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FEATURED

Developer of controversial Glenrock wind farm says project will be operational this year

Benjamin Storrow 307-335-5344, Benjamin.Storrow@trib.com Apr 10, 2016



Courtesy

A turbine spins at the Chevron wind farm just north of Evansville. Pioneer Wind Park in nearby Glenrock is expected to be operational by the end of the year.

The developer of a controversial wind farm outside Glenrock says construction has begun on a 46-turbine facility. Pioneer Wind Park is expected to be operational by the end of the year, according to a company spokeswoman.

The 80-megawatt facility would be the first new wind farm to come online in Wyoming since 2010, and could provide an injection of jobs just as the state is reeling from layoffs in the oil and coal sectors. Filings with state regulators estimate the project could generate up to 179 jobs during peak construction.

But the project still faces a series of hurdles before reaching completion, including questions over potential eagle deaths and a lawsuit from opponents seeking to block the new turbines.

A spokeswoman for sPower, the Utah-based developer, said work began on two substations serving the Pioneer in February. Mormon Canyon Road, which will be used to access the project, will be realigned to facilitate the delivery of turbines, said sPower spokeswoman Naomi Keller.

"The project will achieve commercial operations before the end of the year," she said.

Pioneer still a series of hurdles, however. It's power purchase agreement with Rocky Mountain Power, a utility, requires the wind farm be in commercial operation by the end of 2016. The project also faces a legal challenge. The Northern Laramie Range Alliance is appealing Wyoming regulators' decision last year to amend the wind farm's permit. The decision followed sPower's purchase of the project last year from Wasatch Wind.

The NLRA has challenged Pioneer at the Wyoming Supreme Court, the Federal Energy Regulatory Commission and in federal court, losing in each venue.

The group's current case is before the Converse County District Court. It alleges the state Industrial Siting Council erred when it approved Pioneer's amended permit by failing to request the documentation needed to prove sPower's financial capacity to build the project. The company did not provide an income statement to the ISC. Instead it provided a balance sheet with a list of assets equaling \$976 million. The company's parent firm, Fir Tree Capital, reportedly manages \$13 billion in assets. The ISC ultimately approved the amendment by a 4-3 vote.

"The ISC only narrowly affirmed sPower's compliance with the 'financial capacity' condition of its permit even though sPower showed that it had grossly inadequate working capital to construct the project and no committed outside financing for this project," said Ken Lay, a former treasurer of the World Bank and NLRA member.

The group has also questioned sPower's plans to revamp Mormon Canyon Road, a gravel byway the NLRA says cannot accommodate the shipment of turbines.

Keller disputed those arguments, saying the company's efforts to build the project show sPower has the capacity to finish the wind farm.

But perhaps the biggest unknown remains whether Pioneer will obtain what is known as an "incidental take permit" before going into operation. A permitted wind facility is allowed to kill a certain number of protected eagles and raptors every year. However, facilities without a permit face potential prosecution from federal regulators. Duke Energy paid \$1 million in fines for killing more than 160 protected avian species at its Top of the World and Campbell Hill wind farms between 2009 and 2013, roughly 20 miles from the site where Pioneer is proposed.

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Wasatch Wind initially applied for an incidental take permit, but the application was begun anew after the project was bought by sPower.

Ken Ostrand, a spokesman for the U.S. Fish and Wildlife Service, said the agency will release a draft environmental analysis of the project sometime this year. He declined to provide a timeline for a final decision on Pioneer's permit, saying it will depend on the public comments the service receives after completing its draft.

The dynamic is complicated further by the fact that eagle take permits are not required for wind developers. Yet they are increasingly a factor in permitting new developments.

"Given the history of wind farms, it is a good idea to have one," Ostrand said.

Pioneer's power purchase contract with Rocky Mountain Power requires the company obtain such a permit. But in September testimony before the Wyoming Public Service Commission, Rocky Mountain Power Commercial Services Director Paul Clement testified sPower did not need to obtain a permit by the end of 2016 in order to meet the terms of its contract with the utility.

It is unclear if sPower would begin operations without first acquiring a permit. Keller, asked about the subject, said "sPower is working cooperatively with the USFWS to implement eagle conservation plans and to complete a take permit."

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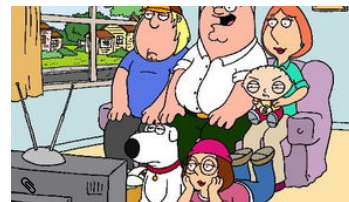
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