

WINDUSTRY'S



Community Wind Toolbox



This chapter is part of Windustry's Community Wind Toolbox which is designed to guide you through various aspects of developing a commercial-scale community wind project. Each section gives you background information about particular steps in project development and provides you with resources to help you to do more in-depth research on your own.

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Chapter 7:

Leases and Easements

In the United States, leasing land to wind energy developers continues to be the most common way rural landowners are participating in wind energy. As the wind industry grows, wind developers are increasing the amount of land they are leasing to keep their future market share from slipping away. Because of this, landowners in windy areas need solid advice about wind energy and what signing a wind energy lease or easement means to both them and future generations who will inherit the land.

Like landowners, many developers of wind projects, both with a community focus and otherwise, can be unfamiliar with the concerns of windy landowners and how to approach them in a respectful and fair way. In an effort to help developers understand how to be equitable in sharing the returns, Windustry has come up with best practices to help the negotiation process move along more smoothly.

To help both landowners and developers navigate leases and easements, Windustry developed several documents that provide information about legal issues, fair compensation packages, and best practices. These documents were completed in September, 2005, and updated versions for the Toolbox are forthcoming. Meanwhile, please check out the existing documents, which still provide valuable information on leases and easements:"

Project Summary

Wind Energy Easement and Lease Agreements

Compensation Packages

Best Practices and Policy Recommendations

Additional Resources

Key to Toolbox icons:



Best Practices



Caution



Links to more information



Information that will affect your project's bottom line



Example

Additional Resources for Leases and Easements

Windustry

This document lists a variety of useful resources related to wind energy lease and easement agreements. We will regularly update this document when we find new resources. Updated September 2005

Wind Energy Easement and Lease Bibliography:

http://www.windustry.org/easements/Bibliography_%20Sept2005.pdf

Stoel Rives LLP

The Law of Wind: Wind Energy Lease Agreements, by Stoel Rives Attorney Samuel J. Panarella, March 2004. Also adapted for North American Windpower in September 2004 and *The Law of Wind: A Guide to Business and Legal Issues*, Third Edition, 2005:

http://www.stoel.com/webfiles/LawOfWind_WEB_02_07.pdf

Global Energy Concepts

Windpower Development Toolkit, published September 30, 2003 (includes a survey of lease terms and a model lease agreement):

www.winrock.org.br/media/WindPowerToolkit.pdf

New York State Energy Research and Development Authority's (NYSERDA)

The *NYSERDA Wind Energy Toolkit* has a legal guidebook for landowners, a section on lease agreements, and a sample annotated lease agreement:

www.powernaturally.org/Programs/Wind/toolkit.asp