

# GLWC Environmental Planning, Siting and Permitting Workgroup

## June 11, 2009 Breakout Session Summary



### **PARTICIPANTS**

Dennis Briley, Renew Wisconsin  
Peter Carter, Ontario Ministry of Natural Resources  
Shawn Cirton, USFWS  
John Curnutt, US Forest Service  
Amy DeWeerd, FWS/EPA Great Lakes Office  
Deborah Erwin, PSC Wisconsin  
Jennifer Ghiloni, Tetra Tech  
Jeff Gerlach, New York Power Authority  
Jon Guntow, NRC  
Cyndi Kowalchink, Cedarburg Science Center  
Anick Madon, Quebec Ministry of Natural Resources  
Erik Mancke, Cemcon, Ltd  
Steven Metivier, US Army Corps of Engineer  
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Tim Sullivan, US FWS  
Steve Ugoretz, WI Department of Natural Resources  
Jill Utrup, USFWS Green Bay Field Office  
Todd Vesperman, US Army Corps of Engineers

### **GLC STAFF**

Kristina Donnelly, Great Lakes Commission  
Anjali Patel, Great Lakes Commission

### **Welcome, Introductions and Acknowledgement of New Member**

Steve Ugoretz, co-chair of the workgroup, convened the workgroup breakout session and began introductions. Participants introduced themselves and briefly described their background and interest in the workgroup.

### **Important Issues in EPSP**

The group raised some important issues related to procuring permits and siting wind projects. The first issue raised concerned the difficulty in obtaining multiple zoning permits and the possibility of creating Unified County Zoning for wind developments. If

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unified county zoning is not possible, it would be helpful to have a multi-county or state-wide acknowledgment of the bottom line criteria for siting wind farms including pre/post construction monitoring and a set of unified standards. Developers are not worried about county lines; they just want to get their project sited.

A stakeholder from MI stated that there are 1600 townships in the state all of which have individual zoning ordinances with small town politics. A stakeholder from IL stated that their regulations only say to hold a public hearing; since 40 counties have zoning ordinances, the Environmental Law and Policy Center has come up with a model zoning ordinance which is available on their website. Multiple counties in IL are currently using this model. Kansas has also developed Best Management Practices. In Wisconsin a developer may submit a request to the PSC for jurisdiction.

The Ontario government has passed laws stripping the local governments of their authorization and leaving the Ministry of Environment and Ministry of Natural Resources as the only entities involved in permitting issues. Local governments may not go beyond these regulations. Steve Metivier from the Army Corps of Engineers mentioned that in New York most counties have their own ordinances and it may be hard to strip them of their own power. However, permitting for off-shore development may be easier since the bottomlands are owned by the Stat; while it may be useful to have permitting for the entire Great Lakes, each lake is so different this may not be possible.

The second issue raised concerned statewide regulations for wind farms. This issue is two-fold: using regulations to prevent wind NIMBYism and identifying which authority will regulate the turbines. In terms of a wind NIMBY syndrome, in Ohio certain local governments have passed ordinances banning wind farms. Peter Carter from Ontario shared that one of the reasons local authorities were stripped of their zoning power was because of local ordinances banning wind.

Kristina clarified that in most Great Lakes states wind turbines are generally regulated like other power sources except for Minnesota and OH which have specific wind regulations. New York does not have any regulations or a central body regulating turbines per se, but there is a need to define one regulatory authority.

The third issue discussed concerned the need to establish and share scientific justifications for regulations. According to Deborah Erwin, WI is currently looking at other states and reasons for their regulations in order to develop criteria which are the same regardless of geography. A few participants wondered if any states done a study on health effect claims or if there is a scientific reason behind those distance of the setback.

The fourth issues dealt with the need to have a larger forum to discuss specific actions taken by each jurisdiction in terms of permitting and siting and the justifications for those actions.



### **Information/Communication Gaps**

The workgroup identified three types of information/communication gaps: scientific data, communication between regulators and developers, and communication between the various regulating agencies. As to the first issue, several participants of the workgroup recognized the need for better baseline environmental data in particular it would be helpful if states conducted baseline environmental evaluations in order to help industry make decisions. One stakeholder shared that some states such as Rhode Island and New Jersey are currently undergoing mini NEPA processes to gather that type of information.

Participants also mentioned the need to centralize access to information and data which is already available. Kristina discussed GLWC's information database and asked the workgroup participants to write down projects/information which can be entered into the database.

The second information/communication gap concerned the lack of communication between regulators and developers. Since there are numerous agencies involved in the different aspects of wind development, developers would like agencies to define their role in the "wind experience." Furthermore, the developers would like a more concise explanation as to what information the regulators would like to gather about a wind project. Agencies should prioritize gaps in data. The question was raised whether it would be helpful to have an agency Memorandum of Understanding or a joint liaison between the agencies so the process is consistent. WI has implemented a standardized consistent approach between the agencies through an agency MOU.

The third information/communication gap concerned the lack of coordination and information sharing between the agencies/regulators. One participant mentioned that if we want to have "Great Lakes" consistency, then we need to have a federal level agency regulating turbines who can take responsibility for treating these entities as an energy producer. Ontario has a renewable energy facilitation office which oversees the permitting process so there is only one window into the government.

Anick Madon shared that in Quebec there has been a lack of coordination amongst the various government departments. For example, one department wanted to erect a large telecom network but someone had already built wind turbines in the proposed pathway. It is hard to take back power from the local level.

### **Best Practices**

Kristina discussed the new 100K DOE grant which the GLC recently received to fund the development of Best Practices to Accelerate Wind Power in the Great Lakes Region and Beyond. The grant will be used to identify best practices for siting and permitting and to develop matrices for evaluating best practices. There will be a partnership to get information out to legislators and local officials who need this information.

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Participants identified the following 8 issues that should be addressed by the best practices:

*1) sound*

The current standard is 50 DB, but where should the 50 DB be measured from? Is that 50 DB level appropriate or is there a more sophisticated understanding of sound? We need a better understanding of low frequency sound. We also need some certification process or a policy of how to look for experts. Sound analysis should include a comparison between turbine noise and existing sound sources such as grain elevators, highways, tractors. Denmark will soon be holding a conference on noise including airport, traffic and wind; it would behoove the group to bring in research from other cities.

*2) setbacks*

*3) health effects from wind turbines*

*4) wildlife protection*

There is a slippery slope between deciding acceptable mortality rate; is there a cutoff point where turbines should not be run? The best practices should identify mortality thresholds and ensure that decisions are based on sound science.

*6) How to streamline permitting process without losing fact of review*

It would be helpful to have reviews/permits that don't require statutory changes such as cooperative agreements between agencies to streamline process. Minnesota has done well with streamlining permitting process by codifying process in legislation. One still need to get state permits in Minnesota, but the agencies have specified certain people to review wind projects so they know what to look for which makes approval faster.

Best practices should examine the possibility of categorical exclusions for wind projects.

*7) Sharing information between regulators and developers*

Regulators should consider hosting a workshop for developers, communities and consultants to discuss all permits needed and legal obligations associated with a project. Best practices should also consider recommending scoping or pre-consultation meetings between agencies and developer. The only problem is that in some states would have to meet with multiple agencies. It is much more effective to get people in one room and talk rather than having multiple conversations.

The government should listen to what developers need from the government early on in the process as developers and contractors have more on the ground experience. Furthermore, the kind of information sought is same for small and large projects so government entities needs to get better at processing information for bigger projects.

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### *8) Permits*

Best practices should address the types of permits and the conditions in those permits. There should be an effort to make permits compatible as often different permits have incongruent conditions. Since wind technology is relatively new, some places are trying to force fit the projects into existing permits but that creates problems of development and monitoring etc.

### **Quality Control and Quality Assurance**

Before closing the workgroup participants also identified the need for quality control and quality assurance. While the group can be clearinghouse for data, we need to make sure the data is reliable, peer-reviewed; and can be distributed to workgroup as a whole. Furthermore, onshore and offshore studies need to be treated separately.