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## SENATE JOINT RESOLUTION NO. 334

Offered January 12, 2005

Prefiled January 11, 2005

*Establishing a joint subcommittee to study wind energy development in Virginia. Report.*

Patron—Hanger

Referred to Committee on Rules

WHEREAS, wind energy is a proven technology that has been used successfully in many parts of the United States and globally, and is a renewable energy source of great potential in Virginia; and

WHEREAS, wind energy is desirable in that it has no transportation costs after setup, no fuel, no waste, no emission control, and no storage waste; and

WHEREAS, wind energy facilities may have significant negative effects on wildlife populations in certain locations, particularly bats and migratory birds; and further research on these potential impacts is needed; and

WHEREAS, Virginia is home to several endangered species of bats and contains globally-significant stopover habitat for migratory birds; and

WHEREAS, the United State Fish and Wildlife Service has issued a voluntary guidance that recommends studies of bird and bat migration patterns during all seasons for up to three years prior to approval of any wind energy site, as well as pre- and post-construction mortality research and monitoring conducted by research teams that include federal and state agency wildlife professionals with no vested interest in the project; and

WHEREAS, wind energy may provide a revenue source for government services in host communities; and

WHEREAS, the cost per kilowatt hour of electricity generated from wind energy facilities continues to become more competitive with other traditional forms of electricity sources including natural gas; and

WHEREAS, the Virginia Department of Mines, Minerals and Energy, which is responsible for Virginia renewable energy policy, has provided support to a preliminary study undertaken by the Virginia Wind Energy Collaborative to determine the degree to which areas of high wind potential correspond to areas containing significant ecological resources, and to provide this information to help guide the effective siting of wind energy facilities; and

WHEREAS, no wind energy development has yet occurred in Virginia, but several facilities have been proposed in different parts of the state, including mountainous and offshore regions; and

WHEREAS, factors such as the Federal Production Tax Credit and Renewable Portfolio Standards adopted by adjacent states are expected to expand the pace and extent of wind energy development in the region; and

WHEREAS, there is currently no clear state policy on how the Commonwealth or local communities can assess potential economic and environmental costs and benefits of wind energy development and also have assurance that facilities will not negatively impact valuable scenic and environmental resources, including rare and endangered species; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study wind energy development in Virginia. The joint subcommittee shall have eight legislative members. Members shall be appointed as follows: three members of the Senate to be appointed by the Senate Committee on Rules; and five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The joint subcommittee shall elect a chairman and vice chairman from among its membership.

In conducting its study, the joint subcommittee shall:

1. Review the study conducted by the Virginia Wind Energy Collaborative regarding areas of Virginia that may be most appropriate for preservation and areas most appropriate or desired for wind development;

2. Review federal laws and regulations that may be applicable to the siting and operation of wind energy facilities on private land, including the Migratory Bird Treaty Act, the Endangered Species Act, the Bald Eagle Protection Act, and the National Environmental Policy Act of 1969;

3. Analyze the sufficiency of state laws and regulations that may be applicable to the siting and operation of wind energy facilities on private and public land, including the requirement for a Certificate of Public Convenience and Necessity issued by the State Corporation Commission and the environmental reviews and monitoring protocols that would be required prior to issuance of the

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59 Certificate;

60 4. Review potential impacts of wind energy development on local communities, including local  
61 authority to address aesthetic impacts, infrastructure development and maintenance, and revenue that  
62 may be made available for local government services; and

63 5. Make recommendations to ensure that wind energy development creates a net-positive stream of  
64 revenue to Virginia's localities without creating unacceptable impacts to scenic resources, critical natural  
65 habitat, and rare species.

66 Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,  
67 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by  
68 the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the  
69 joint subcommittee for this study, upon request.

70 The joint subcommittee shall be limited to four meetings for the 2005 interim, and the direct costs of  
71 this study shall not exceed \$4,800 without approval as set out in this resolution. Approval for  
72 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the  
73 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is  
74 agreed to, written authorization of both Clerks shall be required.

75 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members  
76 or a majority of the House members appointed to the joint subcommittee (i) vote against the  
77 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the  
78 joint subcommittee.

79 The joint subcommittee shall complete its meetings by November 30, 2005, and the chairman shall  
80 submit to the Division of Legislative Automated Systems an executive summary of its findings and  
81 recommendations no later than the first day of the 2006 Regular Session of the General Assembly. The  
82 executive summary shall state whether the joint subcommittee intends to submit to the General  
83 Assembly and the Governor a report of its findings and recommendations for publication as a Senate or  
84 House document. The executive summary and the report shall be submitted as provided in the  
85 procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
86 and reports and shall be posted on the General Assembly's website.

87 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
88 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or  
89 delay the period for the conduct of the study, or authorize additional meetings during the 2005 interim.