

Wyoming Energy Matching Funds

Guidelines and Information

Updated: September 2023

Guidelines on Energy Matching Funds

- The Wyoming Legislature established the Energy Matching Funds (EMF) in the 2022 Appropriations Act, with an initial \$100M to be used for purposes of providing matching funds for private or federal funding for research, demonstration, pilot projects or commercial deployment projects related to Wyoming energy needs, including, but not limited to, carbon capture utilization and storage, carbon dioxide transportation, industrial carbon capture, coal refinery, and hydrogen production, transportation, storage, hydrogen hub development, biomass, biochar, hydropower, lithium, processing and separation, battery storage or wind and solar energy. The Legislature further amended the program in the Supplemental Budget of 2023, by adding \$50M and requiring notice requirements. The Legislature also added the following appropriations:
 - \$10 million for public infrastructure for commercial energy development requiring matching funds in the ratio of one dollar (\$1.00) of EMF funds to not less than one dollar (\$1.00) of matching funds.
 - Up to \$10 million for lithium, processing and separation and lithium development projects requiring matching funds in the ratio of one dollar (\$1.00) of EMF funds to not less than one dollar (\$1.00) of matching funds.
- In 2023, the Legislature made an additional appropriation for \$80 million as a supplement to the EMF. This appropriation only applies if all the original funds are expended or obligated.
- The Governor delegated the management of the EMF to the Wyoming Energy Authority (WEA). The WEA is the designated entity for administration including receipt and processing of funding requests, the review and recommendation process, negotiating and executing funding agreements, and project monitoring, processing and reporting.
- This document provides guidelines for interested parties to apply for these energy matching funds, including project eligibility and a protocol for funding approval.
- The legislative language is attached for reference in Exhibit 2.
- The WEA will accept submissions for projects on a continual basis until funds are expended or the legislative appropriation expires, with reviews of submissions taking place at least quarterly.

Eligibility

The program is open to individuals and organizations, both public and private, seeking matching funds to meet the purposes of EMF. Projects seeking federal funds from the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) are eligible for EMF funding. Other federal funds may also qualify. Private funds are also eligible as a match for EMF funding.

Project Evaluation Criteria

The approval process will assess the application's potential to:

1. Address desired actions and outcomes of the project, namely is the project directly related to Wyoming's energy needs including, but not limited to, production of coal, oil and gas; carbon capture, utilization and storage; carbon dioxide transportation; industrial carbon capture; coal refinery; hydrogen production, transportation, storage; hydrogen hub development; biomass; biochar; hydropower; lithium processing and separation; battery storage or wind and solar energy. (30%)
2. Have established commitments or demonstrate a high level of probability of securing or have secured matching private industry investment or matching federal funds. (20%)
3. Provide a public benefit for Wyoming that flows from the expected impact(s) of the project. (15%)
4. Significantly advance research and/or will likely make progress toward a commercial-scale deployment of projects that directly benefit Wyoming (e.g., expected job creation, value added to existing Wyoming industries and products, potential genesis of new industries and products). (15%)
5. Have a high level of probability of achieving defined objectives and metrics of success and have a team with the experience, technical skills and capacity to successfully undertake the project. (20%)

Funding Protocol

Submissions will be based on a two-phased process of a concept paper followed by an invitation to submit a formal proposal, as outlined below.

Phase 1: Concept Paper

1. Drafting of concept paper by Project Proponent and internal compliance review.
2. Submission of concept paper using EMF application website.
3. Compliance review by WEA.
4. WEA will evaluate concept papers and make one of the following recommendations. A summary of the evaluation will be provided to the Review Committee for approval.
Potential results:
 - a. Concept paper does not meet project criteria and Project Proponent is informed the submission is denied.
 - b. Project Proponent is not invited to submit a formal proposal, but feedback is provided that may be beneficial for a future submission or with recommendations about alternative funding sources.
 - c. Project Proponent is invited to submit a formal proposal.
5. If denied, the process for Project Proponent is closed and Project Proponent receives a letter of denial. There is no right to appeal or otherwise challenge the denial.

Phase 2: Proposal

6. If the Project Proponent is invited to submit a formal proposal, the evaluation criteria

remain the same, but the evaluation is based solely upon the information contained in the proposal.

7. Upon receipt of proposals, the Review Committee will evaluate and make one of the following recommendations. Potential results:
 - a. No funding is recommended, application is closed, and Project Proponent receives a letter of denial.
 - b. Funding is recommended and Project Proponent's proposal is submitted to the Office of the Attorney General for review.
8. If approved by the Office of the Attorney General, 1) a ten day public comment period is open to receive input from the public, and 2) review and decision is conducted by the Office of the Governor which will result in the drafting of a letter of award or denial. Potential results:
 - a. If denied, the application is closed. There is no right to appeal or otherwise challenge the denial.
 - b. If approved by the Office of the Governor, two options exist depending on if the Project Proponent is seeking federal funds:
 - i. If yes, the Project Proponent submits the project to a federal agency including intent to use state funds as part of the federal match.
 1. If federal funding is approved, Project Proponent submits a letter to the Office of the Governor indicating if the project was funded, and proceeds to step 9.
 2. If federal funding is denied, state funds are released and application is closed.
 - ii. If no, proceed to step 9.
9. If all reviews are successful and any applicable Federal awards are secured:
 - a. WEA will begin funding agreement negotiations.
 - b. Proposed matching EMF funding will be reported to the Wyoming legislative Management Council and the legislative Joint Appropriations Committee. Review and approval of the public benefit and review and approval as to form and content of the funding agreement, by the Office of the Attorney General.
10. Formal acceptance by the Office of the Governor and notice to proceed. Any work undertaken prior to an executed funding agreement is at the applicant's risk and will not be reimbursed.

Special Note for Infrastructure Grants - Section 321(c)

Proposals received for public infrastructure for commercial energy development (Section 321(c)) funds will be reviewed as they are received. The WEA will determine the eligibility of such proposals and if deemed eligible, will begin the process at step 7.b. of the Funding Protocol above.

Projects that Have Met Qualifications for Other State Grants

Projects that have been formally recommended and/or approved for grant funding under one or more State programs, such as funding approved by the Energy Resources Council, and which meet the same criteria as outlined for the EMF, may be transferred over to the EMF program to be considered for EMF funding instead. Such applicants must submit the material provided for the other state program funding, such as the proposal with an executive summary, a detailed budget and a Public Benefit Statement describing the project's alignment with the EMF initiative. At the WEA's discretion, such a project will be directed to the Review Committee for further review beginning in Step 7 of the

Funding Protocol above.

Applications/Requests for Proposals Timeline

Submissions for Energy Matching Funds will be accepted until either the legislative appropriation expires or all funds are expended or encumbered, whichever comes first. The WEA will accept and review concept papers and subsequent proposals on no less than a quarterly basis: January, April, July, October. The EMF Review Committee may choose to review more than once a quarter, if deemed necessary by the committee.

EMF Review Committee

The voting members of the EMF Review Committee include representatives from the WEA, University of Wyoming School of Energy Resources, Office of the Governor, Wyoming Department of Workforce Services, and the Wyoming Business Council. Non-voting staff and technical advisors may be invited to review and comment on a concept paper or proposal upon request by the WEA or Review Committee. Voting and non-voting members will only discuss the application and project information and other formal proposals with other members of the Review Committee and designated representatives of WEA.

Reporting/Briefings

The EMF recipient will provide the WEA with quarterly progress reports and final reports. The WEA will provide quarterly reports to the WEA Board of Directors, and an annual report to the WEA Board of Directors, the Office of the Governor, and the legislative Joint Minerals, Business and Economic Development Committee.

Exhibit 1. Concept Paper Requirements

ENERGY MATCHING FUNDS

Concept Paper Requirements

Purpose:

The purpose of the Energy Matching Funds (EMF), administered by the Wyoming Energy Authority, is to provide matching funds to energy projects in Wyoming for research, demonstration, pilot projects or commercial deployment projects related to Wyoming energy needs, including, but not limited to, carbon capture utilization and storage, carbon dioxide transportation, industrial carbon capture, coal refinery, and hydrogen production, transportation, storage, hydrogen hub development, biomass, biochar, hydropower, lithium, processing and separation, battery storage or wind and solar energy. Please refer to the Energy Matching Funds Guidelines and Information” for program details.

ENERGY MATCHING FUNDS CONCEPT PAPER REQUIREMENTS

- **Project Name:**
- **Project Proponent and contact information:**
- **Executive Summary** (50-75 words):
- **Concept Paper** (maximum 1,500 words, Calibri 11pt font. Include project description, objective, problem statement, desired outcomes, metrics for success, probability of securing non-EMF funds, and if applicable, other project partners and their key representatives):
- **Location of Proposed Project** (must be in Wyoming):
- **Project Type** (research, demonstration, pilot, commercial):
- **Estimated Project Duration** (approximate start and completion dates):
- **Applying for Federal funds (y/n): If yes, do you need a commitment letter? (y/n)**
- **Source of Match from Federal, Private, or Other Funds:**
- **Amount of Match from Federal, Private, or Other Funds = A** (must be in the ratio of one dollar (\$1.00) of EMF funds to not less than one dollar (\$1.00) of matching funds):
- **Amount Requested for EMF = B:**
- **Total Project Cost = A+B:**
- **Date that Non-EMF Funding will be Available for Match:**
- **Date that EMF funds will need to be available:**
- **Budget** (Maximum 1 page, Calibri 11pt font. Include sources and uses of funds):
- **Statement of Public Benefit** (< 500 words. Please describe how the project will induce a public benefit, including preserving existing jobs and energy production or creating new jobs and new production of Wyoming's resources, economic benefits, etc. to Wyoming)
- **OTHER** (please add any further documentation or details as an appendix. If applicable, provide details of the federal funding source including the FOA title, program area, match ratio and any other constraints, requirements or details considered pertinent):

All comments, applications and proposals are subject to public records requests under the Wyoming Public Records Act (W.S.A. §§ 16-4-201-205). Proposals and associated materials, exclusive of trade secrets, privileged information and confidential commercial, financial, geological or geophysical data,

which are not subject to public information statutes as described in Wyoming Statute [§ 16-4-203\(d\)\(v\)](#), will be made readily available for public access as the entire proposal is considered a public record.

Exhibit 2. STATUTORY LANGUAGE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING 2022/2023 SESSIONS

ENERGY MATCHING FUNDS

Section 321.

- (a) There is appropriated to the office of the governor one hundred million dollars (\$100,000,000.00) from the legislative stabilization reserve account from funds transferred to the account under Section 300(j) of this act and fifty million dollars (\$50,000,000.00) from the general fund. Except as provided in subsections (b), (c) and (d) of this section, this appropriation is for purposes of providing matching funds for private or federal funding for research, demonstration, pilot projects or commercial deployment projects related to Wyoming energy needs, including, but not limited to, carbon capture utilization and storage, carbon dioxide transportation, industrial carbon capture, coal refinery, and hydrogen production, transportation, storage, hydrogen hub development, biomass, biochar, hydropower, lithium, processing and separation, battery storage or wind and solar energy. This appropriation shall not be transferred or expended for any other purpose.
- (b) Of the appropriation in subsection (a) of this section, eight million dollars (\$8,000,000.00) is appropriated for coal refinery research, pyrolysis demonstration, or large scale pilot project through the University of Wyoming school of energy resources with further conditions and approval as determined by the governor. Expenditure of funds under this subsection shall not be conditioned upon receipt of matching funds, provided that a good faith effort to match the funds is made.
- (c) Of the appropriation in subsection (a) of this section, ten million dollars (\$10,000,000.00) is appropriated for public infrastructure for commercial energy development. Expenditure of funds under this subsection shall be conditioned upon receipt of matching funds in the ratio of one dollar (\$1.00) of appropriated funds under this subsection to not less than one dollar (\$1.00) of matching funds.
- (d) Of the appropriations in subsection (a) of this section, up to ten million dollars (\$10,000,000.00) is appropriated for lithium, processing and separation and lithium development projects. Expenditure of funds under this subsection shall be conditioned upon receipt of matching funds in the ratio of one dollar (\$1.00) of appropriated funds under this subsection to not less than one dollar (\$1.00) of nonstate matching funds.
- (e) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee prior to the expenditure being made.

[SUPPLEMENTAL APPROPRIATION - GOVERNOR'S PROJECT CONTINGENCIES]

Section 327.

(a) There is appropriated eighty million dollars (\$80,000,000.00) from the general fund to the office of the governor as a supplement to appropriations in 2022 Wyoming Session Laws, Chapter 51, Sections 321 and 325. This appropriation shall only be expended for the purposes, conditions and requirements specified in Sections 321 or 325 and only if the original, respective appropriations in the relevant section has been fully expended or obligated. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included within the governor's office standard budget for the immediately succeeding fiscal biennium. (b) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee prior to the expenditure being made.