

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 7156

Petition of UPC Vermont Wind, LLC for a Certificate of)
Public Good pursuant to 30 V.S.A. sections 231 and 248,)
authorizing it to construct up to a 52 MW wind electric)
generation facility, and associated transmission and)
interconnection facilities, in Sheffield and Sutton, Vermont,)
and operate the same.)

**PREFILED REBUTTAL TESTIMONY OF
LIZ PRITCHETT**

ON BEHALF OF UPC VERMONT WIND, LLC

September 25, 2006

Summary:

Ms. Pritchett responds to the prefiled testimony of Eric Gilbertson, Vermont Division for Historic Preservation, regarding the Project's potential impacts to historic structures. She concludes that the Project as originally proposed would not have an undue adverse impact, and that the revised project layout will reduce potential impacts even further.

1 **Q. Please state your name and occupation**

2 Response. My name is Liz Pritchett. I am a historic preservation consultant
3 registered with the State of Vermont as a sole-proprietor doing business as Liz
4 Pritchett Associates. My business address is 46 East State Street, Montpelier, VT.

5

6 **Q. Have you previously testified in this proceeding?**

7 Response. No I have not. However, I prepared a report that was included with
8 David Raphael's original visual assessment report and which concluded that the
9 Project will not cause an undue adverse impact on historic resources.

10

11 **Q. Please describe your qualifications and experience**

12 Response. I graduated from Middlebury College with a Bachelor's degree in Art
13 History in 1969. In 1992, I received a Master of Science Degree in Historic
14 Preservation from the University of Vermont. Because I hold a degree in Historic
15 Preservation, I am qualified under the National Park Service, Department of the
16 Interior's Standards to conduct the review of a project's potential impact to historic
17 resources that are listed or eligible for listing on the National Register for Historic
18 Places under Section 106 of the National Historic Preservation Act.

19 During my twenty years of experience as a preservationist, I have worked
20 statewide on hundreds of projects involving Act 250 review and Section 106 review
21 for state and federally funded projects. I have ongoing contracts with Housing
22 Vermont, Inc., the largest affordable housing non-profit in the state, and the
23 Vermont Housing and Conservation Board, providing recommendations for the

1 rehabilitation of buildings listed in or eligible for listing in the National Register of
2 Historic Places in order to avoid adverse effects to these resources according to
3 federal and state standards. For a number of years, I was an adjunct professor at
4 Norwich University and the University of Vermont.

5 I have previously testified before the Public Service Board during the
6 proceedings for the VELCO Northwest Reliability Project. I provided testimony
7 before the District Commission for the Agency of Transportation's current
8 roadwork improvements on Route 7 between Shelburne and South Burlington, and
9 for the Fletcher Allen Health Care Renaissance Project, Burlington, Vermont.

10

11 **Q. What is the purpose of your testimony?**

12 Response. I am responding to the prefiled testimony of Eric Gilbertson, Vermont
13 Division for Historic Preservation (DHP), regarding the Project's potential impacts
14 to historic structures.

15

16 **Q. What materials have you reviewed in preparation of this testimony?**

17 Response. Further literature review included the sources listed below, which were
18 reviewed to obtain a better understanding of the original purpose of the Crystal Lake
19 State Park, the public perception of the setting and views from the beach, and
20 documented historic photographs of the beach and its viewshed. I also met with
21 John Brown, President of the Barton Historical Society, to discuss materials that
22 could be relevant to my research.

23

I have reviewed the following materials:

- 1 • The prefiled testimony and exhibits of Mr. Gilbertson
- 2 • Discovery responses by Mr. Gilbertson
- 3 • UPC's direct and rebuttal testimony and exhibits
- 4 • Research materials:
 - 5 ○ *Biennial Report of the State Forester, 1939 through 1959*
 - 6 ○ *Gazetteer & Business Directory of Lamoille and Orleans County, 1883-1884*
 - 7 ○ *Beautiful Barton Vermont* (no date, probably c. 1920)
 - 8 ○ *A History of Barton* by Darlene Young, 1998
 - 9 ○ Vermont Historical Society: photographic and postcard files
 - 10 ○ *The Vermonter* (vols. 3, 8, 16, 39, 40)
 - 11 ○ *New Orleans County Monitor, 1936 through 1937*
 - 12 ○ *Guidelines for Evaluating and Documenting Rural Historic Landscapes*, National
 - 13 Register Bulletin 30, National Park Service
 - 14 ○ Barton Town Clerk's office lister files
 - 15 ○ *National Register Bulletin, How to Complete the National Register Registration*
 - 16 *Form*, National Park Service
- 17 • Interview with John Brown, President, Barton Historical Society (Aug. 30,
- 18 2006)
- 19 • The results of my field review.
- 20

21 **Q. Mr. Gilbertson stated that your February 2006 report (included in Mr.**
22 **Raphael's visual report, Exhibit UPC-DR-2, Attachment 24) failed to properly survey**
23 **and identify all potentially historic properties within the APE. Do you have a**
24 **response?**

25 Response. It is my opinion that I conducted an appropriate review that was
26 consistent with my professional experience in Vermont and guidance I received from
27 DHP on this project. In January 2006, UPC representatives and I met with Judith
28 Ehrlich of DHP prior to filing the 248 petition, and at the meeting, summarized the
29 methodology I was employing to review this project. UPC also shared background
30 materials with DHP, including a simulation from Crystal Lake. I was advised by the
31 DHP that it was not necessary to include all resources in the APE that are eligible for
32 the National Register of Historic Places, but to include only those that have the

1 potential for adverse effect, in particular those with settings that are accessible to the
2 public. DHP did not express any concerns at that meeting, or at any time thereafter,
3 about my methods or about concerns that they might have regarding potential
4 project impacts, until filing their testimony in July 2006. During a conversation by
5 phone with Judith Ehrlich, DHP Environmental Review coordinator, Ms. Ehrlich
6 stated that my methodology was similar to that of another historic preservation
7 consultant who reviewed a proposed telecommunications tower on Barton
8 Mountain, in which the report inventoried areas of potential impact rather than all
9 resources in the “area of potential effect” (APE), and that my methodology appeared
10 appropriate for the UPC project with such a large APE.

11 In a recent discussion of the project with Mr. Gilbertson in August 2006, I
12 asked whether he was seeking additional information on individual historic
13 resources. The only sites he identified for further research as potentially eligible for
14 the State Register were the camps around the west, south and east shores of Crystal
15 Lake. As discussed below, although I previously investigated these camps prior to
16 submitting my first report to Mr. Raphael and UPC, at Mr. Gilbertson’s suggestion I
17 re-investigated the camps.

18

19 **Q. Mr. Gilbertson stated that your original report failed to properly survey and**
20 **assess the potentially historic camps at Crystal Lake. Do you have a response?**

21 Response. I did, in fact, conduct such an assessment. For my initial report I drove
22 all major roads around Crystal Lake during my fieldwork and found no camps that,
23 based upon my professional experience, appeared highly significant or clearly eligible

1 for the State or National Registers of Historic Places. I did not travel on private
2 roads or roads that were inaccessible during the winter months when I was
3 conducting fieldwork. Therefore, I focused my concerns on Crystal Lake State Park
4 due to its inclusion in the National Register of Historic Places.

5 During the summer months of August and September 2006, I conducted
6 additional fieldwork in Barton. I drove again all major roads around the Lake, this
7 time including Pageant Park Road that extends approximately half way down the east
8 shore beginning at Route 16 at the north end of the lake. I traveled the entire
9 circumference of the Lake by boat so that I could inventory camps directly on the
10 shore that may have views of the Project. In addition, I checked the lister's files at
11 the Barton Town Clerk's office for additional information on the camps, such as
12 construction date, owner's names, and photographs of the camps.

13

14 **Q. Does the new information you gathered change the assessment in your**
15 **original report (Ex. UPC-DR-4, attachment 24) that the Project would not pose an**
16 **undue adverse impact to historic sites?**

17 Response. No, this new information continues to support my original assessment
18 that the Project would not pose an undue adverse impact to historic sites.

19 Based on my site visits and research, while over 100 camps exist around
20 Crystal Lake, a large number of the early camps have been altered and no longer
21 retain architectural integrity due to changes to historic siding and windows, and the
22 removal of trees and shrubbery creating a modern, residential appearance rather than

1 the rustic setting with buildings sheltered among trees and other landscape features
2 typical of early 20th century camp architecture in Vermont.

3 A preliminary survey has identified eleven properties that appear eligible for
4 the State Register. See ***Exhibit UPC-LP-Reb1a***. Two camps are on the north
5 shore, seven on the east shore, and two properties (comprising a number of tourist
6 cabins) are on the west shore. A small grouping of camps along the east shore may
7 be eligible for the State Register as a small district (referred to as sites 3-9 in my
8 attached exhibit), although other camps among these have been altered or are less
9 than 50 years old and would not be contributing to a historic district. While Crystal
10 Lake has a long history of recreation and camping, much of this context has been
11 lost due to modern changes to historic camps and buildings and loss of a tourist
12 hotel and large community boathouse due to fire. Two camps, #1 and #6, are
13 distinctive log buildings in the Adirondack Rustic style; most are less distinguished.
14 As a whole, the camp architecture on the Lake reflects the early 20th century pattern
15 of Vermonters and out-of-state summer residents constructing summer homes on
16 the state's lakes. However, this cluster of largely vernacular architecture cannot
17 compare with the very notable summer colonies such as those on Caspian Lake in
18 Greensboro, Lake Morey in Fairlee, and others where numerous examples exist of
19 distinctive Adirondack Rustic, Shingle Style and Colonial Revival style camp
20 architecture. Therefore, while as a whole the camp architecture around Crystal Lake
21 is not highly significant, it appears that at least 11 camp properties are eligible for
22 listing in the State Register, primarily for their significance as generally intact

1 examples of vernacular camp architecture in Vermont dating from the first half of
2 the 20th century.

3 Furthermore, in my opinion, the summer camps on Crystal Lake are
4 sufficiently distant from the proposed Project, so that the Project will not result in an
5 undue adverse effect on the camps. See **Exhibit UPC-LP-Reb1b** -- Map of
6 Historic Crystal Lake Camps. The primary views from the camps focus on the more
7 immediate sites around the lake such as the granite ledges on the east shore and the
8 clear water of the lake. The closest historic site location in relation to the proposed
9 turbines is #10 at the southwest corner of the lake, approximately 3 ½ miles from
10 the Project. The 11 small tourist cabins (formerly under one ownership but now
11 privately owned) that comprise site #10 are grouped closely together and are set
12 back from the shore facing a small cove at the southwest corner of the lake. Only a
13 few of the cabins are barely visible from the water due to the many trees that
14 surround them. As a result, the Project will not have an adverse effect on these
15 cabins because they are surrounded by vegetation, and the wooded shoreline of the
16 cove projects into the lake, so that no views of the Project exist from either the
17 cabins or the shore in front of the buildings with primary views from the shore to
18 the east.

19 The other historic camps are located further from the Project - most at the
20 northerly half of the Lake, from approximately 4.4 (site 11) to 5.6 miles from the
21 Project. In my professional opinion, due to the increased distance of camps 1-9 and
22 11 from the Project, in my professional opinion the impact will not be adverse . In
23 addition, the primary views from most of these camps that are located on the east or

1 west shores (3-9 and 11) are not southerly toward the turbines, but rather to the east
2 or west across the lake. Camps 1 and 2, located at the north shore of the Lake, are
3 similarly distant from the Project at 5.6 miles, and thus the impact on these sites by
4 the Project will not be adverse due to the substantial distance to the turbines.

5 The visual impacts will likely be less at private camps as compared with the
6 public campground and beach, for a number of other reasons: (i) camp owners
7 would be inside for a portion of the time vs. the Bathhouse and beach which are
8 entirely focused on outside recreation activities; (ii) more people will experience the
9 viewshed at the bath house/beach than at any private residence.

10

11 **Q. Mr. Gilbertson notes a discrepancy between UPC's Petition, which speaks of**
12 **black blades, and Mr. Raphael's visual assessment report, which refers to white**
13 **blades. Please address this issue.**

14 Response. It is my understanding from speaking with UPC that the Petition
15 contained an error; white blades are used for the turbines, as noted by Mr. Raphael.

16

17 **Q. Mr. Gilbertson stated that the Project would have an undue adverse impact on**
18 **the historic site located at Crystal Lake State Park. He states that the "spectacular**
19 **views of Crystal Lake and the surrounding mountains from the Bathhouse and beach**
20 **are cited in the National Register nomination as one of the most important features**
21 **of the site" and "the National Register nomination specifically states that the view**
22 **from the Bathhouse is an essential part of the importance of the structure." Do you**

1 **agree that the views of the mountains were deemed significant and were an integral**
2 **factor in the listing of this historic site?**

3 Response. With all due respect to Mr. Gilbertson, I frankly do not think his opinion
4 is supported by the record. In my opinion, the Crystal Lake State Park was deemed
5 significant for purposes of the National Register nominating process because of the
6 historical significance of the bathhouse and the beach, and that the scenic views are
7 documented as secondary characteristics.

8 Two primary reasons that I do not feel the listed historic site was deemed
9 “significant” and thus eligible for listing because of the scenic views are:

- 10 1. Scenic views are not mentioned in either summary paragraph in Sections 7
11 (narrative description of the site) or in Section 8 (statement of historic
12 significance of the site), which according to NPS guidelines should provide an
13 overview of the most important physical features and historic qualities that
14 qualify the property for listing in the National Register. As stated in the NPS
15 Bulletin *How to Complete the National Register Registration Form*, the summary
16 paragraph in Section 7 should “briefly describe[s] the general characteristics of
17 the property such as its location and setting, type, style, method of construction,
18 size and significant features.” See
19 [http://www.cr.nps.gov/nr/publications/bulletins/nrb16a/nrb16a_III.htm#des](http://www.cr.nps.gov/nr/publications/bulletins/nrb16a/nrb16a_III.htm#description)
20 [cription](http://www.cr.nps.gov/nr/publications/bulletins/nrb16a/nrb16a_III.htm#description). Section 7 of the Crystal Lake State Park summary paragraph makes no
21 mention of the scenic views as important to the setting of the Park. NPS
22 guidelines for Section 8 state that a summary paragraph should “simply and
23 clearly state the reasons why the property meets the National Register criteria . . .

1 Using the summary paragraph as an outline, make the case for significance in
2 subsequent paragraphs.” (NPS Bulletin, p. 45). In the Crystal Lake State Park
3 summary paragraph for Section 8, no mention is made of the scenic views as a
4 reason for listing the property in the National Register.

- 5 2. No photographs of scenic views *from* the beach or the bathhouse or *from* any
6 other part of the Park were included among the photographs that illustrate the
7 visual significance of buildings and setting of the Crystal Lake State Park. This
8 leads me to conclude that the views from the Park at the time of the listing were
9 not considered of primary significance when the documentation was completed.
10 According to NPS guidelines, *How to Complete the National Register Registration Form*
11 (p.63), “photographs should give an honest visual representation of the historic
12 integrity and significant features of the property. They should illustrate the
13 qualities discussed in the description and statement of significance.” No
14 photographs exist in the NR nomination that illustrate the views down the Lake
15 from the bathhouse or the beach. Thus, in my opinion, the historic site was not
16 deemed “significant” and thus eligible for listing because of the scenic views.

17 Setting is an important component of a historic site and comprises one of the
18 7 aspects of integrity when evaluating the significance of a site. The other aspects are
19 location, design, workmanship, materials, association, and feeling. Above, I state two
20 primary reasons the nominating papers do not clearly identify the scenic views as
21 contributing to the setting of the historic site – no mention of scenic views in the
22 summary paragraphs of the nomination, and no photographs that identify the scenic
23 views as distinctive.

1 By contrast, when a property with a significant setting is listed in the
2 National Register, the nomination will usually include one or more paragraphs that
3 describe the important landscape features both within the boundaries of the property
4 and in the surrounding setting, and a context photograph will often include portions
5 of this landscape. An example of this is found in the nomination for Barnes Camp, a
6 historic logging camp and early ski lodge in Smugglers' Notch on Route 108 in
7 Stowe. The summary paragraph in Section 7 states "The immediate setting of Barnes
8 Camp is intact, and the surrounding dense woods of Mount Mansfield to the
9 northwest, and Sterling Mountain to the northeast, provide a broad, green
10 backdrop". In addition, the setting and its historic relationship with the property
11 based on its associations with recreation and hiking are described in more detail in a
12 separate paragraph at the end of Section 7, and the context photograph for the
13 property shows not only the main building at Barnes Camp, but also the distant
14 mountains of Smugglers' Notch, illustrating a view of a significant landscape
15 component of the property.

16 In my opinion, and as appears to be evident in the supporting nominating
17 papers, the setting at Crystal Lake State Park is largely defined by what is within the
18 property itself, and the distant views outside of the property boundaries are
19 secondary.

20 The nominating papers provide no clear evidence that "the view from the
21 Bathhouse is an essential part of the importance of the structure" (Gilbertson
22 response to UPC 2d set of Discovery Requests, Answer 23), or that the "long vista
23 of the lake and the mountains...guided architect Fried" to design this type or style of

1 building (Answer 24). The nominating papers (Exhibit ANR-EG-3) consist of 26
2 pages. There are only three sentences in the entire document that make any mention
3 whatsoever of the views from the Park, and they only briefly discuss the scenic views
4 from the Park, making no clear mention that the view from the Bathhouse is a
5 distinctive feature of the site or the importance of the building. In addition, I do not
6 feel that it was the setting that guided Fried to design the Bathhouse, rather I feel the
7 style was selected as it was popular with architects in the 1940s as a contemporary
8 expression of modern design. In my opinion, it was this contemporary fashion in
9 architectural style that determined the design of the Bathhouse, not the long vista of
10 the Lake.

11 Similarly, the first Stowe Base Lodge was designed by Fried also as a
12 modernist building, constructed soon after the first ski trails were opened at Stowe,
13 but it was not built to face the views of the early ski trails. Rather, its front elevation
14 faces the parking lot.

15 The National Park Service's (NPS) Statement of Historic Contexts entitled
16 "The Historic Landscape Design of the National Park Service, 1916-1942"
17 (Gilbertson discovery response, Exhibit 5) appears to support my opinion that
18 National and State Parks were designed to protect and encourage enjoyment of the
19 vistas and beauty *within* the parks - not vistas outside of the park boundaries as Mr.
20 Gilbertson seems to suggest in Discovery Answer 24. In that NPS guidance
21 document (Gilbertson discovery Exhibit 5, page 1), in the last sentence of the first
22 paragraph, it states: "the two fold policy of the National Park Service [is] to make

1 the parks accessible for public enjoyment while preserving the parks *and objects*
2 *within.*” (emphasis added)
3

4 **Q. Please explain in more detail your understanding of the basis for the Park**
5 **being placed on the National Register.**

6 Response. On the National Register of Historic Places Registration Form (Exhibit
7 ANR-EG-3), the two critical sections which are intended to identify and discuss the
8 most distinctive characteristics that qualify the site for the National Register barely
9 mention the scenic views (see Section 7: Narrative Description, and Section 8:
10 Statement of Significance). Under Statement of Significance, two criteria are checked
11 as applying:

12 *“A. Property is associated with events that have made a significant contribution to the*
13 *broad patterns of our history.”*

14
15 *“C. Property embodies the distinctive characteristics of a type, period, or method of*
16 *construction or represents the work of a master, or possesses high artistic value or represents*
17 *a significant and distinguishable entity whose components lack individual distinction.”*
18

19 In the continuation sheets for Section 7: Narrative Description (intended to
20 provide background information “on the historic and current condition of the
21 property”), scenic views are mentioned in only two sentences out of six pages. One
22 of the sentences refers to views from the parking lot. As Mr. Gilbertson points out,
23 Section 7 page 2 states “...The building faces Crystal Lake, the beach, and scenic
24 vistas of the water and mountains.” This section acknowledges an obvious
25 background condition -- that a scenic vista exists. This is not, however, akin to
26 providing the basis for listing the historic site itself.

1 Most of the narrative in the nomination papers involves a discussion of the
2 buildings (Section 7), and the history of the site primarily for its associations with the
3 CCC (Section 8). The continuation sheets for the Statement of Significance (Section
4 8, p. 1) articulate the basis for listing in no uncertain terms:

5 *Crystal Lake State Park is historically significant...because of its association with the*
6 *CCC and the New Deal in Vermont. The bathhouse is similarly significant ...because of*
7 *its architectural design that combines the rustic architecture so popular with CCC*
8 *recreational park structures at the time, with the contemporary style of modernism. The*
9 *Crystal Lake State Park is significant to both the local history of the town of Barton and*
10 *to the state of Vermont and its New Deal projects.*

11 Likewise, on Section 8 page 3, it states: “Crystal Lake State Park’s sole
12 purpose is that of a beach and its bathhouse.” In the six pages of Section 8, there
13 simply is no mention of the southerly ridgeline view as a significant factor. While the
14 nominating papers discuss the importance of the granite retaining wall, the geometric
15 walkways, and the Moderne style of the bathhouse designed by David Fried, it does
16 little to discuss the importance of the setting other than the characteristics of the site
17 itself. In fact, at the time the bathhouse was being designed, construction of the
18 retaining wall appears to have been initiated for a very practical reason – to maintain
19 the sandy beach:
20

21 *At present the shore line at the rear of the sand beach is irregular and the top soil, clay,*
22 *keeps breaking away and mixing in with the white sand which causes an untidy condition.*
23 *This proposed wall, which has been approved to be built will be about 18 inches high and*
24 *will give a pleasing line along the shore and make a definite demarcation between the sand*
25 *beach and the sodding at the rear of the wall. This wall will also afford a place for people to*
26 *sit.*

27
28 (Cited in Mr. Gilbertson’s response to UPC’s First Set of Discovery Requests to
29 ANR, Answer 6). Affording the public a place to sit which faces the beach, and
30 therefore the southerly ridgeline view, was consistent with the layout of the Park.

1

2 **Q. Have you found other historical materials that shed light on the aspects of the**
3 **Park, Lake, and surrounding mountains that were deemed important locally?**

4 Response. Yes, I have. Research of the *Biennial Reports of the State Forester* from 1939-
5 1959 and newspaper articles in *The Orleans County Monitor* in 1936 and 1937, during
6 the planning phase for the Park and the early years of its operation, focus on the
7 importance of the site as a “fine bathing beach” (*Biennial Report*, 1938, p. 22), but do
8 not mention the views as an important component taken into consideration when
9 developing the site. On July 29, 1936, a front page article in *The Monitor* states,
10 “much has been done to forward this dream of an adequate development of this
11 excellent beach.”

12 In addition to the beach and swimmers, my research indicates that the most
13 photographed views from the north end of Crystal Lake are those of the high granite
14 ledges along the east shore. These are described in a caption on a c. 1970 postcard
15 (VHS postcard files) as providing “thrilling mountain climbing”. Enjoyment of the
16 views of these ledges from the west shore “from which a pleasant view is frequently
17 afforded” is part of the description of a photo of the Lake looking north toward
18 Barton Village in a 1911 issue of *The Vermonter* (Vol. 3. p. 89). A promotional
19 brochure “Beautiful Barton Vermont”, probably dating from the 1920s, includes a
20 photograph of the Big Cliff [the granite ledges] and recommends a drive to the
21 shores of the lake for the “fine view of the lake and the cliffs on the opposite shore.”

22 While the panorama landscape view from Crystal Lake State Park of the
23 ridgelines on Norris and Granby Mountains is lovely, these ridgelines do not

1 comprise a highly unusual landscape in Vermont. Like many of Vermont's
2 vernacular buildings that are part of the character of the state, the relatively straight
3 and undramatic ridgelines of Norris and Granby Mountains are not unique or
4 particularly remarkable. Others nearby are generally found to be more distinctive or
5 worthy of record. For example, a series of 7 black and white, scenic landscape
6 photographs dated 1914-1917 in the Barton Photo file at the Vermont Historical
7 Society are taken from May Mountain and Barton Mountain on the east side of
8 Crystal Lake. None of the photographs feature the views to the south toward the
9 Project area; rather the photographer selected what was apparently considered the
10 more dramatic or prominent views of Jay Peak, Pisgah, Willoughby and Crystal Lake,
11 and did not photograph the views toward Norris and Granby Mountains.

12
13 **Q. In your original report you stated, “The nomination also emphasizes the**
14 **setting of the Park and its views from the shore and bathhouse, which face southerly**
15 **along the length of Crystal Lake. . . Crystal Lake State Park represents a significant**
16 **site for Vermont and the region. The history of its use by the public for over 125 years**
17 **(that continues today), and the importance of the bathhouse and views of the**
18 **mountains to the south are well documented in the National Register nomination.”**
19 **Isn't that consistent with Mr. Gilbertson's opinion?**

20 Response. I did acknowledge that the view and setting were a part of the context,
21 and quoted from portions of the nominating papers. However, I concluded that the
22 Project will not cause an undue adverse impact, in part because the views *from* the
23 Park obviously are not important to the historical significance of the site. In light of

1 Mr. Gilbertson's opinion, I have now analyzed this question more closely, and on
2 closer examination of the nomination papers and applying the National Park Service
3 guidelines titled *How to Complete the National Register Registration Form*, I more
4 definitively conclude that the views were not a primary reason that the park or the
5 Bathhouse were listed, as discussed in detail in my prior answers.

6

7 **Q. Mr. Gilbertson suggests in response to discovery that Crystal Lake State Park**
8 **is also eligible for the National Register as a "Historic Park Landscape in National**
9 **and State Parks." Do you agree?**

10 Response. I agree with Mr. Gilbertson that "the location and design of Crystal Lake
11 State Park and Bathhouse are excellent examples of the NPS emphasis on the...
12 construction of facilities to enhance the public appreciation of the landscape."
13 (Discovery Response 8) I do not agree that the nomination provides a strong
14 indication that the Park was built to enhance public appreciation of vistas. It is true
15 that the Bathhouse has a promenade from which one can view the lake and distant
16 landscape, and the granite retaining wall at the beach is a place where one can sit and
17 look out on the lake beyond. However, in my opinion, the Bathhouse promenade
18 and the granite wall are described in the nominating papers merely as features of the
19 site, but are not emphasized as being built as amenities for enjoying the scenic views
20 in the distance beyond the beach or length of the Lake. Indeed, most Vermont
21 beaches have scenic views from a bathing beach, and Crystal Lake is no different.
22 However, many would agree that the views beyond the south shore to Norris and

1 Granby Mountains are not remarkable, or more noteworthy, than most typical views
2 around Vermont lakes.

3 Thus, this principle does not apply as a new reason that Crystal Lake State
4 Park may be eligible for the NR as a historic park landscape. For this same reason,
5 the reference in Discovery Answer 8 to the MPDF Section E, Page 1, to the
6 “Natural or Modern American style...for the development of vistas...” is not
7 applicable to Crystal Lake Park, as no evidence exists that overlooks were
8 intentionally developed for providing vistas within the park, and no evidence exists
9 that a primary reason the Park was developed was to take advantage of vistas outside
10 the Park boundaries.

11

12 **Q. Even assuming for the moment that Mr. Gilbertson is correct in his**
13 **interpretation of the National Register listing and the importance of the scenic view,**
14 **do you agree with him that the Project will have an adverse effect under DHP’s**
15 **Telecom Criteria 11 and 12, because it would “significantly impair the viewshed from**
16 **an historic resource if that viewshed is a significant component of the character of**
17 **the historic resource and its history of use...” and would “significantly interfere with**
18 **the public’s ability to interpret and appreciate the qualities of a historic cultural**
19 **facility, including impairment of the viewshed if experiencing the view from the site**
20 **is an important part of experiencing the site”?**

21 Response. No I do not. With all due respect, Mr. Gilbertson reaches these
22 conclusions without any explanation, other than stating that 20 turbines would be
23 visible. He does not explain why this constitutes a “significant impairment” or why

1 it would “significantly interfere” with the public’s use of the historic site. Even
2 assuming that the view is an important part of experiencing the historic site, the mere
3 fact that the viewshed is changed by the presence of the turbines does not by itself
4 compel his conclusions. The turbines will not interfere with the view of the
5 Bathhouse or beach area, and will not block any other natural or man-made features
6 of the southerly view (other than the sky itself behind each turbine, which would be
7 quite minimal at a distance of 5.6 miles).

8 I should note that my initial report did acknowledge the potential for the
9 Project to have an *adverse* effect, in that the mountain views change from an unaltered
10 landscape to one that contains man-made elements. Undoubtedly, the presence of
11 wind turbines at this location may be objectionable to some, but may be pleasing to
12 others. In my opinion, the potential may exist for the Project to have an adverse
13 effect on the Park, however, the effect will not be undue, since the Wind Farm is so
14 distant from historic resources on Crystal Lake, in particular the most significant
15 resource – the State Park, which is 5.6 miles away. My initial report also notes that
16 the surrounding environs of the Park include other man-made elements that certainly
17 influence the overall experience of the public. Looking from the beach, the view
18 immediately to the west is of cars and trucks traveling on Route 5, homes and
19 associated buildings (most of which are not significant), railroad tracks, and a series
20 of power lines on the western shore. See photos in ***Exhibit UPC-LP-Reb2***. Thus
21 while the narrow, distant view looking directly to Norris and Granby mountains is
22 presently unaltered, the overall view of the public from the historic site is broader
23 and more varied. It is certainly not a pristine untouched landscape but rather is more

1 typical of a blended landscape in Vermont that contains a mix of natural and man-
2 made features, including industrial features, such as a railroad and a disused quarry.
3 In light of this larger view, I do not believe the Project would significantly interfere
4 with the view from the historic site, even if the view from the site were a significant
5 component of the historic character of the site.

6

7 **Q. Even assuming for the moment that Mr. Gilbertson is correct in his**
8 **interpretation of the National Register listing and the importance of the scenic view,**
9 **do you agree with him that “[t]he introduction of at least twenty turbines into the**
10 **very center of this historic viewshed will have an undue adverse effect on historic**
11 **resources” and “[t]he proposed Project will have an undue adverse effect on the view**
12 **from the Bathhouse”?**

13 Response. No I do not. As noted in my previous answer, Mr. Gilbertson reaches
14 this conclusion with no explanation as to why the Project would cause an undue
15 adverse effect, other than simply repeating that 20 large turbines would be visible. I
16 conclude that the Project would not have an undue adverse effect on the experience
17 of the public at the historic site.

18 It is clear that the Crystal Lake State Park setting is beautiful, but this is based
19 primarily on the presence of the sandy beach, pleasant picnic areas, the distinctive
20 bathhouse, and the immediate surroundings outside of the park that allow users of
21 the park to enjoy the recreational experience there. These surroundings include the
22 lake itself, the summer climate when the park is open, and the immediate views

1 down the lake including the side cliffs. Norris and Granby mountains are distant
2 rather than immediate views.

3 Siting wind turbines at a distance of 5.6 miles from the Crystal Lake State
4 Park will not have an undue adverse effect on the ability of the users of the park to
5 enjoy the amenities of the park, and the landscape features and setting such as the
6 views of the ledges on the east shore, the lake shore, and the swimming and boating
7 areas that are within close proximity to the park.

8 Many views in Vermont are worthy of preservation. If the project area were
9 proposed for the top of the granite ledges on the east side of Crystal Lake, that
10 undertaking would clearly have an undue adverse effect, as the turbines would most
11 definitely be out of scale with the surrounding historic landscape – the historic
12 camps at the base of the ledges and the State Park. But, due to the distance of the
13 proposed turbines of 5.6 miles from the State Park and the small actual percentage of
14 the total viewshed occupied by the turbines, the Project would not have an undue
15 adverse impact on the identified resources in Crystal Lake State Park.

16

17 **Q. UPC has revised the Project to address concerns raised by other parties in this**
18 **case. What effect will the revised layout have on potential impacts to historic sites?**

19 Response. Due to the revised layout, historic sites that I previously identified in my
20 report in Sheffield and Sutton will no longer have the potential to be adversely
21 impacted. The potential for impacts to Crystal Lake State Park and the historic
22 camps is discussed above. The revised layout has lesser impacts than the original
23 design, because the number of visible turbines is reduced from 20 to 16, only a small

1 portion of several of those turbines would be visible, and more of the ridgeline is left
2 open and unaltered.

3

4 **Q. Can and should the impacts be mitigated, and if so, how?**

5 Response. UPC has already taken steps to mitigate visual impacts by reducing the
6 size of the Project. In addition, I believe the most directly related and relevant
7 mitigation measure to address the potential for adverse impacts from the Project on
8 Crystal Lake State Park is for UPC to fund the development of an interpretive
9 exhibit of the history of the park and its associations with the CCC in Barton and
10 Vermont, and an interpretive exhibit on wind energy and the role of renewable
11 power. A number of interpretive panels, either in the Bathhouse or possibly by the
12 beach, could provide information relevant to the development of the Park with
13 historic photos to illustrate the history of the early years of the beach, and the men
14 from Barton and the CCC who brought in fill in to improve the site and build the
15 Bathhouse, as well as the development of other recreation on the lake such as
16 fishing, boating, and summer camps. UPC informs me that it is more than willing to
17 undertake these measures. Obviously, they would require the concurrence of the
18 Vermont Department of Forests, Parks and Recreation.

19

20 **Q. Does that conclude your testimony at this time?**

21 Response. Yes it does.