

Nebraska wind farm projects cause controversy and heartache

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TONY BAKER, NEBRASKA SEN. TOM BREWER'S LEGISLATIVE AIDE SAID THAT HE EXPECTS SOME ACTION ON BREWER'S WIND ENERGY BILS BETWEEN NOW AND APRIL 18. "WE CAN EITHER DO A 'PULL MOTION' OR WE CAN TURN THE BILL INTO AN AMENDMENT AND AMEND IT TO PRIORITY BILL THAT IS VOTED OUT OF

COMMITTEE," HE SAID. "THOSE ARE THE TWO CHOICES WE HAVE. WHICH ONE WE USE AND WHEN WE CHOSE TO USE IT IS A QUESTION OF TIMING AND 'FLOOR STRATEGY' THAT DEPEND ON WHAT AND WHEN THE SPEAKER PUTS CERTAIN BILLS ON THE DAILY AGENDA AND A MYRIAD OF OTHER VARIABLES. THE 'POLITICS' BEHIND HOW WE DO ALL THIS IS MESSY, LAST-MINUTE SORT OF BUSINESS.

I CAN PROMISE YOU THAT ONE OF THESE TECHNIQUES WILL BE USED BEFORE THE END OF THE SESSION."

Passions are high and opinions are as strong as the prevailing wind in northwest Nebraska, as some neighbors and family members on both sides of the wind energy issue in and near Cherry County, Neb., are verbally clashing over financial, emotional and health concerns related to current and proposed future wind farms.

Recently, Nebraska Sen. Tom Brewer, a Republican who represents legislative district 43, introduced two legislative bills supporting neighbors' concerns about the proximity of living near a number of towering turbines that are in full view of others' rural homesteads.

"Sen. Brewer introduced two bills this year, one is LB 1054 that would give people greater opportunity to express their opinions about a proposed wind energy project. Sen. Brewer's second bill this year, LB 752 repeals a law that currently allows privately developed wind energy projects to use eminent domain," said Tony Baker, legislative aide for Brewer's district representing 13 counties in western Nebraska.

"Wind energy is not a good neighbor," Baker said. "It's a constant 55 decibels of noise that rattles pictures on the wall, and then nobody will ever buy my place, and casts shadows, and causes health effects that have come to light like nausea and vertigo. If your neighbor does something on your ground that's not neighborly, you should have a say. The people who are not participating landowners and not compensated should have some aspect of government listening to them."

Nebraska is unique because while most states have a Public Utilities Commission, Nebraska is the only state in the nation served 100 percent by public power utilities. So, it developed a Power Review Board in the 1960s, to regulate the three utilities in Nebraska; Nebraska Public Power District, Lincoln Electric System and Omaha Public Power District.

"Nebraska laws have evolved over the years, to help the Power Review Board accommodate private electrical generation such as wind or solar. That board was designed to regulate public utilities, not private generators of electric utilities, and it often is not a good fit for renewable energy," Baker said. "So, when you're building a public power facility, you need answers, and there's been no place for the people to express their opinion. Sen. Brewer's bill LB 1054 seeks to restore the public's voice in wind energy projects."

WIND TURBINES

And there are robust voices being heard, and overheard on both sides of the issue. With the enticement of expected high-dollar dividends and federal production tax credits, some residents in Cherry County and nearby communities are struggling with daily life challenges, which they attribute to numerous turbines emerging across the landscape. On the map, Cherry County is visibly the largest county in square miles in Nebraska, and with over 166,000 cows, it's known for having more cows than people; making it a desired rural-by-choice location.

Twyla Gallino was born and raised on the same Cherry County ranch where she lives now, between Valentine and Thedford, and is worried about two proposed wind farms.

"We're in the Sand Hills; this area is sand, and I don't think it would hold a turbine. Our aquifer is only about 30 feet down. That concerns me with their large cement pads, and whether chemicals in those pads could possibly leach out into the aquifer, over time," Gallino said. "Bluestem Energy Solutions is proposing a wind farm that would be about 40-miles away. There's another wind farm being discussed that would be just 20 miles south of my home."

Two hours east of Gallino's ranch, farmers Keith and Vickie May of O'Neill, Neb., were told they wouldn't hear anything above 35 to 39 decibels from the Berkshire Hathaway Energy Renewable's (BHE) 400-megawatt, 200-turbine wind farm in northeast Holt County, that went 'online' November 2016. "We live one mile and one-third from the closest wind turbine, and I'm sensitive to low-frequency sounds, so we purchased a decibel meter. Many nights we have a southeast wind, which is the prevailing wind, it sounds like a jet plane revving but the plane never, of course, takes off," Vickie paused, getting emotional and teary, "So, we pay to stay at a hotel in town."

NOT ANTI-WIND

Interestingly, Vickie's husband Keith who's been on their local planning and zoning board voted for the project. "We were not anti-wind," Vickie said. "The night of the vote of the CUP (conditional use permit), my husband acknowledged he had some concerns. They advised us we wouldn't see wind turbines within four to five miles. What we immediately saw was that our view-shed was changed forever, and we were not prepared for the sound issue on our property."

May said she's heartbroken that the constantly blinking turbine tower lights, in full view now, actively compete with Nebraska's starry night sky. She also reported health-related challenges.

"I can feel a rhythmic feeling in my chest," she said "A representative from the company did come out and apologized, commenting he'd never been on the back side of a project, which sounds different from the front side of a wind turbine. We get 'wake turbulation' when the noise picks up from one turbine to the next turbine. We're not anti-renewable energy, we're just for responsible energy. If the developer would've advised my neighbors, and one neighbor could've taken five less turbines, and another neighbor took three less and been less greedy, I wouldn't have had to suffer. We feel we've been misinformed or that something changed. Some pages for vital information were missing before they were granted permits."

SETBACKS AND REGULATIONS

The Fence Post tried to contact Bluestem Energy Solutions/Omaha, Sand Hills Wind, Invenergy, and BHE, which built the energy farm in Holt County, leaving several messages for owners or managers to respond.

"No comment," said BHE spokeswoman Addison Bratvold.

A representative from a different wind energy company suggested noisy turbines might have a defective blade, and that putting blade tips on the turbines could help. "It's important to work with the community," he said, asking that his name not be used.

We did hear back from a manager with Bluestem Sandhills LLC and Cherry County Wind LLC. Cherry County Wind LLC is comprised of 70 families representing 450,000 acres in Cherry County, developing wind energy on private property.

"Cherry County has some of the strictest setbacks and regulations on wind facilities in the country, allowing for reasonable, limited wind development in our county. The sound from a wind facility is limited to 50dBA," said Michael Knapp, chief of operations for Sandhills Energy LLC., on behalf of Bluestem Sandhills LLC and Cherry County Wind LLC. "That is less loud than the traffic on rural Highway 20, which runs through our county, and not remotely loud enough to 'rattle pictures on the wall.' Also, in Cherry County, while a landowner could build a multi-story grain silo or other building within about 120 feet of a neighbor's house, a wind turbine cannot be within a half-mile of any occupied structure. This is a very strict, and very neighborly setback," Knapp said.

Responding to Gallino's concern about potential chemicals, Knapp said, "There are no special chemicals or structures in wind turbine foundations. The Ogallala Aquifer stretches for some 174,000 square miles. The cement used in a wind turbine foundation is just like the cement used for any other building built on land lying over the aquifer. Extensive environmental review and onsite geotechnical engineering ensure that wind turbines are located far from wetlands and waters of the U.S. on ground suitable for stable construction of the tower."

HEALTH CONCERNS

Regarding health concerns, "The Canadian and Australian governments, and many other governments and several U.S. states, have repeatedly done exhaustive reviews of health impacts, and have repeatedly found no issues," Knapp said.

Also in support of wind energy, a college instructor on the central Plains said farmers and ranchers are always concerned about conservation of natural resources, sustainability, and Mother Nature, and that renewable energies like wind energy and solar energy help promote all three.

"Both wind and sunlight are free sources of energy. Neither create air pollution, unlike other types of electrical generation," said Bruce Graham, Wind Energy Technology Department Chair at Cloud County Community College in Concordia, Kan., who's also a rancher. "I visited several wind farms and found the wind itself is generally noisier than the wind turbines. Improvements in wind turbine design with larger rotor diameters, taller towers and more efficient generation has the price of wind energy selling below fossil fuel generation."

Farmer/rancher Kurt Kocher, who has seven wind turbines in the section where he lives in rural Glasco, Kan., in Cloud County, is located one-quarter of a mile from a turbine.

"Once in awhile, when humidity is high, we hear turbines cutting through the air," he said. "We don't have many neighbors, we have a neighbor one mile east of us and they have a turbine about three-eighths of a mile from their home. We're both being paid to have them by EDP Renewables, as a tenant."

A south wind blows at Kocher's farm about 70 percent of the time. "And that south wind would affect the back side of the turbine. However, 90 percent of the time, we never hear it," Kocher said. "That's just my observation, someone else may be different."

Baker, meanwhile, is adamant Nebraska doesn't need wind power. "Nebraska has a surplus of electrical generation because we have a big nuclear plant and large coal producing plants," Baker said. "The only reason for developers to put up turbines is to make money. The company doesn't own the tax credit, but rather they sell it. The wind energy company comes in and signs a multi-year lease, a non-disclosure clause and makes a few thousand dollars per turbine. When you're in an ag economy and the economy is doing terribly, people are interested."

Nebraska is in a 14-state consortium known as the Southwest Power Pool, seeking renewable energy. "In this 14-state consortium, we're doing something in our state, that's not for our state, but rather for the consortium," Baker said.

Graham said electricity generated by wind farms goes directly to the nearest load.

"The electrons producing electricity are used by the nearest farms, households and businesses," Graham said. The electricity from a wind farm can be sold to a company or utility located in a neighboring state. "Local businesses benefit from wind farms, landowners benefit from lease payments, and local young people can stay in the neighborhood and have very good job opportunities," said the college instructor.

"But, if the federal production tax credit were ever to expire, (cost per kilowatt hour) you'd never see another wind farm," Baker said. "You gotta make payroll, pay salaries, which all go into making a kilowatt hour. There's no way to sell energy made with wind except with the federal production tax credit. These things are tax credit generators."

TAX CREDITS

Regarding the tax credit issue, Knapp said, "For a good look at fossil fuel subsidies versus renewable energy subsidies, head to Cherry County Wind Frequently Asked Questions (FAQ) at <http://www.cherrycountywind.com/faq/#subsidies>.

"Wind industry tax credits have benefited rural America by growing the economy, creating higher paying jobs, saving electricity consumer's money and supporting the U.S. manufacturing industry. Tax credits are now being phased out on an 80 percent, 60 percent and 40 percent schedule which will end at the end of 2019. In 2020, wind energy will have no tax credits available, unlike all other forms of electrical generation. From all the wind turbine component parts (blades, towers nacelles,) traveling on the Kansas highways it doesn't look like wind energy is going away anytime soon," Graham said.

Baker is also concerned about what he calls a conflict of interest.

"All Cherry County board members have documented conflicts of interest. How can the board be objective and represent all the citizens in the county, when they have an interest and a financial stake in the project? Baker said. If someone is an elected county board member, and think they have a conflict of interest, they have to report it and it would be documented. "Nebraska law currently does not prohibit a county official from voting if they have a documented conflict of interest," Baker said. "The senator's point is preferably a local control issue. But when the local board is part of the project, it's a problem. The perfect answer would be: two miles from a transmission line."

The Cherry County Commission chairwoman disagreed with Baker's comments.

"Mr. Baker's statement is blatantly untrue, as not all of the Cherry County Commissioners have a 'documented conflict of interest and a financial stake in the project,'" said Tanya Storer, Cherry County Commission chair. "All three commissioners, myself included, submitted their information to the Nebraska Accountability and Disclosure Office, as required by law. Only one of the three Commissioners, Mr. VanWinkle, was determined to

have a conflict of interest/financial stake. I am in no way invested in, or involved in Cherry County Wind. I have several family members who are, all of which I reported. I, nor my husband, have ever been a member or invested in any wind project, including Cherry County Wind. All of this information is publicly available through the Accountability and Disclosure Office (<http://www.nadc.nebraska.gov>).

Storer agreed that the issue has been very controversial in Cherry County, noting, after months of public comment and two public hearings, the first permit for a wind farm was denied in December 2016 due to noncompliance with planning and zoning regulations.

"Due to concerns from Cherry County citizens, the commissioners asked our Planning and Zoning Board to research three specific issues and report back to the commissioners: input from local fire chiefs about fire management related to wind towers; commission an independent appraiser regarding any impact on land valuations on agricultural/grazing; review a recent study completed by the Lancaster Department of Health regarding potential health risks/impacts from wind turbines," Storer said. The completed report can be viewed at: http://www.co.cherry.ne.us/webpages/planning_zoning/planning_zoning.html.

INCREASE SETBACKS

Storer also recommended that planning and zoning increase setbacks (the distance an approved development has to be from a non-participating house, public use area, school, road, etc.) for wind generation facilities, from one-half mile to two miles, which is similar to feedlots. "I don't think the wind industry should be treated more favorably than our own agriculture industry, and I recommended setbacks be structured similarly to our ag industry setbacks," Storer said.

Baker said wind energy is pitting family and friends against each other in northwest Nebraska.

"In the Sandhills of Nebraska, they're the greatest people and would do anything to help you," he said. "But, family members and friends in Cherry County are fighting with each other, because they're in conflict over wind energy projects and making money from it. Wind energy is tearing apart the fabric of Nebraska's rural communities, as it has done in other regional states."

"I have no personal vendetta against them, I'm just merely stating how it's affected us," Vickie May said. "Others may not be as sensitive, but we all feel things differently. Get strong planning and zoning for it."

Baker said people need to remember the importance of being good neighbors, "If you want a check, just don't screw over your neighbors in the process," he said. "This is about giving

people a voice, who are affected by industrial wind energy projects, and making sure neighbors have a voice."

— Hadachek is a freelance writer who lives on a farm with her husband in north central Kansas and is also a meteorologist and storm chaser. She can be reached at: rotatingstorm2004@yahoo.com.