

**Energy Development and Transmission Committee
August 5, 2008**

Senator Wardner, committee members;

Good morning.

My name is Gary Hoffman; I'm from Ashley, ND. I'm here this morning as a concerned landowner and as a member of the McIntosh County Planning and Zoning Committee.

I'd like to focus my comments on wind development this morning. We have several wind projects that have been completed in our area and several more that are in the talking/planning stages.

As a member of the local zoning committee and a landowner I would like to see uniform regulations and Public Service Commission oversight across the state. Wind generation regulations could be accomplished legislatively or by giving the PSC the rule making authority, which I believe they already have, and then more importantly the enforcement authority to enforce those guidelines to make sure all companies and landowners are treated fairly.

Oversight of all wind projects

I think one set of rules enforced by the PSC across all of ND would benefit wind developers and local governing bodies. It would eliminate counties and townships from doing a patch work of regulations that is hard to follow from one county to the other. It becomes a nightmare to enforce for the local governing bodies and it is burdensome to developers to navigate through different zoning regulations across county lines.

All wind projects should have oversight by the PSC regardless of size. We have a project in south central ND which straddles the North Dakota/South Dakota border. This project is just below PSC oversight in both states. That to me raises a red flag. Who is in charge to make sure everything is done right and landowner rights are protected? Again, I think there should be uniform guidelines for transmission line and wind tower setbacks for all size projects across all of ND.

All wind projects should have a decommissioning strategy and bond in place. With all the companies out there promising wind projects, there are bound to be a few who don't make it. What recourse will the land owner have? I know there is language in the easement contracts that addresses this but any individual landowner does not have the resources to enforce decommissioning. Decommissioning regulations of wind projects should be similar to mining reclamation laws. If a wind project goes broke, there should be a fund to cover reclamation of the land and removal of the towers. Bonding could be based on the number of towers or the size of the project. Again, all projects should be covered.

I would also encourage this committee to look at drafting legislation that protects the landowner. If company A goes broke and company B takes over a project, how valid is the contract that the landowner signed? Will company B drop the easement payments to 10% of the original agreement?

In summary, wind energy can be a financial boom for rural North Dakota economies but we need, oversight of all projects, uniform regulations across ND, a decommissioning/reclamation bond in place, and protection of North Dakota landowners.

Thank you