

Friends of Maine's Mountains Amendment - LD 901

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3451, sub-§10-B, as reallocated by RR 2015, c. 1, §39, is amended to read:

10-B. Viewshed of a scenic resource of state or national significance. "Viewshed of a scenic resource of state or national significance" means the geographic area as viewed from a scenic resource of state or national significance that includes the proposed wind energy development. The viewshed of a scenic resource of state or national significance may include the proposed wind energy development visible from a single viewer position or the proposed wind energy development visible from multiple viewer positions. The viewshed of a scenic resource of state or national significance is limited to the geographic area within 15 miles, measured horizontally, from the proposed wind energy development's generating facilities, ~~except that for a scenic resource of state or national significance listed in section 3452, subsection 4, paragraph B, the viewshed is limited to the geographic area within 15 miles, measured horizontally, from the proposed wind energy development's generating facilities.~~

Sec. 2. 35-A MRSA §3452, sub-§3, as amended by PL 2015, c. 190, §4, is further amended to read:

3. Evaluation criteria. In making its determination pursuant to subsection 1, ~~and in determining whether an applicant for an expedited wind energy development must provide a visual impact assessment in accordance with subsection 4,~~ the primary siting authority shall consider:

- A. The significance of the potentially affected scenic resource of state or national significance;
- B. The existing character of the surrounding area;
- C. The expectations of the typical viewer;
- D. The expedited wind energy development's purpose and the context of the proposed activity;
- E. The extent, nature and duration of potentially affected public uses of the scenic resource of state or national significance and the potential effect of the generating facilities' presence on the public's continued use and enjoyment of the scenic resource of state or national significance; and
- F. The scope and scale of the potential effect of views of the generating facilities on the scenic resource of state or national significance, including but not limited to issues related to the number and extent of turbines visible from the scenic resource of state or national significance, the distance from the scenic resource of state or national significance and the effect of prominent features of the development on the landscape.

In applying these criteria, the primary siting authority shall consider the primary impact and the cumulative scenic impact or effect of the development during both day and night on scenic resources of state or national significance. In evaluating cumulative scenic impact or effect associated with sequential observation, the department shall consider, in addition to the criteria in this subsection, the distance between viewpoints on the linear route and other forms of development along the linear route that effect the expectation of the user of the scenic resource of state or national significance. A finding by the primary siting authority that the development's generating facilities are 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 effect on the scenic character and existing uses related to scenic character of a scenic resource of state or national significance. In making its determination under subsection 1, the primary siting authority shall consider insignificant the effects of portions of the development's generating facilities located more than 8 miles, measured horizontally, from beyond the extent of the viewshed of a scenic resource of state or national significance.

Sec. 3. 35-A MRSA §3452, sub-§4, as enacted by PL 2007, c. 661, Pt. A, §7, is repealed and the following enacted in its place:

4. Visual impact assessment. An applicant for an expedited wind energy development shall provide the primary siting authority with a visual impact assessment of the development that addresses the evaluation criteria in subsection 3 as follows:

A. If portions of the development's generating facilities are located within 8 15 miles, measured horizontally, from a scenic resource of state or national significance.; and

B. Notwithstanding paragraph A, if portions of the development's generating facilities are located within 15 miles, measured horizontally, from the following scenic resources of state or national significance, a visual impact assessment is required:

(1) Baxter State Park;

(2) Acadia National Park;

(3) The Caribou Speckled Mountain Wilderness in the White Mountain National Forest;

(4) Mount Abraham in Franklin County;

(5) The following scenic viewpoints along the Appalachian National Scenic Trail:

(i) All scenic viewpoints within the Bureau of Parks and Lands Mahoosuc Unit in Oxford County;

(ii) Old Blue Mountain in Franklin County;

(iii) Bemis Mountain in Franklin County;

(iv) Saddleback Mountain, The Horn and Saddleback Junior in Franklin County;

(v) Spaulding Mountain in Franklin County;

(vi) Crocker Mountain and South Crocker Mountain in Franklin County;

(vii) All scenic viewpoints within the Bigelow Preserve Public Reserved Land in Franklin and Somerset counties;

(viii) Pleasant Pond Mountain in Somerset County;

(ix) Moxie Bald Mountain in Somerset County;

(x) Barren Mountain in Piscataquis County; and

(xi) White Cap Mountain in Piscataquis County.

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SUMMARY

This amendment clarifies and simplifies LD 901 regarding when a visual impact assessment is required for an expedited wind energy development. The bill provides that a visual impact assessment is required if portions of a wind energy development's generating facilities are located within 8 miles from a scenic resource of state or national significance, except that for certain specified scenic resources of state or national significance, a visual assessment is required if a development's generating facilities are located within 15 miles from the scenic resource of state or national significance. This amendment clarifies that a visual impact assessment is

required if a development's generating facilities are located within 15 miles from any scenic resource of state or national significance.