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## Groups sue wind project to protect bats, birds

By **Paul J. Nyden**  
Staff writer

Eleven citizen and environmental groups in West Virginia and Maryland have filed a 60-day notice about their intent to sue a wind power project.

They say the huge turbines from the NedPower Mount Storm project would kill endangered bats and squirrels near the Dolly Sods Wilderness Area.

The groups also will sue corporate owners Dominion Resources and Shell Wind Energy for violating the Endangered Species Act, according to Judy Rodd, director of Friends of Blackwater Canyon, based in Charleston.

Rodd said wind power companies are ignoring the "huge number of birds and bats that will be killed each year by the project," including eagles that will be "decapitated as they try to return to their winter homes near Mount Storm Lake."

Threatened species include the West Virginia northern flying squirrel, Indiana bat and Virginia big-eared bat.

In their 60-day notice, the 11 groups ask NedPower to provide them with a formal Habitat Conservation Plan evaluating and predicting threats to endangered species.

The groups also sent letters expressing their concerns to the U.S. Fish and Wildlife Service and the West Virginia Public Service Commission about threats to bald eagles, golden eagles and other migrating birds protected by existing federal legislation.

In a related development, the West Virginia Highlands Conservancy adopted a new position on wind power earlier this month to include their overall impact on energy production, in addition to their impact on local communities.

An article in the May 2008 edition of "The Highlands Voice" stated the group's previous policy focused primarily on issues like aesthetic values and dangers to birds and bats.

"One of the appealing features of wind power has always been that it produced none of the air or water pollution associated with coal," the Highlands Conservancy stated. "Were it replacing coal, then wind would be highly attractive."

But, the article added, if "wind energy does not replace coal, then there is less justification for suffering the costs to society associated with wind."

Scientific researchers, Rodd added, recently estimated 4,000 bats were killed in one year at the Mountaineer Wind Project, located less than 14 miles from the proposed NedPower facility.

"That project operates 44 turbines, while NedPower in Grant County is certified to build 200 turbines that could kill more than 20,000 bats annually," she stated.

West Virginia University Professor Emeritus Robert Leo Smith prepared a scientific analysis accompanying the groups' notice of intent to sue, warning that babies of the endangered Virginia northern flying squirrels could be killed when mountainous lands are cleared for roads, power lines and turbines.

NedPower's wind turbine project is being built on the Allegheny Front along a 14-mile stretch between Mt. Pisgah to Bear Rocks near Dolly Sods.

Landowners who live near the project also have filed a nuisance suit against NedPower citing concerns about their health and safety, as well as reductions in their property values.

Richard Neely, a Charleston lawyer and former Supreme Court justice, represents them.

Other groups in the coalition issuing the 60-day notice include: Friends of the Allegheny Front, Highlanders for Responsible Development, the Maryland Alliance for Greenway Improvement and Conservation and Stewards of the Potomac Highlands.

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