

State insists on more study of wind project

BY ANNE ADAMS • STAFF WRITER

RICHMOND — The debate about the quantity and quality of information necessary for review of Highland New Wind Development's utility plans continues between state agencies and the company. HNWD hopes to construct Virginia's first industrial wind project in Highland County.

After meetings with state environmentalists and HNWD environmental experts, the developer provided further information, much of it confidential and unavailable for public review (see related story).

Virginia's Department of Game and Inland Fisheries, however, continues to maintain the project needs pre-construction studies and post-construction monitoring to assess environmental impacts of the 39-megawatt facility.

In a May 24 letter to the Department of Environmental Quality, DGIF says it is still not satisfied with HNWD's information on potential impacts to state and federally listed threatened and endangered species. In February, DGIF had called for more pre-construction studies, post-construction monitoring and mitigation efforts to be included in the SCC's decision on the project.

After several agencies, including DGIF, told DEQ they required more information from the developer, DEQ suspended its review of the proposal until HNWD could provide it.

April 27, HNWD told DEQ it felt it had provided enough information and asked the department to complete its review. DEQ went back to the agencies involved to ask whether they had enough information yet.

"Based on our review of this information," wrote Raymond Fernald, manager of non-game and environmental programs, in May, "we continue to have concerns for potential significant impacts upon wildlife. The information provided has been insufficient to address these concerns."

View shed

HNWD had told the state its project site was remote and "as good as it gets" in terms of impacting view shed. The company argued Highland supervisors had thoroughly addressed view shed issues, and the state shouldn't need anything further on the topic. DGIF disagreed, and still does.

"We feel its response is insufficient to address our concerns for potential impacts upon the Virginia Birding and Wildlife Trail and other wildlife-related recreation opportunities. As we stated in our earlier comments, a primary reason people travel to Highland County for wildlife-related recreation is the very remoteness of the area. Another reason is the high diversity of species relatively uncommon to Virginia, such as a known winter population of golden eagles."

DGIF pointed out neither HNWD nor the Highland board of supervisors contacted the Highland County Chamber of Commerce about such impacts.

The chamber, Fernald said, "has made a conscious effort to target eco-tourism as an important contributor to the region's economy. Over the past several years, the chamber has seen a steady increase in the number of birders traveling to the county, even in January and February ... The chamber has some concerns about this project and generally feels more answers are needed regarding the potential for impacts. We concur."

Bear Mountain Farm and Wilderness Retreat, DGIF said, is "one of the most popular destinations for birders and other ecotourists visiting Highland County," and has received numerous comments from their guests "expressing concern over this project," Fernald wrote. "Many of their guests have even stated that they will not return to the county if the project is constructed."

Part of the DGIF's mission, he explains, is to provide opportunity for all to enjoy wildlife-related outdoor recreation. "The Highland project may affect our ability to accomplish this mission."

The agency would still like eco-tourism impacts to be consid-

ered as part of an overall socioeconomic analysis conducted through the chamber, the Virginia Tourism Corp., and operators of eco-tourism companies similar to Bear Mountain retreat.

Birds and bats

In March and April DGIF officials met with experts hired by HNWD to assess impacts to bird and bat species. But DGIF was not convinced its concerns were addressed. "We were disappointed in the overall purposes and results of these meetings," DGIF said. "We have recommended that any studies proposed to be conducted for the Highland project be coordinated with us and our partner agencies."

Among other things, DGIF contends, coordinating with agencies before conducting studies would have helped HNWD conduct research according to state standards, prioritize those studies in terms of expenses incurred by the company, "and generally reach consensus between the agencies and the applicant. Until this consensus is reached, any studies conducted cannot be guaranteed to adequately address our concerns."

This kind of coordination, DGIF says, is common with other projects and "vital to ensuring a project will be implemented in the most environmentally responsible way." The agency points out coordinated efforts also appear to be consistent with statements made by the American Wind Energy Association.

"Unfortunately, the two meetings ... did not accomplish these objectives," Fernald wrote. "While the meetings provided an opportunity for some issues to be discussed and proposed study methods explained, consensus certainly was not reached."

"In fact, the proposed bat acoustic study had already begun prior to the meeting and the proposed breeding bird study was not even among our earlier recommendations. This general lack of coordination continues to make it difficult to complete an environmental assessment of this project. Time and again, it seems that we and our partner agencies are con-

sulted only after conclusions have been made by the applicant."

For example, DGIF points to HNWD's bird consultant Paul Kerlinger's statement that golden eagles may fly over the site on rare occasions but their use of the site would be minimal. Kerlinger offered no site-specific data.

The Bath-Highland Bird Club recently compiled data from January to April found more than 100 bald and golden eagle sightings in the county, including the first confirmed bald eagle nests. "This information supports the common belief that Highland County may provide important habitat for a population of golden eagles during the winter, and possibly year-round," DGIF states. "This reemphasizes our concerns for potential impacts upon eagles and other raptors. Therefore we reiterate our recommendation for a fall-winter-spring survey of raptors at the project site."

The radar study conducted by HNWD documented the highest passage rates of nocturnal migrants compared with other sites in the eastern U.S. that have been studied using similar methods, DGIF noted. "While this study provided only a snapshot view of relative bird and bat use during that period, it was sufficient to identify the concern for potential significant impacts to bats and possibly birds."

"Collection of site-specific pre-construction data across various temporal scales is the only way we will document with any level of confidence how species are currently using a site," DGIF says.

"We need to know what resources are currently out there in order to determine what we might lose and how we might mitigate for those losses." The agency restated its recommendation for more pre-construction radar surveys in the spring, and multiple years of post-construction monitoring.

Instead of conducting a spring radar survey, HNWD decided to conduct a breeding bird survey and a bat acoustic monitoring project, DGIF stated. "We again note that the breeding bird study

was not among our Feb. 24 recommendations. We feel that such a study may provide helpful information (at the site) ... However, we are unsure of the overall value of a breeding bird survey because it is unclear how the data will be used ... we have yet to see a mitigation plan stating that the results of all the wildlife studies will be used to determine turbine placement. In fact, (HNWD John) Flora states that the project location is 'as good as it gets.' While our responsibility is to conserve all wildlife, at this point in time for this project, we are more concerned about potential adverse impacts upon migrating wildlife and wintering raptors than breeding birds."

DGIF also questioned the bat acoustic study being conducted by HNWD, saying several other experts have concluded the sampling will be too small to assess impact.

"It must be noted that the applicant has identified the monetary expense they have incurred to date conducting wildlife surveys. However, the applicant never brought the state and federal agencies together to ask for their data needs and how to accomplish those needs prior to implementing their studies," DGIF says. "We believe that, had the applicant worked with the agencies from the beginning, the overall cost for wildlife surveys would be very similar to the cost figures presented, with the final product meeting the needs of the agencies. With this in mind, we continue to recommend an additional spring radar study in order to assess the wildlife resources utilizing the project area during that time period."

Northern flying squirrels

HNWD claims a 2005 survey for northern flying squirrels did not find any, nor did it find appropriate habitat for them on the 217-acre project site.

"However, in reviewing the survey report, it is not clear whether or not the survey adequately sampled all 217 acres," DGIF says, again recommending if any areas suitable for the squirrels are to be disturbed, HNWD should coordinate with DGIF and the U.S. Fish and Wildlife Service.

Rock voles and water shrews

DGIF notes the state-endangered rock vole and water shrew have been documented less than one mile from the project site. "We continue to recommend that a qualified biologist conduct formal habitat assessments for these species on all 217 acres of the project site," DGIF says. "We remind that applicant that it remains unlawful at any time to 'take' a species listed under Virginia's endangered species law. It is important to note that, unlike the federal endangered species act, there is no incidental take provision under Virginia's law."

Laurel Fork

DGIF makes several recommendations as to how the company can drill directionally under Laurel Fork to connect its two turbine sites, including 50-foot setback for a staging area, and refueling at least 100 feet from the stream.

In general DGIF tells DEQ it does not have sufficient information from the developer yet. "Also, while the cumulative impacts to birds were briefly discussed by Kerlinger, the cumulative impacts to bats have not been addressed. We also do not know what the impacts upon eco-tourism may be. The only quantitative, site-specific study, the all 2005 radar study, leads us to believe that the impacts to birds and/or bats may be greater than other projects in the east. This level of impact would be unacceptable."

DEQ has stated it hopes to issue a final report on the project to the SCC by June 27. Once SCC receives this report, it will forge ahead with the rest of the process, including giving time to parties involved to issue their comments.

***“ This general lack of coordination continues to make it difficult to complete an environmental assessment of this project. Time and again, it seems that we and our partner agencies are consulted only after conclusions have been made by the applicant.*”**

*Virginia Department of Game & Inland Fisheries
manager Raymond Fernald*
