

Petition, compliance issues delays could stall Evansville wind project

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The wind still will blow in Natrona County, but a multimillion dollar plan to harness it may not go forward.

A group of landowners has asked a judge to review and invalidate the permits approved by the Natrona County Commission for Chevron Global Power Co.'s proposed 11-turbine wind farm northeast of Evansville, according to a petition filed in 7th District Court on Friday.

The commission abused its power by granting the permits and variance in violation of its own Wind Energy Conversion System Emergency Regulations approved last fall, according to the petition.

"Furthermore, the conditional use permits and variance were granted without substantial evidence to support a finding that the County's Emergency Regulations were complied with and did not substantially affect the health, safety and welfare of the surrounding property owners."

While the company cannot comment on the litigation, a spokeswoman said the legal process could significantly damage its plans.

"Really for us, at this point any changes would have a negative impact on the project and a negative impact on our (\$10 million) investment," Jennifer Silva said Saturday.

But the Houston-based Chevron Global has its own work to do as well, said Natrona County Commission Chairman Rob Hendry.

Chevron Global must submit a plan for the future decommissioning of the site including a bond to pay for removing towers and reclaiming the land; and a study of the use of Cole Creek Road and the access roads to the site on the former Texaco property north of the North Platte River, Hendry said Saturday. "They need to get that in real quick."

The petitioners -- Michael Tescher, Carol Fields, Stan Mundy, Veronica Mundy, Ernest Linton, Carole Linton, Steve Cox, and the Elkhorn Creek Ranch LLC -- may have a problem of their own because they filed their petition more than two months after the commission's actions, Hendry said.

State law requires petitions of this sort to be filed 30 days after a "final agency action."

But the petitioners' attorney Michael McGrady said he received his first official notice on March 25, and Friday's filing falls within the appropriate time frame.

That's cutting it close for Chevron Global, which has been planning for construction to begin this week on the 880-acre site, Silva said.

Construction includes preparations to handle the immense towers, nacelles and blades for the 1.5-megawatt General Electric turbines that will rise more than 250 feet. One megawatt can power 300 homes for a year. The power generated by the turbines will be transferred to power lines already on Chevron's property.

Besides the permit for the wind farm itself, the commissioners approved a conditional use permit for a temporary concrete batch plant on the site, and a variance for foundations, road cuts and other activity.

The requests for the permits last year coincided with Evansville's creation of a "use control area" zoning district for the wind farm, and the county's passing of the wind energy emergency regulations in September.

One paragraph in the regulations stated wind turbines and their towers must be set back at least a quarter-mile away from any primary structure such as a residence, while another said the buffers must be a half-mile if the primary building is in certain zoning districts.

A week after the commission approved the conditional use permits, petitioner Stan Mundy brought the apparent contradiction to the attention of County Development Director Blair Leist and interim County Attorney Heather Duncan-Malone, who began revising the regulations' contradictions.

Meanwhile, the petitioners' attorneys on Feb. 23 asked Duncan-Malone for documents about the permits, according to the petition.

On March 3rd and the 19th, she told the attorneys the conditional use permits had not been approved, issued or

granted because Chevron had not met certain requirements.

On March 25, the attorneys received copies of the Feb. 3 resolutions, which they claim was the first time they learned the board had approved them.

On Monday, the petitioners' attorneys asked the county commissioners to reconsider granting the permits, according to the petition.

Duncan-Malone has not seen the petition and therefore could not comment on it, she said Saturday.

The commission needs to review the petition as Chevron Global prepares to build Natrona County's first commercial wind farm.

Hendry and Silva hope the county and Chevron Global can resolve the issues for the landowners.

The conditional use permits require the company to submit a decommissioning plan and a road study, but the county did not specify a deadline that would stop the project, Hendry said. "It's a gray area right there."

If Chevron Global does not comply, the wind farm project may not happen and the company will need to refile its permit requests, Hendry said. "It's kind of a moving target still."

Commissioners have suggested the company obtain waivers from landowners about the space between their properties and the towers, although the company is under no obligation to do so, he said.

For its part, the company has properly applied for and received the permits, Silva said.

Chevron Global has put the down payment on the turbines, purchased equipment, and hired a contractor who has hired subcontractors, she said. "All in anticipation of construction beginning next week."

Silva and other company representatives will conduct a public meeting at the Evansville School, 452 Texas, at 6:30 p.m. Tuesday, she said.

"We're hoping to resolve this for all parties," Silva said.

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