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April 9, 2010

Kirk Mohney
Maine Historic Preservation Commission
55 Capitol Street
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Augusta, Maine 04333-0065

**Project: MHPC# 2142-09 TransCanada Maine Wind Development, Inc.
Kibby Expansion Power Project, Sisk Mountain.**

Towns: Coburn Gore, Chain of Ponds, Kibby, Jim Pond, and Alder Stream Townships, ME

Dear Mr. Mohney:

Thank you for meeting with us in February to discuss the Kibby Expansion Wind Power Project. This letter is in response to the issues raised in that meeting, as well as your February 2, 2010 letter to TRC Project Manager Steve Wallace, which provided review comments on the *Architectural Survey and Finding of Effects Report for the Kibby Expansion Wind Power Project* (Project) submitted to the Maine Historic Preservation Commission (MHPC) on December 4, 2009. In your letter, you stated that the MHPC disagreed with TRC's conclusion that the Project would have No Adverse Effect on the National Register of Historic Places (NRHP)-listed Benedict Arnold Trail to Quebec Historic District. We hope that this submission will provide greater context and background for evaluating the visual impact of the Project on the integrity of setting and feeling of the 1.6-mile section of the Benedict Arnold Trail that falls within the Project's 8-mile visual Area of Potential Effect (APE).

A complete discussion of Chain of Ponds, which is a portion of the Benedict Arnold Trail within the APE, was included in the visual assessment prepared for the existing 132 MW Kibby Project (the "Kibby Project"). That project is partially constructed and will be completed in 2010. Additional information on the visual impact of the proposed Project was submitted to LURC as part of the Project application to that agency. I understand both reports have now been provided to you by Mr. Dana Valleau at TRC, and I apologize for not including them with our initial submission. Additionally, Ms. Jean Vissering, who prepared both reports, has prepared additional information on the existing visual context for Chain of Ponds generally and provided a response to Bureau of Parks and Lands (BPL) comments on her visual assessment for the Project, and both are included as part of this submission to you. Thus, there is a well-developed body of information on the current visual context for Chain of Ponds and the visual impacts of the Project on Chain of Ponds. I hope this information is helpful to MHPC as it reviews whether the Project will have an adverse effect on the Arnold Trail pursuant to 36 C.F.R. § 800.5.

Although the Project may be visible from a section of the Benedict Arnold Trail, for the reasons discussed below, we do not believe that it will have an adverse effect within the meaning of 36 C.F.R.

§ 800.5. An adverse effect is defined as an undertaking that may “alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” Id. at § 800.5(a)(1). Where, as here, the Project has no direct effect on the resource, the issue is whether the Project will “cause a change of use or change the physical features of a property’s setting . . . or cause visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features.” Id. at § 800.5(a)(2)(iv) and (v). In determining whether the Project has an adverse effect on the Benedict Arnold Trail it is necessary to understand the characteristics that qualify it for listing in the NRHP. These characteristics for listing are discussed below and do not include views of Sisk or other nearby mountains.

The setting, defined as the physical environment of the historic property, refers to the character of the place in which the property played its historical role. In the case of the Benedict Arnold Trail Historic District, the setting does not extend to views from Chain of Ponds to Sisk Mountain nearly two-miles distant but, rather, is confined to the limits of the historic district itself, based on the criteria under which the Benedict Arnold Trail originally was nominated and listed in the NRHP.

The Benedict Arnold Trail is listed in the NRHP under Criterion A which, according to *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, recognizes those properties that “are associated with events that have made a significant contribution to the broad patterns of our history.” It is significant under Criterion A for its association with the unsuccessful military invasion by Colonel Benedict Arnold and his men of Great Britain’s Canadian provinces in the autumn of 1775 during the Revolutionary War. The Benedict Arnold Trail also is listed under Criterion B which recognizes properties “associated with the lives of significant persons in our past” for its association with the military career of Benedict Arnold.

Section 7 of the 1969 NRHP nomination form for the Benedict Arnold Trail to Quebec Historic District describes the mostly water route taken by Arnold’s expeditionary force between Fort Popham at the mouth of the Kennebec River and the Canadian border at Coburn Gore. The narrative describes the current and historic conditions of the Kennebec River and the various lakes and ponds, as well as their shorelines, traversed by Arnold’s men in their march to Quebec. The character of the surrounding countryside, changes to the course of the Kennebec River over history, and the few surviving buildings possessing historical associations with the military expedition are also described in this section.

Section 7 of the NRHP form makes no mention of Sisk Mountain or any other mountains or of any distant mountain views and their contribution to the military route’s historic setting. In fact Section 7 does not identify any landscape features or scenic views that are critical to the purpose and understanding of the historic setting. The 2001 “American Battlefield Protection Program Form for the Arnold March to Quebec” recommended expanding the boundaries of the NRHP historic district to “include all lake shores and a 50-meter buffer around them to include any potential lakeshore overnight campsites.” The 2001 report, which describes the dominant land form of the Chain of Ponds section of the Benedict Arnold Trail as “elongated lakes and linear bogs,” does not include views to Sisk Mountain or other mountains in the recommended NRHP boundary expansion.

The basis for defining the Benedict Arnold Trail’s setting as the actual military route and not a broader viewshed to include surrounding mountains is also derived from the historical record, including written accounts of the expedition. *Following Their Footsteps: A Travel Guide & History of the 1775 Secret Expedition to Capture Quebec* (May 2004) by Stephen Clark gives two vivid descriptions of the adverse weather conditions and the geographic setting as Arnold’s men moved into the Chain of Ponds area in October 1775:

On a snowy, windy day, Arnold and his party emerged from the Dead River onto the Chain of Ponds. There they fought through huge whitecaps whipped up by a freshening northwest wind. The Chain of Ponds is hemmed in on both sides by high mountain peaks with big shoulders coming down to the ponds and forming cliffs on the ponds' shores. Heavy wind-driven flurries swirled down through this natural funnel, pelting snow and whipping freezing water into the faces of the men in the boats. Several times they had to go ashore to bail out the bateaux from leaks below and waves above. (Clark 2004:71)

...The expedition's men, upon reaching the Chain where the current dam is located, rowed against a wicked head wind to the Chain's northwest end. Many men whose bateaux had been smashed had to join the men on foot and thrash along the rocky, snow-covered shoreline as best they could... (Clark 2004: 110)

John Codman's account, *Arnold's Expedition to Quebec* (1903), points out that the unusually high water levels and strong currents encountered by the expeditionary force resulted in the abandonment of several of the bateaux; some bateaux were also carried by the soldiers on land over great distances along the march to Canada. The bateaux were used primarily to transport munitions and supplies and not men, with the majority of soldiers marching along the shoreline. As noted in Ms. Vissering's visual assessment for the Project, there would not be any views of the Project from the northern shoreline of Chain of Ponds and the Project would have no effect on the impression of the "high mountain peaks with big shoulders coming down to the ponds and forming cliffs on the ponds' shores" described above. Finally, the historical accounts indicate that the physical privations of the soldiers and the hostile weather tended to focus their attention on merely surviving the arduous march ahead, rather than taking in distant mountain views.

These accounts, among several others, indicate that the near-blizzard conditions encountered by Arnold and his men at the Chain of Ponds obscured views of Sisk and Kibby Mountains and their inclusion in the collective experience of the march to Quebec and thus the historic setting of the Benedict Arnold Trail. They also show that some of the soldiers, having either abandoned their bateaux or forced to carry them, may have marched along the northern shoreline of the Chain of Ponds from which Sisk Mountain is definitely not visible due to intervening topography.

According to *Bulletin 15*, an historic resource's integrity of feeling is "a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character." The integrity of feeling of the Benedict Arnold Trail in the Chain of Ponds vicinity is directly related to the existing conditions of the immediate setting rather than physical changes to the views to Sisk Mountain almost two miles away.

Further, the State of Maine has made clear, in a series of land use decisions proximate to the Benedict Arnold Trail in this vicinity, that changes to the landscape are acceptable and not inconsistent with the designation and protection of the integrity of the trail. There have been a number of intrusions to the setting of the Benedict Arnold Trail Historic District in the Chain of Ponds since the 1969 NRHP nomination and/or the 2001 American Battlefield Protection Program form. These intrusions include a realignment of Route 27 which raised it above the original shoreline along Natanis Pond and the rebuilding of the scenic overlook at this location, (Photos 1 and 2) and the crossing of the Benedict Arnold Trail and the North Branch of the Dead River by the 115 kV transmission line from the Kibby Wind Project. (Photos 3 and 4) The Natanis Point Campground, a privately owned and operated 7-acre RV campground and recreational area was opened in 1971 and currently sits on Maine Public Reserve

land leased from the State. It has sites for 61 camper vehicles, is located at the northwest end of Natanis Pond with an entrance on Route 27, and is clearly visible from the Benedict Arnold Trail as it passes through Natanis and Long Ponds (Photo 5). Route 27 is a direct intrusion to the Benedict Arnold Trail and therefore affects its current setting and feeling in this location.

In summary, the setting of the NRHP-listed Benedict Arnold Trail to Quebec Historic District should be defined as the water route and adjacent shoreline path followed by Arnold and his troops with their bateaux, and does not include Sisk Mountain or views to Sisk Mountain. Based on policies described above, the State of Maine has already concluded that changes in land use much closer than Sisk Mountain do not constitute adverse impacts. Views of Sisk Mountain are not integral to the historic setting of the Benedict Arnold Trail to Quebec Historic District and therefore the visual impacts from the Project will not adversely effect the integrity of the historic district's setting or feeling.

Per your request in the February 2, 2010 letter, TRC is returning under separate cover the revised MHPC survey forms and final report prepared as part of the architectural survey conducted for this project, which also includes a single topographic map showing the entire 8-mile APE.

Sincerely,



Geoffrey B. Henry
Program Manager—Architectural History
TRC

cc Art Spiess MHPC
Jay Clement, ACOE
Chris Cinnamon, TransCanada
Nick DiDomenico, TransCanada
Tobey Williamson, Barton Gingold
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Juliet Browne, Esq., Verrill-Dana
Dana Valleau, TRC

Attachments

Photo 1 Route 27 and scenic overlook looking north from Natanis Pond
Photo 2 Scenic overlook and railing along Route 27 looking southeast towards Natanis Pond
Photo 3 Transmission line crossing North Branch of the Dead River
Photo 4 Transmission line crossing North Branch of the Dead River
Photo 5 Natanis Point Campground, looking northwest from Natanis Pond



Photo 1: Scenic overlook along Route 27 looking north from Natanis Pond (March 2010)

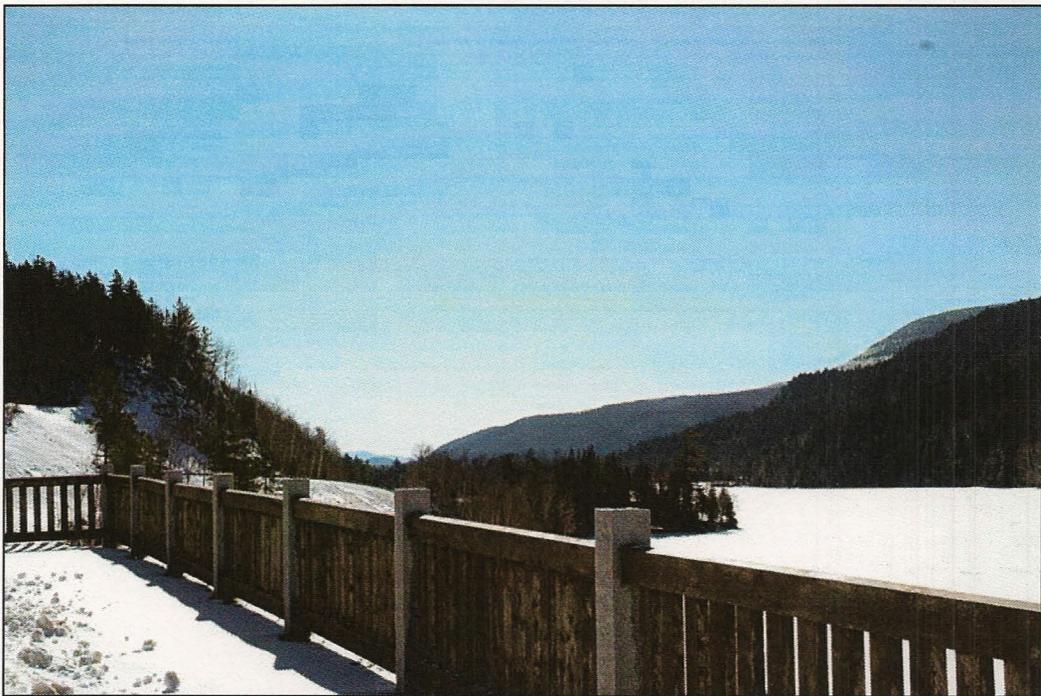


Photo 2: Scenic overlook and recently installed railing along Route 27 looking southeast towards Natanis Pond (March 2010)



Photo 3: 115kV transmission line crossing North Branch of the Dead River within the Benedict Arnold Trail to Quebec Historic District, looking Northeast (June 2009)



Photo 4: 115kV transmission line crossing North Branch of the Dead River within the Benedict Arnold Trail to Quebec Historic District, looking North on center line (June 2009)



**Photo 5: Natanis Point Campground, looking northwest
from Natanis Pond (Summer 2009)**