

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING**

**Tuesday, October 1, 2024, 9:00 a.m.
Carbon Building- Courthouse Annex,
215 W. Buffalo Street, Second Floor, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 1, 2024, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, Sue Jones, Vice Chairman Travis Moore, Commissioners John Johnson, John Espy and Garrett Irene.

Chairman Jones called the meeting to order at 9:00 a.m.

ADDITIONS / CORRECTIONS

Commissioner Johnson moved to approve the agenda as presented. Commissioner Irene seconded and the motion passed unanimously.

VOUCHERS

Vice Chairman Moore moved to approve the report of expenditures in the amount of \$378,009.99. Commissioner Johnson seconded and the motion passed unanimously.

Vendor	Detail Line Description	Total
Abels, Duane E.	County Health Services	\$1,633.00
Advanced Network Mgmt., Inc.	Smart Net Renewal & Email Sec.	\$47,728.63
Amazon Capital Services	Wall Clock, Light & Tank Cleaner	\$305.53
Apex Communications	Radio Contract Services	\$4,000.00
Archuleta, Janell	Electronic Monitor Deposit Refund	\$875.00
Ardurra	Dixon Airport Hangar Acquisition	\$8,775.70
Artistic Custom Badges & Coins LLC	Sheriff Buckles	\$698.70
AT&T Mobility	CCSO MDT Service	\$1,678.60
Baggs, Town of	Sheriff Office Space Rent	\$150.00
Bank of Montreal - Mastercard	3 New Registrations	\$35,660.59
Big Bale Company	Mount & Balance Tires	\$70.00
Black Hills Energy	Heating	\$5,267.09
Blue Knight Security LLC	Jail Extraditions	\$4,925.00
Buchanan, Karen	Mileage	\$66.00
Buchanan, Lois	Mileage	\$63.80
Camarillo, Amanda	Fuel/Lodging	\$218.21
Carbon County Fair Board	Monthly Agency Payment	\$2,725.00

Carbon Co. Fire Protection District	Install Deck Beds/Oil Changes	\$192.50
Carbon County Library	Monthly Agency Payment	\$29,247.00
Carbon County Museum	Monthly Agency Payment	\$18,995.00
Carbon County Senior Services	Monthly Outside Agency Payment	\$72,850.00
Casper Winnelson Co.	Valves	\$727.20
Charm-Tex, Inc.	Jail Inmate Uniforms	\$424.00
Clegg Barbara A.	Meals	\$18.66
Clerk of Dist. Court (Jurors)	Juror Payments	\$5,479.22
Cook, Edith	Mileage	\$24.20
Core Legal, LLC	Legal Services	\$128.00
Culligan Water Conditioning	Water Softener	\$625.00
Daily Times	Jail Newspapers	\$187.92
Dixon, Town of	Ater Services	\$308.00
Dynamic Controls Inc.	Door Card Reader & Repairs at Jail	\$14,019.12
Erickson & Roberts	Legal Services	\$151.75
ETG Systems, Inc.	Annual Fire Inspections	\$5,125.00
Fatbeam LLC	Fiber & Internet	\$4,590.00
Further	Participant Fees & Health Reimb.	\$3,632.58
Fusable	Online Blue Book Subscription	\$1,239.95
Galls/Quartermaster	Nameplates	\$14.54
Goodman, John W.	Electronic Monitor Deposit Refund	\$820.00
Goodman, Kevin	Electronic Monitor Deposit Refund	\$51.00
Grainger	Vacuum Cleaner	\$286.05
Gulbrandson, Kimberly A.	Mileage	\$39.05
Hahn Construction	Fair Week Help	\$1,075.00
Hays, Patricia	Mileage	\$89.10
High Plains Power	Electric Services	\$400.06
Iacovetto, Karon	Carbon Bldg. Contract Custodial	\$8,230.00
Imprivata, Inc.	Imprivata Readers & Licenses	\$20,995.60
Jack's Body & Fender Repair	Abandoned Vehicle Tow Charges	\$388.00
K2 Towers III, LLC	Radio Site Rent	\$2,318.54
Kaluzny, Emily	Personal Phone Usage September	\$30.00
Kilburn Tire Company	5 Blade Tires	\$8,126.00
KTGA/KBDY	Radio Ads	\$99.00
Lawson Products Inc.	Hex Cap Screws	\$36.70
Lifetime Benefit Solutions, Inc.	Cobra Fee	\$35.00
Merck Sharp & Dohme Corp.	Vaccines	\$2,817.99
Miller, Ken	Mileage	\$84.70
Morse, Kimberley	Meals & Mileage	\$29.03

Moss, Barbara	Mileage	\$50.60
Napa - Saratoga	Fluid Filter & Def Filter	\$98.81
Nation, Leslie H.	Mileage	\$93.50
Norco, Inc.	Misc. Supplies	\$2,685.09
Nugent, Mark	Reimbursement For Training	\$190.32
Offender Watch	Sex Offender Notifications	\$55.48
O'Reilly Auto Parts	Clevis Pin/Wipes/Hand Towels	\$53.45
Parker, Elizabeth	Mileage	\$13.59
Personnel Evaluation, Inc.	Pre-Employment Evaluations	\$250.00
Pinnacle Public Finance, Inc	Lease Remaining Balance	\$598.07
Quill Corporation	Batteries	\$39.78
R.P. Lumber Company, Inc.	Misc. Building Supplies	\$318.81
Rawlins Automotive	Misc. Auto Supplies	\$392.12
Rawlins Hardware - 5410	Misc. Parts and Supplies	\$392.76
Rawlins Pack and Ship LLC	FedEx Shipping Label	\$47.08
RDO Equipment Co.	Maint & Repair John Deere Trans.	\$5,265.06
Shippy Solutions LLC	Interpretation Services	\$20.00
Shively Hardware	Misc. Parts & Supplies	\$370.97
Slow and Steady Law Office, PLLC	Legal Services	\$7,480.00
Smith Psychological Services	Employee Eval	\$400.00
Smith, Chelsy	Ee Year of Service Jacket	\$64.00
Snake River Press	Candidate Filing Ad	\$72.00
Spaulding, Dawnette	Mileage & Meal Reimbursement	\$234.18
Staples Advantage	Misc. Office Supplies	\$369.94
State of Wyoming DCI	Sex Offender Fees	\$50.00
Stericycle, Inc.	Safe Budget Subscription	\$50.80
Stinker Stores Inc.	Fuel	\$3,822.02
Summit Food Service	Jail Meals	\$13,890.99
Swanson Services Corporation	Jail Commissary	\$1,438.60
Swanson, Rachel A.	Meal	\$25.44
Tin Boy Garage	Tire Repair, Fuel Filter & Repair	\$114.34
Trevathan, Sabrina RDR	Transcription Services	\$26.25
Tyler Technologies, Inc.	Software Support & Web Hosting	\$3,743.79
UPRSWDD	Trash Services	\$152.00
Van Pelt, Rubi L	Mileage	\$133.10
Wilson, Karon	Mileage	\$82.06
Wohl, Judith	Mileage	\$88.00
WY Dept of Health	State Vehicle Usage	\$295.63
WY Machinery Company	Supply Parts	\$19.69

Wyoming Cleaning & Solutions LLC	Ch Monthly Janitorial Services	\$6,583.33
Wyoming Law, PC	Legal Services	\$1,710.00
Y2 Consultants, LLC	Chokecherry P&Z Land Use Plan	\$4,687.50
Zumbrennen Electric Inc.	Run Conduit/Install ESD Box	\$2,769.53

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. Clerk Bartlett noted the consent agenda includes the September 17, 2024, regular meeting minutes; a Continuation Certificate for Lori Smith, Treasurer for the Carbon County Museum in the amount of \$1,000.00; Bonds for Wade R. Nelson, Council Member for the Town of Elk Mountain in the amount of \$25,000.00 and Travis Harding, Treasurer for the Baggs Solid Waste Disposal District in the amount of \$10,000.00; and monthly receipts from the Planning and Development Department in the amount of \$19,340.00. Commissioner Johnson seconded and the motion passed unanimously.

UW EXTENSION – NATIONAL 4-H WEEK PROCLAMATION

Emily Haver, UW Extension Educator, 4-H Youth Development for Carbon County, presented a Proclamation for National 4-H Week. Chairman Jones read the proclamation.

Commissioner Espy moved to declare October 6-12, 2024, National 4-H Week and to authorize the Chairman's signature on the Proclamation for National 4-H Week. Commissioner Irene seconded and the motion passed unanimously.

2024 National 4-H Week Proclamation

WHEREAS, The Carbon County Commissioners are proud to honor the Wyoming 4-H Youth Development Program of the University of Wyoming Extension Service for providing over 100 years' experience-based education to youth throughout the Equality State; and

WHEREAS, This admirable program, which seeks to provide a learning experience for all youth through their head, heart, hands, and health, helps young Wyomingites to acquire knowledge, develop life skills, and form attitudes to enable them to become self-directed, productive, and contributing members of our society; and

WHEREAS, The program's more than 7,200 urban, suburban, and rural youth participants, ranging in age from eight to eighteen, come from diverse ethnic and socioeconomic backgrounds and truly represent a cross-section of the state; and

WHEREAS, The program undoubtedly could not have achieved the success that it has today were it not for the service of its' more than 1,200 volunteers, who have given generously of their time, talents, energies, and resources to the youth of Wyoming; and

WHEREAS, Throughout its proud history, the 4-H program has developed positive role models for countless Wyomingites through its innovative and inspiring programs, and continues to build character and instill the values that have made our state strong. Now, therefore, be it

RESOLVED, The Carbon County Commissioners, hereby designate October 6-12, 2024, as National 4-H Week in Carbon County, and commend the 4-H Youth Development Program of the University of Wyoming Extension Service and the many men and women who have made the program a success.

-s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest: -s- Gwynn Bartlett, Carbon County Clerk

EMPLOYEE APPRECIATION

Department heads recognized employees having reached years of service milestones in October.

ELECTED OFFICIALS & DEPARTMENT HEADS

Road and Bridge

Kandis Fritz, Road and Bridge Coordinator discussed County Road 504, Hay Creek and County Road 500, Jack Creek – 504 that is located just East of Saratoga asking if she should mill them or repave. The engineering firm estimated over \$2 million to pave it plus continued chip seal therefore she suggested milling and applying mag chloride periodically. The BOCC agreed and Ms. Fritz stated it would be completed next spring.

There was discussion of utilizing the proceeds from the sale of the Medicine Bow Road & Bridge living quarters for that department less any fees the county had in moving the building. Those fees should only be filling the hole and reapplying gravel to the parking lot. Kandis reported that her staff can fill the hole.

Sheriff

Alex Bakken, Carbon County Sheriff requested and received authorization to purchase a new vehicle using insurance settlement funds from the 2016 Ram that was totaled earlier this year. The settlement amount was \$66,972.31 after deductible and the funds will be available in the vehicle fund #172. If the vehicle were more, he would pull from impact funds for the difference.

The fall Search & Rescue meeting will be held October 14 in Saratoga and will include avalanche observation equipment discussion and to review bylaws to split the group into east and west divisions.

Certification of Recommended Action

Kristy Rowan, Planning & Development Coordinator and Zoning Administrator presented Certification of Recommended Action and requested a public hearing be scheduled. The applicant is C.U. Case #2023-03 (IL Zone) – MT Fleet Service, Jane Tierras LLC.

Commissioner Irene moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission concerning the following case file: C.U. Case #2024-03 (IL ZONE) “MT Fleet Service” - Jane Tierras LLC’s request for a Conditional Use Permit in the Limited Industrial (IL) Zone to permit and operate an auto wrecker service and schedule a public hearing for November 12, 2024, at 11:30 a.m. at the Carbon Building – Courthouse Annex in Rawlins, Wyoming. Commissioner Espy seconded and the motion passed unanimously.

Ms. Rowan presented another Certification of Recommended Action and requested a public hearing be scheduled for the Carbon County Flood Damage Prevention Ordinance.

Vice Chairman Moore moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission concerning the Carbon County Flood Damage Prevention Ordinance and schedule a public hearing for December 3, 2024, at 11:30 a.m. at the Carbon Building – Courthouse Annex in Rawlins, Wyoming. Commissioner seconded and the motion passed unanimously.

Public Health

Public Health Nurse, Amanda Brown reported flu shot clinics are beginning and will include Covid as well along with numerous other office updates.

Treasurer

Lindsey West, Carbon County Treasurer reported property tax statements were recently mailed, she and Assessor Snider are holding community meetings about tax structure, valuation and various programs available to help with the cost of property taxes.

Attorney

Ashley Davis, Carbon County Civil Attorney requested and received approval to fill a vacant legal assistant position beginning October 2, 2024. Ashley discussed the Attorney’s Office budget and a mistake made cutting the budget too much. She noted the entire juvenile agent’s salary was budgeted for but only needed half as the remainder is grant paid. The BOCC authorized them to utilize up to \$74,000 for an attorney position.

Clerk

Gwynn Bartlett, Carbon County Clerk requested and received authorization to replace a vacant position in her office. She reported absentee ballots will be mailed October 8 and at this time there are only about 900 requests. She presented 2024 BCBSWY renewal and plan change form for board approval and chairman’s signature.

Commissioner Johnson moved to approve the BCBSWY ASO Group Reopening Request and ASO Group Plan Changes. Commissioner Espy seconded and the motion passed unanimously.

CITIZEN/COMMISSIONERS DISCUSSION

Commissioner Espy reported Carbon, Natrona, Fremont and Sweetwater counties will be hosting the summer 2025 Natural Resource tour. Carbon County will likely be the county responsible for any expenses for the tour. If Carbon County takes this on, someone will need to apply to the Governor's Office for \$25,000 from the NERPA account.

Commissioner Espy had a call last week with the US Forest Service concerning the National Old-Growth Amendment Draft EIS and while he felt heard he didn't feel there will be progress. He asked that when the draft final is completed that a few of the commissioners be able to review the draft to find any fundamental errors. He stated that he did not receive a response regarding this request.

Vice Chairman Moore discussed the National Heritage area feasibility study. Chairman Jones reported she attended the Antelope Creek School grand opening in Garrett, Wyoming. The building Albany County purchased from the County is now being utilized for this school.

TOWN OF SINCLAIR

Monte Thayer, Community Events Director provided a courtesy notification to the BOCC regarding a firework display that will be occurring within the Town of Sinclair during the "Light the Night Festivities" event on November 22, 2024. Originally the display was planned for their 100-year anniversary however due to dry conditions they opted to postpone until November. They will be shot off near the dump to avoid the HF Sinclair property and Interstate 80. If conditions, including wind, don't permit they will not proceed.

CARBON COUNTY LAND USE PLAN

Bree Burton with Y2 Consultants provided an update on the Carbon County Land Use Plan. Doug Boyd with WLC Engineering was present along with Planner Rowan and Jay Grabow, Planning Commission member. Ms. Burton stated they are reviewing the 2012 land use map to ensure it is still relevant for the development occurring in the county with a draft to be done in the next couple weeks. There will be a final review of the entire plan over two days to "work out the kinks" in late October, early November after which there will be public comment from citizens.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:40 a.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Vice Chairman Moore seconded and the motion passed unanimously.

Commissioner Espy moved to come out of executive session at 11:20 a.m. noting no action was taken and that the minutes be signed and sealed. Vice Chairman Moore seconded and the motion passed unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Chief Executive Officer, Gerald Parton and Stephanie Hinkle, Director of Strategic Operations provided an overview of the hospital's operations and recruiting efforts. Ms. Hinkle provided an update on behalf of the PAC organized to promote the formation of the hospital district.

C.U.W. Case #2012-01 – AMENDED - Power Company of Wyoming, LLC - Conditional Use Permit Wind - "Chokecherry and Sierra Madre Wind Energy Project"

Chairman Jones opened a public hearing at 1:30 p.m. to hear Planning & Zoning C.U.W. Case #2012-01-AMENDED, Power Company of Wyoming, LLC (Applicant) and Various Land Owners (Federal, State, and Private) request to allow the applicant (Power Company of Wyoming) to amend the Conditional Use Permit-Wind for a Commercial Wind Energy Facility in a Ranching, Agriculture, Mining (RAM) Zone from their original Conditional Use Permit-Wind Application which was to install, construct, operate, and maintain the "Chokecherry and Sierra Madre Wind Energy Project". The original CUP was approved by Resolution No. 2012-43, on October 2, 2012, for C.U. Case File #2012-01 - Power Company of Wyoming, LLC - Conditional Use Permit Wind - Permit Extension Request for the "Chokecherry and Sierra Madre Wind Energy Project" and later extended. The project is located south of Rawlins and South of Sinclair within the "checkerboard" of alternating private lands and public lands managed by the U.S. Bureau of Land Management. Lands managed by the State of Wyoming are also included within the project area. The Application Area is located almost entirely on The Overland Trail Ranch, an approximately 320,000-acre cattle ranch (The Ranch). The Ranch is owned and operated by The Overland Trail Cattle Company LLC (TOTCO), an affiliate of PCW. The Application Area includes two wind turbine development areas: "Chokecherry" is the northern development area, and the "Sierra Madre" is the southern development area. The Project facilities that will be located outside of those two development areas include a rail unloading facility, operations and maintenance facility, interconnection substation(s), and main haul road. Likely access points: Approximately 17 miles south of Rawlins on Carbon County Road #401 (western and southern access into the project); south of Sinclair at I-80 Exit 221, the CIG Plant Road (northern access into the project).

Roxanne Peruso, Kara Choquette and Ryan Jacobson discussed progress and noted they have contracted with Transwest for the power capacity. They have reduced the number of turbines by 40% and the project facilitates economic development and increased tax collections and the group feels they meet the criteria for an extension for commencement of operations from September 9, 2024, to June 1, 2029. Commissioner Johnson questioned the change in height of the turbines noting he is unsure how to best serve the public and their interest because of the increased visual impact compared to what was shown in earlier presentations of how it was anticipated to appear. He did ask if the bird strikes are more or less with the new turbines than the ones originally planned. Ms. Peruso stated the estimated eagle take is less than originally anticipated based on their own modeling and the US Fish & Wildlife Service. She added they had a 5-year eagle take permit which has expired and they currently have pending applications for 30 year permits requiring a rigorous

process. In addition, they are retrofitting power poles where eagles have been taken and Ms. Peruso stated the retrofits are currently the only way to obtain credit against their take permit.

Commissioner Irene stated his appreciation for the reduction in towers and asked the plan for disposal of turbine blades when struck by lightning. Ms. Choquette stated disposal of blades can be in an approved landfill and that their project, and others are required to submit such a plan during their permitting process. She added vendors are continuously investigating better blade design and using more recyclable materials. Ms. Choquette said years ago their exercise looked at the Casper landfill for disposing of blades. Commissioner Johnson asked what the plan would be should no local landfills take them and Mr. Jacobson stated they would find an approved landfill even if outside Wyoming. He added failures are minimal and rather 30 plus years down the road when turbines have reached their useful life is when the majority of disposal would occur.

Chairman Jones asked if there is an amended obstruction evaluation with the Federal Aviation Administration and Mr. Jacobson stated they utilized a consultant for this task and they meet the appropriate requirements.

Commissioner Johnson asked if they planned to utilize technology to shut down turbines when eagles are in the area. Ms. Peruso stated as part of their eagle conservation plan, they have investigated this as a potential in addition to biologists to be in the area and manually shutting them down. This may be a technology-based curtailment or a human curtailment.

Kristy Rowan, Planning & Development Coordinator and Zoning Administrator presented the case file.

Chairman Jones called for comments for or against the case. There being no comments, Chairman Jones closed the hearing at 2:17 p.m.

Commissioner Espy abstained from all discussion and will abstain from the vote on the matter as well.

Commissioner Johnson moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2024-24, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U.W. Case #2012-01-AMENDED, Power Company of Wyoming, LLC (Applicant) and Various Land Owners (Federal, State, and Private) request to allow the applicant (Power Company of Wyoming) to amend the Conditional Use Permit-Wind for a Commercial Wind Energy Facility in a Ranching, Agriculture, Mining (RAM) Zone from their original Conditional Use Permit-Wind Application to install, construct, operate, and maintain the "Chokecherry and Sierra Madre Wind Energy Project" and located south of Rawlins and South of Sinclair within the "checkerboard" of alternating private lands and public lands managed by the U.S. Bureau of Land Management. Vice Chairman Moore seconded and the motion passed with all voting for the motion except Commissioner Espy who abstained due to conflict.

Resolution No. 2024 – 24

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming
adopting the recommendation of the Carbon County Planning and Zoning Commission.
C.U.W. Case File #2012-01**

Commercial Scale Wind Energy Facility

“CHOKECHERRY AND SIERRA MADRE WIND ENERGY PROJECT”

WHEREAS, pursuant to Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities; and §18-5-502, County Regulation of Wind Energy Project; and

WHEREAS, pursuant to Section 6.1-Commercial Scale Energy Facilities-Overlay District and Section 6.2-Commercial Scale Wind Energy Facilities, of the Carbon County Zoning Resolution of 2015, as amended, the Carbon County Planning and Zoning Commission held a public meeting on Monday, September 9, 2024, which said meeting was advertised by public notice prior to said meeting; and

WHEREAS, at said public meeting, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said meeting; and

WHEREAS, at the conclusion of said meeting, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 6.2-Commercial Scale Wind Energy Facilities (Part A, Item #13, Part E), for Carbon County, Wyoming; and

WHEREAS, notice of the proposed Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 6.2 and W.S. §18-5-506. The notice, published in both the Rawlins Times on August 24, 2024, and September 7, 2024, and Saratoga Sun on August 22, 2024, and September 5, 2024, included a brief summary of the Wind Energy Facility, invited the public to submit comments and identified the time and date of the hearing. As required by Section 6.2 (Part A, Item #13, Part C), the Applicant did submit affidavits of public notice in their application for Conditional Use Permit prior to the Board's hearing. In addition, the County prepared a notice and published said notice in in the Rawlins Times on August 24, 2024, and the Saratoga Sun on August 22, 2024, that included a brief summary of the proposed Wind Energy Facility and invited the public to submit comments and identified the time and date of the hearing; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Wind Energy Facility; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to the record owners of mineral rights located on or under the lands where the proposed Chokecherry and Sierra Madre Wind Energy Project will be constructed. Said notice included a statement of the applicant's intention to construct the Chokecherry and Sierra Madre Wind Energy Project, features of the

project, a legal description of the boundaries of the project, and where the application may be examined and persons to contact for additional information; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 6.2-Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities and after receipt of said certified recommendation from the Carbon County Planning and Zoning Commission; held a public hearing, which said public hearing occurred on Tuesday, October 1, 2024; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed Wind Energy Facility; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities and the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 6.2-Commercial Scale Wind Energy Facilities; and

WHEREAS, the Carbon County Board of County Commissioners have received certification that the proposed WECS project will comply with all the standards required by W.S. 18-5-504; and received certification that the proposed WECS project will comply with all applicable zoning and county land use regulations; and determined that the proposed Wind Energy Facility is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application for a Commercial Wind Energy Facility.

C.U.W. Case #2012-01-AMENDED: Request to Amend the Conditional Use Permit-Wind for a Commercial Wind Energy Facility in a Ranching, Agriculture, Mining (RAM) Zone. The request is to allow the applicant (Power Company of Wyoming) to amend their original Conditional Use Permit-Wind Application to install, construct, operate, and maintain the “Chokecherry and Sierra Madre Wind Energy Project”.

The proposed amendment would approve the Project’s reduced number of maximum wind turbines, update wind turbine dimensions (Optimized Design), and extend PCW’s deadline for commencing operation of the Project by approximately five years, from September 9, 2024, to June 1, 2029. The project area boundary, wind development areas, setbacks, etc. remain the same as previously permitted.

Project Description: The Chokecherry and Sierra Madre Wind Energy Project consists of constructing, operating, maintaining and decommissioning up to 622 wind turbine generators and all associated components and facilities that are desirable to generate electricity and deliver electricity to the transmission grid. The Project has a potential of generating 3,550-3,750 megawatts and includes all wind energy system components associated with the wind turbine generators, including without limitation the following major components:

- Wind energy generating systems, including supporting towers, foundations, and other associated equipment or structures;
- Collection system, including substations and internal transmission lines;
- All interconnection substations;
- Electric transformers and associated substations;
- Energy storage facilities, and all of the interconnection facilities;
- Telecommunication equipment, lines, and facilities;
- Overhead and underground electrical distribution, collection and, transmission systems;
- Road network, including all internal roads and the limited use of a few public roads and including crane pads and staging areas;
- Rail unloading and distribution facility;
- Construction labor camp;
- On-site Utilities such as water supply and treatment and sewage treatment; and,
- All accessory uses necessary for operations and maintenance of the Wind Energy Facility, including an operations & maintenance center, storage, parking facilities, and similar support facilities.

Petitioners: Power Company of Wyoming, LLC (Applicant) and Various Land Owners (Federal, State, and Private)

Application Area/General Location: The Application Area is south of Rawlins and South of Sinclair within the “checkerboard” of alternating private lands and public lands managed by the U.S. Bureau of Land Management. Lands managed by the State of Wyoming are also included within the project area.

The Application Area is located almost entirely on The Overland Trail Ranch, an approximately 320,000-acre cattle ranch (The Ranch). The Ranch is owned and operated by The Overland Trail Cattle Company LLC (TOTCO), an affiliate of PCW.

The Application Area includes two wind turbine development areas: “Chokecherry” is the northern development area, and the “Sierra Madre” is the southern development area. The Project facilities that will be located outside of those two development areas include a rail unloading facility, operations and maintenance facility, interconnection substation(s), and main haul road.

Likely access points: Approximately 17 miles south of Rawlins on Carbon County Road #401 (western and southern access into the project); south of Sinclair at I-80 Exit 221, the CIG Plant Road (northern access into the project).

CONDITIONS OF APPROVAL:

1. Conditional Use Permit is granted for up to 622 wind turbines and accessory uses as generally described in the application. The Applicant(s) shall notify the Carbon County Planning and Development Department in writing of any material changes to the Project subsequent to the County issuance of the Conditional Use Permit.

2. When the wind turbines are decommissioned and removed from service pursuant to this Conditional Use Permit-Wind Application, the Applicant shall reclaim the existing foundations to a depth of 36 inches or to the existing depths required by the State and County at the time of reclamation, whichever standards are more stringent shall apply.
3. 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.
4. This permit is subject to approval of an Amended Permit for the Chokecherry and Sierra Madre Wind Energy Project; DEQ/ISC 12-07 by the Industrial Siting Council and/or the State of Wyoming Department of Environmental Quality. The Applicant(s) shall submit a copy of all subsequent Federal and State approvals, including all required studies, reports and certifications prior to the issue of any applicable building permits.
5. All structures proposed within the application area require a building permit. Multiple WECS Towers 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. Project structures other than WECS Towers require an individual building permit application for each structure.
6. 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.
7. 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.
8. The Applicant(s) shall enter and submit a Public Road Use Agreement (PRUA) for review by the County Road and Bridge Coordinator 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 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 constructing, operating, or maintaining the WECS Project. Any degradation to, or damage of public roads or other infrastructure by the Applicant(s) or other 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.

9. 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 request 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.
10. Setbacks: The Board hereby approves the setback waiver from ¼ mile to 110% of the tower (tip) height for the following: Carbon County Road #505E-North of Red Rim Grizzly WHMA.
11. Operations and Maintenance:
 - 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 waste 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 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 Carbon 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 Carbon County Planning and Zoning Commission for refurbishing and/or reactivating the inoperative WECS.
 - 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.
12. The Applicant(s) shall provide the applicable wireless telecommunication service providers, the Wyoming Department of Transportation 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 resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference.

- 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 assess whether there has been signal degradation as a result of the WECS and then in the event of degradation shall reasonably cooperate to respond to the complaint and take reasonable measures with the cooperation of the complainant 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 a Project WECS Tower light/beacon while still meeting applicable FAA lighting requirements.

13. 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 approved by the County Sheriff, Fire Warden, and Emergency Management Coordinator.
14. 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 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 or after the completion of any significant additional construction.
15. The Owner(s) or Operator(s) of the WECS Project or Commercial Energy 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 or Commercial Energy Project shall provide proof of insurance to the Board annually. Proof of insurance may be made by providing a certificate of insurance.
16. The Applicant(s) committed mitigation as included within the application and as more specifically defined in Volume II, Appendix C, of the Final Environmental Impact Statement shall become conditions by reference.
17. The permit holder shall provide an annual update of the progress of the WECS Project to the Carbon County Planning and Zoning Commission until construction is completed. The annual update shall include a written summary of Project's progress and include an appearance at a regularly scheduled Carbon County Planning and Zoning Commission meeting.

18. Any contractors involved in construction activities shall appoint a representative to attend a meeting with all Carbon County Department Heads impacted by said activities prior to commencement of construction.
19. Point of Sale for all construction materials utilized within Carbon County, Wyoming, in this Conditional Use Permit, shall be Carbon County, Wyoming.
20. All machinery and motorized equipment utilized in construction activities for this Conditional Use Permit shall obtain necessary registration, plates, and permits from the Carbon County Treasurer's Office and Carbon County Road and Bridge Department prior to being utilized for construction.
21. The Owner(s) or Operator(s) of the WECS Project shall provide copies of all reports and payments of sales tax to the Carbon County Clerk and Carbon County Treasurer related to this project on a quarterly basis.
22. Installation and maintenance of an aircraft detection lighting systems (ADLS) is required in order to mitigate light impacts, if approved by the Federal Aviation Administration (FAA). If required, such FAA approved systems shall require the turbine tower warning lights to be off except when necessary to alert aircraft in the area. Lights shall remain off at night unless aircraft are detected within FAA proximity minimums in the area by the ADLS or if FAA requirements dictate otherwise. If the FAA does not approve an aircraft detection lighting system, then the applicant shall install an appropriate lighting system as approved by the FAA.
23. Even though this project is located outside of Sage-grouse Core Areas, surface disturbing and development activities should not occur from March 15th to June 30th (as per Wyoming Game & Fish Comment Letter dated March 1, 2021).
24. Even though this project predates the Executive Order 2020-1 Wyoming Mule Deer and Antelope Migration Corridor Protection and is considered a valid existing right, the operator may consider minimizing construction and human activity within the migration corridor during migration periods, if feasible (as per Wyoming Game & Fish Comment Letter dated March 1, 2021).
25. At the end of the Project's construction phases, all temporary living quarters and associated temporary buildings shall be removed and the land shall be restored to the landowners' preferences. In addition, an RV Park, Trailer Park, RV Campground or dwelling units of similar nature is not allowed/permitted in the RAM Zone District.
26. **Expiration of Conditional Use Permits for Commercial Scale Energy Facilities.**
Any Commercial Energy Project for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval, and no authorized extension granted, then the conditional use permit shall expire and become null and void and be of no further effect.

If the Project is not operational on or before June 1, 2029, or any authorized extension, then the conditional use permit shall expire and become null and void and be of no further effect. Commencement of construction of Project Structures, buildings and other physical assets, including roadways, of the Project shall be considered commencement of the project. A Commercial Energy Project shall be considered to be operational if the project is generating electricity.

27. **Extension of Conditional Use Permits for Commercial Scale Energy Facilities.**

If the Commercial Energy Project has not been commenced or has not become operational as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization for the Project from other agencies with jurisdiction, such as the Wyoming Industrial Siting Council, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions, from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

- A. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.
- B. No permit shall expire during the time the decision on the extension is being considered.

28. **Transfer of Conditional Use Permits for Commercial Scale Energy Facilities.**

- A. No conditional use permit shall be transferred without the prior approval of the Board.
- B. The Board may authorize transfers of permits to a different entity if:
 - 1. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
 - 2. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - 3. The permit transfer administrative fee has been paid.
 - 4. Board approval of the transfer shall not be unreasonably withheld.

29. 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.

**NOW THEREFORE BE IT RESOLVED BY THE CARBON COUNTY
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

That the Carbon County Board of County Commissioners, hereby approve the Conditional Use Permit – Commercial Wind Energy Facility (C.U.W. Case #2012-01) as certified to them in writing by the Carbon County Planning and Zoning Commission in the Ranching, Agriculture and Mining (RAM) Zone for the “Chokecherry and Sierra Madre Wind Energy Project”.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of October 2024.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

BUDGET WORKSHOP

A budget workshop was held to review the county’s budget.

ADJOURNMENT

Commissioner Johnson moved to adjourn the meeting at 3:29 p.m. Commissioner Espy seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, November 12, 2024, at 9:00 a.m. at the Carbon Building – Courthouse Annex located at 215 W. Buffalo St., Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk’s Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at www.carboncountyywy.gov or by calling the Clerk’s Office at (307) 328-2668 or 1-800-250-9812.