

**Sedgwick County, Colorado,
Special Use Permit Application**

**for Utility Scale Wind System,
Overland Pass Energy East**



Confidential & Proprietary

February 22, 2023



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Section I: Introduction

National Renewable Solutions (“NRS”), as owner of Overland Pass Energy, LLC, respectfully submits this Special Use Permit Application for a Utility Scale Wind System, the Overland Pass Energy East wind project.

The submittal of this Special Use Permit application and support materials represents an important next step in NRS’s long-term positive relationship with Sedgwick County and its citizens, and in the ongoing communication between NRS and various departments, boards and entities serving Sedgwick County.

With access to some of the strongest wind speed resources in Colorado, the Overland Pass Energy East project will become a stable and long-term contributor to Sedgwick County’s ongoing economic success, energy resiliency, and community-first way of life, adding over \$2.0 million annually to the local economy via county tax influx, and over \$4.0 million annually to individual landowners collectively. In addition, the Overland Pass Energy East wind project will add 750MW of clean energy to Colorado’s quickly growing renewable energy generation, helping to make Colorado an eventual leader in locally produced clean energy.

This submittal also represents an important step in the ongoing evolution of NRS’s success in the US renewable market, adding an additional 750MW of clean wind energy to our portfolio and supporting our role as an Independent Power Producer in the US.

Our guiding principle at NRS is to develop renewable energy in a community-based model. We strive to build and sustain partnerships with landowners, and communities. Without the support of our landowners and project community, none of our projects would be possible. We are thankful for the support we have received in the Sedgwick County community, as evidenced by the letters included in Attachment 1.01.

We at NRS look forward to this initial step in permitting the Overland Pass Energy East wind project in Sedgwick County and remain faithful to our community-based model. Together we succeed. NRS is available at your convenience to make this project a success by working together with Sedgwick County, its public servants, and its citizens, towards a final Special Use Permit for this project.



Section 2: Permit Application Requirements for Utility Scale Wind System

Facility Owner/Operator Information

The Overland Pass Energy East wind project is owned and operated by Overland Pass Energy, LLC, a Colorado limited liability company, incorporated in the State of Colorado and in good standing with the Colorado Secretary of State as of February 15, 2023.

Overland Pass Energy, LLC is a wholly owned subsidiary of National Renewable Solutions, LLC ("NRS"), a Delaware limited liability company, incorporated in the State of Delaware, and in good standing with the Delaware Secretary of State as of February 15, 2023.

Company Contact Information:

Overland Pass Energy, LLC
 11100 Wayzata Blvd STE 450
 Minnetonka, MN 55305
 (952) 473-7500

National Renewable Solutions, LLC
 11100 Wayzata Blvd STE 450
 Minnetonka, MN 55305
 (952) 473-7500

Table A: Pertinent Project Personnel

| Name | Title | Email address | Telephone number |
|--------------------|---|------------------------|------------------|
| Alex Ingulsrud | Senior Project Developer | aingulsrud@natrs.com | (701) 388-4272 |
| Mauli Sand | Project Developer - Permitting Specialist | msand@natrs.com | (701) 318-7369 |
| Walt Page | Local Project Liaison | wpage@natrs.com | (970) 466-0579 |
| Bren Moore | Director of Wind Development | bmoore@natrs.com | (605) 877-2630 |
| Dan Parish | Associate Developer | dparish@natrs.com | (715) 520-0515 |
| Brad Wilson | Senior Vice President Development | bwilson@natrs.com | (651) 233-3217 |
| Jesse Hopkins-Hoel | Chief Development Officer | jhopkinshoel@natrs.com | (320) 281-9191 |



Agent Authorization

All vested landowners within the Project Site have executed a Land Lease and Wind Easement with Overland Pass Energy, LLC, and have executed a standard Agent Authorization Form, by which they have authorized National Renewable Solutions, LLC, and other project representatives to take all actions necessary for the application, processing, issuance and acceptance of any land use permit, conditional use permit, or other county or state permits for development, construction and operations, or certifications requested by such agents and representatives.

A table of all parcels of vested landowners within the Project Site is included herein as Attachment 2.01.

All corresponding executed Agent Authorizations are included herein as Attachment 2.02.

A project-specific Land Lease and Wind Easement is included herein as Attachment 2.03. The attached Land Lease and Wind Easement has been redacted in its entirety, except for sections pertaining to certain rights of the Applicant to act on behalf of the Landowner for permitting purposes.

Written Description

The Overland Pass Energy East wind project ("the project") is a 750MW, 2-Phase utility scale wind energy system currently under development in Sedgwick County, Colorado, and is comprised of 69,907 acres under Land Lease and Wind Easement with Overland Pass Energy, LLC.

The Project Site lies south of US Highway 76 on a portion of the "South Table", the high plains lying south of the South Platte River Valley; and is bisected by US Highway 385. The easterly boundary of the Project Site lies within 1 mile of the State boundary between Colorado and Nebraska.

The Project Site is located exclusively outside of any municipal boundaries, with the nearest Project Site boundaries lying 4.5 miles south and 2 miles southeast of Julesburg; 3.8 miles south of Ovid; and 4.5 miles south and east of Sedgwick.

The majority of the Project Site is dedicated to dryland/irrigated cultivated crop farming with a small percentage of the area dedicated to pasture/hay, and occasional grassland/fallow ground. The irrigated cultivated crop farming within the Project Site is primarily located in the eastern portion of the Project Site with the western portion of the Project Site being primarily dedicated to dryland farming.

Once constructed, the project is expected to be comprised of the following generation, public health/safety, and maintenance/operations infrastructure:

- A series of Wind Generating Turbines ("WTG") - 169 WTG expected.

- Multiple collector substations and associated transformers and aboveground electrical infrastructure internal to the Project Site.
- An overhead transmission line leaving the collector substation and connecting into nearby transmission infrastructure located in Sedgwick County. (The location of said overhead transmission line is still in the siting/planning phase, it is specifically not a part of the herein application, and will be permitted separately within the Sedgwick County Land Use Regulations.)
- Operations and Maintenance facility and building.
- Underground electrical collection lines.
- Underground communication lines.
- Crane pads.
- Internal access roads.
- Light mitigation infrastructure as required by applicable Colorado State Statute, such as Aircraft Detection Lighting Systems ("ADLS").
- Meteorological infrastructure, including, but not limited to: MET tower(s) and LiDAR technology.
- Additional construction areas, as needed, including, but not limited to, temporary over-sail easement(s), temporary road construction areas, temporary staging/laydown areas, and temporary crane paths.

As part of the project's standard and prudent development and due-diligence and subject to local, state, and federal statute, rules and regulations, numerous primary environmental and jurisdictional studies have been completed since the project's inception in June 2020. Additional studies are still in progress and/or expected to be started in 2023 with an expected full study completion date of November 15, 2023. In addition, permitting tasks for jurisdictions other than Sedgwick County are ongoing with final expected completion dates early in 2024.

Table B: Expected Project Timeline

| Task Description | Expected start date | Expected finish date |
|--|---------------------|----------------------|
| Phase 1/Phase 2: Primary environmental screening and environmental and jurisdictional studies | June 1, 2020 | January 31, 2023 |
| Phase 1/Phase 2: Continuing prudent environmental studies not related to permitting | January 1, 2022 | November 15, 2023 |
| Phase 1/Phase 2: Sedgwick County permitting | January 1, 2023 | April 30, 2023 |
| Phase 1/Phase 2: Crossing Agreements and Permits, Road Use Agreements, Right of Way Agreements, Franchise Agreements, etc. | January 1, 2023 | September 30, 2023 |
| Phase 1/Phase 2: FAA Non-Hazard determinations | January 1, 2022 | December 31, 2023 |



| | | |
|---|-------------------|-------------------|
| Phase 1/Phase 2: Wind resource assessment | September 1, 2020 | January 31, 2024 |
| Phase 1/Phase 2: Engineering | January 1, 2021 | February 28, 2025 |
| Phase 1/Phase 2: Survey and pre-construction | January 1, 2024 | February 28, 2025 |
| Phase 1: Wind farm construction | March 1, 2025 | December 31, 2025 |
| Phase 1: Turbine commissioning, interconnection, and Commercial Operations Date "COD" | October 1, 2025 | December 31, 2025 |
| Phase 2: Wind farm construction | March 1, 2025 | December 31, 2025 |
| Phase 2: Turbine commissioning, interconnection, and Commercial Operations Date "COD" | October 1, 2025 | December 31, 2025 |

Location Map(s)

The Location Maps are included herein as Attachment 2.04, Attachment 2.05, and Attachment 2.06.

A table of all property within 500 feet of the Project Site is included herein as Attachment 2.07, along with all parcel and owner information for these properties, obtained from Sedgwick County on February 15, 2023.

Project Photos

Photos of the project site and a map of photo points are included herein as Attachment 2.08.

Site Plan

The Site Plan is included herein under Attachment 2.09.

Wind Turbine Technology

The Project is currently designed as a 750MW, 2-phased project with approximately one hundred sixty-seven (167) total turbines and is currently modelled utilizing a Vestas V163 4.5MW/104hh turbine. The current site layout has been designed with 167 primary turbines and 15 alternate turbines to



accommodate upcoming study results, including, but not limited to: voluntary bat acoustic studies and Federal Aviation Administration (“FAA”) continuing hazard determinations.

Photographs of typical installations of the Vestas V163 4.5MW/104hh turbine are included herein as Attachment 2.10. See Table C below for Turbine Component Dimensions of the Vestas V163 4.5MW/104hh.

Table C: Turbine Component Dimensions of the Vestas V163 4.5MW/104hh

| Turbine Component | meters | feet |
|--------------------------|--------|-------|
| Tower Hub Height | 104 | 341 |
| Rotor Diameter | 163 | 535 |
| Maximum Tower Height | 185.5 | 608.6 |
| Nacelle Height Installed | 8.4 | 27.6 |
| Nacelle Length Installed | 12.96 | 42.5 |
| Nacelle Width Installed | 3.98 | 13.1 |

While the Project is currently being modelled with the V163 4.5MW turbine discussed above, the final choice of appropriate turbine technology utilized in the Project is dependent on a final executed Turbine Supply Agreement which, in its turn, is dependent on the issuance of a Conditional Special Use Permit Approval from Sedgwick County.

Note 1: Technical drawings of individual turbine technology are proprietary and will not be available until execution of the Turbine Supply Agreement.

Note 2: See Section 3 for further discussion of the timing and delivery of information related to Turbine Technology.

Phasing of Development

The Overland Pass Energy East wind project is currently planned as a 750MW, 2-phase design/build project. See Table D below for the Project Phasing Schedule. Future scheduling of transmission access to the site, aligned with executed offtake agreements differing from current expectations, may necessitate alternate phasing, accelerated phasing, or elimination of phasing altogether.

NRS will continue to update the Project Phasing Schedule as the offtake and transmission negotiations evolve relative to the Project. The Applicant will notify the Sedgwick County Planning and Zoning Board of any potential deviance from the current Project Phasing Schedule. (Also see Table B above for a more detailed current phasing schedule relative to development, construction, and commercial operations date.)

Table D: Project Phasing Schedule



| Phase Number | Nameplate Capacity of this Phase | COD Date |
|--------------|----------------------------------|----------|
| Phase 1 | 375 MW | 12-31-25 |
| Phase 2 | 375 MW | 12-31-25 |

Utility and/or Transmission Interconnection

While multiple potential Points of Interconnection to existing transmission infrastructure (“POI”) are available in and near the Project Site, identification of the final POI location is still in progress. The Applicant continues to evaluate the viability of multiple POI’s and to perform formal injection/grid studies for each potential offtake and injection solution.

The final determination of a POI will depend on a combination of forthcoming offtake agreements and continuing injection/grid studies. All potential injection/grid studies, the final choice of POI, and an executed Power Purchase Agreement will rely heavily on a Conditional Special Use Permit Approval from Sedgwick County.

Geotechnical Report

A preliminary Desktop Geohazard Report for the Project Site and surrounding areas was completed on February 22, 2023, and is included herein as Attachment 2.11. Supporting Geotechnical information in the form of a project-specific Soils Overview and Map Series is further referenced below in section 5 and included herein as Attachment 5.05.

Further geotechnical studies, including field bores, continuing materials testing in state-authorized lab(s), and additional geotechnical reports will be performed as the final turbine technology is contracted, FAA hazard studies and other continuing site studies are completed, and final turbine layout is determined.

A final Geotechnical Report will include the following, and will be performed subsequent to Conditional Special Use Permit Approval from Sedgwick County, and prior to start of construction:

- Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing,
- Foundation design criteria for all proposed structures,
- Slope stability analysis,
- and grading criteria for ground preparation, cuts and fills, and soil compaction.

Notice to Federal Aviation Administration

The Federal Aviation Administration (FAA) is the regulatory authority for all US airspace, and because wind turbines are structures over 200 feet Above Ground Level (AGL), the Overland Pass Energy East wind project will follow requirements for the completion of a Form 7460-1 (Notice of Proposed



Construction or Alteration) for each final turbine location. Upon receiving Determinations of No Hazard (DNH) for each location, the project must file the 7460-2 construction notice filing with FAA, just prior to construction.

As a step of early due diligence, the project filed proposed turbine locations with the FAA in the fall of 2021. After coordination with the FAA, the project received Determinations of No Hazard (DNH). Although the turbine locations of the final layout will vary from the locations which received DNH's in 2021, the previous filings provide the project with a high level of certainty that new proposed turbine locations in this area will meet the standards for FAA approval.

Notice to Operation of Communication Link

A Microwave Study for the Project Site and surrounding areas was completed on October 4, 2022, and is included herein as Attachment 2.12. The resulting study data specific to existing signal paths and above-ground microwave communication infrastructure is then used to calculate and revise Microwave setback buffers for all turbine locations within the Project Site. Continued Microwave studies will be completed as the final turbine technology is contracted and the FAA hazard studies, and other continuing site studies are completed. Currently, the modelled turbine setback from existing microwave paths is 55 feet, per current industry standards.

A Preliminary Notice to Known Communication Link Entities was performed on February 22, 2023, and included all communication parties listed and included herein as Attachment 2.13. Such notice, and ongoing concurrent communication consultation, will be performed periodically as the Project progresses through development and construction, and again as it reaches COD.

In addition, prior to construction the Project will also obtain a clearance letter from the National Telecommunication Information Administration ("NTIA").

Applicant will update the Sedgwick County Board of Planning and Zoning with all communication notice updates and NTIA updates as they occur.

Notice to Mineral Estate Owners

Mineral Estate Owner Notification, as required by current Colorado Revised Statute, is in progress and will be completed no less than thirty days before the date scheduled for the initial public hearing for the herein requested Special Land Use permit from the Sedgwick County Planning and Zoning Board.

Decommissioning Plan

The preliminary Decommissioning Plan is included herein as Attachment 2.14.



A final Decommissioning Plan will be completed by applicant as the Project reaches construction-readiness and after all County decommissioning and financial security consultation has been successfully completed and/or all applicable County agreements have been executed. The final Decommissioning Plan will be completed and submitted to the County prior to issuance of Building Permits and prior to start of construction.

Proof of Liability Insurance

Proof of Liability Insurance in the form of a Certificate of Liability Insurance with limits of at least \$1 million per occurrence and \$1 million in the aggregate is included herein as Attachment 2.15.

Third Party Certifications

Third Party Certifications for all equipment will be available upon request as equipment and/or technology is contracted, and subsequent to a Conditional Special Use Permit Approval from Sedgwick County.

Section 3: Request for Conditional Approval

Several late-stage development tasks included herein as requirements for approval in Section 2, or optional studies included in Section 5, remain in “draft” form.

Typically, while these tasks do continue to be updated as the development process continues, most of these tasks will remain in preliminary or draft form until the project reaches certain project “gating” milestones. Most notable amongst these possible “gating” milestones are the “financial close” and/or reaching “construction readiness”.

Within the herein application submittal, NRS has included as much information as can be reasonably determined at the time of submittal, but some information will still remain in draft form prior to a Special Use Permit final approval.

For the project to continue moving forward with late-stage development, the Applicant needs to reach a level of certainty that a conditionally approved County Special Use Permit will provide for the Project and its partners. This certainty will be a pivotal positive influence on the final completion of such tasks as financial agreements/ securities, further transmission interconnection studies, and equipment procurement.

Applicant respectfully requests that Approval of the herein permit application for a Special Use Permit for the Overland Pass Energy East wind project be conditioned upon the following tasks:

- 1) Evidence of an executed Turbine Supply Agreement,
- 2) A final Geotechnical Report,
- 3) Definitive injection/grid studies,
- 4) Applicable Third-Party Certifications,
- 5) Updated reports or designs according to any changes to final layout.

Section 4: Request for Reduction of Setback

Applicant requests a Reduction of Setback through the county setback reduction process described in Section 13-105.C3d of the County's current Comprehensive Plan and Zoning Ordinance Wind and Solar Amendment, dated January 1, 2022.

Applicant's Proposal for Reduction of Setback is described in Table E below:

Table E: Proposal for Reduction of Setback

| | Sedgwick County "Minimum Setback" per Section 13-105.C3 | Reduction of Setback Request |
|--|--|---|
| Setback of Wind Turbine from above-ground public electric power lines or communication lines | 2 times system height | 1.5 times system height |
| Setback of Wind Turbine from public road or highway or railroad | 2 times system height | 1.5 times system height |
| Setback of Wind Turbine from public road or highway with ADT of 7,000 or more | 2 times system height or 420 feet, whichever is greater | 1.5 times system height or 420 feet, whichever is greater. |
| Setback of Wind Turbine from an inhabited structure located on-site , including residence, school, hospital, church or public library. | 2 times system height, or 1000 feet, whichever is greater | (2 times system height, or 1,500 feet, whichever is greater – see Note 1) |
| Setback of Wind Turbine from an inhabited structure located outside the site boundary , including residence, school, hospital, church or public library. | 2 times the system height or 2000 feet from the property line, whichever is greater. | |
| Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board | 2 times system height or 1000 feet, whichever is greater. | 1.5 times system height or 1000 feet, whichever is greater. |
| (1) While this 1500' setback is greater than what is currently defined within the Sedgwick County Wind Ordinance, a 1,500 feet setback from an inhabited structure on participating property ("on-site") is the standard internal setback NRS uses across all wind projects. | | |



For the following reasons, the proposed Reduction of Setback, A) is justified; B) does not increase the impact on the public health, safety, welfare, and the environment, and C) otherwise complies with the relevant standards:

- 1) The proposed Reduction of Setback increases the efficiency of the generating facility by allowing more optimal turbine spacing and/or layout. As turbine spacing and/or layout are further refined, facility output is increased, thereby increasing net generation, and **increasing net financial impact to County and landowners.**
- 2) The Project's offered price of energy will decrease as a result of increased efficiency, making the Project more attractive within the open energy market, **increasing the Project's likelihood of eventual overall success.**
- 3) The proposed Reduction of Setback better fits standard industry setbacks, which, in turn **minimizes impacts on agricultural land profiles/percentages in this region.** Specifically, by increasing our ability to site turbines in locations closer to existing roads and property lines, interior road lengths will decrease by approximately 25%, and underground cabling lengths will decrease by at least 25% overall; thereby reducing the need for reclamation and re-seeding, further protecting uncultivated native grasses, and minimizing the need for weed mitigation.
- 4) The proposed Reduction of Setback will **minimize impact on individual agricultural operations,** both during construction and during ongoing operations and maintenance.
- 5) NRS performs and will continue to perform ongoing in-depth study of impacts to the public health, safety, welfare, and the environment. In every aspect of study, analysis and due diligence, there is **no change to the impacts to the public health, safety, welfare, and the environment** as a result of this Proposal for Reduction of Setback.
- 6) In all other aspects of this submittal, this Proposal for Reduction of Setback **continues to otherwise comply with relevant standards.**
- 7) Most importantly, this Proposal for Reduction of Setback comes as a direct result of ongoing conversations with affected landowners, and from direct requests from affected landowners to **minimize the effects of construction and operations on individual private property rights.** Sedgwick County landowners have asked NRS to request a Reduction of Setback with the Sedgwick County Special Use Permitting process, specifically as the setback reductions relate to the reduction of internal road lengths, minimizing the use of and impact to county road infrastructure, and minimizing the use of agricultural land.

Section 5: Additional Application Support Materials

Project Studies Matrix

An ongoing “Project Studies Matrix” demonstrating continuing and expected project studies is shown in Table F below. Applicant will continue to perform pertinent and prudent project-related studies as applicable, and all studies necessary for completion of any Sedgwick County permit process will be completed prior to approval of any Building Permit and prior to the start of construction.

Table F: Project Studies Matrix

| Environmental Study | Study Status Summary | Related Agency | Estimated Timing |
|--|--|-----------------------|---|
| Tier I Critical Issues Analysis | Regional study to guide site selection and identify key issues for siting of infrastructure. No specific item of concern identified. | USFWS | Complete |
| Tier II Site Characterization Study | Site Specific Study of listed species and habitat potential, no species of concern based on traditional design considerations and setbacks | USFWS/CPW | Complete |
| Tier III General Avian Survey and Eagle Point Counts | Surveys are on-going. No species of concern noted to date based on traditional design considerations and setbacks | USFWS /CPW | Ongoing, est. completion Dec 2023. |
| Sage Grouse Lek Survey | One active Greater Prairie Chicken lek was recorded within project boundaries and four were recorded within a 2.2 mile buffer during the spring 2022 survey. None were determined to impact the project based on traditional design considerations and setbacks. Additional surveys may be performed based on final site design and agency consultation. | CPW | Initial survey complete. Possible additional surveys pending. |
| Raptor Nest Survey | One active Bald Eagle nest was observed within the project’s 2-mile buffer during the spring 2022 survey. Numerous raptor nests | USFWS /CPW | Initial survey complete. Possible |

| | | | |
|--|--|------------------------------|---|
| | were observed within and around the project area. None are likely to impact the project based on traditional design considerations and setbacks. Additional surveys may be performed based on final site design and agency consultation. | | additional surveys pending. |
| Prairie Dog Assessment | Remote study has identified potential colonies across the project footprint. Field studies will be undertaken ahead of construction to verify status and potential for burrowing owl presence. | CPW | Initial survey complete. Additional field studies to be conducted prior to construction start |
| Wetland Delineation | Desktop delineation complete to guide site design. Field delineation will be conducted within construction corridors and areas of disturbance | U.S. Army Corps of Engineers | Complete. Additional field delineation to be conducted prior to construction start |
| Site Setback and Buildable Area Assessment | Various setback requirements compiled into GIS to develop buildable areas within the site footprint. | Various | Complete |
| Communication Systems Interference Study | Microwave communication facilities and corresponding beam paths have been identified within the project footprint and incorporated into the design for avoidance | County | Complete |
| FAA Study | Turbine location studies have been submitted to FAA for review. Determination of No Hazard expected for all turbine locations | FAA | On-Going. To be completed prior to final design and construction |
| Cultural Resources | Desktop study indicates no significant recorded sites within the project footprint. Field studies will be completed in final construction corridors or disturbance areas | OAHP | Complete. Additional field studies to be conducted prior to construction start |
| Shadow Flicker Modeling | Turbine locations have been modeled for potential shadow | County | Complete |

| | | | |
|---------------------|---|-----------|--------------------------|
| | flicker at receptors within and near the project boundary. No receptors will be subject to unusual shadow flicker based on industry standards | | |
| Sound Modeling | Turbine locations have been modeled for potential sound levels at receptors within and near the project boundary. No receptors will be subject to unusual sound levels based on industry standards | County | Complete |
| Acoustic Bat Survey | The project area will be studied and monitored for the presence of listed or potentially listed bat species. Acoustic monitoring is planned for targeted habitat regions beginning in the spring of 2023. | USFWS/CPW | Spring through fall 2023 |

Additional Maps

Additional supportive informational maps are included herein as Attachments which are listed in Table D below:

Table F: Additional Maps

| | |
|--|-----------------|
| Land Cover Map | Attachment 5.01 |
| Water Resources Map Series | Attachment 5.02 |
| Biological Resources and Public Lands Overview Map | Attachment 5.03 |
| Regional Infrastructure Overview Map | Attachment 5.04 |
| Soils Map Series | Attachment 5.05 |

Impact Analysis

The construction and operation of any wind farm carries the opportunity cost of small amounts of land that were previously used for crops or grazing and will instead host wind facilities for the operating life of the project. The exact area of land use for each part of the wind project will vary, but generally a single turbine, including the corresponding access road, will cover a half-acre of land. In these small portions of private property where wind facilities will be constructed, the land use will change from having historically been used for crops or grazing, to being used for wind energy generation during the

operation of the project. The substitute impact of land use is mitigated between the project and the property owner in two ways: compensation and reclamation. Fair compensation for the project's use of private property during operations is the foundation of the wind easement agreements signed between property owners and the Overland Pass Energy East wind project. Fair compensation in the wind easement agreements covers direct impacts, such as crop damages, which result from the use of the property for the wind project, mostly during construction. Restoration of the areas where wind facilities were located, which shall occur during construction, throughout operations, and during the decommissioning of the site, is performed to mitigate against further potential impacts that could result from impacts within the Project Site.

Numerous studies, surveys, and due diligence have been ongoing for years in the proposed Project Site. Their purpose is ultimately to inform an optimized site design which minimizes potential impacts to the surrounding environment. In 2021, a Critical Issues Analysis (CIA) was completed by Westwood Professional Services. The purpose of the CIA was to determine whether any major concerns (including hydrological, biological, cultural, archaeological, historical, land use) were present on the proposed project site. No major concerns were discovered during the research creating the CIA. Additionally, the CIA provided a guideline on what additional studies and surveys should be conducted in the footprint. Aerial species-specific surveys were completed in March 2022. The aerial surveys were conducted to determine the presence of any leks for the Greater Prairie Chicken and the Sharp-tailed Grouse, and the presence of any raptor nests (while also determining the species the nest belongs to). The results of every study and survey completed within the proposed project footprint add additional clarity and confidence to future site design. The ongoing and final design of the wind energy facility takes into consideration the potential impacts to wildlife, geology, water features, air and water quality, erosion, plant species (weeds), wetlands, the acoustic environment, light and shadow, and the overall environment.

The development of the project will have a visual impact. To the extent practical, Applicant will design Overland Pass Energy to minimize this impact. The use of ADLS or Light Mitigating Technology for reducing the frequency of lighting the turbines at night is the primary visual impact mitigation of the project.

The construction of the proposed wind facility has the potential to impact the surrounding environment, primarily through the transportation of equipment and use of public roads. The public improvements agreement between the Applicant and the county will help mitigate the impact of construction which can be felt on the roads. Deciding which roads to use, when to use them so disruptions to traffic can be reduced, and the plan for maintaining and repairing the roads to be used, are all key strategies to managing the construction impact of the project.

Use of County Road Right of Way and Road Use Agreements/Permits

Prior to the issuance of Building Permits for all applicable Project Components, and prior to construction start or substantial movement of Project components across or along Sedgwick County Roads, Applicant will enter into all applicable Public Improvements Agreements (such as Road Use Agreements

and Road Crossing Agreements, and other applicable agreements/permits) with Sedgwick County, sufficient to the construction and ongoing operation of the generating facility, and the health, welfare and safety of the public.

As they correspond specifically to Sedgwick County Roads and Sedgwick County regulations, all applicable county road use agreements/permits between Sedgwick County and Applicant may include, but not be limited to the following county road use requirements/commitments:

- Use of county roads by the applicant for delivery of Project components and for continuing operations.
- Temporary/permanent alteration of the county roads for the delivery of components, equipment, and personnel, etc.
- Commitment by the applicant to restore the county roads to original or better condition,
- Roadway construction and materials subject to Sedgwick County Road and Bridge regulations and other state and federal standards.
- Applicant commitment to avoid traffic safety hazards; applicant will use recognized safety compliant standards at times when traffic control is required.
- During construction Applicant will create temporarily enlarged access points to accommodate large truck entrance and exit from the project site.
- Applicant will construct parking and loading zones properly surfaced and constructed with drainage and keeping soil erosion issues as a priority.
- Undue impacts caused by Applicant's development will be mitigated through road improvements and/or impact fees or possibly both as required by the Sedgwick County Road and Bridge Department.
- Underground cabling located in the county road right of way shall be installed in accordance with Sedgwick County Resolution 13-105 C7.
- Applicant shall return disturbed areas to its original condition, as nearly as possible, prior to construction.

Applicant shall complete all necessary backfilling, tamping, and packing requirements as denoted in the regulation.

- Applicant shall work closely with the Sedgwick County Road and Bridge Department to ensure all local, state, and federal safety measurements are fulfilled.
- Wherever possible, road crossings will be planned and constructed perpendicular to the county roadway.
- Applicant shall provide 'as built' drawings of each county roadway project subsequent to construction completion.

Internal Access Roads

During the final engineering phase, prior to Building Permit approvals, and prior to construction start, Overland Pass Energy, LLC will provide Sedgwick County with maps displaying interior access road locations for ingress/egress to all facility infrastructure not accessed by public roadway. Interior access roads will remain for the operating life of the project, and are planned to be approximately fifteen (15)



feet in width, not to exceed twenty (20) feet in width, constructed of gravel or rock materials as recognized by locally accepted private road construction standards.

Interior access roads shall be maintained in a safe and usable condition. In addition, interior access roadways shall be maintained in response to weather events such as heavy rain or snow to keep the roads in a safely usable condition for maintenance/operations and landowner partner use. Interior access roads will be subject to the project's final dust and weed mitigation plans as described below.

Dust Mitigation Plan

Applicant shall design a Dust Mitigation Plan in conjunction with all applicable Public Improvements Agreements (Road Use Agreements and Road Crossing Agreements, and other applicable agreements/permits) with Sedgwick County, sufficient to the construction and ongoing operation of the generating facility, and the health, welfare, and safety of the public.

Weed Mitigation Plan

The Applicant shall make a commercially reasonable effort to control all weeds on or within a four-foot radius of interior access roads, to prevent the growth of weeds as well as the maturation/spread of seeds from such weeds or any uncultivated plants in the area. Applicant shall prepare an applicable Weed Mitigation Plan which shall be delivered to Sedgwick County prior to approval of any Building Permit.

Erosion, Sedimentation, Stormwater Discharge, Air Quality, and Floodplain Analysis

Once the wind facility design is finalized, an existing grading plan will be developed. After analyzing the current grading of the site, it will be determined if additional grading will be necessary for the construction of any turbine and/or facility sites. In situations where grading is necessary, a plan of proposed grading will be provided to Sedgwick County per current regulations, prior to a Building Permit and prior to start of construction.

Light Mitigating Technologies

Per current Colorado Revised Statute, the Project includes the installation, construction, and ongoing operation of Light Mitigating Technologies, such as Aircraft Detection Lighting Systems ("ADLS") described below, or a similarly mitigative night lighting solution.

ADLS is a ground-mounted radar system located within and/or around a wind energy project. The purpose of the ADLS system is to detect nearby aircraft and turn the lighting system on during nighttime hours or during low-light conditions and as aircraft approach, enter, and leave the vicinity of the

turbines. ADLS is utilized to minimize the night lighting effects from typical continuous night lighting, while continuing to maintain the aviation safety levels and FAA regulations for safe/continuous night flight. ADLS lights are initiated if aircraft are detected within 30 miles of a turbine. Each system is specifically designed to fit the topography, number of turbines, and outlying FAA facilities in the vicinity of the wind farm. If no aircraft are detected, the lighting remains off. Per FAA requirements, in the event the ADLS system is disabled due to a power outage, equipment failure, or similar occurrence, the night lighting remains on continuously until the power is restored, or equipment repaired.

An ADLS system consists of one or more radar towers under 200 feet (AGL), support structures, and electrical transformer(s), which are connected to each turbine via underground electrical cabling. The specific ADLS system and system location for the Project is dependent on several varying factors, most importantly the pending FAA hazard determinations for the planned turbine array. In addition, the ADLS facilities themselves require additional FAA oversight and permitting.

Applicant is in discussion with several nationally recognized and experienced light mitigation technology contractors licensed to provide light mitigation technology solutions in Colorado. As the system is engineered and the final technology plan becomes available, Applicant will provide all required information to meet the County's current Comprehensive Plan and Zoning Ordinance regarding Light Mitigating Technologies.

Facility Appearance

In compliance with the Federal Aviation Agency's regulations in wind turbines and standard design practices, all turbines in the Project shall be painted a neutral, non-reflective color. To the extent possible given availability of materials and design requirements, any accessory, maintenance, or other building build as a part of the wind facilities shall use materials, colors, textures, screening, and landscaping to blend into the existing environment.

Water and Wastewater Systems

The Project's construction and operation includes the sourcing and/or ongoing use of water for operations and maintenance purposes including, but not limited to, use of potable water at all operations facilities, dust mitigation, weed mitigation, restoration, construction, road use, and fire mitigation. At the time of application submittal, a potential source for water of any type has not been identified, studied, determined, or permitted. Applicant will work closely with external environmental and legal teams and pertinent state/local jurisdictions to complete the applicable sourcing and permitting of all water used on the Project Site.

The Project includes the engineering, installation, construction, and ongoing operation of one or more commercial On-Site Wastewater Treatment Systems ("OWTS"), associated with the ongoing operations and safety of the generating facility and associated structures.

Contact has been initiated with The Northern Colorado Health Department (“NCHD”), which oversees the permitting process for all commercial OWTS located within Sedgwick County. The OWTS permitting process with NCHD was initiated January 20, 2023. Final OTWS design, engineering, and permitting is expected to be initiated in late Q2, 2023.

Section 6: Attachments

Table G: Attachments

| Attachment Number | Attachment Title |
|--------------------------|--|
| Attachment 1.01 | Letters of Support |
| Attachment 2.01 | Parcels of Vested Landowners within the Project Site |
| Attachment 2.02 | Executed Agent Authorizations |
| Attachment 2.03 | Land Lease and Wind Easement (redacted) |
| Attachment 2.04 | Location Map 1 – Administrative Boundaries |
| Attachment 2.05 | Location Map 2 – Property within Project Site |
| Attachment 2.06 | Location Map 3 – Property within 500 Feet |
| Attachment 2.07 | Property within 500 Feet of Project Site |
| Attachment 2.08 | Photo Points Map and Project Photos |
| Attachment 2.09 | Site Plan – Overview and Map Book |
| Attachment 2.10 | Turbine Photo: Vestas v163 4.5MW |
| Attachment 2.11 | Desktop Geohazard Report |
| Attachment 2.12 | Comsearch Microwave Study |
| Attachment 2.13 | List of known Communication Link Entities |
| Attachment 2.14 | Preliminary Decommissioning Plan |
| Attachment 2.15 | Proof of Liability Insurance |
| Attachment 5.01 | Land Cover Map |
| Attachment 5.02 | Water Resources Overview and Map Series |
| Attachment 5.03 | Biological Resources and Public Lands Overview Map |
| Attachment 5.04 | Existing Infrastructure Map |
| Attachment 5.05 | Soils Overview and Map Series |