

Hanger introduces first wind energy legislation

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RICHMOND — As Highland County grapples with decisions about wind energy in Virginia's smallest county, Sen. Emmett Hanger has introduced a joint resolution addressing wind energy concerns in Virginia for this year's short General Assembly session.

The purpose of the resolution, filed last week, is to establish a joint subcommittee to study wind energy development in this state. It has been referred to the committee on rules.

Hanger did not return calls from The Recorder by press time this week.

The resolution states that wind energy is a proven technology used successfully in many parts of the country and is a "great" potential resource of renewable energy in Virginia. It outlines other explanations for needing a study, including the following:

- Wind energy is desirable in that it has no transportation costs after setup, no fuel, no waste, no emission control and no storage waste.

- Facilities may have significant negative effects on wildlife populations in some locations, particularly bats and migratory birds, and further research on these potential impacts is needed. Virginia is home to several endangered species of bats and contains globally-significant stopover habitat for migratory birds.

- The U.S. Fish and Wildlife Service has issued voluntary guidelines, recommending studies of bird and bat migration patterns during all seasons for up to three years before approving a wind energy site, as well as pre- and post-construction mortality research conducted by teams that include federal and state agency wildlife professionals with no vested interest in the project.

- The cost per kilowatt hour of electricity generated continues to become more competitive with other traditional forms of power.

- The state Department of Mines, Minerals and Energy, which is responsible for Virginia renewable policy, has provided support to a preliminary study undertaken by the Virginia Wind Energy Collaborative to determine the degree to which areas of high wind potential correspond to areas containing significant ecological resources.

- No wind energy development has oc-

curred in the state yet, but several facilities have been proposed in mountainous and off-shore regions.

- Factors like the production tax credit and renewable portfolio standards adopted by adjacent states are expected to expand the pace and extent of wind energy development in the region.

- There is currently no clear state policy on how Virginia or local communities can assess potential economic and environmental costs and benefits of wind energy, and also have assurance that facilities will not negatively impact valuable scenic and environmental resources, including rare and endangered species.

For these reasons, the legislation would establish a joint subcommittee to study wind energy in Virginia. It would consist of eight legislative members (three from the Senate appointed by the Senate Committee on Rules, and five from the House to be appointed by the Speaker).

The resolution outlines the duties of the subcommittee as follows:

- Review the study conducted by VWEC regarding areas in Virginia that may be most appropriate for preservation and those appropriate for wind development.

- Review federal laws and regulations that may be applicable to siting and operating wind plants on private land, including the Migratory Bird Treaty Act, the Endangered Species Act, the Bald Eagle Protection Act and the National Environmental Policy Act.

- Analyze whether state laws and regulations are sufficient, including the requirement for a Certificate of Public Convenience and Necessity issued by the State Corporation Commission and the environmental reviews and monitoring protocols that would be required before issuing a certificate.

- Review potential impacts on local communities, including local authority to address aesthetic impacts, infrastructure development and maintenance.

- Make recommendations to ensure that wind energy development in the state creates a "net-positive stream of revenue" to Virginia localities without creating unacceptable impacts to scenic resources, critical natural habitat and rare species.

The resolution calls for administrative staff for the subcommittee, provided by the Office of the Clerk of the Senate, and that the Division of Legislative Services provide legal, research, policy analysis, and other services as the committee requests.

The joint subcommittee would be limited to four meetings for the 2005 interim, and the direct costs of the study would not exceed \$4,800 without approval.

No recommendation made by the committee would be adopted if a majority of the Senate or House members appointed to it vote against the recommendation.

The subcommittee would complete its meetings by Nov. 30, and the chairman would submit a summary of its findings to the Division of Legislative Automated Systems no later than the first day of the 2006 regular session of the General Assembly.

Hanger's legislation has been referred to the Joint Rules Committee, which decides whether to approve its funding, extend or delay the period of the study, or authorize additional meetings of the subcommittee this year.