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**Randall Reid-Smith, Commissioner**

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EEO/AA Employer

December 21, 2009

William H. Chambliss, Esq.  
General Counsel - State Corporation Commission  
Tyler Building, 11<sup>th</sup> Floor  
1300 East Main Street  
Richmond, VA 23219

RE: SCC Case No. PUE-2005-00101- Highland New Wind Development, LLC  
FR# 06-595-PH

Dear Mr. Chambliss,

The West Virginia State Historic Preservation Office received a copy of the October 9, 2009 Highland New Wind Development, LLC Visual Impact Study (Study) from the Virginia Department of Historic Resources. We have reviewed this Study and would like to share additional comments relating to our previous letters regarding the proposed wind project near Camp Allegheny in West Virginia. Most recently, our office's letter to you dated September 21, 2009 expressed our concerns regarding the potential visual impacts to this Civil War era landscape. We would like to expand upon those comments and discuss briefly the Study's contents.

On November 3, 2009 my staff and I visited the battlefield and camp area to review the current historic integrity of the resource. We were accompanied by Hunter Lesser, a local historian who has studied extensively the First Campaign of the Civil War and Camp Allegheny as it relates to this campaign. During our visit, Mr. Lesser pointed out features of the historic landscape. (Ms. Kathleen Kilpatrick of the Virginia Department of Historic Resources has discussed in her November 17, 2009 letter to Mr. John W. Flora of Lenhart Obenshain, P.C. details regarding the updated National Park Service's American Battlefield Protection Program (ABPP) assessment of the Camp Allegheny encampment and defensive fortifications; therefore, we will not duplicate that summary here.) With information from the Visual Impact Study and the ABPP assessment, we identified the locations of the proposed wind turbines. While there, it was easily apparent that this historic landscape has escaped virtually all modern impact. Its integrity and preservation as a mid-nineteenth century landscape is singularly impressive. Therefore, the introduction of the wind turbines to its view shed will adversely alter the character of this historic landscape.

The Study prepared by Ms. Heidi L. Lestyan of Antares Group, Inc. describes the methodology of siting the turbines on the buildable area within the Highland New Wind Development (HNWD) project area and then provides visual simulations related to Camp Allegheny. Ms. Lestyan is identified as a renewable energy analyst. Her Study discusses the parameters of the wind project such as the size and number of turbines, usable areas of the terrain, and availability of turbines. However, the Study lacks information regarding the significance of Camp Allegheny. Typically, prior to assessing effect to historic resources, the significance of the historic resource is addressed as well as the seven aspects of integrity, which includes setting. The National Park Service provides guidelines regarding these analyses. In this case, discussion would summarize the events of the Civil War that took place at this location as well as identify the individual aspects of the landscape such as the foundations and earthworks. Discussion would also focus on the integrity of the historic resource. This analysis is developed by a consultant meeting National Park Service professional qualifications according to 36 CFR 61. From this analysis, an appropriate area of potential effect would be developed for the proposed undertaking.

However, such information is not included in this Study. It includes one topographical map showing a close up of simulation locations. It does not provide an inclusive map showing the location of the historic resource in relation to the proposed project. Information is readily available such as the National Register nomination materials, most notably the resource's boundary map; as well as recently updated information developed by the ABPP regarding the historic boundary. To assist our understanding, my staff prepared a rough map based upon information at hand. The Study includes visual simulations limited to one area of the historic resource; thus not completing an adequate evaluation of the visual impact. The Study has not addressed the area of the battlefield found near the Varner Cemetery; this section of the historic resource is located in closer proximity to the project area.

While the Study's images of the battlefield and various elevation figures demonstrate the visual impact to the historic landscape, it fails to explain why "HNWD does not believe that the visual impact is 'adverse'" as stated on page 2. It does not analyze the impact to the historic integrity of the resource; nor does it fully explore options to minimize or reduce effects to the historic resources other than state that the "County imposed viewshed minimization requirements are the only minimization tools available." Rather, the Study focuses on parameters impacting the turbine selection and their siting such as the availability of manufactured turbines, their rated output and the limitations of the buildable area as it relates to the available wind regime. This Study does not acknowledge the historic significance of the battlefield nor the unchanged nature of its landscape.

HNWD does not elaborate upon these parameters of the project which are paramount to our concerns. To comprehend this landscape requires a knowledge and understanding of the National Register Criteria of Evaluation and the characteristics of integrity associated with

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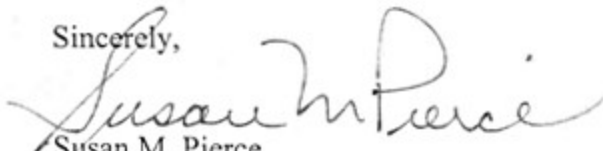
Mr. William H. Chambliss

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historic resources. This type of professional assessment is not evident in the current Study; therefore, we again request that Camp Allegheny receive its due consideration as a nationally significant Civil War Battlefield. We have outlined in this letter the deficiencies of the current Study and ask that the SCC insure that these are addressed prior to further consultation.

Thank you for your consideration of our comments. We appreciate the opportunity to comment regarding this project.

Sincerely,



Susan M. Pierce

Deputy State Historic Preservation Officer

cc: Randall Reid-Smith, WV SHPO  
Kathleen Kilpatrick, VA SHPO  
John W. Flora, Lenhart Obenshain, Esq.  
✓ Mr. Martin Saffer, Pocahontas County Commission  
Hunter Lesser  
Congressman Nick J. Rahall, II