

OFFICIAL PROCEEDINGS  
BOARD OF PLATTE COUNTY COMMISSIONERS, WYOMING

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THE BOARD OF COUNTY COMMISSIONERS, PLATTE COUNTY, WYOMING, met in a special session on the 20<sup>th</sup> day of May 2026 in the county seat of Wheatland. Notice of this special session was provided by the Office of the County Clerk pursuant to Wyoming Statute §16-4-404(b). Those present for the meeting were Steve Shockley, Commission Chairman; Ian Jolovich, Commissioner; John “Jeb” Baker, Commissioner; and Malcolm Ervin, County Clerk. Also present were Rex Johnson, special legal counsel for the Board, Joey Madsen, special legal counsel for the Board, and Laura Bookout, County Planner.

Chairman Shockley called the meeting to order at 9:00 AM. Commissioner Jolovich motioned, seconded by Commissioner Baker, to approve the agenda as presented. The motion carried. Chairman Shockley then informed the public they would be allowed to provide comment on proposed rules of conduct for the public hearing. Chairman Shockley said each person wishing to speak on those rules, or any procedural matters regarding the hearing, would be allowed three minutes each to provide comment. No comments were received. Commissioner Jolovich motioned, seconded by Commissioner Baker, to approve the public hearing rules. The motion carried.

Planner Bookout provided an overview of three land use applications, each of which was submitted by Anthony Bianchini on behalf of Chugwater Energy Center, LLC, which is a wholly owned subsidiary of NextEra Energy Resources, LLC. Planner Bookout reported that the Planning & Zoning Commission recommended each application for approval on May 13, 2026. The Commission also recommended that 13 general conditions be attached to each application. Those conditions were:

**General Conditions:**

1. The Applicant/Permittee shall comply with all applicable provisions of the Platte County Land Use Rules and Regulations January 21, 2025, and all other applicable federal, state, and local laws, regulations, and permits.
2. The Applicant/Permittee shall comply with the permit and all conditions imposed by the Wyoming Industrial Siting Council (ISC) for the project in Docket No. DEQ/ISC: 25-01.
3. The Applicant/Permittee shall provide copies to Platte County of all permits issued by any Wyoming state agency, including Wyoming’s Industrial Siting Council.
4. The Applicant/Permittee shall provide copies to Platte County of all material filings, reports, and correspondence submitted to the ISC, as well as any notices of violation, enforcement actions, or compliance determinations issued by the ISC, within ten (10) business days of submission or receipt to the ISC.
5. The Applicant/Permittee shall comply with all bonding, financial assurance, and reclamation requirements imposed by the Wyoming Industrial Siting Council and stated in the Platte County Land Use Rules and Regulations January 21, 2025. Additionally, the Applicant/Permittee shall maintain all required financial assurances in full force and effect for the life of the project and shall provide documentation of such assurances to Platte County. Any updates, adjustments, or periodic reviews of financial assurance required by the ISC, including reviews conducted not less than every five (5) years, shall be provided to Platte County within ten (10) business days of submission and final determination to the ISC.
6. The Applicant/Permittee shall obtain a Construction Certificate from the Board of County Commissioners prior to the commencement of construction. All final plans, reports, and required documentation shall be submitted for review at that time.
7. On October 31, 2025, the Applicant/Permittee entered into a Road Use and Maintenance Agreement with Platte County. This agreement will be refined after the Applicant/Permittee determines the final roads and routes they will use prior to construction.
8. All access points and encroachments onto County and State roads shall be approved, and copies provided to the Planning Office, prior to construction.
9. A final site plan, including all project components, setbacks, infrastructure, and haul routes shall be submitted and approved prior to issuance of a Construction Certificate.
10. The Applicant/Permittee shall provide periodic compliance updates to Platte County as requested by the County, summarizing operational status and compliance with permit conditions.
11. The Applicant/Permittee shall ensure that all project-related noise complies with Platte County Land Use Rules and Regulations January 21, 2025, Solar Energy Facilities Section 13.15.050, E. Noise and Wind Energy Siting and Facilities Section 13.20.050, H. Noise. This requirement applies to all facilities and operations associated with the project, including the Battery Energy Storage System (BESS) facility.
12. A development agreement may be required as a condition of the permit and must be approved by the Board of County Commissioners prior to commencing construction.
13. The Applicant shall utilize corten weathered steel structures on the northern transmission route to reduce visual impacts within the viewshed of the Town of Chugwater, where feasible.

The first application, numbered 25-37, recommended for approval by the Commission was for a Special Use Permit and Rezone request to operate a Battery Energy Storage System (BESS). The applicant requested to rezone approximately 16 acres of land, which at the time of the application were zoned as a Ranching, Agricultural, and Mining (RAM) zoning district. The applicant also sought a Special Use Permit to operate a BESS unit, which would dispatch 150 MW of electricity with a 4-hour duration. The parcel in question is described as part of the NW ¼ of Section 6, Township 20 North, Range 65 West, Platte County, Wyoming. In addition to the 13 general conditions mentioned above, the Commission also recommended eight special conditions be included. Those special conditions were:

**Special Conditions:**

1. International Fire Code (IFC) 1207 to be signed off by the Wyoming State Fire Marshall Office. If there is no authorized state agent, then the IFC 1207 shall be signed off by a Platte County approved third-party Risk Manager and paid for by the applicant. The Platte County Planning Office will review the findings.
2. Compliance with the latest version of the National Fire Protection Association (NFPA) 855.
3. Provide Platte County with copies of the Underwriters Laboratories (UL)9540, UL9540A, UL9540A- Large-Scale Fire Testing (LSFT) specific to the BESS being installed.
4. Provide Platte County with copies of the groundwater baseline report and copies of any additional groundwater reports done throughout the life of the project through the end of decommissioning.

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5. The Applicant/Permittee shall develop and submit the final Emergency Response Plan, in coordination with local emergency responders, prior to issuance of a Construction Certificate. The County will be immediately notified of any revisions of these plans throughout the life of the project through the end of decommissioning.
6. The Applicant/Permittee shall submit a final Hazardous Materials Management and Spill Response Plan prior to construction. The County will be immediately notified of any revisions of these plans throughout the life of the project through the end of decommissioning.
7. If any contamination attributable to the facility is detected, the Applicant/Permittee shall notify Platte County and all local emergency responders and immediately implement remediation measures.
8. Battery Energy Storage System (BESS) Energy Siting and Facility Permits may not be transferred without the prior approval of the Platte County Board of County Commissioners. The Board of County Commissioners may transfer the BESS Energy Siting and Facility Permits upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the BESS Energy Siting and Facility Permits by the prospective transferee. A request for transfer will be reviewed by the Planning Office, the County Attorney's Office, the Planning and Zoning Commission, and the Board of Commissioners.

The second application, numbered 25-38, was for a Special Use Permit and Solar Energy Facility (SEF) permit to operate a photovoltaic solar array, which aimed generate approximately 150 MW of solar energy, in a RAM zoning district. The parcel in question is described as part of Sections 4, 5 and 6, Township 20 North, Range 65 West, Platte County, Wyoming. In addition to the 13 general conditions mentioned above, the Commission also recommended one special condition be included. That special condition was:

**Special Condition:**

1. Boundary Line Adjustments by the Landowner(s) for the Solar Facility to be completed with the Planning Office and recorded in the Platte County land records prior to application for construction certificate, if necessary.

The third application, numbered 25-39, was for a Special Use Permit, a series of Variance requests and a Wind Energy Conversion System (WECS) permit to operate 112 wind turbines in a RAM zoning district. The parcels in question are portions of Townships 20 and 21 North, Range 65 West, Platte County, Wyoming, and portions of Townships 20 and 21 North, Range 66 West, Platte County, Wyoming. The applicant requested a Variance to Section 13.20.070.S.d of the Platte County Land Use Rules & Regulations, which requires that all materials be reclaimed to a depth of 60" below the surface. The applicant requested to reclaim to a depth of 48" rather than 60". The applicant also sought a Waiver to section 13.20.050 D.f of the Platte County Land Use Rules & Regulations, which requires a ¼ mile setback from public roadways. The applicant requested the ability to construct WECS structures within ¼ mile of South County Line Road, North County Line Road, East Hellbaum Road, Range Road, Happy Hollow Road, Windmill Road, Meeker/South Meeker Road, South CS Road, and Lancer Road. The applicant did acknowledge those structures would remain at least 110% of the structure's height from any roadway. In addition to the 13 general conditions mentioned above, the Commission also recommended five special conditions be included. Those special conditions were:

**Special Conditions:**

1. In place of individually addressing each WECS tower location, the Applicant/Permittee shall identify each WECS Tower with a specific number and corresponding GPS pin, and shall provide this information to the Planning Office, and all Emergency Services prior to the wind tower being operational.
2. A Waiver of Subdivision Set-Back document to be signed by all applicable landowners in the affected subdivisions and be recorded in the Platte County land records prior to application of Construction Certificate(s). This requirement applies to the following subdivisions: Mid-Point Subdivision, Moxley Subdivision and Moxley Replat subdivision.
3. All applicable redacted Leases and recorded Memo of Leases in the project boundary are to be presented to Planning Office for approval prior to application of Construction Certificate(s).
4. OSLI redacted Lease and recorded Memo of Lease for all affected lands to be provided to the Planning Office for approval prior to application of Construction Certificate(s).
5. Maximum number of wind towers for these permits is 112.

Chairman Shockley asked if there were any objections on procedural matters and opened the meeting to public comment. Thomas Szott, an attorney representing Jill Kaufman, alleged the Board failed to adhere to W.S. § 18-5-505 by not declaring the applications as complete in a public meeting. Mr. Szott also alleges the applications that were submitted were not complete. He argued that the applications lacked certification statements required pursuant to W.S. §§ 18-5-503(a)(ii), (a)(iv), (a)(v) and (a)(ix). As such, Mr. Szott argued Planner Bookout's determination of completeness was erroneous. Lucinda Houtchens, Kathryn Stevens, Karen Weber, Wayne Thornburg, Teresa Baker, Dennis Baker, Mary Meyer and John Voight each adopted those procedural objections by reference and restated them as my own. Special Counsel Johnson responded to Mr. Szott's objection saying he believed they lacked merit and advised Chairman Shockley to proceed with the hearing. Special Counsel Johnson further stated any person aggrieved by the hearing, or their subsequent result, may seek judicial relief.

Chairman Shockley then continued the hearing by asking Anthony Bianchini, Project Manager for NextEra Energy Resources, to provide an overview of the three applications. Chairman Shockley then opened the meeting to public comments. Clerk Ervin began by reading a letter written by Jeremy Haroldson, which was submitted to the Office of the County Clerk preceding day. The letter was submitted by Jeremy Haroldson. Those speaking against the project were: Roy Birt; Wendy Volk; Pat Mitchell; Letia Lane; Tammy Martin; Scott Harmon; John Voight; Mary Meyer; Dennis Baker; Lucinda Houtchens; Jeri Hunter; Kelly Havely; Teresa Baker; Kathryn Stevens; Jill Kaufman; and two minor children.

Those speaking in favor of the project were: Mickey Galluzzo; Chris Brown, representing Powering Up Wyoming; Philip Ellis, on behalf of Chugwater Economic Development and on his own behalf; Cindy DeLancey; Dan Kirkbride; Renny McKay, on behalf of the Wyoming Business Alliance; Robert Moxley; Josephine Young, on behalf of Platte County Economic Development; Brook Brockman; Tresha Cancino, on behalf of the Platte County Chamber of Commerce; Jim Lerwick; and Fred Hartmeister.

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Eric Jones, an attorney representing the Town of Chugwater, requested that the transmission line located north of the town be at least one mile from its municipal boundary. Mr. Jones acknowledged numerous discussions had occurred between the Town and NextEra Energy Resources regarding the transmission line, but urged the Board to consider a condition requiring NextEra Energy Resources to utilize a southern route for the transmission line, or that the northern line be at least one mile from the town's boundary. In his presentation, Mr. Bianchini noted there was a potential southern route for the transmission line, but reported that the line was not feasible. As such, Mr. Bianchini reported the northern route, located just outside of Chugwater's municipal boundary, was the route proposed for the project. Mayor Josh Hopkins also spoke on the power line saying the viewshed from the town is important and should be maintained.

John Burns, Town of Chugwater Councilman, cited Section 13.20.040 of the Platte County Land Use Rules & Regulations saying structures associated with WECS permits must be setback a minimum of one mile from municipal boundaries. Councilman Burns requested the transmission line adhere to that setback requirement and further stated the town had not waived the setback requirement. As such, Councilman Burns requested that the Board require adherence to that section of the Land Use Rules & Regulations.

The Board recessed for lunch at approximately 1:00 PM. At 2:00 PM, Chairman Shockley called the meeting back to order. Commissioners Baker and Jolovich were also present, as was Clerk Ervin. Chairman Shockley asked Mr. Bianchini how a one-mile setback from the Town of Chugwater would impact the project. Mr. Bianchini said they were dedicated to ensuring a one-mile setback from the town.

Commissioner Baker asked a series of questions regarding the Road Use Agreement to Chris Bookout, Road & Bridge Superintendent. Superintendent Bookout confirmed that the current Road Use Agreement would be in effect through the duration of the project, to include decommissioning. Chairman Shockley asked Superintendent Bookout if he had concerns with any of the requested setback variances from County roadways. Superintendent Bookout said he was not concerned by those requests, stating the roads requested are remote and rarely traveled. He also clarified that the Road Use Agreement does not cover any state highways.

Chairman Shockley and Commissioner Jolovich asked a series of questions regarding secondary containment around the BESS system. Those Commissioners requested information about firefighting efforts and water containment. Jeff Collins spoke on behalf of NextEra Energy Resources and informed the Board that the secondary containment pond was approved by the Wyoming Department of Environmental Quality. Furthermore, Mr. Collins said it was not advised to spray water on the BESS system in the event of a fire, saying it could make matters worse. Instead, Mr. Collins said the unit was designed to be self-contained and designed to burn internally and the fire would burn itself out. Mr. Collins said no water should be on the BESS units other than rainwater, which is why the size and style of containment pod was proposed and subsequently approved. Chairman Shockley asked whether NextEra Energy Resources would be willing to participate in annual safety training for firefighters, which Mr. Collins agreed to and said it was standard procedure for NextEra Energy Resources.

Commissioner Baker asked about water testing and potential contamination. Specifically, Commissioner Baker questioned who would conduct groundwater testing. Kevin Little spoke on behalf of NextEra Energy Resources saying a baseline sample was already taken by Western Water Consultants (WWC). Mr. Little said WWC would participate in on-going sampling and analysis of groundwater quality. Due to no BESS units being built in Wyoming, Mr. Little said their baseline testing and monitoring was based upon guidelines for oil and gas testing and monitoring standards.

Chairman Shockley spoke to the matter of decommissioning and reclamation, which he said was an area of significant concern. Chairman Shockley acknowledged that the State of Wyoming already required a bond for decommissioning and reclamation. Furthermore, Chairman Shockley said the County would not be allowed to "double" bond for decommissioning and reclamation. Chairman Shockley said a condition requiring unused components to be removed or else a daily fine would be assessed may be the best course of action. Chairman Shockley asked Benchmark Engineering, who was hired to assist the County Planner in assessing the applications, to address their report regarding the bond amount required by the State of Wyoming. Kevin Boates spoke on behalf of Benchmark Engineers saying their report raised questions of the estimated cost of decommissioning and reclamation of the project but stated the ISC would be the lead organization to determine whether an estimated cost of decommissioning and reclamation was accurate. However, Mr. Boates acknowledged Benchmark Engineering did not receive answers from ISC regarding their assessment of NextEra Energy Resources' estimated costs.

Chairman Shockley asked about the likelihood that the project would be constructed should it be approved. Mr. Bianchini noted the project was very complex but said the first step in building was to obtain the required permits. He also pledged close coordination with the County as the project proceeds. Additionally, Mr. Bianchini said he believed there was a market for the electricity and that NextEra Energy Resources had the resources to build the project but cautioned entities from spending funds earmarked for impact assistance.

Chairman Shockley also asked whether the electricity generated by the project would stay in Platte County and whether the project would increase utility bills in Platte County. Mr. Bianchini said they were currently in discussions with a customer to purchase their power, who was in Wyoming. In addition, Mr. Bianchini said NextEra Energy Resources is an independent power producer, and the cost of the electricity generated is determined by the Wyoming Public Services Commission. However, Mr. Bianchini did not believe the project would result in raised utility bills.

Commissioner Baker asked about the process of reevaluating the decommissioning bond every five years. Specifically, Commissioner Baker asked how the process works and what role the County has in those discussions. Ruan Wnuk, speaking on behalf of Jacobs Engineering, said the process was administered, and governed, by the Industrial Siting Division (ISD) of DEQ. Mr. Wnuk said NextEra Energy Resources would submit a new decommissioning and reclamation plan every five years and a bond amount verified. Commissioner Jolovich asked at what rate the decommissioning bond amount grows over time. Specifically, he asked if NextEra Energy Resources expects the bond amount to rise significantly over time as the project gets closer to its end-of-life, or whether the rate generally grows at the rate of inflation. Mr. Wnuk said the cost estimate of decommissioning and reclamation does not account for risk but is an estimate of actual costs to decommission every five years. As such, the bond amount generally grows at the rate of inflation.

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Chairman Shockley asked whether NextEra Energy Resources was able to generate a quarterly report on what sales tax was paid to the State of Wyoming. Chairman Shockley said the information provided from the Wyoming Department of Revenue (DOR) is not specific to who paid sales tax. Mr. Bianchini said he had not been asked that question previously and as such requested to consult with their internal tax division on that feasibility. However, Mr. Bianchini acknowledged it was a fair request.

When the Board finished its questioning, Chairman Shockley brought the matter before the Board. Commissioner Jolovich motioned, seconded by Commissioner Baker, to grant the SEF permit, associated variances, and setback waivers subject to a final order which may include the additional conditions discussed at this meeting as well as those recommended by the Planning and Zoning Department. The motion carried.

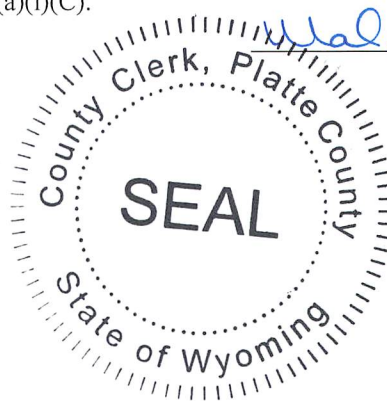
Commissioner Jolovich motioned, seconded by Commissioner Baker, to grant the WECS permit, associated variances, and setback waivers subject to a final order which may include the additional conditions discussed at this meeting as well as those recommended by the Planning and Zoning Department. The motion carried.


Commissioner Jolovich motioned, seconded by Commissioner Baker, to grant the BESS permit, associated variances, and setback waivers subject to a final order which may include the additional conditions discussed at this meeting as well as those recommended by the Planning and Zoning Department. The motion carried.

There being no further business for board consideration, the meeting adjourned at approximately 2:50 PM. This proceeding was recorded by Clerk Ervin pursuant to Wyoming statute §18-3-402(a)(i)(C).

APPROVED:

  
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STEVE SHOCKLEY, CHAIRMAN OF THE BOARD



  
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MALCOLM ERVIN, COUNTY CLERK  
& CLERK OF THE BOARD