



Nebraska Wind Energy and Wildlife News

March 12, 2013



A new version of the [**Guidelines for Wind Energy and Wildlife Resource Management in Nebraska**](#) is available on the [Nebraska Wind Energy and Wildlife Project webpage](#) and is also attached. Minor modifications to the recommendations have been made so the Nebraska guidelines align with the U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines. In addition, the updated guidelines have a linked Table Contents and more delineated sections for easier navigation. Please contact me with questions or comments at windwildlife@unl.edu. (<http://snr.unl.edu/renewableenergy/wind/tools.asp#stateguidelines>).

Around Nebraska...

Nebraska Legislative Bills related to renewable energy, wind energy, and/or transmission, are listed below. Please let me know if I have missed any relevant bills.

[Portland company planning 200-foot tower near Hallam](#). A Portland, Ore., company that is eyeing southeast Nebraska for a possible wind farm wants to put a tower to measure wind speeds in southern Lancaster County. (http://journalstar.com/business/local/portland-company-planning--foot-tower-near-hallam/article_96709ce7-b57d-54a6-af1e-c97f8a5a943e.html).

[NextEra discusses wind farm with landowners](#). Land agents, site supervisors and construction specialists from NextEra Energy, a Juno Beach, Fla. company, met with more than 100 landowners, community members and the curious at the Diller Community Center Tuesday night to give a glimpse into the future landscape of the area. (http://beatricedailysun.com/news/local/crime-and-courts/nextera-discusses-wind-farm-with-landowners/article_bf185d0a-399b-53d7-9b07-bec4a1f713b3.html).

[Heineman blasts committee for advancing bill on wind energy tax incentives](#). Gov. Dave Heineman slammed the Revenue Committee on Thursday for advancing a bill to make wind energy projects eligible for state business tax incentives. (<http://www.omaha.com/article/20130307/NEWS/703079884/1016>).

[Legislative committee draws ire for advancing wind energy bill](#). The Legislature's Revenue Committee advanced a bill Thursday that would allow renewable energy companies tax breaks under the

Nebraska Advantage Act. The move provoked a heated response from Gov. Dave Heineman and Sen. Beau McCoy, a member of the committee. (http://journalstar.com/legislature/legislative-committee-draws-ire-for-advancing-wind-energy-bill/article_bf49d177-25e2-5608-b464-fb48540f19e1.html).

Around the Nation & World...

Wind and Wildlife

[Wildlife and Habitat Risk Map for Land - Based Wind Energy Projects – USFWS Raleigh Ecological Services](#). This pilot mapping project, produced by the U.S. Fish and Wildlife Service (Service) in collaboration with staff from the North Carolina Wildlife Resources Commission (NCWRC), provides general information on the potential risk to species of concern and sensitive habitats from proposed wind energy projects in the coastal plain of North Carolina. (http://www.fws.gov/raleigh/pdfs/NC_wind_tool.pdf).

[Wind farm developer eyes bat community: Research project netted 133 bats, including five that are an endangered species](#). From July 25 through Aug. 15 of 2011, NextEra Energy Resources netted 133 bats at 16 sites in southern Jay and northern Randolph counties, where it plans to build a \$240 million commercial wind farm. NextEra conducted the research to determine where 70 to 75 wind turbines could be placed with minimal chances of killing federally endangered Indiana bats. (http://www.thestarpress.com/article/20130309/NEWS01/303090007/Wind-farm-developer-eyes-bat-community?gcheck=1&nclick_check=1).

[Clean Power Collateral Damage: Of Birds, Tortoises And The Transition From Fossil Fuels](#). Is kick-starting a clean-energy industry and accelerating a movement away from fossil fuels worth the expense of, say, a few desert tortoises or a collection of piping plovers? If so, how many of these threatened species would you be willing to sacrifice to build a commercial wind farm, or a utility-scale solar array? It's a stark and oversimplified way to frame things, of course, but the exercise helps to highlight the reality that renewable energy has environmental impacts, too. (http://www.huffingtonpost.com/tom-zeller-jr/collateral-damage-energy_b_2843106.html?view=screen).

[Bald eagles focus of Eastern Shore wind farm dispute](#). A proposed wind farm on Maryland's Eastern Shore could kill up to 20 bald eagles a year, according to federal regulators who have asked the developer to take steps to cut those numbers in a move that could affect developing the electricity source along the Eastern Seaboard. (<http://thedailyrecord.com/2013/03/11/bald-eagles-focus-of-eeastern-shore-wind-farm-dispute/>).

[Minnesota Wind Farm Seeks Permit to Kill Bald Eagles](#). A wind energy company is seeking federal approval to kill several bald eagles each year within the Mississippi River Flyway in southeastern Minnesota in the process of providing wind power for local electricity consumers. (<http://news.heartland.org/newspaper-article/2013/03/08/minnesota-wind-farm-seeks-permit-kill-bald-eagles>).

Wildlife

[White-Nose Syndrome Confirmed in Illinois Bats: Illinois becomes 20th state in U.S. to confirm deadly disease in bats](#). The Illinois Department of Natural Resources (IDNR) today confirmed the

presence of White-Nose Syndrome (WNS), a disease fatal to several bat species, in four Illinois counties. (<http://www.flutrackers.com/forum/showthread.php?p=486744#post486744>).

[Several species of bats in SC could face extinction due to fatal fungus.](#) The bat tested positive Friday for white-nose syndrome, the first documented case in South Carolina of the syndrome that has wiped out 5.5 million bats already and has been documented in 21 states. (http://www.greenvilleonline.com/article/20130312/NEWS/303120008/Several-species-bats-S-C-could-face-extinction-due-fatal-fungus?gcheck=1&nclick_check=1).

[Bat Conservation International Map – White Nose Syndrome and Bat Hibernation Areas – March 12, 2013.](#) (http://www.batcon.org/images/stories/WNS_Status_Large20130312.jpg).

Wind

[Heinz Works to Increase Energy Efficiency of Wind Farms.](#) [Stefan Heinz](#), a professor in the University of Wyoming [Department of Mathematics](#) who has studied turbulence and combustion for more than 20 years, says he can perform computer simulations of wind farms that are more accurate and less expensive than existing models. (<http://www.uwyo.edu/uw/news/2013/02/heinz-works-to-increase-energy-efficiency-of-wind-farms.html>).

[Fact check: Harvard study misses real-world facts about wind power.](#) A recent study errs in its assessment of potential wind energy resources by ignoring real-world data and experience and instead relying on crude theoretical modeling techniques. In reality, wind project developers and investors work closely with atmospheric scientists and other experts to make sure that their projects will produce as much as expected, and real-world data from large-scale wind installations in the US and Europe confirms that they do. (http://www.awea.org/blog/index.cfm?customel_dataPageID_1699=21714).

[How Sequestration Will Impact Wind Energy.](#) The widespread government [spending cuts](#) that were triggered on March 1 will impact nearly every sector of the U.S. economy, including wind energy. Indeed, sequestration will slash the government's budget for renewable energy, including in the areas of finance, research and development, and even regulatory matters. (http://www.nawindpower.com/e107_plugins/content/content.php?content.11216#.UT9o8xx958F).

[Federal Energy Management Program Issues New Guide for Developing Large-Scale Renewable Energy Projects at Federal Facilities.](#) The Energy Department's Federal Energy Management Program today issued a new resource that provides best practices and other helpful guidance for federal agencies developing large-scale renewable energy projects. (http://apps1.eere.energy.gov/news/progress_alerts.cfm/pa_id=852).

Upcoming Events

[The Nebraska's Crane Festival – Rivers & Wildlife Celebration](#) is March 21-24, 2013; check it out at: <http://nebraskacranefestival.org/>.

[America's Grasslands Conference](#) will be held August 12-14th in Manhattan, Kansas. *America's Grasslands: The Future of Grasslands in a Changing Landscape* will bring together researchers, natural resources professionals, farmers and ranchers, policy experts, and conservationists to discuss the conservation of North America's grasslands and the opportunities and outlook for these vital ecosystems

in a changing landscape. Included as a topic of interest is "Energy development and grasslands." The call for presentations is attached.

Nebraska Legislative Bills

LB 104 - Provide tax incentives under the Nebraska Advantage Act for renewable energy projects.

Introduced by Lathrop on January 10, 2013; Referred to Revenue Committee on January 14, 2013; Notice of hearing for February 14, 2013. **Statement of Intent:** The purpose of LB 104 is to amend the Nebraska Advantage Act by adding a Tier 7 which would apply to investments in renewable energy. Two options would be created within Tier 7: projects with \$75 million or more in investment for renewable energy projects, and projects with less than \$75 million in investment. Under LB 104, companies with qualifying projects would be eligible to receive partial or full refunds of their sales tax based on the level of investment in the project, the source of their capital investment for the project, and the level of ownership by Nebraska residents of the project. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=17967).

LB 184 – Appropriate funds for the Nebraska Wind Applications Center. **Notice of hearing for March 19, 2013.** Introduced by Haar on January 14, 2013; Referred to Appropriations Committee on January 16, 2013. A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for the Nebraska Wind Application Center. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18633).

LB 283 – Eliminate the Limited Liability Company Act. Introduced by Conrad on January 16, 2012; Referred to Banking Commerce and Insurance Committee on January 18, 2012; Notice of hearing for February 5, 2012; Placed on General File on February 6, 2013; Advanced to Enrollment and Review Initial on February 12, 2013; **Placed on Final Reading** on March 5, 2013. **Statement of Intent:** LB 283 repeals terminated statutes regarding limited liability companies (LLCs) and also repeals internal references to those terminated statutes. LB 283 is the final housekeeping step in that process in that it would simply remove already terminated provisions from statutes. **Fiscal Note:** No fiscal impact. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=17857).

LB 388 – Change provisions relating to public power and provide for construction of certain transmission lines. Introduced by Natural Resources Committee on January 18, 2013; Referred to Natural Resources Committee on January 23, 2013; Notice of Hearing for February 1, 2013. **Statement of Intent:** LB 388 would provide incumbent electric transmission owners, who belong to a Regional Transmission Organization, the "right of first refusal" to complete transmission projects in Nebraska that have been approved by the Regional Transmission Organization. The purpose is to clarify that public power entities in Nebraska have the first right to construct, own, and maintain an approved transmission line. The bill also standardizes the definition of "electric supplier" in several statutes. **Fiscal Note:** No fiscal impact. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18236).

LB 402 – Change power purchase agreement provisions relating to rural community-based energy development. Introduced by Mello on January 22, 2013; Referred to Natural Resources Committee on January 24, 2013; Notice of hearing for March 1, 2013. **Statement of Intent:** LB 402 would amend the C-BED law to allow more wind projects to qualify for the sales tax exemption by doing the following: 1. Expanding the definition of "payments to the local community" to include payments for products manufactured in Nebraska or by Nebraska companies, and services provided by Nebraska companies; 2.

Reducing the qualifying percentage threshold from 33% to 25%; 3. Loosening corporate restrictions by allowing corporations domiciled in Nebraska to meet the definition of "qualified owner." LB 402 would also expand C-BED to include renewable energy projects that use biomass or landfill gas. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18295).

LB 411 – Change a renewable energy tax credit. Introduced by Nordquist on January 22, 2013; Referred to Revenue Committee on January 24, 2013; Notice of hearing for March 6, 2013. **Statement of Intent:** It is the intent of LB 411 to enhance a state-level renewable energy production tax credit as the federal production tax credit phases out, thus giving Nebraska a significant advantage in attracting and developing the renewable energy investments in our state. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18625).

LB 419 – Change provisions relating to nameplate capacity tax. Introduced by Hadley on January 22, 2013; Referred to Revenue Committee on January 24, 2013; Notice of hearing for March 6, 2013. **Statement of Intent:** LB419 was introduced with the purpose of amending section 277-6203, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the nameplate capacity tax. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18810).

LB 475 – Change the Angel Investment Tax Credit Act and the Business Innovation Act. Introduced by Carlson on January 22, 2013; Referred to the Revenue Committee on January 24, 2013; Notice of hearing for March 5, 2013. **Statement of Intent:** LB 475 would modify the Business Innovation Act (BIA) and the Angel Investment Tax Credit Act (AITC) by increasing maximum funding in each program authorized under the BIA to \$4 million and change the microenterprise program in the BIA. The bill would further modify the act by defining an investment date, authorize corporations to participate, and eliminate pass-through certification as a qualified investor. LB 475 would add a confidentiality provision for both programs except for annual report requirements. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18129).

LB 501 – Redefine a term in the Nebraska Advantage Act. Introduced by Hadley on January 23, 2013; Referred to the Revenue Committee on January 24, 2013; Notice of hearing for February 14, 2013. **Statement of Intent:** LB501 was introduced for the purpose of adding a definition for renewable energy under the Nebraska Advantage Act as a qualifying business under a tier 2, tier 3, tier 4 or tier 5 project: The production of electricity by using one or more sources of renewable energy to produce electricity for sale. Sources of renewable energy means wind, solar, geothermal, hyroelectric, and biomass. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18930).

LB 557 – Change provisions relating to net metering and authorize community solar gardens. Introduced by McGill on January 23, 2013; Referred to Natural Resources Committee on January 24, 2013; Notice of hearing for March 5, 2013. **Statement of Intent:** A solar garden is a solar electric array with multiple subscribers connected to the utility grid. The subscribers may purchase a portion of the power produced by the array and receive a credit on their electric bill. Utility customers within the solar garden's service area, including residences, businesses, local governments, non-profits, and faith-based organizations, can all subscribe to receive the solar energy. LB 557 creates a structure for the creation and maintenance of solar gardens in Nebraska. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18365).

LB 567 – Change provisions relating to approval of electric generation facilities and transmission lines. Introduced by Haar on January 23, 2013; Referred to Natural Resources Committee on January 24, 2013; Notice of hearing for March 1, 2013. **Statement of Intent:** LB 567 requires the Nebraska Power Review Board to consider the following additional factors when approving power generation: the health costs, economic development potential, the effects on water usage, risk analysis on the life cycle costs of the generation and the economic impact of obtaining fuels outside the State of Nebraska. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18704).

LB 598 – Change provisions relating to net metering. Introduced by Larson on January 23, 2013; Referred to Natural Resources Committee on January 24, 2013; Notice of hearing for March 5, 2013. **Statement of Intent:** LB598 would raise the rated capacity limits for qualified facilities that are permitted to participate in Nebraska's net metering program from at or below 25 kilowatts to at or below 100 kilowatts. **Fiscal Note:** No fiscal impact. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=17829).

LB 606 – Adopt the Nebraska Technology Entrepreneur Act to provide sales and use tax refunds to certain businesses. Introduced by Pirsh on January 23, 2013; Referred to the Revenue Committee on January 24, 2013; Notice of hearing for March 7, 2013. **Statement of Intent:** LB 606 creates the Nebraska Technology Entrepreneur Act. Under this act, a qualified small business which is engaged in a high-technology field and which can document financial need will be eligible for a sales and use tax refund for depreciable business equipment purchases of up to \$5,000 per year. The total amount of sales and use tax refunds granted to all qualified small businesses in any year will not exceed \$300,000. **Fiscal Note:** Refer to website. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18913).

LB 622 – Change provisions relating to a report filed with the Nebraska Power Review Board. Introduced by Haar on January 23, 2013; Referred to the Natural Resources Committee on January 24, 2013; Notice of hearing for February 6, 2013. **Statement of Intent:** LB 622 adds a requirement to an existing report by the Nebraska Power Association to the Nebraska Power Review Board. The report will now include areas of the state where renewable energy projects of less than twenty megawatts could be added without major transmission upgrades. **Fiscal Note:** No fiscal impact. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18487).

Check out the **Nebraska Wind Energy and Wildlife Project website** at:
<http://snr.unl.edu/renewableenergy/wind/> and **Wind Energy and Wildlife news** at:
<http://www.scoop.it/t/wind-energy-and-wildlife>.

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