

Wind bill would protect landowners from right-of-way exploitation

Written by Gib Mathers

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A bill is in the works to put a moratorium on wind energy developers that use eminent domain to condemn property to build electrical transmission lines.

If House Bill 79 passes, however, developers still could build transmission lines if landowners condone the construction.

The bill passed its third reading in the House Feb. 23, and now is headed for the Senate.

Under the bill, no one could use condemnation authority to erect, place or expand collector systems. An amendment to the bill exempted public utilities.

Collector systems, according to the bill, are conductor infrastructure, including conductors, towers, substations, switch-gear and other components needed to deliver power from any commercial wind generating facility to transmission lines that send the power to a grid.

The moratorium would last until June 30, 2011, or until further legislation is crafted addressing condemnation authority. The moratorium would begin immediately after the bill's passage.

At this time, a developer building transmission lines on one piece of property has the right to cross property on adjacent lands.

"That's the problem," said Press Secretary Jonathan Green, speaking on behalf of Gov. Dave Freudenthal.

Not a problem for Wasatch Wind of Park City, Utah.

Wasatch is an independent power producer, whose sole purpose is developing wind energy, said Michelle Stevens, director of communications for Wasatch.

Wasatch's focus is on the Mountain West — Utah and Wyoming, Stevens said.

Right now, Wasatch is in the early- to mid-stages of developing wind energy in the northern Laramie Range, outside Glenrock, Stevens said.

"For us currently," Stevens said, "we do not need eminent domain to connect to the grid."

Jeff Hymas, Rocky Mountain Power spokesman, said, at this time, his company prefers not to speculate on the bill's consequences, if it passes.

Rocky Mountain Power does not consider itself a wind resource developer, but the company has engaged the wind to give its customers more electrical bang for their buck, Hymas said.

"We have had renewable wind energy resources in our portfolio for a long time," Hymas said.

Rocky Mountain has been co-owners of Foote Creek Rim 1, near Arlington since 1999, Hymas said.

"In recent years, we've increased our renewable resources significantly, both in Wyoming and other states," Hymas said.

As the bill was amended by the House last week, the Legislature would appropriate \$20,000 to use as per diem and salary for legislative task force members, who will identify and recommend conditions appropriate for exercising condemnation authority.

An additional \$2,000 would be appropriated under the bill for per diem and mileage for non-Legislature task force members.

According to the bill, the task force will work with the Wyoming Infrastructure Authority, a quasi-governmental group created by the Legislature in 2004. The task force will also work with other state agencies, county governments, landowners, developers and other stakeholders.

The task force would allow public comments and report to the Legislature and the governor its findings by Nov. 1.

Freudenthal is not opposed to wind development; he just wants it done responsibly and equitably, Green said.

It will be windy next year too.

"The wind is not going anywhere," Green said.