



Sierra Club
West Virginia Chapter
P.O. Box 4142
Morgantown, WV 26504

June 22, 2019

Ingrid Ferrell, Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, West Virginia 25301
Via fax to: **(304) 340-0325**

12:46 PM JUN 26 2019 EXEC SEC DIV

1 Protest Original (s)

RE: CASE NO. 19-0483-E-CS, BLACK ROCK WIND FORCE, LLC

Dear Ms. Ferrell:

Please accept the following comments as a Letter of Protest on behalf of the approximately 2500 members of the West Virginia Chapter of the Sierra Club regarding the application for a siting certificate for a wholesale electric generating facility proposed by Black Rock Wind Force, LLC in Grant and Mineral Counties, WV. The Sierra Club generally supports renewable energy facilities such as this proposed wind farm, but several site-specific impacts must be addressed before we can offer our support. Please consider the following issues:

- 1) The application indicates that the proposed wind turbines could be as large as 5.8 MW each, with a peak height of approximately 700 feet. These are among the largest ever proposed in WV. As such, visual impacts, potential for bird and bat impacts, and related environmental impacts will be proportionately larger than for previous wind facilities. PSC approval should be conditioned on adequately addressing these issues.
- 2) The application indicates on Page 4 that the Black Rock project will be an exempt wholesale generator and not offer electricity for sale to customers in WV. But on page 2, the application indicates that they are negotiating with an in-state company for a "Virtual Power Purchase Agreement". The Sierra Club supports legislation to authorize Power Purchase Agreements in West Virginia, and urges the PSC to clarify the criteria by which an exempt wholesale generator can offer Power Purchase Agreements to in-state customers.
- 3) The application cites a 2018 PJM Load Forecast (page 14) to justify the claimed projection of 0.4 % per year increase in electricity demand. The 2019 PJM Load Forecast now projects summer load to grow at only 0.3 % per year. We believe that even this is overly optimistic, as it is based on a 20-year historical average and does not reflect the rapid growth of energy efficiency measures during the last 10 years. Major investments in energy efficiency means that energy consumption is now largely decoupled from economic growth. Electricity consumption in the PJM region is essentially flat or declining over the last 10 years, in spite of sustained economic growth. While there remains a need for substantial amounts of new renewable energy generation

to replace existing fossil fuel generation, the PSC should not rely on outdated projections of endless growth in electricity demand. The 2019 PJM Load Forecast is available at:

<https://www.pjm.com/-/media/library/reports-notice/load-forecast/2019-load-report.ashx?la=en>

- 4) Page 21. The application states that impact analyses are based on the 158-m-diam rotors, rather than the “projected” SGRE 145 turbine model, but that “it is not expected that the project will deploy turbines with heights contemplated within the impact studies.” Nevertheless, the application indicates that Black Rock may well adopt the 5.8-MW turbines, thus, the PSC should assume impacts will be based on the larger turbine, and disregard the above claim that “it is not expected...”.
- 5) Pages 44-45. Land disturbance and vegetation removal have been frequent concerns during wind farm construction. While Black Rock proposes to “minimize” this disturbance, the PSC needs to **require** clear standards and enforcement mechanisms to assure compliance. Too many wind farm sites have been subjected to excessive land clearance and unnecessary bull-dozing. For example, it is not clear why a 50-foot-wide roadway must be cleared for construction, especially since the proposal calls for re-vegetating all but a 20-foot-wide road after construction. To avoid establishment of invasive species, the PSC should **require** use of certified weed-free mulches for soil erosion control, and native plants for re-vegetation unless the landowner specifies otherwise.
- 6) Page 91 and Appendix S. We support the use of a stringent protective curtailment regime to minimize risk to birds and bats. We recommend that the PSC **require** on-going monitoring to evaluate the effectiveness of bird and bat protections. The need for this is further heightened by the substantially larger size of the proposed turbines than those at nearby windfarms. For example, the rotor diameter of the Gamesa G80 turbines at NED Power is 80 meters, versus 145 m for the 5.8 MW turbines at Black Rock. Thus the area of impact for bats and birds is almost four times larger, making avian avoidance more difficult. The conclusion in Appendix S that wildlife risk is likely to be comparable to similar facilities in the region is contradicted by the much larger turbine sizes proposed at Black Rock. None of the studies cited in Appendix S evaluate the effect of differing rotor sizes on the potential for increased bird or bat impacts associated with larger rotors, thus on-going monitoring to validate the above assumption is essential.
- 7) We are concerned about the proximity of bald eagle nests near the North Branch, Potomac River. The PSC must **require** that Black Rock ascertain whether the nests are active, and if so, drop wind turbine sites that pose a risk to bald eagles.
- 8) We applaud the establishment of a Community Impact Fund by Black Rock. We recommend they contact the Appalachian Stewardship Foundation as a model of how such a Fund can operate for the benefit of the community and the environment. See contact information at: <http://appalachianstewards.org/>
- 9) Appendices G and I (Aerial Photo and Maps) are very helpful in visualizing the location of the project, relative to existing wind farms. The Black Rock project fills a gap

between one windfarm immediately adjacent on the southwest, extending most of the way to another wind farm to the northeast. The PSC must **require** analyses to determine if there are cumulative impacts that should be considered by “plugging the gap” along the Allegheny Front?

- 10) Appendix J correctly identifies the Black Rock site as adjacent to existing windfarms, but fails to emphasize that the proposed turbines at Black Rock would be nearly twice the rotor diameter and substantially taller than the existing turbines. In addition, the Visual Impact Analyses fail to account for the interactive effects of motion, aviation warning lights, and noise, which create a constant reminder and increase the perceived impact of the turbines. A more detailed visual and noise impact analysis must be **required**. Such studies should recognize that motion/flicker, flashing aviation lights and noise will interact to exacerbate the visual and noise impacts. The PSC should identify those specific turbine sites with the greatest impact, and drop from the proposal those turbine sites with significant impacts to nearby residents, motorists on highways, or scenic locations. At a minimum, Appendix K (page 6) indicates that Black Rock expects to have “neighbor agreements” with nearby residents impacted by the most “flicker”. The PSC must **require** as a condition of the Siting Certificate that all such neighbor agreements be filed with the PSC, and that turbine sites with impacts on residents without such an agreement (and adequate compensation for the impacts) be dropped from the project. It is worth noting that the economic impact analyses on property values cited in Appendix N discuss studies of property values within 5 miles, but do not consider property values within 1-2 miles or within the viewshed of a windfarm. The failure of these studies to discern a significant trend may be related to their failure to focus on those properties most impacted. While many businesses may move to an area to be in proximity to renewable energy generation, local residential properties may see a reduction in attractiveness when the property is in the immediate vicinity of an industrial scale energy facility.
- 11) Appendix U cites an EPA standard of LDN = 55 dBA as protective of public health and welfare. However, this fails to consider the impact of persistent noise on the enjoyment of property. A more appropriate way to characterize noise impacts is to identify the noise level as loudness above background noise. Sound levels that increase ambient noise more than 3 dBA above background result in a noticeably louder sound environment for the receptors, and that is a significant issue for those residents who chose property because they highly value the peace and quiet of a rural environment. Residents living in remote areas thus may experience a disproportionately greater noise impact than those living along a busy highway, even though the latter may experience louder overall noise levels.
- 12) Of greater concern, the acoustic studies in Appendix U are based on a 4.2-MW turbine, but Black Rock proposes turbines as large as 5.8 MW. These larger turbines are likely to generate louder noise. The PSC must **require** noise analyses for the larger turbines as a condition of the siting certificate if those are to be used. Appendix U (page 7) indicates that Black Rock expects to do a new noise study if they change turbines from those studied.

In summary, we hope that Black Rock would agree to the requirements cited above, so that we can offer full support for the proposal. We support renewable energy sources, but we insist that renewable energy facilities are protective of the environment, and respect the rights and values of local residents.

Sincerely,

A handwritten signature in cursive script that reads "James Kotcon".

James Kotcon
Conservation Chair.
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