

# Nebraska Wind Energy and Wildlife News

April 2, 2012 - Some big news this month!

## Around the nation...

**Final Land-Based Wind Energy Guidelines** were issued by the U.S. Fish and Wildlife Service on March 23, 2012. From the News Release: "The Department of the Interior today released guidelines designed to help wind energy project developers avoid and minimize impacts of land-based wind projects on wildlife and their habitats. The voluntary guidelines will help shape the smart siting, design and operation of the nation's growing wind energy economy." Both the guidelines and a factsheet (summary) can be found at: <http://snr.unl.edu/renewableenergy/wind/tools.asp#fedguidelines>.

**NWP 51 Land-Based Renewable Energy Generation Facilities and NWP 52 Water-Based Renewable Energy Generation Pilot Projects.** Two NEW Nationwide Permits (NWP) were created by the U.S. Army Corps of Engineers in 2012 ([http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2012/2012nwps\\_corrections.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2012/2012nwps_corrections.pdf)). *NWP 51* is for "discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features." *NWP 52* is for "structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features." In addition to these new NWP, wind energy developments are included in *NWP 39* Commercial and Institutional Developments.

Check out the **wind energy and wildlife news** at: <http://www.scoop.it/t/wind-energy-and-wildlife>.

## Around Nebraska...

Updates for Nebraska Legislature Bills related to renewable energy and transmission:

**LB 741:** Introduced by Schilz.

*Statement of Intent:* LB741 would require the Nebraska Power Review Board to consider information produced as a result of the planning process used by an applicable regional transmission organization when considering whether to approve an application for authority to construct a transmission line. The requirement would apply in situations where the regional transmission organization had issued a notice requiring a utility to construct a transmission line. The bill would also provide the Power Review Board with specific statutory authority to consider the benefits that a proposed transmission line could confer to the region, which will include Nebraska. The Board currently lacks such statutory authority, and caselaw indicates that the Power Review Board's authority is therefore limited to considering the public convenience and necessity of the citizens of Nebraska. The bill attempts to recognize the increasingly regional nature of the transmission grid.

**See LB 742.**

**LB 742:** Introduced by Schilz.

*Statement of Intent:* LB742 expands the current generation exception for qualifying C-BEDs under 70-1014.01 to all private developers.

AM1934, Adopted on March 22, 2012.

**Explanation of amendment:** AM1934 would put the content of LB 741 into LB 742. Clarifying changes were made to portions of each original bill: 1) the LB 741 portion was amended by adding that, in addition to transmission lines, related facilities could also be considered by the PRB when deciding whether to approve a transmission line application; and 2) the LB 742 portion was amended by clarifying that it is the production of the purchasing utility's renewable projects, not the developer's, that may not exceed ten percent of its total energy sales and it is the public power entity's board that must hold the one required public hearing.

Enrollment and Review [ER239](#) adopted on March 30, 2012.

Placed on Final Reading on April 2, 2012.

More information: [http://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=15708](http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=15708)

**LB 828:** Introduced by Dubas.

*Statement of Intent:* LB828 clarifies existing statutes on landowner agreements related to the development of wind and solar facilities. Harmonizes language of "decommissioning security" and "wind easement" between Chapters. Clarifies the items in an abstract needed to publish. Allows for renewals of agreements beyond forty years.

[AM1729](#), Adopted on February 3, 2012.

**Explanation of amendment:** AM 1729 further clarifies some of the statutes related to wind and solar energy by harmonizing language, striking duplicative language, and makes a correction between two contradicting statutes. By adding references to resources related to wind and solar development in those sections, unintended effects on other types of resources (such as minerals) may be avoided.

Enrollment and Review [ER172](#) adopted on February 15, 2012.

Placed on Final Reading on April 2, 2012.

More Information: [http://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=15708](http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=15708)

**LB 1033:** Introduced by Cornett.

*Statement of Intent:* LB 1033 would amend the Nebraska Advantage Act by adding a new tier (Tier 7) for the purpose of providing refunds of state and local sales and use taxes for qualified renewable energy projects, including wind energy projects. The bill would provide for two classes of Tier 7 projects: (1) projects with a required level of investment in qualified property of less than \$75 million; and (2) projects with a required level of investment of \$75 million or more.

*Fiscal Note:* LB 1033 amends the Nebraska Advantage Act to create a new Tier 7 in the Act for renewable energy projects. For a Tier 7 project a "qualified business" is defined as a business engaged in the production of electricity for sale by using one or more renewable energy sources. Qualified renewable energy sources include wind, solar, geothermal, hydroelectric, and biomass. The application fee for a Tier 7 project is \$2,500 and applications may be filed up to January 1, 2019.

February 21, 2012 - Speaker priority bill.

More information: [http://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=16023](http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=16023).

**Project Updates...**

I have been busy creating project outreach and education materials for events such as the University of Nebraska - Lincoln Weatherfest held on March 31, 2012. The attendance numbers are not in yet, but the place was packed with kids and their parents eager to learn more about weather and other natural resources. I spent the day making pinwheels with the kids and talking with kids of all ages about wind energy and wildlife in Nebraska.

At the Rivers and Wildlife Celebration on March 17, 2012 in Kearney, I presented to a room packed with crane-watchers from all over the country. The presentation sparked good conversation that continued throughout the day.

We are planning the annual Nebraska Wind and Wildlife Working Group meeting for October 2012. Stay posted for more information.

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