

PROCEDURE FOR NOMINATION, EVALUATION AND INVENTORY OF HIGHLANDS REGIONALLY SIGNIFICANT SCENIC RESOURCES

1.1 Purpose and scope

- To establish procedures for the nomination, evaluation and designation of scenic resources within the Highlands Region
- To establish protection measures to ensure continued protection of the Highlands Regionally Significant Scenic Resources
- To establish a process to maintain and update a Highlands regionally significant scenic resource inventory and support locally significant scenic resource recognition and protection

1.2 Definitions

Angle of view – The angle, both vertical and horizontal, between a viewer’s line of sight and the landscape being viewed.

Control points – The two end points of a line of sight. One end is always the elevation of an observer’s eyes at a place of interest and the other end is always an elevation of a project component of interest. (NYSDEC, DEP-00-02 Article 8, 49 7/31/00)

Cultural Landscape – The U.S. Department of the Interior defines “cultural landscape” as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." There are four types of cultural landscapes: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

Evaluation – A review and consideration, conducted according to standard criteria, associated with the nomination to the Highlands Scenic Resource Inventory.

“Existing public scenic attributes” – Defined in the Department of Environmental Protection Highlands Rules as “any Federal, State, county or municipal parks, forests, wildlife management areas and natural areas, any areas acquired for recreation and conservation purposes with Green Acres funding program or a non-profit conservation organization, and lands preserved as open space by a non-profit conservation organization and other areas as identified by the Highlands Council.” (N.J.A.C. 7:38-3.12 (c))

Extent of view – The distance or extent a viewer is able to see from a vantage point.

Highlands Overview Meeting – The Highlands Overview Meeting is a public meeting conducted by the Highlands Council with an individual municipality or county early in the Plan Conformance process. The Overview Meeting will be the occasion for the Highlands Council to present a Preliminary Conformance Analysis and Implementation Schedule for the constituent municipality or county and an explanation of the goals, requirements, and

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provisions of the Highlands Regional Master Plan. The materials related to the scenic resource nomination, evaluation and inventory process will be made available at this time.

Highlands Scenic Design Advisory Board – An advisory body organized for the purpose of evaluating scenic resource nominations. The board shall be comprised of members of the public who have expertise in the fields of planning and design. At least one member of the Board should have an environmental design background, i.e., landscape architect or similar profession. All members should have an understanding of the nomination and evaluation process and be familiar with the areas to be evaluated.

Highlands Scenic Resource Inventory – The inventory of regionally significant lands within the Highlands Region that encompasses elements of high scenic quality worthy of protection, developed in coordination with local governments, and maintained by the Highlands Council. The Highlands Council may act as an interested party on behalf of scenic resources that are within non-conforming local entities or that extend beyond the New Jersey Highlands Region.

Interested third party – A non-governmental entity that has an interest or stake in the designation and protection of scenic resources within a community, or the Highlands Region in general, who may participate in the scenic resource nomination and evaluation process.

Intrinsic scenic quality – Distinct attributes that are inherent to the scenery, e.g. landform, vegetation, water, cultural elements. The National Scenic Byways Program defines intrinsic qualities as the “features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area.”

Line of sight profile – A schematic that is a graphic depiction of the depression and elevations one would encounter walking along a straight path between two selected locations. A straight line depicting the path of light received by the eye of an imaginary viewer standing on the path and looking towards a predetermined location along the path constitutes a line of sight. The locations along the path where the viewer stands and looks are the control points of the line of sight profile. (NYSDEC, DEP-00-02 Article 8, 49 7/31/00)

Local community consensus – The degree to which the local community supports the proposed scenic resource nomination.

Local community significance – Explains why the scenic resource is important to the character and/or identity of the local community.

Local entity – A county or municipality in the Highlands Region.

Locally significant scenic resources – Locally significant scenic resources are those sites or places that are important to the character and/or identity of the local community.

Natural Features – Natural features include water and vegetation features that meet the designation or criteria of the National Wild and National Scenic designation in accordance

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with the National Wild and Scenic Rivers Act (Public Law 90-542, as amended), and Regional Master Plan Critical Habitat features.

Nomination – A proposal by a local entity to consider inclusion of a specific scenic resource in the Highlands Scenic Resource Inventory.

Panoramic and Valley – Scenic resources that represent regionally significant lands within the Highlands Region that encompass elements of high scenic quality that are worthy of protection, and may encompass a combination of scenic resource components within a viewshed.

Public vantage point(s) – The publicly accessible point or points from which a scenic resource can be viewed.

Regionally significant scenic resources – Regionally significant scenic resources are defined as those scenic resources that are representative of the “essential character of the Highlands environment” and that play a significant role in defining the public perception of the Highlands Region from public vantage points. They include but are not limited to large-scale steep slopes, woodlands, ridgelines, pristine water sheds, wetlands, stream corridors, potable water reservoirs, rivers, critical habitat, significant natural areas and historic/cultural resources that can be viewed from a public vantage point.

Ridgeline, mountainside or geologic feature - Ridgelines, mountainsides and geologic features generally occur at elevations 500 feet or greater. Ridgelines are continuous for at least one mile measured along the ridge, are located at the highest elevation of a series of hills or mountains, and have a change in elevation of 100 feet or greater above the base.

Scenic – Any view or viewshed of a regionally or locally significant scenic resource that is important to the positive image of the region or the community.

Scenic byway – A scenic byway is a transportation corridor of regionally outstanding scenic, natural, recreational, cultural, historic or archaeological significance (New Jersey Department of Transportation).

Scenic corridor – A publicly accessible right-of-way as well as the views of water, farmland, woodlands, hillsides or other scenic vistas that can be seen from the right-of-way as determined by a visual assessment.

Scenic features/attributes – Those features and characteristics of the landscape, both natural and built, which contribute to the aesthetic appeal of a site or area.

Skyline – A skyline is defined as the apparent line where the earth meets the sky. It is the pattern of shapes formed by the various features of the landscape, including buildings and topography, set against the sky.

Viewshed – A viewshed is an area of land, water and other physical features that is visible from a fixed vantage point.

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Visual Assessment – The analytical techniques that employ viewsheds, scenic corridors and/or line of sight profiles, and descriptions of scenic resources, to determine the impact of development upon scenic resources; and potential mitigation strategies to avoid, eliminate or reduce impacts on those resources. (NYSDEC DEP-00-02 Article 8, 49 7/31/00)

1.3 Criteria for Designation of a Regionally Significant Scenic Resource

(a) Nominating Entity –Highlands Region municipalities and counties may nominate scenic resources. The municipal or county nominating entity is responsible for providing sufficient justification to support the nomination and evaluation, specifically to prove that the proposed scenic resource meets the regionally significant criteria and evaluation.

(b) Types of Regionally Significant Scenic Resources – Any of five types of regionally significant scenic resources may be identified through the nomination and identification process.

1. Scenic byway/corridor – Scenic byways highlight transportation corridors that have outstanding scenic, natural, recreational, cultural, historic or archaeological significance. They represent the uniqueness and diversity of the Highlands Region and together the byways tell stories about New Jersey’s history, heritage, recreational opportunities and beauty. The New Jersey Department of Transportation Scenic Byways Program will be used as a guideline for this category.

Both the State and National byways guidelines provide for qualification in at least one of the following six areas of significance:

Archaeological: Archaeological resources are visual evidence of the unique customs, traditions, folklores, or rituals of a no longer existing human group. Physical evidence of extinct plant and animal species is also included in this resource.

Recreational: Recreational resources can include the Scenic Byway itself if it is used for activities such as biking, jogging or roadside picnics, or if it provides access to recreational sites like campgrounds, lakes, parks, recreational trails, etc.

Historic: Historic resources are landscapes, buildings, structures or other visual evidence of the past. It must be something that can still be seen, not just the site of something that existed in the past.

Cultural: Cultural resources are visual evidence of the unique customs, traditions, folklife or rituals of a currently existing human group.

Natural: Natural resources represent opportunities to experience ecological features in the Byway region that are defined by minimal human disturbance.

Scenic: Scenic resources include both natural and man-made features that constitute the view from the road. Scenic resources include both the ordinary as well

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as the spectacular. The composition of the resources provides pleasure or inspires awe.

2. Panorama and valley – The Highlands is characterized by its steeply sloping ridges and lower elevation valleys. These features lend to the beauty of the Highlands Region and contribute to the scenic qualities worthy of protection. Scenic panoramas and valleys are regionally significant lands within the Highlands Region that may encompass a combination of scenic resource components within a viewshed. The nominating entity shall prepare a viewshed analysis as part of the explanation and justification for panoramic scenic views and views across a valley. Guidelines for drawing a viewshed are attached in the appendix.

3. Ridgeline, mountainside, and geological feature – A ridgeline is the line which occurs at the highest elevation of a connected series of hills and mountains, where the ground meets the sky. A mountainside is the sloping side of a mountain. Geological features may include major rock outcrops or other landforms created by geologic activity.

Because of their prominent elevation and size, ridgeline scenic resources are particularly damaged aesthetically by inappropriate development. The intent of ridgeline protection is to ensure that development near ridges does not stand in contrast to the surrounding area and is made to blend with the natural contours of the land forms. Similarly, inappropriate development may detract from the scenic qualities of adjacent mountainsides and geological features.

Ridgelines, mountainsides, and geologic features shall be depicted on a topographic map with 20 foot contour intervals or less. LiDAR-based topography developed by the Highlands Council shall be used when available, unless a more detailed local topographic map is available. A profile of the ridgeline, associated ridges, mountainsides, or geological features shall be submitted illustrating a minimum top of ridge elevation of 500 feet above mean sea level and a change in elevation from the base of at least 100 feet (see appendix). Ridgelines should be continuous for at least one mile as measured along the ridge.

4. Natural feature including vegetation and water features –Natural features include water and vegetation features that meet the designation or criteria of the National Wild and Scenic Rivers Act and or Regional Master Plan Critical Habitat features. In order to be considered “outstandingly remarkable” according to the Wild and Scenic standards, “a river-related value must be a unique, rare or exemplary feature that is significant at a regional or national scale.” (Musconetcong River Management Plan).

A description, visual assessment and photographic log of the natural feature shall be submitted along with an explanation of the feature’s regional significance. The National Wild and Scenic Rivers Act (Public Law 90-542, as amended) was enacted in 1968, to balance long standing federal policies that promoted the construction of dams, levees and other river development projects with a program that would permanently preserve selected rivers, or river segments in their free-flowing condition.

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The National Wild and Scenic Rivers Act set forth five major goals and recommends actions to maintain and improve natural, cultural and recreational resources. The Highlands Council accepts the five goals in support of the Highlands Region Scenic Resources.

Goal 1. Encourage recreational use that is compatible with the preservation of natural and cultural qualities of the river corridor while respecting private property.

Goal 2. Preserve and protect the character of archaeological sites and historic structures, districts, sites and landscapes in the river corridor.

Goal 3. Preserve farmland and open space within the river corridor and the watershed.

Goal 4. Preserve, protect, restore and enhance the outstanding natural resources in the river corridor and the watershed, including rare and endangered species, forests, steep slopes, floodplains, headwaters and wetlands.

Goal 5. Maintain and protect existing water quality and improve where possible.

5. Cultural Landscape including community gateways, landmarks, and historic or archaeological features – The U.S. Department of the Interior (DOI) “cultural landscape” definition shall be used to support the definition of cultural landscapes. There are four types of cultural landscapes: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes. A description, visual assessment and photographic log of the cultural landscape feature shall be prepared and supported with an explanation of the Cultural Landscape regional significance.

2.1 Nomination process

(a) Timeframe – For those municipalities and counties participating in Plan Conformance, the initial scenic resource nomination process will be conducted as part of the conformance process. A municipality or county that submits a “notice of interest” to the Highlands Council and enters into Plan Conformance will pursue the scenic resource nomination process concurrent with the conformance process. In the interest of efficiency and comprehensiveness, the scenic resource nomination process for the entire municipality, both Preservation and Planning Areas, will be conducted at the same time. For a county, due to the larger scale, the process will be conducted for the entire portion in the Highlands Region if feasible, but may be addressed in phases.

For those municipalities or counties not participating in Plan Conformance, the initial scenic resource nomination process may be conducted at any time and will be subject to the same prescribed nomination process. A municipality or county may submit a “notice of interest” to the Highlands Council in support of the scenic resource nomination process separate from Plan Conformance.

Subsequent nominations from both conforming or non-conforming municipalities and counties may be submitted at any time in the future and will be subject to the prescribed nomination process.

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(b) Materials – The Highlands Council will provide the appropriate scenic resource nomination, evaluation and inventory materials to the nominating entity during the Highlands Overview Meeting. Materials will also be available at the Council’s website. The Highlands Council will supply the nomination and evaluation formats and associated materials in hardcopy, electronically, or both as appropriate. The Highlands Council will also supply the baseline scenic resource inventory prepared as part of the draft Highlands Regional Master Plan, with special focus on those scenic resources which are located within the nominating entity and neighboring municipalities.

(c) Public Involvement/Outreach – The nominating entity shall develop a communication program to include the public in the scenic resource nomination process. The nominating entity may consider a variety of outreach channels, including the municipal or county website, mailings and postings to the local community, ballots, public workshops and charrettes.

2.2 Scenic resource nomination process

(a) Basis for nominations – The nominating entity is responsible for preparing the nomination and evaluation materials and documenting that the proposed resource is regionally significant and meets the criteria for inclusion on the Highlands Scenic Resource Inventory. Locally significant scenic resources may be identified as part of Plan Conformance; however, the Highlands Scenic Inventory is specific to “regionally significant” scenic resources.

Highlands Scenic Resources are valued because they contribute to the physical beauty and aesthetic value of the Highlands Region, as well as to the character and sense of place that defines the Highlands. Although beauty and scenic value may be largely subjective, scenic resources can be identified through community consensus and identified for protection. Those resources that most people would agree have intrinsic scenic value are likely candidates for nomination to the scenic resource inventory.

Nominations to the Highlands Scenic Resource Inventory will, at a minimum, be based on information contained in the Scenic Resource Nomination Form and the Scenic Resource Evaluation Criteria. The attributes of the scenic resource, as well as the public vantage points, extent of view, and protection issues are to be described in the nomination form. The scenic quality of the components, the intrinsic quality of the elements, the local and regional significance, and other considerations related to the scenic resource must be quantified and will be considered by the Highlands Scenic Design Advisory Board and the Council as evaluation criteria.

The nominating entity must demonstrate the following in support of the nomination:

- The resource meets the criteria for a Highlands Regionally Significant Scenic Resource;
- A mapped location of the resource and the extent of the scenic resource as delineated based on the minimum criteria for delineating viewsheds;
- Photographic representation; and

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- Identification of protection measures believed necessary to protect the scenic resources.

The nominating entity is encouraged to prepare a Scenic Resource Analysis and Management Plan in support of their nominations and evaluations. The “Scenic Resources Management Plan” prepared for Bedminster Township, Somerset County is an example of the type of planning document that may support a nomination or series of nominations. Such a plan could be prepared jointly by a group of municipalities or for an entire county.

A Scenic Resource Analysis and Management Plan would include:

- 1) Inventory and characterize scenic resources;
- 2) Establish criteria and methodology for assessing scenic resources;
- 3) Evaluate successful scenic management approaches;
- 4) Recommend management policies; and
- 5) Suggest design guidelines and standards to guide public and private actions.

(b) Development of nominations – The general community should be included in the identification and evaluation of scenic resource nominations. The nominating entity may choose among a range of techniques for reaching out to their citizenry, including website notices, direct mailings, public meetings, surveys and other outreach tools. After the nominations have been assembled, the public should be given an opportunity to express their opinions on the proposed scenic resources. The nominating entity should recognize the importance of perception and that all lands have scenic value. Local consensus will be recognized as one criterion for evaluation.

(c) Public hearing/meeting – The nominating entity shall conduct at least one public hearing regarding the scenic resource nominations prior to submittal to the Highlands Council. A summary of the public hearing shall be submitted to the Highlands Council as part of the scenic resource nomination package.

(d) Submittals – For those municipalities and counties that are participating in the Plan Conformance process, initial submittals of scenic resource nominations shall coincide with submittals that are part of Plan Conformance, i.e., notice of interest, petition for plan conformance, etc. After Plan Conformance, nominations may be submitted independent of Plan Conformance amendments.

For those nominating entities not participating in the Plan Conformance process, submittals of scenic resource nominations shall be made according to a schedule jointly agreed upon between the Highlands Council and the nominating entity.

(e) Role of the County in the nomination process – Any municipal entity shall provide a copy of the “notice of interest” to the appropriate County government. The County shall be invited to participate in the nomination process.

(f) Role of interested third parties in the nomination process – An interested third party may approach a municipality or county to encourage their participation in the scenic resource nomination, evaluation, and inventory process. If the municipal or county entity

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cannot or does not wish to participate in the process, the interested third party may, with the endorsement of the municipality or county, complete the process on their behalf. The municipality or county must adopt a resolution formalizing their permission for the third party to proceed.

2.3 Evaluation process

(a) Basis for evaluation – The individual nominated scenic resources will be evaluated based on a consistent set of criteria and the narrative justification for regional significance, as described in this procedure. An evaluation form will be prepared by the Highlands Council and made available along with the nomination form. Evaluations shall be conducted based on:

- Scenic quality of the components of the resource;
- Intrinsic quality of elements;
- Regional community significance; and
- Other pertinent considerations.

(b) Review and evaluation by Highlands Scenic Design Advisory Board – The Highlands Scenic Design Advisory Board (Advisory Board) of the Highlands Council will review submitted nominations. Highlands Council staff will prepare evaluations and recommendations based upon the above evaluation criteria and present these to the Advisory Board for consideration.

(c) Advisory Board recommendations – The Advisory Board will consider the evaluations and recommendations made by staff and make findings and recommendations, which will be incorporated into a proposed scenic resource inventory decision docket for consideration by the Highlands Council. The Advisory Board recommendations do not constitute an action of the Highlands Council. A nominating entity may elect to revise and resubmit its nomination with modifications to address the Advisory Board recommendations, prior to Highlands Council consideration.

2.4 Scenic Resource Inventory

(a) Presentation to Highlands Council – The proposed scenic resource inventory, with findings and recommendations of the Advisory Board, will be presented for consideration at a public meeting of the Highlands Council.

(b) Acceptance of inventory designations – The Highlands Council will accept each of the inventory proposals which are found to adequately meet the evaluation criteria. Those scenic resource nominations that the Council determines do not meet the evaluation criteria will be returned to the nominating entity with an explanation of why they were not accepted. The nominating entity may choose to re-submit with additional information if appropriate, or incorporate the resource as locally significant through the Plan Conformance process.

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(c) Notification to nominating entity of Council action – The decision of the Highlands Council with regard to municipal or county nominations of scenic resources shall be forwarded to the appropriate entity by the Executive Director.

(d) Municipal confirmation and adoption of resolution – Upon notification by the Highlands Council of the approval of the nominated scenic resources, the municipality or county shall adopt a formal resolution recognizing the status of the scenic resources and putting in place the appropriate protection mechanisms applicable to those resources.

(e) Maintenance of inventory – The Highlands Council will be responsible for maintaining the Scenic Resource Inventory. The Scenic Resource Inventory will be incorporated into the Highlands Regional Master Plan and will be available on the Highlands Council website.

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4.1 References

Alabama Scenic Byway Program,
<http://www.alabamabyways.org/manual/programmanual.pdf>

Bedminster Township, Somerset County, “Scenic Resources Management Plan,” July 2004

Guilford, Connecticut, “Natural Resource Inventory and Assessment,” January 2005

Lake Tahoe, Utah, “Scenic Resources and Community Design”

“Musconetcong River Management Plan, National Wild and Scenic Rivers Study,” Prepared by Musconetcong Advisory Committee, Musconetcong Watershed Association, Heritage Conservancy, National Park Service, April 2003

National Wild and Scenic Rivers Act, 1968 (Public Law 90-542, as amended)

New Jersey Department of Transportation, Scenic Byways Program,
<http://www.state.nj.us/transportation/community/scenic>

New York State Department of Environmental Conservation (NYSDEC), Assessing and Mitigating Visual Impacts, DEP-00-02 Article 8, 49 7/31/00

Town of Southampton, New York, “Scenic Resources: A Vision for Scenic Resources”

Tompkins County, New York, “Scenic Resources Inventory”

U.S. Department of the Interior, Bureau of Land Management, Visual Resource Management Manual

U.S. Department of the Interior, National Park Service, Preservation Brief 36: “Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes”
<http://www.cr.nps.gov/hps/tps/briefs/brief36.htm>

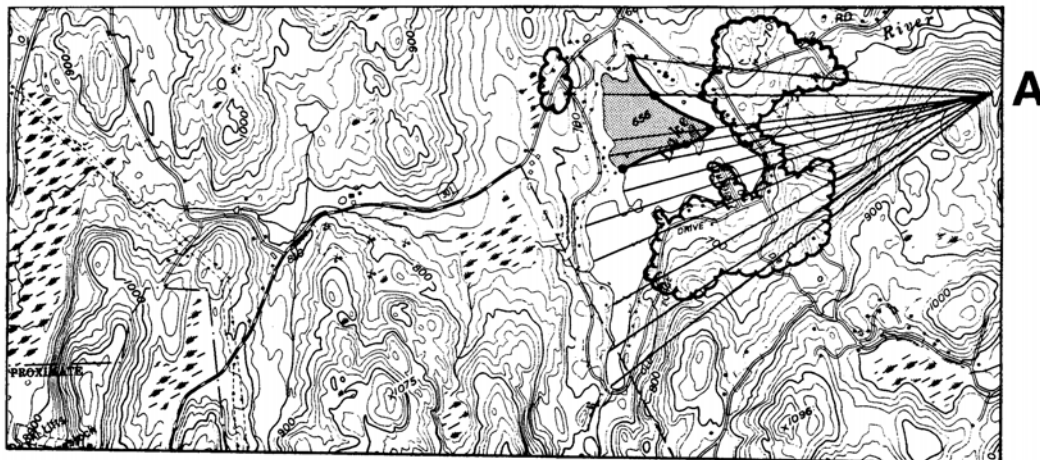
APPENDIX

VIEWSHEDS

For illustrative purposes only, a "partial" viewshed has been constructed below. A partial viewshed is distinguished from a full viewshed in that it only shows a selected area from which an object may be seen. A full viewshed shows all such areas.

The shaded area in the northwest corner of the lake is the only area within the lake that a hypothetical object 100 feet in height and situated at A (where the profile radii converge) may be seen.

The defined viewing area has been constructed by connecting each point along each profile where a viewer just begins to see the hypothetical object. To add realism to the viewshed, 40' vegetation has been factored into the lines of sight. The vegetation alters the viewing angle and hence the initial viewpoint indicated by the large black dots at the intersection of the shaded area with each profile radii.



LEGEND



VIEWSHED

(Area within lake from which a hypothetical
100 foot object located at "A" may be seen)



SCALE 1" = 2,000'

Source: New York State Department of Environmental Conservation, Assessing and Mitigating Visual Impacts, article 8, 49

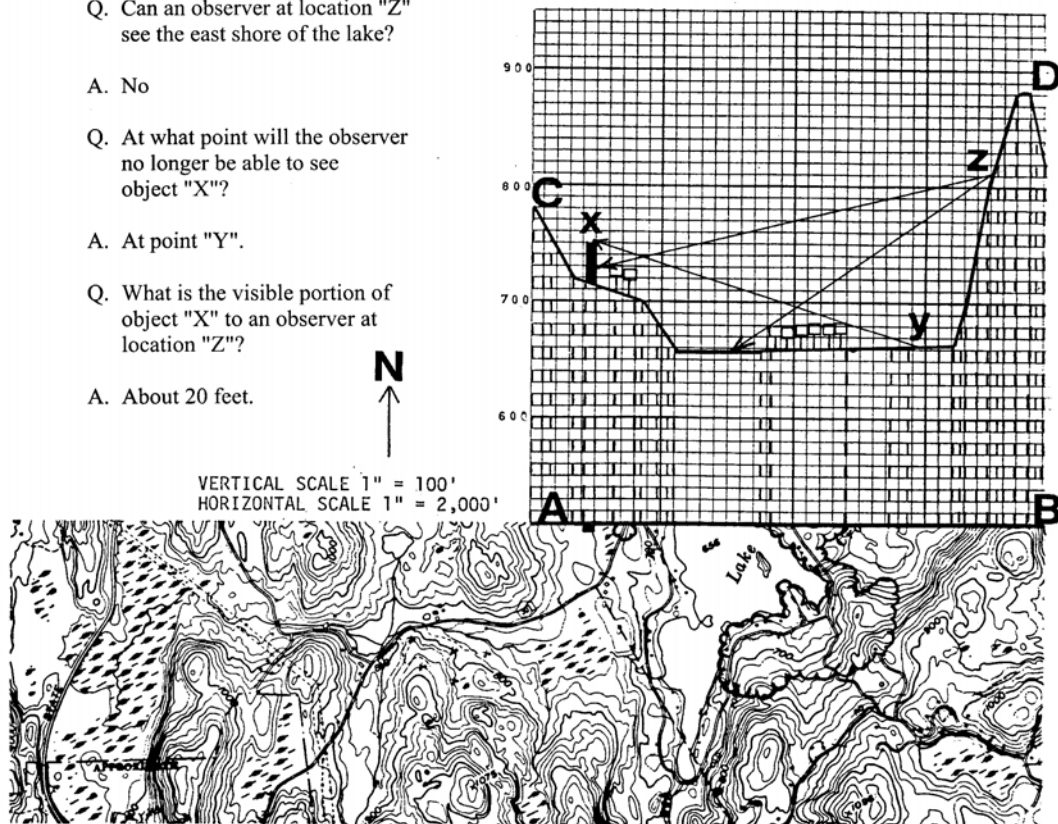
PROFILES

To construct a profile, first position the graph paper parallel and contiguous to the horizontal alignment of the desired profile (indicated by line A-B). Proceed by extending vertical lines (indicated by dashed lines) to the correct height according to any selected convenient vertical scale (in this case 1" = 100'). This must be done from each spot where the horizontal alignment crosses a contour line. It is the elevation of the intersected contour that determines the height of each vertical line. Then, simply connect the top of each vertical line to form the profile (indicated by line C-D). The profile C-D depicts the depressions and elevations one would encounter walking a straight path from Point A to B on the plan map. To add realism add vegetation at the proper locations at the proper height (in this case 40').

Sample Questions and Answers

According to the profile:

- Q. Can an observer at location "Z" see the east shore of the lake?
- A. No
- Q. At what point will the observer no longer be able to see object "X"?
- A. At point "Y".
- Q. What is the visible portion of object "X" to an observer at location "Z"?
- A. About 20 feet.



Source: New York State Department of Environmental Conservation, Assessing and Mitigating Visual Impacts, article 8, 49