

Bill would require local approval for wind, solar

By Kevin O'Brien

A bill introduced by state lawmakers would require energy companies to get permission from local municipalities before proceeding with any wind or solar projects, though the bill's sponsors acknowledge that it faces a veto threat from Gov. Tony Evers if it were to make it through the legislature. Rep. John Spiros (R-Marshfield) and Rep. Karen Hurd (R-Wisconsin) spoke about the bill at last week's meeting of the Western Marathon County Towns Association at The Country Aire. At the end of the meeting, town of Brighton chairman Mark Krause took to the podium to ask neighboring townships for financial help in the town's legal battle against EDP Renewables, which has sued Brighton and the town of Eau Claire in an effort to invalidate their wind siting ordinances.

"It's costing us a fortune," Krause said. "The lawyers are working on it."

Krause said his township has spent \$16,500 to adopt and defend its ordinance, and the town's insurance company has spent another \$50,000 to defend the ordinance in court. He said the attorney representing the town has filed for a dismissal of the case, giving EDP until the end of this month to respond. After that, the town will have a chance to respond, and then Marathon County Judge Lamont Jacobson will review it and make a decision in May.

"Even if they do dismiss it, all they're talking about is whether or not this ordinance is legal," he said. "Even if we win, they could

See **WIND & SOLAR**/ page 3

John Spiros

Karen Hurd



Wind & solar

Continued from page 1

still come in. The only thing is, they would have to actually talk to us, which they don't want to do."

The towns of Brighton and Eau Claire are at the center of an ongoing battle between energy companies looking to establish largescale wind and solar operations in western Marathon County and eastern Clark County and multiple rural townships that have passed ordinances establishing strict regulations and permit requirements on such operations.

In an open letter distributed after last Thursday's meeting, the town of Brighton asked neighboring townships to consider donations of \$2,000 to \$5,000 for its legal defense fund.

"While the town of Brighton and the town of Eau Claire are named in the current lawsuit, these legal defense initiatives protect local rights and ordinance management for many towns in the state, especially those in Central Wisconsin," the letter states.

Under current state law, the Public Service Commission has sole authority to regulate large-scale wind and solar operations, and local units of government are prohibited from setting more stringent regulations than what the PSC allows. However, an exception in the code allows local governments to set stricter standards to "protect the public health and safety."

Senate Bill 3, which is co-sponsored by Hurd and Spiros, would require project approval from a local city, village or town by adopting a resolution "no later than 90 days after receiving a request for approval." If the municipality fails to act within that time period, "the project is considered approved." However, the bill also allows for the deadline to be extended.

Rep. Hurd, who was recently elected to represent the newly redrawn 69th Assembly District, told town officials that she's doing everything she can to give them more control over wind and solar projects.

"I am hot on the trail on this in many different ways, because you have to be able to have local control in some respects," she told town officials.

In addition to co-sponsoring the local control bill, Rep. Hurd said she is going through the PSC's wind siting manual, looking for ways to strengthen the state's regulations.

"I think that I'm going to be able to pick that thing apart and make them bring the regulations up to where they should be so that, if we can't do it through a bill, then we will so over-regulate, they can't get it," she said.

Rep. Spiros, who won reelection in the 86th Assembly District, said that wind and solar is one of several bills he has introduced or cosponsored, including one that would exempt the sales of firearms and gun safes from sales tax.

"There are a number of bills here that I can tell you will probably not make it through the governor," he said.

Both Spiros and Hurd also talked about the importance of Hurd being appointed to the powerful Joint Finance Committee, which is in charge of reviewing and revising the state's nearly \$50 billion budget. Spiros said Hurd's presence on the committee will be a "great asset for Marathon County."

Hurd, whose district includes all of Clark County, the Medford area in Taylor County and part of Marathon County, noted that the JFC is one of the most powerful legislative committees in the nation.

"I'm delighted to be on the committee, because, guys, we have a voice for rural Wisconsin that we haven't had before," she told town officials. "My whole district, I'm all rural."

Besides the wind and solar issue, Hurd and Spiros said they will be fighting to maintain funding for General Transportation Aid, the Local Roads Improvement Program and Agriculture Roads Improvement Program.

"We're fighting for you," Hurd told the audience.

EDP responds

David Neely, director of development for Central Region at EDP Renewables, provided the following statements about the proposed bill and the comments made at last week's meeting.

When asked to respond to criticism about EDP's lack of communication with local townships, Neely said: "We approach every development project with a focus on building a strong, positive relationship with the community that would host the site and are committed to being good neighbors for each project's operational life. That continues to be the case in Marathon County."

Regarding the bill sponsored by Reps. Spiros and Hurd, emphasized that EDP is "working with our communities to earn their trust."

"We also understand that production of lower cost, reliable American-made energy is an issue that impacts many facets of life in Wisconsin," he wrote. "The PSC is currently entrusted with ensuring that Wisconsin's energy objectives are met and that projects are given the same high level of scrutiny across the state. The current permitting process provides us, as developers, a level of certainty when choosing to invest in the state and offers uniform protections to all residents."

Neely was also asked about President Trump's opposition to wind farm operations and how that may affect federal funding and subsidies for projects in Central Wisconsin.

"We support President Trump's intent to meet the nation's rapidly rising energy demands by harnessing America's natural resources— that includes America's wind resource," he wrote. "The exact ramifications of the recent executive orders are still being determined, but we remain confident in wind energy's role in contributing to American energy dominance. Our teams are continuing to work as hard as ever to develop, build, and operate wind energy projects across the U.S. to meet commercial demand for clean, reliable, American power."

WIND from page 1 to 3

