

True Ranches signs wind lease with Wasatch

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It appears the True family occupies both sides of the wind energy debate in Converse County.

According to a lease filed in Converse County, the brother of Diemer True – a leading advocate against wind development in southern Converse County – has signed the largest private land-use agreement with Utah-based Wasatch Wind, Inc. to date.

David True signed the agreement for True Ranches, LLC, allowing Wasatch access to 7,848 acres of land on the VR Ranch. Diemer True maintains he has no business interests in True Ranches.

Wasatch's lease with True Ranches gives Wasatch the ability to not only harvest wind energy, but also build a substation or contract another company to build a substation on True land.

In all, about 10 landowners have signed similar leases with either Wasatch Wind Development, LLC or Pioneer Wind Project (Wasatch's name for its Converse County operations). The agreements went into effect between Sept. 17 and Dec. 31, 2009, and include about 24,761 acres of private land in the southern part of the county. Wasatch also has leases pending on 7,282 acres of state land, including parts of Duncan Ranch.

True Ranches' lease will, initially, last for five years, but gives Wasatch the option to extend the agreement for two years beyond the initial period. The lease could be extended to 30 years, all told. Memorandums filed with the Converse County Clerk's office indicate that other leases signed by Wasatch include a 30-year initial term (beginning when the proposed wind project enters commercial operation) and could be extended for two additional terms of 15 years.

"(Wasatch) expects to have a project – they want to have a project – by the end of the year," Converse County Commission Chairman Ed Werner said during a Jan. 25 public meeting in Glenrock. "They want to take advantage of the sales tax exemption that is still in place."

The tax exemption will expire in 2011 and Wasatch Wind Director of Marketing and Communications Michelle Stevens agreed that the company would like to make use of the tax break. However, Stevens warned that the many variables preclude any accurate predictions for the development's time-frame.

"That's when we would like to develop our project," Stevens said. "But so many things could happen between now and then."

In order to be included in the tax exemption, a project's leases must have been finalized by Jan. 1, 2010 and the developer must obtain all applicable permits for the project's construction and deliver the tax exempt materials to Wyoming before Dec. 31, 2011, according to a Wyoming Department of Revenue policy statement.

Wasatch's lease memos filed with the county also spell out a number of rights retained by the landowners – most notable land use and mineral rights.

The agreements only give Wasatch exclusive rights to "wind energy activities" on the properties. Landowners retain mineral, gas and oil rights on the property along with control of hunting, recreation, agriculture and ranching activities "so long as such uses do not materially interfere with (Wasatch's) operations."

"We really feel that the landowner knows best how to manage their land and our lease (protects) the landowner's right to use the land for all purposes," Stevens said. Stevens said "safety" and "property destruction" issues may constitute interference.

Richard Grant, one of the landowners who leased land to Wasatch, said he believes material interference could include hunters blocking access roads or shooting around or past turbines during the construction phase.

"Unless it's interfering with what they're trying to do, it's our decision as to whether we allow hunters on or not," Grant said. "We have to allow the hunting to help keep the game scattered, so people can get a harvest and we don't let the game over-populate."

Grant said his livestock often compete with game for grazing opportunities.

Stevens agreed that safety issues could possibly cause the company to curtail hunting during the project's construction. She added that a wind farm's construction phase typically lasts less than a year and that Wasatch would "work to minimize interruption of hunting activities."

The leases outline decommissioning requirements for the turbines as well. Wasatch is obligated to remove turbines upon the written request of a landowner and within 12 months of a leases termination, Stevens explained.

"We would provide financial assurance as required in the form of a removal bond or a similar financial instrument," Stevens said.

Wasatch also appears to be moving forward with a transmission plan for their project.

"We've not yet finalized the transmission plan, but we are in serious dialogue with a transmission provider," Stevens said.

She was unable to name the party involved in the dialogue but said that TransCanada was among the companies Wasatch has spoken with regarding transmission. TransCanada's proposed Zephyr line could cross northern Albany County.