



Highlanders for Responsible Development
P.O. Box 685 Monterey, VA 24465 www.protecthighland.org

Newsletter

May 2014, No. 5

Stormwater Requirements Present New Challenges

New state regulations that go into effect July 1, 2014 will require protection of Highland County waters from harm caused by runoff from construction sites when a land disturbance (e.g. by construction projects) equals or exceeds one acre. For the first time, technical requirements to protect water quality and quantity, as well as the physical integrity of streams, apply both during and after construction.

Smaller localities are given the option of having the Virginia Department of Environmental Quality administer the program in their jurisdiction, which Highland County's Board of Supervisors has chosen to do. HRD's Water Resources Committee recommended that Highland County instead administer its own program to assure stronger local control and to provide an opportunity for citizen input into the permitting process.

Downstream pollution and damage to aquatic habitat due to land disturbance has generally not been an issue in Highland County. Our streams and water supplies are in relatively good condition. While it is unlikely that the county will have to deal with many developments that are large enough to require approval under the Virginia Stormwater Management Program, having a local ordinance in place could prove critical with a large project like the proposed wind turbines by Highland New Wind Development (HNWD).

Water resource impacts can be a major problem with wind energy development on mountain ridges. With forest clearing and excavation for roads, substations, and turbine pads, even small projects involve significant disturbance and hydrologic alteration in multiple headwater areas. With Highland County being the home of the headwaters of some of the major rivers on the East Coast, keeping those waters protected from damage is critical. In the HNWD case, the responsible state agency was prepared to let the project go forward with incomplete and noncompliant pollution prevention plans, while working to achieve compliance at some unspecified later date. In fact, the agency did not have the capacity to deal with ridgeline wind energy projects.

HRD will continue to closely monitor the implementation of the law as it affects Highland County.

HRD To Co-Sponsor Unique Science Education Program

HRD will join with the Highland County Arts Council in sponsoring a workshop program entitled "Science Songs Rock," to be presented over a two-day period for 4th and 5th graders in the Highland Elementary School this coming September. Science Songs Rock is a program that teaches song writing to elementary grade students while teaching them about science. The subjects of the songs that the students write will have scientific themes, primarily about natural resource subjects, such as insects, water, rocks, etc. The Science Songs Rock instructors are

based in South Carolina, where the program has been presented in schools throughout the state. The Highland program will involve 2 hour blocks of time on each of two days, concluding with a concert at which the students will perform the songs they have written. The workshop is also being done in the Bath County schools. An excerpt of a Science Songs Rock concert at a Charleston, SC school can be viewed at <http://www.youtube.com/watch?v=hHeHjDnrjo>.

Wind Energy Development Update

Highland New Wind Development – No recent activity has been observed that is associated with Highland New Wind Development's (HNWD) proposed project on Allegheny Mountain. The site work conducted in 2009 at three turbine sites is evident in the Google satellite photo, below, from late 2013.



HNWD retains a permit from the State Corporation Commission and a Conditional Use Permit from Highland County. Thus far the developer has not applied for a county building permit. HNWD also needs an Incidental Take Permit, as required by the Endangered Species Act.

The 30-Year Eagle Take Permit – The American Bird Conservancy (ABC) has announced that it will sue the Department of the Interior, charging that the agency has violated federal law in connection with its December 9, 2013 regulation that allows wind energy companies and others to obtain 30-year permits to kill eagles without prosecution by the federal government. The previous rule provided for a maximum duration of five years for each permit.

The April 30, 2014 Notice of Intent to Sue letter states that "ABC is initiating legal action in order to have the rule invalidated pending full compliance with federal environmental statutes. . . ." The 30-year eagle permit rule was adopted in the absence of National Environmental Policy Act documentation or Endangered Species Act consultation.

HRD will be closely following this important legal action. Highland County, with its remote and undisturbed forested mountain ridges, provides winter habitat for the small eastern population of golden eagles. Golden eagles have proven particularly vulnerable to fatal collision with wind turbines in the western U.S.

For more: http://www.vawind.org/Assets/Docs/20140430/ABC_News_Release.pdf

Environmental Impact Study Requested – A coalition of more than 70 conservation organizations has requested that the U.S. Department of the Interior develop a National Programmatic Environmental Impact Statement (EIS) to identify areas for wind energy development as well as areas where new projects should be avoided to conserve wildlife and sensitive habitats. As stated in the 4/23/14 request, the organizations "are supportive of renewable energy as a way to address anthropogenic climate change, but only if it addresses wildlife and habitat impacts. In particular, this means appropriate pre-construction assessments of risk leading to proper siting, post-construction mitigation and independent monitoring of fatalities"

If this EIS process goes forward, Highlanders and other central Appalachian region citizens will need to participate. It will be important, for example, to ensure that a broad national-scale study does not preclude the need to conduct site-specific risk assessments. It will also be important to seek meaningful cost-benefit analysis conducted at appropriate regional scales, given that different areas have both differences in both environmental risks and wind generation value.

For more: http://www.vawind.org/Assets/Docs/20140425/Wind_EIS_Sign_On_Letter_to_Secretary.pdf

HRD Board, Officers in 2014

The Board members and officers serving HRD for 2014 are:

Norm Bell
Sarah Collins
Fran Davenport
Debora Ellington
Dan Foster
Lewis Freeman, President
Rich Holman, Vice President
Rich Laska
Charlotte Stephenson
Chris Swecker, Secretary
Lee Taplinger, Treasurer
Rick Webb, Chair, Water Resources Committee

Highlanders for Responsible Development is a citizens group that promotes stewardship of Highland County, Virginia's unspoiled landscape, natural resources and exceptional quality of life. We support policies and activities that are based upon informed community discourse, democratic decision making, prudent land use and sustainable economic development. The newsletter is issued quarterly (February, May, August and November) to provide information on issues of relevance to the citizens of Highland County. Our website – www.protecthighland.org – archives past newsletter issues and referenced documents. For questions or to make comments, write HRD@protecthighland.org.