

**NOTICE - SWEETWATER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
WILL MEET IN REGULAR SESSION  
Tuesday, October 16, 2012 at 8:30 a.m.  
Commissioners Meeting Room  
Tentative and Subject to Change**

**PRELIMINARY**

**8:30** CALL TO ORDER  
QUORUM PRESENT  
PLEDGE OF ALLEGIANCE  
APPROVAL OF AGENDA  
APPROVAL OF MINUTES: 10-2-12

**ACCEPTANCE OF BILLS**

**8:30** Approval of County Vouchers/Warrants  
Approval of Monthly Reports  
Approval of Bonds  
Approval of Abates/Rebates

**PUBLIC HEARING**

**8:30** Budget Amendment- Homeland Security Grant

**COMMISSIONER COMMENTS/REPORTS**

**8:40**

**COUNTY RESIDENT CONCERNS**

**9:30**

**ACTION/PRESENTATION ITEMS**

**9:40** Events Complex Update

**9:55** Appreciation Plaque for Fire Warden  
Dennis Washam

**10:05** Request the Approval of the FY 2013 TANF CPI  
Grant Agreements

**10:10** Request the Approval of the FY 2013 Highway  
Safety Grant Agreement for the SWCO DSP Program

**10:20** Supplemental Insurance Discussion

**10:40** United Way Update

**11:00** Approval of Financial Software Purchase

**OTHER**

**11:20**

**EXECUTIVE SESSION(S) AS NEEDED**

**LUNCH**

**PUBLIC HEARING**

**1:30** Zoning Resolution Language Amendment of Wind  
Energy Conversion System Regulations and Fees

**ADJOURN**

**4:30**

October 2, 2012  
Green River, WY

The Board of County Commissioners met this day at 8:30 a.m. in Regular Session with Chairman Johnson, Commissioner Bailiff, Commissioner Kolb and Commissioner Van Matre present. Commissioner West was absent from the meeting. The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

*Commissioner Kolb moved to approve the order of the agenda. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved unanimously.

**Approval of Minutes 9-4-12 & 9-6-12**

County Clerk Dale Davis provided an update on the Rural Health Care District and explained that, after reviewing the state statutes, the Health District's petition was evaluated and determined to be short \$400,000 based upon land owners and therefore, will not be on the ballot. *Commissioner Van Matre moved for approval of the minutes dated September 4 & 6, 2012.* Commissioner Bailiff noted that he did not attend the September 6, 2012 meeting. *Commissioner Kolb seconded the motion.* With no discussion, the motion was approved unanimously.

**Acceptance of Bills**

**Approval of County Vouchers/Warrants, Monthly Reports, Bonds and Abates/Rebates**

Chairman Johnson entertained a motion to approve the acceptance of the bills. Following discussion relative to bonds and elected/appointed positions on a particular board, Chairman Johnson requested that County Clerk Dale Davis review, and in the meantime, approve as presented. *Commissioner Kolb moved to approve the county vouchers/warrants, approval of the monthly reports, approval of the bonds, approval of the abates/rebates. Commissioner Bailiff seconded the motion.* With no discussion, the motion was approved unanimously.

WARR#	NAME	DEPT	TOTAL
	Salaries (Net)		1,270,666.30
50667	Bank Of The West	Gen Accts	2,993.20
50670	Bank Of The West	Gen Accts	2,837.52
1	Bridger Valley Electric Assn	Fire Marshal	27.04
2	Centurylink	Commiss, Clk, Treas, Shrf, Co Atrny, Grants Proj, GR Cir Court, IT Dept, Clk Dist Crt, Flt Veh Main, Comm Dev&Eng, Human Resour, Purchasing	175.72
3	Centurylink	Assess, Juv Prob, Road & Bridg, Elect, Grants Admin, Land Use, RS Off Bld A, Shrf Emg Mgt, Fire Marshal, RS Mnt/C Pur, Comm Nur-Hom	741.47
4	City Of Green River	GR Fcl Mt CH, GR Cir Court, GR Rsvlt Mai, GR Wrhs Main, GR Rd & Brdg, GR JV Maint	2,104.12
5	City Of Green River	GR Rsvlt Mai	652.91
6	Directv	Shrf Emg Mgt	12.00
7	Home Depot Credit Service	GR Fcl Mt CH, Shrf Dtn Mnt	1,053.76
8	Rocky Mtn Power	RS Rd & Brdg, Shrf Dtn Mnt, RS Mnt/C Pur, Comm Dev&Eng, RS R&B Lagoo	7,256.78
9	Sweetwater Television Co	Shrf	4.74
50680	Union Telephone Company Inc	Elect	45.00
1	Verizon Wireless	Fire Marshal	171.82
2	Bridger Valley Electric Assn	Farson R & B	64.49
3	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, Clk Dist Crt, Road & Bridg, Flt Veh Main, Shrf Dtn Mnt, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin, Land Use, RS Off Bld A, Shrf Emg Mgt, Fire Marshal, Vet Services, Comm Nur-Hom	342.42
4	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, GR Fcl Mt CH, Land Use, Flt Veh Main, RS Off Bld A, Fire Marshal	461.39
5	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, GR Fcl Mt CH, Land Use, Flt Veh Main, RS Off Bld A, Fire Marshal	1,150.32
6	Centurylink	Shrf, Co Atrny, IT Dept, Clk Dist Crt, Road & Bridg, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin, Shrf Emg Mgt, Comm Nur-Hom	2,757.18

7	Purchase Power	Shrf Dtn Mnt	201.41
8	Questar Gas	GR JV Maint, GR Fcl Mt CH, GR Cir Court, GR Rsvlt Mai, GR Wrhs Main, GR Rd & Brdg	646.65
9	Rock Springs Municipal Ut	Fire Marshal, RS Rd & Brdg, RS Veh Maint, Thmpsn Bld A, RS Off Bld A, Att Bld 731C, Facil 731C C, Shrf Dtn Mnt, JV 731 Bld D, RS 333 Bdwy	8,643.00
50690	Rocky Mtn Power	Comm Dev&Eng	24.47
1	Sweetwater Television Co	Shrf Dtn Mnt	102.13
2	West Side Water & Sewer Dist	RS Mnt/C Pur, Shrf Dtn Mnt	2,199.50
3	Wyoming Waste Services -	RS Veh Maint, RS Off Bld A, Thmpsn Bld A, RS Mnt/C Pur, RS Rd & Brdg	726.23
4	Ace Hardware	GR Fcl Mt CH, Shrf Dtn Mnt, Shrf	261.90
5	Ace Hardware	GR Fcl Mt CH	219.95
6	Ace Hardware #11263-C	GR Fcl Mt CH	88.51
7	Advanced Medical Imaging	Shrf Dtn Mnt, Coroner	269.00
8	Alcohol & Drug Testing Se	Shrf, Shrf Dtn Mnt	637.00
9	Allen MD PC, Patrick C	Coroner	2,080.00
50700	Allen, Cheryl	Vet Services	134.31
1	Auto Parts Unlimited	Flt Veh Main	64.26
2	Battery Systems	Flt Veh Main	573.12
3	Bennett Paint & Glass	GR Fcl Mt CH	73.80
4	Buckboard Marina	Shrf	144.97
5	Carrier Corporation	Shrf Dtn Mnt	1,249.18
6	Carson, Anthony S.	Elect	510.60
7	Castillon D.D.S., A. Bryce	Shrf Dtn Mnt	2,093.00
8	City Auto Sales	Flt Veh Main	657.75
9	City Auto Sales	Flt Veh Main	913.87
50710	City Of Rock Springs	Shrf Dtn Mnt	25.00
1	City Of Rock Springs	Animal Cntrl	2,634.44
2	Clarion Inn Conference Ce	Coop Ext/4H	710.50
3	Codale Electric Supply In	GR Fcl Mt CH	115.00
4	Creative Culture Insignia	Shrf	184.25
5	Dave Loden Construction,	Capital Proj	38,115.00
6	Dell Marketing L P	Juv Prob, Shrf, Shrf Dtn Mnt	5,689.96
7	Delta Dental	Intr Gv Pool	30,162.05
8	Division Of Victim Servic	Grants Proj	258.00
9	Douglas Sign Company	Commiss	125.00
50720	Ed Sidwell	Flt Veh Main	173.98
1	F B McFadden Wholesale Co	Shrf Dtn Mnt	260.90
2	F B McFadden Wholesale Co	Shrf Dtn Mnt	6,648.15
3	Fedex	Co Atrny	137.50
4	Felderman, Kimmie	Grants Proj	69.43
5	Fire Engineering Company	GR Fcl Mt CH	1,383.00
6	Fred Pryor Seminars	Co Atrny	691.79
7	Fremont Motor Rock Spring	Flt Veh Main	661.94
8	Golden Hour Senior Citize	Senior Cntrs	16,848.52
9	Green River Star	Comm Dev&Eng	30.00
50730	Greenwood Mapping Inc	Capital Proj	2,160.00
1	Hampton Inn & Suites	Co Atrny, Capital Proj	237.00
2	Harton P C, Steve	Clk Dist Crt	3,070.00
3	High Country Behavioral H	Vet Services	1,000.00
4	High Security Lock & Alarm	Shrf	18.75
5	Homax Oil Sales, Inc.	Flt Veh Main	2,488.20
6	Horizon Laboratory LLC	Coroner	428.00
7	Ibarra, Josefina	Coop Ext/4H	214.58
8	IBC Wonder / Hostess	Shrf Dtn Mnt	829.15
9	Inmate Services Corporation	Shrf Dtn Mnt	1,035.00
50740	Intoximeters	Shrf	395.60
1	Isc Inc	IT Dept	1,669.50
2	Jenny Service Co	Shrf Dtn Mnt	1,606.50
3	Johnson, Wally J.	Commiss	553.41
4	Kilmers Bg Distributing	Flt Veh Main	142.92
5	Kroger - Smith's Customer	Land Use	26.33
6	Kroschel, Faith	Coop Ext/4H	549.74
7	Kroschel, Faith	Coop Ext/4H	504.77
8	Lincare Inc	Shrf Dtn Mnt	416.00
9	Little America - Cheyenne	Commiss	141.37
50750	Lujan, Catalina F	Clk Dist Crt	30.00
1	Macy's Truck Repair Inc	Flt Veh Main	135.00
2	McKee Foods Corporation	Shrf Dtn Mnt	628.56
3	Meadow Gold Dairy	Shrf Dtn Mnt	1,393.93
4	Melvin, Jennifer	Gen Accts	16.00
5	Memorial Hospital Of SW CO	Gen Co Admin	219.00
6	Memorial Hospital Of SW CO	Gen Co Admin	27.00
7	Minnehaha County Sheriff	Co Atrny	37.00
8	Moody, Patricia Ann	Assess	35.00
9	Mountain States Supply Co	GR Fcl Mt CH	370.67
50760	National Business Systems	Treas	2,807.08
1	Nicholas & Company	Shrf Dtn Mnt	3,526.58
2	Office Depot Inc	Grants Proj	2,239.92

3	Pacific Steel & Recycling	Fire Marshal	149.00
4	Pegasus Emergency Group	Shrf Dtn Mnt	623.00
5	Pineda, Bobby Wayne	Public Defnd	600.00
6	Plan One/Architects	Capital Proj	1,620.50
7	Pm Autoglass Inc	Flt Veh Main	570.00
8	Pocket Press Inc	Shrf	314.65
9	Public Defender	Public Defnd	2,500.00
50770	Quill Corporation	Vet Services, Shrf, Coop Ext/4H, Purchasing, Treas, Land Use, Clk, Assess, Shrf Dtn Mnt, Clk Dist Crt, GR Fcl Mt CH, Elect	1,446.09
1	Quill Corporation	Elect, Shrf Dtn Mnt	1,477.56
2	Ramirez, Cassandra	Clk Dist Crt	31.25
3	Real Kleen Inc	Shrf Dtn Mnt	448.20
4	Red Desert Roundup Rodeo	Red Dsrt Rodeo	10,000.00
5	Richards, Carol A	Elect	164.00
6	Rock Springs Iv Center	Shrf Dtn Mnt	11.18
7	Rock Springs Newspapers Inc	Gen Co Admin, Elect, Human Resour	2,458.64
8	Rock Springs Newspapers Inc	Gen Co Admin, Elect	7,174.92
9	Rock Springs Newspapers Inc	Grants Proj, Capital Proj	299.54
50780	Rock Springs Newspapers Inc	Shrf	165.90
1	Rock Springs Winnelson Co	GR Fcl Mt CH	15.61
2	Sheehan, Cynthia S	Land Use	14.00
3	Sherman, Stacey	Vet Services	339.54
4	Sirius Xm Radio Inc	Shrf	51.99
5	Slagowski Concrete Inc	Grants Proj	4,249.01
6	Springhill Suites By Marr	Assess	385.00
7	Staples Credit Plan	Clk, Treas	67.40
8	Sterling Communications	Flt Veh Main, Shrf	1,116.03
9	Sunlite Service	Flt Veh Main	65.00
50790	Sw-Wrap	Grants Proj	5,412.68
1	Sweetwater Co Circuit Court	Co Atrny	40.00
2	Sweetwater County Health	Comm Nur-Hom	121,241.47
3	Sweetwater Plumbing & Heat	GR Fcl Mt CH	32.75
4	Sweetwater Trophies	Commiss, Clk Dist Crt	36.01
5	Symbol Arts	Co Atrny	95.00
6	The Radio Network	Shrf	360.00
7	The Tire Den Inc	Flt Veh Main	869.67
8	The UPS Store - #3042	Shrf	18.62
9	Tyler Technologies Inc	Clk	346.18
50800	U S Foods Inc	Shrf Dtn Mnt	1,306.65
1	United Site Services Of N	RS R&B Lagoo, Wamsuttr R&B	315.48
2	US Testing Equipment Ltd	Capital Proj	7,350.00
3	W A R M Property Insurance	Risk Mngmt	1,480.00
4	Waco	Co Atrny	250.00
5	Western Wyoming Community	Coop Ext/4H	3,550.00
6	Whisler Chevrolet Company	Flt Veh Main	256.41
7	White Mountain Lumber & B	GR Fcl Mt CH	19.27
8	Wilkerson IV, MD, PC, Jam	Coroner	3,145.00
9	Williams Scotsman Inc	Shrf	283.29
50810	Wireless Advanced Communi	Grants Proj	68,236.30
1	Wright Express Fsc	Shrf	22,003.82
2	Wyoming Assn Of Sheriffs	Shrf	500.00
3	Wyoming Dept Of Transport	Capital Proj	2,061.56
4	Wyoming Law Enforcement A	Shrf Dtn Mnt	425.00
5	Young At Heart Senior Cit	Senior Cntrs	16,626.87
6	Zanetti Prestige Collision	Flt Veh Main	2,927.77
50817	Zoobecks Pets And Supplies	Shrf	71.98
50819	Bank Of The West	Gen Accts	910.75
50820	Big Horn Roofing Inc	Capital Proj	84,335.00
1	Capital Business Systems	Clk, Treas, Shrf Emg Mgt	116.96
2	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Juv Prob, Grants Proj, GR Fcl Mt CH, RS Off Bld A, Land Use, Flt Veh Main, Fire Marshal, Coroner	655.30
3	Centurylink	Co Atrny, GR Cir Court, IT Dept, Clk Dist Crt, Road & Bridg, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin, Vet Services, Comm Nur-Hom	1,064.08
4	Centurylink	Shrf Emg Mgt	276.76
5	Centurylink	Elect	34.48
6	Centurylink	Shrf	70.95
7	Hasler	Gen Co Admin	529.50
8	Marlin Leasing	Gen Co Admin	3,877.56
9	Paetec	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, Coroner, Land Use, Clk Dist Crt	317.88
50830	Paetec	GR Fcl Mt CH, Road & Bridg, Flt Veh Main, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin, RS Off Bld A,	

		Shrf Emg Mgt, Fire Marshal, Comm Nur-Hom	344.42
1	Payment Remittance Center	Coroner	76.65
2	Payment Remittance Center	Treas, Elect, Assess, Land Use, GR Fcl Mt CH, Coop Ext/4H	1,189.92
3	Payment Remittance Center	Elect	200.05
4	Payment Remittance Center	GR Fcl Mt CH	149.00
5	Payment Remittance Center	Assess	68.15
6	Payment Remittance Center	Assess	316.79
7	Payment Remittance Center	Clk, GR Fcl Mt CH, Shrf Dtn Mnt, Elect, Commiss, Co Atrny, Grants Proj	1,407.54
8	Payment Remittance Center	Coroner	22.50
9	Questar Gas	RS Rd & Brdg, RS Veh Maint, Shrf Dtn Mnt, RS Mnt/C Pur, RS 333 Bdwy, Facil 731C C, JV 731 Bld D, Thmpsn Bld b, Thmpsn Bld A	2,030.79
50840	Rocky Mtn Power	GR Fcl Mt CH, RS Veh Maint, Thmpsn Bld A, JV 731 Bld D, RS Off Bld A, RS 333 Bdwy, Att Bld 731C	5,257.18
1	Satcom Global Fze	Coroner	116.85
2	Union Telephone Company Inc	Assess, Clk, Shrf Emg Mgt, Grants Admin, Co Atrny, Road & Bridg, Clk Dist Crt, Commiss, GR Fcl Mt CH, Land Use, Vet Services	408.45
3	Union Telephone Company Inc	Coop Ext/4H, Co Atrny, Commiss, IT Dept, Coroner, GR Fcl Mt CH, Shrf Dtn Mnt, Fire Marshal, Comm Dev&Eng, Land Use, Purchasing, Road & Bridg, Juv Prob	3,492.44
4	Union Telephone Company Inc	Shrf	1,792.52
5	Wyoming Dept Of Workforce	Shrf Dtn Mnt, Shrf Emg Mgt, Co Atrny, Elect, Clk	713.75
6	Wyoming Waste Services -	Shrf Dtn Mnt	556.69
7	Jury Witness Fees	Clk Dist Crt	46.65
8	Jury Witness Fees	Clk Dist Crt	120.00
9	Jury Witness Fees	Clk Dist Crt	30.00
50850	Jury Witness Fees	Clk Dist Crt	46.65
1	Jury Witness Fees	Clk Dist Crt	297.60
2	Jury Witness Fees	Clk Dist Crt	74.40
3	Jury Witness Fees	Clk Dist Crt	30.00
4	Jury Witness Fees	Clk Dist Crt	30.00
5	Jury Witness Fees	Clk Dist Crt	46.65
6	Jury Witness Fees	Clk Dist Crt	30.00
7	Jury Witness Fees	Clk Dist Crt	120.00
8	Jury Witness Fees	Clk Dist Crt	46.65
9	Jury Witness Fees	Clk Dist Crt	46.65
50860	Jury Witness Fees	Clk Dist Crt	120.00
1	Jury Witness Fees	Clk Dist Crt	120.00
2	Jury Witness Fees	Clk Dist Crt	30.00
3	Jury Witness Fees	Clk Dist Crt	120.00
4	Jury Witness Fees	Clk Dist Crt	46.65
5	Jury Witness Fees	Clk Dist Crt	186.60
6	Jury Witness Fees	Clk Dist Crt	46.65
7	Jury Witness Fees	Clk Dist Crt	30.00
8	Jury Witness Fees	Clk Dist Crt	208.80
9	Jury Witness Fees	Clk Dist Crt	30.00
50870	Jury Witness Fees	Clk Dist Crt	30.00
1	Jury Witness Fees	Clk Dist Crt	30.00
2	Jury Witness Fees	Clk Dist Crt	30.00
3	Jury Witness Fees	Clk Dist Crt	46.65
4	Jury Witness Fees	Clk Dist Crt	46.65
5	Jury Witness Fees	Clk Dist Crt	297.60
6	Jury Witness Fees	Clk Dist Crt	46.65
7	Jury Witness Fees	Clk Dist Crt	46.65
8	Jury Witness Fees	Clk Dist Crt	46.65
9	Jury Witness Fees	Clk Dist Crt	30.00
50880	Jury Witness Fees	Clk Dist Crt	46.65
1	Jury Witness Fees	Clk Dist Crt	30.00
2	Jury Witness Fees	Clk Dist Crt	30.00
3	Jury Witness Fees	Clk Dist Crt	120.00
4	Jury Witness Fees	Clk Dist Crt	186.60
5	Jury Witness Fees	Clk Dist Crt	120.00
6	Jury Witness Fees	Clk Dist Crt	30.00
7	Jury Witness Fees	Clk Dist Crt	46.65
8	Jury Witness Fees	Clk Dist Crt	46.65
9	Jury Witness Fees	Clk Dist Crt	85.50
50890	Jury Witness Fees	Clk Dist Crt	46.65
1	Jury Witness Fees	Clk Dist Crt	30.00
2	Jury Witness Fees	Clk Dist Crt	30.00

3	Jury Witness Fees	Clk Dist Crt	57.75
4	Jury Witness Fees	Clk Dist Crt	30.00
5	Jury Witness Fees	Clk Dist Crt	186.60
6	Jury Witness Fees	Clk Dist Crt	85.50
50897	Jury Witness Fees	Clk Dist Crt	30.00
50956	Affiliated Benefits	Intr Gv Pool	1,322.00
7	Aflac	Gen Accts	2,053.15
8	Aflac - Group	Gen Accts	1,448.09
9	Axa Equitable	Gen Accts	300.00
50960	Bank Of The West	Gen Accts	89,800.47
1	Bank Of The West	Gen Accts	238,056.50
2	Colonial Life & Accident	Gen Accts	108.20
3	Delta Dental	Intr Gv Pool	1,972.00
4	Diversified Insurance Ben	Human Svcs, Employee Ben, Intr Gv Pool	13,163.08
5	Family Financial Educate	Gen Accts	361.00
6	Great-West Life & Annuity	Gen Accts	12,809.33
7	Sweetwater County Insurance	Human Svcs, Employee Ben, Intr Gv Pool	255,198.25
8	Sweetwater County Insurance	Human Svcs, Employee Ben, Intr Gv Pool	24,517.98
9	Sweetwater County Section	Gen Accts	8,322.00
50970	Sweetwater Federal	Gen Accts	6,755.00
1	Valic	Gen Accts	7,457.00
2	Waddell & Reed Inc	Gen Accts	2,055.00
3	Wyoming Dept Of Workforce	Gen Accts, Clk	20,837.83
4	Wyoming Retirement System	Gen Accts	185,785.34
5	Wyoming Retirement System	Shrf	764.40
6	058-Ncpers Group Life Ins	Gen Accts	1,824.00
7	Amazon	GR Fcl Mt CH, Shrf Dtn Mnt, Shrf, Clk, Clk Dist Crt, Road & Bridg	742.56
8	Blue Cross Blue Shield Of	Intr Gv Pool	37,035.96
9	Centurylink	Commiss, Co Atrny, Grants Proj, GR Cir Court, Clk Dist Crt, GR Fcl Mt CH, Flt Veh Main, Purchasing, Grants Admin, Land Use, RS Off Bld A, Comm Nur-Hom	1,335.92
50980	Centurylink	Clk, Treas, Assess, Shrf, Juv Prob, IT Dept, Coop Ext/4H, Road & Bridg, Elect, Comm Dev&Eng, Human Resour, Shrf Emg Mgt, Fire Marshal	4,104.30
1	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, Land Use, Clk Dist Crt, GR Fcl Mt CH Road & Bridg, Elect, Comm Dev&Eng, Grants Admin, Shrf Emg Mgt, Vet Services, Human Resour, Purchasing, Comm Nur-Hom	402.50
3	Home Depot Credit Service	GR Fcl Mt CH, Shrf Dtn Mnt	1,733.77
4	Home Depot Credit Service	GR Fcl Mt CH	784.96
5	Rocky Mtn Power	GR Rd & Brdg, GR JV Maint, GR Cir Court, GR Fcl Mt CH, GR Wrhs Main	8,700.74
6	Sweetwater Television Co	Shrf Emg Mgt	47.45
7	Verizon Wireless	Shrf Emg Mgt, Shrf, Fire Marshal, Vet Services, IT Dept, Commiss, Elect, Co Atrny	1,476.29
8	Walmart Community/Gecrb-P	Coop Ext/4H	199.00
9	Walmart Community/Gecrb-S	Shrf Dtn Mnt	1,213.03
50990	Wells Fargo Bank	Shrf Dtn Mnt, Shrf	58.90
1	Wells Fargo Bank	Shrf	187.64
2	Wells Fargo Bank	Shrf	603.01
3	Wells Fargo Bank	Shrf, Shrf Dtn Mnt	3,870.46
4	Wells Fargo Bank	Shrf	1,758.90
5	Accreditation Audit & Risk	Shrf Dtn Mnt	530.00
6	Ace Hardware	Road & Bridg	79.20
7	Ace Hardware #11263-C	GR Fcl Mt CH	237.80
8	Ace Hardware #11263-C	Shrf Dtn Mnt, GR Fcl Mt CH	297.32
9	Advanced Medical Imaging	Shrf Dtn Mnt	190.00
51000	Airgas Intermountain Inc	Flt Veh Main	20.31
1	Alcohol & Drug Testing Se	Shrf, Shrf Dtn Mnt	546.00
2	Allen, Cheryl	Vet Services	220.75
3	Alpha Petroleum Service Inc	Road & Bridg	650.00
4	Alpine Pure Water	Co Atrny	94.00
5	Arnell Jr., Gary B.	Clk Dist Crt	580.00
6	Arnell Jr., Gary B.	Clk Dist Crt	2,200.00
7	Arnell Jr., Gary B.	Clk Dist Crt	3,330.00
8	Arnell Jr., Gary B.	Clk Dist Crt	4,280.00
9	ASAP Radiator Repair	Road & Bridg	352.50
51010	Asc - American Screening	Juv Prob	63.00
1	Auto Parts Unlimited	Road & Bridg	321.28

2	Autospa Inc	Shrf	28.56
3	Awards Unlimited & Engrav	Road & Bridg	93.95
4	Badger Daylighting Corp	Road & Bridg	6,920.00
5	Behavioral Interventions	Grants Proj	79.29
6	Bennett Paint & Glass	Shrf Dtn Mnt	215.36
7	Best Western - The Inn At	Commiss	77.00
8	Bob Barker Company Inc	Shrf Dtn Mnt	484.89
9	Bookcliff Sales Inc.	Road & Bridg	202.62
51020	Cardiac Science Corporati	Shrf	1,854.00
1	Carrier Corporation	Shrf Dtn Mnt	6,680.84
2	Castle Rock Hospital Dist	CR Ambu Svc	37,500.00
3	Chematox Laboratory Inc	Coroner	35.00
4	Chemical Testing Program	Coroner	199.00
5	City Auto Sales	Road & Bridg	64.26
6	City Auto Sales	Road & Bridg	559.60
7	City Of Green River	Animal Cntrl	345.00
8	Copier & Supply Co Inc	Purchasing, Commiss, Land Use, Vet Services, Clk, Assess, Shrf, Co Atrny, Clk Dist Crt	734.28
9	Copier & Supply Co Inc	Land Use, Co Atrny, Clk Dist Crt, Shrf Dtn Mnt, Elect	1,304.05
51030	Creative Culture Insignia	Shrf	670.25
1	Cubby's Pizza West	Clk Dist Crt	144.20
2	Cummins Rocky Mountain LLC	GR Fcl Mt CH	967.50
3	Dan's Tire Service	Road & Bridg	350.40
4	Department Of Transportation	Flt Veh Main	5.00
5	Dept Of Environmental Qua	Road & Bridg	200.00
6	Desert Mountain Corporation	Road & Bridg	12,531.24
7	Dick, Brandy J	Shrf	30.42
8	Diversified Insurance Ben	Intr Gv Pool	12,000.00
9	Division Of Victim Serv	Grants Proj	6,588.16
51040	Dustbusters Inc	Road & Bridg, Capital Proj, Grants Proj	45,651.02
1	Eaton Investments Inc	Road & Bridg	1,271.37
2	Election Systems & Software	Elect, Clk	111.01
3	Electrical Connections, I	GR Fcl Mt CH, Grants Proj, IT Dept	25,442.87
4	Esquibel, Sylvia	Vet Services	10.49
5	F B McFadden Wholesale Co	Shrf Dtn Mnt	5,470.59
6	Fleetpride	Road & Bridg	92.03
7	Force America Distributing	Road & Bridg	34.59
8	Fremont Motor Rock Spring	Road & Bridg	832.33
9	FSH Communications, LLC	Shrf Dtn Mnt	70.00
51050	G & K Services	Road & Bridg	492.32
1	Gen-Diagnostics Inc	Juv Prob	96.20
2	Govconnection Inc	IT Dept, Clk, Clk Dist Crt	576.90
3	Green River Star	Elect, Gen Co Admin	3,784.50
4	Hartley, Donald C	Gen Co Admin	2,453.00
5	High Security Lock & Alarm	GR Fcl Mt CH	95.00
6	Holiday Inn - Rock Spring	Shrf	225.00
7	Holiday Inn Express - Lan	Comm Nur-Hom	231.00
8	Homax Oil Sales, Inc.	Road & Bridg, Flt Veh Main, Shrf	37,365.90
9	Howard Supply Company, LLC	Road & Bridg	26.15
51060	IBC Wonder / Hostess	Shrf Dtn Mnt	648.34
1	Industrial Hoist And Crane	Road & Bridg	279.38
2	Industrial Solutions Inc	GR Fcl Mt CH	685.00
3	Industrial Supply	Road & Bridg, Clk Dist Crt	67.98
4	Inmate Services Corporation	Shrf Dtn Mnt	1,978.00
5	Jack's Truck & Equipment	Road & Bridg	620.95
6	Jackson Hole Scientific	Co Atrny	3,375.00
7	Jester Signs & Graphics	Road & Bridg	510.75
8	Jpats/Usms	Shrf Dtn Mnt	2,753.25
9	Kelly, Karin	Juv Prob	661.56
51070	Kilmers Bg Distributing	Road & Bridg	409.92
1	Kone Inc	GR Fcl Mt CH	3,840.06
2	Kroger - Smith's Customer	Clk Dist Crt, Shrf Dtn Mnt	76.30
3	Lawn World	Shrf Dtn Mnt, GR Fcl Mt CH	2,450.00
4	Lewis And Lewis Inc	Road & Bridg, Capital Proj	563,888.89
5	Little America - Cheyenne	Comm Nur-Hom	180.00
6	Loveless, Janet	Co Atrny, Clk Dist Crt	93.75
7	Lujan, Catalina F	Clk Dist Crt	60.00
8	Mathey Law Office - Assig	Clk Dist Crt	580.00
9	Mathey Law Office - Assig	Clk Dist Crt	1,920.00
51080	Mathey Law Office - Assig	Clk Dist Crt	2,900.00
1	Mathey Law Office - Assig	Clk Dist Crt	133.34
2	McKee Foods Corporation	Shrf Dtn Mnt	715.36
3	Meadow Gold Dairy	Shrf Dtn Mnt	1,317.17
4	Memorial Hospital Of Sw	Shrf Dtn Mnt, Title 25	18,116.42
5	Mitchelson, Carol R	Flt Veh Main	10.06
6	Moore Medical, LLC	Shrf Dtn Mnt	695.07
7	National Business Systems	Treas	1,993.40
8	Nicholas & Company	Shrf Dtn Mnt	3,848.51
9	Office Max Inc	Juv Prob, Shrf Dtn Mnt	182.08
51090	Oliver M.D.P.C., Joseph J	Shrf Dtn Mnt	2,103.00
1	Oquirrhberg Kennels	Shrf	800.00

2	Outlaw Inn - Best Western	Vet Services	158.00
3	Pacific Steel & Recycling	Road & Bridg	19.95
4	Pamida - Pharmacy	Shrf Dtn Mnt	5,309.99
5	Pamida Inc	Shrf	57.97
6	Peak Resources Inc	IT Dept	51,716.00
7	Peterbilt Of Wyoming	Road & Bridg	78.81
8	Pineda, Bobby Wayne	Clk Dist Crt	1,380.00
9	Pocket Press Inc	Shrf	134.85
51100	Professional Systems Tech	Shrf Dtn Mnt	442.84
1	Prokos, John R	Co Atrny	179.72
2	Quill Corporation	Shrf, GR Fcl Mt CH, Clk, Clk Dist Crt, Coop Ext/4H, Vet Services, Treas, Shrf Dtn Mnt	506.25
3	Real Kleen Inc	Shrf Dtn Mnt	151.30
4	Reilly, Carla S	Clk Dist Crt	292.00
5	Rock Springs Chamber Of C	Gen Co Admin	3,285.00
6	Rock Springs Newspapers Inc	Land Use	206.83
7	Rock Springs Winnelson Co	GR Fcl Mt CH	29.82
8	Rock Springs, Green River	RS GR SWC Ds	180,499.00
9	Rocky Mountain Wash, LLC	GR Fcl Mt CH	8.25
51110	S & L Industrial	Capital Proj	78,785.07
1	Secretary Of State	Shrf	30.00
2	Skaggs Companies	Shrf, Shrf Dtn Mnt	403.85
3	Smyth Printing Inc	Road & Bridg, Clk Dist Crt, Co Atrny, Shrf Dtn Mnt	445.06
4	Snap On Tools	Road & Bridg	251.90
5	Spence PC, Robert A.	Clk Dist Crt	650.00
6	Springer, Michael	Fire Marshal	125.00
7	Springhill Suites By Marriott	Assess	616.00
8	Standard Plumbing Supply	Shrf Dtn Mnt	68.34
9	Staples Advantage - Dept	Vet Services, Clk, Shrf Dtn Mnt	107.19
51120	Sterling Communications	Road & Bridg	375.00
1	Sulentich MD PC, Scott M	Shrf Dtn Mnt	122.00
2	Swco Conservation Distric	Conservation	31,959.25
3	Sweetwater County	Grants Proj	5,081.26
4	Sweetwater County VSO	Vet Services	63.00
5	Sweetwater Family Resource	Human Svcs	7,014.80
6	Sweetwater Trophies	Clk Dist Crt, Shrf Dtn Mnt	20.24
7	Swisher Hygiene Franchise	Shrf Dtn Mnt	2,016.91
8	Tegeler & Associates	Shrf	50.00
9	The Tire Den Inc	Fire Marshal, Road & Bridg	3,718.43
51130	U S Foods Inc	Shrf Dtn Mnt	1,724.06
1	United Site Services Of N	RS R&B Lagoo	131.48
2	Van Matre, Don	Commiss	361.08
3	Vaughn's Plumbing & Heating	Shrf Dtn Mnt	120.00
4	Waco	Commiss	125.00
5	West Payment Center	Clk Dist Crt, Co Atrny	5,814.80
6	Western Relief, Llc	Shrf Dtn Mnt	220.00
7	Western Wyoming Family Pl	Human Svcs	1,753.44
8	Wilkerson IV, MD, PC, Jam	Coroner	1,040.00
9	Winter Equipment Company	Road & Bridg	17,366.13
51140	Wmdtech Services LLC	Shrf	1,013.91
1	Workwright Software Inc	IT Dept	375.00
2	WPOA Conference	Shrf	400.00
3	Wyoming Behavioral Institute	Title 25	2,055.00
4	Wyoming Dept Of Transport	Capital Proj	258.66
5	Wyoming Law Enforcement A	Shrf	185.00
6	Wyoming Machinery Company	Road & Bridg	1,696.47
7	Wyoming Machinery Company	Road & Bridg	5,293.69
8	Wyoming Pathology Inc	Coroner	1,200.00
9	Wyoming.COM LLC	Road & Bridg	19.95
51150	Young At Heart Senior Cit	Grants Proj	483.00
1	YWCA Of Sweetwater County	Grants Proj, Human Svcs	49,625.39
GRAND TOTAL			4,114,009.56

The following unlisted warrants are payroll warrants: 50665,50666, 50668,50669, 50818, 50898-50955

The following bonds were placed on file:

Gail Panalsek	Sweetwater County Museum- Treasurer	\$10,000.00
Scott Johnson	Eden Valley Cemetery District- Treasurer/Secretary	\$10,000.00
James Burnett	Eden Valley Cemetery District- Chairman	\$ 5,000.00

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TAXPAYER	TAX AMOUNT	TAXPAYER	TAX AMOUNT
BROWN TERRY D & SEANN	-37.56	ANADARKO E&P CO LLP	-198.76
BROWN TERRY D & SEANN	-71.22	ANADARKO E&P CO LLP	-241.70
BROWN TERRY D & SEANN	-65.64	ANADARKO E&P CO LLP	-490.32
BROWN TERRY D & SEANN	-61.54	ANADARKO E&P CO LLP	-217.72
BALIZANS TAE KWON DO ACADEMY	-1.68	ANADARKO E&P CO LLP	-186.30

VIPER UNDERGROUND	-2,724.44	ANADARKO E&P CO LLP	-273.36
MICHE BAGS	-6.56	ANADARKO E&P CO LLP	-250.50
MIRACLES BEAUTY SALON	-2.72	ANADARKO E&P CO LLP	-255.16
JEFFREY JEWELS	-1.42	AREHART KATHRYN M	-54.76
JEFFREY JEWELS	-1.30	ROWE ROSEMARY	-22.90
BP AMERICA PROD CO	-110.10	HOLLINGSHEAD JOSEPH	-25.20
FRITZ JEFFREY	-48.88	HOLLINGSHEAD JOSEPH	-25.40
FRITZ JEFFREY	-51.32	PROPERTY PROS LLC	-178.58
SWEETWATER DEVELOPMENT GROUP	-245.34	PROPERTY PROS LLC	-278.80
STANTON VERNARD & KANDI J	-62.28	UNION PACIFIC LAND RESOURCES	-4,530.68
PARK HOTEL BARBER SHOP	-4.02	ROCK SPRINGS CATHOLIC SCHOOL	-1,165.92
PARK HOTEL BARBER SHOP	-18.48	UNION PACIFIC RAILROAD CO	-513.44
ANADARKO E&P CO LLP	-356.58	MISSOURI PACIFIC RAILROAD CO	-6,017.96
ANADARKO E&P CO LLP	-159.40	UNION PACIFIC LAND RESOURCES	-3,640.78
ANADARKO E&P CO LLP	-242.38	NEOPOST USA INC	-8.60
ANADARKO E&P CO LLP	-181.76	UNION TELEPHONE CO	-38.14
ANADARKO E&P CO LLP	-1,087.80	FOSSEN JANNEL	-153.04
ANADARKO E&P CO LLP	-226.94	ANADARKO E&P CO LLP	-270.34
ANADARKO E&P CO LLP	-255.58	ANADARKO E&P CO LLP	-1,936.08
ANADARKO E&P CO LLP	-1,648.38	ANADARKO E&P CO LLP	-11,465.08
ANADARKO E&P CO LLP	-266.02	ANADARKO E&P CO LLP	-15,675.24
ANADARKO E&P CO LLP	-205.90	ANADARKO E&P CO LLP	-6,330.58
ANADARKO E&P CO LLP	-272.18	ANADARKO E&P CO LLP	-2,143.32
ANADARKO E&P CO LLP	-228.70	ANADARKO E&P CO LLP	-15,249.12
ANADARKO E&P CO LLP	-228.02	ANADARKO E&P CO LLP	-379.64
ANADARKO E&P CO LLP	-218.60	ANADARKO E&P CO LLP	-264.32
		ANADARKO E&P CO LLP	-5,943.84

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**Public Hearing**

**2009 Citizen Corp Grant**

Accounting Manager Bonnie Phillips presented Resolution 12-10-CL-01, Sweetwater County Budget Amendment. Following discussion, Chairman Johnson opened the public hearing. Hearing no comments, the hearing was closed. *Commissioner Van Matre moved for the approval of Resolution 12-10-CL-01. Commissioner Kolb seconded the motion.* Following discussion regarding the anticipated grant expenditure, the motion was approved unanimously.

**RESOLUTION 12-10-CL-01  
SWEETWATER COUNTY  
BUDGET AMENDMENT**

DUE to an extension of a 2009 Citizen Corp grant, in the amount of \$3,840,

WHEREAS, it has been determined that the aforementioned funds need to be included within the 2012-2013 County Budget,

WHEREAS, the Notice of Public Hearing has been published in accordance with the regulations and rules governing the budget process and there being no protests filed or expressed to the Board of County Commissioners regarding this amendment to the Sweetwater County Budget at the hearing,

BE IT THEREFORE RESOLVED: that the 2012-2013 fiscal year budget for Sweetwater County be amended to reflect the following budget changes:

Expenditures Increase Grant Fund:

2009 Citizen Corp Grant	\$3,840
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Revenue Increase Grant Fund:

2009 Citizen Corp Grant	\$3,840
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Dated at Green River, Wyoming this 2nd day of October, 2012.

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

ATTEST:

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\_\_\_\_\_  
Absent  
Reid O. West, Member

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**Budget Amendment- Events Complex**

Accounting Manager Bonnie Phillips presented Resolution 12-10-CL-02, Sweetwater County Budget Amendment. Ms. Phillips explained that, during the 2011-2012 fiscal year, the Board of County Commissioners allocated funding for the National High School Rodeo project. She explained that the allocated funding was not expended and was, consequently, deposited to the general fund during the 2012-2013 budget process. Ms. Phillips requested to reallocate the funds back to the events complex budget for the 2012-2013 fiscal year. Following discussion relative to the request, Chairman Johnson opened the public hearing. Hearing no comments, the hearing was closed. *Commissioner Bailiff moved to table the resolution.* Due to lack of a second, the motion died. *Commissioner Kolb made the motion to approve the request. Commissioner Van Matre seconded the motion. Commissioner Kolb stated, to be clear, that the Resolution number being approved is 12-10-CL-02.* With no discussion, the motion was approved with Commissioner Bailiff voting nay.

**RESOLUTION 12-10-CL-02  
SWEETWATER COUNTY  
BUDGET AMENDMENT**

DUE to the receipt of a final billing for the National High School Finals Rodeo at the Events Complex in the amount of \$240,659,

WHEREAS, the Board of County Commissioners allocated funding for the project in the 2011-2012 fiscal year budget,

WHEREAS, the allocated funding not expended in the 2011-2012 fiscal year budget was allocated into the 2012 Cash Carryover,

WHEREAS, it has been determined that the aforementioned funds need to be transferred within the 2012-2013 County Budget,

WHEREAS, the Notice of Public Hearing has been published in accordance with the regulations and rules governing the budget process and there being no protests filed or expressed to the Board of County Commissioners regarding this amendment to the Sweetwater County Budget at the hearing,

BE IT THEREFORE RESOLVED: that the 2012-2013 fiscal year budget for Sweetwater County be amended to reflect the following budget changes:

Expenditures Increase General Fund:	
Events Complex	\$240,659
Reserves Decrease:	
2012 Cash Carryover	\$240,659

Dated at Green River, Wyoming this 2nd day of October, 2012.

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

ATTEST:

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\_\_\_\_\_  
Absent  
Reid O. West, Member

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**Commissioner Comments/Reports**

### **Commissioner Kolb**

Commissioner Kolb reported that he attended the following meetings: Planning and Zoning wind regulation and the standard Planning and Zoning meeting, Rural Health District special meeting and Communities Protecting the Green. Commissioner Kolb requested an expenditure report for Communities Protecting the Green from Accounting Manager Bonnie Phillips. Commissioner Kolb explained that the Colorado River Users Association will be meeting in Las Vegas, Nevada and that he was considering attending. He requested feedback from the commission and they concurred that attendance is encouraged. Commissioner Kolb further reported that he attended the Events Complex Board meeting and explained that the complex has a separate meter bill for the campground facility and during the National High School Rodeo event, the bill was \$57,000. Commissioner Kolb also noted that the NHS Rodeo will be broadcasted on Dish Network—channel 231—. Lastly, Commissioner Kolb noted that he spoke with Deputy County Attorney Cliff Boevers, County Clerk Dale Davis, Accounting Manager Bonnie Phillips and the Road and Bridge department.

### **Commissioner Van Matre**

Commissioner Van Matre reported that he attended the following meetings: Memorial Hospital of Sweetwater County concerning Human Services, Museum Board, Wyoming Association of County Offices and the YWCA Annual membership meeting. Commissioner Van Matre noted that he visited with IT Director Tim Knight, Deputy County Assessor Dave Divis relative to flu shots and Director of Sweetwater County Department of Juvenile Probation Mike Wilder.

### **Chairman Johnson**

Chairman Johnson reported that he attended a cooperating agency meeting relative to the Seedskafee revocation and subsequent environmental assessment. Chairman Johnson explained that the county has taken a strong position that the lands not be released to Fish and Wildlife but rather be utilized by the BLM for multiple use issues. Chairman Johnson noted that a public scoping meeting will be held relative to the Seedskafee at Western Wyoming Community College the evening of October 2, 2012 and that the public is invited to attend. Chairman Johnson reported that he attended the Wyoming Association of County Offices meeting. He noted that he submitted a letter to Governor Mead relative to future fires in Wyoming forests. He suggested that the State Forest Service give the beetle infested trees, free of charge, to the logging industry, and noted that, hopefully by doing so, it would stimulate the logging industry to come back into the State of Wyoming.

### **Commissioner West**

Due to being absent from the board meeting, Commissioner West requested that Chairman Johnson provide the commission with his report. Chairman Johnson acknowledged that Commissioner West has been working on the specific purpose tax and that a request was made by George K. Baum asking the commission to pay \$6,300 for the "Power of the Penny" informational mailer. Chairman Johnson verified with County Clerk Dale Davis if special action would need to be made to pay for the informational mailer. County Clerk Dale Davis explained that the commission does have an advertising budget. The commission concurred to approve the expenditure under the advertising line item. Chairman Johnson further reported that Southwest Counseling was awarded the large state contract and that Commissioner West attended the YWCA annual membership meeting as well as the Memorial Hospital of Sweetwater County Board meeting and Finance and Audit Committee meeting. Lastly, Commissioner West attended the joint meeting between the county and various agencies along with Plan One Architect relative to 333 Broadway, Rock Springs, Wyoming.

### **Commissioner Bailiff**

Commissioner Bailiff reported that he attended the State Emergency Response Commission meeting, STAR, Wyoming Association of County Offices meeting and the Recreation Board meeting.

Chairman Johnson acknowledged that the 2<sup>nd</sup> meeting in November is during the Thanksgiving holiday and questioned if the commission would like to cancel the meeting. The commission concurred that the meeting will be held as scheduled.

Commissioner Kolb noted that he also attended the Wyoming Association of County Offices meeting.

## **County Resident Concerns**

Chairman Johnson opened county resident concerns. Hearing no comments, the hearing was closed.

## **Action/Presentation Items**

### **Approval of Human Services Agreements**

Accounting Manager Bonnie Phillips presented the FY 2013 Human Service Agreements to include the Food Bank of Sweetwater County and the Youth Home Inc. Following discussion, Chairman Johnson entertained a motion to approve the contracts. *Commissioner Bailiff moved to pay the contracts with the Food Bank of Sweetwater County and the Youth Home, Inc. in the amount of \$19,000 and \$201,000.00. Commissioner Van Matre seconded the motion.* Following discussion regarding wording on the contracts, the motion was approved unanimously.

### **Disbursement of Fund for the Upper Green River Joint Water Board/Close Account**

County Clerk Dale Davis requested authorization to close the Upper Green River Joint Water Board checking account and disburse the remaining balance of \$8,727.71 to Lincoln, Sublette and Sweetwater Counties based upon the FY 2011 contributions. Mr. Davis explained that Lincoln County contributed \$2,000.00 whereas Sublette and Sweetwater Counties both contributed \$4,000.00 during FY 2011. He explained that, based upon the share of the 2011 contributions, each county would be reimbursed the following amounts: Lincoln County \$1,745.55, Sublette County \$3,491.08 and Sweetwater County

\$3,491.08. Following discussion, Chairman Johnson entertained a motion to approve the dissolution of the account with the distribution as indicated by the County Clerk. ***Commissioner Kolb made the motion for the disbursement of funds for the Upper Green River Joint Water Board to close the bank account. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

**Enhanced Air Service Cooperative Agreement**

County Clerk Dale Davis explained that the State of Wyoming sent the Enhanced Air Service Cooperative Agreement and the amount of the agreement is \$308,391. Mr. Davis further explained that the City of Rock Springs' portion is \$101,769, Green River's portion is \$67,847 and the county's portion is \$138,775. Mr. Davis stated that, once the payments are received, he will issue a check to SkyWest for the total amount of \$308,391. Following discussion regarding the percentage split, Chairman Johnson entertained a motion to approve the Enhanced Air Service Cooperative Agreement between the Cities of Rock Springs, Green River and Sweetwater County. ***Commissioner Kolb so moved. Commissioner Bailiff seconded the motion.*** With no discussion, the motion was approved unanimously.

**Board Appointment- Southwest Counseling-Unexpired Term through July 2013**

Chairman Johnson explained that the commission received a letter of resignation from Southwest Counseling Board Member Iris Bonsell and noted that the appointment would be to fulfill the remainder of her term through July 1, 2013. Following discussion of the applications, ***Commissioner Bailiff nominated Bridgett Giovali for the board position. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved with Commissioner Kolb voting nay.

**Break**

Chairman Johnson called for a fifteen minute break.

**Domestic Violence Proclamation & Request Permission to Hang Banner.**

Due to being ahead of schedule, Chairman Johnson asked that, since the YWCA was in the audience, to present their proclamation. Sweetwater County YWCA Executive Director Christy DeGrendele, Direct Service Advocate Emily Gomez, YWCA Board President Margaret Gibbens and Board Member Joyce Corcoran were present and requested support for the National Domestic Violence Awareness Month, for the month of October 2012 and also requested permission to hang a banner at the county courthouse. Chairman Johnson read the proclamation aloud. Following discussion of the program, Chairman Johnson entertained a motion to approve the proclamation as read. ***Commissioner Kolb moved to approve the proclamation for the domestic violence awareness month and place a banner at the county courthouse. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

**PROCLAMATION**

WHEREAS: The YWCA of Sweetwater County recognizes and participates in a Public Awareness Campaign to support National Domestic Violence Awareness Month; and

Domestic Violence Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the organizations and individuals who provide critical advocacy, services and assistance to victims; and

Acts of domestic violence occur every 18 seconds in the United States; and

Domestic violence can take the form of physical, emotional, sexual, psychological, and economic abuse; and

Too often, the victims of domestic violence are children, who can have lifelong repercussions from the emotional or physical trauma of being exposed to domestic violence; and

Domestic violence survivors and their advocates in Sweetwater County have rallied to the cause of Victim Justice; and

The government and citizens of Sweetwater County fully recognize the need to treat victims with dignity and compassion;

NOW THEREFORE, WE, Sweetwater County Board of County Commissioners, hereby proclaim the month of OCTOBER 2012, to be

**DOMESTIC VIOLENCE AWARENESS MONTH**

And call upon our citizens to stand together against domestic violence, offer support and understanding to survivors, and participate in domestic violence awareness activities.

Dated at Green River, Wyoming this 2nd day of October, 2012.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING**

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Absent  
Reid O. West, Member

ATTEST:

\_\_\_\_\_  
Steven Dale Davis, County Clerk

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**Cowboys Against Cancer Proclamation**

President and Founder of Cowboys Against Cancer, Margaret Parry requested support from the Board of County Commissioners for the Cowboys Against Cancer Proclamation. Chairman Johnson read the proclamation aloud. Following discussion, Chairman Johnson entertained a motion to approve the proclamation as read. *Commissioner Bailiff so moved. Commissioner Kolb seconded the motion.* With no discussion, the motion was approved unanimously.

**OFFICE OF THE COMMISSIONERS  
SWEETWATER COUNTY, WYOMING  
PROCLAMATION**

Whereas, cancer is a disease that strikes many residents of Sweetwater County: and

Whereas, the cost of treatment is expensive and even prohibitive for some and

Whereas, the Cowboys Against Cancer group was established by a cancer survivor from Sweetwater County to serve as a resource to help defray costs of cancer treatment for Sweetwater County cancer residents; and

Whereas, Cowboys Against Cancer is a non-profit, 100% volunteer organization that has received awards from several national organizations for their contribution to our community; and

Whereas, Cowboys Against Cancer has helped hundreds of individuals and families in Sweetwater County; and

Whereas, on November 3, 2012, Cowboys Against Cancer will hold their 18<sup>th</sup> annual major fundraising event to generate funds for their financial assistance program:

Now, Therefore, Be It Resolved, that we as Commissioners for the County of Sweetwater, do hereby declare the month of October, 2012 as

**COWBOYS AGAINST CANCER AWARENESS MONTH**

And urge all citizens to recognize and participate in its cause.

Dated at Green River, Wyoming this 2nd day of October, 2012.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING**

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Absent  
Reid O. West, Member

ATTEST:

\_\_\_\_\_  
Steven Dale Davis, County Clerk

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**Request to Staff Position Vacancy in the Attorney's Office**

County Attorney Brett Johnson & Human Resources Director Garry McLean requested authorization to advertise and fill a vacancy in the attorney's office due to the resignation of an attorney. Chairman Johnson entertained a motion to approve the request. ***Commissioner Bailiff so moved to approve the request. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

Chairman Johnson questioned if Mr. Brett Johnson was aware if the BLM and Forest Service Officers were tending to enforce State Statutes in Sweetwater County. Mr. Brett Johnson spoke that he was not aware of any instances in Sweetwater County.

#### **Approval to Fill Vacant Road and Bridge Position**

Public Works Director John Radosevich requested authorization to advertise and fill a vacant Road and Bridge operator position due to a staff member retiring after 33 years. Following discussion relative to the qualifications of the replacement and the issue of seniority of assignment, Chairman Johnson entertained a motion to approve the request. ***Commissioner Kolb made the motion to approve the request. Commissioner Bailiff seconded the motion.*** With no discussion, the motion was approved unanimously.

#### **Break**

Chairman Johnson called for a ten minute break.

#### **Approval of MOU with Fremont County to Accept Juvenile Inmates at SWCO Detention Center**

Sheriff Haskell requested a motion to approve, and authorize the Chairman to sign, the Memorandum of Understanding with Fremont County to accept juvenile inmates at the Sweetwater County Detention Center. Following discussion regarding the contract and the cost, Chairman Johnson entertained a motion to approve the Memorandum of Understanding between Sweetwater County and Fremont County and authorize the chairman to sign said document along with the Sheriff. ***Commissioner Bailiff so moved. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

#### **Proposal Acceptance for Van Boerum & Frank Associates, Inc. to Re-Commission the ATC and Smoke Management System at the Detention Center**

Sheriff Haskell requested a motion to accept the proposal for Van Boerum & Frank Associates, Inc. to re-commission the ATC and Smoke Management System at the detention center. ***Commissioner Kolb moved to approve the contract with Van Boerum & Frank Associates, for the consulting engineering to re-commission the ATC and Smoke Management System at the detention center.*** Chairman Johnson entertained a motion to approve this, in that motion, entertain the authorization for the Chairman to sign said documents. ***Commissioner Kolb amended his motion to authorize the Chairman to sign said documents. Commissioner Bailiff seconded the motion.*** With no discussion, the motion was approved unanimously.

#### **Requesting Refund Check for Gang Conference to be Credited to the Sheriff's Budget Lien Item**

Sheriff Haskell advised that the Wyoming Association of Sheriffs and Chiefs of Police submitted a check in the amount of \$1,778.84 to cover expenses for the gang conference hosted by the Sweetwater County Sheriff's Office. Sheriff Haskell requested authorization to credit \$1,778.84 to the Sheriff's budget. Chairman Johnson entertained a motion to approve the request. ***Commissioner Bailiff so moved. Commissioner Van Matre seconded the motion.*** Following discussion, Chairman Johnson deferred the request until such time that the request is presented with a resolution.

#### **Other**

##### **Emergency Borrow Material Request**

Public Works Director John Radosevich explained that WYDOT is requesting to obtain 115,000 cubic yards of borrow material and build a temporary haul road on the area directly west of the Sweetwater County jail facility to reconstruct a portion of US 191 South of Rock Springs and noted that the contract is scheduled for bidding on October 11, 2012. Mr. Radosevich requested authorization to obtain the necessary permits required by the BLM and authorize the Chairman to sign any documents pertaining to the request. Following discussion regarding drainage, Chairman Johnson entertained a motion to approve the request and to authorize the Chairman to sign the appropriate documents when they've been prepared. ***Commissioner Kolb made the motion to approve this request when the documents are properly prepared and ready to be signed. Commissioner Bailiff seconded the motion.*** With no discussion, the motion was approved unanimously.

#### **Action Items Continued**

##### **Approval for Purchase of 2013 Can-AM Ltd and LED Lights and Siren for Vehicle from Homeland Security Grant**

Rock Springs Police Chief Mike Lowell and Commander Dwane Pacheco requested authorization to purchase a 2013 Can Am Commander and LED lights and sirens from the Homeland Grant. Following discussion, Chairman Johnson entertained a motion to approve the request. ***Commissioner Bailiff so moved. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

#### **Break**

Chairman Johnson called for a five minute break.

**Emergency Resolution Commercial & Industrial Application Fees**

Due to being ahead of schedule, Chairman Johnson requested to move ahead the Emergency Resolution Commercial & Industrial Application Fees. Public Lands Director Eric Bingham presented Resolution 12-10-CC-01. Following discussion, Chairman Johnson entertained a motion to approve the request for Emergency Resolution 12-10-CC-01. *Commissioner Kolb made the motion to approve Emergency Resolution 12-10-CC-01. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved unanimously.

**EMERGENCY RESOLUTION 12-10-CC-01**

Sweetwater County Emergency Amendment to Fee Schedule for Commercial and Industrial Applications

Whereas, the Board of Sweetwater County Commissioners (Board) is empowered by Wyoming Statutes 18-5-201 et. Seq. to regulate and restrict the location and use of buildings and structures, and the use, condition, or occupancy of lands in the unincorporated areas of Sweetwater County; and,

Whereas, the Sweetwater County Comprehensive Plan of 2002 encourages and supports the creation and enforcement of appropriate regulations to ensure the protection of public health, safety and welfare; and,

Whereas, Wyoming Statute 18-5-309 requires permit fees for applications to be a reasonable fee and not to exceed the cost of processing the application as determined by the board; and,

Whereas, The Board recognizes that the current fee in Section 23 of the Sweetwater County Zoning Resolution for commercial and industrial applications can exceed the cost of processing applications; and,

Whereas, the Board recognizes the need to amend the fee schedule for commercial and industrial applications, both pursuant to its general authority and pursuant to statute; and,

Whereas, the Board is empowered by Wyoming Statute 16-3-103 (b) to declare an emergency and to establish emergency rules to protect public health, safety and welfare; and,

Whereas, the Board of Sweetwater County Commissioners has determined that the Sweetwater County Emergency Amendment to Fee Schedule attached hereto are in conformance with the public needs and will serve to promote public health, safety and well-being;

Now therefore let it be resolved, to provide reasonable fees for the residents of Sweetwater County, the Sweetwater County Board of County Commissioners, as authorized by Wyoming Statute 16-3-103 (b), hereby declares an Emergency and hereby adopts the attached Sweetwater County Emergency Amendment to the Fee Schedule.

This resolution and the attached emergency rules serve as the official notice of the said emergency and shall be filed in the Records of the Sweetwater County Clerk.

Dated this 2<sup>nd</sup> day of October 2012.

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Absent  
Reid O. West, Member

ATTEST:

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\*\*\*\*\*

**Lunch**

Chairman Johnson recessed the meeting for lunch. After the lunch break, Chairman Johnson opened the afternoon session.

**Action/Presentation Items (Cont.)**

**Request the Approval of the Letter of Support for the Sweetwater Family Resource Center's 2012 Access and Visitation Grant Application**

Grants Manager Krisena Marchal presented and requested a motion to approve, and have the Chairman sign, the letter of support for the Sweetwater Family Resource Center's 2012 access and visitation grant application. Following discussion relative to communities contributing, *Commissioner Bailiff made the*

*motion that you sign this letter; referencing the Sweetwater Family Resource Center to Brenda Lyttle, Department of Family Services.* Chairman Johnson restated the motion to approve the letter as presented and authorize the Chairman to sign. ***Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

#### **Vehicles and Equipment Bid Awards**

Purchasing Manager Marty Dernovich presented the equipment and vehicle bid summaries for the Road and Bridge, Sheriff, and County Coroner departments and recommended to award the bids to the following dealers:

##### **Road and Bridge - 2013 F550 Super Crew 40 Gal:**

Chairman Johnson entertained a motion to award the bid to First Choice Ford - Rock Springs in the amount of \$43,611.00. ***Commissioner Van Matre moved to approve the bid to First Choice Ford in Rock Springs for those units in the amount of \$43,611.00. Commissioner Kolb seconded the motion.*** With no discussion, the motion was approved unanimously.

##### **Road and Bridge - 2013 Vocational Class 8 Truck**

Chairman Johnson entertained a motion to approve and award the bid to Jack's Truck & Equipment for the 2013 Freight Coronado SD with the engine and extended warranties for a total of \$103,671.00. Commissioner Bailiff questioned the number of trucks being purchased as he recalled that the initial request was for two trucks. Following discussion regarding the initial request, ***Commissioner Kolb so moved. Commissioner Bailiff seconded the motion.*** With no discussion, the motion was approved unanimously.

##### **Road and Bridge - 2 Motor Graders**

Chairman Johnson entertained a motion to accept and award the bid to Wyoming Machinery in the amounts of \$179,853 and \$178,975. ***Commissioner Bailiff so moved. Commissioner Van Matre seconded the motion.*** Following discussion relative to a video program, the motion was approved unanimously.

##### **Sheriff's Department (8), County Coroner (1), Road and Bridge (3)- Light Duty Vehicles**

Ms. Dernovich broke down the following light duty vehicles:

###### **1. Sheriff**

- a. Three 2013 Chevrolet Silverado 1500 Crew Cabs with the low bid from Whisler Chevrolet in the amount of \$27,262 for a total amount of \$81,786
- b. Four 2013 Chevrolet Tahoe's with the low bid, after meeting all the specs, from Whisler Chevrolet in the amount of \$33,063 for a total amount of \$132,252
- c. One 2013 Ford Explorer with the low bid from First Choice Ford in the amount of \$26,914

###### **2. County Coroner**

- a. One 2013 Suburban 2500 with the low bid from Whisler Chevrolet in the amount of \$37,051

###### **3. Road and Bridge**

- a. Three 2013 Ford F250 XL with the low bid from Fremont Motors in the amount of \$26,863.38 for a total amount of \$80,590.14

Discussion ensued regarding savings from the original amount budgeted. Commissioner Bailiff questioned if Road and Bridge should move forward with the additional tractor that was originally requested during budget time. Chairman Johnson entertained a motion to approve. ***Commissioner Kolb made the motion to approve. Commissioner Bailiff seconded the motion.*** With no further discussion, the motion was approved unanimously.

#### **Present Findings of Business Survey**

Chamber of Commerce CEO Dave Hanks and Board Member Don Hartley presented the business survey and demographics in Sweetwater County. Mr. Hanks and Mr. Hartley explained that construction projects are expected within the next three years which will create 200 jobs.

#### **Executive Session(s)-Personnel/Legal**

Chairman Johnson entertained a motion to enter into executive session for legal and personnel. ***Commissioner Kolb made the motion to go into executive session. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously. A quorum of the commission was present.

After coming out of executive session, Chairman Johnson explained that various issues were discussed relative to personnel and legal issues. The following motions were made:

Chairman Johnson entertained a motion, on the first issue, to accept the agreement of settlement release and waiver as presented. ***Commissioner Kolb made the motion. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

Chairman Johnson entertained a motion, on the second issue, to accept the settlement agreement as outlined and to proceed accordingly. ***Commissioner Bailiff so moved. Commissioner Kolb seconded the motion.*** With no discussion, the motion was approved unanimously.

Commissioner Bailiff presented the Road and Bridge budget request showing that the additional vehicle was originally requested. Chairman Johnson recommended confirming the budget with Accounting Manager Bonnie Phillips before proceeding.

**Adjourn**

There being no further business to come before the Board this day, the meeting was adjourned subject to the call of the Chairman.

This meeting was recorded and is available from the County Clerk's office at the Sweetwater County Courthouse in Green River, Wyoming

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Reid O. West, Member

ATTEST:

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\*\*\*\*\*

	DATE	AMOUNT
EAL	10/3/2012	1,269.60
EAL	10/5/2012	18,376.28
EAL	10/9/2012	2,262.39
EAL	10/12/2012	8,377.28
EAL	10/16/2012	1,476,392.92
EAL		

Payroll Net

Payroll Checks :

TOTAL AMOUNT                      \$1,506,678.47

Vouchers in the above amount are hereby approved and ordered paid this date of 10/16/2012

\_\_\_\_\_  
Wally J. Johnson, Chair

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

Attest:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Reid O. West, Member

**Authorization for Monthly Reports**  
**10-16-12**

1. **County Clerk**
2. **County Treasurer**
3. **Clerk of District Court**
4. **County Sheriff**

THE BOARD OF COUNTY COMMISSIONERS  
FOR SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

Attest:

\_\_\_\_\_  
Donald Van Matre, Member

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\_\_\_\_\_  
Reid O. West, Member



# MONTHLY STATEMENT

Statement of the Earnings of Collections of STEVEN DALE DAVIS COUNTY CLERK within and for the County of Sweetwater, State of Wyoming, for the month ending September 2012 and reported to the Board of County Commissioners of said County.

COUNTY CLERK		
Recording Fees	10,817.00	
Marriage Licenses	525.00	
Chattel Mortgages	7,377.00	
Motor Certificates of Title	( 1732 /TITLES) 15,588.00	13,856.00
Sale of County Property	-	
Miscellaneous Receipts	995.00	
<b>Total Receipts</b>		35,302.00
		(1,732.00)
		33,570.00

STATE OF WYOMING )  
 ) ss.  
 COUNTY OF SWEETWATER )

I hereby certify that the above is a true and correct statement of the earnings of my office, or of moneys collected by me as such officer during the month above mentioned, and that the same has been by me paid into the County Treasury.

Witness my hand and seal this 01 day of October 2012

/s/ Steven Dale Davis COUNTY CLERK

Rox Claxton DEPUTY

Examined and approved by the Board of County Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Chairman

\_\_\_\_\_  
 Commissioner

\_\_\_\_\_  
 Commissioner





TRIAL BALANCE OF THE ACCOUNTS OF ROBB SLAUGHTER, COUNTY TREASURER  
 WITHIN AND FOR THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, SHOWING  
 THE CONDITIONS OF SAID ACCOUNTS AT THE CLOSE OF BUSINESS ON  
 OCTOBER 01, 2012:

## NAME OF ACCOUNTS

C1- GENERAL FUND	1,603,658.90
C2- CAPT REPLACEMENT-G CO	8,352,189.00
C2- ECONOMIC DEV INFRSTR	111,162.00
C2- FY 2011 RESERVES	6,672,589.00
C2- FY11 CASH C/OVER RES	2,722,798.00
C2- GEN CO CASH CARRYOVER	3,000,000.00
C2- GEN CO-CASH RESERVE	350,000.00
C3- INSURANCE-CASH RESRV	1,650,000.00
C3- SWEETWATER INSURANCE	5,054,519.98
C4- CDC SPEC PRP RS BUILD	1,967,117.41
C4- CO ROAD FUND FUEL TAX	1,215,565.32
C4- GRANTS	118,252.87-
C4- JAIL OPERATION/MAINT	830,741.89
C4- SC ROAD FUND	1,906,770.08
C4- SC ROAD REIMBURSEMENT	68,853.92
C5- AIRLINE SUBSIDY CONTR	593,399.64
C5- DRUG ENFRMNT/INTERDCT	13,206.75
C5- IMPACT TX-GEN CO 2002	26,562.88
C5- IMPACT TX-GEN CO 2010	15,402.98
C5- INMATE ENTERPRISE	13,808.60-
C5- SHERIFF HOUSING DEPST	616.59
C6- COUNTY HEALTH FUND	5,236.81
C6- COUNTY LIBRARY	31,368.78
C6- COUNTY MUSEUM	4,589.40
C6- COUNTY RECREATION	4,798.79
C6- ENHANCED 911 SYSTEM	113,287.79
C6- EVENTS COMPLEX	18,806.15
C6- MEMORIAL HOSPITAL CO	2.67
C6- MEMORIAL HOSPITAL MAINT	7,966.76
C6- MENTAL HEALTH	6,751.23
NORTH SW WATER & SEWER	2,257.35
SD- AREA THIRTY3 ESTATES	28,765.99
SD- BOARS TUSK SUBDVN	43.79
SD- DAKOTA ESTATES SUBD	9,011.50
SD- FOOTHILLS PHASE II	847.68
SD- SUBDIVISION(MENDICOA)	28,413.09
TA- ABANDONED VEHICLE	41,154.36
TA- AUTO REGISTRATION FEE	.00
TA- BANKRUPTCY ACCOUNTS	2,274.43
TA- BOCES SWEETWATER CNTY	14,580.04
TA- CAR COMPANY TAX	297,783.88
TA- CASTLE ROCK BOND R/I	55,613.20
TA- CASTLE ROCK DISTRICT	19,695.18
TA- CDC SPCF TAX OVERAGE	5,605,550.27
TA- CDC SPECIFIC PRP TX11	529.08
TA- CITY OF GREEN RIVER	41,650.93
TA- CITY OF ROCK SPRINGS	136,764.91
TA- CO HOSPITAL BOND INT	7,534.57
TA- CO HOSPITAL BOND RDMT	97,187.21
TA- CO WEED & PEST CNTRL	11,565.05

TRIAL BALANCE OF THE ACCOUNTS OF ROBB SLAUGHTER, COUNTY TREASURER  
 WITHIN AND FOR THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, SHOWING  
 THE CONDITIONS OF SAID ACCOUNTS AT THE CLOSE OF BUSINESS ON  
 OCTOBER 01, 2012:

## NAME OF ACCOUNTS

TA- COMM JOINT POWERS	123,651.41
TA- COUNTY AUTO TAX	9,035,760.24
TA- COUNTY-CITY AIRPORT	109.77-
TA- EDEN VALLEY BOND/INT	15,961.05
TA- EDEN VALLEY CEMETERY	734.74
TA- EDEN VALLEY IMP DIST	2,727.23
TA- EDEN VALLEY IMPR CNTR	400,743.27
TA- EDEN VALLEY SLD WASTE	2,005.89
TA- EDEN-FARSON FIRE	546.37
TA- ENERGETICS OPERATNG	71,202.04
TA- ESCROW-FMC	4,239.95
TA- ESCROW-PELICAN DOME	14,801.80
TA- FINES AND FORFEITURES	105,787.91
TA- FIRE DISTRICT #1	5,164.62
TA- FOUNDATION FUND	350,476.72
TA- GRAZING DISTRICT #3	111.02
TA- GRAZING DISTRICT #4	100,332.41
TA- INTEREST NOW ACCOUNT	.00
TA- JAMESTOWN FIRE	1,199.21
TA- JAMESTOWN RIO SEWER	2,747.38
TA- LIVESTOCK PRED ANIMAL	.00
TA- LODGING TAX	75,760.25
TA- MOBILE MACHINERY/EQP	148,088.18
TA- OVER/UNDER ACCOUNT	442.77
TA- PROTEST-MERIT ENERGY	24,368.07
TA- PROTST ANADARKO 4/392	162.94
TA- REBATE ORDERS PAID	.00
TA- REDEMPTION (INT CP)	377.36
TA- REDEMPTION CP (TAX/FEE)	1,117.52
TA- REGION V BOCES	222,659.87
TA- RELIANCE FIRE	853.79
TA- SCHOOL DISTRICT #1	580,912.14
TA- SCHOOL DISTRICT #2	177,745.69
TA- SCHOOL DISTRICT 1-C	1,277.48
TA- SD #1 BOND INTEREST	516.57
TA- SD #1 BOND REDEMPTION	6,653.09
TA- SD #1-C BOND RED/INT	337.86
TA- SD #2 BOND INTEREST	2,188.43
TA- SD #2 BOND REDEMPTION	11,306.93
TA- SD 1C BOCES	46.37
TA- SHERIFF'S EVIDENCE	1,645.91
TA- SOLID WASTE DIST #1	47,342.96
TA- SOLID WASTE DIST #2	2,817.94
TA- STATE SALES/AUTO FEES	.00
TA- TAX PROTEST- NARCO	6,026.30
TA- TEN MILE WATER/SEWER	1,158.33
TA- TOWN OF BAIROIL	371.56
TA- TOWN OF GRANGER	2,503.34
TA- TOWN OF SUPERIOR	4,675.15
TA- TOWN OF WAMSUTTER	2,760.79

TRIAL BALANCE OF THE ACCOUNTS OF ROBB SLAUGHTER, COUNTY TREASURER  
WITHIN AND FOR THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, SHOWING  
THE CONDITIONS OF SAID ACCOUNTS AT THE CLOSE OF BUSINESS ON  
OCTOBER 01, 2012:

## NAME OF ACCOUNTS

TA- TRANSPORTABLE HOMES	4,374.88
TA- UNCLAIMED PROPERTY	1,198.93
TA- VETERANS EXEMPTION	277,243.58
TA- WEST SIDE SEWER/WATER	1,666.21
TA- WESTERN WY CM COLLEGE	146,032.10
TA- WHITE MOUNTAIN SEWER	12,774.65
TA- WWCC BOND INTEREST	114.57
TA- WWCC BOND REDEMPTION	428.95
TA- WWCC SWEETWTR BOCES	6,851.19
TA- 6 MILL LEVY	175,238.36

TOTAL

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54,805,248.26

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*Robert D Slaughter*  
*Sweetwater Co Treasurer*

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012 (PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

AMOUNT ON HAND AUGUST 31, 2012	53,202,180.67
RECEIPTS - COUNTY CLERK FEES	1,594.00-
RECEIPTS - OVERPAYMENTS	120,312.65
RECEIPTS - VIN INSPECTION FEES	1,250.00
RECEIPTS - REAL PROPERTY TAX CURRENT	286,417.78
RECEIPTS - REAL PROP TAXES DELINQ.	9,193.51-
RECEIPTS - CIGARETTE TAX	1,613.06
RECEIPTS - WATERSHED FEE	926.00
RECEIPTS - PENALTIES/INT DELIQ TAXES	1,543.20
RECEIPTS - CNTY SALES TAX	438,826.17
RECEIPTS - STATE SALES LOCAL 1% OPT	317,283.38
RECEIPTS - WYOMING-5% REIMBURSEMENT	3,403.10
RECEIPTS - SALES TAX PENALTIES	5,720.47
RECEIPTS - DISTRICT COURT FEES	7,297.90
RECEIPTS - COMM ON VENDING AND PHONE	31.00
RECEIPTS - SALE OF CO EQUIPMENT	43.20
RECEIPTS - INSURANCE CLAIMS	2,943.98
RECEIPTS - TELEPHONE EQUIPMENT	778.32
RECEIPTS - RECORDINGS/CTY CLERK	10,949.00
RECEIPTS - FILING FEES/CTY CLERK	7,310.00
RECEIPTS - AUTO FEES/CTY CLERK	13,864.00
RECEIPTS - MARRIAGE LICENSE/CTY CLER	500.00
RECEIPTS - MISC/CTY CLERK	976.75
RECEIPTS - VIN INSPECTION FEES	430.00
RECEIPTS - MISC/CTY TREASURER	.36
RECEIPTS - REFUNDS	2,240.40
RECEIPTS - CP & CR - CTY TREAS	240.00
RECEIPTS - RETURNED CHECK CHARGES	233.00
RECEIPTS - AUTO FUND POSTAGE	1,042.62
RECEIPTS - COUNTY SHARE FEES (auto)	632.00
RECEIPTS - COUNTY SHARE (MOBILE EQP)	240.00
RECEIPTS - TEMPORARY WORK PERMIT	50.00
RECEIPTS - SHERIFF'S FEES	7,942.09
RECEIPTS - RESTITUTION	158.48
RECEIPTS - CONSTRUCTION USE PERMIT	700.00
RECEIPTS - MINERAL PERMIT	37,500.00
RECEIPTS - ACCESS PERMIT	150.00
RECEIPTS - COUNTY ENGINEER LICENSE A	450.00
RECEIPTS - CONDITIONAL USE PERMIT	450.00
RECEIPTS - GROWTH MANAGEMENT CHANGE	225.00
RECEIPTS - SUBDIVISION FEES	225.00
RECEIPTS - CHILD SUPPORT-CLERK DC	2,933.80
RECEIPTS - GRANT ADMINISTRATIVE FEES	2,498.60
RECEIPTS - NOW ACCOUNT	914.99
RECEIPTS - INT CAPITAL REPLACEMENT	48,368.34
RECEIPTS - INTEREST CASH RESERVE	15,500.00
RECEIPTS - INMATE HOUSING REIMBURSMT	31,472.33
RECEIPTS - REAL PROPERTY TAX CURRENT	19,421.18
RECEIPTS - REAL PROP TAXES DELINQ.	746.96-
RECEIPTS - PENALTIES/INT DELIQ TAXES	131.45
RECEIPTS - NOW ACCOUNT	.48

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012 (PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

RECEIPTS - REAL PROPERTY TAX CURRENT	32,207.79
RECEIPTS - REAL PROP TAXES DELINQ.	1,029.69-
RECEIPTS - PENALTIES/INT DELIQ TAXES	189.93
RECEIPTS - NOW ACCOUNT	.75
RECEIPTS - REAL PROPERTY TAX CURRENT	2,607.40
RECEIPTS - REAL PROP TAXES DELINQ.	137.92-
RECEIPTS - PENALTIES/INT DELIQ TAXES	22.29
RECEIPTS - NOW ACCOUNT	.52
RECEIPTS - REAL PROPERTY TAX CURRENT	4,952.97
RECEIPTS - REAL PROP TAXES DELINQ.	188.34-
RECEIPTS - PENALTIES/INT DELIQ TAXES	34.04
RECEIPTS - NOW ACCOUNT	.12
RECEIPTS - REAL PROPERTY TAX CURRENT	6,984.37
RECEIPTS - REAL PROP TAXES DELINQ.	281.78-
RECEIPTS - PENALTIES/INT DELIQ TAXES	48.44
RECEIPTS - NOW ACCOUNT	.20
RECEIPTS - REAL PROP TAXES DELINQ.	411.87-
RECEIPTS - PENALTIES/INT DELIQ TAXES	46.12
RECEIPTS - FOOD/DRINK LICENSE FEES	1,997.50
RECEIPTS - POOL/SPA LICENSE	42.50
RECEIPTS - HIV/AIDS CASE MANAGEMENT	500.00
RECEIPTS - 2012 WYO CHILDREN'S TRUST	2,813.54
RECEIPTS - NOW ACCOUNT	12.78
RECEIPTS - NOW ACCOUNT	3.86
RECEIPTS - SC ROAD (SUPPLEMENT)	35,611.24
RECEIPTS - NOW ACCOUNT	462.77
RECEIPTS - NOW ACCOUNT	28.49
RECEIPTS - NOW ACCOUNT	17.26
RECEIPTS - RETIREES HEALTH INSURANCE	13,830.13
RECEIPTS - COBRA INSURANCE	7,617.49
RECEIPTS - INSURANCE-COUNTY	49,759.34
RECEIPTS - NOW ACCOUNT	1,103.58
RECEIPTS - NOW ACCOUNT	6.66
RECEIPTS - INMATE ENTERPRISE FEES	3,239.68
RECEIPTS - DRUG ENFRCNT/INTERDICTION	531.75
RECEIPTS - NOW ACCOUNT	7.12
RECEIPTS - NOW ACCOUNT	.21
RECEIPTS - NOW ACCOUNT	2.25
RECEIPTS - NOW ACCOUNT	7.21
RECEIPTS - NOW ACCOUNT	.15
RECEIPTS - INTEREST ON SAVINGS	4,935.00
RECEIPTS - NOW ACCOUNT	88.96
RECEIPTS - REAL PROP TAXES DELINQ.	1.61
RECEIPTS - PENALTIES/INT DELIQ TAXES	1.06
RECEIPTS - REAL PROPERTY TAX CURRENT	7,864.56
RECEIPTS - REAL PROP TAXES DELINQ.	99.71
RECEIPTS - PENALTIES/INT DELIQ TAXES	2.27
RECEIPTS - NOW ACCOUNT	.22
RECEIPTS - GASOLINE TAX	38,393.63
RECEIPTS - SPECIAL FUEL TAX	46,380.33
RECEIPTS - NOW ACCOUNT	265.79
RECEIPTS - SKY WEST 7/10-12/10 CONTR	593,092.70

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012  
(PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

RECEIPTS - NOW ACCOUNT	.07
RECEIPTS - SLIB 06 YELLOWSTONE RD S	574.08
RECEIPTS - CMAQ 2010	66,349.97
RECEIPTS - HMEP (HAZARDOUS MATERIAL)	529.20
RECEIPTS - 10-GPD-SWE-SC-HSG10	10,701.55
RECEIPTS - FY 2012 JDAI	4,906.81
RECEIPTS - FY 12 DSP CLIENT FEES	2,445.00
RECEIPTS - 2011 CMAQ GRANT	272,300.00
RECEIPTS - 11-GPD-SWE-LS-HLE11 LETPA	35,030.45
RECEIPTS - 11-GPD-SWE-SC-HSG11 HSGP	1,516.20
RECEIPTS - FY13 STATE VICTIM SURCHRG	818.00
RECEIPTS - NOW ACCOUNT	6.33
RECEIPTS - NOW ACCOUNT	496.89
RECEIPTS - NOW ACCOUNT	1.51
RECEIPTS - NOW ACCOUNT	6.11
RECEIPTS - NOW ACCOUNT	3.71
RECEIPTS - NOW ACCOUNT	1.06
RECEIPTS - NOW ACCOUNT	.04
RECEIPTS - NOW ACCOUNT	17.85
RECEIPTS - NOW ACCOUNT	.57
RECEIPTS - NOW ACCOUNT	.00
RECEIPTS - LODGING TX (TRVL/TOURISM)	75,741.18
RECEIPTS - NOW ACCOUNT	19.07
RECEIPTS - DISTRICT COURT FINES	50.00
RECEIPTS - CIRCUIT COURT FINES	102,976.90
RECEIPTS - OSHA FINES	2,713.00
RECEIPTS - NOW ACCOUNT	48.01
RECEIPTS - POST DELINQUENT TAXES	124.04-
RECEIPTS - INTEREST POST DELINQ TAX	14.26
RECEIPTS - NOW ACCOUNT	.01
RECEIPTS - TA- CO WEED & PEST CNTRL	11,880.38
RECEIPTS - TA- CO WEED & PEST CNTRL	363.90-
RECEIPTS - TA- CO WEED & PEST CNTRL	48.37
RECEIPTS - TA- CO WEED & PEST CNTRL	.20
RECEIPTS - CURRENT TAXES	120,150.11
RECEIPTS - POST DELINQUENT TAXES	4,004.19-
RECEIPTS - INTEREST POST DELINQ TAX	677.65
RECEIPTS - NOW ACCOUNT	3.07
RECEIPTS - CURRENT TAXES	30,037.09
RECEIPTS - POST DELINQUENT TAXES	1,001.08-
RECEIPTS - INTEREST POST DELINQ TAX	169.45
RECEIPTS - NOW ACCOUNT	.10
RECEIPTS - NOW ACCOUNT	.02
RECEIPTS - NOW ACCOUNT	24.37
RECEIPTS - NOW ACCOUNT	1.88
RECEIPTS - CURRENT TAXES	180,224.40
RECEIPTS - POST DELINQUENT TAXES	6,006.30-
RECEIPTS - INTEREST POST DELINQ TAX	1,016.57
RECEIPTS - NOW ACCOUNT	3.69
RECEIPTS - CURRENT TAXES	136,376.65
RECEIPTS - POST DELINQUENT TAXES	316.43
RECEIPTS - INTEREST POST DELINQ TAX	72.04

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012  
(PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

RECEIPTS - NOW ACCOUNT	1.49
RECEIPTS - CURRENT TAXES	41,604.85
RECEIPTS - POST DELINQUENT TAXES	45.40
RECEIPTS - INTEREST POST DELINQ TAX	12.56
RECEIPTS - NOW ACCOUNT	.88
RECEIPTS - TA- CASTLE ROCK DISTRICT	20,428.11
RECEIPTS - TA- CASTLE ROCK DISTRICT	837.38-
RECEIPTS - TA- CASTLE ROCK DISTRICT	111.34
RECEIPTS - TA- CASTLE ROCK DISTRICT	.53
RECEIPTS - NOW ACCOUNT	13.94
RECEIPTS - POST DELINQUENT TAXES	2,466.62
RECEIPTS - NOW ACCOUNT	.01
RECEIPTS - CURRENT TAXES	491.60
RECEIPTS - POST DELINQUENT TAXES	8.76
RECEIPTS - INTEREST POST DELINQ TAX	2.55
RECEIPTS - NOW ACCOUNT	1.04
RECEIPTS - CURRENT TAXES	2,762.15
RECEIPTS - NOW ACCOUNT	.07
RECEIPTS - CURRENT TAXES	371.60
RECEIPTS - CURRENT TAXES	22,982.21
RECEIPTS - POST DELINQUENT TAXES	721.61-
RECEIPTS - INTEREST POST DELINQ TAX	76.43
RECEIPTS - CURRENT TAXES	574,564.87
RECEIPTS - POST DELINQUENT TAXES	17,977.62-
RECEIPTS - INTEREST POST DELINQ TAX	1,977.38
RECEIPTS - NOW ACCOUNT	10.48
RECEIPTS - CURRENT TAXES	14,995.60
RECEIPTS - POST DELINQUENT TAXES	500.50-
RECEIPTS - INTEREST POST DELINQ TAX	84.64
RECEIPTS - NOW ACCOUNT	.30
RECEIPTS - CURRENT TAXES	7,008.67
RECEIPTS - POST DELINQUENT TAXES	310.03
RECEIPTS - CURRENT TAXES	175,211.74
RECEIPTS - POST DELINQUENT TAXES	7,048.64-
RECEIPTS - INTEREST POST DELINQ TAX	2,258.52
RECEIPTS - NOW ACCOUNT	5.37
RECEIPTS - CURRENT TAXES	69.68
RECEIPTS - CURRENT TAXES	46.37
RECEIPTS - CURRENT TAXES	1,161.41
RECEIPTS - NOW ACCOUNT	.02
RECEIPTS - NOW ACCOUNT	1.66
RECEIPTS - POST DELINQUENT TAXES	1,136.19-
RECEIPTS - INTEREST POST DELINQ TAX	177.45
RECEIPTS - NOW ACCOUNT	3.01
RECEIPTS - CURRENT TAXES	114.09
RECEIPTS - NOW ACCOUNT	.05
RECEIPTS - NOW ACCOUNT	.12
RECEIPTS - POST DELINQUENT TAXES	27.88-
RECEIPTS - INTEREST POST DELINQ TAX	4.99
RECEIPTS - NOW ACCOUNT	.54
RECEIPTS - NOW ACCOUNT	1.03
RECEIPTS - NOW ACCOUNT	33.12

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012 (PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

RECEIPTS - MOBILE MACHINERY & EQUIPM	7,730.84
RECEIPTS - LEASED MOBILE EQUIPMENT	4,072.56
RECEIPTS - NOW ACCOUNT	1,918.47
RECEIPTS - COUNTY AUTO FEES	812,692.37
RECEIPTS - VETERANS EXEMPTION	277,243.58
RECEIPTS - NOW ACCOUNT	74.68
RECEIPTS - STATE AUTO FEES	120,592.65
RECEIPTS - SALES TAX (AUTO FEE FUND)	577,111.35
RECEIPTS - INTEREST ON SALES TAX	1,338.09
RECEIPTS - REDEMPTION FUND	4,562.39
RECEIPTS - TA- EDEN-FARSON FIRE	714.83
RECEIPTS - TA- EDEN-FARSON FIRE	168.50-
RECEIPTS - TA- EDEN-FARSON FIRE	.04
RECEIPTS - TA- JAMESTOWN FIRE	1,199.20
RECEIPTS - TA- JAMESTOWN FIRE	.01
RECEIPTS - TA- JAMESTOWN RIO SEWER	2,747.34
RECEIPTS - TA- JAMESTOWN RIO SEWER	.04
RECEIPTS - TA- RELIANCE FIRE	846.71
RECEIPTS - TA- RELIANCE FIRE	6.02
RECEIPTS - TA- RELIANCE FIRE	1.05
RECEIPTS - TA- RELIANCE FIRE	.01
RECEIPTS - TA- TEN MILE WATER/SEWER	1,158.32
RECEIPTS - TA- TEN MILE WATER/SEWER	.01
RECEIPTS - TA- WHITE MOUNTAIN SEWER	12,659.78
RECEIPTS - TA- WHITE MOUNTAIN SEWER	84.33
RECEIPTS - TA- WHITE MOUNTAIN SEWER	30.42
RECEIPTS - TA- WHITE MOUNTAIN SEWER	.12
RECEIPTS - TA- EDEN VALLEY SLD WASTE	2,137.19
RECEIPTS - TA- EDEN VALLEY SLD WASTE	131.34-
RECEIPTS - TA- EDEN VALLEY SLD WASTE	.04
RECEIPTS - TA- SOLID WASTE DIST #1	48,707.80
RECEIPTS - TA- SOLID WASTE DIST #1	1,586.30-
RECEIPTS - TA- SOLID WASTE DIST #1	220.64
RECEIPTS - TA- SOLID WASTE DIST #1	.82
RECEIPTS - TA- WEST SIDE SEWER/WATER	1,638.28
RECEIPTS - TA- WEST SIDE SEWER/WATER	20.83
RECEIPTS - TA- WEST SIDE SEWER/WATER	6.39
RECEIPTS - TA- WEST SIDE SEWER/WATER	.71
RECEIPTS - TA- ABANDONED VEHICLE	17.36
RECEIPTS - TA- ABANDONED VEHICLE	1,733.00
RECEIPTS - TA- FOUNDATION FUND	360,448.78
RECEIPTS - TA- FOUNDATION FUND	12,012.71-
RECEIPTS - TA- FOUNDATION FUND	2,033.27
RECEIPTS - TA- FOUNDATION FUND	7.38
RECEIPTS - TA- GRAZING DISTRICT #3	.02
RECEIPTS - TA- GRAZING DISTRICT #4	25.16
RECEIPTS - TA- SD 1C BOCES	46.37
RECEIPTS - TA- EDEN VALLEY CEMETERY	753.32
RECEIPTS - TA- EDEN VALLEY CEMETERY	18.58-
RECEIPTS - TA- AUTO REGISTRATION FEE	35.00
RECEIPTS - TA- SOLID WASTE DIST #2	2,888.56
RECEIPTS - TA- SOLID WASTE DIST #2	92.88-

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012  
(PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

RECEIPTS - TA- SOLID WASTE DIST #2	22.19	
RECEIPTS - TA- SOLID WASTE DIST #2	.07	
RECEIPTS - TA- REDEMPTION (INT CP)	462.07	
RECEIPTS - TA- FIRE DISTRICT #1	7,243.15	
RECEIPTS - TA- FIRE DISTRICT #1	2,356.29-	
RECEIPTS - TA- FIRE DISTRICT #1	277.32	
RECEIPTS - TA- FIRE DISTRICT #1	.44	
RECEIPTS - TA- SHERIFF'S EVIDENCE	.41	
RECEIPTS - TA- REGION V BOCES	5,857.24	
RECEIPTS - TA- REGION V BOCES	207.07-	
RECEIPTS - TA- REGION V BOCES	33.25	
RECEIPTS - TA- REGION V BOCES	54.41	
RECEIPTS - TA- EDEN VALLEY IMP DIST	.68	
RECEIPTS - TA- WWCC SWEETWTR BOCES	6,759.42	
RECEIPTS - TA- WWCC SWEETWTR BOCES	86.80	
RECEIPTS - TA- WWCC SWEETWTR BOCES	4.87	
RECEIPTS - TA- WWCC SWEETWTR BOCES	.10	
RECEIPTS - TA- OVER/UNDER ACCOUNT	.11	
RECEIPTS - TA- EDEN VALLEY BOND/INT	2,144.22	
RECEIPTS - TA- EDEN VALLEY BOND/INT	3.46	
RECEIPTS - TA- EDEN VALLEY IMPR CNTR	102.82	
RECEIPTS - TA- CDC SPECIFIC PRP TX11	.12	
RECEIPTS - TA- CDC SPCF TAX OVERAGE	20,484.02	
RECEIPTS - TA- CDC SPCF TAX OVERAGE	1,400.35	
RECEIPTS - TA- COMM JOINT POWERS	27.04	
RECEIPTS - TA- COMM JOINT POWERS	10,288.30	
RECEIPTS - NORTH SW WATER & SEWER	2,257.35	
DISBURSEMENTS - CASH ITEMS		63.00-
DISBURSEMENTS - COUNTY CLERK FEES		114.00-
DISBURSEMENTS - OVERPAYMENTS		6,694.37-
DISBURSEMENTS - VIN INSPECTION FEES		1,250.00-
DISBURSEMENTS - CASH IN BANK		333.36-
DISBURSEMENTS - CASH IN BANK		523.79-
DISBURSEMENTS - CASH IN BANK		100.16-
DISBURSEMENTS - CASH IN BANK		151.01-
DISBURSEMENTS - CASH IN BANK		59,152.24-
DISBURSEMENTS - C4- SC ROAD FUND		1,888.37-
DISBURSEMENTS - C3- SWEETWATER INSURANCE		104,694.32-
DISBURSEMENTS - INSURANCE CLAIMS		359,994.81-
DISBURSEMENTS - C4- JAIL OPERATION/MAINT		2,214.05-
DISBURSEMENTS - CASH IN BANK		5.44-
DISBURSEMENTS - CASH IN BANK		26.32-
DISBURSEMENTS - C4- GRANTS		582,695.29-
DISBURSEMENTS - C4- CDC SPEC PRP RS BUILD		1,620.50-
DISBURSEMENTS - WARRANTS PAYABLE		2,667,357.40-
DISBURSEMENTS - NOW ACCOUNT		.31-
DISBURSEMENTS - TA- LODGING TAX		62,942.08-
DISBURSEMENTS - NOW ACCOUNT		24.80-
DISBURSEMENTS - TA- FINES AND FORFEITURES		108,587.96-
DISBURSEMENTS - NOW ACCOUNT		96.92-
DISBURSEMENTS - TA- COUNTY-CITY AIRPORT		34.75-
DISBURSEMENTS - NOW ACCOUNT		.11-

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012 (PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

DISBURSEMENTS - TA- CO WEED & PEST CNTRL	104.45-
DISBURSEMENTS - NOW ACCOUNT	1.24-
DISBURSEMENTS - TA- WESTERN WY CM COLLEGE	1,782.39-
DISBURSEMENTS - NOW ACCOUNT	20.13-
DISBURSEMENTS - TA- 6 MILL LEVY	2,139.38-
DISBURSEMENTS - NOW ACCOUNT	24.16-
DISBURSEMENTS - TA- CITY OF ROCK SPRINGS	330.17-
DISBURSEMENTS - NOW ACCOUNT	8.68-
DISBURSEMENTS - NOW ACCOUNT	.04-
DISBURSEMENTS - TA- TOWN OF WAMSUTTER	284.90-
DISBURSEMENTS - NOW ACCOUNT	.10-
DISBURSEMENTS - TA- TOWN OF BAIROIL	1.15-
DISBURSEMENTS - NOW ACCOUNT	6.68-
DISBURSEMENTS - TA- SCHOOL DISTRICT #1	121.25-
DISBURSEMENTS - TA- SCHOOL DISTRICT #1	3,637.27-
DISBURSEMENTS - NOW ACCOUNT	66.29-
DISBURSEMENTS - TA- BOCES SWEETWATER CNTY	178.07-
DISBURSEMENTS - NOW ACCOUNT	1.86-
DISBURSEMENTS - TA- SCHOOL DISTRICT #2	5,261.69-
DISBURSEMENTS - NOW ACCOUNT	30.64-
DISBURSEMENTS - TA- SCHOOL DISTRICT 1-C	.36-
DISBURSEMENTS - TA- SCHOOL DISTRICT 1-C	3.59-
DISBURSEMENTS - NOW ACCOUNT	8.75-
DISBURSEMENTS - STATE AUTO FEES	120,592.65-
DISBURSEMENTS - SALES TAX (AUTO FEE FUND)	577,111.35-
DISBURSEMENTS - INTEREST ON SALES TAX	1,338.09-
DISBURSEMENTS - REDEMPTION FUND	3,920.00-
DISBURSEMENTS - TA- EDEN-FARSON FIRE	5.42-
DISBURSEMENTS - NOW ACCOUNT	.16-
DISBURSEMENTS - TA- JAMESTOWN FIRE	2.47-
DISBURSEMENTS - NOW ACCOUNT	.06-
DISBURSEMENTS - TA- JAMESTOWN RIO SEWER	6.62-
DISBURSEMENTS - NOW ACCOUNT	.19-
DISBURSEMENTS - TA- RELIANCE FIRE	44.57-
DISBURSEMENTS - NOW ACCOUNT	.12-
DISBURSEMENTS - NOW ACCOUNT	.37-
DISBURSEMENTS - TA- WHITE MOUNTAIN SEWER	139.26-
DISBURSEMENTS - NOW ACCOUNT	.82-
DISBURSEMENTS - TA- EDEN VALLEY SLD WASTE	6.76-
DISBURSEMENTS - NOW ACCOUNT	.20-
DISBURSEMENTS - TA- SOLID WASTE DIST #1	598.19-
DISBURSEMENTS - NOW ACCOUNT	4.38-
DISBURSEMENTS - TA- WEST SIDE SEWER/WATER	338.24-
DISBURSEMENTS - NOW ACCOUNT	.63-
DISBURSEMENTS - COUNTY ABANDONED VEHICLE	1,402.00-
DISBURSEMENTS - TA- FOUNDATION FUND	4,279.13-
DISBURSEMENTS - NOW ACCOUNT	48.33-
DISBURSEMENTS - TA- SD 1C BOCES	.15-
DISBURSEMENTS - NOW ACCOUNT	.31-
DISBURSEMENTS - TA- EDEN VALLEY CEMETERY	1.22-
DISBURSEMENTS - NOW ACCOUNT	.02-
DISBURSEMENTS - ORGAN DONOR MONEY	35.00-

ABSTRACT STATEMENT

OF THE RECEIPTS AND DISBURSEMENTS OF THE COUNTY OF SWEETWATER, IN THE STATE OF WYOMING, FOR THE PERIOD AUGUST 31, 2012 TO SEPTEMBER 30, 2012 (PREPARED UNDER THE PROVISIONS OF SECTION 18-3-515, WYOMING STATUTES, 1977)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

DISBURSEMENTS - TA- SOLID WASTE DIST #2	30.70-	
DISBURSEMENTS - NOW ACCOUNT	1.08-	
DISBURSEMENTS - REDEMPTION (INTEREST CP)	301.19-	
DISBURSEMENTS - TA- FIRE DISTRICT #1	731.99-	
DISBURSEMENTS - NOW ACCOUNT	1.95-	
DISBURSEMENTS - TA- WWCC SWEETWTR BOCES	24.61-	
DISBURSEMENTS - NOW ACCOUNT	.62-	
DISBURSEMENTS - REBATE ORDERS-OVERPAYMENT	113,618.28-	
DISBURSEMENTS - UNCLAIMED PROPERTY	3,635.83-	
DISBURSEMENTS - GEN CO-OVER/UNDER ACCOUNT	15.00-	
DISBURSEMENTS - INITIAL FUNDING	8,875.07-	
LEDGER CASH BALANCE SEPTEMBER 30, 2012		54,805,248.26
TOTAL	59,616,939.89	59,616,939.89
	=====	=====

*Robert D Slaughter*  
Sweetwater Co Treasurer



**Monthly Statement**

Statement of the earnings or collections of **Donna Lee Bobak** as **Clerk of District Court** within and for the county of Sweetwater, state of Wyoming, for the month ending:

**August, 2012**

Reported to the Board of County Commissioners of said County.

CIVIL FEES .....\$ 7297.90  
Code: DC

BOND FORFIETED .....\$ 0.00  
Code: FO

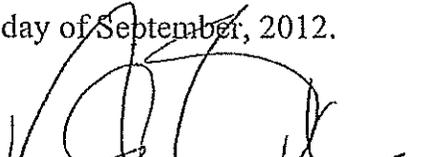
CRIMINAL FINES .....\$ 50.00  
Code: CF

**TOTAL EARNINGS** .....\$ 7347.90  
Clerk of District Court Check # 5003

STATE OF WYOMING  
COUNTY OF SWEETWATER

I hereby certify that the above is a true and correct statement of the earnings of my office, or of moneys collected by me as such officer, during the month above mentioned, and that the same has been by me paid into the county treasury

**Witness**, my hand and seal this 4th day of September, 2012.

  
\_\_\_\_\_  
Donna Lee Bobak, Clerk of District Court







**Authorization for Bonds**

**10-16-12**

Lowell Clawson	SWCO Solid Waste District #2- Secretary/Treasurer	\$10,000.00
Robert Robinson	SWCO- County Surveyor	\$ 1,000.00

THE BOARD OF COUNTY COMMISSIONERS  
FOR SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

Attest:

\_\_\_\_\_  
Donald Van Matre, Member

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\_\_\_\_\_  
Reid O. West, Member

Wyoming



# Western Surety Company

## OFFICIAL BOND AND OATH

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 54932346

That we Lowell Aaron Clawson

of Bairoil, Wyoming, as Principal, and WESTERN SURETY COMPANY, a corporation duly licensed to do business in the State of Wyoming, as Surety, are held and firmly bound

unto Sweetwater County Solid Waste District #2, the State of Wyoming, in the penal

sum of Ten Thousand and 00/100 DOLLARS (\$ 10,000.00), to which payment well and truly to be made, we bind ourselves and our legal representatives, jointly and severally, firmly by these presents.

Dated this 31st day of August, 2012.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the above bounden

Principal was duly  Appointed  Elected to the office of Secretary/Treasurer

in the of Sweetwater County Solid Waste District #2

and State aforesaid for the term beginning December 28, 2012, and ending

December 28, 2013.

NOW THEREFORE, If the above bounden Principal and his deputies shall faithfully, honestly and

impartially perform all the duties of his said office of Secretary/Treasurer as is or may be prescribed by law, and shall with all reasonable skill, diligence, good faith and honesty safely keep and be responsible for all funds coming into the hands of such officer by virtue of his office; and pay over without delay to the person or persons authorized by law to receive the same, all moneys which may come into his hands by virtue of his said office; and shall well and truly deliver to his successor in office, or such other person or persons as are authorized by law to receive the same, all moneys, books, papers and things of every kind and nature held by him as such officer, the above obligation shall be void, otherwise to remain in full force and effect.



Lowell Clawson  
Principal

WESTERN SURETY COMPANY

By Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President

Wyoming



# Western Surety Company

## OFFICIAL BOND AND OATH

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 54529160

That we Robert J. Robinson

of Green River, Wyoming, as Principal, and WESTERN SURETY COMPANY, a corporation duly licensed to do business in the State of Wyoming, as Surety, are held and firmly bound

unto Sweetwater County, the State of Wyoming, in the penal

sum of One Thousand and 00/100 DOLLARS (\$ 1,000.00),

to which payment well and truly to be made, we bind ourselves and our legal representatives, jointly and severally, firmly by these presents.

Dated this 21st day of August, 2012

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the above bounden

Principal was duly  Appointed  Elected to the office of County Surveyor

in the of Sweetwater County Board of Commissioners

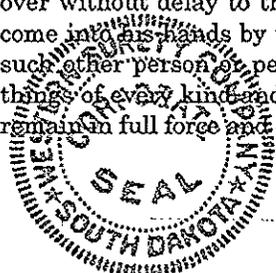
and State aforesaid for the term beginning December 9, 2012, and ending

December 9, 2013.

NOW THEREFORE, If the above bounden Principal and his deputies shall faithfully, honestly and

impartially perform all the duties of his said office of County Surveyor

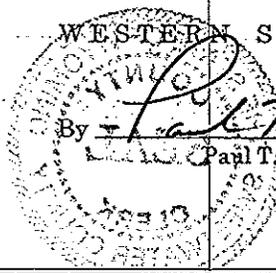
as is or may be prescribed by law, and shall with all reasonable skill, diligence, good faith and honesty safely keep and be responsible for all funds coming into the hands of such officer by virtue of his office; and pay over without delay to the person or persons authorized by law to receive the same, all moneys which may come into his hands by virtue of his said office; and shall well and truly deliver to his successor in office, or such other person or persons as are authorized by law to receive the same, all moneys, books, papers and things of every kind and nature held by him as such officer, the above obligation shall be void, otherwise to remain in full force and effect.



Robert J. Robinson  
Principal

WESTERN SURETY COMPANY

By Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President



## Authorization For Abate/Rebate of Ad Valorum Taxes

SEPT 1-30, 2012

NOVC	TAXPAYER	ACCOUNT	TAX DIST	VALUATION	TAX YEAR	TAX AMOUNT
2012-327	BP AMERICA PROD CO	62880	100	-19,328	2010	-1,234.74
2012-466	ANADARKO E&P CO LLP	63959	100	-17,567	2009	-1,103.42
2012-466	ANADARKO E&P CO LLP	63959	100	-26,093	2009	-1,638.94
2012-466	ANADARKO E&P CO LLP	63959	100	-19,185	2009	-1,205.04
2012-466	ANADARKO E&P CO LLP	63959	100	-24,338	2009	-1,528.72
2012-0466	ANADARKO E&P CO LLP	63959	100	-21,056	2009	-1,322.56
2012-466	ANADARKO E&P CO LLP	63959	100	-10,528	2009	-661.28
2010-466	ANADARKO E&P CO LLP	63959	100	-19,409	2009	-1,219.10
2012-467	ANADARKO E&P CO LLP	63959	100	-13,235	2009	-831.32
2012-467	ANADARKO E&P CO LLP	63959	100	-9,852	2009	-618.82
2012-467	ANADARKO E&P CO LLP	63959	100	-13,409	2009	-842.24
2012-468	ANADARKO E&P CO LLP	63959	100	-5,941	2009	-373.16
	MCCURTAIN WILLIA R & JAMES	101181	203	-907	2009	-56.52
2012-472	ANADARKO E&P CO LLP	63959	100	-790	2009	-49.64
2012-472	ANADARKO E&P CO LLP	63959	100	-1,455	2009	-91.38
2012-474	ANADARKO E&P CO LLP	63959	100	-73,174	2009	-4,596.20
2012-474	ANADARKO E&P CO LLP	63959	100	-17,689	2009	-1,111.08
2012-474	ANADARKO E&P CO LLP	63959	100	-30,810	2009	-1,935.24
2012-474	ANADARKO E&P CO LLP	63959	100	-54,557	2009	-3,426.84
2012-474	ANADARKO E&P CO LLP	63959	100	-56,601	2009	-3,555.24
2012-474	ANADARKO E&P CO LLP	63959	100	-47,396	2009	-2,977.04
2012-475	ANADARKO E&P CO LLP	63959	100	-16,493	2009	-1,035.94
2012-475	ANADARKO E&P CO LLP	63959	100	-17,682	2009	-1,110.66
2012-475	ANADARKO E&P CO LLP	63959	100	-10,553	2009	-662.86
2012-478	ANADARKO E&P CO LLP	63959	100	-2,209	2009	-138.76
2012-478	ANADARKO E&P CO LLP	63959	100	-5,200	2009	-326.64
2012-484	ANADARKO E&P CO LLP	63959	100	-6,567	2009	-412.48
2012-484	ANADARKO E&P CO LLP	63959	100	-6,283	2009	-394.66
2012-484	ANADARKO E&P CO LLP	63959	100	-7,751	2009	-486.86
2012-490	ANADARKO E&P CO LLP	63959	100	-189,841	2009	-11,924.28
2012-494	ANADARKO E&P CO LLP	63959	100	-16,276	2009	-1,022.32





**RESOLUTION 12-10-CL-03**  
**SWEETWATER COUNTY**  
**BUDGET AMENDMENT**

DUE to the receipt of a 2011 Homeland Security grant, in the amount of \$35,000,

WHEREAS, the Commission approved the grant funding at the October 2, 2012 Regular Commission Board meeting,

WHEREAS, it has been determined that the aforementioned funds need to be included within the 2012-2013 County Budget,

WHEREAS, the Notice of Public Hearing has been published in accordance with the regulations and rules governing the budget process and there being no protests filed or expressed to the Board of County Commissioners regarding this amendment to the Sweetwater County Budget at the hearing,

**BE IT THEREFORE RESOLVED:** that the 2012-2013 fiscal year budget for Sweetwater County be amended to reflect the following budget changes:

**Expenditures Increase Grant Fund:**

2011 Homeland Security Grant (11-GPD-SWE-SC-HSG11)    \$35,000

**Revenue Increase Grant Fund:**

2011 Homeland Security Grant (11-GPD-SWE-SC-HSG11)    \$35,000

Dated at Green River, Wyoming this 16th day of October, 2012.

**BOARD OF COUNTY COMMISSIONERS**  
**SWEETWATER COUNTY, WYOMING**

\_\_\_\_\_  
Wally J. Johnson, Chair

\_\_\_\_\_  
Gary Bailliff, Member

\_\_\_\_\_  
John K. Kolb, Member

ATTEST:

\_\_\_\_\_  
Reid O. West, Member

\_\_\_\_\_  
Steven Dale Davis, County Clerk

\_\_\_\_\_  
Don Van Matre, Member

NOTICE OF PUBLIC HEARING  
SWEETWATER COUNTY  
BUDGET AMENDMENT

Notice is hereby given of a Public Hearing to amend the Sweetwater County 2012-2013 budget in the amount of \$35,000 for the receipt of a 2011 Homeland Security grant:

Revenues:		Expenditures:	
2011 Homeland Security Grant	\$35,000	2011 Homeland Security Grant	\$35,000

Said hearing will be held at the Sweetwater County Commissioner's meeting room in the County Courthouse in Green River, Wyoming on the 16th day of October 2012 at 8:30 A.M. At this time, any and all interested persons may appear and express their opinion regarding the budget amendment.

Dated at Green River, Wyoming this 10th day of October, 2012.

Board of County Commissioners  
Sweetwater County, Wyoming

Attest:

(s) Wally J Johnson, Chair

(s) Steven Dale Davis, County Clerk

Please Advertise as a Legal Advertisement on: October 11, 2012.



**To:** Sweetwater County Commissioners  
**From:** Krisena Marchal  
**Subject:** BOCC Meeting 10/16/12

**Request the Approval of the FY 2013 Highway Safety Grant Agreement for the Sweetwater County DSP Program**

**Executive Summary:**

Sweetwater County was awarded a FY 2013 Highway Safety Grant in the amount of \$19,109 for the period October 1, 2012 through September 20, 2013. The funding will be used for continuation of the DUI Supervised Probation (DSP) Program.

The DSP Program is currently housed under the Sheriff's Office and its purpose is to reduce recidivism by ensuring that convicted DUI offenders comply with the conditions of probation imposed by the courts. The "2010 Wyoming Association of Sheriffs and Chiefs of Police Report" states that 28.95 percent of all arrests in Sweetwater County were for DUI's.

The DSP Program began four years by the County Attorney's Office under a 100 percent funded grant which has gradually decreased. The project budget is summarized below:

	Grant Award	Sweetwater County	Potential income to offset grant & match		TOTAL GRANT PROJECT
			City of Rock Springs	Client Fees	
<ul style="list-style-type: none"> <li>•Salary and Benefits Grade 15 Step 3 Caseworker including insurance (single), LTD, Worker's Comp, Retirement, FICA</li> </ul>	19,109.00	51,515.70	Potential \$10,000	Variable (\$27,880 collected under the FY 2012 grant)	<b>\$70,624.70</b>
<ul style="list-style-type: none"> <li>•Supplies, Travel, and Training</li> </ul>	<b>25% Maximum</b>	<b>75% Maximum</b>			<b>100%</b>

**Recommendation:**

Staff notes that this is the last time that WYDOT is offering this grant program. Unless alternative funding is identified, the Commission will have to consider permanently adopting the program. This would require increasing staff headcount under the Sheriff's Office by one employee, creating a new County department, or if not, ending the program by September 30, 2013. Approval of this agreement will necessitate a budget amendment.

**Attachments:**

1. DSP Program overview
2. DSP Program report
3. FY 2013 Highway Safety Grant Agreement

**Action Requested:**

**Motion to approve, and have the Chairman sign, the FY 2013 Highway Safety Grant Agreement for the Sweetwater County DSP Program**

**Sweetwater County DSP**

50140 Hwy 191 South  
Rock Springs, WY 82901  
(307) 922-5274



Sweetwater County Commission  
80 West Flaming Gorge Way  
Green River, WY 82935

October 10, 2012

Dear Commissioners,

The following is a summary of the activities for the fourth fiscal year of the Sweetwater County DSP Program.

The Sweetwater County DSP Office operates under The Sweetwater County Sheriff's Office. Sheriff Rich Haskell is the current Administrative Supervisor. The office is located in the lobby area at the Sweetwater County Detention Center in Rock Springs. The Program has continued to see a monthly increase in clients. There were 50 new clients referred to DSP during the FY 2011-12. As of September 30, 2012 there had been a total of 220 clients referred to DSP through the court system.

The Program continues to receive clients sentenced through Judge George Scott Nelson; Rock Springs Municipal Court, Judge Daniel Forgey; Rock Springs Circuit Court and Judge Victoria Schofield; Green River Circuit Court. Municipal Court referrals have declined due to the RSPD practice of issuing citations through Circuit Court in most subsequent DWUI cases.

Sweetwater County DSP works closely with the Treatment Providers in the Community ensuring that DSP clients are complying with any court ordered recommended alcohol treatment. There are currently four agencies that provide Alcohol Evaluations and treatment options in Sweetwater County, three of which are located in Rock Springs. One agency is located in Green River eliminating the need for clients to travel to Rock Springs for these services.

Other Community Organizations that are utilized by the DSP Office on a regular basis include Law-Enforcement Agencies, the Public Defender's and Prosecuting Attorney's Offices, the Department of Family Services, Veterans Services, Vocational Rehabilitation, local Drug and Alcohol Testing Facilities, Community Service Recipients, Star Transit, local 12 Step Public Meeting Groups and Ignition Interlock Providers ( DSP continues to monitor clients' monthly reports for signs of alcohol use and has utilized the reports as another level of supervision.)

The Access Database used by Sweetwater County DSP to track the number of DSP Clients, Statistical Information, DUI History, Court Information, and Compliance continues to be updated and used. Reports from this database are given to the sentencing courts each month to allow Judges to monitor clients' compliance.

From October 1, 2011 to September 30, 2012 there were a total of 1227 client contacts made during this fourth year of the WYDOT Grant. Client contacts consist of actual face-to-face contacts along with limited telephone visits and not merely documentation in charts or inquiries into records. 38 clients successfully completed their Court Ordered DSP Probation in the 2011-2012 Grant year.

The 11-12 fiscal year figures reflect a small percentage (4.03%) in DUI recidivism in Sweetwater County DSP Clients; 3:74.5 (average number of clients from Oct. 2011-September 2012). One was revoked and two have been referred but have not yet been adjudicated.

As of September 30, 2012 there was a program total of eleven clients, out of a total of 220, that had been charged with an additional DUI. Nine have been revoked from the program and two are awaiting court proceedings. Overall, (5.00 %) DUI recidivism occurred in DSP clients since the Program's inception in October, 2008.

Additional money was allocated from the city of Rock Springs for the DSP Program last year in the amount of \$10,000.00. Additionally DSP Client fees collected in FY 2011-12 amounted to \$27,880.00. The total amount of Client Fees collected through DSP since its beginning amounts to \$86,840.00.

Each client that is sentenced to DSP in lieu of incarceration saves the tax payers, \$105.00 per day for the 6 months that a DUI Charge carries. That is a total of \$18,900.00 savings for just one client. D.U.I. Offenders on supervised probation lowers recidivism rates thus reducing system costs such as costs of arrest, detention, prosecution, adjudication and incarceration for repeat offenses which did not occur. Furthermore, clients on DSP must be employed which means they are paying their taxes and helping contribute to the community.

Sweetwater County DSP is committed to reducing DUI recidivism in Sweetwater County by ensuring that convicted DUI offenders comply with the conditions of probation imposed by the courts. With the sustained operation of Sweetwater County DSP the county will be a safer place to drive and should continue to save taxpayers the overall expense involved with DUI Re-Offenders.

Sincerely submitted,

Kimmie Felderman  
Sweetwater County DSP  
50140 Hwy 191 South  
Rock Springs, WY 82901  
(307) 922-5274

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### DSP Reporting Data

	This Month	Year-To-Date	Program-to-Date
# of eligible clients referred to DSP	6	44	220
# removed for failure	0	8	39
# closed file	3	87	152
# active clients	70		70
# compliant clients	67		67
# referred for non-compliance	1	11	58
# successfully completed	3	38	99
# removed for other reasons	0	1	12
Compliance Rate	96%		80%
Failure rate	4%		20%
# of Client contacts	128	1227	5838
Office visits	124	1189	5706
Telephone	4	38	130
Other	0	0	2
No-shows	1	9	54
Service fees collected	\$2270.00	\$20325.00	\$86840.00

DSP Fees Collected FY 2011-2012 - \$27880.00

#### Active Clients By Court as of October 1, 2012

Schofield (CCW) - 23                      Reside in G.R. - 15      R.S. - 7      Outlying - 1

Forgey (CCE) - 45                        Reside in R.S. - 35      G.R. - 6      Outlying - 4

RSMC - 2                                    Reside in R.S. - 2

#### Removed for Failure- Program Total - 39 Clients

Absconded - 19

Additional DWUI - 9

Continued Alcohol Use - 4

Failure to Obtain Eval/Treatment - 2

Drug Use - 2

Arrest (Other than Alcohol/Drugs) - 3

# HIGHWAY SAFETY



## HIGHWAY SAFETY GRANT AGREEMENT

WYOMING DEPARTMENT OF TRANSPORTATION  
HIGHWAY SAFETY PROGRAM

5300 BISHOP BLVD.

CHEYENNE, WY 82009-3340

PHONE (307) 777-4450 FAX (307) 777-4250

<b>APPLICANT AGENCY (Name and Address)</b>  SWEETWATER COUNTY SHERIFF'S OFFICE SWEETWATER COUNTY DSP PROGRAM 731 C STREET #234 ROCK SPRINGS, WYOMING 82901  DUN's NUMBER: <u>033802513</u>  <b>GRANT TITLE: SWEETWATER COUNTY DSP PROGRAM</b>  <table border="0"> <tr> <td><u>FUNDING PERIOD</u></td> <td><u>REPORT PERIOD</u></td> </tr> <tr> <td>FROM:</td> <td>FROM:</td> </tr> <tr> <td>10-01-2012</td> <td>10-01-2012</td> </tr> <tr> <td>TO:</td> <td>TO:</td> </tr> <tr> <td>09-30-2013</td> <td>10-15-2013</td> </tr> </table>	<u>FUNDING PERIOD</u>	<u>REPORT PERIOD</u>	FROM:	FROM:	10-01-2012	10-01-2012	TO:	TO:	09-30-2013	10-15-2013	PROJECT NO. 154AL-2013-13-AL-04 PROGRAM AREA: 154AL TRANSFER FUNDS WYDOT CHARGE CODE: HS15413/SDSP
	<u>FUNDING PERIOD</u>	<u>REPORT PERIOD</u>									
	FROM:	FROM:									
10-01-2012	10-01-2012										
TO:	TO:										
09-30-2013	10-15-2013										
	FUNDING SOURCE(s): 154AL CFDA No.(s): # 20.607										
	EQUIPMENT: Yes ___ No <u>X</u>  <input type="radio"/> Non-Major Equipment Purchase Description: BAC Tubes  <input type="radio"/> Major Equipment Purchase Description:										
	APPROVED FUNDS: \$19,109.00 FEDERAL PERCENT: 25% LOCAL BENEFIT: 100%										

Acceptance of Conditions: It is understood and agreed by the undersigned that a grant received as a result of this Agreement is subject to the regulations governing Grants under Section 402 and other applicable sections of the Highway Safety Act. NHTSA and FJWA Orders as issues (e.g., NHTSA Order 460-6), and the results and regulations set forth in the "Grants Management Manual". The audit responsibility shall be addressed in this agreement. The sub-grantee is notified that they must comply with applicable portions of OMB circular A-133 and any other federal documents that apply. The Highway Safety Program in conjunction with the WYDOT Internal Review Staff will be available to assist the sub-grantee in determining if an A-133 audit is required. This grant agreement has been issued based on federal funds. Should the level of federal funding change sufficiently to affect the agreement, the recipient will be given written notice to suspend expenditures within 30 days.

**PROJECT DIRECTOR**  
  
 NAME: RICHARD HASKELL  
 TITLE: SWEETWATER COUNTY SHERIFF  
 PHONE: 307-922-5303  
  
 DATE: 10/2/12  
 SIGNATURE: *Richard Haskell*

**AUTHORIZING OFFICIAL OF GOVERNMENTAL UNIT**  
  
 NAME: WALLY J. JOHNSON  
 TITLE: CHAIRMAN, SWEETWATER COUNTY COMMISSION  
 PHONE: 307-872-3899  
  
 DATE:  
 SIGNATURE:

**WYDOT APPROVAL**

SIGNATURE:

DATE:



To: Sweetwater County Commissioners

From: Krisena Marchal

Subject: BOCC Meeting 10/16/12

Request the Approval of the FY 2013 TANF Community Partnership Initiative Grant Agreements

**Executive Summary:**

Sweetwater County was awarded a TANF CPI grant in the amount of \$45,500 from the Wyoming Department of Family Services. The funding will be passed on to CLIMB Wyoming for job training and placements of single women with children, which is why there is a subgrantee agreement.

In Sweetwater County, 40.5% of families with a female head of household with children under the age of five live in poverty. The purpose of this specific grant is to end the dependence of needy parents on government benefits; provide assistance so children may be cared for in their homes; prevent out-of-wedlock pregnancies; and encourage the formation and maintenance of two parent families.

Below is the proposed project budget:

**FY 2013 TANF CPI Grant Budget**

	Grant Award	Sweetwater County Cost	GRANT BUDGET
<ul style="list-style-type: none"> <li>• <b>Salary Budget</b> Local staff and work experience wages and benefits for Sweetwater County participants</li> </ul>	37,286.10	0	37,286.10
<ul style="list-style-type: none"> <li>• <b>Operational Budget</b> Office &amp; classroom space; supplies, materials and incentives for participants</li> </ul>	8,213.90	0	8,213.90
	<b>\$45,500.00</b>	<b>\$0</b>	<b>\$45,500.00</b>
	<b>100%</b>	<b>0%</b>	<b>100%</b>

**Recommendation:**

Staff recommends approval of both agreements. A budget amendment will be required if this request is approved.

**Attachments:**

1. FY 2013 TANF CPI Grant Agreement
2. FY 2013 TANF CPI Subgrantee Agreement with CLIMB Wyoming

**Actions Requested:**

(1) Motion to approve, and have the Chairman sign, the FY 2013 TANF Community Partnership Initiative Grant Agreement

(2) Motion to approve, and have the Chairman sign, the FY 2013 TANF Community Partnership Initiative Subgrantee Agreement with CLIMB Wyoming

**CONTRACT BETWEEN  
THE WYOMING DEPARTMENT OF FAMILY SERVICES  
AND SWEETWATER COUNTY COMMISSIONERS**

1. **Parties.** This Contract (hereinafter referred to as Contract) is made and entered into by and between the Wyoming Department of Family Services (hereinafter referred to as Agency), whose address is 2300 Capitol Avenue, Third Floor, Cheyenne, WY 82002-0490, and Sweetwater County Commissioners (hereinafter referred to as Contractor), whose address is 80 West Flaming Gorge Way, Suite 109, Green River, Wyoming 82935.

2. **Purpose.** The purpose of this Contract is for Contractor to operate the Temporary Assistance For Needy Families Community Partnership Initiative (TANF/CPI), a community plan which will provide a continuum of services to Sweetwater County families as outlined in Attachment A, attached and incorporated herein by reference.

3. **Term of Contract and Required Approvals.** This Contract is effective when all parties have executed it and all required approvals have been granted (Effective Date). The term of the Contract is from Effective Date or October 1, 2012, whichever is later, through September 30, 2013. All services shall be completed during this term.

By State of Wyoming law, contracts executed by the State of Wyoming for professional or other services must be approved as to form by the Attorney General and approved by the Procurement Services Division of the Department of Administration and Information (A & I Procurement), Wyo. Stat. § 9-1-403(b)(v), and all contracts for services costing over One Thousand Five Hundred Dollars (\$1,500.00) must be approved by the Governor or his designee as well, Wyo. Stat. § 9-2-1016(b)(iv).

4. **Payment.** The Agency agrees to pay the Contractor for the services described herein. The total payment under this Contract shall not exceed Forty-Five Thousand Five Hundred Dollars (\$45,500.00). Invoices for payment must be submitted quarterly along with the required quarterly report. Payment will not be made unless the report has been received and all responsibilities have been completed. Final payment shall be made after receipt of the final report and audit results, if applicable. The federal source of funding is from Temporary Assistance for Needy Families (TANF), CFDA # 93.558. No payment shall be made for work performed prior to the date upon which the last required signature is affixed to this Contract.

If the Contractor's yearly total of contracted dollars exceeds Five Hundred Thousand Dollars (\$500,000.00) of federal funds regardless of the source, the Contractor is required to have a single or program-specific audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133. The Contractor shall furnish the Agency a copy of the final audit along with the Contractor's responses to the audit.

5. **Responsibilities of Contractor**

A. The Contractor shall ensure communitywide collaboration in planning and implementation efforts.

B. The Contractor shall implement and evaluate effective, research-based programs and strategies.

C. The Contractor shall provide services that will assist families in moving toward self-sufficiency.

D. The Contractor shall enhance sustainability of community efforts beyond the funding period.

E. The Contractor is responsible for carrying out the program described in Attachment A.

F. The Contractor shall bill the Agency quarterly for participants that meet TANF eligibility.

G. The Contractor shall provide quarterly program performance reports which will list the clients served, address program outcomes, effectiveness, successes, challenges, performance measures and goals as defined in Attachment A.

H. The Contractor's reporting shall be sufficient to provide an audit trail for state or federal auditors to determine accuracy of direct and indirect costs. Reports shall be submitted within thirty (30) days following the end of the quarter.

I. The Contractor shall not use funds to purchase non-tangible assets or to purchase or lease equipment.

J. The Contractor shall not use funds to provide cash to individuals served by the program.

K. The Contractor shall obtain prior approval from the Agency for all budget changes which deviate from the submitted budget (Attachment B).

L. Contractor shall provide the Agency two (2) copies of its most recent single program audit if federal funds from all sources exceed Five Hundred Thousand Dollars (\$500,000.00) and most recent financial audit if a single program audit is not applicable. These documents must be submitted within thirty (30) days from receipt of such document. Failure to comply with this provision could delay payment for services. This requirement exists even after contract expiration if funds from this Contract are part of the audit or financial statement.

## 6. Responsibilities of Agency

A. Available federal funds shall be paid to Contractor upon quarterly invoice and receipt and approval of any required quarterly report.

B. Agency shall instruct Contractor on eligibility for TANF funding.

C. Agency is responsible for monitoring quarterly invoices and quarterly reports for accuracy and to ensure they meet the requirements of TANF and this Contract.

## 7. Special Provisions

A. **Administration of Federal Funds.** Contractor agrees its use of the funds awarded herein is subject to the Uniform Administrative Requirements of OMB Circulars A-102 and/or 2 C.F.R. Part 215; the cost principles set forth in OMB Circulars A-21, A-87 or A-122 and 48 C.F.R. Part 31; the audit requirements of OMB Circular A-133; and all applicable regulations published in the Code of Federal Regulations or other program guidance as provided to it by DFS.

B. **Copyright License and Patent Rights.** Contractor acknowledges that Administration for Children and Families, the State of Wyoming, and Agency reserve a royalty-free, non-exclusive, unlimited and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal and state government purposes: (1) the copyright in any work developed under this Contract; and (2) any rights of copyright to which Contractor purchases ownership using funds awarded under this Contract. Contractor must consult with Agency regarding any patent rights that arise from, or are purchased with, funds awarded under this Contract.

C. **Environmental Policy Acts.** Contractor agrees all activities under this Contract will comply with the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, and other related provisions of federal environmental protection laws, rules or regulations.

D. **Federal Audit Requirements.** Contractor agrees that if it expends an aggregate amount of Five Hundred Thousand Dollars (\$500,000.00) or more in federal funds during its fiscal year, it must undergo an organization-wide financial and compliance single audit. Contractor agrees to comply with the audit requirements of the U.S. General Accounting Office Government Auditing Standards and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. If findings are made which cover any part of this Grant, Contractor shall provide one (1) copy of the audit report to Agency and require release of the audit report by its auditor be held until adjusting entries are disclosed and made to Agency's records.

E. **Human Trafficking.** As required by 22 U.S.C. 7104(g) and 2 C.F.R. Part 175, this Contract may be terminated without penalty if a private entity that receives funds under this Contract:

(i) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;

(ii) Procures a commercial sex act during the period of time that the award is in effect; or

(iii) Uses forced labor in the performance of the award or subawards under the award.

**F. Limitations on Lobbying Activities.** In accordance with P.L. 101-121, payments made from a federal grant shall not be utilized by the Contractor or its subcontractors in connection with lobbying Congressmen, or any other federal agency in connection with the award of a federal grant, contract, cooperative agreement, or loan. The Contractor and its subcontractors shall submit a certification statement and disclosure form acceptable to Agency before commencement of the work.

**G. Limitations of Payment.** Agency's obligation to pay the Contractor for services rendered pursuant to this Contract is conditioned upon the availability of state or federal government funds which are allocated to pay the Contractor. If funds are not allocated and available for Agency to pay the Contractor for these services, Agency may terminate this Contract at the end of the period for which the funds are available.

Agency shall notify the Contractor at the earliest possible time if this Contract will or may be affected by a shortage of funds. No liability shall accrue to Agency in the event this provision is exercised, and Agency shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be construed so as to permit Agency to terminate this Contract to acquire similar services from another party.

**H. Monitor Activities.** Agency shall have the right to monitor all Contract related activities of the Contractor and all subcontractors. This shall include, but not limited to, the right to make site inspections at any time, to bring experts and consultants on site to examine or evaluate completed work or work in progress, and to observe all Contractor personnel in every phase of performance of Contract related work.

**I. No Finder's Fee.** No finder's fee, employment agency fee, or other such fee related to the procurement of this Contract shall be paid by either party.

**J. Non-Supplanting Certification.** Contractor hereby affirms that federal grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Contractor should be able to document that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds under this Contract.

**K. Program Income.** Contractor shall not deposit grant funds in an interest bearing account without prior approval of Agency. Any income attributable to the grant funds distributed under this Contract must be used to increase the scope of the program or returned to Agency.

**L. Publicity.** Any publicity given to the program or services provided herein, including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for

Contractor and related to the services and work to be performed under this Contract, shall identify Department of Family Services as the sponsoring agency and shall not be released without prior written approval of Agency.

## **8. General Provisions**

**A. Amendments.** Any changes, modifications, revisions or amendments to this Contract which are mutually agreed upon by the parties to this Contract shall be incorporated by written instrument, executed and signed by all parties to this Contract.

**B. Americans with Disabilities Act.** The Contractor shall not discriminate against a qualified individual with a disability and shall comply with the Americans with Disabilities Act, P.L. 101-336, 42 U.S.C. 12101, *et seq.*, and any properly promulgated rules and regulations related thereto.

**C. Applicable Law/Venue.** The construction, interpretation and enforcement of this Contract shall be governed by the laws of the State of Wyoming. The Courts of the State of Wyoming shall have jurisdiction over any action arising out of this Contract and over the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming. The parties intend and agree that the State of Wyoming and the Agency do not waive sovereign immunity by entering into this Contract, and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. §1-39-104(a) and all other state or federal law.

**D. Assignment/Contract Not Used as Collateral.** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set forth in this Contract without the prior written consent of the other party. The Contractor shall not use this Contract, or any portion thereof, for collateral for any financial obligation, without the prior written permission of Agency.

**E. Assumption of Risk.** The Contractor shall assume the risk of any loss of state or federal funding, either administrative or program dollars, due to Contractor's failure to comply with state or federal requirements. Agency shall notify the Contractor of any state or federal determination of noncompliance.

**F. Audit/Access to Records.** Agency and any of its representatives shall have access to any books, documents, papers, and records of the Contractor which are pertinent to this Contract.

**G. Availability of Funds.** Each payment obligation of Agency is conditioned upon the availability of government funds, which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of the services performed by the Contractor, the Contract may be terminated by Agency at the end of the period for which the funds are available. Agency shall notify the Contractor at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall accrue to either party in the event this provision is exercised, and neither party shall be obligated or liable for any future payments due or for any damages as a result of termination under this section.

This provision shall not be construed to permit Agency to terminate this Contract in order to acquire similar services from another party.

**H. Award of Related Contracts.** Agency may undertake or award supplemental or successor contracts for work related to this Contract. The Contractor shall cooperate fully with other contractors and Agency in all such cases.

**I. Certificate of Good Standing.** Contractor shall provide Certificate of Good Standing verifying compliance with the unemployment insurance and workers' compensation programs prior to performing work under this Contract.

**J. Compliance with Law.** The Contractor shall keep informed of and comply with all applicable federal, state and local laws and regulations in the performance of this Contract.

**K. Confidentiality of Information.** All documents, data compilations, reports, computer programs, photographs, and any other work provided to or produced by the Contractor in the performance of this Contract shall be kept confidential by the Contractor unless written permission is granted by Agency for its release.

**L. Conflicts of Interest.** Contractor shall not engage in providing consultation or representation of clients, agencies or firms which may constitute a conflict of interest which results in a disadvantage to Agency or a disclosure which would adversely affect the interests of Agency. Contractor shall notify Agency of any potential or actual conflicts of interest arising during the course of the Contractor's performance under this Contract. This Contract may be terminated in the event a conflict of interest arises. Termination of the Contract will be subject to a mutual settlement of accounts. In the event the Contract is terminated under this provision, the Contractor shall take steps to insure that the file, evidence, evaluation and data are provided to Agency or its designee. This does not prohibit or affect the Contractor's ability to engage in consultations, evaluations or representation under agreement with other agencies, firms, facilities, or attorneys so long as no conflict exists.

A conflict of interest warranting termination of the Contract includes, but is not necessarily limited to, representing a client in an adversarial proceeding against the State of Wyoming, its agencies, boards, commissions or the University of Wyoming, or initiating suits in equity including injunctions, declaratory judgments, writs of prohibition or quo warranto.

**M. Entirety of Contract.** This Contract, consisting of eleven (11) pages, Attachment A, consisting of fifteen (15) pages, and Attachment B, consisting of one (1) page, represents the entire and integrated Contract between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

**N. Ethics.** Contractor shall keep informed of and comply with the Wyoming Ethics and Disclosure Act (Wyo. Stat. § 9-13-101, *et seq.*), and any and all ethical standards governing Contractor's profession.

**O. Force Majeure.** Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all reasonable steps to minimize delays. This provision shall not be effective unless the failure to perform is beyond the control and without the fault or negligence of the nonperforming party.

**P. Indemnification.** Each party to this Contract shall assume the risk of any liability arising from its own conduct. Neither party agrees to insure, defend or indemnify the other.

**Q. Independent Contractor.** The Contractor shall function as an independent contractor for the purposes of this Contract, and shall not be considered an employee of the State of Wyoming for any purpose. The Contractor shall be free from direction over details of performance of services under this Contract, shall assume sole responsibility for any debts or liabilities that may be incurred by the Contractor in fulfilling the terms of this Contract, and shall be solely responsible for the payment of all federal, state and local taxes which may accrue because of this Contract. Nothing in this Contract shall be interpreted as authorizing the Contractor or its agents and/or employees to act as an agent or representative for or on behalf of the State of Wyoming or Agency, or to incur any obligation of any kind on behalf of the State of Wyoming or Agency. The Contractor agrees that no health/hospitalization benefits, workers' compensation, unemployment insurance, and/or similar benefits available to State of Wyoming employees will inure to the benefit of the Contractor or the Contractor's agents and/or employees as a result of this Contract.

**R. Kickbacks.** The Contractor certifies and warrants that no gratuities, kickbacks or contingency fees were paid in connection with this Contract, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Contract. If the Contractor breaches or violates this warranty, Agency may, at its discretion, terminate this Contract without liability to Agency, or deduct from the contract price or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee.

**S. Nondiscrimination.** The Contractor shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. § 27-9-105 *et seq.*), the Americans With Disabilities Act (ADA), 42 U.S.C. 12101, *et seq.*, and the Age Discrimination Act of 1975. The Contractor shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin or disability in connection with the performance of this Contract.

**T. Notices.** All notices arising out of, or from, the provisions of this Contract shall be in writing and given to the parties at the address provided under this Contract, either by regular mail or delivery in person.

**U. Ownership of Documents/Work Product/Materials.** All documents, reports, records, field notes, materials, and data of any kind resulting from performance of this Contract are at all times the property of Agency.

**V. Prior Approval.** This Contract shall not be binding upon either party, no services shall be performed under the terms of this Contract, and the Wyoming State Auditor shall not draw warrants for payment on this Contract until this Contract has been reduced to writing, approved as to form by the Office of the Attorney General, filed with and approved by A&I Procurement, and approved by the Governor of the State of Wyoming or his designee if required by Wyo. Stat. § 9-2-1016(b)(iv)(D).

**W. Proof of Insurance.** The Contractor shall not commence work under this Contract until the Contractor has obtained the following insurance coverages and provided the corresponding certificates of insurance:

(i) Workers' Compensation and Employers' Liability Insurance. The Contractor shall provide proof of workers' compensation coverage pursuant to the Wyoming Workers' Safety and Compensation program, if statutorily required, or such other workers' compensation insurance as appropriate. Contractor's insurance shall include "Stop Gap" coverage in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per employee for each accident and disease.

(ii) Professional Liability or Errors and Omissions Liability Insurance. The Contractor shall provide proof of professional liability insurance or errors and omissions liability insurance to protect the State and Agency from any and all claims arising from the Contractor's alleged or real professional errors, omissions or mistakes in the performance of professional duties in an amount not less than Five Hundred Thousand Dollars (\$500,000.00).

(iii) All policies required under this Contract shall be in effect for the duration of this Contract and project. All policies shall be primary and not contributory. Contractor shall pay the premiums on all insurance policies and all insurance certificates must include a clause stating that the insurance may not be revoked, canceled, amended or allowed to lapse until the expiration of at least thirty (30) days advance written notice to DFS.

(iv) Agency as Additional Insured. All insurance policies required by this Contract, except workers' compensation, shall name Agency as an additional insured, and shall contain a waiver of subrogation against Agency, its agents and employees. Contractor shall provide, upon request, a copy of an endorsement providing this coverage.

(v) Agency's Right to Reject. The State reserves the right to reject a certificate of insurance if the Contractor's insurance company is widely regarded in the

insurance industry as financially unstable. This would include, but is not limited to, insurance companies with an "omit" rating in the A.M. Best insurance rating guide.

**X. Severability.** Should any portion of this Contract be judicially determined to be illegal or unenforceable, the remainder of the Contract shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

**Y. Sovereign Immunity.**

(i) The State of Wyoming and the Agency do not waive their sovereign immunity by entering into this Contract and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other state law.

(ii) The parties intend and agree that the Contractor does not waive governmental immunity by entering into this Contract, and specifically retains immunity and all defenses available to them as a local governmental entity pursuant to Wyo. Stat. § 1-39-104 *et seq.*, and all other state law.

**Z. Suspension and Debarment.** By signing this Contract, Contractor certifies that it is not suspended, debarred, or voluntarily excluded from federal financial or nonfinancial assistance, nor are any of the participants involved in the execution of this Contract suspended, debarred, or voluntarily excluded. Further, Contractor agrees to notify Agency by certified mail should Contractor or any of its agents become debarred, suspended, or voluntarily excluded during the term of this Contract.

**AA. Taxes.** The Contractor shall pay all taxes and other such amounts required by federal, state and local law, including but not limited to federal and social security taxes, workers' compensation, unemployment insurance and sales taxes.

**BB. Termination of Contract.** This Contract may be terminated, without cause, by Agency upon thirty (30) days written notice. This Contract may be terminated immediately for cause if the Contractor fails to perform in accordance with the terms and conditions of this Contract. Should the Contractor fail to perform in a manner consistent with the terms and conditions set forth in this Contract, payment under this Contract may be withheld until such time as the Contractor performs its duties and responsibilities.

**CC. Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Contract shall not be construed so as to create such status. The rights, duties and obligations contained in this Contract shall operate only between the parties to this Contract, and shall inure solely to the benefit of the parties to this Contract. The provisions of this Contract are intended only to assist the parties in determining and performing their obligations under this Contract.

**DD. Time is of the Essence.** Time is of the essence in all provisions of the Contract.

**EE. Titles Not Controlling.** Titles of paragraphs are for reference only, and shall not be used to construe the language in this Contract.

**FF. Waiver.** The waiver of any breach of any term or condition in this Contract shall not be deemed a waiver of any prior or subsequent breach. Failure to object to a breach shall not constitute a waiver.

**INTENTIONALLY LEFT BLANK**

10. **Signatures.** IN WITNESS THEREOF, the parties to this Contract, either personally or through their duly authorized representatives, have executed this Contract on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Contract.

This Contract is not binding on either party until approved by the Procurement Services Division of the Department of Administration and Information and the Governor of the State of Wyoming or his designee, if required by Wyo. Stat. § 9-2-1016(b)(iv).

The effective date of this Contract is the date of the signature last affixed to this page.

**DEPARTMENT OF FAMILY SERVICES**

---

Steve Corsi, Director

Date

---

Heather Babbitt, Administrator  
Economic Assistance Division

Date

**SWEETWATER COUNTY COMMISSIONER**

---

Wally Johnson, Chairman

Date

**ATTEST**

---

Dale Davis, County Clerk

Date

**ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM**

---

*Marion Yoder #92794*  
Marion Yoder, Sr. Assistant Attorney General

*Sept. 15, 2012*  
Date

**FY 2013 TANF/CPI SUBGRANTEE GRANT CONTRACT  
BETWEEN  
SWEETWATER COUNTY  
AND CLIMB WYOMING**

1. **Parties.** The parties to this Contract are Sweetwater County (Agency), whose address is 80 West Flaming Gorge Way, Suite 19, Green River, Wyoming 82935 and CLIMB Wyoming (Contractor), whose address is 1001 West 31<sup>st</sup> Street, Cheyenne, Wyoming, 82001.

2. **Purpose of Contract.** The purpose of this Contract is for Contractor to operate the Temporary Assistance For Needy Families Community Partnership Initiative (TANF/CPI), a community plan which will provide a continuum of services to Sweetwater County families as outlined in Attachment A, attached and incorporated herein by reference.

3. **Term of Contract and Required Approvals.** This Contract is effective when all parties have executed it and all required approvals have been granted. The term of this Contract is from October 1, 2012 through September 30, 2013. All services shall be completed during this term.

4. **Payment.** The Agency agrees to pay the Contractor for the services described herein. The total payment under this Contract shall not exceed Forty-Five Thousand Five Hundred Dollars (\$45,500.00). Invoices for payment must be submitted quarterly. Final payment shall be made after receipt of the final report and audit results, if applicable. Payment will not be made unless the report has been received. The federal source of funding is Temporary Assistance for Needy Families (TANF), CFDA # 93.558. No payment shall be made for work performed prior to the date upon which the last required signature is affixed to this Contract. Funding remaining at this time must be returned to the Agency.

If the Contractor's yearly total of contracted dollars exceeds Five Hundred Thousand Dollars (\$500,000.00) of federal funds regardless of the source, the Contractor is required to have a single or program-specific audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133. The Contractor shall furnish the Agency a copy of the final audit along with the Contractor's responses to the audit.

5. **Responsibilities of Contractor**
- A. The Contractor shall ensure communitywide collaboration in planning and implementation efforts.
  - B. The Contractor shall implement and evaluate effective, research-based programs and strategies.
  - C. The Contractor shall provide services that will assist families in moving toward self-sufficiency.
  - D. The Contractor shall enhance sustainability of community efforts beyond the funding period.

- E. The Contractor is responsible for carrying out this program described in Attachment A.
- F. The Contractor shall bill the Agency for the federal share of funding quarterly.
- G. The Contractor shall provide quarterly program performance reports which will list the clients served, address program outcomes, effectiveness, successes, challenges and performance measures as defined in Attachment A.
- H. The Contractor's reporting shall be sufficient to provide an audit trail for state or federal auditors to determine accuracy of direct and indirect costs. Reports shall be submitted within thirty (30) days following the end of the quarter.
- I. The Contractor shall not use funds to purchase non-tangible assets or to purchase or lease equipment. .
- J. The Contractor shall not use funds to provide cash to individuals served by the program.
- K. The Contractor shall obtain prior approval from the Agency for all budget changes which deviate from the submitted budget (Attachment B, attached and incorporated herein by reference).
- L. Contractor shall provide the Agency two (2) copies of most recent single program audit if federal funds from all sources exceed Five Hundred Thousand Dollars (\$500,000.00) and most recent financial audit if a single program audit is not applicable. These documents must be submitted within thirty (30) days from receipt of such document. Failure to comply with this provision could delay payment for services. This requirement exists even after contract expiration if funds from this Contract are part of the audit or financial statement.

6. **Responsibilities of Agency.**

- A. Available federal funds shall be paid to Contractor upon monthly invoices and receipt and approval of any required quarterly report.
- B. Agency shall instruct Contractor on eligibility for TANF funding.
- C. Agency is responsible for monitoring monthly invoices and quarterly reports for accuracy and to ensure they meet the requirements of TANF and this Contract.

7. **Special Provisions.**

- A. **Administration of Federal Funds.** Contractor agrees its use of the funds awarded herein is subject to the Uniform Administrative Requirements of OMB Circulars A-102 and/or 2 C.F.R. Part 215; the cost principles set forth in OMB Circulars A-21, A87 or A-122 and 48 C.F.R. Part 31; the audit requirements of OMB Circular A-133; and all applicable regulations published in the Code of Federal Regulations or other

program guidance as provided to it by Agency.

**B. Copyright License and Patent Rights.** Contractor acknowledges that Administration for Children and Families, the State of Wyoming, and Agency reserve a royalty-free, non-exclusive, unlimited and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal and state government purposes: (1) the copyright in any work developed under this Contract; and (2) any rights of copyright to which Contractor purchases ownership using funds awarded under this Contract. Contractor must consult with Agency regarding any patent rights that arise from, or are purchased with, funds awarded under this Contract.

**C. Environmental Policy Acts.** Contractor agrees all activities under this Contract will comply with the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, and other related provisions of federal environmental protection laws, rules or regulations.

**D. Federal Audit Requirements.** Contractor agrees that if it expends an aggregate amount of Five Hundred Thousand Dollars (\$500,000.00) or more in federal funds during its fiscal year, it must undergo an organization-wide financial and compliance single audit. Contractor agrees to comply with the audit requirements of the U.S. General Accounting Office Government Auditing Standards and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. If findings are made which cover any part of this Grant, Contractor shall provide one (1) copy of the audit report to Agency and require release of the audit report by its auditor be held until adjusting entries are disclosed and made to Agency's records.

**E. Human Trafficking.** As required by 22 U.S.C. 7104(g) and 2 C.F.R. Part 175, this agreement may be terminated without penalty if a private entity that receives funds under this agreement:

- (i) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- (ii) Procures a commercial sex act during the period of time that the award is in effect; or
- (iii) Uses forced labor in the performance of the award or subawards under the award.

**F. Limitations on Lobbying Activities.** In accordance with P.L. 101- 121, payments made from a federal grant shall not be utilized by the Contractor or its subcontractors in connection with lobbying Congressmen, or any other federal agency in connection with the award of a federal grant, contract, cooperative agreement, or loan. The Contractor and its subcontractors shall submit a certification statement and disclosure form acceptable to the Agency before commencement of the work.

**G. Limitations of Payment.** The Agency's obligation to pay the Contractor for services rendered pursuant to this Contract is conditioned upon the availability of state or federal government funds which are allocated to pay the

Contractor. If funds are not allocated and available for the Agency to pay the Contractor for these services, the Agency may terminate this Contract at the end of the period for which the funds are available.

The Agency shall notify the Contractor at the earliest possible time if this Contract will or may be affected by a shortage of funds. No liability shall accrue to the Agency in the event this provision is exercised, and the Agency shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be construed so as to permit the Agency to terminate this Contract to acquire similar services from another party.

H. **Monitor Activities.** The Agency shall have the right to monitor all Contract related activities of the Contractor and all subcontractors. This shall include, but not be limited to, the right to make site inspections at any time, to bring experts and consultants on site to examine or evaluate completed work or work in progress, and to observe all Contractor personnel in every phase of performance of Contract related work.

I. **No Finder's Fee.** No finder's fee, employment agency fee, or other such fee related to the procurement of this Contract shall be paid by either party.

J. **Non-Supplanting Certification.** Contractor hereby affirms that federal grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Contractor should be able to document that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds under this Contract.

K. **Program Income.** Contractor shall not deposit grant funds in an interest bearing account without prior approval of Agency. Any income attributable to the grant funds distributed under this Contract must be used to increase the scope of the program or returned to Agency.

L. **Publicity.** Any publicity given to the program or services provided herein, including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for Contractor and related to the services and work to be performed under this Contract, shall identify Department of Family Services as the sponsor and shall not be released without prior written approval of Agency.

8. **General Provisions.**

A. **Amendments.** Any changes, modifications, revisions or amendments to this Contract which are mutually agreed upon by the parties to this Contract shall be incorporated by written instrument, executed and signed by all parties to this Contract.

B. **Americans with Disabilities Act.** The Contractor shall not discriminate against a qualified individual with a disability and shall comply with the Americans with Disabilities Act, P.L. 101-336, 42 U.S.C. 12101, *et seq.*, and any properly

promulgated rules and regulations related thereto.

C. **Applicable Law/Venue.** The construction, interpretation and enforcement of this Contract shall be governed by the laws of the State of Wyoming. The Courts of the State of Wyoming shall have jurisdiction over any action arising out of this Contract and over the parties, and the venue shall be the Third Judicial District, Sweetwater County, Wyoming. The parties intend and agree that the Agency does not waive sovereign immunity by entering into this Contract, and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. §1-39-104(a) and all other state law.

D. **Assignment/Contract Not Used as Collateral.** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set forth in this Contract without the prior written consent of the other party. The Contractor shall not use this Contract, or any portion thereof, for collateral for any financial obligation, without the prior written permission of the Agency.

E. **Assumption of Risk.** The Contractor shall assume the risk of any loss of state or federal funding, either administrative or program dollars, due to Contractor's failure to comply with state or federal requirements. The Agency shall notify the Contractor of any state or federal determination of noncompliance.

F. **Audit/Access to Records.** The Agency and any of its representatives shall have access to any books, documents, papers, and records of the Contractor which are pertinent to this Contract.

G. **Availability of Funds.** Each payment obligation of the Agency is conditioned upon the availability of government funds, which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of the services performed by the Contractor, the Contract may be terminated by the Agency at the end of the period for which the funds are available. The Agency shall notify the Contractor at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall accrue to either party in the event this provision is exercised, and neither party shall be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be construed to permit the Agency to terminate this Contract in order to acquire similar services from another party.

H. **Award of Related Contracts.** The Agency may undertake or award supplemental or successor contracts for work related to this Contract. The Contractor shall cooperate fully with other contractors and the Agency in all such cases.

I. **Certificate of Good Standing.** The Contractor shall provide Certificate of Good Standing verifying compliance with the unemployment insurance and worker's compensation programs prior to performing work under this Contract.

J. **Compliance with Law.** The Contractor shall keep informed of and comply with all applicable federal, state and local laws and regulations in the performance of this Contract.

K. **Confidentiality of Information.** All documents, data compilations, reports, computer programs, photographs, and any other work provided to or produced by the Contractor in the performance of this Contract shall be kept confidential by the Contractor unless written permission is granted by the Agency for its release.

L. **Conflicts of Interest.** Contractor shall not engage in providing consultation or representation of clients, agencies or firms which may constitute a conflict of interest which results in a disadvantage to the Agency or a disclosure which would adversely affect the interests of the Agency. Contractor shall notify the Agency of any potential or actual conflicts of interest arising during the course of the Contractor's performance under this Contract. This Contract may be terminated in the event a conflict of interest arises. Termination of the Contract will be subject to a mutual settlement of accounts. In the event the Contract is terminated under this provision, the Contractor shall take steps to insure that the file, evidence, evaluation and data are provided to the Agency or its designee. This does not prohibit or affect the Contractor's ability to engage in consultations, evaluations or representation under agreement with other agencies, firms, facilities, or attorneys so long as no conflict exists.

A conflict of interest warranting termination of the Contract includes, but is not necessarily limited to, representing a client in an adversarial proceeding against the State of Wyoming, its agencies, boards, commissions or the University of Wyoming, or initiating suits in equity including injunctions, declaratory judgments, writs of prohibition or quo warranto.

M. **Entirety of Contract.** This Contract, consisting of ten (10) pages, Attachment A, consisting of fifteen (15) pages, and Attachment B, consisting of one (1) page, represents the entire and integrated Contract between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

N. **Ethics.** Contractor shall keep informed of and comply with the Wyoming Ethics and Disclosure Act (Wyo. Stat. § 9-13-101, *et seq.*), and any and all ethical standards governing Contractor's profession.

O. **Force Majeure.** Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all reasonable steps to minimize delays. This provision shall not be effective unless the failure to perform is beyond the control and without the fault or negligence of the nonperforming party.

P. **Indemnification.** Each party to this Contract shall assume the

risk of any liability arising from its own conduct. Neither party agrees to insure, defend or indemnify the other.

**Q. Independent Contractor.** The Contractor shall function as an independent contractor for the purposes of this Contract, and shall not be considered an employee of the Sweetwater County for any purpose. The Contractor shall assume sole responsibility for any debts or liabilities that may be incurred by the Contractor in fulfilling the terms of this Contract, and shall be solely responsible for the payment of all federal, state and local taxes which may accrue because of this Contract. Nothing in this Contract shall be interpreted as authorizing the Contractor or its agents and/or employees to act as an agent or representative for or on behalf of the Agency, or to incur any obligation of any kind on behalf of the Agency. The Contractor agrees that no health/hospitalization benefits, workers' compensation and/or similar benefits available to Sweetwater County employees will inure to the benefit of the Contractor or the Contractor's agents and/or employees as a result of this Contract.

**R. Kickbacks.** The Contractor certifies and warrants that no gratuities, kickbacks or contingency fees were paid in connection with this Contract, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Contract. If the Contractor breaches or violates this warranty, the Agency may, at its discretion, terminate this Contract without liability to the Agency, or deduct from the contract price or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee.

**S. Nondiscrimination.** The Contractor shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. § 27-9-105 *et seq.*), the Americans With Disabilities Act (ADA), 42 U.S.C. 12101, *et seq.*, and the Age Discrimination Act of 1975. The Contractor shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin or disability in connection with the performance of this Contract.

**T. Notices.** All notices arising out of, or from, the provisions of this Contract shall be in writing and given to the parties at the address provided under this Contract, either by regular mail, facsimile, e-mail, or delivery in person.

**U. Ownership of Documents/Work Product/Materials.** All documents, reports, records, field notes, materials, and data of any kind resulting from performance of this Contract are at all times the property of the Agency.

**V. Prior Approval.** This Contract shall not be binding upon either party, no services shall be performed under the terms of this Contract, and the Wyoming State Auditor shall not draw warrants for payment on this Contract until this Contract has been reduced to writing, and approved as to form by the Sweetwater County Attorney's Office.

**W. Proof of Insurance.** The Contractor shall not commence work under this Contract until the Contractor has obtained the following insurance coverages and provided the corresponding certificates of insurance or the certificates of good

standing:

(i) Workers' Compensation and Employers' Liability Insurance.

The Contractor shall provide proof of workers' compensation coverage pursuant to the Wyoming Workers' Safety and Compensation program, if statutorily required, or such other workers' compensation insurance as appropriate.

(ii) Professional Liability or Errors and Omissions Liability Insurance. The Contractor shall provide proof of professional liability insurance or errors and omissions liability insurance to protect the State, Department of Family Services and Agency from any and all claims arising from the Contractor's alleged or real professional errors, omissions or mistakes in the performance of professional duties in an amount not less than Five Hundred Thousand Dollars (\$500,000).

(iii) All policies required under this Contract shall be in effect for the duration of this Contract and project. All policies shall be primary and not contributory. Contractor shall pay the premiums on all insurance policies and all insurance certificates must include a clause stating that the insurance may not be revoked, canceled, amended or allowed to lapse until the expiration of at least thirty (30) days advance written notice to the Agency.

(iv) Agency as Additional Insured. All insurance policies required by this Contract, except workers' compensation, shall name the Agency as an additional insured, and shall contain a waiver of subrogation against the Agency, its agents and employees. Contractor shall provide, upon request, a copy of an endorsement providing this coverage.

(v) Agency's Right to Reject. The Agency and State reserves the right to reject a certification of insurance if the Contractor's insurance company is widely regarded in the insurance industry as financially unstable. This would include, but is not limited to, insurance companies with an "omit" rating in the A.M. Best insurance rating guide.

X. **Severability.** Should any portion of this Contract be judicially determined to be illegal or unenforceable, the remainder of the Contract shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

Y. **Sovereign Immunity** The State of Wyoming and Agency do not waive their sovereign immunity by entering into this Contract and specifically retain all immunities and defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other state law. Designations of venue, choice of law, enforcement actions, and similar provisions should not be construed as a waiver of sovereign immunity.

Z. **Suspension and Debarment.** By signing this Contract, Contractor certifies that it is not suspended, debarred, or voluntarily excluded from federal financial or nonfinancial assistance, nor are any of the participants involved in the execution of this Contract suspended, debarred, or voluntarily excluded. Further, Contractor agrees to notify this Agency by certified mail should Contractor or any of its agents become debarred, suspended, or voluntarily excluded during the term of this Contract.

AA. **Taxes.** The Contractor shall pay all taxes and other such amounts required by federal, state and local law, including but not limited to federal and social security taxes, workers' compensation, unemployment insurance and sales taxes.

BB. **Termination of Contract.** This Contract may be terminated, without cause, by either party upon thirty (30) days written notice. This Contract may be terminated immediately for cause if the Contractor fails to perform in accordance with the terms and conditions of this Contract. Should the Contractor fail to perform in a manner consistent with the terms and conditions set forth in this Contract, payment under this Contract may be withheld until such time as the Contractor performs its duties and responsibilities.

CC. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Contract shall not be construed so as to create such status. The rights, duties and obligations contained in this Contract shall operate only between the parties to this Contract, and shall inure solely to the benefit of the parties to this Contract. The provisions of this Contract are intended only to assist the parties in determining and performing their obligations under this Contract.

DD. **Time is of the Essence.** Time is of the essence in all provisions of the Contract.

EE. **Titles Not Controlling.** Titles of paragraphs are for reference only, and shall not be used to construe the language in this Contract.

FF. **Waiver.** The waiver of any breach of any term or condition in this Contract shall not be deemed a waiver of any prior or subsequent breach.

INTENTIONALLY LEFT BLANK

9. **Signatures.** In witness whereof, the parties to this Contract, either personally or through their duly authorized representatives, have executed this Contract on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Contract.

The effective date of this Contract is the date of the last signature last affixed to this page.

**SWEETWATER COUNTY**

\_\_\_\_\_  
Wally J. Johnson, Chairman  
Sweetwater County Commission

\_\_\_\_\_  
DATE

**CLIMB WYOMING**

\_\_\_\_\_  
Ray Fleming Dinneen  
Executive Director

\_\_\_\_\_  
DATE

**ATTEST**

\_\_\_\_\_  
Dale Davis, County Clerk

\_\_\_\_\_  
DATE

**COUNTY ATTORNEY'S OFFICE APPROVAL AS TO FORM**

\_\_\_\_\_  
Clifford Boevers, Deputy County Attorney

\_\_\_\_\_  
DATE



## Financial Software Selection Executive Summary

Several months ago a selection committee was organized to select the financial software that would best meet the County's needs. The committee consisted of representatives from the County Clerk, the County Treasurer, the County Assessor, Human Resources, Grants Management, Purchasing, and Planning and Zoning. The committee was led by Bonnie Phillips from Finance and Tim Knight from Information Technology.

A "Needs Analysis" was done to discover the functionality that should exist in the new software and research was done to find software that could meet those needs. We knew that we wanted software that was built on a modern architecture, designed for medium sized Counties, focused on local government, and had a solid future. Tim spoke with several vendors as well as other city and county governments to find out what was available.

We contacted Sungard, Innoprise, MSGovern, Epicor, Tyler, New World Systems, and Microsoft GP. These were the vendors most common in our space. Sungard, MSGovern, and Epicor showed very little interest in our project. Innoprise's product was found to be incomplete. Laramie County and the City of Rock Springs were both waiting for functionality to be developed that was promised to them years ago. We were, therefore; left with three vendors; Tyler, New World Systems, and Microsoft Dynamics GP. All three vendors were given the opportunity to demonstrate their software and answer questions about their products. After the initial demonstrations the field was narrowed to Tyler and New World Systems.

Several reference sites were called and researched and the vendors were asked to return to demonstrate functionality that we wanted to review again. The vendors then presented proposals to the County. *See attached proposals.*

After reviewing all the data and meeting together several times, the selection committee is recommending that Sweetwater County choose Tyler as the vendor for our financial software. *See attached score sheet.*

We are requesting permission to purchase Tyler Munis and Tyler Taxwise and negotiate a contract for the purchase and installation of their software. The contract will be presented to the Board of County Commissioners for final approval at a future meeting.

*Note: None of the solutions has a property tax component built into the system. Tyler CSA has a tax solution called TaxWise that has a strong presence in Wyoming and Montana. We already use the Tyler CSA motor vehicles and titles applications and so it was determined that the logical choice for us would be to use the TaxWise application for property tax. Both New World and Tyler would be able to integrate with TaxWise, however; Tyler is committed to a real-time integration between the two applications.*

### Anticipated Timeline

We anticipate that the contract will be finalized in November 2012. We will then have a project manager assigned by Tyler and a kick off meeting in January 2013. The timeline will be discussed and finalized at that time. The four phases of the project will be Base Financials, Tax, HR/Payroll, and Community Development. Total project should take approximately 12months.

## Financial Software Evaluation Summary

	NWS	Tyler
Years in business	30	49
Number of customers	1,200	1,400
Number of employees	201	2054
Investment Protection?	Not available	"Evergreen Philosophy"
ERP Software & Installation Proposal	\$443,400	\$518,821
TaxWise Software & Installation	\$138,900	\$138,900
Enterprise Scanning Solution	\$106,580	Included
Estimated Travel Expenses	\$47,600	\$84,700
First year maintenance cost	\$0	\$0
<b>TOTAL PROPOSAL</b>	\$736,480	\$742,421
Comprehensive Implementation Plan	75 Onsite Days	147 Onsite Days
Annual Maintenance Cost	Increases 1.5 - 2% per year	Can increase up to 3% per year
Year 2	\$50,240	\$60,394
Year 3	\$58,420	\$62,206
Year 4	\$61,560	\$64,072
Year 5	\$64,700	\$65,994
Annual Maintenance for TaxWise	\$16,727	\$16,727
First year maintenance costs waived?	Yes	Yes

SCALE
Excellent
Good
Neutral
Not good
Poor or unavailable

### General

Limited number of users?	Site license to 300 users	Unlimited
Browser-based design	Browser-based	Browser-based
Screen Design	Excellent	Excellent
Customizable screens	Good	Excellent
Network single sign-on	Not available	Excellent
"Dashboard" interface	Excellent	Excellent
Work Flow integration	Good	Excellent
Web Interface avail.	Good	Excellent
Data Migration	Excellent	Good
Ability to get to data	Excellent	Excellent
Reporting Services	Excellent	Excellent
Paperless processing	Excellent	Excellent
Document management	Good	By far the best
Interface to Microsoft Office	Yes	Yes

**Accounting Software**

- General Accounting
- Soft Close flexibility
- Year-end closing process
- Contract Reporting
- Project Costing
- Budgeting Processing
- Excel Interface
- Fixed Assets
- Accounts Receivable
- Treasury Management
- User Interface
- GASB 34
- Accounts Payable
- Recurring Invoices
- Vendor web access
- AP "Work Flow"
- Credit Card Processing
- Cashiering
- Can use existing equip?

Good
Good
Excellent
Good
Excellent
Good
Good
Excellent

Excellent
Excellent
Good
Excellent

**NWS**

**Tyler**

**Payroll & Human Resources**

- Payroll Processing
- Email Direct Deposit
- Employee "Self Service"
- Year-end processing
- Payables Processing
- Workers Comp Tracking

Excellent
Excellent
Excellent
Excellent
Good
Good

Excellent
Good
Excellent
Excellent
Good
Integrated
Excellent

**Community Development**

- Permits & Inspections
- GIS Interface
- Work Flow Integration
- Full Integration with Suite
- Mobile device access
- Code Enforcement

Excellent

Good
Good
Good
Excellent
Excellent
Good

**NWS**

**Tyler**

## SUMMARY

New World Systems offers a "Very Good" product. They are used in the City of Green River, have a modern dotNet platform and provide a robust, integrated financial solution. They have a strong proficiency in migrating data due to their extensive experience migrating their own AS/400 customers. The Tyler product was, however; a better fit for our organization.

Tyler was better in almost every area of evaluation and offers innovative technology, strong workflow, and complete financials. Their integration, especially in document management is excellent. The committee was strongly in favor of using this product.

## Key Differentiators

Tyler's "Evergreen Philosophy" which protects our investment as technology changes. New technology will be included in our annual maintenance (not just upgrades). Tyler also includes functionality that is developed for other Counties as part of the package for everyone.

Tyler was stronger in Grants Management and Project accounting which is a big part of what we need to track.

Tyler owns the CSA TaxWise product and is committed to a roadmap that will provide real time integration between TaxWise and Munis.

Tyler includes an enterprise document management solution where New World interfaces to a 3<sup>rd</sup> party solution lending itself to tighter integration and workflow

All interfaces in the proposal are part of the standard Munis product. Tyler does not price out and bill customers for interfaces that are already developed within Munis.

As part of the Munis proposal Tyler has submitted fixed fee conversion pricing. They do not limit the number of conversion passes included with our purchase.

Munis is providing 49 on-site-trips where New World is providing 25 on-site-trips. We feel that this means their implementers will spend more time with our staff and should provide a better implementation.

Laramie County just selected Munis and will be a great Wyoming resource for us as we use this product.



## Sales Quotation For:

Mr. Tim Knight  
Sweetwater County  
80 West Flaming Gorge Way  
Green River, WY 82935

Quoted By: Jennifer Wahlbrink  
Date: 10/01/2012  
Quote Expiration: 00/00/n/a  
Quote Name: Sweetwater County, WY 10-1-12  
Quote Number: 45336

Phone: (307) 872-3957  
Fax:  
Email: tink@sweet.wy.us

## Tyler Software & Related Services

Description	License	Impl. Days	Impl. Cost	Consulting Days	Consulting Cost	Data Conversion	Module Total	Year One Maintenance
Accounting/GL/BG/AP	\$52,250	9 @ \$1,175	\$10,575	5 @ \$1,275	\$6,375	\$10,600	\$79,800	\$9,405
Accounts Receivable	\$11,000	4 @ \$1,175	\$4,700	1 @ \$1,275	\$1,275	n/a	\$16,975	\$1,980
Central Property File	\$4,200	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$5,375	\$1,050
Citizen Self Service (client hosted)	\$11,000	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$12,175	\$1,980
Fixed Assets	\$12,000	3 @ \$1,175	\$3,525	2 @ \$1,275	\$2,550	\$4,800	\$22,875	\$2,160
General Billing	\$5,000	3 @ \$1,175	\$3,525	1 @ \$1,275	\$1,275	\$8,200	\$18,000	\$900
HR Management	\$7,700	6 @ \$1,175	\$7,050	1 @ \$1,275	\$1,275	n/a	\$16,025	\$1,386
Inventory	\$11,000	4 @ \$1,175	\$4,700	1 @ \$1,275	\$1,275	\$4,700	\$21,675	\$1,980
Maplink GIS Integration	\$22,000	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$23,175	\$3,960
Munis Office	\$8,500	2 @ \$1,175	\$2,350	n/a	n/a	n/a	\$10,850	\$1,530
Payroll w/ESS	\$16,100	16 @ \$1,175	\$18,800	2 @ \$1,275	\$2,550	\$13,200	\$50,650	\$2,898
Permits & Code Enforcement	\$55,000	24 @ \$1,175	\$28,200	4 @ \$1,275	\$5,100	\$22,000	\$110,300	\$11,000
Project & Grant Accounting	\$10,000	2 @ \$1,175	\$2,350	2 @ \$1,275	\$2,550	\$5,000	\$19,900	\$1,800
Purchase Orders	\$12,000	3 @ \$1,175	\$3,525	2 @ \$1,275	\$2,550	\$2,700	\$20,775	\$2,160
Requisitions	\$10,000	4 @ \$1,175	\$4,700	1 @ \$1,275	\$1,275	n/a	\$15,975	\$1,800
Role Tailored Dashboard	\$8,500	1 @ \$1,175	\$1,175	1 @ \$1,275	\$1,275	n/a	\$10,950	\$1,530
System Admin & Security	n/a	2 @ \$1,175	\$2,350	n/a	n/a	n/a	\$2,350	n/a
TCM Enterprise	\$38,000	10 @ \$1,175	\$11,750	n/a	n/a	n/a	\$49,750	\$6,840
Treasury Management	\$10,000	2 @ \$1,175	\$2,350	2 @ \$1,275	\$2,550	n/a	\$14,900	\$1,800
Tyler Forms Processing	\$6,500	n/a	n/a	n/a	n/a	n/a	\$6,500	\$2,000
Tyler GoDocs	\$3,500	n/a	n/a	n/a	n/a	n/a	\$3,500	n/a
Tyler Reporting Services	\$12,000	3 @ \$1,175	\$3,525	n/a	n/a	n/a	\$15,525	\$3,000
Work Orders, Fleet & Facilities Management	\$13,750	10 @ \$1,175	\$11,750	5 @ \$1,275	\$6,375	\$12,000	\$43,875	\$2,475
Workflow Finance	n/a	3 @ \$1,175	\$3,525	n/a	n/a	n/a	\$3,525	n/a
Workflow HR	n/a	3 @ \$1,175	\$3,525	n/a	n/a	n/a	\$3,525	n/a

## Tyler Software & Related Services

Description	License	Impl Days	Impl Cost	Consulting Days	Consulting Cost	Data Conversion	Module Total	Year One Maintenance
Workflow Revenue	n/a	3 @ \$1,175	\$3,525	n/a	n/a	n/a	\$3,525	n/a
Sub-Total:	\$340,000		\$141,000		\$38,250	\$83,200	\$602,450	\$63,634
	<i>Less Discount:</i>		<i>\$121,729</i>				<i>\$121,729</i>	<i>\$63,634</i>
<b>TOTAL:</b>	<b>\$218,271</b>	<b>120</b>	<b>\$141,000</b>	<b>30</b>	<b>\$38,250</b>	<b>\$83,200</b>	<b>\$480,721</b>	<b>\$0</b>

## Other Services

Description	Quantity	Unit Price	Extended Price
Install Fee - New Server Install-WIN-CD w/V/S	1	\$6,000	\$6,000
Project Planning Services - D	1	\$6,000	\$6,000
Tyler Forms Financial Library - D	1	\$1,500	\$1,500
Tyler Forms General Billing Library - D	1	\$2,000	\$2,000
Tyler Forms Human Resources Library - B	1	\$1,200	\$1,200
Tyler Forms Permits Library - F	1	\$4,000	\$4,000
Tyler Forms Processing - Configuration - D	2	\$1,000	\$2,000
Tyler Signature Application	1	\$250	\$250
<b>TOTAL:</b>			<b>\$22,950</b>

## Conversion

Description	Price
AC Opt 1 - Actuals	\$1,500
AC Opt 2 - Budgets	\$1,500
AC Standard COA	\$2,000
AP Opt 1 - Checks	\$1,600
AP Opt 2 - Invoice	\$2,400
AP Standard Master	\$1,600
FA Opt 1 - History	\$1,800
FA Std Master	\$3,000
GB Opt 1 - Recurring Invoices	\$2,700
GB Opt 2 - Bills	\$4,000
GB Std CID	\$1,500
IN Opt 1 - Commodity Codes	\$1,200
IN Std Master	\$3,500

## Conversion

Description	Price
PG Opt 1 - Actuals	\$1,500
PG Opt 2 - Budgets	\$1,500
PGA Standard	\$2,000
PR Payroll - Option 1 Deductions	\$1,800
PR Payroll - Option 2 Accrual Balances	\$1,500
PR Payroll - Option 3 Accumulators	\$1,400
PR Payroll - Option 4 Check History	\$1,200
PR Payroll - Option 5 Earnings/Deduction Hist	\$2,500
PR Payroll - Option 6 Applicant Tracking	\$1,400
PR Payroll - Option 7 PM Action History	\$1,400
PR Payroll - Standard	\$2,000
Permits and Code Enforcement - Option 1	\$6,500
Permits and Code Enforcement - Option 2	\$5,500
Permits and Code Enforcement - Option 3	\$5,500
Permits and Code Enforcement - Standard	\$4,500
Purchase Orders - Standard	\$2,700
WO Opt 1 - Work Order Asset	\$3,000
WO Opt 2 - Closed WO History No Cost Data	\$4,500
WO Opt 3 - WO History With Cost Data	\$4,500
<b>TOTAL:</b>	<b>\$83,200</b>

## 3rd Party Hardware, Software and Services

Description	Quantity	Unit Price	Total Price	Unit Maintenance	Total Year One Maintenance
Tyler Secure Signature Key - Additional	1	\$150	\$150	n/a	n/a
Tyler Secure Signature Key with System	1	\$0	\$0	n/a	n/a
Tyler Secure Signature System	1	\$1,500	\$1,500	n/a	n/a
Tyler Unlimited Client AccessLicense	1	\$13,500	\$13,500	n/a	n/a
Tyler Unlimited Client AccessMaintenance	1	n/a	n/a	\$2,700	\$2,700
3rd Party Hardware Sub-Total:			\$1,650		\$0
3rd Party Software SubTotal:			\$13,500		\$2,700
3rd Party Services Sub-Total:			\$0		\$0
<b>TOTAL:</b>			<b>\$15,150</b>		<b>\$2,700</b>

	One Time Fees	Recurring Fees
<b>Summary</b>		
Total Tyler Software	\$218,271	\$0
Total Tyler Services	\$285,400	\$0
Total 3rd Party Hardware, Software and Services	\$15,150	\$2,700
<b>Summary Total</b>	<b>\$518,821</b>	<b>\$2,700</b>

**Comments**

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Prices submitted in the quote include estimated travel expenses incurred in accordance with Tyler's then-current Business Travel Policy. Estimation is based on 3 day on-site trips. Calculated at 49 trips/\$1700 per trip.

Tyler's prices do not include applicable local, city or federal sales, use, excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting. The first annual software maintenance fees which cover the one (1) year period commencing upon installation of the software products are waived. Subsequent annual software maintenance fees will be due on the anniversary of the installation date of the software products at Tyler's then current fees.

For the Tyler software products; upon payment in full of the license fees, you will receive a perpetual site license, however, related third party products may be licensed annually and per concurrent user, not unlimited seat license. On an ongoing basis, you will also be responsible for any related third party fees, including those associated with the addition of users to the configuration, and you shall be responsible for any increases in third party fees.

Tyler's OSDBA Service is calculated at 25% of the MUNIS annual maintenance. There is a \$2,500 minimum annual fee and a \$30,000 maximum annual fee for OSDBA service.

Tyler's Disaster Recovery Service is calculated at 25% of the MUNIS annual maintenance. There is a \$5,000 minimum annual fee and a \$30,000 maximum annual fee for Disaster Recovery service. The Disaster Recovery fees are applicable only to one Live MUNIS database and excludes all test and training databases.

Conversion prices are based on a single occurrence of the database. If additional databases need to be converted, these will need to be quoted.

Tyler provides onsite training for a maximum of 20 people per class. In the event that more than 20 users wish to participate in a training or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

Pricing for Real Estate Tax is a preliminary estimate based on an overall review of the tax process within Sweetwater County. A more detailed discussion to identify any specific calculations or process must take place prior to finalizing any Real Estate Tax pricing.

**Optional Tyler Software & Related Services - not included in Totals**

Description	License	Impl. Days	Impl. Cost	Consulting Days	Consulting Cost	Data Conversion	Module Total	Year One Maintenance
Applicant Tracking	\$2,750	1 @ \$1,175	\$1,175	1 @ \$1,275	\$1,275	n/a	\$5,200	\$495
BMI Asset Track Interface	\$3,800	1 @ \$1,175	\$1,175	1 @ \$1,275	\$1,275	n/a	\$6,250	\$684
BMI CollectIT Interface	\$3,800	1 @ \$1,175	\$1,175	1 @ \$1,275	\$1,275	n/a	\$6,250	\$684
Bid Management	\$6,000	2 @ \$1,175	\$2,350	1 @ \$1,275	\$1,275	n/a	\$9,625	\$1,080
Business License	\$10,000	6 @ \$1,175	\$7,050	2 @ \$1,275	\$2,550	\$8,400	\$28,000	\$1,800

**Optional Tyler Software & Related Services - not included in Totals**

Description	License	Impl. Days	Impl. Cost	Consulting Days	Consulting Cost	Data Conversion	Module Total	Year One Maintenance
Business and Vendor Self Service (client hosted)	\$10,000	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$11,175	\$1,800
Contract Management	\$5,900	2 @ \$1,175	\$2,350	1 @ \$1,275	\$1,275	n/a	\$9,525	\$1,062
Employee Expense Reimbursement	\$6,000	3 @ \$1,175	\$3,525	1 @ \$1,275	\$1,275	n/a	\$10,800	\$1,080
GASB 34 Report Writer	\$11,000	3 @ \$1,175	\$3,525	n/a	n/a	n/a	\$14,525	\$1,980
MUNIS Disaster Recovery Service	n/a	n/a	n/a	n/a	n/a	n/a	n/a	\$15,908
OS/DBA Contract Services	n/a	n/a	n/a	n/a	n/a	n/a	n/a	\$15,908
Payroll w/ESS	n/a	n/a	n/a	n/a	n/a	\$5,600	\$5,600	n/a
Standard Fuel Interface - SeeComments	\$3,800	1 @ \$1,175	\$1,175	1 @ \$1,275	\$1,275	n/a	\$6,250	\$684
TCM 3rd Party Connector	\$3,800	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$4,975	\$684
TCM Advanced OCR	n/a	2 @ \$1,175	\$2,350	n/a	n/a	n/a	\$2,350	\$900
TCM EE Disaster Recovery	n/a	n/a	n/a	n/a	n/a	n/a	n/a	\$9,500
TCM Enterprise Data Import	n/a	2 @ \$1,175	\$2,350	n/a	n/a	n/a	\$2,350	n/a
TCM GIS Viewer	n/a	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$1,175	\$540
TCM Web License	\$5,000	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$6,175	\$900
TCM Web Services Interface	n/a	3 @ \$1,175	\$3,525	n/a	n/a	n/a	\$3,525	\$900
TCM Workflow	\$2,500	1 @ \$1,175	\$1,175	n/a	n/a	n/a	\$3,675	\$450
TCM eCommerce	\$2,500	1 @ \$0	\$0	n/a	n/a	n/a	\$2,500	\$450
Tyler Cashiering	\$21,000	4 @ \$1,175	\$4,700	n/a	n/a	n/a	\$25,700	\$3,780
<b>TOTAL:</b>	<b>\$97,850</b>	<b>37</b>	<b>\$42,300</b>	<b>9</b>	<b>\$11,475</b>	<b>\$14,000</b>	<b>\$165,625</b>	<b>\$61,269</b>

**Optional Other Services - not included in Totals**

Description	Quantity	Unit Price	Extended Price
Estimated Travel Expenses	1	\$85,000	\$85,000
Tyler Forms Business License Library - D	1	\$1,400	\$1,400
<b>TOTAL:</b>			<b>\$86,400</b>

**Optional Conversion - not included in Totals**

Description	Price
BL Opt 1 - Bills	\$4,400
BL Std Master	\$4,000
PR Payroll - Option 10 Certifications	\$1,400
PR Payroll - Option 11 Education	\$1,400
PR Payroll - Option 8 Position Control	\$1,400
PR Payroll - Option 9 State Retirement Tables	\$1,400

**Optional Conversion - not included in Totals**

Description	Price
-------------	-------

**TOTAL: \$14,000**

**Optional 3rd Party Hardware, Software and Services - not included in Totals**

Description	Quantity	Unit Price	Total Price	Unit Maintenance	Total Year One Maintenance
BMI CollectIT Additional Portable Data Terminal	1	\$3,495	\$3,495	n/a	n/a
BMI CollectIT Barcode PrinterKit	1	\$1,295	\$1,295	n/a	n/a
BMI CollectIT Inventory Scanning System	1	\$6,490	\$6,490	n/a	n/a
BMI PA600 Pocket AssetTrak	1	\$2,195	\$2,195	n/a	n/a
BMI-ASSETTRACK-PPC for MUNIS (Incl. Install Fec)	1	\$6,490	\$6,490	n/a	n/a
DELL Cash Station-Complete excluding scanner	2	\$4,300	\$8,600	n/a	n/a
Hand Held Scanner-Model 4600G	2	\$415	\$830	n/a	n/a
<b>3rd Party Hardware Sub-Total:</b>			<b>\$29,395</b>		<b>\$0</b>
<b>3rd Party Software SubTotal:</b>			<b>\$0</b>		<b>\$0</b>
<b>3rd Party Services Sub-Total:</b>			<b>\$0</b>		<b>\$0</b>
<b>TOTAL:</b>			<b>\$29,395</b>		<b>\$0</b>

Unless otherwise indicated in the Contract or Amendment thereto, pricing for optional items will be held for six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: \_\_\_\_\_  
 Print Name: \_\_\_\_\_

Date: \_\_\_\_\_  
 P.O. #: \_\_\_\_\_

All primary values quoted in US Dollars

# Discount Detail

Description	License	License Discount	License Net	Maintenance Basis	Year One Maintenance Discount	Year One Maintenance Net	Impl Net	Consulting Net
Accounting/GL/BG/AP	\$52,250	\$18,287	\$33,963	\$9,405	\$9,405	\$0	9 @ \$1,175	5 @ \$1,275
Accounts Receivable	\$11,000	\$3,850	\$7,150	\$1,980	\$1,980	\$0	4 @ \$1,175	1 @ \$1,275
Central Property File	\$4,200	\$4,200	\$0	\$1,050	\$1,050	\$0	1 @ \$1,175	n/a
Citizen Self Service (client hosted)	\$11,000	\$3,850	\$7,150	\$1,980	\$1,980	\$0	1 @ \$1,175	n/a
Fixed Assets	\$12,000	\$4,200	\$7,800	\$2,160	\$2,160	\$0	3 @ \$1,175	2 @ \$1,275
General Billing	\$5,000	\$1,750	\$3,250	\$900	\$900	\$0	3 @ \$1,175	1 @ \$1,275
HR Management	\$7,700	\$2,695	\$5,005	\$1,386	\$1,386	\$0	6 @ \$1,175	1 @ \$1,275
Inventory	\$11,000	\$3,850	\$7,150	\$1,980	\$1,980	\$0	4 @ \$1,175	1 @ \$1,275
Maplink GIS Integration	\$22,000	\$7,700	\$14,300	\$3,960	\$3,960	\$0	1 @ \$1,175	n/a
Munis Office	\$8,500	\$2,975	\$5,525	\$1,530	\$1,530	\$0	2 @ \$1,175	n/a
Payroll w/ESS	\$16,100	\$5,635	\$10,465	\$2,898	\$2,898	\$0	16 @ \$1,175	2 @ \$1,275
Permits & Code Enforcement	\$55,000	\$19,250	\$35,750	\$11,000	\$11,000	\$0	24 @ \$1,175	4 @ \$1,275
Project & Grant Accounting	\$10,000	\$3,500	\$6,500	\$1,800	\$1,800	\$0	2 @ \$1,175	2 @ \$1,275
Purchase Orders	\$12,000	\$4,200	\$7,800	\$2,160	\$2,160	\$0	3 @ \$1,175	2 @ \$1,275
Requisitions	\$10,000	\$3,500	\$6,500	\$1,800	\$1,800	\$0	4 @ \$1,175	1 @ \$1,275
Role Tailored Dashboard	\$8,500	\$2,975	\$5,525	\$1,530	\$1,530	\$0	1 @ \$1,175	1 @ \$1,275
System Admin & Security	n/a	n/a	n/a	n/a	n/a	n/a	2 @ \$1,175	n/a
TCM Enterprise	\$38,000	\$13,300	\$24,700	\$6,840	\$6,840	\$0	10 @ \$1,175	n/a
Treasury Management	\$10,000	\$3,500	\$6,500	\$1,800	\$1,800	\$0	2 @ \$1,175	2 @ \$1,275
Tyler Forms Processing	\$6,500	\$2,275	\$4,225	\$2,000	\$2,000	\$0	n/a	n/a
Tyler GoDocs	\$3,500	\$1,225	\$2,275	n/a	n/a	n/a	n/a	n/a
Tyler Reporting Services	\$12,000	\$4,200	\$7,800	\$3,000	\$3,000	\$0	3 @ \$1,175	n/a
Work Orders, Fleet & Facilities Management	\$13,750	\$4,812	\$8,938	\$2,475	\$2,475	\$0	10 @ \$1,175	5 @ \$1,275
Workflow Finance	n/a	n/a	n/a	n/a	n/a	n/a	3 @ \$1,175	n/a
Workflow HR	n/a	n/a	n/a	n/a	n/a	n/a	3 @ \$1,175	n/a
Workflow Revenue	n/a	n/a	n/a	n/a	n/a	n/a	3 @ \$1,175	n/a
<b>TOTAL:</b>	<b>\$340,000</b>	<b>\$121,729</b>	<b>\$218,271</b>	<b>\$63,634</b>	<b>\$63,634</b>	<b>\$0</b>		

Tax Wise

Sweetwater County, Wyoming		
Software Proposal Summary		
September 12, 2012		
Description	Taxation and Billing	Totals
<b><u>Software Modules</u></b>		
	\$ 61,950	\$ 61,950
<i>Total Software Modules -----&gt;</i>	<b>\$ 61,950</b>	<b>\$ 61,950</b>
<b><u>Services</u></b>		
Project Management	\$ 9,800	\$ 9,800
Training	\$ 12,880	\$ 12,880
Conversion	\$ 35,000	\$ 35,000
Installation Services	\$ 17,360	\$ 17,360
Custom Development	TBD	TBD
Server Staging	\$ 1,400	\$ 1,400
<i>Total Services -----&gt;</i>	<b>\$ 76,440</b>	<b>\$ 76,440</b>
<i>Total Hardware -----&gt;</i>	<b>\$ -</b>	<b>\$ -</b>
<i>Total Cost -----&gt;</i>	<b>\$ 138,390</b>	<b>\$ 138,390</b>
<b><u>Annual Support Fees</u></b>		
Annual Support Fees prorated to install date	\$ 16,727	\$ 16,727

**Notes:**

- Travel expenses are not included. Actual expenses are billed at the following rates:
  - o Mileage at \$.555 cents per mile
  - o \$40 Hour Travel Time per person
  - o Meals at \$49 per day per person
  - o Motel/Hotel, Airfare, Rental Car - Actual Cost
- Annual Support Fees (ASF) will be prorated to June 30th or December 31st from date of Installation.
- Training, Installation, and Conversion Services are estimated. Client will be billed for actual time incurred.
- If client file export format meets CSA specifications your conversion costs may be less then if CSA develops custom conversion utility based on client data structure.
- Project Management Services include but are not limited to pre-site meetings, internal and client meetings, trip and meeting preparation, scheduling and general project oversight.
- Custom Development specific to your county will be determined at Implementation Meeting.

# Sweetwater County, Wyoming

## Taxation System

September 12, 2012

Software Modules Purchased Description	Purchase Price	Annual Support	Est Training Services	Est Convert Services	Est Install Services
<b>Treasurer Applications</b>					
Taxation and Billing System <span style="float: right;">25,000</span>	\$ 45,500	\$ 12,285	80	250	80
<b>Tax Sale Event</b>	\$ 7,200	\$ 1,944	8		12
o Tracks Tax Sale Event					
o Runs Tax Sale Lottery					
o Purchase Multiple Parcels with One Entity					
<b>iTax Web Portal</b>	\$ 7,150	\$ 1,931	2		12
o Web portal allowing access to data and images via the Internet.					
<b>iTax On-Line Payments</b>	\$ 2,100	\$ 567	2		20
o Ability for taxpayers to make on-line payments via the iTax Module.					
<b>Total Software -----&gt;</b>	<b>\$ 61,950</b>	<b>\$ 16,727</b>	<b>92</b>	<b>250</b>	<b>124</b>
<b>Professional Services Summary</b>					
	<i>qly</i>				
<b>Project Management - note #5</b>	<b>Fixed</b>	\$ 9,800			
<b>Training Services - note #3</b>	<b>92</b>	\$ 12,880			
o On-site Training Class					
o Training Preparation					
<b>Conversion - note #3 &amp; #4</b>	<b>250</b>	\$ 35,000			
o Parcel Master Data					
o Delinquent Tax Data					
<b>Installation Services - note #3</b>	<b>124</b>	\$ 17,360			
o Go Live Assistance					
o Month-end Balancing					
<b>Custom Development Services - note #6</b>		TBD			
o Custom Programming					
<b>Server Staging - note #5</b>		\$ 1,400			
o Installation and Configuration of CSA Software					
<b>Totals -----&gt;</b>		<b>\$ 138,390</b>			<b>\$ 16,727</b>

# Sweetwater County, Wyoming

## Optional Plug-In Modules

September 12, 2012

Optional Software Modules Description	Purchase License Price	Annual Support Fee	Estimated Training Hrs	Estimated Install Hrs
<b>Tax Optional Plug-Ins</b>				
<b>IA Remittance Processing (&gt;50,000 Transactions)</b> o Full Single Workstation License	\$ 8,750	\$ 2,625	12	24
<b>IA Exchange Enterprise Software</b> o Enterprise License Check 21 FED Exchange X9.37 - 2003	\$ 2,500	\$ 675		
<b>TS230 Image/MICR Scanner</b> o LS150-150 Scanner w/inkjet o Advanced Warranty Replacement -2yr o USB 2.0 up to 150 dpm, autofeeder	\$ 2,195			
<b>Shear Tech MJ-2500 Check Jogger</b> o Aligns checks and improves accuracy of scanning	\$ 435			
<b>RSID's</b> o Rural Special Improvement District Assessment	\$ 13,650	\$ 3,686	24	TBD



**New World Systems®**  
The Public Sector Software Company

## Total Cost Summary SWEETWATER COUNTY, WYOMING September 21, 2012

### New World Software and Services

**A. Application Software**

- 1) Licensed Standard Software
- 2) Demonstration Site Discount

**B. Implementation Services**

- 1) Project Management
- 2) Installation and Training
- 3) Interface Installation Service Fee
- 4) Windows Operating System Assurance and Software Installation
- 5) Data File Conversion (Estimate)
- 6) Custom Software/Custom Software Interfaces (Estimate)

**TOTAL ONE TIME COST**

**\$433,400**

### Maintenance

**C. 1) Standard Software Maintenance Agreement (SSMA) (Annual Cost):**

One-Year Warranty from Date of Delivery - Year 1 SSMA	No Charge
Year 2 SSMA	\$50,240
Year 3 SSMA	\$58,420
Year 4 SSMA	\$61,560
Year 5 SSMA	\$64,700

*Subsequent years of Software Maintenance will include a price increase.*

*NOTE: New World's cost is based on all of the proposed products and services being obtained from New World. Should significant portions of the products or services be deleted, New World reserves the right to adjust its prices accordingly.*

*This assumes you are purchasing this directly through New World and not thru an RFP procurement procedure.*

*This Budgetary Proposal is being provided solely for planning purposes and does not constitute a firm offer. An extended review may determine that additional software or service components are necessary.*

*Travel and Living expenses are not included in the Total One Time Cost above. New World estimates there to be 25 trips at \$1,600/trip (may include airfare, hotel, per diem, car rental, gas), or \$40,000. All Travel and Living expenses will be billed on a weekly basis, but only as incurred.*

**CONFIDENTIAL AND PROPRIETARY**

**SWEETWATER COUNTY, WYOMING**

**Budgetary Summary**

**September 21, 2012**

A. LOGOS.NET STANDARD APPLICATION SOFTWARE <sup>1,2,3</sup>		
ITEM	DESCRIPTION	INVESTMENT

**FINANCIAL MANAGEMENT**

1. Logos.NET Financial Management Base Suite
  - General Ledger
  - Budget Management
  - Annual Budget Preparation
  - Accounts Payable
  - Revenue/Cash Receipting
  
2. Logos.NET Additional Financial Management Software
  - Asset Management
  - Grant Management
  - Project Accounting
  - Misc. Billing & Receivables
  - Bank Reconciliation
  
3. Logos.NET Procurement Management Suite
  - Purchasing Base
  - Requisition Processing
  - Bid & Quote Management
  - Contract Accounting
  - Inventory Management

**PAYROLL & HUMAN RESOURCES SUITE**

4. Logos.NET Human Resources Management Base Suite
  - Payroll Processing
  - Personnel Management
  - Position Control
  
5. Logos.NET Human Resources
  - Employee Event Tracking
  
6. Logos.NET Additional Payroll & HR Modules
  - Applicant Tracking
  - Position Budgeting
  - Time & Attendance Interface<sup>5</sup>

**COMMUNITY DEVELOPMENT SUITE**

7. Logos.NET Community Development Software
  - Parcel Management
  - Permits
  - Municipal Inspections
  - Project Planning
  - Code Enforcement
  - Requests for Services Tracking

#### **8. Logos.NET Additional Community Development Modules**

- GIS Integration <sup>6</sup>
  - Community Development
    - Parcel Management (7 screens)*
    - Permits (2 screens)*
    - Municipal Inspections (4 screens)*
    - Code Enforcement (3 screens)*
    - Requests for Services Tracking (1 screen)*
  
- GIS Data Views
  - Community Development
    - Parcel Management (1 screen)*
    - Permits (1 screen)*
    - Municipal Inspections (1screen)*
    - Code Enforcement (1 screen)*

#### **eSUITE**

##### **9. eSuite Base Software**

- 10. eFinance**
  - eSupplier
  - eBid
  - ePayments
  
- 11. eHR**
  - eEmployee
  
- 12. eCommunity**
  - ePermits
  - eRequest

#### **BUSINESS ANALYTICS**

- 13. Finance Analytics**
  - Includes 3-4 users
  
- 14. Human Resource/Payroll Analytics**
  - Includes 3-4 users
  
- 15. Community Development Analytics**
  - Includes 3-4 users

#### **AUTHORIZED USERS**

##### **16. Site License for up to 300 Authorized Users**

Note: A Site License is included for this solution. This Site License entitles Sweetwater County, WY, to 300 authorized users for the Standard Software licensed in Exhibit A, to be divided up between applications. The Site License is available to only the affiliated Public Administration agencies within Sweetwater County, WY.

B. IMPLEMENTATION SERVICES <sup>9</sup>		INVESTMENT
ITEM	DESCRIPTION	

**IMPLEMENTATION**

1. Project Management Services as required:
  - Project Management
  - Overall consultation and communication
  - Monthly status reports and project updates throughout the duration of the project
  - Implementation Plan

Covers period of 12 months from Agreement Execution
  
2. Up to 760 hours of Implementation and Training Services are included for:
  - Software Tailoring and Set Up
  - User Education and Training
  - Other Technical Support
  - Travel Time Included

\* Assumes train-the-trainer approach
  
3. Interface Installation Service Fees:
  - Bank Reconciliation
  - Time and Attendance
  
4. Windows 2008/Operating System Assurance and Software Installation:
  - Install and configure application servers
  - Consult on connectivity to new or existing Windows environment
  - Verify operating system and SQL configuration
  - Verify workstation configuration
  
5. Data File Conversion Pricing Estimates  
 (Up to 3 files from the following possible sources are included)
  - Financial**
    - Vendor Information
    - General Ledger/Budget History
  - Payroll**
    - Employee Information

*New World will be happy to discuss the conversion of any additional data files which Customer may wish to convert. If required, travel and expenses are billed at actual cost.*
  
6. CUSTOM SOFTWARE/CUSTOM SOFTWARE INTERFACES (Estimate)<sup>10</sup>
  - Laserfiche Document Imaging Interface: Enables the user to directly access a 3rd Party Document Imaging application to view scanned documents associated to a transaction or master record. Functionality is currently available in the following areas: Accounts Payable Invoices, Payments (Checks), Revenue Collection Receipts, Journals, Purchase Orders, Requisitions and Employees.
  - Interface to Executime
  - Interface to Realware (Assessment solution)
  - Interface to CSA (Taxes)
  - Interface to Seirix (Benefits on-line enrollment)

*Preliminary pricing only - a more detailed description of the interface must be provided prior to obtaining final pricing prior to contract execution.*

<b>TOTAL ONE TIME COSTS</b>	<b>\$433,400</b>
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C. MAINTENANCE		
ITEM	DESCRIPTION	INVESTMENT

**1. STANDARD SOFTWARE MAINTENANCE AGREEMENT (SSMA) (Per Year Cost)**

Based on a 5-year plan; SSMA to begin at the end of the warranty period.

One-Year Warranty from Date of Delivery - Year 1 SSMA	No Charge
Year 2 SSMA	\$50,240
Year 3 SSMA	\$58,420
Year 4 SSMA	\$61,560
Year 5 SSMA	\$64,700

1.5-2%

Subsequent years of Software Maintenance will include a price increase.

SSMA for years 3 through 5 each contain 40 hours of additional training services.

Someone on site

D. TRAVEL AND LIVING EXPENSES (estimate)		
ITEM	DESCRIPTION	INVESTMENT

**1. TRAVEL EXPENSES (estimate)**

25 trips at \$1,600/each	\$40,000
- Includes airfare, car rental, hotel accommodations, and per diem.	

PRICING VALID THROUGH NOVEMBER 16, 2012.

**OPTIONAL APPLICATION SOFTWARE**

A. LOGOS.NET STANDARD APPLICATION SOFTWARE 1,2,3		
ITEM	DESCRIPTION	INVESTMENT

**FINANCIAL MANAGEMENT**

- Logos.NET Additional Financial Management Software
  - Grant Management
  - Government (GASB) Reporting

**BUSINESS ANALYTICS**

- Dashboards for Financial Management
- Dashboards for Human Resources
- Dashboards for Community Development

Note: The above software modules vary in cost from \$6,000 to \$11,000 each. The Customer has the ability to add them at any time to the proposed configuration. Training and Support Services costs as well as Maintenance (SSMA) costs for these optional modules are not included on the preceding pages, however, they may be easily incorporated into the proposal upon determination of the final software package.

PRICING VALID THROUGH NOVEMBER 16, 2012.

### ENDNOTES

- <sup>1</sup> *Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.*
- <sup>2</sup> *New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.*
- <sup>3</sup> *Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.*
- <sup>5</sup> *Time & Attendance interface is a two-way interface. Additional support may be required for 3rd Party changes; not included in SSMA.*
- <sup>6</sup> *GIS integration currently supports either ESRI's ArcIMS or ArcGIS Server software; the ArcIMS and ArcGIS Server software and any services related to the installation and setup of ArcIMS or ArcGIS are not included in this proposal. The ArcIMS or ArcGIS Server software would need to be purchased, installed and setup separately.*
- <sup>7</sup> *Prices assume that all software proposed is licensed. Prices are quoted as preliminary estimates only and are subject to further clarification and confirmation.*
- <sup>8</sup> *Licensed Software, and third party software embedded therein, if any, will be delivered in a machine readable form to Customer via an agreed upon network connection. Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.*
- <sup>9</sup> *Travel and expenses are not included as they are billed at actual cost.*
- <sup>10</sup> *Custom interface will be operational with existing third party software. Any subsequent changes to third party applications may require additional services.*

**SOFTWARE COSTS AND FEES**

**OPTION ONE**

Description	Product Code	Qty	Unit Price	Total Price
Laserfiche Avante Server for MS SQL with Workflow	MSE30	1	\$5,000.00	\$5,000.00
Standard Public Portal License (25 Connections)	MPP1	1	\$25,000.00	\$25,000.00
Named Full Users	MNF05	25	\$500.00	\$12,500.00
<b>Software Total:</b>				<b>\$42,500.00</b>
<b>Annual Basic Support:</b>				<b>\$8,500.00</b>
<b>Subtotal (Software &amp; Support):</b>				<b>\$51,000.00</b>
<b>Installation and Initial Training:</b>				<b>\$5,000.00</b>
<b>Project Total:</b>				<b>\$56,000.00</b>

**OPTION TWO**

Description	Product Code	Qty	Unit Price	Total Price
Rio with Records Management Edition - Named Users Includes unlimited servers, unlimited repositories, WebAccess, Digital Signatures and Audit Trail	EMPL25	35	\$990.00	\$34,650.00
Pilot Public Portal License 25 connections	PPM25	1	\$25,000.00	\$25,000.00
Quick Fields Complete	QFX	1	\$15,000.00	\$15,000.00
Quick Fields Agent	QFA	1	\$10,000.00	\$10,000.00
<b>Software Total:</b>				<b>\$84,650.00</b>
<b>Annual Basic Support:</b>				<b>\$16,930.00</b>
<b>Subtotal (Software &amp; Support):</b>				<b>\$101,580.00</b>
<b>Installation and Initial Training:</b>				<b>\$5,000.00</b>
<b>Project Total:</b>				<b>\$106,580.00</b>

# Board of County Commissioners Agenda

County Commissioner's Meeting Room  
October 16, 2012 - 1:30 pm  
80 West Flaming Gorge Way  
Green River, Wyoming

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## **PUBLIC HEARINGS:**

1. Zoning Resolution Language Amendment of WECS Regulations and Fees  
Notice of Intent
2. Zoning Resolution Language Amendment of WECS Fees  
Notice of Intent

**PUBLIC HEARING  
ITEM # 1**

**PROPOSED 2012 ZONING RESOLUTION  
LANGUAGE AMENDMENT  
TO REPEAL & REPLACE WIND FARM  
REGULATIONS  
NOTICE OF INTENT**

**BOARD OF COUNTY COMMISSIONER MEETING  
OCTOBER 16, 2012**

**Presenter: Eric Bingham**

Prepared by:

Sweetwater County Land Use  
80 West Flaming Gorge Way, Suite 23  
Green River, Wyoming 82935  
307-872-3914

ENXCO: June 1, 2012 Letter **See Exhibit B**  
ENXCO: July 6, 2012, Letter **See Exhibit C**  
ENXCO: Recommended Changes on P&Z Recommended Language **See Exhibit D**  
RSGA: June 7, 2012 Letter **See Exhibit E**  
RSGA: July 24, 2012 Letter. **See Exhibit F**  
Clark Stith: January 10, 2012 Letter **See Exhibit G**  
Clark Stith: June 12, 2012 Letter **See Exhibit H**  
Clark Stith: June 13, 2012 Submittal of article titled "Infrasound from Wind Turbines Could Affect Humans" **See Exhibit I**

**CERTIFIED RECOMMENDATION 12-06-PZ-01**  
**LANGUAGE AMENDMENT – SWEETWATER COUNTY ZONING RESOLUTION**  
**SECTION 17 - WIND ENERGY CONVERSION SYSTEM REGULATIONS**

WHEREAS, on May 12, 2012 the Sweetwater County Land Use Department advertised that a public hearing would be held on June 13, 2012 at 10:00 a.m. proposing to repeal and replace Section 17 of the Sweetwater County Zoning Resolution concerning Wind Farm Regulations, and;

WHEREAS, the Sweetwater County Planning and Zoning Commission held a public workshop on June 12, 2012 regarding this *Language Amendment to the Sweetwater County Zoning Resolution*, and;

WHEREAS, the Sweetwater County Planning and Zoning Commission at their public hearing on June 13, 2012 requested and received public comment, and;

WHEREAS, after due consideration and discussion of all public comments received, the Planning and Zoning Commission voted 3-1 to recommend to the Sweetwater County Board of County Commissioners to repeal and replace Section 17 of the Sweetwater County Zoning Resolution regarding Wind Farm Regulations as stated in the attached document;

NOW THEREFORE be it resolved that the Sweetwater County Planning and Zoning Commission recommends that this Language Amendment be APPROVED.

Dated this 13<sup>th</sup> day of June, 2012

Attest:



Steven Dale Davis, County Clerk

Sweetwater County  
Planning & Zoning Commission

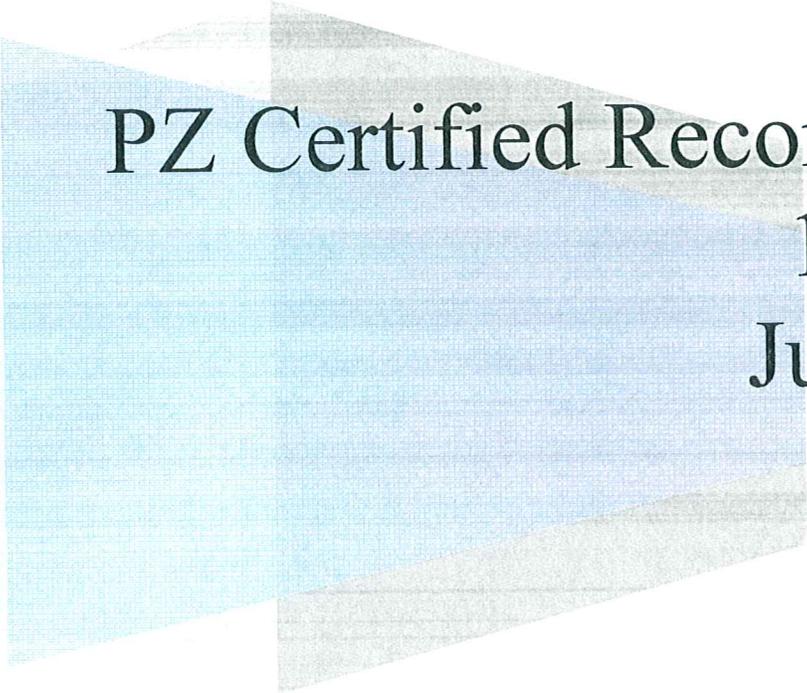


Dan Scheer, Chairman

# Section 17

## Draft Wind Energy Regulations

Sweetwater County



PZ Certified Recommendation

12-06-PZ-01

June 13, 2012

## Section 17. Wind Energy Conversion Systems Table of Contents

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## **A. Overview**

This Section provides the regulatory framework for Wind Energy Facilities. The regulations within this Section are in addition to relevant development standards and regulations in other parts of this Zoning Resolution and apply to all unincorporated areas of Sweetwater County. Unless otherwise provided, the requirements of this Section are in addition to the zone district requirements set forth in the Sweetwater County Zoning Resolution.

## **B. Intent and Purpose**

The intent of these regulations is to: provide for public safety, prevent hazards from the construction of commercial and non-commercial Wind Energy Facilities, preserve environmental, historical and cultural resources, maintain the custom and culture, and to sustain the diverse existing uses of the land. In addition, the purpose is to consider and require carefully planned and compatible Wind Energy Facilities in Sweetwater County;

## **C. Definitions**

- 1) "Applicant(s)" means owner or developer.
- 2) "Application Submittal Meeting" means a mandatory meeting that the applicant shall schedule and attend for the purposes of the Department providing a summary review of the WECS Facility Application.
- 3) "Biologically Significant" means those species of plant or animal that are deserving of special management under the applicable State or Federal Agency.
- 4) "Bird Diverter Standards" means the requirements of BLM *"Appendix K MET Tower Requirements for Wildlife"* for flagging guy wires to reduce avian injuries or fatalities.
- 5) "Blade Glint" means small bright flashes of reflected light from a wind generation device.
- 6) "Board" means the Sweetwater County Board of County Commissioners.
- 7) "Commencement of Construction of a WECS Facility" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of any WECS Facility Structure
- 8) "Commercial WECS Facility" means WECS Facility that produces more than 7.5 kilowatts.
- 9) "County" means Sweetwater County.
- 10) "dBA" means A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz.
- 11) "dBC" means The measurement of sound pressure level which is designed to be more responsive to low-frequency noise C-weighting is intended to represent to low-frequency.
- 12) "Decommissioning" means the removal from service, disassembly, and proper off-site disposal of the facility components.

- 13) "Department" means the Sweetwater County Land Use Department
- 14) "Developer" means a land owner, person, contractor, subcontractor or their successors and assigns that have obtained permission from the owner by way of a lease, a contract or otherwise, to construct a WECS Facility on owner's land. The developer may be the applicant for a WECS Facility Permit.
- 15) "Endangered Species" means the classification provided by the U.S. Endangered Species Act to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.
- 16) "Financial Assurance" means a security serving as collateral in the form of a surety bond, certificate of deposit, corporate guarantee, letter of credit, deposit account, insurance policy or other form acceptable to Sweetwater County to insure proper decommissioning, reclamation activities, and compliance with the Road Use and Maintenance Agreement.
- 17) "Foundation" means support for a buildings or structures: a part of a building or structure, usually below the ground, that transfers and distributes the weight of the building or structure onto the ground.
- 18) "Greater Sage Grouse Core Area" means that sage grouse management and protection area as defined by the 2011-5 Executive Order issued by the Wyoming Governors Office *as amended*.
- 19) LGrowth Management Area – The total area covered by Exhibit A of the Growth Management Plan.
- 20) "Industrial Siting Council" means the council created by W.S. 35-12-104, This definition is enabled by W. S. 18-5-501(a)(i). (County Attorney Office Comment)
- 21) MET tower means a tower that measures wind speed for the purposes of gathering data for a Commercial WECS Facility.
- 22) "Nacelle" means the part of the wind turbine which houses a drive train and all other related components that support the electrical generation system. .
- 23) "Net Metering" means a facility for the production of electrical energy that:
  - a) Uses wind as its prime mover;
  - b) Has a generating capacity of not more than 7.5 kilowatts;
  - c) Is located on the applicant(s)/owner(s) premises;
  - d) Operates in parallel with the electric utility's transmission and distribution facilities; and
  - e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.
- 24) "Non-Commercial WECS Facility" means a WECS Facility with a single Wind Generation Device and with a generating capacity of 7.5 kilowatts or less located on property owned solely by the Applicant(s) to generate electricity for the Applicant's primary use, and is operated solely by the Applicant(s).
- 25) "Operator" means the primary person responsible for managing and maintaining the WECS Facility, once the WECS Facility becomes functional by producing electricity.
- 26) "Original Grade" means pre-development grade of the surface
- 27) "Owner" means the surface owner of land. This definition is enabled by W.S. 187-5-501(a)(iv)

- 28) "Permanent MET Tower" means a tubular, non-lattice and non-guyed MET Tower.
- 29) "Person" means and includes an individual, group, firm, partnership, corporation, cooperative, association, or other legally established entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a person.
- 30) "Pre-Application Meeting" means a meeting with the Department at the request of the applicant for the purpose of providing an overview of Sweetwater County's regulations, review of the proposed project.
- 31) "Primary Structures" means residences and occupied commercial or industrial buildings. Primary structure excludes structures such as storage sheds, and other non-occupied structures.
- 32) "Qualified Professional" means a person with professional training, certification, experience and expertise in an area of concern such as environmental, engineering, surveying, economics and architecture, who is retained by the Applicant for the purposes of completing work required by these regulations. The Board reserves the right to review the credentials of each person hired by the applicant to perform work as a qualified professional.
- 33) "Shadow Flicker" means the visible flicker effect when rotating blades of the WECS cast shadows on adjacent property causing a repeating pattern of light and shadow.
- 34) "Significant Shadow Flicker" means more than 30 hours per year of shadow flicker on the property, of others property, where they work or reside.
- 35) "Special Status Species" means a plant or animal species that requires administrative protection or special management as required by state or federal law. Examples of Special Status Species include: Threatened, Endangered, or a Proposed Species under the Endangered Species Act, BLM Sensitive Species; or Wyoming's Species of Greatest Conservation need.
- 36) "Substation" means the apparatus that connects the collector system of the WECS and increases the voltage for connection to the off-site transmission lines.
- 37) "Temporary MET Tower" means a tubular, non-lattice, lattice, guyed or non-guyed MET Tower erected for a specific term as may be extended pursuant to Section E.3.c.3 of these regulations.
- 38) "Threatened species", under the Endangered Species Act, means an animal or plant species, as determined by the U.S. Fish and Wildlife Service that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
- 39) "Transmission Lines" means non-utility owned electrical transmission lines.
- 40) "Wilderness Characteristics" means lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2.c. of the Wilderness Act.
- 41) "Wind Energy Conversion System" ("WECS") is interchangeable with WECS Facility
- 42) "WECS Facility" means anything that is a necessity or a component that exists for the project and is a part of the WECS Project. The WECS Facility includes but is not limited to the following systems and components: WECS and associated support facilities including, roads, substations, collection systems, gathering systems, transmission lines, operation and maintenance buildings, primary structures, ancillary facilities, components and equipment, and Wind Generation Device as

specified in the application. A WECS Facility includes, but is not limited to, a Wind Energy Facility. The WECS Facility includes WECS Facility Phases planned by the Developer.

- 43) "WECS Facility Area" means that region of land whose boundary is legally defined and established by the developer that encompasses the boundaries of all planned WECS Facility Phases and contains all elements for all WECS Facility Phases provided however that the boundary may not extend beyond property owned or controlled by the developer.
- 44) "WECS Facility Boundary" means the legally described limits of the WECS Facility Area that contains all the elements of a WECS Facility and the area encompassed by all planned WECS Facility Phases
- 45) "WECS Facility Phase" means a portion of the WECS Facility and WECS Facility Area that the Developer chooses to develop at a future time, leaving the remainder of the WECS Facility to be developed as one or several additional construction units or projects.
- 46) "WECS Tower" means the support structure to which the nacelle and rotor is attached.
- 47) "Wind Generation Device" means all components associated with a single device that uses wind as a prime mover for the production of an electrical resource.
- 48) "Wind Generation Device Height" means the distance from the highest point of the device to the original surface grade.

#### **D. Commercial WECS Facility Application Requirements**

No person shall commence or construct a Commercial WECS Facility without obtaining the required permit from the Board.

Non-Commercial WECS Facilities and MET towers will be administered in accordance with the Non-Commercial WECS Facilities requirements of these regulations.

Commercial WECS Facilities shall be administered as provided below:

- 1) WECS Facility Permit Application for a Commercial WECS Facility including all WECS Project Phases shall be accompanied with the following information:
  - a) **Fee:** The Applicant shall submit a fee as required in Section N. in this Regulation and Section 23 of the Sweetwater County Zoning Resolution.
  - b) **Copies:** The Application submittal to the Department shall be accompanied by twenty hard copies and two digital copies of a complete WECS Facility Permit Application.
  - c) **Certifications:** County Attorney Approved Certifications, Affidavits, Consents, and Acknowledgements: All certifications, affidavits and acknowledgements required of the Applicant by these Regulations must meet the approval of the Sweetwater County Attorney's Office.
  - d) **Owner consent:** Letters from all surface property owners upon which the WECS Facility will be located or other legal documentation (memorandum of lease, etc.) which demonstrate consent of owners for the WECS Facility.

- e) **Contact information:** The names, addresses, telephone numbers and email addresses of the applicants, developers, operators and owners of land within the WECS Facility.
- f) **Public Utility Information:** Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission, if applicable.
- g) **Adjacent land owners' contact information:** The names, addresses, telephone numbers and email addresses of all adjacent surface property owners' within 2640 feet of the WECS Facility Boundary.
- h) **General Scope of WECS Facility:** Relevant information on the project including general location of the project, timeframe for construction including the schedule for phasing, project life, markets for the electricity produced, and status of power purchase agreement.
- i) **Summary of the WECS Facility:** Provide a description of the WECS Facility including its total nameplate generating capacity and a nameplate capacity of each turbine, the equipment manufacturers, types of wind generation devices, complete component list of WECS, number of Wind Turbines, the maximum wind turbine height, maximum blade tip speed, the maximum diameter of the rotor, and the minimum distance between the ground and the rotor.
- j) **WECS Facility Site Plan:** WECS Facility Site Plan shall include the following:
  - i. Drawings, prepared by a Professional Engineer and Surveyor Licensed in the State of Wyoming, prepared to a suitable scale, on 24" X 36" sheets and two digital copies, depicting the layout of the following:
    1. All existing structures, right of ways, and above and below ground facilities within the WECS Facility Area and within 2640 feet of the proposed WECS Facility Boundary. If access is not attainable outside the WECS Facility Boundary, the applicant shall propose to the Board of an alternative plan that addresses any impact the project causes to any existing structures above and below ground and R.O.W.'s outside of the WECS Facility Boundary.
    2. All proposed WECS Facility components and structures, right of ways, and above and below ground facilities within the WECS Facility Area and within 2,640 feet of the WECS Facility Boundary including, but not limited to the following:
      - a. WECS Facility boundary lines, property lines prepared by a Wyoming Licensed Surveyor.
      - b. Topographic lines showing the existing topography of the project and the surrounding area (USGS or other topographic maps may be utilized).
      - c. All existing and proposed public and private access roads and turnout locations including dimensions.
      - d. Utilities, pipelines and similar facilities.
      - e. Proposed location of each WECS Tower.
      - f. Project reference number for each WECS Tower.

- g. Anchor bases and all supports
  - h. Layout, use and dimension of all structures and ancillary equipment within the WECS Facility Area, within 2640 feet of the WECS Facility Boundary and within the geographical boundaries of any applicable setback, identify all setback distances for all structures and ancillary equipment.
  - i. Fencing detail.
  - j. A Complete electrical layout of the entire WECS facility project including substation locations, transmission, collector and gathering lines and other ancillary facility components.
  - k. Map of Dominant Wind Characteristics: A non-proprietary map showing wind characteristics and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows.
- k) **Property description and Vicinity Map:** Property description which includes a general vicinity map of the WECS Facility and a legal description of the WECS Facility boundary (i.e. NW1/4, SE1/4, Sec 2, T42N, R6W), and acreage within this Boundary.
- l) **Construction Site Plan:** A construction site plan and narrative showing and explaining all components necessary during the project construction phase, including but not limited to batch plants, stock piles, office trailers, lay down yards, water storage, health and sanitation facilities. This site plan shall be drawn to a suitable scale on 24" X 36" sheets and submitted in digital format.
- m) **Environmental Report and NEPA Compliance:** All applicants are required to prepare and submit to the County an Environmental Report. For those applicants who have complied with the requirements of a published Draft Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA), those applicants may request a waiver, from the Board, of some or all of the requirements of the Environmental Report. If no report has been prepared pursuant to NEPA, the Board may grant a waiver or partial waiver if the Applicant submits an environmental report prepared for the Industrial Siting Council. Said environmental report must satisfy all the requirements of this section. No waiver shall be provided unless the applicant can demonstrate that the contents of the Draft Environmental Impact Statement or the Industrial Siting Council, if applicable, substantially match, in whole or in part, the requirements of the Environmental Report herein. These Reports must be prepared by Qualified Professionals and submitted with the WECS Facility Permit Application, and include the following:
- i. All applicants shall present an Environmental Report which contains the following specific report requirements; however, certain requirements and standards will be required of all applicants as specifically designated in **Section 17.E.**
    - Wildlife and Habitat
    - Historical, Archeological and Cultural Resources
    - WECS Facility
    - Social and Economic
  - 1. Wildlife and Habitat: A report that includes a survey of all of the wildlife and habitat within the WECS Facility Area and in any Biologically Significant area surrounding the WECS Facility Area (as determined by the Wyoming Game and Fish Department or governing

federal agency). Wildlife mitigation and monitoring plan shall be prepared if recommended by the Wyoming Game and Fish and/or Federal Agency.

Said report shall address:

- a. All special status species
  - b. The presence of elk, mule deer, antelope and other mammal populations.
  - c. All avian species present, including raptors and other migratory birds. Said report shall include the important habitat for those avian species, such as nesting, stop-over sites, roost sites, and hunting perches.
  - d. All bats, both resident and migratory. Said required report shall include surveys for hibernacula, maternity roosts and colonial roost sites.
  - e. All wildlife crucial ranges including winter ranges, parturition areas, nesting areas, fish spawning areas, migration corridors and similar areas that are critical to wildlife.
  - f. All sage grouse core areas, leks and winter concentration areas.
  - g. Wildlife Studies and Surveys shall be performed in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
    - i. A Wildlife Impact Mitigation Plan which must be prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
    - ii. A Wildlife Monitoring Plan, to monitor the effects of the developed WECS Facility on wildlife. This plan shall be prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
  - h. An inventory of all flora and the anticipated impacts to the flora within the WECS Facility Area and a flora mitigation plan prepared by a qualified professional, if determined necessary by the appropriate agency.
  - i. A report, prepared by a qualified engineer, detailing water quality, supply, demand, disposal of water during the construction and maintenance of the WECS Facility, and the Project's effect on water wells within the WECS Facility vicinity. This report shall include a water impact mitigation plan, if the report identifies significant adverse impacts.
  - j. An inventory of wetlands and riparian areas and any anticipated impacts to these areas within the WECS Facility Area, and an appropriate mitigation plan prepared by a qualified professional, if determined necessary by the appropriate agency.
2. Archaeological and Historical Resources: The WECS Facility Reporting Requirements Shall Include the Following:

- a. The applicant(s) shall coordinate with appropriate agencies for matters concerning archaeology studies, historical importance and any other relevant federal, state and local issues and shall include any information received in the application.
3. WECS Facility : The WECS Facility Requirements shall include a report on the following including any necessary mitigation measures:
    - a. dBA-weighted and dBC-weighted noise levels at the project boundary line and at the nearest primary structure to the project boundary line.
    - b. The effect on Areas of Critical Environmental Concern, County and State Parks, Wilderness Study Areas, lands with wilderness characteristics, Historical Areas and Trails, and other similar areas.
    - c. The Applicant(s) shall provide certification and evidence that there will be no electromagnetic interference, caused by the WECS Facility, on any emergency and non-emergency telecommunication providers within Sweetwater County.
    - d. All reasonable public safety concerns as to the potential hazards to properties, public roadways, communities, subdivisions, that may be adjacent to, or within five miles of the WECS Facility Boundary.
    - e. Public and private aviation and airports/airstrips.
    - f. Potential hazards from ice throw.
    - g. Impact of shadow "flicker" on residences and occupied structures from any WECS Facility, and estimated duration of the shadow flicker in hours per year.
    - h. Light impact on neighboring properties and communities
    - i. Potential hazards of 'blade glint'.
    - j. Identify fire hazards and mitigation measures.
    - k. Potential hazards from collapse of damaged turbines or other system components caused by severe storms or other circumstances.
  4. Social and Economic: The Social and Economic Reporting Requirements shall include the following and any mitigation measures to address adverse social and economic impacts :
    - a. The estimated amount of property, sales, and other taxes to be generated by the project in Sweetwater County and outside of Sweetwater County.
    - b. Estimated local expenditures of construction materials in Sweetwater County.
    - c. The estimated number of construction jobs and estimated construction payroll. Number of local construction job opportunities.
    - d. Summarize the construction workforce spending in Sweetwater County.

- e. Number of federal, state and local government jobs effected and added as a result of the WECS project.
  - f. The estimated number of permanent jobs and estimated continuing payroll.
  - g. The demographic characteristics of the construction and permanent work force including workers, family members and any adverse impacts on local infrastructure i.e. schools, housing, EMS, Local and State Government, law enforcement, health, etc.
  - h. The estimated costs of the WECS Facility's impacts on roads or other public infrastructure.
  - i. A mitigation plan to address all adverse socio-economic impacts which have been identified.
- n. **Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan:** A Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan, for each phase of the project, shall be prepared by a Wyoming Professional Engineer and drawn to scale and include, but not be limited to the following:
- ii. Drainage calculations based on a 25 year storm event unless the location, terrain, topography dictate a higher amount.
  - iii. Existing and proposed contours
  - iv. Historic and produced flows
  - v. Existing wetlands
  - vi. Established floodways
  - vii. Existing and proposed roadways
  - viii. Water management structures
  - ix. Drainage through the WECS Facility area
  - x. Effects on downstream and upstream properties
  - xi. Erosion mitigation and runoff control
  - xii. Dust Control
  - xiii. A mitigation plan that addresses the risks of erosion and flooding, including flooding on all adjacent, and upstream and downstream properties.
- o. **Waste management plan:** A waste management plan that includes an inventory of estimated solid wastes to be generated, and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WECS Facility. [Wyoming Statute 18-5-503(a)(vi)]
- p. **Transportation Plan.** A plan prepared in accordance with Section 17.F. [Wyoming Statute 18-5-503(a)(vii)]
- q. **Emergency Management Plan:** Applicant(s), Project Owner(s) or Operator(s) shall submit a written emergency management plan for review and comment to the County and local fire department, County Emergency Management Coordinator and the County Sheriff. If the WECS Facility extends into another county, the emergency plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other county. If the WECS Facility Permit is granted, the plan shall be supplemented and revised following construction of the WECS Facility and prior to its operation, if there are any variations in the project construction which would

materially impact the original emergency management plan. [Wyoming Statute 18-5-503(a)(v)]

- r. **Reclamation and decommissioning plan:** Provide a site and facility reclamation and decommissioning plan in accordance with Section H & I of these regulations; and, [Wyoming Statute 18-5-503(a)(x)] In addition, the applicant shall certify that any owner, who is not the applicant, has been notified of the requirements of the reclamation and decommissioning plan.
- s. **Certification to provide As-built drawings** A certification that as-built drawings will be provided in compliance with Wyoming Statute 18-5-503(a) (viii) and that the developer acknowledges that all WECS structures shall be constructed no greater than 50 feet from the locations identified with the WECS Facility Permit subject to there can be no adverse change in view shed or in the environmental assessment.
- t. **Certification of Compliance with Zoning and Land Use Regulations:** Certify that the proposed WECS Facility will comply with the Sweetwater County Zoning Regulations and all other applicable Sweetwater County Development Codes and Land Use Regulations [Wyoming Statute 18-5-503(a)(iv)]. Additionally, if explosives are to be stored on site, a Conditional Use Permit for Storage of Explosives is required.
- u. **Certification of Compliance with Wyoming Statutes:** Certify that the proposed wind energy facility will comply with all the standards required by Wyoming Statute 18-5-504, if Sweetwater County has not adopted more stringent standards. If Sweetwater County has adopted more stringent standards, the certification requirement shall apply to the more stringent standards.
- v. **Certification of Compliance with Noise Standards:** Certification that the WECS project facility will not exceed 45 dBA and 45 dBC at the project boundary line and at the nearest structure to the property line.
- w. **Coordination with Local, State and Federal Agencies:** A list of all local, state and federal agencies requiring approval and the projected timeline for obtaining approval from these agencies. If approved, provide a copy of such approval, including all required studies, reports and certifications. When a WECS Facility requires a Federal National Environmental Policy Act (NEPA) document and approval, the applicant shall submit with its Application for WECS Facility Permit a completed published electronic Draft NEPA document required by the governing Federal Agency for the proposed WECS Facility.
- x. **View shed impact analysis and proposed mitigation measures report:** Provide an accurate visual simulation of the WECS Facility structures and components by showing a minimum of 25 key vantage points providing the worst case scenario, in coordination with the Department, that are representative of the diverse public usage of the land including recreational, residential, and business. These vantage points shall consider a 360 degree view of the project site, and provide a report including the following:
  - i. Analysis of the view shed impacts and mitigation program for all identified view shed impacts; and,
  - ii. Evaluation of Federal Aviation Administration (FAA) approved Audio Visual Warning Systems (AVWS); and,

- iii. Visual rendering of the proposed WECS towers, blades and other WECS Facility structures and facilities with color scheme represented on a clear day.
- y. **Certification of Advertising and promotional lettering:** Certify that there shall be no advertising or promotional lettering on any WECS Facility Structure, WECS tower, turbine, nacelle or blade, beyond the manufacturer's or applicant's logo on the nacelle of the turbine, as approved by Sweetwater County.
- z. **Publication of notice in newspaper:** Certify that notice of the WECS Facility will be published in the official newspaper of Sweetwater County and the official newspapers of all counties in which the proposed WECS Facility is located. This notice shall be published in all newspapers at least twice in two (2) different weeks, at least twenty (20) days prior to the Board of County Commissioners public hearing on the application. The notice shall include a brief summary of the wind energy facility, invite the public to submit comments and identify the time and date of said hearing. [Wyoming Statute 18-5-503(a)(ii)]
- aa. **Required Supporting Letters and Reports** addressing issues or concerns within the WECS Facility Area and Surrounding Region:
  - iv. Wyoming Game and Fish: A letter or report from the Wyoming Game and Fish addressing any environmental issues concerning endangered or threatened species, wildlife migrations or protected populations.
  - v. Wyoming State Historic Preservation Office: A letter or report from the Wyoming State Historic Preservation Office addressing any historic, cultural or archaeological resource.
  - vi. Sweetwater County Conservation District: A letter or report from the Sweetwater County Conservation District addressing soil conditions and erosion within the WECS Facility Area.
  - vii. Wyoming Department of Environmental Quality: A letter or report from the Wyoming Department of Environmental Quality addressing any land and water quality issues.
  - viii. FAA and Airport Notification and Letters of Approval: Provide letters from the FAA and the owners of the potentially affected public and/or private airports or airstrips demonstrating that the affected entities have been notified of the pending WECS Facility.
- bb. **Notice of Mineral Rights:** Notice of Record; Owner(s) or Applicant(s), shall certify that notice has been provided to the record owners and claimants of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice shall contain the following information: 4) location of proposed WECS towers; location of underground wiring; such notice may include notice by publication. The certification of notice shall be provided with the application. The notice shall comply with all standards and requirements adopted by the Industrial Siting Council, as provided below: [Wyoming State Statute 18-5-504(c)]
  - ix. Notification requirements of mineral rights adopted by the Industrial Siting Council are as follows:

1. Notice to record owners of mineral rights. Before submitting the application, the applicant shall provide notice to record owners of mineral rights located on or under the land where the proposed facility will be constructed.

- a. The notice shall consist of a statement of the applicant's intention to construct the project, features of the project, a legal description of the boundaries of the project, locations where the application may be examined, and persons to contact for additional information.
- b. The notice shall be mailed by first class mail to all record owners of mineral rights whose identity and current addresses are readily obtainable from publicly available documents.
- c. The notice shall be published twice in a newspaper of general circulation in the county or counties where the project is to be located at least 20 days prior to the public hearing.
- d. The notice and details of steps taken to notify the record owners of mineral rights shall be entered into the record.

cc. **Notice Requirements.** An affidavit by the Applicant(s) shall be submitted which certifies that the Applicant(s) has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Wind Energy Facility. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress and egress. The affidavit shall attest that notice was mailed to those owners of record on file at the Sweetwater County Clerk's Office. [Wyoming Statute 18-5-503(a)(i)]

**E. WECS Facility Compliance Standards:** The following standards are to be achieved by each Commercial WECS Facility whether it has been analyzed by NEPA or not. The final decision on whether or not a particular standard is achieved by a Commercial WECS Facility shall be made by the Board. The project shall also be installed as approved by the Board.

- 1) **WECS Facility Safety:** WECS Facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public infrastructure, communities, aviation, etc. that may be created. The following lists public safety matters that shall be addressed and implemented in the development of the WECS Facility.
  - a) **Design Safety Certification:** WECS Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC). Concurrently with permits for construction, the Applicant(s) shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
  - b) **Construction Standards:** All WECS Facility structures and components shall conform to the most recent edition of the International Building, Plumbing, Fire,

Mechanical, and Fuel Code, and the National Electrical Code. Before the construction permit is issued, the applicant shall provide drawings stamped by a Wyoming Professional Engineer certifying that all structures comply with the applicable code standard.

- c) Airport and Aircraft Safety: WECS Facilities shall comply with applicable FAA regulations and comply with conditions regarding WECS Facility installation established by affected airports. If approved by the FAA, all WECS Facilities shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
  - d) Retro-fitting AVWS Systems: If a WECS Facility is approved without having an AVWS system installed, the applicant, operator or owner shall install an AVWS system within one year of when AVWS systems are approved by the FAA and made available.
  - e) Marking Guy Wires and Anchor Points: For projects that are placed on land with public access; visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground. All guy wires must comply with the Bird Diverter Standards stated in Section 17.E.3)3.
  - f) Exterior Climb Prevention: All Wind Generation Devices and other similar WECS Facility structures must be un-climbable by design or protected by anti climbing devices.
  - g) Potable Water and Sanitary Sewer: All permanent and occupied WECS Facility management and office buildings must have approved centralized potable water and sanitary sewer systems. This approval shall be obtained from the Sweetwater County Health Department or the Wyoming Department of Environmental Quality.
  - h) Impact on regional water supplies: The WECS Facility shall not adversely affect ground water resources, in particular the ground water supplies of nearby subdivisions or other developments.
  - i) Fire Prevention Measures:
    - 1. All structures shall comply with the latest Edition of the International Fire Code adopted by Sweetwater County.
    - 2. Appropriate fire protection measures as required by the Sweetwater County Code Enforcement Specialist shall be implemented.
    - 3. All roads servicing primary structures or occupied accessory buildings shall be constructed to the standards of the most recently adopted International Fire Code. .
- 2) **Visual Impacts:** WECS Facilities shall not adversely impact scenic areas that are considered important by federal and state governments. Important scenic areas include visual corridors, view sheds, historic landscapes, scenic byways and scenic overlays. In determining the important scenic areas for Sweetwater County, and any adverse visual impacts caused by the proposed WECS Facility, the Board shall take into account the federal and state important scenic areas, the WECS visual

simulations and public comment. The Board may require specific design standards or restrictions that may mitigate or prohibit the degree to which the WECS Facility may impact those important scenic areas such as structure color, building height, greater setback distances and lighting.

- a) Visual Simulation Standards: The Applicant shall employ representative sampling to achieve a fair and accurate result regarding the visual impacts of the proposed WECS Facility to residents of Sweetwater County. No less than 25 vantage points covering a 360 degree perspective of the WECS Facility shall be used in obtaining a fair representation. The applicant shall obtain vantage points from diverse locations, including but not limited to, scenic, residential, commercial and recreational areas.
- b) Growth Management Area: Commercial WECS Facilities shall not be located within the identified Growth Management Area.
- c) WECS Facility Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, Wind Generation Devices or WECS and other WECS Facility structures shall be painted a non-reflective and unobtrusive color that blends with the landscape and is accepted by the Board. The color selected shall be compatible with the natural visual character of the area.
- d) Shadow Flicker: WECS Facilities shall be designed so that there is no significant shadow flicker at an adjacent residence or primary structure.
- e) Visibility, Screening and Buffering: WECS Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining the view shed.
- f) Light Pollution: WECS Facilities shall utilize International Dark-Sky Association compliant fixtures or an approved equal.
- g) Screening of Outdoor Storage: Except during construction, re-construction or decommissioning, outdoor storage is not permitted within the project boundary except at locations that are screened in accordance to the standards of Sweetwater County.
- h) Buried Collector and Gathering Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, or applicable law.
- i) Signage: There shall be no advertising or promotional lettering of any type allowed on any WECS Facility Structures or Wind Generation Devices beyond the manufacturer's or the applicants' logo on the nacelle of the turbine. [Wyoming Statute 18-5-503(a)(ix)]

### **3) Natural and Biological Resources.**

- a) Crucial Ranges: WECS Facilities shall not be located in areas that would result in significant impact to wildlife, wildlife habitat, or crucial wildlife ranges as determined by the Wyoming Game and Fish and/or the governing federal agency. Wildlife

critical areas include, but are not limited to, crucial winter ranges, parturition areas, nesting areas, spawning areas, riparian areas and migration corridors.

- b) Lands with Special Characteristics: WECS Facilities shall not be located in wilderness study areas, lands with wilderness characteristics, areas of environmental concern, federal, state or county parks and National Recreation Areas, historic trails, special management areas or the Sweetwater County Growth Management Area.
- c) MET Towers, WECS Facility Components and Avian Protection: Developers shall use MET Towers and WECS Facility components with designs that provide the best prevention of injuries to avian predators and other avian species. For the purposes of avoiding bird collisions and to eliminate the need for met tower conversion during the WECS Facility Construction Phase, MET Towers shall comply with the following standards:
  1. Permanent Met Towers: Non-lattice, non-guyed towers are required on Permanent Met Towers. The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation Met Tower Database for the Met Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a Met Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
  2. Temporary Met Towers: Where guyed Temporary Met Towers are installed, the following stipulations apply:
    - i. The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation Met Tower Database for the Met Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a Met Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
    - ii. Bird diverters are required to be installed on guy wires as shown in Appendix A.
    - iii. Bird diverters shall display the following characteristics:
      1. Movement in at least a 5 mph wind and able to withstand winds above 20 miles per hour.
      2. Reflective in sunlight
      3. 10 hours of luminescence at night
      4. Incorporate UV reflection for lowlight conditions
      5. At least 18 –square inches per single diverter design

3. Term of Temporary MET Towers: Not to exceed three years with an option of 2 renewals not to exceed 3 years each upon findings of no significant bird fatalities.
- d) Greater Sage Grouse Core Areas: No WECS Facility shall be located within Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended.
  - e) Avian Protection: Whether or not the proposed WECS Facility is on public or private lands, Developers, Operators and Owners of WECS Facilities shall comply with all governing federal or state regulations regarding protection of avian species
  - f) Construction and Access during Wildlife Use: The developer shall only perform WECS Facility construction activities within wildlife crucial ranges or migration corridors as recommended by the Wyoming Game and Fish or authorized by the applicable governing agency. Portions of the WECS Facility inside crucial winter ranges or migration corridors shall be closed to vehicle use during their period of use by wildlife, as determined by the applicable governing agency. Vehicles for emergency and routine maintenance will be allowed as approved by the applicable governing agency.
  - g) Protection of Bats: WECS Facilities shall be designed to avoid identified areas of concentrated bat use as recommended by the Wyoming Game and Fish or authorized by the governing federal agency. If WECS Facilities are sited across known migration routes or between roosting and feeding areas, then these Projects may be subject to mitigation measures by the Wyoming Game and Fish. For WECS Facility applications that involve 30 or fewer turbines and are not otherwise reviewed by the Industrial Siting Council and where surveys have determined the WECS Facility will increase bat mortality, the turbine blade minimum "cut in" speed shall be set to wind velocities greater than 6 meters per second or as otherwise recommended by the Wyoming Game and Fish or other governing federal authority.
  - h) Protection of Raptors:
    1. WECS Facilities shall not be permitted within or adjacent to areas of elevated raptor concentration that are recognized by the Wyoming Game and Fish Department or a governing federal agency.
    2. WECS Facilities shall be designed to avoid frequently used flight paths to and from nesting and/or roosting sites as determined by Wyoming Game and Fish or a governing federal agency.
    3. WECS Facilities shall be setback at a distance of at least 328 feet (100 meters) from rims to reduce mortality of soaring raptors, or as recommended by the Wyoming Game and Fish or a governing federal agency.
    4. WECS Facilities shall not be located within canyons or passes to avoid conflicts with raptors, unless otherwise approved by the Wyoming Game and Fish Department or the governing federal agency.
  - i) Historical, Cultural and Archeological Resources: On public lands or where otherwise required by law, WECS Facilities shall avoid sites with known sensitive

historical, cultural, archaeological, custom and cultural resources, as determined by Wyoming State Historical Preservation Office and the governing federal agency. If mitigation is available, the selected site may be approved subject to the acceptance of the mitigation plan by the Wyoming State Historical Preservation Office and the governing federal agency. On private lands, the Board strongly encourages mitigation and preservation of these important historical, cultural, archaeological and cultural resources.

j) Site Management of Air, Water, Soil and Vegetation:

1. Drainage from the WECS Facility shall not adversely affect upstream and downstream properties.
  2. Soil Erosion and Run-off: WECS Facilities shall avoid soil erosion and controlled runoff. Disturbance and construction on erodible soils and slopes shall be avoided.
  3. Dust Control: Dust Control within all phases of the WECS Facility is mandatory, and shall be accomplished with Mg Chloride by means acceptable to Sweetwater County and WDEQ.
  4. Noxious Weed and Invasive Species Control: Noxious weed control as defined by Wyoming Statutes shall be required in all phases of the WECS Facility. Invasive species as defined by Sweetwater County Weed and Pest shall be controlled in all phases of the WECS Facility.
  5. Vegetation: Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance WDEQ and the reclamation plan approved by the Board.
  6. WECS Facility Area Ground Disturbance: Minimize site disturbance by limiting the number and widths of roads, construction staging areas, crane pad sites, etc.
  7. Topsoil Storage: Topsoil removed by grading shall be stored in accordance with the reclamation plan approved by the Board.
- k) Noise Management: The noise level caused by the operation of the project, measured at five (5) feet above ground level at the project boundary line in accordance with Section 17.k.3. shall not exceed 45 decibels (A-weighted) and shall not exceed 45 decibels (C-weighted).

#### 4) Commercial WECS Setbacks and Standards

Commercial Wind Generation Device	Minimum Setbacks	Additional , Waivers and similar
Primary Structure	5.5 times the Wind Generation Device Height or ½ mile whichever distance is greater	If the person owning the primary structure waives in writing the setback requirement of 5.5 times the height of the Wind Generation Device, the minimum setback shall be 1.5 times the Wind Generation Device.
Third Party Transmission and Distribution Lines	1.5 times the Wind Generation Device Height	
Communication Towers	1.5 times the Wind Generation Device Height	
WECS Facility Boundary Line	1.5 times the Wind Generation Device Height or a minimum distance of 1600 feet whichever distance is greater	
County Residential Zone District and any City and Town	1 mile	
Any Platted Subdivisions	1 mile	
Right-Of-Way of all Federal, State, County, and Municipal Roads.	5.5 times the height of the Wind Generation Device or one half (0.5) mile from the right-of-way (ROW) whichever distance is greater	Unless waived by the Board of County Commissioners (BCC). Measured from the edge of the Right-of-Way (ROW)
Railroads	5.5 times the height of the Wind Generation Device or one half (0.5) mile from the right-of-way (ROW), whichever distance is greater	Unless waived by the BCC. Measured from the edge of the railroad Right-of-Way (ROW).
Federal, State, and County Parks, National Recreation Area, and Wildlife Refuges	A minimum distance of one (1) mile	Unless waived by the BCC upon a recommendation from the State or applicable State Agency.
Waiver	A waiver from the setback requirements shall run with the land and shall be recorded as part of the chain of title for the subject property. Copies of the recorded waivers shall be furnished to the County and included in the application file.	
Setbacks shall be measured from the center of the Wind Generation Device foundation.		

## Transportation and Other Public Infrastructure:

- 1) **Transportation Plan:** Any Applicants, Developers, or Operators proposing to use any public or private roads, for the purpose of transporting WECS Facility components or equipment for construction, operation, maintenance, and decommissioning shall submit a Transportation Plan, prepared by a Wyoming Licensed Professional Engineer, that addresses and includes the following:
  - a) **Legal Access and Public Roadways:** A report demonstrating how legal access will be provided to the WECS Facility. The report shall describe how private roadways within the project will be marked as private roadways, and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use.[Statute 18-5-503(a)(vii)]
  - b) **WECS Facility Roadways and Haul Routes:** A report, with plans and maps, prepared by a Wyoming Licensed Professional Engineer, that:
    1. explains and identifies all existing and proposed county, public, federal resource roads and private roads expected to be used in the construction, operation and decommissioning of the WECS Facility, including all roads that will be used as WECS Facility haul and transportation routes for all equipment and materials necessary for the WECS Facility.
    2. Includes the anticipated height, width, length, and weight data for all WECS Facility loads to be transported and the plan for upgrading, maintaining and reclaiming.
    3. provides plans demonstrating compliance with Section 17.D.1)i)
  - c) **Traffic Study:** A traffic study, prepared by a Wyoming Licensed Engineer, of any public roadways leading to and away from the proposed project during construction, operation and decommissioning. This traffic study must assess the existing roadway conditions, evaluate the ability of the existing roadways and proposed roadway to accommodate WECS Facility traffic loads, identify proposed mitigation measures to address roadway impacts and propose a plan to implement identified mitigation measures. This traffic plan must address costs of mitigation. These costs are the responsibility of the Developer and must be addressed to the satisfaction of Sweetwater County in the Road Use and Maintenance Agreement and in the Road Construction and Maintenance Financial Security Agreement.
- 2) **Road Use and Maintenance Agreement:** The Board of County Commissioners shall require the Applicants to enter into a road use and maintenance agreement for the use of County roads prior to construction of the project. The road use and maintenance agreement shall be developed by the Applicants for review by the Sweetwater County Public Works Department, Land Use Department, and the County Attorney's Office. In the Road Use and Maintenance agreement, the Developer shall certify and acknowledge that:
  - a) Prior to preconstruction site occupancy, over lot grading and construction of any component of the WECS Facility, the developer shall obtain and submit to Sweetwater County copies all approved Federal, State and Local government or agency required permits related to access, access modification, change of use of access permits; utility crossing permits or approved plans required by applicable

governments and agencies necessary to address and mitigate impacts to any Federal, State or County Highway/Road facilities.

- b) The Applicant(s), Project Owner(s), or Operator(s) shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WECS Facility.
- c) The use of public roads and other public infrastructure shall be in accordance with and in compliance with existing regulations governing such activities. Any degradation to, or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of WECS Facility shall bear all costs required to return the public roads or other infrastructure to their original or better condition.
- d) Financial Assurance. The Applicant shall submit financial assurance in a sufficient amount to repair damage to all public roadways attributed to the construction, operation and maintenance of the WECS Facility. Said Financial Assurance shall be signed and sealed by Applicant's engineer and approved by the Sweetwater County Public Works Director for final approval by the Board.

**Operations and Maintenance:**

- 1) The developer or operator shall perform routine and scheduled maintenance including the repainting of equipment and structures, and servicing of the grounds and landscape. If the WECS Facilities are under the jurisdiction of the Wyoming Public Service Commission, the requirements of this the subparagraph may not apply.
- 2) All solid wastes and hazardous materials related to the construction, operation and maintenance of a WECS Facility shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State and County laws and regulations

- 3) On April 1st of every even numbered year after the third anniversary of the permit, the Project Owner, Owner(s) or Operator(s) of the WECS Facility shall submit to the Department a statement that lists all WECS Towers currently inoperative for longer than six continuous (6) months. All WECS Towers that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Project Owner or Owner(s) provides a written plan and schedule acceptable to the Board for refurbishing and/or reactivating the inoperative WECS. If the Owner(s) of the WECS Facility is a person regulated by the Wyoming Public Service Commission, the requirements of the second sentence of this subparagraph may not apply.
- 4) The Project Owner(s) or Operator(s) of the WECS within the WECS Facility and surrounding areas shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Sweetwater County Weed and Pest District or the appropriate public entity having jurisdiction.
- 5) If there are any FCC complaints, the Project Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference.
- 6) To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the Project Owner(s) or Operator(s) shall provide the Department with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WECS structure, all roads within the WECS Facility area, and public roads and turnouts connecting to roads of the WECS Facility. This Map shall be updated by the Project Owner(s) or Operator(s) every five (5) years or after the completion of any significant additional construction, whichever occurs first, and approved by the County Surveyor.

**General WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WECS Facilities owned or operated by a Public Utility subject to requirements of the Public Service Commission are exempt from Sweetwater County's and Wyoming Industrial Siting Council's decommissioning, reclamation and financial assurance requirement in accordance with W.S. 35-12-105(d) and (e). Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission shall be provided with the application.
- 2) Commercial WECS Facilities under the jurisdiction of the Industrial Siting Council as provided under Wyoming Statute 35-12-102(a)(vii)(E) and (F) shall submit a WECS Facility decommissioning, and reclamation plan, and financial assurance that complies with the criteria W.S. 35-12-105(d) and (e) and the Rules and Regulations of the Industrial Siting Council.

3) For all other Commercial WECS Facilities, pursuant to W.S. 35-12-102(a)(vii)(E) and (F), which are not subject to the Wyoming Industrial Siting Council, the applicant or developer shall meet the Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations as stated in these Regulations.

4) The chart below provides regulatory requirements for reclamation and decommissioning.

<b>Categories of Commercial Wind Energy Facilities</b>	<b>Regulatory Jurisdiction Regarding Decommissioning, Reclamation, Financial Assurance.</b>
WECS Facility development cost estimates meet or exceed the qualifying amount for an Industrial Siting Council Project	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain 30 or more WECS Towers.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers, accepted by the Industrial Siting Council after referral by the County Commissioners on the basis of environmental, social or economic factors.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers not referred by the County Commissioners nor accepted by the Industrial Siting Council,	Sweetwater County Decommissioning, Reclamation and Financial Assurance Regulations (See Section 17.1 of these Regulations)

**WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WECS Facility Decommissioning. The applicant shall provide a WECS Facility Decommissioning Plan.
  - a) The facility decommissioning plan shall include provisions regarding the removal and proper disposal of all wind turbines, towers, substations, buildings, structures, cabling, electrical components, foundations to a depth of forty-eight (48) inches from original grade, and any other associated or ancillary equipment or structures within the facility boundary above and below ground.

- b) The Developer may request that a building(s) be left on site if approval is obtained from the owner and upon written notification to the Board.
  - c) WECS Facility or individual Wind Generation Device decommissioning shall begin:
    - 1. Within twelve (12) months after the end of the useful life of the facility or individual wind generation device, or
    - 2. When no electrical energy is generated for a continuous period of twelve (12) months by the facility, or individual wind generation device.
    - 3. If the WECS Facility provides good cause prior to the end of the continuous period stated herein, the Board may extend the time for decommissioning once the generation of electricity has ceased for the facility or individual wind generation device.
  - d) The facility decommissioning plan shall be updated and submitted to Sweetwater County every five years.
- 2) Interim Reclamation shall comply with the applicable permitting requirements of the Department of Environmental Quality, Water Quality Division storm water program.
- 3) Final Reclamation. The applicant shall provide a final reclamation plan which shall include:
- a) A detailed description of site conditions prior to construction, including topography, vegetative cover (including plant species and plant community structure), climate and land uses.
  - b) Regrading. Provisions regarding the re-grading of all WECS Facility component and structure foundations, roads, and all other surface disturbances within the facility boundary to the natural contours of the area. Backfilling, grading and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:
    - 1. Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.
    - 2. Contouring affected land to blend in with the topography of the surrounding terrain unless doing so would create an erosion problem or hazard.
    - 3. The WECS facility may leave a road un-reclaimed if approval is obtained from both the surface landowner and the Board.
  - c) Re-vegetation.
    - 1. After backfilling, grading and contouring, and the replacement of topsoil, re-vegetation shall be commenced in such a manner so as to most efficiently accommodate the retention of moisture and control erosion on all affected lands to be re-vegetated.
    - 2. Re-vegetation requirements shall include seedbed preparation, seed mixture, and post seeding maintenance of all disturbed areas.

3. If applicable, documentation of any mulching and/or use of fertilizers.
  4. Reclamation shall consist of restoring the land using native or adaptive perennial vegetative cover to a condition equal to, or better than the original condition.
  5. Re-vegetation of all affected lands shall be accomplished in a manner consistent with the approved reclamation plan and the proposed future use of the land.
  6. Seeding of affected land shall be conducted during the first normal period for favorable planting conditions after final preparation, unless an alternative plan is approved by the Board. The species of vegetation to be used in re-vegetation efforts shall be described in the reclamation plan indicating the composition of seed mixtures and the amount of seed to be distributed on the areas on a per acre basis.
  7. The developer must control and minimize the introduction of noxious weeds into the re-vegetated areas until final reclamation is achieved.
- d) The final reclamation plan shall be updated and submitted to Board every five years until the site reclamation and decommissioning is complete.
- 4) Financial Assurance: The applicant shall provide financial assurances sufficient to assure complete decommissioning and site reclamation of the WECS Facility in accordance with the provisions of these rules. WECS Facilities subject to regulation by the Public Service Commission shall be exempt from these financial assurance provisions and from the Cost Estimation of Decommissioning and Site Reclamation provisions of Section 17 d of these rules.
- a) All financial assurances shall be in place prior to commencement of construction of any WECS Facility.
  - b) The amount of the financial assurance shall be adjusted up or down every five years from the date of permit issuance by the Board based on the results of Section 17 c - Final Reclamation.
  - c) Additional financial assurances to cover risks not anticipated at the time of the permit may be required at any time by the Board, as reasonable and necessary, provided that the Board first gives thirty (30) days written notice stating the reason for and the amount of the additional financial assurance.
  - d) Financial assurance in the form of domestic securities may be accepted in any of the following forms at the discretion of the Board with consideration of credit worthiness, financial strength, credit history, credit rating and debt.
    1. Surety bond with a corporate surety registered in Wyoming.
    2. Certificate of deposit in the name of the "Sweetwater County" with a state or federally insured financial institution in Wyoming. The permittee shall be entitled to all interest payments.

3. Other forms of assurance such as corporate guarantee, letter of credit, insurance policy, or other forms of assurance as may be acceptable to the Board.
- 5) Cost Estimation for Decommissioning and Site Reclamation of the WECS Facility
- a) Estimates of cost for decommissioning and site reclamation shall be made by a licensed professional engineer and subject to review and approval by the Board.
  - b) Total decommissioning costs shall be estimated without regard to the salvage value of the equipment.
  - c) Decommissioning and site reclamation estimates shall be submitted to the Board in the application and every five years after the date of permit issuance until the completion of final reclamation.
  - d) The licensed professional engineer estimate of decommissioning and reclamation costs shall include the following:
    1. A general discussion of assumptions, including equipment, timeframes, backup calculations, procedures, methods and any other considerations used in developing the cost estimate.
    2. A detailed description of the decommissioning activities to be performed.
    3. A detailed description of the reclamation activities to be performed.
  - e) The Developer may request release of the financial assurance mechanism when the facility has achieved final reclamation. Final reclamation means that all surface disturbances have been re-graded and re-vegetated with a uniform perennial vegetative cover with a density of 90% of the native or adaptive background vegetative cover. Noxious weeds shall not be included in the density requirement in determining reclamation success.
- 6) The Board may grant a case by case variance to requirements of this Section 17.1 (Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations) after considering whether good cause is shown by the applicant or landowner.

**Approval Process for WECS Facility Permit:**

- 1) Pre-Application Submittal Meeting: Prior to submitting an application for a WECS, the applicant shall arrange and attend a Pre-Application Meeting with the Land Use Department.
- 2) Application Submittal Meeting: After preparing an application for the WECS Facility, the applicant shall arrange for and attend an Application Submittal Meeting. The purpose of this Meeting is for the Department to provide a summary review of the Application. This review determines whether the application is generally complete and is not missing major application components, such as the Transportation Plan or the Socio-economic study. If, during this Meeting, application components are found missing, the applicant has the following options:

- a) The applicant may file the application as a final application to begin the review period by the County Commissioners as required by Wyoming Statute 18-5-505, or
- b) The applicant may correct the identified application deficiencies, and formally resubmit the corrected application at a later date.

It is important to note that the Application Submittal Meeting review by Staff is intended to be a summary review that assists the applicant to determine if the application contains the required components. This review is not a substitute for the statutory completeness review conducted by the Board, nor does this summary review commit the County to a finding that any of the required application components are complete.

- 3) Upon receipt of an application, the Board shall review the application to determine if it contains all the information required by W.S. 18-5-503 and Section 17 of these regulations and any other applicable rules and regulations. If the Board determines that the application is incomplete, it shall, within thirty (30) days of receipt of the application, notify the Applicant(s) of the specific deficiencies in the application. The Applicant(s) shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information. When the Board determines that the application is complete it shall notify the Applicant(s) that the application is complete and shall provide notice of the date and time at which the hearing required by W.S. §18-5-506 and J.4) of these regulations shall be conducted. The determination by the Board that an application is complete is no assurance that a particular outcome will be achieved at the public hearing.
- 4) The Board shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comments on the application shall be accepted by the Board for not less than forty-five (45) days after determining that the application is complete.
- 5) Decision of the board; findings necessary
  - a) Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the Board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the Applicant(s) has met the applicable standards. The decision shall be subject to the remedies provided in W.S. 18-5-508. The Board shall grant a permit if it determines that the proposed wind energy facility complies with all standards properly adopted, and the standards required by this regulation.
  - b) No permit shall be granted if the application is incomplete or if all notices required by this regulation and W.S. 18-5-503(a)(i) & (ii), and 18-5-504(c) have not been met.
  - c) A copy of the decision shall be provided to the Applicant(s).

**K. Administration & Enforcement of Commercial WECS**

1) Liability Insurance

- a) Liability insurance. The applicant and or operator(s) of the WECS Facility(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$10 million in the aggregate. The applicant(s) shall provide proof of insurance to the Board prior to

the approval of the submitted application. If the application is approved, the owner(s) or operator(s) of the WECS(s) shall provide proof of insurance annually.

2) Transfer of WECS Facility Permits

- a) Notification of a proposed change of owner of the WECS Facility shall be provided to the Board forty-five (45) calendar days prior to any such change taking place. Documentation evidencing any such transfer shall be submitted to the Board within twenty (20) days after such transfer is complete. The transferee upon transfer of ownership shall be responsible for assuming all obligations under the approved WECS Project Permit.

3) Revocation or suspension of WECS Facility Permit

- a) A WECS Facility Permit may be revoked or suspended by the Board for:

1. Any material false statement in the application or in accompanying statements or studies required of the Applicant(s).
2. Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure.
3. Failure to comply with the requirements in W.S. 18-5-501 through 18-5-513, or failure to comply with any order, rule or regulation which has been adopted under the authority of these statutes by the Board, or any rule or regulation of the Industrial Siting Council.
4. Failure of the proposed wind energy facility to receive a required permit from the Industrial Siting Council pursuant to the Industrial Development Information and Siting Act, W.S. §35-12-101 through §35-12-119; or
5. Failure of the permitted wind energy facility to:
  - i. Transmit electricity created by wind energy for a period of two (2) consecutive years or more;
  - ii. Maintain land rights necessary to operate the wind energy facility

4) Expiration of WECS Facility Permits

- a) Any WECS Facility for which a WECS Facility Permit is granted under this section must be commenced within three (3) years from the date of approval by the Board. If the WECS Facility is not commenced within three (3) years from said date of approval, then the WECS Facility Permit shall expire and become null and void and be of no further effect. If the WECS Facility is not operational within two (2) years from the date of project or phase commencement, then the WECS Facility Permit shall expire and become null and void and be of no further effect. If the WECS Facility is to be constructed in phases, the applicant shall submit the schedule for completion of each phase for Board approval with his application, subject to a time limit of 7 years for phased development, which means all phased projects must be completely operational within 7 years of the date that the WESC permit was approved.

- b) For the purpose of this section, "commencement of construction" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of any WECS Facility Structure. For the purpose of this section, the WECS Facility shall be considered to be "operational" if the project is transmitting electricity.
  - c) If the WECS Facility has not been commenced or has not become operational as required, the Applicant(s) may request an extension of the permit. The Applicant(s) shall apply to the County in writing for the extension no later than ninety (90) days prior to the expiration of the permit. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Such information may include, but is not limited to, good faith efforts to obtain required authorization for the WECS Facility from other agencies having jurisdiction, such as the Wyoming Industrial Siting Council, delay in construction due to weather conditions, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Board shall promptly consider the application for the extension and either allow it or deny it. No permit shall expire during the time the decision on the extension is being considered.
- 5) Penalties for violations of Commercial WECS's
- a) No person shall:
    - 1. Commence to construct a WECS Facility on or after July 1, 2010 without first obtaining a permit required by W.S.18-5-501-513 and this section;
    - 2. Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a wind energy facility, after having first obtained a WECS Facility Permit, other than in specific compliance with the permit; or
    - 3. Cause any of the acts specified in this subsection to occur.
  - b) Any person violating subsection (a) of this section is liable for a civil or criminal penalty as provided for in Wyoming Statute 18-5-512 or as amended.
- 6) Industrial Siting Council Referral. The Board may refer any application to the Industrial Siting Council to permit a wind energy facility which does not meet the definition of a facility as defined by W.S. 35-12-102(a)(vii) subject to the provisions found under W.S. 18-5-509 and W.S. 18-5-510.

**L. Construction Permit for Commercial WECS Facility Permit.** Upon approval of the WECS Facility permit, the applicant shall submit to the Department a complete Sweetwater County Construction Application that includes all of the following:

- 1) Evidence that all applicable conditions and terms of the approved WECS Facility Permit have been satisfied.
- 2) Construction Drawings. Building and foundation plans stamped by a Wyoming Professional Engineer as required by Section 17.E.1.
- 3) Floor plans of all buildings.

- 4) A final plan for site security.
- 5) Final documentation that the project is in compliance with all of the requirements of all applicable state and federal agencies.
- 6) After the Department receives a complete Construction Application, the Department will review it for compliance, and, if approved, the Department will issue a Construction Permit.
- 7) Construction permit shall be enforced pursuant to Section 17.K of these regulations.

#### **M. Non-Commercial WECS Facility Permit**

Non-Commercial WECS Facilities and MET towers will be administered in accordance with these requirements and Section 17.E.3:

- 1) Non-Commercial WECS Facility Permit Standards and Application Requirements:
  - a) Maximum Wind Generation Device Height: Parcels less than five (5) acres in size shall have a maximum tower height of sixty feet (60'). Parcels five acres in size and larger shall have a maximum wind generation device height of one hundred feet (100').
  - b) Maximum Wind Generation Device Limit: Parcels 5 acres in size and less shall be limited to one Wind Generation Device. Parcels 5 acres and more shall be limited to two Wind Generation Devices unless approved by the Board.
  - c) Noise: Sound emitted by a Wind Generation Device shall not exceed +5 dBA and dBC above background, as measured at the closest neighboring property line. This level may be exceeded during short-term events such as severe wind storms.
  - d) Setbacks: No Wind Generation Device shall be constructed on any property a distance of less than one hundred and fifty percent (150%) of the combined height of the wind generation device from all adjacent property lines.
  - e) Clear Zone: The Wind Generation Device shall be maintained in a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the wind generation device. The clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines.
  - f) Tower Security: All WECS's or Wind Generation Devices shall be un-climbable.
  - g) Lighting: All WECS structures shall have International Dark-Sky Association compliant fixtures or an approved equal in accordance with FAA regulations.
  - h) Advertising: No WECS or Wind Generation Device shall have any writing or picture that may be construed as advertising.
  - i) Colors: All towers shall be standard colors as provided by the manufacturer.
  - j) Approved Non-commercial WECS or Wind Generation Device: At the time of application, the Applicant(s) must present a certification from the manufacturer that the all of the system's turbine and other components are equal or exceed the

standards of one of the following national certification programs such as the: the Institute of Electrical and Electronics Engineers ("IEEE"), National Electric Code (NEC), National Electric Safety Code, (NESC), American National Standards Institute (ANSI) or any other appropriate recognized standard and in no case shall the standards shall be less stringent than the requirements, of the most recent edition adopted by the state of Wyoming.

- k) Utility Notification: If applicable, permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company serving the property of Applicant(s) has been informed of the customer's intent to install an interconnected customer owned generator.

## 2) Administration and Enforcement of Non-Commercial WECS Facility Permit

### a) Removal of Defective or Abandoned WECS's or Wind Generation Devices.

1. Any WECS Tower found to be unsafe by an authorized County official, or designated authority, shall be repaired or removed with all due urgency within 14 days by the Owner(s) to meet federal, state and local safety standards. If any WECS Tower is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide thirty (30) days for a response. In such a response, the landowner shall set forth reasons for operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice.
2. Construction and Conditional Use Permit. No person shall construct a Non-commercial Wind Project without first obtaining a Construction permit or, if applicable, a conditional use permit for a Non-commercial WECS Facility

### b) Maintaining compliance.

1. All non-commercial WECS or Wind Generation Devices shall be maintained as per the manufacturer's specifications.

### c) Neighborhood Concerns. All reasonable concerns of neighbors must be resolved before a Construction/Use Permit for a Non-commercial WECS Facility will be issued. To help identify and mitigate neighborhood concerns early in the permitting process after receiving a Construction/Use Permit Application, the Department shall send a request for comment form to all adjacent property owners or property owners within 200 feet of the applicant's property, and will post the applicant's property with a sign that states the nature of the applicant's proposed wind energy project. Applications for Non-commercial WECS's that produce between 3.5 kilowatts and 7.5 kilowatts shall be reviewed by the Board for approval.

1. If the Land Use Department has not received any written objections during the 21 days following the latest date of either the posting or of the mailing of the request for comments, the Department will approve the applicant's request provided all requirements of these rules are met.
2. If any written objections are received from any adjacent property owners from properties within 200 feet of applicant's property, and the Wind Generation

Device is rated to produce between 3.5 kilowatts and 7.5 kilowatts the Land Use Department will schedule a public hearing before the next regularly scheduled Planning and Zoning Commission meeting that allows for 30-day advertised notice.

3. At the public hearing, the Sweetwater County Planning and Zoning Commission will take testimony concerning objections to the proposed Non-Commercial Wind Energy Conversion System. After hearing and considering all testimony from staff and concerned parties, the Sweetwater County Planning and Zoning Commission will then make a recommendation to the Board, to approve, conditionally approve or deny the application.
4. The Board shall conduct a public hearing on the application for a Non-Commercial Wind Energy Conversion System. The Board may approve, conditionally approve or deny the application at the conclusion of the public hearing based on evidence, comments, and the recommendation from the Planning and Zoning Commission. Notice of the hearing shall be provided in the same manner as for an application for Zone Map Amendment, as per Section 25 of the Sweetwater County Zoning Resolution.

d) Penalties and Violation of Non-Commercial WECS Facility Permit

1. Violations of these regulations for Non-Commercial WECS Facilities shall be enforced in accordance with the Sweetwater County Zoning Resolution and pursuant to Wyoming Statute 18-5-204 through 18-5-206.

e) Fees – Non Commercial WECS Facility Permit Fees

1. The application fee for a Non Commercial WECS Permit is \$75.00.

## **N. FEES – Commercial WECS**

- 1) Wyoming State Statute 18-5-513 allows the Board to charge reasonable fees to recover Sweetwater County's costs in processing applications for Wind Energy Facilities. These reasonable fees may also be applied to recover the costs of construction permit administration, inspections, monitoring and the costs for overseeing compliance with permit conditions and requirements.
- 2) In order for Sweetwater County to recover these costs, the Applicant shall pay, into the Sweetwater County Wind Project Expense Reimbursement account, the amount of money the Board estimates to recover all Sweetwater County costs associated with processing the applicant's WECS permit application.
- 3) If during the course of any phase of the application or project implementation or monitoring, the Sweetwater County Wind Project Expense Reimbursement account is drawn down to within 20% of being depleted, the Land Use Director shall notify the applicant of the estimated amount that he shall pay into the account. This estimated amount shall include the projected administration, inspection and monitoring costs related to the remaining portions or phases of the proposed WECS Facilities Project.

- 4) If the applicant fails to provide the required payments to the Sweetwater County Wind Project Expense reimbursement account, all efforts and work on the project shall cease.
- 5) Once all construction has been completed and the project is operational, all fees paid by the applicant remaining in the Wind Project Expense Reimbursement account will be returned.

Sweetwater County Land Use Department

Land Use Recommendations in Green

Noise Consultant Richard James' Recommendations in Orange

**EXHIBIT A**

# Section 18

~~Draft~~ Wind Energy Conversion System Regulations

Sweetwater County

PZ Certified Recommendation

12-06-PZ-01

June 13, 2012

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**A. Overview**

This Section provides the regulatory framework for Wind Energy **Conversion System** Facilities. The regulations within this Section are in addition to relevant development standards and regulations in other parts of this Zoning Resolution and apply to all unincorporated areas of Sweetwater County. Unless otherwise provided, the requirements of this Section are in addition to the zone district requirements set forth in the Sweetwater County Zoning Resolution.

**B. Intent and Purpose**

The intent of these regulations is to: provide for public safety, prevent hazards from the construction of commercial and non-commercial Wind Energy **Conversion System** Facilities, preserve environmental, historical and cultural resources, maintain the **unique** custom and culture of **Sweetwater County**, and to sustain the diverse existing uses of the land. In addition, the purpose is to consider and require carefully planned and compatible Wind Energy **Conversion System** Facilities in Sweetwater County;

**C. Definitions**

1. "Applicant(s)" means owner or developer.
2. "Application Submittal Meeting" means a mandatory meeting that the applicant shall schedule and attend for the purposes of the Department providing a summary review of the WECS Facility Application.
3. "Areas of Critical Environmental Concern" means areas within the public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. (Federal Land Policy and Management Act)
4. "Biologically Significant" means those species of plant or animal that are deserving of special management under the applicable State or Federal Agency.
5. "Bird Diverter Standards" means the requirements of BLM "Appendix K MET Tower Requirements for Wildlife" for flagging guy wires to reduce avian injuries or fatalities.
6. "Blade Glint" means small bright flashes of reflected light from a wind generation device.
7. "Board" means the Sweetwater County Board of County Commissioners.
8. "Commencement of Construction of a WECS Facility" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of a **WECS Facility**.
9. "Commercial WECS Facility" means a WECS Facility that produces more than 7.5 kilowatts.
10. "County" means Sweetwater County.
11. "dBA" means the **A-Weighted** measurement of sound pressure level which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz.

12. "dBC" means the measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent to the low-frequency emissions and immissions of wind turbine noise.
13. "Decommissioning" means the removal from service, disassembly, and proper off-site disposal of the WECS Facility.
14. "Department" means the Sweetwater County Land Use Department
15. "Developer" means a land owner, person, contractor, subcontractor or their successors and assigns that have obtained permission from the owner by way of a lease, a contract or otherwise, to construct a WECS Facility on owner's land. The developer may be the applicant for a WECS Facility Permit.
16. "Emission" means the sound energy that is emitted by a source (Wind Generation Device). It is transmitted to a receiver (dwelling or property line) where it is immitted (see Immission).
17. "Endangered Species" means the classification provided by the U.S. Endangered Species Act to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.
18. "Financial Assurance" means a security serving as collateral in the form of a surety bond, certificate of deposit, corporate guarantee, letter of credit, deposit account, insurance policy or other form acceptable to Sweetwater County to insure proper decommissioning, reclamation activities, and compliance with the Road Use and Maintenance Agreement.
19. "Foundation" means support for buildings or structures. A part of a building or structure, usually below the ground, that transfers and distributes the weight of the building or structure onto the ground.
20. "Greater Sage Grouse Core Area" means that sage grouse management and protection area as defined by the 2011-5 Executive Order issued by the Wyoming Governors Office *as amended*.
21. "Growth Management Area" means the total area covered by Exhibit A of the Growth Management Plan and Agreement *as amended*.
22. "Immission" means the sound energy received at a receiver (dwelling or property line) transmitted from the source (Wind Generation Device) that emitted sound energy (see Emission).
23. "Industrial Siting Council" means the council created by W.S. 35-12-104, This definition is enabled by W.S. 18-5-501(a)(i). ~~(County Attorney Office Comment)~~
24. "MET Tower" means a tower that measures wind speed for the purposes of gathering data for a Commercial WECS Facility.
25. "MET Tower - Permanent" means a monopole, non-lattice and non-guyed MET Tower.
26. "MET Tower - Temporary" means a tubular, non-lattice, lattice, guyed or non-guyed MET Tower erected for a specific term as may be extended pursuant to Section E.3.c.3 of these regulations.

27. "Nacelle" means the part of the wind turbine which houses a drive train and all other related components that support the electrical generation system.
28. "Net Metering" means a facility for the production of electrical energy that:
  - a. Uses wind as its prime mover;
  - b. Has a generating capacity of not more than 7.5 kilowatts;
  - c. Is located on the applicant(s)/owner(s) premises;
  - d. Operates in parallel with the electric utility's transmission and distribution facilities; and
  - e. Is intended primarily to offset part or all of the customer-generator's requirements for electricity.
29. "Non-Commercial WECS Facility" means a WECS Facility with a single Wind Generation Device and with a generating capacity of 7.5 kilowatts or less located on property owned solely by the Applicant(s) to generate electricity for the Applicant's primary use, and is operated solely by the Applicant(s).
30. "Operator" means the primary person responsible for managing and maintaining the WECS Facility once the WECS Facility becomes functional by producing electricity.
31. "Original Grade" means pre-development grade of the surface
32. "Owner" means the surface owner of land. This definition is enabled by W.S. 187-5-501(a)(iv)
33. "Person" means and includes an individual, group, firm, partnership, corporation, cooperative, association, or other legally established entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a person.
34. "Pre-Application Meeting" means a meeting with the Department at the request of the applicant for the purpose of providing an overview of Sweetwater County's regulations and review of the proposed project.
35. "Primary Structures" means residences and occupied commercial or industrial buildings. Primary structure excludes structures such as storage sheds and other non-occupied structures.
36. "Qualified Professional" means a Person with professional training, certification, experience and expertise in an area of concern such as environmental, engineering, surveying, economics and architecture, who is retained by the Applicant for the purposes of completing work required by these regulations. The Board reserves the right to review the credentials of each person hired by the applicant to perform work as a Qualified Professional.
37. "Shadow Flicker" means the visible flicker effect when rotating blades of the WECS cast shadows on adjacent property causing a repeating pattern of light and shadow.
38. "Significant Shadow Flicker" means more than 30 hours per year of shadow flicker on adjacent property.
39. "Special Status Species" means a plant or animal species that requires administrative protection or special management as required by state or federal law. Examples of Special Status Species include: Threatened, Endangered, or a Proposed Species under the Endangered Species Act, BLM Sensitive Species; or Wyoming's Species of Greatest Conservation Need.

40. "Substation" means the apparatus that connects the collector system of the WECS and increases the voltage for connection to the off-site transmission lines.
41. "Threatened Species", under the Endangered Species Act, means an animal or plant species, as determined by the U.S. Fish and Wildlife Service that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
42. "Transmission Lines" means non-utility owned electrical transmission lines.
43. "Wilderness Characteristics" means lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2.c. of the Wilderness Act.
44. "Wind Energy Conversion System" (WECS) is interchangeable with WECS Facility.
45. "WECS Facility" means anything that is a necessity or a component that exists for the project and is a part of the WECS Project. The WECS Facility includes, but is not limited to, the following systems and components: WECS and associated support facilities including, roads, substations, collection systems, gathering systems, transmission lines, operation and maintenance buildings, primary structures, ancillary facilities, components and equipment, and Wind Generation Devices as specified in the application. ~~A WECS Facility includes, but is not limited to, a Wind Energy Facility.~~ The WECS Facility includes WECS Facility Phases planned by the Developer.
46. "WECS Facility Area" means that region of land whose boundary is legally defined and established by the developer and encompasses the boundaries of all planned WECS Facility Phases and contains all elements for all WECS Facility Phases provided; however, that the boundary may not extend beyond property owned or controlled by the developer.
47. "WECS Facility Boundary" means the legally described limits of the WECS Facility Area that contains all the elements of a WECS Facility and the area encompassed by all planned WECS Facility Phases.
48. "WECS Facility Phase" means a portion of the WECS Facility and WECS Facility Area that the Developer chooses to develop at a future time, leaving the remainder of the WECS Facility to be developed as one or several additional construction units or projects.
49. "WECS Tower" means the support structure to which the nacelle and rotor is attached.
50. "Wind Generation Device" means all components associated with a single device that uses wind as a prime mover for the production of an electrical resource.
51. "Wind Generation Device Height" means the distance from the highest point of the device to the original surface grade.

**D. Commercial WECS Facility Application Requirements**

No person shall commence or construct a Commercial WECS Facility without obtaining the required permit from the Board.

Non-Commercial WECS Facilities and MET towers will be administered in accordance with the Non-Commercial WECS Facilities requirements of these regulations.

Commercial WECS Facilities shall be administered as provided below:

1. WECS Facility Permit Application for a Commercial WECS Facility including all WECS Project Phases shall be accompanied with the following information:
  - a. **Fee:** The Applicant shall submit **a-fees** as required in Section N. in this Regulation and Section 25 of the Sweetwater County Zoning Resolution.
  - b. **Copies:** The Application submittal to the Department shall be accompanied by twenty hard copies and two **memory sticks with** digital copies on of a complete WECS Facility Permit Application.
  - c. **Certifications:** ~~County Attorney Approved Certifications, Affidavits, Consents, and Acknowledgements:~~ All certifications, affidavits, **consents** and acknowledgements required of the Applicant by these Regulations must meet the approval of the Sweetwater County Attorney's Office.
  - d. **Owner consent:** Letters from all surface property owners upon which the WECS Facility will be located or other legal documentation (memorandum of lease, etc.) which demonstrates consent of owners for the WECS Facility.
  - e. **Contact information:** The names, addresses, telephone numbers and email addresses of the applicants, developers, operators and owners of land within the WECS Facility.
  - f. **Public Utility Information:** Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission, if applicable.
  - g. **Adjacent Land Owners' Contact Information:** The names, addresses, telephone numbers and email addresses of all adjacent surface property owners within 2,640 feet of the WECS Facility Boundary.
  - h. **General Scope of WECS Facility:** Relevant information on the project including general location of the project, timeframe for construction including the schedule for phasing, project life, markets for the electricity produced and status of power purchase agreement.
  - i. **Summary of the WECS Facility:** Provide a description of the WECS Facility including its total nameplate generating capacity and a nameplate capacity of each turbine, the equipment manufacturers, types of wind generation devices, complete component list of WECS, number of Wind Turbines, the maximum wind turbine height, maximum blade tip speed, the maximum diameter of the rotor, and the minimum distance between the ground and the rotor.
  - j. **WECS Facility Site Plan:** WECS Facility site plan shall include the following:
    - (1) Drawings, prepared by a Professional Engineer and Surveyor Licensed in the State of Wyoming, prepared to a suitable scale on 24" X 36" sheets and two **memory sticks with** digital copies, depicting the layout of the following:

- (a) All existing structures, right of ways, and above and below ground facilities **and utilities** within the WECS Facility Area and within 2,640 feet of the proposed WECS Facility Boundary. If access is not attainable outside the WECS Facility Boundary, the applicant shall propose to the Board of an alternative plan that addresses any impact the project causes to any existing structures above and below ground and R.O.W.'s outside of the WECS Facility Boundary.
- (b) All proposed WECS Facility components and structures, right-of-ways, and above and below ground facilities within the WECS Facility Area and within 2,640 feet of the WECS Facility Boundary including, but not limited to, the following:
  - (a) WECS Facility boundary lines **and** property lines prepared by a Wyoming Licensed Surveyor.
  - (b) Topographic lines showing the existing topography of the project and the surrounding area (USGS or other topographic maps may be utilized).
  - (c) All existing and proposed public and private access roads and turnout locations including dimensions.
  - (d) Utilities, pipelines and similar facilities.
  - (e) Proposed location of each WECS Tower.
  - (f) Project reference number for each WECS Tower.
  - (g) Anchor bases and all supports.
  - (h) Layout, use and dimension of all structures and ancillary equipment within the WECS Facility Area, within 2,640 feet of the WECS Facility Boundary and within the geographical boundaries of any applicable setback. Identify all setback distances for all structures and ancillary equipment.
  - (i) Fencing detail.
  - (j) A Complete electrical layout of the entire WECS facility project including substation locations, transmission, collector and gathering lines and other ancillary facility components.
  - (k) Map of Dominant Wind Characteristics: A non-proprietary map showing wind characteristics and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows.
- k. **Property Description and Vicinity Map:** Property description which includes a general vicinity map of the WECS Facility and a legal description of the WECS Facility **B**oundary (i.e. NW1/4, SE1/4, Sec 2, T42N, R6W), and acreage within this Boundary.

- l. **Construction Site Plan:** A construction site plan and narrative showing and explaining all components necessary during the project construction phase including, but not limited to, batch plants, stock piles, office trailers, lay down yards, water storage, health and sanitation facilities. This site plan shall be drawn to a suitable scale on 24" X 36" sheets and submitted in digital format.
- m. **Environmental Report and NEPA Compliance:** All applicants are required to prepare and submit to the County an Environmental Report. For those applicants who have complied with the requirements of a published Draft Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA), those applicants may request a waiver, from the Board, of some or all of the requirements of the Environmental Report. If no report has been prepared pursuant to NEPA, the Board may grant a waiver or partial waiver if the Applicant submits an environmental report prepared for the Industrial Siting Council. Said environmental report must satisfy all the requirements of this section. No waiver shall be provided unless the applicant can demonstrate that the contents of the Draft Environmental Impact Statement or the Industrial Siting Council, if applicable, substantially match, in whole or in part, the requirements of the Environmental Report herein. These Reports must be prepared by Qualified Professionals and submitted with the WECS Facility Permit Application, and include the following:

All applicants shall present an Environmental Report which contains the following specific report requirements; however, certain requirements and standards will be required of all applicants as specifically designated in **Section 18.E**.

- ~~Wildlife and Habitat~~
- ~~Historical, Archeological and Cultural Resources~~
- ~~WECS Facility~~
- ~~Social and Economic~~

- (1) Wildlife and Habitat: A report that includes a survey of all of the wildlife and habitat within the WECS Facility Area and in any Biologically Significant area surrounding the WECS Facility Area where legal access is available and as determined by the Wyoming Game and Fish Department or governing federal agency. Where legal access is not obtainable, the applicant shall advise the Land Use Department or the Board of County Commissioners. Wildlife mitigation and monitoring plan shall be prepared if recommended by the Wyoming Game and Fish and/or governing federal agency.

Said report shall address:

- (a) All Special Status Species
- (b) The presence of elk, mule deer, antelope and other mammal populations.
- (c) All avian species present, including raptors and other migratory birds. Said report shall include the important habitat for those avian species, such as nesting, stop-over sites, roost sites, and hunting perches.
- (d) All bats, both resident and migratory. Said required report shall include surveys for hibernacula, maternity roosts and colonial roost sites.

- (e) All wildlife crucial ranges including winter ranges, parturition areas, nesting areas, fish spawning areas, migration corridors and similar areas that are critical to wildlife.
  - (f) All Greater Sage Grouse Core Areas, leks and winter concentration areas.
  - (g) Wildlife Studies and Surveys shall be performed in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
  - (h) A Wildlife Impact Mitigation Plan, if recommended or required by Wyoming Game and Fish Department and governing federal agencies, ~~which must be~~ prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
  - (i) A Wildlife Monitoring Plan, if recommended or required by Wyoming Game and Fish Department and governing federal agencies to monitor the effects of the developed WECS Facility on wildlife, ~~to monitor the effects of the developed WECS Facility on wildlife. This plan shall be~~ prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
  - (j) An inventory of all flora and the anticipated impacts to the flora within the WECS Facility Area and a flora mitigation plan prepared by a Qualified Professional, if determined necessary by the appropriate agency.
  - (k) A report, prepared by a qualified Wyoming Licensed Professional Engineer, detailing produced water quality, supply, demand, disposal of water during the construction and maintenance of the WECS Facility, and the Project's effect on water quality and supply wells within 2,640 feet of the WECS Facility. ~~vicinity~~ This report shall include a water impact mitigation plan, if the report identifies significant adverse impacts.
  - (l) An inventory of wetlands and riparian areas and any anticipated impacts to these areas within the WECS Facility Area, and an appropriate mitigation plan prepared by a Qualified Professional, if determined necessary by the appropriate agency.
- (2) Historical, Cultural and Archaeological Resources: The applicant shall coordinate with appropriate agencies for matters concerning cultural resources studies (archaeological and historic sites) and any other relevant federal, state and local issues/. This information shall be provided with the application. ~~The applicant(s) shall coordinate with appropriate agencies for matters concerning archaeological studies, historical importance and any other relevant federal, state and local issues and shall include any information received in the application.~~

~~The WECS Facility reporting requirements shall include the following:~~

- (a) ~~The applicant(s) shall coordinate with appropriate agencies for matters concerning archaeology studies, historical importance and any other~~

~~relevant federal, state and local issues and shall include any information received in the application.~~

(3) WECS Facility: The WECS Facility requirements shall include a report on the following including any necessary mitigation measures:

(a) ~~dBA-weighted and dBC-weighted noise levels at the project boundary line and at the nearest primary structure to the project boundary line.~~ The applicant shall provide a report describing the impact of the proposed WECS with the application on the adjacent community and residents. It shall describe in detail all noise studies/models and must demonstrate compliance with all ANSI/ISO standards for outdoor measurements and model predictions. Where such standards/protocols include confidence limits or limitations of use the report shall present them and provide an explanation of how they were addressed. Applicable ANSI Standards include: S12.9 "Quantities and Procedures for Description and Measurement of Environmental Sound" Part 4 "Noise Assessment and Prediction of Long-term Community Response" and ISO 9613-2 "Acoustics-Attenuation of sound during propagation outdoors, Part 2, "General Method of Calculation."

The computer model developed to estimate sound propagation from the WECS into the community shall be constructed to represent the sound immissions at the receiving properties for the predictable worst case conditions for sound emissions and propagation including that of a stable nighttime atmosphere with high levels of wind shear and turbulence above the temperature inversion boundary.

Models shall be constructed using octave band sound power levels covering the range of 31.5 to 4,000 Hz minimum. Predictions shall address all parts of the community where sound immission levels may exceed 30 dBA and 40 dBC.

All measurements, models, and reports shall be produced and certified by a qualified acoustical consultant with Full Member status with the Institute of Noise Control Engineering (INCE) and include:

- i. A description and map of the project's sound producing features, modeled in dB(A) and dB(C), and the basis for the expectation.
- ii. A description and map of the existing land uses and structures including any residences, hospitals, libraries, schools, places of worship, and parks within one and one-quarter (1.25) miles of the exterior boundary of the proposed WECS. Said description shall include the location of the structure/land use, distances from the source of the sound or WECS and background (as defined in S12.9, Part 1 for "residual" noise) decibel readings (including appropriate documentation per ANSI standards for reporting, keyed to the date and time when measurements are taken) for each identified land use and structure described and mapped.
- iii. A description of the project's proposed sound control features shall be described in detail, including specific measures to

minimize noise impacts to structures and land uses identified in the preceding item. Information about potential post construction mitigation options, such as operation in Noise Reduction Operating (NRO) modes shall be described. If there are no post construction mitigation methods available a statement to that effect shall be included along with reasons supporting that statement.

- iv. The report shall address the potential for any and all adverse impacts from wind turbine sound emissions on the community and its residents located within 1.25 miles from the boundary of the WECS.
  - v. The report shall provide sufficient detail to permit complete peer review and include the information required in ANSI S12.18 "Procedures for Outdoor Measurement of Sound Pressure Levels" Section 9, Reporting.
- (b) The effect on Areas of Critical Environmental Concern, County and State Parks, Wilderness Study Areas, lands with wilderness characteristics, Historical Areas and Trails, and other similar areas.
  - (c) The Applicant(s) shall provide certification and evidence that there will be no electromagnetic interference, caused by the WECS Facility, on any emergency and non-emergency telecommunication providers within Sweetwater County.
  - (d) All reasonable public safety concerns as to the potential hazards to properties, public roadways, communities and subdivisions that may be adjacent to, or within five miles of, the WECS Facility Boundary.
  - (e) Public and private aviation and airports/airstrips.
  - (f) Potential hazards from ice throw.
  - (g) Impact of Shadow Flicker on residences and occupied structures from any WECS Facility and estimated duration of the Shadow Flicker in hours per year.
  - (h) Light impact on neighboring properties and communities
  - (i) Potential hazards of Blade Glint.
  - (j) Identify fire hazards and mitigation measures.
  - (k) Potential hazards from collapse of damaged turbines or other system components caused by severe storms or other circumstances.
- (4) Social and Economic: The Social and Economic reporting requirements shall include the following and any mitigation measures to address adverse social and economic impacts :

- (a) The estimated amount of property, sales, and other taxes to be generated by the project in Sweetwater County and outside of Sweetwater County.
- (b) Estimated local expenditures of construction materials in Sweetwater County.
- (c) The estimated number of construction jobs and estimated construction payroll. **Estimated** number of local construction job opportunities.
- (d) **Estimate** the construction workforce spending in Sweetwater County.
- (e) **The estimated** number of federal, state and local government jobs effected and added as a result of the WECS project.
- (f) The estimated number of permanent jobs and estimated continuing payroll.
- (g) The **estimated** demographic characteristics of the construction and permanent work force including workers, family members and any adverse impacts on local infrastructure i.e., schools, housing, EMS, Local and State Government, law enforcement, health, etc.
- (h) The estimated costs of the WECS Facility's impacts on roads or other public infrastructure.
- (i) A mitigation plan to address **all-identified significant** adverse socio-economic impacts ~~which have been identified~~.

n. **Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan:** A Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan for each phase of the project shall be prepared by a Wyoming **Licensed** Professional Engineer, drawn to scale and include, but not be limited to, the following:

- (1) Drainage calculations based on a 25 year storm event unless the location, terrain **and** topography dictate a higher amount.
- (2) Existing and proposed contours
- (3) Historic and produced flows
- (4) Existing wetlands
- (5) Established floodways
- (6) Existing and proposed roadways
- (7) Water management structures
- (8) Drainage through the WECS Facility area
- (9) Effects on downstream and upstream properties

- (10) Erosion mitigation and runoff control
  - (11) Dust Control
  - (12) A mitigation plan that addresses the risks of erosion and flooding, including flooding on all adjacent, upstream and downstream properties.
- o. **Waste Management Plan:** A waste management plan that includes an inventory of estimated solid wastes to be generated and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WECS Facility. ~~[Wyoming Statute 18-5-503(a)(vi)]~~
  - p. **Transportation Plan:** A transportation plan prepared in accordance with Section 18.F. ~~[Wyoming Statute 18-5-503(a)(vii)]~~
  - q. **Emergency Management Plan:** Applicant(s), ~~Project Owner(s) or Operator(s)~~ shall submit a written Emergency Management Plan for review and comment to the ~~appropriate fire department or district County and local fire department~~, County Emergency Management Coordinator and the County Sheriff. If the WECS Facility extends into another county, the Emergency Management Plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other county. If the WECS Facility permit is granted, the plan shall be supplemented and revised following construction of the WECS Facility and prior to its operation, if there are any variations in the project construction which would materially impact the original emergency management plan. ~~[Wyoming Statute 18-5-503(a)(v)]~~
  - r. **Reclamation and Decommissioning Plan:** Provide a site and facility reclamation and decommissioning plan in accordance with Section H & I of these regulations and Wyoming Statute 18-5-503(a)(x). In addition, the applicant shall certify that any owner who is not the applicant has been notified of the requirements of the reclamation and decommissioning plan.
  - s. **Certification to Provide As-Built Drawings** A certification that as-built drawings will be provided in compliance with Wyoming Statute 18-5-503(a)(viii). ~~and that the developer acknowledges that all WECS structures shall be constructed no greater than 50 feet from the locations identified with the WECS Facility Permit subject to there can be no adverse change in viewshed or in the environmental assessment.~~
  - t. **Certification of Compliance with Zoning and Land Use Regulations:** Certify that the proposed WECS Facility will comply with the Sweetwater County Zoning Resolution and all other applicable Sweetwater County Development Codes and Land Use Regulations ~~[Wyoming Statute 18-5-503(a)(iv)]~~. Additionally, if explosives are to be stored on site, a Conditional Use Permit for Storage of Explosives is required.
  - u. **Certification of Compliance with Wyoming Statutes:** Certify that the proposed WECS Facility will comply with all the standards required by Wyoming Statute 18-5-504 if Sweetwater County has not adopted more stringent standards. If Sweetwater County has adopted more stringent standards, the certification requirement shall apply to the more stringent standards.
  - v. **Certification of Compliance with Noise Standards:** ~~Certification that the WECS Facility will not exceed 45 dBA and 45 dBC at the project boundary line and at the~~

~~nearest structure to the property line.~~ Certification that the WECS project facility will not exceed any of the criteria herein at the project boundary line and at the nearest property line of land not owned by or leased to the WECS owner/operator.

- w. **Coordination with Local, State and Federal Agencies:** A list of all local, state and federal agencies requiring approval and the projected timeline for obtaining approval from these agencies. If approved, provide a copy of such approval, including all required studies, reports and certifications. When a WECS Facility requires a Federal National Environmental Policy Act (NEPA) document and approval, the applicant shall submit with its application for a WECS Facility Permit a completed, published electronic Draft NEPA document required by the governing federal agency for the proposed WECS Facility.
- x. **Viewshed Impact Analysis and Proposed Mitigation Measures Report:** Provide an accurate visual simulation of the WECS Facility structures and components by showing a minimum of 25 key vantage points providing the worst case scenario, in coordination with the Department, that are representative of the diverse public usage of the land including recreational, residential, and business. These vantage points shall consider a 360 degree view of the project site. The applicant shall ~~and~~ provide a report including the following:
- (1) Analysis of the viewshed impacts and mitigation program for all key vantage points; ~~identified viewshed impacts;~~ and,
  - (2) ~~Evaluation of Federal Aviation Administration (FAA) approved Audio Visual Warning Systems (AVWS); and,~~
  - (3) Visual rendering of the proposed WECS Towers, blades and other WECS Facility structures and facilities with color scheme represented on a relatively clear day.
- y. **Certification of Advertising and Promotional Lettering:** Certify that there shall be no advertising or promotional lettering on any WECS Facility structure, WECS Tower, turbine, nacelle or blade beyond the manufacturer's or applicant's logo on the nacelle of the turbine as approved by Sweetwater County.
- z. **Publication of Notice in Newspaper:** Certify that notice of the WECS Facility application will be published in the official newspaper of Sweetwater County and the official newspapers of all counties in which the proposed WECS Facility is located. This notice shall be published in all official newspapers at least twice in two (2) different weeks, at least twenty (20) days prior to the Board of County Commissioners public hearing on the application. The notice shall include a brief summary of the WECS Facility, invite the public to submit comments and identify the time and date of said hearing. ~~{Wyoming Statute 18-5-503(a)(ii)}~~
- aa. **Required Supporting Letters and Reports:** Provide letters and reports addressing issues or concerns within their jurisdiction related to the WECS Facility Area and surrounding region as determined by the Wyoming Game and Fish, Wyoming State Historic Preservation Office, Sweetwater County Conservation District, Wyoming Department of Environmental Quality and Federal Aviation Administration ~~environmental report, historical, viewshed:~~

- (1) Wyoming Game and Fish: A letter or report from the Wyoming Game and Fish addressing any environmental issues concerning endangered or threatened species, wildlife migrations or protected populations.
  - (2) Wyoming State Historic Preservation Office: A letter or report from the Wyoming State Historic Preservation Office addressing any historic, cultural or archaeological resources.
  - (3) Sweetwater County Conservation District: A letter or report from the Sweetwater County Conservation District addressing soil conditions and erosion within the WECS Facility Area.
  - (4) Wyoming Department of Environmental Quality: A letter or report from the Wyoming Department of Environmental Quality addressing any land and water quality issues.
  - (5) FAA and Airport Notification and Letters of Approval: Provide letters from the FAA and the owners of the potentially affected public and/or private airports or airstrips demonstrating that the affected entities have been notified of the pending WECS Facility.
- bb. **Notice of Mineral Rights:** ~~Notice of Record, Owner(s) or~~ Applicant(s) shall certify that notice has been provided to the record owners and claimants of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice shall contain the ~~following information:~~ 1) location of proposed WECS towers and location of underground wiring and ; ~~such notice may include notice by publication. The certification of notice shall be provided with the application. The notice shall comply with all standards and requirements adopted by the Industrial Siting Council as provided below: [Wyoming State Statute 18-5-504(c)]~~
- (1) ~~Notification requirements of mineral rights adopted by the Industrial Siting Council are as follows:~~
  - (1) Notice to record owners of mineral rights. Before submitting the application, the applicant shall provide notice to record owners of mineral rights located on or under the land where the proposed facility will be constructed.
  - (2) The notice shall consist of a statement of the applicant's intention to construct the project, features of the project, a legal description of the boundaries of the project, locations where the application may be examined and persons to contact for additional information.
  - (3) The notice shall be mailed by first class mail to all record owners of mineral rights whose identity and current addresses are readily obtainable from publicly available documents.
  - (4) The notice shall be published twice in a newspaper of general circulation in the county or counties where the project is to be located at least 20 days prior to the public hearing.
  - (5) The notice and details of steps taken to notify the record owners of mineral rights shall ~~be entered into the record~~ be submitted with the application.

- cc. **Notice Requirements.** An affidavit by the Applicant(s) shall be submitted which certifies that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed WECS Facility and to all cities and towns located within twenty (20) miles of the WECS Facility. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress and egress. The affidavit shall attest that notice was mailed to those owners of record on file at the Sweetwater County Clerk's Office. ~~[Wyoming Statute 18-5-503(a)(i)]~~

**E. WECS Facility Compliance Standards:** The following standards are to be achieved by each Commercial WECS Facility whether it has been analyzed by NEPA or not. The final decision on whether or not a particular standard is achieved by a Commercial WECS Facility shall be made by the Board. The project shall also be installed as approved by the Board.

1. **WECS Facility Safety:** WECS Facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards ~~that may be created~~ to adjacent properties, public infrastructure, communities, aviation, etc. ~~that may be created~~. The following lists public safety matters that shall be addressed and implemented in the development of the WECS Facility.
  - a. **Design Safety Certification:** WECS Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC). Concurrently with permits for construction, the Applicant(s) shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
  - b. **Construction Standards:** All WECS Facility structures and components shall conform to the most recent edition of the International Building, Plumbing, Fire, Mechanical and Fuel Code, and the National Electrical Code. Before the construction permit is issued, the Applicant shall provide drawings stamped by a Wyoming Licensed Professional Engineer certifying that all structures comply with the applicable code standard.
  - c. **Airport and Aircraft Safety:** WECS Facilities shall comply with applicable FAA regulations and comply with conditions regarding WECS Facility installation established by affected airports. If approved by the FAA, all WECS Facilities shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
  - d. **Retro-fitting AVWS Systems:** If a WECS Facility is approved without having an AVWS system installed, the ~~Project Owner or Operator Applicant, Operator or Owner~~ shall install an AVWS system within one year of when AVWS systems are approved by the FAA and made available.
  - e. **Marking Guy Wires and Anchor Points:** For projects that are placed on land with public access, visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground. All guy wires must comply with the Bird Diverter Standards stated in Section ~~17.E.3)3~~ ~~18.E.3.c.2.c.~~

- f. Exterior Climb Prevention: All Wind Generation Devices and other similar WECS Facility structures must be un-climbable by design or protected by anti climbing devices.
  - g. Potable Water and Sanitary Sewer: All permanent and occupied WECS Facility management and office buildings must have approved centralized potable water and sanitary sewer systems. This approval shall be obtained from the Sweetwater County Health Department or the Wyoming Department of Environmental Quality.
  - h. Impact on regional water supplies: The WECS Facility shall not adversely affect ground water resources, in particular the ground water supplies of nearby subdivisions or other developments.
  - i. Fire Prevention Measures:
    - (1) All structures shall comply with the most recently adopted latest edition of the International Fire Code adopted by Sweetwater County.
    - (2) Appropriate fire protection measures as required by the Sweetwater County Code Enforcement Specialist shall be implemented.
    - (3) All roads servicing primary structures or occupied accessory buildings shall be constructed to the standards of the most recently adopted edition of the International Fire Code.
  - j. As-Built Drawings: The Developer shall provide as-built drawings showing the location of all structures. All structures shall be constructed no greater than 50 feet from the locations identified with the permit application and must meet all setback requirements.
2. **Visual Impacts:** WECS Facilities shall not adversely impact scenic areas that are considered important by federal, and state and local governments. Important scenic areas include visual corridors, viewsheds, historic landscapes, scenic byways and scenic overlays. In determining the important scenic areas for Sweetwater County, and any adverse visual impacts caused by the proposed WECS Facility, the Board shall take into account the federal, and state and local important scenic areas, the WECS visual simulations and public comment. The Board may require specific design standards or restrictions that may mitigate or prohibit the degree to which the WECS Facility may impact those important scenic areas such as structure color, building height, greater setback distances and lighting.
- a. Visual Simulation Standards: The Applicant shall employ representative sampling to achieve a fair and accurate result regarding the visual impacts of the proposed WECS Facility to residents of Sweetwater County. ~~No less than 25 vantage points covering a 360 degree perspective of the WECS Facility shall be used in obtaining a fair representation~~ A minimum of 25 key vantage points providing the worst case scenario, in coordination with the Department, that are representative of the diverse public usage of the land including recreational, residential, and business. ~~The applicant shall obtain vantage points from diverse locations including, but not limited to, scenic, residential, commercial and recreational areas.~~
  - b. Growth Management Area: Commercial WECS Facilities shall not be located within the identified Growth Management Area.

- c. WECS Facility Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, Wind Generation Devices or WECS and other WECS Facility structures shall be painted a non-reflective and unobtrusive color that blends with the landscape and is accepted by the Board. The color selected shall be compatible with the natural visual character of the area.
- d. **Significant Shadow Flicker:** WECS Facilities shall be designed so that there is no Significant Shadow Flicker at an adjacent property residence or primary structure unless waived in writing and recorded against the property by the landowner in the Sweetwater County Clerk's office.
- e. **Visibility, Screening and Buffering:** WECS Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining the viewshed.
- f. **Light Pollution:** WECS Facilities, including buildings and structures, shall utilize International Dark-Sky Association compliant fixtures or an approved equal unless subject to FAA regulations.
- g. **Screening of Outdoor Storage:** Except during construction, re-construction or decommissioning, outdoor storage is not permitted within the project boundary except at locations that are screened in accordance with the regulations of the Sweetwater County Zoning Resolution. standards of Sweetwater County.
- h. **Buried Collector and Gathering Lines:** Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines, standards or applicable law.
- i. **Signage:** There shall be no advertising or promotional lettering of any type allowed on any WECS Facility structures or Wind Generation Devices beyond the manufacturer's or the applicants' logo on the nacelle of the turbine. ~~Wyoming Statute 18-5-503(a)(ix)~~

### 3. **Natural and Biological Resources.**

- a. **Wildlife Critical Areas Crucial Ranges:** WECS Facilities shall not be located in areas that would result in significant impact to wildlife, wildlife habitat, or crucial wildlife ranges as determined by the Wyoming Game and Fish and/or the governing federal agency. Wildlife critical areas include, but are not limited to, crucial winter ranges, parturition areas, nesting areas, spawning areas, riparian areas and migration corridors.
- b. **Lands with Special Characteristics:** WECS Facilities shall not be located in Wilderness Study Areas, Lands with Wilderness Characteristics, Areas of Environmental Concern, federal, state or county parks, National Recreation Areas, historic trails or special management areas. or the Sweetwater County Growth Management Area.
- c. **MET Towers, WECS Facility Components and Avian Protection:** Developers shall use MET Towers and WECS Facility components with designs that provide for the best prevention of injuries to avian predators and other avian species. For the purposes of avoiding bird collisions and to eliminate the need for MET Tower conversion during the WECS Facility construction phase, MET Towers shall comply with the following standards:

- (1) Permanent MET Towers: Monopole, non-lattice, non-guyed towers are required on Permanent MET Towers. The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation MET Tower Database for the MET Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a MET Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
  - (2) Temporary MET Towers: Where guyed Temporary MET Towers are installed, the following stipulations apply:
    - (a) The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation MET Tower Database for the MET Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a MET Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
    - (b) Bird diverters are required to be installed on guy wires. ~~as shown in Appendix A.~~
    - (c) Bird diverters shall display the following characteristics:
      - i. Movement in at least a 5 mph wind and able to withstand winds above 20 miles per hour.
      - ii. Reflective in sunlight.
      - iii. 10 hours of luminescence at night.
      - iv. Incorporate UV reflection for lowlight conditions.
      - v. At least 18-square inches per single diverter design.
    - (d) Term of Temporary MET Towers: Not to exceed three years with an option of 1 2 renewals not to exceed three 3 years. ~~each upon findings of no significant bird fatalities.~~ If an applicant has an obligation from a state or federal agency to report bird fatalities caused by MET Towers, the applicant shall provide a copy of said the report to the Board of County Commissioners for each period in which the report is prepared. The Board may use this information in reviewing any application for renewal.
- d. Greater Sage Grouse Core Areas: No WECS Facility shall be located within Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended.

- e. Avian Protection: Whether or not the proposed WECS Facility is on public or private lands, Developers, Operators and Project Owners of WECS Facilities shall comply with all governing federal or state regulations regarding protection of avian species
- f. Construction and Access during Wildlife Use: The Developer shall only perform WECS Facility construction activities within wildlife crucial ranges or migration corridors as recommended by the Wyoming Game and Fish or authorized by the applicable governing agency. Portions of the WECS Facility inside crucial winter ranges or migration corridors shall be closed to vehicle use during their period of use by wildlife as determined by the applicable governing agency. Vehicles for emergency and routine maintenance will be allowed as approved by the applicable governing agency.
- g. Protection of Bats: WECS Facilities shall be designed to avoid identified areas of concentrated bat use as recommended by the Wyoming Game and Fish or authorized by the governing federal agency. If WECS Facilities are sited across known migration routes or between roosting and feeding areas, then these Projects may be subject to mitigation measures by the Wyoming Game and Fish or the governing federal agency. For WECS Facility applications that involve 30 or fewer turbines and are not otherwise reviewed by the Industrial Siting Council and where surveys have determined the WECS Facility will increase bat mortality, the turbine blade minimum "cut in" speed shall be set to wind velocities greater than 6 meters per second or as otherwise recommended by the Wyoming Game and Fish or other governing federal authority.
- h. Protection of Raptors:
  - (1) WECS Facilities shall not be permitted within or adjacent to areas of elevated raptor concentration that are recognized by the Wyoming Game and Fish Department or a governing federal agency.
  - (2) WECS Facilities shall be designed to avoid frequently used flight paths to and from nesting and/or roosting sites as determined by Wyoming Game and Fish or a governing federal agency.
  - (3) WECS Facilities shall be set back at a distance of at least 328 feet (100 meters) from rims to reduce mortality of soaring raptors, or as recommended by the Wyoming Game and Fish or a governing federal agency.
  - (4) WECS Facilities shall not be located within canyons or passes to avoid conflicts with raptors, unless otherwise approved by the Wyoming Game and Fish Department or the governing federal agency.
- i. Historical, Cultural and Archeological Resources: On public lands or where otherwise required by law, WECS Facilities shall avoid sites with known sensitive historical, cultural, archaeological, ~~custom and cultural resources~~, as determined by Wyoming State Historical Preservation Office and the governing federal agency. If mitigation is available, the selected site may be approved subject to the acceptance of the mitigation plan by the Wyoming State Historical Preservation Office and the governing federal agency. On private lands, the Board strongly encourages mitigation and preservation of these important historical, cultural and archaeological and cultural resources.
- j. Site Management of Air, Water, Soil and Vegetation:

- (1) Drainage from the WECS Facility shall not adversely affect upstream and downstream properties.
- (2) Soil Erosion and Run-off: WECS Facilities shall avoid soil erosion and controlled runoff. Disturbance and construction on erodible soils and slopes shall be avoided.
- (3) Dust Control: Dust Control within all phases of the WECS Facility is mandatory, and shall be accomplished with Magnesium Chloride by means acceptable to Sweetwater County and WDEQ.
- (4) Noxious Weed and Invasive Species Control: Noxious weed control, as defined by Wyoming Statutes, shall be required in all phases of the WECS Facility. Invasive species, as defined by Sweetwater County Weed and Pest, shall be controlled in all phases of the WECS Facility.
- (5) Vegetation: Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance to WDEQ and the reclamation plan approved by the Board.
- (6) WECS Facility Area Ground Disturbance: Minimize site disturbance by limiting the number and widths of roads, construction staging areas, crane pad sites, etc.
- (7) Topsoil Storage: Topsoil removed by grading shall be stored in accordance with the reclamation plan approved by the Board.

k. Noise Management: ~~The noise level caused by the operation of the project, measured at five (5) feet above ground level at the project boundary line in accordance with Section 18.k.3. shall not exceed 45 decibels A-weighted and shall not exceed 45 decibels C-weighted.~~ Noise Immissions from the operation of a WECS shall not exceed:

- (1) forty-five (45) decibels on the dB(A) scale during the hours between 7 am and 7 pm, and
- (2) forty (40) decibels on the dB(A) scale during the hours between 7 pm and 7 am. In addition, noise immissions shall not exceed fifty (50) decibels on the dB(C) scale during the hours between 7 pm and 7 am. Such noise immissions shall be measured at the nearest receiving property or lot line not owned or leased to the WECS owner/operator.

Noise emissions shall be free of audible and inaudible tones that exceed a Tone to Noise Ratio greater than 10 for frequencies below 1000Hz or greater than 8 for frequencies of 1000 Hz and above. Procedures of ANSI S1.13 2005 (2010 or most recent) Measurement of Sound Pressure Levels in Air, Annex A Identification and evaluation of prominent discrete tones, Section A.7 Tone-to-noise ratio method.

All measurements shall be conducted using properly calibrated Type 1 sound testing instruments meeting ANSI S1.43 1997 (R2007 or most recent) Specification for Integrating-Averaging Sound Level Meters (or IEC 61672-1). In addition, all test protocols must be in compliance with ANSI Standards for outdoor sound measurements and be under the supervision of a Full Member of the Institute of Noise Control Engineers (INCE). Applicable ANSI Standards include: S12.9,

"Quantities and Procedures for Description and Measurement of Environmental Sound" Parts 1, 2, and 3; and S12.18 "Procedures for Outdoor Measurement of Sound Pressure Levels."

An anemometer accurate to  $\pm 10\%$  at 2m/s to full scale accuracy. The anemometer shall be located 1.5 to 2 meters above the ground and orientated to record maximum wind velocity. The maximum wind velocity, wind direction, temperature and humidity shall be recorded in one (1) minute increments at a site within 5 m. of the measuring microphone.

Sound tests shall meet all requirements in ANSI S12.18 Method #2, Precision, to the extent possible, while still permitting testing of the conditions that lead to complaints. The meteorological requirements in ANSI S12.18 may not be applicable for some complaint tests. For sound measurements in response to a complaint, the compliance sound measurements should be made under conditions that replicate the conditions that caused the complaint without exceeding instrument and windscreen limits and tolerances.

The report shall provide sufficient detail to permit complete peer review and include the information required in ANSI S12.18 "Procedures for Outdoor Measurement of Sound Pressure Levels" Section 9 Reporting. The report shall identify any deviations from the requirements of this regulation, explain the basis for those deviations, and explain how those deviations impact the results of the tests.

#### 4. Commercial WECS Setbacks and Standards

Commercial Wind Generation Device	Minimum Setbacks	Additional, Waivers & Similar
Primary Structure	5.5 times the Wind Generation Device Height or 1/2 mile, whichever distance is greater.	If the person owning the primary structure waives, in writing, the setback requirement of 5.5 times the height of the Wind Generation Device, the minimum setback shall be 1.5 times the Wind Generation Device Height.
Third Party Transmission and Distribution Lines	1.5 times the Wind Generation Device Height.	
Communication Towers	1.5 times the Wind Generation Device Height.	
WECS Facility Boundary Line	1.5 times the Wind Generation Device Height or a minimum distance of 1,600 feet, whichever distance is greater.	
County Residential Zone District and any City and Town	1 Mile	
Any Platted Subdivision	1 Mile	
Right-of-Way of all Federal, State, County and Municipal Roads	5.5 times the Wind Generation Device Height or 1/2 mile from the Right-of-Way (ROW), whichever	Unless waived by the Board. Measured from the edge of the Right-of-Way (ROW).

	distance is greater.	
Railroads	5.5 times the Wind Generation Device Height or 1/2 mile from the Right-of-Way (ROW), whichever distance is greater.	Unless waived by the Board. Measured from the edge of the Right-of-Way (ROW).
Federal, State and County Parks, National Recreation Areas and Wildlife Refuges	A minimum distance of one (1) mile.	Unless waived by the Board upon recommendation from the <del>State or</del> applicable <del>State</del> Agency

A waiver from the setback requirements shall run with the land and shall be recorded as part of the chain of title for the subject property. Copies of the recorded waivers shall be furnished to the County and included in the application file.

Setbacks shall be measured from the center of the Wind Generation Device foundation.

**F. Transportation and Other Public Infrastructure**

1. **Transportation Plan:** Any Applicants, ~~Developers, or Operators~~ proposing to use any public or private roads for the purpose of transporting WECS Facility components or equipment for construction, operation, maintenance and decommissioning shall submit a Transportation Plan, prepared by a Wyoming Licensed Professional Engineer, that addresses and includes the following:
  - a. Legal Access and Public Roadways: A report demonstrating how legal access will be provided to the WECS Facility. The report shall describe how private roadways within the project will be marked as private roadways and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use. ~~[Statute 18-5-503(a)(vii)]~~
  - b. WECS Facility Roadways and Haul Routes: A report, with plans and maps, prepared by a Wyoming Licensed Professional Engineer, that:
    - (1) Explains and identifies all existing and proposed county, public, federal resource roads and private roads expected to be used in the construction, operation and decommissioning of the WECS Facility, including all roads that will be used as WECS Facility haul and transportation routes for all equipment and materials necessary for the WECS Facility.
    - (2) Includes the anticipated height, width, length, and weight data for all WECS Facility loads to be transported and the plan for upgrading, maintaining and reclaiming.
    - (3) Provides plans demonstrating compliance with the application site plan requirements. ~~Section 17.D.1)i)~~
  - c. Traffic Study: A traffic study, prepared by a Wyoming Licensed Professional Engineer, of any public roadways leading to and away from the proposed project during construction, operation and decommissioning. This traffic study must assess the existing roadway conditions, evaluate the ability of the existing roadways and proposed roadway to

accommodate WECS Facility traffic loads, identify proposed mitigation measures to address roadway impacts and propose a plan to implement identified mitigation measures. This traffic plan must address costs of mitigation. These costs are the responsibility of the Developer and must be addressed to the satisfaction of Sweetwater County in the Road Use and Maintenance Agreement. ~~and in the Road Construction and Maintenance Financial Security Agreement.~~

2. **Road Use and Maintenance Agreement:** The Board of County Commissioners shall require the Applicants to enter into a Road Use and Maintenance Agreement for the use of County roads prior to construction of the project. The Road Use and Maintenance Agreement shall be developed by the Applicants for review by the Sweetwater County Engineering Department, Land Use Department, and the County Attorney's Office. In the Road Use and Maintenance Agreement, the Applicant Developer shall certify and acknowledge that:
- a. Prior to preconstruction, site occupancy, over lot grading or construction of any component of the WECS Facility, the Applicant Developer shall obtain and submit to Sweetwater County copies of all approved Federal, State and local government or agency required permits related to access, access modification, change of use of access permits; utility crossing permits or approved plans required by applicable governments and agencies necessary to address and mitigate impacts to any Federal, State or County Highway/Road facilities.
  - b. The Applicant(s), ~~Project Owner(s), or Operator(s)~~ shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WECS Facility.
  - c. The use of public roads and other public infrastructure shall be in accordance with and in compliance with existing regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of the WECS Facility shall bear all costs required to return the public roads or other infrastructure to their original or better condition.
  - d. Financial Assurance. The Applicant shall submit Financial Assurance in a sufficient amount to repair damage to all public roadways attributed to the construction, operation and maintenance of the WECS Facility. Said Financial Assurance shall be signed and sealed by the Applicant's engineer and approved by the Sweetwater County Public Works Director for final approval by the Board.

**G. Operations and Maintenance:**

1. The Developer or Operator shall perform routine and scheduled maintenance including the repainting of equipment and structures and servicing of the grounds and landscape. If the WECS Facilities are under the jurisdiction of the Wyoming Public Service Commission, the requirements of this subparagraph may not apply.
2. All solid wastes and hazardous materials related to the construction, operation and maintenance of a WECS Facility shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State and County laws and regulations.

3. On April 1st of every even numbered year after the third anniversary of the permit, the ~~Developer or Operator~~ ~~Project Owner, Owner(s) or Operator(s)~~ of the WECS Facility shall submit to the Department a statement that lists all WECS Towers currently inoperative for longer than six (6) continuous months. All WECS Towers that remain inoperative for eighteen (18) continuous months or longer must be removed unless the ~~Developer or Project Owner or Operator~~ ~~Owner(s)~~ provides a written plan and schedule acceptable to the Board for refurbishing and/or reactivating the inoperative WECS. If the ~~Project Owner(s)~~ ~~Developer or Operator~~ of the WECS Facility is a person regulated by the Wyoming Public Service Commission, the requirements of the second sentence of this subparagraph may not apply.
4. The ~~Developer or Project Owner(s) or Operator(s)~~ of the WECS within the WECS Facility ~~and surrounding areas~~ shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Sweetwater County Weed and Pest District or the appropriate public entity having jurisdiction.
5. ~~If there are any FCC complaints, the Project Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference.~~
6. To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the ~~Developer or Project Owner(s) or Operator(s)~~ shall provide the Department with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WECS structure, all roads within the WECS Facility area, and public roads and turnouts connecting to roads of the WECS Facility. This Map shall be updated by the ~~Developer or Project Owner(s) or Operator(s)~~ every five (5) years or after the completion of any significant additional construction, whichever occurs first, and approved by the ~~Department County Surveyor~~.

**H. General WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

1. WECS Facilities owned or operated by a Public Utility subject to requirements of the Public Service Commission are exempt from Sweetwater County's and Wyoming Industrial Siting Council's decommissioning, reclamation and financial assurance requirement in accordance with W.S. 35-12-105(d) and (e). Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission shall be provided with the application.
2. Commercial WECS Facilities under the jurisdiction of the Industrial Siting Council as provided under Wyoming Statute 35-12-102(a)(vii)(E) and (F) shall submit a WECS Facility decommissioning and reclamation plan and financial assurance that complies with the criteria of W.S. 35-12-105(d) and (e) and the Rules and Regulations of the Industrial Siting Council.
3. For all other Commercial WECS Facilities, pursuant to W.S. 35-12-102(a)(vii)(E) and (F), which are not subject to the Wyoming Industrial Siting Council, the applicant or developer shall meet the Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations as stated in these Regulations.
4. The chart below provides regulatory requirements for reclamation and decommissioning.

Categories of Commercial Wind Energy Facilities	Regulatory Jurisdiction Regarding Decommissioning, Reclamation, Financial Assurance.
WECS Facility development cost estimates meet or exceed the qualifying amount for an Industrial Siting Council Project	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain 30 or more WECS Towers.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers, accepted by the Industrial Siting Council after referral by the County Commissioners on the basis of environmental, social or economic factors.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers not referred by the County Commissioners nor accepted by the Industrial Siting Council.	Sweetwater County Decommissioning, Reclamation and Financial Assurance Regulations (See Section 18.1 of these Regulations)

**I. WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

1. WECS Facility Decommissioning. The applicant shall provide a WECS Facility Decommissioning Plan which includes the following:
  - a. ~~The facility decommissioning plan shall include~~ Provisions regarding the removal and proper disposal of all wind turbines, towers, substations, buildings, structures, cabling, electrical components, foundations to a depth of forty-eight (48) inches from original grade, and any other associated or ancillary equipment or structures within the facility boundary above and below ground.
  - b. The Developer may request that buildings be left on site if approval is obtained from the owner and upon written notification to the Board.
  - c. WECS Facility or individual Wind Generation Device decommissioning shall begin:
    - (1) Within twelve (12) months after the end of the useful life of the facility or individual Wind Generation Device, or
    - (2) When no electrical energy is generated for a continuous period of twelve (12) months by the facility or individual Wind Generation Device.
    - (3) If the WECS Facility provides good cause prior to the end of the continuous period stated herein, the Board may extend the time for decommissioning once the generation of electricity has ceased for the facility or individual Wind Generation Device.

- d. The facility decommissioning plan shall be updated and submitted to Sweetwater County every five years.
2. Interim Reclamation shall comply with the applicable permitting requirements of the Department of Environmental Quality Water Quality Division Storm Water Program.
  3. Final Reclamation. The applicant shall provide a final reclamation plan which shall include:
    - a. A detailed description of site conditions prior to construction, including topography, vegetative cover (including plant species and plant community structure), climate and land uses.
    - b. Regrading. Provisions regarding the regrading of all WECS Facility component and structure foundations, roads, and all other surface disturbances within the facility boundary to the natural contours of the area. Backfilling, grading and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:
      - (1) Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.
      - (2) Contouring affected land to blend in with the topography of the surrounding terrain unless doing so would create an erosion problem or hazard.
      - (3) The WECS facility may leave a road un-reclaimed if approval is obtained from both the surface landowner and the Board.
    - c. Re-vegetation.
      - (1) After backfilling, grading and contouring, and the replacement of topsoil, re-vegetation shall be commenced in such a manner so as to most efficiently accommodate the retention of moisture and control erosion on all affected lands to be re-vegetated.
      - (2) Re-vegetation requirements shall include seedbed preparation, seed mixture, and post seeding maintenance of all disturbed areas.
      - (3) If applicable, documentation of any mulching and/or use of fertilizers.
      - (4) Reclamation shall consist of restoring the land using native or adaptive perennial vegetative cover to a condition equal to, or better than, the original condition.
      - (5) Re-vegetation of all affected lands shall be accomplished in a manner consistent with the approved reclamation plan and the proposed future use of the land.
      - (6) Seeding of affected land shall be conducted during the first normal period for favorable planting conditions after final preparation, unless an alternative plan is approved by the Board. The species of vegetation to be used in re-vegetation efforts shall be described in the reclamation plan indicating the composition of seed mixtures and the amount of seed to be distributed on the areas on a per acre basis.



- d. The Wyoming Licensed Professional Engineer estimate of decommissioning and reclamation costs shall include the following:
    - (1) A general discussion of assumptions, including equipment, timeframes, backup calculations, procedures, methods and any other considerations used in developing the cost estimate.
    - (2) A detailed description of the decommissioning activities to be performed.
    - (3) A detailed description of the reclamation activities to be performed.
  - e. The Developer may request release of the Financial Assurance mechanism when the facility has achieved final reclamation. Final reclamation means that all surface disturbances have been re-graded and re-vegetated with a uniform perennial vegetative cover with a density of 90% of the native or adaptive background vegetative cover. Noxious weeds shall not be included in the density requirement in determining reclamation success.
6. The Board may grant a case by case variance to requirements of Section 18.I (Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations) after considering whether good cause is shown by the applicant or landowner.

**J. Approval Process for WECS Facility Permit:**

1. Pre-Application Submittal Meeting: Prior to submitting an application for a WECS Facility, the applicant shall arrange and attend a Pre-Application Meeting with the Land Use Department.
2. Application Submittal Meeting: After preparing an application for the WECS Facility, the applicant shall arrange for and attend an Application Submittal Meeting. The purpose of this Meeting is for the Department to provide a summary review of the Application. This review determines whether the application is generally complete and Application is not missing major application components, such as the Transportation Plan or the Social and Economic Study. If, during this meeting, application components are found missing, the applicant has the following options:
  - a. The applicant may file the application as a final application to begin the review period by the County Commissioners as required by Wyoming Statute 18-5-505, or
  - b. The applicant may correct the identified application deficiencies and formally resubmit the corrected application at a later date.

It is important to note that the Application Submittal Meeting review by Staff is intended to be a summary review that assists the applicant to determine if the application contains the required components. This review is not a substitute for the statutory completeness review conducted by the Board, nor does this summary review commit the County to a finding that any of the required application components are complete.

3. Upon receipt of an application, the Board shall review the application to determine if it contains all the information required by W.S. 18-5-503 and Section 18 of these regulations the Sweetwater County Zoning Resolution and any other applicable rules and regulations. If the Board determines that the application is incomplete, it shall, within thirty (30) days of receipt of the application, notify the Applicant(s) of the specific deficiencies in the application. The Applicant(s) shall provide the additional information necessary within thirty (30) days of receipt

of a request for additional information. When the Board determines that the application is complete it shall notify the Applicant(s) that the application is complete and shall provide notice of the date and time at which the hearing required by W.S. 18-5-506 and J.4. of these regulations shall be conducted. The determination by the Board that an application is complete is no assurance that a particular outcome will be achieved at the public hearing.

4. The Board shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comments on the application shall be accepted by the Board for not less than forty-five (45) days after determining that the application is complete.
5. Decision of the board; findings necessary
  - a. Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the Board shall make complete findings, issue an opinion, render a decision ~~on~~ upon the record either granting or denying the application and state whether or not the Applicant(s) has met the applicable standards. The decision shall be subject to the remedies provided in W.S. 18-5-508. The Board shall grant a permit if it determines that the proposed WECS Facility complies with all standards properly adopted and the standards required by this regulation.
  - b. No permit shall be granted if the application is incomplete or if all notices required by this regulation and W.S. 18-5-503(a)(i) & (ii), and 18-5-504(c) have not been met.
  - c. A copy of the decision shall be provided to the Applicant(s).

#### **K. Administration & Enforcement of Commercial WECS**

1. Liability Insurance
  - a. Liability insurance. The applicant and or operator(s) of the WECS Facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$10 million in the aggregate. The applicant(s) shall provide proof of insurance to the Board prior to the approval of the submitted application. If the application is approved, the owner(s) or operator(s) of the WECS shall provide proof of insurance annually.
2. Transfer of WECS Facility Permits
  - a. Notification of a proposed change of owner of the WECS Facility shall be provided to the Board forty-five (45) calendar days prior to any such change taking place. Documentation evidencing any such transfer shall be submitted to the Board within twenty (20) days after such transfer is complete. The transferee upon transfer of ownership shall be responsible for assuming all obligations under the approved WECS Facility Permit.
3. Revocation or Suspension of WECS Facility Permit
  - a. A WECS Facility Permit may be revoked or suspended by the Board for:
    - (1) Any materially false statement in the application or in accompanying statements or studies required of the Applicant(s).

- (2) Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure.
- (3) Failure to comply with the requirements in W.S. 18-5-501 through 18-5-513, or failure to comply with any order, rule or regulation which has been adopted under the authority of these statutes by the Board, or any rule or regulation of the Industrial Siting Council.
- (4) Failure of the proposed WECS Facility to receive a required permit from the Industrial Siting Council pursuant to the Industrial Development Information and Siting Act, W.S. §35-12-101 through §35-12-119; or
- (5) Failure of the permitted WECS Facility to:
  - (a) Transmit electricity created by wind energy for a period of two (2) consecutive years or more;
  - (b) Maintain land rights necessary to operate the WECS Facility.

#### 4. Expiration of WECS Facility Permits

- a. Any WECS Facility for which a WECS Facility Permit is granted under this section must be commenced within three (3) years from the date of approval by the Board. If the WECS Facility is not commenced within three (3) years from said date of approval, then the WECS Facility Permit shall expire and become null and void and be of no further effect. If the WECS Facility is not operational within two (2) years from the date of project or phase commencement, then the WECS Facility Permit shall expire and become null and void and be of no further effect. If the WECS Facility is to be constructed in phases, the applicant shall submit the schedule for completion of each phase for Board approval with his application, subject to a time limit of seven (7) years for phased development, which means all phased projects must be completely operational within seven (7) years of the date that the WECS permit was approved.
- b. For the purpose of this section, "commencement of construction" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of a WECS Facility. For the purpose of this section, the WECS Facility shall be considered to be "operational" if the project is transmitting electricity.
- c. If the WECS Facility has not been commenced or has not become operational as required, the Applicant(s) may request an extension of the permit. The Applicant(s) shall apply to the County in writing for the extension no later than ninety (90) days prior to the expiration of the permit. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Such information may include, but is not limited to, good faith efforts to obtain required authorization for the WECS Facility from other agencies having jurisdiction, such as the Wyoming Industrial Siting Council, delay in construction due to weather conditions, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Board shall promptly consider the application for the extension and either allow it or deny it. No permit shall expire during the time the decision on the extension is being considered.

5. Penalties for Violations of Commercial WECS's
  - a. No person shall:
    - (1) Commence to construct a WECS Facility on or after July 1, 2010 without first obtaining a permit required by W.S.18-5-501-513 and this section;
    - (2) Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a WECS Facility after having first obtained a WECS Facility permit, other than in specific compliance with the permit; or
    - (3) Cause any of the acts specified in this subsection to occur.
  - b. Any person violating subsection (a) of this section is liable for a civil or criminal penalty as provided for in Wyoming Statute 18-5-512 or as amended.
6. Industrial Siting Council Referral. The Board may refer any application to the Industrial Siting Council to permit a WECS Facility which does not meet the definition of a facility as defined by W.S. 35-12-102(a)(vii) subject to the provisions found under W.S. 18-5-509 and W.S. 18-5-510.
7. Periodic Inspections.
  - a. Staff shall perform annual inspections of the WECS Project to verify WECS Facility Permit requirements.
  - b. The Project Owner or Operator shall provide an affidavit to the Land Use Department every five years certifying that the WECS project is in compliance with their WECS Facility permit.

**L. Construction Permit for Commercial WECS Facility Permit.**

Upon approval of the WECS Facility permit, the applicant shall submit to the Department a complete Sweetwater County WECS Commercial Construction Use Permit application that includes all of the following:

1. Evidence that all applicable conditions and terms of the approved WECS Facility Permit have been satisfied.
2. Construction Drawings. Building and foundation plans stamped by a Wyoming Licensed Professional Engineer as required by Section 18.E.1.
3. Floor plans of all buildings.
4. A final plan for site security.
5. Final documentation that the project is in compliance with all of the requirements of all applicable state and federal agencies.
6. After the Department receives a complete Construction Use Permit application, the Department will review it for compliance, and, if approved, the Department will issue a Construction Use Permit.

7. The Construction Use Permit shall be enforced pursuant to Section 18.K of these regulations.

**M. Non-Commercial WECS Facility Permit and MET Towers**

Non-Commercial WECS Facilities and MET Towers will be administered in accordance with these requirements and Section 18.E.3.c:

1. Non-Commercial WECS Facility Permit Standards and Application Requirements:
  - a. Maximum Wind Generation Device Height: Parcels less than five (5) acres in size shall have a maximum tower height of sixty feet (60'). Parcels five acres in size and larger shall have a maximum Wind Generation Device height of one hundred feet (100').
  - b. Maximum Wind Generation Device Limit: Parcels 5 acres in size and less shall be limited to one Wind Generation Device. Parcels 5 acres and more shall be limited to two Wind Generation Devices unless approved by the Board.
  - c. Noise: Sound emitted by a Wind Generation Device shall not exceed: ~~+5 dBA and dBC above background, as measured at the closest neighboring property line. This level may be exceeded during short-term events such as severe wind storms.~~
    - (1) forty (40) decibels on the dB(A) scale during the hours between 7 am and 7 pm, and
    - (2) thirty five (35) decibels on the dB(A) scale during the hours between 7 pm and 7 am. In addition, noise immissions shall not exceed fifty (45) decibels on the dB(C) scale during the hours between 7 pm and 7 am. Such noise immissions shall be measured at the nearest receiving property or lot line. All other requirements of E.3) k. Noise Management shall be followed.
  - d. Setbacks: No Wind Generation Device shall be constructed on any property a distance of less than one hundred and fifty percent (150%) of the ~~combined height of the~~ Wind Generation Device Height from all adjacent property lines.
  - e. Clear Zone: The Wind Generation Device shall be maintained in a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the wind generation device. The clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines.
  - f. Tower Security: All WECS's or Wind Generation Devices shall be un-climbable.
  - g. Lighting: All WECS structures shall have International Dark-Sky Association compliant fixtures or an approved equal in accordance with FAA regulations.
  - h. Advertising: No WECS or Wind Generation Device shall have any writing or picture that may be construed as advertising.
  - i. Colors: All towers shall be standard colors as provided by the manufacturer.
  - j. Approved Non-Commercial WECS or Wind Generation Device: At the time of application, the Applicant must present a certification from the manufacturer that the all of the system's turbines and other components are equal or exceed the standards of one

of the following national certification programs such as the Institute of Electrical and Electronics Engineers (“IEEE”), National Electric Code (NEC), National Electric Safety Code, (NESC), American National Standards Institute (ANSI) or any other appropriate recognized standard and in no case shall the standards shall be less stringent than the requirements of the most recent edition adopted by the State of Wyoming.

- k. Utility Notification: If applicable, permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company serving the property of the Applicant has been informed of the customer’s intent to install an interconnected customer owned generator.

2. Administration and Enforcement of Non-Commercial WECS Facility Permit

- a. Removal of Defective or Abandoned WECS’s or Wind Generation Devices.

- (1) Any ~~Wind General Device WECS Tower~~ found to be unsafe by an authorized County official, or designated authority, shall be repaired or removed with all due urgency within 14 days by the Owner(s) to meet federal, state and local safety standards. If any WECS Tower is not ~~operated operational~~ for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide thirty (30) days for a response. In such a response, the landowner shall set forth reasons for operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice.

- b. Construction ~~and Conditional Use~~ Permit. No person shall construct a Non-Commercial WECS Facility without first obtaining a Construction permit ~~or, if applicable, a Conditional Use Permit~~ for a Non-Commercial WECS Facility.

- c. Maintaining compliance. All Non-Commercial WECS or Wind Generation Devices shall be maintained as per the manufacturer’s specifications.

- d. Neighborhood Concerns. All reasonable concerns of neighbors must be resolved before a Construction Use Permit for a Non-Commercial WECS Facility will be issued. To help identify and mitigate neighborhood concerns early in the permitting process after receiving a Construction Use Permit application, the Department shall send a request for comment form to all ~~adjacent property owners or~~ property owners within 200 feet of the applicant’s property, and will post the applicant’s property with a sign that states the nature of the applicant’s proposed ~~Non-Commercial WECS Facility. Applications for Non-Commercial WECS Facilities that produce between 3.5 kilowatts and 7.5 kilowatts shall be reviewed by the Board for approval.~~

- (1) If the Land Use Department has not received any written objections during the 21 days following the latest date of either the posting or of the mailing of the request for comments, the Department will approve the applicant’s request provided all requirements of these rules are met.

- (2) If any written objections are received from any adjacent property owners from properties within 200 feet of applicant’s property, and the Wind Generation Device is rated to produce between ~~3.5 kilowatts~~ 100 watts and 7.5 kilowatts, the

Land Use Department will schedule a public hearing before the next regularly scheduled Planning and Zoning Commission meeting that allows for 30-day advertised notice.

- (3) At the public hearing, the Sweetwater County Planning and Zoning Commission will take testimony concerning objections to the proposed Non-Commercial WECS. After hearing and considering all testimony from staff and concerned parties, the Sweetwater County Planning and Zoning Commission will then make a recommendation to the Board to approve, conditionally approve or deny the application.
- (4) The Board shall conduct a public hearing on the application for a Non-Commercial WECS. The Board may approve, conditionally approve or deny the application at the conclusion of the public hearing based on evidence, comments, and the recommendation from the Planning and Zoning Commission. Notice of the hearing shall be provided in the same manner as for an application for a Zone Map Amendment, as per Section 26 of the Sweetwater County Zoning Resolution.

e. Penalties and Violation of Non-Commercial WECS Facility Permit

- (1) Violations of these regulations for Non-Commercial WECS Facilities shall be enforced in accordance with the Sweetwater County Zoning Resolution and pursuant to Wyoming Statute 18-5-204 through 18-5-206.

f. Fees – Non Commercial WECS Facility Permit Fees

- (1) The application fee for a WECS Non-Commercial Construction Use Permit is ~~\$75.00~~ as provided for in Section 25 - Application Fees.

**N. FEES – Commercial WECS**

1. ~~Wyoming State Statute 18-5-513 allows the Board to charge reasonable fees to recover Sweetwater County's costs in processing applications for Wind Energy Facilities. These reasonable fees may also be applied to recover the costs of construction permit administration, inspections, monitoring and the costs for overseeing compliance with permit conditions and requirements. WECS Commercial Facility Application. The Application Fee for a Wind Energy Facility shall be used to reimburse all Staff Costs that are incurred to review and process a Wind Energy Facility Application. The Land Use Department shall record all Staff time and equipment required to review and process a Wind Energy Facility Application. This shall include, but not be limited to, meetings with County Staff, meetings with the BLM and public agencies, completeness review required by County Staff following the filing of an Application, review and public hearing preparation and processing. A Reimbursement Account shall be established for the Applicant when a Wind Energy Facility is filed. At the time of filing, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the account becomes less than \$20,000. The Land Use Department shall submit periodic invoices to the Reimbursement Account.~~
2. ~~In order for Sweetwater County to recover these costs, the Applicant shall pay, into the Sweetwater County Wind Project Expense Reimbursement account, the amount of money the Board estimates to recover all Sweetwater County costs associated with processing the applicant's WECS permit application. WECS Construction Use Permit. The Permit Fee for a~~

Wind Energy Facility – Construction Permit shall be used to reimburse all Staff Costs and vehicle and equipments costs required to issue the permit and conduct all necessary inspections. The Land Use Department shall record all Staff time and equipment required to issue the permit and conduct inspections. This shall include, but not be limited to, meetings with County Staff prior to issuing the Construction Permit, meetings with other public agencies prior to issuing the Construction Permit, and site inspections. A Reimbursement Account shall be established for the Applicant when a Wind Energy Facility – Construction Permit is approved. At the time of Permit Approval, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the account becomes less than \$20,000. The Land Use Department shall submit periodic invoices to the Reimbursement Account.

3. ~~If during the course of any phase of the application or project implementation or monitoring, the Sweetwater County Wind Project Expense Reimbursement account is drawn down to within 20% of being depleted, the Land Use Director shall notify the applicant of the estimated amount that he shall pay into the account. This estimated amount shall include the projected administration, inspection and monitoring costs related to the remaining portions or phases of the proposed WECS Facilities Project.~~
4. If the applicant fails to provide the required payments to the Sweetwater County Wind Project Expense reimbursement account, all efforts and work on the project shall cease.
5. Once all construction has been completed and the project is operational, all fees paid by the applicant remaining in the Wind Project Expense Reimbursement account will be returned.



June 1, 2012

Eric Bingham, Director of Land Use  
Sweetwater County Land Use Department  
80 West Flaming Gorge Way  
Green River, Wyoming 82935

**Re: Section 17, Draft Wind Energy Regulations, Sweetwater County**

Dear Mr. Bingham,

enXco Development Corporation (enXco) appreciates the opportunity to comment on Sweetwater County's *Section 17, Draft Wind Energy Regulations* and the well-considered process Sweetwater County has established to set minimum standards for wind energy facilities to be in compliance with Wyoming Statute Article 5 of Title 18-5-505 ("*Minimum standards; incorporation into other processes*").

We do have a general concern about the need for careful interfacing of local regulations with the Bureau of Land Management (BLM) National Environmental Policy Act (NEPA) procedural and substantive requirements, especially in areas with checkerboard land ownership, and with applicable state statutes including the Industrial Siting Act, and generally advocate the drafting of modest substantive revisions as necessary to implement recent changes in state statutes. We have a number of specific comments, and include references, for your consideration:

C. 3) [page 1]

If "Bird Diverter Standards" are a new Sweetwater County requirement, we suggest clarifying that this definition refers to a county requirement that arises from this regulation. We also suggest referencing *BLM Appendix K Met Tower Requirements for Wildlife* or indicating consistency with them.

C. 32) [page 3]

The use of the word "require" is problematic. We recommend tailoring this definition to address those species requiring "legal protection," or special management as required by state or federal law, to ensure that agency "requirement" is supported by law. Also, Wyoming Game and Fish Department (WGFD) Wyoming Species of Greatest Conservation [Need] has a typo. "Need" is missing from the definition, but it is important to note that these species are not granted any specific state level legal protection. Is it intended that these species rise to this level of significance in these regulations?

C. 35) [page 3]

This definition refers to federally threatened species, but unlike *14) [page 2]*, it does not reference the Endangered Species Act (ESA). We recommend that both of these definitions specifically refer to species designations under the ESA.

D. 1) i) i. 1. [page 5]

Drawings/surveys outside of, but within 2650 feet of, a proposed WECS Facility Boundary may be an impossible standard to achieve due to non-participating landowners not granting

access to an applicant to perform required work outlined under this section. Suggest changing language from “within 2640 feet of the proposed WECS Facility Boundary” to “within the proposed WECS Facility Boundary.

D. 1) I) i. 1. [page 6]

This section requires a report addressing “any biologically significant area surrounding the WECS Facility area as determined by the WGFD or governing federal agency.” To ensure reasonable expectations of the applicant and county:

- 1) “Biologically significant” should be defined, and
- 2) The distance of “surrounding” should be defined or refer to an applicable standard under a specific statute or regulatory requirement.

“Wildlife mitigation and monitoring plan shall be prepared if required” – this phrase “if required” warrants further clarification and/or specificity. The applicable agency or legal requirement should be referenced. “Required” means different things to different people and is easily misinterpreted, so the intent of this language should be made clear.

D. 1) I) i. 1. a. [page 6]

Is it intended that WYFG Species of Greatest Conservation Need would receive mitigation and monitoring?

C. 32) [page 3]. Is it intended that all WGFD Species of Greatest Conservation Need receive mitigation and monitoring?

D. 1) I) i. 1. g. i. and ii. [page 7]

The requirement to prepare plans in accordance with recommendations of the WGFD and “governing federal agencies” may give potentially undue authority to WGFD, BLM, and/or U.S. Fish and Wildlife Service (USFWS) that extends well beyond their legal authority, which could be problematic for the county and set a precedent for other industries. Suggest adding language at the end of this section such as, “...as required by law,” “mutually agreed upon,” or “to the extent legally required.” The term “recommendations” warrants further clarification or specificity.

D. 1) I) i. 1. g. i. [page 7]

Suggest changing to “...if determined necessary by law or National Pollutant Discharge Elimination System (NPDES) regulations.”

D. 1) I) i. 3. a. [page 8]

This section, which states dBA and dBC weighted noise level limitations are a significant issue for the development of wind in the county and may be interpreted as discriminatory for the wind industry compared to treatment of other industries. These regulations should be consistent with how the county regulates comparable noise issues for other industries. Additionally, clarity on dBC noise levels and methods may be needed. dBC could be easily influenced by wind on the microphone and thus this could be an impossible standard. Based on practical experience, dBC as described in the regulations is not a workable standard and should be abandoned, or at least considered much more carefully and with much more consideration to technical detail than as currently drafted. As a suggestive, workable approach, enXco recommends an appropriate fixed limit of 45dBA at

nonparticipating residences, and allow for a waiver alternative for any residence that might potentially be affected.

D. 1) I) i. 3. b. [page 8]

Suggest defining “wilderness characteristics” due to vagueness.

D. 1) I) i. 3. d. [page 8]

Suggest defining “within the vicinity” due to vagueness.

D. 1) I) i. 4. b. [page 9]

Suggest defining “construction dollars.” See the *Economic Impact of the Quaking Aspen Wind Development Project* report.

D. 1) I) i. 4. i. [page 9]

This provision appears to call for speculation or information that would not be known to a wind developer and perhaps not even discoverable. It also appears counter to attracting economic development to the county that has favored an “all of the above” energy strategy, which currently makes Sweetwater County a leader in the development of both traditional energy resources and clean, renewable wind development. We suggest limiting to provable and material adverse economic damage known to applicant, to reduce speculation by applicant. For additional information about resource procurement analysis and decisions, see PacifiCorp’s Integrated Resource Plan (<http://www.pacificorp.com/es/irp.html>).

D. 1) I) i. 3. m. [page 9]

Suggest requesting Wyoming Industrial Siting Division and/or Department of Environmental Quality Wyoming Professional Engineer review for consistency with their standards and/or requirements from previous applications.

D. 1) I) i. 4. r. [page 10]

Wyoming Statute 18-5-503(a)(viii) states:

*Provide a project plan indicating the proposed roadways, tower locations, substation locations, transmission, collector and gathering lines and other ancillary facility components. If the application is granted, the board of county commissioners shall require that the project plan be revised to show the final location of all facilities;*

Reasonable “micro-siting” changes as filed with county should be allowed. No statutory reference is made to a required deviance not to exceed 5 feet, well in advance of construction. Given the level of engineering done for permitting purposes (i.e. typically less than 10%), we suggest allowing substantially more flexibility than 5 feet in the WECS Facility Permit and require less variance later, as part of the building permit process, closer to the commencement of construction when an applicant would normally have 100% engineering designs completed. Also, during multiple years of data collection and agency requirements, project constraints can change, impacting the project layout significantly, which reasonably would suggest more flexibility during permitting.

D. 1) I) i. 3. u. [page 10]

See comments above regarding D. 1) I) i. 3. a. [page 8] on noise and dBC issue, as well as on consistency with county requirements for other industries.

D. 1) l) i. 3. v. [page 10]

Suggest changing “agencies requiring approval” to “agencies requiring permits.”

D. 1) l) i. 3. w. [page 11]

Suggest rewording with the intent to be project specific and to the effect of, “a sufficient number of vantage points as determined by the county, not to exceed a total of 25 simulations” or “from a mutually agreed upon number and location of key vantage points.”

D. 1) l) i. 3. z. [page 11]

Suggest limiting comments to the statutorily granted authority of each agency, and clarifying that comment letters are for county consideration only, and that commenting letters are not intended to result in permit conditions or requirements unless the county confirms them to be legally required. A scenario could exist where various agencies provide comments that exceed their authority and result in “requirements” that are a violation of private landowner’s rights.

E. 2) [page 14]

Suggest defining “considered important.” As currently defined, this provision is highly subjective.

E. 2) a) [page 14]

See above D. 1) w) comment about limiting the number of vantage points for simulations.

E. 2) c) [page 14]

Suggest changing to address “nonparticipating” residences, as well as to allow the option for a waiver if the owner allows.

E. 2) e) [page 14]

The concern regarding light pollution in this regulation is certainly valid. enXco is exploring viable mitigation strategies for Quaking Aspen Wind Energy Project to mitigate this potential impact. It is inappropriate to allow an unregulated nonprofit organization such authority. The International Dark Sky Association (IDSA) does not currently have “regulations” as indicated in this line item; therefore, this topic needs further definition and clarity. It is unclear if county is referring to the IDSA’s model lighting ordinance, which is an aspirational but nonbinding guide (designed to keep current lighting conditions from changing – i.e., keep dark places dark).

E. 3) b) 2. [page 15]

Suggest defining “lands with wilderness characteristics.” As currently defined, this draft provision could be highly subjective and trying to make this language as objective as possible would be recommended to minimize conflict and eliminate regulatory uncertainty.

E. 3) c) 2. iii. [page 15-16]

Bird diverters on met tower guy wires characteristics:

- Requires 10 hrs of luminescence at night. This may actually attract nocturnal avian migrants, insects and bats, thus enhancing risk and or potentially negative impacts on these organisms. The biological basis for this requirement should be explored and justified given the intended purpose (i.e. to reduce avian injury and fatality).

- It requires reflectivity in sunlight. Is this compatible with visual impact objectives?
- It requires 18 square inches/diverter. Met towers may not be currently designed to handle this type of force/mass loading, vibration due to diverters and interference with the intended purpose of the tower (i.e. wind measurement). Given the deadline for comments, enXco was not able to confirm with the tower manufacture (i.e. NRG Systems) and a Wyoming Professional Engineer that this requirement is feasible and does not pose a safety issue.

A reference to accepted technology and avoiding specifying one manufacture's product is advisable.

E. 3) d) [page 16]

It would be prudent to have this section be consistent with the current Governor's Executive Order and/or WGFD directives, including possible future waivers. At some point in the future as the species is protected and the program evolves, it is possible that wind development in Core Areas could be permissible or a waiver could be granted by WGFD that allows for development.

E. 3) f) [page 16]

Suggest changing "shall comply" to "in good faith shall comply" given the complexities of Migratory Bird Treaty Act, Incidental Take and the jurisdiction of USFWS. Additionally, requiring a specific 2-mile construction buffer may be inconsistent with other legal requirements, including what is recommended by WGFD.

E. 3) f) [page 16]

Adding language allowing emergency or routine maintenance is recommended

E. 3) g) [page 16]

Seasonal shutdowns are likely not warranted. Modifications to cut in speeds, and/or curtailment based on the specific biological issue may be warranted as part of a Bird and Bird and Bat Conservation Strategy (BBCS) and/or Eagle Conservation Plan (ECP) as possibly required by USFWS, but "seasonal" is likely not the correct word choice given it grants authority to shutting down turbines for reasons that extend beyond the biologically appropriate time span. Furthermore, this decision is made with on-site data and recommendations by applicable federal or state agencies; therefore, suggest striking language related to curtailment.

E. 3) h) [page 16]

"Rims," "canyons", and "passes" are undefined in this section. These seem intuitively understood, but clarity is recommended.

E. 3) i) [page 16-17]

Such avoidance of cultural sites should be stated as, "as required by law" so that private landowner's current rights are retained.

E. 3) j) I) [page 17]

Suggest adding "as required by NPDES" to end of sentence.

E. 3) j) 2) [page 17]

Suggest adding "unless mitigated according to NPDES" to end of sentence.

E. 3) k) [page 17]

See comment above regarding D. 1) l) i. 3. a. [page 8] about dBC issues.

Appendix A [page 35]

See comments above E. 3) c) 2. iii. [page 15-16] regarding met tower functionality and guy marking requirements. Also, these are very specific requirements that basically require a proponent to use one specific vendor. Is it appropriate or even legal, to direct applicants to a specific vendor with such specific marking criteria? The standard should refer to equipment availability in the market and applicable agency acceptance.

enXco is supportive of regulations that provide regulatory certainty and a clear, reasonable and fair path to follow. Additionally, our comments are designed to assist Sweetwater County in permitting responsibly sited wind energy projects and to provide clarity and regulatory certainty in the county permitting process.

Again, we appreciate the opportunity to comment on these draft regulations and look forward to working with Sweetwater County as we move forward with our Quaking Aspen Wind Energy Project. We may have, and reserve the right to present, additional comments during the workshop(s) and hearing(s) as this process moves forward or to respond to comments made by other interested parties during this process. If you have any questions or need additional information, please contact myself or Nate Sandvig at (503) 334-6931 or [nate.sandvig@enxco.com](mailto:nate.sandvig@enxco.com).

Sincerely,



Gregory L. Probst  
Director, Northwest Region

Cc: Rock Springs Grazing Association  
Industrial Siting Division  
Bureau of Land Management, Rock Springs Field Office



July 6, 2012

Eric Bingham, AICP  
Land Use Director  
Sweetwater County, Wyoming  
80 W. Flaming Gorge Way  
Suite 23  
Green River, WY 82935

RE: Sweetwater County Draft Wind Energy Regulations

Dear Eric:

Thank you for the opportunity to participate in the workshop and public hearing with the Planning and Zoning Commission (PZ Commission) and its staff on June 12-13, 2012.

enXco appreciates the PZ Commission's and staff time to compile comprehensive wind energy regulations for Sweetwater County (County) and would like to offer additional suggestions for revisions and improvement during this comment period. For your convenience and further reference, enXco is making recommendations for specific language changes directly in an electronic copy of the Draft Regulations using a strike/add format, and will provide this marked up draft to the PZ Commission, its staff, and the Sweetwater County Board of County Commissioners (Board) for additional consideration during the Board's August 21 meeting. enXco's comments generally concern commercial scale wind energy projects that also fall within the jurisdiction of the Wyoming Industrial Siting Council (ISC).

**General Comments:**

enXco's key concern with the Draft Regulations is that they require a permit applicant to provide the County with duplicate studies or information already supplied to a federal or state agency with jurisdiction over that area. This duplication is cumbersome for you, your staff, and our team. Rather than duplicating efforts, we benefit from your team's expertise in ensuring that all local County issues have been addressed and resolved.

The Wyoming statutes enabling counties to promulgate regulations for permitting wind energy facilities contemplate a significant role for counties in ensuring that wind developers address local government issues, such as land use compliance; maintenance and repair of county roads; legal access; reclamation and decommissioning assurances; coordination with local officials for fire and emergency management issues; waste disposal plans for construction, operation and

decommissioning of the site; public notice of the project to local residents; and details concerning the project plans. *See* Wyo. Stat. § 18-5-501 *et seq.* enXco supports and values input from county officials and local residents in these, and other areas of concern to the County.

enXco plans to continue its efforts to be a good partner, to share data, and to be completely transparent in our process. We are proud of our company's track record in building quality projects, and, to that end, offer our expertise concerning instances in which local government regulations have worked or not worked "on the ground" in other areas of the country. enXco's input is from the vantage point of developing successful regulations that encourage construction and development of the highest quality wind energy facilities possible.

**Noise:**

The issue of noise is critical, and is best addressed by a project that is sited well. The United States and the State of Wyoming (State) have not set a national or state noise standard that industries must meet; however, both the Bureau of Land Management (BLM) and the Wyoming Industrial Siting Division (ISD) consider noise a resource issue which must be considered in the federal and state wind energy development permitting processes.

The County, as part of the Draft Regulations, has decided to set specific limits on noise levels caused by wind energy projects and requires that noise levels cannot exceed 45 dBA and 45 dBC five feet above ground level at a project boundary line. enXco recommends that the County adopt a dBA standard only, which is consistent with the national wind industry average between 50 and 55 dBA and standards adopted by other Wyoming counties. Albany County and Campbell County have adopted noise limits for wind projects of 55 dBA and 50 dBA respectively. However, regardless of the limit established, enXco strongly recommends that the County add language to allow the applicant to obtain waivers from residents located near project boundaries who are not participating in the wind project to allow this threshold to be exceeded.

As a practical matter, 45 dBA as a maximum threshold at the nearest project boundary line is a conservative standard by comparison to other noise levels set for the County. Currently, the County imposes a 60 dBA noise level restriction beyond the site property lines on lands zoned Residential and 70 dBA for lands zoned Commercial or Industrial. *See* Language Amendment, Sweetwater County Zoning Resolution, Nuisance Regulations, Resolution 08-12-CC-04, Dec. 16, 2008, p. 4. dBA is a reasonable scale, but enXco requests that Sweetwater County consider a more typical threshold limit that parallels that used elsewhere and that applied to other industries.

To assist the County in evaluating noise standards, enXco has attached to this letter a memorandum entitled "Acoustical Review of Sweetwater County's Draft Wind

Energy Regulations” prepared by CH2M Hill, which addresses in greater detail the dBA and dBC issues.

**MET Towers:**

enXco appreciates the flexibility adopted by the PZ Commission with respect to extending the term for Temporary MET Towers to remain in place for a wind project. We also request some latitude for wind developers in selecting and installing the type of permanent MET towers, due to significant cost burdens.

The language adopted in the Draft Regulations requires permanent MET towers to be “tubular, non-lattice and non-guyed MET towers.” We share the PZ Commission’s desire to avoid avian mortality, and believe that selection of the type of tower should be part of a permitting discussion, rather than the overall regulations. This allows the County complete oversight, while avoiding significant costs associated with the towers required by the Draft Regulations. In areas where a self-supporting lattice 80m permanent MET tower would be appropriate, a developer should have latitude to select and install this type of tower. Allowing this flexibility results in a significant cost savings to the developer, as the difference in cost can amount to \$100,000 or more. Obviously, it is in the developer’s best interest to use more expensive technology when the site warrants it, but we believe this is a decision to be made jointly with the County and does not require a one-size-fits-all regulation.

By way of information, the federal regulatory agencies have not mandated specific types of permanent MET towers for public lands. BLM’s and U.S. Fish and Wildlife Services’ (FWS) Best Management Practices (BMPs) for wind energy development suggest that guyed permanent MET towers be avoided, but they are not outright prohibited. *See* U.S. Fish & Wildlife Service Land-Based Wind Energy Guidelines, chpt. 7, pp. 49-50; U.S. Fish & Wildlife Services Interim Guidance for Wind Energy Development in Wyoming (2011), App. A; BLM Wind Energy Program Policies and Best Management Practices, sec. 1, pp. 4-5. While BLM and FWS likely prefer monopole permanent MET towers for wind projects as a means of minimizing bird perching and other potential risks to birds, their BMPs are flexible enough to allow other types of MET towers when project economics and other site-specific factors warrant. However, these BMPs caution that if guy wires are necessary, bird flight diverters or high visibility marking devices should be used. *Id.* BLM and FWS also advise that only the minimum number of permanent MET towers should be installed and that all MET towers should be inspected periodically (at least every 6 months). *Id.*

Similarly, the Wyoming Game and Fish Department’s (WGFD) recommendations for wind energy development in Wyoming do not advocate an outright ban on guyed MET towers. While WGFD recommends the use of non-guyed non-lattice MET towers, attaching bird diverters to guy wires on guyed MET towers is another recognized option for wind developers when the preferred WGFD tower is not

installed. *See* WGFD Wildlife Protection Recommendations for Wind Energy Development in Wyoming (2010) at p. 33.

In short, the requirement for tubular unguyed towers in all cases is inconsistent with current regulations and BMPs governing wildlife protection by agencies with biologists, bird and bat experts, and others with specific expertise on this issue. Accordingly, enXco suggests that the County implement a flexible approach to MET towers consistent with the BMPs described above. Allowing for the use of similar BMPs, such as flight diverters or high visibility marking devices, would satisfy the County's interest in minimizing and preventing bird mortality.

Moreover, MET tower requirements in the County should be consistent with other County regulations governing towers for radio, television and other industries. Radio and television transmitting towers and Communication Booster, Repeater Towers erected in the County are not subject to the same restrictive requirements imposed on permanent MET towers. The County's Zoning Resolution currently provides no specific restrictions for radio and television towers. Sweetwater County Zoning Resolution (Revised Jan. 2011) at p. 225. Communication Booster, Repeater Towers may be monopole, guy, or lattice structures. *Id.*

#### **Visual Impact Analysis:**

enXco has been on the ground in Sweetwater County for years, and our team has great respect for our impacts. This very value drove enXco's decision to abandoned two potential sites for wind development because of viewshed or wildlife impacts.

enXco recommends that the number of required vantage points for the visual impact analysis be determined on a case-by-case basis. Rather than require a pre-determined number of vantage points as part of the County's Visual Simulation Standards, the County should either rely on the visual impact analysis already completed by the wind applicant as part of the BLM and/or ISC permitting processes, or work with the applicant to address the specific needs of the project from the County's perspective. Language to allow the County to prescribe vantage points of particular interest to the County makes perfect sense, but a minimum of 25 seems arbitrary. This change allows the County to maintain control without exerting unnecessary bureaucracy into the regulations.

As you likely are aware, BLM requires scenic resources to be considered in the wind energy development process. The Federal Land Policy and Management Act of 1976 requires BLM to manage public lands in a "manner which will protect the quality of the scenic (visual) values of these lands." Additionally, the National Environmental Policy Act of 1969 (NEPA) requires BLM to ensure that measures are taken to assure for all Americans "aesthetically pleasing surroundings." Because of these layers of scrutiny, we believe this issue of viewshed will have been analyzed thoroughly and the County's issues will have been addressed.

Selecting Key Observation Points for visual simulations in the BLM process is done from the “most critical viewpoints.” BLM Handbook H-8431-1, section II, part C. This is usually along commonly traveled routes or at other likely observation points. Factors considered include angle of observation, number of viewers, length of time the project is in view, relative project size, season of use, and light conditions. Views from communities and road crossings are also considered. BLM has not mandated a predetermined number of Key Observation Points for a project. Instead, the number of observation points is flexible, depending on site specific characteristics.

The state’s ISC process requires a permit applicant to provide an evaluation of potential impacts from a proposed wind project, along with any plans and proposals for alleviating social and economic impacts upon local governments and alleviating environmental impacts which may result. Wyo. Stat. § 35-12-109(a)(xiii). As part of this evaluation, the Wyoming Industrial Development Information and Siting Act (ISA) requires scenic resources to be analyzed. *Id.* However, no set number of vantage points is required by the ISC for this purpose. Thus, like the BLM, the state also allows flexibility for the applicant in determining the appropriate scope of the visual impact analysis.

The regulations you are drafting have the opportunity to be protective, smart, and cost-efficient. The best way we know to achieve these results is to rely on the several checks and balances already in place, to monitor carefully along the process to ensure County interests are being met, and to avoid “one size fits all” regulations. We believe this will save you, and us, time, resources and sub-quality proposals.

### **Wildlife:**

Sweetwater County is an amazing place for hunters, fishers, and outdoorsmen and women of all stripes. enXco recognizes and admires the County’s desire to establish goals and objectives that will aid in protecting Sweetwater County’s wildlife resources for its constituents. While enXco understands the County’s desire to assure its constituents that impacts of wind development to wildlife will be fully analyzed and mitigated, the current Draft Regulations require a duplicate process to NEPA and the ISA.

When we last spoke at the June 13<sup>th</sup> meeting, there was confusion with respect to the limits of jurisdiction of the various federal and state wildlife agencies that participate in evaluating wind energy projects. As a result, the County was reluctant to abandon those portions of the Draft Regulations which are duplicative of the NEPA and ISA process for analyzing and mitigating potential impacts to wildlife. In order to alleviate the County’s uncertainty with respect to a thorough evaluation process for protection of wildlife resources, we thought it helpful to assist the County in understanding the jurisdictional areas occupied by WGFD and FWS.

The State and the WGFD are charged with wildlife management in Wyoming, and have a strenuous set of standards to which wind developers must comply. The FWS

has oversight of migratory bird species, regardless of whether they are hunted, bald eagles and golden eagles, and all species listed under the Endangered Species Act of 1973 (ESA) as Threatened, Endangered or Candidate species. Some of the species groups under the FWS regulations also receive management and protection under state statutes and regulations.

We have found the federal process coupled with the state requirements to be extensive, comprehensive, and at times quite onerous. The federal NEPA process, the requirements of the ESA, Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act<sup>1</sup>, and the state ISA process mandate extensive review and analysis of wildlife issues in order for issuance of requisite approvals and permits for construction of wind energy facilities. The FWS and WGFD have numerous scientists, wildlife biologists and other professionals on staff who possess the essential expertise and experience to make appropriate judgments about potential impacts of wind energy development and suitable mitigation to address anticipated impacts.

Understandably, the County does not want to be perceived as surrendering its concern for and protection of important wildlife resources to the federal and state regulatory agencies. Unfortunately, County resources and the County's statutory permit review period are not unlimited. Assuming the County has the funding and hires an expert to address wildlife issues, many of the actions that the County may wish to take as a result of its evaluation of potential wildlife issues are likely preempted by state or federal jurisdiction in this heavily-regulated area, and so it remains unclear from the Draft Regulations what the County would do or would require in this area. Requiring a permit applicant to share with the County information developed with federal and state wildlife agencies makes sense in order to assure the County that wildlife resources are protected, but the County's discretion to require additional layers re-opens the Pandora's box of depletion of time and staff resources.

Therefore, permit applicants required to navigate the NEPA and/or ISA process should be exempt from the wildlife studies and protection requirements set forth in the Draft Regulations. With respect to nonfederal nexus projects containing less than thirty (30) turbines, the County may wish to require evidence that the applicant has coordinated with WGFD and/or complied with WGFD's Wyoming Wind Energy Guidelines. Several Wyoming counties also allow additional comment from the WGFD on wind energy applications.

### **Cultural Resources:**

enXco appreciates the PZ Commission's revisions to the Draft Regulations addressing historical and cultural resources in Section D(1)(m)(i)(2)(a) and in

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<sup>1</sup> The ESA, MBTA and BGEPA are three statutes whose requirements are outside of the NEPA process, warranting a change in the language of Section D(1)(m) in the Draft Regulations to something like "federal statutes" instead of just "NEPA".

Section E(3)(i). However, enXco recommends an additional change to Section D(1)(m)(i)(2)(a). This provision requires an applicant after coordinating with appropriate agencies concerning archaeological and historical resources to “include any information received” with its County permit application. enXco recommends removal of this requirement.

enXco shares the County’s desire to understand and protect cultural and historic resources of importance to the County. However, that desire must consider the requirements and restrictions related to dissemination of cultural and historic resources information under the National Historic Preservation Act (NHPA). The NHPA provides that the head of the lead federal agency conducting the NHPA consultation “shall,” after consulting with the Secretary of Interior, “withhold from disclosure to the public information about the location, character, or ownership of a historic resource, if the Secretary and the agency “conclude that disclosure would do any of three things: (1) “cause a significant invasion of privacy”; (2) “risk harm to the historic resources”; or (3) “impede the use of a traditional religious site by practitioners.” 16 U.S.C. § 470w-3.

The NHPA process considers that release of information on archaeological and other sites could put those sites at risk for disruption by curious members of the public. For this and other reasons, many tribes and private landowners often desire that information on the nature and location of certain religious and cultural sites on their lands remain secret in order to protect them.

The Wyoming State Historic Preservation Office (WSHPO) has developed an information access policy in which information concerning cultural and historic sites is released only to individuals who meet the Secretary of Interior’s standards for Archaeology and Historic Preservation (i.e., agency cultural resource professionals, private consultants and academics). Moreover, under the WSHPO policy, information concerning private lands may only be released by WSHPO to the private landowner if the landowner makes a written request for such information. Site specific and location information is restricted.

Due to the “checkerboard” nature of the lands in the County, certain information about cultural and historic resources for most wind projects will be available to the County as a Consulting Party in the NHPA Section 106 process. However, due to potential NHPA constraints, WSHPO’s information access policy, the interests of private landowners and the proprietary nature of historic and cultural resources information, enXco recommends that the County resist requiring permit applicants to “include any information received” as set forth in Section D(1)(m)(i)(2)(a) of the Draft Regulations.

Thank you for the opportunity to provide further comment concerning the Draft Regulations. Should you have any questions about the information provided in this letter, please do not hesitate to contact me at (503) 334-6931.

We sincerely appreciate the interest you have exhibited in encouraging only the most committed projects to be developed. We are proud of our industry and of our track record, and would enjoy nothing more than a chance to bring renewable energy to one of the nation's most important traditional energy leaders. Adding to your array, Sweetwater County can lead in even more ways.

Sincerely,

A handwritten signature in blue ink that reads "Nate Sandvig". The signature is written in a cursive, flowing style.

Nate Sandvig,  
Site Developer

cc: Dan Scheer, Chair, Sweetwater County Planning & Zoning Commission  
Wally Johnson, Chairman, Sweetwater County Board of County  
Commissioners  
Clifford W. Boevers, Jr., Sweetwater County Attorney's Office  
John Hay, President, Rock Springs Grazing Association

# Acoustical Review of Sweetwater County's Draft Wind Energy Regulations

PREPARED FOR: Nate Sandvig/enXco

PREPARED BY: Mark Bastasch, P.E., INCE/CH2M HILL  
Dave Baker, P.E./CH2M HILL

COPIES: Dave Phillips/CH2M HILL

DATE: June 21, 2012

PROJECT NUMBER: 421210.01.07

The purpose of this memorandum is to provide enXco with an expert technical review of the acoustical requirements of Sweetwater County's proposed draft Wind Energy Regulations (Section 17, dated June 13, 2012). CH2M HILL concurs that an acoustical evaluation should be part of the project permitting process, but has identified some concerns with the thresholds identified in the draft. Comments are offered in the order in which they appear in the Draft. Both Mr. Bastasch and Mr. Baker are registered Professional Acoustical Engineers, with a combined experience of over 50 years. Their resumes are included as Attachment 1.

## C. Definitions

Definitions for dBA and dBC (Item 9 and 10) are well known in the field of acoustics, but a reference to the ANSI S1.4 Specification for Sound Level meters would ensure there is no potential confusion. Consider the following definitions:

- "dBA" – The A-weighted sound level is determined in accordance with the weighting factors described in ANSI S1.4. The A-weighting network emphasizes sounds in the middle to high frequencies and deemphasizes sounds in the low frequencies, similar to how the human ear responds to typical environmental sounds.
- "dBC" – The C-weighted sound level is determined in accordance with the weighting factors described in ANSI S1.4. C-weighting places more equal emphasis on low and high frequencies relative to A-weighting. The C-weighting approximates the ear's response to relatively high sound levels (occupational exposures) and may be used as an indication of the low frequency content of a sound.

## D(1)(m)(i)(3)(a) – WECS Facility Report

Predictions of project A-weighted (dBA) sound levels at the project boundary line and nearest structures are readily prepared and are customarily conducted as part of permitting processes. Prediction of dBC levels, if required, would more customarily be limited to noise-sensitive structures (for example, residences).

## D(v) – Certification of Compliance with Noise Standards

This section identifies a 45 dBA and dBC limit at both the property line and the nearest structure to the property line. This is potentially problematic for a number of reasons:

- "Certification" is identified in D(1)(c), and it is presumed that a technical report by a "Qualified Professional" would satisfy this requirement. In the field of acoustics, one may be a Professional Engineer (Oregon is the only state to issue a PE in Acoustics) or Board Certified by the Institute of Noise Control Engineering. It is recommended that certification criteria be defined clearly.
- "Nearest structure" is not defined and likely was intended to be "primary structure."
- However, primary structures include "commercial or industrial buildings." Such buildings are not typically considered noise-sensitive to the same extent as a residence, and it is likely the stated standards are already

exceeded in such areas. Higher sound levels are generally allowed for commercial and industrial uses/buildings.

- The point of compliance is duplicative, referencing both property line and structures. Typically, the intention is to limit the sound levels at the point of noise-sensitive use, which in this situation would be a residence. Property line standards are problematic in areas with large parcels, as the noise-sensitive use may be a substantial distance from the property line. It is unclear how residences/structures on participating lands would be addressed and whether or not they are they also subject to the stated limits. It is recommended that language be inserted that allow a project to enter into a noise easement or other agreement to exceed the noise requirement at a property line or structure.
- The same numeric limit of 45 is used for both dBA and dBC. The dBC levels, by definition, are always greater than the dBA levels. Therefore, if dBC is to be used, a higher numeric limit should be specified.

The reason for solely establishing a dBC limit from Wind Energy Facilities is not documented. An example of one of the few jurisdictions that references dBC in their regulations is Division 404, Regulation 1, Section 802 of the Colorado Code of Regulations (CCR), which establishes allowable noise limits for oil and gas facilities. Given that oil and gas operations may generate substantial levels of low-frequency noise, CCR 802(d) states the following: "In situations where the complaint or Commission onsite inspection indicates that low-frequency noise is a component of the problem, the Commission shall obtain a sound level measurement twenty-five (25) feet from the exterior wall of the residence or occupied structure nearest to the noise source, using a noise meter calibrated to the dBC scale. If this reading exceeds 65 dBC, the Commission shall require the operator to obtain a low-frequency noise impact analysis by a qualified sound expert, including identification of any reasonable control measures available to mitigate such low-frequency noise impact. Such study shall be provided to the Commission for consideration and possible action." In this regulation, the dBC metric is used only as an indicator for potential additional study and only in response to a complaint at a residence (not a property line). It must also be recognized that wind noise or wind blowing on the microphone or through trees that may occur at a residence can result in substantial dBC levels. This wind-induced or pseudo noise can readily exceed the above limits. This presents a complication as wind is necessary for operation of wind energy facilities.

A recent guidance document funded by the U.S. Department of Energy for the National Association of Regulatory Utility Commissioners specifically addresses the applicability of the dBC metric for wind energy facilities [Assessing Sound Emissions from Proposed Wind Farms & Measuring the Performance of Completed Projects, October 2011]. This document concludes "Despite their occasional appearance in local ordinances as an intended way to limiting the low frequency noise emissions from wind projects, by either an absolute limit or a dBC-dBA differential, C-weighted sound levels have no practical place in the measurement of wind turbine sound."

The County's proposal is inconsistent with other comprehensive international standards that are used to regulate wind farms. For example, New Zealand Standard 6808, Acoustics-Wind farm noise, states "Claims have been made that low frequency sound and vibration from wind turbines have caused illness and other adverse physiological effects among a very few people worldwide living near wind farms. The paucity of evidence does not justify at this stage any attempt to set a precautionary limit more stringent than those recommended...." [A-weighted standards].

It is therefore suggested that the dBC threshold be reconsidered for Sweetwater County's wind energy regulations.

### E(3)(k) – Noise Management

This section appears duplicative of D(v) above, in that it requires evaluation of both the 45 dBA and 45 dBC criteria, but only identifies the property line as the point of compliance. For the reasons discussed above, the property line may not be the most appropriate location and the identified dBC threshold is problematic. The property line of a wind energy facility may be very long, in many cases over 10 miles in length; therefore, although modeling project output in dBA and dBC may be practical to evaluate project compliance through facility design review, documenting compliance along the entire property line is problematic. The measurement and evaluation of a noise source can be a complicated and expensive matter, for wind energy facilities one must identify means to isolate the project's sound level from the sound of the wind and other sources (for example, birds, traffic, or other industry). One means of doing so is to evaluate the  $L_{90}$  metric, the sound level that is exceeded 90 percent of the time, effectively filtering out periodic birds, wind gusts, or other sources. Development of a measurement protocol or guidance document detailing the appropriate measurement conditions, duration, acoustical metrics ( $L_{90}$  or otherwise), and other parameters may prove necessary. An alternative would be to require a final pre-construction acoustical analysis to be submitted prior to issuance of any building permit. Such analysis would use the final turbine locations and turbine vendor noise information, and would facilitate minor modifications to turbine locations and layout to ensure compliance prior to construction and operation.

### M– Non-Commercial Turbine Wind Requirements

Not reviewed in detail.

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Attachment 1  
Resumes

**Exhibit C**

# Mark Bastasch, P.E., INCE

Acoustical Engineer

## Education

M.S., Environmental Engineering,  
William Marsh Rice University,  
Houston, Texas

B.S. (cum laude), Environmental  
Engineering, Cal Poly San Luis  
Obispo, California

## Registrations and Certifications

Professional Acoustical Engineer:  
Oregon

Professional Environmental  
Engineer: Oregon

Professional Civil Engineer: Oregon,  
1999 (No. 58990PE)

Certified Water Rights Examiner:  
Oregon, 2000 (No. 58990WRE)

## Organizations/Affiliations

Member, Institute of Noise Control  
Engineering

Member, Acoustical Society of  
America

## Representative Publications & Presentations

"Criteria." *Wind Turbine Noise*.  
Bowlter & Leventhall, editors. Multi-  
Science Publishing Co. Ltd. ISBN  
978-1-907132-30-8. January, 2012

"AWEA/CanWEA Expert Sound  
Panel and Wind Turbine Sound  
Regulations", University of Tokyo,  
Tokyo, Japan. September 12, 2011.

"Wind Turbine Sound", Consensus  
Building Institute Workshop of  
Facilitating Wind Energy Siting,  
Harvard Law School, Cambridge,  
MA, March 23-25, 2011.

"Wind Turbine Sound and Health –  
An Expert Panel Review", American  
Wind Energy Association,  
Windpower 2010, Dallas, TX,  
May 24-27, 2011.

"Wind Turbine Noise." American  
Wind Energy Association Wind  
Power Project Siting Workshop,  
Milwaukee, WI, February 28 –  
March 2, 2007.

"Wind Turbine Noise – An Over-  
view." Bastasch, M. et al. *Journal of  
the Canadian Acoustical Associa-  
tion*. June 2006. Vol 34 No. 2.

"Regulation of Noise in the United  
States." Technical Considerations  
in Siting Wind Developments.  
National Wind Coordinating  
Committee (NWCC) Research  
Meeting Dec. 1-2, 2005.  
Washington, D.C.

## Distinguishing Qualifications

Mr. Bastasch has 16 years of experience conducting acoustical evaluations, environmental audits, contamination assessments, and multimedia environmental permitting. For the past decade, Mr. Bastasch has provided technical insight, forethought and leadership on acoustical matters related to renewable energy facilities and has been an invited speaker to organizations such as Harvard Law School/Consensus Building Institute, USDOE's Wind Powering America, International Energy Agency/USDOE's National Renewable Energy Laboratory, the National Wind Coordinating Council, Law Seminars International, American Wind Energy Association, USDOE's New England Wind Energy Education Project and with officials in Japan. His power permitting and design experience spans the United States and he has supported multiple EPC efforts both domestic and internationally which have fully complied with applicable regulatory limits.

Mr. Bastasch provided expertise on the first major wind projects in Oregon, including the Stateline facility, which when permitted was among the largest facility in the world. He identified that the existing noise rules did not anticipate wind energy facilities and presented an impediment to responsible development. With the support of the Governor's Office of Sustainability, the ODOE established a joint rule making with DEQ to amend the existing noise rule to explicitly address and more readily accommodate wind turbines. Mr. Bastasch assisted the Renewable Northwest Project and its members throughout this joint rule-making process.

## Relevant Experience

### Wind

Lead Acoustical Engineer; Leaning Juniper I and II Wind Energy Permitting; PPM Energy; Arlington, Oregon

Obtained a Conditional Use Permit Application for the 105-MW Leaning Juniper I Wind Project.

Lead Acoustical Engineer; Portland General Electric; Biglow Canyon Wind Farm; Sherman County, Oregon

Provided acoustical analysis and regulatory negotiation to support the permitting and construction of the Biglow facilities. Efforts included monitoring, modeling, regulatory negotiation and preparation of compliance filings.

Lead Acoustical Engineer; Stateline Wind Project; Umatilla County, Oregon and Walla Walla County, Washington

Led acoustical analysis for a 263-MW wind farm. Monitored at existing Vestas wind turbines and proposed turbine locations, authored a noise impact evaluation, and prepared environmental documentation to comply with both Oregon and Washington standards. At the time of permitting, this was the largest wind project in the world.

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## Mark Bastasch, P.E., INCE (continued)

**Lead Acoustical Engineer; Stateline Wind Expansions; Oregon**  
Prepared acoustical analysis documenting compliance with Oregon's 10-decibel degradation standard for an additional 40 MWs. Assisted legal counsel with regulatory interpretation and assessment

**Lead Acoustical Engineer; Klondike Wind; Northwestern Wind Power; Oregon and Washington**  
Provided preliminary acoustical modeling and permit assistance at the local and state levels and developed a noise monitoring protocol. Helped draft alternatives for revisions to the state noise standard as it applies to wind energy facilities.

**Lead Acoustical Engineer; Renewable Northwest Project; Oregon**  
Provided technical assistance and testimony in modifying the Oregon noise rule as it applies to wind projects.

**Lead Acoustical Engineer; Wild Horse Wind Energy Project; Kittitas County, Washington**  
Led Zilkha Renewable Energy's application to the Washington ESFEC for the 140-turbine project.

**Lead Acoustical Engineer; Horizon (formally Zilkha Renewable Energy) Energy, Kittitas Valley, Central Washington**  
Led the successful filing of an application to the Washington Energy Facility Siting Evaluation Council (EFSEC) for a 121-turbine wind energy project. Provided testimony at state and local level. Project permit was upheld by State of Washington's highest court.

**Lead Acoustical Engineer; Wild Horse Wind Project; Zilkha Renewable Resources (plant is now owned and operated by Puget Sound Energy); Washington**  
Led environmental and engineering noise studies to support a 158-wind-turbine project with an installed nameplate capacity of up to 312 MW and associated transmission, substation, roads, and O&M facility.

**Lead Acoustical Engineer; Maiden Wind, Prosser, Washington**  
Prepared operational and construction noise assessment of a 300-MW wind generating facility for local, state, and federal authorities. Tasks included ambient noise measurements and detailed modeling of both NEG Micon and Enron Wind Turbines. Developed mitigation and permitting strategy that gave client flexibility to postpone final turbine selection.

**Lead Acoustical Engineer; Wind Project; Confidential Client; Washington**  
Prepared acoustical analysis in support of EIS permitting efforts, which included public meeting attendance, preparing expert witness testimony, and supporting public hearing.

**Lead Acoustical Engineer; Wind Project; Confidential Client; Washington**  
Provided technical assistance and oversight related to compliance monitoring by County's third-party noise consultant.

### **Power Plants**

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Mark Bastasch, P.E., INCE (continued)

**Lead Acoustical Engineer; Edison Mission Energy's GE LMS100 Peaking Facilities; Southern California**

Led acoustical tasks on two simple cycle power facilities each utilizing 5 GE LMS100 combustion turbines in simple cycle. Tasks included evaluating and measuring background noise levels to determine and evaluate risk associated with potential CEC permit limits; extensive coordination with GE given limited available data resulting from short operating history of the LMS100 (these were the first LMS100 evaluated in California); preparing Application for Certification to the CEC. Additional tasks included development and review of acoustical bid and guarantee specifications for cooling towers, SCR, stack, transformers, and other balance of plant equipment. Developed a phased mitigation program to minimize cost and mitigate acoustical risk given limited operating history similarly packaged LMS100's.

**Lead Acoustical Engineer; Portland General Electric; Port Westward 2, Oregon**

Prepared acoustical analysis and exhibit to support 200 MW expansion of the Port Westward facility. Analysis addressed potential gas turbine as well as reciprocating alternatives.

**Acoustical Engineer; Los Esteros Critical Energy Facility, San Joaquin Valley Energy Center, East Altamont Energy Center, Delta Energy Center; Calpine Corporation; California**

Conducted detailed environmental noise survey to demonstrate that this simple cycle LM6000 facility complied with its conditions of certification. Report was accepted by the California Energy Commission without comment.

**Lead Acoustical Engineer; Hermiston Power Project, Calpine Corporation, Hermiston, Oregon**

Conducted acoustical and vibration monitoring to determine if steam turbine generator, heat recovery steam generators, stacks and combustion turbine generators complied with warranted levels within a time critical schedule. Prepared detailed environmental noise monitoring to demonstrate that the facility complied with permit conditions and minimized the time full load operation was needed during off-peak hours. Oregon Office of Energy accepted the report without comment.

**Lead Acoustical Engineer, High Plains Wind Project, Albany County, Wyoming**

Prepared technical noise analysis for submittal in support of ISA permitting process. Develop noise model and contours to assess potential acoustical risks with multiple turbine types and layouts.

**Lead Acoustical Engineer; Walnut Energy Center; Turlock Irrigation District; Turlock, California**

Led acoustical tasks for a combined cycle power plant that included evaluating and measuring background noise levels; developing detailed noise model; comparing expected noise levels with the City of Turlock, County of Stanislaus, and the California Energy Commission's (CEC) noise guidelines; preparing Application for Certification and subsequent amendments submitted to the CEC;

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Mark Bastasch, P.E., INCE (continued)

regulatory negotiation; and reviewing Conditions of Certification. Additional tasks included development assistance with acoustical bid and guarantee specifications and independent analysis of manufacturer steam turbine generator enclosure.

**Lead Acoustical Engineer; BrightSource Energy; Ivanpah Solar Electric Generating System**

Authored noise section of California Energy Commission Application for Certification. Successfully worked with CEC staff to streamline noise analysis and eliminate unnecessary field studies given remote project site and lack of noise sensitive receptors.

**Lead Acoustical Engineer; MEGS; Modesto Irrigation District; Ripon, California**

Led acoustics for a LM6000 (Norway package) power plant. Tasks included evaluating and measuring background noise levels; coordinating measurements of operating Norway Package with General Electric; developing detailed noise model; comparing expected noise levels with the City of Ripon, County of Stanislaus, and the California Energy Commission's (CEC) noise guidelines; preparing Application for Certification and subsequent amendments submitted to the CEC; regulatory negotiation; and review of Conditions of Certification, testimony at CEC evidentiary hearings.

**Lead Acoustical Engineer; Eastshore Power Project; Tierra Energy; Hayward, California**

Evaluated and measured background noise levels to determine and evaluate risk associated with potential CEC permit limits and prepared application for certification to the CEC. Reviewed available vendor data and commitments. The facility is a 115.5-MW simple cycle power plant consisting of 14 Wärtsilä 20V34SG natural-gas-fired reciprocating engine generators and associated equipment.

**Lead Acoustical Engineer; Humboldt Bay Repowering Project; Pacific Gas & Electric; Humboldt, California**

Evaluated and measured background noise levels to determine and evaluate risk associated with potential CEC permit limits; prepared application for certification to the CEC, conducted site tour with CEC's acoustical staff and reviewed of existing EPC commitments. Facility is a load following power plant consisting of 10 natural gas-fired Wärtsilä 18V50DF 16.3 megawatt (MW) reciprocating engine-generator sets and associated equipment with a combined nominal generating capacity of 163 MW.

**Project Manager/Lead Acoustical Engineer; Calpine GE LM6000 Peaker Program; Calpine Corporation; Dublin, California**

Prepared California Environmental Quality Act level noise assessments for more than 10 LM6000-based peaking power plants located throughout northern California. Developed a flexible and streamlined program to accurately and quickly prepare acoustical assessment. Tasks included regulatory review and interpretation of city and county noise standards, ambient measurements and analysis, development of a standardized model that included several levels of optional mitigation and field verification at operating facilities, and regulatory negotiations.

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Mark Bastasch, P.E., INCE (continued)

**Lead Acoustical Engineer; Metcalf Energy Center; San Jose, California**

Evaluated and measured background noise levels for a 600-MW power plant. Modeled and compared expected noise levels with the City of San Jose, County of Santa Clara standards, and the California Energy Commission's (CEC) 5 dBA over background guideline. Provided recommendations to acquire additional property, prepared Application for Certification submitted to the CEC; provided regulatory negotiation; and reviewed Conditions of Certification, testimony at public hearings, and CEC evidentiary hearings that included detailed cross-examination. Successful negotiations saved the client more than \$5 million in capital expenditures.

**Lead Acoustical Engineer; Cosumnes Power Plant, Sacramento Municipal Utility District, California**

Led acoustical tasks on this two-phase, 1,000-MW combined-cycle power plant on buffer lands for the former Rancho Seco Nuclear Plant. Prepared AFC, worked with SMUD legal counsel and permitting team to address intervenor comments. Alternative mitigation measures were developed in consultation with CEC Staff to establish acceptable Conditions of Certification Application for Certification for combined-cycle gas fired generation facility. Prepared amendments to include a natural gas transmission line and required gas compressors. Expert witness testimony before California Energy Commission.

**Lead Acoustical Engineer; Licensing and Permitting for San Francisco Electric Reliability Project (SFERP); San Francisco Public Utilities Commission**

Led acoustical tasks to develop a 145-MW simple-cycle plant in southeast San Francisco, using three LM 6000 turbines. Because plant is located two blocks south of an existing plant, major issues included remediation of the power plant site (contaminated fill), air quality mitigation measures, water supply, environmental justice, and the need for in-city generation.

**Lead Acoustical Engineer; Peoples Energy Resources Corporation; COB Energy Facility; Bonanza, Oregon**

Prepared acoustical exhibit to support Oregon Energy Facility Site Certificate for this proposed 1,160-MW gas-fired combined-cycle power plant three miles south of Bonanza, Oregon. Because of the project's size, it must go through Oregon's Energy Facility Siting Council review, a rigorous and lengthy process that requires evaluation of a broad range of environmental issues. Prepared site certificate for the plant and associated transmission line.

**Lead Acoustical Engineer; Starbuck Power Plant; PPL Global; Starbuck, Washington**

Led acoustical tasks for a proposed 600-MW power plant and transmission line that included monitoring, modeling, and preparing required environmental documentation.

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Mark Bastasch, P.E., INCE (continued)

**Acoustical Engineer; Western Greenbrier Coal; West Virginia**  
Reviewed permit conditions, developed cooling tower specifications and managed acoustical evaluation of building components to ensure compliance at nearby residence.

**Acoustical Engineer; Calpine Corporation; Turner Energy Center; Oregon**

Retained by Calpine to prepare noise monitoring supplement to Site Certificate application. Developed noise monitoring protocol that was accepted and ultimately defended by Oregon Department of Energy's noise consultant.

**Acoustical Engineer; Coyote Springs 2, Avista Corporation, Boardman, Oregon**

Conducted detailed environmental noise survey to demonstrate that this combined cycle facility complied with its site certificate. Report was accepted by the Oregon Office of Energy without comment.

**Acoustical Engineer; Woodland II, Modesto Irrigation District, Modesto, California**

Conducted detailed environmental and occupational noise survey to demonstrate that this combined cycle LM6000 facility complied with its conditions of certification. Negotiated with regulators to minimize time facility would have to operate at peak load during off-peak hours. Reports were accepted by the California Energy Commission without comment.

**Acoustical Engineer; Port Westward Facility; Portland General Electric; Oregon**

Provided owners acoustical engineering services in support of the new Port Westward facility. Project experience included vendor review and EPC contractual guarantees, facility noise modeling and of potential project risk identification, compliance assessment for submittal to Oregon EFSEC and additional project monitoring to support project compliance in the event that the neighboring Cascade Grain facility generates excessive noise.

**Acoustical Engineer; Confidential Project; Portland General Electric**

Provided ambient noise monitoring to determine potential project limits consistent with EFSEC requirements. Develop an acoustical model to assess projects noise emissions and develop noise mitigation strategies.

**Lead Acoustical Engineer; Grizzly Power Plant; Cogentrix; Madras, Oregon**

Prepared site certificate application.

***Transportation***

**Lead Acoustical Engineer; Reconstruction of Hyampom Road, Shasta Trinity National Forest; Trinity County, California**

Prepared noise analysis, technical report and input for the EA/EIR for the FHWA Central Federal Lands Highway Division. Analysis cost and timeline was reduced by performing a desktop analysis

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## Mark Bastasch, P.E., INCE (continued)

given remote project site, low traffic volumes and few residential receptors.

### **Lead Acoustical Engineer; Idaho 16, I-84 to SH-44 Environmental Study; Idaho Transportation Department**

Led noise review on this highly visible project with a 3-year accelerated schedule studying a new 6.5-mile route connecting I-84 to SH-44. The project includes a river crossing and connections across the valley including impacts to farmlands, residential subdivisions, wetlands, and commercial areas.

### **Task Manager; Noise Studies and Mitigation Design for Huffman Road Reconstruction Project; Alaska Department of Transportation and Public Facilities**

Prepared preliminary noise analysis for noise measurements collected at seven locations in the project area. Estimated future build noise levels and developed preliminary mitigation measures in accordance with the Alaska Department of Transportation and Public Facilities.

### **Noise Task Leader; NE 25th Avenue, NE 72nd and St. Johns Road Reconstruction Project; Clark County Department of Public Works; Washington**

Collected noise measurements at seven locations in the project area. Existing and future traffic noise levels were predicted with TNM. Conducted reasonable and feasible analysis, developed detailed design for seven barriers, prepared report of analysis, and prepared oversize posters for and presented results at public open house.

### **Lead Acoustical Engineer; NE 72nd Expansion Noise Analysis; Clark County, Washington**

Prepared a report of noise measurements collected at six locations in the project area. Existing and future traffic noise levels were predicted with TNM. Conducted reasonable and feasible analysis. No reasonable or feasible barrier could be designed because of direct driveway access to NE 72nd. Prepared oversize posters for and presented results at public open house.

### **Senior Reviewer; NE 179th Expansion Noise Impacts; Clark County, Washington**

Provided senior review to identify noise monitoring locations and coordinating access with the County and landowners. Reviewed TNM model development.

### **Acoustical Technical Lead; New Seward Highway EA; Alaska Department of Transportation and Public Facilities; Alaska**

Led noise analysis for monitoring, modeling, and mitigation recommendations in accordance with all applicable laws.

### **Acoustical Technical Lead; North Pole Noise Analysis; Alaska Department of Transportation and Public Facilities; Alaska**

Led noise analysis for monitoring, modeling, and mitigation recommendations in accordance with all applicable laws.

### ***Noise Analysis for Various Sectors***

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Mark Bastasch, P.E., INCE (continued)

**Acoustical Engineer; Water Storage Reservoir; Windsor, California**

Prepared acoustical analysis of the construction and operation of the reservoir to support the supplemental environmental impact report for CEQA compliance. Also developed responses to comments received during the permitting process. Project involved comprehensive preliminary engineering and environmental services for a new water storage reservoir to provide seasonal storage needed by the Town's recycled water system.

**Acoustical Task Leader; Tehachapi Transmission Line; Southern California Edison, California**

Prepared acoustical analysis to support regulatory permitting requirements. This multi-million dollar proponent's environmental assessment (PEA) included preparation of and support activities for a PEA submitted to the California Public Utilities Commission for an approximately 170-mile transmission line and substation project on federal, state, and private property.

**Acoustical Task Lead; Fountaingrove Lodge EIR; Santa Rosa, California**

Provided acoustical assistance in responding to comments for this proposed 136-unit community care facility and 12 units of employee housing on 9.85 acres. The CEQA process was completed under significant public scrutiny.

**Acoustical Task Lead; Odessa Environmental Impact Statement**

Prepared acoustical analysis to support regulatory permitting requirements. Tasks included modeling and preparing required environmental documentation. The EIS evaluated alternatives to deliver surface water from the Columbia Basin Project (CBP) to irrigated lands that currently rely on a declining groundwater supply from the Odessa Groundwater Management Subarea in eastern Washington.

**Senior Consultant; PG&E MSA Mod 4; Cabrillo; Santa Barbara County, California**

Prepared acoustical analysis to support regulatory permitting requirements. This fast-track 14.6-mile 115- kV reconductoring project was routed through agriculture, viticulture, rural residential, critical habitat, and known populations of multiple federal- and state-listed special status species. Currently developing a PEA to support a permit to construct application to replace a customer-critical deteriorating transmission line.

**Acoustical Engineer; Pacific Gas & Electric; California**

Prepared acoustical evaluation from construction and operation of associated tasks with reconductoring a 14.6-mile, customer-critical, deteriorating transmission line through agriculture, viticulture, rural residential, critical habitat and known populations of special status species. Analysis was submitted to and accepted by the California Public Utilities Commission.

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David M. Baker, P.E.  
*Acoustical Engineer*

**Education**

B.S. Mechanical Engineering  
Oregon State University

**Registrations and  
Certifications**

Professional Engineer Oregon  
(Acoustical, Environmental,  
and Mechanical)

**Distinguishing Qualifications**

Mr. Baker is a senior acoustical engineer with 40 years of acoustical and environmental engineering experience. His areas of expertise are the interpretation of noise standards and regulatory limits, measurement of existing noise levels, estimation of the impacts of new noise sources, determination of methods to reduce noise levels, and measurement of noise after project completion to ensure compliance with limits. Mr. Baker has helped meet environmental noise guidelines and requirements for a variety of projects, including industrial, power, and municipal water/wastewater facilities.

**Relevant Experience**

**ARAMCO – Yanbu Industrial City, Saudi Arabia**

Acoustical Engineer. Evaluated the noise impacts from construction, commissioning, and operation of a proposed lubricating oil refinery expansion project. The results of an extensive noise survey were evaluated to characterize the existing noise environment. Plant equipment information and noise data were input to the CadnaA<sup>®</sup> noise model to predict environmental noise levels from the plant expansion. The estimated levels were compared with the applicable noise standards. It was concluded that the predicted noise levels were in compliance with the standards.

**CONFIDENTIAL CLIENT – Ras Laffan City, Qatar**

Acoustical Engineer. Evaluated the noise impacts from construction, commissioning, operation, and decommissioning of a proposed gas-to-liquids petroleum plant. The estimated noise levels were compared with local and World Bank noise standards to determine the extent of impacts and the need for mitigation.

**CONFIDENTIAL CLIENT - Salt Lake City, Utah**

Acoustical Engineer. Conducted measurements of existing noise levels at property line prior to planned data center changes related to their cooling tower and condensing units. Determined that local limits were exceeded. Determined specifications and necessary equipment noise control to be incorporated into the design for the modified facility. Used the CadnaA<sup>®</sup> noise model to estimate facility noise levels at the property line and to evaluate noise reduction options.

**CONFIDENTIAL CLIENT – Santa Clara, California**

Acoustical Engineer. Evaluated noise from the planned modification of a portion of a commercial facility into a data center. Reviewed the local city code to determine the applicable property line noise limits. Used the CadnaA<sup>®</sup> noise model to estimate facility noise levels at the property line due to project generator sets, cooling towers, chillers, makeup air units, air conditioning units, and fans. Also used the CadnaA<sup>®</sup> noise model to evaluate noise reduction options. Final noise control included specifying low noise options for some equipment and specifying the location, height,

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David M. Baker, P.E. (continued)

and materials of construction for a noise wall at grade around much of the new equipment.

**CONFIDENTIAL CLIENT – Poughkeepsie, New York**

Acoustical Engineer. Evaluated noise from the upgrade of an existing high tech facility. The upgrade included the addition of cooling towers and diesel generator sets. Reviewed the local city code to determine the applicable property line noise limits. Measured existing noise levels at several property line locations. Used the CadnaA<sup>®</sup> noise model to estimate facility noise levels at the property line due to project generator sets and cooling towers. Also used the CadnaA<sup>®</sup> noise model to evaluate noise reduction options. Final noise control included specifying low noise options for the equipment.

**ORIGIN ENERGY – Dalby, Australia**

Acoustical Engineer. Was involved in all aspects of noise control for the Darling Downs Power Station, a natural gas-fired combined cycle power plant rated at 600 MW. Reviewed the environmental limits and conducted an initial evaluation to provide input for noise control costs to be included in the EPC bid. Provided input regarding noise control and standards to be used for compliance determination to include in the contract with the client. Prepared a test procedure for a pre-construction noise survey, evaluated bids from local noise consultants, selected a consultant, and reviewed the consultant's report. Provided input throughout the design for noise control throughout the design. Used the CadnaA<sup>®</sup> noise model to estimate noise levels and evaluate noise reduction options. Included noise reduction requirements in the equipment specifications and determined noise wall and building shell acoustical requirements.

**WEST CASCADE ENERGY – Eugene, Oregon**

Acoustical Engineer. Conducted a noise analysis for a 900 MW combustion turbine, natural gas-fired power plant proposed to be located north of Eugene. The facility consisted of two GE 7FA combustion turbines with heat recovery steam generators to operate in combined cycle (600 MW total output) and six LM6000 combustion turbines to operate in simple cycle (300 MW total output). Extensive noise mitigation was included in the analysis because of the close proximity to the plant of several residences. The noise modeling, using the CadnaA<sup>®</sup> noise model demonstrated that the facility would comply with the absolute noise limits and the limits on allowable noise level increase in the State of Oregon Administrative Rules.

**SAN DIEGO COUNTY WATER AUTHORITY – San Diego, California**

Acoustical Engineer. Conducted a noise evaluation and provided input to the design of the Twin Oaks Valley Water Treatment Plant. The facility had multiple noise sources that were potentially very loud and a strict nighttime property line limit of 45 dBA. Noise sources included diesel generator sets, air conditioning units, sludge centrifuges, large pumps and motors, fans, and transformers. Used the CadnaA<sup>®</sup> noise model to estimate noise

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David M. Baker, P.E. (continued)

levels and evaluate noise reduction options. Included noise reduction requirements in the equipment specifications and determined noise wall and building shell acoustical requirements.

**WEST POINT SEWAGE TREATMENT PLANT – Seattle, Washington**

Acoustical Engineer. Conducted the noise analysis for construction. This included measurement of existing noise levels at the site boundary and in the surrounding communities. Estimated of construction and plant operation noise levels, and mitigating measures were identified where necessary.

**LOCAL MASS TRANSIT DISTRICT – Seattle, Washington**

Acoustical Engineer. Conducted a study to determine the noise impacts of modifying the mass transit system. Noise levels were monitored at 12 sites at various times throughout the day to establish existing conditions. Traffic counts were made simultaneously with the noise measurements. The noise contributions from individual vehicle types were also measured at each site. Estimated future noise levels from field data obtained during the study and estimated future traffic volumes. Mitigating measures, in particular for diesel buses, were discussed.

**CAPE MAY COUNTY MUNICIPAL UTILITIES DISTRICT – Cape May, New Jersey**

Acoustical Engineer. Evaluated noise from several sewage pump stations. The pump stations were the cause of complaints from nearby residents. The primary noise sources were determined to be roof-mounted fans for oil cooling and interior pumping equipment. Recommendations were made for reducing the noise from both sources.

**CONFIDENTIAL CLIENT – Mountlake Terrace, Washington**

Acoustical Engineer. Evaluated the operation of the Southwest Recycling and Transfer Station in Mountlake Terrace, Washington in response to complaints from nearby residents. Noise measurements were made at various times throughout the day and night. The noise levels were found to exceed the State noise limits at two sites. Recommendations were made to mitigate the noise levels.

**CONFIDENTIAL CLIENT – Clark County, Washington**

Acoustical Engineer. Conducted a study of an existing building for the Clark County Public Utility District to determine if it could be used to house an electrical substation without causing noise or vibration problems for other building residents. Recommendations were made for separate foundation and vibration isolators for the transformers.

**CONFIDENTIAL CLIENT – Seattle, Washington**

Acoustical Engineer. Provided acoustical engineering services for the design of the West Point Secondary Treatment Facilities. This included work on the initial site selection through current efforts to

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David M. Baker, P.E. (continued)

evaluate noise during construction. Noise levels were measured at sensitive receptors near the plant. Estimates were made of the noise that would result from construction and operation activities. Noise mitigation measures were incorporated into the plant design.

**CONFIDENTIAL CLIENT – Maui, Hawaii**

Acoustical Engineer. Assisted the architect in the design of the city library. The interior noise from the air conditioning system was estimated, as was the exterior noise caused by the air conditioning equipment. A sound wall was used to mitigate exterior noise levels.

**CONFIDENTIAL CLIENT – Seattle, Washington**

Acoustical Engineer. Conducted a noise analysis for a gas turbine, combined cycle power plant. Noise levels were measured to establish existing conditions. The major noise sources were identified and quantified. The effect of noise reduction provided by the power plant building and other planned noise control measures was calculated. The resultant noise level at the closest nearby receptor was estimated. This level was found to comply with the local noise regulations.

**CONFIDENTIAL CLIENT – Bahamas**

Acoustical Engineer. Evaluated the noise impacts from a proposed liquefied natural gas (LNG) facility and associated natural gas-fired, simple cycle, combustion turbine powerplant in the Bahamas. Noise from the facility was demonstrated through modeling to comply with the applicable limits.

**CALPEAK POWER – Various locations in California**

Acoustical Engineer. Conducted noise analyses for approximately seven CalPeak peaker combustion turbine installations. The installations were all based on Pratt & Whitney twin turbine configurations. Activities included ambient monitoring, measurement of noise at a similar installation, modeling of construction and operation noise levels (including determination of necessary mitigation), drafting of the required permit applications, and negotiation with the lessors of the selected sites.

**CALPINE – Various locations in California**

Acoustical Engineer. Assisted in the evaluation of noise impacts from the Calpine Peaker Program. This program consisted of more than 10 General Electric LM6000 natural gas-fired combustion turbines operating in simple cycle. Noise source information was quantified based on data supplied by equipment manufacturers and from onsite noise measurements made at similar facilities. This information was used as input to a standardized computer model. This approach greatly expedited the noise analysis and permitting process.

**WHATCOM COUNTY – Washington**

Acoustical Engineer. Provided expert third-party acoustical engineering services. Whatcom County had approved the construction of a power plant at the BP Cherry Point Refinery. The

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David M. Baker, P.E. (continued)

approval included requirements for submittal of technical documents concerning noise and a pre-construction ambient noise measurement program. The technical documents were reviewed and the monitoring by BP's acoustical consultant was observed. Review comments were provided to Whatcom County.

**TURLOCK IRRIGATION DISTRICT – Turlock, California**  
Acoustical Engineer. Assisted in the evaluation of noise impacts from the Walnut Energy Center. This included computer modeling of the noise impacts from the natural gas-fired, combined cycle, combustion turbine facility. Field monitoring of a similar steam generator at a different site was conducted to determine its contribution to the overall noise level and the acoustical performance of its enclosure.

**CONFIDENTIAL CLIENT – Portland, Oregon**  
Acoustical Engineer. Evaluated the noise impacts of alternative sites for a proposed major landfill to serve the Portland, Oregon area. The effects of construction, onsite operation, and project-generated traffic were included in the evaluation. A similar study was conducted for a proposed landfill in Clark County, Washington. Mr. Baker assisted in a project to determine noise specifications for gas turbines to be installed at Rossman's Landfill in Oregon City, Oregon.

**CONFIDENTIAL CLIENT – Kalama, Washington**  
Acoustical Engineer. Measured existing noise levels and estimated impacts of a coal transshipment facility at the Port of Kalama, Washington.

**CONFIDENTIAL CLIENT – Burney, California**  
Acoustical Engineer. Conducted a noise evaluation for a wood-fired power plant and sawmill. Scope included monitoring at the site, estimating construction and operation noise levels, evaluating the projected levels against the local noise limits, and determining the necessity for noise mitigation.

**CONFIDENTIAL CLIENT – Woodland, California**  
Acoustical Engineer. Evaluated the noise impacts of a biomass-fired powerplant. Noise measurements were conducted and design recommendations were made to ensure compliance with the local noise regulations.

**CONFIDENTIAL CLIENT – Soledad, California**  
Acoustical Engineer. Prepared the noise component of an environmental impact statement for an 18-megawatt pelletized wood waste power plant. Noise was an important issue of the analysis; induced draft fan and cooling tower noise control measures were recommended to comply with the local planning guidelines.

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David M. Baker, P.E. (continued)

**CONFIDENTIAL CLIENT – Redding, California**

Acoustical Engineer. Conducted post-construction noise monitoring for a sawmill and wood-fired power plant. The facility was found to exceed permitted levels along one property line. Recommendations were made to further enclose and muffle existing equipment to meet the limits.

**CONFIDENTIAL CLIENT – Hawaii**

Acoustical Engineer. Conducted the noise section of an initial siting feasibility study for the placement of a 200-megawatt power plant on the island of Hawaii. Several different types of plants were considered, including coal fired boilers, diesel driven engines, and oil fired boilers. The island has extremely low allowable noise levels, making noise a major consideration in the siting.

Sweetwater County Land Use Department

PROPOSED LANGUAGE  
SUBMITTED BY ENXCO

# Section 17

## Draft Wind Energy Regulations

Sweetwater County

PZ Certified Recommendation

12-06-PZ-01

June 13, 2012

**Exhibit D**

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## A. Overview

This Section provides the regulatory framework for Wind Energy Facilities. The regulations within this Section are in addition to relevant development standards and regulations in other parts of this Zoning Resolution and apply to all unincorporated areas of Sweetwater County. Unless otherwise provided, the requirements of this Section are in addition to the zone district requirements set forth in the Sweetwater County Zoning Resolution.

## B. Intent and Purpose

The intent of these regulations is to: provide for public safety, prevent hazards from the construction of commercial and non-commercial Wind Energy Facilities, preserve environmental, historical and cultural resources, maintain the custom and culture, and to sustain the diverse existing uses of the land. In addition, the purpose is to consider and require carefully planned and compatible Wind Energy Facilities in Sweetwater County;

## C. Definitions

- 1) "Applicant(s)" means owner or developer.
- 2) "Application Submittal Meeting" means a mandatory meeting that the applicant shall schedule and attend for the purposes of the Department providing a summary review of the WECS Facility Application.
- 3) "Biologically Significant" means those species of plant or animal that are deserving of special management under the applicable State or Federal Agency.
- 4) "Bird Diverter Standards" means the requirements of BLM "*Appendix K MET Tower Requirements for Wildlife*" for flagging guy wires to reduce avian injuries or fatalities.
- 5) "Blade Glint" means small bright flashes of reflected light from a wind generation device.
- 6) "Board" means the Sweetwater County Board of County Commissioners.
- 7) "Commencement of Construction of a WECS Facility" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of any WECS Facility Structure
- 8) "Commercial WECS Facility" means WECS Facility that produces more than 7.5 kilowatts.
- 9) "County" means Sweetwater County.
- 10) "dBA" means A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz.
- 11) ~~"dBC" means The measurement of sound pressure level which is designed to be more responsive to low frequency noise C-weighting is intended to represent to low frequency.~~
- 12) "Decommissioning" means the removal from service, disassembly, and proper off-site disposal of the facility components.

- 13) "Department" means the Sweetwater County Land Use Department
- 14) "Developer" means a land owner, person, contractor, subcontractor or their successors and assigns that have obtained permission from the owner by way of a lease, a contract or otherwise, to construct a WECS Facility on owner's land. The developer may be the applicant for a WECS Facility Permit.
- 15) "Endangered Species" means the classification provided by the U.S. Endangered Species Act to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.
- 16) "Financial Assurance" means a security serving as collateral in the form of a surety bond, certificate of deposit, corporate guarantee, letter of credit, deposit account, insurance policy or other form acceptable to Sweetwater County to insure proper decommissioning, reclamation activities, and compliance with the Road Use and Maintenance Agreement.
- 17) "Foundation" means support for a buildings or structures: a part of a building or structure, usually below the ground, that transfers and distributes the weight of the building or structure onto the ground.
- 18) "Greater Sage Grouse Core Area" means that sage grouse management and protection area as defined by the 2011-5 Executive Order issued by the Wyoming Governors Office *as amended*.
- 19) "Growth Management Area" ~~means~~ the total area covered by Exhibit A of the [Sweet Water County Growth Management Plan and Agreement \(Jan. 2011\)](#).
- 20) "Industrial Siting Council" means the council created by W.S. 35-12-104, This definition is enabled by W. S. 18-5-501(a)(i). (County Attorney Office Comment)
- 21) "MET tower" means a tower that measures wind speed for the purposes of gathering data for a Commercial WECS Facility.
- 22) "Nacelle" means the part of the wind turbine which houses a drive train and all other related components that support the electrical generation system. .
- 23) "Net Metering" means a facility for the production of electrical energy that:
  - a) Uses wind as its prime mover;
  - b) Has a generating capacity of not more than 7.5 kilowatts;
  - c) Is located on the applicant(s)/owner(s) premises;
  - d) Operates in parallel with the electric utility's transmission and distribution facilities; and
  - e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.
- 24) "Non-Commercial WECS Facility" means a WECS Facility with a single Wind Generation Device and with a generating capacity of 7.5 kilowatts or less located on property owned solely by the Applicant(s) to generate electricity for the Applicant's primary use, and is operated solely by the Applicant(s).
- 25) "Operator" means the primary person responsible for managing and maintaining the WECS Facility, once the WECS Facility becomes functional by producing electricity.
- 26) "Original Grade" means pre-development grade of the surface

- 27) "Owner" means the surface owner of land. This definition is enabled by W.S. 187-5-501(a)(iv)
- 28) ~~"Permanent MET Tower" means a tubular, non-lattice and non-guyed MET Tower.~~
- 29) "Person" means and includes an individual, group, firm, partnership, corporation, cooperative, association, or other legally established entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a person.
- 30) "Pre-Application Meeting" means a meeting with the Department at the request of the applicant for the purpose of providing an overview of Sweetwater County's regulations, review of the proposed project.
- 31) "Primary Structures" means residences and occupied commercial or industrial buildings. Primary structure excludes structures such as storage sheds, and other non-occupied structures.
- 32) "Qualified Professional" means a ~~p~~Person with professional training, certification, experience and expertise in an area of concern such as environmental, engineering, surveying, economics and architecture, who is retained by the Applicant for the purposes of completing work required by these regulations. ~~The Board reserves the right to review the credentials of each person hired by the applicant to perform work as a qualified professional.~~
- 33) "Shadow Flicker" means the visible flicker effect when rotating blades of the WECS cast shadows on adjacent property causing a repeating pattern of light and shadow.
- 34) "Significant Shadow Flicker" means more than 30 hours per year of shadow flicker on the property, of others property, where they work or reside.
- 35) "Special Status Species" means a plant or animal species that requires administrative protection or special management as required by state or federal law. Examples of Special Status Species include: Threatened, Endangered, or a Proposed Species under the Endangered Species Act, BLM Sensitive Species; or Wyoming's Species of Greatest Conservation need.
- 36) "Substation" means the apparatus that connects the collector system of the WECS and increases the voltage for connection to the off-site transmission lines.
- 37) "Temporary MET Tower" means a tubular, non-lattice, lattice, guyed or non-guyed MET Tower erected for a specific term as may be extended pursuant to Section E.3.c.3 of these regulations.
- 38) "Threatened species", under the Endangered Species Act, means an animal or plant species, as determined by the U.S. Fish and Wildlife Service that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
- 39) "Transmission Lines" means non-utility owned electrical transmission lines.
- 40) "Wilderness Characteristics" means lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2.c. of the Wilderness Act.
- 41) "Wind Energy Conversion System" ("WECS") is interchangeable with WECS Facility
- 42) "WECS Facility" means anything that is a necessity or a component that exists for the project and is a part of the WECS Project. The WECS Facility includes but is not limited to the following systems and components: WECS and associated support facilities including, roads, substations, collection systems, gathering systems, transmission lines, operation and maintenance buildings, primary

structures, ancillary facilities, components and equipment, and Wind Generation Device as specified in the application. A WECS Facility includes, but is not limited to, a Wind Energy Facility. The WECS Facility includes WECS Facility Phases planned by the Developer.

- 43) "WECS Facility Area" means that region of land whose boundary is legally defined and established by the developer that encompasses the boundaries of all planned WECS Facility Phases and contains all elements for all WECS Facility Phases provided however that the boundary may not extend beyond property owned or controlled by the developer.
- 44) "WECS Facility Boundary" means the legally described limits of the WECS Facility Area that contains all the elements of a WECS Facility and the area encompassed by all planned WECS Facility Phases
- 45) "WECS Facility Phase" means a portion of the WECS Facility and WECS Facility Area that the Developer chooses to develop at a future time, leaving the remainder of the WECS Facility to be developed as one or several additional construction units or projects.
- 46) "WECS Tower" means the support structure to which the nacelle and rotor is attached.
- 47) "Wind Generation Device" means all components associated with a single device that uses wind as a prime mover for the production of an electrical resource.
- 48) "Wind Generation Device Height" means the distance from the highest point of the device to the original surface grade.

#### **D. Commercial WECS Facility Application Requirements**

No person shall commence or construct a Commercial WECS Facility without obtaining the required permit from the Board.

Non-Commercial WECS Facilities and MET towers will be administered in accordance with the Non-Commercial WECS Facilities requirements of these regulations.

Commercial WECS Facilities shall be administered as provided below:

- 1) WECS Facility Permit Application for a Commercial WECS Facility including all WECS Project Phases shall be accompanied with the following information:
  - a) **Fee:** The Applicant shall submit a fee as required in Section N. in this Regulation and Section 23 of the Sweetwater County Zoning Resolution.
  - b) **Copies:** The Application submittal to the Department shall be accompanied by twenty hard copies and two digital copies of a complete WECS Facility Permit Application.
  - c) **Certifications:** County Attorney Approved Certifications, Affidavits, Consents, and Acknowledgements: All certifications, affidavits and acknowledgements required of the Applicant by these Regulations must meet the approval of the Sweetwater County Attorney's Office.
  - d) **Owner consent:** Letters from all surface property owners upon which the WECS Facility will be located or other legal documentation (memorandum of lease, etc.) which demonstrate consent of owners for the WECS Facility.

- e) **Contact information:** The names, addresses, telephone numbers and email addresses of the applicants, developers, operators and owners of land within the WECS Facility.
- f) **Public Utility Information:** Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission, if applicable.
- g) **Adjacent land owners' contact information:** The names, addresses, telephone numbers and email addresses of all adjacent surface property owners' within 2640 feet of the WECS Facility Boundary.
- h) **General Scope of WECS Facility:** Relevant information on the project including general location of the project, timeframe for construction including the schedule for phasing, project life, markets for the electricity produced, and status of power purchase agreement.
- i) **Summary of the WECS Facility:** Provide a description of the WECS Facility including its total nameplate generating capacity and a nameplate capacity of each turbine, the equipment manufacturers, types of wind generation devices, complete component list of WECS, number of Wind Turbines, the maximum wind turbine height, maximum blade tip speed, the maximum diameter of the rotor, and the minimum distance between the ground and the rotor.
- j) **WECS Facility Site Plan:** WECS Facility Site Plan shall include the following:
  - i. Drawings, prepared by a Professional Engineer and Surveyor Licensed in the State of Wyoming, prepared to a suitable scale, on 24" X 36" sheets and two digital copies, depicting the layout of the following:
    1. All existing structures, right of ways, and above and below ground facilities within the WECS Facility Area and within 2640 feet of the proposed WECS Facility Boundary. If access is not attainable outside the WECS Facility Boundary, the applicant shall propose to the Board of an alternative plan that addresses any impact the project causes to any existing structures above and below ground and R.O.W.'s outside of the WECS Facility Boundary.
    2. All proposed WECS Facility components and structures, right of ways, and above and below ground facilities within the WECS Facility Area and within 2, 640 feet of the WECS Facility Boundary including, but not limited to the following:
      - a. WECS Facility boundary lines, property lines prepared by a Wyoming Licensed Surveyor.
      - b. Topographic lines showing the existing topography of the project and the surrounding area (USGS or other topographic maps may be utilized).
      - c. All existing and proposed public and private access roads and turnout locations including dimensions.
      - d. Utilities, pipelines and similar facilities.
      - e. Proposed location of each WECS Tower.
      - f. Project reference number for each WECS Tower.

- g. Anchor bases and all supports
  - h. Layout, use and dimension of all structures and ancillary equipment within the WECS Facility Area, within 2640 feet of the WECS Facility Boundary and within the geographical boundaries of any applicable setback, identify all setback distances for all structures and ancillary equipment.
  - i. Fencing detail.
  - j. A Complete electrical layout of the entire WECS facility project including substation locations, transmission, collector and gathering lines and other ancillary facility components.
  - k. Map of Dominant Wind Characteristics: A non-proprietary map showing wind characteristics and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows.
- k) **Property description and Vicinity Map:** Property description which includes a general vicinity map of the WECS Facility and a legal description of the WECS Facility boundary (i.e. NW1/4, SE1/4, Sec 2, T42N, R6W), and acreage within this Boundary.
- l) **Construction Site Plan:** A construction site plan and narrative showing and explaining all components necessary during the project construction phase, including but not limited to batch plants, stock piles, office trailers, lay down yards, water storage, health and sanitation facilities. This site plan shall be drawn to a suitable scale on 24" X 36" sheets and submitted in digital format.
- m) **Environmental Report and NEPA Compliance:** All applicants are required to prepare and submit to the County an Environmental Report. ~~For t~~However, those applicants who have complied with the requirements of a published Draft Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA) or who, those applicants may request a waiver, from the Board, of some or all of the requirements of the Environmental Report. If no report has been prepared pursuant to NEPA, the Board may grant a waiver or partial waiver if the Applicant have prepared and submitteds an environmental report a Section 109 Industrial Siting Permit Application which provides a complete analysis of environmental impacts and associated documentation prepared for the Industrial Siting Council are exempt from the requirements of this Section D(1)(m). Said environmental report must satisfy all the requirements of this section. No waiver shall be provided unless the applicant can demonstrate that the contents of the Draft Environmental Impact Statement or the Industrial Siting Act Permit Application/Environmental Report Council, if applicable, substantially match, in whole or in part, the requirements of the Environmental Report herein. These Environmental Reports submitted to the County must be prepared by Qualified Professionals and submitted with the WECS Facility Permit Application, and include the following:
- i. ~~All-The~~ applicants shall present an Environmental Report which contains the following specific report requirements; however, certain requirements and standards will be required of all applicants as specifically designated in **Section 17.E.**
    - Wildlife and Habitat
    - Historical, Archeological and Cultural Resources
    - WECS Facility
    - Social and Economic

1. Wildlife and Habitat: A report that includes a survey of all of the wildlife and habitat within the WECS Facility Area and in any Biologically Significant area surrounding the WECS Facility Area where legal access is available. (as determined by the Wyoming Game and Fish Department or governing federal agency). ~~Wildlife mitigation and monitoring plan shall be prepared if recommended by the Wyoming Game and Fish and/or Federal Agency.~~

Said report shall address:

- a. All special status species
- b. The presence of elk, mule deer, antelope and other mammal populations.
- c. All avian species present, including raptors and other migratory birds. Said report shall include the important habitat for those avian species, such as nesting, stop-over sites, roost sites, and hunting perches.
- d. All bats, both resident and migratory. Said required report shall include surveys for hibernacula, maternity roosts and colonial roost sites.
- e. All wildlife crucial ranges including winter ranges, parturition areas, nesting areas, fish spawning areas, migration corridors and similar areas that are critical to wildlife.
- f. All sage grouse core areas, leks and winter concentration areas.
- g. Wildlife Studies and Surveys, shall be performed in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
- h. A Wildlife Impact Mitigation Plan, if required by WGFD or governing federal agencies, prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
- g.i. A Wildlife Monitoring Plan, if required by WGFD or governing federal agencies to monitor the effects of the developed WECS Facility on wildlife, prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies
- i. ~~A Wildlife Impact Mitigation Plan, if required by WGFD or governing federal agencies, which must be prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.~~
- ii. ~~A Wildlife Monitoring Plan, if required by WGFD or governing federal agencies, to monitor the effects of the developed WECS Facility on wildlife. This plan shall be prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.~~
- h.j. An inventory of all flora and the anticipated impacts to the flora within the WECS Facility Area and a flora mitigation plan prepared by a qualified professional, if determined necessary by the appropriate agency.

i.k. A report, prepared by a qualified engineer, detailing water quality, supply, demand, disposal of water during the construction and maintenance of the WECS Facility, and the Project's effect on water wells within the WECS Facility vicinity. This report shall include a water impact mitigation plan, if the report identifies significant adverse impacts and is required by the Wyoming State Engineer or WDEQ.

j.l. An inventory of Army Corps of Engineers 404 jurisdictional wetlands and riparian areas and any anticipated impacts to these areas within the WECS Facility Area, and an appropriate mitigation plan prepared by a qualified professional, if determined necessary by the appropriate agency.

2. Archaeological and Historical Resources: ~~The WECS Facility Reporting Requirements Shall Include the Following:~~

a) The applicant(s) shall demonstrate coordination with appropriate agencies for matters concerning archaeology studies, historical importance and any other relevant federal, state and local issues ~~and shall include any information received in the application.~~

3. **WECS Facility** : The WECS Facility Requirements shall include a report on the following including any necessary mitigation measures:

a) dBA-weighted ~~and dBC-weighted~~ noise levels at the project boundary line and at the nearest primary structure to the project boundary line.

b) The effect on Areas of Critical Environmental Concern, County and State Parks, Wilderness Study Areas, lands with wilderness characteristics, Historical Areas and Trails, and other similar areas.

c) The Applicant(s) shall provide certification and evidence that there will be no electromagnetic interference, caused by the WECS Facility, on any emergency and non-emergency telecommunication providers within Sweetwater County.

d) All reasonable public safety concerns as to the potential hazards to properties, public roadways, communities, subdivisions, that may be adjacent to, or within five miles of the WECS Facility Boundary.

e) Public and private aviation and airports/airstrips.

f) Potential hazards from ice throw.

g) Impact of shadow "flicker" on residences and occupied structures from any WECS Facility, and estimated duration of the shadow flicker in hours per year.

h) Light impact on neighboring properties and communities

i) Potential hazards of 'blade glint'.

j) Identify fire hazards and mitigation measures.

k) Potential hazards from collapse of damaged turbines or other system components caused by severe storms or other circumstances.

4. **Social and Economic:** The Social and Economic Reporting Requirements shall include the following and any mitigation measures to address adverse social and economic impacts :
- a) The estimated amount of property, sales, and other taxes to be generated by the project in Sweetwater County and outside of Sweetwater County.
    - a. Estimated local expenditures of construction materials in Sweetwater County.
    - b. The estimated number of construction jobs and estimated construction payroll. Estimated Nnumber of local construction job opportunities.
    - c. Summarize the construction workforce spending in Sweetwater County.
    - d. ~~Number of federal, state, and local government jobs effected and added as a result of the WECS project.~~
    - e. The estimated number of permanent jobs and estimated continuing payroll.
    - f. The anticipated demographic characteristics of the construction and permanent work force including workers, family members and any adverse impacts on local infrastructure i.e. schools, housing, EMS, Local & State Government, law enforcement, health etc.
    - g. The estimated costs of the WECS Facility's impacts on roads or other public infrastructure.
    - h. A mitigation plan to address all identified significant adverse socio-economic impacts ~~which have been identified~~.
  - b) **Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan:** A Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan, for each phase of the project, shall be prepared by a Wyoming Professional Engineer and drawn to scale and include, but not be limited to the following:
    - ii. Drainage calculations based on a 25 year storm event unless the location, terrain, topography dictate a higher amount.
    - iii. Existing and proposed contours
    - iv. Historic and produced flows
    - v. Existing wetlands
    - vi. Established floodways
    - vii. Existing and proposed roadways
    - viii. Water management structures
    - ix. Drainage through the WECS Facility area
    - x. Effects on downstream and upstream properties
    - xi. Erosion mitigation and runoff control
    - xii. Dust Control
    - xiii. A mitigation plan that addresses the risks of erosion and flooding, including flooding on all adjacent, and upstream and downstream properties.

- c) **Waste management plan:** A waste management plan that includes an inventory of estimated solid wastes to be generated, and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WECS Facility. [Wyoming Statute 18-5-503(a)(vi)]
- d) **Transportation Plan.** A plan prepared in accordance with Section 17.F. [Wyoming Statute 18-5-503(a)(vii)]
- e) **Emergency Management Plan:** Applicant(s), Project Owner(s) or Operator(s) shall submit a written emergency management plan for review and comment to the County and local fire department, County Emergency Management Coordinator and the County Sheriff. If the WECS Facility extends into another county, the emergency plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other county. If the WECS Facility Permit is granted, the plan shall be supplemented and revised following construction of the WECS Facility and prior to its operation, if there are any variations in the project construction which would materially impact the original emergency management plan. [Wyoming Statute 18-5-503(a)(v)]
- f) **Reclamation and decommissioning plan:** Provide a site and facility reclamation and decommissioning plan in accordance with Section H & I of these regulations; and, [Wyoming Statute 18-5-503(a)(x)] In addition, the applicant shall certify that any owner, who is not the applicant, has been notified of the requirements of the reclamation and decommissioning plan.
- g) **Certification to provide As-built drawings** A certification that as-built drawings will be provided in compliance with Wyoming Statute 18-5-503(a) (viii) and that the developer acknowledges that all WECS structures shall be constructed no greater than 50 feet from the locations identified with the WECS Facility Permit provided subject to there are can be no demonstrated significant adverse change impacts to the in-view shed or impacts to in the environmental assessment.
- h) **Certification of Compliance with Zoning and Land Use Regulations:** Certify that the proposed WECS Facility will comply with the Sweetwater County Zoning Regulations and all other applicable Sweetwater County Development Codes and Land Use Regulations [Wyoming Statute 18-5-503(a)(iv)]. Additionally, if explosives are to be stored on site, a Conditional Use Permit for Storage of Explosives is required.
- i) **Certification of Compliance with Wyoming Statutes:** Certify that the proposed wind energy facility will comply with all the standards required by Wyoming Statute 18-5-504, if Sweetwater County has not adopted more stringent standards. If Sweetwater County has adopted more stringent standards, the certification requirement shall apply to the more stringent standards.
- j) **Certification of Compliance with Noise Standards:** Certification that the WECS project facility will not exceed 45-55 dBA and 45 dBC at the project boundary line and 50 at the nearest permanently occupied structure to the property line.
- k) **Coordination with Local, State and Federal Agencies:** A list of all local, state and federal agencies requiring approval and the projected timeline for obtaining

approval from these agencies. If approved, provide a copy of such approval, including all required studies, reports and certifications. When a WECS Facility requires a Federal National Environmental Policy Act (NEPA) document and approval, the applicant shall submit with its Application for WECS Facility Permit a completed published electronic Draft NEPA document required by the governing Federal Agency for the proposed WECS Facility.

- l) **View shed impact analysis and proposed mitigation measures report:** Provide an accurate visual simulation of the WECS Facility structures and components by showing a minimum of 25 key vantage points providing the worst case scenario, as determined in coordination consultation with the Department and applicable permitting agencies, that are representative of the diverse public usage of the land including recreational, residential, and business. These vantage points shall consider a 360 degree view of the project site from sites that can be legally accessed, and provide a report including the following:
- xiv. Analysis of the view shed impacts and mitigation program for all identified view shed impacts; and,
  - xv. Evaluation of Federal Aviation Administration (FAA) approved Audio Visual Warning Systems (AVWS); and,
  - xvi. Visual rendering of the proposed WECS towers, blades and other WECS Facility structures and facilities with color scheme represented on a relatively clear day in which fog and overcast skies are not present.
- m) **Certification of Advertising and promotional lettering:** Certify that there shall be no advertising or promotional lettering on any WECS Facility Structure, WECS tower, turbine, nacelle or blade, beyond the manufacturer's or applicant's logo on the nacelle of the turbine, as approved by Sweetwater County.
- n) **Publication of notice in newspaper:** Certify that notice of the WECS Facility will be published in the official newspaper of Sweetwater County and the official newspapers of all counties in which the proposed WECS Facility is located. This notice shall be published in all newspapers at least twice in two (2) different weeks, at least twenty (20) days prior to the Board of County Commissioners public hearing on the application. The notice shall include a brief summary of the wind energy facility, invite the public to submit comments and identify the time and date of said hearing. [Wyoming Statute 18-5-503(a)(ii)]
- o) **Required Supporting Letters and Reports** addressing issues or concerns within their jurisdiction related to the WECS Facility Area and Surrounding Region:
- xvii. Wyoming Game and Fish: A letter or report from the Wyoming Game and Fish addressing any environmental issues concerning endangered or threatened species, wildlife migrations or protected populations.
  - xviii. Wyoming State Historic Preservation Office: A letter or report from the Wyoming State Historic Preservation Office addressing any historic, cultural or archaeological resource.

- xix. Sweetwater County Conservation District: A letter or report from the Sweetwater County Conservation District addressing soil conditions and erosion within the WECS Facility Area.
  - xx. Wyoming Department of Environmental Quality: A letter or report from the Wyoming Department of Environmental Quality addressing any land and water quality issues.
  - xxi. FAA and Airport Notification and Letters of Approval: Provide letters from the FAA and the owners of the potentially affected public and/or private airports or airstrips demonstrating that the affected entities have been notified of the pending WECS Facility.
- p) **Notice of Mineral Rights:** Notice of Record, Owner(s) or Applicant(s), shall certify that notice has been provided to the record owners and claimants of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice shall contain the following information: 4) location of proposed WECS towers; location of underground wiring; such notice may include notice by publication. The certification of notice shall be provided with the application. The notice shall comply with all standards and requirements adopted by the Industrial Siting Council, as provided below: [Wyoming State Statute 18-5-504(c)]
- xxii. Notification requirements of mineral rights adopted by the Industrial Siting Council are as follows:
    - 1. Notice to record owners of mineral rights. Before submitting the application, the applicant shall provide notice to record owners of mineral rights located on or under the land where the proposed facility will be constructed.
      - a. The notice shall consist of a statement of the applicant's intention to construct the project, features of the project, a legal description of the boundaries of the project, locations where the application may be examined, and persons to contact for additional information.
      - b. The notice shall be mailed by first class mail to all record owners of mineral rights whose identity and current addresses are readily obtainable from publicly available documents.
      - c. The notice shall be published twice in a newspaper of general circulation in the county or counties where the project is to be located at least 20 days prior to the public hearing.
      - d. The notice and details of steps taken to notify the record owners of mineral rights shall be entered into the record.
- q) **Notice Requirements.** An affidavit by the Applicant(s) shall be submitted which certifies that the Applicant(s) has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Wind Energy Facility. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress

and egress. The affidavit shall attest that notice was mailed to those the owners real property taxpayers of record listed on the Notice of Assessment on file at the Sweetwater County Clerk's Assessor's Office. [Wyoming Statute 18-5-503(a)(i)]

**E. WECS Facility Compliance Standards:** The following standards are to be achieved by each Commercial WECS Facility whether it has been analyzed by NEPA or not. The final decision on whether or not a particular standard is achieved by a Commercial WECS Facility shall be made by the Board. The project shall also be installed as approved by the Board.

- 1) **WECS Facility Safety:** WECS Facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public infrastructure, communities, aviation, etc. that may be created. The following lists public safety matters that shall be addressed and implemented in the development of the WECS Facility.
  - a) Design Safety Certification: WECS Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC). Concurrently with permits for construction, the Applicant(s) shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
  - b) Construction Standards: All WECS Facility structures and components shall conform to the most recent edition of the International Building, Plumbing, Fire, Mechanical, and Fuel Code, and the National Electrical Code. Before the construction permit is issued, the applicant shall provide drawings stamped by a Wyoming Professional Engineer certifying that all structures comply with the applicable code standard.
  - c) Airport and Aircraft Safety: WECS Facilities shall comply with applicable FAA regulations and comply with conditions regarding WECS Facility installation established by affected airports. If approved by the FAA, all WECS Facilities installed after such FAA approval shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
  - d) ~~Retro-fitting AVWS Systems: If a WECS Facility is approved without having an AVWS system installed, the applicant, operator or owner shall install an AVWS system within one year of when AVWS systems are approved by the FAA and made available.~~
  - e) Marking Guy Wires and Anchor Points: For projects that are placed on land with public access; visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground. All guy wires must comply with the Bird Diverter Standards stated in Section 17.E.3)3.
  - f) Exterior Climb Prevention: All Wind Generation Devices and other similar WECS Facility structures must be un-climbable by design or protected by anti climbing devices.

- g) Potable Water and Sanitary Sewer: All permanent and occupied WECS Facility management and office buildings must have approved centralized potable water and sanitary sewer systems. This approval shall be obtained from the Sweetwater County Health Department or the Wyoming Department of Environmental Quality.
- h) Impact on regional water supplies: The WECS Facility shall not adversely affect ground water resources, in particular the ground water supplies of nearby subdivisions or other developments.
- i) Fire Prevention Measures:
  1. All structures shall comply with the latest Edition of the International Fire Code adopted by Sweetwater County.
  2. Appropriate fire protection measures as required by the Sweetwater County Code Enforcement Specialist shall be implemented.
  3. All roads servicing primary structures or occupied accessory buildings shall be constructed to the standards of the most recently adopted International Fire Code. .

2) **Visual Impacts:** WECS Facilities ~~should~~ not significantly adversely impact scenic areas that are presently identified considered important and afforded legal protection by federal and state governments. ~~Important scenic areas include visual corridors, view sheds, historic landscapes, scenic byways and scenic overlays. In determining the important scenic areas for Sweetwater County, and any adverse visual impacts caused by the proposed WECS Facility, the Board shall take into account the federal and state important scenic areas, the WECS visual simulations and public comment. The Board may require specific design standards or restrictions that may mitigate or prohibit the degree to which the WECS Facility may impact those important scenic areas such as structure color, building height, greater setback distances and lighting.~~

- a) Visual Simulation Standards: The Applicant shall employ representative sampling to achieve a fair and accurate result regarding the visual impacts of the proposed WECS Facility to residents of Sweetwater County. ~~No less than 25 vantage points covering a 360 degree perspective of the WECS Facility shall be used in obtaining a fair representation.~~ The applicant shall obtain vantage points identified in consultation with the Department and applicable permitting agencies from publicly accessible diverse locations, including but not limited to, scenic, residential, commercial and recreational areas.
- b) Growth Management Area: Commercial WECS Facilities shall not be located within the identified Growth Management Area.
- c) WECS Facility Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, Wind Generation Devices or WECS and other WECS Facility structures shall be painted a non-reflective and unobtrusive color that blends with the landscape and is accepted by the Board. The color selected shall be compatible with the natural visual character of the area.
- d) Shadow Flicker: WECS Facilities shall be designed so that there is no significant shadow flicker at an adjacent residence or primary structure unless waived in writing and recorded by the landowner.

- e) Visibility, Screening and Buffering: WECS Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining the view shed.
- f) Light Pollution: WECS Facility ies buildings and structures shall utilize International Dark-Sky Association compliant fixtures or an approved equal.
- g) Screening of Outdoor Storage: Except during construction, re-construction or decommissioning, outdoor storage is not permitted within the project boundary except at locations that are screened in accordance to the standards of Sweetwater County.
- h) Buried Collector and Gathering Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, or applicable law.
- i) Signage: There shall be no advertising or promotional lettering of any type allowed on any WECS Facility Structures or Wind Generation Devices beyond the manufacturer's or the applicants' logo on the nacelle of the turbine. [Wyoming Statute 18-5-503(a)(ix)]

### 3) Natural and Biological Resources.

- a) Crucial Ranges: On public lands or where otherwise required by law, WECS Facilities shall avoid sites with known sensitive biological resources not be located in areas that would result in significant impact to wildlife, wildlife habitat, or crucial wildlife ranges as determined by the Wyoming Game and Fish and/or the governing federal agency. If avoidance or mitigation options are available, the selected site may be approved subject to acceptance by the WGFD or federal agency. On private lands, the Board strongly encourages impact avoidance, mitigation and/or protection of important biological resources. Wildlife critical areas include, but are not limited to, crucial winter ranges, parturition areas, nesting areas, spawning areas, riparian areas and migration corridors.
- b) Lands with Special Characteristics: WECS Facilities shall not be located in wilderness study areas, lands with wilderness characteristics, areas of environmental concern, federal, state or county parks and National Recreation Areas, historic trails, special management areas or the Sweetwater County Growth Management Area.
- c) MET Towers, WECS Facility Components and Avian Protection: Developers shall consult with the Department in selecting and installing the type of MET Towers utilized for the project. use ~~The Developer shall use~~ MET Towers and WECS Facility components with designs that provide for the best prevention of injuries to avian predators and other avian species given the site-specific characteristics of the project and the Developer's cost constraints. For the purposes of avoiding bird collisions and to eliminate the need for met tower conversion during the WECS Facility Construction Phase, MET Towers shall comply with the following standards:

1. Permanent Met Towers: Non-lattice, non-guyed towers are required ~~on preferred for~~ Permanent Met Towers, however if guy wires are necessary, bird flight diverters or high visibility marking devices shall be used. The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation Met Tower Database for the Met Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a Met Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
2. Temporary Met Towers: Where guyed Temporary Met Towers are installed, the following stipulations apply:
  - i. The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation Met Tower Database for the Met Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a Met Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
  - ii. Bird diverters are required to be installed on guy wires as shown in Appendix A.
  - iii. Bird diverters shall display the following characteristics:
    1. Movement in at least a 5 mph wind and able to withstand winds above 20 miles per hour.
    2. Reflective in sunlight
    3. 10 hours of luminescence at night
    4. Incorporate UV reflection for lowlight conditions
    5. At least 18 –square inches per single diverter design
3. Term of Temporary MET Towers: As of the effective date of these Regulations, the term of a temporary MET Tower shall ~~Not to~~ exceed three years with an option of 2 renewals not to exceed 3 years each upon findings of no significant bird fatalities.
- d) Greater Sage Grouse Core Areas: No WECS Facility shall be located within Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended.
- e) Avian Protection: Whether or not the proposed WECS Facility is on public or private lands, Developers, Operators and Owners of WECS Facilities shall comply with all governing federal or state regulations regarding protection of avian species
- f) Construction and Access during Wildlife Use: On public lands or where otherwise required by law ~~the~~ the developer shall only perform WECS Facility construction activities within said wildlife crucial ranges or migration corridors as recommended by the Wyoming Game and Fish or authorized by the applicable governing agency.

Unless a waiver is obtained from the applicable governing agency, Pportions of the WECS Facility inside crucial winter ranges or migration corridors shall be closed to vehicle use during their period of use by wildlife, as determined by the applicable governing agency. Vehicles for emergency and routine maintenance will be allowed as approved by the applicable governing agency. The construction and access restrictions described in this Section E(3)(f) are strongly encouraged on private lands.

- g) Protection of Bats: WECS Facilities shall be designed to avoid identified areas of concentrated bat use as recommended by the Wyoming Game and Fish or authorized by the governing federal agency. ~~If WECS Facilities are sited across known migration routes or between roosting and feeding areas, then these Projects may be subject to mitigation measures by the Wyoming Game and Fish. For WECS Facility applications that involve 30 or fewer turbines and are not otherwise reviewed by the Industrial Siting Council and where surveys have determined the WECS Facility will increase bat mortality, the turbine blade minimum "cut in" speed shall be set to wind velocities greater than 6 meters per second or as otherwise recommended by the Wyoming Game and Fish or other governing federal authority.~~
- h) Protection of Raptors:
- ~~1. WECS Facilities shall not be permitted within or adjacent to areas of elevated raptor concentration that are recognized by the Wyoming Game and Fish Department or a governing federal agency.~~
  - ~~2. WECS Facilities shall be designed to avoid frequently used flight paths to and from nesting and/or roosting sites as determined by Wyoming Game and Fish or a governing federal agency.~~
  - ~~3.1. WECS Facilities shall be setback at a distance of at least 328 feet (100 meters) from rims to reduce mortality of soaring raptors, or as recommended by the Wyoming Game and Fish or a governing federal agency.~~
  - ~~4.2. WECS Facilities shall not be located within canyons or passes to avoid conflicts with raptors, unless otherwise approved by the Wyoming Game and Fish Department or the governing federal agency.~~
- i) Historical, Cultural and Archeological Resources: On public lands or where otherwise required by law, WECS Facilities shall avoid sites with known sensitive historical, cultural, archaeological, ~~custom~~ and cultural resources, as determined by Wyoming State Historical Preservation Office and the governing federal agency. If mitigation is available, the selected site may be approved subject to the acceptance of the mitigation plan by the Wyoming State Historical Preservation Office and the governing federal agency. On private lands, the Board strongly encourages mitigation and preservation of these important historical, cultural, archaeological and cultural resources.
- j) Site Management of Air, Water, Soil and Vegetation:
1. Drainage from the WECS Facility shall not adversely affect upstream and downstream properties.

2. Soil Erosion and Run-off: WECS Facilities shall avoid soil erosion and controlled runoff. Disturbance and construction on erodible soils and slopes shall be avoided.
  3. Dust Control: Dust Control within all phases of the WECS Facility is mandatory, and shall be accomplished with Mg Chloride by means acceptable to Sweetwater County and WDEQ.
  4. Noxious Weed and Invasive Species Control: Noxious weed control as defined by Wyoming Statutes shall be required in all phases of the WECS Facility. Invasive species as defined by Sweetwater County Weed and Pest shall be controlled in all phases of the WECS Facility.
  5. Vegetation: Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance WDEQ and the reclamation plan approved by the Board.
  6. WECS Facility Area Ground Disturbance: Minimize site disturbance by limiting the number and widths of roads, construction staging areas, crane pad sites, etc.
  7. Topsoil Storage: Topsoil removed by grading shall be stored in accordance with the reclamation plan approved by the Board.
- k) Noise Management: The noise level caused by the operation of the project, measured at five (5) feet above ground level at the project boundary line in accordance with Section 17.k.3. shall not exceed 45-55 decibels (A-weighted) ~~and shall not exceed 45 decibels (C-weighted) and 50 decibels (A-weighted)~~ at the nearest permanently occupied structure to the property line.

#### 4) Commercial WECS Setbacks and Standards

Commercial Wind Generation Device	Minimum Setbacks	Additional , Waivers and similar
Primary Structure	5.5 times the Wind Generation Device Height or ½ mile whichever distance is greater	If the person owning the primary structure waives in writing the setback requirement of 5.5 times the height of the Wind Generation Device, the minimum setback shall be 1.5 times the Wind Generation Device.
Third Party Transmission and Distribution Lines	1.5 times the Wind Generation Device Height	
Communication Towers	1.5 times the Wind Generation Device Height	
WECS Facility Boundary Line	1.5 times the Wind Generation Device Height or a minimum distance of 1600 feet whichever distance is greater	
County Residential Zone District and any City and Town	1 mile	
Any Platted Subdivisions	1 mile	
Right-Of-Way of all Federal, State, County, and Municipal Roads.	5.5 times the height of the Wind Generation Device or one half (0.5) mile from the right-of-way (ROW) whichever distance is greater	Unless waived by the Board of County Commissioners (BCC). Measured from the edge of the Right-of-Way (ROW)
Railroads	5.5 times the height of the Wind Generation Device or one half (0.5) mile from the right-of-way (ROW), whichever distance is greater	Unless waived by the BCC. Measured from the edge of the railroad Right-of-Way (ROW).
Federal, State, and County Parks, National Recreation Area, and Wildlife Refuges	A minimum distance of one (1) mile	Unless waived by the BCC upon a recommendation from the State or applicable State Agency.
Waiver	A waiver from the setback requirements shall run with the land and shall be recorded as part of the chain of title for the subject property. Copies of the recorded waivers shall be furnished to the County and included in the application file.	
Setbacks shall be measured from the center of the Wind Generation Device foundation.		

## Transportation and Other Public Infrastructure:

- 1) **Transportation Plan:** Any Applicants, Developers, or Operators proposing to use any public or private roads, for the purpose of transporting WECS Facility components or equipment for construction, operation, maintenance, and decommissioning shall submit a Transportation Plan, prepared by a Wyoming Licensed Professional Engineer, that addresses and includes the following:
  - a) **Legal Access and Public Roadways:** A report demonstrating how legal access will be provided to the WECS Facility. The report shall describe how private roadways within the project will be marked as private roadways, and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use.[Statute 18-5-503(a)(vii)]
  - b) **WECS Facility Roadways and Haul Routes:** A report, with plans and maps, prepared by a Wyoming Licensed Professional Engineer, that:
    1. explains and identifies all existing and proposed county, public, federal resource roads and private roads expected to be used in the construction, operation and decommissioning of the WECS Facility, including all roads that will be used as WECS Facility haul and transportation routes for all equipment and materials necessary for the WECS Facility.
    2. Includes the anticipated height, width, length, and weight data for all WECS Facility loads to be transported and the plan for upgrading, maintaining and reclaiming.
    3. provides plans demonstrating compliance with Section 17.D.1)i)
  - c) **Traffic Study:** A traffic study, prepared by a Wyoming Licensed Engineer, of any public roadways leading to and away from the proposed project during construction, operation and decommissioning. This traffic study must assess the existing roadway conditions, evaluate the ability of the existing roadways and proposed roadway to accommodate WECS Facility traffic loads, identify proposed mitigation measures to address roadway impacts and propose a plan to implement identified mitigation measures. This traffic plan must address costs of mitigation. These costs are the responsibility of the Developer and must be addressed to the satisfaction of Sweetwater County in the Road Use and Maintenance Agreement and in the Road Construction and Maintenance Financial Security Agreement.
- 2) **Road Use and Maintenance Agreement:** The Board of County Commissioners shall require the Applicants to enter into a road use and maintenance agreement for the use of County roads prior to construction of the project. The road use and maintenance agreement shall be developed by the Applicants for review by the Sweetwater County Public Works Department, Land Use Department, and the County Attorney's Office. In the Road Use and Maintenance agreement, the Developer shall certify and acknowledge that:
  - a) Prior to preconstruction site occupancy, over lot grading and construction of any component of the WECS Facility, the developer shall obtain and submit to Sweetwater County copies all approved Federal, State and Local government or agency required permits related to access, access modification, change of use of access permits; utility crossing permits or approved plans required by applicable

governments and agencies necessary to address and mitigate impacts to any Federal, State or County Highway/Road facilities.

- b) The Applicant(s), Project Owner(s), or Operator(s) shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WECS Facility.
- c) The use of public roads and other public infrastructure shall be in accordance with and in compliance with existing regulations governing such activities. Any degradation to, or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of WECS Facility shall bear all costs required to return the public roads or other infrastructure to their original or better condition.
- d) Financial Assurance. The Applicant shall submit financial assurance in a sufficient amount to repair damage to all public roadways attributed to the construction, operation and maintenance of the WECS Facility. Said Financial Assurance shall be signed and sealed by Applicant's engineer and approved by the Sweetwater County Public Works Director for final approval by the Board.

**Operations and Maintenance:**

- 1) The developer or operator shall perform routine and scheduled maintenance including the repainting of equipment and structures, and servicing of the grounds and landscape. If the WECS Facilities are under the jurisdiction of the Wyoming Public Service Commission, the requirements of this the subparagraph may not apply.
- 2) All solid wastes and hazardous materials related to the construction, operation and maintenance of a WECS Facility shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State and County laws and regulations

- 3) On April 1st of every even numbered year after the third anniversary of the permit, the Project Owner, Owner(s) or Operator(s) of the WECS Facility shall submit to the Department a statement that lists all WECS Towers currently inoperative for longer than six continuous (6) months. All WECS Towers that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Project Owner or Owner(s) provides a written plan and schedule acceptable to the Board for refurbishing and/or reactivating the inoperative WECS. If the Owner(s) of the WECS Facility is a person regulated by the Wyoming Public Service Commission, the requirements of the second sentence of this subparagraph may not apply.
- 4) The Project Owner(s) or Operator(s) of the WECS within the WECS Facility and surrounding areas shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Sweetwater County Weed and Pest District or the appropriate public entity having jurisdiction, [in consultation with and approval by the landowner.](#)
- 5) If there are any FCC complaints, the Project Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference.
- 6) To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the Project Owner(s) or Operator(s) shall provide the Department with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WECS structure, all roads within the WECS Facility area, and public roads and turnouts connecting to roads of the WECS Facility. This Map shall be updated by the Project Owner(s) or Operator(s) every five (5) years or after the completion of any significant additional construction, whichever occurs first, and approved by the County Surveyor.

**General WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WECS Facilities owned or operated by a Public Utility subject to requirements of the Public Service Commission are exempt from Sweetwater County's and Wyoming Industrial Siting Council's decommissioning, reclamation and financial assurance requirement in accordance with W.S. 35-12-105(d) and (e). Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission shall be provided with the application.
- 2) Commercial WECS Facilities under the jurisdiction of the Industrial Siting Council as provided under Wyoming Statute 35-12-102(a)(vii)(E) and (F) shall submit a WECS Facility decommissioning, and reclamation plan, and financial assurance that complies with the criteria W.S. 35-12-105(d) and (e) and the Rules and Regulations of the Industrial Siting Council.

- 3) For all other Commercial WECS Facilities, pursuant to W.S. 35-12-102(a)(vii)(E) and (F), which are not subject to the Wyoming Industrial Siting Council, the applicant or developer shall meet the Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations as stated in these Regulations
- 4) The chart below provides regulatory requirements for reclamation and decommissioning.

<b>Categories of Commercial Wind Energy Facilities</b>	<b>Regulatory Jurisdiction Regarding Decommissioning, Reclamation, Financial Assurance.</b>
WECS Facility development cost estimates meet or exceed the qualifying amount for an Industrial Siting Council Project	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain 30 or more WECS Towers.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers, accepted by the Industrial Siting Council after referral by the County Commissioners on the basis of environmental, social or economic factors.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers not referred by the County Commissioners nor accepted by the Industrial Siting Council,	Sweetwater County Decommissioning, Reclamation and Financial Assurance Regulations (See Section 17.1 of these Regulations)

**WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WECS Facility Decommissioning. The applicant shall provide a WECS Facility Decommissioning Plan.
  - a) The facility decommissioning plan shall include provisions regarding the removal and proper disposal of all wind turbines, towers, substations, buildings, structures, cabling, electrical components, foundations to a depth of forty-eight (48) inches from original grade, and any other associated or ancillary equipment or structures within the facility boundary above and below ground.

- b) The Developer may request that a building(s) be left on site if approval is obtained from the owner and upon written notification to the Board.
  - c) WECS Facility or individual Wind Generation Device decommissioning shall begin:
    - 1. Within twelve (12) months after the end of the useful life of the facility or individual wind generation device, or
    - 2. When no electrical energy is generated for a continuous period of twelve (12) months by the facility, or individual wind generation device.
    - 3. If the WECS Facility provides good cause prior to the end of the continuous period stated herein, the Board may extend the time for decommissioning once the generation of electricity has ceased for the facility or individual wind generation device.
  - d) The facility decommissioning plan shall be updated and submitted to Sweetwater County every five years.
- 2) Interim Reclamation shall comply with the applicable permitting requirements of the Department of Environmental Quality, Water Quality Division storm water program.
- 3) Final Reclamation. The applicant shall provide a final reclamation plan which shall include:
- a) A detailed description of site conditions prior to construction, including topography, vegetative cover (including plant species and plant community structure), climate and land uses.
  - b) Regrading. Provisions regarding the re-grading of all WECS Facility component and structure foundations, roads, and all other surface disturbances within the facility boundary to the natural contours of the area. Backfilling, grading and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:
    - 1. Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.
    - 2. Contouring affected land to blend in with the topography of the surrounding terrain unless doing so would create an erosion problem or hazard.
    - 3. The WECS facility may leave a road un-reclaimed if approval is obtained from both the surface landowner and the Board.
  - c) Re-vegetation.
    - 1. After backfilling, grading and contouring, and the replacement of topsoil, re-vegetation shall be commenced in such a manner so as to most efficiently accommodate the retention of moisture and control erosion on all affected lands to be re-vegetated.
    - 2. Re-vegetation requirements shall include seedbed preparation, seed mixture, and post seeding maintenance of all disturbed areas.

3. If applicable, documentation of any mulching and/or use of fertilizers.
  4. Reclamation shall consist of restoring the land using native or adaptive perennial vegetative cover to a condition equal to, or better than the original condition.
  5. Re-vegetation of all affected lands shall be accomplished in a manner consistent with the approved reclamation plan and the proposed future use of the land.
  6. Seeding of affected land shall be conducted during the first normal period for favorable planting conditions after final preparation, unless an alternative plan is approved by the Board. The species of vegetation to be used in re-vegetation efforts shall be described in the reclamation plan indicating the composition of seed mixtures and the amount of seed to be distributed on the areas on a per acre basis.
  7. The developer must control and minimize the introduction of noxious weeds into the re-vegetated areas until final reclamation is achieved.
- d) The final reclamation plan shall be updated and submitted to Board every five years until the site reclamation and decommissioning is complete.
- 4) Financial Assurance: The applicant shall provide financial assurances sufficient to assure complete decommissioning and site reclamation of the WECS Facility in accordance with the provisions of these rules. WECS Facilities subject to regulation by the Public Service Commission shall be exempt from these financial assurance provisions and from the Cost Estimation of Decommissioning and Site Reclamation provisions of Section 17 d of these rules.
- a) All financial assurances shall be in place prior to commencement of construction of any WECS Facility.
  - b) The amount of the financial assurance shall be adjusted up or down every five years from the date of permit issuance by the Board based on the results of Section 17 c - Final Reclamation.
  - c) Additional financial assurances to cover risks not anticipated at the time of the permit may be required at any time by the Board, as reasonable and necessary, provided that the Board first gives thirty (30) days written notice stating the reason for and the amount of the additional financial assurance.
  - d) Financial assurance in the form of domestic securities may be accepted in any of the following forms at the discretion of the Board with consideration of credit worthiness, financial strength, credit history, credit rating and debt.
    1. Surety bond with a corporate surety registered in Wyoming.
    2. Certificate of deposit in the name of the "Sweetwater County" with a state or federally insured financial institution in Wyoming. The permittee shall be entitled to all interest payments.

3. Other forms of assurance such as corporate guarantee, letter of credit, insurance policy, or other forms of assurance as may be acceptable to the Board.
- 5) Cost Estimation for Decommissioning and Site Reclamation of the WECS Facility
    - a) Estimates of cost for decommissioning and site reclamation shall be made by a licensed professional engineer and subject to review and approval by the Board.
    - b) Total decommissioning costs shall be estimated without regard to the salvage value of the equipment.
    - c) Decommissioning and site reclamation estimates shall be submitted to the Board in the application and every five years after the date of permit issuance until the completion of final reclamation.
    - d) The licensed professional engineer estimate of decommissioning and reclamation costs shall include the following:
      1. A general discussion of assumptions, including equipment, timeframes, backup calculations, procedures, methods and any other considerations used in developing the cost estimate.
      2. A detailed description of the decommissioning activities to be performed.
      3. A detailed description of the reclamation activities to be performed.
    - e) The Developer may request release of the financial assurance mechanism when the facility has achieved final reclamation. Final reclamation means that all surface disturbances have been re-graded and re-vegetated with a uniform perennial vegetative cover with a density of 90% of the native or adaptive background vegetative cover. Noxious weeds shall not be included in the density requirement in determining reclamation success.
  - 6) The Board may grant a case by case variance to requirements of this Section 17.1 (Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations) after considering whether good cause is shown by the applicant or landowner.

**Approval Process for WECS Facility Permit:**

- 1) Pre-Application Submittal Meeting: Prior to submitting an application for a WECS, the applicant shall arrange and attend a Pre-Application Meeting with the Land Use Department.
- 2) Application Submittal Meeting: After preparing an application for the WECS Facility, the applicant shall arrange for and attend an Application Submittal Meeting. The purpose of this Meeting is for the Department to provide a summary review of the Application. This review determines whether the application is generally complete and is not missing major application components, such as the Transportation Plan or the Socio-economic study. If, during this Meeting, application components are found missing, the applicant has the following options:

- a) The applicant may file the application as a final application to begin the review period by the County Commissioners as required by Wyoming Statute 18-5-505, or
- b) The applicant may correct the identified application deficiencies, and formally resubmit the corrected application at a later date.

It is important to note that the Application Submittal Meeting review by Staff is intended to be a summary review that assists the applicant to determine if the application contains the required components. This review is not a substitute for the statutory completeness review conducted by the Board, nor does this summary review commit the County to a finding that any of the required application components are complete.

- 3) Upon receipt of an application, the Board shall review the application to determine if it contains all the information required by W.S. 18-5-503 and Section 17 of these regulations and any other applicable rules and regulations. If the Board determines that the application is incomplete, it shall, within thirty (30) days of receipt of the application, notify the Applicant(s) of the specific deficiencies in the application. The Applicant(s) shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information. When the Board determines that the application is complete it shall notify the Applicant(s) that the application is complete and shall provide notice of the date and time at which the hearing required by W.S. §18-5-506 and J.4) of these regulations shall be conducted. The determination by the Board that an application is complete is no assurance that a particular outcome will be achieved at the public hearing.
- 4) The Board shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comments on the application shall be accepted by the Board for not less than forty-five (45) days after determining that the application is complete.
- 5) Decision of the board; findings necessary
  - a) Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the Board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the Applicant(s) has met the applicable standards. The decision shall be subject to the remedies provided in W.S. 18-5-508. The Board shall grant a permit if it determines that the proposed wind energy facility complies with all standards properly adopted, and the standards required by this regulation.
  - b) No permit shall be granted if the application is incomplete or if all notices required by this regulation and W.S. 18-5-503(a)(i) & (ii), and 18-5-504(c) have not been met.
  - c) A copy of the decision shall be provided to the Applicant(s).

## **K. Administration & Enforcement of Commercial WECS**

### 1) Liability Insurance

- a) Liability insurance. The applicant and or operator(s) of the WECS Facility(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$10 million in the aggregate. The applicant(s) shall provide proof of insurance to the Board prior to

the approval of the submitted application. If the application is approved, the owner(s) or operator(s) of the WECS(s) shall provide proof of insurance annually.

2) Transfer of WECS Facility Permits

- a) Notification of a proposed change of owner of the WECS Facility shall be provided to the Board forty-five (45) calendar days prior to any such change taking place. Documentation evidencing any such transfer shall be submitted to the Board within twenty (20) days after such transfer is complete. The transferee upon transfer of ownership shall be responsible for assuming all obligations under the approved WECS Project Permit.

3) Revocation or suspension of WECS Facility Permit

a) A WECS Facility Permit may be revoked or suspended by the Board for:

1. Any material false statement in the application or in accompanying statements or studies required of the Applicant(s).
2. Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure.
3. Failure to comply with the requirements in W.S. 18-5-501 through 18-5-513, or failure to comply with any order, rule or regulation which has been adopted under the authority of these statutes by the Board, or any rule or regulation of the Industrial Siting Council.
4. Failure of the proposed wind energy facility to receive a required permit from the Industrial Siting Council pursuant to the Industrial Development Information and Siting Act, W.S. §35-12-101 through §35-12-119; or
5. Failure of the permitted wind energy facility to:
  - i. Transmit electricity created by wind energy for a period of two (2) consecutive years or more;
  - ii. Maintain land rights necessary to operate the wind energy facility

4) Expiration of WECS Facility Permits

a) Unless otherwise determined by the Board, Any WECS Facility for which a WECS Facility Permit is granted under this section must be commenced within three (3) years from the date of approval by the Board. If the WECS Facility is not commenced within three (3) years from said date of approval, then the WECS Facility Permit shall may expire and become null and void and be of no further effect. If the WECS Facility is not operational within two (2) years from the date of project or phase commencement, then the WECS Facility Permit shall may expire and become null and void and be of no further effect. If the WECS Facility is to be constructed in phases, the applicant shall submit the schedule for completion of each phase for Board approval with his application, subject to a time limit of 7 years for phased development, which means all phased projects must should be completely operational within 7 years of the date that the WESC pPermit was approved. For good cause shown or in the case of Force Majeure, the Board may grant an extension of the deadlines established in this Section. Force Majeure means an

event beyond the control of the Developer and which by exercise of reasonable due diligence and foresight could not have reasonably been avoided.

e) b) For the purpose of this section, "commencement of construction" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of any WECS Facility Structure. For the purpose of this section, the WECS Facility shall be considered to be "operational" if the project is transmitting electricity.

b) c) If the WECS Facility has not been commenced or has not become operational as required, the Applicant(s) may request an extension of the permit. The Applicant(s) shall apply to the County in writing for the extension no later than ninety (90) days prior to the expiration of the permit. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Such information may include, but is not limited to, good faith efforts to obtain required authorization for the WECS Facility from other agencies having jurisdiction, such as the Wyoming Industrial Siting Council, delay in construction due to weather conditions, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Board shall promptly consider the application for the extension and either allow it or deny it. No permit shall expire during the time the decision on the extension is being considered.

5) Penalties for violations of Commercial WECS's

a) No person shall:

1. Commence to construct a WECS Facility on or after July 1, 2010 without first obtaining a permit required by W.S. 18-5-501-513 and this section;
2. Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a wind energy facility, after having first obtained a WECS Facility Permit, other than in specific compliance with the permit; or
3. Cause any of the acts specified in this subsection to occur.

b) Any person violating subsection (a) of this section is liable for a civil or criminal penalty as provided for in Wyoming Statute 18-5-512 or as amended.

6) Industrial Siting Council Referral. The Board may refer any application to the Industrial Siting Council to permit a wind energy facility which does not meet the definition of a facility as defined by W.S. 35-12-102(a)(vii) subject to the provisions found under W.S. 18-5-509 and W.S. 18-5-510.

**L. Construction Permit for Commercial WECS Facility Permit.** Upon approval of the WECS Facility permit, the applicant shall submit to the Department a complete Sweetwater County Construction Application that includes all of the following:

- 1) Evidence that all applicable conditions and terms of the approved WECS Facility Permit have been satisfied.

- 2) Construction Drawings. Building and foundation plans stamped by a Wyoming Professional Engineer as required by Section 17.E.1.
- 3) Floor plans of all buildings.
- 4) A final plan for site security.
- 5) Final documentation that the project is in compliance with all of the requirements of all applicable state and federal agencies.
- 6) After the Department receives a complete Construction Application, the Department will review it for compliance, and, if approved, the Department will issue a Construction Permit.
- 7) Construction permit shall be enforced pursuant to Section 17.K of these regulations.

#### **M. Non-Commercial WECS Facility Permit**

Non-Commercial WECS Facilities and MET towers will be administered in accordance with these requirements and Section 17.E.3:

- 1) Non-Commercial WECS Facility Permit Standards and Application Requirements:
  - a) Maximum Wind Generation Device Height: Parcels less than five (5) acres in size shall have a maximum tower height of sixty feet (60'). Parcels five acres in size and larger shall have a maximum wind generation device height of one hundred feet (100').
  - b) Maximum Wind Generation Device Limit: Parcels 5 acres in size and less shall be limited to one Wind Generation Device. Parcels 5 acres and more shall be limited to two Wind Generation Devices unless approved by the Board.
  - c) Noise: Sound emitted by a Wind Generation Device shall not exceed +5 dBA and dBC above background, as measured at the closest neighboring property line. This level may be exceeded during short-term events such as severe wind storms.
  - d) Setbacks: No Wind Generation Device shall be constructed on any property a distance of less than one hundred and fifty percent (150%) of the combined height of the wind generation device from all adjacent property lines.
  - e) Clear Zone: The Wind Generation Device shall be maintained in a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the wind generation device. The clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines.
  - f) Tower Security: All WECS's or Wind Generation Devices shall be un-climbable.
  - g) Lighting: All WECS structures shall have International Dark-Sky Association compliant fixtures or an approved equal in accordance with FAA regulations.
  - h) Advertising: No WECS or Wind Generation Device shall have any writing or picture that may be construed as advertising.

- i) Colors: All towers shall be standard colors as provided by the manufacturer.
- j) Approved Non-commercial WECS or Wind Generation Device: At the time of application, the Applicant(s) must present a certification from the manufacturer that the all of the system's turbine and other components are equal or exceed the standards of one of the following national certification programs such as the: the Institute of Electrical and Electronics Engineers ("IEEE"), National Electric Code (NEC), National Electric Safety Code, (NESC), American National Standards Institute (ANSI) or any other appropriate recognized standard and in no case shall the standards shall be less stringent than the requirements, of the most recent edition adopted by the state of Wyoming.
- k) Utility Notification: If applicable, permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company serving the property of Applicant(s) has been informed of the customer's intent to install an interconnected customer owned generator.

2) Administration and Enforcement of Non-Commercial WECS Facility Permit

a) Removal of Defective or Abandoned WECS's or Wind Generation Devices.

- 1. Any WECS Tower found to be unsafe by an authorized County official, or designated authority, shall be repaired or removed with all due urgency within 14 days by the Owner(s) to meet federal, state and local safety standards. If any WECS Tower is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide thirty (30) days for a response. In such a response, the landowner shall set forth reasons for operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice.
- 2. Construction and Conditional Use Permit. No person shall construct a Non-commercial Wind Project without first obtaining a Construction permit or, if applicable, a conditional use permit for a Non-commercial WECS Facility

b) Maintaining compliance.

- 1. All non-commercial WECS or Wind Generation Devices shall be maintained as per the manufacturer's specifications.

c) Neighborhood Concerns. All reasonable concerns of neighbors must be resolved before a Construction/Use Permit for a Non-commercial WECS Facility will be issued. To help identify and mitigate neighborhood concerns early in the permitting process after receiving a Construction/Use Permit Application, the Department shall send a request for comment form to all adjacent property owners or property owners within 200 feet of the applicant's property, and will post the applicant's property with a sign that states the nature of the applicant's proposed wind energy project. Applications for Non-commercial WECS's that produce between 3.5 kilowatts and 7.5 kilowatts shall be reviewed by the Board for approval.

- 1. If the Land Use Department has not received any written objections during the 21 days following the latest date of either the posting or of the mailing of

the request for comments, the Department will approve the applicant's request provided all requirements of these rules are met.

2. If any written objections are received from any adjacent property owners from properties within 200 feet of applicant's property, and the Wind Generation Device is rated to produce between 3.5 kilowatts and 7.5 kilowatts the Land Use Department will schedule a public hearing before the next regularly scheduled Planning and Zoning Commission meeting that allows for 30-day advertised notice.
  3. At the public hearing, the Sweetwater County Planning and Zoning Commission will take testimony concerning objections to the proposed Non-Commercial Wind Energy Conversion System. After hearing and considering all testimony from staff and concerned parties, the Sweetwater County Planning and Zoning Commission will then make a recommendation to the Board, to approve, conditionally approve or deny the application.
  4. The Board shall conduct a public hearing on the application for a Non-Commercial Wind Energy Conversion System. The Board may approve, conditionally approve or deny the application at the conclusion of the public hearing based on evidence, comments, and the recommendation from the Planning and Zoning Commission. Notice of the hearing shall be provided in the same manner as for an application for Zone Map Amendment, as per Section 25 of the Sweetwater County Zoning Resolution.
- d) Penalties and Violation of Non-Commercial WECS Facility Permit
1. Violations of these regulations for Non-Commercial WECS Facilities shall be enforced in accordance with the Sweetwater County Zoning Resolution and pursuant to Wyoming Statute 18-5-204 through 18-5-206.
- e) Fees – Non Commercial WECS Facility Permit Fees
1. The application fee for a Non Commercial WECS Permit is \$75.00.

#### **N. FEES – Commercial WECS**

- 1) Wyoming State Statute 18-5-513 allows the Board to charge reasonable fees to recover Sweetwater County's costs in processing applications for Wind Energy Facilities. These reasonable fees may also be applied to recover the costs of construction permit administration, inspections, monitoring and the costs for overseeing compliance with permit conditions and requirements. [The WECS Commercial Facility Application Fee Account is defined as an account established by the County to collect, hold and disburse the fees described in this Section N\(1\).](#)
- 2) In order for Sweetwater County to recover these costs, the Applicant shall pay, into the Sweetwater County [Wind Project Expense Reimbursement WECS Commercial Facility Application Fee a](#)Account, the amount of money the Board estimates to recover all Sweetwater County costs associated with processing the applicant's WECS permit application [as described in Section N\(1\).](#)

- 3) If during the course of any phase of the application or project implementation or monitoring, the balance attributable to the Applicant in the Sweetwater County Wind Project Expense Reimbursement aAccount is drawn down to within 20% of ~~being depleted the amount deposited by the Applicant~~, the Land Use Director shall notify the aApplicant of the estimated amount that ~~he shall pay into the account. This estimated amount shall include the~~ must be replenished in the WECS Commercial Facility Application Fee Account for the projected administration, inspection and monitoring costs related to the remaining portions or phases of the Applicant's proposed WECS Facilities Project.
- 4) If the applicant fails to provide the required payments to the Sweetwater County Wind Project ExpenseWECS Commercial Facility Application Fee reimbursement aAccount, all efforts and work on the project shall cease.
- 5) Once all construction has been completed and the project is operational, all fees paid by the applicant Applicant remaining in the Wind Project ExpenseWECS Commercial Facility Application Fee Reimbursement aAccount willshall be returned to the Applicant.



THE ONLY LAND CLAIMED BY THIS COMPANY WITHIN ITS RANGE IS SUBSTANTIALLY ALL THE ODD NUMBERED SECTIONS AND VARIOUS EVEN NUMBERED SECTIONS. WHERE RIGHTS OF WAY ARE NOT ESTABLISHED TO THE PUBLIC DOMAIN THE COMPANY OFFERS TO ESTABLISH AND DEFINE SUCH RIGHTS OF WAY UPON APPLICATION TO THE SECRETARY. ALL PERSONS ARE HEREBY WARNED NOT TO TRESPASS UPON ANY PORTION OF SUCH COMPANY CLAIMED SECTIONS WHICH ARE NOT TO BE USED AS A RIGHT OF WAY TO THE PUBLIC DOMAIN.

ROCK SPRINGS GRAZING ASSOCIATION

P.O. BOX 247

ROCK SPRINGS, WYOMING 82901

Office (307)-362-3921, Fax (307)-352-0466

[rsga@wyoming.com](mailto:rsga@wyoming.com)

June 7, 2012

Eric Bingham  
Director of Land Use Department  
Sweetwater County  
80 West Flaming Gorge Way  
Green River, Wyoming 82935

Subject: RSGA Comments before the Board of County Commissioners  
Public Hearing, Section 17 Draft Wind Energy Regulations

Dear Eric:

Rock Springs Grazing Association (RSGA) appreciates the opportunity to provide comments regarding the revised Section 17 Draft Wind Energy Regulations for Sweetwater County.

RSGA, along with other stakeholders, and agencies, participated in development of the current Sweetwater County Zoning Resolutions Section 17: Wind Farm Zoning Regulations 2006. The 2006 regulations were the result of a team effort to develop workable wind energy regulations for Sweetwater County, citizens, land owners, agencies, and industry with the intent to blend county regulations with existing state and federal permitting processes including appropriate NEPA analysis. When adopted there was concern that the regulations were wide-ranging and would discourage wind development in Sweetwater County, but to the contrary several projects have since been proposed. The administrative process to advance these projects, within the county and federal systems, has been long difficult for project proponents, agencies, landowners and the public. This was to be expected, as wind energy is new to Sweetwater County. The existing process has met the objective for public interest, multiple-use, coordinated permitting processes, public health and safety, public awareness, and landowner interests and concerns.

The Draft Wind Energy Regulations have been justified as necessary because the existing Section 17 Wind Farm Zoning Regulations are not in compliance with the recent State Statute 18-5-502 Wind Energy Facilities. RSGA disagrees with this assessment and subsequent justification. A close review of the current regulations will reveal that item for item the majority of salient points in the Statutes are addressed in the current Section 17 Regulations. With minor revision, all salient points of the Statute could be incorporated therefore eliminating a major overhaul to the current regulations. The existing regulations include requirements that exceed the statute (Visual Simulation, etc.). An audit by state officials could identify true deficiencies with the current

**Exhibit E**

regulations, and provide guidance for the scope of revisions necessary to be in compliance with the Statute.

The Section 17 Draft Wind Energy Facilities Regulation is a significant expansion of the current regulations, from 16 to 35 pages, that includes additional narratives and requirements that are far beyond the scope and intent of the State Statute including provisions to expand the role and responsibility of the County over private and public land use to include an independent approval process for wind energy projects. This process does not exist for other industries and agricultural operations of Sweetwater County.

#### REDUNDANT ENVIRONMENTAL REQUIREMENTS

RSGA appreciates the county government concern for environmental protection. However, another agency environmental assurance process is not justified. All development of wind energy facilities will require occupation of private, state, and federal lands of Sweetwater County. Therefore all development will be subject to applicable federal and state executive orders, policies, laws and regulations. Any commercial wind energy development will require a comprehensive NEPA analysis. County officials will be appointed Affected Interest status in the development of BLM NEPA documents, and will participate in that process. RSGA relies on county Affected Interest status to communicate RSGA expectations and concerns during the NEPA process. The Draft Regulations proposes an independent county process that is redundant with NEPA.

The existing county regulations clearly define a reasonable approach for county concerns for description of environmental impacts and mitigation:

*E. Commercial Wind Farms,*

*1. Application Requirements*

- g. Impacts and Mitigation Measures: In the **absence of a required environmental analysis by a state of federal agency**, which encompasses the entire project area, provide a project impact and review and a proposed impact mitigation plan.*

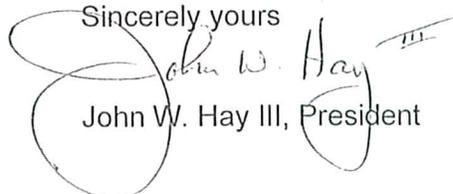
*(Section 17 Pg 179)*

#### ADDITION SPECIFIC COMMENTS

Mr. Gregory Probst, Director of Northwest Region of enXco Development Corporation presented a letter to your office, dated June 1, 2012. This letter includes several pages of detailed comments of the deficiencies in the narrative of the Draft Regulations. RSGA agrees with the enXco comments, and will not repeat them in this letter. Mr. Probst's letter is attached.

Please accept this letter as RSGA comments of concern regarding the Draft Regulation to be entered in to the record of the Board of Sweetwater County Commissioners public hearing on June 13, 2012.

Sincerely yours

  
John W. Hay III, President

**Exhibit E**

THE ONLY LAND CLAIMED BY THIS COMPANY WITHIN ITS RANGE IS SUBSTANTIALLY ALL THE ODD NUMBERED SECTIONS AND VARIOUS EVEN NUMBERED SECTIONS. WHERE RIGHTS OF WAY ARE NOT ESTABLISHED TO THE PUBLIC DOMAIN THE COMPANY OFFERS TO ESTABLISH AND DEFINE SUCH RIGHTS OF WAY UPON APPLICATION TO THE SECRETARY. ALL PERSONS ARE HEREBY WARNED NOT TO TRESPASS UPON ANY PORTION OF SUCH COMPANY CLAIMED SECTIONS WHICH ARE NOT TO BE USED AS A RIGHT OF WAY TO THE PUBLIC DOMAIN.

**RECEIVED**

**JUL 24 2012**

**SWEETWATER COUNTY COMMISSIONER'S OFFICE**

**ROCK SPRINGS GRAZING ASSOCIATION**

P.O. BOX 247

ROCK SPRINGS, WYOMING 82901

Office (307)-362-3921, Fax (307)-352-0466

rsga@wyoming.com

**COPIES TO:**

wj  
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July 24, 2012

Wally Johnson, Chairman  
Sweetwater County Board of County Commissioners  
Sweetwater County Court House  
80 West Flaming Gorge Way  
Green River, Wyoming 82935

Subject: RSGA Comments before the Board of County Commissioners August 21, 2012  
Public Hearing, Section 17 Draft Wind Energy Regulations (PZ June 13, 2012)

Dear Chairman Johnson:

Rock Springs Grazing Association (RSGA) appreciates the opportunity to provide additional comments regarding the revised Section 17 Draft Wind Energy Regulations (PZ June 13, 2012) for Sweetwater County.

RSGA, along with other stakeholders, and agencies, participated in development of the current Sweetwater County Zoning Resolutions Section 17: Wind Farm Zoning Regulations 2006. The 2006 regulations were the result of a team effort to develop workable wind energy regulations for Sweetwater County, citizens, land owners, agencies, and industry with the intent to blend county regulations with existing state and federal permitting processes including appropriate NEPA analysis. When adopted there was concern that the regulations were wide-ranging and would discourage wind development in Sweetwater County, but to the contrary several projects have since been proposed. The administrative process to advance these projects, within the county and federal systems, has been long difficult for project proponents, agencies, landowners and the public. This was to be expected, as wind energy is new to Sweetwater County. The existing process has met the objective for public interest, multiple-use, coordinated permitting processes, public health and safety, public awareness, and landowner interests and concerns.

The Draft Wind Energy Regulations have been justified as necessary because the existing Section 17 Wind Farm Zoning Regulations are not in compliance with the recent State Statute 18-5-502 Wind Energy Facilities. RSGA disagrees with this assessment and subsequent justification. A close review of the current regulations will reveal that item for item the majority of salient points in the Statutes are addressed in the current Section 17 Regulations. With minor revision, all salient points of the Statute could be incorporated therefore eliminating a major overhaul to the current regulations. An audit by state officials could identify true deficiencies with the current regulations, and provide guidance for the scope of revisions necessary to be in compliance with the Statute, and the self imposed county moratorium could be terminated.

**Exhibit F**

## General Comments

The Section 17 Draft Wind Energy Facilities Regulation is a significant expansion of the current regulations, from 16 to 35 pages, that includes additional narratives and requirements that are far beyond the scope and intent of the State Statute including provisions to expand the role and responsibility of the County over private and public land use to include an independent approval process for wind energy projects. The Section 17 Draft has numerous conflicting statements, and requirements that conflicting or taken out of context from other regulations; and, often premature in sequence to a logical process from application to permitting.

The process and requirements in these regulations do not exist for traditional industries and agricultural operations of Sweetwater County, at this time. By resolution of a standing Board of County Commissioners, the format of these regulations could be modified and applied to any industry, traditional or non-traditional, trying to establish or expand operations in Sweetwater County. This risk could discourage free enterprise and industrial investment in Sweetwater County due to lack of predictability of county regulations, and bias of county staff and officials toward specific industries or their proposed location.

## Redundant Requirements

RSGA appreciates the county government concern for environmental protection. However, having another agency environmental assurance process is not justified. All development of wind energy facilities will require occupation of private, state, and federal lands of Sweetwater County. Therefore all development will be subject to applicable federal and state executive orders, policies, laws and regulations. Any commercial wind energy development will require a comprehensive NEPA analysis. County officials will be appointed Cooperating Agency status in the development of BLM NEPA documents, and will aggressively participate in that lengthy process. To duplicate that process, as now described, is not justified and is redundant with NEPA and other authorities.

The team that created existing Section 17 wind regulations clearly understood the redundancy issue and defined a reasonable approach for county concerns for description of environmental impacts and mitigation as follows:

*Sweetwater County Zoning Resolution Revised January 2011, Adopted 2003, Wind 2006.*

*E. Commercial Wind Farms ,*

*(Section 17 Pg 179)*

*1. Application Requirements*

*g. Impacts and Mitigation Measures: In the **absence of a required environmental analysis by a state of federal agency**, which encompasses the entire project area, provide a project impact and review and a proposed impact mitigation plan.*

The team also understood the practical aspects of the application phase and described a process for the wind industry that would follow similar requirements for other industries, as follows:

(Section 17 Pg 177)

- d. *Plot and Development Plan: A **conceptual development plan** of the proposed wind farm drawn to scale and **in sufficient detail** to provide a clear description of the project.*

The proposed Section 17 Draft greatly expanded these two subject areas and now creates an atmosphere of conflict rather than facilitating development and business risk. The content and context in the narrative contains inaccurate statements and references that will compromise the credibility of the regulations.

#### Agreement with EnXco Letters

Mr. Gregory Probst, Director of Northwest Region of enXco Development Corporation presented a letter to Eric Bingham, dated June 1, 2012. This letter included several pages of detailed comments of the deficiencies in the narrative of the original Draft Regulations. RSGA agreed with the enXco comments and expressed similar comments at the PZ Hearing. Mr. Probst's letter is attached.

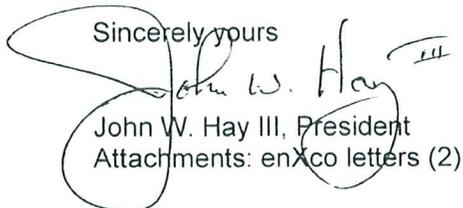
Mr. Nate Sandvig, Site Developer, enXco Development Corporation presented a letter to Eric Bingham, date July 6, 2012. This letter includes several pages of comments and concerns for the cumbersome duplication of studies and information already supplied to federal and state agencies, and explains the jurisdictional role of state and federal agencies. RSGA fully agrees with the enXco comments and will not repeat them in this letter. Mr. Nate Sandvig's letter is attached.

#### Recommendation

- Terminate the county moratorium on wind applications immediately, and solicit assistance from the Governor to define deficiencies in existing Section 17 regulations, and revise as needed to comply with intent of the Statue.
- Revise the regulations to avoid all intended duplication of information and studies, and potential conflicts with other public authorities.

Please accept this letter as RSGA comments of concern regarding the Section 17 Draft Regulation (PZ June 13, 2012) to be entered in to the record of the Board of Sweetwater County Commissioners public hearing on August 21, 2012.

Sincerely yours



John W. Hay III, President  
Attachments: enXco letters (2)

**Exhibit F**



June 1, 2012

Eric Bingham, Director of Land Use  
Sweetwater County Land Use Department  
80 West Flaming Gorge Way  
Green River, Wyoming 82935

**Re: Section 17, Draft Wind Energy Regulations, Sweetwater County**

Dear Mr. Bingham,

enXco Development Corporation (enXco) appreciates the opportunity to comment on Sweetwater County's *Section 17, Draft Wind Energy Regulations* and the well-considered process Sweetwater County has established to set minimum standards for wind energy facilities to be in compliance with Wyoming Statute Article 5 of Title 18-5-505 ("*Minimum standards; incorporation into other processes*").

We do have a general concern about the need for careful interfacing of local regulations with the Bureau of Land Management (BLM) National Environmental Policy Act (NEPA) procedural and substantive requirements, especially in areas with checkerboard land ownership, and with applicable state statutes including the Industrial Siting Act, and generally advocate the drafting of modest substantive revisions as necessary to implement recent changes in state statutes. We have a number of specific comments, and include references, for your consideration:

**C. 3) [page 1]**

If "Bird Diverter Standards" are a new Sweetwater County requirement, we suggest clarifying that this definition refers to a county requirement that arises from this regulation. We also suggest referencing *BLM Appendix K Met Tower Requirements for Wildlife* or indicating consistency with them.

**C. 32) [page 3]**

The use of the word "require" is problematic. We recommend tailoring this definition to address those species requiring "legal protection," or special management as required by state or federal law, to ensure that agency "requirement" is supported by law. Also, Wyoming Game and Fish Department (WGFD) Wyoming Species of Greatest Conservation [Need] has a typo. "Need" is missing from the definition, but it is important to note that these species are not granted any specific state level legal protection. Is it intended that these species rise to this level of significance in these regulations?

**C. 35) [page 3]**

This definition refers to federally threatened species, but unlike *14) [page 2]*, it does not reference the Endangered Species Act (ESA). We recommend that both of these definitions specifically refer to species designations under the ESA.

**D. 1) i) 1. [page 5]**

Drawings/surveys outside of, but within 2650 feet of, a proposed WECS Facility Boundary may be an impossible standard to achieve due to non-participating landowners not granting

access to an applicant to perform required work outlined under this section. Suggest changing language from “within 2640 feet of the proposed WECS Facility Boundary” to “within the proposed WECS Facility Boundary.

*D. 1) 1) i. 1. [page 6]*

This section requires a report addressing “any biologically significant area surrounding the WECS Facility area as determined by the WGFD or governing federal agency.” To ensure reasonable expectations of the applicant and county:

- 1) “Biologically significant” should be defined, and
- 2) The distance of “surrounding” should be defined or refer to an applicable standard under a specific statute or regulatory requirement.

“Wildlife mitigation and monitoring plan shall be prepared if required” – this phrase “if required” warrants further clarification and/or specificity. The applicable agency or legal requirement should be referenced. “Required” means different things to different people and is easily misinterpreted, so the intent of this language should be made clear.

*D. 1) 1) i. 1. a. [page 6]*

Is it intended that WYFG Species of Greatest Conservation Need would receive mitigation and monitoring?

*C. 32) [page 3]*. Is it intended that all WGFD Species of Greatest Conservation Need receive mitigation and monitoring?

*D. 1) 1) i. 1. g. i. and ii. [page 7]*

The requirement to prepare plans in accordance with recommendations of the WGFD and “governing federal agencies” may give potentially undue authority to WGFD, BLM, and/or U.S. Fish and Wildlife Service (USFWS) that extends well beyond their legal authority, which could be problematic for the county and set a precedent for other industries. Suggest adding language at the end of this section such as, “...as required by law,” “mutually agreed upon,” or “to the extent legally required.” The term “recommendations” warrants further clarification or specificity.

*D. 1) 1) i. 1. g. i. [page 7]*

Suggest changing to “... if determined necessary by law or National Pollutant Discharge Elimination System (NPDES) regulations.”

*D. 1) 1) i. 3. a. [page 8]*

This section, which states dBA and dBC weighted noise level limitations are a significant issue for the development of wind in the county and may be interpreted as discriminatory for the wind industry compared to treatment of other industries. These regulations should be consistent with how the county regulates comparable noise issues for other industries. Additionally, clarity on dBC noise levels and methods may be needed. dBC could be easily influenced by wind on the microphone and thus this could be an impossible standard. Based on practical experience, dBC as described in the regulations is not a workable standard and should be abandoned, or at least considered much more carefully and with much more consideration to technical detail than as currently drafted. As a suggestive, workable approach, enXco recommends an appropriate fixed limit of 45dBA at

nonparticipating residences, and allow for a waiver alternative for any residence that might potentially be affected.

**D. 1)1 i. 3. b. [page 8]**

Suggest defining “wilderness characteristics” due to vagueness.

**D. 1)1 i. 3. d. [page 8]**

Suggest defining “within the vicinity” due to vagueness.

**D. 1)1 i. 4. b. [page 9]**

Suggest defining “construction dollars.” See the *Economic Impact of the Quaking Aspen Wind Development Project* report.

**D. 1)1 i. 4. i. [page 9]**

This provision appears to call for speculation or information that would not be known to a wind developer and perhaps not even discoverable. It also appears counter to attracting economic development to the county that has favored an “all of the above” energy strategy, which currently makes Sweetwater County a leader in the development of both traditional energy resources and clean, renewable wind development. We suggest limiting to provable and material adverse economic damage known to applicant, to reduce speculation by applicant. For additional information about resource procurement analysis and decisions, see PacifiCorp’s Integrated Resource Plan (<http://www.pacificorp.com/es/irp.html>).

**D. 1)1 i. 3. m. [page 9]**

Suggest requesting Wyoming Industrial Siting Division and/or Department of Environmental Quality Wyoming Professional Engineer review for consistency with their standards and/or requirements from previous applications.

**D. 1)1 i. 4. r. [page 10]**

Wyoming Statute 18-5-503(a)(viii) states:

*Provide a project plan indicating the proposed roadways, tower locations, substation locations, transmission, collector and gathering lines and other ancillary facility components. If the application is granted, the board of county commissioners shall require that the project plan be revised to show the final location of all facilities;*

Reasonable “micro-siting” changes as filed with county should be allowed. No statutory reference is made to a required deviance not to exceed 5 feet, well in advance of construction. Given the level of engineering done for permitting purposes (i.e. typically less than 10%), we suggest allowing substantially more flexibility than 5 feet in the WECS Facility Permit and require less variance later, as part of the building permit process, closer to the commencement of construction when an applicant would normally have 100% engineering designs completed. Also, during multiple years of data collection and agency requirements, project constraints can change, impacting the project layout significantly, which reasonably would suggest more flexibility during permitting.

**D. 1)1 i. 3. u. [page 10]**

See comments above regarding **D. 1)1 i. 3. a. [page 8]** on noise and dBC issue, as well as on consistency with county requirements for other industries.

*D. 1) l) i. 3. v. [page 10]*

Suggest changing "agencies requiring approval" to "agencies requiring permits."

*D. 1) l) i. 3. w. [page 11]*

Suggest rewording with the intent to be project specific and to the effect of, "a sufficient number of vantage points as determined by the county, not to exceed a total of 25 simulations" or "from a mutually agreed upon number and location of key vantage points."

*D. 1) l) i. 3. z. [page 11]*

Suggest limiting comments to the statutorily granted authority of each agency, and clarifying that comment letters are for county consideration only, and that commenting letters are not intended to result in permit conditions or requirements unless the county confirms them to be legally required. A scenario could exist where various agencies provide comments that exceed their authority and result in "requirements" that are a violation of private landowner's rights.

*E. 2) [page 14]*

Suggest defining "considered important." As currently defined, this provision is highly subjective.

*E. 2) a) [page 14]*

See above *D. 1) w)* comment about limiting the number of vantage points for simulations.

*E. 2) c) [page 14]*

Suggest changing to address "nonparticipating" residences, as well as to allow the option for a waiver if the owner allows.

*E. 2) e) [page 14]*

The concern regarding light pollution in this regulation is certainly valid. enXco is exploring viable mitigation strategies for Quaking Aspen Wind Energy Project to mitigate this potential impact. It is inappropriate to allow an unregulated nonprofit organization such authority. The International Dark Sky Association (IDSA) does not currently have "regulations" as indicated in this line item; therefore, this topic needs further definition and clarity. It is unclear if county is referring to the IDSA's model lighting ordinance, which is an aspirational but nonbinding guide (designed to keep current lighting conditions from changing – i.e., keep dark places dark).

*E. 3) b) 2. [page 15]*

Suggest defining "lands with wilderness characteristics." As currently defined, this draft provision could be highly subjective and trying to make this language as objective as possible would be recommended to minimize conflict and eliminate regulatory uncertainty.

*E. 3) c) 2. iii. [page 15-16]*

Bird diverters on met tower guy wires characteristics:

- Requires 10 hrs of luminescence at night. This may actually attract nocturnal avian migrants, insects and bats, thus enhancing risk and or potentially negative impacts on these organisms. The biological basis for this requirement should be explored and justified given the intended purpose (i.e. to reduce avian injury and fatality).

- It requires reflectivity in sunlight. Is this compatible with visual impact objectives?
- It requires 18 square inches/diverter. Met towers may not be currently designed to handle this type of force/mass loading, vibration due to diverters and interference with the intended purpose of the tower (i.e. wind measurement). Given the deadline for comments, enXco was not able to confirm with the tower manufacture (i.e. NRG Systems) and a Wyoming Professional Engineer that this requirement is feasible and does not pose a safety issue.

A reference to accepted technology and avoiding specifying one manufacture's product is advisable.

*E. 3) d) [page 16]*

It would be prudent to have this section be consistent with the current Governor's Executive Order and/or WGFD directives, including possible future waivers. At some point in the future as the species is protected and the program evolves, it is possible that wind development in Core Areas could be permissible or a waiver could be granted by WGFD that allows for development.

*E. 3) f) [page 16]*

Suggest changing "shall comply" to "in good faith shall comply" given the complexities of Migratory Bird Treaty Act, Incidental Take and the jurisdiction of USFWS. Additionally, requiring a specific 2-mile construction buffer may be inconsistent with other legal requirements, including what is recommended by WGFD.

*E. 3) f) [page 16]*

Adding language allowing emergency or routine maintenance is recommended

*E. 3) g) [page 16]*

Seasonal shutdowns are likely not warranted. Modifications to cut in speeds, and/or curtailment based on the specific biological issue may be warranted as part of a Bird and Bird and Bat Conservation Strategy (BBCS) and/or Eagle Conservation Plan (ECP) as possibly required by USFWS, but "seasonal" is likely not the correct word choice given it grants authority to shutting down turbines for reasons that extend beyond the biologically appropriate time span. Furthermore, this decision is made with on-site data and recommendations by applicable federal or state agencies; therefore, suggest striking language related to curtailment.

*E. 3) h) [page 16]*

"Rims," "canyons", and "passes" are undefined in this section. These seem intuitively understood, but clarity is recommended.

*E. 3) i) [page 16-17]*

Such avoidance of cultural sites should be stated as, "as required by law" so that private landowner's current rights are retained.

*E. 3) j) I) [page 17]*

Suggest adding "as required by NPDES" to end of sentence.

E. 3) j) 2) [page 17]

Suggest adding "unless mitigated according to NPDES" to end of sentence.

E. 3) k) [page 17]

See comment above regarding D. 1) l) i. 3. a. [page 8] about dBC issues.

Appendix A [page 35]

See comments above E. 3) c) 2. iii. [page 15-16] regarding met tower functionality and guy marking requirements. Also, these are very specific requirements that basically require a proponent to use one specific vendor. Is it appropriate or even legal, to direct applicants to a specific vendor with such specific marking criteria? The standard should refer to equipment availability in the market and applicable agency acceptance.

enXco is supportive of regulations that provide regulatory certainty and a clear, reasonable and fair path to follow. Additionally, our comments are designed to assist Sweetwater County in permitting responsibly sited wind energy projects and to provide clarity and regulatory certainty in the county permitting process.

Again, we appreciate the opportunity to comment on these draft regulations and look forward to working with Sweetwater County as we move forward with our Quaking Aspen Wind Energy Project. We may have, and reserve the right to present, additional comments during the workshop(s) and hearing(s) as this process moves forward or to respond to comments made by other interested parties during this process. If you have any questions or need additional information, please contact myself or Nate Sandvig at (503) 334-6931 or [nate.sandvig@enxco.com](mailto:nate.sandvig@enxco.com).

Sincerely,



Gregory L. Probst  
Director, Northwest Region

Cc: Rock Springs Grazing Association  
Industrial Siting Division  
Bureau of Land Management, Rock Springs Field Office

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January 10, 2012

Sweetwater County  
Planning and Zoning Commissioners  
80 West Flaming Gorge Way  
Green River, WY 82935

Dear Gentlemen:

The Church of Spiritual Technology (“CST”), a landowner in Sweetwater County, Wyoming, submits the following comments with respect to the proposed amendment to Section 17 of Sweetwater County’s Zoning Resolution entitled “Wind Energy Conversion Systems,” as follows:

CST understands that the proposed amendments are designed to conform Sweetwater County’s zoning resolution to the requirements of Wyoming state law, W.S. § 18-5-501 *et seq.*, which establishes minimum standards for wind energy conversion systems. State law appears to allow a county to adopt more stringent standards than the state mandated minimum requirements. *See* W.S. § 18-5-504 (“No board of county commissioners shall issue a permit for a wind energy facility if that facility: (i) Does not comply with standards properly adopted by the board of county commissioners for the construction of wind energy facilities, which standards shall not be less stringent than the standards required by this article . . .”).

One of the core purposes of the Sweetwater County Zoning Resolution is to “conserve and promote the public health [and ] safety” of the residents of Sweetwater County, Wyoming. *See* Sweetwater County Zoning Resolution, §3.A.8. The residents of Sweetwater County are obviously concerned about how wind energy development will affect the quality of their lives. Because the establishment of wind energy conversion systems in Sweetwater County may have adverse health effects on residents, CST requests that the Planning and Zoning Commission and the Board of County Commissioners postpone adoption of the proposed amendments in order that full public participation may be guaranteed through workshops and/or additional public hearings at times and places that are convenient for the public to attend. Such a practice would be consistent with the public hearings that the Commission held in 2009 in Rock Springs and Green River in connection with TASCOS’s application for a conditional use permit (CUP) for its proposed wind energy development on White Mountain.

In the event that the Planning and Zoning Commission and the Board move forward without additional public participation, however, CST requests that the County consider amending the proposed amendments to adequately protect the health and safety of Sweetwater County residents. Specifically, the proposed setbacks with respect to property lines (1.1 times total tower height) and from primary structures (5.5 times tower height) do not appear to have been based upon any study of the potential adverse health effects from wind turbine noise but have rather stemmed from mechanical concerns such as potential rotor fragmentation.

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Recent literature in the nascent field of the health effects on humans of wind energy conversion systems suggests that there may be adverse health effects to residents who live too close to operating wind turbines because of the unknown effects of wind turbine noise, both audible and at inaudible infrasound levels. *See, e.g.*, Pierpont, “Wind Turbine Syndrome” (2009); Chouard, French National Academy of Medicine Report (2006); Krogh and Horner, “Summary of New Evidence: Adverse Health Effects and Industrial Wind Turbines” (2011); Salt and Kaltenbach, “Infrasound from Wind Turbines Could Affect Humans” (2011). These studies appear to suggest that it would be prudent to base setbacks not merely on the ratio to tower height but rather on absolute distances. For example, a setback of at least 1.5 km has been suggested. Chouard, French National Academy of Medicine Report (2006).

In addition, the proposed amendments deal only with the audible “A weighted” frequencies. Research has indicated that low frequency, inaudible noise has physiological effects on the human ear at levels of 60 db (G weighted) and greater. *See* Salt and Kaltenbach, “Infrasound from Wind Turbines Could Affect Humans” (2011). Because the current proposed amendments place no limits on low frequency noise, CST believes it appropriate to limit such potentially harmful infrasound from wind turbines.

Finally, the socioeconomic impacts proposed by the amendments appear unnecessarily limited and do not encompass the entire effects, direct, indirect and cumulative, market and non-market, that a wind energy project could be expected to cause. For example, the damage to hunting and other recreational opportunities is not currently reflected in the proposed socioeconomic criteria.

Accordingly, CST proposes the following specific amendments to the proposed amendments:

1. Section F, Design Standards, Section 9, under “Primary Structures,” add after the words “5.5 times the WECS tower height” the phrase “or 1.5 miles, whichever is greater.”
2. Under Section F, design Standards, Section 9, under “adjacent or contiguous property lines,” delete the phrase “1.1 times WECS tower height” and replace with “5.5 times the WECS tower height or 1.5 miles, whichever is greater.”
3. Under Section D.1.xiv, add a new subsection 8 that provides: “a cost-benefit analysis that analyzes the direct, indirect and cumulative effects, including market and non-market costs of the project.”

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4. Under Section F.5, Noise, delete the phrase “shall not exceed 65 decibels (A weighted) and shall not exceed 50 decibels (A weighted) if it is determined that pure tone noise is generated by the project” and insert in its place the phrase “shall not exceed 60 decibels (both A weighted and G weighted) and shall not exceed 50 decibels (both A weighted and G weighted) if it is determined that a pure tone noise in generated by the project.”

Thank you for your consideration of these comments. If you have any questions or need additional information please contact me at (307) 382-5565.

Very truly yours,



Clark Stith

cc: Land Use Department

**Exhibit G**

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June 12, 2012

Eric Bingham  
Director  
Sweetwater County Land Use Department  
80 Flaming Gorge Way  
Green River, WY 82935

**RE: Comments Regarding Proposed Wind Energy Conversion System Regulation**

Dear Mr. Bingham:

This office has been retained as special counsel by The Church of Spiritual Technology ("CST") in connection with certain land use issues in Sweetwater County, Wyoming. CST is the majority owner of 3,843 acres south of Rock Springs commonly known as the Sweeney Ranch, which is immediately adjacent to enXco's proposed Quaking Aspen Wind Energy Project. This letter is submitted in connection with the proposed new Wind Energy Conversion System ("WECS") regulations.

The following comments to the proposed draft WECS regulation are submitted in anticipation of the County Planning and Zoning Commission scheduled for tomorrow, June 13, 2012. Many of the following comments are clerical in nature and are submitted for the purpose of avoiding ambiguity and unnecessary disputes in implementation. Upon reviewing the proposed WECS regulation, CST has the following comments:

**Definitions:**

**Section C(7).** The current draft WECS regulation provides: "Commercial WECS Facility means a WECS Facility that produces more than 7.5 Kw." The selection of 7.5 kw appears arbitrarily low. According to Rocky Mountain Power, an electric furnace for a 3,000 square foot home may itself require 25 kw. Rocky Mountain Power offers net metering to customers up to 25 kw. Bergey Windpower offers a 10 kw wind generator for large rural homes. Under the draft regulation, if a homeowner bought a Bergey Windpower Excel 10 kw wind energy generator for home use with net metering, it would be considered a "Commercial WECS Facility."

**Section C (9), C(10).** "dbA" and "dbC" are defined using the exact same words. To avoid the resulting logical puzzle, it may make sense to define these terms with respect to an industry standard for such A and C weighting of noise. In addition, the County may consider adding a "dbG" component, as dbG is a measure of low frequencies that have been associated with having adverse effects on humans.

**EXHIBIT H**

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Sections C(37), C(38). The definitions of “Wind Energy Conversion System” (“WECS”) and “WECS Facility” are self-referential and refer to undefined terms for their definitions, which may cause confusion, overly broad uses of the term and unintended consequences. Specifically, “Wind Energy Conversion System” is defined to mean “WECS” which is “interchangeable with ‘WECS Facility.’” Section C(37). “WECS Facility” is then defined as “anything that is a necessity or a component that exists for the project and is part of the WECS [sic] Project. The WECS Facility includes but is not limited to the following systems and components: the WECS Facility and support systems . . . and Wind Generation Device . . . A WECS Facility includes, but is not limited to, a Wind Energy Facility . . .”

“WECS Project” appears in capital letters in the definition, and so appears to be intended as a defined term, but it is not a defined term in the draft WECS Regulation. The same is true for the term “Wind Energy Facility,” which appears through its capital lettering to refer to a defined term, but is not defined. Finally, the first part of the definition of “WECS Facility” is circular and self referential: “WECS Facility includes but is not limited to . . . the WECS Facility . . .” Although it may be important to have a definition that is flexible enough to encompass new wind energy technology, a self referential definition is potentially problematic because the county, the developer or disgruntled neighbors might disagree on its scope. For example, a rancher who erected a 10kw array of solar panels for home heating and lighting and then hooked on a small wind generation device to pump water for cattle might find that he needs a commercial WECS permit under the current definition of WECS Facility.

Finally, the definition of WECS Facility includes “primary structures,” which is defined to include residential housing. This would allow a developer to build residential housing next to a wind farm and then exempt itself from the setback requirements.

To avoid such unintended consequences, it would be simpler to use plain language to define a “WECS Facility” in functional terms. For example, the following definition is suggested:

“WECS Facility” means a collection or system of one or more Wind Energy Devices under common operational control and all of the support systems required for the functioning of the devices to produce electricity from wind as a primary energy source, including the Wind Energy Device (including foundation, tower, nacelle, blades and any other associated installed machinery and equipment necessary for the device to produce electricity), and associated support facilities including roads, substations, collection or gathering systems, distribution lines, transmission lines, operation and maintenance buildings and ancillary facilities.

Sections C(39), C(40). “WECS Facility Area” and “WECS Facility Boundary” are likewise defined in terms that allow the developer to unilaterally define the boundary. This needs to be tightened to read that the boundary cannot extend beyond land that the developer owns or leases.

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Section J(4). The timeline for public hearings runs not from when the applicant submits its application, but rather from when the Board makes its determination that the application is complete. Because the Board is obligated to notify the applicant of deficiencies within 30 days of the applicant's submission of the application, the draft regulation implies that the Board's silence would constitute a finding that the application is complete. The regulation does not, however, expressly state that. This creates an ambiguity as to whether there is any time limitation for how long the Board may take from submission of a complete application to the affirmative determination that the application is complete.

CST reserves the right to submit additional comments in the event that the current draft is altered in response to other commenters in ways that might adversely affect public health and safety.

Should you have any questions or concerns, please call me at 307-382-5565.

Very truly yours,

/s/ Clark Stith



Clark Stith

**EXHIBIT H**

# Infrasound From Wind Turbines Could Affect Humans

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Alec N. Salt<sup>1</sup> and James A. Kaltenbach<sup>2</sup>

## Abstract

Wind turbines generate low-frequency sounds that affect the ear. The ear is superficially similar to a microphone, converting mechanical sound waves into electrical signals, but does this by complex physiologic processes. Serious misconceptions about low-frequency sound and the ear have resulted from a failure to consider in detail how the ear works. Although the cells that provide hearing are insensitive to infrasound, other sensory cells in the ear are much more sensitive, which can be demonstrated by electrical recordings. Responses to infrasound reach the brain through pathways that do not involve conscious hearing but instead may produce sensations of fullness, pressure or tinnitus, or have no sensation. Activation of subconscious pathways by infrasound could disturb sleep. Based on our current knowledge of how the ear works, it is quite possible that low-frequency sounds at the levels generated by wind turbines could affect those living nearby.

## Keywords

cochlea, hair cells, A-weighting, wind turbine, Type II auditory afferent fibers

## Wind Turbines Generate Infrasound

The sounds generated by wind turbines vary widely, depending on many factors such as the design, size, rotor speed, generator loading, and different environmental conditions such as wind speed and turbulence (e.g., Jakobsen, 2005). Under some conditions, such as with a low wind speed and low generator loading, the sounds generated appear to be benign and are difficult to detect above other environmental sounds (Sonus, 2010).

But in many situations, the sound can contain a substantial low-frequency infrasound component. One study (Van den Berg, 2006) reported wind turbine sounds measured in front of a home 750 m from the nearest turbine of the Rhede wind farm consisting of Enercon E-66 1.8 MW turbines, 98 m hub height, and 35 m blade length. A second study (Jung & Cheung, 2008) reported sounds measured 148 to 296 m from a 1.5 MW turbine, 62 m hub height, 36 m blade length. In both these studies, which are among the few publications that report full-spectrum sound measurements of wind turbines, the sound spectrum was dominated by frequencies below 10 Hz, with levels of over 90 dB SPL near 1 Hz.

The infrasound component of wind turbine noise is demonstrated in recordings of the sound in a home with GE 1.5 MW wind turbines 1,500 ft downwind as shown in Figure 1. This 20-second recording was made with a microphone capable of recording low-frequency components. The sound level over the recording period, from which this excerpt was taken, varied from 28 to 43 dBA. The audible and inaudible (infrasound) components of the sound are demonstrated by

filtering the waveform above 20 Hz (left) or below 20 Hz (right). In the audible, high-pass filtered waveform, the periodic “swoosh” of the blade is apparent to a varying degree with time. It is apparent from the low-pass filtered waveform that the largest peaks in the original recording represent inaudible infrasound. Even though the amplitude of the infrasound waveform is substantially larger than that of the audible component, this waveform is inaudible when played by a computer’s sound system. This is because conventional speakers are not capable of generating such low frequencies and even if they could, those frequencies are typically inaudible to all but the most sensitive unless played at very high levels. It was also notable in the recordings that the periods of high infrasound level do not coincide with those times when the audible component is high.

This shows that it is impossible to judge the level of infrasound present based on the audible component of the sound. Just because the audible component is loud does not mean that high levels of infrasound are present. These measurements show that wind turbine sounds recorded inside a home can contain a prominent infrasound component.

<sup>1</sup>Washington University, St. Louis, MO, USA

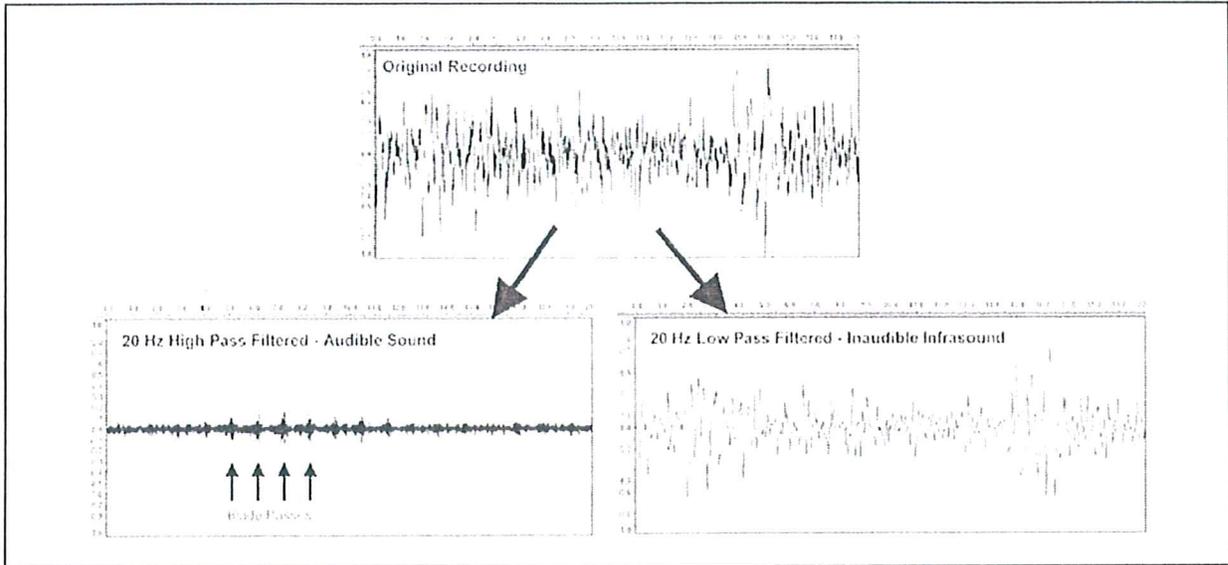
<sup>2</sup>Lerner Research Institute/Head and Neck Institute, Cleveland, OH, USA

## Corresponding Author:

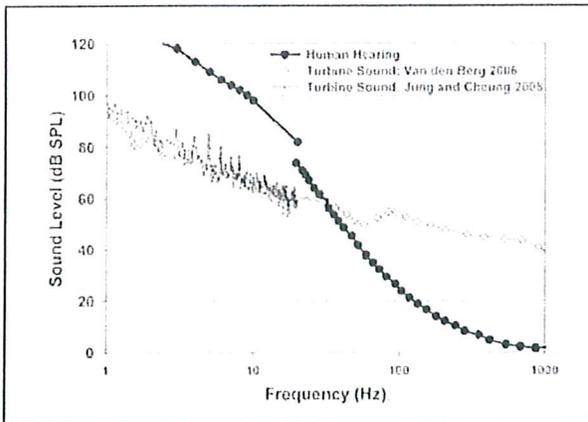
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**EXHIBIT I**



**Figure 1.** *Upper Panel:* Full-spectrum recording of sound from a wind turbine recorded for 20 seconds in a home with the wind turbine 1,500 ft downwind (digital recording kindly provided by Richard James). *Lower Left Panel:* Result of high-pass filtering the waveform at 20 Hz, showing the sound that is heard, including the sounds of blade passes. *Lower Right Panel:* Result of low-pass filtering the waveform at 20 Hz, showing the infrasound component of the sound



**Figure 2.** Wide band spectra of wind turbine sounds (Jung & Cheung, 2008; Van den Berg, 2006) compared with the sensitivity of human hearing (International Organization for Standardization, 2003, above 20 Hz; Møller & Pederson, 2004, below 20 Hz). The levels of sounds above 30 Hz are above the audibility curve and would be heard. Below 30 Hz, levels are below the audibility curve so these components would not be heard

### Wind Turbine Infrasound Is Typically Inaudible

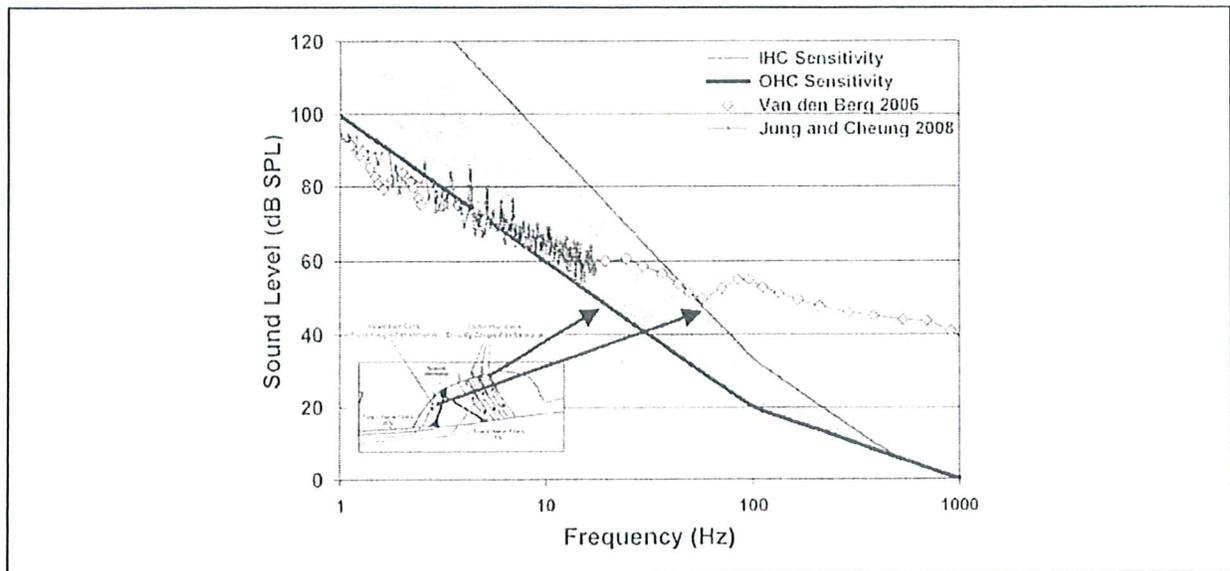
Hearing is very insensitive to low-frequency sounds, including those generated by wind turbines. Figure 2 shows examples of wind turbine sound spectra compared with the sensitivity of human hearing. In this example, the turbine sound components above approximately 30 Hz are above threshold and therefore audible. The sounds below 30 Hz, even though they

are of higher level, are below the threshold of audibility and therefore may not be heard. Based on this comparison, for years it has been assumed that the infrasound from wind turbines is not significant to humans. Leventhall (2006) concluded that “infrasound from wind turbines is below the audible threshold and of no consequence.” (p.34) Leventhall (2007) further stated that “if you cannot hear a sound you cannot perceive it in other ways and it does not affect you.” (p.135)

Renewable UK (2011), the website of the British Wind Energy Association, quotes Dr. Leventhall as stating, “I can state quite categorically that there is no significant infrasound from current designs of wind turbines.” Thus, the fact that hearing is insensitive to infrasound is used to exclude the possibility that the infrasound can have any influence on humans. This has been known for many years in the form of the statement, “What you can’t hear can’t affect you.” The problem with this concept is that the sensitivity of “hearing” is assumed to equate with sensitivity of “the ear.” So if you cannot hear a sound then it is assumed that the sound is insufficient to stimulate the ear. Our present knowledge of the physiology of the ear suggests that this logic is incorrect.

### The Ear Is Sensitive to Wind Turbine Infrasound

The sensory cells responsible for hearing are contained in a structure in the cochlea (the auditory portion of the inner ear) called the organ of Corti. This organ runs the entire length of the cochlear spiral and contains two types of sensory cells, which have completely different properties. There is one row



**Figure 3.** The thin line shows the estimated sensitivity of inner hair cells (IHC) as a function of frequency, which is comparable with the human audibility curve shown in Figure 2 and which is consistent with hearing being mediated by the IHC (based on Cheatham & Dallos, 2001). The thick line shows the estimated sensitivity of the outer hair cells (OHC), which are substantially more sensitive than the IHC. Sound components of the overlaid wind turbine spectra within the shaded region (approximately 5 to 50 Hz) are too low to stimulate the IHC and cannot therefore be heard but are of sufficient level to stimulate the OHC. The inset shows a cross section of the sensory organ of the cochlea (the organ of Corti) showing the locations of the IHC and OHC

of sensory inner hair cells (IHC) and three rows of outer hair cells (OHC) as shown schematically in the inset to Figure 3. For both IHC and OHC, sound-induced deflections of the cell's sensory hairs provide stimulation and elicit electrical responses. Each IHC is innervated by multiple nerve fibers that transmit information to the brain, and it is widely accepted that hearing occurs through the IHC. The rapidly declining sensitivity of hearing at lower frequencies (Figure 2) is accounted for by three processes that selectively reduce low-frequency sensitivity (Cheatham & Dallos, 2001), specifically the properties of middle ear mechanics, from pressure shunting through the cochlear helicotrema and from "fluid coupling" of the inner hair cell stereocilia to the stimulus (reviewed in detail by Salt & Hullar, 2010).

The combined effect of these processes, quantified by Cheatham and Dallos (2001), are shown as the "IHC sensitivity" curve in Figure 3. The last component attenuating low frequencies, the so-called fluid coupling of input, arises because the sensory hairs of the IHC do not contact the overlying gelatinous tectorial membrane but are located in the fluid space below the membrane.

As a result, measurements from the IHC show that they do not respond to sound-induced displacements of the structure but instead their amplitude and phase characteristics are consistent with them responding to the velocity of the stimulus. As stimulus frequency is lowered, the longer cycles result in lower stimulus velocity, so the effective stimulus falls by 6 dB/octave. This accounts for the known insensitivity of the IHC to low-frequency stimuli. For low frequencies, the

calculated sensitivity of IHC (Figure 3) compares well with measures of hearing sensitivity (Figure 2), supporting the view that hearing is mediated by the IHC.

The problem, however, arises from the more numerous OHC of the sensory organ of Corti of the ear. Anatomic studies show that the sensory hairs of the OHC are embedded in the overlying tectorial membrane, and electrical measurements from these cells show their responses depend on the displacement rather than the velocity of the structure. As a result, their responses do not decline to the same degree as IHC as frequency is lowered.

Their calculated sensitivity is shown as the "OHC sensitivity" curve in Figure 3. It is important to note that the difference between IHC and OHC responses has nothing to do with frequency-dependent effects of the middle ear or of the helicotrema (the other two of the three components mentioned above). For example, any attenuation of low-frequency stimuli provided by the helicotrema will equally affect both the IHC and the OHC. So the difference in sensitivity shown in Figure 3 arises purely from the difference in how the sensory hairs of the IHC and OHC are coupled to the overlying tectorial membrane.

The important consequence of this physiological difference between the IHC and the OHC is that the OHC are stimulated at much lower levels than the IHC. In Figure 3, the portion of the wind turbine sound spectrum within the shaded region represents frequencies and levels that are too low to be heard, but which are sufficient to stimulate the OHC of the ear.

This is not confined to infrasonic frequencies (below 20 Hz), but in this example includes sounds over the range from 5 to 50 Hz. It is apparent that the concept that “sounds you can’t hear cannot affect you” cannot be correct because it does not recognize these well-documented physiologic properties of the sensory cells of the inner ear.

Stimulation of OHC at inaudible, low levels can have potentially numerous consequences. In animals, cochlear microphonics demonstrating the responses of the OHC can be recorded to infrasonic frequencies (5 Hz) at levels as low as 40 dB SPL (Salt & Lichtenhan, in press). The OHCs are innervated by Type II nerve fibers that constitute 5% to 10% of the auditory nerve fibers, which connect the hair cells to the brainstem. The other 90% to 95% come from the IHCs. Both Type I (from IHC) and Type II (from OHC) nerve fibers terminate in the cochlear nucleus of the brainstem, but the anatomical connections of the two systems increasingly appear to be quite different. Type I fibers terminate on the main output neurons of the cochlear nucleus. For example, in the dorsal part of the cochlear nucleus, Type I fibers connect with fusiform cells, which directly process information received from the ear and then deliver it to higher levels of the auditory pathway. In contrast, Type II fibers terminate in the granule cell regions of the cochlear nucleus (Brown, Berglund, Kiang, & Ryugo, 1988). Some granule cells receive direct input from Type II fibers (Berglund & Brown, 1994). This is potentially significant because the granule cells provide a major source of input to nearby cells, whose function is inhibitory to the fusiform cells that are processing heard sounds. If Type II fibers excite granule cells, their ultimate effect would be to diminish responses of fusiform cells to sound. Evidence is mounting that loss of or even just overstimulation of OHCs may lead to major disturbances in the balance of excitatory and inhibitory influences in the dorsal cochlear nucleus. One product of this disturbance is the emergence of hyperactivity, which is widely believed to contribute to the perception of phantom sounds or tinnitus (Kaltenbach et al., 2002; Kaltenbach & Godfrey, 2008). The granule cell system also connects to numerous auditory and nonauditory centers of the brain (Shore, 2005). Some of these centers are directly involved in audition, but others serve functions as diverse as attentional control, arousal, startle, the sense of balance, and the monitoring of head and ear position (Godfrey et al., 1997).

Functions that have been attributed to the dorsal cochlear nucleus thus include sound localization, cancellation of self-generated noise, orienting the head and ears to sound sources, and attentional gating (Kaltenbach, 2006; Oertel & Young, 2004). Thus, any input from OHCs to the circuitry of the dorsal cochlear nucleus could influence functions at several levels.

### A-Weighted Wind Turbine Sound Measurements

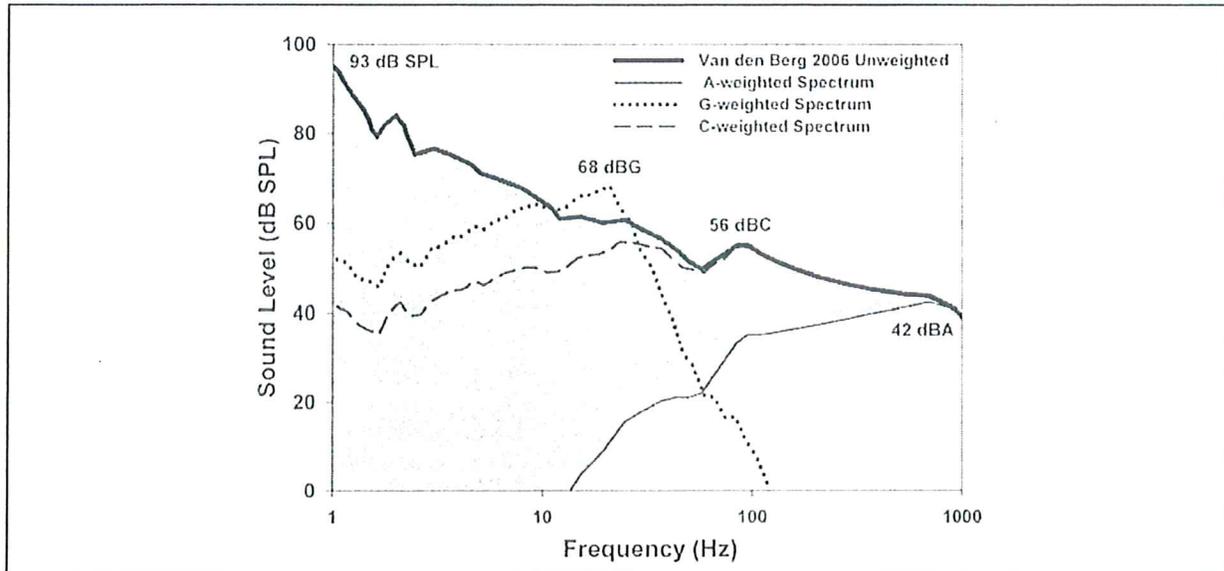
Measurements of sound levels generated by wind turbines presented by the wind industry are almost exclusively A-weighted and expressed as dBA. When measured in this

manner, the sound levels near turbines are typically in the range of 30 to 50 dBA, making wind turbine sounds,

about the same level as noise from a flowing stream about 50-100 meters away or the noise of leaves rustling in a gentle breeze. This is similar to the sound level inside a typical living room with a gas fire switched on, or the reading room of a library or in an unoccupied, quiet, air-conditioned office. (Renewable UK, 2011)

On the basis of such measurements, we would expect wind turbines to be very quiet machines that would be unlikely to disturb anyone to a significant degree. In contrast, the human perception of wind turbine noise is considerably different. Pedersen and Persson-Waye (2004) reported that for many other types of noise (road traffic, aircraft, railway), the level required to cause annoyance in 30% of people was over 70 dBA, whereas wind turbine noise caused annoyance of 30% of people at a far lower level, at around 40 dBA. This major discrepancy is probably a consequence of A-weighting the wind turbine sound measurements, thereby excluding the low-frequency components that contribute to annoyance. A-weighting corrects sound measurements according to human hearing sensitivity (based on the 40 phon sensitivity curve). The result is that low-frequency sound components are dramatically deemphasized in the measurement, based on the rationale that these components are less easily heard by humans. An example showing the effect of A-weighting the turbine sound spectrum data of Van den Berg (2006) is shown in Figure 4. The low-frequency components of the original spectrum, which resulted in a peak level of 93 dB SPL at 1 Hz, are removed by A-weighting, leaving a spectrum with a peak level of 42 dBA near 1 kHz. A-weighting is perfectly acceptable if hearing the sound is the important factor. A problem arises though when A-weighted measurements or spectra are used to assess whether the wind turbine sound affects the ear. We have shown above that some components of the inner ear, specifically the OHC, are far more sensitive to low-frequency sounds than is hearing. Therefore, A-weighted sounds do not give a valid representation of whether wind turbine noise affects the ear or other aspects of human physiology mediated by the OHC and unrelated to hearing. From Figure 3, we know that sound frequencies down to 3 to 4 Hz may be stimulating the OHC, yet the A-weighted spectrum in Figure 4 cuts off all components below approximately 14 Hz. For this reason, the determination of whether wind turbine sounds affect people simply cannot be made based on A-weighted sound measurements. A-weighted measurements are inappropriate for this purpose and give a misleading representation of whether the sound affects the ear.

Alternatives to A-weighting are the use of full-spectrum (unweighted), C-weighted, or G-weighted measurements. G-weighted measurements use a weighting curve based on the human audibility curve below 20 Hz and a steep cutoff above 20 Hz so that the normal audible range of frequencies is deemphasized. Although the shape of this function is arbitrary



**Figure 4.** Low-frequency components of wind turbine sound spectrum (below 1 kHz) before and after A-weighting. The original spectrum was taken from Van den Berg (2006). The shaded area represents the degree of alteration of the spectrum by A-weighting. A weighting (i.e., adjusting the spectrum according to the sensitivity of human hearing) has the effect of ignoring the fact that low-frequency sounds can stimulate the OHC at levels that are not heard. Representing this sound as 42 dBA, based on the peak of the spectrum, ignores the possibility that low-frequency components down to frequencies as low as 5 Hz (from Figure 3) are stimulating the OHC. Also shown are the spectra after G-weighting (dotted) and C-weighting (dashed) for comparison

when hearing is not the primary issue, it does give a measure of the infrasound content of the sound that is independent of higher frequency, audible components, as shown in Figure 4. By applying the function to the normal human hearing sensitivity curve, it can be shown that sounds of approximately 95 dBG will be heard by humans, which agrees with observations by Van den Berg (2006). Similarly, by G-weighting the OHC sensitivity function in Figure 3, it can be estimated that sound levels of 60 dBG will stimulate the OHC of the human ear. In a survey of infrasound levels produced by wind turbines measured in dBG (Jakobsen, 2005), upwind turbines typically generated infrasound of 60 to 70 dBG, although levels above and below this range were observed in this and other studies. From Jakobsen's G-weighted measurements, we conclude that the level of infrasound produced by wind turbines is of too low a level to be heard, but in most cases is sufficient to cause stimulation of the OHC of the human ear. C-weighting also provides more representation of low-frequency sound components but still arbitrarily de-emphasizes infrasound components.

### Is the Infrasound From Wind Turbines Harmful to Humans Living Nearby?

Our present understanding of inner ear physiology and of the nature of wind turbine sounds demonstrates that low-level

infrasound produced by wind turbines is transduced by the OHC of the ear and this information is transmitted to the cochlear nucleus of the brain via Type II afferent fibers. We therefore conclude that dismissive statements such as "there is no significant infrasound from current designs of wind turbines" are undoubtedly false. The fact that infrasound-dependent information, at levels that are not consciously heard, is present at the level of the brainstem provides a scientific basis for the possibility that such sounds can have influence on people. The possibility that low-frequency components of the sound could contribute both to high annoyance levels and possibly to other problems that people report as a result of exposure to wind turbine noise cannot therefore be dismissed out of hand.

Nevertheless, the issue of whether wind turbine sounds can cause harm is more complex. In contrast to other sounds, such as loud sounds, which are harmful and damage the internal structure of the inner ear, there is no evidence that low-level infrasound causes this type of direct damage to the ear. So infrasound from wind turbines is unlikely to be harmful in the same way as high-level audible sounds.

The critical issue is that if the sound is detected, then can it have other detrimental effects on a person to a degree that constitutes harm? A major complicating factor in considering this issue is the typical exposure duration. Individuals living near wind turbines may be exposed to the turbine's sounds for prolonged periods, 24 hours a day, 7 days a week for weeks, possibly extending to years.

although the sound level will vary over time with varying wind conditions. Although there have been many studies of infrasound on humans, these have typically involved higher levels for limited periods (typically of up to 24 hours). In a search of the literature, no studies were found that have come close to replicating the long-term exposures to low-level infrasound experienced by those living near wind turbines. So, to date, there are no published studies showing that such prolonged exposures do not harm humans. On the other hand, there are now numerous reports (e.g., Pierpont, 2009; Punch, James, & Pabst, 2010), discussed extensively in this journal, that are highly suggestive that individuals living near wind turbines are made ill, with a plethora of symptoms that commonly include chronic sleep disturbance. The fact that such reports are being dismissed on the grounds that the level of infrasound produced by wind turbines is at too low a level to be heard appears to totally ignore the known physiology of the ear. Pathways from the OHC to the brain exist by which infrasound that cannot be heard could influence function. So, in contrast, from our perspective, there is ample evidence to support the view that infrasound could affect people, and which justifies the need for more detailed scientific studies of the problem. Thus, it is possible that people's health could suffer when turbines are placed too close to their homes and this becomes more probable if sleep is disturbed by the infrasound. Understanding these phenomena may be important to deal with other sources of low-frequency noise and may establish why some individuals are more sensitive than others. A better understanding may also allow effective procedures to be implemented to mitigate the problem.

We can conclude that based on well-documented knowledge of the physiology of the ear and its connections to the brain, it is scientifically possible that infrasound from wind turbines could affect people living nearby.

#### Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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## Bios

Alec N. Salt received his PhD from the University of Birmingham, UK, in 1977 and has been actively involved in research into the physiology of the ear for over 35 years.

James A. Kaltenbach received his PhD from the University of Pennsylvania in 1984. He specializes in the neurobiology of hearing disorders and is currently the Director of Otology Research at the Cleveland Clinic.

COMMENT FROM RAY GORDON - JUNE 12, 2012

Add regulation m.1(c) which would state the following.

Low voltage non-commercial WECS less than 2000, watts shall be exempt from the non-commercial WECS regulations if the proposed system meets the following criteria.

1. compliant with non-commercial setback requirements.
2. maximum height 30 feet.
3. meets NEC regulations
4. maximum radius of turbine blades is four (4) feet.
5. meets noise regulations of +5 DBA and DBC above background as measured at the closest neighboring property line.

**EXHIBIT J**

**PUBLIC HEARING  
ITEM # 2**

**ZONING RESOLUTION LANGUAGE  
AMENDMENT  
SECTION 25 APPLICATION FEES**

**Board of County Commissioners Meeting  
October 16, 2012**

**Presenter: Steve Horton**

Prepared by:

Sweetwater County Land Use  
80 West Flaming Gorge Way, Suite 23  
Green River, WY 82935  
(307) 872-3914

**STAFF REPORT  
ZONING RESOLUTION LANGUAGE AMENDMENT  
SECTION 25 FEES**

**APPLICANT/OWNER:**

Sweetwater County Land Use Department  
80 West Flaming Gorge Way, Suite 23  
Green River, WY 82935

**APPLICATION SUMMARY:**

The Sweetwater County Land Use Department is requesting to amend Section 25 for Fees. This amendment includes the WECS Facility Application Fee and WECS Construction Permit Fee. The WECS Fees will also be included in APA Format for adoption with the WECS Regulations.

The Wind Energy Facility regulations are in the process of a major update. The WECS Facility Application Fee and WECS Construction Permit Fee are proposed to be updated and reviewed concurrently with the hearing process for the Wind Energy Facility Regulations.

The following fees are currently required by the Zoning Resolution:

- Wind Energy Application Permit Fee: \$5,000 base plus \$100 per turbine
- Wind Energy Construction Permit Fee: \$2,000 per turbine

The proposed amendment to the Wind Energy Application fee is based on Wyoming State Statute 18-5-513 that allows the Board to charge reasonable fees to recover Sweetwater County's costs.

The new fees have been re-named to reflect the terminology in the new proposed Wind Energy Regulations.

The WECS Commercial Facility Application Fee is proposed to be changed. Staff proposes to delete the \$5,000 Base Fee plus \$100 per turbine, and replace with a fee based on actual staff costs associated with the review and public hearing process involved with the application.

The WECS Commercial Construction Use Permit fee is proposed to be changed. Staff proposes to delete the fee of \$2,000 per turbine, and replace with a fee based on actual staff costs associated with the review of permit, issuance of permit, and inspections.

**PROPOSED LANGUAGE:** The following amendment is proposed for the Sweetwater County Zoning Resolution

**Amendment 1.** Amend the following fees in the Sweetwater County Zoning Resolution **Section 25. Application Fees**, to read as follows, and re-number accordingly:

# *Section 25. Application Fees*

The following Application Fees are required to be paid at the time the application is submitted. Failure to pay the appropriate fees constitutes an incomplete application.

J. ~~Conditional Use Permit – Wind Farm~~.....\$5,000 Base, Plus \$100 Per Turbine

WECS Commercial Facility Application: The Application Fee for a Wind Energy Facility shall be used to reimburse all Staff Costs that are incurred to review and process a Wind Energy Facility Application. The Land Use Department shall record all Staff Time and equipment required to process a Wind Energy Facility Application. This shall include, but not limited to, meetings with County Staff, meetings with the BLM and public agencies, completeness review required by County Staff following the filing of an Application, review and public hearing preparation and processing. A Reimbursement Account shall be established for the Applicant when a Wind Energy Facility is filed. At the time of filing, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the account becomes less than \$20,000. The Land Use Department shall submit periodic invoices to the Reimbursement Account.

N. ~~Construction Use Permit – Commercial Wind Farm~~.....\$2,000 Per Turbine

WECS Commercial Construction Use Permit: The Permit Fee for a Wind Energy Facility – Construction Permit shall be used to reimburse all Staff Costs and vehicle and equipment costs required to issue the permit and conduct all necessary inspections. The Land Use Department shall record all Staff time and equipment required to issue the permit and conduct inspections. This shall include, but not limited to, meetings with County Staff prior to issuing the Construction Permit, meetings with other public agencies prior to issuing the Construction Permit, and site inspections. A Reimbursement Account shall be established for the Applicant when a Wind Energy Facility – Construction Permit is approved. At the time of Permit Approval, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the account becomes less than \$20,000. The Land Use Department shall submit periodic invoices to the Reimbursement Account.

O. ~~Construction Use Permit—Non-Commercial Wind Farm~~.....\$75

WECS Non-Commercial Construction Use Permit..... \$75

**PUBLIC COMMENTS:**

No public comments have been received as of the time of this staff report.

**PLANNING & ZONING COMMISSION RECOMMENDATION**

The Planning & Zoning Commission met on July 11, 2012, and August 8, 2012 and voted to recommend approval of the proposed language amendments.

**Notice by the Sweetwater County Board of County Commissioners of its Intention to Repeal the Wind Farm Zoning Regulations and replace with new regulations entitled "Wind Energy Conversion Systems", and to amend the fees for Wind Energy Conversion Systems.**

- 1) The Sweetwater County Board of County Commissioners intends to amend the Sweetwater County Wind Farm Zoning Regulations which are included in the Sweetwater County Zoning Resolution.
- 2) The current Sweetwater County Wind Farm Zoning Regulations do not comply with Wyoming State Statutes 18-5-502 through 18-5-512.
- 3) This amendment will Repeal Sweetwater County Zoning Resolution Section 18. Wind Farm Zoning Regulations in it's entirety, and will amend Section 25 Application Fees regarding Wind Energy Conversion System (WECS) Fees.
- 4) This amendment will Replace the Wind Farm Zoning Regulations with new regulations entitled "Wind Energy Conversion Systems", and will update the Fees charged for Wind Energy Conversion Systems.
- 5) The proposed "Wind Energy Conversion System" regulations and proposed "WECS Fees" will provide a regulatory framework in which Sweetwater County will come into compliance with Wyoming State Statutes for Wind Energy Conversion Systems.
- 6) Any interested persons may comment on the amendments by writing to the Sweetwater County Land Use Department, c/o of Steve Horton, 80 W. Flaming Gorge Way Suite 23, Green River, WY 82935. All comments must be received before November 30, 2012.
- 7) Any interested person may obtain a copy of the proposed amendments by requesting a copy from the Sweetwater County Land Use Department, 80 W. Flaming Gorge Way Suite 23, Green River, WY 82935.
- 8) Wyoming Statutes 18-5-502 through 18-5-512 are substantive state statutory requirements applicable to these proposed regulations.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Wally J. Johnson, Chairman, Sweetwater County  
Board of County Commissioners