Local Government Regulation of Alternative Energy Projects

By: James B. Borgel, Partner
Holland & Hart, LLP
What Is Unique About Alternative Energy?

- Privately Owned
- Limited Market for Energy
- Rural Locations
- Project Footprint
What Is Unique About Alternative Energy?

- Increase in Tax Base
- Employment Potential
- Infrastructure Development
Local Government Concerns

- Roads/Access/Traffic
- Land Use Impacts
- Noise
- Visual Impacts
- Conflicts with Mineral Development
Local Government Concerns

- Transmission Impacts
- Water
- Emergency Services/Safety
- Conflicts with Military Installations
- Recreation
Local Government Concerns

- Decommissioning
- Wildlife
- Aircraft Operations
- Microwave/Radar
- Other
Developer Concerns

- Procedural Clarity and Fairness
- Level of Detail at Time of Application
- Landowner Consent Requirement
- Security Requirements
- Financial Obligations
Developer Concerns

- Permit Life
- Other
How Are Projects Being Approved?

- Special/Conditional Use Permits
- 1041 Regulations
- Location and Extent Hearings
- Wind/Solar Regulations