



Nebraska Wind Energy and Wildlife News

March 26, 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](#). 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.

[**Draft Upper Great Plains Wind Energy PEIS**](#). Western Area Power Administration and the U.S. Fish and Wildlife Service will prepare a PEIS to evaluate the impacts of wind energy development in Western's Upper Great Plains Region. The PEIS will consider wind energy projects that would connect with Western Area Power Administration's transmission system in their Upper Great Plains Customer Service Region and will include all or parts of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota. This PEIS will identify mitigation strategies, standard construction practices, best management practices (BMPs) and establish a comprehensive environmental program for evaluating future projects. **The Draft Upper Great Plains (UGP) Wind Energy Programmatic Environmental Impact Statement (PEIS) is available for browsing, downloading, or printing.** (<http://plainswindeis.anl.gov/documents/dpeis/index.cfm>).

[**Steele Flats wind farm passes public hearing**](#). The Gage County Planning and Zoning Commission approved a special use permit for a wind energy project by NextEra Energy Resources 6-0 following a public hearing Thursday. The recommendation will next go before the Gage County Board of Supervisors for final approval. Commissioner Jeff Frerichs then moved to accept the special use permit with consideration given to the Homestead National Monument's "view shed."

http://beatricedailysun.com/news/local/steele-flats-wind-farm-passes-public-hearing/article_2db28ec7-8b2a-5458-8779-c6d7f98092bc.html).

[Beatrice monument superintendent says wind farm threatens landscape.](#) The superintendent of the Homestead National Monument of America criticized the location of a proposed wind farm in Gage and Jefferson counties, saying it threatened the horizons of the national park.

http://journalstar.com/news/state-and-regional/nebraska/beatrice-monument-superintendent-says-wind-farm-threatens-landscape/article_f5dd3946-f843-547a-936e-76f10ada3d41.html).

[Steele Flats Wind Energy Project Update.](#) The Steele Flats Wind Energy Project is another step closer to becoming a reality. Last night the Jefferson County Planning Commission voted 7-1 to recommend the project to the Full County Commission. (<http://www.kwbe.com/news/2013/03/22/kutt-local-news/steele-flats-wind-energy-project-update/>).

[Wind for Schools Program Impacting Nation's Renewable Energy Future.](#) The U.S. Department of Energy, Wind Powering America, and the National Renewable Energy Laboratory launched the Wind for Schools Program in 2006. These groups identified six priority states for the program—and **Nebraska** was one of those states. Nebraska Wind for Schools Program Consultant Dan McGuire says the program has three primary goals. First, to engage rural school teachers and students in wind energy education. Second, to equip college students with wind energy education and in wind energy applications to provide interested, equipped engineers for the growing U.S. wind industry. And third, to introduce wind energy to rural communities by initiating a discussion of wind energy benefits and challenges. **Nebraska leads the nation with 25 K-12 partner schools in this project**, which McGuire says means with enrollment alone, 24,000 to 25,000 students are being reached, which represents nearly 8% of the total Nebraska K-12 students. Plus, he says there are more than 100 students involved through the University of Nebraska. (http://www.windpoweringamerica.gov/filter_detail.asp?itemid=3816).

The article also talks about funding the Wind for Schools Program in Nebraska. You check out the Nebraska Legislative Bill, **[LB 184 – Appropriate funds for the Nebraska Wind Applications Center](#)**, for more information about what is going on right now in the state.

Around the Nation & World...

Wind and Wildlife

[Service Seek Information on Eagle Deaths at Tehachapi Range Wind Farms.](#) The U.S. Fish and Wildlife Service is asking for the public's assistance as it investigates the recent death of a golden eagle at the North Sky River wind farm in Kern County, California. The golden eagle was discovered January 29 near a wind turbine belonging to the wind farm, located approximately 12 miles northeast of the City of Tehachapi, California. (<http://www.fws.gov/cno/press/release.cfm?rid=468>).

[Utility-Scale Solar, Wind Farms Approved in California, Nevada.](#) Three renewable energy projects have been approved for public lands in California and Nevada that will deliver enough energy to power more than 340,000 homes, federal and state officials announced today. The approved projects have been subjected to environmental review and public comment. The companies agreed to undertake mitigation efforts to minimize impacts to wildlife, water, historical, cultural and other resources. State and federal agencies have set up a joint compensation fund operated by the National Fish and Wildlife

Foundation to help mitigate impacts. (<http://ens-newswire.com/2013/03/13/utility-scale-solar-wind-farms-approved-in-california-nevada/>).

[EcoHarmony eliminates 113 turbines to get PUC approval.](#) The Minnesota Public Utilities Commission bucked staff recommendations last week to give the go-ahead — for a second time — to the EcoHarmony wind project near Mystery Caves State Park in Fillmore County. Concerns were raised about environmental effects of the project on bats and birds, its proximity to a state park and the idea of dozens of turbines being sited on known sinkholes, among other things. (http://www.postbulletin.com/news/local/ecoharmony-eliminates-turbines-to-get-puc-approval/article_734dc09a-eb02-536c-8188-2468747cc1bb.html).

[Offshore Va. wind development plumbs the ocean.](#) Before energy companies invest in developing wind energy off Virginia's coast, they'll need to know what's out there: sea life, what the ocean floor is like, shipping routes, migratory birds and wind speeds. A Virginia Beach startup has begun the daunting task of collecting that data. (<http://www.seattlepi.com/business/energy/article/Offshore-Va-wind-development-plumbs-the-ocean-4374472.php>).

[RSPB Team Up With Ecotricity To Create Renewable Energy Nature Reserves.](#) The British Royal Society for the Protection of Birds (RSPB) is teaming up with the world's first green energy company, Ecotricity to develop more environmentally friendly site selections for renewable energy installations which could see renewable energy installations double as wildlife reserves. (<http://cleantecnica.com/2013/03/25/rspb-team-up-with-ecotricity-to-create-renewable-energy-nature-reserves/>).

[Wind farm's effects on wildlife to be studied.](#) A proposed \$15-million wind energy project in Pictou County can't start spinning until the government gets more information on its potential impact on bats, birds and moose. (<http://thechronicleherald.ca/business/1068301-wind-farm-s-effects-on-wildlife-to-be-studied>).

[Research Documents Lesser Prairie Chickens.](#) Texas Tech University scientists have been at the forefront of research on the lesser prairie chicken (LPC), a prairie grouse native to the West Texas landscape, for more than three decades. Now their research and that of other universities could be square in the middle of an ongoing debate whether to protect the bird as threatened under the Endangered Species Act. (<http://www.sciencedaily.com/releases/2013/03/130325135256.htm>).

Wildlife

[Deadly disease found in more Missouri bats.](#) Four more cases of deadly white-nose syndrome have turned up in bats in eastern Missouri. (<http://www.examiner.net/news/x711937361/Deadly-disease-found-in-more-Missouri-bats>).

[White Nose Syndrome Detected Earlier In Bats Thanks To Better DNA Analysis.](#) Researchers studying White Nose Syndrome ([WNS](#)) identified a fungus called *Geomyces destructans* as the cause of the devastating disease, but until now have been unable to detect it without finding dead or dying bats. New research by a team of [US Forest Service](#) scientists and partners has identified additional species of *Geomyces*. (<http://www.redorbit.com/news/science/1112803088/bats-dying-white-nose-syndrome-fungus-031413/>).

Check out the article by Jeffery M. Lorch et al, [A culture-based survey of fungi in soil from bat hibernacula in the eastern United States and its implications for detection of Geomyces destructans, the causal agent of bat white-nose syndrome](http://www.mycologia.org/content/early/2012/10/16/12-207.abstract?sid=16f31bba-3b79-4146-b6e4-2419f8655ac7), published in Mycologia. (<http://www.mycologia.org/content/early/2012/10/16/12-207.abstract?sid=16f31bba-3b79-4146-b6e4-2419f8655ac7>).

[Surprising Migrations of Tri-colored Bats](http://www.batcon.org/index.php/media-and-info/e-newsletter.html?task=viewArticle&ArticleID=1286). Graduate student Erin Fraser applied today's technology to bat specimens collected over the past 135 years to begin unraveling the migratory behavior of tri-colored bats. These are among the most common bats in much of eastern North America, yet relatively little is known of their seasonal travels. ([http://www.batcon.org/index.php/media-and-info/e-newsletter.html?task= viewArticle&ArticleID=1286](http://www.batcon.org/index.php/media-and-info/e-newsletter.html?task=viewArticle&ArticleID=1286)).

Wind

[Researchers Map out an Alternative Energy Future for New York](http://www.sciencedaily.com/releases/2013/03/130312092652.htm). But a new study finds that it is technically and economically feasible to convert New York's all-purpose energy infrastructure to one powered by wind, water and sunlight (WWS). The plan, scheduled for publication in the journal Energy Policy, shows the way to a sustainable, inexpensive and reliable energy supply that creates local jobs and saves the state billions of dollars in pollution-related costs. (<http://www.sciencedaily.com/releases/2013/03/130312092652.htm>).

[Study of weather and location effects on wind turbine failure rates](http://onlinelibrary.wiley.com/doi/10.1002/we.538/abstract). Understanding the availability of wind turbines (WT) is vital to maximize WT energy production and minimize the capital payback period. Previous work on this subject concentrated on reliability and the location of WT failure modes rather than root causes. This paper concentrates on the influence of weather and WT location on failure rate and downtime, to try to understand root causes and the consequences of failure. (<http://onlinelibrary.wiley.com/doi/10.1002/we.538/abstract>).

[GAO: Federal agencies taking less time to authorize renewable energy projects](http://www.sn1.com/Interactivex/article.aspx?CdId=A-17205888-12073). The federal government has managed to significantly reduce the time required to authorize development of new wind and solar projects on public lands, according to a report recently released by the Government Accountability Office. (<http://www.sn1.com/Interactivex/article.aspx?CdId=A-17205888-12073>).

Tools

[Siting Wind Energy Facilities – What Do Local Elected Officials Need to Know?](http://www.elistore.org/reports_detail.asp?ID=11444&topic) is a brief guide to aid local officials in understanding commercial-scale wind siting. Local government officials presented with potential wind energy projects in their municipalities often find that clear and concise answers to their citizens' concerns can be difficult to locate. (http://www.elistore.org/reports_detail.asp?ID=11444&topic).

Upcoming Events

The Wildlife Society Annual Conference will be held in Milwaukee, Wisconsin October 5-10, 2013. The deadline for submitting abstracts for contributed papers and posters is April 12, 2013. For more information: <http://wildlifesociety.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

Changes since the last newsletter are in red.

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

Revenue AM525 filed on March 12, 2013; Lathrop priority bill on March 13, 2013. 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. **Statement of Intent:** LB 184 appropriates \$50,000 for the next two fiscal years to the University of Nebraska for the Nebraska Wind Application Center. This funding is intended to replace federal funding which is no longer available. **Fiscal Note:** LB184 appropriates \$50,000 General Funds for FY2013-14 and \$50,000 General Funds for FY2014-15 for the Nebraska Wind Application Center at the University of Nebraska – Lincoln. (http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18633).

LB 283 – Eliminate the Limited Liability Company Act. **Approved by Governor on March 20,**

2013. 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. **Placed on General File with AM454 on March 13, 2013; Natural Resources priority bill on March 14, 2013;** 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. **Natural Resources priority bill on March 15, 2013; Natural Resources AM68 filed on March 20, 2013;** 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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