

BEFORE THE WYOMING INDUSTRIAL SITING COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL SITING PERMIT)
OF PIONEER WIND PARK I, LLC AND PIONEER WIND) DOCKET DEQ/ISC 10-02
PARK II, LLC)

ORDER ON REQUEST FOR PERMIT AMENDMENTS AND COMPLIANCE
WITH SPECIAL CONDITIONS 16, 17, 20, AND 21

WHEREAS, Pioneer Wind Park I, LLC and Pioneer Wind Park II, LLC (Permittee) has a permit to construct a large wind park in Converse County; and

WHEREAS, Permittee submitted a written request on July 21, 2015, for four amendments and approval from the Industrial Siting Council (Council) that Special Conditions #16, 17, 20, and 21 have been satisfied. The amendments request to: (1) change the site plan by consolidating the facilities; (2) change the decommissioning plan to leave all underground cabling in place rather than removing it; (3) change the decommissioning plan to remove all underground components to a depth of 36 inches rather than 48 inches except for the turbine pedestals which shall be removed to a depth of 54 inches; and (4) change the bonding amount detailed in Condition #15 from \$18,767,000 to \$9,792,000; and

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; and

WHEREAS, at the Council's next public meeting, on August 31, 2015, in Douglas, Wyoming, the Council considered the Permittee's request for amendments; and

WHEREAS, during the meeting, the Permittee changed its request for amendments by withdrawing the its request for a change in the decommissioning plan to remove all underground cabling to a depth of 36 rather than 48 inches; and

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

WHEREAS, the Permittee discussed its reasons for seeking to consolidate the facilities as it caused less land to be disturbed; and

WHEREAS, the Permittee discussed its reasons for seeking to leave all underground cabling in place as it prevented reclaimed land from being disturbed again; and

WHEREAS, the Permittee discussed its reasons for the change in the bond amount caused by reducing the number of turbines from 62 to 46 in the Council Order issued on June 24, 2013. Further reduction in the bond amount were due to an \$92 million reduction per turbine change in the cost estimation used for wind turbines in decommissioning and reclamations plans as the industry standard costs have changed in the past 5 years; and

WHEREAS, the Permittee 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; and

WHEREAS, the Permittee 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; and

WHEREAS, based on the evidence and discussions presented, the Council found that Permittee demonstrated good cause to support the assertion that all the necessary factors under Wyo. Stat. § 35-12-106(c) to justify granting the requested amendments are met; and

WHEREAS, the Council voted unanimously to approve the Permittee's three requested permit amendments; and

WHEREAS, the Permittee provided evidence of compliance for Special Conditions #16 and 17. A letter from the Wyoming Game & Fish Department indicating the second year wildlife studies had been received and a letter from the Wyoming Fire Marshall indicating the fire district training had taken place; and

WHEREAS, the Permittee provided evidence and testimony regarding its negotiation efforts with land owners to comply with Special Condition #20; and

WHEREAS, the Permittee provided evidence and testimony that the technology was not yet approved by the FAA so that it could be installed to meet the requirement of Special Condition #21. The Permittee would commit to install the technology once it is approved by the FAA, however Special Condition #21 would need to be modified to indicate compliance will take place within 6 months of the technology being approved by the FAA; and

WHEREAS, the Council voted unanimously that the Permittee has satisfied Special Conditions #16, 17, and 20 and that Special Condition #21 would be modified so that the requirement of the technology could be installed once it had approval from the FAA rather than prior to the commencement of construction; and

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ACCORDINGLY, THEREFORE, Pioneer Wind Park's permit is amended in the following manner: (1) the requested change to the site plan by consolidating the facilities is approved; (2) the requested change to the decommissioning plan is granted to leave all underground cabling in place rather than removing it; (3) the requested change in the bonding amount detailed in Condition #15 from \$18,767,000 to \$9,792,000 is approved (4) Special Condition #21 is modified to indicate the technology will be installed on the facility within 6 months of FAA approval of the technology.

So ordered this 23rd day of September 2015.



John Cofra, Chairman
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