



MAINE HISTORIC PRESERVATION COMMISSION  
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May 6, 2010

Dana Valteau  
TRC Companies, Inc.  
14 Gabriel Drive  
Augusta, ME 04330

Project: MHPC #2142-09 – TransCanada Maine Wind Development, Inc.; Kibby Expansion Power Project; Sisk Mountain  
Town: Coburn Gore; Chain of Ponds; Kibby, Jim Pond and Alder Stream Townships, ME

Dear Mr. Valteau:

In response to your recent request, I have reviewed the additional information received April 13, 2010 to continue consultation on the above referenced project pursuant to Section 106 of the National Historic Preservation Act, as amended.

The Commission acknowledges the receipt of the revised TRC Architectural Survey Report and Findings of Effects Report, including revised MHPC Building/Structure Survey Forms.

As you know from my letter to Steve Wallace dated February 2, 2010, the Commission concluded that the subject undertaking would have an adverse effect on the Arnold Trail to Quebec, which was listed in the National Register of Historic Places on October 1, 1969. In a letter dated April 9, 2010 (copy enclosed), Geoffrey B. Henry responded to the Commission's finding by explaining the rationale upon which TRC concluded in its Finding of Effects Report that the project would have no adverse effect on the Arnold Trail. In reaching our finding of effect, the Commission found that the visibility of wind turbines within an approximately 1.6 mile section of the Arnold Trail would adversely effect the setting of the historic property (which is classified by the National Register as a site). TRC's interpretation of the definition of setting differs from that of the Commission's, and I wish to take this opportunity to elaborate on how we reached our conclusion.

As is the case with most if not all of the early nominations to the National Register from Maine, the physical description of the Arnold Trail in section 7 of the nomination form is, by today's standards, limited. This includes the lack of a detailed discussion about the aspects of integrity that the Arnold Trail possessed and that were important to understanding its significance when it was nominated to the Register. Nonetheless, the character of the trail was broadly described as follows:

Much of the countryside through which the army passed looks much as it looked in the



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fall of 1775...The banks of the Kennebec from its mouth to Bingham are a patchwork of farms and woodlands. Above bingham (sic) the agricultural section ends, the land gets more hilly and rocky, and the forest closes in. Virtually no virgin timber remains along the trail from Bingham to the Canadian border, but the entire region does give the appearance of a vast, hostile wilderness, as it did in 1775.

Since the preparation of the Arnold Trail to Quebec nomination in 1969, the National Register has issued a substantial body of guidance for evaluating whether a property has significance and retains integrity. Among that guidance is *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. In describing setting as an aspect of integrity, Bulletin 15 states that:

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historic role. It involves how, not just where, the property is situated and its relationship to surrounding features and open spaces.

Bulletin 15 also states in relation to the physical features that comprise a property's setting (topographic, vegetation, manmade, and relationships between buildings and other features or open space) that:

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings.

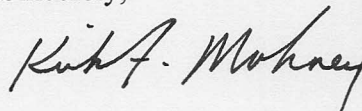
The Commission's interpretation of the guidance in Bulletin 15 leads us to the conclusion that the physical environment of the Arnold Trail, comprised of mountains, bodies of water and forested landscapes, are among the more important aspects of integrity that the site possesses. In fact, the course of Arnold's march (its location as an aspect of integrity) was in large measure dictated by this larger physical environment. We do not agree, therefore, with the more limited interpretation of setting described in TRC's letter of April 9, 2010. In addition, we do not agree that either the weather conditions or the physical privation of the soldiers at the actual time of Benedict Arnold's transit through the Chain of Ponds are relevant to defining the setting of the site. As noted above, "setting refers to the *character* of the place in which the property played its historical role." We believe that the character of the Arnold Trail in the Chain of Ponds is in large measure defined by the wilderness setting that extends well beyond the narrow physical boundary proposed in the "American Battlefield Protection Program Associated Historic Property Form for the Arnold March to Quebec" (the only boundary description in the National Register nomination form defines a rectangle that encompasses the entire area of the proposed project), or the actual path or paths that the soldiers and the bateaux took during the march.

As noted in my letter of February 2, 2010, the Chain of Ponds area of the Arnold Trail is “nearly pristine and unspoiled. Only the presence of Route 27, and a few seasonal lakeshore camps, along a portion of the lakes shoreline provides the visitor with a reminder that he or she is not in the late 19<sup>th</sup> [sic] century.” We acknowledge that the presence of these features in the landscape has diminished the integrity of the setting, although not to the extent that the Arnold Trail has lost the ability to convey its historic significance. However, when we apply the criteria of adverse effect as set forth in 36 CFR Part 800.5(a)(1), we conclude that the location, number, operational characteristics, and scale of the proposed wind turbines will substantially change the wilderness character of the Arnold Trail’s “physical features within the property’s setting that contribute to its historic significance...,” and will introduce visual elements that “diminish the integrity of the property’s significant historic features.” Based on the design and location of the Kibby Expansion Power Project, the setting of the Arnold Trail to Quebec, and the criteria of adverse effect, the Commission reaffirms its prior conclusion that the proposed undertaking will have an adverse effect upon this historic property.

Finally, we note that no information has been submitted that describes or evaluates potential audible elements of the project that may affect historic properties.

Please do not hesitate to contact me if you wish to discuss our comments on this matter.

Sincerely,



Kirk F. Mohney  
Deputy State Historic Preservation Officer

Enc.

Cc: Marcia Spencer-Famous, Maine LURC  
LeeAnn Neal, USACOE