

# State of Vermont

## House of Representatives

Montpelier, Vermont



### Joint House Resolution

J.R.H. 8

Joint resolution requesting that, as soon as possible, the Federal Aviation Administration complete its review of, and issue approval for, the installation and use of Audio Visual Warning System nighttime lighting on wind turbines, including those turbines consisting of the Kingdom Community Wind Project located on the Lowell Mountain Range

Offered by: Representatives Young of Glover, Higley of Lowell, and Strong of Albany

Whereas, on May 31, 2011, the Public Service Board (the Board) issued a conditional certificate of public good (CPG) in Docket No. 7628 to the Green Mountain Power Corporation (GMP), Vermont Electric Cooperative, Inc., Vermont Electric Power Company, Inc., and Vermont Transco LLC to proceed with construction of the Kingdom Community Wind Project (KCW), and

Whereas, the Board authorized KCW to generate a maximum 63 megawatts of electric power, to include a wind generation facility on approximately 3.2 miles with 21 wind turbines on the Lowell Mountain ridgeline in the town of Lowell, and to build related transmission upgrades in several nearby towns, and

Whereas, each turbine is authorized to have a generating capacity of 2.5 to 3 megawatts and consists of three blades on a horizontal axis connected to a columnar tower which includes a nacelle, and

Whereas, the turbines are painted white or an off-white color, stand between 262 and 279 feet high at the nacelle, and are 410 to 459 feet high at the tip of each blade, and

Whereas, one of the several parties the Board authorized to intervene in Docket No. 7628 was the Green Mountain Club, which sought the installation, subject to FAA approval, of an Object Collision Avoidance System (OCAS) for nighttime wind turbine lighting, and which the FAA refers to by its generic name Audio Visual Warning System (AVWS), and

Whereas, the key to OCAS is that the turbine's nighttime lights would only be activated when the system's radar detected an aircraft within a designated distance from the turbines, and the OCAS lights would go dark once an aircraft had passed beyond the mandatory lighting range, and



Whereas, the GMC petitioned for the OCAS system's inclusion to mitigate the wind turbines' nighttime impact on the view from the Long Trail (LT) along a ten-mile segment between Route 118 in Eden and Route 58 in Westfield, and

Whereas, this LT segment includes the historic Tillotson Camp where through hikers stop overnight, and which is situated on a ledge, effectively Tillotson's front porch, with a view consisting almost exclusively of the Lowell Mountain Range, and

Whereas, GMP was amenable to this condition, and the Board's CPG Condition 34 provided that GMP "shall apply for and take all reasonable steps to obtain approval of the Object Collision Avoidance System ("OCAS"), and shall install the OCAS promptly should it obtain approval," and

Whereas, the OCAS system GMP is proposing at Lowell would include lighting on eight turbines, as at present, plus four radar antennae, including 15-foot whip antennae on three of the turbines, and a fourth to be constructed on a new 45-foot tower, and

Whereas, the FAA issued a memorandum in 2009, amending its Advisory Circular 70/7460-1k, to include positive comments on AVWS lighting; however, the FAA has never approved AVWS for use on a wind turbine, and

Whereas, VESTAS, the supplier of OCAS, has petitioned the FAA on GMP's behalf, seeking the federal agency's approval to install OCAS on wind turbines generally and specifically on the Lowell Mountain Range, and

Whereas, the FAA's approval to install an AVWS lighting system on the Lowell wind turbines would decrease the turbines' nighttime visual impact, not only from the Long Trail, but also from other vantage points, including those in the towns of Albany, Craftsbury, and Lowell, and

Whereas, the FAA had previously indicated it would release a decision in late 2012 and has now indicated it will be the middle of 2013 before a decision is issued, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that, as soon as possible, the Federal Aviation Administration complete its review of, and issue approval for, the installation and use of Audio Visual Warning System nighttime lighting on wind turbines, including those turbines consisting of the Kingdom Community Wind Project located on the Lowell Mountain Range, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Michael Huerta, Administrator of the Federal Aviation Administration, to the Vermont Congressional Delegation, to the Green Mountain Power Corporation, to the Albany, Craftsbury, and Lowell town clerks, and to the Green Mountain Club.