

## Wind Energy Update

***By Peter Shoenfeld***

**Tax Credit**—The 1.8 cent/kwh tax credit for wind-generated electricity producers has been re-instated after a year's hiatus. The credit lasts 10 years, but to get it projects must be in operation by the end of 2005. At this time, there are four major un-built projects in WV that we know of. Efforts to meet this deadline are expected. However, we've been told the Nedpower project is unlikely to begin construction before 2006 and that three more months of wind measurement are needed on Rich Mountain.

### **NedPower and US Wind Force Mount StormProjects—**

Both these projects have their permits. The Nedpower developer has completed the studies required by the WVPSC in the terms of his permit. Nedpower and US Wind Force are "development" companies. Such companies generally initiate these projects, then pick a location, secure the leases, obtain the permits, negotiate the needed agreements with power companies, plan the site, do the engineering, and order the equipment. Then the project is sold to a much larger company, such as FPL Energy, that will actually construct and operate it. Since both these projects have been in development for years, one might expect that this had all been done and that a sale and actual construction were imminent. However, we've heard that construction is still a year or more away in the case of Nedpower.

The US Wind Force project is located in the heart of what is generally considered a "brown fields" area north of WV Route 93, and has attracted little opposition. The Nedpower project, on the other hand, is on the Allegheny Front and is very controversial. There will be dramatic visual impact from private lands to the east. Opponents allege that there will also be severe visual impact on Dolly Sods, but our own fieldwork and analysis does not bear this out.

The Highlands Conservancy has not opposed either of these projects, although there was initial concern about the impact on Dolly Sods. The part of the planned project nearest Dolly Sods was eliminated in the terms of the permit.

**US Wind Force Liberty Gap Project**— This is another large project, planned for Jack Mountain near the eastern edge of Pendleton County. Little interest in opposing this project has surfaced in Highlands Conservancy Board and Committee discussions.. However, the visual impact will be severe at many beautiful locations in Pendleton County. Most of these are on private property, and are not widely known. Visibility from Spruce Knob is an issue we need to analyze.

We expect to see the plans and have opportunity to comment before this project goes to the PSC. However, mitigation of visual impact will probably not be practical.

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## **Greenwind Corp. Rich Mountain Project—This large project would**

be located on Rich Mountain, near Harman, on private land in the heart of the Mon National Forest. It would have devastating visual impact on many special places, including four wilderness areas, Spruce Knob, and the Gandy-Dry Fork valley. The Highlands Conservancy has publicly opposed this project. It is going forward. The developer is doing wind measurements, and tells us these will continue for another three months. We do expect an application fairly soon and are trying to be proactive. In recent weeks we've been lobbying Congressional staff people and the leadership of the state Tourism Commission.

**Actions by Other Groups** — Congressmen Mollohan and Rahall asked the General Accounting Office to investigate the evolution of the wind industry in the US. The stated grounds were the need for a determination as to whether the USFWS “interim guidelines” are adequate to satisfy the government’s obligations under the Migratory Bird Act. The GAO has responded that they will commence this investigation soon.

A group of organizations (Citizens for Responsible Windpower, Friends of Blackwater, Friends of Allegheny Front, and Stewards of the Potomac Highlands) has asked WVPSC for a moratorium on permits for wind facilities until the GAO investigation is finished.

Citizens for Responsible Windpower has recently filed a complaint with the WVPSC saying that Nedpower has not filed required procedures with regard to permitting major new power lines. Nedpower says that the project includes no such lines. The line needed already exists and crosses the site.

**Bird and Bat Mortality**— Last year’s Backbone Mountain bird study, projected only a few dead birds but thousands of dead migratory bats, a number large enough to threaten the industry. The result has been a nationally sponsored bat study, aimed both at finding the cause and a cure for this problem. The people in charge are Ed Arnett and Merlin Tuttle, of Bat Conservation International (BCI). There is a large cast of characters— participants, reviewers, overseers, funders from academia, government and industry, organized into the “Bats and Wind Energy Cooperative.” The former “Technical Review Committee,” in which the Highlands Conservancy participated in 2003 has been dropped; there was no requirement that it continue beyond one year.

There was a lot of study activity on Backbone Mountain during the August-September bat migration season. Many dead bats were found once again. There were daily ground searches and surveillance of the airspace by radar and infra-red imaging sensors. The radar provides information on the number and spatial distribution of bats in the area; the infra-red shows bats actually flying through the turbines. No data or analysis has yet been released, but there has been a Charleston Gazette article and some communication with us. The Gazette quoted Merlin Tuttle as predicting massive bat kills whenever a wind farm is sited on a “forested ridge.” We’ve also heard that the kills appear not to be evenly distributed in time, but rather are concentrated in short time intervals often correlating with weather events. This would seem to indicate that the problem might be practically mitigated by curtailing operations during predicted high-risk periods

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If the “any forested ridge” thesis stands up, and effective mitigation can not be promised, this would provide a powerful argument against further wind power development at this time on many of our Highlands ridge tops.

The Bats and Wind Energy Cooperative is providing an allmorning presentation, with multiple presenters, at an NWCC sponsored conference on November 3d. A formal research report is expected in February, 2005. We’ve heard the study is planned to continue for 3 years.

Electronic proceedings are available from a recent conference on the Bird/Bat/Windmill issue sponsored by the American Bird Conservancy and the American Wind Energy Association. These provide a comprehensive review of the entire subject at the national level.

### **West Virginia Public Service Commission Siting Rules—The development**

of rules for applicants for exempt power plant “Siting Certificates” has been underway over a year. There have been initial comments, draft rules, and comments on the rules. These rules generally cover what a developer is required to include in his application. Prescription of locations where projects may or may not be sited is addressed only by implication. Staff’s comments have tended to agree with our own. Industry comments have tended to find the rules overly onerous, and to question the PSC’s scope of authority. All of this has been under consideration by the commissioners for quite some time. We’ve heard recently that the rules should be out and ready in time for the January 2005 legislative session. Legislature ratification is required.

**Other Developments**— Frank Young of the Highlands Conservancy attended a recent meeting of the industry-oriented West Virginia Wind Energy Working Group. Among other things, he learned that there is interest in demonstrating technology for small, single-unit, end-user oriented wind generators in the state parks.

**Additional projects are moving forward on our doorstep in Maryland and Virginia.** What is essentially an extension of the Mountaineer project is proposed on Backbone Mountain in Garrett County, Maryland. The Red Oak Knob/Tamarack Ridge project is proposed for Highland County, Virginia. Analysis of visibility for the latter project from West Virginia special places is needed.