

The Need For Wind Siting Reform In Wisconsin

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2005 Clean Energy Law

- **Established a 10% by 2015 Renewable Electricity Standard**

More than doubles existing quantity of renewable energy

Estimated RE growth – 4.2 billion kWh/year

- **Requires state of WI to purchase renewable electricity (10% by 2007; 20% by 2011)**

Global Warming Task Force

- **Representatives from Environmental, Corporate, Utility, Agriculture, Consumer Protection, Labor, etc...**
- **Work Groups are identifying policies to achieve major greenhouse gas reductions**
- **Considering a 25% by 2025 Renewable Electricity Standard**

Will probably include provisions large percentages of the energy be produced within Wisconsin

Wind as a part of an RES

Wind

95%

All others

(solar, biogas, biomass, new hydro)

5%

Of the roughly 4.2 billion kWh per year of renewable energy that utilities must acquire by 2015, the contribution from wind will approach 4 billion kWh per year.

Projects proposed for 2008

| <u>Developer</u> | <u>(MW)</u> | <u>County</u> | <u>PPAs with</u> |
|------------------|-------------|---------------|------------------|
| We Energies | 145 | FDL | N/A |
| Invenergy WPS | 129 | FDL/Dodge | WPL, WPPI, MGE, |
| Alliant/WPL | 68 | FDL | N/A |
| Eurus/RES | 54 | Dodge | WPPI |

Estimated output from these projects (396 MW ◇ 1 billion kWh/year ◇ 1.4 percent of WI electricity sales)

Top two projects received CPCN approval from the PSC.

Current Siting Options

- **Projects over 100 MW can apply for a Certificate of Public Convenience and Necessity (CPCN)**
 - ♣ Long and expensive process
- **Projects less than 100 MW must work with local governments to receive the necessary permits**
 - ♣ Local governments are not staffed with energy or wind energy experts
 - ♣ Forced to rely on the word of the developer vs. local anti-wind citizens
 - ♣ Do not have statewide or regional energy vision perspective

Solar and Wind Siting Law

State Statute 66.0401

No county, city, town or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system or a wind energy system unless the restriction satisfies one of the following conditions:

- Serves to preserve or protect the public health and safety.
- Does not significantly increase the cost of the system or decrease its efficiency.
- Allows for an alternative system of comparable cost and efficiency.

Current Model Ordinance

Setbacks: 1,000 feet from nonparticipating residences, 1.1 x total height from public right-of-ways

Sound: Maximum 50 decibels from the residence

Local Opposition Trampling Local Government

- Small groups of local anti-wind residents are able to flood local governments and stir up considerable local controversy
 - ♣ Moratoriums on the construction of wind turbines within the jurisdiction
 - ♣ Ad Hoc Study committees
 - ♣ Changing local regulations

Post - 2008

180 MW of approved projects

400 MW of stalled projects

A Climate of Fear

NIMBY Arguments

- ♣ Causes Stray Voltage – Completely untrue
- ♣ Lowers Property Values – Not corroborated in studies
- ♣ Low Frequency Sound – Not corroborated in studies
- ♣ Land Intensive (Reality: <1 acre for every turbine)
- ♣ Shadow Flicker (Worst case-scenario – a mild nuisance)

Avian deaths (per year)

| | |
|---------------|-------------|
| ♣ Buildings | 550 million |
| ♣ Power Lines | 130 |
| ♣ Cats | 100 |
| ♣ Cars/Trucks | 80 |
| ♣ Pesticides | 67 |



| | | |
|---------------|---------------|--------|
| Others | Wind turbines | 28,500 |
| | Airplanes | 25,000 |

Sources: USFS, USFWS, American Ornithological Union

Fighting a United Anti-Wind Movement

- WIND COWS
- CWEST
- CCCRE
- High profile lawyers + lobbyists
- Well funded anti-wind advertising campaigns
 - **GOOD NEIGHBORS DON'T PUT UP 400 ft. WIND TOWERS**
 - Misleading ads in local media

How to Kill the Wind

Key components of overly restrictive local ordinances:

- ♣ **Setbacks** – Define them from neighboring property lines (instead of neighboring residences)
- ♣ **Setbacks** – Require setbacks from public right-of-ways that are beyond total height of turbines
- ♣ **Sound** – Impose relative measures instead of absolute measures
- ♣ **Studies** – Require many of them at the developer's expense

Overly Restrictive Local Ordinances

- ♣ Setbacks from residences + “sensitive receptors”
 - 1 mile (Trempealeau)
 - 4 x total height (minimum 1,000 feet)
- ♣ Setbacks from property lines
 - 3 x total height (Trempealeau)
 - 2 x total height (Shawano)
- ♣ Setbacks from communication towers
 - 1 mile (Trempealeau)

Past Battles

Kewaunee County projects – 1999 - present

- Two-year moratorium ensued in Town of Lincoln – no ordinance adopted
- WPS extended buyout offer on homes – two accepted
- CUP's extended

Town of Addison (1999 - 2002)

- FPL Energy project never built

Shawano County – 2003 to present

- Moratorium issued in wake of Navitas activity -- restrictive ordinance adopted July 2005
- 35 kW turbine recently approved via variance

Battles Continued...

Manitowoc County – 2004 to present

- ♣ Moratorium issued following approval of Navitas project – restrictive ordinance adopted
- ♣ Emerging Energies' wind farm approved under old ordinance – lawsuit filed
- ♣ Court overturned the permit, saying the County used the wrong ordinance
- ♣ Developer filed lawsuit against County challenging the new ordinance

Calumet County – 1999 to present

- ♣ MGE chased out of Stockbridge in 1999 – ensuing lawsuit settled
- ♣ Decent ordinance now in place – adopted in 2005
- ♣ Several attempts to add restrictions fail by 10-10 votes
- ♣ Town of Stockbridge adopted its own restrictive ordinance – 09/07
- ♣ Board of Supervisors imposed four-month moratorium – 09/07
- ♣ Recall election held for one supervisor – recall failed -- 02/08

Battles Continued...

Trempealeau County – 2007

- ♣ Adopted moratorium – created a citizens committee to propose a wind ordinance
- ♣ Citizens committee proposes strictest ordinance in the state – 11/07)
- ♣ On a 10-6 vote County Board approves ordinance w/out changes (12/07)

Monroe County – 2005-present

- ♣ County Board adopts county wind energy ordinance in 2006.
- ♣ County grants 3 CUPs to Invenergy to build 75 MW project in Towns of Ridgeville, Wells, and Wilton.
- ♣ New town government in Ridgeville and Wilton veto CUPs. Vetoes are being challenged in district court.
- ♣ Onerous licensing ordinances now being considered in the towns of Ridgeville and Wilton.
- ♣ CUP for Town of Wells is upheld by Monroe County Board of Adjustment in late 2007. BOA decision is now being appealed in district court.

Battles Continued...

Rock County - 2006 to Present

- ♣ Wind study committee assembles 300 page report for 3 turbine project near Evansville
- ♣ Town of Union creates 18 month moratorium on considering wind energy
- ♣ Town of Magnolia creates one year moratorium
- ♣ Town of Magnolia renews and extends moratorium

Patchwork Public Policy

- Wind developers are left with constantly changing overly restrictive local ordinances in many of the best areas for wind energy production in the State.
 - Costly Delays
 - Inability to meet State's renewable energy goals
 - Opening the door for more coal-fired power plants
 - Stalling efforts to reduce global warming pollution

Options for developers

- 1) Get Big – Expand project to >100 MW and obtain a CPCN from the PSC
 - Rely on agency's pre-emptive authority
 - Expensive and time-consuming
 - Reasonable probability of success
 - Only a handful of locations can accommodate 60 turbines

- 2) Go Somewhere Else

Wind Siting Reform Bill

(AB 899 / SB 554)

- Requires the Public Service Commission to establish through an open and inclusive rule making process uniform siting standards
 - ♣ Setbacks
 - ♣ Sound levels
 - ♣ Studies and testing requirements
 - ♣ Bonding requirements
- Creates a process for appealing local decisions to the Public Service Commission
 - ♣ Available to wind opponents + wind developers

Campaign Supporters

Addison Wind Energy, LLC
American Wind Energy Association
Clean Wisconsin
Dairyland Power Cooperative
Emerging Energies, LLC
Horizon Wind Energy
Invenergy, LLC
League of Women Voters – Wisconsin
Michels Wind Energy
Midwest Wind Energy
Natural Resources Consulting, Inc.
Orion Energy Systems
Ritger Law Office
Sierra Club - John Muir Chapter
Wausaukee Composites, Inc.
Wisconsin Environment
Wisconsin League of Conservation Voters
Wisconsin Public Power Inc.
Xcel/Northern States Power-Wisconsin

AgWind Energy Partners
Citizens Utility Board
Customers First Coalition
EcoEnergy, LLC
Great Lakes Utilities
IBEW 2150
Lake Michigan Wind and Sun
Madison Gas & Electric
Midwest Renewable Energy Association
Municipal Electric Utilities of WI
Orion Construction Group
RENEW Wisconsin
Seventh Generation Energy Systems
Union of Concerned Scientists
Wind Capital Group
Wisconsin Industrial Energy Group
Wisconsin Manufacturers and Commerce
Wisconsin Utilities Association
Wisconsin Towns Association

Legislative Update

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