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DEPARTMENT OF CONSERVATION
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GOVERNOR

WILLIAM H. BEARDSLEY
COMMISSIONER

To: Donald Murphy, LURC
From: Kathy Eickenberg, Acting Deputy Director, BPL *Kathy Eickenberg*
Date: June 14, 2011
Re: BPL review and comments in response to DP 4886 Bull Hill Wind Project,
Sixth Procedural Order

The Bureau of Parks and Lands submits the following responses to questions directed to the Bureau by the Land Use Regulation Commission, in DP 4886, Sixth Procedural Order.

a. Based upon the Applicant’s VIA and Dr. James Palmer’s report (reviewing visual impact information), what overall effect do you anticipate this proposed wind project would have on the Donnell Pond Unit and its users?

Most directly, the Bureau does not have a sufficient understanding, based on the Visual Impact Analysis conducted by the applicant and by LURC’s consultant reviewer, James Palmer, of how the Project will affect users at the Donnell Pond Unit. As further elaborated in our response to items b. through f. below, there are a number of issues in need of clarification and further study to understand the visual impact of the Project on various types of users of the Unit.

That said, the Bureau’s has broader concerns related to factors absent in the record that it feels should be considered in a determination as to whether the Project has an “unreasonable adverse effect on the scenic character or existing uses related to scenic character.” Most importantly, these include how the varying perspectives of different users are considered, and the how the characteristics of the Donnell Pond Unit might raise the bar for considering scenic impacts on this Unit. As a matter of context to these concerns, the Bureau offers the following information:

- Many of the Public Reserved Lands managed by the Bureau of Parks and Lands, including portions of the Donnell Pond Unit, were acquired from large landowners in trade for scattered original public lots. These consolidated public lands were selected based on outstanding natural, scenic and recreational attributes. They included such other notable properties as the Nahmakanta Unit in Piscataquis County, Deboullie Unit in Aroostook County, Bigelow Preserve in Somerset County, and the Mahoosuc Unit Oxford County. The Donnell Pond Unit contains a cluster of coastal mountains providing high quality remote backcountry camping and extended hiking opportunities with exceptional scenic and wild characteristics unavailable in any other part of the Downeast region¹. Much of the Unit is designated as an ecological reserve, because of the exceptional natural attributes found there. The closest equivalent experiences are the notable properties previously referenced.

¹ The Bureau’s Cutler Unit in Washington County has its own special and unique scenic attributes, but mountain vistas are not among them.

- It is the Bureau’s mission, and in fact mandate, to provide for a range of recreational opportunities on its public reserved lands, from active motorized recreation to backcountry non-mechanized. The characteristics of the Donnell Unit are those very characteristics sought by backcountry hikers who look for a special combination of features including superior scenic quality, remoteness, wild and pristine character, and capacity to impart a sense of solitude. These qualities are what the Bureau defines as characteristic for areas to be managed for backcountry non-mechanized recreation. Only a relative few of the Bureau’s properties have these particular attributes. The relevant issue here is that these areas attract a segment of users who are looking for a particular experience, one that seeks rejuvenation from an experience in a natural, relatively wild environment removed from the bustle of their every day lives (a sense of solitude). The sensitivities of these users to wind turbines as a visual element seen from prominent scenic overlooks are very likely different from a viewer whose objective is only to climb a mountain and get a great view. When the Commission considers whether the Project will have an unreasonable adverse effect on the continued use and enjoyment of the scenic resource, we suggest that it is important to understand the impacts on this specific user group, and to give special consideration to the potential loss of an important part of the spectrum of recreational experiences (as defined by the user’s perceptions) provided by the Unit, and rare in the region. As described below, the user survey administered on Columbus Day weekend very likely misses or at least under-represents this spectrum of the user population.

b. Would the proposed wind project affect the management plan for the Donnell Pond Unit now? How might it affect management over time?

The Bureau’s management plan will not be affected by the Project.

c. Would the wind turbines’ scenic impacts to the Donnell Pond Unit affect the design and development of new trails or the use and maintenance of the existing trail system?

The Project will not affect the Bureau’s design or development of new trails. The Plan includes the following recommendation: “Incorporate the Backcountry Recreation Areas with other adjacent areas for the purpose of developing a multi-day backpacking opportunity. This network would include Tunk, Black, and Caribou Mts., Schoodic, and Fiery Mountains. Work with abutting landowners regarding hiking use of Catherine Mountain, Schoodic Nubble, and portions of Tunk Mt. as part of that network. Develop and utilize partnerships in managing and maintaining this system.” Presently, as noted in the various application documents, the Bureau is developing a new hiking trail to the summit of Tunk Mountain in cooperation with The Nature Conservancy. The Bureau is also exploring an extension of that trail eastward along the Tunk Mountain ridge line and a loop back to the new parking recently constructed on Route 182. Across 182, on the opposite side of the road, hikers can access the “Dynamite Brook Road” that links to the set of trails in the heart of the Unit connecting Caribou Mountain, Black Mountain and Schoodic Mountain. The Plan noted the opportunity to create a 30-mile hiking trail on this unit, to provide a multi-day backcountry camping and hiking opportunity. Recent efforts are building incrementally to that goal. See attached maps and photos.

We do not know how use patterns may change as a result of the Project (see response to a. above).

d. Does the BPL have information regarding public use of the Donnell Pond Unit that might help LURC in its review of this proposed wind project?

The Bureau does not have information on the amount of use, beyond estimates already provided, or on attitudes of users towards wind turbines. We can offer some general information about use patterns based on informal observations by managers of the Unit (there is only intermittent staff presence).

The Bureau has observed informally that users and use patterns during peak holiday weekends are different than during non-peak weekends and from weekday uses. In July around the 4th there is a heavy use of Schoodic Beach for camping; almost like a heavily used state park campground. It is a very social experience. The short hikes up to scenic overlooks at Schoodic and Black Mountain always draw day users, especially during good weather and long weekends. Columbus Day weekend is a peak holiday weekend that is especially popular because of the added attraction of fall foliage viewing. People tend to come from more distant locations for this. Locals (drawing from about 30 miles) dominate use throughout the Unit during the week days. Designated campsites along the shores of Donnell Pond are popular. We have very little information about use for backpacking and camping, including where users reside, or how long they may stay. The public is allowed to camp anywhere on Public Reserved lands if there is no campfire. Indications are that these users are not presently a large component of use. However, we expect interest in this Unit for backpacking will increase as we continue to develop more trails consistent with the management plan recommendations. The Bureau is also enhancing its public information materials on the Bureau's website to better inform recreationists about the diverse opportunities available on public reserved lands (like most state agencies this effort has been slow as there is no designated webmaster and staff resources are stretched thin on other duties), and has worked closely, over the past few years, with state and local tourism interests to coordinate publicity about the many public assets in the Downeast region. All of these efforts have prompted the Bureau to begin to more formally assess user interests and level of use through survey forms available at key trailheads and parking areas. Data from this effort are not yet sufficient to provide useful information on users or level of use.

e. After reviewing the visual impact information, including the photo simulations, does BPL have any comments on scenic impacts from specific locations in the management unit, such as Tunk and Black Mountains and Donnell Pond? Note that Schoodic Mountain is beyond the 8 mile visual setback to the wind turbine facility and is therefore not being considered by the Commission.

The photo simulations provide a useful tool to visualize a changed viewscape after project construction. We note Jim Palmer's assessment that the turbines are likely more dominant than is depicted in the photos. If so, this could affect survey respondents' reactions to the development.

We also note that there is a Phase II for this project which may add turbines to the viewscape sweeping to the west, in Eastbrook. It would appear that the visual impact of the entire project will encompass a much greater portion of the view than is depicted in the application. As LURC consultant Palmer suggests, criterion D, the expedited wind energy development's purpose and context of the proposed activity would be the logical criterion for this sort of "context." We suggest that this is an important analysis for determining up front whether the total project will have a serious impact on visual resources. Note the Palmer independent analysis beginning at page 25 errs in stating for each significant resource under Criterion D "No plans are presented to expand this project." The Bureau would be interested to know how Mr. Palmer would revise his analysis taking into consideration Phase II. We also note that Phase II would be subject to a DEP permit, but that should be irrelevant to this analysis.

We also note that impacts from Tunk Mountain overlooks are part of the visual impact photo simulations; but the user survey did not include this. Thus extrapolation from Black Mountain user comments is without basis (see also comments to item f. below).

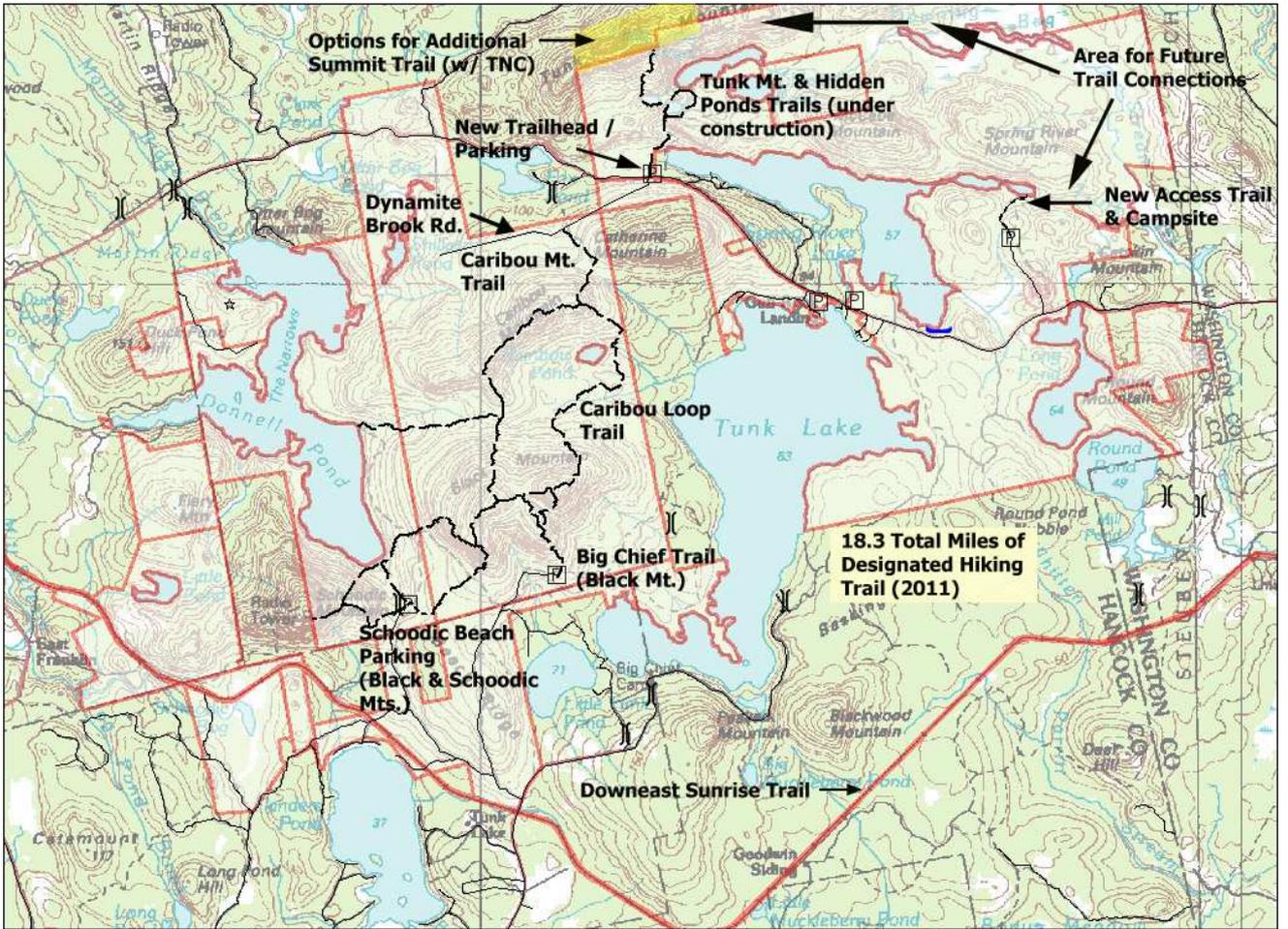
f. Does BPL have any comments on the Applicant's 'User Survey' conducted in the management unit? Does the agency have any observations about the survey design that would help the Commission interpret the results?

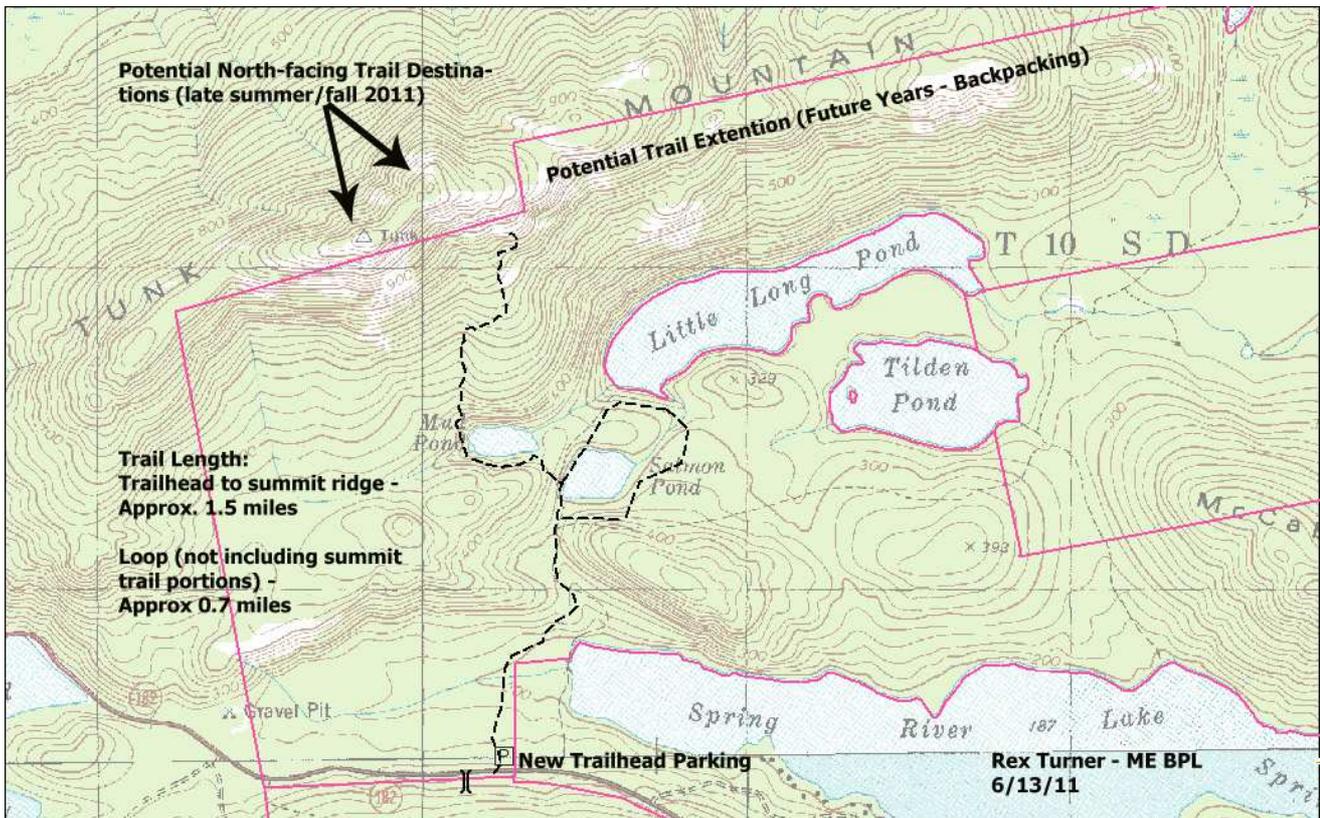
The Bureau has no special expertise related to survey design. However, we offer the following comments as to questions the Commission should consider in interpreting the results. Beyond that, we suggest that until there is a consistent survey methodology established through peer review that guides future visual impact user surveys, the Commission should have an independent professional review of the survey instrument to determine if it introduces any particular bias to the results.

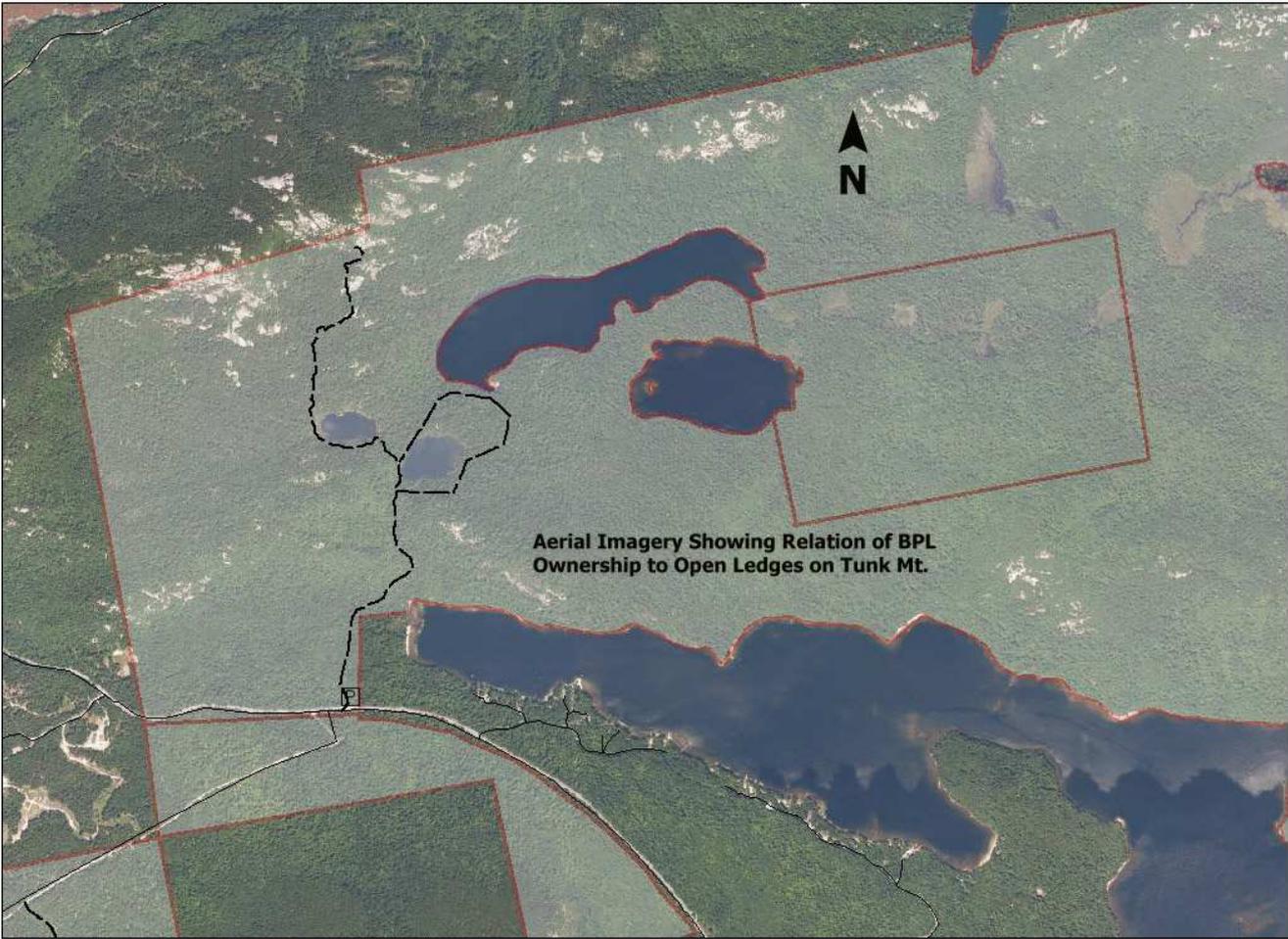
The Bureau suggests that a survey of users on one peak weekend may not be representative of the range of users over the spring, summer and fall period. See also d. above. Recreation surveys typically include non-peak weekend use; and weekday use, spread over the various seasons. This would capture the range of potential user populations that would likely use the Unit.

In addition, as discussed previously, a survey that could segregate backcountry hikers from day-users coming just for the views would also provide useful information.

Finally, it would have been useful to have had the survey present visual simulations (for both Phases I and II) of the views of the turbines at both Tunk and Black Mountain to actual visitors to Black and Tunk Mountains. Would viewer impressions change knowing that interior views from both Black and Tunk Mountains would include a string of wind turbines over a significant portion of the view? Is there a cumulative effect to visitor impressions not only from Phase I and Phase II, but also knowing that two popular summits will be affected?







**Aerial Imagery Showing Relation of BPL
Ownership to Open Ledges on Tunk Mt.**