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Commitment Tables

In accordance with Section 6 of the ISC Rules, PCW has developed Table 1 which contains all commitments stated in the Application and provides the page number where each commitment is discussed in the Application.¹

TABLE 1. COMMITMENTS INCLUDED IN APPLICATION

| Commitment | Primary Section | Page Number | Document Location |
|---|--|--|---------------------------------------|
| BLM Record of Decision | Section 1.6.2 and 5.2 | 1-8; 5-2 through 5-4 | Appendix L: Document 01 |
| Carbon County Conditional Use Permit | Section 5.3 and 5.4 | 5-4 through 5-6 | Appendix M |
| Temporary Water Use Agreements | Section 10.3.9 and 12.4 | 10-151; 12-18 through 12-19 | Appendix L: Documents 07 – 11 |
| Wyoming Office of State Lands and Investments Special Use Lease | Section 1.6.3 | 1-8 | Appendix L: Document 29 |
| Wyoming Game and Fish Department Memorandum of Understanding | Section 1.6.4 and 3.4 | 1-9; 3-5 through 3-6 | Appendix D |
| Construction Operations, Maintenance and Decommissioning Plan | Section 7 and Section 8 | 7-1; 8-1 through 8-3 | Appendix N |
| Public Road Use Plan | Section 6.2.7 | 6-10 through 6-12 | Appendix O |
| Wyoming Game and Fish Department Conservation Plan and Landowner Agreement | Section 3.4.1 and 12.13.5 | 3-5 through 3-6 and 12-140 | Appendix R |
| Summary of BLM Environmental Constraints, Applicant Committed Measures, Applicant Committed Best Management Practices, and Proposed Mitigation Measures | Section 12 (“Controls, Mitigation, and Monitoring” subsection for each resource) | Various | Appendix U |
| CCSM Project Plan of Development | Section 5.5 | 5-6 | Appendix L: Document 17 |
| Phase I Haul Road and Facilities Site-specific Plan of Development | Section 1.6.2, 5.2.2, and 5.5 | 1-8; 5-3 through 5-4 and 5-6 through 5-7 | Appendix L: Document 26 |
| West Sinclair Rail Facility Site-specific Plan of Development | Section 1.6.2, 5.2.2, and 5.5 | 1-8; 5-3 through 5-4 and 5-6 through 5-7 | Appendix L: Document 27 |
| Road Rock Quarry Site-specific Plan of Development | Section 1.6.2, 5.2.2, and 5.5 | 1-8; 5-3 through 5-4 and 5-6 through 5-7 | Appendix L: Document 28 |
| Emergency Response Plan | Section 3.4.4 and 13.1.2 | 3-7; 13-3 through 13-4 | Appendix V |
| Weed Management Plan | Section 3.4.7, 8.3 and 12.8.5 | 3-8; 8-3; 12-55 | Appendix L: Document 17 at Appendix J |
| Programmatic Agreement | Section 3.4.2, 5.2.2 and 12.9.5 | 3-6; 5-3; 12-63 | Appendix L: Document 01 at Appendix E |

¹ ISC Rules, Ch. 1, Section 6(i)

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|---|-----------------------------------|---|--|
| Master Reclamation Plan | Section 8.3, 12.6, 12.8 and 12.11 | 8-3 through 8-5; 12-27 through 12-28; 12-32 through 12-37; 12-51 through 12-56; 12-68 through 12-77 | Appendix L: Document 17 at Appendix E |
| Erosion Control Plan | Section; 8.3, 12.4.5 and 12.6.5 | 8-3 through 8-5; 12-27 through 12-28; 12-37 | Appendix L: Documents 26, 27 and 28, at Appendix H |
| Workforce Housing Plan | Section 11 | 11-1 through 11-16 | Section 11 of ISC Application |
| Waste Management Plan | Section 12.14 | 12-146 through 12-149 | Appendix L: Documents 26, 27 and 28 at Appendix P |
| Health and Safety Plan | Section 13.1.1 | 13-1 through 13-3 | Appendix L: Documents 26, 27 and 28 at Appendix R |
| Spill Prevention, Control and Countermeasures Plan(s) | Section 10.3.9 and 12.4.5 | 10-153; 12-28 | Appendix L: Documents 26, 27 and 28 at Appendix Q |
| Watershed Monitoring Plan | Section 12.4.5 | 12-24 through 12-28 | Appendix L: Document 17 at Appendix F |
| Stormwater Pollution Prevention Plan(s) | Section 12.4.5 | 12-27 | Appendix L: Documents 26, 27 and 28 at Appendix I |
| Wildlife Monitoring and Mitigation Plan | Section 12.13.5 | 12-138 through 12-140 | Appendix L: Document 01 at Appendix G |
| Greater Sage-grouse Conservation Plan | Section 12.13.5 | 12-140 and 12-142 | Appendix L: Document 17 at Appendix N |
| Environmental and Construction Compliance Monitoring Plan | Section 12.14.5 | 12-149 | Appendix L: Documents 26, 27 and 28 at Appendix F |
| Transportation Management Plan | Section 12.15 | 12-149 through 12-159 | Appendix L: Documents 26, 27 and 28 at Appendix D |
| Blasting Plan | Section 12.16.4 and 13.1.1 | 12-162; 13-1 through 13-2 | Appendix L: Document 17 at Appendix I |

As described in the Application, the CCSM Project is located entirely within unincorporated Carbon County. PCW has applied to Carbon County for a Conditional Use Permit for the CCSM Project. On October 2, 2012, the Carbon County Commissioners approved PCW's application and granted it a Conditional Use Permit (CUP) for the CCSM Project. PCW has made certain commitments to Carbon County as part of the CUP permit approval. As required by Section 6 of the ISC Rules, Table 2 provides a

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description of these commitments.² The commitments in Table 2 represent all of the commitments PCW has made to local governments in accordance with W.S. 35-12-109(a)(xiii).

TABLE 2. COMMITMENTS TO LOCAL GOVERNMENTS

| Commitment/Condition | |
|-----------------------------|---|
| 1. | Nothing in this permit's conditions is intended to preempt other applicable State and Federal laws or regulations. All WECS Project facilities shall be constructed to meet and be maintained in compliance with all Federal, State and County requirements, including all Wyoming Industrial Siting Council requirements. If compliance issues arise at any time during the review, development or operational phases, the Applicant(s) or Owner(s), at the discretion of the County may be requested to provide additional studies or reports prepared by qualified professionals addressing the issues and mitigation measures that may be needed to maintain compliance. |
| 2. | Conditional Use Permit is granted for up to 1,000 wind turbines and accessory uses as generally described in the application. The Applicant(s) shall notify the Carbon County Planning & Development Department in writing of any material changes to the Project subsequent to the County issuance of the Conditional Use Permit. |
| 3. | This permit is subject to final approval and issuance of a permit by the Industrial Siting Council and Right of Way Grants by the Bureau of Land Management. The Applicant(s) shall submit a copy of all subsequent Federal and State approvals, including all required studies, reports and certifications prior to the issuance of any applicable building permits. |
| 4. | All structures proposed within the application area require a building permit. Multiple wind energy facilities/turbines may be permitted with a single application as long as the site plan or plan of development includes all relevant details adequate to determine general conformance with the applicable standards and conditional use permit conditions. Structures other than wind energy facilities/turbines require an individual building permit application for each structure. |
| 5. | Each building permit application shall include a letter of consent from the surface private property owners upon which the WECS project will be located or other legal documentation which demonstrates consent of the surface property owner. |
| 6. | When not conflicting with colors required by the Federal Aviation Administration or other Federal Agencies, towers and blades shall be painted off-white or another non-reflective unobtrusive color. The color selected is intended to help the Project blend with the natural visual character of the area. The Applicant(s) shall submit a visual rendering of the proposed towers with color scheme for approval by the Board. |
| 7. | The Applicant(s) shall submit a Public Road Use Agreement (PRUA) for review by the County Road Superintendent and County Attorney and approval by the Board of County Commissioners prior to use of County roads by the Project's traffic. THE PRUA shall ensure adequate public access on public roads during construction on roads impacted by Project's construction. The PRUA shall include a pre-construction baseline survey, paid for by the Applicant(s), to determine existing road conditions for assessing potential damage to roadways due to the Project. The PRUA shall include financial assurance in a reasonable amount at the discretion of the Board of County Commissioners, for the purpose of repairing any damage to public roads caused by construction, operating, or maintaining the WECS Project. The amount of financial assurance shall be submitted as an estimate signed and sealed by a Wyoming Licensed Engineer. Any degradation to, or damage of public roads or other infrastructure by the Applicant(s) or others involved with the installation, operation, or maintenance of the WECS Project will require the Applicant(s) to bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use in the installation, operation, or maintenance of the WECS Project. |
| 8. | Site Specific Setback Waiver: The Applicant(s) shall submit site specific tower locations as part of the building permit application. Any tower proposed to be closer to Highway 71, Carbon County Road #401 and Carbon County Road #505W than the minimum setbacks (.25 mile) as listed in the County Commercial WECS Setbacks and Standards shall be forwarded to the Board of County Commissioners to require a setback waiver. The Applicant(s) shall submit an explanation and justification as to why each setback waiver is necessary. The foregoing requirements for setback waivers shall not apply to waivers: (1) approved by the Board in connection with the Board's approval of the Conditional Use Permit; and (2) that can be given by affected property owners under the County Commercial WECS Setbacks and Standards. |

² ISC Rules, Ch. 1, Section 6(i)

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| 9. | <p>Operations and Maintenance:</p> <ol style="list-style-type: none"> a. Routine scheduled maintenance shall include the repainting of equipment and structures, and maintenance of grounds or landscaping as appropriate to the location. b. All solid wastes and hazardous materials related to the construction, operation, maintenance and decommissioning of a Project shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State, and County laws and regulations. The permittee shall be responsible for litter control including the regular cleanup of litter blown from dumpsters and similar storage areas. c. On April 1 of every even-numbered year after the third anniversary of the permit, the Owner(s) or Operator(s) of the WECS shall submit to the Carbon County Planning and Development Department a statement that lists all WECS currently inoperative for longer than six (6) continuous months. All WECS that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Owner(s) provide a written plan and schedule acceptable to the Carbon County Planning and Zoning Commission for refurbishing and/or reactivating the inoperative WWCS. d. The Owner(s) or Operator(s) of the WECS shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Carbon County Weed and Pest District or the appropriate public entity having jurisdiction. |
| 10. | <p>The Applicant(s) shall provide the applicable wireless telecommunication service providers and local emergency service provider(s) (911 operators) copies of the Project's summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with their communications results from the WECS(s), the Applicant(s) shall take reasonable measure to mitigate such anticipated interference.</p> <ol style="list-style-type: none"> a. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communication venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference. b. The Owner(s) or Operator(s) shall mitigate light impact on existing residences that are visible within one (1) mile of an existing residence and still meet applicable FAA requirements. Examples of light mitigation include but are not limited to: downward directed lighting, use of shielded light fixtures, eliminating lighting that casts light onto adjacent property. |
| 11. | <p>If there are any variations in the Project's construction which would materially impact the original Emergency Management Plan, the Emergency Management Plan shall be supplemented and revised following construction of the WECS project and submitted for review and comment by the County Sheriff, Fire Warden, and Emergency Management Coordinator.</p> |
| 12. | <p>To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law, the Owners(s) or Operator(s) shall provide the Carbon County Planning and Development Department with a detailed map of the site within ninety (90) days of when operation begins. The Project Map will include the geographic coordinates of each WECS structure, all roads within the WECS Project area, and public roads and turnouts connecting to roads of the WECS Project. The Project Map shall be updated by the Owner(s) or Operator(s) every five (5) years and after the completion of any significant additional construction.</p> |
| 13. | <p>The Owner(s) or Operator(s) of the WECS Project shall maintain a current General Liability Policy issued by an insurance company authorized to do business in Wyoming covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application or otherwise demonstrate adequate self-insurance. If the application is approved, the Owner(s) or Operator(s) of the WECS shall provide proof of insurance to the Board annually. Proof of insurance may be made by providing a certificate of insurance.</p> |
| 14. | <p>The Applicant(s) committed mitigation as included with the application and as more specifically defined in Volume II, Appendix C, of the Final Environmental Impact Statement shall become conditions by reference.</p> |
| 15. | <p>Except with respect to a collateral assignment in connection with project financing, no conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. Board's approval shall not be unreasonably withheld upon good cause shown. Any transferee shall agree in writing to be bound by the terms of the Conditional Use Permit.</p> |
| 16. | <p>The permit holder shall provide an annual update of the progress of the WECS Project to the County Planning and Zoning Commission until construction is completed. The annual update shall include written summary of Project's progress and include an appearance at a regularly-scheduled County Planning and Zoning Commission meeting.</p> |

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| 17. | In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit. |
| Notes: | |
| 1. | The commitments contained in this table are reprinted from "Opinion of Board of County Commissioners, Carbon County, Wyoming Regarding the Decision to Approve the Conditional Use Permit – Commercial Wind Energy Facility (C.U.W. Case File #2012-01) Rendered on October 2, 2012." (Appendix L, Document 12) |
| 2. | The terminology used in this table is as defined in April 5, 2011 Carbon County Zoning Resolution. |