

C A R B O N C O U N T Y
P l a n n i n g O f f i c e
P.O. Box 466
Red Lodge, Montana 59068
(406) 446-1694
Fax (406) 446-2640

CTA Inc.
Contractor

November 20, 2014

Mud Springs Wind Project LLC
Attn: John S. Husar
6724 Hesper Road
Billings, MT 59106

Re: Mud Springs Wind Ranch – Carbon County Development Permit Application(s) Approval

Dear Mr. Husar:

After review of the submitted documents, the Planning Director has APPROVED the Carbon County Development Permit applications for the Mud Springs Wind Ranch, Phases I, II, III and Mud Springs IV Transmission Line and Substation. These permit applications were reviewed against the adopted Carbon County Development Regulations and were found to be in general compliance with these regulations if certain conditions were imposed in order to promote the public health, safety and welfare of the County. The conditions of approval are as follows:

1. Prior to the commencement of any activities or construction, the applicant/owner or operator shall coordinate required road improvements with the Carbon County Board of Commissioners and County Road Department. This will include the execution of a road use, repair and indemnity agreement and the furnishing of a financial guarantee to address road impacts in a form to be mutually agreed upon by both parties.
2. The applicant/owner or operator shall obtain all required Local, State and Federal agency permits as applicable to this project, and shall submit a list of all required permits and the approvals thereof to the Carbon County Planning Office, prior to the commencement of any activities or construction of the project.
3. The applicant/owner or operator shall coordinate with the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program (as outlined in the Montana Governor's Executive Order No. 10-2014) in its sage grouse mitigation program and best management practices for the wind farm facility. A written summary of any changes to proposed mitigation measures or best management practices in these regards shall be submitted to the Carbon County Planning Office.
4. The applicant/owner or operator of the wind generation facility shall submit annual reports to the Carbon County Board of Commissioners commencing as of the date of this letter detailing the status of the project and any issues that have arisen as part of construction of the project or during wind farm operations. This shall include updates on the project's sage grouse mitigation efforts.
5. The representations and obligations presented in the Mud Springs Wind Ranch Plan of Development and attachments submitted as part of the Development Permit Applications shall be binding conditions upon the construction and operation of the facility(s). Any significant changes from the approved permit or permit submittal materials, as determined by the Carbon County Planning Director or Carbon County Board of Commissioners, shall require submittal of a new/amended Development Permit Application and public notice period and County review prior to making said change(s).

6. The wind turbines shall be setback, at a minimum, to avoid any overhang of turbine blades from non-participating parties/properties and County Road right-of-ways. In addition, all turbine foundations shall be setback, at a minimum, to other area features (e.g. County Roads, streams, ponds, residential structures, etc.) in accordance with the submitted "Setbacks Table" provided to the County as part of the application materials.

7. The current application (and representations of the applicant) indicate that no temporary housing is proposed on site and it has been represented that workers will use existing housing and camping areas in surrounding communities. If any temporary housing (i.e. housing camps) are proposed in the future, these facilities will require the submittal of a new/amended Development Permit Application for review of public service impacts and public notice prior to their installation.

8. A weed management plan/agreement shall be executed with the Carbon County Weed District and shall remain in effect during the life of the wind farm operation.

9. In accordance with MCA 15-24-3004, the applicant/owner of a wind generation facility used for a commercial purpose is subject to an initial local governmental and local school impact fee for the first 3 years after construction of the wind generation facility begins. The impact fee may not exceed 0.5% of the total cost of constructing the wind generation facility. The determination of the required fee and payment structure will be in a form to be mutually agreed upon by both the applicant/owner or operator and Carbon County and as determined by State Statute. Any additional phases or project expansion will require additional impact fees to be assessed accordingly.

10. Required building and/or electrical permits for the facility shall be obtained from the State of Montana.

11. The applicant/owner or operator shall provide Carbon County with a final Reclamation and Decommissioning Plan and agreement, including financial guarantees/assurances, in a form to be mutually agreed upon by both parties, to assure that upon the termination of wind farm operations the site will be satisfactorily reclaimed as described in Section 9.2 of the Project Plan of Development.

Appeals: Any person, jointly or severally, or other body, aggrieved by any decision may appeal the decision of the Carbon County Planning Director to the Board of County Commissioners. The applicant must, within ten days after the application is approved or denied, notify the Board of County Commissioners in writing of the decision to appeal. A notice is deemed given as of the date of actual delivery or the date of mailing, whichever is earlier. The applicant will be notified when the appeal is scheduled for the agenda of a regularly scheduled Board of County Commissioners meeting.

If you have any questions regarding any of the above, please do not hesitate to contact either myself or Doug Riley, CTA Senior Planner at 406-922-7120.

Sincerely,



Brent Moore, Contractor
Carbon County Planning Office

C: Sunrise Wind Holdings LLC
c/o EverPower Wind Holdings Inc.
Attn: David McClain
1251 Waterfront Place, 3rd Fl.
Pittsburgh, PA 15222

Carbon County Commissioners