly, turbines would always be seen beyond and behind the far more prominent and dramatic foreground mountains. From all viewpoints along Chain of Ponds and Arnold Pond, the

two projects are located within close proximity to one another and each project occupies a relatively narrow angle of view. As a result views to the south, southeast, west, and northwest would be unaffected by either project. In addition the more prominent foreground mountains which appear significantly higher than the more distant turbines would remain undeveloped. These include Mount Pisgah, Sisk Mountain, Bog Pond Mountain, Indian Stream Mountain as well as to rocky cliffs, islands, and numerous smaller hills around the ponds.

Cumulative impacts are likely to become a concern when one is surrounded by turbines (or development of any kind) and one can no longer view or experience undeveloped mountains and scenery. That is far from the case here, and I do not believe that the Kibby Expansion project would result in unreasonable cumulative visual impacts.

**BPL#10: Stranded BPL Assets, Stranded Recreational Assets.**

BPL states that its concerns regarding stranded assets are not applicable to the present application and those concerns are not addressed in this response.

**BPL#11: Impact on BPL Conservation Strategies.**

BPL notes that it does not have active conservation goals in the project area, but expresses some concern with respect to unidentified “future momentum for conservation.” As with unidentified future development proposals from third parties, it is not possible to address future unidentified conservation initiatives of BPL in the pending application. BPL’s comments under this heading appear to be policy-level concerns that are not relevant to the AIA.