

Summary of Meeting Activities

Formal and Informal meetings were schedule by Two Rivers, LLC to present the Project and receive comments from federal, state, and local government officials, and to provide the opportunity for involvement by local community members. **Table C-1** provides a summary of the meeting activities associated with the Two Rivers Wind Project.

Table C-1. Federal, State, and Local Agency and Community Meetings held for the Two Rivers Project.

Organization/Individual	Date	Topics of Discussion
U.S. Fish and Wildlife Service (USFWS)	June 15, 2017	Environmental surveys, site-specific mitigation measures, required permits, Plan of Development and Environmental Assessment Program, Eagle Conservation Plans, Monitoring Plans
	July 11, 2017	
	February 13, 2018	
	February 20, 2018	
	February 25, 2018	
	August 13, 2018	
	September 12, 2018	
	September 4, 2019	
	September 30, 2019	
	November 18, 2019	
	December 12, 2019	
	February 26, 2020	
	June 20, 2020	
	October 27, 2020	
	February 5, 2021	
	February 19, 2021	
	March 16, 2021	
April 30, 2021		
July 13, 2021		
July 28, 2021		
August 10, 2021		
November 1, 2021		
Bureau of Land Management (BLM)	November 28, 2017	Discussion of BLM lands in the Project area, Plan of Development and Environmental Assessment Program, Monitoring plans
	May 15, 2018	
	July 17, 2018	
	September 4, 2019	
	September 30, 2019	
	November 18, 2019	
	December 12, 2019	
	February 26, 2020	
March 2020-Present Weekly Meetings		
Wyoming DEQ-ISD	July 18, 2018	Jurisdictional Meeting - provided overview of Project and other required jurisdictional meeting information. ISD Hearing
	September 11, 2018	
	October 9/10, 2019	

Table C-1. Federal, State, and Local Agency and Community Meetings held for the Two Rivers Project.

Organization/Individual	Date	Topics of Discussion
	November 19, 2019	
Wyoming Game and Fish Department (WGFD)	March 26, 2018 April 20, 2018 July 17, 2018 September 12, 2018 January 17, 2018 September 12, 2018 March 15, 2019 August 3, 2019 February 10, 2020 November 2021 September 12, 2022	Environmental surveys, site-specific mitigation measures, required permits, monitoring plans.
Wyoming State Historic Preservation Office (SHPO)	March 11, 2019	Coordination regarding literature review reports, project location and proposed field inventory.
Wyoming Office of State Lands and Investments	June 8, 2017 June 22, 2017 July 17, 2017 August 10, 2107 March 5, 2108	Coordination regarding wind leases on state lands
Carbon County	July 17, 2018 September 10, 2018 February 28, 2019	Meeting with County representatives and local towns to introduce Project. Pre-application meeting.
Carbon County Board of Commissioners	February 28, 2019	Pre-application meeting to discuss Project
Carbon County Planning and Zoning Board	September 10, 2018 August 2019	
Carbon County Fire Warden	November 8, 2018 February 2, 2019 November 16, 2022	Introductory meeting to discuss Project and Emergency Response Plan; Pre-application meetings with County Fire Warden to discuss Project-related safety concerns.
Carbon County LEPC	November 8, 2018 November 16, 2022	Introductory meeting to discuss Project and Emergency Response Plan.
Carbon County Weed and Pest	March 1, 2019 November 16, 2022	Pre-application meetings regarding Project noxious weed and pest plans
Carbon County Road and Bridge	February 28, 2019 November 16, 2022	Pre-application meeting regarding preparation and submittal of the Carbon County WECS CUP.

Table C-1. Federal, State, and Local Agency and Community Meetings held for the Two Rivers Project.

Organization/Individual	Date	Topics of Discussion
Carbon County Sheriff's Department	February 28, 2019 March 6, 2019 November 16, 2022	Pre-application meetings with County Sheriff to discuss Project-related safety concerns.
Town of Medicine Bow	September 10, 2018 November 5, 2018 February 28, 2019 October 6, 2021	Public informational meetings for state and local agencies and the community members to discuss Project with company representatives and provide comments; Pre-application meeting
Town of Rock River	September 10, 2018 February 28, 2019	Town Hall Presentation
Town of Hanna	September 11, 2018	Town Hall Presentation
Town of Elk Mountain	October 8, 2018	Town Hall Presentation
Town of Saratoga	September 18, 2018	Town Hall Presentation
Town of Sinclair	October 18, 2018	Town Hall Presentation
City of Rawlins	November 5, 2018 February 28, 2019	Public informational meetings for state and local agencies and the community members to discuss Project with company representatives and provide comments.
City of Laramie	November 13, 2018 February 28, 2019	Town Hall Presentation
Medicine Bow Conservation District	October 20, 2021	Project discussion
Public Information Meetings	November 5, 2018 November 7, 2018 November 8, 2018 October 5, 2021 October 6, 2021	Public Information meetings were held in Rawlins, Rock River, Medicine Bow and Laramie to present information about the Project.

Appendix E-1

Consultation Letters



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming High Desert District

Rawlins Field Office

1300 North Third Street, P.O. Box 2407

Rawlins, Wyoming 82301-2407

www.blm.gov/wy



In Reply Refer To:
2800 (WYD03) (sd)
WYW-186890

OCT 29 2019

Your Reference

Two Rivers Wind Project

CERTIFIED MAIL NO. 7017 0660 0001 0597 2658
RETURN RECEIPT REQUESTED

Mr. Gareth McDonald
Director, Project Development
Two Rivers Wind, LLC
850 New Burton Rd Ste 201
Dover, Delaware 19904

DECISION

Cost Recovery Category Determined

The Bureau of Land Management (BLM), Rawlins Field Office (RFO), is in receipt of your right-of-way (ROW) application filed November 30, 2017, for a wind project across public lands in T. 21 and 23 N., R. 77 and 78 W., 6th P.M., Carbon County, Wyoming. In future correspondence with the BLM, please refer to serial number WYW-186890, which has been assigned to this application.

According to Federal regulations contained in 43 CFR 2804.14, BLM is required to be reimbursed for the costs incurred in processing a right-of-way application. Based on a preliminary review by the Rawlins Field Office, we have determined that the appropriate processing category for your application is Category 6. When the estimated time to process an application exceeds 50 hours, the "category" is by definition, a Category 6. BLM is obligated to collect "full reasonable costs" for a Category 6 action.

With this understanding, we request that you notify this office within thirty (30) days in writing that you want this office to continue with application processing knowing that you will be responsible for payment of the "full reasonable costs" as determined by the BLM. Your application will be rejected if we do not receive this written notification from you within thirty (30) days.

INTERIOR REGION 7 • UPPER COLORADO BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

Once we have received this additional information, we will proceed with the development of a preliminary work plan and financial plan. These plans will become part of a formal Cost Reimbursement Agreement between you and BLM upon acceptance by both parties. Your financial obligation begins with your acceptance of the Cost Reimbursement Agreement.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within thirty (30) days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions regarding your right-of-way application or the fees connected with it, please contact Sara Dickinson, Legal Instruments Examiner at the address shown above, e-mail sdickinson@blm.gov, or telephone (307) 328-4348.

Sincerely,



Dennis J. Carpenter
Field Manager

1 Enclosure

1 - Appeals Information (Form 1842-1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Bureau of Land Management, Rawlins Field Office, P O Box 2407, Rawlins, WY 82301-2407

WITH COPY TO SOLICITOR... Office of the Solicitor, Rocky Mountain Region, Department of the Interior, 755 Parfet Street, Ste. 151, Lakewood, CO 80215

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR... Office of the Solicitor, Rocky Mountain Region, Department of the Interior, 755 Parfet Street, Ste. 151, Lakewood, CO 80215

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

CERTIFIED MAIL

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Rawlins Field Office
1300 North Third Street
P.O. Box 240
Rawlins, Wyoming 82301-2407



7017 0660 0001 0597 2658

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Mr. Gareth McDonald
Director, Project Development
Two Rivers Wind, LLC
850 New Burton Rd Ste 201
Dover, Delaware 19904

NAME _____
1ST NOTICE _____
2ND NOTICE _____
RETURN _____

Hasler

10/29/2019

US POSTAGE



FIRST-CLASS MAIL

\$06.80⁰

US OFFICIAL MAIL
\$300 Penalty
For Private Use

ZIP 82301

011D11501110

**RETURN RECEIPT
REQUESTED**



1990435786 R001



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming High Desert District
Rawlins Field Office
1300 North Third Street, P.O. Box 2407
Rawlins, Wyoming 82301-2407
www.blm.gov/wy



In Reply Refer To:
2830 (WYD03) (kw)
WYW-186890

Your Reference
Two Rivers Wind Project

MAY 15 2018

CERTIFIED MAIL NO. 7014 0510 0001 6084 0830
RETURN RECEIPT REQUESTED

Mr. Paul Martin
PO Box 353
Boulder, Colorado 80306-0353

DECISION

Cost Recovery Category Determined

The Bureau of Land Management (BLM), Rawlins Field Office, is in receipt of your right-of-way (ROW), application filed November 30, 2017, for a wind project across public lands in T. 23 N., R. 78 W., 6th P.M., Carbon County, Wyoming. In future correspondence with the BLM, please refer to serial number WYW-186890, which has been assigned to this application.

According to Federal regulations contained in 43 CFR 2804.14, the BLM is required to be reimbursed for the costs incurred in processing a ROW application. Based on a preliminary review by the Rawlins Field Office, we have determined that the appropriate processing category for your application is Category VI. When the estimated time to process an application exceeds 50 hours, the "category" is by definition, a Category VI. BLM is obligated to collect "full reasonable costs" for a Category VI action.

With this understanding, we request that you notify this office within 30 days in writing that you want this office to continue with application processing knowing that you will be responsible for payment of the "full reasonable costs" as determined by the BLM. Your application will be rejected if we do not receive this written notification from you within 30 days.

Once we have received this additional information, we will proceed with the development of a preliminary work plan and financial plan. These plans will become part of a formal Cost Reimbursement Agreement between you and the BLM upon acceptance by both parties. Your financial obligation begins with your acceptance of the Cost Reimbursement Agreement.

For more information regarding the BLM's ROW regulations and cost recovery fees, please refer to the following website:

<http://www.blm.gov/nhp/what/lands/realty/rowcr/>

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, or need additional information, please contact Kirk Warrington, Realty Specialist, at the address shown above, e-mail Kwarrington@blm.gov, or telephone (307) 328-4385.

Sincerely,



Dennis J. Carpenter
Dennis J. Carpenter
Field Manager

I Enclosure:
1 - Form 1842-1

TWO RIVERS WIND, LLC

June 7th, 2018

US Department of Interior
Bureau of Land Management
Rawlins Field Office
1300 North Third Street
Rawlins, Wyoming
82301


Re: 2830 (WYD03) (kw)
WYW-186890

Two Rivers Wind Project

To Whom It May Concern:

I am writing in response to your letter dated May 15th, 2018. We acknowledge that we will be Category VI. Please go ahead and continue with the application process.

Thank you,



Paul S. Martin
Manager



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

GOVERNOR
MATTHEW H. MEAD

DIRECTOR
SCOTT TALBOTT

COMMISSIONERS
MARK ANSELMINI – President
DAVID RAEL – Vice President
GAY LYNN BYRD
PATRICK CRANK
KEITH CULVER
PETER J. DUBE
MIKE SCHMID

June 22, 2018

WER 13937.00d
Applied Ecological Services
Two Rivers Wind Energy Facility
Monitoring Plan
Carbon County

Genesis Mickel
Applied Ecological Services
21938 Mushtown Road
Prior Lake, MN 55372

Dear Ms. Mickel,

The staff of the Wyoming Game and Fish Department (Department) would like to provide recommendations regarding the Monitoring Plan (previously called a Conservation Plan) outlined in our Wind Recommendations. We offer the following comments for your consideration.

Monitoring Plan

In previous discussions we asked for a Monitoring Plan, based on our Wyoming Game and Fish Commission (Commission) approved 2010 Wildlife Protection Recommendations for Wind Energy Development in Wyoming (Wind Recommendations). The Monitoring Plan should be submitted to the Department prior to including it as part of your Industrial Siting Council (ISC) application. It should be reviewed by the Department for accuracy and completeness in advance to avoid delays with our recommendations to the ISC. If you have not received a copy of the outline for developing a Monitoring Plan please let me know so I can provide you with one.

- The term “Monitoring Plan” should be used based on ISC recommendations. This change is being incorporated into updates currently being made to the Wind Recommendations.
- The Monitoring Plan should ensure that studies will include two years of pre-construction monitoring, monitoring during construction, and three years of post-construction monitoring, in order to be consistent with our Wind Recommendations and previous correspondence.
- The Monitoring Plan should discuss or reference detailed monitoring plans of all species of concern within the project area, including species of greatest conservation need (SGCN) such as swift fox, prairie dogs, and black-footed ferrets.

Genesis Mickel

June 22, 2018

Page 2 of 3 – WER 13937.00d

- The Monitoring Plan should discuss data reporting. Data should be reported to the Department at least annually.
- The Monitoring Plan should discuss the role of the Technical Advisory Committee in reviewing the data and making recommendations to alleviate impacts to wildlife.
- We would expect the Monitoring Plan to be updated, based on analysis of data, to include evaluation of the potential impacts to terrestrial and aquatic wildlife and any plans or proposals to alleviate potential impacts to be consistent with W.S.35-12-109, ISC Rules Section 8(n).
- The Monitoring Plan should be signed by all affected landowners, the proponent and the Department to be considered complete.
- Final site plans and any future additions or modifications to the facility should be reviewed by the Department to ensure that adequate wildlife considerations are addressed.

Additional Recommendations

We recommend incorporating a plan to reduce workforce impacts to wildlife with the following components as a condition of the ISC application:

- **Squatting** - To deter construction workers from “squatting” on public and private lands, the operator should provide RV parking space and associated facilities at each construction camp, or opportunities for housing nearby.
- **Environmental Awareness** - An Environmental Awareness Training Program informing employees about trespass laws, current laws regarding use of public land and Game and Fish regulations should be implemented. The operator should provide a copy of this plan to the Department for review before initiating training.
- **Poaching/Harassing Wildlife** - We recommend mandatory reprimand or dismissal for employees convicted of poaching or harassing wildlife while employed by the company or on company property.
- **Dogs** - Dogs (excluding service dogs) should be strictly prohibited on any job site and adequately secured at man camps or other associated facilities. It is illegal for dogs to chase and harass wildlife.
- **Housing of Crews Onsite** - Housing of crews at construction sites may be incompatible with wildlife. We also recommend bussing crews to the work site, to reduce overall vehicular traffic.
- **Travel Management (TMP)** - To minimize impacts to wildlife, the Department recommends creating a travel management plan that provides carpooling or bussing to the construction site. Higher traffic volume can lead to additional human and wildlife conflicts. The TMP should include speed limits (maximum 35 MPH) and speed limit signage on the proposed wind farm site to reduce dust and impacts to wildlife. A dust control plan should also be developed for the project area.

Genesis Mickel
June 22, 2018
Page 3 of 3 – WER 13937.00d

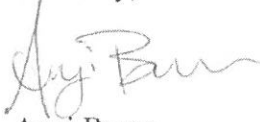
- **Fencing** - Temporary fencing around constructions camps is encouraged to keep livestock and wildlife out.

The Department recommends the proponent schedule a pre-construction site visit to evaluate potential areas of concern for wildlife. Additionally, the Department has requested a summary of the wildlife surveys along with point locations of wildlife observations in the planned project area. The Department requests this information and pre-construction surveys be completed in order to make informed wildlife recommendations with regards to infrastructure development.

Please distribute this information to individuals on your team as needed.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Linda Cope, Staff Terrestrial Biologist, at 307-777-2533.

Sincerely,



Angi Bruce
Habitat Protection Supervisor

AB/lc/ml

cc: U.S. Fish and Wildlife Service
Rick Huber, Wyoming Game and Fish Department
Zack Walker, Wyoming Game and Fish Department
Lee Knox, Wyoming Game and Fish Department
Will Schultz, Wyoming Game and Fish Department
Corey Class, Wyoming Game and Fish Department
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
INDUSTRIAL SITING DIVISION

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL)	OAH DOCKET NO. 19-086-020
SITING PERMIT APPLICATION OF)	DOCKET NO. DEQ/ISC 18-11
TWO RIVERS WIND, LLC & LUCKY)	
STAR WIND, LLC.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
GRANTING PERMIT APPLICATION WITH VARIANCES AND CONDITIONS,
AND ALLOCATING IMPACT ASSISTANCE FUNDS

THIS MATTER came before the Industrial Siting Council (Council) on October 9 and 10, 2019, for a contested case evidentiary hearing in Laramie, Wyoming, on whether the Council should issue a permit for the construction and operation of the Two Rivers and Lucky Star Wind Project (the Project) in Albany and Carbon Counties, Wyoming. Present for the proceedings were Council Chairman James Miller and Council Members Dusty Spomer, Susan Cannon, Jeff Wallace, Chris Boswell, and Rob Spence. Council Member Ken Lantta was absent due to illness. Karl D. Anderson, Supervising Attorney General, was present on the Council's behalf. Bernard Haggerty from the Office of Administrative Hearings served as the Hearing Examiner.

The Applicants, Two Rivers Wind, LLC and Lucky Star Wind, LLC (Two Rivers and Lucky Star), appeared by and through counsel, Randall B. Reed and Justin A. Daraie. The Industrial Siting Division (Division) appeared by and through counsel, Matt VanWormer, Senior Assistant Attorney General. The Objector, Anadarko Petroleum Corporation (Anadarko), appeared by and through counsel, Michael D. Smith and Darin B. Scheer.

In addition, numerous local governmental entities were recognized as parties and submitted prehearing statements for the evidentiary hearing. Representing those entities were:

- a. Ashley Mayfield Davis, Carbon County Attorney, for Board of Carbon County Commissioners

- b. Scott Hannum, City Manager, for City of Rawlins
- c. John Zeiger, Mayor, and Tyler Christen for Town of Saratoga
- d. Sharon Biamon, Mayor, for Town of Medicine Bow (including Medicine Bow Rural Health Care Center)
- e. Lois Buchanan, Mayor, for Town of Hanna
- f. Linda Crane and Angie Hobbs for Town of Elk Mountain
- g. Peggy Trent, County Attorney, for Albany County (including Town of Rock River)
- h. Robert Southard, City Attorney, for City of Laramie

The following exhibits were received into evidence, either at the prehearing conference or at the beginning of the hearing:

- a. Two Rivers Wind, LLC and Lucky Star Wind LLC, TRW Exhibits 1-9
- b. Division, ISD Exhibits 1-4
- c. Anadarko, APC Exhibits APC 1-2
- d. Carbon County, BCCC Exhibits 1-8
- e. City of Rawlins, CR 5-8
- f. Town of Saratoga, TOS Exhibits 1-3
- g. Town of Medicine Bow (Including of Medicine Bow Rural Health Center), TMB
1
- h. Town of Hanna, TH Exhibit 1
- i. Town of Elk Mountain, TEM Exhibit 1
- j. Albany County (Including of Town of Rock River and Albany County Fire District #1), AC Exhibits 1-8, including 3A
- k. City of Laramie, COL Exhibit 1

The Council has considered the evidence and arguments of the Applicants and the other parties, and makes the following findings:

I. JURISDICTION

1. A permit from the Council is required before any person or entity may commence construction of an industrial facility in Wyoming. Wyo. Stat. Ann. § 35-12-106(a). “Industrial facility” or “facility” includes any “industrial facility with an estimated construction cost of at least ninety-six million nine hundred thousand dollars (\$96,900,000.00) as of May 30, 1987[.]” Wyo. Stat. Ann. § 35-12-102(a)(vii). An “industrial facility” or “facility” also includes “[a]ny commercial facility generating electricity from wind and associated collector systems that: (I) Consists of thirty (30) or more wind turbines in all planned phases of the installation[.]” Wyo. Stat. Ann. § 35-12-102(a)(vii)(E)(I).

2. Upon receipt of an application for a permit, the Division (on behalf of the Director of the Department of Environmental Quality) must review the application to determine if it contains the information required by Wyoming Statute § 35-12-109 and Chapter 1 of the Council’s Industrial Development Information and Siting Rules and Regulations (ISC Rules). Wyo. Stat. Ann. § 35-12-110(d). Not more than 90 days after receipt of a permit application, the Division shall: schedule and conduct a public hearing; notify the applicant and local governments of the hearing; publish notice of the hearing in at least one newspaper of general circulation within the area to be primarily affected by the proposed facility; and, hold the hearing at a community as close as practicable to the proposed facility. Wyo. Stat. Ann. § 35-12-110(f).

3. The contested case procedures of the Wyoming Administrative Procedure Act apply to the hearing. Wyo. Stat. Ann. § 35-12-112. Within 45 days from the date the hearing is completed the Council “shall make complete findings, issue an opinion and render a decision upon

the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate.” Wyo. Stat. Ann. § 35-12-113(a).

4. Two Rivers and Lucky Star applied to the Division for an industrial siting permit for the Project. Therefore, the Council has jurisdiction to hear and decide this matter.

II. STATEMENT OF THE CASE

5. Two Rivers and Lucky Star propose to construct and operate five distinct wind generation facilities in two separate phases. Overall, the Project will produce up to 780 megawatts of energy. The project components will include up to 277 wind turbines and will be located on approximately 100,198 acres of predominantly private land, with interspersed parcels of State and Bureau of Land Management (BLM) lands in unincorporated Albany and Carbon Counties, Wyoming. Two Rivers and Lucky Star seeks a permit from the Council to construct, operate, maintain, decommission, and reclaim the Project.

6. Two Rivers and Lucky Star filed their Application for an industrial siting permit (ISC Permit) pursuant to Wyoming Statute § 35-12-109. The Division reviewed the Application and issued a Notice of Deficiency, requiring additional information from Two Rivers and Lucky Star. Upon submission of the additional information, the Division determined the Application was complete, in full compliance with Wyoming law, and ready for the Council’s determination as to whether to issue a permit.

7. Two Rivers and Lucky Star asked the Council to approve the Application as submitted, with three proposed variances and the conditions proposed by the Division. Anadarko contested the Application as incomplete and requested an additional condition requiring a Coordinated Development Agreement; however, during the contested case hearing, Two Rivers

and Lucy Star along with Anadarko reached an agreement, and Anadarko withdrew its objection to the Application.

8. Most of the local governments appeared at the evidentiary hearing and presented testimony about their unmitigated damages. Pursuant to the Prehearing Conference Order, the Council considered the prehearing statements and exhibits from all of the local governments recognized as parties, whether they presented testimony at the hearing, or not.

III. ISSUES AND CONTENTIONS

9. The primary issue to be decided by the Council is whether Two Rivers and Lucky Star proved by a preponderance of the evidence that the Application satisfies the requirements of the Wyoming Industrial Development Information and Siting Act, Wyoming Statutes §§ 35-12-101 through -119 (the Act), and the ISC Rules, Chapter 1. To issue a permit, the Council must also decide what, if any, conditions to place on the Permit and whether to grant the three variances requested by Two Rivers and Lucky Star. The Council must also set amounts and a distribution schedule for unmitigated impact assistance payments for the Project pursuant to Wyoming Statutes §§ 39-15-111(c) and 39-16-111(d) and the ISC Rules, Chapter 1, Section 12.

10. Two Rivers and Lucky Star argued its Application was complete and met all of the statutory requirements. Two Rivers and Lucky Star agreed to the conditions proposed by the Division; and, because Anadarko withdrew its objection, the Application was unopposed.

11. The local governments entered into a Memorandum of Understanding (MOU) claiming they would experience \$9,724,477.00 in unmitigated impacts resulting from the construction of the Project and agreeing to a distribution of funds in this amount.

IV. FINDINGS OF FACT

A. Procedural Background

12. Two Rivers and Lucky Star are wholly owned subsidiaries of BluEarth Renewables US LLC (BluEarth), the U.S. affiliate of BluEarth Renewables LP, headquartered in Calgary, Alberta, Canada. BluEarth is a privately-held, leading, independent power producer that develops, builds, owns, and operates wind, hydroelectric, and solar facilities across North America.

13. The proposed Two Rivers and Lucky Star Wind Project will be a commercial Wind Energy Conversion System (WECS) project. The proposed Project will be developed in two phases: The Two Rivers Wind Phase, and the Lucky Star Wind Phase. Overall, Two Rivers and Lucky Star propose to construct and operate five distinct wind generation facilities in two separate phases, producing up to 780 megawatts of energy. The project components will include up to 277 wind turbines and will be located on approximately 100,198 acres of predominantly private land, with interspersed parcels of State and Bureau of Land Management (BLM) lands in unincorporated Albany and Carbon Counties, Wyoming, near the towns of Medicine Bow and Rock River. [TRW Ex. 1, pp. 41-42, 55-57]. Two Rivers and Lucky Star seeks a permit from the Council to construct, operate, maintain, decommission, and reclaim the Project. [TRW Ex. 1, p. 33].

14. On September 11, 2018, the Division held a jurisdictional meeting with Two Rivers and Lucky Star about the Project. On January 4, 2019, the Division issued a Notice of Jurisdiction. The Division concluded that an ISC permit would be required and determined the Study Area for the Project. [ISD Ex. 1, pp. 1-2].

15. Two Rivers and Lucky Star held a series of public meetings about the Project in Rawlins, Rock River, Medicine Bow, and Laramie, Wyoming, between November 5 and 8, 2018. [ISD Ex. 1, p. 3; TRW Ex. 1, pp. 90-94].

16. Two Rivers and Lucky Star filed the Application with the Division on July 15, 2019. [ISD Ex. 1, p. 4]. The Application consisted of 20 hardcopies and 80 electronic copies of the Application document; an application fee in the amount of \$84,513.00, as required by Wyoming Statute § 35-12-109(b); and, a certification by Gareth McDonald, Director of Project Development for both Two Rivers Wind, LLC, and Lucky Star Wind, LLC, attesting to the truthfulness and accuracy of the Application. [ISD Ex. 1, p. 4].

17. The Division checked the contents of the Application against the applicable statutes and ISC Rules and determined that additional information was necessary, in particular regarding variances to reclamation and financial assurance requirements requested in the Application. The Division sent Two Rivers and Lucky Star an August 16, 2019 Notice of Deficiency (NOD) requesting a response to its identified concerns. [ISD Ex. 1, p. 7].

18. On August 13, 2019, the 10 local governments primarily affected unanimously agreed to an MOU setting forth an impact assistance amount and distribution schedule and provided a copy of their MOU to the Division. The MOU set the dollar amount necessary to address the unmitigated impacts of the Project at \$9,724,477.00, to be divided between local governments in Carbon (67.78%) and Albany (32.22%) counties. The estimated material costs of the Project are \$741.4 million; thus, the maximum impact assistance amount available to local governments as a result of this Project is \$20,462,640 (2.76% of \$741.4 million). The costs of unmitigated impacts identified in the MOU (\$9,724,477.00) are significantly below the statutory threshold. [ISD Ex. 1, p. 8].

19. On September 10, 2019, Two Rivers and Lucky Star submitted a response to the Division's NOD, which the Division and Two Rivers and Lucky Star incorporated into the Application. [ISD Ex. 1, Attachment 7]. Two Rivers and Lucky Star supplemented its response to

the NOD on September 11, 2019. [ISD Ex. 1, Attachment 8]. Also on September 11, 2019, the Division notified Two Rivers and Lucky Star that the Application was complete. [ISD Ex. 1, Attachment 9].

20. The Division distributed copies of the Application to the required state agencies, pursuant to Wyoming Statute § 35-12-110(a)-(b), in order to obtain information and recommendations relative to the impact of the proposed Project as it applied to each agency's area of expertise; 16 of the 18 state agencies responded. [ISD Ex. 1, p. 9]. From the state agencies' responses, the Division recommended the following Special Conditions to be included in the Permit:

Special Condition #16. Prior to construction, the Permittee shall provide a copy of the signed Wyoming Game and Fish Department Monitoring Plan to the Industrial Siting Administrator.

Special Condition #17. Prior to construction, the permittee shall provide the Industrial Siting Administrator with documentation from the Wyoming Game and Fish Department showing analysis and compliance with the Wyoming Sage Grouse Executive Order.

Special Condition #18. No less than ten days prior to construction, the permittee shall notify the Wyoming Public Service Commission to facilitate scheduling of any necessary safety inspections.

Special Condition #19. The Permittee shall provide all employees an Environmental Awareness Training Program provided by the Wyoming Game and Fish Department upon employment.

Special Condition #20. At least 30 days prior to the start of construction, Permittee shall provide a copy of the three signed road use agreements between the Permittee and the Wyoming Department of Transportation, Albany County, and Carbon County to the Industrial Siting Administrator.

Special Condition #21. Prior to operation, the Permittee shall procure and install an Aircraft Detection Lighting System (ADLS) for control of the FAA-required navigational lighting. In the event that the [ADLS] is not approved by the FAA, this condition is void.

Special Condition #22. Prior to construction, the Permittee shall provide a copy of the signed Carbon County Use Permit for each phase of the project to the Industrial Siting Administrator.

[ISD Ex. 3, pp. 3-4]. In addition, the Division recommended modifications to standard condition #15 to reflect a decision by the Council to adjust the required bonding upon approval of the proposed variances.

21. Pursuant to Wyoming Statute § 35-12-110, the Division placed two separate legal advertisements in four newspapers, identifying the location and description of the Project, the locations where the Application was available for review, and the time, date, and location of the Council's hearing on the Application. [ISD Ex. 1, p. 5-6; Tr. at 187]. In addition, the Division provided copies of the Application for public viewing as required by Wyoming Statute § 35-12-110(a)(iii). [ISD Ex. 1, p. 5]. The Division received no comments from the public. [ISD Ex. 1, p. 10].

B. The Project and Application

i. Project Description

22. The Project was summarized as follows:

Two Rivers Wind, LLC & Lucky Star Wind, LLC, LLC (Applicant) filed an Application for a permit to construct and operate the TWO RIVERS & LUCKY STAR WIND ENERGY Project near Rock River, Wyoming in Albany County and Medicine Bow in Carbon County, Wyoming. The Project will be developed in two Phases: the Two Rivers Wind Phase and the Lucky Star Wind Phase. The Two Rivers Wind Phase comprises development of four wind generation facilities (Two Rivers I, II, III, IV) located on two private ranches. Two Rivers I, II, and III are located in Carbon County, and situated on approximately 15,881 acres of the Two Rivers Ranch. Two Rivers IV is located in Albany County, and will be situated on approximately 4,500 acres of the Medicine Bow River Ranch. Preliminary plans for the proposed facility include up to 77 wind turbine generators (WTGs) using a 2.5 to 4.5 MW generator to achieve a total nameplate capacity of up to 280 megawatts (MW). The Lucky Star Wind Phase comprises development of a single wind powered electric generation facility with a capacity of up to 500 MW on three private ranches; approximately 51,152-acres of the Lookout Ranch in Albany County, approximately 22,020-acres of the Medicine Bow River Ranch in both Carbon and Albany counties, and approximately 6,645-acres of the True Ranches property in both Carbon and Albany counties. Preliminary plans

for the proposed facility include up to 200 wind turbines using a 2.5 to 4.5 MW generator to achieve a nameplate capacity of approximately 500 MW. Two Rivers Wind Phase construction would be initiated in 2021. It is anticipated that construction will begin in April 2021 on Two Rivers I, II and III wind development areas, followed by construction of the Two Rivers IV wind development area. Commercial operations for all Two Rivers wind development areas is expected in early 2022. Construction of the Lucky Star Wind Phase is anticipated to begin in April 2022 and continue through October 2023. Operations are scheduled to commence in Q4 2023. The Two Rivers Wind Phase workforce is anticipated to peak at 262 workers during Q3 of 2021. The Lucky Star Wind Phase workforce is anticipated to peak at 400 workers in July of 2022.

[ISD Ex. 1, pp. 6-7; TRW Ex. 1, pp. 55-56]. The Application set forth Project maps, including maps showing the preliminary site plan and land ownership. [TRW Ex. 1, p. 57 and Appendix C].

23. The Application contained sections describing: Two Rivers and Lucky Star's financial capability to construct, operate, maintain, decommission, and reclaim the Project; a facility description; construction, operations, decommissioning, and reclamation; project approvals and compliance with procedural requirements; a socioeconomic assessment; an environmental impact evaluation; and controls, mitigation and monitoring measures. [TRW Ex. 1].

ii. Two Rivers and Lucky Star's Witnesses

24. At the hearing, Two Rivers and Lucky Star presented six witnesses: Gareth McDonald, Director of Project Development for Two Rivers and Lucky Star; Paul Martin, President, Intermountain Wind, LLC, an early-stage project development company; Melanie Martin, Managing Director, Environmental Planning, ICF, permitting consultants; William P. Bailey, operating partner of Boulter's Two Rivers Ranch; Les Dunmire, owner of Lookout Ranch-Dunmire Ranch Company; and, Nick Boyd, Executive Vice President for BluEarth.

25. McDonald presented a PowerPoint presentation to the Council with detailed information about the Project, including the proposed variances and a permitting timeline. [Tr. at 25-52].

26. McDonald explained that BluEarth acquired the Project from Intermountain Wind, LLC, an early-stage project development company. He indicated that Two Rivers and Lucky Star considers the Division's proposed conditions for the Project appropriate. [ISD Ex. 3; Tr. at 52-53].

27. McDonald further testified about BluEarth's experience with shared use between its wind projects and oil and gas development companies, including experience in Alberta, Canada. [Tr. at 53-54]. On cross-examination by counsel for Anadarko, McDonald testified that Two Rivers and Lucky Star had notified all affected mineral owners about the Project. [Tr. at 56]. On re-direct examination, McDonald stated that a delay in Project permitting due to a Coordinated Development Agreement would make financing for the Project very difficult. [Tr. at 57-59].

28. On questioning by Council Members, McDonald testified that Two Rivers and Lucky Star had obtained signatures from all affected landowners approving the requested variances. [Tr. at 61]. McDonald also clarified the differences between interconnection and power purchase agreements for the Project and the status of road use agreements for the Project. [Tr. at 66-73]. The Project has a confidential queue position for an interconnection agreement. [Tr. at 76-77].

29. Paul Martin explained that his company, Intermountain Wind, LLC, developed the Project during its early stages, and he subsequently served as a consultant for Two Rivers and Lucky Star. He also presented detailed testimony about the Project. Paul Martin explained his role in a prior project, which had not yet been completed because of a dispute regarding its power purchase agreement. He stated he did not consider the prior project dead. On examination by counsel for Albany County, Paul Martin conceded he had not reached out to the Albany County Attorney's office regarding a road use agreement, although he had spoken with county commissioners and road and bridge officials. [Tr. at 91-120].

30. Bailey testified in support of the Project on behalf of Boulter's Two Rivers Ranch. He indicated that he lives on the ranch, BluEarth's relationship with the ranch had been professional and good, and he had not been contacted by Anadarko regarding oil and gas development on the ranch. He considered the Project a "win-win" deal. [Tr. at 121-26].

31. Dunmire testified in support of the Project on behalf of Lookout Ranch-Dunmire Ranch Company. He stated he was pleased with BluEarth's thorough and professional approach. He also stated he had not been approached regarding mineral development on his ranch in the last thirty years. BluEarth had answered his questions and had taken care of any problems that had arisen. [Tr. at 127-30].

32. Melanie Martin testified in detail about the many steps ICF took to prepare the permitting for the Project, including notices to local governments and mineral interest owners; socioeconomic and environmental analyses; and permitting. Melanie Martin explained the Project was awaiting permits from Carbon County and the BLM, but its permit applications had been submitted. BLM permitting was required for approximately 20 percent of the Project area. She stated no active mineral development was present in the Project area; Anadarko had received notice about the Project; and Anadarko did not have any specific plans for development in the Project area. Melanie Martin testified that the conditions proposed by the Division were appropriate. [ISD Ex. 3; Tr. at 132-59].

33. On cross-examination by Anadarko, Melanie Martin agreed Anadarko had mineral rights within the Project area, but no socioeconomic analysis had been performed regarding Anadarko's potential mineral development in the Project area. [Tr. at 159-60]. On cross-examination by Albany County, Melanie Martin agreed the Project would need to use county roads to transport gravel, and she understood the use of county roads for gravel would require road use

agreements. [Tr. at 160-61]. Melanie Martin also admitted the socioeconomic analysis assumed there would be no impact to recreation in the area, although some of the roads used by the Project provided access to the Medicine Bow National Forest. [Tr. at 161-62].

34. On questioning by Council Members, Melanie Martin acknowledged several unresolved questions regarding the Project, including: the location of worker housing and accompanying choice between bussing from Laramie versus a man-camp in Medicine Bow; Wyoming Game and Fish Department employee and subcontractor education plans; unmapped abandoned mine cavities in the Project area; water use agreements; waste disposal agreements; and final plans for emergency medical services and communications. Melanie Martin also acknowledged that Albany County prohibits man-camps, and a man-camp inside Medicine Bow may require a permit from the town. Melanie Martin explained that BluEarth has experience building man-camps, although it does prefer not to do so. She acknowledged that a man-camp might also require security guards and an emergency-response plan. [Tr. at 163-76].

35. Boyd testified that BluEarth has the financial capabilities to complete the Project. Specifically, although BluEarth had not completed a single Project of this size in the past, it had completed many smaller, simultaneous projects employing a number of workers comparable to the proposed Project. According to Boyd, BluEarth had raised financing in excess of \$1 billion in 2017-2018; it had assets in excess of \$1.5 billion; and it had completed \$450 million in constructed assets in the current year. [Tr. at 177-81].

iii. The Division's Review of the Application

36. Kimber Wichmann (Wichmann), the Division's Chief Economist, manages the industrial siting process in accordance with the applicable statutes and rules. She processed the Application and prepared the Division's Exhibits ISD 1 through ISD 4 in this case. Wichmann

described the Division's review of the Application variance requests, and she testified the Application was complete and ready for consideration by the Council. [Tr. at 183-99].

37. Wichmann specifically described the report on the Application compiled by the Division. [ISD Ex. 1]. Wichmann explained the process by which the Application was consolidated into one proceeding with the Division's support and the agreement of the Division's Administrator. [Tr. at 184-86]. Wichmann corrected a typographical error in the Division's report regarding the publication of notice about the Application. [Tr. at 187]. Wichmann further explained the Division's three remaining concerns regarding the Application: outstanding permits from Carbon County and the BLM, as well as the lack of a power purchase agreement. According to Wichmann, the Division emphasized at the jurisdictional meeting that a permit from the Council should be the last permit in the Application timeline, to give other agencies an opportunity to vet the Project and to minimize regulatory risk. Wichmann also expressed concern regarding the requested variances, including the request for phased bonding. Nevertheless, the Division did not receive any public comment regarding the Project, no state agencies opposed the Application, and the Division issued a Notice of Compliance. [Tr. at 187-97].

38. Regarding the unmitigated impacts of the Project, Wichmann testified that the local governments had entered into an MOU regarding the total amount and distribution of funds, and the requested amount was significantly under the maximum authorized by law. [ISD Ex. 1; Tr. at 194-95]. Wichmann testified the Division used the amounts set forth in the MOU to generate its proposed distribution schedule. [ISD Ex. 4; Tr. at 195-96].

39. On cross-examination by Two Rivers and Lucky Star, Wichmann reiterated that the Division prefers to be the last permitting agency. Wichmann agreed that the Division had not recommended a condition requiring a Coordinated Development Agreement with Anadarko; she

explained the Division lacks authority to impose a condition requested by a private entity rather than a state or local agency, although the Council may impose such a condition. [Tr. at 197-98]. On questioning by the Council, Wichmann noted that the Wyoming Oil and Gas Commission had not commented or requested any conditions in response to the notice of the Application. [Tr. at 199].

iv. Anadarko's Witnesses

40. Anadarko presented testimony from two witnesses: Joe Evers, Senior Landman and Lee Taylor Shannon, Senior Geologic Advisor. In general, Anadarko's witnesses explained the extent of Anadarko's mineral interests and surface development rights within the Project area and why the Council should impose the requirement of a Coordinated Development Agreement as a condition on the Permit. [Tr. at 200-15, 219-42]. As indicated above, however, Anadarko withdrew its request for a permit condition after arriving at an agreement with Two Rivers and Lucky Star. [Tr. at 255-57].

v. Other Parties' Positions on the Application

41. One limited appearance statement in support of the Project was received into evidence. [Hruska Statement; Tr. at 243-44]. In the statement, George Hruska with Oftedal Construction, Inc. welcomed construction of the Project and the jobs it would create.

42. The local governments did not object to the Application.

C. Impact Assistance Funds

43. In support of their requests for impact assistance funds, the local governments submitted the MOU. [BCCC Ex. 1]. The MOU included a table itemizing the separate impact estimates and summarizing each local government's "need" supporting its request. [BCCC Ex. 1, p. 15].

44. The statutory maximum amount of impact assistance funds for this Project is \$20,462,640 based on the statutory formula. [ISD Ex. 1, p. 8]. The local governments agreed that the dollar amount necessary to address the unmitigated impacts of the Project is \$9,724,477.00, with 67.78% of that amount distributed to local governments in Carbon County and 32.22% to governments in Albany County. [ISD Ex. 1, p. 8]. Wichmann testified the Division supported the distribution amounts proposed in the MOU, and she prepared a proposed distribution of the impact assistance funds based on the MOU. [ISD Ex. 4; Tr. at 194-96].

45. In general, the local governments voiced support for the Project, and welcomed the economic benefits of the Project. The local government agency representatives explained the individual requests for impact assistance funds and agreed to the amounts and the distributions of impact assistance funds outlined in the MOU and accompanying table. [Tr. at 276-364].

46. The following local agency representatives addressed the Council either in their prehearing statements, or in testimony at the hearing, or both:

- a. Willing John Johnson, Board of Carbon County Commissioners
- b. Scott Hannum, City Manager, City of Rawlins
- c. John Zeiger, Mayor, Town of Saratoga
- d. Sharon Biamon, Mayor, Town of Medicine Bow (including Medicine Bow Rural Health Care Center)
- e. Lois Buchanan, Mayor, Town of Hanna
- f. Linda Crane and Angie Hobbs, Town of Elk Mountain
- g. Terri Jones, County Commissioner, Albany County
- h. Robert Southard, City Attorney, City of Laramie
- i. CJ Leslie, Mayor, Town of Rock River

47. During the local agency presentations and deliberations, the Council observed: (a) the total amount of requested impact assistance funds from all local governments was significantly less than the statutory maximum; and (b) prior wind energy projects in the same vicinity had resulted in significant impacts, particularly in the Town of Medicine Bow. In their questioning and deliberations, Council Members also discussed the consequences of a prior wind energy project that had been permitted but not built, as of the date of the hearing. Council Members also discussed the consequences of outstanding local and federal permits and agreements and the requested variances.

48. No limited appearance statements were submitted regarding the impact assistance funds.

V. CONCLUSIONS OF LAW

A. Principles of Law

49. As the Applicants, Two Rivers and Lucky Star bear the burden of proof in these proceedings. “The general rule in administrative law is that, unless a statute otherwise assigns the burden of proof, the proponent of an order has the burden of proof.” An agency is generally the proponent of its orders, except in cases involving an applicant for benefits or a license where the applicant is the proponent. *JM v. Dep’t of Family Servs.*, 922 P.2d 219, 221 (Wyo. 1996) (citation omitted); *Penny v. State ex rel. Wyo. Mental Health Professions Licensing Bd.*, 2005 WY 117, 120 P.3d 152 (Wyo. 2005).

50. Wyoming Statute § 35-12-109(a)(i)-(xxii) provides that an application for a permit shall be filed with the Division and contain the following information:

- (i) The name and address of the applicant, and, if the applicant is a partnership, association or corporation, the names and addresses of the managers designated by the applicant responsible for permitting, construction or operation of the facility;

- (ii) The applicant shall state that to its best knowledge and belief the application is complete when filed and includes all the information required by W.S. 35-12-109 and the rules and regulations, except for any requirements specifically waived by the council pursuant to W.S. 35-12-107;
- (iii) A description of the nature and location of the facility;
- (iv) Estimated time of commencement of construction and construction time;
- (v) Estimated number and job classifications, by calendar quarter, of employees of the applicant, or contractor or subcontractor of the applicant, during the construction phase and during the operating life of the facility. Estimates shall include the number of employees who will be utilized but who do not currently reside within the area to be affected by the facility;
- (vi) Future additions and modifications to the facility which the applicant may wish to be approved in the permit;
- (vii) A statement of why the proposed location was selected;
- (viii) A copy of any studies which may have been made of the environmental impact of the facility;
- (ix) Inventory of estimated discharges including physical, chemical, biological and radiological characteristics;
- (x) Inventory of estimated emissions and proposed methods of control;
- (xi) Inventory of estimated solid wastes and proposed disposal program;
- (xii) The procedures proposed to avoid constituting a public nuisance, endangering the public health and safety, human or animal life, property, wildlife or plant life, or recreational facilities which may be adversely affected by the estimated emissions or discharges;
- (xiii) An evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility. The evaluations, plans and proposals shall cover the following:
 - (A) Scenic resources;

- (B) Recreational resources;
 - (C) Archaeological and historical resources;
 - (D) Land use patterns;
 - (E) Economic base;
 - (F) Housing;
 - (G) Transportation;
 - (H) Sewer and water facilities;
 - (J) Solid waste facilities;
 - (K) Police and fire facilities;
 - (M) Educational facilities;
 - (N) Health and hospital facilities;
 - (O) Water supply;
 - (P) Other relevant areas;
 - (Q) Agriculture;
 - (R) Terrestrial and aquatic wildlife;
 - (S) Threatened, endangered and rare species and other species of concern identified in the state wildlife action plan as prepared by the Wyoming game and fish department.
- (xiv) Estimated construction cost of the facility;
 - (xv) What other local, state or federal permits and approvals are required;
 - (xvi) Compatibility of the facility with state or local land use plans, if any;
 - (xvii) Any other information the applicant considers relevant or required by council rule or regulation;
 - (xviii) A description of the methods and strategies the applicant will use to maximize employment and utilization of the existing local or in-state contractors and labor force during the construction and operation of the facility;

(xix) Certification that the governing bodies of all local governments which will be primarily affected by the proposed facility were provided notification, a description of the proposed project and an opportunity to ask the applicant questions at least thirty (30) days prior to submission of the application;

(xx) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E) or (F), a site reclamation and decommissioning plan, which shall be updated every five (5) years, and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

(xxi) Information demonstrating the applicant's financial capability to decommission and reclaim the facility;

(xxii) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act.

51. Wyoming Statute § 35-12-110(b)(i)-(xxiii) requires the Division to obtain information and recommendations from the following state agencies relative to the impact of the proposed facility as it applies to each agency's area of expertise:

- (i) Wyoming department of transportation;
- (ii) Public service commission;
-
- (iv) Game and fish department;
- (v) Department of health;
- (vi) Department of education;
- (vii) Office of state engineer;
-
- (ix) Wyoming state geologist;

- (x) Wyoming department of agriculture;
- (xi) Department of environmental quality;
-
- (xiv) The University of Wyoming;
- (xv) Department of revenue;
- (xvi) The Wyoming business council;
- (xvii) Department of workforce services;
- (xviii) Office of state lands and investments;
- (xix) Department of workforce services;
- (xx) Department of state parks and cultural resources;
- (xxi) Department of fire prevention and electrical safety;
- (xxii) Department of family services;
- (xxiii) Oil and gas conservation commission.

52. Wyoming Statute § 35-12-110(c) provides:

The information required by subsection (b) of this section shall be provided by the agency from which it is requested not more than sixty (60) days from the date the request is made and shall include opinions as to the advisability of granting or denying the permit together with reasons therefor, and recommendations regarding appropriate conditions to include in a permit, but only as to the areas within the expertise of the agency. Each agency which has regulatory authority over the proposed facility shall provide to the council a statement defining the extent of that agency's jurisdiction to regulate impacts from the facility, including a statement of the agency's capability to address cumulative impacts of the facility in conjunction with other facilities. The statement of jurisdiction from each agency is binding on the council.

53. Wyoming Statute § 35-12-110(d) provides that:

On receipt of an application, the director shall conduct a review of the application to determine if it contains all the information required by W.S. 35-12-109 and the rules and regulations. If the director determines that the

application is incomplete, he shall within thirty (30) days of receipt of the application notify the applicant of the specific deficiencies in the application. The applicant shall provide the additional information necessary within thirty (30) days of a receipt of a request for additional information from the director.

54. Wyoming Statute § 35-12-110(f)(i)-(iv) provides that not more than ninety (90) days after receipt of an application for a permit, the director shall:

- (i) Schedule and conduct a public hearing, provided that no hearing shall be held until the state engineer has submitted a preliminary and final opinion as to the quantity of water available for the proposed facility pursuant to W.S. 35-12-108;
- (ii) Notify the applicant and local governments of the hearing[];
- (iii) Cause notice of the hearing to be published in one (1) or more newspapers of general circulation within the area to be primarily affected by the proposed facility; and
- (iv) Hold the hearing at a community as close as practicable to the proposed facility. The provisions of W.S. 35-12-111, 35-12-112 and 35-12-114 apply to the hearing.

55. Wyoming Statute § 35-12-111(a)-(e) designates the parties to a permit proceeding as follows:

- (a) The parties to a permit proceeding include:
 - (i) The applicant;
 - (ii) Each local government entitled to receive a copy of the application under W.S. 35-12-110(a)(i);
 - (iii) Any person residing in a local government entitled to receive a copy of the application under W.S. 35-12-110(a)(i) including any person holding record title to lands directly affected by construction of the facility and any nonprofit organization with a Wyoming chapter, concerned in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial, agricultural and industrial groups, or to promote the orderly development of the areas in which the facility is to be located. In order to be a party the person or

organization must file with the office a notice of intent to be a party not less than twenty (20) days before the date set for the hearing.

(b) Any party identified in paragraph (a)(iii) of this section waives his right to be a party if he does not participate orally at the hearing. Any party identified in paragraph (a)(ii) of this section waives its right to be a party unless the local government files a notice of intent to be a party with the office not less than twenty (20) days before the date set for the hearing.

(c) Any person may make a limited appearance in the proceeding by filing a statement in writing with the council prior to adjournment of the hearing. A statement filed by a person making a limited appearance shall become part of the record and shall be made available to the public. No person making a limited appearance under this subsection is a party to the proceeding.

(d) No state agency other than the industrial siting division shall act as a party at the hearing. Members and employees of all other state agencies and departments may file written comments prior to adjournment of the hearing but may testify at the hearing only at the request of the council, the industrial siting division or any party.

(e) Any person described in W.S. 35-12-111(a)(ii) or (iii) who participated in the public hearing under W.S. 35-12-107 may obtain judicial review of a council decision waiving all or part of the application requirements of this chapter.

56. Pursuant to Wyoming Statute § 35-12-113(a)-(f), the Council shall:

(a) Within forty-five (45) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate. The council shall not consider the imposition of conditions which address impacts within the area of jurisdiction of any other regulatory agency in this state as described in the information provided in W.S. 35-12-110(b), unless the other regulatory agency requests that conditions be imposed. In considering the imposition of conditions requested by other agencies upon private lands, the council shall consider in the same manner and to the same extent any comments presented by an affected landowner. The council may consider direct or cumulative impacts not within the area of jurisdiction of another regulatory agency in this state. The council shall grant a permit either as proposed or as modified by the council if it finds and determines that:

- (i) The proposed facility complies with all applicable law;
 - (ii) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition or inhabitants or expected inhabitants in the affected area;
 - (iii) The facility will not substantially impair the health, safety or welfare of the inhabitants; and
 - (iv) The applicant has financial resources to decommission and reclaim the facility. . . .
- (b) No permit shall be granted if the application is incomplete.
- (c) If the council determines that the location of all or part of the proposed facility should be modified, it may condition its permit upon that modification, provided that the local governments, and persons residing therein, affected by the modification, have been given reasonable notice of the modification.
- (d) The council shall issue with its decision, an opinion stating in detail its reasons for the decision. If the council decides to grant a permit for the facility, it shall issue the permit embodying the terms and conditions in detail, including the time specified to commence construction, which time shall be determined by the council's decision as to the reasonable capability of the local government, most substantially affected by the proposed facility, to implement the necessary procedures to alleviate the impact. A copy of the decision shall be served upon each party.
- (e) A permit may be issued conditioned upon the applicant furnishing a bond to the division in an amount determined by the director from which local governments may recover expenditures in preparation for impact to be caused by a facility if the permit holder does not complete the facility proposed. The permit holder is not liable under the bond if the holder is prevented from completing the facility proposed by circumstances beyond his control.
- (f) Within ten (10) days from the date of the council's decision, a copy of the findings and the council's decision shall be served upon the applicant, parties to the hearing and local governments to be substantially affected by the proposed facility and filed with the county clerk of the county or counties to be primarily affected by the proposed facility. Notice of the decision shall be published in one (1) or more newspapers of general circulation within the area to be affected by the proposed facility.

57. Wyoming Statutes §§ 39-15-111(c)-(d) and 39-16-111(d)-(e) provide:

(c) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the department of revenue shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to an amount determined by the industrial siting council under this subsection and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the department of revenue shall discontinue payments under this section when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The person constructing the industrial facility and the counties affected by the construction of the industrial facility shall provide evidence at the public hearing held pursuant to W.S. 35-12-110(f)(i) of the mitigated and unmitigated impacts that the construction will have on the counties, cities and towns determined by the industrial siting council to be affected by the construction of the industrial facility. The industrial siting council shall review the evidence of the impacts and determine, applying a preponderance of evidence standard, the dollar amount of the unmitigated impacts. The council shall state, in the order issued under W.S. 35-12-113(a), the total dollar amount of the impact assistance payment and the reasons for determining that amount. The impact assistance payment shall be distributed by the department of revenue in an amount and on a schedule determined by the council, based on evidence presented at the hearing. Under no circumstances shall the impact assistance payment exceed two and seventy-six hundredths percent (2.76%) of the total estimated material costs of the facility, as those costs are determined by the council. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110(f)(i). The industrial siting council shall review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio or the amount of the impact assistance payment upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance

payment shall be made for any period in which the county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of any adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the department of revenue who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio. The industrial siting council shall adopt rules as necessary to implement this subsection.

(d) As used in subsection (c) of this section:

(i) "Period of construction" begins at the commencement of construction and ends when the physical components of the industrial facility or federal or state government project are ninety percent (90%) complete, provided, if payments are already being made under this act, commencement of construction of another industrial facility or federal or state government project will not be considered for purposes of establishing a new impact assistance payment amount or determining when payments will commence under this act, but will only be considered for determining when the period of construction ends[.]

58. Chapter 1, Section 8 of the ISC Rules provides, in part:

In accordance with W.S. 35-12-109, the application shall contain the information required by the Act with respect to both the construction period and online life of the proposed industrial facility and the following information the Council determines necessary:

(a) The application shall state the name, title, telephone number, mailing address, and physical address of the person to whom communication in regards to the application shall be made.

(b) A description of the specific, geographic location of the proposed industrial facility. The description shall include the following:

(i) Preliminary site plans at an appropriate scale indicating the anticipated location for all major structures, roads, parking areas,

on-site temporary housing, staging areas, construction material sources, material storage piles and other dependent components; and

(ii) The area of land required by the industrial facility and a land ownership map covering all the components of the proposed industrial facility.

(c) A general description of the major components and dependent components of the proposed industrial.

(d) A description of the operating nature of the proposed industrial facility, the expected source and quantity of its raw materials, and energy requirements. The description shall include, but is not limited to, the following:

(i) The proposed on-line life of the industrial facility and its projected operating capacity during its on-line life; and, for transmission lines exceeding one hundred fifteen thousand (115,000) volts included as part of the proposed industrial facility, a projection indicating when such lines will become insufficient to meet the future demand and at what time a need will exist to construct additional transmission lines to meet such demands; and

(ii) Products needed by facility operations and their source.

(iii) Estimated material costs for the project.

(e) A statement that shall be a reasonable estimate of the calendar quarter in which construction of the industrial facility will commence, contingent upon the issuance of a permit by the Council.

(f) A statement that shall be a reasonable estimate of the maximum time period required for construction of the industrial facility and an estimate of when the physical components of the industrial facility will be ninety (90) percent complete, and the basis for that estimate.

(g) The applicant shall identify what it deems to be the area of site influence and recommends as the local governments primarily affected by the proposed industrial facility as defined in Sections 2 (b), (c) and (d). The immediately adjoining area(s) and local governments shall also be identified with a statement of the reasons for their exclusion from the list of area(s) or local governments primarily affected by the proposed industrial facility.

(h) Using tables, provide a detailed tally of the estimated work force to construct and to operate the facility showing the following information:

- (i) All workers providing direct labor and direct support; (safety, supervision, inspection) at the work site;
- (ii) Information by calendar month and year from the commencement of construction through the first year of operation;
- (iii) Identify and provide totals of those which are construction and those which are permanent;
- (iv) Identify and provide quarterly totals of the number, job classification and recurrence; of those which are estimated to be immigrating (from outside the study area at the time of hire for the facility) and of those pre-existing employees of the applicant engaged in construction;
- (v) Provide estimates of wages; and
- (vi) Provide estimates of paid benefits including per diem and paid fees.

(i) The social and economic conditions in the area of site influence shall be inventoried and evaluated as they currently exist, projected as they would exist in the future without the proposed industrial facility and as they will exist with the facility. Prior to submitting its application, each applicant shall confer with the Administrator to define the needed projections, the projection period and issues for socioeconomic evaluation. The evaluation shall include, but is not limited to:

- (i) An analysis of whether or not the use of the land by the industrial facility is consistent with state, intrastate, regional, county and local land use plans, if any. The analysis shall include the area of land required and ultimate use of land by the industrial facility and reclamation plans for all lands affected by the industrial facility or its dependent components;
- (ii) A study of the area economy including a description of methodology used. The study may include, but is not limited to, the following factors:
 - (A) Employment projections by major sector;
 - (B) Economic bases and economic trends of the local economy;
 - (C) Estimates of basic versus non-basic employment;

(D) Unemployment rates;

(iii) A study of the area population including a description of methodology used. The study may include, but is not limited to, an evaluation of demographic characteristics for the current population and projections of the area population without the proposed industrial facility;

(iv) An analysis of housing facilities by type, including a quantitative evaluation of the number of units in the area and a discussion of vacancy rates, costs, and rental rates of the units. The analysis should include geographic location, including a quantitative evaluation of the number of units in the area required by the construction and operation of the proposed industrial facility and a discussion of the effects of the proposed industrial facility on vacancy rates, costs, and rental rates of the units. Specific housing programs proposed by the applicant should be described in detail;

(v) An analysis of effects on transportation facilities containing discussion of roads (surface type), and railroads (if applicable).

(vi) Public facilities and services availability and needs, which may include, but are not limited to:

(A) Facilities and personnel required for the administrative functions of government including specific new demands or increases in service levels created by construction of the proposed industrial facility;

(B) Sewer and water impacts shall describe the distribution and treatment facilities including the capability of these facilities to meet projected service levels required due to the proposed industrial facility. Use of facilities by the proposed industrial facility should be assessed separately from population related increases in service levels. If required pursuant to W.S. 35-12-108, the application shall contain the Water Supply and Water Yield Analysis and Final Opinion of the State Engineer;

(C) Solid waste collection and disposal services including the capability of these facilities to meet projected service levels required due to the proposed industrial facility. Use of facilities by the proposed industrial facility should be assessed separately from population related increases in service levels;

(D) Existing police and fire protection facilities including specific new demands or increases in service levels created by the proposed industrial facility;

(E) An analysis of health and hospital care facilities and personnel including specific new demands or increases in service levels created by the proposed industrial facility;

(F) Human service facilities, programs and personnel, including an analysis of the capacity to meet current demands and a description of problems, needs, and costs of increasing service levels;

(G) An analysis of community recreational facilities and programs and urban outdoor recreational opportunities including specific new demands or increases in service levels created by the proposed industrial facility;

(H) Educational facilities, including an analysis based upon enrollment per grade, physical facilities and their capacities and other relevant factors with an assessment of the effect that the new population will have on personnel, programs and facilities;

(I) Problems due to the transition from temporary, construction employees to operating workforces should be addressed. Changes in levels of services required as a result of the proposed industrial facility should specifically be addressed. Cumulative impacts of the proposed industrial facility and other developments in the area of site influence should be addressed separately. This assessment should examine increased demands associated with the construction and operational phases of the proposed industrial facility, as well as effects on the level of services as the construction or operational workforces decline;

(J) A copy of any studies that may have been made of the social or economic impact of the industrial facility.

(vii) A fiscal analysis over the projection period for all local governments and special districts identified by the applicant as primarily affected by the proposed industrial facility, including revenue structure, expenditure levels, mill levies, services provided through public financing, and the problems in providing public services. If modeling software is used, then identifying the software

program and providing a summary table of the data set inputs (including any multipliers) for the analysis is required. The analysis may include, but is not limited to:

(A) An estimate of the cost of the facility with a separate line item for the estimated material costs;

(B) An estimate of the sales and use taxes to be paid directly by the applicant to construct the facility. This estimate should be broken down by year.

(C) If a facility is located in more than one county, the estimate under subsection (B) above shall be broken down by year and for each affected county.

(D) Estimates of impact assistance payments which will result from the project.

(E) An estimate of the cost of components of the industrial facility which will be included in the assessed value of the industrial facility for purposes of ad valorem taxes for both the construction and operations periods. This estimate should include a breakdown by county if the components of the industrial facility will be located in more than one county.

(j) An evaluation of the environmental impacts as they would exist if the proposed industrial facility were built. Each evaluation should be followed by a brief explanation of each impact and the permit issued that regulates the impact. If the impact is not regulated by a state regulatory agency or federal land management agency, the application must include plans and proposals for alleviating adverse impacts. Cumulative impacts of the proposed industrial facility and other projects in the area of site influence should be addressed separately.

(k) The applicant shall describe the procedures proposed to avoid constituting a public nuisance, endangering the public health and safety, human or animal life, property, wildlife or plant life, or recreational facilities which may be adversely affected by the estimated emissions and discharges from the proposed facility.

(l) The applicant shall provide certification that all local governments in the study area were provided notification of the facility, a description of the proposed project and an opportunity to ask the applicant questions regarding the proposed project at least thirty (30) days prior to the submission of the

application. The certification shall include a description of the actual process used.

(m) For a permit application, the applicant shall provide a description of land use and changes to land use as a result of the project. Such will include:

(i) The project site, transportation routes, utilities, and collector systems.

(ii) County land use plans and zoning, if any.

(iii) Changes to agricultural production as a consequence of the project.

(n) For a permit application, the applicant shall provide the following:

(i) An evaluation of potential impacts together with any plans and proposals to alleviate potential impacts. The evaluation shall include a recent survey for threatened and endangered and rare species of concern (flora & fauna), as identified in the state wildlife action plan prepared by the Wyoming Game and Fish Department, found at the site location.

(ii) An evaluation of the potential impacts to terrestrial and aquatic wildlife and any plans or proposals to alleviate potential impacts.

(o) The applicant shall provide a description of the methods and strategies to maximize employment and utilization of the existing local or in-state contractor and labor force during the construction and operation of the facility.

(p) The applicant shall provide a description of the impact controls and mitigating measures proposed to mitigate and alleviate adverse environmental, social and economic impacts associated with the construction and operation of the proposed industrial facility, including:

(i) Monitoring programs to assess effects of the proposed industrial facility and the overall effectiveness of impact controls and mitigating actions.

(ii) Impact controls and mitigating measures proposed by the applicant to alleviate adverse environmental, social and economic impacts associated with construction and operation of the proposed industrial facility.

(q) The applicant shall provide a description and quantification of the mitigated and unmitigated impacts that will result from the construction and operation of the proposed facility on the affected local governments and special districts. Such description shall include:

(i) Quantification of fiscal impacts, regardless of amount, on all items contained in Wyoming Statute 35-12-109 (a)(xiii)(A)–(S).

(ii) Projection of when, by calendar month, the unmitigated impacts will occur in the affected communities.

(iii) Projection, by calendar month, of fiscal impact in affected communities.

(r) Counties wishing to present evidence shall provide a description and quantification of the unmitigated impacts that will result from the construction and operation of the proposed facility. Such description shall include:

(i) Estimates of fiscal impacts on services provided by communities; and

(ii) Estimated projections of when unmitigated impacts will occur in communities[.]

59. Chapter 1, Section 9 of the ISC Rules provides additional requirements for wind energy facilities, including: (a) a decommissioning plan; (b) compliance with storm water permitting requirements; (c) a final reclamation plan; (d) financial assurance to assure complete decommissioning and site reclamation; (e) cost estimation for decommissioning and site reclamation; (f) the ability to request variances to Section 9's requirements; (g) notices to record owners of mineral rights located on or under the land where the proposed facility will be constructed; (h) information demonstrating the applicant's financial capability to construct, maintain, operate, decommission, and reclaim the facility; and (i) notice to affected landowners.

B. Application of Principles of Law

60. This Council has considered all the evidence, testimony, and arguments presented at the October 9 and 10, 2019 evidentiary hearing. Through the evidence and testimony, this

Council finds Two Rivers and Lucky Star has proved by a preponderance of the evidence that they filed a complete Application with the Division regarding the Project, which included the items required by Wyoming Statute § 35-12-109(a) and Chapter 1, Sections 8 and 9 of the ISC Rules, and that the Project complies with all applicable law. The completeness of the Application is supported by the testimony of Wichmann, and Two Rivers' and Lucky Star's witnesses, as well as the Application and response to the Division's Notice of Deficiencies. Two Rivers and Lucky Star adequately described all of their commitments to local governments.

61. Through the exhibits and testimony of witnesses, Two Rivers and Lucky Star proved the Project complies with applicable law; will not pose a threat of serious injury to the environment nor to the social and economic condition or inhabitants or expected inhabitants in the affected area, and that the Project will not substantially impair the health, safety, and welfare of those inhabitants. Two Rivers and Lucky Star also demonstrated they have the financial capability to construct, maintain, operate, decommission, and reclaim the Project. The testimony of Two Rivers and Lucky Star's multiple witnesses indicated that to be the case.

62. There were no objections to the variances requested by Two Rivers and Lucky Star.

63. The Division proposed including conditions #1 through #21 with the ISC Permit, if it is issued. Anadarko withdrew its objection and request for a condition regarding a Coordinated Development Agreement, and there were no other objections to the Application or any of the conditions recommended by the Division. The evidence supported inclusion of those conditions on the ISC Permit, and the Council voted to approve the ISC Permit with the variances requested in the Application and conditions proposed by the Division. [Tr. at 268-72].

64. Regarding the impacts identified by the local governments, this Council finds, based upon the testimony of the local governments' witnesses, the evidence in their exhibits, and

the other evidence presented at the hearing, that there will be significant unmitigated impacts on the local governments.

65. Regarding the amount of the impact assistance funds, the Council considered a number of factors in determining whether the amount identified by the local governments, \$9,724,477.00, was appropriate, and whether the local governments had justified the amounts and distribution indicated in the MOU. The Council noted in particular that the total amount requested by the local governments was less than the statutory maximum. After careful deliberation, the Council voted to approve the impact assistance funds in the amount requested in the MOU and distributed as set forth in the Division's proposed Exhibit 4. [Tr. at 367-68, 374-75].

66. The total amount and schedule of payments of the impact assistance funds to the local governments shall be in accordance with the schedule attached as Appendix A.

VI. DECISION

Pursuant to the authority vested in the Council by Wyoming Statute § 35-12-113, this Council hereby **GRANTS** the Industrial Siting Permit Application filed by Two Rivers and Lucky Star to construct and operate the Two Rivers and Lucky Star Wind Project in Albany and Carbon Counties, Wyoming, with the variances described in the Application.

The Council specifically finds, with the imposition of the following conditions, that:

- (1) The proposed facility complies with all applicable law;
- (2) The facility will not pose a threat of serious injury to the environment nor to the social or economic condition of inhabitants or expected inhabitants in the affected area;
- (3) The facility will not substantially impair the health, safety, or welfare of the inhabitants;

(4) The Applicant has the financial resources to construct, maintain, operate, decommission, and reclaim the facility;

(5) Pursuant to its authority, this Council allocates the impact assistance funds as enumerated and scheduled in Appendix A attached to this Order.

(6) Finally, pursuant to its authority, this Council places the following terms and conditions on the facility, as modified, from the ISD Exhibit 3:

Condition #1. Permittee shall obtain and maintain all required State and local permits and approvals in accordance with W. S. 35-12-109 (a) (xv), 35-12-113 (a) (i), and 35-12-115 during the term of this permit.

Condition #2. Permittee shall commence to construct within three years following the date of the award of this permit.

Condition #3. Before engaging in any activity over which the Industrial Siting Council (ISC) has jurisdiction which could significantly affect the environment external to Permittee's permit area, or the social, or economic, or environmental conditions of the area of site influence and which was not evaluated in the permit process, the Permittee shall prepare and file an evaluation of such activity with the Industrial Siting Division (ISD). When in the opinion of the Director of the Department of Environmental Quality (Director), the evaluation indicates that such activity may result in significant adverse impacts that were not considered in the permit, the Permittee shall file a permit amendment in accordance with W. S. 35-12-106.

Condition #4. The Permittee shall develop a written compliance plan and program to ensure compliance with voluntary commitments of this Permit, testimony, agreements with local governments, and these permit conditions. A compliance coordinator shall be designated and identified to the ISD prior to the onset of construction. This individual shall present himself/herself and meet with the ISD staff before construction commences and review the permit requirements with the ISD staff. This coordinator shall assume the responsibility for assuring that contractors and subcontractors are aware of and enable the Permittee to meet all permit requirements.

Condition #5. The ISC may review any adverse social, economic, or environmental impacts either within or outside the area primarily affected that are attributed to the Permittee:

- a. Which adversely affect the current level of facilities or services provided by the local community;
- b. Which cannot be alleviated by financing through ordinary sources of revenue, given due consideration to bonding history and capacity of the jurisdiction involved;

- c. Which were not evaluated or foreseen at the time the permit was granted and can be attributed in whole or in part to the permitted facility; and
- d. Which are not or cannot be resolved by voluntary measures by industrial representatives in the community,

Then by order issued in accordance with the Wyoming Administrative Procedures Act, the ISC may require additional mitigation by the Permittee in cooperation with other basic industries (existing and future) provided that:

- a. A local government has requested mitigation assistance; and
- b. Such adverse impacts were determined to be a result of the activities of the Permittee.

Permittee shall be required to assist in mitigating any impacts that result from construction or operation of the (Facility), including those resulting from direct and indirect employment. For purposes of determining additional mitigation measures by the Permittee, consideration shall be given to previous mitigation efforts. However, in any event, Permittee shall not be required to provide mitigation in excess of the proportion that the Permittee's activities are contributing to the total impacts within the impacted area (as defined by W. S. 35-12-102).

Condition #6. The Permittee shall give written notice to the ISD when construction commences.

Condition #7. The Permittee shall give written notice to the ISD when the physical components of the Facility are 90 percent complete.

Condition #8. As a means of adhering to W.S. 35-12-109 (a)(xviii) to provide preference for local and resident hiring, the Permittee, contractors and subcontractors shall follow these hiring guidelines:

- a. Procedures to foster local hiring shall be incorporated into the compliance plan.
- b. Job postings shall be filed with the local Workforce Center.

Condition #9. The Permittee shall submit an annual report to the ISC for the years or portion of a year that includes construction and again for the first year of operation of the facility for each phase. The annual report shall include:

- a. Efforts to assure compliance with voluntary commitments, mitigation agreements with local governments, and conditions contained in this permit;
- b. The extent to which construction has been completed in accordance with the approved schedule;
- c. Any revised time schedules or time tables for construction, operations, and reclamation, and a brief summary of the construction, reclamation, and other activities that will occur in the next one-year period; and

d. Demonstration of compliance with permit conditions.

Condition #10. In order that the ISD may monitor Permittee's performance, the Permittee shall institute the following monitoring program that shall be recorded on a monthly basis and reported to the ISD on a quarterly basis through the construction period of each phase. Monthly data will be in a form prescribed by ISD and shall include:

- a. The average and peak number of employees for the Permittee, contractors and subcontractors.
- b. Employee city and state of residency at the time of hire and the employee city and state while employed and type of residence while employed.
- c. The number of new students enrolled by grade level and school district who are related to Permittee employees, identified as either local (no change of residence) and in-migrants.
- d. Wyoming resident versus non-resident mix of workforce.
- e. An updated construction schedule as shown on pages 3-1 of the Section 109 (Application).

Condition #11. The Permittee shall notify the ISD in advance of proposed changes to the scope, purpose, size or schedule of the Facility. The Director may authorize such changes if he or she finds that:

- a. The change should not result in any significant adverse environmental, social, and economic impacts in the area of site influence; and
- b. No party nor Council Member has requested that the matter be heard before the Council in accordance with the permit procedures of W. S. 35-12-106(c) and (d).

The Director will provide public notice of the proposed change and his intent to approve the request.

Condition #12. The Permittee will notify the ISD in advance and provide updates to the On Site Construction Workforce Schedule, FIGURE 3-1 on page 35 and TABLE 3-1 on page 36 of the Application, and all other pages of the Application where changes are expected to occur if:

- a. Actual on-site workforce during construction is expected to exceed the peak number estimated in the Application by more than fifteen percent (15%);
- b. The Permittee wishes to make changes to the lodging plan as described in the Application.

The Director may authorize such changes or refer the matter to the Siting Council.

Condition #13. As may be subsequently required by the Director, the Permittee shall pay a fee based on the estimated costs to prepare, schedule, and conduct a special hearing or meeting of the Council to remedy any action or inaction by the Permittee. Unused fees shall be refunded to the Permittee.

Condition #14. When the Facility is nearing completion, Permittee shall place a notice to that effect in the newspapers in the general area of the Facility.

Condition #15. The Permittee shall provide bonding on the permit for all lands in the amount of \$33,100,696.00 for decommissioning and reclamation. The Permittee shall provide the surety bonds in steps outlined below:

- a) Step 1: Before the start of any construction on Two Rivers (I-IV), Permittee shall provide a surety bond acceptable to the Administrator for \$9,814,024.00 payable to the Wyoming Department of Environmental Quality.
- b) Step 2: At least 30 days prior to construction on Lucky Star, the Permittee shall provide an additional surety bond acceptable to the Administrator for \$23,286,672.00 payable to the Wyoming Department of Environmental Quality.

The Permittee shall update the decommissioning and reclamation plan, provide a standard Decommissioning and Reclamation Cost Estimate, and bond every five years and submit the information to the Director for review and approval.

Special Condition #16. Prior to construction, the Permittee shall provide a copy of the signed Wyoming Game and Fish Department Monitoring Plan to the Industrial Siting Administrator.

Special Condition #17. Prior to construction, the permittee shall provide the Industrial Siting Administrator with documentation from the Wyoming Game and Fish Department showing analysis and compliance with the Wyoming Sage Grouse Executive Order.

Special Condition #18. No less than ten days prior to construction, the permittee shall notify the Wyoming Public Service Commission to facilitate scheduling of any necessary safety inspections.

Special Condition #19. The Permittee shall provide all employees an Environmental Awareness Training Program provided by the Wyoming Game and Fish Department upon employment.

Special Condition #20. At least 30 days prior to the start of construction, Permittee shall provide a copy of the three signed road use agreements between the Permittee and the Wyoming Department of Transportation, Albany County, and Carbon County to the Industrial Siting Administrator.

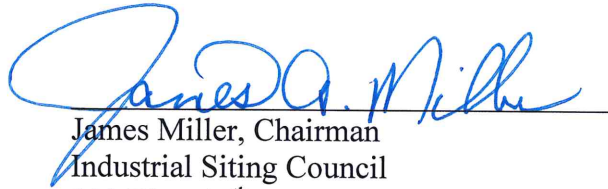
Special Condition #21. Prior to operation, the Permittee shall procure and install an Aircraft Detection Lighting System (ADLS) for control of the FAA-required navigational lighting. In the event that the ADLS is not approved by the FAA, this condition is void.

Special Condition #22. Prior to construction, the Permittee shall provide a copy of the signed Carbon County Use Permit for each phase of the project to the Industrial Siting Administrator.

VII. ORDER

IT IS THEREFORE ORDERED that the Industrial Siting Permit Application for the Two Rivers and Lucky Star Wind Project, as submitted, with variances requested by the Applicants, and as set forth above in Permit Conditions and Special Conditions #1 through #22, is **GRANTED**.

DONE this 20th day of November, 2019.



James Miller, Chairman
Industrial Siting Council
200 West 17th Street
Cheyenne, Wyoming 82002

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by mailing a true and correct copy, postage prepaid, on the 25 day of November, 2019, addressed to the following:

Wyoming Department of Environmental Quality - (ORIGINAL)
Industrial Siting Division
Attn: Kimber Wichmann, Chief Economist
200 West 17th Street, 4th Floor
Cheyenne, Wyoming 82002

Office of Administrative Hearings
Hearing Examiner Bern Haggerty
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Town of Medicine Bow
P.O. Box 156
Medicine Bow, Wyoming 82329

Robert Southard – City Attorney
City of Laramie
P.O. Box C
Laramie, Wyoming 82073

Linda Crane – Clerk/Treasurer
Town of Elk Mountain
P.O. Box 17
Elk Mountain, Wyoming 82324

Lois Buchanan - Mayor
Town of Hanna
P.O. Box 99
Hanna, Wyoming 82327

Steven Nicholson
City of Rawlins
P.O. Box 953
Rawlins, Wyoming 82301

CJ Leslie - Mayor
Town of Rock River
P.O. Box 280
Rock River, Wyoming 82083

Peggy Trent – County Attorney
Albany County Attorney’s Office
525 Grand Avenue, Suite 100
Laramie, Wyoming 82070

Alice Clark
Medicine Bow Rural Health Care Center
P.O. Box 37
Medicine Bow, Wyoming 82329

Ashley M. Mayfield Davis – County Attorney
Carbon County Attorney’s Office
215 West Buffalo Street, Ste. 118
Rawlins, WY 82301

Willing John Johnson
Board of Carbon County Commissioners
P.O. Box 6
Rawlins, Wyoming 82301

Michael D. Smith – Attorneys for Anadarko Petroleum Corporation
Darin B. Scheer
Crowley Fleck, LLP
237 Storey Blvd., Suite 110
Cheyenne, Wyoming 82099

John Zeiger - Mayor
Town of Saratoga
P.O. Box 486
Saratoga, Wyoming 82331


Industrial Siting Division

IMPACT ASSISTANCE PAYMENT SCHEDULE - Two Rivers and Lucky Star Wind Energy Project

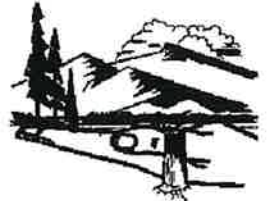
2021													
	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Month 13
DOR PMT CARBON COUNTY	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89	\$244,110.89
CARBON County will then Distribute													
Carbon County	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85	\$67,171.85
Elk Mountain	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44	\$4,444.44
Hanna	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04	\$16,037.04
Medicine Bow	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67	\$132,666.67
Saratoga	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41	\$16,651.41
Sinclair	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Rawlins	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48	\$7,139.48
DOR PMT ALBANY COUNTY	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93	\$116,054.93
ALBANY County will then Distribute													
Albany County	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89	\$31,688.89
Laramie	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22	\$24,551.22
Rock River	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81	\$59,814.81
TOTAL	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81	\$360,165.81

Carbon	67.7774%
Albany	32.2226%
	100.0000%



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor

Todd Parfitt, Director

September 26, 2022

Glenn Isaac
Senior Management Consultant
Blue Earth Renewables
C/O 850 New Burton Road, Suite 201
Dover, DE 19904

ISC/DEQ 18-11 TWO RIVERS AND LUCKY STAR WIND PROJECTS REQUEST FOR AMENDMENT

Dear Mr. Isaac,

Two Rivers Wind, LLC and Lucky Star, LLC (Permittee) has a permit in good standing for the construction and operation of the Two Rivers and Lucky Star Wind Energy Projects in Carbon and Albany Counties. Condition #2 (dated November 20, 2019) within the permit issued by industrial states:

Condition #2: Permittee shall commence to construct within three years following the date of the award of this permit.

The Permittee notified the Industrial Siting Division of the requested amendment to its permit on July 27, 2022. The Permittee needs to extend the date at which construction is to be commenced to Q2 of 2023 for phase I and Q2 of 2024 for phase II. The delay in construction timing was caused by a delay in receiving the Carbon County Use Permit. Notice of the requested amendment and the Director's intent to approve the request was published in The Saratoga Sun on August 11 and 18, 2022 and in the Casper Star Tribune on August 7 and 14, 2022. Wyoming Game and Fish submitted comments on August 26, 2022. The Industrial Siting Division found the Permittee's response to be sufficient. No party or Council member requested the matter be heard before the Council.

The Industrial Siting Division finds that changing the construction schedule should not result in a significant adverse environmental, social or economic impact. Therefore, the proposed amendment, as submitted by the Permittee, is approved.

Sincerely,

Todd Parfitt
Director
Wyoming Department of Environmental Quality

CC: Alan Edwards, Industrial Siting Administrator

September 7, 2018

Brian Lovett, Industrial Siting Administrator
 Wyoming Department of Environmental Quality
 Industrial Siting Division
 200 West 17th Street
 Cheyenne, WY 82002

Re: Jurisdictional Meeting for the Two Rivers Wind Energy Project, Carbon and Albany Counties, Wyoming

Dear Mr. Lovett,

This letter provides information on the Two Rivers Wind Energy Project (“Project”) as outlined in Chapter 1, Section 4 (Jurisdictional Meeting) of the Rules and Regulations of the Industrial Siting Council, and is provided for the purpose of facilitating a jurisdictional determination from the Industrial Siting Division. Two Rivers Wind, LLC (“Company”) anticipates delivering a Section 109 Application to the Industrial Siting Division in late 2018 or early 2019.

Details of Ownership and Points of Contact

The Project Area is privately owned, with interspersed Bureau of Land Management (“BLM”) and state land, as detailed in in **Table 1**. The location of the Two Rivers Project is provided in **Figure 1**.

Table 1. Land Ownership in Wind Development Areas

Township	Range	Sections	Ownership
<i>Two Rivers Phase I, II & IV</i>			
23N	78W	3, 5-7, 9, 15, 17, 19, 20 (E half), 21, 22 (portion), 27, 29, 31, 32 (E half), 33-34	Private
23N	78W	4, 8, 10, 18, 20 (W half), 22 (portion), 28, 30, 32 (W half)	BLM
23N	78W	16	State
<i>Two Rivers Phase III</i>			
21N	77W	13-14, 23-26, 35	Private

Contact information for the points of contact for the Project are provided in **Table 2**.

Description of the Proposed Facility Including a Site Plan

The Project comprises development of four wind powered electric generation facilities with a combined capacity of up to 280 megawatts (MW). The facilities will be located on two private ranches and will be permitted under one application. Two Rivers I, II, and III will be situated on 15,067 acres in Carbon County north of Highway 30 and the Town of Medicine Bow. Two Rivers IV will be situated on approximately 4,500 acres in Albany County south of Highway 30 and west of the Town of Rock River. The Projects collectively hold interconnection queue position number Q719 with an interconnection capacity of 280 MW. The number and generation capacity of wind turbine generators has not yet been finalized, however

preliminary plans for the proposed facility include between 80 and 112 wind turbine generators using a 2.5 MW to 4.5 MW generator to achieve a total Project nameplate capacity of up to 280 MW. Due to advancements in available technology, the site plan could change to fewer, larger wind turbines. The proposed facility will also contain step up transformers, a 34.5 kilovolt (kV) overhead and underground collector system, an operations, maintenance and storage building, two substations, access roads, a 230 kV overhead transmission line connecting the two project substations, and a 230 or 345 kV overhead Gen-Tie transmission line connecting to the existing Freezeout substation (see **Figure 1** inset map), and other associated facilities. A preliminary site plan of 80 No. 4.2 MW generators is enclosed as **Figure 1**.

Two Rivers I, II and III is anticipated to be constructed first, beginning in 2019 while Two Rivers IV is anticipated to commence construction in 2020.

Table 2. Points of Contact

Primary Project Contact (Applicant)	Gareth McDonald, Director, Project Development Two Rivers Wind, LLC 214 11 th Avenue SW, Suite 400 Calgary, Alberta T2R 0K1 Canada (587) 324-4247 gareth@bluearth.ca
Applicant's Legal Counsel	Jenifer Scoggin, Partner Holland & Hart LLP 2515 Warren Avenue, Suite 450 P.O. Box 1347 Cheyenne, WY 82001 (307) 778-4227 jscoggin@hollandhart.com
Applicant's Consultant	Melanie Martin, Principal Environmental Planner ICF Jones & Stokes, Inc. 3665 John F. Kennedy Parkway, Building 1, Suite 300 Fort Collins, CO 80525 (970) 372-3904 melanie.martin@icf.com

Construction is anticipated to begin in summer of 2019 and continue through 2020. Road improvements, road construction, and geotechnical investigations would be initiated first, followed by construction of foundations, the electric collection system, and installation of wind turbine generators. Operations are scheduled to commence in December of 2020.

Proposed facility location and land ownership

The Project site is located on predominantly private lands near the Towns of Medicine Bow and Rock River in unincorporated Carbon and Albany Counties, Wyoming (**Figure 1** inset map). The Project site also comprises interspersed parcels administered by the State of Wyoming Office of State Lands and Investments and Bureau of Land Management. Primary access into the Project site is from US 287 or US 30 traveling north along Wyoming Highway 487.

The Company holds wind lease agreements to develop a commercial wind energy generating facility on the private fee lands that are owned by a total of three landowners. The Company has entered into a wind lease with the State of Wyoming Office of State Lands and Investments for a section of ground and may lease additional ground from them. The Company will enter into a wind lease with the BLM to govern the use of those parcels for siting of infrastructure.

Location for the Receipt of Purchase and where Title Changes

All of the road and foundation materials are anticipated to be sourced locally within Wyoming as close to the project site as possible. The turbine supplier has not been selected and as such the point of origin for turbine components is not currently known. The turbine components will likely be delivered either by rail to Cheyenne or Laramie and then put on trucks or trucked directly from their point of origin in the US to the project site. While there is a potential for material delivery through rail, the method of delivery is entirely at the discretion of the turbine supplier. Title for turbine components would transfer at the Project site in unincorporated Albany and Carbon Counties, Wyoming.

Any future phases to be requested in the application

The Project will be constructed in two phases, both phases are included in the Project description with an explanation to the different construction timeframes. No future phases are anticipated at this time.

The estimated cost of construction, including preliminary estimated material costs

The total cost of construction is estimated to be \$364 million. Approximately \$262 million of the total estimated construction cost would be material costs inclusive of materials, supplies, and equipment.

We thank the Industrial Siting Division for its attention in providing a jurisdictional determination for the Two Rivers Wind Energy Project. If you have questions regarding this letter or its enclosures, please contact our Project representative, Gareth McDonald, at (587)324-4247 or gareth@bluearth.ca.

Sincerely,



Gareth McDonald, Director, Project Development

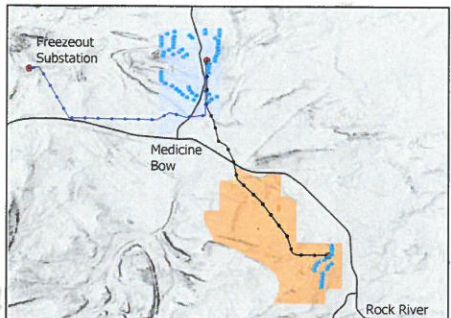
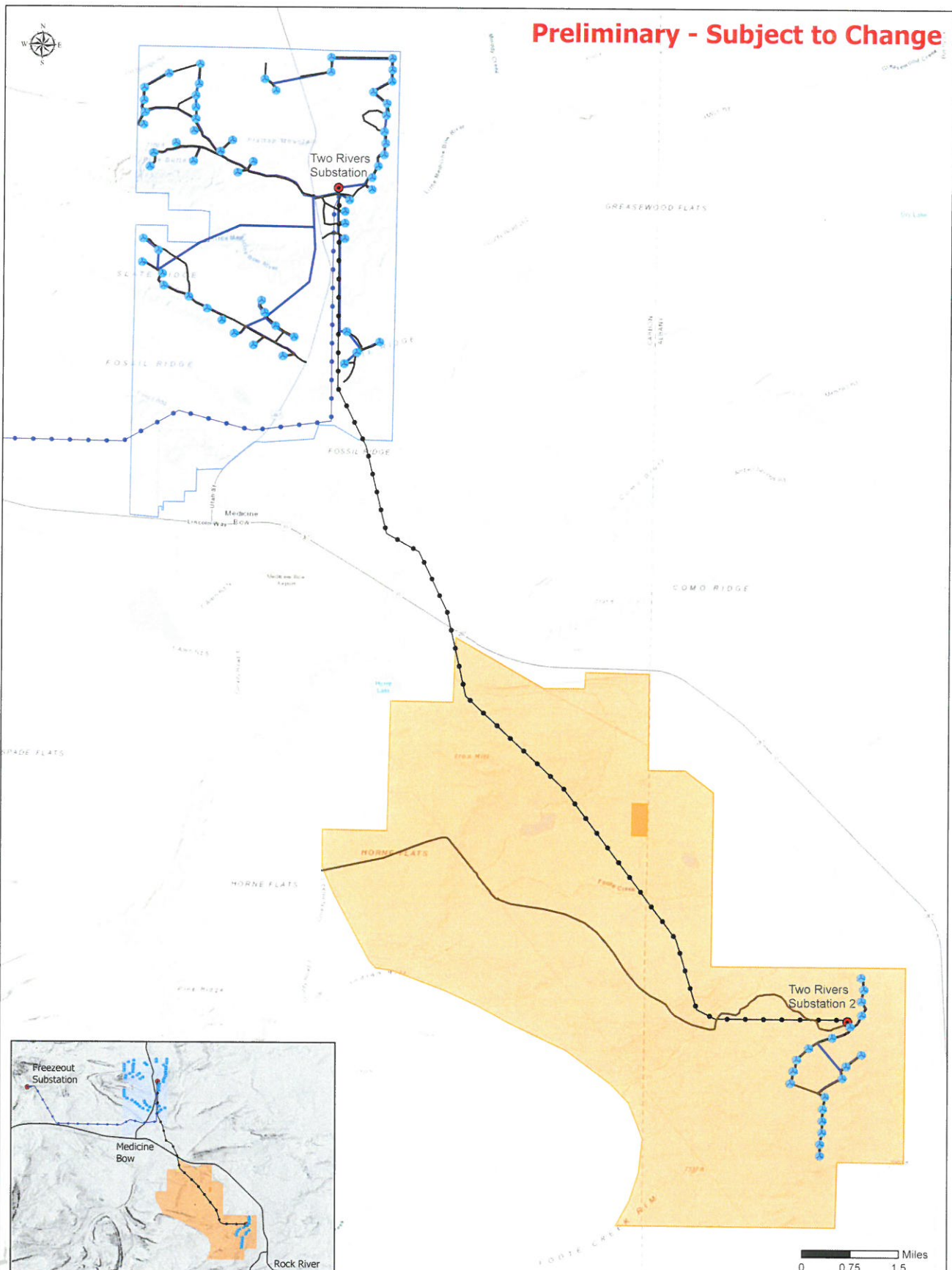
Two Rivers Wind, LLC

Cc: Jennifer Scoggin, Holland & Hart
Melanie Martin, ICF

Enclosures:

Figure 1: Preliminary Site Plan

Preliminary - Subject to Change



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



Legend	
Proposed Two Rivers Turbine	Two Rivers Ranch
Project Road	Medicine Bow River Ranch
Transmission Line	Substation
Electrical Trunk Line	
Project Collection	

**Preliminary
Site Plan**

**Two Rivers
Wind Farm**

Spatial Reference
 NAD 1983 UTM Zone 13N
 Units = Mile

 Date 2018-09-06



State Engineer's Office

HERSCHLER BUILDING
FIRST FLOOR WEST
CHEYENNE, WY 82002
(307) 777-6150

MATTHEW H. MEAD
GOVERNOR

PATRICK TYRRELL
STATE ENGINEER

October 26, 2018

Two Rivers and Lucky Star Wind Projects
c/o ICF
3665 John F Kennedy Parkway
Building 1, Suite 300
Fort Collins, CO 80525

Re: Intent to Submit Applications for County Permits and Industrial Siting Council Permit for the Two Rivers and Lucky Star Wind Energy Projects, Carbon and Albany Counties, Wyoming

Dear Mr. McDonald:

In response to your October 19, 2018 notice, stating Two Rivers Wind LLC and Lucky Star Wind LLC, both wholly owned subsidiaries of BluEarth Renewables US LLC (BluEarth), are initiating local and state permit applications required to construct and operate the Two Rivers and Lucky Star Wind Projects on three private ranches in Carbon and Albany Counties, Wyoming, the State Engineer's Office (SEO) – Ground Water Division offers the following:

- If BluEarth anticipates using groundwater during construction and operation of the facility, BluEarth must obtain an approved groundwater permit from the SEO prior to beneficially using water (W.S. §41-3-930). If water is to be provided by another mechanism (e.g., a temporary water use agreement), that agreement must be approved by the SEO prior to beneficial use.
- If BluEarth requires 800 acre feet or more of water annually for the proposed project, the Industrial Siting application shall contain a *Water Supply and Water Yield Analysis and Final Opinion of the State Engineer* as required by W.S. §35-12-108.

If you have questions, or would like to discuss water use requirements for the proposed project, please call me at (307) 777-5063.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Lindemann".

Lisa Lindemann, Administrator
Ground Water Division

Cc: Kimber Wichmann, Chief Economist, Industrial Siting Division
Brian Pugsley, Superintendent, Water Division 1

Surface Water
(307) 777-6475

Ground Water
(307) 777-6163

Board of Control
(307) 777-6178



State Engineer's Office

HERSCHLER BUILDING, 2 WEST
CHEYENNE, WYOMING 82002
(307) 777-6150

MARK GORDON
GOVERNOR

GREG LANNING
STATE ENGINEER

December 7, 2020

Two Rivers Wind LLC
Attn Glenn Isaac,
Senior Mgt Consultant
850 New Burton Road, Suite 201
Dover, Delaware 19904

RE: Two Rivers Wind Project

To Mr. Isaac,

To assist in the Platte River Recovery Implementation Program (PRRIP) compliance process involving the construction of the Two Rivers Wind Project, I reviewed the associated water-related activities.

The installation of approximately 75 turbines with 29.4 miles of transmission lines along with the related access roads and other structures located within the North Platte River basin and the temporary water use of approximately 105 acre-feet (65 acre-feet during construction, and another 40 acre-feet for operations and maintenance and decommissioning) is considered a temporary use of an existing water-related activity. Due to (1) the use of temporary water use agreements allowing for no new net depletions to occur within the North Platte River basin; and/or (2) the use of water from wells considered not hydrologically connected to the North Platte River or its tributaries; this water use is covered under Wyoming's Depletions Plan. Once the source of water through the temporary water use agreements and/or non-hydrologically connected groundwater wells is identified, mitigation will be determined unnecessary as there will be no new depletions of water within the North Platte River basin associated with the Two Rivers Wind Project. In the event this obligation is not met, the water use associated with this project will be reevaluated to determine any necessary mitigation.

If any further questions or comments exist, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey R. Cowley".

Jeffrey R. Cowley

North Platte River Coordinator
State Coordinator, Wyoming's Depletion Plan

LUCKY STAR WIND, LLC
C/O SUITE 201, 850 NEW BURTON ROAD
DOVER, DELAWARE 19904

TWO RIVERS WIND LLC
C/O SUITE 201, 850 NEW BURTON ROAD
DOVER, DELAWARE 19904

November 1, 2018

Industrial Siting
Wyoming Dept. of Environmental Quality
200 West 17th Street,
Cheyenne, WY 82002

VIA E-MAIL

Attention: Brian Lovett, Industrial Siting Administrator

Dear Mr. Lovett,

Re: Two Rivers Wind Energy Facility and Lucky Star Wind Energy Facility Industrial Siting Applications

Further to the letters dated September 7, 2018 and the jurisdictional meetings on September 11, 2018 regarding the two above named projects, we wish to amend our approach to submission of a Section 109 Application.

As discussed at the jurisdictional meeting, the efficiency of the application and review process will be increased by combining the proposed Two Rivers Wind Energy facility and Lucky Star Wind Energy facility into a single project (the "Project") for the submission of a Section 109 Application. In this case, the facilities would be treated as separate and distinct phases within one Project. Each of the two wind energy facilities (phases) is considered by BluEarth to be separate electrically and defined as two different projects from a financial commitment perspective.

Therefore, we wish to submit a combined Section 109 Application for the Two Rivers Wind Energy facility and Lucky Star Wind Energy facility. We trust that the jurisdictional meetings that have been held to date will suffice to represent this combined development.

Please contact me at gareth@bluearth.ca or +1 587-324-4247 if you have any questions or concerns.

Regards,

Two Rivers Wind LLC

Lucky Star Wind LLC



Gareth McDonald
Director, Project Development

LUCKY STAR WIND, LLC
C/O SUITE 201, 850 NEW BURTON ROAD
DOVER, DELAWARE 19904

TWO RIVERS WIND LLC
C/O SUITE 201, 850 NEW BURTON ROAD
DOVER, DELAWARE 19904

Cc: Jennifer Scoggin, Holland & Hart
Melanie Martin, ICF



WYOMING DEPARTMENT of
Family Services

2300 Capitol Avenue
Third Floor Hathaway Bldg
Cheyenne, WY 82002-0490
Tel: 307.777.7564
Fax: 307.777.7747
dfsweb.wyo.gov

November 6, 2018

Ref.: TF-2018-226i

Two Rivers and Lucky Star Wind Projects
c/o ICF
3665 John F Kennedy Parkway
Building 1, Suite 300
Fort Collins, CO 80525

Dear Mr. McDonald:

After reviewing the Two Rivers Wind, LLC and Lucky Star Wind, LLC, Wyoming Industrial Siting Development informational notices and the websites for the proposed Projects; it is the recommendation of the Wyoming Department of Family Services (DFS) for BluEarth Renewables US to consider researching the availability of child care in the areas where an influx of non-resident workers may be relocating.

For more information regarding child care availability in Wyoming, please feel free to contact a Technical Assistance Specialist or Child Care Licensor. Contact information for local DFS staff can be found on the Department's website. <https://sites.google.com/a/wyo.gov/early-childcare-and-licensing/child-care-1>

The DFS Early Childhood Division has available a child care finder webpage to assist families in locating child care, should assistance be needed. <https://findchildcarewy.org/maps/>

Please let us know if we can provide additional details or clarification relating to our area of expertise.

Sincerely,

A handwritten signature in cursive script that reads "Thomas O. Forslund".

Thomas O. Forslund, Director
Wyoming Department of Family Services

TOF/RO/mdw

c: Roxanne O'Connor, Support Services Administrator
Korin A. Schmidt, Interim Senior Administrator



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

GOVERNOR
MATTHEW H. MEAD

DIRECTOR
SCOTT TALBOTT

COMMISSIONERS
MARK ANSEMI – President
DAVID RAEL – Vice President
GAY LYNN BYRD
PATRICK CRANK
KEITH CULVER
PETER J. DUBE
MIKE SCHMID

December 5, 2018

WER 13937.01a
BluEarth Renewables, Inc.
Pronghorn Study Contribution
Albany and Carbon Counties

Gareth McDonald
BluEarth Renewables, Inc.
400, 214 11th Ave SW
Calgary, AB
T2R 0K1
Canada

Dear Mr. McDonald,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed BluEarth Renewables, Inc (BluEarth) Pronghorn Study Contribution. We offer the following comments for your consideration.

The Department in coordination with the University of Wyoming Cooperative Fish and Wildlife Research Unit has initiated a six year collaring study in the Shirley Basin and surrounding area to identify impacts of large scale wind development to pronghorn antelope. The estimated cost of the study is six hundred thirty six thousand, six hundred and seven dollars (\$636,607.00). Approximately half of the project is being paid for with Department funds. Additional participation is being requested from wind developers within the project area.

Information provided by BluEarth indicates that approximately, forty six thousand, six hundred and twenty eight acres (46,628 ac.) is proposed for development in pronghorn crucial winter range. Based on the amount of acres being developed for wind energy and the current participation of other developers in the Shirley Basin area, BluEarth's share of the project cost is one hundred and sixty eight thousand, three hundred and three dollars (\$168,303.00). If other developers in the area participate, BluEarth's share will be reduced based on the calculated cost share of additional participants.

The Department requests a letter of commitment from BluEarth to participate and provide funding for the project. We also encourage the funding contribution be provided in one lump at the beginning of BluEarth's participation.

Gareth McDonald
December 5, 2018
Page 2 of 2 – WER 13937.01a

Thank you for the opportunity to comment. If you have any questions or concerns please contact Linda Cope, Habitat Protection Biologist, at 307-777-2533.

Sincerely,



Angi Bruce
Habitat Protection Supervisor

AB/lc/ml

cc: U.S. Fish and Wildlife Service
Embere Hall, Wyoming Game and Fish Department
Lee Knox, Wyoming Game and Fish Department
Teal Cufaude, Wyoming Game and Fish Department
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

GOVERNOR
MATTHEW H. MEAD

DIRECTOR
SCOTT TALBOTT

COMMISSIONERS
MARK ANSELMINI – President
DAVID RAEL – Vice President
GAY LYNN BYRD
PATRICK CRANK
KEITH CULVER
PETER J. DUBE
MIKE SCHMID

December 6, 2018

WER 13937.01

BluEarth Renewables, Inc.

Intent to Submit Applications for County Permits and Industrial Siting Council (ISC) Permits

Two Rivers and Lucky Star Wind Energy Projects

Carbon and Albany Counties

Gareth McDonald

Director, Project Development

Two Rivers and Lucky Star Wind Projects

c/o ICF

3665 John F. Kennedy Parkway

Building 1, Suite 300

Fort Collins, CO 80525

Dear Mr. McDonald,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Intent to Submit Applications for County Permit and ISC Permits for the Two Rivers and Lucky Star Wind Energy Projects located in Carbon and Albany Counties. We offer the following comments for your consideration.

The intent to submit applications for both county and ISC permits is proposed before pre-construction wildlife monitoring has been completed. As part of the Department's 2010 Wildlife Protection Recommendation for Wind Energy Development in Wyoming (Wind Recommendations), two years of pre-construction surveys is recommended to document wildlife species and distribution in the project area before development takes place. Pre-construction surveys also give the Department the opportunity to make informed siting recommendations to industry that may help to reduce impacts to wildlife. The Department requests that all survey and wildlife-monitoring reports along with associated spatial data be submitted to the Department on an annual basis when completed before construction activities begin. These pre-construction surveys and reports are per the Department's Wind Recommendations. To date no survey and monitoring information has been submitted to the Department for review for the Lucky Star development areas. The Two River project area still has not completed a full two years of wildlife surveys. Wildlife reports should be submitted to the Department in a timely manner to see if any adjustments to survey efforts need to be discussed.

We recommend that the monitoring plans for both pre and post construction activities are submitted to the Department at least 30 days prior to submitting applications for all permits. An

Gareth McDonald
December 6, 2018
Page 2 of 3 – WER 13937.01

outline for the monitoring plan has been provided to ICF for guidance in developing a monitoring plan. Submitting a complete monitoring plan that has been reviewed by the Department will help to ensure that any considerations or concerns with the plan can be rectified in advance of the application/permitting process. Please develop a monitoring plan, along with measures to alleviate potential impacts to species and/or habitats of concern, for inclusion with your ISC application. We would expect the monitoring plan to be updated prior to any construction, based on analysis of all the data.

Preliminary and final site plans along with any future additions or modifications to the facility should be reviewed by the Department to ensure that adequate wildlife considerations are addressed. As discussed with the developer, no turbine locations can be permitted within sage-grouse core area at this time. If any infrastructure is anticipated in core area, such as roads, there is an additional process that needs to be completed before permitting by State agencies to insure that development is compliant with Sage-grouse Executive Order 2015-4.

As part of the ISC reclamation plan, we would recommend re-vegetation consist of a mixture of native grasses, forbs and shrubs that are palatable to wildlife endemic to the area. The project proponent should coordinate all reclamation efforts with the Bureau of Land Management (BLM), the private landowner, and the Department. We recommend measures be taken to minimize the spread and distribution of non-native, invasive plant species such as cheatgrass. This includes making sure any and all equipment used to install and maintain wind turbine activities has been cleaned of mud, vegetation and obvious material that could act as a seed conveyance. Furthermore, mitigation measures should be in place prior to development of the proposed project to address any discovery of non-native, invasive plant species. If these species are observed within the project area at any time that the wind turbines are active, mitigation measures should be in place to limit the spread of these plant species, and ultimately, to return the site to pre-wind turbine condition.

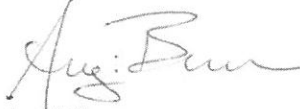
Portions of the development will be on or though BLM surface. The Department recommends coordinating future meetings to include landowners including the BLM as part of the Technical Advisory Committee (TAC) outlined in our Wind Recommendations. The TAC is composed of the Wind Developer and/or their consultant(s), the Department, and affected landowners. TAC Meetings should be held at least annually, typically in January or February, to review monitoring data and consider any siting issues or other measures to avoid and minimize impacts.

Additional recommendations may be forthcoming once the BLM starts their National Environmental Policy Act process.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Linda Cope, Habitat Protection Biologist, at 307-777-2533.

Gareth McDonald
December 6, 2018
Page 3 of 3 – WER 13937.01

Sincerely,

A handwritten signature in cursive script that reads "Angi Bruce".

Angi Bruce
Habitat Protection Supervisor

AB/lc/ml

cc: U.S. Fish and Wildlife Service
Embere Hall, Wyoming Game and Fish Department
Lee Knox, Wyoming Game and Fish Department
Teal Cafaude, Wyoming Game and Fish Department
Heather Schultz, Bureau of Land Management
Kristy Rowan, Carbon County
David Gertsch, Albany County
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne

December 21, 2018

Brian Lovett, Industrial Siting Administrator
 Wyoming Department of Environmental Quality
 Industrial Siting Division
 200 West 17th Street
 Cheyenne, WY 82002

Re: Updated information of the Two Rivers & Lucky Star Wind Energy Project, Carbon and Albany Counties, Wyoming

Dear Mr. Lovett,

This letter provides updated information on the Two Rivers & Lucky Star Wind Energy Project (the “Project”) as required by Chapter 1, Section 4 (Jurisdictional Meeting) of the Rules and Regulations of the Industrial Siting Council. As discussed in our letter dated November 1, 2018, we have elected to combine the two (2) projects previously described separately to the Industrial Siting Division as the Two Rivers Wind Energy Project and the Lucky Star Wind Energy Project, and obtain just one Industrial Siting permit for the entire Project. The Project will be constructed in two phases - the Two Rivers Wind Phase and the Lucky Star Wind Phase. Moving forward, the Project will utilize docket number 18-11 to file its ISC application materials. We anticipate delivering a Section 109 Application to the Industrial Siting Division for the Project in April of 2019.

Details of Ownership and Points of Contact

The Project area is privately owned, with interspersed federal Bureau of Land Management (“BLM”) and Wyoming state land, as detailed in **Table 1** and **Table 2**. The location of the Two Rivers Wind Phase is provided in **Figure 1** and the location of the Lucky Star Wind Phase is provided in **Figure 2**.

Table 1. Land Ownership in Wind Development Areas – Two Rivers Wind Phase

Township	Range	Sections	Ownership
<i>Two Rivers Phase I, II & IV</i>			
23N	78W	3, 5-7, 9, 15, 17, 19, 20 (E half), 21, 22 (portion), 27, 29, 31, 32 (E half), 33-34	Private
23N	78W	4, 8, 10, 18, 20 (W half), 22 (portion), 28, 30, 32 (W half)	BLM
23N	78W	16	State
<i>Two Rivers Phase III</i>			
21N	77W	13-14, 23-26, 35	Private

Table 2. Land Ownership in Wind Development Areas– Lucky Star Wind Phase

Township	Range	Sections	Ownership
<i>Medicine Bow River Ranch</i>			

Township	Range	Sections	Ownership
77 W	21 N	4, 5, 6, 7, 9, 15, 17, 18, 19 (outside Sage Grouse Core Area), 20	Private
	22 N	(outside Sage Grouse Core Area), 21, 22, 27, 28, 29 (outside Sage	
78 W	21 N	Grouse Core Area), 30, 31, 32 (outside Sage Grouse Core Area),	
	22 N	33, 34	
79 W	22 N	19, 20, 28, 29, 31, 32, 33, 34	
		1, 3 (outside Sage Grouse Core Area), 13 (outside Sage Grouse	
		Core Area), 24, 25	
		14, 23, 25, 31, 35	
		25, 27, 35	
77 W	21 N	6, 8	BLM
	22 N	28, 30, 32, 34	
78 W	21 N	2, 6, 12	
	22 N	24, 26, 30	
79 W	21 N	2	
	22 N	22, 24, 26, 28, 34	
77 W	21 N	16	State
78 W	21 N	36	
	22 N	36	
79 W	22 N	22	
<i>Lookout Ranch</i>			
74 W	19 N	19	Private
75 W	18 N	7	
	19 N	2, 3, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 28,	
		29, 30, 31	
	20 N	18, 19, 27, 28, 29, 31, 32, 33, 34, 35	
76 W	18 N	1, 2, 3, 10, 11, 12	
	19 N	1, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35,	
		36	
	20 N	7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 29,	
		31, 33, 35, 36	
77 W	20 N	11, 13, 24	
75 W	18 N	6	BLM
	19 N	2, 4, 5, 6, 8, 9, 10, 14, 16, 17, 18, 19, 20, 21, 28, 29, 30	
	20 N	28, 30, 32	
76 W	18 N	10	
	19 N	12, 22, 26, 28, 34	
	20 N	10, 12, 14, 22, 26, 28, 32, 34	
77 W	20 N	11	State

Contact information for the Project representatives are provided in **Table 3**.

Table 3. Points of Contact

<p>Primary Project Contact (Applicant)</p>	<p>Gareth McDonald, Director, Project Development Two Rivers Wind, LLC & Lucky Star Wind, LLC 214 11th Avenue SW, Suite 400 Calgary, Alberta T2R 0K1 Canada (587) 324-4247 gareth@bluearth.ca</p>
<p>Applicant's Legal Counsel</p>	<p>Jenifer Scoggin, Partner Holland & Hart LLP 2515 Warren Avenue, Suite 450 P.O. Box 1347 Cheyenne, WY 82001 (307) 778-4227 jscoggin@hollandhart.com</p>
<p>Applicant's Consultant</p>	<p>Melanie Martin, Principal Environmental Planner ICF Jones & Stokes, Inc. 3665 John F. Kennedy Parkway, Building 1, Suite 300 Fort Collins, CO 80525 (970) 372-3904 melanie.martin@icf.com</p>

Description of the Proposed Facilities Including Site Plans

The Project will have a combined capacity of up to 780 megawatts (MW)

Two Rivers

The Two Rivers Wind Phase comprises development of four wind powered electric generation facilities with a combined capacity of up to 280 MW. The facilities will be located on two private ranches. Two Rivers I, II, and III will be situated on 15,067 acres in Carbon County north of Highway 30 and the Town of Medicine Bow. Two Rivers IV will be situated on approximately 4,500 acres in Albany County south of Highway 30 and west of the Town of Rock River. The Two Rivers facilities collectively hold interconnection queue position number Q719 with an interconnection capacity of 280 MW. The number and generation capacity of wind turbine generators has not yet been finalized, however preliminary plans for the proposed facility include between 80 and 112 wind turbine generators using a 2.5 MW to 4.5 MW generator to achieve a total project nameplate capacity of up to 280 MW. Due to advancements in available technology, the site plan could change to fewer wind turbines, each with a larger nameplate capacity. The proposed Two Rivers facility will also consist of: step up transformers; a 34.5 kilovolt (kV) overhead and underground collector system; an operations, maintenance and storage building; two substations and ancillary facilities; access roads; a 230 kV overhead transmission line connecting the two project substations; and, a 230 or 345 kV overhead Gen-Tie transmission line connecting to the existing

Freezeout substation (see **Figure 1** inset map). A preliminary site plan of 80 No. 4.2 MW generators is enclosed as **Figure 1**.

Two Rivers I, II and III are anticipated to be constructed first, beginning in 2019 while Two Rivers IV is anticipated to commence construction in 2020. Road improvements, road construction, and geotechnical investigations would be initiated first, followed by construction of foundations, the electric collection system, installation of wind turbine generators, and remaining equipment. Operations are scheduled to commence in December of 2020.

Lucky Star

The Lucky Star Phase comprises development of a single wind powered electric generation facility with a capacity of up to 500 megawatts (MW) on two private ranches. The 56,582-acre Lookout Ranch in Albany County is located south of the Town of Rock River and southwest of Highway 30. The 34,482-acre Medicine Bow River Ranch in both Carbon and Albany Counties is located southeast of the Town of Medicine Bow and south of Highway 30. Lucky Star holds interconnection queue position number Q872 with an interconnection capacity of 500 MW. The number and generation capacity of wind turbine generators has not yet been finalized, however a preliminary site plan for the proposed facility includes up to 198 x 2.5 MW wind turbine generators to achieve a nameplate capacity of approximately 500 MW. Due to recent advancements in available technology, the site plan could change to fewer wind turbines such as 125 x 4.0 MW wind turbines or 111 x 4.5 MW wind turbines. The proposed facility will also consist of: step up transformers; a 34.5 kilovolt (kV) overhead and underground collector system; an operations, maintenance and storage building; two substations and ancillary facilities; a 230 kV overhead transmission line connecting the two project substations; access roads; and, a 230 kV overhead transmission Gen-Tie transmission line connecting the Project to the proposed Aeolus substation northwest of the Project site in Carbon County. A preliminary site plan is enclosed as **Figure 2**.

Construction of the Lucky Star Phase is anticipated to begin in summer 2023 and continue through 2024. Road improvements, road construction, and geotechnical investigations would be initiated first, followed by construction of foundations, the electric collection system, and installation of wind turbine generators. Operations are scheduled to commence in Q4 2024.

Proposed facility location and land ownership

The Project site is located near the Towns of Medicine Bow and Rock River in unincorporated Carbon and Albany Counties, Wyoming (**Figure 1** and **Figure 2** inset maps) on predominantly private lands. The Project site also comprises interspersed parcels administered by the State of Wyoming Office of State Lands and Investments and the federal Bureau of Land Management. Primary access into the Project site is from US 287 or US 30. The project companies hold wind lease agreements to develop a commercial wind energy generating facility on the private fee lands that are owned by a total of three (3) landowners. Two Rivers Wind, LLC has entered into a wind lease with the State of Wyoming Office of State Lands for a section of ground for use in the Two Rivers Wind Phase. The project companies will enter into additional wind leases with the State of Wyoming Office of State Lands and Investments and Bureau of Land Management to govern the use of those parcels.

Location for the Receipt of Purchase and where Title Changes

All of the road and foundation materials are anticipated to be sourced locally within Wyoming as close to the project site as possible. The turbine supplier has not been selected and as such the point of origin for turbine components is not currently known. The turbine components will likely be delivered either by rail to Cheyenne or Laramie and then put on trucks or trucked directly from their point of origin in the US to the project site. While there is a potential for material delivery through rail, the method of delivery is entirely at the discretion of the turbine supplier. Title for turbine components would transfer at the Project site in unincorporated Albany and Carbon Counties, Wyoming.

Any future phases to be requested in the application

No additional future phases are anticipated at this time.

The estimated cost of construction, including preliminary estimated material costs

The total cost of construction for the Project is estimated to be \$1.014 billion. Approximately \$730 million of the total estimated construction cost would be material costs inclusive of materials, supplies, and equipment. The total is comprised of \$364 million for the Two Rivers Wind Phase and \$650 million for the Lucky Star Wind Phase.

If you have questions regarding the updated information in this letter or its enclosures, please contact our Project representative, Gareth McDonald, at (587)324-4247 or gareth@bluearth.ca.

Sincerely,



Gareth McDonald, Director, Project Development

Two Rivers Wind, LLC

Lucky Star Wind, LLC

Cc: Jenifer Scoggin, Holland & Hart
Melanie Martin, ICF

Enclosures:

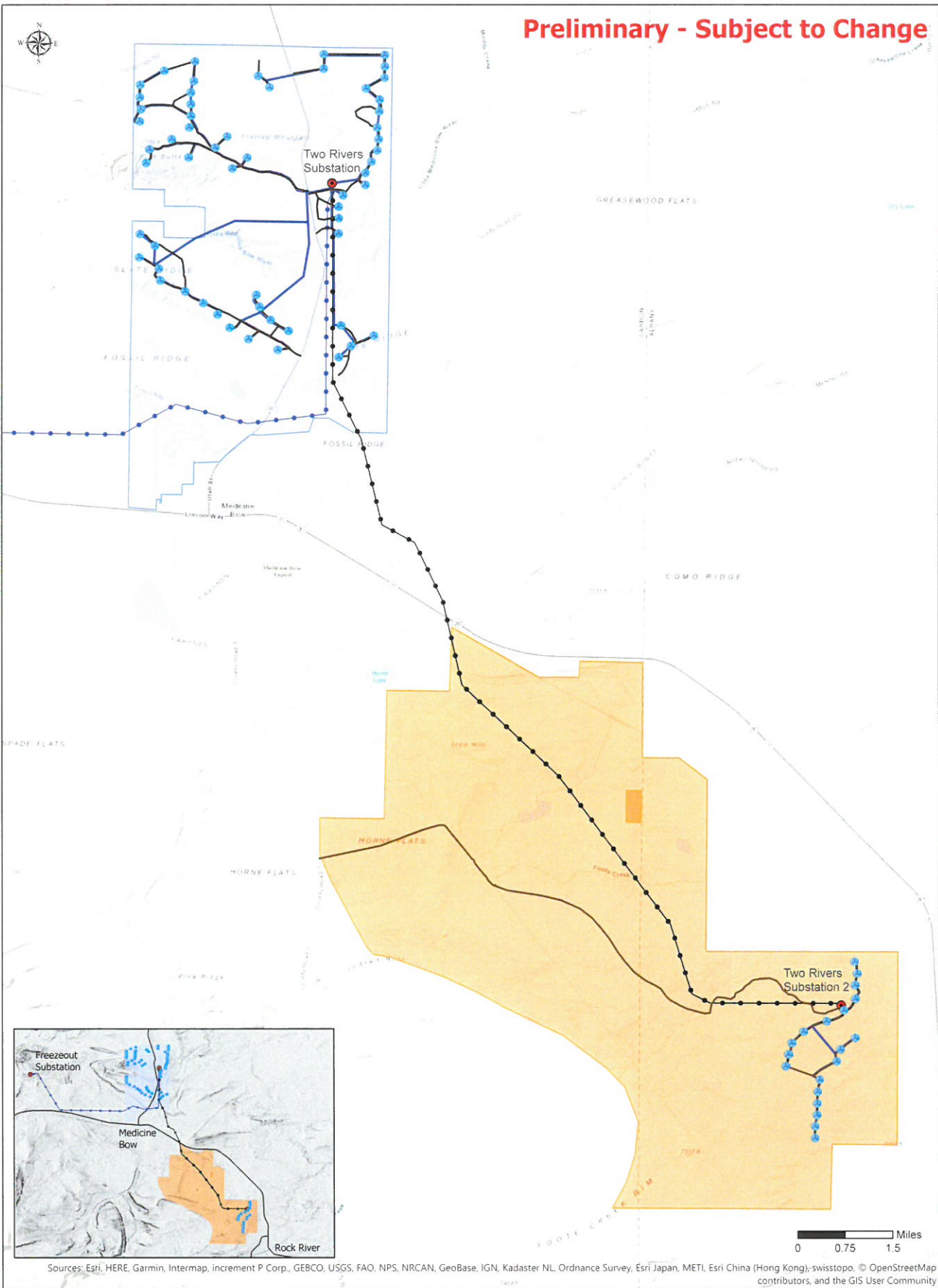
Figure 1: Preliminary Site Plan – Two Rivers Wind Phase

Figure 2: Preliminary Site Plan – Lucky Star Wind Phase

Figure 1

Preliminary Site Plan – Two Rivers Wind Phase

Preliminary - Subject to Change




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Legend	
Proposed Two Rivers Turbine	Two Rivers Ranch
Project Road	Medicine Bow River Ranch
Transmission Line	Substation
Electrical Trunk Line	
Project Collection	

Preliminary
Site Plan

**Two Rivers
Wind Farm**

Spatial Reference
NAD 1983 UTM Zone 13N
Units = Mile

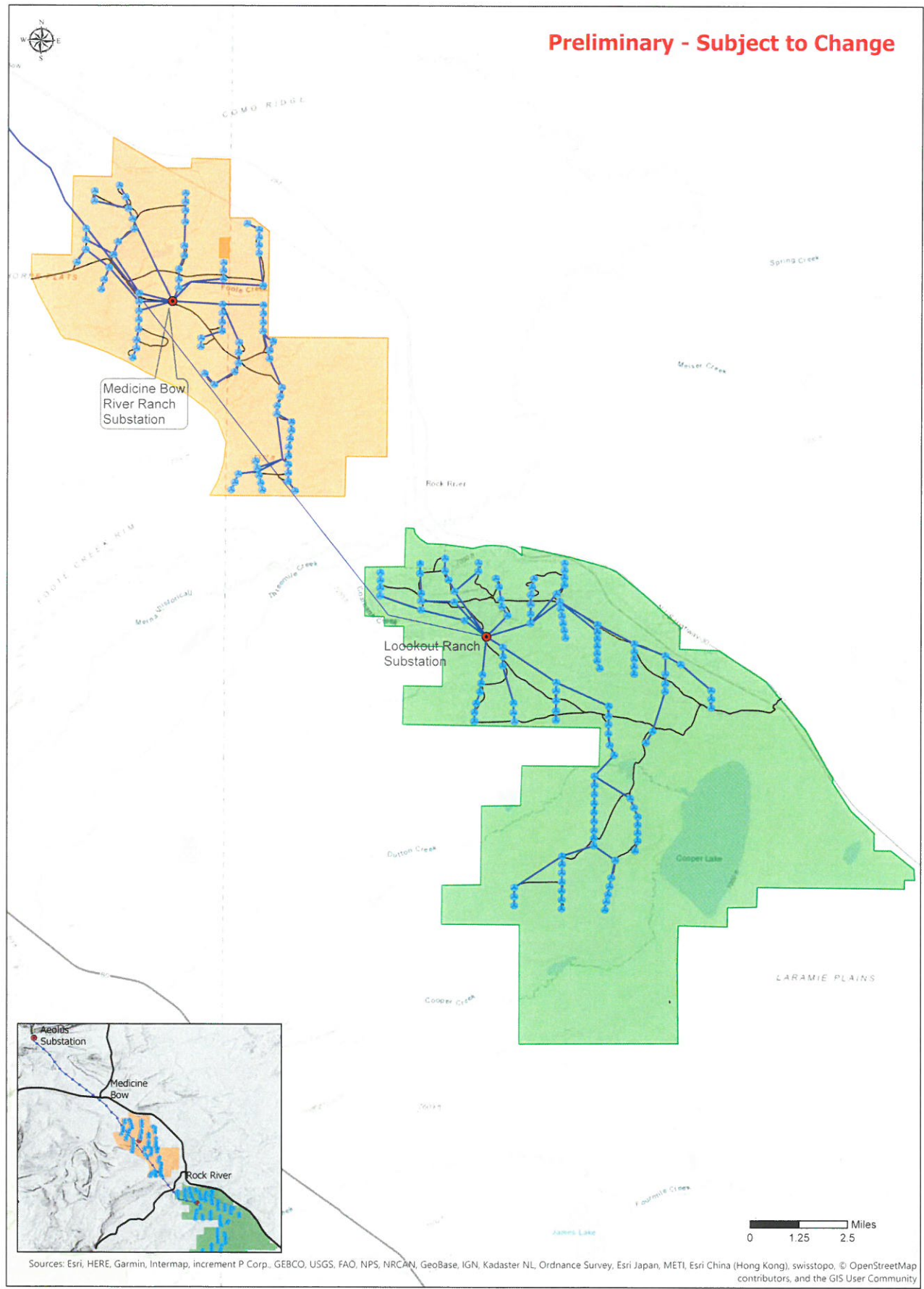


Date 2018-09-06

Figure 2

Preliminary Site Plan – Lucky Star Wind Phase

Preliminary - Subject to Change




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Legend	
Proposed Lucky Star Turbine	Medicine Bow River Ranch
Transmission Line	Lookout Ranch
Project Road	Substation
Project Collection	

Preliminary
Site Plan

**Lucky Star
Wind Farm**

Spatial Reference
NAD 1983 UTM Zone 13N
Units Mile

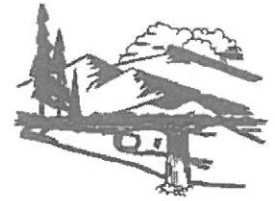


Date 2018-09-06



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

January 4, 2019

Jenifer E. Scoggin, P.C.
Holland & Hart LLP
2515 Warren Avenue, Suite 450
P.O. Box 1347
Cheyenne, WY 82001

INDUSTRIAL SITING COUNCIL DOCKET DEQ/ISC 18-11 TWO RIVERS WIND, LLC & LUCKY STAR WIND, LLC FOR THE TWO RIVERS & LUCKY STAR WIND ENERGY PROJECT

Dear Ms. Scoggin:

Your letter dated December 21, 2018 requested that the DEQ/ISC Docket 18-12 Lucky Star Wind, LLC and DEQ/ISC Docket 18-11 Two Rivers, LLC wind projects be combined into DEQ/ISC Docket 18-11 and renamed Two Rivers, LLC & Lucky Star LLC Two Rives and Lucky Star wind project.

Your request has been reviewed and is approved. The information at the jurisdictional meeting held for Lucky Star, LLC on September 11, 2018 will be added to DEQ/ISC Docket 18-11. The Division reasserts that DEQ/ISC Docket 18-11 requires a permit from the Industrial Siting Council as the project as present in your letter dated December 21, 2018 details a project that consists of at least 30 wind turbines in all phases of construction.

Since construction is not continuous throughout the Two Rivers and Lucky Star phases, the 109 application information will need to provide the required socio-economic information for each phase of construction and separate the material costs for each phase of construction in its application for permit.

Wyoming Statute 35-12-109(b) and the Rules and Regulations of the Industrial Siting Council provide the applicant pay a fee to be determined by the Director based upon the estimated cost of investigating, reviewing, processing the application, serving notice, holding a hearing, conducting inspection and compliance activities; and processing application update requests. That fee was calculated to be \$84,513.00 for a section 109 application and that calculation remains the same. The fee is to be remitted at the time of the delivery of the permit application.

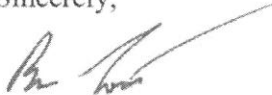
The Study Area for this docket remains the same and is inclusive of Carbon and Albany Counties and the following municipalities: Rawlins, Saratoga, Sinclair, Elk Mountain, Hanna, Medicine Bow, Laramie, and Rock River.

An Application consists of:

- 20 hard-bound copies and 80 jump drives each with a .pdf file format of a compliant application document;
- Payment of the application fee; and
- A letter of transmittal from an officer with the authority to bind the corporation.

Kimber Wichmann is available at (307) 777-7369 or kimber.wichmann@wyo.gov to explain the application requirements and to provide information to assist with the preparation of the application.

Sincerely,



Brian Lovett

Industrial Siting Administrator

CC: Gareth McDonald, via email
Todd Parfitt
James Kaste



BLUEARTH RENEWABLES US LLC
SUITE 201, 850 NEW BURTON ROAD
DOVER, DELAWARE 19904
T 403.668.1575 bluearthrenewables.com

NOTE: This letter is partially redacted to protect confidential project information.

April 5, 2019

Wyoming Game and Fish Department
5400 Bishop Blvd.
Cheyenne, Wyoming 82006

VIA E-MAIL: angela.bruce@wyo.gov

Attention: Angi Bruce, Habitat Protection Supervisor

Dear Ms. Bruce,

Re: BluEarth Renewables Participation in Pronghorn Study – Lucky Star and Two Rivers Wind Energy Projects

Thank you for your letter of December 5, 2018 regarding the pronghorn collaring study currently being conducted by the Wyoming Game and Fish Department (WGFD) and the University of Wyoming Cooperative Fish and Wildlife Research Unit in the Shirley Basin in Albany and Carbon Counties. Much of the study area is considered crucial wintering range for pronghorn in the Medicine Bow herd and the winter range contains a substantial footprint of proposed wind energy development. We feel the study will provide valuable information in furthering the understanding of the potential effects that wind power development may have on pronghorn habitat use and movement patterns.

[REDACTED]

Please accept this letter as BluEarth Renewables commitment to participate and provide funding for the pronghorn study. Kindly let me know the method by which WGFD would prefer to receive BluEarth's share of the study costs.

Please contact me at gareth@bluearth.ca or 587.324.4247 if you have any questions.

Regards,

BluEarth Renewables US LLC,

Gareth McDonald
Director, Project Development

cc: Linda Cope, Habitat Protection Biologist, Wyoming Game and Fish Department

PLEASE FORWARD A COPY OF ALL CORRESPONDENCE TO
BLUEARTH RENEWABLES
SUITE 400, 214 – 11 AVENUE S.W.
CALGARY, ALBERTA CANADA T2R 0K1

Project: Two Rivers and Lucky Star Wind Projects
 Date: February 28, 2019
 Meeting Purpose: Pre-Application Informational Consultation

Name	Title	Organization	Phone	Email
John Schren	Commissioner	Carbon County	307-760-7727	john.schren@carbon.wy.gov
Bill Nation	A&B Supt.	Carbon	307-324-9555	Bill.Nation@Carbon.wy.gov
Kevin Colman	Mayor Medicine Bow	Medicine Bow	307-398-0567	bovedibow@kyahoo.com
Paul Martin	President	Intermountain Wind	303-442-2109	paul@im-wind.com
Garth McDonald	Director Project Development	Birth Records	407 999 8548	garth@hweath.com
Rob Fisher	A&B Supt	Albany	307-721-5571	jfisher@co.albany.wy.us
David Gertsch	Planning Director	Albany County	307-721-1866	dvgertsch@co.albany.wy.us
Terri Jones	Albany County Commissioner	Albany County	307-760-7878	tjones@co.albany.wy.us
Chad Dinges	ALBANY COUNTY FIRE WARDEN	ALBANY COUNTY	(307) 760-3641	CDINGES@CO.ALBANY.WY.US
Art Sigel	Albany Co F.D. #1	ALBANY COUNTY Sheriff's Dept	307-359-3400	sigel_a@yahoo.com
Tracy Fletcher	Albany County Treasurer	Albany County	307-721-2504	TFletcher@co.albany.wy.us
Jackie R. Gonzales	Albany Co Clerk	Albany Co	307-721-5533	jgonzales@co.albany.wy.us
Kayla White	Albany Co. Deputy Clerk	Albany County	307-721-5517	KWhite@co.albany.wy.us
Todd Fiebert	CITY OF LARAMIE	ASSISTANT CITY MGR	307.721.5704	tfiebert@cityoflaramie.org
Lana Clark	Town of Rock River Council	Rock River	307-761-2744	lclark@acsd4.org

Peggy A. Trent Albany Co Pres County 307-721-2552 ptrent@co.albany.wy.us

Project: Two Rivers and Lucky Star Wind Projects
 Date: February 28, 2019
 Meeting Purpose: Pre-Application Informational Consultation

Name	Title	Organization	Phone	Email
Richard Stricklin	Public works Director	Town of Rock River	307-460-8441	1149108@MwTV.NET
DANE LAMB	Citizen	Town of Rock River	303-434-3195	Andrealien112@yahoo.com
Will Cooper	KF Economist	KF	949.613.0080	will.cooper@icf.com
Melanie Martin	Managing Director	KF	970.372.3904	melanie.martin@icf.com

TWO RIVERS AND LUCKY STAR WIND PROJECTS:

PROJECT INFORMATION FOR AFFECTED COMMUNITY CONSULTATION

PRELIMINARY

TWO RIVERS LLC AND LUCKY STAR LLC

c/o BluEarth Renewables Inc.

214 11th Avenue SW, Suite 400

Calgary, Alberta T2R OK1 – Canada

Contact: Gareth McDonald, Director, Project Development

(587) 324-4247

February 28, 2019

1.1 Study Area

The Two Rivers and Lucky Star Project Study Area is the geographic and political boundary as designated by the Administrator for the required governmental, social, and economic studies. At the Jurisdictional meeting held on September 11, 2018, the Industrial Siting Department Administrator designated the "Study Area" to include:

- 1) Albany County
- 2) Carbon County
- 3) Communities of: Rawlins, Saratoga, Sinclair, Elk Mountain, Hanna, Medicine Bow, Laramie, and Rock River.

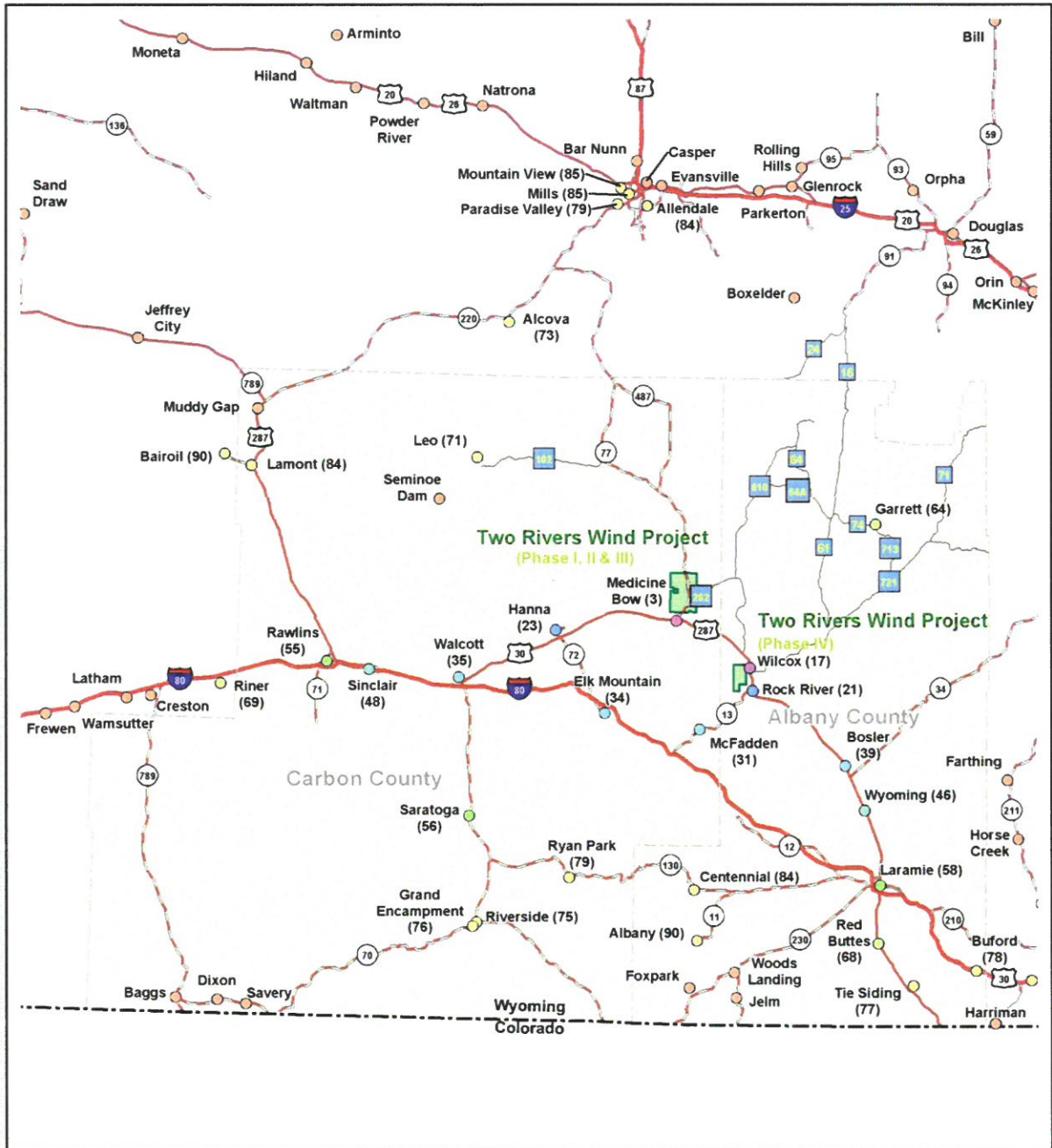
1.2 Area of Influence (AOI)

For the Two Rivers and Lucky Star Wind Project, the recommended area of site influence (AOI) for the Industrial Siting Council (ISC) application includes those areas between the project site and the potential residence and worker origin communities for the project-related workforce. These communities are:

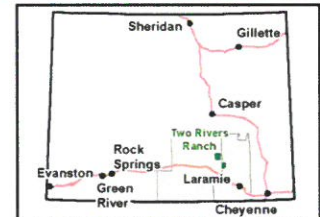
- 1) Rawlins
- 2) Saratoga
- 3) Sinclair
- 4) Elk Mountain
- 5) Hanna
- 6) Medicine Bow
- 7) Laramie
- 8) Rock River

1.3 Project Construction Summary

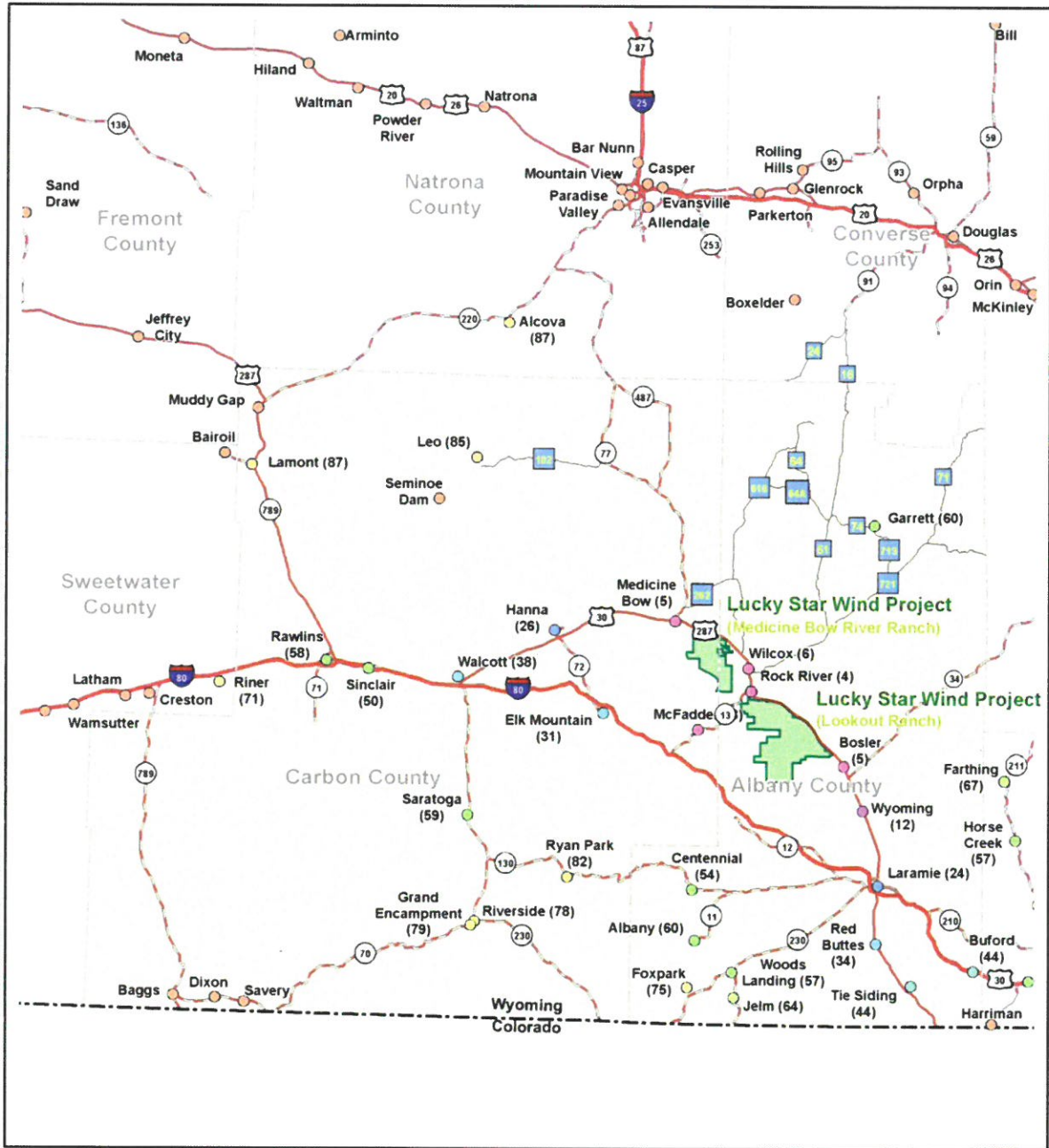
	Two Rivers Wind Project	Lucky Star Wind Project
Construction Schedule:	10 months	19 months
Construction Timing:	2021	2022 - 2023
Project Size:	280 MW	500 MW
Number of Turbines:	77	198
Construction Workforce Peak:	262	400
Construction Workforce Avg.:	159	144
Operations Workforce:	8	14



Source: U.S. Census 2017.



Approximate Commuting Time to the Two Rivers Wind Project Area



Source: U.S. Census 2017.



Approximate Commuting Time to the Lucky Star Wind Project Area

1.4 Workforce Housing Plan

Due to housing demands from other anticipated project activity during the planned construction timeframe, a worker camp is planned to house all the workforce during the first year of construction in 2021 for the Two Rivers Wind Project and portions of the workforce in the subsequent construction years, 2022-2023 for the Lucky Star Wind Project. Several locations for a temporary worker camp are being considered, including a location on the Medicine Bow River Ranch in Carbon County, or on the Two Rivers Ranch in Carbon County on the outskirts of the town of Medicine Bow. It is possible that a small amount of workers may choose to live in temporary accommodations in nearby towns if housing is available.

In the subsequent construction years of 2022-2023 for the Lucky Star Wind Project, workers will use the worker camp as well as temporary accommodations in nearby towns. It is assumed that construction workers would prefer to secure temporary accommodations that are closest to the Project site (i.e., in Medicine Bow or Rock River) before occupying housing within a reasonable commuting distance (Hanna, Elk Mountain, Rawlins, Laramie). Busing to areas of concentrated workers will be considered, if necessary.

1.5 Point of Delivery – Goods and Services

All of the road and foundation materials are anticipated to be sourced locally within Wyoming as close to the project site as possible.

The turbine supplier has not been finalized and, as such, the point of origin for turbine components is not currently known. Components are expected to be delivered via I-80 from the east, and/or via I-25 from the south to Cheyenne, then west via I-80 to the Project site. Wyoming Department of Transportation (WYDOT) has been consulted regarding turbine delivery routing, and has provided specific routing to avoid component delivery through HWY 30 in the town of Laramie. Title for turbine components would transfer at the Project site in unincorporated Albany and Carbon Counties, Wyoming.

It is anticipated that the main substation transformers will be transported on rail to Cheyenne where they will be offloaded and trucked to the site. The trucking leg will follow the same southern routing as the turbine components to avoid traveling through HWY 30 in Laramie.

It is anticipated that suitable aggregate for concrete and roads will be obtained from an on-site gravel pit. The construction contractor will prioritize scouring aggregate from within the Project boundaries. Should use of onsite material not be feasible or adequate, the Project will utilize a local quarry and truck the material to site.

For concrete supply, at this time it is anticipated that a temporary on-site concrete batch plant will be built on either Two Rivers Ranch in Carbon County or on Medicine Bow River Ranch in Carbon County. The concrete will then be trucked to the appropriate use-location on private and public roads. In the event that it is more feasible to use an offsite supplier for concrete supply, the Project will utilize a local concrete supplier and truck the material to site.

1.6 Road Use

Typical construction equipment includes excavators, dozers, loaders, dump trucks, rollers, packers and scrapers. Numerous pieces of heavy equipment will be transported to the Project site using

articulated trailers and vans. Heavy equipment consists of wind turbine generator (WTG) component haul trucks, graders, dozers, rippers, backhoes, rollers, packers, and front-end loaders as well as mobile cranes that will be used for WTG and transmission tower erection. Two- and three-axle concrete mixers will be used to transport concrete to the site and pour foundations.

Average Road Trip Traffic Estimates

Vehicle Type	Average Materials ¹
Material Trucks and Other	65 trucks/WTG
Trucks with Crane Components	20 Trucks/WTG
Assist Cranes	2 Trucks/WTG
Heavy Haul Trucks with WTG Components	8 Trucks/WTG
Extended Reach Forklifts	5 Trucks/WTG
Average Truck Trips Per WTG	100 Trucks/WTG

¹It is estimated that each WTG installation will generate approximately 60-65 concrete and other material truck trips, approximately 20 truck trips with crane components, as many as 2 assist cranes, 7-8 heavy haul trucks with turbine components, and 2-5 extended reach forklifts for a maximum total of approximately 100 materials and component trucks per WTG.

Using an average of 100 trucks per WTG, it is expected that the Two Rivers Wind Project will generate an estimated 7,700 truck trips in 2021. The Lucky Star Wind Project is estimated to generate a total of 19,800 truck trips during project construction, with 12,870 truck trips estimated in 2022 and 6,930 truck trips in 2023.

1.6.1 Two Rivers Project

Equipment and supplies will be transported to the various sites by way of WY 13, US 30, and WY 487. Trucks will exit I-80 at the Arlington interchange, go north on WY 13, and then west on US 30. At Medicine Bow, equipment and supplies will turn south on CR 1 or go north on WY 487 to various locations.

There are three Carbon County roads that may be used to access the Project site: Carbon County 1 (CR 1, the McFadden Road), Carbon County 252 (CR 252, the Marshall Road), and Carbon County 294 (CR 294, the Oil Springs Road). There are no Albany County roads that will be used for Project deliveries.

1.6.2 Lucky Star Project

Equipment and supplies will be transported to the various sites by way of WY 13, US 30, and CR 1. Trucks will exit I-80 at the Arlington interchange, go north on WY 13, and then east or west on US 30. At Medicine Bow, workers, equipment, and supplies will turn south on CR 1 to enter the site. At milepost 300.59 on US 30, the Sand Hills Road (a westbound private road), will be used as a route into the construction site.

There is one Carbon County road, Carbon County 1 (CR 1, the McFadden Road) that will be used to access the Project site. There are no Albany County roads that will be used for Project deliveries.

1.7 Project Construction and Workforce Schedules

The following tables provide additional details on the estimated construction and workforce schedules for the Two Rivers and Lucky Star Wind Projects.

Two Rivers Wind Project Construction (2021)

Construction Task	2021												2022	
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	
Mobilization & Site Preparation				■										
Road Improvements				■	■	■	■	■						
Road Construction				■	■	■	■	■	■					
Foundation Construction					■	■	■	■	■	■				
Electric Collection System Construction					■	■	■	■	■	■	■			
WTG Installation and Wiring								■	■	■	■	■		
Transmission Line Construction									■	■	■	■	■	
WTG Mechanical Completions & Commissioning											■	■	■	
Electrical Commissioning												■	■	
Site reclamation and Operations preparation												■	■	■
Commercial Operation														■

Lucky Star Wind Project Construction (2022)

Construction Task	2022												
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Mobilization & Site Preparation				■									
Road Improvements				■	■	■	■						
Road Construction				■	■	■	■	■	■	■	■		
Foundation Construction					■	■	■	■	■	■	■	■	
Electric Collection System Construction					■	■	■	■	■	■	■	■	
WTG Installation and Wiring								■	■	■	■	■	
Transmission Line Construction													
WTG Mechanical Completions & Commissioning													
Electrical Commissioning													
Site reclamation and Operations preparation													
Commercial Operation													

Lucky Star Wind Project Construction (2023)

Construction Task	2023												
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Mobilization & Site Preparation													
Road Improvements													
Road Construction													
Foundation Construction													
Electric Collection System Construction					■	■	■	■	■				
WTG Installation and Wiring				■	■	■	■	■	■	■			
Transmission Line Construction				■	■	■	■	■	■	■	■		
WTG Mechanical Completions & Commissioning						■	■	■	■	■	■		
Electrical Commissioning								■	■	■	■		
Site reclamation and Operations preparation									■	■	■		
Commercial Operation													

2021 Total Workforce - Two Rivers Wind Project Estimates (by Calendar Month)

Occupational Code	Job Classification	2021												2022		
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
47-2061	Laborer	12	23	34	45	45	45	34	23	12	5					
47-2073	Operators	16	30	46	60	60	60	46	30	16	5					
47-2221	Ironworkers	16	31	47	64	64	64	47	31	16	0					
53-3032	Truck Driver	3	5	8	10	10	10	8	5	3	0					
47-2111	Electricians	12	25	37	49	49	49	37	25	12	0					
47-1011	Craft Supervisor	2	4	6	8	8	8	6	4	2	0					
11-9021	Construction Management	7	13	20	26	26	26	20	13	7	1					
	Total Workforce	68	131	198	262	262	262	198	131	68	11					

2021 Average Non-Local Workforce - Two Rivers Wind Project Estimates (by Calendar Month)

Occupational Code	Job Classification	2021												2022		
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
47-2061	Laborer	10	20	29	39	39	39	29	20	10	4					
47-2073	Operators	14	27	41	54	54	54	41	27	14	4					
47-2221	Ironworkers	13	25	38	51	51	51	38	25	13	0					
53-3032	Truck Driver	1	1	2	2	2	2	2	1	1	0					
47-2111	Electricians	8	17	25	33	33	33	25	17	8	0					
47-1011	Craft Supervisor	2	4	6	8	8	8	6	4	2	0					
11-9021	Construction Management	7	13	20	26	26	26	20	13	7	1					
	Average Non-Local Workforce	55	107	161	213	213	213	161	107	55	9					

2021 Average Local Workforce - Two Rivers Wind Project Estimates (by Calendar Month)

Occupational Code	Job Classification	2021												2022		
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
47-2061	Laborer	2	3	5	6	6	6	5	3	2	1					
47-2073	Operators	2	3	5	6	6	6	5	3	2	1					
47-2221	Ironworkers	3	6	9	13	13	13	9	6	3	0					
53-3032	Truck Driver	2	4	6	8	8	8	6	4	2	0					
47-2111	Electricians	4	8	12	16	16	16	12	8	4	0					
	Average Local Workforce	13	24	37	49	49	49	37	24	13	2					

2022 Total Workforce - Lucky Star Wind Project Estimates (by Calendar Month)

Occupational Code	Job Classification	2022											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
47-2061	Laborer				6	16	52	68	54	36	23	13	5
47-2073	Operators				7	21	71	92	74	48	32	17	7
47-2221	Ironworkers				7	22	74	96	76	50	33	17	6
53-3032	Truck Driver				2	4	12	16	13	9	5	3	1
47-2111	Electricians				6	18	60	76	60	40	27	14	6
47-1011	Craft Supervisor				1	3	10	12	10	6	4	2	1
11-9021	Construction Management				3	9	31	40	32	21	14	7	3
	Total Workforce	0	0	0	32	93	310	400	319	210	138	73	29

2022 Average Non-Local Workforce - Lucky Star Wind Project Estimates (by Calendar Month)

Occupational Code	Job Classification	2022											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
47-2061	Laborer				5	14	45	59	47	31	20	11	4
47-2073	Operators				6	19	64	83	66	43	29	15	6
47-2221	Ironworkers				6	18	59	77	61	40	26	14	5
53-3032	Truck Driver				1	1	2	3	3	2	1	1	0
47-2111	Electricians				4	12	40	51	40	27	18	9	4
47-1011	Craft Supervisor				1	3	10	12	10	6	4	2	1
11-9021	Construction Management				3	9	31	40	32	21	14	7	3
	Average Non-Local Workforce	0	0	0	26	76	251	325	259	170	112	59	23

2022 Average Local Workforce - Lucky Star Wind Project Estimates (by Calendar Month)

Occupational Code	Job Classification	2022											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
47-2061	Laborer				1	2	7	9	7	5	3	2	1
47-2073	Operators				1	2	7	9	8	5	3	2	1
47-2221	Ironworkers				1	4	15	19	15	10	7	3	1
53-3032	Truck Driver				1	3	10	13	10	7	4	2	1
47-2111	Electricians				2	6	20	25	20	13	9	5	2
	Average Local Workforce	0	0	0	6	17	59	75	60	40	26	14	6

2023 Total Workforce - Lucky Star Wind Project Estimates (by Calendar Month)

Occupational Code	2023											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
47-2061	1	1	1	2	28	52	51	39	16	1		
47-2073	2	2	2	2	37	70	69	53	21	1		
47-2221	2	2	2	3	39	73	73	55	22	1		
53-3032	0	0	0	0	6	12	12	9	4	0		
47-2111	2	2	2	3	31	58	57	44	18	1		
47-1011	0	0	0	0	5	10	9	7	3	0		
11-9021	1	1	1	1	16	31	30	23	9	1		
Total Workforce	8	8	8	11	162	306	301	230	93	5	0	0

2023 Average Non-Local Workforce - Lucky Star Wind Project Estimates (by Calendar Month)

Occupational Code	2023											
	Jan	Feb	Mar	April	May	Jun	July	Aug	Sept	Oct	Nov	Dec
47-2061	1	1	1	2	24	45	44	34	14	1		
47-2073	2	2	2	2	33	63	62	48	19	1		
47-2221	2	2	2	2	31	58	58	44	18	1		
53-3032	0	0	0	0	1	2	2	2	1	0		
47-2111	1	1	1	2	21	39	38	29	12	1		
47-1011	0	0	0	0	5	10	9	7	3	0		
11-9021	1	1	1	1	16	31	30	23	9	1		
Average Non-Local Workforce	7	7	7	9	131	248	243	187	76	5	0	0

2023 Average Local Workforce - Lucky Star Wind Project Estimates (by Calendar Month)

Occupational Code	2023											
	Jan	Feb	Mar	April	May	Jun	July	Aug	Sept	Oct	Nov	Dec
47-2061	0	0	0	0	4	7	7	5	2	0		
47-2073	0	0	0	0	4	7	7	5	2	0		
47-2221	0	0	0	1	8	15	15	11	4	0		
53-3032	0	0	0	0	5	10	10	7	3	0		
47-2111	1	1	1	1	10	19	19	15	6	0		
Total Workforce	1	1	1	2	31	58	58	43	17	0	0	0