

SENATE FILE NO. SF0104

Wind and solar facilities-state lands amendments.

Sponsored by: Senator(s) Boner, Cooper, Dockstader, Jones
and Steinmetz and Representative(s)
Chadwick, Conrad, Heiner, Knapp, Lawley,
Slagle, Strock and Western

A BILL

for

1 AN ACT relating to permitting and industrial siting of
2 solar and wind energy facilities; amending the definition
3 of affected landowner to include leaseholders of state
4 lands; authorizing affected grazing and agricultural
5 leaseholders to consent before permitting by boards of
6 county commissioners for facilities constructed on state
7 lands; providing notice to leaseholders of state lands;
8 authorizing leaseholders of state lands to be parties to an
9 industrial siting council permit proceeding; providing
10 definitions; making conforming amendments; specifying
11 applicability; and providing for an effective date.

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13 *Be It Enacted by the Legislature of the State of Wyoming:*

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1 **Section 1.** W.S. 18-5-501(a) by creating a new
2 paragraph (vii), 18-5-503(a)(i), 18-5-504(a)(iv), (v),
3 (vii)(A) and (d), 18-5-507 by creating a new subsection
4 (d), 35-12-102(a)(xv), 35-12-111(a)(iii) and
5 35-12-113(a)(intro) are amended to read:

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7 **18-5-501. Definitions.**

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9 (a) As used in this article:

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11 (vii) "Affected grazing and agricultural
12 leaseholder" means a grazing and agricultural leaseholder
13 of state lands on which any portion of a facility is
14 proposed to be constructed who does not have a contract
15 with the owner or developer of the facility.

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17 **18-5-503. Application.**

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19 (a) To obtain the permit required by W.S. 18-5-502,
20 the owner or developer of a facility shall submit an
21 application to the board of county commissioners. The
22 application shall:

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1 (i) Certify that reasonable efforts have been
2 undertaken to provide notice in writing to all owners of
3 land within one (1) mile of the proposed facility, to the
4 military installation commander or the commander's designee
5 if there are any active federal military missile launch or
6 control facilities within five (5) miles of the proposed
7 facility, to the department of transportation, to all
8 grazing and agricultural leaseholders of state lands if the
9 leased land is within one (1) mile of the proposed facility
10 and to all cities and towns located within twenty (20)
11 miles of the facility. Notice shall include a general
12 description of the project including its location,
13 projected number and capacity of turbines or solar energy
14 facilities, the likely routes of ingress and egress and the
15 likely location of electric transmission and other related
16 facilities;

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18 **18-5-504. Minimum standards; incorporation into other**
19 **processes.**

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21 (a) No board of county commissioners shall issue a
22 permit for a facility if that facility:

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1 (iv) For wind energy facilities, would construct
2 any tower or other structure, other than underground
3 structures, transmission lines, roadways and structures
4 appurtenant to roadways, at a distance of less than five
5 and one-half (5.5) times the maximum height of the tower,
6 but in no event less than one thousand (1,000) feet from
7 any platted subdivision unless this restriction is waived
8 in writing by the owners of all lands and all affected
9 grazing and agricultural leaseholders included within the
10 distance specified in this paragraph;

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12 (v) For wind energy facilities, would locate the
13 base of any tower at a distance of less than five and
14 one-half (5.5) times the maximum height of the tower, but
15 in no event less than one thousand (1,000) feet from a
16 residential dwelling or occupied structure, unless waived
17 in writing by the person holding title to the residential
18 dwelling or occupied structure and all affected grazing and
19 agricultural leaseholders included within the distance
20 specified in this paragraph;

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22 (vii) For solar energy facilities:

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1 (A) Would locate the facility within three
2 hundred (300) feet of an occupied structure or residence
3 unless waived in writing by the owner of the structure or
4 residence and all affected grazing and agricultural
5 leaseholders of the structure or residence included within
6 the distance specified in this paragraph;

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8 (d) No board of county commissioners shall issue a
9 permit under W.S. 18-5-502(a) until that county has adopted
10 rules and regulations governing the notice that the
11 application for a permit must provide to the record owners,
12 affected grazing and agricultural leaseholders and
13 claimants of mineral rights located on and under lands
14 where the facility will be constructed. The rules shall
15 conform to rules adopted by the industrial siting council
16 for the same purpose pursuant to W.S. 35-12-105.

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18 **18-5-507. Decision of the board; findings necessary.**

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20 (d) Each affected grazing and agricultural
21 leaseholder may consent in writing before a permit is
22 granted for a facility on state lands. If each affected
23 grazing and agricultural leaseholder does not consent in

1 writing the board of county commissioners may develop
2 adequate safeguards to ensure proper protection and
3 reclamation of the state lands in a manner that assures the
4 continued suitability for the use authorized to the
5 affected grazing and agricultural leaseholder.

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7 **35-12-102. Definitions.**

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9 (a) As used in this chapter:

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11 (xv) "Affected landowner" means any person
12 holding record title to land and any leaseholder of state
13 lands on which any portion of a commercial facility
14 generating electricity from wind or solar is proposed to be
15 constructed and including any portion of any collector
16 system located on those same lands. For purposes of this
17 chapter, an affected landowner may be represented by any
18 designated person.

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20 **35-12-111. Parties to permit proceeding; waiver by**
21 **failure to participate.**

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23 (a) The parties to a permit proceeding include:

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(iii) Any person residing in a local government entitled to receive a copy of the application under W.S. 35-12-110(a)(i) including any person holding record title to lands directly affected by construction of the facility, any leaseholder of state lands and any nonprofit organization with a Wyoming chapter, concerned in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial, agricultural and industrial groups, or to promote the orderly development of the areas in which the facility is to be located. In order to be a party the person or organization must file with the office a notice of intent to be a party not less than twenty (20) days before the date set for the hearing.

35-12-113. Decision of council; findings necessary for permit conditions imposed; service of decision on parties; waste management surcharge.

1 (a) Within forty-five (45) days from the date of
2 completion of the hearing the council shall make complete
3 findings, issue an opinion and render a decision upon the
4 record, either granting or denying the application as
5 filed, or granting it upon terms, conditions or
6 modifications of the construction, operation or maintenance
7 of the facility as the council deems appropriate. The
8 council shall not consider the imposition of conditions
9 which address impacts within the area of jurisdiction of
10 any other regulatory agency in this state as described in
11 the information provided in W.S. 35-12-110(b), unless the
12 other regulatory agency requests that conditions be
13 imposed. In considering the imposition of conditions
14 requested by other agencies upon private lands or state
15 lands, the council shall consider in the same manner and to
16 the same extent any comments presented by an affected
17 landowner. The council may consider direct or cumulative
18 impacts not within the area of jurisdiction of another
19 regulatory agency in this state. The council shall grant a
20 permit either as proposed or as modified by the council if
21 it finds and determines that:

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1 **Section 2.** This act applies to all permit
2 applications filed on and after July 1, 2024.

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4 **Section 3.** This act is effective July 1, 2024.

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6 (END)