



Nebraska Wind Energy and Wildlife News

June 14, 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. **The legislature is adjourned SINE DIE.**

[Heineman signs bill to offer wind energy tax incentives](#). Gov. Dave Heineman signed a bill into law Tuesday that will pave the way for a massive wind farm project in Nebraska. The wind farm bill ([LB104](#)) by Omaha Sen. Steve Lathrop will remove a barrier to the development and export of wind energy in Nebraska. (http://journalstar.com/legislature/heineman-signs-bill-to-offer-wind-energy-tax-incentives/article_d25a94c6-9d40-5df1-b822-54b7b4badb27.html).

Drama over: Heineman signs bill on wind energy tax breaks. Gov. Dave Heineman took much of the drama out of the final day of the 2013 state legislative session, signing into law Tuesday a bill granting new tax breaks for wind energy development.

(<http://www.omaha.com/article/20130604/NEWS/706059989>).

Nebraska Adopts Sales Tax Exemption to Clear the Path for Renewable Energy Development. On June 4, 2013, Nebraska Governor Dave Heineman signed into law a bill (LB104) designed to incentivize the development of renewable energy in the state by exempting certain purchases of renewable energy equipment and other project costs from the state's 5.5 percent sales tax.

(<http://www.jdsupra.com/legalnews/nebraska-adopts-sales-tax-exemption-to-c-32424/>).

Wind farm targeted by bill still up in air. A new wind energy tax incentive signed into law last week was touted as a way to lure a wind farm worth hundreds of millions of dollars to Nebraska, but that's no sure thing. (<http://www.omaha.com/article/20130610/NEWS/706109952/1707>).

Midlands Voices: Wind energy bill to boost rural areas. The Nebraska Legislature has taken a momentous step forward this session to tap into one of our state's greatest natural resources — wind energy. My priority bill, LB 104, will add renewable energy projects, including wind energy projects, to the Nebraska Advantage Act. This legislation will allow our state to take advantage of this untapped potential and realize the significant economic activity that follows investments in renewable energy sources, especially for rural communities. (<http://www.omaha.com/article/20130612/NEWS0802/706129967/1677>).

Local View: Wind energy isn't game. A recent advertising campaign is claiming Nebraska should "get in the game" and invest more in wind energy. But serving Nebraskans with reliable electricity is not a game. (http://journalstar.com/news/opinion/editorial/columnists/local-view-wind-energy-isn-t-game/article_e20a89c5-8090-5dc8-ac71-b9b8f6c5ea46.html).

Board approves wind farm decommissioning plans. The Gage County Board of Supervisors approved a decommissioning agreement with NextEra Energy Resources for the Steele Flats wind farm Wednesday. The decommissioning agreement outlines what steps will be taken in the event that the wind turbines are not used for power generation in the future, typically transforming the land back to its original use and returning the lease to the landowner. (http://beatricedailysun.com/news/local/board-approves-wind-farm-decommissioning-plans/article_cf0dbfed-f55c-5f49-95a9-8ae60d735705.html).

Around the Nation & World...

Wind and Wildlife

Video: Gliding with eagles over Kodiak, Alaska. Kodiak resident Chris Badessa posted the clip, filmed from a remote-control glider he piloted. Flying through a dramatic, wind-turbine populated landscape, a GoPro camera attached to the top of the three meter glider managed to capture bald eagles pursuing the plane. (<http://www.alaskadispatch.com/article/20130610/video-gliding-eagles-over-kodiak-alaska>).

Maryland Wind Farm Threatens Bald Eagles. U.S. Fish and Wildlife Service officials report a proposed wind energy project in Maryland would pose a "significant risk to eagles" and the developer should trim

back its construction plans. (<http://news.heartland.org/newspaper-article/2013/06/10/maryland-offshore-wind-farm-threatens-bald-eagles>).

Study Shows Wind Farms Have Little Effect on Prairie Chickens in Flint Hills of Kansas. Even as Oklahoma Congressman Markwayne Mullin suggested this week the federal government threw common sense out the window in creating programs to protect the Lesser Prairie Chicken, a study in Kansas showed no harm against the Greater Prairie Chicken by wind farms. (<http://okenergytoday.com/?p=4741>).

Killing Them Softly: How Wind Turbines Affect Waterfowl Nesting. Green energy may be good for the environment, but a growing number of scientists are concerned it may not be for waterfowl. A recent study in the Dakotas is adding fuel to those concerns. It found breeding duck densities were considerably lower around large-scale wind farms compared to wetlands with no turbines in sight. (<http://www.wildfowlmag.com/killing-them-softly-how-wind-turbines-affect-waterfowl-nesting.html>).

Wind farm seeks permit to avoid fines in case of eagle deaths. A wind farm being developed in Osage County has applied for federal bald eagle "take" permits for the deaths of up to three of the protected birds each year for at least five years. (http://www.tulsaworld.com/article.aspx/Wind_farm_seeks_permit_to_avoid_fines_in_case_of_eagle/20130606_11_A1_CUTLIN168949?subj=1).

Native Americans decry eagle deaths tied to wind farms. A Native American tribe in Oklahoma on Thursday registered its opposition to a U.S. government plan that would allow a wind farm to kill as many as three bald eagles a year despite special federal protections afforded the birds. (<http://www.rawstory.com/rs/2013/06/14/native-americans-decrys-eagle-deaths-tied-to-wind-farms/>).

Statement from Audubon California on recent U.S. Fish & Wildlife decision regarding California Condors and wind energy develop in So. Cal. Audubon California today issued the following statement from Policy Director Dan Taylor regarding the recent decision from the U.S. Fish & Wildlife Service to essentially allow the lethal take of a California Condor at a proposed wind development in Southern California: "Given Audubon's decades-long involvement in the protection and restoration of the California Condor, we cannot support the U.S. Fish & Wildlife Service's decision that essentially allows for the lethal take of this endangered species. (<http://ca.audubon.org/newsroom/press-releases/2013/statement-audubon-california-recent-us-fish-wildlife-decision-regarding>).

New Process Sets Model for Protecting Condors in Low-impact Habitat. The U.S. Fish and Wildlife Service's review of a recent wind farm permit is receiving qualified support from San Diego Zoo Global and other entities involved in the ongoing effort to recover the California condor. The review, a biological opinion done on the right-of-way permit request by Alta Windpower Development, LLC, outlines the possible effect of the project on the California condor and other species in the area. (<http://www.imperialvalleynews.com/index.php/news/california-news/4512-new-process-sets-model-for-protecting-condors-in-low-impact-habitat.html>).

VOGE: Definitive answer needed on bird deaths. It's tough to find a straight answer on bird mortality. One thing many people will tell you — lots of birds die, and for a plethora of reasons. But some cite particularly high numbers of bird deaths at the hands — or blades, I suppose — of wind towers. Many talk about those deaths as if they're particularly heinous, or as if the towers are the chief cause of bird mortality in the country. Now, I'm no ornithologist. I don't have the answers. But I do have lots of

questions, and I think others do, too. (http://trib.com/business/energy/voge-definitive-answer-needed-on-bird-deaths/article_d80e4c4d-6373-5b61-a374-f4208125606d.html).

Why is wind special? About birds and wind turbines: A recent letter stated that the wind industry "cared deeply" about birds. The wind industry is in complete agreement with the voluntary guidelines from Fish and Wildlife. Of course they are. The other option was mandatory regulations. (http://trib.com/opinion/letters/why-is-wind-special/article_a9f3d46a-7b6f-5821-a5a3-04940cf62721.html).

Wildlife

Bat Health Critical To Human Health. Bats get a bad rap," said Dr. Jon Epstein, a wildlife veterinarian at EcoHealth Alliance, during the organization's event Wednesday night in Manhattan. "They live everywhere we do," said Epstein. "So we end up bumping up against bats quite a lot." (http://www.huffingtonpost.com/2013/06/14/bat-health-mers-virus-disease-conservation_n_3437203.html).

Wind

Raising The Discourse: How Wind Industry Can Help Avoid 'Climate Emergency'. As general-session panelists dutifully recited the attributes of wind energy at the recently concluded WINDPOWER 2013 in Chicago, fellow panelist Larry Schweiger, president/CEO at the National Wildlife Federation (NWF), let forth with statements so pointed that they quickly shattered the genial atmosphere of the McCormick Place ballroom. Schweiger urged wind attendees to become their own best advocates in educating the public and decision-makers about how wind energy can help combat climate change. (http://www.nawindpower.com/naw/e107_plugins/content/content.php?content.11621).

As First Offshore Wind Turbine Launches In Maine, Is Texas Next? In Texas, however, where steady winds and a gently sloped shoreline could make for ideal conditions to harvest wind, offshore wind is racing to catch up. Offshore wind farms are typically more efficient than their onshore counterparts because there's fewer physical obstructions and a more predictably consistent flow of wind. But critics of offshore wind cite potential problems, like impacts on wildlife and scenery. (<http://stateimpact.npr.org/texas/2013/06/10/as-first-offshore-wind-turbine-launches-in-maine-is-texas-next/>).

Other

Why the WWF's big renewables push is a problem for utilities. Given WWF's clout, many organizations will agree. And that's going to further pressure governments to create renewable mandates (or more aggressively enforce the ones they have already). And when they do that, they may authorize funding or tax breaks or other incentives for renewable power. But they are unlikely to help with the costs

of integrating those renewables into the grid. (http://www.smartgridnews.com/artman/publish/Technologies_DG_Renewables/Why-the-WWF-s-big-renewables-push-is-a-problem-for-utilities-5806.html#.Ubn7UPI958F).

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.

Approved by the Governor on June 5, 2013. 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. **2013 Carryover Bills and Resolutions.** 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. **2013 Carryover Bills and Resolutions.** 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).

LB 411 – Change a renewable energy tax credit. **2013 Carryover Bills and Resolutions.** 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. **2013 Carryover Bills and Resolutions.** 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 2 77-6203, 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. **2013 Carryover Bills and Resolutions.** 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. **2013 Carryover Bills and Resolutions.** 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).

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. **2013 Carryover Bills and Resolutions.** 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. **2013 Carryover Bills and Resolutions.** 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. **2013 Carryover Bills and Resolutions.** 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. **2013 Carryover Bills and Resolutions.** 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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