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Nicole Dillingham
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RE: SEQRA
Review of Second Supplemental
Visual Impact Assessment
Jordanville Wind Power Project
Herkimer County, New York

Dear Ms. Dillingham:

Thank you for sending me the Second Supplemental Visual Impact Assessment (SSVIA) for the Jordanville Wind Power Project. I have completed a review of the document and this letter summarizes my most serious concerns.

Summary of Findings

An environmental impact statement is a disclosure document that must clearly disclose the environmental impacts of a project. The materials in the SSVIA provide ample evidence of significant impacts on viewpoints analyzed, yet both the Executive Summary and the Conclusion state that the project's impact on visual resources is not significant, and that downsizing the project does not materially affect impacts on visual resources. These conclusions are contrary to those that are found in the written comments of the panel of landscape architects who reviewed the project on behalf of the applicant. The SSVIA should have been found incomplete, as it does not accurately reflect the findings of the experts evaluating the project's impact, and the conclusions need to be rewritten to properly summarize the project's impacts on visual resources.

Specific Findings

To evaluate the impact on visual resources and the change between the 68, 49 and 40 turbine alternatives, the visual simulations of the project were evaluated by a panel of three landscape architects who are in the employ of Environmental Design and Research (EDR), the company hired by the applicant to produce the visual simulations.

These landscape architects evaluated the project's impact on each viewpoint using a visual contrast rating. Contrast created by the project was evaluated against vegetation, land use, land form, viewer activity, and, when appropriate, water. These scores were then averaged for an overall contrast rating. One of the three landscape architects more formally evaluated each of these elements against the

traditional criteria of form, line, scale, color and texture, while the others used these traditional criteria only when they believed it was appropriate without explaining their reasoning.

The following pages show reproductions of viewpoints analyzed with comments the reviewers made regarding the project's contrast with the existing landscape.



Figure 1: Reproduction of VP 12 Simulation

“Line & scale are strong contrast” and “not compatible” (Brackett VP 12)

“Scale and Texture of turbines distracts the viewer from the picturesque valley” (Riley VP 12)

“Towers distract from long views across an agricultural valley setting” (Seeley VP 12)



Figure 2: Reproduction of VP 15 Simulation

“Placement on horizon causes greatest contrast. **The traveler on road will be surprised by this view.**” (Brackett VP 15)

“Strong contrast in scale to vegetation” and “Towers not very compatible with their surroundings.” (Seeley, VP 15)



Figure 3: Reproduction of VP 39 Simulation

“All turbines are on the horizon – resulting in line and scale problems.” (Brackett VP 39)

“**Turbine scale and density command attention away from an otherwise pastoral setting.**” (Riley VP 39).

“Towers not compatible in form or scale with vegetation.” (Seeley, VP 39)



Figure 4: Reproduction of VP 43A Simulation

Scale is a major factor in creating significant impact (Brackett, VP 43A)

Turbine form and scale detract from pastoral setting (Riley, VP 43A)



Figure 5: Reproduction of VP 71 Simulation

“Scale causes significant impact.” (Brackett, VP 71)

“Turbine scale dwarfs all existing elements and density is just high enough and broad enough to completely disrupt the panoramic view.” (Riley, VP 71)

“[The towers’] close proximity to the road makes them out of scale and overwhelm the view to drivers on this road.” (Seeley VP 71)



Figure 6: Reproduction of VP 72 Simulation

“Scale creates impact” (Brackett, VP 72)

“Turbine form and scale dominate” (Riley, VP 72)

“Tower out of scale with vegetation” (Seeley, VP 72)



Figure 7: Reproduction of VP 109 Simulation

“Towers detract from the scenic views from this VP” (Seeley, VP 109)

“Heavy concentration of similarly sized turbines covering half of the horizon seems to accentuate their distractions in comparison to the undisturbed portion.” (Riley, VP 109)

“The only **significant impact is related to the viewer activity** (appreciation of the historic view).” (Brackett, VP 109)



Figure 8: Reproduction of VP 175 Simulation

“Overall it appears to be unattractive and disrupts the view. . . . The lines are dwarfed by the scale of the view but cut right through the middle of the vista.” (Vredenburgh, VP 175).

“At this location there is significant impact” (Brackett, VP 175)

“Panoramic view interrupted by rigid utility lines at landscape edges.” (Fritz, VP 175).

The finding of significance is clear from the comments, and explicitly so. Disturbingly, the viewpoints that are reported in the SSVIA to have the highest contrast scores (VPs 46 and 70) do not have visual assessment worksheets. While it was clear that they were scored and evaluated, their worksheets are missing. If the panelists made the comments quoted above about viewpoints with lesser contrasts, what did they say about these two highest rated viewpoints? Reproductions of those simulations are as follows:



Figure 9: Reproduction of VP 46 Simulation



Figure 10: Reproduction of VP 70 Simulation

By quoting the words of the landscape architects to support a finding of significance, it does not mean all their observations can stand without criticism. For example, to say that the turbines introduce a “sculpture-like quality” (Riley VP 15 and elsewhere) to a landscape, or “create visual interest in this view” (Seeley VP 27) is outside the bounds of evaluating an action’s contrast with an existing landscape, as the artistic quality--or lack thereof--of objects being introduced to a landscape is not part of the contrast assessment criteria. Indeed, such statements introduce an element of aesthetic judgment regarding the objects being introduced that is inappropriate when assessing contrasts to existing landscapes valued for their pastoral scenic quality. For example, would such comments have been made about smokestacks in the same place and height as the turbines? Doubtful, yet according to visual contrast criteria, they would have similar impacts to a landscape.

One of the landscape architects also inappropriately made judgments as to the importance of a viewpoint. Seeley on Viewpoint 15 stated that the project had strong contrast (highest contrast possible) with the existing vegetation and land form summarizing that the “Towers are not very compatible with their surroundings, but impact is low due to the lack of apparent activity in the area.” Some of New York State’s most precious views are in areas with little or no apparent activities. The panelists need to be evaluating the project’s contrast with the existing view with the understanding that these viewpoints are being analyzed

because they are important. To minimize the strong contrast noted because of a lack of activity is to introduce a judgment that the Planning Board, the DEC and the public should find inappropriate.

Nevertheless, despite biases the reviewers introduced into their evaluations, they clearly state that the project will have significant impacts on some viewpoints.

Contrast the findings of the panel with the conclusion of the SSVIA:

According to NYSDEC Visual Policy (NYSDEC, 2000); “Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic impacts are those that may cause a diminishment of public enjoyment and appreciation of an inventoried resource, **or one that impairs the quality of such a place.**” The analyses and evaluations conducted as part of the VIA, SVIA, and SSVIA for the Jordanville Wind Power Project, as well as the Historic Resources Impact Analysis, **do not indicate this degree of visibility or visual impact on aesthetic resources of statewide or local significance.** (Page V of the Executive Summary, and page 117 of the Conclusions, emphasis added.)

The panel clearly identified several viewpoints where there were impairments to the quality of the view and state as much on their worksheets. To then summarize these hand written worksheets as saying there are no impacts, or diminishment of public enjoyment or appreciation of a view, is bizarre and misleading.

Differences in the Alternatives

Perhaps not surprisingly, there are similar summary problems when the differences between the 40, 49 and 68 turbine alternatives are compared. For six viewpoints, the three alternatives were compared by the panel of landscape architects, and again, their findings are not properly reflected in the SSVIA. The SSVIA states, “Differences between the reduced turbine size alternative and the Reduced Project were negligible in all viewpoints.” According to the written evaluation of the panelists, the contention that the differences between the alternatives were negligible is simply not supported by their comments. The panelists evaluating the visual impacts found significant differences between the alternatives. For example:

“Increased number in this view & closer position of turbines to viewer cause more impact in alternative [49] and [68] (when compared to [40]).” (Brackett VP 39)

“The major contrast issues are increased turbine density and increased turbine scale due to closer proximity to the viewer.” (Panelist rates 49 and 68 identically, but gives lower scores to 40) (Riley, VP 39)

“The scale of the towers is increased due to close proximity to the viewpoint. Less dense alternatives are more preferable.” (Seeley VP 39)

“Reduced turbines alternative [40] has the least impact.” (Brackett VP 43a)

“The denser layouts are in higher contrast with existing conditions.” (Seeley VP 43A)

“Changing the layout as recommended by PSC [49] is better in this view.” (Brackett VP 71)

“The PSC layout [49] is less contrasting due to the scale of the turbines.” (Seeley VP 71)

“The higher density layouts are the most negative.” (Seeley VP 109)

“Least dense, shorter towers are less negative alternatives.” (Seeley VP 111)

In several viewpoints significant differences between the alternatives are identified, including significant differences between alternative 40 and 49. The differences in some viewpoints are indeed “negligible,” but in others, they are significant.

It is not appropriate to suggest that since many viewpoints do not have any impact or change, that there is negligible impact or change for the overall project. Viewpoints must be evaluated independently. If 100 viewpoints show little change and one shows significant change, then there must be a finding of significance. Otherwise, there is an incentive to evaluate more and more viewpoints that show no change simply to dilute the impact of the ones that do show impact or change.

The conclusions in the effectiveness of the Mitigation Measures (Section 7) are not supported by the analysis in the SSVIA, especially as they regard Alternative Project Size/Layout and Use of Smaller Turbines. Such mitigation measures are shown by the panel of landscape architects to be effective. Simply by stating otherwise in the summary does not make it true.

Other observations

There are other problems with the SSVIA. These include the panorama for Viewpoint 39 shrunk to the size of the page so that it no longer represents a 50mm panoramic view, and the use of consumer grade GPS, which can introduce errors of 30 feet or more, while professional grade GPS can reduce those errors by 90%. Also, there are statements that just do not make sense. For instance:

“Review of long-term weather records for the area indicated that days classified as clear, which would offer the best visibility conditions, occur less than 20% of the time during a typical year. Results presented in the SSVIA . . . therefore present a worst case assessment of Project visibility and visual impact since partly cloudy and cloudy conditions occur on average more than 296 day (sic) per year (i.e. over 80% of the time)” Page 6 of SSEIS.

As can be easily seen on the photographs, however, most of them were taken on partly cloudy days, which according to the assertion in the SSEIS, is not worst case conditions, which if the SSEIS is taken at face value would require that the simulations need to be redone with worst case photographs.

Close

As someone who has helped to produce environmental impact statements, I am sympathetic when minor inconsistencies are found. These documents are typically huge and produced by teams of dozens, working in different areas of expertise, and it is very difficult to have a mastery of the entire document. The inconsistencies I note, however, are not minor. There are major differences between the research and the summaries that affect the document's conclusions and the impacts that are disclosed.

By summarizing that there are no significant environmental impacts, when there is ample evidence in the SSVIA that there are significant environmental impacts, is a form of obfuscation that is contrary to SEQR's very fundamentals of disclosure. The SSVIA should have been found incomplete and it should be rewritten to properly summarize the impacts found therein so that the public is properly informed of the impacts of the project.

Thank you for the opportunity to contribute to this significant effort. Should you have any questions, please do not hesitate to contact me.

Sincerely,

George M. Janes, AICP
Principal