



## Nebraska Wind Energy and Wildlife News

May 7, 2013

### Around Nebraska...

**Nebraska Legislative Bills** related to renewable energy, wind energy, and/or transmission, are listed below.

**Register early for sixth annual wind conference.** "Harvesting Nebraska's Potential" is the theme of the sixth annual Nebraska Wind Conference set for Nov. 13-15. The conference committee encourages attendees, exhibitors and sponsors to register early for the event, which will be at the Cornhusker Marriott in Lincoln. ([http://journalstar.com/news/local/register-early-for-sixth-annual-wind-conference/article\\_2d9829a7-d658-579a-b555-b23a13c49430.html](http://journalstar.com/news/local/register-early-for-sixth-annual-wind-conference/article_2d9829a7-d658-579a-b555-b23a13c49430.html)).

To register for the Nebraska Wind Conference: <http://nebraskawindconference.com/>

**Unicameral has golden opportunity on wind energy.** The Unicameral has advanced LB 402, wind energy development legislation that builds off of the existing Community Based Energy Development (C-BED) program, from General File to Select File by a vote of 33 to 0. The vote ... "shows that our elected officials understand the value of wind energy and the potential this industry can bring to our rural communities," said Johathan Hladik, Energy Policy Advocate for the Center for Rural Affairs. ([http://www.yorknewstimes.com/editorial/unicameral-has-golden-opportunity-on-wind-energy/article\\_d6c89b38-b223-11e2-aae4-0019bb2963f4.html](http://www.yorknewstimes.com/editorial/unicameral-has-golden-opportunity-on-wind-energy/article_d6c89b38-b223-11e2-aae4-0019bb2963f4.html)).

### Around the Nation & World...

#### ***Wind and Wildlife***

**Gorge wind-farm proposal headed for high court.** A Portland group's challenge of a controversial plan for a wind farm in the Columbia River Gorge is to be heard before the Washington Supreme Court. ([http://seattletimes.com/html/localnews/2020911113\\_windfarmxml.html](http://seattletimes.com/html/localnews/2020911113_windfarmxml.html)).

## **Eagles:**

**[Fish and Wildlife Service issues new guidance for eagle protection from wind projects.](#)** The U.S. Fish and Wildlife Service recently released updated guidance for eagle conservation that is meant to support wind power development while protecting eagle populations. The "Eagle Conservation Plan Guidance" is a voluntary supplement to the service's Land-Based Wind Energy Guidelines and is intended to help wind developers and operators assess the threats their projects pose to eagle populations and "develop comprehensive avoidance, mitigation, and compensation strategies," the service said in a statement April 26. (<http://www.sn1.com/Interactivex/article.aspx?CdId=A-17587380-10798>).

**[5 Steps To Keep Your Wind Farm From Killing Eagles.](#)** Any wind farmer will tell you that wind turbines kill far fewer birds than buildings, power lines, cars, pesticides and—those lethal predators—housecats. But Americans love their eagles, and windfarms from [Maryland](#) to California have made headlines recently for killing or imposing upon bald and golden eagles. (<http://www.forbes.com/sites/jeffmcmahon/2013/05/03/5-steps-to-keep-your-wind-farm-from-killing-eagles/>).

**[Eastern Shore wind project confronts eagles, Navy.](#)** A wind power project proposed on the lower Eastern Shore that's struggling to overcome objections from the Navy has a new, airborne worry — bald eagles. ([http://articles.baltimoresun.com/2013-04-28/features/bs-gr-somerset-wind-20130428\\_1\\_wind-project-wind-turbines-bald-eagles](http://articles.baltimoresun.com/2013-04-28/features/bs-gr-somerset-wind-20130428_1_wind-project-wind-turbines-bald-eagles)).

**[Wind Industry Still Awaits First Eagle-Take Permit Under BGEPA.](#)** NAW has learned that West Butte Wind Power LLC has withdrawn its permit application enabling the developer to "take" golden eagles at a proposed wind project in central Oregon. It was the first wind developer to apply for a permit under the Bald and Golden Eagle Protection Act (BGEPA). ([http://www.nawindpower.com/e107\\_plugins/content/content.php?content.11446](http://www.nawindpower.com/e107_plugins/content/content.php?content.11446)).

**[New Eagle-Kill Regulations for Wind Farms May Have Mixed Consequences.](#)** The federal government is overhauling its policy for permitting incidental deaths of eagles at wind farms. Developers, who in the past have faced steep fines should eagles collide with wind turbines, can now apply for permits that require compensatory mitigation in lieu of paying fines. But what, if any, effect will this have on new development? (<http://www.greentechmedia.com/articles/read/new-eagle-kill-regulations-for-wind-farms-may-have-mixed-consequences>).

## **Bats:**

**[BWEC e-Newsletter v.13 April 2013.](#)** The newest Bats and Wind Energy Cooperative Newsletter is out. Check it out at: <http://www.batsandwind.org/pdf/newsletters/BWEC%20e-Newsletter%20v%20%2013.pdf>.

**[Thresholds for bats killed by wind turbines.](#)** Two things we do know: bat fatalities should be mitigated, and curtailing turbine operations is currently the only proven way to reduce kills. We suggest that a more meaningful approach is for stakeholders to collaborate on a site-by-site basis to implement a mitigation strategy that meets objectives for both industry and conservation. (<http://0-www.esajournals.org.library.unl.edu/doi/abs/10.1890/1540-9295-11.4.171>).

## Wildlife

### [Do Bats Know Voices of Friends They Hang out With? Bats May Recognize Voices of Other](#)

**Bats.** *Is it possible that mammals have the ability to recognize individuals of the same species, whom they know well, by their voice? A new study has found that even in nocturnal, fast-moving animals such as bats, there is an ability to recognize certain vocal aspects of other bats from their social groups.* (<http://www.sciencedaily.com/releases/2013/05/130507115539.htm>).

The article, [Perception of individuality in bat vocal communication: discrimination between, or recognition of, interaction partners?](#), by Hanna B. Kastein et al. 2013 can be found at: <http://link.springer.com/article/10.1007%2Fs10071-013-0628-9>.

[Ponds in acidic mountains are more important for bats in providing drinking water than insect prey.](#) S. Seibold et al. 2013 determined that pond areas are more important to bats as a source of drinking water than as a source of prey. Based on these results, they conclude that monitoring bats by call recording and mist netting is promising around water bodies and conservation strategies should maintain a continuous network of water sources. (<http://onlinelibrary.wiley.com/doi/10.1111/jzo.12041/abstract>).

## Wind

[American Wind Energy Association names Tom Kiernan CEO.](#) Tom Kiernan named to head AWEA, after 15 yrs growing National Parks Conservation Assn, bipartisan policy work. (<http://todayeco.com/energy/pages/13189004-american-wind-energy-association-names-tom-kiernan-ceo>).

## Other

[New Data Tool Illustrates Global- to Community-Scale Energy Trends.](#) A new open tool to better visualize energy data and make this information more available and useful for state and local governments, private industry, and other energy researchers was released. The [Free Energy Data](#) platform (FRED) builds on the broader Energy Data Initiative—making energy usage and generation data more transparent, while accelerating the transition to a clean energy future. ([http://apps1.eere.energy.gov/news/progress\\_alerts.cfm/pa\\_id=874](http://apps1.eere.energy.gov/news/progress_alerts.cfm/pa_id=874)).

To check out how a state's energy supply, demand, flows, and forecast, go to: <http://en.openei.org/apps/FRED/web/#layer>

## Upcoming Events

**BCI Wind Energy Workshop.** As BCI continues seeking solutions to reduce risk to bats and support long-term, responsible wind energy development, we are proud to announce our inaugural Bats and Wind Energy Workshop. The workshop will be June 18-20, 2013 in Honolulu, HI. For more information: <http://www.batcon.org/index.php/get-involved/workshops/subcategory/703.html?title=Wind%20Workshop>.

**The Wildlife Society Annual Conference** will be held in Milwaukee, Wisconsin October 5-10, 2013. For more information: <http://wildlifesociety.org/>.

**America's Grasslands Conference** will be held August 12-14<sup>th</sup> 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."

### **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.

**Placed on Select File with ER86 and Enrollment and Review ER 86 filed on April 30, 2013.** Advanced to Enrollment and Review Initial on April 24, 2013; 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](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](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](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. **Approved by Governor on April 24, 2013;** 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](http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=18236)).

**LB 402** – Change power purchase agreement provisions relating to rural community-based energy development. Placed on Select File with ER92 and Enrollment and Review ER 92 filed on May 1, 2013. Dubas and Davis names added on April 24, 2013; 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](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](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](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](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](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](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](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](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](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](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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