

Chapter : Wind Energy Generation Facilities
Section :

POLICY: Illinois possesses wind resources of sufficient force and duration to encourage investment in wind-powered electrical generation projects. Wind-generated electricity is a renewable energy resource that is nearly contaminant-free and decreases dependence on other energy sources. A wide range of wind-powered turbines are now commercially available, ranging from small units sufficient to power remote data gathering and reporting devices to utility-scale units. However, wind turbine electrical generating facilities may produce localized adverse effects on other natural resources, including wildlife, natural communities, and scenic vistas.

It is the policy of the Department to evaluate the energy requirements of proposed new facilities and major renovations on Department-owned or controlled lands to evaluate the feasibility of wind power or other alternative energy sources; to work cooperatively and proactively with the wind energy industry and the communities in which such projects may be located to avoid or minimize adverse effects to all protected natural resources; and to assure the siting and construction of such facilities complies with any applicable Department-administered regulatory statutes.

PROCEDURE:

❖ Coordination

The stakeholder offices and surveys within the Department must coordinate their responses to wind energy issues. Except for scientific research, the Office of Realty and Environmental Planning (“OREP”) will serve as the coordinator for the Department's wind energy activities. Coordination of wind energy activities does not alter any existing program or natural resource authority or responsibility.

❖ Public Statements

Except for scientific research, all Department offices and surveys will coordinate written or oral public comments on wind energy facilities through OREP.

❖ Information Requests

Any employee of the Department receiving an inquiry about wind energy projects will refer the inquirer to OREP. OREP will seek the views and input of other offices or surveys as well as the Endangered Species Protection Board and the Nature Preserves Commission. OREP will coordinate any responses with the Public Information Officer.

❖ Natural Resource Information

OREP will coordinate Department efforts to provide wind energy stakeholders with natural resource information relative to areas proposed for wind energy projects. Such information shall be as comprehensive as possible and address migratory birds, bats, scenic vistas, wildlife habitat, wetlands, Illinois Natural Areas Inventory Sites, endangered or threatened species, and State-owned or managed recreation and conservation areas.

❖ Regulatory Issues

Wind energy facilities must comply with all applicable State laws and regulations. Those administered by the Department are the Natural Areas Preservation Act, Interagency Wetland Policy Act, Endangered Species Protection Act, Illinois State Agency Historic Resources Preservation Act, Archaeological and Paleontological Resource Protection Act, 3rd Act Human Skeletal Remains Protection Act, and Section 106 of the National Historic Preservation Act, the Department of Natural Resources Law and the State Parks Act

❖ Unresolved Non-Regulatory Issues

When the Department has concerns about non-regulated impacts to natural resources, it will try to resolve the concerns prior to the construction of a turbine array. If prior resolution is not possible, the Department will seek an agreement with the facility owner to cooperatively study the impacts of concern or will negotiate some other resolution.

❖ Department-Owned or Controlled Property

Illinois' Constitution, the Department of Natural Resources Law (20 ILCS 805/1 et seq.), the State Parks Act (20 ILCS 835/1 et seq.) and other statutes generally restrict the use of state property to public purposes. Long-term leases which grant access to numerous privately and federally-owned tracts similarly restrict Department use of these lands. Statutes authorizing the Department generally define public purposes to include park, recreation, habitat conservation, fish and wildlife conservation and like purposes as within the Department's authority. Placement of a wind turbine on Department-owned land may only be permissible if such placement is a mere adjunct or supports the Department's public purposes and does not hinder Department operations. An additional restriction exists with Department-managed leased land the placement of a wind turbine on these properties is permissible only with the approval of the property owner and the amendment of a lease agreement. All proposals to use Department-owned or controlled lands to generate wind power or other alternative energy sources will be subject to evaluation pursuant to the Department's Comprehensive Environmental Review Process as well as any applicable laws and regulations.