turbines do not dominate the view from this observation point. The character of the view is one of a relatively naturally appearing southern Sierra Nevada landscape that already contains some wind power development.

The vividness of the view is moderately high due to the relatively heavy vegetation and series of forested ridgelines. The intactness of the view is moderately high since few built elements are visible and because the existing turbines do not dominate the view. The unity of the view is high because the number of ridgelines visible and expansiveness of the view contribute to a scenic composition (CH2M HILL, 2011).

**Transmission Line Upgrades**

The project proposes a 1,000-foot transmission line tap between the existing Highwind substation and the Wilderness transmission line.

**4.1.3 Regulatory Setting**

This regulatory framework identifies the federal, State, regional, and local statutes, ordinances, or policies that govern the light, glare, viewshed, and scenic character that must be considered by Kern County during the decision-making process for projects that have the potential to affect aesthetics.

**Federal**

**U.S. Department of Transportation**

The U.S. Department of Transportation Act of 1966, Section 4(f), “Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge, or Land from Historic Sites,” was established to provide certain protections to publicly owned parks; recreation areas; wildlife and waterfowl refuges; and land from historic sites of national, State, or local significance. Section 4(f) requires that the federal agency must show that there are no feasible or prudent alternatives to the use of these areas (USDOT, 2010).

The proposed project would not result in the conversion of existing publicly owned park areas. Therefore, project compliance with the U.S. Department of Transportation Act of 1966 was not considered in this analysis.

**Federal Aviation Administration (FAA)**

The FAA regulates airspace and flyways for air travel. The FAA requires preparation of a Notice of Proposed Construction or Alteration (Form 7460-1) describing the project design and addressing compliance with FAA procedures. The notice must also include the final locations of structures, structure types, and structure heights. The FAA may then conduct its own study of the project and make recommendations to the proponent regarding possible airway marking, lighting, and other safety requirements (FAA, 2005).

The FAA regulates regional airspace jurisdiction for the Edwards Air Force Base, which is located 15 miles east of the proposed project site, and China Lake Naval Weapons Center, which is located 65 miles northeast of the property. Therefore, project compliance with FAA regulations was considered in this analysis (FAA, 2011).
Bureau of Land Management (BLM)

As part of its resource planning efforts, the BLM conducts an inventory and analysis of scenic values on the public lands it administers to establish objectives for the management of activities that may affect visual resources located on those lands (BLM, 2010). Only activities that occur on BLM-administered property are subject to the management objectives related to designated Visual Resource Management (VRM) classifications. The BLM VRM System evaluates visual resources on BLM-administered lands by classifying scenic quality, viewer sensitivity, and distance into one of four categories (Class I, II, III, or IV), with Class I having the highest visual sensitivity and Class IV having the least sensitivity. VRM classifications are designated through BLM land use plans; however, if VRM classifications are not established for an area, then the local BLM office will establish an Interim VRM classification on a project-by-project basis.

The project would require 962 linear feet of new access roads and 1.74 miles of overhead 230 kV gen-tie line on BLM land. The proposed project site does not currently have a VRM classification.

U.S. Department of Agriculture, Forest Service

The National Trails System Act (NTSA) of 1969 seeks to preserve scenic and natural qualities along trails and recognizes the rights of private landowners and provides that “full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation” in the development and use of a trail (NPS, 2010). The NTSA assigns management responsibility for trails to various federal resource agencies, depending on which agency holds jurisdiction over the public lands on which the trail is located in a given area (U.S. Forest Service, U.S. Park Service, or BLM).

The PCT was created under the NTSA to provide for outdoor recreation opportunities and the conservation of significant scenic, historic, natural, or cultural qualities. The PCT stretches 2,650 miles from Mexico to Canada through California, Oregon, and Washington and is designated in the KCGP as a scenic feature. The U.S. Forest Service administers the PCT in the vicinity of the proposed project; however, the trail does not occur on the project site.

State

California Environmental Quality Act (CEQA)

CEQA Guidelines define a “significant effect” on the environment to mean a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance” (California Code of Regulations [CCR], Title 14, § 15382, 2011).

California Department of Transportation

The California Scenic Highway Program preserves and protects scenic highway corridors from changes that would diminish their aesthetic value. The California Department of Transportation designates scenic highway corridors and establishes those highways that are eligible for the program. The program was created in 1963 with the enactment of the State Scenic Highways Law. The street and highway code includes a list of those highways that are either eligible for designation or are designated (California Scenic Highway Mapping System, 2011).
The proposed project site is not within the viewshed of any Designated State Scenic Highway. Currently, there are no Officially Designated Scenic Highways within Kern County. The Scenic Highway Program identifies SR 14 north of the community of Mojave and SR 58 east of the community of Mojave as “Eligible State Scenic Highways,” which is distinct from an official scenic designation. The proposed project site is not visible from the nearest Eligible State Scenic Highway portions of SR 14 and SR 58, respectively. This is well beyond the 4-mile range at which visible project components are considered background elements in the viewshed.

Local

Kern County General Plan

Chapter 1. Land Use, Open Space, and Conservation Element

1.10.7 Light and Glare

Policies

- **Policy 47.** Ensure that light and glare from discretionary new development projects are minimized in rural as well as urban areas.
- **Policy 48.** Encourage the use of low-glare lighting to minimize nighttime glare effects on neighboring properties.

Implementation Measures

- **Implementation Measure AA.** The County shall utilize CEQA Guidelines and the provisions of the Zoning Ordinance to minimize the impacts of light and glare on adjacent properties and in rural undeveloped areas.

Kern County Zoning Ordinance

The Wind Energy (WE) Combining District (Chapter 19.64) contains development standards and conditions (Section 19.64.140) that would be applicable to the siting and operation of WTGs. The following provisions apply to aesthetics and visual characteristics issues related to the proposed project.

Chapter 19.64 Wind Energy (WE) Combining District Element.

19.64.080 Height Limits

Height limits in a WE District are as follows:

A. Wind-driven electrical generators and associated meteorological towers shall comply with the height limits specified in Section 19.64.140 of this chapter.

B. All other uses and structures shall comply with the requirements of the base district with which the WE District is combined.

19.64.140 Development Standards and Conditions

Development in the WE Combining District shall comply with the following standards:

B. Towers and blades shall be painted a non-reflective, unobtrusive color or have a non-reflective surface.

D. All on-site electrical power lines associated with wind machines shall be installed underground within one hundred fifty (150) feet of a wind turbine and elsewhere when practicable, excepting there from "tie-ins" to utility type transmission poles, towers, and lines. However, if project terrain or other factors are found to be unsuitable to accomplish the intent and purpose of this provision, engineered aboveground electrical power lines shall be allowed.
G. Wind generator machine and associated meteorological tower overall height shall not exceed six hundred (600) feet and is subject to Section 19.08.160.B. For the purposes of this chapter, machine height shall be measured as follows:

1. Overall machine height of horizontal axis machines shall be measured from grade to the top of the structure, including the uppermost extension of any blades.

2. Machine height of vertical axis or other machine designs shall be measured from grade to the highest point of the structure.

I. One (1) project identification sign, located at each point of project ingress and egress, not to exceed thirty-two (32) square feet in area, may be erected on the project site. No other signs shall be installed other than safety signs and the required warning signs. The developer shall submit a sign elevation drawing to the Planning Director for review and approval prior to installation.

4.1.4 Impacts and Mitigation Measures

Methodology

Potential impacts to visual resources within the project area were evaluated based on the following criteria: (1) existing visual quality and scenic attributes of the landscape; (2) location of sensitive receptors in the landscape; (3) assumptions about receptors’ concern for scenery and sensitivity to changes in the landscape; (4) the magnitude of visual changes in the landscape that would be brought about by implementation, construction, and operation of the project; and, (5) compliance with State, County and local policies for visual resources. Photographs of existing landscape conditions and computer-generated photo-simulations are provided in this section to accurately portray the proposed project and changes to the visual character of the landscape.

Baseline visual resources data were collected using an approach that incorporated a combination of information review, agency consultation, analysis of aerial photographs and satellite imagery, map review, field reconnaissance, and on-site photography. Existing information from recently completed CEQA documents for projects within the vicinity of the proposed project was used to the extent possible and appropriate. Baseline data were collected for the environmental setting using the following methods:

- A general overview and site reconnaissance was conducted with Aspen Environmental Group; Kern County Staff; CH2M HILL; and the project proponent in March 2011. Locations of sensitive receptors were identified by CH2M HILL, in consultation with Kern County staff and Aspen Environmental Group’s staff.

- Viewpoints were identified by CH2M HILL from which the proposed project would be seen. Locations of sensitive receptors were identified by CH2M HILL in consultation with Kern County staff. Landscape photographs were taken by CH2M HILL from four KOPs for the project site and three KOPs for the wilderness transmission line, for detailed analysis, based on their ability to exemplify visual resource impacts at a particular location. KOPs that were analyzed are representative of project-induced visual resource impacts to this particular landscape.

- Computerized simulations showing existing and with-project conditions were developed by CH2M HILL based on existing landscape photography and computer models of proposed