

Nebraska Wind Power 2010 Conference

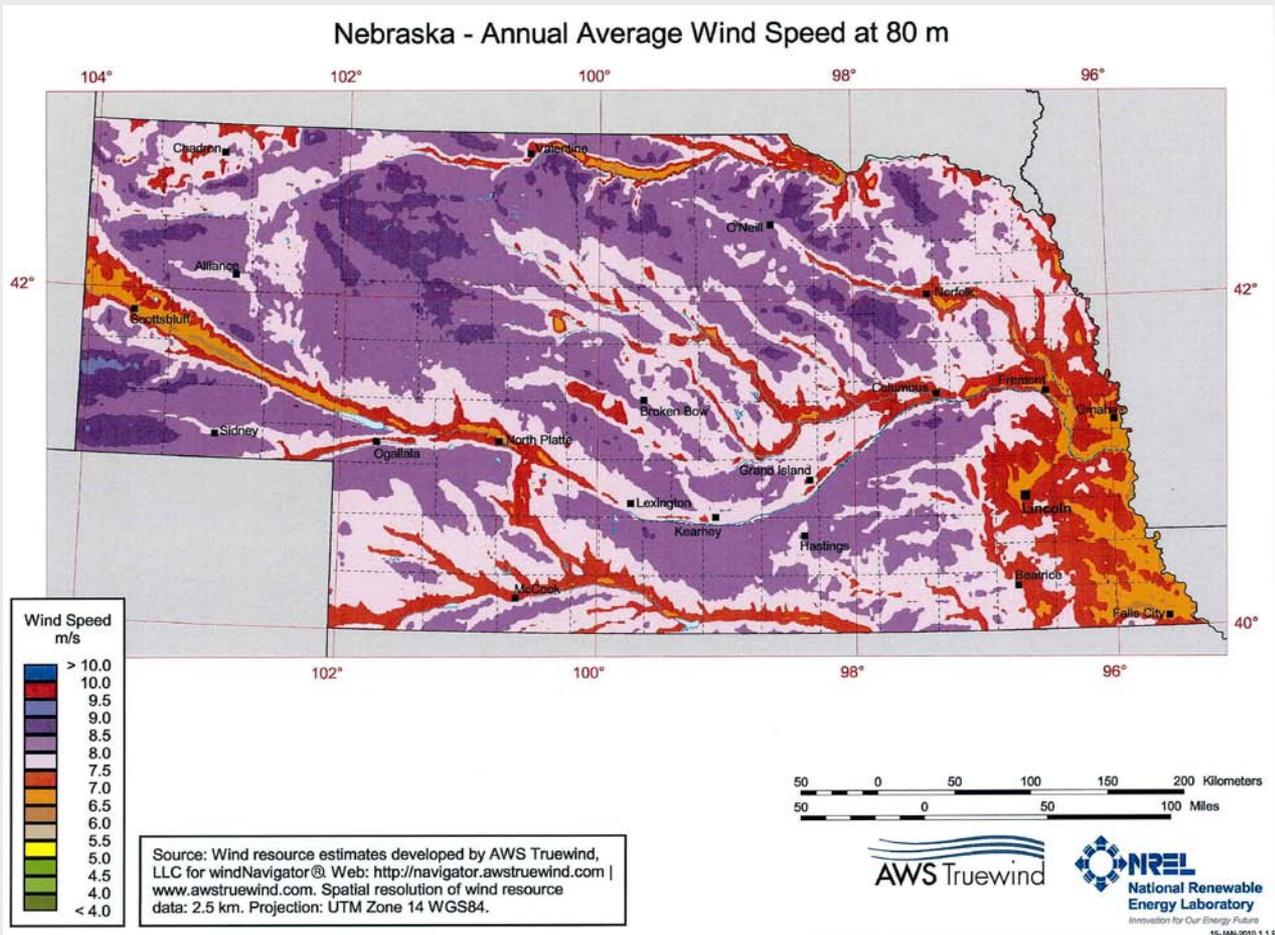
Kearney, Nebraska

Working with Landowners

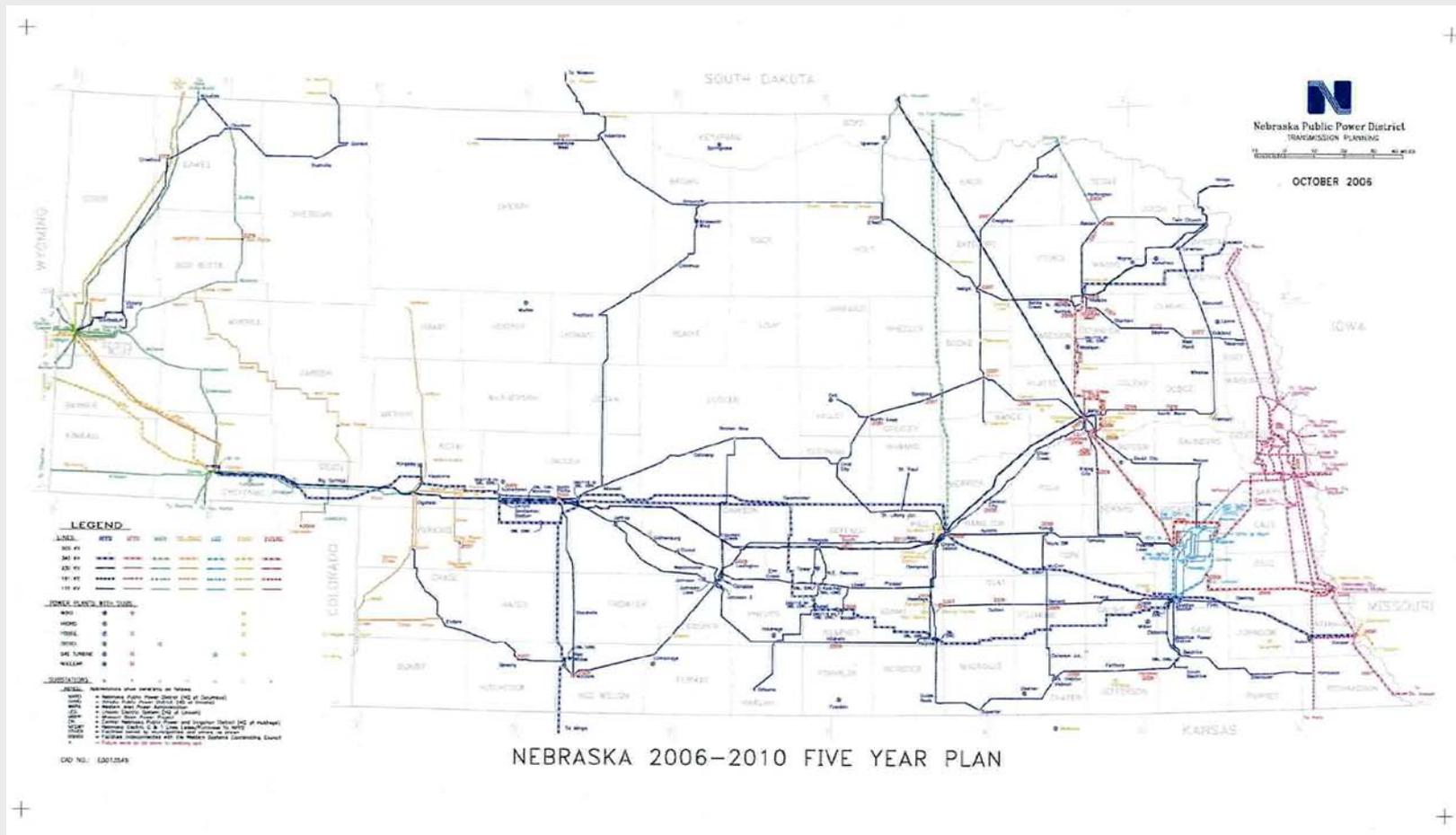
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November 9, 2010

Nebraska's Greatest Natural Resource?



Transmission System in Nebraska



Future of Wind Development in Nebraska

- Limiting Factors – Market, Transmission, Incentives
- Promoting Factors – Great Wind, Available Land
- Small Wind / Medium Wind
- Short-Term, Long-Term

Developer Keys re Landowners

- Certainty
- Communication
- Cooperation
- Coordination
- Committee

Developers and Landowners

- Critical to specify the property description
- Perform any necessary due diligence to verify clean title
- Encumbrances to the property which could be foreclosed and affect the desired option, or impede the developer's intended use of the property
- Leasehold title insurance policies insuring the leasehold which is created
- Subordination and non-disturbance agreements from any lienholders or crop lessees

Nebraska Wind Laws

- Legal description must contain a description of the dimensions of the wind energy easement sufficient to determine:
 - the horizontal space across; and
 - the vertical space above the burdened property that must remain unobstructed

LB 568/2009

- Memos of wind leases and easements to be recorded
- Wind leases and easements are automatically terminated after 10 years if construction has not commenced
- Limits the term of wind leases and easements in Nebraska to 40 years, subject to renewal

Other Easements

- Determine delivery routes ahead of time, and obtain easements from landowners who will have their corners “cut”
- Transmission lines
- Construction, repair, removal and/or replacement of wind turbine components
- Corollary equipment to be maintained, such as meteorological tower siting

Compensation

- Per megawatt, per year basis
- Percentage of revenues available to the developer
- Committee approach
- Verify the formula

Other Issues

- Crop damage
- Removal of turbines and equipment
- Decommissioning

Environmental Regulatory Efforts

- Local and State Environmental Regulations and Regulatory Agencies
- Whooping Crane HCP
- Nebraska Wind and Wildlife Working Group
- U.S. Fish and Wildlife Service Enforcement
- Western Public Lands Environmental Impact Statement

Questions?

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