

Pendleton wind hearings reflect Highland opposition

BY WILL O'CONNOR • STAFF WRITER

FRANKLIN, W.Va. — Rivaling the marathon hearings held in Highland County, Virginia, residents and landowners in Pendleton County spoke for nearly eight hours last Thursday on the prospect of an industrial wind utility in their midst. And the vast majority of them were deeply opposed to the idea.

The public hearing, hosted by West Virginia's Public Service Commission, was the first time Pendleton citizens had the opportunity to publicly address officials about Liberty Gap LLC's plans for a 100-megawatt facility on Jack Mountain. More than 100 people attended two sessions that day.

Aside from formal intervenors and parties to the PSC's case, 49 of 52 citizens spoke in fervent opposition, including three Highland County residents. Two residents and one nonresident landowner supported the project.

Most were concerned about the effect on water resources, how the county's bat and raptor populations would cope, and the effect such a facility would have on those who lived closest to it. The themes of their discussions echoed those of Highlanders heard over the course of the last few years — ruined view sheds and scenic beauty, detrimental effects on wildlife and human health, negative impacts on tourism and the local economies, and frustration with officials in charge.

Many expressed appreciation to PSC staffers for holding a hearing in Pendleton, saying the county commission had ignored its constituents and avoided hosting a public forum.

Others, however, admonished the PSC for how it had treated Liberty Gap's application so far — allowing the developer to add and change its documentation throughout the process.

If approved, Liberty Gap would consist of up to 50 industrial wind turbines, at over 400 feet in height, stretching for over six miles along Jack Mountain's ridge line at the southern edge of the county. The facility requires 17 miles of transmission line connecting the turbines to an electrical substation in north Franklin.

Liberty Gap has expressed interest in continuing the line of turbines south into Highland along the same ridge to the Doe Hill area. Opponents in Highland are concerned that if Pendleton's project is approved and

Highland New Wind Development LLC's proposed 39-megawatt facility is approved in Virginia, then the development of Jack Mountain in both states would be inevitable.

According to Liberty Gap president Tom Matthews, all easements for the transmission line have been obtained, leaving a siting certificate from the PSC as the project's last requirement before construction can begin.

Due to the absence of zoning laws, Pendleton's commission is not required to vote on the project. In late 2004, the commission signed a deal with Liberty Gap agreeing to obtain all rights of way for the transmission line. The contract allowed the commission to use eminent domain to secure easements if necessary. Upon learning of the contract after it was signed, dozens of Pendleton citizens were outraged and the commission was pressured to back out of it. Liberty Gap then spent the next 10 months securing the easements for the transmission line itself, and applied to the PSC Dec. 7, 2005 for a certificate.

The president of Pendleton's commission, Bob Grimm, told those gathered at the hearing the commission had been working diligently with Liberty Gap to guarantee a revenue stream from the project, and had recently reached an agreement.

Grimm said Liberty Gap signed a deal to pay the county at least \$200,000 a year for the life of the project and set up a \$110,000 annual grant fund, which could be spent at the commissioners' discretion to help worthwhile county organizations such as the economic development authority, the school system, and fire and rescue squads.

"We feel what we've come up with is definitely going to benefit the county financially," said Grimm. He submitted to the PSC a resolution adopted by the commission supporting the project.

Members of the West Virginia Building and Construction Trade Council, which is participating in the case as an intervenor, also voiced support for the project. Liberty Gap, they said, had agreed to hire 200 West Virginia workers from its union during construction, and union representatives said that meant good-paying temporary jobs for many laborers in the region.

Paul Harper, a project opponent, said Pendleton didn't have many union workers, so the majority of laborers would come from outside the county.

But the council's Darwin Snyder said his

organization would hold a job fair in Pendleton and take applications from heavy-equipment operators in the county. "We're not here to lock anybody out," he said.

Steve Conrad and Ben Glover were the only residents who spoke in favor of the project. Both spoke to the need of the country to move toward energy independence, and wind turbines were a step in the right direction, they said.

As a former member of Pendleton's economic development authority, Conrad said he had seen a number of what he believed were economically beneficial projects in Pendleton, meet opposition — a turkey digester, a prison, and a state park. "At what point are we going to be in favor of something?" he asked. Liberty Gap would bring much needed economic development in, Conrad said, adding it was also a matter of property rights. Those building the project had a right to do what they wanted on their land, he said.

Many he had talked to in the county were in favor of the project, Conrad added, they just didn't want to get involved in the public debate.

Glover, who lives about three quarters of a mile from the project, said he is not concerned about his water supply, property values, or noise. "Nobody wants anything close to them, that's the problem," he said.

Glover added that blasting had recently been done on Shenandoah Mountain, but he hadn't heard people in Brandywine complaining of a loss of spring water.

Later in the meeting, both Nancy Bowers and Mat Klim contradicted Glover's statement, saying the blasting on Shenandoah had indeed affected the area's springs. A major spring that fed the town of Brandywine had been lost, and the community now has to draw water from the river, they said.

Eve Firor asked the PSC to consider the cumulative effect of wind projects throughout West Virginia. Liberty Gap was one of many seeking approval or waiting to start construction, she said. Different companies are currently proposing to build 700 turbines throughout the state, and if all available wind resources were developed it would result in 2,500 turbines. Firor raised concerns over how this might change the character of the state, affect residents' quality of life, and the environment.

Charlotte Hoover, who lives just east of Jack Mountain in Moyers, asked what effect the project would have on residents' springs

near the project. The mountain is made of sandstone, she said, but the valley is limestone. Blasting on Jack Mountain could disrupt the limestone, causing caves to collapse and changing the flow of water. She asked if Liberty Gap had hired a hydrologist to study how water flowed off the mountain, or a geologist to study the potential impact the blasting would have on caves and springs. She also asked what effect clearing land on top of the mountain would have on flooding. "I think there's lots of questions that need to be answered," she said.

Paula Waggy said Tuscarora sandstone, which forms the ridge line on Jack Mountain, was an extremely hard rock and it would easily transfer the vibrations from blasting into limestone valleys. The underground water flow could be altered, she said.

She also raised concerns about Thorn Creek, which runs on the east side of the mountain. The Thorn is a healthy stream and excellent for trout fishing. She said she knew its condition well because as a former science teacher she had taken many classes there to study it. A lot of the Thorn's water comes from underground sources. Not only could blasting affect its flow, Waggy said, but sediment running off the mountain during construction posed a threat to its health.

Waggy said she had spoken to biologists and hydrologists in a few state agencies, and though they said they couldn't speak for their organizations, they said the project could have negative effects. "More study is needed," said Waggy.

Nancy Bowers said, "The water is a very, very big issue with me." She lived without indoor water for 25 years, and didn't want to go without again, she said.

Former Pocahontas County Commissioner Norman Alderman added a fiery indictment of Pendleton's commission and the PSC. "County commissioners are suckers for a dollar," he said, and warned the amount the county is paid might not cover the costs of damage from the project. "This is a fake ... they don't care about your mountains," Alderman said wheeling around to directly address the PSC judge.

Paul Harper spent much of his time at the microphone describing his property and his family's long history there. Harper lives on a farm just east of the project site. "I've got too much heritage to lose," he said. "I can't accept (Liberty Gap) — period."

Steve Harper, who also lives near the proposed project, read a report on the way sunlight could flicker and reflect off turbines and the nuisance of the lighting used at night. "Close your eyes and imagine living in my home for 24 hours," he said.

Arthur House, a representative of the West Virginia Highlands Conservancy, said he wanted to clear up a misconception about wind energy. Though it is emissions-free, the fact that the industry and its proponents tout it as

good for the environment was misrepresentative, he said. Under current law, power plants with lower emissions are given credits which they can sell to plants that don't comply with federal standards.

Gail Price, a resident and director of sales at Snowshoe Mountain resort, spoke about the potential impact of the project on tourism. Price has been in the tourism industry since 1991, and said in her opinion the turbines would not be a tourist draw. People will go out of curiosity, she said, but she didn't think they would return or spend much money in the county when they pulled off to see the turbines.

Pendleton is at a crossroads, she said. It can go the industrial route, or it can build up its economy by drawing in visitors to enjoy its scenic beauty and recreational activities. The county has the potential to be a major draw, she said. Building Liberty Gap would lead to fewer visitors in the county, hurting many small businesses, she said.

Larry Marsh lives just a half mile from Liberty Gap and said he's been trying to get questions answered for months. He's concerned about his water, which comes off the mountain. He said he walks the diverse, beautiful and formidable terrain of Jack Mountain as often as he can. He expressed concern over the magnitude of excavation work required to level it off for turbines.

His back porch looks right up at the ridge. He worried about how much noise the turbines would make, and he had a concern for the emotional and physical well being of his family if it was constructed. Finally, he wanted to know, if he had to throw up his hands and move, would he be able to sell his property?

Jim Trangel, a veterinarian from the Eastern Shore of Maryland who owns land in the county, called the turbines "noise machines." Hitting the microphone repeatedly with his hand for five seconds, Trangel asked, "How many times do I have to do this before somebody wants to stab me in the head?"

Trangel said the sound would stress both people and animals — livestock and wild animals, and called the facility a "50 acre Cuisenart" for birds and bats.

Debora Ellington of Highland County said 85 percent of the endangered Virginia big-eared bat population lives in Highland and Pendleton counties. Building the project puts them at risk, she said. In addition, she noted, there is an eagle's nest within a mile of Liberty Gap and over 100 eagle sitings have been documented in Highland in the last couple of months.

Franklin resident Mike Willenborg also objected to the threat Liberty Gap posed to bald and golden eagles and Indiana and Virginia big-eared bats — all endangered or federally protected species. He also broke things down to basics. "It's an emotional issue," he said. "People enjoy the mountains. It's going to be sickening ... (Building such a

project) is just one of those things you don't do."

John Bowers tried to get the audience to visualize the size of each hole Liberty Gap would dig for all 50 turbines. It would be 200 feet by 200 feet and 40 feet deep, Bowers said, stretching his hands, estimating the size of the room he stood in and multiplying. The excavation would be massive. "And you tell me it won't do any damage," he said. "I don't accept it. I won't accept it. Whatever it takes (to stop it)."

Virginia Bates said Liberty Gap had shown a complete lack of concern for the county. The company hadn't engaged the public or tried to ease its concerns, he said, pointing to its attempts to waive some of the studies required by the PSC.

James McNeely agreed. McNeely is an attorney representing Friends of Beautiful Pendleton County, a group formed in opposition to the project. Liberty Gap's original application to the PSC was "fatally flawed," he said. It had only added a noise study and a hydrological study due to pressure from FOBPC, he added, and vowed to continue fighting the project.

Arthur Hooten held up a list of those who had written to the PSC in favor of the project and those who had written letters in opposition. The opponents' list nearly touched the floor, while those in favor filled one page. What's more, Hooten said, the vast majority of those who wrote in favor were receiving a direct benefit from the project — many were union workers, others were to receive money for a right of way for the transmission line.

Linda Cooper, president of Citizens for Responsible Wind Power — a Tucker County based group opposed to the project — questioned the PSC's methods. She said she was disappointed and frightened by past PSC decisions on wind projects. In Tucker County, many of the pre- and post-construction studies required by the PSC have not been completed or were taken straight from the wind industry, she said. "It seems all (the PSC) requires is a letter from a crackpot scientist," Cooper said.

All studies submitted by Liberty Gap's experts concluded the project will have no major impacts on birds, bats, noise levels, or the local water supply.

Cooper called for strong, enforceable rules from the PSC. She wanted the agency to set a maximum noise level, maximum number of bird and bat kills, and other limits, and if those standards weren't met, the company should be prosecuted or fined, she said.

Reed Waggy, a resident and member of the EDA, thanked the PSC for coming. "We've been kind of shut out of this thing, the public," Waggy said. He said he had suggested the EDA discuss Liberty Gap, but other members had shot his motion down.

Rick Lambert of Monterey, Va., gave a presentation he and other bat experts had prepared in response to Liberty Gap's original

bat study. Since completing his own, Lambert said the PSC had allowed Liberty Gap to submit another bat study. It had taken his group four months to come up with a response to the original, Lambert said. Every one of the authors had jobs, families, and other obligations, and he didn't see how they could respond to the latest study by June, the PSC's deadline for new information. "I'm very upset Liberty Gap was able to give another study," he told the PSC staff. "You're making it hard on us."

Liberty Gap concluded in its first study that bird and bat kills would be equivalent to Backbone Mountain in Tucker County, but Lambert provided evidence it could be much higher. During a six-week period, 47.5 bats were killed per turbine in Tucker before the study was cut off by the project's owner Florida Power and Light, Lambert explained. It was the highest bat mortality rate in the world for a wind plant, he added.

Taking the bat population estimates from the state's Department of Natural Resources from Tucker and Pendleton counties, Lambert discovered Pendleton had significantly more bats. At the low end of the spectrum, Pendleton had eight summer colonies, while Tucker had one. At the high end, Tucker had 1,000 brown bats, while Pendleton had 175,000. "The death rate will be eight to 175 times more than in Tucker County," Lambert said.

Robbie Sites, a landowner in Pendleton and president of FOBPC, said he was sick of hearing many people in the county were in favor of the project. "If they're so for it, where are they?" he asked. "Where have they been?"

He asked why Highland County hadn't been contacted. The project will run right up to the Virginia line, and PSC siting regulations require everyone within a certain radius of the project to be contacted, but as far as he knew, Highland hadn't been in the loop.

Not all easements for the transmission line had been filed at the courthouse, he added, and he wondered how Liberty Gap had obtained easements to cross Sandy Ridge. He claimed the developer hadn't gotten enough rights of way through there.

Sites appealed directly to Leslie Anderson, the PSC's main staffer on the case. "What set of rules are we playing by?" he asked. He said it was frustrating that the PSC has seemingly bent the rules for Liberty Gap, allowing it to resubmit studies and other documents into its application. "We're exhausted (trying to keep on top of the new information), and maybe that's the goal," Sites said.

Lucy Farris Raines, a resident in Circleville, said she had made her own way in Pendleton despite a lack of jobs. Along with farming, she and her husband started two small businesses. She advocated giving tax incentives to individuals to move to green and more efficient power, rather than handing it out to large companies.

Resident Bob Tuckerman said he had heard

several valid concerns during the hearing, especially about geology, hydrology, and biology. He asked if the PSC had its own independent experts in these fields. If it did not, he advised the agency to hire some for an objective evaluation of the project's impacts. He pleaded with the PSC not to rely solely on information supplied by Liberty Gap.

Thomas Burner was one of several residents to complain that people directly impacted by the project haven't been contacted. "There's been no consideration for the people," he said. He said he caught a person conducting the bat study for Liberty Gap trespassing on a piece of property he cares for.

Deb Mixen of Moyers said she remembered seeing "funny little poles" on Jack Mountain in 2004 and asked how long Liberty Gap had

been planning on the project without letting nearby residents know.

Viola "Jeannie" Riggleman quoted an anonymous author from the 17th century she felt was relevant to the situation. "The law locks up the man or woman, who steals the goose off the commons; but the greater villain the law lets loose, who steals the commons from the goose."

What next?

The PSC will hold an evidentiary hearing in Charleston, W.Va. June 28 and 29. Details about the case can be viewed on the PSC's web site: www.psc.state.wv.us. Liberty Gap's case number is 05-1740-E-CS.

A full transcript of the hearing will be posted on the PSC's web site as well.

A quick look

■ *Liberty Gap LLC is a subsidiary of U.S. Wind Force, a wind energy developer based in Pennsylvania.*

■ *The developer has a power purchase agreement in place with FirstEnergy Corporation of Ohio.*

■ *Liberty Gap intends to build a 100-megawatt, \$200 million string of industrial wind turbines along the Jack Mountain ridge in southern Pendleton County. The project would consist of up to 50 turbines, each over 400 feet tall.*

■ *The line of turbines would begin just north of the Highland, Va./Pendleton, W.Va. line and extend north for 6.4 miles, ending just south of the intersection of Jack Mountain with Moyers Gap Road. The project would require 17.25 miles of transmission line connecting it to a substation in north Franklin, W.Va.*

■ *Liberty Gap needs a siting certificate from West Virginia's Public Service Commission before it can build. Pending approval from the PSC it hopes to be operational by November of 2007.*

■ *Developments on Liberty Gap's application with the PSC can be monitored on the PSC's website: www.psc.state.wv.us. The case number is 05-1740-E-CS.*

■ *Several groups and individuals are formally intervening in the case. They are: The West Virginia Highlands Conservancy; Friends of Beautiful Pendleton County; Larry and Rebecca Thomas; Garnett Gregory of Chestnut Woods Association; and the West Virginia Building and Construction Trades Council. Intervenors are much like respondents in Virginia's State Corporation Commission. They will be at the evidentiary hearing in Charleston, W.Va. June 28 and 29 where they will give expert testimony in a court-like*