EXHIBIT 9
DATE 2-18-09
HB 584

HB 584
Interim Study on Wind Siting

Wind energy is an important, growing alternative renewable energy source in Montana. However, wind energy projects on a site-specific basis can adversely impact wildlife, wildlife habitat, and cultural and historic sites.

What Does HB 584 Do?

HB 587 establishes an interim study committee to develop a voluntary certification program for new wind projects that have implemented measures to minimize impacts to wildlife, critical wildlife habitat, and cultural and historic sites. The study will be conducted by a stakeholders group which includes individuals involved in the wind industry, wildlife organizations, and historic and cultural preservation entities. These individuals will make recommendations to the Montana Dept. of Fish, Wildlife and Parks (FWP) on how a voluntary program would work. Based on these recommendations, FWP will report to the 2011 Montana Legislature.

How Does Montana Currently Regulate Wind Farms?

Currently Montana has virtually no ability to regulate wind farms. Consequently, resource impacts may only be addressed if a wind farm is located on public land. When this happens, an environmental review must be conducted under either the Montana Environmental Policy Act (MEPA) for state land, or under the National Environmental Policy Act (NEPA) for federal land (forest service, BLM, etc.).

Why is HB 584 Needed?

Montana ranks as one of the best places in the United States to build new wind farms. A few large-scale wind farms have already been built in the state—and many new industrial scale wind projects are slated for construction. With an increased interest in developing wind generation facilities, it makes sense to plan for where these facilities should—and probably should not—be located.

Impacts to wildlife and cultural resources from wind facilities come down to "location, location, location": if wind farms are located in areas heavily used by birds and bats, such as in a migration flyway or breeding/nesting area for a species of conservation concern, there is the potential for significant numbers of birds, rare birds, and/or bats to be unnecessarily killed each year. If wind farm developers do not conduct cultural resource inventories, these sites can be destroyed during construction. And if wind farms are located on or immediately adjacent to sites on the National Register of Historic Places, they can degrade our historic resources. However, Montana is a big state—and with a little planning, sensitive areas can be avoided and adverse impacts minimized. The study completed under HB 584 would set up a voluntary program to assist wind farm developers with locating their wind farms in areas where impacts are minimal.

HB 584 is also consistent with the Governor's Climate Change Advisory Committee recommendation ES-2, which reads in part, "*Develop a system that certifies and recognizes new wind projects that have implemented measures in project construction and operation so as to minimize impacts to wildlife, critical wildlife habitat, national and state parks, and other areas of special concern...*"

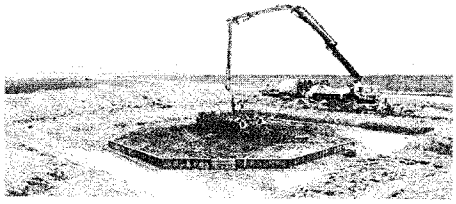
How can wind farms impact wildlife?

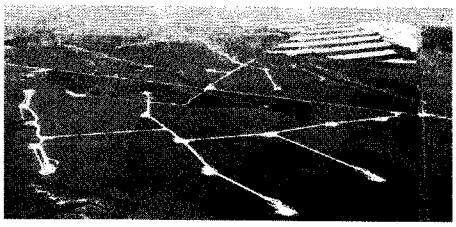
Research shows that wind farms can impact wildlife in 2 principal ways: 1) they can eat up—or fragment—habitat and/or 2) they can directly kill birds and bats. To minimize the number of birds and bats that die by coming into contact with wind towers, it is important to avoid putting wind farms in areas that attract a lot of these animals—including streamsides areas, migration corridors, and crucial habitat for

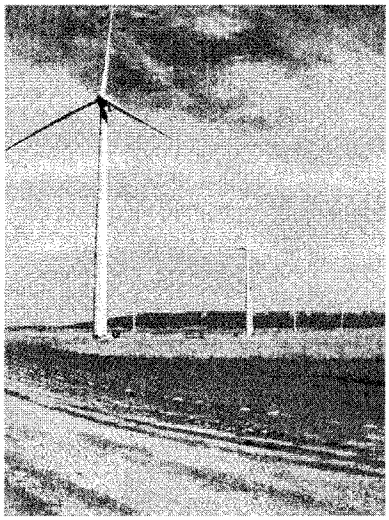
species of conservation concern. Habitat fragmentation occurs when wind farms—and their associated roads, power lines, and other structures—displace wildlife. The impacts of habitat fragmentation go far beyond the immediate "footprint" of the wind farm, because some wildlife—particularly prairie species—will avoid areas with high towers. The solution? Keep wind farms close to established roads, cropland, and other developed areas—and away from large blocks of crucial wildlife habitat.

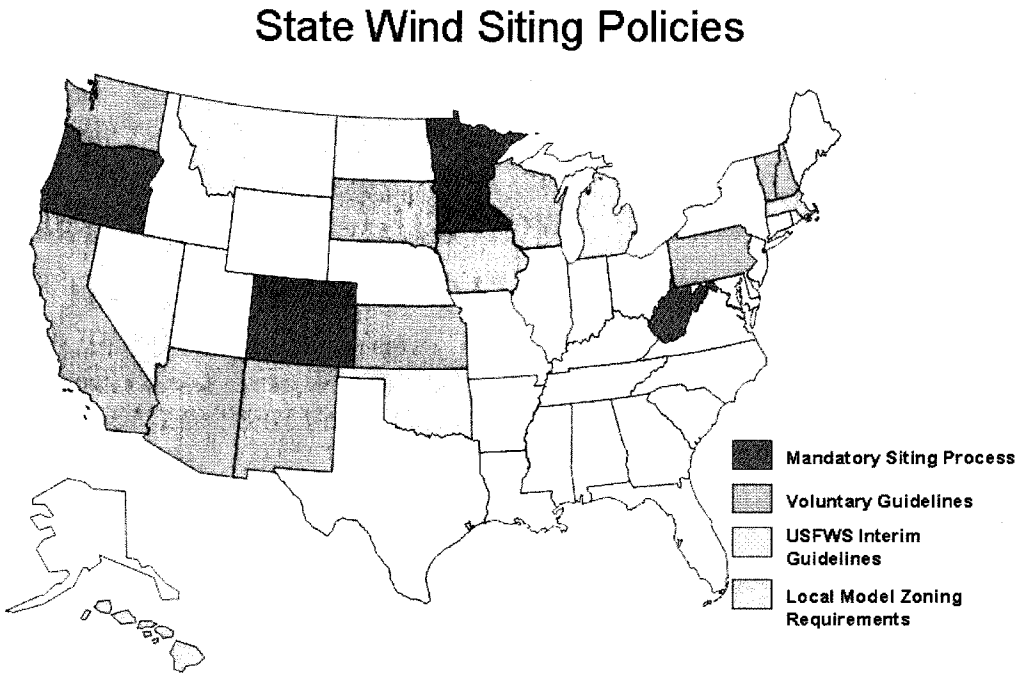
So What Does Wind Development Look Like?

The following photos are from the Judith Gap Wind Farm, which is one of Montana's largest wind farms built to date. The project currently has 90 turbines on 9,000 acres. To date wind farms in Montana have been proposed that range in size from 20 acres to 20,120 acres. Although the on-the-ground footprint is small, as noted above, these facilities require numerous miles of roads and transmission lines.







What Are Other States Doing on Wind Siting?

The following map summarizes how other states currently manage the siting of wind generation facilities: