

Keeping It Quiet

Wind turbines are remarkably quiet and cannot be heard from the shore. Today's high-tech machines create a gentle "whooshing" sound which is usually difficult to discern from the noise of wind in your ears or general background noise. At a distance of 750 to 1,000 feet, modern windmills are no noisier than a kitchen refrigerator. Bluewater Wind's turbines will be at least 31,680 feet (six highway miles) from land, therefore impossible to hear while on the beach or boating near shore.

Modern wind turbines require very little maintenance, typically less than 48 hours of maintenance per year. It's important to note that a wind park is essentially numerous individual power plants; when one or two turbines are down for maintenance, the rest continue to generate electricity. That's different from a fossil fuel powered plant, when the entire facility is taken offline - often for many weeks - during maintenance or equipment failure.

Preserving Coastal Views

One of the most compelling aspects of an offshore wind park is how small it appears on the horizon. The wind parks proposed by Bluewater Wind have minimal visual impact, because the offshore turbines would be located more than six miles from shore. On a typical summer day, the haze often renders the turbines invisible. On a clear typical winter day, the turbines are slightly visible and would appear to be about half the size of a thumbnail when one's arm is extended and as thin as a toothpick. Offshore wind turbines are safe for birds and marine life. The turbine foundations are quickly transformed into artificial reefs, where fish populations can grow and thrive.

Learn More

The decision to build an offshore wind park will shape our environment, our children's future, and the course of our nation. The facts show that wind energy is a winning approach. The more you know, the more you can help others understand the merits of wind energy. The following are links that can help you learn even more about the benefits of wind energy:

www.ifnotwind.org
Yes2wind.com

If you want to educate kids on the concept and benefits of wind power, check out:

Wind with Miller
(a link in <http://www.windpower.org/en/kids/index.htm>)

Keep In Touch

If you would like to hear from BlueWind Water with important news about the Delaware Offshore Wind Park, please join BlueWind Water's mailing list. They will not provide your information to anyone else.

This article was excerpted from information contained in the Bluewater Wind website. For more information on the concepts and benefits of wind power, go to www.bluewaterwind.com.

As Americans learn more about the dangers of global warming and confront the health effects of pollution, the call for clean, safe, renewable energy grows louder and louder. That call is being answered, in part, by the development of wind parks.

DAS Armchair Activist's Windpower Update

Hearings were conducted in early March to take public comment on Delmarva's and the Public Service Commission's (PSC) consultants' evaluations of the proposed energy projects. The public turned out in significant numbers to support Bluewater Wind's offshore wind energy proposal. NRG has used a number of underhanded tricks throughout this process. Company employees and union supporters showed up in large number and attempted to dominate the proceedings by testifying in support of their fossil-fuel proposal. NRG has also paid for ads offered up by union groups that were less than truthful.

Both evaluations from Delmarva's and the PSC's Independent Consultants ranked the Conectiv 180 MW natural gas-fired combined cycle power plant first, Bluewater Wind's 400MW wind farm second and NRG's IGCC plant third. On April 4th, the PSC's Independent Consultant issued an Interim Report on the Delmarva IRP (Integrated Resources Plan) in Relation to the RFP for new power generation and was critical of Delmarva's approach. The IC's Interim Report criticized Delmarva for failing to adequately consider risks from rising natural gas prices and the potential shutdown of the two older units at NRG's Indian River Power Plant complex. The Interim Report also took issue with Delmarva for not soliciting out of state bids and testing the market for better proposals.

Unfortunately, this entire process has been defective from the very beginning. Now the decision makers have a perfect excuse to forego making a politically difficult choice. The real losers will be ratepayers and the environment.

From The Conservation Chair
Spring 2007

Horseshoe Crab Harvesting Moratorium

In addition to DE Audubon, DNS, Defenders of Wildlife, American Bird Conservancy, American Littoral Society and NJ Audubon filed a motion to intervene in support of the two-year moratorium on horseshoe crab harvesting in DE, NJ and the Delaware Bay in Superior Court of Sussex County on Friday, February 2, 2007. The commercial fishermen opposed the motion to intervene. A hearing on the motion was scheduled for March 16. The plaintiffs are attempting to supplement the record, as are we, the intervening parties.

On March 28th, Judge Stokes denied our motion to intervene. He found that our ultimate goal and interest was being adequately represented by DNREC. Specifically, the Court pointed to the Hearing Officer's Report, which detailed the commitment of the Secretary to a total moratorium for the protection of both the horseshoe crabs and the red knots, not only today but for the future. He also noted that in a case where an agency action is at issue the agency action is presumed valid and reviewed on the record and who better to defend the action and the record but the agency itself. The Court understood that we were attempting to show that we had an interest in not only conservation but in the restoration of the species; however, the Court found this to be a distinction without a difference. The Judge also indicated that he would not entertain a motion to allow an amicus brief*. We are now researching what appeal options might exist. (* means 'friend of the court' -- someone who is not a party to the litigation, but who believes that the court's decision may affect its interest.)

Delaware City Refinery

In July of last year, Delaware Audubon and NRDC filed a motion to enforce judgment against Texaco Refining & Marketing (former owners of the Delaware City Refinery) for Clean Water Act violations and failure to perform appropriate studies stemming from our 1988 citizen suit. The Court ordered its previously appointed expert to review Texaco's water quality studies. The court-appointed expert recently submitted his report to the Judge (Sue Robinson). The case has been set for trial on October 1. Between now and then, NRDC's attorneys will review Texaco's documents and depose probably 6-12 experts Texaco will present. We believe we have a very strong case and that the Court-appointed expert's report will support our position.

Prime Hook National Wildlife Refuge (PHNWR)

Litigation: We thought we had an agreement with Department of Interior/Department of Justice and US Fish and Wildlife Service, but now find out that they have concerns about committing to comply with their own policies. We sent a letter to the judge raising concerns about the government's action. The government responded by essentially saying they really didn't ever say that a settlement had been reached. At this point it appears litigation will commence. We pressed their legal counsel on whether they would uphold their commitment not to enter into Cooperative Farming Agreements for 2007. They provided verbal assurances that this was the case. We sent a follow up letter memorializing this commitment in writing. We are now preparing to litigate.

Freedom of Information Act Request (FOIA): PHNWR submitted a wetland application seeking to fill some wetlands and provide mitigation for a road pull-off area along one of the impoundments on Route 16. Delaware Audubon representatives attended a hearing in late February on the application and expressed support for the project but raised concerns that the Refuge did not conduct the required environmental assessments (EAs) or compatibility determinations (CDs) and suggested that DNREC not approve the application until the necessary studies were performed.

We also submitted a FOIA request asking that the Refuge provide us copies of any EAs or CDs that were conducted on this and several other projects undertaken by the Refuge, including the placement of Recycle Delaware bins on the fringe of woodlands, trails and observation platforms. We received some documentation that they believe satisfies the requirements. That information is currently under review.

DuPont Chambers Works Caustic VX Hydrolysate Treatment

With DuPont's public announcement that they will no longer pursue the treatment of VX hydrolysate at the Chambers Work in Deepwater, New Jersey, the plaintiffs (of which we were one) in the lawsuit against the US Army moved to dismiss the case without prejudice. Should DuPont resume its efforts, we reserve the right to recommence our action. DuPont has acknowledged that their decision should not be construed as a general policy statement that applies to the treatment of other chemical weapons stockpiles. These decisions will be made on a case-by-case basis. We will remain vigilant.

Nick DiPasquale

Debbie Heaton
Recipient of Delaware Audubon 2007 Conservation Achievement Award
She Changed Her Avocation Into Her Vocation

After obtaining an undergraduate degree in Interior Design and a Master's of Visual Arts, Debbie Heaton "married" into the Delaware Chapter of the Sierra Club. Recycling was her original cause of choice, but her interests soon broadened.

Over 20 years ago, Heaton recalls that many of her peers were frustrated with seeing developments shoot up. They began to worry about the future of their drinking water supplies. She soon became very involved in the Sierra Club's campaign to improve water quality. Although she had little background in the chemistry and biology that scientists use to determine water standards, she found the scientists more than willing to share their knowledge with her. "DN-REC takes the time to teach citizens about issues and the science behind them," she says, further attributing this result to the public process of hearings and comment periods.

She describes the Sierra Club's role in Delaware environmental politics as mostly reactive, though in the case of TMDLs, she takes pride in the role they were able to play. "If we keep on top of the issues, one day we'll be able to proactive."

Heaton became involved in the Appoquinimink Tributary Action Team when she read about it in the Middletown Transcript, the local newspaper. She went to her first meeting about 6 months after the Team was conceived. Thinking it was important for members of the Sierra Club to remain involved in the TMDL issue, she joined in and

was welcomed into the Team. "It was important to show that we were looking at the whole picture and wouldn't walk away from the problem", she says. Heaton feels that the experience of the members is an important contribution to the Teams.

When asked about water quality initiatives she'd like to see implemented, Heaton immediately pointed out the need for education. "We understand that there needs to be a culture change and realization of the nonpoint (pollution) impacts citizens have", she clarified. Heaton believes disconnect between people and their environment, such as not getting outside for enough recreation, is one factor to blame for the state of our waterways. She said that if people were outside and could see their effect on the waterways, they would be more cognizant of how their daily activities impact the environment.

Heaton has enjoyed playing the part of advocate for the watershed. She sees the Trib Team continuing their mission of support and education to municipalities, schools and land owners into the future. She explains "I wish the Appo was more of a free-flowing river, but it's just quietly there", as Heaton likens the river's subtle beauty to Delaware's marshy landform. Although she and the Team have been through the hardest part of a Team's journey, the research, discussion and recommendation, Debbie Heaton is excited about the future and the difference the Tributary Action Teams have made.

"I'm looking towards the next step."

Over the last 16+ years, Debbie has also been involved with the Sierra Club on a regional and national level serving on numerous committees and as chair on a couple of them. In DE she has served as: Chapter chair, chapter conservation chair, and newsletter editor. She helped coordinate a gathering of environmental groups at Ashland Nature Center. This rolled into the Delaware Environmental Network, which for several years met to discuss common issues with the goal of working together on those common issues...in more recent years it has taken the shape of a sharing of environmental news through emails.

Heaton worked for the Delaware Chapter of the Sierra Club as their Conservation Director for 18 months. In August 2004 she started with The Nature Conservancy as Donor Relations Manager and now focuses on fundraising and marketing.

Debbie currently serves as Chair of the Board of the GreenWatch Institute which makes grants to environmental organizations that work to protect the lands, waters and air of the Delaware River watershed.

If you want to hear more about Debbie and her accomplishments, come to the Annual Meeting on May 20, The invitation is on page 5 of this newsletter.

Delaware Audubon Society Annual Meeting

The Delaware Audubon Society is holding our Annual Meeting on Sunday, May 20, 2007 from 1:00 pm – 4:00 pm at the Deerfield Golf & Tennis Club, 507 Thompson Station Rd., Newark, Delaware. We will be honoring Debbie Heaton, the recipient of the Delaware Audubon 2007 Conservation Achievement Award

There will be delicious hors-d'oeuvres and cash bar and a Silent Auction. There will be a list of auction items at delawareaudubon.org. Please bring cash or checks as credit cards cannot be accepted for Silent Auction items.

The cost is \$25 per person.

RSVP by May 10

2007 Delaware Audubon Society Annual Meeting

Name(s): _____ Total _____ at \$25 ea. = \$ _____

Telephone Number: (D) _____ (E) _____

Mail your check and this form to:

Delaware Audubon Society, Annual Meeting, P.O. Box 1713, Wilmington, DE 19899

Regretfully, I am unable to attend, but would like to make a contribution toward the presentation.
I have enclosed a check for \$ _____.

The Annual Meeting of the Membership will be conducted on
Sunday, May 20th, from 1-4PM at the Deerfield Country Club in Newark, DE

Nominations for Board of Directors - three year terms:

- Fred Breukelman
- John Knox
- Tom Shuey

Officers nominated for one-year term:

- Mark Martell – President
- Fred Breukelman – Vice President
- Ellen Wright – Secretary
- Bob Froelich – Treasurer

Bob Froelich's and the current Officers'/Directors' biographies are available on our website at www.delawareaudubon.org for your consideration.

Nominations will be accepted from the floor.

Be an Active Voice In Delaware

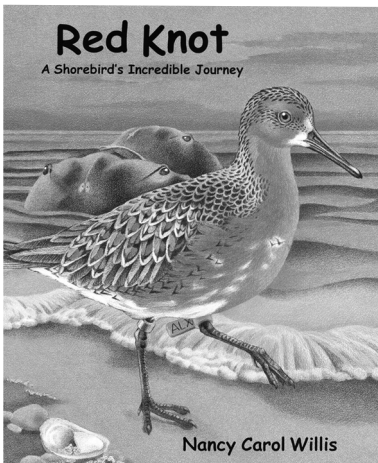
**Red Knot Books Now in
Delaware Middle Schools**

Thanks to a grant from the National Audubon Society, DAS was able to purchase 400 copies of Nancy Carol Willis' book, Red Knot.

Working with the Delaware Science Coalition at the Department of Education, it was decided that they would be appropriate to use with middle school students in their science unit on ecosystem since it shows the crucial relationship of the horseshoe crab and red knots along the Delaware Bay.

Recently, Mark Martell, President and Kathy Tidball, Education Chair made a presentation and distributed the books to a very enthusiastic group of thirty middle school teachers representing approximately 20 middle schools. They were able to take approximately 20 books each back to their middle schools to share with other science teachers in order to put them in the students' hands.

If you wish to enroll your class in this exciting program, call 302-428-3959 and leave a message for Kathy Tidball.



**Delaware Audubon Society
Financial Summary For 2006**

31-Dec-06 Balance

Balance Sheet:

Assets:	
Cash and Investments	28,023.80
Fund Liabilities:	
Unrestricted General Fund	25,054.19
Restricted Funds:	<u>2,969.61</u>
	28,023.80

Fund Activity Statement:

General Fund - Beg Bal		24,194.69
+ Restricted Funds closed	0.00	
+ Contributions	18,655.99	
- Expenses	<u>17,796.49</u>	
Net Fund Change:		<u>859.50</u>
General Fund - End Bal		25,054.19
Restricted Funds - Beg Bal		2,967.23
+ Contributions	2.38	
- Expenses		
- Closed Funds to General	<u>0.00</u>	
Net Fund Change:		<u>2.38</u>
Restricted Funds - End Bal		2,969.61

The organization continues to look for sources of fundraising to provide us with necessary monies to continue our educational programs on behalf of Delaware's schoolchildren. If you know of any corporation or individual who might consider contributing funds targeted solely to our educational programs, please contact Mark Martell directly at 302-834-5595.

Help us put these quality educational materials into the hands of our State's children. General contributions are also welcome, and could be mailed directly to our P.O. Box 1713, Wilmington, DE 19899.

Be an Active Voice In Delaware

From the President's Desk

As we go to print with this newsletter, the Public Service Commission is meeting on May 8th to review the proposals before them. Nick DiPasquale, our Conservation Chair, has been working hard with our Board of Directors and with other organizations to continue to provide pressure on our legislators and governing organizations to fight hard for a cleaner energy solution for our State. We view this as mission critical for Delaware Audubon. We are satisfied that wind power out in the ocean off our coast is ideal and will NOT result in any significant bird mortality rate increases. In fact, one could argue that a cleaner atmosphere and less acidic rainfalls help to benefit all elements of the food chain that we all rely on. The Danes have used wind power for decades to great benefit. They have performed long term bird mortality studies and have identified what we believe to be relatively intuitive on the face of it – birds avoid the churning wind turbines with ease.

Nick has written an opinion piece on behalf of the Dover Post which goes to publication on Wednesday, May 9th that the Editor and I feel is relevant as a last second addition to the newsletter. That unedited piece follows below:

“Last year, many Delawareans witnessed a near 60% increase in electric power rates by Delmarva Power as price controls were lifted under the electric utility restructuring law passed in 1999. In April of last year, the General Assembly, reacting to public outrage, enacted HB 6, which required Delmarva to develop an Integrated Resource Plan (IRP) and issue a request for proposals (RFP) for new power generation designed to increase price stability and lessen environmental impacts. Three proposals were submitted; a 177 megawatt (MW) natural gas plant by Conectiv, a 600 MW integrated coal gasification plant by NRG, operators of the Indian River Power plant near Millsboro which is the largest source of pollution in the state, and a 600 MW offshore wind energy project by Bluewater Wind.

These proposals were evaluated by a consultant for Delmarva Power and by an Independent Consultant (IC) for the Public Service Commission (PSC), both ranking the NRG proposal as the least preferable of the three. After receiving comment on these proposed projects from the public and other parties, both the IC and the PSC staff recommended a slightly scaled back version of the offshore wind energy project with a natural gas back up to cover windless days. There has been overwhelming support for the offshore wind energy project from the state's environmental community and an incredible amount of grass roots support from the general public. Bluewater Wind (BWW) also announced that they had entered

into a long-term contract with DEMEC (Delaware Municipal Energy Corp), a consortium of municipalities, for the purchase of 100 million kW hours of electrical power annually over the next 20 years. This contract amounts to a vote of confidence for the BWW offshore wind energy project.

In a comment letter dated May 3, 2007, Jonathan Levy, Professor of Environmental Health and Risk Assessment at the Harvard School of Public Health, asserted that “[t]he evaluation of both the Integrated Resource Plan and the Request for Proposals for new generation proceeded with only the most cursory consideration of the health impacts of the generation proposals.” Professor Levy estimates that the offshore wind energy project will avoid roughly 200 deaths over the 25-year life of the project, with a total societal benefit of over \$1 billion along with numerous other health benefits.

The State of Delaware now stands poised to make an historic decision by requiring Delmarva Power to enter into negotiations with BWW and Conectiv for a long-term power purchase agreement that will provide reliable, near pollution-free power to its citizens at stable prices. Unfortunately, Gary Stockbridge, President of Delmarva Power, responded by saying that he would refuse to negotiate unless he was forced to do so by a court order. Delmarva Power made their anti-wind position clear less than a day after the staff of the Public Service Commis-

sion recommended that a “hybrid” approach, using offshore wind and natural gas, would best stabilize rates for Delaware, and is urgently needed to fight against climate change. Now it appears certain members of the General Assembly are starting to balk at a process they themselves created because it isn’t turning out the way they expected it would. They are making public statements that the Commission is not bound by the staff’s recommendation, that any decision must be unanimous among the four-member decision making team and that, now, they are not convinced new generation is really necessary, despite the Independent Consultant’s opinion that it is.

All of this is designed to telegraph a message to the General Assembly’s representative on the four-member decision making team, Controller General Russ Larson, that he better not vote in support of this recommendation. So, just when

As you are aware, we have sent you a letter asking you to contact your legislators and others to request their support of an alternative energy future for our State. These letters mean something folks. The Citizens for Clean Power that Delaware Audubon has partnered with has arisen as a result of a groundswell of public opinion. They have garnered thousands of votes and phone calls. We are hoping that our letter to you resulted in even more pressure to have your voices heard regarding Delaware’s energy future.

Yours in conservation,

Mark Martell
President

Delaware Audubon Society
P.O. Box 1713
Wilmington, DE 18988

Non-Profit Organization
PAID
Permit No. 428
Wilmington, Delaware

Dated Material

we are about to witness an extraordinary event in Dover – a decision in the public interest - the utility lobby cranks up their machine and puts pressure on some weak-kneed legislators (who need Delmarva’s campaign contributions to get re-elected) to derail the process. However, in their political calculations, they have underestimated the extent of public support for the offshore wind energy project, and the level of public outrage that will result should these legislators succeed in killing this project. This issue has attracted many informed, articulate, well-organized and politically active citizens who will not stand idly by while elected officials put their own interests ahead of that of the public’s interest.”