

The Honorable George F. Allen  
The United States Senate  
204 Russell Senate Office Building  
Washington, D.C. 20510

February 13, 2006

Re: United States Fish and Wildlife Service and John Flora/ Highland New Wind Development, LLC

Dear Senator Allen,

United States Fish and Wildlife Services is not treating wind energy projects in Virginia any differently than it does in other states. In a December 13<sup>th</sup> letter John W. Flora, an attorney for Highland New Wind Development, LLC asked for your assistance to “convince” the agency to reduce its impact requirements for wind turbines. He faults the agency for “continuing to delay, if not prevent, the development of wind farms.”

Fish and Wildlife Service personnel are doing an excellent job. They are following proper procedures and regulations on his client’s project in Highland County Virginia. In his zeal to advance his client’s cause, Mr. Flora fails to mention a few things.

He cites a “risk assessment on a project (Mountaineer) in neighboring West Virginia, two ridges away from the Highland project,” saying it shows “that wind turbines are no more harmful to birds than any other tall structure built by human beings.” Forty-story buildings, about the same height of the wind turbines proposed on top of Highland’s 4,000-foot high ridges, do not have rotating blades sweeping 270-foot areas. A more recent and more relevant study paints a very different picture than Mr. Flora.

Mr. Flora’s client contracted for a study done on the Highland site by ABR, Inc., Environmental Research & Services. It monitored nocturnal bird and bat migration August–October 2005 and published the results in January. The results show that bird and bat “passage rates in the project area last fall had a much higher rate than those at other locations in the eastern US” where they conducted similar studies. The mean nocturnal passage was 385 +/- 55 at the Highland site and between 122 and 241 at the other eastern US locations. It states a record kill for passerines, 27 at one turbine in one night, was at the neighboring Mountaineer project.

Mr. Flora doesn’t mention bats, but attaches a letter from Karen L. Mayne, Virginia Field Office supervisor for the Fish and Wildlife Services. He complains that the agency requires the wind project to report dead or injured birds within 48 hours. If you read the entire letter, she express serious concerns about bats at the project site. I’m enclosing another copy of it for your convenience.

Ms. Mayne writes, “However, data from nearby wind turbine sites indicate that there is a high likelihood that bats will be adversely affected by wind turbines. At the Mountaineer Wind Energy Center in West Virginia, the total number of bats estimated to be killed in a 6-week period in 2004 was 1,364-1,980.” She also mentions federally listed endangered species, including two bats species, documented in the vicinity of the Highland site

Ms. Mayne is totally right to advise, “Again we strongly recommend that a multi-year pre-construction study be conducted at the proposed project site...”

Please commend, not chastise, the US Fish and Wildlife Service for adhering to its guidelines. If you choose to forward this letter to Ms. Alexandra Pitts, Chief at Fish and Wildlife Service as you did Mr. Flora’s, I’ll be thankful.

Sandy Hevener

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Enclosures:

John Flora’s letter  
US Fish & Wildlife Services letter  
Senator George Allen’s response letter