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March 8, 2024

Mr. James Mason
Airport Manager
Bay City Regional Airport
3598 FM 2540 N
Bay City, Texas 77414
Via email: jmason@cityofbaycity.org

Re: Peyton Creek Wind Farm II, LLC's wind turbine sites

Dear Mr. Mason:

Pursuant to Ms. Scotty Jones' letter, dated February 9, 2024 (the "**February 9th Letter**"), regarding the path forward to streamline Peyton Creek Wind Farm II, LLC's ("**Peyton Creek II**") submissions for wind turbine sites (each, a "**Site**") for the Peyton Creek II wind project (the "**Project**"), please find the Airport Hazard and Land Use Permit requests for the following five (5) turbine sites (the "**FAA Approved Sites**"): PC 2137c, PC 2134d, PC 2167, PC 2239, and PC 2183.

Peyton Creek II understands there are ongoing discussions between Matagorda County and Bay City (the "**City**") regarding the remaining ten (10) Sites that have not been released by the City, including the potential for a further release of some or all of the remaining Sites. Therefore, to preserve our right to request a variance from the city council, Peyton Creek II submits this letter.

Pursuant to the February 9th Letter, Bay City (the "**City**") has determined that forty-nine (49) out of the fifty-nine (59) Sites of the Project will not require an airport hazard and land use permit (a "**Permit**") pursuant to Section 18-67 of the Bay City Airport Zoning Ordinance (the "**Ordinance**"). Of the remaining ten (10) Sites, the Federal Aviation Administration (the "**FAA**") has issued Determinations of No Hazard (each a "**DNH**") with respect to the FAA Approved Sites, and applications are being submitted for DNHS for the remaining five (5) Sites, PC 2236, PC 2193a, PC 2235, PC 2233b, and PC 2234 (the "**Pending Sites**"). Of the FAA Approved Sites, only three Sites (PC 2137c, PC 2134d, PC 2167) fall within the 20,000' future use area as described in Section 18-67(1)(e) of the Ordinance, and therefore would require a Permit.

The City has determined that the FAA Approved Sites require variances (each, a "**Variance**"), although no Permits have been denied, based upon comments from the FAA that the published departure procedures (the "**PDPs**") would need to be revised due to the location of the FAA Approved Turbines. However, the City has indicated in the February 9th Letter that the City Council, sitting as the Board of Adjustment (the "**Board**"), will grant the Variance for each of the FAA Approved Sites, contingent upon

Peyton Creek II agreeing to pay any costs assessed by the FAA for the revisions to the PDPs. With respect to the Pending Sites, if any Variance is required by the City due to the FAA's determination that the PDPs will have to be further changed with respect to any of the Pending Sites, the Board will grant the Variance for each of the Pending Sites, contingent upon Peyton Creek II agreeing to pay any costs assessed by the FAA for such revisions to the PDPs.¹

This letter is to serve as the request for Variances for the FAA Approved Sites (to allow for the revisions to the PDPs) and the agreement of Peyton Creek II to pay any costs assessed by the FAA for the revisions to the PDPs. We appreciate Ms. Jones' offer to expedite the variance process by calling a special meeting of the Board to consider this request for Variances. However, as Peyton Creek II is coordinating among several schedules, we propose to submit a list of available dates for the hearing on the Variance on or before Friday, March 15.

Additionally, by copy of this letter, Peyton Creek II is requesting that the City agree to conditionally release the Pending Sites awaiting FAA approval, subject to Peyton Creek II providing the Airport a copy of a DNHs from the FAA for each of the five (5) Pending Sites after the completion of the FAA aeronautical study, as well as Peyton Creek II's agreement to reimburse the City for any costs associated with publishing any new PDPs that may be required pursuant to the FAA aeronautical studies.

Peyton Creek II appreciates the time and diligence that both you and Ms. Jones have expended in reviewing the project turbine sites, as they pertain to the Airport. Peyton Creek II looks forward to being a partner in the community and has been encouraged by the level of professionalism and spirit of development exhibited by both Bay City and Matagorda County.

Thank you for your time and attention to this matter. If you have any questions regarding this matter, please do not hesitate to contact my office.

Yours Very Truly,



Mark A. Marshall

Cc: Ms. Scotty Jones
Interim City Manager
1901 Fifth Street
Bay City, Texas 77414
Via email: sjones@cityofbaycity.org

¹ Peyton Creek II believes that the City does not have jurisdiction with respect to any Sites outside of the 20,000' future use area as described in Section 18-67(1)(e), and reserves any claims with respect to jurisdiction, although desires to comply with the City's request in order to expedite the issuance of the building permits and any Permits required for such Sites.