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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Commerce, Utilities, Energy, & Rail (SC-CUER)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

May 10, 2009

Wisconsin State Capitol
Legislators for Wind Contacts
Madison, Wisconsin

Dear Members of the Senate & Assembly Energy & Utilities Committees,

I strongly oppose the wind siting reform bill (SB185 & AB256) that may soon be coming to vote which would give the Public Service Commission control of the siting of all industrial wind turbines and would take away local control. No local input is very poor policy.

I believe, as I stated in previous phone calls and letters, that this wind energy push is irresponsible on multiple levels. There is an overabundance of health and safety factors that need to be mitigated by having proper setbacks. The National Research Council in 2007 suggested that a set back to residences be a least 1 mile. Why is no one listening to those asked to do this research? Now that some wind farms are placed in high density areas, why aren't you listening to those who are confirming these finding?

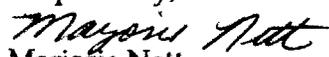
I want to take this opportunity to remind you that the State Wind Model Ordinance is not based on facts or scientific documentation, but rather, it was written by a group of stakeholders. Are these the people you want drafting an ordinance of this magnitude?

There are other obvious negatives such as the violation of property rights, the lowering of property values, lack of energy efficiency, and environmental factors such as ground water contamination and irritation to wildlife. Please know that your constituents who are and will be affected by your decision are placing their faith, health, future and trust in you to consider all the data before you make a decision that will affect them for the rest of their lives.

Please oppose this bill (SB185 & AB256) and keep the control of wind tower siting in the hands of local government. As I pointed out previously, how would you feel if President Obama just made decisions affecting Wisconsin without your input? Each state in the United States of American is unique and you represent and are responsible for knowing Wisconsin's. You have our resources best interest at heart. Why would you want your voice taken away and not heard? This in essence is what these bills are doing to the local government. Those that know their territory best will not be able to provide input and one model doesn't necessary mean will work for all areas.

I believe that a renewable energy plan worth supporting must first preserve and protect our four most important non-renewables: our families, our homes, our communities, and our land.

Respectfully,


Marjorie Nett
W4815 Dick Road
Chilton, WI 53014

(920) 418-1203



Clay Banks Citizens for Responsible Wind Energy
1440 County Road U, Sturgeon Bay WI 54235

May 10, 2009

To: Representatives Jim Soletski & Phil Montgomery, Chairman and Committee Members
ASSEMBLY COMMITTEE on ENERGY & UTILITIES

Senators Jeffrey Plale & Randy Hopper, Chairman and Committee Members
SENATE COMMITTEE on COMMERCE, UTILITIES & RAIL

From: Jeanne Dimick-Rego
MEMBER - CLAY BANKS CITIZENS FOR RESPONSIBLE WIND ENERGY
DOOR COUNTY, WISCONSIN

Dear Representatives Soletski & Montgomery, Senators Plale & Hopper and Committee Members:

Below is my written testimony in opposition of proposed Assembly Bill 256 and Senate Bill 185.

I strongly oppose the wind siting reform bill (SB185 & AB256) that may soon be coming to a vote which would give the PCS control of siting all industrial wind turbines and would take away control from local governing bodies.

My main concern is the State Wind Model Ordinance lists a set back of 1,000 feet – which is not even based on scientific documentation. Attached for your review from the Vestas wind turbine manual Appendix O – Operation & Maintenance Plan, page 3 under Item #2 “Stay and Traffic by Turbine”, Vestas says “do not stay within a radius of 400m (1,300 ft) from the turbine unless it is necessary.” You must keep in mind that the individuals making safety inspections are wearing hard hats. Wisconsin residents do not wear hard hats as they go about living around these structures working and playing in their yards – and they should not have to.

I do not see the logic in the State of Wisconsin granting authority to the PCS to place industrial sized wind turbines/electrical generation systems 1,000 feet from residences when it would never ever be considered in these modern times to place a nuclear, natural gas or coal fired energy plant that close to a residential area. As evidenced by the Vestas manual, Vestas does not even recommend 1,000 feet as a safe distance for their own workers. It is wind developers and stakeholders trying to cram as many of these industrial wind turbines as possible into the State of Wisconsin for profit that are trying to manipulate this regulation and legislation.

This wind energy push is irresponsible on many levels. There are a plethora of health and safety factors that can be mitigated by having a proper setback of 1 mile from residences as suggested by the federal study done by the National Research Council in 2007.

I fully understand the need for conservation and the development of renewable energy sources. However it must be done with common sense, logic and without harm to the State's residents. You are voted into office with the public's trust – do not now violate that trust by passing this bill leaving residents exposed to long term negative impacts. The State's governing bodies are close to passing a no smoking in the work place law for reasons of health and safety. Yet you would consider allowing the irresponsible placement of industrial wind turbines that would cause health problems, negate individual property rights, and lower property values with an energy system that historically misses its projected energy efficiency.

Please do not pass SB185 & AB256, and keep control of wind turbine siting in the hands of local government.

Thank you for reviewing my written testimony.

Sincerely,

Jeanne Dimick-Rego

Member - Clay Banks Citizens for Responsible Wind Energy

Jeanne Dimick-Rego

1440 County Road U

Sturgeon Bay WI 54235

920-746-0805



Schoner Hugel Farms
2410 Benzinger Road
Mishicot, Wi 54228
May 10, 2009

SB 185?

Dear Legislators,

We are requesting your support and assistance in our attempts to develop renewable energy in our community. The decision of the Manitowoc County Board to enforce its wind energy system ordinance for all practical purposes bans wind farms in our county. The 1000 foot setback requirement from property lines makes finding sites very few and far between and realistically, impossible. Now is the time for the State of Wisconsin to take a proactive stand for wind energy and make it possible for the creation and development of wind energy to proceed. The State needs to over-ride local government rulings and make wind energy creation feasible.

Being a part of a family farm that has been in operation since 1848 we have always cared for our natural resources and will continue to do so. We have always been innovative and willing to try something that may be new to our area. The development of wind energy is very compatible with agriculture, but because of the actions of the Manitowoc County Board we are unable to merge these two great utilizations of our resources-land and wind.

The opponents of wind energy have sited health and safety as one of the main issues for not allowing the wind farms to be developed in our area. From our viewpoint, if we do not diversify the sources from which we obtain energy it will be much more detrimental to the health and safety of our future generations.

We feel that most people are in favor of renewable energy but they don't want the wind farms in "their backyard." We WANT this in our backyard not only because it is good for our environment, but also because it is compatible with farming and that is how we make our living. The geography and topography of our farm and many of the neighboring farms make this an ideal location for the development of Emerging Energies Wind Farm. We most cordially invite you to our farm anytime you are in the Mishicot or Manitowoc County area.

Thank you for your consideration and attention to this matter.

Best regards,

Richard Heyroth
Joseph Heyroth
Thomas Heyroth
Owners and operators of Schoner Hugel Farms, LLC

2410 Benzinger Road
Mishicot, WI 54228
May 10, 2009

Dear Governor Doyle, Senators and Congressmen,

Renewable energy is an important opportunity for Wisconsin and our country. About fifteen years ago a company placed a wind monitoring tower on land adjacent to my farm. After compiling their data, they were able to indicate that the geography and wind velocity conditions in Manitowoc County and especially the Town of Mishicot were favorable for the creation and development of wind farms.

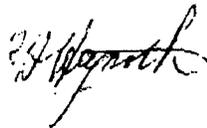
The Office of Energy Independence, which was initiated by our governor, along with our state government has mandated that the state create 10 % of its energy from renewable resources by the year 2015. As a landowner and farmer, I am willing to help reach these goals by supporting the development of wind energy in our state. We need to be innovative and utilize the incredible resources available to us here in Wisconsin. I am very willing to have a few acres of my very productive agricultural land used for the creation of green, renewable wind energy.

Wind turbines do not emit carcinogens into the air or mercury into our water systems. Sources of fuel do not have to be transported to them: just let the wind blow! Being a part of a family farm that has been in operation and in the family name since 1848, my family and I have always cared for our natural resources and will continue to do so. The development of wind energy is very compatible with agriculture. However, because of the actions of the Manitowoc County board we are unable to merge two great utilizations of our resources: wind and land.

I ask you to help Wisconsin in meeting its renewable energy goal. The opponents of wind energy, whether that be individuals or counties, need to be overridden and progress restored to our state.

Sincerely,

Richard H. Heyroth





May 11, 2009

Committee on Commerce, Utilities, Energy and Rail
Committee on Energy and Utilities

Dear Committee Members:

For the second time, a new bill SB 185 and its Assembly companion AB256 is being introduced which creates uniform siting standards for the permitting process of wind energy projects. As it reads, this bill will give the Public Service Commission (PSC) control of the process and goes so far as to even amend State Statute (66.0401) to ensure this control.

I am the Town Clerk of Maple Grove, a Shawano County Supervisor, and serve as a member of the County's Planning, Development and Zoning Committee. In 2005, our county approved a Wind Energy Conversion Ordinance which has proven to be an excellent working document. It not only protects our residents but also protects the developer and owner.

A committee of 10 residents from throughout the county was selected to write our ordinance. They met over 50 times and completed countless hours of research with much information received from Wisconsin's Department of Administration Division of Energy. Was this work all in vain? I hope that you would at least consider grandfathering our ordinance along with others completed by local and county governments considering the time and resources that have been invested, especially in these economic times.

This proposed bill is an example where one size does not fit all. Our local process, based on the health and safety of our residents, is where decisions belong, not with the PSC. I truly believe state government is slowly taking away control from our local communities. We must stop and remember that democracy began when neighbors gathered together at the table and decisions were made after everyone had a chance to express their concerns. I consider "grass roots" government to be the best form of government

Again, I ask that you deny this bill and allow our communities to make these decisions based on our local ordinances and I would be more than happy to discuss this issue with you.

Kathy Luebke
Shawano County Supervisor District 13
Town of Maple Grove Clerk
W1236 Main Laney Dr.
Pulaski, WI 54162
kluebke@netnet.net
920-822-5414





Office of the County Executive

Bob Ziegelbauer, County Executive
Manitowoc County Courthouse • 1010 S. 8th Street • Manitowoc WI 54220
Office: 920.683.5107 • Cell: 920.323.7497
bobziegelbauer@co.manitowoc.wi.us • www.bobziegelbauer.com

Accountability • Respect • Customer Service

Joint Hearing
Senate Committee on Commerce, Utilities, Energy, and Rail
Senator Jeff Plale, Chair
Assembly Committee on Energy and Utilities
Representative Jim Soletski, Chair

Tuesday, May 11, 2009
11:00 a.m., 411 South
Opposition to SB 185 and AB 256

Dear Senator Plale, Representative Soletski, and Committee Members:

I'm here today to speak in opposition to these proposals which work to undermine the confidence people have in the value of local government and the even-handedness of their State government.

In the Manitowoc County area we are very interested in efficient new energy technologies. We host two valuable highly efficient nuclear plants (and if you're really serious about producing low cost electricity for a long time we would love to put one more between those two). Our workers manufacture the towers that support the wind turbines. And, the City of Manitowoc operates a new clean coal power plant in the middle of town, a block from my house, three blocks from the Courthouse.

We are "all in" on the energy economy.

The issue here is actually a fairly simple one. "Do you trust people in their local communities to make serious land use decisions on important issues?" These bills say very clearly that you do not.

Nearly five years ago when it became clear that the demand for wind power sites would include our area, Town and County government embarked on the intense process of trying to make the difficult land use policy decisions contemplated under existing state law. After a failed first attempt to create a suitable county wind power ordinance, the County Board took a "time out" by declaring a moratorium on projects while it convened a special study committee to write a new ordinance. That committee, a balanced mix of citizen and elected officials encompassing all the principal points of view, took significant public input and agonized over the implications of making wind tower siting decisions.

- over -

After more than a year of serious deliberation their work product, a comprehensive wind power ordinance was overwhelmingly passed into law by the Manitowoc County Board in 2006. That both sides of the debate came away from the process a little unhappy with the results speaks highly of the quality of the work they did. It continues to be tested, defined, and refined according to the appropriate due process that is available at the local level for these issues. This would throw all that work away.

These bills are ultimately a power grab, couched in the usual excuses; artificially created minimum requirements for alternative power generation, speculative theories about man made global warming, impatience with local decision making, and frustration with due process.

I'm here today to stand up for those local officials and the process of making local decisions throughout the State. Their work and the work of similar groups of local officials, who took their responsibilities seriously and in good faith waded in to try address controversial issues in their communities should stand; not be washed away because "Monday morning quarterbacks" from 150 miles away don't like the result.

These proposals tell local officials to get out of the way, dodge the tough issues, and because people in Madison know better, you'll decide.

I urge you not to pass these bills.

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May 11, 2009

Representative Zigmunt,

My name is George Patek. I am writing to have you vote No on **AB 256**. I have been involved with the industrial wind turbine issues over the past 4 years. I am a landowner and chose not to participate or sign leases with two companies that have approached me.

companion
to SB 185

The most recent Manitowoc County Ordinance allows an easement to be granted from a non-participating landowner if ordinance setbacks cannot be met. I have not granted easements to Emerging Energies who then proceeded to request variances from the Board of Adjustment for approximately 27 acres of MY property that I farm and pay taxes on. Emerging Energies does respect my property rights or care about my health and safety.

In the application submitted by Emerging Energies for the Mishicot Industrial Wind Installation the proposed turbine is the Vestas V100- 2.75 MW turbine with a total height of almost 500 feet.

The Vestas manual states in its Safety Regulations for Operators and Technicians for the V100-2.75 MW turbine: Do not stay within a radius of 1300 feet from the turbine unless it is necessary.

Also under these Safety Regulations under Precautions in Case of Fire: In case of a fire during an uncontrolled operation, do under no circumstances approach the turbine. Evacuate and rope off the turbine in a radius of minimum 1300 feet.

The current Manitowoc County Ordinance states a setback of 1000 feet from non-participating landowner's property line unless an easement is granted. Emerging Energies has asked for several variances to use 27 acres of my property to place turbines closer than what the ordinance states.

According to the Vestas safety manual this turbine Emerging Energies wanted a variance on would have placed **all of my farm structures and my home in this 1300 foot radius**. This is a safety issue. This would definitely put myself and anyone servicing or visiting my property in harm's way. My property rights and wind rights would also be violated.

Aerial crop sprayers as well as Flight for Life will not fly in an industrial wind installation.

Renew Wisconsin has been very supportive of this project, but go to www.renewwisconsin.org/about/who.html and you will see many wind energy related companies that support this non-profit organization along with Ritger Law Office who by coincidence is the lawyer for Emerging Energies.

One fact that is not mentioned by wind developers is that the state mandated renewable energy does not have to be produced in the state of Wisconsin. This energy can be purchased from other states.

Also another statement that is often used by the wind developers is the nameplate capacity for production not the actual output expected for the turbines. I believe the output for a recent

turbine installation near Fond du lac was only 17%. Big investment for not much output. Energy companies receive tax incentive, production tax credits and tax money from taxpayers, therefore health and safety should be top priority by the turbine developers as well as local, state and government officials.

From what I have read and heard about the PSC turbine installation in Fond du lac I am very concerned about giving turbine siting to them. There are many problems with the turbines due to the siting by the PSC. I feel the turbine project in Fond du lac / Dodge county are was poorly conceived by the PSC. The industrial sized turbines proposed in and amongst non-participating landowners is wrong. I feel the only "green" that Emerging Energies and other wind companies are interested in is the green that goes in the pocket.

Vote NO on AB 256. My business, life, and livelihood are important. Do not give control to the PSC without knowing what the rules are that they are proposing. Let local government control the siting of the turbines.

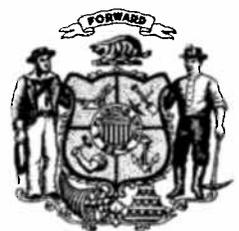
George Patek

2706 Benzinger Road

Mishicot, WI 54228



WISCONSIN STATE LEGISLATURE



FYI Complete NR's standard noted below to Trempealeau County
Sheryl Albers sound standards which we are distributing w/ our testimony.

From: Griffiths, Terri [Terri.Griffiths@legis.wisconsin.gov]
Sent: Monday, May 11, 2009 10:28 AM
To: sherylalbers@charter.net
Subject: Here you go...

Might I be afforded former legislative
courtesy? How far down the list
am I - Dave Gonzalez & Youelke -

SB 185?

Sheryl

Form 1100-001

(R 2/04) **NATURAL RESOURCES BOARD AGENDA ITEM**

SUBJECT:

FOR: BOARD MEETING

TO BE PRESENTED BY:

SUMMARY:

RECOMMENDATION:

LIST OF ATTACHED MATERIALS:

No Fiscal Estimate Required Yes Attached

No Environmental Assessment or Impact Statement Required Yes Attached

No Background Memo Yes Attached

APPROVED:

cc: Amy J. Lemberger - AD/5

MARCH 2006

Administrator,

Secretary, Scott Hassett

Randall Stark

Amy Smith

C. Turner - LS/5

M. Lutz - LS/5

A. Smith - AD/5

W. Engfer - LE/5

Date

Date

Date

03/07/2006

03/07/2006

03/07/2006

Proposed rules are attached for the new proposed boat sound testing process. Wisconsin s. 30.62 (2)(a) requires all boat

sound to meet the level of 86 db or less in order to be legal. Wis. s. 30.62 (2)(d)2 allows the department to promulgate

rules establishing testing procedures and Wis. S. 30.62(2)(d)3 allows the department to revise these rules. The current tests that the department uses are designed for motor exhaust noise or they are not safe to perform on airboats or hovercraft type boats when measuring noise other than muffler or exhaust noise. In 2005 the Department was notified of concerns that it was not enforcing the noise requirements on airboats that were applicable to all other boats. At the

January Board meeting the Natural Resources Board heard comments from the public who were concerned about the noise that airboats make and requests that the Department to enforce existing noise laws on the airboat type craft.

The Bureau of Law Enforcement was already in the process of drafting code changes to Administrative Code to address

this concern. The Bureau of Law Enforcement is proposing the testing process (WS-100) in order to address the concerns

of the public and to allow for a testing process that will take into consideration the safety of the operators of airboat type

craft and the safety of the public and the officers when tests for noise of these type of craft are taking place.

It is anticipated that this rule will affect approximately 500 airboat owners in the state along with approximately 50

hovercraft owners. It may also effect other fan driven type boats. It is anticipated that many such existing craft may

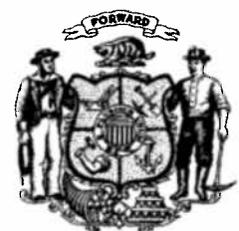
exceed the statutory decibel limit, which would be detected and enforced through the testing process proposed in this rule.

William Engfer

Allow the department to conduct hearings on the proposed sound testing method for boat noise



WISCONSIN STATE LEGISLATURE





IBEW LOCAL UNION 2150
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
N56W13777 Silver Spring Drive Menomonee Falls, WI 53051-6127
262-252-2552 FAX 262-703-3520 800-551-1151
www.ibewlocal2150.org

FORREST CEEL
Business Manager

May 11, 2009

To: The Senate Committee on Commerce, Utilities, Energy and Rail
The Assembly Energy and Utilities Committee

Re: SB 185/AB 256

Local 2150 of the International Brotherhood of Electrical Workers (IBEW Local 2150) is the largest labor organization representing energy and utility workers in the state. The IBEW has been generating, transmitting, and distributing electric power from coal, nuclear, hydro, and/or wind sites since 1891. In addition, our local manufactures many of the large transformers at Waukesha Electric Systems that serve the transmission system through North America.

Local 2150 served on the Governor's Task Force on Energy Efficiency and Renewables that led to the first mandate that utilities must generate 10% of their electric power from renewables (primarily wind) by 2015. In addition, Local 2150 was honored to serve on the Governor's Task Force on Global Warming that is recommending to the legislature to increase the mandate to 20% in 2020 and 25% in 2025.

These are ambitious goals. They will be difficult enough to reach when considering that Wisconsin is not a premier wind energy state in the same breath as the Dakota's, Minnesota, and Iowa. Many of the projects under construction have been approved under the PSC docket process because of their size. But many smaller projects languish under a hodge-podge of bureaucracy often leading to projects being abandoned or put on the shelf.

It is our belief, as an organization promoting a green jobs environmental policy, that streamlining the process is paramount to utilities meeting these expanded goals. Local 2150 is a leader in promoting low emission forms of generating power from wind farms to nuclear. Both of these bills add another method for Wisconsin to gain green jobs and clean up our air in an expeditious manner.

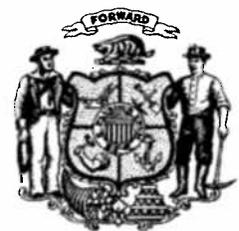
Thank you,

Forrest Ceel
Forrest Ceel
Business Manager
IBEW Local 2150

s/opciu/local 9



WISCONSIN STATE LEGISLATURE



May 11, 2009

Senate Committee on Commerce, Utilities, Energy, and Rail
Room 313 South, State Capitol
Madison, WI 53708

Assembly Committee on Energy and Utilities
Room 307 West, State Capitol
Madison, WI 53708

I live in Manitowoc County and have been involved with the wind turbine issue for over 4 years. I would like you to oppose the wind siting reform bill AB 256 and SB 185. Siting issues for these wind turbines should remain with local government. The Manitowoc County large wind ordinance was challenged in court last year by Emerging Energies and the court upheld the county's ordinance. I don't feel that the wind energy companies are concerned with health and safety, but just the economic benefits and large subsidies they receive from the taxpayers as well as other incentives.

The current subsidy for wind power is approximately \$23 per Megawatt hour. This would be approximately \$55,000 per 1.5 M watt turbine per year for power that is unreliable. I feel every turbine is taking away one federally funded government job. As a comparison nuclear gets approximately \$1.75 per megawatt hour and coal receives approximately \$0.75 per megawatt hour for base loadable reliable power.

I feel if a product is good, it will sell itself. This wind power is being forced on the people through a mandate and is only going to increase the cost of power to everyone. Wind power is not base loadable and I feel it is only going to add to the environmental problems and not do anything for the so called "global warming".

I visited Fond du lac and saw the result of the PSC having control over the siting of an industrial wind installation. The landscape is tarnished and people I spoke with are dealing with the health and safety effects of the Public Service Commission's incorrect siting of the industrial wind turbines in that area.

I don't understand the urgency of taking away local control without first getting the public involved to come up with fact based siting regulations.

The current bill lists the committee to be mostly made up of energy companies and environmental groups. RENEW Wisconsin and Clean Wisconsin which have voiced support for this bill are funded by the energy companies. I question the fairness of the committee proposed in this bill.

Please oppose AB 256 and SB 185. Health and safety of the people should be #1, not money.

Respectfully,



Anita Roberts, 12113 Tannery Road, Mishicot, WI 54228



WISCONSIN STATE LEGISLATURE





May 11, 2009

To Whom It May Concern:

Community Wind Energy, LLC supports SB 185, in order to provide statewide uniformity and predictability to the siting of wind turbines, so important to the clean energy future of Wisconsin.

Community Wind Energy, LLC (CWE) was formed by a Group of year-round Door County residents who believe that the local use of wind power can significantly improve our way of life. CWE is dedicated to the concept that less reliance on fossil fuels and nuclear energy will create a healthier more sustainable community, reduce our dependence on imported oil and improve our homeland security.

Here in Door County we have experienced first hand the kind of obstructions that can be placed in the path of clean wind energy production. Community Wind Energy, LLC (CWE) attempted to site seven commercial wind turbines in Door County. In four localities moratoriums on wind turbines were put in place. In one a change of zoning definition removed the jurisdiction from definitions of allowed areas in the county wind ordinance.

In the Town of Clay Banks a year long moratorium was followed by an ordinance that allows No Turbines. Despite State Statute 66.0401 limiting towns ability to regulate wind turbines the town excluded wind turbines in many apparently illegal ways. The township of Clay Banks' Wind Energy Conversion System Ordinance is not regulation of commercial wind turbines, it is a complete prohibition.

The following information is an explanation of the lengths that various jurisdictions will go to exclude wind turbines.

Thank you.

Guy S. Fortin

*Guy Fortin of Community
Wind Energy, LLC of
Door County.*

THE TOWNSHIP OF CLAY BANKS' WIND ENERGY CONVERSION SYSTEMS ORDINANCE IS NOT REGULATION OF COMMERCIAL WIND TURBINES, IT IS A COMPLETE PROHIBITION.

SIMPLY PUT, WITH THE HALF MILE SET BACKS FROM RESIDENCES YOU COMPLETELY ELIMINATE COMMERCIAL TURBINES IN THIS RURAL TOWNSHIP. JUST THAT ONE SETBACK IS ALL THAT IS NEEDED IN THE ORDINANCE TO TOTALLY EXCLUDE TURBINES FROM EVER BEING ALLOWED IN CLAY BANKS.

HOWEVER, THAT IS NOT THE ONLY CLAUSE THAT EXCLUDES TURBINES. IF THERE WERE NO RESIDENTIAL SETBACKS AT ALL THERE WOULD STILL BE A COMPLETE PROHIBITION DUE TO MANY OF THE OTHER SETBACKS AND RESTRICTIONS.

THE ONE MILE SCENIC SETBACK FROM PARKS, PROPERTY, RECREATIONAL OR REST AREAS. AESTHETIC RESTRICTIONS LIKE THIS ARE IN VIOLATION OF STATE LAW.

THE 1000 FOOT SETBACK FOR WETLANDS.

THE 1000 FOOT SETBACK FROM WATER BODIES.

THE MINIMUM 1000 FOOT SET BACK FROM ROADS. AS IS THERE CAN BE NO TURBINES WITH THESE COMBINED RESTRICTIONS.

HOWEVER, THERE IS THE ADDITIONAL PROPERTY LINE SETBACKS, ALSO SETBACKS FROM POWER OR TELEPHONE LINES. THERE IS ALSO AN ADDITIONAL SETBACK OF UNKNOWN DISTANCE FOR CROP DUSTING.

IN MY OPINION THE FOLLOWING ALSO TOTALLY EXCLUDE AND PROHIBIT TURBINES:

A SHADOW CAN NOT FALL ON ANY SCHOOL, DAYCARE CENTER, HOSPITAL, PARK, RESIDENTIAL NEIGHBORHOOD, PLACE OF WORSHIP, OR ELDER CARE FACILITY, OR WITHIN 100' OF A RESIDENCE. BUT, IF THE SHADOW LASTS LESS THAN 10 HOURS PER YEAR OUT OF A POSSIBLE 8760 HOURS PER YEAR (average less than 12 minutes/week). IT MAY BE ALLOWED ON LOW VOLUME ROADS AND RESIDENTIAL PARCELS, BUT, UNDER NO CIRCUMSTANCES MAY A SHADOW FALL ON A ROAD INTERSECTION.

ROADBLOCKS TO A SINGLE TURBINE:

SERIOUS ROADBLOCKS ARE THE 22 REPORTS, STUDIES AND PLANS,

NOT TO MENTION THE REQUIRED SIGNED STATEMENTS, AGREEMENTS, EASEMENTS, NOTIFICATIONS, TIME LINES AND TESTS. ALL IN ADDITION TO WHAT THE COUNTY, STATE AND FEDERAL GOVERNMENT WOULD ALREADY REQUIRE.

ILLEGAL ORDINANCE:

WIND STUDIES ARE REQUIRED AT THE TURBINE HEIGHT AT FAR ABOVE NORMAL MONITORING HEIGHTS, THIS NOT RELATED TO HEALTH AND SAFETY AND WOULD COST UPWARDS OF \$40,000 PER TURBINE AND IS **ILLEGAL UNDER STATE LAW.**

THE TWO STRAY VOLTAGE TESTS AT ALL LIVESTOCK FACILITIES UP TO ONE MILE FROM THE TURBINES. THERE IS NO STRAY VOLTAGE ASSOCIATED WITH WIND TURBINES, THIS IS NOT A HEALTH AND SAFETY ISSUE AND WOULD BE **EXCLUDED UNDER STATE LAW.**

AVIAN AND BAT STUDY WOULD BE ONGOING EVERYDAY FOR THE TWENTY YEARS OF THE PERMIT. AGAIN, THIS IS NOT A HEALTH AND SAFETY ISSUE AND WOULD BE **EXCLUDED UNDER STATE LAW** FOR THE ASTRONOMICAL EXPENSE.

I BELIEVE NOT ALLOWING SIGNS (normally allowed in other parts of the town) IS A VIOLATION OF THE FIRST AMENDMENT FREE SPEECH RIGHTS, AND A VIOLATION OF EQUAL PROTECTION UNDER THE US CONSTITUTION. IN ADDITION THIS ORDINANCE JUST HAPPENS TO ALSO MAKE **DISPLAYING THE AMERICAN FLAG ILLEGAL.**

MONEY PLAYS A BIG PART IN THIS ORDINANCE, HERE ARE A FEW AREAS. IN ADDITION TO \$5,000,000 LIABILITY INSURANCE, SEPARATE OCCURRENCE, WITH THE TOWN AS ADDITIONAL INSURED.

TO ERECT A COMMERCIAL TURBINE YOU MUST AS A PART OF THE APPLICATION AGREE TO **REIMBURSE** THE TOWN FOR **UNKNOWN COSTS**, INCLUDING PROFESSIONAL **FEES** FROM PROCESSING, EXAMINATION OR ANALYSIS OF THE APPLICATION.

MUST PLAN TO IDENTIFY, TRAIN AND FUND FIRE AND RESCUE PERSONNEL; FUND SERVICES, EEQUIPMENT, MATERIALS AND VEHICLES.

A \$25,000 SLUSH FUND FOR LEGAL AND CONSULTING FEES FOR UNSPECIFIED CONSULTANTS AND EXPERTS THE TOWN DEEMS DESIRABLE. WHENEVER THEY SPEND \$10,000 OF THE SLUSH FUND ANOTHER \$15,000 MUST BE DEPOSITED WITH THEM.

UNSPECIFIED AMOUNTS TO BE DEPOSITED IN A FUND FOR THE TOWN FOR POSSIBLE ROAD MAINTENANCE, INCREASED YEARLY FOR THE TWENTY YEARS OF THE PERMIT.

ADVANCE PAYMENT FOR SITE RECLAMATION, THE AMOUNT TO BE DETERMINED BY THE TOWN, AND TAKEN FOR THE ENTIRE TWENTY YEARS BEFORE THE EXPECTED RESTORATION.

THE WIND ENERGY FACILITY IS NOT ONLY MADE LIABLE FOR DECOMMISSIONING, AN UNSPECIFIED BOND IS REQUIRED, THIS UNKNOWN AMOUNT TO BE SET BY THE TOWN RENEWED FOR ALL TWENTY YEARS.

IN ADDITION THE TURBINE PERMIT IS ONLY GOOD FOR TWENTY YEARS, THE USEFUL LIFE OF THE TURBINE IS TWENTY-FIVE TO THIRTY YEARS. CUTTING SHORT THE PRODUCTIVE LIFE MAY MAKE THE PROJECT SO UNCERTAIN THAT FINANCING MAY NOT BE SECURABLE.

THE TOWN REQUIRES "LICENSEE AGREES TO REIMBURSE THE TOWNS ACTUAL REASONABLE FEES AND COSTS INCURRED IN PREPARATIONS, NEGOTIATIONS ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, INCLUDING, WITHOUT LIMITATION, THE TOWN'S ATTORNEYS' FEES, ENGINEERING CONSULTING FEES, TOWN BOARD METING AND HEARING FEES AND COST OF PUBLIC NOTICES. AN UNLIMITED BLANK CHECK.

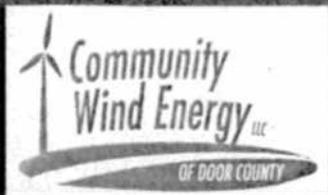
TO ADD INSULT TO INJURY THEY REQUIRE REIMBURSEMENT FOR ATTORNEYS' FEES DEFENDING ANY LEGAL ACTION BROUGHT BY ANYONE ELSE ABOUT THE LEGALITY OF THEIR ORDINANCE. THE TOWN WRITES AN ILLEGAL, BURDENSOME ORDINANCE AND THEY WANT SOMEONE ELSE TO PAY THE BILL.

THE CHILLING EFFECT THIS ORDINANCE WOULD HAVE ON ANY

PROSPECTIVE WIND TURBINE DEVELOPMENT, ELIMINATES ALL WIND TURBINES.

THE ENTIRE ORDINANCE COULD BE WRITTEN IN ONE SENTENCE, “NO COMMERCIAL WIND TURBINES IN CLAY BANKS, EVER, AND IF YOU WANT TO PUT UP COMMERCIAL WIND TURBINES JUST SAVE YOURSELF THE TROUBLE AND GIVE US YOUR MONEY.”

**GUY S. FORTIN
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TOWN OF EGG HARBOR
STURGEON BAY, WI 54235
920-493-0115
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WIND LETTER

VOLUME 2, ISSUE 2

APRIL 2008

YEAR IN REVIEW

- More Site Assessments
- Door County Fair Booth
- More Community Outreach & Education
- FOE Grant Award
- County Ordinance deliberations
- Facing Opposition

INSIDE THIS ISSUE:

- CWE Master Plan 2
- State's Goals 2
- MET Towers 2
- On Line Poll for Wind 3
- Opposition 3
- Site Assessments 3
- Accomplishments & Goals 4

Winds Still Blowing in Door County

Community Wind Energy LLC of Door County (CWE) continues its local effort to bring wind energy to Door County.

Broad support in the community for CWE's work shows that landowners and other citizens understand that wind energy is part of the solution to rising energy demands. It also points to an interest among the citizenry to resist further burning of fossil fuels which contributes so heavily to greenhouse gases.

State, national and international governments are increasing sup-



Kewaunee

port for sustainable energy production and use. For instance, Governor Doyle recently met with other Midwest governors who supported the Federal Pro-

duction Tax Credit (PTC) extension, which gives incentive to investors in the renewable energy industry. The PTC would help provide a more level playing field with the heavily subsidized fossil fuel industry. Internationally, wind energy remains the fastest growing energy source at nearly 30 percent.

Energy demand is also expected to rise worldwide also by 30 percent and wind provides the most economical solution to that demand.

Door County Enacts New Ordinance

The Door County Board of Supervisors passed the Wind Energy Facility Ordinance on January 29, 2008. Through the efforts of the Resource Planning Committee (RPC) with the help of the Door County Planning Department, these two groups have been working for over a year on revisions to the wind energy facilities ordinance. The county representatives undertook the effort in an attempt to make the ordinance stronger by bringing it more in line with state statutes.

A public hearing in October 2007 of the proposed revisions drew over 100 people with over 75% in clear support of wind energy in Door County. The crowd in-

cluded a representative of one of Door County's local utility providers who gave testimony in support of the revised ordinance. Community Wind Energy is grateful for all the supporters who appeared and spoke at the RPC hearing.

CWE appreciates the work of the RPC and Planning Department and the desire of those two bodies to protect the public's health and safety by providing an ordinance which permits wind energy development in the County with reasonable restrictions regarding noise, set backs, shadows, etc.

CWE remains concerned that

more unnecessary restrictions will raise the cost of wind turbine installations beyond the means of local investors involved in a small community developed wind project. These restrictions may thereby favor large out of state developers.



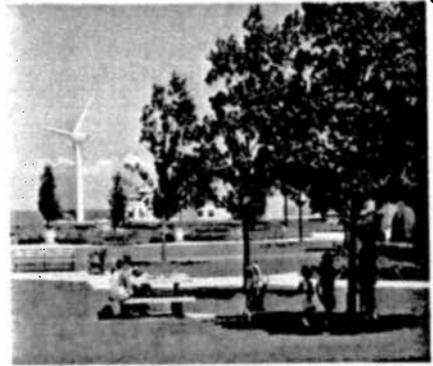
Netherlands

CWE Master Plan

Community Wind Energy is developing a Master Plan mapping potential locations for turbines that could provide about 25% of Door County's electricity needs. Although large sources of funding for wind projects exist outside the county,

County's economy rather than perpetuate the current system which exports energy dollars out of state. It may require a small group of turbines in a first phase with the intention to meet the 25% goal through a stepped process.

CWE chooses to provide through its financial model, as much local investment as possible. This plan will benefit Door



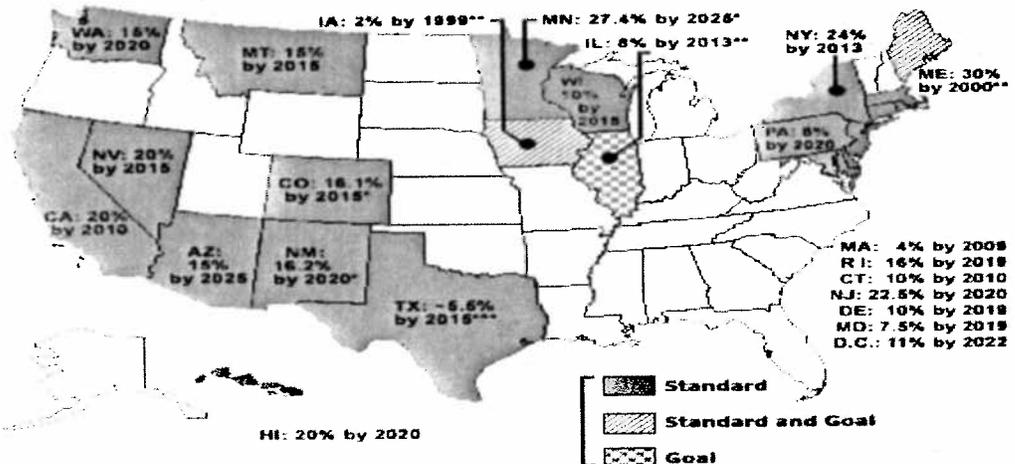
Cleveland Park

Want more information?
 Contact Chris at 920.746.4008
 or chris@communitywindenergy.us



Iowa School

State Targets for Renewable Energy



"With the state requiring 10% renewable by 2015, over 90% may come from wind energy."

~Michael

Vickerman

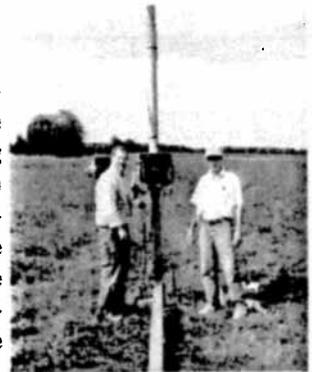
of RENEW Wisconsin

Wisconsin has a renewable energy portfolio which requires meeting 10% of its electrical demands with renewable energy sources by 2015. State officials are considering an increase in this goal to 25% of electrical energy from renewable sources by 2025. To meet this agenda, large wind developers from outside the state, or even nation, will be making their presence known throughout Wisconsin. CWE hopes to be a part of the attainment of Wisconsin's renewable energy goals by providing **LOCALLY OWNED AND OPERATED** wind generation in Door County.

MET Towers Providing Good Data

CWE installed three meteorological towers north of Sturgeon Bay last year. The towers are equipped with metering equipment which provides current data on the wind resource in Door County. The monthly figures are used to establish estimates of future wind energy production. So far, the data collected confirm the viability of wind energy in Door County and rein-

force previous good data observed in a study done in the late 1990's and early 2000's showing two Door County sites ranking in the top five throughout all Wisconsin. Jerry Kuehn, George Evenson, and Art Lautenbach have CWE's sincere gratitude for providing their land to install these towers and metering equipment.



Jerry Kuehn Met Tower

Door County Favors Wind Energy

Door County Advocate On-line Poll (Fall 2007)

Do you support wind energy in Door County?



Websites of Interest:

www.WINDUSTRY.COM, www.AWEA.ORG, www.RENEWWISCONSIN.ORG, www.IFNOTWIND.org

What's your choice?

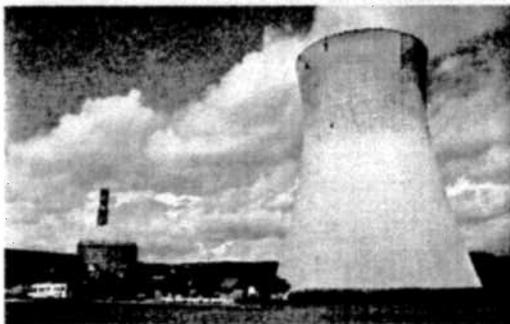
Mountaintop Removal Coal Mine



Commercial Wind Turbines



Or



Nuclear Power Plant

Site Assessments: CWE continues to visit properties of landowners interested in hosting commercial wind turbines. If you or someone you know wishes to have CWE conduct a site assessment, please contact **Chris** at **746-4008** or chris@communitywindenergy.us.

"It's the economy, Stupid"
 The state of Wisconsin alone spent over \$18 billion in 2006 on fuel sources that originated from out of state, up nearly 20% from 2005.

Opposition to Wind Energy in Door County

Most opposition to the establishment of locally owned and operated renewable energy in Door County has come from the Town Board in Clay Banks. The Board formed a Windmill Planning Committee which has spent thousands of tax-payer dollars so far on legal fees and other expenses, creating a restrictive town ordinance which would essentially prevent any Clay Banks farmer from putting up a commercial wind turbine on his/her property. Clay Banks' official opposition to wind energy fails to address rising energy demands, global climate change, and air pollution. It also fails to recognize the potential for local income that wind power generation would provide the Town. It does not support Clay Banks farmers who could supplement their incomes by hosting a wind generator on their land or the resulting benefit of maintaining the rural landscape by helping farmers preserve their land from residential and commercial development.

COMMUNITY WIND ENERGY LLC of Door County
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STURGEON BAY, WI 54235-0123
Phone: 920-746-4008
E-mail: chris@communitywindenergy.us

"Supporting locally owned, environmentally sound energy production"

Community Wind Energy's Statement of Intent:

It is **CWE's** chosen business plan to reinvest the profits from its venture in Door County, through grants and gifts of renewable energy systems to local hospitals, schools, and charitable and service organizations. **CWE** hopes to strengthen the local community by voluntarily participating in revenue sharing with local town & county governments.

Community Wind Energy Accomplishments

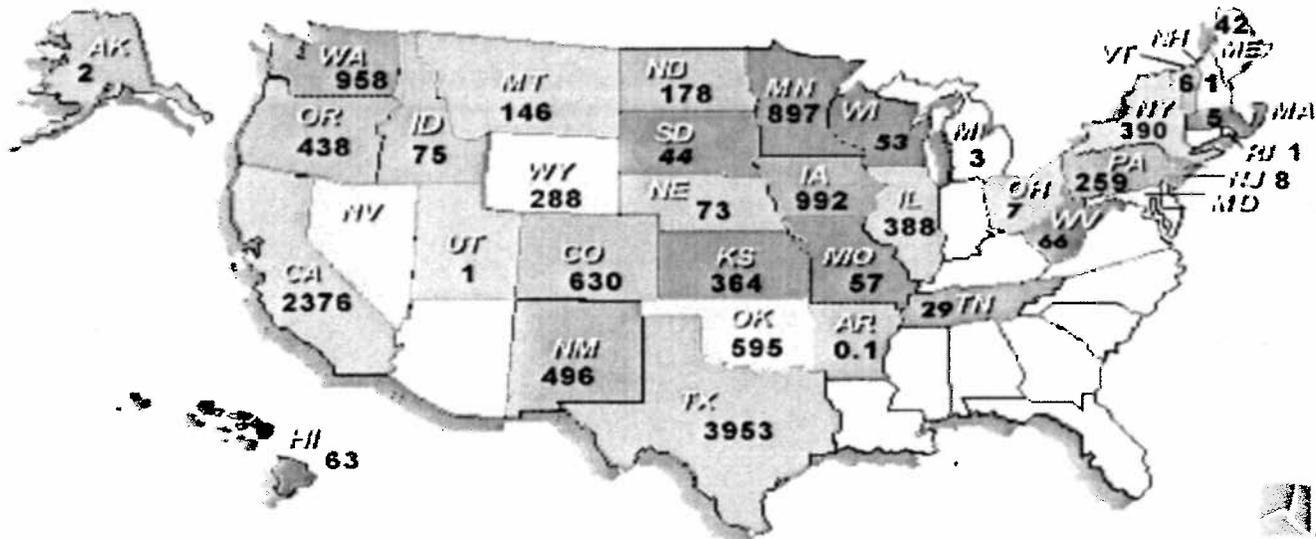
1. FOCUS Business & Marketing Grant Award
2. FOCUS Feasibility Grant Approval
3. Community Outreach—Over 30 Education forums and public meetings
4. Conducted over 100+ Visits & Site Assessments with landowners controlling over 15,000 Acres
5. Over 50+ Option Agreements & Letters of Support signed by turbine supporting landowners
6. 3 Met Tower installations for measuring the wind resource

Visit our new website at communitywindenergy.us

THE PRIMARY GOAL for 2008

Develop a Master Plan and Financial Model for a locally owned and operated Door County wind project

Installed Wind Capacity (MW) as of September 30, 2007



printed on 100% post consumer waste recycled paper

MOHAWK
manufactured with windpower