

January 26, 2024

James Mason, CM, A.C.E. Bay City Regional Airport 3598 FM 2540 North Bay City, Texas 77414

Permit Application Technical Review: Permit Application: Structure PC2239 – Wind Turbine

Transmitted via email to jmason@cityofbaycity.org on January 26, 2024

Dear James.

We have completed a review of the structure reference above. This structure was previously studied under FAA's airspace review as study 2023-WTW-15845-OE. It is also noteworthy that this structure is under current study under airspace review as study 2024-WTW-1119-OE; which has not been determined at this time. This review is organized around the following sections of the ordinance:

Zoning Ordinance Section 18-41 - Height Limitations

Subsection: N/A

Reasons: We have no objection to the proposed structure based on the Part 77 surfaces identified in this Section.

Zoning Ordinance Section 18-42 - Compatible Land Use Area

Subsection: N/A

Reasons: We have no objection to the proposed structure based on noise compatibility requirements in this Section.

Zoning Ordinance Section 18-44 - Other Use Restrictions

Subsection: (1) Airport Safety

Reasons: This section does not permit use of land or water in the entirety of Matagorda County that might impair visibility in the

vicinity of the airport, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport. This proposed item will affect landing and taking off from the airport in multiple

ways:

1. This proposed structure is located 3.57 nm from the end of Runway 31, its departure end. This structure is within the "Diverse Departure Assessment Area" as defined under FAA Order 8260.3D and may require an Obstacle Departure Procedure. For southbound departures from the runway toward the proposed structure, the climb gradient needed to provide proper clearance over the structure will exceed the standard climb gradient; this has been noted in the airspace determination letter of December 20, 2023. Such a requirement interferes with operating out of the airport compared to the operating requirements today. As noted above, this structure is also under a current airspace study of which it is unknown as to the FAA's determination on it.

Based on the information provided above, we find this proposed structure to be contradictory to the zoning ordinance and hereby do not recommend approval of this structure.

Civil PEs, LLC

Thomas D Dedson,

Project Leader





3598 FM 2540 N Bay City, Texas 77414

(979) 244-5037

Airport Hazard and Land Use Permit

In accordance with Texas Local Government Code, Chapter 241, also known as the Airport Zoning Act, the Consolidated Hazard Area and Compatible Land Use Zoning Regulations have been revised by the Bay City Regional Airport Zoning Board. Revisions now include maps which allow for timelier identification of real properties within hazard and zoning areas.

The Airport Zoning Act found that airport hazards and obstructions have the potential for endangering the lives and property of users of Bay City Regional Airport and property or occupants of land it its vicinity. Obstructions may impact the size of areas available for the landing, taking off and maneuvering of aircraft and may affect aircraft instrument approach minimums.

The real property for which you are submitting a permit application is located within the Compatible Land Use Area and/or Hazard Area of the Bay City Regional Airport. Applications for building, electrical, plumbing, or mechanical permit(s) within these areas require an "Airport Hazard and Land Use Permit" be approved before any other permit will be issued. Airport Hazard and Land Use permits may restrict some aspects of the potential use, size, height, lighting, glare potential or construction of your building.

Any cost associated with a permit that requires the assistance of any person not employed by the City of Bay City or the County of Matagorda shall be paid by the permittee. The permit fee shall be calculated by the Bay City Regional Airport Manager and shall be paid before the permit will be reviewed or issued.

Please complete the attached permit application and submit to the Bay City Regional Airport in person or by mail or email (contact information below). The Bay City Regional Airport shall consider and provide an approval or denial within a reasonable period of time.

Bay City Regional Airport
Attention: Airport Manager
3598 FM 2540 N
Bay City, TX 77414
Airport@cityofbaycity.org
(979) 244-5037

The Consolidated Hazard Area and Compatible Land Use Zoning Regulations can be found in the City of Bay City Municipal Code of Ordinances, Chapter 18 – Aviation.



Airport Hazard and Land Use Permit Application

APPLICANT CONTACT INFORMATION:

	1.	Property Owner's Name: Peyton Creek Wind Farm II, LLC
	2.	Mailing Address: 353 N. Clark St., Chicago, IL 60654
	3.	Daytime Telephone: 512-461-9747 Alternate Telephone:
	4.	Email address: richard.saunders@rwe.com
PR	ΩPI	ERTY INFORMATION:
	5.	911 Site Address: 1032 CR 168, Bay City, TX 77414
	6.	Property ID Number from Matagorda County Appraisal District:
	7.	Total Size of Site (Square Feet): 96.47 acres
	8.	Size of Improvements (Square Footage): 5,410
	9.	Site Elevation (Above Mean Sea level):
	10.	Total Structure Height (Above Ground Level):
		Overall Height (No.9 + No. 10) above Mean Sea Level: 691'
	12.	Latitude of highest point of structure: 28 °54 41 98 "
	13.	Longitude of highest point of structure: 95 °51 ,23 ,32 ,,
		Datum: X NAD 83 NAD 27 Other
TY.	PE (OF IMPROVEMENT: (Please mark all that apply)
		New Building Antenna Structure
		Alteration to Existing Building Tree/Vegetation
		X Other - Describe: Wind Turbine PC2239

X	PRIVATE (Individual, corporation, nonprofit institution, etc.)		
-	PUBLIC (Federal, state or local government)		
ATTACH SURVEY/DRAWING/DEPICTION/MAP OF THE PROPERTY AND PROPOSED IMPROVEMENT DESCRIPTION OF IMPROVEMENT OR PROJECT AND INTENDED USE OF LAND(ATTACH SEPARATE SHEETS IF NEEDED)			
stall Wind Turbine G	Generator - PC2239		
Vill the proper	ty be used for any of the following purposes:		
ResideEducatMedicaNursin	ntial? (Y/N): N		
II you ansv	wered "Yes" to any of the above, please describe further the proposed use:		
rcrafts and the	rovement or use create or cause electrical interference with communications between e Airport? (Y/N): N		
provement of	evement or use create or cause difficulty for pilots to distinguish aircraft and the proposed or the Airport? (Y/N): N," explain:		
inity of the A	ovement or use result in glare in the eyes of pilots or otherwise impair visibility in the Airport? (Y/N): N," explain:		
	vement or use increase the likelihood of bird strikes? (Y/N): N		
craft? (Y/N):	ovement or use endanger or interfere with the landing, taking off, or maneuvering of No.		

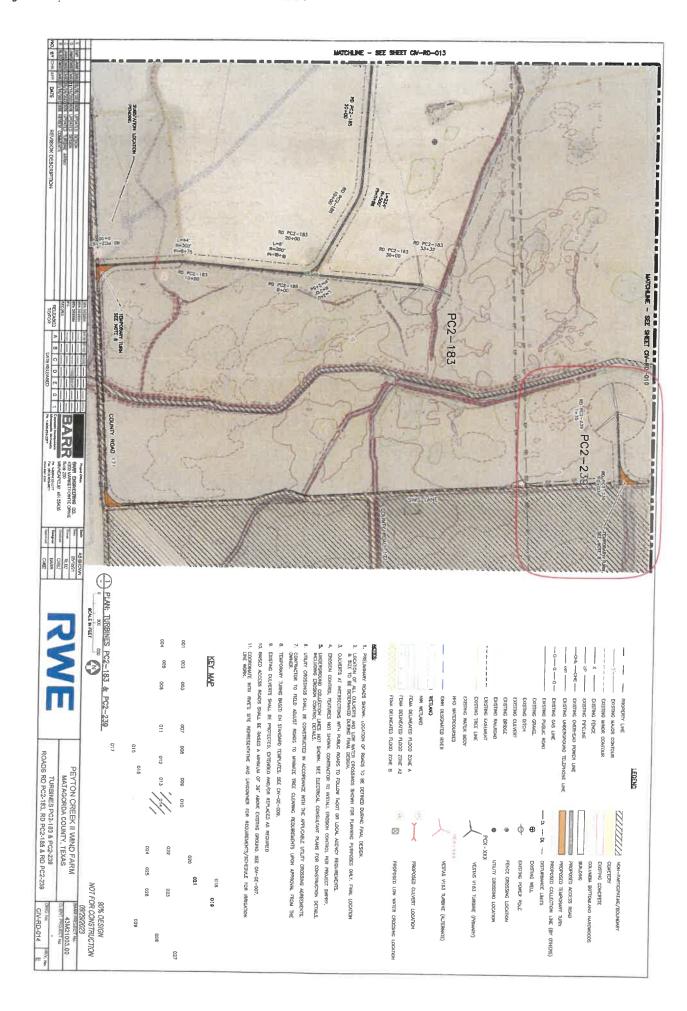
FAA AIRSPACE REVIEW:
Does this project require an airspace review by the FAA? Yes: X No:No:
Date FAA Form 7460-1 Submitted*: 02/05/2024
*Please contact the Airport Manager at (979) 323-1115, for assistance completing FAA Form 7460-1
Date Determination Letter received from FAA: (If received please attach a copy to this application)
NOTICE
I hereby certify that I have read and examined this application and know the same to be true and correct. The granting of a permit does not presume to give authority to violate or cancel any other Federal, State or local law regulating construction or the performance of construction.
DocuSigned by:
Applicant Saurders
Richard Suanders
Print Name
Date: 3/5/2024
Return completed Application to:

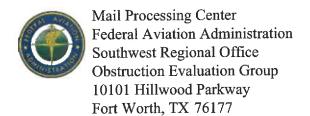
Airport Manager Bay City Regional Airport 3598 FM 2540 N Bay City, Texas 77414 (979) 244-5037 airport@cityofbaycity.org

Should you have any questions please contact the Aviation Director at (979) 244-5037 or email at airport@cityofbaycity.org

For Office Use Only:			
Date Application Received: 3/11/24			
Is project consistent with the Airport Zoning Regulation: Yes No			
Reason for project not being considered consistent with zoning regulation:			
Airport Director Signature:			
Date Application Considered by Administrative Agency Court.:			
Permit Approved: Yes No			
Permit Returned to Applicant 3/2/24 the Med Survey.			







Issued Date: 12/20/2023

Rich Saunders Peyton Creek II 701 Brazos St Suite 1400 Austin, TX 78701

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine PC2239

Location: Bay City, TX

Latitude: 28-54-41.99N NAD 83

Longitude: 95-51-23.33W

Heights: 35 feet site elevation (SE)

656 feet above ground level (AGL) 691 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

X	At least 10 days prior to start of construction (7460-2, Part 1)
X_	Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 06/20/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before January 19, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on January 29, 2024 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. Any questions regarding your petition, contact Rules and Regulations Group via telephone (202) 267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should

be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Buck Reynolds, at (847) 294-7576, or Wayne.Reynolds@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-WTW-15845-OE.

Signature Control No: 606506173-607756155 David Maddox Manager, Obstruction Evaluation Group

Attachment(s) Additional Information Map(s) (DNH-WT)

Additional information for ASN 2023-WTW-15845-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; https://oeaaa.faa.gov. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

A list of commonly used acronyms and abbreviations is available at the end of this document. A full list is available at the FAA's public website at https://oeaaa.faa.gov/oeaaa/downloads/external/content/FAA Acronyms.pdf.

1. PROPOSAL DESCRIPTION

This proposal is for 2 turbines within a proposed wind farm project that would be located 5.4 NM east extending clockwise to points 3.4 NM south through 8 NM southwest of the airport reference point for the Bay City Regional Airport (BYY), Bay City, Texas. The project had been previously studied and favorable determinations issued on 03/15/2023.

For the sake of efficiency, all of the wind turbines in this project that have similar impacts are included in this narrative.

The proposed wind turbines' described heights and locations are expressed in Above Ground Level (AGL) height, Above Mean Sea Level (AMSL) height and latitude (LAT)/longitude (LONG).

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ASN / AGL / AMSL / LAT / LONG
2023-WTW-15844-OE / 656 / 688 / 28-54-38.34N / 95-52-28.21W
2023-WTW-15845-OE / 656 / 691 / 28-54-41.99N / 95-51-23.33W
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2. TITLE 14 CFR PART 77 - OBSTRUCTION STANDARDS EXCEEDED

- a. Section 77.17(a)(1): Exceeds a height of 499 feet AGL at the site of the object. The proposals would all exceed this standard by 157 feet.
- b. Section 77.17(a)(2): a height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 NM miles of the established reference point of BBY, and that height increases in the proportion of 100 feet for each additional NM from the airport up to a maximum of 499 feet. The following would exceed by:

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2023-WTW-15844-OE 364 feet
2023-WTW-15845-OE 376 feet
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c. Section 77.17 (a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

The following proposal would increase TAKE-OFF MINIMUMS AND (OBSTACLE) DEPARTURE PROCEDURES for RWY 13 at BYY. The increase would be from standard (200/1 ceiling/visibility) to standard with a minimum climb gradient of 231 ft. per NM until reaching 900 ft. AMSL.

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3. TITLE 14 CFR PART 77 - EFFECT ON AERONAUTICAL OPERATIONS

a. Section 77.29 (a)(1): impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules.

At a height greater than 499 feet AGL, the proposed wind farm would extend into airspace normally used for VFR en route flight and may be located within 2 statute miles (SM) of potential VFR Routes as defined by FAA Order 7400.2, Section 6-3-8. The turbines within 2 SM of a VFR Route would have an adverse effect upon VFR air navigation.

The following proposed turbines would lie within the lateral boundaries and exceed traffic pattern airspace (TPA) for CAT D aircraft at BYY (aircraft with approach speeds between 141-165 knots):

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4. TITLE 14 CFR PART 77 - FURTHER STUDY AND PUBLIC COMMENTS

This proposal was not circularized to the public for comment. In accordance with FAA Order 7400.2, circularization is not necessary for a structure that would be located on a site in proximity to another previously studied structure, would have no greater effect on aeronautical operations and procedures, and the basis for the determination issued under the previous study could be appropriately applied. The associated wind farm was not circularized for public comment because the effect to the BBY RWY 13 departure procedure is less of an impact than previously favorably determined studies in this project. Air traffic has no objection to the proposal(s).

5. BASIS FOR DETERMINATION

a. IFR EFFECTS

The aeronautical study identified an IFR effect(s) for BBY. The increase to the BBY Runway 13 climb gradient is not considered excessive. Increasing the climb gradient would ensure the required obstacle clearances are maintained and would not have a significant impact on a pilot's ability to safely execute the procedures. Therefore, the proposed wind farm would not have a substantial adverse effect on IFR operations for BBY.

The proposed structures would have no effect on any other existing or proposed arrival, departure, or en route IFR operations or procedures.

b. VFR EFFECTS

The aeronautical study identified no substantial adverse effect on any existing or proposed VFR arrival or

departure operations. A portion of the proposals would be located within CAT D traffic pattern airspace but beyond the normally utilized traffic pattern airspace for BYY or any other known public use or military airports. At 656 feet AGL, the structures would be located within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. Therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations.

c. RADAR EFFECTS

The aeronautical study identified no effect on ATC radar, direction finders, ATC tower line-of-sight visibility, air navigation, communication facilities, and other surveillance systems for any known public-use or military airports.

d. CHARTING AND CUMULATIVE EFFECT

The proposed structures would be charted on VFR sectional aeronautical charts and appropriately obstruction marked/lighted to make them more conspicuous to airmen should circumnavigation be necessary.

The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any substantial adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

6. DETERMINATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation providing the conditions set forth in this determination are met.

7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, ten (10) days prior to beginning construction, at the OE/AAA website (http://oeaaa.faa.gov) for the following wind turbines reviewed as ASNs:

2023-WTW-15845-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (http://oeaaa.faa.gov). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

ACRONYMS & ABBREVIATIONS

AGL, Above Ground Level
AMSL, Above Mean Sea Level
ARP, Airport Reference Point
ARSR, Air Route Surveillance Radar
ARTCC, Air Route Traffic Control Center
ASN, Aeronautical Study Number
ASR, Airport Surveillance Radar
ATC, Air Traffic Control

ATCT, Air Traffic Control Tower

CARSR, Common Air Route Surveillance Radar

CAT, Category

CFR, Code of Federal Regulations

CG, Climb Gradient

DA, Decision Altitude

DME, Distance Measuring Equipment

FAA, Federal Aviation Administration

FUS, Fusion

GPS, Global Positioning System

IAF, Initial Approach Fix

IAP, Instrument Approach Procedure

ICA, Initial Climb Area

IFR, Instrument Flight Rules

INT, Intersection

LAT, Latitude

LNAV, Lateral Navigation

LOC, Localizer

LONG, Longitude

LP, Localizer Performance

LPV, Localizer Performance with Vertical Guidance

MDA, Minimum Descent Altitude

MEA, Minimum En route Altitude

MET, Meteorological Evaluation Tower

MIA, Minimum IFR Altitude

Min, Minimum

MOCA, Minimum Obstruction Clearance Altitude

MSA, Minimum Safe Altitude

MSL, Mean Sea Level

MVA, Minimum Vectoring Altitude

NA, Not Authorized

NAS, National Airspace System

NAVAID, Navigational Aid

NDB, Non-Directional Radio Beacon

NEH, No Effect Height

NM, Nautical Mile

NOTAM, Notice to Airmen

NPF, Notice of Preliminary Findings

OCS, Obstacle Clearance Surface

OE, Obstruction Evaluation

OEG, Obstruction Evaluation Group

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace.

P-NOTAM, Permanent Notice to Airmen

RLOS, Radar Line of Sight

RNAV, Area Navigation

RNP, Required Navigation Performance

RWY, Runway

S-, Straight-in

SE, Site Elevation

S-LOC, Straight-in Localizer

SM, Statute Miles

Std., Standard

TAA, Terminal Arrival Area

TACAN, Tactical Air Navigation System

TERPS, Terminal Instrument Procedures

TPA, Traffic Pattern Airspace

TRACON, Terminal Radar Approach Control

V, Victor Airway

VFR, Visual Flight Rules

VHF, Very High Frequency

VOR, VHF Omnidirectional Radio Range System

VORTAC, VOR/TACAN System

WTE, Wind Turbine East

WTW, Wind Turbine West

Sectional Map for ASN 2023-WTW-15845-OE

