

HNWD says U.S. Fish & Wildlife stalling its plans

Editor's note: The following letter from Highland New Wind Development attorney John Flora was sent to Sen. George Allen last month.

Dear Senator Allen:

We have reached a point in our process where we need some assistance to expedite the approval process for the Highland Wind Farm, as well as wind farms generally in the eastern portion of the United States. The United States Fish and Wildlife Service is continuing to delay, if not prevent, the development of wind farms by continuing to impose demands and requirements that go well beyond any specific authority they have to regulate such projects. The Service requests avian studies and surveys that are not asked of developers of projects that have been constructed and built over the past 50 years, that harm birds as much or more than wind turbines.

We would like to solicit your assistance in convincing the United States Fish and Wildlife Service at the national level, that its now expired interim guidance on avoiding and minimizing wildlife impacts on wind turbines, which I have attached for your convenience, needs to be updated to provide more specific and restrained guidance on what should be required. I have also attached a copy of the American Wind Energy Association's comments to those guidelines dated December 8, 2003. In the absence of national direction, which expired this summer, local offices, like the one in Virginia, for the second time now in the history of the Highland Project, is asking for things well beyond what is customarily requested or required.

The attached September 28th letter from the United States Fish and Wildlife Service requires us to within 48 hours, inform the Region 5 Division of Law Enforcement of dead or injured birds found at the Project site. We have not filed a FOLA request at this time, but we do not have any reason to believe that a similar requirement appears in letters to other developers of any type of project whether it is a communications tower, a coal fired electric generating facility or a new office building in Roanoke, Virginia.

The scientific evidence, as well summarized in the recently released avian risk assessment on a project in neighboring West Virginia, two ridges away from the Highland Project is attached. It points out the volume of studies now available that show that wind

turbines are no more harmful to birds than any other tall structure built by human beings. They are still less dangerous than cats. Yet, the United States Fish and Wildlife Service continues to insist on multiple year studies, post construction surveys and other information despite the position articulated in its own website, a copy of which is attached, in the wind energy facts section that "development of wind energy is strongly endorsed by the Secretary of the Interior, as expressed in the Secretary's Renewable Energy on Public Land Initiative."

What the wind energy development market needs is your assistance in convincing the Secretary of the Interior to play an active and aggressive role in revising and releasing guidelines for avoiding and minimizing wildlife impacts from wind turbines. It is time the United States catches up with the rest of the world and utilizes this tremendous resource.

Those who oppose development of and construction of wind turbines do so primarily because of proximity, not because of environmental or ecological concerns. The opponents have, however, found that the Fish and Wildlife Service is able to slow, and in many cases stop, the development of this alternative energy source. It seems that when it comes to the development of alternative energy sources, the United States Government is at cross-purposes with itself.

The bottom line is that wind turbines are not dangerous to birds as strongly pointed out in the attached report. The real issue is that the United States Fish and Wildlife Service has adopted a NIMBY approach of not wanting any tall structures on ridgelines in the eastern part of the United States. That type of regulatory practice needs to be stopped and I hope you are in a position to help us with this problem.

Thank you for your attention to this matter.

Very truly yours,
John W. Flora