

**BEFORE THE WYOMING INDUSTRIAL SITING COUNCIL**

**STATE OF WYOMING**

IN THE MATTER OF THE INDUSTRIAL )  
SITING PERMIT OF PIONEER WIND PARKS, ) Docket DEQ/ISC 10-02  
WASATCH WIND INTERMOUNTAIN, INC. )

**ORDER**

WHEREAS, Wasatch Wind Intermountain, LLC (Wasatch Wind) has a permit to construct a large wind park in Converse County;

WHEREAS, Wasatch Wind submitted a written request on May 16, 2014 to amend its permit in three ways: (1) to extend the deadline for commencement of construction, as set out in Permit Condition #2, from July 18, 2014, to August 15, 2015; (2) to extend the due date for demonstrating adequate financial resources to construct, maintain, operate, decommission and reclaim the facility, as set out in Permit Condition #19, from May 18, 2014, to August 15, 2015; and (3) to reduce the amount of bonding required by Permit Condition #15 by approximately \$5,000,000, from \$18,767,000.00 to \$13,636,285.00;

WHEREAS, Wyoming Statute § 35-12-106(c) authorizes the Council to allow permit amendments for good cause, if the permittee demonstrates at the Council's next meeting that the requested changes are in compliance with local ordinances and applicable land-use plans, and that the changes will not significantly add to the project's adverse environmental, social, and economic impacts in the impacted area;

WHEREAS, at the Council's next public meeting, on July 14, 2014, in Douglas, Wyoming, the Council considered Wasatch Wind's request for amendments;

WHEREAS, during the meeting, Wasatch Wind changed its request for amendments by withdrawing the bonding issue, agreeing to a staggered timeline between providing financial assurances and commencing construction, and by withdrawing certain wording in its requests for time extensions which would have allowed for longer extensions if the permit were to become the subject of litigation;

WHEREAS, prior to the meeting, Wasatch Wind and other parties submitted written documents regarding Wasatch Wind's request for amendments, and during the meeting, the Council accepted and considered additional written and verbal comments and arguments from the parties;

WHEREAS, Wasatch Wind discussed its reasons for seeking more time to comply with the permit conditions noted above; it explained, in part, that the financing needed to begin construction has been delayed due to the permit being the subject of litigation, due to needing a power-purchase agreement, which Wasatch Wind obtained approximately three months ago, and because this project was behind others, on the national scale, slated to begin sooner and were thus riper in the eyes of financiers; Wasatch Wind also indicated that construction was delayed because the company was still working through federal permitting requirements related to eagles and wind parks;

WHEREAS, Wasatch Wind explained that it considered the effect of the potential amendments on local ordinances and applicable land-use plans but did not find an issue

of non-compliance; a representative of the Converse County Commission also explained that Wasatch Wind is in compliance with the County's requirements;

WHEREAS, Wasatch Wind addressed the amendments' potential effect on the environmental, social, and economic impacts in the area, but assert that the effects would not significantly add to the impacts already contemplated under the existing permit;

WHEREAS, the Council expressed concerns about how Wasatch Wind's extended construction timeline would coincide with anticipated oil-and-gas development in the area and, accordingly, whether Wasatch Wind's proposed permit amendments would significantly add to the project's impacts—specifically in regards to housing availability;

WHEREAS, Wasatch Wind asserted that its project, as amended, would not significantly add to the adverse environmental, social, and economic impacts in the area, in part because the anticipated oil-and-gas development would occur away from the wind park site, because local hoteliers still have commitments with Wasatch Wind to house the company's construction workforce, because Wasatch's workforce will likely be based out of multiple communities anyway, not just in Douglas, and because the local communities are planning on building new hotels and expanding trailer parks to accommodate all the anticipated industrial development; the Converse County Commission representative also spoke to this issue and explained that locals are already seeing housing developments to accommodate the industrial expansion in the area, present and future, and that he foresees the locals being able to absorb Wasatch Wind's workforce under the amended schedule;

WHEREAS, based on the evidence and discussions presented, the Council found that Wasatch Wind demonstrated all the necessary factors under Wyo. Stat. § 35-12-106(c) to justify granting the requested amendments;

WHEREAS, the Council voted unanimously to approve Wasatch Wind's requested permit amendments, as modified during the meeting, and with an additional condition;

ACCORDINGLY, THEREFORE, Wasatch Wind's permit is amended in the following manner: (1) the deadline for commencing construction, under Permit Condition #2, is extended to February 15, 2016; (2) the deadline for demonstrating financial resources, as required under Permit Condition #19, is extended to August 15, 2015; and (3) if Wasatch Wind does not commence construction on or before February 15, 2016, no further extensions will be granted and the permit will expire.

So ordered this 30<sup>th</sup> day of JULY 2014.



Shawn Warner, Chairman  
Industrial Siting Council  
DEQ/ISD Herschler 4W  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002  
(307)777-7369