

Nebraska Wind Energy and Wildlife News



April 8, 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.

[**Nelsen offers alternative plan for county's wind energy zoning**](#). Otoe County Commissioner Tim Nelsen said Tuesday he hopes his proposed alternatives for a wind energy policy will generate a conversation on the county board and avoid passage of a policy that discourages the wind power industry. (<http://www.ncnewspress.com/article/20130326/NEWS/130329958/1001/NEWS?refresh=true>).

[**Counties approve Southeast Nebraska wind farm**](#). The Jefferson County Board of Commissioners has approved a permit application for a wind farm that will straddle the county line with Gage County. (http://journalstar.com/news/state-and-regional/counties-approve-southeast-nebraska-wind-farm/article_52c5acf1-c468-5b8f-b5d0-d3ed8f38bc1a.html).

[**Broken Bow wind farm still expanding: Central Nebraska facility expected to double in size, despite bankruptcy**](#). A bankruptcy filing by Edison Mission Energy will not keep the Broken Bow Wind Farm from expanding. Officials say they expect to have a new system of wind turbines up and running by the first part of 2014. (http://www.nptelegraph.com/news/broken-bow-wind-farm-still-expanding/article_3c162e6e-51d6-56ee-9cd4-c38ffdfcb093.html).

[Editorial, 4/2: Valuing a prairie vista](http://journalstar.com/news/opinion/editorial/editorial-valuing-a-prairie-vista/article_652b53e1-3d1b-5898-b8d7-ab77b654e7ab.html). Watching the wind rippling the 100-acre tallgrass prairie at the Homestead National Monument, it's easy to imagine the countryside that settlers found in the 1860s. Now picture that patch of prairie surrounded by wind turbines, each taller than the State Capitol, with giant blades whooshing through the air. (http://journalstar.com/news/opinion/editorial/editorial-valuing-a-prairie-vista/article_652b53e1-3d1b-5898-b8d7-ab77b654e7ab.html).

[Nebraska Gov. Heineman Criticizes Wind Power Preferences](http://news.heartland.org/newspaper-article/2013/04/04/nebraska-gov-heineman-criticizes-wind-power-preferences). Nebraska Gov. Dave Heineman criticized the state legislature's Revenue Committee for advancing a bill to give special tax incentives to wind power companies and other expensive renewable power providers. (<http://news.heartland.org/newspaper-article/2013/04/04/nebraska-gov-heineman-criticizes-wind-power-preferences>).

[Geronimo Energy acquires Nebraska wind projects](http://journalstar.com/business/local/geronimo-energy-acquires-nebraska-wind-projects/article_9471b314-93e8-58e1-a772-e6f3dac5a5a0.html). Geronimo Energy announced it has acquired a project development portfolio of Midwest Wind Energy of Chicago, including "construction-ready" projects in Illinois, Nebraska and Wisconsin. The Nebraska projects are Grande Prairie Wind Farm in Holt County and the North Fork Wind Farm in Cedar and Knox Counties. No terms were announced. (http://journalstar.com/business/local/geronimo-energy-acquires-nebraska-wind-projects/article_9471b314-93e8-58e1-a772-e6f3dac5a5a0.html).

[Gage County board approves wind farm permit](http://journalstar.com/news/state-and-regional/gage-county-board-approves-wind-farm-permit/article_8926bda5-8d82-5d16-836c-7c0a97a372c5.html). The landscape of southwest Gage County and southeast Jefferson County is about to change. On Wednesday, the Gage County Board of Supervisors unanimously approved a special-use permit to NextEra Energy Resources for the construction of 12 wind turbines later this year. (http://journalstar.com/news/state-and-regional/gage-county-board-approves-wind-farm-permit/article_8926bda5-8d82-5d16-836c-7c0a97a372c5.html).

[Draft Upper Great Plains Wind Energy PEIS](http://plainswindeis.anl.gov/documents/dpeis/index.cfm). 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>).

Around the Nation & World...

Wind and Wildlife

[Nev. wind farm could face fine over eagle death](http://www.sacbee.com/2013/03/30/5304365/nv-wind-farm-could-face-fine-over.html#storylink=cpy). An eastern Nevada [wind farm](#) could face a fine of up to \$200,000 over the death of a golden eagle. (<http://www.sacbee.com/2013/03/30/5304365/nv-wind-farm-could-face-fine-over.html#storylink=cpy>).

[How federal wildlife laws impact development of wind energy](#). The federal laws that affect domestic wind farms with respect to migratory birds and federally listed species—the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), and the Bald and Golden Eagle Protection Act (Eagle Protection Act)—have various implications on wind development projects and several tools are available

to comply with each law.

(http://www.americanbar.org/publications/trends/2012_13/march_april/how_federal_wildlife_laws_impact_development_of_wind_energy.html).

Wind farm suit against Xcel dismissed. A Minneapolis federal judge has tossed out a lawsuit against Xcel Energy, filed because the utility canceled a planned \$400 million wind farm in North Dakota out of a concern it could harm birds on the endangered species list.

(http://www.twincities.com/business/ci_22965557/wind-farm-suit-against-xcel-dismissed).

Wind Energy and Wildlife: Science Marks Industry Efforts. Even with well-established forms of energy development like oil and gas, the science on impacts to the environment can be hard to quantify and harder to predict. The challenge for sectors like the wind industry - comparatively new in its current form - are even higher given the lack of operational data, [but as in other areas](#), the wind business is sprinting to get ahead. (<http://energy.aol.com/2013/04/05/wind-energy-and-wildlife-science-marks-industry-efforts/>).

Turbines put near Lake Erie energize conservation, wind power debate. Two factions with their foundations firmly anchored in conservation causes are engaged in a standoff along the Lake Erie shoreline. (<http://www.toledoblade.com/local/2013/03/31/Turbines-put-near-Lake-Erie-energize-conservation-wind-power-debate.html>).

Wildlife

Environment Canada announces funding to fight threat of White-nose Syndrome to

Bats. Canada's Environment Minister, the Honourable Peter Kent, today announced funding to respond to the threat of White-nose Syndrome, a fungal disease that is threatening bat species in North America. An additional \$330,000 in funding over the next four years is being provided to the Canadian Cooperative Wildlife Health Centre at the University of Saskatchewan.

(<http://www.newswire.ca/en/story/1141391/environment-canada-announces-funding-to-fight-threat-of-white-nose-syndrome-to-bats>).

Wind

Poll: Green energy popular, partisan split on oil. Roughly three-quarters of U.S. residents want the country to boost emphasis on wind and solar power production, making the fuels much more popular than coal, nuclear and oil, a new poll shows. (<http://thehill.com/blogs/e2-wire/e2-wire/290735-poll-green-energy-popular-partisan-split-on-oil>).

NREL tests most advanced wind turbine technologies with new installation and new turbine blades. The [National Renewable Energy Laboratory](#) (NREL), along with industry partners, is testing the most advanced wind turbine technologies and preparing them for future deployment with a new turbine installation and new blades on another of NREL's giant turbines. (<http://innovationews.com/energy/nrel-tests-most-advanced-wind-turbine-technologies-with-new-installation-blades/>).

Wind industry in holding pattern, awaiting new tax rules. As long as construction starts before year-end, wind and geothermal properties are eligible for the Production Tax Credit. The problem, Hinckley writes, is no one is exactly sure what it means to begin construction.

(<http://www.csmonitor.com/Environment/Energy-Voices/2013/0405/Wind-industry-in-holding-pattern-awaiting-new-tax-rules#.UWLxvUbnNAU.twitter>).

Upcoming Events

[Upcoming Webinars - #2 Grassland Birds and Wind Energy: Presentations from NWCC's Wind Wildlife Research Meeting IX](#). The National Wind Coordinating Collaborative is offering a webinar on Wednesday, April 24, 2013 at 3:00 - 4:30pm ET. Presentations will include: "Effects of Wind Power Development on Greater Prairie-Chickens in Kansas" Brett K. Sandercock, Professor of Wildlife Biology, Division of Biology at Kansas State University & "Avoidance of wind turbines by grassland birds" Doug Johnson, Research Statistician and Senior Scientist at U.S. Geological Survey. To sign up to attend this webinar, [click here](http://www.nationalwind.org/issues/wildlife/2013researchwebinars.aspx). (<http://www.nationalwind.org/issues/wildlife/2013researchwebinars.aspx>).

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 enrollment and review on March 4, 2013;** 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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