
Foote Creek Rim 1 Wind Energy Project Carbon County, Wyoming



Conditional Use Permit Application for Carbon County, Wyoming



January 4, 2018

Cover Letter

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ddrago@enercon.com

Carbon County
Department of Planning and Development
c/o Sid Fox, AICP, Planning Director
Carbon Building
215 West Buffalo Street, Suite 336
Rawlins, WY 82301
(307) 328-2651

Dear Mr. Fox,

PacifiCorp (Applicant) is pleased to present this Conditional Use Permit (CUP) application (Attachment 1) to the Carbon County, Wyoming (Carbon County) Department of Planning and Development. This CUP application form, is submitted in connection with the proposed Foote Creek Rim 1 Wind Energy Repowering Project (Project), an existing commercial wind energy conversion system (WECS).

The proposed Project is a repowering of an existing commercial WECS which is located near Arlington, Wyoming in Township 19N, Range 78W, Sections 6 and 18 on leased lands authorized under Right-of-Way agreement number WYW-142464 with the BLM and private leases with landowners. Currently, there are 68 wind turbines on Foote Creek Rim 1. The Applicant plans to replace the 68 wind turbines with 12 new turbines. The overall project capacity will increase to 41.6 megawatts (MW). However, the total site output will remain unchanged with this proposed repower and will continue to be 41.4 MW as outlined in the existing Large Generator Interconnection Agreement (LGIA).

It should be noted that the repowering activities will impact less than an estimated 35 acres.

The Project will include all or any of the following (collectively "wind energy project"): (i) wind energy generating systems including supporting towers, foundations and any other associated equipment or structures (together, "wind turbines"); (ii) overhead and underground electrical distribution, collection, transmission and communications lines and facilities, electric transformers, electric substations, energy storage facilities, telecommunications equipment, and other necessary interconnection facilities; (iii) roads and crane pads; (iv) meteorological towers and wind measurement equipment. The existing O&M/control building, maintenance yard(s), staging yard(s), storage area(s), and related facilities and equipment will remain unchanged.

The Applicant respectfully requests authorization from Carbon County to install these items within the limitations described below, and in the Carbon County zoning resolution of 2015.

It is important to note that at this time, the locations of proposed structures in the site plan in Attachment 2 and other maps included in this Application are preliminary and may change. However, Applicant will comply with all the setback standards, unless waived in writing by the

landowners, and will provide final locations of proposed structures to the County prior to construction.

Any studies that are required by any authority having jurisdiction will be conducted over the finalized Project area prior to construction.

PacifiCorp
1407 W. North Temple, Suite 310
Salt Lake City, Utah 84116

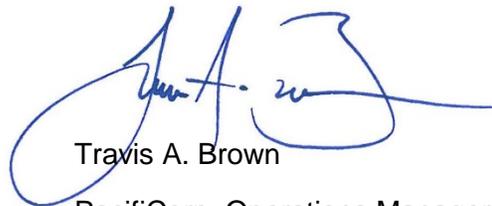
Mr. Travis A. Brown
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Travis.Brown@PacifiCorp.com

We would like to thank the County for its consideration of this Application and respectfully request its approval. We are available to answer any questions there may be about the Application or the proposed Project.

Respectfully,



Daria Drago, P.E., PMP
ENERCON, Senior Engineer



Travis A. Brown
PacifiCorp, Operations Manager

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- Attachment 19 – Decommissioning/Reclamation Plan
- Attachment 20 – Tax Certificates
- Attachment 21 – O&M Plan
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Statement of Purpose and Need

As part of ongoing operations and maintenance, PacifiCorp is proposing to repower an existing company-owned wind energy facility, Foote Creek Rim I, located in Carbon County, Wyoming near Arlington. The Foote Creek Rim I Wind Project originally was developed in 1998 and 1999 as a joint venture between PacifiCorp and the Eugene Water and Electric Board. The existing wind turbine generators (turbines) are approximately 18 years old, and replacement components are increasingly difficult to obtain due to the age of the equipment and the lack of manufacturer component availability. The Foote Creek Rim 1 wind energy conversion system (WECS) currently has 68 turbines that PacifiCorp proposes to decommission and replace with 12 new, higher capacity turbines. The WECS originally included 69 wind turbines; however, one turbine (A-11) was removed in 2013 due to a structural failure leaving 68 turbines and 69 turbine pads currently on-site.

The overall project capacity will increase to 41.6 megawatts (MW). However, the total site output will remain unchanged with this proposed repower and will continue to be 41.4 MW as outlined in the existing Large Generator Interconnection Agreement (LGIA). The project is located on a combination of BLM and private lands. PacifiCorp has current leases in place with the landowners and a permit with BLM (WYW-142464). Due to improvements in turbine technology and generating capacity PacifiCorp proposes to replace the 68 existing 600-kW turbines with 12 new wind turbines, ranging in nameplate capacity from 2.0 MW to 4.2 MW (Attachment 3). The lease terms and year-round operation remain unchanged due to this repower effort. Construction to prepare the site, remove the old turbines and install the 12 new turbines is expected to occur during the construction season (spring/summer months) of 2019 and 2020 (Attachment 6).

The proposed repowering uses an existing site which minimizes environmental impacts and maximizes returns for the public and PacifiCorp customers. Replacing the turbines with more efficient models on the existing site maintains the 41.4 MW output without disturbing a greenfield, thereby reducing the impacted area. In doing so, the county and state will experience growth in temporary jobs and generate significant, consistent, long-term tax revenue through sales taxes, property taxes, and wind energy production taxes. These tax revenues will help support local communities and leverage even further economic development. The additional revenue from this repowering, above that expected from the current turbines, is expected to generate an estimated additional \$2-3 million dollars in local sales and use taxes through construction, an estimated additional property tax income of \$6.4 million dollars above that from the existing turbines and an estimated additional wind energy production taxes of \$5.1 million dollars over a 30-year project life.

In total, the repowering effort is expected to generate a total of approximately \$14.1 million over a 30-year project life above and beyond the revenue produced by the existing facility.

The Foote Creek Rim 1 Wind Energy Repowering Project will comply with all county, state, and federal regulations and serve to advance goals central to the Carbon County land use plan. Carbon County's zoning resolution of 2015 contains regulations specific to commercial WECS and as such created a Wind Energy Facilities Overlay District approval process, which is *"intended to provide for public safety and to prevent hazards from the construction of commercial and non-commercial Wind Energy Facilities in Carbon County."* (Section 5.9 B)

Section 5.9 B Intent and Purpose

The Foote Creek Rim 1 Wind Energy Project complies with Section 5.9 B and is consistent with the intent and purpose of the Wind Energy Facilities Overlay District and with the Carbon County land use plan, as described below.

5.9 B.1

To permit and encourage carefully planned and compatible Wind Energy Facilities throughout the County;

The Foote Creek Rim 1 Wind Energy Repowering Project is being developed with the input of local, state, and federal regulatory bodies and in compliance with all rules and regulations applying to wind energy development. To be constructed, the Project must obtain a CUP from Carbon County and the approval of the BLM. The Project must also comply with an array of federal and state environmental and safety requirements. The Project has coordinated with the Wyoming Game and Fish Department (WGFD) and the U.S. Fish and Wildlife Service (USFWS) to minimize Project impacts to wildlife, and is actively engaged with all regulatory agencies to ensure responsible development and compliance with all rules and regulations.

5.9 B.2

To assure that any development and production of wind-generated electricity in Carbon County is safe and consistent with the Comprehensive Land Use Plan;

The Carbon County land use plan places significant value on maintaining the natural resources that county residents and landowners enjoy, including clean air and water, and maintaining the rural character of the county, all while encouraging sustainable economic development to attract new residents and ensure the presence of sufficient employment opportunities for those who already call Carbon County home.

The Foote Creek Rim 1 Wind Energy Repowering Project will help Carbon County continue to strike this balance by increasing the efficiency of an existing facility without the need to develop new land areas. Replacing the turbines will actually reduce the amount of land impacted by the wind farm by reducing the turbine foundations and pad sites from 69 to 12 and reclaiming segments of the site access road. The Repowering Project will also result in economic development that does not come at a cost to the health of the environment and by extension, residents of the county.

5.9 B.3

To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area;

The proposed repowering project drastically reduces the number of turbines from 68 to 12, an approximately 80% reduction. While the height of the proposed turbines will increase, the visual character of the area is improved by this proposed project. A visual rendering is included as Attachment 5.

5.9 B.4

To facilitate economic opportunities for local residents;

The proposed repowering uses an existing site which minimizes environmental impacts. Replacing the turbines with more efficient models on the existing site maintains the 41.4 MW power production without disturbing a greenfield, and reduces the impacted area by eliminating 57 turbine foundation and pad sites on the property. In doing so, the county will experience growth in temporary jobs and generate significant, consistent, long-term tax revenue through sales taxes, property taxes, and wind energy production taxes. These tax revenues will help support local communities and leverage even further economic development. As previously stated, the additional revenue from this repowering, above that expected from the current turbines, is expected to generate an estimated additional \$2-3 million dollars in local sales and use taxes through construction, an estimated additional property tax income of \$6.4 million dollars above that from the existing turbines and an estimated additional wind energy production taxes of \$5.1 million dollars over a 30-year project life.

In total, the repowering effort is expected to generate a total of approximately \$14.1 million in tax revenue over a 30-year project life above and beyond what the existing facility is expected to produce.

5.9 B.5

To promote the supply of wind generated electricity in support of Wyoming's goal of increasing energy production from renewable energy sources.

The proposed project maintains the current generation capacity of the site while reducing the impacted lands, which supports Wyoming's renewable energy goals.

Section 5.4 C Consideration by Commission and Board – Review Criteria

The Foote Creek Rim 1 Wind Power Repowering Project also complies with Section 5.4 C of the Carbon County's zoning resolution of 2015 as follows:

5.4 C.1

The Conditional Use shall be generally consistent with the Goals, Strategies, and Actions of the Comprehensive Land Use Plan, including the Future Land Use Map.

As stated in the above Purpose and Need statement, the Foote Creek Rim 1 Wind Energy Repowering Project will help Carbon County continue to strike a balance between wind energy development and protecting natural resources by increasing the efficiency of an existing facility without the need to develop a new site. The proposed repowering will actually reduce the amount of land impacted by reducing the turbine pad sites from 69 to 12. The Repowering Project will also result in economic development.

5.4 C.2

The proposed use should serve a public need.

The proposed project will serve the public by maintaining the energy generation capacity of an existing wind facility while reducing the visual and land impacts. The public will also benefit from the millions of dollars of tax revenue that will be generated by the site.

5.4 C.3

The proposed use should be appropriate for the proposed location and will not be detrimental to the surrounding area or to established uses.

This is an existing, operational WECS and is therefore not detrimental in any way to established uses or the surrounding area.

5.4 C.4

The proposed conditional use should be adequately served by facilities and services including legal and physical access and circulation, water and wastewater facilities, solid waste, law enforcement, fire protection and emergency medical services.

This is an existing WECS; therefore, the Operations and Maintenance facilities, legal and physical access, water and wastewater facilities, law enforcement, fire protection and emergency medical services and all other support services and facilities have already been established and are existing.

5.4 C.5

That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.

No residential streets or areas will be impacted by the proposed repowering effort. Traffic will be similar to ongoing operations and maintenance activities for the existing site and will follow the same roads as currently being used to support the site. Traffic arrives to the site via I-80 and State Highway 13. The turnoff to the site is directly off of State Highway 13; therefore, these are the only two roads that are expected to be used by the repowering activities. A traffic study has been completed and is provided as Attachment 9.

5.4 C.6

That the record owner has taken adequate steps to minimize and control potential environmental problems that might result from the proposed use.

The site is an existing, operational WECS with established operations and maintenance procedures in place to monitor and minimize impacts to the environment. These will continue to be implemented throughout operation of the facility.

Section 5.9 D General Requirements

To obtain siting approval, the Applicant(s) must first submit a WECS Conditional Use Permit application to the Planning and Development Department. Commercial WECS Conditional Use Permit applications shall be referred to the Commission for review and recommendation prior to being considered by the Board.

Section 5.9 D.1 Commercial WECS Project

The CUP application for a commercial WECS project shall contain, or be accompanied by, the following information (5.9 D.1):

5.9 D.1 A.1

A general description of the project, including its approximate total name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS rotor(s); the general location of the project; and

PacifiCorp is proposing to repower an existing company-owned wind energy facility, Foote Creek Rim I, located in Carbon County, Wyoming near Arlington. The Foote Creek Rim I Wind Project originally was developed in 1998 and 1999 as a joint venture between PacifiCorp and the Eugene Water and Electric Board. The existing WECS is located on BLM leased lands authorized under Right-of-Way agreement number WYW-142464 and private leases with landowners. Currently, there are 68 wind turbines on Foote Creek Rim 1. Due to improvements in turbine technology and generating capacity PacifiCorp proposes to replace the 68 existing 600-kW turbines with 12 new wind turbines, ranging in nameplate capacity from 2.0 MW to 4.2 MW. Four of the new turbines will have a maximum height (including tower and rotor) of 427 feet above ground level (AGL) and 8 of the new turbines will have a maximum height of 492 feet AGL. The existing project has an output of up to 41.4 MW (total) and will continue to do so after the turbines are replaced.

The Project will include all or any of the following (collectively “wind energy project”): (i) wind energy generating systems including supporting towers, foundations and any other associated equipment or structures (together, “wind turbines”); (ii) overhead and underground electrical distribution, collection, transmission and communications lines and facilities, electric transformers, electric substations, energy storage facilities, telecommunications equipment, and other necessary interconnection facilities; (iii) roads and crane pads; (iv) meteorological towers and wind measurement equipment. The existing O&M/control building, maintenance yard(s), staging yard(s), storage area(s), substations and related facilities and equipment are expected to remain unchanged.

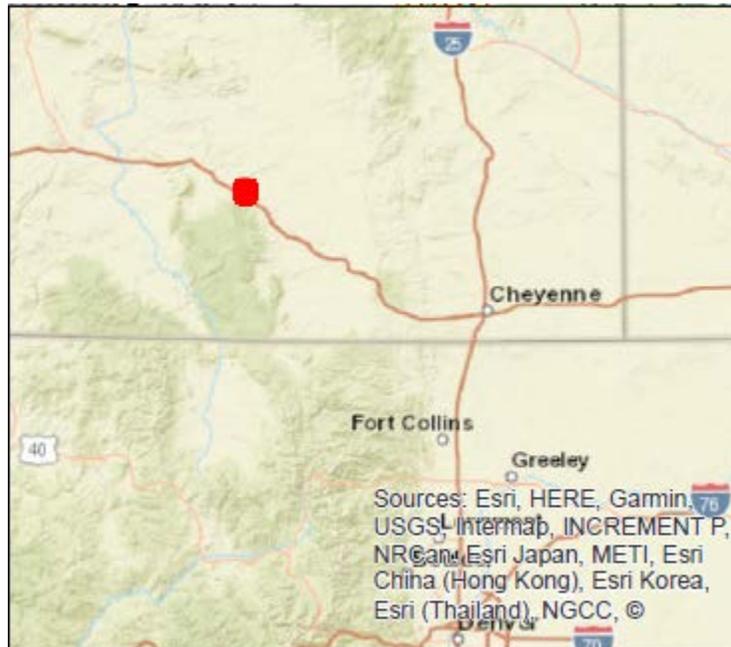
The lease terms and year round operation will remain unchanged due to this repower effort. Construction to prepare the site, remove the old turbines and install the 12 new turbines is expected to occur during construction season (spring/summer months) 2019 and 2020 - weather permitting.

For reference, the approximate center of the site is located in Township 19N, Range 78W, 6th PM at:

Latitude: 41°37'35.17"N

Longitude: 106°12'9.17"W

Please see the map below for the location and Attachment 2 for the site layout.

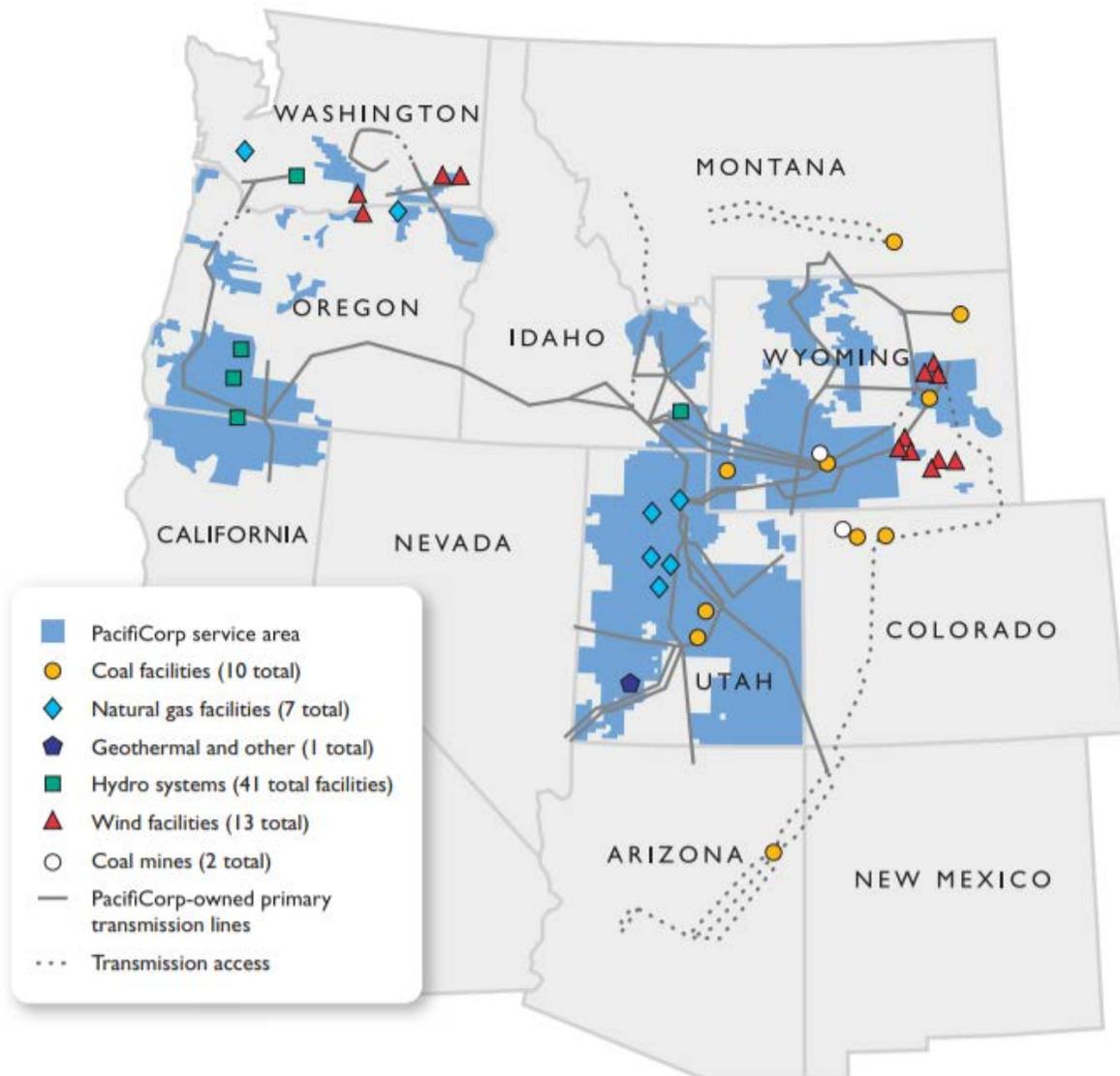


5.9 D.1 A.2

A description of the Applicant(s), Owner(s) and, if known, Operator(s) including their respective business structures;

PacifiCorp is one of the West's leading utilities, serving approximately 1.9 million customers in six states. The company was formed in 1984, when the electric utility, natural resource development and telecommunications businesses grew into full-fledged enterprises. In 1989, PacifiCorp merged with Utah Power & Light and continued doing business as Pacific Power and Utah Power. PacifiCorp is a subsidiary of [Berkshire Hathaway Energy](#).

Today, PacifiCorp consists of two business units: **Pacific Power**, which delivers electricity to customers in Oregon, Washington and California, is headquartered in Portland, Oregon; and **Rocky Mountain Power**, which delivers electricity to customers in Utah, Wyoming and Idaho, is headquartered in Salt Lake City, Utah. The below figure and facts provide an overview of PacifiCorp operations and customers. Additional details can be found in the fact sheet provided as Attachment 10 and PacifiCorp's Energy Vision 2020 provided as Attachment 15.



Corporate Information

Headquarters:	Portland, Oregon
Total number of employees:	5,500
PacifiCorp Chairman and CEO:	William J. Fehrman
Pacific Power President and CEO:	Stefan Bird
Rocky Mountain Power President and CEO:	Cindy Crane

Service Area

Area covered: 141,000 square miles
 States served:
 Pacific Power – California, Oregon, Washington
 Rocky Mountain Power – Idaho, Utah, Wyoming

Transmission and Distribution Lines

Transmission: 16,500 miles
Distribution: 64,000 miles
Substations: 900

Customers

Total: 1,867,000
Residential: 1,622,000
Commercial: 208,000
Industrial & irrigation: 37,000

Customers by State

Oregon: 580,492
Washington: 130,569
California: 45,078
Utah: 892,849
Wyoming: 140,712
Idaho: 77,623

Generation

Company-owned net generation capacity: 10,887 megawatts
72 generating plants:

- Coal-fueled facilities - 10 total
- Hydroelectric facilities - 41 total plants
- Natural gas facilities - 7 total
- Wind facilities - 13 total
- Geothermal facilities - 1 total

5.9 D.1 A.3

The name(s), address(es), phone number(s), and email(s) of the Applicant(s), Owner(s) and Operator(s), and all owner(s) of property on which the Project is to be located;

This is an existing WECS that has been operating for over 18 years. The lease agreements with the BLM and private landowners are long standing and current and PacifiCorp is in communication with all parties about the proposed activities. In lieu of lease agreement information, please find the Affidavit regarding the leases in Attachment 11 and landowner contact information is provided in Attachment 12.

5.9 D.1 A.4

The name(s), address(es), and phone number(s) of the Applicant(s), Owner(s) and Operator(s), and all property owner(s) within 1,000 feet of the geographical boundary of the WECS project site;

Please see Attachment 12 for a full list of surrounding surface property owners. This list comprises all landowners within 1 mile of the permit area.

5.9 D.1 A.5

A preliminary site plan for the installation of a WECS Project showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public & private access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;

Please see Attachment 2 for the proposed site plan.

5.9 D.1 A.6

A waste management plan that includes an inventory of estimated solid wastes to be generated, and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WECS project;

Dumpsters and portable toilets will be rented from a local sanitation company to collect and dispose of waste during construction. Cleanup crews directed by the environmental inspector will patrol construction sites on a regular basis to remove litter.

Hazardous materials anticipated to be used or produced during operation of FCR1 are not anticipated to change from those already in use on the site. Those materials fall into the following categories:

- fuels - gasoline (potentially containing benzenes, toluene, xylenes, methyl-tert-butyl ether, and tetraethyl lead) and diesel fuel utilized in construction and operations vehicles;
- combustion emissions - nitrogen oxides (NO_x, carbon monoxide (CO), and non-methane hydrocarbons (NMHCs) from construction and operations vehicles;
- lubricants - grease (potentially containing complex hydrocarbons and lithium compounds), gear oil and motor oil used in construction equipment, operations/construction vehicles, and turbine/road maintenance activities; and
- distribution line emissions - ozone and NO_x

No extremely hazardous materials (40 C.F.R. 355) are presently produced, used, stored, transported, or disposed of as a result of FCR1 operations nor anticipated for the repowering activities. All production, use, storage, transport, and disposal of hazardous materials as a result of this project has been in strict accordance with federal, state, and local government regulations and guidelines and will continue to be handled accordingly. In the event of a spill or leak (i.e., undesirable event), notice is immediately given by owner as required by law.

Spent fluids are currently and will continue to be recycled via a certified waste contractor.

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the WDEQ to obtain National Pollutant Discharge Elimination System (NPDES) compliance under Wyoming's NPDES

permit WYR10-0000. The SWPPP describes site-specific erosion control and stream crossing measures that will be implemented during construction. The Spill Prevention Containment and Countermeasures (SPCC) Plan describes procedures to be used in the event of an accidental spill from vehicles (e.g., motor oil, hydraulic fluid) or other equipment (e.g., transformer oil).

Materials currently on-site, such as gravel and road base, will be reused for the repowering to the extent possible and disposed of properly when reuse is not feasible. Waste anticipated to be generated is identified in the decommissioning/reclamation study provided as Attachment 19; however, quantities of material will be reduced because the roads, substation, operation and maintenance facilities, etc. will remain in place and continue to be operated. Each of the existing turbine sites (69 total) include a gravel pad, foundation, and transformer with the following approximate quantities:

- Foundations approximately 33 cu yd each.
- Tower and gravel pad approximately 1,300 sq ft each.
- Road turnouts per turbine approximately 365 sq ft.

5.9 D.1 A.7

A plan for reclamation of the surface after construction;

Reclamation will be conducted on all disturbed areas to comply with the BLM Wyoming policy on reclamation (BLM 1990). The short-term goal of reclamation will be to stabilize disturbed areas as rapidly as possible, thereby protecting sites and adjacent undisturbed areas from degradation. The long-term goal will be to return the land to approximate pre-disturbance conditions through the establishment of an ecologically sustainable vegetation community.

Turbine sites, including spur road (turnout) will be graded, gravel removed as necessary and seeded with selected seed mixture provided in Attachment 8. Revegetation efforts from original construction have been very successful as illustrated in the below photo showing current conditions at the site.



Revegetation Monitoring

Revegetation success will be monitored annually (during the growing season) by qualified reclamation specialists and inspected by a BLM representative. Revegetation will be considered successful if perennial species vegetation cover and density are equal to or greater than 50% of the perennial cover for adjacent undisturbed areas after 2 years and equal or greater than 80% after 5 years. Erosion condition will be rated using BLM's Erosion Condition Classification. Reclamation monitoring results will be documented annually and provided to the BLM (BLM 1995c) and the County as appropriate. Revegetation measures will be repeated, if necessary, until soils are stabilized and a sustainable vegetation community is established.

5.9 D.1 A.8

A list of all State and Federal agencies requiring approval and a copy of such approval, including all required studies, reports and certifications. In the event that a State or Federal Agency has not yet approved a required study, report or certification, then the conditional use permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the County;

PacifiCorp will ensure that all proper approvals from all authorities having jurisdiction will be obtained prior to taking any action requiring approval. Please refer to Attachment 13 for a list of all known authorities having jurisdiction over the Project and approvals required.

5.9 D.1 A.9

Letters of consent to permit from all surface property owners upon which the WECS project will be located or other legal documentation (leases, etc.) which demonstrate consent of the surface property owners for the WECS project;

This is an existing WECS that has been operating for over 18 years. The lease agreements with the BLM and private landowners are long standing and PacifiCorp is in communication with all

parties about the proposed activities. In lieu of contact information, please find Attachment 11, a signed Affidavit regarding the leases.

5.9 D.1 A.10

Certification that the proposed WECS project will comply with all the standards required by W.S. 18-5-504;

Wyoming Statute 18-5-504 dictates the following:

A. No board of county commissioners shall issue a permit for a wind energy facility if that facility:

(i) Does not comply with standards properly adopted by the board of county commissioners for the construction of wind energy facilities, which standards shall not be less stringent than the standards required by this article;

Acknowledged.

(ii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance;

Acknowledged.

(iii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way;

Acknowledged.

(iv) Would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified in this paragraph;

Acknowledged.

(v) Would locate the base of any tower at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure;

Acknowledged.

(vi) Would locate the base of any tower at a distance of less than one-half (1/2) mile from the limits of any city or town.

Acknowledged.

B. No rule, regulation or law promulgated or applied by any county in this state shall adopt a standard less stringent than the minimum standards established in subsection (a) of this section. The minimum standards stated in subsection (a) of this section shall be incorporated into every

existing or future county permitting or licensing process to which they are applicable so that no applicant for a permit under this article is required to submit more than one (1) application addressing these standards to any county.

Acknowledged.

C. No board of county commissioners shall issue a permit under W.S. 18-5-502(a) until that county has adopted rules and regulations governing the notice that the application for a permit must provide to the record owners and claimants of mineral rights located on and under lands where the wind energy facility will be constructed. The rules shall conform to rules adopted by the industrial siting council for the same purpose pursuant to W.S. 35-12-105.

Not applicable as this is an existing facility.

5.9 D.1 A.11

Certify that the proposed WECS project will comply with all applicable zoning and county land use regulations;

The Foote Creek Rim 1 Wind Energy Repowering Project will comply with all county zoning and land use regulations with regards to a commercial WECS. Please see page 4 of the Carbon County CUP application (Attachment 1) which contains an affidavit signed by a PacifiCorp authorized representative certifying the same.

5.9 D.1 A.12

Any other information normally required by the County as part of its Zoning Rules and Regulations;

PacifiCorp believes this application provides all the information required by the county to evaluate and approve a conditional use permit application, based on guidance received from the Carbon County Planning Department. If there is any additional information the county needs to evaluate this application, the county should not hesitate to reach out and request it. Please see the attachments for further information.

5.9 D.1 A.13

Conditional use permit application fee.

Please find an enclosed check for \$3,100

5.9 D.1 B

Certification that reasonable efforts have been undertaken to provide notice in writing, to all owners of land within one (1) mile of the proposed WECS project and to all cities and towns located within twenty (20) miles of the WECS project. Notice shall include a general description of the project, including its location, projected number of turbines and the likely routes of ingress and egress.

Once the Board's public hearing date has been set, written notice will be mailed to all land owners identified in Attachment 12 at least 30 days prior to the Board's public hearing.

5.9 D.1 C

Evidence of publication of notice of the proposed WECS project to be published in the official paper of Carbon County, twice in two (2) different weeks, at least twenty (20) days prior to the Board's public hearing on the application. The notice shall include a brief summary of the wind energy facility, invite the public to submit comments and identify the time and date of said hearing.

Notice will be published in accordance with the requirements above and evidence shall be provided to the County upon completion.

A community event to present the project and encourage questions from the public has been discussed with County staff; however, confirmation one should occur, and if so, where to hold such an event have not yet been determined. PacifiCorp will coordinate with the County to determine if such an event is necessary and if so, if it should be held in Medicine Bow Senior Center or an alternate location. A published notice will include information about the community event (should the County deem one necessary) once a date for the board's hearing date has been set and the event scheduled.

5.9 D.1 D

The Applicant shall notify the Carbon County Planning & Development Department in writing of any material changes to the information provided that occurs while approval of the WECS Conditional Use Permit application is pending.

Acknowledged.

5.9 D.1 E

During initial site selection, the Applicants are advised to consult with Wyoming Game and Fish Department (WGF) department. The Applicant(s) should submit evidence of consultation that the Applicant(s) has coordinated with WGF about the project. The Applicant(s) need not complete duplicative studies, but should provide the County Planning and Development Department with wildlife studies contained in existing environmental assessments and/or formal National Environmental Protection Act (NEPA) studies that cover the project area. The County Planning and Development Department will refer the application to WGF and any other relevant agencies for review and comment.

The site is a currently operating wind generating facility. A site visit of the existing facility and discussion of the proposed repowering activities was held on August 17, 2018 with the following representatives from Wyoming Game and Fish Department and the US Fish and Wildlife Service:

- Karen Rogers
- Rick Huber
- Linda Cope
- Angie Bruce
- Mark Conrad
- Meghan Lockwood

A copy of the Tier 1 & 2 Site Characterization Study is provided in Attachment 4.

5.9 D.1 F

The Applicants are advised to seek comments from the Wyoming State Historical Preservation Office (SHPO) for matters concerning archaeology and/or historical importance and to include relevant reports with the application. The Applicant(s) need not complete duplicative studies, but should provide the County Planning and Development Department with relevant historical or archeological studies contained in reports required by other jurisdictions. The County will refer the application to the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for review and comment.

PacifiCorp has consulted with SHPO, BLM and performed a Class 1 Cultural Resource Data Review which is provided as Attachment 16. Minor realignments to some roads, collector lines and the proposed Tower #2 location have been incorporated into the site plan to accommodate findings from the study and comments from SHPO.

Section 5.9 D.2 Design and Installation

5.9 D.2 A Design Safety Certification

WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Safety Code (NESC). Concurrently with building permit applications, the Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.

The Project will conform to applicable industry standards, such as ANSI, IEEE, and NESC. The Applicant will supply the applicable design certifications from the equipment manufacturers when the building permit applications are submitted, which is expected to occur once the wind turbine manufacturer has been selected and the relevant documentation is available from the manufacturer. These design certifications will come from a verified company. Design standards are provided in Attachment 22.

5.9 D.2 B Color

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 that is agreed upon by the County prior to authorization. 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.

The wind turbines will be painted off-white or light gray similar to the existing turbines on the site. A visual rendering is provided in Attachment 3 and Attachment 5.

5.9 D.2 C Signage

There shall be no signage or logo of any type allowed on the WECS tower(s) with the exception of safety signs, warning signs and identification signs or numbers and emergency contact signs.

Factory installed manufacturer's logo or an owner's logo will be permitted but cannot be illuminated. Any other signage shall only be allowed as approved by the County.

There will be no signage or logo of any type on the WECS tower(s) with the possible exceptions of manufacturer's logo, owner's logo, safety signs, warning signs, identification signs or numbers, and emergency contact signs. Markings on the wind turbines are expected to be located close to the ground and therefore will not be visually obtrusive. Factory installed manufacturer's logo or an owner's logo, though unlikely to be included, would not be illuminated. No other signage will be installed without approval from the County.

Section 5.9 D.3 Visual Resources

The Commission may recommend and the Board may require specific design standards or restrictions that will mitigate or prohibit the degree to which WECS may impact views, view-sheds and scenic or historic landscapes which may have important and unique character or value.

5.9 D.3 A Scenic Landscapes and Vistas

WECSs should be located such that they do not interfere with any designated Federal, State or County scenic resources, byways or scenic corridors to the greatest extent possible. WECS shall be located as far as possible away from important views in order to diminish the visual impact of the structure.

Not applicable as this is an existing wind generation facility.

5.9 D.3 B Visibility, Screening and Buffering

Wherever possible, WECS shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of screening the turbines from off-site views. To the greatest extent possible, WECS shall be sited such that mature vegetation and/or existing structures are located between the facility and public and private viewpoints.

Not applicable as this is an existing wind generation facility.

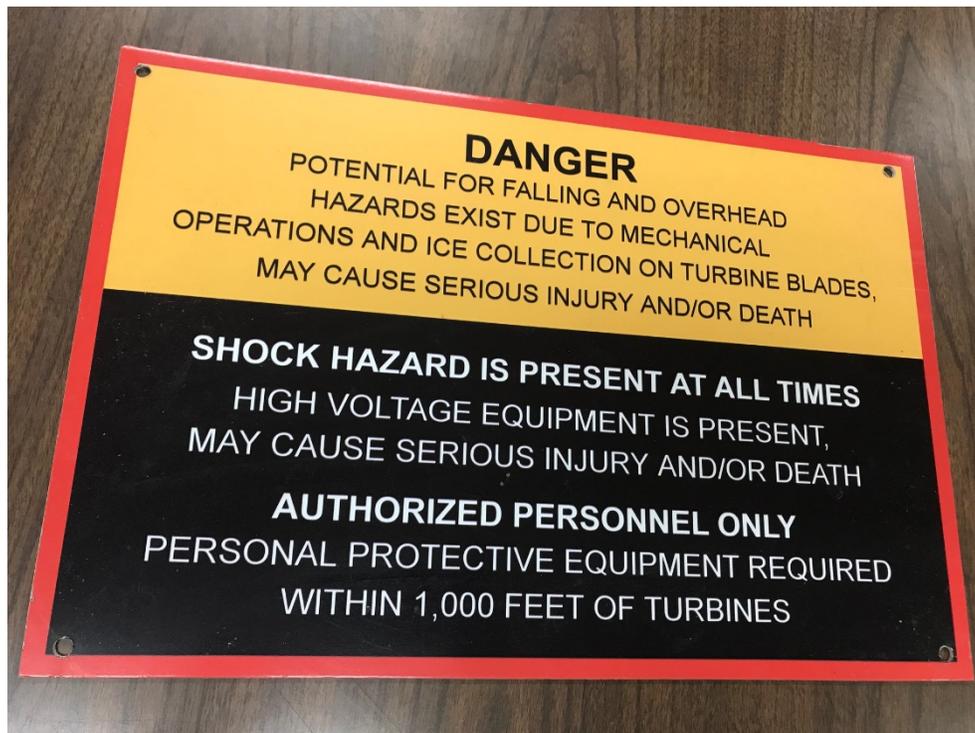
Section 5.9 D.4 Warnings

5.9 D.4 A

A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Collector substations.

A highly visible warning sign concerning voltage similar to those shown below will be placed on all pad-mounted transformers and collector substations. In general, all hazardous elements of the Project will be well-signed. In addition, the Project's emergency response plan (Attachment 17)

will incorporate appropriate responses to any scenarios involving electrical equipment that should arise during construction or operations.



5.9 D.4 D

For projects that are placed on land with public access; visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground.

The site is not accessible to the general public; however, reflectors are located on all guy wires as shown below.



5.9 D.4 E

Each application shall include an evaluation of Federal Aviation Administration (FAA) approved remote sensing beacons or Audio Visual Warning Systems (AVWS) that do not require continuous night-time wind farm aviation warning lighting (.).

Letters of evaluation from the FAA for each of the 12 proposed towers are included in Attachment 18.

Section 5.9 D.5 Exterior Climb Prevention

5.9 D.5 A

All WECS Towers must be unclimbable by design or protected by anti-climbing devices.

The WECS towers will be unclimbable except through an internal ladder behind a locked door to which only Operations and Maintenance personnel will have access. No apparatus that could be used for climbing more than a few feet off the ground (access stairs) will be mounted on the outside of the tower.

Section 5.9 D.6 Commercial WECS Setbacks and Standards

Commercial WECS Tower	Minimum Setbacks	Notes
Primary Structure	5.5 times the tower height	Unless waived in writing by owner, must be more than 1.1 times the tower height from any primary structure.
3 rd Party Transmission Lines	1.1 times the tower height	
Communication Towers	1.1 times the tower height	

Adjacent or Contiguous Property Lines	1.1 times the tower height	Not applicable to property lines within the WECS project.
County Residential Zone District, City or Town	0.5 miles	
Platted Subdivisions	5.5 times tower height	Unless waived in writing by owners, but no closer than 1,000 feet regardless
Right of Way: I-80 and State Highway 13	0.25 miles from ROW	Unless waived by Carbon County Board of Commissioners. Measured from edge of road.
County Roads and Railroads	0.25 miles from ROW	Unless waived by the County, measured from edge of road.
State Parks and Wildlife Refuges	0.25 miles	Unless waived by the County.

**Setbacks measured from center of tower foundation.*

***Setbacks may be modified at discretion of the Board to minimize degradation of the visual, environmental or acoustic character of the area.*

PacifiCorp will comply with all county zoning rules and regulations, including but not limited to, the regulations outlined in the above table, unless waivers are obtained from the appropriate parties.

Section 5.9 D.7 Federal, State and Local Requirements

5.9 D.7 A

Nothing in these Regulations 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 applicable. 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.

PacifiCorp has coordinated or communicated with the following agencies regarding the proposed repowering effort:

- US Fish and Wildlife Service
- Bureau of Land Management
- Federal Aviation Administration
- Wyoming State Historic Preservation Office
- Wyoming Game and Fish Department
- Carbon County Planning and Development

Because this is an existing wind energy facility that has been operating for 18+ years and already has an existing emergency response plan, weed management plan, etc. additional communication with local emergency response teams, the Wyoming Industrial Siting Council or

other agencies was not considered necessary. Should Carbon County wish PacifiCorp to consult with any other departments or agencies, we will be happy to comply.

Section 5.9 D.8 Use of Public Roads

Any Applicant(s), Owner(s), or Operator(s) proposing to use any public road(s), for the purpose of transporting WECS(s) or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:

5.9 D.8 A

Submit a report demonstrating how legal access will be provided to the WECS facility. The report shall describe how private roadways within the project will be marked as private roadways, and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use.

Foot Creek Rim 1 is accessed via US Highway 80 and State Highway 13. The access point to the Operations and Maintenance Facility from State Highway 13 is shown below. Site access to the wind generating equipment is through a secured gate located behind the O&M building which includes a fence, cattle guard, and manually operated gate which can be chain locked. All private access roads and driveways for the Project are already in place and are the exclusive responsibility of PacifiCorp. Carbon County does not bear any responsibility for their construction, upkeep, repair, etc.



5.9 D.8 B

Identify all public roads within Wyoming and submit conceptual mapping of all proposed haul routes with the WECS Conditional Use permit application. The report shall also include a traffic study, prepared by a Licensed Engineer, of any public roadways leading to and away from the proposed project during and after construction. The Board may require the Applicant(s) enter into a Road Use Agreement for the use of County roads prior to construction of the project. The road use agreement shall be developed by the Applicant(s) for review by the County Road & Bridge Department, Planning & Development Department, and the County Attorney's Office.

Attachment 9 includes a preliminary traffic study conducted by Logisticus Planning Group which includes conceptual haul routes and traffic on public roads. Once finalized, this study will be

stamped by a Wyoming Professional Engineer as required by Carbon County. No County roads are used for current operations and maintenance of the property nor are they anticipated to be used for the repowering effort; therefore, a County road use agreement is not necessary.

5.9 D.8 C

Prior to issuance of a building permit, obtain new access, access modification or change of use of access permit; utility crossing permits from WYDOT or applicable agency for impacts to any Federal, State or County Highway/Road facilities.

Not applicable as this is an existing and fully permitted WECS facility with existing access roads.

5.9 D.8 D

The Applicant(s), at the discretion of the Board, may be required to provide additional studies and reports, prepared by qualified professional(s), to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long-term road maintenance agreement will be required at the discretion of the Board.

PacifiCorp will be happy to consider such additional reports relating to transportation impacts as are deemed necessary by the county as a condition to permit approval.

5.9 D.8 E

Applicant(s), Owner(s), or Operator(s) must obtain any applicable weight or size permit(s) relating to transportation of WECS from the appropriate agency.

Prior to construction, the Applicant or its contractor selected to build the Project will obtain any and all applicable weight or size permit(s) relating to transportation of WECS from the appropriate agency. Heavy load and super load permits are expected to be obtained by the transportation company eventually selected to deliver the wind turbines to the site. Many of these permits are very short-term in nature and are only sought just prior to the transportation taking place.

5.9 D.8 F

The Applicant(s), Owner(s), or Operator(s) shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WECS Project; and

No County roads will be used; therefore, a baseline conditions survey is not anticipated to be necessary. However, if requested by the County, PacifiCorp will provide a baseline survey of existing road conditions via video documentation.

5.9 D.8 G

Secure Financial Assurance in a reasonable amount at the discretion of the Board, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS Project. The amount of financial assurance shall be submitted as an estimate signed and sealed by a Licensed Engineer and submitted as part of the road use agreement. If the Owner(s) of the WECS project is a person regulated by the Wyoming Public Service Commission, the requirements of the subparagraph shall not apply.

Not applicable as PacifiCorp is regulated by the Wyoming Public Service Commission.

5.9 D.8 H

The use of public roads and other infrastructure shall be in accordance with and in compliance with County regulations governing such activities. Any degradation to, or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of WECS Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use. If Carbon County has entered into any Memorandum of Understanding with any other counties in the proposed WECS Project(s), including counties in other states, as applicable, the Owner(s) shall furnish proof of compliance with the requirements of any such county.

PacifiCorp will comply with all rules and regulations surrounding public roads and other infrastructure in Carbon County and will take responsibility for impacts to public roads resulting from the repowering effort.

Section 5.9 D.9 Additional Permitted Uses

5.9 D.9 A

The County may allow the Applicant(s) to include certain accessory type uses on a WECS Project facility property, such as on-site security and communications facilities necessary for the operation of the WECS Project, a visitor center where the public may be permitted to visit the facility and obtain information about the facility and wind farms in general. Information centers, kiosks or markers on state wildlife and historical issues may be included with approval of such accessory uses. Directional signage may be allowed upon issuance of a sign permit.

PacifiCorp does not anticipate construction of any additional facilities of this nature as part of this repowering effort.

Section 5.9 D.10 Operations and Maintenance

5.9 D.10 A

Routine scheduled maintenance shall include the repainting of equipment and structures, grounds or landscaping as appropriate to the location. If the Owner(s) of the WECS project is a person regulated by the Wyoming Public Service Commission, the requirements of the subparagraph shall not apply.

Not applicable as PacifiCorp is regulated by the Wyoming Public Service Commission. A copy of typical O&M activities is provided in Attachment 21.

5.9 D.10 B

All solid wastes and hazardous materials related to the construction, operation and maintenance of a WECS 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.

All solid wastes and hazardous materials related to the construction, operation and maintenance of Foote Creek Rim 1 will continue to 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. Any hazardous materials or wastes that are present at the site and associated with the Project will be properly contained, and a spill response plan will be in place to ensure that, in the event of an accidental spill or leakage, there will be no contamination or transmission downstream.

5.9 D.10 C

On April 1st 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 County Planning and Development Department a statement that lists all WECS currently inoperative for longer than six continuous (6) months. All WECS that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Owner(s) provides a written plan and schedule acceptable to the Commission for refurbishing and/or reactivating the inoperative WECS. If the Owner(s) of the WECS project is a person regulated by the Wyoming Public Service Commission, the requirements of the second sentence of this subparagraph shall not apply.

Acknowledged. PacifiCorp is regulated by the Wyoming Public Service Commission.

5.9 D.10 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.

This is an existing facility that has successfully controlled noxious and invasive weeds and will continue to do so. A copy of the Weed Management Plan is provided as Attachment 7.

5.9 D.10 E Interference

The Applicant(s) shall provide the applicable wireless telecommunication service providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with their communications resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference (5.9 D.10 E.1).

Acknowledged. This is an existing facility that has not had issues with interference in the past; however, PacifiCorp will file the proposed Wind Turbine locations with the National Telecommunications and Information Administration so they can confirm all locations are sited outside of communication beam paths.

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 (5.9 D.10 E.2).

In the event that any such complaints are received, PacifiCorp will investigate and determine what reasonable corrective action(s) may be needed and then implement accordingly.

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 (5.9 D.10 E.3).

Only aviation safety lights required by the FAA and of a style approved by the FAA shall be installed. Down-shielded lights will be used for external turbine entry areas.

Section 5.9 D.11 Coordination with Emergency Services

5.9 D.11 A

The Applicant(s), Owner(s) or Operator(s) shall submit a written emergency management plan for review and comment to the County and local fire department, County Emergency Management Coordinator and the County Sheriff. If the WECS Project extends into another county, the emergency plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other affected county. If the conditional use permit is granted, the plan shall be supplemented and revised following construction of the WECS project and prior to its operation, if there are any variations in the project construction which would materially impact the original emergency management plan.

This is an existing facility. The proposed repowering is not anticipated to materially impact the existing emergency management plan which is provided as Attachment 17.

Section 5.9 D.12 WECS Project Mapping

5.9 D.12 A

To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the Owner(s) or Operator(s) shall provide the County Planning and Development Department with a detailed map of the site within ninety (90) days of when operation begins. This 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. This Map shall be updated by the Owner(s) or Operator(s) every five (5) years or after the completion of any significant additional construction, whichever occurs first.

Acknowledged.

Section 5.9 D.13 Reclamation and Decommissioning Plan

For WECS Projects not owned or operated by a Public Utility subject to decommissioning and reclamation requirements of the Public Service Commission per W.S. §35-12-105:

Not applicable because PacifiCorp is regulated by the Wyoming Public Service Commission. A decommissioning/reclamation plan is included as Attachment 19.

Tax Certificates

Copies of the tax certificates are provided in Attachment 20.