

BEFORE THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
INDUSTRIAL SITING DIVISION

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL)
SITING PERMIT APPLICATION OF)
CEDAR SPRINGS WIND IV, LLC) DOCKET NO. DEQ/ISC 22-06
CEDAR SPRINGS WIND IV PROJECT)
)

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

THIS MATTER came before the Industrial Siting Council (ISC and/or Council) on June 20, 2023, for a contested case evidentiary hearing on whether the Council should issue a permit to Cedar Springs Wind IV, LLC (Cedar Springs IV and/or Applicant) for the construction and operation of the Cedar Springs Wind IV Energy Project (Project). The record was held open for receipt of the transcript. The transcript was received on July 7, 2023, and the record was officially closed on that date.

The following Council members were present throughout the contested case hearing: Council Chairman Dusty Spomer, Susan Clinch, Brenda Schladweiler, Kristin Lee, Jim Miller, and Robert Spence. Karl D. Anderson, Supervising Attorney General, was present as the Council's advising attorney. Deborah Baumer served as the Hearing Examiner in the proceedings. The contested case hearing was conducted in two phases. Participating in the first phase of the hearing were: the Applicant, Cedar Springs IV, appearing by and through counsel Marianne Shanor and Sean Larson; the Industrial Siting Division (Division) appearing by and through counsel, Senior Assistant Attorney General Jenny Staeben and student intern, Tristen Fross; and Impact Exploration & Production, LLC, appearing by and through counsel, Almira Moronne.

Nine local governmental agencies filed notices to become parties and appeared and participated in the second phase of the evidentiary hearing. The following attorneys appeared for those entities as follows:

- a. Quentin Richardson - Attorney for Converse County.
- b. Heather Duncan-Malone – Attorney for Natrona County.
- c. Michael Armstrong – Attorney for the City of Douglas.
- d. Amy Iberlin – Attorney for the Town of Glenrock.
- e. P. Craig Silva — Attorney for the Town of Rolling Hills.
- f. Eric Nelson – Attorney for the City of Casper.
- g. Scott Murray – Attorney for the Town of Evansville; and
- h. Patrick Holscher - Attorney for the City of Mills and the Town of Bar Nunn.

The following exhibits were admitted into evidence and into the record without objection, and those exhibits were published to the Council members before the scheduled hearing:

- a. The Applicant's Exhibits 1 through 29;
- b. The Industrial Siting Division's Exhibits 1 through 4;
- c. Converse County's Exhibits CC-A through CC-D;
- d. Natrona County's Exhibits NC-1 through NC-3;
- e. The City of Douglas's Exhibit CD-1;
- f. The Town of Glenrock's Exhibits TG-1 through TG-8;
- g. The Town of Rolling Hills's Exhibits TRH-1 through TRH-19, and TRH-22;
- h. The City of Casper's Exhibits CAS-1 through CAS-3;
- i. The Town of Evansville's Exhibits TOE-1 and TOE-2; and
- j. The City of Mill's Exhibits CM-1 through CM-3.

The Council has considered the evidence and arguments of Cedar Springs IV and all participating parties, and makes the following findings:

I. JURISDICTION

A permit from the Council is required before any person or entity may commence construction of an industrial facility in Wyoming. Wyo. Stat. § 35-12-106(a). “Industrial facility” or “facility” means any industrial facility with a currently adjusted estimated construction cost of at least two hundred fifty-three million eight hundred and seventy-eight thousand dollars (\$253,878,000). Wyo. Stat. § 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 twenty (20) or more wind turbines in all planned phases of the installation[.]” Wyo. Stat. Ann. § 35-12-102 (A)(vii)(E)(I).

Upon receipt of an application for a permit, the Director of the Division must review the application to determine if it contains all the information required by Wyoming Statute § 35-12-109 and the Council’s Industrial Development Information and Siting Rules and Regulations, Chapter 1, 020.0004.1.08092018 (ISC Rules). Wyo. Stat Ann. § 35-12-110(d). Not more than 90 days after receipt of a permit application, the Director 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).

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 was 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).

On March 30, 2023, the Industrial Siting Division received Cedar Springs IV's Section 109 Application for a permit to construct and operate the Cedar Springs Wind IV Project at issue. Therefore, the Council has jurisdiction to hear and decide this matter.

II. STATEMENT OF THE CASE

This Industrial Siting case concerns an application filed by Cedar Springs IV for approval to construct, operate, decommission, and reclaim a wind energy electrical generation project of up to 393 megawatts in size, consisting of as many as 73 wind turbines. The Project is located in Converse County, Wyoming, approximately 13 miles northeast of Glenrock, Wyoming. It is anticipated to take up to 17 months to construct, with commercial operation by December 2024.

The Division reviewed the Application and issued a Notice of Deficiency, requiring additional information from Cedar Springs IV. Upon submission of the additional information, the Division determined the Application was complete on May 12, 2023, and ready for the Council's determination as to whether to issue a Permit.

III. ISSUES AND CONTENTIONS

The primary issue to be decided by the Council is whether Cedar Springs IV proved by a preponderance of the evidence 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, Sections 8 and 9. In their Disclosure Statements, all parties agreed that Cedar Springs IV's Application is complete; the Project complies with all applicable laws; the Project will not pose a threat of serious injury to the environment or to the social and economic condition or inhabitants or expected inhabitants in the affected area; and the Project will not substantially impair the health, safety or welfare of the inhabitants. If the Council decides to issue a permit, it must also

decide what, if any, conditions to place on the Permit and whether to grant the two variances requested by Cedar Springs IV.

Finally, the Council is required to determine the amounts and distribution schedule of impact assistance payments for the Project as governed by Wyoming Statutes §§ 39-15-111(c) and 39-16-111(d). The maximum amount of impact assistance available to local governments in this case is not to exceed \$9.06 million. The nine local government parties submitted a Memorandum of Understanding (MOU) with claims for unmitigated impacts in the amount of \$5,194,505.66. [Ex. APP VOL. 1, p. 13; Ex. CAS-3]

Based on the evidence set forth in its application and presented at the contested case hearing, Cedar Springs IV asserts that:

- a. The Project complies with all applicable laws and regulations;
- b. The Project will not pose a threat of serious injury to the environment nor to the social and economic condition or inhabitants and expected inhabitants in the Area of Site Influence;
- c. The Project will not substantially impair the health, safety, or welfare of the inhabitants in the Area of Site Influence; and,
- d. It has the financial resources to construct, maintain, operate, decommission, and reclaim the Project.

IV. FINDINGS OF FACT

A. Procedural Background

1. Cedar Springs IV is a wholly owned indirect subsidiary of NextEra Energy Resources, LLC headquartered in June Beach, Florida. The Cedar Springs Wind IV Project Application is for the construction and operation of up to 73 wind turbines with a capacity of approximately 393 MW to be

built in Converse County located on 57,532 acres of private and State of Wyoming leased lands in Converse County. [Ex. APP Vol. I, p.1]

2. On May 10, 2022, a jurisdictional meeting was held with the Division and representatives of Cedar Springs IV. On May 17, 2022, the Division declared jurisdiction over the Project in a letter provided to the Applicant. The Division advised Cedar Springs IV that the Project was subject to the jurisdiction of the Act, and that an ISC permit was required to construct and operate the Project since the proposed wind facility would consist of more than 20 turbines. [Ex. ISD 1, p. 4]

3. The Division determined the areas primarily affected included the facility site, the municipalities of Douglas, Glenrock, Rolling Hills, Casper, Evansville, Bar Nunn, and Mills, and the inclusive areas of Converse and Natrona Counties. [Ex. ISD 1, p. 5]

4. According to the Applicant, prior to submitting its application, Cedar Springs IV representatives notified and described the Project to 22 state agencies, 109 local governments and joint power boards, 32 participating and surrounding landowners and 412 mineral owners. A public open house was conducted on November 17, 2022, in Douglas. [Ex. APP Vol. 1, p. 18; Appendix F] Cedar Springs IV gave public notice of the informational meeting by placing an advertisement in the Casper Star Tribune on November 9 and November 16, 2022. [Ex. APP. Vol. I, p. 59]

5. On March 27, 2023, Cedar Springs IV filed its application for a permit under Wyoming Statute § 35-12-109 consisting of twelve hardcopies of the Application document and 50 digital copies of the Application in PDF format. On March 30, 2023, the Applicant filed a letter of transmittal by Anthony Pedroni, National Vice President of Business Development for NextEra Energy Resources, LLC requesting a permit and attesting to the truthfulness and accuracy of the Application. The Applicant had previously delivered a check in the amount of \$84,625.00 for the payment of the application fee to the Wyoming Department of Environmental Quality, Industrial Siting Division on September 9, 2022, as required by Wyo. Stat. § 35-12-109(b). [Ex. ISD 1, p. 5]

6. On March 30, 2023, the Division provided copies of the Application, by certified mail, return receipt, to the nine local governments in the Project's area primarily affected. The Division also provided the local governments with a letter notifying them, as required by Wyoming Statute § 35-12-110(a)(i), of the Council's proposed hearing on the Application, and advising them of their opportunity to become parties, receive information, submit limited appearance statements, and their options for receiving impact assistance. [Ex. ISD 1, pp. 5-6]

7. On March 30, 2023, the Division also sent copies of the Application by certified mail, return receipt, to 66 special districts within the area primarily affected. The Division also sent the 66 special districts letters notifying them of the filing and hearing by the Council, and their options to become parties or submit limited appearance statements. The special district contacts are listed in Attachment 1 of the Division's Exhibit 1. [Ex. ISD 1, p. 6]

8. On March 30, 2023, the Division distributed copies of the Application to the following State agencies pursuant to Wyoming Statute § 35-12-110(b):

- a. Wyoming Department of Transportation
- b. Wyoming Public Service Commission
- c. Wyoming Game & Fish Department
- d. Wyoming Department of Health
- e. Wyoming Department of Education
- f. Office of the Wyoming State Engineer
- g. Wyoming State Geologist
- h. Wyoming Department of Agriculture
- i. Wyoming Department of Environmental Quality
- j. University of Wyoming
- k. Wyoming Department of Revenue
- l. Wyoming Business Council
- m. Wyoming Department of Workforce Services
- n. Wyoming Office of State Lands and Investments
- o. Wyoming Department of State Parks and Cultural Resources
- p. Wyoming Department of Fire Prevention and Electrical Safety
- q. Wyoming Department of Family Services
- r. Wyoming Oil & Gas Conservation Commission

Eight of the 18 agencies provided responses and from those responses the following permit conditions were recommended for the Council's consideration:

New standard condition:

Condition #17. The Permittee shall give written notice to the ISD when all construction and interim reclamation activities are complete.

Special Conditions:

Special Condition #18. At least 30 days prior to the commencement of any construction, the Permittee shall notify the Wyoming Public Service Commission to facilitate scheduling of any necessary safety inspections.

Special Condition #19. Prior to commencing any construction, the Permittee shall conduct an inventory of the existing vegetative community to identify and treat existing infestations of noxious and invasive weeds. The Permittee shall submit the updated Plan, based on this inventory, to the Wyoming Department of Agriculture, Converse County Weed and Pest, and the ISD.

Special Condition #20. The Permittee shall monitor culturally sensitive areas discovered pre-construction and at the conclusion of construction submit a monitoring report to the Wyoming State Historic Preservation Office and the ISD.

Special Condition #21. At least 30 days prior to the commencement of any construction, the Permittee shall submit a finalized monitoring plan to the Wyoming Game and Fish Department and the ISD. Additionally, the Permittee shall meet with the Wyoming Game and Fish Department to discuss turbine placement.

[Ex. ISD 1, p. 10]

9. Pursuant to Wyo. Stat. § 35-12-110, the Division placed two legal notices in one area newspaper. The notice of application and hearing ran in the Casper Star Tribune on April 5 and April 12, 2023. The Division received an affidavit regarding proof of publication from the newspaper. [Ex. ISD 1, p. 7]

10. A copy of the Application, specifically designated for public viewing, was supplied to the Converse County Clerk and Natrona County Clerk on March 30, 2023, as required by Wyoming Statute § 35-12-110(a)(iii). The Division also supplied a copy of the Application, specifically

designated for public viewing, to the Converse and Natrona County Libraries on March 30, 2023. In addition, the Division's hard copy was available for public viewing at its office in Cheyenne, Wyoming, as well as an electric copy of the Application was posted on its website. [Ex. ISD 1, p. 7]

11. The Division transferred the case to the Office of Deborah Baumer, Esq. on March 30, 2023, to conduct a contested case hearing on the permit itself and any potential award of impact assistance payments.

12. The Division's staff reviewed the Application's contents against the applicable statutes and ISC Rules and determined that additional information was necessary. The Division identified 5 deficiencies and sent the Applicant a Notice of Deficiency on April 11, 2023. The Division received the Applicant's response to the Notice of Deficiency on May 11, 2023, and the following day sent the Applicant a Notice of Completeness reflecting the Application contained enough of the information required under Wyoming. Statute § 35-12-109 to be complete and sufficient for the Council to consider. [Ex. ISD 1, pp. 8-9]

B. The Project, Application, and Testimonial Support

i. Project Description/Application

13. The Application describes the purpose of the Cedar Springs IV Project as follows:

The project is proposed due to the right combination of factors specific to Converse County and to current conditions in the market for wind energy. Converse County sits in an area with some of the fastest accessible wind speeds in the United States. By capturing this available wind resource, generated electricity can be delivered both to Wyoming customers and to the larger intermountain West, positioning it as one of the least expensive and, therefore, most desirable, sources of new power in the region. Converse County's experience with wind development has also created a clear and fair regulatory environment. This coupled with willing landowners, a supportive local community, and experienced and knowledgeable county staff capable of assisting with the development and execution of complex industrial projects, is an invaluable contribution to successful development.

Wind energy is now the least expensive source of new power in many parts of the United States, and increasingly efficient turbines generate more energy while impacting smaller areas. Utility customers, both individuals and commercial and industrial users, are demanding clean, renewable energy. Converse County and Wyoming as a whole have a unique opportunity to serve this demand and, thereby, create both temporary and long-term jobs in the county and generate significant, consistent, long-term tax revenue through sales taxes, property taxes, and wind energy production taxes to help support state and county goals and leverage even further economic development. The Project will comply with all county, state, and federal regulations and serve to advance goals central to the Converse County Land Use Plan and to the State of Wyoming.

[Ex. APP VOL. I, p. 21]

14. Cedar Springs IV's Application contains sections detailing and describing its financial capability to construct, operate, maintain, decommission, and reclaim the Project; the facility components and Project features; the construction schedule and workforce; public involvement; socioeconomic analysis; environmental impact evaluation; controls, mitigation, and monitoring measures; housing information; detailed maps of the Project site; decommissioning plans; and references. [Ex. APP VOL. I and VOL. II]

15. Cedar Springs IV's Application included the following regarding its financial capability to decommission and reclaim the facility:

NextEra Energy Resources, LLC (together with its affiliated entities, "NextEra Energy Resources") is a clean energy leader and is one of the largest wholesale generators of electric power in the United States, with approximately 24,600 MWs of total net generating capacity, primarily in 38 states and Canada as of year-end 2021. NextEra Energy Resources is the world's largest generator of renewable energy from the wind and sun based on 2021 MW hours produced on a net generation basis, and a world leader in battery storage. The business operates clean, emissions-free nuclear power generation facilities in New Hampshire and Wisconsin as part of the NextEra Energy nuclear fleet.

...

NextEra Energy, Inc. has an "A-" issuer credit rating based on the June 14, 2021, Standard & Poor's global rating report. NextEra's financial filings

can be found online at <http://www.investor.nexteraenergy.com/reports-and-filings/sec-filings>.

Cedar Springs Wind IV, LLC, as a wholly owned indirect subsidiary of NextEra Energy Resources, has the financial resources to construct, maintain, operate, decommission, and reclaim the Project. Further, Cedar Springs IV will provide an acceptable guarantee or bond required to decommission and reclaim the Project.

[Ex. APP VOL. 1, pp. 2-2, 2-3]

ii. Cedar Springs IV's Witnesses

16. Cedar Springs IV presented three witnesses: Mitch Daily (Daily) – Senior Project Manager and Principal Project Manager for Cedar Springs IV; Joseph J. Hammond (Hammond) – Principal Engineer for Jacobs Engineering Group; and Kenton Taylor (Taylor) – Senior Wildlife Biologist and Senior Manager for Western EcoSystems Technology, Inc. (WEST).

(a) Mitch Daily

17. Daily is the Project Director of Development for Cedar Springs IV. Daily holds a bachelor's degree in management and systems engineering from West Point Military Academy. Daily is responsible for all aspects of the Project's development including organizing exhibits and preparing the Application. [Tr. pp. 23-24; 30]

18. Using a PowerPoint presentation, Daily provided an overview of the Project including a Project description, site plan, location, experience and working with surface owners, a Project schedule, as well as Project benefits. Daily detailed the financial capability of the company to construct, operate, decommission, and reclaim the Project. [Tr. pp. 26-31; Ex. APP CWC-23]

19. Daily testified that after a June 13, 2023 public meeting with the Converse County Board of County Commissioners, the Commission determined the Project was in compliance with the county's planning and zoning regulations. [Tr. pp. 33-34]

20. Daily requested variances to remove the wind turbine foundations down to a depth of 36 inches, as well as leaving the collection cable down to a depth of 36 inches or below. The landowners agreed to the variances requests as reflected in the Applicant's Exhibits CWC 24 through 29. Daily also accepted the 21 proposed Conditions as reflected in ISD Exhibit 3, as amended. [Tr. pp. 35-38]

21. Daily further testified that the Project was complete and complied with all applicable laws; that the Project would not pose a threat to the local environment, the local social and economic conditions or the inhabitants and expected inhabitants of the affected area of the Project; that the Project would not impair the health, safety, or welfare of the inhabitants in the affected area; and Cedar Springs IV has the financial capability to decommission and reclaim the Project. [Tr. pp. 38-41; 133-134]

(b) Joseph J. Hammond

22. Hammond holds a bachelor of science degree in environmental engineering from Vanderbilt University and has extensive experience in preparing section 109 applications. Hammond was the principal Project manager and had the overall responsibility for Cedar Springs IV's Application. Specifically, Hammond offered testimony concerning Cedar Springs IV's public involvement activities with the communities in Converse and Natrona Counties; the proposed variances; contact with local agencies, state agencies, and landowners and Cedar Springs IV's responses to their comments; socioeconomic analysis; economic benefits of the Project; workforce; housing; and cumulative impacts of the Project. According to Hammond, the total tax revenues from the Project is estimated to be 133 million dollars. [Tr. pp. 50-61; APP VOL. I]

23. Hammond opined, based upon his education, experience and involvement in the Project, that the Project would not pose a threat to the local environment, the local social and economic conditions or the inhabitants and expected inhabitants of the affected area of the Project; the Project would not impair the health, safety, or welfare of the inhabitants in the affected area; the Project

complies with all applicable law; and Cedar Springs IV has the financial capability to decommission and reclaim the Project. [Tr. p. 63]

(c) Kenton Taylor

24. Taylor holds a bachelor's and master's degree in zoology and physiology from the University of Wyoming and is a Senior Wildlife Biologist with WEST. Taylor helped to oversee the biological studies that inform the Application and assisted in the preparation of the biological portion of Sections 6 and 7 of the Application. Taylor also assisted with the development of the monitoring plan for the Project with the Wyoming Game and Fish Department. Taylor detailed the conservation measures that will be employed to avoid and minimize impacts to raptors and other wildlife. [Tr. pp. 75-81]

25. Based upon his knowledge, training, and experience, Taylor opined that the Project did not have significant environmental impacts and the Project will not pose a threat of serious injury to the environment in the affected area. Taylor agreed the proposed Special Condition #21 was appropriate. [Tr. pp. 83-84]

iii. The Division's Witnesses and Review of the Application

(a) Christopher Toalson

26. Christopher Toalson (Toalson) holds a bachelor's degree of science in economics from Washington State University and is the Division's Senior Economic Analyst. Toalson was the primary reviewer of the Application who set up the jurisdictional meeting and ensured materials were distributed in accordance with the statutes and rules. He prepared ISD Exhibits 1 through 4. ISD Exhibit 1 is a report on the Division's processing of Cedar Springs IV's Application. Toalson reiterated the actions taken and reflected in ISD 1 and outlined in Paragraphs 2 through 12 of this Order and will not be restated here. [Tr. pp. 99-104]

27. Toalson testified regarding Exhibit 2, which was a compilation of the responses he received from nine of the 18 State agencies that were asked about the desirability of the permit, the regulatory jurisdiction of the Project, any recommendations for a permit conditions, and any cumulative effects that the Project may create in conjunction with other existing facilities. Toalson explained the 17 standard permit conditions and the four special conditions proposed to be placed on the Permit. [Tr. p. 104-109]

28. Based upon Toalson's review, the Application was then complete, was properly processed by the Division, and all parties entitled to notice had received that notice. According to Toalson, the Application is technically and procedurally ready for consideration by the Council. [Tr. p. 112]

29. Toalson testified he received a Memorandum of Understanding (MOU) regarding the allocation and distribution of impact assistance funds as reflected in Exhibit CAS 3, as amended. Toalson testified the Division was satisfied with the form and content of the MOU and requested ISD Exhibit 4 be amended in accordance with the amended MOU. The impact assistance funds requests from the parties were below the 2% statutory threshold and would be dispersed evenly throughout the proposed 17-month construction phase of the Project. [Tr. pp. 110-111]

30. Toalson does not believe the Project poses a threat of serious injury to the inhabitants of the affected area. Furthermore, he does not believe the Project will pose a threat to the social and economic conditions in the affected area. Toalson also does not believe the Project will substantially impair the health, safety, or welfare of the inhabitants in the affected area. Finally, Toalson opined Cedar Springs IV has the financial capability to decommission and reclaim the Project, as the Applicant must file a surety bond prior to construction, as reflected in proposed Condition #15. [Tr. pp. 111-113]

(b) Gregory Alan Edwards

31. Gregory Alan Edwards (Edwards) holds a bachelor's and master's degree in civil engineering and is the Administrator of the Industrial Siting Division, as well as the Deputy Director of DEQ. He oversaw Toalson's work in processing Cedar Springs IV's Application, and he agreed with Toalson that the Application was complete and contained sufficient information for the Council to reach a decision. Edwards also testified that the Division had no objection the two variances requested by the Applicant. [Tr. pp. 122-128]

32. Edwards does not believe the Project poses a threat of serious injury to the inhabitants of the affected area. He does not believe the Project will pose a threat to the social and economic conditions in the affected area. He does not believe the Project will substantially impair the health, safety, or welfare of the inhabitants in the affected area. With the information provided in the application, plus the supplemental information provided to address the deficiencies, Edwards believed that the Application was complete. [Tr. p. 129]

C. Limited Appearance Statements

33. The Council did not receive any Limited Appearance Statements during the course of the contested case hearing.

D. Impact Assistance Funds

(i) Party Impact Assistance - Witnesses and Evidence

34. Impact assistance funds are payable from increased sales and use taxes paid to the State of Wyoming on materials purchased to construct the Project. They are capped at two percent of the estimated total material costs for construction of the facility. The estimated total material cost for construction of the Project is \$453 million and impact assistance funds are capped at approximately \$9.06 million. These funds are to compensate for unmitigated impacts to the affected counties, cities, and towns in the area primarily affected. [Ex. ISD I, p. 11]

35. The nine local governments primarily affected by the Project, Converse County, Natrona County, the City of Douglas, the Town of Glenrock, the Town of Rolling Hills, the City of Casper; the Town of Evansville; the City of Mills, and the Town of Bar Nunn, were able to agree upon a MOU regarding proposed impact assistance amounts and distribution schedules. While not bound by the terms of the MOU, such MOUs are helpful to the Council as a starting point in the determination of the award of impact assistance payments. In light of the MOU, the Division did not utilize the Council's approved impact assistance model to develop recommendations on impact assistance. The Division received impact assistance information from the local governments through the MOU. One of the governments, the Town of Bar Nunn requested no impact assistance funds as part of the MOU. The maximum amount agreed to by the parties is less than the two percent allowable by statute. [CAS Ex. 3]

36. Representatives of each of the local governments appearing at the hearing were permitted to testify and present evidence in support of their requests for impact assistance funds. Council members questioned the governmental agencies representatives extensively, including, but not limited to, questions on specific and general impacts local governments would suffer; specific details about individual items requested; how the amounts were calculated; whether the alleged unmitigated impacts were covered by previous impact assistance funds paid for the three previous Cedar Springs Wind projects; and specific details about how the governments intended use the impact assistance funds.

37. The local government representatives appeared and provided evidence and testimony as follows:

(a) Converse County

38. Jim Willox (Willox), is a Converse County Commissioner and testified regarding the county's request for \$2,027,788.55 for unmitigated impacts as a result of the Project. Willox testified

that Exhibit A reflected the breakdown of impacts including those to law enforcement, fire, EMT services, road repairs, sales and lodging tax losses and extra duties for employees in county departments. Willox supported his requests with documents showing the total costs for road repairs and a calculation sheet showing estimated lost sales and lodging taxes, as well as his testimony that Converse County will be the only entity to contribute ambulance services. [Tr. pp. 146-162]

(b) Town of Rolling Hills

39. John Maines (Maines) is the Mayor of the Town of Rolling Hills and assembled its Exhibits 1 through 19, and 22. Maines testified his town is the closest entity to the Project. The Town of Rolling Hills initially asked for \$404,257.50 in unmitigated impacts but at hearing requested \$441,905.11 in accordance with the amended MOU as referenced in CAS 3-1. The request was for impacts to the police and fire departments, pathway upkeep and lighting, road damage, park updates, annexation and platting of new lots and park areas for anticipated increased residency, and water infrastructure improvements for town growth. The requests were explained in detail using the exhibits as documentary support. [Tr. pp. 164-195]

(c) Natrona County

40. Peter Nicolaysen (Nicolaysen) is a Natrona County Commissioner. Nicolaysen explained the County's request for \$274,812.00 for help with uncompensated public health services impacts, lost lodging tax due to stays in excess of 30 days, and heavy vehicle stabilization equipment. Nicolaysen detailed each of the categories of impacts [Tr. pp. 197-205]

(d) City of Douglas

41. J.D. Cox (Cox) is the City Administrator for the City of Douglas. Cox explained Exhibit A which summarized the cost of services across the State of Wyoming. In particular, the document was used to support the City's request for \$500,000.00 due to impacts resulting from an increase in the number of workers who will reside in Douglas. [Tr. pp. 206-209]

42. Todd Byerly (Byerly) is the City of Douglas Chief of Police. According to Byerly, with the anticipated population growth, impact assistance funds were needed to cover the cost of additional services provided to non-local residents including the anticipated increase in policing, as calls for services increased 13% between 2020 and 2022 with prior Cedar Springs projects. [Tr. pp. 210-214]

(e) Town of Glenrock

43. Bruce Roumell (Roumell) is the Mayor of the Town of Glenrock. Roumell testified that all requests for unmitigated impacts were new and not covered by impact funds from the prior Cedar Springs projects. Roumell described the Town's impacts include the request for a new sewer vacuum truck, fire and rescue truck, RV dump, and a trailer park bathroom. The Town's request was for \$1,200,000.00. [Tr. pp. 200-226]

(f) City of Casper

44. According to the Application, the City of Casper is the largest area of impact. The City submitted detailed statements from Keith McPheeters, the Chief of Police and Jacob Black, the Fire-EMS Chief to support the City's request for \$250,000.00 in unmitigated impacts to those two departments. Both men were present to provide an overview of their detailed written statements explaining the impact assistance requests and entertain questions from the council. [Tr. pp. 228-233]

(g) Town of Evansville

45. The Town of Evansville called Leo Malsom, the Fire Chief, and Michael Thompson the Chief of Police, to explain the Town's request for \$346,147.16. The request related to impacts to the police and fire departments. The witnesses testified and the Town's exhibits detailed the calculations used to support the reasonableness of the request. The City initially requested \$250,000.00 as part of the MOU but at hearing requested an additional \$146,147.16 due to a change in numbers after the MOU was generated. [Tr. pp. 234-236; 243-259]

(h) City of Mills

46. The City of Mills' witnesses present at the hearing included Michael Coleman, Administrator/Head of Public Works; Byron Precidio, Chief of Police; and Will Gay the Fire Chief and Emergency Services Personnel Manager. All three witnesses wrote detailed statements explaining their respective departments' impacts as a result of the Project and were present to entertain questions from the Council. The City requested \$250,000.00 to cover overtime for fire department and law enforcement personnel, and for additional fire department equipment. The City's exhibits actually documented an additional \$29,000.00 in unmitigated impacts. [Tr. pp. 260-274]

(i) Town of Bar Nunn

47. Bar Nunn was not seeking funds through this permit but wished to remain a party to stay informed of the process and the Project. [Tr. p. 274]

48. Prior to the close of Phase II of the evidentiary hearing, all governmental entities orally agreed on the record to the adjustments requested by the Town of Evansville and the City of Mills. [Tr. pp. 275-279]

49. All findings of fact set forth in the following Conclusions of Law section shall be considered a finding of fact and are fully incorporated into this paragraph.

V. CONCLUSIONS OF LAW

A. Principles of Law

50. Cedar Springs IV bears the burden of proof in the proceedings herein as the applicant for an ISC Permit. "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, Wyo. Mental Health Professions Licensing Bd.*, 2005 WY 117, 120 P.3d 152 (Wyo. 2005).

51. Wyoming Statutes § 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. 35-12-120(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.

52. Wyoming Statute § 35-12-110(b)(i)-(xxiii) requires that the Division 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.

53. 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.

54. 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 receipt of a request for additional information from the director.

55. 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.

56. Wyoming Statutes § 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.

57. Pursuant to Wyoming Statutes § 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.

58. Wyoming Statutes §§ 39-15-111(c)-(d) 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 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 amount of the impact assistance payment and include specific findings of fact detailing the basis for the total dollar amount determination and if requested by the affected county city or town, its justification for rejecting, in whole or in part, an application for an impact assistance payment. 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 hearing. Under no circumstances shall the total dollar amount of the impact assistance payment exceed the maximum allowable percentage specified in this subsection of the total estimated material costs of the facility, as those costs are determined by the council. The maximum allowable percentage shall be . . . two percent (2%) for facilities with total estimated materials costs in excess of three hundred fifty million dollars (\$350,000,000.00) but less than eight hundred fifty million dollars (\$850,000,000.00)[.] . . . 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 citing council during a public hearing held in accordance with W.S. 35-12-110(f)(i). In determining the distribution ratio, the industrial siting council may consider the extent and location of the unmitigated impacts, the populations of the affected counties, cities and towns, including any disproportionate impacts on smaller communities, and any other equitable factor. 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 impact assistance payment upon a showing of good cause. . . . 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. Each county, city and town that receives a distribution under this subsection shall provide an annual report to the industrial siting council describing how the impact assistance payment was expended. The report shall first be submitted not later than one (1) year after the impact assistance payment is approved and annually each year thereafter for the duration in which distributions are made and until all distributions are expended. 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 payment will commence under this act, but will only be considered for determining when the period of construction ends;

...

- (ii) “Unmitigated impact” means an expense:

- (A) Incurred by a county, city or town directly or indirectly attributable to the construction of an industrial facility;

- (B) That is not otherwise mitigated by any other entity;

- (C) For medical services, fire and law enforcement services, roads and public utilities. Expenses shall be supported by an analysis prepared by the county, city or town of the current excess capacity in each of these areas. Expenses in these areas may include the employment of additional employees or officers only if the county, city or town has determined overtime compensation or contract labor would not be appropriate; and

- (D) Excluding expenses for which a county, city or town previously received an impact assistance payment unless the county, city or town can demonstrate the expenses are new or ongoing.

59. 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 in- migrating (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;

60. 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

61. Cedar Springs IV submitted its Section 109 Permit Application for the Cedar Springs IV Wind Project. The request for issuance of a 109 Permit was uncontested by the parties. This Council has considered all the evidence, testimony, and arguments presented at the June 20, 2023, evidentiary hearing. Through its documentary evidence and witness testimony, this Council finds that

Cedar Springs IV has proved, by a preponderance of the evidence, it filed a complete Application with the Division regarding the Project, which included the requirements in 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 laws. The completeness of the Application is supported by the contents of and attachments to the Application, and the testimony of Daily, Hammond Taylor, Toalson, and Edwards.

62. Cedar Springs IV proved, through the exhibits and testimony of its witnesses, the Project will not pose a threat of serious injury to the environment nor to the social and economic conditions of inhabitants in the affected area, and that the Project will not substantially impair the health, safety, and welfare of those inhabitants. Cedar Springs IV also demonstrated it had the financial capability to construct, maintain, operate, decommission and reclaim the Project. This was supported by the testimony of Daily and Hammond. The Council voted unanimously to approve the Application and to grant Cedar Springs IV an ISD Permit for the Project.

63. The Council unanimously approved the two variances, as well as the Division's proposed 21 enumerated conditions to be included with the Permit, including a revision to the proposed Special Condition #21. None of the parties objected to the recommended conditions, and the evidence supported inclusion of those conditions on the Permit.

64. Regarding the allocation of the impact assistance funds, this Council finds, based upon the testimony of the local governments' witnesses and the evidence in their exhibits, there will be unmitigated impacts on Converse County, Natrona County, and the municipalities of Douglas, Glenrock, Rolling Hills, Casper, Evansville, and Mills.

65. The total impact assistance funds requested by the parties at the close of the evidentiary hearing was \$5,319,783.78. Regarding the amount of the impact assistance funds to each entity, the Council considered a number of factors in determining whether each local government had justified the amount it requested under the MOU and or modified at the contested case hearing. Those factors

included impacts that appeared to be speculative or requesting funds for items that would not be received before the end of the construction period and the fact that the local governments could ask the Council for additional impact assistance funds if they later identified new unmitigated impacts or the initial impact assistance funds prove insufficient to mitigate the anticipated impact.

66. After extensive deliberations, the Council determined that the preponderance of the evidence supports awarding a total of \$4,025,940.10 and distributing that figure as follows:

Converse County

67. Converse County requested a total of \$2,027,788.55 in impact assistance from the Council. Based upon the evidence and testimony of County Commissioner, Willox, the Council determined that Converse County's request for unmitigated impacts in the amount of \$342,000.00 because of sales and lodging tax loss was speculative and not supported by actual documentary evidence. Converse County proved that a total of \$1,685,788.55 in unmitigated impacts would occur because of the Project.

Natrona County

68. Natrona County requested a total of \$250,000.00 in impact assistance from the Council. This amount included a request for unmitigated impacts in the amount of \$227,759.00 because of lodging tax loss was speculative and not supported by actual documentary evidence. Natrona County proved that a total of \$47,053.00 in unmitigated impacts would occur because of the Project.

City of Douglas

69. The City of Douglas requested and proved, through testimony and documentary evidence, that the unmitigated impacts in the amount of \$500,000.00 would occur as a result of the Project.

City of Casper

70. The City of Casper requested and proved, through testimony and documentary evidence, that the unmitigated impacts in the amount of \$250,000.00 would occur because of the Project.

Town of Evansville

71. The Town of Evansville initially requested \$250,000.00 in unmitigated impacts. At hearing, the Town made a new request for \$346,147.16 for unmitigated impacts to the police and fire departments. The evidence and testimony support the Town's new request in the amount of \$346,147.16 in impact assistance funds.

City of Mills

72. The City of Mills initially requested \$250,000.00 in unmitigated impacts. At hearing, the City made a new request to cover overtime for fire department and law enforcement personnel, and for fire department equipment. The City proved its new request of \$279,130.96 was reasonable and would occur because of the Project.

Town of Glenrock

73. The Town of Glenrock made a request for \$1,200,000.00 in unmitigated impacts as a result of the Project. Those impacts included monies for a sewer vacuum truck in the amount of \$691,000.00. The evidence showed that the truck would not be received by the Town until after the end of the construction period. Therefore, the impact request was not proven to be due to the Project. The Town proved impacts in the amount of \$509,000.00 would result from the Project.

Town of Rolling Hills

74. The Town of Rolling Hills requested \$441,905.00 in unmitigated impacts as a result of the Project. Those impacts included \$33,084.68 for the annexation and platting of property for a new subdivision. The Council finds this request to be speculative in that no evidence was presented that

the subdivision would be completed and utilized as a result of the Project. The Town proved impacts in the amount of \$408,820.43 would occur because of the Project.

Total Impacts

75. The Council voted to approve, in total, \$4,025,940.10 in impact assistance. The payment shall be done over the course of the proposed 17-month construction period. The Council believes this appropriately balances the needs of the counties and municipalities with the risk to the state's general fund. Finally, the timetable for payment of these impact assistance funds shall be made in accordance with the schedule in Appendix A of this order.

VI. DECISION

76. 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 Cedar Springs IV to construct and operate the Cedar Springs IV Wind Energy Project with the two variances requested in the Applicant's Exhibits 24 through 29 and explained through the Applicant's Senior Project Manager.

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

- (1) The proposed facility complies with all applicable laws;
- (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 of 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 decommission and reclaim the facility;
- (5) Pursuant to its authority, this Council allocates the impact assistance funds;

(6) The impact assistance funds shall be distributed as enumerated and scheduled in Appendix A attached to this Order.

(7) Finally, pursuant to its authority, this Council places the following terms and conditions on the Project:

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 construction 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 commencement of any construction. This individual shall present himself/herself and meet with the ISD staff before any 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 every year up to and including the year construction is completed 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 until construction is completed. 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.

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, Table # on page # 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 Industrial 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. Prior to the commencement of any construction, the Permittee shall provide a surety bond acceptable to the Administrator in the of \$15,694,546 for decommissioning and reclamation as required by W.S. 35-12-109(a)(xx) and the Rules of the Council.

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.

Condition #16. Prior to operation, the Permittee shall procure and install an ADLS for control of the FAA required navigational lighting. In the event that the ADLS is not approved by the FAA, the Permittee shall provide notice and a copy of the FAA's decision to the Division Administrator who shall advise the Council and this condition shall be void.

Condition #17. The Permittee shall give written notice to the ISD when all construction and interim reclamation activities are complete.

Special Condition #18. At least 30 days prior to the commencement of any construction, the Permittee shall notify the Wyoming Public Service Commission to facilitate scheduling of any necessary safety inspections.

Special Condition #19. Prior to commencing any construction, the Permittee shall conduct an inventory of the existing vegetative community within the project disturbance limits (75-foot buffer on collection lines, 100-foot buffer on new access roads, 300-foot buffer on turbine locations, and a 100-foot buffer on other project infrastructure). The Permittee shall submit an updated Weed Management Plan, based on this inventory, to treat noxious and invasive weeds within the project disturbance limits during construction. The Permittee shall submit the updated Plan, based on this inventory, and map of the project disturbance limits to the Wyoming Department of Agriculture, Converse County Weed and Pest, and the ISD prior to construction. The Permittee shall also install trackout control system(s) for construction equipment and vehicles to remove any flora contamination upon ingress and egress of the property.

Special Condition #20. The Permittee shall avoid and install fencing or flagging around culturally sensitive areas discovered pre-construction that are within the project disturbance limits (75-foot buffer on collection lines, 100-foot buffer on new access roads, 300-foot buffer on turbine locations, and a 100-foot buffer on other project infrastructure). At the completion of all interim reclamation and construction, the Permittee shall submit to the Wyoming State Historic Preservation Office and the ISD a report describing the results of avoidance measures and any discovery of cultural resources that occur during interim reclamation and construction.

Information in the report is to include all cultural resource information that may be released in accordance with law.

Special Condition #21. At least 30 days prior to the commencement of any construction, the Permittee shall submit a finalized monitoring plan to the Wyoming Game and Fish Department and the ISD. Additionally, the Permittee shall meet with the Wyoming Game and Fish Department to discuss turbine placement.

VII. ORDER

IT IS THEREFORE ORDERED that the Industrial Siting Permit Application known as the Cedar Springs IV Wind Energy Project, as submitted by the Applicant, as modified by this Council, and as set forth above in Permit Conditions #1 through #21 is **GRANTED**.

DONE this 1st day of August, 2023.



Dusty Spomer, Chairman
Industrial Siting Council
200 West 17th Street
Cheyenne, Wyoming 82002
(307) 777-7369

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by mailing a true and correct copy, postage prepaid, on the 8 day of August, 2023, addressed to the following:

Alan Edwards — **(ORIGINAL)**
Deputy Director, Department of Environmental Quality
Industrial Siting Administrator
200 West 17th Street
Cheyenne, Wyoming 82002

Karl Anderson — Attorney for Industrial Siting Council
Supervising Attorney General
109 State Capital
Cheyenne, Wyoming 82002
karl.anderson@wyo.gov

Marianne Shanor — Attorney for Applicant
Hathaway & Kunz
P.O. Box 1208
2515 Warren Avenue, Suite 500
Cheyenne, Wyoming 82003
mshanor@hkwyolaw.com

Almira Moronne — Attorney for Impact Exploration & Production
Davis Graham & Stubbs, LLP
1550 17th Street, Suite 500
Denver, Colorado 80202
Almira.morrone@dgsllaw.com

Jenny Staeben — Attorney for Industrial Siting Division
Senior Assistant Attorney General
109 State Capital
Cheyenne, Wyoming 82002
jenny.staeben1@wyo.gov

Quentin Richardson – Attorney for Converse County
County Attorney, Converse County
107 N. 5th Street
Douglas, Wyoming 82633
qwrch@gmail.com

Heather Duncan-Malone — Attorney for Natrona County
County Attorney, Natrona County
200 North Center Street, Ste. 300
Casper, Wyoming 82601
hduncan-malone@natronacounty-wy.gov

Michael Armstrong — Attorney for the City of Douglas
Peasley & Armstrong
P.O. Box 703
Douglas, Wyoming 82633
mike@peasleylaw.com

Amy Iberlin — Attorney for the Town of Glenrock
Williams, Porter, Day, Neville, P.C.
P.O. Box 10700
Casper, Wyoming 82602
aiberlin@wpdn.net

P. Craig Silva — Attorney for the Town of Rolling Hills
Williams, Porter, Day, Neville, P.C.
P.O. Box 10700
Casper, Wyoming 82602
csilva@wpdn.net

Eric K. Nelson — Attorney for the City of Casper
City Attorney, City of Casper
200 N. David Street
Casper, Wyoming 82601
enelson@casperwy.gov

Scott C. Murray — Attorney for Town of Evansville
P.O. Box 10700
Casper, Wyoming 82602
smurray@wpdn.net

Patrick T. Holscher — Attorney for the City of Mills & Town of Bar Nunn
Schwartz Bon Walker & Studer, LLC
141 S. Center Street, Ste. 500
Casper, Wyoming 82601
pat@schwartzbon.com



Industrial Siting Division

ISD Exhibit 4

Party	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9
Converse County	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03
Natrona County	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82
Douglas	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76
Casper	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88
Evansville	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60
Bar Nunn	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mills	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47
Glenrock	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18
Rolling Holls	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26

Party	Month 10	Month 11	Month 12	Month 13	Month 14	Month 15	Month 16	Month 17	Total
Converse County	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 99,164.03	\$ 1,685,788.55
Natrona County	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 2,767.82	\$ 47,053.00
Douglas	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 29,411.76	\$ 500,000.00
Casper	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 14,705.88	\$ 250,000.00
Evansville	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 20,361.60	\$ 346,147.16
Bar Nunn	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mills	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 16,419.47	\$ 279,130.96
Glenrock	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 29,941.18	\$ 509,000.00
Rolling Holls	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 24,048.26	\$ 408,820.43
Total									\$ 4,025,940.10

Appendix A