

11/3/13

This was to the Secretary of the NC Department of Environmental & Natural Resources (DENR).

John:

I've tried mightily not to bother you, but I'm concerned about what is going on with regards to the proposed Newport wind project.

When the "Wind Permitting" bill ([H484](#)) was being debated earlier in the year, I informed legislators and DENR people that quite a few things needed to be tightened up, to have this bill do the job it should do — protect NC military bases, citizens, and the environment.

[Here is the [document](#) where I outlined all the problematic issues. This was sent to all key DENR people, and legislators.]

Unfortunately, those fixes did not get incorporated.

I was told by several legislators and DENR people that they were happy getting *any* statewide wind permitting measure passed, so "something was better than nothing." A low bar to be sure, and that is what we got.

What that means is that it is now in the lap of small towns like Newport to write a technical ordinance to fill in the significant gaps left by H484. That's not right, and DENR should be bending over backwards to rectify these deficiencies — as much as possible within the law. So far that effort is not evident.

[BTW, I was also personally promised by some DENR people that the department would correct the weaknesses in H484 in the next session. I hope so.]

The biggest reason for anxiety right now, is that Newport is a statewide test case for H484 — so setting proper precedents is *extremely* important. Here are some of my concerns so far:

1 - From the DENR people I have spoken to I understand that they have been in communication with the developer, and have received some documentation from the developer, starting in July. On the other hand, what I understand from the Town is that have received very little on this project, and what they did get was months later. Although this may be allowable in the porous H484, in my view DENR should be including the Town in ALL correspondence with the developer, materials received from the developer, etc — immediately as they are received. {Yes, I realize that this obvious requirement is not mandated in H484 — but DENR is certainly within its rights to do provide better communication than specified in the law.}

2 - On Tuesday, November 5th, a "Scoping Meeting" is scheduled. In my contrarian view, the developer's pre-application materials should be sent out to all "Scoping Meeting" attendees — at least a week in advance of said meeting. Only then can they be prepared to make intelligent observations at that get-together. As it is, these people are attending this meeting blind, as they have very little of substance. {Yes, I realize that this logical recommendation is not mandated in H484 — however it is not precluded either.}

3 - The DENR person coordinating this told me that the developer's materials would be handed out at the meeting — which means the developer has the materials ready to go. Without attendees being properly prepared, the impression given here is that this is essentially a marketing opportunity for the developer to make a sales pitch to the attendees (who will be unprepared to answer) — under the sponsorship of DENR. {Yes, I realize that this is how H484 set it up — however nothing prevents DENR from improving on the law.}

4 - Tuesday's "Scoping Meeting" is a closed gathering (by invitation only), and will be held in Wilmington. The excuse the DENR person gave for the closed meeting is that the room only holds 35 people. It seems to me that the meeting should have been in Morehead City, near where the project is proposed for. I can assure you that there are spaces available in MHC that will accommodate more than 35 people. {Yes, I realize that H484 foolishly didn't require the Scoping Meeting to be near the proposed project site — but DENR would have been within its rights to arrange it to be closer.}

5 - I couldn't get a straight answer as to whether an appropriate DHHS person was on the list of invitees at the "Scoping Meeting". Health considerations for this type of industrial project are paramount, so a competent DHHS person should be a fully involved participant throughout this process. {Yes, I realize that H484 didn't require DHHS to be an active party — an egregious error in the bill. However, DENR is not precluded from adding other qualified parties to the process, and DHHS is a key one. I believe that Layton Long is one DHHS person handling wind energy.}

6 - If you re-review the prior five items, one message comes through: in their interpretation of H484, DENR has shown more concern for **rule adherence**, as vs what's in the best interest of the community affected by this project. That might be appropriate for a well-written and time-tested law. However, H484 is neither, so DENR should keep the Big Picture in focus.

We still have a way to go here, but as a consumer advocate, I am disappointed by this start.

My hope is that there will be a change in the perspective of the DENR people involved with wind energy. Instead of them trying to adhere to the literal, bare minimum translation of H484, how about acting in the **spirit of the law**, and the **mission of the Department**?

The NC Department of Commerce is already established as the official state advocate for such ventures. As such it is their bailiwick to grease the skids for such corporations who are trying to make a killing here.

In regard to industrial wind energy, what is needed is a NC state agency that is an unabashed full-time advocate:

- to **aggressively represent the rights of NC citizens** (especially those proximate to industrial development),
- to **protect the interests of NC military bases** (since they are unable to defend themselves), and
- to **adequately safeguard the NC environment**.

My appeal to you is to see that DENR actively takes on those roles — all of which DENR has the prerogative to do, while still adhering to the terms and conditions of H484.

Let me know any questions.

regards,

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physicist
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{Note: To date I have received no response to this plea.}