

ENVIRONMENTAL GROUPS SAY WIND POWER PROJECT VIOLATES

ENDANGERED SPECIES ACT

The national environmental group Defenders of Wildlife and West Virginia's Friends of Blackwater have given legal notice that a proposed 200-turbine wind electric power project near the Dolly Sods Wilderness Area would violate the Endangered Species Act.

On Monday, February 3rd, the two groups sent a 60-day notice of intent to sue letter to Nedpower, a Dutch company that proposes to build a large-scale wind electric power project on the Allegheny Front in Grant County, West Virginia. The letter, which is a prerequisite for legal action under the Endangered Species Act, states that clearing of forests, road construction, and turbine and powerline installation on the 14-mile-long, 1-mile-wide project site would expose Nedpower to liability for "taking" an endangered species, the West Virginia Northern Flying Squirrel.

The legal notice to Nedpower states that five endangered flying squirrels were found on the project site in October, the furthest north the species has been found. Defenders of Wildlife and Friends of Blackwater claim that the nocturnal squirrels, which are found only in the West Virginia and Virginia Highlands, depend on unique spruce and older hardwood forests for their habitat. The groups say that the Nedpower proposal would substantially degrade habitat for the squirrel, and cause their already fragile populations to decline.

"Wind power is supposed to be environmentally benign. But this hasty, ill-considered scheme, in the heart of some of West Virginia's most valuable scenic land and natural habitat, is not benign," said Judy Rodd of Friends of Blackwater. "Nedpower should have consulted with Fish and Wildlife immediately when the company found endangered species on the site. I guess it's up to citizens to make them obey the law," she said.

"Wind power will be part of our energy future, but we have to be smart about where and how we go about it. West Virginia has already paid a high environmental price for this country's energy demands, so why on earth would we want to add a poorly thought-out wind power project to that toll?" said Caroline Kennedy, of Defenders of Wildlife.

The letter also cites threats to the endangered Virginia bigeared bat, which is found in a cave near the project, and to thousands of migratory birds that fly by the proposed power project area.

The legal notice states that the West Virginia Public Service Commission, which is reviewing a permit application from Nedpower, may also be liable under the Endangered Species Act, if the PSC permits the project without requiring Nedpower to get a permit from the United States Fish and Wildlife Service. The groups are being represented by Meyer & Glitzenstein, a public interest law firm in Washington, D.C.

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Defenders of Wildlife is a nonprofit conservation organization with more than 430,000 members and supporters. For timely information on environmental issues, visit www.defenders.org and subscribe to DENLines, a free e-mail alert newsletter. Friends of Blackwater advocates for the protection of the special places and special creatures of the West Virginia Highlands. Learn more at www.saveblackwater.org.