



Nebraska Wind Energy and Wildlife News

June 4, 2013

NEW REPORT: *Responses of Nebraska Public Power District, Omaha Public Power District, and Lincoln Electric System Customers to the 2012 Nebraska Annual Social Indicators Survey Wind Energy and Wildlife Questions* is now available at:
<http://snr.unl.edu/renewableenergy/wind/research.asp#surveys>.

Included in the report are comparisons between the PPD's customers responses to eight questions related to wind energy development and wildlife in Nebraska, including willingness to pay for wind energy development, opinions about taking precautions to reduce impacts to wildlife during wind energy development and operation, PPD-specific fact sheets, and more.

WEBSITE UPDATES: Range maps for each Nebraska Endangered and Threatened Species are now available with a click of your mouse at:
<http://snr.unl.edu/renewableenergy/wind/windandwildlife.asp#listed>. Range maps for additional species will be added in the near future.

Around Nebraska...

Nebraska Legislative Bills related to renewable energy, wind energy, and/or transmission, are at the end of the message.

[Wind farm bill appears headed for approval.](#) Lawmakers gave second-round approval Tuesday to a bill (LB104) by Omaha Sen. Steve Lathrop that would remove a barrier to the development and export of wind energy in Nebraska. It would offer tax incentives that could lead to Nebraska getting a \$300 million to \$400 million wind farm project by TradeWind Energy of Lenexa, Kan.

(http://fremonttribune.com/news/local/wind-farm-bill-appears-headed-for-approval/article_541f3d12-387d-5ade-ac06-a65d983def67.html).

[Wind Development in Nebraska.](#) The Center for Rural Affairs urged action by the Unicameral to amend LB 104, to incorporate provisions of another wind development bill, LB 402, to encourage developers to

support Nebraska businesses and share stock in wind farms with their local employees.
(<http://www.kvsh.com/local-news/2237-wind-development-in-nebraska-.html>).

Center of Rural Affairs Urges Amendment of Key Wind Legislation. “Late last month the Unicameral vote, 33 to 0, in favor of advancing LB 402, which would build off the existing Community Based Energy Development (C-BED) program, from General File to Select File,” said Johnathan Hladik, Energy Policy Advocate for the Center for Rural Affairs. “That vote showed that there is strong support among our Senators for wind development and an understanding of the value of that development can bring to our rural communities.” (<http://www.cfra.org/newsrelease/130524/center-rural-affairs-urges-amendment-key-wind-legislation>).

In approving wind-energy incentives, lawmakers hope to make Nebraska a player. Nebraska, an also-ran so far in the race to develop wind energy, took another step Wednesday to try to catch up with the pack. (<http://www.omaha.com/article/20130529/NEWS/705309944/1685>).

Nebraska Senate passes measure to attract wind farms. A bill that would use sales tax exemptions to attract wind farms to Nebraska won final approval Wednesday from lawmakers.
(<http://cjonline.com/news/business/2013-05-29/nebraska-senate-passes-measure-attract-wind-farms>).

Group plans wind turbine in Keystone route. Opponents of the planned Keystone XL pipeline started a fundraising campaign to build wind and solar energy projects along the pipeline's Nebraska route.
(http://www.upi.com/Business_News/Energy-Resources/2013/05/31/Group-plans-wind-turbine-in-Keystone-route/UPI-87471369994605/?spt=hs&or=er).

Room for more Wind. Negotiations are underway between the developer and a prospective owner of the Broken Bow Wind II project in central Custer County. Construction must be in progress by the end of 2013 for the project to qualify for federal renewable energy production tax credits.
(http://www.kearneyhub.com/news/local/room-for-more-wind/article_49196eca-ca0b-11e2-b334-001a4bcf887a.html).

Heineman signs tax relief bills. Gov. Dave Heineman signed tax relief bills Monday, but withheld a decision on a measure related to wind energy and repealing Omaha's ability to increase sales tax.
(<http://www.omaha.com/article/20130603/NEWS/706039914/1707>).

Editorial, 5/22: Wind energy right move. The plan by the Lincoln Electric System to triple the amount of energy it gets from wind no doubt will please ratepayers who fancy themselves as environmentally responsible. Ratepayers who are most concerned about the size of their utility bills also should accept the plan as a reasonable effort to prepare for an uncertain future.
(http://journalstar.com/news/opinion/editorial/editorial-wind-energy-right-move/article_1c0e6543-a4bb-5341-9a33-c69aadd13c79.html).

Letter, 5/24: Promote wind energy. I read Mark Vasina's Local View column "**Hedging bets with solar contracts**" (May 20). Vasina makes the case for switching to renewable energy sources based on their value as a hedge against spikes in the cost of coal. I found it curious that Vasina did not go on to discuss the value of switching to renewable energy to hedge our bets against global warming.
(http://journalstar.com/news/opinion/mailbag/letter-promote-wind-energy/article_707ea224-b29f-5107-a955-27c7a655fe1d.html).

Around the Nation & World...

Wind and Wildlife

[Marine Life Unhindered by Offshore Wind Farm, Study Says](#). Renewable energy consultancy Natural Power has published the results of a post-consent ecological study, called the Marine Environment Monitoring Programme (MEMP), that monitored marine life on a UK offshore wind farm. The study has been ongoing since 2007. Key findings include a lack of significant impact on birds, sea mammals and benthic organisms (small creatures that live on the sea bed, such as sea slugs, worms and cockles) even during the construction phase, the consultancy said.

(<http://www.renewableenergyworld.com/rea/news/article/2013/05/offshore-wind-farm-has-lack-of-significant-impact-on-marine-life-study-finds?cmpid=rss>).

[Terra-Gen gets OK on wind farm in wake of condor decision](#). As Hoyle explained, the forbidding terrain is the future home of Terra-Gen Power's 2,300-acre Alta Windpower Development—and that project will include equipment to detect incoming condors soon enough to switch off the company's massive wind turbines before they slice into one of the birds. (<http://www.latimes.com/news/local/la-me-0525-condor-permit-20130525,0,5676309.story>).

[Wind and the Whale](#). Virginia's Offshore Wind Development Authority met in Richmond this week to talk about advancing wind energy production off the state's coast. Justin Allegro, who manages the National Wildlife Federation's Renewable Energy and Wildlife Program, says offshore wind development must include protections for the critically endangered North Atlantic right whale.

(<http://www.publicnewsservice.org/index.php?/content/article/32622-1>).

[Channel Island birds observed for renewable energy study](#). Habits of Channel Island seabirds will be monitored for three years as part of an investigation into renewable energy. The Alderney Wildlife Trust is looking into the feeding and foraging patterns of shags and gannets. The birds will be tracked using GPS technology. (<http://www.bbc.co.uk/news/world-europe-guernsey-22681386>).

[Does Controversial Decision Pit California Condors against Wind Turbines?](#) Talk about a “damned if you do, damned if you don’t” situation. The U.S. needs to generate more renewable energy if we hope to stave off the effects of climate change. At the same time, critically endangered California condors (*Gymnogyps californianus*)—which today number 417 birds after the last 22 members of their species were put in a captive breeding program in 1987—need more room to fly and breed as well as more chances to not die. (<http://blogs.scientificamerican.com/extinction-countdown/2013/05/30/california-condors-wind-turbines/>).

Wildlife

Migratory birds return for the summer. National Geographic photographer Joel Sartore (Nebraska resident) on the mysteries of migratory birds, who return from their southern winter havens – many to the exact same spot every year. (<http://www.cbsnews.com/video/watch/?id=50146210n>).

Wind

Iowa student makes case for larger wind turbines. As part of his graduate thesis, Schmitz and adviser Sri Sriitharan, an engineering professor, showed that larger and more productive wind turbines were possible, in Iowa and elsewhere. (<http://www.omaha.com/article/20130527/NEWS/705279957/1707>).

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/>.

Annual Central Mountain Plains Section Meeting (The Wildlife Society) will be in Cedar City, UT on August 12-15, 2013. The focus of the conference will be on 3 major issues: Human-Wildlife Conflict Management, Refuge and Riparian Ecology and Management, and Energy Development and Wildlife Management. For more information: <http://wildlife.org/CMP/>.

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."

Sixth Annual Wind Conference will be held in Lincoln, NE on November 13-15, 2013. This year's theme is "Harvesting Nebraska's Potential." For more information and to register: <http://nebraskawindconference.com/>.

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. **Presented to the Governor on May 29, 2013.** AM1446, AM1408, AM1216, and AM1236 filed and pending. 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).

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. **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).

LB 402 – Change power purchase agreement provisions relating to rural community-based energy development. AM1364 and AM1237 filed and pending. 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, hydroelectric, 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).

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. **Placed on General File on June 3, 2013.** 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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