



State of Wyoming Wind Energy Update: Proposed Leasing Rules and Wildlife Guidelines

By: [Jamie Jost](#)

Office of State Lands and Investments - Proposed Rules for Wind Energy Leasing


In January 2010, the Wyoming Office of State Lands and Investments released proposed rule changes to Chapter 6, Wind Energy Leasing, of the State Board of Land Commissioners. The proposed rules relate to the leasing of State Trust Lands for wind energy development and contain provisions relating to the potential impairment of existing state surface and mineral leases, the term of the wind energy lease, the applications required for obtaining a wind energy lease, improvements to the wind energy lease, financial assurances, and termination of the wind energy lease, among other things.

Comments were taken through March 1, 2010 and four public hearings were held on March 15-18, 2010 in various cities in Wyoming. Based upon comments submitted by the public, federal and state agencies, wind developers, and others, the Office of State Lands and Investments revised the proposed rules and a final draft was submitted to the Wyoming Attorney General's office for review and approval. A final draft of Rule 6 was recently approved by the Wyoming Attorney General's Office and such draft will be presented to the State Board of Land Commissioners on June 3, 2010. The final draft of Chapter 6, Wind Energy Leasing, regulations will be placed on the Office of State Lands and Investments website at <http://slf-web.state.wy.us> prior to the June 3, 2010 State Board of Land Commissioner's meeting.

Wyoming Game and Fish Department - Wildlife Protection Recommendations for Wind Energy Development

In November 2009, the Wyoming Game and Fish Department released proposed Wildlife Protection Recommendations for Wind Energy Development for public comment. The purpose of the proposed document is to provide recommendations for (1) collecting baseline data prior to turbine siting to avoid potential conflicts with wildlife, (2) construction and operations monitoring, and (3) mitigating impacts to affected wildlife. The recommendations contain a review of wind development impacts to wildlife, including but not limited to, bats, raptors, greater sage-grouse and sharp-tailed grouse, waterfowl, big game, small mammals, and amphibians, and also a review of the Wyoming Game and Fish Department's concerns related to the management of game species and aquatic species.

The proposed recommendations apply to most wind projects constructed in Wyoming, regardless of land ownership. Based on comments received from state and federal agencies, landowners, wind developers and others over past four months, the Wyoming Game and Fish Department has revised the initial proposed Wildlife Protection Recommendations. The current draft of the Wildlife Protection Recommendations can be found on the Wyoming Game and Fish Department's website at <http://gf.state.wy.us>. The Wyoming Game and Fish Department will present the final Wildlife Protection Recommendations to the Wyoming Game and Fish Commission on April 23, 2010.



2010, Beatty & Wozniak, P.C. All rights reserved.
This newsletter does not constitute legal advice. The views expressed in this newsletter are the views of the authors and not necessarily the views of the firm. Please consult with legal counsel for specific advice and or information.
Read our complete [legal disclaimer](#).