Agricultural Impact Mitigation Agreements

*From legislation to law*

Kevin Borgia
Manager of Public Policy | Wind on the Wires
Non-profit Advocacy Organization launched in 2001 to overcome the barriers to bringing wind energy to market in the Midwest.

Members include non-profit environmental organizations, tribal representatives, farm groups, wind developers and manufacturers, American Wind Energy Association, businesses that provide goods and services to the wind industry.

Work in 3 areas:

- **Technical** – work with electric utilities and Midwest Independent System Operator (MISO – regional “grid” operator) on transmission planning for wind, market and operational rules that treat wind fairly

- **Regulatory** – actively participate in cases where states are approving new transmission lines that will deliver wind energy and other docket's that affect wind development

- **State Policy education/outreach/advocacy** – work with governors, state regulators, legislators, local elected officials, regional groups, colleague organizations, general public on wind and transmission issues
1. Mendota Hills (Lee Co)  
   63 Turbines/51.66 megawatts

2. Crescent Ridge (Bureau Co)  
   33 Turbines/54.45 megawatts

3. GSG (Lee/LaSalle Counties)  
   40 Turbines/80 megawatts

4. AgriWind (Bureau Co)  
   4 Turbines/8.4 megawatts

5. Camp Grove (Marshall/Stark Co)  
   100 Turbines/150 megawatts

6. Twin Groves (McLean Co)  
   240 Turbines/396 megawatts

7. Grand Ridge (LaSalle Co)  
   140 Turbines/210 megawatts

8. Providence Heights (Bureau Co)  
   36 Turbines/72 megawatts

9. EcoGrove (Stevenson Co)  
   67 Turbines/100.5 megawatts

10. Railsplitter (Logan/Tazewell Co)  
    67 Turbines/100.5 megawatts

11. Lee-DeKalb (Lee/DeKalb Co)  
    145 Turbines/217.5 megawatts

12. Cayuga Ridge Wind Farm (Livingston Co)  
    150 Turbines/300 megawatts

13. Top Crop (LaSalle/Grundy Co)  
    200 Turbines/300 MW

14. White Oak (McLean Co)  
    100 Turbines/150 MW

15. Big Sky (Bureau/Lee Co)  
    114 Turbines/239.4 megawatts

16. Pioneer Trail/Settlers Trail (Iroquois Co)  
    188 Turbines/300 MW

17. Shady Oaks (Lee Co)*  
    71 turbines/109.48 megawatts

18. California Ridge (Champaign/Vermillion Co)  
    134 turbines/214.4 megawatts

19. Bishop Hill (Henry Co)  
    183 turbines/288.94 megawatts

20. Minonk Wind Farm (Woodford Co)  
    75 turbine/191 megawatts

21. Pilot Hill (Kankakee, Iroquois, Ford Co)  
    103 Turbines/175 megawatts

22. Hoopeston (Vermillion Co)  
    49 Turbines/98 megawatts
Statewide Wind Siting

The Concerns

**Opponents**

- Local Control/County Sovereignty
- Simple Regulation
- Single Regulation (local AND state)
- Fair Regulation
- Positive Business Climate
- Regulatory Parity (coal vs wind)
- Landowner Property Rights
- Community Input

**Supporters**

- Protection of Farmland
- Consistency vs Stringency
- Sufficiency of County Resources
- Neighboring Landowner Protection
- Sound/Flicker Mitigation
- Decommissioning funds availability
Statewide Wind Siting Legislation

**Recent History**

**2012**

- SB 3271 (Frerichs)
  - Decommissioning Authority given to ICC
  - No Grandfather Clause for operating projects
  - 1400-ft setback from residences
  - Limited county authority
  - “Public health, safety and welfare shall be protected”
  - Opposition from wind sector, wind opponents, county governments

**2013**

- SB 1469 (Sullivan)
  - Decommissioning Auth at ICC/Dept of Ag (amdt)
  - Grandfather Clause for operating projects
  - Limited county authority
  - Opposition from wind sector, wind opponents, county governments, utilities

**2014**

- SB 3263 (Sullivan)
  - Grandfather Clause for operating projects
  - Eliminated county authority
  - Dept of Ag permit process
  - “Public health, safety and welfare shall be protected”
  - Opposition from wind sector, wind opponents, county governments. (110 opponents in committee).
## Statewide Wind Siting Statute

**Consensus Bill: HB 3523 (Public Act 99-0132)**

<table>
<thead>
<tr>
<th>Balance</th>
<th>Responsibilities*</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Landowner Rights &amp; Responsibilities</td>
<td>• Restoration of agricultural land</td>
</tr>
<tr>
<td>• Local Permit Process &amp; Control</td>
<td>• Deconstruction plans and financial assurance</td>
</tr>
<tr>
<td>• Uniformity &amp; certainty</td>
<td>• Protection/repair of drainage tiles</td>
</tr>
<tr>
<td>• Impact mitigation</td>
<td>• Interference with irrigation systems</td>
</tr>
<tr>
<td>• Good stewardship of our air, water and soil natural resources</td>
<td>• Prevention of soil erosion</td>
</tr>
<tr>
<td>• Favorable business climate</td>
<td>• Compensation for damages</td>
</tr>
<tr>
<td></td>
<td>• Property Access</td>
</tr>
<tr>
<td></td>
<td>• Indemnification of landowners</td>
</tr>
<tr>
<td></td>
<td>Some developers already complying</td>
</tr>
</tbody>
</table>

*Not a full list. Bill requires additional protections*
Carpe Ventum!

- *Seize the Wind* -

Contact Details:
Kevin Borgia
kborgia@windonthewires.org

Wind on the Wires
www.windonthewires.org