

**Wind Siting Council Meeting Minutes**  
**Thursday, April 1, 2010**

**Members Present:**

Tom Green  
 Bill Rakocy  
 Doug Zweizig  
 Andy Hesselbach  
 Dan Ebert  
 Michael Vickerman  
 Ryan Schryver  
 George Krause Jr.  
 Tom Meyer  
 Larry Wunsch  
 David Gilles  
 Jennifer Heinzen  
 Jevon McFadden

**Members Absent:**

Lloyd Lueschow

**Non-Voting Alternates Present:**

None

**Commission Wind Siting Staff Present:**

Deborah Erwin  
 Daniel Sage

**Proceedings**

- 1) Review of today's agenda
- 2) Review and adoption of meeting minutes of March 29, 2010
  - Council members reviewed the draft minutes and adopted them with the following changes:
    - Clarify that Lloyd Lueschow suggested that the Chair could also serve as Secretary.
    - Revise the Council comment on Section 128.04 regarding property values to read "possible property value statement."
- 3) Development of the Council's guiding principles for drafting rules associated with developer/owner responsibilities
  - Council members discussed some "higher level" draft guiding principles for the Council, developed by Chair Ebert based on discussion with Vice-Chair Zweizig. Chair Ebert encouraged the Council to reach consensus where possible to strengthen the impact of the Council's recommendations.
  - Chair Ebert led a discussion of the individual principles proposed.
    1. *We will organize ourselves to arrive as consensus position(s)—the more we can arrive at consensus, the more value we provide the Commission and the higher likelihood the Commission will adopt our view. In each area, we will first focus on those areas of broad agreement in arriving at a position.*
      - No change by Council was discussed.
    2. *We recognize and support the state's Renewable Portfolio Standard.*
      - No change by Council was discussed.

3. *We support the development of additional wind resources in Wisconsin.*
  - Council members discussed potentially expanding this principle to include support for wind development to achieve regional/national goals; this idea was not clearly adopted or rejected by Council.
4. *We understand that the commission must balance a number of competing priorities in arriving at rule recommendations. We recognize these competing priorities—regulatory, economic, environmental, land use, health and safety, business development, landowner protections—and will arrive at recommendations that seek to achieve a balance between competing priorities.*
  - No change by Council was discussed.
5. *We seek pragmatic, common sense solutions.*
  - No change by Council was discussed.
- Council members discussed adding the following additional general Guiding Principles:
  6. *We encourage the development of efficient, open and transparent regulation.*
  7. *We recognize that various governmental agencies regulate wind siting and we will be mindful of jurisdictional boundaries. We will work to ensure that the Commission’s regulations interact effectively and efficiently with those of other agencies.*
  8. *We will be cognizant of the size of the wind energy system to which individual requirements apply.*
- Council members discussed some draft guiding principles associated with developer/owner responsibilities, developed by Chair Ebert and Commission staff. Deb Erwin walked through the list of draft principles and asked members for questions, clarification and changes.
  1. *Identify clear boundaries of “project area.”*
    - Council discussed expanding this principle to include identifying how to define/determine the “project area”. Definition may need to vary depending on what type of activity is being addressed, e.g., “project area” for (a) informational purposes, (b) construction, (c) stray voltage, etc. This may be best defined at the end of the rule process when it is clear what impact a given definition would have.
  2. *Provide appropriate notice to those who are reasonably anticipated to be affected by wind development.*
    - Council discussed adding “and timely” after “appropriate” and before “notice.”
  3. *Streamline and standardize provision of information to local government.*
    - No change by Council was discussed.
  4. *Streamline and standardize decision-making process for local governments.*
    - No change by Council was discussed.

5. *Recognize/identify situations that are not appropriate for standardization.*
    - No change by Council was discussed.
  6. *When standardization is not possible, establish guidance of some kind.*
    - No change by Council was discussed, though discussion of identifying areas where standardization is not appropriate.
  7. *Establish clear requirements that are easy to enforce.*
    - Suggestion to reword to “Standards should be clearly defined, understandable by all parties and easy to enforce.”
    - Discussion of need to establish a clear complaint process for individuals to access.
  8. *Requirements that impose a burden on developer/owner should have a clear benefit to the community.*
    - Combine with 9 below. Council expressed interest in discussing the concepts of “burden” and “community” at a later date.
  9. *Be able to identify the purpose of requirements.*
    - Combine with 8 above to read: “Requirements should have a clear benefit or purpose.”
  10. *Establish clear channels of communication between developer and participating and non-participating landowners.*
    - Suggestion to delete word “participating” to recognize that this relationship is governed by contract. Discussion of rules affecting this relationship was tabled for later discussion of this topic.
    - Suggestion to add “timely” before “communication.”
  11. *Provide free flow of information from developer/owner to the community, political subdivision.*
    - No change by Council was discussed.
  12. *Impose lesser levels of regulations for smaller wind energy systems.*
    - Council has already identified need to distinguish small size turbines and a small number of large turbines.
  13. *Identify how to define projects that are smaller or “self-contained”, i.e. small and constructed on own land.*
    - Council has already identified need to make this distinction.
- Council members discussed adding the following additional Guiding Principles regarding developer/owner responsibilities:
14. *Provide clear avenues for resolution of complaints and concerns, and identify clear remedies.*
  15. *Focus on broad general concepts that can address specific situations, rather than attempting to establish an all-inclusive list of specific requirements.*
  16. *Use past examples of successful wind development as models for how best to address concerns.*

- Council members discussed the issue of road damage and repair. This discussion led to questions about what topics are included in Act 40 as mandatory subjects for the rules, what topics are listed as optional rule topics, and whether there are other wind siting topics the Council may recommend addressing in the rules.
- 4) Next steps/Discussion of next meeting's time, place and agenda
- Chair Ebert recommended that the Council first focus on those areas where members believe they can quickly reach consensus, and identify and set aside issues generating more discussion for further development later. The Council may want to schedule separate, additional meetings around these specific topics.
  - Council members discussed the need to apply and enforce Act 40, and not to debate the merits of Act 40. Council members can rely on legal and policy experts to answer questions about the new law.
  - Council members requested that Commission staff provide the Council with a list of things that must be covered in the rules and a list of things that may be covered by the rules.
  - Next meeting: Wednesday, April 7, at the Commission. Plans are to continue with live audio broadcast of the council meetings on Commission web site whenever possible.
  - Materials that Council members would like to be distributed to other members should be provided to Deb Erwin of Commission staff. Commission staff will handle distribution to ensure compliance with Open Meeting requirements.