

Wind Farm Legal Issues
Montgomery County Farm Bureau - McLean County Wind Farm Tour
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I. Wind Energy Leases/Easements

- a. Legally binding agreement
- b. Needs to be carefully reviewed and understood
- c. Easement is going to have a long term effect on you and your land, and will also impact future generations
- d. Recommend consulting with an attorney before executing a wind energy easement

II. General Questions

- a. What is the developer's background?
- b. How long will the easement last?
- c. What are the payments terms?
- d. Are you being compensated fairly for your land?
- e. How long will the land be in development phase?
- f. Is there a guarantee as to how many turbines will be on the land?
- g. If there is no guarantee as to how many turbines are on the land, is there any guarantee to receive minimum payments?
- h. If payments are based on gross revenue, is there any way to determine what the actual gross revenue is?
- i. Is the developer able to assign the easement without the consent of the landowner?
- j. If the easement is assigned, will the original developer still be liable if the new developer defaults?
- k. What are the terms of terminating the easement?
- l. What happens to the wind turbines if the easement is terminated?

III. General Concepts

- a. Make sure the easement does not interfere with your farming operations
- b. Make sure the contract is specific so that key terms and conditions are clearly understood
- c. Understand liability issues (nuisance, lawsuits, third party usage, etc.)
- d. Be aware of tax issues

IV. Websites

- a. Windustry - www.windustry.org
- b. American Wind Energy Association - www.awea.org
- c. Illinois Wind Working Group - www.wind.ilstu.edu

This information is for general education only. Please consult a qualified attorney for personal advice.