

## Global Policy Advocacy

### Case Study: Developing western wind resources

#### BACKGROUND

Hogan Lovells was retained to assist in connection with the development of a Wyoming wind farm, which would be one of the largest such projects in the world. We were also retained by the same developer to assist in the development of a 700 mile transmission line in the American Mountain West, which would deliver power to urban markets closer to the West Coast.

#### THE ISSUE

Wind developers must secure approvals from the U.S. Department of the Interior (DOI) for many aspects of projects on public lands, including with respect to birds and bats, which may be impacted by the rotating blades on the wind turbines. Recently, the U.S. Fish and Wildlife Service (USFWS), an agency of DOI, has proposed new Wind Energy Guidelines, as well as new Eagle Conservation Plan Guidance rules to address the impact of wind development on birds and bats.

Given the recent and growing sensitivity to wind energy impacts on wildlife, there was a serious concern that the USFWS could stop the wind project before it started. As the USFWS developed its internal policies to address wind-wildlife interactions, industry turned to us for help.

Our client was also discussing a potential public-private partnership associated with the ownership and operation of the 700 mile transmission line, with the Western Area Power Administration (Western). Western has been granted federal borrowing authority under the American Recovery and Reinvestment Act to build electric transmission in the West. We were engaged to build support for the partnership and to shepherd a proposed development agreement through various regulatory agencies at the federal level.

#### WHAT WE DID

As the USFWS revised its Eagle Conservation Plan Guidance and developed the Wind Energy Guidelines, we prepared detailed responses on behalf of the project developer as well as the American Wind Energy Association. We also represented the wind energy industry at the advisory committee meetings as the final draft was refined.

For development of the transmission line and the partnership with the Western Area Power Administration, we worked closely with the Department of Energy and Western to ensure a thorough review of the proposal was completed in a timely manner to avoid delays and additional expenses on the proposal. We also worked to build congressional champions for the project.

#### THE RESULT

The DOI's Wind Energy Guidelines have been significantly improved since the original drafts were circulated, striking a balance to protect wildlife and to ensure that inappropriate regulation does not lead to the cancellation of major projects. The Eagle Conservation Plan Guidance is still under revision. Since our engagement on the transmission project, the Obama Administration selected the transmission project on a list of seven national projects to be fast-tracked through the federal review process.

If you have any queries about this case study or our Global Public Policy Practice more generally, please contact:

Kyle Simpson, Senior Policy Advisor  
[Kyle.simpson@hoganlovells.com](mailto:Kyle.simpson@hoganlovells.com)  
T +202 637 3652

Patrick Traylor, Partner  
[patrick.traylor@hoganlovells.com](mailto:patrick.traylor@hoganlovells.com)  
T +202 637 6866

Jamie Wickett, Partner  
[James.wickett@hoganlovells.com](mailto:James.wickett@hoganlovells.com)  
T +202 637 6422

[www.hoganlovells.com](http://www.hoganlovells.com)

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses.

The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members.

For more information about Hogan Lovells, the partners and their qualifications, see [www.hoganlovells.com](http://www.hoganlovells.com).

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney Advertising.