

# Vermonters for a Clean Environment

789 Baker Brook Road  
vce@vce.org

Danby, Vermont 05739  
802-446-2094

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Contact: Annette Smith 802-446-2094

## **VCE: Stakeholder Solutions Needed for Wind Development** **“Collaboration is needed to address problems,” Smith says**

In response to complaints about water quality protections at the site of Vermont’s first big wind turbine construction project, Vermonters for a Clean Environment is calling for a community-based stakeholder process to resolve disputes that arise during construction and operation of large-scale electricity generation projects in the state.

VCE’s call comes in response to allegations that First Wind and its subcontractors have committed multiple stormwater permit violations during the first phases of construction at the site of the Sheffield wind project, resulting in sediment washing into high quality streams and wetlands, and potentially causing harm to native trout spawning habitat. State officials have denied most claims, and are investigating others.



*Project neighbor and certified fisheries biologist Paul Brouha points to sediment that has run off the wind project site, past hay bales and across and into the stream, high up on the mountain in Sheffield*



“This is just the beginning of a very long process,” VCE’s Executive Director Annette Smith stated. “We have fundamental, fact-based disputes about what is happening in the first stage of the construction process. The state says the impacts are minor, and that other sites in Vermont are even worse – the neighbors simply want the water quality protected and maintained and the permit conditions upheld. We’re stuck arguing about how bad things are, instead of working together to make sure bad things don’t happen in the first place.”

Smith continued, “If First Wind’s permit holds up on appeal and the company continues constructing the project, we can expect issues arising about trucking of turbine parts, blasting, noise and health impacts from operations. These are complicated projects involving multiple communities. We need a much better process to resolve the genuine disagreements that will inevitably arise.”

VCE is recommending the use of a community-based stakeholder process used successfully in Vermont on several occasions to create consensus in contentious situations. VCE hopes to build on lessons learned while attending the Department of Energy-sponsored Consensus Building Institute's workshop for wind developers, government officials, and community members held in March at Harvard Law School.

The process involves bringing all parties together – developers, community members, advocates, regulators, and other government officials – to find common ground. Critical to this process is identifying scientific experts that all parties agree to use for analysis and investigations. “When we have avoided the ‘dueling experts’ scenario, we have created a climate where agreement can be reached,” Smith explained. “Bringing a mutually agreed upon, neutral, trusted third party into the discussion builds trust and improves communication. We’re talking about re-defining what ‘public process’ really means.”

For wind projects, VCE expects that a variety of state agencies would need to participate to create an inter-agency presence, including Transportation, Natural Resources, Health, and Public Service.

First Wind, (formerly UPC Wind, doing business in Vermont as Signal Wind, Vermont Wind, and Sheffield Wind, recently merged with Algonquin Power and Emera Inc.) began construction of its 16 2.5 MW Clipper Liberty wind turbine project on mountains in Sheffield in September, after the Environmental Court issued its ruling on an appeal of the construction stormwater permit for the site, but before the appeals process had run its course. Neighbors appealed the decision to the Vermont Supreme Court, and also filed a Motion to Stay construction until the Supreme Court has ruled on the issues raised in the appeal.

Last week, Vermonters interested in protecting and maintaining water quality in the high elevation streams on the tops of the mountains made a site visit and took photographs of sediment running down roads that are being built by First Wind. In some cases, the sediment was running off into brooks and wetlands.

The permit that governs stormwater runoff at the site is at issue in the litigation. Neighbors maintain it is not protective of water quality, while the Agency of Natural Resources has fiercely defended its permit and issued a similar draft permit for Green Mountain Power's Lowell wind project.

VCE anticipates that in the future, neighbors will seek opportunities to tour construction sites on a regular basis with hired experts, and get more frequent (and trusted) updates on what is taking place on the site. Neighbors have also expressed an interest in developing property value guarantee agreements, and protocols for addressing complaints from noise impacts.

“We must find a way to work together so neighbors are treated more fairly than they are now and have a seat at the table.” Smith said. “By coming together and creating a way to resolve disputes collaboratively, we can protect our environment and our communities.” Smith concluded.

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