

Wind energy group to spearhead siting guidelines

BY ANNE ADAMS • STAFF WRITER

HARRISONBURG — As energy policy moves higher on the legislative agenda in Virginia, those opposed to commercial wind utilities in the Allegheny Highlands have serious concerns about how the industry and its supporters are lobbying for more “green” electric power.

Highland County has for several years now been the center of attention in talks about industrial wind turbines, ever since a 39-megawatt project was proposed by Highland New Wind Development LLC. If constructed on Allegheny Mountain, it would be Virginia’s first such utility. As the company awaits a permitting decision from the State Corporation Commission, environmental organizations and non-profits are lining up on both sides of the issue. There are statewide discussions on where such utilities should be placed, how many should be developed, and whether the state should force large power companies to buy some portion of their electricity from renewable sources.

Some of those opposed to putting 400-foot wind generation towers on Virginia’s highest ridges, most of which are located in pristine natural areas, are concerned about the involvement of the Virginia Wind Energy Collaborative based at James Madison University in Harrisonburg.

VWEC has been involved in promoting wind energy for the last several years and educating Virginia residents and officials about the nature of the industry. Highland County residents are familiar with some of the VWEC partners who have participated in discussions and hearings surrounding HNWD’s proposal. Among them, Alden Hathaway of Environmental Resources Trust, and Mitch King of Old Mill Power Co., have testified to the benefits of the project proposed by HNWD.

VWEC has most recently been chosen by Virginia’s Department of Mines, Minerals and Energy, a VWEC supporting agency, to prepare a scoring system to help determine the most suitable places for wind or solar utilities. The “Virginia Renewables Scoring System for Siting” would provide numerical

scores to public or private properties using VWEC’s land classification system and data on wildlife, culture, historic, economic and technology, VWEC says. It would look at characteristics like wind velocity, turbulence, proximity to power lines, and potential impacts to natural and historic resources and economically disadvantaged communities, and whether such projects are compatible with local land use plans.

The siting system will consider mostly on-shore areas, according to the group. “However, as JMU is involved in efforts that involve potential near-shore wind at Wallops Island and offshore wind at Tangier Island, the regulatory issues that pertain to near- and offshore regions will also be considered during the development of the (siting system).”

Siting properties this way was proposed through legislation passed this year in Virginia’s General Assembly. A bill introduced by Sen. Frank Wagner was passed as Virginia Energy Policy. The bill calls for a broad overview of state policies on everything from clean coal and natural gas to promoting renewable energies such as wind and solar.

Part of the bill calls for developing a 10-year Virginia Energy Plan, and charges DMME with pulling it together by June 30. DMME is to work with the Commission on Electric Utility Restructuring and the Coal and Energy Commission.

DMME will gather input from a wide variety of private and public sources, and get assistance from the SCC, the Department of Environmental Quality and the Center for Coal and Energy Research. It assigned the siting system project to VWEC.

But VWEC has been criticized by those opposed to large-scale wind utilities in the Highlands because, some say, it lacks the objectivity to do the job, and leans toward advocacy and supportive lobbying efforts. Those opposed to wind energy development here without proper environmental assessment point to the VWEC partners who can directly benefit from projects like HNWD hopes to construct. One of those partners is Old Mill Power Co. Its owner, King, is a formal respondent in HNWD’s case before the SCC and has already

been involved by cross-examining wind energy opponents at hearings held in Highland. King has said he hopes his company can purchase and sell the renewable energy credits generated by HNWD’s utility.

Furthermore, critics say VWEC is supported in part with public tax dollars through DMME and the National Renewable Energy Laboratory, and should therefore not be advocating for industrial wind energy with public involvement in specific utility cases.

The mix of public and private support for VWEC, opponents say, makes the group a poor choice for creating siting guidelines for these utilities.

“I believe VWEC is so biased that they are unable to provide an objective assessment and identification of potential sites in Virginia for industrial wind energy development,” says Dan Boone.

Boone is a wildlife biologist and longtime critic of developing industrial wind energy in the Appalachian ridges. He and Highland resident Rick Webb, a senior research scientist at the University of Virginia, have set up a web site supporting objective environmental analysis at proposed wind energy sites. Both were involved in a VWEC working group that published a landscape classification map — one that identified places where wind turbines might be suitable and locations that had not been adequately assessed.

That map was ultimately changed by VWEC, and Webb and Boone have published the original map on their site, www.vawind.org.

Boone says, “In (VWEC’s) version of the landscape classification — which they pirated from our work — they essentially have thumbed their noses at the U.S. Fish and Wildlife Service’s wind turbine siting guidelines while foolhardily pursuing an ends-justify-the-means strategy which presumes the benefits of wind energy developments trump all other concerns.”

As evidence of what he sees as VWEC’s lack of objectivity, Boone says, “The supposed ‘principals’ of VWEC have taken a public stance in favor of the industrial wind plant that

is proposed for Highland County, which lacks an adequate environmental assessment and poses serious environmental, recreational and economic impacts according to Virginia's wildlife and conservation agencies."

Webb agrees with Boone's assessment. "The Department of Mines, Minerals and Energy has compromised the Virginia Energy Plan by contracting with Jon Miles (VWEC's director) to develop the scoring process for wind project siting," he says. "Miles and his VWEC partners are unreserved advocates of industrial-scale wind development on our mountain ridges. Most notably, they have been outspoken in their promotion of the proposed Highland project, which, for good reason, has raised significant concerns among state wildlife agencies."

As for the land classification map, Webb says, "Miles publicly misrepresented our effort, stating that our primary goal was to mitigate NIMBY attitudes and public opposition to wind projects. He eventually appropriated the working group report, revised it to remove all reference to the need for site-specific environmental assessment, and then published it as a VWEC document. And now, the DMME has contracted with Miles to develop policy on wind project siting. At this point, there's really no hope for balance."

"By selecting Miles, the DMME has selected the outcome," he adds. "It seems that the DMME is working at cross purposes with our state wildlife agencies."

Miles could not be reached for comment this week, but he and other VWEC partners have staunchly defended his organization's map in the past, and the mission of VWEC in educating residents about the pros and cons of wind energy. Most VWEC supporters stress that wind energy is only one part of a variety of solutions for changing the way Virginia uses energy.

Webb is also concerned about how VWEC data and research is being used by wind energy advocacy groups who seek to promote renewable portfolio standards in Virginia.

Chesapeake Climate Action Network, a grass roots environmental group based in Maryland, cited a 2005 portfolio risk analysis of electricity supply options in Virginia in its position supporting RPS here. That report refers to research provided by VWEC that it says is publicly available.

But when Webb asked for the research, CCAN did not provide it. The report citing VWEC's research has been used by CCAN to promote legislation in the General Assembly and rally public support for RPS laws which

would require a percentage of Virginia's future electricity supply come from commercial-scale wind power projects, he says.

Diana Dascalu, CCAN senior campaign strategist, presented this report to the Energy Working Group of the Virginia Conservation Network with the recommendation that it should be "spread far and wide," Webb said.

"A major problem with the CCAN report is that it relies on data and analysis that are not available to the public," he explained.

CCAN's director Mike Tidwell said while he was not familiar with the details surrounding the request for the research, his group does support renewable standards for Virginia. "Anyone who argues RPS legislation doesn't solve the problem is missing the point," he says. "The goal is to gradually increase non-fossil fuel use over time and improve energy efficiency ... to lower the overall use of electricity in Virginia while increasingly meeting the (electric) load with clean forms of energy. It's a comprehensive approach."

The CCAN report provides estimates of wind power potential from VWEC. "On page 14 of the CCAN report it is stated that the VWEC estimation of wind power potential is 'documented in a report that is available on written request to the Chesapeake Climate Action Network,'" Webb said. "I have submitted two written requests for this key ancillary report. In response to my first request, I was told that the report was being revised. In response to my second request, I was advised by the author of the CCAN report that 'in reviewing the JMU report, which was never intended for public release, I am concerned about the potential for misunderstanding of the methodology and results.' I was not provided the report, but was instead advised that I could meet with Jonathan Miles ... to review the work," Webb explained.

That's when an attorney got involved.

Tammy Belinsky, a lawyer with a non-profit firm called Wild Law, heard about Webb's difficulty in getting a copy of the research, and proposed asking JMU for it directly through a Freedom of Information request to the university's office of policy and legal affairs.

Susan Wheeler, that office's advisor, responded to Belinsky's FOIA request last month, and said JMU declined to release the research citing an exception under the act for certain data, records or information produced by faculty and staff for public institutions.

Belinsky says withholding the research does not jibe with JMU's own FOIA guide-

lines, and that Webb or any member of the public should be allowed to review the analysis by obtaining a copy of the research that supports CCAN's report.

"Sitting down and meeting with VWEC and Jonathan Miles to observe the documents is not the same as making them publicly available, where you can take the information with you to analyze," Belinsky told The Recorder. "It's not a suitable suggestion ... I went directly to the university knowing VWEC is an organization set up under JMU."

Wheeler says Belinsky made the FOIA request correctly, but the faculty and students who did the research are not ready to release it. Under the FOIA section JMU cites for an exemption, the research is considered proprietary information — the folks who did the research own it, Wheeler says. "But it's not out of the question they might make it available; that might happen later."

Wheeler says she understands why Webb would want to see the research, but that "at the moment, JMU has not chosen to make it available."

Webb says it's too important to withhold. "Given the policy significance of the analysis, I believe that the public and the General Assembly should have full access to the complete JMU-VWEC report for review and verification," he said. "I have thus declined to pursue a private viewing and have instead sought release of the report through the Virginia Freedom of Information Act."

"Beyond the fundamental need for transparency in public policy debate, there is a big problem with the JMU-VWEC estimate of wind power potential as reported in the CCAN report. It vastly exceeds estimates of the U.S. Dept. of Energy's National Renewable Energy Laboratory."

Webb says the JMU-VWEC estimate of onshore electrical generation potential is equivalent to 27,147 MW — based on wind power Class 4 and higher. The CCAN report indicates this potential is equivalent to 57.3 percent of Virginia's projected 2015 electricity consumption. By contrast, NREL's estimate of onshore electrical generation potential is only 731 MW, based on the same classifications. "This is equivalent to less than 2 percent of Virginia's projected 2015 electricity consumption," Webb notes.

He said NREL also provides estimates of onshore electrical generation potential that include wind power Class 3 (lower average wind speed), bringing the total potential capacity to 1,960 MW, or 3.6 percent of Virginia's pro-

jected 2015 consumption.

“Before legislation is enacted that requires commercial wind development in Virginia, the General Assembly and the public need to understand the dimensions of the wind resource,” Webb says. “How much is there, where is it, and where can it be developed without unacceptable environmental harm? And why is there more than a 35-fold difference between the estimates of Virginia’s onshore wind potential provided by JMU-VWEC-CCAN and the U.S. Department of Energy?”

Belinsky explained the FOIA request last week in a letter to Virginia Conservation Network, a non-profit group consulting on RPS legislation. VCN is an environmental group with more than 100 member organizations dedicated to preserving Virginia’s natural resources, and is expect to be central in the RPS discussions going into next year’s General Assembly session.

“The documents being withheld were used to develop the RPS criteria discussed by the VCN energy work group,” Belinsky told VCN. “Transparency has been identified as an accounting principal that must be applied for credible quantification and public acceptance of emissions reductions claims ... The development of energy policy for Virginia is too important to rely on documents that have not seen the light of day. On behalf of Virginia Forest Watch, I urge the VCN to consider the lack of transparency at the foundation of the policy it will consider as it reviews white papers in advance of the legislative session.”

VWEC and JMU will hold five public input meetings on siting guidelines around the state in regions most likely to encounter industrial wind development or solar facilities. The first will be held 6:30-8:30 p.m. Tuesday, Nov. 7 at Blue Ridge Community College’s Plecker Center. That meeting will encompass Rockingham, Augusta, Rockbridge, Bath, Highland, Albemarle, and Nelson counties, and the cities in those localities.