

# CITY OF BAY CITY



SCOTTY JONES  
INTERIM CITY MANAGER

ROBERT K. NELSON  
MAYOR

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February 9, 2024

Mr. Rich Saunders  
Senior Director, Utility-scale Development South  
[richard.saunders@rwe.com](mailto:richard.saunders@rwe.com)  
RWE Clean Energy, LLC  
701 Brazos St., Suite 1400  
Austin, TX 78701

Re: Preliminary Consideration of 59 sites submitted to Matagorda County Environmental Health Department for wind turbine placement

Dear Mr. Saunders:

As the Interim City Manager, I have been working with you over the last two weeks to try and streamline your company's submissions for wind turbine sites as it relates to the Bay City Regional Airport (BCRA). The City appreciates your patience as there is presently an ongoing revision of the BCRA's Airport Plan Layout by the FAA. We have met a few times and at my request, you submitted a preliminary map of sites on Tuesday, February 6th. Upon receipt of the maps, James Mason, the City's Airport Manager, has diligently reviewed the sites and I am pleased to advise you that the City is able to immediately release forty-nine (49) of fifty-nine (59) sites proposed to you as not affecting BCRA safety concerns.

All reviews are conducted based upon safety concerns as outlined in the City's Code of Ordinances, Article 18, Section 18-44 which states:

Sec. 18-44. - Other use restrictions.

(1) **Airport safety.** Except as provided in this section, no use may be made of land or water within the entirety of Matagorda County in such a manner as to (1) create electrical interference with navigational signals or radio communications between the airport and aircraft, (2) make it difficult for pilots to distinguish between airport lights and others, (3) result in glare in the eyes of pilots using the airport, (4) impair visibility in the vicinity of the airport, or (5) otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport. -

Based on the provision above, the City must conduct a cursory review under 18-44 of anything constructed in the county that affects 1-5 above, even if outside the Airport Zones defined in 18-40. In this circumstance (wind turbine installation), the City focused on anything in FAA 14 CFR Part 77 (over 200 feet).

For your information and consideration, the City must be diligent as it awaits its new Airport Layout Plan as mandated by the FAA. BCRA has been designated as a disaster relief airport for Matagorda County and adjacent cities/counties that don't have an airport. FAA has already determined the Airport will become a designated disaster relief airport for the region and the Airport Layout Plan is determining what the City will need to change at the Airport. This decision necessitates the City being diligent on the review of these situations county-wide.

Under the Airport Manager's review in the last 72 hours, I am pleased to advise you the City has determined to release Forty-nine (49) out of fifty-nine (59) sites as "not in need of permit." On many, the reason the Airport Manager can determine there is no safety concern is that they are near other wind turbines that have previously been studied by the FAA and thus the City can be assured of how the FAA has previously determined safety concerns.

The remaining ten (10) sites are described on the attached spreadsheet with listed concerns. The City's preliminary decision DOES NOT mean that these sites will need to be permitted. It merely means that further information is needed to make a determination.

The first five (5) will need an FAA Study. This is based on a 2022 aeronautical study that removed one of the turbines in this vicinity due to LNAV 31 approach and would impact the departure procedure. Therefore, the FAA study is required for review prior to making any determination.

The remaining five (5) will require a variance that has been included in ongoing discussions with you. As you are aware, based on the FAA comments to the 7460 filed by the Sponsor, five of the ten have been identified through a FAA Aeronautical study to increase take-off minimums and obstacle departure procedures. Based on Section 18-44 (1) Airport Safety, these wind turbines appear to endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport use because they do not conform to the Bay City Airport's published departure procedures as determined by the FAA. You have stated that an agreement can be reached between the City and your company to alleviate any of the City's costs in performing these changes.

To move forward on the latter sites that will require a variance, please refer to the process outlined in 18-38 and 18-67 of the Zoning Ordinance. Although the Ordinance outlines this process as occurring after "denial," I am requesting that you consider that the Airport Manager cannot grant the permit for the site until the variance has been approved. As such the City is considering this as part of the process. Please submit a permit request for these five sites along with a letter requesting a variance for a revision to the published departure procedures (200/1). With this request for variance, the Board of Adjustments (City Council) can grant this permit conditioned by your company reimbursing the City for all costs associated with publishing new departure plates. This will be memorialized in an agreement signed by both parties prior to granting of the permit with variance. Once the permit and variance request is received by the City's Airport Manager, I can expedite the process by calling a special meeting of the Board of Adjustments (City Council) providing at least a 72 hour notice.

To be clear, as for the first five that require an FAA study, please be assured that the City has no safety concerns about the base only construction for the wind turbine so long as it is built to the specifications contained in the issued FAA aeronautical study for the site elevation (Form 7460). For all vertical construction above the base, the City will have to await the results of the FAA study.

If you have any questions or concerns, I urge you to contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Scotty Jones". The signature is written in a cursive, flowing style.

Scotty Jones, Interim City Manger