



Bills would expand govt. authority over wind farms

By **MATT JOYCE** Associated Press Writer | Posted: Wednesday, February 10, 2010 11:30 am

CHEYENNE -- Wyoming legislators presented two bills Wednesday that would establish statewide standards for wind energy development and expand county and state permitting authority over such development in the state.

The Legislature's Joint Mineral Committee took no formal action on the proposals Wednesday morning because both bills were awaiting introductory approval in their chamber of origin.

The bills are the product of a legislative task force that met over the past eight months to set the state's priorities for governing wind development as more companies take interest in harnessing Wyoming's wind resource and selling the power to populous markets.

Rep. Tim Stubson, R-Natrona County, outlined House Bill 72. It would give counties permitting authority over wind farms and set minimum standards for development, regardless of whether counties have planning or zoning laws.

The bill would not limit counties from holding developers to more stringent requirements, but would also allow counties that can't handle a permit application to defer to the state Industrial Siting Council, regardless of the project's size.

"We, I think, have a pretty well balanced bill that recognizes the interests of local government, that recognizes the need of industry to have certainty and to be able to prosper into the future, and that recognizes the rights of landowners who don't have wind farms to have some protection of their own property rights," Stubson said.

The bill spells out rules for the county permitting process and requirements such as road, emergency and waste management plans. It also requires companies to make plans to take down and clean up their project sites when the wind farm's life is over.

The bill requires that a wind turbine be placed at least 110 percent of its height from any public road, and it sets minimum setbacks of one-quarter mile from houses and one-half mile from city or town limits.

Representatives of the Wyoming County Commissioners Association spoke up in favor of the bill.

Sen. Drew Perkins, R-Natrona County, outlined a bill to expand the state's Industrial Information and Siting Act to cover more wind farms and related collector transmission lines. The Industrial Siting Division of the state Department of Environmental Quality issues permits for projects with construction costs of at least \$175.5 million.

Senate File 66 would expand the act to cover any wind farm consisting of at least 30 turbines. It also lowers the threshold for transmission lines subjected to the act from 500 kilovolts to 160 kilovolts. However, the act would not cover major export transmission lines or their substations.

Perkins' proposal would also require the Industrial Siting Council to make rules for decommissioning and reclaiming spent wind farms, as well as require financial assurance for the clean-up.



Earth to Stand on — Conservation Easements

By: [Judith Stock](#)  [Print](#)

In an area where much of the surrounding property is being converted to urban use, Sally Brown's parcel of land will forever be farm and forest no matter who owns it in the future.

With a conservation easement in place, Brown can sleep in peace with the knowledge that her role as steward of the land passed down by her grandparents will be protected for future generations.

"Our DNA is literally in this soil with five generations of my family," says Brown, art illustrator, in O'Fallon, Ill., a small town 30 miles east of St. Louis. "We were raised to have a relationship with this piece of land and to see ourselves as stewards. We can no more own the land than own the breezes that blow across it."

Her story provides a window into the workings of an increasingly popular method of preserving natural open space in the United States: "conservation easements." This legal device makes good use of the dictum that says you have to give something to get something — in return for losing potential profit by preserving natural features, the landowner gets a tax break.

These easements are usually between a private landowner and a public or government agency that restricts the amount and type of development and protects the property's natural resources in perpetuity.

It's not a new concept. Thomas Tyner, regional counsel for the Northwest and Rocky Mountain region of the Trust for Public Land in Seattle, says the first conservation easement occurred in New England around the mid- to late 1800s.

But in the 1960s and '70s, interest in conservation easements grew due to increased concern with saving our natural resources, the growth in land trust organizations and tax incentives.

According Sylvania Bates, director of standards and research for the Land Trust Alliance in Canterbury, N.H., an increasing number of acres are being conserved by nonprofit land trusts (and by public agencies and state, local and national organizations) across the U.S. Between 2000 and 2005, the number of land trusts has increased 32 percent to 1,667, with the West the fastest-growing area for both acres conserved and new land trusts.

In the last five years, total acreage conserved by local, state and national land trusts doubled to 37 million acres - 16.5 times the size of Yellowstone National Park. The Conservation Biology

Institute in Corvallis, Ore., hosts a national conservation easement database, and some regional efforts — like the Colorado Ownership Management and Protection Map create broader maps of all forms of land protection.

Not every property qualifies to have an easement. Land trusts look for property that holds a specific conservation benefit to society, such as a wildlife habitat, water resources, or even a scenic view or trail through the woods.

Some easements allow limited public access to the land under their control. For example, a wooded area could have a public hiking trail through it, or a farm might allow visitors to watch cows being milked or cheese being made.

In Brown's case, the natural resources being protected include the North American flyway for bird migration, upland hardwood forests, animal habitat, riparian area to the small tributaries in the Engle Creek system including wetlands for frog, reptile and amphibian habitat plus a large man-made pond that provides an essential water supply to the native wildlife.

Nuts and Bolts

After doing her homework, Brown contacted Southwestern Illinois Resource Conservation & Development, which works to preserve natural resources — like open space — and create sustainable communities in seven counties. Brown consequently placed 188 acres of the Brown family's original 380 acres into a conservation easement.

"Sally Brown was the impetus for us doing conservation easements today," says Stephen Black, land conservancy coordinator for Southwestern Illinois RC&D, Inc., in Mascoutah, Ill. "Our responsibility is that we monitor the easement forever. Each year we visit the property to make sure the restrictions Brown put in the original easement remain in place."

If there is a violation to the easement, Black's organization will take legal action to make certain the provisions are carried out. As Black puts it, "Problems don't usually happen until you have subsequent owners, as the original owners are committed to the deed of trust."

His group charges a minimum of \$5,000 to set an endowment fund to pay for annual monitoring plus any legal fees incurred.

The formula for a stewardship endowment is the higher the value, the higher the contribution to the fund. Landowners need to be sure they have their own legal and financial advice before they enter into any conservation easement.

Given the set-up fees that include a stewardship endowment fund, legal costs to review the easement, an appraisal, a land survey and a title search, most people won't spend money on a small piece of land since the bigger tax break goes to larger easement owners.

If your property is worth, say \$1 million in today's market, once the easement is on the property, your property value has decreased. "What you've done with the easement in place is effectively given away \$500,000," says Tyner.

"Any deduction that you claim as a landowner has to be verified and confirmed by an independent real estate appraiser. The conservation easement has to be granted to a 501(c) 3 nonprofit conservation group." With all the criteria met, then the value of the conservation easement is a charitable deduction.

Traditionally, only the federal government offered easement tax credits, but 16 states now offer some sort of tax benefit.

"Most people don't put land in an easement because of tax incentives anyway," Black says. "There's a desire to protect their property forever."

A conservation easement isn't an all-or-nothing arrangement. A parcel of land can be held out. Use of the property continues, but activities such as mining, logging and residential development are banned from the area in the easement.

And not all land conservation programs are forever. In California, a law known as the Williamson Act lets local governments work with agricultural landowners to restrict their property to agricultural use — usually for a rolling period of 10 years — in return for a break on their property taxes. The state reimburses the local governments some of their tax money they lose, but the state of California's huge budget shortfalls this year so reduced those repayments, it effectively suspended the 35-year-old program.

With the Williamson Act, the conservation period is designed to expire. That's not the case with most easements, but Tyner cautions, "There is a small potential to break the easement depending on what happens to the property over time. If the purpose of the easement changes, there's no longer any reason for the easement."

Perhaps the property contains a bird rookery but that species becomes extinct, and all the trees are destroyed. Then, there is no reason for the easement.

"Conservation easements have been very successful in protecting private land," says Dave Theobald, associate professor in the College of Natural Resources at Colorado State University at Fort Collins. "And, they will be fairly successful in the future although the economy has decreased the amount of money available. But the public wants this type of legal arrangement to have more accountability and more transparency. Just what value is a conservation easement protecting?"

And, Theobald says, they are not the only tools in the arsenal to save the natural land. "We need to be working in concert with other groups, organizations and thinking up new methods."

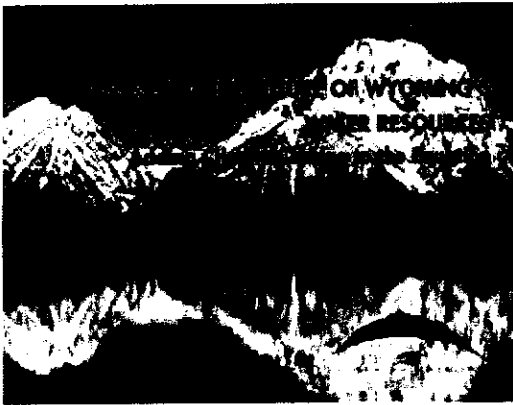
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UW Ruckelshaus Institute Report Assesses Future of Water with Climate Change



Jan. 26, 2010 -- The threat of drought and the potential impacts of climate change make the management of Wyoming's water resources more important than ever, concludes a report by University of Wyoming scientists.

The Ruckelshaus Institute of Environment and Natural Resources (ENR) produced the 28-page report, "Assessing the Future of Wyoming's Water Resources: Adding Climate Change to the Equation," as a basis for management strategies. Written for a broad audience, the brochure-type

publication includes easy-to-read text, color graphics and sidebars. It is available on the Ruckelshaus Institute Web site at www.uwyo.edu/enr. Copies may also be requested by emailing ienr@uwyo.edu.

"This report covers what we know and what we wish we knew about Wyoming and the West's changing climate and the various impacts on water resources," says Wyoming State Climatologist Steve Gray, the lead author and director of the Water Resources Data System at UW. "What we do know is that Wyoming's water resources are highly sensitive to climate change. This is because Wyoming is a relatively dry state, a headwaters state, and because we are so reliant on mountain snow, the main source of surface water for the entire year."

Gray explains that downstream states are somewhat buffered from the types of drought seen in the historical record: Dryness in one area can often be offset by wet conditions in another. In many cases, through compacts and decrees, water is stored upstream for these states.

"Recognizing the importance of collaborative research and knowledge, the institute and its faculty partners have tackled this issue head on, and we hope this effort will lead to additional research and information," says Indy Burke, director of the university's ENR program. "Wyoming has taken several steps to better address drought and water demands. This includes the university's state and federal partnerships in watershed planning and ongoing monitoring of water quality and drought assessments across the state."

The research compiled for the report, reviewed by members of the Ruckelshaus Institute Board, presents the latest scientific evidence that, as the Rocky Mountain region continues to grow, water in the West will become even more limited. This growth, combined with climate change, could significantly influence water availability in Wyoming and downstream states.

"The drought conditions that have occurred during the last several years in the Western United States, particularly in Wyoming, have provided academia, agriculture, industry and tribes the impetus to manage water and watersheds more efficiently," says Gary Collins, member of the Ruckelshaus Institute Board and tribal liaison for the Northern Arapaho Tribe and the state of Wyoming. "The greater demand for water by growing populations and energy development will require all entities to work compatibly to sustain an accepted quality of life for all."

The UW report concludes that "there is mounting evidence that the Earth is experiencing a warming trend," and, as a result, "any increase in temperature will increase the impact of drought just as population growth and other factors have greatly increased the West's vulnerability to water shortages."

Graphs and figures in the report illustrate datasets on past climates, including tree-ring studies in which scientists look at the widths of annual growth rings in trees to reconstruct a detailed history of ancient droughts. Based on these and other data, scientists can then create scenarios that enable them to examine how future climate change might influence water resources.

"If the dry periods of the 1700s were to return, there would be substantial consequences, and this makes climate change of any type a key factor to consider as we plan for the future of Wyoming's water resources," Gray says.

The report indicates that through investments in water research and monitoring, and better consideration of climate impacts on water resources, Wyoming and other western states can continue to support industry and agriculture, while also conserving enough water to ensure the health of nature's supporting systems.

The report also covers emerging issues such as the interactions between drought and pine beetle impacts on forests and watersheds, produced water from energy development, and water economics.

"When it comes to our western water resources, there is no slack in the system," says Gray. "Managing for the combined effects of drought and warmer temperatures will be a key challenge in the future."

Photo:

Climate change's impacts on water resources are discussed in a new publication by the University of Wyoming's Ruckelshaus Institute of Environment and Natural Resources.

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Wyo. water vulnerable to climate change

Print Page

By MEAD GRUVER, Associated Press Writer

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CHEYENNE: The mountain snows that replenish most surface water in Wyoming, the fifth-driest state, are vulnerable to climate change and likely to be affected by rising temperatures, a new report says.

The report released this week by the Ruckelshaus Institute of Environment and Natural Resources at the University of Wyoming also says downstream water demand is expected to increase in the decades ahead because of regional population growth.

The Ruckelshaus Institute is a think tank for environmental issues. A variety of interests are represented on the institute's board of directors, including environmental groups, industry, academia and government.

Most of Wyoming's surface water originates as mountain snowpack. Climate change can cause snowpack to melt earlier during the springtime, making runoff more challenging to manage as a water source, the report says.

Reservoir managers have the task of striking a balance between flood control and water storage.

"Moreover, an early runoff leads to diminished late-season flows," the report says, "which are crucial to a wide variety of municipal, agricultural, industrial and environmental uses."

The report also points out that Wyoming is located at the headwaters of several river systems, making the state more vulnerable to drought because not much water flows into the state.

Yet higher temperatures intensify drought.

"The amount of temperature increase that we're expecting in and of itself would have some pretty dramatic effects in Wyoming and the West," said Steve Gray, state climatologist and director of the Water Resources Data System.

The report shows that Wyoming needs to take a "realistic view" of climate change in managing its water, Gray said. That means planning for extremes, not just the average amount of water available.

"We just plan around that number rather than asking tougher questions in some ways," he said. "What's our worst case?"

More than 70 percent of Wyoming receives less than 16 inches of precipitation a year. That's not dry enough to qualify as desert, the report said, but still plenty dry.

Compared to precipitation patterns over the past millennium, the 20th century was unusually wet. Long droughts — some lasting 50 years or more — have been fairly common in the region over the long run.

With or without climate change, Gray said, Wyoming should expect such patterns to continue.

One way to do that is to build reservoirs. Another, he said, is to conserve water.

Ruckelshaus board members were struck by a variety of studies about how climate change could affect Wyoming, said Indy Burke, a professor and director of the institute.

"They said, 'My god, the citizens need to know this. We need to get this out,'" she said.

She said more science is needed to find out what else in Wyoming is sensitive to climate change.

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