



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 28, 2011
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips
Tommy Rowe
Paul Donohue
Ed Higbee

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Tommy Rowe called the meeting to order at 10:12 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS
KEVIN PHILLIPS
TOMMY ROWE
ED HIGBEE
PAUL DONOHUE (joins the meeting at 10:28)

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 9-20-11. The Invocation is offered by Kevin and Tommy led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy advised that he spoke with Bob Abbey this weekend as well as the State Director, Amy Leuters. Connie read a letter from Gloria Tibbetts to Tommy Rowe regarding the Wilson Creek project. The EIS process will be placed on hold for the next 6-8 months while the applicant reviews alternative sites. The Right-of-Way will be kept open. LC will be invited to be a participating agent. Gloria stated that the developers made the request to postpone the EIS process. Tim Carlson knew nothing about the request; Wilson Creek Wind Partners made the request to withdraw.

#3-WIND-POWERED ELECTRIC GENERATION FACILITY

This item concerns the application of Wilson Creek Power Partners, LLC, to construct a wind-powered electric generation facility. **ADD LINGO FROM AGENDA** This request was made by Public Utilities. Ronda suggested that the DA guide us through the process of becoming an intervenor on the application; this will ensure the county having a voice during the proceedings. Connie Simkins stated this will act as a bookmark, and she urged the Board to become an intervenor. Connie further asked the DA to assist the N4 Grazing Board in becoming an intervenor as well. There is a lady in Carson City who is willing to hand carry the documents to the PUCN today under the filing deadline. DA Daniel Hooge discussed the options: become a party by filing notice of intervention or file a Statement of Position (this would be our statement of opposition). Resource damages and public access would be impacts. Becoming a party will cost money, but will allow the county to subpoena witnesses and cross examine. Statement of Position would become part of the record and the commission would have to consider that when they are reviewing the application; this is fixed and would not allow for cross examination of witness. Being a party provides a great deal more rights for the county. Paul M. stated that we've worked on this so hard that spending money isn't a deterrent. **Kevin made a motion to file as an intervening party, costs (filing fees, travel, witnesses) to be paid from Land Act Planning and Developing (Fund 93); seconded by Ed. All voted in favor.** The NEPA process requires a four season biological study. **Paul D. was absent for the vote.**

#4-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins reviewed a news release from the Public Lands Council. US District Court of ID has allowed the ranchers a full seat at the table to discuss why cattle are good for sage grouse. Connie discussed a 2010 letter discussing the impact of wind farms on Wilson Creek. Nellis believes wind turbines will adversely impact radar during training. They are investing in a study to mitigate these

impacts. Ronda stated that this Board has worked with an entire committee through this process. They've always contacted NV Wind and made them aware of the direction we were going in. A group of individuals met with Tim Carlson on August 31st and presented alternatives. At that meeting, Tim stated they would be more than happy to look at this and that they want to have a good working relationship with the county. At this same meeting, Tim knew that the application had already been filed. No correspondence has been received since that time and Ronda stated that this company hasn't worked with the county on this since day one. Tommy stated that Gloria Tibbetts seemed to think they are now bypassing Tim Carlson. Tommy suggested that Chaplain, the parent company, be contacted and thanked for the withdrawal. Tommy also asked that we let them know we'd like to work with them on this. Connie has a good working relationship with Mr. Peterson and will write the letter, to be placed on Commissioner Rowe's letterhead. Paul D. stated he is in favor of the decision made today. Tom Brown thanked the county for their action on this project. The application can be changed if Chaplain finds an alternative location. Kevin stated that achieving cooperative agency status is done through NEPA, but it is better when we achieve coordinating status through FLPMA. Connie agreed with Kevin. Cooperating agency status gives you a seat at the table during the process, but they aren't bound as tightly as they would be if we had consulting agency status. There are four different funding sources that can help us achieve what we need. If we were of consulting agency status we could receive a DOE grant to aid in this.

#5-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 10:39 a.m.

Attest: _____ Approve: _____

[Large, stylized red handwritten signature or mark, possibly reading "DORIS"]